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## DEBATING THE KEY ISSUES

Once again it has been the Institute's privilege to stage the WG Hart Legal Workshop, which this year was entitled '*Legal regulation of the employment relation*' and ran from 6 to 8 July. The 1999 programme was put together by Professor Hugh Collins and Professor Paul Davies from the London School of Economics and Professor Roger Rideout from University College, London. Some 50 papers were presented to a large number of enthusiastic participants, including a contribution from Professor Collins on 'Oblique regulation: labour standards and product standards' which formed part of the overall debate on the variety and effectiveness of regulatory techniques.

This year's workshop addressed a highly topical subject. Parliament is currently considering the Employment Relations Bill, which contains some of the reforms to employment and trade union law set out in the government's 1998 White Paper *Fairness at Work* (Cm 3968) and developed in the light of subsequent consultation. Among the measures contained in the bill are new statutory procedures for the recognition and de-recognition of trade unions for collective bargaining; changes to the law on trade union membership to prevent various forms of discrimination (including the blacklisting of people on grounds of trade union membership or activities); rights and changes aimed at making it easier for workers to balance the demands of work and the family; and a number of individual employment rights.

The workshop took the opportunity to ask some important questions, based around the fundamental issues of why and how the employment relation should be regulated. Professor Collins addressed these points in a background paper to the workshop. In his view the question 'Why regulate the employment relation?' demands, amongst other factors, a justification for excluding ordinary market rules from this particular type of economic relation. He saw the purpose in posing the question of how to regulate the relation as being to assess the relative merits of various forms of relation, both legal and social in their pedigree. The workshop threw its net wide, forming work groups to consider three broad daily themes: the objectives, justifications and methods of regulation of employment; regulatory competition; and the efficacy of legal regulation.

Professor Collins remarked in his background paper that '... the simple formula that "if there exists an injustice in the employment relation, there ought to be a law against it" is now perceived to beg far too many questions to represent a coherent and persuasive argument.' Events such as the WG Hart Workshop present a valuable opportunity for academics and others to debate the policy, social and political issues that form the basis for law reform.