While individual migration from Central and Eastern Europe has had a manageable impact on economic aggregates only, postings have the potential to transform institutions. The right to provide services within the EU and the primacy accorded to product markets in the decisions of the European court of Justice have placed national wage systems in particular under pressure to adjust.

Transnationalism of Wage Systems?

Transnational Labour Markets and National Employment in the EU

By Gerhard Bosch

Transnational grey areas in labour markets

The repeated expansion of the EU and the ensuing migration flows have been the trigger for extensive empirical research on various social and economic aspects of migration. This research has concentrated almost exclusively on individual migrant workers. This focus on individuals has shaped most of the studies on immigration and emigration and their various effects on the employment systems of the countries of origin and countries of destination. Thus, for example, a major research project has concluded that migration flows from Central and Eastern Europe following the introduction of full labour mobility on 1 May 2011 will be very limited in scale. Nor is it expected that such migration will give rise to serious imbalances in labour markets or other disruptions in the countries of destination[1].

Such reassurances contrast sharply with studies that have revealed considerable dislocations as a result of increasing competition in Europe based on wage dumping. Thus industry-level studies have produced evidence of displacement effects and wage reductions in sub-labour markets, such as in the construction industry, for example[2], or in the meat processing industry[3]. Another strand of research has focused on the pressure for change in national employment models generated by the legalisation of wage competition in Europe. In addition to country studies[4], there are comparative studies that draw on the varieties of

Gerhard Bosch. Foto: Timo Bobert

capitalism approach[5]. Finally, several judgements by the European Court of Justice on posted workers have triggered a lively, even heated debate among legal scholars in Europe[6] that is increasingly extending to the social sciences[7].

Such 'parallel communities' in research, which make completely opposing assessments of the same object, are all the more likely to arise the more tightly the research framework is drawn. From the bird's-eye perspective of macro-economic models, small wage reductions or increases in average levels of unemployment in the workforce as a whole may well seem innocuous. From the micro-level perspective of affected sectors and employees however, they may appear very threatening indeed. This gap between the micro and macro levels can be bridged only by using a mix of methods. Moreover, research on posted workers shows how important it is to look beyond traditional research on migration and to include in the analysis new forms of transnational labour mobility resulting not from the free mobility of labour but from the deregulation of product markets and competition law. Finally, it is not sufficient to see the institutions of the employment system solely as fixed elements in migration processes. The Europeanisation of labour and product markets is putting these institutions themselves under considerable pressure to change. Since institutional change frequently follows European legislation, disciplinary boundaries have to be transcended if the developments are to be fully understood.

This article begins with an analysis of the deterritorialisation of labour law as a result of the new constellation of labour market and product market regulations within the EU (Part 2). The effects of the new legal grey areas on national employment systems are then investigated (Part 3). Finally, I examine the extent to which the gaps in the regulations opened up by transnational mobility can be closed by transnational agreements (Part 4).

The deterritorialisation of labour law in the European Union

One of the fundamental characteristics of modern nation states is the territorial basis of their legislation, which defines the geographical limits of national sovereignty. At the same time, the territorial principle is a constituent element of democratic societies, in which all of a country's citizens are equal before the law regardless of status, race or nationality[8]. Industrial relations and working and employment conditions are also extensively regulated by national legislation. This territorial principle is not called into question by most supranational regulations pertaining to employment conditions, such as the EU directives on employment or the ILO conventions to which nation states are signatories. If, when adopted, these regulations gave rise to a need for adjustments, then it was the responsibility of nation states to adapt their legislation accordingly. Even though the motives for amending legislation originated outside the country, the 'camel' of supranational regulation had first to pass through the 'eye of the needle' of national legislation. Consequently, there was a certain amount of leeway for national labour law to continue to evolve along a path-dependent trajectory. Moreover, national actors seldom missed the opportunity to incorporate other objectives into the legislation and to sell them to the outside world, so that in the end often only legal experts understood the supranational background.

Even the large-scale migratory flows resulting from the right of workers to full mobility within the EU left the territorial principle unaffected. When they cross national borders, migrants enter a new legal system and become subject to the legislation of the country of destination. Initially, discrimination could be prevented under the terms of Article 119 of the EU Treaty, which enshrined the principle of equal pay for equal work for men and women, for both foreigners and nationals alike. In the 1960s and 70s, the member states were unanimous in arguing the case for the harmonisation of working and employment conditions while maintaining the better conditions for workers that prevailed in individual countries. The project of European unification was not to be placed in jeopardy by tempering the potential for labour market policy disputes stirred up by migration.

While the territorial principle was applied in labour law, competition law was governed by the country of origin principle, which the EU had been extending step by step since the early 1970s. According to this principle, products that had been approved in one country could be exported to other countries without any further inspection. Since services were also included among such products, this fundamental principle of the EU's internal market impacted directly on employment conditions. Companies had the right to provide time-limited services in other countries with their own workers and in accordance with their employment conditions. Thus the principle of equal pay for equal work within the geographical sphere of application of national legislation does not apply in the case of contractors.

The freedom to provide services was not of any practical significance until the early 1990s, when contracts began to be awarded in some industries, particularly construction, to foreign companies. The extent to which the territorial principle in labour law could be undermined by 'islands of foreign labour law'[9] soon became evident. In contrast to the early years, the principle of equal treatment was not supported strongly enough by EU member states, because the EU was becoming increasingly more heterogeneous as a result of the accession of new

member states at different stages of development. The conflicts of interest became evident during the consultation on the 1996 Posted Workers Directive. Whereas the countries of destination for posted workers generally voted to protect their labour standards, the less developed countries saw services with low wages and hence low prices as an export opportunity that they did not wish to have restricted. Furthermore, neo-liberal thinking was becoming increasingly dominant, with the result that even the governments of some countries of destination, such as the UK, opposed all labour market regulation. In the end, it was left up to individual member states to regulate equal treatment at the national level.

This compromise of leaving the question of equal treatment for contract workers up to national actors seemed to be logical, since Article 137, paragraph 5 of the EC Treaty excludes any community activity in respect to 'pay, the right of association, the right to strike or the right to impose lock-outs'[10]. In recent years, however, the European Court of Justice has extended the scope of its jurisdiction in several landmark decisions. The starting point for these decisions was always a conflict between basic EU freedoms and national legislation in connection with transnational mobility. In 1997 the Court decided against the French state because it had permitted a blockade of the country's roads by striking lorry drivers and had thereby failed to ensure the free circulation of goods within the EU. In 2007 the blockade by the Swedish construction union of a building site operated by the Latvian company Laval was declared illegal because the action, which was intended to force collective negotiations with the aim of obtaining equal rates of pay, unduly restricted the freedom to provide services. In particular, it had been inadmissible to attempt to apply the entire collectively agreed pay grid to contract workers, since the EU Posted Workers Directive stipulates that only minimum conditions can be demanded. The strike by a Finnish trade union against the reflagging of a ferry (Viking) to operate under the flag of another member state was judged to be an infringement of the right to freedom of establishment also in 2007[11]. Finally, the 2008 Rueffert decision overruled the Act on the Observance of Collectively Agreed Standards (Tariftreuegesetz) passed by the parliament of the German state of Lower Saxony. The ECJ took the view that the Act constituted an infringement of the Posted Workers Directive, since the observance of collectively agreed standards was ensured only for public procurement, not for all companies through generally binding collective agreements[12].

These decisions join other judgements by the ECJ, which has staked its claim to be able to examine and judge the appropriateness of national legislation when the EU's basic economic freedoms come into conflict with national law. In the Laval and Viking cases, it is true, the fundamental right to collective action was emphasised, but the actions themselves were judged to be disproportionate. Furthermore, the judges considered that only individuals were worthy of protection. The right to the collective representation of interests, on the other hand, was not considered to be a good worthy of protection and was thereby deemed to be of less value than the basic economic freedoms. If it were regarded as a basic right, the decisions may well have been different, a situation which legal experts have seen fit to criticise[13]. Kempen[14] sees the failure to enshrine basic rights in the European treaties and the deliberate restriction of their scope to the establishment of a common economic space as a structural fault in the EU that has facilitated the development of a case law that restricts key basic rights. Many legal experts are of the opinion that so many inconsistencies have arisen that the case law will develop further in the years to come. Thus in its concern to establish a level playing field for foreign companies, the ECJ has paradoxically accepted that national firms may be disadvantaged. Thus in Sweden, foreign companies with contract workers are protected against strike action but national companies are not[15].

The interventions by the ECJ in national industrial relations systems are far-reaching and a decisive step towards the deterritorialisation of labour law in the EU. Strikes can now be scrutinised by the courts and autonomous collective bargaining is being weakened, since it requires the cooperation of the legislature with regard to declarations of general applicability. Ultimately, even the contents of collective agreements are subject to state control or the scrutiny of the courts, since only minimum conditions can be laid down for contract workers. Kempen rightly notes that collective bargaining at national level can also be affected, since the restriction to minimum conditions for contract workers is not without implications for the 'main negotiations'[16].

The possibilities for the transnational enforcement of sanctions in the event of infringements of national legislation on postings have to date gone virtually ignored in the research literature. However, institutions cannot survive unless they are protected by controls and sanctions. In establishing the freedom to provide services, the EU has created a European economic space but has not at the same time extended the spaces for controls. Thus national legislation on posted workers provides for controls on foreign companies and sanctions in the event of infringements. In order to enforce the sanctions in the country of origin, it has until now been necessary to conclude bilateral agreements, which Germany has so far managed to achieve only with Austria. Most countries of origin have no interest in such agreements. As

a result, spaces unregulated by law have emerged that actively encourage abuse. The EU has closed its eyes to this problem and has even criticised the few regulations governing registration and attempts at control that have been introduced in some member states[17]. It is not beyond the bounds of possibility that the next round of ECJ judgements will make all controls subject to the country of origin principle, thereby rendering national actors completely impotent.

Effects on national employment systems

Wage systems are a central pillar of national employment systems. They determine the income that can be achieved in various occupations and employment forms. Wage differentials related to gender, age, nationality, size of firm and form of contract determine the demand from firms for the various categories of workers. The income distribution, finally, is a measure of the degree of social inclusion or polarisation. Consequently, when attempts are made to summarise the complex differences between various types of coordinated and liberal market capitalism, income distribution is often selected as a basic distinguishing characteristic[18].

One feature common to wage systems in the coordinated European market economies was their high level of inclusiveness, by which three things are meant. Firstly, it is not only the working and employment conditions of those workers with considerable bargaining power that are collectively negotiated. Rather, the outcomes of the negotiations are extended to all employees in a firm, industry and the economy as a whole. Secondly, a minimum level of income that enables independent living above mere subsistence is guaranteed (Fig. 1). Thirdly, integration into the labour market is not hampered by excessively high wages. In what follows, this third aspect is disregarded, since recent international research does not show any negative effects produced by minimum wages[19].

Unless employees' interests are unified by strong trade unions that do not simply represent the sectional interests of powerful groups but also negotiate on behalf of weaker ones, inclusive wage systems are as unfeasible as they are without sufficiently centralised employers' associations. Depending on the strength of the social partners, the state may have to play a role. It can even out the social partners' weaknesses and extend, as well as restrict, the inclusiveness of wage negotiations. In inclusive wage systems, productivity gains are not skimmed off by individual groups but are distributed among all groups of workers. Compared with exclusive systems, with weak trade unions and employers' associations and a state that does little to intervene in market processes, the income distribution in inclusive wage systems is compressed.

The temporary relocation of workers, combined with the deterritorialisation of labour law described above, can be described as an external shock that can call into question the inclusivity of wage systems. Such external shocks, resulting from the deregulation of product markets initiated by the EU, have occurred before. Broad swaths of the public services, such as postal services, telecommunications, energy, water and transport, have been opened up to private providers by EU directives. Fiori et al.[20] showed in an econometric analysis that product market deregulation weakens the bargaining power of employees in the affected industries, as measured by union density and the extent to which pay bargaining is centralised and coordinated.

However, detailed country studies show that the effects of product market deregulations on the labour market are 'filtered' by national wage systems. Depending on the architecture of the system in question, therefore, product market deregulation affects the bargaining power of employees in the member states in very different ways. The crucial difference between the countries is whether new providers are able to pay lower wages than the old providers once product markets have been opened up.

In one group of countries, wages in the deregulated industries are taken out of competition, so that providers have to compete on

	Within a company	Within an industry	In the economy as a whole
Exclusive	Equal pay not for all employees	Only firms with strong employee bargaining power (bound by collective agreement)	Only industries with strong bargaining power (bound by collective agreement)
Low wage / Inclusive	Equal pay for all employees	All firms in an industry bound by collective agreement	All industries bound by collective agreements

(1) Inclusive versus exclusive wage systems.
Source: own representation

quality and productivity. In most of these countries, the state has declared collective agreements, with their entire pay grid, generally binding for various categories of employees. This applies to France, Belgium, the Netherlands and most of the Southern European countries. These countries have two de facto minimum wages, a national minimum wage as a lower limit and, above that, a collectively agreed minimum wage, the level of which varies by industry and pay grade. In the Scandinavian countries, the state does not intervene, but the unions are able, by virtue of their high membership levels, to ensure that the collectively agreed rates are maintained, even for new providers. In the second group of countries, on the other hand, the collective bargaining systems are susceptible to the new competition from outsiders facilitated by product market deregulation. This susceptibility is the result of the inability of the weak trade unions to organise workers employed by the new providers and inadequate support from the state in extending the applicability of collective agreements. This enables new providers to expand in this market, using business models based primarily on wage undercutting. In the UK, which embarked on privatisation well before the EU directives, business models of this kind swept away the once dominant industry-wide collective agreements as early as the 1980s. In contrast to Germany, however, the UK and most of the Eastern European countries, where industry-wide collective agreements play only a small role, still have a minimum wage, which prevents extreme forms of exclusion. In Germany, where most product market deregulation did not take place until the 1990s, the once dominant industry-wide collective agreements have been eroded in virtually all the deregulated product markets, with the exception of the energy sector, where public monopolies have been replaced by private monopolies. The less favourable working and employment conditions in the outsider companies have triggered a downward wage spiral and have now become the norm. It may seem surprising today that the German trade unions once cherished the belief that they could control wage competition through their collective bargaining arrangements and did not link their acceptance of privatisation to a demand for generally binding collective agreements. This misjudgement can be explained only by the very slow pace at which the erosion of industry-wide collective agreements proceeded initially before it eventually started to gather pace. Recent research on institutional change makes reference to cumulative effects[21].

Various types of wage-setting systems are summarised in Figure (2). The first three countries (DK, NL, FR) are characterised by a high and stable level of inclusiveness. In these three countries, the already high level of coverage by collective agreements has actually increased further in the last two decades despite extensive product market deregulation, and the shares of low-wage workers are low and stable. In the Netherlands and France, collective agreement coverage has risen even though trade union density has fallen considerably, since the state compensated for the weakness of the trade unions by declaring collective agreements generally binding. The other three countries (DE, UK, USA) have exclusive wage systems. Collective agreement coverage has declined and the share of low-paid workers is high and has increased in recent decades[22]. As a result of its growing share of low-wage workers and firms not bound by collective agreements, Germany has come closer to the Anglo-Saxon model.

One important difference between the wage systems can be discerned. In three of them (DK, FR, NL), the consequences of privatisation have been absorbed without any need for active adjustment. The two other European models (DE, UK), on the other hand, have proved to be less shock-resistant. Collective agreement coverage in these two countries could have been stabilised only by increasing the use of (DE) or introducing (UK) declarations of general applicability. The political will to do so was, however, wholly absent.

However, no system is resistant to the shocks produced by transnational postings and the country of origin principle. All countries are forced to take steps to adapt their wage systems, insofar as they wish to maintain or re-establish their inclusiveness. The task was easiest for those EU member states that have generally binding collective agreement systems, whose legal structures the ECJ judges had in mind. France and the Netherlands used the European Posted Workers Directive to make the entire pay grid applicable to posted workers. The UK extended the applicability of the national minimum wage similarly. The situation was more difficult for countries with voluntarist wage systems. In order to satisfy the requirements of the ECJ, the Scandinavian countries have to declare collective agreements as generally binding, which weakens collective bargaining autonomy. In Germany, minimum wage agreements concluded by the social partners in certain industries have been declared generally binding in accordance with the Posted Workers Act (Arbeitnehmerentsendegesetz).

In view of the ECJ's judgements, those countries with voluntarist wage systems cannot maintain the inclusiveness of those systems without state assistance. As a result, their wage systems are turning into hybrid models, located somewhere between the voluntarist and state supported systems. In the case of Germany, the exclusiveness has already increased to such an extent in recent years that the effects of the minimum wages stipulated by the Posted Workers Act, which were actually supposed to restrict transnational wage com-

	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100	Share of low-wage workers in % (2005)
Denmark						E		T	C		8.5
France	T							E		C (G)	11.1
Netherlands			T					E	C (G)		17.6
UK			T	E, C							21.7
Germany			T				E, C				22.7
USA	E	T, C									25.0

C= Collective agreement coverage
E= Membership of employers' associations, measured by the percentage of companies that are members of an employers' association
T=Trade union density, measured as the percentage of employees who are members of a trade union
G=Most industry-wide collective agreements are declared generally binding

(2) Collective agreement coverage, membership of employers' associations and trade unions and share of low-wage workers (2/3rds of the median wage*) in all employees in 6 countries, 2007.
Sources: Bosch 2009; Visser 2008, European Commission 2006

petition, have primarily been felt internally – a classic example of an unintended change in the function of institutions.

Transnationalisation of wage systems?

The question arises as to whether, above and beyond supranational or national regulation, actors below the national government level can take the initiative and assume the task of regulation on a transnational basis. European integration has always been bound up with the hope that the restricted room for manoeuvre that nation states possess might be overcome by integrating the subnational levels of action, thereby creating a new, transnational level of action. Following Pries, I take 'transnationalisation' to denote 'economic, cultural, political and social relations and interconnections that cross the borders of nation states but are not maintained primarily between the states themselves and their governments…'[23]. Collective bargaining arrangements, which enable standards to be set autonomously within national frameworks but below the level of central government, seem to be the optimal locus for transnational standard setting.

However, there are few convincing examples of functioning transnational relations in the industrial relations sphere. The most obvious ones are probably the bilateral agreements between social security funds in the construction industry. In several European countries, the social partners in the construction industry have set up social security funds that jointly administer certain social benefits for the industry on a transnational basis. These benefits include holiday and bad weather pay and supplementary benefits for the elderly. Contributions to the funds are compulsory even for posted workers. In order to avoid construction companies having to contribute twice to the fund for workers posted abroad, the German social security funds have agreed mutual recognition of contribution payments with the funds in Belgium, Denmark, France, Italy, Austria and Switzerland.

These examples demonstrate that transnational agreements are indeed possible, provided four conditions are met. Firstly, there must be institutional similarities. Secondly, employers' and employees' interests must be represented at the aggregate (i.e. national) level. Thirdly, the national partners must be able to negotiate with each other on an equal footing. Fourthly, the negotiating parties must have a strong interest in reaching agreement. In the case of the bilateral agreements between social security funds, these conditions were fulfilled. The similarities lay in the funds' structures, the compulsory contributions and the comparable regulatory content. The shared interests resulted from a mutual desire to facilitate postings between countries with comparable wage levels. Finally, the funds are

organised at national level and with similar degrees of professionalism.

Such ideal conditions for transnational agreements on contract workers' conditions of employment are the exception and are to be found only in the old core EU member states. Because of the considerable wage differentials, the differences in interests between the core member states and the Southern and, now especially, the Central and Eastern European member states are too great. A further obstacle is the fragmentation of industrial relations in Central and Eastern Europe, the most important countries of origin for posted workers, which scarcely have the capacity for national, let alone transnational agreements[24].

Conclusions

Whereas individual migration from Central and Eastern Europe has had a manageable impact on economic aggregates only, postings have the potential to transform institutions. The right to provide services within the EU and the primacy accorded to product markets in the decisions of the ECJ have placed national wage systems in particular under pressure to adjust.

The European treaties expressly stipulate that pay and collective bargaining are the province of national actors. However, their ability to act has been considerably curtailed by the ECJ, which has placed free competition above the basic rights of autonomous collective bargaining. Because of the divergent interests of member states, this weakening of national actors cannot be compensated for by supranational agreements. This 'negative integration'[25] brings with it a serious risk that the inclusive wage systems of Europe will be eroded through a series of cumulative effects. Experiences with the privatisation of public services provide evidence of the destructive potential that a downward wage spiral can have for the basic institutions of employment systems.

The hopes for a change in ECJ decision-making, for a joint amendment of the Posted Workers Directive or even for the adoption of a European constitution in which the basic right to freedom of association takes precedence over competition law are so slight that consideration is being given to restricting the power of the ECJ. In an article entitled 'Stop the European Court of Justice'[26], former German President Herzog writes of the possibility of not applying EU law in the member states. Scharpf[27] prefers a strategy based on repoliticising the European decision-making processes. Should the ECJ, in the view of a member state, intervene inappropriately in its constitutional rights, the European Council should decide on the appeal. Whether the European social model, with its inclusive wage systems, will be able to survive in open markets for services is obviously one of the great questions for the future of the European Union.

Zusammenfassung

Während im Arbeitsrecht das Territorialprinzip galt, dominierte im Wettbewerbsrecht das Ursprungslandprinzip, das die EU seit Anfang der 70er Jahre schrittweise ausweitete. Mit der Entsendung von Arbeitskräften entstehen durch die Geltung des Ursprungslandsprinzips jedoch „Inseln fremden Arbeitsrechts"[28]. Die Nationalstaaten können versuchen, mithilfe der Entsenderichtlinie diese Inseln wieder „einzugemeinden". Allerdings wird ihr Handlungsspielraum durch Entscheidungen des Europäischen Gerichtshofs (EuGH) begrenzt (Fälle: Laval, Rüffert, Viking). In diesem Beitrag werden die Auswirkungen grenzüberschreitender Entsendungen auf unterschiedliche Lohnsysteme in Europa (DE, DK, FR, NL, UK) dargestellt. Die legalistischen Vorgaben des EuGH im Arbeitsrecht sind vor allem mit den Traditionen freiwilliger Tarifsysteme (DE, DK) unvereinbar, so dass deren pfadabhängige Weiterentwicklung erschwert wird. Es wird unterschieden zwischen inklusiven und exklusiven Lohnsystemen. Das deutsche Lohnsystem hat mittlerweile seinen inklusiven Charakter verloren.
Es stellt sich die Frage, ob jenseits supranationaler oder nationaler Regelungen Akteure unterhalb der Regierungsebene, sozusagen in grenzüberschreitender Eigeninitiative, diese Aufgabe übernehmen können. Für funktionierende transnationale Beziehungen im Bereich der industriellen Beziehungen finden sich jedoch nur wenige überzeugende Beispiele. Die Hauptgründe sind zum einen in den starken Interessenunterschieden zwischen den Akteuren der verschiedenen EU-Länder und zum anderen einer starken Zersplitterung der Tarifpartner in vielen EU-Ländern zu sehen, die schon eine nationale und umso eine transnationale Interessenvertretung erschweren. Die „negative Integration"[29] der EU birgt große Gefahren über kumulative Effekte eine Erosion inklusiver Lohnsysteme in Europa einzuleiten.

Notes

1) European Integration Consortium 2009
2) Bosch, Zühlke-Robinet 2000
3) Czommer 2007
4) e.g. Woolfson, Thörnquist, Sommers 2010
5) e.g. Bosch, Mayhew, Gautié 2010
6) Blainpain,Swiatkowski 2009; Krebber 2009; Kempen 2010
7) Alber 2010; Höpner 2009
8) Supiot 2009
9) Hanau 1997: 145
10) quoted in Kempen 2010: 20
11) Krebber 2009: 890-1
12) Alber 2010: 23
13) Schlachter 2009: 65
14) Kempen 2010
15) Schlachter 2009, 68
16) Kempen 2010, 32
17) Cremers, Dølvik, Bosch 2007; Cremers 2011
18) Hall, Soskice 2001
19) Bosch 2010
20) Fiori et al. 2007
21) Streeck, Thelen 2005; Bosch, Lehndorff, Rubery 2009
22) Bosch 2009; Bosch, Gautié, Mayhew 2010
23) Pries 2008, 13

24) Kohl, Lehnndorff, Schief 2006
25) Scharpf 2008
26) Herzog, Gerken 2008
27) Scharpf 2009
28) Hanau
29) Scharpf 2008

References

– Alber, Jens (2010): What – if anything – is undermining the European Social Model? WZB Discussion Paper. Berlin: WZB.
– Blanpain, Roger; Swiatkowski, Andrzej Marian (eds.) (2009): The Laval and Viking cases. Freedom of Services and Establishment v. Industrial Conflict in the European Economic Area and Russia. New York u. a.: Wolters Kluwer.
– Bosch, Gerhard (2009): Low-wage work in five European countries and the United States, in: International Labour Review 148, 4/2009, 337–356.
– Bosch, Gerhard (2010): Beschäftigung und Mindestlöhne: neue Ergebnisse der empirischen Mindestlohnforschung, in: WSI-Mitteilungen 63, 8/2010, 404–411.
– Bosch, Gerhard; Zühlke-Robinet, Klaus (2000): Der Bauarbeitsmarkt: Soziologie und Ökonomie einer Branche. Frankfurt.
– Bosch, Gerhard; Lehndorff, Steffen/Rubery, Jill (2009): European employment models in flux: pressures for change and prospects for survival and revitalization. In: European employment models in flux: a comparison of institutional change in nine European countries. Basingstoke: Palgrave Macmillan, 1–56.
– Bosch, Gerhard; Mayhew Ken/Gautié, Jérôme (2010): Industrial relations, legal regulations, and wage setting", in: Gautié, Jérôme; Schmitt, John (eds.): Low-wage work in the wealthy world. New York, NY 2010, Russell Sage Foundation, 47–182.
– Cremers, Jan; Dølvik, Jon Erik; Bosch, Gerhard (2007): Posting of workers in the single market: attempts to prevent social dumping and regime competition in the EU, in: Industrial Relations Journal 38, Annual European Review 2007, 524–541.
– Cremers Jan (2011): In search of cheap labour in Europe. Working and living conditions of posted workers, CLR Studies 6, CRL/EEBWW/International Books, Bruxelles.
– Czommer, Lars (2007): Wildwestzustände in Deutschland? - Einfacharbeitsplätze in der Ernährungsindustrie, in: Bosch, Gerhard/Weinkopf, Claudia (eds.): Arbeiten für wenig Geld: Niedriglohnbeschäftigung in Deutschland. Frankfurt/Main 2007: Campus Verlag
European Commission (2006): Industrial Relations 2006, Luxemburg.
– European Integration Consortium (IAB, CMR, fRDB, GEP, WIFO, wiiw) (2009): Arbeitsmobilität in der EU vor dem Hintergrund der Erweiterung und dem Funktionieren der Übergangsregelungen, Studie im Auftrag der Generaldirektion Beschäftigung, soziale Angelegenheiten und Chancengleichheit der Europäischen Kommission, Nürnberg (http://www.frdb.org/upload/file/Final_Report.pdf) accessed 26 July 2011.
– Fiori, Giuseppe; Nicoletti, Giuseppe; Scarpetta, Stefano/Schiantarelli, Fabio (2007): Employment Outcomes and the Interaction Between Product and Labor Market Deregulation: Are They Substitutes or Complements? IZA DP 2770/2007, Forschungsinstitut zur Zukunft der Arbeit, Bonn.
– Hall, Peter A.; Soskice, David (eds.)(2001): Varieties of Capitalism: the Institutional Foundations of Comparative Advantage. New York, Oxford University Press.
– Hanau, Peter (1997): Sozialdumping im Binnenmarkt., in: Baur, Jürgen F., Watrin, Christian (eds.) (1997), Recht und Wirtschaft der Europäischen Union, R.I.Z.Schriften, Bd. 6, Berlin/New York.
– Höpner, Martin (2009): Integration durch Usurpation – Thesen zur Radikalisierung der Binnemarktintegration, in: WSI-Mitteilungen 8, 407–413.
– Herzog, Roman; Gerken, Ludger (2008): Stoppt den Europäischen Gerichtshof, Frankfurter Allgemeine Zeitung, 8. September.
– Kempen, Otto Ernst (2010): Das Grundrecht der Koalitionsfreiheit vor dem Europäischen Gerichtshof, in: Dieterich, T. (Hrsg.): Individuelle und kollektive Freiheit im Arbeitsrecht. Gedächtnisschrift für Ulrich Zachert. Baden-Baden: Nomos, 15–36.
– Kohl, Heribert; Lehndorff, Steffen; Schief, Sebastian (2006): Industrielle Beziehungen in Europa nach der Erweiterung, in: WSI-Mitteilungen 59, 403–409.
– Krebber, Sebastian (2009): Status and Potential of the Regulation of Labor and Employment Law at the European Level, in: Comparative Labor Law Policy Journal Vol. 30, 4/2009, 875–903.
– Pries, Ludger (2008): Die Transnationalisierung der sozialen Welt. Sozialräume jenseits von Nationalgesellschaften. Frankfurt am Main.
– Scharpf, Fritz (2008): Negative und positive Integration, in: Höppner M. /Schäfer A. (eds.) Die politische Ökonomie der Europäischen Integration Frankfurt New York., 40–87.
– Scharpf, Fritz (2009): Legitimacy in the multilevel European Polity, European Political Science Review 1, 2; 173–204.
– Schlachter, Monika (2009): Germany, in: Blanpain, R.; Swiatkowski, A. M. (eds.): The Laval and Viking cases. Freedom of Services and Establishment v. Industrial Conflict in the European Economic Area and Russia. New York u.a.: Wolters Kluwer, 63–72.
– Streeck, Wolfgang; Thelen, Kathleen (2005): 'Introduction: Institutional Change in Advanced Political Economies'. W. Streeck and K. Thelen (eds.), Beyond continuity. Institutional change in advanced political economies, Oxford: Oxford University Press, 1–39.
– Supiot, Alain (2009): The Territorial Inscripton of Laws, in: Calliess, Gralf-Peter/Fischer-Lescano, A.; Wielsch, D.; Zumbansen, P. (eds.): Soziologische Jurisprudenz. Festschrift für Gunther Teubner zum 65. Geburtstag. Berlin: De Gruyter Recht, 375–393.
– Visser, Jelle (2008): Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts (ICTWSS), An international database, Amsterdam Institute for Advanced Labour Studies (AIAS), Amsterdam.
– Woolfson, Charles; Thörnquist, Christer/Sommers, Jeffrey (2010): The Swedish model and the future of labour standards after Laval, in: Industrial Relations 41, 333–350.

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