

## Trade Unions as Regulators: Theoretical and Empirical Perspectives

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### Introduction

For labour law, regulation theory remains relatively new territory. This is particularly so in relation to the application of regulatory analysis to the role of social and economic actors in regulating labour market transactions. Other than a broad recognition that unions, employer associations and other groups may play some role in constituting and structuring labour market transactions, the regulative functions of such actors remain largely undeveloped at both a theoretical and empirical level. A number of the contributions to this collection seek to begin the process of addressing the issue of the various ways labour market actors regulate aspects of work and labour markets.

The central purpose of this chapter is to add to this effort by considering explicitly the role of unions as agents of labour market regulation, not just subjects of it. This is explored both theoretically and empirically. The first part of the chapter is theoretical. As a starting point, it takes as given the claim that traditional legal scholarship has not viewed unions as sources of regulation. But is this also true of other disciplines interested in labour markets? This part begins therefore with a review of how theories of unions conceive of their regulative functions. Our brief review of the research on unions from economics, sociology, political science and industrial relations suggests that these disciplines have already conceived of unions principally as regulatory agents. This in turn raises questions about what regulation theory brings to the study of unions (and vice versa). This is a point the chapter returns to in its final section.

While the first part takes a critical look at the labour market roles of unions from a theoretical perspective, the second part seeks to engage productively with regulatory theory by examining the empirical evidence concerning the regulatory functions of unions. This part focuses, in particular, on an investigation of how 19th century unions contributed to the regulation of the general labour market and internal labour market arrangements.

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