

## **ISLLSS BULLETIN NO 97**

### **September 2002**

#### **Announcements by the Secretary-General**

Please note that as from the present issue, the Circular-Letter of the Secretary-General will be retitled the **ISLLSS Bulletin**.

Please also take note of our new fax number: (+ 00 41) 22 799 8749. The old number (004122 799 8266) is to be discontinued as from 1 st October 2002.

The list of our Executive Committee Members has been revised and updated. It is available online, on our Website.

The reports submitted to the VII th European Congress of Labour Law and Social Security, Stockholm, 4-6 September 2002, are available online on the Congress's website: <http://www.labourlaw2002.org>

The forthcoming XVII World Congress of Labour Law and Social Security, Montevideo, 2-5 September 2003 has opened a Website: <http://www.congresomontevideo2003.com>

**Please share with me all WEB links that you feel may contain useful national or international information in the field of labour law and social security.**

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Dear colleagues

#### **VII th European Regional Congress of Labour Law and Social Security**

Let me begin this Bulletin by warmly thanking and congratulating President Koch, Professor Källström and all our Swedish colleagues and supporting staff who organized a memorable Congress in Stockholm.

The Congress was attended by 369 participants from 49 countries. The participation of colleagues from many Central and Eastern European countries, including the following: Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Poland, Romania, Russian Federation, Serbia-Montenegro and Slovenia was worth noting. Some of these countries attended one of our congresses for the first time. In some cases, participation of colleagues from these countries was

made possible thanks to grants allocated by our Society or the ILO. Participants from Asia and the Pacific, North America, South America and South Africa also attended the Congress.

The Congress held five plenary sittings and ten workshops. All the plenary sittings and five of the workshops benefitted from interpretation in the four languages of our Society. I would like to emphasize that workshop discussion has proven to be a very fruitful and highly appreciated means of organizing very lively debates around the main themes on the Congress's agenda, and has received enormous support from all the colleagues that attended. I intend to examine with the organizers of our congresses in Montevideo (2003) and Mexico (2004) how we can make arrangement for workshop discussion also taking place during these congresses.

The scientific value added of the Congress was exceptional. The six reports on the three agenda items are available in the [Congress website](#) , in English, and I encourage all of you to read them. I have asked the Congress's organizers to also put online the French, Spanish and German versions of the reports, and have also offered that our Society's Website host them.

Professor Tore Sigeman was our keynote speaker in the opening session. He made a remarkable presentation on the distinctive patterns of the labour law in the Nordic Countries.

I have asked the workshop's coordinators to send me a brief on the discussions of each workshop, so that I can prepare an overall report on the Congress's work.

### **Executive Committee Meeting**

Our Executive Committee was held on September 3, in Stockholm. It was hosted by the Organizing Committee of the VII th European Regional Congress, and took place in the House of the Industry. We convey our deepest thanks to President Koch, Professors Eklund and Källström, as well as all the Swedish staff that worked very hard for this meeting to be a success.

The Executive Committee meeting was attended by 44 colleagues from: Argentina, Australia, Belgium, Canada, Croatia, Czech Republic, Ecuador, Finland, France, Germany, Greece, Hungary, Israel, Italy, Japan, Mexico, Netherlands, Norway, Peru, Philippines, Poland, Portugal, Slovenia, Sweden, Taiwan (China), United Kindgom, United States, Uruguay, Venezuela. Our Honorary Presidents Benjamin Aaron, Jean-Maurice Verdier and Américo Pla Rodríguez, and our former Secretary-General, Jean-Michel Servais, also attended the meeting. The working languages were English and French, with simultaneous interpretation. Here is a report on the issues it dealt with:

## Report on Activities

Our President Roger Blanpain informed on the different activities undertaken by the Society since the Congress in Jerusalem, September 2000. The Society has held two regional congresses, in Lima, September 2001 and in Manila, November 2001, for the American and the Asian regions respectively. Also, extensive consultations have taken place on the reform of the by-laws (see below). In his capacity as President of the ISLLSS he paid a visit to the ILO Director General in 2001. The Society's website has been expanded, and six Circular-Letters have come out. In June 2002 the President met with the Secretary General and the Treasurer in Geneva, to prepare the Executive Committee. Finally, our Society has awarded ten grants to young scholars from weak currency countries, to help them attend the European Regional Congress in Stockholm (see also my Letter-Circular No. 96).

The President reminded the Executive Committee of the names of our colleagues who have passed away since the Congress in Jerusalem, and asked the Executive Committee to observe a minute of silence in their memory.

## Appointment of Jean-Michel Servais as Honorary President

The Executive Committee took formal note of the resignation of Jean-Michel Servais as Secretary-General of our Society (see our Circular Letters Nos. 93 and 94), following to his appointment as ILO Director of Operations for the Arab States, at the ILO Office for Arab States, Beyrut, in September 2001. The Executive Committee put on record its deepest recognition for the outstanding work performed by Mr. Servais during the 13 years in which he served as our Secretary-General.

The Executive Committee presented Mr. Servais with an antique book, printed in Brussels in 1685, as a souvenir. It also decided to appoint him as Honorary President of our Society, in keeping with the tradition whereby our former Presidents and Secretary-Generals are appointed Honorary Presidents after they have served their mandates.

## Financial Report

The Executive Committee approved the financial report submitted by our Treasurer, Professor Irene Asscher-Vonk. In keeping with our by-laws, a second financial report, together with the report by the auditors, shall be submitted to the Executive Committee at its next meeting in Montevideo, 2003, and will need to be brought before the General Assembly for final approval.

The Executive Committee noted with concern that many National Associations have not paid their dues, which undermines the capacity of the Society to expand its activities. It launched a call for all National Associations to pay their arrears as soon as possible.

#### Travel on official duty

The Executive Committee decided that official travel by the Treasurer, to attend Executive Committee meetings before which financial reports are submitted, shall be borne out of the ISLLSS budget.

#### Financial issues relating to ISLLSS Congresses of Labour Law and Social Security

A number of issues were reviewed by the Executive Committee, in connection with the financial aspects of our regional and world congresses, namely the registration fees of bursaries and participants from weak currency countries, the registration fees and travel expenses of officers and rapporteurs, and reversion to the ISLLSS of part of financial surplus of congresses. It decided to leave all these issues at the entire discretion of the organizing committees of each Congress.

#### Fellowships

The Executive Committee confirmed the present rules that apply to the award of ISLLSS grants to help young scholars from weak currency countries to attend our Society's regional or world congresses. These are:

Age: Not more than 40 years old. Priority is given to applicants aged less than 35 years old;

Nationality: Priority is given to applicants from weak currency countries;

Language proficiency: Fully satisfactory knowledge of one of the working languages of the Congress;

Non eligibility of former beneficiaries of ISLLSS fellowships: Those who have already received an ISLLSS fellowship are not eligible for a new fellowship;

Submission of a communication: Successful candidates are required to present a communication or a paper at the meeting. on one of the Agenda items;

Gender: Applications from both male and female candidates are equally welcomed; applications from female candidates are encouraged.

### Admission of new members

The **Australian Labour Law Association** was unanimously accepted and welcomed as our National Member Association from Australia. It will be represented at the Executive Committee by Professor Ron Mc Callum, from the University of Sydney, with Professor Richard Mitchell, from the University of Melbourne as alternate representative.

### Statutory appointments

**Professor Antonio Vázquez Vialard** (Argentina) was appointed Vice-President, to complete the mandate, 2000-2003, of the late Humberto Podetti (Argentina).

**Professor Baron Bernd von Maydell** (Germany) was appointed auditor, to replace André Philbert (France), now deceased, who had been appointed in 2000.

The Executive Committee also confirmed my appointment as Secretary General ad interim until our next General Assembly, Montevideo 2003.

### Statutory nominations:

The Executive Committee made the following statutory nominations for the term 2003-2006:

**President: Professor Clyde Summers (US)**

**Secretary General: Arturo Bronstein (ILO)**

**Treasurer: Professor Irene Asscher-Vonk (the Netherlands)**

These nominations will be submitted for ratification by our General Assembly in Montevideo, 2003.

The CV of Professor Summers has been distributed with my [Circular-Letter No. 96](#).

### Revision of our by-laws

Please see under the respective heading, below.

Information on the VII<sup>th</sup> European Congress of Labour Law and Social Security, Stockholm, 4-6 September 2002

Professor Kent Källström, Secretary General of the Organizing Committee of this Congress informed on the organizational arrangements that were undertaken for the smooth running of the Congress.

#### Information on other congresses of the ISLLSS :

Please refer to the congresses of Montevideo, 2003, Mexico, 2004, Taipei, 2005, Bologna, 2005, Paris, 2006, under their respective headings.

#### Study Groups

The Executive Committee endorsed our President's proposal, to invite our National Associations, and Individual and Institutional Members, to establish a number of Study Groups, to exchange information on, and discuss outstanding challenges and new trends in the field of Labour Law and Social Security. As was conveyed by our President in his speech before the European Congress:

*If you feel that you want, together with colleagues from other countries to study a given topic, like e.g. privacy, globalisation, new technologies, workers participation, the role of the social dialogue and the like, please inform the secretariat, who will announce the establishment of your group through our newsletter, which goes also by e-mail, and who will help you by establishing the studygroup; you can network, have special meetings of your groups at the occasion of our conferences, publish etc...Here there is room for initiative, your initiative, room for networking over the boundaries through our international society. Please start founding study groups today. If you want to talk to the SG, the Treasurer, members of the Executive Committee or myself, please do not hesitate. You will find more information on our website.*

#### **Revision of our by-laws:**

In my [Circular Letter No. 95](#) I have made available to all of you the text of our draft revised by-laws. The Executive Committee in Stockholm has now endorsed this text, subject to several amendments.

The major innovations of the revised by-laws consist of the following:

***The Officers*** becomes a new organ of the Society. It will be made up of the President, the President-Elect, the Secretary-General and the Treasurer. Their role is to act as steering committee of our Society, in consultation with our Honorary Presidents and Vice-Presidents.

The Officers will be appointed by the Executive Committee. It should be noted that under the current by-laws appointments of the President and the Secretary-General are made by the General Assembly, and that of the Treasurer can be made either by the Assembly or the Executive Committee. The reason for this change has already been explained in the footnotes to the draft revised by-laws that were appended to my Circular-Letter No. 95.

The President-Elect of the Society will be appointed one year before he or she is due to take up his or her post as President. From his or her appointment onwards the President-Elect becomes one of the Officers.

Two official meetings of the Executive Committee will take place between two World Congresses. This is in fact our current practice, which is now institutionalized. Additional meetings may be convened by the President, following consultation with the Officers and Vice-Presidents. Also envisaged is the possibility to address decisions through correspondence when time is of the essence for the decision.

The Honorary Presidents will be appointed by the General Assembly.

Consultation of the Officers with the Vice-Presidents and Honorary Presidents becomes mandatory on a number of issues.

The Society will promote the establishment of study groups.

While on most issues the new text was agreed upon by consensus, the Executive Committee decided by a vote on the following issues:

Article 9.1: Appointment of the officers by the Executive Committee, not by the General Assembly as per the current by-laws: For 19, Against 9.

Article 5.3: Appointment of a President-Elect: For 20, against 7.

Article 9.1: Appointment of a President-Elect one year or three years before a World Congress is held (record vote): In favour of one year: 20 votes; in favour of 3 years: 13 votes.

Article 11: Discharge from liability to be granted by the Executive Committee: in favour, 18 votes: against, 1 vote.

A drafting group made up of Professors Paul Davies (UK), A. Goldman (US) and B. Langille (Canada), together with our President and myself are now reviewing the revised text, in English, before it goes back to those who have attended the Executive

Committee for final clearance. Once cleared, the text will be translated and communicated to all of you, with my next Bulletin. A second reading may take place in Montevideo if requested. The final say belongs to our General Assembly, in Montevideo, September 2003, which will be requested to ratify the revised by-laws.

## **XVII WORLD CONGRESS OF LABOUR LAW AND SOCIAL SECURITY, Montevideo, Uruguay, 2-5 September 2003.**

The Congress will be held at the Radisson Victoria Plaza Hotel.

On Tuesday 2 there will be a meeting of the Executive Committee. The opening ceremony will take place on Tuesday, 2 September, at 7 pm. Plenary sittings and Round Tables will start on Wednesday, 3 September, at 9 am. The closing ceremony will take place on Friday, 5 September at 6 pm. It will be followed by the General Assembly of our Society.

The languages of the Congress will be Spanish, English and French, with simultaneous interpretation. The Organizing Committee is also trying to work out arrangements to provide interpretation services into and from German.

### Registration fees

Registrations received before 31.03.03 : US\$ 150 per participant, US\$90 for students and US\$40 for accompanying persons.

Registrations received between 31.03.03 and 31.07.03: US\$ 200 per participant, US\$100 for students and US\$50 for accompanying persons.

Registrations received after 31.07.03: US\$250 per participant, US\$110 for students and US\$60 for accompanying persons.

### Brochure and Website of the Congress

A trilingual brochure of the Congress has now come out. An electronic bilingual Spanish/English brochure is online at the following address: <http://www.congresomontevideo2003.com>

E-mail addresses of the Congress are:

[XVII\\_conglab@netgate.com.uy](mailto:XVII_conglab@netgate.com.uy) and [easy@adinet.com.uy](mailto:easy@adinet.com.uy)

### Agenda

The Agenda is the following:

***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:* Paul-Gérard Pougoué (Cameroon), Mario Pasco Cosmópolis (Peru)

***Round Table: Labour law vis a vis new forms of corporate organization.***

*Moderator:* Francisco Walker Errázuriz (Chili)

*Panelists:* Yuch-Chin Hway, Taiwan (China), Néstor de Buen Lozano (Mexico), A T J Jacobs Tilbay (the Netherlands), Guylaine Vallée (Canada), Marie-Laure Morin (France), Csilla Kolloney Lehocsky (Hungary)

The organizing committee is considering adding a second Round Table, on **Challenges and Perspectives of the Labour Law**.

I have already received many national reports, which have been forwarded to the general reporters and the Organizing Committee. I urge all our national associations who have not yet sent me their reports, to do this as soon as possible as the deadline is 30 September 2002.

Air fares and tourist packages

In a next Bulletin I hope to inform you on special airfares that may apply for people attending the Congress, as well as tourist packages that may be proposed to those who wish to combine their attendance to the Congress with a vacation in Uruguay, Argentina or Brazil. Recent devaluations have made these countries very attractive for visitors from hard currency countries, and most flights from Europe or North America to Uruguay change planes in Rio de Janeiro, Sao Paulo or Buenos Aires.

**VIII th Asian Regional Congress, Taipei, 2005**

As general elections are to be held in 2004 it has been decided to postpone this Congress until 2005. A decision on the final dates will be taken at a later stage.

The working languages of the Congress will be English and Chinese.

The Agenda will include the following themes:

**Theme 1:** The participation of Women in the Labour Market -- Toward the Goal of Gender Equality in Employment in the 21st Century

**Theme 2:** The Impetus for Economic Restructuring and the Protection of Workers' Rights

**Theme 3:** The Asian Experiences on the Old-Age Security or Pension System

**Panel Discussion:** The Impact of Globalization on Work Patterns and Labour Relations.

### **V th American Regional Congress, Mexico, 2004**

It has been decided to hold this Congress from 13 to 16 September 2004 in Mexico City. An informal meeting of the Executive Committee will be held in the morning of 13 September. The opening ceremony will take place in the evening of 13 September. If requested, arrangements will be made for study groups to also meet on 13 September.

The official languages of the Congress will be Spanish and English, with simultaneous interpretation.

The agenda items will be the following:

1. - Special labour relations.
- 2.- Internationalization of labour and employment relations within the framework of the Free Trade Agreement for the Americas.
- 3.- Social Security Law: public service or privatization?
- 4.- Round Table: The right to strike.
- 5.- Round Table: Social accountability of multinational enterprises: voluntary codes of labour practices and their private monitoring.

I intend to discuss with Professor de Buen the possibility of organizing several workshops during the Congress, each of which would address a different aspect of the issues included in the Agenda.

### **VIII th European Regional Congress, Bologna 2005**

It has been decided to hold this Congress in Bologna, from 20 to 23 September 2005.

#### Agenda:

**Theme 1:** Family Allowances.

**Theme 2:** Processes of social law making and implementation within the European Union.

**Theme 3.** Transfer of Undertakings: a Delicate Compromise among Individual Protection, Labour Market and Economic Development.

**Round Table:** The New Boundaries of Employee Information and Consultation.

Professor Carinci, on behalf of the Organizing Committee has proposed that the languages of this Congress be only English and Italian. The Executive Committee will review this question at its next meeting, in Montevideo, 2003.

### **XVIII th World Congress, Paris 2006**

The Congress will take place in the first week of September 2006.

The Executive Committee has held a preliminary discussion on the possible agenda items, which might be the following:

Occupational risks and responsibility of the enterprise.

Labour Law and Disintegration of Production (*Décentralisation productive*).

Groups of enterprises and collective labour relations.

Round Table: What future for the legislation in Labour Law?

A final decision will be taken next year, in Montevideo.

#### **Other activities**

## **10 th Meeting of European Labour Court Judges**

Upon an invitation from Justice Michael Koch, the 10 th Meeting of European Labour Court Judges was held on 2 September 2002, at the Swedish Labour Court. More than 30 Judges of the highest labour jurisdictions in 16 countries participated in the event. The meeting had before it the following agenda:

Lay judges in Labour Courts (general reporter Judge Peter Clark, Employment Appeals Tribunal, United Kingdom).

The role of Collective Bargaining (general reporter Judge Harald Schliemann, Federal Labour Court, Germany).

The reports submitted at this meeting can be consulted online, at the Website of the International Observatory of Labour

Law:[http://www.ilo.org/public/english/dialogue/ifpdial/ll/lc\\_03\\_2.htm](http://www.ilo.org/public/english/dialogue/ifpdial/ll/lc_03_2.htm)

### **Letter from the Treasurer**

Our treasurer kindly requests your attention for the following.

1. Contributions are due by the Members of the society, namely:

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 of the National Affiliate.

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 No. 58.60.47.409  
ISLLSS Treasurer Prof. Asscher-Vonk

### [News from the ILO](#)

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

### **Useful ILO WEBLINKS**

#### [ILO PUBLICATIONS](#)

[SEARCH ENGINE to search for international and national labour law](#)

[Database IOLEX on international labour standards.](#)

[NATLEX](#): Database containing references to over 55,000 national laws on labour, social security, and related human rights, and over 300 laws in full text. Records and texts in NATLEX are in either English, French, or Spanish.

[e.quality@work](#): A Data base on **equal employment opportunities** for women and men.

[WORKGATE](#): This site introduces a virtual library providing access to over 350 Internet sites and other electronic resources.

[INTERNATIONAL OBSERVATORY OF LABOUR LAW](#) This site contains National Labour Law Profiles concerning a number of countries. It includes hyperlinks to national sites for further search of legal information.

[INTERNATIONAL SOCIAL SECURITY ASSOCIATION, ISSA](#): Information on the activities of ISSA can be obtained from its Website.

**INTERNATIONAL INSTITUTE FOR LABOUR STUDIES:** The Institute was established in 1960 as an autonomous facility of the International Labour Organization (ILO). Its mandate is to promote policy research and public discussion on emerging issues of concern to the ILO and its constituents - labour, business and government. Information on its programmes can be picked up from its Website.

**INTERNATIONAL TRAINING CENTER OF THE ILO, TURIN:** The ILO Center of Turin delivers training in all areas of ILO competence. General information on the Center can be picked up from its Home Page. [The calendar of courses organized by the ILO Center of Turin](#) can be consulted on the web as well.

**News from the International Industrial Relations Association, IIRA (under construction)**

### **NEXT IIRA CONGRESSES:**

**13th World Congress:** Berlin, Germany, from 8 to 12 September, 2003. The electronic brochure of this Congress is available at the above web address.

**5th Asian Regional Congress:** The Korean Industrial Relations Association and the Korea Labor Institute will be hosting this Congress, to take place in Seoul from June 24 to June 26 2004. The Congress will focus on **Dynamics and Diversity of Employment Relations in Asian Pacific Environment**. Official languages will be English and Korean. More information is available on the electronic brochure at the above web address.

More information on the IIRA can be obtained from its website (under construction).

### **Fellowships and grants**

The West African Research Center offers grants to West African scholars and graduate students, that may be used to:

- attend and read papers at academic conferences relevant to the applicant's field of research;
- visit libraries or archives that contain resources necessary to the applicant's current academic work; or
- travel to a research site.

More information on these grants is available at the [West African Research Center web site](#).

### **Books received**

**Stability and Change in Nordic Labour Law**– Legal abbreviations, Stockholm 2002  
: Published under the auspices of the Stockholm University Law Faculty, this volume (No. 43) of the *Scandinavian Studies in Law* has been prepared in order to be published at the VII European Regional Congress of Labour Law and Social Security. It aims at providing a broad comparative analysis of the development of Scandinavian labour law over the last decades. Fourteen well known scholars have contributed to this book, that focus on the following issues: The Roots and History of Nordic Labour Law (Hasselbach); Nordic and EU Labour Law (Nielsen); Employment Agreements and Contract Work (Källström); Industrial Relations and Collective Labour Law (Fahlbeck); Mediation in Collective Interest Disputes (Stokke); Co-Determination in Private Enterprises (Edström); Collective Agreement (Malmberg); Equal Rights and Discrimination Law (Roseberry); Employment Protection (Sigeman); Fixed-Term Work (Numhauser-Henning); Temporary Employment Agencies (Eklund); Employment Privacy Protection (von Koskull), Icelandic Labour Law (Lára V. Júlúsdóttir), and The Future of Nordic Labour Law (Bruun).

\* \* \* \*

Arturo Bronstein

Secretary General ai.