
Index

- Acevedo Buendia v Peru* (IACtHR) 355–6
Acevedo Jaramillo and others v Peru (IACtHR) 352–3
Achbita v G4S Secure Solutions (ECtHR) 329
ADT Security (Pty) Ltd v National Security & Unqualified Workers Union (SA) 184–5
- age discrimination
 EU provisions 32–3, 95–6
 national provisions 32–3, 42–4, 159–60
- agricultural workers 255–7
Airey v Ireland (ECtHR) 317
Albany International (CJEU) 373, 377–8
Allpass v Mooikloof Estates (Pty) Ltd (SA) 181
Aloeboetoe v Suriname (IACtHR) 344
- American Convention on Human Rights 1969
 342, 344–5, 347–50, 353–6
- American Declaration of the Rights and Duties of Man 1948 342
- Andrews, John 104, 107–8, 110–11, 115
Apitz Barbera and others v Venezuela (IACtHR) 351–2
- apprentices 45
- arbitration 200, 202–3
- Areva* case (Fr) 429
- armed forces 330–32, 347, 369
- ASEAN Intergovernmental Commission on Human Rights (AICHR) 489
- Asia Pacific
 corporate social responsibility
 economic incentives 478–80
 information and education 480–83
 interpretation variations 485–6
 OECD National Contact Points 483–5
 reporting and disclosure 476–8, 491
- economic and political characteristics
 468–9
 business trends 470
 regional and global supply chains 466–71
 transnational business activity, role of
 469–71
- human rights
 recognition and engagement with 487–8
- labour rights
 Asian values, and 487
 civil society role in 489–90
- development, influences on 468
- international human rights obligations
 466–7, 471–3
- OECD Guidelines for MNEs, and 472
- regional frameworks 488–9
- state engagement with 487–8
- UN Guiding Principles, and 471–2
- violations of 470–71, 490–91
- regulatory structures
 corporate liability, and 476
- environmental, social and governance reporting 476
- extraterritorial regulation 467–8, 473–6, 490–91
- limitations, impacts of 470–71
- mechanisms 468
- modern slavery reporting 477–8
- regulatory institutions 481–2, 488–9
- Atlantic Charter 1941 299
- atypical work
 definition and scope of 360–61
- human rights, and
 collective rights, as 359, 362, 368–71
 generally 362, 366–8
 importance 371–2, 379
- labour rights and protections
 anti-competition regime, and 372–8
- collective action 369–72
- freedom of association 369–71
- implicit threat mechanism 370–71
- managerial prerogative, and 369–72
- maternity rights 360
- national provisions 59, 75–7
- right to strike 369
- trade unions, inclusion in 372
- unfair dismissal 360
- law reform debate 359, 362–3, 367–9
- mutuality of obligation, and 361
- online/gig economy/platform work 359
- child labour 364–6
- collective bargaining 364–5
- crowd work 363–6
- discrimination, and 364, 366
- employment status, judicial interpretation
 373–8
- forced labour 364–5

- freedom of association 364–5
- gold farming 365
- labour rights, challenges for 363–70, 379
- termination of contracts 364–5
- work on-demand 363, 365–6
- trends 13–14, 359–61, 372
- austerity measures 96–7
- Australia 475–6, 478–81, 484

- Badger* case (US) 403–4
- Baena Ricardo v Panama* (IACtHR) 348–9
- Barbalescu v Romania* (ECtHR) 323–4
- Barcelona Traction Case* (ICJ) 337
- basic needs and rights, definition 335
- Belgium 403
- biometrics, use of 158
- Boxer Superstores Mthatha v Mbenya* (SA) 177
- Brazil
 - constitution
 - fundamental rights 51, 53–8, 65–6
 - labour rights 51–2, 54–7, 67–8
 - legal status 65–7
 - political influences on 53–4
 - unicity rule 62–3, 67
 - fundamental rights and freedoms
 - constitutional protections 51, 53–8, 65–7
 - exemptions 59–60
 - human dignity 64
 - slavery, abolition of 53
 - social rights, and 51–3, 58, 60
 - labour rights
 - amendment restrictions 56, 59–60
 - atypical workers 59
 - collective bargaining 54, 56–61
 - constitutional protections 51, 54–7
 - development 53, 67
 - discrimination 64–5
 - dismissal, burden of proof 65
 - employment relationship conflicts 63–5
 - freedom of association 53, 56, 61–3, 67
 - health and safety at work 60–61
 - horizontal effect 63–5
 - in pejus* negotiations 58–61
 - insalubrity of work classification 60–61
 - labour reforms 58–61
 - limitations 67–8
 - negotiated sector adequacy principle 58, 60–61
 - overview 54–7
 - political changes, impacts of 53
 - right to strike 66–7
 - trade unions 53, 63
- Brincat v Malta* (ECtHR) 330
- Brown and Sycamore v New Zealand Basing* (NZ) 139
- business and human rights
 - corporate due diligence *see* corporate due diligence
 - corporate liability 421
 - corporate social responsibility *see* corporate social responsibility
- ILO policies
 - fundamental rights at work 3, 13, 247, 253, 275, 289–91, 307–9, 402, 409–13
 - multinational enterprises 271, 286, 309, 402, 426
- OECD Guidelines for Multinational Enterprise 1976 403–5, 426, 449–50, 472
- relationship between 2–3
 - corporate codes of conduct 405–6
 - development 12–14, 402–3
 - enforcement 419–20
 - globalization influences on 12–13, 402, 407–9
 - national law inadequacies 407
 - policy development 405–6, 415–17
- UN Global Compact 3, 144, 271, 291, 402–3, 413–15, 450–51
- UN Guiding Principles 3, 14, 141, 402–3, 471–2
 - background 415–17
 - child labour 271–2
 - corporate respect obligations 138–9, 415–17
 - due diligence 3, 142–4, 422
 - duty to protect 271–2
 - enforcement obligations 139–41
 - gender equality 286–7, 292–3
 - procurement obligations 144–6
 - reporting obligations 141–2
 - waiver of rights 2–3, 319–21
- Caballero Delgado and Santana v Colombia* (IACtHR) 343
- Canales Huapaya v Peru* (IACtHR) 353
- Cantoral Huamani and García Santa Cruz v Peru* (IACtHR) 343–4
- captive audition 126–9
- casual workers
 - implicit threat mechanism 370–71
 - rights, exclusion from 366–7
 - see also* atypical work

- chaebols* (Korean family businesses) 381–2, 394–5, 397
- Chamber of Mines of South Africa v Association of Mineworkers and Construction Union* (SA) 183
- Chandler v Cape* (UK) 428–9
- Charter of Fundamental Rights of the EU
- applicability 94–6
 - background 22, 94–5
 - collective bargaining 98, 378
 - freedom of business 96
 - labour law, impacts on 22–3, 94–5
 - non-discrimination 95–6
- child labour, freedom from
- adult unemployment, and 257–8
 - business and human rights 270–73
 - codes, tools and initiatives 272–3
 - corporate social responsibility 270–73, 463
 - due diligence 432–3
 - global campaigns 261–3
 - human right, whether 268–70
 - ILO role in 254–7, 262–3, 267–8, 298–9, 310–11
 - international declarations and covenants 265–9
 - UN Guiding Principles 3, 14, 141, 271–2
 - conventions on 22, 137–8, 261–3, 339–40
 - applicability 264–5, 273
 - background 253–4
 - Convention on the Rights of the Child 258, 261, 266–9
 - definitions 264–5, 273
 - hazardous work 264–5
 - implementation and enforcement 265, 273
 - minimum age 253–61, 270
 - permitted activities 258–9
 - purpose 257, 263–4
 - state obligations 265
 - domestic workers 262, 265
 - forced labour 257, 262–3
 - globalization, and 270–71
 - hazardous work 260–61, 264–5
 - imports of goods produced by 137
 - Inter-American Court of Human Rights
 - decisions 347–8
 - international law, peremptory norm of 339–40
 - minimum age 136–7, 148
 - agricultural workers 255–7
 - compulsory education, and 255–6, 260
 - convention provisions 253, 255–6, 258–61
 - hazardous work 260–61
 - human rights, and 270
 - limitations 255–6, 260–61
 - parental control, and 256
 - permitted activities 258–9
 - seafarers 256–7
 - tropical climates, special provisions 255–6
 - national provisions 71, 107, 111–12, 137–8, 148, 255–6
 - night working 255, 257
 - online/gig economy/platform work 364–6
 - sustainable development, and 262–3
 - teenage workers 136
 - unhealthy processes 255–6
 - UNICEF policies 261–2
- child soldiers 347
- China
- human rights
 - challenges for 193–7
 - constitution protection 195–7
 - development 193–4
 - dispute resolution, role in 205–6
 - labour law
 - arbitration 200, 202–3
 - burden of proof 203
 - collective action 197–8, 205–6
 - collective dispute proceedings 201–4
 - dispute resolution limitations 204–6
 - dispute resolution mechanisms 198–206
 - judicial proceedings 200, 203–4
 - mediation 200–202
 - political views on 197
 - right to strike 197
 - politics 194
 - economic development, and 193–4, 470
 - guiding principles 194–7
 - rule of law, and 195, 197
 - social policies 194–6
 - trade development 469–70
 - Western regimes, compared 196–7
- Chocron v Venezuela* (IACtHR) 351
- citizenship
- civil liberty, as 234–5
 - development stages 234
 - freedom of association, and 233–6
 - industrial citizenship 235–6
 - labour law conflicts 105–7
 - North-South divide 239–40
 - civil and political rights 293

- International Covenant on 245, 266, 284–5, 300–301
- civil law jurisdictions 5, 9–10, 360
- class conflict 108–10
- Code of Crimes against Peace and Humanity 1996 (draft) 338
- collective action
 - armed forces, by 331–2, 369
 - atypical work, and 359, 362, 368–71
 - concept development 234–6
 - freedom of association, and 234–6, 315
 - national provisions 87–9, 163–5, 197–8, 205–8, 387, 389, 393
 - restrictions on 331–3
 - right to disassociate 247, 316, 320, 332
 - self-employed workers 371–2
- collective bargaining
 - collective agreements 324–5, 372–8
 - domestic vs. cross-border situations, differences of treatment 98
 - EU provisions 20, 96, 378
 - freedom of association, and 21–2, 231–2
 - national provisions 19, 24, 30–31, 54, 56–8, 71, 83–6, 97–9, 108–9, 113, 124, 134–6, 164–5
 - negative rights to organize, conflicts with 324–5
 - online/gig economy/platform work 364–5
 - self-employed workers 376–8
- collective dismissals 216
- Comilog* case (Fr) 429
- commodity, whether labour is 377
- common law jurisdictions 5, 9–10
- compulsory labour *see* forced labour
- constitutional law, generally
 - freedom of association 8–9
 - human rights protection, and 4–5, 8–10
- Constitutional Tribunal v Ecuador* (IACtHR) 352
- Constitutional Tribunal v Peru* (IACtHR) 350–51
- contract law *see* freedom of contract
- contract workers 387–90
- contracts of employment *see* employment contracts
- Convention No 3 [maternity protection] 7, 278–9, 285, 311
- Convention No 4 [night workers] 279
- Convention No 5 [minimum age] 255, 299
- Convention No 6 [night working by children] 255
- Convention No 7 [minimum age – at sea] 256
- Convention No 10 [minimum age in agriculture] 256–7
- Convention No 13 [white lead – unhealthy processes] 255–6, 279
- Convention No 15 [minimum age – trimmers and stokers] 256
- Convention No 16 [children at sea, medical certificates] 256
- Convention No 29 [forced labour] 6–7, 311–12, 412
 - child labour 257, 262–3
 - modern slavery 291
 - national implementation 66–7, 137, 148
- Convention No 35 [pensions] 279
- Convention No 41 [night work – women] 279
- Convention No 45 [underground work – women] 279
- Convention No 50 [recruitment of indigenous workers] 279
- Convention No 81 [labour inspections] 220–21, 313
- Convention No 87 [freedom of association] 6, 8, 245, 302–4, 310, 312–13, 348–9, 412
 - legal entities, rights of 349–50
 - national implementation 31, 66–7, 135–6, 183
 - public servants, right to strike 31
 - ratification 66–7
- Convention No 89 [night work – women] 279
- Convention No 94 [public contracts] 144
- Convention No 98 [collective bargaining] 245, 303–4, 312, 376, 412
 - national implementation 66, 98–9
- Convention No 100 [equal pay] 8, 138, 274, 281–2, 312, 412
- Convention No 103 [maternity protection] 285, 311
- Convention No 105 [forced labour] 66, 137, 312, 412
- Convention No 111 [equal treatment in employment] 138, 274, 282–4, 288–9, 304, 312, 412
- Convention No 122 [employment policies] 312–13
- Convention No 138 [minimum age] 253, 258–61, 263, 270, 312, 412
 - applicability 259–60
 - compulsory education, and 255–6, 260
 - goods produced by child labour 137
 - hazardous work 260–61
 - limitations 260–61
 - national implementation 136–7, 148
 - permitted activities 258–9

- purpose 258–9
- Convention No 144 [social dialogue] 66
- Convention No 148 [health and safety] 68
- Convention No 155 [health and safety] 68
- Convention No 156 [workers with family responsibilities] 284, 287
- Convention No 158 [termination of employment] 94, 287–8
- Convention No 169 [indigenous and tribal peoples] 312–13
- Convention No 171 [night work] 279
- Convention No 182 [child labour] 253, 261, 270, 273, 310–13, 339–40, 412
 - applicability 264–5
 - definitions 264–5, 273, 347
 - enforcement 265
 - hazardous work 264–5
 - national implementation 137–8
 - purpose 263–4
 - state obligations 265
- Convention No 183 [maternity protection] 285, 311
- Convention No 186 [maritime labour] 311
- Convention No 189 [domestic workers] 265
- Convention on Slavery 1926 337–8
- Convention on the Elimination of All Forms of Discrimination against Women 1979 284, 288–9
- Convention on the Elimination of Racial Discrimination 1965 301
- Convention on the Law of Treaties 1969 318–19, 336, 341
- Convention on the Rights of the Child 1979 258, 261, 266–9
- corporal punishment 126–8
- corporate due diligence 421, 438
 - child labour 432–3, 463
 - conflict minerals 432
 - definition and scope 422–7
 - EU policy 451–2
 - general obligations 424–5
 - human trafficking and modern slavery 431–2
 - implementation and enforcement 427–8, 436–8
 - international obligations 3, 142–4, 422–4
 - legal challenges for 435–8
 - mandatory disclosure laws 430–32, 435
 - mandatory due diligence and liability provisions 430, 433–5
 - mandatory due diligence laws 430, 432–3, 435
 - risks, measurement of 435–6
 - specific labour rights obligations 425–7
- corporate liability 421
 - contracting companies in supply chain, of 429–30
 - extraterritorial obligations 476
 - health and safety at work 428–9
- corporate personality
 - freedom of religion, and 321–3, 328–9
- corporate social responsibility
 - Asia Pacific
 - economic incentives 468–80
 - regulatory mechanisms 483–5
 - reporting and disclosure 466–78
 - state human rights obligations 466–7
 - child labour 270–73, 463
 - corporate codes of conduct 405–6
 - due diligence *see* corporate due diligence
- EU law
 - added value 464–5
 - corporate model 439–40
 - definitions and interpretation 442–4, 449
 - due diligence, and 451–2
 - EMS Forum 453–4
 - EU promotion initiatives 452–4
 - international initiatives, links and conflicts 449–52
 - member state obligations 456–7
 - national promotion initiatives 454–63
 - new member state *vs.* old member state approaches 459–63
 - non-business interests, relevance for 452–3
 - open method of coordination (OMC) approach 458–9, 463
 - policy development, influences on 444–9, 463
 - policy limitations 463–4
 - policy scope and content 448–50
 - stakeholder approach 441–2, 453–4
 - transnational company agreements 453–4
 - vertical and horizontal governance, and 464
- international policies
 - development 405–6, 415–17
 - ILO Declaration on MNEs and Social Policy 271, 286, 309, 402
 - OECD Guidelines for MNEs 403–5, 426, 449–50
 - UN Global Compact 450–51
 - UN Guiding Principles on Business and Human Rights 138–9, 415–17
 - New Zealand 138–9, 144–6

- OECD National Contact Points, role of 483–5
- South Africa 186–8
- crimes against humanity 338
- CSR *see* corporate social responsibility
- cultural rights 245, 293
- Czech Republic 460

- debt servitude 345
- Declaration of Philadelphia 1944 (ILO) 6, 13, 191–2, 244, 275, 278, 300, 302–3, 314, 377
- Declaration of Principles concerning Multinational Enterprises and Social Policy (ILO) 271, 286, 309, 402, 426
- Declaration on Equality of Opportunity and Treatment for Women Workers 1975 (proposed) (ILO) 286
- Declaration on Fundamental Principles and Rights at Work 1998 (ILO) 3, 192, 247, 253, 275, 289–91, 307–9, 402, 409–13
- Declaration on Social Justice for a Fair Globalization 2008 (ILO) 247–8, 275, 291, 309
- Declaration on the Rights of the Child 1924 258
- deep roots theory of human rights 120–22
- Demir and Baykara v Turkey* (ECtHR) 318, 331
- Discovery Health Limited v CCMA* (SA) 176
- discrimination
 - age discrimination 32–3, 42–4
 - definitions 283–4, 301
 - disability discrimination 95, 114
 - EU provisions 21–2, 92, 114
 - indirect employment sector 382, 393
 - international law, *erga omnes* obligation of 340–42
 - marriage-related discrimination 37, 39, 41, 74–5
 - online/gig economy/platform work 364, 366
 - racial discrimination 340–42
 - sexual orientation 159–60, 330
 - see also* equal treatment
- dismissal
 - age discrimination 42–4
 - collective dismissal 213–14, 216
 - due process, judicial decisions 350–55
 - freedom of religion, and 321–2, 328–9
 - gender equality 287–8
 - marriage of female employee 37, 39, 41
 - maternity protection 287
 - national provisions 28–9, 38–47, 65, 177–8, 181–2, 214–16, 224, 381, 387
 - notice periods 37, 214–16
 - OECD Employment Protection Indicators 212–14, 216
 - reinstatement 37, 40, 46–7
 - remedies 37–40, 46–7
 - right to work, and 37–47
 - Dismissed Congressional Employees v Peru* (IACtHR) 353
 - dispute resolution, in China
 - collective dispute proceedings 201–4
 - judicial proceedings 200, 203–4
 - limitations 204–6
 - mechanisms 198–206
 - Doe v Wal-Mart* (US) 429–30
 - domestic workers 45, 262, 265
 - due diligence *see* corporate due diligence
 - Duque v Colombia* (IACtHR) 347

 - Ebrahimian v France* (ECtHR) 328–9
 - economic crisis
 - bail out measures, legality 96–7
 - labour rights, influences on 248
 - economic rights
 - human rights, and 2–3, 6, 92, 105–6, 164–5
 - International Covenant on 245, 293
 - economics
 - institutional economics 112, 117
 - labour law, influences on 111–19, 209
 - education
 - child labour minimum age, and 255–6, 260
 - right to 258, 269
 - email 157
 - employment contracts
 - balancing test 153–4
 - breach of contract 27
 - employee's contractual duties 27
 - equity and good faith principles 26
 - freedom of conscience, and 27
 - freedom of contract 26
 - freedom of profession, and 26–7
 - human rights relationships 153–4, 315–16
 - labour rights, applicability to 315–16, 323–4, 326
 - online/gig economy/platform work 364–5
 - employment relations
 - human rights, open standard approach 152–3
 - employment services 36
 - employment stability, right to 354–5
 - equal pay 2–3, 236–7

- convention provisions 8, 20, 138, 274, 281–2
- national provisions 72–4, 107, 138, 236–7, 390–91
- equal treatment
 - age discrimination 32–3
 - convention on 274, 282–4
 - definitions 283–4, 288
 - EU provisions 32–3
 - ILO development role 274–9, 285–6, 289–91, 304, 310–11
 - Inter-American Court of Human Rights decisions 346–7
 - labour law vs. human rights 283–4
 - national provisions 73–8, 85, 107, 112–14, 138, 159–61, 387, 390–91, 398–9
 - workers with family responsibilities 284–5, 287
- European Convention on Human Rights 1950
 - background 21, 314, 319
 - European Social Charter, overlap with 331–3
 - freedom of association 21–2, 315–16, 331–3
 - freedom of expression 327, 330
 - freedom of religion, thought or conscience 320–23, 328–9
 - labour rights, and
 - benefits for 325–33
 - collective agreements, and 324–5
 - employees' rights 326–7
 - employers' rights 316, 326
 - employment contracts, and 323–4
 - forced labour 326–7, 331–3
 - health and safety at work 329–30
 - human rights at work, as 327–33
 - intertextuality of 316–19
 - judicial interpretation 21–2, 316–33
 - legal restrictions 323–5
 - legal thresholds 321–3
 - legislation and regulation, relevance of 325
 - whistleblowing 327
 - national implementation 21–2, 30–31, 90–94
 - right to private and family life 329–30
- European Court on Human Rights
 - human rights interpretation 21–2, 316–19
- European Social Charter
 - background 20, 314
 - collective action 315
 - European Convention, overlap with 331–3
 - forced labour 331–3
 - freedom of association 20, 331–3
 - limitations and problems with 20–21
 - national implementation 20–21, 29–30, 90–92
- European Union labour law
 - age discrimination 32–3, 95–6
 - collective bargaining 20, 96, 378
 - discrimination 21–2, 92, 114
 - due diligence and disclosure 431–2
 - equal treatment 32–3
 - non discrimination, limitations on 367
 - self-employed workers, status of 373–8
- Eweida v UK* (ECtHR) 321, 324, 328–9
- fair and just working conditions, right to
 - austerity measures, conflicts with 96–7
 - corporate liability 428–9
 - EU provisions 20, 22, 96–7
 - international convention provisions 241–5
 - national provisions 165, 384–5, 389
- fair labour practices
 - fair trade, and 244–5, 248–9, 408–9
- fair pay *see* equal pay
- fair trade
 - free trade, and 3, 408–9
 - labour standards policies 244–5, 248–9
- family responsibilities, workers with 284–5, 287
- financial crisis *see* economic crisis
- Finland 207
- Five Pensioners v Peru* (IACtHR) 355
- fixed-term work 76–7
- Flor Freire v Ecuador* (IACtHR) 347
- FNV Tunsten* (CJEU) 373–5, 377–8
- forced labour
 - child labour, and 257, 262–3, 339–40
 - contractual relationships, and 326
 - conventions 6–7, 21–2, 257, 262–3, 311–12, 331–3, 412
 - EU provisions 326–7, 331–3
 - national implementation 66–7, 137–40, 148
 - definition 337
 - goods made by, import restrictions 137
 - inspectors 140–41
 - international law, preemptory norm of 338–9
 - modern slavery, and 291, 338–9
 - online/gig economy/platform work 364–5
 - prisoners 137, 339
- France
 - CSR 461
 - due diligence obligations 429, 433–4, 461

- freedom of religion 328–9
 - labour law, historical development 103
- free chosen activity *see* freedom of occupation/profession
- Free Market Foundation v Minister of Labour* (SA) 183
- free trade
 - fair trade, and 3, 408–9
 - free trade agreements, labour rights in 146–7, 418
- freedom of assembly 126–9
- freedom of association
 - atypical work 369–71
 - benefits 231
 - captive audition, and 126–9
 - civil right, as 233–8
 - collective action, and 234–6, 343–4
 - collective bargaining, and 21–2, 231–2
 - concept development 6, 233–8
 - constitutional protections 8–9
 - damages for breach 348–9
 - employer violations of 126–9
 - EU provisions 20–23, 315–16, 331–3
 - gap clauses 24
 - human right, as 238–49
 - disenfranchisement 248–9
 - ILO policy, role of 243–5, 247–8, 302–3, 310
 - international law development 241–2
 - international law limitations 243–9
 - international law, under 238–49
 - labour standards 244–6
 - national law development 238–41
 - nationalism, influences of 249–52
 - right to disassociate 247, 316, 320, 332
 - transnational relationships 239–42
 - Inter-American Court of Human Rights decisions 348–50
 - interpretation 232, 315
 - legal entities, rights of 349–50
 - national provisions 17, 19, 23–8, 30–31, 53, 56, 61–3, 67, 70, 83, 87–8, 91, 93–4, 98–9, 106–7, 124, 134–6, 164–5, 380
 - online/gig economy/platform work 364–5
 - restrictions, justification for 331–3
 - right to disassociate 247, 316, 320, 332
 - scope of 124–5
 - trade unionists, execution/disappearance of 343–4
 - unequal bargaining, and 231–2
 - women, for 236–7, 248
- freedom of business 22, 70
- freedom of contract
 - concept development 234–5
 - Germany 26–7
 - Japan 70
 - United States 103–4, 106, 110–11, 116
- freedom of expression
 - captive audition, and 129–30
 - national provisions 17, 28, 70, 87, 94, 161–3
 - waiver of rights, and 320–21
 - whistleblowing 30, 94, 161, 327
- freedom of occupation/profession 26–7
 - Inter-American Court of Human Rights decisions 344
 - journalists, mandatory registration 344
 - national provisions 26–7, 70, 154–6
 - slavery, and 337–8
- freedom of religion 163
 - constitutional conflicts 328–9
 - legal protection thresholds 321–4
 - waiver of rights, and 320–21
- freedom of thought or conscience 27, 78
 - captive audition, and 129–30
 - waiver of rights, and 320–21
- fundamental labour rights
 - definition 290
 - identification of 409–12
 - ILO Declaration on 3, 192, 247, 253, 275, 289–91, 402, 409–13
 - review procedures 413
 - UN Global Compact 3, 144, 271, 291, 402–3, 413–15
- fundamental rights, generally
 - horizontal effect 63–4
 - social justice, and 291–2
 - social rights, differences from 51–2, 314–15
 - see also* individual rights and freedoms
- García and family members v Guatemala* (IACtHR) 344
- gender equality
 - dismissal 287–8
 - equal pay 2–3, 20, 236–7
 - convention on 8, 138, 274, 281–2
 - national provisions 73–5, 107, 138, 236–7
 - equal treatment 274, 282–4
 - age discrimination 32–3
 - convention on 274, 282–4
 - definitions 283–4, 288
 - labour law vs. human rights 283–4

- national provisions 73–8, 85, 107, 112–14, 138, 159–61
- workers with family responsibilities 284–5, 287
- EU provisions 20, 32–3, 95
- human right, as
 - business responsibilities 286–7, 292–3
 - ECHR, role of 330
 - vs. labour rights 274–5, 286–8, 289–92
- ILO development role 274–9, 285–6, 289–91, 304, 310–11
- maternity rights, and 7, 278–9, 285, 287
- night workers 279
- pensions 279
- right to work 41–4, 48
- General Agreement on Tariffs and Trade (GATT) 244–5
- Germany
 - constitutional provisions
 - contractual freedom, and 26–7
 - horizontal effect 5, 18–19, 25–8
 - human rights protections 17–31
 - international law conflicts 17–18
 - interpretation of 5, 20
 - labour law, impacts on 23–8, 33
 - legal status of 17–18
 - fundamental/human rights
 - constitutional protections 17–20
 - contractual freedom, and 26–7
 - due diligence obligations 430
 - EU obligations 21–3, 22–3, 30–33, 32–3
 - freedom of association 17, 19, 24, 30–31
 - freedom of conscience 27
 - freedom of expression 17, 28, 30
 - freedom of profession 26–7
 - human dignity 17, 19, 24–5
 - judicial enforcement role 19–20
 - social rights, and 19
 - sources of 17–23
 - labour law
 - age discrimination 32–3
 - collective agreements 19, 24, 30–31
 - constitutional impacts on 23–8, 33
 - EU law impacts on 29–33
 - extraordinary or unfair dismissal 28–9
 - human dignity, and 24–5
 - human rights, relationship with 17, 19, 23–8, 33
 - mini-jobs 361
 - right to strike 23–4, 30–31
 - whistleblowing 30
- gig economy 359
 - child labour 364–6
 - collective bargaining 364–5
 - crowd work 363–6
 - discrimination, and 364, 366
 - employment status, judicial interpretation 373–8
 - forced labour 364–5
 - freedom of association 364–5
 - gold farming 365
 - labour rights, challenges for 363–70, 379
 - termination of contracts 364–5
 - work on-demand 363, 365–6
- global supply chains 12–13, 407–9
 - Asia Pacific, role in 466–70
 - liability of contracting companies in 429–30
 - models for 407–9
 - state extraterritorial regulation, and 473–4
- global trade
 - challenges of 407–9
 - technology, influences of 407
- globalization
 - anti-globalization movement 3
 - child labour, and 270–71
 - global supply chains 12–13, 407–9
 - human rights at work, influences on 12–14, 233, 238–9, 242, 402, 407–9
 - ILO Declaration on Social Justice for a Fair Globalization 2008 247–8, 275, 291, 309
- golden handcuffs 26–7
- governance *see* business and human rights; corporate social responsibility
- guilds 234–5
- Hacienda Brasil Verde Workers v Brazil* (IACtHR) 345, 347–8
- harassment and bullying 79–80, 160–61, 330
- hazardous work
 - child labour 260–61, 264–5
 - women 279
- health and safety at work 60–61, 385
 - corporate liability 428–9
 - European Convention, and 329–30
- HIV/AIDS
 - discrimination on grounds of 180–81, 330
 - international rights instruments 291–2, 311
- Hoffmann v South African Airways* (SA) 181
- Hong Kong 477
- horizontal governance
 - direct effect 5, 19, 63–5
 - EU CSR policy 464
 - indirect effect 18–19, 25–8
- Huilca Tecse v Peru* (IACtHR) 343

- human dignity
 - captive audition, and 126–9
 - concept development 6–7, 335
 - employee dignity, and 122–3
 - employer's justified interest, and 24–5
 - national provisions 17, 19, 24–5, 64, 71–2, 154–6, 160–61
- human rights, generally
 - basic rights, definition 274–5
 - captive audition 126–9
 - deep roots theory 120–22
 - due diligence *see* corporate due diligence
 - globalization, influences on 12–14, 233, 238–9, 242, 407–9
 - human dignity *see* human dignity
- human rights at work
 - approaches to 151–4
 - civil law *vs.* common law jurisdictions 5, 9–10
 - corporate codes of conduct and CSR 405–6
 - definitions and interpretation 4–6, 274–5, 335
 - employee dignity 122–3, 335
 - freedom of association *see* freedom of association
 - generally 2–5, 8
 - globalization influences on 12–14, 233, 238–9, 242, 402, 407–9
 - historical development 241–2, 334–5, 402–3
 - horizontal direct effect 5, 19, 63–5
 - intrinsic value of 335
 - natural law conflicts 120–25
 - negative influences 167–8
 - non-discrimination principle, and 340–42
 - open standard approach 152–3
 - peremptory norms of international law 336–9
 - child labour, prohibition 339–40
 - forced or compulsory labour, prohibition of 338–9
 - slavery, prohibition of 337–8
 - positive influences 168–9, 192–3
 - state *vs.* non-state responsibilities 151–2
 - value for money, conflicts with 146–7
 - waiver of rights 2–3, 319–21
 - see also* business and human rights
- human rights treaties, generally
 - applicability 90–91
 - constitutional conflicts 65–7
 - obligations under 9–10
- human trafficking
 - convention provisions 291, 327
 - due diligence obligations 431
 - extraterritorial regulatory obligations 476
 - judicial interpretation 345
 - New Zealand 140–41
 - sexual slavery, and 339–40
- humanitarianism 107–8, 113–14
- Hungary 460
- IB v Grece* (ECtHR) 330
- ILO
 - background 243–4, 295, 297–8, 334
 - constitution 277–8, 280, 298
 - Declaration of Philadelphia 1944 6, 13, 191–2, 244, 275, 278, 300, 302–3, 314, 377
 - Declaration of Principles concerning Multinational Enterprises and Social Policy 271, 286, 309, 402, 426
 - Declaration on Equality of Opportunity and Treatment for Women Workers 1975 (proposed) 286
 - Declaration on Fundamental Principles and Rights at Work 1998 (ILO) 3, 13, 247, 253, 275, 289–91, 307–9, 402, 409–13
 - Declaration on Social Justice for a Fair Globalization 2008 247–8, 275, 291, 309
 - Director-General's Report 1994 305
 - Employment Protection Legislation Database 210–11
 - human rights development, role in 6–8, 244, 296–8
 - casual and atypical work 366–7, 371
 - child labour 254–7, 262–3, 267–8, 298–9
 - equality approach 304, 310–11
 - focus and orientation 302–4
 - freedom of association 243–5, 247–8, 298, 302–4
 - gender equality 274–9, 285–6, 304
 - international policy influences on 305–7
 - supervisory mechanisms 267–8
 - women at work, recognition *vs.* protection of 277–9
 - World Summit on Social Development 305–6
 - World War II and Cold War, impacts of 299–302
 - WTO, and 306
- international support for 289–90
- labour standards
 - development 246–8, 277–8, 295–6
 - equal pay 282
 - fair trade, and 244–5

- human rights, content development 310–12
- human rights, influences of 296–8
- human rights instruments, whether 312–13
- technical approach, benefits of 298–9, 302
- UN human rights treaties, relevance to 297
- women's rights, and 277–9, 282
- tripartism, importance of 295–6, 302
- UN human rights policies, and development, influences on 299–302, 306–7
- differences in role from 296–7
- labour standards, relevance for 297, 301–2
- immigration
 - human trafficking, and 140–41
 - racial discrimination 237
- India 255–6
- indigenous peoples 312–13
- indirect application theory 71–2
- indirect employment 382–4
- Indonesia 482, 485–6
- industrial relations *see* collective bargaining; right to strike
- industrialization 10–11, 102–4, 394–5
- inspections *see* labour inspections
- institutional economics 112, 117
- Inter-American Court of Human Rights
 - Advisory Opinions
 - journalists, mandatory registration 344
 - legal entities' rights 349
 - migrant workers' rights 346
 - human rights
 - control procedures 342
 - extrajudicial execution/disappearance of trade unionists 343–4
 - interpretation 5, 342
 - slavery and servitude 344–5
 - jurisdiction 342
 - labour rights
 - Charter protections 354–5
 - child labour 347–8
 - dismissal, due process protections 350–55
 - employment stability, right to 354–5
 - equal treatment 346–7
 - freedom of association 348–50
 - freedom of occupation 344
 - instruments 5, 342
 - interpretation 342–3
 - jus cogens* rules, identification of 342–3
 - migrant workers 346
 - non-discrimination 346–7
 - pensions entitlement 355–6
 - social rights 355–6
- International Covenant on Civil and Political Rights 1966 245, 266, 284–5, 300–301
- International Covenant on Economic, Social and Cultural Rights 1966 245, 300–301, 314, 423, 472–3
- child labour 266, 268–9
- international institutions
 - guidance from, importance of 5
 - labour standards, role in establishment 295
 - tripartism in 295–6
 - see also* ILO; OECD; World Bank
- international labour standards 244–6
- enforcement 419–20
- equal pay 282
- establishment, ILO role in 295–6
- fair trade, and 244–5
- human rights, and
 - content, development of 310–12
 - human rights instruments, whether 312–13
 - influences of 296–8
 - UN human rights treaties, relevance to 297
 - women's rights, and 277–9, 282
- technical approach, benefits of 298–9, 302
- international law, generally
 - definition 238
 - interpretation rules 318–19, 336, 341
 - peremptory norms and obligations 336
 - child labour 339–40
 - conflicts, rules for 341
 - forced or compulsory labour, prohibition of 338–9
 - freedom of association 243–9
 - limitations on 243–9
 - non-discrimination in employment or occupation 340–42
 - slavery, prohibition of 337–8
 - torture, prohibition of 341–2
 - unilateral acts of States, and 341–2
- International Monetary Fund 248–9
- International Programme on the Elimination of Child Labour (IPEC) 262
- international trade, generally
 - fair trade vs. free trade 3, 408–9
 - labour rights, and 408–9
 - labour standards, development 244–5, 248–9

- intertextuality 316–19
- Ireland 373–6
- Israel
 - human rights
 - balancing test 153–7, 161
 - constitutional protection 154–5, 158–9
 - equal treatment 159–61
 - freedom of occupation 154–6
 - human dignity and liberty 154–6, 160–61
 - judicial vs. legislative protections 154–6, 159–60, 165–8
 - negative uses of 167–8
 - positive uses of 168–9
 - public policy, and 152–3
 - right to privacy 149–50, 156–9
 - social and economic rights 164–5
 - state vs. non-state obligations 151–2, 165
 - workplace, applicability in 9, 149–50, 165–9
- labour law
 - age discrimination 159–60
 - collective action 163–5
 - collective bargaining 164–5
 - contract law, and 152–4
 - employee Bill of Rights 164, 166–8
 - equal treatment 159–61
 - freedom of association 164–5
 - freedom of expression 161–3
 - freedom of occupation 154–6
 - freedom of religion 163
 - gender equality 159–61
 - harassment and bullying 160–61
 - legitimate interest, and 156
 - managerial prerogative, and 153, 157, 161
 - open standard approach 152–3
 - pregnancy 160
 - private vs. public sphere obligations 151–2, 165
 - right to work 165
 - sexual orientation equality 159–60
 - social rights restrictions 164–5
 - whistleblowing 161
 - working conditions 165
 - workplace privacy 149–50, 156–9
- Italy
 - atypical/parasubordinate work 361
 - constitutional provisions
 - dismissal, protections against 38–40
 - equal social dignity 35–6, 40–41, 48–9
 - right to establish family 39
 - right to work 34–7
 - State obligations to protect work 35, 39
 - right to work
 - age discrimination, and 42–4, 48
 - apprentices 45
 - constitutional protection of 34–5, 38–40
 - dismissal, and 37–47
 - domestic workers 45
 - employment services, role of 36
 - exclusions 44–6
 - freedom right, as 36, 48–9
 - historical development 37
 - limitations on 36–7
 - managers 46
 - marriage of female employee 37, 39, 41
 - material equality approach 40–47
 - pregnant domestic workers 45
 - reinstatement 37, 40, 46–7
 - seafarers 45–6
 - sex discrimination, and 41–4, 48
 - social right, as 35–6, 48–9
 - trial/probationary periods 44–5
 - women, after marriage 41
 - women's role in family life, and 41, 43–4
 - workers right, as 35–7, 48–9
 - working age vs. pensionable age 42–4
- Ituango Massacres v Colombia* (IACtHR) 345
- Jabir v KiK* (Ger) 430
- Japan
 - constitution
 - child labour prohibition 71
 - collective bargaining 71, 83
 - development 69
 - fundamental rights 69–71, 78, 83
 - indirect application theory 71–2
 - non-discrimination 78
 - public servants, restrictions on 71, 83
 - social rights 69
 - employment system
 - challenges for 69, 82–3
 - characteristics 74–5, 80, 82
 - societal pressures, and 79–80, 82–3
 - fundamental rights
 - dignity 71–2
 - equality and non-discrimination 70, 72–5
 - freedom of association 70, 83
 - freedom of business 70
 - freedom of contract 70
 - freedom of expression 70
 - freedom of occupation 70
 - freedom of thought or conscience 78
 - slavery, prohibition 70

- social rights, and 69
- labour law
 - atypical workers 75–7
 - collective bargaining 71, 83
 - constitutional interpretation, role of 71
 - corporate social responsibility 483
 - employment contracts, rights conflicts 70–71
 - equal employment opportunities 73–5
 - equal pay 72–4, 77
 - equal treatment 73–4, 76–7
 - family responsibility conflicts 82–3
 - fixed-term work 76–7
 - freedom of association 70, 83
 - gender discrimination 73–5
 - harassment 79–80
 - indirect employment 77–8
 - marriage 74–5
 - maternity-related discrimination 75, 80–82
 - minimum age 255–6
 - non-discrimination 73–5, 78
 - overtime 82–3
 - part-time work 77
 - privacy of personal information 78–9
 - public servants, collective bargaining 71, 83
 - worker supply services 77–8
 - working hours 75, 82–3
- journalists, mandatory registration 344
- jus cogens* 336
- Korea
 - economic and development status
 - democratization, and 396–8
 - industrialization, and 394–6
 - state intervention in labour markets 394–6, 398
 - US influences on 380–81
 - indirect employment sector
 - collective action 389, 393
 - comparison difficulties 390–91
 - contract workers 387–90
 - discrimination 382, 393
 - health and safety 385
 - incentives to reduce 389–90, 399
 - regulation, success of 390–93
 - scale and trends 382–4, 388–9
 - self-compliance checklist 393
 - trade union membership 385–6
 - wages and social benefits 384–5, 390–91
 - working conditions 384–5, 389
- labour law
 - chaebols* (family businesses), influence of 381–2, 394–5, 397
 - collective action 387
 - complaints procedures 387
 - compliance, judicial action 388–90
 - constitutional law-making powers 381
 - contract workers 387–90
 - CSR 479, 484–5
 - dismissal 381, 387
 - employment status waivers 386
 - enforcement 392–3, 398–400
 - equal treatment 387, 390–91, 398–9
 - extraterritorial obligations 475
 - freedom of association 380
 - gender wage gap 390–91
 - health and safety 386
 - historical influences on 380–81, 394–9
 - human rights action plans 482
 - inspections 392–3, 399
 - international convention obligations 380–81
 - legislative developments 381
 - punitive damages for breach 387
 - reform proposals 399–400
 - regulation, success of 390–93
 - temporary agency worker protections 385–90
 - trade unions 490
 - worker representation 393
- korosh* (death from overwork) 82–3
- labour human rights *see* human rights at work
- labour inspections 220–21, 313, 392–3, 399
- labour law
 - contract law, and 2
 - economics, influences of 111–19, 209
 - employee dignity, and 122–3
 - EU rights provisions 20–23
 - flexibility 209–10
 - collective dismissal protections 213–14
 - comparison methods 210–19, 227–8
 - dismissal notice periods 214–16
 - labour market regulation, negative influences of 217–18
 - minimum wage 218–19
 - severance pay 214–16
 - temporary worker protections 213–14
 - historical development 11–14
 - industrialization, influences of 103–4
 - North-South divide 239–40
 - human rights at work *see* human rights at work

- indices and ranking mechanisms 210–12
- labour rights *see* labour rights
- law of master and servant, as 121
- minimum standards 6–7, 244–6
- private law, and 2–3
- reform, negative impacts of 217–18
- labour market regulation
 - negative influences of 217–18
- labour rights
 - collective agreements, and 324–5
 - constitutional interpretation 9–10
 - contractual relationships, relevance of 315–16, 326
 - definition 315
 - fair trade, and 244–5, 248–9, 408–9
 - intertextuality 316–19
 - labour standards, and 6–8, 10–12
 - equal pay 282
 - human rights approach, benefits of 246
 - international standards 244–6
 - prisoners 244–5
 - market economy, influences of 10–12
 - moral obligations, and 321–2
 - nature of firm, relevance of 321–3
 - waiver and subordination of 2–3, 319–21
 - see also* human rights at work
- labour standards *see* international labour standards
- Lagos del Campo v Perú* (IACtHR) 350, 354–5
- Laval case* (CJEU) 97–9, 207–8, 219
- living wage 123
- López Lone and others v Honduras* (IACtHR) 352
- Lustig-Praen and Beckett v UK* (ECtHR) 330
- Malaysia 476–7, 482–3, 486
- Maldonado Ordóñez v Guatemala* (IACtHR) 353–4
- managerial prerogative 125–6, 153, 157
- marriage-related discrimination 37, 39, 41, 74–5
- Marsland v New Way Motor & Diesel Engineering* (SA) 182
- master and servant, law of 10, 121
- maternity rights *see* pregnancy
- mediation 200–202
- Mexico 334
- migrant workers 140, 346
- minimum age
 - agricultural workers 255–7
 - child labour 270
 - compulsory education, and 255–6, 260
 - convention provisions 253, 258–61
 - hazardous work 260–61
 - limitations 255–6, 260–61
 - national provisions 136–7, 148, 255–6
 - parental control, and 256
 - permitted activities 258–9
 - seafarers 256–7
 - tropical climates, special provisions 255–6
- minimum wage
 - human dignity, and 122–3
 - national provisions 85, 99, 113–15, 136–7, 218–19
 - vs.* living wage 123
 - World Bank indicators 218–19
- MNEs *see* multinational enterprises
- modern slavery
 - Asia Pacific CSR requirements 477–8
 - definition and interpretation 338–9
 - international obligations 138, 291
 - New Zealand 137–40, 138–9, 148
 - sexual slavery 339–40
- Mueller v Oregon* (US) 112–13
- multinational enterprises
 - Asia Pacific, state human rights obligations 466–7
 - due diligence obligations *see* corporate due diligence
 - ILO Declaration on 271, 286, 309, 402, 426
 - OECD Guidelines for 403–5, 426, 472
 - transnational company agreements 453–4
 - workers' rights, judicial interpretation 403–4
- mutuality of obligation 361
- national emergencies 338
- nationalism 232–3, 249–52
- natural law, and human rights
 - labour law, applicability to 120–22
 - self-perfection obligation 123–4
 - unboundedness, conflicts of 123–5
- NEHAWU v University of Cape Town* (SA) 182
- Netherlands 432–3, 462–3
- New Zealand
 - human rights
 - Bill of Right proposal 132–3, 147–8
 - constitutional protections 9, 131–3
 - corporate respect for 138–9, 144–6, 484
 - Crown entities obligations 142–3
 - development 130–31
 - enforcement obligations 139–41
 - extraterritorial jurisdiction 139

- forced labour and modern slavery
 - 137–40, 148
- human trafficking 140–41
- international law obligations 133–5, 148
- labour rights, and 132–5
- legislative conflicts 131–3
- mixed ownership model company
 - obligations 144
- non-discrimination 139
- prisoners' right to vote 132
- public procurement obligations 144–6
- state-owned enterprises obligations 143–5
- UN Guiding Principles, compliance with
 - 138–47
- labour rights
 - child labour 137–8, 148
 - collective bargaining 134–6
 - equal pay 138
 - equal treatment 138
 - forced labour 137, 148
 - freedom of association 134–6
 - generally 132–3
 - international law obligations 134–5
 - minimum wage 136–7
 - modern slavery 138–9
 - non-discrimination 135, 138–9
 - right to strike 136
- Niemitz v Germany* (ECtHR) 329
- night workers 255, 257, 279
- no-fault worker compensation 111
- non-compete clauses 154–6
- non-discrimination *see* discrimination
- non-standard forms of employment *see*
 - atypical work
- NUMSA v Bader Bop* (SA) 172–3
- OECD
 - Employment Protection Indicators 212–16
 - Guidelines for Multinational Enterprise
 - 1976 403–5, 426, 449–50, 472
 - National Contact Points, role of 483–5
 - supervisory role 267–8
- Old Mutual Life Assurance Co SA Ltd v Gumbi* (SA) 177
- Olympic Games 2020 480
- OMC (open method of communication), CSR
 - approach 458–9, 463
- online work *see* gig economy
- overtime 82–3
- part-time work 77, 136
- pay *see* equal pay; minimum wage
- pensions 42–4, 279, 355–6
- platform work *see* gig economy
- Poland 460
- political rights
 - historical development 235–7
 - International Covenant on 245, 266, 284–5
 - women, for 236–7
- post-war development 6–8, 13–14
- posted-workers 97–9
- precarious work *see* atypical work
- pregnancy
 - discrimination 74–5, 80–82, 160
 - domestic workers 45
 - maternity rights
 - atypical workers 360
 - conventions on 7, 278–9, 285, 311
 - unfair dismissal 287
- prisoners 132, 137, 244–5, 339
- privacy *see* right to privacy
- private law 2–3, 5, 8–9
- proportionality
 - managerial prerogative, and 125–6, 153
- Protect, Respect and Remedy Framework
 - (UN) 292–3, 471
- public benefit 110–14, 116–19
- public procurement
 - human rights obligations
 - CSR incentives 478–80
 - national provisions 144–6
 - Olympic Games 2020 480
- public servants
 - collective bargaining 71, 83
 - freedom of expression 328
 - national provisions 30–31, 71, 83
 - right to strike 30–31
- racial discrimination 340–42
- Rantsev v Cyprus and Russia* (ECtHR) 326–7
- Reveron Trujillo v Venezuela* (IACtHR) 351
- right to disassociate 247, 316, 320, 332
- right to education 258
- right to information and consultation 23
- right to privacy
 - biometrics, use of 158
 - email 157
 - employer's justified interest, and 25
 - informed consent 157
 - national provisions 78, 93–4, 149–50, 156–9
 - testing or screening 158
 - workplace privacy 149, 156–9
- right to strike
 - armed forces 331–2, 369

- atypical workers 369
- freedom of association, and 21–2
- national provisions 23–4, 30–31, 66–7, 136, 197
- public servants 31
- right to work 22, 37–47, 165
- rights of the child
 - concept development 258, 268–9
 - Convention on 258, 261, 266–9
 - education 258, 269
 - empowerment, and 270
 - see also* child labour
- Río Negro Massacres v Guatemala* (IACtHR) 344–5
- RMT v UK* (ECtHR) 318–19
- Russia
 - human rights
 - constitutional provisions 220–21
 - international law/development 207
 - labour law
 - collective bargaining 208, 222–3
 - constitutional rights 223–4
 - development 207
 - dismissal 211, 214–16, 224
 - economic vs. social rights conflicts 207–8, 220–27
 - employment contracts 221
 - excessive regulatory control, protection from 220–21
 - flexibility, analysis of 210–16, 227–8
 - human rights focus 227–8
 - judicial interpretation 221–4
 - minimum wage 218–19
 - notice periods 214–16
 - post-Soviet development 208–9
 - right to strike 224–7
 - severance pay 215–16
 - temporary workers 216
 - trade unions 215, 222–4
- SA Maritime Safety Authority v McKenzie* (SA) 177–8
- SACCAWU v Sun International* (SA) 184
- Sanchez v Spain* (ECtHR) 327–8
- SANDU v Minister of Defence* (SA) 175
- Schuitemaker v Netherlands* (ECtHR) 333
- Schiith v Germany* (ECtHR) 322
- seafarers 45–6, 140, 256–7
- self-employment
 - classification 360–61, 363
 - burden of proof 378
 - direction test 373–4
 - EU law, judicial interpretation 373–8
 - false self-employment, and 372–6
 - labour vs. provision of services 378
 - collective rights, and 371–2
 - anti-competition restrictions on 372–8
 - servitude *see* slavery
 - sex discrimination *see* equal treatment
 - sex trafficking 140, 345
 - sexual orientation 159–60, 330
 - sexual slavery 339–40, 345
 - Siebenhaar v Germany* (ECtHR) 321–2
 - Siliadin v France* (ECtHR) 333
 - Sindicatul Pastoral Cel Bun v Romania* (ECtHR) 322–3, 326
 - Singapore 477, 483, 490
 - slavery and servitude
 - abolition 53
 - definition 337–8
 - Inter-American Court of Human Rights
 - decisions 344–5
 - national provisions 53, 70, 111–12
 - prohibition 21, 70, 337–8
 - vs. wage slavery debate 111–12
 - see also* forced labour; modern slavery
 - social justice
 - human rights, compared with 7, 191–2, 314–15
 - ILO Declaration on 247–8, 275, 291
 - social retrogression 58, 60
 - social rights
 - concept development 3, 235
 - economic vs. social rights conflicts 207–8, 220–27
 - fundamental rights, differences from 51–2, 314–15
 - Inter-American Court of Human Rights
 - decisions 355–6
 - International Covenant on 245, 293
 - national provisions 19, 35–6, 48–9, 51–4, 69, 164–5, 207–8, 220–27
 - right to work 35–6, 48–9
- Sorensen and Rasmussen v Danmark* (ECtHR) 320–21
- South Africa
 - constitutional law
 - horizontal principle, and 186–7
 - human rights protections 10–11, 170–73, 177–9, 241
 - judicial interpretation 171–3, 175
 - human rights
 - business conflicts with 185–6
 - corporate social responsibilities 186–8
 - implementation and enforcement 172–3, 185–8

- labour rights, recognition as 170–71
- social justice, and 171, 177–8, 189
- labour law
 - age discrimination 181
 - balancing rights and conflicts 174–5, 182–3
 - Bill of Rights, role of 171–4, 183, 187–9
 - business objective conflicts 186–8
 - collective bargaining 173, 183–5
 - development 170
 - disability discrimination 180
 - employees, definition 176–7
 - freedom of association 173–4, 183–5
 - hierarchy of 175
 - HIV/AIDS, discrimination on grounds of 180–81
 - human rights, recognition as 170–74
 - judicial interpretation, scope for 172–3, 175
 - non-discrimination 178–82
 - right to strike 172, 183–5
 - termination of employment 177–8
 - trade unions, historical development 240–41
 - transfer of undertakings 182–3
 - unfair dismissal 177–8, 181–2
- South African Airways (Pty) Ltd v GJJVV (SA)* 181
- South African Transport and Allied Workers Union v Garva (SA)* 185
- Standard Bank of South Africa v CCMA (SA)* 180
- state extraterritorial regulation 139, 467–8, 473–6, 490–91
- Stenkamp v Edcon (SA)* 178
- Stratford v Investec Bank (SA)* 176–7
- subcontractors 382–4
- subordination of rights 319–21
- supranational organizations *see* ILO; United Nations
- Supreme Court of Justice v Ecuador (IACtHR)* 351–2
- sustainable development 262–3
- Sweden
 - constitution
 - collective action and sympathy action 87–9, 97–9, 207–8
 - freedom of expression 87, 94
 - fundamental rights 87–9
 - horizontal direct effect 89, 94–7
 - labour rights 88–9
 - peace obligation provisions 88–9
 - structure of 87
- labour law
 - collective action 87–9, 97–9, 207–8
 - collective bargaining 84–6, 97–9, 207–8, 219
 - development and trends 85–6, 100
 - equal treatment 85
 - EU law relationship with 89–99
 - freedom of association 87–8, 91, 93–4, 98–9
 - human rights treaties, and 90–91
 - Labour Court, role of 86, 93–4
 - minimum wage 85, 99
 - non-discrimination 85, 88, 95–6
 - posted-workers 97–9
 - privacy in employment 93–4
 - regulation 84–6
 - social and economic rights 92
 - social security regime, and 86
 - trade unions 84–6
 - whistleblowing 94
- Switzerland 434–5
- sympathy action *see* collective action
- Szima v Hungary (ECtHR)* 328
- teenage workers 136
- temporary agency workers
 - Korea 385–90
 - protections, comparison 213–14, 216
- Thompson v The Renwick Group (UK)* 428–9
- torture, prohibition of 341–2
- trade unions
 - atypical workers, and 372
 - execution/disappearance of trade unionists 343–4
 - indirect employment, and 385–6
 - legal entities, rights as 349–50
 - national provisions 53, 63, 84–6, 215, 222–4, 240–41, 251, 385–6, 490
 - right to disassociate 247, 316, 320, 332
- Trans-Pacific Partnership 146–7, 418
- transfer of undertakings 96, 182–3
- transnational company agreements 453–4
- transnational labour law
 - corporate liability 476
 - extraterritorial regulation 139, 467–8, 473–6, 490–91
 - state human rights obligations 466–7
- Transport and Allied Workers Union of South Africa v Putco (SA)* 184
- Treaty of Versailles 1919 7, 12–13, 254, 298, 334
- trial/probationary periods 44–5
- Tyrer v UK (ECtHR)* 316–17

- Uber* case (CJEU) 374–5
- unemployment 257–8
- unfair dismissal
 - atypical workers 360
 - EU provisions 22
 - freedom of religion, and 321–2, 324, 328–9
 - national provisions 28–9, 177–8, 181–2
 - pregnancy, and 287
- unhealthy working practices
 - child labour, and 255
 - women, and 278–9
- UNICEF 261–2, 267
- unicity rule 62–3, 67
- United Kingdom 461–2
 - Brexit 250–52
 - corporate liability
 - CSR 461–2
 - due diligence and disclosure 431–2, 461–2
 - equal pay 236–7
 - human rights law
 - constitutional rights, and 233
 - implementation 233, 237
 - modern slavery 461–2
 - immigration policies 237, 250
 - nationalism 250
 - trade unions 251
 - zero-hour contracts 361
- United Nations
 - Charter 1945 300
 - Global Compact 3, 144, 271, 291, 402–3, 413–15, 450–51
 - Guiding Principles on Business and Human Rights 3, 14, 141, 402–3, 471–2
 - background to 415–17
 - child labour 271–2
 - corporate respect obligations 138–9, 415–17
 - due diligence 3, 142–4, 422
 - duty to protect 271–2
 - enforcement obligations 139–41
 - gender equality 286–7, 292–3
 - New Zealand 138–47
 - procurement obligations 144–6
 - reporting obligations 141–2
 - human rights policies, generally
 - development, ILO role in 300–302, 306–7
 - Working Group 307
 - Protect, Respect and Remedy Framework 292–3, 471
 - Universal Declaration of Human Rights
 - 1948 6, 119–20, 122, 280, 283, 286–7, 300–301, 334–5
 - United States
 - constitutional rights protections 8–9, 105
 - corporate liability 431–2
 - human rights
 - captive audition 128–9
 - due diligence and disclosure 431–2
 - legal protections 102
 - State action doctrine 151
 - travel bans, and 251–2
 - vs. fairness 114–15
 - labour law
 - atypical work 362
 - child labour 107, 111–12
 - citizenship, and 105–7
 - class struggle, and 108–10
 - collective bargaining, and 108–9, 113, 124, 377
 - development stages 104
 - disability discrimination, and 114
 - economic basis for 111–16
 - economic rights, and 105–6
 - equal pay 107
 - equal treatment 107, 112–14
 - freedom of association 106–7, 124
 - freedom of contract, and 103–4, 106, 110–11, 116
 - historical development 102–4
 - humanitarianism, and 107–8, 113–14
 - industrialization, and 102–4
 - minimum wage 113–15
 - no-fault worker compensation 111
 - non-discrimination 107, 114, 367
 - public benefit, and 110–14
 - self-employment exclusions 367, 377
 - slavery vs. wage slavery debate 111–12
 - Universal Declaration of Human Rights 1948
 - 6, 119–20, 122, 280, 283, 286–7, 300–301, 334–5
 - universalization principle 335
 - University of Cambridge Centre for Business Research 211
 - value for money, and human rights 146–7
 - Vargas Areco v Paraguay* (IACtHR) 347
 - Venel v Areva* (Fr) 429
 - Veniamin Tymoshenko v Ukraine* (ECtHR) 325
 - vertical governance, EU CSR policies 464
 - Viking Line* case 207

- wages *see* equal pay; minimum wage
- waiver of rights 2–3, 319–21
- war crimes 339–40
- whistleblowing 30, 94, 161, 327
- women
 - domestic workers 45
 - equal pay 2–3, 8, 138, 236–7, 274, 281–2
 - equal treatment 274, 282–4
 - family life, and
 - equal treatment 284–5, 287
 - labour law conflicts 82–3
 - right to work 41, 43–4
 - freedom of association 236–7, 248
 - labour rights
 - development 275–85
 - hazardous work 279
 - labour standards 277–9, 282, 288
 - protection *vs.* equality policies 275–85
 - married women 41, 279
 - night workers 279
 - political rights 236–7
 - pregnancy and maternity
 - conventions on 7, 278–9, 285, 311
 - discrimination 75, 80–82, 160
 - domestic workers 45
 - national provisions 75, 80–82, 160
 - unfair dismissal 287
 - right to work 41, 43–5
 - underground workers 279
- workers' rights *see* human rights at work; labour rights
- working conditions *see* fair and just working conditions, right to
- working hours 75, 82–3
- workplace privacy *see* right to privacy
- World Bank
 - Doing Business Indicators 211, 216–19
 - fair labour standards, and 248–9, 408–9
- World Summit on Social Development 1995 305–6
- World Trade Organization (WTO)
 - fair labour standards, and 244–5, 248–9, 306
- Young James and Webster v UK* (ECtHR) 320
- zero-hour contracts 361

