



International Society for Labour
and Social Security Law
Société internationale de droit du travail
et de la sécurité sociale
Sociedad Internacional de Derecho del
Trabajo y de la Seguridad Social

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BULLETIN N^o 104

June 2004

Dear colleagues

ANNOUNCEMENTS BY THE SECRETARY GENERAL

Gérard Lyon-Caen

I deeply regret to announce the death of Emeritus Professor Gérard Lyon-Caen, aged 84, in Paris during the night of 12 to 13 April 2004,.

It is a sizeable part of our discipline's identity which passes away with him, so important have been his thought and teachings to help us reflect on the past, the present and the future of Labour Law. After having taught in Dijon, Professor Lyon-Caen was appointed full professor of Labour Law in Paris, in 1963. Throughout his long career he has authored hundreds of publications, of which we will recall his Handbook of Labour Law (Manuel de Droit du travail), published already in 1955, which was followed by several Précis Dalloz of Labour Law in collaboration with other outstanding jurists such as Professors G. Camerlynck, J. Pelissier and A. Supiot. Specific mention should also be made of International and European Social Law (Droit social international et européen), 1991, in collaboration with A. Lyon-Caen, International Labour Relations (Relations de

http://www.asociacion.org.ar/ISLLSS/Ingl%E9s/index_ing.htm

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travail internationales) 1991, Labour Law of non-wage earners (Droit du travail non salarié), 1990, and of course his thorough study on Remuneration (Les salaires), 1981 in the Treatise of Labour Law coordinated by Professor Camerlynck.

We will especially remember him for the manner in which he always put the Fundamental Human Rights of the worker at the heart of his thought, which he did for example in his Report on Public Freedoms and Employment (Les libertés publiques et l'emploi), 1992, as well as in his numerous articles and essays, all of them extremely rich in learning, with which he enriched several generations of disciples.

We convey all our sincere condolences to our colleague Antoine, his son, and his family.

Online registration for the VI American Regional Congress

Exitur, the travel agency selected by the Organizing Committee has opened a website: <http://www.exitur.com.mx/congresos> to permit the participants to register online.

In view of the late opening of this website the Organizing Committee has extended until 15 July the deadline for registrations which will benefit from the reduced fees of us\$200. Fees for registrations received after July 15 will be us\$300.

Activities of our members

May I remind you that I will be very pleased to report in this Bulletin on the scientific activities of our member associations? Please, do not hesitate to bring to my knowledge all of your activities you wish to share with our full membership.

http://www.asociacion.org.ar/ISLLSS/Ingl%E9s/index_ing.htm

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News of the ISLSSL

1. Forthcoming congresses

VI th American Regional Congress, Querétaro, Mexico, 14-17 September 2004

The Agenda of this Congress includes the following themes:

Theme I	Special labour relations.
Theme II	The internationalization of labour and employment relations within the framework of the Free Trade Agreement for the Americas.
Theme III	Social accountability of multinational enterprises: voluntary codes of labour practices and their private monitoring.
Round Table	Evolution and recent trends of the Labour Law in Europe, North America and Latin America.
Round Table	Social Security Law: public service or privatization?
Keynote Speech	The right to strike
Keynote Speech	The future of Labour Law

For information and registration

EXITUR
Palmas 735 Piso 7,
Col. Lomas de Chapultepec
11000, México, D.F.
Tel. +52 (55) 5540-2020,
Fax +52 (55) 5520-2883
e-mail: exitur@exitur.com.mx

and

BARRA MEXICANA
Colegio de Abogados A.C.
Tel. +52 (55) 5525-2485
e-mail: ebaranda@bma.org.mx

A detailed programme for this Congress is appended to this Bulletin.

The deadline for the submission of papers has been extended until 31 st July.

VIII th European Regional Congress, Bolonia, 20-23 September 2005

May I remind the themes of this Congress:

Theme I	Family Allowances
Theme II	Processes of Social Law Making and Implementation within the European Union
Theme III	Transfer of Undertakings: a delicate compromise between Individual Protection, Labour Market and Economic Development (a) Transfer of enterprises and the contract of employment; (b) Transfer of enterprises and collective rights.
Round Table	The new boundaries of employees' information and consultation rights
Round Table	Challenges in Labour Law and Collective Bargaining in Central European countries which arise out of their integration into the European Union.
Workshop 1	The respective roles of the trade unions, the workers' representatives, the public authorities and other stakeholders in transfers, takeovers or other transformations in the structure or the size of the enterprises.
Workshop 2	Alternative Dispute Resolution in Labour Law

Bulletin No. 103 (March 2004) includes a detailed programme of the Congress.

VIII ° Asian Regional Congress, Taipei, 2005

I have received the following information on this Congress :

Provisional programme

31 October (Monday)

Registration

1 November (Tuesday)

09:00 - 10:30	Executive Committee meeting
11:00 - 12:30	Opening Ceremony
14:00 - 15:30	Theme I Plenary Session
16:00 - 17:30	Theme I Workshops 1 and 2
19:00 -	Reception

2 November (Wednesday)

09:00 - 10:30	Theme II Plenary Session
11:00 - 12:30	Theme II Workshop 3 and 4
14:00 - 15:30	Theme III Plenary Session

16:00 - 17:30 Theme III Workshops 5 and 6

3 November (Thursday)

09:00 - 10:30 Special Session 1 and 2
11:00 - 12:30 Special Session 3 and 4
14:00 - 16:00 Round Table
16:30 - 17:00 Closing Ceremony
19:00 - Congress Dinner

* Special Sessions have been arranged for the presentation and discussion of invited papers. A call for papers will be made.

General Reporters

Cing-Kae Chiao, Taiwan : Theme 1 : The participation of Women in the Labour Market -
- Toward the Goal of Gender Equality in Employment in the 21st Century

Sean Cooney, Australia : Theme II : The Impetus for Economic Restructuring and the
Protection of Workers' Rights)

Hideyuki Morito, Japan : Theme III : The Asian Experiences on the Old-Age Security or
Pension System)

The congress venue is the Holiday Inn Asiaworld Taipei.

Registration fees will be of u\$s 250. Online registration will be made available by the end
of this year.

XVIII th World Congress, Paris 2006

The Congress will take place from Tuesday 5, to Friday 8 September 2006, with the
following agenda:

Theme I	Trade liberalization and labour law and social security.
Theme II	Labour law (in its individual and collective aspects) and productive decentralization.
Theme III	Occupational risks: social protection and the employer's liability.
Round Table	What future for statutory regulation in the field of labour law?

2. Financial Questions

Please, be reminded that the amount of the contribution to our Society is u\$s 7 for each
year per individual member of a National Member or an Institutional Member. Individual
Members also pay u\$s 7 per year.

Contributions are due, for the full year, on 1 st January. Their payment shall be made to the
Treasurer, preferably by bank transfer to:

ABN/AMRO
Swift/BIC: ABNA NL2A

Postbus 97701
2509 GC Den Haag, the Netherlands
IBAN: NL48ABNA0586047409
Account No. 58.60.47.409
ISLLSS Treasurer Prof. Asscher-Vonk

Each Member paying his/her contribution shall notify our Treasurer, Professor Asscher-Vonk, and provide her with the following information:

- (a) The name of the member;
- (b) The year for which the contribution is paid;
- (c) The number of individuals for whom the contribution is paid.

Members who have difficulties in paying may submit their problem to the Treasurer, who may propose a solution, subject to the approval of the Executive Committee. Under art. 14.2 of our by-laws the Executive Committee has the power to decide upon such reductions of the ordinary contributions which may be justified because of the situation in each case.

3. News from our members

Argentina

- The XV National Congress of Labour and Social Security Law will take place in the city of Paraná, Argentina, from 26 to 28 August 2004. The themes of the congress include the following points:
 - The 30 th anniversary of the Law on the Contract of Employment.
 - Solidarity in the obligations arising out of employment.
 - Collective bargaining: the coordination of collective agreements.
 - Recent trends in Social Security in the context of the crisis.
 - Subordination and dependency in Labour Law.

More detailed information on this event can be obtained from the Argentinean Association for Labour and Social Security Law, AADTySS: adtss@speedy.com.ar

- In cooperation with the ILO, the AADTySS convenes an International Congress on Fundamental Rights. It will be held in Buenos Aires, from 18 to 22 October 2004. The themes of the Congress will be:
 - Elimination of Discrimination.
 - Freedom of Association
 - Elimination of Child Labour.

For further information, please contact the AADTySS: Lavallo 1567 Piso 9º, Oficina 910/16, de 14.30 a 19 hs. Tel/Fax 4373-3042 / 4372-1661 / 4373-2151. adtsss@speedy.com.ar

The web address of AADTySS is: <http://www.asociacion.org.ar>

AUSTRALIA

The Australian Labour Law Association, ALLA, is organizing its second biennial conference, in Sydney, on Friday 24 and Saturday 25 September 2004. The theme of this Conference is Employment Regulation for the changing workplace. It is

hoped that this conference will be able to explore in depth the following matters:

- the common law contract of employment
- post-employment contractual restraints upon employees
- collective bargaining in the 21st Century
- works councils and other forms of employee representation
- the workplace and industrial citizenship
- statutory protection of vulnerable workers

The organizers of the conference call for papers examining individual and collective regulation of the new workplace. Persons wishing to apply to present a paper to this conference should email an abstract of their proposed paper to:

Joellen Riley
The University of Sydney Law School
Email: joellen@law.usyd.edu.au

Further information concerning this conference can be obtained from the organizing committee:

c/-: Ron Baragry
Phone 02 9020 5716
Email: ron.baragry@cutlers.com.au

The website address of ALLA is: <http://law.anu.edu.au/alla/>

Chile

New Executive Committee of the Chilean Association for Labour and Social Security Law, 2004-2006:

Chair	LUIS LIZAMA PORTAL
Secretary	EDUARDO MARTÍNEZ ESTRADA
Treasurer	MARÍA LORETO FIERRO FÉLIX
Directors	MARÍA CRISTINA GAJARDO HARBOE
	SERGIO GAMONAL CONTRERAS
	RAFAEL PEREIRA LÓPEZ
	FRANCISCO TAPIA GUERRERO
	FRANCISCO WALKER ERRAZURIZ

The web address of the Chilean Society is: <http://www.derecho-trabajo.cl/>

Spain

New Executive Committee of the Spanish Association for Labour and Social Security Law, AEDTSS.

Chair	Juan Rivero Lamas Full Professor University of Zaragoza jrivero@unizar.es
Vice-chairs	Antonio V. Sempere Navarro Full Professor University Rey Juan Carlos

asempere@fcjs.urjc.es

Santiago González Ortega
Full Professor
University Carlos III
sgortega@der-pr.uc3m.es

Secretary General Magdalena Nogueira Guastavino
Attorney at the Constitutional Tribunal
Assistant Professor
Universidad Autónoma, Madrid
nogueira@tribunalconstitucional.es

Webpage of AEDTSS: <http://www.aedtss.com/>

France

New Executive Committee of the French Association for Labour and Social Security Law, AFDTS:

Chair	Antoine JEAMMAUD, Professor, University Lumière-Lyon 2
Vice-chairs	Yves CHAGNY, Counsellor at the Court of Cassation Jean-Denis COMBEXELLE, Attorney at the Council of State, Director of Labour Relations at the Ministry of Labour François GAUDU, Professor, University Paris I Patrick TILLIE, Attorney at Law, Bar of Lille.
Secretary general	Hélène MASSE-DESSEN, Attorney at the Council of State and the Court of Cassation
Treasurer	Michèle PAIRAULT-MEYZER, Director of Labour Relations at Air France

An Organizing Committee of the XVIII World Congress of Labour and Social Security Law, Paris, September 2006, has been set up. It is chaired by Antoine LYON-CAEN, Professor at the University of Paris X, who has also been named Honorary President of AFDTS.

Below are the contacts of Professor Jeammaud:

Antoine JEAMMAUD
Professeur de droit privé à l'Université Lumière-Lyon 2
Institut d'Etudes du Travail de Lyon (IETL)
86, rue Pasteur,
69 365 Lyon Cedex 07
France
Tél. : 33 (0)4.78.69.74.01
Fax : 33 (0)4.78.72.33.08
e-mail: antoine.jeamnaud@univ-lyon2.fr

Italy

Address and URL of the Centre of International and Comparative Studies "Marco Biagi", School of Law, University of Modena and Reggio Emilia:

Viale Jacopo Berengario 51 - 41100 Modena (Italy)
email: csmb@unimo.it, fondazionemarcobiagi@unimo.it
tel. 39-059.2056742/5
<http://www.csmb.unimo.it/>

Dominican Republic

I have great pleasure to inform that our friend and member of the Executive Committee, Professor Rafael Alburquerque has been elected Vice-president of the Dominican Republic following the general elections held on 16 May 2004. As many of you know, Professor Alburquerque is the author of many well-known publications on Labour Law and has been Secretary of Labour during 9 years, until August 2000, and since that date has been a member of the ILO Committee of Experts on the Application of Conventions and Recommendations. We congratulate Professor Alburquerque and wish him great success in his forthcoming tasks.

Sweden

Professor Ronnie Eklund informs that our Swedish branch still has in stock some 40 copies of the volume containing the scientific reports submitted to the VII European Regional Congress of Labour and Social Security Law, Stockholm, 2002, in all four languages. Those who are interested can get a copy from him, at a token cost of 70 SEK (about us\$10) for handling, plus postage. Professor Eklund's contacts are:

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Stockholm University
Faculty of Law
SE-106 91 STOCKHOLM
FAX No. 46 8/612 4109
TEL. No. 46 8/163 296
E-mail: Ronnie.Eklund@juridicum.su.se

Uruguay

New authorities of the Uruguayan Association for Labour Law and Social Security

Chair	Oscar Ermida Uriarte	oeu@cinterfor.org.uy
Vice-chair	Carlos Caslás	ccasalas@adinet.com.uy
Secretary	Alejandro Castello	acastello@olidelp.com
Treasurer	Daniel Rivas	drivas@adinet.com.uy
Members	Jorge Rosenbaum Rimolo	jrosen@adinet.com.uy
	Cristina Mangarelli	mangarel@adinet.com.uy
	Mario Garmendia Arigón	garmeric@adinet.com.uy

I bring to your attention the webpage of the Institute of Labour and Social Security Law, University of the Republic. In addition to information on the activities of the Institute this page includes a good selection of notes and online articles, many of which are interesting from an international and comparative perspective. I congratulate the editor Dr. Becerra for the excellent quality of this page.

http://www.rau.edu.uy/universidad/inst_derecho_del_trabajo/index.html

ILO Section of ISLSSL

The ILO Section of ISLSSL has organized on 14 May a conference-debate on Biagi's reform and its impact on the Italian labour market. The theme was introduced by Professor Riccardo dal Punta (University of Florence). The discussant was Giuseppe Casale (ILO).

The ILO Section has also held its Annual General Meeting, on 19 May, and appointed its Executive Committee for 2004-2005 as follows:

Chair:	Giuseppe Casale
Vice-chair:	Joachim Grismann

Secretary/Treasurer: Corinne Vargha
Dep. Secretary/Treasurer: Sabrina Régent
Members: Monique Cloutier
Ursula Kulke
Jean-Pierre Laviec
Jean-Claude Javillier
Jean-Michel Servais

4. News from the ILO

- The 92 nd. Session of the International Labour Conference was held in Geneva, from 1 to 17 June 2004. A press release on the work of the Conference can be consulted at: <http://www.ilo.org/public/english/bureau/inf/pr/2004/32.htm> The reports to and the proceedings of this Session of the Conference are available online, at the following address:
<http://www.ilo.org/public/english/standards/relm/ilc/ilc92/index.htm>
- I bring to your attention the Guidelines on addressing HIV/AIDS in the workplace through employment and labour law. The aim of this publication (in English only), prepared by my colleague Jane Hodges, is to provide specific, workable and practical examples of how to include in labour and employment laws the concepts of prevention, protection and care/support of persons living with HIV/AIDS. The Guidelines can also be consulted online, at the following address:
<http://www.ilo.org/public/english/dialogue/ifpdial/downloads/papers/hiv aids.pdf>
- I also bring to your attention the Etude préalable à l'adoption d'un Acte uniforme en Droit du Travail dans le cadre de l'Organisation pour l'Harmonisation en Afrique du Droit des Affaires (OHADA), by Professor Jean-Marc Béraud. This study (in French only) has been prepared in view of the elaboration by OHADA of a common Labour Law for 16 countries in Africa (15 French-Speaking countries and Equatorial Guinea). It provides with detailed comparative information on the labour law currently in force in these countries. The study is also available online, at the following address:
<http://www.ilo.org/public/french/dialogue/ifpdial/downloads/papers/ohada.pdf>

5. Books received

- Franco Carinci (under the supervision of), Commentario al D.Lgs. 20 settembre 2003, n. 276. IPSOA Scuola d'Impresa, Italy, 2004. This commentary gives a complete and detailed analysis of the topics included in the D.Lgs. of September 10, 2003, and is an important contribution to the understanding of the labour market reforms which intervened last year in Italy. The publication comes out in four volumes dealing respectively with the organization and discipline of the labour market (arts. 1-19), introduced by Michele Miscione and Maurizio Ricci, the supply of labour under triangular arrangements (arts. 20-32), introduced by Maria Teresa Carinci and Carlos Cester, the flexible contracts of employment, including for training (arts. 33-60), introduced by Marina Brollo, Maria Giovanna Mattarolo and Luigi Menghini, and the contracts of employment for projects and occasional, and the certification of such contracts (arts. 61-86), introduced by Paola Bellochi, Fiorella Lunardon and Valerio Speciale.
- Gianni Arrigo and Giuseppe Casale, Glossary of Labour Law, Industrial Relations and European Union Institutions, Geneva, ILO, 2003. This glossary aims at giving a comprehensive overview of the development and current status of labour law and

industrial relations, including ILO standards and EC Law. It has been conceived as an educational tool and aims to be a storehouse of practical definitions and a source of quick reference for the use of scholars and practitioners. I have a limited stock of free copies, available for distribution upon request to be sent to Giuseppe Casale casale@ilo.org or me.

- Pierre Verge, with the collaboration of Sophie Dufour, Configuration diversifiée de l'entreprise et droit du travail, les Presses de l'Université Laval, Québec, 2003. Please refer to the blurb published in the French version of this Bulletin.
- Juan Antonio Sagardoy Bengoechea, Las Relaciones Laborales en España, 1973-2003, Fundación Sagardoy, Madrid, 2004. Please, refer to the blurb published in the Spanish edition.
- Derecho del Trabajo y Razón Crítica. Essays offered to Manuel Carlos Palomeque López, to celebrate his twenty fifth anniversary as full professor of Labour Law, Salamanca, 2004. Please, refer to the blurb published in the Spanish edition of this Bulletin.

* * * *

Kind regards
Arturo Bronstein
Secretary General

ANNEX

VI th American Congress of Labour and Social Security Law

Querétaro, Qro., Mexico, 14-17 September 2004

Revised Programme

Tuesday, 14 September 2004

- | | |
|-----------------|--|
| 9 am – 5 pm | Registration |
| 3 pm – 5 pm | Informal meeting of the Executive Committee of ISLSSL |
| 6.30 pm – 7 pm | Opening Ceremony
Jorge García de Presno Larrañaga, President of the Mexican Association for Labour and Social Security Law, SMDTSS
Clyde Summers, President of the ISLSSL
Carlos Abascal, Secretary of Labour and Social Security
Francisco Garrido Patrón, Governor of the State of Querétaro |
| 7 pm – 7 :45 pm | Keynote Speech
The Future of Labour Law
Speaker: Mozart V. Russomano (Brazil) |
| 8:30 pm | Welcome Cocktail |

Wednesday, 15 September 2004

- | | |
|-----------------|---|
| 9 - 11 am | Point I : Special Labour Relations

<u>Chairperson of the Sitting</u> : José Dávalos (Mexico)

<u>Reporters</u> :
Patricia Kurczyn (Mexico)
Jorgelina Alimenti (Argentina)
Alfredo Montoya Melgar (Spain)
Mario Pasco Cosmópolis (Peru) |
| 11 – 11.30 am | Break |
| 11.30 am - 1 pm | Continuation of presentation of reports, and debate on point I |
| 1 to 3 pm | Lunch |
| 3 – 5 pm | Round Table : Evolution and recent trends of the Labour Law in Europe, North America and Latin America

<u>Moderator</u> : Cristina Mangarelli (Uruguay)

<u>Panellists</u> : |

Carlos de Buen Unna (Mexico)
Lance Compa (USA)
Wolfgang Daubler (Germany)
Oscar Hernández Alvarez (Venezuela)

5 pm to 5.30 pm

Break

5.30 pm to 6.30 pm

Keynote speech
The Strike
Speaker: Néstor de Buen (México)

8.30 pm

Ceremony of the Declaration of Independence

Thursday 16 September 2004

9 – 11 am

Point II : Internationalization of the individual and collective labour relations within the framework of the Free Trade Agreements in the American Region.

Chairperson of the Sitting : Jorge Rodríguez Mancini (Argentina)

Reporters

Pierre Verge (Canada)
Carlos Reynoso Castillo (Mexico)
Emilio Morgado Valenzuela (Chile)
Fernando Bolaños (Costa Rica)

11 – 11.30 am

Break

11.30 am – 1 pm

Continuation of presentation of reports, and debate on point II.

Afternoon

Free

8 pm

Concert of the State of Queretaro Philharmonic Orchestra

Friday, 17 September 2004

9 – 11 am

Point III: Social accountability of Multinational Enterprises: Voluntary Codes of Labor Practices and their Private Monitoring.

Chairperson of the sitting : Jorge García de Presno Larrañaga (Mexico)

Reporters:

Auret van Heerden, Fair Labor Association (US)
Sofia Cáceres (Honduras)
Hugo Italo Morales Saldaña (Mexico)

11- 11.30 am	Break
11.30 am 1 pm	Debate on point III
1 pm – 3 pm	Lunch
3 pm – 5 pm	Round Table : Social Security Law : Public service or privatization? Moderator : Joan Brodshaug Bernstein (USA) <u>Panellists:</u> Eduardo J. Ameglio (Uruguay) Sergio Valls Hernández (Mexico) Merton Bernstein (USA) Georges Campeau (Canada) Marie-France Mialon (France)
5 pm – 5.30 pm	Break
5.30 pm – 6.15 pm	Summary of the Congress : Arturo Bronstein, Secretary General of ISLSSL
6.15 pm – 7 pm	Closing ceremony Clyde Summers, President of ISLSSL Mario Pasco Cosmópolis, on behalf of the foreign participants Emilio González de Castilla, President of the Mexican Bar Association