

# **International Encyclopaedia of Laws**

Labour Law - Outline

The Author
Table of contents
List of abbreviations
Preface

#### **General Introduction**

- §1. General Background
  - Geography, location, size & boundaries
  - II. The political system
  - III. Vital statistics
    - A. Employment
      - 1. Agriculture
      - 2. Industry
      - 3. Services
      - 4. Other vital areas
    - B. Data by gender and age groups, including some projections
  - IV. Other necessary data (for example the distinction between the private and public sectors)
  - V. Underlying social and cultural values of the society and their effect on such issues as freedom of association, discrimination in employment, guaranteed income, etc.
- §2. Definitions and notions
  - I. Distinction between labour law (industrial relations) and other branches of law, especially social security law.
  - II. Definitions of labour law and of the concepts which are most frequently used in the study: employee, employer, enterprise, etc.
- §3. Historical Background
- §4. Role of government institutions in the shaping and administration of labour and industrial relations policy
  - I. Degree of government intervention
  - II. Incomes policy
  - III. Competence of ministries and/or agencies in labour questions
- §5. Sources of Labour Law
  - I. Constitution
  - II. Acts of the legislature and the executive
  - III. Work rules in the enterprise
  - IV. Collective agreements
  - V. Past practice
  - VI. Relationship (hierarchical order) between the different sources of labour law
- §6. International private labour law

## Part I. The Individual Employment Relation

#### **Chapter 1.** Definition and concepts

- §1. The different categories of employees (blue collar, white collar commercial travellers, seamen, student-workers, etc.)
- §2. The individual labour contracts



- I. Different categories of labour contracts
  - A. Definite period
  - B. Indefinite period
  - C. Trial period
  - D. Other
- II. Form and content (written or unwritten, mandatory provisions, etc.)
- III. Ability to conclude a labour contract (minors, others...)

# Chapter 2. Rights and duties of the parties during the employment

- §1. Duties of the employee (such as: execution of orders, responsibilities)
- §2. Duties of the employer (such as: the obligation to provide the employee with work in accordance with the individual agreement, responsibility for the belongings of the worker, ability to change the conditions of work, etc.)
- **Chapter 3.** Working time, annual vacations, holidays (including overtime and Sunday duty)
- **Chapter 4.** Remuneration and benefits (minimum wages; various protective measures)
- Chapter 5. Incapacity to work (illness, accidents at work, military service)

Consequences as to the obligation to work: whether the employee retains his job, and whether he is still to be paid by the employer

## Chapter 6. Job security

- §1. Seniority
- §2. Lifetime employment
- §3. Different methods of terminating the employment relationship
- §4. Terms of notice in the event of dismissal
- §5. Reasons for dismissal
- §6. Reinstatement
- §7. Termination for a just cause
- §8. Collective dismissals
- §9. Immediate dismissal
- §10. Special protection for members of works councils, supervisory boards, etc.
- **Chapter 7.** Protection of certain categories of workers, protection against discrimination in employment
- §1. Young workers, elderly workers, female workers, mothers, handicapped workers, veterans and other groups [a subdivision for each major category of protected worker]
- §2. Measures to promote equal treatment regarding jobs, wages, promotion, vocational training, etc.

## **Chapter 8.** Covenants of non-competition

Stipulations preventing the employee, at the end of his contract, from taking a job with a competitor of his previous employer or from setting himself up in a competing business

## **Chapter 9.** Inventions by employees

#### **Chapter 10.** Settlement of disputes

- §1. Grievance procedures
- §2. Role of the courts
  - I. Courts of general jurisdiction
  - II. Courts with special jurisdiction over labour matters
- §3. Arbitration

### Part II. Collective Labour Relations

## Chapter 1. Trade union freedom

- §1. Freedom to establish and join unions
- §2. Freedom not to join, including security clauses

Chapter 2. Trade unions and employers' associations

§1. Description



- §2. Role
- §3. Structure

Chapter 3. Institutionalized relations between employers and employees

- §1. In the enterprise and at plant level.
  - I. Establishment and competence of:
    - A. Supervisory boards
    - B. Works councils
    - C. Shop stewards
    - D. Hygiene committees
    - E. Trade union section
- §2. At industry level (e.g. joint committees: setting up; competence)

## Chapter 4. Collective bargaining

- §1. Levels of bargaining
  - I. Plant
  - II. Industry
  - III. Company
  - IV. Inter-industry (whichever is applicable to the respective national system)
- §2. Content of bargaining
  - I. Normative; obligatory
  - II. Binding effect
- §3. Extension
- §4. Interpretation

Chapter 5. Strikes, lock-outs and other legal forms of industrial action

- §1. Consequences of such actions
- §2. Statistics

Chapter 6. Settlement of industrial disputes a protection of vital needs

- §1. Mediation
- §2. Conciliation
- §3. Arbitration
- §4. Role of government (also with regards to the protection of vital needs such as health, electricity, etc.)

# Selected bibliography

Index