



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. 108

June - July 2005

ANNOUNCEMENT BY THE SECRETARY GENERAL

László Nagy

I deeply regret to announce the death of Emeritus Professor László Nagy, aged 92, in Budapest on 26 June 2005.

Professor Nagy was born in Budapest, on 11 January 1914. He graduated at Debrecen University and started his professional career as a practicing lawyer. Later on he continued his career at different levels of state administration, including the Ministry of Labour where he was responsible for the development of the Hungarian Labour Law. During the same period Professor Nagy was appointed full professor of Labour Law in Szeged, in 1958. He officially retired in 1984, but he worked as intensively as before. He has been our President 1988-1991 and Honorary President since the end of his mandate. He was the director of the International Seminar on Comparative Labour Law, Industrial Relations and Social Security when it was held in Szeged.

Professor Nagy has authored hundreds of publications. We will recall his book on Hungarian Labour Law in the International Encyclopaedia of Labour Law and Industrial Relations, edited by Kluwer Law International. Specific mention should also be made of Wage Regulations in Market Economies, 1993, and Labour Law and Industrial Relations in Central and Eastern Europe, 1996.

President / Président

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We all know what he did for the protection of the workers, and for the Labour Law in his country, in Central Europe and beyond. Many of us were also aware of his action for a better understanding amongst European countries and in favour of the workers' freedoms. This will remain in our memory together with the recollection of a man of immense culture, of extreme courtesy and of great kindness.

We convey all our sincere condolences to his wife, his family and his friends.

President / Président

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Dear colleagues

News of the ISLSSL

1. NOMINATIONS FOR ELECTED PRESIDENT OF ISL&SSL, 2006-2009

As you were informed in my Bulletin No. 107 I have written to the Presidents of all of our National Members to invite them to submit nominations in view of the election of our next President for 2006-2009.

The deadline for the submission of nominations was 20 June 2005. Until that date I received the following communications:

- (a) Professor Renato Scognamiglio, on behalf of the Italian Association for Labour and Social Security Law (AIDLSS) intends to nominate **Professor Franco Carinci** (Italy), former President of AIDLSS and current Vice-President of our Society;
- (b) Professor Gordon Anderson, on behalf of our New Zealand Chapter, and after having consulted with our members in the Asian-Pacific Region has nominated **Professor Kazuo Sugeno** (Japan).
- (c) Professors Marek PLISZKIEWICZ and Ludwik FLOREK, on behalf of our Polish Chapter, have nominated **Professor Michal Sewerinsky** (Poland), President of the Polish Section of ISL&SSL and former Vice-President of our Society.

Copies of the nominations as well as an abstract of the nominees' CVs are attached to this Bulletin.

The Executive Committee is to elect our next President at its forthcoming meeting of 20 September 2005 in Bologna. Our President is now holding consultations with the Vice-Presidents and Honorary Presidents on the arrangements that will be taken for the election to take place.

2. Forthcoming congresses

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

Professor Carinci has told me that more than 320 participants have so far registered.

For all information on and registration in this Congress, please refer to the webpage:
<http://www.labourlawbologna.com/>

You may also wish to contact 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

Fellowships

Our Society has awarded five fellowships each worth up to u\$ 1,000 to five young scholars, coming respectively from Turkey, Lithuania, South Africa, Slovenia and Poland.

I convey my thanks to Professor Carinci who has accepted that our bursaries not be required to pay registration fees to attend the Congress.

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 that he has made arrangement for the venue to be the Aula Magna of the University (address: Via Castiglione, 36), where the Congress will take place. It is very close to the selected hotels. The Agenda will be announced by mid August.

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

Please, refer to the website of this Congress: <http://www.airroc.org.tw/ISLSSL2005/>

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

The Congress will be officially opened on Tuesday, 5 September, at 6 pm, at the Grand Amphithéâtre of the Sorbonne University. A cocktail will follow it. 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.

In consultation with the general reporters I have prepared questionnaires on the three items on the Agenda, which I have sent to our Members with a view to getting national information thereabout.

Professor Lyon-Caen tells me that the Congress website will be shortly online.

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

I congratulate Professor Philippe Auvergnon for this highly succesful two-weeks Seminar which was held from 4 to 15 July 2005. Almost 100 participants attended the Seminar from all regions of the world: 74 from Western, Central and Eastern Europe, 13 from Africa, 6 from Latin America, 3 from North America and 2 from Asia. Our Society awarded five fellowships, to participants from Algeria, Cameroon, Hungary, Swaziland and Uruguay.

The Seminar's general topic was: **The effectiveness of social law: under what conditions?** Working languages were English and French. The papers submitted to the Seminar will be published by the Center for Comparative Labour, Industrial Relations and Social Security Law, Université Montesquieu, Bordeaux.

4. News from our members

Brazil

I congratulate our Brazilian Chapter, the Instituto Cesarino Junior of Social Law, for the successful Seminar it organized in Sao Paulo, on 12 May 2005, under the title "End of the Labour Law?"

I have the great regret of announcing the death of Professor Octavio Bueno Magano, on 18 June 2005.

I draw your attention to the webpage of the Instituto Cesarino Junior. It contains many useful links relating to Brazilian labour and social security law and case law: <http://www.institutocesarinojunior.org.br>

Canada

Our colleague Jeffrey Sack asks me to draw your attention to the webpage of the International Association of Labour Law Journals: www.labourlawjournals.com

Costa Rica

Ronald Avalos Monge is the new Chairperson of the Costa Rican Society for Labour and Social Security Law. His e-mail is: bufamo@racsa.co.cr

France

The French Association for Labour and Social Security Law has held a workshop on Labour Law vis a vis the Economy, dedicated to the memory of Professor Gérard Lyon-Caen died one year ago. It was held at Paris-I University, Panthéon-Sorbonne. The following topics were addressed during this workshop:

Topic 1: Labour Law in the capitalist economy.

Topic 2: Legal frameworks of economic choices.

Topic 3: Legal qualification and assessment of economic wisdom.

Israel

New contact of Justice Adler:
Justice Steve Adler
President
National Labour Court
Keren Hayisod 20, Jerusalem
92149 Israel
Phone: 972 - 2 - 6497750/1
E mail: stefana@court.gov.il

Italy

Website of the Italian Association for Labour and Social Security Law:
<http://www.aidlass.org>

Mexico

The Institute of Legal Research of the National Autonomous University of Mexico, UNAM, convenes an International Congress of Labor Law and Social Security. The Congress will be held in Mexico City, from 21 st to 24 February 2006. More information is available on the Institute's webpage: <http://www.juridicas.unam.mx/sisjur/social/>

ILO Section

Our ILO Section has organized the following discussions in the first Semester of 2005:

Tuesday, January 25: "The effectiveness of international labour standards and difficulties in their implementation» (introduced by Jean-Michel Servais)

Tuesday, February 22: "Challenges of the Labour in the American Region: Report on the VI American Regional Congress of the ISL&SSL » (introduced by Arturo Bronstein)

Tuesday, April 26: "Law and economics" (introduced by Irmgard Nubler)

Tuesday, May 31 st: « Some lessons from the project: Normative Action and Decent Works – Social Security Perspectives » (introduced by Sabrina Régent)

Tuesday, June 28: "An assessment of the normative aspects of the 93 rd session of the ILO Conference, June 2005" (introduced by Jean-Claude Javillier)

5. ILO

Some 4,000 worker, employer and government representatives from around the world have attended the 93 rd session of the ILO Conference, from 31 May to 16 June 2005. The items under discussion ranged from forced labour and working hours to work in the fishing industry, occupational safety and health and youth employment. More information on the agenda can be obtained from the following weblink: <http://www.ilo.org/public/english/bureau/inf/pr/2005/24.htm>

This year's Global Report under the Follow-Up of the ILO Declaration on Fundamental Principles and Rights at Work addressed Forced Labour. The report is titled: **A global alliance against forced labour**. It can be downloaded from the following web address: <http://www.ilo.org/public/english/standards/relm/ilc/ilc93/pdf/rep-i-b.pdf>

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Kind regards
Arturo Bronstein
Secretary General

ANNEX

Nomination of Professor Carinci for President-Elect of the ISL&SSL

ASSOCIAZIONE ITALIANA DI DIRITTO DEL LAVORO E DELLA SICUREZZA SOCIALE

Sezione Nazionale della *Société internationale de droit du travail et de la sécurité sociale*
Sede Sociale c/o Studio Scognamiglio - Corso Vittorio Emanuele II n. 326, 00186 ROMA
Segreteria organizzativa c/o Dipartimento sui rapporti di lavoro e sulle relazioni industriali
Università degli studi di Bari, Corso Italia n. 23 - 70122 BARI - Tel. e fax 0805717757
c.f. 80348510589 <http://www.aidlass.org>

Dear Sirs,

Along with its sister organizations, the Italian Society for Labour Law and Social Security (AIDLASS) is entitled to nominate a candidate to stand for the Chairmanship of the International Society. With more than half a century of experience, AIDLASS currently boasts some 500 members mainly academics (doctorate holders, university researchers and professors), but also a few professional figures (judges, lawyers, labour law experts and trade unionists). The Association fully represents the multifaceted wealth of the Italian labour market and its vanguard labour legislation and case law in the international setting. This is reflected by the vast array of leading teaching and scientific publications in manuals, journals and commentaries and the lively ongoing debates at meetings and congresses.

In terms of quality standards, as reflected in the dues paid to the International Society, AIDLASS is the principal member association and our members exchange views with a large international network. Yet it is a simple fact that Italy has never held the Presidency of the International Society, unlike its leading sister organizations as seen from the list of past presidents in office: Prof. Jean-Maurice Verdier - France, Prof. A.F. Cesarino Junior - Brazil, Prof. Benjamin Aaron - United States, Prof. Roger Blanpain - Belgium, Prof. Franz Gamillscheg - Germany, Prof. Chi-Sun Kim - South Korea, Prof. László Nagy - Hungary, Prof. Américo Plá Rodríguez - Uruguay, Mr. Johannes Schregle - Germany,). The Society's current President Prof. Clyde Summers is a leading representative of the American Association.

In view of the elections for the new President of the International Society scheduled for September 2005, AIDLASS intends to nominate Prof. Franco Carinci as a candidate with the following credentials:

- a) Prof. Carinci was a member of the Association's Executive Committee for nine years and President for three. He is currently Vice President of the International Society for Western Europe, As President of the Executive Committee he promoted and organized three important annual meetings and as Vice President of the International Society he is currently involved in the European Congress to be held in Bologna in September 2005. As President of the Italian Association and subsequently as Vice President of the International Society Prof. Carinci has attended all major meetings of the International Society: XVIth World Congress in Jerusalem- 3-7 September 2000; VIIth European Regional Congress in Stockholm- 4-6 September 2002; XVIIth

World Congress in Montevideo – 2-5 September 2003; VIth American Regional Congress in Querétaro – 17 September 2004.

- b) b) With more than forty years' experience, Prof. Carinci is currently one of Italy's leading labour law scholars and author of numerous publications, editor of scientific journals, commentaries and treatises, and boasts a school of exceptional importance for the number and quality of its students.
- c) He is the Association's representative of a country which boasts a balance between tradition and highly qualified scientific production but has never held the international chairmanship.

It should be emphasized that the rotation criterion cannot be rigidly construed in the light of past practice. Nor can this principle be implemented simply in geographical terms bearing in mind that such areas are incomparable in terms of quality and quantity due to the history and evolution of labour law. Rotation of this type would in any case fail to ensure the alternation of languages and cultures deemed essential. In addition, the current enlargement of the European Union to the ten countries of Eastern Europe is an extraordinary opportunity for the integration of completely different legal systems and a live workshop for our discipline.

Appointment criteria should be adopted jointly and cumulatively without rotation being construed in rigid terms of prevalent areas because otherwise the Executive Committee would simply be required to acknowledge what had been decided in one area, sometimes reduced to the point of giving precedence to just one nation.

This Association believes it has the authority to ask its sister organizations to support our nomination which would combine a dutiful acknowledgement of Italian jurisprudence with appreciation for a candidate who not only has exceptional scientific and human merits but is also willing to devote much of his time to the International Society.

Yours truly,

Prof. Renato Scognamiglio
AIDLASS President

Enclosure 1 – curriculum vitae of Prof. Franco Carinci

CV Professor Franco Carinci

1. – Career path

Since 1969, **professor**, by annual appointment, in Private Law and Labour Law in Trento University.

Since 1977, **full professor**, first in Private Law, then in Labour Law, in the Law Faculty of Bologna University.

Since 1980, practice as **lawyer**, mainly in Bologna.

2. – Principal offices

He was member of a lot of **scientific committees** that drafted the legal regulation of strike, for the drafting of the reform concerning the decentralisation of the public competences in labour market; **Coordinator** of study groups and research promoted by the Dipartimento della Funzione Pubblica; **Director** of the Istituto di applicazione forense of Bologna University, from 1998 to 2001; **President** of the Italian Association of Labour Law and Social Security, from 2000 to 2003 and **Vice President** of the International Society for Labour and Social Security Law, from 2003 on.

3. – Publications

Has written several publications on labour and union law. Specific attention and analysis have been dedicated to the labour market, which has been analysed in its legal and socio-economic development both from the perspective of the organisation of the system for job training and placement, and the search for "entry-level" flexibility via diversified atypical contract types. Another area of specific interest is represented by the area of employment in public administration, which has been followed from the start in its complex and articulated process of "privatization", which has progressively brought to the wider application of private law regulations to this specific sector, with repercussions in the union law and in the discipline of work relations, also comprising white-collar and management work. The research work concerning the above areas has been expanded in several essays and articles, as well as in the direction and editing of collective works providing as much as possible exhaustive and updated contributions on these specific topics. Research has also covered many other areas of interest for Italian labour law experts: in particular, the latest development in the constitutional reform has brought about a thorough analysis of cascading effects engendered by power reallocation between centre and periphery in the area of labour law and its sources.

Nomination of Professor Sugeno for President-Elect of the ISL&SSL

International Society for Labour and Social Security Law New Zealand Chapter

Mr Arturo Bronstein
Secretary-General in the
International Society for Labour and Social Security Law

26 April 2005

Dear Mr Bronstein,

The New Zealand National Chapter of the International Society for Labour and Social Security Law has pleasure in nominating Professor Kazuo Sugeno of Japan for the position of President of the Society when that position next becomes vacant in 2006. Professor Sugeno has been a longstanding and active member of the Society particularly in the Asian region. Professor Sugeno is eminently qualified to hold this position both because of his outstanding academic reputation and because of his active role in the Society over many years. Professor Sugeno's election would also be in the spirit of the regional rotation of the position. To date there has only been one Asian President, the late Professor Kim who held office between 1994 and 1997.

Professor Sugeno has had a long and distinguished career in labour law and has written extensively in that field both in his native Japanese language and in English publications. Internationally he is probably best known for his books on Japanese labour law. He is currently Professor Emeritus at the University of Tokyo, the institution at which he spent most of his legal career and where he rose to become Dean of the Graduate School of Law and Politics. Professor Sugeno has also been a visiting scholar at a number of international institutions including that University of Michigan Law School, Yale Law School, Oxford University and Columbia University Law School.

In reaching its decision to nominate Professor Sugeno the New Zealand Branch took into account the consultations I had made among the Asian Executive Members in my capacity as Vice-President for this region. The responses I received were unanimous in supporting Professor Sugeno for this position and it is therefore clear that his nomination enjoys the full support of member societies within the Asian region.

Yours sincerely

Gordon Anderson
President: New Zealand Chapter
Vice-President for the Asian region.

c/o Faculty of Law
Victoria University of Wellington
P. O Box 600
Wellington, New Zealand.

CV KAZUO SUGENO

PRESENT POSITIONS:

- Professor Emeritus, University of Tokyo, 2004
- Vice President, Central Labour Relations Commission, 2004
- Professor of Law, Meiji University Law School, 2005
- Chairperson, Labour Policy Council, Ministry of Welfare and Labour, 2005

PAST APPOINTMENTS:

- Visiting Scholar, Yale University Law School, 1974-75
- Visiting Professor, Harvard Law School, 1985-86 Academic Year
- Research Fellow, St. Catherine's College and St. Anthony's College, University of Oxford, 1996-97
- Dean, Graduate School of Law and Politics & Faculty of Law, University of Tokyo, 2002-2004

SOME ENGLISH PUBLICATIONS :

- Japanese Employment and Labor Law, Carolina Academic Press, 2002
- "Minimum Wages in Japan: A System for Social Equity in Decentralised Industrial Relations," in Roger Blanpain & Manfred Weiss (ed.), *The Changing Face of Labour Law and Industrial Relations, Liber Amicorum for Professor Clyde W. Summers* (Nomos Verlagsgesellschaft, 1993)
- "Unions as Social Institutions in Democratic Market Economies," *International Labour Review*, Vol. 133, No.4 (1994)
- "Labour Law Issues in a Changing Labour Market: in Search of a New Support System" (with Yasuo Suwa), in Mari Sako & Hiroki Sato (ed.), *Japanese Labour and Management in Transition – Diversity, flexibility and participation*, (Routledge, 1996)
- "Discrimination in Employment: Dynamism and Limits of Harmonization in Law," in Roger Blanpain (ed.), *I. Discrimination in Employment*, XV World Congress of Labour Law and Social Security, (Peeters, 1997)

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Nomination of Professor Sewerinsky for President-Elect of the ISL&SSL

Warsaw, the 6th June 2005

Professor Clyde SUMMERS
President of ISLSSL

M. Arturo BRONSTEIN
Secretary-General of ISLSSL

Dear President,
Dear Secretary-General,

The Polish Section of the International Society for Labour and Social Security Law is of the opinion that the geographical rotation, among other criteria defined by the by-laws, has to be observed in the election of the Society President. Having that in mind and that professor Laszlo Nagy was in 1988-1991 the only President of the Society coming from Central and Eastern European countries, the Polish Section has decided to nominate Professor Michał SEWERYŃSKI as a candidate to the next presidency of our Society.

Professor Seweryński (1939) is an active and well-known member of our Society and it's former vice-President (2000 – 2003). At present he is the President of the Polish Section of the ISLSSL. He was a member of the Organizing Committee of the 7th World Society Congress (Warsaw 1970) and the President of the Organizing Committee of the 6th European Congress for Labour Law and Social Security in Warsaw (1999).

Professor Seweryński was three times a general reporter for the European Congresses (Paris 1989, Leiden 1996 and Warsaw 1999) and many times participated to round tables and panel discussions during other Congresses of our Society. As a member of the International Academy of Comparative Law he also presented a general report at the Brisbane Congress of that Academy (2002) and is nominated as a general reporter for Utrecht Congress of the Academy (2006).

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With kind regards

Marek PLISZKIEWICZ
Polish Section Secretary-General

Professor Ludwik FLOREK
Polish Section Vice-President

CV Michał Seweryński (1939)

- Professor and Head of the Chair of European Law („Chaire Jean Monnet”) and Honorary President of Lodz University,
- Visiting professor of many foreign universities (France, Canada, Switzerland, Japan),
- Chairman of the Polish National Commission for Labour Law Codification,
- Member of the Legislative Council to Polish Prime Minister
- Former vice-president of the International Association for Labour and Social Security Law,
- President of the Polish Association of Labour Law and Social Security,
- Member of many international scientific associations (among others: International Academy of Comparative Law)
- Member of the Consilium Pontificium Pro Laicis,
- Author, co-author and editor of 12 books and some 140 articles published in Polish, English, French, Spanish and Russian (43 publications in foreign languages in all) among others: Polish Labour Law From Communism to Democracy. Publ. Dom Wydawniczy ABC, Warsaw 1999, Collective Agreements and Individual Contracts of Employment in Labour Law, Kluwer Law International 2003 and Handbook on *Employee Involvement in Europe* (co-edit. M. Weiss), Kluwer 2004.

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