



**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 N° 110
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Season Greetings
and
Best Wishes for 2006

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Dear colleagues

News of the ISLSSL

1. Facilities granted by the ILO Director General for the functioning of ISL&SSL Secretariat

As many of you know, I have left the International Labour Office on 30 November 2005. However, the ILO Director General, Juan Somavia, has decided that the ILO will continue providing logistic support to our Society, and has put

2. VIII Asian Congress of Labour and Social Security Law, Taipei, 1-3 November 2005

I am very pleased to present my warm thanks and congratulations to our friend Stephen Kang and all his support staff for the wonderful Congress they have organized in Taipei, from first to 3 November 2005.

It was a great event. More than 300 participants from 25 countries attended it. The Congress addressed three major themes and held one Round Table. It also held four workshops and four special sittings during which some 25 invited papers were introduced by their authors.

I sincerely thank all the reporters, moderators, panellists, chairpersons of the different sittings, and last but not least, all the participants, whose keen interest and participation has been the greatest asset for the success of the Congress.

The opening ceremony was honoured by the presence of his Excellency Chen Shui-bian, President of Taiwan, who addressed the meeting. Professor Joseph S. Lee, chairman of the organizing committee, and Professor Gordon Anderson, vice-president of our Society on behalf of President Clyde Summers who could not attend, opened the Congress. Our President elect Kazuo Sugeno was invited to pronounce the keynote speech. You will find his address as annex I of this Bulletin.

The congress was closed by his Excellence Lee, Ying-Yuan, Minister, Council of Labour Affairs, Executive Yuan of Taiwan.

3. Opening remarks on behalf of our President Clyde Summers, at the inauguration of the VIII European Regional Congress, Bologna, September 2005

A health problem has prevented President Summers from attending the VIII European Regional Congress in Bologna. Our colleague Alvin Goldman, Chair of the US Branch of our Society, delivered an address on his behalf. It is annexed to this Bulletin as annex II.

4. Forthcoming congresses

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

I have received the following information from the Organizing Committee:

Website: www.laborlawparis.com The site already provides with a phone number for registration. It will be completed by the end of November.

Topics

The themes, approved by the Executive Committee, are the following:

- Trade liberalization and labor law (General reporter, professor Lance Compa, USA)
- Labor law (in its individual and collective aspects) and productive decentralization (General reporters professor Rafaële De Luca Tamajo and Adalberto Perulli, Italy)
- Occupational risks: social protection and employer's liability (General reporters, professors Ann Numhauser-Henning, Sweden, and Aminata Cisse, Senegal)
- Roundtable: What future for statutory regulation in the field of labour law (Moderator professor Catherine Barnard, UK)

Workshops

There will be four simultaneous workshops, all sitting in the afternoons. They will address the same themes of the congress, and they will be bilingual as following: English/French, German/English, Spanish/English and Spanish/French.

There will also be professional workshops on the arrival day (5 September). They will gather labour judges, labour administrators and labour and employment law practitioners.

Invited papers

Registered participants are invited to submit papers. The Organizing Committee will appoint a scientific committee, which will examine and select the papers that would be introduced before a workshop. It will be made up of persons who will also play an important role as workshop moderators. Below are the names and e-mail of those to whom the papers can be submitted:

Papers in English : Pascal Lokiec, Maître de Conférences à l'université Paris X- Nanterre, & Christophe Vigneau, Maître de Conférences à l'université Paris I-Panthéon-Sorbonne: Christophe.Vigneau@univ-paris1.fr

Papers in Spanish: Alexis Triclin, Maître de Conférences à l'université de Versailles-Saint-Quentin

Papers in German: Patrick Rémy, Maître de Conférences à l'université Paris I-Panthéon-Sorbonne: patrick.remy@free.fr

Papers in French: Until further notice: gaudu@univ-paris1.fr

The invited papers will be published on the congress website, by topic (1, 2 or 3) and by country.

Registration fees

The Organizing Committee has fixed the following registration fees

- 300 Euros plus taxes (almost € 358).
- 200 Euros for students (plus taxes).

I have written to Professor Lyon-Caen, inter alia to raise two questions: Firstly I have asked him to consider fixing a reduced registration fees for participants from weak currency countries. Secondly, that ISL&SSL bursaries be exempted from paying registration fees. I will come back to you with more information as soon as I get a reply from him.

Travel and accommodation

Air France will propose group rates for all participants, even if they travel alone. Additional rebates may be obtained upon information provided by national Societies' presidents.

The Organizing Committee will propose three levels of rates for accommodation, ie € 230/300 for four stars hotels, € 140/160 for three stars hotels, and € 100 for two stars hotels. Additional information will be announced in the congress website.

The Organizing Committee is also working on the possibility of obtaining low-cost accommodation for students. This will also be announced in due time, if and when these efforts bear fruit.

Social program.

A cocktail will be offered in the first evening (5 September), at the Sorbonne. Two other events will be announced in due time. Thursday 7 September will be free for social events. Post congress and tours will be announced on the website.

VII American Congress, 2007

I have received some proposals from Professor Salcedo Camacho, on behalf of the Organizing committee of this Congress. This Committee has been set up in November 2005. It is chaired by Professor Rafael Albuquerque, Vice-President of the Dominican Republic. It is proposed that the Congress be held in the last week of October or first week of November 2007, in Santiago de los Caballeros, which is the second greatest city in the Dominican Republic, in the Central region of the country. The Organizing Committee has also made some proposals on the agenda. I am consulting the officers and the vice-presidents in the American region concerning these proposals. I expect being able to come back to you with more details in my Bulletin No. 111, in March 2006.

IX European Regional Congress, 2008

This Congress will be held in Freiburg, Germany. I have received the following proposals from our German Section.

The structure of three plenary sessions, two round-table-discussions and two workshops should be maintained with regard to the expenses of the simultaneous translation.

Topics:

I. The realisation of equal treatment in employment and occupation in the member states of the European Union".

II. Status and protection of migrant workers (including illegal migration and labour and social security questions).

III.

"Old-age provisions – consequences of the demographical development in Europe"
The different approaches (statutory pension insurance, company pension schemes, private pension provision etc.) should be pointed out. The special problems in multi-national enterprises should be addressed.

1st round table

Subject will be presented by the Spanish Section.

2nd round table

"Consequences of information and communication technologies on labour law".

1st workshop

"Systems of law enforcement on the labour law field"

2nd workshop

"Qualification and continuous training of legal assistances in labour law".

5. Financial Questions

Our Treasurer, Professor Irene Asscher-Vonk has sent me the financial overview of our Society. I am grateful to the following members and national associations, who have already settled their dues for 2005: Austria, Bolivia, Czech Republic, Dominican Republic, Finland, Germany, Honduras, Japan, the Netherlands, Panama, Peru, Slovenia, South Africa, Uruguay and Venezuela.

I have sent a reminder to all the other members, who so far have not paid for 2005; some of them have neither paid their dues of 2004.

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

Contributions are due, for the full year, on 1 st January. 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 is kindly asked to notify our Treasurer, Professor Asscher-Vonk, and provide her with the following information:

- (a) Name of the Member;
- (b) Year for which the contribution is paid;
- (c) Number of individuals for whom the contribution is paid

6. News from our members

Argentina

New Executive Board of the Asociación Argentina de Derecho del Trabajo y de la Seguridad Social, AADTySS.

President:	Jorge RODRÍGUEZ MANCINI
Vice-president:	Noemí RIAL
Secretary:	Ana Alejandra BARILARO
Assistant Secretary:	Diego TOSCA
Treasurer:	José RODRIGUEZ PONTE
Asst. Treasurer:	Juan Carlos MARIANI
Titular Members:	Jorge BERMUDEZ Carlos Alberto ETALA Carlos MARÍN Alberto RIMOLDI
Deputy Members:	Gloria LLANA Graciela GIANELLA
Auditors:	Jorge GARCIA RAPP Mario ACKERMAN Pablo TOPET

For more information on AADTySS, please refer to its webpage: www.asociacion.org.ar

I congratulate Professor Mario Ackerman, who has been appointed member of the ILO Committee on the Application of Conventions and Recommendations.

España

La Universidad de Castilla la Mancha, conjuntamente con las universidades de Vigo, País Vasco, Catania, Siena y Burdeos IV organiza en 2006 un master interuniversitario sobre empleo, relaciones laborales y diálogo social en Europa. Para más informaciones:

M^a José Romero Rodenas (coordinadora del master)
Telef : (+34) 967 59 92 00 (ext: 2149).
E-mail: mariajose.romero@uclm.es
www.uclm.es/Ab/rlaborales/

Uruguay

New contacts of Professor Oscar Ermida Uriarte, Chairperson of the Asociación Uruguaya de Derecho del Trabajo y de la Seguridad Social, AUDTSS

Facultad de Derecho, Escuela de Posgrados
Colonia 1801
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Les recuerdo la URL de la página web del Instituto de Derecho del Trabajo y de la Seguridad Social, Facultad de Derecho, Universidad de la República :
http://www.rau.edu.uy/universidad/inst_derecho_del_trabajo/
Homenaje al Profesor América Pla Rodríguez

Un homenaje con la participación de numerosos colegas de América Latina, fue ofrecido el 13 y 14 de marzo 2005 al Profesor Américo Pla Rodríguez, Presidente Honorario de nuestra Sociedad, en la Facultad de Derecho de la Universidad de la República. En esa oportunidad se presentó el libro: "En torno a los principios del derecho del trabajo", que comprende contribuciones de Mario Ackerman, Rafael Alburquerque, Néstor de Buen, Wagner Giglio, Emilio Morgado, Rolando Murgas y Mario Pasco, quien es el coordinador de la publicación.

US BRANCH of ISL&SSL

I have received the following message from Matthew Finkin General Editor of the well-known Comparative Labor Law & Policy Journal:

To: Presidents, National Branches, ISLLSS
From: Matthew Finkin,
Re: ISLLSS Discount

You may recall that a few months ago I wrote regarding the decision of the Canadian Branch to make subscription to the Comparative Labor Law & Policy Journal part of its package of membership benefits, at a steep discount of over 50%. I inquired if your Branch would care to do the same.

Several ISLLSS Branches have informed me that even at the cost of only \$18 U.S. dollars!-for a professionally edited, peer reviewed, quarterly publication, the leader in the field worldwide-their dues schedules did not allow them to do the same. But they asked if we could offer this discount to their members in return for which they would be happy to publicize the offer (allowing us to recoup the cost by economies of sale and eliminating the cost of publicity which we are in no position to bear).

I am pleased to inform you that we have agreed to their proposal and have expanded our offer to all ISLLSS members, worldwide. If you will be so good as to notify your membership of our offer, they can subscribe, at \$18 per year, online. Our Web site is: <http://www.law.uiuc.edu/publications/cll&pj/subscribe.html>

We hope by this offer not only to stimulate greater interest in the field, but to stimulate more scholars to submit work of high quality to us, as the flagship journal worldwide. I hope I can count on your assistance.

Sincerely,

Matthew W. Finkin
Albert J. Harno Professor of Law
University of Illinois College of Law

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Venezuela

Nuestro capítulo venezolano organiza del 5 al 7 de enero 2006, en Barquisimeto, sus XXXI Jornadas J.M. Domínguez Escovar sobre Derecho del Trabajo. Para información e inscripciones dirigirse al Colegio de Abogados del Estado de Lara, Av. los Abogados entre calles 9 y 10. sede social del Colegio de abogados del Estado Lara. telefonos: (0251)2528201/2529291/2521401/ e-mail: iejelbarquisimeto@cantv.net

7. Books received

Jean-Michel Servais, International Labour Law, Kluwer Law International, 2005. You may remember that I had announced this publication in my Bulletin 105 (September 2004), when it came out in French (Normes Internationales du Travail, LGDJ, Paris, 2004). I am happy to announce that it is now available in English. It may be ordered through the website of Aspen Publishers: <http://www.aspenpublishers.com>

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Kind regards
Arturo Bronstein
Secretary General

ANNEX I

CHANGING INDUSTRIAL RELATIONS AND LABOR LAW: ASIAN ECONOMIES UNDER GLOBALIZATION

Keynote speech by Professor Kazuo Sugeno, President Elect of ISL&SSL at the opening ceremony of the VIII Asian Congress of Labour and Social Security Law, Taipei, 1 – 3 November 2005.

First of all, I would like to congratulate the International Society for the successful opening of the Regional Congress in the great city of Taipei. It is a great honor for me to give a keynote address at such an occasion. Using the opportunity, I would like to give a little thought on "Changing Industrial Relations and Labor Law in the Globalizing Asian Economies."

From the perspectives of labor and social security law, the most distinctive feature of Asia seems to be its great diversity. Needless to say that the Asian and Pacific Region is composed of nations quite varied in their history, culture and social structure. In particular, we find a variety of areas with different stages of economic development. We have taking-off economies, developing economies, super-growth economies and mature economies. Labor markets and industrial relations are varied reflecting such socio-economic multiplicity, resulting in great diversity of labor law and social security systems.

However, there are common features among such membership economies with different appearances. To begin with, Asia is characterized with the economies rapidly growing (most notably Mainland China but also including some ASEAN countries). In such economies, we find radical expansion of urban and industrial areas and a large-scale movement of workers therein from farming areas. The governments are struggling with major social problems caused by such industrialization, and making efforts to establish labor market services to cope with frictional unemployment. They are also endeavoring to institutionalize labor law systems to secure wage payment, to establish workplace safety and health and to compensate for industrial accidents. In the economies almost taking off, we find the governments' serious efforts to establish infrastructures for development including some of the most basic systems of labor markets and social security (Indonesia, the Philippines). On the other hand, in the mature economies threatened by global and regional competition (Japan, Korea, Australia and Taiwan), we find the governments' efforts to restructure their conventional economic systems such as adversarial (Korea), centralized (Australia) or individualizing (Japan) industrial relations. In particular, we find the drives to deregulate the labor markets or to make industrial relations more cooperative (Korea) or decentralized (Australia).

Regardless of developing or developed economies, privatization of state owned enterprises is a movement commonly promoted in all types of economies (Japan, Australia, Thailand and Taiwan). The increase of workers in atypical employment is also a common trend in the Region with the common attempt of labor law reforms balancing protection and flexibility (Korea, Japan). Also found in many economies of the region are the aging of the population and the efforts to establish or reform pension and medical systems. Likewise, how to utilize and control immigration and emigration is a common policy issue throughout the region as workers move from less-developed to more-developed economies.

Having an overview of major features in the Asian and Pacific region, we are able to delineate a common factor that has a strong impact on the formation and reformation of labor law and social security systems in the region. That is, of course, globalization; or much freer and speedier flows of capital, goods, human resources and information across

the free-trade market having expanded to a global scale. In such an era, competition arises in a much larger scale and in a much speedier manner, and local economies are connected with distant regional economies regardless of national boundaries. The Asian Currency Crisis having taken place in 1997 is a typical example of the devastating effect the cross-border shift of short-term capital can generate. Another example of problems occurring in the global economy is large-scale relocation of production sites from higher- to lower-wage economies.

In this way, without regard to the state of development, most economies in the region are under the strong influence of the global economy. Rapid growth and staggering growth; large scale changes in industrial structures; and increasing inefficiencies of traditional economic systems; all are major economic features closely related with globalization. Growing instability of employment, expanding atypical employment, polarization of workers, increasing labor disputes and enhanced cross-border mobility of labor forces are the problems of industrial relations arising in such globalizing economies. Establishment or reestablishment of job security, more effective labor market services, balancing regulation and deregulation of labor markets, more efficient labor dispute resolution, more comprehensive and less costly pensions and medical services are the major agenda of reforms necessitated in industrial relations under pressures of globalization.

As a more concrete picture, I would like to take up the case of Japan, and give a brief description of the impact of globalization on her industrial relations and labor law.

A major characteristic of the Japanese case is that the national economy met the pressures of globalization and the bursting of economic bubble at the same time in the beginning of the 1990's. As an aftermath of the bubble, huge amounts of bad loans paralyzed the financial system, causing many enterprises to fall into serious trouble. Additional pressures of competition from developing Asian regions made firms resort to large-scale employment adjustment and restructuring, resulting in an unprecedented surge of unemployment. Japan thus experienced an economic slump for a decade from mid nineties. Such difficulties made the public recognize the importance of transforming their post-World-War-II systems to regain strength in the global market. These years were, therefore, marked with large-scale reforms in the conventional political, administrative, economic and judicial systems. The lead concept was "Structural Reform," which was introduced in the 1995 Economic Plan, as signifying reformation of the regulatory environment "from pre-entry regulation to rule-based governance, of the market." "Structural Reform" also meant the reform to transfer many of the regulatory responsibilities from the bureaucracy to the judiciary. Thus the government carried out large scale Judicial Reform in the beginning of this century; to strengthen the legal profession in size and quality; to make judicial procedures more expeditious and accessible; and to introduce the participation of citizens in the court procedure.

In the aspect of industrial relations during such a period, Japan experienced major changes such as the following:

The first is the change in the employment system. The long term employment system (or the employment system relying on the internal labor market) has been modified in a manner so as to emphasize short term performance and utilize more mid-careers. Also, the ratio of part-time and other atypical workers has grown from about 20 to 30 percent during the decade long economic slump. Moreover, as typically seen in the increasing number of foreign-capital owned firms, the mobile employment system relying on the external labor market has become a distinctive model of employment systems. The long-term employment system has become a less dominant model in Japanese industrial relations.

The second is the waning density and influence of unions. Union memberships among the total workforce have been steadily decreasing in the last two decades, with the organization rate coming down to a little less than twenty percent. The period after the collapse of the bubble economy is also marked with staggering and even lower wages. The unions' Spring Wage Offensive has lost its power of coordinating enterprise-based wage-negotiations within and across industries. The restructuring of enterprises seems to be progressing without much resistance from unions. The miserable defeat, in the national election of two months ago, of the Democratic Party supported by the All Japan Trade Union Federation (or Rengo) also seems to have highlighted their reduced political power.

The third is the drastic increase in labor disputes, not collective but individual ones.

The Japanese labor law system established after World War II attached the highest importance to collective bargaining disputes, for the resolution of which Labor Relations Commissions played important roles as expert agencies in dispute-prone industrial relations until the mid 1970's.

However, collective labor disputes decreased distinctively since the late 1970s as a consequence of the dissemination of cooperative labor management relations. On the other hand, since the early 1990's, the number of individual disputes in employment relations has increased sharply. For example, the number of civil litigation cases involving those relations tripled, over unpaid wages, termination of employment, disadvantageous alteration of working conditions, etc. The increase in worker grievances can be attributed mainly to the restructuring and downsizing of enterprises, which were pressed by intensifying competition in the global market and, in particular, from rising Asian economies. A second background is diversification and individualization of workers in the labor market, which have been precipitated by the needs of firms to make their workforce flexible and less costly.

The three kinds of changes mentioned above occurred in the process of industrial adaptation to global competition. They aroused concerns from labor policy perspectives, and gave rise to major reforms of labor law. The first of these reforms is the attained reform of the labor dispute resolution system and the second is the attempt at enacting a comprehensive Labor Contract Law.

With regard to the drastic increase in individual labor disputes, it became obvious that the collective-dispute oriented dispute-resolution system was in need of a major reform. Responding to such needs, the Ministry of Welfare and Labor established a system to provide counseling and mediation services with respect to such disputes at the local offices of the Ministry. Since the Ministry began such services in October 2001, the cases received by the Offices have been increasing rapidly. Then, Judicial Reform described above responded to the same needs, giving rise to a new Labor Tribunal Procedure in the district court.

Under this new Procedure, a tribunal composed of one career judge and two part-time experts in labor relations first makes mediation efforts towards a dispute of rights brought in by the parties of employment relations, and, if such efforts fail, renders a decision clarifying the merits of the case and specifying measures to resolve the case. The decision is not binding, and if either party objects, the case is automatically transferred to an ordinary civil procedure. The Law requires the tribunal to dispose of the case within three sessions, or within a few months' duration. Preparation is underway for the start of the new Procedure from next April.

In this way, the socioeconomic reforms to cope with globalization led to a major reform of Japanese labor law, i.e., construction of the new dispute resolution system. However, such a reform did not stop there but gave rise to another major agenda of labor policy

successively. It is the agenda to legislate a Labor Contract Law to clarify and modernize the rules governing employment relations.

The post World War II Reform led to the Labor Standards Law establishing minimum standards of working conditions with administrative scheme of inspection. However, the post-War reform did not create any special legislation to govern legal issues arising from employment relations such as management's rights to dismiss, transfer or discipline workers or the rules to alter working conditions. Those issues were entrusted to the rules on the Civil Code, the most basic rule of which was the freedom of both parties to terminate contractual relationships.

However, as the long-term employment system developed in the process of economic growth, the court modified the Civil Code rules to give effect to the practices of long-term employment. Most fundamentally, the court restricted the employer's right to dismiss employees by founding the doctrine of abusive dismissals. Many new rules then developed from this fundamental doctrine, the gist of which was to guarantee the rights of workers to stable employment and fair treatment, while endorsing the employers' authority to manage the internal labor market flexibly.

Such judge-made rules developed in the form of accumulated case law, which was difficult to comprehend for workers and entrepreneurs. As disputes arising from employment relations increased drastically, and as the new court system specializing in such disputes is commencing with the participation of lay judges, the necessity to clarify the rules governing employment relations became very clear. In addition, since the long-term employment system has undergone significant changes under the pressures of globalization, it became necessary to modernize rules concerning employment relationships in response to a new state of industrial relations.

Thus, a study group in the Ministry of Welfare and Labor presented, a month ago, a major Report proposing to enact a comprehensive Labor Contract Law. So far both labor and management reacted very strongly against the idea of the study group to introduce a new worker representation system in enterprises. Expressing concerns with the decline of union density, the study group proposed that if a committee composed of representatives of employees and management voluntarily set up in an unorganized firm reaches an agreement on alteration of working conditions, such agreed working conditions should be presumed fair and rational enough to bind individual workers objecting to such alteration. The union organizations criticize that special treatment of such enterprise committees would undermine the status of unions, and the business organizations anticipate that the new statutory system of employee representation might undermine the joint consultation procedures firmly established between enterprise unions and management. Thus, the proposal of the study group not only involves the attempt to modernize contractual rules on employment relations; it also encompasses the search for a new system of worker representation in the face of waning unionism. This is also an important issue of industrial relations under the impact of globalization.

This was a rough sketch of changing industrial relations and labor law in the Japanese economy under globalization. In short, the enterprise community based on the long time employment system is losing its cohesive control as workers become more mobile, diverse and insecure as a consequence of increased competition under globalization. Global competition also gave rise to pressures for establishing internationally common and visible rules and procedures to govern economic activities including labor relations. Community-based informal norms should be replaced by explicit rules and procedures, in harmony with international standards. The attained reform of labor dispute resolution system and the progressing reform of Labor Contract Law can be understood in this context.

From this perspective, it is a case of large-scale structural reforms having been promoted to cope with the challenges globalization has brought upon national industrial relations. This is relevant to a common theme of this 8th Asian Regional Congress, which is, I believe, to identify structural changes and policy issues in globalizing Asian economies. A fundamental question for us is whether and to what extent the diverse Asian labor law and social security systems will be standardized with the progress of globalization. We should also ask what should be the appropriate public policies in this era of globalization. It is a favorite joke of us lawyers that we always have a right answer on any complex issue of legal policies, but we keep it secret to maintain our jobs. I hope we do not take this kind of approach in this Congress and engage in candid arguments. I am looking forward to learning from fruitful discussions of the scholars in this hall.

Thank you very much for your kind attention.

ANNEX II

Address by Professor Alvin Goldman, on behalf of President Clyde Summers, at the opening ceremony of the VIII European Congress of ISL&SSL, Bologna, 20-23 September 2005

Dear colleagues and friends

A health problem encountered last month prevents Clyde Summers from joining us at this Congress. In consultation with his spouse, Evelyn Summers, and his two close colleagues and friends, Robert Gorman and Matthew Finkin, and guided by Clyde's wealth of publications, we offer, often using Clyde's own words, opening remarks that reflect the substance of the thoughts we think Professor Summers would want to share with you at this time.

We are gathered for a Congress that has been carefully planned by outstanding scholars to ensure intellectual stimulation and meaningful explorations of important subjects. Our program is enriched by the thoughtful, thorough, and energetic efforts of our excellent host committee. I know that all of you will want to join me in thanking them for their dedication and kindness and especially thank Franco Carinci for his devoted leadership in these efforts.

The International Society for Labor and Social Security Law most especially owes a continuing debt of gratitude to its outstanding Secretary-General, Arturo Bronstein. His attentiveness, intelligence and diplomatic skill guide our organization.

Over the course of the next several days we will be discussing how various legal systems attempt to resolve, or should resolve, important issues of employment, labor-management relations, and protection of social welfare. "Labor law, more than many other areas of law, is the product of conscious creation and social choice." Our basic laws often "were not the products of an evolutionary process, but were deliberately designed instruments of change."

Thus, as we examine the issues of the law of work covered by our Congress agenda, it will help to recognize that our subject involves not only questions of economic activity but also questions of human values, aspirations, and dignity. The situation of each worker is unique. As a result of the fortunes of genetic heritage, where and how they were raised, the education or training they did or did not receive, or the circumstances of the society in which they seek to perform work, some workers possess talents, strength, persistence or status that enable them to receive substantial rewards for their efforts; others do not. If the selected system of law is to accomplish the goal of doing justice, it not only should be impartially administered and provide meaningful remedies for breach of its rules, it also should give aid to the weaker party and ensure that those whose lives are affected will be heard with respect to the decisions under consideration.

The intellectual focal point of our organization and this Congress is the comparative method of exploration. "Most of us are bound by our unconscious premises and have difficulty envisioning what we have not seen. When we have known only one labor law system, we are captives of its purported premises and their claimed consequences. . . . The comparative perspective helps us to see through the myths of our own system, to uncover hidden premises on which we build, and to see more clearly the realities of our system and its special characteristics."

On the other hand, our "perspective of another labor law system is almost inescapably framed by the essential characteristics of our own system." Hence, we must try to

"recognize and make explicit those characteristics which frame our perspective . . . so that we do not confuse superficial similarities with functional equivalents." We also can expect to encounter times when foreigners will describe our own labor law system in ways that differ from our own perceptions. Instead of discarding such observations, one might heed the Scottish poet Robert Burns who, to paraphrase, counseled that it is a great gift to see ourselves as others see us.

Finally, the "similarities and contrasts" we encounter "should provoke us to ask 'why', and each question 'why' opens a door into a new and often unexpected room which itself has other doors to be opened by further questions. Though there is seemingly no end of doors, each one opened gives us fuller knowledge of the combination mansion and madhouse in which we live."

I wish you a successful and fruitful Congress