

Editorial

This issue opens with a paper by Sophia Kagan on labour trafficking in China. Based on a review of Chinese legislation, reports and interviews with experts – and against the background of international law – this paper provides a detailed, critical and topical analysis of the Chinese legislative and policy framework on trafficking for labour exploitation. The focus is on the coherence of the legislation, and on law enforcement methods. Kagan concludes by making some recommendations, and *inter alia* highlights the need for better law enforcement through investigations, prosecutions and convictions.

The issue of enforcement is key also to Miriam Kullmann's paper, 'The Principle of *Effet Utile* and its Impact on National Methods for Enforcing the Rights of Posted Workers'. The aim of the paper is to analyse the complex relation between EU law and national law as regards the enforcement of rights and employment conditions of posted workers. State-oriented, judicial and industrial relations enforcement methods are discussed, as are EU law developments relating to national procedural autonomy, the principle of *effet utile* and the freedom to provide services. The paper provides an interesting and detailed analysis of case law from the Court of Justice of the European Union. In the final analysis, Kullmann also discusses future implications of the adoption of the draft Enforcement Directive, and highlights how national law has inspired its content.

Anja Wiesbrock's paper, 'Mandatory Retirement in the EU and the US: The Scope of Protection against Age Discrimination in Employment', contains a comparative and timely analysis of the divergent approaches towards age discrimination in employment and mandatory retirement in the EU and the US. These approaches are analysed in terms of formal and substantive equality, direct and indirect discrimination and constitutional/general principles of equal treatment. Wiesbrock highlights how mandatory retirement schemes require a complex balancing of various rights and interests, and concludes that 'if the objective is not only to formally outlaw mandatory retirement, but also to prevent older workers being forced into retirement against their will, protection is not significantly greater under US law'.

Lilach Lurie's paper, 'Integrative Employment and Social Security Rights', starts from the current debate on labour market transitions, and emphasizes the

close and important relationship between labour law and social security law. A spectrum of regulatory options is outlined, and the concept of integrative employment and social security rights (IERs) is developed. IERs apply to workers in several or all labour market transitions, and Lurie presents an interesting analysis of their justifications and limits. The paper aims to provide insights for policy-makers on how to respond to the needs of the new labour market, and in this respect Lurie emphasizes one crucial remaining question: Who should fund IERs: the employer, the state or the employee?

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