

Selected Labor & Employment Law Capsule Reviews

compiled by Wu-Kwan Kit

ROGER BLANPAIN ET AL., THE GLOBAL WORKPLACE:
INTERNATIONAL AND COMPARATIVE EMPLOYMENT LAW - CASES AND
MATERIALS (Cambridge University Press, Jan. 15, 2007, 704 pp., \$90.00)

From the publisher:

With the forces of globalization as a backdrop, this pathbreaking casebook develops labor and employment law in the context of the national laws of nine countries important to the global economy -- U.S., Canada, Mexico, U.K., Germany, France, China, Japan and India. National materials are contextualized by coverage of international labor standards promulgated by the International Labor Organization, as well as the principles that emerge from two regional trade arrangements -- the North American Free Trade Agreement and the European Union -- and TNC's self-regulatory efforts. Instructor resources include an extensive teachers' manual, powerpoint slides, and a website providing updates in this broad and fast-moving subject.

OLIVER HYAMS, EMPLOYMENT ASPECTS OF BUSINESS
REORGANISATIONS (Oxford University Press, Jan. 2007, 300 pp., \$150.00)

From the publisher:

This timely new text examines the various employment law issues arising in relation to business reorganisations. Providing guidance on the most difficult practical issues of this complex area, the book is aimed primarily at practitioners working in this area. However, its accessible style ensures wider appeal to non-specialists. The book focuses on the rights and obligations of an employer towards its employees and their representatives when it seeks to reorganise its business. This can include situations where an employer wishes to contract out certain operations (and relevant employees may be transferred to another employer) or where affected employees are retained but reallocated to different

jobs and responsibilities. Fully up to date to incorporate the forthcoming TUPE regulations 2005, the book details the circumstances where the regulations apply and where they do not, and the full implications to employers in each case. Clearly structured to ensure ease of reference, the book provides separate coverage of collective and individual employment rights and detailed analysis of key issues such as obligations in respect of pension schemes, the definition of redundancy and the right to a redundancy payment, as well as the circumstances where there is no redundancy but where an employee may be fairly dismissed in a reorganisation for "some other substantial reason". The book also deals with the manner in which employees' common law rights may be breached and the possible impact of the law of discrimination on a reorganisation. Full attention is given to the underlying UK and European statutory framework and the developing case law in this area.

SAMUEL ESTREICHER, *EMPLOYMENT STORIES* (Foundation Press, Dec. 2006, 281 pp., \$27.50)

From the publisher:

Employment law is fast emerging as a dominant area of practice and concern. This exciting new Law Stories title provides behind the scenes descriptions of the landmark cases the litigants, the lawyers, the strategy that helped shape this growing field. This is an account of emerging law from the ground up. The objective is to help the student understand that, well before appellate judges are involved, the basic narrative and the doctrinal/policy potential of the case has been set by the decisions of litigants and their representatives. Several chapters are also devoted to the story behind some of the principal statutes in the area.

MIKE L. DISHMAN, *THE FAIR LABOR STANDARDS ACT IN AMERICAN SCHOOLS: A GUIDE FOR SCHOOL OFFICIALS* (Rowman and Littlefield Education, Dec. 2006, 176 pp., \$69.95)

From the publisher:

The Fair Labor Standards Act in American Schools provides school officials with a clear, concise, jargon-free guide to applying the FLSA in the public school environment. Containing hundreds of school specific examples, cases, and Department of Labor Opinion Letters, this book provides school officials with a valuable tool for meeting school compliance challenges under the FLSA.

JOEL FRIEDMAN, EMPLOYMENT DISCRIMINATION STORIES
(Foundation Press, Dec. 2006, 369 pp., \$22.75)

From the publisher:

Like all the other volumes in the Stories collection, this book provides students with a three dimensional picture of the most important cases that are addressed in nearly every employment discrimination casebook and course. These stories give the students and faculty members a deeper understanding of the historical and cultural background of the cases and an insight into their long term impact on the development of employment discrimination law.

CHARLES RILEY, DISABILITY AND BUSINESS: BEST PRACTICES AND STRATEGIES FOR INCLUSION (University Press of New England, Oct. 2006, 260 pp., \$26.00)

From the publisher:

Although more and more corporations are including diversity in their business plans, one major group has been left out: people with disabilities. The passage of the Americans with Disabilities Act promised an end to discrimination more than a decade ago, but the unemployment rate for people with disabilities--physical and mental, visible and invisible--remains high, and businesses remain uncertain about how to hire, manage, and market to what is by far America's largest minority.

In this comprehensive guide to incorporating disability into corporate strategies--from hiring to selling to office architecture--Riley argues that disability and business need one another. In exchange for inclusion and empowerment in the workplace, people with disabilities bring a trillion-dollar consumer market to the bargaining table, revenues untapped by most major companies. Instead of relying on the paternal "it's the right thing to do" attitude, Riley emphasizes the business case for inclusion, pointing the way to higher sales volume and a talent pool of creative thinkers, the "user-experts" who know best how to reach the community.

Based on more than 100 interviews with inside sources at Microsoft, IBM, Cingular, Boeing, SunTrust, and other major companies that have already enjoyed success and recognition in the disability field, Riley identifies the best ways to integrate disability into a company's diversity strategy and shows how

successful integration has the potential to transform the way a company does business, enhancing profits as well as reputation.

This is the first book to explain disability culture to the full spectrum of industry and across all departments; and it is the first to provide corporate leaders with a master strategy for making disability a productive and profitable aspect of their business plans. Riley's central premise--that the two sides are already capable of helping one another, but have not recognized how to make this happen--speaks directly to the needs of each community and proposes a practical agenda that will directly benefit both.

ASPATORE BOOKS STAFF, *LABOR AND EMPLOYMENT SETTLEMENTS AND NEGOTIATIONS: LEADING LAWYERS ON EMPLOYMENT CONTRACTS, WORKPLACE DISCRIMINATION, AND DISPUTE RESOLUTION* (Aspatore Books, July 2006, 184 pp., \$99.95)

From the publisher:

Labor and Employment Settlements and Negotiations is an authoritative, insider's perspective on key strategies for representing and advising both individuals and organizations involved in legal issues surrounding the workplace. Featuring partners from some of the nation's leading firms, these experts guide the reader through the gamut of legal issues that can arise in this vast area, such as: structuring employment contracts and termination terms; dealing with discrimination, harassment, and sensitive office relationships; and understanding the legal aspects of employee benefits. These top lawyers give solid advice for everything from non-compete contracts to workers unions, covering proper hiring procedures, privacy rights, and compensation issues. The laws profiled in this volume include the Sarbanes-Oxley Act as well as legislation affecting proper workplace conduct and employees rights. From common client mistakes to educating clients on strategies for preparedness, these authors explain methods for avoiding disputes, reaching settlements, and litigating cases which often carry severe implications to people's livelihood and well-being. The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today, as these experienced lawyers offer up their thoughts around the keys to navigating this ever-changing area of law.