

Labour Law and Labour Market Regulation: Current Varieties, New Possibilities

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Introduction

For several years now, it seems as if we have been labouring the point that labour law research should have a wider agenda. The chapters in this collection are ample evidence that such research was already well underway. In the light of all this thoughtful work, it is not appropriate for me to be definitive here about the directions of such research. Instead I wish to adopt a perspective that accommodates the varieties of regulation that people are identifying and highlight some possible leads.

I start by suggesting that, in the field of labour market regulation, the current conditions of fluidity and diversity discourage theoretical integration. Any attempt at coherence is likely to be as much normative as empirical. Yet institutions are being mobilised (a kind of regulation, then) with the goal of making work more productive and competitive, the workforce more employable and flexible. With the Commonwealth Government making major changes to legislation at the end of 2005, this efficiency “purpose” is rightly the starting point of our analysis. However, while neo-liberalism is the dominant frame of reference now, the field is too rich for any one ideology to be driving all the change in doctrine or policy.

The chapters have shown that this efficiency purpose will, at times, be competing with other regulatory objectives. Regulation is not pursued entirely for material purposes; work remains very much a social relation too. For example, employers assert managerial prerogative and control, even when these objectives run counter to efficiency. Greater freedom for employers to regulate may contribute to higher levels of production, innovation and welfare. Or it may give cause for complacency, allowing firms to avoid reform by relying on a turnover of cheap labour.

Furthermore, if wages and conditions will no longer be standard, then the desire for social justice will find new expression in one way or another. Even in competitive situations, workers look to employers to treat them with dignity and fairness. Nor can the ability to compete just

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