

Abstracts

New Trends in Reformation of French Labour Law

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French labour law is a testimony to the strong debates on the balance between social goals and respect for the freedom of enterprise. Through two significant examples, namely the law on working time reduction of 19 January 2000 and the law on social modernization of 17 January 2002, the author analyzes the latest major developments in social regulations as well as the contribution of case law set by the Constitutional Council to combining social goals and freedom of enterprise.

Deregulation of Australian Labour Law

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For most of the twentieth century, the Australian labour law framework centred on the compulsory conciliation and arbitration system. Since the early 1990, the deregulationist agenda has meant that the role of this system was steadily reduced. Under the present federal government, the Liberal-National Party Coalition government, this agenda has embraced two separate facets, namely, the decentralisation and the decollectivisation of Australian labour law. Employing these two concepts, this article sketches some of the trends and tensions in the deregulation of labour law since the Coalition government's term commenced. This article concludes that, while there have been limited inroads made into this government's deregulationist agenda, it is clear that the general direction of Australian labour in this period is towards deregulation whether it be decentralisation or decollectivisation; deregulation which, paradoxically, has been pursued by law which is greater in volume and complexity.

Worksharing Policy and Labour Market Flexibilisation in the Netherlands

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The Dutch worksharing policy has been remarked in other countries because of its far-reaching compromises between management and labour on flexibilisation of the labour market and its success in the fight against unemployment. Most important element was the Act on Flexibility and Security, that entered into force on January 1, 1999. The general result of the new legislation seems to be, that the dispatching work agencies have a freedom to operate that is quite unique in Europe. The Netherlands now have two systems: the still very strong position of the government in controlling dismissals of regular workers on the one hand and a high amount of flexibility for other types of employment relations on the other. It seems likely that in the forthcoming years the dismissal procedures will continuously be under discussion. Some governments will look jealously to the Dutch government because the trade unions are willing to negotiate on long entitled rights in order to break through a deadlock-situation with regard to unemployment.