

Editorial

This issue opens with a paper, ‘Balancing Fundamental Social Rights and Economic Freedoms – Can the Monti II Initiative Solve the EU Dilemma?’, by Niklas Bruun, Andreas Bücker and Filip Dorsssement. The paper provides a detailed discussion and topical and critical analysis of the European Commission’s proposal for a Monti II Regulation concerning the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (in the wake of the *Viking* and *Laval* judgments by the Court of Justice of the European Union (CJEU)). The authors describe the critical reactions from national parliaments in different Member States to the proposal for a Monti II Regulation, prompting action and review by the European Commission, and propose instead the adoption of a revised initiative with another Treaty basis and with a clear commitment to international labour law and labour standards.

Frans Pennings’ paper, ‘EU Citizenship: Access to Social Benefits in Other EU Member States’, also relates to the theme of free movement within the EU. The focus here is on access to social benefits in other EU Member States, and the paper provides an interesting analysis of the case law of the CJEU on EU citizenship, also in relation to the coordination of social security regulations and the free movement of workers. The question arises as to whether a new identity for EU citizens has been created, and to what extent social citizenship threatens national welfare systems. The author concludes that the emphasis on free movement and the ‘link approach’ developed by the CJEU is a better explanation for the consistency of the case law than an explanation based on cross-border solidarity or a special identity relating to EU citizenship.

The important links between labour law and social security law and the need for interdisciplinary research are highlighted not only by Frans Pennings’ paper, but also in ‘Russian Employment Protection: Analysis from the Perspective of EU Flexicurity Policy’, by Nikita Lyutov. The aim here is to provide a critical overview of Russian employment protection legislation and the basic features of employment policy, and to compare them with EU flexicurity policy, which is based on a combination of flexible and reliable contractual arrangements, comprehensive lifelong learning strategies, effective active labour market policies and modern social security systems, as well as an emphasis on social dialogue.

This legal analysis, in combination with a discussion of the OECD and the World Bank indicators on employment protection legislation and labour market flexibility, reveals that claims about rigid Russian employment protection legislation are clearly exaggerated. The author argues that employers are in fact provided with sufficient flexibility to manage labour relations, while the 'security' elements of flexicurity, such as lifelong learning, active labour market policies and effective social dialogue, are not implemented in an effective way in Russia.

In the final paper in this issue, 'The Criminalization of Sexual Harassment in the Nigerian Workplace: Is It an Adequate Response?', Adejoke Omolola Oyewunmi analyses recent legislation that criminalizes sexual harassment in Nigerian workplaces and educational institutions. The paper adopts a comparative approach, and includes an interesting discussion of theories related to sexual harassment, results from previous studies, and statistical data on the nature and incidence of sexual harassment. The author concludes that the criminalization of sexual harassment in Nigeria is clearly justified, but in order for the measures to be effective, awareness about the new legislation must be raised. Furthermore, criminal sanctions must be complemented by reforms of labour law and tort law in order to provide remedies for reinstatement and damages. Preventive measures must also be put in place in order to combat sexual harassment.

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