



**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° 119

March 2008

Announcement by the Secretary General

Our Society offers five fellowships to attend the International Seminar on Comparative Labour Law, Labour Relations and Social Security, Bordeaux, July 2008 and five fellowships in respect to the IX European Regional Congress of our Society, Freiburg, September 2008.

For more details and qualifications to apply, please refer to the information relating to the Seminar and the Congress, in this Bulletin here below.

Président/Président

Kazuo SUGENO
Professor of Law,
3-1-26 – B203, MIYOSHI
KOTOKU, TOKYO
JAPAN 135-0022
Tel. 81-3- 5646-8344
E-mail: sugeno@j.u-tokyo.ac.jp

**Secretary General/Secrétaire
général**

Arturo Bronstein
c/ o Ms. Johanna Ruefli
ILO – 1211 GENEVA 22
SWITZERLAND
e-mail : asbronstein@msn.com
and sidtss@ilo.org

Treasurer/Trésorier

Giuseppe Casale
ILO – 1211 GENEVA 22
SWITZERLAND
Tel. 41 22 799 6861
e-mail : casale@ilo.org

Dear colleagues

1. News from ISL&SSL

(a) Election of a President Elect

In keeping with our by-laws we are to elect a President-Elect at our forthcoming Executive Committee meeting, in Freiburg, Germany, 16 September 2008. The President-Elect would take up the position of President of our Society at the closing ceremony of our XIX World Congress in Sydney, September 2009, for a three-year mandate, until 2012.

To this end I have written to our national associations, to invite them to submit nominations no later than June, 16, 2008.

It is recalled that, for the submission of candidatures of the past presidents of ISLLSS, the following practice has been observed:

- (a) Candidates have been members of a national association with a long-term relationship with the Society,
- (b) Candidates had a recognized competence and a record of publications in the field of labour and social security law;
- (c) A geographical rotation has been observed;

The current President of ISLLSS, Professor Kazuo Sugeno (Japan) comes from the Asia-Pacific region. 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: László 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 (resigned in 2005)

(b) Reform of our by-laws

You may remember that the Working Group coordinated by Professor Goldman had made proposals to reform our by-laws, which were circulated in the last quarter of 2007. On the base of the work done under Professor Goldman's coordination and feedback provided by many of our Executive Committee members the officers have fine tuned the draft amendments, which will be submitted to the Executive Committee at the Freiburg's meeting in September 2008. Should they were approved by the Executive Committee the

new by-laws must be ratified by the General Assembly which shall meet next year at Sydney.

The text proposed by the Officers is annexed to this Bulletin. Below is a summary of the proposals made:

- (a) Minimum membership to be eligible as a national member of ISL&SSL: A threshold of no less than fifteen individual members shall be required for a national association to be recognized as a national member of ISL&SSL. The Executive Committee could, however, accept associations made up of less than fifteen but at least of 10 individual members "if that smaller membership is justified because of the individual situation".
- (b) Individual members: Individual members (i.e. members that do not qualify to be accepted as a national member) can be invited to attend the Executive Committee meetings (no more than one member per country).
- (c) Voting rights: National members and Honorary Presidents shall be entitled to vote on all issues. Officers (i.e. the President, the Secretary General and the Treasurer) will be entitled to vote on all issues except in respect to the election of the officers. Individual members won't have voting rights.
- (d) Suspension of voting rights of members in arrears: A national member who is delinquent on dues payment shall have their voting rights suspended.
- (e) Election of the President: The President shall be elected by a secret vote. However, when only one candidate has been nominated he or she can be elected by acclamation unless three or more Executive Committee members having voting rights request that a secret ballot be held.
- (f) Required majority to elect the President: When two or more candidates have been nominated the election for President-Elect shall be conducted by secret ballot and the nominee receiving a majority of more than fifty per cent of the votes cast shall be the President-Elect. If none of the nominees receives the required majority in a first round of voting, a second vote shall be taken in which only the nominees receiving the two highest numbers of first round votes shall be on the ballot, and the candidate receiving the highest number of votes in the second round shall be the President-Elect. In the event of a tie for the highest number of ballots in the second round, the Executive Committee will postpone the election of the President until its next meeting.
- (g) Executive Committee: The Executive Committee won't change its name.
- (h) The Officers in consultation with the Vice-presidents would be instructed to establish a list of the associations that meet the criteria for being recognized as National Members pursuant to the new rules.

2. Forthcoming congresses of ISL&SSL

IX European Regional Congress: Freiburg, Germany, 16-19 September 2008

Professor Löwisch announces that the Congress brochure, in German, English, French and Spanish is to come out very shortly.

Registration for this Congress is opened. It can be made through the webpage: www.labourlawfreiburg2008.com

Submissions can be sent, also through the web page.

Hotel accommodation: Hotels can be booked through the Congress webpage. Most conveniently located and within walking distances of the Congress would be the Colombi Hotel, Best Western Victoria Hotel, Parkhotel Post, Rheingold Hotel, Intercity Hotel and Dorint Hotel.

I remind you the agenda and name of the reporters of this Congress

- Theme 1: Implementation of the equal treatment principle in employment and occupation in the EU and EEA Member States. Professor Löwisch informs that the designated General Reporter, Ninon Colneric (Germany) cannot attend the Congress. In her replacement the Organizing Committee has designated Professor Irene Asscher-Vonk (the Netherlands)
- Theme 2: Status and protection of migrant workers. General Reporter: Ruth Nielsen, Denmark
- Theme 3: The impact of ageing on pension schemes in Europe. General Reporter: Tomas Davulis, Lithuania
- Round Table 1: The impact of information and communication technologies in the field of labour law. Moderator: Rolf Birk, (Germany); panelists: Matthew Finkin (USA), Satoshi Nishitani (Japan) and others.
- Round Table 2: Employer's responsibilities in corporate organizations. Moderator: Carlos M. Palomeque López (Spain); panelists: Rüdiger Krause (Germany), Umberto Carabelli (Italy), Jesús Cruz Villalón (Spain).
- Workshop 1 Systems of law enforcement in labour law. Participants: Monika Schlachter (Germany), Andrzej Swiatkowski, (Poland), Philippe Waquet (France) and others
- 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

Fellowships: The ISLSSL can offer up to five fellowships, each worth up to € 800 to help young scholars who wish to attend this event. Fellowships will be paid under the form of reimbursement of expenses upon presentation of appropriate justifications (travel tickets, hotel bills). Also, ISL&SSL bursaries will not be required to pay registration fees. Here are the conditions to apply:

- a) Deadline: Applications must be submitted to the Secretary General of ISL&SSL no later than 31 st May 2008. Priority will be given to applications supported by a National Member of ISLSSL;
- b) Age: No more than 40 years old. Priority will be given to applicants aged less than 35 years old;
- c) Nationality: any.
- d) Language proficiency: Fully satisfactory knowledge of one of the working languages of the Congress;
- e) Non eligibility of former beneficiaries of ISLSS fellowships: Those who have already received an ISLSS 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;

XIX World Congress, Sydney, 1-4 September 2009

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

Below is the agenda and name of the general reporters:

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

Theme 2: Workers' representation and social dialogue at the workplace level. General Reporter: 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: Carlos Hernández Contreras (Dominican Republic)

Round table: Work and family life. Moderator: Gillian Lester (US)

Workshop: What's new in Labour Law?

The questionnaires relating to these themes have already been translated and sent out to our National Associations. I am urging our Members to rapidly appoint their national reporters. National reports are expected to reach me no later than 31 st October 2008.

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

This Seminar is under the patronage of our Society. It is organized by the Centre de Droit comparé du Travail et de la Sécurité Sociale of the University Montesquieu Bordeaux IV (COMPTRASEC) in partnership with the departments and European research centers of the Universities of Brussels, Frankfurt , Hull , Lisbon and Lodz .The Director of COMPTRASEC and of the Seminar is Professor Philippe Auvergnon.

Professor Auvergnon has confirmed that the next edition of this Seminar will be held from 30 June to 11 July 2008. The general topic will be: Individual Freedom and Labour Relations: What is possible, what is permitted and what is prohibited? The working languages will be English and French. Registration fees are €400 without accommodation and €800 with accommodation and breakfast. Applications to attend should reach the Seminar's Secretariat as following:

Anne-Laure GAUTIER
Secrétariat
Université Montesquieu Bordeaux IV COMPTRASEC
Avenue Léon Duguit - 33608 PESSAC CEDEX FRANCE
Tél. : 33.5.56.84.85.42 / Fax : 33.5.56.84.85.12
Email : aurelie.seiler@u-bordeaux4.fr
<http://comptrasec.u-bordeaux4.fr/>

More information is available on the website <http://comptrasec.u-bordeaux4.fr/static/SEMINAIRES/anglais.htm>

Fellowships

The ISLSSL will offer up to five fellowships, each worth up to €800 to cover registration fees and accommodation. Below are the conditions to apply:

- (a) Deadline: Applications must reach me no later than 31 st May 2008. Priority will be given to applications supported by a National Member of 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 ISLLSS fellowships: Those who have already received an ISLLSS fellowship are not eligible;
- (f) Gender: Applications from both male and female candidates are equally welcomed; applications from female candidates are encouraged.

Arturo Bronstein
Secretary General

ANNEX

By-laws of the International Society for Labour and Social Security Law Amendments proposed by the Officers

Deletions are in strikethrough characters. New wording is in bold underlined characters

By-laws approved by the General Assembly of the ISLSSL in ~~Montevideo, Uruguay, 5 September 2003~~ Sydney, Australia, ... September 2009

Preamble

The International Society for Labour and Social Security Law (Société Internationale de Droit du Travail et de la Sécurité Sociale) was constituted in Brussels in June 1958. It is the result of the merger of the International Society for Social Law (São Paulo Congress, 1954, and Brussels Congress, 1958) and the International Congresses of Labour Law (Trieste, 1951, and Geneva, 1957).

Name and Objects

Article 1

1. The International Society for Labour and Social Security Law, in the following articles called the Society, is established as an association for the purposes of studying labour and social security law at the national as well as international level, and promoting the exchange of ideas and information from a comparative perspective, and encouraging the closest possible collaboration among academics, lawyers, and other experts within the fields of labour and social security law.

2. The activities of the Society include the promotion of the study of labour and social security law amongst young academics and lawyers, and support for international comparative schools, seminars and other meetings in those fields. 3. The aims of the Society are of a purely scientific character, independent of all considerations of a political, philosophical or religious nature.

Location

Article 2

The seat of the Society is in Geneva. It may be transferred to another place by decision of the Executive Committee.

Members

Article 3

The Society membership shall consist of:

1. National associations or other entities which have decided to affiliate themselves as members of the Society and whose affiliation is accepted by the Executive Committee. This category of membership shall be referred to as the Society's National Members. To be eligible, a National Member shall submit its by-laws or a brief on its purpose and activities and shall demonstrate that it has no less than 15 dues paying individual members. The Executive Committee may, however, 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, provided the applicant association has no less than

10 dues paying individual members. There shall be no more than one National Member per country. In the event that more than one organization seeks recognition as the National Member for a county, the Executive Committee shall determine which shall be recognized as the National Member based on its dedication to the Society's goals and the capacity to participate meaningfully in its activities. All other national associations may be recognized and participate as Institutional Members of the Society.

2. Individuals elected by the Executive Committee. This category of membership shall be referred to as the Society's Individual Members.

3. Scientific societies, national associations (other than National Members), and research institutes which are elected by the Executive Committee. This category of membership shall be referred to as the Society's Institutional Members. In order to get such recognition, the Executive Committee will require from the (relevant) National Member that it submits a report on the applicant's accomplishments, to confirm the above-referred dedication to the Society's goals, and the support and collaboration that it provides to the National Member.

Article 4

1. In each country where there is a national association of persons who, because of their scholarly work or professional activities, are interested in furthering the aims of the Society, that association shall be encouraged to become a National Member of the Society.

2. Individual Members are elected primarily among persons from countries where there is no National Member of the Society, and among the officials of international organizations dealing with labour and social security law.

Organs

Article 5

The organs of the Society are:

1. the General Assembly;
2. the Executive Committee, and
3. the Officers (the President, the President-Elect, the Secretary-General and the Treasurer).

General Assembly

Article 6

1. Individual members of National Members of the Society, Individual Members designated by the Executive Committee in keeping with article 7.3 here below ~~of the Society~~ and representatives appointed by Institutional Members of the Society constitute the General Assembly. Each member shall have one vote. However, the maximum number of votes from the National Member of one country shall not exceed the average number of individuals for whom contributions have been paid during the past three years immediately preceding the General Assembly, and in total be not more than 30. In the event that the maximum number is exceeded for a National Member, the votes for that group shall be reduced to the above-mentioned maximum of votes for a national group. Before the casting of votes takes place, the Treasurer shall report to the Assembly on the financial contributions and suggest for decision the maximum number of votes of each National Member. In addition, Individual Members and Institutional Members each have one vote.

2. The General Assembly shall meet on the occasion of each World Congress.

3. With the exception of Article 15, the voting shall be by simple majority.

4. The General Assembly shall approve increases in dues, changes in these statutes, and any issues over which the Executive Committee is deadlocked. It shall also elect Honorary Presidents on the proposal of the Executive Committee.

Executive Committee

Article 7

1. The Executive Committee is composed of the President, the President-Elect, the Honorary Presidents, the Secretary-General, the Treasurer, and of one representative of each National Member. National Members may ~~also~~ designate by a signed writing alternate representatives who may vote in the absence of the representative.

2. The Executive Committee may invite Institutional Members to participate at its meetings, with the right to speak but not to vote. To this purpose the Executive Committee shall determine which Institutional Member shall be invited, on the basis of its dedication to the Society's goals, its number of individual members and its capacity to participate meaningfully in the Society's activities.

3. The Executive Committee, ~~under~~ upon a proposal by the Officers after consultation with the Vice-presidents, can also designate individual members ~~who can participate at its meetings in order to establish channels of communication with countries which otherwise would not be represented on the Executive Committee.~~ Only one individual member per country shall be accepted. ~~have the right to vote. Such individual members can participate, but not vote, at its meetings.~~ The Executive Committee shall also determine when an individual member will no longer participate at it, especially because of inactivity or when a national association has been accepted as a national member of the Society in respect to that individual member's country.

4. In order to maintain the international character of the Society, the Executive Committee shall appoint, from among the National Member representatives, Vice-Presidents, to a maximum of six to act as advisers of the Officers.

5. In order to ensure diversity of advisory perspectives provided to the Officers and to the deliberations of the Executive Committee, the Executive Committee may appoint up to 2 additional Vice Presidents from among the National, Institutional or Individual Members.

Article 8

1. The Executive Committee shall hold two regular meetings in any period between two World Congresses. One of these meetings shall be held immediately before each World Congress. Normally, the second meeting shall be held in the year prior to each World Congress, and immediately before a Regional Congress, unless otherwise decided by the President after consultation with the Officers, Honorary Presidents and Vice-Presidents. The date and venue of these meetings shall be announced by the Secretary-General not less than six months before they are to be held.

2. After consultation with the Officers and Vice-Presidents, the President may convene additional meetings of the Executive Committee. He or she may also invite the Executive Committee to take decisions by correspondence when such is justified for reasons of urgency.

3. The Executive Committee has the power to decide any matter which in these by-laws is not reserved to the General Assembly or to specific officers.

4. Subject to the provisions of paragraph 6 hereafter, each National Member has one vote on the Executive Committee ~~Each member of the Executive Committee has one vote,~~ and the voting shall be by simple majority of those who take part in the decision.

~~5. Honorary Presidents have the right to vote. Vice-Presidents have the right to vote when they represent a National Member.~~

5. Honorary Presidents and Officers have the right to vote on the Executive Committee but Officers shall not have the right to vote for the election of the Officers unless they are representing a national member.

~~6. The Executive Committee may elect additional voting members in order to establish channels of communication with countries which otherwise would not be represented on the Executive Committee but which have a sufficient number of active Individual or Institutional Members.~~

6. Only National Members that have paid their dues up to the calendar year preceding the year in which a vote is conducted can cast a ballot when a vote is taken.

Article 9

1. No 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 no less than three months prior to the meeting of the Executive Committee that is normally held in the year before a World Congress. At that meeting, if only one candidate has been nominated he or she can be elected by acclamation unless three or more members having voting rights request that the election be made by a secret ballot. If more than one candidate has been nominated the election for President-Elect shall be conducted by secret ballot and the nominee receiving a majority of more than fifty per cent of the votes cast shall be the President-Elect. If none of the nominees receives the described majority in that first round of voting, a second vote shall be taken in which only the nominees receiving the two highest numbers of first round votes shall be on the ballot, and the candidate receiving the highest number of votes in the second round shall be the President-Elect. In the event of a tie for the highest number of ballots in the second round, the Executive Committee will postpone the election of the President until its next meeting.

~~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.~~

2. The Vice-Presidents, the Secretary-General and the Treasurer shall be appointed by the Executive Committee at its meeting that normally takes place immediately before each World Congress. In order to appoint the Secretary-General and the Treasurer, the Secretary-General shall issue a call for nominations no less than six months prior to this meeting, and the nominations shall reach him or her no less than three months prior to that meeting.

3. All appointments made by the Executive Committee shall be for a time not exceeding the period between the close of a World Congress and the close of the next World Congress. The Secretary-General and Treasurer only may be re-elected for new periods.

4. In case of vacancy in the Presidency, if a President-Elect has already been appointed, he or she shall immediately succeed to that office. If the President-Elect has not yet been appointed the Secretary-General, after consultation with the Vice-Presidents will ask one of the Vice-Presidents to take up the office of President until a new President is appointed.

5. In case of vacancy of the Secretary-General or the Treasurer, the President, after consultation with the Vice-Presidents, shall provisionally appoint an Acting Secretary-General or an Acting Treasurer until the Executive Committee can meet and take a decision on these appointments.

6. The President and the Secretary-General are jointly responsible for the management of the Society and they shall, whenever practicable, consult with the President-Elect, the Honorary Presidents and the Vice-Presidents. The President and the Secretary-General have joint power of signature for the Society. For payments to cover the current administration of the Society, each of them has the power of signature.

Article 10

1. The Treasurer shall be responsible for the collection of the contributions from National Members, Institutional Members, and Individual Members, for the administration of the assets of the Society, and for presenting a financial report at each meeting of the Executive Committee.

2. The Treasurer is authorized to make payments to cover the current administration and expenses of the Society, and for that purpose has the power of signature for the Society.

Article 11

The Executive Committee shall grant discharge from liability for their administration to the President, the Secretary-General and the Treasurer upon a report of two or more auditors appointed by the Executive Committee. If a vote is taken pursuant to this provision the President, the Secretary General and the Treasurer will not vote.

Activities

Article 12

The Society shall meet in a World Congress every three years or at such longer or shorter intervals as the Executive Committee may find convenient.

Article 13

1. The President and the Secretary-General shall organize various activities for the promotion of the aims of the Society such as organizing conferences of experts for the exchange of ideas on specific subjects and encouraging and facilitating the creation of study groups.

2. National Members will be encouraged to arrange regional congresses and to invite members from other countries to attend national meetings.

3. The Society and its organs will do the utmost to promote the establishment of national associations of labour and social security law in countries where there is none and to assist them in their development and their participation in the activities of the Society.

Financial Contributions

Article 14

1. The resources of the Society are its assets, dues from its members, gifts, legacies and grants.

2. The Executive Committee shall determine the amount which each member shall pay annually by way of contribution to the Society. The Executive Committee shall have the power to decide upon such reductions of the ordinary contributions which may be justified because of the situation in each case. Payments of contributions shall be made to the Treasurer.

3. The decisions of the Executive Committee to increase dues shall be submitted to the General Assembly for approval.

Amendments of the Statutes

Article 15

The Statutes of the Society may be amended at any General Assembly by a vote of two thirds of members present and entitled to vote.

Article 16

Proposals for changes in these statutes must be adopted first by the Executive Committee.

Coming into Force and Interim Arrangements

Article 17

1. These Statutes will come into force immediately.

~~2. Those who were members of the Society at the time of the adoption of these revised Statutes continue in their capacity as members of the Society until such time as the Executive Committee designates a change of status.~~

2. The Officers in consultation with the Vice-presidents are instructed to establish a list of the associations that meet the criteria for being recognized as National Members pursuant to article 3.1 above.