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INTERNATIONAL
COMPARATIVE
EMPLOYMENT LAW



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Cases and Materials

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To Lina and our 29 children and grandchildren
— Roger Blanpain

*To Charles, Skylar, and Ezra, my parents, Bob
and Marilyn, and my mother-in-law, Jean*
— Susan Bisom-Rapp

To Monica, Brock, and my parents, Bill and Sara
— William R. Corbett

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and Bernice Kromelow*
— Hilary K. Josephs

To Margaret, Michael, and Lanier
— Michael J. Zimmer

PREFACE

With the forces of globalization, especially economic globalization, as a backdrop, this casebook develops labor and employment law from both international and comparative perspectives. While labor and employment law has generally been conceptualized as the paradigmatic example of national law, the International Labour Organization, the labor side accord to NAFTA and labor rights provisions in other free trade agreements, and European Union law as well as other sources of international or regional law do influence the general development of national laws. The nine countries surveyed — the United States, Canada, Mexico, the United Kingdom, Germany, France, China, Japan, and India — are all major players in the global economy.

There are important similarities as well as substantial differences in the labor and employment laws of these countries that are the basis for good comparisons as well as policy discussions about what labor and employment laws are supposed to do and how well these different laws achieve their objectives. While it is not possible to develop anything like a complete exposition of the labor and employment laws across such a wide spectrum of jurisdictions, this casebook puts major emphasis on the laws dealing with individual employment relations, labor standards, unions and collective bargaining, discrimination, privacy, and, finally, the systems by which labor disputes are resolved. Since law on the books may deviate from law in action, we situate these materials in their historical and political context. How national laws and practice measure up against international standards is also considered.

The internationalization of business and the challenges of the global economy make a course on international and comparative employment law timely and useful. This casebook aims to expand the horizons and build the confidence of students so that as professionals they can readily adapt to and generally understand other legal systems when and if their lives in practice bring them into contact with employment law outside their home country. Future policymakers, those representing employers, and those advocating on behalf of employees can all benefit from exposure to this subject.

All of the authors have taught from these materials, and we have used them in different styles from traditional podium courses or seminars during the regular school year, including at law schools outside the United States, to courses in summer study abroad programs that focus on the labor and employment laws of a particular country or countries. The book is organized so that it can be used in a variety of ways. None of us teaches the whole book in one course. Instead, we each pick the materials that best serve our objectives for the particular format for which it is being used.

The Teacher's Manual that accompanies the casebook includes additional background materials to deepen users' knowledge of the various countries, answers to discussion questions posed by notes in the text, and syllabi reflecting different course formats for various uses of it. The Manual is keyed to the pages in the text so it is easily accessible. Further, a website is available to adopters, that includes PowerPoint slides, problems that can be used in class, exams that we have given, and frequent updates.

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January 2012

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The materials are current as of October 2011. The learning process for us, as well as our readers, extends into the future.

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