

# Industrial Jurisprudence And International Labour Organization

In a time of controversy over the relevance and utility of industrial action, this book outlines the case for protection of a right to strike. It argues that such a right can be viewed as civil, political and socio-economic in nature, depending upon one's conception of 'good governance' and 'democratic participation' at the national level. This has consequences for what is perceived to be the appropriate scope of the right and the extent of any legitimate exceptions. Critics of domestic labour legislation tend to appeal to international and European standards, chiefly those promulgated by the International Labour Organisation (ILO), the Council of Europe and the European Union (EU). All these organisations acknowledge the importance of a right to strike, but they differ in the manner in which the right is defined and protected. This book suggests that this is because each organisation adopts a distinctive view of the appropriate justificatory basis of this entitlement. This work also addresses current enthusiasm for reforming the governance of international and European organisations which would bolster their legitimacy. It is suggested that, despite the entrenched structures and cultural norms of each institution, such a process of reform could lead to greater consistency of standards relating to the right to strike. A crucial question for workers, in the light of these developments, is whether there will be a 'levelling up' of rights or diminishing protection for those who organise or

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participate in industrial action. This book ends by considering the current responses of the ILO, the Council of Europe and the EU to these forces for change. This volume examines the legal dimension of the ILO's action in the field of Child Labour. The authors investigate the implementation of the relevant legal instruments and assess the effectiveness of the ILO supervisory system. All relevant instruments are considered while particular attention is given to Convention 182 on the elimination of the worst forms of child labour. *Child Labour in a Globalized World* describes the ILO's activities concerning the eradication of child labour whilst assessing and evaluating the effectiveness of the relevant legal framework and functioning of the supervisory system. This book contextualizes the issue of the eradication of the worst forms of child labour in the recent doctrinal debate on the nature of labour standards and the transformation of the ILO. This important work will be a valuable resource for academics, researchers and policy-makers with an interest in labour law, international law, and children's rights.

This publication gives an overview of all key aspects of German labour and employment law as well as adjoining fields. Legal professionals with expert knowledge and many years of experience explain the legal basis of these aspects of German law, point out typical practical problems and suggest solutions to those problems. In addition, examples are given on how to best manage legal pitfalls to minimize risks. This book translates employment and labour law for foreign in-house

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counsels and human resources managers at international companies and provides a clear understanding of the complex legal regulations in Germany. All three editors of the book, Dr. Jens Kirchner, Pascal R. Kremp and Michael Magotsch, are key legal professionals working at the Frankfurt office of DLA Piper, one of the largest legal services providers in the world ([www.dlapiper.com](http://www.dlapiper.com)), with national and multinational clients. Their experience includes the management of cross-border restructurings, outsourcing and transfer of undertaking measures, as well as the management of national and multi-jurisdictional merger and acquisitions projects, including post-merger integration processes.

Volume 2 of The Code of International Labour Law on Principal Standards of International Labour Law contains seven parts. The first three give complete texts for all relevant decisions and instruments relating inter alia to Industrial Relations, Employment and Training, Employment of Women, Employment of Young Persons, Employment of Older Workers, Indigenous and Tribal Populations; Benefits (including those relating to unemployment, sickness, injuries and old age); and Conditions of Work (paid leave, wages, working hours etc.). The remaining four parts relate to Occupational Safety and Health in general and in relation to particular sectors such as the Building Industry, Transport or categories of workers (such as young persons); Labour Administration and Labour Inspection; Particular occupational sectors such as Hotels and Restaurants, Mining, Nursing, Plantations, Home Workers and Part-

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time workers; and those that relate to workers in the Maritime sector.

This publication is the most comprehensive international book on arbitration in Argentina. It provides a complete description and analysis of the historical and contemporary structure of arbitration law and practice in the country, which is based on the UNCITRAL Model Law. Its chapters are authored by many of the most regarded Argentine authorities, many of whom are responsible for drafting Argentina's current arbitration regulation. Throughout its thirty-one chapters, the book covers an ample number of topics in commercial and investment arbitration, and an exhaustive analysis of arbitration in different specific fields (energy, sports, consumers, among others). Some of the topics addressed in this book include the following: regulatory framework of arbitration in Argentina; arbitration agreements; arbitral proceedings and the applicable law; issues of arbitrability; interim measures; costs and financing of arbitrations; validity, recognition and enforcement of awards; arbitration and the MERCOSUR. This publication also includes some particular studies, for example those related to the tensions between investment arbitration and human rights, as well as the relationship between the country and the ICC, and the PCA. Although mainly focused in Argentina, the discussions contained in several contributions exceed such geographical boundaries. Given that the law and practice of arbitration in Argentina has seen remarkable changes in recent decades, this book is an essential tool for arbitrators, judges, in-house counsels, global law

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firms, large- and medium-sized companies doing transnational business, interested academics, and international arbitration centres. Because this publication draws from the teachings and experience of leading academics and practitioners, arbitration specialists will find in it all the guidance needed to identify and assess the different theoretical and practical legal avenues available when working on arbitrations with a seat in Argentina or with an Argentine element.

Hilgert finds that the protection of the right to refuse unsafe work, as constituted under international labor standards, is a failure and calls for a reexamination of worker health and safety policy from the ground up. This book explores the extent of parallelism and cross-influence between Catholic Social Teaching and the work of the world's oldest human rights institution, the International Labour Organisation (ILO). Sometimes there is a mutual attraction between seeming opposites who in fact share a common goal. This book is about just such an attraction between a secular organisation born of the political desire for peace and justice, and a metaphysical institution much older founded to bring peace and justice on earth. It examines the principles evident in the teachings of the Catholic Church and in the secular philosophy of the ILO; together with the theological basis of the relevant provisions of Catholic Social Teaching and of the socio-political origins and basis of the ILO. The spectrum of labour rights covered in the book extends from the right to press for rights, i.e., collective bargaining, to rights themselves – conditions in work – and on to post-employment rights in the form of social security and pensions. The extent of the parallelism and cross-influence is reviewed from the issue of the Papal Encyclical of Pope Leo

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XIII Rerum Novarum (1891) and from the founding of the ILO in 1919. This book is intended to appeal to lay, professional and academic alike, and will be of interest to researchers and academics working in the areas of international human rights, theology, comparative philosophy, history and social and political studies. On 4 January 2021 it was granted an Imprimatur by the Roman Catholic Archbishop of Liverpool, Malcolm P. McMahon O.P., meaning that the Catholic Church is satisfied that the book is free of doctrinal or moral error. Code of International Labour Law Law, Practice and Jurisprudence

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Vol. 7, 1912 contains as a supplement the Resolutions of the VIIth delegates' meeting of the International Association for labour legislation.

A consensus has developed in workplace studies around the concept of 'well-being at work' in an awareness that such apparently distinct aspects as health and safety, discrimination, labour market integration, and work-life balance converge in the workplace and are best treated as one complex phenomenon. This important book offers twelve contributions by distinguished international scholars from a range of disciplinary domains, providing an in-depth analysis of ongoing changes in the world of work and their impact on personal well-being. The contributors place specific workplace experiences in a comparative perspective, examining policy and regulatory initiatives and judicial rulings at national, regional, and international levels. The case studies are drawn from Italy, France, the United States, Russia, and developing countries. The essays examine recent legal developments in such topical issues as: – atypical and non-standard work; – child-care leave; – company-level welfare provisions; – disability; – harassment; – low-wage workers and employment benefits; –

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misperception discrimination; – public policy in care services; – unemployment and mental health; and – work/family conciliation policies. Providing a detailed overview of recent developments in policy and jurisprudence in a comparative perspective regarding discrimination, work-life balance, and workers' integration into the labour market – as well as a guide to best practices in promoting well-being at work – this book will prove indispensable to labour and employment law practitioners, as well as to work organization, occupational medicine, mental health, and human resources professionals. This open access book explores the role of the ILO (International Labour Organization) in building global social governance from multiple and mutually complementary perspectives. It explores the impact of this UN's oldest agency, founded in 1919, on the transforming world of work in a global setting, providing insights into the unique history and functions of the ILO as an organization and the evolution of workers' rights through international labour standards stemming from its regulatory mechanism. The book examines the persistent dilemma of balancing the benefits of globalization with the protection of workers. It critically assesses the challenges that emerge when international labour standards are implemented and enforced in highly diverse regulatory frameworks in international, regional, national and local contexts. The book also identifies feasible ways to achieve more inclusive labour protection, putting into perspective the tension between the economic and the social in the ILO's second century of operation. It includes reflections on the work of the ILO World Commission on the Social Dimension of Globalisation by Tarja Halonen, who as President of Finland co-chaired the Commission with Benjamin William Mkapa, President of Tanzania. Written by distinguished experts and scholars in the fields of international labour law and international law, the book

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provides an insightful and in-depth analysis of the role of the ILO as an international organization devoted to decent work and social justice. It also sheds light on tripartism and its particular role in the work of the ILO, examining the challenges that a profoundly changing working life presents in terms of labour protection and social justice, and examining the transnational dimension of labour law. Lastly, the book includes a postscript by Nobel economics laureate Professor Joseph E. Stiglitz.

Employment, Labour and Industrial Law in Australia provides a comprehensive, current and accessible resource for the undergraduate and Juris Doctor student. With a social and political background to the law, this text provides insightful legal analysis underscored by practical business experience, while exploring key principles through a close evaluation of laws and lively discussion of prominent cases. Recognising the multi-faceted nature of the subject, the authors have included content on employment, labour and industrial law in the one text, while also presenting critical topics not often dealt with, namely:

- current and in-depth analysis of trade union regulation
- public work including the public sector, the judiciary and academics
- workplace health and safety including worker's compensation, bullying, anti-discrimination and taxation
- emerging issues including topics such as transnational and international employment law, migration and employment, as well as volunteers and work experience.

To maintain currency within this rapidly changing area of law, the text has a website which will include updates for any major developments in the field as well as responses to end-of-chapter questions. Written by respected academics and practicing lawyers in the field, this book is a relevant and contemporary guide to this fascinating area of law.

Regulation Theory and Australian Capitalism offers an understanding of how and why Australian labour law has



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changed, along with the impact on key social justice issues. More broadly, it uses theoretical models to assess labour law regimes within capitalist societies.

Labour law has traditionally aimed to protect the employee under a hierarchy built on constitutional provisions, statutory law, collective agreements at various levels, and the employment contract, in that order. However, in employment regulation in recent years, 'flexibility' has come to dominate the world of work – a set of policies that reshuffle the relationship among the fundamental pillars of labour law and inevitably lead to degrading the protection of employees. This book, the first-ever to consider the sources of labour law from a comparative perspective, details the ways in which the traditional hierarchy of sources has been altered, presenting an international view on major cross-cutting issues followed by fifteen country reports. The authors' analysis of the changing hierarchy of labour law sources in the light of recent trends includes such elements as the following: the constitutional dimension of labour rights; the normative intervention by the State; the regulatory function of collective bargaining and agreements; the hierarchical organization of labour law sources and the 'principle of favour'; the role played by case law in both common law and civil law countries; the impact of the European Economic Governance; decentralization of collective bargaining; employment conditions as key components of global competitive strategies; statutory schemes that allow employees to sign away their rights. National reports – Australia, Brazil, China, Denmark, France, Germany, Hungary, Italy, Poland, Russia, Spain, Sweden, South Africa, the United Kingdom and the United States – describe the structure of labour law regulations in each legal system with emphasis on the current state of affairs. The authors, all distinguished labour law scholars in their countries, thus collectively provide a

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thorough and comprehensive commentary on labour law regulation and recent tendencies in national labour laws in various corners of the globe. With its definitive analysis of such crucial matters as the decentralization of collective bargaining and how individual employment contracts can deviate from collective agreements and statutory law, and its comparison of representative national labour law systems, this highly informative book will prove of inestimable value to all professionals concerned with employment relations, labour disputes, or labour market policy, especially in the context of multinational workforces.

## 10 The right to life

The "International Labour Law Reports" is a series of annual publications of labour law judgements by the highest courts in a number of jurisdictions. "ILLR" is intended primarily for the use of judges, labour law practitioners, industrial relations specialists and students who need or desire ready access to authoritative information of a comparative nature on problems arising in the field of labour law and industrial relations. Each judgement reprinted in "ILLR" is accompanied by Headnotes and in practically all cases by an Annotation which sets forth, among other things, the legal issues involved, the basic facts of the case (if not included in the judgement itself), the relevant statutory provisions and judicial precedents, the labour law and industrial relations context in which the case arose and the significance of the judgement in the development of the law. The "ILLR" provide the reader with factual information that is not coloured by the personal views of the annotators. As a rule, judgements are printed "in extenso"; editorial discretion has been relied upon to delete or to summarize portions of judgements that are purely technical or only of marginal interest. "Volume 17" covers the period 1 October 1996 to 30 September 1997.

Written by prominent UK labour lawyers, this textbook is

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comprehensive and engaging, with detailed commentary and integrated materials.

This comprehensive book traces the growth of labour jurisprudence in India and provides a clear understanding of the content of these principal judgements. The Supreme Court of India has always had pro-socialist judges, the most prominent of them being Justice V R Krishna Iyer. His contributions to labour jurisprudence are legendary. This book analyses and critiques the most important judgements delivered by Justice Iyer from the perspective of social justice. The judgements are arranged contextually in accordance with the subject and within the framework of prevailing industrial laws. The authors elaborate on the key aspects of industrial relations in India and provide a clear understanding of the linkage between labour issues and the philosophy of the Constitution as perceived by Justice V R Krishna Iyer.

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This report provides a picture of where we stand and what we have learned so far about maternity and paternity rights across the world. It offers a rich international comparative analysis of law and practice relating to maternity protection at work in 185 countries and territories, comprising leave, cash benefits, employment protection and non-discrimination, health protection, breastfeeding arrangements at work and childcare. Expanding on previous editions, it is based on an extensive set of new legal and statistical indicators, including coverage in law and in practice of paid maternity leave as well as statutory provision of paternity and

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parental leave and their evolution over the last 20 years. The report also takes account of the recent economic crisis and austerity measures. It shows how well national laws and practice conform to the ILO Maternity Protection Convention, 2000 (No. 183), its accompanying Recommendation (No. 191) and the Workers with Family Responsibilities Convention, 1981 (No. 156), and offers guidance on policy design and implementation. This report shows that a majority of countries have established legislation to protect and support maternity and paternity at work, even if those provisions do not always meet the ILO standards. One of the persistent challenges is the effective implementation of legislation, to ensure that all workers are able to benefit from these essential labour rights.

This book discusses the need of a legal protection at national and global levels to address the use of temporary employment contracts by employers. Chapter 1 reviews some theories of job security, showing how job security issues should be regulated in labour laws to protect workers and also how temporary contracts affect job security. Chapter 2 examines legal protection of job security in temporary contract in international contexts where it examines the concept and need for job security and job protection especially for temporary contracts based on three United Nations' instruments, namely, the Universal Declaration of Human Rights

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(UDHR), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESCR). Chapter 3 studies the ILO standards in relation to job security and temporary contracts as well as those covered by the Philadelphia Declaration and other conventions and recommendations. Chapter 4 discusses Islamic jurisprudence on jobs and job security. The main aim of this chapter is to provide the framework for protecting workers as a means to enhance job security in the world especially in Islam. It discusses Islamic jurisprudence concerning work and job conditions. The Islamic precept is based on the Qur'an and Hadith and these sources are used to explain the concept of jobs in Islam. In addition, this chapter also examines the Cairo Declaration on Human Rights in Islam (CDHRI).

A close examination of what came to be known among collars of any colour as 'the labour problem' with the railroad strikes of the 1870s.

The Employment Law Review, edited by Erika C Collins of Proskauer Rose LLP, serves as a tool to help legal practitioners and human resources professionals identify issues that present challenges to their clients and companies. As well as in-depth examinations of employment law in 48 jurisdictions, the book provides further general interest chapters covering the variety of employment-related issues that arise during cross-border merger and acquisition

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transactions, aiding practitioners and human resources professionals who conduct due diligence and provide other employment-related support in connection with cross-border corporate M&A deals. Other chapters deal with global diversity and inclusion initiatives across the globe, social media and mobile device management policies, and the interplay between religion and employment law. Contributors include: Els de Wind, Van Doorne; Annie Elfassi, Loyens Loeff. &quot;Excellent publication, very helpful in my day to day work.&quot; - Mr Frederic Thorat, Head of HR, BNP Paribas&quot;Excellent coverage and detail on each country is brilliant.&quot; - Mr Raani Costelloe, General manager of Legal and Business Affairs, Sony music Entertainment, Australia&quot;An excellent resource for in-house counsel for a company with an international footprint.&quot; - Mr John R Pendergast, Senior Counsel, BASF Corporation, USA&quot;It's invaluable to any lawyer dealing with cross-border and privacy-related employment issues and is a cornerstone to my own legal research&quot; - Oran Kiazim, Vice President, Global Privacy, SterlingBackcheck, UK

This new edition to the series will provide an up-to-date textbook covering a wide-range of employment and labour law issues which affect the Commonwealth Caribbean. Initially the book will

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embark on a comparative analysis of employment and labour law in Jamaica, Trinidad and Barbados, as a reference point for distinguishing the laws of other Commonwealth Caribbean jurisdictions. The book will continue to examine how the law operates within the legal systems of the Caribbean, taking into account the umbilical link to British jurisprudence and the persuasive precedent of other Commonwealth jurisdictions, and the impact this has had on the growth and development of the area. Commonwealth Caribbean Employment and Labour Law will be essential reading for students enrolled on Employment Law, Discrimination and Dismissal Law courses in the Caribbean.

Globalization has led to growing labour fragmentation and widening of gaps in social protection. Although the enterprise is increasingly expected to be socially responsible, in actuality extreme worker inequalities and social dumping have become ubiquitous worldwide. This volume – the first to focus attention on the ‘theory of the firm’ as it reveals itself in today’s world from a multidisciplinary perspective – underscores the necessity to rebuild a new scientifically controlled paradigm that acknowledges and regulates the dimension of power in the functioning of the organization. In their contributed essays, nineteen renowned scholars in labour law and industrial relations rethink the firm, its conception, its value,



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and its regulation, analysing such aspects as the following: – labour-management relations issues that arise when companies go global but workers remain local; – the firm as a social construction; – the continuing necessity for collective bargaining; – concealment of the employment relationship under the guise of self-employment; – concealment of the real employer behind figureheads and shell companies; – social welfare effects of outsourcing; – the company's interaction with the network of suppliers and with local education processes; – determining who actually carries responsibility towards workers; – overcoming companies' drive to enter the global market in response to national regulation; – realizing the notion of 'duty of care'; – mechanisms of participation of workers in the management of the enterprise; and – the persistent limitations that women face in the workplace, even when worker participation is advocated. With attention to innovative developments in Germany, Italy, Japan, and other countries, analyses include case studies of specific companies as well as case law, in particular the European Court of Justice's jurisprudence in matters of collective dismissals, seconded workers, and public contracts. In their head-on tackling of the fragmentation and blurring of social responsibility in enterprise organization, these important essays propose a view of the enterprise as a factor in a new 'constitutionalisation' of labour that

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shifts employment protection from single legal entities to the network's economic activity, thus realigning the legal boundaries of the enterprise with its economic reality. As a compelling investigation of how a satisfactory implementation of labour standards in the fragmented enterprise can be guaranteed, this book will be studied by entrepreneurs, managers, consultants, corporate lawyers, judges, human rights experts, and trade unionists, and will be welcomed by academics and researchers in industrial relations and labour law. This monograph was originally developed as a direct response to the claim made by members of the 'Employers Group' at the 2012 International Labour Conference, namely that the right to strike is not protected in international law, and in particular by ILO Convention 87 on the right to freedom of association. The group's apparent aim was to sow sufficient doubt as to the existence of an internationally protected right so that governments might seek to limit or prohibit the right to strike at the national level while still claiming compliance with their international obligations. In consequence, some governments have seized on the employers' arguments to justify new limitations on that right. The Right to Strike in International Law not merely refutes this claim but is the only complete and exhaustive analysis on this subject. Based on deep legal research, it finds that there is simply no

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credible basis for the claim that the right to strike does not enjoy the protection of international law; indeed, the authors demonstrate that it has attained the status of customary international law.

Israel: Hudge Stephen Adler

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