
Preface

This book brings together the research and reflections of 30 contributors in 24 chapters, each exploring the notion of labour and human rights. As we discuss in the first chapter, there is no standard meaning of the terms ‘labour rights’ and ‘human rights’ especially with regard to human rights as they may apply to persons who are working. In inviting legal scholars to write on the topic of labour, business and human rights, we deliberately cast the net widely because we did not want to be bound by the notions of Anglo-Saxon countries, or EU countries, or of international law specialists. We asked authors to consider the meaning of labour and human rights in their own country, although we recognized that this would often be influenced by international and supranational sources. We also took into account the fact that different generations might hold different views regarding human rights and thus sought out authors from different generations. We expected some diversity of views, if only because the 31 authors hail from many different countries and cultures. But the diversity of views, and particularly the way in which the topic was addressed, were greater than expected. The richness of the insights and the different angles of analysis prompted us, the editors, to refine and to push the boundaries of our own thinking on this topic, for which we are grateful.

The first, introductory, chapter gives an overview of the different perspectives on labour and human rights, and seeks to link historical and economic developments to our current view of the topic. The second part looks at the sources of human rights concepts identified by the authors, for the most part national law, with some broad divisions between civil law and common law countries and especially with differing constitutional guarantees in national law. The third part explores some of the core concepts that shape the notion of human rights at work, and looks at what supranational sources influence those concepts. We included in this section two contributions which highlight an issue of growing concern; namely, that labour laws designed to ensure working persons have their human rights guaranteed often exclude important segments of the labour force from their coverage, thus leaving workers with human rights in theory but no practical way of having their rights enforced. In the final part we turn to the more recent phenomenon of expanding the view of who is responsible for respecting workers’ human rights beyond the State to ‘business’. This has moved beyond strict adherence to the employment relationship such that companies are being asked to respect the rights of those in their supply/value chains even when there is no direct employment relationship. What this means, in terms of hard law versus soft law, and whether corporate social responsibility approaches must incorporate international labour and human rights law notions are the questions our contributors explore.

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being willing to expand the concept to include business and human rights, and of course to our families for their support and patience throughout the life of this project which was longer than we had optimistically predicted.

