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PUBLICATIONS

- 1991 `Cutting the Cloth to fit the Coat', *Indicator SA*, Vol.9, No.1, pp.77-81.
- 1992 Industrial Council Digest: Statutory Institutions for Centralised Collective Bargaining in South Africa, 1979-1992. Cape Town: Industrial Relations Project.
- 1992 `The Politics of Centralised Bargaining', with I.Macun in *South African Review 6: From `Red Friday' to CODESA*. (Eds.) G.Moss and I.Obery. Johannesburg: Rayan Press.
- 1995 `Toward Mesocorporatism: From Labor Exclusion to Union Intervention in the South African Textile Industry', with J.Maree in *Industrialisation and Labor Relations: Contemporary Research in Seven Countries*. (Eds.) S.Frenkel and J.Harrod. New York: ILR Press.
- 1995 `Trends towards Corporatism in South Africa: Industrial Relations and Industrial Strategy in the Textile Industry', with J.Maree in *Industrial Sociology: A South African Perspective*. (Ed.) A.van der Merwe. Johannesburg: Lexicon Press.
- 1995 Protecting Workers or Stifling Enterprise? Industrial Councils and Small Business, with D.du Toit, M.Goldberg, J.Maree and J.Theron. Durban: Butterworths.
- 1996 *The Labour Relations Act of 1995*, with D.du Toit, D.Woolfrey, J.Murphy, D.Bosch and S.Christie. Durban: Butterworths.
- 1997 'New Developments in Industrial Relations in South Africa', with M.Goldberg in African Development Perspectives Yearbook 1996, Volume 5: Regional Perspectives on Labour and Development. Munster: LIT Verlag.
- 1997 'Muddling through Tripartite Industrial Policy: The Automobile and the Clothing and Textile Sectors. Johannesburg: NALEDI.
- 1998 *The Labour Relations Act of 1995 (2nd Edition)*, with D.du Toit, D.Woolfrey, J.Murphy, D.Bosch and S.Christie. Durban: Butterworths.
- 1998 'Where is management going? Employer strategies with regard to worker participation and workplace forums', with P.Hirschsohn and J.Maree in *Law*, *Democracy & Development*, Vol.2, No.1..
- 1999 'Labour Standards versus Job Creation? An investigation into the

- likely impact of the new Basic Conditions of Employment Act on small businesses', with Jan Theron. Development and Labour Monograph Series, Institute of Development and Labour Law, UCT.
- 1999 'Labour Standards v Job Creation? The impact of the BCEA on small business', with Jan Theron. *South African Labour Bulletin*, Vol.23 No.5.
- 'The CCMA and Small Business The Results of a Pilot Study', with Jan Theron *Industrial Law Journal*, Vol.21 (January).
- 2000 Labour Relations Law (3rd Edition), with D du Toit, D Woolfrey, J Murphy, D Bosch and S Christie. Durban: Butterworths.
- 'Industrial policy-making in the automobile and the textile and clothing sectors: Labour's strategic ambivalence', with P Hirschsohn and J Maree, in *Engaging the State and Business: The Labour Movement and Co-determination in Contemporary South Africa* (Ed. Glenn Adler). Johannesburg: Wits University Press.
- 'Where is management going? Employer strategies with regard to worker participation and workplace forums', with P Hirschsohn and J Maree, in *Engaging the State and Business: The Labour Movement and Co-determination in Contemporary South Africa* (Ed. Glenn Adler). Johannesburg: Wits University Press.
- 2000 'Industrial policy-making in the auto, textile and clothing sectors: labour's strategic ambivalence', with P Hirschsohn and J Maree, in *Transformation* 41.
- 2000 Protecting workers on the periphery, with J Theron, in *Development and Labour Law Monographs 1/2000*, Institute of Development and Labour Law, University of Cape Town.
- 2000 'New proposals on workplace forums: Opportunity or threat?', with D du Toit, in *South African Labour Bulletin*, Vol. 24 No.6 (December).
- 2001 'The contribution of employee participation to performance in a South African fish processing enterprise of world class', with J Maree, in *Employment relations challenges for South Africa on the journey to world-class status*, Papers for the Industrial Relations Association of South Africa 2000 Conference, 11-13 October 2000.
- The CCMA and small business: The impact of the labour dispute resolution system, with J Theron. *Development and Labour Law Monographs 2/2001*, Institute of Development and Labour Law, University of Cape Town.

- 2002 'The relationship between participation and performance in a South African fish processing enterprise in a context of cultural diversity and globalisation', with J Maree, in Participation, Globalisation and Culture, (Eds.) G Szell, D Chetty and A Chouraqui. Frankfurt am Main: Peter Lang.
- 'The Labour Dispute Resolution System and the Quest for Social Justice: A Case Study on the CCMA, Unfair Dismissal and Small Business', with J Theron, in *South African Journal of Labour Relations*, Vol.26 No.1.
- 'Cutting Costs and Increasing Revenue. A Case Study in Worker Participation', with J Maree, in *The Innes Labour Brief*, Vol. 13, No.5.
- 'The Basic Conditions of Employment Act Amendments: More Questions than Answers', with M Clarke, in *Law Democracy and Development* Vol. 6.
- 2003 Labour Relations Law (4th edition), with D du Toit, D Bosch, D Woolfrey, J Rossouw, S Christie, C Cooper, G Giles and with C Bosch. Durban: LexisNexis Butterworths.
- 2003 Regulation and the Sugar Product Chain in South Africa, with D Lincoln, J Theron and K Tuomi, in *Food Sector Strategy Resource Book*. Johannesburg: National Labour and Economic Development Institute.
- 2003 *'Workers Protection: An update on the situation in South Africa: A Country Study'*, with M Clarke and J Theron. Report to the International Labour Organisation, Geneva.
- 2003 'Efforts to Enhance Performance Participatively: The Workplace Challenge Project in the South African Clothing Industry', with J Maree in *International Employment Relations Review*, Vol.9 No.2.
- Workers' Protection: An update on the situation in South Africa, with M Clarke and J Theron. Geneva: International Labour Organisation.
- 2004 Research Report on Employment Trends and Training Provision in Greater Cape Town, as well as Policy Developments relevant to Skills Development and Employment Creation. Cape Town: Scalabrini Development Agency, Salesian Projects Office, and Catholic Welfare and Development.
- 'Synthesis Report: Changing nature of work and 'atypical' form of employment in South Africa', with J Theron, in *Current Labour Law 2004* (H Cheadle, C Thompson, PAK Le Roux and A Van Niekerk). Durban: LexisNexis Butterworths.
- 2005 'Casualisation: Can we meet it and beat it', with A Bezuidenhout and J Theron in *South African Labour Bulletin*, Vol.30 No.1.

- 2005 "If you can't measure it, you can't manage it1" Re-Organisation of Work and Performance at two Fish Processing Firms', with J Maree in *Beyond the Apartheid Workplace: Studies in Transition*, Eds. E Webster and K von Holdt. University of KwaZulu-Natal Press.
- 2005 'Power and Knowledge: The role of industry partners in knowledge-intensive networks in new materials development technology'. *Industry & Higher Education*, Vol.19 No.2.
- 2005 The Rise of Labour Broking and its Policy Implications, with J Theron and P Lewis. *Development and Labour Law Monographs 1/2005*, Institute of Development and Labour Law, University of Cape Town.
- 2005 On the outskirts but still in fashion, with M Clarke, J Theron and J Greenburg. *Development and Labour Law Monographs 2 / 2005*, Institute of Development and Labour Law, University of Cape Town.
- 2006 *Creating Knowledge Networks*, with G Kruss, G Klerck, and A Paterson. HSRC Press: Pretoria.
- 2006 Conditions of Employment and Small Business: Coverage, Compliance and Exemptions, with J Maree and J Theron. *DPRU Working Paper No. 06/106*, Development Policy Research Unit, University of Cape Town.
- 2006 'Regulating the Labour Market: The Role of Bargaining Councils', with J Maree and J Theron. *Industrial Law Journal*, Vol. 27.
- ²⁰⁰⁶ 'Flexibility in Bargaining Councils: The role of exemptions', with J Maree and J Theron. *Industrial Law Journal*, Vol. 27.
- 2006 'Key labour market institutions: Emerging Trends', in *Current Labour Law* 2006, by H Cheadle, PAK le Roux, C Thompson, and A van Niekerk. Durban: LexisNexis Butterworths.
- 2006 Labour Relations Law (5th edition), with D du Toit, D Bosch, D Woolfrey, J Rossouw, C Cooper, G Giles and C Bosch. Durban: LexisNexis Butterworths.
- 'Can government facilitate participative workplace change? An examination of the Workplace Challenge Project in the Cape fish processing industry', with J Maree. *Transformation* 62.
- 2007 'The National Credit Act: Will it increase access to credit for small and micro enterprises?', with P Bamu and J Schuckmann. *Law, Democracy and*

Development, Vol. 11.

- 'Forms of Collective Bargaining in South Africa and Prospects'. Bargaining Indicators 2007: A Collective Bargaining Omnibus. Labour Research Service: Cape Town.
- 2007 'The Expanded Public Works Programme: Lessons from 5 projects in the Western Cape, South Africa'. Bargaining Indicators 2007: A Collective Bargaining Omnibus. Labour Research Service: Cape Town.
- 2007 'Globalization, the impact of trade liberalisation, and labour law: The case of South Africa', with J Theron and M Visser. Discussion paper no.178, International Institute of Labour Studies, Geneva.
- 2007 The State of Collective Bargaining in South Africa: An empirical and conceptual study of collective bargaining, with J Theron and M Visser. DPRU Working Paper 07/130. Development Policy Research Unit, University of Cape Town.
- 2008 The BCEA: Statutory, Administrative and Case Law Developments', with L Witten. *Industrial Law Journal*, Vol. 29.
- 2009 'Metals Beneficiation', with P Lundall and J Maree, in Sectors and Skills: The Need for Policy Alignment (Ed.) A Kraak. HSRC Press: Pretoria.
- 2009 'The Legal Profession', in Skills Shortages in South Africa: Case Studies of Key Professions (Eds.) J Erasmus and M Breier. HSRC Press: Pretoria.
- 2009 'The Legal Profession: Transformation and Skills', The South African Law Journal, Vol. 126 (1).
- 2009 'Bargaining council system: What developments?', South African Labour Bulletin, Vol. 33 No. 3.
- 2009 'Bargaining council system: Problems and challenges', South African Labour Bulletin, Vol. 33 No. 4.
- 2009 'Flexibility and Precariousness', with P Bamu, in Bargaining Indicators 2009, Labour Research Service: Woodstock.
- 2010 Collective Bargaining in South Africa: Past, Present and Future? with J Maree, D Du Toit and J Theron. Cape Town: Juta.
- 2011 'Skirting Regulation? Trade liberalisation, retailers and the informalisation of South Africa's clothing industry', Work Organisation, Labour and Globalisation, Vol. 5 No. 1.

- 'The state of centralised bargaining and possible future trends', with P Bamu, in (Eds.) R le Roux and A Rycroft, Reinventing Labour Law. Juta & Co. Limited: Claremont.
- 2012 Corporate Social Responsibility and the Worker Stakeholder: Lesotho clothing workers' perceptions of what makes Better Work, with K Pike. Better Work Discussion Paper Series No. 7. International Labour Organisation/International Finance Corporation.
- Workers' Perceptions of what makes for Better Work in the Lesotho Apparel Sector', with Kelly Pike, in Toward Better Work: Understanding labour in global apparel supply chains, Eds. A Rossi and J Pickles. Better Work: Geneva.
- The Basic Conditions of Employment Act Amendments: Enabling redistribution? Industrial Law Journal, Vol. 35 (October).
- 2015 Labour Relations Law: A comprehensive guide (6th edition), with D du Toit, C Cooper, G Giles, T Cohen, B Conradie and A Steenkamp. LexisNexis Butterworths: Durban.
- 'Organisational and collective bargaining rights through the lens of Marikana' with J Theron and E Fergus. Industrial Law Journal Vol. 36 (April).
- 'Global, regional and domestic apparel value chains in South Africa: Social upgrading for some and downgrading for others' Cambridge Journal of Regions, Economy and Society, 8 (3).
- 2015 Better Work discussion paper: Managing Better: Management and worker perceptions of the impact of Better Work Lesotho, with K Pike.
- 2016 'Organising and bargaining across sectors in South Africa: Recent developments and potential problems', with E Fergus. Industrial Law Journal Vol. 37 (October).
- 2016 'Labour Law and Development viewed from below: What do case studies of the South African and Lesotho clothing sectors tell us?' with M von Broembsen, in S Marshall and C Fenwick (Eds.) Labour Regulation and Development: Socio-Legal Perspectives. Edward Elgar Publishing: Cheltenham and International Labour Organisation: Geneva.
- 2017 Sectoral Collective Bargaining, Productivity and Competitiveness in South Africa's Clothing Value Chain: Manufacturers between a rock and a hard place, with T Elsley and M Taal. *ILO Conditions of Work and Employment Series No.* 87. International Labour Office: Geneva.

- National Minimum Wage: Key issues still to negotiate, with M Jacobs. *South African Labour Bulletin Vol.41 No.3*.
- 2017 Are trade unions and NGOs leveraging social codes to improve working conditions? with M Visser. PLAAS Working Paper 49.
- 2017 The Future of Work in South Africa. International Labour Organisation: Pretoria.
- The National Minimum Wage: How best to align it with the existing labour regulatory framework, with M Jacobs. *Industrial Law Journal Vol.39 No.1* (*January*).
- 2018 *Multi-employer collective bargaining in South Africa*. ILO Conditions of Work and Employment Series No. 97, International Labour Office: Geneva.
- 2018 'Contested Terrain: The extension of multi-employer collective agreements in South Africa', in S Hayter and J Visser (Eds.) *Collective Agreements: Extending Labour Protection.* International Labour Organisation: Geneva.
- 2018 Labour Law in South Africa: Context and Principles, with D Collier, E Fergus, T Cohen, R le Roux, S Singlee, M Du Plessis. Oxford University Press: Cape Town.
- 2018 The New Labour Bills: An Overview and Analysis, with D Du Toit and M Jacobs, *Industrial Law Journal Vol.39 2161*.
- 2019 Labour standards and foreign direct investment, with D Collier, in D Collier and T Gutuza (Eds.) Foreign Direct Investment and the Law: Perspectives from selected African countries. Juta: Cape Town.
- 2020 Labour Law Through the Cases (Issues 1 to 37), with D du Toit (Ed.), T Cohen, W Everett, M Fouche, G Giles, A Steenkamp, M Taylor, and P van Staden. Durban: LexisNexis Butterworths.

UNPUBLISHED RESEARCH REPORTS

1998 'International Baseline Study: South Africa', with J Maree. Report for the Institute for Employment Research, University of Warwick as part of International Baseline Information (Phase 2), Department for Education and Employment, United Kingdom.

- 1998 'Report on National Worker Participation Attitude Survey', with V Flanagan and D du Toit. Report for the Workers' College.
- 1998 'Report on the parallel research project on the impact of the new Basic Conditions of Employment Act on small business', with Jan Theron. Report for Ntsika Enterprise Promotion Agency.
- 1999 'The CCMA and Small Business', with J Theron. Report for the ILO/Swiss Project.
- 'Report on the assessment conducted by the Tertiary Institution Network of the Information and Capacity Building Programmes approved by the CMA Local Government Action Group and Technical Assessment Panel', with K Kennedy and B Sibanda. Report for the Economic and Social Development Directorate, Cape Metropolitan Council.
- 2000 'Workplace forums in comparative perspective', with D du Toit and B Jordaan. Report for the South African Netherlands Project on Alternatives in Development (SANPAD).
- 2000 'The CCMA and small business: Report on research in the Eastern Cape region', with J Theron. Report submitted to the Department of Labour.
- 2000 'The CCMA and small business: Report on research in the Gauteng region', with J Theron. Report submitted to the Department of Labour.
- 2000 'Projecting workers on the periphery', with J Theron and M Clarke. Report submitted to the Department of Labour.
- 'Representations to the Department of Labour on the Labour Relations Amendment Bill, 2000 and the Basic Conditions of Employment Amendment Bill, 2000', with J Theron.
- 2000 'Submission to the Building Industry Commission on labour only subcontracting', with J Theron.
- 2001 Report on Support, Capacity-building and Evaluation of the Job Creation and SMME support projects funded by the Cape Metropolitan Council in 1999/2000', with E Mentoor and B Sibanda. Report submitted to the Economic and Social Development Directorate, Cape Metropolitan Council.
- 2002 'Globalisation, Production and Poverty: Macro, Meso and Micro Levels. Globalisation, Democratisation and Regulation of the South African Labour

- Market', with M Clarke and J Theron. Report to the Overseas Development Group, University of East Anglia for a comparative project funded by the Department of International Development, United Kingdom.
- 2002 'An overview and analysis of homeworking in the clothing industry in South Africa', with M Clarke and J Theron. Report to the South African Labour Research Institute for the Canadian ICRC.
- 'The Workplace Challenge Project in the Western and Eastern Cape Clothing Industry', with J Maree and G Smith. Report for the National Productivity Institute.
- 2003 'The Workplace Challenge Project in the Fish Processing Industry', with J Maree and C Jacobs. Report for the National Productivity Institute.
- 2004 'Non-standard Employment and its Policy Implications', with A Bezuidenhout, J Theron and M Modisha. Report for the Department of Labour.
- 2004 'Labour Broking and Temporary Employment Services: A report on trends and policy implications of the rise of triangular employment arrangements', with J Theron, P Lewis and M Pienaar. Report for the Department of Labour.
- 2004 'Synthesis Report: Changing nature of work and 'atypical' forms of employment in South Africa', with J Theron. Report for the Department of Labour.
- 2005 'Bargaining Councils and Small Business: Some implications for the establishment of a bargaining council in the mining sector', with J Theron and J Maree. Report for the Chamber of Mines and National Union of Mineworkers.
- 2005 'Conditions of Employment and Small Business: Coverage, Compliance and Exemptions', with J Maree and J Theron. Report for the Presidency's Employment Promotion Programme.
- 2006 'Decent Work for Development Project: South Africa The Expanded Public Works Programme', with J Theron. Report for Solidar and the Labour Research Service.
- 2006 'Globalisation, the impact of trade liberalisation, and labour law: The case of South Africa', with J Theron and M Visser. Report for the International Institute for Labour Studies.
- 2007 'The Shift to Services and Triangular Employment: Implications for labour regulation', with J Theron. Report for the International Institute for Labour Studies.

- 2007 The State of Collective Bargaining in South Africa: An empirical and conceptual study of collective bargaining. Report for the Presidency's Employment Promotion Programme.
- 2007 The Dynamics and Skills Requirements of the Metals Beneficiation Sector, with P Lundall and J Maree. Report for the Human Sciences Research Council.
- 2008 The Legal Profession: Skills and Transformation. Report for the Human Sciences Research Council.
- 2008 'What Kind of Jobs? Creating opportunities for decent work', with Simon Kimani Ndungu, Jan Theron, Serai Dan Rakgosi and Margareet Visser. Report. Report for the Employment Promotion Programme.
- An analysis of collective bargaining arrangements in the construction industry, with Pamhidzai Bamu. Report for the Labour Research Service.
- 2009 Exploring labour broking in the construction industry, with Pamhidzai Bamu. Report for the Labour Research Service.
- 2010 Support for bargaining councils and centralised bargaining, with the National Labour and Economic Development Institute. Report for the Commission for Conciliation, Mediation and Arbitration.
- 2011 Collective Bargaining, the Bargaining Council System and the National Clothing Industry Bargaining Council. Report for the Office of the State Attorney, KwaZulu-Natal, Department of Justice and Constitutional Development.
- 2012 To join BWL or not to join BWL? A report on a survey of South African retailers sourcing from Lesotho and South African-owned manufacturers based in Lesotho as to why they will not voluntarily subscribe to BWL. Report submitted to Better Work Lesotho.
- 2012 Reports on terms and conditions of employment in the clothing and textile manufacturing sector and in the commercial agriculture sector in Botswana, Mozambique and Swaziland. Reports submitted to the Southern African Trade Hub.
- 2014 The labour relations system and the Marikana massacre, with J Theron, H Cheadle, E Fergus and J Maree. Report submitted to the Marikana Commission of Inquiry.
- Managing Better? Assessing the impact of Better Work Lesotho on management practices. Report submitted to Better Work Lesotho.

- 2014 Centralised collective bargaining, wages and productivity in the South African clothing industry: Who is winning? with T Elsley and M Taal. Report submitted to the International Labour Organisation (ILO).
- The extension of multi-employer collective agreements in South Africa. A report submitted to the International Labour Organisation (ILO).
- 2016 Made in Newcastle: Something to be proud of?, with Mags Shapiro. Report submitted to the Ethnical Trading Initiative (ETI).
- 2017 Multi-employer collective bargaining in South Africa. Report submitted to the International Labour Organisation (ILO).
- An examination of how the National Minimum Wage can be optimally accommodated by the existing labour legislative framework, with Mario Jacobs. Report submitted to the Friedrich Ebert Stiftung (FES)
- Are trade unions and NGOs leveraging social codes to improve working conditions? A study of two locally-developed codes in the South African fruit and wine farming sectors, with Margareet Visser. Report commissioned by the DST/NRF Centre of Excellence: Food Security.
- The Future of Work: South Africa. Report prepared for the International Labour Organisation (ILO).