

Updating the Labour Market Regulation Perspective on Labour Law

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I Background

For this chapter, I first went back to the list of topics that Richard Mitchell and I appended to my chapter in the *Redefining Labour Law* prospectus from 1995.¹ The topics were derived from an analysis of developments in law and society that suggested a labour market perspective was a useful perspective for the study of labour law. It would be pedantic, aged even, to revisit that analysis to see if it holds true today. Rather, the chapter looks forward, identifying trends and researches that might affirm the value of the labour market perspective today.

In 1995, our *Redefining Labour Law* project sought to broaden the study of labour law. At its most modest, the project's aim was to bring more of the law of the labour market within the purview of labour law research, in particular to look beyond the law of the employment relation to the law regulating the supply of and demand for workers. Thus, labour law would embrace such topics as the law of income support, the law of education and training, and the law of migration and the movement of people for work. With regard to the demand side of the market, it would draw in such topics as the law of taxation, the law of occupational licensing and entry requirements, the law regulating recruitment processes and services, the law regulating retrenchments and redundancies, and anti-discrimination and equal opportunity law.

Today, our 1995 list reads quite conservatively. Much of it was still concerned with what happens within the workplace and the employment relation. I suppose these topics could be connected with the labour market perspective through the notion of the internal labour market. Where employment was still brought within large organisations and long-term relationships, it was increasingly (though of course not entirely) regulated along market lines, with workers competing for standing and reward within profit centres

¹ C Arup, 'Labour Market Regulation as a Focus for a Labour Law Discipline' in R Mitchell (ed), *Redefining Labour Law: New Perspectives on the Future of Teaching and Research* (Centre for Employment and Labour Relations Law, University of Melbourne, 1995).

This is a preview. Not all pages are shown.