COMPARATIVE LABOR LAW—BRIDGING THE PAST AND THE FUTURE

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In October, 2005, a group of labor law scholars from eight countries gathered at the University of California, Los Angeles (UCLA) for a conference on "Comparative Labor Law: Bridging the Past and the Future." The purpose of the meeting was to consider what comparative labor law meant in the past and what it might mean in the future. The meeting was notable because it included several members of a similar group that initially gathered at UCLA in 1966 and embarked on a twelve year collaborative in-depth study of labor law from a comparative perspective. That group, the Comparative Labor Law Group was comprised of prominent labor law scholars from six countries—Britain, Sweden, France, Germany, Italy, and the United States. It ultimately produced three books and, perhaps more significantly, facilitated an international dialogue about labor regulation that has persisted until today. The group that met at UCLA in 2005 included two members of the original group and several scholars who were colleagues and students of the original group members, making it a genuine cross-generational exchange about the past and present of comparative labor law. The discussions were divided into four sessions, reflecting both historical and topical themes in comparative labor law. Beginning with an evaluation and assessment of the earlier comparative labor law project, the scholars then considered issues that are informed by a comparative treatment today—issues of convergence and divergence of labor regulatory systems, of comparative responses to globalization, and of future directions for research. The papers that were presented are collected here in order to share the ideas exchanged and invite further reflection on the goals, purposes, possibilities, and pitfalls of comparative work in the labor law field.

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I. OVERVIEW OF THE SYMPOSIUM

A. A Look Backward: Reflections and Assessments of the Comparative Labor Law Project

The first section of the Symposium consists of three papers. The first, by Benjamin Aaron, is a history of the Comparative Labor Law Group (Group) from its inception, in 1966, to its dissolution, in 1978. The author explains the origin of the Group, and the choice of the five other members and the reasons therefore. He describes the Group's evolving research procedures, the numerous problems encountered in preparing its four principal publications, and the reasons for its termination in 1978.

Although chiefly descriptive in nature, the paper also includes the author's evaluation of the Group's overall performance, as well as the factors contributing to its dissolution. Finally the author offers his personal views on the importance of comparative labor law and its contributions to the fields of domestic labor law and industrial relations.

The second paper, by Xavier Blanc-Jouvan, covers some of the same matters dealt with in the first paper. The author not only describes in detail the various research procedures adopted by the Group, but also analyzes their shortcomings.

In his paper, Blanc-Jouvan points to "one real problem" in comparative labor law research, as well as to a "number of non-issues, which are the subject of theoretical discussions, but have never raised any practical difficulty in the course of [the Group's] work."[1] The real problem, he asserts, is the "absence of an elementary training in comparative labor law at the university level and the insufficiency of a basic literature in the field."[2] In this regard, he urges the use of the growing numbers of good general introductions to the main systems of labor relations that did not exist when the Group was doing its work forty years ago. There is still room, he suggests, "for other books, maybe less comprehensive and even less informative, but, in a way, more pedagogical, [in that] they would overlook a number of details to put more emphasis on the most important points, the fundamentals and peculiarities of each system, and . . . would try to give more

1. Xavier Blanc-Jouvan, *Lessons from an Experiment in Comparative Labor Law (Reflections on the Comparative Labor Law Group)*, 28 COMP. LAB. L. & POL'Y J. 407, 415 (2007).

2. *Id.*

explanations, with the constant preoccupation of putting the law in context."[3]

In the category of "non-issues," the author includes the unwarranted concerns about avoiding "the trap of formalism." He points out that "[e]ven lawyers know that a legal approach is not necessarily a formal one." In this connection, he observes, following the precept of Otto Kahn-Freund, that law "must also be seen in its non-legal environment and that a comparative study should not neglect the historical, ideological, sociological, political and economic aspects of the matter."

Another debate that the author considers a "non-issue" concerns arguments over whether the approach adapted in a comparison of legal systems or institutions should be conceptual or functional. There is no necessary coincidence, he argues, between concepts and function: "the same concept may serve different functions . . . while the same function may be fulfilled by different institutions . . . ."[4] The two approaches, he feels, are less contradictory than complementary.

The third non-issue mentioned by Blanc-Jouvan is whether research in comparative law must be purely "scientific" or be "policy-oriented." He takes for granted that comparative labor law must be unbiased and objective, so that it stresses equally divergences and convergences that may exist between the various legal systems. He warns that there is a "tendency to put more emphasis on the differences between the various systems when you consider the feasibility of institutions or transplantations while giving more importance to the similarities when you are primarily concerned with the possibility of a rapprochement at the supra-national (and especially European) level."[5] He deplores the cleavage between supporters of a "contrastive" approach and those who advocate an "integrative" approach. He urges that both should be pursued simultaneously and that they should not be considered as alternatives. The author concludes, in respect of the methodology of research, that there is no unique method in comparative labor law; rather, there are many, which may lead to very different results depending on the way they are effectively employed.

In the final paper in this group, Professor Alvin L. Goldman and Amy Beckman Osborne consider some of the comparative observations and predictions made in the books published by the

3. *Id.* at 416.
4. *Id.* 418.
5. *Id.* 419.

Comparative Labor Law Group "to see how well they continue to reflect, after more than three decades, the state of labor and unemployment law in the six countries and what continued guidance they offer regarding comparative analysis of the patterns of variation."[6] They concentrate on some of the information and discussion found in the Group's book on industrial conflict.

The topics the authors discuss in considerable detail include the peace obligation, the propensity to strike and the right to strike itself, and the definition and incidence of so-called political strikes. They set forth various theories advanced by the six authors and other authorities as to why differences in the treatment of these and other issues exist among the six countries, and pose the question whether the explanation may be found in cultural differences among these nations, including whether people within a society assess their interest primarily from their individual perspectives or from the perspective of the community with which they identify. But the authors find a lack of correlation between the relative communal/individualization culture orientation and a national labor law system's acceptance or rejection of, for example, a mandatory peace obligation as a means of supporting the stability of relations under collective bargaining agreements.

The authors support Aaron's statement in Industrial Conflict that "the propensity to strike is a fluctuating phenomenon for which we do not have any really reliable explanation," saying it is an observation as true today as it was thirty years ago.[7] They are doubtful, however, about the accuracy of Aaron's accompanying statement that it is more likely than not that strikes, lockouts, and related forms of industrial action will continue to undergo changes to ensure survival and continue to be used as a force for adjusting wages, hours, and working conditions. To the contrary, they cite data indicating a downward trend of work stoppages in all six countries.

In respect of the frequently expressed view that various national approaches to labor problems are not transferable, the authors support the position taken by Roger Blanpain that in some instances a country may adopt solutions that have proven successful in other countries, and that there is no reason against introducing rules that will not be rejected, but interpreted. The authors are critical of the reluctance of American courts, to incorporate foreign legal doctrines

6. Alvin L. Goldman & Amy Beckman Osborne, *Comparative Analysis of Labor Law—Learning from the Work Products of a Model Collaborative Design*, 28 COMP. LAB. L. & POL'Y J. 423, 426 (2007).

7. *Id.* at 431.

stating that "for too many years, either due to American judicial arrogance or the impact of the narrow scope of our legal educational system, American case decisions rarely draw upon foreign sources of analysis."[8] Much can be gained, they argue, from examining the reasons other countries used for resolving similar problems no matter how different their legal systems. Our failure to seek such guidance, they conclude, is a lost opportunity for improving our own jurisprudence.

In their discussion of political strikes, the authors note that in the United States, although such strikes are rare, it is generally accepted that they are unprotected. Why, they ask, should that always be the case? Here, too, they suggest, our judiciary should borrow a page from the law of other nations: "Why should there not be room in our law for the underprivileged, including workers, to use short, peaceful mass stoppages to symbolically but effectively reveal to political leaders . . . the level of discontent with particular government policies?"[9]

Finally, the authors assess the Comparative Labor Law Group's influence on comparative labor research. One would have expected, they say, that the richness of information, ideas, and paradoxes presented by the Group's publications would have stimulated extensive interest in generating further work of this sort. They find, however, that in the decades that followed, although the number of American law teachers who have occasionally studied other labor law systems has increased, few have expanded their efforts into analysis that compares, contrasts, and attempts to discern "why the differences." The increased focus on transnational transactions and their effect on labor relations and employment conditions, they observe, emphasizes the greater need for scholars to produce meaningful comparative analysis of the law of work. They conclude by offering a few possible explanations for why this need has not been more effectively met.

B. Convergence or Divergence?

A recurring issue in comparative labor law is: Are labor law systems that are very different from each other due to their distinct histories and cultural contexts now moving in similar directions, or are national differences persisting and perhaps even expanding? The

8. *Id.* at 433.
9. *Id.* at 439.

question of convergence or divergence has occupied comparativists in many fields, and is of particular importance in labor law, where the forces of globalization and transnational production have brought legal systems from different countries into direct contact. Professors Takashi Araki of Japan, Ron C. McCallum of Australia, Manfred Weiss of Germany, and Mark Freedland of the United Kingdom address the issue of convergence and divergence in the second section of this collection.

Araki's article, *A Comparative Analysis of Security, Flexibility, and Decentralized Industrial Relations in Japan*, describes the well-established tradition in Japan of borrowing from other labor law systems. He begins with a discussion of the influences of German and American law on Japanese labor law in both its legislation and legal theory. Until the 1940s, Germany's influence can be seen in Japan's provisions concerning collective agreements. After World War II, American influences can be seen as Japan adopted an unfair labor practice system modeled after the Wagner Act of 1935. However, Araki also emphasizes that there are unique features of Japan's labor system that have developed, particularly its highly developed internal labor market that is highly protective of lifelong employment, which is explored in the next two sections. He explains how Japan's labor legislation and case law promotes job security leading to an inflexible *external* labor market. Specifically, factors such as case law which prohibit employers from abusing their "right to dismiss" make any dismissal that lacks "objectively rational grounds and is considered socially inappropriate" null and void, making it difficult for employers to be flexible in regard to dismissals. This has led to a flexible *internal* labor market instead, in which employers transfer employees internally or modify the terms and conditions of employment when it became economically necessary. Araki also describes Japanese "enterprise unionism," in which unions exist at a company level. He suggests that this form of unionism makes sense for Japan because employees tend to stay at one particular company for their entire lives. In comparison to American and European models that take adversarial positions when it comes to labor-management relations, Japan's enterprise-based unions have established a joint labor-management consultation system that is rich in communication and information. The last section discusses the challenges that unions all around the world face: the challenges presented by a diversified workforce and a globalized economy, the pressures for flexibility, and problem of the general decline of unions. He suggests that these

challenges may lead to some convergences in labor law systems, but that significant national differences will remain.

In contrast to the view from Japan, McCallum's article, *Convergences and/or Divergences in Labor Law Systems: The View from Australia,* shows that Australia has historically had a unique system of labor law that set it apart from other labor law regimes. In the early twentieth century, Australia, together with New Zealand, developed a system of industry-wide conciliation and interest arbitration to establish terms and conditions of employment on an industry basis. As he writes, "[t]hroughout most of the twentieth century, these awards settled terms of employment on an industry basis which took competition out of labor conditions for employers in the relevant sector of the labor market."[10] However, McCallum also acknowledges that the Australian labor law system has been influenced by the laws of Great Britain and other common law countries during some periods in its history. For example, the civil rights laws in the United States and the occupational health laws from Great Britain have been very influential in Australian labor legislation in the 1960s and 1970s. In the 1990s, Australia moved to establishing a plant level collective bargaining system based loosely on that in effect in the United States. More recently, the Australian Parliament has taken steps to abolish the federal conciliation and arbitration system, and replace it with a deregulated system that emphasizes individual agreements between employees and employers. McCallum suggests that this development has borrowed heavily from the individualistic ideas that are also permeating the labor laws in the United States and the United Kingdom. He ends by musing as to whether the trend toward convergence will continue, or whether instead Australia will revive some of its egalitarian ideas that were embodied in its unique conciliation and arbitration mechanisms.

Weiss, in his article, *Convergence and/or Divergence in Labor Law Systems?—A European Perspective*, addresses the concerns of many labor law scholars that the processes of globalization necessarily lead to a "convergence" or homogenization of labor standards and the further concern that such convergence is accomplished by a "race to the bottom," i.e., a general decrease in workers' rights.[11] Focusing on Europe, Weiss contends that European Community (EC) labor legislation has in fact contributed to a "convergence" among Member

10. Ron McCallum, *Convergences and/or Divergences in Labor Law Systems: The View from Australia*, 28 COMP. LAB. L. & POL'Y J. 455, 456 (2007).

11. Manfred Weiss, *Convergence and/or Divergence in Labor Law Systems? A European Perspective*, 28 COMP. LAB. L. & POL'Y J. 469 (2007).

States, but that it has often done so by setting minimum standards whose overall effect is to increase workers' rights with respect to workplace discrimination, health and safety standards, wage and hour laws and alternative forms of employment. He illustrates his point by examining two areas in which he claims that EC input has been "incompatible with a strict neo-liberal approach" and has made positive contributions to workers' rights: "freedom of services" and employee involvement in workplace decision-making. In the area of services, Weiss shows that there is a tension between, on the one hand, the principle of unlimited market freedoms implied by the "right" of companies based in each member state of the EC to offer their services in every other state and, on the other hand, the demand of workers and trade unions for basic social protection. He points out that protests against free market-oriented polices have resulted in the 1996 Directive of the European Parliament recognizing various minimum wage, maximum work periods, mandatory rest periods, paid holidays, and health and safety standards throughout the EC. Likewise in the area of worker involvement, Weiss argues that, despite the great diversity of trade union and other workplace representation traditions in the various European states, EC legislation has served to promote worker involvement in workplace decision-making by requiring employers to provide information and to consult with designated workers' representatives. EC legislation has also introduced stringent procedural rights of employees and their representatives to participate in certain large transnational undertakings. On balance, Weiss sees these developments as contributing at least as much to the creation and expansion of workers' rights as to the neo-liberal agenda.

Freedland, in his article, *Developing the European Comparative Law of Personal Work Contracts*, looks at North America, Great Britain, and continental Europe, focusing not on the law of collective labor law, but on the law of individual employment contracts.[12] The article treats three broad areas with which the author's recent research has been concerned: (1) doctrinal comparison of the categories "worker," "employer" and "contractual relations in European labor law; (2) comparison of the English concept of contract of employment with the doctrine of at will employment in the United States and to a lesser extent Canada; and (3) the regulation of labor markets and the personal work contract at national and supra-

12. Mark Freedland, *Developing the European Comparative Law of Personal Work Contracts*, 28 COMP. LAB. L. & POL'Y J. 487 (2007).

state levels within the European Union (EU) and the degree to which workers and employers are free to derogate from these regulations. Freedland carefully delineates the extent to which the different legal systems are converging or diverging on the issues of who is an employee and what are the dimensions of the personal work contract.

With regard to the first of these themes, Freedland argues that European labor law is generally less inclined than its English counterpart to make categorical exclusions of temporary and contingent workers from "employee" status on the basis of assumptions about long-term labor contracts as a societal norm. He argues that continental European legal systems have generally had a more flexible notion of "employer," which, in turn, may be more useful for recognizing continuity of employment between successive proprietors and classically post-Fordist situations involving joint or multiple employers.

In comparing the termination of the employment contract in the different legal systems, Freedland cautions against overstating the differences between the presumption of British law in favor of contracts of employment requiring "reasonable notice" prior to termination and the still prevailing doctrine of at-will employment in the United States. However, Freedland posits the possibility that the at-will employment presumption permits a more inclusive approach to employee status than English law precisely because the relatively precarious employment relationship is accepted as the norm in the United States and, to a lesser extent, Canada.

Finally, Freedland discusses the possibility of waivers in derogation of supra-national notions of the personal work contract. He says that, whereas traditional labor law scholarship has focused on the degree to which workers and employers are free to depart from national or European federal labor regulations for purposes of collective bargaining, his research takes up this question with greater attention to the individualized bargaining characteristic of post-Fordist employment relations. He cites a recent decision by the European Court of Justice (ECJ) in the case of *Wippel v. Peek & Cloppenburg GmbH & Co. KG*, which concerned whether a part-time worker in the retail clothing business who was employed on a "work on demand basis" was entitled to parity of treatment with her full-time counterparts, so as to eliminate the element of uncertainty as to her job security, where the worker's claim rested on an EU Directive requiring equal treatment between men and women and full- and part-time workers. Ruling for the employer, the ECJ held, in essence, that it was for national legislation in each European state to determine

whether individual employers and workers could enter into valid "on demand" work contracts that would have the effect of undermining the more general "parity" directive at the European federal level. Freedland suggests that such decisions that defer to the national legislation of individual states make it increasingly important for labor law scholars to examine European labor law in a comparative perspective.

C. Comparative Approaches and Responses to Globalization

In the past decade, all of the labor law regimes in the Western world have had to contend with the reality of globalization. Everywhere, globalized production strategies and new international trading arrangements have had an impact on domestic labor law. In this Symposium, Professors Bruno Caruso of Italy and Julia Lopez of Spain address the issue of the impact of globalization on national labor law from a comparative perspective.

Caruso's article, *Changes in the Workplace and the Dialogue of Global Law in the "Global Village,"* explores the different perspectives held and paths advocated by labor law scholars as they face a new era of globalization.[13] The paper explains how the comparative method in the context of labor law is changing with the phenomenon of globalization and proposes that a comparative perspective should adopt a regulatory function in addition to its traditional cognitive one. Caruso identifies three approaches that labor law scholars have taken toward the challenges of globalization and post-Fordist production. The first approach takes a pessimistic outlook, which basically recognizes that the traditional form of labor law is on the way to extinction. The second approach takes an optimistic outlook, in the sense that it has faith that the basic institutions of post-war national labor law regimes will resist changes against the "assault" of globalization by playing an increased role in the political arena. The third approach—the one Caruso supports—is a "realist" outlook in which a perspective of both continuity and innovation are combined. To illustrate this third approach further, Caruso, analyzes legal developments in two areas of current importance. The first involves the relationship between labor law regulation (including collective bargaining) and territory. He demonstrates how globalization makes the decision of one company

13. Bruno Caruso, *Changes in the Workplace and the Dialogue of Global Law in the "Global Village"*, 28 COMP. LAB. L. & POL'Y J. 501 (2007).

felt not just in its local territory, but also in social and economic realms around the world. The second illustration involves the relationship between labor law new forms of regulation. He argues that the traditional way of viewing regulation as either "hard law" (state laws, statutes, etc) or "soft law" (persuasive techniques, company self-regulation, etc.) needs to be abandoned and a new approach adopted that understands regulation as a combination of the two.

López, in her article, *Beyond the National Case: The Role of Transnational Labor Law in Shaping Domestic Regulation*, considers how international labor standards, particularly those codified in the Conventions of the International Labour Organization (ILO) and those contained in European federal law, affect the national laws of the states making up the European Union.[14] The author is particularly concerned with how these different levels of labor market regulation interact in ways that contribute to replacing "market fundamentalism," i.e., the market-friendly paradigm of human rights characteristic of global neo-liberalism, with what she regards as the more worker-friendly paradigm of human rights found in the Universal Declaration of Human Rights. López suggests that judges operating within the framework of the national law of the respective European states typically have the power and have occasionally used that power to interpret national labor laws in ways that are consistent with the more worker-friendly standards of international law. She argues that labor law scholars should also pay increasing attention to the interaction of the domestic, federal, and international levels of labor law to further this agenda.

Lopez illustrates her point by discussing the treatment of undocumented immigrant workers in Spain. She points to cases in which Spanish judges have interpreted domestic Spanish law in light of internationally-recognized labor standards, particularly the Conventions of the ILO, in order to create and extend the legal rights of immigrant workers. For example, because Spanish immigration law requires employers who wish to hire foreign workers to ask to see their visas, Spanish judges have ruled that if an employer fails to make this request, the worker is excused from adverse consequences, effectively legalizing undocumented workers. Similarly, although Spanish law does not provide social security, health care, or pension benefits for undocumented workers, Spanish judges have nonetheless

14. Julia López, *Beyond the National Case: The Role of Transnational Labor Law in Shaping Domestic Regulation*, 28 COMP. LAB. L. & POL'Y J. 547 (2007).

interpreted the ILO Convention on equality and immigration as implying these rights for undocumented workers because they are guaranteed to other segments of the Spanish workforce. Lopez further shows that some of the rights initially introduced by Spanish Labor Judges applying international law have ultimately been fully incorporated within Spanish legislation approved in the country's parliament. Although she focuses specifically on Spain, Lopez notes that almost all other European countries have recognized many of the same international labor standards, including the ILO Conventions.

D. Future Directions for Comparative Labor Research

One purpose of the Symposium was to stimulate future work in comparative labor law, both on an individual and on a collaborative basis. Hence the final section is devoted to mapping some research agendas for future work in the field. The three papers by Professors Katherine Stone, Jacques Rojot, and Harry Arthurs discuss the contemporary importance of comparative labor law and suggest future directions for comparative labor law research.

Stone's article, *A New Labor Law for a New World of Work: The Case for Comparative-Transnational Approach*, describes three trends that are undermining traditional labor law today—flexibilization, privitization, and globalization.[15] Flexibilization is the tendency of employers to abandon stable relationships with long-term employees, and to establish flexible and short-term employment arrangements instead. Privitization refers to the rise of neo-liberal policies that deny the legitimacy of government regulation in the economy. And globalization refers to the increase in cross-border transactions in the production and marketing of goods and services that makes it possible for firms to locate production in low labor cost environments. Stone argues that these three trends operate in conjunction to undermine the labor rights and labor institutions that were established in most industrialized countries in the middle of the twentieth century. She claims that in order to develop policies and practices that protect labor standards in the face of these threats, it is necessary for labor law scholars to be both transnational and local in their foci. A comparative approach can enable scholars to learn from different countries' experiences in and methods of protecting worker rights in

[15] Katherine V.W. Stone, *A New Labor Law for a New World of Work: The Case for a Comparative-Transnational Approach*, 28 COMP. LAB. L. & POL'Y J. ___ (2007).

the changing environment. At the same time, they should develop transnational strategies and institutions to protect labor rights in the face of the pressures of globalization. As she says, "we need to use comparative analysis to identify possibilities for action and to forge alliances that can bring about a renewed progressive social agenda."[16]

Rojot's article, *Future Directions for Labor Law Scholarship and International Collaboration*, argues that comparative labor law is helpful in understanding the limitations of one's own labor law system.[17] Writing from the vantage point of France, he suggests that the French labor law, once the most supportive system of labor rights in the Western world, has become so complex that no one can predict judicial outcomes and hence both employees and employers avoid using it. He also proposes that comparative study can help determine when provisions from other labor law systems can be successfully "borrowed" and transplanted to another national legal culture. And finally, he suggests that in light of the expansion of transnational production and the development of transnational institutions for labor regulation, it is no longer possible for a labor lawyer to work from a narrow focus on national laws. The EU directives make it necessary for labor lawyers and labor magistrates to understand the labor laws of all the twenty-five EU member states.

Arthurs' article, *Compared to What? The UCLA Comparative Labor Law Project and the Future of Comparative Labor Law*, argues that the work of the Comparative Labor Law Group from 1965 to 1978 reflected a particular "moment" in the life of post-war labor law.[18] That "moment" had its origin in the post-war compromise, and was waning by the late 1970s. It was a time in which there was widespread agreement that the purpose of labor law was to provide justice in the workplace and that workers should enjoy economic and employment security. He shows that a crisis in political economy, legal institutions and legal theory undermined the consensus and with it, the underpinnings of traditional labor law and comparative labor law scholarship. The national labor law systems that were the focus of the consensus moment withered under the combined onslaught of technological change, the rise of the service sector, neo-liberal ideology, the restructuring of key industries, the expansion of knowledge-intensive work, the entrance of women and excluded

16. *Id.* at 581.

17. Jacques Rojot, *Future Directions for Labor Law Scholarship and International Collaboration*, 28 COMP. LAB. L. & POL'Y J. 583 (2007).

18. Harry Arthurs, *Compared to What? The UCLA Comparative Labor Law Project and the Future of Comparative Labor Law*, 28 COMP. LAB. L. & POL'Y J. 591 (2007).

groups into the mainstream workplace, and changes in the nature of work itself. In the wake of the demise of the national labor law systems, new sources of normative authority derived from private rule-making institutions have increased their governance role in work relationships. Such systems include corporate codes of conduct, the UN Global Compact, the institutions of trade regimes, and other "soft law" initiatives. He calls for a new type of comparative labor law that compares these diverse, semi-autonomous systems of non-state normativity in order to develop a "new syntax, grammar, and vocabulary of comparativism which will help make them mutually intelligible."[19]

II. CONCLUDING THOUGHTS

Taken as a whole, the papers comprising this Symposium illustrate the changing approaches to the subject of comparative labor law since the 1960s. The Comparative Labor Law Group concentrated on explicating the similarities and differences between the six countries involved in their treatment of various problems encountered by all of them. The emphasis was on the method of making these comparisons and the Group's major contribution was to devise a means of doing so that was revolutionary for its time.

Today largely unanticipated changes in the world of work, brought about by changes in the nature of employment and the relentless drive toward a global economy, require a shift from a search for more efficient procedures for comparing and contrasting national labor laws to a consideration of proposals relating to appropriate subjects of comparative law research. The papers in this Symposium offer a rich variety of proposals, including proposals to concentrate on how labor laws actually operate in their domestic context, proposals to develop an understanding about how the labor law systems of some countries (e.g., Great Britain) have affected corresponding systems in others (e.g., Australia and New Zealand), calls for efforts to reconcile the principle of unlimited market freedoms sought by employers with the demands of workers and their unions for guaranteed basic social protections, calls to combine legal regulations of both "hard law" and "soft law," proposals to incorporate international labor standards, especially those dealing with human rights, into national labor laws, and proposals for comparative labor law scholars to develop transnational strategies and institutions to protect labor rights in the

19. *Id.* 603.

face of the pressures of globalization. It is hoped that this Symposium will help launch a new generation of comparative labor law researchers and help take them in not one but many directions of fruitful and innovative research.