Session proposal NWLC 2020

Title: The role of law in the development of Nordic industrial relations – from the EU to the national dimension and back

Description:

Law plays a fundamental role in shaping the functioning of industrial relations by setting the framework for the collective regulation of employment relations and of the labour market (Iossa, 2017). This element is particularly relevant in the Nordic context, despite the worldwide reputation of law’s neutrality in industrial relations (Fahlbeck, 2002). The membership of (some) of the Nordic countries in the EU adds a further level of complexity – given by the regulatory presence of EU law. EU law has for quite some time now been discussed as challenging the Nordic models of industrial relations, not least through the outcome of the (in)famous *Viking* and *Laval* case law (C-438/05 *Viking* *Line* and C-341/05 *Laval*). Those cases have highlighted the potentially disruptive effects that can derive from the mismatch between the uniform regulatory framework of the EU internal market and the specific features of Nordic industrial relations. The differing effects of EU law for diverse national systems of industrial relations can also be understood as a challenge to EU level industrial relations, where the European Social Dialogue (ESD) has not managed to make use of strong national systems of industrial relations in order to further its own development (Hartzén, 2017).

The diversity of industrial relations systems that characterizes the EU scenario is commonly indicated as an obstacle to the full development of the dynamics of ESD. However, discussions on whether the claims for protecting the Nordic model are constructive or counterproductive for further EU level developments are missing. In light of the above, this panel calls for papers discussing the role of law in the evolution of the Nordic systems of industrial relations and the potential contribution for developments of industrial relations at EU level. Such a discussion becomes of additional interest now that we see challenges to these models from within the nation state, for example through the current Swedish proposal on restrictions concerning the right to strike (Ds 2018:40). Industrial relations are in other words affected by law at both national and EU level. In addition, the effects of law for systems of industrial relations bear consequences at both national and EU level and these consequences are important to understand in order to discuss the possibilities for sustaining the Nordic models in the future. This session aims to address the links between law and industrial relations at and between both national and EU level, in order to further develop the discussion on the evolution and sustainability of the Nordic models.

Type of papers: This session welcomes both empirical and theoretical contributions from various disciplines dealing with the links between law and the Nordic models of industrial relations in the EU context

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