

## **Circular Letter No 95**

### **In memoriam Marco Biagi**



Our dear friend and colleague Marco Biagi was murdered on Tuesday, 19 March 2002, in front of his house in Bologna by two terrorists.

We will forever remember him as an outstanding scholar, a devoted teacher, and a great friend.

In the name of the International Society for Labour Law and Social Security, we want to express our feelings of sorrow and grief, and to convey our condolences to Marina, Francesco and Lorenzo.

Roger Blanpain  
President

Arturo Bronstein  
Acting Secretary General

### **1. Activities of the ISLLSS**

#### **a. Executive Committee**

The next meeting of the Executive Committee will be held in Stockholm, Sweden, on 3 September 2002. In addition to the agenda of the forthcoming congresses, the Executive Committee will discuss the revision of the ISLLSS by-laws and the nomination of its Officers for the period 2003-2006, which will require ratification by the General Assembly in Montevideo, 2003.

The Executive Committee Meeting will be held from 9.30 a.m. to 12.30p.m. and from 2.30p.m. to

6 p.m. in the Industrihuset, Storgatan 19 (in central Stockholm). French/English interpretation will be available. After the meeting there will be a reception in the Aula Magna of the University, where the Congress will be held.

A detailed agenda of the Executive Committee meeting will be communicated with next Circular Letter No. 96, in early July.

#### **b. Revised by-laws**

A new version of the draft revised by-laws is annexed to this Letter-Circular. This text has been sent to all Members of the Executive Committee. Those who want to comment thereupon may send their replies to me, until 31st May 2002, if possible by e-mail.

I have also consulted with the Honorary Presidents and Vice-Presidents of our Society. Here are excerpts of the replies that I have received from some of them.

Benjamin Aaron: I am satisfied with the latest version. With regard to article 9, I am in favour of option "A" for several reasons. First, I think the President Elect should serve in that capacity for the full three years before succeeding to the office of President in order to become thoroughly familiar with his or her duties and responsibilities. This is the practice of other organizations that provide for a President Elect. Second, to delay the appointment of the President Elect until a year before taking office would provide insufficient time to prepare for the presidency. Moreover, unforeseen circumstances might result in an even further delay in the appointment of the President Elect or make it subject to another round of political in-fighting. Finally, I have not been presented with any arguments in favour of "option B."

Manuel Alonso Olea: In addition to many proposals to improve the Spanish drafting he supports option "B" of article 9, which he considers better organized, more reasonable and much more consistent with the present and future functioning of our Society.

Néstor de Buen : He feels it would be a better solution to appoint someone one year rather than three years before he or she is due to take up their position as President. It is likely that the candidates will not be very young, and three years may be too long time to wait...

Américo Pla Rodríguez: The revised by-laws will introduce some very positive rules, such as art. 3, concerning membership, and article 5 which provides for the Treasurer being one of the Officers of the Executive Committee. However, the appointment of a President Elect, with three years of anticipation, would not be a positive measure. In three years events may occur that could affect the appointee's state of health, familiar situation or academic responsibilities, thus preventing him or her of assuming those responsibilities that he or she initially thought they would be able to assume, or vice-versa. Also, the position of a President Elect would call for very discreet and prudent behaviour from the incumbent vis-à-vis the President, as everybody would be put in a very uncomfortable situation in case a discrepancy were to arise between the present President and the person preparing to take up such a position some time later on. He further feels that normally the person who is proposed for President already knows our Society, so that he or she would actually need very few weeks to become fully

familiar with all its business. To sum up, he does not see the need for this innovation, which in his view offers more disadvantages than advantages.

He also objects to the proposed distinction, within the Executive Committee, between those who have the right to vote and those who have not (i.e. the Honorary Presidents and the Vice-Presidents when they do not represent a national association). In light of their experience the latter can enrich the Executive Committee not only with their opinions but also with their vote. To deprive them from their right to vote may discourage their participation at the Executive Committee meetings.

Johannes Schregle: There is no need to appoint an Elected President, especially with three years anticipation. The precedent of the IIRA is not applicable to the ISLLSS as one of the reasons to have a President Elect appointed with such anticipation in the IIRA is that he is to organize a World Congress (e.g. the current President, from Germany, is organizing the next World IIRA Congress in Berlin, and the Elected President, from Peru, is to organize the following IIRA Congress, in Lima, 2006). Such practice does not exist in the ISLLSS.

J. M. Servais: With reference to article 9 (both options) he suggests that in case of vacancy of the Secretary General or the Treasurer posts, the President, after consultation with the vice-presidents, makes a provisional appointment until the Executive Committee can meet and take a decision on these appointments.

J. M. Verdier: He agrees with the appointment of the President and the Secretary General by the Executive Committee, instead of the General Assembly, which should be informed on those appointments. He is also in favour of “Option A” rather than “B” for the following reasons: a) we can take it for granted that there will always be world congresses at regular intervals, while it is less sure that a Regional Congress will always be held between two world congresses; b) it is true that option “B”, consisting in appointing the President only one year after the incumbent’s mandate is to end gives the latter more freedom in his movements throughout the main part of his mandate; however, participation at world congresses ensures a larger and therefore more exact representation of national associations at the Executive Committee that meets on the occasion of a world congress than at the one which meets on the occasion of a regional congress.

### **c. Up-date of name and addresses of Executive Committee Members**

I have sent a letter to all members of the Executive Committee, to request them to update their addresses where appropriate, and to provide me with an e-mail address to which I can send all ISLLSS relevant documentation electronically.

#### **d. Election of the President of the ISLLSS for the period 2003-2006**

I have written to all national associations requesting nominations to be sent to me, not later than 31st May 2002. In my next circular letter No. 96, I will give information on the nominations that I have received. It is expected that the Executive Committee will be able to nominate a President to serve during the 2003-2006 term.

#### **e. VIIth European Congress, Stockholm (Sweden) 4-6 September 2002**

The Congress brochure is available. A website has been created with the following URL: <http://www.labourlaw2002.org> where you can find all the required information as well as the work programme. The themes of the Congress will be the following:

##### **Theme I. The autonomy of the Collective Agreement – relationship to statutes, international agreements, plant agreements, individual contracts, etc**

Reporters: Professor Niklas Bruun  
(Finland)  
Dr. Giuseppe Casale (ILO)

Commentator: Professor Rolf Birk (Germany)

##### **Theme II. Justifications for Sex Discrimination in working life**

Reporters: Professor Tamara Hervey  
(United Kingdom)  
Professor Marie-Ange Moreau  
(France)

Commentator: Professor Brian Bercusson  
(United Kingdom)

##### **Theme III. Freedom of movement and transfer of Social Security rights**

Reporters: Professor Ann Numhauser-  
Henning (Sweden)  
Professor Juan Antonio  
Sagardoy (Spain)

Commentator: Professor Silvana Sciarra (Italy)

#### **Registration fees for this Congress**

Registration fees, excluding VAT are as follows:

- a. Registrations received before 15.06.02: SKR 2,560 (roughly us\$250 or € 285).

- b. Registrations received after 15.06.02: SRR 3,560 (roughly us\$350 or € 400).

Participants **from the European Union** should add 25% VAT. However, registration fees paid by companies and other taxable entities in the European Union, except Sweden, are VAT excluded. Participants from countries outside the European Union are not required to pay VAT.

I would like to put on record my deep appreciation for the organizers' decision to exempt beneficiaries of ISLLSS grants from the payment of registration fees to attend this Congress (see next section).

### **Fellowships to attend this Congress**

(Please also refer to Letter Circular No. 94). May I remind you that the deadline for all applications for ISLLSS fellowships to reach me is 31<sup>st</sup> May 2002. Each fellowship will consist in a grant of up to 1,000 US\$ to cover travel, accommodation and board.

While there are not rigid criteria for the award of these fellowships, the following will be taken into particular consideration:

Age: not more than 40 years old;

- a. Nationality: Priority will be given to applications from Central and Eastern European countries. This, however, would not preclude the consideration of applications from applicants of other countries;
- b. Language proficiency: fully satisfactory knowledge of one of the working languages of the Congress (English, French, German or Spanish);
- c. Non eligibility of former beneficiaries of ISLLSS fellowships: those who have already received an ISLLSS fellowship are not eligible for a new fellowship;
- d. submission of a communication: successful candidates will present a communication or a paper at the meeting;
- e. Gender: applications from both male and female candidates are equally welcomed; applications from female candidates are encouraged.

## **XVIIth World Congress, Montevideo (Uruguay), 3-5 September 2003**

Preparations for the next World Congress are underway. The questionnaires on the three themes have been sent out. I have already received the names of the national reporters from Austria, Australia, Canada, France, Mexico, Poland, Sweden and the

US. In the coming weeks I will write again to the national associations that, so far, have not replied to urge them to appoint their national reporters and communicate their names and addresses to me. I expect to receive all the national reports not later than **31st August 2002**, if possible electronically. Let me to remind you that the adopted programme is as follows:

***Theme I. The Actors of Collective Bargaining***

General Reporters: Yasuo Suwa (Japan)  
Mario Grandi (Italy)

***Theme II. Labour Law and the Fundamental Rights of the Person***

General Reporters: Fernando Valdes dal Ré (Spain)  
José Francisco Siqueira Neto (Brazil)

***Theme III. Social Protection for the unemployed***

General Reporters: Gérard Pougoué (Cameroon)  
Mario Pasco Cosmópolis (Peru)

***Round Table: Labour law faced with new forms of organisation of companies (groups, subsidiaries, externalisation, network...)***

Moderator: Francisco Walker (Chili)

**Letter from Professor Pougoué**

Professor Pougoué has asked that the following questions be included in the Questionnaire relating to point III: Social Protection for the Unemployed:

1°) Le Point 4

On pourrait ajouter un « e » visant à savoir si l'indemnité est protégée dans le cadre d'une procédure collective. Le petit « d » permet certes de couvrir la question, mais il faut craindre que faute d'être particulièrement mis en exergue l'aspect procédure collective soit oubliée par les destinataires du questionnaire.

D'autre part, il faut penser à protéger le travailleur contre lui-même, comme on le fait en instituant l'incessibilité de certains droits. En mettant ce point ensemble avec le

problème de la saisissabilité de l'indemnité, on peut ajouter un « f » visant à savoir s'il y a cessibilité et saisissabilité de l'indemnité et si oui, dans quelle proportion.

2°) Le point 11

Le questionnaire envisage la variabilité du montant de l'indemnité de chômage uniquement dans le sens de la réduction. Mais dans l'hypothèse où l'indemnité peut exister indépendamment des allocations familiales, son montant pourrait augmenter avec la taille de la famille du chômeur. On pourrait donc ajouter un point « e » pour savoir si le montant de l'indemnité peut augmenter, et si oui à quelles occasions.

3°) Le points 16

Pour faire face à l'insuffisance de leurs ressources, les systèmes de sécurité sociale peuvent être tentés de définir restrictivement les ayants-droit (\* du nombre de conjoints ou d'enfants ; exclusion des enfants naturels, incestueux ou adultérins etc.) On pourrait donc ajouter une question sur la détermination de la qualité d'ayant droit.

#### **g. Future congresses of the ISLLSS**

It has been agreed to hold the next American Regional Congress in Mexico D.F., Mexico, 2004, the next Asian Regional Congress in Taiwan, China, 2004, and the VIIIth European Regional Congress in Bologna, Italy, 2005. The XVIIIth World Congress will be held in Paris, France, 2006. Proposals for the agenda of these Congresses will be discussed at the Executive Committee in Stockholm, September 2002.

#### **h. International Seminar on Comparative Labour Law, Industrial Relations and Social Security, Bordeaux, France, 8-22 July 2002**

This International Seminar is held every year in Bordeaux, France. It is organized by the Centre de Droit comparé du Travail et de la Sécurité sociale de l'Université Montesquieu, Bordeaux IV, France, under the patronage of our Society. This year the general topic of the Seminar will be the **Contractual Nature of the Contract of Employment**.

For further information on this Seminar you may refer to the following Web page: <http://comptrasec.montesquieu.u-bordeaux.fr/>

#### **2. Letter from our Treasurer**

The treasurer kindly requests your attention for the following.

1. Contribution is due by the Members of the society that is to say by:  
National Affiliates  
Individual Members  
Institutional members  
(see art. 3 Bylaws)

## 2. Amount of contribution

The Contribution is 7 Dollars for each year per individual member, per individual involved in the National Affiliate or those individuals who, because of their scholarly work or professional activities, work in the field of the Society, within the Institutional Member.

## 3. Method of Payment

Contribution for any year is due, without further notice, in January of the year concerned. Payment of contribution shall be made to the Treasurer

Notification of payment is to be sent to the Treasurer, accompanied by a document containing:

- The name of the member
- The number of individuals the contribution purports to (that is the number of national members or persons working in the field of the Society within the National member).

4. Contribution should be paid by transfer to  
ABN/AMRO  
Postbus 97701  
2509 GC Den Haag

Account nr 58.60.47.409  
ISLLSS, Treasurer Prof. Asscher-Vonk

## **3. News from the International Industrial Relations Association, IIRA**

### **Next IIRA congresses will be the following:**

IIRA 4th Regional Congress of the Americas: to be held in Toronto, Canada, from 25-29 June 2002. Information is available on the Web page of the Canadian Industrial Relations Association:

<http://www.cira-acri.ca/e/m-resumes.htm>

13th World Congress: To be held in Berlin, Germany, from 8 to 12 September, 2003. The overall theme of this Congress will be: Beyond Traditional Employment Relations. Industrial Relations in the Network Economy. For further information on this Congress, please refer to the online brochure: <http://www.fu-berlin.de/iira2003/iiraset.htm>

#### **4. News from the ILO**

Overall information on the activities of the ILO is available from its website: <http://www.ilo.org>

##### International Labour Conference

The 90th Session of the International Labour Conference will be held in Geneva from 3 to 20 June, 2000. The Complete Programme of the Conference, as well as the reports to the Conference and record of its proceedings will progressively be made available on the Conference's website: <http://www.ilo.org/ilc>

##### Search engine to find international and national labour law

The ILO Library has put online a very powerful search engine, to search for international and national labour law. It can be accessed at the following URL: <http://www.ilo.org/public/english/support/lib/howto/legislation.htm>

##### International Observatory of Labour Law:

<http://www.ilo.org/public/english/dialogue/ifpdial/ioll.htm>

The following **National Labour Law Profiles** are now available on this website: Argentina, Germany, Finland, Italy, Japan, Korea, New Zealand, Russian Federation, Switzerland, and Venezuela. Forthcoming are those on Ireland, Slovakia, Yemen and Norway.

Workgate : The site **WORKGATE** introduces a virtual library providing access to over 350 Internet sites and other electronic resources : <http://oracle02.ilo.org/dyn/workgate/wg.main>

#### **News from our Members**

The **Australian Labour Law Association** has applied for membership with our Society. The ALLA application will be submitted to the forthcoming meeting of our Executive Committee, in Stockholm.

New Authorities of the **Sociedad Chilena de Derecho del Trabajo y de la Seguridad Social** :

President : Profesor Luis Lizama Portal,

Directorate:

Guillermo Agüero  
Loreto Fierro  
Sergio Gamonal  
Ximena Gutiérrez  
Rafael Pereira  
José Luis Ugarte  
Francisco Walker

The **Netherlands' Section** of our Society has appointed Prof. Irene Asscher-Vonk as its President and Dr. Willem Bouwens as its Secretary/Treasurer.

The **Société suisse de droit du travail et de la sécurité sociale** (Swiss Society for Labour Law and Social Security) has been dissolved to give birth to the **Société suisse de droit social comparé** (Swiss Society for Comparative Social Law), whose purpose is to work more closely with our Society. The new President of this Society is Mr. Claude Voegeli, adjoint de direction at the Federal Office of the Social Insurance (Office fédéral des assurances sociales (OFAS)). We wish to this new member of our Society all the best in his new position.

Professor Oscar Hernández Alvarez is the new President of the **Association of Labour Law Professors**, our national association of **Venezuela**. His address is:

Profesor Oscar Hernández Alvarez  
Edificio Negra Susana, Carrera 19 no. 24-77, Of. 7 a 9  
Barquisimeto, Edo. de Lara  
Venezuela  
e-mail: [ohernandez@cantv.net](mailto:ohernandez@cantv.net)

The **Institute of Labour and Social Security Law of the University of the Republic**, Uruguay, now has a Web Site: <http://www.inst-derecho-del-trabajo.fder.edu.uy/>

## **6. Other news**

We congratulate Professor Juan Antonio Sagardoy Bengoechea, who was distinguished with the Medalla de Oro al Mérito del Trabajo, the highest distinction in Spain in the field of Labour.

## **7. Books received**

**Labour Market and Social Protection Reforms in International Perspective Parallel or converging tracks?** Edited by Hedva Sarfati and Giuliano Bonoli, ISSA Consultants, International Social Security Association, Switzerland (forthcoming from Ashgate): An interdisciplinary team of labour market and social protection experts examine various aspects of the changing relationship between social protection systems and labour markets. They identify and analyse key emerging issues like the link between employment and social protection financing, the adaptation of social protection systems to women's career patterns, and the development of new forms of social protection that aim at promoting employment.

**Prontuario de Derecho del Trabajo**, 5<sup>th</sup> Edition, 2001 by Professor Juan Antonio Sagardoy et al. (Spain). An overview, however in 632 pages!, of laws, regulations and case law on individual and collective labour relations in Spain

## **8. Corrigendum on Letter Circular No. 94.**

As a result of a typing error in letter Circular No., 94 it has been stated that Professor Laszlo Nagy was President of our Society in the period 1998-1991. Obviously it should read "1988-1991".

Kind regards to everybody. I look forward to seeing you in Stockholm.

Arturo Bronstein

Acting Secretary General

Geneva, 28 March 2002

## **ANNEX**

### **DRAFT REVISED BY-LAWS**

#### **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 the support to 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<sup>1</sup>**

### **Article 3**

The Society membership shall consist of:

1. National associations or other entities which have elected 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. There shall be no more than one National Member per country. In the event that more than one organisation seeks recognition as the National Member for a county, the Executive Committee shall determine which shall be recognized as the National Member based on 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.

#### **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 the International Labour Office or other international organisations dealing with labour and social security law.

## **Organs<sup>2</sup>**

#### **Article 5**

The organs of the Society are:

- (a) the General Assembly;
- (b) the Executive Committee;
- (c) and the Officers of the Executive Committee.

#### **General Assembly**

#### **Article 6**

1. Individual members of National Members of the Society, individual members 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<sup>3</sup>**

### **Article 7**

1. The Executive Committee is composed of the President, the President-Elect, the Honorary Presidents, the Vice-Presidents, the Secretary-General, and the Treasurer, and of one representative of each National Member. National Members may also select alternate representatives who may vote in the absence of the representative.
2. The Executive Committee shall hold two regular meetings in the 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. 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. In addition, the President may convene informal meetings of the Executive Committee.
3. The Executive Committee has the power to decide any matter which in these Articles is not reserved to the General Assembly or to specific officers.
4. The Executive Committee may elect additional members in order to establish channels of communication with the International Labour Office and with countries which otherwise would not be represented on the Executive Committee but which have a sufficient number of active Individual of Institutional Members.
5. 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. The Honorary Presidents and the Vice-Presidents will vote only when they are also the representative of a National Member.

## **Officers<sup>4</sup>**

## **Article 8**

1. 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 President and the Secretary-General.
2. In order to ensure diversity of advisory perspectives provided to the President and Secretary-General, the Executive Committee may appoint up to 2 additional Vice Presidents from among the National Members or Individual Members.

## **Article 9<sup>5</sup>**

### **Option A**

1. Not less than six months prior to a World Congress, the Secretary-General shall issue a call for nominations for the Officers of the Society. Nominations for the Officers shall be submitted in writing to the Secretary-General not less than four months prior to a World Congress. The Executive Committee shall elect the President, the President-Elect, the Secretary-General, and the Treasurer for a time not exceeding the period between two World Congresses. The President-Elect who was elected at the previous World Congress shall assume the office of President at the closing ceremony of the World Congress. The Secretary-General and Treasurer only may be reelected for new periods.
2. In case of vacancy in the Presidency between World Congresses, the President-Elect shall immediately succeed to that office. In the event of vacancy of other officers between World Congresses, the Executive Committee shall elect a President-Elect, a Vice-President a Secretary-General or a Treasurer, as the case may be, who shall complete the period of vacancy.
3. In case of vacancy of the Secretary General or the Treasurer, the President shall provisionally appoint an Acting Secretary General or an Acting Treasurer until the Executive Committee can meet, and take a decision on these appointments.
4. 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.

### **Option B:**

1. Not 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 not less than three months prior to the meeting of the Executive Committee that is normally held in the year before a World Congress. 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.
3. With the exception of honorary presidents all other Officers of the Executive Committee shall be appointed for a time not exceeding the period between two World Congresses. The President and the Vice-Presidents cannot be appointed for two consecutive terms.
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 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 authorised 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<sup>6</sup>**

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 accountants appointed by the Executive Committee.

## **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 should be encouraged to arrange regional congresses and to invite members from other countries to attend national meetings.
3. The Society and its officers 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 in their relationships with 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.
- 

1. Articles 3 and 4 have been reorganized. In article 3 it is clarified that only one association per each country would be recognized as “national member” of the Society, thus having the right to a seat at the Executive Committee. The second sentence of article 4 has been deleted for it is redundant.

2. The purpose of the redrafting is to enhance the role of the Honorary presidents and vice-presidents of the ISLLS, as officers of the Executive Committee and advisers to the President and the Secretary General.

3. The purpose of the amendment is not only to bring the by-laws in line with our current practice, i.e. to hold additional meetings of the Executive Committee on the occasion of each Regional Congress, but also to give official status to the meeting that takes place in the second year after a World Congress. Under the present by-laws such additional meetings are informal, which legally speaking may mean they cannot take valid decisions. It is therefore proposed that one of these additional meetings have official status, so that it can take valid decisions which otherwise would have to be kept on hold until the Executive Committee officially meets on the occasion of the World Congress (i.e. once every three years).

4. The most important innovation under articles 8 and 9 is the appointment of the President, the Secretary General and the Treasurer by the Executive Committee, not by the General Assembly under proposal by the Executive Committee as per the current by-laws. There are various reasons that justify this changes:

- a. in fact, the Executive Committee, not the General Assembly is the most democratic organ in the ISLLSS, as it works on the basis of “one member one

vote”, while at the General Assembly national associations have different voting rights, pro-rata to their relative membership and dues paid to the ISLLSS;

- b. the General Assembly is normally held immediately after the closure of a World Congress, at a time when many delegates have already left. Also, the fact that it is attended by far more delegates from the region where the Congress is held than from other regions, creates an unbalanced regional distribution, which may result in a President being elected on the basis of a regional rather than a worldwide support;
- c. it is in practice very difficult to determine who has voting rights at the Assembly, which may create very serious problems in case a vote were called for, and
- d. the proposed changes are more consistent with the nature of the Society as a confederation of national scholarly organizations, rather than as a society of individual members.

The second innovation consists in the election of a President-elect, who will be appointed some time before he or she is actually to take up, so that he/she may be more closely associated with the work of the Officers, and would be fully familiar with ISLLSS affairs once he/she becomes President. This proposal is based on the experience of comparable international associations, like the International Industrial Relations Association, where it has had very positive returns. In this connections two proposals are put before the Executive Committee. Under article 9, option A. it is proposed that the President Elect be appointed three years before he or she is to take office, while under option B the interval between the election and the assumption of office will be roughly one year only. In addition some procedural rules are proposed for the appointment of the President, under both options A and B.

It should also be observed that the amendments foresee that the Treasurer becomes a full member, and an Officer of the Executive Committee.

[5.](#) See comments on article 8.

[6.](#) This amendment is consistent with the previous amendments relating to the role of the Executive Committee.