

Governing the Workplace

The Future of Labor and Employment Law

Paul C. Weller



Harvard University Press

Governing The Workplace The Future Of Labor And Employment Law

SJ Ball



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Governing the Workplace Paul C. Weiler, 2009-06-01 Labor lawyer Paul Weiler examines the social and economic changes that have profoundly altered the legal framework of the employment relationship He not only discusses a wide range of issues from wrongful dismissal to mandatory drug testing and pay equity but he also develops a blueprint for the reconstruction of the law of the workplace especially designed to give American workers more effective representation

The Oxford Handbook of Conflict Management in Organizations William K. Roche, Paul Teague, Alexander J. S. Colvin, 2014-07-03 New ways of managing conflict are increasingly important features of work and employment in organizations In the book the world's leading scholars in the field examine a range of innovative alternative dispute resolution ADR practices drawing on international research and scholarship and covering both case studies of major exemplars and developments in countries in different parts of the global economy Developments in the management of individual and collective conflict at work are addressed as are innovations in both unionized and non union organizations and in the private and public sectors New practices for managing conflict in organizations are set in the context of trends in workplace conflict and perspectives on how conflict should be understood and addressed Part 1 examines the changing context of conflict management by addressing the main frameworks for understanding conflict management the trend in conflict at work developments in employment rights and the influence of HRM on conflict management Part 2 covers the main approaches to conflict management in organizations addressing both conventional and alternative approaches to conflict resolution Conventional grievance handling and third party processes in conflict resolution are examined as well as the main ADR practices including conflict management in non union firms the role of the organizational ombudsman mediation interest based bargaining line and supervisory management and the concept of conflict management systems Part 3 presents case studies of exemplars and innovators in the field covering mediation in the US postal service interest based bargaining at Kaiser Permanente med arb in the New Zealand Police and judicial mediation in UK employment tribunals Part 4 covers international developments in conflict management in Germany Japan The United States Australia New Zealand the United Kingdom and China This Handbook gives a comprehensive overview of this growing field which has seen an huge increase in programmes of study in university business and law schools and in executive education programmes Labour Law in an Era of Globalization Joanne Conaghan, Richard Michael Fischl, Karl Klare, 2004 Throughout the industrial world the discipline of labor law has fallen into deep philosophical and policy crisis at the same time as new theoretical approaches make it a field of considerable intellectual ferment Modern labor law evolved in a symbiotic relationship with a postwar institutional and policy agenda the social economic and political underpinnings of which have gradually eroded in the context of accelerating international economic integration and wage competition These essays which are the product of a transnational comparative dialog among academics and practitioners in labor law and related legal fields including social

security immigration trade and development identify analyze and respond to some of the conceptual and policy challenges posed by globalization *Labour Law in the USA* Alvin L. Goldman, Roberto L. Corrada, 2018-04-23 Derived from the renowned multi volume International Encyclopaedia of Laws this monograph on the USA not only describes and analyses the legal aspects of labour relations but also examines labour relations practices and developing trends It provides a survey of the subject that is both usefully brief and sufficiently detailed to answer most questions likely to arise in any pertinent legal setting Both individual and collective labour relations are covered in ample detail with attention to such underlying and pervasive factors as employment contracts suspension of the contracts dismissal laws and covenant of non competition as well as international private law The author describes all important details of the law governing hours and wages benefits intellectual property implications trade union activity employers associations workers participation collective bargaining industrial disputes and much more Building on a clear overview of labour law and labour relations the book offers practical guidance on which sound preliminary decisions may be based It will find a ready readership among lawyers representing parties with interests in the USA and academics and researchers will appreciate its value in the study of comparative trends in laws affecting labour and labour relations **Future Survey Annual 1992** Michael Marien, 1993-01-30 **The Future of Private Sector Unionism in the United States** James T. Bennett, Bruce E. Kaufman, 2016-07-08 A study of the long term decline of the labour movement in America exploring the outlook for labour and unions in the 21st century There are insights from contributors from a range of backgrounds academic and non academic domestic and foreign pro and anti union

Labour Law in Motion Roger Blanpain, Takashi Araki, Shinya Ouchi, 2005-01-01 While legislation protecting employees exists in most advanced countries the notion of who actually is an employee has become unstable Moreover the decentralization of traditional collective bargaining is clearly under way everywhere and the all important balance between workers security and employers flexibility continues to change radically either retreating toward individual statutory rights or seeking new forms of employee representation *Labour Law in Motion* reprints sixteen reports originally submitted to the seventh Comparative Labor Law Seminar Tokyo Seminar sponsored by the Japan Institute for Labour Policy and Training in March 2004 Eleven expert authors describe the situation in their respective countries with regard to issues such as the following criteria used to determine whether a person is an employee what categories of non employee exist and what measure of statutory protection is afforded to such persons variations in the concept of employee among labour law tax law and social security law regulation of terms and conditions of employment the forms and legal nature of employee representation current trends in deregulation or re regulation of labour laws mechanisms permitting deviation from legal norms and the manner and extent of labour law intervention in the labour market All eleven authors emphasize recent and ongoing changes in their countries labour laws and evaluate the factors that have contributed to such changes Each author concludes that reform of traditional labour laws is indeed necessary However the book as a whole clearly demonstrates that

the content of such reform differs from country to country particularly in the extent to which labour law entrusts the regulation of working conditions to the market Offering as it does a clear and concise summary of the recent and current experience of labour relations in eight major industrialized countries Labour Law in Motion is an essential resource for professionals and officials engaged in any aspect of labour law or regulation in any country

Managing Human

Resources Alan B. Clardy, 2014-02-25 Students taking a personnel or human resources management course often do not enter the course bursting with curiosity or unbridled enthusiasm After all what kind of excitement can there be in studying how to process payroll check employment references or learn about some arcane government regulation It is unfortunate and ultimately self defeating if such a mindset about human resources persists because in today s business world organizational success and competitive advantage come from the people side of the business a workforce that is highly competent and committed to the success of the organization The key for students in this field is to learn how to use human resources management HRM to achieve this advantage It is important for students to learn to identify develop and manipulate policies and programs to produce desired outcomes A wide range of critical HRM experiences are presented in this book as either exercises applications or experiments all designed to help students see the choices available and experience their implications in managing the organization They also offer examples of how HRM function must operate within a framework of rules and regulations More specifically this book contains over 30 different situations that illustrate both classic and contemporary human resources problems It covers the entire spectrum of HRM from establishing policies and goals through job analysis and evaluation personnel planning selection and appraisal to compensation and benefits training organizational improvement and safety and labor relations Most of the situations described are drawn from the real life experiences of managing human resources including several cases from today s headlines The case exercises applications and experiments are designed to be used as part of regular classroom instruction and can be used with any textbook The exercises incorporate a number of different learning processes including case discussions self assessments interviews of others data analysis team teaching testing experimental observation program creation and design role playing exercise simulations training and participation in experiments The teacher can use these experiential learning activities to supplement regular classroom instruction the activities clarify crystallize and expand the understanding gained from the lectures Of special interest All of the exercises can be conducted during class times or can be used as homework assignments The instructor s manual is organized for easy use with a summary of each case guidelines for administering each case plus supplemental or background information An exercise planning table links each exercise with the chapters found in a number of the most commonly used HRM textbooks Most of the cases are based on actual events drawn from the author s professional or consulting experience or from events first reported in the national media Each case is intended to replicate and carry a high degree of fidelity to real world conditions as fully as possible The experiments in the book are intended to serve as both discovery processes and

illustrations of the procedures and rules invoked in developing human resources systems In many of these experiments students draw on their own background and perspectives to test out various points of view The experiments illustrate some of the underlying research that often serves as the basis for HRM policies and procedures *Restoring the Promise of American Labor Law* Sheldon Friedman, Richard W. Hurd, Rudolph A. Oswald, Ronald L. Seeber, 2018-08-06 No detailed description available for *Restoring the Promise of American Labor Law* **Research Methods in Labour Law** Alysia Blackham, Sean Cooney, 2024-08-06 This Handbook provides an accessible overview of the different methods approaches and theories which can be used to enrich labour law research Drawing on cutting edge research projects leading scholars present insights and reflections on the past present and future of labour law scholarship **New York Court of Appeals. Records and Briefs.** New York (State)., *The Future of Trade Unionism* Magnus Sverke, 2019-05-23 First published in 1997 this volume discusses the conditions for contemporary and future unionism in the light of recent economic political and managerial changes It presents theoretical and empirical research from Australia Austria Canada Denmark Italy the Netherlands New Zealand Russia South Africa Sweden and the United States Part 2 provides a rich international description of threats and challenges to contemporary and future unionism Part 3 focuses on union strategical and structural change Part 4 is concerned with the consequences of the changing union environment for member union relations Magnus Sverke and the contributors here present research addressing how the changing environmental conditions affect unions and their members and demonstrate the importance of applying an international and multi disciplinary perspective on the analysis of these issues **Working and Living in the Shadow of Economic Fragility** Marion Crain, Michael Sherraden, 2014-03-18 *Working and Living in the Shadow of Economic Fragility* addresses fundamental questions about the role and value of work in America today and offers suggestions for how to address the short and long term challenges of rebuilding a society of opportunity with meaningful and sustaining jobs as the foundation of the American middle class Works Councils Joel Rogers, Wolfgang Streeck, 2009-05-15 As the influence of labor unions declines in many industrialized nations particularly the United States the influence of workers has decreased Because of the need for greater involvement of workers in changing production systems as well as frustration with existing structures of workplace regulation the search has begun for new ways of providing a voice for workers outside the traditional collective bargaining relationship Works councils institutionalized bodies for representative communication between an employer and employees in a single workplace are rare in the Anglo American world but are well established in other industrialized countries The contributors to this volume survey the history structure and functions of works councils in the Netherlands Germany France Spain Sweden Italy Poland Canada and the United States Special attention is paid to the relations between works councils and unions and collective bargaining works councils and management and the role and interest of governments in works councils On the basis of extensive comparative data from other Western countries the book demonstrates powerfully that well designed works councils may be more

effective than labor unions at solving management labor problems

The Oxford Handbook of the New Private Law

Andrew S. Gold, John C. P. Goldberg, Daniel B. Kelly, Emily Sherwin, Henry E. Smith, 2020-11-06 The Oxford Handbook of the New Private Law promises to help redefine and reinvigorate the subject of private law a domain that includes property contract and tort law as well as intellectual property unjust enrichment and equity It emphasizes cross cutting perspectives and relations between areas of private law with special attention to the doctrines and structures of the law an approach now known as the New Private Law This perspective includes explanation justification and criticism of existing law reflecting the conviction of the editors that it makes sense to know what the law is in order to be in a position to criticize and reform it The Handbook will be an essential resource for legal scholars interested in the future of this important field The Embedded

Firm Cynthia A. Williams, Peer Zumbansen, 2011-08-11 The globalization of capital markets since the 1980s has been accompanied by a vigorous debate over the convergence of corporate governance standards around the world towards the shareholder model But even before the financial and economic crisis of 2008 2009 the dominance of the shareholder model was challenged with regard to persisting divergences and national differences in corporate law labor law and industrial relations This collection explores this debate at an important crossroads echoing Karl Polanyi s famous observation in 1944 of the disembeddedness of the market from society Drawing on pertinent insights from scholars practitioners and regulators in corporate and labor law securities regulation as well as economic sociology and management theory the contributions shed important light on the empirical effects on the economy of the shift to shareholder primacy in light of a comprehensive reconsideration of the global context policy goals and regulatory forms which characterize market governance today **The**

Choice Theory of Contracts Hanoch Dagan, Michael Heller, 2017-04-17 This concise landmark in law and jurisprudence offers the first coherent liberal account of contract law The Choice Theory of Contracts answers the field s most pressing questions what is the freedom in freedom of contract What core values animate contract law and how do those values interrelate How must the state act when it shapes contract law Hanoch Dagan and Michael Heller two of the world s leading private law theorists show exactly why and how freedom matters to contract law They start with the most appealing tenets of modern liberalism and end with their implications for contract law This readable engaging book gives contract scholars teachers and students a powerful normative vocabulary for understanding canonical cases refining key doctrines and solving long standing puzzles in the law **Fulfilling the Pledge** Roger C. Hartley, 2024-02-13 An insightful and evidence based

assessment of our urgent need to enact labor law reform and how to achieve it Millions of non union workers want unionization but our current labor management relations law conspires to deny them meaningful opportunities to secure collective workplace representation The resulting low rates of collective bargaining impose economic political and social costs on us all In Fulfilling the Pledge Roger Hartley addresses the plight of American workers who face a grim uncertain future as the digital workplace reshapes the hierarchical post World War II industrial relations system that once gave

workers a voice Through empirical evidence and the lens of law and policy Hartley examines what industrial sociologists call the chronic representation gap and clarifies how a wide ranging movement could build a vocal constituency for the congressional enactment of labor law reform The pledge made in the 1935 National Labor Relations Act to encourage establishment of industrial democracy where workers possess a voice in their places of work remains unfulfilled Speaking to policymakers scholars historians and the average citizen Fulfilling the Pledge makes a compelling case for collective workplace representation that serves the greater good even as American labor relations law continues to undermine collective bargaining by workers and becomes an increasingly significant political and social issue Comparative Labor Law & Policy Journal ,2006 *Employee Representation* Bruce E. Kaufman,Morris M. Kleiner,1993

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