Preface

This book brings together the thoughts of 41 contributors in 38 chapters, each exploring different facets of transnational labour law. In the first part, we explore ‘transnational,’ ‘labour’ and ‘law,’ and set the scene for the sections that follow in relation to each of these elements. The second part begins with a sampling of transnational labour law’s methods, along with some of its development dimensions, taking into account north-south perspectives. Part 3 looks at the field as labour law, shedding light on freedom of association and equality in particular while exploring the emerging role of institutions such as the International Labour Organization. The focus then shifts in Part 4 to some striking features of this body of norms, ranging from the thickening of soft law to social regionalism and the transnational challenge to the regulation of labour as a factor of production.

Various chapters remind us that this field lies on the cusp of human rights, labour rights and broader international law. Transnational labour law remains in some respects a contested field, and with that in mind, the collection includes some views that we do not share.1 We hope that this book will spur greater investigation of the relationship between transnational labour law and other public international law developments.

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1 We think, for example, that the prohibition of forced labour does fall into the category of jus cogens, a view increasingly supported in human rights law.

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Finally, a revelatory anecdote: when we met for our first meeting on drafting the introductory chapter, we both appeared carrying the same new book. This demonstrated tacit recognition of the debt we owe to the many academics and practitioners who have written on topics relevant to transnational labour law. This is a dynamic field that is important to people’s lives. In the interest of social justice, it deserves its own further development as well as strengthening of its ties to related fields of international law.

2 GRÁINNE DE BÚRCA, CLAIRE KILPATRICK & JOANN SCOTT, eds, Critical Legal Perspectives on Global Governance: Liber Amicorum for David M. Trubek (2014). TERENCE C. HALLIDAY & GREGORY SHAFFER, eds., TRANSNATIONAL LEGAL ORDERS (2015) was published after our volume was completed, but will constitute an important part of our ongoing reflections on transnational labour law.