Editorial

This issue opens with a paper by Anne O'Rourke, Amanda Pyman and Julian Teicher dealing with privacy in the workplace. After discussing the piecemeal approach of current privacy legislation in Australia and the need for further improvement, the authors provide a survey of privacy laws in a number of countries with common law and civil law traditions, evaluating the pros and cons of each model. While avoiding direct recommendations about the practices Australia should adopt, the authors point to the need for a comprehensive approach to privacy and the importance of dealing with it in the overall context of a 'culture of rights'. In conclusion they argue that the continental European model of privacy protection seems to be more suitable for Australia than the US model.

Privacy issues are further examined in the paper by Shelley Wallach, who considers them from the point of view of the impact of new technologies on the employee's expectation of privacy. Particular attention is paid to the application of the law in cases of computer surveillance at work and to the collection and processing of employees' personal data. The paper examines a highly controversial point already tackled in the paper by Anne O'Rourke *et al.,* i.e. the extent to which employees should be able to relinquish their privacy rights in entering the employment relationship.

In the next paper, the changes occurring in Chinese industrial relations in the transition from a planned to a (socialist) market economy are analysed by Jie Shen. Collective labour issues are at the centre, with a focus on trade unions, their role and future prospects. Arguably in modern China trade unions do not fulfil their proper function, acting rather as 'messengers' and 'mediators', in most cases representing employers' rather than employees' interests. In the author's view independent trade unions and collective bargaining, though clearly desirable from the point of view of the employees, are unlikely to emerge in China in the near future.

Victoria Howes investigates the problems of health and safety in the UK and the difficulties of ensuring an effective model of employee participation. Reflecting upon a range of practices in the EU, the author argues that EU legislation does not impose any particular model of participation, and deals with the provisions adopted in the UK.

Alan Geare explores the legal rights of employees in the event of dismissal in New Zealand. Considering the rejection by the New Zealand

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government of a common law approach in favour of the statutory regulation of dismissals, the author provides an historical overview of dismissal legislation illustrating it with an extensive case law survey.

Finally, Kevin Williams and Nigel Johnson reflect on the reasons for the UK's belated response in transposing the acquired rights directive into domestic legislation. Various problems are highlighted by the authors, especially situations in which the privatisation of public-sector companies occurs, which inevitably poses the problem of the transfer of the staff to the transferee. The British experience with the use of a variety of legal mechanisms might be instructive for other countries facing similar problems involving the reform of transfers and the need to strike a reasonable balance between economic and social interests.

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