

Editorial

This year the *International Journal of Comparative Labour Law and Industrial Relations* celebrates its twenty-fifth anniversary, and it therefore seems appropriate that the first issue should open with an authoritative retrospective study by Manfred Weiss, providing an overview of the history of European labour law since the founding of the *Journal* in 1985. Examining both hard and soft-law measures, and the progress achieved so far in shaping European labour law, the author makes some critical observations particularly about soft-law measures, and concludes that the twenty-five years that the *Journal* has been in existence may be considered as the 'golden age' of European labour law.

Arturo Bronstein also provides an authoritative historical survey, in this case addressing developments in Latin America labour law and industrial relations over the past twenty-five years, while highlighting the lack of homogeneity among Latin American countries. In particular, the author focuses on the influence of international labour law, mainly ILO conventions, on domestic legislation and labour law reform in the region. He draws attention to measures increasing the flexibility of labour markets in these countries and the controversial outcomes, resulting in a shift in most countries towards re-regulation and the reinstatement of the institutional role of the state in the labour market.

Nicola Smit and Elmarie Fourie provide an analysis of the legal situation of atypical workers and those in the informal economy in developing countries, particularly India, South Africa, Namibia and Tanzania. The authors consider the changing nature of the labour market in the context of globalization which favours the growth of flexible forms of employment, and argue that in order to remain relevant, labour law should be adapted or reinvent itself to accommodate the interests of the workers most in need of protection, especially atypical workers or those in the informal sector.

Guy Davidov raises the problem of the enforcement of labour law and warns against the excessive resort to soft-law rather than hard-law measures. He argues that an excessive reliance on soft-law measures tends to undermine compliance with existing labour legislation, putting disadvantaged workers at greater risk. In support of his position he provides an analysis of the case law on public-sector contracting-out for cleaning and security services in Israel.

From an Italian perspective, Luca Nogler provides a critique overview of the concept of subordination in EC law with specific reference to the Italian labour law and para-subordinate workers pointing out the lack of functional homogeneity in approaches towards the definitions this ‘middle category’. He concludes that *Lawrie-Blum v. Land Baden-Württemberg* is inconsistent in respect to other notions of workers like self-employed persons or other economically active persons.

Finally, Chiara Bizzarro, Flavia Pasquini, Michele Tiraboschi and Davide Venturi examine the certification of employment contracts in the Italian context, arguing that it is a powerful tool to promote regulatory compliance to the mutual benefit of employers and employees. Certification is proposed as a way to enforce labour standards through the proper use of contractual models. The certification procedure may be seen as a form of self-regulation, or rather ‘co-regulation’ undertaken on a voluntary basis by the parties, thus increasing the level of legal certainty, and reducing the number of cases before the labour courts.

Olga RYMKEVICH
Marlene SCHMIDT
Michele TIRABOSCHI