CONTENTS

Preface and acknowledgements vii
About the authors ix

PART I INTRODUCTION 1
A. Sketches of the labor and employment law systems
   Employment law in Australia: a general introduction 4
   Employment law in Brazil: a general introduction 5
   Employment law in Germany: a general introduction 11
   Employment law in Japan: a general introduction 16
   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 254
Problem 12: Critical blog comments posted by an employee 275
Problem 13: Confidential securities hotline 292
A concluding note on alternate dispute resolution 299

PART VI  COMPENSATION AND BENEFITS ADMINISTRATION 305

Problem 14: Share ownership and common supplementary pension scheme 309
Problem 15: Pay for members of a virtual team 315
Problem 16: Government imposed executive compensation restrictions 322
Problem 17: Non-competition and confidentiality agreement 330

PART VII  GLOBAL SUPPLY CHAINS AND LABOR STANDARDS 351

Problem 18: Requested waiver of inspections 354
Problem 19: Global safety 365
Problem 20: Zero tolerance policy 371
Preface to Problem 21 375
Problem 21: Signing an International Framework Agreement 376

PART VIII  IN LARGER COMPARATIVE CONTEXT 391

A. Legal origin, legal family 391
B. Legal culture 394
C. Political economy: varieties of capitalism 396
D. National values 400
E. Legal transmission and transplantation 407
F. The diffusion of corporate culture and managerial practice 410
G. Implications for policy and practice 416

Index 421