

Book Review

Research Handbook on Labour, Business and Human Rights Law, Edited by Janice R. Bellace and Beryl ter Haar (Edward Elgar Publishing, 2019)

Reviewed by Emanuele Menegatti*

A century has passed since the Treaty of Versailles stated that labour should not be regarded as a commodity and more than sixty years since the Philadelphia declaration revived the principle. Nonetheless, as recalled by the editors quoting Alain Supiot, human beings are still treated “as human capital at the disposal of the economy”.

The book is about labour still looking for a dignity. The role that human rights can play in the scenario of global capitalism is the *trait d'union* of its different parts and chapters. The underlying aim, as pointed out by Janice Bellace and Beryl ter Haar in the first part of the book, is to contribute in moving past the deep-rooted tradition of legal scholarship, considering labour as an economic transaction regulated by labour law, which has little to do with human rights.

Actually, the analysis carried out in the different contributions shows as the attitude of national jurisdictions toward the nature of labour rights is quite variegate. In western Europe civil law countries labour rights are often recognised as constitutional fundamental rights, whereas in common law jurisdictions, with the notable exception of South Africa, constitutions tend to ignore labour rights, more focused on individual rights, especially property rights. This is particularly true for the US, where the employment at will doctrine goes hand in hand with the narrow attitude of the Courts toward the application of Human Rights to the employment relationship. Broadly speaking, neo-liberal business friendly policies have been enacted by many economies, including those coming from socialist models and the so-called Asian tigers, in the throes of a race to the bottom involving employment conditions.

Thus, the human right status of labour rights turns out to be very useful in those cases where rights do not find an effective recognition in national constitutions and where employers' economic freedoms are in a much higher position than labour rights.

These arguments are developed in the book through an interesting structure.

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The topic of law, business and human rights is addressed in the second part of the book from the perspective of national laws. The various chapters give here account of the extent to which national labour law is shaped and influenced by fundamental rights: ranging from the important role played by constitutional rules in civil law countries, to the more variegated situation of common law countries, where the activism of New Zealand stands out compared to the persistently neo-liberal approach of the US, and finally to the ambiguous and multi-faceted situation of Russian and Chinese transition economies.

The concept of human rights at work is explored in the third part of the book. It opens with a detailed analysis of three core labour standards (freedom of association, freedom from child labour, workplace gender equality), moving then to a more “macro” angle, considering the approach to labour rights of the International Labour Organisation, the European Convention on Human Rights and the jurisprudence of the Inter-American Court of Human rights. It finally explores the legal challenges involved in the expansion of fundamental rights to atypical workers, including platform workers.

The last part of the book is dedicated to the corporate responsibility to respect of workers’ human rights, especially as for multinational enterprises. In this regard, the conclusive four chapters elaborate on the OECD Guidelines for multinational enterprises, ILO declaration of fundamental principles and right at work, UN global compact, EU’s Corporate social responsibility policy.

The final outcome is a very rich and an innovative book, taking the debate on the relevance of human rights for people at work under a totally new light. The editors’ choice of including the contributions of different generations scholars, from countries belonging to different families of law, has contributed much to the achievement of this result.

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