EDITORIAL

On 24 June 2015 the European Labour Law Journal celebrated its fifth anniversary at the occasion of the meeting of the International Association of Labour Law Journals (IALLJ). The meeting went hand in hand with a scientific seminar which focused on the theme “Reasonable Accommodation in the Modern Workplace: Potential and Limits of the Integrative Logics of Labour Law”. The concept of ‘reasonable accommodation’ in labour law was thus put central. Employment discrimination law received new impetus in Europe since the adoption of two legislative instruments in 2000. Inspired by the experience of North American legal systems, the European Union launched a system of rules for a new generation of discriminatory criteria, such as age, disability and religion or belief. It is quite clear that the ideas of both discrimination law and labour law are strongly interwoven and serving shared objectives: an inclusive labour market where integration of workers stands central. Indeed, diversity and employability on the labour market constitute growing challenges for the modern global workplace. Setting these developments against the horizon of discrimination law and the ‘integrative function’ of labour law (cf. B. Hepple, ‘The future of labour law’, Ind. L.J. 1995, 322), it would seem that the need to match workforce diversity with employability and the employers’ organizational or business needs, increases the importance of the notion of reasonable accommodation as it operates in employment discrimination law. It also appears that notions such as ‘adaptability’ and ‘employability’ not only require workers to adapt to new labour market circumstances, but are also directed towards employers’ duties to accommodate work and the workplace to the worker’s situation. In discussing the potential and limits of the legal concept of reasonable accommodation, the IALLJ-seminar confirmed the idea that employment discrimination law gives shape to an accommodated workplace. The papers of the seminar will be published as a Bulletin for Comparative Labour Relations.

In this issue of the ELLJ, Tonia Novitz and Phil Syrpis discuss the place of domestic work in Europe and engage in a labour law and policy analysis surrounding Council Decision 2014/51/EU of 28 January 2014 whereby the EU member states are authorised to ratify ILO Convention 189 concerning decent work for domestic workers. The authors consider a change in approach taken to domestic work in the light of the concept of ‘flexicurity’. Herwig Verschueren deals with the European internal market and competition between workers. This competition has not, in his view, led to a general downward spiral of employment protection, but he points out that restriction of labour costs is seen as a competitive strategy in some countries. In our ‘critical notes’ section, a unique insight into our field of study is given by Alan Neal, who discusses comparative
labour law offering reflections “on the historical development of comparative labour law and some modern trends in this field of study”. He deals with the development of ideas, the influence of persons, groups and associations, the evolution of publications and, finally, gives his insight into modern trends in comparative labour law, ending on an optimistic note as regards the future prospects of the discipline.

In our country development section, Luciana Guaglianone and Fabio Ravelli discuss Italian case law with regard to age related discrimination. Their contribution shows how European Union law is implemented, interpreted and applied at the level of a member state. Finally, Matteo Corti provides an In Memoriam of professor Mario Napoli, who passed away on 14 December 2014, at the age of 69.

Frank Hendrickx
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