

Editorial

Changes in production methods and work organisation associated with globalisation and the use of sophisticated technologies are increasingly raising new issues in the protection of employees rights, one of which is employee privacy. The use of modern technologies gives the employer a wide range of resources for the invasion of the private sphere of employees. In many cases the borderline between real work needs and the extent to which an employer may investigate an employee's private sphere is uncertain. What legal instruments are available today to protect employee rights to privacy? The analysis of the situation in the US, in the paper by Ann Hodges, demonstrates that employees in these cases do not enjoy real protection. While recognising that collective bargaining can be one of the ways to protect employee interests, she argues that because of the overall weakness of labour unions in the US and the limited coverage of employees by collective agreements, this method is not really effective. As a result arbitration is becoming the primary vehicle for employee privacy protection in the US.

Another important right analysed in the current issue is the right of employees in Europe to be informed and consulted on matters concerning their interests, i.e. employee involvement in company management. The effects of continuous processes of mergers and takeovers at a transnational level, combined with the overall decline in unionisation, can reduce the level of employee protection and, in particular, the right to information and consultation. In order to deal with this issue a number of initiatives have been undertaken at EU level. Charlotte Villiers assesses the possible contribution of the European Company Statute and the accompanying directive on employee involvement to the development of participatory workplaces in Europe. She stresses the protective and preventive rather than innovative character of the directive, aimed at ensuring minimum employee rights. In her view in spite of the solidarity distinguishing European labour market models from the American one, economic interests have a tendency to outweigh social objectives, thus undermining the prospects of employee participation and making them more cosmetic than real. She concludes by putting forward a number of proposals on how to respond to the developing industrial relations scenario.

The issue of employee involvement in the European Cooperative Society (SCE) is investigated by Ian Snaith, who defines the particular features of co-operative businesses and argues that they are fundamentally different from investor-controlled companies of the kind likely to use

The International Journal of Comparative Labour Law and Industrial Relations, Volume 22/2, 145-146, 2006.
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the European Company (SE) structure. The SCE Regulation and Directive have been closely modelled on the SE equivalents, taking into account particular features of the co-operative structure. The absence of harmonisation of national cooperative laws increases the need for an SCE structure at European level. In this way it becomes possible to provide equivalent protection for employees in co-operatives and eliminate any comparative advantage to be gained by the use of one structure rather than another.

In her paper Pascale Lorber offers a country-related analysis concerning the transposition of the community legal instruments on employee participation into British legislation. Her main argument is that the transposition will change British collective employment law, enhancing industrial democracy. However, a certain amount of criticism is levelled at the regulatory choices that, in the author's opinion, significantly undermine its practical effect.

The same EC legislative provisions are examined by Tara Brill but in relation to French labour law. Unlike the UK, the existing French legal framework on employee involvement does not need any substantial changes as it already complies with the provisions of the Directive. The analysis once more highlights the striking differences between national labour markets in the EU countries.

Finally, Lovemore Madhuku provides an overview of Southern African practices of employee involvement. Particular attention is paid to the relationship between trade unions and other worker organisations. His analysis concerns eight Southern African countries: Botswana, Lesotho, Malawi, Namibia, South Africa, Swaziland, Zambia and Zimbabwe. The author argues that there is no uniform system in Southern Africa regarding employee representation structures. In this region there are countries with a single channel of representation and others with a dual channel. No uniformity exists even in the countries with dual-channel representation, but one tendency is common to all these countries, i.e. the decisive trade union role in shopfloor worker representation.

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