



FOR A BETTER UNDERSTANDING OF COMPARED ANALYSIS

**Some usefull advice for your report on case studies
to help you make your synthesis in 2007**

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First of all, we would like to draw your attention on the following methodological guidelines with respect to compared analyses.

1. The writer should bear in mind that the case study is **part of a more extended research** related to restructurings in very different European countries. As a consequence, the conclusions of this research are not to be focused on changes affecting more especially a national right or a national system, but rather on **orientations' policies** which must be relevant for the various European countries examined (taking into account their social, institutional, economic specificities, etc.).

It is essential not to make strange mixture of ideas based on **false similarities**¹, but to succeed in going beyond appearances² to grasp differences.

In other words, one should take care of the very nature, content and use of foreign concepts in order to better objectify the differences or convergences between the various systems involved.

¹ For instance, the elected authority, the works council in France or in Germany, is given some competences. Nevertheless, these organisations do not have the same ones from one country to another. Their field of application and, thus, scope of actions are different. As a result, it would not be relevant to analyse / compare them, as if they were on the same level.

² For example, the obligation to inform, such as provided in a community directive is not translated with the same precision nor the same formalism in the various European countries involved. Its impact is thus different, according to the place of trade unions in the country, since the information can lead systematically or not to a negotiation.

It is also necessary **not to use / to refer to its own concepts** to analyse specific situations in other countries³.

It is important to stress that the point is not about words (including all the difficulties to translate these), but about concepts.

For instance, the use of a common term (for ex. : works council / consultation) should not include different concepts or modalities of implementation existing in various European countries.

This point raises two kinds of problems

- On the one hand, choosing the relevant translation as far as those who are to translate foreign concepts and institutions into English are concerned.
- On the other hand, drawing new concepts from words.

It is thus essential to use the expression in the **originating language**, while giving **a short explanation** on the role or competence of these organisations or institutions in a footnote.

Thus, any reference to the German Works council in the text will be followed by the originating expression (*Betriebsrat*) and completed with a footnote explaining its role and attributions in Germany.

On matters related to translation in general and to EU notions more especially, one can use the dictionary which is on Europa website (website in French : <http://europe.tiscali.fr/index.jsp?section=Jargoncommunautaire&sez=glossaire>) or the glossary of labour relations (EMIRE) made by the Foundation of Dublin (see, for example, the term “works council” : http://www.fr.eurofound.eu.int/emire_old/GERMANY/WORKSCOUNCIL-DE.html).

2. When one quotes a **text of law, decree, regulation or collective agreement**, one should explain it in a footnote (economic / social / political context, role, meaning, etc.).
As a matter of fact, a literal translation is often difficult to understand for a foreign reader, who needs such explanations to better understand the case studied.
3. By the same way, when one quotes the **intervention of an organisation** or institution of the labour market, one should refer it to its own context adding a few explanations in a footnote.

Generally, explanations on the “raison d’être” of the rules and institutions (to be understood as their own specific logic / rationality : goals and promoters’ intentions, etc.) are more useful for a compared analysis than their mere formal description.

³ If one talks about a collective agreement signed within the framework of a restructuring in Germany, it is important not to use the expression "agreement of method ", which refers in France to a particular legal construction linked to specific procedures in French law. By using the term “collective agreement” of procedural nature, it becomes clear that it refers to German specific procedures.



These precautions and indications will give you some guidelines to make your synthesis.

A “fiche” has been written for each country affected by restructurings in Europe to this aim (see document attached).

It will also enable you to avoid hasty analysis, such as those based on the concept of "innovating practice" namely, which is necessarily relative, or on a too national approach of the anticipation, which will be with the core of our synthesis.

TO GO FURTHER IN COMPARED ANALYSIS SOME BIBLIOGRAPHICAL GUIDELINES

- See Alpha report in 2001 (Europa website) along with publications of the European Commission related to the employee representatives in various European countries.
- A study directed by Corinne SACHS-DURAND regarding the place of the employees in restructurings in Europe (compared study on the implementation of the directives related to collective redundancies and company transfer) ; SACHS-DURAND C. (Dir.), *La place des salariés dans les restructurations en Europe communautaire (The Situation of Workers in Restructuring in the EU)*, Strasbourg, Presses universitaires de Strasbourg, 2004.
- See also MORIN and VICENS on the analysis of collective redundancies, MORIN, VICENS, *International Review of Work Flight*, 2001, 140, 1, p. 51.
- On the analysis of changes affecting labour laws in Europe (in 15 countries) during the 1992-2003 period, see website Europa/comm/employ, publications of the European Commission in 2005, general report/ratio Silvana SCIARRA.
- On the analysis of collective bargaining (28), general report Silvana SCIARRA, 2006, website www.unifi.it.

Many other references are in the documentation data base.

