INDUSTRIAL RELATIONS LAW ACROSS THE WORLD
Current legal frameworks and trends

- Trade Unions
- Right
- Union representatives
- Current trends in industrial relations law

Contributing editor

De Luca & Partners
Labour & Employment Lawyers in Milan since 1976.
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RELATIONS LAW
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2nd EDITION

Wolters Kluwer
INTRODUCTION

Vittorio De Luca
De Luca & Partners

The idea of writing a book on industrial relations law throughout all continents and latitudes came up in 2016 on the 40th anniversary of De Luca & Partners and we are very grateful to all the authors for their contributions and for the perspectives they highlighted on current and forthcoming changes in their respective jurisdictions.

The book has been appreciated far above our initial expectations. It is probably also for this reason that we soon decided to repeat the experience by publishing a new edition counting almost 20 countries worldwide.

The law has deeply changed in the last decades in all jurisdictions. The main purpose of this book is to provide general counsels, managers, HR practitioners and lawyers operating in multiple jurisdiction contexts with a useful tool to understand the main rules that need to be taken into consideration to face the challenges of the current interconnected economies. The globalization process, together with the difficult economic situation and the incoming disruptive industry 4.0, has forced many countries to adapt their labour rules to increasingly competitive standards. In the described scenario characterised by rapid technological progress and unprecedented business models, the traditional legal framework, more and more often, is not able to respond to the specific exigences represented by corporations and employees. This is one of new new frontiers for companies and unions to workout win win solutions that may create the premises for long term growth.

Another area which increasingly shows the need of a constructive cooperation with the unions is represented by the use of technology (by way of example please consider geolocation) to improve productivity without compromising rights and dignity of the workers.

The countries’ legal frameworks described in this book share many common trends as well as many substantial differences as to their industrial relations systems.

The legislation adopted in all the examined countries, besides the protection of trade union rights, aims at achieving higher competitiveness by promoting greater flexibility in terms of working arrangements and, especially in most European countries, a common trend towards the decentralization of collective bargaining. As consequence, in general, labour market trend shows a tendency to become more flexible in order to create the conditions for companies to successfully react to the worldwide competition. Indeed,
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in the recent decades, collective bargaining in the EU has been characterized by a continuing shift towards decentralized bargaining, with company-level agreements gaining a role that in many cases would have been unimaginable until a few years ago. In particular, in some countries (such as Italy) the company bargaining agreement has represented a key instrument to set minimum standards. Indeed, in some case the decentralised agreement may derogate not only from the regulations of national collective agreements but also from employment conditions provided by Law. Decentralization is only one of the trends highlighted in this book. As a matter of fact, the developments described in the book clearly show the connection between the changes in the global socio-economic context and the changes within the industrial relations systems. In general, the pressure for greater flexibility in the use of workforce is common in many countries, but the measures adopted depend on culture, financial circumstances, internal political and the trade union impact. It is also clear that the current economic context not only encourages the law makers, but also forces employers and trade unions to establish new ways of protecting the interests of the respective stakeholders. Furthermore, the current economic scenario necessarily implies and encourages cooperation in terms of industrial relations, thus developing brand-new approaches and methods of social dialogue. Trade unions are increasingly required to abandon ideological stances and to dare new approaches to industrial relations, even though this sometimes may also imply renouncing - in the interest of the workers - to some of the employee’s entitlements hardly gained over the course of the last 100 years.
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Current legal frameworks and trends

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Special thanks are

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