

Editorial

This issue begins with a paper by Taco van Peijpe, examining the priority of the principles of free movement over national and international collective labour rights and providing an analysis of the Posting Directive and some milestone judgments of the European Court of Justice (*Viking*, *Laval*, *Rüffert*, *Commission v. Luxembourg*) as well as of their impact on the collective labour law of the European Union (EU) Member States. The paper considers whether the labour law of the country of origin or the host country should be applied to workers moving from one Member State to another. The author argues that the free movement of services imposes certain restrictions on the exercise of collective labour rights, the extent of which will vary from one Member State to another.

Katarzyna Lasak focuses her attention on health and safety issues in the framework of the European Social Charter. She pays attention to migrant workers, especially those who enter and stay in the country illegally, and to temporary workers, pointing out the lack of statistics concerning the number of accidents at work for these two categories of workers. Finally, she stresses the need to combine law and practice in a proper manner, analyzing the provisions of the European Social Charter. The author examines the statutory and the self-regulation model relating to health and safety issues and evaluates the role and the impact of the European Social Charter as a unique instrument for the protection of health and safety at work.

With regard to the European Social Charter, Rolf Birk and Nils Maack address provisions relating to employee rights such as information, consultation, and participation in private enterprises as provided in the different versions of the Charter. In addition, the authors provide a historical overview of the Charter as well as of its relationship with EU law and its influence on the national law of the Member States of the Council of Europe, considering enforcement mechanisms of social rights, such as the reporting system and collective grievances.

In his paper, Tayo Fashoyin analyzes the notion of governance in the South African experience, in particular bipartite and tripartite cooperation. He assesses the role of the Millennium Labour Council (MLC) and the National Economic Development and Labour Council (NEDLAC), emphasizing the importance of strong and independent workers' and employers' organizations in advancing the contribution of tripartite cooperation to national socioeconomic development. Finally, the author considers the possible application of the MLC model elsewhere.

Katherine C. Naff and Ockert Dupper analyze affirmative action in the US and South Africa as a means for achieving equality and ensuring a representative public administration. In doing so, the authors provide an analysis of the most important court decisions and legal developments in these two countries, considering similarities and differences in the approaches taken by the two judicial systems.

Finally, Victoria Howes provides an overview of recent changes in UK legislation and remedies provided by the courts and employment tribunals concerning harassment at work, with special reference to sexual harassment, in the light of EU Directive 2002/73/EC. The author also focuses on some positive trends in the development of anti-discrimination legislation, since workers subject to harassment continue to face difficulties in understanding ambiguous and complex legal provisions.

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