



**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° 117

September 2007

### Announcement by the Secretary General

Benjamin Aaron

I deeply regret to announce the death of our former President and Honorary President Benjamin Aaron, who passed away on Saturday, August 25, 2007, one week short of his 92nd birthday.

Professor Aaron was one of the most outstanding US scholars on Comparative Labour Law. He also had for many years served as an Expert in the ILO Committee of Experts on the Application of Conventions and Recommendations. He had strongly campaigned for the US ratifying more ILO conventions.

Immediately after the end of the Second World War, Ben Aaron's served as a member of a Labour Advisory Commission to the Supreme Commander, Allied Powers, in Tokyo, Japan. In this capacity he contributed to the reshaping of the Japanese Industrial Relations system.

Five presidents -- Harry Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson and George H.W. Bush -- appointed him to national boards and commissions.

The whetting of his interest on Comparative Labour Law reached full fruition when he collaborated with Professors Xavier Blanc-Jouvan, Gino Giugni, Thilo Ramm, Folke Schmidt, and K.W. Wedderburn in an extended

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project that culminated in the publication of Labour Courts and Grievance Settlement in Western Europe (B. Aaron, Ed., 1971); Industrial Conflict: a Comparative Legal Survey (B. Aaron and K.W. Wedderburn, Eds., 1972); and Discrimination in Employment (F. Schmidt, Ed., 1978). This undertaking was marked by an unprecedented, and probably unduplicated, degree of extended, detailed face-to-face interchanges and correspondence among comparative labour law scholars.

In addition to authoring a great number of publications he had a vast experience on labour arbitration. During WW II he served as executive director of the National War Labour Board, which handled thousands of labour disputes during war. He also helped settle many labour disputes that plagued the State of California aircraft companies after World War II, and he played a major role in mediating farm labour disagreements that often involved Cesar Chavez. In 1970 he brokered the settlement that ended a nearly five-week walkout of about 14,000 teachers in the Los Angeles Unified School District in 1970, which was the longest teachers' strike in the history of California public education.

Above all, we will all remind him for his humility and kindness.

We convey our deepest condolences to Eleanor, his wife and his relatives.

## 1. News from ISL&SSL

### Informal Executive Committee of ISL&SSL

During our forthcoming American Regional Congress in Santo Domingo we will be holding an informal meeting of our Executive Committee. I intend to bring the following points to the attention of those attending the meeting:

- (a) Information on activities of ISL&SSL since the last World Congress, Paris, 2006.
- (b) Information on the organization of the American Congress, Santo Domingo, by the Organizing Committee.
- (c) Composition of sub-regions in the American Region
- (d) Reform of our by-laws
- (e) Date and venue of the next American Regional Congress, 2001
- (f) Proposals in view of the holding of the XX World Congress of ISL&SSL, 2012

The Executive Committee will be called to take a decision on these questions while at its next official meeting in Freiburg, September 2008.

### Reform of our by-laws

I remind you the proposals made by Professor Alvin Goldman:

(a) Voting by proxy: One item on which there is general agreement is a clarification that rejects voting by proxy but instead requires that votes be cast solely by a designated member of the national association who is present (i.e. a titular member, an alternate member or a person who has been duly designated by the titular member).

(b) Required majority for the election of the President Elect: There is general agreement that the election of the President-Elect should require, on the first ballot, a majority of more than fifty per cent of the votes cast. In the event no candidate receives that required majority, a run-off ballot should be conducted among the nominees receiving the two highest numbers of first round votes. The person receiving the highest number of second round votes will be elected President-elect. However, in the event of a tie for the highest number the option is either that the tie be broken by means of a random selection method or that the election be postponed until the following meeting of the Executive Committee.

(c) Required minimum individual membership of National Members: There was agreement, too, that an association should be required to have a stated minimum number of members to qualify as a National Member of the Society but a close division of opinion was expressed as to whether that minimum should be 10, 15 or 20. On the other hand, there was general agreement that the Executive Committee should have power to accept a smaller number of members of an association in order for it to qualify as a National Member if that smaller membership is justified because of the individual situation. Two Working Group members are of the view that the reduced number should in no event be below 10.

(d) Voting rights: Working Group members also accepted the proposal that individual members preserve their right to participate in the Executive Committee deliberations, with however no voting rights. It is expected that this would encourage individual members to take steps to create a national association in their respective countries.

Those Working Group members who expressed a view were split evenly on the question of whether Honorary Presidents, separate from their role as a national association delegate, should continue to have voting rights with respect to the election of officers. Similarly, there was an even split on whether Officers, separate from their role as a national association delegate, should have voting rights on all questions or, instead, on all questions except the election of Officers. The idea here is that only the National Members should be entitled to appoint the Officers.

(e) Members in arrears of their dues: A majority supports that a National Member should have no voting rights if it is delinquent in dues payments; however some support the proposal that a National Member that is delinquent in dues payments should have voting rights except with respect to the election of Officers. In connection with imposing a limitation on voting participation by dues delinquent National Members, the Working Group favoured a recommendation, rather than a By-Law change, that prior to a vote, the Treasurer report to the Secretary-General the identity of the delegations that, up to the time of the meeting, have received two notices of delinquency and are not current in paying dues up through the preceding calendar year.

(f) Executive Committee: A majority of the Working Group who expressed an opinion support the proposal that the title 'Executive Committee' be changed to 'Governing Body', but some support was expressed for the proposal that the name be changed 'Steering Committee'.

I would like to put on record my deep gratitude to Professor Goldman for the outstanding job he has done. In the coming months I will be circulating the draft amendments to all of our Executive Committee Members.

I expect we would be able to reach a decision on the by-laws at the Executive Committee's meeting to be held next year in Freiburg. It should, however, be recalled that after approval by the Executive Committee the revised by-laws must be ratified by the General Assembly (i.e. the General Assembly to be held in Sydney, 2009, after our XIX World Congress).

## 2. Forthcoming Congresses of ISL&SSL

### VII American Congress; Santo Domingo, 31 st October – 2 November 2007

Website: [www.congresolaboral.org.do](http://www.congresolaboral.org.do)

The venue of the Congress is the State Secretary of Foreign Affairs, Ave. Independencia No. 752, Estancia San Jerónimo. Santo Domingo. R. D. It is very close to Hotel Santo Domingo (Ave. Abraham Lincoln Esq. Ave. Independencia), where the official guests of the Congress will be lodged.

Professor Hernández informs that the organizing committee has received a great number of national reports and papers.

In addition to the official programme, the following side events have been programmed:

A lecture by Professor Jeammaud, in the morning of 31 st October, under the sponsorship of the Supreme Court. Professor Jeammaud will lecture on the Contribution of the French Court of Cassation to the Labour Law, 1947-2007.

The presentation of a Liber Amicorum to Professor Rafael Alburquerque. This book is made up of contributions by a number of leading Latin American labour law scholars.

Below is the agenda and the revised list of reporters

Wednesday, October 31 st

10:00 am – 6:00 pm:	Registration of participants
2:30 pm – 5:30 pm	Informal Meeting of the Executive Committee
6:00 pm	Opening Ceremony
8:00 pm	Welcome Cocktail

Thursday November 1 st      Theme 1: The impact of the economic difficulties of the enterprise on the contract of employment

8:30 am – 9:15 am      General Reporter: Carlos De Buen (Mexico)

9:15 am – 9:45 am      North America sub regional approach. Discussant: Steven Willborn (US)

9:45 am – 10:15 am      Central America sub regional approach. Discussant Vielka Morales Hurtado (Dominican Republic)

10:15 am – 10:45 am      Coffee Break

10:45 am – 11:15 am      South America sub regional approach. Discussant Víctor Ferro Delgado (Peru)

11:15 am – 11:45 am      The Dominican Republic perspective: Discussant Martin Breton

11:45 am – 1:00 pm      Debate on theme I

1:00 pm – 2:30 pm      Lunch

	Theme II: Protection against anti-union discrimination
2:30 pm – 3:15 pm	General Reporter: Rolando Murgas Torraza (Panama)
3:15 pm – 3:45 pm	North America sub regional approach: Discussant Jay Youngdahl, (US)
3:45 pm – 4:15 pm	Central America sub regional approach: Discussant Edgardo Cáceres (Honduras)
4:15 pm – 4:45 pm	Coffee Break
4:45 pm – 5:15 pm	South America sub regional approach: Discussant Humberto Villasmil (Venezuela / ILO)
5:15 pm – 5:45 pm	The Dominican Republic perspective: Discussant Julian Serulle
5:45 pm – 7:00 pm	Debate on theme 2.
8:00 pm	Dinner or cocktail
Friday, November 2	Theme III: Workers' protection in case of illness
8:30 am – 9:15 am	Co- reporters: Francisco Walker Errázuriz (Chile) and Rafael Pereira (Chile)
9:15 am – 9:45 am	North America sub regional approach: Discussant Alvin Goldman (US)
9:45 am – 10:15 am	Central America sub regional approach: Discussant Fernando Bolaños (Costa Rica)
10:15 am – 10:45 am	Coffee Break
10:45 am – 11:15 am	South America sub regional approach: Luiz de Pinho Pedreira da Silva, (Brazil)
11:15 am – 11:45 am	The Dominican Republic perspective: Discussant Porfirio Hernández Quezada
11:45 am – 1:00 pm	Debate on theme 3
1:00 pm – 2:30 pm	Lunch
4:00 pm 6:00	Round Table: What's new in Labour Law? Regional perspectives
	<u>Moderator:</u> Oscar Hernández Alvarez (Venezuela)
	<u>Panellists:</u> Héctor García (Argentina), Cristina Mangarelli (Uruguay), Mario Pasco Cosmópolis (Peru), Roberto Corrada (US), M.R. Herrera Carbuccia (Dominican Republic), Rafael Alburquerque, Vice-President of the Dominican Republic

7:00 pm – 7:30 pm                      A summary of the Congress  
Arturo Bronstein (Argentina), Secretary General of  
ISL&SSL

7:30 pm – 8:30 pm                      Closure of the Congress

### Registration

Registration can be made online. Please, refer to the Congress webpage:  
<http://www.congresolaboral.org.do>

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### IX European Regional Congress; Freiburg, Germany, 16-18 September 2008

Webpage: [www.labourlawfreiburg2008.com](http://www.labourlawfreiburg2008.com)

Professor Löwisch asks me to remind our European national association to send their national reports as early as possible, as they are needed for the general reporters to prepare their communications.

Below is the agenda and list of reporters

Tuesday, September 16

09.00 am - 12.30 pm	Executive Committee Meeting
11.00 am - 5.00 pm	Registration of participants
5.30 pm	Opening ceremony

07.30 pm Reception by the mayor, City of Freiburg

Wednesday, September 17

09.30 am - 12.30 pm Plenary session  
 Topic 1:  
 Implementation of the equal treatment principle in employment and occupation in the EU and EEC Member States.  
 General reporter: Ninon Colneric, Germany

3.00 - 6.00 pm Round Table 1  
 The impact of information and communication in the field of labour law  
 Participants: Rolf Birk, Germany (moderator), Matthew Finkin, USA, Satoshi Nishitani, Japan and others

Thursday, September 18

09.30 am - 12.30 pm Plenary session  
Topic 2:  
 Status and protection of migrant workers  
 General reporter: Ruth Nielsen, Denmark

3.00 - 6.00 pm Round Table 2  
 Employer's responsibilities in enterprises with complex structures  
 Participants: Carlos M. Palomeque López, Spain (moderator), Rüdiger Krause, Germany, Umberto Carabelli, Italy, Jesús Cruz Villalón, Spain, and others

8.00 pm Congress Dinner

Friday, September 19

09.30 am - 12.30 pm Plenary session  
Topic 3:  
 The impact of demographic trends/developments on pension schemes in Europe  
 General reporter: Tomas Davulis, Lithuania

2.30 - 4.30 pm Workshop 1:  
 Systems of law enforcement in labour law  
 Participants: Monika Schlachter, Germany, Andrzej Swiatkowski, Poland, Philippe Waquet, France

Workshop 2:

Qualification and training of lawyers and legal advisors in the field of labour law  
Participants: Corinne Sachs-Durand, France, Susanne Wittkämper, Germany, Michael Sunnus, Germany, and others

5.00 - 5.30 pm

Summary of the Congress by Arturo Bronstein, Secretary General ISLSS

XIX World Congress, Sydney, 1-4 September 2009

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

Professor Ron McCallum AO asks me to address the following invitation to all of you:

"I warmly welcome your interest in the XIX World Congress of the International Society of Labour and Social Security Law which will be held in Sydney, Australia in September 2009.

The Australian Labour Law Association, which was established in 2001, is an affiliate of the International Society for Labour and Social Security Law. The Australian Labour Law Association is hosting the XIXth World Congress of the International Society for Labour and Social Security Law.

The World Congress will be held in Sydney in September 2009. The World Congress will commence with a reception on the evening of Tuesday 1 September 2009. The working sessions of the Congress will take place over the following three days, that is Wednesday, Thursday and Friday 2, 3 & 4 September 2009. The three themes for the 2009 World Congress are:

Theme 1: Regulatory frameworks and law enforcement in new forms of employment (General Reporter, Professor Rosemary Owens, Australia)

Theme 2: Workers' Representation and social dialogue at the workplace level (General Reporter, Professor Antoine Jeammaud, France).

Theme 3: Emerging patterns of social protection in light of structural changes (ageing population, changing family structures, immigration, budgetary constraints, political and ideological realignments) (General Reporter, professor Carlos Rafael Hernández, Dominican Republic)

There will be a round table on work and family life (Moderator, Prof. Gillian Lester, US). There will also be a workshop on what is new in labour law

At present, the planning of this World Congress is in its preliminary stages. Further details will appear on our website [www.labourlawsydney.com](http://www.labourlawsydney.com) in the coming months.

A successful congress relies on the valued support provided by sponsors and exhibitors. An exciting range of sponsorship and exhibition opportunities are available to maximise benefits to the supporting companies, the conference and delegates. To take advantage of these opportunities please contact:

Sponsorship & Exhibition Manager  
T: +61 2 9254 5000  
F: +61 2 9251 3552  
E: [sponsorship@labourlawsydney.com](mailto:sponsorship@labourlawsydney.com)

I do hope that you will be able to join us in September 2009 for what will be a truly marvellous World Congress. I look forward to meeting you all at the Plenary Sessions and at the Congress Dinner which is sure to be one of the highlights of this World Congress.

There will be a program of many events for accompanying spouses and/or partners. I also hope that many of you will take this opportunity to travel to other parts of Australia either before or after the World Congress."

With thanks.  
Professor Ron McCallum AO  
Dean of Law

### 3. News from our Members

#### Argentina

I congratulate our Argentinean Chapter, the Asociación Argentina de Derecho del Trabajo y de la Seguridad Social, for the great success it has had in the organization of a number of events to celebrate its 50 th Anniversary. Most noteworthy of these events has been a Seminar on 50 years of the Labour Law in Latin America during which a publication was presented, containing national papers on the evolution of the labour law in 10 countries (i.e. Argentina, Brazil, Colombia, Chile, Mexico, Panama, Peru, the Dominican Republic, Uruguay and Venezuela), completed by a comparative overview which I have had the honour to prepare. This publication can be ordered from the editor Rubinzal-Culzoni (tel/fax 0054 342 4555520) at the cost of us\$52, including postage.

I deeply regret to announce the death of Professor Antonio Vazquez Vialard, former President of the Asociación Argentina de Derecho del Trabajo y de la Seguridad Social and Vice-President of ISL&SSL, aged 85. Professor Vazquez Vialard was one of the leading labour law scholars in Argentina and a member of the Ibero-American Academy of Labour and Social Security Law. Apart from his university career he had occupied important positions in the Argentinean administration and the judiciary, and has authored hundreds of publications.

#### Paraguay

Our Paraguayan chapter announces the following integration of its Board:

Chair: Profesor Carlos Alberto González Garabelli (Full Professor, Catholic University)  
Vice-Chair: Profesor Ramiro Barboza (Member of the Court of Appeal, Labour Chamber 2, and Full Professor, Catholic University)  
Secretary: Dra. Concepción Sanchez (Member of the Court of Appeal, Labour Chamber 1)  
Treasurer: Dra. Alma Mendez de Bougermini (Professor of Labour Law and Labour Judge of First Instance,

Other Members: Alejandro Marin Saenz, Roberto Ruíz Díaz and Julio Cesar Centeno

#### Israel

Profesor Guy Davidov asks me to inform his new contacts:

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#### 4. Financial Questions

Further to the election of Giuseppe Casale as the new Treasurer of ISL&SSL our bank accounts have been transferred from the Netherlands to Geneva. Below are the bank references of our new account:

SIDTSS  
UBS - Succursale BIT  
4, route des Morillons  
1211 Genève, Suisse  
Account No. 279-279358.60K  
IBAN No. CH47 0027 9279 2793 5860 K  
SWIFT: UBSWCHZH80A

#### 5. Other

A Life in Labor Law, The Memoirs of Benjamin Aaron

Professor Alvin Goldman asks me to announce this forthcoming publication. It presents a first hand account of key events in labour relations in the second half of twentieth century. The cost of the publication is 15 us\$. It can be ordered by mail to Melinda Grodsky, UCLA Institut for Research on Labor and Employment, Box 951478, Los Angeles, CA 90095-1478. I can e-mail you a form to facilitate the purchase.

Kind regards

Arturo Bronstein  
Secretary General