

Editorial

The issue opens with a paper by Tony Royle focusing on core labour standards and the evolution of the International Labour Organization (ILO) policies in a context of globalization in which the emphasis is increasingly on non-binding forms of regulation. The paper examines the existing instruments with particular regard to social clauses, voluntary codes of corporate conduct and other private initiatives of multinational companies (MNCs). In his critical analysis of the soft law approach to labour standards, the author points to the need for 'harder' regulatory forms, including more binding international standards and stronger national collective laws, accompanied by effective enforcement mechanisms in order to counteract the progressive 'privatization' of labour rights and revitalize trade union rights and collective bargaining.

Julia J.A. Shaw and Hillary J. Shaw provide some reflections on the highly topical issue of age discrimination. The authors offer an overview of the legislation of a number of countries with the support of statistical data. In connection with age discrimination, the authors raise another crucial issue, that of sex discrimination. In spite of a series of legislative provisions and other supportive measures, women still suffer dual discrimination based on gender and age. Women are often penalized both from the point of view of remuneration and access to top-level positions (the glass ceiling effect). In the authors' view, mere legislative intervention is not sufficient to ensure equal treatment for older people, and older women in particular. Profound cultural changes are needed to promote diversity awareness.

Jane Parker and Julie Douglas address another complicated question linked to diversity, that is, how women's groups might further union revitalization aims. They examine the role of such groups in New Zealand, the United Kingdom and Canada within a more general discourse of the development of the trade union movement, considering also structural changes such as the ongoing feminization of the workplace and the increasing need to address intra-, inter- and transgender issues. The authors share some ideas about the role of women in tackling diversity issues in terms of voice and representing intersectoral interests in order to reconcile different constituent group interests. In the authors' view, women's groups can promote more inclusive representation of a wider body of members' interests and further other equality initiatives. The authors conclude by underlining the key role of legislative and political developments in promoting diversity issues in the countries concerned.

George Mpedi examines individual employment contract law particularly in South Africa, discussing the principle of freedom of choice and limitation of the autonomy of the parties. He proceeds with an examination of the applicable law in the absence of a choice of

law, with a survey of the approaches taken by the courts. He also stresses the crucial role of the international instruments applicable to contractual obligations and concludes with some reflections on the future development of private international law in South Africa and the utility of its codification or consolidation versus a traditional common law approach.

Saskia Klose draws attention to the problem that over the years has become a matter of serious concern in Europe, the exclusion of people with disabilities from the labour market. The author focuses on various approaches of member states aimed at attuning the particular needs of people with disabilities to the specific needs of the labour market. To achieve better results, in the author's opinion it is important not only to consider the needs of employees but also to motivate employers to hire workers with disabilities. Some countries have led the way in providing innovative solutions, in a perspective of flexicurity, adopting a wide range of personalized support measures, combining incentives and sanctions to ensure equal opportunities for people with disabilities entering and progressing in employment and to reduce the related risks for employers.

Finally, Merle Muda analyses the evolving concept of flexicurity in Europe in the context of the recent labour law reform in Estonia. The paper identifies peculiarities of the national approach to flexicurity within a comparative analysis of the situation in other European countries. The author underlines the particular nature of the new legislation also in comparison with the previous regulation dating back to the Soviet era. It is argued that this is a transitional piece of legislation since the law has been in force for only a year, and time is needed to verify its effectiveness. Clearly, case law will play an important role in highlighting any lacunae in the legislation.

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