Editorial

The five articles in this issue contribute to the timely and important debates on fundamental rights protection in a global labour market and the multi-level governance of labour law and industrial relations. The articles approach these debates from different national, regional, international and comparative perspectives, and particular attention is paid to the right to collective bargaining and the right to collective action.

The first two articles originate from a special session on 'EU Labour Law in the Wider World' organized by Nicole Busby and Jo Hunt at the Labour Law Research Network's Inaugural Conference in Barcelona in 2013. Globalization, increased labour migration and the current economic crisis and subsequent neoliberal reforms and challenges to fundamental workers' rights formed a background for the session, and the focus was on the place of EU labour law within this changing landscape, and the nature and extent of social protection.

The aim of the article by Jo Hunt 'Making the CAP Fit: Responding to the Exploitation of Migrant Agricultural Workers in the EU' is to critically discuss the contribution that EU law and different legal instruments can play in responding to the exploitation and wide-scale infringement of employment rights of migrant workers in the agricultural sector. In this topical and important analysis the focus is on the potential of immigration policy, the Seasonal Workers Directive and the Common Agricultural Policy (CAP) in this context. Hunt argues for the introduction of a social conditionality for the CAP, and concludes that:

> incorporating employment rights in this way, with cross-compliance recalibrated to include social concern, could see the effective harnessing of the governance capacity of the EU under the CAP so as to respond to the marginalization and exploitation of all workers in the agriculture in the European Union.

In their article, 'The EU and the ECHR: Collective and Non-Discrimination Labour Rights at a Crossroad?', Nicole Busby and Rebecca Zahn start from the interesting perspective of the constitutionalization of labour rights and discuss the important, complex – and sometimes conflictual – relationship between the Court of Justice of the European Union and the European Court of Human Rights. They discuss the implications of the Lisbon Treaty, the EU Charter of Fundamental Rights and the EU's forthcoming accession to the European

'Editorial'. *The International Journal of Comparative Labour Law and Industrial Relations* 30, no. 2 (2014): 127–130.

Convention on Human Rights, and conduct an interesting analysis of case law as regards non-discrimination rights and collective labour rights, highlighting differences in these legal areas. An important conclusion is that:

> although the old hierarchy of rights may now be consigned to the past, the clear constitutional status conferred on the free movement rights available under EU law means that the conflict between social and economic rights is far from settled and likely to manifest itself in new ways.

In a similar vein, Janice Bellace's article, 'Human Rights at Work: The Need for Definitional Coherence in the Global Governance System', discusses the conceptualization and regulation of labour rights at the international and regional levels. She describes different legal sources and initiatives on human rights at work, and discusses the influence of the 1998 ILO Declaration of Fundamental Principles and Rights at Work and ILO Conventions on the two major UN pronouncements of human rights at work, the UN Global Compact and the UN Principles on Business and Human Rights, as well as on different company codes of conduct and certification, audit and reporting entities. The challenge of the Employers Group's on the ILO Committee of Experts and its elaboration of the right to collective action is also critically examined, and put into perspective. Bellace concludes that companies must accept their societal responsibility to safeguard human rights in their sphere of control, and argues that in order for the:

> concept of universal human rights to remain valid and effective, there must be agreement on what specific rights mean in practice and that, in turn, requires acceptance of an international body's legitimacy in making these determinations.

The right to collective action is also central to the paper by Alan Rycroft, 'What Can be Done about Strike-Related Violence?'. A starting point for this article, with a focus on South African developments, is the fact that strike-related violence is a persistent and destructive feature of industrial action. The article provides an interesting and detailed legal analysis of the existing labour law mechanisms of control – largely reactive and punitive – such as injunctions, criminal prosecution, compensation and damages, and police or army control. These legal mechanisms are interestingly contrasted with insights from social science research, discussing the strike dynamic and mob violence. Rycroft concludes that a more holistic approach to the problem of strike-related violence is needed, and emphasizes that:

> with a greater understanding of the psychological, sociological and economic factors that contribute to mob violence, together with a robust and systematic pre-strike facilitation process supportive of good-faith negotiation, it is suggested that such pre-emptive measures can materially improve the situation.

The right to collective bargaining is the focus of the article by Shae McCrystal 'Designing Collective Bargaining Frameworks for Self-Employed Workers: Lessons from Australia and Canada'. The article provides an interesting comparative study of Australian and Canadian labour law and various schemes for collective bargaining for self-employed workers, in a novel attempt to consider how we might redefine the boundaries of labour law in the context of collective bargaining to accommodate the needs of precarious self-employed workers. The article outlines the important problem of facilitating access to collective bargaining for these workers and describes the necessity for such regulation, discussing a range of questions arising in the design of such collective bargaining frameworks, and describes and analyses a number of specific schemes developed in Australia and Canada. McCrystal concludes that 'to give full effect to the ILO freedom of association Conventions, regulators need to look for creative solutions tailored to the collective bargaining needs of particular groups of workers'. An important question for future research is 'how successful in practice each of [the models discussed] have been in ensuring and promoting access to collective bargaining for precarious self-employed workers'.

Finally, mention should be made of the outcome of the recent research assessment exercise in Italy, in which the Journal was awarded a place in the highest category (Class A). This is confirmation of the fact that the Journal continues to be highly regarded in the international academic community and as a result researchers who choose to publish with us can expect to receive due recognition for their work. The list of Class A Journals in Italy, with their respective ISSN numbers, is available on the website of ANVUR, the Italian research assessment body: http://www.anvur.org/attachments/article/254/Area 12_classeA.pdf.

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