Index

Acemoglu, D. 93
Acquired Rights Directive (ARD) 156, 159–61, 167, 168
consultation 168
and contracting out 166
acquis communautaire 27, 212
Active Labour Market Policies 90
Addison, J. 52, 162, 164, 186, 188, 189, 190, 191
Adnett, N. 34, 56, 81, 93, 104, 114, 116, 125, 127, 140, 165, 173
Adoui and Cornaille v. Belgium State 1
age discrimination 143–6
Agell, J. 50, 57, 68, 94
agency problem 53
agency relationships 100
agency workers 102, 110–11
Agreement on Social Pay (SPA) 6
Agreement on Social Policy (1989) 13–14, 180, 181
Albany International BV v. Stichting Bedrijfspensioenfonds Textielindustrie 5, 180
Alesina, A. 81, 200, 203
alienable rights, and derogation 64–5
Amsterdam Treaty, see Treaty of Amsterdam
Andersen, T. 25, 90
Angelotos, G.-M. 81
Anglo-Irish model of industrial relations 82
Anker, R. 128
Antonissen case 19
Arcaro, criminal proceedings against 12
Argandoña, A. 45
Armour, J. 175
Arrowsmith, J. 105
Ashenfelter, O. 131
Askildsen, J. 189
asymmetric information 50–52, 111, 174
atypical work 101–2, 140
defined 106
and EU social policy 105–11
Auer, P. 76
Ball, S. 7, 205
Barcelona Summit (2002) 87, 125, 144
bargaining rights 4
Barnard, C. 31, 106, 119, 161, 185, 205
Basu, K. 135
Bauer, T. 104
Beck, M. 163
Becker, G. 63, 133
Begg, D. 40, 41
Belfield, C. 186, 191
Belgium, Renault 192
Belke, A. 27
Bell, D. 104
Bell, L. 105
Bell, M. 121, 126, 146, 155
Belman, D. 60
Belot, M. 162
Belzer, M. 60
benefits, mandated 62–3
Bercusson, B. 9, 17, 36, 37, 118, 125, 179, 184, 193, 202
Berghman, J. 95
Bernard, N. 37
Bertola, G. 59, 162
Betray v. Staatssecretaris van Justitie 19
Bhaskar, V. 55
Bilka-Kaufhaus v. Weber von Hartz 123, 124
Blainpain, R. 81
Blair, T. 26
Blanchard, O. 94, 102, 164
Blau, F. 48, 52, 86, 92, 129
Bluestone, B. 105
Boeri, T. 202
Boheim, R. 105
Booth, A. 102
Index

Bork International v. Foreningen af Arbejdsledere I Danmark 166
Bosch, G. 102, 103–4
Bosman case 180
Botero, J. 22, 23, 45
Botzen v. Rotterdamse Drbogdok Maatschappij 160
Bouchereau case 19
Bourn, C. 160
Boyle v. Equal Opportunities Commission 124
Brasserie du Pêcheur v. Bundesrepublik Deutschland 11
Brown v. Secretary of State for Scotland 19
Brucker, H. 202
Bruning, G. 143
Brussels Summit 92
Buchele, R. 92
Burden of Proof Directive 4
business cycle, and employment 73
business transfers 156, 159–61
consultation 160
and the European Court of Justice (ECJ) 169–72
Buti, M. 78, 79
Cappelli, P. 189
Card, D. 131
Carley, M. 185
Carnoy, N. 141
casual workers 110
Cazes, S. 76, 164
Central and Eastern European models of industrial relations 85
Chapon, S. 28, 41, 93
child labour 58, 207
childcare provision 89
Christiansen, J. 92
citizenship 98
cou-decision procedures 4
‘co-ordinated decentralisation’ 175
Coase, R. 64
Coase theorem 64
cognitive dissonance 52, 101, 111
collective agreements, as minimum standards 180–81
collective bargaining 36–7, 43–4, 50, 57, 64, 69, 174, 211
centralised 188
development at EU level 183
EU 76
and legislation 182
outside the firm 177
Collective Redundancies Directive (CRD) 5, 13, 156, 157–8
consultation 168–9
Collins, H. 64, 67, 68, 69, 174, 175
Commission on Social Rights 5
Commission v. Denmark 13
Commission v. UK 158, 159, 167
common law 48, 49
Communication on Immigration, Integration and Employment 91
Community Charter of Fundamental Social Rights of Workers (1989) 5, 7, 34, 106, 173
Articles 27 and 28 180
core rights 5–6
Community Framework Strategy for Gender Equality 125
comparative advantage 61
competition, imperfect 55–6
competitive labour markets 47–9
competitiveness 40, 66–8, 172
and social protection 80
Conaghan, J. 81
Concordat of the Social Partners 13
Conde-Ruiz, J. 87
consultation
and the Acquired Rights Directive (ARD) 168
ECW definition 185
and the National Information and Consultation Directive (NIC) 193
and the transfer process 167
contracting-out 165–6
Convention on the Future of Europe 204
‘Copenhagen Criteria’ 27
Cornelisse, P. 79
Index

76/207/EEC Equal Treatment Directive 136
79/7/EEC on equal treatment 136, 152
80/987/EEC Insolvency Directive 161
86/378/EEC on equal treatment 136, 152
92/85/EEC Pregnant Workers’ Directive 5
93/104/EC Working Time Directive 5, 16, 32, 97, 103, 114–20
94/33/EC Young Workers’ Directive 5–6
94/45/EC European Works Councils Directive 4, 178, 184–7
96/34/EC Parental Leave Directive 4, 14, 37, 181
96/71/EC Posted Workers Directive 6, 39–40, 99, 180
96/97/EC on equal treatment 136
97/80/EC Burden of Proof Directive 4
97/81/EC Part-time Work Directive 4–5
98/23/EC Directive on Part-time Work (extended to the UK) 107
99/63/EC on working time of seafarers 37
99/70/EC Fixed-term Work Directive 108
2000/24/EC on working hours 119
2000/43/EC on equal treatment 121
2000/78/EC on equal treatment 121, 150
2002/14/EC National Information and Consultation Directive (NIC) 192–4
Council Directives, and social policy 11
Craig, P. 206
 Crépon, B. 104
Customs Union 34
Darity, W. 134
Dashwood, A. 204
Davies, H. 139, 185
Dawson, A. 56
De Geest, G. 100
De Grauw, P. 80
De Michielis, A. 161
de-industrialisation 73, 95
Deakin, S. 48, 50, 69, 205, 209
decentralisation 41, 42, 105, 175, 188
Defrenne (no. 1) v. Belgian State 137, 138
Dehousse, R. 39
Dekker v. Stichting Vormingscentrum voor Junge Volwassen Plus 12
‘Delaware effect’ 67, 195
Delbridge, R. 189
‘demographic time bomb’ 86
Denmark
Equal Pay Directive (1975) 13
unemployment 90
derogation 16, 119
and alienable rights 64–5
Desai, T. 140
Dex, S. 141
Diatta v. Land Berlin 20, 21
Dickens, R. 140
Dietrich case 114
Dillenkofer v. Bundesrepublik Deutschland 11
disability
definitions of 151
discrimination based on 151–2
disadvantaged workers 57–8
discrimination 121, 137
disability 151–2
gender 153–4
in the labour market 132–4
nationality 149
in occupational social security 152–3
‘pollution theory’ 135
religious 150
sexual orientation 150–51
and the Treaty of Amsterdam 150
Discrimination Convention, ILO 207
Disney, R. 131
display screen equipment 113–14
diversity, and social dumping 201–2
Dolado, J. 102, 127, 128, 129
Donohue, J. 66
Doorn group 181
Index

D’Urso v. Ercole Marelli
Elettromeccanica Generale 166

early retirement 131, 144, 146
EC Treaty, see Maastricht Treaty
economic, technical and organisational
(ETO) reasons 166
economic theory of regulation 61
‘economically dependent workers’
(EDWs) 101
Edin, P.-A. 129
education 89
   and female workers’ employment 127–8
efficiency theory 23, 45
efficiency wage models 53
Eichengreen, B. 24
EIRO (European Industrial Relations
Observatory) 82, 101, 129, 148
Elias, P. 159
employees, see workers
employer market-power 55–6
employment 27, 28
   and the agency problem 53
   and asymmetric information 50–52
   atypical 101–2
   and the business cycle 73
   and externalities 54–5
   laissez-faire approach 48
   monitoring of workers 55
regulation of 40
see also labour market
employment contracts 47–8, 100–101
   fixed-term 106, 107–10
   incomplete 52–4
Employment Guidelines, National
Action Plans 138
employment involvement, EU 176–8
employment law, nature and evolution
45
employment policies
Europe 88–90
   and European Social Fund 126
employment protection 70, 161–5
employment rate
   EU 72, 87–8, 95
   EU and US 72–3
employment regulation 45–70
   centralisation 42
   and European integration 59–60
   rationale for 50–60
employment rights 6, 208–9
employment-at-will 48, 49, 50, 94, 100
   and externalities 54
   and opportunistic behaviour 105
entrepreneurship 89
equal opportunities legislation 122–6
   economic analysis 126–35
Equal Pay Directive (1976) 121, 137
Equal Treatment Directives 13, 121,
123, 124, 136–8, 150, 152
equality, in Europe 121–55
‘Equality and non-discrimination in an
enlarged Europe’, Green paper 148
equity 58
Esping-Andersen, G. 22
Essen Council (1994) 7
Eurobarometer survey, European
Commission 146

Europe
employment policies 88–90
equal opportunities legislation 122–6
   equality 121–55
   integration, and employment
   regulation 59–60
labour market 71–96
social protection 78–81
unemployment 90
workers’ rights 98–100
working time reduction 102–3
European Agency for Safety and Health
at Work 114
European Centre of Enterprises with
Public Participation (CEEP) 13,
15–16
European Coal and Steel Community
(ECSC), Article 5 16
European Commission 73, 77, 79, 86,
87, 90, 91, 97, 127, 129, 130, 144,
175, 188, 192
Eurobarometer survey 146
Joint Report on Social Inclusion 79
European Community Household Panel
153
European Community Labour Force
Survey 153
European Community Shipowners’
Association (ECSA) 37
European Company Statute regulation
193, 196
Index

European Convention on Human Rights (ECHR) 180, 207
European Council, Lisbon summit 79
European Court of Justice (ECJ) 1, 10–12, 38–9, 123, 136, 169, 211
and business transfers 169–72
pre-federal role 206–9
uniformity of remedies 10–11
European Economic Community (EEC) formation 3
founding members 8
European Employment Strategy (EES) 7, 9, 72, 88, 127, 138, 179
European Employment Taskforce 88
European Framework Agreement on Part-time work 107, 108
European Monetary Union (EMU) 25, 80, 90, 181, 201
European Parliament (EP) 4
European Social Agenda 24
European Social Charter 208
Article 11 179
European Social Fund 4, 6
and employment policy 126
European Social Model (ESM) 21–6, 78, 97
Americanising 92–5
core values 3
customising 16–18
and EU enlargement 1, 199–200
future 198–212
modernisation 200
and social protection 99
White and Green papers on 7
European Trade Union Confederation (ETUC) 13, 15, 182
European Trade Union Institute (ETUI) 184
European Union (EU)
categorisation of workers 98
Charter of Fundamental Rights 205, 208
Commission, role 12–1
Constitution (2004) 205
Constitutional Treaty 7, 210
Disability Strategy 151
employment involvement 176–8
employment rate 72, 87–8, 95
employment trends 72–6
enlargement 147–8
and European Social Model (ESM) 199–200
job security 165–9
legislation
implementation through collective agreement 13
transposing 33–5
legislative process 35–6
collective route 36
legislative route 35
members 8
powers 4
productivity and labour inputs, compared to US 94
social policy, and atypical workers 105–11
Third Way 204–6
unemployment 75
and US employment rate compared 72–3
wages 76–8
European Works Council (ECW) 184
European Year of the Disabled 152
‘eurosclerosis’ 161
Eurostat 127, 128
Euwals, R. 73
Euzéby, C. 28, 41, 93
Evans, J. 138, 142, 143
externalities, and employment 54–5
Factortame case 11
‘family-friendly’ policies 105, 106, 138–9, 141–2
Federation of Transport Workers’ Unions (FST) 37
Felstead, A. 58
female workers 73, 87, 123, 141
in communist regimes 147–8
current status 127–30
discrimination against 134
education and employment 127–8
family gap 129–30
and job content 128
maternal and parental benefits 51
pregnancy 5, 123
Fertig, M. 27
Figart, D. 141, 142–3
Financial Services Authority (FSA), UK 194
firm-specific training 51, 57, 146
Fixed-term Work Directive 108
flexibility 66–8, 74, 89
flexible working hours 74, 103
‘floor of minimum rights’ approach 35, 43
Foreningen af Arbejdslesere I Danmark v. Daddy’s Dance Hall A/s 8
Framework Directive (89/391) on health and safety 112, 113, 119, 120
France
trade unions 83, 182, 185
working hours 104
Francovich (No. 1) and Bonifaci v. Italian Republic 11
free movement of workers 18–21, 91
freedom of association 179–80, 207
Freeman, R. 52, 88, 92, 93, 104, 105, 189, 190
Frege, C. 177, 189, 191
Galasso, V. 87
Garibaldi, P. 85, 164
gender
as an occupational qualification 138
discrimination 153–4
gender equality legislation 67
gender gaps 127, 153–4
in earnings 129
in employment 127–8
US 129
gender mainstreaming 89, 126
‘German model’ 178
Germany
trade unions 83, 182–3
works councils 83, 190–91, 192
Giddens, A. 24, 26
Gilman, M. 185, 186
Givord, P. 161
‘glass ceiling’ 129, 135
globalisation 3, 25, 67–8, 201
Glynn, A. 24
Goetschy, J. 7
Goldin, C. 135
Gonzalez, J. 40
Gore, T. 203
Gospel, H. 177, 183, 194
Goudswaard, K. 79
government failure 60–61
government intervention 61–3
Grant v. South West Trains 150
Green, F. 75
Gregg, P. 76
Groener v. Minister for Education 20
Growth and Stability Pact 79–80, 201
Gual, J. 24
Guest, G. 177
Gugler, K. 161
Gül v. Regierungspräsident Düsseldorf 20
Habermas, J. 212
Hall, M. 185, 187
hard law, versus soft law 202–3, 212
Hardy, S. 104, 114, 116, 125, 127, 140, 160, 165, 173
harmonisation, definition of 8
Harnay, S. 38
Harris, E. 143
Hart, R. 104
Hashimoto, M. 51
health and safety 97
framework directive 112, 113, 119, 120, 178
regulation 111–14
standards 112
training 113
Hendrickx, F. 81
Henke v. Gemeinde Schierke and Verwaltungsgemeinschaft 170, 171
Henneberger, F. 103, 105
Hepple, B. 69, 103, 205, 209
Herbertsson, T. 131, 132, 146
Heriter 32
Hill v. Revenue Commissioners 123
Hoekstra v. Bedrijfsvereniging Detailhandel 19
Hogerbrugge, M. 73
‘Hoover Affair’ (1990) 9
horizontal direct effect 12
Horizontal Directive 2000/24/EC 119
human capital
formation 92–3
ownership 69–70
human rights 7, 207
Hunt, J. 129, 160, 169
Index

hybrid approach to partnership and workplace democracy 177, 192

Iankova, E. 28
Ichino, A. 164
immigration 72
and mobility 90–92
secondary (family reunion) 91
imperfect competition 55–6
incomplete employment contracts 52–4
indirect discrimination 123–4
indirect representation 177
industrial democracy, European legislation 183–4
industrial relations 81–5
Anglo-Irish model 82
Central and Eastern European models 85
Nordic model 84
Romano-Germanic model 82–4
information 188, 189
directive on 5
insider–outsider model 61
Insolvency Directive (80/987) 161
institutional choice theories 23
intensity of work 75
International Labour Organisation (ILO) 4, 13, 201, 207
Convention 179
Discrimination convention 207
Internationale Handelsgesellschaft mbH v. Einfuhr- und Vorratsstelle für Getreide und Futtermittel 207
‘interpretive obligation’ 11
Ireland, trade unions 82
Irish Trades Unions Acts (1941, 1975) 82
Issacharoff, S. 143
Issing, O. 25
ITUCs (Interregional Trade Union Councils) 15
Iversen, T. 24
Jacobzone, S. 141
Landeshauptstadt Kiel v. Jaeger 119
James, H. 100
Jensen, J. 141
Jiminez Melgar v. Ayuntamiento de Los Barrios 123
job content, and women 128
job creation 89
job quality 86
job security, EU 165–9
jobless households 139, 140
Johnson, D. 100
Johnston v. Chief Constable of the RUC 10
Joint Report on Social Inclusion, European Commission 79
Jolls, C. 66, 144, 145
Joshi, H. 130
Kahn, L. 48, 52, 77, 86, 92, 129
Kalanke v. Freie und Hansesadt Bremen 124, 125
Katsikas case 170
Keller, B. 29, 195
Kempf v. Staatssecretaris van Justitie 19
Kenner, J. 40, 202
Kerckhofs, P. 184, 196
Kitson, M. 57
Kittner, M. 157
knowledge-based economy 68, 69, 89
Kohler, T. 157
Kolpinghuis Nijmegen BV, criminal proceedings against 12
Kortner case 180
Kramarz, F. 104
Kremzow v. Austrian Republic 209
Krueger, D. 92
Kugler, A. 165
Kumar, K. 92
labour costs, non-wage 77
labour and job turnover 75–6
labour law 34
implementation 36–9
labour market 25–6, 45–6
competitive 47–9
discrimination in 132–3
European 71–96
flexibility and uncertainty 175
shocks to 85–6
labour market regulation arguments against 60–63
compliance 63–6
time-inconsistency 61
labour regulation and subsidiarity 40–43
Index

labour standards 8, 207
Laeken Declaration 200
Lair v. Universität Hannover 19
laissez-faire 47, 61
laissez-faire approach
  to employment 48, 94
  to government 200
Landers, R. 105, 106
Landier, A. 102
Lazear contracts 145, 146, 163
Lazear, E. 145, 190
Lebon case 19, 21
legal theory 23, 45
Lehndorf, S. 102, 103–4
Levin v. Staatssecretaris van Justitie 19
Levine, D. 189
Lewis, J. 141
Lindbeck, A. 61, 74, 188
Lisbon Strategy 66–7, 71, 85–8, 91, 93, 121, 187
  and age discrimination 144
Lisbon summit, European Council 79, 204
Llorens, V. 129
Loewenstein, G. 145
Lommerud, K. 143
lone parents 139–40
low-skilled workers 73, 77
Luxembourg Jobs Summit (1997) 7
Luxembourg Process 88
Maastricht Summit 5
Maastricht Treaty 4, 9, 19
  Agreement on Social Policy 5
    Article 5 16, 40
    Article 17 to 22 98
    Article 39(3) 21
    Article 39 to 42 18
    Article 211 to 213 12
  foundational legal base 31–3
    Protocol (No. 14) 4
    Social Protocol 34
Machin, S. 56, 129
McIntosh, S. 75, 140
‘Make Work Pay’ policies 80–81, 88
Makepeace, G. 129
Malcolmson, J. 52
‘male breadwinner’ family model 141
mandated benefits 62–3
  targeted 65–6
mandatory employment protection 161–5
Marginson, P. 185, 186, 196
market failures 16, 59
Marleasing SA v. La Comercial
  Internacional de Alimentacion 12
marriage 130, 140–41
Marschall v. Land Nordhrhein-Westfalen 124
Marsden, D. 81, 101
Marshall v. Southampton and SW AHA 10
Mason, P. 134
maternal and parental benefits 51
Maurin, E. 161
Maurissen and European Public Service
  Union v. Court of Auditors 180
Mauro, P. 85
Merckx v. Ford Motors Company and
  Neuhuys 170, 171
merger policies 40
Merger Regulations (1986) 40
mergers 159, 161, 173
Messina, J. 164
Michie, J. 74
migration, welfare-motivated 80
minimum wages 56, 76–7
Mizrahi, J. 175, 191
mobility 98
  and immigration 90–92
modernisation 26, 28, 29, 85, 93, 95, 156, 172–3, 189, 197, 198–212
monitoring of workers 55
monopsony 55–6
More, G. 41
Morris, G. 69
Muhl, C. 49
multinational companies 191
Mutari, E. 141, 142–3
National Employment Action Plans
  (NAPs) 7
National Information and Consultation
  Directive (NIC) (2002/14) 192–4
  on consultation 193
  objections to 193
nationality, discrimination based on 149
Nespora, A. 164
Netherlands
  childcare provision 142
  posted workers 99
Neumark, D. 145, 189
‘New Economy’ 94
Nice Summit (2000) 2, 126, 200
Nice Treaty 6–7, 15
Nickell, S. 52, 77, 90, 92
_Nielsen_ case 158, 168
_Nold KG v. Commission_ 207
non-participation 190
non-standard forms of employment, _see_ atypical employment
Nordic model of industrial relations 84
North, D. 46
occupational social security, discrimination 152–3
Ochell, W. 80
OECD 70, 75, 80, 81, 87, 92, 93, 103, 127, 128, 130, 131, 132, 139, 142, 144, 154, 161, 164
Ogus, I. 34
Ohlin Report (1956) 4
old-age dependency rate 130
older workers 75, 86, 87, 89, 121
age discrimination 143–6
current status 130–32
retirement age 130–31, 132
‘on-call’ workers 116
O’Neill, J. 129
OPEC crisis 157
Open Method of Co-ordination (OMC) 14–15, 27, 28, 30, 36, 198, 211, 212
assessment 203–4
Orchard, L. 60
Orszag, J. 131
overtime 104, 105
_Oy Liikenne Ab v. Liskojärvi and Juntunen_ 171–2

_P v. S and Cornwall County Council_ 151
Painter, R. 160
Pannenberg, M. 105
parental leave 55
Parental Leave Collective Agreement 37
Parental Leave Directive 4, 14, 37, 181
Parkinson, J. 48, 49
part-time work 19, 37, 73–4, 75, 78, 103, 106–7, 128
definition of part-time worker 107
Part-time Work Directive (extended to the UK) 107
‘partnership’ 176, 177
‘Partnership for a New Organisation of Work’, _Green paper_ 179
paternalism 58–9
Peccei, R. 177, 189
Peltzman, S. 61
pensions 79–80
Perotti, R. 200, 203
_Perrier_ case 159
Pissarides, C. 161, 163, 164
Plantenga, J. 143
pluralist approach 177
Polan, M. 80
Poland, trade unions 85
political power theory 23–4, 45
Poole, M. 177
population, ageing 79–80
Portugal, working hours 103
positive discrimination 124–5
posted workers 20, 98–9
Netherlands 99
Posted Workers Directive 6, 39–40, 99, 180
poverty 79
pregnancy discrimination 123
Pregnant Workers’ Directive 5
prisoner’s dilemma 55
Prodi, Romano 6
property rights 50, 100, 174–5
proportionality 18
public choice theory 60
public goods 56–7
Puhani, P. 92, 129
Quintini, G. 52
Rabin, M. 52, 59, 65
racial discrimination 146–7, 155
Racial Equality Directive 146–7
Rahman, L. 56
Rangelova, R. 148
_Rask and Christensen v. ISS_ _Kantineservice_ 170
redistribution of income 57, 81
_Redmond (Dr Sophie) Strichting v. Bart_ 10, 170
redundancy 157–9
and consultation 158–9
definition 158
Reed case 20
religion, discrimination based on 150
Renault, Belgium 192
reputation effects 111, 163
retirement age 130–31, 132
Rewe-Zentralfinanz eG v. Landwirtschaftskammer für das Saarland 10
Richardson, K. 129
‘right-to-manage’ model 174
rights, individual versus collective 69–70
Riphahn, R. 164
Rockfon case 158
Rodrigues-Ibeas, R. 63
Rogers, J. 52, 190, 188, 189
Roma community 121, 147
Romano-Germanic model of industrial relations 82–4
Rose, S. 105
Rose-Ackerman, S. 65
Rubery, J. 108, 139, 143
Ruhm, C. 142
Ruiz, A. 129
Rutilli case 19
Rygaard case 170
Saint-Paul, G. 25, 59, 61, 90, 94, 163
Sakellaropoulos, T. 95
Sargeant, M. 172
Scheibl, F. 141
Schettkat, R. 88, 93
Schiek, D. 154
Schmidt v. Spar und Leihkasse 169, 170, 171
Schöb, R. 59, 67
Schröder, G. 26
Sciarra, S. 38, 39, 41, 169, 206, 212
seafarers 37
secondary (family reunion), immigration 91
Sectors and Activities excluded from the Working-time Directive, White paper 119
self-employment 20, 21
service sector 73, 78
US 93
sex discrimination 123, 125, 153–4
directive on 4
sexual harassment 148–9, 202
sexual orientation 150–51
Shaw, J. 39, 40, 41
Sheehan, M. 74
‘short-termism’ 60
Sicherman, N. 145
sickness benefit schemes 51, 59
Siebert, H. 92
SIMAP case 116, 119
Singh case 20
Single European Act 16
Article 118B 13
Sinn, H.-W. 67, 80
Sisson, K. 105, 196, 204
small and medium-sized enterprises (SMEs) 14, 58, 89
Smith, S. 131
Snowe, D. 61, 74, 188
Social Action Plan (1989) 30
Social Action Programme (1974) 136, 156, 180, 183
Social Action Programmes (SAPs) 8, 34
social benefits 79
social democracy 26
social dialogue 10, 13, 14, 30, 36, 37–8, 174, 181, 202–3, 211–12
and the Amsterdam Treaty 187
Social Dialogue Committee 14
social dumping 9, 30, 39–40, 41, 80, 99, 165
and diversity 201–2
and Hoover 9
‘Social Europe’ 1, 4, 8, 8, 23–6, 28, 30, 34, 38–9, 80, 85, 95, 144, 156, 166, 198, 201, 212
enlarged 26–8
extending 8–9
social exclusion 58
social inclusion 97
Social Inclusion Process 91
social partners 6, 107, 109, 141
Concordat 14
individual 15–16
and legislation 35–6
social policy 1–2, 3–7
  conservative-corporatist model 22–3
  and Directives 11
  Green paper (1993) 9
  implementation 36–9
  modernisation 28
  national systems 21–6
  regimes 22
  stages of evolution 24, 25
  White paper (1994) 9
Social Policy Agenda 2, 9
social protection
  and competitiveness 80
  enforcement 43
  Europe 78–81
  and the European Social Model
  (ESM) 99
soft law, versus hard law 202–3, 212
Sosvilla-Rivero, S. 78
Sousa-Poza, A. 103, 105
Spaak Report (1956) 3, 4
Spain
  labour market 102
  working mothers 130
Spijkers v. Benedik 170, 171
stakeholder-orientated strategies 175
statistical discrimination approach 134
Stewart, M. 56
Steymann v. Staatssecretaris van Justitie
  19
Stock, W. 145
Stockholm Council 15, 87, 144
Stone, K. 69, 70, 101
Streeck, W. 178, 188, 189, 190
Stretton, H. 60
subsidiarity 2, 13, 16–17, 30, 111
  and labour regulation 40–43
Summers, L. 47, 59, 63
Sunstein, C. 49, 52, 63, 64, 65, 101
Supiot, A. 81, 103
Suzen (Ayse) v. Zehnacker
  Gebäudereinigung 170, 171
symbiotic contract model 175–6
Szyszczak, E. 40, 187
Tanzi, V. 68
Taqi, A. 132
targeted mandates 65–6
taxation 60
  and labour 77
Taylor, M. 105
Teague, J. 142
Teixeira, P. 162, 164
teleworking 110
temporary employment 74, 78, 101–2,
  106
  casual workers 110
  definition of fixed-term workers 108
  fixed-term contracts 106, 107–10
Terwey, F. 201
Thessaloniki European Council (2003)
  88
Third Way 26
  EU 204–6
Thum, C. 43
time-inconsistency 61
Tirole, J. 164
trade unions 49, 65, 76, 77
  France 83, 182
  freedom of association 179–80, 207
  Germany 83, 182–3
  Ireland 82
  joint bargaining guidelines 181
  Poland 85
  right to join 179–80
  transnational rights 182
  UK 82, 177
training 89
  firm-specific 51, 146
  health and safety 113
transfer process, consultation rights 167
transnational harmonisation 4
Transnational Information and
  Consultation of Employees
  Regulations (1999) 185
Treaty of Amsterdam (1998) 6, 93
  Article 5(2) 18
  Article 13 97, 150
  Article 138 181
  Article 139 107
  Article 141 124, 137
  and discrimination 150
  Employment Title 38
  and equality 136
  and social dialogue 187
  Title VIII 7
Treaty on European Union (TEU), see
  Maastricht Treaty
Treaty of Maastricht, see Maastricht
  Treaty
<table>
<thead>
<tr>
<th>Index</th>
<th>243</th>
</tr>
</thead>
<tbody>
<tr>
<td>Treaty of Nice</td>
<td>6–7, 15</td>
</tr>
<tr>
<td>Treaty of Paris (1952)</td>
<td>180</td>
</tr>
<tr>
<td>Treaty of Rome</td>
<td>3</td>
</tr>
<tr>
<td>Article 12</td>
<td>34</td>
</tr>
<tr>
<td>Article 117 (now Article 136)</td>
<td>3</td>
</tr>
<tr>
<td>Article 118a(1)</td>
<td>31, 32</td>
</tr>
<tr>
<td>Article 118B</td>
<td>14</td>
</tr>
<tr>
<td>Article 119</td>
<td>136</td>
</tr>
<tr>
<td>Articles 137 and 138</td>
<td>112</td>
</tr>
<tr>
<td>Title on Social Policy</td>
<td>3</td>
</tr>
<tr>
<td>Trubek, D.</td>
<td>204</td>
</tr>
<tr>
<td>Trubek, L.</td>
<td>204</td>
</tr>
<tr>
<td>Turner, L.</td>
<td>28</td>
</tr>
<tr>
<td>Tyson, L.</td>
<td>189</td>
</tr>
<tr>
<td>Übelmasser, S.</td>
<td>43</td>
</tr>
<tr>
<td>UEAPME (Union Européenne de l’Artisan et des Petits et Moyennes Entreprises)</td>
<td>14, 37</td>
</tr>
<tr>
<td>UK</td>
<td></td>
</tr>
<tr>
<td>employment tribunals</td>
<td>69</td>
</tr>
<tr>
<td>Financial Services Authority (FSA)</td>
<td>194</td>
</tr>
<tr>
<td>Job Seekers Allowance</td>
<td>22</td>
</tr>
<tr>
<td>job turnover</td>
<td>76</td>
</tr>
<tr>
<td>minimum wage</td>
<td>56</td>
</tr>
<tr>
<td>opt-out of Maastricht Treaty</td>
<td>4, 5</td>
</tr>
<tr>
<td>part-time work</td>
<td>107</td>
</tr>
<tr>
<td>redundancy</td>
<td>158</td>
</tr>
<tr>
<td>trade unions</td>
<td>82, 177, 184</td>
</tr>
<tr>
<td>working hours</td>
<td>103</td>
</tr>
<tr>
<td>and the Working Time Directive</td>
<td>32</td>
</tr>
<tr>
<td>working time regulations</td>
<td>64</td>
</tr>
<tr>
<td>unemployment</td>
<td>9, 56</td>
</tr>
<tr>
<td>Denmark</td>
<td>90</td>
</tr>
<tr>
<td>EU</td>
<td>75</td>
</tr>
<tr>
<td>Europe</td>
<td>90, 96</td>
</tr>
<tr>
<td>unemployment insurance</td>
<td>164</td>
</tr>
<tr>
<td>unfair dismissal</td>
<td>63, 162</td>
</tr>
<tr>
<td>Union of Industrial and Employers’ Confederations of Europe (UNICE)</td>
<td>13, 14, 15, 192</td>
</tr>
<tr>
<td>unitarist approach to partnership and workplace democracy</td>
<td>177</td>
</tr>
<tr>
<td>United Nations Declaration of Human Rights (UNDHR)</td>
<td>92, 180</td>
</tr>
<tr>
<td>United Nations</td>
<td></td>
</tr>
<tr>
<td>unpaid work</td>
<td>104, 105</td>
</tr>
<tr>
<td>US</td>
<td></td>
</tr>
<tr>
<td>Age Discrimination in Employment Act (1967)</td>
<td>65, 143</td>
</tr>
<tr>
<td>employment law</td>
<td>100</td>
</tr>
<tr>
<td>employment regulations</td>
<td>59</td>
</tr>
<tr>
<td>Fair Labor Standards Act (1994)</td>
<td>65</td>
</tr>
<tr>
<td>gender gap</td>
<td>129</td>
</tr>
<tr>
<td>job creation</td>
<td>86</td>
</tr>
<tr>
<td>labour market</td>
<td>92, 93–5</td>
</tr>
<tr>
<td>productivity</td>
<td>93</td>
</tr>
<tr>
<td>productivity and labour inputs, compared to EU</td>
<td>94</td>
</tr>
<tr>
<td>service sector jobs</td>
<td>93</td>
</tr>
<tr>
<td>working hours</td>
<td>93</td>
</tr>
<tr>
<td>Vagstad, S.</td>
<td>143</td>
</tr>
<tr>
<td>Val Duchesse social dialogue</td>
<td>13, 15</td>
</tr>
<tr>
<td>Van den Bergh, R.</td>
<td>42</td>
</tr>
<tr>
<td>Van der Ploeg, F.</td>
<td>94</td>
</tr>
<tr>
<td>Van Duyn v. Home Office</td>
<td>19, 21</td>
</tr>
<tr>
<td>Van Gend en Loos v. Nederlandse Administratie der Belastingen</td>
<td>11, 12</td>
</tr>
<tr>
<td>Vaughan-Whitehead, D.</td>
<td>3, 27, 71</td>
</tr>
<tr>
<td>Velluti, S.</td>
<td>7</td>
</tr>
<tr>
<td>Vigneau, C.</td>
<td>55</td>
</tr>
<tr>
<td>Vigoroux, I.</td>
<td>38</td>
</tr>
<tr>
<td>visual display units (VDUs)</td>
<td>113–14</td>
</tr>
<tr>
<td>Vitols, S.</td>
<td>178</td>
</tr>
<tr>
<td>Von Colson and Kamann v. Land Nordrhein-Westfalen</td>
<td>10, 11</td>
</tr>
<tr>
<td>voting methods</td>
<td>7</td>
</tr>
<tr>
<td>Vredling Directive</td>
<td>195</td>
</tr>
<tr>
<td>Wadsworth, J.</td>
<td>76</td>
</tr>
<tr>
<td>wage bargaining</td>
<td>24, 86</td>
</tr>
<tr>
<td>wage differentials</td>
<td>78</td>
</tr>
<tr>
<td>wage inequality</td>
<td>77, 93</td>
</tr>
<tr>
<td>wage-fixing process</td>
<td>76</td>
</tr>
<tr>
<td>wages</td>
<td></td>
</tr>
<tr>
<td>EU</td>
<td>76–8</td>
</tr>
<tr>
<td>monthly gross</td>
<td>77–8</td>
</tr>
<tr>
<td>variable pay schemes</td>
<td>77</td>
</tr>
<tr>
<td>Wasmber, E.</td>
<td>92</td>
</tr>
<tr>
<td>Watson, P.</td>
<td>31</td>
</tr>
<tr>
<td>Weber, T.</td>
<td>187, 196</td>
</tr>
<tr>
<td>Wedderburn, B.</td>
<td>187</td>
</tr>
<tr>
<td>Weichselbaumer, D.</td>
<td>129</td>
</tr>
<tr>
<td>Weil, D.</td>
<td>65</td>
</tr>
<tr>
<td>welfare</td>
<td>57</td>
</tr>
<tr>
<td>welfare-motivated, migration</td>
<td>80</td>
</tr>
<tr>
<td>Whiteford, E.</td>
<td>37</td>
</tr>
</tbody>
</table>
Index

Whitfield, K. 189
Wildasin, D. 59, 67
Wilkinson, F. 48, 50
Willman, P. 177, 194
Winter-Ebmer, R. 129
Wood, S. 142
work–life balance 138–43
work-sharing 104
worker participation 175

workers
  definition of term 19
  disadvantaged 57–8
  employee involvement 179, 189–90
    regulation for a company statute
    and directive on 194–6
  employee representation 178
  EU categorisation 98
  free movement 18–21, 91, 98, 99
  ignorance of legal position 52, 65
  less-skilled 58
  posted 20, 98–9

workers’ rights 2, 19–20, 50, 98–100;
  see also Community Charter of
  Fundamental Social Rights of
  Workers
working hours 75
  reduction 103–4

US 93
working time, directive on seafarers
  37
Working Time Directive 5, 16, 97, 103
  annual leave 118
  case study 114–20
  and doctors 119
  night work 118–19
  rest periods 117–18
  and transport workers 119
  and the UK 32, 114
working time regulations 102–6
  UK 64
workplace democracy 176, 177, 192
  economic rationale 187–91
works councils 4, 44, 83–4, 177, 179,
  182–5, 189–91, 193, 195
Works Councils Directive 4
World Trade Organisation (WTO) 13,
  201
Wright, F.B. 113

Yeandle, S. 141
Young Workers’ Directive 5–6
Yurtoglu, B. 161

Zimmermann, K. 104