

Editorial

In the era of globalization the need to strike a balance between employee security and business requirements, i.e. *flexicurity*, has become of crucial importance. From this point of view much has been done at the European level, and EU legal measures often serve as a reference point for other countries. However, the experience of non-EU countries should not be neglected as it can serve as a source of inspiration also for European countries.

The problems of flexicurity are of central importance in the transfer of undertakings. Giuseppe Santoro-Passarelli explores different aspects of the transfer of undertakings directives and their impact on the rights of individual workers' rights in a number of countries including Italy, the UK, Germany and France, making reference to the landmark rulings of the European Court of Justice, and arguing that there is a considerable degree of convergence between the various national systems in this area.

The paper by John McMullen focuses in detail on the same issue, concentrating mainly on the application of Directive 2001/23/EC in the UK and Ireland, and examining a considerable amount of case law. In the author's opinion a review of recent case law and practices of the member states concerning the application of this directive reveals that the domestic courts have a large part to play in interpreting this area of European law.

At the same time the paper by Meghna Rajadhyaksha provides useful insights into the Indian case from the point of view of improving existing legislation with regard to the transfer of undertakings. The legal system of this developing economy is of particular importance in the context of the internationalization of productive processes and international mergers. Whereas European countries are more or less obliged to conform to common standards, the developing economies are facing the risk of social dumping and the undermining of employee rights.

The paper by Lars Mitlacher and John Burgess offers an in-depth comparative analysis of the regulation of temporary agency work in Australia and Germany. They focus primarily on the undermining of employment conditions of temporary agency workers, and workers' rights in a flexicurity context. In the authors' view a comparative study of two strikingly different models such as the German and the Australian one, together with the proposed European directive, may help to improve the supranational regulation of temporary agency work.

The International Journal of Comparative Labour Law and Industrial Relations, Volume 23/3, 309-310, 2007.
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THE INTERNATIONAL JOURNAL OF COMPARATIVE LABOUR LAW AND INDUSTRIAL RELATIONS

Occupational health and safety is an important aspect of employee security in the workplace. Based on his professional experience in the occupational health and safety system in Ontario, Canada, Jason Lakhan focuses on a comparative overview of occupational health and safety regimes in Ontario, Sweden and the USA, highlighting the differences in national, political, and industrial relations traditions.

Finally, from a South African point of view, Lindy Heinecken and Michelle Nel investigate a highly controversial issue: whether to grant labour rights to military personnel. The South African Constitutional Court recently granted military personnel certain labour rights, including the right to collective bargaining. Considering that the harmonization of employment rights of military personnel is becoming a topical issue in Europe, especially in the context of joint international missions in which differences in employment rights may lead to tension, the unique experience of South Africa will be of interest for other countries dealing with similar issues.

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