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Mapping the Study on Trends in Employment Protection Rights: A Bibliometric Analysis from 1961 to 2023

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ABSTRACT

Employment protection rights are fundamental components of labor laws and regulations worldwide, safeguarding the rights, duties, and responsibilities of employees. This study conducts a bibliometric analysis spanning from 1961 to 2023 to comprehensively explore the landscape of research concerning employment protection rights. The analysis encompasses publication trends, major journals, country-wise contributions, affiliations, authorship, and key thematic areas within the literature. Notable findings include a steady increase in publications over time, with significant growth observed from 2018 onwards. Major journals covering this topic include the Common Market Law Review and the Industrial Law Journal. The United Kingdom emerges as a leading contributor in terms of both publications and citations, followed by Australia and Russia. Prestigious universities such as the University of Cambridge and the University of Sydney are associated with higher citation counts. Thematic areas within the literature encompass diverse topics such as collective action for employment protection, intersections of employment rights with religious freedoms, and legal protections for gig workers and whistleblowers. This analysis provides valuable insights into the global landscape of research on employment protection rights, highlighting emerging research gaps and paradigms for future investigation.

Keywords: *dismissal, employment, protection, rights, law.*

I. INTRODUCTION

Employment protection right is ensured in the constitution, labour laws and regulation along with the employment protection bylaws and employment contract that deals with the rights, duties and responsibilities of the employees. It also includes the remedial measure if the employment right is encroached by the person or body based on the nature, types and level of the employees that is provisioned in the law and judicial interpretation (Meager, Tyers, Perryman, Rick, & Willison, 2002).

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Employment protection right for probationer includes the right to prior notice of termination, punitive/ punishment nature of order or explanation should not be given to probationer employees while terminating the service, the appointing authority who makes the decision for appointment or the authorized person mentioned in the law should initiate the explanation process and make the decision for termination by mentioning the objectivity causes and reason along with evidence (Singh, 2016).

The principle of natural justice should be followed; due process of law should be undertaken. There should not exist the excess of jurisdiction, absence of jurisdiction and abuse of jurisdiction of the person or institution, error of law, procedural error, decision based on prejudice and not based on objectivity, termination without giving the notice of charge of dismissal mentioning the reason behind the charge, dismissal made without giving them a reasonable opportunity to heard or clarify the charges against them and dismissal made without objectivity reason for the permanent and contractual employment (Sullivan, 1979).

Employment right is protected against the unlawful dismissal or termination, unauthorized or sub-ordinate authority dismissal, redundancy payment upon termination and employment right is protected by the right to employment based on leave for maternity, disability, code of conduct, medical issues, salary and allowances, provident fund, gratuity, festival allowance, accident and medical insurance, paternity rights, annual leave, sick pay, receive pay slip, equal protection, equal treatment based on gender, caste, race ethnicity, equal pay for equal value of work, working hours, promotion, health and safety, quality of working life, minimum remuneration, right to form trade union, participate it and organize collective bargaining action, contribution based social security, right to religion, whistleblowers protection of the labors and working conditions so the employment cannot be ended arbitrarily based on subjective doctrine of pleasure (Government, 2017).

An employment right consists of legal and ethical entitlements for the every worker to provide the protection against employer or institution. Employment rights may differ by country, their laws and regulations, its jurisdiction level of employment and its status but principle of natural law implies for the entire nation (Syed, 2023).

Bibliometric analysis on employment protecting right is a systematic conceptual method for further understanding employment protecting right through constitutional and legal right and employment agreement that have been mentioned above in order to assist to identify the research topics and nature of volume of literature data or review. Citation of articles of bibliometric analysis on employment protecting right analyzes the literature citation by the

concerned author, major affiliation, no of articles citation, major country research articles and their citations, number of articles published, publication name and their citation in the particular year of publication. It is based on publication name, their articles and their citation, country name their affiliation and author based on stated year to explore the emerging research gap and paradigm shift in right direction for the concept and philosophy aspects to analyze and propound the new theories through innovative research in the employment rights issues in future to safeguard rights against arbitrarily decision from employer.

(A) Methodology

Data Collection: Data is collected from the relevant literature based on the secondary sources like journals and articles from Dimension data base, the timeline 1961—2023. The available literature is closely related with the study of topic with major 13 publication of 7 country, 12 affiliated organization.

Research Methods: The qualitative research method and observation tools is applied through non-participant and disguise observation for the published materials and case study from 1961-2023. Trend graphs of publication volume, authors and citations were drawn to focus the employment protecting right.

II. RESULT AND DISCUSSION

Publication base on year

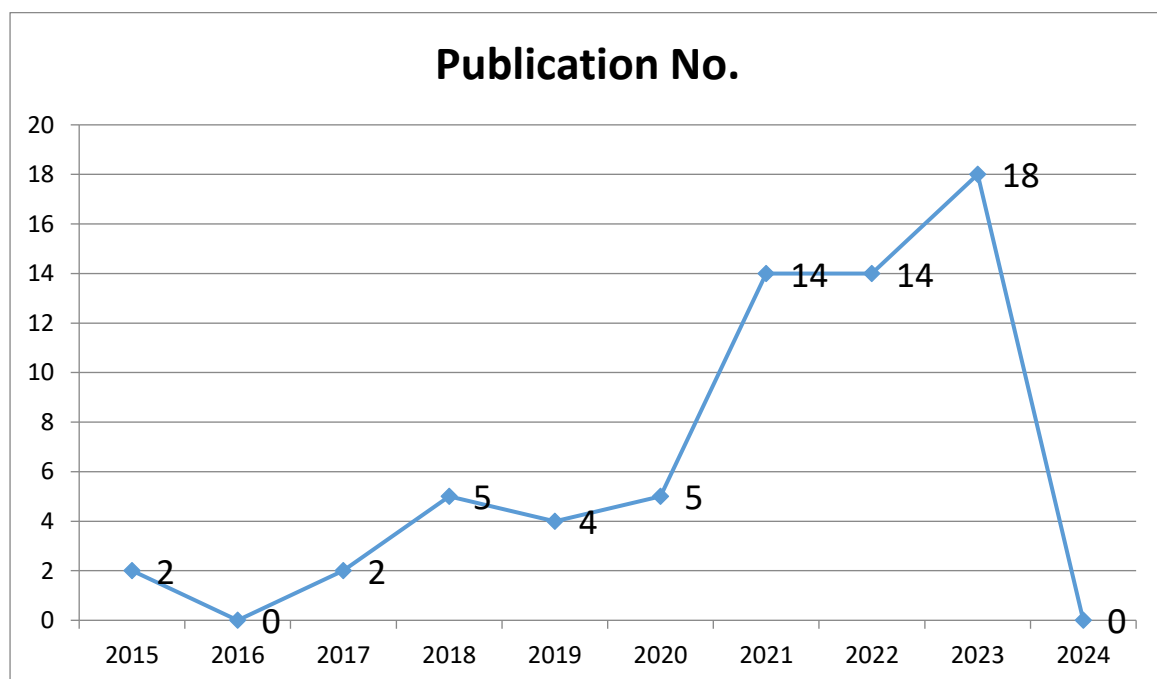


Figure 1: Publication Years

This analytical search shows 13 publications from 1991-2023 in the law journal and strain

pravini zivot. In the figure below it shows the constant phase from the year between 2015-2017, in the year 2018 it shows growth phase and in the year between 2021- 2023 there is rapid growth and in in the year 2023 article publication is increased and shows more rapid growth. that is shown below figure.

Table 1: Major journal that cover employment protecting rights

S.N	Publication Name	Publications	Citations	Citations mean
1	Common Market Law Review	1	35	35.0
2	Journal of Law and Religion	1	17	17.00
3	Journal of Industrial Relations	1	8	8.00
4	Industrial Law Journal	3	24	8.00
5	International Journal of Law and Management	1	5	5.00
6	Revista de Gestão Social e Ambiental	1	5	5.00
7	Udayana Journal of Law and Culture	1	4	4.00
8	International Journal of Comparative Labour Law and Potchefstroom	2	7	3.50
9	Electronic Law Journal Industrial Relations	1	3	3.00

10	Strani pravni zivot	1	3	3.00
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Source: Dimension, 2024

The journals ranked with the number of publication. The top 13 journals were identified with their articles. The industrial law journal was published for 3 times, 2 times of comparative labour law and potchef stroon and other journal with of equal no of publications. The highest citations is of the common market law review i.e. 35 with citation mean of 35.0, second journal of industrial law journal with 24 citations with mean citation of 8.00 and third journal of law and religion with 17 citations of mean citation 17 and lowest citation of strain pravni zivot with 3 citations and mean citation of 3 that is shown below.

Table 2: Major Country

id	country	documents	citations
1	Armenia	1	2
2	Australia	3	8
3	Hungary	1	2
7	Norway	1	5
8	Russia	3	2
9	South Africa	1	1
12	United kingdom	6	28

Source: Dimension, 2024

In the context of country wise publication of the journal, out of 7 major countries the United Kingdom published the 6 articles with 28 citations, Australia published 3 articles with 8 citations, Russia published 3 articles with 2 citations and rest other Armenia published 1 article with 2 citations, Hungary published 1 article with 2 citations, Norway published 1 article with 5 citations and South Africa published 1 article with citation that is shown in table below.

Table 3: Major affiliation

id	organization	documents	citations
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5	University of Cambridge, and cloisters chambers	1	5
6	University of Cambridge, and trinity college	1	5
7	Fafo foundation	1	5
15	University of Indonesia, depok–Indonesia	1	4
16	Middlesex university	1	5
21	Pázmány péter catholic university	1	2
22	Ra national academy of sciences	1	2
30	University of Sydney	1	8
34	University of Bristol	1	16
35	University of Cambridge	1	5
37	University of Melbourne	1	8
40	Yerevan state university	1	2

Source: Dimension, 2024

The University of Bristol published 1 article with having 16 citations, University of Sydney published 1 article with having 8 citations, University of Melbourne published 1 article with 8 citations. These Universities has the highest number of citations and rest of other University has published 1 article with having 5 citations, 4 citations and 2 citations that is shown in table below.

Table 4: Major author

id	document	citations
2	Ford, (2020)	16
8	Lewis & Trygstad, (2009)	5
9	Barnard, Ludlow, & Butlin, (2018)	5
14	Kovačević (2020)	3
25	Blackham (2018)	3

26	Malmberg & Sigeman, (2008)	35
30	Marshall & Mitchell, (2006)	4
35	Khairazi, (2021)	4
36	Gericke (2014)	3
47	lurie (2013)	3
50	West, (1993)	17
62	Hanifah, Purba, & P (2023)	5
67	Hardy & McCrystal, (2022)	8

Source: Dimension, 2024

The identification no 26 Malmberg, (2008) has the first highest with having 35 citations, ID no 50 West, (1993) has the 17 second highest citations and the lowest citation is 3 of the ID no 14, 25, 36 and 47 that can be seen from following table.

III. MAJOR MAIN THEME OF THE REVIEW

The right to collective action for employment protection is although questionable in a member states, then national law restricted as per the rules or right of establishment under article 43 EC or under article 49 EC which is the major issue in Viking and lord cases. The court made the judgment that trade unions concerned are caught by the treaty articles because it may constitute a restriction on the economic freedom under treaty.

When right to take collective action must be reconciled with the other required rights protected under treaty then collective action depends with aims on establishing a uniform level of wages and employment conditions applied in all the branches of the member states and restriction caused by the collective actions was not justified (Malmberg & Sigeman, 2008).

The employment protection in the context of right to religion case the Supreme Court in the OregonVs Smith case the basic issue was regarding the free exercise clause of the first amendment guarantees a right to religion based exemption i.e. to give exempt from having to obey valid laws due to the religious reason for non- compliance for persons or groups. In the above cases two Native Americans claimed their prosecution for using illegal drug peyote was banned by the free exercise clause because it had taken drug as part of a religious ceremony for their church. The court rejected both the Native Americans claim and the proposition that the

free exercise clause gives person a right to religion based exemptions. The court said that individual's religious beliefs excuse him from compliance with an otherwise valid law prohibiting conduct has not held from us.

Similarly in the case of *Sherbert Vs Verner* the decision was that any burden on any religious practice imposed by law although it is religion-neutral and it is generally applicable is unconstitutional unless it is justified by the government interest and it is the least restrictive means of protecting that interest. (West, 1993).

The labour who is disguised for tax purposes for employment is the subject of considerably policy and legislation and it should be analyzed on the basis of how existing law might provide a means of protecting the labour rights who are engaged in personal service company with examining statutory provisions specific to some legal rights and doctrines based on shams, labels and penetrating the corporate veil. Although the law provides some protection in some circumstances, PSCs draw as a means of avoiding employment rights so, the labour rights can be a keystone through the interaction of tax and employment law relying on the bilateral contract (Ford, 2020).

Gig workers should be brought into the protective regulatory frameworks of employment law competition and consumer laws which have significant changes in Australia for protecting the rights of the self-employed including gig workers. In the case of *Workpac Vs Rossato* high court is based on emphasizing on contractual formalism and reconsidering the utility of commercial law that is unlikely for the expansion of the labour law protection. The two developments of the study is (i) provision relating to unfair contract terms under Australia consumer law and (ii) exploration of class exemption that permits collective bargaining by small business including in platform work that examines the developments and uplift their potential in addressing issues facing non-employed workers (Hardy & McCrystal, 2022).

The legal protection should be done for the wages of workers who work at home during the COVID-19 pandemic. Legal wage arrangements for repatriated workers is *lexed specilize derogate lex generalis* that means workers must self-isolate and be paid in full and if the condition normalizes and production stabilizes, workers will have to be rehired. Workers have the right to obtain protection for occupational safety and health as per article 86 paragraph (1), the letter of law number 13 of 2013 (Hanifah, Purba, & P, 2023).

If EU-8 and Migrant workers of U.K employment rights is denied then three remedial measure should think for questionable (i) U.K or EU-8 migrant workers should enforce employment rights before employment tribunals?(ii) Do migrant workers should use alternative enforcement

mechanism? How effective are these other enforcement process and institutions in protecting the rights of migrant?(iii) What might be done to improve the enforcement of employment right of migrant and other vulnerable workers in the UK labour market with non EU migrant? Establishment of a pay and work rights ombudsman might help to address the problem of EU-8 migrant workers and other vulnerable national workers (Barnard, Ludlow, & Butlin, 2018).

Legislative provision as per Employment Rights Act, 1996(UK) and Work Environment Act,2005 (Norway) together with relevant case and papers compare and contrast in providing employment protection for whistleblowers. Employees should be notify for wrongdoing as a statutory right for internal reporting procedure, right to disclose wrongdoing should be introduced in both the countries with a duty on employers to show that it has not infringed and report should be precisely defined by either law or collective bargaining (Lewis & Trygstad, 2009).

The reasons and legal issues of the Indonesian migrant workers experiences many violations of the their rights in pre-departure period to work abroad or lack of implementation of before working protection, many migrant workers departed without going through a departure mechanism as provisioned in law no.18 of 2017 concerning the protection of Indonesian migrant workers so the current laws and regulations should be revised or strengthen (Khairazi, 2021).

IV. CONCLUSION

Based on the bibliometric analysis conducted on employment protecting rights data from 1961 to 2023, it is evident that research in this area has steadily increased over time, with notable growth observed in recent years. Major journals covering this topic include the Common Market Law Review, Industrial Law Journal, Journal of Law and Religion, and Journal of Industrial Relations. The United Kingdom, Australia, and Russia are among the leading contributors to this body of literature. Affiliations with prestigious universities i.e., the University of Cambridge and University of Sydney are associated with higher citation counts. Themes explored in the literature include collective action for employment protection, intersections of employment rights with religious freedoms, and challenges faced by gig workers in regulatory frameworks. Overall, this analysis provides valuable insights into the global landscape of research on employment protecting rights.

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