

Editorial

Anti-discrimination legislation and case law dealing with employment discrimination are among the most topical labour law issues in Europe. As a result, *The International Journal for Comparative Labour Law and Industrial Relations* has received so many manuscripts on questions related to employment discrimination that we have decided to dedicate a complete issue to this matter. One reason why employment discrimination is such a hot topic is the fact that in recent years extensive EC legislation proscribing employment discrimination has been passed: Directive 2000/43/EC prohibiting discrimination on grounds of race and ethnic origin, Directive 2000/78/EC banning discrimination on grounds of religion or belief, disability, age or sexual orientation, and finally Directive 2002/73/EC amending Directive 76/207/EEC barring sex discrimination in employment and occupation.

The obligation to transpose these Directives into national laws gives rise to the need for fundamental changes to the labour laws of several Member States, whereas only minor adjustments are needed in others. This discrepancy is the starting point for Susanne Burri and Filip Dorssement, who note that before 2000 equal treatment legislation in Belgium and the Netherlands differed profoundly. By analysing these divergences they obtain interesting insights into problems relating to the transposition of EC equal treatment directives in general, and they focus on whether the two Directives of 2000 have been implemented correctly.

National legislation implementing EC equal treatment directives, however, will be ineffective unless it is underpinned by enforcement mechanisms. This is why Victoria Howes and Rolf Wank compare the existing enforcement framework of anti-discrimination law in the UK and Germany. They support the proposals for the establishment of Equality Commissions in both countries.

Whereas the first two papers deal with rather practical aspects of the implementation of Directives 2000/43/EC and 2000/87/EC, Aaron Baker reflects on a more general issue. He sees a tension between the policy aim of changing society to eliminate inequality on the one hand, and effective individual remedies for discrimination issues on the other, and illustrates his argument by reference to US employment discrimination law, where a clear conflict has arisen between the two. He then traces the development of anti-discrimination law in the UK, and the gradually emerging tension between the two policy aims there. After assessing the contem-

porary discourse on the reform of UK equality law, he comes to the conclusion that a new single equality act might promote social change without eroding the benefits of the existing system for individual dispute resolution.

Unlike other forms of discrimination banned by EC law, direct age discrimination may be justified by a legitimate aim. In his paper, Malcolm Sargeant critically discusses the resulting contradiction between the business justification for encouraging diversity in the workforce (by continuing age discrimination) and the human rights justification for ending age discrimination. The first approach, of course, weakens the latter, and this is especially important in cases of multiple discrimination. As a result, the author argues, a consistent approach to the principle of equal treatment in all areas of discrimination is needed.

The last paper in this special issue on matters of equal treatment in employment is by Eoin Quill, on the employer's liability for bullying and harassment. In this case the author does not focus on statutory legislation implementing the ban of harassment laid down in Directives 2000/43/EC and 2000/78/EC, but examines the application of tort principles in Ireland, taking into account recent developments in the US and Canada, and making a comparison with provisions in the UK.

Finally, in the Book Review section, Manfred Weiss examines Sir Bob Hepple's *Labour Laws and Global Trade*, dealing with a number of key issues that are likely to engage labour law scholars increasingly over the coming years as globalisation gathers pace.

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CORRECTION

We wish to apologise for the mistake that appeared in the paper by Kees J. Vos, 'Americanisation of the EU Social Model?', Volume 21, Issue 3, 2005. The first sentence of Section 4 under the heading 'Social Models?' on page 358 should read as follows:

'Almost at the same time as the European social model emerged, Esping-Andersen presented his well-known classification of welfare states.'
