



International Society for Labour Law
and Social Security
Société internationale de droit du travail
et de la sécurité sociale
Sociedad Internacional de Derecho del
Trabajo y de la Seguridad Social

Case postale 500
CH-1211 Genève 22
(Switzerland - Suisse)
Tel. 41.22.799.69.61
Fax 41.22.799.87.49
<http://www.ilo.org/isllss>

ISLLSS BULLETIN N° 98
December 2002

Dear colleagues

CALL FOR STUDY GROUPS

I cordially invite all our members to establish study groups, to undertake international and comparative research on labour and social security law issues.

How to set up a study group? Simply send me a message telling me your interest on a given subject. I will use our Bulletin and Website to invite other members to join the study group.

Our President Roger Blanpain <roger.blanpain@cer-leuven.be> is already organizing a study group on the topic of methods, problems and materials for teaching comparative labour and employment law. If you want to join the group, please contact him directly.

Professor George Nicolau (US) is organizing a study group on the use of arbitration as a dispute resolution mechanism. His e-mail is : GNicolau@aol.com

May I also suggest that we consider establishing groups to address some of the following subjects:

- Labour law in European transition and EU candidate countries.
- Contract of employment (including so-called *atypical employment* and dependent work under civil or commercial arrangements).

President / Président
Roger BLANPAIN
Klein Dalenstraat 46
B-3020 WINKSELE/HERENT
(Belgium/Belgique)
E-mail: roger.blanpain@cer-leuven.be

Secretary-General a.i. / Secrétaire général a.i.
Arturo BRONSTEIN
ILO - BIT
Case postale 500
CH-1211 GENEVE 22
(Switzerland/Suisse)
E-mail: bronstein@ilo.org

Treasurer / Trésorière
Irene Petronella ASSCHER-VONK
Catholic University Nijmegen
Faculty of Law
Th. Van Aquinostraat 6
NL-6526 GHD NIJMEGEN
(Netherlands/Pays Bas)
E-mail: I.Asscher@jur.kun.nl

- Termination of employment.
- Non-competition covenants and their impact on the right to work.
- Harassment and violence at the workplace.
- Equality at the workplace.
- Regional perspectives of the labour law.
- Settlement of individual labour disputes.
- Settlement of collective labour disputes.
- The right to strike and lock out.

Please send me your suggestions on other topics.

Study groups may have an opportunity to meet during our forthcoming World Congress in Montevideo, September 2003. To this end the Organizing Committee of this Congress will make arrangements for meeting rooms to be made available in the afternoon of 2 September (see below). Each study group will have to decide on the working language or languages to be used in their meetings, as in view of financial constraints it is unlikely that interpretation will be available.

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News from the ISLLSS

1. Revision of our by-laws:

As announced in my previous Bulletin, a drafting group made up of Professors Paul Davies (UK), A. Goldman (US) and B. Langille (Canada), together with our President and myself has reviewed the text that was adopted by our Executive Committee at its last session in Stockholm, September 2002. As some further redrafting and reorganization of certain paragraphs came out of this drafting exercise I considered it necessary to circulate the text again for final clearance by all our Executive Committee Members that attended the meeting in Stockholm. Since no further observations were received after this second round of consultations I assume that the draft by-laws are now ready for submission to our General Assembly in Montevideo, September 2003, for final approval. Should I received a request to reopen the discussion it might be possible to have a second reading at our next Executive Committee Meeting, in Montevideo.

The draft revised by-laws are appended to this Bulletin. Translations into French and Spanish are also available and will be circulated with the French and Spanish editions of the Bulletin. I have asked our German national association to help me in the translation of the draft revised by-laws into German. Once I receive this translation I will take steps to put it online.

2. 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](http://www.radisson.com/montevideouy) Convention Center (<http://www.radisson.com/montevideouy>).

On Tuesday 2 there will be a meeting of the Executive Committee, from 9 am to 1 pm, with an afternoon sitting if necessary. Facilities will be made available at the Convention Center for study groups and poster sessions to take place in the afternoon of the 2nd. In my Bulletin No. 99 (March 2003) I will get back to you with more information on the arrangements that will have to be organized for these meetings to be held.

The opening ceremony will take place on Tuesday, 2 September, from 6.30 pm. to 8.30 pm, including a keynote address. Plenary sittings will start on Wednesday, 3 September, at 9 am.

A second Round Table has been added to the programme (see below).

I am currently in the process of discussing with the organizing committee the possibility of panel discussions also taking place during the Congress. You may remember that in our previous congresses in Jerusalem (2000) and Stockholm (2002), panel discussions were very successful.

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 trying to work out arrangements to also provide interpretation services into and from German.

Registration fees

- a) Registrations received before 31.03.03 : US\$ 150 per participant, US\$90 for students and US\$40 for accompanying persons.
- b) Registrations received between 31.03.03 and 31.07.03: US\$ 200 per participant, US\$100 for students and US\$50 for accompanying persons.
- c) Registrations received after 31.07.03: US\$250 per participant, US\$110 for students and US\$60 for accompanying persons.

I urge all our members to register as early as possible, to benefit from the special reduced registration fees.

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>

A second brochure will be issued in March or April, containing the finalized program.

E-mail addresses of the Congress are:

XVII_conglab@netgate.com.uy and easy@adinet.com.uy

Agenda

The Agenda is the following:

Theme I. The actors in 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-à-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)

Round Table: Challenges and Perspectives of the Labour Law

Moderator: María Emilia Casa Baamonde (Spain)
Panelists: Franco Carinci (Italy)
 Antoine Jeammaud (France)

Mozart Russomano (Brazil)
Mario Ackerman (Argentina).

I have so far received 86 national reports, which have been forwarded to the general reporters and the Organizing Committee. National reports will be made available on CD-Rom support, in their respective original languages. The general reports will be edited and published in English, French and Spanish.

Air fares and tourist packages

Please refer to the [online brochure](http://www.congresomontevideo2003.com/) (<http://www.congresomontevideo2003.com/>).

3. Other congresses:

- VIII th Asian Regional Congress, Taipei, 2005
- V th American Regional Congress, Mexico, 2004
- VIII th European Regional Congress, Bologna 2005
- XVIII th World Congress, Paris 2006

Please, refer to the announcements already made in our Bulletin N° 97. Information on these congresses can also be obtained from the [ISLSS Webpage](#).

At our Executive Committee meeting in Montevideo, September 2003, I would like to receive proposals on the date and venue of the regional and world congresses that will take place in the period 2006-2009.

4. 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

5. News from our Members

ILO Section of the International Society for Labour Law and Social Security.

A group of ILO officials have set up an ILO Section of our Society, which intends to apply for membership as an institutional member. It has appointed its first Executive Committee as following:

Chairperson:	Jean-Claude Javillier
Vice-chairperson:	Giuseppe Casale
Secretary-Treasurer:	Corinne Vargha
Members:	Monique Cloutier
	Yannick Dhaene
	Ursula Kulke
	Jean-Pierre Laviec
	Dirk Seifert

Asociación Argentina de Derecho del Trabajo y de la Seguridad Social

New Executive Committee, 2002-2003

President:	Jorge RODRÍGUEZ MANCINI
Vice-president:	Noemí RIAL
Secretary:	Ana BARILARO
Treasurer:	José RODRÍGUEZ PONTE

Members:	Julio SIMON
	Oscar ZAS
	Juan C. FERNANDEZ HUMBLE
	Carlos TOMADA
	María C. SOLVÉS
	Manuel MONSALVO

Substitute Members:	José ONAINDIA
	Daniel POLLERO

Auditors:	Lorenzo GNECCO
	María Emilia POSTOLOVKA
	Enrique ROZENBERG

Australian Labour Law Association

I have received the following report from Anthony Forsyth, Secretary of the Australian Labour Law Association:

The Australian Labour Law Association's Inaugural Conference 'Practising Labour Law in the New Economy' was held on 4-5 October 2002 at the Law Faculty, University of Melbourne. The conference was extremely successful, with over 200 labour law academics, practitioners, and representatives from courts, tribunals, unions and employers in attendance. Highlights of the conference included:

* the Keynote Address by Professor Joanne Conaghan, University of Kent at Canterbury, U.K. entitled 'Labour Law and New Economy Discourse';

* the dinner address on work and family issues, including the debate over paid maternity leave, by Federal Sex Discrimination Commissioner Pru Goward;

* the launch, by Justice Peter Gray of the Federal Court of Australia, of 'Law and Labour Market Regulation in East Asia' edited by Sean Cooney, Tim Lindsey, Richard Mitchell and Zhu Ying;

* papers given by academics and practitioners on a wide range of issues including workplace information and technology, the growing 'contingent' workforce, unfair dismissal and employment protection, and the growing interaction between labour law and corporate law.

Additional information is available on the ALLA's web-site:

<http://www.alla.law.unimelb.edu.au>

Following the success of this inaugural conference, the Australian Labour Law Association now intends to hold future conferences on a biennial basis.

The ALLA has also appointed its new National Committee of Management, which is made up of the following colleagues:

President:	Ron McCallum, University of Sydney, NSW
Vice President:	Richard Mitchell, University of Melbourne, Vic
Treasurer:	Rosemary Owens, University of Adelaide, SA
Secretary:	Anthony Forsyth, University of Melbourne, Vic; Australian National University, ACT (from Feb 2003)

Ordinary Members (12)

Ron Baragry, Cutler Hughes & Harris, NSW
 Amanda Coulthard, Corrs Chambers Westgarth, Qld
 Paula Darvas, Monash University, Vic
 Nicholas Ellery, Corrs Chambers Westgarth, WA
 Kathryn Fawcett, Slater & Gordon, Vic
 Malcolm Harding, Association of Professional Engineers, Scientists & Managers Australia, Vic
 Jane Harvey, Blake Dawson Waldron, Vic
 John Howe, Monash University, Vic
 Samantha Kennedy, Telstra Corporation, Vic
 Bernadette O'Neill, Maurice Blackburn Cashman, Vic
 Marilyn Pittard, Monash University, Vic
 Phillipa Weeks, Australian National University, ACT

Iceland

The **Icelandic Society for Labour Law**, (Vinnuréttarfélag Íslands) established the 12th of December 2001, has decided to apply for membership of the International Society for Labour Law and Social Security.

The Icelandic Society for Labour Law has at present about 55 members.

Its address is: c/o Hrafnhildur Stefánsdóttir, Attorney to the Supreme Court
Confederation of Icelandic Employers

Borgartún 35

105 Reykjavík / Iceland

Tel. +354 591 0000

Fax. +354 591 0050

Chairman: Professor Sigurður Líndal e-mail: lindal@hi.is

Bergstaðastræti 76

101 Reykjavík

Uruguay

The web page of the Instituto de Derecho del Trabajo y de la Seguridad Social, of the University of the Republic, has been considerably enriched: <http://www.inst-derecho-del-trabajo.fder.edu.uy/lomasnuevo.htm>

6. News from the ILO

New Interface for Labordoc www.ilo.org/labordoc

Labordoc, the ILO library's main database and a key access point to literature and texts on the work-related aspects of economic and social development and human rights, went online with a state-of-the-art, open access interface on 2 December.

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

To visit the ILO Library Collections, please type
<http://www.ilo.org/public/english/support/lib/about/collections.htm>

Useful ILO WEBLINKS

ILO PUBLICATIONS: <http://www.ilo.org/public/english/support/publ/intro/>

SEARCH ENGINE to search for international and national labour law:
<http://www.ilo.org/public/english/support/lib/howto/legislation.htm>

ILOLEX Database on international labour standards: <http://ilolex.ilo.ch:1567/english/>

NATLEX Database on national labour law, social security and related human rights:
<http://natlex.ilo.org/>

e.quality@work Database on **equal employment opportunities** for women and men:
<http://www.ilo.org/public/english/employment/gems/intro/eeo/>

WORKGATE : Access to over 350 Internet sites and other electronic resources :
<http://oracle02.ilo.org/dyn/workgate/wg.main>

INTERNATIONAL OBSERVATORY OF LABOUR LAW:
<http://www.ilo.org/public/english/dialogue/ifpdial/II/ioll.htm>

INTERNATIONAL SOCIAL SECURITY ASSOCIATION, ISSA: <http://www.issa.int>

INTERNATIONAL INSTITUTE FOR LABOUR STUDIES :
<http://www.ilo.org/public/english/bureau/inst/>

INTERNATIONAL TRAINING CENTRE OF THE ILO, TURIN: <http://www.itcilo.it/>
 Calendar of courses organized by the Centre:
http://www.itcilo.it/english/bureau/turin/training_calendar/index.htm

7. News from the IIRA

The IIRA website has been updated and expanded. You are cordially invited to visit it:
<http://www.ilo.org/iira>

8. Books received

Georges Campeau, **De l'assurance-chômage à l'assurance-emploi**, Québec, Les éditions du Boréal, 2001. The author is Professor at the Department of legal science, Quebec University at Montreal. This books addresses the Canadian unemployment insurance scheme from the viewpoint of the rights it recognizes to unemployed people.

Franco Carinci, Raffaele de Luca Tamajo, Paolo Tosi and Tiziano Treu: **Diritto del Lavoro: 1. Il diritto sindacale**, 4 th edition, and **2. Il rapporto di lavoro subordinato**, 5 th edition, UTET, Turin, 2002. We are pleased to welcome this comprehensive and-up-to date overview of the Italian labour law, which reaches us some twenty years after its first edition.

Tomás Sala Franco, Ignacio Albiol Montesinos, Luis Miguel Campos Ruiz, y Juan López Gandia: **Manuales de derecho del trabajo. Tomo I: Fuentes y relaciones colectivas ; Tomo II : Contrato individual ; Tomo III : Derecho sindical**. A very welcome and comprehensive handbook on Spanish Labour Law. This is the fourth edition (eighth edition for *Derecho Sindical*) and is updated up to September 2002.

* * * *

Kind regards, and best Season greetings

Arturo Bronstein
 Secretary General ai.

ANNEX

Draft revised by-laws (text cleared after the Executive Committee Meeting of 3 September 2002)

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 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 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 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 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 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 select 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. 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.
4. 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 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, 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 Articles is not reserved to the General Assembly or to specific officers.
4. 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.
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.

Article 9

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. In order to appoint the Secretary-General and the Treasurer, the Secretary-General shall issue a call for nominations not less than six months prior to this meeting, and the nominations shall reach him or her not 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 reelected 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.

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.