

Editorial

In this issue Bruce Kaufman reflects on the core principles and theoretical foundations of industrial relations, and argues for the need to reject the orthodox model of a competitive supply/demand labour market and its proposition that labour is a commodity. In his view a more humanistic approach is needed in order to deal with the challenges facing contemporary labour law and industrial relations. A balance should be struck between market forces and institutions in order to achieve social justice. In this perspective an institutional infrastructure is required that can humanise, stabilise, democratise and balance the employment relationship as a key feature of industrial relations.

One of the challenges for industrial relations is the relocation of production facilities. The paper by José Pastore concentrates on this issue, which represents one of the main concerns for governments and the social partners as it leads to profound changes in industrial relations, not only for relocating and destination countries but also for developing countries.

In the next paper Robert Guthrie and Rebecca Taseff investigate different judicial and legislative approaches in the US to the rights of undocumented workers suffering work-related injuries or diseases. In analysing legislative and case law responses, the authors support the idea of a more complex and individualised approach based on humanitarian principles.

A similar problem, though from a different angle and with respect to another continent, is highlighted by Samantha Currie. She analyses access to the labour market in the EU 15 Member States by immigrants from the 10 new member states. Her analysis focuses on Polish immigrants in the UK, one of the few EU countries allowing labour market access to workers from the EU10. Specific attention is given to the problem of the brain drain from the accession states, giving rise in some cases to a significant brain gain for the receiving countries. The idea the author supports is that it is rather the case of brain waste as the skills of immigrants are usually downgraded in the country of destination, especially in the case of women workers.

In his paper Guy Davidov investigates just cause dismissal laws and wholly supports the need for protective legislation against unfair dismissal. Considering that the regulation of dismissals is one of the key elements of national labour law systems, the author reflects on the philosophy underlying the just cause for dismissals, examining the impact of a

just cause regime on economic efficiency and on the autonomy of the employer, and suggests improving procedures in order to make justified dismissals swift and inexpensive.

Finally, Ronald Beltzer analyses the transfer of undertakings in the UK. Criticising the European Court of Justice's interpretation of the Acquired Rights Directive, which significantly widens its original scope, he argues that such an approach has adverse effects on some sectors of the labour market and suggests that more emphasis should be placed on the economic context in which the transfer takes place.

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