7.1 Introduction

[...] ***The following paragraph was inadvertently left out of the printed edition of this book.***

[703] Because of the fundamental and inherent nature of the inequality in employment relationships the civil law and common law share a common starting point. By and large, however, the European civil law and the English or common law approaches to labour law have tended to differ over the years. The Continental approach historically has been one of tackling the problem of inequality head on. Specifically, a tradition evolved of direct legislative intervention in the employment relationship. In the result relatively comprehensive employment 'codes' comprise a range of statutory rights for the protection of individual employees in their relationship with the employer. Significantly, these statutory rights go beyond the protection of employees against unfair termination actions at the initiative of the employer[1] and also cover, inter alia, the conditions under which temporary work arrangements can be entered into, part-time work, privacy, working time and even the impact of strike action on the individual contract of employment. Typically, the statutory employment rights of individual workers are enforceable in a specialist labour or employment court.[2]

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1 Protection against unfair dismissal is the most commonly found form of statutory protection in the civil law as well as the common law. Among the international action on this issue is ILO Recommendation No 119 of 1963 concerning Termination of Employment at the Initiative of the Employer and followed, in 1982, by ILO Convention No 158 and ILO Recommendation No 166.

2 Labour courts owe their origin to the probiviral court or *conseil de prud'hommes* (literally: court of wise men), set up at Lyon pursuant to a Napoleonic law of 1806. See Vranken (1988: 497).