

## 2013 Labour Relations N5 November Paper

"If anyone can save capitalism from the capitalists, it's Steven Pearlstein. This lucid, brilliant book refuses to abandon capitalism to those who believe morality and justice irrelevant to an economic system." —Ezra Klein, founder and editor-at-large, Vox Pulitzer Prize-winning economics journalist Steven Pearlstein argues that our thirty year experiment in unfettered markets has undermined core values required to make capitalism and democracy work. With a New Introduction by the Author Thirty years ago, "greed is good" and "maximizing shareholder value" became the new mantras woven into the fabric of our business culture, economy, and politics. Although, around the world, free market capitalism has lifted more than a billion people from poverty, in the United States most of the benefits of economic growth have been captured by the richest 10%, along with providing justification for squeezing workers, cheating customers, avoiding taxes, and leaving communities in the lurch. As a result, Americans are losing faith that a free market economy is the best system. In Moral Capitalism, Pulitzer Prize-winning journalist Steven Pearlstein chronicles our descent and challenges the theories being taught in business schools and exercised in boardrooms around the country. We're missing a key tenet of Adam Smith's wealth of nations: without trust and social capital, democratic capitalism cannot survive. Further, equality of incomes and opportunity need not come at the expense of economic growth. Pearlstein lays out bold steps we can take as a country: a guaranteed minimum income paired with universal national service, tax incentives for companies to share profits with workers, ending class segregation in public education, and restoring competition to markets. He provides a path forward that will create the shared prosperity that will sustain capitalism over the long term. Previously published as Can American Capitalism Survive?

This book contributes to a critical reflection of current legislative and jurisprudential developments in Non-Discrimination Law, focusing on the European Union. The book is focused on intersectionality between gender, race and disability and the question of whether, and to what extent, this intersection can be adequately addressed in (EU) law. The discussion rests on two basic assumptions. First, the multiplication of 'discrimination grounds' in EU law and other legal regimes should not result in a dilution of the demands of equality law. Accordingly, the book focuses on the three key grounds - race, gender and disability. These constitute nodes around which other discrimination grounds can be grouped. Second, any multi-ground non-discrimination law framework needs to engage with the question of discrimination on several grounds. This book provides a critical evaluation of some of the problems presented by such intersectionality and an opportunity to explore the issues in depth. This collection offers some new proposals relating to the regrouping of identity categories and to the general approach to socio-legal research in the field. It also contains a comparative section, which expands on practical experiences with intersectionality and law, and a section dedicated to juridical responses to intersectionality. The book will be a valuable resource for researchers, academics and those working in the area of EU non-discrimination law and policy.

The Austrian economic school famously predicted and explained the problems of calculation in a socialist society. With their concept of spontaneous order, they challenged mainstream economists to look beyond simplified static models and consider the dynamic and evolutionary characteristics of social orders. However, many feel that Austrians took their victory too far and became ideologically devoted to laissez-faire. Austrian Theory and Economic Organization is a collection of essays on problems and possibilities in economic organization, written by economists and political scientists with an interest in the dynamic and evolutionary nature of market economies. Each chapter explores areas of potential agreement between Austrian theory, market socialist economics, and other heterodox schools of economic and political science. The collection aims to bridge cultural and political divisions between free market advocates who stress individual rights and left-leaning thinkers who stress social justice and a culture of solidarity.

The concept of 'employee' is arguably the most important one in labour law, defining, as it does, the scope of the discipline as a whole. This important new publication aims to develop a restatement of the concept of the employee in European labour law. The study identifies both problems and solutions that have emerged, clearly setting out comparisons between the different member states' approaches. The country reports explore both statutes and case law, tracking their contribution to legal doctrine. The objective of the restatement is to increase knowledge and gain a better understanding of one of the most crucial aspects of European labour law. Assistant Editors: - Marta Otto - Effrosyni Bakirtzi

The Rise and Decline of Fundamental Rights in EU Citizenship Bloomsbury Publishing

This book focuses on Boko Haram and terrorism in Nigeria, framing the conflict in an international law context. It analyses the nature of political violence and the dominant roles of a violent nation-state (in both colonial and post-colonial experiences) and the rise of terrorism in Nigeria. The book unearths embedded evidence of religious nepotism on the part of state officials using such state institutions as Islamic Preaching Boards to promote one Islamic sect over another in mainly Muslim Northern Nigeria. The book offers insights into this subtle sectarian divide and how this and other 'subterranean' elements have contributed to the rise of Boko Haram in Northern Nigeria beyond the dominant poverty-terrorism nexus narrative. Furthermore, the book analyses the various components of Boko Haram's radical ideology, situates them in Islamic Jurisprudence, and examines the philosophy of the group (both in doctrine and practice) – their interpretation of the Koran and the waging of Jihad, and the extent to which they conform to the Islamic Sect Boko Haram claims to follow. The book then examines the basic doctrinal features and characteristics of Boko Haram – waging Jihad, prohibiting revealing dresses for women and mixing of genders, rejecting western values and institutions, denouncing scientific inquiry and democracy, hostage taking, sexual exploitation of captives and other aspects of jus ad bellum and jus in bello in Islamic jurisprudence and international law. Finally, the book analyses the plight of vulnerable groups such as internally displaced persons, the atrocities committed against women and girls in the Boko Haram insurgency and the (in)ability of international law to enforce the protections offered to the victims. From the perspective of critical intellectual inquiry, the book also challenges a number of fundamental assumptions and encourages us to revisit our legal characterisation of certain concepts such as "gender-based crimes". It then goes further to analyse some legal grey areas in the Boko Haram insurgency such as the legal status of the Civilian Joint Task Force (CJTF) and the legal framework for holding members accountable for violations of international human rights and humanitarian law. Overall, the book represents

a valuable contribution to scholarship, deepens our understanding and delineates how international law could respond to the Boko Haram insurgency in Nigeria in particular and terrorism in Africa in general.

This book is based upon the papers written by a group of leading international scholars on the 'constitution of social democracy', delivered at a conference to celebrate Professor Keith Ewing's scholarly legacy in labour law, constitutional law, human rights and the law of democracy. The chapters explore the development of social democracy and democratic socialism in theory and political practice from a variety of comparative, legal, and disciplinary perspectives. These developments have occurred against a backdrop of fragmenting 'traditional' political parties, declining collective bargaining, concerns about 'juristocracy' and the displacement of popular sovereignty, the emergence of populist political movements, austerity, and fundamental questions about the future of the European project. With this context in mind, this collection considers whether legal norms can and should contribute to the constitution of social democracy. It could not be more timely in addressing these fundamental constitutional questions at the intersection of law, democracy, and political economy.

The continuum of exploitation that has historically defined the everyday of domestic work - exclusion from employment and social security standards and precarious migration status – has frequently been neglected. It is primarily the moments of crisis, incidents of human trafficking, slavery or forced labour, that have captured the attention of human rights law. Only recently has human rights law begun to address the structured inequalities and exclusions that define the domain of domestic work. This book addresses the specific position of domestic workers in the context of evolving human rights norms. Drawing upon a broad range of case studies, this book presents a thorough examination of key issues such as the commodification of care, the impact of the jurisprudence of the Court of Justice of the European Union and the European Court of Human Rights on 'primary care providers', as well as the effect that trends in migration law have on migrant domestic workers. This volume will be of interest to lawyers, academics and policy makers in the fields of human rights, migration, and gender studies.

Nation states have long and successfully claimed to be the proper and sovereign forum for determining a country's international economic policies. Increasingly, however, supranational and non-governmental actors are moving to the front of the stage. New forms of multilateral and global policy-making have emerged, including states and national administrations, key international organizations, international conferences, multinational enterprises, and a wide range of transnational pressure groups and NGOs that all claim their share in exercising power and influence on international and domestic policy-making. In honour of Professor Mitsuo Matsushita's intellectual contributions to the field of international economic law, this volume reflects on the current state and the future of international economic law. The book addresses a broad spectrum of themes in contemporary international economic regulations and focuses specifically on the significant areas of Professor Matsushita's scholarship, including the rise of the soft-law mechanism in international economic regulation, the role of the WTO and dispute settlement, and specific areas such as competition, subsidies, anti-dumping, intellectual property, and natural resources. Part one of the volume provides a comprehensive and critical analysis of the rule-based international dispute settlement mechanisms; Part two investigates the normative influences to and from WTO law; and Part three focuses on policy and law-making issues.

Across the world states are seeking out new and secure supplies of energy but this search is manifesting itself most visibly in Asia where rapid industrialisation in states such as China and India is fomenting a frantic scramble for energy resources. Due to entrenched societal inequities and widespread authoritarian governance, however, the pursuit of national energy security through transnational energy projects has resulted in devastating impacts on the human and environmental security of local populations. These effects are particularly evident in both Thailand and Myanmar (Burma), which, located at the crossroads of Asia, are increasingly engaged in the cross-border energy trade. Based on extensive fieldwork and theoretical analysis this ground-breaking book proposes a new critical approach to energy and environmental security and explores the important role that both local and transnational environmental movements are playing, in the absence of effective and democratic governments, in providing 'activist environmental governance' for energy projects throughout the region. By comparing the nature of this activism under two very different political regimes it delivers crucial theoretical insights with both academic and policy implications for the sustainable and equitable development of the South's natural resources.

Successive UK governments have pursued ambitious programmes of private sector competition in public services that they promise will deliver cheaper, higher quality services, but not at the expense of public sector workers. The public procurement rules (most significantly Directive 2004/18/EC) often provide the legal framework within which the Government must deliver on its promises. This book goes behind the operation of these rules and explores their interaction with the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE); regulations that were intended to offer workers protection when their employer is restructuring his business. The practical effectiveness of both sources of regulation is critiqued from a social protection perspective by reference to empirical findings from a case study of the competitive tendering exercise for management of HMP Birmingham that was held by the National Offender Management Service (NOMS) between 2009 and 2011. Overall, the book challenges the Government's portrayal of competition policies as self-evident sources of improvement for public services. It highlights the damage that can be caused by competitive processes to social capital and the organisational, cultural and employment strengths of public services. Its main conclusions are that prison privatisation processes are driven by procedure rather than aims and outcomes and that the complexity of the public procurement rules, coupled with inadequate commissioning expertise and organisational planning, can result in the production of contracts that lack aspiration and are insufficiently focused upon improvement or social sustainability. In sum, the book casts doubt upon the desirability and suitability of using competition as a policy mechanism to improve public services.

This book argues that there is an inherent relationship between EU fundamental rights and EU citizenship: they both have the same objective of guaranteeing protection for the individual. This

is underpinned by the development of case law in the field by the Court of Justice of the EU (CJEU). Here, however, the author proposes that that relationship has weakened in recent years as the CJEU has entered increasingly sensitive territory in regard to the protection of citizenship rights and fundamental rights. Writing in the post UK–EU referendum environment, the author argues that this decline is attributable to increasing Euroscepticism, which has worsened since the Eurozone crisis and even more so in light of Brexit, and arguments made that leaving the EU would reduce immigration. This argument is particularly important to note given the rising fears of immigration that underlie much of the dissatisfaction with the EU project: a feeling prevalent not only in the UK. The chapters look at the rights of migrant EU citizens in Member States other than their own, and the guarantees that exist as a matter of protecting their fundamental human rights, which are present alongside rights enjoyed as part of being an EU citizen.

In an era of climate change, the need to manage our water resources effectively for future generations has become an increasingly significant challenge. Indigenous management practices have been successfully used to manage inland water systems around the world for thousands of years, and Indigenous people have been calling for a greater role in the management of water resources. As First Peoples and as holders of important knowledge of sustainable water management practices, they regard themselves as custodians and rights holders, deserving of a meaningful role in decision-making. This book argues that a key (albeit not the only) means of ensuring appropriate participation in decision-making about water management is for such participation to be legislatively mandated. To this end, the book draws on case studies in Australia and New Zealand in order to elaborate the legislative tools necessary to ensure Indigenous participation, consultation and representation in the water management landscape.

Vols. for 1975- include publications cataloged by the Research Libraries of the New York Public Library with additional entries from the Library of Congress MARC tapes.

The Charter of Fundamental Rights of the European Union enshrines the key political, social and economic rights of EU citizens and residents in EU law. In its present form it was approved in 2000 by the European Parliament, the Council of Ministers and the European Commission. However its legal status remained uncertain until the entry into force of the Treaty of Lisbon in December 2009. The Charter obliges the EU to act and legislate consistently with the Charter, and enables the EU's courts to strike down EU legislation which contravenes it. The Charter applies to EU Member States when they are implementing EU law but does not extend the competences of the EU beyond the competences given to it in the treaties. This Commentary on the Charter, the first in English, written by experts from several EU Member States, provides an authoritative but succinct statement of how the Charter impacts upon EU, domestic and international law. Following the conventional article-by-article approach, each commentator offers an expert view of how each article is either already being interpreted in the courts, or is likely to be interpreted. Each commentary is referenced to the case law and is augmented with extensive references to further reading. Six cross-cutting introductory chapters explain the Charter's institutional anchorage, its relationship to the Fundamental Rights Agency, its interaction with other parts of international human rights law, the enforcement mechanisms, extraterritorial scope, and the all-important 'Explanations'.

A recent development in the immigration policies of several European states is to make the admission of foreign nationals dependent upon criteria relating to their integration. As the practice of 'integration testing abroad' becomes more widespread, this book endeavours to clarify the legal implications which have hitherto remained poorly understood and studied. The book begins by looking at the situation in the Netherlands, which was the first EU Member State to introduce pre-entry integration requirements. It explores the historical and political origins of the Dutch Act on Integration Abroad and explains how, in this national context, integration has become a criterion for the selection of immigrants. It then examines how integration requirements must be evaluated from the point of view of European and international law, including human rights treaties, EU migration directives and association agreements and the law on non-discrimination. The book identifies the legal standards set by these instruments with regard to integration testing abroad and draws conclusions as to the lawfulness of the Dutch approach.

Includes section "Book reviews."

This collection addresses the potential of the European Social Charter to promote and safeguard social rights in Europe. Drawing on the expertise of the ETUI Transnational Trade Union Rights expert network from across Europe, it provides a comprehensive commentary on these fundamental rights. Taking a two part approach, it offers an in-depth legal analysis of the European Social Charter as a new social constitution for Europe, investigating first the potential of the general legal frame in which the Charter is embedded. In the second phase a series of social rights which are related to the employment relation are examined in particular in light of the jurisprudence of the European Committee of Social Rights (ECSR), to demonstrate the crucial but difficult role of the Charter's supervisory bodies to secure the respect and promotion of social rights and national level, bearing in mind the reciprocal influence of other international social rights instruments. This examination is timely, given the pressure exerted on those rights during the recent period of economic crisis. Furthermore, in the light of the predominantly economic vision of Europe, such analysis is crucial. The collection is aimed at stimulating academic scrutiny and raising awareness amongst practitioners and trade unions about this important and equally necessary anchor of the social dimension of Europe in legal and political practice.

Monuments as Cultural and Critical Objects explores monuments as political, psychical, social and mystical objects. Incorporating autoethnography, psychoanalysis, deconstruction, postcolonialism, and queer ecology, Houlton argues for a radical, interdisciplinary approach to our monument culture. Tracing historical developments in monuments alongside contemporary movements such as Rhodes Must Fall and Black Lives Matter, Houlton provides an in-depth critique of monument sites, as well as new critical and conceptual methodologies for thinking across the field. Alongside analysis of monuments to the Holocaust, colonial figures, and LGBTQIA+ subjects, this book provides new critical engagements with the work of D.W. Winnicott, Marion Milner, Jacques Derrida, Edward Said, Eve Sedgwick, and others. Houlton traces the potential for

monuments to exert great influence over our sense of self, nation, community, sexuality, and place in the world. Exploring the psychic and physical spaces these objects occupy—their aesthetics, affects, politics, and powers—this book considers how monuments can challenge our identities, beliefs, and our very notions of remembrance. The interdisciplinary nature of *Monuments as Cultural and Critical Objects* means that it is ideally placed to intervene across several critical fields, particularly museum and heritage studies. It will also prove invaluable to those engaged in the study of monuments, psychoanalytic object relations, decolonization, queer ecology, radical death studies, and affect theory.

*Law and Gender in Modern Ireland: Critique and Reform* is the first generalist text to tackle the intersection of law and gender in this jurisdiction for over two decades. As such, it could hardly have come at a more opportune moment. The topic of law and gender, perhaps more so than at any other time in Irish history, has assumed a dominant place in political and academic debate. Among scholars and policy-makers alike, the regulation of gendered bodies, and the legal status of sexual and gendered identities, is now a highly visible fault line in public discourse. Debates over reproductive justice (exemplified by the recent referendum to remove the '8th Amendment'), increased rights for lesbian, gay, bisexual and transgender persons (including the public-sanctioned introduction of same-sex marriage) and the historic mistreatment of women and young girls have re-shaped Irish public and political life, and encouraged Irish society to re-examine long-unchallenged gender norms. While many traditional flashpoints remain such as abortion and prostitution/sex work, there are also new questions, including surrogacy and the gendered experience of asylum frameworks, which have emerged. As policy-makers seek to enact reforms, they face a population with increasingly polarised perceptions of gender and a legal structure ill-equipped for modern realities. This edited volume directly addresses modern Irish debates on law and gender. Providing an overview of the existing rules and standards, as well as exploring possible options for reform, the collection stands as an important statement on the law in this jurisdiction, and as an invaluable resource for pursuing gendered social change. While the edited collection applies a doctrinal methodology to explain current statutes, case law and administrative practices, the contributors also invoke critical gender, queer and race perspectives to identify and problematise existing (and potential) challenges. This edited collection is essential reading for all who are interested in law, gender and processes of social change in modern Ireland.

A directory of associations, intergovernmental bodies, religious groups, and other international organizations.

Filling a gap in the understanding of private law, this book identifies the ways in which private law is deeply affected by insurance, and provides a structured exploration and interpretation of the ways in which insurance influences private law. It aims to change existing opinions about the limited theoretical importance of insurance, and to equip lawyers in general with the understanding of insurance contracts that they need in order to appreciate the public and private role of insurance more fully.

The current economic and financial crisis erupted several years ago. Its effects impacted deeply upon society, in which legal rules and social patterns have developed to enable the establishment of civilisation, justice and peace. Over time it has become more and more obvious that policy, financial and economic actors have adopted austerity measures as a main tool to solve the ensuing problems, and that these measures have hit social policy standards sometimes dramatically. Recent analyses have dealt with several aspects of this issue. This book focuses on one important element: the impact on collective labour law. It seeks to add to the debate by presenting mainly legal arguments derived from different sources and backgrounds, examining the EU and 'Troika' measures, the economic and political background and the sometimes dramatic consequences of austerity measures on democracy, collective bargaining and the right to strike. Against the framework of EU law, the relevant ILO Conventions, (Revised) European Social Charter and European Convention on Human Rights provisions, the non-compliance of these measures is analysed and demonstrated. The book is also dedicated to procedural questions, and in particular, how legal approaches may be used to challenge austerity measures.

*Solar Energy Index* is an index of resources dealing with solar energy, including archival materials from the International Solar Energy Society collection; references to articles in major solar journals; patents and pamphlets; National Technical Information Service reports; unbound conference proceedings; and other assorted reports. Both theoretical and "how-to-do-it" publications are well represented. This book places particular emphasis on terrestrial solar thermal and photovoltaic applications of solar energy. Subjects are classified according to physics, terrestrial wind, collectors, space heating and cooling, economics, materials, distillation, thermal-electric power systems, photoelectricity, solar furnaces, cooking, biological applications, water heaters, photochemistry, energy storage, mechanical devices, evaporation, sea power, space flight applications, and industrial applications. Topics covered range from wind energy and bioconversion to ocean thermal energy conversion, heliohydroelectric power plants, solar cells, turbine generation systems, thermionic converters, batteries and fuel cells, and pumps and engines. This monograph will be of interest to government officials and policymakers concerned with solar energy.

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