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A Purposive Approach To Labour

The mismatch between goals and means is a major cause of crisis in labour law. The regulations that we use - the legal instruments and techniques - are no longer in sync with the goals they are supposed to advance. This mismatch

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leads to a problem of coverage, where many workers who need the protection of labour law are not covered by it, as well as a problem of obsolescence, as labour laws ...

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The book addresses the 'crisis' of labour law by taking a purposive approach. First, it articulates the goals of labour law. The general goals of labour law are examined and justified, at different level of abstraction. This requires an in-depth normative discussion, including a consideration of critiques. Labour law can be understood as a solution to a 'labour problem', such as the ...

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and the means used to achieve them

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The purposive approach could be seen as 'trivial' (p 255), but at the same time it is incredibly powerful; the key insight being that when faced with difficult questions we should keep in mind what it is that we are trying to achieve and choose the path that best furthers those goals.

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6. The Building Blocks of Labour Law: Employee and Employer 115 Part I—Employee vs Independent Contractor 116 Towards a rich purposive approach 116 Choosing the goals that can guide interpretation 118 Pausing to reconsider the distinction 119 The structure of the test 122 The preliminary (threshold) requirements 124

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Adopting a purposive approach to interpretation and legislative reform, this volume addresses this crisis of mismatch. It first articulates the goals of labour law, both general and specific, through an in-depth normative discussion and a consideration of critiques.

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Guy Davidov This volume explores the societal goals behind labour laws - through an analysis of normative justifications and critiques - and examines what actions are needed to better advance these goals, by way of purposive interpretation and legal reform.

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GUY DAVIDOV Elias Lieberman Professor of Labour Law, Hebrew University of Jerusalem Davidov301015OUK.indb 3
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The purposive approach (sometimes referred to as purposivism, purposive construction, purposive interpretation, or the modern principle in construction) is an approach to statutory and

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constitutional interpretation under which common law courts interpret an enactment (a statute, part of a statute, or a clause of a constitution) within the context of the law's purpose.

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