



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

BULLETIN No. 107

March - April 2005

ANNOUNCEMENT BY THE SECRETARY GENERAL

ISL&SSL fellowships

Our Society offers 5 grants worth up to u\$ 1,000 each for young scholars who wish to attend our forthcoming European Congress in Bologna, September 2005, and 5 fellowships worth € 700 each for young scholars who wish to participate at the International Seminar on Comparative Labour Law, Industrial Relations and Social Security, in Bordeaux, July 2005. Conditions to apply for these grants and fellowships are given in this Bulletin here below.

President / Président

Clyde SUMMERS
3400 Chestnut Street
Philadelphia, PA 19104
(USA/Estats-Unis)
E-mail: csummers@law.upenn.edu

Secretary-General / Secrétaire général

Arturo BRONSTEIN
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Irene Petronella ASSCHER-VONK
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Dear colleagues

News of the ISLSSL

1. Appointment of our next President

In keeping with our by-laws,

Not less than eighteen months prior to a World Congress the Secretary-General shall issue a call for nominations for the President-Elect of the Society. Any nomination for the President-Elect shall be made in writing, and shall reach the Secretary-General not less than three months prior to the meeting of the Executive Committee that is normally held in the year before a World Congress. The President-Elect shall be appointed at that meeting of the Executive Committee, and shall assume the office of President at the closing ceremony of the World Congress.

The procedure to elect our next President for 2006-2009 is therefore opened and I have written to the Presidents of all of our National Members to invite them to submit nominations.

The current President of the ISLSSL comes from North America. Former presidents since 1979 and the regions they came from were the following:

1979-1982: Jean-Maurice Verdier, Western Europe.
1982-1985: A.F. Cesarino Junior, South America.
1985-1988: Benjamin Aaron, North America;
1988-1991: Lászlo Nagy, Central Europe;
1991-1994: Franz Gamillscheg, Western Europe;
1994-1997: Chi-Sun Kim, Asia;
1997-2000: Américo Pla Rodríguez, South America;
2000-2003: Roger Blanpain, Western Europe
2003-2006: Clyde Summers, North America (current President until 2006)

Our next Executive Committee meeting is to be held in Bolonia, on 20 September 2005. Nominations should therefore reach me no later than 20 June 2005.

2. VI th American Regional Congress, Querétaro, September 2004

The summary of the Congress' proceedings, in Spanish only, is now online in our website.

3. Forthcoming congresses

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

Professor Carinci announces that Ms. Birgitta Norin, legal advisor at the Swedish Social Insurance Agency will participate in the panel on item I, Family Allowances, in replacement to Professor Eklund.

The Web page of this Congress is: <http://www.labourlawbologna.com/>

The working languages will be English, French, German, Italian and Spanish, with simultaneous interpretation.

Registration

Online registration is already opened.

Registration fees are €250 for those who register before 10 June 2005 and € 300 for those who register after that date, including VAT in both cases. Accompanying persons pay € 130.

Undergraduates, newly graduated and newly postgraduate participants benefit from a reduced rate, i.e. € 200 for registrations until 10 June and € 250 for registrations after that date.

I address my warm thanks to Professor Carinci, who has accepted that bursaries of the ISLSSL be exempted from the payment of registration fees.

Below are the contacts of the Organizing Secretariat

Palazzo della Cultura e dei Congressi
Piazza Costituzione 4/a
40128 Bologna, Italia
tel. +39 051 276212
fax +39051271042
<http://www.labourlawbologna.com>
info@labourlawbologna.com

Submission of papers

Professor Carinci, on behalf of the Organizing Committee invites all participants to present written papers. The papers may address the topics of the official sessions of the Congress (plenary sessions, round tables, workshops) or other topic of the author's choice, in which case they will be assigned to the poster session set for September 20th.

Abstracts of the papers should be sent by e-mail to the Conference Secretariat no later than July, 15, 2005.

The organizing Committee will assign the papers either to the official sessions of the Conference or to the Poster Session on September 20, after having assessed the relevance of the abstracts. No interpretation can be made available in the Poster Session.

The papers will be included in the proceedings, provided the author is a registered participant at the Congress. Chairpersons of each sitting, moderators or the Organizing Committee will assign a time slot for their presentation before the Congress or the Poster Session.

Papers may not exceed 5,000 words. Abstracts may not exceed 300 words.

Fellowships

The ISLSSL can offer up to five fellowships, each worth up to u\$s 1,000 to help young scholars who wish to attend this event. Below are the conditions to apply:

- a) Deadline: Applications must be submitted to me no later than 31 st May 2005. Priority will be given to applications supported by a National Member of the ISLSSL;
- b) Age: No more than 40 years old. Priority will be given to applicants aged less than 35 years old;
- c) Nationality: Priority will be given to applicants from weak currency countries in the European Region;
- d) Language proficiency: Fully satisfactory knowledge of one of the working languages of the Congress;
- e) Non eligibility of former beneficiaries of ISLLSS fellowships: Those who have already received an ISLLSS fellowship are not eligible;
- f) Submission of a communication: Successful candidates are required to submit a communication or a paper on one of the themes of the Congress;
- g) Gender: Applications from both male and female candidates are equally welcomed; applications from female candidates are encouraged.

Executive Committee Meeting

We will hold an Executive Committee meeting in the morning of September 20 (continuation possible on the afternoon, if needed). Professor Carinci informs me that he has made arrangement for the venue to be the Aula Magna's building of the University (address: Via Castiglione, 36), where the Congress will take place. It is very close to the selected hotels.

VIII ° Asian Regional Congress, Taipei, 31 st October - 3 November 2005

The Congress website is <http://www.airroc.org.tw/ISLSSL2005/>

Special sessions have been arranged for the presentation and discussion of invited papers. The Organizing Committee tells me that by the deadline of 28 February 2005 it had received more than 60 abstracts from around the world, mainly from Asia. Among them, about 20 authors were selected by the Scientific Committee as the invited paper presenters at the Special Sessions of the Congress. Full papers are expected by the end of July 2005.

A revised programme of this Congress is attached as an annex to this Bulletin.

Secretariat of the Congress:

Mr. Stephen Kang (Executive Secretary)
 Ms. Ivy Kao (Special Assistant)
 Association of Industrial Relations ROC
 11F-1, No. 7, Sec. 1, Dunhua S. Rd.
 105 Taipei
 Taiwan, China
 Tel: +886-2-2578-2881
 Fax: +886-2-2577-5345
 E-mail: airroc@ms3.hinet.net

XVIII th World Congress, Paris, 5-8 September 2006

Professor Lyon-Caen informs that the preparation of this Congress is well underway. The Congress will be officially opened on Tuesday, 5 September, at 6 pm. The opening ceremony will take place at the Grand Amphithéâtre of the Sorbonne University. It will

be followed by a cocktail. The working sessions will start on September 6 and will take place at the Palais de la Mutualité, 24 Rue Saint Victor, 75250 PARIS CEDEX 05, which is very near to Sorbonne.

Registration fees have been fixed at 300 euros. A reduced fee of 200 Euros has been fixed for young researchers and students. ISLSSL bursaries will not be required to pay registration fees. The Organizing Committee also considers fixing a reduced rate for participants from weak currency countries.

The following rates will be proposed for accommodation:

- (a) 2 star hotels, around 100 euros per night;
- (b) 3 star hotels, from 140 to 160 euros per night;
- (c) 4 star hotels, from 230 to 300 euros per night.

I have finalized the questionnaires on points I: Trade Liberalization and Labour Law, and II: Labour Law (in its individual and collective dimensions) and Productive Decentralization. They have been sent out to our members. Deadline to reply to Questionnaire on point I is 30 September, and to Questionnaire on point II is 31 October. **I urge all our national members to rapidly give me the names and contacts of those who will be in charge of replying to the questionnaires.**

4. International Seminar on Comparative Labour Law, Industrial Relations and Social Security, Bordeaux, France.

Professor Auvergnon has confirmed that the next edition of this Seminar will be held from 4 to 15 July 2005. Its general topic will be: **The effectiveness of social law: under what conditions?** The working languages of the Seminar are English and French. Registration fees are €350 (u\$s 460) without accommodation and €700 (u\$s920 with accommodation and breakfast). Applications from students, teachers, researchers and officials who wish to participate should reach the Seminar's Secretariat no later than 31 st May 2005. For more details, please contact:

Ms. Laëtitia Dupoujo
Secrétariat
Université Montesquieu – Bordeaux IV
COMPTRASEC – UMR CNRS 5114
Av. Léon Duguit, 33608 PESSAC CEDEX (FRANCE)
TEL. 33 – 5 56 84 85 42 FAX 33 – 5 56 84 85 12
e-mail: dupoujo@u-bordeaux4.fr
<http://www.comptrasec.u-bordeaux4.fr>

Fellowships

The ISLSSL can offer up to five fellowships, each worth up to €700 to cover registration fees and accommodation. Below are the conditions to apply:

- a) Deadline: Applications must be submitted to me no later than 31 st May 2005. Priority will be given to applications supported by a National Member of the ISLSSL;
- b) Age: No more than 40 years old. Priority is given to applicants aged less than 35 years old;
- c) Nationality: Any. Priority is given to applicants from weak currency countries;
- d) Language proficiency: Fully satisfactory knowledge of either French or English;
- e) Non eligibility of former beneficiaries of ISLSSL fellowships: Those who have already received an ISLSSL fellowship are not eligible;

- f) Gender: Applications from both male and female candidates are equally welcomed; applications from female candidates are encouraged.

5. News from our members

Belarus

The Belarusian Association for Labour Law has opened a website with the following address: <http://labour.at.tut.by/en/index.htm>

Below are the contacts of our Belarussian colleagues

Dr. Victor Krivoy
President
Belarusian Association for Labour Law
15, zavulak Uralski
MINSK, 2206
BELARUS
Tel/fax: +375 17 235 6135
e-mail: v_krivoy@yahoo.com <mailto:v_krivou@yahoo.com>

c.c.

Mr Yaraslau Kryvoi
Box 422, Minsk 220136
Belarus
Tel: +375 29 6589928
e-mail: krynica@yahoo.com

Germany

New contacts of Professor Manfred Löwisch

Prof. Dr. iur. Dr. h.c. Manfred LÖWISCH
Forschungsstelle für Hochschularbeitsrecht des Universität Freiburg
Belfortstrasse 18, 79098 Freiburg
Telephone: 0761/203 9474
0761/203 9475 (secretariat)
Fax: E-Mail: hochschularbeitsrecht@jura.uni-freiburg.de
or manfred@loewisch.de

Germany and Turkey

Joint congresses of the Turkish and German national associations of the ISLLSS have tradition. The Fifth congress, which took place from 20 to 22 October 2004 in Freiburg i. Br., was dedicated to recent developments in Turkish and German Labour and Social Security Law. It dealt with three themes:

Status and development of Maternity Protection Law

Dr. Kadriye Bakirci, Technical University of Istanbul, and lawyer Jutta Majewski, Suedwestmetall Freiburg, addressed the issue of statutory prohibitions of employment, during maternity leave and protection against unlawful dismissal from the Turkish and German viewpoints. Prof. Dr. Aziz Can Tuncay, Bahçehir University Istanbul, and Prof. Dr. Johannes Peter Francken, President of the State Labour Court of Baden-Württemberg lectured on the entitlement to remuneration or an adequate allowance during statutory prohibitions of employment during maternity leave.

Reform of the laws on termination of employment as a tool of employment policy

Prof. Dr. Savaş Taşkent, Technical University of Istanbul, described the new Turkish Protection Against Unfair Dismissal Law, which came into force with the new Turkish Labour Law (Law No. 4857) on 10 June 2003. Assessor Ulrich Petri, IG Metall Baden-Wuerttemberg, introduced the modifications of the Protection Against Unfair Dismissal Law by the so-called "Agenda 2010" in Germany. The effects on the social law, especially the Employment Promotion Law, were addressed by Dr. Süleyman Başterzi, University of Ankara, and Thomas Richter, director of the operative area of the Employment Agency, Freiburg. This was followed by a panel discussion moderated by Prof. Dr. Manfred Löwisch, University of Freiburg, which also benefitted from the participation of Mr. Refik Baydur, Chairman of the Board of Directors of Turkish Employer's Union (TISK) and Dr. Stefan Krauss, director of Suedwestmetall Freiburg.

Prohibition of Discrimination in Labour and Social Security Law

Prof. Dr. Ali Nazim Sözer, Dokuz Eylül University of Izmir, and Prof. Dr. Dagmar Kaiser, University of Mainz, lectured on the influence of EC on the prohibition of any discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age, sex and sexual orientation. Dr. Nurşen Caniklioğlu, University of Marmara, and Prof. Dr. Ulrich Becker, Director of the Max Planck Institute for Foreign and International Social Law, Munich, submitted papers on the prevention and compensation of disadvantages linked to disability as a task for Social Security Law.

Ireland

Professor Anthony Kerr, Statutory Lecturer, Faculty of Law, University College, Dublin has accepted to take up the seat of Professor O'Higgins at our Executive Committee on behalf of our Irish colleagues. Below are his contacts:

Prof. Anthony Kerr
Statutory Lecturer in Law
Faculty of Law
University College Dublin
Roebuck Castle
DUBLIN 4
Tel. 353 – 1 716 8342/8754/8745
Fax : 353 1 269 2655
e-mail : meagherc@iolfree.ie

Italy

I regret to inform the death of Prof. Giorgio Ghezzi on January, 17, 2005. He was full professor of labour law at the University of Bologna, Director of the Juridical Institute of the University of Bologna, and Director of the prestigious journal: "Rivista Giuridica del Lavoro e della Previdenza Sociale". He has written numerous books and articles on Trade Union Law (Diritto Sindacale), and Labour Law (Diritto del Lavoro). He was among the founding fathers of the School of Labour Law in Bologna. He was 73 years old. I convey my condolences to his family and friends.

Morocco

Professor Boudahrain announces he has published a book in two volumes on the Labour Law in Morocco, which is focussed on the new Labour Code of that country, 2004.

Peru

New Executive Board, 2005-2007 of the Sociedad Peruana de Derecho del Trabajo y de la Seguridad Social

Chairperson:	Pedro G. Morales Corrales
Vice-Chair:	César Gonzáles Hunt
Treasurer:	Jorge Toyama Miyagusuku
Deputy Treasurer:	José Butrón Fuentes
Secretary:	Raúl Saco Barrios
Deputy Secretary:	Orlando Gonzáles Nieves
Sec. for Library and Publications:	Alfonso de los Heros Pérez Albela
Sec. for Events and Scientific Meetings:	Germán Ramírez Gastón Ballón
Sec. for International Relations:	Juan Carlos Cortés Carcelén

Below are the contacts of the new Chair:

Pedro G. Morales Corrales
Presidente SPDTSS
Av. de la Floresta 497, Piso 5, San Borja
Lima 41 - Perú
Tel. (511) 372-7373
Fax (511) 372-7171 (511) 372-7374
e-mail: pmc@echecopar.com.pe

The webpage address of SPDTSS is : <http://www.spdtss.org.pe>

Romania

Professor Popescu has left his position as Secretary of State at the Ministry of European Integration and has been appointed Chief of Department at the Legislative Council :
Below are his new contacts :

Professor Andrei Popescu
Chef de département
Conseil Législatif
Calea 13 Septembrie no. 1
Palatul Parlamentului
Sector 5
Tél. +40.21.314.05.32
+40.21.402.20.72
e-mail : andrei.popescu@clr.ro

Switzerland

Mr. Claude Voegeli informs that the members of the Swiss Society for Comparative Social Law (Société Suisse de Droit Social Comparé) have decided to dissolve their Society and have donated the balance of its assets (€ 5,918) to our Society. After consultation of the Officers our Society has accepted the donation, which will be used exclusively for the allocation of fellowships in the memory of Professor Alexandre Berenstein. Professor Berenstein was one of the founding fathers and the first Secretary General of our Society. We regret the dissolution of the Swiss Society and express our deep thanks for its generosity towards our Society.

United States

The US Branch of our Society convenes a Conference on Comparative and International Labor and Employment Law, on May 25, 2005. The conference will be held at the Chicago-Kent College of Law, from 8.15 am to 4:30 pm. I have been invited to deliver the first talk: Overview of Sources of International Standards Regulating or Influencing the Law of Work. Also in the programme are two roundtables respectively on

Comparative Approaches to Adjudicating Challenges to Dismissal, and The Practitioner's Role in Relation to Employer and Union Interests in Extraterritorial Labor and Employment Law.

Program speakers, panelists and roundtable participants are international and U.S. experts in comparative and international labor and employment law and practice.

Registration fees are us\$ 60.00 for Members of the ISLSSL and us\$125.00 for non-members. Foreign registrants are welcome and the registration fees for ISLSSL members are discounted.

For more information, please refer to the webpage of our US Branch: <http://www.uky.edu/Law/ISLSS/> You can also contact our colleague Professor Alvin Goldman; below are his contacts:

Alvin L. Goldman
Lafferty Professor of Law, University of Kentucky
Lexington, KY 40506-0048
Ph. & Fax: (970) 468-2809
e-mail: algold00@email.uky.edu

ILO Section

New contacts of our Honorary President Jean-Michel Servais:

6,rue du Pont-Neuf
CH1227 Carouge
Suisse/Switzerland
tél.:+41 22 342 5256
e-mail: jeanmichelservais@freesurf.ch

6. ILO

The Employment Relationship : The ILO will hold next year a standard-setting discussion on the Employment Relationship. The Office report on this theme is already available, on both printed form and PDF:

<http://www.ilo.org/public/english/standards/relm/ilc/ilc95/pdf/rep-v-1.pdf>

Achieving Equal Employment Opportunities for People with Disabilities through Legislation. Guidelines

These guidelines reflect the reappraisal of disability as a human rights issue. Intended for policy-makers and drafters of legislation, they have been developed with a view to assisting in improving the effectiveness of national laws concerning training and employment of disabled persons, as part of an ILO Project "The Employment of People with Disabilities: The impact of Legislation". This project aims to enhance the capacity of governments of selected countries to implement effective legislation on the employment of people with disabilities – either in the form of laws, or revisions to existing laws, or through the development of regulations or policies to implement laws. The project also provides technical assistance to selected national governments in implementing necessary improvements to their laws. These drafting guidelines are a valuable tool to support this technical advisory role. They are available on both printed form and PDF: <http://www.ilo.org/public/english/employment/skills/disability/download/eeofinal.pdf>

7. International Industrial Relations Association (IIRA)

The 14 th World Congress of IIR will be held in Lima, Peru, from 11 to 14 September 2006. Additional information is available through the IIRA webpage:

<http://www.ilo.org/public/english/iira/>

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Kind regards
Arturo Bronstein
Secretary General

ANNEX

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

Website: <http://www.labourlawbologna.com>

Detailed programme

20 September

9.30 – 12.30 Executive Committee Meeting
16.00 Registration of participants
17.00 Poster Sessions / Study Group Meetings
18.00 Opening ceremony
President of ISLSSL: Clyde Summers
President of AIDLASS: Renato Scognamiglio
President of the Scientific
and Organizing Committee: Franco Carinci
Magnifico Rettore of
Bologna University: Pier Ugo Calzolari
19.00 Welcome Cocktail

21 September

9.00 Authorities

9.30 - 13.00 Plenary Session

Topic 1 - Family Allowances

Chairperson: Mattia Persiani (Italy)
Co-reporters : Isabelle Daugareilh and Jean-Pierre Laborde (France)
Discussants : Birgitta Norin (Sweden), Jozsef Hajdu (Hungary)

15.00 - 18.30 Round Table

New boundaries of employees' information and consultation rights

Moderator : Roger Blanpain (Belgium)
Panellists : Paul Davies (United Kingdom), Manfred Löwisch (Germany),
Antonio Monteiro Fernandes (Portugal), László Nagy
(Hungary)

22 September

9.00 -13.00 Plenary session

Topic 2- Processes of social law making and implementation within the European Union

Chairperson: Miguel Rodríguez-Piñero Bravo-Ferrer (Spain)
Reporter: Willy van Eeckhoutte (Belgium)
Discussants : Giancarlo Perone (Italy), Ulrich Runggaldier (Austria)

15:00 – 18 :30 Round Table

Challenges in Labour Law and Collective Bargaining in Central European countries which arise out of their integration into the European Union.

Moderator : Manfred Weiss (Germany)
Panellists: Tomas Davulis (Lithuania), Petr Hurka (Czech Republic),
Polonca Koncar (Slovenia), Michal Sewerinsky (Poland)

23 September

9.00 - 13:00 Plenary Session

Topic 3 - Transfer of Enterprises: a Delicate Compromise between Individual Protection, Labour Market and Economic Development

(a) Transfer of enterprises and employment contracts

(b) Transfer of enterprises and collective rights

Chairperson: Jean-Maurice Verdier (France)
Reporter : Giuseppe Santoro Passarelli (Italy)
Discussants : Ioannis Koukiadis (Greece), Alan Neal (United Kingdom)

15.00- 16.30: Workshops

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

Chairperson : María Emilia Casas Baamonde (Spain)
Panellists: Rolf Birk (Germany), Stein Evju (Norway), Bob Hepple (United Kingdom), Antoine Mazeaud (France), Willemijn Rozendaal (The Netherlands)

Workshop 2: Alternative Dispute Resolution in Labour Law

Chairperson: Alvin Goldman (USA)
Panellists: John Kagel (USA), Ron McCallum (Australia), Moti Mironi (Israel), Antonio Ojeda Aviles (Spain), Pekka Orasmaa (Finland), Arnold Zack (USA)

16.30-17.00 : Coffee break

17.00 - 17.30: Summary of the Congress: Arturo Bronstein, Secretary General ISLSSL

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**VIII ° Asian Regional Congress
Taipei, 31 st October - 3 November 2005**

Website: <http://www.airroc.org.tw/ISLSSL2005/>

Revised Programme

Monday, October 31

Registration
19:00 - Reception

Tuesday, November 1

09:00-10:30 Executive Committee Meeting
11:00-12:30 Opening Ceremony
Presidential Address: **Clyde Summers**
Keynote Speaker: **Kazuo Sugeno**

14:00-15:30 Theme 1 Plenary Session

Theme: "The Participation of Women in the Labour Market - Toward the Goal of Gender Equality in Employment in 21st Century"

General Reporter: **Cing-Kae Chiao**, Taiwan, China
Chairperson: **Zinat Ara**, Bangladesh
National Reporters: **Anna Chapman**, Australia
Michiko Aizawa, Japan
Soh-Yeong Kim, Korea
Ling-Hwei Kuo, Taiwan, China

16:00-17:30 Theme 1 Workshops

Workshop 1: 'Gender Discrimination'
Workshop 2: 'Balance Between Family and Working Lives'

Wednesday, November 2

09:00-10:30 Theme 2 Plenary Session

Theme: "The Impetus for Economic Restructuring and the Protection of Workers' Rights"

General Reporter: **Sean Cooney**, Australia
Chairperson: **Gordon Anderson**, New Zealand
National Reporters: **Joel Butler**, Australia
Makoto Ishida, Japan
Sang-Duck Lee, Korea
Karl Wen-Kai Tzan & Sophia H. Lelong, Taiwan, China.

11:00-12:30 Theme 2 Workshops

Workshop 3: 'Role of Law'
Workshop 4: 'Right to Organize'

14:00-15:30 Theme 3 Plenary Session

Theme: "The Asian Experiences on the Old-Age Security or Pension System"

General Reporter: **Hideyuki Morito**, Japan
Chairperson: **Kwang-Taek Lee**, Korea
National Reporters: **Terry Carney & Sonya Sceats**, Australia
Hideyuki Morito, Japan
Suk-Myung Yun, Korea
Ming-Cheng Kuo, Taiwan, China.

16:00-17:30 Theme 3 Workshops

Workshop 5: 'Employer and Government's Responsibilities'

Workshop 6: 'Welfare Services and Welfare Benefits'

Thursday, November 3

09:00-10:30 Special Session 1 and 2

11:00-12:30 Special Session 3 and 4

14:00-16:00 Round Table "The Impact of Globalization on Work Patterns and Labour Relations"

Moderator: **Yueh-Chin Hwang**, Taiwan, China.

16:30-17:00 Closing Ceremony

19:00 - Congress Dinner

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