

## Bargaining for Privacy in the Unionized Workplace

---

*Ann C. Hodges*

**Abstract:** This article considers whether collective bargaining can enhance privacy protection for employees in the United States. Employers are increasingly engaging in practices that invade employee privacy with few legal existing legal protections to limit their actions. While data on the extent of bargaining about privacy is limited, it appears that unions in the U.S. have primarily used the grievance and arbitration procedure to challenge invasions of privacy that lead to discipline of the employee instead of negotiating explicit contractual privacy rights. In contrast to the U.S., labor representatives in many other countries, particularly in the European Union, have greater legal rights of consultation with employers and take a more proactive approach to protection of employee privacy. While this approach offers promise for achieving greater privacy for employees and more flexibility for employers, the article concludes that it is unlikely to be widely adopted in the U.S. because of the limited power of labor unions.

## The Directive on Employee Involvement in the European Company: Its Role in European Corporate Governance and Industrial Relations

---

*Charlotte Villiers*

**Abstract:** This paper assesses the likely contribution of the European Company Statute (ECS) and accompanying Directive on employee involvement to the development of participatory workplaces in the European Union. The argument advanced is that the Directive has economic aspirations that outweigh its social objectives and that the prospects for employee participation are cosmetic rather than real. An improved mutual understanding between commercial actors and labour relations actors is required in order to appreciate more fully the interaction between corporate structures and employment rights. More effective dialogue between participants in the two fields is necessary, without which employee representatives have little choice but to pursue a stronger adversarial approach to industrial relations.

## Employee Involvement in the European Cooperative Society: A Range of Stakeholders?

---

*Ian Snaith*

**Abstract:** This paper examines Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society and Council Directive 2003/72/EC of 22 July 2003, which together provide for establishing a European Co-operative Society (SCE). It begins by outlining the nature of co-operative business structures and of the SCE. The implications of the co-operative business structure and of the structure of the SCE for governance and the representation of stakeholder groups are then considered. Having established that co-operative business structures are fundamentally different from investor-controlled companies of the kind likely to use the

European Company (SE) structure, the provisions of the two sets of legislation in respect of employee involvement are briefly compared. Conclusions are then drawn about the role of stakeholders in the two types of organisation and the suitability of the SCE employee involvement provisions in the light of the structural differences between co-operatives and investor-controlled companies.

## Implementing the Information and Consultation Directive in Great Britain: a New Voice at Work

---

*Pascale Lorber*

**Abstract:** The Information and Consultation Directive and its transposition in Great Britain through the Information and Consultation of Employees Regulations 2004 (ICER) will add a new facet to collective employment law in this country. This paper analyses the characteristics of the new voice given to employees and how it will fit into the existing legal framework. It aims to demonstrate that the government has responded to the new Directive by undertaking a thorough process of preparation for the final regulatory norms. Nevertheless, the resulting “voice” will have a limited impact as it will not be based on a set of minimum requirements and will also lack strength to influence decision-making. The regulatory choices give priority to flexibility at the expense of the universal right to information and consultation. This paper explores further the ideas expressed in an earlier article on the potential impact of the Information and Consultation Directive in the United Kingdom, published in this journal in 2003.

## The Information and Consultation Directive of 11 March 2002 and its Transposition into French Law

---

*Tara Brill-Venkatasamy*

**Abstract:** This paper considers the likely impact of the European Information and Consultation Directive on French labour law. Examining the main provisions of the Directive, it aims to demonstrate that French law will not require substantial changes, as the national institution of comité d’entreprise already performs the functions of information and consultation, generally within the parameters of the Directive. The paper therefore provides a comprehensive overview of the composition, role and powers of the comité d’entreprise in order to see how they measure up against the requirements of the Directive.

## Labour Relations at the Workplace: The Experience of Southern Africa

---

*Lovemore Madhuku*

**Abstract:** Labour relations at the workplace raise fundamental issues, including the following: To what extent does the labour relations system recognise and promote the existence and functioning of worker organisations other than trade unions? What is the institutional relationship, if any, between national trade unions and shopfloor workers? Does the labour relations system establish and/or recognise shopfloor collective bargaining? Are there any dispute settlement mechanisms which are specific to the shopfloor? Southern Africa provides a rich display of how labour relations systems respond to these issues. This article analyses shopfloor labour relations in eight Southern

African countries and argues that while no uniform system exists, trade unions have been given a firm grip over shopfloor labour relations.