

## **Guy Davidov**

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### **Current Academic Position**

#### **Hebrew University of Jerusalem, Faculty of Law**

Full Professor (Elias Lieberman Professor in Labour Law), 2015 to present  
Associate Professor 2011-2015; Senior Lecturer 2007-2011  
Elias Lieberman Chair in Labour Law, 2009 to present

*Courses:* Labour and Employment Law; Adapting Labour Law to Changing Realities (seminar); The Purpose of Labour Laws (seminar); Contracts of Employment; Labour and Welfare Law (research workshop); Labour Law Lab (workshop); PhD Students Workshop

#### *Service:*

- Full Professors' Promotions Committee, 2022 to present
- Faculty Appointments Committee, 2012 to present
- Chair, Faculty Gender Fairness Committee, 2022 to present
- Coordinator, Labour Law and Social Security Forum, 2007 to present
- Academic Director, The Clinical Legal Education Centre, 2017-2020
- Director, Sacher Institute for Legislative Research and Comparative Law, 2016-2019
- Chair, Graduate Programs, 2012-2014
- Vice-Dean, 2009-2011
- Chair, Teaching Committee, 2009-2011

### **Past Academic Positions**

University of Haifa Faculty of Law, Lecturer, 2002-2007

#### *Short-term appointments:*

- University of California Berkeley, Visiting Scholar, 2015/16
- University of British Columbia, Visiting Professor, Sep. 2013
- University of Toronto, Visiting Scholar, 2011/12

### **Education**

University of Toronto, Faculty of Law, SJD (2022)  
University of Toronto, Faculty of Law, LLM (1998)  
Tel-Aviv University, Faculty of Law, LLB *Magna Cum Laude* (1996)

### **Functions in Academic Journals and Organizations**

#### *Journals' Editor-in-Chief:*

- International Journal of Comparative Labour Law and Industrial Relations, 2015-2020

- Labour, Law & Society (Hebrew), co-editor, 2011-2015
- Hukim (Journal on Legislation) (Hebrew), founding editor, 2009-2010
- Mishpat Umimshal (Law and Government in Israel) (Hebrew), 2005-2007

*Academic organization leadership:*

- Labour Law Research Network (LLRN), founder and Chair of the Steering Committee, 2011-2015; member of the Steering Committee, 2015-2017

*Journals and organisations – other roles:*

- Advisory Board, Centre for Labour Law Research and Advocacy (CLLRA), National Law University Delhi (India), 2022 to present
- Advisory Committee, Center for Comparative Labour Law and Social Security (COMPASS), University of Łódź (Poland), 2018 to present
- Advisory Board, Hugo Sinzheimer Moot Court Competition, 2015 to present
- Editorial Advisory Board, Comparative Labor Law & Policy Journal, 2013 to present
- Advisory Board, International Journal of Comparative Labour Law and Industrial Relations, 2011-2015, 2021 to present
- Advisory Committee, Centro de Investigação Jurídico-Económica (CIJE), University of Porto (Portugal), 2017-2022
- Board Member, Israeli Society for Labour Law and Social Security, 2002-2016
- Executive Committee Member, International Society for Labour and Social Security Law, 2006-2020
- Founder and coordinator, Israeli Labour Law Teachers Group, 2006-2014

## **Awards and Honours**

*Teaching awards:*

- Teaching Excellence List, Hebrew University, 2008/09, 2010/11, 2012/13, 2014/15, 2016/17, 2018/19 (Top Hebrew University Faculty based on student evaluations)
- Teaching Excellence Award, University of Haifa, 2002/03

*Research awards:*

- Hebrew University Rector's Prize for Outstanding Researcher, 2014

*Invited named lectures:*

- Sinzheimer Annual Lecture, Hugo Sinzheimer Institute Frankfurt, 2020
- Leon Petrażycki Annual Lecture, University of Warsaw, 2018
- Hugo Sinzheimer Annual Lecture, University of Amsterdam, 2013

## **Research Grants**

- Israel Science Foundation (ISF) grant for a study on “Freedom of Choice and Labour Law: Should All Labour Laws Be Nonwaivable?” (NIS 369,000), 2019-2022
- Israel Science Foundation (ISF) grant for a study on “In Search of Efficient Job Security Regimes” (NIS 164,000), 2009-2011
- German-Israeli Foundation (GIF) grant for a study on “Lay Judges in Labour Courts: Their Role and Contribution” (Euro 39,500), 2007-2008
- Rockefeller Foundation grant for a workshop at their conference centre in Bellagio, Italy, on “The Scope of Labor Law: Re-drawing the Boundaries of Protection”, 2004 (with Brian Langille)

## **Graduate Students' Supervision**

- Noa Zakin, PhD (2022)
- Tammy Katsabian, PhD (2019)
- Reut Shemer-Begas, PhD (2016)
- Edo Eshet, PhD (2014)
- Shmuli Bing, MA Public Policy (2009)

## **Books**

THE OXFORD HANDBOOK OF THE LAW OF WORK (Oxford University Press, 2024) (co-edited with Brian Langille and Gillian Lester)

A PURPOSIVE APPROACH TO LABOUR LAW (Oxford University Press, 2016)

- Symposiums on the book published in JERUSALEM REVIEW OF LEGAL STUDIES (2017), with comments by Harry Arthurs, Simon Deakin, Ruth Dukes, Guy Mundlak and Einat Albin; GIORNALE DI DIRITTO DEL LAVORO E DELLE RELAZIONI INDUSTRIALI (2017), with comments by Bruno Caruso, Adalberto Perulli, Ralf Rogowski and Riccardo Del Punta; and VARIAZIONI SU TEMI DI DIRITTO DEL LAVORO (2019), with comments by Massimiliano Marinelli, Vincenzo Ferrante and Roberto Romei
- Additional published reviews by Cynthia Estlund, Zoe Adams, Barbara Kresal, Kirill Tomashevski, Joe Atkinson, Andrew Frazer, Alexander Stöhr

THE IDEA OF LABOUR LAW (Oxford University Press, 2011) (co-edited with Brian Langille)

BOUNDARIES AND FRONTIERS OF LABOUR LAW: GOALS AND MEANS IN THE REGULATION OF WORK (Hart, 2006) (co-edited with Brian Langille)

## **Articles in Academic Journals**

*Using AI to Mitigate the Employee Misclassification Problem*, MODERN LAW REVIEW (forthcoming)

*Employee Status Preconditions: A Critical Assessment*, BERKELEY JOURNAL OF EMPLOYMENT & LABOR LAW (forthcoming) (with Pnina Alon-Shenker)

*Who is an Employee: The Preliminary Tests (Preconditions)*, MISHPATIM (forthcoming) (Hebrew)

*Consent in Contracts of Employment*, 86 MODERN LAW REVIEW 1134-1165 (2023) (with Maayan Niezna)

*Flexibility, Choice and Labour Law: The Challenge of On-Demand Platforms*, 73 UNIVERSITY OF TORONTO LAW JOURNAL 348-379 (2023) (with Tammy Katsabian)

*Improving Compliance with Labor Laws: The Role of Courts*, 43 COMPARATIVE LABOR LAW AND POLICY JOURNAL 71-101 (2022) (with Edo Eshet)

*The ABC Test: A New Model for Employment Status Determination?*, 51 INDUSTRIAL LAW JOURNAL 235-276 (2022) (with Pnina Alon-Shenker)

- Compliance with and Enforcement of Labour Laws: An Overview and Some Timely Challenges*, 3/2021 SOZIALES RECHT 111-127 (2021)
- Nonwaivability in Labour Law*, 40 OXFORD JOURNAL OF LEGAL STUDIES 482-507 (2020)
- Contractual Stipulation Concerning 'Employee' Status and its Implications*, 50 MISHPATIM 87-129 (2020) (Hebrew)
- Subordination vs Domination: Exploring the Differences*, 33 INTERNATIONAL JOURNAL OF LABOUR LAW AND INDUSTRIAL RELATIONS 365-389 (2017)
- The Status of Uber Drivers: A Purposive Approach*, 6 SPANISH LABOUR LAW AND EMPLOYMENT RELATIONS JOURNAL 6-15 (2017)
- Accommodating All? (or: "Ask not what you can do for the labour market; ask what the labour market can do for you")*, BULLETIN OF COMPARATIVE LABOUR RELATIONS 191-208 (2016) (with Guy Mundlak)
- Organizing: Should the Employer Have a Say?*, 17 THEORETICAL INQUIRIES IN LAW 63-100 (2016) (with Pnina Alon-Shenker)
- Indirect Employment: Should Lead Companies Be Liable?*, 37 COMPARATIVE LABOR LAW AND POLICY JOURNAL 5-36 (2015)  
[also translated into Chinese and published in 38 JOURNAL OF SHANGHAI UNIVERSITY OF POLITICAL SCIENCE AND LAW 140-160 (2023)]
- Intermediate Approaches to Unfair Dismissal Protection*, 44 INDUSTRIAL LAW JOURNAL 167-193 (2015) (with Edo Eshet)  
[reprinted in COMPARATIVE LABOUR LAW (Anne Trebilcock ed., 2018)]
- Special Protection for Cleaners: A Case of Justified Selectivity?*, 36 COMPARATIVE LABOR LAW AND POLICY JOURNAL 219-239 (2015)
- Setting Labour Law's Coverage: Between Universalism and Selectivity*, 34 OXFORD JOURNAL OF LEGAL STUDIES 543-566 (2014)  
[also republished, with a new postscript, in LAVORO AUTONOMO E CAPITALISMO DELLE PIATTAFORME (Adalberto Perulli ed., 2018) 49-80]
- The Goals of Regulating Work: Between Universalism and Selectivity*, 64 UNIVERSITY OF TORONTO LAW JOURNAL 1-35 (2014)
- Applying the Principle of Proportionality in Employment and Labour Law Contexts*, 59 MCGILL LAW JOURNAL 375-423 (2013) (with Pnina Alon-Shenker)
- How Judges Use Weapons of Influence: The Social Psychology of Courts*, 46 ISRAEL LAW REVIEW 7-24 (2013) (with Maayan Davidov)
- Job Security: Towards Balanced Intermediate Solutions*, 43 MISHPATIM 143-181 (2012) (Hebrew) (with Edo Eshet)

- Articulating Labour Law's Goals: Why and How*, 3 EUROPEAN LABOUR LAW JOURNAL 130-150 (2012)
- The Principle of Proportionality in Labor Law and Its Impact on Precarious Workers*, 34 COMPARATIVE LABOR LAW AND POLICY JOURNAL 63-80 (2012)
- Judicial Development of Collective Labour Rights – Contextually*, 15 CANADIAN LABOUR & EMPLOYMENT LAW JOURNAL 235-250 (2010)
- Prolonged Armed Conflict and Diminished Deference to the Military: Lessons from Israel*, 35 LAW & SOCIAL INQUIRY 919-956 (2010) (with Amnon Reichman)
- The Enforcement Crisis in Labour Law and the Fallacy of Voluntarist Solutions*, 26 INTERNATIONAL JOURNAL OF COMPARATIVE LABOUR LAW AND INDUSTRIAL RELATIONS 61-82 (2010)
- A Purposive Interpretation of the National Minimum Wage Act*, 72 MODERN LAW REVIEW 581-606 (2009)
- Indirect Employment*, 12 LABOUR, LAW AND SOCIETY 191-216 (2010) (Hebrew)
- Unbound: Some Comments on Israel's Judicially-Developed Labor Law*, 30 COMPARATIVE LABOR LAW AND POLICY JOURNAL 283-311 (2009)
- The (Changing?) Idea of Labour Law*, 146 INTERNATIONAL LABOUR REVIEW 311-320 (2007)
- Constitutional Review in Budgetary Matters*, 49 HAPRAKLIT 345-383 (2007) (Hebrew)
- The Managerial Prerogative and Contract Law: Following Nahari and Grinshpan*, 38 MISHPATIM 415-442 (2008) (Hebrew)
- The Principle of Proportionality in Labour Law*, 31 IYUNEY MISHPAT 5-55 (2008) (Hebrew)
- In Defence of (Efficiently Administered) 'Just Cause' Dismissal Laws*, 23 INTERNATIONAL JOURNAL OF COMPARATIVE LABOUR LAW AND INDUSTRIAL RELATIONS 117-138 (2007)
- Enforcement Problems in 'Informal' Labor Markets: A View from Israel*, 27 COMPARATIVE LABOR LAW AND POLICY JOURNAL 3-26 (2005)
- State or Family? The 2003 Amendment to the Citizenship and Entrance to Israel Law*, 8 MISHPAT UMIMSHAL 643-699 (2005) (Hebrew) (with Jonathan Yovel, Ilan Saban & Amnon Reichman)
- Who is a Worker?*, 34 INDUSTRIAL LAW JOURNAL 57-71 (2005)
- Joint Employers Status in Triangular Employment Relationships*, 42 BRITISH JOURNAL OF INDUSTRIAL RELATIONS 727-746 (2004)
- Collective Bargaining Law: Purpose and Scope*, 20 INTERNATIONAL JOURNAL OF COMPARATIVE LABOR LAW AND INDUSTRIAL RELATIONS 81-106 (2004)

*The Three Axes of Employment Relationships: A Characterization of Workers in Need of Protection*, 52 UNIVERSITY OF TORONTO LAW JOURNAL 357-418 (2002)  
[reprinted in EMPLOYMENT AND PRIVATE INTERNATIONAL LAW (Ulla Liukkunen ed., 2020)]

*The Paradox of Judicial Deference*, 12 NATIONAL JOURNAL OF CONSTITUTIONAL LAW 133-164 (2001)

*Separating Minimal Impairment from Balancing: A Comment on R. v. Sharpe (B.C.C.A.)*, 5 REVIEW OF CONSTITUTIONAL STUDIES 195-209 (2000)

*Beyond Employees and Independent Contractors: A View from Canada*, 21 COMPARATIVE LABOR LAW AND POLICY JOURNAL 7-45 (1999) (with Brian Langille)

### **Chapters in Collections**

*Platform Workers, Autonomy, and the Capability Approach*, in TRASFORMAZIONI, VALORI E REGOLE DEL LAVORO – SCRITTI PER RICCARDO DEL PUNTA, VOL III (William Chiaromonte & Maria Luisa Vallauri eds., Firenze UP, forthcoming 2024)

*The Concept of Employee*, in THE OXFORD HANDBOOK OF THE LAW OF WORK (Guy Davidov, Brian Langille & Gillian Lester eds., OUP forthcoming 2024)

*The Capability Approach and Labour Law: Identifying the Areas of Fit*, in THE CAPABILITY APPROACH TO LABOUR LAW (Brian Langille ed., OUP 2019) 42-61

*Distributive Justice and Labour Law*, in PHILOSOPHICAL FOUNDATIONS OF LABOUR LAW 141-155 (Hugh Collins, Gillian Lester & Virginia Mantouvalou eds., OUP 2018)

*Reform in Small Steps: The Case of the Dependent Contractor*, in THE DAUNTING ENTERPRISE OF THE LAW: ESSAYS IN HONOUR OF HARRY ARTHURS 244 (Simon Archer, Daniel Drache & Peer Zumbansen eds., 2017)

*Purposive Interpretation in Labour Law: Who is an Employee*, in LIBER AMICORUM STEVE ADLER (2016) (Hebrew) 261-277

*The Subjects of Labor law: "Employees" and Other Workers*, in RESEARCH HANDBOOK IN COMPARATIVE LABOR LAW (Matthew Finkin & Guy Mundlak eds., 2015) 115-131 (with Mark Freedland & Nicola Kountouris)

*Lay Judges in Labour Courts: Their Role and Contribution in Theory and in Practice*, in LIBER AMICORUM ELISHEVA BARAK-OSSOSKIN (Sacher Institute 2012) 185-206 (Hebrew) (with Reut Begas)

*Freelancers: An Intermediate Group in Labour Law?*, in CHALLENGING THE LEGAL BOUNDARIES OF WORK REGULATION (Judy Fudge, Shae McCrystal and Kamala Sankaran eds., Hart 2012) 171-185  
[also translated into Chinese and republished in 1 SOCIAL LAW STUDIES 8-19 (2013)]

*Re-Matching Labour Laws With Their Purpose*, in THE IDEA OF LABOUR LAW (Guy Davidov & Brian Langille eds., OUP 2011) 179-189

*Workers Through Subcontractors in Schools*, in PRIVATIZATION AND COMMERCIALIZATION IN STATE EDUCATION IN ISRAEL (Orit Ichilov ed., 2010) 145-173 (Hebrew)

*The Reports of My Death are Greatly Exaggerated: 'Employee' as a Viable (Though Overly-Used) Legal Concept*, in BOUNDARIES AND FRONTIERS OF LABOUR LAW: GOALS AND MEANS IN THE REGULATION OF WORK (Guy Davidov & Brian Langille eds., 2006) 133-152

*The Right to Work as a Community and Individual Right and its Constitutional Potential*, in ECONOMIC SOCIAL AND CULTURAL RIGHTS IN ISRAEL (Yoram Rabin and Yuval Shani eds.) (Ramot, 2004) 533-565 (Hebrew)

*Workers on Boards of Directors: A Suggested Model*, in LIBER AMICORUM MENACHEM GOLDBERG (Aharon Barak et al., eds.) (Sadan, 2001) 251-285 (Hebrew)

### **Notes, Reviews and Other Short Publications**

*Review of Structural Injustice and Workers' Rights*, by Virginia Mantouvalou, 52 INDUSTRIAL LAW JOURNAL 828-833 (2023)

*Review of Principled Labor Law: U.S. Labor Law Through a Latin American Method*, by Sergio Gamonal and César Rosado Marzán, 41 COMPARATIVE LABOR LAW AND POLICY JOURNAL 289-297 (2019)

*Review of The Evolving Project of Labour Law (John Howe, Anna Chapman and Ingrid Landau eds.)*, 31 AUSTRALIAN JOURNAL OF LABOUR LAW 339-343 (2019)

*Defending 'A Purposive Approach to Labour Law': A Reply to Comments*, 156 GIORNALE DI DIRITTO DEL LAVORO E DELLE RELAZIONI INDUSTRIALI 781-790 (2017) (reply to comments, part of a symposium on my book)

*Putting the Purpose of Labour Law to Work*, 16 JERUSALEM REVIEW OF LEGAL STUDIES 68-82 (2017) (reply to comments, part of a symposium on my book)

*Labour Law Developments – Israel: Employers Prohibited from Voicing Objection to Unions*, REVUE DE DROIT COMPARE DU TRAVAIL ET DE LA SECURITE SOCIALE (2015) [also published online as Dispatch no. 1 (July 21, 2016) of the COMPARATIVE LABOR LAW AND POLICY JOURNAL]

*The (Incomplete) Purposive Revolution: A Review of Freedland & Kountouris*, 7 JERUSALEM REVIEW OF LEGAL STUDIES 87-98 (2013)

*Introduction: Understanding Labour Law: A Timeless Idea, a Timed-Out Idea, or an Idea Whose Time has Now Come?*, in THE IDEA OF LABOUR LAW (Guy Davidov & Brian Langille eds., OUP 2011) 1-10 (with Brian Langille)

*The Perils of Economic Justifications for International Labor Standards: A Comment on Hyde*, 3 LAW & ETHICS OF HUMAN RIGHTS 179-188 (2009)

*Review of The Changing Law of the Employment Relationship: Comparative Analyses in the European Context*, by Nicola Countouris, 4 INTERNATIONAL JOURNAL OF LAW IN CONTEXT 287-290 (2008)

*Introduction: Goals and Means in the Regulation of Work*, in BOUNDARIES AND FRONTIERS OF LABOUR LAW: GOALS AND MEANS IN THE REGULATION OF WORK (Guy Davidov & Brian Langille eds., 2006) 1-10 (with Brian Langille)

*A Strike as Part of a Broader Dispute and a Virtual Strike (With Pay) as a Proportional Remedy*, 11 LABOUR, SOCIETY & LAW 53-57 (2005) (Hebrew)

*The Social-Economic Reform 2002-2003: An Interdisciplinary View*, 10 LABOUR, SOCIETY & LAW 209-219 (2004) (Hebrew)

*The Actors of Collective Bargaining: Israel*, 51 BULLETIN OF COMPARATIVE LABOUR RELATIONS 171-182 (2004)

### **Presentations (Selected, Recent Years)**

Freedom of Expression for Workers – Justifications, Limitations, and Proposed Rules of Thumb

- International Seminar on Labour Rights as Human Rights, June 2024 (Ca' Foscari University, Venice)
- Conference on Freedom of Expression for Workers and Artists, May 2023 (BI Norwegian Business School Oslo)

Status and Control Following the Proposed EU Platform Work Directive

- Labour Law Research Network Conference, June 2023 (University of Warsaw)

Consent in Contracts of Employment

- London Labour Law Discussion Group, June 2022 (University College London) (with Maayan Niezna)
- Masterclass Portuguese Labour Law Association, April 2022 (University of Coimbra, Portugal)
- Labour Law Research Network Conference, June 2021 (University of Warsaw, by Zoom)

Enforcement of and Compliance with Labour Laws

- Sinzheimer Annual Lecture, Hugo Sinzheimer Institute Frankfurt, November 2020

Nonwaivability in Labour Law

- Tel-Aviv University Private Law Theory Workshop, April 2020
- Labour2030 Conference, September 2019 (Porto, Portugal)
- Labour Law Research Network Conference, June 2019 (Valparaiso, Chile)

Resolving Conflicts of Rights in the Workplace: The Purposive Approach

- Conference on “Fundamental Rights at Work”, November 2018 (Aarhus University, Denmark)

Labour Law in Search of a Purpose

- Leon Petrażycki Annual Lecture, University of Warsaw, May 2018
- Workshop on “The Perspective of Labour Law Today and in the Coming Decades”, April 2018 (University of Parma, Italy)



#### The Capability Approach and Labour Law: Identifying the Areas of Fit

- Conference on “The Capability Approach Meets Labour Law”, October 2017 (University of Toronto)

#### The Goals of Regulating Work: New Perspectives

- Masterclass lecture, University of Porto, October 2017 (Portugal)
- Public Lecture, University of British Columbia, September 2013 (Vancouver)

#### Using Moral and Political Philosophy to Justify Labour Law: Potential and Limits

- Labour Law Research Network Conference, June 2017 (University of Toronto)

#### The Status of Uber Drivers: A Purposive Approach

- Workshop on the Sharing Economy, November 2016 (University Carlos III, Madrid)

#### Subordination vs Domination: Exploring the Differences

- Conference on Theories of Domination and Labour Law, October 2016 (University of Strathclyde, Glasgow)

#### Addressing the Compliance/Enforcement Crisis in Labour Law

- Law and Society Association Conference, June 2016 (New Orleans)

#### Distributive Justice in Labour Law

- Conference on Philosophical Foundation of Labour Law, June 2016 (University College London)

#### Indirect Employment: Should Lead Companies Be Liable?

- Colloquium on Scholarship in Employment and Labor Law, September 2015 (University of Indiana, Bloomington)
- Labour Law Research Network Conference, June 2015 (University of Amsterdam)

#### Accommodation for All?

- Workshop on Reasonable Accommodation, June 2015 (University of Leuven, Belgium) (with Guy Mundlak)

#### Organizing: Should the Employer Have a Say?

- Workshop on Labour Organizing and the Law, January 2015 (Tel-Aviv University) (with Pnina Alon-Shenker)

#### Using Open-Ended Standards to Advance Labour Law’s Goals

- Conference on Legal Construction on Harmony of Labour Relations, November 2014 (University of Beijing)
- CRIMT International Conference, May 2014 (Montreal)

#### Intermediate Approaches to Job Security

- Tokyo Labour Law Study Group (April 2014, Tokyo)
- Faculty seminar, University of Illinois School of Law and School of Labor and Employment Relations (April 2012, Champaign)

#### The Idea of Labour Law

- Hugo Sinzheimer Annual Lecture, University of Amsterdam, November 2013

The General Goals of Labour Law: Between Universalism and Selectivity

- Faculty seminar, University of British Columbia, September 2013 (Vancouver)
- Labour Law Department Seminar, Pompeu Fabra University, January 2013 (Barcelona)
- Faculty seminar, Osgoode Hall Law School, March 2012 (Toronto)
- Faculty seminar, McGill University, March 2012 (Montreal)

Setting Labour Law's Coverage: Between Universalism and Selectivity

- Labour Law Research Network Conference, June 2013 (UPF, Barcelona)
- International Labour and Employment Relations Association Conference, July 2012 (Philadelphia)