CONTENTS

Preface and acknowledgements vii
About the authors ix

PART I INTRODUCTION 1
A. Sketches of the labor and employment law systems 4
Employment law in Australia: a general introduction 5
Employment law in Brazil: a general introduction 11
Employment law in Germany: a general introduction 16
Employment law in Japan: a general introduction 22
Employment law in the United States: a general introduction 34
B. Some demographic context 38

PART II EMPLOYEE VOICE: COLLECTIVE BARGAINING,
CO-DETERMINATION, INFORMATION SHARING AND
CONSULTATION 43
Introduction 43
Directive 2002/14 EC 46
Problem 1: Collective bargaining and a new “greenfield” facility 50
Problem 2: Restructuring workplace operations 73
Problem 3: Consultation on “eco-friendly” issues 94

PART III DISCRIMINATION IN EMPLOYMENT 113
Problem 4: Shift to part-time workers 115
A note on the casualization of work 128
Problem 5: Request to pray three times a day 134
Problem 6: Hiring a woman who is pregnant 154

PART IV PRIVACY, DIGNITY, AND AUTONOMY 169
A note on the concept of personality 171
Problem 7: Background checks 173
Problem 8: Video cameras and monitoring in the workplace 186
A note on “Data Protection” 203
Directive 95/46 EC 204
Problem 9: Dating policy 214
A note on dignity: the case of captive audition 220

PART V WRONGFUL DISCHARGE 225
A note on wrongful discharge litigation 226
Problem 10: Outsourcing abroad 230
Multinational human resource management and the law

Problem 11: 54-year-old “underperforming” salesman
Problem 12: Critical blog comments posted by an employee
Problem 13: Confidential securities hotline
   A concluding note on alternate dispute resolution

PART VI COMPENSATION AND BENEFITS ADMINISTRATION

Problem 14: Share ownership and common supplementary pension scheme
Problem 15: Pay for members of a virtual team
Problem 16: Government imposed executive compensation restrictions
Problem 17: Non-competition and confidentiality agreement

PART VII GLOBAL SUPPLY CHAINS AND LABOR STANDARDS

Problem 18: Requested waiver of inspections
Problem 19: Global safety
Problem 20: Zero tolerance policy
Preface to Problem 21
Problem 21: Signing an International Framework Agreement

PART VIII IN LARGER COMPARATIVE CONTEXT

   A. Legal origin, legal family
   B. Legal culture
   C. Political economy: varieties of capitalism
   D. National values
   E. Legal transmission and transplantation
   F. The diffusion of corporate culture and managerial practice
   G. Implications for policy and practice

Index