



# Regulatory Space and the Great Transformation of Work

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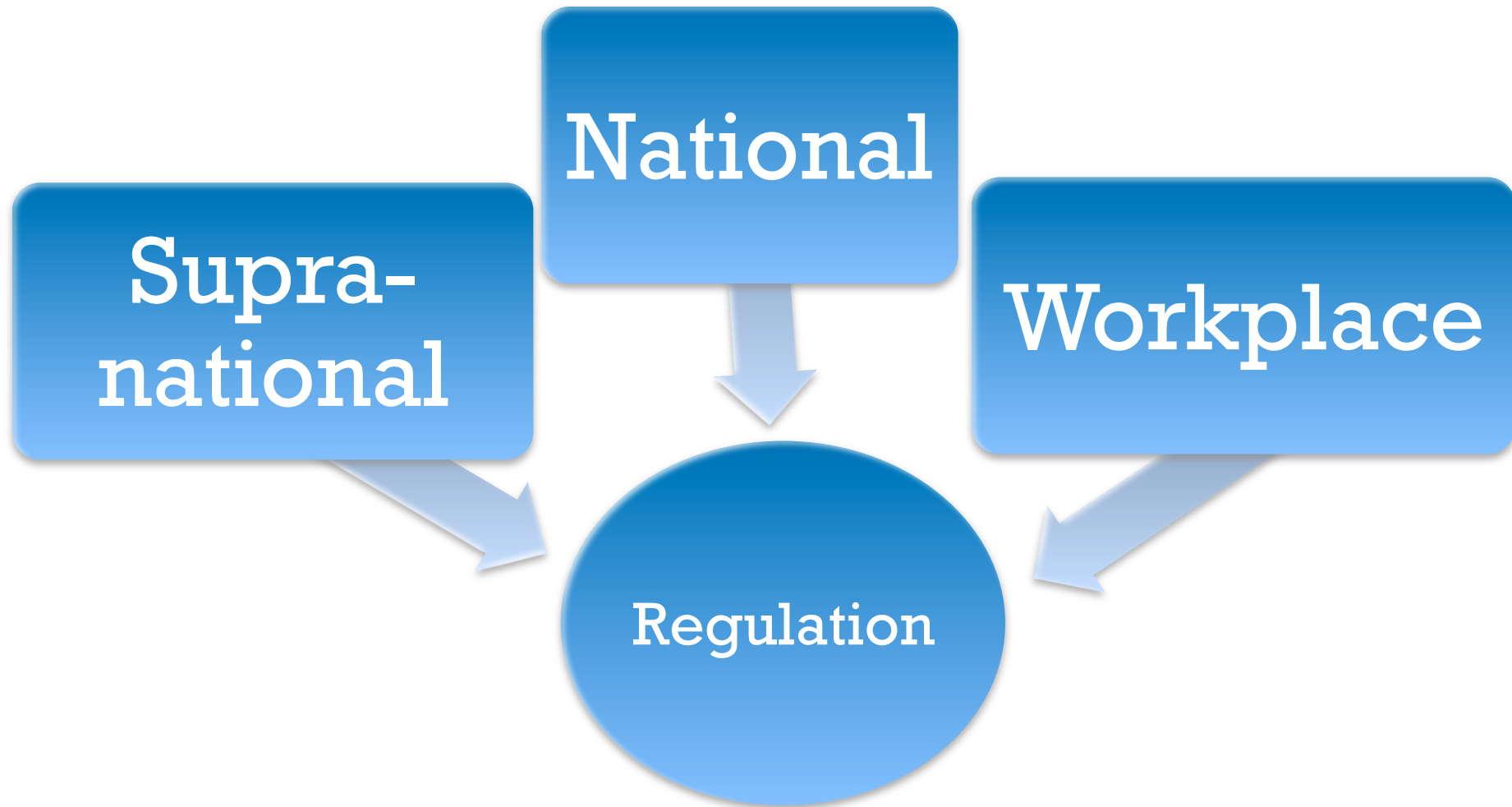


# The Transformation of Work and Employment Regulation (1)



- New insights on regulatory theory: developing the concept of **Regulatory Space** (Hancher and Moran, 1989) within the fields of labour law and employment relations.
- Better understand the dynamic and fluid nature of employment regulation.
- Searching for a new **theoretical framework** that can enhance understanding of the real and dynamic nature of the activities concerned with employment relations regulation.

+ The Transformation of Work and Employment Regulation (2)

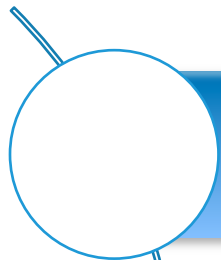




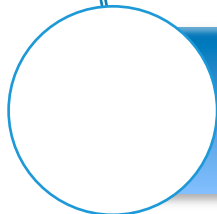
## Analysing Regulatory Space: the broader socio-economic and political dimension



Vibert's (2014) three types of regulation:



Regulation coming from governments or government agencies ('Official Regulation')



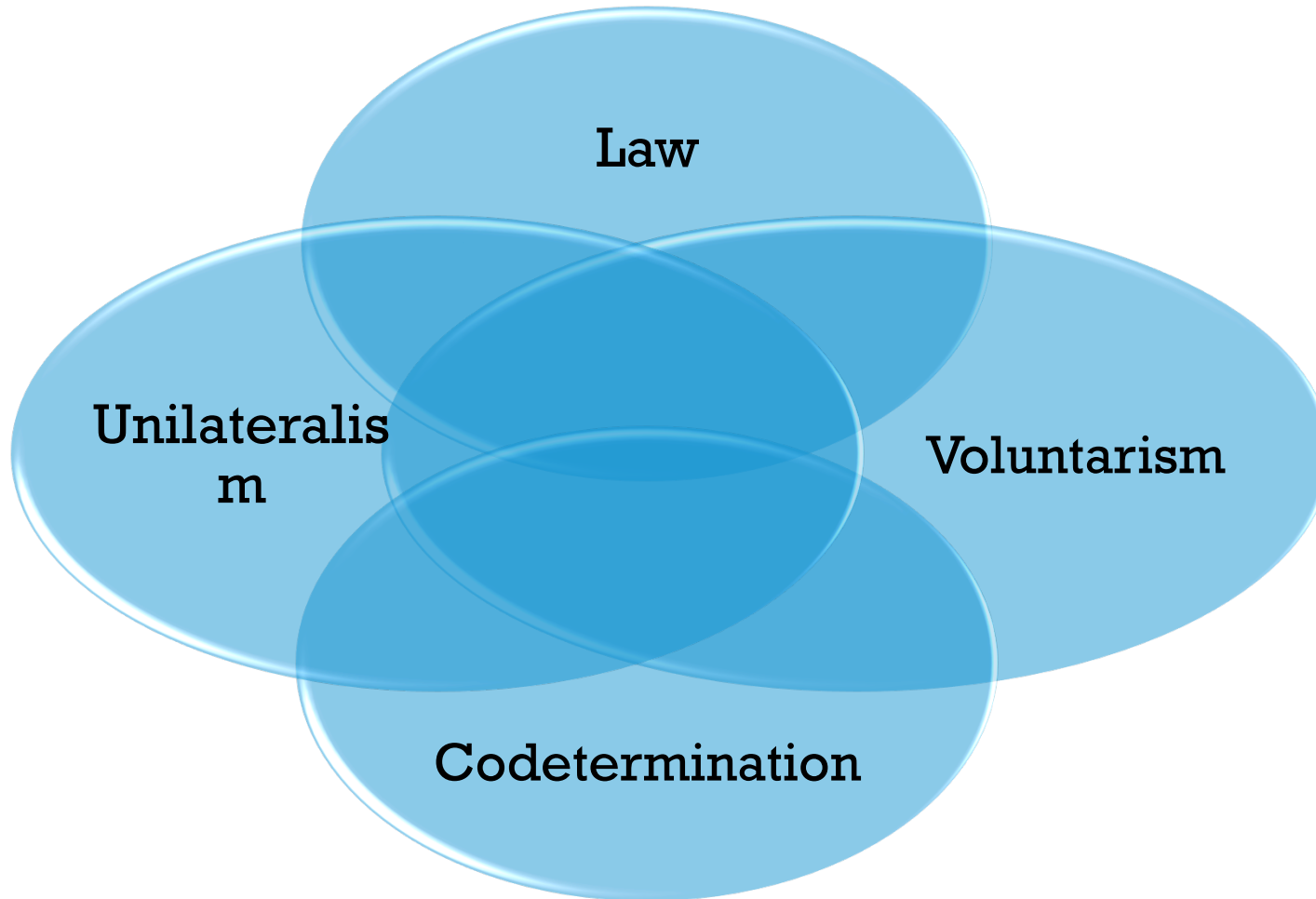
Regulation coming from (and enforced by) 'a private body with rule-making authority' ('Self-Regulation')



Regulation by private bodies that can 'borrow official authority' ('Co-Regulation')

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# The Employment Regulatory Framework





# Law



- **Limits** of a pure legal approach:
  - Design failures (Esping-Andersen & Regini, 2000)
- Legal order is **necessary** to co-ordinate and realize policies.
  - Hierarchies may not reflect the real regulatory dynamics (Fox, 1974; Dundon et al. 2011; Farnham, 2014)
  - Complexity and uncertainty in enforcement (Colling, 2010)



## Co-determination

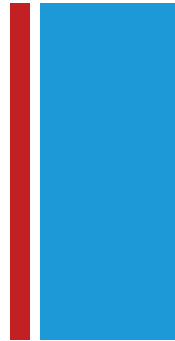


- Particularly important – the role of law in underpinning the co-determination models
- European echoes of **German** co-determination:
  - Limited expansion in the European model
  - Institutional change in the nature of co-determination over time (Germany)
  - Potential of expansion via transnational collective agreements.



# Voluntarism

- The law can encourage and facilitate the parties to voluntarily arrive at their own rule-making agreement, with a minimum floor of rights for workers.
- Not just collective bargaining... others forms of negotiation and social consultation
- Criticisms: voluntarism as **too permissive** (Dobbins, 2010)
- Not mandatory... it may collapse and can be managerially dominated

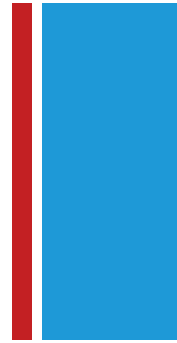






## Unilateralism

- Strong **sociological** and **political** characterisation.
- Supranational level: example of the role endorsed by EU Commission, IMF and ECB, such as imposing austerity measures.
- National level: **corporatism** and **lobbying** (Crouch, 2011), State strategies (Stiglitz, 1992).
- Workplace level: role of HRM (managerial prerogative).



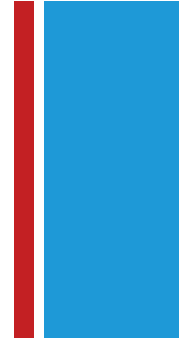
	Law	Co - Determination	Voluntarism	Unilateralism
<b>International Level</b>	<u>International Law:</u> ILO Conventions <u>EU Law:</u> EU Human Rights Regulations Directives Decisions Recommendations Policies Soft Law	EWC	Collective Bargaining at Eu level (Agreements between Employers and Employees representatives at EU level)  EU social dialogue	Regulation by Transnational Agents (ECB, IMF)
<b>National Level</b>	Constitution Acts Case Law REA JLC	Statutory Collective Bargaining	Social Partnership  Collective Bargaining	Corporatist Regulation  Regulation by Managerial or Union Associations
<b>Workplace Level</b>	Codes of Practices*  Customs	Company Law Provision for Workers' Participation (German Case)	Decentralized Collective Bargaining (workplace)  Non-Union Voice  Contract of Employment	Managerial Prerogative  Human Ressource Management  Conflict

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## Beyond the law...

- **Regulation, de-regulation, re-regulation:**
  - The ambiguous use of the concept of de-regulation
  - Re-regulation and the informal processes of regulation
- The process of transformation within the Regulatory Space: **ceding the regulatory authority** to other actors (and sources).





Thank you  
for your attention...  
Questions and feedback  
welcomed!