

Editorial

This issue opens with a paper by Herwig Verschueren on how the European Court of Justice and community law seek to balance the right of free movement of workers and the rights of employers to provide services with their own employees, concentrating on the social status of cross-border workers. In the author's view, the position of the ECJ, according to which the freedom-to-provide-services rule and the interests of the employer prevail in determining which labour law should apply to posted workers, might act as a sort of a Trojan horse, threatening the national welfare state.

Still in a European dimension, Berndt Keller deals with the key issue of social dialogue at various levels including the interprofessional (or macro) and sectoral (or meso) level, with particular attention to the opportunities and constraints at both levels. The author examines the stages of its development, and considers the consequences of institutional reform.

From a German perspective, Hartmut Seifert discusses recent trends in working-time patterns from the point of view of 'regulated flexibility'. He notes that working-time patterns in Germany have altered significantly over the past two decades in favour of more flexible working time arrangements, highlighting the link between this trend and the decentralization of collective bargaining. The paper also considers whether the decentralization of negotiating powers weakens or strengthens the position of employees as far as time management is concerned.

From a UK point of view, Malcolm Sargeant addresses another topical issue, the health and safety of employees in precarious forms of employment. He starts his analysis by underlining how health and safety law in the UK, founded on the historic common law system, differs in many respects from the systems operating in most other EU Member States. The author asks some highly provocative questions about whether the States that treat all workers, whatever their status, in the same way with regard to health and safety really provide a sufficient level of protection. He stresses a lack of empirical evidence about whether more specific measures are needed, whether the issue is one of the effective application of existing legislation to various forms of work, or whether new legislation might be required.

With regard to the Chinese labour market, Jie Shen analyses the problem of labour conflicts and their settlement in the context of the changing nature of industrial relations. Since the old and undoubtedly

rigid system of state regulation has been replaced by more flexible patterns giving employers greater freedom in hiring and firing, workers often find themselves in an extremely disadvantaged position with regard to the employer. The paper highlights the diverging interests of employers and employees and examines recent trends in labour disputes.

Maria Ascensión García Trascasas reflects on training contracts in Spain as a measure designed to facilitate access to the labour market while providing on-the-job training. The author outlines the transformations that training contracts have undergone in the Spanish system over the past 30 years with regard to specific groups in the labour market, and argues that training objectives are often disregarded while priority is given to reducing unemployment, concluding that collective bargaining has an important role to play in this regard.

Finally, the Documentation and Reports section includes the Keynote Speech by Manfred Weiss at the IIRA African Regional Conference in Cape Town in March 2008, with proposals for promoting decent work in Africa.

OLGA RYMKEVITCH
MARLENE SCHMIDT
MICHELE TIRABOSCHI