International Encyclopaedia of Laws

Labour Law - Outline

The Author
Table of contents
List of abbreviations
Preface

General Introduction
§1. General Background
   I. 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