

Editorial

The articles in this issue relate to important current trends and debates such as globalization of labour markets, corporate social responsibility and links between trade and labour law; flexicurity and the achievement of adequate social protection through labour law and social security; and the function and potential of trade union cooperation and employee participation in national and regional industrial relations systems. These issues are studied through a multitude of research methods and with different theoretical frameworks – and comparative and international perspectives come to the fore.

This issue opens with an article, ‘One Step Forward or More Window-Dressing? A Legal Analysis of Recent CSR Initiatives in the Garment Industry in Bangladesh’, by Beryl ter Haar and Maarten Keune, which is set against recent tragic accidents that have taken place in the ready-made garment industry in Bangladesh, most specifically the collapse of the Rana Plaza. International pressure on multinational corporations to take responsibility for the working environment and working conditions in this industry has resulted in two recent initiatives – the Accord on Fire and Building Safety in Bangladesh and the Bangladesh Worker Safety Initiative of the Alliance for Bangladesh Worker Safety. This article offers a topical and important analysis and comparison of these initiatives from the perspective of corporate social responsibility and transnational private regulation. Questions about their legal status, legitimacy, implementation and compliance mechanisms are in focus: in other words, are these initiatives ‘business-driven “ethical marketing devices” (window-dressing) or are they serious human rights-driven efforts to redefine and strengthen the social and ethical dimensions of corporate policies?’

The focus of the article, ‘Fundamental Social Rights, Market Regulation and EU External Action’, by Adalberto Perulli, is on the European Union’s strategy to promote respect for fundamental social rights in its external actions. The article contains a detailed, novel and interesting analysis of the ‘horizontal social clause’ in Article 9 of the Treaty of the Functioning of the European Union (introduced through the Lisbon Treaty), providing that EU policies and activities give due consideration to social requirements, ‘linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of

human health'. The article explores the internal and external dimensions of this clause, as well as other aspects of EU external action, such as social clauses, the promotion of ILO labour standards in free trade agreements and corporate social responsibility. Perulli emphasizes – in line with ter Haar and Keune – that 'the attempt to balance the dictates of global competitiveness with justice and social equality is increasingly in the hands of supranational and interstate networks governed by interdependence', and concludes that '[l]inking Article 9 to external social commitments could provide fresh impetus for the promotion of social rights in EU economic policies and for the implementation of socially responsible practice'.

The aim of the article, 'Revisiting Agency Work in Namibia and South Africa: Any Lessons from the Decent Work Agenda and the Flexicurity Approach?', by Stefan van Eck is to compare and analyse the regulation of temporary agency work in Namibia and South Africa against the background of the ILO Decent Work agenda and the EU flexicurity approach and related legislative instruments. Namibia has adopted a strict regulation of temporary agency work, whereas draft bills in South Africa aim at recognizing this type of flexible work while at the same time providing security for temporary agency workers. In this connection, van Eck's detailed and topical analysis reveals differences and similarities between Namibia and South Africa. In addition, there are valuable lessons to be learned from the ILO and EU perspectives – although the socio-economic situation and stage of development in a country have to be taken into account – and van Eck highlights the important common challenge of growing unemployment, the protection that can be offered to temporary agency workers, for example, by means of equal treatment principles, and the importance of promoting social dialogue and social partnership.

The theme of flexicurity – and the need to develop adequate social protection for flexible and atypical workers – is also key to Christina Hiessl's article 'Employer-Centred Benefits and the Atypical Workforce'. Her focus is on the self-employed and fixed-term employees working for limited periods, and her starting point is the fact that important matters of social protection in working life today are dealt with by employers through employer-centred benefits, and linked to typical features of the standard employment contract. Against the background of international law and through an interesting and critical comparative analysis of the regulation of maternity benefits, retirement pensions, sickness benefits, annual leave and severance pay in different EU Member States, Hiessl examines attempts to dissolve the links to the employer, and identifies the main lines of argumentation for and against employer-centred benefits. She concludes that 'there is room for national social law to design protective provisions in a more inclusive manner'.

The article by Kristina Lovén Seldén, 'Laval and Trade Union Cooperation: Views on the Mobilizing Potential of the Case', adds new and interesting industrial relations perspectives to the existing research on the so-called Laval quartet judgments of the Court of Justice of the European Union. She examines whether and to what extent *Laval* is perceived to have affected trade union relations, including transnational trade union cooperation and mobilization, in Europe. Her analysis is based on interviews with trade union officials in a number of EU Member States, and highlights that '*Laval* [...] confirm[s] the need for stronger cross-national cooperation and coordination', but also that 'opinions diverge with regard to how to mobilize, in other words, on what issues, on what levels and to what extent, displaying important and historically rooted differences between European trade unions regarding the context, scope and objectives of transnational collective action'.

The aim of the article by Raymond Markey and Herman Knudsen, 'Employee Participation and Quality of Work Environment: Denmark and New Zealand', is to evaluate the impact of direct and representative participation on the quality of the working environment in a number of workplaces in Denmark and New Zealand. Existing similarities and differences between these countries allow for an interesting comparative analysis. The quality of the working environment is said to be crucial for both employees and employers in today's working life, also considering the link between the well-being of employees and productivity. The article – a multi-method case study targeting two organizations in each country in the education, health, hotel and food manufacturing sectors – reveals importantly that 'there is a tendency for workplaces with strong forms of participation to [also] display high levels of work environment quality', especially 'within workplaces applying the democratic participation model in which representative and direct participation co-exist and reinforce each other', and that there was a 'relatively clear trend for Danish workplaces to outperform those in New Zealand in terms of quality of the working environment'.

Mia Rönnmar