# Contents

Acknowledgements ........................................................................................................... v
List of Contributors .......................................................................................................... ix
Table of Cases .................................................................................................................. xi
Table of Legislation ......................................................................................................... xvii

1 Introduction: Goals and Means in the Regulation of Work ........................................... 1
   Guy Davidov and Brian Langille

I. THE VERY IDEA OF LABOUR LAW ........................................................................... 11
2 Labour Law’s Back Pages ............................................................................................. 13
   Brian Langille
3 What is Labour Law? ..................................................................................................... 37
   Alan Hyde
4 Using Development Approaches to Address the Challenge of the Informal Economy for Labour Law ........................................... 63
   Anne Trebilcock

II. THE EMPLOYMENT RELATIONSHIP AS A VEHICLE FOR THE DELIVERY OF RIGHTS AND ENTITLEMENTS ........................................... 87
5 The Comparative Evolution of the Employment Relationship ..................................... 89
   Simon Deakin
6 Labour Subordination and the Subjective Weakening of Labour Law ....................... 109
   Adrián Goldin
7 The Reports of My Death are Greatly Exaggerated: ‘Employee’ as a Viable (Though Over-used) Legal Concept ........................................... 133
   Guy Davidov

III. BRINGING ATYPICAL WORK ARRANGEMENTS INTO THE SCOPE OF LABOUR LAW ......................................................................................... 153
8 Rethinking Labour Law: Employment Protection for Boundaryless Workers ............... 155
   Katherine V.W. Stone
9 Beyond the Boundaries: Prospects for Expanding Labour Market Regulation in South Africa ........................................ 181
Paul Benjamin

10 Protecting the Worker in the Informal Economy: The Role of Labour Law ......................................................... 205
Kamala Sankaran

11 Ways and Effects of Deconstructing Protection in the Post-socialist New Member States—Based on Hungarian Experience .................................................. 221
Csilla Kollonay Lehoczky

12 National and European Public Policy: the Goals of Labour Law .......... 245
Silvana Sciarra

IV. IDENTIFYING THE EMPLOYER AND DETERMINING ITS RESPONSIBILITIES ........................................... 271

13 The Complexities of the Employing Enterprise ........................................ 273
Paul Davies and Mark Freedland

14 The Legal Boundaries of the Employer, Precarious Workers, and Labour Protection ........................................ 295
Judy Fudge

15 Multi-segmented Workforces, Comparative Fairness, and the Capital Boundary Obstacle ........................................ 317
Hugh Collins

V. INTERNATIONAL AND INSTITUTIONAL SOLUTIONS .......... 337

16 The Employment Relationship: The Issue at the International Level ................................................................. 339
Enrique Marín

17 The Employer and the Worker: The Need for a Comparative and International Perspective ........................................ 355
Jean-Claude Javillier

18 What Immortal Hand or Eye?—Who will Redraw the Boundaries of Labour Law? ........................................ 373
Harry W Arthurs

Index ........................................................................................................ 391