CBR Labour Regulation Index (Dataset of 117 Countries)

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Preliminary

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This Codebook should be read in conjunction with the Excel spreadsheet published at https://doi.org/10.17863/CAM.9130.

Users of the data may find it helpful to consult the account of the coding methodology provided in Zoe Adams, Parisa Bastani, Louise Bishop and Simon Deakin, 'The CBR-LRI dataset: methods, properties and potential of leximetric coding of labour laws' *International Journal of Comparative Labour Law and Industrial Relations*, 2017, vol. 33, issue 1, pp. 59-91, also published as CBR Working Paper No. 489, March 2017, http://www.cbr.cam.ac.uk/publications/working-papers/2017/.

This dataset is an updated version of the dataset originally published in June 2016. The changes made consist of (i) amendments made to the codings for certain countries (Finland, Israel and the Netherlands) in the light of feedback received after the original dataset was published; and (ii) correction of some transcription errors. For further details, please contact Simon Deakin (s.deakin@cbr.cam.ac.uk).

A further updating of the dataset is scheduled for 2019. At that point the period covered will be extended to include the years 2014-2018, and we will take into account any relevant feedback on the existing codings.

1. Introduction

The CBR Labour Regulation Index Dataset ('CBR-LRI') provides data on labour laws in 117 countries for the period from (in most cases) the 1970s to 2013. This document explains the coding methodology used to create the dataset, which is contained in a separate Excel spreadsheet (see also Adams et al., 2017).

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2. Coding methodology

The CBR-LRI is constructed using a version of 'leximetric' methodology which provides a basis for the quantitative analysis of legal rules (Lele and Siems, 2007; Adams and Deakin, 2015). The process of dataset construction consists of the following steps:

(i) identification of a *concept* which represents the underlying phenomenon of interest (here, 'labour regulation');

(ii) development of a *construct* which provides a basis for measuring the concept (the index);

(iii) identification of *indicators* or *variables* which express the aspects of the construct in numerical terms;

(iv) development of a *coding algorithm* which sets out a series of steps to be taken in assigning numerical values to the primary source material;

(v) identification of a *measurement scale* which is embedded in the algorithm;

(vi) allocation of *weights*, where necessary or relevant, to the individual variables or indicators;

(vii) *aggregation* of the individual indicators in an *index* which provides a composite measure of the underlying phenomenon of interest.

Period coded

The period coded is, in principle, from 1970 to the end of 2013. In the case of post-socialist countries, the relevant period is that following the establishment of a market economy and the legal rules corresponding to it, which in most cases will be from some point in the early 1990s. This date differs across countries depending on the point at which new legal codes or rules were adopted or, in some cases, when a new state came into existence. The dataset will in due course be updated to cover years after 2013.

Approach to coding: general

The coding template or algorithm sets out the name of each indicator, gives a definition of it, and then sets out instructions for the coding process.

The coding was done by identifying the provisions of law and relevant court decisions applicable to or answering the description of each of the indicators or variables in the index. Secondary sources, relevant databases of national laws, and the ILO's NATLEX database were consulted to this end.

Primary sources were retrieved from texts available in law libraries or online. Wherever possible, texts were consulted in their original language (the languages read in the original were English, French, German, Italian, and Spanish). Where translations of texts were consulted, it was generally possible to find a translation authorised by the government of the country concerned or by an international organisation.

The coding algorithm for the CBR-LRI was devised collectively by members of the CBR when the Centre's leximetric coding project was initiated in 2005, and was first reported in Deakin, Lele and Siems (2007). The codings reported in this, the 2017 version of the dataset, were arrived at by a process of iteration involving discussion between the authors of the dataset. In some cases the reported codings draw on advice provided by national experts who were consulted during the coding process. The authors are solely responsible for the final values recorded in the dataset and for any errors or omissions.

Every effort has been made to ensure that the codings reported in the dataset are accurate, in the sense that relevant laws have been identified, and the coding algorithm correctly applied. Given the extensive temporal and cross-national coverage of the dataset it is possible that errors and omissions may in future be identified and the dataset updated, but it is hoped that any such corrections will be minimal.

Attribution of numerical values

A value between '0' and '1' is assigned to each indicator for each of the years covered by the dataset. The resulting scores for country-years are expressed in the Excel spreadsheet. '0' stands for no protection or the lowest protection offered to workers, and '1' stands for the maximum or highest protection offered.

Ordinal and cardinal values

Some indicators use binary coding but most use non-binary or graduated scores. The template indicates the approach to scoring in each case. Some indicators are expressed as cardinal variables (for example, those relating to minimum qualifying periods of continuous employment) but most are expressed on an ordinal scale.

Specific issues

a) Areas of labour law coded in the dataset

Five areas of labour law are coded, producing five sub-indices. These are: the law governing the definition of the employment relationship and different forms of employment; (including the regulation of the parties' choice of legal form, and the rules relating to part-time, fixed-term and temporary agency work); the law on working time; the law relating to dismissal; the law governing employee representation; and the law relating to collective action. The 40 variables in the index between them cover these areas.

These five sub-indices approximately correspond to the categories analysed by Botero et al. (2004) in their initial study of labour regulation, which later formed the basis for methodology used in the World Bank's *Doing Business Reports*. The overlap between the CBR-LRI and the index used by Botero et al. (2004) facilitates comparison between them, although with the difference that the CBR index incorporates a time series, whereas Botero et al. (2004) has no longitudinal element. The individual indicators in the CBR-LRI are not the same as those used by Botero et al. (2004). Different definitions for the indicators are provided and different coding algorithms are used (for a more detailed explanation of the reasons for these choices, see Deakin, Lele and Siems, 2007).

b) Statutory law and case law

A particular legal rule can be based on statutory law or case law, and therefore, for the purposes of this exercise, both were considered. Although in civil law countries court decisions are not regarded as a source of law, they were taken into account in the coding because they often produce a rule or norm which is as important as a statutory provision.

Statutory law is coded in the year in which it comes into force and case law is coded in the year in which judgments are reported. Statutes passed but not yet in force or decisions which are unpublished or unavailable are not coded.

c) Administrative regulation and collective bargaining

Sources such as administrative regulation and collective agreements are included where they can serve as 'functional equivalents' to statutes or court decisions. However, these sources are not coded unless they have some external binding force on the enterprise. Thus sector-level collective agreements are coded where the standards they contain have an *erga omnes* effect as a result, for example, of extension legislation. In the UK case, sector-level agreements setting down working time standards had an *erga omnes* effect up to 1980 but not after that point, following the repeal of Schedule 11 of the Employment Protection Act 1975. This change to the law governing extension mechanisms is reflected in the score given to the UK on several working time variables. Enterprise level agreements, which are akin, for this purpose, to contractual agreements made by individual employers with trade unions or other labour organisations, are not generally coded. It is accepted that there may be some areas of doubt in cases which fall between sector-level agreements with *erga omnes* effects, on the one hand, and enterprise-level agreements. For example, in systems with a strong tradition of multi-employer bargaining but no extension legislation, the terms and conditions of multi-employer agreements may be generally observed without being legally binding. These sources are coded, but where they are included, the coding in each case reflects the sense in which they operate as optional rules, as opposed to being legally binding (see d), below).

d) Mandatory and default rules

In addition to mandatory rules, default rules are coded, but with a reduction in the score to indicate their non-binding nature. Default rules are rules that apply unless the parties to an agreement (collective or individual) contract out of them. Where the conditions for contracting out are strict, a score closer to 1 is given. Where opting out is straightforward, a score closer to 0.5 or below is given.

e) Federal systems

If labour law does not operate in a uniform way in a given country because, for instance, it is a *federal state*, the law for the commercially or industrially dominant sub-unit of that state, that is the unit where the most significant firms are based, is coded, or, failing that, the federal-level law, or in appropriate cases, a mixture of the two.

f) Focus on particular worker and enterprise types

The dataset in principle codes for the law as it applies to an indeterminate (or 'permanent') employment relationship, except in the case of the variables in the first sub-index (different

forms of employment) where the focus is on the regulation of the parties' choice of legal form (employment versus self-employment) and in the regulatory costs and benefits attached to employment relationships of different types (part-time, fixed-term and temporary agency work). Where laws differ in their effects according to the size and location of the enterprise, the coding is based on the rules which apply in the default or standard case, that is, enterprises or workplaces at or above generally-applicable size thresholds. Where different standards are set for different groups of workers, such as white-collar and blue-collar workers, the dataset codes for the minimal or less protective standards.

g) 'Law in the books' versus 'law in action'

Although laws which have never been brought into legal effect are not coded, laws which are widely ignored in practice are generally included in the coding. This because the variable of interest in the CBR-LRI is the intended or presumed normative effect of the legal rule. The social and economic effects of the norm or rule will be captured by other variables, such as employment and GDP data. Similarly, the effectiveness of legal institutions can be measured using other data, such as the World Bank's Rule of Law index or the Freedom House indicators of legal legitimacy and effectiveness. In statistical analysis, the CBR-LRI should in general be used in conjunction with these other datasets operating as control variables.

h) Explanations and references

Explanations for the codings are included in the Country Tables in Appendix 2 below. The Country Tables indicate the reason for the initial coding of the variable at the start of the period covered (generally, 1970) and for any subsequent change in the score. The Tables are not meant to provide an exhaustive account of labour laws in force in the countries in the dataset, and should not be used as a substitute for the more detailed analysis which would normally be necessary in order to comprehend the content of countries' laws.

i) Comments

The Country Tables contain comments on certain matters not covered by the coding but which could affect it. In particular, issues of 'functional equivalents' are addressed there. A legal rule which is not specifically within the definition provided by template but which, in fact in the country being coded, achieves a similar function and therefore operates as its 'functional equivalent', may be included on these grounds.

j) Zero scores and missing values

A zero score indicates that there was no protective regulation in place for that variable in the country-year in question. A missing value indicates that the law for that country-year has not been coded. This will be because the period relates to a time before the establishment of a market economy in the country in question (in the case of post-socialist or other transition systems) or before the establishment of the state. Thus *a missing value does not indicate a zero score*.

k) Weights

Weights can be applied to the individual indicators contained in the CBR-LRI but to do so requires justification in a given case and it is not clear that any particular weighting scheme

should be favoured over another, so the values are reported in an unweighted form. The implicit assumption in presenting the data this way is that each variable is of equivalent importance to each of the others. This may not be so in practice: a variable such as 'codetermination' may be of greater importance in a country such as Germany which places emphasis on workplace-level employee representation than it is in the UK, for example. The problem with attaching varying weights to indicators to reflect assumed cross-national differences is that there is no a priori means of knowing the magnitude of the relevant effects; under these circumstances, using a weighting scheme runs the risk of introducing a high level of subjectivity into the coding process. It may be possible to address this issue using principal component analysis, cluster analysis, or another appropriate statistical technique.

A further relevant point on the issue of weights is that some sub-indices contain more indicators than others. This reflects the complexity of the law rather than the relative weight of the different sub-indices. Thus there is some over-weighting, in the presentation of aggregate data, of those sub-indices containing more indicators. The effect is small and can be avoided by weighting each of the sub-indices equally in statistical analysis.

(l) Further details

See Appendix 1 for the details of the coding algorithms used in the construction of the dataset.

The Country Tables in Appendix 2 provide details on a country-by-country basis of the primary legal materials used to source the dataset, and show how the scores for individual indicators were arrived at, using the coding template.

3. Methodological clarifications concerning the CBR-LRI

This section sets out some methodological clarifications and caveats relating to the use of the CBR-LRI in econometric analysis.

a) The index is a measure of protective regulation, not of costs, strictness or rigidities

As noted above (see section 2), the index is a measure of the extent to which a given aspect of employment or labour relations is regulated (from the point of view of the employer) or protected (from the point of view of the worker). The index does not purport to measure actual costs imposed on employers. This is for a number of reasons.

The first is that it is not possible to infer, from the mere existence of a given legal rule or norm, that it alters behaviour to the extent of imposing a cost on firms. Most labour law rules operate as minimum standards, which employers are free to improve on, but may not normally derogate from. Thus it is likely that legal rules set protective standards below the level already observed by some firms. How this is the case cannot be known without detailed empirical evidence relating to the terms and conditions of employment which are applied or observed in practice in certain countries and/or industries.

A second relevant consideration is that the existence of a law does not, in itself, say anything about the extent to which it is observed in practice. The dataset records formal or de jure regulation only. This may be a good proxy for the material impact of a given rule in countries where labour standards enjoy a high degree of legitimacy or where they are strongly

enforced, but the extent to which this is the case may be expected to vary across countries, and cannot be directly inferred from the scores in the CBR-LRI.

A third reason for not assuming that regulation implies a cost to firms is that regulation may have beneficial impacts for employers, both individually and collectively. These benefits may take the form of reductions in transaction costs associated with exchange, and with the provision of public goods in the form of regulations which overcome collective action problems, of the kind identified, for example, by the World Bank in the chapter on Labour Market Indicators in its 2015 *Doing Business Report* (World Bank, 2015)

For similar reasons, the CBR-LRI does not purport to measure what the OECD refers to in the context of its Employment Protection Indicators (OECD, 2013) as the 'strictness' of protective labour law rules, or what are sometimes referred to in the wider literature as 'rigidities'. There is no assumption, in the construction of the CBR-LRI, that a higher degree of protection implies 'strictness' or 'rigidity' in the sense of limiting employer discretion or distorting market outcomes. These may be the effects of particular rules, but if so such relationships need to be identified through econometric analysis which explores the economic effects of regulation on outcome variables such as employment and productivity.

b) A higher score on the CBR-LRI does not, in itself, indicate a better or worse outcome for a given country

It follows from what has just been said that a given score simply indicates that the law in a given country is more or less protective at the level of de jure regulation. It does not, in itself, imply that the effects of the law are to induce more, or less, rigidity.

It also follows that the use of the CBR-LRI to rank countries would not necessarily be a meaningful process. It could only indicate the rate at which protective labour laws had been adopted over time in different countries. It would not, in itself, be an indicator of how successfully labour market institutions were operating in those countries, or of the extent to which a given legal regime created a favourable climate for business or investment.

c) The CBR-LRI should be combined with other data to give a more complete picture of the operation of labour laws in practice

Because the CBR-LRI measures de jure regulation, its use in isolation from other data may give a misleading picture of the practical operation of labour laws. Thus it should generally be used in conjunction with data on the legitimacy or effectiveness of laws in practice, such as those derived from the World Bank's governance indices, the rule of law project of the World Justice Project, or rule of law data from think tanks such as Freedom House.

d) The temporal dimension of the CBR-LRI creates new possibilities but also raises new issues for econometric analysis

The most distinctive feature of the CBR-LRI, when compared to other indices including the World Bank's Labour Market Indicators (World Bank, 2015), the OECD's Employment Protection Indicators (OECD, 2013) and the ILO's EPLex database (ILO, 2015), is the lengthy and continuous times series which it provides. This makes it possible to test for causal relationships in a way which is not possible with static, cross-sectional analyses, and to distinguish between the short-run and long-run effects of changes in regulation.

While new opportunities for econometric analysis arise, certain constraints also need to be borne in mind. Where data in long time series are non-stationary, co-integration techniques should generally be deployed to deal with the possibility of spurious regressions. In addition, the results obtained from time-series analysis of the CBR-LRI are likely to be sensitive to the length of the lags chosen to capture the delayed effects of legal change. Thus the choice of lag may need careful justification. The same point applies to the selection of controls and to use of any instrumental variables.

The CBR-LRI has already been used in a number of exploratory econometric studies, using relatively small samples compared to the current extent of the dataset, to explore the relationship between labour regulation, on the one hand, and relevant outcome variables, including employment, productivity and inequality, on the other. The techniques so far used include difference-in-differences models (Acharya et al., 2013), autoregressive distributive lag approaches (Deakin and Sarkar, 2008), GMM models (Adams et al., 2015), vector autoregression and vector error correction models (Deakin and Sarkar, 2011), fixed-effects and random-effects models (Deakin, Fenwick and Sarkar, 2014), and dynamic panel data analysis (Deakin, Malmberg and Sarkar, 2014; Adams et al., 2015).

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Appendix 1. CBR-LRI Coding Template

[Country]

Variable	**Template**
A. Different forms of employment	
1. The law, as opposed to the contracting parties, determines the legal status of the worker	Equals 0 if the parties are free to stipulate that the relationship is one of self-employment as opposed to employee status; 0.5 if the law allows the issue of status to be determined by the nature of the contract made by the parties (as in the case of the English common law 'mutuality of obligation' test); and 1 if the law mandates employee status on the parties if certain specified criteria are met (such as form of payment, duration of hiring, etc.). Scope for scores between 0 and 1 to reflect changes in the strength of the law.
2. Part-time workers have the right to equal treatment with full-time workers	Equals 1 if the legal system recognises a right to equal treatment for part-time workers (as, for example, in the case of EC Directive 97/81/EC. Equals 0.5 if the legal system recognises a more limited right to equal treatment for part-time workers (via, e.g., sex discrimination law or a more general right of workers not be treated arbitrarily in employment). Equals 0 if neither of the above. Scope for scores between 0 and 1 to reflect changes in the strength of the law.

3. The cost of dismissing part-time workers is equal in proportionate terms to the cost of dismissing full-time workers	Equals 1 if as a matter of law part-time workers enjoy proportionate rights to full-time workers in respect of dismissal protection (notice periods, severance pay and unjust dismissal protection). Equals 0 otherwise. Scope for further gradation 0 and 1 to reflect changes in the strength of the law.
4. Fixed-term contracts are allowed only for work of limited duration	Equals 1 if the law imposes a substantive constraint on the conclusion of a fixed-term contract, by, for example, allowing temporary hirings only for jobs which are temporary by nature, training, seasonal work, replacement of workers on maternity or sick leave, or other specified reasons. Equals 0 otherwise. Scope for gradation between 0 and 1 to reflect changes in the strength of the law.
5. Fixed-term workers have the right to equal treatment with permanent workers	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). 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) Equals 0 if neither of the above. Scope for further gradation between 0 and 1 to reflect changes in the strength of the law.
6. Maximum duration of fixed-term contracts	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.
7. Agency work is prohibited or strictly controlled	Equals 1 if the legal system prohibits the use of agency labour.

	Equals 0.5 if it places substantive constraints on its use (in the sense of allowing it only if certain conditions are satisfied, such as a demonstrable need on the part of the employer to meet fluctuations in labour demand). Equals 0 if neither of the above. Scope for further gradation between 0 and 1 to reflect changes in the strength of the law.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	Equals 1 if the legal system recognises a right to equal treatment for agency workers, in relation to permanent workers of the user undertaking, in respect of terms and conditions of employment in general Equals 0.5 or another intermediate score if the legal system recognises a more limited right to equal treatment for agency workers workers (for example, in respect of anti-discrimination law) Equals 0 if neither of the above. Scope for further gradation between 0 and 1 to reflect changes in the strength of the law.
B. Regulation of working time	
9. Annual leave entitlements	Measures the normal length of annual paid leave guaranteed by law or collective agreement. The same score is given for laws and for collective agreements which are de facto binding on most of the workforce (as in the case of systems which have extension legislation for collective agreements). The score is normalised on a 0-1 scale, with a leave entitlement of 30 days equivalent to a score of 1.
10. Public holiday entitlements	Measures the normal number of paid public holidays guaranteed by law or collective agreement. The same score is given for laws and for collective agreements which are de facto binding on most of the workforce (as in the case of systems which have extension legislation for collective agreements). The score is normalised on a 0-1 scale, with an entitlement of 18 days equivalent to a score of 1.

11. Overtime premia	Measures the normal premium for overtime working set by law or by collective agreements which are generally applicable. The same score is given for laws and for collective agreements which are de facto binding on most of the workforce (as in the case of systems which have extension legislation for collective agreements). The score equals 1 if the normal premium is double time, 0.5 if it is time and half, and 0 is there is no premium.
12. Weekend working	Measures the normal premium for weekend working set by law or by collective agreements which are generally applicable. The same score is given for laws and for collective agreements which are de facto binding on most of the workforce (as in the case of systems which have extension legislation for collective agreements). The score equals 1 if the normal premium is double time, 0.5 if it is time and half, and 0 is there is no premium. Also score 1 if weekend working is strictly controlled or prohibited.
13. Limits to overtime working	Measures the maximum weekly number of overtime hours permitted by law or by collective agreements which are generally applicable. The score equals 1 if there is a maximum duration to weekly working hours, inclusive of overtime, for normal employment; 0.5 if there is a limit but it may be averaged out over a reference period of longer than a week; and 0 if there is no limit on any kind.
14. Duration of the normal working week	Measures the maximum duration of the normal working week exclusive of overtime. The score is normalised on a 0-1 scale with a limit of 35 hours or less scoring 1 and a limit of 50 hours or more, or no limit, scoring 0. The same score is given for laws and for collective agreements which are de facto binding on most of the workforce (as in the case of systems which have extension legislation for collective agreements).
15. Maximum daily working time	Measures the maximum number of permitted working hours in a day, taking account of rules governing rest breaks and maximum daily working time limits. The score is normalised on a 0-1 scale with a limit of 8 hours or less scoring 1 and a limit of 18 hours or more scoring 0.
C. Regulation of dismissal	
16. Legally mandated notice period	Measures the length of notice, in weeks, that has to be given to a worker with 3 years' employment. Normalise the score so that 0 weeks = 0 and 12 weeks = 1.
17. Legally mandated redundancy compensation	Measures the amount of redundancy compensation payable to a worker made redundant after 3 years of employment, measured in weeks of pay. Normalise the score so that 0 weeks = 0 and 12 weeks = 1.

18. Minimum qualifying period of service for normal case of unjust dismissal	Measures the period of service required before a worker qualifies for general protection against unjust dismissal. Normalise the score so that 3 years or more = 0, 0 months = 1
19. Law imposes procedural constraints on dismissal	Equals 1 if a dismissal is necessarily unjust if the employer fails to follow procedural requirements prior to dismissal Equals 0.67 if failure to follow procedural requirements will normally lead to a finding of unjust dismissal. Equals 0.33 if failure to follow procedural requirement is just one factor taken into account in unjust dismissal cases. Equals 0 if there are no procedural requirements for dismissal. Scope for gradations between 0 and 1 to reflect changes in the strength of the law.
20. Law imposes substantive constraints on dismissal	Equals 1 if dismissal is only permissible for serious misconduct or fault of the employee. Equals 0.67 if dismissal is lawful according to a wider range of legitimate reasons (misconduct, lack of capability, redundancy, etc.). Equals 0.33 if dismissal is permissible if it is 'just' or 'fair' as defined by case law. Equals 0 if employment is at will (i.e., no cause dismissal is normally permissible). Scope for gradations between 0 and 1 to reflect changes in the strength of the law.
21. Reinstatement normal remedy for unfair dismissal	Equals 1 if reinstatement is the normal remedy for unjust dismissal and is regularly enforced. Equals 0.67 if reinstatement and compensation are, de iure and de facto, alternative remedies. Equals 0.33 if compensation is the normal remedy.

	Equals 0 if no remedy is available as of right. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
22. Notification of dismissal	Equals 1 if by law or binding collective agreement the employer has to obtain the permission of a state body or third party prior to an individual or collective dismissal. Equals 0.67 if a state body or third party has to be notified prior to the dismissal. Equals 0.33 if the employer has to give the worker written reasons for the dismissal. Equals 0 if an oral statement of dismissal to the worker suffices. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
23. Redundancy selection	Equals 1 if by law or binding collective agreement the employer must follow priority rules based on seniority, marital status, number or dependants, etc., prior to dismissing for redundancy. Equals 0 otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
24. Priority in re-employment	Equals 1 if by law or binding collective agreement the employer must follow priority rules relating to the re-employment of former workers. Equals 0 otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
D. Employee representation	

25. Right to unionisation	Measures the protection of the right to form trade unions in the country's constitution. (flexibly interpreted in the case of system such as the UK without a codified constitution). Equals 1 if a right to form trade unions is expressly granted by the constitution. Equals 0.67 if trade unions are described in the constitution as a matter of public policy or public interest. Equals 0.33 if trade unions are otherwise mentioned in the constitution or there is a reference to freedom of association which encompasses trade unions. Equals 0 otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
26. Right to collective bargaining	Measures the protection of the right to collective bargaining or the right to enter into collective agreements in the country's constitution (loosely interpreted in the case of system ssuch as the UK without a codified constitution). Equals 1 if a right to collective bargaining is expressly granted by the constitution. Equals 0.67 if collective bargaining is described as a matter of public policy or public interest (or mentioned within the chapter on rights). Equals 0..33 if collective bargaining is otherwise mentioned in the constitution. Equals 0 otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.

27. Duty to bargain	Equals 1 if employers have the legal duty to bargain and/or to reach an agreement with unions, works councils or other organizations of workers. Equals 0 if employers may lawfully refuse to bargain with workers. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
28. Extension of collective agreements	Equals 1 if the law extends collective agreements to third parties at the national or sectoral level. Extensions may be automatic, subject to governmental approval, or subject to a conciliation or arbitration procedure. Equals 0 if collective agreements may not be extended to non-signatory workers or unions, or if collective agreements may be extended only at the plant level. Mandatory administrative extensions of collective agreements are coded as equivalent to mandatory extensions by law. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
29. Closed shops	Equals 1 if the law permits both pre-entry and post-entry closed shops. Equals 0.50 if pre-entry closed shops are prohibited or rendered ineffective but post-entry closed shops are permitted (subject in some cases to exceptions e.g. for pre-existing employees). Equals 0 if neither pre-entry or post-entry closed shops are permitted to operate. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
30. Codetermination: board membership	Equals 1 if the law gives unions and/or workers to right to nominate board-level directors in companies of a certain size. Equals 0 otherwise.

	Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
31. Codetermination and information/consultation of workers	Equals 1 if the works councils or enterprise committees have legal powers of co-decision making. Equals 0.67 if works councils or enterprise committees must be provided by law under certain conditions but do not have the power of co-decision making. Equals 0.5 if works councils or enterprise committees may be required by law unless the employer can point to alternative or pre-existing alternative arrangements. Equals 0.33 if the law provides for information and consultation of workers or worker representatives on certain matters but where there is no obligaton to maintain a works council or enterprise committee as a standing body. Equals 0 otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
E. Industrial action	
32. Unofficial industrial action	Equals 1 if strikes are not unlawful merely by reason of being unofficial or 'wildcat' strikes. Equals 0 otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
33. Political industrial action	Equals 1 if strikes over political (i.e. non work-related) issues are permitted. Equals 0 otherwise.

	Scope for gradations between 0 and 1 to reflect changes in the strength of the law.
34. Secondary industrial action	Equals 1 if there are no constraints on secondary or sympathy strike action. Equals 0.5 if secondary or sympathy action is permitted under certain conditions. Equals 0 otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
35. Lockouts	Equals 1 if lockouts are not permitted. Equals 0 if they are. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.
36. Right to industrial action	Measures the protection of the right to industrial action (i.e. strike, go-slow or work-to-rule) in the country's constitution or equivalent Equals 1 if a right to industrial action is expressly granted by the constitution Equals 0.67 if strikes are described as a matter of public policy or public interest. Equals 0.33 if strikes are otherwise mentioned in the constitution. Equals zero otherwise. Scope for further gradations between 0 and 1 to reflect changes in the strength of the law.

Appendix 2. Country Tables

Afghanistan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.25	The 1948 Regulations on Conditions of Employment provided that contracts of employment had to be in writing and that they covered both 'workers' and 'employees'. The 1987 Labour Code covered 'staff'. The 1999 Code of the Islamic Emirates of Afghanistan was stated to apply to both permanent and contract workers. 2007 Labour Code, Art. 14: the labour contract is a written agreement based on an undertaking to work for a definite or indefinite period in return for salary. The general understanding is that workers with verbal or 'moral' contracts fall outside these definitions and that the application of labour law rules is, as a result, very limited.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	There are a number of indirect protections for part-time workers (Art. 28 Constitution, right to equality; Arts. 8(2), 75(2) 1987 Code, anti-discrimination rules; Art. 8(3) 1999 Code, equal pay for equal work; Art. 29 2007 Code, reference to part-time work for 'pensioners, disabled persons and women engaged in household duties or the raising of children'.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no formal distinction, although neither part-time nor full-time workers have a high level of dismissal protection.

4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	The 1948 Regulations provided for employment to be either indefinite or fixed-term (Art. 24) and for deemed renewals under certain circumstances (Art. 28) but did notlimit FTCs to particular kinds of work. See also 2007 Code Art. 14(3) and 1999 Code Art. 18(1).
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	See variable 2 (general anti-discrimination rules).
6. Maximum duration of fixed-term contracts	1970: 0	Under the 2007 Code, one year, but may be renewed by agreement or automatically by continuation.
7. Agency work is prohibited or strictly controlled	1970: 1 2007: 0	Effectively prohibited by Art. 178 1987 Code (banning private labour bureaux) and Art. 146 1999 Code (to similar effect). Art. 151 2007 Code provides for agencies to be established with the authorisation of the Ministry of Labour. The grounds of use of agency work are not restricted.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1 2007: 0	Agency work was prohibited from prior to 2007. There is no right to equal treatment. 2).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.67	20 days: Art. 50 1948; Art. 62 1987; Art. 54 1999; Art. 46 2007. The Labour Policy 2012 refers to an intention of providing 30 days' leave in future.
10. Public holiday entitlements	1970: 0 1987: 0.28 1999: 0.22	5 days: Art. 57 1987. 4 days, plus any additional days specified by order: Art. 50 1999. 11 days: Art. 41 2007.

	2007: 0.61	
11. Overtime premia	1970: 0.2 1987: 0.25	Between 15% and 25%: Art. 61 1948. 25%: Art. 79(1) 1987; Art. 71 1999; Art. 67 2007.
12. Weekend working	1970: 0.2 1987: 1	Mandatory rest on Fridays, premium between 15% and 25%: Art. 66 1948. Weekend of at least 42 hours, compensation at double time: Arts. 67, 80 2007.
13. Limits to overtime working	1970: 1 2007: 0.13	2 hours per day limit, exceptional circumstances required, under 1948 Regulations, Art. 60. 2007 Code, Art. 38(2): overtime must not exceed weekly average over the course of a year, taking into account seasonal variations and the holy month of Ramadan.
14. Duration of the normal working week	1970: 0.67	40 hours: Art. 48 1987; Art. 41 1999; Art. 30 2007.
15. Maximum daily working time	1970: 0.5 1987: 0.8 1999: 0	1948 Regulations: 9 hour day in the first 6 months of the solar year, 8 hours in the second six months, additional 2 hours overtime permitted. Art. 52, 1987 Code: 10 hour limit. 1999 and 2007 Codes: no restriction of daily working time.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 1987: 0	One month: 1948 Regulations, Art. 7. Art. 24(1), 1987 Code: one month for written reasons but no notice rule.
17. Legally mandated redundancy compensation	1970: 0	One month between one and five years: Art. 25(2) 2007 Code.

	2007: 0.67	
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.94 1987: 0.99 2007: 1	2 months: 1948 Regulations, Art. 54. 2 weeks: Art. 33, 1987 Code, Art. 19(1) 1999 Code. No stipulated period, probation optional: Art. 17(1) 2007 Code.
19. Law imposes procedural constraints on dismissal	1970: 0 1987: 0.33	Under the 1987 Code, Art. 101(2), the employee must be given the chance to respond to a disciplinary charge. The 2007 Code, Art. 23(3), refers to warnings.
20. Law imposes substantive constraints on dismissal	1948: 0.67	Grounds of termination were set out in Art. 52 of the 1948 Regulations. Similarly, Art. 32 1987 Code; Art. 26 1999 Code; Art. 23 2007 Code.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1987: 1	Compensation normal remedy: Art. 52, 1948 Regulations. From 1987: normal remedy is reinstatement plus appropriate compensation: Art. 143 1987; Art. 120 1999; Art. 132 2007.
22. Notification of dismissal	1970: 1 1999: 0.33 2007 0.67	Consent of authorities needed: Art. 52 1948, Art. 32 1987. Written notification to employee: Art. 26 1999. Notification to Ministry of Labour: Art. 25(1) 2007.
23. Redundancy selection	1970: 0	No provisions.
24. Priority in re-employment	1970: 0 2007: 1	Art. 27(1) 2007.
D. Employee representation		

25. Right to unionisation	1970: 0.33	General right to freedom of association: Art. 32 1964 Constitution, Art. 35 2004 Constitution.
26. Right to collective bargaining	1970: 0	No constitutional reference to collective bargaining.
27. Duty to bargain	1970: 0 1987: 1	Art. 14 1987 Code, makes conclusion of collective agreement mandatory; Art. 149, duty of employer.
28. Extension of collective agreements	1970: 0	No provision.
29. Closed shops	1970: 0	No provision on closed shops, authorising or prohibiting them.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0 1987: 0.25	From 1987, Art. 150(1): right to submit proposals for work improvement to the employer. Art. 150(2) provides for worker participation through the trade union or general assembly.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Although there is no specific ban on unofficial strike action, there is no history of a right to strike in Afghanistan.
33. Political industrial action	1970: 0	Prohibited: Art. 15 Law on Gatherings 2003.

34. Secondary industrial action	1970: 0	There is no specific ban on secondary industrial action but there is no history of a right to strike in Afghanistan.
35. Lockouts	1970: 0	No specific prohibition.
36. Right to industrial action	1970: 0	No constitutional protection of the right to strike.
37. Waiting period prior to industrial action	1970: 1 2003: 0	Law on Gatherings 2003, Art. 7(a): duty to inform police within 24 hours.
38. Peace obligation	1970: 1	No provision.
39. Compulsory conciliation or arbitration	1970: 1	No provision.
40. Replacement of striking workers	1970: 0	No provision.

Algeria

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Ordinance 71-74 Art.8; Ordinance 75-31 1975 (Art. 1) and Law No. 78-12 1978 (Art. 51): the employment contract is deemed to exist where work takes place on the account of the employer (Art. 51).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1991: 0.25	Part time work was not introduced until 1991: Law 90-11 1990 (Art. 13). There is an express equal pay for work of equal value clause (Art.84).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made in relation to the dismissal of part-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1975: 0.5 1978: 0.75 1982: 1	Ordinance 75-31 1975 Art. 9 permits fixed term contracts only for work that is temporary or for work performed to replace a permanent worker. In addition, task contracts are permitted and their duration is limited by reference to the duration of the task. Act no. 78-12 1978 Art.50 permits temporary workers as an exceptional measure for work of a specific duration and Art. 51 permits the hiring of seasonal workers. Act No 82-06 Art27 lists circumstances in which a fixed term contract can be agreed with strict limits on their duration. See also Art12 Law 90-11 1990.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25 1978: 1	Prior to 1971: implied right to protection against arbitrary treatment deriving from continuing effect of French private law. Ordinance 71-74 Art. 9: general equal rights for equal work. Act No. 78-12 1978 (Art. 53): temporary and seasonal workers are subject to the same conditions as workers recruited for unspecified periods. This extends to all pay, conditions and social benefits. Art.14 Law 90-11: a fixed term contract is treated in the same way as an indeterminate contract.
6. Maximum duration of fixed-term contracts	1970: 0 1982: 0.9 1990: 0 2006: 0.7	Ordinance 75-31 Art.9: one renewal permitted. Law no. 82-06 Art.28: limits depend on the type of contract. The absolute maximum is one year. There is no limit in the Law 90-11. The Collective Framework Agreement 2006 places a limit of 36 months.
7. Agency work is prohibited or strictly controlled	1970: 0 1975: 1	Ordinance 75-31 Art. 9: agency work classified as a type of illegal subcontracting. Law 78-12 Art.62: express prohibition of private employment agencies. See also Art.45.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.25 1975: 1	Prior to 1971: implied right to protection against arbitrary treatment deriving from continuing effect of French private law. From 1975 agency work was not recognised.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1975: 0.8 1981: 1	A French Decree of 1938 established a 15 day (12 working day) holiday for Algerian workers. Ordinance 75-31 Art.215: 24 days (2 days per month worked). Law 81-08 Art. 5: 30 days (2.5 days per month worked subject to 30 day maximum). See also Law 90-11 Art 41.

10. Public holiday entitlements	1970: 0.61	Law 63-278 Art. 1(4): 11 days.
11. Overtime premia	1970: 0.25 1975: 0.63 1978: 0.25 1997: 0.5	1970: French norm was 25%. Ordinance 75-31 1975 Art. 189: 50% for the first four hours, 75% thereafter. Law 78-12 1978, Art. 70: premium to be subject to sector specific conditions. Law 90-11 Art 32: at least 25% premium; as amended in 1997: at least 50%.
12. Weekend working	1970: 1 1978: 0.25 1997: 0.5	The continuing French rule was double time. Law 78-12: work on weekly rest day is to be paid at the overtime rate. Since 1991, the weekly rest day has been Friday, and pay is to be as for overtime (Art.33, 35 and 36)
13. Limits to overtime working	1970: 1	The continuing French rule implied strict regulation of overtime. Ordinance 75-31 Art. 188: limit of 16 hours a week of overtime. Law no. 78-12 Art.31: sector specific limits. Ordinance No. 96-21 1996: overtime not to exceed 20% of the normal legal limit. Art. 31(2),(3) maximum daily working time of 12 hours including overtime.
14. Duration of the normal working week	1970: 0 1975: 0.4 1997: 0.67	The French 40 hour week law was incorporated into Algerian Labour Law in 1937 but in 1939 a 60 hour week was introduced. Ordinance 75-30 Art.1: 44 hours per week. Law 90-11 Art.22: 40 hours (see also 1997 Ordinance).
15. Maximum daily working time	1970: 0.8 1975: 0.6	The French rule set a strict 10-hour limit. Ordinance 75-30 Art. 4: 10 hours per day, 12 hours including overtime. See also Law 78-12 Art. 68; Law 90-11 Art. 31(2),(3).
C. Regulation of dismissal		

16. Legally mandated notice period	1970: 0.67 1975: 0.33	The French norm was 2 months. Ordinance 75-31 Art. 41: manual workers entitled to one month's notice, supervisory workers to two months and middle and higher managerial staff to three months. Law 90-11 Art.73-5 does not specify the notice period, but requires it to be set by collective bargaining. Collective Framework Agreement 2006: notice shall be at least equivalent to the probation period, to be increased by five days with every year of service, up to a maximum of 30 days (Art. 61).
17. Legally mandated redundancy compensation	1970: 0 1975: 1 2006: 0.5	Ordinance 75-31 Art.52: one month per year of service up to 15 months' pay. See also Law No 82-06, Art. 61. Legislative Decree 94-09 requires redundancy pay of an amount equivalent to three months' wages. The Collective Framework Agreement 2006 provides for not less than 15 days' pay per year of service, for all workers with at least two years' service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1975: 0.99 1978: 0.83 1982: 0.67 2006: 0.83	Under French law there was no substantive qualifying period in relation to protection against dismissal. Ordinance 75-31 Art. 7: probationary periods made compulsory. Art. 10 limited probation to 8 days for manual workers, one month for supervisory staff and three for managerial staff. Law no. 78-12 Art. 57: compulsory trial periods of up to 6 months, or 9 months for positions of responsibility. Law No 82-06 Art. 60: employees entitled to claim compensation for unfair dismissal after one year's service. Law No.90-11 Art. 18: probationary period not to exceed 6 months, but could extend to 12 months if the nature of the work so required. The Collective Framework Agreement 2006 requires two years' service for entitlement to severance pay. However, it provides for an optional probationary period of up to 6 months (Art. 21).
19. Law imposes procedural constraints on dismissal	1970: 0 1975: 0.67 1982: 1	Ordinance 75-31 Art. 37: dismissal for disciplinary reasons other than those listed in the Act must be a matter of last resort. Art. 38 required the approval of the joint disciplinary committee. Art. 43 stated that a dismissal declared in contravention of these procedures would be a nullity. Law No 82-06 Art. 78: any dismissal in contravention of the procedures laid down in the Act, which includes standards on workplace procedures, is a nullity. Law no. 91-29 Art. 73-4 (provides for a specific compensation for a breach of procedural requirements.

20. Law imposes substantive constraints on dismissal	1970: 0.25 1975: 1	Under French law, dismissal could be challenged by reference to the principle of abuse of right under Art. 1780 Civil Code. Ordinance 75-31 Art. 32: in addition to termination for incapacity, termination could take place for serious misconduct, serious misdemeanour on the part of the employee, or as part of a collective dismissal. Art. 33 defined serious misconduct. Art. 36 listed further potential grounds of serious misconduct. Dismissals for any other disciplinary reasons had to be a matter of last resort. Law no. 78-12 Art. 92 listed permissible reasons for dismissal: disciplinary reasons, total incapacity to work or on account of retrenchment. Law No 82-06 Art. 73-76: an employee could only be dismissed for disciplinary reasons for serious fault and even then only in accordance with the regulations relating to the establishment of the various types of offenses and fault committed and the scale of corresponding disciplinary penalties. The undertaking had to take account of the circumstances, the extent and gravity of any breach, the prejudice sustained, and the employee's attitude towards the employee's work prior to the fault. Law 90-11 Art. 73 required serious misconduct. The Collective Framework Agreement of 2006 lists examples of disciplinary reasons.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1975: 0.67	Ordinance 75-31 Art. 43: any dismissal declared in contravention to the Act would be a nullity and the judge had to order reinstatement of the worker unless the employer objects. Law No 82-06 Art. 79: the worker had to be reinstated unless the undertaking objects. Law 90-11 Art. 73-4: reinstatement is the ordinary remedy unless either party objects.
22. Notification of dismissal	1970: 0 1975: 1 1990: 0.33	Ordinance 75-31 Art. 38: prior approval of the joint committee required before an individual disciplinary dismissal could take place. See also Law No 82-06 Art. 69 and 77. Law 90-11 Art. 73(2) required written reasons. The Collective Framework Agreement requires written reasons for dismissal and a preliminary interview with the employee and representative.
23. Redundancy selection	1970: 0	Ordinance 75-31 Art. 39(2) prescribed an order for collective dismissals beginning with the least length of service followed by those with the fewest dependents. Law 90-11 Art

	1975: 1	71 prescribes an order for redundancy selection based on seniority, experience and qualifications.
24. Priority in re-employment	1970: 0 1975: 1 1990: 0	Ordinance 75-31 Art. 39(2) and Law no. 78-12 Art. 96 make provision for priority. Law 90-11 Art.69 prohibits it.
D. Employee representation		
25. Right to unionisation	1970: 1	Constitution 1963 Art. 19 guarantees freedom of association and Art. 20 guarantees trade union rights. Art. 60 1976 Constitution guarantees 'trade union rights' to all workers. See also Art. 52 1986 Constitution and Art 56. 1996 Constitution.
26. Right to collective bargaining	1970: 0.5	Constitution 1963 Art. 20 guarantees trade union rights and the right to strike. See also Art.60 1976 Constitution, now Art.56. There is no express right to collective bargaining but there is a right to participate in the management of the enterprise.
27. Duty to bargain	1970: 1	Ordinance 71-75 Art. 1 and Art.13 require the establishment of trade union committees in enterprises and require the committees to negotiate collective agreements. Ordinance 75-31 Art. 92: every employer employing 20 or more workers must organise meetings for the conclusion of a collective agreement. Law 90-14 entitles any representative union to negotiate and conclude collective agreements. Art. 123 Law 90-11 requires that negotiation occur following request by one of the parties entitled to conclude a collective agreement. Under Art. 133, where a collective agreement has been repudiated, negotiations to conclude a new agreement must begin again within 30 days.
28. Extension of collective agreements	1970: 0	There is no power to extend the application of a collective agreement as such. Parties can join a pre-existing agreement and the Minister of Labour and Social Affairs can convene a joint committee with a view to agreeing a collective agreement to be applicable to the whole of the territory.

29. Closed shops	1970: 0.5 1990: 0	Ordinance 71-74 1971 Art. 15 grants freedom of association to all workers. According to Ordinance 75-64 Art. 1, no person may take account of the exercise of trade union activities when making decisions regarding recruitment. Law No. 78-12 grants the right to join the General Union of Algerian workers on a free and equal basis. In addition, workers are protected against discrimination on account of union membership (Law 90-14 Art.50) and protection against pressure to join a trade union is afforded under Art.51. Since 1996, any employer sanction related to membership has been prohibited.
30. Codetermination: board membership	1970: 0.33	Constitution 1963 Art.20 guarantees the right of worker participation in management. The 1976 Constitution and subsequent Constitutions do not contain such provisions. Ordinance No. 71-75 Art.6 grants the right to two members of the trade union committee to be present at meetings of the administrative council or managing board of the enterprise.
31. Codetermination and information/consultation of workers	1970: 1 1990: 0.5	The right to participate in the management of the enterprise was protected by the Constitution of 1963 and was also embodied in Ordinance 71-74 Arts. 28-40, whereby workers were granted broad supervisory decision-making powers. Law No. 78-12 Art. 19 gives workers the right to be informed of the activities of the undertaking. Law 90-11 Art. 91 grants the right to participate in the management of the enterprise to workers in enterprises employing over 20 workers. However, the right is limited to consultation.
E. Industrial action		
32. Unofficial industrial action	1970: 1 1971: 0	Ordinance 71-73 Art. 15 states that a strike may not be called until a trade union has authorized the strike. Ordinance 71-75 governed the right to strike after the enactment of the 1975 Law. Art.15 states that a strike may be called only after the trade union has approved it. Law No. 90-02 Art. 28 requires that a strike be approved by a majority of workers in a secret ballot in a general assembly made up of at least half of the workers concerned. See also Article 121 Collective Framework Agreement 2006.
33. Political industrial action	1970: 0.5	French law provided limited protection to hybrid political/economic strikes. Law No. 90-04 defines a collective labour conflict as any disagreement related to labour relations and

		general conditions of employment between workers and an employer who are parties to an employment relationship.
34. Secondary industrial action	1970: 0.5 1990: 0	French law provided limited protection to secondary action. The definition of collective labour conflicts in Law No. 90-04 does not cover secondary action. It applies to conflicts between an employer and an employee in relation to that relationship.
35. Lockouts	1970: 0.9 1975: 1	There was a very limited right to lock out under French law. From 1975 lockouts in retaliation to lawful strikes are prohibited: Art. 27 Law 75-31.
36. Right to industrial action	1970: 1	The right to strike is granted by the Constitution: Art. 20 1963 Constitution; Art. 61 1976 Constitution 1976; Art. 53 1989 Constitution.
37. Waiting period prior to industrial action	1970: 1 1971: 0	French law did not recognize a compulsory waiting period prior to the commencement of strike action. Ordinance 71-73 Art. 15: strikes cannot be called until the Minister has been notified, conciliation has been undertaken and the trade union has authorized the strike. Law No. 90-04 Art. 30 requires a minimum of 8 days' notice. See also Article 129 Collective Framework Agreement).
38. Peace obligation	1970: 1 2006: 0	French law did not impose a peace obligation there is no express reference to a peace obligation until 2006 when the Collective Framework Agreement Art.119 provided that procedures set out in a collective agreement had to be exhausted before a strike could take place.
39. Compulsory conciliation or arbitration	1970: 0	French law provided for compulsory conciliation. Ordinance 71-73 Art. 15: strikes must not be called until conciliation has taken place. Ordinance 75-31 Art. 303: every collective dispute must be immediately submitted to conciliation. Where Conciliation fails, either the Minister may order, or the parties may request arbitration (Art. 304). However, the strike will not be suspended during the period of arbitration. (Art. 310). See also Art. 90 Law 78-12 on compulsory conciliation for all collective labour disputes; Law No. 82-05 1982 Art. 1 and Art. 13-15; Law No. 90-02.

40. Replacement of striking workers	1970: 1	French law regarded the dismissal of a workers taking part in a lawful strike as a nullity. Ordinance 75-31 Art. 26 expressly provides that a strike will merely suspend the contract and prohibits dismissal of striking workers. Law No. 90-02 Art. 32 Art. 33 also prevents the assignment of workers aimed at replacing striking workers and prevents any sanctions against workers for their participation in lawfully declared strikes.

Angola

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 1981: 1	Legislative Decree No. 2827/1957 (LD 1957) distinguished between contracts of employment (an agreement by which a person undertakes, in return for remuneration, to work for another person – Art. 1) and independent employment (contracting to carry out pieces of work). The Act was only applicable to contracts with the form of a contract of employment. The General Labour Act removed the employee/independent contractor distinction and the potential to avoid its application by agreement is diminished. Content of the written contract is not conclusive and workers are determined by reference to their work under an employer's supervision and direction/orders (Art. 1).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1981: 0.25 1982: 0.75 2000: 0.25	There were no provisions concerning part-times workers before 1981. GLA, Art. 102(1): wages determined in accordance with principle of 'From each according to his abilities, to each according to his work'. Art. 102(3): identical working conditions attract equal wages for equal work irrespective of age, sex, nationality, race or religion (but not where contracts are materially different). Decree No. 61/1982 Art. 43(2): proportional remuneration for part-time workers. GLA 2000, Art. 119: limits the circumstances under which part-time work may be used. Art. 164: general equal pay for equal work clause. Repeals Dec. 61/82.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1 2000: 0	Prior to 2000, there was no distinction between part-time and full-time workers in respect of dismissals. GLA 2000: part-time work expressly regarded as transient and to cease as soon as the reason justifying it ceases.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1981: 0.5	GLA 1981, Art. 21(2): (when not concluded in writing) contracts for specific tasks or activities are deemed to be FTCs. GLA 2000: lists the circumstances in which FTCs may be concluded: temporary work, occasional work, seasonal work, urgent work, new

	2000: 1	activities of uncertain duration, for physically handicapped workers, and for learning and professional training.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1981: 0.25	LD 1957: no right to equal treatment but Art. 27(2) provides that where favourable conditions apply to the post which a temporary worker is filling, that worker shall enjoy those benefits. GLAs 1981 and 2000, Art. 164 contain a general equal pay for work of equal value clause. Remuneration is defined widely such as to cover all benefits due from the employer.
6. Maximum duration of fixed-term contracts	1970: 1 1981: 0.7	LD 1957, Art. 15: FTCs worked (or due to be worked) for over a year are deemed to be permanent. GLA 1981, Art. 21(1): maximum duration of 3 years. GLA 2000, Art. 16: varying maximums for certain tasks but overall limit of 36 months (subject to extension by application to the Minister of Labour; maximum of 24 further months). Art. 18: the contract will convert to an indefinite one 15 days after the maximum period has elapsed.
7. Agency work is prohibited or strictly controlled	1970: 1 2000: 0.9 2010: 0.75	LD 1957, Art. 95: trade unions to have regulated placement services. Art 96 prohibits private placement agencies intervening in placement of workers whose occupations are unionised. GLA 2000, Art. 32: governs temporary/agency contracts; they may only be used by students with Ministerial authorisation. Decree No. 272/11: regulates temporary agencies; prior authorization needed and certain requirements must be met. Such contracts are permitted only to satisfy temporary needs of the enterprise and integration into the user enterprise is prohibited. Maximum duration of contracts is 36 months. (Entered into force October 2010).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1 1981: 0 2011: 0.5	LD 1957, Art. 29: liability for employment obligations extended to TAW users as well as those party to the employment contract. Art. 27(2): where favourable conditions apply to the post which a temporary worker is filling, that worker shall enjoy those benefits. Art. 34: limited right to equal remuneration of permanent employees where remuneration is not determined by the law or the contract. LD 272/11: TAWs are subject to the user undertaking's rules on manner, place, duration, suspension, health and safety and access to social facilities.

B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 1981: 1 2000: 0.73	LD 1957, Art. 55: 10 days for wage earners with 3 years. (15 days for salaried employees). GLA 1981, Art. 126: 30 days' leave. GLA 2000, Art. 137: 22 working days.
10. Public holiday entitlements	1970: 0 1981: 0.78	GLA 1981, Art. 132(1): leave for all national holidays. Public Holidays Act 1996, Art. 1(2): 14 days.
11. Overtime premia	1970: 0.5 2000: 0.63	1957, Art. 30: 50% premium. GLA 1981: premium to be set by regulations. Dec. 61/82, Art/ 34(a): 50%. GLA 2000, Art. 105: 50% for first 30 hours overtime per month; 75% for subsequent overtime hours.
12. Weekend working	1970: 1	LD 1957, Art. 30: 100% premium for work on weekly rest day. Art. 120: rest day to be Sunday unless justified by valid exceptions. GLA 1981, Art. 125(1): day of rest Sunday unless stated in contract. Dec. 61/82: rest day Sunday unless undertaking allowed to operate on a continuous basis. Art. 34(b): 100% premium for hours on that day. GLA 2000, Art. 125(1): maintains weekly rest day as Sunday. Art. 130: 100% premium maintained.
13. Limits to overtime working	1970: 1 1981: 0.33 2000: 1	LD 1957, Art. 117(1): 2 hours per day overtime. GLA 1981, Art. 30(a): 40 overtime hours per month, averaged over a year (workmen, admin staff, service personnel, technicians and senior staff). Art. 30(b): 20 overtime hours per month, averaged over a year (any other workers). GLA 2000, Art. 103: overtime limits of 2 hours per day, 40 hours per month and 200 hours per year.
14. Duration of the normal working	1970: 0.13	LD 1957, Art. 115: weekly hours for those in offices and warehouses shall not exceed 39

week	1981: 0.4	hours; 44 hours for commercial employees; 48 hours for industrial workers. (Coding for min. value.) GLA 1981, Art. 117(1): 44 hours for all sectors/workers. GLA 2000 maintains this (Art. 96).
15. Maximum daily working time	1970: 0.8 1981: 0.4	LD 1957, Art. 115(1): Governor General may, on request, fix the ordinary daily hours of work to 10 hours, and a maximum of 54 hours per week. GLA 1981, Art. 118: hours to be set by collective agreement. Dec. 61/82, Art. 8: at least 10 hours of daily rest. GLA 2000, Art. 96: day may be extended from 8 to 10 hours in certain circumstances. Art. 97(6) requires at least 10 hours of daily rest.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67 1981: 0.33	LD 1957, Art. 69: 2 months for 3-10 years' service. GLA 1981, Art. 34(2): minimum notice of 30 days; can be extended to 60 days by agreement. GLA 2000, Art. 232: 30 days at least (for all employees), 60 days for some, for termination for objective reasons. No stipulated notice for just cause dismissal.
17. Legally mandated redundancy compensation	1970: 0 1981: 0.75 2000: 1	GLA 1981, Art. 40(2): 100%, 75% and 50% of the wages in the first, second and third months following termination. GLA 2000, Art. 26(1): basic monthly salary per year of service for the first 5 years, (50% extra basic monthly salary for each year thereafter).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1981: 0.94	LD 1957, Art. 12: probationary period may be agreed for a period of up to two months. GLA 1981, Art. 20(2): default probationary period of 60 days. GLA 2000, Art. 19(1) default 60 days' probation which may be reduced or increased up to 4 months.
19. Law imposes procedural constraints on dismissal	1970: 1	LD 1957, Art. 23(1): disciplinary penalties (fine, suspension and dismissal) may only be imposed after giving written notice stating the reasons. Art. 26: disciplinary penalties may only be imposed within 8 days of the employer learning of the offence. Art. 26(1): right of appeal to the employee and a duty on the employer to confirm/vary/revoke the penalty within two days. Art. 72: when no reason is given, no valid reason can be relied

		upon to justify the dismissal. GLA 1981, Art. 35(2): requires the written notice to state the reasons for dismissal. For dismissals with notice, termination can only take place if there is no alternative employment possible. Art. 58(1): procedural steps for disciplinary measures (incl. dismissal for serious misconduct) to be taken: 3 levels of warnings, transfer, and finally dismissal without notice. Art. 60: disciplinary proceedings (incl. a hearing) must be instituted before taking disciplinary measures. GLA 2000, Art: 50(1): disciplinary action taken without a prior hearing is void. Art. 50: conditions for lawful interview. Art. 228: failure to follow the procedures results in a nullity of the dismissal. (Although hearings within 5 days of the dismissal may be permitted).
20. Law imposes substantive constraints on dismissal	1970: 0.33 1981: 1	LD 1957, Art. 68: valid reason for dismissal required unless notice is given. Art. 70: valid reason to be determined by the judge, taking account specified (and all other) circumstances. Valid reasons include circumstances that render the subsistence of the relationship practically and immediately impossible. Other examples are given. GLA 1981, Art. 35(1): employer can terminate with notice for (technical and organisational) reasons causing the worker's position to cease if there are no other alternative jobs in the undertaking. (This is the only reason for dismissal with notice.) Dismissal without notice is only available for serious breaches of labour discipline. Art. 59(2): for serious misconduct, the conduct must be such that the relationship is impossible to continue. GLA 2000, Art. 224: dismissal can only take place where there is just cause by virtue of a serious disciplinary offense, or objectively verifiable reasons, making it impossible to maintain the labour relationship. Art. 225: extended grounds for 'just cause'. 'Objective grounds' relate to reduced work capacity or redundancy.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 2000: 1	LD 1957, Art. 69(2) and (4): remuneration for the period during which notice should have been effective. Reductions to this sum may be made where it does not reflect the actual loss to either of the parties. GLA 2000, Art. 60(1): worker entitled to compensation. Arts. 228, 229 and 237: reintegration or reinstatement for procedurally or substantively inadequate dismissals. Compensation is available if worker does not wish to reinstated or reintegrated.
22. Notification of dismissal	1970: 0.33	Written reasons required by LD 1957. GLA 1981, Art. 35(2): written reasons required.

	1981: 1	Art. 35(3): trade union consultation and consent required for dismissals. Art. 35(4): Employment Office must be notified. GLA 2000, Arts. 52(2), (3) and 66: written notice, trade union notification and General Labour Inspectorate notification respectively. GLA 2000 also provides for notification to employee representatives in the case of collective dismissal and for a requirement of state permission if the representatives object in a reasoned statement to a dismissal.
23. Redundancy selection	1970: 0 2000: 0.5	GLA 2000, Art. 233(1): dismissal must take place firstly on the basis of qualification and subsequently seniority.
24. Priority in re-employment	1970: 0 2000: 1	GLA 2000, Art. 235(2): employees given the right to preference in readmission within 12 months of the dismissal.
D. Employee representation		
25. Right to unionisation	1970: 0 1991: 1	1991 Constitution, Art. 33(1): right to professional and trade union organisation. Art. 33(2): right to take part in union activities, constitute and freely join. No such guarantees in prior 1975 Constitution.
26. Right to collective bargaining	1970: 0 1991: 0.75	Before 1975, unions existed as occupational syndicates but were legally prohibited from collective bargaining. No constitutional protection either in 1975, 1991 or in 2010. However, GLA 2000, Art. 6: provides the right to collectively bargain and expressly states that this right derives from the 1991 Constitution (right to trade union activities).
27. Duty to bargain	1970: 0 1981: 1 2000: 0.5	GLA 1981, Art. 5(4): trade unions are under a duty to conclude collective agreements. Art. 6: management is under a duty to cooperate with trade unions in the performance of their duties. GLA 2000: no express duty to bargain. However, workers are given the right to negotiate (Art. 6) and this might imply a duty for the employer to negotiate in order to realise this right.
28. Extension of collective	1970: 0	No provision

agreements		
29. Closed shops	1970: 1	While the law prohibits discrimination on grounds of union membership/activities there is no express prohibition on closed shop agreements.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0 1981: 1 2000: 0.33	GLA 1981, Art. 10: participation in State undertakings by suggesting plans for increasing labour productivity and workers' cultural and social experiences and supervising its implementation. Art. 11(3): management required to report on implementation of the plans. In quasi-public and private organisations a similar regime exists through the union. GLA 2000, Art. 240: consultation only in respect of collective dismissals.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Act No. 93/1991, Art.10: a decision to take strike action can only be taken by the assembly of workers and the appropriate trade union body on request of at least 20% of the workers affected (with at least 2/3 of workers present). Art. 10(4): reserves the power to trade unions where they are present. Art. 10(5): where no trade unions existent, the decision must be made by a ballot with a two-thirds majority at a workers' assembly.
33. Political industrial action	1970: 0	Act No. 93/1991: strikes are an exceptional measure for workers to improve their working conditions and quality of life. They must relate to labour issues rather than political ones. Art. 2(3): strikes may pursue only economic, social and occupational goals.
34. Secondary industrial action	1970: 0	Act No.93/1991, Art. 3: suggests that the strike has to relate to issues affecting the workers involved.
35. Lockouts	1970: 0	Constitution, Art. 34(3): prohibits lockouts. Act No. 93/91, Art. 18: absolute prohibition

	1991: 1	on lockouts.
36. Right to industrial action	1970: 0 1991: 1	Before the 1991 Constitution strike action was illegal. 1991 Constitution, Art. 34(1): guarantees workers the right to strike. There was no constitutional guarantee in the 1975 Constitution.
37. Waiting period prior to industrial action	1970: 0	Act No. 93/1991: Art. 9: 20 day negotiation period. (Strikes are only to be exercised exceptionally as a last resort once all negotiations have failed.) Art. 10(12): 3 days' notice once the decision to strike has been taken.
38. Peace obligation	1970: 1	No peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	Act No. 93/91 Art. 9: strikes must be preceded by the submission to the employer of a schedule of the disputes and an attempt to settle by agreement. Art. 14(2): conciliation at the parties' or Ministers' initiative; attendance is compulsory.
40. Replacement of striking workers	1970: 0 1991: 1	Act No. 93/91, Art. 17: prohibits the replacement of striking workers. Art. 18: prohibits the dismissal or transfer of a striking worker.

Argentina

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67	Under Art. 22 of the Labour Contract Law 1976 there is an employment relationship where relevant criteria are met regardless of the legal form of the relationship and Art. 23 of the same law establishes a presumption in favour of the existence of a contract of employment where work is carried out for another.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 2009: 0.75	The Constitution provides for a general right to equal pay for equal work. Legislation of 1976 and 1980 prohibit overtime pay for part-time workers. A 2009 law on the contract of employment refers to a right to equal treatment in the context of social security benefits.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.5	The approach of successive laws has been to allow fixed-term contracts where the nature and circumstances of the hiring justify them. Labour Contract Law 1974, Arts. 99, 105, 108; amended Labour Contracts Law 1980, Arts. 90, 93, 96-97; 1994 Resolution; 1998 law on apprenticeships.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0.75	The Constitution provides for a general right to equal pay for equal work. Rights to equal treatment of casual workers and seasonal workers are also referred to in the Labour

workers		Contract Law (Arts. 109 and 106). Arts. 94-95 entitle workers under fixed term contract to minimum notice and an action for dismissal for lack of just cause under the same conditions as ordinary workers. The National Employment Act, Law 24 013 1991 establishes a right to equal treatment for those employed under fixed term contracts for promoting employment.
6. Maximum duration of fixed-term contracts	1970: 0.5	A 5-year limit generally applies (see Art. 102 Labour Contract Law 1974; Art. 93 Labour Contract Law 1976). Shorter durations apply to contracts entered into under the National Employment Act.
7. Agency work is prohibited or strictly controlled	1970: 0.5 1991: 0.67	The 1974 Act on Labour Contracts stipulates joint liability between agency and user and makes the user the default employer. Law 24013 1991 limits the duration of agency contracts and regulates the types of work such contracts can be used for, as well as making provision for authorization of agency work under certain circumstances.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.75 1991: 1	The Constitution provides for a general right to equal pay for equal work. From 1991, Law 24013 in effect provides for equal treatment for agency workers by deeming them to be employees of the hirer and providing that they should be covered by the terms of relevant collective agreements.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1974: 0.47	Leave of 12 consecutive days for workers with up to five years' serviced was established by Art. 1(1) Law No. 18338, 1969. Art. 164(1) Labour Contract Act 1976 (Law No.20744) established a right to 14 consecutive days' leave for workers with up to five years' service.
10. Public holiday entitlements	1970: 0.61 2010: 0.67 2011: 0.72	11 days (1976 Law No. 21 139 on Public Holidays and Days Off, Art. 1; 2010 12 days; 2011, 13 days.

11. Overtime premia	1970: 0.5	Time and a half has been the consistent norm (Labour Contract Law, At NO. 20744, Art. 218; Employment Contract Law 1976, Art. 2091; and later decrees and Acts.
12. Weekend working	1970: 1	Double time is the norm (Decree No. 16115/33 1929; Employment Contract Law 1976 Art. 201; later decrees and Acts).
13. Limits to overtime working	1970: 1 2000: 0.13	Law 11533 of 1956 establishing the law on the working day: limit of 12 hours in a given day. Decree No. 484/2000 on working hours etc.: overtime not to exceed 3 hours per day, 30 hours per month and 200 hours per year. Resolution 303/2000 provided for a form of annualisation of hours.
14. Duration of the normal working week	1970: 0.13	Law 11544 Art. 1 , 2919,set a normal 48-hour working week. Law No. 26,597, 2000, exempted only managers and directors from the scope of this law.
15. Maximum daily working time	1970: 0.6	12 hours compulsory rest is the norm (Law No. 11544, 1929).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	One month is the norm for a worker with less than 5 years' continuous employment (Labour Contract Law 1974, Act No. 20744, Art. 252(b), and later law in 1998. Note also Public Emergency Law No. 225,561 (2002).
17. Legally mandated redundancy compensation	1970: 0.5 1992: 1 1998: 0.17 2004: 1	The Labour Contract Law 1976 required payment of half of one month's salary for each year of service. The 1992 National Employment Act set a norm of one month's wages for each year of service. Law 25013, 1998, set a norm of 1/18th highest pay received in the previous year. Note Law 25323 of 2000 referring to cases in which the employer failed to register the employment relationship. In 2004 the 1992 position was restored.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1998: 0.83 2000: 0.92	30 day trial period (Law 250143 of 1998) which could be extended by up to six months through collective bargaining. 2000 Law 25250: 3-month probation period.
19. Law imposes procedural constraints on dismissal	1970: 0 1976: 1	Labour Contract Law 19786 Art. 72 required the employer to give the employee a chance to state his case and an opportunity to challenge a disciplinary decision before a competent authority. Art. 264 states that notification must be in writing and must set out the reasons for dismissal. Later laws (1976, 1998) refer to the right to indemnity in the event of procedural failures.
20. Law imposes substantive constraints on dismissal	1970: 0 1974: 0.33	The Labour Contract Law 1974 ,Art. 8, requires good faith, and Art. 263 refers to the right of either party to terminate contract with good cause. See also Art. 242 Labour Contract Act 1976, Public Emergency Law No. 25561 (2002).
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1974: 0.33	Labour Contract Law 1974 Art. 266 refers to compensation for dismissal without just cause. Reinstatement is only available for exceptional cases of anti-union dismissals or discriminatory dismissals.
22. Notification of dismissal	1970: 0 1974: 0.33 1991: 0.67	Labour Contract Law 1974 Art. 243: notification of reasons to the employee. National Employment Act 1991 Arts 99,100, 101, 105: notification to employee representatives and public administration.
23. Redundancy selection	1970: 0 1974: 1	Labour Contract Act 1974, Art. 268 and Labour Contract Act 1976, Art. 247, refer to dismissal on the basis of seniority.
24. Priority in re-employment	1970: 0	There is no rule of priority in re-employment.
D. Employee representation		

25. Right to unionisation	1970: 1 1976: 0 1983: 1	ILO Convention No. 87 was ratified in 1948 and a constitutional amendment of 1958 stated that trade unions had the right of free and democratic organisation. During the period of military rule between 1976 and 1983, normal constitutional protections were suspended.
26. Right to collective bargaining	1970: 1 1976: 0 1983: 1	The constitutional amendment of 1958 guaranteed the right to collective bargaining although note the role of ministerial authorisation of trade unions with 'sector status'. During the period of military rule between 1976 and 1983, normal constitutional protections were suspended. The 1994 Constitution contains power to rescind collective agreements in the event of a national emergency.
27. Duty to bargain	1970: 1 1976: 0 1983: 1	A duty to bargain goes back to Act No. 14455 (1958) which makes failure to engage in collective bargaining an unfair labour practice. See also Act No. 18377 (1969) Art. 3, Act No. 232252 (1988)) s. 53(f), Act No. 23546 (1988), Art. 3, Decree 1135/2004 Art. 20. During the period of military rule between 1976 and 1983, normal trade union protections were suspended.
28. Extension of collective agreements	1970: 1	Act No. 14250 (1953) provides an extension mechanism. See also Law No. 23545 (1988) s. 3, Law No. 23546 (1988) Art. 9, Law 25520 (2000), Decree 1135/2004.
29. Closed shops	1970: 0	Act No. 14455 (1958) includes within the right of association a right not to join. Se also Act No. 20615 (1973).
30. Codetermination: board membership	1970: 0	There is no right to worker representation on the board.
31. Codetermination and information/consultation of workers	1970: 0.33	No provision is made for works councils, but Act No. 14250 (1953) refers to the establishment of joint committees, see also Act No. 23552 (1988), Law 25013 (1998) Act. 14, Law 25520 (2000) and Decree 1135/2004, Art. 20 referring to rights to information on economic and workplace matters.

E. Industrial action		
32. Unofficial industrial action	1970: 0	A secret ballot and majority support are preconditions for the legality of a strike: Decree No. 8946 (1962).
33. Political industrial action	1970: 0	Case law has generally taken the view that political strikes are unlawful.
34. Secondary industrial action	1970: 1 1976: 0 1983: 1	There is no restriction on secondary action as such and the centralised nature of collective bargaining permits industrial action beyond enterprise level. During the period of military rule between 1976 and 1983, normal protections for the right to strike were suspended.
35. Lockouts	1970: 0.5	Strikes and lock-outs receive equivalent protection (Decree No. 8946, 1962).
36. Right to industrial action	1970: 1 1976: 0 1983: 1	ILO Convention No. 98 was ratified in 1956 and the Constitution guarantees the right to strike. During the period of military rule between 1976 and 1983, normal constitutional protections were suspended.
37. Waiting period prior to industrial action	1970: 0	A 15-day cooling off period before strike action has been the norm under successive statutes.
38. Peace obligation	1970: 0	Strikes and lock-outs in contravention of a collective agreement are unlawful: Decree No. 8946 (1962).
39. Compulsory conciliation or arbitration	1970: 0	Decree No. 8846 (1962) made all collective disputes subject to compulsory conciliation. Law 25520 (2000) and Decree 1135/2004 modify the conciliation and arbitration system

	2000: 0.5	but continue to require arbitration and conciliation procedures to be exhausted.
40. Replacement of striking workers	1970: 1 1976: 0 1983: 1	Employers may not replace striking workers and must reinstate after a lawful strike (Act 14455, 1958, Arts.39, 42; see also Act No. 20615 (1973), Art. Art. 60 (c). During the period of military rule between 1976 and 1983, normal protections for the right to strike were suspended.

Armenia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	USSR LC 1972: a contract of employment is an agreement between a worker, on the one hand, and an undertaking, institution or organisation, on the other, according to which the worker undertakes to work in a specified occupation, trade, skill or task, in conformity with the works rules, while the undertaking, institution or organisation undertakes to pay the worker a wage or salary and to provide the conditions of work prescribed by labour legislation, a collective agreement and agreement between the parties concerned. The status of employees is determined by who is covered by an employment contract. LC 2004, Art. 13: Labour relations are those relations, which are based on the mutual agreement of employee and employer, under which the employee shall personally perform labour functions (work with certain profession, qualification or position) with certain remuneration keeping to the rules of internal labour discipline and the employer shall provide with working conditions envisaged by labour legislation, other normative legal acts containing norms of labour law, collective and labour contract.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	USSR LC 1972: part-time workers are to be paid in proportion to hours worked or productivity. Part-time work must not result in limitations on annual leave, or calculation of seniority and other employment rights. LC 2004, Art. 141(3): Part-time work shall not serve as a basis for any limitation when defining the duration of the annual leave, calculating the length of service, as well as during promotion, requalification and exercise of the labour and other rights of the employee.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	USSR LC 1972: employment rights are not to be restricted on the basis of part-time work. Maintained in LC 2004, Art. 141.

4. Fixed-term contracts are allowed only for work of limited duration	1991: 0 2004: 1	USSR LC 1972: no restrictions on when FTCs can be used. LC 2004, Art. 95(3): An employment contract may be concluded for a definite term, when: (a) personal services are provided; (b) work is done by external consultants; (c) the work is a second job; (d) seasonal work; (e) a temporary job is conducted (with a term of up to two months). 2010 amendment: FTC permissible for: (a) workers in elective positions for the elected period of time (b) workers combining jobs (c) workers performing seasonal jobs (d) workers performing temporary work (up to two months) (e) workers substituting other temporarily absent workers (f) foreigners for the period of for work permission or for the period of validity of resident's right.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0	No right to equal treatment.
6. Maximum duration of fixed-term contracts	1991: 0 2004: 0.5	USSR LC 1972: no maximum cumulative duration. LC 2004, Art. 95(1): aggregate period of FTCs with one employer may not exceed 5 years.
7. Agency work is prohibited or strictly controlled	1991: 0	No restrictions on when agency work can be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	No right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5 2004: 0.93 2010: 0.67	USSR LC 1972: 15 days' annual leave. LC 2004, Art. 159: 28 days. 2010 amendment: 20 days for those working a 5-day working week and 24 days for those working a 6-day week.

10. Public holiday entitlements	1991: 0.44 2004: 0.67	USSR LC 1972: 8 public holidays. LC 2004, Art. 156: 12 days.
11. Overtime premia	1991: 1 2004: 0.5	USSR LC 1972: double remuneration for overtime. LC 2004, Art. 184: 50% supplement to overtime work.
12. Weekend working	1991: 1	USSR LC 1972: double remuneration for work done on the weekly day off (preferably Sunday). LC 2004, Art. 155: Sunday is the weekly rest day. Art. 185: double remuneration or time off in lieu is granted for work on the weekly day off.
13. Limits to overtime working	1991: 1	USSR LC 1972: 4 hours in two consecutive days and 180 hours in a year. LC 2004, Art. 146: limit of 4 hours in two days and 120 hours in one year. Art. 139(3): 8 hours of overtime is permitted per week. 2010 amendment: annual maximum increased to 180 hours.
14. Duration of the normal working week	1991: 0.6 2004: 0.67	ASSR LC 1972: 41 hours. LC 2004, Art. 139(1): 40 hours.
15. Maximum daily working time	1991: 0.6	USSR LC 1972: 12 hours (daily maximum of 8 plus 4 overtime). LC 2004, Art. 139(3): 12 hours is the maximum daily working time.
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.67	USSR LC 1972: two months. Maintained in LC 2004, Art. 115 (although only two weeks is required if the employee is unsuitable for the job or reaching retirement age). 2010 amendment: the two weeks' pay (for dismissals other than redundancy and unsuitability) is increased to 35 days for those with a year to five years' service.

17. Legally mandated redundancy compensation	1991: 1 2004: 0.33	USSR LC 1972: one month and up to two more months until the employee can find a new job. LC 2004, Art. 129: one month's severance pay (two weeks for retiring employees or those unsuitable for work). 2010 amendment: increased severance pay in instances other than redundancy from 14 to 25 days for those with one to five years' of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.9 2004: 0.83	USSR LC 1972: probation periods could be up to one month. LC 2004, Art. 92: a probation period of up to 6 months may be included in the contract.
19. Law imposes procedural constraints on dismissal	1991: 1	USSR LC 1972: before disciplinary measures could be imposed, the employee must have had a chance to be heard. Reinstatement was possible when procedure was not followed. LC 2004, Art. 226: before imposing a disciplinary sanction (including dismissal) the employer must request the employee to provide an explanation in writing about the violation of labour discipline. If, within the period set by the employer, the employee fails to provide his explanation without a substantial reason, a disciplinary sanction may be imposed without an explanation.
20. Law imposes substantive constraints on dismissal	1991: 0.67	USSR LC 1972: dismissals can be on economic, disciplinary and capacity grounds. (Although economic dismissals are only possible when the employee cannot be transferred elsewhere or re-trained.) LC 2004, Art. 113: termination is possible for economic reasons; incapacity (physical or skills-based); non-performance of duties; employer's loss of confidence in the employee.
21. Reinstatement normal remedy for unfair dismissal	1991: 1	USSR LC 1972: reinstatement is the normal remedy for dismissal. LC 2004, Art. 265: provides for reinstatement and compensation for dismissal without lawful grounds.
22. Notification of dismissal	1991: 1 2004: 0.67	USSR LC 1972: employers may not dismiss employees without the permission of the trade union committee. Employees also had work books which would contain the reason for their dismissal, and this book would be given to them on discharge. LC 2004, Art. 115(3): requires only that the reason for dismissal be provided. In the case of collective dismissals there has been an obligation to inform and consult employee representatives

		throughout the period (see now LC 2004 Art. 43.
23. Redundancy selection	1991: 1 2004: 0	USSR LC 1972: provided for redundancy selection criteria. LC 2004 does not provide for redundancy selection criteria.
24. Priority in re-employment	1991: 0	No priority in re-employment.
D. Employee representation		
25. Right to unionisation	1991: 0 1995: 1	Armenian SSR Constitution: no right to join trade unions. 1995 Constitution, Art. 25: right to form or join trade unions. (Now Art. 28, as amended in 2005).
26. Right to collective bargaining	1991: 0	Armenian SSR Constitution and 1995 Constitution: no right to collectively bargain.
27. Duty to bargain	1991: 1 2004: 0	1990 USSR legislation on Trade Unions, Art. 9: trade unions have the right to conclude collective agreements and the management (employer) shall be required to conduct negotiations. Law on Trade Unions (LTU) 2000, Art. 16: employers have a duty to sign collective agreements. LC 2004, Art. 45: either party may refuse to negotiate; negotiations must be voluntary.
28. Extension of collective agreements	1991: 0	No extension procedure.
29. Closed shops	1991: 0	1995 Constitution, Art. 25: right to form or join trade unions. No one shall be force to join an association. Closed shops were not authorised prior to this.
30. Codetermination: board membership	1991: 0	No provision for board membership.
31. Codetermination and information/consultation of workers	1991: 0.67	USSR LC 1972: the works or trade union committee had extensive information and consultation rights. They would (i) make decisions with management concerning the use to be made of various funds (e.g. for incentives, housing, bonuses, and etc.); (ii) hear

		reports from the management on the production plan, adherence to collective agreements, steps taken to organise and improve working conditions and welfare facilities for the workers; (iii) demand the elimination of shortcomings and defects; (iv) organise Socialist competitions and evaluate the results; (v) ensure that approved inventions and rationalisation projects are used; (vi) participate in solving problems concerning work and wages; (vii) supervise management's OHS and other LC obligations; (viii) investigate complaints arising out of decisions of the Management; (ix) oversee social security and pension plans and payments; (x) monitor healthcare of employees; (xi) advise on promotions. The work collective council also was conferred extensive information and consultation rights. LC 2004, Art. 25: workers' representatives have the right to submit proposals to the employer on the organization of work. Art. 43: 2. The employers provide the representatives and organizations of the employees the information regarding the labour relations. The extent of the information submitted is conditioned by the level of social partnership. 3. The information includes: 1) information about present and future activities of the employer; 2) information about the possible changes; 3) information about measures to be implemented in case of possible reduction of the employees; 4) other information about the labour relations, if that information is not considered to be state, internal and commercial secret. 4. The procedure and conditions for the submission of the information is defined by the agreement of parties. 2010 amendment: expanded Art. 25 to include: workers' representatives have the right to: take part in development of production plans and their implementation; and to submit suggestions to the employer concerning improvement of labour and leisure conditions of the workers, implementation of new equipment, improvement of manual work, review of production norms, salary rates and payment regulations.
E. Industrial action		
32. Unofficial industrial action	1991: 0	USSR Collective Labour Conflicts Law (CLCL) 1989, Art. 7: two-thirds of persons at a meeting or conference of a work collective must vote in favour of strike action. LC 2004, Art. 74: only trade unions may declare strikes and they do so by gaining the approval of two thirds of members in a meeting.

33. Political industrial action	1991: 0.5	USSR TU Law 1990: trade unions must be independent of any political organisations. LTU 2000, Art. 3: Trade unions must remain independent from political organisations but there are no restrictions on political strikes. They may be lawful subject to conciliation requirements.
34. Secondary industrial action	1991: 0.5	In all legislation, there are no prohibitions on solidarity strike action, so it will be legal subject to conciliation requirements.
35. Lockouts	1991: 1	No provisions on lock-outs prior to LC 2004, Art. 80: lock-outs prohibited during a lawful strike.
36. Right to industrial action	1991: 0 1995: 1	Armenian SSR Constitution: no right to strike. 1995 Constitution, Art. 29: right to strike. (Now Art. 32, as amended in 2005).
37. Waiting period prior to industrial action	1991: 0	USSR CLCL 1989, Art. 7: 5 days' notice of the strike action is required. LC 2004, Art. 74: 7 days' notice is required.
38. Peace obligation	1991: 1 2004: 0 2009: 1	No peace obligation prior to LC 2004, Art. 75(3): it shall be prohibited to declare a strike during the term of validity of the collective contract. 2009 amendment to LC: Art. 75(3) declared a nullity.
39. Compulsory conciliation or arbitration	1991: 0	USSR CLCL 1989, Art. 6: only when conciliation and arbitration have failed may a strike be resorted to; strikes are a measure of last resort. LC 2004: provides for mandatory conciliation before strike action can be commenced.
40. Replacement of striking workers	1991: 1	USSR CLCL 1989, Art. 13: workers taking part in a strike that is not prohibited shall not lose their job or post. LC 2004, Art. 79(2): the position of the employees participating in the strike must be kept. Art. 80(1)(3): employers are prohibited from applying

		behaviour-related sanctions on employees participating in a strike. Art. 80(2): during a strike the employer is prohibited from replacing striking workers with non-striking ones. Art. 114: employer is prohibited from dismissing an employee because of their participation in strike action.

Australia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The contract of employment is the trigger for the application of the award system and most labour regulation. From time to time state-level statutes have included deeming provisions for certain groups of workers but distinction between an independent contractor and an employee is primarily governed by the common law (see *Hollis* v. *Vabu Pty Ltd.* [2001] HCA 44). It is possible, as in the UK, to exclude relevant indicia through drafting, but the courts have stressed that how the parties describe the relationship is only one aspect relevant to determining the issue.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.8 1997: 1	There is no right to equal treatment as such for part-time workers but they generally receive proportionate treatment under awards and in respect of unfair dismissal and redundancy law and s. 526 WRA 1996 made specific provision for awards to provide for equal treatment for part-time workers. Part-time workers often fall into the category of 'casual workers' who, under the award system, are employed at will and not entitled to redundancy compensation or to certain leave rights, although they generally receive a pay 'upload' to reflect this, and their access to work-life balance rights has improved over the past decade.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0.33 1994: 0.67	Part-time workers were not treated differently from full-time workers under dismissal procedures in awards or, under the 1993 reforms, in unfair dismissal legislation. Casual workers, many of whom worked part-time, were not entitled to dismissal protection or to redundancy compensation under the terms of awards. Under unfair dismissal legislation

	2009: 1	'regular casuals' with 12 months' service and a regular pattern of work were protected, and under FWA 2009 casuals are mostly protected after six months' employment. The coding reflects the use of 'casual' worker status for many part-time workers and the gradual improvement in the protections granted to casual workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.5 1997: 0	Under the awards system, it was common practice for awards to limit the use of different type of work contracts. However, this was no longer possible when the WRA reduced the scope of the permissible matters awards could cover, including preventing restrictions being imposed on the type and numbers of different types of workers. S.89A(4). The FWA 2009 makes it possible again for awards to regulate the use of fixed-term work but there is little evidence of this occurring.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no legal provision granting fixed-term workers the right to equal treatment, nor any general legal principle requiring equal treatment of employees.
6. Maximum duration of fixed-term contracts	1970: 0	There is no legislative maximum, nor was any limit specified in awards.
7. Agency work is prohibited or strictly controlled	1970: 0	The WRA 1996 prohibited agreements or awards from regulating the use of agency work. Prior to that there was some regulation of agency work through collective bargaining but it did not generally impose substantive limits on its use . FWA 2009 removes the prohibition in the WRA but this has not led to a change of practice.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Prior to the prohibition of the practice in the WRA 1996, some collective agreements provided for equal rights for agency workers, but this was not a legal entitlement as such and was not consistently available.
B. Regulation of working time		

9. Annual leave entitlements	1970: 0.5 1975: 0.67	The Work Choices legislation formally established a right to 4 weeks of paid leave. Prior to this, a 4-week norm had become widely applicable by the md-1970s, through a combination of state laws and awards.
10. Public holiday entitlements	1970: 0.56 1996: 0.38 2009: 0.44	A 10-day norm was applied up the mid-1990s as a result of awards and state law. The Work Choices legislation reduced this to 7 days for the significant segment of the workforce which, under that legislation, fell under federal laws. The FWA 2009 set an 8-day norm.
11. Overtime premia	1970: 0.75 1996: 0	From the 1970s, industrial tribunals began to require 50% premium for the first two hours, and double time thereafter, but this varied from industry to industry. From 1996 there was no requirement for awards to cover overtime premia, and with increased flexibility over working hours, it was rarely paid, although under the 'no disadvantage' test it was often absorbed into normal hourly rates. Under the Work Choices legislation, overtime premia were not included in the standard award template. Under the FWA it is now permissible to regulate working time via awards, but these are to be negotiated at an enterprise level.
12. Weekend working	1970: 0.75 2005: 0	Prior to the mid-1990s, awards generally provided premiums for work at the weekend: in principle, the 40 hour week had to be worked in 5 days. The normal premium was 50% on Saturdays and 100% on Sundays. The prevalence of such requirements declined with the 1996 WRA and under the Work Choices legislation it became possible to remove premia for weekend working without offsetting compensation. The FWA 2009 allows for such rates to be the subject of awards, but its flexible working time provisions make it unlikely that this will become the norm.
13. Limits to overtime working	1970: 0	The FWA 2009 requires overtime to be 'reasonable' and a similar standard operated under the awards system and the Work Choices legislation.
14. Duration of the normal working	1970: 0.67	The Court of Conciliation and Arbitration approved a 40 hour in 1948 and this was

week	1981: 0.8	reduced to 38 hours through awards by the early 1980s (e.g. *Re Metal Industry Award 1971* (1981) 1 IR 169). The 38-hour standard was also referred to in the WRA 1996 and FWA 2009.
15. Maximum daily working time	1970: 0	FWA 2009 does not prescribe maximum daily working time or minimum daily rest time. Prior to this, the 8 hour working day could always be added to by 'reasonable' overtime.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.08 1984: 0.25	The *Termination Change and Redundancy Case* (1984) established a norm of 2 weeks for workers with between 2 and 3 years' service, and 3 weeks for those with between 3 and 5 years. These norms have been maintained in subsequent statutory regimes.
17. Legally mandated redundancy compensation	1970: 0 1984: 0.58	The *Termination Change and Redundancy Case* (1984) established a norm of 7 weeks' pay for a worker with 3 years' service, and subsequent statutory regimes have maintained this standard with minor variations over its bindingness.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 2001: 0.92 2005: 0.83	The industrial arbitration jurisdiction and state laws governing unfair dismissal prior to the WRA 1996 made no provision for a qualifying period, nor was one contained in the 1996 Act. In 2001, a 3 month qualifying period was successfully introduced by the federal government, and was extended to 6 months in the Work Choices legislation in 2005. (s.643(6)). Under Article 383 FWA 2009 a 6 month period is set.
19. Law imposes procedural constraints on dismissal	1970: 0 1994: 1 1996: 0.33	The first specific provision on procedural fairness, a 1993 federal legislation amending the Industrial Relations Act 1988, effective from 1994, made it a mandatory requirement in. The test was weakened by WRA 1996 to make it just one of the factors for determining fairness.
20. Law imposes substantive constraints on dismissal	1970: 0 1994: 0.67	Prior to the enactment of federal legislation effective from 1994, amending the Industrial Relations Act 1988, there were no substantive legal constraints on dismissal. The 1993 law set out a list of valid reasons for dismissal. The WAR 1996 loosened the test by specifying that a valid reason was just one factor for determining fairness.

	1996: 0.33	
21. Reinstatement normal remedy for unfair dismissal	1970: 0.1 1994: 0.33	Prior to the introduction of federal legislation effect from 1994, there was no substantive unfair dismissal protection other than for certain groups of workers protected by state industrial arbitration decisions. Both under this system and after 1994, reinstatement could be granted but only in exceptional circumstances. Compensation was the main remedy. S.170CH WRA 1996 provided that the courts could reinstate an unfairly dismissed employee but compensation remained the normal remedy. Under s. 390 FWA 2009 the FWA can order reinstatement or compensation.
22. Notification of dismissal	1970: 0 1994: 0.67	There is no notification requirement for individual dismissals. Since 1994 there has been an obligation to inform the state employment service in the case of a dismissal of 15 or more workers on economic grounds. See now s. 530 FWA 2009.
23. Redundancy selection	1970: 0	There is no legal standard governing redundancy selection.
24. Priority in re-employment	1970: 0	There is no rule of priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970:0	Although public policy has strong supported unionisation in Australia since the early 1900s, there is no constitutional guarantee of unionisation.
26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1970: 1 1996: 0 2009: 0.67	Under the award system, although there was no duty to bargain as such, the compulsory element of the industrial arbitration jurisdiction in effect imposed one. Although 1993 legislation referred to a duty to bargain in good faith this was removed by WRA 1996 a process of weakening the award system began which culminated in the Work Choices law of 2005. FWA 2009 restores a version of a duty to bargain in good faith.

28. Extension of collective agreements	1970: 1 1996: 0.33 2005: 0.2 2009: 0.67	Under the award system, there was an effective mechanism for a floor of rights, the 'safety net', even if collective agreements as such were not capable of being extended. This system was eroded by WRA 1996 and the Works Choices law but remnants of the award model remained. FWA restores a more effective equivalent to extension, the modern award system. See generally the account in Creighton, 2011 ILJ.
29. Closed shops	1970: 1 1996: 0	Closed shops were widespread under the award system but from the early 1990s they were gradually rolled back at state level and the enactment of freedom of association provisions in WRA1996 effectively made them unenforceable. FWA 2009 contains a formal bar.
30. Codetermination: board membership	1970: 0	There are no provisions for worker directors.
31. Codetermination and information/consultation of workers	1970: 0 1984: 0.33 1996: 0.1 2009: 0.33	The 1984 *Termination, Change and Redundancy* case made it possible for federal awards to include provisions relating to information and consultation over collective redundancies. The WRA 1996 reduced this to a limited right for the Australian Industrial Relations Commission to intervene in cases where more than 15 employees were made redundant. FWA 2009 imposes a more extensive information and consultation régime.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Unofficial action has never been lawful in Australia. Under the award system, all strikes had to be preceded by conciliation. 1993 legislation enacted a limited right to strike in connection with 'protected' industrial action which requires union approval.
33. Political industrial action	1970: 0	The right to strike was severely curtailed under the award system. The IRA 1993 conferred limited immunity but only in relation to strikes undertaken in for the purpose of enterprise bargaining. Under s.4 WRA 1996, the AIRC's jurisdiction is limited by the definition of industrial disputes which is defined as matters pertaining to the relationship

		between employers and employees. FWA 2009s. 407 defines protected industrial action in relation to a given enterprise agreement.
34. Secondary industrial action	1970: 0	Secondary industrial action is unlawful at common law and also prohibited by specific statutory provisions under the Trade Practices Act 1974
35. Lockouts	1970: 0 1994: 0.5 2009: 0.33	At common law lock-out might be a breach of contract by the employer but it is unclear how far this alone can be said to have rendered lockouts unlawful (see the similar debate in the UK case) and there was no specific prohibition dealing with lockouts. The 1993 amendments to the IRA 1988, in force from 2004, formally gave employers a right to lock out in response to industrial action or certain claims by workers. FWA 2009 limits this to defensive lockouts in response to employee claims for a new enterprise agreement.
36. Right to industrial action	1970: 0	There is no constitutional right to strike in Australia and legislation providing limited immunity from 1994 did not confer an effective individual right to strike, being confined to strikes undertaken for the purpose of enterprise bargaining. Legislation also grants state arbitral bodies the right to stop protected industrial action under certain circumstances.
37. Waiting period prior to industrial action	1970: 0	Before 1993, strikes were generally unlawful regardless of notice. A notice requirement was imposed in the 1993 legislation (effective from 1994) that granted a limited immunity for strike action and this requirement has been continued since in various forms. See WRA 1996 s. 170MO and FWA 209 s. 409.
38. Peace obligation	1970: 0	Under the awards system, the award imposed a de facto peace obligation. WRA 1996 prohibited industrial action until expiry of the enterprise agreement. Article 412(6) FWA 2009 prohibits industrial action before the expiry of an enterprise agreement.
39. Compulsory conciliation or arbitration	1970: 0	Under the awards system, conciliation and arbitration were in effect mandatory, as the quid pro quo for state enforcement of the minimum terms in awards. From 1993, a duty to negotiate prior to taking strike action has been provided for (see IRA 1988 s. 170PI;

		WRA 1996, s. 444, FWA 2009 s. 413(3).
40. Replacement of striking workers	1970: 0 1994: 1	Under the awards system, strikes were actionable breaches of contract and could result in a lawful dismissal. Under the IRA 1993 protection against dismissal was provided for in respect action related to enterprise bargaining provided the dispute had been notified in advance. WRA 1996 limited the definition of a lawful strike. The relevant provision is now found in FWA 2009, s. 340.

Austria

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The definition of an employee is set out in the Civil Code and case law has defined the content of tests of subordination and dependence. S. 884 of the Civil Code states in the event of a dispute the 'agreed form' will prevail but this may be circumvented if there has been 'departure from the agreed form' in practice. In addition, the law defines a category of employee-like persons, based on a test of economic dependence, who are covered by some, but not all, labour laws.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 1976: 1	The employer's duty of care under the employment contract implies an obligation to treat an obligation to treat employees equally unless there is a material reason not to do so. The Working Time Act 1976, s. 19, introduced a specific right to equal treatment for part-time workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No formal distinction has been drawn between part-time and full-time workers under the general law of dismissal or under particular statutes.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.25	Fixed-term contracts are permitted but there is an obligation on the part of the employer to provide material reasons for a succession of fixed-term contracts, which will otherwise be deemed to constitute a contract of indeterminate duration.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25 2002: 1	The employer's general duty of care implies a right to equal treatment which can benefit fixed-term contract workers. Federal Act No.52 2002 amended Act to prohibit discrimination of employees with a fixed-term contract vis-à-vis those with a contract of unspecified duration.
6. Maximum duration of fixed-term contracts	1970: 0	There are no limits on the duration of fixed-term contracts, subject to the courts' rulings on successive chain contracts.
7. Agency work is prohibited or strictly controlled	1970: 0 1988: 0.5	Agency work was regulated for the first time in the 1988 Act on Temporary Work, which governs the quantum of agency work a given enterprise can use at any one time and allows for regulation through collective bargaining. The regime is considered to be a fairly liberal one. There are no formal restrictions on reasons for using agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1988: 0.67 2005: 0.75 2013: 1	The 1988 Act on Temporary Work required equal treatment in terms of pay and working conditions between temporary agency workers and workers of the user enterprise. The 2013 law implementing the EU Directive extended the principle of equality to cover annual leave and access to collective facilities.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1976: 1	30 days (Annual Leave Act 1976 s. 6), rising to 36 days for those with over 25 days of service. Prior to 1976 annual leave was governed by collective bargaining for most workers. Before 1976, homeworkers were entitled to 1 day per month worked: (s.20(3) Home Work Act 1954); Domestic Servants and Salaried Household Staff Act 1962: 12 working days' leave - domestic workers ((s.9(1)). 18 working days for Agricultural workers: Agricultural Labour Act 1971 (s.1(1)).
10. Public holiday entitlements	1970: 0.61	11 days (Public Holidays Act 1949, s 1); 13 days (Hours of Rest Act 1983, s. 7

	1983: 0.72	
11. Overtime premia	1970: 0.5	Legislation sets a norm of time and a half (1969, 1971); some collective agreements set higher rates.
12. Weekend working	1970: 1	Sunday is stipulated as the ordinary rest day (within a mandatory 36-hour rest period) under the Hours of Rest Act but there is no provision for compensatory pay. Collective agreements tend to set at 100% premium for Sunday work.
13. Limits to overtime working	1970: 1 1975: 0.75	Federal Act on Arrangement of Hours of Work 1969: any extension to 40-hour normal week limited to 5 hours per week and 60 hours per year. Working Time Act 1975: hours not to exceed 48 in total overall 17-week reference period, with a 50 hour annual overtime limit.
14. Duration of the normal working week	1970: 0.67	40 hours (legislation of 1969 and 1975). Most collective agreements set a 38-hour week.
15. Maximum daily working time	1970: 0.6 1976: 0.8	Under the 1969 Act, the normal working day was 8 with provision for extension up to 12 hours by collective agreement, with a minimum of 11 hours continuous daily rest. Under the 1975 Act, maximum of 10 hours per day including overtime.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17	Two weeks for blue-collar workers (s. 77, Industrial Code). White collar workers have superior protection (2 months for an employee with 3 years' service).
17. Legally mandated redundancy compensation	1970: 0.67 2003: 1	Prior to 2003, severance pay was available if the employee had 3 years' service, at the rate of twice the monthly wage; this increased to three times the monthly wage after 5 years' service, and four months after 10 years' service. The new severance pay regime introduced after 2003 introduced a more generous scheme based on access to a severance fund after 3 years' employment.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	There is no qualifying period for blue-collar workers. White collar workers have a probation period of one month during which they may be dismissed at will.
19. Law imposes procedural constraints on dismissal	1970: 0	There is no required form for dismissal other than a clear indication of the employer's intention. In work places in which a Works Council must be set up (5 employees or more) the employer can only dismiss if the works council is informed in advanced. The WC can then object to the dismissal. Failure to inform the WC renders the dismissal void.
20. Law imposes substantive constraints on dismissal	1970: 0 1974: 0.33 2003: 0.5	Art. 1163 Civil Code requires 'important reasons' for summary dismissal, which are defined as those relating to capacity and conduct under s. 27 of the White Collar Workers Act. Other provisions require 'just cause' for summary dismissal. Discriminatory grounds are mentioned in the 2003 Federal Equal Treatment Act. Where the Works Council has previously objected to a dismissal that then takes place, it is entitled to contest the dismissal for being on prohibited grounds, or for being unfair. The assessment of unfairness is undertaken by the court which must balance the unfairness with the interests of the employer. The right does not exist where there is no Works Council. (s.105 Work Constitution Act 1974).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1974: 0.4	The normal remedy for wrongful termination is damages calculated according to civil law principles. Under the Works Constitution Act 1974, certain unjustified dismissals can be declared void, resulting in the reinstatement of the employee.
22. Notification of dismissal	1970: 0.67 1974: 1	Notification to works council (WCA) and to public administration is required (s.105 Work Constitution Act) Where an enterprise is obliged to set up a Works Council, the Works Council has a right to block a dismissal.
23. Redundancy selection	1970: 0	There are no laws governing redundancy selection.
24. Priority in re-employment	1970: 0	There is no right to priority in re-employment.
D. Employee representation		

25. Right to unionisation	1970: 0.67	The right to freedom of association is long-standing and dates back to constitutional texts of of 1867 and 1918.
26. Right to collective bargaining	1970: 0.67	There is no reference to collective bargaining in the constitution but support for collective bargaining is seen as implicit in the constitutional guarantee of freedom of association.
27. Duty to bargain	1970: 0	Collective agreements are regarded as contracts subject to general private law and are therefore understood to be concluded on a voluntary basis (Risak, Labour Law in Austria (Kluwer, 2010), para. 620).
28. Extension of collective agreements	1970:1	Collective bargaining under the Labour Constitution Act 1975 takes place principally at sector level between trade unions and employer representative bodies which have virtually blanket coverage Provision is also made for the extension of agreements to non-federated employers. The system developed principally following the first world war. See §§2 Abs and 11 ArbVG and BGBI 1954/105).
29. Closed shops	1970: 0.5	There is a long-standing prohibition of the closed shop but Austrian law does not protect and individual against an employer's refusal to employ him on the grounds of union membership.
30. Codetermination: board membership	1970: 0 1975: 0.67	Works council laws (currently the Labour Constitution Act 1975) make provision for worker representation (one third) on the supervisory boards of large undertakings.
31. Codetermination and information/consultation of workers	1970: 1	Austrian works councils have extensive participation and co-determination rights (currently under the Labour Constitution Act 1975).
E. Industrial action		
32. Unofficial industrial action	1970: 1	The legality of industrial action does not depend on trade union involvement or

		authorisation (Risak, para. 818).
33. Political industrial action	1970: 0	Political strikes are regarded as *contra bonos mores* under the general criminal and civil law, and hence prohibited. Strikes must be directed against the primary employer (Risak, paras 809, 817).
34. Secondary industrial action	1970: 0	Secondary and solidarity strikes are viewed as unlawful for the same reason as political strikes (see above).
35. Lockouts	1970: 0	There is no right to lock out but nor is it specifically prohibited.
36. Right to industrial action	1970: 0	Austrian law does not recognise an individual right to strike as deriving from constitutional protections for freedom of association, and participation in a strike will generally be a breach of the contract of employment.
37. Waiting period prior to industrial action	1970: 0.67	There is no law governing pre-strike votes or notice periods but peace clauses in collective agreements are common and may give rise to an obligation to observe a specific negotiation procedure or cooling off period.
38. Peace obligation	1970: 0	Strikes may not be called while a collective agreement, which generally implies a contractual peace obligation, is in force.
39. Compulsory conciliation or arbitration	1970: 0.67	There is no requirement of compulsory conciliation or arbitration although a strike is unlawful if its object is subject to compulsory arbitration under codetermination law (Risak, para. 821).
40. Replacement of striking workers	1970: 0	The employer can terminate the employment relationship at any point during industrial action.

Azerbaijan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	Labour Code (LC) 1971: a contract of employment is an agreement between a worker, on the one hand, and an undertaking, institution or organisation, on the other, according to which the worker undertakes to work in a specified occupation, trade, skill or task, in conformity with the works rules, while the undertaking, institution or organisation undertakes to pay the worker a wage or salary and to provide the conditions of work prescribed by labour legislation, a collective agreement and agreement between the parties concerned. The status of employees is determined by who is covered by an employment contract. Law on Employment Contracts (LEC) 1996, Art. 2: an employee is a natural person, working at the enterprise of any kind and is organisationally or legally subordinated under the labour contract in accordance with his profession, speciality, and qualifications. LC 1999, Art. 3: Employee: an individual who has entered into an employment agreement (contract) with an employer and who works in an appropriate workplace for pay.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	LC 1971 (as amended) Art. 106: part-time work is to be paid proportionally to full-time work. LC 1999, Art. 16: general non-discrimination clause which would cover part-time workers. No similar proportional treatment provision, only a statement that there shall be no limitation on the labour rights of part-time employees.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	LC 1971: part-time work is to be remunerated in proportion to the hours worked and is not to affect any other rights concerned with employment; cost of dismissal is equal in proportionate terms. LC 1999: non-discrimination clause and labour rights are not to be limited for part-time employees.
4. Fixed-term contracts are allowed only for work of limited duration	1991: 0	LEC 1996, Art. 14: FTCs may only be concluded for work of a temporary nature, and where legislation provides for them. No restrictions prior to this. LC 1999, Art. 47: FTCs

	1996: 1 1999: 0.5	may only be concluded in circumstances listed in the Code but included in these are 'with the parties' mutual consent'.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0 1999: 0.25	LC 1971 (as amended): no right to equal treatment. LC 1999, Art. 16: general non-discrimination clause which would cover FTC workers.
6. Maximum duration of fixed-term contracts	1991: 0 2009: 0.5	From 1991 there was a 3 year limit and from 1996 a 5-year limit on the length of FTCs but this was not a cumulative maximum. A 5 year limit cumulative limit was introduced in 2009 by the addition of Art. 45(5) LC 1999.
7. Agency work is prohibited or strictly controlled	1991: 0	There are no restrictions on when agency work may be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	LC 1971: no right to equal treatment. LC 1999, Art. 16: there is a general right to non-discrimination but without joint liability, employees may not be able realise this right.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5 1994: 0.7	LC 1971: 15 days' annual leave. 1994 Law on Holidays: minimum annual leave of 21 days. LC 1999, Art. 114: 21 days at least. Certain other employees are entitled to 30 days. Annual leave also increases with seniority, starting with two additional days after 5 years' service.
10. Public holiday entitlements	1991: 0.44 1997: 0.72 1999: 0.94	LC 1971: 8 days. LC 1971 (as amended in 1997): 13 days. LC 1999, Arts. 105 and 106: 17 public holidays. 2006 amendment: 18 public holidays.
11. Overtime premia	1991: 0.75	LC 1971, Art. 96: 150% for the first two hours and 200% thereafter. LC 1999, Art. 165: double remuneration for overtime work.

	1999: 1	
12. Weekend working	1991: 1	LC 1971, Art. 64: either double wages are to be given, or another day off in lieu, for work on the weekend. LC 1999, Art. 164: double remuneration for weekend work.
13. Limits to overtime working	1991: 1	LC 1971, (as amended to 1997), Art. 61: overtime is not to exceed 4 hours in two consecutive days and 120 hours per year. Maintained in LC 1999, Art. 100 but without annual limit.
14. Duration of the normal working week	1991: 0.6 1997: 0.67	LC 1971: 41 hours. LC 1971 (as amended to 1997), Arts. 48 and 49: 40 hour week. Maintained in LC 1999, Art. 89.
15. Maximum daily working time	1991: 0.6	LC 1971, Arts. 48 and 61: 12 hours: maximum of 8 hours a day and maximum of 4 hours' overtime. LC 1999, Art. 96: maximum daily hours: 12 hours. Art. 103: 12 hours minimum daily rest period.
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.67	LC 1971 (as amended): 2 months' notice. LEC 1996, Art. 31: 2 months' notice. Maintained in LC 1999, Art. 77.
17. Legally mandated redundancy compensation	1991: 1	LC 1971 (as amended): a month's severance pay, and up to two additional months' pay until the employee can find a new job. Maintained in LEC 1996, Art. 31 and LC 1999, Art. 77.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 1 1996: 0.92	LEC 1996, Art. 18: probation period of up to three months. Prior to this, only short probation periods (one week fir manual workers, two weeks for non-manual, and one month for employees with responsibilities) were permissible. LC 1999, Art. 51: probation period of 3 months is permitted and employer may dismiss the employee during or at the end of this period if the employee does not meet the expectations of the employer.

19. Law imposes procedural constraints on dismissal	1991: 0.67	LC 1971: states that reinstatement is possible when there is non-compliance with procedural requirements. Procedures in the form of consulting trade unions in the event of collective dismissals and for misconduct are required. Trade unions must be involved in certifying that employees lack the necessary skills (when a dismissal on these grounds is being made). LC 1999, Art. 71(3): the 'employer shall prove the necessity of terminating the employment contract'. Art. 300: dismissals in violation of Art. 71 may be found to warrant reinstatement. Consultation procedures for collective dismissals are required. Disciplinary dismissals are also subject to written warnings and being within the time limit.
20. Law imposes substantive constraints on dismissal	1991: 0.67	LEC 1996, Art. 28: contracts may be terminated for economic reasons, misconduct, incapacity (competence) or a change of circumstances not based on the will of either party (including physical incapacity, military service, and etc.). Employees may also be dismissed if they do not consent to changes in the employment contract. Similar grounds for dismissal in LC 1971. Maintained in LC 1999. Note that it is forbidden to dismiss certain categories of worker: pregnant women and women taking care of a child younger than three years old; employees raising a child below the school age whose only income source is the company (s)he is working for; employees who have temporarily lost the ability to work; employees afflicted with diabetes; for being members of trade union or any political party; employee taking care of a person of poor health younger than 18 years old. The LEC also placed restrictions on whose contracts could not be terminated.
21. Reinstatement normal remedy for unfair dismissal	1991: 1	LC 1971, Art. 231: provides for reinstatement when there is a dismissal without lawful reason or not in compliance with procedure. LC 1999, Art. 300: reinstatement is the primary remedy. Compensation may be awarded in addition to this for time out of employment due to the dismissal.
22. Notification of dismissal	1991: 1 1999: 0.67	LC 1971: trade union permission was required to dismiss employees; notification to the employee in the case of individual dismissal. LC 1999, Art. 80: when an employer is terminating the contract of an employee who is a member of a trade union, and the reason for termination is either lack of skills or performance, or violation of work rules, he must obtain permission from the trade union and give evidence of the reason for

		dismissal. Art. 83: all employees are entitled to a statement with the reason for dismissal detailed. LC 1999 also provides for information and consultation rights of employee representatives in the case of collective dismissals.
23. Redundancy selection	1991: 1	LC 1971: hierarchy for redundancy selection. LEC 1996, Art. 32: priority for redundancy selection is given. Maintained in LC 1999, Art. 78.
24. Priority in re-employment	1991: 0	No priority in re-employment.
D. Employee representation		
25. Right to unionisation	1991: 1	1991 Constitutional Act, Art. 25: free establishment of trade unions. 1995 Constitution, Art. 58: right to join or establish a trade union.
26. Right to collective bargaining	1991: 0	No Constitutional right to collectively bargain.
27. Duty to bargain	1991: 1	USSR Law on Trade Unions 1990, Art. 9: employers shall be required to conduct negotiations with a view to concluding a collective agreement if the trade unions make a proposal to that effect. Law on Trade Unions 1994, Art. 14: collective negotiations must begin within 10 days of them being proposed. LC 1999, Art. 25(2): a party that has received a written proposal for the commencement of bargaining shall be obliged to commence negotiations within 10 calendar days.
28. Extension of collective agreements	1991: 0	No extension mechanism.
29. Closed shops	1991: 0	Constitutional Act 1991 and 1995 Constitution: workers have the freedom to join trade unions. Closed shops are not provided for in legislation.
30. Codetermination: board membership	1991: 0	No participation through board membership.
31. Codetermination and information/consultation of workers	1991: 0.67	LC 1971: the works or trade union committee had extensive information and consultation rights. They would (i) make decisions with management concerning the use

		to be made of various funds (e.g. for incentives, housing, bonuses, and etc.); (ii) hear reports from the management on the production plan, adherence to collective agreements, steps taken to organise and improve working conditions and welfare facilities for the workers; (iii) demand the elimination of shortcomings and defects; (iv) organise Socialist competitions and evaluate the results; (v) ensure that approved inventions and rationalisation projects are used; (vi) participate in solving problems concerning work and wages; (vii) supervise management's OHS and other LC obligations; (viii) investigate complaints arising out of decisions of the Management; (ix) oversee social security and pension plans and payments; (x) monitor healthcare of employees; (xi) advise on promotions. LC 1971 (as amended to 1997): Art. 245: The employer is obliged to create conditions for the participation of employees in the management of enterprises, institutions and organizations. The officials of enterprises, institutions, organizations, obliged in due time consider the criticisms and suggestions of employees and inform them of the action taken. Art. 245-1: The trade union committee of the enterprise, institution or organization involved in the drafting of production plans, plans for the introduction of new technology, capital construction enterprises, institutions, organizations, projects, plans, construction and repair of houses and cultural facilities, as well as social development plans of the collective. LC 1999: trade unions have consultation rights in respect of: collective redundancies; skill assessment review of workers; establishing days off at enterprises operating work shifts; sequence of holidays among employees; the implementation of, and amendment to, "labour norms" (pre-determined standards for effective use of time, level of service, deployment, and number of staff); pay and benefit packages; and disciplinary codes. Work councils may also be set up but they are not regulated in detail, their roles are similar to trade unions and they are not common in Azerbaijan.
E. Industrial action		
32. Unofficial industrial action	1991: 0	USSR Collective Labour Conflicts Law (CLCL), Art. 7: the strike must be adopted by a secret ballot held by the trade union with 2/3 of the members voting in favour of strike action. LC 1999, Art. 271: the decision to go on strike must be made at an employees' meeting or by the trade union. Art. 262: the decision to go on strike must be made by a

		majority in the meeting or in accordance with trade unions' bylaws. A strike committee must be elected at the employees' meeting or by the trade union. Art. 295: right of an individual to go on strike where there is an individual dispute.
33. Political industrial action	1991: 0 1999: 0.5	CLCL 1991, Art. 9: expressly prohibits political strikes. TUL 1994, Art. 6: trade unions are not permitted to engage in political activities. LC 1999, Art. 280: strikes are not permitted for political purposes except where the strike can be reconciled with the principles of the state's socioeconomic policy.
34. Secondary industrial action	1991: 0.5 1999: 1	CLCL: secondary action is not expressly prohibited but it will be subject to the mandatory conciliation requirements. LC 1999: no apparent restrictions on secondary action.
35. Lockouts	1991: 1 1999: 0.5	CLCL: no provision for lawful lock-outs is made. LC 1999, Art. 284: lockouts are regulated similarly to strikes.
36. Right to industrial action	1991: 1	1991 Constitutional Act, Art. 25: right to strike. 1995 Constitution, Art. 36: right to strike.
37. Waiting period prior to industrial action	1991: 0	CLCL 1991: two weeks' notice as well as waiting period as a result of conciliation procedures. LC 1999, Art. 272: 10 days' notice is required. Art. 273: 3 days' notice is required for a warning strike.
38. Peace obligation	1991: 1	There are no peace obligations.
39. Compulsory conciliation or arbitration	1991: 0 1999: 0.75	CLCL 1991: provides for mandatory conciliation and arbitration before strike action can be resorted to. LC 1999, Art. 270: (2) The right of employees or trade unions to strike shall originate at the time a collective labour dispute has begun. (3) If the parties agreed to resolve the collective labour dispute through peaceful means, a strike shall be resorted to only if the dispute cannot be resolved through those means. If the employer needlessly delays peaceful resolution or fails to fulfil an agreement reached through peaceful means, then the labour collective and trade union organizations shall have the right to

		strike.
40. Replacement of striking workers	1991: 1	CLCL 1991, Arts. 13 and 14: strikes are not considered as a breach of labour discipline and disciplinary measures cannot be invoked as a result. LC 1999, Art. 270(5): Except in situations described in Article 275 hereof, striking employees may not be replaced by others. Art. 270(7): In relation to strikes resulting from a collective labour dispute, no employees may be fired, nor may the jobs at the enterprise (affiliate, representation) or workplace where the collective labour dispute arose be cut, abolished, or reorganized.

Bangladesh

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 2006 : 0.75	The 1965 East Pakistan Employment of Labour (Standing Orders) Act followed the English law approach. The 1969 East Pakistan Industrial Relations Ordinance defined worker/workman broadly as any person not falling within the definition of 'employer' who was employed. Specific groups including governmental workers, workers in NGOs and health sector workers were excluded at this point. After 2006 a broad definition of the personal scope of labour laws was continued in force (Labour Act 2006, s. 340) but there were still exclusions affecting domestic, school and agricultural workers. The term 'worker' is subdivided into further categories including apprentices, 'badlis' (replacements for temporarily absent workers), temporary workers, casual workers, probationers, and permanent workers, creating opportunities for avoidance of labour law rules.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	There is no right to equal treatment for part-time workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no distinct provision for part-time workers in relation to dismissal.

4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	Although the law recognises a number of categories of temporary or fixed-term work, there is no regulation of the use of FTCs.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no right to equal treatment.
6. Maximum duration of fixed-term contracts	1970: 0	There is no regulation on this point.
7. Agency work is prohibited or strictly controlled	1970: 0 2006: 0.25 2013: 0.75	The 2006 law makes the contractor liable for the payment of wages. The 2013 law states that agency workers are employed by the contractor and subject to the Labour Act on this basis.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.46 2006: 0.6	East Pakistan Factories Act 1965, s. 78(1): one day's leave for every 22 days of work in the past 12 months, i.e. 14 days on the basis of a 6-day working week. Labour Act 2006, s. 117: one day of leave for every 18 days of work, i.e. 18 days per year, for workers in shops, industry, and commerce.
10. Public holiday entitlements	1970: 0.56 2006: 0.61	10 days of paid holidays: East Pakistan Factories Act 1965 s. 79(1). 11 days: Labour Act 2006, s. 118.

11. Overtime premia	1970: 1	Double time: Factories Act 1965 s. 79(1); Labour Act 2006, s. 118.
12. Weekend working	1970: 1	Under the Factories Act 1965 weekend working is prohibited other than in exceptional circumstances, with compensating time off if it is worked. Labour Act 2006 s. 106 allows work on the weekly rest day only by specific order.
13. Limits to overtime working	1970: 1	There are strict weekly and annual limits under both the Factories Act 1965 (ss. 50, 63) 60 hours per week upper limit and 56 hours of overtime per year) and the Labour Act 2006 (s. 102(2)).
14. Duration of the normal working week	1970: 0.13	48 hours (Factories Act 1965, s. 53; Labour Act 2006, s. 102).
15. Maximum daily working time	1970: 0.8	10 hours (Factories Act 1965, s. 53; Labour Act 2006, s. 100).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.5 2006: 0.67	One month for retrenchment, 45 days for termination in general (90 days for monthly paid workers), no notice for misconduct or conviction of criminal offence: Industrial and Commercial Establishments (Standing Order) 1965, ss. 12(a), 19. Increase from 45 to 60 days for general dismissals in the case of non-monthly paid workers: Labour Act 2006, s. 26(a).
17. Legally mandated redundancy compensation	1970: 0.5 2006: 1	14 days' pay for every year of service (ICE(SO) 1965, s. 12(c); 30 days' pay for every year of service (LA 2006 s. 20(c)).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	3 months for non-clerical workers: see currently s. 48 LA 2006.

19. Law imposes procedural constraints on dismissal	1970: 0	ICE(SO) 1965 sets out procedural requirements including a right to written notice of a disciplinary charge and the right to a hearing, but these may avoided by giving notice.
20. Law imposes substantive constraints on dismissal	1970: 0	ICE(SO) 1965 and LA 2006 set out specified grounds for dismissal, but termination at will is possible if notice is given: see currently LA 2006, s. 26.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67	Under ICE(SO) 1965 s. 25(d) the court may award reinstatement with or without back pay, or a lesser remedy; to similar effect is LA 2006, s 33(5).
22. Notification of dismissal	1970: 0.67	Written reasons to the employee: ICE(SO) 1965, s. 18; LA 2006, ss. 24, 26(1). Collective dismissals: notification to employee representatives and state bodies: ICE(SO) 1965, s.18; LA 206, s. 20(2).
23. Redundancy selection	1970: 1	ICE(SO) 1965, s. 13, and LA 2006, s. 20(4), both apply a version of the 'last in, first out' principle.
24. Priority in re-employment	1970: 1	This right is recognised in law: ICE(SO) 1965, s. 14; LA 2006, s. 21.
D. Employee representation		
25. Right to unionisation	1970: 0.75	Constitution Art. 38: specific reference to trade unions in the context of freedom of association, but subject to a broad derogation for 'reasonable' provisions of law, public order or morality, which has been used to justify a number of legislative restrictions on union organisation.
26. Right to collective bargaining	1970: 0	No constitutional recognition of this right.
27. Duty to bargain	1970: 0	The East Pakistan Trade Unions Act 1965 and the LA 2006 both provide for union recognition under limited circumstances but there is no legislative duty to bargain in good faith or otherwise.

28. Extension of collective agreements	1970: 0	No provision on this.
29. Closed shops	1970: 0	Closed shops are in effect prohibited by the law on unfair labour practices: East Pakistan Industrial Relations Ordinance 1969, s. 15(1)(a)-(b); LA 2006, s. 195.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0.5 2006: 0.75	Industrial Relations Ordinance 1969, s. 24, required establishment of works councils with voice rights in enterprises employing more than 50 employees. Nomination of worker members was by the recognised trade union. LA 2006 ss. 205, 208: duty on the part of the employer and trade union to take steps to implement recommendations of the works council.
E. Industrial action		
32. Unofficial industrial action	1970: 0	The law has consistently required a registered or in some cases representative trade union to call a strike as a precondition to industrial action being lawful: Industrial Relations Ordinance 1969, ss. 17, 18, 22, 36, 43, 36; Industrial Relations Ordinance 1982, s. 8, all strikes illegal (repealed 1984); LA 2006, s. 211, secret ballot required; LA 2013, two thirds majority in ballot required.
33. Political industrial action	1970: 0	Strike action must be in pursuance of an 'industrial dispute' which is read as ruling out political industrial action: IRO 1969, s. 18(2); 1982 Ordinance; 2006 Act.
34. Secondary industrial action	1970: 1 1982: 0 1984: 1	Secondary action not ruled out by definition of 'industrial dispute; under s. 18 IRO 1969. Between 1982 and 1984 all strikes were illegal (Industrial Relations Ordinance 1982).

35. Lockouts	1970: 0.5 1982: 1 1984: 0.5	Lockout permitted after conciliation or in response to a strike: IRO 1969 ss. 32, 46(2). All strikes and lockouts illegal between 1982 and 1984 (IRO 1982).
36. Right to industrial action	1970: 0	There is no constitutionally recognised right to strike.
37. Waiting period prior to industrial action	1970: 0	7 days' notice: IRO 1969, s. 26; LA 2006, s. 211 (all strikes illegal in any event between 1982 and 1984: IRO 1982).
38. Peace obligation	1970: 0	Strikes illegal if the matter is subject to conciliation or arbitration or is covered by an award (IRO 1969 ss. 44, 46; similar provisions in the LA 2006).
39. Compulsory conciliation or arbitration	1970: 0	Strikes not lawful unless conciliation has been attempted: IRO 1969 ss. 28-30; IRO 1982; LA 2006.
40. Replacement of striking workers	1970: 0 2006: 1	LA 2006 s. 195(h) makes it an unfair labour practice to replace a worker taking part in a lawful strike before or after the strike.

Belarus

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	LC 1972, as amended, Art. 15: an employment contract is an agreement between the employee and the employer, according to which the employee undertakes to perform work in one or more professions, specialties or positions in which they are appropriately qualified, and are subject to internal labour regulations, and the employer undertakes to pay the employee wages and provide labour conditions provided by the parties, labour legislation and the relevant collective agreement. Employees are persons who have concluded an employment contract with the employer. Definition maintained in LC 1999, Art. 1.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	LC 1972, Art. 49: part-time workers are to be paid in proportion to hours worked or productivity. Part-time work must not result in limitations on annual leave, or calculation of seniority and other employment rights. Maintained in LC 1999, Art. 290-291.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	LC 1972 expressly states that part-time severance pay is to be paid.
4. Fixed-term contracts are allowed only for work of limited duration.	1991: 0 1992: 1 1999: 0	LC 1972: no restrictions on when FTCs could be used. 1992 amendment, Art. 17: FTCs not permitted for permanent tasks unless permitted in the LC or on the initiative of the employee. Maintained in LC 1999, Art. 17. However, Presidential Decree No. 29 of 1999: authorizes employers to conclude fixed-term contracts with any category of employees for a period from one to five years. It also allows the employer to transfer employees working on open-ended contracts to fixed-term contracts. The transfer is presumed to be voluntary; however, if an employee refuses, the employer has the right to terminate the employment permanently 'due to a refusal to accept changes concerning essential working conditions'.

5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0 2000: 0.25	LC 1999, Art. 14: general non-discrimination clause. No right to equal treatment prior to this.
6. Maximum duration of fixed-term contracts	1991: 0	No maximum cumulative duration of contracts.
7. Agency work is prohibited or strictly controlled	1991: 0	No restriction on when agency work can be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	The lack of dual liability of employers and agencies makes the LC 1999 general non-discrimination clause inapplicable.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5 1998: 0.6 2000: 0.67 2008: 0.8	LC 1972, Art. 67: 15 working days. 1998 amendment: 18 working days. 2000: basic leave is 21 days. 2008: 24 days of annual leave.
10. Public holiday entitlements	1991: 0.5	9 days of paid public holidays has been the statutory norm since independence.
11. Overtime premia	1991: 1 2000: 0	LC 1972, Art. 88: 100% premium for overtime. LC 1999: time off in lieu is given instead of higher rates of wages.

12. Weekend working	1991: 1 2000: 0.5	LC 1991, Art. 64: 100% premium for work done on the day off (preferably Sunday). LC 1999: time off in lieu is given instead of higher rates of wages.
13. Limits to overtime working	1991: 1	LC 1972, Art. 56: 4 hours in two consecutive days, 120 hours per year. LC 1999, Art. 122: up to 10 hours per week and 180 hours per year of overtime is permitted.
14. Duration of the normal working week	1991: 0.6 1994: 0.67	LC 1972: 41 hours. 1994 Constitution: 40 hours. Maintained in LC 1999, Art. 112.
15. Maximum daily working time	1991: 0.6	LC 1972: 12 hours (daily maximum is 8 hours and up to 4 hours overtime is permitted in a day). LC 1999, Art. 122: maximum daily limit of 12 hours. (Art. 125: shifts may not exceed 12 hours either). Certain categories of worker (announced in regulations) may be required to work for longer than 12 hours per day).
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.67	LC 1972, Art. 33: 2 months' notice. Maintained in LC 1999, Art. 43.
17. Legally mandated redundancy compensation	1991: 1	LC 1972: 3 months' severance pay. Maintained in LC 1999, Art. 48.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.97 1992: 0.83 2000: 0.92	LC 1972: probation period of up to 1 month. 1992 amendment: probation period of up to 6 months. LC 1999, Art. 28: 3 month probation period.
19. Law imposes procedural constraints on dismissal	1991: 1 1992: 0.33	LC 1972: before disciplinary measures could be imposed, the employee must have had a chance to be heard. Reinstatement was possible when procedure was not followed. From 1992, there was no express right to reinstatement due to a failure to follow procedure but

		the disciplinary procedures remained. LC 1999, Art. 1999: employer must demand a written explanation from the employee before sanctions (including dismissal) can be imposed.
20. Law imposes substantive constraints on dismissal	1991: 0.67	LC 1972, Art. 29: employees can be dismissed due to a refusal to accept a transfer or changes in the contract. Art. 33: economic dismissals (if it is impossible to transfer or re-train the employee) and lack of capacity are legitimate grounds for dismissal, as are misconduct and absence without a valid reason. Broadly similar grounds for dismissal in LC 1999.
21. Reinstatement normal remedy for unfair dismissal	1991: 1	LC 1972: reinstatement is the primary remedy. LC 1999, Art. 234: reinstatement is the primary remedy for dismissal. Compensation may be awarded where appropriate and with the consent of the employee.
22. Notification of dismissal	1991: 0.67	LC 1972: work books containing reasons for dismissals are to be given to workers on dismissal, and trade unions must be consulted in the case of collective dismisssals. LC 1972, Art. 33 (as amended to 1992): employer is obliged to notify the Public Employment Service of impending dismissals. Art 39: work books are to contain the reason for dismissal and the work book is to be given to the employee on discharge. Art. 35: Trade unions must be notified of dismissals when they are on the grounds of lack of skills or systematic failure to fulfil employment duties. Collective agreements and individual contracts can also provide that dismissal is only permitted with trade union approval. LC 1999, Art. 50: reasons for dismissal are detailed in the work book and the work book is given to the employee on discharge. Art. 46: the trade union must be notified two weeks before the dismissal of the employee (unless the dismissal is due to health-related incapacity or if is because the worker has come to work in an intoxicated state.
23. Redundancy selection	1991: 0.75	LC 1971: preference is to be given to the most skilled employees. When the skills are on a par, preference is to be given to those affected by the Chernobyl Disaster, and those who are disabled. Selection criteria maintained in LC 1999, Art. 45.

24. Priority in re-employment	1991: 0	No priority in re-employment.
D. Employee representation		
25. Right to unionisation	1991: 0 1994: 1	1978 Constitution makes mention of trade unions but there is no express right to join or form trade unions. Art 7 reads: Trade Unions, the All-Union Leninist Young Communist League, cooperatives, and other public organisations, participate, in accordance with the aims laid down in their rules, in managing state and public affairs, and in deciding political, economic, and social and cultural matters. 1994 Constitution, Art. 41: right to associate in trade unions.
26. Right to collective bargaining	1991: 0 1994: 1	1978 Constitution: no right to collectively bargain. 1994 Constitution, Art. 41: right to conclude collective agreements.
27. Duty to bargain	1991: 1	1990 USSR Law on Trade Unions, Art. 9: trade unions have the right to conclude collective agreements and the management (employer) shall be required to conduct negotiations. Law on Trade Unions (LTU) 1992, Art, 14: trade unions have the right to conclude collective agreements. 1994 Act Concerning Settlement of Disputes (ACSD), Art. 4: employers are obliged to consider demands and make a response to them within 5 days. LC 1999, Art. 357: each party has the right to request negotiations and the other party must respond within 7 days (or other period of time agreed to).
28. Extension of collective agreements	1991: 0	No extension mechanism.
29. Closed shops	1991: 0	Closed shops are not expressly permitted and so presumably unlawful as legislation provides for freedom of union membership. (For example, see Art 2 LTU 1992).
30. Codetermination: board membership	1991: 0 1992: 1	LC 1972 (1992 amendment), Art. 238-4: provision for an employee representative on the board of the enterprise. No such provision was maintained in the LC 1999.

	2000: 0	
31. Codetermination and information/consultation of workers	1991: 1 1992: 0.67	LC 1972: The labour collective of the enterprise has the right to: 1) decide, in accordance with the laws of the issues related to the privatization of the enterprise; 2) create a body representing the interests of workers at the conclusion, performance or termination of the collective agreement in the absence of a trade union at the enterprise; 3) elect (withdraw) representatives in the council (board) of the enterprise, to hear reports on their activities; 4) participate in the development and decision-making on social and economic issues of the enterprise; 5) to take in accordance with legislation decision to strike; 6) determine the size and order of distribution of the net profits transferred to the ownership of the employees in the manner prescribed by law, in the absence of the Board (the Board) of the enterprise; 7) decide or participate in solving other issues referred to the competence of the staff law or the charter company. The labour collective has the right to receive, and the employer is obliged to provide him with information on: 1) industrial and social development of the enterprise; 2) The proposed changes in staffing, reducing the number of working places and other circumstances that may cause the release of workers; 3) reduction of working time; 4) professional development, training and retraining; 5) the introduction of new and change the current system of labour organization; 6) conclusion and termination of labour contracts; 7) state of labour discipline; 8) unforeseen loss of the enterprise; 9) industrial injuries, occupational diseases and the measures taken to ensure a healthy and safe working conditions; 10) other matters affecting the collective interests of workers, if it is stipulated in the collective agreement. LTU 1992: Trade unions have some information rights (e.g. information on problems related to labour and social and economic development within the limits of the set statistical accounting), some participation rights (e.g. in professional and developmental training, and in privatisation of an entity) and extensive rights to oversee the implementation of labour laws and collective agreements.
E. Industrial action		
32. Unofficial industrial action	1991: 0	USSR Collective Labour Conflicts Law (CLCL) 1989, Art. 7: two-thirds of persons at a meeting or conference of a work collective must vote in favour of strike action. 1994

		ACSD, Art. 12: strikes must be adopted by a general meeting or conference with two-thirds of those present in favour (quorum is 50% of union members or workers who are not union members). Maintained in LC 1999, Art. 389.
33. Political industrial action	1991: 0	USSR TU Law 1990: trade unions must be independent of any political organisations. LTU 1992, Art. 22: strikes with any political demands are forbidden.
34. Secondary industrial action	1991: 0.5	There is no prohibition on solidarity strike action as such but it is subject to conciliation requirements.
35. Lockouts	1991: 1	Lawful lock-outs are not provided for.
36. Right to industrial action	1991: 0 1994: 1	1978 Constitution: no right to strike. 1994 Constitution, Art. 41: right to strike.
37. Waiting period prior to industrial action	1991: 0	USSR CLCL 1989, Art. 7: 5 days' notice of strike action is required. 1994 ACSD, Art. 11: conciliation creates a de facto waiting period, and Art. 13 requires two weeks' notice. LC 1999, Art. 390: two weeks' notice of a strike is required.
38. Peace obligation	1991: 1	No peace obligation.
39. Compulsory conciliation or arbitration	1991: 0	USSR CLCL 1989, Art. 6: only when conciliation and arbitration have failed may a strike be resorted to; strikes are a measure of last resort. 1994 ACSD, Art. 11: a strike may only be called after proposals by a conciliation committee have been rejected. LC 1999, Art. 379: maintains compulsory conciliation.
40. Replacement of striking workers	1991: 1	USSR CLCL 1989, Art. 13: workers taking part in a strike that is not prohibited shall not lose their job or post. 1994 ACSD, Art. 22: a strike is not a violation of labour discipline. LC 1999 does not expressly protect workers on strike but implies that disciplinary action may not be taken in respect of a lawful strike by virtue of expressly stating that workers who have participated in an unlawful strike may be subject to disciplinary proceedings. Indirect protection may be possible through Art. 14 which prohibits discrimination

		against trade union members.

Belgium

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 2006: 0.67 2013: 0.75	Prior to 2006 the Cour de Cassation would make 'reclassification' judgments applying a number of criteria for identifying the employment relationship. In 2006 the Labour Relations Act Arts. 331 and 332 specified that the parties are free to choose the nature of the employment relationship but that performance must correspond with the agreement, and that priority should be given to the relationship as performed when defining its legal nature. The Labour Relations Act 2012 introduced a rebuttable presumption of an employment relationship in four sectors if a number of criteria were met, implying a further tightening of controls.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2002: 1	Legislation introducing a principle of equal (proportionate) treatment for part-time workers was enacted in 2002 (Law respecting the principle of non-discrimination in favour of part-time workers, Art. 4).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction was made between part-time and full-time workers under the Employment Contracts Act from 1978 or in earlier practice.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1978: 0.2	Under the Employment Contract Act 1978, the employer was required to provide justifying reasons for the use of fixed-term contracts beyond two renewals. With effect from 1990, justification is required if the parties agree several successive employment contracts. See ECA s. 10.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2002: 1	The Employment Contracts Act 1978 s. 9 merely provided that if a fixed-term employment contract was not reduced to writing, the employee was to have the same rights as provided for under a contract of indeterminate duration and was presumed to have such a contract. Specific legislation was then passed in 2002 to enact a right to equal treatment for all fixed-term contract workers.
6. Maximum duration of fixed-term contracts	1970: 0 1998: 0.7	Under the Employment Contract Act 1978 as amended in 1998, there is a 2-year limit on successive fixed-term contracts of not less than 3 months' duration each, which may be increased to 3 years with permission of the labour inspectorate where consecutive contracts of at least 6 months in duration are agreed.
7. Agency work is prohibited or strictly controlled	1970: 1 1987: 0.67 2013: 0.75	Agency work was prohibited until legislation of 1987 permitted it but under strict conditions, limiting its use to cases (inter alia) of temporary increases in work and with provision for authorisation by trade union representatives. As of September 2013, further controls were introduced in respect of temporary work placements and out-sourcing.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1976 :1	The right to equal treatment for agency workers is established in the 1987 Act and in earlier legislation dating from 1976 (Act on Temporary Work).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6 1971: 0.8 2012: 0.67	A 1949 Order set a minimum of 18 days of holiday in every year. This was increased to 24 days by a 1971 Law. Under a 2012 amendment, the 24 day standard applies to those working a 6 day week, and a 20-day standard applies to those working a 5-day week.

10. Public holiday entitlements	1970: 0.44 1983: 0.5	Holidays with Pay Act 1950: 8 days Act Regarding Public Holidays 1974: 10 days
11. Overtime premia	1970: 0.38 1983: 0.5	Act on Hours of Work 1966: time and a quarter, or time and a half for overtime over two hours (take middle value); 1983 Labour Act, time and a half.
12. Weekend working	1970: 1	Double time: laws of 1966, 1983.
13. Limits to overtime working	1970: 0 1971: 0.33	Labour Act 1971 set a limit of 50 hours per week and 11 hours per day, with a 40 hour limit over a 3 month reference period, which could be up to one year if agreed collectively.
14. Duration of the normal working week	1970: 0.33 1971: 0.67 2001: 0.8	Act on Hours of Work1966: 45 hours. Labour Act 1971: 40 hours. Act on Work Life Balance 2001: 38 hours.
15. Maximum daily working time	1970: 1 1971: 0.7	Act on Hours of Work: 8 hours. Labour Act 1971: 8 hours, with provision for extension to 9 hours under certain circumstances, and to 11 hours over 3 month or one year reference periods for blue collar workers.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1978: 0.33 1999: 0.42	Under s. 59 of the Employment Contract Act 1978, a 28 day notice period was set for normal situations, with a longer period of 56 days for those with over 20 years' service, and different periods for blue-collar and white-collar workers. From 1999, a national collective agreement concerning the terms of notice for blue-collar workers set a 35 day period for those with between 6 months and 5 years' service, and extended periods for

	2012: 0.48 2014:1	those with longer service, but this does not cover all sectors. Act of April 2011: notice period of 40 days for blue collar workers that have been employed between 6 months and five years where the contract was concluded before 1 January 2012. Act of December 2013: 13 weeks for both blue and white collar workers with between 3 and 4 years service.
17. Legally mandated redundancy compensation	1970: 0 1973: 0.67	There is no statutory provision for redundancy payments, but a national collective agreement of 1973 provides for redundancy pay of half normal remuneration for 4 months. Royal Decree 2014: employees are entitled to a redundancy payment according to a formula based on duration of the notice period and length of service but these rules do not come into effect for employees with less than 10 years' seniority until 2017.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1978: 0.99	A 1969 law on the law respecting contracts of service provides for a trial period of between 7 and 14 days, and also indicates that unilateral termination should not take place at all within the first 7 days. The ECA 1978 provides for a minimum trial period of 7 days and a maximum of 14 days for blue collar workers, and between one month and three or six months for white-collar workers, depending on remuneration. Since 2009 the relevant period for white collar workers ranges from 6 and 12 months depending on remuneration. The period for blue collar workers remains the same.
19. Law imposes procedural constraints on dismissal	1970: 0.25	There is no requirement for a hearing prior to dismissal, simply notification in writing, which can lead to the dismissal being rendered unlawful and an indemnity being payable. See s. 35 ECA and earlier law on abuse of right.
20. Law imposes substantive constraints on dismissal	1970: 0.25 1978: 0.67	Under s. 35 ECA 1978 summary dismissal is justified if it is for serious reasons and under s. 63 ECA 1978 a dismissal is unfair (for blue collar workers only) if it is not justified by reference to the skills of the worker, conduct, or operating requirements. Damages beyond the notice period are only available if employer acts with the intention of causing harm or in bad faith. Prior to this Act, general standards of fairness based on the abuse of right principle applied. In 1969 the Act on the individual labour contract for blue collar workers introduced a statutory form of the abuse of right principle.

21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Compensation is the normal remedy under the ECA 1978, and a similar rules operated prior to that under the general law of abuse of right.
22. Notification of dismissal	1970: 0.67	Individual dismissals must be notified to the employee in writing under the ECA, s. 37, and a similar rule operated prior to that under the general law of abuse of right. Under orders and decrees dating back to 1960 and then to the implementation of Directive 75/129, dismissals must be notified to employee representatives and to state authorities.
23. Redundancy selection	1970: 0 2012: 1	There was no provision governing redundancy selection prior to 2012, beyond those relating to consultation of representatives. From 2012 a new law (Law of 29 March 2012) sets rules for selection based on the principle of equal distribution of redundancies among age groups, although with some qualifications and exceptions.
24. Priority in re-employment	1970: 0	There is no rule of priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 0.33	The Constitution (Art. 20) refers to a right of freedom of association.
26. Right to collective bargaining	1970: 1	The Constitution (Art. 23) refers to the right to collective bargaining.
27. Duty to bargain	1970: 0	The Collective Industrial Agreements Act 1969 refers to the formation of collective agreements in permissive rather than mandatory terms and does not impose any express duty to bargain beyond a requirement to disclose certain information once bargaining has commenced.
28. Extension of collective agreements	1970: 1	The Collective Industrial Agreements Act makes provision for extension of sector-level collective agreements at the request of the joint body responsible for them (s. 28).
29. Closed shops	1970: 0	The Act of May 1921 provides that no one may be compelled to join or to refrain from joining a trade union. ILO and ECHR standards are effective in domestic law and are understood as reinforcing the right not to join a trade union.

30. Codetermination: board membership	1970: 0	There is no provision for worker representation on company boards and it does not occur in practice outside a few public enterprises.
31. Codetermination and information/consultation of workers	1970: 0.67	There is a dual channel system of representation in establishments of 100 workers or more, with works councils being consulted over a range of economic and organisational matters, and trade unions overseeing agreements and dealing with dispute resolution. Powers of works councils derive from laws beginning in 1948 and trade union functions are set out in a series of collective agreements after 1971. In establishments of fewer than 50 workers, the trade union assumes the works council's role.
E. Industrial action		
32. Unofficial industrial action	1970: 0 1981: 1	The right to strike is governed by case law. A Supreme Court judgment of 1981 established an individual right to strike which is not conditional upon union approval. Prior to that point industrial action was regarded as unlawful on the basis that it involved a deliberate breach of the employment contract.
33. Political industrial action	1970: 0 1981: 0.5	Under case law from 1981, purely political strikes are not permitted but strikes over general economic issues including sectoral pay and conditions are allowed.
34. Secondary industrial action	1970: 0 1981: 1	Under case law from 1981, secondary action is permitted.
35. Lockouts	1970: 0.5 1991: 0.33	In 1984 a Supreme Court judgment ruled that lock outs were implicitly lawful under the Essential Services Act 1948, in response to force majeure. Since 1991 a wider right to lock out has been recognised by reference to Art. 6(4) European Social Charter.
36. Right to industrial action	1970: 0.67	The right to strike is not specifically referred to in the Constitution but it can be derived from the right to collective bargaining in Art. 23 and by reference to ILO and ECHR standards which can be relied on in national law.

37. Waiting period prior to industrial action	1970: 1	Legislation does not govern the procedures for calling a strike.
38. Peace obligation	1970: 1	Collective agreements contain peace clauses but the general view is that they are binding in honour only (Blanpain, 'Strikes' in *Kluwer Bulletin of Comparative Labour Relations* (1994).
39. Compulsory conciliation or arbitration	1970: 0.75	Legislation does not impose arbitration or conciliation prior to a strike, but it is accepted that parties to a collective agreement should negotiate prior to any strike action.
40. Replacement of striking workers	1970: 0 1978: 0.67 1981: 1	Legislation barred the use of agency workers to replace striking workers and from 1981 case law recognised the principle of prohibition of dismissals for taking part in lawful strike action.

Bolivia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 2006: 0.75	The 1939 Labour Code and 1942 General Labour Law Art. 6 provided a brief definition of the employment contract in terms of a person working on the account of another. Following concerns about evasion of the law, Supreme Decree 23570 of 1993 set out criteria of subordination and dependence. In Supreme Decree 28669 of 2006 introduced an anti-avoidance clause.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	There are no specific regulations on part-time work. There is a general constitutional right to the protection of equality and dignity of the person. Law 24864 of 1997, Supreme Decree 28669 of 2006 and Supreme Decree 0213 of 2009 provided for versions of a general equality or anti-discrimination principle in relation to work.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no distinction drawn between full-time and part-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.5	Ministerial Decisions No. 283/62 and No. 193/72, and Legislative Decree No. 16187 of 1979, provide that contracts of employment should generally be for an indeterminate period, but may be for a fixed term depending on the nature of the task or service, and the needs of the undertaking.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0.25	There are no specific regulations on part-time work. There is a general constitutional right to the protection of equality and dignity of the person. Law 24864 of 1997,

workers		Supreme Decree 28669 of 2006 and Supreme Decree 0213 of 2009 provided for versions of a general equality or anti-discrimination principle in relation to work.
6. Maximum duration of fixed-term contracts	1970: 0.9	Ministerial Resolution No. 283/62 (1962) 12 month maximum length of FTCs. Ministerial Resolution 193/72: any fixed term contract that is renewed once becomes a permanent contract.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no provisions authorising or prohibiting agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There are no provisions authorising or prohibiting agency work.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	15 days: General Labour Law 1942, Art. 44.
10. Public holiday entitlements	1970: 0.61	11 days: Decree Enacting General Regulations for the Labour Code, 1943.
11. Overtime premia	1970: 1	100%: General Labour Law 1942, Art. 55.
12. Weekend working	1970: 1	100%: General Labour Law 1942, Art. 55.
13. Limits to overtime working	1970: 1	Maximum 8 hour day and 48 hour week, with limited provision for extensions: General Labour Law 1942, Art. 46.
14. Duration of the normal working week	1970: 0.13	48 hours: General Labour Law 1942, Art. 48.
15. Maximum daily working time	1970: 0.9	8 hour day is the norm, with some flexibility for hours of work to be rearranged and compensatory rest to be provided: General Labour Law 1942, Arts. 46, 50.

C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	30 days: General Labour Law, 1942, Art. 12 (various rules for different categories of employee and by reference to length of service).
17. Legally mandated redundancy compensation	1970: 1	One month per year of service: General Labour Law 1942, Art. 13. Supreme Decree 0110 of 2009 granted a similar right to severance pay to employees with more than 90 days' service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	3 month probation period: General Labour Law 1942, Art. 13.
19. Law imposes procedural constraints on dismissal	1970: 0.33	The law does not provide for disciplinary or other hearings, but a dismissal in breach of notice and notification provisions is a nullity.
20. Law imposes substantive constraints on dismissal	1970: 0.75 1985: 0.33 2006: 0.75	Under Art. 16 of the General Labour Law 1942, the employer could only give notice to dismiss the employee if just cause was shown according to a list of justifiable reasons. Supreme Decree No. 21060 of 1985, Art. 85, replaced this with a rule of termination without just cause if a severance payment was made. Supreme Decree 28669 of 2006, Art. 11, reinstated the former approach.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 2006: 0.67	Prior to 2006, compensation was the normal remedy. Supreme Decree 28669 of 2006, Art. 10 makes reinstatement and compensation alternative remedies.
22. Notification of dismissal	1970: 0.67	Under regulations, there must be notification to the Ministry of Labour, which must ratify the dismissal upon evidence of relevant separation payments made to the employee.
23. Redundancy selection	1970: 0	No law on this point.

24. Priority in re-employment	1970: 0	No law on this point.
D. Employee representation		
25. Right to unionisation	1970: 1	Freedom of association has been guaranteed by successive drafts of the Constitution (see now 2009 Constitution, Art. 51).
26. Right to collective bargaining	1970: 0 2009: 1	2009 Constitution, Art. 49.
27. Duty to bargain	1970: 1	General Labour Law 1942, Art. 27.
28. Extension of collective agreements	1970: 0	No provision.
29. Closed shops	1970: 1	Closed shops are permitted and are found in certain sectors, including government employment.
30. Codetermination: board membership	1970: 0	There is no general right to participation in management. In certain sectors, such as mining, and in state-owned enterprises, regulation has made provision for worker-nominated directors.
31. Codetermination and information/consultation of workers	1970: 0.67	Decree on Works Councils, 1950: provides for works councils in establishments with 25 or more employees, with consultation but not veto rights.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Decree 02565 of 1951 declares illegal strike action not supported by 75% of workers, with reference to Art. 114 of the General Labour Law, 1942.
33. Political industrial action	1970: 0	Illegal under Decree No. 02565 of 1951. The 2009 Constitution expressly protects

	2009: 1	general strikes.
34. Secondary industrial action	1970: 0 2009: 1	Illegal under Decree No. 02565 of 1951. The 2009 Constitution expressly protects solidarity strikes.
35. Lockouts	1970: 0.5	Lockouts are subject to the same rules as strikes: General Labour Law 1942, Arts. 114, 116.
36. Right to industrial action	1970: 1	Successive Constitutions have recognised the right to strike. See now 2009 Constitution, Art. 53.
37. Waiting period prior to industrial action	1970: 0	A strike may only be called after conciliation and arbitration have taken place, a procedure which builds in a number of waiting periods and notice requirements: General Labour Law 1942, Arts. 114 and 105-13.
38. Peace obligation	1970: 1	There is no reference in the law to a peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation and arbitration must preceed the call for strike action: Art. 114, General Labour Law 1942.
40. Replacement of striking workers	1970: 0.33	There is no specific provision. Participation in a strike is not listed as a justifiable reason for dismissal in Art. 16 of the General Labour Law. Decree No. 02565 of 1951 provides that absence from work for more than three days will result in rescission of the employment contract, entitling the employment to terminate it, on payment of compensation.

Botswana

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Employment Law (EL) 1963 defines "contract of service" as any contract, whether in writing or oral, whether expressed or implied, whereby one person agrees for a wage or other benefit or both to let his services to and to perform them under the orders of another person, who agrees to hire them and "employee" as any person who has entered into a contract of service for the hire of his services. There is not much scope for contracting around these definitions to escape employment liability. Similar definitions in Employment Act (EA) 1982.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	EL 1963 and EA 1982: no right to equal treatment. Reference to 'casual' workers (partially defined as those working fewer hours) is made but no entitlement to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	EL 1963 and EA 1982: no distinction between part-time and full-time workers for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	EL 1963 and EA 1982: there is no limitation on when FTCs may be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	EL 1963 and EA 1982: no right to equal treatment.
6. Maximum duration of fixed-term contracts	1970: 0	EL 1963 and EA 1982: no maximum cumulative duration.

7. Agency work is prohibited or strictly controlled	1970: 0.25	EL 1963, Part. VIII sets out comprehensive licensing (to be annually renewed), financial and other requirements that recruiters must comply with (or face criminal penalties). There is a power for further regulations concerning recruitment agencies to be adopted under this Act. Similar regulations and requirements in EA 1982, Part V. Recruiters also have extensive duties to ensure that the family of a recruit can remain with the recruit throughout the period of employment, and make travelling arrangements where appropriate.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	EL 1963 and EA 1982: no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1982: 0.5	EL 1963, Art. 16(2): 12 days paid annual leave. EA 1982, Art. 9: 15 days' annual leave. 1992 amendment: wording changed to 1.25 days per month but equates to 15 days per annum.
10. Public holiday entitlements	1970: 0.67 1971: 0.72 1982: 0.44	EL 1963: paid public holidays are those under the Holidays Act 1938. 1967: 12 public holidays. 1971: United Nations Day added as a public holiday. EA 1982: paid holidays not linked to Holidays Act but to the Second Schedule: 8 paid public holidays. The number of public holidays has changed but the number of paid public holidays under the EA has remained at 8 days.
11. Overtime premia	1970: 0 1982: 0.5	EL 1963: there is no overtime premium. EA 1982, Art. 96(5): overtime to be remunerated at one and a half times the normal rate.
12. Weekend working	1970: 0 1982: 1	EL 1963: reference is made to a weekly rest period but work on this day is not remunerated. EA 1982, Art. 94: rest day on Sunday. Art. 95: double wages for those working on Sunday (or the prescribed rest day). 1992 amendment allows (at the employee's option) to be granted a day off in lieu instead.

13. Limits to overtime working	1970: 0 1982: 1	EL 1963: there are overtime limits for women only. EA 1982, Art. 96(7): maximum of 10 hours overtime per week. 1992 amendment: 14 hours overtime per week but the reference period is still one week.
14. Duration of the normal working week	1970: 0 1982: 0.13	EL 1963: there is no 'normal' working week duration (except for women). EA 1982, Art. 96(1)(b): 48 hours.
15. Maximum daily working time	1970: 0 1982: 0.8 1992: 0.6	EL 1963: there is no maximum daily working time (apart from for women). EA 1982, Art. 96(10): 10 hours daily maximum when extra overtime work is needed by virtue of circumstances in Art. 96(2). In truly exceptional circumstances, this may be exceeded. 1992 amendment to Art 96(10): maximum of 12 hours per day.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	EL 1963, Art. 17: length of notice is a month if wages are calculated on a weekly or monthly basis. EA 1982, Art. 18(2): notice depends on both the frequency of pay and the length of service. 2 weeks' notice for those who are paid more than weekly but less than every two weeks (and they have served two to three years). A month's notice where the frequency of payment is more than weekly but less than monthly and the length of service is between 5 and 10 years. 6 weeks' notice for those whose payment is more frequent than daily, and they have served in excess of 10 years. The value taken for wages paid on a monthly basis.
17. Legally mandated redundancy compensation	1970: 0 2010: 0.5	EL 1963: there is no legally mandated redundancy compensation or severance pay. EA 1982, Art. 28: severance pay at the rate of 1 day's wages per month for the first 60 months of employment but only available after 5 years' service. 2010 amendment: severance pay available when employment is terminated whether or not 5 years have been served.
18. Minimum qualifying period of service for normal case of unjust	1970: 0	EL 1963: no unjust dismissal law. EA 1982, Art. 20: a probationary period of 6 months. 1992 amendment: probation periods of 3 months for unskilled workers and 12 months

dismissal	1982: 0.83 1992: 0.67	for skilled workers.
19. Law imposes procedural constraints on dismissal	1970: 0 1982: 0.67	EL 1963: no procedural constraints on dismissal. EA 1982: there are no specified procedural requirements but the failure to give reasons for the dismissal may result in the employee protesting the decision, which may result in a finding of unfair dismissal if the employer cannot prove to the Labour Officer that the dismissal was for a just cause. 1992 amendment: EA 1982, Art 27 (right to protest a dismissal) is removed but (in an almost identical form reinstated in a1997 amendment to the TDA 1982, inserted as Art. 6A. Although there are no specified procedures, the Court will look at procedures adopted when making an assessment of whether the dismissal was fair or not. The Code of Good Practice 2002 outlines procedural requirements.
20. Law imposes substantive constraints on dismissal	1970: 0 1982: 0.67	No substantive restrictions on dismissals with notice. EL 1963, Art. 19: circumstances in which employees may be dismissed summarily. EA 1982, Art. 23: unfair reasons for dismissal (incl. TU membership/activities; employee representative; valid complaints; discrimination). Art. 25: redundancy is a valid reason for dismissal. Summary dismissals only for serious misconduct. Art. 27: employees may protest their dismissal if they think that they have not been dismissed for just cause and the Labour Officer may look into the matter and demand that the employer explain the grounds for the dismissal. 1992 amendment: removal of Art 27 but an Industrial Court is established by an earlier Act and this court has the power to rectify 'wrongful dismissal'. 'Serious misconduct' (for summary dismissals) is also further defined in the amendment. 1997 amendment: the protest procedure is re-introduced but into the TDA 1982, Art. 6A. 2010 amendment: Art. 23(e): employees may not be dismissed for any other reason which does not affect the employee's ability to perform that employee's duties under the contract of employment. For clarification the Code of Good Practice 2002 states that there are three main justifications for dismissals: misconduct, incapacity and operational requirements.
21. Reinstatement normal remedy for unfair dismissal	1970: 0	EL 1963: no compensation available unless notice not given. EA 1982, Art. 27(5): compensation is the normal remedy for unfair dismissal. An employer may withdraw

	1982: 0.33 1992: 1	their termination notice but this would be voluntarily rather than ordered by an authority. 1992 amendment to TDA: introduction of an Industrial Court which has the power to order reinstatement (with or without compensation) or compensation in lieu of reinstatement in the event of an unfair dismissal. Compulsory reinstatement may be ordered where there is a listed unfair dismissal (TU membership/activities; discrimination; victimisation) or the employment relationship has not irrevocably broken down. Maintained in 2003 TDA.
22. Notification of dismissal	1970: 0	EL 1963, Art. 17: dismissal may be written or oral and there is no requirement to give reasons. EA 1982, Art. 18: notice of intention to terminate the contract must be written (unless the employee is illiterate) but there is no requirement to give reasons for the dismissal.
23. Redundancy selection	1970: 0 1982: 1	There is no priority in redundancy selection before 1982. EA 1982, Art. 25(1): a 'first-in-last-out' policy must be applied to redundancy selection as well as taking into account the skills and qualifications of individuals.
24. Priority in re-employment	1970: 0 1982: 1	There is no priority in re-employment before 1982. EA 1982, Art. 25(3): priority in re-employment for up to 6 months.
D. Employee representation		
25. Right to unionisation	1970: 1	1966 Constitution, Art. 13: freedom to form or belong to trade unions.
26. Right to collective bargaining	1970: 0	No constitutional right to collective bargaining.
27. Duty to bargain	1970: 1	Trade Unions Act (TUA) 1969, Art. 16(1)(e): a registered trade union with 25% of employee membership shall be the negotiating agent with which the employer shall be bound to deal in respect of all matters relating to relations between that employer and those of his employees who are members of that union. Maintained in Trade Unions and Employers' Organisations Act (TUEOA) 1983, Art. 50. Note that in the 2002 Code of

		Good Practice, it is explicitly stated that there is no duty to reach an agreement but bargaining must be conducted in good faith.
28. Extension of collective agreements	1970: 0	There is no extension mechanism.
29. Closed shops	1970: 0	TUA 1969, Art. 48: no employer shall make it a condition of employment any employee that that employee shall neither be nor become a member of a registered trade union or other organisation representing employees in any industry nor participate in the activities of a registered trade union. Note also Trade Disputes Act (TDA) 1969, Art. 28: a strike for the reason that an employer has employed or is proposing to employ a person who is not a member of a trade union or is a member of a particular trade union shall be an unlawful strike. TUA 1969, Art. 48 maintained in TUEOA 1983, Art. 57. TDA 1982 makes unlawful strike action intended to enforce a closed shop. EA 1982, Art.23: dismissal not permitted for trade union membership or trade union activities.
30. Codetermination: board membership	1970: 0	There is no provision for board membership of employee representatives.
31. Codetermination and information/consultation of workers	1970: 0	There is no co-determination or provision for works councils.
E. Industrial action		
32. Unofficial industrial action	1970: 0 1982: 0.5	TDA 1969, Art. 20: where there is a strike occurring or about to occur, the Minister may declare that the strike is unlawful until there has been a secret ballot with two-thirds of the members in favour of the strike. TDA 1982: no balloting requirements (apart from essential services) but strike is vulnerable to being declared unlawful under Art. 34 if those on strike have not taken all measures possible to settle the dispute (this would be difficult without the assistance of a trade union). TDA 2003, Art. 39: conciliation requirements make lawful unofficial action more difficult to achieve.

33. Political industrial action	1970: 0	TDA 1969, Art. 2(1): defines 'trade dispute' narrowly, a dispute between employers and employees, or between employers and employees, connected with employment or the conditions of labour of any person. TDA 1983, Art. 35: if there is some purpose other than or in addition to a trade dispute, the Minister may declare the action unlawful. 1992 Amendment: broadens the definition of trade dispute but still not state that political industrial action may be lawful. TDA 2003, Art. 42: strike action must be a trade dispute to be lawful.
34. Secondary industrial action	1970: 0 2004: 0.5	TDA 1969, Art. 19: the Minister may declare illegal any strike or lock-out (or threat of such action) that has any object other or in addition to the furtherance of a trade dispute in that industry, and the strike or lock-out is designed to coerce any employer or employee in any other trade or industry in respect of his conduct in or in connect with that other trade or industry, either directly or by inflicting hardship on the community. This article is headed 'prohibition of sympathetic strikes and lock-outs'. Maintained in TDA 1983, Art. 35. TDA 2003: no mention of sympathetic strikes (or express prohibition) but conciliation requirements make secondary action less feasible.
35. Lockouts	1970: 0.5	Lock-outs are regulated in parallel to strikes in all of the TDA legislation.
36. Right to industrial action	1970: 0	No constitutional right to strike.
37. Waiting period prior to industrial action	1970: 1 2004: 0	TDA 1969: there is no obligation to give notice of strike action. Maintained in TDA 1982. TDA 2003, Art. 39: 48 hours' notice of the strike action must be given.
38. Peace obligation	1970: 0	TDA 1969: there is no express prohibition on strike action merely because an agreement is in force. However, Art. 22 states that if there is an agreement or award in place and it for a specified period, and that period has not expired, the Minister may require the parties to comply with that agreement and declare the strike unlawful. Maintained in TDA 1982, Art. 37(1). TDA 2003, Art. 42: strike action is unlawful is the subject of the dispute is already regulated by an agreement or if the strike is subject to a peace clause.

39. Compulsory conciliation or arbitration	1970: 0.75 1982: 0.25 2004: 0	TDA 1969, Art. 21: if there is a machinery of negotiation or arbitration for the voluntary settlement of disputes and that machinery is appropriate but has not been exhausted, the Minister may declare that the parties make use of the machinery and declare the strike unlawful. TDA 1982, Art. 34: where there is actual or declared industrial action in furtherance of a trade dispute, whether existing or apprehended, and the Minister is satisfied that all means of settling the dispute have not been exhausted, he may order the action to be unlawful. Art. 4: empowers the Commissioner of Labour (if he is satisfied that a trade disputes exists or is apprehended) to mediate between the two parties, whether or not the parties have reported the dispute. TDA 2003, Art. 39: right to strike can be engaged if the dispute remains unresolved after mediation has been unsuccessful.
40. Replacement of striking workers	1970: 0 1982: 1	There are no express provisions starting that employees taking part in a lawful strike may not be dismissed or replaced. EA 1982, Art. 23: dismissal on the basis of trade union activity is an unfair/unlawful dismissal. TDA 2003, Art. 41(2): a person who takes part in a strike may not be dismissed for doing so.

Brazil

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Brazilian labour law recognises a 'principle of reality' according to which the factual reality of the work relationship forms the basis for its legal classification. Art.3 of the CLT (Consolidaçao das Leis do Trabalho, Decree 5453 1943, as amended) defines the employee. Art. 9 contains an anti-avoidance clause according to which any act committed for the purpose of obstructing the application of the Act is void.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.5 2001: 1	Art. 461 CLT provides for a general principle of equal pay for work of equal value and Art. 58A(1), inserted in 2001, refers to a right of part-time workers to proportionate pay. See also CLT Arts.130A and 476A on other working conditions. Prior to 2001 doctrine and case law indicated that part-time work (if rare) would attract a right to equal treatment where the conditions for the existence of an employment relationship were met.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Part-time work for under 25 hours a week is recognised in Art. 58 CLT, inserted in 2001, which sets out a right to proportionate treatment in relation to pay and working conditions (see above). There are no rules on dismissal which are specific to part-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1 1998: 0.67	There are in principle strict limits on the use of fixed-term contracts (e.g. Art. 443(2) CLT limiting their use to services of a temporary or limited nature or duration, added in 1967; Art. 445, setting a 2-year limit; Art. 451, deeming a fixed-term contract to be

		permanent if it renewed more than once). Law 9601 1998 allowed a derogation from this, permitting collective agreements to authorise fixed-term contracts more generally, with a duration of up to 2 years.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 1	See above (variable 2) on the general principle of equal pay for work of equal value. From the 1960s doctrine and case law established that fixed-term contract workers were generally entitled to equal treatment in respect of terms and conditions of employment. Law 9601 1998 extends certain rights and benefits to new categories of fixed-term contract workers.
6. Maximum duration of fixed-term contracts	1970: 0.8	Fixed-term employment cannot exceed a cumulative duration of 2 years (Art. 445 CLT) and a permanent contract is deemed to arise after more than one renewal (Art. 451).
7. Agency work is prohibited or strictly controlled	1970: 1 1974: 0.75 1993: 0.5 2008: 1 2010: 0.75	No provision was made for agency work, except in the case of certain areas of public administration, before 1974. Act 6019 1974 permitted agency work but limited its use to cases of temporary or seasonal need. In 1986 a labour court ruling established that other forms of agency work were illegal but this precedent was loosened in 1993, expanding the categories of lawful agency work. In 2008 a Supreme Court decision declared sub-contracted labour to be unconstitutional. Act 550 2010 set limits of 3 months, or 6 months with permission of the Ministry of Labour, for agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.5 1974: 1	See variable 2 above on the general principle of equal pay for work of equal value. Act 6019 1974 required equal pay for agency work and case law and doctrine recognises a wider right to equal treatment, with certain liabilities applying to the user.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	Art. 130 CLT 1943 set a norm of 15 working days for employees with 12 months or

	1977: 0.73	more employment. In 1977 an amendment to the 1943 law set a norm of 30 calendar days (22 working days).
10. Public holiday entitlements	1970: 0.28 1981: 0.33 2002 : 0.44	Act 662 1949 provided for 5 days of public holidays. Law 6802 1980 introduced one more and two more were added in a decree of 19.12.2002.
11. Overtime premia	1970: 0.2 1988: 0.5	20% (Art. 59(1) CLT 1943): time and a half (1988 Federal Constitution).
12. Weekend working	1970: 1	The principle of a weekend break and Sunday rest subject to ministerial approval for weekend working is referred to in Art. 67-68 CLT and in the Federal Constitution, Art. 7(16), which also refers to a right to double time (see also Art. 9, Law 605 1949).
13. Limits to overtime working	1970: 1 1998: 0.75	Overtime is limited to 2 hours per day by Art. 59 CLT. More flexibility was introduced by the 9601/1998 law on 'bank of hours' allowing negotiation through collective bargaining and a move to longer reference periods.
14. Duration of the normal working week	1970: 0.44	Art 58 CLT and Art. 7(13) of the Federal Constitution refer to a normal 44-hour working week. In practice a 40-hour normal working week is widely observed.
15. Maximum daily working time	1970: 0.8	The CLT sets daily working time at 8 hours (Art. 58) with provision for extension by up to 2 hours per day (Art. 59). Art. 66 provides for uninterrupted daily rest of 11 hours. These norms may be varied by collective agreement under certain circumstances.
C. Regulation of dismissal		

16. Legally mandated notice period (all dismissals)	1970: 0.33 1998: 0 2000: 0.33 2011: 0.42	The 1943 and 1985 Labour Codes set a standard of 30 days of mandatory notice, see also Art. 7(21) of the 1988 constitution. Between 1998 and 2000, under legislation designed to promote labour flexibility, there was no warning period for dismissal. Law 12506 2011: after the first year, an extra three days of leave per additional year of employment.
17. Legally mandated redundancy compensation	1970: 1	The CLT 1943 set a standard of one month's remuneration per year of employment for dismissals without just cause including redundancy. Compensation is also available under Act 8036 1990 setting up the unemployment fund (FTGS).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0	A one year optional trial period was set by CLT 1943 (Art. 478, paragraph one). Under Art. 492 CLT, there was a right to severance pay following dismissal in respect of each year of work, and substantive constraints on the decision to dismiss after 10 years. Law 5107 1966 and 8036 1990 provided a right to access dismissal compensation through the unemployment fund without reference to a qualifying period, but no substantive protection against unjust dismissal.
19. Law imposes procedural constraints on dismissal	1970: 0	Procedural requirements are minimal, relating to a duty to pay severance pay and to report this to the labour inspectorate (Arts. 477, 487, Labour Code).
20. Law imposes substantive constraints on dismissal	1970: 0.33 1988: 0	CLT (Art. 492) provided for substantive constraints on unjust dismissals if the employee had service of 10 years or more. Arts. 482, 483 and 484 CLT and Art. 7(1) of the Constitution refer to the right to dismiss for just cause for specified reasons, but dismissal can be without just cause if severance pay is provided From 1988 there is only a right to severance pay.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1988: 0	Art. 478 of the 1943 Labour Code governed compensation and Art. 495-6 provided for reinstatement in cases where serious justification was not made out for employees with service of 10 years or more. The CLT regime made it clear that reinstatement should not be awarded if the employment relationship has broken down. Currently, only

		reinstatement is available only in exceptional situations (such as trade union or pregnancy-related dismissals).
22. Notification of dismissal	1970: 0.67	Under Art. 477 of the CLL amended in 1970, a termination will only be valid if certain formalities are observed, including the participation of the respective union and submission of a termination form to the Ministry of Labour.
23. Redundancy selection	1970: 0	There are no provisions on redundancy selection.
24. Priority in re-employment	1970: 0	There are no provisions on priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 0 1988: 1	Although Federal Constitution of 1967 refers to freedom of association, this right was largely restricted during the military regime in place until the late 1980s. In the context of the democratic transition, Art. 8 of the 1988 Constitution specifically refers to the freedom of association rights of trade unions.
26. Right to collective bargaining	1970: 0 1988: 1	Although the Federal Constitution of 1967 refers to freedom of association, the military regime strongly restricted the right to collective bargaining. Arts. 7(26) and 8(6) of the 1988 Constitution refers to the right to collective bargaining.
27. Duty to bargain	1970: 0 1988:1	Although the Federal Constitution of 1967 refers to freedom of association, the military regime strongly restricted the right to collective bargaining. Currently, the employer has an obligation to enter into collective bargaining if called on to do so by an appropriate trade union.
28. Extension of collective agreements	1970: 1	A collective agreement that has been filed with the relevant authorities is deemed to be mandatory with reference to sector and geographical area.

29. Closed shops	1970: 0	Although the 'unicidade' principle of authorised unions limits workers' freedom of choice of union, the closed shop is not as such lawful. Art 37(4) of the Constitution states that nobody can be obliged to join or remain a member of a union.
30. Codetermination: board membership	1970: 0	There is no right to board-level representation of workers.
31. Codetermination and information/consultation of workers	1970: 0	Art. 11 of the Constitution refers to the election of a representative of the workforce to further direct negotiations with the employer in enterprises of more than 200 employees, but there is no legislation supporting this principle and works councils are generally opposed by trade unions.
E. Industrial action		
32. Unofficial industrial action	1970: 0 1988: 0.33	Under Law 7784 1989 a strike may not be called without prior conciliation but some legal writers argue that the adoption of the 1988 Constitution provided some limited protection for the right to strike independently of union approval (Delgado, *Direito Coletivo del Trabalho*, 2002; cf. Nascimento, *Compêndio de Direito Sindical*, 2005).
33. Political industrial action	1970: 0	Art. 9 of the 1988 Constitution and Law 7784 1989 states that it is for the workers to define the aims of strike action but the general view is that strikes must be carried out for social or economic purposes; see Delgado, Nascimento, v. 32 above.
34. Secondary industrial action	1970: 0	The view of most authors is that strikes cannot be called in support of the interests of other workers (see v. 32 above).
35. Lockouts	1970: 0 1988: 1	Prior to 1988 lock outs appear to be possible (see Art 30 of Act 4330 1964) but after the 1988 Constitution and Art. 17 of Act 7783 they are regarded as presumptively unlawful.

36. Right to industrial action	1970: 0 1988: 1	The 1946, 1967 and 1988 constitutions all make explicit reference to the right to strike. In practice, prior to the return to full democratic rule in 1988, all forms of political or protest action were strictly controlled.
37. Waiting period prior to industrial action	1970: 0	Act 4330 1964 refers to strike notice of 5 days and Act. 7783 1989 refers to 48 hours' notice.
38. Peace obligation	1970: 0.33	Under Art 21(4) of Act 4330 1964, a strike could not be called with the aim of changing a collective agreement unless there was a substantial change of circumstances. Under Art. 14(1) of Act 7783 1989, a strike undertaken during the term of a collective agreement will not be an abuse of right if the aim is to enforce the agreement or is occasioned by new circumstances.
39. Compulsory conciliation or arbitration	1970: 0.25	Art. 11 of Act 4330 1964 made conciliation mandatory. Art. 514(c) CLT refers to a duty on the part of trade unions and other economic associations to promote mediation and Art. 14(1) of Act 7783 1989 provides for the labour court to oversee a process of mediation before a strike can proceed.
40. Replacement of striking workers	1970: 0 1988: 1	Art 19(3) of Act 4330 1964 outlaws replacement of strikers during a lawful strike and Art. 20 refers to the contract of employment being merely suspended. See also Art. 7 Act 7783 1989. Prior to the return to full democratic rule in 1988, the right to strik was strictly controlled.

Bulgaria

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 0.67 1996: 1	The 'primacy of facts' is a general principle of contractual law: Art. 20(1) Obligations and Contracts Act. However, under the Labour Code 1986 labour relationships were frequently concealed from the scope of regulation, so in 1996 an amendment to Art.62 made aspects of the employment previously created through writing merely evidentiary.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0 2004: 0.75	An amendment to the Labour Code in 2004 (Art. (3)) prevents discrimination on the basis of differences in contract term and working time. Art. 138(3) LC as of 2006 explicitly guarantees equal treatment of part-time workers except where labour legislation makes rights contingent upon duration of time of work, length of service and qualifications possessed.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	The Labour Code makes no distinction between full and part time workers for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1990: 1 2001: 0.67	LC Art. 68 regulates the use of fixed term contracts, limiting their use to work for the completion of a specific task, substitution of an employee and for work for less than 3 years. In 2001, Art.68(2) also permitted FTCs for seasonal work, temporary work, short term work activities and for newly hired employees in companies that have been declared bankrupt. In 2012 an additional exception was added: fixed term contracts can

		be used for a long term foreign missions (Art. 68(6)).
5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0 2004: 0.75 2006: 1	The Labour Code Art. 8(3) as amended in 2004 prevents discrimination on the basis of differences in contract term and working time. Since 2006, Art. 68(2) expressly grants equal treatment for fixed-term employees, unless the law makes the enjoyment of certain rights contingent on qualifications possessed or skills required.
6. Maximum duration of fixed-term contracts	1990: 0.7	Maximum cumulative duration is three years: Art. 68(1) LC. There is generally no renewal permitted, except for temporary or seasonal contracts concluded for only one year or less.
7. Agency work is prohibited or strictly controlled	1990: 0 2012: 0.33	In 2012, the Promotion of Employment Act Chapter VII made provision for the registration and authorization of employment agencies. Before this, there was no legal framework governing TAWs. In 2012 the Labour Code was amended to regulate the basic working conditions of agency workers in the user enterprise, stipulating the minimum content of the contract and the obligations of the agency and the user.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0 2012: 1	Labour Code Art. 8(3) as amended in 2004 prevents discrimination on the basis of differences in contract term and working time. However, no specific regulation or recognition of agency contracts existed due to the relatively under developed nature of the sector and it was not established that such workers would fall within the necessary definition of 'employee'. As of 2012 the LC expressly includes agency workers within the definition of employee: para.1, item 1, Additional Provisions. The new Section VIII Chapter V of the Labour Code gives temporary agency workers the right to equal basic working conditions as the employees of the user enterprise.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.47 2001: 0.67	LC 1986 Art 155(1)(4): 14 days working days. This was increased to 20 working days in 2001.

10. Public holiday entitlements	1990: 0.56 2010: 0.61	LC 1986 (as amended by SG No.2/1996) Art154: 10 days. In 2010, an additional public holiday was introduced for the Friday before Easter.
11. Overtime premia	1990: 0.5	LC Art. 262(2): 50%
12. Weekend working	1990: 0.75	LC Art. 153(1) until 2004 required two days off per week. Now 36 hours per week is required: and Art. 262(3) requires pay at a rate of 75% premium.
13. Limits to overtime working	1990: 1	Since 1986 there have been daily, hourly and yearly limits. The daily limit is averaged over two days. See Art. 136a(3) (2001) and Art. 146 (1986).
14. Duration of the normal working week	1990: 0.27 2001: 0.67	LC 1986 Art.136: 40 hours for a 5 day working week, or 46 hours for a 6 day. Since 2001, this has simply been 40.
15. Maximum daily working time	1990: 0.6 2001: 0.8	LC 1986: there must be an uninterrupted rest period of at least 12 hours for every 24 hours of work. However, the law also stipulates an 8-hour working day and very limited circumstances in which overtime (of up to 3 hours) is legal. Since 2001, Art. 136a(2) provides that any extension to working hours (beyond the ordinary 8) must not exceed 10 hours per day.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.33	LC 1986 Art. 328(1) and 326(2): 30 days unless longer is agreed.
17. Legally mandated redundancy compensation	1990: 0.33	LC 1986 Art. 222(1): up to one month.

18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0.83	LC Art. 70 – 71: a trial period of up to 6 months can be agreed.
19. Law imposes procedural constraints on dismissal	1990: 1	LC Article 190(2) requires that the choice of disciplinary sanction be determined by the gravity of the infringement and limits the employer to applying one sanction per infringement. Art. 193 requires that the employer gives the employee and opportunity to be heard, that he gathers and assesses all evidence. Any failure to do so results in the court's revocation of the disciplinary sanction without reviewing the case on the merits.
20. Law imposes substantive constraints on dismissal	1990: 0.67	LC Art.190: provides a list of reasons for which dismissal with notice is permitted: including reporting to work late on three occasions, absence for two consecutive days, systematic violations of work discipline and further grave violations of work discipline. In 1999 and 2001 additional grounds were added.
21. Reinstatement normal remedy for unfair dismissal	1990: 1	LC Art. 344(1): lists possible remedies for dismissal. This gives the employee the right to demand reinstatement. It also gives a right to compensation.
22. Notification of dismissal	1990: 0.33 2001: 0.67	There are no notification requirements for individual dismissals of ordinary employees however, Article 333 LC (2001) provides for notification and authorisation requirements in cases of dismissal of certain classes of employee. Article 328(1) requires that written reasons be given. Legislation implementing Directive 75/129 in 2004 requires information and consultation with employee representatives in the case of collective dismissals and separate legislation requires notification of public authorities for such dismissals.
23. Redundancy selection	1990: 0	There are no mandatory selection criteria. Art. 329 LC permits an employer to retain employees with higher qualifications.
24. Priority in re-employment	1990: 0	There are no priority rules in re-employment.
D. Employee representation		

25. Right to unionisation	1990: 1	Constitution Art. 49: Workers and employees shall be free to form trade union organizations and alliances in defense of their interests related to work and social
26. Right to collective bargaining	1990: 0.33	There is no express constitutional right to collective bargaining, but a right may be derived from directly effective international agreements and Article 49 Constitution.
27. Duty to bargain	1990: 0.67 2001: 1	LC Art. 8(1) Labour Code requires good faith exercise of labour rights and duties. LC 2001 Art. 52(1) states that employers shall negotiate with employees' representatives and make available to them certain information for this purpose. Failure to do so will leave the employer liable for damages. The employer is deemed to be in breach of these provisions if he does not begin negotiations within one month or if he does not provide the necessary information within 15 days.
28. Extension of collective agreements	1990: 0 2001: 1	Since 2001, Art. 51(b)3 LC: provides for extension by the Minister on request by representative unions and organisations. Art. 51b(1) LC as of 2010 removes the requirement for an agreement between the central bodies of the trade unions and employer organisations when such agreements are concluded in sectors and industries. March 2010 Amendments introduced the possibility that the Minister of Labour and Social Policy be able to extend sectoral collective agreements to all companies of the respective branch or industry.
29. Closed shops	1990: 1	Art. 5(4) Constitution (1991) declares a form of moderate monism whereby international agreements are given precedence, implying that compulsory unionism would not be permitted under Bulgarian law.
30. Codetermination: board membership	1990: 0.25	There is no right to board level representative but in public limited companies with 50 employees or more, specially elected employee representatives can participate in shareholder meetings on a consultative basis. In private limited companies such participation is possible regardless of numbers but only on social issues.

31. Codetermination and information/consultation of workers	1990: 0 2001: 0.33	There were no information and consultation rights before 2001. Since 2001, Art.7 LC allows employees to elect representatives. Since 2004, Art. 130a provides a right to information and consultation in cases of collective redundancy and in July 2006, a broader opportunity to elect representatives for the purposes of information and consultation was introduced but it is not obligatory.
E. Industrial action		
32. Unofficial industrial action	1990: 0.67	Under the Act on the Settlement of Collective Labour Disputes (1990) a strike can be declared by a 'spontaneous coalition' but that group must have the support of at least 50% of the employees.
33. Political industrial action	1990: 0	Political strikes not lawful: Art 16 (2) SCLDA.
34. Secondary industrial action	1990: 1	Article 11(2) SCLDA permits secondary strikes.
35. Lockouts	1990: 1	Art.20 SCLDA prohibits lockouts.
36. Right to industrial action	1990: 0.9 1995: 1	The right to strike is explicitly guaranteed in Art.50 Constitution. However, it is subject to limits which were highly protective of private property rights. Protection has, however, been improved via the Constitutional Court's case law: Constitutional case no. 15 of 1995 (OJ, No 84 of 1996).
37. Waiting period prior to industrial action	1990: 0	SCLDA Art.14(1) requires at least 7 days' notice. However, warning strikes lasting no more than one hour are permissible without notice.
38. Peace obligation	1990: 1	There is no law on the peace obligation.
39. Compulsory conciliation or arbitration	1990: 0.5	All mechanisms for dispute resolution must be attempted before a strike. However, the mediation, conciliation and arbitration procedures which are available throughout this process but are purely optional.

40. Replacement of striking workers	1990: 1	Art. 21 SCLDA expressly prohibits the temporary or permanent replacement of striking workers.

Cambodia

Note: coding is from 1993, the date of the current constitution

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1993: 0.75	The employment contract can be made in a form that is agreed upon by the contracting parties and may be proved by any means possible (Labour Law 1997, Art 65). The LL distinguishes between regular and casual workers and identifies a number of other categories.
2. Part-time workers have the right to equal treatment with full-time workers	1993: 0.75	1993 Constitution, Art. 31: general equality clause which refers to social or other status. Casual workers working less than the full-time working week may be excluded from certain benefits. Regular part-time workers are entitled to equal or proportionate treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1993: 1	There is no distinction between part-time and full-time workers for the purposes of dismissal. LL Art. 67.
4. Fixed-term contracts are allowed only for work of limited duration	1993: 0.67	An FTC must have a specific end date, normally two years from the start of the contract, unless it is agreed for certain specified purposes including covering temporary absence; seasonal work; needs of the enterprise.
5. Fixed-term workers have the right to equal treatment with permanent workers	1993: 1	There is a right to equal treatment: LL Art. 10.

6. Maximum duration of fixed-term contracts	1993: 0 2003: 0.8	Arts. 63 and 67 LL have been interpreted by the Arbitration Council to place a 2-year maximum on the duration of one or more successive FTCs. The Ministry of Labour and Vocational Training has interpreted the law as allowing any number of renewals as long a each contract is not more than two years' in duration. See AC awards 10/03, 02/04, 155/09(9), 70/11(1), 105/11(3).
7. Agency work is prohibited or strictly controlled	1993: 0	There is no limit on the possible uses of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1993: 0.5	The labour contractor is required to observe the same provisions of the LL as other employers: LL Arts. 46, 47.
B. Regulation of working time		
9. Annual leave entitlements	1993: 0.6	The norm is 18 days, which can be increased with seniority: LL 1997, Art. 166.
10. Public holiday entitlements	1993: 1	The Ministry of Labour issues a Prakas (order) each year setting out paid public holidays. In 2013 there were 25.
11. Overtime premia	1993: 0.5	Time and a half: LL 1997 Art. 139.
12. Weekend working	1993: 1	Sunday is in principle the day of weekly rest: LL Art 147. Work on the weekly rest day is paid at double time: LL Art. 139.
13. Limits to overtime working	1993: 1	There are daily, weekly and annual limits: LL Arts. 140, 141.
14. Duration of the normal working week	1993: 0.13	48 hours: Art. 137 LL.

15. Maximum daily working time	1993: 0.8	10 hour working day: LL Arts. 137, 141.
C. Regulation of dismissal		
16. Legally mandated notice period	1993: 0.33	One month for an employee with 3 years' service: LL Arts. 74, 75.
17. Legally mandated redundancy compensation	1993: 0.5	7 days for workers with between 6 months and a year; then 15 days for each extra year of service. LL Art. 89.
18. Minimum qualifying period of service for normal case of unjust dismissal	1993: 0.92	The default probationary period is 3 months for a regular employee. The probation period is optional for the two parties.
19. Law imposes procedural constraints on dismissal	1993: 0.25	The employer must take disciplinary action within 15 days in a case of ordinary misconduct and must give a formal written warning prior to dismissal. For the most part the employer is only obliged to follow its own rules on dismissal procedure.
20. Law imposes substantive constraints on dismissal	1993: 0.33	Termination may be at will if notice is given, but there must be a valid reason based on the worker's aptitude or behaviour, or the needs of the enterprise (Art. 74) and damages may be payable if there is no valid reason for termination (Art. 94).
21. Reinstatement normal remedy for unfair dismissal	1993: 0.33 1997: 0.5	The normal remedy is damages, LL Arts. 91, 95, but from 1997 the court has power to award reinstatement: LL Art. 385(1).
22. Notification of dismissal	1993: 0.67	Notification in writing to the Ministry: LL 1997 Art. 21.
23. Redundancy selection	1993: 0.5	Redundancy selection is based principally on performance and professional ability and secondarily on seniority.

24. Priority in re-employment	1993: 1	There is a priority right: LL 1997 Art. 96.
D. Employee representation		
25. Right to unionisation	1993: 1	1993 Constitution, Art. 36.
26. Right to collective bargaining	1993: 0.33	The Constitution does not protect collective bargaining as such but does protect the right of the union member to participate in union-related activities.
27. Duty to bargain	1993: 0 2001: 1	Employers must bargain in good faith: Prakas 305/01, Art. 11; AC Awards 06/04 and 29/09.
28. Extension of collective agreements	1993: 1	There may be a ministerial order providing for extension: LL 1997, Art. 101.
29. Closed shops	1993: 1 1997: 0	There is a prohibition on the closed shop, via the right to disassociate, from 1997: LL Art. 273, 279; AC awards 57/11 and 155/11.
30. Codetermination: board membership	1993: 0	No provision.
31. Codetermination and information/consultation of workers	1993: 0.33	Worker representation in the workplace is through lay union officials whose rights extend to suggesting improvements and being consulted over workplace changes (LL 1997 Art. 284).
E. Industrial action		
32. Unofficial industrial action	1993: 0	Under the 1997 Labour Law, a strike is defined (inter alia) as a concerted stoppage of workers (Art. 318) which must be called by the union after a strike ballot has been conducted (Art. 323), implying that strike action must be official.

33. Political industrial action	1993: 0	Art. 320 of the Labour Law 1997 states that a strike may be exercised in a general manner to defend the economic and socio-occupational interests of workers. However, it can only be exercised when all peaceful methods for settling a dispute with the relevant employer have already been tried out, implying that political strikes are not lawful.
34. Secondary industrial action	1993: 0	Under Art. 318, a strike is a concerted stoppage of work which takes place 'within an enterprise or establishment' and related to demands made by workers 'from the employer', appearing to rule out secondary or sympathy action.
35. Lockouts	1993: 0.33	Art. 335: lockouts are subject to the same requirements as strikes.
36. Right to industrial action	1993: 1	Art. 37 of the 1993 Constitution refers to the right to strike. See also Art. 319 Labour Law 1997.
37. Waiting period prior to industrial action	1993: 0	7 days' notice, 15 for essential services: Labour Law 1997, Arts. 324, 327.
38. Peace obligation	1993: 0	A strike may not take place over a conflict of rights: Art. 321, Labour Law 1997.
39. Compulsory conciliation or arbitration	1993: 0	A strike may only take place after relevant conciliation and after attempts at a resolution of the issue with the employer have failed: Art. 320, Labour Law 1997.
40. Replacement of striking workers	1997: 1	The effect of a lawful strike is to suspend the contract of employment (Labour Law 1997, Art. 332); replacement of strikers is prohibited (Art. 334).

Cameroon

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	LC 1967 and 1974, Art. 1(2): a worker is any person who has undertaken to place his gainful activity in return for remuneration under the direction and control of another person (an individual or a public or private corporation). For the purposes of determining when a person is a worker, no account shall be taken of the legal position of the employer or employee. Case law has interpreted this as incorporating the common law 'control' test into Cameroonian law. In particular, the question of who is a worker is a question of fact and not law. See *Nanga Emile Honore v SCTA,* Arret No 48/S pf 01/04/82. Maintained in LC 1974 and 1992.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	LC 1967 and 1974, Art. 67(2): equal pay for equal work in respect of type of work, skill and output, irrespective of sex, age or status. 1996 Constitution, Art. 23(2): guarantees the right to equal pay for equal work to everyone without discrimination. LC 1992, Art. 61(2): prohibits all forms of discrimination. However, no specific rights to equal treatment for part-time workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no distinction between part-time and full-time workers for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1 1992: 0.67	LC 1967 and 1974, Art. 30(1): a contract for a specified period or task will be contract of 'specified duration' provided that its termination is by reference to a certain event that is precisely indicated. LC 1992: significantly expanded the use of FTCs by introducing temporary work contracts (see below), the ability to recruit workers through an agency, and the ability to employ a part time worker on a FTC.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	LC 1967 and 1974, Art. 67(2): equal pay for equal work in respect of type of work, skill and output, irrespective of sex, age or status. LC 1992, Art. 61(2): prohibits all forms of discrimination. However there is no specific law protecting FTC workers.
6. Maximum duration of fixed-term contracts	1970: 0.6 1974: 0.8 1992: 0.6	LC 1967, Art. 30(2): contracts for specified duration shall not exceed 2 years in length, or three years in case of a worker hired elsewhere. The contract will become one of unspecified duration if this period is exceeded. Art. 30(3): prevents renewal more than once in the same undertaking. LC 1974, Art. 30(2): removes the three year limit and maintains the two year limit for all workers. No provision for renewals, except in the case of aliens. LC 1992, Art. 25: different limits for different types of FTC but 'traditional' limit is still two years. One renewal permitted.
7. Agency work is prohibited or strictly controlled	1970: 1 1992: 0.67	LC 1967, Art. 140(1): prohibits private employment services/offices in any region where a regional employment service exists. Art. 139(1): no person not belonging to the National Labour and Employment Service shall engage in placement operations. Maintained in LC 1974, Art. 119(1). LC 1992, Art. 25(4): provides for contracts for workers engaged to replace temporarily absent staff; for seasonal jobs and for occasional increases in work. Art. 26: these contracts can be made through a temporary job contractor. Temporary job contractors can only be recruited for temporary work. The founding of an agency shall be subject to the approval of the Minister of labour. Art. 112(2)(b): makes provision for placement by private bodies (relaxation of the LC 1974 in respect of FTCs). LC 1992: also regulates the content of the agency contract including the reason for use of temporary work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No right to equal terms and conditions.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6	LC 1967 and 1974, Art. 96(1): one and a half days per month of actual service. (18 days per year). Now LC 1992, Art. 89.

10. Public holiday entitlements	1970: 0.61 1973: 0.56	Ordinance No. 60-30 1960, Art. 1: 11 public holidays. However, these days are not paid for daily/ hourly workers if no work is done on that day. For those paid monthly, no reduction in wages is to be made if the worker did not work on those days. Act Regulating Public Holidays 1973, Arts. 2 and 3: 10 days.
11. Overtime premia	1970: 0.25 1995: 0.3	LC 1967, Art. 87(2): hours of work in excess of the statutory hours shall give rise to higher wages. LC 1974, Art. 87(4): higher wages for overtime to be determined by the National Labour Council. LC 1992, Art. 80: decrees issued after consultation with the National Labour Advisory Board shall determine the remuneration of overtime giving rise to extra pay. Decree on Deviations in Working Time (DWT) 1995, Art. 12: 20% premium for first 8 hours, 30% for the next 8 hours, and 40 % for subsequent hours
12. Weekend working	1970: 0 1995: 0.4	LC 1967 and 1974, Art. 95(1): there shall be a weekly day of rest on a Sunday and this may under no circumstances be replaced by an allowance as to compensation. Art. 69 provided for the National Labour Council to determine the rate of remuneration for work on Sundays. Maintained LL 1992, Art. 88. DWT 1995, Art. 12: 40% premium.
13. Limits to overtime working	1970: 0 1995: 1	LC 1967 and 1974, Art. 87: NLC to determine permissible overtime limits. DWT 1995, Art. 10(4): 20 hours per week.
14. Duration of the normal working week	1970: 0.67	LC 1967 and 1974: weekly hours shall not exceed 40 hours. (48 hours for agricultural workers) Maintained in LC 1992, Art. 80.
15. Maximum daily working time	1970: 0	No maximum daily limit. (12 hour rest period for women and children only).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1993: 0.67	LC 1967 and 1974, Art. 37: notice must be given but no precise/minimum period is given. The period was to be determined by the NLC. Order No.15 of 1993, Art. 1: one month for domestic workers; 2 months for categories '7-9' and 3 months to categories '10-12'.

17. Legally mandated redundancy compensation	1970: 0 1993: 0.2	Order No. 16 of 1993, Arts. 1 and 2: severance pay at 20% of monthly wages per year for first five years. For three years' service: 0.6 of a month's wages.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	LC 1967 and 1974, Art. 48: no notice during trial period which can be up to 6 months long. Maintained in LC 1992, Art. 28. Up to 8 months for managerial employees. (See Art. 43 for immediate effect of dismissal).
19. Law imposes procedural constraints on dismissal	1970: 0 1992: 0.25	LC 1967 and 1974: no procedural requirements apart from the giving of notice and permitting time to find another job. LC 1992, Art. 39(2): If the worker is rightfully dismissed by the employer without respecting the formalities provided for, the amount of damages shall not exceed one month's salary. However, the formalities are minimal: written notice with reasons and time to find a new job.
20. Law imposes substantive constraints on dismissal	1970: 0.33	LC 1967 and 1974, Art. 39: termination possible for serious misconduct. Art. 41(1): dismissal not permitted if due to the opinions of the worker, trade union activity or his membership of a particular trade union. Art. 41(2): The competent court shall ascertain the wrongful nature of the termination by investigating the causes and circumstances thereof. The judgment must expressly mention the reason put forward by the party terminating the contract. Maintained in LC 1992 and dismissal also expressly possible on economic grounds (Art. 40).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	LC 1967 and 1974, Art. 41(1): every wrongful termination of employment shall give rise to damages. LC 1992, Art. 39(5): compensation for dismissal. Reinstatement is only available for workers' representatives.
22. Notification of dismissal	1970: 0.17 1974: 0.33	LC 1967, Art. 37: employee may request written confirmation of notice. LC 1974, Art. 37(1): notice must be in writing and specify the reasons for the termination. Maintained in LC 1992, Art. 34(1).
23. Redundancy selection	1970: 0	LC 1967: no provision for economic dismissals or criteria on which redundancy selection should be made. LC1974, Art. 43(2): The employer must determine an order

	1974: 1	of dismissals, taking into consideration length of service within the undertaking, professional proficiency and the family responsibilities of workers. LC 1992, Art. 40(6): the employer must determine an order of dismissals taking into consideration professional proficiency, seniority in the undertaking and the family responsibilities of workers. In any case, the order of dismissals must give precedence to professional proficiency. Priority replicated in Decree No. 21 of 26 May 1993, Art. 2(1).
24. Priority in re-employment	1970: 0 1974: 1	LC 1967: no provision for redundancy or priority for employees laid off for that reason. LC 1974, Art. 43(4): a worker so dismissed shall have a prior claim to engagement in the same category of employment in the same establishment for a period of two years. Maintained in LC 1992, Art. 40(9).
D. Employee representation		
25. Right to unionisation	1970: 1	1961 Constitution Art. 1: affirms its adherence to the fundamental freedoms set out in the Universal Declaration of Human Rights and the Charter of the United Nations. Art 23 of the UDHR: everyone has the right to join and form trade unions. 1972 Constitution: right to join and form trade unions is in the preamble (as part of the UDHR). Constitution 1996, Art. 23(4): everyone has the right to form and to join trade unions for the protection of his interests.
26. Right to collective bargaining	1970: 0	No right to collectively bargain in any of the constitutions.
27. Duty to bargain	1970: 0	There is no duty to bargain or framework for bringing either party to the negotiating table.
28. Extension of collective agreements	1970: 1	LC 1967 and 1974, Art. 59(1): extension of a collective agreement possible either by request or on the initiative of the Minister of Labour. Maintained in LC 1992, Art. 53(1).
29. Closed shops	1970: 0	LC 1967 and 1974, Art. 4: workers may join unions of their own choosing, they shall not be subject to discrimination in employment due to their choice, and they shall be protected from practices making their employment subject to the condition that they

		shall not join a trade union or shall relinquish union membership, or causing their dismissal or other prejudice by reason of union membership or participation in union activities. Maintained in LC 1992, Art. 4.
30. Codetermination: board membership	1970: 0	No provisions requiring employee representatives on the board.
31. Codetermination and information/consultation of workers	1970: 0.67	LC 1967, Art. 124: workers' representatives shall be elected in certain enterprises, as designated by decree. Art. 127: representative functions refer to any individual or collective demands in relation to conditions of work, worker protection, collective agreements, job classification and wage rates; to refer to the Inspectorate of Labour any complaint respecting the application of law and regulations; to ensure the laws on hygiene and safety are observed; and recommend any necessary action' and to transmit any useful suggestions for improving the organisation and output of the undertaking. Maintained in LC 1974, Ch. IV, and LC 1992, Ch. III. 1968 Decree: election of staff representatives is compulsory in enterprises with at least 10 employees.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1967, Art. 178(1): strikes or lockouts undertaken without prior recourse to conciliation shall be unlawful and deemed to be a breach of contract. Maintained in LC 1974, Art. 165(2) and LC 1992 (failed conciliation and arbitration is required before strike action can be taken).
33. Political industrial action	1970: 1	LC 1967 and 1974, Art. 3: permits political activity by trade unions provided that it is in the furtherance of the study, defence, promotion and protection of their interests, particularly those of an economic, industrial, commercial or agricultural character; or for the social, economic, cultural and moral progress of the members. LC 1992: no apparent restrictions on strikes due to their political nature.
34. Secondary industrial action	1970: 0.5	No express prohibition on secondary or solidarity strikes and the definition of strike (concerted stoppage within an establishment) does not exclude secondary action.

		However, the extensive conciliation and mediation procedures necessary in all three Codes before legal strike action can be taken will limit the extent to which solidarity action can be taken.
35. Lockouts	1970: 0.5	LC 1967 and 1974, Arts. 187 and 165 respectively: lockouts are regulated in a similar manner to strikes. Maintained in LC 1992, Art. 165.
36. Right to industrial action	1970: 0 1996: 1	No right to strike in 1961 or 1972 Constitutions. Right to strike in preamble of 1996 Constitution.
37. Waiting period prior to industrial action	1970: 0	In all three codes, there is no additional notice period for strikes but there is compulsory conciliation and arbitration which provides a de facto waiting period.
38. Peace obligation	1970: 0	Collective Agreement Decree of 1968, Art. 20: the parties to a collective agreement must not do anything liable to hinder the performance of the obligations under the agreement.
39. Compulsory conciliation or arbitration	1970: 0	All three codes provide for compulsory conciliation: Arts. 170, 166 and 158 for the 1967, 1974 and 1992 Codes respectively.
40. Replacement of striking workers	1970: 1	LC 1967, 1974 and 1992, Art. 4: workers shall be protected from dismissal by reason of union activities if these activities are lawful having regard to the relevant provisions. LC 1967 (only) Art. 139(1): placement agencies must refrain from placing workers during a strike. LC 1967, Art. 178, LC 1974, Art. 1973 and 1992, Art. 165: dismissal is a permissible consequence of an unlawful strike.

Canada

Note: the scoring is based on federal legislation (which applies to employment in connection with any federal work, undertaking or business, defined to include certain sectors) and to provincial labour standards where relevant and in relation to the more populous and economically important provinces.

Variable	**Score**	**Explanation**
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	Although policy plays a role the essential determination is made using the common law tests (control, integration, economic reality).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.5	There is no federal law on this point. Saskatchewan (s. 45(1) Labour Standards Act 1995) and Québec (Act Respecting Labour Standards 2000s, 41(1)) refer to pro-rata rights for part-timers but most provinces do not have such protections. Ontario had very limited protection between 1990 and 2000, governing part-time workers' severance pay rights (Employment Standards Act 1990 s 58, repealed 1990).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Federal law draws no distinction between part-time and full-time work in respect of dismissal rights.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.2	There is no legislation at federal level restricting the use of fixed-term contracts. Ontario case law suggests that a court should be not construe a contract as fixed-term too readily where this will lead to evasion of labour standards. The Ontario Employment Standards

		Act 2000 provides that where a fixed-term employment contract exceeds 12 months, where employment ends before the end of the term, or where the term is extended more than 90 days beyond the original term, the employee is entitled to statutory notice of termination.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no requirement of equal treatment for fixed-term contract workers.
6. Maximum duration of fixed-term contracts	1970: 0	There is no federal law on this point and only very weak regulation at provincial level (Ontario set a 9-year limit in 1990: Employers and Employees Act 1990, s. 2). Quebec: In *Atwater Badminton and Squash Club Inc. c. Morgan*, 2014 QCCA 998 an employee who had worked for 17 consecutive years on fixed term contracts was construed by the Court as having an indefinite contract because of the nature of the employment relationship. Courts may eventually recognize a series of FTCs as an indefinite contract but there is no specific time limit.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no restrictions on the use of agency work in federal law. In Ontario legislation from 1927 imposed restrictions on the activities that could be undertaken using agency work but these were removed in the 1950s. From that point on, although agencies had to be licensed, there were no substantive constraints on the use of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.2	There is no formal right to equality for agency workers. Some protection is provided by the ability of the courts to find that the user is the employer, applying the control test (*Point-Claire* case, SC 2007) or a test of employee perception of the employer (*SEIU Local 204* v. *Kennedy Lodge* (1984). The Ontario Employment Standards Act 2000 (ESA) deems the agency, not the client, to be the employer of agency employees and imposing on the agency the obligation to comply with the minimum standards and benefits provided by the ESA. Labour Code Canada 1970 s 5(2) explicitly states that no employer may (in its hiring or recruitment) use an agency that discriminates against persons on the basis of race, nationality, colour or religion.

B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33	Federal law (Labour Standards Regulations 1965) and Ontario law (Employment Standards Act 1968) both a set a norm of 2 weeks or 10 working days paid leave.
10. Public holiday entitlements	1970: 0.5 2000: 0.61	9 days is the norm at federal level (Canada Labour Code, Part III) and 11 in Ontario (2000 Employment Standards Act).
11. Overtime premia	1970: 0.5	Time and a half is the norm (1972 federal Labour Standards Regulation; Ontario, Employment Standards Act 1968).
12. Weekend working	1970: 0	There are no statutory rules on weekend overtime rates. The 1965 Labour Standards Act 1965 prescribes Sunday as the normal day or rest wherever practicable.
13. Limits to overtime working	1970: 1 1972: 0.5 2009: 0.75	The 1965 Labour Standards Act permitted overtime up to 48 hours per week. The 1972 Labour Standards Regulations introduced a more flexible limit and 13-week reference period. Under certain circumstances up to 60 hours per week may be work with permission of the director of labour standards. In 2009 the reference period was shortened to 2 weeks for industrial employment. In Ontario the Employment Standards Act 1968 set a 48-hour limit which was subject to a number of exceptions, and the law was loosened further in 2000 to allow overtime to be worked up to 60 hours.
14. Duration of the normal working week	1970: 0.67	Federal law observes a norm of 40 hours, subject to averaging over a reference period.
15. Maximum daily working time	1970: 1 1991: 0.5	The federal Labour Standards Act 1965 and the Ontario Employment Standards Act 1968 both set an 8-hour day with some proviso for longer working as long a minimum daily break was respected. From 1991 federal legislation (Art. 169 CLC) effectively set a limit of 13 hours of working time per day.
C. Regulation of dismissal		

16. Legally mandated notice period	1970: 0 1985: 0.17 1990: 0.25	The Canadian Labour Code s. 230, in force from 1985, requires two weeks' notice or compensation in lieu for a worker who has worked for at least three consecutive months, except in cases of summary dismissal for just cause. In Ontario the Employment Standards Act links the length of termination notice to the length of the employee's service. An employee employed for less than one year is entitled to one weeks' notice up to a maximum 8 weeks' notice for an employee employed for 8 or more years.
17. Legally mandated redundancy compensation	1970: 0 1983: 0.25	Under federal law, very limited rights to severance pay for workers with 12 months or more of continuous employment were provided from 1985 (s. 235 Canadian Labour Code). Ontario implemented a more generous scheme from 1983 under Employment Standards Act s. 51(2).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.67	A one-year qualifying period is the norm under the Canadian Labour Code, s. 240(a). This can be varied by collective bargaining or by ministerial order. Nova Scotia, which has a qualifying period of 5 years, and Quebec, which has a qualifying period of 2 years, are the only other Canadian jurisdictions that provide unfair dismissal protection.
19. Law imposes procedural constraints on dismissal	1970: 0 1972: 0.33	Since 1972, a limited right to a hearing is provided for under the federal legislation (s. 241 Canadian Labour Code).
20. Law imposes substantive constraints on dismissal	1970: 0.33	Canadian Labour Code s. 240 requires a reason to be given for dismissal. This equates to an obligation to give a potentially fair reason for dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Reinstatement is listed as one of the options under both federal law (Canadian Labour Code s. 242(4)) and provincial legislation (e.g. Ontario Employment Standards Acts 1990 and 2000).
22. Notification of dismissal	1970: 0.33 1978: 0.67	Notification to the employee in the case of an individual dismissal is required by s. 212 Canadian Labour Code. From 1978 notification to employee representatives and state bodies is required in the case of collective dismissals.

23. Redundancy selection	1970: 0	There are no legal regulations on this point.
24. Priority in re-employment	1970: 0	There are no legal regulations on this point.
D. Employee representation		
25. Right to unionisation	1970: 0.33	Constitutional texts (the Bill of Rights 1960 and the Charter of Rights and Freedoms 1982 contain references to freedom of association (s. 1(e) and s. 2(d)) respectively but not to trade unions as such. In *Dunmore v. Ontario (Attorney General)* [2001] 3 SCR 1016 The Supreme Court of Canada held that freedom of association includes the right to form and join trade unions and engage in their lawful activities.
26. Right to collective bargaining	1970: 0 2007: 1 2011: 0.75	The *BC Health* case (2007) recognised a right to collective bargaining in s. 2(d) of the Charter that had previously been rejected. The *Fraser* case (2011) subsequently narrowed this right, referring to a more diffuse obligation based on good faith. From 2015 the *Meredith* and *Saskatchewan* decisions supersede *Fraser*.
27. Duty to bargain	1970: 1	All jurisdictions impose a duty to bargain in good faith to bargain with the certified bargaining representative.
28. Extension of collective agreements	1970: 0	There is no provision for extension of collective agreements by legal regulation or order.
29. Closed shops	1970: 1	All jurisdictions in Canada permit the closed shop and constitutional case law has narrowly upheld a statutorily imposed closed shop arrangement (*Advance Cutting*, 2001). All jurisdictions permit compulsory dues payment for non-union members who are covered by a collective agreement.
30. Codetermination: board membership	1970: 0	There is no legal provision for worker representation on the board.

31. Codetermination and information/consultation of workers	1970: 0 1978: 0.33	There are no works councils in Canada. There is federal law on information and consultation over collective redundancies from 1978 (s. 212 Canadian Labour Code; see also s. 57(2) Ontario Labour Standards Act).
E. Industrial action		
32. Unofficial industrial action	1970: 0	The Canadian Labour Code (s. 89) requires a ballot and strike notice before a lawful strike. Employees are not permitted to strike if they are not part of a bargaining unit in respect of which these requirements have been met. The employer can apply to have a strike declared illegal for non-compliance with these requirements (s. 91).
33. Political industrial action	1970: 0	Political action is unlawful (ss. 88, 89 Canadian Labour Code).
34. Secondary industrial action	1970: 0.5	Secondary action is regulated by the common law, and is not unlawful per se.
35. Lockouts	1970: 0.5	Lockouts are regulated by law, in parallel with controls over strikes
36. Right to industrial action	1970: 0	There was no constitutional right to strike (1987 'trilogy' of cases) until 2015 (*Saskatchewan* decision).
37. Waiting period prior to industrial action	1970: 0	Under s. 89 Canadian Labour Code, extensive notice periods are imposed in relation to lawful strikes.
38. Peace obligation	1970: 0	Striking during the term of a collective agreement is generally unlawful (s. 88(1) Canadian Labour Code).
39. Compulsory conciliation or arbitration	1970: 0	The Canadian Labour Code (s. 89(d)) provides for notification to the minister if collective bargaining fails followed by a period of conciliation.
40. Replacement of striking workers	1970: 0	Since 1985, the Canadian Labour Code has required preferential reinstatement of

	1985: 1	striking workers after a lawful strike (s. 87(6)), and since 1998 there has been a formal prohibition on replacing striking workers (s. 94(2.1)).

Chile

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The Labour Code of 1931 defined 'employee' and 'workman' (the latter were not covered by the social security system until 1978). From 1994 Art. 7 of the Labour Code defines the individual contract of employment and Art. 8 deems an employment relationship to exist where the employee provides services to the employer in return for remuneration.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2001: 0.75	With effect from 2001 (Law 19759) the Labour Code (Art. 40) provides for a right to equal treatment for part-time workers, with exceptions affecting, inter alia, collective bargaining and the right to strike.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made between part-time and full-time work for the purposes of dismissal law.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	Art. 159 of the Labour Code stipulates that a fixed-term contract will be deemed to be for an indefinite terms if it is renewed twice, if the worker continues working after the terms end, or in certain circumstances of intermittent work over a 12 or 15-month period.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no general requirement of equal treatment and fixed-term contract workers are excluded from protection in relation to certain collective bargaining and industrial action rights.

6. Maximum duration of fixed-term contracts	1970: 1 1979: 0.8 1981: 1	Before 1979 the maximum permitted duration was 6 months, then it was 2 years (Decree 2200 1978), then the pre-1978 position was restored (Law 18018 1981).
7. Agency work is prohibited or strictly controlled	1970: 0 2007: 0.5 2008: 0.25	Before 2007 there were no substantive controls. Law 20123 2007 (Art. 183-N Labour Code) placed constraints on the use of agency work, permitting its use certain specified circumstances including maternity leave, start-ups, and unexpected increases in activity. In 2008 the Supreme Court ruled that it was unconstitutional law to fine employers in breach of this law, on the grounds that to do so infringed the freedom of the parties to make their own contract (Ruling 887-2008).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2007: 0.5	There was no requirement of equal treatment prior to 2007, and agency workers were specifically excluded from certain laws including the right to unionisation. From 2007 agency workers were provided with certain substantive rights (Law 20123 2007, Art. 183-N Labour Code).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	15 days: Labour Code, Art. 67.
10. Public holiday entitlements	1970: 0.56 1985: 0.61 2004: 0.67 2006: 0.72	10 days (Law 3810 1921), 11 days (Law 18432 1985); 12 days (Law 1973 2004); 13 days (Law 20148 2006); 14 days (Law 20299 2008).

	2008: 0.78	
11. Overtime premia	1970: 0 1987: 0.5	Prior to 1987, there was no statutory regulation of overtime rates, which were left to the agreement of the parties (see Decree 2200 1978). From 1987 time and a half has been the norm (Law 18620 1987; Labour Code, Art. 32).
12. Weekend working	1970: 1	Sunday work is restricted (Art. 35 Labour Code) and double time is the norm.
13. Limits to overtime working	1970: 1	There is strict regulation of overtime (2 hours per day, Decree 2200 1978, Law 18018 1981, Art 31 Labour Code; 30 hours per month, Law 19579 2001).
14. Duration of the normal working week	1970: 0.13 2005: 0.33	48 hours (Decree 35 1973, Decree 2200 1978, Act 18372 1984); 45 hours (Law 19759 2005).
15. Maximum daily working time	1970: 1 1981: 0.8	8 hours (Decree 2200 1978); 10 hours (Law 18108 1981, Law 18372 1984, Law 19759 2005, Arts. 28, 38, Labour Code).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	30 days (Art. 161 Labour Code).
17. Legally mandated redundancy compensation	1970: 0 1978: 1	The norm is one month's salary for each year of service (Decree 2200 1978, Art. 163 Labour Code).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 1979: 0.67	One year (Decree 2200 1978, Law 19010 1990, Art 159 Labour Code).

19. Law imposes procedural constraints on dismissal	1970: 0	There are no specific procedural requirements for dismissal (Arts. 160, 162 Labour Code).
20. Law imposes substantive constraints on dismissal	1970: 0.67 1978: 0 1984: 0.33 1990: 0.67 2002: 1	Law No. 16445 1966 required justified cause. Decree 2200 1978 allowed dismissal without cause on the payment of severance pay. Law 18018 allowed dismissal for the 'needs of the enterprise'. Law 18372 1984 repealed the 'needs of the enterprise' ground Law 19010 1990 introduced the 'just cause' and 'economic cause' for dismissal. Law 19759 2002 removed 'lack of capability' as a ground. Appeal Court ruling 342 2007 held that operational reasons for dismissal cannot depend solely on the will of the employer. See Arts. 160, 161, Labour Code.
21. Reinstatement normal remedy for unfair dismissal	1970: 1 1978: 0.33	The norm prior to 1978 was reinstatement. Decree 2200 1978 replaced with a right to severance pay. Compensation is now the only remedy (Art 168 Labour Code).
22. Notification of dismissal	1970: 1 1981: 0 1994: 0.67	Before 1981 authorisation was required for the dismissal of more than 10 employees in one month. Law 18108 removed this requirement. The rule from 1994 is notification to the public authorities for both individual and collective dismissals: Art. 162 Labour Code.
23. Redundancy selection	1970: 0	No legal requirements on this issue.
24. Priority in re-employment	1970: 0	No legal requirements on this issue.
D. Employee representation		
25. Right to unionisation	1970: 1	Prior to 1973 the norm of *fuera sindical* provided strong protection to union leaders and members. Laws of 1973 (Decree Law No. 12, 17.9.73, Decree Law No. 198 1973)

	1973: 0 1980: 0.33	outlawed the main trade union confederation and deprived unions of the right to hold meetings. Decree 2346 1978 dissolved the major unions, DL 2346 1978 declared activity on behalf of workers by unofficial groups as liable to criminal penalties, and Decree law 2376 1978 restricted trade union rights at plant level. The 1980 Constitution provides a right to free association without prior authorisation.
26. Right to collective bargaining	1970: 1 1973: 0 1980: 0.67	Collective bargaining was suspended in 1973 and subsequent laws (1974 Law on Social Enterprises, Decree No. 2758 and Decree No. 2950 1979) further limited collective bargaining. The 1980 Constitution, Art. 19(16), provides a right to collective bargaining at workplace level 'except as prohibited in legislation'.
27. Duty to bargain	1970: 0 1994: 1	With effect from 1994, there is a duty to bargain, failure is punishable by fine (Art. 332 Labour Code).
28. Extension of collective agreements	1970: 0.67 1973: 0 1991: 0.33	Prior to the 1973 coup, there were some sector-level agreements which were negotiated with the participation of the labour inspectorate and ministry. Following the coup collective bargaining was effectively dormant. After Law 19069 1991 some encouragement was given to multi-employer collective bargaining but it remains limited. See Arts. 79, 83, 343 Labour Code.
29. Closed shops	1970: 1 1973: 0	The pre-1973 legislation provided for closed shops. After the 1973 coup trade union rights were ineffective. Decree 1553 1976 and Decree law 2376 1978 incrementally prohibited the closed shop.
30. Codetermination: board membership	1970: 0	There is no right to board-level representation of workers.

31. Codetermination and information/consultation of workers	1970: 0	There is no law requiring the establishment of works councils.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Compulsory arbitration in the public sector (Arts. 384-385), right of employer to exempt issues from collective bargaining by a 'managerial prerogative' clause.
33. Political industrial action	1970: 0	No right to take part in political strikes: Arts. 369-373 Labour Code.
34. Secondary industrial action	1970: 0	There is no right to organise or take part in secondary industrial action (Arts. 369-373 Labour Code).
35. Lockouts	1970: 0 1991: 0.5	Lockouts were permitted up to Law 19069 1991 which imposed certain constraints. See Labour Code Art. 381.
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0.5	Once a vote to strike has been taken, the employer must be notified within 5 days.
38. Peace obligation	1970: 0.5	A strike is not unlawful by virtue of there being no collective agreement in force but only employees engaged in collective bargaining have the right to strike.
39. Compulsory conciliation or arbitration	1970: 0	Compulsory arbitration was provided for Decree 1976 1553.
40. Replacement of striking workers	1970: 1	Before 1978, replacement of striking workers was prohibited. Law 19010 1990 imposed restrictions on the use of temporary workers in response to strike action. Under the

	1978: 0 1990: 0.5	Labour Code, Art. 3789, the employer can replace after 15 months.

China

Note: coding is from 1986, when the first labour laws with a general application were enacted. During the Cultural Revolution (1966-1978), the legal system was effectively in abeyance.

Variable	**Score**	**Explanation**
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1986: 0.5	Chinese labour law distinguishes between labour contracts, which are regulated by the Labour Law of 1994 and related laws, and employment contracts, which are governed by the civil law and less well protected. The concept of subordination is not set out in legislation and criteria for identifying dependent labour are mostly the result of case law and legal commentary. The tests for identifying the labour contract are often applied formalistically and allow employers scope for avoidance (Cooney, Biddulph and Zhu, *Law and Fair Work in China* (2013), p. 54).
2. Part-time workers have the right to equal treatment with full-time workers	1986: 0	Prior to the enactment of the Labour Contract Law 2007, part-time work and casual work was according to most commentators not legally recognised and hence unprotected. Under the LCL, non full-time workers employed for 4 hours or less per day and less than 24 hours per week may be employed on an oral contract. Their hourly rate must not be less than the minimum wage but there is no right to equal or proportionate treatment (LCL, Arts. 69, 72).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1986: 0	See above, v. 2 on the position prior to 2008. Under the LCL 2007 (Art. 71), part-time or casual workers may be dismissed at will and without severance pay.

4. Fixed-term contracts are allowed only for work of limited duration.	1986: 0	Under the LCL, the only limits on the use of fixed-term employment are procedural (see v. 6); there are no substantive preconditions or justifications. This was also the position prior to 2008.
5. Fixed-term workers have the right to equal treatment with permanent workers	1986: 0.5	The Provisional Regulations on the Implementation of the Labour Contract System in State-Owned Enterprises 1986 Art. 3 provides for equal rights of workers employed under labour contracts with those of permanent workers in the enterprise, in relation to employment, participation in the enterprise, and material awards . See also Art. 3 LL 1994 on the right to employment on an equal basis. The LCL 2007 draws no distinction for this purpose between fixed-term and permanent workers.
6. Maximum duration of fixed-term contracts	1986: 0	The Provisional Regulations 1986 provided that on the first hiring a fixed-term worker could be employed for up to 4 years but did not stipulate a cumulative maximum. The LL 1994 merely provides that fixed-term contracts will terminate on the expiry of the term. LCL 2007 Art. 14 sets a limit of two successive contracts and a cumulative duration of 10 years before a contract is deemed to be permanent.
7. Agency work is prohibited or strictly controlled	1986: 0 2008: 0.5	'Dispatch agencies' became widespread in the 1980s and 1990s. While they were subject to local authority monitoring, they were otherwise little regulated. The LCL 2007 specifies that the agency is the employer, imposes minimum capital requirements and other conditions on agencies, prohibits 're-dispatching', sets a 2-year minimum term for the first contract, and requires temporary agency work contracts to be used to fill 'temporary, auxiliary or substitute' job positions. The latter provision has however proved hard to enforce in the courts (Cooney et al., p. 95).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1986: 0 2008: 1	Under the LL 1994 no specific legal status was attached to agency work. LCL 2007 Art. 61 provides that minimum standards applicable to work in the hirer organisation must also be applied to agency workers (Art. 61) and that agency workers are entitled to the same pay as comparable workers directly employed by the hirer (Art. 63). An amendment taking effect in 2013 enacts a formal right to equal treatment.

B. Regulation of working time		
9. Annual leave entitlements	1986: 0 2007: 0.17	LL 1994 made provision for leave but it was not until 2007 that regulations were passed to implement this provision, setting a 5-day norm for an employee with 10 years' service, 10 days for one with 10 years' service, and 15 days for one with 20 years or more service.
10. Public holiday entitlements	1986: 0.83	LL 1994 provides for four days of national holidays and for public holidays to be set by state council regulations, which provide for 11 days (Cooney et al., p. 63). Prior to that an 11 day norm was widely observed (see e.g. Holidays Act 1951).
11. Overtime premia	1986: 0 1995: 0.5	Time and a half is the norm (LL 1994 Art. 44).
12. Weekend working	1986: 0 1995: 1	State council regulations specify that Saturday and Sunday will be normal weekend days of rest and Art. 48 LL 1994 provides for double time.
13. Limits to overtime working	1986: 0 1995: 1	The norm is one hour of overtime per day but this can be increased to 3 hours or 36 hours over a month for 'special reasons': LL 1995 Art. 41.
14. Duration of the normal working week	1986: 0 1995: 0.4 2008: 0.67	44 hours (LL 1994 Art. 36); 40 hours (LCL 2007 Art. 36).

15. Maximum daily working time.	1986: 0 1995: 0.9	There are no specific provisions on rest breaks or night work under the LL 1994. The normal working day is 8 hours with provision for one hour of overtime which can be increased to three under special circumstances.
C. Regulation of dismissal		
16. Legally mandated notice period	1986: 0.33	30 days or one month: Provisional Regulations 1986, Art. 16; LL 1994, Art. 26; LCL 2007, Art. 40.
17. Legally mandated redundancy compensation	1986: 1	One month's pay per year of service. See now LCL 2007 Arts. 46, 47.
18. Minimum qualifying period of service for normal case of unjust dismissal	1986: 0.83	6 months: Provisional Regulations 1986, Art. 6 (probationary period between 3 and 6 months); LL 1994 Art. 21 (probationary period maximum of 6 months); LCL 2007, Art. 19.
19. Law imposes procedural constraints on dismissal	1986: 0 1995: 0.2 2008: 0.5	Under the LL 1994, procedural restraints on dismissal were minimal. For misconduct dismissals there was a notification period of 30 days. Under LCL 2007, dismissals for incompetence require the employer first to attempt to retrain. Notification requirements apply for certain other dismissals.
20. Law imposes substantive constraints on dismissal	1986: 0.67 1995: 0 2008: 0.67	The Provisional Regulations (1986) set out grounds for dismissal including failure of probation, illness, misconduct, and redundancy. Under the LL 1995 there was a system akin to at-will employment with minimal restrictions on misconduct dismissals (Arts. 24-26). LCL 2007 Art. 40 restores the 1986 grounds of dismissal and adds certain economic grounds.
21. Reinstatement normal remedy for unfair dismissal	1986: 0.33 1995: 0.5	The Provisional Regulations (1986) provide for compensation as the remedy for unjust dismissal (Art. 16). LL 1994 provided for compensation (Art. 28) and a form of reinstatement or 'rectification' (Art. 98). LCL 2007 Art. 48 makes reinstatement the

	2008: 1	normal remedy if the worker requests it, otherwise, there is provision for compensation (Art. 87).
22. Notification of dismissal	1986: 0.5 1995: 0.75 2008: 1	Under the Provisional Regulations (1986), the employer had to consult the trade union and make a report of the dismissal to the administrative authorities and to the labour office. LL 1994 Art. 30 gives the trade union the right to make representations to the employer in a case where it considers termination to be inappropriate. LCL 2007 refers to notification to both the union and the public authorities in the case of both collective and individual dismissals. If the employer violates the law the trade union has the right to require rectification and the employer must consider the trade union's view and notify it of how it handled the matter.
23. Redundancy selection	1986: 0 2008: 1	LCL 2007 sets out priority rules covering those on indeterminate employment contracts, fixed-term contracts, and sole breadwinners (Art. 41).
24. Priority in re-employment	1986: 0 2008: 1	LCL 2007 Art. 7 introduces a priority period of 6 months following dismissal.
D. Employee representation		
25. Right to unionisation	1986: 0.33	There is no constitutional right to unionisation as such but the right to freedom of association has been protected since the constitution of 1975.
26. Right to collective bargaining	1986: -0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1986: 0 1992: 0.5	The Trade Union Law 1992 Art. 20 makes no reference to a right to negotiate but refers to trade unions consulting with the employer and signing collective agreements.

28. Extension of collective agreements	1986: 0	There are no laws for the extension of collective agreements.
29. Closed shops	1986: 0	There is no law protecting the closed shop.
30. Codetermination: board membership	1986: 0 1994: 1	Laws prior to the cultural revolution referred to the right of trade unions to attend management committees or boards of enterprises (Trade Union Law 1950, Art. 8). Company Law since 1993 has provided for staff representation on the boards and supervisory boards of limited liability companies, state-owned companies, and companies limited by shares. (Arts. 45, 52, 68, 71, 109 and 118)
31. Codetermination and information/consultation of workers	1986: 0 1988: 0.67 1994: 0.33	TUL 1950 refers to the right of trade unions to take part in the management of production. The Law on Industrial Enterprises Owned by the Whole People 1988, Art. 51, provides for workers' congresses through which employees can take part in the management of the enterprise. Art. 52: provides for information to be given to the congress concerning the enterprise's policies and plans (both short and long-term) including any construction or development; use of funds; wage plans and policies; rules, regulations and penalties; plans for workers' welfare and housing; evaluation of management at the various levels. The workers' congress is entitled to be consulted on these matters and evaluate the policies. However, the Provisional Regulations on Private Enterprises 1988 make no provision for information and consultation rights. TUL 1992 Art. 20 refers to trade unions taking part in consultation with the employer in private-sector enterprises and Art. 38 refers to a more specific duty to consult in SOEs. The Company Law 1993, Art. 18 provides for consultation with trade unions on matters similar to those specified in the 1988 Law. The Labour Law of 1994 refers to a right of employees to participate in the management of enterprises, in accordance with law. The Labour Contract Law of 2007 also provides for consultation rights for trade union in various areas. In 2008 the Law on State-Owned Assets of Enterprises replaced the 1988 Law. It provides that democratic management will be provided by the assembly of employee representatives or by other means. The information and consultation rights provided relate only to appointments to management and consultation of the trade union

		in the event of restructuring. The Company Law governs information and consultation rights in state enterprises. The Provisions on the Democratic Management of Enterprises 2012, Arts. 13-14, provide guidelines for information and consultation (through workers' congresses or workers' assemblies) that broadly replicate the 1988 and Company Laws but include additional areas of competence.
E. Industrial action		
32. Unofficial industrial action	1986: 1	Strikes are not unlawful as such in China (Chang, IJCLLRI 2013) and are not unlawful merely by virtue of being unofficial.
33. Political industrial action	1986: 0	Political strikes are not prohibited as such but references to lawful strike activity in the context of TUL 1992 (Art. 27) are made in the context of economic strikes.
34. Secondary industrial action	1986: 0	References to industrial action in TUL 1992 (Art. 27) refer to industrial action at enterprise level.
35. Lockouts	1986: 0	There is no law against lock outs.
36. Right to industrial action	1986: 0	The constitutions of 1975 and 1978 referred to the right to strike, but this reference was removed in the 1982 constitution.
37. Waiting period prior to industrial action	1986: 1	The legality of a strike is not conditional upon meeting a waiting period.
38. Peace obligation	1986: 1	The legality of a strike is not conditional on observance of a peace clause.
39. Compulsory conciliation or arbitration	1986: 0 1992: 0.50	The legality of strike action is not dependent upon the operation of conciliation mechanisms, but TUL 1992 Art. 27 imposes a duty on the union to promote a solution through arbitration and conciliation in the event of strike action.
40. Replacement of striking workers	1986: 0 2000: 0.33	There was no prohibition on hiring replacements for workers taking part in industrial action prior to 2000 when Ordinance 51 2000 provided that taking part in a strike was not a lawful ground for dismissal unless the employer gave notice or made a payment in

		lieu.

Colombia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Employment is defined by the criterion of service (Labour Code 1950, Art. 5) and by reference to a number of indicia (Art. 23), with a presumption in favour or employee status (Art. 24).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 2010: 0.5	There is no specific provision on part-time work, but general equality clauses in Art. 10 of the LC 1950 and Art. 2 of Law No. 1010 of 2010. Law 823 of 2003 addresses indirect sex discrimination.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no distinction between part-time workers and full-time workers for this purpose.
4. Fixed-term contracts are allowed only for work of limited duration.	1970: 0	Although there are provisions on duration of FTCs, there are none requiring justification of FTCs.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	There is no specific provision on FTCs, but general equality clauses in Art. 10 of the LC 1950 and Art. 2 of Law No. 1010 of 2010. FTC workers are subject to a distinct employment termination regime with fewer rights to compensation for dismissal.
6. Maximum duration of fixed-term	1970: 0	Art. 46 LC sets a 2-year limit to the first contract but allows renewal without limit. In

contracts		1990 (Law No. 50) the duration of the first contract was set at 3 years but renewal without limit was again permitted.
7. Agency work is prohibited or strictly controlled	1970: 0 1990: 0.67	Employment Services Decree 2318 of 1953 introduced licensing requirements and reporting duties for agencies. Decree No. 79 of 1988 authorised workers' cooperatives which engaged in extensive subcontracting. Law 50 of 1990, Art. 77, restricts the use of agency work to specified circumstances. Since 2011 there has been a policy of disbanding illegal agencies acting as workers' cooperatives and a strict approach to licensing and regulation of agencies.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.5 1990: 1	Prior to 1990 there was some protection through general equal treatment clause in Art. 10 of the Labour Code and other relevant provisions. A right to equal treatment with workers of the user undertaking was introduced by Law 50 of 1990, Art. 79.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	15 days: LC 1950, Art. 186(1).
10. Public holiday entitlements	1970: 1	18 days: LC 1950, Art. 177.
11. Overtime premia	1970: 0.25	25%: LC 1950, Art. 186.
12. Weekend working	1970: 1 2003: 0.75	Sunday normal day of rest, double time: LC 1950, Arts. 172, 181. Law No. 789, 2003, Arts. 175, 179, 180: 75% premium.
13. Limits to overtime working	1970: 0.75	LC 1950, Arts. 162-3: 2 hours per day and 12 hours per week subject to urgent needs of the enterprise, with provision for administrative approval of longer hours, over specified reference periods. Changes made in 2003 retain the reference period approach.
14. Duration of the normal working week	1970: 0.13	48 hours: LC 1950, Art. 161.

15. Maximum daily working time	1970: 0.8	Norm of 8 hours, with 2 hours overtime: LC 1950, Arts. 161, 163.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 1990: 0	The LC 1950 originally provided for a norm of 15 days' notice. From 1990, no notice as such is required, if the employer makes a severance payment based on the workers' wage or salary (see variable 17).
17. Legally mandated redundancy compensation	1970: 0.83 2003:0.61	Under the 1965 Decree, an employee with 3 years' service would be entitled to compensation of 75 days' pay (45 days plus 15 days for each further year). From 2003 the payment is calculated on the basis of 20 days' pay for the first years and 15 days for the subsequent two.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.94	2 month probation period: LC Art. 79.
19. Law imposes procedural constraints on dismissal	1970: 0.33 1990: 0	Under the 1965 Decree, Art. 7, in a case of just-cause dismissal, the employee had to be notified of the cause in writing. From 1990, there is in effect no procedural constraint as the only obligation is to make a severance payment in lieu of notice.
20. Law imposes substantive constraints on dismissal	1970: 0.67	The 1965 Decree and 1990 Law both set out specific causes which may justify dismissal. See now LC Art. 64 as amended.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.5 1990: 0.33	Art. 64(6) of LC 1950 provided for reinstatement where both parties agreed, with the employee forfeiting any right to compensation in that event. From 1990 compensation is the normal remedy.
22. Notification of dismissal	1970: 0.33 1990: 1	Art. 7 of the 1965 Decree required written reasons to be notified to the employee. From 1990 collective dismissals required state permission (Arts. 40, 61 LC 1990).

23. Redundancy selection	1970: 0	No legal provision.
24. Priority in re-employment	1970: 0	No legal provision.
D. Employee representation		
25. Right to unionisation	1970: 1	The right to organise has been recognised in successive constitutions (see now 1991 Constitution, Arts. 38-39).
26. Right to collective bargaining	1970: 0 1991: 1	1991 Constitution, Art. 1.
27. Duty to bargain	1970: 1 1990: 0.25	Art. 27 of the 1965 Decree established a duty to negotiate. From 1990 there is no duty to conclude a collective agreement where union membership is below 30%, instead the employer may conclude a 'collective pact' with non-unionised workers (LC Art. 484).
28. Extension of collective agreements	1970: 1	LC Arts. 470-472 provide for an extension mechanism.
29. Closed shops	1970: 0	The law provides for freedom of union affiliation: LC Art. 354.
30. Codetermination: board membership	1970: 0	No legal provision.
31. Codetermination and information/consultation of workers	1970: 0	No legal provision.
E. Industrial action		
32. Unofficial industrial action	1970: 1	From 1990, a strike is illegal if it is not first authorised by a majority of the workers: LC Art. 450(1)(d).

	1990: 0	
33. Political industrial action	1970: 0	A strike is defined by reference to the economic and professional interests of the workers taking part in it: LC Art. 429.
34. Secondary industrial action	1970: 0	A strike must refer to the economic and professional interests of workers in relation to their own employer: LC Art. 429.
35. Lockouts	1970: 0.33 1982: 1	Prior to 1982, there was a limited right to lock out (see Law 330/1976). Since Law 1264/1982, lockouts have been prohibited.
36. Right to industrial action	1970: 0 1981: 1	Constitutions have referred to the right to strike since 1981. See now Art. 56, 1991 Constitution.
37. Waiting period prior to industrial action	1970: 0	Successive laws have required notice and waiting periods in connection with strikes: 1965 Decree, Art. 32; LC, Art. 444.
38. Peace obligation	1970: 1	There is no law preventing strikes during the currency of a collective agreement.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation and arbitration are compulsory before strike action: LC Arts. 432-463
40. Replacement of striking workers	1970: 1	The effect of a lawful strike is to suspend the contract of employment and the employer may not replace workers taking part in a lawful strike: LC Art. 449.

Costa Rica

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	LC 1943, Art. 4: 'Employee' (trabajador) shall mean any person who performs for another person or persons a material or intellectual service, or both, under a contract of employment, whether express or implied, oral or in writing, individual or collective. Art. 18: An individual contract of employment, irrespective of the name given to it, shall mean a contract in pursuance of which a person binds himself to perform services or work for another, under his constant supervision and direction (whether exercised personally or by a representative), for remuneration of any kind or in any form. The existence of such a contract between the employee performing services and the person who receives such services shall be presumed. The approach of the courts has been to find an employment relationship unless services rendered are not personal (although some degree of substitution has been found to be acceptable) and the courts will look to the day-to-day reality of the services rendered rather than the agreement drawn-up by the parties.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	Constitution, Art. 57: equal pay for equal work.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction between the cost of dismissal for part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	LC 1943, Art. 26: A contract of employment shall not be concluded for a specified period except in cases where this arises out of the nature of the work to be performed. If upon the expiration of the period covered by the contract, the causes out of which it arose and the occasion for the work still exist, a contract in which the nature of the work is permanent shall be deemed to be a contract for an indefinite period, in so far as

		this is to the advantage of the employee.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	No entitlement of FTC workers to equal treatment.
6. Maximum duration of fixed-term contracts	1970: 0	LC 1943, Art. 27: FTCs may be renewed and there is no apparent maximum cumulative duration.
7. Agency work is prohibited or strictly controlled	1970: 0.25	No general regulation of recruitment agencies, however, LC 1943, Art. 3: 'middlemen' are defined as persons who contract for the services of another person or persons for the performance of any work on account of an employer. The employer is jointly liable for actions performed by the middleman, for all legal purposes under the Code, related regulations, and provisions relating to social security. Also LC 1943, Art. 41: strict requirements for recruitment agencies to meet in order to be able to send Costa Ricans abroad. Ministry permission is needed as well as the satisfaction of certain financial guarantees.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Some protection provided for by LC 1943, Art. 3 and the joint responsibility but no substantive right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.47	LC 1943, Art. 153: two weeks' annual leave for every 50 weeks of work. (Two weeks' leave per year).
10. Public holiday entitlements	1970: 0.28 1996: 0.5	LC 1943, Arts. 147 and 148: 14 days but 5 of those are paid (employers can agree to pay for more). Art. 149: employers will be subject to a fine if they require employees to work on public holidays. 1996 amendment: 9 paid public holidays and two additional (not paid) public holidays.

11. Overtime premia	1970: 0.5	LC 1943, Art. 139: 50% premium
12. Weekend working	1970: 1	LC 1943, Art. 152: If an employer fails to grant a rest day to his employees after six consecutive days' work, he shall be liable to the statutory penalties and shall also be bound to pay the employees for the said day's work double the wage usually paid to them.
13. Limits to overtime working	1970: 1	LC 1943, Art. 136: weekly maximum of 48 hours.
14. Duration of the normal working week	1970: 0.13	LC 1943, Art. 136: 48 hours.
15. Maximum daily working time	1970: 0.6	Art. 140: 12 hours maximum (more permissible in the event of a catastrophe or imminent danger).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	LC 1943, Art. 28: one month after a years' continuous employment.
17. Legally mandated redundancy compensation	1970: 1	LC 1943, Art. 29 provides for is severance pay unless there is a justified dismissal: one month's wages for every year of employment.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.	There is no 'unjust dismissal' as such.
19. Law imposes procedural constraints on dismissal	1970: 0	There are no procedural requirements which, if not complied with, would lead to a finding of unfair dismissal.
20. Law imposes substantive constraints on dismissal	1970: 0	LC 1943, Art. 28: Generally dismissal possible without cause provided that notice (or payment in lieu) is given, along with severance pay. Notice and severance pay need not be given if the employee does anything described in Art. 81 (includes: misconduct e.g. violence, slander, damage of property, and etc.)

21. Reinstatement normal remedy for unfair dismissal	1970: 0	LC 1943: there is no compensation for unfair dismissal, only severance pay. Severance pay may be avoided if the employee does any activity described in Art. 81. 1993 amendment to LC 1943, Art. 368: reinstatement was made possible for dismissal of trade union representatives (who were dismissed due to that status). However, there is no legal obligation on an employer to prove grounds for the dismissal of workers, the procedure for obtaining a reinstatement order is complicated, and there is no legal mechanism to get an employer to comply with the reinstatement order.
22. Notification of dismissal	1970: 0	LC 1943, Art. 28: notice shall be in writing unless it is an oral contract (in which case the oral dismissal must be in the presence of two witnesses) but no reasons for the dismissal are required and the giving of notice can be waived if money for the notice period is given in lieu.
23. Redundancy selection	1970: 0	No redundancy hierarchy.
24. Priority in re-employment	1970: 0	No priority rights
D. Employee representation		
25. Right to unionisation	1970: 1	1949 Constitution as amended to 2011: both employers and workers may organize freely, for the exclusive purpose of obtaining and preserving economic, social, or occupational benefits.
26. Right to collective bargaining	1970: 0.75	1949 Constitution as amended to 2011: collective labour agreements shall have the force of law if entered into in accordance with the law. (This is understood as the right to collectively bargain).
27. Duty to bargain	1970: 0.5	Employers may be compelled to reach an agreement in certain instances: LC 1943, Art. 56: If more than one-third of the employees employed by any private employer in his undertaking, or in a particular establishment if the undertaking on account of the nature

		of its activities carries on work in different districts of the country, are members of an industrial association or associations, the employer shall be bound to conclude a collective agreement with such association if requested to do so by the association.
28. Extension of collective agreements	1970: 1	LC 1943, Art. 63: extension procedure.
29. Closed shops	1970: 0	LC 1943, Art. 70(c): employers cannot compel employees to leave lawful employees' associations. Art. 271: It shall not be lawful to compel any person to become a member of an association or to refrain from doing so. (Art. 271 moved to Art. 341 as of 1982 amendment).
30. Codetermination: board membership	1970: 0	No right to board membership.
31. Codetermination and information/consultation of workers	1970: 0	Occupational health councils are provided for but there are no works councils or any equivalent bodies.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1943, Arts. 276(e): lawful strikes can only be declared by general meeting. Art. 275(h): quorum requirements for a general meeting, starting at two-thirds but decreasing in number if the required numbers are not met. Art. 366 (Art. 373 as of 1993): also requires that the conciliation procedures provided for in Ch. 3 of the Code must be exhausted before the strike action can be legal, furthermore, the strike must comprise at least 60% of employees at the undertaking. Note that in 2011 the 60% participation requirement was declared unconstitutional by the Constitutional Court.
33. Political industrial action	1970: 1	LC 1943, Art. 364: Strike must be for the purpose of bettering of the strikers' common economic and social interests. Political strikes may be permitted if they can fall within this definition.
34. Secondary industrial action	1970: 0.5	There is no express prohibition on solidarity action but lawful action will be subject to

		conciliation requirements
35. Lockouts	1970: 0.5	LC 1943, Art. 372: lockouts are provided for but they must be peaceful and with the aim of defending employers' economic or social interests. One month's notice must be given before the commencement of a lockout. Art. 373: The notice must follow the conclusion of conciliation proceedings. Regulations concerning strikes are also applied to lockouts.
36. Right to industrial action	1970: 1	1949 Constitution as amended to 2011: Art. 61: right to strike except in public services.
37. Waiting period prior to industrial action	1970: 0	LC 1943 (1946 amendment): after conciliation has failed, 72 hours' notice must be given by the union before the commencement of the strike. This provision was declared unconstitutional in 1979. However, the mandatory conciliation period provides a de facto waiting period.
38. Peace obligation	1970: 1	There is no prohibition on strike action merely because an agreement is in force.
39. Compulsory conciliation or arbitration	1970: 0	LC 1943, Art. 366(b) (Art. 373 as of 1993): requires that the conciliation procedures provided for in Ch. 3 of the Code must be exhausted before a lawful strike can take place. LC 1943, Art. 368: compulsory settlement for public services.
40. Replacement of striking workers	1970: 0.5	LC 1943, Art. 365: lawful strike suspends contracts so that employers cannot dismiss workers during the strike. However, there is nothing to prevent this after the strike is finished, and there is no general unjust dismissal law.

Croatia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 1	The laws describe employees as persons doing tasks for employers. There is little scope for altering this status by agreement. However, if self-employed, persons will not be governed by labour law but by the Obligations Act.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	Law on the Basic Rights of Employment (LBRE) (Yugoslavian Law adopted as Croatian by virtue of Act of 26 June 1991) 1989: only recognised part-time work for parental leave and for this purpose, part-time is to be considered as full time. LL 1992, Art. 36: rights and obligations for part-time workers are to be proportionate to full-time workers. LL 1995, Art. 82: equal pay for men and women (indirect protection for part-time workers). LL 2009, Art. 43: Art. 11 (providing for equal working conditions for fixed-term workers) shall apply to part-time workers as well.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	Law on the Basic Rights of Employment (LBRE) (Yugoslavian Law) 1989: only recognised part-time work for parental leave and for this purpose, part-time is to be considered as full time. No distinction between costs of dismissing part-time and full time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1991: 1 2004: 0 2009: 1	LBRE 1989, Art. 12: FTCs are permitted only for seasonal jobs, work on a project, to deal with a temporary increase in work load, or to fill in temporarily for another employee. LL 1992 and 1995: similar provisions. LL 1995: permits a collective agreement to limit or expand the possibility of concluding a contract of employment for a definite period. 2004 amendment: FTCs are described as 'exceptional' but may be concluded on 'objective' factors such as limited period of time. However, it is not specified that the 'limited period of time' be linked to work of a temporary nature. LL 2009, Art. 10: FTCs have to be justified by a specific deadline, performance of a specific task or occurrence of a specific event.

5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0 2009: 1	LBRE 1989, Art. 12: fixed-term workers have all the rights and duties of workers of indefinite duration; however, no right to equal treatment as such. LL 1992 and 1995: no right to equal treatment or the same rights and duties. LL 2009, Art. 11: provides for equal working conditions for fixed term workers.
6. Maximum duration of fixed-term contracts	1991: 0 1992: 0.5 1995: 0.7	LBRE 1989: no maximum cumulative duration. LL 1992: limits depending on the types of work. Art. 11:1 year for a temporary increase in workload; 5 years for a project. LL 1995, Art 10: maximum cumulative duration of 3 years but this may be changed by collective agreement. LL 2009, Art. 10: 3 years is default maximum cumulative duration but may be extended if replacing a temporarily absent employee or 'other objective reason', or if a collective agreement permits.
7. Agency work is prohibited or strictly controlled	1991: 1 2003: 0.5	Agency work was only made legal in 2003 with an amendment to the LL 1995. Art. 220: agencies must be restricted to this business only. They must be registered with the responsible Ministry. Workers may not be engaged for more than a year (unless interrupted by a period longer than a month). Agencies have a number of obligations to comply with and are responsible for paying salaries. Agencies must keep records and send duplicates to the inspectorate. 2004 Amendment: salary for agency workers must be no less than comparable workers directly employed. Agency workers cannot be used to replace striking workers, used for hazardous jobs, or be sent to employers who have laid off employees for business reasons in the last 6 months. 2009: maintains these provisions.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 1 2003: 0 2004: 0.5 2009: 1	Agency work was only made legal in 2003 with an amendment to the LL 1995. No right to equal treatment initially. 2004 amendment: entitlement to equal salary (Art. 233(5)). LL 2009, Art. 26(5): working conditions and salary may not be less than comparable employees directly employed by the user.
B. Regulation of working time		

9. Annual leave entitlements	1991: 0.6 2009: 0.93	LBRE 1989, Art. 31: 18 days. LL 1992: minimum of 18 days, up to 30 days. Maintained in LL 1995, Art. 39. LL 2009: 4 weeks.
10. Public holiday entitlements	1991: 0.67 1996: 0.61 2002: 0.67	1991 Command enacting holidays: 12 days. 1996 Law on Holidays and Memorial Days, Arts. 1, 3 and 4: 11 paid days. 2001 amendment: an extra memorial day but these are not paid. 2002 amendment: 12 days. 2005 amendment: 3 additional memorial days but these are not paid.
11. Overtime premia	1991: 0 1995: 0.25	LBRE 1989 and LL 1992: no overtime premia. LL 1995, Art. 84: entitlement to salary increase for overtime work but no precise rate given. Now see LL 2009, Art. 86.
12. Weekend working	1991: 0 1995: 0.25	LBRE 1989: employees are entitled to 24 hours off per week but there is no remuneration for this day off. LL 1992: weekly rest day mentioned but no right to additional remuneration for work on this day. LL 1995, Art. 38: weekly rest day on Sunday. Art. 84: entitlement to salary increase for Sunday work but no precise rate given. Now see LL 2009, Art. 86.
13. Limits to overtime working	1991: 1	LBRE 1989, Art. 24: 10 hours per week. Maintained in LL 1992 and 1995 (Arts. 29 and 33(1)). LL 2009, Art. 45: overtime is not to exceed 8 hours per week, 32 hours per month or 180 hours per year. 2014 amendment: 10 hours per week (up to 20 if permitted by collective agreement), and up to 250 hours per year if permitted in a CA.
14. Duration of the normal working week	1991: 0.53 2001: 0.67	LBRE 1989, Art. 24: 42 hours. Maintained in LL 1992 and 1995 (Arts. 33 and 30). 2001 amendment: 40 hours. LL 2009: 40 hours (but can be increased by collective agreement).
15. Maximum daily working time	1991: 0.6 1992: 0 1995: 0.6	LBRE 1989, Art. 29: workers entitled to 12 hours consecutive rest between working days. LL 1992: no daily limit or mandatory rest period. LL 1995, Art. 37: workers entitled to a break of 12 hours between work days. Now see LL 2009, Art. 53(1).

C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.25 1992: 0.33 1995: 0.67 2003: 0.5	LBRE 1989, Art. 75: provision for notice period but no precise (or minimum) duration given. LL, 1992, Art. 73: 30 days. LL 1995, Art. 113(1): 2 months if employed for two years. 2003 amendment: 1 month and two weeks for an employee with two years' service. Maintained in LL 2009, Art. 114.
17. Legally mandated redundancy compensation	1991: 0 1995: 0.5 2003: 0.33	LBRE 1989, Art. 21: provision for severance pay but no precise figure (or minimum) given. Maintained in LL 1992, Art. 101. LL 1995, Art. 118(2): for each year of service, severance pay shall be not less than half the average monthly wage. 2003 amendment: for each year of service, employees shall be entitled to no less than one-third of a month's average wages. Maintained in LL 2009, Art. 119.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.83	LBRE 1989, Art. 14: exceptionally there may be a probationary period of up to 6 months. LL 1992, Art. 8: provides for a trial period (whose duration is to be determined by agreement) during which an employee may be dismissed with only 3 days' notice. LL 1995, Art. 23: provides for a trial period of up to 6 months where there is only 7 days' notice. Maintained in LL 2009, Art. 35.
19. Law imposes procedural constraints on dismissal	1991: 0 1995: 0.33	LBRE 1989, Art. 77: states that termination is to be done in the manner prescribed by federal law but no specified requirements in addition to giving written reasons for dismissal and advice on how to appeal the decision. LL 1992: no clear procedural constraints. LL 1995, Art. 110: (for misconduct) an employer must draw to the employee's attention, in written form, his or her obligations under the contract of employment, to inform him or her about the possibility of dismissal if further violations occur. Prior to termination for a misdemeanour or work performance of an employee, the employer shall give the employee an opportunity to provide an explanation, except in circumstances where it is not reasonable to expect such a course of action from the employer concerned. If the contract is terminated immediately (extraordinary termination) then 'just cause' (extreme violation of an obligation or highly important

		fact) is required. The Act is silent on what the consequences of not following this procedure are. Art. 115 permits reinstatement when the dismissal is 'not permissible' but it is not clear whether procedure is taken into account when determining whether a dismissal is permissible or not. Therefore procedure may be seen as one factor that may result in a finding of 'impermissible' termination. Maintained in LL 2009, Arts. 111 and 116.
20. Law imposes substantive constraints on dismissal	1991: 0.67	LBRE 1989, Art. 75: dismissal is possible when specified situations arise: incapacity; poor performance in probation period; absence without reason for 5 days; refusal to take a position elsewhere when workplace is downsizing or restructuring for economic reasons; refusal to re-train; serious misconduct. LL 1992 - 2009: largely replicates previous law.
21. Reinstatement normal remedy for unfair dismissal	1991: 0.33 1995: 0.67	LBRE 1989 and LL 1992: no mention of reinstatement. LBRE 1989 provides a procedure where the employee can appeal to a competent authority about decisions made by the employer. It is stated that the Authority has enforcement power but does not clearly state whether it has the power to award compensation or reinstatement. LL 1995, Art. 115: employee may be reinstated by the court when dismissal is no permissible. Art. 116: judge may award compensation when the employee does not want to be reinstated, or if the employer can show that reinstatement would be contrary to the interests of both parties. Maintained in LL 2009.
22. Notification of dismissal	1991: 0.33 1992: 0 1995: 0.67	LBRE 1989, Art. 78: written reasons of the termination must be given to the employee. LL 1992, Art. 26: written reasons only required in respect of redundancies. LL 1995, Art. 111(2): employer must give reasons for dismissal in writing. Art. 117: employers must inform the employees' council about plans to terminate any contract of employment, and must consult the employees' council in cases of redundancy. Maintained in LL 2009, Arts. 112(2) and 118. 2014 amendment: employer no longer required to inform the employees' council about individuals dismissals but a duty to inform and consult over collective dismissals continues in force from earlier legislation.
23. Redundancy selection	1991: 0	LBRE 1989: no hierarchy for redundancy selection. LL 1992, Art. 25: criteria are based

	1992: 1 1995: 0	on: success in work, special knowledge and skills, professional qualifications, length of service and the social status of workers. LL 1995, Art. 119: employers are required to come up with a redundancy plan but no specific criteria for selection is given. Lack of specified criteria maintained in LL 2009.
24. Priority in re-employment	1991: 0 1995: 0.5 2004: 1	LBRE 1989 and LL 1992: no priority in re-employment. LL 1995, Art. 228: it is a violation to employ another employee to work on assignments which it has been decided are redundant prior to expiry of six months following such a decision. (Although it is not expressly stated that employees made redundant have a preferential right to be employed following being made redundant. 2004 amendment: if, within six months, a need arises for employing a worker to perform the same job, the employer shall offer the worker whom he dismissed for business reasons to conclude a labour contract. Maintained in LL 2009, Art. 107(8).
D. Employee representation		
25. Right to unionisation	1991: 1	1990 Constitution, Art. 43: freedom to associate, and to form and join trade unions. Art. 59: in order to protect social and economic interests, all employees and employers shall have the right to form trade unions and freely join and leave them.
26. Right to collective bargaining	1991: 0.5	1990 Constitution, Art. 59: in order to protect social and economic interests, all employees and employers shall have the right to form trade unions and freely join and leave them. Collective bargaining is not expressly mentioned but is alluded to. Collective agreements are expressly mentioned in Art. 56.
27. Duty to bargain	1991: 0 1995: 1	LBRE 1989 and LL 1992: no duty to bargain. LL 1995, Art. 18: persons who may be parties to a collective agreement 'shall in good faith' negotiate a collective agreement. Maintained in LL 2009, Art. 256.
28. Extension of collective agreements	1991: 0 1992: 1	LBRE 1989: no extension mechanism. LL 1992, Art. 97: provides for an extension mechanism. Maintained in LL 1995, Art. 201 and LL 2009, Art. 267.

29. Closed shops	1991: 0	LBRE 1989: no recognition of closed shop agreements. A closed shop arrangement would violate LL 1992, Art. 87: a worker must not be treated less favourably for belonging or not belonging to a trade union or participating in trade union activities. LL 1995, Art. 180: Membership in a trade union must not be taken into consideration by an employer when reaching a decision whether or not to enter into a contract of employment, in the assignment of an employee to a particular work assignment or to a particular work site, specialist training, promotion, pay, social benefits and termination of a contract of employment. LL 2009, Art. 227: permits employees and employers to freely decide on their membership in trade unions and prevents discrimination on the basis of trade union membership.
30. Codetermination: board membership	1991: 0 2001: 0.5 2009: 0.8	LBRE 1989, LL 1992 and LL 1995: no board representation. 2001 amendment: in companies which have a supervisory board, which is over 25% of state-owned or majority owned by the first buyer of shares or units in the portfolio of the Croatian who has acquired shares or units at a price of less than 50% of the nominal value, at least one member of the supervisory board must be representative of the workers. This member is nominated by the works council. This member shall have the same legal position as other appointed members of the supervisory board. 2004: must have 200 employees and have at least 25% State ownership to qualify for a mandatory supervisory board member. LL 2009, Art. 166: there must be a workers' representative if the company has a supervisory (or similar) body. A company must have a supervisory board if it has an average of over 300 employees in a year, if the law explicitly requires one for a particular business activity, if the initial authorised capital of the company exceeds HRK 600 000 and the company has more than 50 owners, if the company has a single management that runs public and private limited companies that have a mandatory supervisory board, or if the company is a general partner in a limited partnership together exceeding 300.
31. Codetermination and information/consultation of workers	1991: 0 1992: 0.33	LBRE 1989: no workers council or representatives. LL 1992, Art. 24: limited role of representatives in respect of redundancy consultation only. LL 1995, Art. 146: provides for co-decision making powers of the Employees' Council in a number of areas and the EC must be consulted on a large number of issues throughout the Act. Information,

	1995: 1	consultation and decision-making powers of the EC are maintained in part XVII of the LL 2009.
E. Industrial action		
32. Unofficial industrial action	1991: 0 1992: 1 1995: 0	LBRE 1989: neither permits nor prohibits unofficial industrial action. This law contains no explicit protection of workers engaged in any kind of strike but the Constitution at this time granted the right to strike. LL 1992, Art. 87: workers are not to be treated less favourably for taking part in union activities. Prima facie right to take part in unofficial action. Note: no express procedure for strike action. LL 1995, Art. 210: trade unions and their associations have the right to strike. Rules for the strike must be published by the union/association. Art. 203: compulsory mediation must be embarked on before strike action can lawfully be taken. There is therefore little scope for lawful unofficial action.
33. Political industrial action	1991: 1	LBRE 1989: neither permits nor prohibits political industrial action. This law contains no explicit protection of workers engaged in any kind of strike but the Constitution at this time granted the right to strike. LL 1992, Art. 87: workers are not to be treated less favourably for taking part in union activities. Prima facie right to take part in political industrial action. Note: no express procedure for strike action. LL 1995 – 2009: no prohibitions on political industrial action. There are no definitions of 'strike' or 'collective dispute' that impliedly exclude politically motivated strikes.
34. Secondary industrial action	1991: 1	LBRE 1989: neither permits nor prohibits secondary industrial action. This law contains no explicit protection of workers engaged in any kind of strike but the Constitution at this time granted the right to strike. LL 1992, Art. 87: workers are not to be treated less favourably for taking part in union activities. Prima facie right to take part in secondary industrial action. Note: no express procedure for strike action but collective agreements drawn up in 1992 provided for secondary action. LL 1995: provides for 'trade unions and their higher level associations' having the right to strike. There is no express provision for solidarity strikes but there is nothing to suggest that a solidarity strike would be unlawful or not in the scope of a 'strike'. 2003 amendment: express provision for (lawful) solidarity strikes included. Maintained in LL 2009, Art. 296.

35. Lockouts	1991: 1 1995: 0.75	LBRE 1989 and LL 1992: no prohibition on or procedure for lock-outs. LL 1995, Art. 211(1): employers may engage in a lock-out only as a response to a strike already in progress. Art. 211(3): the number of employees locked out from work must not be higher than one half of the employees which are on strike. Art. 211(4): with respect to the workers who are locked out, employers must pay contributions prescribed by specific regulations on the base equivalent to the minimum salary. Art. 211(5): lockouts are generally regulated in the same manner as strikes. Maintained in LL 2009, Art. 277.
36. Right to industrial action	1991: 1	1990 Constitution, Art. 60: the right to strike shall be guaranteed.
37. Waiting period prior to industrial action	1991: 1 1995: 0	LBRE 1989 and LL 1992: no apparent notification requirement or waiting period. LL 1995, Art. 210: a strike must be notified to the employer or employers' association, against which it is directed. There is no minimum waiting period but mandatory mediation which must occur before the strike action can be taken). Maintained in LL 2009, Art. 269.
38. Peace obligation	1991: 1	Strikes are not prohibited simply because there is a collective agreement in force.
39. Compulsory conciliation or arbitration	1991: 1 1995: 0	LBRE 1989 and LL 1992: no reference to compulsory mediation. LL 1995, Art. 203: disputes related to the signing, amendment or renewal of a collective agreement, and any other disputes which could result in a strike or any other form of industrial action (collective employment dispute), shall be resolved subject to a compulsory mediation procedure prescribed by this Act, except when parties have agreed to an alternative method of dispute resolution. Maintained in LL 2009, Art. 270.
40. Replacement of striking workers	1991: 0 1992: 1	LBRE 1989: no express protection from dismissal or replacement in the event of strike action. LL 1992, Art. 87: a worker must not be treated less favourably for participating in trade union activities. LL 1995, Art. 213: Employees must not be put in a less favourable position than other employees because of their involvement in organization of or participation in a lawful strike. An employee may be dismissed only if he or she organised or participated in an illegal, or if in the course of a strike he or she commits some other grave violation of a contract of employment. Maintained in LL 2009, Art.

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Cuba

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Status of employee determined by legislative description in all the codes. Definition from 1941: 'Employee' shall mean any person who performs services for remuneration for any such employer, working at time or piece rates, either continuously, intermittently or periodically. (LC 1984: 'contact of employment': The agreement between a worker and an employing body, by virtue of which the worker undertakes to execute a piece of work in a specified occupation or post and to observe the rules of work discipline established by current legislation, collective agreement and the work rules of the employing body, and the employing body undertakes to pay a wage and ensure that he enjoys the conditions of work and other labour rights established by law, and the specific rights stipulated in collective agreements and the employing bodies' work rules. LC 2013: worker defined as a natural Cuban person or permanent foreign resident with legal capacity, who works in subordination to a legal or natural person for remuneration.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	Fundamental Law (FL) 1959, Art. 62: equal wages for equal work provision. LC 1984, Art. 100: the minimum wage of a part-time worker shall be proportional to the time worked. Art. 3(ch): all persons shall draw equal pay for equal work. Art. 43 of 1976 Constitution: equal pay for equal work. LC 2013, Art. 2(c): equal pay for equal work.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction between part-time and full-time workers for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1985: 1	No restrictions on the use of FTCs before 1985. LC 1984, Art. 31: A contract of employment for a fixed term is concluded for the performance of only casual or urgent work, but it is permissible under the Code to enter into an FTC for the permanent work where workers absent for justified reasons have to be replaced. Maintained in LC 2013,

		Art. 25.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	FL 1959, Art. 62: equal wages for equal work provision. LC 1984, Art. 3(ch): all persons shall draw equal pay for equal work. Art. 43 of 1976 Constitution: equal pay for equal work.
6. Maximum duration of fixed-term contracts	1970: 0 1985: 0.7	No maximum cumulative duration prior to 1985. LC 1984, Art. 31: maximum limit of 3 years.
7. Agency work is prohibited or strictly controlled	1970: 0	There is no regulation of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.5	FL 1959, Art. 62: equal wages for equal work provision. LC 1984, Art .3(ch): all persons shall draw equal pay for equal work. FL 1959, Art. 78: an employer shall be responsible for compliance with social laws, even if he contracts the work through an intermediary. Art. 43 of 1976 Constitution: equal pay for equal work. LC 2013, Art. 2(c): equal pay for equal work.
B. Regulation of working time		
9. Annual leave entitlements	1970: 1	FL 1959, Art. 67: 30 days' annual leave. Same in Decree 41 of 1981; LC 1984, Art. 88 and now LC 2013, Art. 101.
10. Public holiday entitlements	1970: 0.22 1972: 0.44 1985: 0.33 1998: 0.39	FL 1959, Art. 67: 4 days when all economic activities will be suspended. Law No. 1240 of 1972: 8 public holidays. LC 1894, Art. 83: 6 national holidays. 1998: 1 additional day. 2007: 2 additional days. LC 2013, Art. 94: 10 public holidays.

	2007: 0.5 2013: 0.56	
11. Overtime premia	1970: 0 2013: 0.25	LC 1984, Art. 78: rate of overtime to be determined by law. LC 2013, Art. 122: premium of 25%.
12. Weekend working	1970: 0	Act of 20 July 1933: Sunday is a rest day but no additional remuneration for work on this day. Maintained in LC 1984, Art. 82. Now LC 2013, Art. 93.
13. Limits to overtime working	1970: 1	FL 1959, Art. 66: the working day shall not exceed 8 hours and the working week shall not exceed 48 hours. LC 1984, Art. 77: maximum overtime of 4 hours in two consecutive days. 160 hours of overtime are permitted per year. Maintained in LC 2013, Art. 121.
14. Duration of the normal working week	1970: 0.13 1985: 0.4	FL 1959, Art. 66: 48 hours is the normal (and maximum) week. LC 1984, Art. 67: 44 hours. Now LC 2013, Art. 74(a).
15. Maximum daily working time.	1970: 1 1985: 0.6	FL 1959, Art. 66: the working day shall not exceed 8 hours. LC 1984, Arts. 67 and 77: normal day is 8 hours; maximum of 4 hours overtime results in a day up to 12 hours long. Now in LC 2013, Art. 74.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 2013: 0.17	LC 1984, Art. 54: 30 days. LC 2013, Art. 54: 15 working days.
17. Legally mandated redundancy compensation	1970: 0	There is no redundancy/severance pay.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1985: 0.94 2005: 0.83	LC 1984, Art. 34: probation may be 30 days, or 60 days if the job is one which requires secondary or higher education. Exceptionally, probation periods may be up to 180 days where there is authorisation by the State Labour and Social Security Committee. 2005 Regulations, Art. 40: trial period of up to 6 months. Maintained in LC 2013, Art. 32
19. Law imposes procedural constraints on dismissal	1970: 1 1985: 0.33	FL 1959, Art. 77: no enterprise may discharge a worker without due proceedings and the other formalities established by law, which shall specify the just causes for discharge. LC 1984, Art. 66: disciplinary measures are specified by the law and any such measures taken must be notified to the worker. The Courts have the power to compensate unduly punitive measures but it is not clear to what extent the failure to follow procedure will result in the finding of an unfair dismissal. No substantial changes in 1997 Law. LC 2013, Arts. 150-158: sets out the procedure for disciplinary measures as well as the time limits within which the action must be taken. It is not clear to what extent failing to follow these procedures will result in a finding of unfair dismissal.
20. Law imposes substantive constraints on dismissal	1970: 0.67	FL 1959, Art. 77: no enterprise may discharge a worker without due proceedings and the other formalities established by law, which shall specify the just causes for discharge. LC 1984, Art. 53: dismissal is possible only in the listed circumstances: incapacity; unsuitability; redundancy; misconduct; being sentenced or detained for 6 months or more; failing to come back to work after childbirth. Further details of what constitutes 'misconduct' are spelled out in Arts. 158, 171-173. No substantial changes in 1997 Law. LC 2013, Art. 49: circumstances in which the employment contract can be terminated (similar grounds to those in 1984). Art. 53: redundancy or restructuring is also a legitimate reason for dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67 1984: 1	Act 1022 of 1962, Art. 25: reinstatement is an available remedy. LC 1984, Art. 82: compensation is available for overly severe disciplinary measures (dismissal is included). Reintegration is mentioned and ILO documents state that reinstatement is mandatory (even if not always enforced in practice). LC 2013, Art. 160: excessive

	2013: 0.67	disciplinary measures may be overturned and reinstatement is a part of this. Compensation is an alternative remedy.
22. Notification of dismissal	1970: 1 1985: 0.67	Act 1022 of 1962, Art. 24: permission from competent authority is required to make a dismissal. LC 1984, Art. 54: notification of dismissal must be in writing but reasons not required. Now LC 2013, Art. 48. Redundancy procedures under successive laws from 1985 have provided for information to employee representatives.
23. Redundancy selection	1970: 0 1985: 1	LC 1984, Art. 58: In case of declaration of redundancy, where two workers are of equal skills account shall be taken of seniority, and where two workers are of equal skills and seniority the older worker shall be given preference. LC 2013, Art. 55: preference is to be given to more skilled workers.
24. Priority in re-employment	1970: 0	There is no rule of priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 1 1976: 0.33	FL 1959, Art. 69: employees are entitled to form associations exclusively for purposes connected to their economic and social interests. 1976 Constitution: right to associate. Note there is only one official trade union and independent unions are not permitted.
26. Right to collective bargaining	1970: 0.33 1976: 0	FL 1959, Art. 72: the law regulates the system of collective contracts which are to be binding on employers and employees. 1976 Constitution: no similar right.
27. Duty to bargain	1970: 1	Act 1022 of 1962, Art. 34: if one of the parties refuses to consider a proposal made to it or attempts delaying tactics, the other party may apply to the Ministry of Labour, giving the background and circumstances of the case; the said Ministry shall appoint an official who shall act as chairman in the negotiation proceedings and shall for this purpose summon the parties to appear at any place he may deem appropriate. LC 1984, Art. 17(b): the trade union organisation of the employing bodies shall be entitled to…take part with the management of the employing body in preparing and subscribing collective

		labour agreements and supervising compliance therewith.. LC 2013, Art. 14(d): trade unions have the right to conclude collective agreements.
28. Extension of collective agreements	1970: 0	There is no extension mechanism.
29. Closed shops	1970: 0	Prior to 1984: closed shop neither recognised nor prohibited. LC 1984: only one official trade union. Maintained in LC 2013. Provisions on freedom to join trade unions throughout the period.
30. Codetermination: board membership	1970: 0 1985: 0.75 2013: 0	There is no provision for board membership. (LC 1984, Art. 18(b): in state undertakings, trade unions shall take part in the boards of management of undertakings and administrative Boards. LC 2013, Art. 14: the secretaries-general of trade unions have the right to participate in management meetings. However, this is not the same as board membership.
31. Codetermination and information/consultation of workers	1970: 0 1985: 0.33	No co-determination prior to 1985. LC 1984, Arts. 16: gives trade unions some limited powers for co-determination. There are no works councils. LC 2013 again provides for trade unions to be consulted on certain workplace issues. (See Art. 14(b) for a general mandate.)
E. Industrial action		
32. Unofficial industrial action	1970: 0	No mention of lawful strikes in settlement of disputes legislation since 1964 (conciliation and arbitration provided for instead). Strikes not a legally protected activity. LC 1984: does not mention or provide for lawful strike action of any kind. LC 2013, Art. 189: provides for mandatory conciliation and arbitration and does not provide for lawful (or protected) strike action.
33. Political industrial action	1970: 0	No mention of lawful strikes in settlement of disputes legislation since 1964 (conciliation and arbitration provided for instead). Strikes not a legally protected activity. LC 1984: does not mention or provide for lawful strike action of any kind. LC 2013, Art. 189: provides for mandatory conciliation and arbitration and does not provide

		for lawful (or protected) strike action.
34. Secondary industrial action	1970: 0	No mention of lawful strikes in settlement of disputes legislation since 1964 (conciliation and arbitration provided for instead). Strikes not a legally protected activity. LC 1984: does not mention or provide for lawful strike action of any kind. LC 2013, Art. 189: provides for mandatory conciliation and arbitration and does not provide for lawful (or protected) strike action.
35. Lockouts	1970: 0	No mention of lawful strikes in settlement of disputes legislation since 1964 (conciliation and arbitration provided for instead). LC 1984: does not mention or provide for lawful lock-outs of any kind. LC 2013, Art. 189: provides for mandatory conciliation and arbitration and does not provide for lawful (or protected) lock-outs.
36. Right to industrial action	1970: 1 1976: 0	FL 1959, Art. 71: right to strike is recognised. 1976 Constitution: no right to strike.
37. Waiting period prior to industrial action	1970: 0	No mention of lawful strikes in settlement of disputes legislation since 1964. No requirement to give notice of strikes because strikes not considered a legal option. LC 1984: there is no requirement to give notice of strike action (but note that strike action is not protected and is unlikely to take place at all). Similar circumstances in LC 2013.
38. Peace obligation	1970: 0	There is no mention of a peace obligation in any of the legislation, but nor were strikes legally protected after 1964.
39. Compulsory conciliation or arbitration	1970: 0	No mention of lawful strikes in settlement of disputes legislation since 1964 (conciliation and arbitration provided for instead). LC 1984, Art. 250: all disputes must be submitted to compulsory dispute resolution by the labour boards or the legal system's People's Courts. LC 2013, Art. 187: provides for compulsory conciliation and arbitration.
40. Replacement of striking workers	1970: 0	No prohibition on dismissal or replacement of striking workers prior to 1984. LC 1984: strike action is not prohibited but it is not protected either and so workers risk being

		replaced or dismissed if they go on strike. Same situation in LC 2013.

Cyprus

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67	The law is based on the common law distinction between the contract of service and the contract for services and applies the common law tests, in particular the control test. The courts will look to the essence of the parties' relationship rather than the terms they use to describe it (Supreme Court case 406/2011).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 2002: 1	The Constitution contains a general guarantee of equal treatment. Law 76 2002 on Part-Time Employees provides for equal treatment of part-time and full-time employees.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The Termination of Employment Act 1967 draws no distinction between part-time and full-time employees.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 2003: 0.33	Under Law 98 2003 there is a ministerial power to intervene if there are grounds for believing that an employer is abusing the use of fixed-term contracts to deprive employees of employment rights.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25 2002: 1	The Constitution contains a general guarantee of equal treatment. Law 137 2002 and Law 98 2003 enact a right to equal treatment with workers on contracts of indefinite duration.

6. Maximum duration of fixed-term contracts	1970: 0 2003: 0.75	Law 98 2003 sets a limit of 30 months.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no laws restricting the use of agency work beyond laws providing for the registration and licensing of employment agencies (Private Employment Agencies Act 1997; Law 174 2012 implementing Directive 2008/104).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.5 2002: 1	The Constitution contains a general guarantee of equal treatment. Law 137 2002 provides for a right of equal treatment with indefinite term employees.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.3 2002: 0.67	Law 8 1967, s. 5(1): 9 days. Law 63 2002: 4 weeks.
10. Public holiday entitlements	1970: 0.83	Law 8 1967: 15 days.
11. Overtime premia	1970: 0	Overtime is not regulated by law or by multi-employer collective bargaining; the Organisation of Working Time Act, Law 63 2002, refers to overtime being set by agreement between employer and employee.
12. Weekend working	1970: 0	There is no statutory regulation of weekend working.

13. Limits to overtime working	1970: 1 2002: 0.5	2 hours per day in commerce, offices and retail, and 8-10 hours per week in services, were the statutory norm from 1967. Law 63 2002 set a limit of 48 hours per week over a four month reference period.
14. Duration of the normal working week	1970: 0.4 2002: 0.67	1967 44 hours; Law 63 2002, 40 hours.
15. Maximum daily working time	1970: 0 2002: 0.5	Under Law 63 2002, the normal working day is 8 hours, and there is a general requirement of 11 hours continuous rest per day.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	4 weeks' notice is the norm for an employee with 3 years' service. Notice is a function of years of service. 1967 Termination of Employment Act; Law 24, amended in 2011.
17. Legally mandated redundancy compensation	1970: 0.5	2 weeks' wages for every 52 weeks within the first 6 years: Termination of Employment Act 1967.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	26 weeks: Law 24 1967, Termination of Employment Act.
19. Law imposes procedural constraints on dismissal	1970: 0.67	Under the 1967 Termination of Employment Act, dismissal is to be a last resort, and the employers must follow a procedure involving warnings, a chance to improve, and an opportunity to respond to complaints. Dismissal without a hearing weighs heavily in determining the reasonableness of dismissal: *Kallis* v. *Crown Resorts*, Appl. No. 122/06.
20. Law imposes substantive constraints on dismissal	1970: 0.33	Under the 1967 Termination of Employment Act, dismissal must be for just cause by reference to one or more of a number of potentially fair reasons including misconduct, performance, redundancy and force majeure.

21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Reinstatement is one of the remedies, alongside compensation, that may be awarded (Termination of Employment Act 1967 as amended in 1994) but is rarely awarded since a finding of unfair dismissal generally presupposes that the employment relationship has come to an end.
22. Notification of dismissal	1970: 0.67	Under the Termination of Employment Act, written notice has to be provided to the employee (s. 5) and advance notice of any redundancy has to be given to the minister (s. 21).
23. Redundancy selection	1970: 0	There are no legal rules on redundancy selection.
24. Priority in re-employment	1970: 1	An employee made redundant within 8 months has priority rights over re-employment (Termination of Employment Act 1967).
D. Employee representation		
25. Right to unionisation	1970: 1	Freedom of association and the right to form and join a trade union are both protected in the Constitution, Art. 21.
26. Right to collective bargaining	1970: 0.33	Art. 26 of the Constitution refers to the possibility of legislation providing for collective agreements but does not confer a right to collective bargaining as such.
27. Duty to bargain	1970: 0.5 2012: 1	Before 2012, collective bargaining was widely observed in practice under the terms of the non-binding Industrial Relations Code. Under Law 55 2012 an employer is under a legal duty to bargain once an order to this effect has been issued by the court.
28. Extension of collective agreements	1970: 0 2013: 1	In February 2013 a law was approved to enable the minister to extend sector-level agreements by order.

29. Closed shops	1970: 0	The Constitution guarantee of freedom of association entails the negative right not to associate. There is a specific bar on the closed shop under s. 50 Trade Union law 1965.
30. Codetermination: board membership	1970: 0	There is no legal right to worker representation on boards.
31. Codetermination and information/consultation of workers	1970: 0.33 2005: 0.5	Aside from a law implementing the European Works Councils directive there is no provision for codetermination. Rights to information and consultation over collective redundancies are set out Law 78(1) 2005, based on ILO Convention No. 135.
E. Industrial action		
32. Unofficial industrial action	1970: 0.5	The Industrial Relations Code, which is not legally binding but has some normative force declares strikes in support of conflicts of rights and strike without notice as unofficial.
33. Political industrial action	1970: 0	Case law defines a strike in terms which presuppose the relationship of employer and employee and claims relating to conditions of work, implying that political strikes are presumptively unlawful.
34. Secondary industrial action	1970: 1	Solidarity strikes are permitted. There is no express prohibition and Art. 27 of the Constitution could in principle include them.
35. Lockouts	1970: 0.5	Lockout are treated in a parallel way to unofficial strikes, so that notice is required. Lockouts may only occur in the context of conflicts of interests.
36. Right to industrial action	1970: 1	Art. 27 of the Constitution recognises the right to strike.
37. Waiting period prior to industrial action	1970: 0	There is a waiting period of 10 days in relation to lawful strikes over conflicts of interest (disputes, not grievances).
38. Peace obligation	1970: 0	The distinction between disputes and grievances implies an obligation to maintain industrial peace.

39. Compulsory conciliation or arbitration	1970: 0.5	Under the Industrial Relations Code a conflict of rights (a 'grievance') must be submitted to the minster for mediation or arbitration. There are also mediation requirements in respect of conflicts of interest ('disputes').
40. Replacement of striking workers	1970: 1	Trade Union Act 1965 preventing dismissal for any reason connected to trade union activities has been interpreted as conferring a right not to be dismissed or replace in the context of strike action.

Czech Republic

Note: coding is from 1990. The 'velvet revolution' in Czechoslovakia, resulting in de facto separation from the influence of the Soviet Union, took place in November 1989.

Variable	**Score**	**Explanation**
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 0.33 2007: 0.5 2011: 0.67 2012: 0.75	The personal scope of labour law is defined by concept of 'dependent work' but this did not received a detailed definition before 2007 (Labour Code 2006, s. 2(4)), and employers could use 'work performance agreements' which were outside the scope of most protective labour law rules. From 2011 work agreements had to be reduced to writing and in 2012 an amendment to the LC introduced an anti-abuse clause.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0 2006: 0.25	LC 2006 Art. 12 contains a general equal treatment clause. There is no right to equal or proportionate treatment for part-time workers as such but secondary literature suggests that the right is recognized by the courts through interpretation.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	Legislation draws no distinction between part-time and full time workers for this purpose.

4. Fixed-term contracts are allowed only for work of limited duration.	1990: 0 2007: 0.75 2012: 0	Under LC 2006 Art. 39(3)-(4), justification was needed for the use of a fixed-term contract beyond 2 years, with, in some cases, a role for collective bargaining in authorising the use of fixed-term contracts. This provision was repealed in 2012 and the only restraint on the use of fixed-term contracts is now one of duration (see v.6 below).
5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0 2007: 0.25 2012: 1	LC 2006 Art. 16 sets out a general equal treatment clause. Law 365/2011, effective from 2012, introduced a right to equal treatment for fixed-term contract workers.
6. Maximum duration of fixed-term contracts	1990: 0.7 2007: 0.8 2012: 0.1	Under Art. 30 of the Czechoslovak Labour Code, in force in 1993, there was a three year limit to FTCs. Under the LC 2006 a 2-year limit was the norm (subject to derogations for particular employer needs in some cases involving a role for collective bargaining see v. 4 above). Under 2012 amendments, a fixed-term contract may be agreed for up to 3 years, and may be renewed twice.
7. Agency work is prohibited or strictly controlled	1990: 0 2007: 0.67	Prior to 2006 there was no statutory regulation of the use of agency work. Under LC 2006 Art. 309, a 12-month limit is placed on temporary agency work placements, but this period can be extended with the agreement of the worker, and does not apply in the case of agency cover. Agency work is explicitly exempted from the rules governing fixed-term contract work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0 2004: 0.75	Under Art. 309(5) LC, introduced in 2004, the agency and user have to cooperate to ensure that the agency worker is not worse off than a comparable employee of the user. The agency has the responsibility of ensuring equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.47	Under the LC 1965 (Art. 101(1): the period was 2 weeks. This was extended to 3 weeks

	1992: 0.7 2007: 0.92	(21 days) in 1992 and 4 weeks (28 days) with effect from 2006 (see LC 2006, Art. 213).
10. Public holiday entitlements	1990: 0.66	12 public holidays (see now Law 245 2000 and annual Czech Central Bank orders).
11. Overtime premia	1990: 0.25	The overtime premium has remained consistently at 25%. (Now LC Art. 114).
12. Weekend working	1990: 0.5 2007: 0.1	From 1992, overtime on weekly rest days was 50%, from 2006 it has been 10% (LLC Art. 91(3), (5)). Sunday is the default rest day (LLC Art. 92(1)).
13. Limits to overtime working	1990: 1 2007: 0.25	LC 1965: 4 hours across two days, or 8 hours a week, 150 hours per year (Art.97(2)). Under the 1992 Code, a limit of overtime hours of 8 per week was set, with limited scope for further flexibility through collective bargaining. The 2006 Labour Code allows collective bargaining to set a reference period of 52 weeks for the averaging of overtime work.
14. Duration of the normal working week	1990: 0.27 1992: 0.47 2007: 0.67	Under the 1965 Code, the norm was 46 hours. This was reduced to 43 in 1992. The current norm is 40 hours (Art. 79(1) LC).
15. Maximum daily working time	1990: 0.6	The norm is a minimum of 12 hours daily rest (currently LC Art. 90(1)).
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.33	LC 1965 Art. 45(2): notice varied on the basis of age: one month for below 30 years; 2 months for 30-40 and 3 for 40 or more. From 1993: 2 months. See now LC 2006 2 Arts.

	1993: 0.67	51, 52 LC.
17. Legally mandated redundancy compensation	1990: 0 1993: 0.67 2006: 1	LC 1965: no severance pay. Prior to 2006 the norm was twice average monthly earnings (Art. 60a LC). From 2006 it was three times average monthly earnings (Art. 67 LC). A 2012 amendment sets up a graduated system based on length of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0.92	3 months' probation is the norm (currently Art. 31 LC).
19. Law imposes procedural constraints on dismissal	1990: 1	Under both the 1965 and 2006 versions of the Labour Code, the employer may only dismiss for reasons set out in the Code (previously Art. 46, currently Art. 52). Written notice is required with the reason clearly stated (Art. 50); failure to comply renders the dismissal void at the employee's option (Art. 69). For dismissals on the basis of poor performance, lack of capability or misconduct, the employer must warn the employee within a certain period (six or twelve months depending on the precise category) prior to the dismissal (Art. 52).
20. Law imposes substantive constraints on dismissal	1990: 0.67	Dismissal with notice is only permitted for one of a number of stated reasons including reorganisations and similar economic reasons, ill health, failure to meet job requirements. Dismissal without notice is permitted for conviction of a serious criminal offence and gross misconduct (Art. 52 LC 2006; previously Art. 41 LC 1965).
21. Reinstatement normal remedy for unfair dismissal	1990: 1	Dismissal in breach of legal requirements is a nullity and the employee is entitled to receive wages or salary on a continuing basis. They may waive this right and claim compensation if they do not wish to maintain the employment relationship (LC Art. 69).
22. Notification of dismissal	1990: 1	LC 1965 Art. 59(1) required trade union approval for dismissals. Subsequently, notice had to be given both to the individual employee (LC Art. 50) and to the trade union (LC

	1993: 0.67	Art. 61).
23. Redundancy selection	1990: 0	There are no statutory rules on redundancy selection.
24. Priority in re-employment	1990: 0	There are no statutory rules on priority in re-hiring.
D. Employee representation		
25. Right to unionisation	1990: 0 1993: 1	There is a constitutional right to form trade unions (Art. 27 Charter of Fundamental Rights and Freedoms, 1993).
26. Right to collective bargaining	1990: 0 1993: 0.33	The Constitution does not refer to the right to collective bargaining as such, but does refer to the right of freedom of association in the context of trade union freedoms (Art. 27 Charter of Fundamental Rights and Freedoms).
27. Duty to bargain	1990: 0 1991: 1	There is an obligation on the part of either party to respond to a written request by the other to conduct collective bargaining (Art. 8(1) Law 2/1991 on Collective Bargaining) and both parties are under a duty to negotiate (Art. 8(2)).
28. Extension of collective agreements	1990: 0 1991: 1	Law 2/1991 provides for extension of higher-level collective agreements to non-federated employers (Art. 7).
29. Closed shops	1990: 0	Closed shops are unlawful under the Charter of Fundamental Rights and Freedoms, Art. 3.
30. Codetermination: board membership	1990: 1 2014: 0.25	Employees have the right to elect one third of the members of the supervisory board in public limited companies with more than 50 employees and in state-owned companies. From 1.1.14 employee board membership is no longer compulsory in private sector companies.

31. Codetermination and information/consultation of workers	1990: 0.5	Employees have the right to be informed and consulted, either through a trade union, a works council (employees' council) or a statutory health and safety representative body (Art. 276 LC, continuing earlier provisions; the content of information and consultation duties is set out in Art. 278-280).
E. Industrial action		
32. Unofficial industrial action	1990: 0	A strike is unlawful unless it is called by a trade union and has the support of half the workers covered by the relevant collective agreement (Law on Collective Bargaining, 2/1991, Art 17).
33. Political industrial action	1990: 0 2004: 0.25	Under the Law on Collective Bargaining, a strike may only be called in relation to the resolution of disputes over collective bargaining and the conclusion of collective agreements. However, Constitutional Court ruling 61/2004 stated that this restriction of lawful strikes to those involving collective agreements was not compatible with the constitution,
34. Secondary industrial action	1990: 1	Under the Law on Collective Bargaining, solidarity strikes are possible in the context of the enforcement of higher-level collective agreements, as long as the employer is not powerless to affect the outcome of the dispute (Arts. 16, 17, 20).
35. Lockouts	1990: 0.5	Lock-outs are permitted where a collective agreement is not concluded following mediation, as a last resort, and with notice to the trade union (Law on Collective Bargaining, Arts. 27, 28).
36. Right to industrial action	1990: 0.67	A constitutional right to strike is recognised in the context of the Charter of Fundamental Rights and Freedoms (Art. 27, Part IV).
37. Waiting period prior to industrial action	1990: 0	3 days' notice is required with detail of the workers to take part, workplaces affected, and the goals of the strike. There must be a 50% participation in a strike ballot and a two thirds majority in favour of the strike: Art. 17, Law on Collective Bargaining.

38. Peace obligation	1990: 0	Strikes may only be conducted over the conclusion of a new agreement (conflicts of interest: Law on Collective Bargaining, Art. 20.
39. Compulsory conciliation or arbitration	1990: 0	Procedures for resolving industrial disputes including mediation and arbitration must be exhausted before industrial action: Law on Collective Bargaining Art. 16.
40. Replacement of striking workers	1990: 1	In the case of a lawful strike, absence from work is justified (Law on Collective Bargaining, Art. 22) and hiring of replacements is forbidden (Art. 25).

Democratic Republic of Congo

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Labour Code (LC) 1967: Employees determined by reference to the employer's direction and authority over a gainful activity for remuneration (Art. 4(a)) rather than the legal position of the employer or employee. LC 2002: adopts the same definition. Key criteria are supervision and authority. No distinction between contracts for service and contracts of service.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1997: 0.25	There is no express provision of equality for part time workers. The 1997 Constitution guarantees equality in employment. LC 1967: equal opportunities in employment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction between part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	LC 1967, Art. 29: FTCs may be concluded for a specified period, piece of work, or to temporarily replace a worker (contracts deemed to be permanent if not based on one of these grounds). Art. 30: duration to not exceed two years. LC 2002, Arts. 40, 42 and 45: maintain this position.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	LC 1967, Art. 72: wages shall be equal for all workers irrespective of their origin, sex or age, where conditions of work, vocational qualification and productivity are equal. The 1997 Constitution guarantees equality in employment.
6. Maximum duration of fixed-term contracts	1970: 0.6	LC 1967, Art. 30: duration of FTCs to not exceed two years. Renewals limited to two contracts for a specified period or one renewal. Maintained in Art. 41 LC 2002. Ministerial Order No.63 2011 lists situations in which renewal can take place more than

		once (seasonal workers, certain construction contracts).
7. Agency work is prohibited or strictly controlled	1970: 0	There are no laws regulating private agencies.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.33 1997: 0.5	LC 1967, Art. 72: wages shall be equal for all workers irrespective of their origin, sex or age, where conditions of work, vocational qualification and productivity are equal. Decree No. 71/0051 1971: governs placement of workers. Art. 5: protection from discrimination in job placement for the unemployed. The 1997 Constitution guarantees equality in employment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4	LC 1967, Art. 120: 12 days (prescribes one day per full month of service to be increased by one day per year of service after 5 years.) (Now LC 2002, Art. 141.)
10. Public holiday entitlements	1970: 0.78 1971: 0.5 1979: 0.67	Prior to 1971: 14 days. Ordinance No. 71/326 (1971): 9 days. Ordinance No. 79/154 (1979), Art. 4: 12 days.
11. Overtime premia	1970: 0.45	Order No.68/11 1968, Art. 21: 30% for first 6 hours within the legal working limit; 60% for subsequent hours.
12. Weekend working	1970: 1	LC 1967, Art. 102: Sunday is the weekly rest day. LC 2002, Art. 121: where possible the weekly rest days will be Saturday and Sunday. Order No. 68/11 1968 provides for a 100% premium for work on weekly rest day. (LCs 1967 and 2002, Arts. 101 and 120 respectively provide for the rate of remuneration to be determined by Ministerial Order.)
13. Limits to overtime working	1970: 1	Order No.68/11 196, Arts. 14-15, 18 and 19: one hour of overtime per day. For urgent work: no limit the first day but two hours overtime limit on day two. For extraordinary

		workloads: 12 hours per day and 144 hours/year. (LCs 1967 and 2002, Arts. 101 and 120 respectively provide for overtime to be determined by Ministerial Order.)
14. Duration of the normal working week	1970: 0.13 2002: 0.33	LC 1967, Art. 100: 48 hours per week. LC 2002, Art. 119: 45 hours a week.
15. Maximum daily working time.	1970: 0.6	Order No.68/11 196, Art. 5: mandatory rest period of 12 hours between two working days. (LCs 1967 and 2002, Arts. 101 and 120 respectively provide for daily rest periods to be determined by Ministerial Order.)
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.53 2002: 0.58	LC 1967, Art. 50: 14 days' notice, increased by 6 working days for every full year of continuous service. LC 2002, Art. 64: 14 days' notice, increased by 7 working days for every full year of continuous service.
17. Legally mandated redundancy compensation	1970: 0	No general right to redundancy pay. Oct. 1999: Memorandum of Understanding concluded between Unions and the Congolese Federation of Enterprises provided for pay based on length of service. MoU was concluded by virtue of LC 1967, Art. 49 but this provision is not in the LC 2002.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	No qualifying periods.
19. Law imposes procedural constraints on dismissal	1970: 0 2002: 0.5	LC 1967, Art. 58: only notice in writing required. LC 2002, Art. 72: detailed procedure for gross misconduct/summary dismissals. Employer must notify the employee in writing within 14 days of the facts of the incident becoming known. Employee may be suspended pending an investigation which may last 15 days. No such requirements are referred to in relation to ordinary dismissals.
20. Law imposes substantive constraints on dismissal	1970: 0.67	LC 1967, Art. 48: indefinite contracts may be terminated on the employer's initiative only on valid grounds relating to the employee's conduct or aptitude, or operative

		requirements of the undertaking. There are certain prohibited grounds. Art. 58: serious misconduct may justify immediate termination. LC 2002, Art. 62: same grounds for dismissal and valid reason required.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 2002: 1	LC 1967, Art. 49: entitlement to damages, taking into account nature and length of service, and age in the event of termination without grounds. LC 2002, Art. 63: right to reinstatement. In default of reinstatement, compensation (up to the value of 36 months) is available.
22. Notification of dismissal	1970: 0.67	LC 1967, Art. 62: every termination must be notified in writing stating the grounds for termination. Art. 193: the departure (for whatever reason) of an employee must be reported to the Labour Inspector within 48 hours of the departure. LC 2002, Arts. 76 and 217 replicate LC 1967 provisions.
23. Redundancy selection	1970: 1	LC 1967, Art. 64: lay-off of employees must respect the 'established order of priority' taking account of occupational skills, length of service and family situation. It then prescribes the order for laying-off. Now LC 2002, Art. 78.
24. Priority in re-employment	1970: 1	LC 1967, Art. 64: one-year priority right of reinstatement in the same category of employment. The same priority shall exist for another year, but his engagement may be subject to an occupational test or probationary period. Now LC 2002, Art. 78.
D. Employee representation		
25. Right to unionisation	1970: 0.67 1994: 0.9 2003: 1	1964 Constitution, Art. 18: right to join and form associations and societies. 1994 Constitution, Art. 28: right to join a union of choice. (But no express right to form a union.) 2003 Interim Constitution, Art. 41: right to join and form unions to promote and defend their social, economic and cultural interests. 2005 Constitution, Art. 38: right to join and form trade unions.
26. Right to collective bargaining	1970: 0 2003: 1	2003 Interim Constitution, Art. 41: right to join and form unions and to defend members' social, economic and cultural interests. The 2005 Constitution has been generally interpreted as maintaining the right to collective bargaining although it is not

		explicitly set out there.
27. Duty to bargain	1970: 0	No provision.
28. Extension of collective agreements	1970: 1	LC 1967, Art. 281: the Minister may (after consultation with the Joint Committee) extend, on request of one of the parties, all or part of a collective agreement. (LC 2002, Art. 287 continues this).
29. Closed shops	1970: 0	LC 1967, Art. 228(a): prohibits employers from making employment dependent on membership or non-membership of any occupational association or organization. (Now LC 2002, Art. 234(a)).
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0.67	LC 1967, Art. 249: representation of workers in all establishments will be ensured by an elected group of representatives. Art. 253: employer must consult representatives over hours of work, standards of recruitment, dismissals, transfers, remuneration and work rules. Arts. 254 and 256: representatives may propose measures for breaches of discipline, and health and safety measures. Art. 255: participation in the running of social welfare facilities. Art. 257: employer must give regular information on the undertaking's financial situation. Art. 260: individual workers may personally submit demands or suggestions to the employer. LC 2002 maintains this. Ministerial Order 70/0013 1970: 20 employees triggers compulsory establishment of a representatives body.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1967, Art. 223: strikes may only take place after the exhaustion of all means of settlement (implicit exclusion of unofficial action). (Now Art. 315, LC 2002).
33. Political industrial action	1970: 0	Definitions of 'Collective Dispute' in both the 1967 and 2002 Codes specifically refer to *conditions of work*. Furthermore, strikes may only take place where there is a collective

		labour dispute (Arts. 223 and 315 in 1967 and 2002 Codes). Political industrial action is therefore implicitly unlawful.
34. Secondary industrial action	1970: 0	'Disputes' are defined in both codes as conflicts between an employer, or more than one employer *and their staff*. This excludes the possibility of secondary industrial action.
35. Lockouts	1970: 0.5	Lockouts are regulated in the same manner as strikes under both Codes.
36. Right to industrial action	1970: 0 1994: 1	1994 Constitution, Art. 29: right to strike is guaranteed as regulated by law. 2003 Interim Constitution, Art. 41: right to strike, subject to conditions. 2005 Constitution, Art. 38: right to right to strike subject to restrictions imposed by law.
37. Waiting period prior to industrial action	1970: 0	LC 1967, Art. 221: 7 day period in which the parties are allowed to object to the resolution of the (compulsory) mediator, otherwise the agreement will become binding. 2008 Order on Collective Conflicts, Art. 3: parties intending to undertake collective action must give 6 days' notice (after completing the conciliation procedure).
38. Peace obligation	1970: 0.75	LC 1967, Art. 288: employers and parties to the collective agreement (and the persons they represent) shall carry out in good faith their obligations under the agreement and abstain from any act capable of interfering with its proper execution. See now LC 2002, Art. 295.
39. Compulsory conciliation or arbitration	1970: 0	LC 1967, Art. 215: collective labour disputes may be notified to the Labour Inspectorate for conciliation. The LI can refer disputes on becoming aware of a dispute not notified. Art. 217: if conciliation fails, the dispute will be submitted to compulsory statutory mediation. Art. 223: strikes cannot take place until all means of settlement have been exhausted. (See now LC 2002, Arts. 305, 306, 309 and 315.) 2008 Ministerial Order on collective conflicts, Art. 2: statutory or agreed conciliation must be undertaken in all industrial disputes. Circular No. 12, Art. 2: prior conciliation in all cases. Art. 3: mediation where conciliation fails.
40. Replacement of striking workers	1970: 1	LC 1967, Art. 228(b): employers prohibited from dismissing or prejudicing a worker on

		account of his participation in trade union activities. Circular No. 12 (2009), Art. 5: prevents any sanction against a striking worker.

Denmark

Note: rules for both salaried employees and manual or blue collar workers are noted but scores reflect the standard applying to blue collar workers.

Variable	**Score**	**Explanation**
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Danish law distinguishes between executive officers, 'salaried employees' (white collar workers), and manual workers. The status of a salaried employee is defined by s. 1(1) of the Salaried Employees Act 2010 (consolidating earlier provisions) and refers to shop assistants and office workers as well as supervisors. In the case of blue collar workers, the relevant collective agreement determines the scope of coverage. The tax status of the worker is also taken into account.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1978: 0.5 2001: 1	The SEA does not apply to employees working less than 8 (formerly 15 hours) a week, but the principle of equal treatment between women and men has been legally recognised since 1978, and Directive 97/81/EC was implemented with effect from 2001 (Act on Part-Time Work).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0 2001: 0.5	The SEA 2010 excludes those working less than 8 (formerly 15) hours a week. The Act on Part-Time Employment regulates dismissals which have the effect of discriminating against part-time workers.

4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 2003: 0.5	Section 5 of the Law on Fixed-Term Work, 2003, requires objective justifications for the renewal of successive fixed-term contracts. See also s. 1(4) of the SEA 2010.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2003: 1	The right to equal treatment for fixed-term workers was introduced in 2003 (Law on Fixed-Term Work, amended in 2008).
6. Maximum duration of fixed-term contracts	1970: 0	The Act on Fixed-Term Work does not state a maximum duration. S. 5, requiring objective justification for the renewal of a fixed-term contract, has been interpreted through case law as placing a de facto limit on the number of renewals that may be made, but no maximum duration.
7. Agency work is prohibited or strictly controlled	1970: 0.5 1990: 0	From 1970 (Act 163/1970) temporary agency work was only allowed in the commercial and office sector. This limitation was removed in 1990 when the public monopoly on employment exchanges was abolished. From then on agency work was regulated by collective agreements and these do not generally place substantive constraints on the type of work that may be undertaken via an agency.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2013: 1	Prior to 2013 there was no legal right to equal treatment and few collective agreements had succeeded in establishing parity between agency workers and permanent staff. Legislation implementing the TAW Directive came into force in 2013. It requires salaries and working time rights to be harmonised between agency workers and permanent employees of the user undertaking.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0 1971: 0.8	For salaried workers, the Vacation Leave Act 1970 established a norm of 18 days (1.5 days for each month) which was extended to 24 days in 1971. An Act of 1978 extended the personal scope of the law so that it covered other categories of worker. The

	2004: 0.83	Consolidated Holidays Act 2004 sets a norm of 25 days a year.
10. Public holiday entitlements	1970: 0.61	11 days has been the norm, reflecting holidays defined by the Danish Church, since the eighteenth century. Collective agreements and contracts determine whether holidays are remunerated.
11. Overtime premia	1970: 0.75	There is no legislation. The norm in collective agreements has been 50% time for the first hour and 75% time for subsequent hours, or equivalent time off.
12. Weekend working	1970: 1	There is no legislation. Collective agreements generally provide for a 100% premium.
13. Limits to overtime working	1970: 0.5	Legislation of 2004, implementing the Working Time Directive, set a total limit of 48 hours per week inclusive of overtime over a 4-week reference period. Prior to that the norm in collective agreements was a 12-hour day over a 4-week reference period.
14. Duration of the normal working week	1970: 0.45 1980: 0.67 1987: 0.87	Secondary sources suggest that a 45-hour week was the norm through collective bargaining in the early 1970s, and that a 40-hour week was the norm in the early 1980s. From 1987 a 37-hour week became the norm, beginning with the metalworking sector.
15. Maximum daily working time.	1970: 0.9 1975: 0.5	The norm under the Working Environment Act is mandatory rest of 11 hours in every 24 (currently, Working Environment Act 2010, s. 50(1)). The Factories Act 1948, amended in 1954, set a 9-hour maximum working day for factory work, which could be extended by order.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1971: 0.33	The SEA (currently 2010 Act, s. 2) provides for one month's notice during the first 6 months, three months after 6 months, and a further month for every 3 years of service, capped at 6 months. The norm in collective agreements is one month for an employee with 3 years' service.

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17. Legally mandated redundancy compensation	1970: 0 2010: 0.25	There is no statutory provision for manual workers but there is provision via collective bargaining. In 2010 collective bargaining followed a norm of one month of normal pay with some deductions (including for unemployment benefit) for an employee with 3 years' service. Under the SEA, redundancy pay is not available until an employee has 12 years' service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 1973: 0.75	The SEA, applying to white-collar workers, sets a qualifying period of one year for unfair dismissal protection. Under the General Agreement (1973, amended 1993) between the Danish Employers' Confederation and the Danish Confederation of Trade Unions, s. 4(3), it is provided that no arbitrary action should be taken in relation to dismissal of employees, and a procedure is set out for resolving disputes arising from dismissal. The procedure applies to an employee who has been employed for nine months.
19. Law imposes procedural constraints on dismissal	1970: 0 1973: 0.33	Under the General Agreement of 1973, a dismissal challenged as unfair should be the subject of local negotiations; if they fail to bring about a resolution, the matter may be referred to a tribunal set up by the signatory organisations. The tribunal must make a reasoned judgment on the matter.
20. Law imposes substantive constraints on dismissal	1970: 0 1973: 0.67	Under the General Agreement of 1973, an arbitrary dismissal can be challenged as unfair. An unjust dismissal standard is also contained in the SEA (currently s. 2b SEA 2010.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1973: 0.33	The General Agreement provides for the possibility of reinstatement but such orders are rare. The SEA provides for compensation only.
22. Notification of dismissal	1970: 0.67	Under the General Agreement, an employee with 9 months' service must be notified of the dismissal in writing. For collective dismissals, cooperation committees set up under collective agreements have generally had information and consultation but not veto

		rights in respect of workplace changes.
23. Redundancy selection	1970: 0	There are no statutory rules on redundancy selection.
24. Priority in re-employment	1970: 0	There are no statutory rules on priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 1	Art. 78 of the Constitution protects the right of association.
26. Right to collective bargaining	1970: 0	There is constitutional protection for collective bargaining.
27. Duty to bargain	1970: 0	There is in general no duty to enter into collective bargaining. For salaried employees, a refusal on the part of the employer to engage in collective bargaining may lead to conciliation.
28. Extension of collective agreements	1970: 0	Collective agreements bind the parties to them; there is no erga omnes procedure as such.
29. Closed shops	1970: 1 1990: 0	Closed shop agreements are not prohibited but from 1990 it has been unlawful to dismiss an employee for membership or non-membership of a trade union.
30. Codetermination: board membership	1970: 0 1973: 1	There is a right of workers to board-level representation in enterprises employing 35 or more employees (first, in the Companies Act 1973; currently, Companies Act 2010, s. 140).
31. Codetermination and information/consultation of workers	1970: 0.67	Cooperation committees in firms employing 35 or more employees are set up under provisions of collective agreements. They have information and consultation rights but not a veto right.
E. Industrial action		

32. Unofficial industrial action	1970: 0	Although an individual worker is not bound by an agreement between the union and an employer or employers' association, they will not be protected against relevant criminal or civil liabilities if the strike is not in compliance with the collective agreement.
33. Political industrial action	1970: 0.67	Case law establishes that strikes with hybrid economic and political motives may take place for reasonable cause and outside the term of a collective agreement.
34. Secondary industrial action	1970: 1	The law recognises the possibility of lawful solidarity action.
35. Lockouts	1970: 0.67	Lockouts in breach of contract or in breach of a peace clause are unlawful (General Agreement, s. 2(1))..
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0	Notice must be given at 14 days and 7 days prior to strike action (General Agreement, s. 2(3)).
38. Peace obligation	1970: 0	Strikes may not take place during the term of a collective agreement (General Agreement, s. 2(1)).
39. Compulsory conciliation or arbitration	1970: 0	Conflicts of rights must be referred to the Labour Court. When the collective agreement has expired, conflicts of interest are subject to compulsory conciliation.
40. Replacement of striking workers	1970: 0	Participation in a strike terminates the contract of employment. If the strike is settled it is normal for an agreement between the union and the employers to provide for the employees to return to work but there is no legal right to reintegration.

Dominican Republic

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 1992: 1	LC 1951: A contract of employment shall mean a contract by which a person binds himself, in return for remuneration, to give his personal services to another person, under the constant supervision and immediate direction of that person or his representative. Art. 15: The existence of an employment contract shall be presumed in any personal labour relation, except where there is proof to the contrary. When in practice mixed situations occur, in which an employment contract is mixed with another or other contracts, preference shall be given to the one which is most related to the essential part of the service performed. LC 1992, Art. 1: Definition of an employment contract: a contract by which a person binds himself, in return for remuneration, to undertake personal services for another person, under the constant supervision and immediate direction of that person. Fundamental principle IX: The employment contract is not that which is in writing but that which is performed in fact. Any contract concluded by the parties that is by pretence or in contravention of labour law, such as fraudulently applying contractual provisions which are not characteristic of labour standards, using intermediaries or any other method, shall be void. In such cases labour relations shall continue to be governed by this Code.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	LC 1951, Art. 186: equal wages for equal work. General equality clause: Principle VI: Inequality of treatment of workers in one and the same undertaking is prohibited. No inequality of remuneration shall be lawful except where such inequality is based on the amount or quality of the work or on the greater or less skill of the employee. See LC 1992, Art. 194. Principle VII: general non-discrimination clause.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction between part-time and full-time workers for the purposes of dismissal. General equality/non-discrimination clauses in 1951 and 1992 LCs.

4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	LC 1951, Art. 7: when the work is of a permanent character, the contract shall be for an indefinite period. Art. 14: a contract of employment may not be entered into for a specified period, except in the following cases: (1) if such a contract is in conformity with the nature of the services to be rendered; (2) if the purpose of the contract is the temporary replacement of an employee in the case of leave, holidays or the like; (3) if the contract provides for payment to the employee of the leaving grant legally payable on the termination of the contract; (4) if such a contract is in the interests of the employee. LC 1992, Art. 26: Where the work is of a permanent character, the contract shall be for an indefinite period. Notwithstanding, the employer may guarantee that he will use the services of a worker for a specified period. Art. 31: An employment contract for a specified service or period of work may only be concluded where the nature of the work so requires.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	LC 1951, Art. 186: equal wages for equal work. Principle VI: general equality clause. See LC 1992, Art. 194. Principle VII: general non-discrimination clause.
6. Maximum duration of fixed-term contracts	1970: 0	LC 1951: no maximum cumulative duration. Maintained in LC 1992.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no laws regulating employment agencies.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.5 1992: 0	There is no right to equal treatment with directly employed employees. LC 1951, Principle VI: inequality of treatment of workers in one and the same undertaking is prohibited. LC 1992, Principle VII: general non-discrimination clause.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.47	LC 1956, Art. 168: every employer shall be bound to grant to every employee a period

		of two weeks' paid holiday in respect of each year of service. LC 1992, Art. 177: 14 days' paid holiday.
10. Public holiday entitlements	1970: 0.5 1997: 0.61	Law No. 108 of March 7, 1967, GO no. 9026: 9 days. (Note two of these are mentioned in the 1966-2002 Constitutions, Art. 98: at least 2 national holidays. Now 2010 Constitution, Art. 35.) Law No. 139-97: 11 days.
11. Overtime premia	1970: 0.3 1992: 0.35	LC 1956, Art. 195 (as amended 1960): 30% premium for up to 68 hours per week; 100 % premium thereafter. LC 1992, Art. 203: 35% for overtime hours, up to 68 hours per week (inclusive of normal time) and 100% percent for hours in excess of 68 hours per week.
12. Weekend working	1970: 0 1992: 1	LC 1951, Art. 155: provides for a rest day on Sunday but does not expressly provide for extra remuneration on that day. LC 1992, Art. 163 and 164: workers are entitled to 36 hours of rest, starting on Saturday at noon. If they work on this day, they are entitled to their wages increased by 100%.
13. Limits to overtime working	1970: 1 1992: 0.5	LC 1951, Art. 149: prima facie daily limit of 12 hours per day but certain occupations are exempt from this limit (and reference is made to working weeks in excess of 72 hours). LC 1992, Art. 155: no more than 80 hours of overtime per quarter.
14. Duration of the normal working week	1970: 0.4	LC 1951, Art. 137 (as amended 1960): 44 hours per week. Now see LC 1992, Art. 147.
15. Maximum daily working time	1970: 0.6 1992: 0.8	LC 1951, (1956 amendment) Art. 149: The Department of Labour may authorise the extension of the hours of work up to a maximum of 12 hours a day and the performance of work on non-working days in undertakings that are essential to the national economy and operate continuously or on a seasonal basis, if it is shown that there are not sufficient workers to carry out the work concerned. Such authorisation shall not cover a period greater than eight months in a year. LC 1992, Art. 162: in no case may the daily hours exceed 10 hours.
C. Regulation of dismissal		

16. Legally mandated notice period	1970: 0.27 1992: 0.31	LC 1951, Art. 69(3): after one year's continuous employment, at least 24 days' notice. LC 1992, Art. 76(3): at least 28 days' notice.
17. Legally mandated redundancy compensation	1970: 0.17 1992: 0.7	LC 1951, Art. 72(as amended 1961): 15 days' wages after a year's service. LC 1992, Art. 80(3): 21 days per year of service: 63 days.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	No minimum qualifying period or probationary period with a reduced notice period.
19. Law imposes procedural constraints on dismissal	1970: 1	LC 1951, Art. 82: any dismissal which is not notified (within 48 hours) to the Department shall be deemed to be without good cause. Furthermore, dismissals must take place within 15 days of the knowledge of the incriminating acts coming to the employer. (Failure to follow the procedure will always result in a finding of unfair dismissal). Now see LC 1992, Art. 93.
20. Law imposes substantive constraints on dismissal	1970: 0	LC 1951, Art. 68: contracts may be terminated without cause provided that notice is given (or that period compensated) and severance pay is given. Art 78: provides for (summary) dismissal and the reasons for which a contract may be terminated without severance pay. Such reasons include but are not limited to: deceit in terms of skills; incompetence or lack of care; misconduct; violence; damage to work equipment; serious damage to machinery (even if unintentional); absence without good cause (2 consecutive days); sentenced for a crime which makes work impossible; and etc. Position maintained in LC 1992, Art. 75: contracts can be terminated without cause (i.e. 'rescinded') provided that notice (or wages for the notice period) is given. Art. 87: employees may be 'dismissed' (summarily dismissed) on grounds of misconduct.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	LC 1951, Art. 84: only compensation is available for dismissal without good cause. Now see LC 1992, Art. 95.

22. Notification of dismissal	1970: 0.67	LC 1951, Arts. 70 and 81: Notice of the dismissal shall be given to the Department of Labour or the authority representing the Department, which in its turn shall notify the party concerned. Now LC 1992, Arts. 77 and 91.
23. Redundancy selection	1970: 0.75 1992: 0	LC 1951, Art. 131: there is a selection criterion but it is on the basis of nationality rather than competence or family status etc. Where it becomes necessary to reduce the number of personnel in an undertaking on grounds recognised by the law, the reductions shall be made in the following order: (1) unmarried alien employees; (2) married alien employees; (3) alien employees married to Dominicans; (4) alien employees who have begotten Dominican children; (5) unmarried Dominican employees; (6) married Dominican employees. Art. 132: 132. Other conditions being equal, those persons shall be dismissed who have been employed for a shorter time; if all the persons concerned have been employed for the same period of time, the employer shall be entitled to make the choice, except where there is an agreement to the contrary. No hierarchy in the LC 1992.
24. Priority in re-employment	1970: 0	No preferential re-hiring rights.
D. Employee representation		
25. Right to unionisation	1970: 1	1966- 2002 Constitutions, Art. 8(11)(a): freedom of trade union organisation is recognised. Now 2010 Constitution, Art. 62(4).
26. Right to collective bargaining	1970: 0 2010: 1	No right to collectively bargain in the 1966-2002 Constitutions. 2010 Constitution, Art. 62(3): right to collectively negotiate.
27. Duty to bargain	1970: 0 1992: 0.5	LC 1951: no duty to bargain. LC 1992, Art. 110 lends support to employers being required to bargain in certain instances: Any association organised by branch of activity shall be authorised to negotiate and sign a collective agreement on working conditions for a determined branch of activity where it represents the absolute majority of the workers employed in the branch of activity in question, either at the local, regional or

		national level; and these may provide their services to the employer or employers required to bargain collectively.
28. Extension of collective agreements	1970: 0	No provision for extension of collective agreements.
29. Closed shops	1970: 0	LC 1951, Art. 95: does not permit closed shops. LC 1992, Art. 47: no employer may exert influence on workers to induce them to join or refrain from joining a trade union or to withdraw from or remain a member of a trade union.
30. Codetermination: board membership	1970: 0	No provision for employee representative on company boards.
31. Codetermination and information/consultation of workers	1970: 0	LC 1951: no provision for works councils. LC 1992: provides for workers' organisations but these appear to have the role of trade unions.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1951, Art. 374: requires that more than 60% of the employees at the undertaking vote in favour of the strike for the strike to be legal. LC 1992, Art. 407(3): 51% of votes needed.
33. Political industrial action	1970: 0	LC 1951, Art. 373: strikes for political reasons shall be illegal. Implied by LC 1992, Art. 407(1): the strike must have as its objective the settlement of an economic dispute or right which affects the collective interest of the workers in the enterprise.
34. Secondary industrial action	1970: 0	LC 1951, Art. 373: strikes declared on the basis of solidarity with other employees shall be illegal. LC 1992, Art. 407(1): the strike must have as its objective the settlement of an economic dispute or right which affects the collective interest of the workers in the enterprise.
35. Lockouts	1970: 0.5	LC 1951, Art. 381: lockouts are governed in a similar manner to strikes. Now LC 1992,

		Art. 414.
36. Right to industrial action	1970: 1	1966, 1994 and 2002 Constitutions, Art. 8(1)(d): right to strike. 2010 Constitution, Art. 62(6).
37. Waiting period prior to industrial action	1970: 0	LC 1951, Art. 374: requires that at least 15 days' notice for the strike to be legal. LC 1992, Art. 407: 10 days must elapse after notifying the Secretariat of State of the strike.
38. Peace obligation	1970: 0.67	LC 1951, Art. 107: all associations of employees and all employers or associations of employers bound by a collective agreement and also all the members of the said associations shall be bound to refrain from taking any action to impede or hinder the execution of the agreement. Now see LC 1992, Art. 116. Art. 124 provides for changes in certain circumstances: A collective agreement may be revised while it is in force in the case of a change occurring in the facts without any fault on the part of the parties, where the change was unforeseen and where, if the party interested in revision had foreseen the change, would have agreed to obligations under different conditions or would not have entered into the agreement. Revision shall be by mutual agreement or, where this is not possible, in the form prescribed in the parts of this Code relating to industrial disputes and the procedure for settling such disputes. Except where otherwise agreed upon, the contract shall remain in force during proceedings for revision.
39. Compulsory conciliation or arbitration	1970: 0	LC 1951, Art. 374: requires that the economic dispute in question has been submitted without success to administrative conciliation procedure and that the parties (or one of the parties) have not appointed arbitrators or have not notified the appointment of arbitrators within the given time in conformity with the provisions of section 636. Now see LC 1992, Art. 407(2).
40. Replacement of striking workers	1970: 1	LC 1951: strike action suspends the employment contract unless the strike is unlawful in which case termination is permitted. Now see LC 1992, Art. 411 and 412.

Ecuador

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	The Labour Code (currently LC 2005, last amended in 2014) defines the contract of employment as an agreement to work for another under their control in return for remuneration (s. 8) and can be express or implied (s. 11). In case of doubt, labour legislation is to be interpreted in favour of the worker (LC s. 7; see also 1984 Constitution, Art. 31(3)).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1984: 0.75 1990: 1	With effect from 1984, the LC, Art. 82, provides for a right to proportionate pay for part-time workers, and Law 1990 No. 90, Arts. 51-2, provides for a more general right to proportional treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0 1990: 1	Law 1990 No. 90 provides for part-time workers to have proportional rights to those of full-time workers under laws and collective agreements.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1997: 0.5	With effect from 1997, the LC Art. 17 provides for temporary and fixed-term employment contracts to meet the organisational needs of the enterprise, which are nevertheless loosely defined and allow for flexibility where there is a temporary surge in demand.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	There have been general references to a right to non-discrimination and a right to equal pay for equal work in the LC (currently Art. 79) and in the Constitution (currently Art. 324(4)) but no specific right to equality of treatment for fixed-term employees.
6. Maximum duration of fixed-term contracts	1970: 0 1997: 0.8	From 1997 the maximum cumulative duration of fixed-term contracts is two years (LC Art. 184). A temporary contract becomes permanent if 30 days' notice is not given on termination.
7. Agency work is prohibited or strictly controlled	1970: 0 2008: 1	From 2008 the Eighth Mandate of the Constituent Assembly strictly regulated outsourcing and labour intermediation, limiting its use to specified services.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2008: 0.5	Under legislation passed through the Eighth Mandate of the Constituent Assembly from 2008, the user and supplier of labour are jointly liable for the terms and conditions of the workforce.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	15 days (currently Art. 69 LC 2005).
10. Public holiday entitlements	1970: 0.44 1978: 0.61 1997: 0.5	8 days (LC 1954, Art. 8); 11 days (LC 1978, Art. 64); 9 days (LC 1997, Art. 65; see now LC 2005, Art. 65).
11. Overtime premia	1970: 0.5	50% premium (currently LC 2005, Art. 55).
12. Weekend working	1970: 1	100% premium (currently Art. 55 LC 2005).

13. Limits to overtime working	1970: 1	Overtime is limited to 4 hours a day and 12 hours a week (currently Art. 55 LC 2005).
14. Duration of the normal working week	1970: 0.4 1991: 0.67	44 hours (LC 1954 and 1978); 40 hours from 1991 (currently Act. 47 LC 2005).
15. Maximum daily working time	1970: 0.6	12 hours inclusive of overtime (currently LC 2005 Art. 55).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	One month (from LC 1954; currently LC 2005, Art. 186).
17. Legally mandated redundancy compensation	1970: 0 1978: 1	LC 1978, Art. 185: 1 months' pay for each year of service up to a maximum of 25 months
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	90 day maximum probation period (currently LC 2005, Art. 15).
19. Law imposes procedural constraints on dismissal	1970: 0.33	The employer must give written notice of dismissal to the employee via the labour inspector (currently LC 2005, Art. 184).
20. Law imposes substantive constraints on dismissal	1970: 0.67	Dismissal may only be legitimate reasons set out in legislation (currently LC 2005, Art. 171).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Compensation is the normal remedy (currently Arts. 185, 188 LC 2005).
22. Notification of dismissal	1970: 0.67	Notification to the labour inspector: currently LC 2005, Art. 184.

23. Redundancy selection	1970: 0	There are no legally mandated selection criteria.
24. Priority in re-employment	1970: 1	There are rules on priority in re-employment: currently LC 2005, Art. 193.
D. Employee representation		
25. Right to unionisation	1970: 1	Art. 10 1967 Constitution; Art. 31(h) 1984 Constitution; Art. 35(10) 1998 Constitution.
26. Right to collective bargaining	1970: 1 1984: 0 1998: 1	Art. 1964(11) 1967 Constitution; no provision in 1984 Constitution; Art. 35(12) 1998 Constitution; Article 326(13) 2008 Constitution.
27. Duty to bargain	1970: 1	There is a duty to bargain towards the conclusion of a collective agreement: currently LC 2005, Arts. 224, 225.
28. Extension of collective agreements	1970: 1	A multi-level collective agreement may be made legally binding on all employers in the sector, subject to a procedure for contesting the agreement: currently LC 2005, Arts. 252 et seq.
29. Closed shops	1970: 1	The employer may not require the worker to resign from a union or association of which he is a member; there is no law prohibiting compulsory union membership.
30. Codetermination: board membership	1970: 0	Although there have been references in versions of the Constitution to the workers' right to participate in the profits of the enterprise, there is no law mandating worker directors.
31. Codetermination and information/consultation of workers	1970: 0 1978: 1	From 1978 onwards, versions of the LC have provided for the establishment of management-labour committees and works councils with limited codetermination rights. See now LC 2005, Arts. 459 et seq.
E. Industrial action		

32. Unofficial industrial action	1970: 0	The strike can only be declared by the works councils or by a majority of employees (currently LC 2005, Art. 498).
33. Political industrial action	1970: 0	The permitted grounds of strike action are set out in the Code (currently LC 2005, Art. 497) and mostly refer to conduct of the employer such as dismissal of employees or dismantling of collective bargaining structures.
34. Secondary industrial action	1970: 1 1991: 0.5	Solidarity strikes were recognised by the 1954 and 1978 Codes. From 1991 (Art. 513 1991 Code) solidarity strikes were more strictly regulated, being limited to a duration of three days.
35. Lockouts	1970: 0.67	There is a limited right to lock out for economic reasons and subject to procedural requirements (currently LC 2005, Arts. 531 et seq.).
36. Right to industrial action	1970: 1	The right to strike has been recognised in successive constitutions. See now 2008 Constitution Art. 326(15)-(16).
37. Waiting period prior to industrial action	1970: 0	The law has consistently required notice to the labour inspector and an obligation to go to mediation and conciliation. See LC 2005, Arts. 470 et seq.
38. Peace obligation	1970: 0.25	A peace obligation must generally be observed. There is a limited right to strike during the process of revision of a collective agreement if the employer engages in dismissal of workers (LC 2005, Art. 235).
39. Compulsory conciliation or arbitration	1970: 0.25	There must be mediation and conciliation before strike action other than in exceptional circumstances set out in the Code. See LC 2005, Art. 471.
40. Replacement of striking workers	1970: 1	Dismissal and replacement of strikers is forbidden except for acts of violence (LC 2005, Arts. 501, 513).

Egypt

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Labour Code of United Arab Republic, Art 2: 'worker' defined as anyone who works for a wage of any kind in the service of an employer, under the latter's supervision. 'Wage' includes anything received in consideration for work. No contractual requirement. Civil and domestic servants are excluded from the Act. 1981 and 2003 Labour Codes adopt similar provisions.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	There are no specific provisions regulating part time work.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made as regards dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There are no limits on the types of work for which fixed term contracts can be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no explicit right to equal treatment. Labour Code 1959, Art. 88: express derogation from termination requirements for very short contracts of atypical business. This may result in equal treatment in all other respects but this is not provided for.

6. Maximum duration of fixed-term contracts	1970: 0	1959 LC, Art. 71: if the parties continue to perform the contract after its expiry, it will be deemed to be for an indefinite period. 1981 LC, Art. 72: an indefinite contract is deemed to come into existence where the contract is renewed on the same terms. 2003 LC, Arts. 104, 105 and 106a: renewal no longer makes the contract an indefinite one; there is a 5 year limit on individual FTCs but no limit on renewals; if there is no express renewal but if the contract is adhered to beyond expiry, the contract is deemed to be indefinite.
7. Agency work is prohibited or strictly controlled	1970: 0	1959 LC, Art. 18 allowed establishment of private placement agencies with monthly reporting requirements. 1981 LC: temporary agency workers may only be employed through public agencies. 2003 LC, Art 17: employment through entities other than public agencies is permitted. Art 22: conditions on which a license for supplying labour are set out. However, there are no restrictions on when agency labour may be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No legal guarantee of equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.47 1981: 0.7	1959 LC, Art. 48: 14 days annual leave (21 days after 10 years). 1981 LC, Art. 43: 21 days. Now Art. 47 2003 LC.
10. Public holiday entitlements	1970: 0.39 1981: 0.72	1959 LC, Art. 62: 7 days. 1981 LC, Art. 48: 13 days. Maintained in Art. 53 2003 LC.
11. Overtime premia	1970: 0.25 2003: 0.35	1959 LC, Art. 121: 25% premium. Also 25% in 1981 LC, Art. 140. 2003 LC, Art. 85: 35% premium.

12. Weekend working	1970: 1 2003: 0	1959 LC, Art 140: 100% premium on rest day, but not necessarily on the weekend. No similar provision in 2003 LC.
13. Limits to overtime working	1970: 1	1959 LC, Art. 120: overtime permitted only in exceptional circumstances set out in the code. There is an overall limit of 10 hours per day for such overtime. This is unchanged in latter codes.
14. Duration of the normal working week	1970: 0.13	LC 1959, Art. 114: working time not to exceed 48 hours. See Arts. 133 and 80 in 1981 and 2003 LCs.
15. Maximum daily working time	1970: 0.7 2003: 0.8	LC 1959, Arts. 114, 117: 8 hours is the normal maximum duration of working time, and the worker must not be present in the workplace for more than 11 hours continuously. Exceptionally may extend to 10 hours. To the same effect: LC 1981, Arts. 133, 135, and 139. 2003 LC, Art. 80-85: 8 hours norm, and actual working hours not to exceed 10 per day.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 2003: 0.67	1959 LC, Art. 72: 30 days' notice for workers paid monthly, 15 days for all others. 2003 LC, Art 111: 2 months' notice for up to 10 years' service.
17. Legally mandated redundancy compensation	1970: 0.5 2003: 1	1959 LC, Art 73: half a month's pay per year of service (1.5 months for 3 years' service), one month per year after 5 years. 2003 LC, Art 126: one month per year of service under 5 years; 1.5 years after that.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	1959 LC, Art 44: contract to specify the probationary periodwhich is not to exceed 3 months. See Arts 31 and 33, 1981 and 2003 LCs.
19. Law imposes procedural constraints on dismissal	1970: 1	Order No. 96 of 1962, Art 5: dismissal unlawful unless the worker has written notification of the accusation against him and his explanations are heard and checked, with particulars noted. Employers with 50 or mre employees: misconduct cases must be submitted to a specified committee and employer must wait for their view. Decisions

		made not in accordance with the procedures are void. Employees are entitled to 3 days' notice before any disciplinary action is taken. 2003 LC, Art 64: lays down similar procedures and pre-requisites for lawful dismissal.
20. Law imposes substantive constraints on dismissal	1970: 0.67 1981: 1	1959 LC, Art 74: a valid reason for dismissal is required. Art 76: 'valid reasons': serious material damage; failure to follow safety instructions after warning; absent without valid reason for 20 (10 consecutive) days in a year; failure to carry out essential duties; disclosure of commercial secrets; crime of dishonour, dishonesty or immorality; drunk on duty; assaulting manager/employer. 1981 LC, Art 61: serious offence required for dismissal (similar to 1959 list). Similar in 2003 LC, Art 69. 2003 LC also introduces impermissible grounds for dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 2003: 0.5	1959 LC, Art 67: if employer suspends a worker for a crime but the employee is subsequently acquitted, a failure to reinstate the employee will be an unfair dismissal. Art 74: court may order compensation for termination without a valid reason. Art 75: reinstatement if termination due to union membership. 2003 LC, Art 71: where cCommittee finds that employer should not dismiss, the employer is bound to reinstate. However, consequences of not reinstating will be compensation (unless the dismissal due to union activity).
22. Notification of dismissal	1970: 0.33 1981: 0.67 2003: 1	1959 LC, Art 72: requirement of written notice to worker. 1981 LC, Art 62: employer must submit a request to tripartite committee if conduct merits dismissal. Committee opinion is consultative but must be attached to employee's file. Dismissals without submitting cases will be void. These rules were applicable from 1959 where 50 or workers were employed. 2003 LC: judicial committees to have the power of authorising dismissal for misconduct. 2008: this role was adopted by the Labour Court.
23. Redundancy selection	1970: 0 2003: 0.5	2003 LC, Art 193: where criteria are not set out in a collective agreement, the employer must consult the trade union on permitted criteria which may include seniority, age, family responsibilities, and vocational ability.
24. Priority in re-employment	1970: 0	No provisions.

D. Employee representation		
25. Right to unionisation	1970: 1	1956 Constitution, Art. 52: right to unionise. 1971 Constitution, Art. 56: right to form unions. 2012 Constitution, Art. 52: freedom to establish unions.
26. Right to collective bargaining	1970: 0.33 2012: 0	The Constitution does not mention collective bargaining, however in most versions it has referred to the right of unions to defend the interests of their members. The 2012 Constitution does not refer to the right of unions to defend the interests of their members.
27. Duty to bargain	1970: 0 2003: 1	2003 LC, Art. 148: collective negotiations are to take place with either trade unions or the appropriate representatives. If one of the parties refuses to begin negotiations, the other party may notify the authorities who will set into motion negotiation procedures.
28. Extension of collective agreements	1970: 0	1959 LC, Art. 95: parties may accede to a collective agreement without the need for the consent of the original parties but no other extension mechanisms exist. See Arts 85 and 160 1981 and 2003 LC.
29. Closed shops	1970: 1	There are no provisions prohibiting the closed shop.
30. Codetermination: board membership	1970: 0 1971: 0.5 1973: 1 2010: 0.5	The 1971 Constitution required at least 50% board membership in public sector firms. Law 73/1973 required employers to appoint 2 workers' representatives to the board of directors. 2010 Investment Law: required either a works council, or appointment of a board representative.
31. Codetermination and information/consultation of workers	1970: 0.67 2010: 0.33	1959 LC, Art. 111 provides for establishment of Joint Consultative Committees in enterprises with 50 or more workers. The committee is to give advice on a number of specified issues (see Art 112). Similar provisions are found in Arts 77-8 1981 LC. 2010 Investment Law: choice of works council or board representative in private sector

		enterprises. No codetermination rights, merely a right to send recommendations to the employer.
E. Industrial action		
32. Unofficial industrial action	1970: 0	2003 LC, Art 192: for a strike to be lawful it must be approved by the board of the relevant union with the majority of two thirds of its members. If there is no union, the notification to strike must be sent by the workers to the general trade union for approval and that union will be required to notify the authorities.
33. Political industrial action	1970: 0	The strike must relate to the trade or industry of the general trade union which authorises it.
34. Secondary industrial action	1970: 1	Under Art. 192 LC, workers may strike in defence of their vocational, economic and social interests, subject to procedures which include a role for the establishment level trade union committee and for the general union. There is no specific restriction on secondary action.
35. Lockouts	1970: 0.75	1959 LC, Art 209: lockouts are unlawful when an application to the authority for settlement is pending, unless the employer obtained the Ministry of Social Affairs' consent. LC 2003, Arts. 196-201: the employer has a right to lock out but must first submit a request to the authorities to do so which will be considered by a tripartite committee.
36. Right to industrial action	1970: 0 2012: 1	The 2012 Constitution introduces a right to strike.
37. Waiting period prior to industrial action	1970: 0	1959 LC, Art 209: it is unlawful to declare a strike or lockout while an application to the authority for settlement is pending or if dispute is being considered by an arbitration/conciliation board. 2003 LC, Art 192: 10 days' notice required for a strike.

38. Peace obligation	1970: 0	2003 LC, Art 193: strikes are unlawful if attempting to modify an agreement in place or if during arbitration or mediation.
39. Compulsory conciliation or arbitration	1970: 0.5 1981: 0 2003: 0.5	1959 LC, Art 189: parties to a dispute may apply to the relevant authority for settlement. After the referral has been made, the authority can order compulsory arbitration/conciliation during which no strikes can take place. 1981 LC, Art 95: automatic referral to an arbitration board where negotiations fail. 2003 LC, Art 170: if a dispute is not resolved within 30 days, either of the parties may make a referral for conciliation and arbitration.
40. Replacement of striking workers	1970: 0	There is no specific protection for the individual right to strike.

Estonia

Note: codings are from 1991, the year in which the Republic of Estonia declared independence from the Soviet Union.

Variable	**Score**	**Explanation**
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75 1992: 1	The Estonian SSR Labour Code defined an employment contract as an agreement between a worker and an undertaking, establishment, institution or organisation under which the worker agreed to work in conformity with works rules and the undertaking etc. agreed to pay a wage or salary and observe the relevant terms of labour legislation, collective agreement or agreement between the parties. Art. 8 of the Employment Contracts Act 1992 established a presumption in favour of employee status. Art. 1(2) ECA 2008 is to the same effect. Supreme Court judgments have also taken a strict view (see Case 3-2-1-26-10, 19.04.2010).
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1 1992: 0.25 2004: 1 2009: 0.25	The ESSR Labour Code provided for proportionate pay for part-time workers and no restriction on other labour rights. ECA 1992 Art. 10 provided for a general requirement of equal treatment. In 2004 the ECA was amended to provide to equal treatment for part-time workers. The law was amended again in 2008 to remove the specific protection for part-time work.
3. Part-time workers have equal or proportionate dismissal rights to full-	1991: 1	There is no difference in the treatment of part-time workers for the purposes of termination of employment.

time workers		
4. Fixed-term contracts are allowed only for work of limited duration	1991: 1 2004: 0.67	Under the ESSR Labour Code, fixed-term contracts could only be for 3 years or for the duration of a specific job. ECA 1992 referred to fixed-term contracts in the context of work of a temporary nature. ECA 2004 (see now Art. 9 ECA 2008) refers to justification by reference to the temporary characteristics of the work such as a temporary increase in work volume, seasonal work, or replacement of an absent employee.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0.25 1992: 0 2004: 1	Under the legislation of the Soviet period there was a general right to equal treatment in employment. Under the ECA 1992, less favourable treatment of fixed-term contract workers was specifically allowed, for example in relation to severance pay. From 2004, there is a general requirement of equal treatment for fixed-term contract workers.
6. Maximum duration of fixed-term contracts	1991: 0.7 1992: 0.5 2004: 0	The maximum permitted period for a fixed-term contract was three years under the Soviet era legislation. The 1992 ECA, Art. 27, provided for a 5-year maximum. Since 2004 the limit has been 10 years (two renewals of five years). See now ECA 2008, Art. 27.
7. Agency work is prohibited or strictly controlled	1991: 0	Prior to the 2008 amendments to the ECA, agency work was not the subject of specific regulation, but was not prohibited either. Under Art. 6 ECA 2008 there is a duty to inform an agency worker when duties are to be performed in the user undertaking.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0 2012: 1	A right to equal treatment under the terms of the EU Temporary Agency Work Directive was established in 2012.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5	15 days (ESSR Labour Code); 28 days (ECA 1992, Art. 55).

	1992: 0.93	
10. Public holiday entitlements	1991: 0.44 1994: 0.56	8 days (ESSR Labour Code); 10 days (Public Holidays Act 1994; ECA, Art. 53).
11. Overtime premia	1991: 0.75 1994: 0.5	50% for the first two hours, 100% thereafter (ESSR Labour Code); time and a half (Wages Act 1994, Art. 14; ECA Art. 44(7)).
12. Weekend working	1991: 1 1994: 0	Double time was the norm under the Soviet-era legislation. ECA Art. 52(3), with effect from 1994, does not make any provision for extra pay at the weekend.
13. Limits to overtime working	1991: 1 1994: 0.5	The Soviet era law strictly regulated overtime. The Working Time and Rest Act 1994/2001 and ECA (2008) set a maximum working time limit of 48 hours per week over a 4-week averaging period, with provision for the individual parties to agree overtime of up to 52 hours per week over a 4-month period. ECA 2008 sets an overtime limit of 200 hours per year with the employee's agreement.
14. Duration of the normal working week	1991: 0.6 1994: 0.67	41 hours (ESSR Labour Code); 40 hours (Art. 9 Working Time and Rest Act 1994, Art. 43(1); ECA 2008).
15. Maximum daily working time	1991: 0.6 2009: 0.5	Under the ESSR Labour Code there was a de factor limit of 12 hours. This was also the norm under the Working Time and Rest Act Art 5. From 2009 the limit was 13 hours (ECA 2008).
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0	2 months (ECA 1992, Art. 87(1)); 30 calendar days (ECA 2008 Art. 97(2)).

	1992: 0.67 2009: 0.33	
17. Legally mandated redundancy compensation	1991: 0.16 1992: 0.67 2009: 0.33	2 weeks' severance pay (USSR Labour Code 1970, Art. 19); 2 months (Art. 90(1)(a) ECA 1992); one month (Art. 100(1) ECA 2008).
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.99 1992: 0 2009: 0.89	Probationary periods were restricted to one week for blue-collar workers, two weeks for white-collar workers, and one month for high-ranking employees, under the ESSR Labour Code 1970. The maximum permitted probationary period is 4 months under ECA 2008, Art. 86. Prior to this the employer was able to dismiss within a probationary period, the length of which was not prescribed by law (ECA 1992 Art. 86(5)).
19. Law imposes procedural constraints on dismissal	1991: 1	Under the Soviet-period law, dismissal could only occur for cause, after attempts at reassignment had been made, and with the permission of the works council. Under the ECA, failure to notify the employee of dismissal renders it void and failure to give written reasons leads to compensation (ECA 2008, Art. 95). The employer must allow time off to look for another job during the notice period Art. 99).
20. Law imposes substantive constraints on dismissal	1991: 0.67	Both under the Soviet-era labour code and under the ECA 1992 (Art. 86) and ECA 2008 (Arts. 87, 88) dismissal may only be for cause and one of a number of specified grounds.
21. Reinstatement normal remedy for unfair dismissal	1991: 1 2009: 0.33	Nullity of dismissal was the norm under the Soviet era law and under ECA 1992, Art. 117. Under ECA 2008 Art. 107, although unlawful dismissal may lead to a nullity, this is not the case if the employer objects, except in specified cases such as dismissal by reason of pregnancy. Art. 108 provides for compensation.

22. Notification of dismissal	1991: 1 1993: 0.67 2003: 1 2008: 0.67	Under the Soviet-era Labour Code the permission of the works council was required for dismissal. Under ECA 1992 Art. 87 and ECA 2008 Art. 95 the employee must be notified of the dismissal in writing. Under ERA 1993 employee representatives had the power to be informed over and, from 2003, to suspend certain collective dismissals. From 2008 they have the right to be informed and consulted over dismissals.
23. Redundancy selection	1991: 0 1992: 1	There were no rules on selection under the ESSR Labour Code. Under ECA (currently ECA 2008 Art. 95) there is special protection for employee representatives and employees with young children.
24. Priority in re-employment	1991: 0	There is no right to priority in re-employment.
D. Employee representation		
25. Right to unionisation	1991: 1	The right to form and associate in trade unions was recognised by the Soviet-era Constitution and by the Constitution of Estonia (Art. 29).
26. Right to collective bargaining	1991: 0 1992: 0.5	The Soviet-era Constitution did not recognise the right to collective bargaining. Art. 29 of the Estonian Constitution recognises the right of unions to use any means not prohibited by law to protect their rights and interests.
27. Duty to bargain	1991: 1	The Soviet-era Labour Code set out provisions for the conclusion of collective agreements by undertakings. Art. 7 of the Collective Agreements Act 1993 states that negotiations for the conclusion of a collective agreement must commence if one party prepares a draft agreement and submits it in writing to the other.
28. Extension of collective agreements	1991: 0 1993: 0.5	Under the Soviet-period Labour Code, collective agreements applied to members and non-members alike within the workplace but there was no provision for extension of agreements beyond the workplace. Under the Collective Agreements Act 1993, there is provision for extension of multi-employer agreements but it is optional and rare in practice.

29. Closed shops	1991: 0	Under Estonian law, there is the right to join or not to join a trade union (see now Trade Union Act 2000, Art. 4).
30. Codetermination: board membership	1991: 0	There are no board-level codetermination rights in Estonia.
31. Codetermination and information/consultation of workers	1991: 0.67	The Soviet-era Labour Code conferred rights to information and joint decision making on workers' councils. Under the Employees' Representatives Act 1993, workers' representatives had the right to information and consultation, including, from 2003, the right to suspend collective dismissals under certain circumstances (Art. 89(5) ECA 1992 as amended). ECA 2008, Arts. 90 and 101, sets out information and consultation requirements in respect of collective redundancies modelled on EU Directive 98/59.
E. Industrial action		
32. Unofficial industrial action	1991: 0 1993: 0.33	Under the Collective Labour Disputes Act 1993, strike notice and a ballot are generally required, but a short 'warning strike' may be called on 3 days' notice (Art. 18(1)).
33. Political industrial action	1991: 0	Strikes are only lawful in respect of matters covered by labour legislation or collective agreements (Collective Labour Disputes Act, Art. 22(3).
34. Secondary industrial action	1991: 0 1993: 0.5	Sympathy strikes are in principle lawful but are limited to three day's duration: Collective Labour Disputes Act 1993, Art. 18(2).
35. Lockouts	1991: 0 1992: 0.33	The Constitution grants employers the same rights as unions to use lawful means to pursue their interests, but under the Collective Labour Disputes Act 1993, Art. 17, some controls are placed on lock-outs.

36. Right to industrial action	1991: 0 1993: 0.5	There is no constitutional right to strike as such but the Constitution permits unions to use lawful means to pursue their interests.
37. Waiting period prior to industrial action	1991: 0	Under the Collective Labour Disputes Act 1993, Art. 15(1), lengthy notice prior to strike action (up to two months) may be required, with shorter notice for a 'warning strike'. In addition there is an executive power to suspend collective action for a up to a month.
38. Peace obligation	1991: 1	There is no peace obligation as such.
39. Compulsory conciliation or arbitration	1991: 0	Conciliation is mandatory: Art. 22, Collective Labour Disputes Act 1993.
40. Replacement of striking workers	1991: 1	Participation in a lawful strike is not a breach of contract and may not lead to disciplinary sanctions or dismissal: Collective Labour Disputes Act 1993, Art. 24(3).

Ethiopia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The Civil Code 1960 defines both the contract of employment and the contract for work and labour. The difference lies in the employee undertaking to render a service under the direction of the other party (Arts. 2513 and 2610 respectively). Contracts for the hiring of intellectual work are defined separately (Art. 2632). Art. 3(2)(f) of the Labour Proclamation 1963 excludes contracts for services from its scope.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1975: 0.25	There is no provision governing part-time work specifically but there are general equality clauses (Art. 25 1995 Constitution; Art. 43 Labour Proclamation 1975, equal wages for equal work; Art. 14(f) Labour Proclamation 1993, general anti-discrimination clause).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is drawn in the various Labour Proclamations between part-time and full-time work.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1975: 0.5 1993: 1	Art. 2570 CC 1960 refers to indefinite duration employment contracts as distinct from contracts in which the duration of the contract is not fixed by reference to the nature of the work or any other circumstance. Labour Proclamation 1975 Art. 8 states that contracts for a definite term which are not defined by reference to a specific task will be deemed to be indeterminate if agreed in respect of work of a continuous nature. Art. 10 Labour Proclamation 1993 lists circumstances in which an FTC can be concluded.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1975: 0.25	There is no provision governing FTCs specifically but there are general equality clauses (Art. 25 1995 Constitution; Art. 43 Labour Proclamation 1975, equal wages for equal work; Art. 14(f) Labour Proclamation 1993, general anti-discrimination clause).
6. Maximum duration of fixed-term contracts	1970: 0.5	Art. 2568 CC: fixed-term contracts limited to a duration of 5 years. If renewed after that point they will be permanent.
7. Agency work is prohibited or strictly controlled	1970: 0 1998: 0.5 2009: 0.75	1998 Private Employment Agencies Proclamation provided a system for licensing agencies. Art. 22 provides for joint and several liability of agency and user. The 2009 Proclamation limits the categories of workers who may be recruited by an agency.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no general right to equal treatment. 2003 Proclamation, Art 14(f): general anti-discrimination clause. The 2009 Proclamation provides that agency workers posted overseas should not be subject to worse conditions than those which would apply to a hiring in Ethiopia.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.53	14 days, with an extra year for each year of service after the first (Regulation No. 302/1964; Art. 34(2), Labour Proclamation 1975).
10. Public holiday entitlements	1970: 0.33 1975: 0.72	6 days (Art. 6 Labour Proclamation Regulations 1964); 13 days (Public Rest Day Proclamations 1975 and 1996).
11. Overtime premia	1970: 0.25	25% for normal overtime: Labour Proclamation Regulations 1964, Art. 8; Labour Proclamation 1975, Art. 33; Labour Proclamation 1993, Art. 68.

12. Weekend working	1970: 0 1975: 1	Labour Proclamation Regulations 1975, Art. 33: 100%.
13. Limits to overtime working	1970: 0 1993: 1	Overtime limited to 2 hours per day, 20 a month and 100 a year: Labour Proclamation 1993, Art. 67(2).
14. Duration of the normal working week	1970: 0.13	48 hours: Labour Proclamation Regulations 1964, Art. 7(1) Labour Proclamation Regulation 1973, Art 31; Labour Proclamation Regulation, 1993, Art. 61.
15. Maximum daily working time	1970: 0 1993: 0.8	10 hours (normal working day of 8 hours, 2 hours of overtime).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67	CC Art. 2571(2): 2 months where the employee has worked for more than one year. See also Labour Proclamation 1993, Art. 35(b).
17. Legally mandated redundancy compensation	1970: 0.50 1975: 0.67	Labour Proclamation Regulations 1964, Art. 9(1): 30 x average daily wage plus 25% for each year after the first. Labour Proclamation 1975, Art. 16(2): two months' pay. Labour Proclamation 1993, Art. 40: 30 x average daily wage plus 33% for each year after that. For redundancy, 60 x average daily wage.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1993: 0.96	1993 Proclamation, Art 1: Probation periods may be used, during which the employer can terminate the relationship without having to pay severance pay or compensation. Such periods may not be longer than 45 days. Now Art 11, 2003 Proclamation.
19. Law imposes procedural constraints on dismissal	1970: 0	CC 1960 Art. 2570(2): right to terminate conditional upon notice but no further specification on procedure.
20. Law imposes substantive	1970: 0.67	The employer must show good cause for dismissal (Art. 2573 CC) which is defined in

constraints on dismissal		terms of capability, change of circumstances, and good faith abolition of the post. Labour Proclamation 1975, Art. 14, lists exhaustive grounds for dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1993: 0.67	Arts. 2573, 2574 CC: compensation. Labour Proclamation 1975, Art. 14: unjust dismissal not a nullity. Labour Proclamation 1993, Art. 43: possibility of reinstatement, but not where the tribunal takes the view that it would be impracticable.
22. Notification of dismissal	1970: 0.33	Written reasons to the employee: Art. 2572 CC; Labour Proclamation 1993, S. 34.
23. Redundancy selection	1970: 0 1993: 1	Selection should be based on length of service, dependants, employee representative status, maternity: Labour Proclamation 1993, Art. 29(3).
24. Priority in re-employment	1970: 0	No provision.
D. Employee representation		
25. Right to unionisation	1970: 1	Art. 47 1955 Constitution. Art. 42(1)(a) 1995 Constitution.
26. Right to collective bargaining	1970: 0 1995: 1	Art. 42(1)(a) 1995 Constitution.
27. Duty to bargain	1970: 1	Provided for in successive statutes: Labour Proclamation Act 1966, Arts. 10(4), 26. Labour Proclamation 1975, Art. 130; Labour Proclamation Act 1993; see also 2003 Labour Proclamation.
28. Extension of collective agreements	1970: 0	No provision.

29. Closed shops	1970: 0	Pressure to require employees to join or not to join a union is an unfair labour practice under Labour Proclamation 1975 Art. 107(4); see also Labour Proclamation 1966, Art. 29(3).
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0	Labour Proclamation 1966 provides for collective bargaining rights and Labour Proclamation 1975 Art. 79 refers to trade dispute committees being set up in undertakings with 10 or more employees, but in neither case does the law provide for co-determination.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Strikes must be organised by the union: Labour Proclamation 1975, Art. 106.
33. Political industrial action	1970: 0	The definitions of strike refer to action taken over labour conditions: Labour Proclamation 1962; Labour Proclamation 1975.
34. Secondary industrial action	1970: 0	The strike must refer to a dispute between workers and their employer: Labour Proclamation 1993.
35. Lockouts	1970: 0.5	Lockouts are subject to notice and a willingness to negotiate in good faith, in parallel with the rules on strikes: Labour Proclamation 1975, Art. 105; Labour Proclamation 1993.
36. Right to industrial action	1970: 0 1995: 1	1995 Constitution, Art. 42(2)(b).
37. Waiting period prior to industrial action	1970: 0	Successive statutes have characterised a strike initiated prior to conciliation and arbitration unlawful (Labour Proclamations 1962, 1975). Labour Proclamation 1993 refers to 10 days' notice of a strike (Arts. 158, 159).

38. Peace obligation	1970: 0	Labour Proclamation 1966, Art. 27 contains a version of a peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	Under the Labour Proclamation 1962, a strike conducted without willingness to negotiate in good faith was an unfair labour practice and the parties were obliged to settle labour disputes by peaceful means. At this point there was an emphasis on promoting conciliation through collective bargaining. From 1975 there was an increased role for the Minister in appointing a conciliator. Under the 1993 Proclamation, conciliation follows automatically from the reporting of a dispute to the Labour Board, and under Art. 158 the parties must make all efforts to settle the dispute through conciliation.
40. Replacement of striking workers	1970: 1	Dismissal for participation in a lawful strike cannot be grounds for dismissal: Art. 2681(20 CC.

Finland

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Employment Contracts Act 1970 (ECA) Ch 1, s 1 defines the conditions under which a contract of employment will be found. Direction and supervision by the employer are critical – see Supreme Court decision 1999:113. Absence of financial risk assumed by employee is also important. Some account is taken of the parties' description of the contract.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1986: 0.5 2001: 1	Part time workers are defined as 'employees' (s. 1 ECA 1970). From 1986 there was a limited right to equal treatment under sex discrimination legislation. ECA 2001 prohibits less favourable treatment of part-time workers than their full-time counterparts unless there are special reasons justifying this. There is also a general principle of equal treatment of employees which covers part-time work (Ch. 2 s. 2 ECA).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The ECAs 1970 and 2001 make no distinction between full and part time workers for this purpose.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1984: 1 2001: 0.5	Under ECA 1970 employment contracts could be either for a specified period or an unspecified one; contracts for the performance of a particular job were deemed to be for a specified duration but there was no need to justify the use of a fixed term (Ch 1, s 2). From 1984, an amendment introduced the need for the employer to show a valid reason for concluding an FTC, such as replacing another employee or completing a specific job. The 2001 Act maintained the rule requiring a valid reason for the use of an FTC but did

	2011: 0.75	not list specified reasons. A 2010 amendment (by Act no. 1224/2010) prohibits the consecutive use of FTCs where this shows that the employer's need is long-term. See now Ch. 1, s. 3(3) ECA.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1986: 0.5 2001: 1	ECA 1970 No equal treatment provision. 1986: some protection under general law governing equal treatment in employment. 2001 Act: there is a general principle of equal treatment of employees which covers fixed-term employment.
6. Maximum duration of fixed-term contracts	1970: 0.5	ECA 1970 Ch. 1 s. 2: an FTC for 5 years or more is subject to the general rules of termination of indeterminate duration contracts once five years have elapsed. To similar effect is ECA 2001 Ch. 6, s. 2.
7. Agency work is prohibited or strictly controlled	1970: 0 1978: 0.5 1986: 0.75 1994: 0.5	Prior to 1970 agency work was only loosely regulated. The Cooperation with Undertakings Act 1978 required negotiations over the use of TAWs. It became commonplace for collective agreements to limit the use TAWs to peak times or for special or temporary tasks. Between 1986 and 1993 the licensing requirements for agencies imposed a limit on the types of work for which TAWs could be used (Regulation 908/85; permit system repealed, Regulation 103/93). 2009 amendments enhanced informational duties relating to TAWs but did not impose any new substantive controls.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2012: 0.75	From 2012, if there is no collective agreement in force in the agency undertaking, there is a requirement of equal treatment by reference to the collective agreement in force in the user undertaking or, in the absence of such an agreement, by reference to the terms normally applied to employees of the user.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.75	Annual Holidays Act 1960: between 18 and 24 days of paid leave per year depending on

	2005: 1	service. 2005 (AHA): 2.5 weekdays leave earned per month worked ('month worked' means either 14 days or 35 hours), hence 30 days if the employment relationship has lasted for at least 12 months. If the employment relationship has lasted for less than 12 months only 2 weekdays per month are earned.
10. Public holiday entitlements	1970: 0.72	Church law traditionally provided for up to 11 holidays depending on whether they fall on a working day, and independence day and Mayday are also generally observed.
11. Overtime premia	1970: 0.75	50% increase for first 2 hours, 100% thereafter. Currently s. 22 Working Time Act 1996.
12. Weekend working	1970: 1	1979 Act on Working Hours in Commercial Establishments (WHCE) s 10: 100% premium for Sunday work. Now Working Hours Act 1996, s. 33
13. Limits to overtime working	1970: 0 1980: 0.75 1996: 0.5	WHCE 1980 s 6: 40 hours overtime permitted in a period of 4 weeks or 200 hours in any calendar year. Weekly maximum over averaging period: 48 hours (s 3). Working Hours Act 1996: maximum overtime of 138 hours over 4 months or 250 hours over 12 months (s 19(1)).
14. Duration of the normal working week	1970: 0.67	40 hours throughout (ECA 1970 and 2001, and WHA 1996 s 6).
15. Maximum daily working time	1970: 0.3 1996: 0.5	1970: at least 9 hours' rest in 24 hour period. WHA 1996 s 29: 11 hours' continuous rest for every 9 hours' continuous work.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.16 2001: 0.33	ECA 1970 Ch. 3 s. 38: to be agreed by the parties, with a maximum of 6 months, a minimum of 14 days. ECA 2001: 1 month default.

17. Legally mandated redundancy compensation	1970: 0	There is no right to a redundancy payment or severance pay from the employer. Severance pay may be available from public funds for older workers.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	ECA 1970 Ch. 1 s. 3: provision for up to 3 month trial period during which either side can terminate without notice but there is still protection from unfair dismissal. 2008: Ch 1 s 4 allows for 4-6 month trial period one the same basis, that is, unfair dismissal law applies during the probation period.
19. Law imposes procedural constraints on dismissal	1970: 0.5 2001: 1	ECA 1970 Ch. 7 s .2: except in the most serious cases of misconduct, an employee had to be given a warning and the opportunity to change behaviour prior to termination. The employer had to consider relocating the employee. ECA 2001, Ch. 9: stricter procedural requirements including a right to a hearing (Ch. 9, s. 2).
20. Law imposes substantive constraints on dismissal	1970: 0.67	ECA 1970: Reasons for dismissal must be objective and weighty. Reasons for individual termination include serious violation/omission of essential duties, and incapacity to work resulting from a change of conditions brought on by the employee. Ch. 7 .s 3 states various grounds for which dismissal is prohibited. ECA 2001 Ch. 7 broadly replicates this approach.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1984: 0.67 2001: 0.33	ECA 1970 s 45: payment of wages for unlawful rescission (dismissal without notice without just cause) for notice period (maximum); s. 51 provided for damages for prejudice caused by the premature termination. From 1984: court to decide between reinstatement and compensation; mandatory grievance procedure involving the union which could give rise to reinstatement. ECA 2001 Ch. 12 compensation is the normal remedy.
22. Notification of dismissal	1970: 0 1978: 0.67	From 1984 and currently ECA 2001 Ch. 9 ss. 2 and 3: reasons to be given to the employee; s. 5, notification to the employee. Ch. 9 s. 3a: employment office must be notified where the employee has served for three years. From 1978: information and consultation rights of employee representatives in respect of collective dismissals.

23. Redundancy selection	1970: 0	No law on this point.
24. Priority in re-employment	1970: 0 1978:1	Preferential hiring absent from 1970 Act until an addendum in 1978. ECA 2001 Ch. 6 s. 6: preferential hiring required.
D. Employee representation		
25. Right to unionisation	1970: 1	Constitution 1919 s 10a: right to freedom of association. Constitution 1999 s 13: protects right to organise in trade unions.
26. Right to collective bargaining	1970: 0.2 2001: 1	In the 1919 Constitution collective bargaining was specifically provided for but only in regard of civil servants (s 65). It is not referred to explicitly in the 1999 constitution but in the light of travaux préparatoires there is understood to be a right to collective bargaining.
27. Duty to bargain	1970: 0	There is no obligation of good faith bargaining or any duty to bargain.
28. Extension of collective agreements	1970: 1	CA with 'general validity' is deemed to be binding on all employers and employees in the sector and not just members of the signatory organisations. ECA 2001 explicitly states that employers must follow at least the national CA. A Committee will determine if the CA is representative and therefore valid. There is a procedure for declaring the general applicability of a CA.
29. Closed shops	1970: 0	The constitution and the ECA, in protecting the right to associate (and therefore not join a trade unions), effectively prohibits closed shops.
30. Codetermination: board membership	1970: 0 1990: 0.75	1990 Act on Personnel Representation in the Administration of Undertakings: workers in organizations with over 150 employees have the right to participate in management decisions. The method is agreed by the parties. If they cannot reach an agreement, the company decides at which level employees are represented. Such persons have the same

		rights as other members of the board.
31. Codetermination and information/consultation of workers	1970: 0 1978: 0.67 2007: 1	Cooperation within Undertakings Act 1978: provides a framework giving union representatives information and consultation rights and in companies with 30+ employees (20+ since 2007) co-decision making rights in relation to certain matters. There is no general obligation on the employer to reach agreement in the cooperation negotiations, but agreements must be reached in certain fields.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Collective Agreements Act s. 7(2): strikes must be in accordance with the procedures laid down by law and an employee is unprotected if the union does not initiate the industrial action. The union may be liable to pay a fine in respect of wildcats strikes in breach of a collective agreement.
33. Political industrial action	1970: 1	Political industrial action may be in principle be lawful.
34. Secondary industrial action	1970: 1	Secondary action is permitted provided that it does not constitute industrial action directed against the workers' own collective agreement and provided that the primary action itself is lawful.
35. Lockouts	1970: 0.5	The Act on Labour Disputes and Collective Agreements regulates lockouts on the same terms as strikes.

36. Right to industrial action	1970: 0.9	Art. 13 Constitution protects the right to strike via rights of association, provided that the action is not directed against a current collective agreement.
37. Waiting period prior to industrial action	1970: 0	Act on Mediation in Labour Disputes 1962 s 7: requirement of written notice to the National Conciliation Office at least 14 days in advance. The 1993, 1997 and 2002 Central Agreements require 4 days' notice for a political or solidarity strike.
38. Peace obligation	1970: 0	CAA s 8: collective agreements are in principle governed by a peace obligation.
39. Compulsory conciliation or arbitration	1970: 1	AMLD 1962 s 7: after notice has been given, the conciliator will take measures to settle the dispute. However, there are no compulsory measures available to stop strikes or lockouts, and settlements cannot be enforced on the parties
40. Replacement of striking workers	1970: 1	Employees cannot be dismissed provided that the strike is legal (the contract of employment is suspended). There is no statutory prohibition on hiring temporary replacements but there is a gentlemen's agreement on this point.

France

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The law defines the circumstances in which a contract of employment is deemed to exist and lists the relationships to which the Labour Code (LC) applies. Case law of the Court of Cassation has consistently taken the view that employment status does not depend on the will of the parties or the designation they give the contract (see e.g. Cass. Soc. 2007-44-759, 19 May 2009).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 1982: 1	LC Arts. L. 3123-10 and L.3123-11 grant equal treatment for working conditions and pay. This right was first established from 1982. Prior to 1982 there was limited protection from the general right not to be treated arbitrarily in employment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made between part-time and full-time workers for the purposes of dismissal law.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1982: 1 1985: 0.75 1986: 0.5	LC Arts. L. 122-1 et seq., dating from 1982 in this form, provided that a fixed-term contract could only be entered into for a precise and defined task, and an exhaustive list of circumstances was set out. This approach was relaxed progressively between 1985 and 1986: rather than setting out an exhaustive list, the law allowed fixed term contracts for a defined task, provided that the job was not a continuing one. 1990 Act No. 90-613 reintroduced the exhaustive list approach. See now LC Art. L. 1242-2.

	1990: 1	
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25 1979: 1	LC Art. L.122-3-4 (originating in Act No.79-11) provided for equal treatment. See now LC Art. L 1242.14. Prior to 1979 there was only general protection against arbitrary treatment in employment.
6. Maximum duration of fixed-term contracts	1970: 0 1979: 0.9 1990: 0.85	LC Art. L.122-1 (Act No.79-11): the normal maximum duration of a fixed-term contract is one year. This was extended to 18 months in 1990. See now LC Art. L. 1242-8.
7. Agency work is prohibited or strictly controlled	1970: 0.25 1982: 0.75 1985: 0.25 1990: 0.75	In 1945 a general prohibition on the sale of labour services through intermediaries was introduced, but temporary work agencies were not considered illegal and operated widely. In 1969 a collective agreement between Manpower and one of the principal trade unions set out loose conditions for the use of agency work which were then incorporated into the LC (Art. L. 124-2, Law 73-4). Sticter controls were introduced with effect from 1982 (Ordinance 92-131) loosened again in 1985 Law 85-772), and tightened again in 1990 (Law 90-613).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.25 1982: 1	LC Art. 124-4-2, introduced in 1982, first provided for a right of equal treatment for agency workers. See now LC Art. L. 1251-18. The user enterprise is also responsible for the application of certain working time and health and safety laws to agency workers (LC Art. 124-4-6, introduced in 1982, prior to which case law had established a similar rule; see now LC. Arts. L.1251-21, 1251-22, 1251-23.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.67	A law of 1969 introduced a 4 week annual leave period and with effect from 1973 LC Art. L.223-2 provided for two days holiday per month up to 24 days maximum Currently

	1982: 0.83	Art. L.3141-3, dating in this form from 1982, provides for 2.5 days per month up to 30 days maximum.
10. Public holiday entitlements	1970: 0.56 1981: 0.61	Prior to 1973 :10 days (by legislation for women and younger workers and through collective agreements in most sectors); from 1973, LC Art. L.222-1: 10 days. See now LC Art. L.3133-1 (with effect from 1981): 11 days.
11. Overtime premia	1970: 0.25	25% for the first 8 hours and 50% thereafter (previously LC Art. L. 221-5; now Art. L. 3121-22).
12. Weekend working	1970: 1	Currently LC Art. L.3123-3 (previously Art. L. 221-5) prescribes Sundays as the weekly rest day. Art. L.3132-27 prescribes double time.
13. Limits to overtime working	1970: 1 1971: 0.5 1982: 1	Act No.71-1049 amending the Labour Code limited weekly working time to 57 hours or 50 hours averaged over 12 weeks with provision for exemptions with previous authorisation. Ordinance 82-841 set an absolute maximum of 48 hours with limited derogations allowing up to 60 hours. Legislation implementing the Working Time Directive in 1998 also set an upper limit of 60 hours per week. See now LC Art. L. 3121-35.
14. Duration of the normal working week	1970: 0.67 1982: 0.75 2000: 1 2003: 0.75	The normal working week was 40 hours in 1970, under legislation going back to 1936. In 1982 it was cut to 39 hours (Ordinance 82-41). The loi Aubry I reduced it to 35 hours with effect from 2000 (Law 98-461; LC Art. L. 212-1; LC Art. L. 3121-10) but from 2003 the effective week was 39 hours by virtue of reforms allowing the employer to increase hours to 39 without needing the permission of the labour inspectorate.
15. Maximum daily working time	1970: 0.8	The maximum working day has consistently been set at 10 hours, taking into account breaks and weekly limits. See LC Arts. L-212-1, L. 212-13, L. 220-1; now, LC Art. L-3121-24.

C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67	2 months: LC Art. L.1234-1, previously Art. L. 122-6.
17. Legally mandated redundancy compensation	1970: 0.1 2002: 0.2	Legislation from 1967 introduced the principle of dismissal compensation for workers with more than 10 years' employment who were not dismissed for 'very serious' cause. Law 73-860 restated this rule and set compensation at the rate of one tenth of normal monthly salary for each year of employment (Decree 73/808). This was increased to one fifth from 2002 (Decree 2002-785). See now LC R. 1234-2.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	Prior to 1973 under the general law of abuse of right, no qualifying period applied, and under the law on unjust dismissal of 1973 (Law 73-68), all employees were entitled to basic procedural protections, with certain additional protections, including the right to compensation, applying to those with over 2 years' service, which was reduced to 1 year by Law 2008-596 (Art. L. 122-9; now Art. L. 1234-9).
19. Law imposes procedural constraints on dismissal	1970: 0 1973: 1	Law 73-680 Arts. 24l, 24m required for the first time a specific procedure to be followed for dismissal. Act No.75-5 L.122-14 required a written summons, a meeting, an interview and the hearing of the employee's representations. L.122-14-4 required that compensation be paid where these procedures are not followed but a valid reason exists. It provides for reinstatement where there are no valid grounds and an invalid procedure. See now LC Arts. L.1232-2 and L.1232-4. Where no written notification of the reasons for dismissals is given to the employee, the dismissal is held to have been without cause.
20. Law imposes substantive constraints on dismissal	1970: 0.25 1973: 1	Before 1973 challenges to dismissal were based on the principle of abuse of right under Art. 1780 Civil Code. There was a heavy burden on the employee which was difficult to discharge. The 1973 Act required the employer to show 'real and serious cause': Law 73-680, Arts 24n, 24o;. LC Art. L. 122-14-4; see now LC Art. L. 1235-3.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1973: 0.33	The remedy for abuse of right Civil Code Art. 1780 was damages. Law 73-680 Art. 24p (codified as LC Art. L.122-14-4) provided for reinstatement where the procedure followed was invalid and there was no valid reason for dismissal, but compensation if

		either party rejected the proposal for reinstatement. L.1235-3 LC currently provides for reinstatement to be proposed by the judge on a discretionary basis. L.1235-3 makes it clear that a dismissal without cause is not void and thus maintains the general principle of compensation for an unlawful dismissal.
22. Notification of dismissal	1970: 0 1973: 0.33 1975: 1 1986: 0.67	Under Law 75-5, the authorisation of a state body was required for economic dismissals, including individuals ones (LC Art. L. 321-7). From 1986, this was replaced by a duty to notify the relevant state body. See now LC Art. L. 1233-115. Act No.75-5, codified as LC Art. L.122-14-1, provided that written reasons had to be given to the employee. See now LC Art. L. 1232-6.
23. Redundancy selection	1970: 0 1975: 1 2013: 0.5	Law 75-5 first introduced legally binding selection criteria. See LC Art. L. 321-1-1, now LC Art. L. 1233-5. With effect from 2013, the employer has greater flexibility to implement a social plan unilaterally, bypassing normal processes including selection criteria: Law 2013-504.
24. Priority in re-employment	1970: 0 1975: 1	A right to priority in re-employment was introduced by Law 75-5. See now LC Art. L.1235-45.
D. Employee representation		
25. Right to unionisation	1970: 1	The Preamble to the 1946 Constitution refers explicitly to the right of every peson to take part in trade union activities to join the union of their choice.
26. Right to collective bargaining	1970: 0	The constitution does not guarantee collective bargaining rights and case law of the Court of Cassation has established that unions do not have a monopoly of representation rights in the workplace.

27. Duty to bargain	1970: 0 1982: 1	A duty to bargain was introduced by the Auroux laws of 1982, in the form of a duty conduct negotiations on an annual basis in undertakings with a union presence: LC Art. L.132-27; now, LC Art. L. 2242-1.
28. Extension of collective agreements	1970: 1	Measures providing for extension of sector-level agreements date back to 1936, and were strengthened in 1950 and again in 1982 as part of the Auroux Laws: LC Art. L.133-1, now LC Art. L. 2261-19.
29. Closed shops	1970: 0	Since 1956 (Act 56-146 article 1a) it has been unlawful for an employer to take consideration of trade union membership into account in recruitment and dismissal. LC Art. L. 412-2 LC, now Art. L. 2141-5.
30. Codetermination: board membership	1970: 0 1982: 0.33 1986: 0.50 2013: 1	Provisions in the Auroux laws (codified as LC Art. L.432-4 in 1982) entitled representatives of works committees to be present at meetings of the board of directors with powers to express opinions and to be consulted. From 1986, legislation provided for employee directors elected by the workforce to be allotted between a quarter and a third of seats on the boards of public limited companies (Commercial Code Art. L. 225-79 et seq.). From 2013 (Law 2013-504) this was obligatory in all companies employing 10,000 employees worldwide or 5,000 in France.
31. Codetermination and information/consultation of workers	1970: 0.50 1982: 0.67	French law has provided for workplace representatives since 1936 and enterprise committees since 1945, with the law strengthened in 1966, 1982 (Auroux laws) and 2002 (law on social modernisation, 2002-73). It is generally accepted that enterprise committees in France do not have the extensive codetermination rights of German works councils.
E. Industrial action		
32. Unofficial industrial action	1970: 1	There is generally no requirement of union authorisation for industrial action, although unofficial strikes may be subject to controls in the public sector (LC Art. L. 521-2; see now LC Art. L. 2512-2).

33. Political industrial action	1970: 0.5	In principle a political strike is an abuse of right (Court of Cassation decisions of 1956 and 1961) but this will not be the case if the strike is directed against the state as employer or against economic or social policy decisions that have a bearing on workers' interests.
34. Secondary industrial action	1970: 0.5	Pure solidarity strikes are not lawful but strikes may be called in support of general worker interests in relation to the protection of jobs, purchasing power or defence of trade union rights (Court of Cassation decision, 1971).
35. Lockouts	1970: 0.9	There is in principle no right to lock out but case law has recognised some exceptions including in situations where the business closes for economic reasons.
36. Right to industrial action	1970: 1	The Constitution of 1946 protects the individual right to strike.
37. Waiting period prior to industrial action	1970: 1	There is no waiting period or notice required for strikes, except in the public sector (Court of Cassation case law from the early 1950s onwards).
38. Peace obligation	1970: 1	A strike is not unlawful merely on the grounds that a collective agreement is in force (Court of Cassation decision, 1959).
39. Compulsory conciliation or arbitration	1970: 0 1982: 1	Law 1950-205 Ch. 2 Art. 5 made provision for compulsory conciliation. The element of compulsion was removed by the Auroux laws of 1982.
40. Replacement of striking workers	1970: 1	The dismissal of an employee for taking part in industrial action is void except in a case of gross misconduct (Law 50-105, LC Art. L. 521-1, now LC Art. L. 2511-1). There are specific restrictions on employing fixed-term contract workers and temporary agency workers during a strike.

Gabon

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	LC 1962 Art.1: a worker means any person who has placed his gainful activity in return for remuneration under the direction and control another person, irrespective of the legal position of the employer or employee. Art. 28: proof of the existence of the contract may be established in any manner agreed upon by the parties. Art. 30(3) requires that the Director of Manpower authorise the contract after having confirmed that both parties are aware of its terms. Failure by the employer to present the contract for attestation entitles the worker to compensation. LC 1978 maintains the position: Arts. 1, 25, 22.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.5	LC 1962 Art.72: industry-wide collective agreements should prescribe rates of remuneration for part-time workers as well as the implementation of equal pay for equal work for women and young persons. Art.89 states that where there are equal conditions as regards work, skill and output, the same wage shall be payable to all workers irrespective of sex, age, and status. Equal pay for equal work maintained in all LCs. See: Art. 140 LC 1994.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made in LC 1962 or 1978.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	LC 1962 Art 29 and 30: workers may only undertake to provide their services for a specified period of time/specific piece of work. This is not to exceed two years (natives) or three years (non-natives). Prolongation will result in an indefinite duration contract. LC 1978 Art.22 contracts can be determinate or indeterminate, but the former must not exceed two years. LC 1994: Art.23: for two years, with one renewal only, and for execution of a specific task. However, the grounds for the use of FTCs are not limited.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0.25	LC 1962 Art. 89: equal pay for equal work. Maintained LC 1978 Art. 7, Art.84. LC 1994, Art. 8: all discrimination in employment is forbidden.

workers		
6. Maximum duration of fixed-term contracts	1970: 0.8 2010: 0.6	LC 1962 Art.29: 2 years for natives, 3 years for non-natives. Prolongation even by tacit consent will result in an unlimited duration contract. Ordonnance no.18/2010: Art.2 one renewal.
7. Agency work is prohibited or strictly controlled	1970: 1	LC 1962, Art 174: private placement bureaus of any form are prohibited. Maintained LC 1978, Art.171. See Art. 264 LC 1994.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1	Agency work is prohibited (see v. 7) and there is a general right to equal treatment in employment (see vs. 2 and 5).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6 1978: 0.8	LC 1962 Art.121: annual leave entitlements are to be one and a half days for every effective month of service, with provision for higher levels according to length of service to be prescribed by decree. LC 1978 Art 125: 2 days per year of service. LC 2000: 24 days.
10. Public holiday entitlements	1970: 0.72	LC 1962 Art.120: Public holidays shall be paid and proscribed by decree. Decree No.000727 Art.2: 13 days.
11. Overtime premia	1970: 0	LC 1962: overtime is to be regulated by collective agreement; no statutory maximum.
12. Weekend working	1970: 1	LC 1962 Art. 119: weekly rest is compulsory and as a rule should be on a Sunday. Maintained Arts. 123-124 LC 1978 (remuneration to be provided by decree). LC 2000 Art.183.
13. Limits to overtime working	1970: 0 1998: 1	LC 1962: overtime is to be provided for in collective agreements. Decree no.276 1998: max Art.14: 20 hours per week.

14. Duration of the normal working week	1970: 0.67	LC 1962 Art.111: work in excess of 40 hours per week will be considered overtime. Maintained throughout. See Art. 165 LC 1994.
15. Maximum daily working time	1970: 0	There is no mandatory daily rest period except for women and young persons.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	LC 1962 Art.36 allows employment to be terminated at will provided notice is given, the length to be determined by decree with regard to service length, employment category and contract duration. Art.72: collective agreements extended to branch or industry should prescribe the notice period. Ordinance No.51-PR 1964 proscribes at least one month in circumstances of redundancy. LC 1978, Art. 42: from one to three years, one month. Art.43 two months for redundancy. See Art.65 and 66 LC 1994.
17. Legally mandated redundancy compensation	1970: 0 1995: 0.2	Ordinance No.51-PR 1964 Art.2 requires payment of 3 months of the family allowance, payable in proportion to children maintained by the employee. Maintained Art 43 LC 1978. Art.73 LC 1994 requires an indemnity equal to 20% of monthly salary per year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	LC 1962 Art. 31: trial period not to exceed 6 months. Art.48: during the trial period, contracts are terminable without notice or obligations to pay damages. Maintained LC 1978 Arts. 24, 27. LC 1994: Art. 30.
19. Law imposes procedural constraints on dismissal	1970: 0 1995: 0.67	LC 1962: no provisions. LC 1994: Art.51 requires the employer to substantiate claims in front of the employee who has a right to be represented. Art.53 requires payment of 3 months' wages by way of indemnity for failure to follow procedural requirements. 2010 Ordonnance introduces a new Article 51 which creates more extensive procedural requirements.
20. Law imposes substantive constraints on dismissal	1970: 0.33 1995: 0.67	LC 1962 Art. 38: termination without notice on grounds of serious misconduct or negligence permitted, subject to determination by the court as to the severity of the misconduct. Art. 40: s wrongful termination entitles the wronged party to damages; what is wrongful is determined by the court. Examples include dismissal without legitimate

		reasons, on account of worker's opinions, trade union activity. Maintained LC 1978 Art. 50. LC 1994 Art. 50 set out grounds for dismissal on the grounds of physical and professional aptitude/capacity and misconduct.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	LC 1962 Art.39: wrongful termination entitles the wronged party to damages. LC 1978 and 1994 Art.50, Art.74.
22. Notification of dismissal	1970: 0.67 1986: 1	LC 1962 Art 43: premature termination requires prior notification (8 days) to the authority before whom the contract was made. There is no duty to give reasons. LC 1978: written reasons required, Art.48. LC 1994, Art. 51: all dismissals must be notified to the inspector. See also LC 1978 Art. 55, LC 1995 Art. 44. Arts. 56 and 57 requires prior authorisation for economic dismissals, whether individual or collective (introduced by Ordonnance 16/86).
23. Redundancy selection	1970: 0 1978: 1	LC 1962: no provisions. LC 1978 Art.46 prescribes an order for redundancy selection. Maintained Art.59 1995 LC.
24. Priority in re-employment	1970: 1	Ordinance No.51-PR 1964, Art. 5: priority for one year. Maintained LC 1995 Art. 60.
D. Employee representation		
25. Right to unionisation	1991: 1	Constitution 1991 Art.13: right to form trade unions. 1961 Constitution Art. 8: right to form associations for social purposes. Art.31: the law shall determine the fundamental principles of (inter alia) the rights of unions.
26. Right to collective bargaining	1970: 0	Not protected in the Constitution.
27. Duty to bargain	1970: 0	LC 1962 Arts. 78 and 79: permissive language is used as regards the conclusion of enterprise level collective agreements. Maintained Art. 73 LC 1978, Art.130 LC 1995.
28. Extension of collective agreements	1970: 1	LC 1962 Art 71: extension possible, conditional upon a finding of adequate representativeness. Art.74 allows them to be made compulsory. LC 1978 Art.69, 70;

		Art.124-126 LC 1994.
29. Closed shops	1970: 0	LC 1962 Art.4: every person is free to join a trade union selected by them. See Art 269 LC.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0.67	LC 1962 Art 18: trade unions may be consulted and informed on all disputes and questions relating to their branch of activity. Art. 33: before bringing new work rules into operation, the head of the undertaking must communicate the rules to the staff representatives (if there are any) and inspector of labour who may order the deletion or amendment of any of the provisions. Art.161 makes provision for the election of staff representatives. Art. 165 gives them the following duties: to refer any individual or collective demands to the employers over employment conditions, collective agreements, wages, job classification and workers' protection; to refer any complaints to the inspectorate of labour as regards compliance with labour law; to monitor adherence to health and hygiene laws; to submit suggestions for improving organisation to the employer; to provide an opinion to the employer on dismissals in the context of lay-off for redundancy. LC 1978 details the same duties for staff representatives: Art.198. In addition, provision is made for a standing economic and social cooperation committee in enterprises where there are more than 50 employees. They are to enjoy, inter alia, certain information rights concerning the management of the enterprise and can make comments which are to be reported at the shareholders' meeting; managements' responses must also be reported back: Art.202 and 203. Maintained LC 1994 (Arts 110, Art.299, Art.303 and 304).
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1962 governs the procedure for a lawful strike; unofficial strikes will always be unlawful. LC 1995: Art. 346 does not envisage strikes not notified in advance by the most representative union.

33. Political industrial action	1970: 0	LC 1995 Art.342: strikes cover professional, economic and social matters only. Purely political strikes are prohibited: Art. 344(a). Trade Union purposes were limited to the defence of economic, industrial, commercial, agricultural and handicraft interests under previous law: Art. 3 LC 1962; Art.172 LC 1978.
34. Secondary industrial action	1970: 0 1995: 0.5	LC 1994: does not specifically refer to solidarity strikes – but all strikes subject to prior notice.
35. Lockouts	1970: 1	LC 1962 governs lockouts on a par with strikes, both being strictly regulated. LC 1995 Art. 352: preventive and defensive lockouts are unlawful.
36. Right to industrial action	1970: 0.5	LC 1962 Art.210: any strike or lockout after the application for stay of the arbitration board shall be illegal and shall be a breach of contract. It also makes unlawful all strikes commenced before arbitration, or in violation of an arbitral decision. Constitution 1991 Art.47 states that the law is to determine the extent of the right to unionise including the right to strike. This was the same in Art.37 Constitution 1961.
37. Waiting period prior to industrial action	1970: 0	LC 1962 Art.204: any collective dispute must be immediately notified to the labour inspector who will commence conciliation. After 2 days, arbitration will be commenced with the board commencing arbitration within 2 days. LC 1995: Art.344 (c)strikes conducted without the requisite notice period are unlawful. See also Art.346. During this period, negotiations must take place.
38. Peace obligation	1970: 0	Strikes during a collective agreement were highly regulated under the LC 1962 by reason of mandatory conciliation/arbitration procedures (see v. 39). Art. 344(e) LC 1995: strikes during the period of a collective agreement are prohibited.
39. Compulsory conciliation or arbitration	1970: 0	LC 1962 Art.204: any collective dispute must be immediately notified to the labour inspector who will commence conciliation. Art.205 requires arbitration in default of resolution. Art.210: any strike or lockout before such procedures have taken place or in violation of a decision of the arbitral award is illegal. Maintained Arts. 239, 240 and 249

		LC 1978. LC 1995 Art. 346: during the period of strike notice, both parties must seek to resolve the dispute. Art. 359 prescribes conciliation and arbitration for all collective disputes.
40. Replacement of striking workers	1970: 0 1995: 1	LC 1962 Art.210 states that any strike or lockout after the application for stay of the arbitration board shall be illegal and shall be a breach of contract. It also makes unlawful all strikes commenced before arbitration, or in violation of an arbitral decision. LC 1995 Art.343: strikes do not breach the contract but merely suspend its operation, in the absence of serious misconduct. Art.345 protects workers against sanctions where they take part in lawful strikes.

Georgia

Variable	Score	Explanation
A. Alternative employment contracts		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	GSSR LC 1973, Art. 16: a labour contract is an agreement in which the worker is required to perform a job in a certain specialty, qualification or position, and complies with labour regulations, and the enterprise, institution, or organization guarantees to pay wages to workers and provide the labour according to the terms and conditions as provided for in labour legislation, collective agreement or agreement of the parties. LC 2006 and 2010, Art. 2: employment relation means performance of paid labour by the employee to the employer in terms of organized labour arrangement. Art. 3: Employee is a physical person who on the basis of a labour contract carries out certain work for the benefit of the employer.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1 2006: 0	GSSR LC 1973, Art. 49: part-time workers are to be paid in proportion to full-time workers and there are not to be any restrictions of labour rights on the basis of working part-time. LC 2006 and 2010: no right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	GSSR LC 1973, Art. 49: labour rights are not to be restricted on the basis of part-time work. LC 2006 and 2010: no distinction between part-time and full-time work for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1991: 0	There are no restrictions on when FTCs may be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0	No right to equal treatment.

6. Maximum duration of fixed-term contracts	1991: 0 2013: 0.75	No maximum cumulative duration. 2013 amendment, Art. 6(1)-4: maximum cumulative duration (although start-up companies with fewer than 4 years' operation are exempt).
7. Agency work is prohibited or strictly controlled	1991: 0	No restrictions on when agency work can be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	No right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5 1997: 0.8	GSSR LC 1973, Art. 67: 15 days' annual leave. 1997 amendment: 24 days' annual leave. Maintained in LC 2006 and 2010, Art. 21(1).
10. Public holiday entitlements	1991: 0.5 1993: 0.61 1995: 0.67 2002: 0.78 2003: 0.89	GSSR LC 1973, Art. 64: 9 public holidays. 1993: 11 days. 1995: 12 days. 2002: 14 days. 2003: 16 days. LC 2006 and 2010: 16 days.
11. Overtime premia	1991: 0.75 2006: 0	GSSR LC 1973, Art. 86: 50% premium for the first two hours of overtime and double pay thereafter. LC 2006 and 2010: no additional remuneration for overtime work. 2013 amendment: overtime should be remunerated at a higher rate, but this is to be agreed by the parties.
12. Weekend working	1991: 1	GSSR LC 1973, Art. 58: weekly rest day on Sunday. Art. 63: double remuneration or time off in lieu is given for work on this day. LC 2006 and 2010: no additional

	2006: 0	remuneration for weekend work.
13. Limits to overtime working	1991: 1 2006: 0	GSSR LC 1973, Art. 56: no more than 4 hours' overtime in two consecutive days and annual maximum of 120 hours. (Overtime is generally reserved for exceptional circumstances.) LC 2006 and 2010, Art. 17: no maximum overtime (to be determined by agreement between the parties).
14. Duration of the normal working week	1991: 0.6 2013: 0.67	GSSR LC 1973, Art. 43: 41 hours. Maintained in LC 2006 and 2010, Art. 14. 2013 amendment: 40 hours.
15. Maximum daily working time	1991: 0 2006: 0.6	GSSR LC 1973: a maximum daily working time of 7 hours is given for 6-day working weeks but no express maximum daily working time is given for a 5-day week (it is to be determined in consultation with the Trade Union Committee). LC 2006 and 2010, Art. 14: 12 hours minimum daily rest.
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.33 2006: 0 2010: 0.33	GSSR LC 1973, Art. 37: notice for dismissal must be one month. LC 2006: no notice period. LC 2010, Art. 38: one month.
17. Legally mandated redundancy compensation	1991: 1 2006: 0.33	GSSR LC 1973, Art. 42-3: a month's severance pay and up to two months' more pay until the employee can find another job. LC 2006 and 2010: one month.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.83	GSSR LC 1973, Art. 23: probation periods of up to 6 months may be included. 1997: changed to Art. 22. Maintained in LC 2006 and 2010, Art. 9
19. Law imposes procedural constraints on dismissal	1991: 0.33 2006: 0	GSSR LC 1973, Art. 136: before disciplinary action (including dismissal) can be taken, the employee must be given the chance to give a written explanation. Failure to follow procedure or seek permission of the trade union committee in dismissal may result in an

		unfair dismissal. LC 2006 and 2010: no procedural constraints on dismissals.
20. Law imposes substantive constraints on dismissal	1991: 0.67	GSSR LC 1973, Art. 34: dismissals can be on economic, disciplinary (e.g. systematic failure in duties without excuse, intoxication, absence without valid reason, theft) and capacity grounds. LC 2006, Art. 37: dismissal can be on the grounds of liquidation of the employer; violation of the contract terms, or illness or incapacity lasting 30 days, or 50 days over 6 months.
21. Reinstatement normal remedy for unfair dismissal	1991: 1 2006: 0.33	GSSR LC 1973, Art. 206: reinstatement is awarded for unlawful dismissal. LC 2006 and 2010: no reference is made to reinstatement; only compensation.
22. Notification of dismissal	1991: 1 1992: 0.75 2006: 0	GSSR LC 1973, Art. 37: permission of the trade union committee is required for dismissals. Art. 41: provides for a work book (with the details of the reasons for dismissal) to be given to the employee on discharge. 1992 amendment: dismissal without trade committee approval is permitted where the enterprise is liquidated, or where there is no trade union committee at the enterprise. LC 2006, Art. 38: provides for written notice but there is no requirement to give reasons.
23. Redundancy selection	1991: 1 2006: 0	GSSR LC 1973, Art. 36: selection criteria for redundancy. LC 2006 and 2010: no redundancy selection criteria.
24. Priority in re-employment	1991: 0	No priority in re-employment.
D. Employee representation		
25. Right to unionisation	1991: 0 1995: 1	1995 Constitution, Art. 26: right to form and join trade unions. No right to join trade unions prior to this.
26. Right to collective bargaining	1991: 0	No Constitutional right to collectively bargain.

27. Duty to bargain	1991: 1	1990 USSR Law on Trade Unions (LTU), Art. 9: trade unions have the right to conclude collective agreements and the management (employer) shall be required to conduct negotiations. Collective Agreements Law (CAL) 1997, Art. 20: penalties for deliberately refusing to negotiate. LC 2010, Art. 41: requirement to negotiate in good faith.
28. Extension of collective agreements	1991: 0	No extension procedure.
29. Closed shops	1991: 0	USSR LTU 1990, Art. 2: right to freedom of association. 1995 Constitution: freedom of association.
30. Codetermination: board membership	1991: 0	No board representation.
31. Codetermination and information/consultation of workers	1991: 0.67 1997: 0	GSSR LC 1973, Art. 223: the works or trade union committee had extensive information and consultation rights. They would (i) make decisions with management concerning the use to be made of various funds (e.g. for incentives, housing, bonuses, and etc.); (ii) hear reports from the management on the production plan, adherence to collective agreements, steps taken to organise and improve working conditions and welfare facilities for the workers; (iii) demand the elimination of shortcomings and defects; (iv) organise Socialist competitions and evaluate the results; (v) ensure that approved inventions and rationalisation projects are used; (vi) participate in solving problems concerning work and wages; (vii) supervise management's OHS and other LC obligations; (viii) investigate complaints arising out of decisions of the Management; (ix) oversee social security and pension plans and payments; (x) monitor healthcare of employees; (xi) advise on promotions. The work collective council also was given extensive information and consultation rights. 1997: repeal of this provision with no replacement.
E. Industrial action		
32. Unofficial industrial action	1991: 0 2006: 0.5	USSR Collective Labour Conflicts Law (CLCL) 1989, Art. 7: two-thirds of persons at a meeting or conference of a work collective must vote in favour of strike action. Collective Labour Dispute Law (CLDL) 1998, Art. 12: two-thirds majority approval in a trade union meeting is required to legitimise strike action. LC 2006 repealed CLDL 1998. No requirement for trade union to declare strikes so unofficial action will be

		lawful subject to the conciliation requirements.
33. Political industrial action	1991: 0.5	USSR LTU 1990: trade unions must be independent of any political organisations. Maintained in Trade Union Law (TUL) 1997, Art. 5. Trade unions are not permitted to form or associate with political organisations either.
34. Secondary industrial action	1991: 0.5	In all legislation, there are no prohibitions on solidarity strike action, so it will be legal subject to conciliation requirements.
35. Lockouts	1991: 1 2006: 0.5	No provisions for lawful lock-outs. CLCD 1998: lockouts are prohibited. LC 2006 and 2010: lockouts are regulated in parallel with strikes.
36. Right to industrial action	1991: 0 1995: 1	1995 Constitution, Art. 33: right to strike. No Constitutional right to strike before this.
37. Waiting period prior to industrial action	1991: 0	USSR CLCL 1989, Art. 7: 5 days' notice of the strike action is required. CLDL 1998, Art. 12: 3 days' notice is required before a warning strike, and 10 days' notice is required for actual strikes. LC 2006 and 2010, Art. 49: there must be three days' notice before a warning strike can take place, and then another (actual) strike may occur only 24 hours after the warning strike. 2013 amendment: no warning strike required but 3 days' notice (including notice to the Minister) is required.
38. Peace obligation	1991: 1	No peace obligation.
39. Compulsory conciliation or arbitration	1991: 0	USSR CLCL 1989, Art. 6: only when conciliation and arbitration have failed may a strike be resorted to; strikes are a measure of last resort. CLDL 1998, Art. 11: strikes can only take place after conciliation. LC 2006 and 2010, Art. 49: a mandatory 'warning' strike is required before mandatory conciliation. After the warning strike and conciliation, an actual strike can take place. Art. 51: if the parties avoid conciliation before strike action, the strike shall be considered illegal. 2013 amendment: no 'warning'

		strike required but conciliation before the strike is still necessary.
40. Replacement of striking workers	1991: 1	USSR CLCL 1989, Art. 13: workers taking part in a strike that is not prohibited shall not lose their job or post. CLCD 1998, Art. 16: strike action cannot be considered as a violation of labour discipline and workers on strike shall retain their jobs and positions. LC 2006 and 2010, Art. 36: strike results in the suspension of labour relations. Art. 49: a strike shall not serve as grounds for termination of the contract. Art. 52: even illegal strike action shall not be counted as grounds for termination of the contract. Warning strike action is also protected. 2013 amendment: employees will be protected only if the strike is legal.

Germany

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	German labour law is in principle mandatory. Only in borderline cases can account be taken of how the parties have labelled a particular contract (BAG of 8. 6. 1967, BAGE 19, 324, 330). The main criterion is the 'dependence' of the employee (see § 84(1)(s.2) HGB). If weak dependence is provided in a contract (e.g., the 'employer' has only limited powers to give instructions), this will usually lead to self-employment.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 2001: 1	Before 1985 the general principle of equal treatment of employees applied (cf. Rudi Müller-Gloge in MünchKommBGB 4th edn, 2005, § 4 TzBfG para. 13). § 2(1): BeschFG of 26 April 1985 (BGBl I 1985, 710) and today § 1, 4(1) TzBfG of 21 December 2000 (BGBl .I 2000, 1966) (in force since 2001): there is a prohibition of discrimination unless there is good reason
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The rules on dismissal in § 622(1), (2) BGB (German Civil Code) and § 1a KSchG (since 2004, see below) do not distinguish between full-time and part-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	§ 620 BGB: in general fixed term contracts are possible. But at least since BAG GS AP BGB § 620 Befristeter Arbeitsvertrag (1960): dismissal protection must not be evaded, so if dismissal protection is applicable (e.g., employment is for at least 6 months; no 'small-companies-exception'), good reason for the use of a fixed-term contract is required. Case law has filled out the details. Statutory modifications of this case law only

		concern the duration of fixed term contracts which is coded in v. 6.
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 4th 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.
7. Agency work is prohibited or strictly controlled	1970: 0 1972: 0.5 1997: 0.4 2003: 0.2 2011: 0.5	Arbeitnehmerüberlassungsgesetz (AÜG) of 1972: governmental approval necessary for the establishment of an agency. Requirements of § 3 had the aim of ensuring (1) that legal duties are not violated, and (2) that the agency relationship was not permanent (in a way that was similar to the law on fixed term contracts). Art. 63 of Arbeitsförderungsreformgesetz of 24. 3. 1997 provided for new §§ 1a, b AÜG: exceptions were made for small companies and for construction companies. The 'Hartz I' Gesetz of 23. 12. 2002 (in force since 2003) deleted the restrictions concerning the non-permanent character of agency work. Under a 2011 amendment, agency work again had to be temporary, and a revolving door provision was introduced to prevent dismissal of permanent workers and their re-employment through an agency.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.5 2003: 1	Before 2004 the general principle of equal treatment of employees applied. 'Hartz I' Gesetz of 23. 12. 2002 (in force since 2003) amendnig § 3(1)(no.3) Arbeitnehmerüberlassungsgesetzes (AÜG) of 1972 inserted a requirement of equal treatment (as a *quid pro quo* for the liberalization of the requirements for agency work;

		see BT-Drucks. 15/25 of 5. 11. 2002, p. 39).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5 1995: 0.67	Before 1995: § 3(1) BUrlG 1963: 18 working days if 6 days week; if 5 days week: 15 days i.e. 3 weeks. From 1. 1. 1995: § 3 BUrlG: 24 working days if 6 days week; if 5 days week: 20 days i.e. 4 weeks.
10. Public holiday entitlements	1970: 0.6	Feitagsentgeltungesetz of 2 August 1951 and now § 2 EFZG of 24 Mai 1994 (BGBl I 1994, 1014, 1065) provide that the number of holidays depends on state law: in 3 states 12 days, in 4 states 11 days, in 4 states 10 days, and in 5 states 9 days, resulting in an average of 10.3.
11. Overtime premia	1970: 0.25	25% is the general norm. Overtime can mean two different things: (i) : *Mehrarbeit* ('more work'), which is any work exceeding the maximum number of hours per week (i.e. more than 48 hours; see variable 14 below). Until 1994: § 15 AZO 1938: 25 % if *Mehrarbeit*, which hardly happened in practice (see Wolfgang Zöllner and Karl-Georg Loritz, Arbeitsrecht, 4th edn., 1992, p. 169). Now in ArbZG of 6 June 1994 (BGBl I 1994, 1170, 1171). (ii): *Überstunden* ('über-hours'), which is any work exceeding the work-hours of a contract (today usually between 35 and 40 hours). There are no premiums set by law. A 25% premium is normal in collective agreements.
12. Weekend working	1970: 0.25	Sunday is not a normal working day: AZO and ArbZG (see also BAG 11 January 2006, 5 AZ 97/05). Premiums set by collective agreement range from 25%-50%.
13. Limits to overtime working	1970: 1 1994: 0.25	§ 3 AZO and (since 1994) § 3 ArbZG: the normal rules is 8 + 2 hours overtime per day, subject to averaging over a 6 month period.
14. Duration of the normal working week	1970: 0.67 1991: 0.8	§ 3 AZO and (since 1994) § 3 ArbZG: the working week is 8 hours over 6 days = 48. However, sector-level collective agreements have gradually reduced the number of working hours per week. From 1965/67 40 hours were common. From 1975 to 2002

		gradual there was a gradual decrease from 40.3 to 37.4 (see http://www2.igmetall.de/homepages/goeppingen-geislingen/bildung/seminarreihe2006-2007.html). The main changes took place in 1990-1 as a result of strike action over working time reductions. By 2003: 37.7 hours was the average (see http://www.einblick.dgb.de/grafiken/2004/13/grafik02/).
15. Maximum daily working time	1970: 0.67	§ 12(1) AZO and (since 1994) § 5 ArbZG: 11 rest hours per day.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.16 1993: 0.33	Prior to 1993, § 622 BGB and Gesetz über die Fristen für die Kündigung von Angestellten of 9. July 1926 (AngKSchG) drew a distinction between white collar employees (6 weeks) and workers (2 weeks). The lower figure is the basis for the suggested coding. BVerfG 30. Mai 1990 (1 BvL 2/83) held that this was unconstitutional. KündFG of 7 October 1993 (BGBl. I 1668) in force since 15 October 1993: § 622(1)(no.1)BGB: 1 month = 4.3 weeks for all employees.
17. Legally mandated redundancy compensation	1970: 0 2004: 0.5	A legal right to redundancy compensation was not introduced until 2004. From 1 January 2004: § 1a KSchG: 0.5 times the monthly salary per year, so for an employee with 3 years' service the norm is around 6 weeks' average pay.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	§ 1 KSchG of 10 August 1951 (BGBl I 1951, 499): employment for at least 6 months is required. Note: This has been subject to variants of the 'small-companies exception' of § 1 KSchG: until 1996 the exception was applicable if company had not more than 5 employees; BeschFG 1996 (BGBl. I 1476) extended it to 10 employees; AN-SicherungsG 1998 (BGBl. I S. 3843) reversed it back to 5 employees; Moderner-ArbeitsmarktG 2003 (BGBl. I S. 3002) (in force since 2004) extended it again to 10 employees (but modified it slightly).
19. Law imposes procedural constraints on dismissal	1970: 0.25	Apart from the participation of the works council (coded in v. 22) there are very few formal requirements. Reasons have only be provided on request (cf. § 626(2)(s.3)

		BGB)). Only since 1. 5. 2000 is it necessary that a dismissal has to be in writing (if this is violated the dismissal is void, § 125 BGB).
20. Law imposes substantive constraints on dismissal	1970: 0.67	§ 1 KSchG sets out legitimate reasons for dismissal. There have been minor changes in detail and in case law over this period.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	§ 3 KSchG makes reinstatement the principal remedy but the employer can resist it by showing that it is not practical (§ 7 KSchG), so compensation is the most likely outcome.
22. Notification of dismissal	1970: 0.5 1972: 0.67	Until 1972: §§ 65, 66(1) BetrVG stipulated that notification to the works council was necessary, but it was controversial whether violation of this norm affected the validity of dismissal (see Söllner, *Arbeitsrecht*, 3rd edn., 1972, p. 164). § 102(1) BetrVG of 15 January 1972 (BGBl. I 1972, 13): violation does affect validity.
23. Redundancy selection.	1970: 1 1996: 0.5 1998: 1	1(3) KSchG set out a priority rule based on seniority. BeschFG 1996 (BGBl. I 1476) loosened the standard. AN-SicherungsG 1998 (BGBl. I S. 3843) reversed that change..
24. Priority in re-employment	1970: 0 1997: 0.25	Prior to 1997 there was no re-employment rule. BAG of 4. December 1997, BAGE 87, 221 ff. = AP KSchG 1969 § 1 Wiedereinstellung Nr. 4: there was a limited right of re-employment if there was a change of circumstances between dismissal and end of notice period, but not if later (BAG of 6 August 1997, BAGE 86, 194; BAG of 28 June 2000, AP Nr. 6 zu § 1 KSchG Wiedereinstellung; EzA Nr. 5 zu § 1 KSchG Wiedereinstellungsanspruch; NJW 2001, 1297).
D. Employee representation		
25. Right to unionisation	1970: 1	Art. 9(3) GG (German Basic Law, i.e. Constitution) provides: 'The right to form associations to safeguard and improve working and economic conditions shall be guaranteed to every individual and to every occupation or profession. Agreements that

		restrict or seek to impair this right shall be null and void; measures directed to this end shall be unlawful. Measures taken pursuant to Article 12a, to paragraphs (2) and (3) of Article 35, to paragraph (4) of Article 87a, or to Article 91 may not be directed against industrial disputes engaged in by associations within the meaning of the first sentence of this paragraph in order to safeguard and improve working and economic conditions'.
26. Right to collective bargaining	1970: 0.9	Art. 9(3) GG (see previous variable) simply grants a right of association, but this has been consistently hed to give rise to a right of protection in relation to core activities of trade unions. Prior to 1995 the case law was to the effect that the constitutional guarantee concerned only the 'core area' (*Kernbereich*) of union activity. BVerfG of 14 November 1995 (BVerfGE 93, 352) made clear that all activities are protected. In both cases the basic right to collective bargaining was included.
27. Duty to bargain	1970: 0	There is no duty to bargain as such in German labour law.
28. Extension of collective agreements	1970: 1	§ 5 TVG of 9 April 1949 (WiGBl. 1949, 55, 68): extension is subject to governmental approval (but very seldom is this required in practice).
29. Closed shops	1970: 0	The 'negative freedom' of association (*negative Koalitionsfreiheit*) (see e.g. Scholz in Maunz and Scholz, GG, 1999, Art. 9 para. 231) has consistently been recognised.
30. Codetermination: board membership	1970: 1	Before 1976, MontanMitbestG of 1951 provided that half the members of the supervisory board for coal and steel industry had to be employee nominated. BetrVG 1952: 1/3 for other companies (if more than 500 employees). MitbestG of 1 July 1976: one half in companies of more than 2000 employees; the previous laws remained in force (but there is now one third employee participation for medium-sized companies in DrittelbG 2004).
31. Codetermination and information/consultation of workers	1970: 1	§ 56 BetrVG 1952 provided in some cases a decision making power (but less than under the 1972 law; see Hanau and Kania in *Erfurter Kommentar zum Arbeitsrecht*, 2nd edn., § 87 BetrVG para. 2).§ 87 BetrVG 1972 extended works councils' powers (but note that it is an exhaustive list; e.g., there is no competence in cases of dismissals).

E. Industrial action		
32. Unofficial industrial action	1970: 0	Unofficial strikes are unlawful: see Söllner, supra v. 22, 1972, S. 74 f.; Zöllner and Loritz, supra v. 11, 1992, p. 421; Scholz, supra variable 29, 1999, Art. 9 para. 192.
33. Political industrial action	1970: 0	Political strikes are unlawful: see Nikisch, *Arbeitsrecht*, 2nd edn., Volume 2, 1959, p. 88; Zöllner and Loritz, supra v. 11, 1992, p. 427.
34. Secondary industrial action	1970: 0.5 1985: 0.25	Prior to 1985 this topic was controversial; see Nikisch, supra v. 33, p. 88; Hugo Seiter, Streikrecht und Aussperrungsrecht, 1975, pp. 502 et seq.; old case law of the *Reichsgericht* (Imperial Court) had permitted it. BAG of 5. 3. 1985, AP Nr. 85 zu Art. 9 GG Arbeitskampf; BAG of 12. 1. 1988, AP Nr. 90 zu Art. 9 GG Arbeitskampf: sympathy strikes are normally unlawful.
35. Lockouts	1970: 0.25	Lock-outs are in principle allowed (see e.g. Zöllner and Loritz, supra v. 11, p. 398) but general principles of *ultima ratio* and proportionality of industrial actions apply (see also v. 37 below).
36. Right to industrial action	1970: 0.9	Like v. 26 above: there is no express right to strike in Art. 9(3) GG but one can be inferred through interpretation (see, e.g., Zöllner and Loritz, supra v. 11, p. 406).
37. Waiting period prior to industrial action	1970: 0.5 1976: 0.75 1988: 0.5	No compulsory waiting period. However, according to case law, a strike should only be used as an *ultima ratio*, and there is also a duty of proportionality (BAG GS of 1. 4. 1971, AP Nr. 43 zu Art. 9 GG Arbeitskampf). There was some discussion of whether 'warning strikes' (*Warnstreiks*) are subjet to these criteria. Some court decisions (BAG of 17. 12. 1976 AP Nr. 51 zu Art. 9 GG Arbeitskampf and BAG AP Nr. 81 zu Art. 9 GG Arbeitskampf) gave unions discretion to call such strikes, but BAG of 21 June 1988 (AP Nr. 108 zu Art. 9 Arbeitskampf) reversed this case law.

38. Peace obligation	1970: 0	There is a duty to observe a peace obligation (*Friedenspflicht*); see e.g. Zölllner and Loritz, supra v. 11, pp. 351, 415.
39. Compulsory conciliation or arbitration	1970: 0.75	No compulsory conciliation under legislation, but the principle of *ultima ratio* (see v. 37 above) must be respected.
40. Replacement of striking workers	1970: 1	There are no specific provisions on dismissal of strike, so the general limits on dismissal apply. However, a dismissal on the grounds of a strike would, without more, be unlawful. Only if there are additional reasons may the employer terminate the employment contract (BAG GS of 1. 4. 1971, AP Nr. 43 zu Art. 9 GG Arbeitskampf) (note: before 1971 the case law indicated that employer lockouts usually lead to termination of the employment contracts; see e.g. Zöllner and Loritz, supra v. 11, p. 431; Hanau and Adomeit, *Arbeitsrecht*, 11th edn, 1994, p. 92).

Ghana

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	No explicit legislative definition of 'worker' but a worker must be someone governed by an employment contract. Contracts are either subject to approval by the Chief Labour Officer (Labour Decree (LD) 1967, Art. 14(1)) or must be set out as in Schedule I of the Labour Act (LA) 2003. The law thus determines the status of the worker as it is their contract (as determined by the law) rather than the decision of the contracting parties that determines a worker's status.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1992: 0.25	The 1992 Constitution, Art. 24, refers to a general right to equal pay for equal work. See also LA 2003, Art 68.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	FTCs are only recognised for temporary and casual workers. They must be limited to 6 months or are otherwise deemed to be permanent. No recognition of FTCs elsewhere in the Acts.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0	1992 Constitution, Art. 24: general right to equal pay for equal work; also in Art 68, LA 2003. Art. 75(1), LA 2003: equal pay for temporary workers. Specific provisions in the

workers	1992: 0.25 2003: 0.75	LA 2003 governing temporary and casual workers suggest that such workers should be treated equally in any other regard not covered by the Act.
6. Maximum duration of fixed-term contracts	1970: 1	1967 and 2003 Acts both presume contracts to become permanent if they exceed 6 months. No independent regime of FTCs exists.
7. Agency work is prohibited or strictly controlled	1970: 1 2003: 0.25	Labour Regulations (LR) 1969, Art 60: prohibits private fee-charging agencies. LA 2003 legalises employment through private agencies. Art 7: licensing requirement, annual renewal necessary. Also monthly filing requirements. There is no restriction on the use of agency work as such.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1992: 0.33	1992 Constitution, Art. 24: general right to equal pay for equal work; also in Art 68, LA 2003. No specific requirement of equal treatment with employees within the user undertaking.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.47 2003: 0.5	LR 1969, Art. 33: 14 days. LA 2003, Art. 20(1): 15 days.
10. Public holiday entitlements	1970: 0.5 1989: 0.56 2001: 0.67	LD 1967, Art. 59(1): paid public holidays. Public Holidays Act 1960 Sched.1: 9 days. 1989 Holidays Act: 10 days. Public Holiday (Amendment) Act 2001 (Act 507): introduced two more holidays to reflect the large Muslim population.
11. Overtime premia	1970: 0	1967 LD and LA 2003 permission to require employees to work overtime is conditional on employers having a policy for overtime pay. No minimum specified.
12. Weekend working	1970: 0	LR 1969, Art. 57: rest period but no premium for hours worked on those days.

13. Limits to overtime working	1970: 0	No statutory limits on overtime.
14. Duration of the normal working week	1970: 0.33 2003: 0.67	LR 1969, Art 48: 45 hour working week. LA 2003, Art. 33(1): 40 hour working week.
15. Maximum daily working time	1970: 0.6	LR 1969, Ar.t 48: no more than 9 hours daily work. Art 56: daily rest period of 12 hours. LA 2003, Art. 41 maintains this.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	LD 1967, Art. 33(5): 1 month notice after 3 consecutive years' service. Maintain in Art 17(1) LA 2003.
17. Legally mandated redundancy compensation	1970: 0	LD 1967, Art. 35: mandatory severance pay but to be agreed between employee, his representative and the employer. LA 2003, Arts 65(2-4) maintain this.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	LA 2003, Art. 98(d): Collective agreements may determine the length of any probation period. No legislative requirement.
19. Law imposes procedural constraints on dismissal	1970: 0 2003: 1	LA 2003: Art. 62(4)(b): dismissals unfair if the employer fails to prove that it was made in accordance with a fair procedure. For misconduct, Art. 15(e)(ii): misconduct must be proven.
20. Law imposes substantive constraints on dismissal	1970: 0.1 2003: 0.5	LD 1969: lists potential grounds for termination but no reference to misconduct. LA 2003, Ar.t 15: potential list for grounds, misconduct is included. Art 19 allows greater protection through CA. Art. 62: fair grounds for termination: incompetence, proven misconduct, redundancy and legal prohibition on employer.

21. Reinstatement normal remedy for unfair dismissal	1970: 0.67	LA 2003, Art. 64(2): 3 possible remedies: reinstatement, re-engagement, or compensation.
22. Notification of dismissal	1970: 0 2003: 0.33	LD 1967, Art. 33(6): notice may be oral or in writing. LA 2003: Art. 17(3): Notice of termination must be in writing.
23. Redundancy selection	1970: 0	No provisions.
24. Priority in re-employment	1970: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1970: 0.33 1979: 0 1992: 1	1969 Constitution, Art.23: freedom of association. No guarantees in 1979 Constitution. 1992 Constitution, Art. 21(1)(e): provides for freedom of association which expressly includes the right to form or join trade unions..
26. Right to collective bargaining	1970: 0 1992: 0.5	1992 Constitution, Art. 21(1)(e): right of trade unions to protect their interests.
27. Duty to bargain	1970: 1	IRA 196, Art. 6(2): duty to negotiate and make every reasonable effort to come to an agreement. Art 8: penalties for not doing so. LA 2003: duty to negotiate in good faith, making all efforts to reach an agreement.
28. Extension of collective agreements	1970: 1	IRA 1965, Art 13(1): provision for extension to a particular class of employees. See LA 2003, Art. 109(1).

29. Closed shops	1970: 0.5 2003: 0	IRA 1965, Art. 26(2): post-entry closed shops were an unfair practice. Included any form of threat or inducement. Employers also prohibited from influencing trade unions in their formation or governance. LA 2003, Art. 14: prohibits pre- and post-entry closed shops.
30. Codetermination: board membership	1970: 0	There are no relevant provisions.
31. Codetermination and information/consultation of workers	1970: 0	Industrial Relations Amendment 1959, Art. 5: prohibits any party other than a trade union from collective bargaining. The IRA and 2003 LA make provisions for negotiating committees and joint negotiating committees which are drawn from trade unions. No provisions on works councils.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Action is unlawful unless procedures in the relevant collective agreement are followed. Unofficial action will therefore be unlawful.
33. Political industrial action	1970: 0	No express lawfulness or unlawfulness of political strikes but the definitions of industrial disputes and strikes in the LA 2003 do not extend to political disputes.
34. Secondary industrial action	1970: 1 2003: 0.67	IRA 1965, Art. 23(2)(d) expressly includes strikes to assist workers in the employment of another employer. LA 2003, Art. 168(1): sympathy action is legal but it must be in a form agreed upon by the managers of the sympathisers and not disrupt the operations of those managers.
35. Lockouts	1970: 0.5	The IRA 1965: lockouts permitted but governed by the same rules as strikes. Maintained in LA 2003.
36. Right to industrial action	1970: 0	There is no Constitutional right to strike.

37. Waiting period prior to industrial action	1970: 0	IRA 1965, Art. 21(1)(b): 4 week waiting period for strikes/lockouts following a failure of conciliation and/or arbitration. When negotiations fail, 7 days before a strike can be declared. Notice of strike required within 7 days of failure of negotiations. Art 161(1): compulsory cooling off during negotiations. Similar provisions retained in 2003.
38. Peace obligation	1970: 0.5	IRA 1965, Art. 21(1)(a): strike/lockout unlawful where it relates to a matters covered by a collective agreement or if it relates to matters not to be dealt with by the permanent negotiating committee. LA 2003, Art. (1): compulsory cooling off during negotiations. LA 2003 maintains 1965 provisions as to when strikes/lockouts are unlawful.
39. Compulsory conciliation or arbitration	1970: 0	IRA 1965, Art .12: all collective agreements must include procedures for compulsory arbitration for all disputes. Art 17(1): conciliation where arbitration fails. Art 18: Minister can order binding arbitration where conciliation fails. Similar provisions in LA 2003. All procedures must be exhausted for all disputes. Art. 154: optional mediation. Art. 159: governs strikes following failure to negotiate. Art. 160(2): compulsory conciliation after maximum of 7 days of strike action.
40. Replacement of striking workers	1970: 0 2003: 1	LA 2003, Art. 169(1): termination due to lawful strike participation is void. Art. 170(1): prohibits temporary replacements of labour during a strike.

Greece

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75 1998: 0 2010: 1	The traditional civil law approach was to regard certain types of workers as being legally deemed to be dependent employees irrespective of the agreement made. Law 2639/1998 introduced a rebuttable presumption of self-employment if an employment contract was drawn up (requirement to show that employee was under the employer's instructions to be a 'dependent employee'). Law 3846/2010 abolished the presumption of self-employment and established instead a presumption of an employment relationship. Exclusive service to a single employer for nine consecutive months gives rise to a rebuttable presumption of a dependent employee relationship. Supreme Court case law (667/2012) favours a purposive approach to defining the personal scope of protective labour laws.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1998: 1	Act on the Regulation of Industrial Relations 1998 provides a right to equal treatment and pro rata pay, benefits and other employment conditions. Part-time workers may be treated as full time workers in disputes if their part-time contract is not communicated to Labour Inspectorate within 15 days.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is drawn between part-time and full time employees for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 2004: 1	Presidential Decree 180/2004: FTCs can only be used for specified reasons (see now Civil Code Art 669(2)).

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	There is no legislation on this point but courts are able to imply an obligation of equal treatment into the contract of employment.
6. Maximum duration of fixed-term contracts	1970: 0 2004: 0.8 2011: 0.7	Presidential Decree 180/2004: FTCs that are either successively renewed for more than two years, or are renewed more than three times within 2 years, are deemed to be for an indefinite term. Act 3986/2011: 2 year threshold extended to 3 years.
7. Agency work is prohibited or strictly controlled	1970: 0 2001: 1	Law 2956 of 2001 imposed various regulations on agencies including strict licensing requirements and guarantees of certain rights for workers. This law imposed restrictions on when TAWs might be used and limited the period that an employee could remain with one agency (8 months with one renewal permitted). TWA employment is generally permitted where it is used to cover temporary, seasonal or extra needs for employment in the user firm. Amendments in 2011 and 2012 liberalised licensing and information requirements for agencies but did not result in substantive changes to the regulations requiring justifications for the use of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2001: 0.5 2010: 1	Act 2956/2001: requirement to apply wages set out in the collective agreement applicable to the user undertaking. Law 3846/2010: more general right to equal treatment with workers of the user undertaking.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 1995: 0.67 2004: 0.73	1945 Act No. 539: S.2(2): 10 days (based on seniority and definitions of working days). From 1995: 4 weeks' leave is the norm (20 working days). 2004: 20 working days' leave with an additional day for each year served after the first year (up to 22 days).

10. Public holiday entitlements	1970: 0.28	There are 5 public holidays in Greece. Additional days are set by collective agreements.
11. Overtime premia	1970: 0.3 1999: 0.4	Act No. 44886 1932 Art. 7: overtime remuneration could be a minimum of 25%, maximum of 35%. Presidential Decree 88/1999 Art. 3: extra work (between 41 and 45 hours a week) 25% premium. Lawful overtime (up to 120 hours per year): 40%; overtime beyond 120 hours per year: 75%. Unlawful overtime (overtime without permission from the Ministry of Labour) 100%. Law 3863/2010: decreased percentages. Extra work: 20%; overtime up to 120 hours: 40%; after 120 hours: 60%. Overtime without permission: 80%. The coding reflects lawful overtime for the first two hours on the basis that 'extra work' is not counted as overtime.
12. Weekend working	1970: 0.75 2012: 0.5	Decree 4020 1957 Art 3(1) amending Labour Code: no premium. Subsequently a 75% premium for Sunday work became the norm (Amendment to Decree 3789 1957, 1959). Law 3846/2010 Art 8: 30% premium for Saturday work. Law 4093/2012: 6 day working week can be established by collective agreement.
13. Limits to overtime working	1970: 1 1999: 0.5	1959 Decree No. 4020: 48 hour maximum working week. 1970 Presidential Decree: permitted only 3 hours overtime per day. Annual limit to be determined by the Minister of Employment. Presidential Decree 88/1999 Art. 6: 48 hours per week maximum averaging over a period of 4 months. Law 3846/2010 Art. 7 makes provision for overtime of up to 2 hours per day to clear a backlog of work subject to reductions in working time in other periods or for time off work.
14. Duration of the normal working week	1970: 0.67	1932 legislation: 40 hour week (8 hour day). 1984 Collective Agreement: 40 hour, 5 day week. Work between 41 and 45 hours is 'extra work' and is not classed as 'overtime', but more than 9 hours a day or 45 hours a week is overtime. Law 3846/2010 makes provision for enterprise-level bargaining over the duration of the working week.

15. Maximum daily working time	1970: 0.6 2012: 0.5	Presidential Decree 515/1970: daily maximum of 12 hours including overtime. Presidential Decree 88/1999 §3: minimum rest period of 12 hours after work. Law 4093/2012 Art 14: minimum daily rest period of 11 hours.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0	Act 2112/1920 as amended by Act No. 3198/1955): 60 days for 1-4 years' service for white collar workers. Act 3833/2010 Art 74(2)(B): 2 months' notice for white collar employees with 2-5 years' service. There is no statutory regulation of notice for blue-collar workers.
17. Legally mandated redundancy compensation	1970: 0.08	Severance pay for white collar workers is equivalent to wages for half of the notice period, if notice is given, or the full amount, if it is not. The normal period of notice for white collar workers was 60 days for employees with 1-4 years' service between 1920 and 2010, and 2 months from 2010: see note to variable 16. This implies a statutory severance pay entitlement of 1 month for white collar workers. For blue collar workers, severance pay is one week's wages for a worker with between 2 and 5 years' service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 2010: 0.67	The law did not regulate probation periods prior to Law 3863/2010 Article 74(2), as amended by Law 3899/2010, which sets a maximum probation period of 12 months, during which dismissal without notice or severance pay is permitted. However, the case law on dismissal as an abuse of right still applies during this period.
19. Law imposes procedural constraints on dismissal	1970: 0.25	Article 5(3) Act 3198/1955 (now Article 74(2)B Act 3863/2010): a dismissal is invalid where it is not given with written notice of with severance pay. However, the law does not require the employer to follow a particular procedure for a hearing or appeal.
20. Law imposes substantive constraints on dismissal	1970: 0.25	Act 2012/1920 and 3198/1955: no grounds are required to terminate indefinite contracts so long as severance pay (depending on whether notice given) is given. However, dismissal may be regarded as an abuse of rights under Art 281 CC).

21. Reinstatement normal remedy for unfair dismissal	1970: 1	Article 5(3) Act 3198/1955: reinstatement is the primary remedy for unfair dismissal (abuse of rights) and non-compliance with procedural requirements.
22. Notification of dismissal	1970: 0.33 1983: 1	Notice in writing to the employee: Art. 5(3) of Act 3198/1955. Now art. 74(2)B) of the Act No. 3863/2010. For collective dismissals, Act 1387/1983 Arts. 3 and 5 require prior consultations with trade unions/workers' representatives. Article 3(3) requires notification to the public administration. Where the employer and workers' representatives fail to reach an agreement the authority will issue a decision on the collective dismissal within 10 days allowing or rejecting partly or wholly the proposed dismissals (Art. 5).
23. Redundancy selection	1970: 0	Article 3(2) Act 1387/1983 refers to an obligation to inform collective employee representatives of any relevant procedures and case law suggests guidelines for redundancy criteria but there are no statutory criteria.
24. Priority in re-employment	1970: 0	There are no priority rules.
D. Employee representation		
25. Right to unionisation	1970: 0 1975: 1	1975 Constitution (currently Art. 23).
26. Right to collective bargaining	1970: 0 1975: 1	1975 Constitution (currently Article 22(2)).
27. Duty to bargain	1970: 0 1990: 1	The 1955 Act on Collective Bargaining (Act No. 3239) provided for settlement of collective labour disputes by direct negotiations for a collective agreement, or, alternatively, compulsory arbitration. Article 7(4) 1990 Act provides a right to bargain with a view to drawing up a collective agreement.

28. Extension of collective agreements	1970: 1 2011: 0	The 1955 Act on Collective Agreements, Art. 5(2) and the 1990 Act on Collective Agreements, Art. 11, both provided for extension. The principle of favourability, providing for the application of a sectoral collective agreement over a company or plant level agreement providing for less protection, was abolished in 2011 (Law 4024/2011).
29. Closed shops	1970: 0	Decree No. 890 of 1971, Art. 4: it is unlawful for employers to compel workers to join or leave unions or declare that they will refrain from union activities as a prior condition of their employment.
30. Codetermination: board membership	1970: 0	There is no legislation for mandatory employee representation.
31. Codetermination and information/consultation of workers	1970: 0 1988: 0.33 1990: 0.5	The Trade Union Democracy Act 1982 gave extensive information rights to unions and in 1990 this was extended to negotiation. Law 1767/1988 Art 1 s.1: workers in enterprises with 50 or more employees have the right to elect and form workers councils to represent them in dealings with the enterprise. Art. 12: the function of the councils is participatory and consultative but they cannot prejudice the operation of trade unions.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Act 330/1976 Ch. 9, Art. 32(1): the right to strike is only available where certain procedures are followed. Strikes are otherwise unlawful.
33. Political industrial action	1970: 0 1976: 0.67	Act 890/1971 Ch. 8, Art. 36: strikes had to relate to work issues or disputes. Act 330/1976: the definition of strike action was broadened to include certain mixed political/economic strikes.
34. Secondary industrial action	1970: 0 1971: 0.5 1982: 0.25	Act 890/1971: secondary action is permitted as long as there is a dispute with the primary employer. Act 330/1976: participation in secondary action is confined to workers in the same trade union or covered by the same colletive agreement as those in the primary dispute. Act 1264/1982: the outcome of the strike must directly affect those participating in the strike..
35. Lockouts	1970: 0.5	Act 890/1971, Ch. 8, Art 37: a lockout may be declared by the employers' association in

	1982: 1	accordance with procedure and only for the primary employer. Act 1264/1982: lockouts prohibited.
36. Right to industrial action	1970: 0 1975: 1	The 1975 Constitution guarantees the right to strike (now Art 23(2)).
37. Waiting period prior to industrial action	1970: 0	Strict procedural requirements governing waiting periods and notice have been imposed by a succession of laws (Act 2151/1920; Act 890/1971; 3303/1976; Act 1264/1982).
38. Peace obligation	1970: 0	Act 890/1971 Art 36 s.(5): it is unlawful to attempt to amend terms of a collective agreement or an arbitration award while valid through collective action.
39. Compulsory conciliation or arbitration	1970: 0 1990: 0	Collective Agreements Act 1955, Art 3, required resolution of collective disputes by collective bargaining or compulsory mediation. Act 1876/1990 Ar. 11: arbitration is in principle voluntary but can be made compulsory via a unilateral reference, a system declared constitutional in 2004. Under Law 3899/2010 the parties to a collective agreement are permitted to set their own rules for resorting to arbitration.
40. Replacement of striking workers	1970: 1	Dismissal during a lawful strike was considered an abuse of rights. Act 330/1976 Art. 38 prohibits dismissal during a lawful strike. Act 1264/1982 Art. 22 prohibits the recruitment of strike-breakers.

Honduras

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Labour Code (LC) 1959, Art. 20: for a contract of employment to exist there must be the following three essential elements: (a) personal activity on the part of the worker, i.e. activity performed by the worker himself; (b) continuous authority or direction exercised by the employer over the worker, whereby the employer has the right to require the worker to carry out his orders at any time with respect to the manner, hours or quantity of work, and to make him subject to certain rules. Such authority or direction shall be maintained throughout the period of the contract; and (c) a wage as the remuneration for the services performed. Given the three elements indicated in this section, a contract of employment shall be deemed to exist and shall not cease to exist simply by reason of the name given to it or by reason of any other conditions or stipulations to which it is made subject.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No right to equal wages if hours are different: LC 1959, Art. 367: Equal wages shall be paid for equal work without any discrimination whatsoever, on condition that the jobs, the hours and the workers' efficiency and length of service within the same undertaking are also equal.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There are no rules on dismissal which are specific to part-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1 2010: 0	LC 1959, Art. 47: Contracts for a specified period or piece of work shall accordingly be regarded as exceptional and may be made only in cases where the casual or temporary nature of the piece of work or service so requires. Decree 230-2010: Temporary Employment Law was passed. This established the country's first legal basis for hiring

		employees on a temporary basis under a 36-month pilot program. In 2012, Congress amended to law to remove the expiration date and made the Temporary Employment Law permanent.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	1959, Art. 367: Equal wages shall be paid for equal work without any discrimination whatsoever, on condition that the jobs, the hours and the workers' efficiency and length of service within the same undertaking are also equal.
6. Maximum duration of fixed-term contracts	1970: 0	LC 1959: no maximum cumulative duration.
7. Agency work is prohibited or strictly controlled	1970: 0	LC 1959: agency work is regulated but only for employees being sent abroad. In 2003, the law was amended such that the Secretariat of State at the Departments of Labour and Social Security, through the Directorate General for Employment, may regulate, supervise and control the operation of private employment agencies to ensure the fundamental rights of the worker. They shall maintain a register of these private recruitment agencies.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.5	LC 1959, Art. 7: requires that 'middlemen' (persons who engage the services of one or more workers for the performance of any job on behalf of an employer) are jointly liable for obligations under the labour code. This should result in agency workers being able to benefit from Art. 367 (equal pay for equal work).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	LC 1959, Arts. 346: 10 days for a year's service. 15 working days for 3 years' service.
10. Public holiday entitlements	1970: 0.61	LC 1959, Arts. 339: 11 paid public holidays.
11. Overtime premia	1970: 0.5	LC 1959, Art. 320 (as amended in 1961): 50% premium for overtime work.
12. Weekend working	1970: 1	LC 1959, Arts. 338 and 340: Sunday is the preferred weekly rest day and work on this

		date will be remunerated at double the normal daily rate.
13. Limits to overtime working	1970: 1	LC 1959, Art. 332: hours of work including overtime are not to exceed 12 hours (unless manifest damage will happen as a result of complying with this limit).
14. Duration of the normal working week	1970: 0.4	LC 1959, Art. 322: 44 hours (although they are to be paid for a 48 hours week in this case).
15. Maximum daily working time	1970: 0.6	LC 1959, Art. 325: employees are not to remain at work for more than 12 hours. Art. 327: minimum rest period of 10 consecutive hours.)
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67	LC 1959, Art. 116(e): two months' notice where the employee has served two years or more.
17. Legally mandated redundancy compensation	1970: 1	LC 1959, Arts. 120(c): 3 months (employees are entitled to a month's pay for each year of service). (Unchanged by the 1989 amendment to this section.)
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.94	LC 1959, Arts. 49 and 52: there may be a probation period of up to 60 days, during which the employment contract may be ended without just cause and with no obligations.
19. Law imposes procedural constraints on dismissal	1970: 0	LC 1959: no specific procedural requirements for dismissal. Dismissals on the basis of misconduct may be submitted to the court by employees but the employer need only show that there were valid grounds for the dismissal, not that particular procedures were complied with.
20. Law imposes substantive constraints on dismissal	1970: 0.67	LC 1959, Art. 111: grounds for dismissal are incapacity, loss of confidence in the employee's ability, a suspension in excess of 4 months, insolvency, misconduct (listed in Art. 112) and notice given by either of the parties. If the contract is terminated without any reason, the employer will be liable to pay a leaving indemnity.

21. Reinstatement normal remedy for unfair dismissal	1970: 0.67	LC 1959, Art. 113: compensation is available for unfair dismissal, and the employee may request reinstatement.
22. Notification of dismissal	1970: 0.17	LC 1959, Art. 117: a party terminating a contract of employment unilaterally shall give written notice thereof in person to the other party; if the contract was made orally, he may give such notice orally in the presence of two witnesses, at the same time indicating the ground or reason for his decision. He shall not subsequently be entitled to invoke any other ground or reason. Art. 125: the employee may request the reason for his dismissal.
23. Redundancy selection	1970: 0	No hierarchy for redundancy selection.
24. Priority in re-employment	1970: 0	No priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 1	1965 Constitution, Art. 124(14): workers and employers shall be entitled to associate freely for purposes exclusively related to their economic and social activities, by forming trade unions or professional associations. Now 1982 Constitution, Art. 128(14).
26. Right to collective bargaining	1970: 0	1965 and 1982 Constitutions: no right to collective bargaining.
27. Duty to bargain	1970: 1	LC 1959, Art. 54: Every person employing workers belonging to a trade union shall be required to conclude a collective agreement with the trade union, if it so requests.
28. Extension of collective agreements	1970: 1	LC 1959, Arts. 73-76: extension mechanism.
29. Closed shops	1970: 0.5	LC 1959, Art. 61: expressly permits pre-entry closed shop arrangements but not post-entry agreements. Art. 474: expressly prohibits post-entry closed shops.
30. Codetermination: board	1970: 0	LC 1959: no board membership.

membership		
31. Codetermination and information/consultation of workers	1970: 0.33	LC 1959, Art. 88: employers (if they have a minimum of 5.10 or 20 workers, depending on the type of undertaking) are required to draw up rules of employment with either a trade union or a committee of workers' representatives.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1959, Art. 563: the decision to call a strike must be approved in a secret ballot by two-thirds of the workers employed in the undertaking or establishment concerned or by two-thirds of the general meeting of the works or basic union to which over half such workers belong.
33. Political industrial action	1970: 0	LC 1959, Art. 499: it is not lawful for trade unions to participate in party politics. Art. 569: a strike is unlawful if the purpose of the stoppage is not occupational or economic.
34. Secondary industrial action	1970: 0.5	LC 1959: there is no express prohibition on secondary action but the mandatory conciliation and arbitration requirements make secondary action less feasible.
35. Lockouts	1970: 0.5	LC 1959, Art. 575: lockouts are lawful provided that conciliation has been embarked upon and a month's notice has been given. (Roughly parallel to strike procedure.)
36. Right to industrial action	1970: 1	1965 Constitution, Art. 124(13): The right to strike or to participate in a shutdown is recognized. Now 1982 Constitution, Art. 128(13).
37. Waiting period prior to industrial action	1970: 0	LC 1959, Art. 562: 6 days' notice is required. (10 days for public services.)
38. Peace obligation	1970: 1	LC 1959: no peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	LC 1959, Art. 533(b): conciliation and arbitration attempts must be exhausted before a strike can be considered lawful.

40. Replacement of striking workers	1970: 1	LC 1959, Art. 96(3): no employer shall dismiss a worker or prejudice him in any other manner on account of his trade union membership or participation in lawful trade union activities.

Hungary

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 0.5 1992: 1	Under the 1951 Labour Code, s.14, the employment relationship was defined by reference to the written/oral agreement of the worker to do regular work under the direction of the employer and by an agreement to pay wages for the work. From 1992 (LC, Act 22/1992; Administrative Directive 2005; LC 2012, s. 34) the test of employee status has been based on the substance of the arrangement and artificial agreements to avoid the law are void.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0 1992: 0.25 2003: 1	The principle of equal treatment for part-time workers was introduced in 2003 (Act 125/2003). Prior to that, the principle of equal pay for equal work had been recognised (LC 1992, s. 142/A; see now, LC 2012, s. 12).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	The Labour Codes of 1951, 1992 and 2012 make no distinction between part and full time workers for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1990: 0 2003: 0.33	Under the Labour Codes of 1951 and 1992 there were no restrictions on when a FTC could be used. Act 20/2003 introduced a requirement of objective grounds for renewals of FTCs but no restriction on the initial FTC. See now LC 2012, s. 192.

5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0 1992: 0.25 2003: 1	The principle of equal treatment for fixed-term contract workers was introduced in 2003 (Act 125/2003). Prior to that, the principle of equal pay for equal work had been recognised (LC 1992, s. 142/A; see now, LC 2012, s. 12).
6. Maximum duration of fixed-term contracts	1990: 0 1992: 0.5	Prior to 1992 there was no limit on the duration of FTCS. LC 1992 (s. 79) set a five-year maximum term which has been maintained since.
7. Agency work is prohibited or strictly controlled	1990: 0 2012: 0.25	Regulation of agencies was introduced in the LC 2001 but no restrictions were placed on the types of agency work agreements that could be concluded. From 2012, LC 2012, s 214(2), transposing Directive 2008/104/EC, resulted in requirement that agency work should be temporary only, with a maximum duration of 5 years.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0 2006: 0.75	From 2006, the LC was amended to provide a right to equal pay with employees of the user undertaking subject to a six-month qualifying period. 2012 LC, s 219: a general right to equal terms and conditions with permanent employees of the user again subject to a lengthy qualifying period in respect of wages and employment benefits (184 days).
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.4 1992: 0.67	LC 1951 s 50(1); LC 1967, s. 42(1): 12 days' annual leave. LC 1992 s. 131: 20 working days, with leave rights increasing with age. See now LC 2012, s. 116.
10. Public holiday entitlements	1990: 0.44 1992: 0.56	1967 Regulations, s, 48(1) (from LC s, 41(2)): 8 public holidays. LC 1992 and 2012: 10 public holidays.

11. Overtime premia	1990: 0.38 1992: 0.5	LC 1951 s 67 (and LC 1967): overtime rates to be set by the Council of Ministers. 1967 Decree: 25% for first 2 hours, 50% for next 2 hours and double wages thereafter. LC 1992 s 147(2): 50% supplement for overtime in excess of daily working time, weekly or monthly working time. Unchanged in 2012.
12. Weekend working	1990: 1 2012: 0.5	LC 1952 s 47: statutory weekly day of rest (should normally be Sunday). LC 1967 and 1992: 100% premium for work on the rest day. LC 2001: 48 hour rest period and 100% premium for working on the 'rest day'. LC 2012, s 105: 2 days' rest per week. At least once a month, one of these days must be a Sunday. A 50% supplement is payable for Sunday.
13. Limits to overtime working	1990: 1 1992: 0.5 2012: 0.13	LC 1951 (1953 amendment): 8 hours maximum per month. Under the LC 1992 overtime could be averaged out over 2 months, or, with a collective agreement, over 6 months. From 2001 the limit was 200 hours over 12 months, or 300 hours by collective agreement, subject to an overall working time limit of 12 hours a day or 48 hours a week over a 3 month period. From 2012 there is an annual maximum of 250 hours without a collective agreement.
14. Duration of the normal working week	1990: 0.13 1992: 0.67	LC 1967, Art 37: maximum limit of 48 hours. 1967 Regulations: 48 hour week for all workers except those in construction (44 hours). LC 1992: 8 hour working day. 40 hour rest period implying a 5 day, 40 hour working week. LC 2001: 40 hours the norm, but could be increased to 60 hours through a collective agreement. 2007: normal working week of 40 hours, upper limit of 48.
15. Maximum daily working time	1990: 0.2 1992: 0.6	LC 1951 s 37: 8 hours. 1953: minimum rest period of 8 hours (retained in1967 LC). LC 1992, s 117/B: maximum of 12 hours. To similar effect, ss. 92(1) and 99(2) LC 2012.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.17 1992: 0.42	LC 1967 Art 27(1): between 15 days and 6 months (to be determined by collective agreement). LC 1992, s. 89: a minimum of 30 days, maximum of 12 months. The basic period is extended by 5 days for an employee with 3 years' employment. See now LC

		2012, s. 69.
17. Legally mandated redundancy compensation	1990: 0.33	The norm has been 1 month's average earnings after three years' service. See now LC 2012, s. 77.
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0.92	LC 1951, s. 26: either 7 days' probation or 30 days for certain categories of worker. LC 1967, s 23: 30 days' probation, which could be extended to 3 months by agreement. LC 1992, s, 81: 30 days with provision for extension to three months by collective agreement. LC 2012, s. 45(5): maximum probation period of 3 months.
19. Law imposes procedural constraints on dismissal	1990: 1 2012: 0.25	Under LC 1967: written notice with reasons was required and a dismissal in breach of procedural requirements could be set aside. LC 1992, s 89(1): termination without notice was invalid and disciplinary procedures had to be followed. See now LC 2012, s. 65, 66: the employer must give notice and must justify the dismissal but provisions relating to disciplinary procedures and the employee's right to put his or her case have been removed.
20. Law imposes substantive constraints on dismissal	1990: 0.67	Under LC 1951, s. 29: acceptable reasons for dismissal in terms of the needs of the enterprise and the conduct of the employee were set out. Under LC 1992 the employer had to justify the dismissal by reference to similar criteria. To similar effect is LC 2012, s. 66(1), (2).
21. Reinstatement normal remedy for unfair dismissal	1990: 1 1992: 0.67 2012: 0.33	Under LC 1967, Art 31(1) reinstatement was the normal remedy, and under LC 1992, s. 100(1), reinstatement was again the norm unless it could not reasonably be expected of the employer. LC 2012: reinstatement is available only in certain protected cases, otherwise compensation is the norm.
22. Notification of dismissal	1990: 0.33 1992: 1	LC 1951: notification to the individual employee. See now LC 2012, s. 65. LC 1992, s. 3(2) and ss. 65-7: information and consultation rights including veto rights in relation to certain collective dismissals. LC 2012 s. 264: consultation but no veto power.

	2012: 0.67	
23. Redundancy selection	1990: 0	Under LC 1992, s. 94/B, now LC 2012 s. 72(e), the employer must set out criteria for redundancy selection, but statute does not determine their substantive content.
24. Priority in re-employment	1990: 0	This is not provided for in legislation.
D. Employee representation		
25. Right to unionisation	1990: 1	Art 4 of the 1949 Constitution: Labour unions and other representative bodies shall protect and represent the interests of employees, members of co-operatives and entrepreneurs. Art. 70/C (1): Everyone has the right to establish or join organizations together with others in order to protect his economic or social interests. Now 2011 Constitution, Art. 8(5): The right to freedom of association shall allow the free establishment and operation of trade unions and other representative bodies.
26. Right to collective bargaining	1990: 0 2012: 1	There was no provision in 1949 Constitution for collective bargaining. Now Art. 17(2) 2011 Constitution: employees, employers and their representative bodies shall have a statutory right to bargain and conclude collective agreements, and to take any joint action or hold strikes in defence of their interests.
27. Duty to bargain	1990: 1	LC 1951and 1967: no explicit duty to bargain but the 1967 Code made it compulsory for undertakings to enter into a collective agreement. LC 1992, s.3 (1) obliged employers and works councils and trade unions and employees to act in good faith and fairly and cooperate with one another in the course of exercising rights and fulfilling obligations; under s. 37 (1) neither party should reject a proposal for negotiations for concluding a CA. See now LC 2012 s 276(6).
28. Extension of collective agreements	1990: 0.5 1992: 1	LC 1951 (1953 amendment) s. 12: ministerial power to draw up model rules for each industry, in consultation with trade unions LC 1992 s 34(1): ministerial power to extend CA to entire sector at the request of the relevant parties and other representative organisations, provided that the agreement meets a test of representativeness.

29. Closed shops	1990: 0	LC 1951 and 1967: no reference to closed shops. Under LC 1992 the right to unionise included the right to not to join a union and s. 27 outlawed discrimination on the grounds of membership or non-membership. See now LC 2012, s 271.
30. Codetermination: board membership	1990:1 2006: 0.67	Under the Codetermination Act 1951 the works council had the right to nominate one third of the members of the supervisory board in companies with two-tier boards and 200 or more employees. Since 2006, this is possible unless there is an agreement between the works council and management to the contrary. Where there is a unitary board, employee participation at board level may be the subject of an agreement between the works council and the company.
31. Codetermination and information/consultation of workers	1990: 0.75 2001: 1 2012: 0.67	The Act on Works Councils 1957, s.9 set out certain rights of codetermination. LC 1992, s. 3(2) and ss. 65-7 set out information and consultation rights including veto rights in relation to major workplace changes. LC 2012 s. 264 refers to consultation but not to a veto power.
E. Industrial action		
32. Unofficial industrial action	1990: 0.5	Under Act 1989/7 both workers and trade unions could lawfully call a strike subject to rules on conciliation and arbitration.
33. Political industrial action	1990: 0	The definition of the right to strike is phrased in terms of 'economic and social rights' (Act 1989/7) and is thus thought to preclude political action.
34. Secondary industrial action	1990: 0.75	Act 1989/7, s. 4: only trade unions are legally entitled to initiate a solidarity strike.
35. Lockouts	1990: 0	There is no regulation of lockouts.
36. Right to industrial action	1990: 1	Article 70/C 1949 Constitution: the right to strike may be exercised within the framework of the law regulating this right. See now 2012 Constitution, Art. 17(2).

37. Waiting period prior to industrial action	1990: 0.25	Act 1989/7 provides for a 7 day mandatory conciliation period, but if this is not possible through no fault of the party calling the strike, a short strike (2 hours) may take place.
38. Peace obligation	1990: 0	Strikes during the term of a collective agreement, with the aim of changing that agreement, are unlawful: Act, 1989/7, s. 3(d).
39. Compulsory conciliation or arbitration	1990: 0	Act 1989/7: s. 2(1): a strike is only lawful if agreement is not achieved in a 7 day conciliation period or the conciliation could not take place for reasons not attributable to the party calling the strike. Under 2010 amendments, the right to strike is further restricted if no provision is made for a minimum level of service to be provided during the strike.
40. Replacement of striking workers	1990: 1	1989 Act s. 6: participation in a lawful strike is not to be treated as a breach of contract and may not be used as grounds for dismissal.

Iceland

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	The nature of the employment relationship has been determined through case law. The Court will assess the facts of the relationship rather than the intentions of the parties. Determinative will be factors such as the duration and continuity of the task, facilities, provision of tools and materials, responsibility and risk, union affiliation, type of remuneration, sick days, independence, vacation pay, tax payments, work supervision, and work hours.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2004: 1	Act No.10 (2004), Art 16(2): part time workers are entitled to equal treatment on a pro-rata basis. Collective agreement negotiated by ASI and SA: employers are not allowed to discriminate against part-time workers unless this is justified on objective grounds.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	Act No.139/2003 imposed a maximum duration of 2 years but there are no constraints on the reasons for using FTCs.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2003: 1	Act No.139/2003: right to equal treatment, with regard to employment conditions, with comparable permanent employees.

6. Maximum duration of fixed-term contracts	1970: 0 2003: 0.8	Act No.139/2003: restricts each renewal/extension of an FTC beyond 2 years except in the case of managerial employees.
7. Agency work is prohibited or strictly controlled	1970: 0 2005: 0.5	Act No. 139/2005, Art 2: agency must notify Director of Labour (DoL) of intention to provide temporary work. Art 4: information requirements to DoL. Art 6: workers must be given a written employment contract. Workers cannot be re-hired by establishments which hired them on a permanent basis within the last 6 months.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Agency workers' rights flow from collective agreements. There is no statutory obligation to provide equal conditions for permanent/direct workers and agency workers.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1987: 0.8	Act No.16 1943, Art 3: one day of holiday per month worked (12 days). Act No.30 1987, Art 3: 2 days per month worked (24 days).
10. Public holiday entitlements	1970: 0.83 1983: 0.88	1966: Labour/May Day declared public holiday. Law No. 88/1971: 3 (and two half) listed days and 'the public holidays of the National Church'. Law 32/1997 declares 'National Church holidays as 10 days (and 2 half days). Unions are free to negotiate otherwise. Law No. 94/1982 (in force 1983): 1st August declared a public holiday.
11. Overtime premia	1970: 0.8	Law No. 94/1986: overtime pay to be determined by CAs.in CAs, overtime hourly rate generally calculated as 1.0385 % of monthly wages. (80 % premium)
12. Weekend working	1970: 0	No provision.
13. Limits to overtime working	1970: 0.5	Law No. 88/1971: maximum of 40 hours a week. It was possible to average this duration of work over a reference period whose duration was specified by law. Law 46/1980 (as amended by Act No. 60/2003): 48 hours maximum per week, which can be averaged over 4 months (up to 6 or 12 months with objective/technical reasons).

14. Duration of the normal working week	1970: 0.67	Law No. 88/1971: 40 hours per week is the norm/maximum. Collective agreements also mostly observe a 40 hour working week (8 hours per day for 5 days).
15. Maximum daily working time	1970: 0.2	Act No.23 1952, Art 28: 8 hours' consecutive rest in a 24 hour period required. Law No. 68/2003: consecutive rest period of 11 hours per 24 hours. The rest period may be reduced to 8 hours if the nature of the work necessitates a deviation.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1979: 0.67	Act 80/1938, Art 60: notice to be governed by collective agreements. No statutory minimum was provided. Act No.19/1979: minimum of 2 months after three years. Many collective agreements provide 3 months' notice for an employee with three years' service but not all of them.
17. Legally mandated redundancy compensation	1970: 0	There is no provision for redundancy or severance pay.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	Law No. 70/1996: 3 month trial period for public employees. Collective agreements generally determine trial period. SGS and LIV have a reduced notice period for the first three months. RSI and MATVIS provide for one month trial period. 3 months is generally the norm.
19. Law imposes procedural constraints on dismissal	1970: 0 2008: 0.75	Procedures are governed by collective agreement. The norm is for employees to be entitled to request a hearing or interview to be informed of the reasons for dismissal, as well as written reasons for the dismissal. Employees are to be compensated if these procedures not provided.
20. Law imposes substantive constraints on dismissal	1970: 0	The general rule is that employers and employees can terminate with notice for any reason. In 2000 protection was introduced with reference to family status.

	2000: 0.1	
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Compensation is the normal remedy.
22. Notification of dismissal	1970: 0 1979: 0.33 1999: 0.67	Act No.19/1979: individuals must be given written reasons for the dismissal. From 1999: information and consultation rights in respect of collective dismissals for larger enterprises.
23. Redundancy selection	1970: 0.25	Law 63/2000: selection criteria are to be determined by collective agreements.
24. Priority in re-employment	1970: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1970: 0.33 1995: 1	Article 73 of the Constitution (1944 – 1995) protected freedom of association. Act 97/1995 amended the constitution to explicitly include trade unions. Now Art 74 (as of 1995).
26. Right to collective bargaining	1970: 0 1995: 1	1995: a constitutional amendment (see now Art. 75) refers to the right to negotiate terms and conditions of employment.
27. Duty to bargain	1970: 0 1996: 1	There is no express duty to bargain but Act No. 75/1996, Art. 5 (inserting Art. 23 into Act 80/1938) indicates that when a collective agreement is due for renewal, and no later than 10 weeks before the date for review, employers and trade unions must draw up a schedule of negotiations which must be provided to the State Conciliation and Mediation Officer.

28. Extension of collective agreements	1970: 0 1980: 1	Working Terms Act No. 55(1980): collective agreements automatically have erga omnes effect.
29. Closed shops	1970: 1 2000: 0.5	Most agreements contained some priority or closed shop clause. The closed shop was regarded as compatible with the freedom to associate. More recently the government and the ASI have taken steps to try to remove such clauses.
30. Codetermination: board membership	1970: 0	There are no provisions.
31. Codetermination and information/consultation of workers	1970: 0 2006: 0.33	Act No. 46/1980 requires health and safety committees. Act No. 61/1999: information and consultation rights for representatives in European Companies with 1,000 more employees. Act No.151/2006: establishes information and consultation rights for union/workers' representatives at enterprises with 50 or more employees. Art 5: representatives must be consulted with a view to reaching an agreement on certain matters.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Act No.80/1938, Art. 14 permits only trade unions, employers' representatives or employers (not employees) to engage in a strike or lockout. Act 75/1996: strikes must be preceded by a majority ballot with 20% of eligible employees voting.
33. Political industrial action	1970: 0	Act No.80/1938: strikes may take place for the purpose of advancing demands in industrial disputes and the protection of rights under the Act. Art 17(2): prevents a strike for the purpose of forcing the authorities to perform acts which they are not duty bound to undertake.
34. Secondary industrial action	1970: 1	Act No.80/1938, Art 17(3): solidarity strikes are permitted if the original strike is lawful.

35. Lockouts	1970: 0	Act No. 80/1938 includes lockouts within the term 'work stoppage' to which all the provisions of the Act in relation to strikes apply.
36. Right to industrial action	1970: 0	Although strikes are widely practiced and the laws relating to strikes are underpinned by the constitutional right to freedom of association, there is no reference to strikes or any such action by workers in the constitution.
37. Waiting period prior to industrial action	1970: 0	Act No.80/1938, Art 16: at least 7 days' notice must be given to the other party as well as the Conciliation and Mediation Officer.
38. Peace obligation	1970: 0	Art. 17 Act 80/1938 has the effect that strike action during the term of a collective agreement is unlawful.
39. Compulsory conciliation or arbitration	1970: 0.5 1996: 0	Act No.80/1938, Art 16: mandatory notification to Conciliation and Mediation Officer. Amendments in Act 75/1996: Conciliation Officer is obliged to meditate (Art. 24) and strikes are only lawful if attempts at conciliation have been exhausted.
40. Replacement of striking workers	1970: 1	A strike suspends the contract of employment and therefore participation does not constitute a breach.

India

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970:0.75	The Indian courts apply the common law tests of control and personal service when identifying a 'workman' under the Industrial Disputes Act; see e.g. *Dharangahara Chemical Works* v. *State of Saurashtra* (1956), SC
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	Part-time workers are recognised as 'workmen' under the IDA (*Mahesh Transport* v. *T & D Workers' Union* (1974); *New India Assurance* v. *Sankaratinggam* (2009)), and minimum wage legislation, but there is otherwise no right to pro rata treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Part time workers are recognised as workmen under the IDA (see v. 3 above) and so may qualify for dismissal protection.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.5 2003: 0.25	Indian labour law does not formally impose any substantive limits on the conclusion of a fixed-term contract. It is recognised that a workman may be employed on a temporary or fixed-term basis if the nature of the work is such that it is specific to a particular project or task, and there is some case law to the effect that a workman should not be kept on temporary contracts if permanent work is available (*India Woollen Textile Mills* (1963)). Case law suggesting that a contract would be deemed to be permanent after one year (240 working days) was overturned in 2004, so that the employee must now show that the new contract was a sham designed to prevent him achieving permanent status (see v. 6, below).

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no specific right to equal treatment between full-time and permanent workers or a more general right to equal treatment across different work relationships.
6. Maximum duration of fixed-term contracts	1970: 1 2003: 0	There are not express statutory limits on the maximum number or duration of fixed-term contracts. However, prior to 2003, a fixed-term worker was entitled to compensation for retrenchment after 240 working days on the same basis as a permanent worker. Then case law from 2003 established that the natural coming to an end of project-based work was not a retrenchment, that serving 240 days did not confer permanent status, and that a contract would only be deemed to be permanent if there was evidence of a sham or abuse (see *Nilajkar* v. *Telecom District Manager* (2003); *Andhra Pradesh State Road Transport Corporation* v. *Lakshmoji Rao* (2004); *Zilla Parishad Engineering Division* v. *Digambara Rao* (2004); *State Bank of India* v. *Rajr Ram* (2005)).
7. Agency work is prohibited or strictly controlled	1970: 0 1974: 0.25	The Contract Labour (Abolition and Regulation) Act allows for the prohibition of contract labour, which includes agency labour, for certain categories of work, and regulates terms and conditions in other cases. It also deal with the registration and licensing of agencies and contractors. The Act came into force in 1974 following a SC decision on its constitutionality.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1974: 0.25	The CL(AR)A 1970 sets out conditions of work for agency and contract workers which the user must observe but does not require equality of treatment as such.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	One day of leave for every 20 days worked in the previous calendar year: Factories Act 1948, ss. 79-80 (16 days in practice).

10. Public holiday entitlements	1970: 0.28	There are 3 national holidays (Republic Day, Independence Day and Mahatma Gandhi's birthday) and 2 other days which are generally observed (14 April and 1 May.
11. Overtime premia	1970: 1	Double time (FA 1948 s. 59(1)).
12. Weekend working	1970: 1	The Minimum Wages (Central Rules) 1950 set a norm of double time and a weekly rest day which should in principle be Sunday.
13. Limits to overtime working	1970: 0 1976: 1	60 hours a week upper limit or 50 hours of overtime over a quarter (FA 1948 s. 27, inserted in 1976).
14. Duration of the normal working week	1970: 0.13	48 hours (FA 1948, s. 51).
15. Maximum daily working time	1970: 0.6	Under FA 1948 s. 54, 9 hours is the norm but this may be extended to 10.5 hours inclusive of breaks totalling one hour (half an hour every 5 hours: FA ss. 55, 56), or 12 hours with permission of the labour inspector.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 1976: 1	From 1970 the rule was one month or 4.3 weeks (IDA s. 25F). From 1976 it was three months for an employee with one year's service in an establishment employing 300 workers, reduced to 100 from 1984: IDA s. 25N, eventually declared constitutional in 1992 (*Meenaskhi Mills* (1992)), although before then it was effectively in force in a number of states.
17. Legally mandated redundancy compensation	1970: 0.5	IDA s. 25F provides that for a retrenchment to be lawful, compensation must be paid at the rate of 15 days' average pay for every year of service.
18. Minimum qualifying period of service for normal case of unjust	1970: 0.67	One year qualifying period for procedural protection and right to compensation for retrenchment (s. 25N IDA).

dismissal		
19. Law imposes procedural constraints on dismissal	1970: 1	Under the IDA, disciplinary proceedings must precede dismissal for misconduct. The workmen must be informed of the alleged misconduct in writing and be given an opportunity to respond. Various formalities must be followed. See Industrial Employment (Standing Orders) Central Rules 1946, and extensive case law (*Barot* v. *State Transport Corporation* (1966), *Brooke Bond India* v. *Choudhary* (1969), *Chandulai* v. *Pan Am* (1985)).
20. Law imposes substantive constraints on dismissal	1970: 0.33	The court will intervene where there is lack of good faith, a breach of natural justice, an error of fact, or in the case of a perverse finding: Industrial Employment (Standing Orders) Central Rules 1946; extensive case law beginning with *Indian Iron and Steel Co.* (1958)); IDA s. 11A, inserted in 1976.
21. Reinstatement normal remedy for unfair dismissal	1970:0.33 1976: 0.67	IDA 1947, s. 11A, inserted in 1976, formally gave labour courts the power to grant reinstatement as the ordinary remedy for dismissal, although the courts have been reluctant to grant it e.g. where to do so would be contrary to industrial peace (*Tulsidas Paul* (1964)).
22. Notification of dismissal	1970: 0.67 1976: 1	Between 1970 and 1975, under s. 25F IDA, the employer had to notify the state authorities, give one month's notice in writing, and pay compensation to the employee. Under s. 25N IDA, inserted in 1976, government permission and 3 months' notice were required for retrenchments in establishments of 300 or more employees, reduced to 100 from 1984. On the constitutionality of s. 25N see v. 16, above.
23. Redundancy selection	1970: 1	The employer should follow the rule of seniority implied by the 'last in, first out' rule: s. 25G IDA.
24. Priority in re-employment	1970: 1	There is a right to priority in re-employment on the part of retrenched workers: s. 25H IDA.
D. Employee representation		

25. Right to unionisation	1970: 0.33	Art. 19(1) of the Constitution refers to the right to form associations or 'unions' but does not refer to trade unions as such.
26. Right to collective bargaining	1970: 0	The right to freedom of association in Art. 19(1) of the Constitution does not extent to a right to collective bargaining: *Bank Employees' Association* v. *National Industrial Tribunal* (1962); *Mukherjee* v. *Union of India* (1972).
27. Duty to bargain	1970: 0 1984: 0.25	The IDA does not provide for a right to recognition. There is a duty in some state laws and from 1984 refusal to bargain in good faith was characterised as an unfair labour practice under the IDA (s. 2(ra), to be read with Sched. V, and s. 25U), in principle punishable through fine or imprisonment, but hardly ever adjudicated in practice.
28. Extension of collective agreements	1970: 0.5	Although collective agreements are not normally binding on third party employers, a settlement entered into in the course of conciliation proceedings or by an award of a relevant labour court or tribunal will have industry level effect: s. 18 IDA.
29. Closed shops	1970: 0	There is no legislation providing for enforcement of a closed shop agreement by the employer and s. 2(ra) IDA, with effect fom 1984, makes it an unfair labour practice to dismiss an employee on the ground of membership of non-membership of a trade union.
30. Codetermination: board membership	1970: 0	There is no provision for board-level participation by employees.
31. Codetermination and information/consultation of workers	1970: 0	IDA s. 3 provides that the government may by special order introduce regulations for works committees, but this has not been done.
E. Industrial action		
32. Unofficial industrial action	1970: 0.5	Industrial action is not unlawful simply because it is unauthorised by the union concerned, although this is effectively the case in the public utilities, and elsewhere a a strike may not be justified if it occurs in breach of relevant procedures under ss. 22-24

		IDA.
33. Political industrial action	1970: 0.5 1998: 0.33	IDA s. 2(k) defines an industrial dispute broadly to include disputes between employers and employees, employers and workmen, or workmen and workmen, which is connected with the employment or non-employment or the terms and conditions of employment of any person. This can cover some political strikes where government policy affects employment or terms and conditions of employment. However, a general strike involving pressure on third parties to close shops, establishments and public services (a Bandh) was is unconstitutional (according to the Keralan High Court in *Kumar* v. *State of Kerala* (1997)).
34. Secondary industrial action	1970: 1	There are no constraints on secondary action as such.
35. Lockouts	1970: 0.5	Lockouts are regulated by s. 23 IDA which prohibits them during conciliation, arbitration and similar proceedings, in parallel with procedural controls over strikes.
36. Right to industrial action	1970: 0	The Constitution does not guarantee the right to strike.
37. Waiting period prior to industrial action	1970: 0.5	6 weeks' notice is required in the case of public utility services, a category which is widely defined under s. 22 IDA.
38. Peace obligation	1970: 0.5	IDA s. 23 imposes similar procedural restrictions on strikes to those governing lock-outs, see v. 35 above.
39. Compulsory conciliation or arbitration	1970: 0.67	IDA s. 10 provides for public authorities to refer to strikes to boards of inquiry, tribunals or labour courts, as appropriate.
40. Replacement of striking workers	1970: 0 1984: 1	IDA s. 2(ra), in force from 1984, makes dismissal of a worker for taking part in a legal strike an unfair labour practice, and prohibits replacement of striking workers during a lawful strike. IDA s. 25U prescribes criminal sanctions which are very rarely applied in practice.

Indonesia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The worker is defined as anyone working for a wage or in the context of a remunerative exchange (Law No. 1951 to bring the Labour Law of 1948 into force) and labour law has traditionally be seen as an aspect of compulsory regulation in the French tradition of *ordre public social*. Although there has been some movement towards a more contractual approach since the late 1990s the law's approach to personal scope has not formally changed in this period.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2003: 0.25	From 2003 (Art. 6 Manpower Law 2003) there is a general clause referring to the right of equal treatment and absence of discrimination in employment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The law on dismissal does not distinguish between full-time and part-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1993: 1	Ministerial Regulation No. 2 of 1993, later Manpower Law 2003 Art. 59: a work agreement for a specified period of time may only be made where the work is of a temporary nature, expected to be of not more than 3 years' duration, seasonal, or related to a new or experimental product. FTCs may not be agreed for jobs that are permanent by nature.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2003: 0.25	From 2003 (Art. 6 ML 2003) there is a general clause referring to the right of equal treatment and absence of discrimination in employment.
6. Maximum duration of fixed-term contracts	1970: 0 1993: 0.7	The maximum duration for an FTC is 2 years, with an extension for one further year: ML 2003, Art. 6 (previously, 1993 Regulation).
7. Agency work is prohibited or strictly controlled	1970: 1 2003: 0.5 2012: 1	Agency work or outsourcing was introduced in the ML 2003 after a process of negotiation with trade union as part of a policy of liberalisation. Under Arts. 65 and 66 of the Act subcontracted work must be carried out separately from the main activity of the enterprise and not in substitution for it. In 2012 the Constitutional Court ruled that agency work could in certain circumstances be unconstitutional and deemed to give rise to a relationship between the worker and the user employer.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2003: 1	The ML 2003 provides for agency or sub-contracted labour to enjoy the same terms and conditions as those provided for comparable labour in the user enterprise and/or under relevant laws and regulations.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4	12 days (two 6-day working weeks): Art. 14, LL 1951; Art. 79(2) ML 2003.
10. Public holiday entitlements	1970: 0.72	Public holidays are set annually by order. 13 days has been the recent norm.
11. Overtime premia	1970: 0.75	50% for the first hour, 100% after that: ML 2003, Art. 78; same under LL 1951.
12. Weekend working	1970: 1	Work on a weekly rest day (not specified) attracts a high premium rate: ML 2003, Art. 78.

13. Limits to overtime working	1970: 1	The Labour Law 1969 set an upper limit of 54 hours per week. ML 2003 sets a daily overtime limit of 3 hours, and a weekly limit of 14.
14. Duration of the normal working week	1970: 0.76	40 hour normal working week: LL 1951, Art. 10; ML 2003, Art. 77.
15. Maximum daily working time	1970: 1 1989: 0.9 2003: 0.7	7 hour daily limit: Art. 10 LL 1951. 9 hour limit, inclusive of overtime: Minimum Wage Act 1989. 8 hour norm for 5-day working week, 7 for 6-day working week, with daily overtime of up to 3 hours: ML 2003, Art. 77.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0	There is no right to a minimum notice period; each dismissal must be negotiated bilaterally or with the authorisation of the Labour Dispute Settlement Commission (ML 2003, Art. 151).
17. Legally mandated redundancy compensation	1970: 1	The norm is one month's severance pay for each year of service (ML 2003, Arts. 156, 163-5; 1964 Law on Termination of Employment).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	The parties may agree a probation period of not more than 3 months: ML 2003, Art. 60.
19. Law imposes procedural constraints on dismissal	1970: 1	Under the Law on Termination, Law No. 12 of 1964, the employer had to get the permission of the Labour Dispute Settlement Commission to carry out a dismissal. Under ML 2003 the essence of this approach has been maintained. The parties should seek to resolve the dispute by agreement and if they cannot do so they may have recourse to the Industrial Relations Court. Art. 161 ML 2003 refers to the requirement to give warnings prior to disciplinary action or dismissal.

20. Law imposes substantive constraints on dismissal	1970: 0.75	Prior to 2003 dismissals had to be authorised by the Law Dispute Settlement Commission. From 2003 grounds of dismissal were set out. The Commission must still give its authorisation but will ordinarily do so if one or more grounds are made out.
21. Reinstatement normal remedy for unfair dismissal	1970: 1	Prior to 2003, dismissals without due authorisation were void. Under ML 2003, reinstatement, coupled with nullity of the dismissal, is the main remedy for dismissal (Art. 153).
22. Notification of dismissal	1970: 1	Under the 1964 Law on Termination, the regional tribunal on the settlement of industrial disputes had to give its permission for individual dismissals, and collective dismissal needed the approval of the central commission. Under the Industrial Disputes Settlement Act 2004, the principal role of the Labour Dispute Settlement Commission is mediation, but cases may still be taken to the Industrial Relations Court which has the power to nullify a dismissal.
23. Redundancy selection	1970: 0	There are no statutory rules on this.
24. Priority in re-employment	1970: 0	There are no statutory rules on this.
D. Employee representation		
25. Right to unionisation	1970: 0.33	Under Art. 28 of the Constitution, the extent of freedom of association is 'to be determined by law'.
26. Right to collective bargaining	1970: 0	There is no right to collective bargaining in the Constitution.
27. Duty to bargain	1970: 1	ML 2003; Art. 116 refers to an obligation to agree a collective agreement; if no consensus is arrived at, one or both parties may take the matter to the institutions for resolution of industrial relations disputes. There was a similarly mandatory approach under previous laws.

28. Extension of collective agreements	1970: 1	Art. 11(1) 1954 Law on Collective Agreements provide for extension by ministerial decree following consultation with the collective parties; continued in force under ML 2003.
29. Closed shops	1970: 0	Compulsory union membership ruled out: Art. 1(3), Law No. 21 of 1954 on Collective Agreements; Art. 28, Law on Trade Unions, 2000.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0 2003: 0.33	Art. 106, ML 2003: duty to establish a bipartite cooperation institution, with a role in negotiating over dismissals and labour disputes.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Art. 1(2) Labour Disputes Law 1957: dispute must be between collective parties, and the strike action must be taken by the union. Decree No. 342, 1986: sanctions against workers taking part in wildcat strikes. Art. 140 ML2003: where workers are not unionised, strike action must be initiated by elected representatives.
33. Political industrial action	1970: 0	Disputes must relate to industrial relations or conditions of employment: Labour Disputes Law 1957, Art. 1(2)(d); Industrial Disputes Settlement Act 2004.
34. Secondary industrial action	1970: 1 2003: 0	Art. 1(2)(d) of the 1957 Law was wide enough to cover secondary action but a specific ban was introduced in ML 2003.
35. Lockouts	1970: 0.5	Under Art. 1(2)(d) of the 1957 law, strikes and lock outs were defined in parallel terms. Under ML 2003, Art. 140(4), defensive lock outs (in response to illegal strikes) are permitted. The lock out may not be used in response to a lawful strike.

36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0	Notice requirements, generally 7 days: Art. 6(2) Labour Disputes Law 1957; ML 2003, Art. 140(1).
38. Peace obligation	1970: 1	There is no law prohibiting industrial action during the term of a collective agreement.
39. Compulsory conciliation or arbitration	1970: 0	Labour Disputes Law 1957, Art. 3(2): conciliation in effect mandatory if the parties cannot resolve the dispute and do not wish to go to arbitration. See also ML 2003, Art. 136(1); Industrial Disputes Settlement Act 2004, Arts. 3, 4.
40. Replacement of striking workers	1970: 1	Reprisals against strikers prohibited: Art. 23(1) Labour Disputes Law 1957; Law No. 12 of 1964 on Termination of Employment; Law on Trade Unions 2000. ML 2003 ,Art. 144(a), prohibits replacement of striking workers.

Iran

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Labour Act (LA) 1959, Art. 1: a 'worker' is any person who works in any capacity under the instructions of the employer in return for a wage or a salary. Art. 30: a 'contract of employment' is a written or oral agreement whereby a worker undertakes in return for a wage to perform work for an employer. See now LA 1990, Art. 2. Note: in 2000 (legislation) and 2003 (Supreme Court) companies were exempt from labour legislation if employing fewer than 5 and 10 employees respectively.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1990: 0.75	LA 1990, Art. 39: wages to be paid on a proportional basis.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The Labour Acts make no distinction for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1 1994: 0	LA 1990, Art. 7(1): the maximum duration of an FTC in respect of work that is not permanent *by nature* will be set by regulation. Art. 7(2): FTCs concluded for work of a permanent nature will be deemed permanent. 1994 Regulations: a new FTC was legalised which permits contracts for one year to be renewed successively (without becoming permanent automatically).
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	No right to equal treatment.

6. Maximum duration of fixed-term contracts	1970: 0	LA 1990, Art. 7(1): maximum duration of FTCs to be determined by regulation. No regulation has been enacted.
7. Agency work is prohibited or strictly controlled	1970: 0	LA 1959, Art. 65: Minister of Labour has power to supervise private employment agencies (and establish public agencies). No further regulation.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1990: 0.67	LA 1959, Art. 15: 12 days for each year of service. LA 1990, Art. 40: 20 days' leave per year.
10. Public holiday entitlements	1970: 0.56 1990: 0.61	LA 1959, Art. 15: 10 days. LA 1990, Art. 63: additional public holiday.
11. Overtime premia	1970: 0.35 1990: 0.4	LA 1959, Art. 12: 35% premium. LA 1990, Art. 59(b): 40% premium.
12. Weekend working	1970: 0.35 1990: 0.4	LA 1959, Art. 14: Friday is the weekly rest day. 35% premium for work on this day. A second day's rest must be given; if not, wages will be 135% of the norm. LA 1990, Art. 62: Friday is the weekly rest day. 40% premium for wages on that day for those working 6 days a week
13. Limits to overtime working	1970: 1	LA 1959: overtime limited to 4 hours per day. LA 1990, Art. 60: up to 10 hours' overtime per day (for limited periods only) otherwise 4 hours' overtime per day permitted.

14. Duration of the normal working week	1970: 0.13 1990: 0.4	LA 1959, Art. 11: 48 hours per week. LA 1990, Art. 51(1): 44 hours per week.
15. Maximum daily working time.	1970: 0.5 1990: 0	LA 1959, Art. 11(2) hours may not exceed 9 hours per day. Art. 13(2) overtime must not exceed 4 hours a day. (Max 13 hours.) LA 1990, Art. 60: permits up to 10 hours overtime per day.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 1990: 0	LA 1959, Art. 33: 15 days' notice for indefinite contracts. LA 1990: no notice for dismissals.
17. Legally mandated redundancy compensation	1970: 0.5 2009: 1	LA 1959, Art. 33: where the worker has worked (continuously or not) for the employer for at least a year, the employer must pay at least 15 days' wages per year of service. 2009: where employer and labourers agree, redundancy pay is 2 months per year of service. Where no agreement can be reached, it will be one month per year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83 1990: 0.94	LA 1959, Art. 33: permission to complain to court (regarding dismissal) requires 3 (continuous) or 6 months (non-continuous) employment. LA 1990, Art. 3: (optional) probationary period may be mutually agreed but must not exceed one month for unskilled workers or two months for skilled workers.
19. Law imposes procedural constraints on dismissal	1970: 0 1990: 1	LA 1959, Art. 33: 15 days' notice is the only procedural constraint. LA 1990, Art. 27: requirement of Islamic Labour Council approval (ILC) for dismissal. Prior warning in writing required for disciplinary-based dismissals. Failure to give this warning (for disciplinary-based dismissals only) will result in the dismissal being void (see General Board of the Administrative Court No.523 dated 12.08.1387 (Nov. 2, 2008) in Case No.493/87).
20. Law imposes substantive constraints on dismissal	1970: 0	LA 1959, Art. 33: the worker may not complain about the dismissal if it is due to negligence. Generally dismissal can take place provided that there is notice and the terms

	1990: 0.33	of the contract are adhered to. LA 1990, Art. 27: employees may be dismissed for negligence in duties or not following the rules of the workplace after warnings and the ILC has approved of the dismissal. Art. 21(c): workers may be dismissed on the basis of total disability. Art. 30: lay-offs may take place in the event of force majeure. Law Facilitating the Renovation of Industries (2009): economic reasons are legitimate grounds for dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67 1990: 1	LA 1959, Art. 33: authorities may order reinstatement but the employer may decide whether to reinstate the employee or pay compensation instead. The Court (in making its order) will have regard to the employee's age, length of service, rate of pay, number of dependents, and other relevant circumstances. LA 1990, Art. 29: where the employer 'suspends' the contract (where there is no lawful dismissal) reinstatement is obligatory. Art. 1965: where a Disputes Board finds a dismissal to be without just grounds, it shall order reinstatement unless the employee elects for a severance allowance.
22. Notification of dismissal	1970: 0 1990: 1	LA 1990, Art. 27: termination for negligence or repeated ill-discipline requires approval of the ILC (or Guild Society or Disputes Board).
23. Redundancy selection	1970: 0	No provisions.
24. Priority in re-employment	1970: 0 1990: 1	LA 1990, Art. 30: the employer is obliged to re-employ laid-off workers.
D. Employee representation		
25. Right to unionisation	1970: 0.33 1979: 0.67	1906 Constitution, Art. 21: freedom to associate. 1979 Constitution: associations and trade unions are free to exist. No one can be prevented from participation in these gatherings. There is no express right to form trade unions.

26. Right to collective bargaining	1970: 0	There is no constitutional protection for the right to collectively bargain or trade union activities.
27. Duty to bargain	1970: 0 1990: 0.5	LA 1990, Art. 139(1): collective bargaining and negotiations shall be pursued with self-restraint, the aim of reaching agreement with due regard to the dignity of the parties, and avoidance of any act likely to disrupt proceedings. However, there is no express duty to engage in such negotiations.
28. Extension of collective agreements	1970: 0	No provisions for extension.
29. Closed shops	1970: 0	1955 Decree, Art. 33: no employer may discriminate or dismiss on the grounds of membership or non-membership of a union. Art. 34: no worker shall be subjected to any pressure in relation to membership of or resignation from a union. LA 1959, Art. 28: forbids the use of threats or force to induce workers to join a union or prevent them from joining one.
30. Codetermination: board membership	1970: 0	There is limited provision relating to participation as regards profit-sharing.
31. Codetermination and information/consultation of workers	1970: 0	LA 1959, Art. 38: an agreement must be reached with workers' representatives whenever a dispute arises. If no agreement can be reached, it will be referred to tripartite negotiations with one worker's representative, one employers' representative and a Minister of Labour representative, who shall investigate and make a binding decision. The 1963 Act on Profit Sharing: establishment of committees for this profit sharing (same composition as the tripartite committee) to determine the value of any shares and how they are to be distributed. Where there is an Islamic Labour Council, no other form of worker participation is allowed. Little or no information and consultation rights outside these circumstances.
E. Industrial action		
32. Unofficial industrial action	1970: 0	There is no right of workers to organise strikes independently.
33. Political industrial action	1970: 0	Strikes contrary to government policy are not regarded as legitimate.

34. Secondary industrial action	1970: 0	There is no right to strike in principle and hence no right to take secondary action.
35. Lockouts	1970: 0	There is no regulation of lockouts.
36. Right to industrial action	1970: 0	There is no constitutional Right to strike.
37. Waiting period prior to industrial action	1970: 0	Strikes are not lawful even if they were to be undertaken after a relevant procedure.
38. Peace obligation	1970: 0	LA 1990, Art. 144: when governed by a collective agreement for a fixed duration, neither party may unilaterally request any changes prior to expiry unless such changes are allowed by exceptional circumstances (to be assessed by the Ministry of Labour and Social Affairs). Strikes with the purpose of variation would contravene this provision.
39. Compulsory conciliation or arbitration	1970: 0	LA 1990, Art. 142: where a dispute results in the stoppage of work (or reduction of production) by the workers, the Board of Inquiry shall, at the request of either party, investigate the dispute and give an opinion. Refusal of the opinion entitles the other party to request the Disputes Board to investigate the matter and make a decision. If this is not accepted, the Ministry of Labour shall be notified and make any decisions and may operate the workplace in question in the meantime. Art. 157: in the event of a dispute, negotiations should be attempted first, then a settlement with the ILC (or Guild Society or Board of Inquiry/Tripartite Committee). Art. 159: decisions of the Board shall be final and binding.
40. Industrial action	1970: 0	There is no protection for workers on strike.

Ireland

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 2005: 0.75	The common law approach to determining employment status applies, under which a number of indicia may point to employment status, but none is determinative, and the terms of the contract may play a role in determining the legal classification. From 2005 indicators were set out in a Code of Practice intended to be protective which was updated in 2007 and 2010.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2001: 1	The EU Part-Time Workers Directive was implemented with effect from 2001.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0 1991: 1	Part time workers (those employed for less than 20 hours) were not protected by unfair dismissal legislation until a legislative amendment of 1991.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 2003: 0.5	The Protection of Employees (Fixed Term Work) Act 2003, s. 8, requires the employer, when proposing renewal of an FTC, to inform employee in writing of the objective grounds for the renewal, justifying the refusal to offer an indefinite contract. The employer must also inform the employee in writing of the objective condition determining the contract (specific date, completion of a task, occurrence of an event). The Labour Court may draw such conclusions as are considered just and equitable from a written statement that is equivocal or evasive.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2003: 1	Protection of Employees (Fixed-Term Work) Act 2003, s. 6,: implementing the Fixed-Term Employment Directive requires no less favourable treatment for FTC workers than comparable permanent employees.
6. Maximum duration of fixed-term contracts	1970: 0 2003: 0.6	Under the PE(FTW)A 2003 the maximum cumulative duration of 2 or more FTCs is 4 years, unless objective grounds justifying the renewal on a fixed-term basis are provided.
7. Agency work is prohibited or strictly controlled	1970: 0	Under the Employment Agency Act 1971, agencies were subject to licensing and regulation, but there were no substantive bars on the use of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2012: 0.67	Case law initially took the view that agency workers were not 'employees'. The 1993 Unfair Dismissal Act deemed the user to have certain duties of the employer but did not provide for a right of equal treatment between agency workers and permanent workers of the user undertaking. The Protection of Employment (Temporary Agency Workers) Act 2012 provides for equality of treatment, implementing the TAW Directive, subject to exceptions, including a derogation for workers with an indefinite contract with the agency.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 1973: 0.5 1997: 0.67	1961 Act on Annual Leave, s. 10: 14 consecutive days. Holidays (Employees) Act 1973: 3 weeks. .Organisation of Working Time Act 1997: 20 days.
10. Public holiday entitlements	1970: 0.33	1961 Act on Annual Leave, Part II Art. 8(1): 6 days. Holidays (Employees Act) 1993: added May Day as a public Holiday. OWTA 1997: 9 public holidays.

	1993: 0.39 1997: 0.5	
11. Overtime premia	1970: 0.25	Factories Act 1936, s. 43(3) not less than 25%. Organisation of Working Time Act 1997: to be agreed by collective agreement. The norm is 25% or more.
12. Weekend working	1970: 0.25	OWTA 1997 introduced a system of compensation for work on Sundays: no specific premium is set but there must be 'reasonable' compensation.
13. Limits to overtime working	1970: 0.75 1997: 0.17	1936 Factories Act: 2 hours a day, 12 hours a week, or 240 hours a year. Maximum of 36 hours in any 4 consecutive weeks. Maximum 48 hour a week limit (averaged over 3 weeks) (s. 34(1)(d)). OWTA 1997: calculation of average over 6 months, can be extended to average over 12 months by CA.
14. Duration of the normal working week	1970: 0.13	1936 Factories Act s.32: 56 hours, or 48 hours averaged over 3 weeks. OWTA 1997: 48 hour limit including overtime.
15. Maximum daily working time	1970: 0.2 1997: 0.5	1936 Factories Act: s. 33(1) 9 hours a shift with at least 8 hours between shifts. No statutory daily limits. OWTA 1997: minimum of 11 hours rest per 24 hours, and 15 minutes for every 4.5 hours worked, implying a 12 hour limit.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1973: 0.17	Minimum notice and terms of employment Act 1973, s 4(2)(b): 2-5 years' service attracts 2 weeks.
17. Legally mandated redundancy compensation	1970: 0.13 2003: 0.58	Redundancy Payments Act (1967–1991): 0.5 weeks' remuneration per year of continuous service for ages 16-41; 1 week's remuneration per year for ages 41-66; basic standards were generally improved through collective bargaining. 2003: 2 weeks' pay per year of service plus one bonus week.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 1977: 0.67	Unfair Dismissal Act 1977, and subsequently: 12 month qualifying period.
19. Law imposes procedural constraints on dismissal	1970: 0 1993: 0.67	The Unfair Dismissals Act 1977, s.6, did not refer to procedural fairness. The Unfair Dismissals Amendment Act s. 5(b) states that whether or not an employer provided a fair procedure will be taken into account when determining the fairness of dismissal. The, Code of Practice on Disciplinary Procedures (Declaration) Order, 1996 is taken into account when assessing the fairness of dismissal.
20. Law imposes substantive constraints on dismissal	1970: 0 1977: 0.67	Unfair Dismissals Act 1977, s 6(1): dismissal deemed unfair unless there were substantial grounds justifying the dismissal. Relevant grounds may include capability/competence, misconduct, redundancy, illegality, or other substantial grounds.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1977: 0.33	The Unfair Dismissals Act 1977: set out 3 alternative remedies: compensation, reinstatement and re-engagement. 75% cases result in compensation. Under a 1993 Amendment the court of tribunal must give reasons for the choice of remedy.
22. Notification of dismissal	1970: 0 1996: 0.67	1996 Code of Practice requires employers to give notification of allegations against employees when they are being considered for dismissal. There is specific requirement of written notice when dismissal takes place but by virtue of the Code of Practice the employee should be beware of the reasons for dismissal. From 1996 there is a right of information and consultation over collective dismissals.
23. Redundancy selection	1970: 0	From 2000 Regulations the law has required consultation over selection criteria, but no particular criteria are mandated.
24. Priority in re-employment	1970: 0	There are no rules on priority in re-employment..
D. Employee representation		

25. Right to unionisation	1970: 1	Constitution, Art. 40.6(iii).
26. Right to collective bargaining	1970: 0	There is no reference to collective bargaining in the Constitution.
27. Duty to bargain	1970: 0	There is no duty on an employer to recognise or bargain with a union: *Abbott and Whelan v ITGWU and the Southern Health Board* (1982) 1 JISLL 56. The Industrial Relations (Amendment) Act 2001 gives the Labour Court the power to issue a legally binding ruling on pay and conditions of employment when an employer refuses to recognise a trade union but still does not require the employer to recognize a trade union or unions or to negotiate with them.
28. Extension of collective agreements	1970: 0.5 2013: 0	The Industrial Relations Act 1946 provided for extension of collective agreements that were registered at industry level (REAs), where the Labour Court was satisfied that the parties to the agreement substantially represented the class to be covered. There were otherwise no general provisions for an *erga omnes* effect to be given to sector-level collective agreements. In 2013 the Supreme Court declared the REA provisions of the 1946 Act to be unconstitutional (*McGowan* v. *Labour Court*).
29. Closed shops	1970: 0.5	The Constitutional right to form associations (Art 40.6.1) was interpreted as implying a native right not to associate in *Educational Company v. Fitzpatrick* (1961). In *Meskell v CIE* (1973) the court held that enforcing a closed-shop agreement retrospectively on current employees was unconstitutional, but that it was not unconstitutional to have pre-entry closed shop agreement as the employee would be aware of the provisio in advance of agreeing to the employment. This view has yet to be fully tested in the courts.
30. Codetermination: board membership	1970: 0	Workers Participation (State Enterprises) Act 1977: larger companies can have up to 1/3 of the board as worker representatives. However, this provision is limited to state owned enterprises.

31. Codetermination and information/consultation of workers	1970: 0 1996: 0.33 2006: 0.5	There is no statutory system for permanent employee representation. Information and consultation rights operate in relation to matters covered by EU Directives on collective redundancies and transfers (1996 legislation). Under the Employees (Provision of Information and Consultation) Act 2006, companies with (from 2008) more than 50 employees come under certain consultation and information duties.
E. Industrial action		
32. Unofficial industrial action	1970: 1 1990: 0.5	Under the 1906 Act there were no procedural requirements and consequently individuals were protected by the immunities in the event of unofficial but lawful industrial action. (before procedural requirements were introduced), action was less likely to be 'unofficial' but there was more risk of it being prevented by the grant of an injunction. Industrial Disputes Act 1990: introduction of extensive procedural requirements for lawful strikes. However, certain immunities are still available to individual union members even if there has not been a valid.
33. Political industrial action	1970: 1	Trade Dispute Act 1906: broad definition of trade dispute, so hybrid economic/political industrial action was permitted. Broad definitions of 'trade dispute' were retained in the 1946 and 1990 Acts.
34. Secondary industrial action	1970: 1	The 1906 definition of 'trade dispute' encompassed secondary action. The 1990 Act expressly recognised solidarity and sympathy strikes; affirmed in *Nolan Transport (Oaklands) Ltd v Halligan* (1994). The 1990 Act clarified the position on secondary picketing which is lawful in specified circumstances.
35. Lockouts	1970: 0.5	Lockouts are protected where they are in contemplation of a trade dispute. The Unfair Dismissals Act 1977 puts lockouts on equal footing to strikes.
36. Right to industrial action	1970: 0	The Constitution does not protect the right to strike.

37. Waiting period prior to industrial action	1970: 1 1990: 0	Trade Disputes Act 1906: minimal procedural requirements, no notice requirement. 1990 Act: 1 weeks' notice required of the intention to take industrial action. Also a requirement to exhaust all other avenues before commencing industrial action.
38. Peace obligation	1970: 1	Strikes are not unlawful by virtue merely of occurring during the term of a collective agreement or because a peace clause in a collective agreement is not observed.
39. Compulsory conciliation or arbitration	1970: 0 1990: 0.5	The Labour Relations Commission was established under the IDA 1990 s. 24. Conciliation is in principle a voluntary process. However, s 9(2) of the 1990 Act: no immunities unless all conciliation and arbitration procedures have been exhausted.
40. Replacement of striking workers	1970: 0 1973: 0.3 1993: 0.4 2007: 0.5	The traditional rule is that participation in a strike was a breach of contract justifying dismissal. In 1973 in *Becton Dickinson & Co Ltd v Lee* the courts accepted a version of the 'suspension' theory. Under the Unfair Dismissals Act 1977, 1993 Amendment, dismissal of striking employee is unfair if another similarly placed employee was not dismissed for the same action (or another was dismissed and re-engaged). In 2007, s. 5(2A) inserted into the Unfair Dismissals Act to protect employees dismissed as a result of strike action. The court or tribunal will consider a range of circumstances to determine if the dismissal is fair.

Israel

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75 1998: 1	Case law has developed to determine the status of employees. The courts often apply the 'integration' test: whether the employee is integrated into an enterprise or the owner of a business serving the enterprise. See *Ben-Gigi* (1987/1988). Courts will look to the 'true relations, and not the formal ones', 'in light of the social objective of labour law'. In 1998 the law was further strengthened in the Supreme Court *Sarusi* case. In 2001, the Labour Court extended the protective scope of labour laws to certain freelancers if the purpose of those laws are applicable to their situation: *Tzadka v. Gallai Tzahal, the Army Radio Station*.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	Type of employment contract is not one of the protected grounds in Equal Opportunities Law and the courts have not yet extended the protected grounds to part-time workers so as to ensure them equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Dismissal only attracts a right to severance pay which is calculated on time served. Continuity is not dependent on hours worked so part-time workers will be awarded equivalent (severance) pay on dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.5	Case law: contracts are deemed to be permanent if, in reality, the nature of the work is permanent rather than temporary; the courts will look past the label. However, there are no legislative indications as to when a FTC will be permitted (or not).

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no general right to equal treatment for FTC workers. As of 1996, FTC workers who have been recruited through an agency have a limited right of equality (see variable 8, below).
6. Maximum duration of fixed-term contracts	1970: 0.5	There is no legislative maximum but in practice a fixed term contract will be deemed to be permanent if the courts considers that the relationship is in fact open ended. While it is difficult to generalise from the case law, the score should be between 0 and 1.
7. Agency work is prohibited or strictly controlled	1970: 1 1996: 0.67 2000: 0.75	The Employment Service Act 1959 prohibited 'private employment agencies'. Supply of temporary workers (as a genuine business) only was permitted. 1996 Employment of Labour Only Contract Law: liberalization in what kind of work agencies could supply but greater regulation with licensing requirements (annual renewal), reporting obligations and financial guarantees. Since 2000: after 9 months of work the worker becomes an employee of the hirer or user enterprise.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2000: 0.75	From 2000 in an amendment of the 1996 Employment of Labour Only Contract Law: agency workers are entitled to most of the benefits of a direct employee but not to protection against dismissal; also, these rights may be removed by a general collective agreement
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33	Annual Leave Law 1951, s. 3: 2 2 weeks or 10 working days per annum for first 4 years, and increasing by a day or two over subsequent years. (Maximum 28 days).
10. Public holiday entitlements	1970: 0 2000: 0.5	No explicit legislative provisions for hourly paid workers until 2000 (9 days).
11. Overtime premia	1970: 0.37	Hours of Work and Rest law 1951 (HWRA), s16: 125% for the first two hours, 150% thereafter.

12. Weekend working	1970: 0.5	HWRA 1951, s7: rest-day either Saturday (Jews), or Sunday or Friday (non-Jews). Payment for work on these days is at 50% premium.
13. Limits to overtime working	1970: 1	HWRA 1951, s. 10: narrow circumstances in which overtime is permitted. Average of 45 hours per week for shift workers. No more than 4 hours per day or 100 hours per year.
14. Duration of the normal working week	1970: 0.2 1988: 0.33 2000: 0.47	HWRA 1951, s. 3: 47 hours maximum. National collective agreement in 1988: 45 hours and 42+ hours for the public sector. Extension order of 2000: 43 hours. Labour Law 2001 (implemented 2005): 43 hours.
15. Maximum daily working time.	1970: 0.6	HWRA 1951, s2: working day not to exceed 8 hours. S. 4(2): Minister can extend to 10 hours. By an extension order, up to 12 hours is possible.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	Advanced Notice of Discharge Resignation Law 2001: one month's notice after one year's service. Before the Act, the notice period was so prevalent in collective agreements that the Labour Court declared it a custom (contractual obligation).
17. Legally mandated redundancy compensation	1970: 0.5 1983: 1	Severance Pay Law 1963, s. 12: one month per year of service (salaried workers) or two weeks per year (wage workers). From 1983: one month per year of service for waged workers too.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	Trial periods are governed by collective agreements (6 month – 5 years), but dismissal during the trial is still subject to the good faith requirement.
19. Law imposes procedural constraints on dismissal	1970: 0.67	Collective agreements commonly have grievance procedures restricting employers' ability to dismiss workers. Workers are provided with representation and when no agreement can be reached, there may be arbitration. 67% of the workforce are not

		union members so the Labour Court has used 'good faith' requirements (fair hearings and written notice of reasons) as a pre-requisite to lawful dismissals.
20. Law imposes substantive constraints on dismissal	1970: 0.25	Those not covered by collective agreements previously could be dismissed lawfully so long as payment was given in lieu of notice but collective agreements remained a significant constraint until their decline from the 1980s. The Labour Courts in response developed the good faith requirement to prohibit arbitrary dismissals.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1996: 0.5	1970s*: Zori Pharmaceutical and Chemicals Corp. v. Riks* (Supreme Court) overruled a decision awarding reinstatement as a remedy for violation of a labour contract or collective agreement. In the 1990s reinstatement was again recognized as a valid remedy in case law (*Mif'aley Tachanot*). Compensation is the general remedy but reinstatement may exceptionally be awarded. There is a power of reinstatement for discriminatory dismissals in 1988 legislation.
22. Notification of dismissal	1970: 0.67	Collective agreements generally require employers to inform, consult and negotiate with the union prior to dismissals. Those not covered by CAs will (from good faith requirements) receive notice of reasons for dismissals.
23. Redundancy selection	1970: 0.25	There are no statutory redundancy criteria but collective agreements generally set them. If there is no collective agreement, case law from 2001 establishes that the employer should consult on selection criteria.
24. Priority in re-employment	1970: 0.25	No statutory requirements, but collective agreements can make provision for priority (Severance Pay Law 1963, s. 19).
D. Employee representation		
25. Right to unionisation	1970: 0.33	Israel has no written constitution but it does have constitutional laws (The Basic Laws). Before 1992: the right to unionise was seen by the courts as a 'basic right'. 1992 Basic Law: Human Dignity and Freedom has been broadly interpreted to provide a right of freedom of association and has been used as 'constitutional' basis for striking down other rules (See *Histadrut General Federation of Israeli Workers et al.* v. *Zim Israeli*

		*Shipping Co., Ltd (*The *Zim* case) (1994).).
26. Right to collective bargaining	1970: 0 1992: 0.33	There was no formal constitution right to collectively bargain before 1992, although the Histadrut was strong in practice. Since 1992 the Basic Law on Human Freedom and Dignity has been interpreted to extend to a right to collectively bargain.
27. Duty to bargain	1970: 0.67 2010: 1	Contract Law 1970: obligation to negotiate in good faith. Case law (*National Association of Defense Ministry Research Workers v. the State of Israel*, National Labour Court) extended this to include a duty to provide unions with information. 2010 Collective Agreements Law amendment: codified a case law obliging employers to negotiate with a representative union.
28. Extension of collective agreements	1970: 1	At the Histadrut's peak, bargaining began at the national level, with extension by an extension order. 1957 Law on Collective Agreements permitted the Minister (after consultation with representatives of employees and employers) to extend collective agreements to an entire industry.
29. Closed shops	1970: 1 1994: 0	Until mid-1990s pre- and post-entry closed shops were permitted (see ss. 1 and 27 of the Collective Agreements Law 1957). In the *Zim* Case (see no. 27 above) the Court declared closed shops to be unconstitutional on the basis of freedom of association (or the right not to associate) as well as equality.
30. Codetermination: board membership	1970: 0.1 1977: 0.2	Formal involvement existed only for Histadrut-owned enterprises (from 1964) where workers made up one third of the board of companies. 1977 Law and a 1985 High Court decision (*Dapey Shituf* (Tel-Aviv), 1985): required appointment of workers' representatives to the boards of directors of government companies.
31. Codetermination and information/consultation of workers	1970: 0.1 2000: 0.33	Non-legislative measures: Histadrut-owned enterprises introduced Joint Productivity Councils in the 1940s. They would be involved in decision making and decide all issues except working conditions and wages. There were also workers' committees but both JPCs' and WCs' influence fell short of co-determination.After 2000, case law

		developed a more general right to information and consultation.
E. Industrial action		
32. Unofficial industrial action	1970: 0 1988: 0.5	Although the Labour Courts generally refrain from interfering in strike action, if the statutory 15-day notice period is not given, any action can be subject to injunctions. The Acts generally envisage strike action as part of a collective dispute. From 1988 the courts have allowed wildcat strikes where they are 'proportional'.
33. Political industrial action	1970: 0 1995: 0.33 2003: 0.67	Case law is still developing this issue. Purely political strike action is generally unlawful (*Hatib* judgment). There may be a limited right to strike where there is a quasi-political purpose and the strike is to protect employees' working conditions which are believed to worsened by government action (*State of Israel* v. *The Association of Teachers at Secondary Schools and Teachers' Seminar and Colleges*). However, a strike will not be legal if the government decision could not be said to have a clear and immediate impact on employees' working conditions (*Bezek* judgment, 1995). The extent of the right to strike in a political context is not clear but case law indicate some extensions after 2003.
34. Secondary industrial action	1970: 1	There are no express restrictions on secondary action.
35. Lockouts	1970: 0.5	The National Labour Court has held that only defensive lockouts are lawful. The notice requirement (for strikes) is also applicable to lockouts.
36. Right to industrial action	1970: 0 1992: 0.5 2003: 0.67	Prior to 1992: the right to strike was recognised by the courts as a 'basic right'. Basic Laws 1992: Human Dignity and Freedom – interpreted by the Supreme Court as including the right to strike: *Delek – the Israel Petroleum Company Ltd. v. Histadrut – New General Labour Federation.* The law has strengthened further since 2003.

37. Waiting period prior to industrial action	1970: 0 1988: 0.5	1969 amendment to Settlement of Disputes Law, s. 5: 15 days' notice to be given to the Chief Labour Relations Officer as well as the party with which the dispute lies. From 1988: no notice needed in certain cases according to a test of proportionality.
38. Peace obligation	1970: 0	Almost all collective agreements contain no-strike provisions and case law from the 1970s held that a peace obligation could be implied if it was not explicitly included.
39. Compulsory conciliation or arbitration	1970: 0.5	The National Labour Court has the power to issue an order to stop a strike or suggest a temporary compromise. 1969 amendment to Settlement of Disputes Law: Chief Labour Officer can require conciliation during the notice period. After 15 days, however, there is no power to suspend a strike. Arbitration is mostly optional but much importance is attached to negotiation.
40. Replacement of striking workers	1970: 0.33 2000: 0.67	Collective Agreements Act 1957: strike action does not suspend the contract of employment, no protection from dismissal. Employment of Employees by Manpower Act 1996, s. 16: prohibited agencies from supplying workers to replacing striking employees. A similar provision existed for provision of employees by the Employment Service (1959 Act, s. 44). In the early 2000s the Courts afforded greater protection from dismissals through an obligation on employers to maintain long-term collective relationships in good faith. The Settlement of Disputes Law was amended to reflect these decisions.

Italy

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67 2003: 0.75	The distinction between subordinate and autonomous work is set out in the Civil Code of 1942 (Arts. 2094 and 2022) and the centrality of the subordination test, understood in terms of personal submission of the employee to the managing power of the employer, was recently reasserted (Cass Civ 2008 No. 28325). From 2003 the Biagi law introduced a presumption of subordination in certain cases and a procedure for 'certification of contracts'.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2000: 1	A Decree of February 2000 implemented the principle of equality contained in the 1997 EU Directive.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made between part-time and full-time work for the purposes of dismissal law.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1 1987: 0.75 2001: 0.5	Law 230 of 1962 permitted the use of fixed-term contracts only in a range of narrowly defined circumstances, breach of which led to the contract being regarded as permanent. From 1987, the law mitigated these requirements, in particular by authorising collective agreements to widen the circumstances under which FTCs were lawful. From 2001, when the Fixed-Term Employment Directive was implemented, the grounds of use of FTCs were liberalised again, as justifications referring to the technical, productive or

	2012: 0.33 2014: 0	organisational needs of the enterprise and to the case of substitution of a temporarily absent worker were substituted for the previous, strict controls. The 2012 reform further loosens the requirements for use of FTCs: the need of justification was eliminated for contracts of less than 12 months' duration. The legislation on fixed-term contracts was further amended in 2014: an employment contract may be concluded for up to 36 months with a maximum of five extensions without giving a reason. In addition the number of fixed-term workers employed by a single employer with more than five workers may not exceed 20% of the number of workers employed under employment contracts of indefinite duration as of 1 January of each year.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.75 2001: 1	Law 230 of 1962 refers to a right to equal treatment in relation to certain terms and conditions, where this is not incompatible with the nature of the contract. Decree 368/2001 implemented the principle of non-discrimination contained in the 1999 EU Directive.
6. Maximum duration of fixed-term contracts	1970: 0 2001: 0.4 2007: 0.7	Law 230 of 1962 allowed an extension only once for a duration equivalent to the initial contract but placed no limit on the initial duration. Decree 368/2001 allows renewal only once where the contract is for less than 3 years' duration and, since an amendment in 2007, limits cumulative succession of FTCs to 36 months (save minor exceptions). Under Law No. 78 of 2014; an employment contract may be concluded for up to 36 months, with a maximum of five extensions within that period, without the need to show justification.
7. Agency work is prohibited or strictly controlled	1970: 1 1997: 0.75 2003: 0.25	Law 1369 of 1970 banned the leasing of labour services. Law 196 of 1997 permitted agency work for certain types of employment. Decree 276/2003 extended the permitted grounds by allowing agency work when justified by the organisational needs of the enterprise, and permitted permanent agency work. Law 247 of 2007 returned the law to allowing only fixed-term agency work. From 2010, staff leasing for contracts of indefinite duration was re-introduced. From 2012, the need for justification was

	2007: 0.5 2010: 0.33 2012: 0.25 2014: 0	eliminated for contracts of less than 12 months' duration and a maximum time range of 36 months for cumulative assignments between the same parties was introduced. From 2014, the need for justification was repealed.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1	A right to equal treatment has been in force since the liberalisation of the rules governing agency work in 1999, with only minor changes made by the Biagi Law and other later legislation.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.67	4 weeks was normal under collective agreements prior to the introduction of laws implementing the Working Time Directive set the same norm (e.g. Decree 66 of 2003).
10. Public holiday entitlements	1970: 0.89 1977: 0.56 1986: 0.61	16 paid public holidays (Law 260. 1949); 10 paid public holidays (Law 57 of 1977); 11 paid public holidays (Law 792 of 1986)
11. Overtime premia	1970: 0.25	25% norm is the general norm set under collective agreements, taking into account bonuses and allowances.
12. Weekend working	1970: 0.25	Sunday premia are generally set by sector legal collective agreements at the same rate as overtime pay.

13. Limits to overtime working	1970: 1 1998: 0.33	Law 692 of 1923 set an upper weekly limit of 48 hours, with a normal 8-hour and 2 hours of overtime a day. Law Decree 335 of 1998 allowed overtime, with both a one-year and a 3-month reference period, unless otherwise provided by collective agreement. Decree No. 66 of 2003 sets a limit of 250 hours a year, unless otherwise provided by collective bargaining agreements. In any case, the duration of the working week cannot exceed 48 hours, including overtime, with an averaging period of 4 months. The averaging period can be prolonged by collective bargaining agreements to 6 months, or to 12 months when objective, technical or organisational needs exist.
14. Duration of the normal working week	1970: 0.13 1997: 0.67	Law 692 of 1923: 48 hours. Law 196 of 1997: 40 hours. Collective agreements setting the normal working week do not generally go beyond 40 hours.
15. Maximum daily working time.	1970: 0.8 1997: 0.5	Law 692 of 1923: 10 hours (8+2, see above). From 1997, this was subject to lengthy averaging periods. Thus the remaining effective control is the 11-hour mandatory daily rest period.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17	Notice is required by Art. 2118 Civil Code, but its duration is set by collective agreements and varies by sector. Periods can be as short as 2 weeks.
17. Legally mandated redundancy compensation	1970: 0.88	The right to the end of contract indemnity (Trattamento di fine rapporto, Art. 2120 Civil Code) is equivalent to approximately 10.6 weeks of salary for an employee with 3 years' employment (according to the formula of one year's salary divided by 13.5, with an increase of 1.5% for each year of employment).

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	Collective agreements set probation periods which must not be longer than six months (Law 604 of 1966).
19. Law imposes procedural constraints on dismissal	1970: 1	Under the Workers' Statute, a dismissal delivered without a reason was unfair, and if oral and not notified in writing, was void. The 2012 reforms only affect the remedy so the score for this variable is not changed.
20. Law imposes substantive constraints on dismissal	1970: 0.67	Since Law 604 of 1966 dismissal had to be shown to be for one of a number of justified reasons. An enterprise size threshold was removed in 1999.
21. Reinstatement normal remedy for unfair dismissal	1970: 1 2012: 0.75	Reinstatement was the normal remedy for unfair dismissals under the Workers' Statute, subject to certain enterprise and workplace thresholds. The 2012 reforms reduced the grounds on which reinstatement should be awarded, but it is still required for certain cases including certain dismissals particularly unfair and discriminatory dismissals. A reform entering into force in 2015 and only applying to new hires further limits reinstatement to cases in which a disciplinary reason alleged by the employer is found to be untrue, and to discriminatory dismissals.
22. Notification of dismissal	1970: 0.67	Notification to the individual worker (Law 604 of 1966); notification of collective dismissals to workers' representatives (Law 223 of 1991; previously, Workers' Statutes).
23. Redundancy selection	1970: 0.5 1991: 1	According to Law 223 of 1991 criteria are set by collective agreements. In the absence of such agreements, statutory criteria apply. These include family responsibilities, seniority, and organisational needs. They correspond to criteria previously provided for by certain intersectoral collective agreements (e.g. the intersectoral agreement for the industrial sector of 5 May 1965).
24. Priority in re-employment	1970: 1	Preferential hiring within one year: Law 264 of 1949, Law 223 of 1991.
D. Employee representation		

25. Right to unionisation	1970: 1	Arts. 19 of the Constitution refers to the right form trade unions and employers' associations.
26. Right to collective bargaining	1970: 1	Art. 39, referring to the right of registered trade unions to make collective agreements binding *erga omnes*, has never been implemented. In practice, unions have engaged in collective bargaining at a number of levels: this activity is generally held to be protected at a constitutional level.
27. Duty to bargain	1970: 0.33	According to the majority view in the case law, there is no general duty to bargain collectively. In some cases, failure to bargain may amount to an unfair anti-union practice under the Workers' Statute.
28. Extension of collective agreements	1970: 0	Collective agreements are only binding on the parties to them following the failure to bring Art. 39 of the Constitution into force. A process for establishing an equitable wage under Art. 36 of the Constitution falls short of an an erga omnes extension procedure.
29. Closed shops	1970: 0	There is no right to a closed shop and an attempt to agree or enforce one would probably be an unfair practice under the Workers' Statute.
30. Codetermination: board membership	1970: 0	There is no legal right to board membership for workers.
31. Codetermination and information/consultation of workers	1970: 0.67	The Workers' Statute provided for the formation of plant-level representative bodies with union involvement. These structures have information and consultation rights which have been periodically strengthened but have consistently fallen short of codetermination.
E. Industrial action		
32. Unofficial industrial action	1970: 1	Strike action is not unlawful merely by virtue of being unofficial (Court of Cassation, Judgment 711/80).

33. Political industrial action	1970: 0 1974: 1	Constitutional Court decision 290/1974 established a right to take political industrial action within certain limits.
34. Secondary industrial action	1970: 0.75	Secondary action is lawful unless there is no 'community interest' (Constitutional Court case law).
35. Lockouts	1970: 0.67	A lock-out may be in breach of contract but is permitted in response to strike action.
36. Right to industrial action	1970: 1	Article 40, Constitution.
37. Waiting period prior to industrial action	1970: 1 1990: 0.75	The Workers' Statute imposed no waiting period. Law 146 of 1990 imposed a cooling off period for strikes affecting essential public services. Since 1993,national intersectoral agreements provide for cooling periods to be set out at lower levels (sectoral and, more recently, also company level).
38. Peace obligation	1970: 0.75	An explicit peace clause may limit the right to strike, but there is no implicit peace clause. Moreover, since the law recognises the individual right to strike, peace clauses are normally deemed to bind only trade unions and not individual workers, even when they are union members (trade unions, however, may be regarded to have a duty not to encourage or support wildcat/individual breaches of peace clauses). Since 2011, national framework agreements expressly establish that peace clauses only bind unions and not individual workers.
39. Compulsory conciliation or arbitration	1970: 1 1990: 0.75	There is no law providing for compulsory conciliation or arbitration except for strikes affecting the public sector after 1990.
40. Replacement of striking workers	1970: 1	Dismissal for taking part in a strike is unlawful. This protection is understood as falling within the ambit of the Constitution, Art. 40. See also Law No. 604, 1966; Law No. 146, 1990.

Ivory Coast

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The question of whether the employment relationship exists is an objective matter not dependent on the form of the agreement. Labour Code 1964: a worker is defined as any person who has undertaken to place his gainful activity in return for remuneration under the direction and control of another person. Art. 29 states that proof of the existence of the contract shall be demonstrated in any manner agreed between the parties. Decree No. 65-121 1965 Article 1 states that every contract of employment that is to be performed in the Ivory Coast shall be made in the form and in accordance with the procedure that it suits the contracting parties to adopt: see now: Article 13(1) LC 1995. However Article 13(3) continues to provide that the existence of the contract of employment can be demonstrated in any manner.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1996: 0.75	There were no provisions on part time work before 1996. Decree no. 96-202 1996 Article 1 defines a part time worker pursuant to article 21(2) LC 1995 as a worker working less than or equal to 30 hours a week or 120 hours a month. Art. 13: the part time worker is entitled to all the statutory rights applicable to an ordinary worker.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Decree no.96-202 1996 Art 12 makes it clear that part time workers are entitled to the same protection on termination as ordinary workers and are subject to the same rules. See also Art. 21(notice) and Art. 22 (redundancy pay).
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	Art. 14 LC 1995 governs fixed term work in general. Article 14(5) places a general two year limit on FTCs subject to the possibility of a longer term for stated reasons: to

	1996: 1	replace an employee who is temporarily absent; for seasonal work; for a sudden or occasional increase in activity in an enterprise. Article 14(7) allows such contracts to be renewed without limitation. Decree no 96-194 1996 Art.2, 3 and Art.23: limit of three months for 'temporary entrepreneurial work' with the possibility of renewal for a one month periods up to three times). Art. 24 prescribes that such contracts can only be used during the absence of another worker; to respond to occasional increases in activity; for urgent work necessary to prevent particular accidents. Article 33 then lists certain industries in which such work is prohibited.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	Decree no. 96-194 1996 Art.16: grants equal pay to temporary entrepreneurial workers. Art.22 grants equal rights for TAWs. However, this does not extend to FTCs generally.
6. Maximum duration of fixed-term contracts	1970: 0 1996: 0.8	In addition to the limits on TAW, Art 14(4) LC 1995 limits fixed term contracts to 2 years maximum duration with unlimited renewals provided that the total duration does not exceed two years (Art.14(5)). Art 14(7) allows unlimited renewal only where the fixed term contract relates to a specific type of work as opposed to a particular term.
7. Agency work is prohibited or strictly controlled	1970: 1 1995: 0.25	LC 1964 Art. 148 prohibited private agencies in areas where public agencies existed and made it unlawful for any person etc. to act as an intermediary in seeking employment for a worker regardless of whether they receive remuneration whose exclusive object is to act as an agency. Article 11(1) LC 1995 allows employers to recruit their workers directly or through public or private employment agencies. Art. 11(2) states that authorisation of employment through intermediaries is to be governed by decree. Under Art. 11(4) limits on the use of temporary agency work for dangerous occupations may be set. Under Art. 11(5) labour leasing for commercial purposes must be for temporary work only.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no provision for equality of treatment.

B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6 1995: 0.8	LC 1964 Art. 107: annual paid leave of one and a half days' leave per month of service to be increased by two days after 20 years service. Act No. 75-496 grants annual paid leave for two days per month of service. This is maintained in Art. 25(1) LC 1995.
10. Public holiday entitlements	1970: 0.11	LC 1964 Art. 106: lists two mandatory paid public holidays. See now, LC 1995, Art. 24(2). Regulations establish a further 14 days of holiday but these do not entail right to payment except in the case of monthly paid workers: Public Holidays Decree no.96-205.
11. Overtime premia	1970: 0.33	Under the 1967 decree (made under the 1964 code) overtime was paid on a graduated scale. There were no specific laws determining the amount, but in practice it appears overtime rate has not changed over time. Decree on Hours of Work 1996: article 24: 15% for hours between 41st and 46th hour; 50% beyond this.
12. Weekend working	1970: 0 1996: 0.75	LC 1964 Art. 106: Sunday in principle the weekly rest day. Article 24(1) LC 199: at least 75% premium.
13. Limits to overtime working	1970: 0 1996: 1	There is a daily limit of 3 hours, an additional weekly and yearly limit: Decree on Hours of Work 1996: Art. 26. There were no limits prior to this.
14. Duration of the normal working week	1970: 0.67	There limit has consistently been 40 hours, or 48 hours for agricultural workers. Art.21(1), (2) LC 1995.
15. Maximum daily working time	1970: 0 1996: 0.7	Decree on hours of work 1996 Art. 26 limits overtime to three hours per day. Under Art. 21(1) ordinary working hours are 8 hours per day. There is otherwise no minimum daily rest period, and there was no daily limit prior to 1996.
C. Regulation of dismissal		

16. Legally mandated notice period	1970: 0.33	Workers paid monthly in the first are entitled to one month up to 6 years of service. (Article 1 Decree no 96-200 and Art. 16(4) Labour Code))
17. Legally mandated redundancy compensation	1970: 1	Decree no. 96-201 1996 provides for severance pay where termination takes place otherwise than for misconduct and where the worker has at least one year of service. Article 3 stipulates that the amount of pay depends upon the length of service of the individual For workers with less than 5 years' service, this is 30% of annual salary in the year preceding the dismissal. In case of a worker with between 6 and 12 years' service, this will be 35% and 40% after that). For a worker with 3 years' service, this amounts to approximately 15.6 weeks. The 1964 Code similarly provided for severance pay to be based on years of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.97 1996: 0.94	Decree No. 65-121 1965 Article 7 states that the trial period shall be the same as the period of notice. See also Art. 2. Decree no.206-96 states that the trial period for a worker paid by the month shall be one month, renewable once. Article 16(1) LC 1995 – there are no restrictions on termination during the trial period
19. Law imposes procedural constraints on dismissal	1970: 0	There are only procedural requirements in the case of economic dismissals.
20. Law imposes substantive constraints on dismissal	1970: 0.25	Art. 16(11) Labour Code 1995 states that there is an entitlement to damages where dismissal takes place otherwise than for a legitimate reason. Impermissible reasons are: sex, age, national extraction, race, religion, political opinion, social origin, membership or non membership in a trade union, participation in trade union activities, and reasons relating to the enterprise where the relevant procedure is not followed.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Art. 16(11) Labour Code 1995 requires the payment of damages where the dismissal has taken place otherwise than for a legitimate reason.
22. Notification of dismissal	1970: 0.67 1995: 0.33	Decree No. 65-121 1965 Art. 6 requires that in the case of premature termination, the employer must notify the authority before whom the contract was made within 15 days. Art. 16(4) LC 1995 requires that the notice to the worker express the reasons for dismissal and be in writing. The requirement for notification is no longer present.

23. Redundancy selection	1970: 0	No requirements.
24. Priority in re-employment	1970: 0	No requirements
D. Employee representation		
25. Right to unionisation	1970: 0.33 2000: 1	The 1960 Constitution merely stated that the law should regulate the right to organise (Art.41). The 2000 Constitution recognises a right to organise for workers who exercise the right in accordance with the law (Art.18).
26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1970: 0	LC 1995 Art. 56(2) provides that a union will be representative if they are supported in a vote by 30% of those they purport to represent. However, there is no duty to bargain as such.
28. Extension of collective agreements	1970: 1	Collective agreements can be extended by decree (Art. 70 LC 1964; Art. 72(1) LC 1995).
29. Closed shops	1970: 0	LC 1964 Art.4 states that it is unlawful for any employer to take into consideration membership of a trade union or exercise of a trade union activity in taking decisions with respect to recruitment and dismissal. Under the 1996 Code dismissal for trade union membership or participation in union activities is prohibited.
30. Codetermination: board membership	1970: 0	There are no provisions.
31. Codetermination and information/consultation of workers	1970: 0 1996: 0.67	Decree no.96-207 Art. 1 requires the election of workforce delegates in all undertakings employing ten workers or more, only where no union is present (Art.5). Article 21 provides that they are to meet with the manager of the undertaking at least once a month. Article 61 (8) LC 1995 states that the mission of the workforce delegates shall be to

		present all collective and individual concerns regarding conditions of work, the application of collective agreements, and classes of pay; to refer to the Inspector of Labour any failure to observe statutory requirements; to make and prescribe procedures for health and safety and to propose measures on the subject; to communicate suggestions for improving the organisation of the enterprise.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Prior notification and conciliation requirements under both the 1964 and 1996 LC implied that only official action would be legal. Art. 188 makes every strike illegal where it is not taken pursuant to the procedure set out in the Labour Code for collective disputes.
33. Political industrial action	1970: 0	Union objectives are to be: states that trade unions shall have as their sole object the defence of economic industrial commercial and agricultural interests. Collective disputes are expressly defined in terms of disputes relating to work: Art. 3 Labour Code 1964)
34. Secondary industrial action	1970: 0.5	There is nothing in either Labour Code to exclude the possibility of secondary industrial action provided that the primary parties have undertaken the proper prior procedures.
35. Lockouts	1970: 0.5	Lockouts pursuant to Art. 188 LC 1965 and under LC 1996 are governed by the same prior notice and conciliation rules as strikes.
36. Right to industrial action	1970: 0 2000: 1	The 1960 Constitution did not guarantee the right to strike. Article 18 Constitution 2000 recognises the right to strike for workers who exercise it within the limits prescribed by law.
37. Waiting period prior to industrial action	1970: 1	Article 188 LC 1964 states that a strike undertaken before the expiry of six days following the failure to achieve a resolution in conciliation shall be illegal. See also Decree no.96-208 art. 11.
38. Peace obligation	1970: 0.5	Decree no.96-208 Art. 11 states that a strike will be illegal if undertaken during the period of a binding arbitral award. There is no more specific reference to a peace obligation.

39. Compulsory conciliation or arbitration	1970: 0	Prior conciliation is mandatory: see Art. 178 LC 1964 and Art. 2 Decree no.96-208.
40. Replacement of striking workers	1970: 1	Art. 177 LC 1964 states that a strike shall not constitute a breach of the contract of employment except in cases of serious negligence or misconduct on the behalf of the worker.

Japan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	The Civil Code defines the: contract of employment (art.622), the contract for work (art.632) and the contract for mandate (art.643). Although the parties are free to determine the nature of their contract under private law, labour laws apply without regard to the label given to a contract, if certain criteria developed by the case-law are satisfied. Courts operate a version of the subordination test.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2008: 0.75	An amendment of the 1993 law on part-time work, effective from 2008, provided for a right to equal treatment for part-time workers but only where they were employed under contracts of indefinite duration.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0	In practice, as well as in terms of legal terminology, part-time, casual and fixed-term work categories overlap. There is no right to equality of treatment as such for part-time workers and recent case law has indicated that a difference in redundancy payments between 'regular' workers and others could be justified.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There are no constraints on the conclusion of a fixed-term contract based on the nature or duration of work to be carried out.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no right to equality of treatment for fixed-term employees.

6. Maximum duration of fixed-term contracts	1970: 0 2013: 0.5	Art.14 of the LSA states that the maximum duration for a fixed-term contract is 3 years, but there is no provision stating the maximum number of renewals allowed, nor a provision requiring specific reason for the recourse to a fixed-term contract. Recent case law suggests that multiple renewals are possible. From April 2013, amendments to the LCA will deem a fixed term contract to be converted into a permanent contract after five years provided that the employee submits a request for the contract to be converted to one of indeterminate duration, unless renewal is not considered socially acceptable.
7. Agency work is prohibited or strictly controlled	1970: 1 1986: 0.5 1996: 0.3 1999: 0.1 2004: 0	Agency work was strictly controlled up to the Worker Dispatching Act of 1986, which permitted agency work and its equivalents in a number of sectors. The rules were progressively liberalised before remaining restrictions were removed from 2004.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no formal right to equal treatment for agency workers as such.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.2 1988: 0.33	The basic entitlement was six working days up to 1988, then 10. In each case it was possible to acquire more leave, generally up to 20 working days, through seniority, and the seniority rules have been loosened over time, but the basic entitlement remains 10 days.
10. Public holiday entitlements	1970: 0	The law does not provide a right to paid public holidays.

11. Overtime premia	1970: 0.25	25% is the norm: LSA, s. 37. After 2010 a 50% rate applies but only above 60 hours per week.
12. Weekend working	1970: 0.25 1994: 0.35	25% is the norm: LSA, s. 37; raised to 35% by ordinance, 1994.
13. Limits to overtime working	1970: 0	There is no absolute limit on overtime working.
14. Duration of the normal working week	1970: 0.13 1987: 0.27 1991: 0.4 1997: 0.67	Under the Labour Standards Act, normal hours were 48 before 1987, when the principle of a 40-hour week was adopted, but its implementation was staged before being complete in 1997, subject to certain sectoral exceptions.
15. Maximum daily working time	1970: 0	The normal working day is 8 hours but it may be extended by collective agreement and there is no minimum daily rest period.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	The normal period is 30 days (s. 20 LSA).
17. Legally mandated redundancy compensation	1970: 0	There is no legal right to a redundancy payment.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	There is no minimum qualifying period as such and dismissals in the probationary period should in principle respect the doctrine of fairness in dismissal.

19. Law imposes procedural constraints on dismissal	1970: 0.67	Procedural fairness has been a principal criterion for judging the fairness of dismissal since the early case law on this issue from the 1970s.
20. Law imposes substantive constraints on dismissal	1970: 0.67	Case law identified the need for dismissal to be justified by reference to one or more of a set of identified reasons from the mid-1970s onwards, building on earlier decisions, and this principle was later reflected in legislation (LSA 2003; Labour Contracts Act 2008).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	There is no statutory scheme for remedies for unfair dismissal. Reinstatement is rare and compensation the more normal remedy in case law under Arts. 546 and 709 of the Civil Code.
22. Notification of dismissal	1970: 0	There is no legal requirement of written notification or permission for dismissals.
23. Redundancy selection	1970: 0	There is no statutory provision for a priority rule based on age or seniority and case law has generally not supported it.
24. Priority in re-employment	1970: 0	There is no provision for priority in re-employment
D. Employee representation		
25. Right to unionisation	1970: 1	Constitution, Art. 28.
26. Right to collective bargaining	1970: 1	Constitution, Art. 28.
27. Duty to bargain	1970: 1	Art.7 (2) Labour Union Act: refusal to bargain without good reason is an unfair labour practice. The employer must bargain in good faith (*Carl Zeiss Co*. Tokyo District Court, 1989). The duty extends to managerial issues affecting employment conditions.
28. Extension of collective agreements	1970: 1	Art. 18 LUA makes provision for extension by ministerial order if both parties request it. In practice this provision is very little used.

29. Closed shops	1970: 1	Art. 7(1) LUA has been interpreted as permitting closed shop agreements with majority unions.
30. Codetermination: board membership	1970: 0	There is no provision for board membership of workers.
31. Codetermination and information/consultation of workers	1970: 0.5	Although there is no statutory underpinning for works councils as such, employee consultative committees are very widely used in practice and are considered and may make agreements having the effect of collective agreements if there is no majority-representative union. There are laws governing health and safety committees and use of discretionary labour (LUA, Art. 38(4)).
E. Industrial action		
32. Unofficial industrial action	1970: 0	Unofficial industrial action is not protected by the Constitution and may be a ground for dismissal.
33. Political industrial action	1970: 0	Political industrial action is not protected (*Mitsubishi Heavy Industries Nagasaki Shipyard* case, 1994.
34. Secondary industrial action	1970: 0	Secondary or sympathy action is not generally protected (*Kineshima Coal Mining Company* case, 1975).
35. Lockouts	1970: 0.5	'Defensive' lock-outs aimed to restore 'equilibrium' between the collective parties are permitted (*Marushima Water Gate* case,1975; *Aigawa Freshly-mixed Concrete* case, 2006).
36. Right to industrial action	1970: 1	Constitution, Art. 28.
37. Waiting period prior to industrial action	1970: 0.75	There is no generally applicable mandatory notification period and parties are free to agree on the notification period in their respective collective agreements. There is,

		however, a 10-day notification period under Art.37 (1) of the Labour Relations Adjustment Act, in the case of essential services.
38. Peace obligation	1970: 1	A strike in breach of a peace obligation is not in itself unlawful and is not a ground for dismissal: *Konan Bus* case 1968.
39. Compulsory conciliation or arbitration	1970: 1	There is no compulsory conciliation or arbitration procedure.
40. Replacement of striking workers	1970: 1	Dismissal for taking part in a lawful strike is not permitted but there is no restriction on hiring replacements during a strike.

Jordan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	The Labour Code (LC) 1960 applied to every person employed for remuneration or as an apprentice in a regulated establishment except for government and municipal officials; members of the family employed in family undertakings; persons employed in agriculture or in the herding of animals; domestic servants and the like (Art. 1). Art. 15 (amended 1965): an individual contract of employment is an agreement whereby a worker undertakes to work for the other contracting party and under his supervision or direction in return for remuneration. The agreement may be written, oral, explicit or implicit. A worker who is employed regularly for piece work in the workplace or does a number of tasks by piece work shall be considered as a worker employed for an indefinite duration. The status of an employee appears to be more determined by the nature of the agreement rather than what the agreement is labelled as by the parties. Similar definitions given in 1996 LC. In 2008, agricultural and domestic workers, cooks and gardeners, as well as assimilated persons are covered by the LC.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	There is no right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no distinction between part-time and full-time workers for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There are no restrictions on when a FTC may be used.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0	There is no right to equal treatment.

workers		
6. Maximum duration of fixed-term contracts	1970: 0	There is no maximum cumulative duration for FTCs.
7. Agency work is prohibited or strictly controlled	1970: 0	LC 1960, Art. 13: (1) The Ministry of Social Affairs may establish employment offices. Agencies must obtain permission before they start functioning. They shall supervised by the Director of the Department of Labour. (2) Agencies must collect and analyse information respecting the situation and evolution of employment and to transmit it to the authorities. (3) Agencies had detailed registering and detailed record-keeping requirements. Information from both employees and employers must be obtained. (4) The Minister may request agencies to discharge other specified duties including vocational training. Maintained in LC 1996. In 2004, amendments to the effect that the Ministry undertook the duties of organizing the labour market, vocational guidance and setting the instructions required to provide employment opportunities for the Jordanians inside the Kingdom and abroad by cooperation with the competent authorities. Private offices for employment might be established by a license issued by the Minister and the Minister regulates the conditions of establishing and running such offices. No express restrictions on the grounds of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.7 1996: 0.47	LC 1960, Art. 45: annual leave entitlement of 3 weeks. LC 1996, Art. 61: 14 days' annual leave.
10. Public holiday entitlements	1970: 0.89 2007: 0.78	Jordan does not have fixed holiday dates in labour legislation or its constitution. Public holidays observed in Jordan include New Year's Day, King Abdullah's birthday, Labour Day, Independence Day, King Abdullah's accession to the throne, King

		Hussein Remembrance Day, and Christmas Day. In addition, religious holidays with movable dates dependent on the Islamic lunar calendar include Eid al Adha, the Feast of the Sacrifice; Eid al Fitr, the end of Ramadan; Muharram, the Islamic New Year; Mawlid al Nabi, celebration of the birth of Muhammad; and Leilat al-Meiraj, the Ascension of Muhammad. In 2007, the King and the late Kings Hussein's birthdays were removed as official holidays.
11. Overtime premia	1970: 0.25	LC 1960, Art. 43(5): overtime premium to be set at no less than 25%. Maintained in LC 1996, Art. 59(a).
12. Weekend working	1970: 0.25 1996: 0.5	LC 1960, Art. 41: Friday is to be the weekly day of rest. Art. 43(5): overtime on the weekly holiday/rest day must not be remunerated at a rate less than 25% above the normal rate. LC 1996, Art. 60: Friday is the weekly rest day. Art. 59(b): 50% premium for work on this day.
13. Limits to overtime working	1970: 1	LC 1960, Art. 43(3): exceptions to working hours may be made by the Council of Ministers for certain professions. These exceptions cannot exceed two hours a day or twelve hours a week of overtime. LC 1996, Art. 57: limited circumstances in which employees may be required to work overtime and the maximum amount is two hours (working hours cannot exceed 10 per day).
14. Duration of the normal working week	1970: 0.13 1996: 0.67	LC 1960, Art. 38: 48 hours per week is the norm. (54 hours is the norm for those employed in hotels, bars, restaurants, theatres, cinemas or like establishments.). LC 1996, Art. 56(a): 40 hours is the norm.
15. Maximum daily working time	1970: 0.7	LC 1960, Art. 40: hours of work and rest are not to exceed 11 hours a day. Maintained in LC 1996, Art. 56(b).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	LC 1960, Art. 16: one month's notice after at least 6 months' continuous employment. Maintain in Art. 23 of LC 1996.

17. Legally mandated redundancy compensation	1970: 1	LC 1960, Art. 19: indemnity payment of one month's pay per year of service. LC 1996, Art. 32: redundancy pay at the same rate as before.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	LC 1960 (as amended in 1965), Art. 16: The employer shall have the right to terminate, without giving either notice or compensation, a contract of employment of indefinite duration of any worker at any time during the first three months (considered as probation period) from the date of employment. Probation period carried through in LC 1996, Art. 35.
19. Law imposes procedural constraints on dismissal	1970: 0.25	There are no procedural requirements for dismissal apart from the giving of notice or payment of compensation in lieu. If an employer wishes to dismiss an employee summarily, he must give the employee sufficient opportunity to show cause against his dismissal (LC 1960, Art. 17). No specified procedure but LC 1996, Art. 25: employer must be able to show in a court of law that the dismissal was not arbitrary.
20. Law imposes substantive constraints on dismissal	1970: 0.33	Employers may dismiss employees without fault but they will be liable to give notice and make an indemnity payment. However, LC 1960, Art. 17 states circumstances where employees may be dismissed without any such compensation (provided that the employer gives him sufficient opportunity to show cause against his dismissal) (a) endangering himself or colleagues, or equipment intentionally; (b) causing considerable damage negligently; (c) intoxicated at work;(d) guilty of a crime or vile misdemeanour; (e) disclosed company secrets; (f) absent without good cause; (g) continuously disobeyed work orders (and had written notice about this from employer); (h) assumed false identity or gave false certificates. LC 1996, Art. 25: dismissals must not be 'arbitrary'. A dismissal will be arbitrary if it does not fall under the reasons specified in Art. 27. Art. 28: employees may be dismissed summarily for reasons similar to those in Art. 17, LC 1960. Art. 31: permits dismissals for economic reasons. Art. 24: employees may not be dismissed for the reason that they are asserting their rights under the LC. Art. 27: employers may not dismiss pregnant women, those in military service, or those on any kind of leave (holiday, educational, pilgrimage, and etc.).

21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1996: 0.67	The only form of 'compensation' is the indemnity payment (LC 1960, Art. 19) if there is no cause for the dismissal (but is not labelled as compensation for unjust dismissal) and there is no provision for reinstatement. LC 1996, Art. 25: reinstatement possible for 'arbitrary' dismissals but compensation is an alternative. Reinstatement likely for persons with express protection e.g. pregnant women.
22. Notification of dismissal	1970: 0	There is no requirement to give reasons for dismissal or to notify any other third party in the 1960 or 1996 LC.
23. Redundancy selection	1970: 0	There are no redundancy selection criteria.
24. Priority in re-employment	1970: 0 1996: 1	There is no preferential right of re-employment in LC 1960. LC 1996, Art. 31(e): right to re-employment within a year (after being laid off) if re-employment by employer is possible.
D. Employee representation		
25. Right to unionisation	1970: 1	1956 Constitution, Art. 23(ii)(f): principle of free formation of trade unions within the limits of the law.
26. Right to collective bargaining	1970: 0	No right to collectively bargain in Constitution.
27. Duty to bargain	1970: 0	A dispute may lead to a mandatory settlement in the form of a collective agreement, LC 1960, Art. 95) but this not imply a duty to bargain as such.
28. Extension of collective agreements	1970: 0 1996: 1	There is no extension mechanism in the LC 1960. LC 1996, Arts. 43-44 provides for an extension mechanism.
29. Closed shops	1970: 0	LC 1960, Art. 79: employers may not make the employment of a worker subject to the condition that lie does not join a trade union or withdraws from membership of a trade union, or cause the dismissal of or otherwise cause prejudice to a worker by reason of

		his membership of a trade union or his participation in activities of the union outside working hours. Now LC 1996, Art. 97(b).
30. Codetermination: board membership	1970: 0	No board membership provisions.
31. Codetermination and information/consultation of workers	1970: 0 2010: 0.33	No provisions for co-determination. 2010 Amendment to LC 1996, Art. 44(b): In enterprises employing 25 or more workers, the employer and the representatives of workers shall hold periodic meetings at least twice a year in order to organize and improve working conditions, to enhance workers' productivity and to negotiate any other related matters.
E. Industrial action		
32. Unofficial industrial action	1970: 1	There are no requirements rendering unofficial action necessarily unlawful. Notice of strike action is made by individuals rather than being a prerogative of the union. (LC 1960, Art. 103) Maintained in LC 1996, Art. 135.
33. Political industrial action	1970: 0 1996: 1	There is no prohibition on political industrial action but LC 1960, Art. 70 requires unions to refrain from political matters. LC 1996 has no similar stipulation.
34. Secondary industrial action	1970: 1	There is no express prohibition on secondary action, and there are no requirements rendering such action necessarily illegal.
35. Lockouts	1970: 0.5	Lockouts are regulated in a similar manner to strikes in the LC 1960 and 1996.
36. Right to industrial action	1970: 0	No right to strike in the Constitution.
37. Waiting period prior to industrial action	1970: 0	LC 1960, Art. 103: no worker may go on strike without giving the employer 14 days' notice of the date of the strike. (28 days' notice required for strike in the public service.) Maintained in LC 1996, Art. 135.

38. Peace obligation	1970: 1	There is no prohibition on industrial action simply because there is an agreement in force.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation is not a pre-requisite for a lawful strike but LC 1960, Art. 95 states that if an industrial dispute occurs or is anticipated, the conciliation officer shall conduct negotiations between the parties. In addition, Art. 96 provides that if an industrial dispute is not settled by voluntary negotiation, and where conciliation proceedings are instituted by the conciliation officer have failed, the Minister of Social Affairs may, either with the consent of both parties concerned or if he deems it necessary, refer the dispute to a conciliation board for the purposes of an amicable settlement. Where an industrial dispute has been referred to a conciliation board or industrial tribunal under this section, the parties concerned shall suspend any strike or lockout connected with the dispute. LC 1996, Art. 121: If a collective labour dispute occurs, the reconciliation representative shall start the mediation procedures between the two parties to settle that dispute. Art. 134: no strike may take place if the dispute has been referred to the reconciliation representative or council or the labour court.
40. Replacement of striking workers	1970: 1	LC 1960, Art. 80: no officer or member of a trade union shall be penalised or be liable to any action or other legal proceedings in virtue of any agreement made by the members respecting any of the lawful purposes of the union, on condition that such agreement does not contravene the laws and regulations in force. Art. 105 also states that employees may not be dismissed during conciliation proceedings (which are likely to have commenced after the start of a strike). Maintained in LC 1996, Art. 111.

Kazakhstan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75 2007: 0.5	Labour Code (LC) 1972, Art. 15: an employment contract is an agreement between workers and enterprises, institutions, or organisations, according to which the worker is obliged to perform work in a particular specialty, qualification or position according to the internal labour regulations, and the company, institution or organisation shall pay the worker wages and provide working conditions stipulated by legislation, CAs or individual agreement. LC 1999, Art. 1: broadly replicates 1972 LC. LC 2007, Art. 27: distinction between an employment contract and other types of agreement. Distinguishing features of employment contracts: (1) performance by the employee of work according to specific qualifications, profession or position; (2) performance of obligations personally in accordance with internal labour regulations; (3) receipt by the employee of a wage for labour. The parties can agree to an alternative to an employment contract.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	LC 1972, Art. 48: part-time workers should receive proportional remuneration and not have labour rights withheld. LC 1999, Art. 4: general protection from discrimination (any grounds not related to the business properties of the worker). Art. 7(2): equal pay for equal work. Art. 80(3): (part-time specific) equal annual leave entitlement. LC 2007, Art. 4(3): prohibition on discrimination. Art. 4(8): equality of rights and opportunities for all employees. Art. 22(15): equal pay for equal work. Art. 80(3): part-time working conditions shall not entail any restrictions for the employee wrt duration of annual leave, employment contract or CA.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	LC 1972, Art. 48: part-time workers should receive proportional remuneration and not have labour rights withheld. Thereafter, no distinction between part-time and full-time workers for the purposes of dismissal.

4. Fixed-term contracts are allowed only for work of limited duration	1991: 0 2007: 0.25	LC 1972, Art. 17: FTCs are either for a specified period (no longer than three years) or for a specified task. LC 1999: availability of FTCs but no restrictions. LC 2007, Art. 29(2): contracts extending (or renewed) beyond the stipulated period will be deemed to have been concluded for an indefinite period. It is prohibited to use FTCs to evade employer's responsibilities for indefinite contracts. FTCs may not be less than a year unless: (1) for the time required to fulfil a specific job; (2) for the time required to replace an absent employee; (3) for the time required to fulfil seasonal work. 2015 Amendment: FTCs available for two years for those starting their first job.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0 1999: 0.25	LC 1972: no mention of equal rights for FTC workers. LC 1999, Art. 4: general protection from discrimination (any grounds not related to the business properties of the worker). Art. 7(2): equal pay for equal work. LC 2007, Art. 4(3): prohibition on discrimination. Art. 4(8): equality of rights and opportunities for all employees. Art. 22(15): equal pay for equal work.
6. Maximum duration of fixed-term contracts	1991: 0	LC 1972, Art. 17: FTCs are for a specified period (no longer than 3 years) or for a specified piece of work. No mention of a maximum cumulative duration. LC 2007, Art. 29(2): FTCs may not be longer than a year unless: (1) for the time required to fulfil a specific job; (2) for the time required to replace an absent employee; (3) for the time required to fulfil seasonal work.
7. Agency work is prohibited or strictly controlled	1991: 0	Agencies are referred to in legislation (e.g. Law on Employment 2001) but there are no prohibitions or restrictive regulations.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	LC 1972: no reference to agency work. From 1999: general protection from discrimination but no joint liability for agency and user.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5	LC 1972, Art. 65: 15 working days. LC 1999, Art. 101: 18 working days. LC 2007, Art. 101: 24 calendar days.

	1999: 0.6 2007: 0.8	
10. Public holiday entitlements	1991: 0.5 2008: 0.56 2009: 0.67 2011: 0.72 2012: 0.78	Decree No. 2535 (1995): 9 days. Law on Holidays 2001: 9 days. Amended in 2008 (addition of one day), 2009 (extension of one holiday to three days). Further changes in 2011 and 2012.
11. Overtime premia	1991: 0.75 1999: 0.5	LC 1972, Art. 83: 50% for first two hours, 100% for subsequent hours. LC 1999, Art. 73(1): 50% premium. LC 2007, Art. 127: 50% premium.
12. Weekend working	1991: 1	LC 1972, Art. 60: Sunday is one of the weekly rest days. Art. 59: double remuneration for rest days. LC 1999, Art. 56(3): Sunday shall be one of the designated days off. Art. 73(2): double remuneration for work on this day. Maintained in LC 2007, Art. 96(3) and Art. 128.
13. Limits to overtime working	1991: 1	LC 1972: overtime generally not permitted, only in certain (specified) circumstances and with permission of the trade union. Art. 55: when overtime is permitted, it shall not exceed 4 hours for two consecutive days and 120 hours per year. LC 1999, Art. 50: 2 hours per day. LC 2007, Art. 89: no more than 2 hours per day, 12 hours per month and 120 hours per year.
14. Duration of the normal working week	1991: 0.6 1999: 0.67	LC 1972: 41 hours. LC 1999, Art. 45(2): 40 hours. Art. 52: this limit may be averaged over a period agreed by the employment contract or CA. LC 2007, Art. 77(1): 40 hours. Art. 86: this can be averaged over a period of up to a year provided that daily rest minimums are observed.

15. Maximum daily working time	1991: 0.7 1999: 0.6	LC 1972, Art. 45: 7 hours is daily maximum. (11 hours with 4 hours overtime). LC 1999, Art. 55: minimum daily rest period of 12 hours. Now LC 2007, Art. 95.
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.67 1999: 0.33	LC 1972, Art. 32: two months' notice. LC 1999, Art. 25(4): at least one month's notice in writing. Now LC 2007, Art. 56(1).
17. Legally mandated redundancy compensation	1991: 0.33	LC 1972, Art. 41-3: one month redundancy pay. LC 1999, Art. 27: redundancy-based dismissals to be compensated with a month's average wages. Maintained in LC 2007, Art. 157.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 1 1999: 0.92 2007: 1	LC 1972, Art. 22: probation periods possible but employee has full protection of the LC during this time. LC 1999, Arts. 15 and 16: employer may set a probation period (no longer than three months) during which employment can be terminated without notice. LC 2007, Arts. 36 and 37: probation period may be included but termination of the contract must be notified to the employee in writing no earlier than 7 days before the expiration of the probation period.
19. Law imposes procedural constraints on dismissal	1991: 1 1999: 0.5	LC 1972, Art. 35: trade union permission is needed for dismissals. Art. 213: unless trade union committee consent is given, the employee will be reinstated. LC 1999, Art. 95(1): employee must be given a chance to submit his explanations in writing in respect of all disciplinary sanctions. Art. 95(6): employee may appeal any disciplinary sanction. Reinstatement appears possible only if there were no lawful grounds for the dismissal (Art. 29). LC 2007, Arts. 72 and 73: disciplinary sanctions (including dismissal) may be administered but the employer must demand a written explanation from the employee before applying the sanction. When determining the type of disciplinary sanction, the employer must take into account the content, nature and gravity of the disciplinary offence, the circumstances under which it was committed, the prior and subsequent conduct of the employee, and his attitude towards his work. The employee may appeal

		any disciplinary action..
20. Law imposes substantive constraints on dismissal	1991: 0.67	LC 1972, Art. 33: grounds for dismissal include redundancies, incompetence (due to lack of health or qualifications), continued failure to comply with work (disciplinary) rules, long unexplained absences, intoxication, theft, or loss of the job due to reinstatement of his predecessor. Art. 37: a peculiar provision allowing trade unions to request the dismissal of an employee. LC 1999, Art. 26: grounds for dismissal including grounds relating to the establishment; to unfitness for work; temporary disability; transfer; failure to perform labour duties without good causes after a disciplinary penalty; single gross violations; divulging secrets of the enterprise; unlawful and immoral acts. Similar grounds now in LC 2007, Art. 54.
21. Reinstatement normal remedy for unfair dismissal	1991: 1	LC 1972, Art. 213: dismissals without lawful grounds (or unlawful transfers to another job) will result in the reinstatement of the employee. Where dismissals are made without the consent of the trade union committee, the committee may consider the dismissal and if consent is withheld, the employee will be reinstated. LC 1999, Art. 29: reinstatement where employee was dismissed without lawful grounds. LC 2007, Art. 177: reinstatement of employee when dismissed without lawful grounds. Employee may opt for compensation instead.
22. Notification of dismissal	1991: 1 1999: 0.33	LC 1972, Art. 35: permission from the trade union is required for dismissals to be made. Arts. 39 and 40: employer is required to record the reasons for dismissal in the employee's workbook and on the date of dismissal, the employer must show the employee the entry of dismissal. LC 1999, Art. 27(1): employer must give written notice of dismissal. LC 2007, Art. 56(2) third party permission required for dismissals of TU representatives. Art. 62: no permission required but reasons for dismissal must be given in writing to all other (non-TU-representative) employees.
23. Redundancy selection	1991: 1 1999: 0	LC 1972, Art. 34: those more productive and more skilful should have priority in not being selected for redundancies. When skills are on a par, priority goes to those with family or dependents, those who have been in the workplace longer and veterans with disabilities (who need to be protected by the State). No legislative criteria from 1999

		onwards.
24. Priority in re-employment	1991: 0	No priority in re-employment in any of the Codes.
D. Employee representation		
25. Right to unionisation	1991: 0.33 1993:1	1991 Constitution: right to associate. 1993 Constitution, Art. 57: trade unions shall be formed for the protection of labour. 1995 Constitution, Art. 23: Right to freedom in forming associations. Art. 23 (2): 'The military, employees of national security, law-enforcement bodies and judges must abstain from membership in… trade unions'.
26. Right to collective bargaining	1991: 0 1993: 0.5	1991 Constitution: no mention of collective bargaining. 1993 Constitution, Art. 57: trade unions shall be formed for the protection of labour and of other socio-economic rights and interests. Art. 24 of the 1995 Constitution refers to a right to engage in collective labour disputes and to the protection of labour agreements on working time, but not to a right to collective bargaining as such.
27. Duty to bargain	1991: 1	LC 1972, Art. 7: written collective agreements to be agreed annually. Law on Collective Contracts 1992, Art. 4: refusal of the parties to negotiate and sign contracts is not permitted. LC 1999, Art. 8(2): employer must give due consideration to the proposals by workers' representatives for the conclusion of a CA. Art. 32(2): employer shall bargain with all representatives of the parties concluding the CA. LC 2007, Art. 282(1): Parties receiving a notification proposing starting negotiations on conclusion of CAs shall, within a period of ten days, consider it and join the negotiations.
28. Extension of collective agreements	1991: 0	No extension procedures.
29. Closed shops	1991: 0	Employers are free to determine the terms of hiring, although there is broad anti-discrimination protection for grounds of trade union membership.
30. Codetermination: board membership	1991: 0	No provisions.

31. Codetermination and information/consultation of workers	1991: 0.67 1999: 0 2007: 0.25	LC 1972, Art. 225: workers and employees have the right to participate in the management of enterprise through the general meeting and the workers' council, trade unions and or other social organizations, and to make proposals on improving the work at the enterprise, as well as on welfare and consumer services. The administrators of enterprises are obliged to create conditions for the participation of workers and employees in the management of enterprises, institutions and organizations. Officials of enterprises are required by the due date to consider the criticisms and suggestions of employees and inform them of the action taken. Virtually no participation rights in LC 1999. LC 2007, Art. 11: employer may issue 'acts' (orders, directives, instructions, provisions and labour regulations) but only after gaining the agreement of, or taking into account the opinions of, employees' representatives. Art. 12: drafting and consultation procedures required in relation to issuing an 'act'. LC 2007, Art. 22(24) gives the worker the right to the participation in management (in accordance with the provisions of the Code). However, these rights appear to be reserved for registered unions and so are not universally applicable.
E. Industrial action		
32. Unofficial industrial action	1991: 0	USSR Settlement of Labour Disputes Act (CLCL) 1991, Art. 7: the strike must be adopted by a secret ballot held by the trade union with 2/3 of the members voting in favour of strike action. Law on Collective Labour Disputes (LCD) 1996, Art. 11: strike action must be approved by at least two thirds of the employees at an enterprise in a meeting. Strikes must be announced by authorized persons. Art. 14: strikes are illegal when not carried out according to the legal procedure. LC 2007, Art. 298 (as amended in 2012): strikes may only be adopted in a meeting (attended by more than half of total employees and two-thirds of elected delegates) by a majority of those attending. Alternatively strikes may be 'decided' by representatives gaining the signatures of more than half of the workforce. Art. 299: only authorized bodies may declare strikes. Art. 303(1): strikes not declared in accordance with the Code's procedures will be illegal. Before 2012, strikes had to be declared by two-thirds of a meeting of half the workforce.
33. Political industrial action	1991: 0	USSR CLCL 1991, Art. 9: expressly prohibits political strikes. LCD 1996, Art. 41:

		politically motivated strikes are illegal. LC 2007: no express prohibition on politically motivated strikes but definition of 'strike' (full or partial halt to work by employees for the purpose of satisfying their socio-economic and professional claims in a collective labour dispute with the employer) suggests that strikes not aimed at their employer will not be permitted.
34. Secondary industrial action	1991: 0 1993: 0.5	USSR CLCL 1991: secondary action is not expressly prohibited but it will be subject to the mandatory conciliation requirements. Law on Trade Unions 1993, Art. 14: trade unions may take part in joint protests in solidarity with other unions. However there is no clear right to strike in solidarity.
35. Lockouts	1991: 1	No provision for lawful lock-outs prior to 2007. LC 2007, Art. 305: lockouts prohibited in the process of the settlement of a collective labour dispute, including during a strike.
36. Right to industrial action	1991: 0 1993: 1	1991 Constitution: no mention of strikes or the right to strike. 1993 Constitution, Art. 20: right to strike. 1995 Constitution, Art. 24(3): right to strike.
37. Waiting period prior to industrial action	1991: 0	USSR CLCL 1991: two weeks' notice as well as waiting period as a result of conciliation procedures. LCD 1996, Art. 12: written notice at least 15 days before the strike is required. Now see LC 2007, Art. 299: 15 days' advance notice. LC 2007 amended in 2012: now 5 days' notice.
38. Peace obligation	1991: 1	No peace obligation in earlier legislation but LC 1972, LCC 1992 and LC 2007, Arts. 11, 5 and 271 respectively, make provision for the amendment of collective agreements.
39. Compulsory conciliation or arbitration	1991: 0	LC 1972 provides for the resolution of disputes firstly by the Labour Disputes Commission, then the Trade Union Committee, and finally the Labour Court if the dispute cannot be resolved before then. (Chapter 15). SLDA 1991: provides for mandatory conciliation and arbitration before strike action can be resorted to. LCD 1996, Art. 11: strikes may be declared only if there has been a failure to resolve the dispute through conciliation. LC 2007, Art. 288(2): disputes shall be resolved by mediation

		and/or by the courts. Art. 299: a strike may be called if mediation procedures failed or the employer refused to participate in the mediation or the employer did not honor agreements made in mediation procedures.
40. Replacement of striking workers	1991: 1	CLCL 1991, Arts. 13 and 14: strikes are not considered as a breach of labour discipline and disciplinary measures cannot be invoked as a result. LCD 1996, Art. 17: participation in a legal strike is not a violation of employee labor discipline and will not attract the application of disciplinary measures. LC 1999, Art. 8(1): express right of employers to dismiss employees taking part in an illegal strike implies that employers don't have that same right in respect of legal strike action. LC 2007, Art. 302(1): replicates LCD Art. 17. Art. 302(2): during a strike, the employee shall retain his job/position.

Kenya

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	In Kenya the employment contract is defined by the general law of contract and employment contracts are seen as individual private arrangements. A contract of employment is defined as an oral or written agreement, expressed or implied, to employ and serve as an employee for a period of time. However, the parties are able to leave much to their own agreement and the common law will apply. English common law is applicable on this point in Kenya: *Christine Adot Lopeyio* v. *Wycliffe Mwathi Pere* (2013) (applying the 'control' test as a primary means of determining who was an employee for the purposes of the Employment Act 2007).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2007: 0.25	Employment Act 2007 s. 5(2) states that an employer shall promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice. S. 5(3) prevents discrimination against an employee or prospective employee on particular grounds, in terms of recruitment, terms and conditions and all matters arising out of employment. Contract status is not listed, but the article is worded broadly. S. 5(4) requires an employer to pay his employees equal remuneration for work of equal value.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The Employment Act makes no distinction for the purposes of dismissal.

4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	Employment of Servants Ordinance No.2 1938, s. 13, limited the validity of contracts of service to two years. Under the 1976 Act contracts have to be in writing unless they are for a specified task or for a particular duration (6 months). In the EA 2007, this period is 3 months: s. 9. However, there is no restriction on the duration of contracts agreed for a specific term, task or journey: EA 1976 s.14(5). There are no limits in the EA 2007. S. 37(1) deems 'casual' contracts to be permanent contracts, paid on a monthly basis, where the work undertaken has been performed continuously for more than a month, or where the work cannot be reasonably expected to be completed within three months. 'Casual employees' are those employed for no more than twenty-four hours at a time.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2007: 0.25	EA 2007 s. 5(2)-(4) requires equal pay for work of equal value.
6. Maximum duration of fixed-term contracts	1970: 0	EA 1938: 2 years for all contracts, but no limit on renewal. There is no limit in the EA 1976 or 2007. 'Casual contracts' will be deemed permanent if the work could not reasonably be expected to be completed within three months: *Peter Wambugu Kariuki & 16 Others* v. *Kenya Agricultural Research Institute* (2013).
7. Agency work is prohibited or strictly controlled	1970: 0	EA 1938 s. 39(1) provided for the licensing of employment agencies. See also Employment Agents Licensing Act 1979: ss. 5, 9 and 21 which provides controls on who can act as an employment agent. There is no regulation of agency work as such.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	As in English law, whether an agency worker could benefit from the equal pay clause would depend on whether the courts are willing to find that an agency worker is an employee of the user. Under the EA 1938, 1976 and 2007, an employment agency is defined as the 'employer.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4	S. 5(2) Shop Hours Ordinance 1925: Art. 5(2): 12 working days (2 weeks). EA 1976 s.

	1976: 0.7	7(1)(a): 21 days. See now EA 2007 s. 28(1)(a)).
10. Public holiday entitlements	1970: 0.56	Shop Hours Ordinance 1925 made provision for paid public holidays. Regulation of Wages (General) Order 1982 s.8: provides for public holidays on full pay. Sched.4: 10 days.
11. Overtime premia	1970: 0 1982: 0.5	Regulation of Wages (General) Order 1982 s. 6(3)(a), (b): 50% premium.
12. Weekend working	1970: 0	A weekly rest day has been required since the 1938 EA, but no specific day is required and no pay premia are set. An amendment to the SHO specified that the day of rest be Sunday (s. 5)
13. Limits to overtime working	1970: 0.13 1982: 1	Shops Ordinance 1925 s. 5(1): a total of 100 hours could be added to the ordinary working hours within one year. Regulation of Wages (General) Order 1982 s. 6(3)(b): limits overtime plus normal time to 116 hours in total in any two weeks.
14. Duration of the normal working week	1970: 0	Shop Hours Ordinance 1925 s. 5(1): 50 hour week (49 hours as amended in 1949). Regulation of Wages (General) Order 1982 s. 5(1): 52 hours over a maximum of 6 days. In practice, a 45 hour week is generally observed, but it is not mandatory.
15. Maximum daily working time	1970: 0	Shop Hours Ordinance 1925 (as amended in 1949): 9 hour working day. There is no mandatory daily rest period nor maximum daily working hours specified in the Regulation of Wages (General) Order 1982 or in the EA, but the EA (1938, 1976 and 2007) provides that sectoral limits can be set.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	EA 1938 s. 14(b) one month or one week depending on how wages are paid. EA 1976 s. 14(5)(iii): 28 days notice to all employees paid monthly. See now s. 35(1)(c) EA 2007.

17. Legally mandated redundancy compensation	1970: 0 1976: 0.5	EA 1976 s. 41(1)(b): fifteen days per year of service. See now s. 40(1)(g) EA 2007.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 2007: 0.64	EA 2007 s. 45(3): 13 months' continuous employment must be completed before an employee can complain about the fairness of dismissal.
19. Law imposes procedural constraints on dismissal	1970: 0 2007: 1	EA 2007 s. 41(1): lists requirements to be fulfilled for a dismissal on grounds of misconduct or incapacity, including: providing an explanation in a 'language the employee understands' of the reasons for dismissal, hearing representations, and considering them. S. 43(1) requires that there be proven grounds for dismissal. S 45(1)(c) expressly states that a dismissal is only fair if taken in accordance with a fair procedure. For a recent application where no reasons and no hearing were provided see *Francis N. Gachuri* v. *Energy Regulatory Commission* (2013).
20. Law imposes substantive constraints on dismissal	1970: 0.33 2007: 0.67	S. 15(1) Trade Disputes Act 1965 conferred jurisdiction on the industrial court to reinstate a wrongfully dismissed employee. EA 1976 s.17 provides for grounds of summary dismissal. Case law generally requires a fair reason for dismissal. Before the 2007 Act, the common law limited protection to that which was provided for in the contract. Case law was inconsistent, but no general standard of 'fairness' was applied. EA 2007 s. 43(1) requires that the employer be able to prove the grounds of dismissal (misconduct or poor performance). S. 45(1) states that no employer may terminate a contract unfairly. S. 45(2) states that this will be the case where there is not a fair reason (i) relating to the employees' conduct, capacity or compatibility (ii) based on the operational requirements of the employer. S. 44(4)(b) in particular requires that the termination be undertaken in a just and equitable way, to be assessed by the Industrial Court. S. 46 lists automatically unfair reasons.

21. Reinstatement normal remedy for unfair dismissal	1970: 0.5	TDA 1965: S. 15(1) confers the power on the industrial court to reinstate an employee where it is of the opinion that he has been wrongfully dismissed by his employer, or award compensation in the alternative. EA 2007: s. 149(3) provides possible remedies of reinstatement or re-engagement or compensation. In making its assessment a number of factors must be considered by the court including the wishes of the employee, the circumstances of the termination, the practicability of reinstatement or re engagement, exceptionality of specific performance, length of service, the employee's reasonable expectations, and the value of the severance payment.
22. Notification of dismissal	1970: 0 2007: 0.67	EA 2007 s. 18(5)(b): requires notification of dismissal to the employee and written reasons. Any notice given and any payment in lieu can occur after the dismissal has taken place. In addition, s. 78 EA 2007 requires that every termination be notified within 2 weeks to the employment service office.
23. Redundancy selection	1970: 0	No criteria are specified.
24. Priority in re-employment	1970: 0	There is no requirement.
D. Employee representation		
25. Right to unionisation	1970: 1	The 1963 Constitution Art. 24(1) protects freedom of association and in particular the freedom to join and form trade unions for the purpose of protecting their interests. The 1997 Constitution Article 80(d) provides for the same rights subject to registration requirements which may be governed by law. The 2010 Constitution Art. 36(1) provides a right to join associations of any kind and Article 41(c) specifically refers to the right to join and form trade unions.
26. Right to collective bargaining	1970: 0.67 2010: 1	The Constitutional protection for freedom of association covers the right to join and form trade unions for the purposes of protecting their interests. The 2010 Constitution Art. 36(1) includes a right to participate in the activities of trade unios and article 45(1) expressly provides for a right to collective bargaining.

27. Duty to bargain	1970: 1	TDA 1965 s. 5(2) states that the Minister shall, where there is no rival union, require the employer to recognise the union with members in his employment for collective bargaining purposes if they represent at least 51% of the employees. Labour Relations Act 2007 s. 54(1) requires an employer to recognise a representative union for the purposes of collective bargaining. S. 57(1) then requires the recognising employer to conclude a collective agreement with that union.
28. Extension of collective agreements	1970: 0	There is no provision providing for the extension of collective agreements.
29. Closed shops	1970: 0 2007: 1	Article 36(2) Constitution 2010 prevents anyone being compelled to join an association of any kind. LRA 2007 s. 5(2)(a) and (b) prohibit making joining/not joining a union a condition of employment and/or continued employment.
30. Codetermination: board membership	1970: 0	There are no provisions.
31. Codetermination and information/consultation of workers	1970: 0	There are no provisions.
E. Industrial action		
32. Unofficial industrial action	1970: 0	There is no protection for strikes not declared in accordance with the EA: s. 79(1) (2007).
33. Political industrial action	1970: 0	Act No.15 1965 s. 21(1)(a) gives the Minister the power to declare unlawful any strike that has as its object anything other than the furtherance of a trade dispute within that industry. EA 2007 s. 76(a) expressly provides that a strike can only be undertaken if it concerns a trade dispute or a collective agreement.
34. Secondary industrial action	1970: 0	Act No.15 1965 s. 30(1) expressly prohibits 'sympathy strikes' defined in terms of those which go beyond a trade dispute within a particular trade or industry. In particular, s. 30(2) states that a dispute will be within the same trade or industry only where it

		involves members of the same trade union, or those covered by the same agreement. S. 78(1)(h) LRA 2007 expressly prohibits sympathy strikes.
35. Lockouts	1970: 0.5	TDA 1965 and LRA 2007 regulate strikes and lockouts in comparable terms and they are consequently rarely lawful.
36. Right to industrial action	1970: 0 1997: 0.5 2010: 1	Before 2010, the Constitution only protected trade union activities. Art. 81(d) 1997 Constitution protects all acts necessary to protect the interests of trade unions. Art. 41(1)(d) 2010 Constitution provides for a right to strike.
37. Waiting period prior to industrial action	1970: 0	TDA 1965 s. 26 requires 21 days' notice of a trade dispute to a Minister as a pre-requisite to legality of a strike or lockout. LRA 2007 Art.76(c) requires 7 days' notice to be given to the Minister.
38. Peace obligation	1970: 1 2007: 0.67	TDA 1965 s. 26 allows the Minister, where there is an Agreement relating to the whole or substantial part of a trade or industry, to require it be complied with and that any strike in such area be unlawful during its validity. S. 78(1)(a) LRA 2007 prevents strikes or lockouts by persons bound by an agreement prohibiting strikes over the issues in dispute or if the subject matter is the subject of an Agreement.
39. Compulsory conciliation or arbitration	1970: 0	Act No.15 1965: conciliation is voluntary. However, s. 19(i) provides the power for the Minister to require that settlement machinery be utilised whenever a lockout or strike is threatened as a consequence of a trade dispute. S. 28 also allows the Minister to require, as a pre-requisite to lawfulness, that any machinery for negotiation applicable in a particular sector or industry be undertaken before the strike takes place. Similarly, s. 70(1) LRA 2007 permits the Minister to appoint a conciliator if he feels it is in the public interest. In addition, the courts have declared unlawful any strike initiated without prior consultation: *Kenya Plantation and Agricultural Workers' Union* v. *Roseto Flowers* (2013).

40. Replacement of striking workers	1970: 0 2007: 1	Employment Act 2007 s. 46(e) states that participation in a strike is an automatically unfair reason for dismissal. LRA 2007 s. 79(1)(3) prevents dismissal of employees taking part in protected strikes.

Korea

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67	Statute, as interpreted by the courts, determines the status of the worker. Successive versions of the Labour Standards Act (LSA) define a worker as a person providing labour in return for wages. The case law looks to evidence of wages paid and subordination of the worker. Subordination is determined by reference to certain factual criteria. Decisions have been criticised for ignoring other relevant factors, as well as being overly formalistic and mechanical.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1997: 0.75 2006: 1	LSA 1997, Art. 18 as amended, provides for proportionate treatment of part-time workers in relation to working conditions. Act on the Protection of Fixed Term and Part Time Employees 2006, Arts. 2.3, 8(2): employers prohibited from discriminating on the grounds of part-time employment status compared with full-time workers. Discriminatory treatment refers to unfavourable wages or other working conditions without 'justifiable reasons'. 2013 Amendment: non-discrimination extended to cover performance-related payments and bonuses.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0.5	LSA 1953, Art. 30: dismissal protection dependent on establishing employee status. Employee status could be avoided where weekly working time was less than 15 hours. This rule has been maintained since.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.67	Successive statutes have established that an FTC requires objective justification. Currently Art. 16 LSA sets a limit of one year unless a longer fixed term can be justified by project requirements. FTPTE 2006: total cumulative duration of FTCs must not exceed 2 years unless one of a number of objective circumstances is met. 2013: all public sector FTCs to be converted to indefinite contracts by 2015.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2006: 1	LSA 1997: restrictions on dismissal and retirement allowances could be evaded by use of FTCs. FTPTE 2006, Art. 8: prohibition of discriminatory treatment on the basis of FTC employment.
6. Maximum duration of fixed-term contracts	1970: 0 2006: 0.8	FTPTE 2006, Art. 4(1): 2 years' maximum cumulative duration, after which extensions must be justified by reference to a list of prescribed factors.
7. Agency work is prohibited or strictly controlled	1970: 1 1998: 0.75	The Act on Protection of Dispatched Workers 1998 legalised agency work but restricted it to certain specified categories of work and required consultation with employee representatives and, in some instances, ministerial authorisations.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1998: 0.67	LPDW 1998, Art. 21: prohibition on discrimination between comparable agency and non-agency employees. However, because the prohibition is placed on the hirer while agencies control wages, there are often significant disparities. Agency workers are not subject to certain collective agreements on the grounds that they lack employee status.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 1997: 0.4 2007: 0.53	Prior to 1997, the norm was 10 days. LSA 1997, Art. 59: norm of 10 days' leave for those working full time for one year, and an extra day for year each of service up to a maximum of 20 days. From 2007: basic norm of 15 days with additional leave of one day for every two years of service, with a maximum of 25 days.
10. Public holiday entitlements	1970: 0 1994: 0.06	Labour Day Act 1994: Labour Day is a mandatory paid holiday. Currently there are up to 15 other days regarded as public holidays but there is no legislation underpinning this practice except in the public sector. Whether there is a right to payment on public holidays or a premium for working on these days is a matter for contract or collective bargaining.
11. Overtime premia	1970: 0.5	The general norm is 50%: see LSA 1997, Art. 56.

12. Weekend working	1970: 0.5	LSA 1997, Arts. 55, 56: 50% premium for work on one rest day per week, although a weekend day is not specified.
13. Limits to overtime working	1970: 0.5	Successive laws have allowed overtime work subject to reference periods of up to 3 months. See now LSA 1997, as amended, Art. 52.
14. Duration of the normal working week	1970: 0.13 1989: 0.26 1991: 0.4 2004: 0.67	LSA 1953: 48 hours. 1989: 46 hours. 1991: 44 hours. 2004 (phased implementation): 40 hours. See now LSA 1997 (as amended in 2004), Art. 50(1).
15. Maximum daily working time	1970: 0	LSA 1997 (as amended), Arts. 50-52: there is a daily maximum of 8 hours per day subject to weekly, but not daily, overtime limits.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	LSA 1953: 30 day notice period. LSA 1997, Art. 26: 30 days.
17. Legally mandated redundancy compensation	1970: 1	Labour Standards Act 1953: at least 30 days per year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.93	Enforcement Decree of LSA 1997, Art 19: 3 months.
19. Law imposes procedural constraints on dismissal	1970: 0.25	LSA Art 27: the employee must receive written notice with reasons for the dismissal but this does not go the issue of fairness. In the case of economic ('managerial') dismissals,

		the ultima ratio principle applies, requiring the employer to take steps to avoid the dismissal, but there is no statutory standard governing procedures in cases of disciplinary or capability-related dismissals.
20. Law imposes substantive constraints on dismissal	1970: 1 1997: 0.5	LSA 1953: individual and collective dismissals only permitted for 'just cause'. The Labour Courts applied a high threshold in interpreting 'just cause'. Economic dismissals could only be made with court permission where economic circumstances required them. The LSA 1997 relaxed the rules dismissals. Art 23: general requirement of 'justifiable reasons' for dismissal. Art 24: economic ('managerial') reasons. 1998 Act: elaboration of 'redundancy' and 'urgent managerial need'. Art. 31 extended employer discretion in employment adjustments.
21. Reinstatement normal remedy for unfair dismissal	1970: 1	LSA 1997, Art. 30(3): reinstatement is the ordinary remedy for unjust dimissal. Compensation is available where the employee does not wish to be reinstated. Art. 31: where an employer or employee is aggrieved by a remedy order, they may apply (within 10 days) to the Labour Commission for a re-examination of the order.
22. Notification of dismissal	1970: 0.33 1998: 0.67	Written reasons for the dismissal must be given to the employee: LSA, Art. 27. From 1998 legislation requires that employers consult with workers' representatives as to the best way to avoid collective dismissals and on fair selection criteria. In certain cases, worker representatives must be given at least 60 days notice; for larger dismissals 30 days' notice must be given to a state authority (see LSA, Art. 24).
23. Redundancy selection	1970: 0	LSA 1997, Art. 24(2) (and previously): the employer must select workers for dismissal on the basis of fair and rational criteria, but no specific criteria are provided.
24. Priority in re-employment	1970: 1	Article 25(1) LSA 1997: preference for re-employment within three years from the date of the lay-off. 1998 Act: employer is under and obligation to make efforts to attempt to rehire those laid-off within a period of two years after the date of the dismissal.
D. Employee representation		

25. Right to unionisation	1970: 1 1971: 0 1981: 1	1948 Constitution, Art 33(1): to enhance working conditions, workers shall have the right to form independent associations. Between 1971 and 1981 the legal status of the constitution was downgraded, by virtue of the National Security Act 1971.
26. Right to collective bargaining	1970: 1 1971: 0 1981: 1	1948 Constitution, Art 33(1): workers shall have the right to collective bargaining. Between 1971 and 1981 the legal status of the constitution was downgraded, by virtue of the National Security Act 1971.
27. Duty to bargain	1970: 0 1997: 1	Trade Union and Labour Relations Adjustment Act 1997, Art. 30(2): trade unions and an employers' association shall bargain in good faith and shall not refuse or delay without just causes, bargaining or concluding collective agreements. Art. 81(3)-(4): refusal to bargain without justifiable reasons is an unfair labour practice.
28. Extension of collective agreements	1970: 0	In principle, collective agreements bind the parties to them, and may only in exceptional circumstances have a wider legal effect.
29. Closed shops	1970: 0.75	TULRAA 1997 (amended 2006), Art. 81(2): it is an unlawful labour practice to enforce a pre-entry closed shop. However, where a trade union represents more than two thirds of workers employed in the a business, the conclusion of a collective agreement under which a person is employed on condition that he becomes a member of the trade union is permitted.
30. Codetermination: board membership	1970: 0	There is no right to worker representation on boards.

31. Codetermination and information/consultation of workers	1970: 1	Labour Union Act, 1963 amendment: introduction of Labour Management Councils (LMCs) with the right to represent at collective bargaining sessions. The latter right was abolished in 1973. Labour Management Council Act 1987, Art. 4(1): employers with 50 or more employees are obliged to set up intra-office consultation committees. Art. 6(1): the employer must consult about extensive issues. 2007 amendment to Act on the Promotion of Worker Participation, Art 4: in undertakings with 30 or more employees, a Labour Management Council (LMC) shall be established. Art 22: matters to be discussed are listed but there is no enforcement mechanism to ensure that the LMCs are properly established and consulted as envisioned. Similar provisions in force from 1997.
E. Industrial action		
32. Unofficial industrial action	1970: 0	TULRAA 1997, Art. 41(1): industrial action may be conducted only if a majority of union members have voted by 'direct, secret and unsigned ballot in favour of the action' and it is only legal if it is organised and led by a trade union (Art 37(2)).
33. Political industrial action	1970: 0 1997:0.5	Labour Union Act 1963, Art. 12 (repealed in 1997): unions prohibited from engaging in any political activity. TULRAA 1997 defines 'labour disputes' in terms such that political industrial action is possible but still highly restricted: there must be disagreement between the trade union and employer or employers association concerning the determination of terms and conditions of employment.
34. Secondary industrial action	1970: 0 1997: 1	TUA 1953: 'intervention' in the strike by any third party not employed by the employer engaged in the dispute was prohibited. TULRAA, Arts. 41-2: during a strike, employers and trade unions can be 'supported' by an outside party, such as a union federation associated with the striking union, an employer association associated with the employer, or other parties of which the administrative authority have been notified. These third parties must not intervene in, manipulate or instigate collective bargaining or strike action.. 'Support' is not defined in the Act. Art. 38: such action cannot obstruct or interfere with the entry of premises by those not related to the disputes.
35. Lockouts	1970: 0.5	Under the Labour Dispute Mediation Acts (LDMA) of 1963 and 1987, Art. 70: lock-outs

	1997: 0.75	were lawful as a retaliatory measure. TULRAA 1997, Art. 46: lockouts must be reported to the relevant authority and an LRC in advance.
36. Right to industrial action	1970: 1 1971: 0 1981: 1	1948 Constitution, Art. 33(1): right to collective action. Between 1971 and 1981 the legal status of the constitution was downgraded, by virtue of the National Security Act 1971
37. Waiting period prior to industrial action	1970: 0	LDMA 1963: 20-30 days' cooling off period depending on the industry. LDMA 1987, Art. 14: 10 day cooling off period required between declaration and execution of a strike. TULRAA, Art. 7: trade unions must report in advance details of the industrial action to the LRC and relevant administrative authority.
38. Peace obligation	1970: 1	There is no specific law on peace obligations.
39. Compulsory conciliation or arbitration	1970: 0	LDMA 1963, Arts. 18-21 and LDMA 1987, Art. 13(2): parties can agree to their own procedures but where they do not, the parties must attempt conciliation with a conciliator chosen by the labour committee. If conciliation is unsuccessful, the dispute must proceed to mediation and the recommendation becomes binding if the parties accept it. Arts. 40 and 41: the minister has a broad power to order emergency mediation which immediately suspends all strike action and makes any subsequent strike action. See now TULRAA 1997, Art. 45.
40. Replacement of striking workers	1970: 1 1996: 0 1997: 1	Dismissal of workers for taking part in industrial action is prohibited (Art. 81(5) TULLRA 1997) but was briefly legalized in 1996.

Kyrgyzstan

Kyrgyzstan is coded from the date of its independence in 1991.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	Labour Code (LC) USSR 1972, Art. 15: an employment contract is an agreement between workers and enterprises, institutions, or organisations, according to which the worker is obliged to perform work in a particular specialty, qualification or position according to the internal labour regulations, and the company, institution or organisation shall pay the worker wages and provide working conditions stipulated by legislation, CAs or individual agreement. LC 1998 Art. 86(1): a labour contract is an agreement between an employee and an employer. The employee shall assume the obligation to execute for an enterprise, an agency, or an organization the work being in correspondence with their profession (speciality), professional skills, or position, provided that s/he observes the respective bylaws; the employer shall assume the obligation to pay wages to the employee and provide the conditions stipulated by the legislation on labor, by the collective contract, and by the agreement of the parties. An employee is anyone hired to undertake labour for another. Art. 95(1) the contract is merely formalized in writing. Art. 98(1) the contract commences when the work commences.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	LC 1972, Art. 48: part-time workers should receive proportional remuneration and not have labour rights withheld. LC 1998: Art.11 broad protection against discrimination in any form based on any ground unconnected with their professional capacities. Art. 138(2): proportionate pay for those working shorter hours. Art.138(3) the fact of working part time/shorter hours must not be allowed to limit the length of annual leave, calculation of time record, or any other labour rights. See LC 2004 Art.93. LC 2004 Art.9: equal pay for equal work.

3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	No distinction.
4. Fixed-term contracts are allowed only for work of limited duration.	1991: 1	LC 1972, Art. 17: FTCs are either for a specified period (no longer than three years) or for a specified task. LC 1998 Art.90(3) a fixed term contract is prohibited for the permanent tasks of the enterprise. There is a presumption that contracts are for indefinite duration unless precise dates are fixed. Maintained LC 2004 Art. 55(2): to be determined by the conditions of the work determining the need for a fixed duration. This article gives examples of possible justifiable reasons and circumstances in which they might be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0 1998: 0.25	LC 1998: Art.11 broad protection against discrimination in any form based on any ground unconnected with their professional capacities. LC 2004 Art.9: equal pay for equal work.
6. Maximum duration of fixed-term contracts	1991: 0 1998: 0.5	LC 1972, Art. 17: FTCs are either for a specified period (no longer than three years) or for a specified task. No maximum cumulative duration. LC 1998 Art. 90(2): fixed term contracts can be for a term not exceeding five years. Art. 91 if work continues beyond the initial term, the contract is considered indefinite. (Art. 50 LC 2004 and Art. 55(2)).
7. Agency work is prohibited or strictly controlled	1991: 0	Not prohibited.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	No requirement.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5 1998: 0.67	LC 1972, Art. 65: 15 working days. LC 1998: Art. 173(1) at least 4 business weeks (calendar weeks) LC 2004: Art.117 – 28 calendar days.

10. Public holiday entitlements	1991: 0.61 2002: 0.67	LC 1998: Art. 166(1) 11 days. In 2002, an additional public holiday was declared to commemorate the October Socialist Revolution. Art.113 LC 2004: 12 days
11. Overtime premia	1991: 0.75 1998: 0.5 2005: 0.75	LC 1972, Art. 83: 50% for first two hours, 100% for subsequent hours. LC 1998 Art. 230(1) 50% premium. LC 2004 Art.174: 50% first two hours, 100% thereafter.
12. Weekend working	1991: 1	LC 1972, Art. 60: Sunday is one of the weekly rest days. Art. 59: double remuneration for rest days. LC 1998 Art. 156(4) the common day off is to be Sunday. Art. 165(1) to be reimbursed at a level agreed on by the parties or failing such agreement by a compensatory day off: Art. 165(3). Art. 229(1) work on days off to be paid at double time. (default provision) (Maintained LC 2004, Arts.112) Art.114: work at the weekends is generally prohibited.Art.175: double pay
13. Limits to overtime working	1991: 1	LC 1972: overtime generally not permitted, only in certain (specified) circumstances and with permission of the trade union. Art. 55: when overtime is permitted, it shall not exceed 4 hours for two consecutive days and 120 hours per year. LC 1998 Art. 142(1) four hours every two days, 120 per year. See Art. 100(5) LC 2004.
14. Duration of the normal working week	1991: 0.6 1998: 0.67	LC 1972: 41 hours. LC 1998 Art.132: 40 hours. See Art.90 LC 2004.
15. Maximum daily working time.	1991: 0.7 1998: 0.4	LC 1972, Art. 45: 7 hours is daily maximum; 11 hours with 4 hours overtime. LC 1998: 8 hours maximum for the five day working week, with four hours possible overtime. In addition, flexitime may be worked as long as basic hours do not exceed ten hours in one day: Art. 148(3) (Art.105 LC 2004), implying a 14 hour maximum working day.
C. Regulation of dismissal		

16. Legally mandated notice period	1991: 0.67 2004: 0.33	LC 1972: There is no notice period. A 1988 amendment introduced the requirement of 2 months' notice for dismissal: Art. 20. LC 1998 Art. 120(3) in cases of dismissal for any economic reason, including a refusal to work in changed labour conditions, prior notification of two months to the employee, the representative and the state employment service agency is required. No notice is required for dismissal on other grounds. LC 2004 Art.85: one month's notice.
17. Legally mandated redundancy compensation	1991: 0. 1998: 0.25 2004: 1	LC 1972, Art. 41-3: one month redundancy pay. LC 1998 Art. 123(1) entitlement to discharge pay for dismissals for economic reasons. Art. 126(3) ¼ average monthly pay for every year of service (three weeks). LC 2004 Art 86: 3 months (2 months' severance pay plus one month indemnity).
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 1 1998: 0.92	LC 1972, Art. 22: probation periods possible but employee has full protection of the LC during this time. LC 1998 Art. 104(3) probation period not to exceed 3 months. Art. 105(1) merely requires three days' notice for termination. Maintained LC 2004.
19. Law imposes procedural constraints on dismissal	1991:1	LC 1972, Art. 35: trade union permission is needed for dismissals. Art. 213: unless trade union committee consent is given, the employee will be reinstated. LC 1998 Art.119: dismissal for systematic violation of professional duties is permitted only after prior discipline for such violations. Art. 273(4) in deciding on a disciplinary measure, the gravity of the conduct, the quality of the work and the previous conduct must be taken into account. Art. 274(1) an employee must be given a written explanation, (4) specify the reasons for the discipline and be signed by the employee and (5) may be appealed. See arts.146 and 147 LC 2004.
20. Law imposes substantive constraints on dismissal	1991: 0.67	LC 1972, Art. 33: grounds for dismissal include redundancies, incompetence (due to lack of health or qualifications), continued failure to comply with work (disciplinary) rules, long unexplained absences, intoxication, theft, or loss of the job due to reinstatement of his predecessor. Art. 37: trade union may request the dismissal of an employee. LC 1998 Art.119: lists specific circumstances in which dismissal is permitted. Maintained Art.83 LC 2004.

21. Reinstatement normal remedy for unfair dismissal	1991: 1	LC 1972, Art. 213: dismissals without lawful grounds (or unlawful transfers to another job) will result in the reinstatement of the employee. Where dismissals are made without the consent of the trade union committee, the committee may consider the dismissal and if consent is withheld, the employee will be reinstated. LC 1998 Art. 361(1) the court is empowered to reinstate workers wrongfully dismissed for any reason. Art. 363(1) the court will reinstate where the contract has been cancelled without legal reason or dismissal, unless the court finds reinstatement impossible. LC 2004: Art.423 – reinstatement is the normal remedy.
22. Notification of dismissal	1991: 1 1998: 0.67	LC 1972, Art. 35: permission from the trade union is required for dismissals. Arts. 39 and 40: employer is required to record the reasons for dismissal in the employee's workbook and on the date of dismissal, the employer must show the employee the entry of dismissal. LC 1998 Art. 120(3): in cases of dismissal for any economic reason, including a refusal to work in changed labour conditions, prior notification of two months to the employee, the representative and the state employment service agency is required. Art. 128(6) a written record of the reasons for dismissal must be entered by the employer into the employees' workbook, which must be handed to the employee on the last day of work. In 2011, the requirement for third party notification in cases of redundancy/economic dismissals was removed. A duty to inform and consult employee representatives remains.
23. Redundancy selection	1991: 1 1998: 0	LC 1972, Art. 34: those more productive and more skilful should have priority in not being selected for redundancies. When skills are on a par, priority goes to those with family or dependents, those who have been in the workplace longer and veterans with disabilities (who need to be protected by the State). No provision in the 1998 or 2004 Codes.
24. Priority in re-employment	1991: 0	No provision.
D. Employee representation		

25. Right to unionisation	1991: 0	Art.47 USSR Constitution merely states that the State provides support for unions of workers. Constitution 2010: Art. 4(2); Art. 8(1) Constitution 1993.
26. Right to collective bargaining	1991: 0	No constitutional protection.
27. Duty to bargain	1991: 1	LC 1972, Art. 7: written collective agreements to be made annually. Although there is no express duty to bargain, the suggestion is that they are a normal part of workplace relations. Law on Collective Contracts 1992, Art. 4: refusal of the parties to negotiate and sign contracts is not permitted. LC 1998 Art. 20(3) trade unions have the right to enter into collective negotiations to conclude collective agreements. Art. 50(1) negotiations must begin within 7 days of one party receiving a request to begin negotiations. (Maintained Art.37 LC 2004) Art. 50(5) the parties cannot stop negotiations unilaterally. Art. 50(7) employers must provide all the necessary information for the negotiations. Art. 52(3) specifically states the obligatory nature of negotiations. Art.20 LC 2004: the employer has a duty to conclude collective agreements and to provide all information necessary for this purpose. Art.32: employee representatives have a right to conclude collective agreements.
28. Extension of collective agreements	1991: 0	No provision.
29. Closed shops	1991: 1 1998: 0	LC 1998 Art. 14(8),(9) allow for freedom to join existing associations and agreements attempting to limit such freedoms are invalid. Art. 18(2) employees may form or join existing associations freely. Art. 18(5): participation in, joining, or withdrawal from a trade union cannot be a condition to hiring, promotion or dismissal of an employee.
30. Codetermination: board membership	1991: 0	No provision.
31. Codetermination and information/consultation of workers	1991: 0.67	LC 1972, Art. 225: workers and employees have the right to participate in the management of enterprise through the general meeting and the workers' council, trade unions and or other social organizations, and to make proposals on improving the work at the enterprise, as well as on welfare and consumer services. The administrators of enterprises are obliged to create conditions for the participation of workers and

		employees in the management of enterprises, institutions and organizations. Officials of enterprises are required by the due date to consider the criticisms and suggestions of employees and inform them of the action taken. LC 1998 Art. 14(2) employees have the right to participate in the enterprises in which they are employed. Art. 14(5) employees can freely discuss and express opinions on decisions being taken in the enterprise, both inside and outside the enterprise. Art.33 and 34 establish the rights of the Council, who represent the interests of the non-union employees. Art.34: they shall be established in all establishments regardless of the form of ownership. Article 45 established information duties on employers in respect of the Council. The Council also has the right to conclude agreements with the employer for non-union workers. Art.46(3) gives all representatives the power to settle issues of labour standards and decide procedures for revising such standards; determine with the employer the conditions of discharge in the event of restructuring; receive information concerning the implementation of legal standards by the employer; defend the employees' interests with regard disputes.
E. Industrial action		
32. Unofficial industrial action	1991: 0	Law of the USSR on the settlement of collective labour conflicts 1989 (CLCL) Art.7: strike decisions must be taken at a general meeting by secret ballot. LC 1998 Art. 20(6) trade unions have the right to facilitate the participation of their members in strikes. Art.79(1) the decision to go on strike must be taken at a general meeting where more than one half of trade union members or union non-participants are present and is approved by at least two thirds of those attending. See Art.437 LC 2004.
33. Political industrial action	1991: 0	The USSR legislation refers only to strikes resulting from collective labour conflicts.Art.12 (a) prohibits strikes aimed at overthrow of the current political system LC 1998 Art.72: labour disputes relate to the conclusion, amendment or application of a collective agreement only. Art. 78(1) defines a strike by reference to the purpose of defending economic and social interests. Art. 78(5): express prohibition on strikes motivated by political goals. See Art.428 and 429 LC 2004: strikes are related to collective labour disputes and thus to disagreements concerning collective bargaining.
34. Secondary industrial action	1991: 0	It is implicit that only those workers concerned in the collective agreement about which

		the collective dispute is concerned can be authorised to strike. Similarly, in the period of the USSR, only the body authorised by a particular work collective to represent their interests in a collective labour dispute would be empowered to start a strike.
35. Lockouts	1991: 1	LC 2004 Art.442: lockouts are prohibited. No previous regulation/mention of lockouts.
36. Right to industrial action	1992: 1	Art.30 Constitution 1993; Art.43 Constitution 2010.
37. Waiting period prior to industrial action	1991: 0	USSR legislation Art.7 requires at least 5 days prior notice. LC 1998 Art. 78(4): in order to protect their legal rights during a strike, workers must apply to the Minister two weeks in advance of any strike. LC 2004 Art.437 express 10 day notice period.
38. Peace obligation	1991: 1 1998: 0	No peace obligation under USSR legislation, but LC 1972 Art.11 provides for procedures for the amendment of collective agreements. LC 1998 Art. 14(1): employees can take collective action including the right to strike in the event of conflicts of interest unless this contradicts obligations under an existing contract. Art. 55(15) allows collective agreements to contain terms preventing the pre-requisites of labour disputes, strikes and mass discharges. See also Art. 67(1). Maintained Art.42 LC 2004.
39. Compulsory conciliation or arbitration	1991: 0	Under the USSR legislation a strike must be a last resort, and prior conciliation and arbitration, which is compulsory for the parties of a collective dispute, must be exhausted: see Arts. 5- 7. LC 1998 Art. 56(5) collective agreements must include mechanisms for the settlement of labour disputes. Art. 78(1) makes prior application to the conciliatory commission and/or arbitration obligatory before a strike. LC 2004 Art. 432: prior conciliation and mediation is required. No party can avoid participation in the conciliation procedure.
40. Replacement of striking workers	1991: 1	USSR legislation on collective settlement of labour disputes, Art.13: protection against dismissal for taking part in a strike. LC 1998 Art. 81(1) participation in a strike cannot be considered a violation of labour discipline or the obligations in the labour code. LC 2004: Art.441: cannot be grounds for discipline or termination of the contract.

Latvia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 0.75 2006: 1	The Latvian Labour Law Code, in force from 1972, and the Labour Law of 2001, in force from 2002, defined the employment contract by reference to a number of principal features, following the Civil Code of 1937. In 2006 a Supreme Court decision tightened the definition of the employment contract by ruling that ostensibly independent work contracts could be classified as employment relationships if they had certain features of employment. From 2011 an employment contract can be presumed under certain circumstances if work is done without a written agreement being provided.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0.25 2002: 1	General anti-discrimination provisions: LLLC (1972), Arts. 1, 15, 52(3). Directive 97/81/EC implemented from 2002.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	There does not appear to have been a formal distinction between the dismissal rules governing part-time workers before the implementation of Directive 97/81 in 2002.
4. Fixed-term contracts are allowed only for work of limited duration	1990: 0 2002: 1	Limits on the use of FTCs were introduced in 2002 with the implementation of Directive 99/70/EC. FTCs are only permitted under specified circumstances.

5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0.25 2002: 1	Prior to 2002: general anti-discrimination provisions of the LLLC. From 2002: implementation of Directive 99/70/EC.
6. Maximum duration of fixed-term contracts	1990: 0 2002: 0.8 2006: 0.7	Prior to 2002 a 1996 law had provided that an employee was entitled to an indeterminate duration contract of employment on a third renewal but did not stipulate time limits. From 2002 a limit of 2 years of fixed-term employment applied. From 2006 this became 3 years.
7. Agency work is prohibited or strictly controlled	1990: 0	Although there are laws in place regulating the conduct of employment businesses and agencies, there are no constraints on the use of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0.5 2011: 1	Prior to 2011: general anti-discrimination law. From 2011: implementation of the Temporary Agency Work Directive.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.67	4 weeks is the norm under the 1972 Code, 1992 Labour Code (Art. 72), and 2002 Labour Law (Art. 149).
10. Public holiday entitlements	1990: 0.78	14 days of public holidays: Law on Public Holidays and Remembrance Days 1990.
11. Overtime premia	1990: 1	Double time is the norm under successive laws.
12. Weekend working	1990: 0 1992: 1	Sunday is the normal day of rest and weekend working must be justified by particular circumstances. The 1992 Code, Art. 67, provided for either a compensatory day off or double time. The 2002 Code does not provide for compensation for weekend working.

	2002: 0	
13. Limits to overtime working	1990: 1 2002: 0.5	Under the 1972 Code, overtime was limited to 4 hours over two weeks and 120 hours per year, later extended to 200 hours. The 1992 Code Art. 59 refers to 4 hours over two consecutive days, and 120 hours per year. The 2002 Labour Law set a limit of 144 hours over a 4-month reference period. Further changes to the reference period were made in 2010. In 2013 a new limit of 8 hours in 7 days, with a 4-month reference period, was established.
14. Duration of the normal working week	1990: 0.67	A 40-hour normal working week, subject to variation by collective agreement over a 4-week reference period, was established in the Labour Law of 2002. Prior to that, art. 45 of the 1992 Labour Code referred to a normal 40-hour week.
15. Maximum daily working time	1990: 1 2013: 0.6	The 1972 Code and 1992 Code referred to a 40-hour day and 5 day working week, with a 7-hour daily working time limit if a sixth day was worked. The 2002 Labour Law again referred to an 8-hour daily limit but made provision for a longer averaging period where workers' representatives agreed. From 2013 a minimum 12-hour daily rest period was established.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.33	Prior to 2002: one month for dismissal without cause. After 2002 the length for non-summary dismissals varies from 10 days (for certain categories of misconduct and ill health) to a month in other cases including redundancy.
17. Legally mandated redundancy compensation	1990: 0.33	One month for a worker with up to 5 years' seniority (2002 Labour Law).
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0.99 1992: 0.92	Under the Soviet era law, the probationary period was one week for blue collar workerrs and 2 weeks for white collar workers. Probationary period of 3 months has been the norm since (see Art. 46(2) Labour Law).

19. Law imposes procedural constraints on dismissal	1990: 0.67	Procedural irregularities in a case where the employee's legitimate interests are at stake can lead to invalidity of dismissal (Labour Law 2002, Arts. 101-112).
20. Law imposes substantive constraints on dismissal	1990: 0.67	Under the 2002 Labour Law, dismissal is only permitted for specified grounds including misconduct, incompetence and organisational reasons, in conformity with ILO standards. The pre-2002 law was substantially the same.
21. Reinstatement normal remedy for unfair dismissal	1990: 1	Under the 2002 Labour Law, a dismissal found to be ungrounded is void and the employee is reinstated regardless of the employer's consent. The employer can avoid reinstatement on limited grounds (the dismissal must have been for a legal ground and the correct procedure must have been followed). Similar rules were in force prior to 2002.
22. Notification of dismissal	1990: 1	Prior to 2002, union approval was required. After 2002, if the union does not approve a disciplinary dismissal, the employer must seek the approval of the court.
23. Redundancy selection	1990: 0	There are no rules on redundancy selection.
24. Priority in re-employment	1990: 0	There are no rules on priority.
D. Employee representation		
25. Right to unionisation	1990: 0 1998: 1	The right to form and join associations is guaranteed by Art. 102 of the 1998 Constitution, and Art. 108 requires the state to protect trade union freedom. Prior to that, the Trade Union Law of 1990 referred to a right to form trade unions 'in accordance with the Declaration on the Restoration of Independence of the Republic of Lativa'.
26. Right to collective bargaining	1990: 0 1998: 1	Art. 108 Constitution.

27. Duty to bargain	1990: 1	Art. 8 1972 Labour Code, Art. 8; 1991 Law on Collective Agreements, Art. 21 Labour Law 2002.
28. Extension of collective agreements	1990: 0 2002: 1	From 2002 collective agreements could be made generally binding subject to a representation threshold, initially 60%, later 50%.
29. Closed shops	1990: 0	There is no law authorising the closed shop.
30. Codetermination: board membership	1990: 0	Aside from limited provision relating to European Works Councils there is no provision for employee participation at board or senior management.
31. Codetermination and information/consultation of workers	1990: 0.5 2002: 0.75	Under the LLLC, Art. 112, employee representatives had certain codetermination rights, in relation to determining work targets. From 2002 a works council system was introduced aimed primarily at non-union workplaces, providing codetermination rights on a range of collective and individual labour law issues.
E. Industrial action		
32. Unofficial industrial action	1990: 0.5	'Wildcat' strikes organised by workers themselves without adherence to procedural requirements are permitted only if the employer is in breach of a prior agreement.
33. Political industrial action	1990: 0	Art. 23 of the Strike Law (1998) prohibits political strikes.
34. Secondary industrial action	1990: 0.5	A solidarity strike may be lawful if the employer is in breach of a relevant agreement (Art. 23(1), Strike Law).
35. Lockouts	1990: 1 2003: 0.5	Art. 32 of the Strike Law states that lockouts are illegal but since 2002 the employer has a right to lock out in response to a strike.

36. Right to industrial action	1990: 1	Art. 26 of the Constitutional Law on the rights and duties of individuals (1991-99) and Art. 108 of the Constitution of 1998.
37. Waiting period prior to industrial action	1990: 0.33	The Strike Law of 1990 and the Labour Disputes Law Art. 14 both refer to the need to bring disputes to the attention of the employer or relevant group or association of employers, and, following employer review of the complaint, for any prospective collective labour disputes to be forwarded to the conciliation commission.
38. Peace obligation	1990: 0	The court may declare a strike in breach of a peace clause to be illegal: Strike Law 1990, Art. 23.
39. Compulsory conciliation or arbitration	1990: 0	Under the 1972 Labour Code, conciliation was obligatory. Art. 15 of the Labour Disputes Law also requires a form of compulsory conciliation.
40. Replacement of striking workers	1990: 1	Strike Law 1990, Art. 33; Strike Law 1998, Art. 26(1).

Lesotho

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	EA 1967: Contracts of employment may be oral or in writing, express or implied, where an employee enters the service of an employer. An employee is anyone working under a contract for an employer, whether to perform manual or clerical work, or otherwise. An employer is anyone placed in authority over those employed. See LCO 1992. Employee means any person who works under a contract with an employer in any capacity.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	Constitution 1992 Art. 30(a) equal pay for work of equal value: LCO 1992 Art. 5(3) Art. 5(1) LCO general non-discrimination in employment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration.	1970: 0	Employment Act 1967 Art.13: any contract not for a specific period or for the execution of a specific task will be indeterminate in duration. Art. 62 LCO 1992: fixed term contracts are those with a specified termination date/relating to a specific task to be performed.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	Constitution 1992 Art. 30(a) equal pay for work of equal value (Art. 5(3) LCO 1992) Art. 5(1) LCO general non-discrimination in employment.
6. Maximum duration of fixed-term contracts	1970: 0	No limit. Renewals can be undertaken if provided for in the contract.
7. Agency work is prohibited or strictly controlled	1970: 0	LC 1967 Arts. 30-36 regulates labour agents and recruiters and imposes licensing and registration requirements. LCO 1992 Arts. 138-144 similar registration and licensing

		requirements. No limits on the work that can be performed under an agency contract.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Constitution 1992 Art. 30(a) equal pay for work of equal value. (Art. 5(3) LCO 1992) Art. 5(1) LCO general non-discrimination in employment, but no provision for joint liability.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4	EA 1967 Art. 58(1)(a) one working day per month of service. LCO 1992 Art. 20(1): at least 12 working days.
10. Public holiday entitlements	1970: 0.56	EA 1967 Art.55: work on public holidays to be paid double time. LCO 1992 Art. 117(2), Art. 121(1) public holidays are paid. Holidays Act 1967and Public Holidays Act 1995: 10 days.
11. Overtime premia	1970: 0.25	EA 1967 Art. 56(4): 25% premium: LCO 1992 Art. 118(3).
12. Weekend working	1970: 1	EA 1967 Art. 55(1) at least 24 hours continuous rest per week, as a rule on a Sunday. If over four hours work undertaken on rest day, pay will be double: Art. 55(2)(ii). LCO 1992 Art.117: Sunday is the usual day of rest. Art. 117(2) work on Sunday to be paid at double rate.
13. Limits to overtime working	1970: 1	EA 1967 Art. 56(3)(a), (b): max 12 hours per week, 150 per year. LCO 1992 Art. 118(3) 11 hours per week.
14. Duration of the normal working week	1970: 0.33	LC 1957, Art. 56(1)(a):45 hours. LCO 1992 Art.118(1).
15. Maximum daily working time.	1970: 0	LC 1957, Art. 56(1)(b): nine hours for those who work five days a week. LCO 1992 Art. 118(1)(a). No specific daily rest period prescribed.
C. Regulation of dismissal		

16. Legally mandated notice period	1970: 0.17 1992: 0.33	EA 1967: Art. 13(1)(d)(ii): two weeks. LCO 1992 Art. 63(1)(a) one month.
17. Legally mandated redundancy compensation	1992: 0.5	LCO 1992 Art. 79(1): severance pay of two weeks' wages per year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1992: 0.89	LCO 1992 Art.75: maximum four months probationary period, during which time claims for unfair dismissal are limited to complaints over dismissal for unreasonable conduct amounting to a breach of a term of the contract, or on prohibited grounds.
19. Law imposes procedural constraints on dismissal	1970: 0 1992: 0.67	Art. 66(4) LCO 1992 requires that the employee be given an opportunity to answer the allegations made unless at the time of the dismissal the employer cannot be reasonably expected to provide such an opportunity. Art. 66(2): a dismissal will be unfair unless the employer can show, having regard to all the circumstances, that it acted reasonably in treating the reason for dismissal as sufficient grounds for termination.
20. Law imposes substantive constraints on dismissal	1970: 0.33 1992: 0.67	EA 1967 Art. 15 allows for summary dismissal on grounds of misconduct. LCO 1992 Art. 66(1): all dismissals require a valid reasons. The LCO lists potential grounds: capacity, conduct, and operational requirements. Art. 66(2): any other dismissal will be unfair unless the employer can show, having regard to all the circumstances, that it acted reasonably in treating the reason for dismissal as sufficient grounds for termination.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1992: 0.67	EA 1967 Art. 81(1)(e): damages are available for wrongful dismissal. LCO 1992 Art. 73(1): the court can order reinstatement at the employee's request. It will not do so if it feels that this would be impractical given the circumstances. Art. 73(2): compensation will be awarded if the employee does not wish to be reinstated or the court feels it would be impractical.
22. Notification of dismissal	1970: 0 2003: 0.67	EA 1967 Art. 14(1): no requirement that notice be in writing. Art. 69(1) LCO 1992 requires written reasons be given for all dismissals. LC Codes of Good Practice 2003 requires prior consultation in advance of dismissals for operational reasons.

23. Redundancy selection	1970: 0	No provision.
24. Priority in re-employment	1970: 0	No provision.
D. Employee representation		
25. Right to unionisation	1970: 0 1992: 1	Constitution 1992: Arts.16 and 31.
26. Right to collective bargaining	1970: 0	No provision.
27. Duty to bargain	1970: 0 2000: 1	LCO 1992: collective agreements are defined as agreements entered into freely. A 2000 amendment (Act No.3) removes this wording and covers all agreements between registered trade unions and employers relating to matters of mutual interest. It establishes a duty to bargain in good faith in Art. 198A: an employer shall bargain in good faith with a representative trade union.
28. Extension of collective agreements	1970: 0	No provision.
29. Closed shops	1992: 0	LCO 1992 Art.196: prevents discrimination on grounds of trade union membership and prevents the employer from intimidating, or pressuring, employees to join or refrain from joining any trade union.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0 1997: 0.33	Limited rights of consultation exist for health and safety purposes, in relation to trade unions and a health and safety committee. A limited right to consultation with trade unions before redundancy has been established by case law (*Serame Khampere* v. *Muela Hydropower Contractors* (1997).
E. Industrial action		
32. Unofficial industrial action	1970: 1	Act No.17 1942 (Basutoland) provides a list of immunities for acts done in contemplation

	2000: 0.5	of a trade dispute. This does not require that the dispute be undertaken officially on behalf of a union. This position is maintained in LCO 1992 and is clear in the definition of strike, which refers simply to acts of any number of employees of the same or different employers. The immunities attach to any person acting in pursuance of a trade dispute, irrespective of union membership. Act No.3 2000 removes this definition of a trade dispute and substitutes two definitions relating to 'disputes of right' and 'disputes of interest'. Strikes are lawful only in respect of the latter. These cover any matter of mutual interest to employees.
33. Political industrial action	1970: 0 2000: 0.5	Act No.17 1942 (Basutoland) Art.17: defines a trade dispute as relating to the employment, and non-employment of any person, and terms and conditions of labour. Maintained LCO 1992. The 2000 amendment gives a broad definition of the types of dispute that can be pursued by way of strike (issues of 'mutual interest to employees').
34. Secondary industrial action	1970: 1 2000: 0.5	Act No.17 1942 (Basutoland) Art.17 defines trade disputes as relating to the employment and non-employment, and terms and conditions of any person. Maintained LCO 1992. Strikes are defined as acts of employees of the same or different employers. All are subject to conciliation at the Minister's discretion (pre-2000). Post Act No.3 all are subject to conciliation requirements.
35. Lockouts	1970: 0.5	Lockouts are regulated on a par with strikes.
36. Right to industrial action	1970: 0	No protection. LCO and EA provide a number of immunities for individuals and trade unions.
37. Waiting period prior to industrial action	1970: 1 1992: 0	LCO 1992 Art. 226(1): the Minister has 14 days from notification to refer to conciliation/arbitration. Art. 229(2) requires notice be given either of refusal to arbitrate and/or intention to declare a strike or lockout, at least seven days in advance of the strike/lockout. Act No.3 2000 Art. 229(1)(e): a strike is only lawful if preceded by the proper notice. (7 days)
38. Peace obligation	1970: 1	No provision.

39. Compulsory conciliation or arbitration	1970: 1 1992: 0.5 2000: 0	LCO 1992 Art. 226(1): where there has been no settlement of the dispute under the machinery, if applicable, under a relevant agreement, the Minister will refer the dispute to conciliation or arbitration, within 14 days of being notified of the dispute. If referred to arbitration, the parties can withhold consent, if reasonable, to arbitration. In circumstances where a strike/lockout is not prohibited under the relevant agreement and the parties are seeking to negotiate a new agreement/new terms, withholding consent may not be deemed to be unreasonable. Act No.3 2000 Art.225 is added which makes conciliation in 'disputes of interest' compulsory. However, arbitration remains optional.
40. Replacement of striking workers	1970: 0	There is no express protection. However, Art. 66(3) LCO 1992 includes among prohibited grounds involvement in trade union activities. Dismissal on grounds of a strike is a potential ground for challenge for unfair dismissal, to be considered by the Court (Act No.3 2000).

Lithuania

Note: coding is from 1990, the year in which the Republic of Lithuania proclaimed its independence from the Soviet Union.

Variable	**Score**	**Explanation**
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 0.75	Employment is defined by reference to criteria of subordination and performance of a job functions and is determined by the nature of the contract but if the essential elements of an employment relationship exist, the law will mandate employee status: Art. 93 Labour Code and Supreme Court judgments; previously Art. 18 of 1973 Code of Labour Laws.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0.75 2011: 1	A right to proportionate treatment for part-time workers operated under Art. 59 CLL, but did not provide for direct comparison with full-time workers. From 2011 a more complete right to equal treatment was adopted (Law XI-1332).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 0.5 2011: 1	Art. 59 CLL (see variable 2 above) was interpreted as not preventing the dismissal of part-time workers ahead of full-timers. The 2011 law was intended to address this problem by establishing parity of treatment in dismissal, although doubts have been raised over its effectiveness.
4. Fixed-term contracts are allowed only for work of limited duration	1990: 0 1991: 1	The CLL limited FTCs to 3 months but placed no limit on renewals. The Law on Employment Contract 1991 (Art 9) introduced restrictions on the use of fixed-term contracts. Art. 109 LC (2003) now allowed FTCs only for specified reasons provided for by collective agreement or law. In response to the economic crisis after 2009, the scope

		for FTCs for newly created jobs was increased, but conditions are still attached to their use, which if not met will give rise to an indefinite employment contract.
5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0 2009: 1	A right to equal treatment in terms and conditions was enacted in a 2009 amendment to Art. 105(9) LC.
6. Maximum duration of fixed-term contracts	1990: 0.7 1991: 0.5	CLL imposed a limit of 3 years but lacked provisions governing renewal. The Law on Employment Contract 1991 (Art 9) limited the duration of FTCs to 5 years. Art. 109 LC (1995) puts a 5-year limit on duration of successive FTCs.
7. Agency work is prohibited or strictly controlled	1990: 0	There was no law on agency work prior to 2011. The 2011Law on Employment in Temporary Work Agencies imposes some conditions on agencies but does not regulate the conditions under which agency work may be made available.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990:0 2011: 0.67	There is a right to equal treatment enacted in the 2011 law but it applies to wages only, not employment conditions, and does not apply if the worker is paid a fixed wage by the agency throughout the hiring.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.93	28 days (Law on Holidays, 1991; now, LC).
10. Public holiday entitlements	1990: 0.67 2004: 0.72	12 public holidays under the CLL and LC, rising to 13 in 2004 (Law XI-1656).
11. Overtime premia	1990: 0.75 1991: 0.5	CCL: time and a half for the first two hours, then double time. Law on Wages 1991, Art 7: time and a half for any overtime or night time work. Now LC, Art. 193: time and a half.

12. Weekend working	1990: 1	CLL: double time (Article 64 and 89). If the weekend qualified as a 'day off' this would be paid double time under Art 8 of the Law on Wages 1991. If weekends were not 'days off' the CLL continued to govern weekend working until 2003. LC 2003: double time.
13. Limits to overtime working	1990: 0 1994: 1 2009: 0.5	The Law on Labour Protection 1993 Art 49 prohibited more than 4 hours of overtime when working two consecutive days and limited overtime to no more than 120 hours overtime in a year. The LC in force from 2004 provided for a 12 hour working day and limited overtime to 120 hours per year. It also set a 48 hour total working week inclusive of overtime. In 2009 (Law XI-297) these rules were liberalised, extending scope for individual agreement to work overtime, and setting a reference period of 4 months for a normal 40 hour working week.
14. Duration of the normal working week	1990: 0.67	40 hours (CL, Law on Labour Protection and LLC).
15. Maximum daily working time	1990: 1 1994: 0.4 2004: 0.5 2010: 0.6	Under the CLL the 6-day working week could not provide for daily working time beyond 7 hours. The Law on Labour Protection (Art 53) provided for 10 hours of consecutive rest. LC Art. 160 referred to a maximum daily rest of 11 hours. Act XI-927 of 2010 set a 12 hour maximum working day.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0 1991: 0.67	The CLL did not address notice periods in detail as dismissals were primarily covered by the requirement to notify trade unions. In the post-Soviet period, 2 months has been the norm (1991 Law on the Employment Contract; Art. 120 LC; between 2009-2011, notice could be shortened by collective agreement).

17. Legally mandated redundancy compensation	1990: 0.17 1991: 1	The CLL provided for two weeks' severance pay. Art 30 of the Law on Employment Contract 1991 required 6 months' salary to be paid for an employee who had served between 1 and 5 years. An employee with 3 years of service is entitled to 3 months' pay, under Art 140 LC.
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0.99 1991: 0.92	Under the Soviet-era labour law, probation periods of one week applied for blue-collar workers and 2 weeks for white-collar workers. The Law on Employment Contract 1991 provided for a maximum probation period of 3 months. Arts. 105-109 LC provide for a probationary period of 3 months, which may be increased to 6 months but only under special circumstances to be specified by law
19. Law imposes procedural constraints on dismissal	1990: 1	Art. 129 LC imposes a requirement that disciplinary procedures be applied except in a case of gross misconduct. Earlier laws (including the Law on Employment Contract 1991, Art 33) imposed a requirement of trade union consent for dismissals.
20. Law imposes substantive constraints on dismissal	1990: 1 1991: 0.1 2004: 0.67	Under the CLL dismissal was strictly controlled, with specific grounds set out with corresponding procedural requirements. The Law on Employment Contract 1991 Art 26(4) provided for an employer to terminate the contract at will, provided that severance pay was provided (3 months' pay if employed under a year, 6 months if 1-5 years and with this amount increasing with duration of service). Since 2004, Art. 129 LC has simplified the law, referring to fewer, and more broadly defined, grounds for dismissal, including conduct qualifications, and economic grounds.
21. Reinstatement normal remedy for unfair dismissal	1990: 1	CLL Art. 248; LC Ar. 297(3).
22. Notification of dismissal	1990: 1 2004: 0.5	Under the Employment Contract Law, union authorisation was required for collective dismissals. Between 2004 and 2008, in a period of budget deficits, the SC struck down controls over dismissal. From 2008, LC Art. 130 required the employer to notify the labour exchange.

	2008: 0.67	
23. Redundancy selection	1990: 0 1991: 1	Seniority and family-based criteria have been applied since the ECL 1991.
24. Priority in re-employment	1990: 0	There are no priority rules.
D. Employee representation		
25. Right to unionisation	1990: 0 1997: 1	Constitution of 1997, Arts. 35(3), 50.
26. Right to collective bargaining	1990: 0 1999: 0.9	There is no specific constitutional right to collective bargaining but a SC judgment of 1999 rules that there was indirect support in the Constitution for this right.
27. Duty to bargain	1990: 1	Law on Trade Unions 1991, s. 13; LC, Art. 48.
28. Extension of collective agreements	1990: 0 2004: 1	CLL: collective agreement binding at establishment level only. Law on Collective Agreements 1991 Art 3 allowed the collective agreement to be agreed on at enterprise level. No extension was provided for. LC, Art. 52(2): provision for erga omnes extension.
29. Closed shops	1990: 0	Law on Trade Unions 1991, s. 10.
30. Codetermination: board membership	1990: 0 2004: 0.33	Art. 43 LC from 2004 referred to a right of employee representation in enterprise management, but was not strictly binding. This law was revoked in 2008.

	2008: 0	
31. Codetermination and information/consultation of workers	1990: 0.33 2004: 0.5 2008: 0.67	The CLL provided for a system of union representation at the workplace. In 2004 works councils became mandatory in workplaces with 20 or more employees, but without co-decision powers. In 2008 rights to information and consultation were strengthened.
E. Industrial action		
32. Unofficial industrial action	1990: 0.5	Warning strikes are permitted (Art. 77(4) LC) but otherwise there must be a secret ballot and a two thirds majority. Similar provisions existed under the 1992 Law on Collective Disputes.
33. Political industrial action	1990: 0.5	Political strikes are not as such unlawful but as conciliation is mandatory they are unlikely to be permitted in most situations.
34. Secondary industrial action	1990: 0.5	Secondary strikes are not as such unlawful but are subject to control through the compulsory conciliation procedure.
35. Lockouts	1990: 0 1992: 1	Law on Collective Disputes 1992 Art 15 prohibited lock outs. From 1992 Art 83 LC prohibits employers from preventing their employees from being able to work or reach their place of work.
36. Right to industrial action	1990: 0 1997: 1	Constitution, Art. 51.
37. Waiting period prior to industrial action	1990: 1 1992: 0	Law on Collective Disputes 1992 Art 10: 7 day notice requirement and 24 hour notice requirement for a warning (limited) strike. Art. 81 LC: 7 day notice requirement even for warning strikes.

38. Peace obligation	1990: 1 2004: 0	The Law on Collective Disputes 1992 did not state that strikes were unlawful where there was a valid agreement in place. Art 78(3) LC: Strikes are prohibited during the term of a valid collective agreement.
39. Compulsory conciliation or arbitration	1990: 0	Conciliation is mandatory.
40. Replacement of striking workers	1990: 1	The individual right to strike is protected by Art. 51 Constitution and the contract of employment is suspended during a lawful strike. Law on Collective Disputes 1992 Art 15 and LC Art 83(2) specifically prohibit employers from bringing in other workers when there is a strike.

Luxembourg

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Labour Code (LC) 2006 Art L. 121-2, repeating earlier statutory formulae, defined the scope of the Code to cover both the employment forms (hire of services and hire of finished work) referred to in the Civil Code, and to include, within the term 'salary earner', both the 'worker' and the 'employee', the latter term covering work of an 'intellectual' nature. The 2013 Code, Art. L. 121-1, refers to the provisions of the Code covering both the hire of services and the hire of finished work, and no longer refers to the worker/employee distinction.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1993: 1	A right to equal treatment was enacted in 1993 (law of 26 February concerning voluntary part-time work). See now LC 2013, Arts. L. 123-6, L. 123-7.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made between part-time and full-time workers for the purposes of dismissal (see now Livre I, Titre II, Chapitre IV, LC 2013).
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1989: 1	Prior to 1989 there were no restrictions on the use of fixed term contracts. From 1989 (Law of 24 May 1989 on the employment contract), FTCs were permissible only for a 'specific temporary task', defined by reference to a series of justifying factors. See now LC 2013 Art. L. 122-1.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1989: 1	There has been a right to equal treatment since legislation of 1989. See now LC 2013 Art. L. 122-10.
6. Maximum duration of fixed-term contracts	1970: 0 1989: 0.8	Since 1989 the norm has been a maximum of 24 months' duration including renewals. Extension beyond the permitted period results in a permanent contract. See now LC 2013 Arts. L. 122-4, L. 122-6.
7. Agency work is prohibited or strictly controlled	1970: 0 1994: 1	Agency work has been regulated since 1994 (Law of 19 May 1994 on temporary agency work and labour leasing). See now LC 2013 Art. L. 131. A temporary agency work relationship is presumed to give rise to an employment relationship between the agency and the worker, and must be for a limited duration of not more than 12 months, or for a specified reason falling within categories set out in the legislation.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1994: 0.67 1998: 1	The 1994 law established a right to equal wages with a comparable directly employed worker and a collective agreement of May 1998 extended this to equal treatment as regards working conditions. See now LC 2013 Arts. L. 131-13, L. 131-14, L. 131-15.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6 1976: 0.83	Act No.21 1966: 12 days for agricultural, domestic service and home workers; 18 days for all others, with further rights accruing on the basis of age. 1976 Act on paid holidays: 25 days. See now LC 2013, Art. L. 233-4.
10. Public holiday entitlements	1970: 0.56	Act No. 59 1961: 10 days. See now LC 2013, Art. L. 232-2.
11. Overtime premia	1970: 0.25 1980: 0.5	Act No. 66 1970: s.16: 25% premium. Act No.2 1980 Article II Part B s.12: 50% premium. LC 2006, Art. L-211-25; 25% for workers, 50% for employees. Law of 13 May 2008 L 211-27: Since 1 January 2009, a supplement of 40% is required for all employees. LC 2013, Art. L-211-27 (referring to Law of 134 May 2008): 50% for all

	2006: 0.25 2008: 0.5	salary earners.
12. Weekend working	1970: 0.7	Act No. 32A 1962: weekly rest period of 44 hours; one of those days must fall on a Sunday; 70% premium on Sunday work. 70% Sunday premium maintained 1980 (Part B article III s.12) and 2006 (Art. L. 231-7(2)). See now LC 2013, Art. L. 231-7(2).
13. Limits to overtime working	1970: 1 2006: 0.75 2012: 0.13	Act No. 66 1970: 2 hour limit per day; limited to certain situations and requiring authorization under certain circumstances. Act No.2 1980, Section B. s. 8: 2 hours per day or 44 hours a week. LC: 2006 LC: weekly limit of 48 hours including overtime, reference period of 4 weeks. LC 2013: reference period of 12 months. See LC 2013, Art. L. 211-8.
14. Duration of the normal working week	1970: 0.67	Act No. 66 1970, s 4: 8 hours a day, 40 hours a week (variable by collective agreement. Retained in 1980 and subsequently (Art. L. 211-5 LC 2013).
15. Maximum daily working time.	1970: 0.9 1980: 0.8	Act No. 66 1970, s 4: 8 hours a day standard, maximum of 9 hours, variable by collective agreement. The 2 hour overtime limit means that the maximum daily working time is normally 10 hours. This rule was maintained in LCs 2006 and 2013 (see LC 2013, Art. 211-12).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67	Act No. 32A 1962, s. 21: 2 months for employees with less than 5 years' service. Maintained subsequently: see LC 2013, Art. L. 124-3(2).
17. Legally mandated redundancy compensation	1970: 0.67 1989: 0	Act No. 32A 1962 and No. 2 1980 Art..18: 2 months' pay plus half monthly salary for notice period. From 1989 (Law of 24 May 1989 on the contract of employment, Art. 24): 1 month for those with at least 5 years' service. See now LC 2013, Art. L. 124-7.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.88 1989: 0.83	Act No. 32A 1962, Art. .5: probationary periods (varying for different qualifications) up to 4 months. No probationary period unless expressly included. Retained in LC 1980 (Art. 5). LC 1989: minimum of 2 weeks', maximum of 6 months' probation. See now LC 2013, Art. L. 121-5.
19. Law imposes procedural constraints on dismissal	1970: 0.1 1989: 0.33	Act No. 32A 1962, s.21: requirement of notice by registered latter. 1980: notification of reasons in case of dismissal for serious fault. 1989 Act No.35 s.19: procedural requirements including right to a hearing but only in the case of employers with 150 or more employees. See now LC 2013 Art. L. 124-2.
20. Law imposes substantive constraints on dismissal	1970: 0 1989: 0.67	Prior to 1989 the law was limited to setting out the conditions for dismissal without notice for serious misconduct. From 1989 dismissal was characterized as an 'abuse' if it were not for a justified reasons relating to the conduct or capabilities of the individual employee or to the needs of the enterprise. See now LC 2013, Art. L. 124-11.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1989: 0.67	Act No.35 1989, s. 29: the court could order compensation for wrongful dismissal or recommend reinstatement on the request of the employee. Refusal of the employer to reinstate would result in additional compensation. See now LC 2013, Art. L. 124-12.
22. Notification of dismissal	1970: 0 1982: 0.67	Notification to the individual employee: Act No. 35, 1989, Art. 20; see now LC 2013, Art. L. 124-3. From Act No. 12, 1982, there has been legislation on information and consultation with employee representatives in the case of collective dismissals.
23. Redundancy selection	1970: 0	No mandated redundancy selection criteria.
24. Priority in re-employment	1970: 0 1989: 1	Act No.35 1989, Art. 48 Ch. 22. See now LC 2013, Art. L. 125-9.
D. Employee representation		

25. Right to unionisation	1970: 1	Art. 11(5) Constitution.
26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1970: 1	Act No.35 1965 on Collective Labour Agreements, Art. 6: authorized representatives of staff may request negotiations for a collective agreement. If the employer does not agree, conciliation proceedings follow. See now LC 2013, Art. L. 162-2.
28. Extension of collective agreements	1970: 1	Act No.35 1965, s. 9; LC 2013, Art. L. 164-8.
29. Closed shops	1970: 0	Law of 11 May 1936 (No.39), and subsequent laws: freedom of association includes the right to not associate.
30. Codetermination: board membership	1970: 0 1974: 1	Act No.35 1974, s 23: representation on company boards for enterprises with 1,000 or more employees (one third membership for employee directors). See now LC 2013, Art. L. 426-3.
31. Codetermination and information/consultation of workers	1970: 0 1974: 1	Act No.35 1974: Art.1: a joint (equal employee and employer representation) works committee to be established in certain enterprises with 150 or more employees. .Art 7: joint decision-making powers. Art. 8: information rights. See LC 2013, Art. L. 421-1 et seq.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Under case law, industrial action undertaken without regard to conciliation is unlawful (see now LC 2013, Art. L. 163-2).
33. Political industrial action	1970: 0	No statutory definition of a strike, but the Court of Cassation in a decision in 1959 stated that a strike had to be for social aims and that the motive had to be employment-related.

34. Secondary industrial action	1970: 0	Case law has established that the strike must relate to the parties to the dispute.
35. Lockouts	1970: 0.5	Lockouts are subject to the same rules as those governing strikes, in particular concerning compliance with conciliation procedures (LC 2013, Art. L. 163-2).
36. Right to industrial action	1970: 0.33	There is no explicit right to freedom of industrial action in the Constitution. However, a Court Cassation ruling (1952) established that a limited right to strike can be implied from the right to freedom of association in Art. 11(5) of the Constitution.
37. Waiting period prior to industrial action	1970: 0	There is no explicit reference in law to a notice period but the obligation to submit collective disputes to conciliation (see now LC 2013, Art. L. 163-1 et seq.) gives rise to a de facto delay on strike action.
38. Peace obligation	1970: 0	Act No.35 1965, s. 11: the contracting parties must respect the collective agreement while it is in force and not impair 'faithful observance' of it. See now LC 2013, Art L. 162-11.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation is compulsory, and where this fails, arbitration is embarked upon and insofar as it is accepted, is binding on the parties. See LC 2013, Art. L. 163-2.
40. Replacement of striking workers	1970: 1	Act No. 32A 1962, Art. 16: expressly excludes lawful strike action as a reason justifying termination without notice. See also Act No.2 1980, Art.16; Act No.35 1989, Art. 28(4); LC 2013, Art. L. 124-11(4).

Macedonia

The Former Yugoslav Republic of Macedonia is coded from the date of its independence in 1991.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 1	Law on the Basic Rights in Employment applicable to the SFRY (LL SFRY) 1989: labour contracts are assumed from the moment work commences. LRA 1993 Art.14 and 15 requires a labour agreement to be concluded in writing and prevents the commencement of work before this has been undertaken and the contract verified. Art. 145(2) imposes penalties on employers who fail to conclude agreements in writing as required by the act and if workers commence work before an agreement has been concluded. Art. 146(5) imposes a higher fine if as a result workers are deprived of their rights under the Act.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	LL SFRY Art. 23(2) those working fewer than 42 hours per week are entitled to the same rights as those working full time. See also Art.27. LRA 1993 Art.33: work for reduced hours must be undertaken with regard to the same rights and obligations as full time work. See Art. 49(3), 48(3) and 122 LRA 2005: proportionate treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration	1991: 1 2008: 0	LL SFRY Art.12: fixed term contracts permitted in specifically defined circumstances, for seasonal jobs, work on a project, work in the navy limited to twelve months, replace absent workers and in circumstances of unforeseen increases in productivity.. LRA 1993 Art.23 lists four circumstances (seasonal work, increased work for not more than six months, replacement of an absent worker and work on a particular project) in which FTCs can be concluded. From 2008: no restrictions (now, Art. 46(2) LRA).

5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 1	LL SFRY Art.12 and LRA 1993 Art.23: express right to equal treatment.
6. Maximum duration of fixed-term contracts	1991: 1 1993: 0.7 2005: 0.6 2008: 0.5	LL SFRY Art.12, LL 2001 Art.37: maximum 12 months LRA 1993: 3 years. LRA 2005 limited FTCs to 4 years cumulative duration. In 2008, this limit was removed. (Law no.106). LRA Art. 46(1) now limits to 5 years.
7. Agency work is prohibited or strictly controlled	1991: 1 1993: 0	LRA 1993 does not restrict agency work but employment through agencies does occur. It was prohibited under Yugoslav law.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	No provisions.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.6 2005: 0.67	LL SFRY Art.31 18 working days. LRA 1993 Art.43: at least 18 days. LRA 2005 Art.136-137: 20-26 days to be determined by collective agreement. GCA commerce 2009 Art.40: 20 -26 days depending on a number of criteria, including length of service, work conditions, complexity of work, and family obligations.
10. Public holiday entitlements	1991: 0.67 1998: 0.39	Act on Public Holidays 1998: 7 days. There were 12 days under Yugoslav law.
11. Overtime premia	1991: 0	LRA 1993 Art.74: amount to be determined in the collective agreement. GCA 2008: 35%; 2009 public sector: 29%. GCA for commerce 2009 Art.24: 35%. LRA 2005 Art.

	2009: 0.35	117(3): provides for one month extra salary if the 150 hours per year limit is exceeded.
12. Weekend working	1991: 0.5	LL SFRY Art.30: no day specified. Day off in lieu. LRA 1993 Art.42: no day specified. LRA 2005 Art. 134(2)-(3): Sunday specified. No compensation specified in the Act. Work on weekly rest day, GCA 2008 public sector: 35% 2009 public sector: 42% - raised to 50% mid-2009. GCA commerce 2009: 50%.
13. Limits to overtime working	1991: 1	LL SFRY Art. 23(2) 10 hours per week. LRA 1993 Art. 35: overtime is strictly regulated and limited to 10 hours per week. The LRA 2005 increased much greater flexibility into the regulation of overtime but retains an 8 hour per week maximum for the ordinary working day to be averaged over four months, and 150 hours per year limit. It provides for a bonus of an extra monthly salary if this threshold is exceeded Art. 117(3). Art. 117(2) refers to a specific 10 hour per day and 190 per year limit.
14. Duration of the normal working week	1991: 0.53 1993: 0.67	LL SFRY: Art. 23(2) 42 hours. LRA 1993 Art.30: 40 hours. See also Art.36 GCA for commerce 2009.
15. Maximum daily working time	1991: 0.4	LL SFRY Art. 29: 12 hours. LRA 1993 Art.41: at least 12 hours continuous rest. See Art.133 LRA 2005. Arts. 136(3)-(4) collective agreements can provide for this to be averaged over a reference period not to exceed 6 months.
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0 1993: 0.33	LRA 1993 Art.110: 30 days. Maintained LRA Art. 88(2).
17. Legally mandated redundancy compensation	1991: 0 1993: 0.33	LRA 1993 Art. 130(3) one month's wages. See also Art.97 LRA 2005.

18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.83 1993: 1 2005: 0.83	LL SFRY Art 14: probationary periods can be agreed, for a period not exceeding six months. LRA 1993: no provision. LRA 2005 (Art.60): 6 months. GCA 2008 public sector Art.9: depending on job grade, either 2, 4 or 6 months' probation period.
19. Law imposes procedural constraints on dismissal	1991: 1 1993: 0	LL SFRY: for disciplinary dismissals, a disciplinary commission will begin disciplinary proceedings which includes a right to be heard and to representation, to examine the gravity of the conduct and establish if there has been fault. See Art. 63. Art.67 imposes time constraints on when disciplinary measures can be taken: within six months of the violation. The only procedural requirement in the LRA 1993 is the provision of notice in circumstances required by the legislation.
20. Law imposes substantive constraints on dismissal	1991: 0.67	LL SFRY Arts. 55 and 58: lays down the types of conduct that could justify termination of employment as an appropriate disciplinary measure. Art.75 lists possible grounds for dismissal. LRA 1993 Art.110: termination (with notice) cannot occur if not for just cause, with regard to employee's behaviour or for reasons unrelated to the operational needs of employers. Art.115 lists examples of conduct that might justify dismissal. LRA 2005 Arts 71(2), 76, 79, 80 and 81 substantially replicate this.
21. Reinstatement normal remedy for unfair dismissal	1991: 0.33 1993: 1	LRA 1993 Art.124: the remedy for unlawful termination is compulsory reinstatement. LRA 2005 Art. 101(1) maintains reinstatement as the primary remedy if requested by the employee. Amendments to the Code in 2008 and 2012 change the basis for the calculation of compensation but reinstatement remains the primary remedy.
22. Notification of dismissal	1991: 1 1993: 0.17 2005: 0.67	LL SFRY Art. 64: the employer must defer to the disciplinary committee on whether to dismiss. Art.78 requires all decisions on termination and the reasons be submitted to the employee in writing. LRA 1993 Art.117: written notice is compulsory, but the reasons are provided only on request. LRA 2005 Art.72, 73 and 74(2) written notice and reasons are compulsory. LRA 2005 Art.95: information and consultation of employee representatives in the event of collective dismissals.

23. Redundancy selection	1991: 0 1993: 0.5 2005: 0	LRA 1993 Art.125: precise criteria to be elaborated in the relevant collective agreement, but they must take into account criteria for efficient working performance, vocational training and skills, work experience, accomplishments at work, position, years of service, age, and other relevant factors. LRA 2005: no provision.
24. Priority in re-employment	1991:0 2005:1 2008: 0	No provision before 2005. Article 97 LRA 2008 provided a right to priority in re-employment for one year. This was removed in 2008.
D. Employee representation		
25. Right to unionisation	1991: 0 1992: 1	Constitution of Macedonia Art.37
26. Right to collective bargaining	1991: 0	Constitution of Macedonia Art.32: the exercise of the rights of employees is regulated by law and collective agreements.
27. Duty to bargain	1991: 1	LL SFRY Art. 85: collective agreements shall determine the rights and obligations of workers and employers. LRA 1993 Part V: collective agreements may be agreed at national, branch and enterprise level between authorised unions and employers. Art.147: collective agreements are to be concluded within 3 months of the passage of the LRA. Since 2005, GCAs covering all employees have been in place. However, it does not seem that there is a duty to conclude branch or enterprise level agreements. The LRA 2005 introduced the principle of good faith into negotiations: Art.207.
28. Extension of collective agreements	1991: 0	Since 2005 general collective agreements with binding effect cover the entire private and public sectors. In the event of conflict with lower-level agreements, GCAs take priority (LRA Art. 93).

	2005: 1	
29. Closed shops	1991: 1 1993: 0	LRA 1993 Art.76 employees are free to join and form organizations of their choice. LRA 2005 further makes it clear that an employer cannot require an employee to be a member of a particular union/refrain from joining. Union membership was compulsory under Yugoslav law.
30. Codetermination: board membership	1991: 0	No provisions.
31. Codetermination and information/consultation of workers	1991: 0 2005: 0.33 2012: 0.5	LRA 2005 Art.95: prior consultation with workers' representatives (unions) before collective dismissal measures are taken. There are only two forms of representatives: unions and health and safety reps. GCA 2012 introduced an employee representative for the purposes of information and consultation.
E. Industrial action		
32. Unofficial industrial action	1991: 0	Rules on Strike of the Federation of Trade Unions Art.3: the decision to strike may be taken by the union on request or on its own behalf. LRA 1993 Art.79: employees are permitted to go on strike in accordance with the LRA for the purpose of attaining their economic and social rights in employment. Under the LRA 2005, the union has the right to call and lead a strike.
33. Political industrial action	1991: 0	LRA 1993 Art.79: employees are permitted to go on strike in accordance with the LRA for the purpose of attaining their economic and social rights in employment. LRA 2005 permits strikes only to protect the social and economic rights of the unions' members.
34. Secondary industrial action	1991: 1	Solidarity strikes are permitted under the LRA 2005 provided that they start two days after the initial strike. They do not require prior reconciliation.
35. Lockouts	1991: 1 2005: 0.67	The LRA 2005 allows an employer to exclude up to 2% of workers during an already agreed strike. Thus, the right is highly circumscribed.

36. Right to industrial action	1991: 1	Constitution of Macedonia Art.38 (previously, Constitution SFRY Art 57).
37. Waiting period prior to industrial action	1991: 0	Rules on Strike FTUM Art.8: 7 days' notice.
38. Peace obligation	1991: 0	Disputes of right must not be settled by industrial action: LRA Art. 235.
39. Compulsory conciliation or arbitration	1991: 0	Rules on Strike FTUM Art.2: peaceful resolution of the dispute must be attempted before further action could be taken. Law on Strike Art.4 suggests that the parties must try to amicably resolve the dispute from the moment the strike is announced. The Agreement on the Establishment of the Economic and Social Council of Macedonia 1996 encouraged the peaceful resolution of dispute, but did not lay down specifics on how this should be implemented. LRA 2005 Art.182 states that the parties may agree that the dispute be entrusted to a special dispute resolution body established by law. Art.235: it is compulsory in all collective disputes related to concluding and amending a collective agreement to resolve by peaceful means. Art. 236(3) states that the strike must not start before the end of a reconciliation procedure. Under GCAs agreed in 1992 and 1994, a failure to respond to notices to change a collective agreement must be resolved by arbitration. The GCA 2006 envisages conciliation and arbitration after failure to resolve disputes by mutual agreement. GCA commerce Arts.50 and 51: conciliation and arbitration is at the initiative of the parties and requires agreement.
40. Replacement of striking workers	1991: 0 1993: 1	The LRA 2005 provides that a strike is not a breach of contract and prevents dismissal and demotion.

Malaysia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The statutory definition of the employee set out in the Employment Act 1955 adopts the English law concept of the contract of service and largely follows the approach of the English courts to identifying the employment relationship.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	Part-time workers were included in the scope of worker-protective legislation beginning with EA 1952 but were subject to a specific regime which in many respects provided less than proportionate rights to e.g. annual leave and sick pay rights. The 1980 Employment (Layoffs and Benefits) Regulations, having initially drawn no distinction between part-time and full-time workers, were amended in 2011 to as exclude part-timers from protection.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1 2011: 0	For dismissal purposes no distinction between part-time work full-time work was drawn under EA 1955 and E(LB)R 1980, but the latter were amended in 2011 to bring in a new and less equal regime for part-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	EA 1955 does not contain a prohibition on the use of FTCs and case law has confirmed that FTCs are valid and do not become indeterminate employment contracts if there is no objective justification for the use of FTCs.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no guarantee of equal treatment. Although certain statutes treat permanent and casual workers as equivalent, there is no requirement for them to have the same terms and conditions of employment

6. Maximum duration of fixed-term contracts	1970: 0	No maximum duration is set by statute or recognised by case law.
7. Agency work is prohibited or strictly controlled	1970: 0	Employment agencies must be licensed and are subject to regulation under a law of 1981 but there is no restriction on the use of agency work contracts for particular purposes.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0 1981: 0.4	From 1981, 8 days for workers with up to 2 years' service, 12 days for between 2 and 5 years, 16 days over five years. (Coded for the worker with three years' service.)
10. Public holiday entitlements	1970: 0 1981: 0.56 2012: 0.6	From 1981 (s. 60D EA), 10 days. From 2012: 11 days (addition of Malaysia Day).
11. Overtime premia	1970: 0 1981: 0.5	Since 1981 (s. 60A EA) time and half has generally been the statutory norm.
12. Weekend working	1970: 0	One day a week's rest is required and may attract a premium but legislation does not specify that it has to be at the weekend.

13. Limits to overtime working	1970: 0 1980: 0.75 2000: 1	Under the 1980 overtime regulations, there was an upper limit on working time of 64 hours in any one month. From 2000, 12 hours limit on daily working time (EA s. 60A).
14. Duration of the normal working week	1970: 0.13	48 hours under EA 1955.
15. Maximum daily working time	1970: 0 1981: 0.6	1981 revision of EA: 8 hour normal working day; 12 hour limit on daily working time.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 1982: 0.5	EA 1955, s. 12: one month is the norm. 1982 amendment; 6 weeks for employee with between 2 and 5 years' service.
17. Legally mandated redundancy compensation	1970: 0 1980: 0.17	15 days' wages for an employee with between 2 and 5 years' service: Employment (Termination and Lay-off Benefits Regulations).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1980: 0.67	No formal probation period in legislation and case law on probationers suggests limits on the employer's power to dismiss during the probation period. From 1980 one year's service was required for redundancy compensation.
19. Law imposes procedural constraints on dismissal	1970: 1	EA 1955 prohibits dismissal if notice and other procedural requirements not met.
20. Law imposes substantive constraints on dismissal	1970: 0.33	EA 1955: references to misconduct and absence, loosely defined, as bases for dismissal.

21. Reinstatement normal remedy for unfair dismissal	1970: 0.67	The court has the power to award reinstatement, which is seen as the normal remedy, but compensation may be awarded in lieu.
22. Notification of dismissal	1970: 0 1982: 0.33	1982: written reasons required for individual dismissals.
23. Redundancy selection	1970: 1	Case law has generally followed a last-in, first-out principle.
24. Priority in re-employment	1970: 0.2	No legislation but priority to 'retrenched' employees is mentioned in 1975 Code of Conduct.
D. Employee representation		
25. Right to unionisation	1970: 1	Constitution, Art. 10 s. 1(c).
26. Right to collective bargaining	1970: 0	No constitutional right to collective bargaining.
27. Duty to bargain	1970: 0.8 1976: 1	Prior to 1976, the employer could refuse to bargain, but the Minister could then take steps to encourage collective negotiations. From 1976, Industrial Relations Act: Minister may make a binding award if the employer refuses to negotiate.
28. Extension of collective agreements	1970: 1	Sectoral agreements may be ratified by the Court.
29. Closed shops	1970: 0	IRA 1967 and 1976, s. 5.

30. Codetermination: board membership	1970: 0	There is no provision for employee board participation.
31. Codetermination and information/consultation of workers	1970: 0.33	Under industrial relations legislation there is a limited duty to give unions information relevant to collective bargaining.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Failure to follow a strike procedure and to observe other rules on union ballots will render a strike unlawful (IRA and Trade Union Act from 1982).
33. Political industrial action	1970: 0	A strike not in furtherance of a trade dispute will be unlawful (IRA 1967 and 1976, s. 45).
34. Secondary industrial action	1970: 0.5 1976: 0	IRA 1967, s. 37, peaceful picketing permitted; IRA 1976 s. 40, further restrictions on picketing.
35. Lockouts	1970: 0.5	Lockouts are permitted under IRA 1967, 1976, in parallel with protections for strikes
36. Right to industrial action	1970: 0	No constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0	Before industrial action may be taken the relevant Ministry must be notified and conciliation or arbitration may follow. 42 day waiting period before industrial action begins: 1982 TUA s. 25A.
38. Peace obligation	1970: 0	There may not be strike action in respect of any matter covered by an extant collective agreement.
39. Compulsory conciliation or arbitration	1970: 0	Strike action may not take place during conciliation or arbitration: IRA s. 44.

40. Replacement of striking workers	1970: 1	Dismissal is generally not for 'just cause' if in connection with a lawful strike under IRA. Employees may not be dismissed within the first 8 weeks of strike action.

Mali

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The definition of worker refers to objective characteristics of the work relationship regardless of the juridical status of worker and employer, and covers all cases of an engagement in a professional activity, for remuneration. Labour Code 1992, Art. L.1.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1992: 0.75 1996: 1	Right to proportionate pay: LC Art. L.133. From 1996: right extended to other benefits (A.133.3).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no distinction.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1992: 0.75	LC 1962 Art. 26 provided that FTCs could be used in the ordinary course of business but otherwise required administrative approval. LC 1992 Art. L.22: an FTC may not be used for normal and permanent activities of the enterprise.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0	There is no right to equal treatment for FTC workers.

workers		
6. Maximum duration of fixed-term contracts	1970: 0	The normal limit of an FTC is 2 years but no limit is placed on renewals: currently Art. L.21 LC 1992.
7. Agency work is prohibited or strictly controlled	1970: 0 1992: 0.25	Under the 1992 Code, the contract between the agency and the hirer must state the reason for making use of a TAW arrangement: LC Art. L.313-5.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no guarantee of equal treatment in respect of TAWs.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6 1992: 1	One and a half days per month of service or 18 per year: LC 1962 Art. L.157. Two and half days per month of service or 30 per year: LC 1992 Art. L.154. Further increments for employees with long service.
10. Public holiday entitlements	1970: 0.56	10 public holidays (set annually by decree).
11. Overtime premia	1970: 0.18	10% up to 48 hours, 25% after that: LC 1962, Art. L.140; LC 1992, Art. L.137.
12. Weekend working	1970: 0.5 1992: 1	LC 1962 provided for weekly rest and a premium of 50%. Under LC 1992 Art. L.142, weekly rest, in principle on Sunday, is obligatory, and cannot be replaced with additional compensation.
13. Limits to overtime working	1970: 1	LC 1962, Art. L.142: overtime limit of 24 hours per week. Art. A.140 (from 1996): limits of 75 per year, 18 per week.

14. Duration of the normal working week	1970: 0.67	40 hours: LC 1962, Art. L.135; LC 1992, Art. L.131.
15. Maximum daily working time	1970: 0	There is no daily limit as such. The Labour Code and related regulations refer to normal hours of work in the enterprise which may be extended in a number of sectors: LC Art. L.135; Arts. A.135-1, 135-2.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.08	8 days for those paid by the day or week, one month for those paid by the month: LC 1992, Art. L.41.
17. Legally mandated redundancy compensation	1970: 0 1992: 0.33	One month: LC 1992, Art. L.48(5).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	6 months maximum probation period: LC 1992, Art. L.30.
19. Law imposes procedural constraints on dismissal	1970: 0	The employer must give notice of the dismissal and of the reason for the dismissal to the employee; failure to do so gives rise to an obligation to pay compensation but does not lead to the nullity of the dismissal (LC 1962, Arts. L.40, L.42; LC 1992, Art. L.52). The law does not set out a right to a hearing or appeal.
20. Law imposes substantive constraints on dismissal	1970: 0.25 1992: 0.33	Under the LC 1992, dismissal is 'abusive' if it is not for a good reason or if the reason is 'inexact' on the facts, with the burden on the employer of showing that dismissal was fair: LC Art. L.51. Under the 1962 Code Art. L.40, dismissal with notice was lawful; summary dismissal was allowed for serious fault of the employee.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Compensation is the remedy for dismissal: LC 1992, Arts. L.41, L.51.
22. Notification of dismissal	1970: 1	LC 1962, Art. L.38: authorisation required. LC 1992, Art. 40: notification to the labour

	1992: 0.67	inspector; if the inspector queries the reason the employee can take the case to the labour tribunal.
23. Redundancy selection	1970: 1 1992: 0.5	LC 1962 Art.41 provides a list of relevant criteria. Art. L.48(1) LC 1992 provides that professional aptitude should be considered ahead of seniority.
24. Priority in re-employment	1970: 0 1992: 1	LC 1992 Art. L.48(5) provides for a right to priority in reemployment.
D. Employee representation		
25. Right to unionisation	1970: 1	The preambles to the 1960 and 1974 Constitutions referred to the right to form and join trade unions; also, Art. 13 1974 Constitution; Arts. 5 (freedom of association) and 20 (trade union freedoms), 1992 Constitution.
26. Right to collective bargaining	1970: 0	There is no explicit reference to a right to collective bargaining in the Constitution.
27. Duty to bargain	1970: 0	There is no statutory duty to bargain.
28. Extension of collective agreements	1970: 1	LC 1962 Art. L.67; LC 1992, Art. L.78.
29. Closed shops	1970: 0	Trade union membership or non-membership may not be made a condition of employment: LC 1962, Art. 306; LC 1992, Art. L.257.
30. Codetermination: board membership	1970: 0	No provision.

31. Codetermination and information/consultation of workers	1970: 0.33	Legislation provides for employee representatives in the workplace to carry out a range of consultative and advisory functions: LC 1992, Arts. L.265, L.278; similar provisions in 1962 Code.
E. Industrial action		
32. Unofficial industrial action	1970: 0.5	Pre-strike conciliation and arbitration are a precondition of the legality of strike action: LC 1992, Art. L.231.
33. Political industrial action	1970: 0	Union objects are confined to pursuing the economic and related interests of their members (LC 1962, Art. L.281; LC 1992, Art. L.232); strike may not take place without prior conciliation and arbitration (LC 1992, Art. L.231).
34. Secondary industrial action	1970: 0.5	There is no formal bar on secondary industrial action but it may be restricted in practice by conciliation and arbitration requirements.
35. Lockouts	1970: 0.5	Restrictions on strikes also apply to lockouts (see LC 1992, Art. L.231).
36. Right to industrial action	1970: 1	The preambles to the 1960 and 1974 Constitutions referred to the right to strike. The right to strike is also referred to in Art. 21 of the 1992 Constitution.
37. Waiting period prior to industrial action	1970: 0	Compulsory pre-strike conciliation and arbitration under Art. L.213 (LC 1992) imply waiting periods.
38. Peace obligation	1970: 1	A strike during the period of an arbitral award is illegal Art. L.231 (LC 1992) but there is no peace obligation as such.
39. Compulsory conciliation or arbitration	1970: 0	Under the 1962 Code, all collective disputes must be referred to the minister who had to initiate conciliation procedures, and could refer the dispute to arbitration (Arts L.268 and L.269). There are similar provisions under the 1992 Code (Arts. L.219, 225). A strike or lock-out prior to or during conciliation or arbitration is unlawful (Art. L.231, LC 1992).
40. Replacement of striking workers	1970: 1	A strike does not terminate the contract of employment in the absence of grave fault: LC

		Art. L.231.

Malta

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75 2010: 1	The Conditions of Employment (Regulation) Act 1952 defines an employee as a person engaged under a contract employment or who has undertaken personally to execute any work or labour for another, and includes an outworker. The EIRA 2002 also includes contracts personally to execute work. The Employment Status National Standard Order, 2012 states that when considering a person's employment status, provided that five of eight criteria are met an employment relationship will be presumed. In addition, an Amendment to the Employment and Industrial Relations Act (EIRA) in 2012 states that 'irrespective of the declared nature of the relationship, whenever the employer exercises effective direction control and choice over the nature of the work or the tasks being or to be performed by a person for the employer, that relationship shall be considered to be one of a contract of service and the person carrying out the work shall be deemed to be an employee of the employer'.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1976: 0.25 1994: 0.75 2002: 1	Since 1976, there has been a general provision for equal pay for equal work. Art. 25(1) EIRA 2002 guarantees equal treatment for part time workers. It was not until 2002 that part-time work was recognised formally in legislation. The Part Time Workers Regulations 1994 provided protection against discrimination but provided for an exception on 'justified grounds'. Unlike the EIRA 2002, the 1994 Regulations made a distinction between part-time workers in principal and non-principal employment. The former (if they worked at least 20 hours per week) were entitled to treatment pro-rata.

		Prior to this point general discrimination law applied.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0 1994: 1	Since regulations on part-time work were introduced in 1994, there has been no distinction made for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There is a maximum duration contained in the EIRA 2002 but no restrictions on the type of work for which the contracts can be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1976: 0.25 2002: 1	Since 1976, there has been a general provision for equal pay for equal work. Under EIRA 2002 Art. 33, if a fixed term employee is retained in employment after the expiry of the contract, or re-employed within one year, conditions of employment must be equal to those which would have applied if the employee had been employed on an indefinite contract. In addition, conditions of employment in a fixed term contract must not be less favourable than those which would have been applicable if the contract had been concluded for an indefinite time, unless different treatment is justified on objective grounds: Contracts for Fixed Term Regulations 2002 Art. 44. Justifications for differential treatment exist in cases of different qualifications and when the job is specific and the difference therefore justified.
6. Maximum duration of fixed-term contracts	1970: 0 2002: 0.6	Fixed Term Contract Regulations 2002: 4 years
7. Agency work is prohibited or strictly controlled	1970: 0	There is no specific legislation regulating the licensing or authorization of agencies and the Temporary Agency Workers Regulations (LN 461/2010) merely provide for certain conditions of employment but do not regulate the work in any other way.

8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1976: 0.5 2011: 1	EIRA 2002 establishes a right to equal pay for work of equal value extending an existing provision of 1976. The 2010 regulations introduce a basic principle of equal treatment as regards conditions of employment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0 2003: 0.8	The number of days of paid leave had not been legally codified by the time of the enactment of EIRA 2002. The 2003 regulations provides for 24 days. (Law No.247). This was also the case under the 1989 Regulation Standing Order Law No. 38 and remains the case today.
10. Public holiday entitlements	1970: 0.78	The Hours of Employment Ordinance, No. 17 of 1936, conferred powers to regulate public holidays. 14 days has been the norm. National Holidays and Other Public Holidays Act Schedule, Art. 2, 5(1) (1975): 14 public holidays. See also Organisation of Working Time Regulations Art. 8(5) (2007).
11. Overtime premia	1970: 0 2012: 0.5	Overtime Regulations 2012 Art. 4: 50%. Before this there was no statutory rate, but overtime was generally paid at 50%.
12. Weekend working	1970: 1	There is no statutory premium, but overtime for work on Sundays tends to be paid at 100% premium. The Hours of Employment Ordinance, No. 17 of 1936, conferred powers to regulate Sunday working.
13. Limits to overtime working	1970: 0 2012: 0.33	Working Time Regulations 2003: 48 hour week with unlimited overtime by agreement. Overtime Regulations 2012: overtime must not exceed an average of 48 hours over a 17 week reference period: OWTR Art. 7(3). However, the employee can consent in writing to work more than this: Arts. 15 and 20 OWTR. Before this overtime was regulated by individual wage orders.

14. Duration of the normal working week	1970: 0	There is no statutory norm. In 2001, the average working week was 40.1 hours.
15. Maximum daily working time	1970: 0.5	The Hours of Employment Ordinance, No. 17 of 1936, conferred powers to set daily and weekly rest periods. The 2003 Regulations provide for a minimum of 11 hours daily rest, implying a de facto daily limit of 13 hours. This can be modified or excluded by collective agreement: see Arts.15, 18 OWTR 2003.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	CERA 1952: Art .25(3) and Art. 36(5) EIRA 2002: 4 weeks.
17. Legally mandated redundancy compensation	1970: 0	There is no statutory provision for redundancy pay. It is common for employers and unions to negotiate or offer severance pay, particular in cases of collective redundancy.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	CERA 1952 Art. 25(1) the first month of any contract of service is a probationary period and during that period termination can occur without notice. This was amended in 1969 to allow for extension by up to 6 months by collective agreement. Similarly, Act XIX 2006 (Social Security (Amendment) Act 2006) provided that the initial 6 months of any employment contract shall be probationary unless otherwise agreed by the parties to be shorter. During this period termination can occur for any reason (Art. 36(2)) with one week's notice if there has been one month's continuous employment.
19. Law imposes procedural constraints on dismissal	1970: 0.33	EIRA 2002 Art. 36(1) provides that failure to give full and proper notice shall result in the employer being liable to pay half the wages that would be payable for the period of notice or if no notice is given at all, full wages. Failure to follow consultation procedures for collective dismissals results in a fine. However, there are no other statutory norms on procedural fairness in dismissal. Case law indicates that, in order to establish that there was sufficient cause for dismissal, at least two written warnings should be given.
20. Law imposes substantive constraints on dismissal	1970: 0	Under the CERA 1952, Art. 25(2), dismissal with notice was unrestricted, and dismissal without notice was unrestricted provided there was good and sufficient cause (Art.

	2002: 0.33	25(1)). EIRA provides for dismissal for redundancy or for a good and sufficient cause in accordance with Art. 64(4) and Art. 34(14) which provide a number of prohibited grounds.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.5	The possibility of reinstatement was first introduced in the Conciliation and Arbitration Act of 1948. Since EIRA 2002 the Industrial Tribunal has exclusive jurisdiction to decide all unfair dismissal cases and may order reinstatement when it considers that it would be practicable and in accordance with equity. Otherwise, compensation alone will be ordered. Case law indicates that reinstatement is not ordered when the employee occupied a position of special trust nor where the employee has not made a specific request. The same powers were contained in the IRA 1976 Art. 33.
22. Notification of dismissal	1970: 0 2002: 0.33 2006: 0.67	There was no requirement for written reasons under CERA 1952. Under EIRA 2002 the only requirement for individual dismissals is to provide written reasons. From 2006: information and consultation rights in respect of collective dismissals.
23. Redundancy selection	1970: 1	CERA 1952 (as amended in 1969) Art. 25(2A) introduced a last in first out rule. See also Art. 36(4) EIRA 2002.
24. Priority in re-employment	1970: 1	CERA 1952 as amended in 1969 introduced priority for at least one year. Under EIRA 2002, unfair dismissal also includes the situation of a failure by the employer to re-employ within one year a worker that has been made redundant as provided under Art. 36(3).
D. Employee representation		
25. Right to unionisation	1970: 0 1974: 1	Constitution (as amended in 1974) Art. 42(1) grants the right to freedom of association, with the specific reference the right to form or belong to a trade union.

26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1970: 0	The legal recognition of unions for the purposes of collective bargaining is unregulated. However, it is common practice for an employer to recognise a union representing 50% of workers in a given workplace or enterprise. However, there is no statutory duty to bargain nor a duty to bargain in good faith.
28. Extension of collective agreements	1970: 0	There is no mechanism for extension.
29. Closed shops	1970: 1	The closed shop is not prohibited. In practice there can be pressure on individuals to join one or other of the two principal trade unions, GWU and UHM.
30. Codetermination: board membership	1970: 0	There has never been a legislative basis for board membership, although it did appear as a matter of practice in some sectors from the late 1990s.
31. Codetermination and information/consultation of workers	1970: 0 2006: 0.33	Prior to 2006 there was no legal provision for workers' councils or committees. EIRA 2002 states that 'employee representative' means union representative. Since 2006, where the workers are not represented by a union, they may elect their own representatives, who enjoy consultation and information rights in line with those of trade unions. Since 2008, these information and consultation rights have applied in companies of 50 or more employees and before that (from 2006) to larger companies only.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Immunity from liability in tort is contingent upon the union's authorisation and the union's own immunity: Art. 64(4) EIRA 2002. See also Art.17 IRA 1976 codifying the Trade Dispute and Trade Union Ordinance 1945.
33. Political industrial action	1970: 0	Immunity exists only in relation to actions undertaken in pursuance of a trade dispute. The definition of trade dispute in EIRA and IRA precludes political action.

34. Secondary industrial action	1970: 1	Solidarity action is permitted, and immunity will exist provided that the action is authorized by a trade union.
35. Lockouts	1970: 0.5	There is no constitutional right to lock out. However, lockouts are subject to the same rules as strikes and are thus granted immunity provided they are authorised by an employers' association.
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 1	There is no waiting period or requirement for prior notice.
38. Peace obligation	1970: 1	There is no peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	IRA and EIRA 2002 (Arts. 68 and 69) provide for a system of voluntary conciliation and an additional power for the Minister to refer a trade dispute to conciliation or mediation. However, a strike will be unlawful if it violates any procedural requirements laid down in a collective agreement.
40. Replacement of striking workers	1970: 1	The industrial action suspends the contract of employment. An employer is not entitled to terminate the contract provided that the action is lawful: Art. 64(4) EIRA 2002. This was also the case under the IRA.

Mexico

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Federal Labour Law 1970, Art. 20: the employment relationship exists when work is exchanged for payment, regardless of the form of written or oral agreement. Art. 21: presumption in favour of existence of a contract of employment.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2012: 0.25	No specific provisions on part-time work in FLL 1970; FLL 2012, general anti-discrimination clause.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	FLL 1970, Arts. 45-50: no distinction between part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	FLL Arts. 35-7: specific reasons listed. From 2012 the scope to use FTCs for training was increased.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2012: 0.25	From 2012: general anti-discrimination principle.

6. Maximum duration of fixed-term contracts	1970: 0	FLL Art. 40 limits the period for which temporary workers can be required to provide services to one year, but there is no limited on cumulative duration of FTCs.
7. Agency work is prohibited or strictly controlled	1970: 0.5 2012: 1	Art. 14 FLL 1970 placed some restrictions on the use of intermediaries. From 2012, FLL places restrictions on use of agency work to combat use of outsourcing.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1	Art. 14 FLL requires workers supplied through intermediaries to have the same terms and conditions as workers of the user enterprise.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33	10 days for worker with 3 years' service: FLL 1970. Employees are entitled to 6 days' annual leave after their first year of employment and are entitled to two days' extra leave for each year of subsequent service – up until 5 years, after which point there will be two days' extra leave per 5 years served.
10. Public holiday entitlements	1970: 0.38	7 days: FLL 1970.
11. Overtime premia	1970: 1	Double time is the norm (Constitution, Art. 123; FLL 1970, Arts. 67-8).
12. Weekend working	1970: 0.25	Time and a quarter for Sunday working (Art. 71 FLL).
13. Limits to overtime working	1970: 1	Under Arts. 66 and 68 FLL, there is a limit on overtime of 3 hours per day, 3 times a week; if this is exceeded, a legal penalty may be levied and any additional hours attract a double-time premium.
14. Duration of the normal working week	1970: 0.13	48 hour normal working week (Art. 123 Constitution, FLL 1970 Art. 69).

15. Maximum daily working time	1970: 0.7	8 hours normally, extended by a further 3 in certain circumstances (see v. 13).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0	FLL 1970 does not mandate a minimum notice period.
17. Legally mandated redundancy compensation	1970: 1	FLL Art. 436: 3 months' salary plus a senior payment of 12 days per year of service. 15 years' service is required to qualify for a senior payment.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 2012: 0.97	FLL 1970 did not provide for a probation period. FLL 2012: 30 days trial period is the norm.
19. Law imposes procedural constraints on dismissal	1970: 1	FLL Art. 47: dismissal unfair if written notice not provided.
20. Law imposes substantive constraints on dismissal	1970: 1	FLL 1970 Art. 47 requires a justified ground which amounts to grave misconduct. From 2012 the list was extended but is still narrowly defined.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67	Under the Constitution, reinstatement and compensation are alternative remedies at the option of the employee. FLL Art. 50 states that there is no obligation to reinstate under specified circumstances.
22. Notification of dismissal	1970: 0.33 2012: 1	FLL 1970: notification to employee. Art. 435 FLL 2012 provides for approval from the public administration for collective dismissals and Arts. 900-919 FLL require consultation and notification of workers' representatives.
23. Redundancy selection	1970: 1	FLL Art. 437.
24. Priority in re-employment	1970: 1	FLL Arts. 438, 154.
D. Employee representation		

25. Right to unionisation	1970: 1	The Constitution, Art. 123(XVI) formally protects the right to unionise.
26. Right to collective bargaining	1970: 0	No constitutional protection for collective bargaining.
27. Duty to bargain	1970: 1	Art. 387: duty to negotiate a collective agreement if unionised employees request it.
28. Extension of collective agreements	1970: 0.5	FLL Art. 404 provides that firm-level agreements may be extended to sector level. Such extensions are unusual.
29. Closed shops	1970: 1 2012: 0.5	FLL 1970 allowed closed shop agreements. From 2012 partial restrictions were introduced.
30. Codetermination: board membership	1970: 0	No provision for board-level participation.
31. Codetermination and information/consultation of workers	1970: 0	No provision for works councils.
E. Industrial action		
32. Unofficial industrial action	1970: 0	In principle a strike must be called by the relevant trade union and spontaneous strikes are generally unlawful: FLL Art. 459.
33. Political industrial action	1970: 0	Strike action must be aimed at economic ends as set out in FLL Art. 450.
34. Secondary industrial action	1970: 0.5	Strikes must in general relate to the actions of the employer (FLL Art. 446) but it may be lawful to strike in support of another strike whose aims are lawful (FLL Art. 450).
35. Lockouts	1970: 0.5	The right to lock out is mentioned in Art. 123(A)(XVII) and legislation specifies in more

		detail when they may be instituted.
36. Right to industrial action	1970: 1	Art. 123(XVIII) refers to a right to strike 'harmonising labour rights with those of capital'.
37. Waiting period prior to industrial action	1970: 0	FLL1970 Art. 452: extensive pre-strike procedures.
38. Peace obligation	1970: 1	FLL Art. 450 sets out permissible grounds for a strike which may not be restricted by a clause in a collective agreement.
39. Compulsory conciliation or arbitration	1970: 0.25	FLL Art. 456 provides for a short conciliation procedure. Arbitration is not compulsory.
40. Replacement of striking workers	1970: 1	The employer may not hire replacement workers during a lawful strike.

Moldova

Moldova is coded from its independence in 1991

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	Labour Law Republic of Moldova 1973 (LL 1973) Art. 17: the labour contract is an understanding between workers and an enterprise, institution, organization whereby a worker undertakes to perform work of a specific kind subordinate to work rules in exchange for the organization's compliance with labour legislation, provision of working conditions and remuneration. Art. 20: the contract can be verbal or in writing, and where not in writing, (Art. 21) is assumed to commence on the actual beginning of work. LL Republic of Moldova 2003: Art. 45: the labour contract is an agreement between employee and employer whereby the employee agrees to perform work, corresponding to a certain speciality, qualification or position to which he is appointed, observing the regulations of the enterprise, and the employer commits to provide the worker with work and to obersve conditions as stipulated by the labour code…and pay full wages. Art. 58(3) with the contract should be reduced to writing but an employment assumed from the moment work has commenced.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 0.25 2003: 1	Labour Law Republic of Moldova 1973 (LL 1973) Art. 2: general anti-discrimination clause. See now Art. 5(e) LL 2003. In addition, broad protection for discrimination in work: Art.8. Art.2 (g) employer has a duty to provide equal pay for work of equal value. LC 2003 Art. 155(2) the calculation shall be in accordance with work actually done, and shall be undertaken in the same way as for full time employees. Art. 267(6) express right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	No distinction is drawn.

4. Fixed-term contracts are allowed only for work of limited duration	1991: 1	LL 1973: Art. 18(2) fixed term contracts can be concluded for a period not exceeding five years. They may not be concluded if the nature of the work is indeterminate. See now Art. 54(2) LL 2003 (max five years) Art. 55: an FTC can only be concluded for work of a temporary nature, and in specified circumstances.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0.25	See above: general protection against non-discrimination. While the LC 2003 set out extensive provisions governing specific types of contract, the laws applicable to FTCs do not include a specific right to equal treatment.
6. Maximum duration of fixed-term contracts	1991: 0.5	LL 1973 Art.18(2), LL 2003 Art.55: Five years. Continuation results in indeterminate contract.
7. Agency work is prohibited or strictly controlled	1991: 0	There are no restrictions.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	There is no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.8 2003: 0.96	LC 1973 Art.72: 24 days.LC 2003: Art.113: 28 days.
10. Public holiday entitlements	1991: 0.67	LC 1973 Art. 69: 12 days. Maintained Art, 111 LC 2003.
11. Overtime premia	1991: 0.75	LL 1973 Art. 94: at least 50% premium for the first two hours and 100% for the next two. See LC 2003: Art. 157(1)
12. Weekend working	1991: 1	LL 1973 Art. 62: the weekly rest day must include Sunday. Art. 95(1) double time. LC 2003 Art.1 09(1) two successive days of weekly rest, as a rule on Saturday and Sunday. Art.158: double pay.

13. Limits to overtime working	1991: 1	LL 1973 Art. 60 maximum 4 hours over two consecutive days and 120 hours per year. LC 2003: Art.105 (3) overtime cannot increase the overall working time above 12 hours in any one day.
14. Duration of the normal working week	1991: 0.67	LL 1973 Art.47: 40 hours. LC 2003: Art.95(2)
15. Maximum daily working time.	1991: 0.6 2003: 1	LL 1973: 8 hours plus maximum 4 hours overtime. LC 2003: Art. 100(6) in exceptional circumstances a longer working day of 12 hours can be implemented provided it is followed by at least 24 hours rest. Daily rest must be at least twice duration of working time: Art. 107(4).
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.67 2003: 0.33	LC 2003 Art. 184(1) 2 months for economic dismissals, one month for disciplinary dismissals.
17. Legally mandated redundancy compensation	1991: 0.17 2003: 0.33	LL Moldova 1973 Art.41: 2 weeks' severance pay. LC 2003: Art.168(1)(a) at least one months' pay – otherwise one week's pay for each year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.84 2003: 0.92	LL Moldova 1973 Art. 24: not to exceed three months' probation period or six months with prior agreement of the trade union committee. LC 2003: Art. 60(1) 15 days for unskilled workers, up to six months for mangers, three months' maximum for all others.
19. Law imposes procedural constraints on dismissal	1991: 1	LL 1973 Art.144: lays down procedures for all disciplinary measures. Only an authorised body can impose disciplinary sanctions, including disciplinary dismissal. LC 2003 Art. 208(1) a right to make written representations and in certain circumstances, Art. 208 (2) to an investigation.

20. Law imposes substantive constraints on dismissal	1991: 0.67	LL Moldova 1973 Art. 33: termination of the contract can only occur in specified circumstances. Art.38 allows dismissal on certain grounds. LL 2003: Art. 86(b).
21. Reinstatement normal remedy for unfair dismissal	1991: 1 2003: 0. 67	LL 1973: Art. 223: in the case of wrongful dismissal, the employee must be reinstated to his previous post. See now Art. 89(1) LC 2003. Compensation is also available for loss and in lieu or reinstatement.
22. Notification of dismissal	1991: 0.67	LL 1973: Art. 144(1) all disciplinary measures must be communicated in writing, with the grounds set out. Art. 210 LC 2003: any disciplinary sanction must be imposed through an order that sets out the reasons and grounds of punishment, terms in which the sanction can be contested and the body before whom it is possible to contest it. LL 1973 and 1993 provide for involvement of workers' representatives in decisions affecting workers' rights and interests.
23. Redundancy selection	1991: 0.5	LL Moldova Art.1973 Art. 39: lists selection criteria, primarily based on productivity level and skill. LC 2003 Art. 183(1)
24. Priority in re-employment	1991: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1991: 1	Constitution 1994 Art. 41: right to establish and join a trade union. The right was also recognised in the Soviet era Constitution.
26. Right to collective bargaining	1991: 0	No provision in the Soviet or Moldovan Constitution.
27. Duty to bargain	1991: 1	LL 2003: Art. 9(k) employees have the right to the conclusion of a collective agreement. Art. 10(i) the employer has an obligation to negotiate and conclude collective agreements. See also Art. 26(1). In the Soviet Era, regulations on the procedure to be followed in concluding collective agreements made the conclusion of collective agreements compulsory. The Trade Union Law 2000 also established the right to conclude collective agreements. Art. 15(2) obliges an employer to negotiate and conclude a collective agreement.

28. Extension of collective agreements	1991: 0	There are no extension mechanisms.
29. Closed shops	1991: 0	Trade Union Law 2000 Art. 6(2), (3) prevents dismissal on grounds of trade union membership, or pressure being imposed to require an employee to join or not any union.
30. Codetermination: board membership	1991: 0	There are no provisions.
31. Codetermination and information/consultation of workers	1991: 1	LL 1973 Art. 109: any changes in work rules must be agreed in advance with the trade union committee. Art. 234: workers have the right to participate in management, through general meetings of labour collectives, and submitting proposals. Art. 236: the employer must establish conditions that ensure employee participation. The management is obliged to comment on the proposals and submit these to the employees. LL 2003: Art. 5(i) grants workers the right to participate in management in a manner to be prescribed by law. Art. 10(m) employer duty to establish conditions for participation in management. Art. 42 provides a number of options for guaranteeing the right to participation at enterprise level including co-operation with the employee representatives over rights and interests of labour, with the employer as concerns social partnership, and any other forms not contradicting the legislation.
E. Industrial action		
32. Unofficial industrial action	1991:0	Law on the settlement of labour disputes USSR 1990 (CLCL) Art.7 requires all decisions to to take part in strikes be endorsed by secret ballot at a meeting of the workers' collective. LC 2003 envisages strikes in relation to collective labour conflicts and states that the interests of workers are put forward by their representatives. Art. 364(1) confers the right to declare a strike on the trade union.
33. Political industrial action	1991: 0	Law on the settlement of labour disputes USSR 1990 Art.12(a) political strikes are illegal. LC 2003: Art. 363(2) prohibition on strikes pursuing political purposes.

34. Secondary industrial action	1991: 0 2003: 0.5	LC 2003: strikes can be declared at territorial, branch or national level. Solidarity strikes are possible.
35. Lockouts	1991: 1	There is no regulation of lockouts. There is no right to lockout, but nor is there any prohibition.
36. Right to industrial action	1991: 0 1994: 1	Constitution 1994: Art.45
37. Waiting period prior to industrial action	1991: 0	LC 2003 Art. 362(4): 48 hours' notice. Law on the Settlement of Labour Disputes USSR 1990 Art.7: 5 days' notice had to be given.
38. Peace obligation	1991: 1 2003: 0.25	LL 2003: Art. 32(2)(m): it is possible to include a peace obligation in a collective agreement.
39. Compulsory conciliation or arbitration	1991: 0	LC 2003: Art. 362(3) a strike can be declared only after all means of settlement that are part of the statutory reconciliation procedure have been exhausted. Law on the settlement of labour disputes USSR 1990 Art.3 also made conciliation compulsory.
40. Replacement of striking workers	1991: 1	Law on the Settlement of Labour Disputes USSR 1990 Art.13 provides for protection against dismissal for striking workers. LC 2003 Art. 76(l): participation in a strike suspends the contract. Art. 363(7): prohibition on replacement of striking workers. Art. 363(8): participation in the strike cannot have negative consequences for the worker.

Mongolia

Mongolia is coded for the period following the democratic revolution of 1990.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 1 1999: 0.25	Art.11 LC 1973: a labour contract is an agreement between the working person and the enterprise in the course of which the workers assumes the obligation to fulfil work relating to a specified speciality, qualification or office while being subordinate to the rules for internal order and the enterprise. The employer is bound to pay wages to the working person and apply the labour conditions provided for by legislation, the collective contract and the agreement of the parties. Art.12 any refusal to hire for work is unlawful. Art.23 all contracts must be authorised by an order/decree, but the period that work commences is seen to be decisive. The definitions in Art.3 LC 1999 maintain this position. However, Article 21(3) states that if all the mandatory matters to be included in a contract of employment have not been agreed upon, the contract shall not be considered established, and is now to become effective only on the date on which it is signed (Article 21(7)).
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0.67 1993: 0	By virtue of the Constitution, Article 17, under the socialist regime, income was distributed in accordance with quality and quantity of work and the principle 'from each according to his ability, to each according to his labour. See also Arts. 76 and 77 Constitution 1960 on equal pay for equal work. See also Art. 2 LC 1973. Art. 50: payment for part time work shall be proportionate to work undertaken. See also Art.26 Soviet Code 1970. No equal pay or specific protection for part time workers in the 1992 Constitution or 1999 labour code.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	No distinction is made.

4. Fixed-term contracts are allowed only for work of limited duration.	1990: 1 1999: 0.33 2003: 1	LC 1973 Art. 15: FTCs may only be concluded for a period not exceeding three years or for a specific task. Art.26 and 27 covers seasonal workers and temporary workers with limited duration contracts and lists further grounds for concluding an FTC. LC 1999 allows for indefinite contracts depending on the nature of the work and duties to be performed. Art. 23(2) was amended in 2003 and lists specific grounds on which FTCs can be concluded, as in the 1973 legislation.
5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0.25 1992: 0	By virtue of the Constitution, Art. 17, under the socialist regime, income was distributed in accordance with quality and quantity of work. ("From each according to his ability, to each according to his labour") See also Art. 2 LC 1973. This is consistent with the earlier Soviet legislation. The 1992 Constitution does not contain a similar provision, and the Labour Code does not contain provisions for equal pay for equal work.
6. Maximum duration of fixed-term contracts	1990: 0.7 1999: 0	LC 1973 Art. 15(b): not to exceed three years. Art. 25 if work continues, the contract will be considered indefinite. Art. 23(3) LC 1999 allows for implicit renewal for the initial term if work continues after its termination. Art. 25(2) was amended in 2003 to impose an initial term maximum of 5 years but imposes no limits on renewals.
7. Agency work is prohibited or strictly controlled	1990: 0	There are no provisions on agency work. Mongolia ratified ILO Convention no.181 on private employment agencies in 2015.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0	No provision.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.5	LL 1973 Art.64: 15 days. The Soviet Code also entitles the worker to 15 days. (Art.33). See Art. 79(2) LC 1999.
10. Public holiday entitlements	1990: 0.44	LL 1973 Art.61: 8 days. The USSR Labour Code 1970 also gives rise to 8 days. (Art. 31) See Article 79 LC 1999.

11. Overtime premia	1990: 0.75 1999: 0.5	LL 1973: Art 89: 50% first two hours, 100% second two. Article 40 LC USSR also establishes these rates. LC 1999 Article 53: at least 50%.
12. Weekend working	1990: 1 1999: 0.5	LL 1973 Art.58: 42 hours uninterrupted weekly rest; one common day off to be granted on a Sunday. Art.90 work shall be remunerated at double the normal rate. The USSR legislation contained similar provisions. LC 1999 Article 53: at least 50%. Article 77: weekly rest in principle includes Saturday and Sunday.
13. Limits to overtime working	1990: 1 1999: 0	LL 1973 Art.55: 4 hours in any two days, 120 hours in any year. See also Art.27 USSR Code 1970. The LC 1999 contains no limits, but regulates when overtime can be worked.
14. Duration of the normal working week	1990: 0.27 1999: 0.67	LL 1973: 46 hours. Art. 47 (6 hour work day on the eve of weekly rest day; 8 hour days all other days of work) LC 1999 Art. 70(1): 40 hours.
15. Maximum daily working time.	1990: 0 1993: 0.6	No legislatively prescribed minimum rest period before 1993. LC 1999 Article 70(3) at least 12 hours uninterrupted rest.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0 1999: 0.33	LC 1999 Art. 40(5): one month.
17. Legally mandated redundancy compensation	1990: 0.17 1999: 0.33	LC 1973 Art.37: severance pay of two weeks' wages. Art.19 LC USSR 1970 contains similar provisions. Art. 42 1999: severance pay: one month. Art. 42(2): additional compensation may be agreed if a large number of employees have been dismissed.
18. Minimum qualifying period of service for normal case of unjust	1990: 0.94	LC 1973: Art.23 probation periods must be concluded. They must not exceed 1 week for workers, 2 for employees, and one month for executive workers. The USSR

dismissal	1999: 0 2003: 0.83	legislation did not specify a maximum. LC 1999 did not specify a maximum. Art. 23(2)(3) was amended in 2003 to impose a limit of 6 month.
19. Law imposes procedural constraints on dismissal	1970: 0.67 1999: 0.33	LC 1973 Art.35 the employer must first consider transfer to alternative employment. Art.36 dismissal without prior authorisation from the TU committee will render the dismissal void and entitle the employee to reinstatement. LC 1973 Arts.119 and 120 impose procedures for discipline, including a hierarchy of sanctions according to gravity of conduct, the obligation to provide the worker with an opportunity to respond in writing or orally, and to provide a right of appeal. Under the Soviet-Era Labour Code, Art.91 required reinstatement for non-observance of proper procedure for labour discipline. LC 1999 Art. 131-132 lists potential grounds for labour discipline, and proscribes time limits, but no longer sets out a right to be heard.
20. Law imposes substantive constraints on dismissal	1990: 0.67	LC 1973 Art. 32 and 33 lists permissible grounds for termination, including economic, disciplinary, inadequacy and incapacity. See also Article 40(1) LC 1999.
21. Reinstatement normal remedy for unfair dismissal	1990: 1	LC 1973 Art.36: reinstatement for dismissal without authorisation. Art.37 entitles the worker to a severance benefit. Art.203: employees wrongfully dismissed should be reinstated. LC 1999 Article 36(2) the court shall require reinstatement for unlawful dismissal.
22. Notification of dismissal	1990: 1 1999: 0.67	LC 1973 Art.3 6 dismissals require the prior consent of the trade union committee. Art.122 all disciplinary sanctions must be notified to the TU committee and the worker. LC 1999 Art. 40(5): notification to TU committee 45 days in advance if dismissals result from dissolution of the enterprise. There is no express obligation to provide reasons for dismissals.
23. Redundancy selection	1990: 0	No provisions.
24. Priority in re-employment	1990: 0	No provisions.
D. Employee representation		

25. Right to unionisation	1990: 1 1999: 0.33	Constitution 1960 Art. 82: the right to unite in trade unions. Constitution 1992 Art. 16(1) grants freedom to associate in political and other organisations.
26. Right to collective bargaining	1990: 0	No right to collective bargaining.
27. Duty to bargain	1990: 1	In the socialist era, trade unions did not engage in collective bargaining to protect workers' interests. Their main functions related to their role in supervising the observance of labour standards, and in administering social insurance and worker health and recreation facilities. In 1973, the LC introduced a new chapter on the collective contract. This was to be concluded between trade unions and employers in every enterprise: Art. 4 Trade Unions rights Act 1991 Art. 5(1) establishes the right to negotiate and conclude a collective agreement. LC 1999 Art. 8 lays down principles to be observed in the conclusion of collective agreements. While one such principle is 'that obligations be voluntarily undertaken', an additional one is 'openness' and 'full discussion of the issues pertaining to the conclusion of a collective agreement'. Art.9 requires that all parties provide the other party with all relevant information. This operates akin to a duty to bargain in good faith. Art.12 establishes a duty to begin negotiations after receiving a notice requesting the commencement of negotiations.
28. Extension of collective agreements	1990: 0	No extension provisions.
29. Closed shops	1990: 0	No provisions in early labour codes. Trade Union Rights Act 1991 Art.3 allows complete freedom to join or not join a union, and in choice over which union to join.
30. Codetermination: board membership	1970: 0	No provisions
31. Codetermination and information/consultation of workers	1990: 1	LC 1973 Art.2 grants workers the right to participate in management of production Art.184 gives them the right to participate through trade unions and other social organizations, in the discussion and deciding of questions of production development, and to submit proposals concerning the improvement of the work of enterprises. The administration is obliged to create conditions that encourage

		participation.
E. Industrial action		
32. Unofficial industrial action	1990: 0	LC 1999 Art. 119: the right to strike is accorded to representatives of the workers. Art.120 requires that a decision to strike be taken at a meeting of worker representatives. See also Art. 121(1). The 1991 Trade Union Law Art. 1(9) grants unions the right to strike.
33. Political industrial action	1990: 0	LC 1999 Article 119 lists narrow grounds upon which strikes can be conducted. They must relate to the collective agreement and conduct of the employer in reconciliation.
34. Secondary industrial action	1990: 0	LC 1999 Art. 120(3): third parties are not allowed to organise a strike.
35. Lockouts	1990: 1	LC 1999 Art. 119(4) prohibits lockouts ('the exercise of the right to strike by employers'). However, Art. 120(6) allows an employer which does not accept the employee's demands to temporarily deny access to the workplace.
36. Right to industrial action	1990: 0	No right to strike in the 1960 Constitution, nor that of 1992.
37. Waiting period prior to industrial action	1990: 0	LC 1999 Article 120(5) at least 5 days' notice.
38. Peace obligation	1990: 1	There are no provisions.
39. Compulsory conciliation or arbitration	1990: 0	LC 1999 Article 116(1) and (2): collective disputes must be resolved by mediation and arbitration which are both compulsory.
40. Replacement of striking workers	1990: 0 1999: 1	LC 1999 Article 124(2) the employer cannot dismiss transfer or discipline employees participating, or who have participated in a strike. Article 141(1),(9) imposes liability on employers who replace striking workers.

Montenegro

Montenegro is coded from the date of its independence in 2006.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	2006: 0.5 2008: 1	Law on the Basic Rights in Employment applicable to the SFRY (LL SFRY) 1989: an employee is anyone in a labour relation with an employer. A labour contract is deemed concluded on signing. Where the contract is not concluded in writing, a labour relation will be assumed from the moment the employee commences work. Montenegro LC 2003: a labour relation is deemed to begin at the moment of signing. Art.158 (4) subjects an employer who fails to enter into an agreement before work begins to a financial penalty. LC 2008: Art.3: the employment relationship is a relationship based on employment between an employee and an employer that is established by a contract of employment. Art. 21(3) the contract is considered concluded on signing. Art. 22(2) if no contract has been concluded in writing, an employment relationship will be presumed to have commenced at the moment the work commences. Art. 172(5) – penalty for failure to conclude a contract before work commences.
2. Part-time workers have the right to equal treatment with full-time workers	2006: 1	LL SFRY Art. 23(2) those working fewer than 42 hours per week are entitled to the same rights as those working full time. See also Art. 27. (See also - Serbian LC 2001 Art.41.) LC 2003 Art. 39(3) right of part-time workers (defined as working at least 10 hours per week) to proportionate treatment. See Art. 31(2) LC 2008.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	2006: 1	No distinction made.
4. Fixed-term contracts are allowed only for work of limited duration.	2006: 1 2008: 0	LL SFRY Art.12: fixed term contracts permitted in specifically defined circumstances, for seasonal jobs, work on a project, work in the navy limited to twelve months, replace absent workers and in circumstances of unforeseen increases in productivity. See also

	2011: 1	Serbian LC 2001 Art. 37. LC 2003 Art. 14: specifically lists the purposes for which a fixed term contract can be concluded. LC 2008 contained no limits on the reasons for concluding an FTC. This was amended in 2011: Art. 25(1): a fixed term contract can be concluded for the performance of certain jobs whose duration is predetermined for objective reasons or due to unforeseeable circumstances or events.
5. Fixed-term workers have the right to equal treatment with permanent workers	2006: 1	LL SFRY Art.12: those employed for a definite period have the same rights and duties as those employed for an indefinite period. Art.13(2) LC 2003: specific right to equal treatment. See now Art. 25(5) LC 2008.
6. Maximum duration of fixed-term contracts	2006: 1 2011: 0.8	LL SFRY Art.12: maximum 12 months. Transformed into an indefinite term contract if work continues more than five days after expiry of the term. See also Serbian LC 2001 Art.37. LC 2003 and LC 2008 contained no limit. LC 2008 (as amended 2011) Art.25(2) maximum cumulative duration of 24 months. Only exceptionally, to replace an employee that is temporarily absent, may this limit not apply.
7. Agency work is prohibited or strictly controlled	2006:0 2008: 0.5	Agency work was unregulated prior to 2008. LC 2008, Art. 43: agency work is subject to a number of restrictions: agency contracts cannot be used to replace striking employees, to fill posts left open by redundancies in the last 12 months, or in other situations to be established by collective agreement.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	2006: 0 2008: 1	Agency work was unregulated until 2008. LC 2008 Art.43c(4): specific right to equal remuneration. Art.43(d) any worker who feels his rights have been violated during the period of work with the user can claim these rights against the agency. Art.43(f)(1) the user shall be treated as the employer as regards obligations concerning health and protection at work.
B. Regulation of working time		
9. Annual leave entitlements	2006: 0.64 2008: 0.67	LL SFRY Art.31 18 working days. Serbian LC 2001 Art.69 20 days. Art.53(1) LC 2003: 18 days.. General Collective Agreement 2003 Art. 6(1)(a): increase of 1 day for those with service between 1 and 15 years. LC 2008: Art. 65(1): 20 days.

10. Public holiday entitlements	2006: 0.67 2008: 0.72	There were 12 days under Yugoslav law. Law on the National Holiday (2004): 12 days; Act on National and other Holidays: 13 days (Independence day added). LC 2008: Art. 74(1): right to paid leave for public holidays.
11. Overtime premia	2006: 0.4	General Collective Agreement 2003 and 2014: 40%. LC 2008 Art. 82(1) entitlement to compensation for overtime work to be determined by collective agreement.
12. Weekend working	2006: 0 2008: 0.5	LL SFRY Art.30: weekly rest but no day specified. To the same effect is Art. 51(1) LC 2003. LC 2008: Art. 62(1) at least 24 consecutive hours rest per week. Art. 62(2) weekly rest: Sunday specified. No premium specified. Art. 62(5): compensatory rest day in lieu.
13. Limits to overtime working	2006: 0 2008: 1	LL SFRY Art. 23(2) 10 hours per week. Serbian LC 2001 Art.53: 4 hours per day, 8 hours per week. LC 2003 Art. 42: no specific limit.. LC 2008 Art. 49(2) no more than 10 hours per week.
14. Duration of the normal working week	2006: 0.67	LL SFRY: Art. 23(2): 42 hours. Serbian LC 2001 Art.53: 40 hours. LC 2003: Art 35(1) – 40 hours. See Art. 44(1) LC 2008.
15. Maximum daily working time.	2006: 0.4	12 hours: LC 2003 Art. 50(1); LC 2008 Art.61.
C. Regulation of dismissal		
16. Legally mandated notice period	2006: 0.33 2008: 0.17 2011: 0.33	There was no specific period defined in earlier legislation (LL SFRY) Serbian LC 2001 Art. 189: one month. LC 2003 Art. 114(1) one month. LC 2008: Art. 144(1): 15 days. This was extended to 30 days in 2011.
17. Legally mandated redundancy compensation	2006: 1	Serbian LL 2001: Art.158: minimum 1/3 annual salary: 4 months. LL SFRY Art.21: provision for severance pay but no precise figure. LC 2003: Art. 117(1) at least 6 months' average wages. LC 2008 as amended in 2011 Art. 94(1) at least 1/3 monthly pay for each year of employment. Art. 94(2) this sum must not be less than three months

		of wages. .
18. Minimum qualifying period of service for normal case of unjust dismissal	2006: 0.83	LL SFRY Art 14: probationary periods can be agreed, for a period not exceeding six months. LL 2001 Serbia: 6 months. LC 2003 Art. 22(2) maximum 6 months. See Art. 19(2) LC 2008.
19. Law imposes procedural constraints on dismissal	2006: 1	LL SFRY: for disciplinary dismissals, the Disciplinary Commission will begin disciplinary proceedings which includes a right to be heard and to representation, to examine the gravity of the conduct and establish fault. See specifically Art.63. Art.67 imposes time constraints on when disciplinary measures can be taken: within six months of the violation. There are no specific procedural requirements in the Serbian LL 2001. LC 2003 Art. 34(4) imposes a detailed procedure to ascertain competency for the purposes of dismissal for incapability/poor performance. Art.97 dictates a procedure for the investigation of employee misconduct to be undertaken prior to dismissal. See Art.125-129 LC 2008. Art.143b requires written notice be given, the reasons set out, and an opportunity to respond. It also requires prior warnings. Article 39 General Collective Agreement 2003 and 2014 further elaborate on the procedure required in all disciplinary proceedings.
20. Law imposes substantive constraints on dismissal	2006: 0.67	LL SFRY Arts. 55 and 58: lays down the sort of conduct that could justify termination of employment as an appropriate disciplinary measure. Art.75 lists possible grounds for dismissal. See Serbian LC 2001 Art.179. LC 2003 Art.95 prescribes the forms of conduct that can result in dismissal and those which can (alternatively) merely result in a fine. Article 108 lists all the permissible grounds for dismissal, including misconduct, incapacity and economic grounds. See Art.143 LC 2008. This sets down 16 possible grounds This was amended in 2011 and restricted to 8 exhaustive grounds (Art.143(1)) In addition, the 2011 amendment introduced Art.143a which introduces a number of prohibited grounds for termination.
21. Reinstatement normal remedy for unfair dismissal	2006: 1 2008: 0.33	LC 2003 Art. 158(9): the employer is subject to a penalty if he fails to allow an employee not dismissed in accordance with the law back into employment. LC 2008 as amended in 2011: compensation for unlawful dismissal (Art.143d).

22. Notification of dismissal	2006: 0.33 2008: 0.67	LC 2003 Art.112: written notice must be given and this must give the reasons for the dismissal. Art. 115(3) requires notification to the union for dismissals based on redundancy. LC 2008 Art. 92(1): notification in the event of collective redundancies. Art. 143b(1) requires prior notice and reasons in writing and art.143b(4) requires that the notice be given to the union with the purpose of obtaining its opinion.
23. Redundancy selection	1991: 0	Serbian LL 2001 Art.155: the employer will formulate the criteria in consultation with the trade union. LC 2008 Art. 93(2): criteria to be determined and submitted to the union but otherwise not regulated.
24. Priority in re-employment	2006: 1 2008: 0	LC 2003: Article 115(1) one year. No provision in LC 2008.
D. Employee representation		
25. Right to unionisation	2006: 1	Constitution SFRY 1992 grants the right to join trade unions. Art.53 Constitution of Montenegro 2007.
26. Right to collective bargaining	1991: 0	No provisions.
27. Duty to bargain	2006: 1	LC 2003 Art. 6(1) the employer has the duty to create conditions conducive to participation in the conclusion of a collective agreement. Article 128(1) LC 2003 prescribes a hierarchy of collective agreements with general collective agreements compulsory. Similarly Art.148 LC 2008. Art. 151(4) requires arbitration if, following notice of the desire to negotiate, no agreement is reached within three months.
28. Extension of collective agreements	2006: 0	No provisions in LC 2003 or 2008.
29. Closed shops	2006: 0	Art.53 Constitution Montenegro and Art.5 provide for free choice in organisation. Art.53 states nobody shall be forced to join an association.

30. Codetermination: board membership	1991: 0	No provisions.
31. Codetermination and information/consultation of workers	2006: 0.67 2008: 0.5	LC 2003 Art. 4(1) in establishments where more than 20 employees are employed, there is a right to form workers' councils, who enjoy rights to provide opinions on a number of matters affecting workers. LC 2008 Art.12: employees have the right to participate in bargaining when concluding collective agreements, to be consulted, informed and to express his/her own positions regarding the important issues in respect of employment directly or through his/her representatives.
E. Industrial action		
32. Unofficial industrial action	2006: 0	Strike Act 2003 requires the decision to go on strike be taken by the trade union at the relevant level. Strike Act 2014 makes it clear that the right to strike is accorded to Unions and not individuals, with the right to strike conditional upon the union's representativeness. Strike Act 2015 Art.13: the decision to go on strike must be taken by a strike committee, made up of the representative union.
33. Political industrial action	2006: 0	Serbian Strike Act 1996 Art.1 a strike is a stoppage of work undertaken to defend workers' economic or professional interests. Strike Act 2003 Art. 1(1) a strike is defined as a stoppage of work for the purposes of defending economic and professional interests.
34. Secondary industrial action	1991: 1	Art. 2(1) Strike Act 2003: allows for strikes which are at employment unit, sector or general level. Strike Act 2015 Art. 10(4) expressly permits solidarity strikes.
35. Lockouts	1991: 1	There is no mention of a right to lockout in legislation or in the Constitution. Art.14 introduces a right to lockout non-striking employees after 30 days of the beginning of a strike, to terminate by the time the strike ends.
36. Right to industrial action	1991: 1	Constitution 1992 SFRY Art. 57.
37. Waiting period prior to industrial action	1991: 1 1996: 0	Strike Act 2003 Art. 5(1): at least five days' notice. Strike Act 2015: Art.12.

38. Peace obligation	1991: 1	No provision.
39. Compulsory conciliation or arbitration	2006: 0 2008: 0.5	Labour Code 2003 Art. 124 requires the resolution of disputes to be submitted to binding arbitration. The original Strike Act Art. 6(3) also required compulsory arbitration for all strikes without distinction where not resolved within 30 days. Law on Peaceful Dispute Resolution 2008 Art.6: voluntary participation in peaceful settlement procedures. LC 2008 replaces the need for compulsory arbitration with a voluntary reconciliation procedure (Art.121) and repeals certain sections of the strike act. However, it did not repeal Art. 6(3) of the Strike Act, and Art.69 Collective Agreement 1/04 requires compulsory arbitration. Art.68 Collective Agreement 2015 refers to voluntary arbitration in case of dispute over the collective agreement.
40. Replacement of striking workers	2006: 1	Strike Act 2003 provides protection against dismissal. The Labour Code also prevents the use of agency workers to replace striking workers and the replacement of such workers more generally. See also Art. 23(5) Strike Act 2003. Art. 16(1) requires that striking workers in state bodies and the police be dismissed for organising a strike. Strike Act 2015 Arts.28 and 29 prevent the replacement of striking workers, and termination of employment by reason of strike.

Morocco

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The approach is a substantive one of identifying the employment relationship in terms of work done for another in return for remuneration, with indicators set out in law (see Employment Regulation Decree 1947; Dahir No. 1-03-194, 2003).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1972: 0.25	Dahir No. 1-72-219, applicable to agriculture and forestry, provided that no discrimination should be made between workers if their work, skill and output were the same. There are now general provisions on discrimination (Dahir No. 1-03-94, 2003) but no reference to contract as a prohibited ground.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There are no specific exclusions of part-time work from dismissal protection.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1972: 0.67 2003: 1	Dahir No. 1-72-219, applicable to agriculture and forestry, referred to temporary workers as those employed to undertake temporary or seasonal work. Dahir No. 1-03-194, Art. 16, provides that a fixed-term contract may be concluded where it is not possible for a contract to be of indeterminate duration, and lists specific cases.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1972: 0.25	Dahir No. 1-72-219, applicable to agriculture and forestry, provided that no discrimination should be made between workers if their work, skill and output were the same. There are now general provisions on discrimination (Dahir No. 1-03-94, 2003) but

		no reference to contract as a prohibited ground.
6. Maximum duration of fixed-term contracts	1970: 0 2003: 0.8	Dahir No. 1-03-194 limits FTCs to 12 months with one renewal. In the agricultural sector the limit is 6 months renewable with a cumulative limit of two years.
7. Agency work is prohibited or strictly controlled	1970: 0 2003: 0.67	Dahir No. 1-03-194, Arts. 86-90, regulates the relationship between agency and user. Art. 495 specifies situations in which agency work may be undertaken and sets time limits.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1972: 0.5	Employment Regulation Decree 1947, Art. 8: the employer must apply the decree to workers of a subcontractor as if they were its own employees. Dahir No. 1-72-219, Art. 40: general anti-discrimination provision. Dahir No. 1-03-194, Art. 478: the agency must avoid discrimination, but this does not amount to a right to equal treatment with the employees of the user undertaking.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6	18 days has been the norm (Dahir No. 1-6-209, Art. 3(2), (3); Dahir No. 1-72-219, Art. 20; Dahir No. 1-03-194, Art. 231).
10. Public holiday entitlements	1970: 0.17 1973: 0.5 1977: 0.61 1988: 0.74 1993: 0.89	From 1962: 3 days; from 1973: 9 days; from 1977, 11 days; from 1983, 13 days; from 1988, 15 days; from 1993, 16 days; from 2005, 15 days (various regulations, most recently Dahir No. 2-04-426).

	2005: 0.74	
11. Overtime premia	1970: 0.63	25% for the first two hours and 100% for subsequent hours (Act No. 406 1950, Art. 9); Dahir No. 1-03-194, Art. 201.
12. Weekend working	1970: 0.5	50% premium or time off (Hours and Weekly Rest Decree 1947, Art. 5; Dahir No. 1-72-219, Art. 18; Dahir No. 1-03-194, Arts. 201, 206.
13. Limits to overtime working	1970: 1	208 hours of overtime in a year, Act No. 406, 1950, Art. 8. 10 hour daily limit and 60 hour week inclusive of overtime: Dahir No. 1-03-194.
14. Duration of the normal working week	1970: 0.13 2004: 0.4	48 hours (Act. No. 406, 1950, Art. 3); Dahir No. 1-03-194: 44 hours.
15. Maximum daily working time	1970: 0.8	Maximum 10 hour working day: Act No. 406, 1950; Dahir No. 1-03-194, Art. 184.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1972: 0.09 2004: 0.33	Dahir No. 1-72-219 (agriculture and forestry): 8 days for a worker paid weekly or fortnightly, one month for a monthly paid worker. Dahir No. 1-03-194: minimum of 8 days, with provision for longer periods to be set by specific statutes, collective agreements or contracts. Decree 2-04-469: one month for both blue and white collar workers with between 1 and 5 years' service.
17. Legally mandated redundancy compensation	1970: 0.25 2003: 0.54	Royal Decree No. 316-66, Art. 1: 48 hours for the first 5 years of service (equivalent to three weeks). Dahir No. 1-03-194, Art. 53: 96 hours (equivalent to 6 weeks for workers with 3 years' service).
18. Minimum qualifying period of service for normal case of unjust	1970: 0.67	Royal Legislative Decree No. 316-66, Art. 1: one year. Dahir No. 1-03-194, Art. 14: 15 days maximum for workers, one and half months for employees, 3 months for senior

dismissal	2003: 0.99	grades.
19. Law imposes procedural constraints on dismissal	1970: 1	Dahir No. 1-72-219 (agriculture and forestry), Art. 6: detailed procedural requirements including warnings and an opportunity for the worker to state his case. Dahir No. 1-03-194, Art. 38: sanctions must be applied incrementally over the course of a year. Art. 62 refers to a process to be followed before a worker may be dismissed for serious misconduct.
20. Law imposes substantive constraints on dismissal	1970: 0.33 1972: 0.67	Royal Legislative Decree No. 316-66, Art. 1: compensation payable unless the worker is guilty of serious misconduct. Dahir No. 1-72-219 (agriculture and forestry): dismissal requires a valid reason based on abilities or conduct or the needs of the enterprise. Dahir No. 1-03-194, Arts. 35 and 39, are to similar effect.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 2003: 0.5	Royal Legislative Decree No. 316-66, Art. 1: compensation. Dahir No. 1-72-219 (agriculture and forestry): compensation. Dahir No. 1-03-194, Art. 41: compensation, although if the worker elects for conciliation, reinstatement may be awarded.
22. Notification of dismissal	1970: 0.33 2003: 0.67	Dahir No. 1-72-219 (agriculture and forestry): notification to the worker. Dahir No. 1-03-194, Art. 41, Art. 64: notification to the labour inspector.
23. Redundancy selection	1970: 0 1972: 1	Dahir No. 1-72-219 (agriculture and forestry), Art. 9, and Dahir No. 1-03-194, Art. 71: criteria based on factors including length of service, family responsibility and disability.
24. Priority in re-employment	1970: 0 2003: 1	There is a right to priority in re-employment from 2003: Dahir No. 1-03-194, Art. 71.
D. Employee representation		

25. Right to unionisation	1970: 1	Freedom of association is protected by Art. 9 of the 1970 Constitution.
26. Right to collective bargaining	1970: 0.9	The right to organise to collectively bargain are understood to be implied by the freedom of association provisions of the Constitution.
27. Duty to bargain	1970: 0	Dahir No. 1-57-067 1957, requires parties to collective agreements to abstain from acts likely to impair their execution in good faith. Dahir No. 1-03-194 Art. 471 grants the representative union the right to negotiate and conclude collective agreements but does not require the employer to bargain as such
28. Extension of collective agreements	1970: 1	Dahir No. 1-57-067 Art. 23 and Dahir No. 1-03-194 Art. 133 both provide for extension.
29. Closed shops	1970: 0	There are no laws explicitly prohibiting the closed shop but also none authorising or supporting it
30. Codetermination: board membership	1970: 0	There is no law mandating worker directors.
31. Codetermination and information/consultation of workers	1970: 0.5	Successive laws have provided for elected workers' representatives with consultation rights (Dahir No. 1-61-116, 1961, Art. 13; Dahir No. 1-03-194, Arts. 66, 430, 431.
E. Industrial action		
32. Unofficial industrial action	1970: 0.5	Dahir No. 1-03-194, 2003, Art. 549, defines a collective dispute as involving either a trade union or a group of workers.
33. Political industrial action	1970: 0	Dahir No. 1-57-119 Art. 1 refers to the purposes of industrial associations as the defence of the common economic, industrial, commercial and agricultural interests of their members. Dahir No. 1-03-194, 2003, Art. 549 refers to a collective dispute in terms of the defence of the interests of the workers taking part in it.

34. Secondary industrial action	1970: 0.5	There is no specific provision on secondary action. However, Dahir No. 1-03-194 Art. 549 refers to a collective dispute in terms of the defence of the interests of the workers taking part in it, which would imply some limit on the scope of secondary action.
35. Lockouts	1970: 0.5	There must be conciliation before a strike or lockout can proceed: Dahir No. 1-03-194, Arts. 551 et seq.
36. Right to industrial action	1970: 1	The 1970 Constitution, Art. 14, protects the right to strike.
37. Waiting period prior to industrial action	1970: 0	All disputes must first be submitted to a conciliation and arbitration process which is involves delays of various kinds: Dahir No. 1-03-194, Arts. 551 et seq.
38. Peace obligation	1970: 0 2003: 0.5	Dahir No. 1-57-067, 1957, requires employers' associations and unions not Dahir No. 1-03-194, to take steps which would interfere with the execution of a collective agreement. Under Dahir No. 1-03-194 there is a restriction on industrial action during the first year of a collective agreement.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation and arbitration are compulsory: Decree of 1946, Art. 1; Dahir No. 1-03-194, Arts. 551 et seq.
40. Replacement of striking workers	1970: 0	Dahir No. 1-03-194, Art. 16, prevents the use of a temporary contract to replace an employee on strike, and Art. 496 prevents the use of agency labour in the same situation. However, there is otherwise no constraint on hiring replacement labour.

Myanmar

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 2011: 1	For the purposes of the Leave and Holidays Act, 'employee' means any person who is employed, whether permanently or temporarily, either in or upon any trade or industry or establishment specified in the Schedule to the Act, and employed either on wages or on basic pay not exceeding 400 rupees per month, but does not include: (i) family members; (ii) persons who are remunerated out of profits by shares; (iii) domestic servants; (iv) persons employed in government offices and undertakings. Employees in the Shops and Establishments Acts are defined by reference to their legislative description rather than by agreement but these definitions are exclusive of many potential employees. 2011 definition: Worker means a person who relies on his labour to engage in economic activity or to generate a livelihood, including a daily wage earner, temporary worker, worker engaged in agriculture, domestic worker, government employee and apprentice, but does not include the Defence Services personnel, member of the Myanmar Police Force or member of the armed organizations under the control of the Defence Services. (Status is as described by the legislation.)
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction between part-time and full-time workers for the purpose of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	No restrictions on the use of FTCs.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	No right to equal treatment.
6. Maximum duration of fixed-term contracts	1970: 0	No maximum cumulative duration of FTCs.
7. Agency work is prohibited or strictly controlled	1970: 0	No restrictions on agency work. Since 1999, there has been licensing and some regulation of agency recruitment sending workers abroad.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 2014: 0.7	Holidays Act 1951, Art. 4: 10 days. 2014 Amendment: 21 days.
10. Public holiday entitlements	1970: 0.78	Holidays Act 1951, Art. 3: 14 paid public holidays.
11. Overtime premia	1970: 1	SEA 1951, Art. 10: double the normal rate for overtime hours. Also FA 1951, Art. 73.
12. Weekend working	1970: 0	No provision for extra pay for work done on the weekend or weekly rest day.
13. Limits to overtime working	1970: 0.5	SEA 1951, Art. 7(2): 60 hours of overtime per year.
14. Duration of the normal working week	1970: 0.13	SEA 1951, Art. 7(2): 48 hours. (44 hours for those working in factories – Factories Act (FA) 1951, Art. 59)
15. Maximum daily working time	1970: 0.4	SEA 1951, Art. 7(6): no more than 11 hours (including rest time) in commercial

		establishments; no more than 14 hours in public entertainment establishments. No more than 10 hours for factory workers (FA 1951, Art. 64).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0	Generally there was no legal requirement of notice (apart from dock workers) but the custom recommended and practiced by labour authorities was to give one month's notice. Dock Workers' Act 1951, Art. 19: 14 days' notice.
17. Legally mandated redundancy compensation	1970: 0	Notification 84/2015: 3 months' severance pay for 3 years of service. Prior to this, there was no legal requirement to give redundancy pay but the custom recommended and practiced by labour authorities was to give 2 months' wages for 1-3 years of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	No minimum qualifying period.
19. Law imposes procedural constraints on dismissal	1970: 0	No legislative procedural requirements.
20. Law imposes substantive constraints on dismissal	1970: 0.33	The law is not particularly clear. In the Law Defining the Fundamental Rights and Responsibilities of the People's Workers 1964 reference is made to the right to 'employment security' (Art. 5). There are no clear substantive constraints on dismissals but employment is not 'at will' and dismissals will be considered by the Peoples' Workers Council who will determine the lawfulness of the decision.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	The legislative position is not clear. Reinstatements are possible but not necessarily as of right.
22. Notification of dismissal	1970: 0	There is no legislative requirement that written reasons be given for dismissals.
23. Redundancy selection	1970: 0	No redundancy selection criteria.

24. Priority in re-employment	1970: 0	No priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 0.67 1974: 0.33	1947 Constitution (as amended to 1961), Art. 17(iii): the right of the citizens to form associations and unions. Art. 31: by economic and other measures the State may assist workers to associate and organize themselves for protection against economic exploitation. 1974 Constitution, Art. 158: freedom of association. 2008 Constitution, Art. 354(iii): freedom to associate.
26. Right to collective bargaining	1970: 0	No constitutional right to collective bargaining.
27. Duty to bargain	1970: 0 2012: 1	Prior to 2012, there is no duty to bargain. Settlement of Labour Dispute Law (SLDL) 2012, Art. 3: In any trade in which more than 30 workers are employed, the employer, with the view to negotiating and concluding collective agreement, shall: (a) if there is any labour organization, form the Workplace Coordinating Committee with the view to make a collective bargaining as follows: (i) two representatives of workers nominated by each of the labour organizations; (ii) an equivalent number of representatives of employer; (b) if there is no labour organization, form the Workplace Coordinating Committee as follows: (i) two representatives of workers elected by them; (ii) two representatives of employer. (Also in the Settlement of Labour Disputes Rules, R.6)
28. Extension of collective agreements	1970: 0	There is no extension mechanism.
29. Closed shops	1970: 1	There is no prohibition of closed shop agreements.
30. Codetermination: board membership	1970: 0	There is no requirement of board membership.
31. Codetermination and information/consultation of workers	1970: 0.5	Trade Disputes Act (TDA) 1929, Art. 2A: where there are 50 or more workers, the President of the Union may require the employer to constitute a Works Committee with representatives of employers and workmen. Art. 2: the Works Committees shall secure

		co-operation between the management and the employees, increasing efficiency, the well-being of and information provided to the employees, particularly in (a) questions concerning the safety, health and welfare of the employees ; (b) recreation of the employees, at or away from place of work ; (c) questions of education and training of the employees; (d) related personnel problems, including any individual grievance which the Works Committee may decide to consider: (e) improvements in methods of production, such as efficient use of the maximum number of production hours and economy in the use of materials ; (f) provision of the best means for utilising the ideas and suggestions of the employees and encouragement of them to put forward ideas and suggestions; and (g) any matter affecting the industry concerned which it shall decide to take into its consideration. These rules still apply under the SLDL 2012.
E. Industrial action		
32. Unofficial industrial action	1970: 1 2011: 0	TDA 1929: there is nothing expressly prohibiting unofficial action. Labour Organisation Law (LOL) 2011, Art. 39: the labour organisation shall, if there is a desire of the majority of member workers, inform the employer and conciliation body (after getting the approval of the relevant labour federation) of the intention to strike 3 days in advance.
33. Political industrial action	1970: 0	TDA 1929, Art. 24 is most likely going to be incompatible with political strikes: A strike or a lock-out shall be illegal which (a) has any object other than the furtherance of a trade dispute and lock-within the trade or industry in which the strikers or employers locking out are engaged: and (b) is designed or calculated to inflict severe, general and prolonged hardship upon the community, and thereby to compel the Government or the Railway Administration to take or abstain from taking any particular course of action. These rules still apply under the SLDL 2012.
34. Secondary industrial action	1970: 0.5	Solidarity action will be lawful provided that it is from within the same industry as the primary strike (and so not falling foul of Art. 24 TDA 1929). SLDL 2012: requirement of mandatory arbitration and conciliation makes secondary industrial action less feasible.

35. Lockouts	1970: 0.5	TDA 1929: lockouts are regulated in parallel with strikes. Maintained in the 2012 Acts concerning strikes and lockouts.
36. Right to industrial action	1970: 0	No constitutional right to strike.
37. Waiting period prior to industrial action	1970: 1 2012: 0	TDA 1929, Art. 23: notice is only required for public utility services. Labour Organisation Rules (LOR) 2012, Art. 42: 3 days' notice required for non-public utility services and 14 days' notice required for public utility services.
38. Peace obligation	1970: 1	TDA 1929: there is no peace obligation. These rules still apply under the SLDL 2012.
39. Compulsory conciliation or arbitration	1970: 1 2012: 0	TDA 1929: conciliation is not mandatory prior to a lawful strike. SLDL 2012, Art. 40: No party shall proceed to lock-out or strike without accepting negotiation, conciliation and arbitration by Arbitration Body in accord with this law in respect of a dispute.
40. Replacement of striking workers	1970: 0 2012: 0.25	There is no prohibition on replacement of striking workers or the dismissal of striking workers. The suspension of contracts during strike action is not even referred to. SLDL 2012, Art. 54: As a strike suspends the employment agreement temporarily, the employer shall not be liable to pay salary or allowance during such period to the worker who goes on strike. However there is still no express protection from dismissal (after the strike) or replacement during the strike.

Namibia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 0.5	Labour Act (LA) 1992, s. 1: 'employee' means any natural person (a) who is employed by, or working for, any employer and who is receiving, or entitled to receive, any remuneration; or (b) who in any manner assists in the carrying on or the conducting of the business of an employer. Maintained in LA 2004 and LA 2007.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0	No right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	No distinction for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1990: 0	No limitations on the use of FTCs.
5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0	No right to equal treatment.
6. Maximum duration of fixed-term contracts	1990: 0	No maximum cumulative duration for FTCs,
7. Agency work is prohibited or strictly controlled	1990: 0	No restrictions on the use of agency work prior to LA 2007, s 128: no person may, for reward, employ any person with a view to making that person available to a third party to perform work for the third party. However, this provision was ruled unconstitutional in *Africa Personnel Services (Pty) Ltd* v. *Government of the Republic of Namibia and*

		Others (2009). Employment Service Act (ESA) 2011 provides for licensing regime.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0 2011: 1	No right to equal treatment prior to ESA 2011, s. 26: a private employment agency may not refer an individual for employment to a prospective employer unless the prospective employer undertakes to ensure that every individual is employed on terms and conditions not less favourable than (a) those provided for in a collective agreement in that industry or those prevailing for similar work in the industry and region in which the employees are employed; or (b) those prevailing in the nearest appropriate region, if similar work is not performed in the region.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.47 1992: 0.8 2007: 0.67	BCEA 1986: 21 days for certain types of workers, and 14 days for all other types of workers (following South African model). LA 1992, s. 39: 24 days. Maintained in LA 2004, s. 23. LA 2007, s. 23: annual leave varies according to the number of days ordinarily worked in a week. 24 days' leave for a 6 day week, 20 days' leave for a 5 days week (4 days' annual leave per number of days ordinarily worked every week.)
10. Public holiday entitlements	1990: 0.67	Public Holidays Act 1990: 12 days.
11. Overtime premia	1990: 0.5	LA 1992, s. 32(3): 50% premium. Maintained in LA 2004 and 2007, s. 17.
12. Weekend working	1990: 0.5 1992: 1	BCEA 1986: no additional remuneration if works for 4 hours or less on a Sunday. Double remuneration for the whole period if more than 4 hours are worked on the Sunday (or time-and-a-half remuneration with time off as well). LA 1992, s. 33(3): work done on a Sunday shall either be remunerated at 100% premium, or be remunerated at 50% but also granted time off as well. LA 2004 and 2007, s. 17: double rate for Sunday work.
13. Limits to overtime working	1990: 1	BCEA 1986 and LA 1992, s. 32(2): 3 hours per day or 10 hours per week maximum. Maintained in LA 2004 and 2007, s. 17.

14. Duration of the normal working week	1990: 0.27 1992: 0.33	BCEA 1986: 46 hours. LA 1992, s. 25: 45 hours. (60 hours for guards/security guards). Maintained in LA 2004 and 2007, s. 16.
15. Maximum daily working time	1990: 0.6	BCEA 1986 and LA 1992, s. 30: 12 hours is the maximum spread-over (total hours at work in a 24-hour period). Presumed to be the same in Namibia. Maintained in LA 2004 and 2007, s. 20.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.17 1992: 0.33	BCEA 1986: two weeks' notice for monthly employees. One week's notice for a weekly employee. LA 1992, s. 47(c): one month's notice after 12 months' continuous employment. Maintained in LA 2004, s. 29(1)(c) and LA 2007, s. 30.
17. Legally mandated redundancy compensation	1990: 0 1992: 0.25	No redundancy pay in SA BCEA 198, presumed to be the same in Namibia. LA 1992, s. 52: one week's wages per year of service. Maintained in LA 2004, s. 34 and LA 2007, s. 35.
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0 1992: 1	BCEA 1986: no unfair dismissal law as such. LA 1992: no qualifying period or trial period. Maintained in LA 2004 and 2007.
19. Law imposes procedural constraints on dismissal	1990: 0 1992: 1	BCEA 1986: no procedural constraints. LA 1992, s. 45: any dismissal, with or without notice, without a valid and fair reason and not in compliance with a fair procedure, shall be regarded to have been dismissed unfairly or to have been taken unfairly, as the case may be. LA 2004, s. 32: for a dismissal to be fair it must be done with a fair procedure (taking into account the Code of Good Practice issued under s. 135). Maintained in LA 2007, s. 33(1).
20. Law imposes substantive constraints on dismissal	1990: 0 1992: 0.33	BCEA 1986: no unfair dismissal law as such. LA 1992, s. 46: Labour court determines whether or not the dismissal was fair, and s. 46 provides the Court with a number of issues to take into account when making a determination. LA 2004, s. 32: dismissal must be for a fair reason (includes redundancy). Fair reasons are not detailed in the Act and so

		the employer must prove to the arbitrator (appointed by the Labour Commissioner) or competent Court that the dismissal was fair. Maintained in LA 2007, s 38.
21. Reinstatement normal remedy for unfair dismissal	1990: 0 1992: 1	BCEA 1986: no unfair dismissal law as such. LA 1992, s. 46: reinstatement is the primary remedy but the Court is to take into account what the employee has requested as well as practicalities in reinstatement. LA 2004, s. 83: reinstatement may be ordered by an arbitrator when an unfair dismissal is appealed. Maintained in LA 2007, s. 86.
22. Notification of dismissal	1990: 0 1992: 0.67	No requirement to give written reasons for dismissal prior to 1992. LA 1992, s. 51: if the employee requests, the employer shall put on the employee's certificate of employment the reason for dismissal. Reasons do not need to be given when notice is given but notice must normally be in writing. LA 2004, s. 29(3): notice must be in writing and give the reason for dismissal. Maintained in LA 2007, s. 30(3). LA 1992 (maintained in 2004 and 2007) provides for information and consultation in the event of collective dismissals.
23. Redundancy selection	1990: 0	No provisions. LA 2004, s. 33: selection criteria to be determined with representatives; no specific criteria given. Maintained in LA 2007, s. 34.
24. Priority in re-employment	1990: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1990: 1	1990 Constitution, Art. 21(e): freedom to form and join trade unions.
26. Right to collective bargaining	1990: 0	No constitutional right to collectively bargain.
27. Duty to bargain	1990: 0 1992: 1	No apparent duty to bargain in the WICO. LA 1992, s. 57(b): trade unions that are the exclusive bargaining agent shall have the right to negotiate with the employer concerned or the registered employers' organisation in question the terms of, and enter into, a collective agreement. S. 58(5)(b): the Labour Court can make an order to promote proper and orderly collective bargaining if the employer unreasonably refuses to

		recognise the trade union. LA 2004, s. 49: it is an unfair labour practice to refuse to bargain collectively when the provisions of this Act or a collective agreement require the employer or the organisation to bargain collectively. Maintain in LA 2007, s. 50.
28. Extension of collective agreements	1990: 0.75 1992: 1	Wages and Industrial Conciliation Ordinance (WICO) 1952, s. 46(2): provision for extension of agreement to the industry but in most cases the authorities declined to grant approval and instead provided for dispute resolution by informal mediation. LA 1992, s. 70: extension possible by the Minister. LA 2004, s. 69: extension procedure. LA 2007, s. 71: extension procedure.
29. Closed shops	1990: 1 1992: 0	No prohibitions on closed shops. LA 1992, s. 43: prohibits both pre- and post-entry closed shops. Maintained in LA 2004 and 2007, s. 6.
30. Codetermination: board membership	1990: 0	No provision for employee board membership.
31. Codetermination and information/consultation of workers	1990: 0	No information and consultation rights prior to 1992. LA 1992, s. 65: right to have a workplace union representative in establishments with at least 10 employees who are members of a registered trade union. Information and consultation rights are limited to information and consultation in the event of collective economic dismissals. Maintained in LA 2004 and 2007.
E. Industrial action		
32. Unofficial industrial action	1990: 0 1992: 0.5	Under the WICO 1952, only registered trade unions could call lawful strikes. LA 1992: unofficial action will be lawful provided that notice and conciliation requirements are complied with, and that the strike relates to a dispute of 'interests' (defined as a dispute not relating to '(aa) the application, or the interpretation, of any provision of this Act or of any term and condition of a contract of employment or a collective agreement, including the denial or infringement of any right conferred by or under any provision of this Act or any right conferred by any term and condition of a contract of employment or a collective agreement, or the recognition of a registered trade union as an exclusive bargaining agent or the refusal to so recognise any such trade union; (bb) the existence

		or non-existence of a contract of employment or a collective agreement.') Disputes of rights had to be referred to the Labour Court for adjudication. Maintained in LA 2004 and 2007.
33. Political industrial action	1990: 0 1992: 0.5	WICO 1952: there was a ban on political affiliations of trade unions. LA 1992: political disputes are not expressly prohibited and so will be permitted provided that they give rise to a dispute of 'interests'. Maintained in LA 2004 and 2007.
34. Secondary industrial action	1990: 0.5	WICO 1952: secondary action was permissible subject to conciliation requirements. LA 1992: secondary action will be lawful provided that the notice and conciliation requirements are complied with, and that the dispute relates to one of 'interests'. Maintained in LA 2004 and 2007.
35. Lockouts	1990: 0.5	WICO 1952: lockouts regulated in parallel with strikes. LA 1992: lockouts are regulated in parallel with strikes. Maintained in LA 2004 and 2007.
36. Right to industrial action	1990: 0.75	1990 Constitution, Art. 21(f): there is a right to withhold labour without being exposed to criminal penalties.
37. Waiting period prior to industrial action	1990: 0	WICO 1952: notice requirement as well as de facto waiting period from compulsory conciliation. LA 1992, s. 81(1): 48 hours' notice is required before strike action can take place. LA 2004, s. 72: waiting period of 48 hours (notice) as well as 30 days' conciliation proceedings. Maintained in LA 2007, s. 74.
38. Peace obligation	1990: 0	Disputes of rights have had to be referred to the Labour Court for adjudication under successive statutes.
39. Compulsory conciliation or arbitration	1990: 0	WICO 1952, ss. 42, 43-45 and 58: strikes could be resorted to after conciliation had failed. LA 1992, s. 79: conciliation must be embarked upon before strike action can be taken; the dispute must be 'unresolved'. LA 2004, s. 72: strikes may be lawfully commenced only after they have been referred in the prescribed form to the Labour Commissioner for conciliation. Maintained in LA 2007, s. 74.

40. Replacement of striking workers	1990: 0 1992: 1	WICO: while in theory there was a right to lawfully strike, there was no protection against dismissal of striking workers. LA 1992, s. 45: dismissal on the basis of trade union activities is not a valid reason for dismissal. LA 2004, s. 32: unlawful to dismiss an employee for participating in lawful activities of a trade union, or for exercising any right conferred in the Act (strike action is such a right). Maintained in LA 2007, s. 33.

Netherlands

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67 1999: 1	The traditional approach under the Civil Code (CC Art. 610) was to define the employment contract in terms of a personal obligation to work in return for wages or salary. From 1999 (Flexibility and Security Act) the CC includes a statutory presumption of an employment contract if work is performed on a weekly basis or at least 20 hours a month in a reference period of three months. Consistent case law as of 1997 has established that the express choice of the parties is not conclusive.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.5 1996: 1	Prior to 1996 part-timers were in principle treated no differently from full-time workers under most laws and collective agreements. From 1996 there was a formal right of equal treatment (Equal Treatment (Working Hours) Act 1996).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Generally no distinction has been drawn between part-time work and full-time work for dismissal purposes.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1989: 1 1992: 0	A 1989 decree set out limits on the reasons for use of FTCs but the revised Civil Code from 1992 does not impose any restrictions. The major employment law revision of 2015 has apparently limited the use of fixed term contracts, but there is no actual substantive constraint. The law allows social partners to deviate from some of the strict rules regarding fixed term contracts for some positions, if the nature of the business demands

		such deviation.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2002: 1	The Equal Treatment (Temporary and Permanent Employees) Act 2002 prohibits discrimination on the basis of contract type.
6. Maximum duration of fixed-term contracts	1970: 0 1992: 0.7	1992 (art. 7.668a CC): 36 month limit. 2015: limit of 24 months (art. 7:668a CC). This period can be extended to 48 months for certain positions in a CLA if the nature of the business demands such deviation.
7. Agency work is prohibited or strictly controlled	1970: 1 1975: 0	Agency work, formerly prohibited, was liberalised in 1975. From that point on, although agencies were subject to a licensing regime, the normal commercial use of agency work did not have to be justified.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1 1975: 0 1998: 1	Following liberalisation of the rules governing agency work in 1975 there was no duty of equal treatment with regard to agency workers. In 1998 the right to equal payment for agency workers was introduced in the Act on Placement of Personnel by Intermediaries (art. 8 Waadi)
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.2 1988: 0.67	Act No. 2 of 1966: 2 weeks for each year of service. 1988: 20 days (art. 7:639 CC), based on a full time contract.

10. Public holiday entitlements	1970: 0.61	11 days (1984 decree referring back to earlier regulations).
11. Overtime premia	1970: 0 1995: 0.25 1996: 0.5	Statutory provisions on overtime no longer apply but in the mid-1990s the norm in collective agreements was 25%. Today premia range from 25% to 100%.
12. Weekend working	1970: 1 1996: 0.5	There has been a prohibition on Sunday work since 1919. Exceptions were possible. The Working Time Act, adopted in 1996, prohibits also working on Sunday, but the exceptions on this prohibition were enlarged: it is allowed when the nature of the work requires it or when business reasons make it necessary. There is no statutory provision for overtime working on Sunday but premia are generally set by collective agreement.
13. Limits to overtime working	1970: 1 1996: 0.5 2007: 0.25	Under the 1919 Labour Code, overtime was only permitted with authorisation. In 1996 the Working Time Act introduced a system of a maximum duration that may be averaged out including a possibility to deviate via collective agreements. In 2007 the system was simplified, stipulating a maximum including overtime that may be averaged out with fewer possibilities to deviate through CLAs.
14. Duration of the normal working week	1970: 0.67 2003: 0.94	Legislation has tended to set minimum standards (48 hours in 1995, 45 hours in 2003, 60 hours in 2006) on which collective agreements at sector level have improved. By 1980 a 40-hour week had been established by collective bargaining and by 2003 the norm was 36 hours. In 2015 the average working time per week in collective agreements was 37.2 hours.
15. Maximum daily working time	1970: 0.95 1996: 0.6	1919 Labour Code: 8.5 hours. Working Time Act 1996: 12 hours including overtime in collective agreement, otherwise 11 including overtime. 2007: 12 hours per shift, including overtime.

C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.25 1992: 0.33	Under CC (Art. 7A.1639i(1)), the statutory notice period was the period between wage payments, not to exceed 6 months, or, if longer, one week for each year of employment after the age of 18, up to 13 weeks. The coding is based on a 3-week notice period. From 1992: one month for an employee with less than 5 years' service. In 1999 the system was simplified, but the notice to be given to an employee with less than 5 years employment remained one month.
17. Legally mandated redundancy compensation	1970: 0	Historically, legislation never provided for severance pay. Social plans, mostly designed as collective agreements, in general provide for payments in case of redundancy as a function of age and seniority. This is based on a formula that was used by courts to calculate severance payments in case of dissolution of the contract. In 2015 a statutory severance payment was introduced for every employee with tenure of 2 years or more. For three years of employment, the statutory severance is one monthly salary. Social plans can exceed this.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.94	Maximum probationary period of 2 months, during which period notice can be given without any formalities. Only discriminatory dismissal is forbidden. (Art. 7.652), also under the previous CC.
19. Law imposes procedural constraints on dismissal	1970: 1	Since 1907 an employer can ask the court to rescind the employment contract if there is a change of circumstances or urgent cause. Giving notice was possible without prior procedures until 1945. As of then, prior authorization of an administrative body was compulsory before giving notice. The employer could choose whether he would ask such permission or follow the court procedures. With effect from 1 January 2015 there has been a major change in the dismissal system. However, an employer still has to either obtain an administrative authorisation (in case of redundancy or dismissal after two years of illness) or request the court to rescind the contract (in case of termination for more personal reasons such as underperformance). Without following these procedures, a dismissal is null and void, except when an immediate dismissal for an urgent cause (exceptional) is justified.

20. Law imposes substantive constraints on dismissal	1970: 0.67	Summary dismissal is only lawful for an 'urgent reason'. For other cases, from 1954 the CC provided that dismissals had to be objectively justified. Even if notice was given with a administrative authorization, the dismissal could be deemed unreasonable. If the employer chooses to follow court procedures, the court examines whether the presumed ground for termination is reasonable. In 2015 dismissal law was restructured. Termination of employment is only possible if the employer has a reasonable ground for termination. The law, art. 7:669 CC, explicitly contains an exhaustive account of 8 reasonable grounds that range from redundancy to misconduct.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.5	Before 2015, art. 7:682 CC stipulated that the court may award reinstatement if a dismissal is deemed unreasonable at its discretion. If a dismissal is deemed null and void, the employment agreement is considered to never have ended. Under the CC as amended in 2015, there are more possibilities for an employee to ask for reinstatement. Under the previous system, an employer could always buy off an order to reinstate. Compensation is still the more popular and usual remedy, but the use of reinstatement is increasing. In the case of a null and void termination, the remedy is unchanged.
22. Notification of dismissal	1970: 1	A termination is either preceded by an administrative authorization or a court order. There is always a preventive analysis by a state body or a third party. Exceptions: during a probation period (max 2 months) or in case of an immediate dismissal for an urgent cause.
23. Redundancy selection	1970: 0 1998: 1	Dismissal Decree 1998, art. 4:2: mix of age-related and last in, first out criteria. Since 2015 a similar priority rule is laid down in the Dismissal Regulation 2015 (art. 11).
24. Priority in re-employment	1970: 0 1998: 0.67	Dismissal Decree 1998, art. 4:5: the labour administration may make priority in rehiring a condition of a dismissal. From 2015 the Civil Code explicitly stipulates that an employee can request reinstatement if the employer hires a new employee for the same job within 26 weeks after a dismissal based on redundancy. It is not necessary any more

		that the administrative body has added the condition to the dismissal permit, so the employee's position in this respect has been strengthened.
D. Employee representation		
25. Right to unionisation	1970: 0.33	Constitution, Art. 8: right to association.
26. Right to collective bargaining	1970: 0.25	The right to collective bargaining is not referred to in the Constitution. A right has been developed in case law; but without reference to the Constitution. It is based on international sources including Articles 5 and 6 ESC and ILO Conventions 87 and 98.
27. Duty to bargain	1970: 0.33	There is no legal obligation/duty to bargain, nor to conclude a collective agreement. An employer may refuse to bargain. The law of contract provides some basis for a duty to deal with unions in good faith.
28. Extension of collective agreements	1970: 1	Declaration of universal or non-universal application of collective agreements provisions Act (1937); Wage Determination Act 1970, s. 3(5)(1). Extension of sectoral collective agreements is possible.
29. Closed shops	1970: 1	A worker cannot be required to join a specified union but may be required to join a union of some kind: S. 1(3) Collective Agreements Act 1927. Confirmed in case law. Closed shop as such is not prohibited by law. No difference between pre-entry or post-entry closed shop.
30. Codetermination: board membership	1970: 0 1971: 0.33 1979: 0.5 2004: 0.75	Under the 1950 Works Council Act (WCA) this right did not exist. Under the 1971 Works Council Act, the Works Council has the right to be informed on the nomination or the dismissal of a board member: s. 31 WCA. Under the 1979 Works Council Act the Works Council has the right to be consulted (resulting in an advice to the employer) on that issue (s. 31 WCA). Since 2004 s. 2:158(6-8) CC provides the works council a right to nominate (maximum one third) of the) members of the supervisory board (SB), only in case of large companies. The final decision is that of the SB. In case of disagreement between SB and works council the SB can ask the court to dismiss the claim of the works council.

31. Codetermination and information/consultation of workers	1970: 0.33 1971: 0.67 1979: 1	Laws on works councils were first introduced in the 1950s. According to the WCA of 1950 the works council had mainly a right to information and consultation on a limited number of issues. In 1971 the rights of the works council were strengthened by expanding the right to be consulted on social and economic matters and by the introduction of co-decision rights. In 1979 there was a further strengthening of the Works Council Act. Firstly, the employer was no longer a member or chair of the works council; secondly the right to consultation and the right to co-decision were expanded. In 1995 the works council act was extended to the public sector.
E. Industrial action		
32. Unofficial industrial action	1970: 0 1972: 0.35 1986: 0.5	No legislation on strikes exists. Under case law, until 1970 wildcat strikes were unlawful. After 1972 wildcat strikes they could be lawful under certain circumstances. Under the *NS* case (1986) they are treated in the same way as other strikes.
33. Political industrial action	1970: 0 1986: 0.75	Until 1986 (the *NS* case) political strikes were prohibited. After 1986 the case law changed. Only strikes that exclusively target the policy of the government are prohibited since they are not ruled by article 6(4) ESC. They are assessed under the *Panhonblico* formula (referring to breach of contract). If the strike is against policy measures of the government which have an impact on the enterprise and by which the employer is affected, the strike is not therefore prohibited. The strike is assessed as a 'normal' strike.
34. Secondary industrial action	1970: 0 1998: 0.5 2014: 0.75	Until 1998 solidarity strikes were unlawful under the *Panhonlibco* formula. After 1998 a solidarity strike could be lawful if the strike is directly linked to the primary collective actions. In 2014 the SC ruled that solidarity strikes have to be assessed under a new test of whether the strike could reasonably contribute to an effective exercise of the right to collective bargaining.
35. Lockouts	1970: 0.5	There is no case law directly on this point. Lockouts may be impliedly lawful under Art. 6(4) ESC.

36. Right to industrial action	1970: 0 1986: 0.67 2014: 0.75	The right to industrial action is not protected in the Constitution. Ratification of the ESC (article 6(4)) in 1980 led to a change in the case law. In 1986 (the *NS* case) the SC adopted article 6(4) ESC as its guide and ruled that strikes could be protected under certain circumstances. In 2014 a SC ruling applied Art. G ESC to define circumstances under which strikes could be prohibited
37. Waiting period prior to industrial action	1970: 0.75	Although procedural requirements have evolved under case law, there is no statutorily fixed waiting period. Notification is one of the procedural requirements. The notification period is dependent on the circumstances at stake.
38. Peace obligation	1970: 0	Under case law, if a collective agreement entails a peace obligation it has to be observed. If it is not observed the strike is unlawful. If a collective agreement does not contain such a clause the strike is not unlawful. The mere existence of a collective agreement does not turn the strike into unlawful.
39. Compulsory conciliation or arbitration	1970: 1	There is no requirement of compulsory conciliation or arbitration. In the public sector in case of a dispute between the public employer and the unions conciliation is mandatory to a special independent agency. Conciliation and arbitration is voluntary.
40. Replacement of striking workers	1970: 1	Participation in a lawful strike entails suspension of the contract of employment. Dismissal for taking part in a strike is unlawful. Replacement of strikers by other workers is prohibited by law and temporary work agencies may not supply replacement labour.

New Zealand

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Pre-2000 the courts would determine whether a contract of employment was in place by reference to certain indicia, as well as the intention of the parties. In *Cunningham* (1992), the CA confirmed the 'economic reality' test was the preferred test in NZ. ERA 2000, s. 5: court to determine the 'real nature of the relationship between the parties' and the label given by the parties is not determinative.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	Part-time workers do not have the right to be treated equally/proportionately to their full-time comparators.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no distinction between part-time and full-time workers in dismissal legislation.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1 1991: 0 2000: 0.5	1970: awards with legal effect at sector level limited the number or duration of FTCs, e.g. the Metals Award permitted a single maximum term of 6 months. This ensured that FTCs were only used for work of limited duration. 1991: award protections abolished. No legislative restrictions on FTCs. 2000: FTCs permitted only for 'genuine reasons based on reasonable grounds'. The term may be defined by date, period, occurrence of an event, or the end of a project (ERA s 66) but no specified reasons. Using an FTC to establish the suitability of an employee for the work is not a valid reason.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no right to equal treatment for fixed term workers.
6. Maximum duration of fixed-term contracts	1970: 1 1991: 0	No legislated maximum term but major awards limited maximum duration to less than 1 year. 1991: some Court decisions converted successive renewals to permanent contracts. 1997: no limit. 2000: genuine reasons requirement unlikely to justify renewals beyond 5 years. However, there is no clear limit under the case law.
7. Agency work is prohibited or strictly controlled	1970: 0.5 1991: 0	Pre-1991: agency employment was strictly controlled by awards and was effectively only available for short periods. After 1990: agencies and agency employment were completely unregulated. 2000: prohibition of hiring temporary labour from agencies to replacing striking/locked-out workers unless there are serious safety implications.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No formal right to equal treatment with those permanently/directly employed by the user.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 1974: 0.5 2008: 0.67	1970: 2 weeks (10 workings days). 1974: 3 weeks (15 working days). 2008: 4 weeks (20 working days).
10. Public holiday entitlements	1970: 0.61	11 public holidays.

11. Overtime premia	1970: 0.75 1991: 0	1970: awards covering the majority of employees provided premia for overtime work at standard rates (time and a half for first 3 hours and then double time thereafter). 1991: phasing out of overtime premia. Some collective agreements provide it but collective agreement coverage is low (approximately 25%).
12. Weekend working	1970: 0.75 1991: 0	1970: awards covering the majority of employees provided for: Saturday: time and half for first 3 hours and double thereafter. Sunday: double pay. (Although not likely for certain industries like restaurants). 1991: no legislation, only some CAs.
13. Limits to overtime working	1970: 0	Generally no limits. Maximum working hours apply to some occupations for safety reasons.
14. Duration of the normal working week	1970: 0.67 1991: 0	1970 Legislation provided for a standard 40hr/5day week but this was intended to define a standard working week beyond which overtime payments applied and did not apply where it was impracticable because of the nature of the industry. 1991: majority of CAs still provide for a 40 hour week but low CA coverage. In effect there is no binding maximum from this point on.
15. Maximum daily working time	1970: 0	No award or legislative mandatory maximum.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.08 1991: 0	1970: awards provided for notice which were mostly one week (unless hourly or casual workers). 1991: legally required notice is that provided by the contract or 'reasonable' notice. Notice periods are highly variable but most are less than 1 month.
17. Legally mandated redundancy compensation	1970: 0	No legislation for minimum mandated redundancy compensation.
18. Minimum qualifying period of service for normal case of unjust	1970 : 0	1970: no protection from unjust dismissal. 1974: all employees qualify on commencement of employment. 2009: if employed by employer with less than 20

dismissal	1974: 1	employees, parties may agree to a maximum trial period of 90 days (where dismissal is possible – but still an expectation of good faith). 2010: removal of 'less than 20 employees' requirement.
19. Law imposes procedural constraints on dismissal	1970 : 0 1974: 1	IRA 1973 (applicable to union members covered by an award, which at this stage was most of the workforce) introduced the personal grievance procedure. Early case law established that to justify a dismissal an employer had to be able to establish that the dismissal was carried out in a procedurally fair manner. The 'no difference to outcome' rule has not been applied but it might affect the quantum of remedies. 1987 LRA: extended this procedure to all union members. 1991: ECA/ERA extended this procedure to all employees.
20. Law imposes substantive constraints on dismissal	1970: 0 1974: 0.33	1974: statutory protection against 'unjustified' dismissal with the term being defined by case law.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1974: 0.33	1974: reinstatement is an available remedy. In ERA 2000, it was stated as the primary remedy but the employee must request (and comparatively few do) it and it must be practicable. In practice compensation has always been the normal remedy.
22. Notification of dismissal	1970: 0 1987: 0.33 2000: 0.67	1987: employer must provide written reasons for dismissal if reasons requested by the employee. From 2000: obligation to consult employees and/or a relevant union over decisions affecting the workplace including outsourcing; from 2004, an obligation to consult over a wider range of dismissals.
23. Redundancy selection	1970: 0	No statutory requirement. Awards and collective agreements may contain some clauses, usually last on, first off. Redundancy selection criteria or fairness of selection may be challenged by a personal grievance.
24. Priority in re-employment	1970: 0	There is no rule of priority employment.

D. Employee representation		
25. Right to unionisation	1970: 0.67	New Zealand is similar to the UK in having no consolidated/formal constitutional document. There are no provisions in any constitutional instrument referring to trade unions. However, the right to unionisation has been legally supported since the late nineteenth century (see the IC&A Act 1894) and the right to unionisation is considered a matter of public policy. NZBORA (not entrenched) grants the right to freedom of association. Case law confirms this includes the right to associate in trade unions.
26. Right to collective bargaining	1970: 0	The right to collectively bargain is not mentioned in any constitutional document.
27. Duty to bargain	1970: 1 1991: 0 2000: 1	1970: the conciliation and arbitration system did not explicitly require employers to negotiate but the conciliation process and (until 1984) the compulsory arbitration meant that parties could not lawfully refuse to bargain. 1991: employers required to recognise unions but did not have to bargain. ERA 2000, ss 4 and 32: employers required to bargain in good faith. 2004 (s 33): the parties must conclude a collective agreement unless there are good reasons not to. From 2015: s. 33 repealed.
28. Extension of collective agreements	1970: 1 1991: 0	1970: Coverage of awards extended to all employers and employees in the defined occupation/industry (blanket coverage). 1991: CAs' coverage dependent on signatories and may not be extended to non-signatories.
29. Closed shops	1970: 0.5 1984: 0 1985: 0.5 1991: 0	Pre-entry closed shops not permitted. 1970-1983 and 1985-1991: post-entry closed shops are permitted in the private sector (extended to public sector 1988-1991). Between 1984-5 and from 1991 onwards, post-entry closed shops were prohibited:. ERA 2000, ss 8, 9 and 11.
30. Codetermination: board	1970: 0	There are no provisions on codetermination.

membership		
31. Codetermination and information/consultation of workers	1970: 0 2000: 0.33 2002: 0.5	There is no provision in New Zealand for works councils or similar bodies. Consultation or information rights existed in some awards (1970-90) and collective employment contracts (1991-2000). 2000: obligation to consult employees (or their union representative) in a range of matters. HSE Act 2002: OSH Committees to be established in the workplace and given reasonable opportunities to improve health and safety. 2004: increased consultation duties.
E. Industrial action		
32. Unofficial industrial action	1970: 0 2000: 0.25 2012: 0	Unofficial strikes have never been lawful in New Zealand. From1970-3 all strikes were unlawful under the arbitration system. 1974: all strikes were potentially unlawful at common law but no statutory penalties in certain instances. 'Lawful' strike: 1987: action relating to a dispute of interest (i.e. a dispute intended to result in an award or collective agreement); 1991: action relating to the negotiation of a collective agreement (2000-present) intended to cover the parties to the action. Unofficial action theoretically possible if all other conditions of lawfulness of strike met (there cannot be a strike when there is a valid collective agreement in place; if there are ongoing negotiations/arbitration; or if the strike is due to a dispute or a personal grievance). 2012 Amendment, ERA 2000, s. 82A: strikes only lawful after secret ballot held by the union with a majority in favour of strike action.
33. Political industrial action	1970: 0	Strikes over political matters have never been protected and are not 'lawful' in terms of the statutory definition. However they are also not explicitly unlawful (as are some forms of strike).
34. Secondary industrial action	1970: 0 1987: 0.5 1991: 0	1970-3: strikes generally unlawful. 1973: strikes unlawful but secondary action not subject to a statutory penalty. 1987: permitted in relation to disputes of interest. 1991: unlawful (strikes have to be in relation to a CA that is/will be binding on the workers on strike).

35. Lockouts	1970: 1 1987: 0.5	The law on lockouts mirrors that for strikes as described above.
36. Right to industrial action	1970: 0	The right to strike is not protected in any constitutional instrument
37. Waiting period prior to industrial action	1970: 0	1970-4: no strikes possible. There is no general requirement for notice of industrial action. 1974: 14 days' notice required for 'essential services'. 2000: industrial action is not lawful until 40 days after the bargaining is initiated. From 2015: ERAA 2014 (2014 No 61) s 86A makes notice a precondition for a lawful strike.
38. Peace obligation	1970: 0 1987: 1 1991: 0	1970: all strikes unlawful. 1974: some strikes implicitly permitted by statute. 1987: strikes permitted and not unlawful by virtue of there being a valid collective action in force. 1991: industrial action unlawful during the term of a collective action. Now ERA s 86(1)(a).
39. Compulsory conciliation or arbitration	1970: 0 1974: 0.5	Strikes were unlawful until 1974. Thereafter, conciliation/binding arbitration possible on request but not mandatory.
40. Replacement of striking workers	1970: 0 1974: 0.5 2000: 1	No protection when strikes unlawful 1970-4. 1974: no specific right to not be dismissed but it would be difficult to justify such a dismissal. From 2000 it has not been permissible to hire replacements.

Nicaragua

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75 1996: 1	LC 1945 Art. 3: employee means any person who performs for another person under his direct or indirect supervision a manual or intellectual service or both, under a contract of employment. Art. 33: a contract of employment is an agreement whereby an employee binds themselves for the performance of work or services under the management and supervision of the employer in return for specified remuneration. Art. 37: it is not possible to waive the rights in the code. Art. 39: employment contacts must be in writing. If concluded orally, the employer must give the employee a signed statement containing the terms of the agreement and this must be sent to the labour inspectorate. Art. 45: in default, a contract of employment together with certain standard terms will be presumed. LC 1996: Art.6 expressly states that employee is any person who written or orally, individually or collectively, expressly or impliedly, temporarily or permanently is in a labour relation towards another person, by which services are rendered under direct or indirect supervision in exchange for remuneration. LC 1996: Labour rights are inalienable, and the Labour Code restricts the civil law right of autonomy Art.7 specifically states that the category of the worker depends on the nature of the work and not the designation given to it.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	LC 1996: equal pay for equal work under identical working conditions. Art.82(1) Constitution 1987 grants general protection against discrimination. See also Art. 36 1950 Constitution. Art. 95(3) of the 1950 Constitution also provides for equal pay for equal work of similar intensity.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made between those that work full and part time.

4. Fixed-term contracts are allowed only for work of limited duration.	1970: 0 1996: 1	LC 1945 s.42: fixed-term contracts are not to be concluded for more than 2 years. The contract is presumed to be renewed for the same period if work continues for 30 days after expiry of the initial term. LC 1996 Art.26: fixed-term contracts are allowed only where there is a deadline set, it is inherent in the nature of the work, or for seasonal work. However, continuation of work gives rise to presumed renewal.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	LC 1996: equal pay for equal work under identical working conditions. Art. 82(1) Constitution grants general protection against discrimination.
6. Maximum duration of fixed-term contracts	1970: 0	No maximum cumulative duration.
7. Agency work is prohibited or strictly controlled	1970: 0	Agency work was permitted under both the LC 1945 and 1996 and was not subject to legal constraints. While not legally permitted, contracts for the 'lending of services' are frequently used as a means to circumvent labour law.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	LC 1996: equal pay for equal work under identical working conditions. Art. 82(1) Constitution grants protection against discrimination on a number of grounds including 'or anything else'. However, LC 1996 Art.9: the agencies are the employers. While not legally permitted, contracts for the 'lending of services' are frequently used as a means to circumvent labour law and social security obligations.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5 1996: 1	LC 1945 as amended (1962) Art. 64: 15 days annual leave. LC 1996 Art. 76: 15 days per 6 months' continuous work.
10. Public holiday entitlements	1970: 0.44 1993: 0.5	LC 1945 as amended (1962) Art. 64: employees of the service of the state and state institutions are entitled to holiday with pay. LC 1945 as amended (1962) Art. 57 and Art. 72: double pay for work on compulsory rest days, of which there are 8. Law No. 159 1993, Art.1 adds additional day; LC 1996 Art. 66 67: 9 days.
11. Overtime premia	1970: 1	LC 1945 Art. 74: double pay. LC 1996: Art. 61.

12. Weekend working	1970: 1	LC 1945 as amended (1962) Art. 57: one days' rest per six days' work, to be taken on Sunday. Art. 72: work on compulsory rest day to paid double, or compensated by addition rest day. See now LC 1996 Arts. 64, 65.
13. Limits to overtime working	1970: 1	LC 1945 s 56: 3 hours a day, maximum of three times a week. LC 1996: Art.51
14. Duration of the normal working week	1970: 0.17	LC 1945 s.47: shall not exceed 48 hours a week. LC 1996: Art.51
15. Maximum daily working time.	1970: 0.6	LC 1945 s.47: 8 hours a day or 48 hours a week. S.51 at least 2 hours daily rest at the work place must be provided in addition. LC 1996: Art.51. Art. 53, 61, 63: this can be extended by up to two hours a day in order to allow for an additional day off.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 1996: 0.17	LC 1945 as amended (1962) s.116: one month. LC 1996: Art 44: 15 days
17. Legally mandated redundancy compensation	1970: 0.33	LC 1945: no provision. LC 1996: termination without determined cause entitles the employee to one months' pay: Art. 45(1)
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	LC 1945: no provision for trial periods.
19. Law imposes procedural constraints on dismissal	1970: 0 1996: 1	LC 1945: the only procedural requirement is notice. LC: 1996 Art. 48: the right to terminate must be exercised within 30 days of learning of prohibited conduct and requires a prior hearing and prior authorisation to be lawful.
20. Law imposes substantive constraints on dismissal	1970: 0 1996: 0.67	LC 1945 s.18 lists potential grounds of misconduct that will always be sufficient for termination of the contract. S.118 and 119 prescribes grounds for dismissal without notice. LC 1996: Art 48: four grounds for dismissal with just cause.

21. Reinstatement normal remedy for unfair dismissal	1970: 0 1996: 1	LC 1945: If an employee is dismissed without notice he is entitled to compensation to the value of the wages that reflect the rest of the 'term' (implied to be 2 years). LC 1996: Art 46: reinstatement can be demanded where employer has dismissed in violation of the law.
22. Notification of dismissal	1970: 0	No provision.
23. Redundancy selection	1970: 0	No provision.
24. Priority in re-employment	1970: 0	No provision.
D. Employee representation		
25. Right to unionisation	1970: 1	Art.87 Constitution 1987. The 1950 Constitution, Art.91, states that unions and associations can be formed for any purpose but it shall be the function of the State to authorize the establishment of corporate, rural, cultural or economic organisations.
26. Right to collective bargaining	1970: 0 1987: 1	Art.88 1987 Constitution.
27. Duty to bargain	1970: 0.5 1996: 1	LC 1945 Art. 193(2): unions have the right to conclude and enforce collective agreements. See now LC 1996 Art 208(b). A specific duty to bargain is referred to in Art. 238.
28. Extension of collective agreements	1970: 0	No provision.
29. Closed shops	1970: 0	LC 1945 Art. 16(6): the employer must not compel an employee to become a member of or resign from an industrial association to which he belongs. Art. 190: compelling someone to join or refrain from joining a union is unlawful. Art. 193(2) specifically states the 'closed shop' clause shall be unlawful. LC 1996: Art. 208(b).

30. Codetermination: board membership	1970: 0	There is no law mandating employee directors.
31. Codetermination and information/consultation of workers	1970: 0	Only unions are entitled to negotiate over working conditions. Art.81 1987 Constitution provides for the right of workers to participate in management through their organizations.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1945 as amended (1962) Art. 224: Strikes are lawful only when authorised by the competent conciliation board, the labour judge or Superior Labour Court (depending on circumstances) which can only take place if the strike has support of at least 60% of the members of the establishment. LC 1996: Art. 244 (c).
33. Political industrial action	1970: 0	LC 1945 as amended (1962) Art. 222: Strikes must pursue one of three purposes. (1) to obtain an equilibrium between factors of production with regard to the mutual interests of labour and capital; (2) to obtain execution or revision of a collective agreement; (3) secondary action within a specific industry/activity. LC 1945: the right to associate is limited to the protection of occupational, social and economic interests. LC 1996: Art.235.
34. Secondary industrial action	1970: 1 1982: 0 1988: 1	LC 1945 as amended (1962) Art. 222(3): strikes are lawful if they are conducted to support a lawful strike declared in the same industry or branch of industry or same branch of activity. LC 1996: Art. 244(d). Between 1982 and 1988 strikes were prohibited under state of emergency laws.
35. Lockouts	1970: 0.5	LC 1945 Arts. 230, 231 and 232: lockouts are lawful if they are total. They are subject to the same requirements as strikes, plus a thirty day waiting period.
36. Right to industrial action	1988: 1	LC 1945 Art. 227: strikes not permitted in public services. Art. 83 1987 Constitution recognises the right to strike. State of emergency laws were in force until 1988.

37. Waiting period prior to industrial action	1970: 0	LC 1945 as amended (1962) Arts. 302,303 and 306: de facto waiting period. Labour demands need to be submitted to Minister in advance, and the strike must be preceded by 5 days mandatory conciliation. Only after this point can the ballot commence and permission of the conciliation board be sought.
38. Peace obligation	1970: 0	LC 1945 as amended (1962) Art. .224: a strike can only be declared lawful by a conciliation board if all the procedures in Part VI Chapter III have been exhausted., Art. 320: during the period of operation of contracts in conformity with a collective agreement, or during period of operation of an arbitration award, strikes and lockouts are unlawful except insofar as matters pertain to the contract or award. Exceptionally, changes in living conditions give rise to a material change in the economic and social conditions obtaining at the time when the contract was entered into.
39. Compulsory conciliation or arbitration	1970: 0	LC 1945 as amended (1962) Arts. 302-306: the conciliation board must be set up to conduct negotiations between the parties for at least 5 days prior to the strike. LC 1945 Art. 225(2) requires prior conciliation as a condition of lawfulness. LC 1996: Art 244(b).
40. Replacement of striking workers	1970: 1 1982: 0 1988: 1	LC 1945 as amended (1962) Art. 313: once the strike is authorised, all contracts of employment are suspended and the employer cannot enter into new contracts with other employees. If they return to work, the employer is compelled to reinstate them. Any terminations after a strike has been declared shall be subject to approval by the labour inspector. Between 1982 and 1988 state of emergency laws prohibiting strikes were in force.

Nigeria

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	Nigeria broadly follows the approach of UK common law, applying a number of tests as developed through case law.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	There are no provisions on part time work.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	See above.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There are no limits on the use of fixed term contracts.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no requirement for equal treatment.
6. Maximum duration of fixed-term	1970: 0	There is no maximum duration.

contracts		
7. Agency work is prohibited or strictly controlled	1970: 0	Labour Decree No.21 1971 s. 22 provides for a procedure whereby the ordinary requirements as regards recruitment shall be waived and agencies can be permitted by the Minister to recruit workers. Any license granted for this purpose will be valid for one year: s. 24(2) and may be subject to conditions. The 'recruiter' may also be obliged to provide security. S. 70(1) prohibits the exercise of a fee-charging agency without a license. There are no regulations applying to agency workers.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0 1971: 0.2	Labour Decree No.21 1971 (1974 consolidated text) s. 17(a) requires at least 6 days holiday.
10. Public holiday entitlements	1970: 0.5	The Labour Decree 1971 provides for public holidays with pay. Public Holidays Act No. 238 1979: 9 days.
11. Overtime premia	1970: 0	To be set by collective agreement. The Labour Decree 1971 refers to an overtime wage but does not specify a rate.
12. Weekend working	1970: 0	Labour Decree No.21 1971 (1974 consolidated text) s. 7(b) requires payment at overtime rate for work on weekly rest day but does not stipulate a day.
13. Limits to overtime working	1970: 0	There is no limit in the Labour Decree.

14. Duration of the normal working week	1970: 0 1984: 0.67	Labour Decree No.21 1971 s.12: states that hours shall be set by contract or collective agreement or industrial wages board. Average working time in most enterprises said to be between 40 and 42 hours in 1984
15. Maximum daily working time	1970: 0	There are no limits, but working time is to be set by agreement or collective agreement. There must be a one-hour rest for every 6 hours worked, but no daily rest period is specified beyond this.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17	Labour Decree No.21 1971 s. 11(2) – two weeks.
17. Legally mandated redundancy compensation	1970: 0	Redundancy pay is to be set by collective agreement.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	There is no trial or probation period.
19. Law imposes procedural constraints on dismissal	1970: 0 1986: 0.5	Case law has provided what needs to be demonstrated in order to show that a dismissal was justified: disclosure of any allegation to the employee, a fair hearing, that the disciplinary panel believed the employee committed the alleged offences, that body was not biased: *Akpata JSC Nepa* v. *EI Fandi* (1986). For summary dismissal, the courts often require the observance of the provisions of natural justice. There is nothing in the 1971 Labour Decree which requires a specific procedure to be followed.
20. Law imposes substantive constraints on dismissal	1970: 0	Labour Decree No.21 1971 s. 11(5) preserved the right to terminate on grounds of misconduct. Where this is exercised with malice there is a remedy under section 80 of the decree. However, there is no requirement for cause if notice is given. Case law makes it clear that the motive for dismissal is irrelevant and that the court will examine only the legal validity of the dismissal: *Fakuade* v. *Obafemi Awolowo University Teaching Hospital*: 'a master can terminate the contract of employment with his servant

		at any time and for any reason and for no reason at all provided the terms of conrtact of service between them are complied with; Omehia, *Dismissal in Nigeria Labour Law (*2011).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Compensation is the ordinary remedy, but reinstatement may be available for certain types of unfair dismissal including summary dismissals based on procedural defects or non-observance of natural justice. *University of Nigeria teaching Hospital and Management Board* v. *Hope Chinyelu Nnoli* (1994).
22. Notification of dismissal	1970: 0.67	Labour Decree No.21 1971 s. 19(a) for both collective and individual redundancy, the trade union or workers' representatives must be notified. In cases of redundancy the employer shall inform the trade union or workers' representative of the reasons for the anticipated redundancy: see s. 19(3) for the definition of redundancy.
23. Redundancy selection	1970: 1	Labour Decree No.21 1971 s. 19(b): the 'last in, first out' principle must be followed.
24. Priority in re-employment	1970: 0	There are no provisions.
D. Employee representation		
25. Right to unionisation	1970: 1	The 1963 Constitution Art. 40 guarantees the right to associate with other persons and in particular to form or belong to any political party, trade union or any other association for the protection of interests.
26. Right to collective bargaining	1970: 0	There is no constitutional protection for collective bargaining.
27. Duty to bargain	1970: 0 1978: 0.5	Under the Trade Union Decree 1973, only registered trade unions can collectively bargain or further the purposes for which they are formed. There is no express duty to bargain and collective bargaining agreements are not mandatory. However, they do play a considerable role in regulating employment terms so in practice bargaining does take place. The granting of legal status to representative unions in the 1978 Trade Union

		Amendment Act gave unions a de facto right to negotiate collective agreements. S. 22 provides a procedure through which a union can seek to compel an employer to recognise a union although the model in Nigeria is broadly one of voluntary collective bargaining.
28. Extension of collective agreements	1970: 0	Collective Aareements are only legally binding if declared so by a Minister, and there is no provision for extension as such.
29. Closed shops	1970: 0	Labour Decree No.21 s. 9(6)(a) prohibits an employer making union membership or on-membership a ground for dismissal or a condition of employment.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0	Worker participation is limited and collective bargaining is the chief form of worker participation.
E. Industrial action		
32. Unofficial industrial action	1970:0	Trade Disputes (Emergency Provisions) Act 1968 prohibited strike action completely. Trade Union Decree 1973 s. 46 provides immunity from tortious actions for anyone who carries them out in contemplation or furtherance of a trade dispute. However, the Trade Unions Act stipulates that (Sched. 1, para. 14) the rule book of all unions must state that no member of a trade union shall take part in a strike unless a majority of the members has voted in favour. The Trade Union Amendment Act 2005 made this explicit by amending s. 30 to state that no strike can be carried out unless a ballot has been conducted in accordance with the rules of the constitution of the trade union.
33. Political industrial action	1970: 0	Trade Union Decree 1973 s. 15 prevents trade union funds being applied either directly or indirectly to further political objectives, but strikes are not expressly covered by the activities listed in Art. 15. However, the s. 21 immunity in tort requires that the tortious action was taken in furtherance or contemplation of a trade dispute. See also TUAA

		2005 s. 30.
34. Secondary industrial action	1970: 0 1973: 1	The trade dispute immunity is broad enough to cover secondary action provided that the strike is in contemplation or furtherance of a trade dispute, without particular restriction on the parties.
35. Lockouts	1970: 0 1973: 0.5	The Trade Disputes Decree 1976 governs lockouts in the same way as strikes.
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0	After the mandated conciliation procedures, the Trade Disputes Decree 1976 makes it clear that a new dispute has to exist and so the whole process must begin again. This in effect means that a strike cannot be declared even if the conciliation fails. Okeke, 'The status of the right to strike in Nigeria' in *Selected Works* (2007).
38. Peace obligation	1970: 0	There is a partial and *de facto* peace obligation: Workers cannot strike unless the Union has complied with the procedures set out in the collective agreement that applies to them. In addition, the law makes check off payment of union dues conditional on the inclusion of a no strike clause during the lifetime of a collective agreement for strikes that commence without due cause.
39. Compulsory conciliation or arbitration	1970: 0	Trade Disputes Decree 1976 s. 3 requires that the parties meet with a mediator whenever a trade dispute exists. Art.6 provides for compulsory conciliation to follow, and s.7 refers to a power for the Minister to refer to arbitration. Strikes declared during these procedures will be unlawful (s. 13) Any final award will be binding on the parties such that any further action taken will be new trade dispute that requires fresh conciliation.
40. Replacement of striking workers	1970: 0	The approach in Nigerian law is akin to the traditional view in English law, namely that a strike is a fundamental breach of the contract of employment for which dismissal can

		take place.

Norway

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The generally used legislative definition of a 'worker/employee' is 'anyone who provides work in the service of another'. The courts look to objective criteria rather than the label used by the parties. See judgments (HR-2013-628-A) and (HR-2013-630-A). The labour inspectorate has powers in relation to employment status issues.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2006: 1	The Working Environment Act (WEA) (2005), Art. 13(1)(3), prohibits discrimination against part time workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is drawn for the purposes of dismissal and hours worked do not affect continuity of employment.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1977: 0.5 1995: 1	WEA 1956, Art. 41(1)(b): provided that it was possible to contract for a fixed period to carry out a specified piece of work but no placed limits on the type of that could be carried out this way. WEA 1977, Art. 58(7): contracts could be concluded for a fixed term only where the nature of the work demanded it (for example, replacement of an absent worker or for training). WEA 1995, WEA 2005 and later amendments: FTCs can only be concluded in specific circumstances, including: when the nature of the work is different form that ordinarily performed; trainees; temporary replacements; chief executives.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2006: 1	WEA 2005, Art 13(3): prohibition of discrimination on the basis of temporary employment.
6. Maximum duration of fixed-term contracts	1970: 0 2010: 0.6	WEA as amended in 2010, Art 14-9: FTCs are deemed permanent after 4 years.
7. Agency work is prohibited or strictly controlled	1970: 1 1999: 0.5 2009: 0.67 2013: 0.75	Act No. 12 1968, Art. 26 prohibited of agency work unless it was provided by a training/educational establishment to find work for its students. 1999: the ban was lifted but agency work was subject the same regulations as FTCs under the WEA. 2009 regulations governing agencies: introduced information and registration requirements. WEA 2012 amendments: further information requirements and joint liability for wages and other benefits governed by equal treatment requirements in Art. 14-12a.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2006: 0.75 2013: 1	There was no guarantee of equal treatment until the WEA 2005 amendment introducing protection from discrimination against temporary workers (including agency workers governed by 'temporary work' regime). 2012 amendment: Art 14-12a: right to equal treatment with regular workforce of the hirer.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.8 1988: 0.83	Annual Leave Act 1964, Art .3: 24 days. Holidays Act 1988, Art 5(1): 4 weeks and 1 day (25 days). 30 days is currently the norm in collective agreements.
10. Public holiday entitlements	1970: 0.56	Public Holidays Act No.12 (1995), Art. 2: 10 days.

11. Overtime premia	1970: 0.25 1977: 0.4	Act on the Conditions of Work (ACW) 1956, Art. 25(3): 25%, WEA 1977-present: 40% (Art. 49(3), now Art. 10-6(11).)
12. Weekend working	1970: 0	WEA Arts. 10-8 (4), (5) govern Sunday working but do not require compensatory pay.
13. Limits to overtime working	1970: 0.75 2012: 0.25	ACW 1956, Art 26(1): set a maximum of 10 hours overtime per week. In specified circumstances, up to 15 hours overtime was permitted per week, but for no longer than 6 months. In no case could overtime exceed 25 hours in 4 consecutive weeks or 250 hours per calendar year. WEA 1977, Art. 50(2): daily limit of 14 hours, maximum hours of overtime of 10/week, 25/month, 200/year. By collective agreement, 4 weeks of 15 hours overtime per week (total 40 hours) permissible. 300 hours a year of overtime also permissible for certain workers. WEA 2005: 10 hours overtime per week, 25 per month or 200 per year. Since 2012: 20 hours per week or 200 hours per 26 weeks.
14. Duration of the normal working week	1970: 0.13 1977: 0.67	ACW 1956, Art. 23(1)(a): normal working week of 48 hours. WEA 1977, Art. 46(2): normally 40 hours per week. (Although longer weeks can be averaged out to achieve the normal 40 per week). Collective agreements often set a normal working week of 37.5 hours, with employees qualifying for overtime beyond that limit.
15. Maximum daily working time	1970: 0 1977: 0.4 2005: 0.5	ACW 1956: no minimum daily rest period. Normal daily hours: 8, maximum overtime per week: 10 hours. Potentially an 18-hour day. WEA 1977, Art. 51(2): minimum rest period of 10 hours. Act No.62/2005 amendment: 11 hours continuous daily rest. 2012 amendment: up to 16 hours work daily maximum but maintains 11 hours rest between two working periods.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 1995: 0.33	ACW 1956, Art. 41(1)(a):14 days for workers paid other than monthly. One month for monthly paid workers. WEA 1995, WEA 2005: minimum of 1 month.
17. Legally mandated redundancy compensation	1970: 0	None is required by legislation. Collective agreements may provide for severance pay.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.33 1977: 0.86	ACW 1956, Art. 43(1): protection against 'unwarranted dismissal' for workers with 2 years' continuity of employment. WEA 1977: 14 days' notice for employees during the trial period which can be no longer than 6 months (Art. 63).
19. Law imposes procedural constraints on dismissal	1970: 1	ACW 1956: written notice is required. Verbal would result in longer time limit. WEA 1977, Art. 56: written notice is required, including a reference to the employee's right to request negotiations and institute proceedings under Art. 61, and information on time limits. The worker may request written reasons for the dismissal. Consultation with workers' representatives is required before employer can dismiss. It is not possible to make a payment in lieu of notice. A worker may claim compensation if the notice is 'invalid'.
20. Law imposes substantive constraints on dismissal	1970: 0.67	ACW 1956, Art. 42(1) and WEA 1977, Art. 60(1): termination is only permitted for reasons related to the undertaking, the employer or the worker. Arts 63-65 provide protection from dismissals for certain specified reasons. Summary dismissal is permitted for serious misconduct after consultation with workers' representatives.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67	ACW 1956, Art. 43(1): reinstatement at worker's request if it appears reasonable, or compensation. WEA 1977, Art. 62: notice can be declared invalid (de facto reinstatement) unless the court determines that it would be unreasonable for employment to continue. Compensation is an alternative but in practice reinstatement is frequent.
22. Notification of dismissal	1970: 0.17 1977: 0.67	Prior to 1977 the worker was entitled to a testimonial recording the period of employment but not to written reasons. WEA 1977: consultation with workers' representatives (WR) is required for summary dismissals, and for any other dismissal unless this is waived by the employee (Art. 57). Now s 15-1. Basic Agreement (2009-2013) Art 10(2): requirement to discuss dismissals with worker representatives.
23. Redundancy selection	1970: 1	There are specific legislative criteria. However, Art. 9(12) Basic Agreement requires that the seniority principle should apply unless this is waived by worker representatives. In

		general, collective agreements have required objective reasons for departing from seniority.
24. Priority in re-employment	1970: 0 1977: 1	WEA 1977, Art. 67: priority for reinstatement within one year of notice of termination for reasons of work shortage. Maintained in WEA 2005, Art. 14-2, and Art. 10(4) Basic Agreement.
D. Employee representation		
25. Right to unionisation	1970: 0.67	There is no formal reference to freedom of association or the right to unionisation in the Constitution. However, the Supreme Court has applied ILO Convention No. 98 to rule that a non-unionisation clause in a hiring agreement was unlawful *(Norsk Retsidende*, 2001).
26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1970: 1	As early as 1902, the Basic Agreement between the peak level federations of employers and trade unions provided for compulsory arbitration over the conclusion of a collective agreement if requested by one of the parties. See now Art. 3(6) Basic Agreement 2009 for the duty to conclude a collective agreement.
28. Extension of collective agreements	1970: 0 1993: 0.5	There is no general provision for giving erga omnes effects to collective agreements generally applicable. Act 58/1993 allows for the extension of nationwide agreements if it is evident that foreign workers are subject to inferior normal working conditions.
29. Closed shops	1970: 1 2008: 0.25	Closed shops were formerly widespread. In 1999 the legislature rejected a proposal to safeguard the freedom not to associate. In case law, ILO Convention No. 98 has been invoked to non-unionisation clauses in employment contracts unlawful. In 2008 it was ruled (HR-2008-2036-A) that pre-entry closed shops were unlawful. Union security clauses are now being phased out of collective agreements.

30. Codetermination: board membership	1970: 0 1973: 1	Limited Liability Companies Act 1973: Companies with 30 more employees may, on request, elect employees to the board of directors (up to one third of the board).
31. Codetermination and information/consultation of workers	1970: 0.67	The 1966 Co-operation Agreement between NAF and LO established workers' councils. WEA 1977 extended participation through activities of the Work Environment Committees and safety delegates. Art. 12(1) Basic (Co-operation) Agreement requires works councils in enterprises with 100 or more employees (they are optional in smaller enterprises). Under Art 12(8) WEA, management must address matters on which the works council gives its opinion and inform the council of its decision.
E. Industrial action		
32. Unofficial industrial action	1970: 1	Labour Disputes Act 1927 Art. (5): a strikes is defined as a total or partial stoppage of work brought about by employees acting together in order to force a resolution of a dispute between a trade union and an employer or an employers' association. Provided that employees do not strike when it is otherwise unlawful (for example where a collective agreement is in force or if no negotiation or mediation precedes the strike), it will be permitted. There are no balloting or union authorisation requirements.
33. Political industrial action	1970: 1	There is no prohibition on political strikes.
34. Secondary industrial action	1970: 1	The Basic Agreement (1935) regulates sympathy action (see Art. 3(6) 2009 Agreement): it is permitted provided prior negotiations are undertaken and notice given. According to case law, sympathy action requires only notification.
35. Lockouts	1970: 0	Lockouts are permitted, including sympathy and political lock outs.
36. Right to industrial action	1970: 0	The right to strike is not constitutionally protected.
37. Waiting period prior to industrial action	1970: 0	Basic Agreement, Art. 3(1): notice (referred to in Art. 36 Labour Disputes Act) must be given no later than 4 days before the commencement of industriali action. LDA, Art

		31(2): the conciliator has the power to prohibit a work stoppage.
38. Peace obligation	1970: 0.33	LDA 1966, Art. 6(1): there is a peace obligations for the duration of the collective agreement. See also Basic Agreement 2009, Art. 2(2).
39. Compulsory conciliation or arbitration	1970: 0	Art. 2(3) Basic Agreement: prior negotiations are compulsory to settle all disputes. See also Arts. 29(1) and 31(2) LDA: a state appointed mediator will be assigned to deal with a dispute if the parties cannot reach agreement. The Parliament may also adopt an act of compulsory arbitration if a labour conflict is seen to threaten the life and health of the population.
40. Replacement of striking workers	1970: 1	Collective Agreements strictly regulate the replacement of striking workers during a strike. The NHO service ethical guidelines also prohibit this.

Pakistan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970:1	The approach of successive laws has been to assign work relationships to one of a number of defined categories including permanent workers, probationers, 'badlis', temporary workers, apprentices and contract workers (Industrial and Commercial Employment (Standing Orders) Ordinance 1968; Industrial Relations Ordinance 2002; Industrial Relations Acts, 2008, 2012.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	West Pakistan Minimum Wage Rules 1962 (reflecting immediate post-independence laws) provided for a limited right to equal pay for equal work. In practice laws and agreements have not formally distinguished between part-time and full-time work.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no formal distinction between part-time and full-time workers in relation to dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	The employer may employ an FTC worker for up to 9 months without requiring a specific justification. The 'baldi' worker is a separate category, replacing a worker who is temporarily absent.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	MWR 1962 provided for a limited right to equal pay for equal work. FTC workers with a normal contract of 9 months would not qualify for annual paid leave rights which require 12 months of employment. FTC workers do not have normal rights to protection against

		dismissal for misconduct, instead having a more limited right to hearing.
6. Maximum duration of fixed-term contracts	1970: 1	After 9 months a temporary worker is deemed to be permanently employed if the 3-month probationary period has been successfully completed.
7. Agency work is prohibited or strictly controlled	1970: 0	Legislation governing the licensing and operation of agencies was adopted in 1976 but relevant regulations were not adopted. There are no substantive controls on the use of agency work although the 9-month limit on FTCs may be relevant in this context (see above). 'Payrolling' or the use of intermediary companies to avoid certain legal obligations is common.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.2 2002: 0.1	Limited right to equality under s. 15 MWR and IRO 2002. Agency workers do not in general fall under collective agreements or laws on severance and dismissal which require 12 months' continuous employment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.17 1972: 0.33	Factories Act 1923: 1 week. 1972 amendment: 2 weeks or 14 calendar days. These norms strictly apply to factory workers only but are more generally observed.
10. Public holiday entitlements	1970: 0.78	14 days (FA s. 49).
11. Overtime premia	1970: 1	Double time (Shops and Establishments Ordinance 1969: only covers certain workers but establishes a norm for other sectors).
12. Weekend working	1970: 0.5 2006: 0	Since 1969 the FA provided for compensatory holiday for weekend working (Friday or Sunday). From 2006 the employer can nominate any day of the week as the weekly holiday.

13. Limits to overtime working	1970: 1	FA 1939: total working time limited to 12 hours per day. 2006 amendment to SEO: maximum 10 hour day or 60 hour week.
14. Duration of the normal working week	1970: 0.13	48 hours is the norm (FA 1923, SEO 1969) subject to some exceptions and sectoral differences.
15. Maximum daily working time	1970: 0.6	FA 1923, s. 34: 12 hours including overtime.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	30 days: Industrial and Commercial Employment (Standing Orders) Ordinance 1968.
17. Legally mandated redundancy compensation	1970: 1	30 days' wages per completed year of service: ICE(SO)O 1968.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	3 months' probation period: ICE(SO)O 1968.
19. Law imposes procedural constraints on dismissal	1970: 1	Employer must provide written statement of reasons for dismissal and provide worker with a right to fair hearing. ICE(SO)O 1968.
20. Law imposes substantive constraints on dismissal	1970: 0.33 2008: 0.67	There is no legislative requirement of just cause dismissal but the courts have developed specified grounds for dismissal in case law and from 2008 the labour court has the power to inquire into the adequacy of dismissal and to see if there was a good faith and valid reason. The 2010 Employment and Service Conditions Act which tightens the law has not been brought into force.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Under the ICEO and the 2008 Act the court has discretion to set the remedy for dismissal and is not bound to order reinstatement.

22. Notification of dismissal	1970: 0.33 1972: 1	The 1968 Ordinance required notice to the individual or payment in lieu. From 1972 the employer had to get the permission of the labour court if more than 50% of the workforce was to be laid off. Subsequent laws maintained information and consultation rights as parts of the law relating to employee representation.
23. Redundancy selection	1970: 1	Legislation establishes a norm of last in, first out.
24. Priority in re-employment	1970: 1	Legislation established rules on priority in re-hiring.
D. Employee representation		
25. Right to unionisation	1970: 0 1974: 1 1999: 0.5	Art. 17 1974 Constitution. The Provisional Constitution of 1999 preserved this right but a number of constitutional orders relating to the declaration of a state of emergency limited the right.
26. Right to collective bargaining	1970: 0 1997: 1 1999: 0.5	In 1997 the SC declared that there was a right to strike under Art. 17 of the Constitution. See above on the post-1999 score.
27. Duty to bargain	1970: 1	A right to collective bargaining was introduced in legislation in the IRO 1969, which set up a procedure for union certification.
28. Extension of collective agreements	1970: 0	There is no statutory provision for extension of collective agreements.

29. Closed shops	1970: 1 2008: 0	Industrial Relations Act 2008 prohibits the imposition of a requirement to join or not to join a trade union.
30. Codetermination: board membership	1970: 0 1972: 1	Workers Welfare Fund Ordinance 1972 provided for worker representation at board level.
31. Codetermination and information/consultation of workers	1970: 0 1972: 1 2002: 0.5 2008: 1	Works councils with codetermination powers were part of the 'three pronged' approach under IRO 1969 and WWFO 1972. From 2002 works councils' powers were limited to information and consultation. IRA 2008 restores codetermination powers.
E. Industrial action		
32. Unofficial industrial action	1970: 0	A strike is illegal if organised without due notice or in a period when settlement of an award is underway. E.g. Industrial Relations Act 2002, s. 35, ss. 60, 63, Industrial Relations Act 2008.
33. Political industrial action	1970: 0 2011: 0.5	Prior to 2011 the definition of an industrial dispute excluded strikes in relation to the enforcement of any right under a law, ordinance or award, but this exception was removed by ordinance in 2011 and the new definition maintained in the Industrial Relations Act 2012.
34. Secondary industrial action	1970: 0	The Industrial Disputes Ordinance 1959 and the Anti-Terrorist Ordinance 1999, the latter still in effect, criminalised certain strikes, including those involving picketing and meetings of more than 4 people without police approval, effective limiting the scope of secondary strike action.
35. Lockouts	1970: 0.5	The right to lock out has generally been subject to parallel controls to those affecting

		strikes.
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0	Successive laws have imposed notice requirements for strikes (IDO 1959, IRA 2002, IRA 2008).
38. Peace obligation	1970: 0.5	While a strike is not per se unlawful if it in breach of a peace obligation, a party to a collective agreement can effectively prevent a strike by applying for conciliation: this provision has been re-enacted under successive laws since legislation of 1969.
39. Compulsory conciliation or arbitration	1970: 0	The IDO 1959 and IRA 2002 imposed requirements of conciliation, mediation and (from 2002) arbitration before a strike could be called. IRA 2008 mandates conciliation during the notice period.
40. Replacement of striking workers	1970: 0 2002: 1	IRA 2002 s. 44 and IRA 2008 s. 65 prevent dismissal while proceedings relating to a strike are pending.

Panama

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Labour Code (LC) 1947, Art. 7: an individual contract of employment shall mean an agreement, whether oral or in writing, whereby a person is bound to provide services to another or to carry out work for another under supervision and in return for remuneration or a wage. Art. 8: except where the contrary is evident, a contract of employment shall be deemed to exist between a person who performs a service or carries out a piece of work and the person who receives the benefit of the service or the work carried out. Art. 40: persons whose wage or salary is calculated on a commission basis shall be deemed to be employees of the persons for whom they work, provided that they perform services continuously for one person alone under a contract of employment. LC 1972, Art. 62: an individual contract of employment (even if it is called by some other name) is a verbal or written contract whereby a person undertakes to provide services or perform work for another person, under the latter's orders and authority. Art. 66: contract of employment and an employment relation shall be presumed to exist between a person who provides services or performs work in person, and the person who accepts such services or on whose behalf or account such work is performed.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No right to equal treatment. LC 1971, Art. 10: principle of equal pay for equal work but this is qualified by stating that it only applies where hours of work are equal.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0 1972: 1	No distinction for the purposes of dismissal.

4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1972: 1 1990: 0 2009: 1	LC 1947: No restrictions on use of FTCs. LC 1971, Art. 75: FTCs permitted only where (1) the nature of the work performed permits this; (2) in cases where the post is being kept or reserved as prescribed by law or collective agreement or any other cases where a worker is temporarily replaced; (3) in the other cases provided for in this Code. 1990 amendment: FTC is the default form of contract. 2009: Art. 75 amended to state that FTCs may not be used for posts of a permanent nature apart from cases permitted by the Code.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1972: 0.25	LC 1947: No right to equal treatment. LC 1971, Art. 10: principle of equal pay for equal work.
6. Maximum duration of fixed-term contracts	1970: 0	No maximum cumulative duration: LC 1947, Art. 14: a clause in a contract of employment by which an employee binds himself to perform services for a period of more than one year shall be void on the application of the employee. This provision shall apply likewise to services which require special technical training where the duration of the contract exceeds five years. However, a contract concluded for a specified period may be prolonged expressly or by tacit consent. A contract shall be deemed to be prolonged by tacit consent if the employee continues to perform his work without objection from the employer. LC 1971: no maximum cumulative duration.
7. Agency work is prohibited or strictly controlled	1970: 0	No restrictions on when agency employment may be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 1	LC 1947, Art. 170: 30 days' paid annual leave. Maintained in LC 1971, Art. 54.

10. Public holiday entitlements	1970: 0.5 1981: 0.61 2013: 0.67	LC 1947, Art. 644: 9 public holidays. An additional day is celebrated when the President takes office (but this is not an annual occasion.) Maintained in LC 1971, Art. 46. 1981 Amendment: 11 public holidays, as well as the day on which the titular President of the Republic takes up office. 2013 Amendment: an additional day is celebrated every year.
11. Overtime premia	1970: 0.38	LC 1947, Art. 154: overtime to be remunerated at 25% for daytime work and 50% for night time work. Maintained in LC 1971, Art. 33.
12. Weekend working	1970: 0.5	LC 1947, Art. 166: 50% premium for work done on Sundays (or the weekly rest day). Maintained in LC 1971, Art. 48.
13. Limits to overtime working	1970: 1	LC 1947, Art. 155: weekly limit of 9 hours (unless there are exceptional circumstances). LC 1971, Art. 36(4): no more than 3 hours of overtime a day or 9 hours per week.
14. Duration of the normal working week	1970: 0.13	LC 1947, Art. 151: the workweek shall not exceed 48 hours. Maintained in LC 1971, Art. 31.
15. Maximum daily working time	1970: 0.6	LC 1947, Art. 158: (all employees including managerial staff) 12 hours is the maximum period at the work place. LC 1971, Art. 39(3): minimum of 12 consecutive hours' rest.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67 1972: 0.33	LC 1947, Art. 76: 2 months' notice when the employee has been employed for two years or more. LC 1971: one month's notice (but apparently only necessary in the case of redundancies).
17. Legally mandated redundancy compensation	1970: 0 1972: 0.75	LC 1947: no redundancy payment. LC 1971, Art. 225: severance pay of 3 weeks' pay per year of service.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 1972: 0.33	LC 1947: no unfair dismissal law. LC 1971, Art. 212: uninterrupted two-year period of service required before an employee may claim that a dismissal was unlawful due to lack of reason or procedure. Notice must still be given.
19. Law imposes procedural constraints on dismissal	1970: 0 1972: 1	LC 1947: no procedural constraints. LC 1971, Art. 188: before the employer imposes a disciplinary sanction the worker shall have the right to a hearing and to be accompanied to such hearing by a legal adviser appointed by the trade union. Art. 211: it is unlawful for an employer to terminate a contract of employment for an unspecified period or without limit of time except where there are valid grounds admitted by law, and following the procedure stipulated by the law. Art. 215: the employer must obtain a declaration from the authorities to dismiss on the basis of redundancy.
20. Law imposes substantive constraints on dismissal	1970: 0 1972: 0.67	LC 1947: no substantive constraints. Misconduct (as outlined in Arts. 42 and 81) will absolve the employer of liability for failure to give notice. LC 1971, Art. 213: disciplinary reasons, incapacity and financial and similar reasons are set out a grounds for dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1972: 1 1976: 0.67 1981: 1 1986: 0.67	LC 1947: no unfair dismissal law as such. LC 1971, Art. 218: reinstatement can be applied for by the worker in the case of unfair dismissal. Art. 219: compensation may be granted instead of reinstatement in exceptional circumstances. 1976 amendment: the employer may decide whether the remedy should be reinstatement or compensation. 1981 amendment reversed the 1976 amendment; the employee could now elect between compensation instead of reinstatement. The employer could elect to pay compensation with a50% uplift, with a 10% limit on such dismissals in a given period. 1986 amendment: employer not obligated to reinstate the employee.
22. Notification of dismissal	1970: 0.33	LC 1947, Art. 53: on the termination of every contract of employment the employer shall give the employee on request a certificate stating the duration of the employment, the nature of the work or services performed, and the reason for the termination of the contract. LC 1971, Art. 214: written notice with reasons must be given to the employee. Art. 217: employer has the option of seeking prior authorisation of the court for certain dismissals in order to expedite the process of termination.

23. Redundancy selection	1970: 0 1972: 1	LC 1947: No provisions. LC 1971, Art. 213(c): hierarchy for redundancy selection: first out are the latest arrivals; preference of Panamanian workers over aliens; preference for trade union members; preference for the more efficient workers; and pregnant mothers are the last to be dismissed.
24. Priority in re-employment	1970: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1970: 1	1946 Constitution, Art. 67: right of union organisation by workers is recognised. Maintained in 1972 Constitution, Art. 63. Now Art. 40 of amended 1972 Constitution.
26. Right to collective bargaining	1970: 0	No right to collective bargaining in either Constitution.
27. Duty to bargain	1970: 0 1972: 1 1976: 0.5 1981: 0.75 1990: 0 1993: 1	No duty to bargain before LC 1971, Art. 401. 1976 Amendment: exemption where the employer can show to the ministry that the collective agreement would prevent the undertaking from operating on a profitable basis. 1981 Amendment removes the 1976 exclusion but permits undertakings that have been in operation for less than 2 years to not conclude an agreement. 1990 amendment: obligation to conclude collective agreements was suspended during the economic crisis. 1993: duty to bargain reinstated.
28. Extension of collective agreements	1970: 0	No provisions.
29. Closed shops	1970: 0	LC 1947, Art. 280: unlawful to compel any person to become a member of an industrial association or to refrain from doing so. LC 1971, Art. 138: unlawful for an employer to oblige workers in any manner whatsoever to cease to be members of the trade union or

		to oblige workers by coercion or in any other manner to join or not to join a given trade union.
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0	LC 1947: No provisions. LC 1971, Art. 186: provision for a mandatory works committee where there are 20 or more workers but the works committee's role is limited to mediation and dispute resolution.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1947, Art. 317: requires 60 % of employees in the undertaking to take part for the strike to be legal (although this only need be 3 or more employees) and Art. 319(2) requires the exhaustion of the conciliation procedure before a strike can be lawful. LC1971, Art. 476: for a strike to be lawful, it must be supported by the majority of workers at the undertaking, establishment, branch or works. If a strike is declared in an undertaking comprising two or more establishments, branches or works, the majority to be taken into account shall be that based on the payroll for the entire undertaking. Art. 489: in the case of a workers' trade union, strikes can only be declared by a decision of the general meeting.
33. Political industrial action	1970: 0 1972: 0.5 1990: 0 1993: 0.5	LC 1947, Art. 293: an association shall not interfere with party politics by causing itself to be represented at political conventions or on political committees, by giving money to political parties or by nominating candidates officially. Art. 317: strikes must be for the exclusive purpose of bettering workers' common economic and social position or defending their common economic and social interests. LC 1971: there is no express prohibition on political strikes; the strike must have the object of obtaining better conditions of work from the employer (Art. 480). 1990 amendments to the LC: mandatory arbitration for all strikes. Law 2 of 1993 repealed the mandatory arbitration provisions.
34. Secondary industrial action	1970: 0.25	No express prohibition of solidarity action although action although under LC 1947, Art.

	1972: 0.75 1990: 0 1993: 0.75	317, strikes had to be for the exclusive purpose of bettering workers' common economic and social position or defending their common economic and social interests. LC 1971, Art. 480: sympathy strikes expressly permitted but limited by Art. 484: a sympathy strike may be declared only by workers belonging to the same trade or occupation, on one occasion only, and for a period not exceeding two hours and may only be declared in these cases only in workplaces situated in the same locality, except in the case of establishments, branches, workshops or other work centres or work sites belonging to the same employer or forming part of the same undertaking. 1990 amendments to the Code effectively prohibited strikes altogether as mandatory arbitration (in addition to the conciliation) was introduced. Law 2 of 1993 repealed the mandatory arbitration provisions.
35. Lockouts	1970: 0.5 1972: 1	LC 1947, Arts. 326 and 327: lockouts regulated broadly in parallel with strikes. LC 1971: no provision for lawful lock-outs.
36. Right to industrial action	1970: 1	1946 Constitution, Art. 68: right to strike. 1972 Constitution, Art. 64: right to strike. (Now Art. 69 of amended 1972 Constitution.)
37. Waiting period prior to industrial action	1970: 0	LC 1947: no express notice obligation but conciliation provides a de facto waiting period. LC 1971, Art. 490: 5 days' notice required as well as exhaustion of the conciliation process.
38. Peace obligation	1970: 1 1990: 0 1993: 1	LC 1947: there is no peace obligation. Maintained in LC 1971. 1990 amendments introducing mandatory arbitration implied a de facto peace obligation. Law 2 of 1993 repealed the mandatory arbitration provisions
39. Compulsory conciliation or arbitration	1970: 0	LC 1947, Art. 319: for a strike to be exercised, the conciliation procedure must be exhausted. Similarly, LC 1971, Art. 476(1). .
40. Replacement of striking workers	1970: 1	LC 1947, Art. 318: lawful strikes suspend the employment contract and the employer

		shall not enter into new contracts of employment during the strike except where the maintenance of operations is deemed by the labour office to be necessary. LC 1971, Art. 493(2): contracts of employment are suspended during strike action. (3) It is illegal for the employer to attempt to enter into new contracts of employment in order to resume suspended services.

Paraguay

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The 1961 Labour Code provided an expansive and authoritative definition of the worker. The Labour Code applies to all those performing labour of any form. Art.19 and 20 create a presumption that a contract of employment exists where work is performed for any form of remuneration. Art.102 provides that proof of the existence of the contract will be provided by the contract itself or the presumption in art.20. Maintained LC 1993 Arts 8, 9 19, 103.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	LC 1961: Art.69(c), workers have the right to equal pay for equal work (of the same duration and under the same conditions). This is maintained in the LC 1993. However, only the LC 1993 specifically envisages part time work, and this is expressly permitted for domestic workers, who are subject to different terms and conditions: Art.195.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0	See v. 2 above. There are specific rules applied to domestic employees as regards dismissal.
4. Fixed-term contracts are allowed only for work of limited duration.	1970: 1	LC 1961 Art.51 prescribed a limit of one year for waged employees and five years for salaried employees, but allowed for unlimited renewal either expressly or by tacit consent. However, whether a contract was fixed-term or indeterminate was dependent on the nature of the task. Art. 52 made it clear that fixed term contracts were to be exceptional and used only in cases where the casual or temporary nature of the services to be given or the work to be done warranted them. See now Arts. 49 and 50 LC 1993.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.5	LC 1961: Art.69(c), workers have the right to equal pay for equal work; see also Art.67 (c) LC 1993. There is also constitutional protection for protection against discrimination in employment.

6. Maximum duration of fixed-term contracts	1970: 0	LC 1961 Art.51 prescribes limits but allows for renewals.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no restrictions on the categories of work allowed for agency employment.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0.25	LC 1961 Art. 26(b) provides for joint and several liability for 'middlemen'. LC 1961: Art.69(c), workers have the right to equal pay for equal work. Maintained LC 1993 Art 25.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4	LC 1961 Art. 219(b): 12 days after three years of service. Maintained Art. 218(a) LC 1993.
10. Public holiday entitlements	1970: 0.61	Public holidays are prescribed by law and to be paid. Art.217 and 214 LC 1993: 11 days.
11. Overtime premia	1970: 0.5	LC 1961 Art.215: 50% premia. Art.234 LC 1993.
12. Weekend working	1970: 1	LC 1961 Art.214: the weekly rest day is to be Sunday. Work on weekly rest day to be paid double – Art 215. LC 1993 Art.213 and 212.
13. Limits to overtime working	1970: 1	LC 1961 Art.203 Overtime is to be exceptional and never to exceed three hours a day, three times a week. Art.201 LC 1993.
14. Duration of the normal working week	1970: 0.13	LC 1961 Art.194: 48 hours Art.194 LC 1993.
15. Maximum daily working time	1970: 0.4	LC 1961 Art.193 and 194: 8 hours at the workplace, Art.213: at least ten hours continuous daily rest. Art.194 and 212 LC 1993.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.5	LC 1961 Art. 84 does not require notice for dismissal on a valid ground. In other circumstances, notice is required: 45 days for one to five years' service. See Art.82 and

		Art. 87(b) LC 1993.
17. Legally mandated redundancy compensation	1970: 1	LC 1961: Art.80 includes closure of the workplace/reduction in work as a reason for dismissal. Art.81 entitles the worker to one months' wages per year of service for workers with between one and five years' service. Art.78 LC 1993.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.95	LC 1961 Art 60: trial periods are prescribed. They must not exceed 30 days for domestic workers and unskilled workers, 60 days for skilled workers and apprentices, and a time agreed with regards to the nature of the work for highly skilled employees. Art.62: either party can terminate during the trial period without incurring responsibility. See Art.58 LC 1993.
19. Law imposes procedural constraints on dismissal	1970: 0	LC 1961 Art.95 and 96 requires a hearing before the labour authority only for those employees who have attained stability of employment.
20. Law imposes substantive constraints on dismissal	1970: 0.67	LC 1961 Art. 80 lists circumstances for the termination of the contract of employment. Art. 80(j) refers to dismissal for a valid reason. Art.83 lists potential grounds of misconduct, and circumstances of incapacity. See Art.78 and 81 LC 1993.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	LC 1961 Art. 84, 91, 92: compensation is the normal remedy: 15 days' wages per year of service. Art.97 requires reinstatement only for those with more than ten years' service. Maintained LC 1993: Art.82 and 91.
22. Notification of dismissal	1970: 0.67	LC 1961 Art. 94(b) the written statement provided to the employee on termination may include the reasons for the termination if the worker so requests. Art.95 and 96 requires prior authorisation by the competent authority for employees with stability of employment. Maintained LC 1993 Art.93. Prior notification to the Labour Authority is required in cases of total closure of the enterprise.
23. Redundancy selection	1970: 0	No provisions.
24. Priority in re-employment	1970: 1	Art.82 LC 1961: the employer is obliged to re-employ the dismissed workers if he re-

		opens the enterprise within one year. Art.80 LC 1993.
D. Employee representation		
25. Right to unionisation	1970: 1	Art.109 1967 Constitution guarantees the right for workers to form unions without restriction. Art. 96 1992 Constitution.
26. Right to collective bargaining	1970: 0 1992: 1	Art.109 1967 Constitution grants the right to form unions and defend their purposes. Art 97 1992 Constitution provides a specific right to conclude collective agreements.
27. Duty to bargain	1970: 1	LC 1961 Art. 288(b): unions have the right to agree collective agreements. See also Art. 300(a). Art.323 makes conclusion of a collective agreement on request in undertakings employing at least 20 employees compulsory. Art.384 prescribes a fine for employers who refuse to negotiate. See Art 290(b) and Art.334 LC 1993.
28. Extension of collective agreements	1970: 1	LC 1961: Art 335 allows for extension on request if the agreement is signed by two-thirds of the industry or sector concerned. Art.344 LC 1993.
29. Closed shops	1970: 0.5	LC 1961 Art. 65: (d) the employer must not influence an employee's trade union loyalties or (f) oblige employees to leave any industrial association. Art.282: no employer can be compelled to join or leave any industrial association. Art.319 permits closed shop clauses (for prospective employees only) in collective agreements.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0	No provision.
E. Industrial action		
32. Unofficial industrial action	1970: 0	LC 1961: Art.68(b) workers are not entitled to strike or engage in slow down except in cases of declared strikes. Art.83(b) allows an employer to dismiss an employee who

		engages in an unlawful strike. Art.295(e) requires a decision of a 'general meeting' of the union for a strike or lockout to be lawful. Art.353(b) requires support from at least ¾ of the total staff at the undertaking in question, or 2/3 of members of a union after a secret ballot at a general meeting. Retained in LC 1993 Art.363.
33. Political industrial action	1970:0	LC 1961 Art.281: the right to associate is limited to the pursuit of the social, cultural, economic and moral 'progress' of the members. Art.302(a) it is unlawful for unions to discuss political matters or interfere with them. See Art. 376 (a) and (b) LC 1993.
34. Secondary industrial action	1970: 1	LC 1961 Art.350(d) solidarity strikes in support of lawful strikes are permitted. This is retained in the 1993 LC.
35. Lockouts	1970: 0.5	LC 1961(ll) allows the employer to suspend the contracts of employment and close the workplace for the purposes of a lockout declared in accordance with the Code. Art.347 explicitly recognises the right to lockout provided they are conducted in the general interest. Art.367 subjects them to the same regulations and limits as strikes. See Art.379 LC 1993.
36. Right to industrial action	1970: 1	Art.110 1967 Constitution and Art. 98 1992 Constitution.
37. Waiting period prior to industrial action	1970: 0	LC 1961 Art.354(a) requires prior notice be given at least 6 days. LC 1993 Art.374: at least 72 hours compulsory arbitration prior to a strike.
38. Peace obligation	1970: 1 1994: 0	LC 1961 Art. 350 (c) allowed strikes during the currency of a collective agreement. subject to the *ultima ratio* principle (Art.353(b)). Art. 366 LC 1993, amended by Law No. 496 1994, introduce a specific prohibition on strikes not intended to enforce compliance with a collective agreement during its application.
39. Compulsory conciliation or arbitration	1970: 0	LC 1961 Art. 353(b) requires all peaceful means of resolution to be exhausted prior to a strike. See Art. 374 LC 1993 and Art. 329. Collective Agreements must prescribe peaceful mechanisms for the settlement of disputes. (Law No.496 1994).

40. Replacement of striking workers	1970: 1	LC 1961(ll) a lawful strike will merely suspend the contract of employment and the employee has a right to be reinstated after work recommences. Art.351 and 352 provide further explicit protection. Art.78 allows replacement of employees during contract suspension but circumstances of strike or lockout is not one of the permissible grounds and Art. 364 expressly prohibits the replacement of striking workers. See Art 368 and 372 LC 1993.

Peru

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75 2002: 1	An employment contract is presumed where there is provision of personal services by a 'subordinated' worker in return for remuneration. The 1997 Law of Procedure and Competitiveness (LPCL) Art. 9 defined subordination for this purpose. Art. 5 defines the provision of 'personal services'. Legislation of 2002 provides an anti-avoidance clause designed to catch cases of sham self-employment through a separate legal entity.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1993: 0.25	There is no law mandating equal or proportionate treatment for part-time workers, but the 1993 Constitution (Art. 26) refers to a general right to equal treatment in employment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0.5	Decree 22126 1978, Art 2: the Act is applicable to those working at least 4 hours a day. LPCL Art 22: those working at least 4 hours must not be dismissed without just cause.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	Decree No. 18138 1970, Art 1: an FTC may be agreed only if the casual or temporary nature of the services makes it necessary. Law 27404 1997: contracts are deemed to be permanent unless related to a short-term task; 9 short-term purposes were listed. Act No. 28051 amendment: valid justifications for FTCs are set out.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1993: 0.25	There is no specific right to equal treatment for FTC workers, but the 1993 Constitution (Art. 26) refers to a general right to equal treatment in employment.

6. Maximum duration of fixed-term contracts	1970: 0 2003: 0.5	Under the 2003 amendment (Act No. 28051) to the 1997 Act, there is a maximum cumulative duration of 5 years. It is shorter in certain circumstances, e.g. restructuring of the enterprise, where there is a 2 year limit.
7. Agency work is prohibited or strictly controlled	1970: 0 2002: 0.75 2007: 1	Under Decree No. 003 2002, there were registration and authorization requirements (Art. 7) for agencies and restrictions on the purposes for which agency work could be used. Law 003-2007: agency work is only permitted for 'complementary' activities (not the 'main' activities of the user enterprise).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Decree No. 003 2002, Art 5: extends working conditions that are of a mandatory nature to agency workers. However there is no equal treatment requirement that would put agency workers on an equal footing to non-agency workers.
B. Regulation of working time		
9. Annual leave entitlements	1970: 1	Annual Leave Act No. 113686 1961, Art 1961: 30 days holiday. Now: Decree n° 713, Art 10.
10. Public holiday entitlements	1970: 0.67	Decree respecting Feast Days 1951: 12 days; retained in 1948 Decree on Sunday Wages and Decree n° 713 Art 5, Article 6.
11. Overtime premia	1970: 0.5 1997: 0.25 2002: 0.3	Regulation of salaries Act 1956, Art 2: 50% on work days. Decree 843 1997: overtime must be at least 25%. Decree on Working Time and Overtime 2002, Arts 9 and 10: 25% for first two hours, 35% thereafter, 100% for illegal overtime.
12. Weekend working	1970: 1	Sunday is the designated weekly rest day – and it is a remunerated rest day so any hours worked will be paid at the normal rate but on top of the base pay for that day – so an effective 100% premium per hour.

13. Limits to overtime working	1970: 0 1993: 1	The 1993 Constitution establishes a 48 hours per week maximum (the previous Constitution stated that 48 hours was the norm but there were no limits on work beyond those hours). The Decree on Working Time and Overtime (2002) retains the 48 hour maximum.
14. Duration of the normal working week	1970: 0 1979: 0.13	1979 Constitution, Art. 44: ordinary working week of 48 hours. The 1993 Constitution sets 48 hours as the maximum.
15. Maximum daily working time	1970: 0	1979 Constitution, Art. 44: ordinary working time of 8 hours per day with the possibility to extend this by collective agreement. 1993 Constitution, Art. 25: 8 hour norm but no limit on daily working hours or any minimum daily rest requirement.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1997: 0.08	Pre-1997, 30 days' notice but only for redundancies. 1997 LPCL, Art 31: 6 days' notice (or other reasonable period) for misconduct dismissal, no notice for serious misconduct. 30 days' notice for capacity-related reasons.
17. Legally mandated redundancy compensation	1970: 1	There is no right to redundancy compensation as such but under a series of laws (most recently Decree No. 008 2014) the employee can access a seniority payment (*Compensación por Tiempo de Servicios*) equivalent to one month for each year of service in circumstances which include termination of employment for economic reasons.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92 1978: 0 1986: 0.92	Decree 22126 1977 extended the previous three month probation period to three years. Act No. 24514 1986, Art. 2 reverted to 3 months. Now Law 27404 1997, Art 10: 3 months but this can be extended to 6 months or a year for managers or directors.

19. Law imposes procedural constraints on dismissal	1970: 1	Decree No. 18471 1970, Art. 4: reasonable written notice is required to let the employee put their case in all cases of dismissal, transmitted via the Labour Authority (LA), stating the grounds for disciplinary action. This was maintained in the 1978 Decree, Art 6: dismissal is not effective if unfair and severance payments are not made. Decree No. 22126 1978 Art 27: additional compensation if the notice requirement is not observed. LPCCL 1997, Art. 21: the employee must be given written notice of the reason for dismissal with 6 days to respond. If the reason is related to mistakes or capacity, the employee must be given 30 days to correct mistakes or prove their qualifications/capacities. It is no longer necessary to notify the LA. Severance pay is possible in lieu of notice and of the just cause requirement.
20. Law imposes substantive constraints on dismissal	1970: 1 1991: 0.5	Decree No. 18471 1970, Art 1 (a) and (b): dismissal limited to cases of serious negligence/misconduct or LA-authorised reduction in staff. Maintained in Decree No. 22126 1978. Decree No. 726 1991: for newly hired workers, no just cause required so long as a severance payment (in principle one year's wages) is made. 1993 Constitution, Art. 27, refers to the right not to be unfairly dismissed. LPCL 1997 amended in 2003: fair reasons for dismissal include misconduct, economic reasons and reasons relating to capacity.
21. Reinstatement normal remedy for unfair dismissal	1970: 1 1991: 0.33 2003: 0.67	Decree No. 18471 1970, Art. 3(1): the employee may choose between reinstatement and compensation. Decree No. 22126 1978, Art. 6: identical, but increased level of compensation. 1991: employer may terminate employment relationship by paying 'severance' (compensation) of 12 months' wages. 1997 LPCL, Art. 34: compensation is the only available remedy unless dismissal based on prohibited grounds. From 2003 the trade union must be consulted in the event of a collective dismissal.
22. Notification of dismissal	1970: 0.67 1997: 0.33	Decree 18471 1970, Art. 4: notification of LA (as well as employee) for individual dismissals. 1997 LPCL: no longer necessary to notify the LA but individual must be given written reasons for dismissal (with 6 days afterwards to respond).
23. Redundancy selection	1970: 0	No requirements.

24. Priority in re-employment	1970: 1	Decree No. 18471 1970, Art 7: priority to be given to dismissed employees with relevant qualifications. Decree No. 22126 1978, Art 17 replicates this. LPCL 1997 as amended 2003, Art 52 retains this.
D. Employee representation		
25. Right to unionisation	1970: 0.33 1979: 1	The 1933 Constitution refers to the right to freedom of association. The 1979 Constitution protects freedom of association and specifically the rights of professional associations. The 1993 Constitution, Art .28, recognises the right to join trade unions.
26. Right to collective bargaining	1970: 0.75 1979: 1	The 1933 Constitution provides that the government must provide the conditions for collective agreements. Both the 1979 and 1993 Constitutions recognise the right to collective bargaining.
27. Duty to bargain	1970: 1	1971 Act on Collective Bargaining (ACB), Art. 17: the employer is bound to attend the meeting with the Union to undertake negotiations. Art. 14: the union may forward the statement of claim to the LA if the employer refuses to receive it. 2003 Act, Art. 56: the employer is obliged to accept the petition to bargain unless it is not presented in accordance with the Act.
28. Extension of collective agreements	1970: 0.67	1971 Act: a collective agreement must be submitted to the LA for approval, at which point it becomes binding. Where a collective agreements is made by a representative union (at whatever level) it binds members and non-members. Collective Relations Act (CRA) 2003, Art. 46: sector-level agreements must represent the majority of workers in the industry to be generally binding.
29. Closed shops	1970: 0	The 1979 Constitution granted the freedom to join or not to join a union. CRA 2003, Art. 3 prohibits the employer making employment conditional on TU membership.
30. Codetermination: board membership	1970: 0 1974: 0.5	Decree No. 20598 1974, the Socially Owned Enterprises Act, established the social undertaking sector within which workers have a right to participate in management, operation and profits. 1977 Industrial Communities Act, Art 61: workers are entitled to

		appoint representatives to the undertaking's 'directorate' in proportion to their share of undertaking. The directorate is made up of directors appointed by shareholders and directors representing the workers
31. Codetermination and information/consultation of workers	1970: 0 1974: 0.5	Decree No. 20598 1974, the Socially Owned Enterprises Act, referees to workers' right to participate in management, operation and profits. 1977 Industrial Communities Act: governs the establishment of industrial communities and their rights inter se and in relation to the management of the undertaking. CRA 2003: unions have priority in consultation for collective dismissals.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Decree No. 009 1961 confers upon the representative union the right to call work stoppages. CRA 2003: the strike must be declared in accordance with union procedure (including majority approval from all workers represented). 2006 Amendment: majority of those voting required.
33. Political industrial action	1970: 0 2005: 1	1961: Ministry of Labour drew up internal rules to decide when a strike was lawful. There was no systematic governance of the 'right' even after it was referred to in the 1979 Constitution. CRA 2003, Art. 73(a) limits strikes to disputes over labour rights and socio-economic or professional interests of workers. 2005: trade unions are permitted to define the purposes of strike action.
34. Secondary industrial action	1970: 0	1961 regime: the Minister would declare unlawful strikes which were 'sympathy strikes' amongst others and it was by Ministerial regulation that the scope of the right was primarily defined.
35. Lockouts	1970: 0 1971: 1	ACB 1971 Art. 54: all forms of lockouts are unlawful.

36. Right to industrial action	1970: 0 1979: 1	Constitution 1979, Art. 55: right to strike. Constitution 1993, Art. 28(3): right to strike.
37. Waiting period prior to industrial action	1970: 0.5 2003: 0	Pre-2003, there was a requirement to conduct a secret ballot before the strike could go ahead. ACB 2003, Art. 73(b) and (c): notice has to be sent to the Ministry of Labour 5 days in advance (or 10 days for public services).
38. Peace obligation	1970: 0	Under the 1961 Act the Minister would declare work stoppages illegal while collective agreements were in force as they were deemed to be against the spirit of cooperation.
39. Compulsory conciliation or arbitration	1970: 0.5	ACB 2003, Art. 75: requirement that direct negotiations have failed before a strike can be called. Strikes are prohibited if the parties agree to submit to arbitration. The MPTE can intervene if it deems the strike to be illegal or excessively prolonged and may intervene to resolve the dispute. The 2003 Act repealed the previous compulsory arbitration for essential services.
40. Replacement of striking workers	1970: 1	1970, 1978 and 1997 Acts each provide that participation in a strike does not constitute just cause for dismissal. 1993 Constitution, Art. 27: prevents dismissal for participation in any trade union activities.

Philippines

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The courts apply indicia including 'control' and 'economic reality' and there is a general provision requiring provisions of the Labour Code to be interpreted in favour of labour (LC Art. 4; see also Civil Code, Art. 1701), but there is doubt over the application of labour laws to workers without written contracts of employment.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1987: 0.25	No specific law on part-time work. General equal treatment clause: 1987 Constitution, Section 3, Art. 13.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	There is no difference in treatment between part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	LC Art. 270 deems employment to be indefinite unless it is agreed for a fixed term, referring to work for a specific project or seasonal work, but it does not require objective justifications for the use of FTCs.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1987: 0.25	FTC workers are expressly excluded from the general laws on termination of employment. General equal treatment clause: 1987 Constitution, Section 3, Art. 13.

6. Maximum duration of fixed-term contracts	1970: 0	There are no limits on duration or number of renewals.
7. Agency work is prohibited or strictly controlled	1970: 0 2002: 1	Prior to 2002 there were strict licensing and reporting rules for agencies but no limitation on the types of work that could be undertaken via agency employment. Decree No. 18-02 2002 reg. 6 prohibits the use of labour-only subcontracting for work ordinarily performed by regular employees of the enterprise.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1987: 0.67 2002: 1	LC 1974 Art. 104 makes the principal or user jointly liable with the labour-only subcontractor for wages and in respect of other relevant legal obligations; Art. 105 expressly extends this liability to agency situations. Under the 1987 Constitution there is a general equal treatment clause. Decree No. 18-02 makes the principal or user jointly liable for observance of the LC and grants agency or subcontracted labour the same rights and privileges as regular employees of the user.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0 1974: 0.13	LC 1974, Art. 95(a): 5 days' leave after one year of service.
10. Public holiday entitlements	1970: 0 1974: 0.56	10 days: LC 1974, Art. 94(a.). Code of Administration 1987: 10 regular public holidays and 2 special public holidays. Special public holidays are not paid if no work is done (whereas regular holidays are remunerated when no work is done) but work is remunerated at a 30% premium when work is done on a special public holiday.
11. Overtime premia	1970: 0 1974: 0.25	25% premium is the norm: LC 1974, Art. 86.
12. Weekend working	1970: 0	30% premium: LC 1974, Art. 93.

	1974: 0.3	
13. Limits to overtime working	1970: 0	There is no statutory upper limit on overtime, only an obligation to pay compensation for overtime worked (LC 1974, Art. 87).
14. Duration of the normal working week	1970: 0 1974: 0.13	There is no reference in the LC to a normal duration to the working week, but a 48-hour limit may be implied from the 8-hour day (Art. 83) and one weekly rest day (Art. 91).
15. Maximum daily working time	1970: 0	There is an 8-hour normal working day but no upper limit on overtime.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0	There is no general right to notice. The LC distinguishes between dismissal for just cause (Art. 282) and for an authorised cause, which includes business reasons (Arts. 283-4). Notice is only required for certain business reasons, initially involving the closure of a business (from 1981) and then more generally (from 1997).
17. Legally mandated redundancy compensation	1970: 0 1974: 1	LC Art. 283: one month's pay or one month's pay per year of service, whichever is the higher, for redundancy caused by installation of labour-saving devices, unless the redundancy is caused by business losses or closure, in which case it is one month's wage or half a month's pay per year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 1974: 1	There is no minimum qualifying period. There is a probationary period (Art. 281) but during that time dismissal must be for just cause.
19. Law imposes procedural constraints on dismissal	1970: 0 1989: 1	From 1989 amendments to Art. 277 LC laid down procedural requirements including an obligation to give reasons and to give the employee an opportunity to defend himself with the help of a company representative. Departmental Order No 9 of 1997, rule 23(2),

	2004: 0.67	further laid down standards of due process in relation to dismissal. From 2004, dismissal for a breach of procedure did not invalidate the dismissal or give rise to a right to reinstatement (*Agabon et al.* v. *National Labour Relations Commission*).
20. Law imposes substantive constraints on dismissal	1970: 0 1974: 0.67	The employer may only terminate for a justified reason as set out in LC Art. 282.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1974: 1 2005: 0.67	Reinstatment is the normal remedy for unjust dismissal, according to LC Art. 279. From 2005 the Supreme Court developed a doctrine of 'strained relations' to provide that compensation would be the appropriate remedy where the relationship had become too strained for reinstatement to be practicable (*Coca-Cola Bottles Phils.* v. *De Leon*).
22. Notification of dismissal	1970: 0 1974: 0.33 1997: 0.67	Under LC Art. 283 the employer has to submit a written notice to the Ministry of Labour and Employment before a dismissal for business or economic reasons. From 1997, Departmental Order No. 9 of 1997, rule 23(7), requires the employer to submit a monthly report of all dismissals to the Regional Office of the Ministry. Otherwise there is only the obligation to give the employee written notification of the reasons for dismissal.
23. Redundancy selection	1970: 0	No legal provision.
24. Priority in re-employment	1970: 0	No legal provision.
D. Employee representation		
25. Right to unionisation	1970: 1	The right to organise was seen as implied in the right of assembly in the 1936 Constitution. Freedom of association is referred to explicitly in the 1973 Constitution (Art. 4(7)) and in the 1987 Constitution (Art. 3(8)).

26. Right to collective bargaining	1970: 0 1987: 1	The right to collective bargaining is protected by Art. 13(3) of the 1987 Constitution.
27. Duty to bargain	1970: 0 1974: 1	It is an unfair labour practice to violate the duty to bargain (LC Arts. 248(g), 251-253).
28. Extension of collective agreements	1970: 0	There are no provisions for extension.
29. Closed shops	1970: 1	There is no prohibition of the closed shop. LC Art. 248(b): the employer may not require a person not to join a trade union. See also Act No. 875 of 1953, s. 4(a)(2).
30. Codetermination: board membership	1970: 0	There are no provisions for employee directors.
31. Codetermination and information/consultation of workers	1970: 0 1989: 0.33	From 1989, Art. 255 LC provides for the establishment of works councils to participate in policy and decision-making in the enterprise, but the legislation does not set out specific consultation or veto rights.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Departmental Order No. 9, 1997, expressly states that only a recognised bargaining agent may call a strike. Before that unofficial industrial action was presumptively unlawful by virtue of balloting and notice rules.
33. Political industrial action	1970: 1 1972: 0 1974: 1	Case law had recognised the concept of lawful political strike under the constitutional guarantee of freedom of expression in 1957 (*Apolonio Cabansaga* v. *Geminiana Maria Fernandez et al.*). but from 1972 martial law made all strikes illegal. The provisions of LC 1974, while restricting strike action to economic matters, do not necessarily rule out political strikes protected by the Constitution.

34. Secondary industrial action	1970: 0 1974: 1	All strikes were unlawful in the period of martial law (1972-4). The provisions of the LC 1974 (currently Art. 212(l)) are broad enough to allow secondary action, as they refer to a dispute over employment and related matters whether or not the parties to the dispute are in a proximate relationship of employer and employee.
35. Lockouts	1970: 0 1975: 0.5	Under Decree No. 823 175, lockouts are regulated in parallel with strikes, so that they must be accompanied by notice and conciliation requirements.
36. Right to industrial action	1970: 0 1987: 1	Art. 13(3) of the 1987 Constitution protects the right to strike.
37. Waiting period prior to industrial action	1970: 0	Successive laws have imposed strict notice requirement as part of conciliation and arbitration processes. See LC Arts. 263-266.
38. Peace obligation	1970: 0 1974: 0.33	The LC from 1974 makes no specific reference to peace obligations but case law has upheld 'no strike, no lockout' clauses in collective agreements.
39. Compulsory conciliation or arbitration	1970: 0	Strikes may not proceed until conciliation and arbitration procedures have been complied with: LC Arts. 263-266.
40. Replacement of striking workers	1970: 0 1989: 1	With effect from 1989, there are legal constraints on the dismissal of workers taking part in a legal strike (Law 6715, 1989, Art. 47(10); Order No. 9, 1997, rule 22(10).

Poland

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 0.67 1998: 0.75	The test of the employment relationship refers to the employee undertaking to work under the direction of the employer in return for payment (Art. 22-1 Labour Code). In 1998 a revision of the LC specified if a contract met the requirements of Art. 22-1 it was presumed to give rise to an employment relationship regardless of the label used by the parties.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0 2004: 1	Implementation of the PTW Directive in 1994: new Equal Treatment in Employment Chapter. Prior to that there were general anti-discrimination laws but their relevance to employment status was limited.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 0 2004: 1	The Equal Treatment in Employment Chapter of the LC applies to the conclusion and termination of a part-time worker's contract as well as to terms and conditions of employment.
4. Fixed-term contracts are allowed only for work of limited duration	1990: 0	There is no limit on the type of work for which FTCs may be agreed.
5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0.5 2004: 1	Prior to 2004, there was limited protection, for example in relation to the right to join a trade union. Equal treatment in employment including on basis of contract type was introduced in 2003: Act of 14 November 2003. Article 11 (in force in January 2004).

6. Maximum duration of fixed-term contracts	1990: 0 2009: 0.8 2012: 0	Prior to 2009 very long FTCs were held by case law to be circumventions of the LC, and an indeterminate duration contract would arise after two successive renewals, but with no time limit. Between 2009 and 2012, under the Law on the Economic Crisis, there was a 24-month limit.
7. Agency work is prohibited or strictly controlled	1990: 0 2003: 1	No controls prior to 2003: agency work was regulated by the civil code, not the LC. From 2003: under the Act on the Employment of Temporary Workers, temporary agency work is only allowed for certain categories of work such as seasonal employment and replacement of an absent employee.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0 2003: 1	There is a right to equal treatment under the Employment of Temporary Workers Act 2003.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.57 2002: 0.6 2004: 0.67	LC 1974 Act. 154(1): incremental leave rights depending on length of service, 17 days for an employee with 3 years' seniority. 2002: 18 days. 2004: 20 days.
10. Public holiday entitlements	1990: 0.67 2010: 0.72	Non-working Days Act of 18 January 1951 (as amended in 1990) 12 public holidays. In 2010 this was increased to 13.
11. Overtime premia	1990: 0.75 2004: 0.5	LC 1974: 50% for first 2 hours, then 100% for subsequent hours. From 2004: 50%. From 2006: 25%.

	2006: 0.25	
12. Weekend working	1990: 0 1996: 1 2006: 0.25	Under LC 1974, Sunday working was compensated for by an extra day's leave. Under LC 1996, double time. 2006: 25%.
13. Limits to overtime working	1990: 1 2006: 0.25 2009: 0.13	LC 1974: weekly limit of 46 hours inclusive of overtime and 120 hours in a year. 2006: 8 hours of overtime a week over a reference period of 26 weeks. 2009 crisis law: extended reference period to 12 months; similarly, 2013 Act on the Amendment of Working Time.
14. Duration of the normal working week	1990: 0.27 1997: 0.53 2001: 0.67	Prior to 1996: 46 hours per week. 1997: 42 hours. 2001: 40 hours. 2004: 40 hours over a 4-month reference period. Subsequent laws extended the reference period.
15. Maximum daily working time	1990: 0 2004: 0.5	There were no specific rest periods under the 1974 LC. From 2004: a right to 11 hours uninterrupted rest, implying a daily maximum of 13 hours.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.33 1996: 1	Prior to 1995: 4 weeks for an employee with at least one year of seniority. From 1996: 12 weeks for an employee with 3 years' employment. LC Art. 36.
17. Legally mandated redundancy	1990: 0.33	One month: 1990 Act on Termination for Reasons Related to the Establishment. 2006: 3

compensation	2006: 1 2011: 0.67	times average monthly remuneration. From 2011: 2 months.
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 1	Under the LC 1974 even a probationary period could not be terminated without notice and this approach has been maintained under successive laws.
19. Law imposes procedural constraints on dismissal	1990: 1	Notice is required and there must be prior consultation with the trade union. Failure to give notice results in nullity of dismissal.
20. Law imposes substantive constraints on dismissal	1990: 1	Grounds for dismissal have been narrowly defined. Prior to 2002 they were serious violation of basic obligations, commission of a crime, and lack of capability. From 2002 they are commission of a criminal offence and gross breach of a duty relating to work performance.
21. Reinstatement normal remedy for unfair dismissal	1990: 1 2004: 0.75 2006: 1	Under the LC 1974 reinstatement was the principal remedy. Under the 1996 LC, Art. 45, the court could substitute compensation. From 2006, s. 69 LC provides for the continuation of the employment relationship, treating an unfair dismissal as a nullity.
22. Notification of dismissal	1990: 0.67	Since the LC 1974, there has been a requirement of notification to the works council.
23. Redundancy selection	1990: 0	There is no mandated procedure for redundancy selection.
24. Priority in re-employment	1990: 1	1990: Act on Termination for Reasons Associated with the Establishment.
D. Employee representation		

25. Right to unionisation	1990: 1	Art. 12 Constitution (1997); previously, Constitution of 1952.
26. Right to collective bargaining	1990: 0 1997: 1	The 1997 Constitution guarantees the right to collective bargaining: Art. 59-2.
27. Duty to bargain	1990: 0 1995: 1	1995 Act on Collective Bargaining, s 241(1).
28. Extension of collective agreements	1990: 0 2008: 1	The LC s. 241-18 was amended in 2008 to allow for extension of collective agreements.
29. Closed shops	1990: 0	Trade union membership is voluntary: Consolidated Text of the Act on Trade Unions 1982, s. 4(1).
30. Codetermination: board membership	1990: 0.33	Under the Law on Workers' Self Management of 1981, there is a right to board level participation in state owned and formerly stated owned companies which continue to make up a significant, but diminishing, part of the economy.
31. Codetermination and information/consultation of workers	1990: 0 2001: 0.33	LC 2001 introduced a concept of worker representation for the purposes of information and consultation and subsequent laws established employee representative bodies with varying degrees of trade union involvement, some of which were the subject of constitutional challenges. The information and consultation requirements are broadly in line with EU law but do not go beyond it.
E. Industrial action		
32. Unofficial industrial action	1990: 0	Only trade unions can call strike action which is subject to a 14-day notice period and a 50% secret ballot requirement.

33. Political industrial action	1990: 0 1991: 0.67	Political strikes were unlawful under Act No. 8 of 1982 on Trade Unions. From 1991 there the Collective Disputes Act contains a broad definition of industrial action which can encompass some hybrid political and economic strikes.
34. Secondary industrial action	1990: 0.5	There is a limited right to a solidarity strike, which must not exceed half a working day: CDA s. 22.
35. Lockouts	1990: 0.9	There is not express right to lock-out, or prohibition of it; a lock-out may be lawful in circumstances where the activity of the enterprise cannot be maintained.
36. Right to industrial action	1990: 0 1997: 1	Art. 59(4) Constitution (1997).
37. Waiting period prior to industrial action	1990: 0	1982 Law Art. 44(2): ultima ratio principle. 14 days' notice: CDA s. 7(2). 50% vote in secret ballot: CDA s. 20(1).
38. Peace obligation	1990: 0	1982 Law Art. 45(5): peace clause legally binding. CDA 1991, s. 4(2): no strike during the currency of a collective agreement.
39. Compulsory conciliation or arbitration	1990: 0	Obligation of conciliation: 1982 Law, s. 40. CDA 1991, s. 17: ultima ratio principle; s. 10: compulsory mediation.
40. Replacement of striking workers	1990: 1	Participation in a lawful strike cannot give rise to adverse consequences for the worker: 1982 Law, s. 51; CDA 1991, s. 23.

Portugal

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75 2009: 1	Legislative Decree No. 49408 1969, s 1 defines contracts of employment as those where supervised intellectual or manual work is undertaken for remuneration. Other 'equivalent contracts' are included, provided the worker is economically dependent on the other party. 2003 Code: expanded objects for which an employment contract can be concluded but subject to the agreement of the parties (Art 115). 2009 Code: general presumption of employment contract. Art 12: sets out indicators of when an employment contract will be found. These include place of work, employer determining hours of work, whose tools are used for the work, and whether the worker has management duties.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1971: 0.75 1999: 1	Legislative Act 409 of 1971, s. 43(3): proportionate remuneration for part-time workers. 1976 Constitution Article 13: general principle of equal treatment. Law 103/99: equal treatment for part-time workers. 2003 Labour Code and Labour Code Regulation 2004: guarantees of equal treatment in all aspects of work (including access to employment, training, promotion and working conditions).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction made in early law. Act 64A/1989: required uniform dismissals for part time and full time workers. 2003: general principle of equal treatment prevents differential treatment.

4. Fixed-term contracts are allowed only for work of limited duration	1970: 1 1976: 0 1989: 0.5 2003: 1	1970 Act: three types of contract: permanent, seasonal and casual. Employment beyond a specified term is deemed to be permanent. Seasonal contracts must be classified as such. Casual workers serving longer than six consecutive months become permanent workers. Law No. 781/1976: permitted use of FTCs without any need for justification. Act 64A/1989: Art 41 specified permitted circumstances. Such FTCs required notification to authority. Labour Code 2003, Art 140(1): gives exhaustive circumstances in which an FTC may be used (generally to meet a temporary need of the company and for the period strictly necessary to meet this need). Law No. 7/2009: new FTC created but 2009 Code limited its use to launching new companies
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.75 2003: 1	1970 Act, Art 11(5): seasonal and casual workers to have the same rights and obligations as permanent workers (unless law specifies otherwise). 1976 Constitution: general principle of equal treatment. 2003 Labour Code and 2004 Regulations (see variable 2): explicit equal treatment for all workers. 2009 Code: differential treatment for termination of employment but right of equal pay for equal work prevents discrimination on the basis of type of contract.
6. Maximum duration of fixed-term contracts	1970: 0.95 1976: 0.7 2003: 0.4 2009: 0.7 2012: 0.55	1970 Act, Art 11(2): casual workers deemed to be permanent after 6 months' continuous work. Law No. 781/1976: maximum duration of successive renewals of FTCs is 3 years. Decree No. 64A/1989: 3-year overall limit and maximum of 2 renewals. LC 2003: maximum duration of FTCs 6 years. LC 2009: maximum of 3 years and no more than 3 renewals within that period. Art. 139 LC 2009 permits derogations to these maxima by collective agreement. Law No.3 2012: permitted a further two renewals (not exceeding 18 months) beyond the 2009 limit but such contracts may not be in effect after 31 December 2014.
7. Agency work is prohibited or strictly controlled	1970: 1 1989: 0.33 1996: 0.5	Decree Law No. 358/89: introduction of agency work along with authorization requirements and regulation on the use of contracts. Law No. 39/1996: licensing and authorization requirements for agencies. Joint liability of the user and the agency and workers deemed to be assigned for an indefinite term. Law No. 146/99: put regulations regarding authorization, standards and rules on a statutory footing. New information obligations imposed on agencies. Increased health and safety protection. Did not short

	1999: 0.67 2007: 0.75	term and casual contracts of agency workers. Law 19/2007: annual renewal of agencies' licenses required. Minimum of 1% of agency employees must be full time. Maximum length of assignment set at 2 years. Retention of limited permissible uses for FTCs. Law No.260 2009: legal framework for licensing and governing activities of temporary work agencies and private employment agencies. Agency work is only permitted in certain circumstances (similar to those necessary for FTCs).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1976: 0.67 2003: 1	1976 Constitution: general principle of equal treatment. LC 2003 and 2004 Regs. (see Variable 2): equal treatment for all types of workers. Law 19/2007, Art 37 largely reflects policy of 2003 and 2004 legislation.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1976: 0.7 1991: 0.73	Act 1970, Art. 57(1): 12 days for an employee with 3 years' service. Legislative Decree No. 874/1976: Minimum of 21 days and maximum of 30 days. Decree 397/91: 22 working days. Retained in Law No.73/1998 and 2003 LC. 23/2012: elimination of a scheme allowing up to 3 additional days based on attendance.
10. Public holiday entitlements	1970: 0.67 2003: 0.72 2012: 0.5	1970 Act, Art. 52: work to be suspended (and employees remunerated) on days which are proclaimed public holidays by Art. 54 (12). 1976 Act, Art 18: minimum of 12 paid compulsory public holidays. LC 2003: 13 listed paid public holidays. Act 23/2012: removed 4 public holidays.
11. Overtime premia	1970: 0 1971: 0.38	1970 Act, Art 47: special rate of remuneration for overtime. Decree 409 of 1971, Art. 22(1): first hour of overtime 25%, 50% thereafter. Law No. 73/1998: required additional weekly rest period of 11 hours. No requirement of compensatory pay. LC 2003: first hour 50%, 75% thereafter. Act 23/2012: first hour maximum of 25%, 37.5% thereafter

	1998: 0 2003: 0.63 2012: 0.38	(or 50% on weekends).
12. Weekend working	1970: 1 2012: 0.5	1970 Act, Art 54(2): double time for work on the weekly rest day (Sunday, Art 51). Decree 409 of 1971 retained double time for the weekly rest day (generally Sunday). Retained in Art 232(2) LC 2003. Act 23/2012: reduced weekend premia to 50%.
13. Limits to overtime working	1970: 0 1971: 1 1998: 0.13 2009: 0.83	Decree 409/1971, reg. 19(1): maximum of 2 hours overtime a day, up to 240 hours a year. Law 73/98: annualizing of working hours: cannot exceed 48 hours a week, averaged over up to a maximum of 12 months (where agreed by a CA). LC 2003: 2 hours per day, 175 per year (small enterprises), 150 per year (medium and large enterprises), but can be extended to 200 hours by collective agreement. LC 2009: daily overtime up to 4 hours per day and weekly overtime may be up to 20 hours, provided that overtime does not exceed an average of 10 hours per week over 2 months.
14. Duration of the normal working week	1970: 0 1971: 0.13 1991: 0.4 1992: 0.47 1993: 0.53 1994: 0.6	1970 Act, Art 45: maximum duration of the week to be governed by special regulations. Decree 409 1971, reg. 5(2): 8 hours per day (48 hours per week). Law No.2 1991, Art 1: 44 hour week. Also in 1991 an agreement was made to reduce the working week by an hour each year. Law No. 21/1996: 40 hour week. LC 2009, s 203(1): normal working week of 40 hours.

	1995: 0.67	
15. Maximum daily working time	1970: 0 1971: 0.8 1998: 0.5	Decree 409 1971: normal working day of 8 hours. Reg. 409 permitted 2 hours of overtime per day. Law No. 21/1996: limit of 10 hours per day. Law 73/1998: minimum of 11 consecutive hours of rest daily. LC 2009, Art 214(1) maintains minimum of 11 hours of uninterrupted rest.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 1989: 0.33	1970 Code, Art.107: half a month's notice for an employee with 3 years (less than 15 years') service. Law 64A of 1989: 30 days' notice for 3 years' service. LC 2003 Art. 394 maintains this notice period.
17. Legally mandated redundancy compensation	1970: 0.17 1989: 1 2012: 0.67 2013: 0.4	LC 1970, Art 113: workers being made redundant are entitled to an indemnity which is equivalent to sums due for dismissal without notice. 1989: one month's salary per year served. LC 2009: maintains one month's salary per year served. Capped at 3 months' salary. 2012: 20 days per year of service, 12 month cap. 2013: 12 days' per year served, 12 month cap.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.94 1991: 0.92	Labour Act 1970, Art 44: 2 month trial period for indefinite contracts unless there is a written agreement stipulating otherwise. This period may be extended to 4 months by collective agreement. No just cause or compensation required for termination during this period. LD 64A/89: Maintains 60 day trial period. LD 403/1991: 90 days' trial for ordinary employees. LC 2003, Art 107: maintains this. An attempt to increase the period to 180 days was declared unconstitutional and so the period remains at 90 days in 2009 LC.
19. Law imposes procedural constraints on dismissal	1970: 1 2009: 0.5	1970 Act: required disciplinary action to be taken within 60 days of the employer learning of the infraction. Any action taken must be proportionate to the gravity of the offence. Art. 31 required a hearing to be held before any sanctions could be taken. Art. 34 entitled employees to an indemnity if the disciplinary sanctions constituted an abuse.

		LC 2009: where there are procedural defects, an employee is entitled to half the indemnity that they would have been entitled to had the dismissal been substantively unfair (Art. 389(2)).
20. Law imposes substantive constraints on dismissal	1970: 0.67 2003: 0.5	1970 Act, Art 98: termination by 'just cause': any event or circumstance making continuation of the employment relationship practically impossible. Art 102 lists such events. Decree 64A-1989 structural/objective reasons introduced as grounds for termination. 'Just cause' codified as 'fair, adequate, generally acceptable and, as far as possible, susceptible of assessment by the courts'. Law No. 401/1991: added dismissal for unsuitability (inability to adapt to change). 2003 Labour Code introduced new grounds for dismissal and elaborated pre-existing grounds. 2012 Code: extended some definitions, making certain dismissals easier.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1989: 1 2003: 0.67	1970 Act, Art 34 and 109: compensation (an indemnity) is the normal remedy. Act 64A/1989: reinstatement or compensation if employee does not want reinstatement. 2003 Labour Code: permitted the employer to oppose reinstatement but Art 392 states that reinstatement is the ordinary remedy (high threshold for employer to meet to oppose reinstatement). Art. 398: reinstatement and compensation as alternative remedies.
22. Notification of dismissal	1970: 0.67	1970 Act, Art. 35: employers required to keep a record of disciplinary sanctions for submitting to the competent authorities on request. 2009 LC: notice should be in writing to the employee with reasons for the dismissal. After embarking on a disciplinary procedure, the employer must notify the works council or trade union. These bodies may submit a non-binding opinion in response (Art. 369 LC 2009). Arts. 371 and 378: the public administration must also be notified for certain dismissals (individual redundancy or unsuitability).
23. Redundancy selection	1970: 0 1974: 1	1974 Act, Art. 6(1): priority in retention based on: age, family, responsibilities and capability. CA to determine the importance of each criterion. 2003 LC: no mandatory criteria for collective dismissals but certain factors to be taken into account for individual redundancies (Art. 368(2)).

24. Priority in re-employment	1970: 0 1974: 1 2003: 0	1974 Act, Art 7(1): priority with regard to re-employment for one year. The 2003 code contains no such provision.
D. Employee representation		
25. Right to unionisation	1970: 0 1976: 1	Constitution 1976, Art 55: right to form and join trade unions.
26. Right to collective bargaining	1970: 0 1976: 1	Constitution 1976, Art 56: right to enter into collective agreements.
27. Duty to bargain	1970: 0 1976: 1	1969 Act: no specific duty to negotiate in good faith. 1976 Act, Art. 10(1): trade unions and employers' associations must respect principles of good faith, be responsive and send representatives to meetings to prevent or settle disputes. Refusals to negotiate permitted only in very limited circumstances. Ministry of Labour may (within reason) make orders to negotiate a collective agreement. Article 22(1) retains the provision relating to the need to negotiate in good faith. 979 Decree on Collective Relations, Art. 485 and Labour Code 2003 retain the good faith bargaining principle, with similar rules to previous legislation.
28. Extension of collective agreements	1970: 1	1969 Act, Art 23(1): parties can apply to the National Institute of Labour to accede to an agreement. The Minister of Corporations and Social Insurance has the power to extend all or any part of a collective agreement. 1976 Act, sArt. 21(1): after consultation with trade unions and employers' associations, the Minister of Labour may extend collective agreements in whole or in part to employers in the same economic sector. Rules retained until Law 90/2012 where representative requirements (50%) for extension were introduced.

29. Closed shops	1970: 1 1976: 0	1970 Act, Art. 21: prevents employers from impeding or dismissing workers when exercising their rights. 1976 Constitution, Art. 46(3): no one can be obliged to become (or remain) a member of an organization.
30. Codetermination: board membership	1970: 0 1976: 1	1976 Constitution, Arts. 30 and 33: provide for the election of representatives to the board (compulsory only in public companies). Decree 260/76: employees had the right to elect one member of the board of directors. Repealed by Law 558/99. Law 46/79: confers the right of works councils to elect representatives to company bodies but numbers to be determined by the employer.
31. Codetermination and information/consultation of workers	1970: 0.33 1976: 0.75	Constitution 1976, Art. 55: right to establish workers' committees. Art. 56: confers such committees the right to adequate information to conduct their activities. Law No. 46/79 enacted to realise the constitutional rights. Art. 19 also required employers to regularly meet with those committees. Art. 24 restricts employers taking action in certain areas without adequate consultation of the Committee.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Decree No. 392 1974, Arts. 9(1) and 10: only trade unions representing the majority or (where there are no trade unions) the majority of affected workers may call a strike. Act No. 65/77 retains this position despite recognition of the right to strike in the Constitution.
33. Political industrial action	1970: 0 1976: 1	Decree No.392 (1974), Art. 6(a): strikes for political purposes deemed unlawful. 1976 Constitution protects the right to strike and prohibits the legal restriction on the interests that the exercise of the right can defend.
34. Secondary industrial action	1970: 0 1974: 0.33 1976: 1	Decree No. 392 (1974), Art. 6(b): sympathy strikes in occupations other than that directly concerned will be unlawful unless the strike is to support workers within the same undertaking. 1976 Constitution: absolute right to strike, prohibits limitations by law. Subsequent Acts made no reference to secondary action and so their legitimacy is contested. However, legal scholars and the courts appreciate that the constitutional

		guarantee is broad enough to cover solidarity action and it is generally agreed that it is permitted.
35. Lockouts	1970: 0 1974: 0.67 1976: 1	Decree 392 1974, Art 21: employer may not close premises in lock-out unless an unlawful strike is called or in other limited circumstances. 7 days' notice with reasons for lockout must be given. 1976 Constitution, Art 60: prohibits lockouts.
36. Right to industrial action	1970: 0 1976: 1	Constitution 1976, Art 59: guarantees the right to strike.
37. Waiting period prior to industrial action	1970: 0	Decree No. 392 1974, Art. 8(1): 30 days of negotiations and attempts at conciliation or mediation must be embarked upon (following written notification) before a strike can be lawfully called. Art 11 also requires 7 days' notice before a strike is called. 1977 Law, Art 5: 48 hours' notice must be given to the employer and the Minister. Law No.30/1992: 5 days' notice required.
38. Peace obligation	1970: 0 1974: 0 1977: 1 2003: 0	Decree 392 1974, Art 5: any strike attempting to amend a CA before its expiry is unlawful. 1974 law repealed 1977. 2003 LC: permitted 'social peace' clauses in collective agreements.
39. Compulsory conciliation or arbitration	1970: 0 1977: 1	Decree No. 19212 1969, Art. 1(3): collective labour disputes to be settled by conciliation and arbitration. Decree No. 392 1974, Art .8(1): all strikes must be preceded by an attempt at conciliation and mediation. These laws were repealed in the 1977 Act with no similar provision to replace them.
40. Replacement of striking workers	1970: 1	1970 Act, Art. 21: employers cannot dismiss employees for exercising rights. Decree 392 1974, Art. 14(2): prohibits the replacement of workers on strike for the duration of

		the strike by those not already employed by the employer. Art 16(1) a strike suspends the contract of employment. 1977 Act, Art. 6: prohibition on replacing striking workers. Art 10 prohibits discrimination on account of strikes.

Qatar

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67	Labour Law (No. 3) of 1962 and Labour Law (No. 14) of 2004 both define the employment contract in terms of an agreement between a worker and the employer under which the work performs work for the employer in return for remuneration. The employment contract must be in writing and attested by the Department of Labour (Art. 38, 2004). In the absence of contrary evidence the written contract is conclusive but the worker can assert the 'reality' of the arrangement before the court.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is drawn.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There is no restriction on the uses that may be made of FTCs.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0	There is no right to equal treatment for FTCs as such and no general equal treatment clause.

workers		
6. Maximum duration of fixed-term contracts	1970: 0	An FTC is for a maximum of five years but may be renewed for the same or a lesser period (Art. 17(1), 1962; Art. 40, 2004).
7. Agency work is prohibited or strictly controlled	1970: 0	Although the activities of overseas agencies are regulated, local ones are not, and there is no regulation of the uses which may be made of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1	Subcontract labour is entitled to the same rights as those provided for workers of the main employer: Art. 2(1), 1962; Art. 6, 2004, also providing for joint and several liability.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 2004: 0.5	2 weeks for workers with less than 5 years' service (Art. 47(1), 1962); 3 weeks for workers with less than 5 years' service (Art. 79, 2004).
10. Public holiday entitlements	1970: 0.56	10 public holidays: Art. 46, 1962; Art. 78, 2004.
11. Overtime premia	1970: 0.25	25%: Art. 36(1), 1962; Art. 74, 2004.
12. Weekend working	1970: 0.5	50%: Art. 37(2) 1962; Art. 75, 2004.
13. Limits to overtime working	1970: 1	10-hour daily limit of working time, effective limit of 60 hours for six day week: Art. 35, 1962; Art. 73, 2004.
14. Duration of the normal working week	1970: 0.13	48 hours: Art. 35, 1962; Art. 73, 2004.

15. Maximum daily working time	1970: 0.8	10 hours (Arts. 35, 35, 1962; Art. 73, 2004).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	One month: Art. 18, 1962; Art. 49, 2004.
17. Legally mandated redundancy compensation	1970: 0.75	9 weeks (3 weeks for each year of service): 1962, Art. 24; 2004, Art. 54.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	A probation period of up to six months may be agreed but in this period the employer may only dismiss for lack of capability and must give three days' notice. Art. 39, 2004.
19. Law imposes procedural constraints on dismissal	1970: 0 2004: 1	The 2004 Act, Art. 62, refers to procedural standards including timely response by the employer, notification to employee of reasons for disciplinary charge, inquiry before any penalty is inflicted, internal appeal.
20. Law imposes substantive constraints on dismissal	1970: 0.67	The employer may only dismiss for one of a number of justifiable reasons: Art. 20, 1962, Art. 61, 2004.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1974: 0.67	From 1974, reinstatement and compensation are alternative remedies: Act No. 12, 1974, amending Art. 20(8), 1962 Labour Law; see now 2004 Act, Art. 64.
22. Notification of dismissal	1970: 0	No provision.
23. Redundancy selection	1970: 0	No provision.
24. Priority in re-employment	1970: 0	No provision.
D. Employee representation		

25. Right to unionisation	1970: 0 2004: 0.33	Prior to 2004 there was no right to freedom of association. See now, 2004 Constitution, Art. 45.
26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1970: 0	Art. 127 refers to the right of employers and workers to negotiate and to conclude joint agreements but there is no duty to bargain.
28. Extension of collective agreements	1970: 0	There is no provision for extension.
29. Closed shops	1970: 0	The law respects the principle of freedom of affiliation: 2004 Act, Art. 122.
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0.25	The 1962 Act provides that joint consulting committees with a limited remit may be formed (Art. 67). The 2004 Act (Art. 67) provides for joint committees to be set up in establishments of more than 30 workers. The powers of these committees extent to making recommendations to the employer.
E. Industrial action		
32. Unofficial industrial action	1970: 0.5 2004: 0	Under the 1962 law, the exercise of strike action was wholly separate from the question of the role of a trade union. Under the 2004 law, Art. 120, the approval of three quarters of the general committee of the relevant trade or industry is a precondition for a lawful strike.

33. Political industrial action	1970: 1 2004: 0	The 1962 law made no reference to the motives or purposes of a strike. Under the 2004 Act, there must be a dispute between workers and an employer prior to the strike (Art. 120) and workers' organisations are prohibited from taking part in political activities (Art. 119).
34. Secondary industrial action	1970: 1 2004: 0	The 1962 law made no reference to secondary action. Under the 2004 Act, a labour dispute means a dispute between an employer and the whole of his workforce or between a group of employers and all their workers or a group of them with an interest common to an establishment, profession, craft or sector (Art. 128).
35. Lockouts	1970: 0.5	There cannot be a lockout while conciliation or arbitration is continuing (Art. 133, 2004).
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 1 2004: 0	2 weeks' notice and the approval of the Ministry are required for strike action: Art. 120, 2004.
38. Peace obligation	1970: 1	There is no reference to a peace obligation in the law.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation and arbitration are compulsory: Art. 69, 1962; Arts. 120(5) and 130-133, 2004.
40. Replacement of striking workers	1970: 0	There are no restrictions on dismissal of strikers.

Romania

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 1 2003: 0.75 2011: 1	Labour Code 1972: Article 8(1) states that 'every person appointed to a socialist unit thereby acquires the status of a member of the worker body of that unit with all rights and obligations flowing from that status'. LC 2003 Art.10: Article 10 Labour Code 2003 defines the individual employment contract in terms of the obligation to work under the authority of another in return for wages. The obligation to reduce the contract to writing was reinforced in 2011.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0.25 2003: 1	The 1972 Labour Code Art. 19(2) granted all workers the right to remuneration in line with socialist principles whereby remuneration had to be in line with contribution, principles of distribution, and according to the quantity, quality and social usefulness of the work. LC 2003 Art. 39(1)(d) grants all employees equal treatment and opportunities and Art. 106 expressly grants part time employable comparable rights.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	Neither code distinguished between full and part time workers for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1990:1 2011: 0.67	LC 1972 Art. 70(2) restricted FTCs to specific circumstances: temporary replacements, seasonal and temporary work. LC 2003 Art.83 contains some additional circumstances in which FTCs would be permitted and also lists the type of work for which temporary replacements can be provided via FTC. Since 2011, this category has also included temporary increases or changes in the employers' work structure/organization.

5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0.25 2003: 1	In addition to the general requirements under the LC 1972 and 2003 (see above) Art. 87(1) LC 2003 gives fixed term workers the right to equal treatment unless objective reasons exist for differential treatment.
6. Maximum duration of fixed-term contracts	1990: 0 2003: 0.8 2011: 0.7	Under the LC 2003 the maximum cumulative duration was 24 months: Art.84 and Art.82. In 2011, this was amended such that the maximum cumulative duration is 36 months (Art.84) but this can be extended by the worker's written consent in certain circumstances: Art.82(2).
7. Agency work is prohibited or strictly controlled	1990: 0 2003: 1	LC 2003 Art. 89: temporary employment work may only be used for specific purposes: for the replacement of an individual employee whose contract has been suspended; to perform a seasonal activity; or to perform specialised or occasional activities. Art. 90 restricts agency work to 12 months with the possibility of one extension up to 18 months. In addition, conditions for agency authorization were officially enacted in Government Decision No. 1256/2011.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0 2003: 1 2011: 0.5	LC 2003 Arts. 92 and 101 provides a very broad right to equal treatment. Changes to Art. 96(2) in 2011 imply a reduction in protection.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.5 1992: 0.6	LC 1972 Art. 125(1) 15 to 24 days depending on seniority. The 1967 Act No. 26 specifies 15 days for up to 5 years (Art. 1(1)). Law No. 6/1992 on annual leave: 18 days. LC 2003 Art. 145(1) at least 20 working days.

	2003: 0.67	
10. Public holiday entitlements	1990: 0 2003: 0.44 2008: 0.56	Under the 1972 Act, there was no requirement for paid leave for public holidays, but work would be remunerated at a 100% premium. LC 2003 Art.139: 8 days. In 2008, two days were added (Art. 134).
11. Overtime premia	1990: 0.75	LC 1972 Art. 120 (1) and (2): 50% premium for the first two hours and 100% for hours beyond this. LC 2003 Art. 123: at least 75% premium, but to be negotiated by collective agreement.
12. Weekend working	1990: 1	LC 1972 Art. 120(2) work on days specified by law as non-working days should be paid at the 100% premium rate. Art. 124(2) designates Sunday as a non-working day. LC 2003: Art. 137(4) states that the 2 consecutive days of weekly rest should take place on Saturday and Sunday and that in case of work on such days, the employees shall enjoy an extra pay as laid down in the employment contract or in collective agreement. Under the LC 2008 Art. 138(2): 100%.
13. Limits to overtime working	1990: 0.13 2003: 0.5	LC 1972: Art.119 provided for a yearly maximum. LC 2003 Art.114 limits weekly working time to 48 hours including overtime, with the possibility for averaging over three months. In certain sectors, this could be up to 12 months. Under the LC 2011, the reference period is 4 months.
14. Duration of the normal working week	1990: 0.13 2003: 0.67	LC 1972 Art 112: 48 hours maximum. LC 2003 Art.112: 40 hours.
15. Maximum daily working time	1990: 0.9 2003: 0.6	LC 1972 Art. 112(1): usual daily hours are 8, but can be extended to 9 provided the average of 8 is maintained (Art. 112(2)). There is an additional requirement of a 12 hour daily rest. LC Code 2003 Art. 112: the de facto limit is the 12 hour daily rest rule due to the possibility of hours being averaged over time.

C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.24	LC 1972 Art. 131(1): 15 days. LC 2003 Art. 75(1): at least 15 days. The 2011 Code requires 20 days for redundancy and lack of capability.
17. Legally mandated redundancy compensation	1990: 0 2007: 0.33 2011: 0	There is no right to a statutory redundancy payment as such. The Emergency Government Ordinance no.98/1999 provided for protection for certain persons (mainly state-owned enterprise employees) in the event of partial or total closure. It includes rights to compensatory payments, collective pre-dismissal services and other measures aimed at limiting unemployment. However, it applied only to certain enterprises in the state-owned sector. Under the National Collective Agreement for 2007-2010 employees were entitled to a payment equal to one month's salary on dismissal for objective reasons. However, the Social Dialogue Act (2011) abolished national level collective agreements and thus this agreement terminated at the end of 2010. The Emergency Ordinance 2013 (2013 – 2018) provides for monthly compensatory income based on the difference between unemployment benefit and salary for those made redundant pursuant to a collective redundancy, but only in certain public enterprises.
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0.99 2003: 0.97 2011: 0.92	LC 1972 Art.63: provides for probation periods of a maximum of 15 days. LC 2003 Art.32: allows for probationary periods to be stipulated in the details of the length of service. Termination after this time can only occur with written notification (Art. 31) and during probation the employee enjoys the same rights and entitlements as otherwise provided for in the legislation. Article 75(2) exempts probationers from the period of notice. The norm here was 30 days for operational positions and 90 for managerial positions. LC 2011 Art. 31 extended maximum probation periods to 90 days for operational positions and 120 for managerial workers. These probationary periods are not mandatory.
19. Law imposes procedural	1990: 0.33	Under the LC 1972, failure to provide notice entitled the employee to compensation. Art

constraints on dismissal	2003: 1	62 LC 2003 provides that once the reason for dismissal has been established, notification must be issued within 30 days and failure to notify of the reason in writing will render the dismissal void: Art. 62(2). Arts.63 and 64 respectively require a preliminary hearing in dismissals related to conduct, and a reallocation process for those related to incapacity. Art.78 makes any dismissal infringing the procedure provided for in the law void.
20. Law imposes substantive constraints on dismissal	1990: 0.67	LC 1972 Art. 130 lists permissible reasons for dismissal. LC 2003 Arts. 58 and 59 provide for two categories of dismissal (those related to and not related to the employee) and lists certain prohibited grounds. Art.61 lists the grounds for dismissal for reasons related to the employee.
21. Reinstatement normal remedy for unfair dismissal	1990: 0.75 2003: 1	The LC 1972 Art.136 merely provided a general right to damages and additional damages for any failure to comply with a court's reinstatement order. Art. 80(2) of the LC 2003 requires an order for reinstatement at the request of the employee where dismissal is groundless or illegal. If no request is made, compensation is freely determined.
22. Notification of dismissal	1990: 0.67	LC 1972 required consultation with the trade union committee for all dismissals with prior approval necessary for certain employees. Art.76 also provided for written reasons to be given in all cases. There are no requirements for consultation over individual dismissals in the 2003 and 2011 LCs but the requirement to give written reasons is retained. There is an obligation to inform employee representatives of collective dismissals and related matters under laws going back to the 1970s.
23. Redundancy selection	1990: 0	Under the LC 2003, when notifying the trade union of the intention to carry out a collective dismissal, the employer merely had to provide the criteria to be taken into account. In 2011, Art. 69 was amended to require that the first criterion to be considered should be performance.
24. Priority in re-employment	1990: 0	LC 2003 Art.74 grants a 9 month priority period. The 2011 Code reduces this to 45 days.

	2003: 1 2011: 0.75	
D. Employee representation		
25. Right to unionisation	1990: 0 1991: 0.33	The 1991 Constitution (amended in 2003) grants freedom of association (Art. 9).
26. Right to collective bargaining	1991: 0 2003: 1	There is a right to collective bargaining (Art. 41, 1991 Constitution as amended in 2003).
27. Duty to bargain	1990: 1 1991: 0 1996: 1	Under the 1972 Code, collective agreements had to be concluded annually. Under Law 13/1991 the status of the duty to bargain was unclear. Despite the constitutional guarantee of the right to collective bargaining, the law contained no provision on any duty to negotiate and the language was permissive rather than mandatory. Law No. 130/1996 made collective negotiation obligatory for the first time for employers employing more than 21 employees: see now Art. 229(2) LC.
28. Extension of collective agreements	1990: 1 2011: 0	Law 130/1996, Art. 26(1)(c): collective agreements conducted at sector level by representative parties were binding on all enterprises in the sector concerned. The 2011 Law on Social Dialogue now states that collective agreements are binding only on those actually represented in the process.
29. Closed shops	1990: 0	Law 54/1991, Art. 2(3): no one can be compelled to join or refrain from joining a trade union.
30. Codetermination: board membership	1990: 0	Law 54/1991 Art. 29(1) gives trade unions a right to be invited to board meetings in order to discuss matters of professional economic, social or cultural interest but there is

		no right to nominate worker directors as such.
31. Codetermination and information/consultation of workers	1990: 0.67 1991: 0.33 2006: 0.67	LC 1972 Art. 9(3) refers to a right to participate in management through workers' councils with extensive consultation rights but no right of veto. From Law 54/1991 trade unions alone had employee representation rights. These were strengthened with effect from 2006.
E. Industrial action		
32. Unofficial industrial action	1990: 0	Under Law 54/1991 in order for a strike to be lawful, specific procedures must be followed by trade unions.
33. Political industrial action	1990: 0	Law 54/1991 Art.1(1) requires trade unions to exist solely 'for the purpose of protecting and promoting the professional, economic, social and cultural and sporting interests of their members and their rights provided in the legal texts on labour matters and in the collective labour contracts'.
34. Secondary industrial action	1990: 0 1991: 0.5	There is limited recognition of solidarity strikes for trade union members affiliated to the same federation, up to a maximum of 24 hours with at least 48 hours' notice being given.
35. Lockouts	1990: 1 1991: 0	There is no legal regulation of lockouts.
36. Right to industrial action	1990: 0 1991: 1	Constitution (1991, amended 2003), Art. 43.
37. Waiting period prior to industrial action	1990: 0	There is an obligation to give notice to the employer and labour inspectorate prior to initiating a strike. The 1991 Law required that a regular strike had to be preceded by a warning strike at least 48 hours in advance. The 2011 Law on Social Dialogue retains

		this requirement.
38. Peace obligation	1990: 0	Collective agreements normally contain a no strike clause, and a peace obligation is recognised in Law 13/1991.
39. Compulsory conciliation or arbitration	1990: 0	Conciliation is voluntary, but the strike will only be legal if all prior options have been exhausted.
40. Replacement of striking workers	1990: 1	The 1991 Act stated that a strike does not breach the contract of employment. The LC expressly prohibits the dismissal of striking workers: Art. 59(b).

Russia

Note: Russia is coded from1992. The Russian Federation was formed in December 1991.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1992: 0.75 2013: 1	The RSFSR Code of Labour Rules provided for two types of work contract, the service (or independent) contract and the employment contract. Employers were known to use the service contract form to avoid protective laws. However, the courts could reclassify service contracts as employment contracts if they were satisfied that there was sufficient factual basis for an employment relationship. This approach is maintained from 2002 under the Labour Code of the Russian Federation. In 2013 an amendment to the LC provided for a presumption of employment in cases of lack of clarity, in line with ILO Recommendation 198.
2. Part-time workers have the right to equal treatment with full-time workers	1992: 1	CLR Art. 49; LC Art. 93.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1992: 0.75	No distinction was drawn under CLR between part-time and full-time workers holding primary jobs. From 2002 Art. 59 LC governs the conclusion of part-time employment contracts. Provision was made under both Codes for the lawful dismissal of part-time workers holding secondary jobs (see now LC Art. 288).

4. Fixed-term contracts are allowed only for work of limited duration	1992: 1	CLR Art. 17; LC Art 59 extends the scope of situations in which a fixed-term contract may be used, including exemptions for smaller firms, but case law has subsequently maintained a strict approach to the use of FTCs.
5. Fixed-term workers have the right to equal treatment with permanent workers	1992: 0 2001: 0.25	No distinction was drawn between FTC workers and indeterminate duration workers under the CLR but there was no right to parity of terms and conditions. Art. 22 LC refers to a limited right of equal pay for equal work.
6. Maximum duration of fixed-term contracts	1992: 0.5	5 years' maximum duration for the first contract. Renewal is possible subject to case law establishing that consecutive multiple renewals may lead to the contract becoming permanent.
7. Agency work is prohibited or strictly controlled	1992: 1 2014: 0.5	Agency work was not recognised by the CLR. Although it was widely used in practice after the dissolution of the USSR it was incompatible with the rule that the employment contract was bilateral and the user was in principle the employer. Amendments to the LC in 2014 declared agency work to be prohibited except in a range of defined circumstances which had the effect of extending the situations in which trilateral work relationships would be recognised.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1992: 1 2014: 0.25	Under the CLR, agency work was not recognised and the user was, in principle, to be treated as the employer. From 2014 the rules on the use of agency work have been liberalised. There is no express right to equal treatment for agency workers. Art 22 LC provides for a limited right of equal pay for equal work.
B. Regulation of working time		
9. Annual leave entitlements	1992: 0.67	Under the CLR annual leave was 4 weeks or 28 days. The same norm applies under the LC.
10. Public holiday entitlements	1992: 0.5 2002: 0.8	9 days of paid public holidays: Art. 65 CLR. From 2002, 14 days: LC Art. 112.

11. Overtime premia	1992: 0.75	Under the CLR, time and half for the first 2 hours, double time subsequently. The same under the LC.
12. Weekend working	1992: 1	Under the CLR, weekend working was allowed under exceptional circumstances and remunerated at double time. The same under the LC.
13. Limits to overtime working	1992: 0.5	Under the CLR, 4 overtime hours maximum per day were allowed, and 120 in a year. The Code also provided for an 'irregular working hours' regime with fewer controls. The same under the LC (Art 99). However, the employer can declare that certain extra working time is not considered as overtime including under the 'un-normalized working time regime' (now Art. 101 LC).
14. Duration of the normal working week	1992: 0.67	40 hours under the CLR. The same under the LC.
15. Maximum daily working time.	1992: 0.7 2002: 0	Under the CLR the normal working day was 7 hours and up to 4 hours of overtime could be worked, implying a daily maximum of 11 hours. From 2002 there are no daily working time limits.
C. Regulation of dismissal		
16. Legally mandated notice period	1992: 0 2001: 0.67	There was no mandatory notice period prior to dismissal under the CLR. Under the LC 2 months' notice is required in cases of collective economic dismissal (Art 180 LC)
17. Legally mandated redundancy compensation	1992: 0.67	CLR: 8 weeks was the norm. This is also the case under the LC.
18. Minimum qualifying period of service for normal case of unjust	1992: 0.99	In the Soviet period, probationary periods were extremely short, restricted to one week for blue-collar workers, two weeks for white-collar workers, and one month for high-

dismissal	2001: 0.92	ranking employees (Article 22 USSR Labour Code 1970). LC Art 70 now provides that there may be a probation period, which cannot extend beyond three months (six months for executives). Probation periods are not permitted for certain workers specified in Art 70. Art 71 states that only 3 days' notice is required to terminate the contract during the probation period.
19. Law imposes procedural constraints on dismissal	1992: 0.67	General procedural requirements were set out in the CLR.
20. Law imposes substantive constraints on dismissal	1992: 0.67	Specified grounds of dismissal were set out in the CLR.
21. Reinstatement normal remedy for unfair dismissal	1992: 1	Reinstatement is the normal remedy under the CLR.
22. Notification of dismissal	1992: 0.67	Notification in writing to the employee was provided for by reference to grounds of dismissal set out in the CLR. There is an obligation to inform and consult employee representatives in respect of certain dismissals under both the CLR and LC.
23. Redundancy selection	1992: 1	Seniority rules were set out in the CLR, referring to criteria including length of service, war veteran, sole breadwinner.
24. Priority in re-employment	1992: 0	No priority rule.
D. Employee representation		
25. Right to unionisation	1992: 1	The 1977 Soviet Constitution referred to the right of trade unions to take part in the government of the state. Article 30 of the Constitution of the Russian Federation refers to the right to unionise.
26. Right to collective bargaining	1992: 0	There was no right to collective bargaining under the 1977 USSR Constitution. The position is the same under the 1994 Constitution of the Russian Federation.

27. Duty to bargain	1992: 1	There was a duty to bargain with employee representatives under the CLR.
28. Extension of collective agreements	1992: 0 2002: 0.5	There was no provision for extension of collective agreements under the CLR. Art. 48 LC provides for extension subject to the employer's consent which is however be presumed unless the employer protests, in which case the Ministry of Labour may consult with the employer concerned over joining the agreement.
29. Closed shops	1992: 0	There was no provision for the closed shop under the CLR. Under the LC, the employer has the option of not joining the relevant employers' association, but may be deemed to be bound following the publication of a sector-level agreement if they do not seek exemption within 30 days. The right not to join a trade union is protected by the 1993 Constitution.
30. Codetermination: board membership	1992: 0	There was no provision for employee board membership under the CLR. The position is the same under the LC.
31. Codetermination and information/consultation of workers	1992: 0.67 2002: 0.33	Works councils had codetermination powers in respect of social issues, working conditions and certain dismissals under the CLR. Under the LC they have more limited information and consultation rights.
E. Industrial action		
32. Unofficial industrial action	1992: 0	The court may injunct a strike initiated in breach of procedure.
33. Political industrial action	1992: 0	Political strikes are unprotected.
34. Secondary industrial action	1992: 0	Secondary action is unprotected.
35. Lockouts	1992: 0	Lockouts are not specifically prohibited aside from protections against dismissal in the context of a lawful strike (see variable 40).

36. Right to industrial action	1992: 0 1994: 1	Art. 30 of the Constitution of the Russian Federation refers to the right to strike.
37. Waiting period prior to industrial action	1992: 0	5 days' notice must be given of strike action.
38. Peace obligation	1992: 1	There is no rule invalidating strike action by virtue of a peace clause.
39. Compulsory conciliation or arbitration	1992: 0	There is provision for mandatory conciliation and arbitration is required for certain categories of workers.
40. Replacement of striking workers	1992: 1	The LC does not permit the dismissal of a worker taking part in a lawful strike.

Rwanda

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67 2001: 1	LC 1967: Art.2 defines worker as any person placing his gainful activity in return for remuneration in the direction and control of another person with no account to be taken of the workers' legal status. An employer is any person employing one or more workers. Art. 21: the existence of the contract can be evidenced in any way. Maintained LC 2001 Art.2-3, 5. Art.7: the burden of proof lies with the employer. LC 2009: a contract of employment is any agreement to do work for remuneration. This provision maintains the definition of worker. Art.15 provides any means for proof of the contract.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	Constitutional non-discrimination clause: Art.11 2003 Constitution; Art.3 1962 Constitution. LC 2001: general equal pay for equal work. LC 2009 Art.12: express prohibition on discrimination on any ground as regards pay or equality of opportunity.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.5 2001: 1 2009: 0	LC 1967: a worker can promise their services only for a specified period of time or specified task. LC 2001 Art 8: fixed term contracts arise where termination can be determined in advance or where the contract covers a specific piece of work. Concluding successive FTCs is only permitted if the employer can show objective reasons grounds. LC 2009 Art.16: FTCs can be renewed an unlimited number of times.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.25	Constitutional non-discrimination clause: Art.11 2003 Constitution. LC 2001: general equal pay for equal work. LC 2009 Art.12: express prohibition on discrimination on any ground as regards pay or equality of opportunity.

6. Maximum duration of fixed-term contracts	1970: 0.8 2009: 0	LC 1967 Art.26: 2 years, 3 years for foreign workers. Continuation beyond this period will automatically convert the arrangement into a permanent contract. Maintained Art.9 LC 2001. LC 2009 Art.19: unlimited renewal.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no provisions on agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Constitutional non-discrimination clause: Art.11 2003 Constitution. LC 2001: General equal pay for equal work. No joint liability. LC 2009 Art.12 express prohibition on discrimination on any ground as regards pay or equality of opportunity.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.2 2001: 0.6	LC 1967 Art.133: one day per two months' continuous effective service. To be increased by one day for every five years of service. LC 2001 Art.71: one and a half working days per month of effective service: 18 days. LC 2009 Art.53.
10. Public holiday entitlements	1970: 0 1973: 0.44 1996: 0.39 2011: 0.56 2014: 0.67	LC 1967: no requirement for paid public holidays. Decree 1973: 8 days. Decree No.7/01 1996: 7 days. LC 2001 Art.77: holidays are paid. LC 2009: Art.59. Order 6/03 2011: Art.2: 10 days. Decree 42/03 2015: 12.
11. Overtime premia	1970: 0.6	LC 1967 Art.117: overtime shall be paid at increased rates as prescribed by decree. Decree No.5/19 2003 Art.24: 50% from hour 41 – 50, 70% thereafter.
12. Weekend working	1970: 1	LC 1967 Art.131: at least one day rest per week, as a rule on a Sunday. No provision expressly made for increased remuneration. To be compensated by equivalent rest periods. LC 2001: rest as a rule on a Sunday, Art.58. LC 2009: Art 52 – as a rule on a

		Sunday.
13. Limits to overtime working	1970: 0 2003: 1	LC 1967 Art.118: overtime to be prescribed by Decree. Order 5/19 2003 Art.22: 10 hour max in any one day.
14. Duration of the normal working week	1970: 0.17 2001: 0.67 2009: 0.33	LC 1967 Art.117: 48 hours. LC 2001 Art.55: 40 hours. LC 2009 Art.49: 45 hours
15. Maximum daily working time.	1970: 0 2003: 0.8	1967: No general limit. 2003 Order 5/19 2003 Art.6: 10 hours (Art.22 – including exceptional overtime).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 2009: 0.33	LC 1967 Art 35: notice is required, the length to be prescribed by decree taking into account the worker's attributes and the nature and duration of the contract. Law 11/19 2003: manual workers: 15 days, technicians and all others: one month. LC 2009 Art. 27(2): one month.
17. Legally mandated redundancy compensation	1970: 0 2003: 0.33	Decree 16/19 2003 Art. 4: one month, LC 2009 Art. 35(1): one months' pay.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	LC 1967 Art.28: maximum 6 month trial period. Art.46 can be terminated without notice at will. Maintained LC 2001 Art.15; LC 2009 Art 20.
19. Law imposes procedural constraints on dismissal	1970: 0.	LC 1967 Art.41 allows for summary dismissal, subject to findings of a court, in case of of serious misconduct. In addition, it requires that the dismissal should take place within

	2001: 0.67	48 hours, and must be undertaken by means of a registered letter or letter handed over in the presence of two witnesses. Maintained LC 2001 Art.25; LC 2009 Art 28 requires merely 48 hours notice) Art.48 lays down (limited) procedural requirements for diminution of activity/reorganisation. This applies to individual workers. LC 2001 Art.29 requires notification of staff representatives only where more than one dismissal is being undertaken for economic reasons. LC 2009 Art34 requires notification for individual dismissals for economic reasons. LC 2001: Art.21 any dismissal must be preceded by the opportunity for the employee to defend himself. The burden of proving a fair reason lies on the employer. LC 2009 defines unfair dismissal as termination without justifiable reason or fair procedure. It does not expressly stipulate what the fair procedure should be.
20. Law imposes substantive constraints on dismissal	1970: 0.33 2001: 0.67	LC 1967 Art.43: the court examines whether the breaking of the contract was wrongful or for a legitimate reason: prohibited reasons include workers' opinions and trade union activity or membership. Art.48 allows for dismissal for economic reasons. LC 2001 Art.8: contracts are determinable at will with notice and for good reasons. Art.21: the employer must prove legitimate grounds for dismissal. LC 2009 defines unfair dismissal as termination without justifiable reason or fair procedure. Art.29: requires legitimate reasons. Art.34 allows for dismissal for technological/economic reasons.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	LC 1967 Art.43 damages is the remedy for unfair dismissal. LC 2001 Art.26; LC 2009 Art.33.
22. Notification of dismissal	1970: 0.67	LC 1967 Art.37: the notice must include the grounds for dismissal. Art.45: premature termination of FTCs requires prior notification of the competent authority. The authority must also be notified in the event of economic dismissals: Art. 48(1). LC 2009, Art.30: notice must include reasons and be in writing.
23. Redundancy selection	1970: 0.5	LC 1967 Art. 48(2): based on aptitude as the first consideration. LC 2001: Art.29; LC 2009 Art.34.
24. Priority in re-employment	1970: 1	LC 1967 Art. 48(3): two years. Not maintained in LC 2001.

	2001: 0	
D. Employee representation		
25. Right to unionisation	1970: 1	Constitution 1962: Art.42. Constitution 2003: Article 38
26. Right to collective bargaining	1970: 0	No constitutional protection.
27. Duty to bargain	1970: 1	LC 1967 Art.69 uses mandatory language with regard to representative unions and concluding collective agreements. LC 2001 Art.112: collective agreements are to e concluded on request by one of the parties. LC 2009: Art.119: mandatory language is used for the conclusion of collective agreements. Article 121: they are to be agreed on request for negotiation by one of the parties.
28. Extension of collective agreements	1970: 1	LC 1967 Art. 73(1) subject to conditions concerning representativeness and content. LC 2001: Art.118. LC 2009 Art.133.
29. Closed shops	1970: 0	LC 1967 Art.6: any person shall be free to join or not join an occupational association of his choice. Any person may withdraw membership at any time notwithstanding any clause to the contrary (Art.12) LC 2001 Art.142: employees are free to join an association of their choice. Art.146: freedom to withdraw membership. Art.159: employers must not exert pressure r.e membership. LC 2009: Art. 101, Art. 114.
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0 2001: 0.67	LC 2001 Art.129: changes to work rules require prior consultation with worker delegates. (Art.138 LC 2009) These consultations are exclusively limited to organisation of work, discipline, health, safety and security at work, and modes of payment. Art.174: workers' delegates are to be elected and shall have a duty to present claims relating to conditions, worker protection, implementation of collective agreements and wage rates; to inform the labour inspector of violations of labour law; to monitor implementation of

		health and safety law; to give advice on economic dismissals; and to communicate suggestions.
E. Industrial action		
32. Unofficial industrial action	1970: 0.5	The definition of a collective dispute and/or strike does not refer to requirements relating to union membership and/or authorisation. The right to strike is accorded to workers and employers and not their organisations: LC 2009 Art.151.
33. Political industrial action	1970: 0	LC 1967 Art.5: the sole object of trade unions is the defence of the employers' and workers' social and economic interests. LC 2001: Art.142, Art.180: collective disputes concern labour conditions. LC 2009 defines a strike as having the purpose of obliging the employer to adopt, modify or abandon a decision. The definition of collective dispute relates to disagreements over labour conditions.
34. Secondary industrial action	1970: 0.5	LC 2001 Art.180: collective disputes may relate to one or more employers.
35. Lockouts	1970: 0.5	Regulated in parallel with strikes.
36. Right to industrial action	1970: 1	Constitution 1962 Art.42. Constitution 2003 Art.39.
37. Waiting period prior to industrial action	1970: 0	LC 1967 Art.172 and 173: compulsory notification and compulsory conciliation within 48 days. Art.176: a strike shall be lawful if four days' notice is given to the other party prior to a strike if the Minister has decided not to submit the matter to arbitration or the arbitration award has been opposed by one of the parties. LC 2001 Art.189: strikes are lawful after four days' notice has been given, the Conciliation Council has exceeded 15 days without resolving the problem, and the arbitration agreement has not been implemented. Notice and conciliation required in Art.151 LC 2009.
38. Peace obligation	1970: 1	No provision.
39. Compulsory conciliation or arbitration	1970: 0	LC 1967 Art.172 and 173: compulsory notification and compulsory conciliation within 48 days. Art.174: arbitration in default of agreement. Strikes are lawful if the arbitration

		award is contested or if the Minister does not refer to arbitration, and notice is given. Art.177: the strike will be illegal if it is started before conciliation. See Art.181 (a) LC 2001: conciliation must be attempted prior to a strike/lockout. LC 2009 Art.143-4 conciliation and arbitration are compulsory. Otherwise the strike/lockout is unlawful: Art.151.
40. Replacement of striking workers	1970: 1 2001: 0.5 2009: 1	LC 1967 Art. 30(6): a strike or lockout suspends the contract of employment. This is not retained as a ground of suspension in Art.17 LC 2001. LC 2001 Art.145: employers cannot consider union membership or activities in dismissal decisions. LC 2009 Art. 25(4): lawful strikes and lockouts suspend the contract.

Saudi Arabia

Note: coding is for labour laws and regulations which may be subordinate to general principles of Sharia law, which are noted where appropriate.

Variable	**Score**	**Explanation**
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67	Labour Code (LC) 1969: Art. 2(a): the Labour Code shall apply to any contract under which any person undertakes to work for an employer under the latter's direction or control in consideration for a wage; apprentices; employees of the Government. Art. 7: those not under the employer's direct supervision are included. Art. 3: excludes family undertakings; agricultural (excl. agricultural machinery mechanics) and animal workers; domestic servants and those regarded as such. Same definition in 2007 LC. Art. 77: a contract is presumed even if not in writing. Note that a contract cannot be legally terminated or voided simply because of an unfair bargaining advantage by one of the parties, according to Sharia law principles, which recognise freedom to contract.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1 2007: 0	No distinction in LC 1969. LC 2007 creates a distinction and implies that the cost may be different by stating which provisions will apply to part time workers (dismissals not included in those specified).
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	LC 2007 defines temporary work as a natural part of the employer's activities, the completion of which requires a specific period or relates to a specific job ending with its completion. The jobs shall not exceed 90 days in either case. Incidental work is not a usual activity of the employer and does not require more than 90 days. However, the LC

		does not appear to confine FTC to work of a temporary nature.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	No right to equal treatment in either LC but the 2007 Code does state that FTC workers will have certain rights under the LC.
6. Maximum duration of fixed-term contracts	1970: 0 2007: 0.7	LC 1969, Art. 72: FTCs are considered renewed for an indefinite period if both parties continue to enforce the contract beyond its expiry date. However, no maximum cumulative duration. LC 2007, Art. 55(1): mirrors LC 1969, Art. 72. Art. 55(2): after 3 years or after two consecutive renewals (whichever is less), the contract shall become an indefinite one.
7. Agency work is prohibited or strictly controlled	1970: 1	LC 1969, Art. 40: permission from the Deputy Minister of Labour and a licence that is annually renewable at the discretion of the authority are required to operate as an agency. LC 2007, Art. 30: maintains licensing requirements. It also provides for regulations concerning the conditions of licensing, duties and prohibitions of agencies, and other controls necessary for ensuring the proper conduct of business. Once a worker is recruited via an agency, a normal employment contract with the user enterprise comes into force.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1	LC 1969, Art. 41: as soon as employees supplied by an employment agent or labour contractor are engaged by the employer, they are regarded as his employees and shall have all the rights and privileges of the existing employees of the establishment. The relationship between them is to be direct and without intervention by the agent, whose relation with the employee shall end immediately upon presenting them to the employer. LC 2007, Art. 31: a direct employment contract is generally assumed in cases where a Saudi worker is employed via a recruitment agency or where a worker is recruited from abroad on behalf of the employer. Art. 11(2): joint and several liability applies where there are multiple employers.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	LC 1969, Art. 153: after one year, 15 days. (21 days after 10 years' service). LC 2007,

	2007: 0.7	Art. 109: 21 days (30 days after 5 years).
10. Public holiday entitlements	1970: 0.44 2005: 0.5	LC 1969, Art. 155: paid holidays, not to be in excess of 10 days, to be declared by the Minister. 1992 Constitution, Art. 2: national holidays are Eid Al-Fitr and Eid Al-Ad-ha. These holidays are celebrated for 10 days each in Government offices. In the private sector, these holidays are observed for 3 and 5 days respectively. In 2005 Saudi National Day became a full public holiday. Also: LC 2007, Art. 114: employees with two years' service may be entitled to leave of not less than 10 days (including Eid Al-Ad-ha holiday) to perform Hajj (pilgrimage). The employer may determine the number of workers to be given this leave each year.
11. Overtime premia	1970: 0.5	LC 1969, Art. 151: overtime will be paid with a 50% premium. Now see LC 2007, Art. 107(1).
12. Weekend working	1970: 0.5	LC 1969, Art. 149: Friday is the weekly rest day and Art. 151 requires payment on this day as 'overtime'. Now see LC 2007, Art. 105(3).
13. Limits to overtime working	1970: 1	LC 1969, Art. 150: (daily overtime limit) the total number of actual working hours per day shall not exceed 10. (Normal working day is 8 hours.) LC 2007, Art. 106: daily limit must not exceed 10 hours and weekly limit must not exceed 60 hours a week. (Note: during Ramadan hours are reduced to 6 hours a day and 36 hours a week for Muslims.)
14. Duration of the normal working week	1970: 0.13	LC 1969, Art.147: 48 hour working week. Maintained in LC 2007, Art. 98.
15. Maximum daily working time	1970: 0.8	LC 1969, Art. 148: the worker must not remain in the workplace for more than 11 hours a day. Art. 150: in exception circumstances, with Ministerial authorisation, workers may work for 10 hours a day. Maintains a possible 10 hour day in exceptional circumstances in LC 2007, Art. 99.
C. Regulation of dismissal		

16. Legally mandated notice period	1970: 0.33	LC 1969, Art.73: 30 days' notice (or 15 if not employed on a monthly basis). Maintained in LC 2007, Art. 75.
17. Legally mandated redundancy compensation	1970: 0.5	(Severance pay/service bonus): LC 1969, Art. 87: half a month's pay per year of service for the first five years, and month's pay per year subsequently. Maintained in LC 2007, Art. 84.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	LC 1969, Art. 71: up to three months' probation possible. Art. 83: notice not necessary during probation period. Maintained in LC 2007, Art. 53.
19. Law imposes procedural constraints on dismissal	1970: 0 2007: 0.67	LC 1969, Art. 73: requires the giving of notice liability for payment in lieu. Art. 75: employees may appeal where they have been dismissed for no valid reason. LC 2007, Art. 71: disciplinary action may not be taken without first notifying the worker of the allegations in writing, interrogating him, hearing his defence, and recording all this in minutes. Art. 72: employee has the right to object to the decision within 15 days. The Commission for the Settlement of Labour Disputes shall issue a decision within 30 days. Note, Art 80: An employer can terminate the contract in certain (conduct-related) instances but he must allow the worker to object to state his reasons for objecting to the termination. Failure to follow procedure does not necessarily result in a finding of unfair dismissal but may do.
20. Law imposes substantive constraints on dismissal	1970: 0.33	LC 1969, Art. 73: requires a 'valid reason' to be given for dismissal. Art. 75: Labour Office determines whether or not it was a valid reason (if challenged). Not valid if it was in response to a legitimate demand of the employee or if it was caused by a refusal to transfer from his original place of employment. Termination without notice is permitted (after hearing the employee's objections) where : (1) commission of assault against another employee (2) failure to fulfil essential obligations arising from the contract or deliberate failure to observe instruction after being given a written warning (3) if proven guilty of bad conduct or poor morality or honour (4) if found guilty of a deliberate act with intent to cause damage to the employer (5) fraud in obtaining employment (6) probation (7) absence without reason for more than 20 days in one year provided that

		prior written warning is given (8) divulgence of industrial secrets. Maintained in LC 2007, Arts. 75 and 80.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.5 2007: 0.67	LC 1969, Art. 74: dismissal without a valid reason will entitle the employee to compensation. Art. 57: if the employee appeals the decision and it is found to be for an invalid reason, reinstatement or compensation may be ordered. LC 2007, Arts. 77 and 78 provide for compensation and dismissal as possible remedies.
22. Notification of dismissal	1970: 0 2007: 0.33	LC 1969: no reasons (in writing) need to be given. LC 2007, Art. 75: employer must give written notice with reasons.
23. Redundancy selection	1970: 0	No provision.
24. Priority in re-employment	1970: 0	No provision.
D. Employee representation		
25. Right to unionisation	1970: 0	Prior to 1992, Saudi Arabia had only constitutional documents. Neither these nor the 1992 Constitution confers the right to unionise or associate. Saudi Arabia has not ratified ILO Conventions 87 or 98.
26. Right to collective bargaining	1970: 0	No mention of collective bargaining in the 1992 Constitution or earlier documents.
27. Duty to bargain	1970: 0	No duty to bargain.
28. Extension of collective agreements	1970: 0	No extension of agreements.
29. Closed shops	1970: 0	Unions are prohibited so closed shops are prohibited by extension.
30. Codetermination: board	1970: 0	There is no employee representation on the Board.

membership		
31. Codetermination and information/consultation of workers	1970: 0 2001: 0.33	Ministerial Decree No. 1691 approved the Rules Regarding the Establishment of Works Councils. This provides for the setting up of labor committees for citizens in local companies with more than 100 employees. The Minister approves the members of the committee and authorises the representatives that can attend the meetings. The Ministry has the power to dissolve the committees if they are deemed to threaten public security. The committees are limited to making recommendations to company management regarding only work conditions, health and safety, productivity and training programs.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Strikes are in principle prohibited.
33. Political industrial action	1970: 0	Strikes are in principle prohibited.
34. Secondary industrial action	1970: 0	Strikes are in principle prohibited.
35. Lockouts	1970: 0	There is no regulation of lock-outs.
36. Right to industrial action	1970: 0	There is no right to strike in the Constitution or pre-Constitution documents.
37. Waiting period prior to industrial action	1970: 0	Strikes are in principle prohibited.
38. Peace obligation	1970: 0	There is a perpetual peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation and arbitration is provided for in lieu of strikes.
40. Replacement of striking workers	1970: 0	There is no protection for workers taking industrial action.

Senegal

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Act No.52-1322 French Overseas Territories LC 1952: Art.1: worker is any person who has undertaken to carry out gainful activity in return for remuneration under the direction and control of another person, irrespective of the legal status of the parties. Art.30 the contract can be recorded in any manner and evidence of its existence may be presented in any form. Art.32 all contracts exceeding three months must be presented before the relevant authority and approved in order to be valid. Retained LC Senegal 1961 and LC 1997 Art.2.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 2009: 0.75	LC 1952 Art.90: generic equal pay for equal work. Decree No.70-183: Art.2 limits part-time workers to 6 hours 40 minutes per day. Hours in excess to be paid as overtime. All other laws on working time apply to part time workers. LC 1997 Art.1: general equal rights clause. Decree 11100 2009 Art. 6: proportionate pay for part time workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Decree 11100 2009 Art.12: express provision that rules on termination are identical between part and full time workers. Previously no distinction.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.67	LC 1952 Art 31: contracts of employment are all to be for specified periods of work/pieces of work. These are to be limited to two years. Art.30 LC 1961 (Senegal). Art. 41 LC 1997: fixed term contracts are contracts for a specific project, or where the work's duration cannot be accurately assessed in advance. Art.42: continuation beyond one renewal is prohibited, and there is a limit of two contracts for a given employer. This article also lists circumstances in which this limited does not apply – seasonal work, replacement of workers on suspension, and in certain professions. Art.43 exempts those professions where the nature of the work is temporary.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0.25	LC 1952 Art.90: generic equal pay for equal work. . LC 1997 Art.1: general equal rights clause. Art. 105: general equal pay.

workers		
6. Maximum duration of fixed-term contracts	1970: 0.8	LC 1961 Art.36: 2 years. Art.35: maximum one renewal. See: Art. 44 and Art.42 LC 1997. This latter article also lists circumstances in which this limited does not apply: seasonal work, replacement of workers on suspension, and in certain professions.
7. Agency work is prohibited or strictly controlled	1970: 1 2009: 0.67	LC 1952: Art 178: no private placement bureaux where public bureaux exist. Agency work established in Decree 2009-1412. Art.2 requires place, pay and duration prescribed in advance. Art. 8 limits contracts to two years.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1	LC 1952 Art.90: generic equal pay for equal work. See Art. 105 LC 1997. There is no agency work per se before 2009. Decree 1412 Art. 6: express equal treatment with permanent workers of user enterprise.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.6 1997: 0.8	LC 1961 Art.1 43(1) minimum of one and a half working days per month of service: 18 days. Art.148 LC 1997: 2 days per month of service: 24 days.
10. Public holiday entitlements	1970: 0 1974: 0.22 1982: 0.56	Law-7452 1974 Arts 2 and 3: 13 days, but Art.4 only 4 are paid. National Inter-Occupational Collective Agreement (CCNI) 1982, Art.41: public holidays are to be paid. Those that are paid are 8 days in addition to May 4 and April 4.
11. Overtime premia	1970: 0.18 1982: 0.28	Act No.62-47: inserts Art. 157C: no work done in excess of the hours of work prescribed for the enterprise shall be remunerated. Decree No.70-184 Art.2: 10% between the 41st and 48th hour; 35% thereafter. CCNI Art. 41: 15% between 41 and 48, 40% thereafter.
12. Weekend working	1970: 0.5	LC 1961 Art 142: compulsory weekly rest day, as a rule on Sunday. Decree No.70-184 Art.4: 50% for work on weekly rest day if during the day, 100% if at night. See also

	1982: 0.6	Art.147 LC 1997. CCNI Art.41: 60%.
13. Limits to overtime working	1970: 1	Act No.62-47: inserts Art 157C: no work done in excess of the hours of work prescribed for the enterprise shall be remunerated. Decree No.70-183 Art. 11 LC 1997 (as amended 2003) art.138: 20 hours per week with prior authorisation.
14. Duration of the normal working week	1970: 0.67	LC 1961 Art.134: maximum 40 hours per week. LC 1997: Art.135.
15. Maximum daily working time	1970: 0	No provision.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1982: 0.17	LC 1961: Art.47: notice required. Duration to be prescribed by decree. LC 1997 Art.50. CCNI 1982 Art, 23: 15 days.
17. Legally mandated redundancy compensation	1982: 1	CCNI 1982: Art.30: 25% annual wage for the first three years. In addition, Art.62 LC 1997: one months' non-taxable special indemnity.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	LC 1961 Art.41: maximum 6 months trial period; Art.46 termination without notice. LC 1997: Art.38
19. Law imposes procedural constraints on dismissal	1970: 0 1982: 0.33 1997: 0.5	LC 1961: Art.47: the grounds of termination must be stated in the notice. CCNI 1982 Art. 16: prescribes procedures that must be followed before any disciplinary measures can be imposed. This includes a right to a hearing and representation. Art.51 LC 1997: procedural irregularities are not grounds for wrongfulness, but the court can award compensation for such irregularities.
20. Law imposes substantive constraints on dismissal	1970: 0.33 1982: 0.67	LC 1961: Art 47 and 49: termination with notice or for serious misconduct, or on contractually specified grounds, provided that in a case of serious misconduct, the competent authority is satisfied as to the severity of that conduct. Art.51: all wrongful

		terminations entitled the wronged party to damages. Wrongfulness to be determined by the competent authority. Dismissal without legitimate reasons, on grounds of the workers' opinions or trade union activity constitute illegitimate grounds. See: Art.54, 56. CCNI also lists potential grounds for termination, including as well as misconduct, incapacity and economic dismissal (Arts. 28 and 29).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	LC 1961: Art 51 the wrongful termination of a contract entitles the injured party to compensation. LC 1997 Art.56.
22. Notification of dismissal	1970: 0.5 1977: 0.67	LC 1961 Art. 37 and 53 every wrongful termination of a contract for specified duration requires prior notification to the competent authority. LC 1961: Art.47: the grounds of termination must be stated in the notice. Art.51: the certificate of employment need not state the reasons for dismissal. Act. No. 77-17 introduces a requirement for prior authorisation for all individual or collective redundancies/dismissals for economic reasons: Art. 47(3). For all economic dismissals, LC 1997 Arts 60 – 61 require extensive collaboration with worker representatives and the Minister of Labour and Social Security to consider alternatives etc. and requires a delay of 15 days before any dismissal can take place. The employer must then draw up the selection criteria and submit to the worker representatives. Only after 8 days can the employer then proceed to dismiss on this basis.
23. Redundancy selection	1970: 1	Art.47 LC 1961: skill, length of service and family situation shall be considered in establishing the order of lay-offs. Maintained after the 1977 amendment. See Art. 62 LC 1997.
24. Priority in re-employment	1970: 1	LC 1962: Art.47: one year. Maintained after the 1977 amendment. LC 1997 Art.62: 2 years.
D. Employee representation		
25. Right to unionisation	1970: 1	Constitution 1963: Art.20 – the right to form trade unions is recognised. Constitution 2001 Art.8 and 25: protects freedom of association, union freedoms and the right of workers to join a union. Maintained Constitution 2009.

26. Right to collective bargaining	1970: 0	Constitution 1963: protects trade union liberties: Preamble and Art. 20. An amendment in 1970 includes the right to join a trade union and use union action to defend interests. Constitution 2001 Art.8 protects union freedoms and art.25 the right of the worker to defend their interests through union activities. Maintained 2009.
27. Duty to bargain	1970: 0 2009: 1	LC 1952 Art 80: permissive language is used. Maintained through to LC 1997 Art 92. Charter on Social Dialogue 2009 Art.7 duty to engage in social dialogue.
28. Extension of collective agreements	1970: 1	LC 1952 Art.73: all collective agreements are capable of extension subject to a requirement of representativeness. LC 1997: Art. 85.
29. Closed shops	1970: 0	LC 1952 Art.10: any person may withdraw from a union at any time notwithstanding any clause to the contrary. LC 1961 (Senegal) Art. 29: it is unlawful to consider trade union membership in recruitment, discipline or dismissal and the head of the undertaking shall not employ any pressure in favour of or against any trade union. Maintained Art. 29 LC 1997.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0.33 1982: 0.67	LC 1952 Art.162 and 168: provision for election of staff representatives. Duties include: referring individual and collective demands; referring violations of legislation; transmitting suggestions. LC 1961: Art.69 where there are staff representatives, they must be notified in advance of changes to work rules. LC 1980 and Act.No79-82: the election of staff representatives mandatory in certain undertakings. See Art.211 and 218 LC 1997.
E. Industrial action		
32. Unofficial industrial action	1970: 0.5 1997: 0	1961 Code: no specific restriction on unofficial action, but all strikes subject to mandatory conciliation and arbitration. 1997 Code lawfulness of strikes depends on compliance with procedures relevant trade unions and employers' associations: see e.g.

		Art. 273 LC 1997.
33. Political industrial action	1970: 0	LC 1997 Art 6: unions must pursue exclusively those purposes of defending economic, industrial, commercial, agricultural or artisanal interests. See also LC 1955: Art.3 maintained in part II LC 1961.
34. Secondary industrial action	1970: 0.5	There is no specific prohibition of secondary industrial action, but all collective action is subject to prior conciliation.
35. Lockouts	1970: 0.5	LC 1961: lockouts are regulated on a par with strikes.
36. Right to industrial action		Constitution 1963 Art.20. Constitution 2001 Art.25. Maintained 2009.
37. Waiting period prior to industrial action	1970: 0	LC 1961: Art.235: within 48 hours of the notice, the Minister must convene the parties for conciliation. Within 8 days of failure in conciliation, the Minister can refer the dispute to arbitration. Art.238. Art.245: a strike will be lawful only if the Minister has informed the parties he does not intend to refer the dispute to arbitration. Maintained LC 1997. Art. 273: a strike is lawful for 30 days following the failure of conciliation.
38. Peace obligation	1970: 1	No provisions.
39. Compulsory conciliation or arbitration	0	LC 1961: Arts.232-234: all collective disputes must be immediately notified to the competent Minister and conciliation begun. This is compulsory. Art.238: the Minister, if of the opinion that a strike or lockout would adversely affect the public interest, can refer the dispute to compulsory arbitration within 8 days of a failed conciliation. See Arts 273 and 274 LC 1997.
40. Replacement of striking workers	1970: 1	LC 1952 (as amended) Art.218 bis: strikes during a stay in arbitration do not give rise to a breach of the employment contract. LC 1961 Art. 57(6) the contract is suspended during the period of a lawfully declared strike. See Art. 70(6) LC 1997. LC 1997 (a continuation from the previous law) prevents placement of workers in enterprises where there is a strike or lockout. Decree 1412 2009 Art.12: agency workers cannot be used to

		replace striking workers.

Serbia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	Law on the Basic Rights in Employment applicable to the SFRY (LL SFRY) 1989 and LL 2001 Serbia Art. 5: an employee is anyone in a labour relation with an employer. Art.30 a labour contract is deemed concluded on signing. Where the contract is not concluded in writing, a labor relation will be assumed from the moment the employee commences work: Art. 32,
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	LL SFRY Art.23(2): those working fewer than 42 hours per week are entitled to the same rights as those working full time. See also Art. 27. LL 2001 Art. 18, 19 and 20: broad non-discrimination in employment. LL 2001 Art. 41: part time workers entitled to same rights proportionately with full time workers except insofar as the law, collective agreement or contract specify otherwise.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	No distinction made.
4. Fixed-term contracts are allowed only for work of limited duration.	1991: 1	LL SFRY Art. 12: fixed term contracts permitted in specifically defined circumstances, for seasonal jobs, work on a project, work in the navy limited to twelve months, replace absent workers and in circumstances of unforeseen increases in productivity. LL 2001: Art. 37. LL 2014 requires objective reasons for the conclusion of a contract, listed in the act. It adds the ability to conclude a FTC for a specific task.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 1 2001: 0.25	LL SFRY Art. 12 those employed for a definite period have the same rights and duties as those employed for an indefinite period. LL 2001 Serbia Arts. 18, 19 and 20: broad non-discrimination in employment.
6. Maximum duration of fixed-term	1991: 1	LL SFRY Art. 12, LL 2001 Art. 37: maximum 12 months. Transformed into an

contracts	2014: 0.8	indefinite term contract if work continues more than five days after expiry of the term. LL 2014: up to 24 months: Art.37.
7. Agency work is prohibited or strictly controlled	1991: 0	The Serbian LL makes no provision for agency work, and in principle contracts of this type could be concluded for either indefinite or defined periods of time, in accordance with the general provisions of the LL.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0 2001: 0	There is no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.6 2001: 0.67	LL SFRY Art.31: 18 working days. LL 2001 Art.69: 20 days.
10. Public holiday entitlements	1991: 0.67 2007: 0.83	Law on Working for Associative Workers. Art.23: workers are entitled to paid time off for public holidays in the SFRY. Law on State and Public Holidays 2007 (as amended up to 2011) Arts.1 and 2: 15 days. There were 12 days under Yugoslav law.
11. Overtime premia	1991: 0 2001: 0.26	LL 2001: Art.76: 26% increase of basic salary.
12. Weekend working	1991: 0 2001: 1	LL SFRY Art.30: no day specified. Day off in lieu. LL 2001 Art.67: at least one day weekly rest, generally on Sundays.
13. Limits to overtime working	1991: 1	LL SFRY Art. 23(2): 10 hours per week. LL 2001 Art. 53: 8 hours per week, four hours per day.
14. Duration of the normal working	1991: 0.53	LL SFRY: Art. 23(2): 42 hours. LL 2001: Art. 50: 40 hours. With rescheduling, this can

week	2001: 0.67	be averaged over six months with a limit of 60 hours per individual week.
15. Maximum daily working time.	1991: 0.6 2001: 0.4	LL SFRY Art. 29: 12 hours. LL 2001 Art. 53: overtime limited to four hours per day. Art. 55 the work day shall generally be 8 hours. In all cases, at least 10 hours uninterrupted daily rest: Art. 59 (rescheduling of work hours), generally Art. 66: 12 hours.
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0 2001: 0.33 2014: 0.09	LL 2001: Art. 189 (1) one month. LL 2014: Article 189: at least 8 but no longer than 30 days. There was no specific period defined in earlier legislation (LL SFRY)
17. Legally mandated redundancy compensation	1991: 0 2001: 1	LL SFRY Art.21: provision for severance pay but no precise figure. LL 2001: Art. 158: minimum 1/3 annual salary: 4 months.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.83	LL SFRY Art 14: probationary periods can be agreed, for a period not exceeding six months. LL 2001 Art.36: six month maximum trial periods during which time termination can occur at any time with five days' notice.
19. Law imposes procedural constraints on dismissal	1991: 1 2001: 0	LL SFRY: for disciplinary dismissals, the Disciplinary Commission will begin disciplinary proceedings which includes a right to be heard and to representation, to examine the gravity of the conduct and establish fault. See specifically Art. 63. Art. 67 imposes time constraints on when disciplinary measures can be taken: within six months of the violation. There are no procedures beyond specific notice requirements in the LL 2001. Art. 180 requires written notice, grounds for dismissal, and at least 8 days for the worker to comment on the allegations. LL 2014 Art. 189a also requires that lesser measures be taken before dismissal is imposed. LL 2014 introduces a new requirement that if the only grounds for unlawfulness relate to unfair procedure, the court will reject the request for reinstatement and will award compensation instead. It also introduces

		disciplinary measures that can be imposed in lieu of termination: suspension and a warning. (Art. 179a).
20. Law imposes substantive constraints on dismissal	1991: 0.67	LL SFRY Arts. 55 and 58: lays down the type of conduct that may justify termination of employment as an appropriate disciplinary measure. Art.75 lists possible grounds for dismissal. See LL 2001 Art .179. LL 2014 Art. 179 specifically lists the potential grounds for a termination on the basis of misconduct.
21. Reinstatement normal remedy for unfair dismissal	1991: 0.33 2001: 0.67 2014: 0.5	LL 2001: Art.191 the court shall decide to reinstate the employee at its discretion, and the employer will also be required to pay compensation. LL 2014 Art.191: allows the employer to argue that employment should not continue such that the Court will require double compensation in lieu.
22. Notification of dismissal	1991: 1 2001: 0.67	LL SFRY Art. 64: the decision as regards the disciplinary measure being imposed/not being imposed and the reasons must be conveyed to the employee in writing. In addition, the employer must defer to the disciplinary committee's decision as regards the decision to dismiss/ not dismiss. Art. 78 requires all decisions on termination and the reasons be submitted to the employee in writing. See Art. 180 LL 2001. Art. 181: notice to be submitted to employee and to trade union.
23. Redundancy selection	1991: 0	LL 2001 Art.155: the employer must formulate criteria in consultation with the trade union.
24. Priority in re-employment	1991: 0 2001: 1	LL 2001 Art.182: priority for 6 months for any employee dismissed.
D. Employee representation		
25. Right to unionisation	1991: 1	Constitution 2006: Art. 55 guarantees the right to association any form and be a member of any form of association. Art.41 Constitution SFRY 1992 also grants the right to join trade unions.

26. Right to collective bargaining	1991: 0	No provisions.
27. Duty to bargain	1991: 1	LL SFRY Art. 85: collective agreements shall determine the rights and obligations of workers and employers. Serbia LL 2001 Art. Art.3(4) states expressly that both parties shall negotiate in a spirit of good faith.
28. Extension of collective agreements	1991: 0 2001: 1	LL 2001 Art.257: the minister can decide to extend on own initiative.
29. Closed shops	1991: 0	Constitution 2006 Art.55 includes the right to refrain from joining any association.
30. Codetermination: board membership	1991: 0	No provision.
31. Codetermination and information/consultation of workers	1991: 0 2001: 0.67	LL 2001 Art. 13 entitles workers, independently or through their representatives to participation in 'consultation, information and expression of their position on important issues in the field of labour'. Art. 205: employers employing more than 50 employees may set up an employees' council pursuant to a collective agreement. They can voice opinions and participate in decision-making relating to the social and economic rights of employees. Law on Workers' Councils 2001 Art. 2 extends to all employers employing more than 15 employees. The Councils shall have the right to give its opinion and proposals to the employer aimed at improving working conditions etc. and work rules., monitor his implementation of his legal obligations, . Art. 29 the employer shall consider the opinion of the Council when taking decisions. If it rejects them it must inform the Council of the reasons.
E. Industrial action		
32. Unofficial industrial action	1991: 0	Strike Act 1996: Art.3 requires that strikes be organised by the relevant level of unions.
33. Political industrial action	1991: 0	Strike Act (1996 as amended to 2012) Art.1 a strike is a stoppage of work undertaken to defend workers' economic or professional interests.
34. Secondary industrial action	1991: 1	Strike Act 1996 Art.2: strikes can be organized as general strikes.

35. Lockouts	1991: 1	There is legislation governing lock-outs.
36. Right to industrial action	1991: 0 1992: 1	Constitution 1992 SFRY Art. 57. Constitution 2006: Art.61.
37. Waiting period prior to industrial action	1991: 1 1996: 0	Strike Act 1996: at least five days' notice required. Before this there was no explicit statutory notice period.
38. Peace obligation	1991: 1	No provision.
39. Compulsory conciliation or arbitration	1991: 1	Law on Amicable Resolution of Labour Disputes 2005 Art.5: amicable settlement mechanisms shall remain voluntary. Peaceful resolution during the waiting period should be attempted, but formal conciliation is voluntary.
40. Replacement of striking workers	1991: 0 1996: 1	Strike Act 1996 Art.14: lawful strikes cannot result in disciplinary action or dismissal. Before this, there was no specific protection.

Singapore

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	1968 Labour Code (LC) defines the 'employee' by reference to the concept of the contract of service. In general the employer-employee relationship is governed by contract, as drawn up by the parties. However, as in English law, certain factors are determinative of the 'true' nature of the relationship: control, 'ownership of the factors of production' and economic considerations. Unchanged by 1996 LC. Note: the LCs exclude certain types of workers, including government employees.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1996: 1	Part-time Workers' Regulations (PTWR) 1996: provides for entitlements on a proportionate/equal basis 'to a similar full-time employee' (real or hypothetical).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	PTWR 1996 does not provide specific rights or procedures for the dismissal of part-time employees.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There are no limitations on the use of fixed term contracts in section 9(1) Employment Act.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no requirement for equal treatment of those on fixed term contracts.

6. Maximum duration of fixed-term contracts	1970: 0	No maximum duration of FTCs or restrictions on renewals.
7. Agency work is prohibited or strictly controlled	1970: 0.67 2006: 0.75 2011: 0.9	Ordinance No.47 1958 s 6(1): license (renewed annually) from Commissioner required. S 10(1): keeping of register for inspection required. S. 11: must submit monthly returns. S. 14: agencies may be subject to inspection without notice. S. 23(1): Minister may make Regulations as to the type of work and licensing requirements. 1968 LC: Minister may require all contractors to be registered. Contractors will be deemed to be employer of the workmen engaged. 2006: closer monitoring of agencies and greater penalties for non-compliance. 2011: further regulation and penal sanctions for offending agencies as well as those dealing with such agencies.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No obligation to treat employees equally to those recruited directly by the user.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.7 2008: 0.3	1968 LC, s. 42(1)(a): 7 days' leave for each year of service. Act 32 of 2008 amended 1968 LC: s 43(1): 7 days' leave after 12 months and an additional day for each subsequent year of service.
10. Public holiday entitlements	1970: 0.56	LC 1968, s. 41(1): 10. Holidays Act 1999: 10. 2009 Code: 10 days.
11. Overtime premia	1970: 0.5 1995: 0.97	LC 1968, s 38(3) 50% premium. 1995 Amendment to 1968 LC: s. 38(6): hourly rate calculated at: (12 x basic monthly salary) divided by (44 x 52) = approx. 97% of normal hourly rate (assuming the average employee works 44 hours a week for 4.2 weeks a month). LC 1968 (as amended 2013): same calculation in the Fourth Schedule.

12. Weekend working	1970: 1	1968 LC, s. 36(1): Sunday is the weekly rest day and employee entitled to double pay if requested to work that day.
13. Limits to overtime working	1970: 1	1968 LC s. 38(4): maximum of 48 hours overtime per month. Minister may disapply this limit in the case of certain workers. 1996 amendment, s 38(5): maximum of 72 hours overtime per month. 12 hour daily limit applies (unless otherwise stated).
14. Duration of the normal working week	1970: 0.4	1968 LC, s. 38(1): maximum of 44 hours per week.
15. Maximum daily working time.	1970: 0.9 1996: 0.6	1968 LC, s. 38(1)(ii): maximum daily working time of 8 hours (or 9 if fewer than 8 worked on other days). 1996: 12 hour limit (except narrowly defined circumstances).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17	1968 LC, s 10(3): 2 weeks for an employee with 3 (2-5) years' service. 1996: s 14 retains this.
17. Legally mandated redundancy compensation	1970: 0	No statutory minimum. Redundancy pay is generally determined by collective agreements. The practice (according to Ministry of Manpower) is between 2 weeks and one month per year of service. Unionised companies normally provide for one month per year of service. However, there is no legal regulation or national level collective agreement on this point.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.83	No minimum or maximum probationary period by law but the employer can require a probationary period and it is common for employees to serve 6 months' probation. The only restriction on dismissal during this period is the requirement to give one day's notice.
19. Law imposes procedural constraints on dismissal	1970: 0 2009: 0.33	Generally employers have few restrictions on dismissals apart from notice. 1968 LC, s. 14(1): 'due inquiry' necessary prior to dismissal. The *Apollo* case affirms the availability of making a claim for unfair dismissal if the procedure is not followed.

20. Law imposes substantive constraints on dismissal	1970: 0 2009: 0.33	1968 LC: no need to show valid grounds for dismissal provided there is notice but there are some prohibited grounds for dismissal (e.g. pregnancy, union activities, age). However, an employee could apply to the Minister to request reinstatement (s. 14 1968 Code) if he considered that he had been dismissed without just cause. In 2008 this provision was clarified to cover *all* dismissals (with or without notice) for 'misconduct or otherwise', rather than just being limited to summary dismissals for misconduct.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67	1960 Industrial Undertakings Ordinance (amended 1968), s. 34: the Minister may order reinstatement of an employee when making an appeal under s. 14 1968 LC (see no. 20 above). 1996: Minister given the choice between compensation and reinstatement. Dismissals on prohibited grounds may attract reinstatement. Otherwise s. 16 1968 LC provides for compensation in breach of contract (damages for duration of notice period).
22. Notification of dismissal	1970: 0	1968 LC, s 10(5): written notice to employee required but not notification of reasons.
23. Redundancy selection	1970: 0	There is no statutory procedure for redundancy.
24. Priority in re-employment	1970: 0	No statutory provisions relating to re-employment.
D. Employee representation		
25. Right to unionisation	1970: 0.33	Article 14 of the Constitution grants freedom of association.
26. Right to collective bargaining	1970: 0	There is no constitutional right to bargain collectively.
27. Duty to bargain	1970: 1	Industrial Relations Ordinance (IRO) 1960, ss. 19(1) and 20(1): parties refusing to bargain may be subject to consultation or conciliation with the Commissioner in order to reach an agreement. Either party may also apply to the Industrial Relations Court for binding arbitration.

28. Extension of collective agreements	1970: 0.5	IRO 1960, (as amended 1965) s. 39: the Minister may declare an award of the court (in relation to a trade dispute) generally binding in a given trade or industry if the court recommends this. (s .26: a CA is deemed to be an 'award').
29. Closed shops	1970: 0.5	1968 LC, s. 19: contracts may not restrict the right to form or join a union or take part in union activities. No prohibition on making membership a condition of recruitment. Law 23/2002 amended the IRA s. 79(2): not an offence to make membership (or non-membership) of a particular union a condition of promotion to an executive position. 2011: s 79(1) IRA: it *is* an offence to induce someone to not join or leave a trade union.
30. Codetermination: board membership	1970: 0	No legislative provisions.
31. Codetermination and information/consultation of workers	1970: 0	There are no provisions on works councils in Singapore.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Trade Union Act (TUA) 1940, s. 22: immunity from torts only when trade unions are registered. Strikes are only lawful when approved by a secret ballot of a majority of affected employees.
33. Political industrial action	1970: 0	Trade Disputes Act (TDA) 1941, s. 3(a), (c): very little scope for political strikes as industrial action is illegal if it has any other object than the furtherance of a trade dispute within the trade or industry in which the persons taking part in the industrial action are engaged; or it is designed or calculated to coerce the government either directly or by inflicting hardship on the community.
34. Secondary industrial action	1970: 0.75	Secondary action is possible provided that the trade union is registered and has sought the permission of the majority of its members who are going to be affected by the strike action (see variable. 32, above). Also necessary (according to TDA s. 3(a), see variable 33, above) is that the dispute is within the trade or industry. However, a strike is

		unlawful if it does not concern the striking workers.
35. Lockouts	1970: 0.5	Lockouts are subject to the same restrictions as strikes in TDA 1941, s 3. 'Defensive' lockouts in response to striking employees are not restricted. Trade unions must be registered for lockouts to be lawful.
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0.5	For strikes not in essential services, there is no official notice or waiting period but TUA 1940, s. 27(1) requires a secret ballot with majority approval from employees affected by the strike. Criminal Law (Temporary Provisions) Act 1955, s. 6(2): strikes in essential services are subject to a 14 day strike notice period. Strikes are prohibited once the dispute has been submitted to the Industrial Arbitrations Court.
38. Peace obligation	1970: 1	No provisions about peace obligations.
39. Compulsory conciliation or arbitration	1970: 0.5	IRO, s 30(b): the Minister may refer a trade dispute to arbitration once notified of its existence. IRA, s 18: Parties may refer the matter to the Industrial Arbitrations Court for binding arbitration but most disputes are resolved through informal consultations with the Ministry of Manpower.
40. Replacement of striking workers	1970: 0	IRA s 82: prohibits the 'injuring of an employee' on account of industrial action, does not cover within its grounds (ss. (1)a – g)) strike action. Even if a strike is lawful, the strike may amount to a breach of contract and leave the employee liable to dismissal. Section 24(1) (regulating liability in contract) does not protect trade unions or their members for liability for breach of contract.

Slovakia

Note: coding is from 1993, the year of independence.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1993: 0.33 2007: 0.67 2013: 1	Before 2007, the legal status of the worker depended upon whether the worker fulfilled the criteria for 'dependent work'. There was no definition of the employment relationship in the Labour Code and protection could be excluded through the option of self employment. Since 2007, the Labour Code has provided a definition of dependent work (Art. 1(3)). This definition was amended in 2013 in order to extend the concept of dependent work and to provide simpler criteria by which to identify employment and provides addition protection for those who are dependent workers notwithstanding a formal designation of the contract as one of self-employment (Art.1(2)).
2. Part-time workers have the right to equal treatment with full-time workers	1993: 0 2001: 0.5 2007: 0.75 2010: 1	LC 2001 Art.49 regulated part-time work for the first time. All rights and obligations arising from the employment relationship were to apply equally to part-time workers. However, Arts. 49(6) and (7) exempted those working less than 15 hours. This measure therefore was therefore regarded as not conforming to the Part-Time Work Directive. The principle of non-discrimination was introduced in 2004 as a general guarantee (Art. 13) in providing for protection in the event of different treatment from those in 'comparable situations' but until 2007 there were numerous exceptions based on a 20 hour threshold: Art. 49(7). Act No. 574/2009 effective from March 2010 removed the discriminatory measures in Art. 49(6) and (7) of the Labour Code.

3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1993: 0 2001: 0.25 2007: 0.5	The 2001 LC provided for termination will in the case of part-time workers employed for less than 20 hours; this threshold was reduced to 15 hours in 2007.
4. Fixed-term contracts are allowed only for work of limited duration	1993: 0 2001: 0.5 2003: 0.33 2007: 0.67 2011: 0.75	Fixed term contracts were generally allowed under the Czechoslovak LC 1965 as amended which was carried over in the 1993 Slovakian LC. Under the LC 2001, a list of circumstances under which FTCs could be concluded was provided for. An amendment to the LC in 2003 broadened the categories of work for which FTCs could be concluded and increased the ability to prolong the contract without the need to give reasons. As of 2007, Art. 48(4) required that a limited number of permissible reasons be given for renewal/extension. An amendment (257/2011) reduced the list of circumstances in which an FTC is permitted.
5. Fixed-term workers have the right to equal treatment with permanent workers	1993: 0 2004: 0.25	In 2004 a general right to equal treatment was introduced: see now LC 2013, Art.13. There is no specific right to equal treatment for fixed-term contract workers.
6. Maximum duration of fixed-term contracts	1993: 0.7 2010: 0.8 2011: 0.7 2013: 0.8	Under Art. 30 the Czechoslovak Labour Code, in force in 1993, there was a three year limit to FTCs. Amendment Act No.210/2003: 3 years. Act 543/2010: 2 years, providing also that FTCs cannot be renewed or extended more than twice within a two year period. Act No 257/2011: 3 years, with renewal of a maximum of 3 times within 3 years). A 2013 Amendment reduces the maximum duration from 3 years to 2 years and renewals to 2 within a 2-year period. See now LC 2013, Art. 48.

7. Agency work is prohibited or strictly controlled	1993: 0 2004: 0.5	There was no legal regulation of the TAW sector until 2004. Act No.5/2004 defines agency work for the first time, and confines it to temporary work situations. From January 2015, stricter requirements are introduced, limiting agency work to four extensions of renewals within a 24 month period.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1993: 0 2004: 0.33 2007: 0.4 2010: 1	An equal pay requirement was introduced in 2004 but until 2007 it did not cover workers with less than 6 months' seniority. In 2007 this period was reduced to 3 months. Act 543/210 2010 more fully implemented the TAW Directive.
B. Regulation of working time		
9. Annual leave entitlements	1993: 0.47 2001: 0.98	LC 1965 Art. 101(1): 2 calendar weeks. LC Art.103(2): 4 calendar weeks.
10. Public holiday entitlements	1993: 0.83	Law No. 241/1993 Art. 1-3: 15 days.
11. Overtime premia	1993: 0.25	LC 1965 Art. 116(2): 25%. LC 2001 Art 121(1): 25%.
12. Weekend working	1993: 0.5 2001: 0	LC 1965 Art. 92(2) made Sunday the weekly rest day. Art. 116(2) set a 50% premium. LC 2001 Art. 93(1): weekly rest days shall be Saturday and Sunday or Sunday and Monday unless nature of work requires differently. However, there is no requirement for a wage premium. See now LC 2013, Art. 93.

13. Limits to overtime working	1993: 1 2001: 0.5 2011: 0.17 2013: 0.25	LC 1965: 4 hours across two days, or 8 hours a week, 150 hours per year (Art.97(2)). LC 2001: total limit of 48 hours including overtime or 8 hours a week averaged over a maximum of 4 months. Since 2003, the same reference period operates but an employer can agreed additional overtime up to a maximum of 250 hours per year. Since 2007: Art. 85(9): 8 hours per week on average over a four-month period. Not to exceed an average of 48 hours per week. Since 2011: averaging period of up to 12 months can be agreed. States an absolute maximum of 400 in a year. Since 2013: maximum 150 hours a year.
14. Duration of the normal working week	1993: 0.47 2003: 0.67	LC 1965 Art. 83(1): 46 hours, reduced to 43 hours in 1992. LC 2001: 40 hours (Art. 86(3)). See now LC 2013, Art. 85(4).
15. Maximum daily working time	1993: 0.6	LC 1965 Art 90(1) mandatory 12 hours rest per day, or 9 hours for certain categories of worker. LC 2001 Art. 87(5): maximum of 12 hours. Minimum 12 hour daily rest introduced in 2007. See now LC 2013, Art. 92.
C. Regulation of dismissal		
16. Legally mandated notice period	1993: 0.67 2011: 0.33 2013: 0.67	LC 1965 Art. 45(2) as amended in 1992: two months. LC 2011 Amendment: reduced to one month, but 2 months for redundancy. LC 2013: introduces notice for dismissal for organisational reasons. Makes 2 months the minimum for workers with between 2 and 5 years' service.
17. Legally mandated redundancy compensation	1993: 0 2007: 0.67 2011: 0	LC 1965: no severance pay. LC 2003: redundancy pay was an alternative to wages during the notice period. LC 2007: two months' wages. LC 2011: redundancy pay was made conditional upon the employee agreeing with the termination (Art.76). LC 2013: severance and notice required. Severance pay differs according to reason for dismissal. For organizational reasons, an employee with between two and five years' service is entitled to a severance allowance that is equal to one month's average pay (Art. 63(1)).

	2013: 0.33	
18. Minimum qualifying period of service for normal case of unjust dismissal	1993: 0.92 2011: 0.83 2013: 0.92	LC 1965 as amended: up to three months probationary period permitted (Art. 31 (1)). LC 2011: Art 45. (1): probationary period of up to 6 months is possible by way of agreement. LC 2013 Art 45 (1): limits probationary period to 3 months.
19. Law imposes procedural constraints on dismissal	1993: 1	The basic requirement is to give notice (LC 1965, Art. 46; LC 2013, Art. 62). In a dismissal involving failure to perform work tasks satisfactorily, there must be an opportunity for the employee to rectify their behaviour, and in a case of breach of discipline, there must have been a warning (LC Art. 63). Failure to give notice leads to the invalidity of the dismissal (LC 2013, Art. 79).
20. Law imposes substantive constraints on dismissal	1993: 0.67	Art. 36 of the Constitution grants protection against arbitrary dismissal and successive laws have required the employer to show that dismissal is fair by reference to list of justified reasons. See now LC 2013, Art. 63.
21. Reinstatement normal remedy for unfair dismissal	1993: 1	LC 1965 (Art. 61(1)) and LC 2011 Art. 79(1) and (3): reinstatement is the rule if the employee insists on continuing the employment relationship unless the courts decides that 'it cannot be justly required of the employer to further employ the employee'. If termination is invalid but the employee does not insist on further continuing the employment relationship, it will be deemed to have been terminated by mutual agreement.
22. Notification of dismissal	1993: 1 2001: 0.67	LC 1965 Art 59(1) required the prior approval of trade unions for all dismissals. LC 2001 Art. 74: negotiations with employee representatives are required for individual dismissals. This requirement was abolished in 2011. The 2013 amendment reintroduces the requirement. There has been an obligation to inform and consult employee representatives on collective dismissals and related matters throughout the period.
23. Redundancy selection	1993: 0	There are no selection criteria set by law. LC 2013 Art. 73(2)(e) indicates that criteria should be agreed with employee representatives.

24. Priority in re-employment	1993: 0 2001: 0.33	Neither the 1965 nor 2001 LC required priority in re-employment. Art. 61(3) LC 2001 provides that employers should not create any new positions or recruit any new employees to a position made redundant within 3 months (2 months since 2011).
D. Employee representation		
25. Right to unionisation	1993: 1	Art. 37 Constitution grants freedom of association and expressly mentions trade unions.
26. Right to collective bargaining	1993: 1	Art. 37 Constitution provides a broad right of freedom of association 'in order to protect economic and social interests' and extends to the protection of collective bargaining.
27. Duty to bargain	1993: 1	Collective Bargaining Act No.1/1991 Art. 8(2) and 8(3): parties are obliged to negotiate with one another and provide any information required and to provide all necessary co-operation.
28. Extension of collective agreements	1993: 1 2004: 0.33 2007: 1 2011: 0.33	CBA provided for extension of collective agreements without the consent of the employer. From 2004, according to Act No.585/2004 a collective agreement could bind a non-member employer only with his consent. In 2007, Act No. 328/2007 removed this requirement, and Act No. 557/2010 re-introduced it.
29. Closed shops	1993: 0	Closed shops are prohibited.
30. Codetermination: board membership	1993: 1	Employees have a right to at least half of the seats on the supervisory board of private companies employing 50 employees or more.

31. Codetermination and information/consultation of workers	1993: 0.5 2002: 0.5 2003: 0.67 2007: 0.5 2011: 0.67 2013: 0.5	Art.37 of the Constitution is interpreted broadly to imply a right to direct or indirect participation in the running of the enterprise through a right to express an opinion on working conditions, working time, scope of work, and organisation. The 1965 Labour Code provided for participation rights for all workers, primarily through trade unions, in the form of discussions: Art: 18(3). However, until 2002, the only worker representative bodies were trade unions. Since 2002, the works councils, worker trustees and other representative bodies have limited rights to where in workplaces without a trade union. Since 2003, employees have voice rights over information relating to the economic situation of the business. There is joint-decision making on working time, and limited negotiation and information rights otherwise. Co-determination rights operate only in the absence of a collective agreement. From 2007, the trade unions were again given a privileged position limiting rights to information and consultation for other worker representatives. The 2011 Amendment again weakens the trade union role in the company in favour of other employees' representatives and extends co-determination and negotiation rights to employee representatives. From 2013, works councils' rights where there is a trade union are again be limited to information and consultation: LC 2013, Article 229(7).
E. Industrial action		
32. Unofficial industrial action	1993: 0	The scope of the right to strike does not extend to unofficial action. The right is collective and thus does not entitle the individual to protection: Art.17 Collective Bargaining Act. All strikes must be approved by 50% of the workers covered by the collective agreement.
33. Political industrial action	1993: 0	The right to strike extends only to matters relating to the conclusion or fulfilment of the collective agreement. However, Case 1 Co. 10/98 recognises that the Constitutional protection of the right to strike cannot render a strike concerning matters unrelated to collective agreements automatically unlawful. Nevertheless, in practice, they tend to be held to be unlawful by the courts, and are not provided for in the CBA.

34. Secondary industrial action	1993: 1	Secondary action is permitted to the extent that it supports employees striking over a dispute involving the conclusion of a collective agreement.
35. Lockouts	1993: 0.5	Art. 27 CBA subjects lockouts to the same restrictions as the right to strike. The right to lockout is expressly recognised in the LC (from 2003).
36. Right to industrial action	1993: 1	Art. 37 Constitution guarantees the right to strike.
37. Waiting period prior to industrial action	1993: 0	There is a 3 day notice requirement for strikes.
38. Peace obligation	1993: 0	Peace obligations must be observed. A strike in relation to a collective agreement in force must relate to its modification and can only be exercised if the collective agreement so provides.
39. Compulsory conciliation or arbitration	1993: 0	Art. 16(1) CBA allows the declaration of a strike provided that arbitration has not been requested. However, strikes must be a last resort and prior mediation must be attempted.
40. Replacement of striking workers	1993: 1	Art.25 CBA prevents an employer from replacing striking employees. Art.141 LC requires employer to excuse the absence of striking employees.

Slovenia

Note: coding is from 1991, the year in which the Republic of Slovenia was founded.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	Art. 4 of the Employment Relations Act 2002 defines an employment relationship in terms (inter alia) of control and Art. 16 states that there is a presumption of employment if the elements of the relationship exist even if no formal contract has been agreed. SC judgment of 15.1.2008 states the will of the parties is not the decisive factor by comparison the criterion of inclusion in the organisation of the employer.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 0.5 2002: 1	Prior to 2002: general anti-discrimination law. 2002 onwards: implementation of PTW Directive (Art. 64(3) ERA).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	The law on dismissal draws no formal distinction between part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1991: 1	Art. 52 ERA: exhaustive list of reasons which may only be varied by collective agreement or in smaller establishments.

5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 1	Art. 55 ERA, implementing the FTE Directive.
6. Maximum duration of fixed-term contracts	1991: 0.8	Cumulative limit of 24 months, with some exceptions by reference to managerial staff and, from 2007, for new technologies or specific projects.
7. Agency work is prohibited or strictly controlled	1991: 1 2002: 0.8 2013: 0.67	Under the Yugoslav law, agency labour was prohibited. ERA 2002 permits it but imposes limits on its use including a one year maximum duration. The latter was repealed in 2013 with the implementation of the TAW Directive. There is a limit of 25% of temporary agency work in any firm (except for smaller enterprises).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991:1	Agency labour was prohibited under the Yugoslav labour law. Under ERA 2002 laws and collective agreements in force in the user undertaking must generally be observed in respect of agency workers.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.6 2002: 0.67	Pre-2002: 18 days. 2002 onwards (ERA): 4 weeks.
10. Public holiday entitlements	1991: 0.78	14 public holidays (1991 Law on Holidays).
11. Overtime premia	1991: 0	Overtime must be remunerated at a premium but the precise rate is not specified by law, but left to collective bargaining: Art. 128 ERA.
12. Weekend working	1991: 0	Art. 128: no specific premium.

13. Limits to overtime working	1991: 0.13 2002: 0.25	Pre-2002: 42 hour week not to be exceeded over a 12 month reference period. ERA Art 143: normal daily limit of 10 hours, also weekly, monthly and yearly limits on overtime, with reference periods, normally six months.
14. Duration of the normal working week	1991: 0.53 2002: 0.67	Pre-2002: 42 hours. 2002 onwards: 40 hours. Art. 142 ERA.
15. Maximum daily working time	1991: 0 2002: 0.6	From 2002: 12 hour rest period is the norm, subject to variation over a reference period.
C. Regulation of dismissal		
16. Legally mandated notice period	1991: 0.33 2013: 0.17	From 1991: 30 days for an employee with less than 5 years' service. From 2013: 15 days.
17. Legally mandated redundancy compensation	1991: 0 2002: 0.2	No entitlement to severance pay under the Employment Relationships Act from 1990. ERA 2002, Art 109 One fifth of monthly wage for each year of employment for employee with less than 5 years' service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 1	The default probation period is six months but dismissal during this period is strictly regulated: Art. 125 ERA.
19. Law imposes procedural constraints on dismissal	1991: 1	Dismissals must generally be preceded by notice and written reasons and allow for a hearing with provision for the trade union to give its opinion. ERA Arts. 84, 84, 92.
20. Law imposes substantive constraints on dismissal	1991: 1	Strict controls under ERA 1990 and ERA 2002 include precise specification of grounds for dismissal and ultima ratio rule. ERA Arts. 88, 89, 110.
21. Reinstatement normal remedy for	1991: 0.33	From 2002 reinstatement applies unless the court establishes that the continuation of the

unfair dismissal	2001: 1	employment relationship is not possible (Art. 118 ERA).
22. Notification of dismissal	1991: 0.67	For disciplinary dismissals there is a duty to provide written reasons on request. For collective dismissals employee representatives must be informed and consulted.
23. Redundancy selection	1991: 0 2001: 1	Specific criteria from 2002: ERA Art. 100.
24. Priority in re-employment	1991: 0 2001: 1 2013: 0	There were priority rules in ERA 2002 (Art. 102) but these were removed in 2013.
D. Employee representation		
25. Right to unionisation	1991: 1	Constitution, Art. 76.
26. Right to collective bargaining	1991: 0	No specific Constitutional protection.
27. Duty to bargain	1991: 1	The 1990 Labour Relations Act imposed a general duty to bargain and a 2003 law imposed arbitration if agreement could not be reached. The 2006 Collective Agreements Act places the employer under a duty to respond to a proposal for a collective agreement within 30 days.

28. Extension of collective agreements	1991: 0.5 2006: 1	The 1990 and 2003 Acts did not provide for extension but functional equivalents existed by virtue of universal employer membership of relevant employers' associations. From 2006 a formal extension law is in force.
29. Closed shops	1991: 0	Prior to 1991 union membership was obligatory; this ceased to be the case with the adoption of the 1991 Constitution.
30. Codetermination: board membership	1991: 0.67 1993: 1	The 1991 Constitution Art. 75 referred to a general right of employee participation in the management of commercial organisations. A 1993 law provides for board-level representation in companies with 50 or more employees subject to an assets threshod.
31. Codetermination and information/consultation of workers	1991: 0.67 1993: 1	Prior to 1993: general right to participate in management. From 1993: specific works council law.
E. Industrial action		
32. Unofficial industrial action	1991: 1	Strikes must be authorised by the relevant trade union or a majority of the workers concerned.
33. Political industrial action	1991: 0.33	Purely political strikes are not permitted but strikes may be lawful if in pursuit of economic and social interests broadly defined (Law on Strikes, Art. 1).
34. Secondary industrial action	1991: 1	The definition of a lawful strike does not require industrial action to be directed against the employer of the workers taking part (Law on Strikes, Art. 1) and the consensus is that secondary action is not per se unlawful.
35. Lockouts	1991: 1	Neither the Constitution nor the law on strikes recognises a right to lock out.
36. Right to industrial action	1991: 1	Constitution, Art. 77.

37. Waiting period prior to industrial action	1991: 0	Notice of 5 days required.
38. Peace obligation	1991: 0.5	Collective Agreements Law Art. 18 states that procedures set out in a collective agreement must be observed before a strike can be called but this does not limit the individual right to strike.
39. Compulsory conciliation or arbitration	1991: 0.67	The Law on Strikes requires the parties to make efforts to settle the dispute once a strike begins but the state cannot enforce arbitration.
40. Replacement of striking workers	1991: 1	Workers may not be dismissed for taking part in a lawful strike and the employer may not hire replacements for the duration of such a strike.

South Africa

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 1997: 0.75	Traditionally the courts have applied tests of 'control' and 'dominant impression' and also stressed the need for both parties to be in agreement on the nature of the contract. Since the enactment of the LRA 1995 the test has been strengthened and the objectivity of the test emphasised in case law.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	Most statutes do not distinguish between part-time and full-time workers, but certain parts of Basic Terms and Conditions of Employment 1997 do not employ to those working less than 24 hours a month and there is no general right of equal treatment. From 2015 there is a right of equal treatment for part-time workers earning less than a certain threshold (Labour Relations Act 1995 as amended, s. 198C).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 0.75	BCEA exempts casual workers from certain notice requirements and protection against dismissal. The BCEA Chapter on termination of employment does not apply to those working less than 24 hours per month.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There was no regulation of this kind on FTCs before 2015. From 2015 the use of FTCs for employees earning less than a certain threshold is restricted: work must not be of an indefinite nature, or there must be a specific justification for the use of an FTC (LRA 1995 as amended, s. 198B).
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	Before 2015 there was no general right to equal treatment for FTC workers and they were excluded from certain statutory protections. From 2015 there is a right to equal treatment after 3 months of employment for workers earning below a certain threshold

		(LRA 1995 as amended, s. 198B).
6. Maximum duration of fixed-term contracts	1970: 0	Case law under the Labour Relations Act established that there might be an expectation of renewal of an FTC under certain circumstances. However, this is a right to a new FTC, not permanent employment.
7. Agency work is prohibited or strictly controlled	1970: 0	There is no need to justify the normal commercial use of agency work, although from September 2014 there is increased regulation on the registration and licensing of agencies (ESA).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Under the BCEA, the agency and user were jointly and severally liable for breaches of the Act and might incur other responsibilities of the employer, but there was no general right to equality of terms and conditions. From 2015, agency workers earning below a certain threshold are deemed to be employees of the agency (as opposed to the user) for placements of less than 3 months, but otherwise have rights against both user and agency, with a strengthening of the principle of joint and several liability. There is a right to equal treatment after 3 months (LRA 1995, S. 198C).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 1997: 0.5	BCEA 1983: 2 weeks. BCEA 1997: 3 weeks.
10. Public holiday entitlements	1970: 0.67	12 days: Public Holidays Act 1994.
11. Overtime premia	1970: 0.33 1997: 0.5	BCEA 1983: time and a third is the general rule. BCEA 1997: time and a half is the general rule.
12. Weekend working	1970: 1	Double time the norm under successive versions of BCEA. BCEA Regulations 2014 s

		16: employees who occasionally work on a Sunday receive double time. If they ordinarily work on Sunday, they may only receive 1.5 times the normal time. There is no reference to a different level of pay for Saturday.
13. Limits to overtime working	1970: 1 1997: 0.5	BCEA 1983: limit of 3 hours overtime per day and 10 hours per week. Under BCEA 1997, 10 hours overtime per week, with averaging over a reference period.
14. Duration of the normal working week	1970: 0.27 1997: 0.33	BCEA 1983: 46 hours. BCEA 1997: 45 hours.
15. Maximum daily working time	1970: 0.6	BCEA 1983 and 1996: 12 hours daily rest.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 1983: 0.17 1997: 0.33	Indigenous Workers Act No. 63 (1959): presumption of 30 days. BCEA 1983: 2 weeks. BCEA 1997: 4 weeks.
17. Legally mandated redundancy compensation	1970: 0 1997: 0.25	BCEA 1997: one week's pay for each year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	No qualifying period is referred to in the Labour Relations Act.

19. Law imposes procedural constraints on dismissal	1970: 1	Prior to passage of LRA, the courts had developed robust procedural requirements. See now LRA s. 188. See also Schedule 8, the Code of Good Practice: Dismissal, Para 4.
20. Law imposes substantive constraints on dismissal	1970: 0.33 1997: 0.67	Prior to LRA: need for valid and fair reason. Under LRA: employer must demonstrate reason based on conduct or capacity, or operational requirements.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67 1997: 1	Under LRA 1956, reinstatement was the preferred remedy but the industrial court had power to make an order it considered reasonable in the circumstances. Under LRA 1997, the court is bound to reinstate, subject to certain exceptions.
22. Notification of dismissal	1970: 0.33 1997: 0.67	Notification to the worker has been the norm in respect of individual dismissals under successive versions of the LRA. From 1997 there is an obligation on information and consultation in larger enterprises.
23. Redundancy selection	1970: 0	No legally binding criteria.
24. Priority in re-employment	1970: 0	No rules on priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 0 1993: 1	The 1996 constitution (prefigured by the interim constitution in force from 1993) refers to the right of workers to form and join trade unions. Earlier constitutions made no reference to collective labour rights.
26. Right to collective bargaining	1970: 0 1993: 1	The 1996 constitution (prefigured by the interim constitution in force from 1993) refers to the right of trade unions to engage in collective bargaining. Earlier constitutions made no reference to collective labour rights.
27. Duty to bargain	1970: 0.75	The LRA 1956 viewed mandatory collective bargaining as a means of achieving

	1988: 1 1997: 0	industrial peace and the duty to bargain was explicitly recognised in the 1988 *FAWU* judgment. According to Grogan (*Collective Labour Law*, Cape Town, Juta, 1993) the general duty to bargain gained prominence in the Industrial Court era 'because many employers were reluctant to recognise black trade unions as legitimate representatives of their workforces'. The LRA 1995 brought about a shift in focus, with a right to collective bargaining but no correlative duty on the part of the employer, a position confirmed by the courts in the 2006 *SANDU* case.
28. Extension of collective agreements	1970: 1	The LRA 1995 provides for extension of collective agreements made by sector-level bargaining councils. Extension was also possible under the LRA 1956.
29. Closed shops	1970: 0.5	The LRA 1995 permits post-entry closed shops under specified circumstances. Post-entry closed shops were also lawful pre-1997.
30. Codetermination: board membership	1970: 0	There is no right to worker representation at board level.
31. Codetermination and information/consultation of workers	1970: 0 1997: 0.67	The LRA 1995 provides for workplace forums to be established in workplaces with over 100 workers. The LRA 1956 referred to the establishment of workers' forums but these provisions did not provide for effective worker participation and were not used in practice (Du Toit, *Labour Relations Law* (1995)).
E. Industrial action		
32. Unofficial industrial action	1970: 1	A strike is not unlawful merely by virtue of being unofficial.
33. Political industrial action	1970: 0	The LRA 1995 defines a strike as 'the partial or complete concerted refusal to work… for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee', thereby excluding political strikes.

34. Secondary industrial action	1970: 1 1997: 0.75	Secondary action was lawful and flexibly defined under the LRA 1956. It is lawful under the LRA 1997 only if there is a close nexus between the 'primary' and 'secondary' employers and if certain procedural requirements are met.
35. Lockouts	1970: 0.5	The right to lock-out was recognised by the LRA 1956 and by the 1988 amendments. The LRA 1995 provides for a right to lock-out in parallel with the right to strike.
36. Right to industrial action	1970: 0 1993: 1	The right to strike is protected by the constitution of 1996 (interim constitution in force since 1993). Earlier constitutions made no reference to the right to strike and strike action was subject to various forms of delictual and criminal liability.
37. Waiting period prior to industrial action	1970: 0.25	The LRA 1956 made provision for extensive waiting periods to be applied in the case of strikes subject to the jurisdiction of industrial councils, and in other cases, and the LRA 1997 contains broadly similar provisions. The LRA 1997 also provides for a 48 hour notice period for strikes in general and 7-day cooling off period for public-sector strikes.
38. Peace obligation	1970: 0	The LRA 1997 provides that there is no right to take part in industrial action that is prohibited by a collective agreement. Similar provisions operated under the LRA 1956.
39. Compulsory conciliation or arbitration	1970: 0.25	The LRA 1997 renders strike action unlawful ('unprotected') if it is taken in breach of an arbitration agreement, and makes provision for compulsory arbitration in certain sectors (public sector and essential services). There is also a more general power of intervention in cases of strikes contrary to the public interest. Stringent provisions also operated under the LRA 1956 in the context of the operation of the industrial council system.
40. Replacement of striking workers	1970: 0 1997: 1	The LRA provides that taking part in a protected strike is not to be regarded as a breach of contract and may not be the basis for a lawful dismissal, nor may an employer take on replacement labour in the event of a protected strike. Prior to the LRA, participation in strike action was a breach of contract.

Spain

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	The contract of employment is identified by the criterion of subordination, with a statutory presumption of an employment relationship where one person works under the direction of another for remuneration (Workers' Statute, 1980, Art. 8(1)). The label given by the parties is of minimal significance and there is an emphasis on the 'reality' of the relationship (Ley Orgánica, 2004, Art. 21).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1998: 1	Directive 97/81/EC was implemented in 1998 (Decree 15/1998). Earlier legislation had identified part-time work as a distinct employment form and referred to limited equality rights in respect of social security law and the Workers' Charter (1995). There has continued to be uncertainty over the application of the principle of equality in social security law, with a number of references to the Constitutional Court and ECJ.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The Workers' Statute 1980 does not distinguish between part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1980: 1 1984: 0	The 1926 Labour Code permitted FTCs. The Workers' Statute 1980, Art. 15, limited the use of FTCs to a set of specific cases. This approach has been retained in later legislation (including Law 32/1984, and Decree 2546/1994). In 1984 the Temporary Contract for Employment Promotion (TCEP) was introduced. This contract lasted 3 years and could be either terminated after three years or made into a permanent contract. From 1994 the

	1994: 1 2010: 0.75	TCEP was abolished. The Labour Market Reform Act 2010 brought about some liberalisation of the remaining categories.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2001: 0.75 2011: 1	2001: implementation of the FTC Directive, amending Workers' Statute 1980, Art. 15. The implementation was widely regarded as problematic and falling short of providing full equality. Supreme Court ruling 07-12-2011: there is a right to equal treatment with regard to types of employment contract, under general principles of equality and non-discrimination.
6. Maximum duration of fixed-term contracts	1970: 0 1980: 1 1984: 0.7 2006: 0.8 2010: 0.7 2012: 0.8	No limit under the 1926 Labour Code. Under the Workers' Statute 1980 there were distinct regimes on duration for particular justifications for the use of FTCs. Workers' Statute: 6 months in a 12-month reference period for FTCs based on seasonal factors or excessive demand. Law 32/1984: 3 years. 2006: 2 years. Law 35/2010: 3 years, extendable to 4 by collective agreement. Law 3/2012: 2 years.
7. Agency work is prohibited or strictly controlled	1970: 1 1994: 0.67	Under the Workers' Statute 1980, agency work was effectively prohibited (Art. 43). Law 14/1994 Art. 6, tight control on the circumstances in which agency work can be used; Art. 7, time limits on use of agency work; Art. 8, agency workers deemed to be permanent if limit exceeded; Art. 9, duty to inform worker representatives of use of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1 1994: 0.67	Under the Workers' Statute 1980, a subcontracted worker engaged contrary to the prohibition on agency work in Art. 43 was in principle entitled to be treated as a permanent employee after passing a period of probation. Law 1994/14: no provision for

	1999: 0.75 2010: 1	equal treatment as such but allocated responsibilities between the agency and the user. Workers' Statute 1994 Art. 15(6): right to same conditions of work as permanent workers. Law 29/1999: right to equal pay with permanent workers. Law 35/2010 implements the TAW Directive.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5 1980: 0.77 1983: 1	Prior to 1980 there were statutes for specific groups of workers and collective agreements provided for leave of between 15 and 30 days. Workers' Statute 1980, Art. 38: 23 days. Law 4/1983: 30 days.
10. Public holiday entitlements	1970: 0 1980: 0.78	Workers' Statute 1980, Art. 37(2): 14 days.
11. Overtime premia	1970: 0.25 1980: 0.75 1995: 0.18	1931 Decree and Orders on Hours of Work: 25%. Workers' Statute 1980: 75%. Law 11/1994: abolished statutory premia in favour of individual or collective agreement: average premium is 18%.
12. Weekend working	1970: 0.4 1980: 0	1931 Decree: 40% premium for Sunday working. No specific regulation of weekend working in the Workers' Statute 1980.
13. Limits to overtime working	1970: 0.67 1980: 1	1931 Decree: 50 hours per month and 120 a year, extendable to 240 a year. Workers' Statute 1980, Art. 35(2); 2 hours a day, 15 hours a month, 100 hours a year. Decree 1/1986: 80 hours a year.

	1986: 0.13	
14. Duration of the normal working week	1970: 0.13 1980: 0.53 1983: 0.67	1931 Decree: 48 hours. Workers' Statute: 43 or 42 hours depending on whether work continuous; Law 4/1983: 40 hours.
15. Maximum daily working time	1970: 0.6	1931 Decree: 9-hour normal working day plus overtime. Workers' Statute: 12 hours consecutive rest.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 2010: 0.17	1926 Labour Code, Arts. 300-302: 1 month. Law 35/2010: 15 days.
17. Legally mandated redundancy compensation	1970: 0 1977: 1 1980: 0.67	Decree 17/1977: one month for every year of service. Workers' Statute 1980 and Law 25.2010: 20 working days for every year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1980: 0.92	Decree 360/1956: no reference to a qualifying period. Workers' Statute 1980, Art. 14: to be agreed by contract, with a maximum of 6 months for qualified or technical workers, 3 months for general workers, 15 days for unskilled workers.
19. Law imposes procedural constraints on dismissal	1970: 1	Decree 360/1956: requirement of notice and written reasons, otherwise dismissal a nullity or, after 2012, unfair, with a right to compensation.

20. Law imposes substantive constraints on dismissal	1970: 0 1977: 0.67	Decree 17/1977 and Workers' Statute 1970, Art. 52: termination only for objective reasons including lack of skill, failure to adapt to technological changes, absence, disciplinary grounds.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67 1977: 1 2010: 0.67	Decree 360/1956: reinstatement and compensation alternative remedies. Decree 1977/17 and Workers' Statute 1980: reinstatement the default remedy in most cases. Labour Market Reform Act 2010: reinstatement and compensation alternative remedies
22. Notification of dismissal	1970: 0.67 1977: 1	Decree 360/1956: notification to the works council or employee representatives. Decree 17/1977 and Workers' Statute, Art. 51(3): notification to and consultation with employee representatives; if there is no agreement, the employer needs the permission of the labour office to dismiss. Law 35/2010: alternative of arbitration or mediation in the event of failure to agree.
23. Redundancy selection	1970: 0 1974: 1	Decree 2487/1974 and Decree 2546/1994: seniority principle.
24. Priority in re-employment	1970: 0 1974: 1 1980: 0	Priority rules were introduced by a 1974 amendment to Employment Order 1972. The Workers' Statute 1980 makes no provision for priority rules.
D. Employee representation		
25. Right to unionisation	1970: 0 1978: 1	Act 779/1967 approving the Spanish Constitution recognised the right to unionisation, although this was purely formal during the Francoist period. The 1978 Constitution refers to the right to unionise: Arts. 7 and 28(1).

26. Right to collective bargaining	1970: 0 1978: 1	Art. 37(1) 1978 Constitution.
27. Duty to bargain	1970: 1 1973: 1 2011: 0.67	Law 99/1959, Art. 8: implicit duty to bargain as terms could be declared binding by the General Directorate of Labour if either side did not attend negotiations. Law 38/1973, Art. 12, Workers' Statute, Art. 89: obligation to bargain in good faith. Inter-confederal agreement of 6 February 2011 and Decree 3/2012: opt-out for firms suffering persistent drop of revenues.
28. Extension of collective agreements	1970: 0.5 1973: 0 1980: 1 2011: 0.67 2012: 0.5	Law 99/1958: extension possible on the application of employers and unions concerned. Law 38/573: collective agreements applicable either to an individual undertaking, a group of employers, all undertakings subject to specific labour law regulations, or all employers and unions in a particular region. Workers' Statute 1980, Ch. 1, Div. 1: collective agreements can bind a national and inter-occupational level, as well as at local or firm level; Art. 92, extension possible by ministerial order. Degree 7/2011: encouragement of company level agreements over sector bargaining. Decree 3.2012: company level agreements given priority over sectoral agreements.
29. Closed shops	1970: 0	No compulsory union membership: Workers' Statute 1980, Art. 28(1).
30. Codetermination: board membership	1970: 1 1980: 0	Law 41/1962, repealed in 1980, provided for employee participation at board level in public-sector enterprises and larger private-sector firms. Since then there has been no legally mandated board-level representation for workers although in some sectors employee participation at board level has been achieved through collective bargaining.
31. Codetermination and information/consultation of workers	1970: 0 1971: 0.67	Law 2/1971: establishment of works councils. Decree 2380/1973: extension of information and consultation requirements. Workers' Statute 1980, Art. 61: employee representative bodies have right to receive information, express views on relevant

		matters, and supervise compliance with legislation. There is no provision for joint decision making.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Decree 1376.1970, Art. 11: a strike must be called by employee representatives. Also, Decree 5.1975, Art. 7.
33. Political industrial action	1970: 0	Decree 5/1975, Art. 3: a strike must relate to terms and conditions of employment of workers in the dispute in question. Decree 17/1977: a political strike is unlawful.
34. Secondary industrial action	1970: 0.	Decree 5/1975: the strike must relate to the terms and conditions of the workers in the dispute. Decree 17/1977, Art. 11: a solidarity strike may be lawful if there is some convergence of interests between the groups of workers involved.
35. Lockouts	1970: 0.75	Decree 1376/1970, Art. 12: lockouts prohibited unless the there is danger of personal injury, illegality, or obstruction of normal production process. Decree 5/1975, Art. 6: lockout lawful under specified circumstances. Also Decree 17/1977.
36. Right to industrial action	1970: 0 1978: 1	1978 Constitution, Art. 28(2).
37. Waiting period prior to industrial action	1970: 0 1977: 1	Decree 1376/1970, Art. 11: 15 days' notice. Decree 5/1975: notice of 5 days following conciliation. Decree 17/1977: notification to employer and public authorities within 5 days of strike beginning.
38. Peace obligation	1970: 1 1977: 0	Decree 17/1977, Art. 11.

39. Compulsory conciliation or arbitration	1970: 0 1975: 1	Decree 1376/1970: mandatory conciliation. Decree17/1977: obligation to negotiate with encouragement of arbitration and mediation, but no compulsion.
40. Replacement of striking workers	1970: 1	Decree 1376/1970: strike action a suspension of the contract of employment. Decree 5/1975, Art. 4: taking part in a strike does not terminate the contract of employment; Art. 5, prohibition on hiring replacements. To similar effect is Decree 17.1977; Supreme Court judgment of 25.01.2010.

Sri Lanka

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.25	The application of the labour legislation depends upon the type of activity the worker performs. For the purposes of the SSO 1954 a person is taken to be employed 'in and about the business of a shop or office' depending on the activities that he normally performs. This is an objective criteria. See reg. 68(2). Case law indicates that as part of a common law approach to defining the employment relationship the contract is conclusive as to whether the relationship of employer and employee exists: *Wijenaike* v. *Air Lanka*.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	SSO reg. 5(1) entitlement to weekly rest does not apply in any week where work has been less than 28 hours. General right to equality: Art. 12(2) Constitution. Part 1(d) Workers' Charter 1995: provides that the state will take appropriate measures to ensure equality of opportunity for workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration.	1970: 0.5	No limitations in legislation. However, the Workers' Charter 1995 (a non-binding statement of policy) Part 3(e) states that fixed term contracts for regular and continuing employment shall be prohibited other than for managerial workers. In addition, the Labour Tribunal has used its jurisdiction to ignore the employment contract and impose equitable relief in order to provide those on FTCs with a remedy in case of dismissal, where it appears an FTC has been used to circumvent the law.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	General right to equality: Art. 12(2) Constitution. Part 1(d) Workers' Charter 1995: provides that the state will take appropriate measures to ensure equality of opportunity for workers.

6. Maximum duration of fixed-term contracts	1970: 0	No maximum duration.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no restrictions on agency work and employment through employment agencies is common.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No provisions.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5	SOO 1954 reg. 6(1): 14 days.
10. Public holiday entitlements	1970: 1	Act No.6 1959 s. 3(b): public holidays shall be paid. The Holidays Act 1965 stopped Sundays being a day off and instead declared all Poya Days Public Holidays, as well as listing a number of other bank and public holidays: Schedules 1 and 2. Public holidays listed: 15. In addition, all Poya days are to be public holidays (12/13 per year).
11. Overtime premia	1970: 0.5	Act No.12 1963, s. 7: at least 50% premium on normal hourly rate.
12. Weekend working	1970: 0	No day is specified for the weekly rest day. See SSO reg. 5(1).
13. Limits to overtime working	1970: 0 2002: 0.5	Factories Amendment Ordinance No.19 of 2002: amends reg. 68 Factories Ordinance: maximum sixty hours per month.
14. Duration of the normal working week	1970: 0.33	Shop and Offices Ordinance (SOO) 1954, reg. 3(1)(b): 45 hours.
15. Maximum daily working time.	1970: 0.6	SOO 1954 reg. 3(2): at least 12 hours rest between shifts.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	Act No.4 1962: at least one months' notice for retrenchment: Art.31F(a) .

17. Legally mandated redundancy compensation	1970: 0 2005: 0.83	Order under Act No.12 2003: (2005) 2.5 months.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1995: 0.67	There is no minimum trial period. Contracts are governed by the common law. Probationary periods are common. In addition, the Termination of Employment of Workmen Act 1971 requires prior notification to the Commissioner for economic dismissals only after they have acquired one year's service. Workers' Charter 1995 Part 3(e) maximum probation period one year for those in supervisory capacity and six months for others.
19. Law imposes procedural constraints on dismissal	1970: 0	Procedural constraints exist only in relation to economic dismissals, requiring approval from the Commissioner and prescribing notice requirements, under the Termination of Employment of Workmen Act 1971.
20. Law imposes substantive constraints on dismissal	1970: 0.33	No grounds for dismissal are listed but the labour tribunal has jurisdiction to impose 'just and equitable relief' in cases of unjust or wrongful dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 1	Act No.4 1962 introduces an amendment to s.43 of Act No. 62 of 1957 so as to enable courts to reinstate workers whose contracts have been terminated without just cause. Law 4 1976 Art.4 allows the Commissioner to order the payment of compensation instead. However, the choice of remedy remains with the employee. Arts.5 and 6 Termination of Employment of Workers 1971: reinstatement for violation of the Act; termination in violation of the Order to be null and void (Amendment 1981).
22. Notification of dismissal	1970: 0.67	Act No.4 1962: Art.31F notice must be given to the worker, the workers' representative and to the Commissioner for all retrenchments. Act No.45 1971 Art.2: any termination of employment in the trades covered other than when imposed as means of punishment, require the prior written approval of the Commissioner or prior consent in writing of the worker. There is no requirement to give notice with reasons.
23. Redundancy selection	1970: 0	No provisions.

24. Priority in re-employment	1970: 1	IDA 1950 s. 50.
D. Employee representation		
25. Right to unionisation	1970: 1	Constitution 1978 and 2010 (Art. 14(1)(d)): freedom to join and form trade unions.
26. Right to collective bargaining	1970: 0	No Constitutional Protection. Workers' Charter 1995 Part 1(a) refers to the right to collectively bargain.
27. Duty to bargain	1970: 0 1999: 1	Act No.56 1999 Art.32A (g): duty to bargain with a union of at least 40% representation.
28. Extension of collective agreements	1970: 1	Industrial Disputes Act No.43 (as amended 1957) s.10: provides for extension by the Minister subject to representativeness criteria.
29. Closed shops	1970: 1 1999: 0	Act No.56 1999 amending IDA 1950 Art.32A. (a) and (c) prevents requiring a worker to join or refrain from joining a union and inducing a workman in any way to join or refrain from joining a particular union.
30. Codetermination: board membership	1970: 0	No provisions
31. Codetermination and information/consultation of workers	1970: 0.67	Law No.32 1979: mandates the establishment of workers' councils in state enterprises and enterprises listed in government decree. It promotes co-operation between the workers and the employer in the management of the enterprise; empowers them to submit recommendations to the employer (Art. 36 (a)), ensure laws are applied (Art. 36(b)) and information rights relating to the enterprise and its performance (Art.37) It prescribes monthly meetings with the employer (Art.38) and prescribes a number of consultation rights (Art. 45) Maintained Act No.5 1984.
E. Industrial action		
32. Unofficial industrial action	1970: 1	Unofficial strikes are not prohibited.

33. Political industrial action	1970: 1	The Industrial Disputes Act 1950 defines industrial disputes in relation only to matters relating to employment and labour conditions. However, the only limitation on the purposes of a strike is that it must not seek to procure the alteration of any agreement/settlement.
34. Secondary industrial action	1970: 1	Act No.4 1962 introduced an amendment to the Industrial Disputes Act 1950 which substituted for the words 'between employers' with 'between a an employer and a worker or between employers'.
35. Lockouts	1970: 0.5	Lockouts are subject to the same limitations as strikes: Art.40 IDA 1950. Art. 40(l) prevents lockouts while industrial disputes are under consideration.
36. Right to industrial action	1970: 0	Constitution 1978 and 2010: no right to strike.
37. Waiting period prior to industrial action	1970: 0.5	Industrial Disputes Act 1950 s. 32(2): at least 21 days' notice for strikes in essential services.
38. Peace obligation	1970: 0	Industrial Disputes Act 1950 s. 40(1)(e) makes it an offence for anyone bound by a collective agreement or arbitral award to incite a workman to strike or seek to change the terms of the agreement and (f) to take part in a strike with a view to procuring the alteration of the agreement or award.
39. Compulsory conciliation or arbitration	1970: 0.5	Industrial Disputes Act 1950 (as amended 1957) s. 4(1) allows the Minister to refer minor disputes to arbitration without the consent of the parties, or (2) to refer any industrial dispute to court for settlement. Art. 40 makes it unlawful to engage in a strike when bound by an arbitration award, in relation to emergency services are strikes forbidden while disputes are under consideration by the Minister/arbitration board/Industrial Court.
40. Replacement of striking workers	1970: 0	There are no provisions in the IDA before 1999. Act No.56 1999 s. 32A (b) prevents an employer from dismissing an employee for engaging in trade union activities.

	1999: 0.5	

St. Lucia

Variable	Score	Explanation
A. Alternative employment contracts		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Contracts of Service Act 1970: employee means an individual who has entered into or works under (or with reference to a severance payment where a contract has been terminated, worked under) a contract with an employer whether the contract is for manual labour, clerical work or otherwise, is expressed or implied, oral or in writing and whether it is a contract of service or apprenticeship, and cognate expressions shall be construed accordingly. LC 2006: employee means a person who offers his or her services under a contract of employment, whether written, oral or implied, including a managerial employee, a dependent contractor, an apprentice, a part-time employee, a casual worker, a homeworker, a temporary worker, a seasonal employee and a person who is remunerated by commission where that person is not an independent contractor and where appropriate, a former employee. Both the CSA and the LC 2006 Art.16 make it an offence to include anything misleading or false in the contract of employment or in the written particulars.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2012: 0.25	LC 2006 Art. 7(1) (in force from 2012): general prohibition against discrimination. LC 2006 Art. 270(1): equal pay for work of equal value.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration.	1970: 1	CSA 1970 Art. 6(1) all contracts that have been continuing for more than 12 weeks shall be indefinite. LC 2006 Art. 12(5): any fixed term contract used to cover permanent activities shall be deemed a contract of indeterminate duration. Art.21: any contract not for a specific period or specific task that has been continuing for twelve weeks or more shall be assumed to be of indefinite duration.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2012: 0.25	LC 2006 Art. 7(1): general prohibition against discrimination. LC 2006 Art. 270(1): equal work for work of equal value.
6. Maximum duration of fixed-term contracts	1970: 0	No limitation.
7. Agency work is prohibited or strictly controlled	1970: 0	LC 2006 Art. 305(1) creates licensing requirements for agencies. There are no restrictions on when agencies can be used to recruit workers. Agency work is not referred to in the CSA.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There are no provisions.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0 2007: 0.53	General Collective Agreement 2007 Art. 19(1) 16 days. GCA 2011 Art. 20(1) 16 days.
10. Public holiday entitlements	1970: 0 2007: 0.72	LC 2006 Arts.33 and 34: public holidays are paid. See also Art. 9(1) GCA 2007 and 2011.There were 13 days in 2015. There is usually an additional day on the day after an election. No bonus holiday is given if a public holiday falls at a weekend.
11. Overtime premia	1970: 0 2007: 0.75 2012: 0.5	LC 2006 Art. 32(1): at least 50% premium. GCA 2007 Art. 8(1) for the first three hours, 50%, 100% thereafter.
12. Weekend working	1970: 0	LC 2006 Art. 28(1) one day rest per week, to be taken on any day agreed between the employer and the employee. Art. 32(2) overtime on a Sunday shall be paid double time.

	2007: 1	GCA 2007 and 2011 Art.8(1)(c): work on a Saturday shall be paid at double time, work on a Sunday at double time and a half and triple time beyond the first 8 hours.
13. Limits to overtime working	1970: 0 2012: 1	LC 2006 Art. 29(1) no working day shall exceed 8 hours, but flexible working is permitted provided that in a given week, 40 hours is not exceeded.
14. Duration of the normal working week	1970: 0 2007: 0.67	LC 2006 Art. 27(1): 40 hours. GCA 2007 and GCA 2011 Art. 6(1) 40 hours.
15. Maximum daily working time	1970: 0	No express limit.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17	CSA 1970 Art. 6(3)(b): two weeks. See now Art. 153(1)(b) LC 2006.
17. Legally mandated redundancy compensation	1970: 0 1985: 0.25 2011: 0.75 2012: 0.5	CSA 1970 provided for compulsory redundancy pay. SI 38/1985 Art.14(c) three weeks' wages. Art. 160(1)(b) LC 2006 (in force from 2012): two weeks' pay per year of service. Art. 42(3) (2011): three weeks per year of service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	CSA 1970 Art. 6(2) 12 week probationary period terminable at will. See also LC 2006 Art. 130(1).
19. Law imposes procedural constraints on dismissal	1970: 0 2012: 1	LC 2006 Art. 135(1) right to two written warnings prior to dismissal for misconduct. These must set out the grounds of complaint. A 2011 amendment to the draft requires that an investigation should also have been completed. (Art. 135(3)). Art.136 entitles the employee to written warnings outlining any performance-related failures. Art. 140 creates a 'natural justice safeguard' that entitles all employees to have the principles of natural justice applied to his/her case. This was amended in 2011 to list the following:

		(a) fair hearing (b) the right to make representations; (c) notice of the particulars of the misconduct and (d) a right to legal representation. Art.141 creates options to warn/suspend in lieu of dismissal. Art.154 provides that whether or not notice was properly given shall not have bearing on whether the dismissal was fair or unfair. The CSA did not provide for a remedy for unjust dismissal, but does provide for compensation for failure to follow proper procedure in the case of economic dismissals.
20. Law imposes substantive constraints on dismissal	1970: 0 2012: 0.67	LC 2006 Art.129: requires a valid reason, based on capacity, conduct, performance or reasons of redundancy. Art.131 lists unfair reasons (prohibited grounds). The CSA 1970 did not require grounds for dismissal with notice: Art. 6(3). Dismissal without notice had to be on specific grounds set out in Art. 7(1).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Under the CSA, reinstatement was not available, only compensation for failure to follow proper procedure. Reinstatement is not available under the LC 2006, except in the case of certain discriminatory dismissals.
22. Notification of dismissal	1970: 0 2006: 0.67	LC 2006 Art. 151(3): all redundancies must be preceded by consultation with the trade union/representative. This provision also requires that the employee be given notice of the proposed redundancy and the reasons for it. In addition, prior to any dismissal, at least two written warnings outlining the reasons for complaint must be given to the employee. The form of notice required by the CSA was not specified. General Collective Agreement for 2007 Art. 3(6): all dismissals with cause shall be notified, with reasons, to the union and employee. Maintained in the 2011-2013 GCA.
23. Redundancy selection	1970: 0 2007: 0.75 2013: 0	No provision. However, Art. 33(1) GCA 2007: the employer (in respect of retrenchment) shall respect the principle of seniority and should use his discretion in implementing the 'first in, last out' principle. See Art. 34(1) GCA 2011.
24. Priority in re-employment	1970: 0	No provision.

D. Employee representation		
25. Right to unionisation	1970: 0 1978: 1	Constitution 1978: Art.11(1)
26. Right to collective bargaining	1970: 0	No Constitutional right.
27. Duty to bargain	1970: 0 2012: 1	LC 2006 Art. 368(2) duty to negotiate in good faith with a recognized union. Before this time, there was no duty to recognise a union for the purposes of collective bargaining and no binding statutory procedure for doing so.
28. Extension of collective agreements	1970: 0	There are no extension provisions.
29. Closed shops	1970; 0	LC 2006 Art.8(1) and (2) prohibits dismissal, discrimination, pressure, coercion and intimidation I n relation to the exercise of freedom of association. See also prohibition on discrimination on the basis of trade union affiliation: Art. 267(1)(a). Art 326 establishes broad rights to choose which, if any, trade union to affiliate with, and the right to refrain from joining or forming such a union. Art. 327(1)(a) express prohibition on requiring employees to be a member of a or a particular union .
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0	Some collective agreements provide for worker participation committees. The LC 2006 provides for worker committees and participation in respect of health and safety. There is no general provision for codetermination or for collective information and consultation.
E. Industrial action		
32. Unofficial industrial action	1970: 1	There is no requirement that strikes be subject to prior authorisation.
33. Political industrial action	1970: 0	The concept of a 'trade dispute' refers only to economic interests in both the CSA and LC.

34. Secondary industrial action	1970: 1	The definition of 'trade dispute' in the LC 2006 is broad enough to cover action against employers other than that directly employing the striking worker, including in its definition of 'strike' picketing and sympathy action.
35. Lockouts	1970: 0.5	No constitutional right. Article 365 LC 2006 provides that participation in a strike or lockout shall not be a breach of contract. Industrial action under LC 2006 includes reference to lockouts. Like strikes, they must be undertaken in furtherance of an industrial/trade dispute.
36. Right to industrial action	1970: 0	No constitutional right.
37. Waiting period prior to industrial action	1970: 1 2011: 0.5	No requirement. However, there is a waiting period after 2011 by virtue of conciliation and arbitration laws (see variable 39).
38. Peace obligation	1970: 1	No requirement.
39. Compulsory conciliation or arbitration	1970: 0 2011: 0.5	LC 2006 Arts. 58 and 369: procedures require the consent of both parties. However, Art. 390(1) allows the minister to refer a dispute that he believes may be harmful to the public interest to mediation. Art. 39(2) GCA requires conciliation for all disputes, and provides option for subsequent arbitration. However, all strike and lockouts are unlawful during the currency of this procedure. See Art. 40(2) GCA 2011.
40. Replacement of striking workers	1970: 0 2012: 1	Participation in a strike is a prohibited ground for dismissal: LC 2006 Art. 131(i). Art. 327 (g) prevents any unfavourable action for reasons of participation in a strike. Art. 365: a strike in not a breach of contract.

Sudan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	There is a distinction between a contract of employment and a contract for services. Tests to determine a contract of employment are: control, who holds the power of dismissal, and who is responsible for payment. Formation of contracts is subject to general principle of contract law and there must be the intention to create a contract. EEPO, Arts. 31, 32: rebuttable presumption that where a person agrees to work for another, the parties intend to be legally bound. See *Shawagi Kha Iii Okashi v. Ieirs of Khalil Akasha* L.J.R. 67 but note that on facts of this case, the presumption was rebutted.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No rights to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction between part-time and full-time workers for the purpose of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	Labour Act (LA) 1997, Art. 29: maximum limit only required. No need for objective reasons for a FTC.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	Casual workers have been excluded from the scope of labour legislation since 1949. Individual Employment Relations Act (IERA) 1981, Art. 6(1): only permanent employees in the organised sector protection will benefit from legislative protection. (3 month qualification period for the application of the Act.)
6. Maximum duration of fixed-term contracts	1970: 0 1997: 0.6	LA 1997, Art. 29(2): only one renewal permitted and a cumulative maximum of 4 years.

7. Agency work is prohibited or strictly controlled	1970: 0	Agency work is neither prohibited nor strictly regulated.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5 1997: 0.67	E & EEPO 1949, Art. 22(i): after two years' service, entitled to 15 days holiday. LA 1997, Art. 44(2)(a) up to three years' service – 20 days.
10. Public holiday entitlements	1970: 0	IERA 1981, Art. 23: right to leave for official holidays with full pay. LA 1997, Art. 49(3): entitled employees to leave with full pay on public holidays. No fixed statutory minimum.
11. Overtime premia	1970: 0.13 1997: 0.5	EEPO 1949: overtime remunerated at 1/8th of the normal daily rate (only for those paid daily). IERA 1981, Arts. 19-21: increased overtime pay. LA 1997, Art. 43(3)(a): 50% premium. (Note PSR 1975: public servants not entitled to overtime premia.
12. Weekend working	1970: 0	No weekly rest day prescribed.
13. Limits to overtime working	1970: 0 1997: 1	LA 1997, Art. 43(1): maxima of 4 hours per day and 12 hours per week.
14. Duration of the normal working week	1970: 0.13	EEPO 1949: based on the daily ordinary maximum (8 hours) and a six-hour week inferred from the 1997, normal weekly working time is 48 hours). LA 1997, Art. 42(1):

		48 hours.
15. Maximum daily working time	1970: 0 1997: 0.55	EEPO 1949, Art. 13(1): normal working day of 8.5 hours but no limit on overtime at this point. IERA 1981, Art. 19(1): 8.5 hours. LA 1997: 12.5 hours (8.5 hours daily maximum plus 4 hours of overtime).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1997: 0.17	EEPO 1949, Art. 10(1): one month for (private sector) employees employed on a monthly basis. LA 1997, Art. 50(2): one month if employed on a monthly basis. Employees with at least 2 years of service are entitled to a minimum of 2 weeks' notice (even if employed on a daily/weekly basis).
17. Legally mandated redundancy compensation	1970: 0 1997: 1	No redundancy payment for public sector employees under PSA. EEPO 1949, Art. 24: redundancy pay only available after 5 years' service. IERA 1981: after-service gratuities were introduced for all types of dismissals. LA 1997, Art. 60(1): after service gratuity of 1 month per year of service for those who served between 3 and 10 years.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1981: 0.92 1997: 1	IERA 1981, Art. 6(4): probationary period of 3 months. LA 1997, Art. 50(1)(d): probationary period but notice must still be given during this time.
19. Law imposes procedural constraints on dismissal	1970: 1	EEPO 1949 (amended 1969): dismissals must be approved by the Commissioner. The Commissioner may challenge the procedures followed (or not followed) prior to the dismissal. Failure to refer the dismissal to the Commissioner (as well as failing to have a substantive reason for dismissal) will result in an unlawful dismissal. IERA 1981, s 37(d): dismissals are dependent on obtaining approval from the Commissioner. LA 1997, Art. 51(1): dismissals based on behavior are permitted only when all the maximum penalties have been exhausted, a letter with reasons has been given and the employee has been given all due entitlements.

20. Law imposes substantive constraints on dismissal	1970: 0.67	EEPO 1949 (amended 1969): dismissal is subject to approval by Commissioner. EEPO 1973: restricted dismissal (with notice) to circumstances listed in Art. 10(1): mutual consent, retirement, physical incapacity, frustration, completion of the work or expiry of the period of the contract. Summary dismissal on behavioural grounds. Economic and technical reasons for dismissal permitted as of 1973. IERA 1981, Art. 34(1) maintains these grounds (and introduced termination after probation) as does LA 1997, Art. 50. LA 1997, Art. 51: dismissal if repeated (behavioural) contravention. Art. 53: grounds for summary dismissal. Under the PSA 1973, there were 3 grounds of dismissal: retirement or dismissal in the public interest (introduced by Act. 40 of 1974); abolition of post; dismissal by a board of discipline. No notion of unlawful dismissal in the public sector and no powers to order compensation or reinstatement. (Very weak protection).
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1973: 1 1997: 0.67	Prior to the 1973 Act, damages for breach of contract was the only available remedy. EEPO 1973: requirement to reinstate the employee or pay 6 months' wages compensation. This was applied so as to give the employee the choice. LA 1997, Art. 52(3): where the dismissal was unlawful or was not referred to the Commissioner, reinstatement shall be ordered but the employer may refuse and instead pay 6 months' wages as compensation.
22. Notification of dismissal	1970: 1	1969 Amendment to EEPO 1949: approval from Commissioner required for dismissals. Approval requirement maintained in EEPO 1973, Art. 10(4) and IERA, Art. 36. LA 1997, Art. 50(2): termination of the contract may occur with written reasons for some dismissals (illness, completion/expiration of contract, destruction of establishment, retirement, agreement, after probation period). Permission from the authority is required where there is a dispute (behaviour) or for economic or technical reasons.
23. Redundancy selection	1970: 0	No provisions.
24. Priority in re-employment	1970: 0	No provisions.

D. Employee representation		
25. Right to unionisation	1970: 0 1973: 1	Constitution 1973, Art. 51: guarantees the right to form trade unions. Transitional Constitution of 1985, Art. 20: right to join trade unions. 1998 Constitution, Art. 26(1): right of organisation for trade union purposes. 2005 Interim Constitution, Art. 40(1): right to join trade unions for the protection of interests.
26. Right to collective bargaining	1970: 0	No mention of the right to collectively bargain in any of the Constitutions.
27. Duty to bargain	1970: 0	No duty to bargain (aside from compulsory negotiation if a trade dispute should arise.) Furthermore, Employee Trade Union Acts 1971, 1977 gave the Registrar broad powers to interfere to dissolve a union or prevent the carrying out of union activities.
28. Extension of collective agreements	1970: 0	No provisions.
29. Closed shops	1970: 0	Trade Disputes Act (TDA) 1966, Art. 29(1)(b): employers are not permitted to incite or encourage any worker by financial aids or in any other way to induce him to join or abstain from joining any trade union. Maintained in TDA 1987, Art. 21. Now see TUA 2010, Art. 26.
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0	No provisions.
E. Industrial action		
32. Unofficial industrial action	1970: 0	TDA 1966, Art. 28: strikes and lockouts unlawful if not in executed in accordance with the procedures in the act, including (Art. 27) applying for negotiation, mediation or arbitration. In any case, strikes were illegal from 1969 to 1985. Additionally, Regulation of Trade Disputes (Amendment) Act, No. 36 of 1969 (RTDAA): Replaces Art. 27 of the Trade Disputes Act 1966/2 (TDA): "No worker shall stop partially or completely or go

		slow and no employer shall lock-out his place of work wholly or partially unless he acquires the approval of the Ministry of Labour." (Other sources have affirmed this as a de facto prohibition on strikes.) The National Salvation Revolution Command Council (RCC) abolished labour unions and prohibited strikes by decree on 30 June 1989. Since TUA 1992, strikes have required prior approval and this is generally never given so strikes of any form (unofficial ones included) are illegal.
33. Political industrial action	1970: 0	TDA 1966, Art. 27: disputes must be 'trade disputes'. Political strikes are therefore implicitly illegal. Strikes in any form were illegal from 1969 to 1985. The RCC abolished labour unions and prohibited strikes by decree on 30 June 1989. TUA 2010, s 5: objectives of trade unions concern 'all matters concerning labour affairs' (political strikes impliedly excluded from trade union competences).
34. Secondary industrial action	1970: 0	TUO 1966, s 30(d)(2): no immunity available for action taken in arrangement with fellow associates of a federation or confederation. Trade disputes are defined by reference to disputes about any worker's employment so there was no formal restriction. However, strikes were illegal from 1969 to 1985. See v. 32. The RCC abolished labour unions and prohibited strikes by decree on 30 June 1989. TUA 1992 effectively made strikes illegal.
35. Lockouts	1970: 1	TDA 1966: lockouts regulated in a similar manner to strikes. However, RTDAA 1969: Ministry approval needed for lockouts and in practice this was generally never granted.
36. Right to industrial action	1970: 0	No right to strike in 1973, 1985, 1998 or 2005 Constitutions.
37. Waiting period prior to industrial action	1970: 0	Strikes were illegal from 1969 to 1985. See v. 32. The RCC abolished labour unions and prohibited strikes by decree on 30 June 1989. TUA 1992 effectively made strikes illegal. 2003 Penal Code Art. 228: makes it a criminal offence to engage in a strike without first giving the employer 15 days' notice (for those in public utility services).
38. Peace obligation	1970: 0	TDA 1966, Art. 27(2): prevents strikes and lockouts during the period of currency of any agreement or decision arrived at by negotiation, mediation or arbitration. Now see LA 1997, Art. 124: not possible to strike during arbitration or after the pronouncement

		of an award. (Note: strikes were illegal from 1969 to 1985. See v. 32 The RCC abolished labour unions and prohibited strikes by decree on 30 June 1989. TUA 1992 effectively made strikes illegal.
39. Compulsory conciliation or arbitration	1970: 0	Both the 1966 and 1976/77 laws make failure to follow compulsory negotiation/conciliation/arbitration procedures a criminal offence. (See TUA 1966 Arts. 11, 12 and 13). (De facto strike ban from 1992). LA 1997, Art. 105-111: industrial disputes must be resolved amicably through negotiations not exceeding 3 weeks. Failing resolution by negotiation, an application for conciliation must be made, failing that, there is compulsory arbitration. Strikes cannot be engaged in during this whole process.
40. Replacement of striking workers	1970: 0	EEPO 1949: dismissal (for any reason) permitted if notice was given. Since 1973, any public sector worker can be dismissed on grounds of public interest or service interest. S 143 of the 1991 Penal Codes criminalises work stoppages by public servants. The IRA 1976, Art. 31: gives the employer the power to dismiss or discipline a striking worker. 1973 Amendment to EEPO: listed specific circumstances in which an employer could dismiss a private sector employee. Dismissal for 'wilful disobedience' can almost always be used even when a lawful strike. Trade Union Act 1992 outlawed strikes completely. Now TUA 2010, Art. 29(1)(a): employer must not dismiss or discriminate against an employee on account of trade union activities but no protection for the right to strike as such.

Sweden

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	The court makes an overall factual assessment to arrive a decision on the legal status of the worker. There is no statutory definition of the employment relationship.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1991: 0.5 2002: 1	Equal Treatment Act, 1991: 443, introduced a right to equality between women and men which prohibited indirect sex discrimination, thereby benefiting part-time workers. Directive 97/81/EC was implemented with effect from 2002 (Prohibition of Discrimination against Employees Working Part-Time and Employees with Fixed-Term Employment, Act 2002: 293).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction in dismissal law or, from 1974, unjust dismissal legislation.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1974: 1 1982: 0.8 1997: 0.7	Under the 1974 unjust dismissal law, FTCs were only allowed for specified reasons. The law was relaxed in 1982 and again in 1997. In 2007 the law was simplified and the scope for FTCs widened further.

	2007: 0.5	
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2002: 1	Directive 99/70/EC was implemented with effect from 2002 (Prohibition of Discrimination against Employees Working Part-Time and Employees with Fixed-Term Employment, Act 2002: 293).
6. Maximum duration of fixed-term contracts	1970: 0 1997: 0.9 2007: 0.8	From 1997: maximum duration 12 months over a 3-year reference period. From 2007: 24 months within a 5-year reference period.
7. Agency work is prohibited or strictly controlled	1970: 1 1991: 0.9 1993: 0	Agency work was prohibited up to 1992. Act 1991:746 permitted private employment agencies only for musicians and theatrical performers working abroad and for specific head-hunting. From 1993 these controls were removed (Act 1993:440).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2000: 0.9 2013: 1	From 2000, temporary work agencies were covered by collective agreements in the same way as other industrial sectors. Directive 2008/104/EC was implemented with effect from 2013.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.67 1978: 0.83	Vacation Act 1963: 4 weeks. Vacation Act 1978: 5 weeks.

10. Public holiday entitlements	1970: 0.67	12 public holidays (Act on Public Holidays, 1989:253). Collective agreements covering around 90% of the workforce provide for premia for holiday working.
11. Overtime premia	1970: 1	Regulation of overtime premia is provided for in collective agreements covering around 90% of the labour force, and in case law of the Labour Court.
12. Weekend working	1970: 1	Collective agreements provide for premia, normally double time, for weekend working.
13. Limits to overtime working	1970: 0.75	Acts on Working Time of 1970 (1970:103) and 1982 (1982:673) define the limits of permissible overtime over various reference periods of a month and a year.
14. Duration of the normal working week	1970: 0.33 1971: 0.6 1973: 0.67	Working Time Act 1957: 45 hours. Working Time Act 1970: 41 hours 15 minutes. Working Time Act 1982: 40 hours.
15. Maximum daily working time	1970: 0 2005: 0.5	There was no regulation of the length of the working day before the implementation of the Working Time Directive in 2005, which resulted in a daily rest period of 11 consecutive hours: Working Time Act, 2005:165, s. 13.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1974 :1 1997: 0.67	Before 1974, only employees over the age of 45 had a legal right to receive notice. From 1974, the Employment Protection Act provided for notice rights on an age-related sliding scale. For an employee with 3 years' service, 4 months was the average entitlement. From 1997 an employee with 3 years' service is entitled to notice 2 months.
17. Legally mandated redundancy compensation	1970: 0	There is no legally mandated provision for redundancy compensation.

18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1982: 0.83 1993: 0.67 1995: 0.83	Prior to 1982, there was no qualifying period for dismissal protection. The Employment Protection Act 1982 introduced a probation period of six months. This was extended to 12 months in 1993. The six- month period was restored in 1995.
19. Law imposes procedural constraints on dismissal	1970: 0 1974: 0.33	From 1974 the Employment Protection Act imposes procedural constraints in the form of formalities which are sanctioned by compensation, not by nullity of the dismissal.
20. Law imposes substantive constraints on dismissal	1970: 0 1974: 0.33	The Employment Protection Act 1974 set up a 'just cause' standard which is not defined in the Act. Case law identifies two general categories: circumstances related to the enterprise, and circumstances relating to the employee, including misconduct and neglect of duties.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1974: 1	In a case where just cause has not been established, available remedies include reinstatement, entailing nullity of the dismissal, and compensation. The employee is entitled to be reinstated except in very special circumstances. Employment Protection Act 1974, s. 38; Employment Protection Act 1982, s. 37.
22. Notification of dismissal	1970: 0 1974: 0.67	From 1974 there must be notification to the employee and, in cases of union members, to their union too: see now Employment Protection Act 1982, s. 30.
23. Redundancy selection	1970: 0.5 1974: 1	The Basic Agreement of 1938 set out criteria for redundancy: capacity and suitability before seniority and age. From 1974 legislation mandated seniority as a relevant criterion. Later laws allowed for modification of the statutory rules through collective bargaining and for derogations for SMEs.

24. Priority in re-employment	1970: 0 1974: 1	The Employment Protection Act 1974 ss. 25-8 established rules on priority rights. See now Employment Protection Act 1982 ss. 25-26.
D. Employee representation		
25. Right to unionisation	1970: 0 1974: 1	Constitution Act, 1974:152, Ch. 2 s. 1.
26. Right to collective bargaining	1970: 0 1974: 0.33	The freedom of association rights contained in the Constitution Act do not extend to a formal constitutional right to collective bargaining, but the provisions of Ch. 2 s. 1, together with the right to take industrial action in Ch. 2 s. 17, provide limited recognition of collective bargaining rights.
27. Duty to bargain	1970: 1	Rights of Association and Negotiation Act 1936; Codetermination Act 1976, s. 10.
28. Extension of collective agreements	1970: 0	There is no provision for the extension of collective agreements by law.
29. Closed shops	1970: 1 1974: 0.5 2006: 0	After 1974 the pre-entry closed shop was lawful but post-entry closed shops could not be enforced under the Employment Protection Act. From 2006, the pre-entry closed shop has also been regarded as unlawful on the grounds of its incompatibility with Art. 11 ECHR (*Sorensen and Rasmussen* v. *Denmark*).
30. Codetermination: board membership	1970: 0 1972: 1	A right of employee participation at board level was first established in 1972 and extended by later legislation, currently the Act on Board Representation of Private Sector Employees, 1987:1245.

31. Codetermination and information/consultation of workers	1970: 0 1977: 0.33	The Swedish model of codetermination, under the Codetermination of Working Life Act, 1976:580, is based on the employer's duty to negotiate and consult with the trade union on changes in the activities of the enterprise and on major changes affecting the company and labour management issues.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Industrial action must be called by the relevant trade union: case law and s. 41 Codetermination Act 1976.
33. Political industrial action	1970: 0.2	Political strikes are not lawful if they involve long-term disruption or prevent the operation of the employer's business, but may be permitted if they are in the nature of short-term protests or demonstrations.
34. Secondary industrial action	1970: 1	Solidarity action is in principle lawful: 1928 Act on Collective Agreements; Codetermination Act s. 41(4).
35. Lockouts	1970: 0	Lock outs are characterised as a form of industrial action by the Codetermination Act 1976 and are in effect lawful if there is no peace obligation in a collective agreement.
36. Right to industrial action	1970: 0 1974: 1	The Constitution recognised a right to strike from 1974 (see Constitution Act, 1974:152, Ch. 2, s. 14).
37. Waiting period prior to industrial action	1970: 0	Notice periods and a duty to notify state conciliation and mediation bodies go back to the Act on Mediation in Work Disputes, 1920. See now Codetermination Act 1976, s. 45
38. Peace obligation	1970: 0.25	A peace obligation must be observed (Codetermination Act, ss. 41-42; case law) although there is an excepting for solidarity action where the primary dispute is lawful.
39. Compulsory conciliation or arbitration	1970: 0	Under the Codetermination Act, the National Mediation Office can decide on compulsory mediation, although this does not affect the parties' right to take industrial

		action.
40. Replacement of striking workers	1970: 0 1974: 1	Participation in a lawful strike does not constitute just cause for dismissal under the Employment Protection Act, and employees may also be protected if they take part in a strike which is illegal but has been called by the union.

Switzerland

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The definition of the employment contract is a matter of civil law: Arts. 318-18 Code des obligations (CO). Only self-employed persons are excluded from the scope of labour law. If a person works under the instructions of an employer or with the employer's means of work, he will be considered an employee.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.5	There is no law requiring equality of treatment between part-time and full-time workers. General anti-discrimination laws which may be relevant include Arts. 19, 20 and 28 CO; Federal Statute on Equality between Women and Men of 24 March 1995.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Unfair dismissal law does not formally distinguish between part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0.33	No specific substantive justification is required. There are certain procedural safeguards: Art. 334 CO: a fixed-term contract that is tacitly renewed is deemed to be permanent.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0.5	Although the CO generally does not distinguish between FTCs and others, there is no legal requirement of equal treatment in respect of terms and conditions of employment. However, the general duty to respect the employee's personhood is understood to require equal treatment of all in a comparable position absent justified reasons.

6. Maximum duration of fixed-term contracts	1970: 0	Art. 334 CO as amended by Federal Law of 18 March 1988: an FTC of 10 years or more is permitted as long as the contract contains a notice clause of six months.
7. Agency work is prohibited or strictly controlled	1970: 0	Although agencies are subject to licensing and registration requirements, the law does not limit agency work to particular commercial activities.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1989: 1	Federal Statute of 6 October 1989 on the employment service and the hiring of services Art. 20: collective agreements in the user's establishment apply equally to agency workers on matters of pay and hours. In January 2012 a collective agreement covering 300,000 agency workers provided for extended rights in relation to wages and hours.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33 1983: 0.67	Federal Act respecting work in industry, handicrafts and commerce (Federal Labour Law) 1964, s. 329(a)(1): 2 weeks norm. Article 329a CO as amended by Federal Ordinance Dec.16 1983: 4 weeks norm.
10. Public holiday entitlements	1970: 0.5	The norm is 9 days in most cantons.
11. Overtime premia	1970: 0.25	25%: Federal Labour Law, 1964, Art. 321.
12. Weekend working	1970: 0.5	Strict regulation of weekend working and time and a half overtime for days worked: 1964 FLL; Ordinance 1/2000, Art. 21.
13. Limits to overtime working	1970: 1	FLL 1964: 2 hours per day; 60 per year (Art. 12).
14. Duration of the normal working week	1970: 0.27 1984: 0.33	FLL 1964: norm of 46 for most industrial and office workers. Since 1984: norm of 45 hours. For other workers (but a diminishing category), 50 hours. From 2000: some flexibility to extend normal hours over reference periods.

15. Maximum daily working time.	1970: 0.5	FLL 1964: working time limited to 14 hours with a one-hour break, implying 13 hour maximum working day.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67	2 months: CO Art. 336 under various revisions.
17. Legally mandated redundancy compensation	1970: 0	Workers with very long seniority (20 years; also, over age of 50) have a right to an indemnity but there is no general right to redundancy compensation.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	3 months' maximum permitted probation period: Art. 335b(2) CO.
19. Law imposes procedural constraints on dismissal	1970: 0	Federal Act of 17 December 1993 imposes notification and consultation requirements breach of which may give rise to a right to claim compensation but they do not affect the fairness of dismissal as such.
20. Law imposes substantive constraints on dismissal	1970: 0.33	Art. 337 CO: either party may terminate for 'good cause' defined as circumstances making it 'unconscionable' for the relationship to continue; the test gives a wide discretion to the court to decide what is 'good cause'.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Compensation is the normal remedy: Art. 337c CO as amended in 1988.
22. Notification of dismissal	1970: 0.33 1993: 0.67	Written statement of reasons on request: Art. 335 CO. From 1993, information and consultation rights for collective dismissals.
23. Redundancy selection	1970: 0	No legislation.
24. Priority in re-employment	1970: 0	No legislation.

D. Employee representation		
25. Right to unionisation	1970: 0.67 2000: 1	The Federal Constitution of 2000 specifically protects the right to form trade unions. Prior to that the right was seen as implied by constitutional guarantees of freedom of association, and direct effect of ILO Conventions and Art. 11 ECHR.
26. Right to collective bargaining	1970: 1	The right to collective bargaining depends on the effect in domestic law of ILO Conventions and ECHR Art. 11.
27. Duty to bargain	1970: 0	Art. 356a CO: no one may be forced to sign a collective agreement and any such agreement is void.
28. Extension of collective agreements	1970: 1	The Federal government, on an application by the parties to a collective agreement, has the power to make it generally binding.
29. Closed shops	1970: 0	Art. 356a CO prohibits the closed shop.
30. Codetermination: board membership	1970: 0	There is no provision for board-level codetermination.
31. Codetermination and information/consultation of workers	1970: 0 1993: 0.33	From 1993 the Federal Statute on the Participation Rights of employees provides for information and consultation rights and for an enterprise committee in enterprises above a certain size.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Wildcat strikes are contrary to the principles of labour peace and *ultima ratio* in Art. 28 of the Constitution.
33. Political industrial action	1970: 0	Strikes may only take place on economic issues under Art. 28, Constitution.

34. Secondary industrial action	1970: 0.5	Industrial action may only be taken to improve outcomes of collective agreements which limits the scope for lawful secondary action but does not render it unlawful under all circumstances.
35. Lockouts	1970: 0	There is a right to lock out, in parallel to the right to strike, in Art 28 of the Constitution.
36. Right to industrial action	1970: 1	Prior to 2000 a right to strike could be inferred from ILO and ECHR sources. From 2000, Art. 28 protects the right to strike.
37. Waiting period prior to industrial action	1970: 0.5	There is no notice or waiting period or such but the law governing the peace obligation has the effect of imposing a pause prior to strike action beginning.
38. Peace obligation	1970: 0.5	The peace obligation must be respected, subject to exceptions: Arts. 357a, 357b CO.
39. Compulsory conciliation or arbitration	1970: 0	Under Art. 28 of the 2000 Constitution a strike is only lawful if conciliation and negotiation have failed, confirming earlier provisions in legislation and case law.
40. Replacement of striking workers	1970: 0 1995: 0.33	A Federal Court ruling in 1995 determined that the effect of a strike was to suspend the contract of employment but that summary dismissal would still be justified for 'good cause', leaving significant discretion with the courts to decide the extent of the right not to be dismissed. Prior to that the issue had been controversial and largely unresolved.

Syria

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	Labour Code (LC) 1959, Art. 2: the term 'worker' means any person, male or female, working for a wage of any kind in the service of an employer under the latter's authority or supervision (but does not apply to government employees or domestic servants). Civil Code amendment 1949: even when remuneration is based on commission, there can still be an employment contract. LC 2010, Art. 1: an employee is 'every natural person who works for an employer, under the employer's authority and supervision, in return for any kind of wage'.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2010: 0. 5	No right to equal treatment prior to LC 2010, Art. 5: part-time workers whose hours of work do not exceed two hours a day are not covered by the Act. For part-time workers above that threshold, Art. 95 confers the general right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	LC 1959: No distinction for the purposes of dismissal. LC 2010, Art. 5: part-time employees performing fewer than 2 hours per day are not entitled to the rights under the Act. Other part-time workers have a general right to equal treatment.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	No restrictions on when FTCs may be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2010: 0.25	LC 1959: No right to equal treatment. LC 2010, Art. 95: general right to equal treatment.
6. Maximum duration of fixed-term contracts	1970: 0 2010: 0.5	LC 1959: no maximum cumulative duration. LC 2010, Art. 54: when definite contracts (including renewals) exceed 5 years, they become indefinite contracts.

7. Agency work is prohibited or strictly controlled	1970: 0	LC 1959, Art. 18: agencies have reporting obligations. Art. 22: agencies must have a permit. LC 2010, Art. 23: private employment agencies have similar obligations to those before the 2010 Act. No limits on the types of agency work which may be undertaken.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	LC 1959: No right to equal treatment. LC 2010, Art. 95: general right to equal treatment but this right is unenforceable in this context as there is no joint liability.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.47 2010: 0.8	LC 1959, Art. 58: two weeks' paid annual leave. LC 2010, Art. 155: 24 days.
10. Public holiday entitlements	1970: 0.39 2010: 0.72	LC 1959, Art. 62: public holidays to be decided by the Minister up to a maximum of 7 days. LC 2010, Art. 166: no less than 13 days (to be determined by Ministerial order).
11. Overtime premia	1970: 0.25	LC 1959, Art. 121: 25% premium for overtime work during the day, 50% for night-time overtime. Now LC 2010, Art. 111.
12. Weekend working	1970: 0 2010: 1	A weekly day off is provided for but there is no provision for additional remuneration for work done on that day. LC 2010, Art. 109: double pay for work done on the weekly rest period.
13. Limits to overtime working	1970: 1	LC 1959, Arts. 120: 2 hours per day of overtime (total actual hours cannot exceed 10 hours per day). LC 2010, Art. 110(b): maximum of two hours overtime per day.
14. Duration of the normal working	1970: 0.13	LC 1959, Art. 114: 48 hours. LC 2010, Art. 106: 40 hours.

week	2010: 0.67	
15. Maximum daily working time.	1970: 0.7 2010: 0.8	LC 1959, Art. 117: no worker can be required to be at the workplace for more than 11 hours a day. Art. 116: Rest period of at least 9 consecutive hours. LC 2010, Art. 106: 10 hours maximum hours at the workplace.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 2010: 0.67	LC 1959, Art. 72: 30 days' notice for employees paid by the month and 15 days' notice for any other worker. LC 2010, Art. 56: 2 months.
17. Legally mandated redundancy compensation	1970: 0 2010: 1	LC 1959: no provision for redundancy pay. LC 2010, Art. 227: if the employer closes the operation, workers shall be entitled to compensation at the rate of one month for each year of service, up to a maximum of six months' wages.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.92	LC 1959, Art. 44: probation period may not exceed 3 months. Now LC 2010, Art. 49.
19. Law imposes procedural constraints on dismissal	1970: 1 2010: 0.33	Decree 49/1962, Art. 13: an employer who proceeds to dismiss a worker notwithstanding a decision of the board rejecting his application to dismiss, or dismisses a worker without submitting the case to the competent board in accordance with the provisions of this Legislative Decree, shall be bound to pay the minimum wage applying to his workers or 80 per cent of the dismissed worker's pay, whichever is the higher. LC 2010: there are procedural requirements for penalties in general and dismissal is a form of penalty. Art. 99: no penalty may be inflicted upon a worker after the lapse of fifteen days from detection of the violation, or thirty days from completion of the relevant investigation. Art. 101: (procedure) the worker must be informed of the charges in writing and an investigation must be conducted within fifteen days of the date when such violation was detected. The employer must hear the defence of the worker, hear the

		witnesses, if any, and record the same in a report that shall be enclosed with the worker's personal file. The trade union organization of the worker may send a representative to attend the investigation. The effect of the failure to follow procedure may depend on which aspect is not adhered to. For a dismissal to be lawful, the employer must merely prove that the employee did one of the acts in Art. 64. Failing to follow procedure may therefore sometimes result in a finding of unfair dismissal but only when it relates to establishing the facts.
20. Law imposes substantive constraints on dismissal	1970: 0.33 2010: 1	Decree 49/1962: the labour board decides whether or not a dismissal is justified. LC 2010, Art. 64: sets out misconduct-related grounds on which contracts can be lawfully terminated. If contracts are not terminated for those reasons, they are considered unfair and the employee will be entitled to compensation. Economic reasons are only permissible grounds when the whole operation is being shut down.
21. Reinstatement normal remedy for unfair dismissal	1970: 1 2010: 0.33	Decree 49/1962, Art. 13: provides for compensation. 1970 amendment to 1962 Decree: the contract of employment shall be deemed to be suspended for the entire duration of any period during which the labour board and/or the competent court of appeal is examining the worker's complaint on his dismissal. If the final judgment rejects the application for dismissal the contract of employment shall again become fully executory between the parties for all legal purposes as from the date on which the judgment is handed down. LC 2010, Art. 65: in the event of unfair dismissal, two months' compensation shall be payable. Reinstatement is available only in certain instances listed in Art. 67 (trade union activities, electoral activities, victimisation or discrimination). Reinstatement under Art. 67 will not take place where the court deems it impossible, impractical or inappropriate because the employer or employee refuses to co-operate.
22. Notification of dismissal	1970: 1 2010: 0	Decree 49/1962, Art. 2: permission from the Dismissals Board must be obtained before a dismissal can be made. LC 2010, Art. 56: written notice is required but no reasons as such.
23. Redundancy selection	1970: 0	LC 1959: no hierarchy of criteria for redundancy selection. LC 2010, Art. 227: if no objective criteria are prescribed in the collective agreement or internal regulations, the

	2010: 0.5	employer shall consult the competent directorate and the representative of the trade union concerned to make the appropriate decision. Seniority, family responsibilities, age, capacities and professional skills of workers are among the factors which may be considered.
24. Priority in re-employment	1970: 0	No rules on priority in re-employment.
D. Employee representation		
25. Right to unionisation	1970: 1	1964 (Provisional) Constitution, Art. 18(2): the right of labourers to form unions. (3) Union organisation shall be guaranteed. 1973 Constitution, Art. 48. Now Art. 45 following the 2012 amendment.
26. Right to collective bargaining	1970: 0	No right to collectively bargain.
27. Duty to bargain	1970: 0 2010: 1	No duty to bargain. LC 2010, Art. 179: states bargaining 'shall' take place in places employing 50 or more workers. If either party refuses to initiate collective bargaining, the other party may request the competent directorate to ask the employers' organization or the trade union organization, as the case may be, to initiate collective bargaining on behalf of such party. In this case, such organization shall be legally authorized to conduct bargaining and sign the collective labour agreement.
28. Extension of collective agreements	1970: 0	No extension mechanism.
29. Closed shops	1970: 0	LC 1959: the enforcement of closed shops is prohibited. LC 2010: no reference to closed shops but the Constitution grants freedom to join or form unions which presumably restricts the operation of closed shops.
30. Codetermination: board membership	1970: 0	No provision for employee board membership.
31. Codetermination and information/consultation of workers	1970: 0	No provision for codetermination or information and consultation rights.

E. Industrial action		
32. Unofficial industrial action	1970: 1 2010: 0	LC 1959: unofficial action is not prohibited. LC 2010: no provision for lawful or protected strikes.
33. Political industrial action	1970: 0	LC 1959, Art. 174(3): no trade union shall concern itself with political or religious questions. LC 2010: no provision for lawful or protected strikes (no right to strike until 2012 Constitutional amendment).
34. Secondary industrial action	1970: 1 2010: 0	LC 1959: secondary action as such not prohibited. LC 2010: no provision for lawful or protected strikes.
35. Lockouts	1970: 0.75 2010: 1	LC 1959, Art. 209: unlawful for an employer to declare a lockout, either wholly or in part, unless compelled to do so for serious cause and with the consent of the Ministry of Social Affairs and Labour in response to a request made by registered letter. The Minister was to decide on the request within 30 days of its receipt. LC 2010: no provision for lawful or protected lockouts
36. Right to industrial action	1970: 0 2012: 1	No right to strike until 2012 amendment introducing a right to strike in Art. 44.
37. Waiting period prior to industrial action	1970: 1 2010: 0	LC 1959: no notice requirement. LC 2010: no notice requirement but no provision for lawful or protected strikes; conciliation and arbitration the only lawful means of resolving collective labour disputes
38. Peace obligation	1970: 1	No peace obligation. From LC 2010: conciliation and arbitration the exclusive means of resolving collective disputes.

	2010: 0	
39. Compulsory conciliation or arbitration	1970: 1 2010: 0	LC 1959: no mandatory conciliation. LC 2010: conciliation and arbitration the exclusive means of resolving collective disputes.
40. Replacement of striking workers	1970: 1 2010: 0	LC 1959, Art. 231: unlawful to dismiss workers for engaging in trade union activity. LC 2010, Art. 67(a)(1) repeats this provision but the LC otherwise provides that conciliation and arbitration are exclusive means of resolving collective labour disputes.

Taiwan

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0 1984: 0.33	The Contracts of Employment Law (CEL) 1960, Art. 1: in industrial undertakings and mines the employer shall enter into written contracts of employment with the workers or into collective agreements with the labour unions. Workers were thus only covered in certain undertakings and the circumstances (rather than agreement) dictated the status of a worker. No other definitions are provided by the Act. The protection given by the Factories Act was also dependent on the undertaking in which the worker operated rather than the agreement between the worker and his employer. Labour Standards Act (LSA) 1984, Art. 1: worker defined as 'a person who is hired by an employer to work for wages.' A labour contract is a contract establishing an employer-employee relationship. Art. 3: the Act will not apply if the application would genuinely cause undue hardship to the business entities involved, due to the factors relating to the types of management and the administration system and characteristic of work involved if announced to the competent authority. The Civil Code provides for contracts for services and contracts of hire. These will govern if the worker does not qualify as a worker under the LSA.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	There is no express right to equal treatment for part-time workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1984: 1	LSA 1984, Art. 9: FTCs may be used for contracts temporary in nature, or for short term, seasonal or specific work. However a contract for continuous work should be an indefinite contract. Outside the LSA, FTCs are regulated by the Civil Code 1921. FTCs

		in the Code are not limited to work that is temporary in nature. The Factories Act 1931 governed before the LSA but there was no restriction of FTCs to work that is temporary in nature. Restrictions on the use of FTCs can be circumvented by use of dispatch or agency work as the latter does not give rise to an FTC.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	LSA 1984 provides no right to equal treatment. Furthermore, the Supreme Court permits employers to select fixed term workers before non-fixed term workers for dismissal in cases of redundancy. (See Tai-Shang-Zi No. 2339 in year 2005). No equal treatment prior to this.
6. Maximum duration of fixed-term contracts	1970: 0 1985: 0.9	Enforcement Rules of the Labour Standards Act (ERLSA) 1985 Art. 6: 'temporary' and 'short-term' work shall not exceed 6 months. Seasonal work shall not exceed 9 months. 'Specified' work is not to exceed 12 months without permission from the competent authority.
7. Agency work is prohibited or strictly controlled	1970: 0	As of 1992, private employment agencies are subject to licensing requirements but there are no restrictions on what work agency workers can be supplied for.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no right to equal treatment. Some agency contracts may not fall under the LSA 1984, and will be governed by the (less protective) civil law instead.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.33	FA 1929, Art. 17: 7 days' leave for workers with up to 3 years' service. 10 days for 3-5 years' service. 14 days for 5-10 years' service. Now see LSA 1984, Art. 38.
10. Public holiday entitlements	1970: 0.5 1985: 1	FA 1929, Art. 18: paid public holidays but these are not specified by the FA. There are 9 traditional official public holidays. LSA 1984, Art. 37: workers shall have holidays on Labour Day and other days prescribed by the Central Competent Authority. Art. 39: workers are to be paid for this time off. ERLSA, Art. 23: 19 days.
11. Overtime premia	1970: 0.5	FA 1929, Art. 23: overtime wages are to be paid at 33-67% premium. LSA 1984, Art.

	1984: 0.67	24: an additional one third of the wage for the first two hours of overtime. If is over two hours but less than four hours, at least two-thirds. Where requested under article 32, twice the hourly rate.
12. Weekend working	1970: 0.5 1984: 1	FA 1929, Arts. 15 and 18: workers are entitled to a weekly day off and 'additional wages' are to be paid for work on that day. LSA, Art. 36: employees are entitled to a weekly paid day off work, and there is a 100% premium for work done on this day.
13. Limits to overtime working	1970: 1	FA 1929, Arts. 8, 9 and 10: maximum of two hours overtime per day (or 4 hours in cases of force majeure); and overtime hours shall not exceed 36 hours a month. LSA 1984, Art. 32: total number of overtime hours shall not exceed 46 hours a month.
14. Duration of the normal working week	1970: 0.13 2001: 0.53	FA 1929, Art. 8: 48 hours (based on 8 hours a day for 6 days). LSA 1984, Art. 30: 84 hours every two weeks. Distribution shall not be such as to exceed 48 hours a week. This was cut to 42 hours in 2001.
15. Maximum daily working time.	1970: 0.8 1984: 0.6	FA 1929, Arts. 8 and 10: maximum of 10 hours a day, or maximum of 12 hours in situations of force majeure. LSA 1984, Art. 30: up to two hours overtime per day. Art. 32: when overtime is arranged with permission, the total daily working time shall not exceed 12 hours in total. Art. 30-1(2) Amended 2001: where ordinary working hours have been arranged such that daily working time is 10 hours, no more than 2 hours overtime work can be worked.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.22	FA 1929, Art. 27: 10 days' notice for 3 -12 months; 20 days for 1- 3 years ; 30 days for more than 3 years. Now see LSA 1984, Art. 16.
17. Legally mandated redundancy compensation	1970: 1	Contract of Employment Law (CEL) 1960, Art. 4: 3 months' wages for three years of service. LSA 1984, Art. 17(1): one month per year of service.
18. Minimum qualifying period of service for normal case of unjust	1970: 0.96	CEL 1960, Art. 2: probation period of up to 40 days. LSA does not provide for a qualifying period of service or a trial period during which there is a reduced notice

dismissal	1984: 1	requirement.
19. Law imposes procedural constraints on dismissal	1970: 0	The only procedural requirement is for dismissals (when based on misconduct) to be carried out within 30 days of the employer becoming aware of the situation. (LSA 1984, Art. 12) No procedural requirements prior to the LSA.
20. Law imposes substantive constraints on dismissal	1970: 0 1984: 0.67	FA 1929: no reason for dismissal required if notice was given. Reasons required (misconduct, incapacity, force majeure, economic reasons) for termination without notice. LSA 1984, Art. 11: no employer shall terminate even with advanced notice, unless: business has been suspended; business suffers an operating loss; force majeure necessitates suspension of business for more than a month; change of business nature necessitates a workforce reduction; a particular worker is not able to satisfactorily perform his duties. Art. 12: an employer may terminate without notice: where a worker misrepresents at time of signing contract; gross insult of employer or worker' sentencing to imprisonment; serious breach of contract or work rules; deliberate damage to machinery' absent without good cause for three consecutive days.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1984: 0.67	No unfair dismissal in the FA 1929. The Acts appear to be silent on whether compensation or reinstatement can be obtained for unfair dismissal. Secondary sources suggest that an employee may file a lawsuit with the court requesting to be reinstated to the previous position and compensated with salary for the period of illegal termination, or he may choose to be compensated with salary for the period of the illegal termination period as well as money in lieu of the required prior notice before severance.
22. Notification of dismissal	1970: 0 2003: 0.67	No duty to give written reasons for the dismissal. Notification of the competent authority is required for collective dismissals following the Mass Severance Protection Law (MSPL) 2003.
23. Redundancy selection	1970: 0	MSPL 2003, Art. 9: states that there must be criteria for the mass severance plan but it does not specify what the criteria should be.
24. Priority in re-employment	1970: 0	MSPL 2003, Art. 9: unless otherwise prescribed, the business entity that has

	2003: 1	implemented a mass redundancy plan and subsequently needs to employ workers for jobs of a similar nature shall give priority to the employees previously discharged by the mass redundancy plan.
D. Employee representation		
25. Right to unionisation	1970: 0.33	Constitution 1946 (as amended up to 2005), Art. 14: Freedom to associate.
26. Right to collective bargaining	1970: 0	There is no constitutional right to collectively bargain.
27. Duty to bargain	1970: 0 2008: 1	Collective Agreement Law 2008, Art. 6: neither party can refuse a request to bargain if they do not have just cause. There was no such duty prior to this.
28. Extension of collective agreements	1970: 0	There is no extension of collective agreements.
29. Closed shops	1970: 0.5	These are permitted by the Collective Agreement Law 1930 subject however to a large number of exceptions.
30. Codetermination: board membership	1970: 0	There are no provisions requiring employee representatives on the board.
31. Codetermination and information/consultation of workers	1970: 0.67 2003: 0.75	Factories Act, Chapter X: provided for factories' councils with equal number of worker and employer representatives. They were supposed supposed to promote efficiency, improve labour management relations, mediate disputes informally, improve safety precautions and assist in the enforcement of collective agreements. The LSA 1984: replaced councils with labour management conferences (LMC). Art. 83: A business entity shall hold meeting to coordinate worker-employer relationships and promote worker-employer cooperation and increase work efficiency. Regulations governing for labor-management conference shall be prescribed by the Central Competent Authority. There are several provisions which explicitly require that LMCs and management agree on certain terms and conditions of employment. (Articles 32, 33 and 39). The Convocation Rules of the LMC 1985 require the holding of conference but provides no

		sanctions for non-compliance. The employer may decide whether or not to hold the conference. However, in general LMC have become a common internal communications mechanism. The LMCs' consent is required in relation to mass lay-off plans as well as flexible working (2002).
E. Industrial action		
32. Unofficial industrial action	1970: 0	Trade Union Act (TUA) 1929 (as amended in 1943): precludes unofficial industrial action through Art. 29: requires that conciliation and arbitration proceedings have been taken, and also that the strikes was decided on the basis of a ballot including more than a majority of members at a general meeting of the union. This was also required in the Labour Disputes Law (LDL) as amended in 1988, and is still required as of the 2009 in Art. 54.
33. Political industrial action	1970: 0	LDL 1928: Art. 36: no strikes or lockouts during a period of national emergency (no strikes during martial law from 1949 to 1987). National General Mobilisation Law (NGML) 1938, Art. 14: gave authorities to discretion to issue orders to prevent or settle labour disputes, and to prohibit lockouts, strikes, sit-downs or any other action prejudicial to production. Under this legislation, all disputes must be submitted to binding arbitration, and workers and employers are forbidden to engage in strikes, lockouts, or work slowdowns. LDL, as amended in 1988 and 2009, Arts. 5 and 53: industrial action may only be taken in respect of 'interests disputes' (changing or maintaining terms and conditions of employment).
34. Secondary industrial action	1970: 0 1988: 0	LDL 1928: Art. 36: no strikes or lockouts during a period of national emergency (no strikes during martial law from 1949 to 1987). From 1988: no clear prohibition or authorisation of secondary industrial action but there must be prior mediation and a majority in the ballot for this action to be lawful and these restraints amount to significant restrictions on all strike action including secondary strikes.
35. Lockouts	1970: 1	LDL 1928: Art. 36: no strikes or lockouts during a period of national emergency (no strikes during martial law from 1949 to 1987). NGML also prevented lock-outs. 1988

	1988: 0.5	LDL amendment: lockouts have been regulated in a similar manner to strikes.
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0 1988: 0.5	LDL 1928: Art. 36: no strikes or lockouts during a period of national emergency (no strikes during martial law from 1949 to 1987). Following the 1988 amendment to the LDL, there has been no additional notice after the compulsory arbitration and conciliation. However, the arbitration and conciliation provide a de facto waiting period.
38. Peace obligation	1970: 0	LDL 1928: Art. 36: no strikes or lockouts during a period of national emergency (no strikes during martial law from 1949 to 1987). Collective Agreement Law 1930 (as amended 2008), Art. 23: peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	LDL Law 1928: effectively made arbitration mandatory and binding. Art. 36: no strikes or lockouts during a period of national emergency (no strikes during martial law from 1949 to 1987). Also NGML 1938, Art. 14: gives authorities discretion to issue orders to prevent or settle labour disputes, and to prohibit lockouts, strikes, sit-downs or any other action prejudicial to production. The penalty for failure to respect such orders is up to seven years imprisonment and a fine. Under the Measures for Handling of Labour Disputes during the Period of National Mobilization for the Suppression of Communist Rebellion ('Measures'), promulgated by executive order under the authority of the National General Mobilization Law, all disputes must be submitted to binding arbitration, and workers and employers are forbidden to engage in strikes, lockouts, or work slowdowns. Now see LDL (as amended 1988 and 2009), Art. 53: industrial action cannot be embarked upon unless there has been unsuccessful mediation of the dispute.
40. Replacement of striking workers	1970: 0 2010: 1	TUA 1920, Art. 35(4): prevents employers from dismissing on the grounds of participating in industrial action. Art. 55: prevents employers from penalising striking workers in any way when the strike action was lawful. However, this protection was only during the disputes and employees could be dismissed after the action was finished. Employment Services Law 2006, Art. 10: prohibits agencies from supplying workers to places of work where there is a legal strike or industrial dispute. Now see TUA (as

		amended in 2010), Art. 35.

Tanzania

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The approach to defining the employment relationship is similar to that of English law. Legislation defines the employee by reference to the common law concepts of the contract of employment and contract for personal services (Employment and Labour Relations Act 2004) but does not spell out in any more detail the criteria to be applied when determining the nature of work relationships.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2004: 0.25	ELRA 2004, s. 7: general anti-discrimination clause, includes gender and 'station of life.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is drawn.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	The FTC is a recognised category (see currently, ELRA 2004, s. 14) but the grounds of its use are not constrained.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0. 25	There is a general bar on discrimination (currently, s. 7 ELRA 2004) but no law specific to FTCs.

6. Maximum duration of fixed-term contracts	1970: 0.8 2004: 0	EO 1955 s. 49 limited contract duration in the case of an FTC to one year or two years in the case of workers accompanied by family members. There is no limit on duration under ELRA 2004.
7. Agency work is prohibited or strictly controlled	1970: 0.25 2004: 0	EO 1955 s. 108 required private employment agencies to be licensed and placed some restrictions on the employers for which they could recruit. There are no similar controls over ELRA 2004.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no law specifying equal treatment with employees of the user undertaking.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.2 2004: 0.93	EO 1955 s. 25A as amended (1962) provided for a day's leave for each 2 months worked. ELRA 2004: 28 days.
10. Public holiday entitlements	1970: 0.61	11 days: Public Holidays Ordinance, 1966.
11. Overtime premia	1970: 0 2004: 0.5	Time and a half: ELRA 2004, s. 19(5).
12. Weekend working	1970: 1	A weekly rest is mandatory although the day is not specified (EO 1955 s. 25B; ELRA 2004, s. 24(1). Double time: ELRA 2004, s. 24(4).

13. Limits to overtime working	1970: 0 2004: 0.33	No limit prior to 2004. Under ELRA 2004, there are daily and 4-weekly limits to overtime hours (s. 19), and a 40-hour week plus up to 10 hours of overtime per week may be averaged over a reference period of up to a year (s. 22).
14. Duration of the normal working week	1970: 0.33	45 hours: currently ELRA 2004, s. 19(2)(b).
15. Maximum daily working time	1970: 0 2004: 0.6	12 hours: ELRA 2004, s. 24(1)(a).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	28 days: Security of Employment Act 1964, s. 37(1); ELRA 2004, s. 41(1).
17. Legally mandated redundancy compensation	1970: 0.5 2004: 0.25	15 days' wages per year of service: Severance Allowance Act 1962, s. 5(2)(b). 7 days: ELRA 2004 s. 42(1).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 2004: 0.17	SEA 1964: no qualifying period. ELRA 2004, s. 35: 6 months.
19. Law imposes procedural constraints on dismissal	1970: 1	Extensive procedural requirements were set out under SEA 1964. ELRA (s. 37(2)(c) also requires a fair procedure as a precondition of a just dismissal.
20. Law imposes substantive constraints on dismissal	1970: 0.67	The approach in both SEA 1964 and ELRA 2004 has been to set out an exhaustive list of grounds for a potentially fair dismissal and also to specify certain prohibited reasons.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.67 2004: 0.33	Under SEA 1964 s. 24 the Board of Conciliation had the power to award reinstatement or a lesser remedy. ELRA 2004 s. 40(1) make reinstatement and compensation alternative remedies but under s. 40(3) the employer can avoid reinstatement by making

		an extra payment.
22. Notification of dismissal	1970: 0.75 2004: 0.33	EO 1955, s. 52(1): authorisation of labour authority needed for certain dismissals. SEA 1964 s. 21(2): notification to workers' committee and obligation to consider representations with a view to arriving at an agreement. ELRA 2004, s. 41(3): notice in writing to the employee.
23. Redundancy selection	1970: 0	No statutory rules on redundancy selection.
24. Priority in re-employment	1970: 0	No statutory rules on priority in reemployment.
D. Employee representation		
25. Right to unionisation	1970: 0.33	The preamble to the 1965 Constitution referred to the right of freedom of association within the law. The 1977 Constitution does not add to this.
26. Right to collective bargaining	1970: 0 1977: 0.5	The 1977 Constitution refers to the right of associations to defend their interests and this has been interpreted to refer to collective bargaining.
27. Duty to bargain	1970: 0 2004: 1	The employer must enter into negotiations for a collective agreement in response to a relevant request from a union: ELRA 2004, s. 64(2).
28. Extension of collective agreements	1970: 0	There is no provision for extension.
29. Closed shops	1970: 0.5	EO(A) 1960 s. 14A prohibited the post-entry closed shop but later legislation permitted a version of the agency shop.
30. Codetermination: board membership	1970: 0	Art. 14 of the 1970 Presidential Circular provided for at least one member of a company board to be nominated by the National Union of Tanganyika Workers, but does not appear to have been formally binding

31. Codetermination and information/consultation of workers	1970: 0.5 2004: 0.25	SEA 1964 made provision for the establishment of workers' committees with consultation and advisory roles. Arts. 12 and 14 of the 1970 Directive provided for works councils with additional powers. ELRA 2004 s. 71(1) provides that an employer and a recognised trade union may establish a forum for worker participation, but this is optional.
E. Industrial action		
32. Unofficial industrial action	1970: 1 1993: 0	The Trade Disputes Ordinance 1956 conferred a limited immunity for 'two or more persons' acting in concert in contemplation of a trade dispute. The Permanent Industrial Tribunal Act Amendment 1993 required a secret ballot. ELRA 2004 s. 80(1)(d) requires that the strike be called by a trade union.
33. Political industrial action	1970: 0	ELRA 2004 defines a dispute in terms which require strikes to be related to labour matters.
34. Secondary industrial action	1970: 0 2004: 0.5	Prior to 2004 a dispute had to be between workers and their own employer. Under ELRA 2004 secondary action is permitted under conditions including a degree of proximity between primary and secondary employer and proportionality of the strike.
35. Lockouts	1970: 0.5	Lockouts are regulated in parallel with strikes: currently ELRA 2004, s. 82(1).
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0	The Trade Unions Ordinance 1956 required unions to have provisions in their constitutions for ballots. PLTA 1967, s. 11, required either conciliation or a reference to the Minister with a 21-day notice period for industrial action. This was extended to 42 days in 1982. Under ELRA 2004 48 hours' notice is required for strike action.

38. Peace obligation	1970: 1 2004: 0	Under ELRA 2004, strikes are effectively limited to disputes of interest: s. 76(1)(d).
39. Compulsory conciliation or arbitration	1970: 0	Successive statutes have required unions and employers to go through a conciliation process prior to a strike or lockout (Trade Dispute Settlement Act 1962; PLTA 1967; OLL 2012, ss. 86-87.
40. Replacement of striking workers	1970: 0 2004: 1	From 2004 it is unlawful to dismiss workers taking part in a lawful strike or to engage replacement labour: ELRA ss. 37(3)(v), 76(3)(b), 83(2).

Thailand

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	Labour Code (LC) 1956, Art. 3: 'employee' means any person who agrees to render services to an employer in consideration of wages. Announcement No. 61 of 1972 (Ann. 61/72) (Labour Law amendment): defined 'employee' as 'any person who agrees to render services to an employer for wages regardless of whether or not he receives wages himself and shall include both regular employees, and temporary employees'. Domestic workers not included. Civil and Commercial Code (CCC) (revised 1989): 'hire of services' defined as rendering services to an employer in return for remuneration. Critical is the control of the employer over the employee. LPA 1998: 'employee' means a person who is employed by an employer for remuneration, regardless of the title he is given.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Part-time workers are not excluded from any of the laws on dismissal and no distinction is made on the basis of hours worked regarding dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1998: 1	LC 1956 and Ann. 61/72: no limitations on FTCs. LPA 1998, Art. 118: FTCs may be effected for work for specific projects, which are not just a normal part of the employer's business, which must have defined start and end dates; or for seasonal work, to the extent that the work must be completed in 2 years.

5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 1972: 0.75	LC 1956: no provision made for rights of FTC workers. Ann. 61/72, Art. 75: temporary workers who have been working for 120 days are to have the same rights as regular employees. When employers terminate contracts in order to avoid Art. 75, the period will be included nevertheless. 1989 Amendment (Notification of the Ministry of Interior No. 11): removed distinctions between fixed term and permanent workers. This provision is not maintained in the LPA 1998.
6. Maximum duration of fixed-term contracts	1970: 0 1998: 0.8	LPA 1998, Art. 118: two year limitation of FTC including renewals. There was no limitation before this.
7. Agency work is prohibited or strictly controlled	1970: 0	Employment Agency Act (EAA) 1968, Art. 7: requires a licence for lawful operation of an agency. Art. 8: sets out conditions of eligibility for a licence including evaluations of 'loose morals' and character as well as history. Art. 13: requires that the agency registers all of its employees. Arts. 16 and 17: prevents payment of fees if there is no actual placement. Art. 26: broad inspection powers of the authorities. EEA 1985: in addition to the 1968 requirements at least 50,000 Baht per agent as security. However, the grounds of use of agency work are not regulated as such.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Both the LRA 1975 and LPA 1998 provide for joint and several liability for sub-contractors. EAA 1985, Articles 30-34: requires equal payment to workers recruited by agencies in Thailand and deployed overseas. However there is no general right to equal treatment for agency workers.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.2	LC 1956, Art. 11: annual leave entitlement of 6 days. Ann. 61/72, Art. 10: 6 days. Maintained in LPA 1998, Art. 30.
10. Public holiday entitlements	1970: 0.72	LC 1956, Art. 11: employees are entitled to at least 13 holidays observed by custom. Ann. 61/72, Art. 9: 13 days. LPA 1998, Art. 29: no fewer than 13 days.
11. Overtime premia	1970: 0.5	LC 1956, Art. 31: 50% premium. Maintained in Ann. 61/72, Art. 34 and LPA, Art. 61. (Note that in 1972 overtime pay is not available for supervisory level employees unless

		their employer decides otherwise).
12. Weekend working	1970: 1	LC 1956: No specific day of rest but a 24 hour period of rest is required and work during that period must be remunerated at a 100% premium. Ann. 91/72, Art. 7: weekly rest day set by agreement. Art. 62: 100% premium for work on that day. LPA 1998, Art. 28: weekly day of rest to be on a day agreed by the parties. Art. 62: double time.
13. Limits to overtime working	1970: 0 1972: 0.75 1998: 1	LC 1956, Art. 13: overtime limit only for women. Ann. 61/72: overtime only permitted when the work cannot be stopped without causing harm to the employer, or the work is of an emergency nature. Otherwise written approval form the Director General is required. Ministerial Regulation No.3 1998: Overtime hours shall not exceed 36 hours per week in aggregate.
14. Duration of the normal working week	1970: 0.13	LC 1956, Art. 7: 48 hour week. Ann. 91/72: provides different hours for different categories of worker. 48 hours for industrial and transport workers (Art. 3(1)-(2)); 54 hours for commercial workers (Art. 3(4)). LPA, Art. 28: 48 hours per week.
15. Maximum daily working time.	1970: 0 1972: 0.5 1998: 0	LC 1956: No maximum (apart from women). Ann. 91/72, Art. 3(1): 8 hour limit for transport workers. LPA 1998, Art. 28: 8 hour limit but no minimum rest period. 2008 amendment: maximum of 9 hours per day but only within the bounds of the 48 hour week.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33 1972: 0 1998: 0.33	LC 1956, Art. 34: employee is entitled to a month's pay on dismissal with reasons for the dismissal (if he has been employed for longer than 6 months). If employee has been employed for less than 6 months, he is entitled to a month's notice or a month's compensation in lieu. Ann. 91/72: no mention of notice, only one month's severance pay is available. LPA 1998, Art. 17: notice may be given before the time of any wage payment, and this will terminate the relationship by the time of the next payment. (Art. 70: payment is to be at least month a month unless otherwise agreed). Compensation

		may be given in lieu of notice.
17. Legally mandated redundancy compensation	1970: 0.33 1998: 1	LC 1956, Art. 34: employee is entitled to a month's pay on dismissal with reasons for the dismissal (if he has been employed for longer than 6 months). If employee has been employed for less than 6 months, he is entitled to a month's notice or a month's compensation in lieu. Ann. 91/72, Art. 46: 30 days' severance pay. LPA 1998, Art. 118(3): 180 days' severance pay for employees with 3 years' service.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1 1972: 0.83 1998: 1	LC 1956: no apparent qualifying period. Ann. 91/72, Art. 46(2): probationary period of up to 180 days. No probation/qualifying period in LPA 1998.
19. Law imposes procedural constraints on dismissal	1970: 0	LC 1956: no procedural constraints on dismissal (nor any apparent 'unfair' dismissal). Ann. 91/72: the only procedural requirement is to give a warning about breach of rules before a dismissal takes place (Art. 47(3)). There is no reference to an unfair dismissal if this requirement is not followed. LPA 1998: no requirements apart from notice. Art. 17: permits payment in lieu of notice. Art 17 also states that failure to give a reason for the dismissal will only result in the employer not being able to rely on a reason for dismissal which might relive the employer of severance pay obligations.
20. Law imposes substantive constraints on dismissal	1970: 0.25 1979: 0.33	LC 1956: The only substantive restrictions on dismissal are in Art. 121: dismissal for trade union membership or exercising a statutory right. Otherwise dismissals permitted provided there is notice. Ann. 91/72: maintains 1956 provisions and Art. 47: grounds for termination barring employees from severance. Act on the Establishment of Labour Courts and Labour Court Procedure (AELC) 1979, Art. 49: the court can make a determination on whether the dismissal was fair or not. LPA 1998, Art. 119 maintains the 1979 position. CCC 1989, Art 583: grounds for terminating contracts without compensation include: employee absent of skills they held themselves out as having; wilfully disobeying lawful commands of employer; absence from service; gross misconduct; acting in a manner incompatible with faithful service.

21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1975: 0.5 1979: 0.67	LC 1956: no mention of either unjust dismissal or compensation. Violation of Art. 112 (unfair practices) resulted in a referral to the Labour Commission but not clear what the remedies were. Position maintained in 1972. LRA 1975, Art. 41: allows the Labour Court to order reinstatement or compensation for dismissals which qualify as 'unfair practices' (Arts. 121-123). AELC 1979, Art. 49: if dismissal is unfair, Labour Court may order reinstatement unless the Court considers that the relationship has been disrupted beyond repair, in which case compensation is available. Despite the large number of factors to take into account, reinstatement is reported to be rare.
22. Notification of dismissal	1970: 0 2008: 0.33	LC 1956: employer required to give reasons but no requirement for them to be in writing. No notification requirements in 1972 LC. 2008 amendment to LPA 1998 requires notice to be given in writing.
23. Redundancy selection	1970: 0	No provisions.
24. Priority in re-employment	1970: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1970: 0.33 1974: 1 1976: 0 1978: 1 2006: 0 2007: 1	1968 Constitution, Art. 36: grants the liberty to associate. However, unions were illegal until 1972 following the 1958 coup. 1974 Constitution, Art. 44: grants the liberty to form an association or union. 1976 and 1977 Constitutions: liberty to associate or unionise Article removed. 1978 Constitution, Art. 37: liberty to associate and unionise restored. This provision was maintained in 1991 Constitution (as amended), Art. 43 and 1997 Constitution, Art. 45. These rights were removed in the 2006 interim constitution, restored in the 2007 Constitution, Art. 67, and removed again in the 2014 interim Constitution.

	2014: 0	
26. Right to collective bargaining	1970: 0	There has been no right to collective bargaining in the successive 1968 – 2014 Constitutions.
27. Duty to bargain	1970: 0 1972: 1	Trade unions were illegal until 1972. Announcement Respecting Labour Relations (ARLR) 1972, Arts. 4-11 imply a duty to negotiate. Labour Relations Act (LRA) 1975, Art. 16: within 3 days of receipt of notice from the other party, negotiations should begin.
28. Extension of collective agreements	1970: 0 1975: 1	LRA 1975, Art. 19: provides for automatic extension of collective agreements to every employer and employee in 'that type of work' provided that the negotiating parties represent at least two thirds of the total number employees engaged in that type of work.
29. Closed shops	1970: 0	Ann. 91/72, Art. 72: unfair practice to force employees to join or not join employees' associations. LRA 1975, Art. 121(2): unfair practice to prevent an employee becoming a member of a union or cause him to resign, or give money/property to induce him to become a member of a union.
30. Codetermination: board membership	1970: 0	No provision for employee representation on company boards.
31. Codetermination and information/consultation of workers	1970: 0 1975: 0.5	LRA 1975, Art. 45: enterprises with more than 50 employees may establish employees' committees. Art. 50: in meetings (every 3 months or on request) they may: make arrangements for employee welfare; hold discussions to determine work rules which would be beneficial to both employee and employer; consider employee complaints; reach a compromise/settlement in relation to disputes. While there is joint resolution of issues, the power falls short of decision-making. If employers' decisions cause excessive hardship or are unfair, petitions may be made to the Labour Court.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Strikes were unlawful under martial law between 1971 and 1973, between 1976 and

		1981, and from 2014. (See Art. 24 Settlement of Labour Disputes Act (SLDA) 1965 and Art. 36 LRA 1975.) Compulsory conciliation in the 1965 and 1972 legislation preclude unofficial action. LRA 1975 also provides for compulsory conciliation and arbitration before strike action can commence.
33. Political industrial action	1970: 0	Strikes were unlawful under martial law between 1971 and 1973, between 1976 and 1981, and in 2014. See Art. 24 SLDA 1965 and Art. 36 LRA 1975. Compulsory conciliation and arbitration in 1965, 1972 and 1975 leaves little scope for political disputes. Definitions of 'strike' and 'dispute' in 1965 and 1972 limit action to disputes relating to conditions of employment only. LRA 1975, Art. 99(2): unions organising strikes will not be criminally liable provided that the strike is not related to politics.
34. Secondary industrial action	1970: 0	Strikes were unlawful under martial law between 1971 and 1973, between 1976 and 1981, and in 2014. (See Art. 24 SLDA 1965 and Art. 36 LRA 1975). Compulsory conciliation and arbitration in 1965, 1972 and 1975 does not leave much scope for legal secondary action. LRA 1975 prohibits employees/unions requesting assistance form others as regards labour disputes and strikes. Art. 32: prohibits anyone not connected with the negotiations to which the labour dispute relates from engaging in a strike or lockout 'gathering'.
35. Lockouts	1970: 0.5 1971: 1 1974: 0.5 1976: 1 1981: 0.5 2014: 1	Lockouts were unlawful under martial law between 1971 and 1973, between 1976 and 1981, and in 2014. (See Art. 24 SLDA 1965 and Art. 36 LRA 1975). Otherwise, SLDA 1965, ARLR 1972 and LRA regulated lock outs in the same manner as strikes.

36. Right to industrial action	1970: 0	No right to strike in the successive 1968 – 2014 Constitutions.
37. Waiting period prior to industrial action	1970: 0	Strikes were unlawful under martial law between 1971 and 1973, between 1976 and 1981, and in 2014. (See Art. 24 SLDA 1965 and Art. 36 LRA 1975). Otherwise, in the SLDA 1965: strikes could not be declared before at least 30 days' worth of compulsory negotiation and arbitration. ARLR 1972: strikes only possible if after 15 days there is no arbitrator appointed or an arbitrator has failed to give an award within 30 days. LRA 1975, Art. 34: 14 days' notice of a strike in addition to conciliation and arbitration procedures.
38. Peace obligation	1970: 0.5 1971: 0 1974: 1 1975: 0.5 1976: 0 1982: 0.5 2014: 0	Strikes were unlawful under martial law between 1971 and 1973, between 1976 and 1981, and in 2014. (See Art. 24 SLDA 1965 and Art. 36 LRA 1975). SLDA 1965, Art. 22(2) and LRA 1975, Art. 35: Peace obligations only in respect of arbitration awards.
39. Compulsory conciliation or arbitration	1970: 0	Strikes were unlawful under martial law between 1971 and 1973, between 1976 and 1981, and in 2014. (See Art. 24 SLDA 1965 and Art. 36 LRA 1975). SLDA 1965, ARLR 1972 and LRA 1975 all provide for compulsory conciliation. See Art. 34(1) LRA 1975, Art. 23: services where there will be mandatory arbitration. The Minister also reserves the power to refer all disputes to binding arbitration.
40. Replacement of striking workers	1970: 0	SLDA 1965: no express protection for employees on strike. ARLR 1972, Art. 22: The

	1975: 0.5 1982: 0	Minister has the power to intervene in case of a strike or lockout and require the replacement of striking workers if he considers that the strike/lockout may adversely affect the economy, or cause hardship to the country, or endanger the security of the country, or be against public order. This provision is maintained in LRA 1975, Art. 35(3). Employers are legally permitted to hire workers to replace strikers. LRA 1975 affords some protection in Art. 121(1): no employer shall terminate the employment or act in any manner which may cause an employee, etc. to be unable to continue working on the grounds that the employee or representative calls for a rally, files a complaint, submits a demand, participates in a negotiation or institutes a law suit (inter alia).or is preparing to do so. Protection will be withheld where they purposely cause serious damage to their employer; engage in fraudulent or criminal conduct; where action is taken to encourage others to breach a collective agreement Since 1982 serious harm to the employer has been said to include peaceful picket line behavior or publication of facts that embarrass the employer's business.

Tunisia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	Art. 6 of the Labour Code, dating from 1966, provides a broad substantive definition of the employment contract, and specifies the types of work and industries to which it should apply.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1996: 1	Part-time work was recognised from 1996 (law 96-62). There is a requirement of equal or proportionate treatment: LC Arts. 94-3, 94-4, 94-5.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is made.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1996: 1	Under the 1966 Code there were no provisions limiting the use of FTCs. Under Art. 6-4, with effect from 1996, reasons for the use of FTCs are set out. Contracts for other reasons may be agreed but must not exceed 4 years. See also Art. 16 of the General Collective Agreement.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no requirement of equal treatment in respect of FTCs.

6. Maximum duration of fixed-term contracts	1970: 0 1994: 0.6	The normal maximum duration is 4 years: Art. 6-4 Labour Code, with effect from 1996.
7. Agency work is prohibited or strictly controlled	1970: 0	There is no specific legal recognition of agency work. Arts. 29-30 LC impose certain obligations on the main employer in the event of subcontracting, but do not restrict the categories of work for which subcontracting may be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	Arts. 29-30 impose obligations on the main employer in relation to the observance of general laws and regulations but do not provide for a right of equal treatment with employees of the user enterprise.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5 2004: 0.6	15 days (LC Art. 113) for a worker with 3 years' seniority (further entitlement depends on having 5 years' service). General Collective Agreement 2004: 18 days, rising to 23 depending on length of service.
10. Public holiday entitlements	1970: 0.22 1973: 0.39	4 days: Art. 445 LC. Extended to 7 days under the General Collective Agreement, from 1973.
11. Overtime premia	1970: 0.75	LC Art. 90: time and three-quarters.
12. Weekend working	1970: 1	Under Art. 95 LC there must be a weekly rest which is normally Friday, Saturday or Sunday. Under the 1973 General Collective Agreement there is a 100% premium for working on the weekly rest day.
13. Limits to overtime working	1970: 1	There is a 60-hour upper limit on weekly working time, LC Art. 93.

14. Duration of the normal working week	1970: 0.13	48 hours: LC Art. 79.
15. Maximum daily working time	1970: 0.4	10 hour minimum rest: LC Art. 89.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.08 1994: 0.33	8 days for non-monthly paid workers until 1994, then one month for all workers: LC Art. 14(2).
17. Legally mandated redundancy compensation	1970: 1	One day for each month of service, up to a 3-month maximum: LC Art. 22.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 1	There is no qualifying period for protection against unjust dismissal.
19. Law imposes procedural constraints on dismissal	1970: 0 1973: 1	The General Collective Agreement of 1973 set out a procedure for dismissals under which an employee had the right to a hearing before a disciplinary council prior to dismissal. This was recognised in the LC from 1994.
20. Law imposes substantive constraints on dismissal	1970: 0 1996: 1	Under the LC 1966, grounds for dismissal were set out, but dismissal by notice was also possible From 1996 the LC, Art. 14(3) requires 'real and serious cause' for dismissal and Art. 14(4) sets out examples of serious misconduct.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	LC Art. 23 provides for compensation as the remedy for dismissal. There is no provision for an unjust dismissal to be treated as a nullity.
22. Notification of dismissal	1970: 0	Prior notice in writing to the employee (Art. 14(3), from 1994), and to the labour inspectorate (Art. 21-12).

	1994: 0.67	
23. Redundancy selection	1970: 0 1973: 1	Under the General Collective Agreement of 1973, Art. 17, and LC Art. 21-9 (from 1996), selection for redundancy is to be on the basis of criteria including merit, family circumstances, and seniority.
24. Priority in re-employment	1970: 1	There is a right of priority in re-employment: Art. 9 LC (1966); Art. 21-13 LC (1994).
D. Employee representation		
25. Right to unionisation	1970: 1	Art. 8 1959 Constitution; Art. 35 2014 Constitution.
26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining.
27. Duty to bargain	1970: 0 2004: 1	Under Art. 6 of the General Collective Agreement of 2004, the employer must accede to a request for a meeting with the union to negotiate a collective agreement.
28. Extension of collective agreements	1970: 1	LC Art. 38.
29. Closed shops	1970: 0	There is no legislation authorising the closed shop.
30. Codetermination: board membership	1970: 0	No provision.
31. Codetermination and information/consultation of workers	1970: 0.75	Under Decree No. 6228 of 1968 on Workers' Representation in Undertakings, provision is made for enterprise committees with extensive consultative and advisory powers.
E. Industrial action		

32. Unofficial industrial action	1970: 0	Art. 387 LC: strikes must comply with conciliation and notice rules. Art. 376(2): the strike must be called by the union.
33. Political industrial action	1970: 0	Strikes must relate to industrial matters: Law on Industrial Associations, Law. No. 59-4.
34. Secondary industrial action	1970: 0.5	There is no specific ban on secondary action but it is implicitly subject to the mandatory conciliation provisions of LC Arts. 376-390.
35. Lockouts	1970: 0.5	Lockouts are regulated in parallel with strikes.
36. Right to industrial action	1970: 0	There is no constitutional right to strike.
37. Waiting period prior to industrial action	1970: 0	10 days' notice: currently Art. 367(2) LC.
38. Peace obligation	1970: 1	There is no peace obligation as such.
39. Compulsory conciliation or arbitration	1970: 0	Pre-strike conciliation is mandatory under Art. 367 et seq. LC.
40. Replacement of striking workers	1970: 1	Participation in a strike which does not comply with the requirement of mandatory conciliation or arbitration is illegal and terminates the contract of employment (Art. 387 LC) but participation in a legal strike is not grounds for dismissal.

Turkey

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.67 2003: 1	The courts generally follow the subordination test and under Law 4857 (2003) tend to regard employee status as mandated if it is met.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 2003: 1	No provision under Law 1475 (1971). Law 4857 (2003), Art. 13, enacts a right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction between part-time and full-time work for this purpose.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 2003: 1	No restrictions under Law 1475. Under Law 4857, FTCs can only be concluded for specified reasons (Art. 11).
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2003: 1	Law 4857, Arts. 5, 12.

6. Maximum duration of fixed-term contracts	1970: 0	There is no maximum duration for FTCs if there is an objective reason for their use (Law 4857, Art. 11).
7. Agency work is prohibited or strictly controlled	1970: 0 2003: 1	Law 4857, Art. 2: agency work can only be undertaken in specified circumstances.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2003: 1	Law 4857: Art. 5 (equal treatment), Art. 2 (liability of principal or user).
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 2003: 0.47	12 days for workers with service of between one and five years, Law 1475; 14 days, Law 4857.
10. Public holiday entitlements	1970: 0	Law 1475 Art. 39 states that provision for whether operations are suspended on public holidays is to be resolved by contract or collective agreement. Thus paid public holidays appear to be optional. Law 2739 (1936) listed 14 public holidays but stated that private enterprises could stay open.
11. Overtime premia	1970: 0.5	Time and a half: Law 1475, Art. 35(c).
12. Weekend working	1970: 0	Law 1475, Art. 38: Saturday work is to be paid at the ordinary rate.
13. Limits to overtime working	1970: 1 2003: 0.13	3 hours per day and 90 a year: Law 1475, Art. 35(a). 270 hours per year: Law 4857, Art. 41.
14. Duration of the normal working	1970 :0.33	45 hours: Law 1475, Art. 61. Also under Law 4857, Art. 63.

week		
15. Maximum daily working time	1970: 0.6 2003: 0.7	Art. 61, Law 1475: effective 12 hour limit. Art. 63, Law 4857: effective 11 hour limit.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.67	8 weeks where employment is 3 years or more: Law 1475, Art. 13(c). Also, Art. 17(d) Law 4857.
17. Legally mandated redundancy compensation	1970: 1	30 days per year of service: Law 1475, Art. 14.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.97 2003: 0.95	One month probation, or up to 3 months by collective agreement: Law 1475, Art. 12. Law 4857, Art. 15: 2 months, extendable to 4 by collective agreement.
19. Law imposes procedural constraints on dismissal	1970: 0 2003: 0.67	Law 4857 Art. 19: requirement of written notice to the employee and an opportunity for the employee to defend against the charge of misconduct.
20. Law imposes substantive constraints on dismissal	1970: 0.67 2003: 0.5	Art. 17 Law 1475: sets out grounds for dismissal. Art 19, law 4857: requirement of valid reason for dismissal.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 2003: 0.67	Law 1475, Art. 13: right to compensation. Law 4857, Art. 21: reinstatement preferred remedy but compensation available if the employer refuses to re-engage.
22. Notification of dismissal	1970: 0 2003: 0.33	Written notice to the employee: Law 4857, Art. 19.

23. Redundancy selection	1970: 0	No law mandating a redundancy selection procedure.
24. Priority in re-employment	1970: 1 2003: 0	Law 1475, Art. 24. No provision on priority in Law 4857.
D. Employee representation		
25. Right to unionisation	1970: 1	1961 Constitution, Arts. 29, 46. Similar provisions in 1982 Constitution.
26. Right to collective bargaining	1970: 1	1961 Constitution, Art. 47. 1982 Constitution, Art. 53.
27. Duty to bargain	1970: 1	Law 275, 1963, Art. 9. Law 2882 1983, Art. 21.
28. Extension of collective agreements	1970 :1	Law 275, Art. 8. Law 2882, Art. 11.
29. Closed shops	1970: 0	Law 274, 1963, Arts. 5, 19, and Trade Union Act 1982, Arts. 22 and 25, provide that trade union membership should be voluntary.
30. Codetermination: board membership	1970: 0	No law mandating employee participation at board level.
31. Codetermination and information/consultation of workers	1970: 0.5	There is no general provision for works councils but specific laws provide for worker representation for the purposes of paid leave and health and safety issues (Law 1475, Art. 76; Annual Paid Leave Act 1972; Regulation of Occupational Health and Safety Committees 2004, Art. 5).
E. Industrial action		
32. Unofficial industrial action	1970: 0	The right to call a strike vests in the trade union or worker organisation involved in the

		dispute. Provision is made for conciliation and for strike ballots. Thus unofficial strikes are effectively unlawful. Law 275, 1963, Arts. 19(2), 23; Law 2882, 1983, Art. 27.
33. Political industrial action	1970: 0	Law 275, 1963, defines strike action in terms of defence of workers' interests vis-à-vis their employer. Law 2882, 1983, Art. 25, states that political strikes are unlawful.
34. Secondary industrial action	1970: 0	Law 2882, 1983, Art. 25; similar provisions in Law 277.
35. Lockouts	1970: 0.33 1983: 0.5	Law 275, Art. 19: a lockout is lawful not just where it is 'defensive' to initiate changes to working conditions. Law 2882, Art. 26: lockout is lawful after a strike has been called, in parallel with provision governing the legality of strikes.
36. Right to industrial action	1970: 1	The constitution guarantees a right to strike subject to restrictions to be set by law. 1961 Constitution, Art. 47; 1982 Constitution, Art. 54.
37. Waiting period prior to industrial action	1970: 0	Notice of 6 working days required: Law 275, 1963, Art. 23; Law 2882, 1983, Art. 27.
38. Peace obligation	1970: 0 1983: 1	Law 275, 1962: a strike called during the term of a collective agreement is unlawful. Law 2882, 1983: a non-strike or no-lockout clause in a collective agreement is void.
39. Compulsory conciliation or arbitration	1970: 0	Law 275, 1963, Art. 14-16, 19, and Law 2882, 1983, Art. 27: compulsory mediation and conciliation.
40. Replacement of striking workers	1970: 1	Law 275, 1983, Art. 27, and Law 2882, 1983, Art. 42: dismissal unlawful for participation in a lawful strike. Law 275, 1963, Art. 27, and Law 2882, 1983, Art 43: prohibition on hiring of replacements during a strike.

Uganda

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The employment relationship is defined according to the English law approach of referring to the concept of the contract of service in general terms (Uganda Employment (Amendment) Ordinance 1955, s. 2(b); Employment Decree 4 of 1975; Labour Act 2006).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	There is an anti-discrimination clause (LA 2006 s. 6) but it does not refer to contract type and some benefits do not apply to employee working less than 16 hours per week (sick pay: LA s. 55(4); continuity of employment: s. 83(3)).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1 2006: 0.5	There was no distinction under the pre-2006 law. Under LA 2006, s. 83(3), weeks involving work for less than 16 hours do not count towards continuity of employment.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	FTCs are referred to in the definition of termination of employment (s. 65 LA) and certain categories of task and casual work are subject to specific regulation (2011 Employment Regulations) but there is no restriction on the use of FTCs as such.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	There is no right to equal treatment by reference to contract type.

6. Maximum duration of fixed-term contracts	1970: 0	There is no statutory limit.
7. Agency work is prohibited or strictly controlled	1970: 0	There are regulations (Regulation No. 62, 2005) governing agencies which recruit or post Ugandan workers to employment in other countries but otherwise agency work is not regulated.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no right to equal treatment by reference to contract type.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.13 1975: 0.15 2006: 0.7	One week (Employment Ordinance 1946, s. 19(1)(a)); one and half working days for each year of service (Employment Decree 4 of 1975, s. 42(1)); 7 days for each 4 months of service per year.
10. Public holiday entitlements	1970: 0.72	13 days: Public Holidays Act 1965.
11. Overtime premia	1970: 0 2006: 0.5	Time and a half: LA 2006, s. 53(8).
12. Weekend working	1970: 1	There is a right to weekly rest on a day set by custom or agreement: currently LA 2006, s. 51.
13. Limits to overtime working	1970: 1 2006: 0.8	10 hours per day: ED 1975. 10 hours per day or 56 per week, 3-week reference period, but only day a week in excess of 10 hours: LA 2006, s. 53(4)-(5).
14. Duration of the normal working	1970: 0.13	48 hours: ED 1975, s. 38(1); LA 2006, s. 23(1).

week		
15. Maximum daily working time	1970: 0.8	9 hours in industry, 10 in other employment: ED 1975 s. 38(2).
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.17 2006: 0.33	15 days (ED 1975, s. 24(2)(c)); one month (LA 2006 s. 58(2)(b)).
17. Legally mandated redundancy compensation	1970: 0	A severance allowance, at a level to be negotiated collectively, is available in a number of situations including employer insolvency, but not for general economic dismissals.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 2006: 0.67	13 weeks' qualifying period, LA 2006, s. 71(1); up to a year's probation period, s. 67. Prior to 2006 the common law rule of employment at will applied.
19. Law imposes procedural constraints on dismissal	1970: 0 2006: 1	LA 2006 s. 66 requires notification and a hearing prior to a termination, and provides for a right of representation. If the employer fails to comply with these rules it must pay 4 weeks' wage to the employee regardless of whether the dismissal is otherwise fair. Procedural compliance is also relevant to fairness under s. 73(2)(b).
20. Law imposes substantive constraints on dismissal	1970: 0 2006: 0.5	There is a general unfairness test under LA 2006 s. 73, as part of which the capability an conduct of the employee are relevant factors.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 2006: 0.33	LA 2006 s. 71 provides for both reinstatement and compensation; the employer can avoid reinstatement on the grounds of practicability.
22. Notification of dismissal	1970: 0	Written reasons to the employee: LA 2006 s. 61(1)(f).

	2006: 0.33	
23. Redundancy selection	1970: 0	No statutory rules.
24. Priority in re-employment	1970: 0	No statutory rules.
D. Employee representation		
25. Right to unionisation	1970: 0.33 1995: 1	Art. 18 1967 Constitution: general right to associate and assemble. Arts. 29(e), 40(3)(a); right to form and join trade unions.
26. Right to collective bargaining	1970: 0 1995: 1	Art. 40(3)(b) 1995 Constitution.
27. Duty to bargain	1970: 0 1976: 1	Obligation to bargain with a union representing a majority of workers: Trade Union Act 1976, s. 17(1); Trade Union Act 2006, s. 24(d)-(e).
28. Extension of collective agreements	1970: 0	No provision.
29. Closed shops	1970: 0	The right not to be coerced to join a union is protected: TUA 1976, s. 54; TUA 2006, S. 4(a)-(b).
30. Codetermination: board membership	1970: 0	No provision
31. Codetermination and information/consultation of workers	1970: 0	No provision.

E. Industrial action		
32. Unofficial industrial action	1970: 1	Under the Trade Disputes (Arbitration and Settlement) Act 1969, s. 2, there is provision for extensive pre-strike procedures, but these do not distinguish between official and unofficial industrial action.
33. Political industrial action	1970: 0	The definition of a labour dispute in TUA 2006 does not cover political strikes.
34. Secondary industrial action	1970: 1	The definition of labour dispute in the TUA 2006 covers aid to employees of other employers.
35. Lockouts	1970: 0.5	Lockouts are regulated in parallel to strikes: TD(AS)A 1969, s. 17.
36. Right to industrial action	1970: 0 1995: 1	Art. 40(3)(c) 1995 Constitution.
37. Waiting period prior to industrial action	1970: 0	All trade disputes must be reported to the Minister prior to conciliation and arbitration: TD(AS)A 1969, s. 2.
38. Peace obligation	1970: 0.5	A trade dispute may not be reported to the Minister while an award is in place: TD(AS)A 1969, s. 9.
39. Compulsory conciliation or arbitration	1970: 0	All trade disputes must be reported to the Minister who may initiate conciliation and arbitration. A strike or lockout may not proceed until these procedures are exhausted.
40. Replacement of striking workers	1970: 0 2006: 1	LA 2006, s. 76(1)-(2): participation in a lawful strike not a fair ground for dismissal. TUA 2006 s. 4(c): such dismissals prohibited.

Ukraine

Ukraine is dated from the year of its independence, 1991.

Variable	Score	Explanation
A. Different employment forms		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1991: 0.75	Ukrainian SSR LC 1971, Art. 21: The employment contract is an agreement between the employee and the owner of the enterprise, institution, organization or authorized body, at which the employee agrees to perform the work specified in this agreement, with liability to internal labour regulations, and the owner of the company, institution, organization or authorized body committed to undertake to pay employee wages and provide working conditions necessary to perform the work stipulated by labour legislation, collective agreement and agreement. The employee is entitled to sell their skills to productive and creative work by an employment contract in one or simultaneously on multiple enterprises, institutions, organizations, unless otherwise provided by law, collective agreement or agreement between the parties. A special form of employment contract is a contract in which the period of its validity, rights, duties and responsibilities of the parties (including financial) provided material support and organization of work of the employee, termination of the contract conditions, including pre-term, may be established by agreement.
2. Part-time workers have the right to equal treatment with full-time workers	1991: 1	Ukrainian SSR LC 1971, Art. 56: part-time workers are to be paid in proportion to hours worked or productivity. Part-time work must not result in limitations on annual leave, or calculation of seniority and other employment rights. Also, Art. 2-1: general equality clause.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1991: 1	Ukrainian SSR LC 1971, Art. 56: employment rights are not to be restricted on the basis of part-time work.

4. Fixed-term contracts are allowed only for work of limited duration	1991: 0 1995: 1	Ukrainian SSR LC 1971, Art. 23: FTCs may be used with the agreement of both parties. 1995 amendment, Art. 23: FTCs can only be used where the work is not of a permanent nature, when it in the interests of the employee, and where the LC permits.
5. Fixed-term workers have the right to equal treatment with permanent workers	1991: 0.25	SSR LC 1971, (1991 amendment) Art. 2-1: general equality clause.
6. Maximum duration of fixed-term contracts	1991: 0	No maximum cumulative duration.
7. Agency work is prohibited or strictly controlled	1991: 0	No restrictions on when agency work can be used.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1991: 0	Equality clause redundant without dual liability.
B. Regulation of working time		
9. Annual leave entitlements	1991: 0.5 1998: 0.8	Ukrainian SSR LC 1971, Art. 75: 15 days' annual leave. 1998 amendment: 24 days.
10. Public holiday entitlements	1991: 0.5 1996: 0.56 2000: 0.44	Ukrainian SSR LC 1971, Art. 73: 9 public holidays. 1996 amendment: addition of a public holiday. 2000: October Revolution (celebrated over two days) is no longer treated as a public holiday. 2015: addition of one public holiday.
11. Overtime premia	1991: 0.75	Ukrainian SSR LC 1971, Art. 106: 50% premium for first two hours and double

	1996: 1	remuneration thereafter. 1996 amendment: double remuneration for overtime.
12. Weekend working	1991: 1	Ukrainian SSR LC 1971, Art. 72: double remuneration for work done on the weekly day off (in principle Sunday).
13. Limits to overtime working	1991: 1	Ukrainean SSR LC 1971, Art. 65: 4 hours in two consecutive days and 120 hours in a year.
14. Duration of the normal working week	1991: 0.6 1993: 0.67	Ukrainean SSR LC 1971, Art. 50: 41 hours. 1993 amendment: 40 hours.
15. Maximum daily working time	1991: 0.6	Ukrainian SSR LC 1971: 12 hours (daily maximum of 8 plus 4 overtime).
C. Regulation of dismissal		
16. Legally mandated notice period (all dismissals)	1991: 0.67	Ukrainian SSR LC 1971, Art. 49-2: two months.
17. Legally mandated redundancy compensation	1991: 0.33	Ukrainian SSR LC 1971, Art. 44: one month of severance pay.
18. Minimum qualifying period of service for normal case of unjust dismissal	1991: 0.9 2001: 0.83	Ukrainian SSR LC 1971, Art. 27: probation period can only be up to one month. 2001 amendment: probation periods can extend up to six months.
19. Law imposes procedural constraints on dismissal	1991: 0.67	Ukrainian SSR LC 1971, Art. 149: before disciplinary measures (including dismissal) could be imposed, the employee must have had a chance to be heard. Dismissal could be considered unfair if the proper procedure was not followed.

20. Law imposes substantive constraints on dismissal	1991: 0.67	Ukrainian SSR LC 1971, Art. 40: dismissals can be on economic, disciplinary (as specified in the LC) and capacity grounds. (Although economic dismissals are only possible when the employee cannot be transferred elsewhere or re-trained.)
21. Reinstatement normal remedy for unfair dismissal	1991: 1	Ukrainian SSR LC 1971, Art. 235: reinstatement is the normal remedy for dismissal.
22. Notification of dismissal	1991: 1 1992: 0.75	Ukrainian SSR LC 1971, Art. 43: employers may not dismiss employees without the permission of the trade union committee. Employees also had work books which would contain the reason for their dismissal, and this book would be given to them on discharge. 1992 amendments: provides for some dismissals where permission from the trade union is not required (liquidation of the enterprise, failure in probation period, employee is not a member of a trade union that is active in the enterprise, or if there is no trade union at the enterprise).
23. Redundancy selection	1991: 1	Ukrainian SSR LC 1971, Art. 42: provided for redundancy selection criteria.
24. Priority in re-employment	1991: 0 1995: 1	No priority in re-employment until 1995 amendment, Art. 42-1: pre-emptive right to employment after being dismissed for economic reasons.
D. Employee representation		
25. Right to unionisation	1991: 0.33 1996: 1	1978 Ukrainian SSR Constitution (as amended), Art. 16: right to associate. 1996 Constitution, Art. 36: right to form or join trade unions.
26. Right to collective bargaining	1991: 0	1978 Ukrainian SSR Constitution (as amended) and 1996 Constitution: no right to collectively bargain.
27. Duty to bargain	1991: 1	1990 USSR Law on Trade Unions (LTU), Art. 9: trade unions have the right to conclude collective agreements and the management (employer) shall be required to conduct negotiations. Law on Collective Agreements 1993, Art. 17: provides for penal measures

		for employers refusing to negotiate. LTU 1999, Art. 20: employers are required to conclude collective agreements.
28. Extension of collective agreements	1991: 0	No extension procedure.
29. Closed shops	1991: 0	USSR LTU 1990, Art. 2: right to freedom of association. Law on Trade Unions 1998, Art. 5: prohibits discrimination in the conclusion or execution of contracts on the grounds of trade union membership. Art. 7: freedom to join or not join trade unions.
30. Codetermination: board membership	1991: 0	No provision for board membership.
31. Codetermination and information/consultation of workers	1991: 0.67	Ukrainian SSR LC 1971, Art. 247: the works or trade union committee had extensive information and consultation rights. They would (i) make decisions with management concerning the use to be made of various funds (e.g. for incentives, housing, bonuses, and etc.); (ii) hear reports from the management on the production plan, adherence to collective agreements, steps taken to organise and improve working conditions and welfare facilities for the workers; (iii) demand the elimination of shortcomings and defects; (iv) organise Socialist competitions and evaluate the results; (v) ensure that approved inventions and rationalisation projects are used; (vi) participate in solving problems concerning work and wages; (vii) supervise management's OHS and other LC obligations; (viii) investigate complaints arising out of decisions of the Management; (ix) oversee social security and pension plans and payments; (x) monitor healthcare of employees; (xi) advise on promotions. The work collective council also has conferred extensive information and consultation rights.
E. Industrial action		
32. Unofficial industrial action	1991: 0	USSR Collective Labour Conflicts Law (CLCL) 1989, Art. 7: two-thirds of persons at a meeting or conference of a work collective must vote in favour of strike action. Maintained in Law on Collective Labour Disputes (LCLD) 1998, Art. 19.

33. Political industrial action	1991: 0	USSR LTU 1990: trade unions must be independent of any political organisations. Maintained in LTU 1999, Art. 12.
34. Secondary industrial action	1991: 0	There are no express prohibitions on solidarity strike action but it was regarded as unlawful under Soviet law and continues to be subject to conciliation requirements.
35. Lockouts	1991: 1	No provisions for lawful lock-outs.
36. Right to industrial action	1991: 0 1996: 1	1978 SSR Constitution (as amended): no right to strike. 1996 Constitution, Art. 44: right to strike.
37. Waiting period prior to industrial action	1991: 0	USSR CLCL 1989, Art. 7: 5 days' notice of the strike action is required. LCLD 1998, Art. 19: 7 days' notice is required.
38. Peace obligation	1991: 1	No peace obligation
39. Compulsory conciliation or arbitration	1991: 0	USSR CLCL 1989, Art. 6: only when conciliation and arbitration have failed may a strike be resorted to; strikes are a measure of last resort. Maintained in LCLD 1998, Art. 18.
40. Replacement of striking workers	1991: 1	USSR CLCL 1989, Art. 13: workers taking part in a strike that is not prohibited shall not lose their job or post. LCLD 1998, Art. 27: Participation in (lawful) strike action is not considered a violation of labour discipline and cannot be grounds for imposing disciplinary liability.

United Arab Emirates

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1980: 0.75	Federal Law (FL) No. 8 1980, Art. 1: 'Employee' is defined as 'any male or female person receiving remuneration of any kind for work which he or she performs in the service of an employer and under the latter's management or control, even if he or she is out of the employer's sight'. Employment contract is 'any agreement, whether for a limit or an unlimited period, between an employer and an employee, whereby the latter undertakes to work in the employer's service and under his management and control, in return for remuneration payable by the employer.' The law (rather than the parties) determines the status of employees and there are few other relevant categories. Certain categories are excluded from the Act: officials, employees/workers of the Federal Government; members of the armed forces; domestic servants; agricultural workers. (Art. 3).
2. Part-time workers have the right to equal treatment with full-time workers	1980: 0 2010: 0.33	Cabinet Resolution No. 25 (2010): establishment of a new form of work permit for part-time work. Ministerial Resolution (MR) No. (118) of 2010: limitation of who may get this type of permit. It states that the employee shall be entitled to benefits as per the labour law as if they were employed on a full time basis and that the permits will not be renewed once they have expired (a new application will have to be made). No express provision that rights of part-time workers must be equal/proportional to their full-time counterparts.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1980: 0 2010: 1	MR 118/2010: part-time employees are entitled to benefits as per the labour law as if they were employed on a full time basis.
4. Fixed-term contracts are allowed only for work of limited duration	1980: 1	FL 1980, Art 1: temporary work is defined as work which *by its nature* needs to be completed or executed within a specific period of time. Art .39: temporary contracts will

		be deemed indefinite where they have remained in force despite the completion of the work agreed to.
5. Fixed-term workers have the right to equal treatment with permanent workers	1980: 0	FL 1980, Art. 3(g): the law does not apply to temporary contracts of fewer than 6 months. Otherwise fixed term workers are covered by the same rules as permanent workers. No express right to equal treatment.
6. Maximum duration of fixed-term contracts	1980: 0	FL 1980, Art. 38: maximum of 4 years but permits one or more renewals. Where renewals are not express, the contract is deemed to be permanent. No clear maximum cumulative duration.
7. Agency work is prohibited or strictly controlled	1980: 0.5 2002: 1	FL 1980, Art. 17: requires licensing for agencies supplying non-nationals. Licenses granted only if 'necessary' and not if there is an authority already operating in the area. Licenses last one year. Art. 18 prohibits charging of fees. Ministerial Decision No. 496 of 2002: Art. 3: no one may engage in the subcontracting/renting of labour.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1980: 0.67 2002: 1	FL 1980, Art. 18: persons supplied by an employment agent or supplier of labour shall immediately upon entering employment, be regarded as employees of that employer and shall have all the rights of the employees of the establishment in which they are employed. Relations between them and the employer are to be direct and without any intervention on the part of the employment agent whose relationships with them shall cease as soon as they are presented to the employer. Note that there is no express requirement of equal treatment between them and directly employed employees.
B. Regulation of working time		
9. Annual leave entitlements	1980: 1	FL 1980, Art. 75: 24 days for 6-12 months' service. 30 days for employees with 1or more years' service. 1986 Amendment, Art 77: public holidays occurring during annual leave will be included in the annual leave.
10. Public holiday entitlements	1980: 0.56	FL 1980, Art. 74: 10 days.

11. Overtime premia	1980: 0.25	FL 1980, Art. 67: 25%
12. Weekend working	1980: 0.5	FL 1980, Art. 70: Friday is the weekly rest day and work on this day shall attract a 50% premium.
13. Limits to overtime working	1980: 1	FL 1980, Art. 69: the number of actual overtime hours shall not exceed two per day, unless work is necessary to prevent the occurrence of substantial loss or a serious accident or to eliminate or alleviate its consequences.
14. Duration of the normal working week	1980: 0.13	FL 1980, Art. 65: 48 hours is the duration of the normal working week.
15. Maximum daily working time	1980: 0.7	FL 1980, Arts. 65 and 69: 8 hours per day (9 in certain professions) and two hours overtime: 11 hours maximum.
C. Regulation of dismissal		
16. Legally mandated notice period	1980: 0.33	FL 1980, Art. 117: termination requires 30 days' notice. Shorter periods of notice for employees engaged on a daily basis: (a) one week for fewer than 6 months; (b) two weeks for 1-5 years; (c) 30 days for 5 or more years.
17. Legally mandated redundancy compensation	1980: 0.88	FL 1980, Art. 132: severance pay equal to 21 days per year for each year of service up to 3 years; 28 days per year for the next 3 years; and 35 days per year (but not exceeding 2 years' worth of wages). 1986 Amendment: 21 days' severance pay per year of service for the first 5 years, and 30 days' wages for each year thereafter. The total may not exceed two years' wages.
18. Minimum qualifying period of service for normal case of unjust dismissal	1980: 0.92 1986: 0.83	FL 1980, Art. 37: maximum of 3 months' probation. 1986 Amendment permits 6 month probationary period. Employment may be terminated without notice during this period.
19. Law imposes procedural constraints on dismissal	1980: 0.67	FL 1980, Art. 110: no disciplinary penalty (including dismissal) may be imposed on an employee until after he or she has been notified in writing of the charge, their statements

		have been heard, they have been allowed to defend themselves and this has been entered in a report placed in the personal file. The penalty shall be entered only at the end of this report. Arbitrary dismissal appears to relate only to the reason for which it occurred – but failure to follow this procedure is likely to prevent the employer from being able to show that the dismissal was related to work. Ministerial Decision No. 176 of 2009: unlawful to dismiss a UAE national. where: (i) not a summary dismissal reason in Art. 120; (ii) a non-national has taken the role of the dismissed national; (iii) the employer failed to notify the Ministry of Labour 30 days before the date of dismissal, or failed to follow any MoL instructions relating to the notice of dismissal; (iv) if all retirement and end of service entitlements, as specified in the Labour Law have not been paid.
20. Law imposes substantive constraints on dismissal	1980: 0.33	FL 1980, Art. 117: termination with notice permitted for 'valid' reason. Art. 120 lists permissible reasons for summary dismissals (gross misconduct). 'Valid' reasons are determined by the Courts.
21. Reinstatement normal remedy for unfair dismissal	1980: 0.33	FL 1980, Art. 123: the Court may order compensation in the event of arbitrary dismissal.
22. Notification of dismissal	1980: 0.33 2009: 0.67	FL 1980, Art. 117: reasons must be given in writing. Ministerial Decision No. 176 of 2009: employers must notify the MoL 30 days before the dismissal of a UAE national.
23. Redundancy selection	1980: 0	No general provisions. However, since – MD 179/2009: dismissal of a national is not permitted if it is proven that the employer retains a non-UAE national who is performing work similar to that performed by the dismissed UAE
24. Priority in re-employment	1980: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1980: 0.33	Constitution of 1976 Article 33 protects freedom of association

26. Right to collective bargaining	1980: 0	No constitutional provision.
27. Duty to bargain	1980: 0	No duty to bargain.
28. Extension of collective agreements	1980: 0	None.
29. Closed shops	1980: 0	While there is no legislation prohibiting or permitting closed shops, there are no unions, so a score of 1 would be inappropriate .
30. Codetermination: board membership	1980: 0	No co-determination rights or board membership.
31. Codetermination and information/consultation of workers	1980: 0	No works councils or information and consultation.
E. Industrial action		
32. Unofficial industrial action	1980: 0	FL, Art. 112: describes strike action as an office; it is prohibited.
33. Political industrial action	1980: 0	FL, Art. 112: describes strike action as an office; it is prohibited.
34. Secondary industrial action	1980: 0	FL, Art. 112: describes strike action as an office; it is prohibited.
35. Lockouts	1980: 1	There is no provision for lockouts and they are considered to be unlawful (along with strike action).
36. Right to industrial action	1980: 0	There is no right to industrial action in the Constitution. Strike action is banned by legislation too.
37. Waiting period prior to industrial action	1980: 0	Strike action is not permitted under any circumstances.
38. Peace obligation	1980: 0	Strikes are not permitted irrespective of the existence of collective agreements (which

		are not provided for in legislation).
39. Compulsory conciliation or arbitration	1980: 0	Any disputes must be referred to conciliation and arbitration. Strikes are not permitted even after that.
40. Replacement of striking workers	1980: 0	FL, Art. 112: Strike action is an offence and employees may be temporarily suspended as a disciplinary measure if they take part in strike action.

United Kingdom

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5 2013: 0.33	The English courts do not allow the parties to choose the form of the employment relationship at will, but nor does employee status inevitably follow from the presence of indicia based on control, integration, etc. In practice the terms of the contract will determine to a large degree the classification of the employment relationship. This has been particularly the case since the early 1980s but at no point in the period in question has the English approach to classification been comparable in terms of its strictness to that in France or Germany. From 2013 employees may formally contract out of certain employment protection rights in return for shares in the employing company (the 'employee shareholder' concept).
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0 1986: 0.5 2000: 1	There was no requirement of equal treatment of part-time workers in respect of either statutory or non-statutory benefits until the implementation of the Part-Time Work Directive in 2000 (SI 2000/1551). That measure is complex but it is broadly protective of the rights of part-time workers. Sex discrimination law has recognised the rights of part-time workers (the large majority of whom are women) since decisions of the ECJ in the 1980s (in particular *Bilka-Kauhfaus* v. *Weber von Hartz*, 1986).
3. Part-time workers have equal or	1970: 0.25	From the enactment of the first employment protection laws in the 1960s, there were

proportionate dismissal rights to full-time workers	1977: 0.5 1995: 1	hours thresholds which excluded part-time workers. These were set at 21 hours from 1963 to 1977 (various legislation including Contracts of Employment Acts 1963 and 1973) and at 16 hours from 1977 (Employment Protection Act 1975) to 1995 when the thresholds were abolished (SI 1995/331).
4. Fixed-term contracts are allowed only for work of limited duration.	1970: 0 1972: 0.2 1980: 0.1 2002: 0.5 2006: 1	UK labour law traditionally imposed no requirement for a justifying factor for the adoption of a fixed-term employment contract. From 1972, with the enactment of unfair dismissal legislation (Industrial Relations Act 1971), non-renewal of a fixed-term contract was deemed to be a dismissal. This imposed what was in effect a restriction on the use of fixed-term contracts without justification of the kind which might be used to explain non-renewal. Since, however, this statutory protection could be waived for contracts over 2 years (reduced to one year in 1980: Employment Act 1980) the protection was very weak. Account must also be taken of the relatively wide leeway given to employers in relation to issues of the 'fairness' of dismissal throughout this period. Legislation implementing the Fixed-Term Employment Directive, 99/70/EC (SI 2002/2034) removed the 'waiver' rules for fixed-term contracts, with effect from 2002. In addition, a fixed-term contract was deemed to be 'permanent' after four years of employment if no objective justification was offered for limiting the term. This provision effectively came into force only in 2006.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0 2002: 1	A right to equal treatment for fixed-term contract employees was introduced in 2002 as part of the process of implementing Directive 99/70/EC.
6. Maximum duration of fixed-term contracts	1970: 0 2006: 0.6	Under SI 2002/2034, coming into force on this point in 2006, there was a four-year time limit on the renewal of fixed-term contracts, as beyond that point the contract was deemed to be permanent unless there was a continuing justification for using a fixed-term contract. Prior to that point, there was no formal limit on the number of renewals of fixed-term contracts or on their cumulative duration. The four-year period can be extended by collective or workforce agreement.

7. Agency work is prohibited or strictly controlled	1970: 0	There are no substantive restraints on the use of agency labour in the UK (other than in the case of replacement of striking workers) and no justification needs to be given for the use of agency workers.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 2011: 0.75	Until 2010 there was no right of equal treatment with permanent workers of the user. Agency workers do not normally have a contract of employment with the user and their contract with the agency is normally one of self-employment, placing them outside any protection which might have been offered by the Fixed-Term Employment Regulations 2002 (which only apply to employees). From 2011: Agency Work Regulations enacted a limited right to equal treatment which is subject to a qualifying period.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5 1980: 0 1998: 0.5 1999: 0.67 2009: 0.93	There was no legislation in the UK on paid leave or paid holidays until legislation brought the EC Working Time Directive (93/104/EC) into effect in 1998 (SI 1998/1833). However, prior to 1980, national collective agreements provided an effective floor of rights in manufacturing and elsewhere, since they could be extended to cover non-federated employers using fair labour standards laws of various kinds. Since national collective agreements covered both leave and holiday rights, these entitlements can be seen as having a near-mandatory force. See Deakin and Morris, *Labour Law*, 5th. ed., 2005, paras. 4.71 et seq. From the early 1970s a norm of 3 weeks of paid leave (15 working days) and 8 paid holidays was widely observed. In the early 1980s a 4 week period of paid leave (20 working days) became the norm. However, from 1980 onwards, fair labour standards laws were weakened, with the result that minimum entitlements to leave and holiday rights no longer had the near-mandatory force they had once had. Schedule 11 of the Employment Protection Act 1975 was repealed with effect from 1980 (this was the most important change) and the Fair Wages Resolution 1946 (affecting public sector contracts) with effect from 1983. The Working Time Regulations 1998 provided initially for a 3 week period of statutory paid leave, rising to 4 weeks from 1999 and 28 days from 2009. Note however that this period of mandatory 'leave' includes 'holidays', so there is some difficulty in distinguishing between 'leave with

		pay' and 'paid holidays' from this point onwards.
10. Public holiday entitlements	1970: 0.44 1980: 0	8 days of paid holidays were the norm which was widely observed and in effect mandatory under the terms of collective agreements up to 1980 (see previous row). From 1982 to 1998 there was no provision for mandatory paid holidays. From 1998 provision was made for annual leave but no separate provision was made for paid holidays in law or (effectively) collective bargaining.
11. Overtime premia	1970: 0.5 1980: 0	The UK has no law mandating the payment of overtime premia. Prior to 1980, a near-mandatory legal force applied to the rules of national collective agreements which set down premia, normally time and a half, to be paid for overtime hours. (Source: Deakin and Morris, *Labour Law*, ch. 4.)
12. Weekend working	1970: 0.5 1982: 0	Some collective agreements, effectively mandatory before 1982, provided for time and a half or (less usually) double time for weekend work, but this was not a universal rule. (Source: Deakin and Morris, *Labour Law*, ch. 4.)
13. Limits to overtime working	1970: 0	The Factories Act 1960, consolidating and re-enacting earlier laws, imposed overtime limits for the employment of women and young persons in manufacturing. The limits were (in essence) 6 hours a week, 100 hours a year. The limits were repealed for women in 1986 (Sex Discrimination Act 1986) and for young persons in 1989 (Employment Act 1989). At no point did statutory limits apply to male, adult workers. The Working Time Regulations 1998 set a maximum working week of 48 hours which is subject to a number of derogations, including the possibility of an individual waiver, which is widely used. Thus it is on balance accurate to say that there were no substantive limits on overtime working in the UK throughout this period.
14. Duration of the normal working week	1970: 0.67 1979: 0.73 1980: 0	There is no law setting a 'normal' working week in the UK. Between 1960 (Factories Act 1960) a normal week of 48 hours was set for women and young persons in manufacturing but this did not apply to male, adult workers. The normal working week set by national collective agreement was 40 hours from 1965 and 39 from 1979 (Deakin and Morris, *Labour Law*, 5th ed., 2005, at para. 4.72). This ceased to have effect with the

		abolition of laws extending collective agreements to non-federated employers with effect from 1980. The Working Time Regulations 1998 do not set a normal working week; they impose an upper limit of 48 hours inclusive of overtime, which is subject to various derogations. Thus is doubtful that the concept of a normal working week has had any legal force in the UK since 1982.
15. Maximum daily working time.	1970: 0 1998: 0.6	The Working Time Regulations 1998 set a norm of 11 hours consecutive rest in every 24 hours, and rest breaks of at least 20 minutes every 6 hours. These are subject to various derogations.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.19 1977: 0.25	A 2-week norm was in effect between 1970 and 1975 (Contracts of Employment Act 1963); from 1975 (Employment Protection Act 1975) the period was 3 weeks.
17. Legally mandated redundancy compensation	1970: 0.25	The normal rule throughout this period (Redundancy Payments Act 1965 and successor statutes) is that redundancy payments were calculated on the basis of 1 week's employment for each year worked between the ages of 22 and 41 (1.5 week for years over age of 41, and 0.5 weeks for years worked between 18 and 22). This is subject to a statutory ceiling.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 1972: 0.33 1974: 0.67 1975: 0.83 1979: 0.67	The qualifying period for general unfair dismissal protection was two years between 1972 and 1974 (Industrial Relations Act 1971); one year from 1974 to 1975 (Trade Union and Labour Relations Act 1974); six months between 1975 and 1979 (Employment Protection Act 1975); one year between 1979 and 1985 ('July orders', 1979); two years between 1985 and 1999 (SI 1985); one year again from 1999 (Employment Relations Act 1999); and two years from 2012.

	1985: 0.33 1999: 0.67 2012: 0.33	
19. Law imposes procedural constraints on dismissal	1970: 0 1972: 0.33 1987: 0.67 2004: 0.33	The general rule of UK unfair dismissal law is that a dismissal is likely to be unfair if the employer fails to adhere to procedural standards but is not inevitably so. Up to 1987 the employer could avoid a finding of unfair dismissal by showing that the lack of due process would have made no difference to the outcome because the dismissal was substantively fair. In 1987 that rule was reversed by decision of the House of Lords (*Polkey* v. *A.E. Dayton Services Ltd.*). With effect from 2004 the *Polkey* decision was reversed by statute (Employment Act 2002) but only if the employer could show that it had complied with a minimal obligation to hold a hearing prior to dismissal. This latter requirement is substantially below the threshold of procedural fairness which generally applies to unfair dismissal law. Employment Act 2008: formal restoration of *Polkey* but compensation not available if failure to follow procedure would have made no difference.
20. Law imposes substantive constraints on dismissal	1970: 0 1972: 0.5	UK unfair dismissal law (now contained in Employment Rights Act 1996) sets out a range of 'potentially fair' reasons for dismissal which include lack of capability, misconduct, lack of qualifications, redundancy, statutory bar, and a residual category (some other substantial reason of a kind to justify the dismissal). The existence of the residual category is important in diluting the protection of employees, suggesting a coding between the middle two categories set out in the template.
21. Reinstatement normal remedy for unfair dismissal	1970: 0 1972: 0.33	Reinstatement is stated to be the 'principal' remedy for unfair dismissal (Employment Rights Act 1996) but this rule is qualified by many significant restrictions on the powers of tribunals to award reinstatement. In practice reinstatement is very rarely awarded. There are also only very limited powers to order the interim reinstatement of an applicant pending the full hearing of the claim.

22. Notification of dismissal	1970: 0 1972: 0.33 1976: 0.67	The normal rule since the inception of the unfair dismissal jurisdiction in 1971 (see now Employment Rights Act 1996) is that the employee must be given written reasons in writing. From 1975 there is a right to information and consultation in the event of collective redundancies.
23. Redundancy selection	1970: 0 1974: 1	Dismissal in breach of a 'customary' selection procedure such as 'last in, first out' was automatically unfair between 1975 (Trade Union and Labour Relations Act 1974) and 1989 (Employment Act 1989). After 1989, the employer continued to be under a duty, under general unfair dismissal law, to have regard to priority rules governing selection for redundancy.
24. Priority in re-employment	1970: 0	There is no rule of priority re-employment in UK labour law.
D. Employee representation		
25. Right to unionisation	1970: 0.67	The United Kingdom does not have a codified constitution. It has however clearly been public policy since the late nineteenth century to allow the formation of trade unions, and, for most of the twentieth century, to encourage their formation. The UK ratified the ILO's core conventions on freedom of association in the post-war years and was also a signatory to the European Convention on Human Rights which refers to the right of freedom of association in this context. Between 1979 and 1997 public policy no longer encouraged trade unionism as before, but at no point was a ban on the formation on unions put in place (although there are long-standing bans on the formation of independent trade unions by the police and military personnel, the scope of which was a controversial issue for a while in the early 1980s (the *GCHQ* case)).
26. Right to collective bargaining	1970: 0	There is no constitutional right to collective bargaining in UK law.

27. Duty to bargain	1970: 0 1972: 1 1980: 0 2001: 1	There has been a legal duty to recognise trade unions for the purposes of collective bargaining, subject to various preconditions, in two periods: 1971-1980 (Industrial Relations Act 1971 and Employment Protection Act 1975), and from 2001 (Employment Relations Act 1999).
28. Extension of collective agreements	1970: 1 1980: 0	Fair wages legislation of various kinds provided for extension up to the early 1980s (Employment Protection Act 1975, Sch. 11, and its predecessors). These laws were repealed in the early 1980s and they had mostly ceased to have any effect from 1982.
29. Closed shops	1970: 1 1972: 0 1974: 1 1980: 0.5 1988: 0	Unfair dismissal legislation made it unlawful to enforce a closed shop agreement under certain circumstances between 1972 and 1974 (Industrial Relations Act 1971). This position was reversed between 1974 and 1980 (Trade Union and Labour Relations Act 1974 and related statutes). From 1980 onwards restrictions on the post-entry closed shop were put in place and were complete by 1988 (Employment Acts 1980, 1982 and 1988). The pre-entry closed shop was rendered unenforceable by legislation from 1988 (Employment Act 1988)l.
30. Codetermination: board membership	1970: 0	There is no legal requirement for worker directors in the UK.
31. Codetermination and information/consultation of workers	1970: 0 1976: 0.33 2000: 0.5	There is no legal requirement for works councils or similar standing bodies in the UK. From 1976 information and consultation requirements were introduced for collective redundancies (Employment Protection Act 1975) and from 1981 for business transfers. Information and consultation obligations were extended from 1999 for transnational companies required to have European Works Councils (SI 1999/3233, implementing Directive 94/45/EC) and from 2004 for other companies above a certain size threshold

	2013: 0.33	(SI 2004/3426, implementing Directive 2002/14/EC). However, in both cases, particularly the latter, considerable flexibility was accorded to employers in meeting these obligations, and the bodies concerned do not have co-decision making powers. From 2013 the content of the obligation to inform and consult over collective redundancies was reduced (Enterprise and Regulatory Reform Act 2013).
E. Industrial action		
32. Unofficial industrial action	1970: 1 1985: 0	From 1985, the absence of an appropriate union ballot has led to a loss of such legal protections as exist for unions and workers taking part in industrial action (Trade Union Act 1984).
33. Political industrial action	1970: 0	Political strikes have never been protected in UK law.
34. Secondary industrial action	1970: 1 1980: 0	Secondary action strikes were permitted until the Employment Act 1980, and from then on unprotected in most relevant circumstances.
35. Lockouts	1970: 0	There is no rule prohibiting lockouts as such in UK labour law. A lockout may be a breach of contract by the employer but there is normally no effective sanction for this. The right to claim unfair dismissal is generally excluded in the context of a lockout. TULRCA 1992, s. 238.
36. Right to industrial action	1970: 0	The right to take part in industrial action is not explicitly protected in any constitutional text relevant to the UK.
37. Waiting period prior to industrial action	1970: 1 1993: 0	Strike notice has been required in UK law since 1993 (Trade Union Reform and Employment Rights Act 1993).

38. Peace obligation	1970: 1 1972: 0 1974: 1	Such strikes were unlawful between 1972 and 1974, thanks to the Industrial Relations Act 1971; otherwise, the existence of a collective agreement has been largely irrelevant to the lawfulness of industrial action.
39. Compulsory conciliation or arbitration	1970: 1	There is no requirement for conciliation or alternative disputes resolution before industrial action can be taken or in the course of such action.
40. Replacement of striking workers	1970: 0 2000: 1	Dismissal for taking part in protected industrial action has been automatically unfair since 2000 (Employment Relations Act 1999). The definition of 'protected industrial action' is not coterminous with a 'non-violent and non-political strike' but will cover many such strikes.

United States of America

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	The US follows the practice of the English common law in defining the employment contract.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25	There is no law requiring equal treatment of part-time workers and no general law relating to equal or proportionate treatment of employees. US sex discrimination law has not recognised the principle of equal treatment of part-time workers on the grounds of sex in the same way that EU law has. On the other hand, part-time workers are treated in a proportionate way to full-time workers under the terms of minimum wage legislation and the federal Fair Labor Standards Act.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	The employment at will rule applies generally to all dismissals and no distinction is drawn for this purpose between part-time and full-time workers.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	There are no impediments on the use of fixed-term contracts.
5. Fixed-term workers have the right to equal treatment with permanent	1970 : 0	There is no right to equal treatment on the part of fixed-term workers.

workers		
6. Maximum duration of fixed-term contracts	1970: 0	There is no limit on the number of renewals of fixed-term contracts.
7. Agency work is prohibited or strictly controlled	1970: 0	There are no controls over the use of agency labour.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	There is no requirement of equal treatment of agency workers.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0	There is no legal right to annual leave.
10. Public holiday entitlements	1970: 0	There is no legal right to paid public holidays.
11. Overtime premia	1970: 0.5	The Fair Labor Standards Act sets a normal premium of time and half for overtime working.
12. Weekend working	1970: 0	There are no legal rules on weekend working.
13. Limits to overtime working	1970: 0	There are no statutory limits on overtime working.
14. Duration of the normal working week	1970: 0.67	The normal working week is 40 hours, under the Fair Labor Standards Act.
15. Maximum daily working time	1970: 0	Legislation does not set a maximum number of working hours per day.

C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0 1989: 0.71	Employers with in excess of 100 employees (who worked more than 6 months in the previous year and for more than 20 hours per week) must give 60 calendar days advance written notice of the plant closing and mass layoffs affecting more than 50 employees at a single site of employment - Worker Adjustment and Retraining Notification Act 1988 (WARN)
17. Legally mandated redundancy compensation	1970: 0	There is no redundancy compensation legislation in the USA.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0	There is no unjust dismissal legislation in the USA.
19. Law imposes procedural constraints on dismissal	1970: 0	There is no unjust dismissal legislation in the USA. The Model Employment Termination Act 2010 (META) applies so far only in the state of Delaware. Individual states differ in the extent to which they recognise exceptions to the employment at will rule at common law. In general, however, the law does not impose procedural fairness standards on employers, and rarely gives contractual force to employer handbooks or other documentation setting out disciplinary and dismissal procedures.
20. Law imposes substantive constraints on dismissal	1970: 0	Only a few states have deviated from the employment at will rule, and such deviations are relatively minor by comparative standards. META contains a just cause rule but the only state to adopt this measure so far is Delaware.
21. Reinstatement normal remedy for unfair dismissal	1970: 0	See above: there is no general unjust dismissal legislation in the USA.
22. Notification of dismissal	1970: 0 1989: 0.67	Written notice must be given to the chief elected officer of the exclusive representative or bargaining agency of affected employees or to unrepresented individual workers under the provisions of WARN 1988.

23. Redundancy selection	1970:0	There are no legally mandated redundancy selection rules.
24. Priority in re-employment	1970: 0	There are no legally mandated priority rules.
D. Employee representation		
25. Right to unionisation	1970: 0	The US constitution does not recognise the right to form trade unions.
26. Right to collective bargaining	1970: 0	The US constitution does not recognise the right to collective bargaining.
27. Duty to bargain	1970: 0.25	Employers have a duty to enter into collective bargaining with a certified bargaining agent under the National Labor Relations Act. However, only around 7% of the private sector workforce are currently affected by this obligation. The law relating to the duty to bargain is generally recognised to be rigid and difficult to enforce from the unions' perspective.
28. Extension of collective agreements	1970: 0	Pattern bargaining exists in some sectors but has no legal underpinning.
29. Closed shops	1970: 0	As a result of the Taft-Hartley amendments to the NLRA in 1947, 'right to work' states can opt out of the laws relating to the closed shop. Agency shops, a version of the post-entry closed shop, can be maintained under certain circumstances where there is a certified bargaining agent under the NLRA but this affects a very small proportion of the workforce.
30. Codetermination: board membership	1970: 0	The law does not provide for employee directors.

31. Codetermination and information/consultation of workers	1970: 0	The law does not provide for either codetermination or information and consultation of employee representatives.
E. Industrial action		
32. Unofficial industrial action	1970: 0	Unofficial strikes are generally considered unprotected (*Confectionery & Tobacco Drivers Local 805* v. *NLRB*, 312 F2d 108, 52 LRRM 2163 (CA 2, 1963)) although there is a view that the legality of a strike depends not solely upon majority approval but also whether the object of the strike is to protect the union's demands and policies *NLRB* v. *R.C. Can Co.*, 328 F2d 974, 55 LRRM 2642 (CA 5, 1964)).
33. Political industrial action	1970: 0	Political strikes are generally considered unprotected; e.g. although not wholly on point the decision in *International Longshoremen's Ass'n, AFL-CIO* v. *Allied Intern., Inc.*, 452 US 212, 110 LRRM 2001 (1982) indicates that such strikes are illegal if the foreseeable consequence of the union's conduct is to affect neutrals and commerce.
34. Secondary industrial action	1970: 0	Secondary strikes were outlawed by the 1947 Taft-Hartley amendments to the NLRA which resulted in the addition of section 8(b)(4)(A); this prohibition was further strengthened by the 1959 amendments.
35. Lockouts	1970: 0	The Supreme Court in *American Shipbuilding Company* v. *NLRB* (1965) held that in certain circumstances lockouts by employers are lawful under the NLRA.
36. Right to industrial action	1970: 0	The US constitution does not recognise the right to strike.
37. Waiting period prior to industrial action	1970: 0	The NLRA (Section 8(d)) makes provision for a 'cooling off' period to be applied under certain circumstances.
38. Peace obligation	1970: 0.5	If either party seeks to modify or terminate an existing collective bargaining agreement it must give 60 days' notice to the other Party and continue to work during this period without resort to strike or lockout

39. Compulsory conciliation or arbitration	1970: 0.5	During the modification or termination of a collective bargaining agreement the parties must notify the Federal Mediation and Conciliation Services and the appropriate state mediation agency within 30 days after giving notice of the existence of a dispute (NLRA Section 8(d)).
40. Replacement of striking workers	1970: 0	Although the right to strike is protected under s. 13 of the NLRA, which speaks of the right to strike not being impaired by anything in the NLRA, since the 1938 decision in *NLRB* v. *Mackay Radio & Telegraph Company* the Supreme Court has allowed employers to permanently replace striking employees with strike-breakers (although this is restricted to employees who strike for economic reasons and not for reasons of unfair labor practices where the job of that employee is being performed by a new permanent member of staff).

Uruguay

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.75	There is no universal definition of 'worker' or 'employee'. Certain laws refer to workers in specific sectors or types of establishment. The definition given for annual leave legislation (Act of 23 December 1958) refers to 'every person working under contract for a private individual or any kind of privately owned undertaking'.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 1	Doctrine and case law recognise a right to equal treatment for part-time workers.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	Doctrine and case law recognise that part-time workers have proportionate rights to full-time workers regarding dismissal protection.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 1	There are no legislative constraints on when FTCs can be used but case law and doctrine take the view that there is no right to have recourse to an FTC where the nature of the work does not justify it.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 1	Doctrine and case law recognise the right to equal treatment for fixed-term workers with permanent workers, except in case of dismissal. In the case of fixed-term workers, once the term of the contract has expired, the employment relationship lapses, with no right to severance pay. If the employer dismisses the employee before the term of the contract is completed, the latter has the right to a compensation for damages equivalent to net wages for the unpaid period of the term (Art. 1839 Civil Code).
6. Maximum duration of fixed-term contracts	1970: 0	Recourse to an FTC must be justified but there is no maximum cumulative duration set by law.

7. Agency work is prohibited or strictly controlled	1970: 0	Uruguay has ratified ILO Conventions on agency work including Convention No. 181 (Act No. 17,692 of 2003) but has not otherwise introduced regulations to require justification for the use of agency work.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0 1974: 0.67 2006: 1	Act No. 14312 of 1974, Art. 29: the remuneration of workers recruited by a temporary employment service shall be equal to that obtaining in the activity or occupation in which they are to be engaged and shall not be lower than the rate of unemployment benefit. Act No. 18,098 of 27 December 2006: establishes that employees provided by labour contractors must receive the same wages and benefits as those in the economic sector in which they work.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.67	Act of 23 December 1958, Art. 1: 20 days' annual leave. Under Art. 2: workers with more than five years of service have the right to one additional day of annual leave for every four years of service.
10. Public holiday entitlements	1970: 0.28	Act of 23 December 1958, Art. 18: 5 public holidays. Other paid holidays are set by collective bargaining. .
11. Overtime premia	1970: 0.5 1988: 1	Decree of 29 October 1957, Art. 13: 50% premium on overtime hours. Act 15,996 of 1988, Art. 1: 100% premium.
12. Weekend working	1970: 1	Act No. 7,318 of 10 December 1920, Art. 8: double time or time off in lieu for working on the weekly day of rest. Maintained in Decree No. 550 22 November 1989, Art. 4.
13. Limits to overtime working	1970: 1	Decree of 29 October 1957, Art. 14: no more than 6 hours of overtime per week. Art. 22: average 56-hour maximum working week in establishments requiring continuous working. Act 15,996 of 1988, Art. 5: 8 hours of overtime per week. ~~Art. 22: average 56-hour maximum working week in establishments requiring continuous working.~~
14. Duration of the normal working week	1970: 0.13	Act No. 5350 of 17 November 1915, Art 3: 48 hours (for industrial and commercial employees). ~~Act~~ Decree of 29 October 1957, Art. 19: 48 hours for industrial employees. Art. 35: 44 hours for commercial employees. Decree-Law No. 14,320 of 17 December 1974: 44

		hours for commercial employees.
15. Maximum daily working time	1970: 0.4	Act 5350 of 17 November 1915: 8 hours. ~~Act~~ Decreeof 29 October 1957 Art. 14: daily maximum is 8 hours and weekly maximum overtime is 6 hours so a potential 14 hour day due to no daily maximum overtime. Act 15,996 of 1988, Art. 5: weekly maximum overtime is 8 hours.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0	No minimum notice period set by statute although notice is required to terminate the relationship.
17. Legally mandated redundancy compensation	1970: 1	Act of 6 June 1944, Art. 4: norm of one month for each year of service, up to a maximum of 6 months (Decree-Law No. 14,188 of 5 April 1974; Art. 13). Act No. 10,570 of 15 December 1944 and Act No. 12,597 of 30 December 1958: 25 days' pay for each year of service up to a maximum of 150 days' pay.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0	There is no law of unjust dismissal except in relation to specific matters such as trade union and pregnancy dismissals.
19. Law imposes procedural constraints on dismissal	1970: 0	No procedural constraints.
20. Law imposes substantive constraints on dismissal	1970: 0.17	Act of 6 June 1944, Art. 4: provides for financial compensation for no fault dismissals. From 1984 doctrine and case law established the right compensation for unjust dismissal in connection with trade union activity, lawful strikes, and retaliation for exercising a right. From 2006, legislation provided it was unlawful to dismiss on the grounds of trade union membership (Act No 17,940). Act No 18,561 of 11 September 2009 Art. 12: right

		to protection against dismissal in cases involving sexual harassment.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33	Act of 6 June 1944, Art. 4: compensation is available in the case of no-fault dismissal. To similar effect is Act No. 12,597 of 30 December 1958, Art. 10. Act No. 17,940 of 2 January 2006, Art. 2, refers to a right of reinstatement in connection with trade union membership or activity.
22. Notification of dismissal	1970: 0	No notification requirements.
23. Redundancy selection	1970: 0	No specific provisions on selection criteria.
24. Priority in re-employment	1970: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1970: 1 1973: 0 1985: 1	1967 Constitution, Art. 57: the law shall promote the organization of trade unions. However, between 1973 and 1985 trade unions were banned and this part of the Constitution was effectively in abeyance.
26. Right to collective bargaining	1970: 1 1973: 0 1985: 1	Doctrine establishes that collective bargaining is a 'union activity' and hence protected by Art. 57 of the Constitution. Between 1973 and 1985 trade unions were banned and this part of the Constitution was effectively in abeyance.
27. Duty to bargain	1970: 1	Act No 9,675 of 4 August 1937: the National Labour Institute is entitled to observe the

		fulfilment of collective agreements entered into between employers and workers and to charge fines in case of non-compliance. Act No.13,566 of 26 October 1966: specifies the parties entitled to enter into collective bargaining agreements. Law No. 15,328 of 1982: implied duty to bargain between an employer and employees who may be represented by a trade union; ~~repealed~~ nullified in 1985. Law No. 18,566 of 2009, Art. 4: duty to bargain in good faith.
28. Extension of collective agreements	1970: 0 1985: 1	No provisions until 1985.
29. Closed shops	1970: 0	Law No. 12,030 of 1953 ratified ILO Convention 98 (Art. 1) and introduced penalties for violation of its provisions (Art. 2). Law 17,940 of 2006, Art. 1: prohibits any discriminatory actions that tend to make workers' employment conditional on their not joining or on their leaving a union, and any action to fire or harm workers due to their union affiliation or participation in union activities.
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0	No provisions.
E. Industrial action		
32. Unofficial industrial action	1970: 1 1973: 0 1985: 1	The default position is that strikes are legal due to Art. 57 of the Constitution. Law No. 12,030 of 1953 ratified ILO Convention 98 (Art. 1) and introduced penalties for its violation (Art. 2). As dismissal for union membership or activities would be a violation (Art. 1 of the Convention), strike action has been protected (strike action is understood to be a 'union activity'). In 1973 trade unions and strikes were banned and employers were given the right to dismiss those who did not work as normal. Act No. 15530 of 1984, Art. 8: requirement of secret ballot with an affirmative vote of the absolute majority of workers of the undertaking or undertakings affected by the dispute. Nullified by Law No. 15,738 of 1985.

33. Political industrial action	1970: 1 1973: 0 1985: 1	The default position is that strikes are legal due to Art. 57 of the Constitution. Law No. 12,030 of 1953 ratified ILO Convention 98 (Art. 1) and introduced penalties for its violation (Art. 2). As dismissal for union membership or activities would be a violation (Art. 1 of the Convention), strike action has been protected (strike action is understood to be a 'union activity' In 1973 strikes were banned and employers were given the right to dismiss those who did not work normal. Act No. 15530 of 1984, Art. 16: strikes illegal where held otherwise than for occupational and professional objectives. Law No. 15,738 of 1985 nullified the 1984 law.
34. Secondary industrial action	1970: 1 1973: 0 1984: 1	The default position is that strikes are legal due to Art. 57 of the Constitution. Law No. 12,030 of 1953 ratified ILO Convention 98 (Art. 1) and introduced penalties for violation (Art. 2). As dismissal for union membership or activities would be a violation (Art. 1 of the Convention), strike action has been protected (strike action is understood to be a 'union activity'. In 1973 trade unions and strikes were banned and employers were given the right to dismiss those who did not work as normal. The 1984 legislation removed the ban on trade unions and strikes and did not make secondary action unlawful.
35. Lockouts	1970: 0.5	Act 13,720 of 16 December 1968: for a lockout to be lawful, a 7-day notice must be given to the Ministry of Labour.
36. Right to industrial action	1970: 1 1973: 0 1985: 1	1967 Constitution, Art. 57: right to strike. Between 1973 and 1985 trade unions were banned and this part of the Constitution was effectively in abeyance.
37. Waiting period prior to industrial action	1970: 0	Act 13,720 of 16 December 1968: a strike is lawful if a 7-day notice is given to the Ministry of Labour. In 1973 trade unions and strikes were banned and employers were

	1985: 1	given the right to dismiss those who did not work as normal. Act No. 15530 of 1984: de facto waiting period due to compulsory conciliation. Law No. 15,738 of 1985 nullified the 1984 law.
38. Peace obligation	1970: 1 1973: 0 1984: 1 2009: 0	No waiting peace obligation prior to 1973. In 1973 trade unions and strikes were banned and employers were given the right to dismiss those who did not work as normal. Act No. 15530 reinstated legal strike action without waiting periods. Law No. 15,738 of 1985 nullified the 1984 law to be a nullity (reinstating the position prior to 1973 where there was no peace obligation). Act 18,566 of 2009: peace obligation.
39. Compulsory conciliation or arbitration	1970: 1 1973: 0 1985: 1	No compulsory conciliation prior to 1973. In 1973 trade unions and strikes were banned and employers were given the right to dismiss those who did not work as normal. Act No. 15530 of 1984, Art. 7: unlawful to declare a strike without having gone through conciliation. Act No. 15530 of 1984, Art. 16: a strike illegal if it is held otherwise than for occupational and professional objectives. Law No. 15,738 of 1985 nullified the 1984 law.
40. Replacement of striking workers	1970: 1 1973: 0 1984: 1	Law No. 12,030 of 1953 ratified ILO Convention 98 (Art. 1) and introduced penalties for violation (Art. 2). Convention 98, Art. 1: protection from dismissal for union membership or union activities. In 1973 trade unions and strikes were banned and employers were given the right to dismiss those who did not work as normal. Act No. 15530 of 1984, Art. 18: in the case of a legal strike, the contract of employment remains in force and any dismissals effected because of the strike are null and void. Law No. 15,738 of 1985 nullified the 1984 law. Law No. 17,940 of 2006 restates the prohibition on dismissing employees for union membership or activities including strike action and sets out the procedure for dealing with violations.

Venezuela

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 1	There is a presumption of a contract of employment and the 'reality' of the work relationship is emphasised over the form of the contract. See 1945 Labour Code, Art. 39; Labour Law 1983, Art. 47; Organic Labour Law 1991, Arts. 39, 40.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0.25 1991: 0.75 2006: 1	Prior to 1991, general right to equal pay for equal work going back to 1936 Labour Law; from 1991, a specific right to proportionate pay for part-time workers (OLL, Art. 194; now, OLL 2012, Art. 172); from 2006, a specific right to equal or proportionate treatment for part-time workers (OLL Regulation, Art. 80).
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1970: 1	No distinction is drawn between part-time and full-time workers for the purpose of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0 1991: 1	The 1973 Labour Law and its predecessors contained no limits on the use of FTCs. The 1983 Law provided that they could be agreed for a specified task. The 1991 OLL, Art. 77, provided that they could only be agreed in a finite set of circumstances. The 2012 Law, Art. 64, maintains this strict approach.
5. Fixed-term workers have the right to equal treatment with permanent	1970: 0.25	There has been a general right to equal pay for equal work going back to the 1936 Labour Law. See now OLL 1991, Art. 109.

workers		
6. Maximum duration of fixed-term contracts	1970: 0 1983: 0.7 2012: 0.9	No limits were placed on the duration of FTCs under the 1973 Labour Law. Under the 1983 Law, Art. 28, the norm was one year, renewable twice; see also OLL 1991, Art.76. From 2012, the norm is 1 year.
7. Agency work is prohibited or strictly controlled	1970: 0 2012: 0.75	OLL 2012 Art. 48 prohibits outsourcing for the purpose of avoiding employment law obligations and restricts its use to work not related to the core business of the user enterprise.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 1	There is a right to equal treatment: OLL1991, Art. 54, based on from earlier laws; OLL 2012 Art. 48.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.5 1991: 0.6	15 days (Labour Law 1983, Art. 53, repeating earlier provisions). From 1991: an additional day for each year of service (so 18 days for worker with three years' seniority). See now OLL 2012, Art. 190.
10. Public holiday entitlements	1970: 0.56 2012: 0.78	10 days, OLL 1991, Art. 212 (and earlier provisions); 14 days, OLL 2012, Art. 184.
11. Overtime premia	1970: 0.25 1991: 0.5	Time and a quarter (Labour Law 1936, Art. 78); time and a half (Art. 155, Labour Law 1991; Art. 118, OLL 2012).

12. Weekend working	1970: 0 1991: 0.5	Sundays equivalent to public holidays with time and a half wage premium: OLL 1991, Art. 154; OLL 2012, Art. 120.
13. Limits to overtime working	1970: 1 2012: 0.5	Strict regulation under earlier legislation (1973, 1983 and 1991 Labour Laws) with weekly and yearly limits. The 2012 OLL stipulates that total hours worked must not average more than 40 over an 8-week reference period.
14. Duration of the normal working week	1970: 0.4 2012: 0.67	44 hours normal working week: Labour Law 1983, Art. 60; OLL 1991, Art. 195. 40 hours under OLL 2012, Art. 173.
15. Maximum daily working time	1970: 0.6 2012: 0.8	Prior to 2012 it was possible to extend daily working hours up to 12 by agreement (OLL 1991, Arts. 196, 198, 200, 306; OLL Regulation 2006, Art. 85). Under OLL 2012 Art. 178, the maximum is 10 hours per day.
C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	One month for a worker with one year's seniority: currently OLL 2012, Art. 81.
17. Legally mandated redundancy compensation	1970: 0 1983: 0.5 1991: 1	A worker dismissed for redundancy is entitled to payment from a severance fund established by the employer at the rate of at least 30 days' salary per year of service (between 1983 and 1990, 15 days): LL 1983, Art. 37; OLL 1991, Art. 108; Regulations on the OLL 2006, Art. 44.
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0.97 1991: 0.92	Prior to 1991: 30 day maximum probation period (1973 LL, Art. 39); from 1991, 90 day maximum (OLL 1991, Art. 103; OLL 2012, Art. 80).
19. Law imposes procedural constraints on dismissal	1970: 0	Prior to 2002, the employer could terminate the employment contract by paying an indemnity in lieu of notice. From 2002, the *inmovilidad* principle (initially in decrees,

	2002: 1	now in OLL 2012, Art. 94) provides that the employer must obtain the authorisation of the labour inspectorate for the dismissal to be valid.
20. Law imposes substantive constraints on dismissal	1970: 0.67 2002: 1	Prior to the first of the *inmovilidad* decrees (2002), the Labour Law set out just causes and prohibited grounds for dismissal (see OLL 1991 Art. 102), but the employer could terminate the employment relationship by paying an indemnity. From 2002, dismissal void unless the authorisation of the labour inspectorate is obtained.
21. Reinstatement normal remedy for unfair dismissal	1970: 0.33 1991: 0.67 2002: 1	Prior to 1991, although grounds for dismissal were set out in legislation, the employer could terminate the employment relationship by paying an indemnity. From 1991, certain categories of employees were entitled to reinstatement as an alternative to a severance payment. From the first of the *inmovilidad* decrees (2002) dismissal without just cause or authorisation of the labour inspector was void. Under the 2012 law, the primacy of reinstatement as the remedy for unfair dismissal is confirmed (OLL 2012, Art. 89).
22. Notification of dismissal	1970: 0 1991: 0.67 2002: 1	From 1991, the employer had to inform the court of an impending dismissal, and demonstrate good cause. From 2002 (under the *inmovilidad* decrees) the authorisation of the labour inspector is required.
23. Redundancy selection	1970: 0	Although there is provision for mediation in the event of mass redundancies (OLL 2012, Art. 95), there are no statutory rules mandating a particular procedure for redundancy selection.
24. Priority in re-employment	1970: 0	There is no statutory provision for priority in rehiring.
D. Employee representation		
25. Right to unionisation	1970: 1	Art. 91, 1961 Constitution, and Art. 95, 1999 Constitution, refer to freedom of association and specifically to the rights of professional associations and trade unions.

26. Right to collective bargaining	1970: 1	Art. 90 of the 1961 Constitution and Art. 96 of the 1999 Constitution refer to the right of collective bargaining. Venezuela ratified ILO Convention No. 98 in 1968.
27. Duty to bargain	1970: 1	Successive laws have referred to a duty to conclude a collective agreement with a representative union (currently OLL 2012 Art. 437).
28. Extension of collective agreements	1970: 1	There is provision for a sector-wide collective agreement to be made generally binding: Decree No. 440 of 21.11.1958, Arts. 21-28; OLL 1991, Arts. 553-559; OLL 2012, Arts. 468-471.
29. Closed shops	1970: 0	Successive laws have protected the right not to join a trade union (currently, OLL 2012, Art. 355(2)).
30. Codetermination: board membership	1970: 0.33	There has consistently been provision for employee representation on boards of public sector and state-owned enterprises, and encouragement for the practice in others: Law No. 29105 of 1969 on Workers' Representation; OLL 1991, Art. 610.
31. Codetermination and information/consultation of workers	1970: 0.33	Legislation makes provision for workers' councils, with a status distinct from that of trade unions (OLL 2012, Arts. 497-498).
E. Industrial action		
32. Unofficial industrial action	1970: 0	Under OLL 1991 Art. 497 a strike had to be initiated by a representative trade union. Under OLL 2012, Art. 487 this is no longer the case but prior to strike action there must be have been a petition of complaint by a trade union to the employer (Art. 476).
33. Political industrial action	1970: 0	The strike must be based on a petition of complaint made by the union to the employer: currently OLL 2012 Art. 476.

34. Secondary industrial action	1970: 0.67	Secondary action may be lawful if a certain procedures is followed which involves a declaration of solidarity and conciliation: currently OLL 2012 Arts. 490-492.
35. Lockouts	1970: 0.5 2012: 1	There are no explicit references to lockouts in OLL 2012, in contrast to earlier statutes (e.g. 1983 LL Art. 229).
36. Right to industrial action	1970: 1	Art. 92, 1961 Constitution; Art. 97, 1999 Constitution.
37. Waiting period prior to industrial action	1970: 0	There is a 120 hour waiting period following the submission of a petition of complaints: currently OLL 2012 Art. 487(c).
38. Peace obligation	1970: 0.5	Case law and Federal Labour Court guidance suggest that there is an implicit obligation of social peace, so that strikes may only take place over disputes of interest, although this is not explicitly set out in the Labour Law.
39. Compulsory conciliation or arbitration	1970: 0	Conciliation is compulsory prior to strike action: currently, OL 2013 Art. 473.
40. Replacement of striking workers	1970: 1	A lawful strike suspends the contract of employment and the employer may not hire replacements during the strike: currently OLL Art. 489.

Vietnam

Vietnam is coded from 1990.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1990: 1	Ordinance on Labour Contracts (OLC) 1990: a labour contract is an agreement between an employee and an employer in respect of a paid job in which both parties agree to conditions of employment, the working conditions to be provided and the rights and obligations of each party. Labour Code (LC) 1994, Art. 13: every labour activity generating a source of income that is not prohibited by law shall be deemed to be employment. Art. 26: an employment contract is an agreement between the worker and the employer concerning remunerated employment, conditions of work and the rights and obligations of each party in the employment relationship. Labour Code (LC) 2012, Art. 3(1): an 'employee' shall mean a person who is at least 15 years of age, has the ability to work, works under an employment contract, is paid and is managed and controlled by the employer. Art. 15: an employment contract is an agreement between a worker and employer on the remunerated work, working conditions, rights and obligations of each party in the labour relations. No apparent distinctions between different categories of 'worker' in any of the legislation.
2. Part-time workers have the right to equal treatment with full-time workers	1990: 0 2013: 1	No right to equal/proportionate treatment in OLC 1990. LC 1994, Art. 84: mentions part-time work but no right to equal or proportionate treatment to full-time workers. LC 2012, Art. 34(3): part time employees entitled to the same remuneration, treatment and rights and responsibilities as a full time employee.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1990: 1	There is no distinction between part-time/full-time workers for the purposes of dismissal.

4. Fixed-term contracts are allowed only for work of limited duration	1990: 0	OLC 1990 did not limit definite contracts to tasks of limited duration. LC, 1994, Art. 27: two types of definite contract: those shorter than 12 months (task-specific or seasonal), and those between 12-36 months. No restrictions on when 12-36 month contracts can be used. 'Task specific' or seasonal work contracts can be longer than 12 months only if replacing someone for maternity/military/temporary leave. Position retained in LC 2012, Art. 22.
5. Fixed-term workers have the right to equal treatment with permanent workers	1990: 0	There is no right to equal treatment in any relevant legislation.
6. Maximum duration of fixed-term contracts	1990: 0 2002: 0.4	Decree No. 165, Art. 7(2): no limitation on duration of seasonal contract's duration. LC 1994: maximum of 3 years but no maximum cumulative duration. 2002 Amendment: only one renewal permitted so maximum duration of 6 years in total. Position maintained in LC 2012, Art. 22(2).
7. Agency work is prohibited or strictly controlled	1990: 0 2013: 1	LC 1994: the only restriction on agencies was the requirement to have a permit if dispatching employees abroad. Art. 65(1): the principal employer must comply with the law on remuneration and occupational safety and health. LC 2012: labour subleasing/dispatch may only be undertaken for certain types of employment. Licenses are required and deposits must be made. The maximum duration of dispatched labour is 12 months. The government may grant licenses and further regulate subleasing (Arts 53-54).
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1990: 0 2013: 1	LC 2012, Art. 57(2): the hiring party is not to discriminate against the dispatched employees in respect of working conditions. Art. 55(3): the labour dispatch contract shall not be less favourable than the employment contract between the employee and the labour dispatch enterprise.
B. Regulation of working time		
9. Annual leave entitlements	1990: 0.4	LC 1956 granted 12 days annual leave and it is assumed that this continued to 1994. LC

		1994, Art. 74: 12 working days. Art. 75: an extra day for every 5 years' service. Maintained in Arts. 111 and 112 LC 2012.
10. Public holiday entitlements	1990: 0 1994: 0.44 2007: 0.5 2013: 0.56	No reference to public holidays in OLC 1990. In LC 1956, public holidays are mentioned but they are not paid and employers are not obliged to give the days off. LC 1994, Art. 73: 8 days. 2007 Amendment: addition of one day. LC 2012, Art. 115: 10 days.
11. Overtime premia	1990: 0 1994: 0.5	LC 1956: overtime rates are to be fixed in collective agreements. No minimum rate given. 1990 Ordinance: no mention of overtime rates. LC 1994, Art. 61(1): overtime pay at 50% premium. Now LC 2012, Art. 97(1).
12. Weekend working	1990: 0 1994: 1	No mention of Sunday or rest day in 1990 Ordinance. Earlier legislation mentions Sunday as a rest day but no reference to higher remuneration for work on that day. LC 1994, Art. 61(1): 100% premium on wages for work on the weekly rest day. Art. 72: ordinary rest day is Sunday. Now see LC 2012, Art. 97(1).
13. Limits to overtime working	1990: 0 1994: 1	No overtime limits in earlier legislation. LC 1994, Art. 69: additional hours may be agreed to but not more than 4 hours a day and not more than 200 hours in a year. 2002 amendment: up to 300 per year in exceptional circumstances with permission from the authorities. Maintained in LC 2012, Art. 106. As well as 30 hours' overtime per month limit. Art. 107: employer may demand overtime when nation is in a state of emergency.
14. Duration of the normal working week	1990: 0.13	LC 1956, Art. 163: 48 hours. LC 1994, Art. 68(1): 48 hours. Ministerial Decision No. 188/1999: 40 hour week for government employees and state sector companies. 40 hours encouraged as the norm for private/foreign companies but 48 still the legal norm. Maintained in LC 2012, Art. 104.
15. Maximum daily working time	1990: 0	LC 1956: purported maximum of 8 hours per day but no limit on overtime hours. LC 1994, Arts. 68 and 69: maximum of 12 hours (8 normal and 4 overtime) per day.

	1994: 0.6	Maintained in LC 2012, Art. 107. Note seasonal and EPZ workers may for certain periods have longer hours.
C. Regulation of dismissal		
16. Legally mandated notice period	1990: 0.5	1990 Ordinance, Art. 24: 45 days for indefinite contracts, 30 days for FTCs, and 1 day for a seasonal or specific task contract. LC 1994, Art. 38(3): same but 3 days for seasonal/specific task contracts. Maintained in Art. 38 LC 2012.
17. Legally mandated redundancy compensation	1990: 0.67 1992: 0.5 1994: 1	1956 LC, Art. 48*ter*(2): 2 months' pay after 3 years' service. No figure mentioned in OLC 1990. 1992 amendment to 1990 Ordinance, Art. 19(1): 50% of monthly wages per year of service (1.5 months for 3 years' service). LC 1994, Art. 17(1): one month per year of service and not less than 2 months' pay. See now LC 2012, Art. 49(1).
18. Minimum qualifying period of service for normal case of unjust dismissal	1990: 0.99 1994: 0.97	OLC 1990, Art. 13: possible probationary period of 20 days. LC 1994, Art. 32: trial period of 30 days (60 days for highly specialised technical work). LC 2012, Art. 48: 60 days for work requiring technical qualifications; 30 days for other qualifications; 6 days for other work. (Note: employers may pay 70% or (after 2012) 85% of wages so probation periods are often used.)
19. Law imposes procedural constraints on dismissal	1990: 0 1994: 1 2013: 0.67	No procedural requirements in earlier legislation. LC 1994, Art. 87: when taking disciplinary measures (1) employer must establish the worker's fault with evidence; (2) workers have the right to present their case; (3) a representative must be present; (4) a record must be kept. Art. 38(2): employer must discuss and reach an agreement with the Executive Committee (EC) of the trade union. If there is disagreement, 30 days after notifying the labour office, the employer can make a decision. During this time the union and the worker can apply for settlement of the dispute. Art. 41: dismissal unlawful if in contravention of the law. LC 2012, Art. 123: similar to LC 1994, Art. 87. Disciplinary action must be in writing. No discussion with EC necessary. Art. 41: termination is illegal when there is no substantive reason for dismissal. Failure to follow procedure may (but won't necessarily) result in an unfair dismissal.

20. Law imposes substantive constraints on dismissal	1990: 0.67	OLC 1990, Art. 22: dismissal permitted for (a) often not completing tasks under the contract or is absent without good reason; (b) theft, embezzlement or other harmful or illegal acts; (c) long term illness; (d) force majeure and consequent job loss; (e) economic reasons. Similar grounds for dismissal in LC 1994, Art. 38. Maintained in LC 2012, Arts. 126 (dismissals as a disciplinary measure) and 38 (other grounds for dismissal).
21. Reinstatement normal remedy for unfair dismissal	1990: 0.33 1994: 1 2013: 0.67	LC 1956, Art. 44: compensation for unfair dismissal. Art. 17 of 1992 Amendment to OLC 1990 provides for compensation. LC 1994, Art. 41(1): employer must reinstate the worker and pay compensation. Employee may opt for compensation in lieu of reinstatement. Art. 94: when employer makes an incorrect decision, it must withdraw the decision, apologise publicly and restore the honour and material rights of the worker. LC 2012, Art. 42: similar provision. However, if the employer does not want to re-employ the employee, an agreement has to be reached with the employee, including the appropriate compensation.
22. Notification of dismissal	1990: 1 2013: 0	Law on Trade Unions (LTU) 1990, Art. 12(2): consultation with trade union required before any disciplinary measures (dismissals included) can be taken. Unanimous decisions must be taken. LC 1994, Art. 38(2): prior to dismissal the employer must discuss and reach an agreement with the Executive Committee (EC) of the trade union. In the event of disagreement, both parties must submit a report to the competent body or organization, and 30 days after notifying the labour office, the employer may make a decision. In the event of continued disagreement with the decision of the employer, both the EC and the worker shall have the right to apply for settlement of a labour dispute. LC 2012: only requirement is to give written notice (reasons not required).
23. Redundancy selection	1990: 0 1994: 1 2013: 0	No provisions prior to 1994. LC 1994, Art. 17(2): employer must publish a list of the workers concerned, and on the basis of business requirements, length of service, qualifications, family circumstances, and other factors concerning each worker, the employer shall proceed to retrench workers in successive order, after consultation and agreement with the Executive Committee. LC 2012 does not provide for specific priority

		order but requires the employer to formulate a plan.
24. Priority in re-employment	1990: 0 1994: 0.25 2012: 1	No provisions prior to 1994. LC 1994, Art. 17: employers have a duty to re-train employees for continued employment in new jobs. LC 2012, Art. 44(1): In case there is a new vacancy, the priority shall be given to retraining the unemployed worker for the purpose of re-employment.
D. Employee representation		
25. Right to unionisation	1990: 0.33	1980 Constitution, Art. 67: freedom of association granted. Reference is made to trade unions (in particular the Viet Nam Confederation of Trade Unions) but there is no mention of the right to form or join trade unions. 1992 Constitution, Art. 69: freedom of association. Art. 10: mention of (a) trade union. 2013 Constitution, Art. 25: freedom to associate. Similar references to trade unions but still no express right to form or join trade unions.
26. Right to collective bargaining	1990: 0	None of the Constitutions confers a right to collectively bargain.
27. Duty to bargain	1990: 0.75 1994: 1	LTU 1990: no express duty to bargain but it is implied: Art. 3(1): employers must observe the rights of unions as independent entities and all other rights provided in this Law; (2) employers and unions shall strengthen co-operation and relations in all activities in order to take care of the interests of its workers. Where different opinions exist they shall be discussed and negotiated; Art. 14: employers shall create favourable conditions and provide information to the trade union necessary for the performance of its functions, rights, and obligations. LC 1994, Art. 46(1): no later than 20 days after a request for a collective agreement, the recipient must agree to bargain and agree on a date for it to start. LC 2012, Art. 68(1): right to require the other party to bargain.
28. Extension of collective agreements	1990: 0	LC 1956 provided for the extension of collective agreements but there is no provision for this in the LTU 1990 or any legislation affecting collective agreements thereafter.

29. Closed shops	1990: 0	LTU 1990, Art. 1(2): prohibits the obstruction or violation of the principles of voluntary recruitment to the organization and operation of a trade union. LC 1994, Art. 154: employers shall not discriminate against workers on the ground that they are forming or joining trade unions, or participating in trade union activities. However, closed shops are not protected as such. LC 2012, Art. 190: employer may not require employees to join or leave trade unions.
30. Codetermination: board membership	1990: 0	LC 1994, Art. 7(2) and LC 2012, Art. 5(1)(c): vague rights to participate in management but no specific rights to board membership of employee representatives.
31. Codetermination and information/consultation of workers	1990: 0.33	LTU 1990, Art. 12(2): requires consultation with Trade Unions before taking any decisions directly relating to workers' rights, obligations and interests. Beyond this, the only forms of 'associations' or representation that are formally allowed to exist are affiliated to the union. Similar provisions in the 1994 and 2012 legislation (consulting trade unions on certain issues, e.g. work rules) but this does not happen in non-unionised workplaces and there is no obligation on employers to ensure that their workplace is unionised.
E. Industrial action		
32. Unofficial industrial action	1990: 0	There was no right to strike prior to 1994. LTU 1990 contained no procedure for lawful strikes and provided only for conciliation and arbitration. Unofficial action was most likely illegal. LC 1994, Art. 173(2): strikes shall be declared by the Executive Committee of the TU after obtaining approval by a secret ballot or majority of signatures from workers in the labour collective. Art. 176: strike will be illegal if in breach of Art. 173. LC 2012, Art. 210: the union must organise a strike for it to be legal (and solicit the opinion of the workers' collective).
33. Political industrial action	1990: 0	There was no right to strike prior to 1994. LTU 1990 did not provide a procedure for lawful strikes (of any sort) and provided only for conciliation and arbitration. Political industrial action was most likely illegal. LC 1994, Art. 176(1)(a): a strike shall be considered illegal when it does not arise from a collective labour dispute and it goes

		beyond the scope of labour relations. LC 2012, Art. 209: limits strikes to labour disputes.
34. Secondary industrial action	1990: 0	There was no right to strike prior to 1994. LTU 1990 did not provide a procedure for lawful strikes (of any sort) and provided only for conciliation and arbitration. Secondary industrial action was most likely illegal. LC 1994, Art. 176(1)(b): strike shall be unlawful if it extends beyond the scope of the enterprise. LC 2012, Art. 215(2): strikes are illegal when it is organized for workers who do not work for the same employer.
35. Lockouts	1990: 0 1994: 1 2013: 0.75	No express mention of lockouts prior to 1994. LC 1994: no express regulation or prohibition of lockouts but Art. 178: prohibits anyone obstructing the exercise of the right to strike. LC 2012, Art. 216: regulates the use of lock-outs. They may only be used as a defensive measure. Art. 217: lockouts may not take place 12 hours before the start of the strike or after the strike has stopped.
36. Right to industrial action	1990: 0	There is no right to strike in any of the Constitutions.
37. Waiting period prior to industrial action	1990: 0	LTU 1990, Art. 12(2): compulsory conciliation provides a de facto waiting period. LC 1994, 173(2): the TU Exec. Committee must give notice to the provincial labour office and the employer. (Although no minimum period of notice is stated). LC 2012, Art. 213(3): at least 5 days' notice must be given to the employer and a copy to State management.
38. Peace obligation	1990: 1	There is no peace obligation in any of relevant legislation.
39. Compulsory conciliation or arbitration	1990: 0	LTU 1990, Art. 12(2): (in relation to decisions affecting employees' rights) in the event that the employer and TU disagree on the matter concerned, they shall refer it to an authorized body or organization for resolution in the manner provided for in this article. LC 1994, Art. 9: 'right' to request settlement of labour disputes, and the State shall encourage amicable settlement. But note Art. 173(31): neither party shall be allowed to take unilateral action against the other while the dispute is subject to mandatory conciliation/settlement. There was a slight relaxation in the process in 2006 but there is still compulsory conciliation. LC 2012, Art. 213(3): strike is illegal unless there has been

		an attempted settlement.
40. Replacement of striking workers	1990: 0.75 1994: 1	LTU 1990, Art. 1(2): prevents the discriminatory treatment of those who join and participate in a trade union but no express protection from dismissal in the event of strike action. LC 1994, Art. 87(1): all acts of repression or reprisals against persons who take part in (or having a leading role in) a strike shall be prohibited. See now LC 2012, Art. 219(4).

Yemen

Yemen is coded from 1995, the year of the first post-unification labour code. Data are not available on labour laws in force prior to that point.

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1995: 0.33	LC 1995 Art.2: a worker is anyone working under the direction and supervision of an employer for remuneration, under a written or unwritten contract of employment. A list of workers not covered by the code is provided in Art. 3(2) including casual workers and public sector workers, among other specific categories. All other workers are covered.
2. Part-time workers have the right to equal treatment with full-time workers	1995: 0.25	LC 1995 Art.5: general duty to provide equal conditions to all workers without distinction.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1995: 1	LC 1995: no distinction is made
4. Fixed-term contracts are allowed only for work of limited duration	1995: 0	LC 1995: Art. 29(1) FTCs are allowed but not restricted.
5. Fixed-term workers have the right to equal treatment with permanent workers	1995: 0	No express protection. Casual work, not exceeding four months, is excluded from the LC.
6. Maximum duration of fixed-term contracts	1995: 0	LC 1995 Art. 29(2): presumptive renewal for initial term if work continues.
7. Agency work is prohibited or strictly controlled	19950: 1 2003: 0	The LC was amended in 2001 such that Art.16 now provides for the possibility of establishing private employment agencies.

8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1995: 1 2003: 0	No specific provisions were introduced in 2003 when the possibility of establishing private agencies was introduced into the Labour Code. In absence of such a clause, it is not clear that agency workers will benefit from the general non-discrimination protection in the Code.
B. Regulation of working time		
9. Annual leave entitlements	1995: 1	LC 1995 Art. 79(1): 30 days.
10. Public holiday entitlements	1995: 0.56	LC 1995 Art.78: public holidays are paid: 10 days.
11. Overtime premia	1995: 0.5	LC 1995 Art.56: 50% premium
12. Weekend working	1995: 1	LC 1995 Art.77: Friday is to be the weekly rest day. Work on weekly rest day to be paid at 100% premium (Art. 56(b)).
13. Limits to overtime working	1995: 1	LC 1995 Art. 74(2): imposes a maximum of 12 hours work per day including overtime.
14. Duration of the normal working week	1995: 0.13	LC 1995 Art.71(1): 48 hours
15. Maximum daily working time.	1995: 0.6	LC 1995 Art. 74(2): 12 hours.
C. Regulation of dismissal		
16. Legally mandated notice period	1995: 0.33	LC 1995 Art.3 8(3): 30 days.
17. Legally mandated redundancy compensation	1995: 0.67	LC 1995: Art.120(2): 2 months
18. Minimum qualifying period of service for normal case of unjust dismissal	1995: 0.83	LC 1995 Art.28: maximum 6 months' probationary period can be agreed.
19. Law imposes procedural constraints on dismissal	1995: 1	LC 1995 requires that the employer agree and make available rules and procedures for discipline (Art. 91(1)). These must include the provision of an administrative investigation (Art. 97(1)) and the right to a hearing (Art. 97(1)c) as well as the right to

		representation. Art. 95: a disciplinary measure will be null and void if in violation of these procedures.
20. Law imposes substantive constraints on dismissal	1995: 0.67	LC 1995 Art. 36(1) lists a number of possible grounds for dismissal with notice.
21. Reinstatement normal remedy for unfair dismissal	1995: 0.67	LC 1995 Art.39 the remedy for unfair dismissal is compensation. However, dismissals/disciplinary measures are null and void if no investigation is undertaken in accordance with proper procedures. Otherwise, no express power of reinstatement.
22. Notification of dismissal	1995: 0	LC 1995 as part of the investigation into misconduct, the employee must sign a written record of the investigation. There is no requirement for notice beyond this provision, and no requirement for any written details to be given that sets out the reasons for dismissal.
23. Redundancy selection	1995: 0	No provision.
24. Priority in re-employment	1995: 1	LC 1995 Art.103: one month.
D. Employee representation		
25. Right to unionisation	1995: 0	The only provision is Art.29 which states that the law shall regulate union activities.
26. Right to collective bargaining	1995: 0	No provision
27. Duty to bargain	1995: 1	LC 1995 Art. 32(1) collective agreements are compulsory, as are collective discussions for the purposes of agreeing on collective agreements (Art.32(2)).
28. Extension of collective agreements	1995: 0	No provision
29. Closed shops	1995: 0 2002: 1	Law on Trade Unions 2002 Art.8 prevents requiring anyone to join or refrain from joining a union, or preventing them from exercising any rights of association.

30. Codetermination: board membership	1995: 0	No provision.
31. Codetermination and information/consultation of workers	1995: 0.5	LC 1995 Art. 89(i): the employer has a duty to provide worker participation in discussion for improving work, and to invite them to meetings for this purpose.
E. Industrial action		
32. Unofficial industrial action	1995: 0	LC 1995 Arts.144, 145(1): strikes must be authorised by the union after conducting a ballot. The LC imposes strict majority thresholds for this purpose.
33. Political industrial action	1995: 0	LC 1995 Art. 144(2): strikes must not pursue political goals.
34. Secondary industrial action	1990: 0.5	There are no restrictions on secondary action. However, the requirements regarding prior conciliation have to be exhausted by the parties to the dispute, which implicitly makes secondary action unlawful.
35. Lockouts	1995: 0 1995: 1	No provision. However, employment continues throughout a strike (Art. 148(1) LC 1995). Consequently, a lockout is likely to be a breach of contract.
36. Right to industrial action	19950: 0	No provision.
37. Waiting period prior to industrial action	1995: 0	LC 1995 Art. 145(4): at least three weeks' notice. In addition, work must be stopped only gradually, with an initial period of three days wherein striking workers work but wear a red arm band.
38. Peace obligation	1995: 1	No provision.
39. Compulsory conciliation or arbitration	1995: 0	LC 1995 Art.129(1) and Art.30: prior conciliation, followed by mediation, and if desired by one of the parties or the Minister, arbitration, is compulsory before a strike can be declared,
40. Replacement of striking workers	1995: 1	LC 1995 Art. 148(1) employment continues throughout a strike. Under Art. 148(2) no worker can be dismissed by reason of participation in a strike.

Zambia

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1970: 0.5	Employment Act 1965, Art. 3: 'employee' means any person who has entered into or works under a contract of service, whether the contract is express or implied, is oral or in writing, and whether the remuneration is calculated by time or by work done, or is in cash or in kind, but does not include a person employed under a contract of apprenticeship made in accordance with the Apprenticeship Ordinance or a casual employee. Definition unchanged to date.
2. Part-time workers have the right to equal treatment with full-time workers	1970: 0	No right to equal treatment.
3. The cost of dismissing part-time workers is equal in proportionate terms to the cost of dismissing full-time workers	1970: 1	No distinction for the purposes of dismissal.
4. Fixed-term contracts are allowed only for work of limited duration	1970: 0	No restrictions on when FTCs may be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1970: 0	No right to equal treatment.
6. Maximum duration of fixed-term contracts	1970: 0	No maximum cumulative duration. EA 1965, Art. 33: provides for limits on the length of written contracts only (not oral contracts, which are the default type of contract), which may not exceed 2 years, or 3 years in exceptional circumstances. This provision was

		repealed in 1997.
7. Agency work is prohibited or strictly controlled	1970: 0	EA 1965: no restrictions on when agency work may be used (subject to licensing requirements.)
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1970: 0	No right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1970: 0.4 1971: 0.8	EA 1965, Art. 15: 12 days. Amended 1971: 24 days.
10. Public holiday entitlements	1970: 0.61	Public Holidays Act 1964 (as amended in 1987): 11 days.
11. Overtime premia	1970: 0 1997: 0.5	No additional remuneration before Minimum Wages and Conditions Order (MWCEO) 1997, Art. 4: 50% premium on overtime hours.
12. Weekend working	1970: 0 1997: 1	MWCEO 1997, Art. 4: double pay for work on Sundays.
13. Limits to overtime working	1970: 0	No restrictions.
14. Duration of the normal working week	1970: 0 1997: 0.13	MWCEO 1997, Art. 3: 48 hours.
15. Maximum daily working time	1970: 0	No restrictions.

C. Regulation of dismissal		
16. Legally mandated notice period	1970: 0.33	EA 1965, Art. 20: one month's notice where the contract is for a period of one week or more.
17. Legally mandated redundancy compensation	1970: 0 1997: 1	EA 1965: no redundancy pay. 1997 amendment, Art. 26B(3): entitlement to redundancy payment as agreed by the parties or as determined by the Minister, whichever is the greater. MWCEO 1997, Art. 11: 2 months' basic pay per year of service. *Barclays Bank Plc v Zambia Union of Financial Institutions and Allied Workers* (Judgment No 12 of 2007): redundancy pay is applicable to oral contracts only (not written contracts where a greater level of protection is assumed).
18. Minimum qualifying period of service for normal case of unjust dismissal	1970: 0 1994: 1	EA 1965: no law on unfair dismissal as such. From 1994: substantive constraints on dismissal (see below) with no qualifying period.
19. Law imposes procedural constraints on dismissal	1970: 0 1997: 0.67	EA 1965: no procedural constraints. 1997 amendment, Art. 26A: an employer shall not terminate the service of an employee on grounds related to the conduct or performance of an employee without affording the employee an opportunity to be heard on the charges laid against him. Zambian courts have determined that the dismissal will be null and void if the procedure is not followed, unless the facts on which the dismissal is based are not in dispute. See *Zambian National Provident Fund v. Chirwa* (1980) ZR 70.
20. Law imposes substantive constraints on dismissal	1970: 0 1994: 0.33	No substantive constraints on dismissal in EA 1965 but compensation was available for wrongful dismissal (that is, dismissal without notice not justified by gross misconduct). IRA 1971: dismissals on the grounds of discrimination or trade union activities or membership not permitted. Employment (Special Provisions) Regulations (ESPR) 1994, Art. 4: dismissals may be made: (i) with written approval from the Labour Office; (ii) for misconduct.. Redundancy is permitted under common law (EAA 1989 put the definition on a statutory footing).

21. Reinstatement normal remedy for unfair dismissal	1970: 0 1997: 0.67	No unfair dismissal law as such. IRA 1971, Art. 114: reinstatement or compensation is available for persons dismissed on discriminatory or trade union grounds but this is only granted in exceptional circumstances (See *Bank of Zambia v Kasonde*, 1995/1997 ZR 238). 1997 amendment to Art. 70: the Court has the power to either order compensation or reinstatement.
22. Notification of dismissal	1970: 0 1994: 0.67	Generally there are no notice requirements. However, EA 1965, Art. 25: when an employee has been dismissed summarily (without notice or payment in lieu) the employer must notify the district Labour Officer and explain the reasons for the summary dismissal. ESPR 1994, Art. 4: approval of the labour office is required for dismissals not relating to misconduct and notification of the labour office is required where a summary dismissal is made on the grounds of misconduct.
23. Redundancy selection	1970: 0	No provisions.
24. Priority in re-employment	1970: 0	No provisions.
D. Employee representation		
25. Right to unionisation	1970: 1	1964 Constitution, Art. 23: right to form or belong to trade unions. 1973 Constitution, Art. 23. 1991 Constitution, Art. 21.
26. Right to collective bargaining	1970: 0	No Constitutional right to collectively bargain.
27. Duty to bargain	1970: 0 1971: 1	Trade Unions and Trade Disputes Ordinance (TUTDO) 1965: no duty to bargain. IRA 1971, Art. 82: It shall be the duty of the bargaining unit to commence negotiations with the management of the undertaking for the purpose of concluding a new collective agreement at least three months before the date of expiry of the existing collective agreement. Where there is no collective agreement already in force, there is a duty on employers and trade unions to draw up a recognition agreement (IRA 1971, Art. 111) Recognition agreements shall provide that the trade union is the sole bargaining agent, and it shall provide for such methods, remedies and rules relating to procedure or

		otherwise, as may be necessary, for settling the disputes or remedying the grievances by means of collective bargaining or otherwise between employers and employees. Every recognition agreement shall set forth the circumstances in which, and the methods, procedure and rules by and under which, such agreement may be reviewed, altered, varied, replaced or terminated. The failure to draw up a recognition will be deemed to be a collective dispute, subject to conciliation and industrial action if need be. Maintained in IRA 1990, Art. 79 and ILRA 1993, Art. 64. 1997 Amendment: collective negotiations shall begin within three months of a recognition agreement.
28. Extension of collective agreements	1970: 0	No extension mechanism.
29. Closed shops	1970: 1 1971: 0	TUTDO 1965: expressly permits closed shop agreements. Industrial Relations Act (IRA) 1971, Art. 4: no employer, or any person acting on his behalf, shall refuse to engage a person, or dismiss, penalise or otherwise discriminate against any employee on the ground that, at the time of applying for an engagement, he was or was not a member of a trade union or of a particular trade union or other organisation of employees or of any two or more particular trade unions or other such organisations. Maintained in IRA 1990 and ILRA 1993, Art. 5.
30. Codetermination: board membership	1970: 0	No provisions.
31. Codetermination and information/consultation of workers	1970: 0 1971: 1 1993: 0	No provisions prior to 1971. Mandatory information and consultation rights where councils participate in co-determination. IRA 1971, Art. 55: a council shall be established in establishments with 100 or more employees. Art. 70: consultation and participation in schemes and programmes relating to health and welfare of employees. Councils shall be consulted on matters or schemes relating to medical facilities, housing and pension schemes, recreational facilities, canteens and all other amenities to be provided or already provided for the eligible employees in the undertaking. Art. 71: Councils shall be entitled to be informed in writing of all decisions taken by the board of directors, the proprietors or the management of an undertaking, in relation to the investment policy, financial control, distribution of profits, economic planning, job

		evaluation, wages policy and the appointment of senior management. Art. 72: Decisions by the management on a matter of policy in the field of personnel management and industrial relations shall be of no effect unless it is approved by the council in matters relating to (a) recruitment of employees in the undertaking and assessment of their salaries; (b) transfer of employees from one undertaking to another owned by the same employers; (c) rules as to discipline applicable to the employees in the undertaking; (d) redundancy of the employees in the undertaking; (e) bonuses and incentives payable to the employees and the modes of payment thereof; and (f) safety of the employees subject to the provisions of any other written law. Maintained in Part XI of IRA 1990. No mention is made of works councils in the ILRA 1993 and subsequent amendments.
E. Industrial action		
32. Unofficial industrial action	1970: 0	TUTDO 1965, Art. 9: strikes lawful if there is the holding of a secret ballot requiring the assent of a two-thirds majority of those voting before a strike or lockout. IRA, 1971, Art. 116: strike is unlawful unless it has been authorised by a strike ballot in accordance with the trade union's constitution. IRA 191, Art. 93(3)(a): the strike must be approved by two thirds of eligible voters. ILRA 1993, Art. 78: only a majority (rather than two thirds) of present employees is required to approve the strike action.
33. Political industrial action	1970: 0.5 1971: 0	TUTDO 1965: there is no express prohibition on political industrial action so strikes will be lawful provided that they fall within the definition of 'strike' under the Ordinance (the cessation of work by a body of employees acting in combination, or a concerted refusal under a common understanding of any number of employees to continue to work for an employer in consequence of a trade dispute, done as a means of compelling their employer or any person or body of employees, or to aid other employees in compelling their employer or any employee or body of employees, to accept or not to accept terms or conditions of or affecting employment). IRA, 1971: the definition of 'collective dispute' (a dispute between an employer or organisation of or representing employers on the one hand and employees or an organisation of or representing employees on the other hand, relating to terms and conditions of or affecting the employment of such employees) and requirement that strike action be based on a dispute of this description

		excludes the possibility of political industrial action. Maintained in IRA 1990 and ILRA 1993.
34. Secondary industrial action	1970: 0.5 1971: 0	TUTDO 1965: secondary action is not prohibited so will be lawful subject to the conciliation requirements. IRA, 1971, Art. 116: strikes will be lawful provided that it is in contemplation or furtherance of a collective dispute, to which such employee or trade union is a party. Maintained in IRA 1990. ILRA 1993, Art. 101: must be a party to the dispute to take part in strike action.
35. Lockouts	1970: 0.5	TUTDO 1965: lockouts are regulated in parallel to strikes. Also in IRA 1971 and 1990, and ILRA 1993.
36. Right to industrial action	1970: 0	No constitutional right to industrial action.
37. Waiting period prior to industrial action	1970: 0	TUTDO 1965, Art. 22: protection for strike action is only afforded if 14 days have elapsed after the date of the notification. IRA 1971, Art. 91: conciliation ensures a de facto waiting period. IRA 1990, Art. 93: 10 days in addition to the conciliation period. ILRA 1993, Art. 78: 10 days waiting period.
38. Peace obligation	1970: 1	No peace obligation.
39. Compulsory conciliation or arbitration	1970: 0	TUTDO 1965, Art. 22: protection for strike action is only afforded if a party to any such trade dispute has first notified the Minister that a trade dispute exists and has applied for the appointment of a conciliator. IRA 1971, Art. 91: where there is a collective dispute, the parties shall inform the proper officer, who will hold meetings to try to mediate and negotiate a settlement. IRA 1990, Art. 91(2): when a dispute arises it must be referred to either a conciliator or the Labour Court. ILRA 1993, Art. 76: dispute must be referred to conciliation.
40. Replacement of striking workers	1970: 0 1971: 0.5	There are various immunities afforded in the TUTDO but there is nothing to prevent an employer from dismissing an employee for taking part in strike action. IRA 1971, amended in 1997, Art. 5(g): the right not to be dismissed, victimised or prejudiced for

	1994: 0.75 1997: 1	exercising or for the anticipated exercise of any right recognised by this Act or any other law relating to employment; or for participating in any proceedings relating thereto. No express protection from dismissal prior to this but from 1994, permission to dismiss from the Labour Office may have been withheld in the absence of a legitimate reason. Before 1994, indirect protection may have been afforded by the prohibition of dismissal on the grounds of trade union membership (Arts. 4 and 5 of ILRA 1971 and 1991). 1997 amendment: Art 78(11)(b): the contract of employment with respect to each employee involved in the strike or lock-out shall not be deemed to have been breached by reason only of such action.

Zimbabwe

Variable	Score	Explanation
A. Different forms of employment		
1. The law, as opposed to the contracting parties, determines the legal status of the worker	1980: 0.5 1985: 0.75 2003: 1 2005: 0.75	Labour Act (LA) 1980, Art. 3: 'contract' means a contract of employment, whether oral or in writing and whether expressed or implied, by which an employee enters the service of an employer. There is no definition of 'employee'. Labour Relations Act (LRA) 1984, Art. 2: 'employee' means any person employed by or working for any employer, and receiving or entitled to receive any remuneration in respect of such employment or work. 2002 amendment: 'employee' means any person who performs work or services for another person for remuneration or reward on such terms and conditions that the first-mentioned person is in a position of economic dependence upon or under an obligation to perform duties for the second-mentioned person, and includes a person performing work or services for another person (a) in circumstances where, even if the person performing the work or services supplies his own tools or works under flexible conditions of service, the hirer provides the substantial investment in or assumes the substantial risk of the undertaking; or (b) in any other circumstances that more closely resemble the relationship between an employee and employer than that between an independent contractor and hirer of services'. 2005 amendment: deletion of 'that the first-mentioned person is in a position of economic dependence upon or under an obligation to perform duties for the second-mentioned person' and the substitution of 'as agreed upon by the parties or as provided for in this Act'.
2. Part-time workers have the right to equal treatment with full-time workers	1980: 0	No right to equal treatment.
3. Part-time workers have equal or proportionate dismissal rights to full-time workers	1980: 1	No distinction between full-time and part-time workers for the purpose of dismissal.

4. Fixed-term contracts are allowed only for work of limited duration	1980: 0	No restrictions on when FTCs may be used.
5. Fixed-term workers have the right to equal treatment with permanent workers	1980: 0	No right to equal treatment.
6. Maximum duration of fixed-term contracts	1980: 0	No maximum cumulative duration of FTCs. 2015 amendment: a contract of employment that specifies its duration or date of termination, including a contract for casual work or seasonal work or for the performance of some specific service, shall, despite such specification, be deemed to be a contract of employment without limitation of time upon the expiry of such period of continuous service as is (a) fixed by the appropriate employment council; or (b) prescribed by the Minister, if there is no employment council for the undertaking concerned or where the employment council fixes no such period.
7. Agency work is prohibited or strictly controlled	1980: 0	LA 1980, Art. 12: agencies are subject to licensing and information-providing requirements only. There is no restriction on when agency work may be used. Maintained in LRA 1984.
8. Agency workers have the right to equal treatment with permanent workers of the user undertaking	1980: 0	No right to equal treatment.
B. Regulation of working time		
9. Annual leave entitlements	1980: 0 1981: 0.5 1985: 0 2003: 0.67	LA 1980, Art. 5(3): Minister may make regulations concerning holidays for employees. ICA 1959 amendment in 1981: 15 days' annual leave for employees working a 5-day week. 18 days for those working a 6-day week. ICA repealed in 1985. LRA 1984, Art. 17: Minister given power to regulate annual leave but no explicit statutory limit. . 2002 amendment, Art. 14A: one month of annual leave.

10. Public holiday entitlements	1980: 0.56 1997: 0.61 2012: 0.78	Regulated by the Public Holidays and Prohibition of Business Act 1969. In 1990: 10 days. 1997: additional day added. General Notices 2011-2015: 14 days.
11. Overtime premia	1980: 0	LA 1980, Art. 5(3): Minister may make regulations concerning hours of work for employees. Identical provision in LRA 1984, Art. 17. Overtime premia have not been regulated but are left to collective agreements by the relevant industries.
12. Weekend working	1980: 0	No provisions for weekend working. 2002 amendment to LRA: weekly rest period but no additional remuneration for work on this day.
13. Limits to overtime working	1980: 0	LA 1980, Art. 5(3): Minister may make regulations concerning hours of work for employees. Identical provision in LRA 1984, Art. 17. No specific limits have been given.
14. Duration of the normal working week	1980: 0	LA 1980, Art. 5(3): Minister may make regulations concerning hours of work for employees. Identical provision in LRA 1984, Art. 17. A 49-hour week was set by regulation for domestic workers. Otherwise a model collective agreement stipulated 40 hours but this was not a legally binding minimum.
15. Maximum daily working time	1980: 0	LA 1980, Art. 5(3): Minister may make regulations concerning hours of work for employees. Identical provision in LRA 1984, Art. 17. No explicit statutory maximum daily working time.
C. Regulation of dismissal		
16. Legally mandated notice period	1980: 0.33 2003: 1	LA 1980, Art. 7: two years' service attracts one month's notice. LRA 1984, Art. 12(4): one month. Amended 2002: Art. 12(4): 3 months for indefinite contracts or FTCs for two years or more.

17. Legally mandated redundancy compensation	1980: 0	LA 1980 and LRA 1984: no redundancy compensation provided for. 2002 amendment to LRA: retrenchment packages to be agreed upon by parties but no minimum amount stated. 2015 amendment: one month for each two years' service (or lesser proportion of one month for a lesser period).
18. Minimum qualifying period of service for normal case of unjust dismissal	1980: 0 1981: 1 2003: 0.92	LA 1980: no unfair dismissal. From 1981: no qualifying period. 2002 amendment to LRA: up to 3 months' probation, during which there is a reduced notice period. (Although it is not clear whether an employer can terminate the contract without cause during this period.)
19. Law imposes procedural constraints on dismissal	1980: 0 1990: 0.67 2006: 1	LA 1980: no procedural constraints on dismissal. Labour Regulations SI 894 of 1981: Ministerial approval needed for dismissal. 1990: Ministerial Regulations provided for workplace codes of conduct to be adhered to in the event of dismissal. Where these were implemented, they would pre-empt the need for Ministerial approval. Minimum procedures to be put in the Code were provided for. Failure to follow the procedure could result in a finding of unfair dismissal (but not always). 2002 amendment: when an employee is being dismissed the employer must show that either the employer followed the code of conduct, or had good cause to believe that the employee was guilty of certain acts listed in Art. 12B(2)(b). 2006: a National Code of Conduct covering all employees was introduced under which employers were required to follow the 2006 Code of Conduct (or other registered code of conduct).
20. Law imposes substantive constraints on dismissal	1980: 0 1981: 0.33 1990: 0.67	LA 1980, Art. 8: provides for reasons for which employees may be summarily dismissed: misconduct; failure to fulfil conditions of the employment contract; wilful disobedience; lack of skill (which the employee held himself out as having); habitual or substantial neglect of duties; or absence without reasonable excuse. However, it was also provided that contracts were terminable without reason if notice was given. Labour Regulations SI 894 of 1981: dismissals may not be made without the approval of the Minister. No standards for Ministerial approval were given but retrenchment and lay-off were legitimate reasons for dismissal. LRA 1984: incapacity also a valid reason for termination. From 1990 the Ministerial approval requirement could be pre-empted by a Code of Conduct (where one was registered by a works council, employment board or

		employment council) which would determine standards of conduct at the workplace and under what circumstances dismissals would be made. Reg. 4 requires that Codes state the penalties for any breaches of the rules or procedures of the code, which may include oral or written warnings, fines, reductions in pay for a specified period, demotion, suspension with or without pay or on reduced pay for a specified period, and dismissal from employment. Misconduct is thus a legitimate ground for dismissal. 2002 amendment to LRA 1984: employees have the right to not be unfairly dismissed. Dismissal is possible on the grounds of misconduct, retrenchment and incapacity. 2006: default Code of Conduct to cover those not otherwise provided for.
21. Reinstatement normal remedy for unfair dismissal	1980: 0 1981: 0.67	LA 1980: no unfair dismissal. Labour Regulations SI 894 of 1981: Minister has the power to reinstate employees or order compensation. LRA 1984: reinstatement and compensation are available. Courts are to take into account the circumstances and determine whether reinstatement or compensation is more appropriate.
22. Notification of dismissal	1980: 0 1981: 1 1990: 0 2003: 0.67	LA 1980: no notification requirements. Labour Regulations SI 894 of 1981: dismissals may not be made without the approval of the Minister. 1990: Ministerial regulations provided for a Code of Conduct to be followed for dismissals instead of obtaining permission from the Minister. Written notice is only required for retrenchments when there is no works council to consult. Approval for dismissals is only required for domestic employees (1992 Regulations). From 2003: obligation to inform and consult the works council over collective dismissals and related aspects of restructurings.
23. Redundancy selection	1980: 0	No priority rules for redundancy selection.
24. Priority in re-employment	1980: 0	LRA 1984, Art. 17: the Minister may make regulations providing for the reinstatement of employees where they have been retrenched. No such regulations have been found.
D. Employee representation		
25. Right to unionisation	1980: 1	1979 Constitution, Art. 21(1): right to join or form trade unions. 2013 Constitution, Art. 65(2): everyone has the right to form and join trade unions.

26. Right to collective bargaining	1980: 0 2013: 1	No mention of right to collectively bargain in 1979 Constitution. 2013 Constitution, Art. 65(5): right to engage in collective bargaining.
27. Duty to bargain	1980: 0 1985: 1	ICA 1959 and LA 1980: no duty to bargain. LRA 1984, Art. 8: unfair labour practice to refuse to negotiate in good faith with a trade union or workers' committee.
28. Extension of collective agreements	1980: 1 1985: 0	ICA 1959, Art. 100-102: extension mechanism. ICA repealed by LRA 1984 and no similar mechanism introduced.
29. Closed shops	1980: 0	ICA 1959, Art. 118: prohibits closed shops. Maintained in LRA 1984, Art. 4(3).
30. Codetermination: board membership	1980: 0	No provisions.
31. Codetermination and information/consultation of workers	1980: 0 2003: 0.33	LRA 1984, 2002 amendment, 24A: provides for the mandatory establishment of a works council where there is a works committee (which are voluntarily established). Works council has consultation rights over: restructuring the workplace due to new technology; product development plans, job grading and training and education schemes affecting employees; partial or total plant closures and mergers and transfers of ownership; the implementation of an employment code of conduct; the criteria for merit increases or payment of discretionary bonuses; the retrenchment of employees, whether voluntary or compulsory.
E. Industrial action		
32. Unofficial industrial action	1980: 0	Industrial Conciliation Act (ICA) 1959, Art. 47(1) (n): secret ballot required for strikes. Additionally, protection of lawful strike action is in the form of protection of trade unions instead of individuals. LRA 1984, Art. 120: strikes will not be lawful if there is a

		certified trade union and they have not approved the action. 2002 amendment: strike action must be approved by a majority of workers in a secret ballot.
33. Political industrial action	1980: 0	ICA 1959 (as amended), Art. 46: places severe restrictions on the use of funds or equipment to further the interest of political parties or organisations. It is assumed that political strikes were treated as illegal. Similar provisions in LRA 1984.
34. Secondary industrial action	1980: 0.5	ICA 1959: secondary action is not expressly prohibited and it falls within the given definition of 'strike', however, it will be subject to the compulsory conciliation requirements. LRA 1984: secondary action is not prohibited but will be subject to the mandatory conciliation requirements.
35. Lockouts	1980: 0.5 1985: 0.75 2003: 0.5	ICA 1959: lockouts are regulated in parallel to strikes. LRA 1984, Art. 121: lockouts may only be resorted to without the permission of the Minister. 2002 amendment: lockouts regulated in parallel with strikes.
36. Right to industrial action	1980: 0 2013: 1	No right to industrial action in 1979 Constitution. 2013 Constitution, Art. 65(3): right to strike.
37. Waiting period prior to industrial action	1980: 0	ICA 1959: compulsory conciliation or mediation provides a de facto waiting period. LRA 1984, Art. 120: 14 days' notice required (now Art. 104, as amended).
38. Peace obligation	1980: 0	ICA 1959, Art. 122(3) (a): provides for an effective peace obligation. LRA 1984, Art. 120: strike action will be unlawful if it is in respect of something already governed by a collective agreement in force. 1992 amendment: provides for the variation of collective agreements after 12 months in order to take into account changed circumstances.
39. Compulsory conciliation or arbitration	1980: 0	ICA 1959, Art. 122: the dispute must have been referred to one of the various bodies for conciliation or mediation before strike action can take place. LRA 1985, Art. 120:

		industrial action may not be commenced unless redress in respect of the dispute has been sought (conciliation and/or arbitration).
40. Replacement of striking workers	1980: 0 1985: 1	ICA 1959: only provides immunities for trade unions and no reference is made to individual protection in the event of a lawful strike, or the suspension of contracts. LRA 1984, Art. 125: employment shall not be terminated on the ground that he has threatened, recommended or engaged in any lawful collective job action. Art. 4: declares the right of employees to take part in trade union activities; reinstatement is possible if this right is infringed (as an unfair labour practice).