

Global Workplace Law & Policy

The Global Workplace: a narrative for work, law and policy

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Introduction

‘Keeping pace with change’. That was the motto when, in cooperation with Wolters Kluwer, we started a blog site in 2017 on ‘Regulating for Globalization’. The blog crossed different disciplines, involving fields as international law, trade law, EU law and labour law. With numerous articles, the blog successfully reached a wide audience. As change is keeping on holding its pace, we have given the original initiative a critical reflection. Academic or expert network communities have existed for a long time, likewise in the field of labour law. And they should be fostered, physically and digitally. In this context, with the ‘Kluwer blog’ we felt both momentum and enthusiasm for further elaboration of a dedicated blog to questions of labour law, industrial relations and labour policy. We are convinced that it will not reduce, but instead increase, the impact of the blog.

We have opted for the “Global Workplace” as the anchoring concept. Some may think that the idea of a workplace resembles rather a notion of the past. That is, however, not the way how it is seen here. On the contrary, the ‘global workplace’ will be a focal point of exchange and innovative ideas on work, law and policy questions, departing from the challenges that lie ahead, connecting with the future of work.

Below, I suggest some concepts, approaches or anchor-points that can be used throughout the initiative.

What is the global workplace

The global workplace is a centerpiece in the future of work. As a concept, it aims to encompass views and approaches on work that go beyond the traditional confines of time and location, and captures both traditional and innovative approaches of work without frontiers. The ‘place’ in workplace does not – or not necessarily – refer to a single physical place or location. It rather refers to an understanding of work without being limited by time or a single physical place.

The unbounded ‘space’ in which work unfolds presents itself as a useful perspective in the future of work debate. Over a long time, also philosophers have dealt with the question of distinguishing ‘place’ from ‘space’. In his philosophy, Edward S. Casey[1] has shown that the concept of place has often been quashed between time and location. At the same time it is suggested that it may be valuable to consider ‘space’ as ‘place’, rather than the other way around, but then with a new way of defining it. Indeed, one could say that something gets a place not just because of its physical location, but rather in its being relational to other objects or subjects. The same, perhaps, goes for the understanding of time. This may shift the view of ‘place’ towards a rather abstract notion. It may refer back to what Amartya Sen has called ‘global connections’ in the world of work.[2]

In the same manner, labour lawyers have made attempts to refer to the ‘global workplace’ as a dynamic concept which challenges traditional confines. With a team of North-American colleagues, Roger Blanpain and Susan Bisom-Rapp once put together a scholarly work on “The Global Workplace”,[3] identifying challenges mainly from the perspectives of labour and employment rights within multinational business arrangements – with the globe as a playground for enterprise and collaboration – but also issuing the key-relevance of comparative labour law in a world of work that loses traditional boundaries. It is also in this context that Bognanno, Budd and Kleiner have referred to the ‘global workplace’ departing from Thomas Friedman’s seminal book “The world is flat”, mentioning the increased possibilities of collaboration in real-time and on a more planetary scale.[4]

Global contextualism

The ‘global workplace’ requires insights into both legal and policy dimensions related to work. Law and policy is a strong combination in understanding the broader context of regulatory issues. It also brings us to key-influencers of labour law, including practice as (and if) opposed to theory.

Context is hereby crucial. Benjamin Aaron, an inspiring academic in the history of labour law scholarship, once wrote that “law professors need to do more interdisciplinary research, especially with the social sciences”. [5] With this proposition, he issued the crucial relevance of context. It leads to the idea that studying labour law *in the books* must be accorded with studying labour law *in practice*. [6] Access to debates and results of other scientific disciplines (social sciences, economics, history, philosophy, ...) has become rather widespread, but interdisciplinary debate may still not appear to be evident. It nevertheless remains crucial to recognise the need for reference, context and reality. Furthermore, getting it right with labour law requires a dialogue between theory, policy, industrial relations and legal practice.

In relation to the ‘global workplace’, a global narrative is also crucial. Amartya Sen used the ‘global connections’ concept (referred to above) to distinguish globalism from internationalism. As globalism goes beyond relations between nations, [7] it almost implies the need for a global narrative. In the same way, Harry Arthurs indicated that globalisation is not just a phenomenon

with (significant) physical effects in reality, but also a mind-set and an orientation.[8] It is within this opportunity that labour law and policy debate can bring further orientation to the global workplace.

Global comparativism

Globalism requires an exercise in comparativism. A labour law problem may occur within its own auto-referentiality, but it very often appears against the background of change in industrial relations or society at large.

Comparativism and context are intrinsically connected. Comparativism adds to context, which received its worth above. In his argument for comparativism Matthew Finkin explains that labour law “responds to the changing demands of a socially dynamic aspect of modern capitalism”.^[9] Use of comparativism in labour law bears many valuable features and functions, including increased insight in one particular legal system, set off against wider evolutions around the world. It will generate a better understanding of trends and allows to build theory or, generally, bring about ‘outside the box’ thinking. While it develops, the global workplace concept might show us the mutual importance of theory and empiricism, including concrete examples of legal systems.

Narratives

The global workplace concept is an attempt to make sense of the changing world – and the world of work. Labour law scholarship is a world of creative thinking with a very long tradition. Labour law is itself a product of the real world, while also an attempt to guide and regulate it. The complexities of the world of work and its future outlook requires narratives to grasp that world and to serve both these explanatory and normative ambitions, even aspirations.

The ILO’s Global Commission on the Future of Work talked about ‘seizing the moment’. Its report continues by pointing out that “we now face one of the most important challenges of our times, as fundamental and disruptive changes in working life inherently affect our entire societies.”^[10]

Let us indeed seize the opportunity. The world of work is full of bigger and smaller game changing moments. The work on ‘the future of work’ is far from finished. Let this blog be a forum of insightful story-telling about labour law, policy and industrial relations.

[1] Edward S. Casey, *The fate of place: a philosophical history*, 1997, Berkeley : University of California press, Centennial books, 488p.

[2] A. Sen, “Work and rights”, *International Labour Review*, Vol. 139 (2000), No. 2, 127.

[3] R. Blanpain e.a., *The Global Workplace: International and Comparative Employment Law – Cases and Materials*, Cambridge University Press,

[4] Mario F. Bognanno, John W. Budd, Morris M. Kleiner, “Symposium Introduction: Governing the Global Workplace”, *Industrial Relations*, Vol. 46, Issue 2, 2007, 215-221.

[5] B. Aaron, “The comparative labor law group: a personal appraisal”, *Comp. Lab. L.J.*, 1977,

228.

[6] X. Blanc-Jouvan, “Lessons from an experiment in comparative labor law”, *Comp. Lab. L.J.*, 2007, 418.

[7] A. Sen, “Work and rights”, *International Labour Review*, Vol. 139 (2000), No. 2, 127

[8] H. Arthurs, ‘Reinventing labor law for the global economy: the Benjamin Aaron lecture’, *Berkeley Journal of Employment and Labour Law*, 2001, Vol. 22, 271.

[9] M. Finkin, “Comparative labour law”, in M. Reimann & R. Zimmermann (eds.), *The Oxford Handbook on Comparative Law*, Oxford University Press, 2006, 1141.

[10] Work for a brighter future – Global Commission on the Future of Work, International Labour Office – Geneva: ILO, 2019, p18.

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