

Open Access and Knowledge Production: The CBR Leximetric Datasets

Simon Deakin

Centre for Business Research, University of Cambridge

www.cbr.cam.ac.uk

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Leximetrics

- Quantitative analysis of legal systems
- Data coding using content analysis of legal texts

The CBR Leximetric Datasets

- Tracking trends in corporate, insolvency and labour law over time
- Use of protocols for translating 'text' into 'code'
- Full referencing of primary sources

Coding protocols

Indicator	Coding algorithm
5. Fixed-term workers have the right to equal treatment with permanent workers	<p>Equals 1 if the legal system recognises a right to equal treatment for fixed-term workers (as, for example, in the case of EC Directive 99/70/EC).</p> <p>Equals 0.5 if the legal system recognises a more limited right to equal treatment for fixed-term workers (via, e.g., more general right of workers not be treated arbitrarily in employment)</p> <p>Equals 0 if neither of the above.</p> <p>Scope for further gradation between 0 and 1 to reflect changes in the strength of the law.</p>
6. Maximum duration of fixed-term contracts	<p>Measures the maximum cumulative duration of fixed-term contracts permitted by law before the employment is deemed to be permanent. The score is normalised from 0 to 1, with higher values indicating a lower permitted duration. The score equals 1 if the maximum limit is less than 1 year and 0 if it is 10 years or more or if there is no legal limit.</p>

Data

Germany			1	2	3	4	5	6	7	8	9	10
		1970	0.75	0.25	1	1	0.25	0	0	0.5	0.5	0.6
		1971	0.75	0.25	1	1	0.25	0	0	0.5	0.5	0.6
		1972	0.75	0.25	1	1	0.25	0	0.5	0.5	0.5	0.6
		1973	0.75	0.25	1	1	0.25	0	0.5	0.5	0.5	0.6
		1974	0.75	0.25	1	1	0.25	0	0.5	0.5	0.5	0.6
		1975	0.75	0.25	1	1	0.25	0	0.5	0.5	0.5	0.6
		1976	0.75	0.25	1	1	0.25	0	0.5	0.5	0.5	0.6

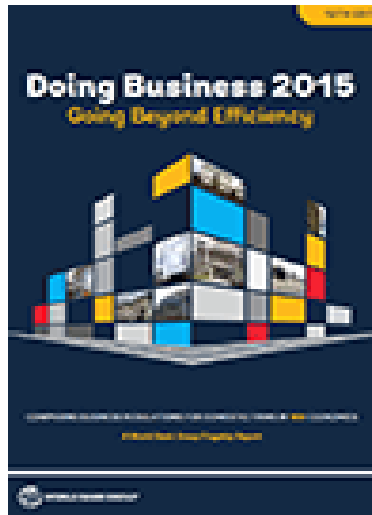
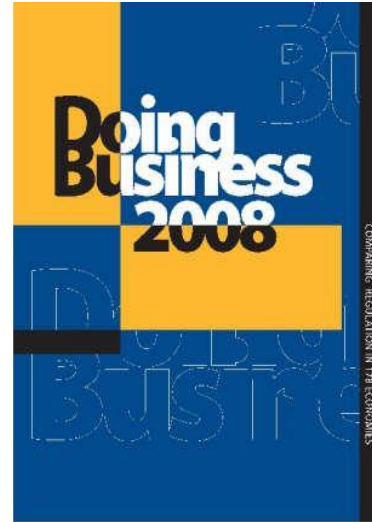
Sources

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25 2001: 1	Before 2000 only the general principle of equal treatment of employees applied (cf. Rudi Müller-Gloge in MünchKommBGB 4 th edn, 2005, § 4 TzBfG para. 14). § 1, 4(2) TzBfG of 21 December 2000 (BGBl I 2000, 1966) (in force since 2001) prohibits discrimination unless there is good reason.
6. Maximum duration of fixed-term contracts	1970: 0 1985: 0.85 1996: 0.8	Before 1985, § 620 BGB provided that in general fixed term contracts were possible. Case law established that justification was required for their use if there would otherwise have been evasion of dismissal protection but did not set a maximum duration. BeschFG 1985 provided that short-term contracts for less than 18 months did not require justification. BeschFG 1996 extended this period to 2 years. Since 2000, TzBfG consolidates the law. § 14(1) TzBfG provides that in general, good reason is required, and gives various examples. § 14(2) TzBfG provides that no good reason is required if the contract is for less than 2 years. Under a 2004 amendment, for new companies § 14(2a) TzBfG extends the period to not more than 4 years.

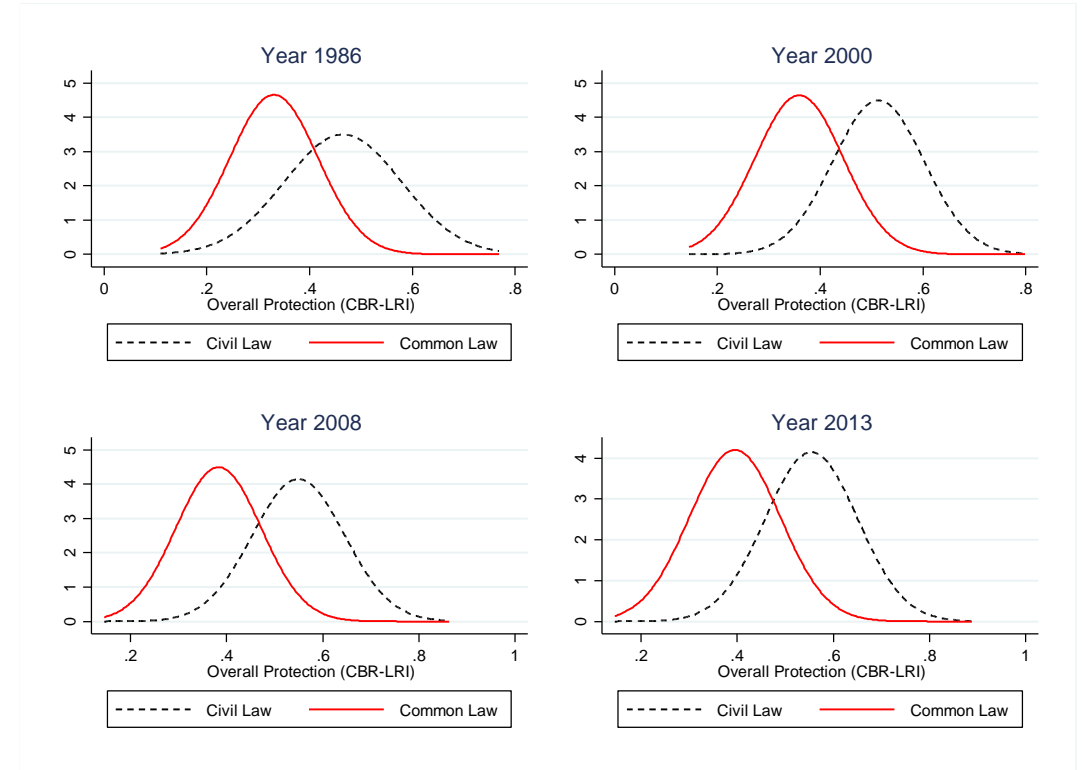
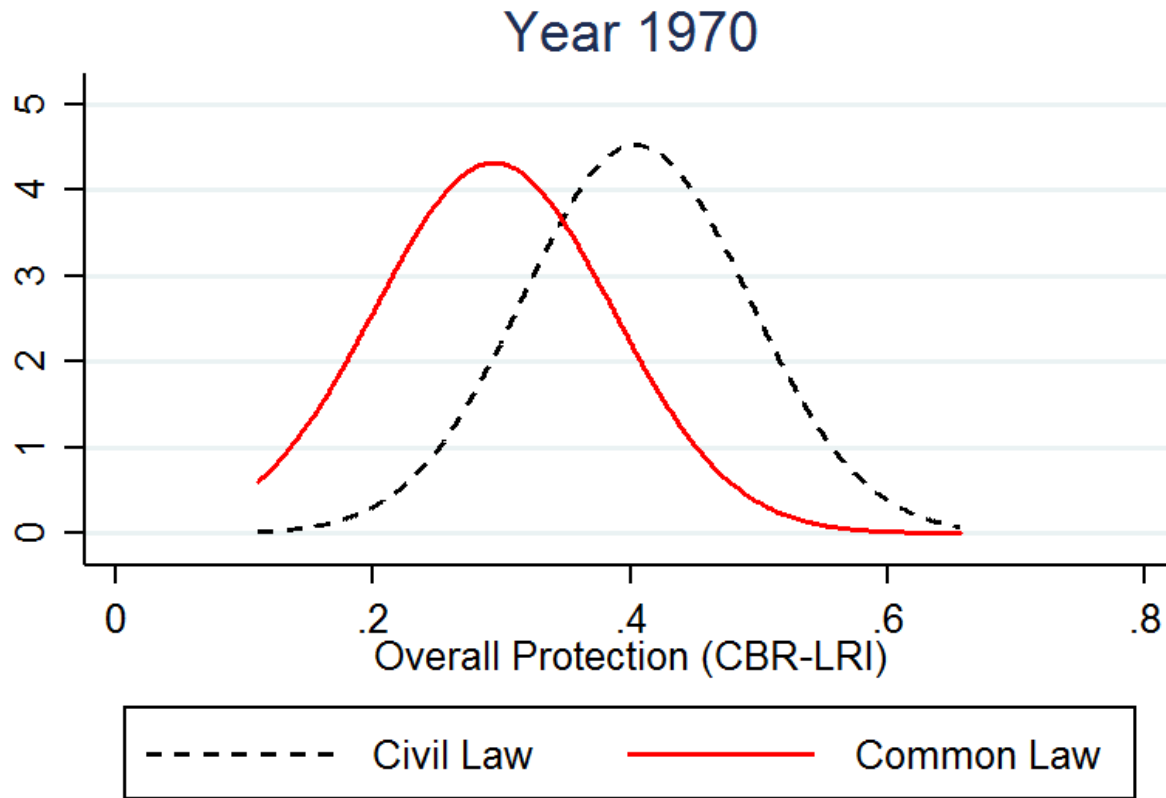
Research questions

‘Laws created to protect workers often hurt them’ (World Bank, *Doing Business*, 2008)

‘Employment regulations are unquestionably necessary not just to protect workers from arbitrary or unfair treatment but to ensure efficient contracting between employers and workers’ (World Bank, *Doing Business*, 2015)



Trends by legal origin



Econometric results

- Increases in employment protection scores correlated with higher rate of labour force participation, higher employment, reduced self-employment (in some regressions), higher productivity, lower unemployment, higher labour share of national income

Open access

- Datasets first published online in 2008 (CBR website)
- Online publication in 2016 of expanded versions of the datasets (<http://dx.doi.org/10.17863/CAM.506>)
- 14,000+ downloads from the Apollo repository (the 2nd most highly downloaded and the 8th in the UK)
- 100+ papers citing and/or using the CBR datasets
- Benefits: feedback from users leading to correction of errors, clarification of terms
- Risks: third parties re-using the data without adequate attribution to the Cambridge source
- On balance the benefits outweigh the costs