

Employee Rights and Industrial Justice

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Employee Rights And Industrial Justice

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Employee Rights And Industrial Justice:

Law, Society, and Industrial Justice Philip Selznick, 2020-05-23 LAW SOCIETY AND INDUSTRIAL JUSTICE is a foundational study of workplace justice still engaging and referenced a half century after its original publication The 50th Anniversary Edition adds an extensive substantive Foreword by Berkeley's Lauren Edelman She writes that the book remains important for how it conceptualizes law for how it conceptualizes organizations and for the theory Selznick offers regarding the moral evolution of organizations as they become institutions or living entities infused with values It is a profound book for many reasons as she critically examines Norms and values still matter in organizational governance even in what amounts to private government as this classic work reminds us Selznick's classic text invites the reader to understand the interplay of formal and informal structures that produce new organizational norms which at their best would replace workplace arbitrariness with due process protections like those embodied in the Rule of Law It is not just an extraordinary contribution to the fields of sociology and jurisprudence it is the theoretically foundational precursor to entire subfields in sociology and law Laura Beth Nielsen Chair Department of Sociology Northwestern University Research Professor ABF Philip Selznick laid the foundation for one of law and society's most vibrant areas of inquiry law and organizations Although this book has often been underappreciated its 50th anniversary is a good opportunity to reassess its significance Indeed the current MeToo movement lends more urgency to Selznick's highly relevant ideas about conceptualizing organizations as legal orders the importance of changing norms and values the role of law within organizations and organizations influence on the law Ashley T Rubin Sociology University of Hawai'i at Manoa Selznick's study is undoubtedly the most erudite and imaginative example of the natural law approach to appear It is a very fine even extraordinary piece of legal scholarship It displays much craftsmanship depth of learning and creativity It is elegant in style and graceful in presentation Every legal sociologist should read it Donald J Black American Journal of Sociology A contribution brilliant and substantial to the literature on private government Winston M Fisk American Political Science Review Very enlightening and reminiscent of a good lecturer able to pull all the strings together chapter by chapter The volume can be recommended to all students of law industrial organization and industrial relations Industrial and Labor Relations Review *New Approaches to Disability in the Workplace* Terry Thomason, John F. Burton, Douglas Hyatt, 1998 This volume examines questions related to the prevention compensation and accommodation of work disabilities It focuses on disabilities arising out of workplace activity [The Modernization of Labour Law and Industrial Relations in a Comparative Perspective](#) Silvia Spattini, 2009-01-01 Not all labour law and industrial relations scholars agree on the efficacy of the comparative approach that the analysis of measures adopted in other countries can play a constructive role in national and local policy making However the case deserves to be heard and no better such presentation has appeared than this remarkable book the carefully considered work of over 40 well known authorities in the field from a wide variety of countries including Australia France India Israel Peru Poland and South Africa

The volume contains papers delivered at a conference sponsored by the Marco Biagi Foundation at the University of Modena and Reggio Emilia in March 2008

The Future of the American Labor Movement Hoyt N. Wheeler, 2002-09-16 Publisher Description *European Board-Level Employee Representation* Jeremy Waddington, 2018-06-23 It is often assumed that employee representatives exert power at the company board but it is rarely made explicit how power is exercised and to what effect This book the first to assess national differences between board level employee representatives in their exercise of influence and power examines coordination among board level employee representatives trade unions representatives from other institutions of labour representation within the company management and other board members Drawing on a large scale survey distributed to board level employee representatives eleven expert contributors analyse for seven European countries Denmark France Germany Hungary Norway Slovenia and Sweden how such issues and topics as the following affect the participation of employee representatives at the board capacity of board level employee representatives to exercise power over long term strategic corporate decision making how changed circumstances impinge on the role of employee representatives how coordination of workers interests has been established and maintained if at all how board level employee representatives are selected influence of board level employee representatives on corporate restructuring effect of corporate codes of governance impact of the establishment of groups of companies and protections against dismissal and discrimination of board level employee representatives Each country chapter reviews the legislation that underpins board level employee representation the timeliness and quality of the information provided and the capacity of the representatives to apply information made available with the purpose of establishing whether the legislation tends to constrain or facilitate the exercise of influence and power This book takes a giant step towards answering the question of how board level employee representatives can fulfil their roles in a manner consistent with the intentions of the policymakers who framed the legislation Moreover it approaches the possibility of developing pan European legislation on board level employee representation that would accommodate national variations For these reasons the book will be welcomed by European policymakers concerned with industrial relations or corporate governance as well as by practitioners and academics in a wide swath of European legal and social studies

Rethinking Job Security Joanna Howe, 2016-10-14 This book critically examines the proper role of the law in protecting job security in the contemporary workplace It provides a historical theoretical practical and comparative perspective on this under researched but fundamentally important legal mechanism at a time when the pressure to deregulate and dilute worker protective laws has taken on increased importance The volume critically analyses both statute and case law from three advanced industrialised liberal democracies with a common law foundation the UK Australia and the USA to understand the extent to which job security is realised By applying a common approach and a conceptual framework that emphasises the complex relationships between law the economy and society to analyse a series of national studies the book is also designed to draw upon the insights of comparative analysis to deepen our

understanding of the limits and possibilities of legal regulation of job security The national case studies are supplemented by research that focuses on how supra national organisations have sought both to develop and disseminate new legal norms around the practices and processes of dismissal This study critically analyses and assesses the adequacy of the international regulatory framework for protecting the rights of employees in the dismissal process *Employment Policies and Multilevel Governance* Roger Blanpain, Juan Pablo Landa, Brian Langille, Philippe Auvergnon, 2009-01-01 Compares multilevel manpower and social policy in five EU member states with one chapter also on the Canadian federal model

The Employment Relationship William P. Bridges, Wayne J. Villemez, 2007-08-27 In 1979 serious research was just beginning on the connections between stratification outcomes and organizations Data suitable for investigating these connections were scarce and the general wisdom was that they would remain scarce since organizational case studies were seen as the only means of gathering linked individual and organizational data The case study approach does allow one to link the two types of data but gathering such data on more than a few organizations is prohibitively expensive and difficult and having only a few organizations limits generalizability To help solve this problem we developed the idea of a survey of a random sample of several thousand employed individuals followed by a second survey of their several thousand employing organizations This method we reasoned would provide us with a generalizable simple random sample of individuals coupled with a weighted random sample of organizations weighted of course by size of organization An added benefit would be that these valuable data could be gathered by a survey organization for the price of two simple surveys It was not an easy idea to sell We developed it into a proposal to the National Science Foundation NSF and though the reviewers were otherwise sympathetic they were almost unanimous in their contention that such a survey would not work because obviously the great majority of respondents would refuse to reveal exactly who their employers were *American Labor and the Law* Matthew W. Finkin, 2019-01-11 In the United States and worldwide the labor question has recrudesced Old issues have resurged sometimes in altered guise New issues have emerged Both test the twentieth century's solutions This work explores the arc of labor law in the United States up to the changes that have reordered business and employment at the century's turn the resurgence of old issues in new dress and the emergence of new issues of which the deployment of technologies roboticization and computerization has been the catalyst It closes on the issues labor law is facing in the twenty first century including the imponderable of yet a new need to address the definition of citizenship The author's thorough coverage of the relevant terrain draws on social and legal history and also on the current wealth of economic studies across the range of such pressing issues as the following wages precarity of work employee representation health and safety job discrimination employee mobility privacy job displacement anti retaliation wrongful dismissal accelerating use of automation robotization and computerization segmentation and polarization of the labor market securitization of jobs labor segmentation and polarization union implosion and privatization of law At a critical moment when the various strands of all these issues are becoming intertwined this

highly informative book elucidates how labor law stands today in the United States and by extension in many other countries. This book provides a necessary background for comparative engagement with economic change. Because the developments it deals with are global, this is critical reading for policy makers, academics, students, and an enlightened public to put what is happening in larger historical context as seen from the paradigm neoliberal economy and its legal institutions. *The Legal and Institutional Framing of Collective Bargaining in CEE Countries* Ivana Palinkaš, 2018-04-09. The formerly communist countries of Central and Eastern Europe (CEE) have witnessed a profound transformation of their labour laws since the 1990s and especially after their accession to the European Union. Today, in comparison to the other Member States, they continue to have weak trade unions and employers associations and an underdeveloped system of collective bargaining. Moreover, the recent economic and financial crisis highlighted the need to invest further efforts in bringing the CEE industrial relations closer to the old Member States in order to facilitate a more meaningful enforcement of the EU-wide economic and social policies. This is the first book to scrutinise this important matter in depth. Focusing on four current CEE labour law regimes in Slovenia, Slovakia, the Czech Republic, and Poland, that also have different collective bargaining trends, and can be said to exemplify some of the main legal and institutional frameworks for collective bargaining that the CEE countries have developed, the author addresses the following major issues: the transition from a centralised to an open market economy and the degree of continuing residual characteristics; the extent to which labour laws since the 1990s have enabled an adequate institutionalisation of industrial relations to allow free and voluntary collective bargaining at the national, sectoral, and company levels; and the effectiveness of the standard setting role of trade unions and employers associations insofar as they have persisted or come into play. The analysis always keeps in focus the development of labour laws in relation to a number of such interlinked elements as market transformation, type of privatisation of state ownership, and attitudes towards welfare. It draws on both the relevant literature and on twenty-five interviews with legal and policy experts from social partners, organisations, and staff within the ministries for social affairs in the selected countries. In support of the study's general finding that the laws in CEE countries could provide more stimulus for sectoral and cross-sectoral collective bargaining, the author offers deeply informed recommendations and insights into legal shortcomings and pinpoints how the existing legal frameworks can be enhanced. Any professional or academic in the field of industrial relations, and particularly those concerned with complex transitions such as those occurring in the CEE countries and elsewhere in the world, will find this book of great value.

Employment with a Human Face John W. Budd, 2018-07-05. John W. Budd contends that the turbulence of the current workplace and the importance of work for individuals and society make it vitally important that employment be given a human face. Contradicting the traditional view of the employment relationship as a purely economic transaction with business wanting efficiency and workers wanting income, Budd argues that equity and voice are equally important objectives. The traditional narrow focus on efficiency must be balanced with employees' entitlement to fair

treatment equity and the opportunity to have meaningful input into decisions voice he says Only through a greater respect for these human concerns can broadly shared prosperity respect for human dignity and equal appreciation for the competing human rights of property and labor be achieved Budd proposes a fresh set of objectives for modern democracies efficiency equity and voice and supports this new triad with an intellectual framework for analyzing employment institutions and practices In the process he draws on scholarship from industrial relations law political science moral philosophy theology psychology sociology and economics and advances debates over free markets globalization human rights and ethics He applies his framework to important employment related topics such as workplace governance the New Deal industrial relations system comparative industrial relations labor union strategies and globalization These analyses create a foundation for reforming employment practices social norms and public policies In the book s final chapter Budd advocates the creation of the field of human resources and industrial relations and explores the wider implications of this renewed conceptualization of industrial relations

Challenges of European Employment Relations Linda Dickens, Søren Kaj

Andersen, International Industrial Relations Association. European Regional Congress, 2008-01-01 Has European economic and market integration curtailed the autonomy of national industrial relations actors and institutions Or has it reinforced their roles in securing much needed economic adjustment This important book offers a deeply informed comparative perspective on these questions drawing on empirical research on changing conditions within and beyond the EU The book builds on papers presented at the 8th European Regional Congress of the International Industrial Relations Association held in the UK in September 2007 The authors are leading academic authorities from Austria Belgium Canada Denmark Germany The Netherlands Norway Spain and the United Kingdom With detailed attention to such pervasive factors as the consequences of EU enlargement the shift from manufacturing to services changes in the gender composition and demographic profile of the labour force and the growing influence of multinational companies the authors address such issues as the following response of national employment regulatory traditions to globalization privatization outsourcing and budgetary pressures emergence of new forms of competitive advantage for both employers and employees impact of EU mandated information and consultation mechanisms possibility of international union action and transnational solidarity flexicurity and the changing demographics of the labour force gender democracy in trade unions trade union mergers statutory minimum conditions as an alternative to collective bargaining regulation or culture change to promote equality treatment of posted and migrant workers within increasingly transnational labour markets growth in variable pay systems and possible rebirth of vocational training systems and apprenticeships Offering in depth comparative insights into the way in which national and international systems of employment relations are evolving rapidly in the face of cross cutting pressures for change this book illuminates a vastly complex state of affairs In practical terms its many insights into how current trends affect specific working conditions open the way to new initiatives in developing and maintaining a just and

equitable employment relations regime for Europe and beyond **New Developments in Employment Discrimination Law** Oana Țefan, 2012-11-01 Drawing on a data set of 696 documents competition and state aid judgments orders and opinions of the European Courts and Advocates General opinions referring to various soft law instruments this detailed textual and doctrinal analysis investigates the way in which the EU Courts deal with soft law how the normative status of these instruments is acknowledged and how their effects are recognized It reveals that several champion instruments feature frequently in the case law the guidelines on fines and the leniency notice in competition law the state aid instruments on aid to be granted to enterprises in difficulty regional aid de minimis aid and aid to be granted to SMEs all of them having in common the fact that they regulate highly litigated areas The analysis treats issues such as the following the pathway from judicial ignorance to judicial acknowledgement of soft law the judicial creation of legal hybrids the judicial review of soft law the potential use of soft law as a sword or as a shield in a court of law the distinction between legally binding force and legal effects how soft law can produce legal effects through the operation of general principles of law such as legitimate expectations legal certainty or human rights and how the Courts locate soft law on a strong constitutional pluralist background Although the analysis might appear to relate to a fairly narrow spectrum of EU law in fact the interaction of soft law and legal principles reaches into many diverse areas of law and increasingly so in the twenty first century Consequently this ground breaking book will prove immeasurably valuable to any practitioner academic or policymaker interested in how the EU Court is fulfilling once again its constitutionalizing role even in an area traditionally lacking formalism and conventions that of soft instruments of governance The Laval and Viking Cases Roger Blanpain, Andrzej ȚwiȚkowski, 2009-01-01 in this book nineteen labour law scholars present country reports detailing challenges and consequences of the rulings evident in twelve EU Member States as well as in Norway and Russia Among many others the salient issues covered include the following cross border solidarity among workers collective action as a fundamental freedom the prospects for an EU minimum wage plan the social partners approach to national labour law the harmonisation of social security standards and the scope of enforcement by Member State labour regulatory authorities *Systems of Employee Representation at the Enterprise* Roger Blanpain, 2012-08-01 Amid the trend towards decentralized industrial relations various new and modified systems of employee representation are taking hold in many countries worldwide In this highly informative examination of this field of international labour law originally presented as a series of papers for the 11th JILPT Comparative Labor Law Seminar held in Tokyo in February 2012 twelve distinguished scholars from Australia China France Germany Japan Korea Sweden Taiwan the United Kingdom and the United States describe their countries current perspectives on this issue along with their own analysis and commentary Among the specific questions addressed for each jurisdiction are the following What is the legal framework for an employee representation system How is the representative body formed and what are its declared powers Are there legal mechanisms preventing intervention by the employer Are non

standard employees involved What methods of deliberation and decision making are used How are the activities of representatives protected Who bears the costs What is the relationship with collective bargaining With labour unions Each contributor also describes typical ways in which the employee representative system works offering concrete examples such as dismissal wage determination and equal treatment Some deal with situations in which employee representation is in fact nonexistent or malfunctioning in real workplaces There is also pervasive attention paid to the fundamental matter of what representation is for and the probable future direction of employee representation Given the need to secure representation for non union and non standard employees at the workplace these reports on the conditions and new developments in this important field provide ample basis on which to build a better system of employee representation in this era of diversified workforces in the globalized market Accordingly this book will prove of inestimable value to practitioners and policymakers in labour and employment law anywhere in the world

Regulating Employment Industrial Relations and Labour Law Intl Co Blanpain,2010-01-01 The complexity of employment arrangements in various countries tends to make it difficult to understand them Nevertheless it is important to take stock periodically particularly from an internationally comparative perspective This remarkable book is a giant step in that direction It is especially valuable in the context of increasing globalisation For each of nine key jurisdictions the European Union Germany Sweden United Kingdom United States of America Canada New Zealand Australia and Japan experts present detailed information and analysis on key issues shedding valuable light on trends in such specific areas of employment relations as the following atypical work and flexible work arrangements dispute settlement procedures such as negotiation conciliation mediation arbitration and other forms of governmental or judicial intervention job security anti discrimination and gender equality recognition of unions and employers associations and forms of employee representation how collective bargaining is regulated whom the collective agreements cover and what they contain parental leave and childcare policy the capacity of individual agreements to override or not override collective agreements minimum wage levels overtime and shift work and paid leave entitlements As a general framework Part 1 offers an insightful summary of the underpinnings of current analysis of globalization including discussion of the varieties of capitalism thesis the divergence convergence debate with its models of bipolarization clustering and hybridization and elements of historical and political economic path dependency in various cultures The information gathered here furthers understanding of the increasing disconnect between the prevailing institutional framework for employment relations and the sweeping changes that are taking place in the world of work With this book s analysis practitioners and policymakers will be able to overcome their dated assumptions and more effectively accommodate each others interests in the face of the complex mix of continuity and change that they are confronting The team of authors are experts in these countries They are active in policy or legal analysis business and or scholarship

The Tobacco Worker
E. Lewis Evans,1914 **Reasonable Accommodation in the Modern Workplace** Roger Blanpain,Frank

Hendrickx,2016-04-20 More and more the modern workplace faces challenges of diversity and employability There is an increasingly insistent need to match workforce diversity or workers own characteristics and choices with employers organizational and business requirements In this context the notion of reasonable accommodation inevitably arises Concepts such as adaptability and employability not only require workers to adapt to new labour market circumstances but are also directed towards employers duties to accommodate work and the workplace to the worker s situation This book is the first study to analyse at a global scale how employment discrimination law gives shape to an accommodated workplace in three main areas of interest age disability and religion belief Sixteen prominent labour and employment law scholars offer in depth perspectives from Belgium the Netherlands France Sweden Russia Israel Canada the United States South Africa and Australia Each report fully integrates relevant legislation case law and legal doctrine and follows the same structure to allow easy comparisons across jurisdictions Attention is also given to the roles of European Union law and the UN Convention on the Rights of Persons with Disabilities Issues and topics covered include the following the scope of accommodation reasonable defined recognized business requirements that may override the duty to accommodate when employers neutrality policies to avoid accusations of discrimination may constitute indirect discrimination use of integration or re integration strategies to accommodate disabled incapable workers use of exit gateways that enable employers to avoid liability in cases of disability discrimination when employers must take into account workers family lives and when an obligation to reclassify a worker exists These articles were originally presented as papers at the 2015 meeting of the International Association of Labour Law Journals hosted by the Institute for Labour Law of the University of Leuven Ultimately the book makes clear that reasonable accommodation cannot be narrowed down to a formal anti discrimination perspective but requires an integrative logic that can grow in a broader labour law context As a compelling analysis of whether the idea of reasonable accommodation is winning ground in labour law in today s world this book will prove of immeasurable value to labour and employment lawyers and judges as well as to corporate counsel and academics in the field Employee Dismissal Law and Practice, 6th Edition Perritt,2018-01-01 Whether your case involves a public or private sector job a downsizing or termination for cause Employee Dismissal Law and Practice provides the guidance you need in this rapidly evolving area of employment law Providing in depth analysis of the common law and statutory wrongful dismissal doctrines as well as practical guidance on all aspects of employee dismissal litigation from complaints through jury instructions Employee Dismissal Law and Practice is an invaluable resource for evaluating and litigating a wrongful discharge case Employee Dismissal Law and Practice brings you up to date on the latest cases statutes and developments including New cases on implied contract for Alaska Colorado and Montana New cases on public policy tort for Indiana Iowa Kansas Maryland Missouri Montana Ohio South Carolina Tennessee and Washington New cases on implied covenant of good faith and fair dealing for Alaska Massachusetts and Montana Discussion of a new case on union fair representation A new case on special consideration

requirement for oral promises New cases on what constitutes a breach of the implied covenant New cases on clarity element of public policy tort New cases on jeopardy element of public policy tort A new case explaining that a public policy tort liability for refusing to participate in illegal conduct does not require proof of a report to an outside agency A new case discussing what constitutes improper interference with contract New cases on what constitutes a constitutionally protected property interest New cases on preclusive effect of administrative agency determinations New cases on standards for punitive damages A new case on statutory whistleblower protection for internal complaints about fellow employees

The Emerald Handbook of Appearance in the Workplace Adelina Broadbridge, 2023-11-27 The first of its kind in addressing appearance and careers with varying approaches and across a diverse range of concepts this Handbook provides an essential overview of the unspoken impact that personal presentation and assumptions can have on how employees are perceived and ultimately progress in their careers

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