



**International Society for Labour and Social Security Law**  
**Soci t  internationale de droit du travail et de la s curit  sociale**  
**Sociedad Internacional de Derecho del Trabajo y de la Seguridad Social**

## ***BULLETIN N  129***

***December 2010***

### ***Announcement by the Secretary General***



Our former President and Honorary President Clyde Summers died on October 30 at the age of 91. Clyde Summers was one of the most outstanding labour law scholars in the US and abroad. He has greatly influenced labour law thinking of his generation.

Professor Clyde Summers taught Labour Law for over six decades at the universities of Toledo, Buffalo, Yale and Pennsylvania. He also taught as visiting professor at Cornell, Minnesota, Mississippi, Puerto Rico, Utah, Sendai (Japan) and Witwatersand (South Africa) universities. He had been awarded honorary degrees from the University of Leuven (Belgium), University of Stockholm (Sweden) and the University of Illinois. The National Employment Lawyers Association named him Advocate of the Year in 1991, and he received study fellowships from the Fullbright Foundation, the German Marshall Fund, and the National Endowment of Humanities.

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Clyde Summers participated in most of our international congresses since their beginning in the 1950's and had produced an enormous amount of writings. During many years he was the Chief Editor of the Comparative Labor Law Journal (now the Comparative Labor Law and Policy Journal, with the University of Illinois). He had been an active arbitrator and for 20 years was Umpire for the anthracite coal industry and served as Chair of the ISL&SSL US Chapter and as President of our Society between 2003 and 2055 until he resigned on health grounds.

I have conveyed the condolences of our Society to Clyde's widow, Evelyn, together with the expressions of grief from many of our national chapters, which have also mourned him and wished to pay a tribute to his memory. Below is the reply I have received from Ms. Summers:

*Dear Mr. Bronstein,*

*I can't begin to tell you how happy and pleased I am to receive these tributes to Clyde. I think of how much these would have meant to Clyde. These will come as a great surprise to his Grandchildren and even his own children, for Clyde rarely talked about his work or his friends all over the world. Will you express my appreciation to all of those who wrote to me? And also--my son, a historian, wants to make a scrapbook to give to Clyde's Grandchildren and he wonders if anyone who had a personal contact and memory of Clyde would write about it briefly. I would be so happy if you would be able to do this and anyone else with whom you speak that had an interaction with Clyde. Thank you again for your kindness in forwarding these notes from all around the world. Evelyn Summers.*

**President/Président**

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## News from our Society

### 1. X European Regional Congress, Seville, 2011

The organization of this Congress by the Asociación Española de Derecho del Trabajo y de la Seguridad Social, AEDTySS is well underway. Below is the provisional agenda:

#### Wednesday, September 21

- 10 am ISL&SSL Executive Committee meeting  
5 pm **Opening Ceremony**
- Jesús Cruz Villalón, Vice-president of the Spanish Association for Labour and Social Security Law, AEDTySS
  - Michal Seweryński, President, International Society for Labour and Social Security Law, ISL&SSL
- 5.30 pm Theme I : Labour Law and Industrial Relations in the Light of the Economic and Social Changes
- General Reporter: Miguel Rodríguez-Piñero y Bravo-Ferrer (Spain)
  - Chair: Jean-Michel Servais (Belgium)
- 8 pm Welcome cocktail

#### Thursday, September 22

- 9.30 am Theme II  
Collective Bargaining Rights in a Globalized Economy
- General Reporter: Fausta Guarriello (Italy)
  - Chair: Antoine Lyon-Caen (France)
- 10.30 am Individual submissions on Theme II  
11.15 pm Wrap-up by the Chair  
12 pm Coffee Break  
12.30 pm Round Table: Public and private employment services as intermediaries in the hiring of workers
- Moderator: Remedios Roqueta Buj (Spain)
- Panelists:
- Philippe Auvergnon (France)
  - Catherine Barnard (United Kingdom)
  - Jens Kristiansen (Denmark)
  - Arkadiusz Sobczyk (Poland)
- 5 pm. Round Table: Groups of people who risk labour and social protection
- Moderator: Steve Adler (Israel)
- Panelists
- Manfred Weiss (Germany)
  - Daria Chernyaeva (Russian Federation)
  - Julio Vieira Gomes (Portugal)
  - Teun Jaspers (Netherlands)

#### Friday, September 23

- 9.30 am Theme III: Social Protection of the Unemployed
- General Reporter: Jozsef Hajdu (Hungary)
  - Chair: Ludwik Florek (Poland)
- 10.30 am Individual submissions on Theme III  
11.15 pm Wrap-up by the Chair  
12 pm Coffee Break

12.30 pm	Workshop 1: The role of the judiciary vis a vis the changes in labour law – Chair: Jean-Marc Béraud (France)
	Workshop 2: Interruptions and suspensions of the employment relationship – Chair: Ronnie Eklund (Sweden)
2 pm	Wrap-up of the Congress by Arturo Bronstein, Secretary General of ISL&SSL
2.45 pm	Closing ceremony Fernando Valdés dal Ré, President of AEDTySS

Registration rates have been fixed as following:

<b>Regular, Members</b>	<b>300€</b>
<b>Regular, Non Members</b>	<b>400€</b>
<b>Early Bird rate (before 1 st June 2011)</b>	<b>Members 200 €</b>
	<b>Non Members 300 €</b>
<b>Accompanying person</b>	<b>60€</b>
<b>Gala Dinner</b>	<b>60€</b>
<b>Students (registration to be opened after 1 st September and subject to the availability of space)</b>	<b>60€</b>

English, French and Spanish, with interpretation, will be the congress working languages. German may be added if the number of German-speaking participants is sufficient to finance the cost of German interpretation.

The venue of the Congress is the Faculty of Law, University of Seville. As the Auditorium of this Faculty cannot lodge more than 400 participants the organizers intend to close the registrations to this congress once such figure is met. I have asked the Organizing Committee to consider alternative solutions if, as it is not unlikely, more than 400 colleagues do register. I hope to come back to you with more information on this question in my next Bulletin, March 2011. Meanwhile, I would suggest that you register as soon as you have taken the decision to attend so that your space is confirmed. Also, you would be benefiting from the special early bird rate.

More information and updates will regularly be put on the AEDTySS webpage: <http://www.aedtss.com/>

## ***2. XX World Congress of ISL&SSL, Santiago de Chile, 2012***

The Congress will be held in the week beginning September, 24, 2012.

The venue will be the Hotel "W". The website for the Congress will be operational in the first quarter of 2011.

The registration rates will be:

- Early Bird rate (until 31 st December 2011): US\$ 350;
- from 1 st January until 31 st March 2012: US\$ 450, and
- US\$ 500 thereafter.

The following agenda has been agreed upon between the Organizing Committee and the officers of ISL&SSL

Theme I: The effectiveness of Labour Law and the role of the Labour Inspection. General Reporter, Giuseppe Casale (Italy/ILO)

Theme II: Mobbing and sexual harassment at the workplace. General co-reporters: José Luis Ugarte and Sergio Gamonal (Chile)

Theme III: Strike as a fundamental right and its possible collision with other fundamental rights of the citizens. General reporter: Bernd Waas (Germany)

Round Tables:

- Social Security: Its present and future.
- Labour Law: Its present and future
- Litigation on labour law issues: present and future.

Questionnaires on the agenda items will be sent to our national associations by 31 st March 2011. Replies will be expected no later than December 2011 so that our General Reporters have enough time to prepare their reports, and the Congress organizer can have the reports translated and edited before the Congress is inaugurated.

### ***3. Meeting of the Executive Committee, Seville, 21 st September 2011***

This meeting will be held in the morning of 21 st September, with continuation in the afternoon if needed. Subject to the approval of the officers, the following points will be included on the agenda:

- (a) Admission of national associations as Members of ISL&SSL with full voting rights (this will need to be dealt with as a first item pursuant to the reform of our by-laws in Sydney, 2009; see below);
- (b) Admission of new members;
- (c) Election of a President Elect for 2012-2015;
- (d) Date and venue of our next congresses: Americas, 2013, Europe, 2014, World, 2015; Asian (proposal forthcoming).
- (e) Format of our congresses and web page (Report Servais; see below)

With respect to the election of a President-Elect I would like to remind our members that the procedure to submit nomination is not yet opened. In keeping with our by-laws the procedure is to be launched in March 2011 and the deadline for nominations reaching the Secretary General is June, 21 st, 2011, i.e. three months ahead of the Executive Committee meeting in Seville.

### ***4. International Seminar on Labour Law and Industrial Relations, Lyons, June-July 2011***

Professor Marie-Ange Moreau announces that the Institut d'Etudes du Travail de Lyon, IETL will organize an International Seminar of Labour Law and Industrial Relations from 17 June 2011 to 8 July 2011. The theme of the Seminar will be: "The transformations of the collective representation of the workers: the role of the Law" and it will unfold in the continuity of the International Seminar of Bordeaux which was organized from 1999 to 2009 by Professor Philippe Auvergnon and the Comptrasec. More information is to come out on the IETL's website [www.ietl.univ-lyon2.fr](http://www.ietl.univ-lyon2.fr) The European Commission will be co-financing the Seminar and our Society is considering offering several fellowships to help young scholars and researchers to attend the Seminar.

## **5. Report Servais**

Our Honorary President Jean-Michel Servais has undertaken consultations on the format of our congresses and other issues as requested by our Executive Committee at its meeting in Sydney, 2009. He has prepared a paper and a questionnaire, which was sent to our Honorary Presidents, Vice-Presidents and a number of other members. In light of the replies he received he has produced a report, which is to be discussed by our Executive Committee at its next year's meeting in Seville.

## **6. Questionnaire on National Members of ISL&SSL**

You may remember that at its General Assembly in Sydney, September 2009, a number of amendments were made to our by-laws, which included criteria to define which national association would be eligible to become "national members" of our Society, with full voting rights. The relevant rules were drafted as following:

Quote

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 applicant's individual situation. There shall be no more than one National Member per country. ...

Unquote

The new by-laws also provided that the Officers in consultation with the Vice-presidents were to propose a list of the associations that met the criteria for being recognized as National Members pursuant to article 3.1 above, which list would be submitted to the approval of the Executive Committee at its next meeting, in 2011, Seville.

In keeping with these rules I have sent a questionnaire to all of our Executive Committee Members, to ask them to provide information on their respective associations, including the number of their individual members, their steering boards, their publications and other activities.

I have so far received replies from our member associations in the following countries: Argentina, Australia, Austria, Belgium, Brazil, Colombia, Croatia, Czech Republic, Finland, Lithuania, Morocco, Netherlands, Peru, Philippines, South Africa, Sweden, Turkey and US. I'm urging the other associations to send me their replies no later than 31 st March, 2011.

## **7. News from our members**

### **Argentina**

The Asociación Argentina de Derecho del Trabajo y de la Seguridad Social has held its XVIII National Congress of Labour and Social Security Law in the city of San Miguel de Tucumán from 7 to 9 October 2010. More information can be obtained from the AADTySS website: <http://www.asociacion.org.ar/>

At its meeting of 9 December 2011 Justice Graciela González, Judge at the National Labour Court of Appeal was elected President of AADTySS for 2010-2012.

## Australia

The Australian Labour Law Association held its Fifth Biennial Conference in Adelaide, South Australia, on Friday 19 and Saturday 20 November 2010. The main theme of the conference was the ongoing changes that are occurring to Australian labour law. In particular, the conference examined the way in which the new Fair Work legislation is being interpreted and applied, and also the process for harmonising Australia's occupational health and safety legislation.

Following the 2010 Annual General Meeting, which was held on Saturday 20 November, the ALLA Executive Board is as follows:

**President:** Professor Andrew Stewart (University of Adelaide, SA)  
**Vice-President:** Professor Marilyn Pittard (Monash University, VIC)  
**Treasurer:** Mr Michael Tamvakologos (Blake Dawson, VIC)  
**Secretary:** Dr Shae McCrystal (University of Sydney, NSW)  
**Ordinary Members:**  
Professor Ron McCallum (University of Sydney, NSW)  
Ms Pat Leary (Tasmanian Industrial Commission, TAS)  
Mr Ingmar Taylor (State Chambers, NSW)  
Dr Paul Harpur (Griffith University, QLD)  
Mr Peter Punch (Carroll & O'Dea Lawyers, NSW)  
Mr Vince Rogers (Blake Dawson, QLD)  
Associate Professor John Howe (University of Melbourne, VIC)  
Mr Nicholas Ellery (Corrs Chambers Westgarth, WA)  
Ms Natalie van der Waarden (Murdoch University, WA)  
Mr Cameron Roles (Australian National University, ACT)  
Mr David Johns (McConnell Dowell, SA)  
Ms Victoria Lambropoulos (Deakin University, VIC)

The web address of ALLA is: <http://alla.law.unimelb.edu.au/>

## Austria

Executive Board of the Austrian Society for Labour and Social Security Law

President: Prof. Dr. Karl Spielbüchler (Linz University)  
Vice-Presidents  
Prof. Dr. Peter Jabornegg (Linz)  
Prof. Dr. Ulrich Runggaldier (Vienna)

Other Members

Honorary Professor Dr. Josef Cerny (Vienna)  
Dr. Walter Geppert (Vienna)  
Prof. Dr. Konrad Grillberger (Salzburg)  
Senatspräsident des OGH Dr. Gustav Maier (Vienna)  
Prof. Dr. Robert Rebhahn (Vienna)  
Prof. Dr. Walter Schrammel (Vienna)  
Prof. Dr. Franz Schrank (Graz)

I regret to announce that the founder and permanent advisor of our Austrian Chapter, Prof. Dr. h.c. Dr. Rudolf Strasser died on 28 October 2010 at the age of 87. He was the President of the Austrian Society from 1983 until 2001. I convey my condolences to his family and members of our Austrian Chapter.

## Brazil

I regret to announce the death of Professor Mozart Victor Russomano, on 17 October 2010, at the age of 88. He was recognized in his country and elsewhere as one of the leading Brazilian labour law scholars. For many years he taught Labour Law at the Universities of Pelotas, Rio Grande do Sul and Brasilia. He also had an outstanding career as a judge including his appointment between 1972 and 1974 as President of the Federal Labour Court (Tribunal Superior do Trabalho, Brasilia) and represented his country at the ILO Governing Body, which he chaired in 1986-1987. I address my condolences to his family and our Brazilian colleagues.

Below are the contacts of the Instituto Cesarino Junior de Direito Social, our Brazilian member:

Avenida Paulista nº 726 - conjunto 102  
São Paulo - SP - CEP 01310-910  
BRASIL  
Fone/Fax: (11) 3285-0372 -  
E-mail: [icj@uol.com.br](mailto:icj@uol.com.br)  
Webpage : <http://www.institutocesarinojunior.org.br/>

## **Colombia**

New Executive Board of the Colegio de Abogados Especializados en Derecho del Trabajo, our Colombian national association:

Governor (Chair): Fabian Hernández Henríquez  
Vice: Diana María Gomez Hoyos

### Members

Ana María Muños Segura  
Maria Lia Jaramillo Gómez  
Juan Manuel Charria Segura  
Carlos Javier Cadavid Morales  
Andrés Fernando DaCosta Herrera  
Ramiro Vargas Osorno  
Alvaro Diego Roman Bustamante  
Fernando Afanador Núñez  
Néstor Medina González  
Luis Eduardo Rojas Alfonso

### Auditor

Ever Castro Rodríguez

### Treasurer

María Alejandra Valdivieso Rojas

### Secretary General

Edelberto Gómez Vergara

Webpage: <http://www.colegio-abogados.org.co/>

## **Dominican Republic**

New Executive Board of the Dominican Society for Labour and Social Security Law

President: Carlos Hernández Contreras  
Secretary General: Manuel Bergés Coradín

Street address : ILO CH-1211 Genève 22 (Switzerland - Suisse) - Fax +41.22.799.87.49  
<http://www.asociacion.org.ar/ISLLSS/>



Treasurer: Aida Núñez  
Member: Nelson Eddy Carrasco  
Member: Gerónimo Gómez

## India

The National Labour Law Association of India has applied for membership with ISL&SSL. The NLLA is an all India Association of Judges, lawyers, officials, academic and students active in the area of labour and human resources. It was formally established in 1980 with the then Judge [late] Dr. Narendra Singh of International Court of justice as its President and Hon'ble the then Justice Mr. Y. V. Chandrachud as its Patron-in-chief. During its thirty years of existence, the NLLA has been led by prominent judges, labour lawyers, labour administrators / bureaucrats, and other personalities active in the areas of labour laws and social protections. Below is some additional information on NLLA:

**Name of the association:** National Labour Law Association [NLLA]  
**Date of creation:** 30 August 1980  
**Current Mailing Add:** B 5, 2 Shamnath Marg, Civil Lines,  
Delhi 110 054, INDIA  
**Phone** [Secretary General]: 009-11-22372067  
**Phone** [Executive President]: 0091-11-26561361; Fax. 0091-11-26564691  
**Email:** [sc2003srivastava@yahoo.co.in](mailto:sc2003srivastava@yahoo.co.in)  
[ep.nlla@gmail.com](mailto:ep.nlla@gmail.com)

**Web page:** [www.nlla-india.webs.com](http://www.nlla-india.webs.com)

### Executive Board:

President: Mr. T. S. Sankaran, ex. Secretary [Labour] Govt. of India  
Executive President: Dr. Pravin Sinha, former Managing Director, NFLC  
Vice President: Prof. Ishwari Prasad, Secretary- Parliamentary Affaires Rrd  
Secretary General; Dr. S. C. Srivastava, Prof. in Law, Kurukshetra University  
Treasurer: Mr. M. K. Garg, Chief Advisor [HR], ASSOCHAM  
Members: Justice Mashesh Chandra, Rtd. Judge, Delhi High Court  
Ms. Kamla Sankaran, Prof. in Law Jamia Millia University  
Advocate Michael Dias, Secretary, Employers Federation  
Mr. Rajendra Singh, Chairman, NTPC  
Mr. P. Chadha General manager [HR] EIL  
Mr. L. D. Mishra former Secretary Labour, GOI  
Mr. R. K. A. Subhramanya, Bangalore

## Italy

Riccardo dal Punta has re-edited and updated his Diritto del Lavoro, Brossura: 656 pagine, Editore: Giuffrè; 3 edizione (2010), ISBN-10: 881415208X , ISBN-13: 978-8814152085.

More information on the Italian Association for Labour Law and Social Security, AIDLSS is available at <http://www.aidlass.org/>

## Peru

The Sociedad Peruana de Derecho del Trabajo y de la Seguridad Social, SPTDTSS has held its IV Nacional Congreso in Cuzco, in October 2010. More information on our Peruvian Chapter is available at <http://www.sptdtss.org.pe/>

## Philippines

Our Philippine chapter intends to host in November 2011 a Regional Asian Conference with the themes Labour Law and Social Security Adjustment in Asia and the Pacific.

## Spain

Professor Antonio Ojeda Avilés has confirmed that a new edition of the Advanced Course on Labour Law for postgraduates with the European Institute for International Relations, IERI, will be held in Seville, in early September 2011. I hope to come back to you with more information in my next Bulletin.

## Venezuela

New Board of the Venezuelan Association of Labour Law Professors, our Venezuelan Chapter:

Chairperson: Napoleón Goizueta  
Secretary : Leticia Montilla  
Treasurer: Genaro Hanzen

Our colleagues from Fundacion Universitas, Barquisimeto, are organizing an International Seminar on Comparative Labour Law (in Spanish only) the methodology of which will very largely follow that of the Bordeaux Seminar. The Seminar will be held in Margarita, from 14 to 22 March 2011 and will address two points: (a) Fundamental Rights at Work, and (b) Procedures before the Labour Courts. The Seminar is sponsored inter alia by our Society. Some fellowships are available. For more information refer to:

<http://www.universitatisfundacion.com/proximoseventos.html>

Also, from 27 to 30 April the Fundacion Universitas has convened its Fifth International Congress; information available at <http://www.congresolaboralmargarita.com.ve/>

## **8. ILO: Second Conference of the Regulating for Decent Work network**

Organized by the International Labour Office in collaboration with the University of Manchester's Fairness at Work (FaW) Research Group and the University of Melbourne's Centre for Employment and Labour Relations Law (CELRL) this Conference will be held in Geneva, Switzerland on 6-8 July 2011. The Conference will explore the following tracks:

Track 1 Fairness at the workplace after the crisis  
Track 2 Decent working conditions: regulation's dispensable ideal?  
Track 3 Wages, inequality and economic growth  
Track 4 Enforcing Decent Work

A call for papers has been launched. More information is available from <http://rdw.law.unimelb.edu.au/> and [http://www.ilo.org/travail/whatwedo/projects/lang--en/WCMS\\_122341/index.htm](http://www.ilo.org/travail/whatwedo/projects/lang--en/WCMS_122341/index.htm)

## **9. Books**

**Comparative Labour Law and Industrial Relations in Industrialized Market Economies** (10th revised edition, 2010). Edited by Prof. Roger Blanpain, this 848 page hard covered text is published by Kluwer Law International. It is divided in four main parts: 1) an introduction relating to methodology and documentation; 2) a description of the international institutions, their responsibilities and procedures; 3) the sources of regulation, concentrating on international and European labor law, as well as Codes of Conduct for Multinational Enterprises, and the rules for resolving conflict of laws; and 4)

analysis of core international developments and comparative studies of the institutions and processes by which labor and employment law and practices are shaped and regulated. **ISBN:** 9789041133489

**European Labour Law**, 12th Revised Edition, by Roger Blanpain, Kluwer Law International, ISBN: 9789041132550. The vast single labour market of the European Union continues to manifest an ever-increasing interdependence of economies, companies, trade unions and employees, calling once again for an update of this publication. The new material in the Twelfth Edition includes commentary and analysis of such issues and trends as the following: EU action plans regarding equal treatment; restructuring of enterprises in relation to collective redundancies, the transfer of enterprises and the insolvency of the employer; the increasing impact of international private law; new developments in worker health and safety regimes; the protection of motherhood in individual employment contracts; new concrete measures regarding part-time employment, temporary work, and fixed-term contracts; employers' obligation to inform employees of conditions applicable to the contract of employment relationship; the new voluntary agreement on parental leave; the recast Directive on European Works Councils of 6 May 2009; and workers' participation in the public limited liability company and the SE. The Twelfth Edition also updates case law by the Court of Justice of the European Union regarding inter alia free movement of labour, freedom of services, and equal treatment. It also surveys the possibilities for European-wide collective agreements, as the social dialogue is evaluated against the background of European social realities.

**Australian Labour Law: Text, Cases and Commentary**, 5 th edition, by Marilyn J. Pittard and Richard B. Naughton. **ISBN** 978040932468. Australia is well known for the far-reaching changes that have been introduced in its labour law since the mid 1990's, more especially by the Workplace Relations Act, 1996, the Work Choices Act, 2005 and the Fair Work Act, 2009. This new edition of **Australian Labour Law** has been revised and rewritten to take account of these extensive changes. Chapters 7 (The Traditional Industrial System), 8 (The New National System) and 15 (Trade Unions and the Law) are of particular interest for those who intend to compare Australian Labour Law and Industrial Relations practices with Industrial Relations patterns prevailing elsewhere, more especially in Western Europe and North America.

Kind regards and Best Wishes.

Arturo Bronstein  
Secretary General