

Bibliography

- Aaron, B, Chapter 16, 'Labour Courts and Organs of Arbitration', in BA Hepple (ed.), *Labour Law*, vol. XV, in *International Encyclopedia of Comparative Law*, JCB Mohr, Tübingen, 1985.
- Anderson, G, 'Just a Jump to the Left? New Zealand's Employment Relations Act 2000' (2001) 14 *Australian Journal of Labour Law* 62.
- , 'Transplanting and Growing Good Faith in New Zealand Labour Law' (2006) 19 *Australian Journal of Labour Law* 1.
- Arup, C, '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, Occasional Monograph Series, No. 3, Melbourne, 1995, 29.
- , and Mitchell, R, (eds), *Labour Law and Labour Market Regulation: Essays on the Construction, Constitution and Regulation of Labour Markets and Work Relationships*, Federation Press, Annandale, NSW, 2006.
- , Gahan, P, Howe, J, Johnstone, R, Mitchell, R, and O'Donnell, A, (eds), *Labour Law and Labour Market Regulation: Essays on the Construction, Constitution and Regulation of Labour Markets and Work Relationships*, Federation Press, Sydney, 2006.
- Australian Government, *The National Employment Standards*, available at www.workplace.gov.au
- Australian Labor Party, *Forward with Fairness. Labor's Plan for Fairer and More Productive Australian Workplaces*, April 2007.
- , *Forward with Fairness. Policy Implementation Plan*, August 2007.
- Bakels, HL, and Opheikens, L, *Schets van het Nederlands arbeidsrecht*, 6th edn, Kluwer, Deventer, 1982.

- Barnard, C, 'A Social Policy for Europe: Politicians 1:0 Lawyers' (1992) 8 *International Journal of Comparative Labour Law and Industrial Relations* 15.
- Bercusson, B, 'The European Community's Charter of Fundamental Social Rights' (1990) 53 *The Modern Law Review* 624.
- Bergel, JL, 'Principal Features and Methods of Codification' (1988) 48 *Louisiana Law Review* 1073.
- Betten, L, *International Labour Law*, Kluwer, Deventer, 1993.
- , 'The Role of Social Partners in the Community's Social Policy Law-Making: Participatory Democracy or Furthering the Interests of Small Elites', in C Engels and M Weiss (eds), *Labour Law and Industrial Relations at the Turn of the Century. Liber Amicorum in Honour of Prof Dr Roger Blanpain*, Kluwer Law International, The Hague, 1998, 239.
- , 'The EU Charter on Fundamental Rights: A Trojan Horse or a Mouse?' (2001) 17 *International Journal of Comparative Labour Law and Industrial Relations* 151.
- Biagi, M, 'Forms of Employee Representational Participation', in R Blanpain, and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 7th edn, Kluwer Law International, The Hague, 2001, 483.
- Blanpain, R, *De Wet op de arbeidsovereenkomst*, Kluwer, Antwerpen, 1978.
- , *Schets van het Belgisch arbeidsrecht*, 2nd edn, Die Keure, Brugge, 1984.
- , *Case Law (International Court of Justice)*, in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations*, Kluwer Law International, The Hague, 2005 update.
- , 'Belgium', in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations*, Kluwer Law International, The Hague, 2006 update.
- , *European Labour Law*, 10th edn, Kluwer Law International, The Hague, 2006.
- , *Codex (International Labour Law)*, in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations* Kluwer Law International, The Hague, 2007 update.
- Blanpain, R, and Weiss, M, (eds), *Changing Industrial Relations and Modernisation of Labour Law. Liber Amicorum in Honour of Professor Marco Biagi*, Kluwer Law International, The Hague, 2003.
- Blanpain, R, and Windey, P, *European Works Councils. Information and Consultation of Employees in Multinational Enterprises in Europe*, Peeters, Leuven, 1994.
- Blanquet, F, *L'Europe: vers l'harmonisation des législations sociales*, cited in R Blanpain (ed), *European Labour Law*, 10th edn, Kluwer Law International, The Hague, 2006, 234.
- Brooks, B, and Engels, C (eds), *Employed or Self-Employed*, in R Blanpain (gen. ed.), *Bulletin of Comparative Labour Relations*, Kluwer, Deventer, No. 24, 1992.

- (eds), 'General Overview', in B Brooks and C Engels (eds), *Employed or Self-Employed*, in R Blanpain (gen. ed.), *Bulletin of Comparative Labour Relations*, Kluwer, Deventer, No. 24, 1992, 1.
- Brudney, JJ, 'Employee Majority Bargaining Systems: Comparing Developments in the United States and Australia', seminar under the auspices of the Centre for Employment and Labour Relations Law, University of Melbourne, 16 June 2008.
- Camerlynck, GH, and Lyon-Caen, G, *Droit du Travail*, Dalloz, Paris, 1975.
- Campbell, J, *Margaret Thatcher. Volume Two: The Iron Lady*, Pimlico, London, 2004.
- Cass, DZ, 'The Word that Saves Maastricht? The Principle of Subsidiarity and the Division of Powers within the European Community' (1992) 29 *Common Market Law Review* 1107.
- Cella, GP, and Treu, T, 'National Trade Union Movements', in R Blanpain and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, Kluwer Law International, The Hague, 2001, 445.
- Collins, H, 'Methods and Aims of Comparative Contract Law' (1991) 11 *Oxford Journal of Legal Studies* 396.
- Commission Communication to the spring 2005 European Council, 'Working Together for Growth and Jobs. A New Start for the Lisbon Strategy', *Official Journal*, 16 March 2005, C 64; COM (2005) 24.
- Commission of the European Communities, *Charter of the Fundamental Social Rights of Workers*, Office for Official Publications of the European Communities, Luxembourg, 1990.
- , Green Paper: *Modernising Labour Law to Meet the Challenges of the 21st Century*, Brussels, 22 November 2006, COM (2006) 708 final.
- , *Towards Common Principles of Flexicurity*, COM (2007) 359 final.
- Commission strongly welcomes today's political agreement on Working Time and Working Conditions for Temporary Agency Workers, press release, IP/08/912, Brussels, 10 June 2008.
- Communication from the Commission to the Council and the European Parliament, *Better Regulation for Growth and Jobs in the European Union*, COM (2005) 0097 (final).
- Craver, CB, 'The Relevance of the NLRA and Labor Organisations in the Post-Industrial Global Economy' (2006) 57 *Labor Law Journal* 133.
- Creighton, B, and Stewart, A, *Labour Law*, 4th edn, Federation Press, Sydney, 2005.
- Dannin, E, 'Why At-Will Employment is Bad for Employers and Just Cause is Good for Them' (2007) *Labor Law Journal* 5.
- De Groot, C, *Netherlands Labour and Co-Determination Law in an EEC Perspective*, Kluwer, Deventer, 1990.
- Dehaene, J-L, *De Europese uitdaging: van uitbreiding tot integratie*, Van Halewyck, Leuven, 2004.
- Department of Employment and Industrial Relations Working Environment Branch, *Industrial Democracy and Employee Participation—Policy Discussion Paper*, Canberra, 1986.

- Department of Foreign Affairs and Trade, *Workplace Relations in Australia*, About Australia Fact Sheet Series, September 2008.
- Department of Labour, *Industrial Relations. A Framework for Review*, 2 vols, Government Printer, Wellington, 1985.
- , *Government Policy Statement on Labour Relations*, Government Printer, Wellington, September 1986.
- , *Industrial Relations. A Framework for Review—Summary of Submissions*, Government Printer, Wellington, 1986.
- , *Report of the Committee Enquiring into Dependent Contracting*, Government Printer, Wellington, 1988.
- , *Fact Sheet on Good Faith in Employment Relationships*, available at www.ers.dol.govt.nz/goodfaith/code (accessed 29 February 2008).
- Despax, M, and Rojot, J, 'France', in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations*, Kluwer, Deventer, 1987 update.
- Dickens, L, Jones, M, Weekes, B, and Hart, M, *Dismissed: A Study of Unfair Dismissal and the Industrial Tribunal System*, Blackwell, Oxford, 1985.
- Durand, P, 'Le particularisme du droit du travail' (1945) *Droit Social* 298.
- Engels, C, 'Belgium', in B Brooks and C Engels (eds), *Employed or Self-Employed*, in R Blanpain (gen. ed.), *Bulletin of Comparative Labour Relations*, Kluwer, Deventer, No. 24, 1992, 29.
- , and Salas, L, 'Transnational Information and Consultation: The European Works Council Directive', in R Blanpain, and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 7th edn, Kluwer Law International, The Hague, 2001, 525.
- , and Weiss, M, (eds), *Labour Law and Industrial Relations at the Turn of the Century. Liber Amicorum in Honour of Prof Dr Roger Blanpain*, Kluwer Law International, The Hague, 1998.
- European Commission, *Mission for Flexicurity: Terms of Reference*, Brussels, 8 February 2008.
- European Council Conclusions, Brussels, 16 October 2008, available at <http://europa.eu>
- European Expert Group on Flexicurity, *Flexicurity Pathways: Turning Hurdles into Stepping Stones*, June 2007, available at <http://ec.europa.eu/employment-social/employment-strategy/pdf/flexi-pathways-en.pdf>
- European Foundation for the Improvement of Living and Working Conditions, *Approaches to Flexicurity: EU Models*, Office for Official Publications of the European Communities, Luxembourg, 2007.
- European Industrial Relations Observatory, *Redundancies and Redundancy Costs*, European Foundation for the Improvement of Living and Working Conditions, Dublin, 2005, available at <http://www.eurofound.eu.int/pubdocs/2005/75/en/1/ef0575en.pdf>
- Facing the Challenge: The Lisbon Strategy for Growth and Employment*, Report from the High Level Group chaired by Wim Kok, Office for Official Publications of the European Communities, Luxembourg, 2004, available at www.europa.eu.int/comm/Lisbon-strategy/index-en.html

- Finkin, MW, 'Law Reform American Style: Thoughts on a Restatement of the Law of Employment', in R Blanpain and M Weiss (eds), *Changing Industrial Relations and Modernisation of Labour Law. Liber Amicorum in Honour of Professor Marco Biagi*, Kluwer Law International, The Hague, 2003, 139.
- First 100 Days: Achievements of the Rudd Government*, February 2008, available at www.pm.gov.au/first-100-days.doc
- Fitzpatrick, B, 'Community Social Law after Maastricht' (1992) 21 *Industrial Law Journal* 199.
- Frame, A, *Salmond. Southern Jurist*, Victoria University Press, Wellington, 1995.
- France, D, 'International Employers' Organisations', in R Blanpain and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 7th edn, Kluwer Law International, The Hague, 2001, 55.
- Freedland, MR, *The Contract of Employment*, Clarendon Press, Oxford, 1976.
- Fudge, J, 'Fragmenting Work and Fragmenting Organisations: The Contract of Employment and the Scope of Labour Regulation' (2006) 44 *Osgoode Hall Law Journal* 609.
- Gahan, P, and Mitchell, R, 'The Limits of Labour Law and the Necessity of Interdisciplinary Analysis' in R Mitchell (ed.), *Redefining Labour Law: New Perspectives on the Future of Teaching and Research*, Centre for Employment and Labour Relations Law, Occasional Monograph Series No. 3, Melbourne, 1995, 62.
- George, S, *Politics and Policy in the European Community*, Oxford University Press, Oxford, 1991.
- Getman, JG, and Blackburn, JD, *Labor Relations. Law, Practice and Policy*, 2nd edn, Foundation Press, Mineola, 1983.
- Gillard, J, (Minister for Employment and Workplace Relations), *Introducing Australia's New Workplace Relations System*, speech given at the National Press Club, Canberra, 17 September 2008.
- Gladstone, A, 'Settlement of Disputes over Rights', in R Blanpain and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 7th edn, Kluwer Law International, The Hague, 2001, 629.
- Goldman, AL, and White, RH, 'The United States of America', in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations*, Kluwer Law International, The Hague, 2002 update.
- 'Government <committed> to finding treaty resolution—Cowan', *Irishtimes.com*, 17 October 2008.
- Gutman, GO, 'The Hancock Report: Last Hurrah for the System', in *Arbitration in Contempt*, Proceedings of the Inaugural Seminar of the HR Nicholls Society, Melbourne, 28 February – 2 March 1986, Chapter 12, available at www.hrnicholls.com.au/nicholls/nichvol1 (accessed 11 March 2008).
- Hanza, G, *Comparative Law and Antiquity*, Akadémiai Kiadó, Budapest, 1991.
- Hardy, S, 'Great Britain', in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations*, Kluwer Law International, The Hague, 2007 update.

- Heppele, B, 'Individual Labour Law', in GS Bain (ed.), *Industrial Relations in Britain*, Blackwell, Oxford, 1983, 393.
- , 'Introduction', in B Hepple (ed.), *The Making of Labour Law in Europe. A Comparative Study of Nine Countries up to 1945*, Mansell Publishing, London and New York, 1986, 1.
- , 'The Implementation of the Community Charter of Fundamental Social Rights' (1990) 53 *The Modern Law Review* 643.
- , 'European Labour Law: The European Community', in R Blanpain and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 5th edn, Kluwer Law International, The Hague, 1993, 143.
- , 'Towards a European Social Constitution', in C Engels and M Weiss (eds), *Labour Law and Industrial Relations at the Turn of the Century. Liber Amicorum in Honour of Prof Dr Roger Blanpain*, Kluwer Law International, The Hague, 1998, 291.
- House of Representatives, Standing Committee on Employment, Workplace Relations and Workforce Participation, *Making It Work: Inquiry into Independent Contracting and Labour Hire Arrangements*, Canberra, August 2005.
- Hueck, A, and Nipperdey, HC, *Lehrbuch des Arbeitsrechts*, 7th edn, Verlag F Vahlen, Berlin/Frankfurt, 1963.
- Hughes, J, 'The Collective Bargaining Code of Good Faith' (2001) 26 *New Zealand Journal of Industrial Relations* 59.
- Husson, M (ed.), *Travail flexible, salariés jetables. Fausses questions et vrais enjeux de la lutte contre le chômage*. Editions La Découverte, Paris, 2006.
- Industrial Relations Services, 'Flexicurity in the Spotlight', *European Industrial Relations Review*, December 2006, 27.
- International Labour Organization, *Labour Courts, An International Survey of Judicial Systems for the Settlement of Disputes*, Studies and Reports Series A (Industrial Relations), No. 40, International Labour Office, Geneva, 1938.
- Jacobs, A, 'The Netherlands', in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations*, Kluwer Law International, The Hague, 2004 update.
- Javillier, JC, *Droit du travail*, 2nd edn, LGDJ, Paris, 1988.
- Kahn-Freund, O, 'Legal Framework', in A Flanders and HA Clegg (eds), *The System of Industrial Relations in Great Britain. Its History, Law and Institutions*, Basil Blackwell, Oxford, 1954, 42.
- , 'Comparative Law as an Academic Subject' (1966) 82 *Law Quarterly Review* 40.
- , 'On Uses and Misuses of Comparative Law' (1974) 37 *The Modern Law Review* 1.
- Kamba, WJ, 'Comparative Law: A Theoretical Framework' (1974) 23 *International and Comparative Law Quarterly* 485.
- Kassalow, EM, *Trade Unions and Industrial Relations: An International Comparison*, Random House, New York, 1969.

- Landau, EC, *The Influence of ILO Standards on Australian Labour Law and Practices*, Monograph 30, Industrial Relations Research Centre, University of New South Wales, 1990.
- Lewis, R, 'The Role of the Law in Employment Relations', in R Lewis (ed.), *Labour Law in Britain*, Basil Blackwell, Oxford, 1986, 1.
- Lisbon – European Council 23 and 24 March 2000, Presidency Conclusions, 1, available at <http://www.europarl.europa.eu/summits/lis1-en.htm>
- , *Question and Answer: A New Start for the Lisbon Strategy*, MEMO 05/34, Brussels, 2 February 2005.
- Macintyre, S, and Mitchell, R, 'Introduction', in S Macintyre and R Mitchell (eds), *Foundations of Arbitration. The Origins and Effects of State Compulsory Arbitration 1890–1914*, Oxford University Press, Melbourne, 1989, 1.
- Madsen, PK, 'How Can It Possibly Fly? The Paradox of Dynamic Labour Market in a Scandinavian Welfare State', in JL Campbell, JA Hall and OK Pedersen (eds), *National Identity and the Varieties of Capitalism: The Case of Denmark*, DJOF Publishing/ McGill University Press, Copenhagen/ Montreal, 2006, 321.
- Mallard, T (Minister for Labour), 'Stronger Protection for Casual and Temp Workers', 22 June 2008, available at <http://beehive.govt.nz>
- Mathijsen, PSRE, *A Guide to European Union Law*, 9th edn, Sweet & Maxwell, London, 2007.
- May, R, Walsh, P, Harbridge, R, and Thickett, G, *Unions and Union Membership in New Zealand: Annual Review for 2002*, Industrial Relations Centre, Victoria University of Wellington, Working Paper 1/03, Wellington, 2003.
- McCallum, RC, 'A Modern Renaissance: Industrial Law and Relations under Federal Wigs 1977–1992' (1992) 14 *Sydney Law Review* 401.
- Merryman, JH, *The Civil Law Tradition. An Introduction to the Legal Systems of Western Europe and Latin America*, 2nd edn, Stanford University Press, Stanford, CA, 1985.
- Milton, G, and Keller-Noëllet, J, with Bartol-Saurel, A, *The European Constitution: its Origins, Negotiation and Meaning*, John Harper Publishing, London, 2005.
- Mitchell, R (ed.), *Redefining Labour Law. New Perspectives on the Future of Teaching and Research*, Centre for Employment and Labour Relations Law, Occasional Monograph Series, No. 3, Melbourne, 1995.
- Neal, AC, 'Do We Need a Social Policy for Europe?', in R Blanpain and M Weiss (eds), *Changing Industrial Relations and Modernisation of Labour Law. Liber Amicorum in Honour of Professor Marco Biagi*, Kluwer Law International, The Hague, 2003, 287.
- Norington, B, 'Ads Remind Labor of Vows' (2008) *The Australian*, 23 June, 2.
- Orr, G, and Murugesan, S, 'Mandatory Secret Ballots Before Employee Industrial Action', (2007) 20 *Australian Journal of Labour Law* 272.
- Pearson, N, *The Light on the Hill*, Ben Chifley Memorial Lecture, 12 August 2000, available at www.capeyorkpartnerships.com/team/noelpearson/lightonhill-12-8-00.htm 55k
- Punch, P, and Sheils, M, 'NES & Award Modernisation—More Ingredients and a New Mixture?' (2008) 3 *Industrial Law News* 1.

- Ramm, T, 'Laissez-faire and State Protection of Workers', in B Hepple (ed.), *The Making of Labour Law in Europe. A Comparative Study of Nine Countries up to 1945*, Mansell Publishing, London and New York, 1986, 73.
- , 'Workers' Participation, the Representation of Labour and Special Labour Courts', in B Hepple (ed.), *The Making of Labour Law in Europe. A Comparative Study of Nine Countries up to 1945*, Mansell Publishing, London and New York, 1986, 242.
- Rasking, J, and Tegenbos, G, '138 miljoen voor vakbonden', *De Standaard Online*, 10 April 2006.
- Rawling, M, 'The Regulation of Outwork and the Federal Takeover of Labour Law' (2007) 20 *Australian Journal of Labour Law* 189.
- Report of the Committee of Enquiry into Australian Industrial Relations Law and Systems*, 2 vols, Australian Government Publishing Service, Canberra, 1985.
- Report of the Committee of Inquiry into Industrial Democracy*, Government Printer, Wellington, 1989.
- Report of the Employment Task Force, *Jobs, Jobs, Jobs: Creating More Employment in Europe*, November 2003, cited in the Commission of the European Communities, *Modernising Labour Law to Meet the Challenges of the 21st Century*, COM (2006), 3.
- Report on the Functioning of the Transitional Arrangements set out in the 2003 Accession Treaty, cited in the *Commission of the European Communities, Modernising Labour Law to Meet the Challenges of the 21st Century*, COM (2006), 48: 8 February 2006, 11 (n. 31).
- Richardson, Ivor (Sir), 'The Role of the Courts in Industrial Relations' (1987) 12 *New Zealand Journal of Industrial Relations* 113.
- Riley, J, 'A Fair Deal for the Entrepreneurial Worker? Self-Employment and Independent Contracting Post Work Choices' (2006) 19 *Australian Journal of Labour Law* 246.
- Rood, MG, 'Some Thoughts on European Works Councils', in C Engels and M Weiss (eds), *Labour Law and Industrial Relations at the Turn of the Century. Liber Amicorum in Honour of Prof Dr Roger Blanpain*, Kluwer Law International, The Hague, 1998, 399.
- Sappideen, C, Vines, P, Grant, H, and Watson, P, *Torts. Commentary and Materials*, 9th edn, Lawbook Co., Sydney, 2006.
- Schregle, J, 'Comparative Industrial Relations: Pitfalls and Potential' (1981) 120 *International Labour Review* 15.
- Scott, S, 'Minimum Standards Upset Employers' (2008) *The Australian Financial Review*, 15 February, 9.
- Senate Commission Report 1977, in R Blanpain, *De Wet op de arbeidsovereenkomst*, Kluwer, Antwerpen, 1978.
- Stallybrass, WTS, *Salmond's Law of Torts*, 9th edn, Sweet and Maxwell, London, 1936.
- Stewart, A, with the assistance of Priest, E, 'The Work Choices Legislation: An Overview', available at [www.federationpress.com.au/pdf/WorkChoicesLegislation 0206.pdf](http://www.federationpress.com.au/pdf/WorkChoicesLegislation%2006.pdf) (accessed 14 February 2006).
- Summers, CW, Wellington, HH, and Hyde, A, *Labor Law. Cases and Materials*, 2nd edn, University Casebook Series, Foundation Press, Mineola, 1982.

- Sweepston, L, Chapter 7, 'International Labour Law', in R Blanpain, and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 7th edn, Kluwer Law International, The Hague, 2001, 135.
- Szakats, A, and Mulgan, MA, *Dismissal and Redundancy Procedures*, 2nd edn, Butterworths, Wellington, 1990.
- 'There's Money in Mopping', (2005), *The Economist*, 10 December, 38–40.
- Toth, AG, *The Oxford Encyclopaedia of European Community Law. Volume I: Institutional Law*, Clarendon Press, Oxford, 1990.
- Tunc, A, 'L'Enseignement du droit comparé: présentation' (1988) *Revue internationale de droit comparé* 703.
- Underhill, E, 'Labour Hire and Independent Contracting in Australia: Two Inquiries, How Much Change?' (2006) 19 *Australian Journal of Labour Law* 306.
- Valticos, N, and von Potobsky, G, *International Labour Law*, 2nd edn, Kluwer, Deventer, 1995.
- Vanachter, O, 'Labour Law and the Division of Power Between the Federal Level, the Communities and the Regions in Belgium', in O Vanachter and M Vranken (eds), *Federalism and Labour Law: Comparative Perspectives*, Intersentia, Antwerpen/Oxford/New York, 2004, 21.
- Vranken, M, *De collectieve arbeidsovereenkomsten in België van 1974 tot 1980. Evolutie en juridische evaluatie*, Acco, Leuven/Amersfoort, 1984.
- , 'Deregulating the Employment Relationship: Current Trends in Europe' (1986) 7 *Comparative Labor Law* 143.
- , 'Specialisation and Labour Courts: A Comparative Analysis' (1988) 9 *Comparative Labor Law Journal* 497.
- , 'Autonomy and Individual Labour Law: A Comparative Analysis' (1989) 5 *International Journal of Comparative Labour Law and Industrial Relations* 100.
- , 'An Australasian Approach to Industrial Democracy?' (1991) 4 *Australian Journal of Labour Law* 81.
- , 'Comparativism and Australian Labour Law', in R Mitchell (ed.), *Redefining Labour Law. New Perspectives on the Future of Teaching and Research*, Centre for Employment and Labour Relations Law, Occasional Monograph Series, Melbourne, 1995, 121.
- , *Fundamentals of European Civil Law and Impact of the European Community*, Federation Press, Sydney, 1997.
- , 'Common Law versus Specialist Jurisdiction in Labour Law' in DR Nolan (ed.), *The Australasian Labour Law Reforms. Australia and New Zealand at the End of the Twentieth Century*, Federation Press, Sydney, 1998, 21.
- , 'The Role of Specialist Labour Courts in an Environment of Substantive Labour Law Deregulation: A New Zealand Case Study' (1999) 15 *International Journal of Comparative Labour Law and Industrial Relations* 303.
- , 'Documentation', in R Blanpain, and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 7th edn, Kluwer Law International, The Hague, 2001, 25.

- , 'Legal Education Reform in Australia and the Impact of Globalisation: A Comparative Perspective' (2008) 14 *Revue Juridique Polynésienne* 21.
- Wedderburn, Lord, *The Worker and the Law*, 3rd edn, Penguin, Harmondsworth, 1986.
- , 'Labour Law: Autonomy from the Common Law?' (1987) 9 *Comparative Labor Law Journal* 219.
- , 'Labour Law: From Here to Autonomy?' (1987) 16 *Industrial Law Journal* 1.
- Weiss, M, 'The Significance of Maastricht for European Community Social Policy' (1992) 8 *International Journal of Comparative Labour Law and Industrial Relations* 3.
- , 'The Future Role of the European Union in Social Policy', in C Engels and M Weiss (eds), *Labour Law and Industrial Relations at the Turn of the Century. Liber Amicorum in Honour of Prof Dr Roger Blanpain*, Kluwer Law International, The Hague, 1998, 489.
- , 'Modernising the German Works Council System: A Recent Amendment' (2002) *International Journal of Comparative Labour Law and Industrial Relations* 251.
- , 'Labour Law', in J Zekoll and M Reimann (eds), *Introduction to German Law*, 2nd edn, Kluwer International, The Hague, 2005, 299.
- , and Schmidt, M, 'Germany', in R Blanpain (ed.), *International Encyclopaedia for Labour Law and Industrial Relations*, Kluwer Law International, The Hague, 2000 update.
- , Simitis, S, and Rydzy, W, 'The Settlement of Labour Disputes in the Federal Republic of Germany', in T Hanami and R Blanpain (eds), *Industrial Conflict Resolution in Market Economies. A Study of Australia, the Federal Republic of Germany, Italy, Japan and the USA*, 2nd edn, Kluwer, Deventer, 1989, 81.
- Wheeler, HN, 'The Labor Movement in the 21st Century', in C Engels and M Weiss (eds), *Labour Law and Industrial Relations at the Turn of the Century. Liber Amicorum in Honour of Prof Dr Roger Blanpain*, Kluwer Law International, The Hague, 1998, 221.
- Wilson, M, 'The Employment Relations Act: A Statutory Framework for Balance in the Workplace' (2001) 26 *New Zealand Journal of Industrial Relations* 5.
- Windmuller, JP, and Pursey, SK, 'The International Trade Union Movement', in R Blanpain and C Engels (eds), *Comparative Labour Law and Industrial Relations in Industrialized Market Economies*, 7th edn, Kluwer Law International, The Hague, 2001, 73.
- Woods, NS, *Industrial Conciliation and Arbitration in New Zealand*, Government Printer, Wellington, 1963.
- Ziskind, D, 'Cultural Bias in Labor Law Comparison' (1984) 6 *Comparative Labor Law* 275.
- Zweigert, K, and Kötz, H, *An Introduction to Comparative Law*, 3rd edn, Clarendon Press, Oxford, 1998.

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