



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

BULLETIN N  133

March-April 2012

Dear colleagues

XX WORLD CONGRESS OF ISL&SSL, SANTIAGO DE CHILE, 25-28 September 2012

As the dates of this Congress are nearing I would like to invite you to refer to the webpage <http://www.congresomundialtrabajo2012.com/> from which you will draw all the information you will need to register and book your accommodation. The Congress organizers have told me they have already received more than 200 registrations and are working hard for the Congress reaping great success.

Please, do register as soon as you have decided to attend. You can benefit from a reduced registration rate (until June, 30) and will indeed greatly help the Organizing Committee fine tuning the organizational arrangements.

News from our Society

Election of the Secretary General and the Treasurer of ISL&SSL

In accordance with our by-laws, an e-mail followed by a formal letter have been sent to our Executive Committee members to announce that both of the above positions will have to be filled at our next Executive Committee meeting in Santiago de Chile, on September 25. Nominations in writing should reach me (may be advanced by e-mail) no later than June, 25. I am not running for re-reelection.

President/Pr sident

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Report Servais

I confirm that arrangements are being worked out to continue the discussion of this important Report at our forthcoming Executive Committee Meeting in Santiago de Chile. It is hoped that agreement will arise out of this discussion, from which guidance would be drawn for future ISL&SSL congresses and other activities.

XX World Congress of ISL&SSL, Santiago de Chile, 25-28 September 2012

The Congress webpage is online, in English, French, Portuguese and Spanish. The URL is: <http://www.congresomundialtrabajo2012.com/>

The Congress will be held from 25 to 28 September 2012.

The venue is [Hotel "W"](#). Isidora Goyenechea 3000, Las Condes, Santiago, Tel: (56) (2) 770 0000

Registration rates have been fixed as following:

RATES	Until 6/30/2012	From 7/1/2012 onwards
Participants	Us\$ 510	Us\$ 570
Accompanying persons(*)	Us\$95	Us\$95
Closing Party	Us\$95	Us\$95

Delegate registration fees includes Congress Registration, Welcome Party, Admission to Congress Sessions and Congress Documentation. It does not include attendance to the Closing Party.

Accompanying Person's Fee includes the right to attend the Inaugural Ceremony, Cocktail, Santiago City Tour, and Closing Party.

Special conditions with discounted rates may be arranged in case of group registration. Please, contact sg@eventualchile.com

There will be simultaneous interpretation at all of the Congress Plenary Sittings, the Round Table and one of the workshops. English, French and Spanish interpretation is guaranteed. Arrangements can be made for Portuguese interpretation provided no less than 50 Portuguese-Speaking delegates do register.

The following topics have been put on the Congress Agenda:

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

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

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

Round Table:

- Social Security: Its present and future.

Workshops

- "Litigation in Labour Courts: new procedures" (in Spanish)
- "Labour Law: its present and future" (with interpretation)

The General Reports will be made available in the three Congress languages and printed. National reports and other papers will be made available on CD Rom support in the original languages.

We have had great success with the national reports. In my last bulletin I have told you that our target was to get no less than 50 to 60 national reports. Finally 76 national reports have reached the General Reporters, of which 24 on theme I, 27 on theme II and 25 on theme III. They have already been uploaded onto the Congress webpage. Please, refer to: <http://www.congresomundialtrabajo2012.com/documentos/respuestas-cuestionario?lang=en>

IX Regional Congress of the Americas

Together with our President Elect, Professor Goldin, we met in Buenos Aires with Professor Sabino Hernández, Chair of the Organizing Committee, to start discussing organizational details and Congress Agenda. Subject to final endorsement by the Executive Committee the Congress will be held in Guayaquil, Ecuador, from 2 to 4 October 2013. The working languages will be English and Spanish with interpretation.

Agenda items will be announced after our Executive Committee Meeting in Santiago. The following themes have, however, been pre-selected:

- ✓ The International Law on Human Rights and the Labour Law
- ✓ The Role of Judge-Made Law in Combating Employment Discrimination
- ✓ Collective Representation of the Workers and the Structure of Collective Bargaining
- ✓ Private and Public Pension Systems: their respective advantages and disadvantages for the workers (Round Table)

News from our members

Argentina

The *Asociación Argentina de Derecho del Trabajo y de la Seguridad Social* is convening the XIX National Congress of Labour and Social Security Law in Buenos Aires, from 10 to 12 May, 2012. More information can be picked up from its webpage: www.asociacion.org.ar

Austria

I very much regret to announce the death of Professor Karl Spielbüchler, on January, 9, 2012 at the age of seventy-two. He was president of the Austrian Society for Labour Law and Social Security since 2001 and had acted before as its Vice-president since 1983. Professor Spielbüchler started as a civil law judge; he was appointed Full Professor of Civil Law at the University of Linz in 1973 and became a Judge at the Austrian Constitutional Court in 1976 at the age of 37, where he served until 2009 (the longest term ever held there). Since the beginning of his academic career he actively dealt with

Labour Law, a domain in which he authored an outstanding book on Individual Labour Law and several influential articles. Besides, he contributed much to the doctrine of civil law and influenced the development of constitutional law.

I have conveyed my condolences to our Austrian colleagues and asked them to also forward my condolences to Professor Spielbüchler's family.

Further to Professor Spielbüchler's death, our Australian Chapter has appointed a new board as following:

President:
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And other seven Board Members.

Brazil

Professor Marly Cardone has again retaken the Presidency of the *Instituto Cesarino Junior de Direito Social, ICJ*, our Brazilian Chapter. Also she informs that the ICJ is organizing an event on Labour Law in Sao Paulo, on May 21 st, 2012, to pay tribute to the memory of Professor Cesarino Junior who died twenty years ago. More information is available at the Institute's website: www.institutocesarinojunior.org.br Other contact: icj@uol.com.br

Colombia

The *Colegio de Abogados del Trabajo y de la Seguridad Social* is convening the 30 th National Congress of Labour and Social Security Law in Barranquilla from 16 to 18 May 2012. More information is available at webpage: www.colegio-abogados.org.co/

I have the great regret to announce the death of Professor Guillermo López Guerra in Bogota, at the age of 85.

France

I have also sad news from France. Professor François Gaudu, President of the *Association Française de Droit du travail et de la sécurité sociale, AFDT* died on January 3, 2012 at the age of 58. Below is his obituary published on AFDT's webpage:

François GAUDU est décédé le 3 janvier, vaincu par la maladie. Il semblait pourtant invincible, tant il donnait l'image de la force, celle que donne l'engagement dans l'action.

Son action avait l'Université pour domaine éminent. Agrégé d'histoire, il s'était ensuite tourné vers le droit. Un doctorat de droit, préparé sous l'œil bienveillant et souvent admiratif de Gérard Lyon-Caen, l'agrégation de droit privé, son parcours académique fut brillant. Il aimait d'ailleurs vanter les mérites de ces concours qui éloignent en principe des pratiques népotiques.

S'il était un savant, un juriste épanoui, un « juslaboriste » connu ici et ailleurs, il était avant tout un grand universitaire. Il aimait l'institution universitaire et les lumières qu'elle apporte. Professeur à l'Université du Maine, puis à l'Université de Cergy-Pontoise, avant d'être appelé à l'Université de Paris I, où il avait fait ses débuts, il ne refusait jamais d'apporter son concours à une réflexion critique, à une réforme ambitieuse, à la gestion des universités. Il aimait l'enseignement, passant d'un amphithéâtre bondé de première année à une salle de séminaire, avec un plaisir jamais démenti. Il est vrai qu'il avait tous les dons : d'une belle voix forte, il savait tour à tour dresser une fresque historique, proposer l'analyse d'un dispositif juridique, dénoncer les erreurs commises, tracer des perspectives...

Il alliait pédagogie et sens critique. Ainsi avait-il, de temps à autre, publié des ouvrages destinés à l'apprentissage, tels son « Que sais-je » Les 100 mots du droit ou son Cours de droit du travail. Mais il avait une pensée puissante. Ses livres - on songe au traité sur Les contrats du travail, dont il est le co-auteur. - et ses nombreux articles sont le fruit d'une remarquable combinaison : une vaste culture historique donnant plus de place aux forces qu'aux individus, une intimité profonde avec l'outillage du droit et une capacité hors du commun d'interpréter le droit et son évolution. Et couronnant le tout, une conviction. Car François GAUDU était homme de conviction. Qu'il s'agisse de l'ampleur du rôle que le droit occupe dans la construction et le fonctionnement du marché du travail, des libertés dans les lieux de travail, et notamment de l'importance du respect mutuel, qu'il s'agisse encore du rôle de la volonté ou de l'importance de la négociation collective, comme des grandes mutations du capitalisme contemporain dans leurs incidences sur la condition des travailleurs, il livrait des analyses vigoureuses, d'où les propos convenus étaient absents. Jamais de fadeur, toujours les épices critiques.

Son sens critique était aiguisé par son adhésion profonde aux valeurs de la République. Il y puisait d'ailleurs une énergie toujours renouvelée, celle qu'exige le combat contre les menaces qui pèsent sur notre savoir-vivre ensemble.

Authentique républicain, grand universitaire, savant, original, il excella dans des activités difficiles, auxquelles peu de juristes universitaires consacrent du temps et de l'énergie, l'animation de la recherche, notamment auprès de feu le Commissariat au Plan et du Ministère de la Recherche.

Mais ce à quoi il était mieux préparé que d'autres, par ses goûts et talents personnels, par son milieu familial, c'était à l'ouverture au monde. François GAUDU inscrivait son travail dans les dimensions d'un monde décloisonné, dont il saisissait les déséquilibres et les injustices. Nombre de ses travaux ont montré la corrosion des institutions par la libéralisation mal maîtrisée des échanges. Et il faisait entendre une voix originale dans les multiples séminaires et conférences auxquels il était convié en Europe et en Asie.

Et lorsqu'en 2009, l'Association française de droit du travail et de la sécurité sociale en fit son président, il manifesta, dans ses propos et ses actions, l'importance qu'il attribuait à l'inscription de l'Association dans le réseau mondial des spécialistes du droit social. C'est une grande et belle figure de l'Université et du droit du travail qui vient de disparaître à 58 ans. Elle va manquer en ces temps tourmentés.

Antoine Lyon-Caen - Antoine Jeammaud - Martine Le Friant

Guatemala

I have received a letter from Professor Landelino Franco on behalf of the *Asociación Guatemalteca de Derecho del Trabajo y de la Seguridad Social "Mario López Larrave"*. The Association has been legally registered in July 2011 and is now applying for membership with ISL&SSL. The Association has some 40 individual members and a webpage: www.agtyssmariolopezlaravve.com. I intend to make a recommendation to the Executive Committee for this Association being recognized as a National Member of our Society.

Malaysia

I have received the following letter from Ms Catherine Eu, Secretary General of our Malaysian Chapter:

I am pleased to inform you that following the registration of the Malaysian Society for Labour and Social Security Law (MSLSSL) late last year, the 1st Annual General Meeting of the Society was convened on 30th March 2012 when the following Office Bearers were elected with myself as the General Secretary

- a) President - Dato Dr. Cyrus Das
- b) Vice President - Dato Roy Rajasingham
- c) Treasurer - Ms Carolyn Danker

It was also resolved at the above AGM that a delegation from Malaysia will represent MSLSSL at the XX World Congress in Chile in September 2012. A Committee headed by Mr. P. Jayasingam and Mr. Thomas Chow (who are both members of the National Committee) has been appointed to look into the necessary arrangements to ensure that Malaysia is well represented at the Congress.

Catherine Eu

General Secretary

Malaysian Society for Labour and Social Security Law

Kind regards to everybody

Arturo Bronstein
Secretary General