

Editorial

The issue opens with a paper by Bernd Waas on the reinstatement of labour law, examining the pros and cons of reinstatement with regard to Europe. In his outline of developments in the EU, he analyses a European Commission proposal concerning the adoption of a common terminology and common framework of reference for contract law. He then considers the role of labour law, mainly from the point of view of a civil lawyer, while also referring to common law practices in order to highlight the differences between the two legal traditions. In the course of his analysis, he poses some provocative questions concerning the need for reinstatement and regulation of labour law at European level. To provide more objective answers, he addresses these issues through the prism of historical and economical developments.

While Bernd Waas concentrates on Europe and the civil law tradition, Thomas Kohler discusses reinstatement from the standpoint of a common law scholar. In this sense the two papers are complementary to each other. Kohler, for his part, provides an in-depth discussion of the common law tradition by examining the history of US legal thinking, underlining the substantial difference compared to the civil law, while arguing that 'the line between civil and common law systems may no longer be so stark as once was true'. Discussing the need to systematize and organize the law, the author probes into recent developments in this area, and in particular, the Reinstatement of Employment Law Project initiated by the Council of the American Law Institute.

Still with a focus on the differences between the common and civil law traditions, especially the lack of common definitions, Barbara Grandi raises a more specific but no less important issue for labour lawyers concerning the classification of workers. She discusses the role that a comprehensive definition of the term 'employee' might play in terms of classification, and examines issues arising from the European definitions, and socio-economic costs resulting from misclassification. However, in the author's view, the problems of misclassification of workers are much more complex than might seem at first glance, and she argues that simply providing a common definition of employees at EU level would not entirely solve this problem.

With reference again to Europe, the paper by Nuria Ramos Martin and Jelle Visser offers a detailed and comprehensive analysis of the implementation of the Framework Agreement on Telework in the Member States of the EU and the EEA. They discuss the development of

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European social dialogue, and in particular, the implementation of autonomous framework agreements as well as the impact of the European Telework Agreement. The overview of implementation measures in different Member States underlines the lack of common concepts and definitions linked to the different perceptions of telework in the EU Member States.

In a single-country study, Fiona Edgar, Alan Geare, and Ian McAndrew analyse problems relating to union affiliation in New Zealand, and in particular, they try to address some deeply-rooted stereotypes, mainly of an ideological character, that give rise to cynical attitudes towards unions on the part of some managers and scholars. In the course of their investigation the authors provide an historical overview, survey data and statistical analysis in their attempt to 'dispel the myth' of a negative impact of current union membership on worker attitudes.

Finally, in another single-country study that has implications that go far beyond the specific national context, Carolyn Penfold investigates employment in off-shored services in India according to the criteria of decent work laid down by the ILO. Her analysis casts light on the concepts of off-shored services and decent work, and focuses on issues such as social protection, employment conditions, the (lack of) rights of off-shored workers and social dialogue in this sector. She concludes with some remarks about the contribution of off-shored services to the development of decent work in India.

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* New spelling following recent changes in the official guidelines for the transcription of Russian surnames.