



‘Theorising Labour Law in a Changing World: New Perspectives and Approaches’ Maastricht, 13-14th December 2016

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Report on the Workshop organized at Maastricht University, in collaboration with the Centre for Employment and Labour Relations (Melbourne Law School), the University of Warwick, The University of Limburg and Hart Publishing (Oxford).

Within many occasions for a wide and deep discussion about the past, the present and the future of labour law, **a group of scholars has been gathering in Maastricht in mid-December, to reflect about the challenge of theorising labour law in the current changing world of work.**

The need for a renovated discussion on labour law theory has been brought by recent debates on the disruptive effects on the standard employment relationship and on business models; caused, for instance, by the use of new technologies at work, new forms of organisation, markets trends and regulatory changes.

The workshop has given the opportunity to rethink the roots of labour law and debate the historical contingencies of labour law and current perceptions, from the first theorization by Kahn-Freund and Sinzheimer, the Webbs’ scholarship, to modern and current approaches.

In the opening of the workshop, scholars discussed possible new perspectives to analyse and think about labour law. On this score, the first panel outlined the need to include the political and social discourse into the legal discussion, and to consider labour law as an active political theory, rather than a technocratic issue.

In times of economic and organisational transformations (in relation for instance with the disruptive effect of the Gig Economy), **the role of labour law theory is considered pivotal to better explain power dynamics between State, employers and employees.** What is important is not to fall in the trap of focussing on mere economic arguments, a paternalistic view of the State as a regulatory actor, or just on the individual employment relationship, forgetting the importance of the social and collective aspects of the economic and legal organisation.

Furthermore, **besides the traditional actors and the focus on the nation-state paradigm, the participants discussed the need to adjust labour law theory taking into consideration new actors and new economic contexts:** therefore, the role of social movements, companies (particularly multinational corporations) and organisations should be considered by labour law theory, beyond a pure normative approach.

Following this discourse, questions about finding a new role and scope for labour law academic were raised. In the current world of work, it is considered essential to connect and engage with other disciplines and support multidisciplinary work: this is true also for **academia**, which, **according to scholars, should move beyond a purely theoretical approach, by enlarging the**

basis for empirical analysis and fieldwork, engaging with social science and embracing multidisciplinary research.

Two important specific areas of study that emerged during the workshop, which are considered particularly important in the present and future context of labour law, were the gender dimension of labour law, and the regulation of working time. **The participants discussed about the role of labour law in sustaining the ‘breadwinner model’ and the new politics of working time;** in the analysis, labour law has been considered to provide a technical instrument, but with a political scope, to arrange the Neoliberal model of work relationships.

The discussion was important to re-assess the political nature of labour law and, in order to balance the outcomes of the political processes, the necessity to consider the progressive activity that comes from non-state actors.

In conclusion, the workshop has also given the opportunity to reflect and discuss about regulation and regulatory theory. This is a topic that is not often emphasized enough in law schools, but it is deemed essential to understand the process of making of labour law and the choices about the sources of the law. The discussion has been enriched by the possibility to engage with one of the major academic and theorist of Labour Law Regulation, Prof. Ralf Rogowski, on the future of the ‘Reflexive Law Approach’ and the role of soft regulation in labour law.

In order to continue the discussion on new approaches and perspectives on labour law theory, the next appointment will be at the **Labour Law Research Network Conference** in Toronto (CA), on the 25-27th of June 2017.

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