

BULLETIN

INTERNATIONAL SOCIETY OF LABOR LAW and SOCIAL SECURITY—U.S. BRANCH

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Note From the Chair

As I awoke on the morning of Tuesday, March 19th, the NPR announcer was reciting a familiar name, Marco Biagi. Instead of the expected follow-up reference to Prof. Biagi's comments about an important development in Italian or European employment law, with disbelief I heard the words "was assassinated". The announcer explained that Prof. Biagi had been gunned down in front of his home as he returned from work. Surely, I thought, I had not heard the name clearly. Perhaps it was Enrico or Miagi. However, a quick check of the t.v. news confirmed the worse. It indeed was our friend and colleague Marco who had been murdered; murdered because an extremist person or group disagreed with law reform recommendations he had made to the Italian government.

Later that day I sent the following message to Marco's widow, Marina, and their two sons.

On behalf of the U.S. Branch of the International Society of Labor Law and Social Security, and on behalf of myself and my spouse, please accept the heartfelt sympathy of Marco's many American friends and colleagues. We share in mourning this tragic and outrageous loss, and pray for your comfort.

Professor Biagi was a most respected and highly accomplished scholar whose participation in international conferences always greatly added to the quality, intensity, and good humor of the program. More importantly, Marco's pleasant manner, sense of fairness, and sincere interest in the well-being of others won the respect, admiration, and fondness of all who had the honor of knowing him.

He will be greatly missed.

For those not familiar with Marco's work, his scholarly activities included several articles published in our own *Comparative Labor Law & Policy Journal*. Only a couple of weeks before he was murdered, he sent his co-authored text of the Italian national report for a forthcoming symposium that will be published in the *Journal*. In addition, as editor of the *International Journal of Comparative Labour Law and Industrial Relations*, together with Prof. Matthew Finkin, he was engaged in planning a U.S. Branch co-sponsored conference recently held in Philadelphia that brought together editors of comparative labor law journals. Marco Biagi, indeed, was our friend and colleague.

A forthcoming issue of our *Journal* will be dedicated to Professor Marco Biagi's memory. European friends are exploring appropriate uses for a fund to be raised in his honor. To facilitate participation of members interested in contributing, the next *Bulletin* will provide up-dated details respecting that development.

European Regional Congress

Chapter members are invited to attend the 7th European Regional Congress of ISLLSS which will be held in Stockholm, Sweden, September 4-6 of this year. The main themes for discussion are "The Autonomy of the Collective Agreement", "Justifications for Sex Discrimination in Working Life" and "Freedom of Movement and Transfer of Social Security Rights". English is one of the conference's official languages. The organizers have promised to use stimulating presentation formats and have lined-up excellent presenters.

Stockholm has been described as the Venice of the north. (Some describe Venice as the Stockholm of the south.) It provides an excellent atmosphere for an international meeting and is a good jumping-off point for pre- and post- conference touring of Northern Europe. Those interested in attending can contact Alvin Goldman (College of Law, University of Kentucky, Lexington, KY 40506 or agoldman@uky.edu) who has a limited number of brochures and registration forms. This information and on-line registration, is also available at:

www.labourlaw2002.org

(Registration is \$250 if received before June 15; \$350 thereafter.)

Member Activities

-Kenneth Dau-Schmidt recently completed work on *Labor and Employment Law: Cases and Materials, 3rd ed.*, West Pub. (forthcoming 2002) (with R. Rabin, E. Silverstein and G. Schatzki). In addition, he and Matthew Finkin, Alvin Goldman and Clyde Summers completed *Legal Protection of Individual Employees, 3rd ed.*, West Pub. (forthcoming 2002). Earlier this Spring, Ken taught in Erlangen Germany at Juristische Facultat, Friedrich-Alexander-Universitat, Erlangen-Nurnberg.

-In March, Stewart J. Schwab presented a paper on "The Role of Labor and Employment Law in Corporate Restructuring in the United States" at a comparative law conference in Tokyo which was sponsored by the Japanese Institute of Labor. Other countries represented included Germany, France, UK, Australia, China, Taiwan, Korea, and Japan. Prof. Schwab continues as an advisor to the World Bank on labor law reform in Russia.

-In April, Ted St. Antoine (who the University of Michigan foolishly lists as retired) inaugurated a teaching and research program on labor relations in China by presenting a short course on "Alternative Labor Dispute Resolution" to faculty members, government officials, and others at the School of Labor Management, Capital University of Economics and Business, in Beijing. In early May he spoke at Permanent Court of Arbitration sponsored program at the Peace Palace, in The Hague, on "Internation-

alization of Labor Disputes: Can ADR Mechanisms Help?"

-Ruth and Al Blumrosen are about to finish a four year project analyzing EEO-1 data to identify the extent of intentional job discrimination. Their analysis is based on applying the *Teamsters/Hazelwood* standard deviations analysis to a 1975-99 EEO-1 data tape which was cleansed of names and identifying addresses.

-Edwin Render, and Arnold Zack spoke at the Third ALRA African Regional Congress, held on March 5-8, 2002, in Cape Town, South Africa, a conference at which the Labor Minister gave the keynote address. Several speakers noted the tensions in South African industrial relations as the result of rapid changes in industrial growth, income redistribution, efficiency, privatization, downsizing and restructuring in many industries, and the roles of government and unions. In other countries of southern Africa the matter of political stability is a major concern.

An added concern expressed at the conference was the impact of HIV/AIDS on the economics of the region and on industrial relations in particular. The macroeconomic impact of the AIDS epidemic has been studied at the "level of households." The speakers expressed their concern about the need for more studies at the enterprise level of various industries. Some industries, such as trucking expect serious labor shortages as the result of HIV/AIDS. Those working in the field raise questions and offer observations about this epidemic which are not yet heard in the United States.

-In August 2001, Rebecca White delivered a paper, entitled "Understanding *Ellerth*," to the Oxford Round Table, Oxford, England, as well as a paper on individual disparate treatment theory to the Appellate Judges Seminar, Breckenridge, Colorado. She also recently co-authored, with Alvin Goldman, an update to the U.S. monograph in the *International Encyclopedia of Labour Law and Industrial Relations* (Kluwer), and joined Charles Sullivan and Michael Zimmer in preparing the third edition of the treatise, *Employment Discrimination*, to be published by Aspen this Spring. Not to seem lazy, Rebecca additionally co-authored an article, with Professor Linda Krieger, on multiple actor employment discrimination cases, which appeared in a symposium on disparate treatment law in the Louisiana Law Review and an article that appeared in print last spring on the Supreme Court's decision in *Sutton v. United Air Lines*, entitled "Deference and Disability Discrimination," 99 *Michigan Law Review* 523.

-Robert A. Creo, Pittsburgh, Pennsylvania, is a lead professor in the training of mediators on the faculty of the Instituto Carlo Amore in Italy. Bob makes three to four trips each year to conduct full day workshops with Italian lawyers, psychologists and other professionals. The Instituto offers a two year post graduate certificate in mediation.

-Philip Harvey's article "Human Rights and Economic Policy Discourse: Taking Economic and Social Rights Seriously" will be published in 33 *Colum. Hum. Rts. L. Rev.*, No. 2.

-Tim Heinsz returned from a sabbatical to Cambridge University and then Auckland University. He made a

number of presentations on comparisons between US and UK and NZ labor laws and arbitration systems. Tim and Dennis Nolan are completing work on the 5th edition of Oberer, Heinsz & Nolan, *Labor Law: Collective Bargaining in a Free Society* (West Pub.).

Other Up-Coming Meetings

It is not too early to calendar the next World Congress of the ISLLSS which will be held in **Montevideo**, Uruguay (which many say is one of the most attractive cities in the Western Hemisphere). The Congress will be held from **September 3-5, 2003**. Pre- and post- meeting events and tours will be available. Themes to be covered are: The Actors in Collective Bargaining (Edwin Render is preparing the U.S. report for this topic), Labor Law and the Fundamental Rights of the Person (Alvin Goldman is preparing the U.S. report for this topic), and Social Protection for the Unemployed (Steven Willborn is preparing the U.S. report for this topic). In addition there will be a roundtable on Labour Law Faced with New Forms of Company Organizations.

Plan ahead. A Western Hemisphere ISLLSS Regional Congress is scheduled for **Mexico City** in **2004**, the next Asian ISLLSS Regional Congress will be held in **Taiwan** in **2004**, a European ISLLSS Regional Congress will be conducted in **Bologna** in **2005** and an ISLLSS World Congress has been called for **Paris** in **2006**. ISLLSS members are welcome to attend all congresses regardless of whether they reside in the particular region.

Other up-coming events that may be of interest to members include:

-June 25-29, 2002, IIRA Regional Congress of the Americas, **Toronto**. For details see: www.iira-cira2002.ca

-July 4-6, 2002, Int'l Conference of the Int'l Ass'n for the Economics of Participation, **Brussels**. For details, contact by e-mail: Daniel.Vaughan-Whitehead@cec.eu.int

-July 8-19, 2002, International Seminar on Comparative Labor Law, Industrial Relations and Social Security, **Bordeaux**. It appears that this program is in French only. For details, see: <http://comprasec.montesquieu.u-bordeaux.fr/>

-July 10-13, 2002, Conference, Int'l Employment Relations Ass'n, **Gold Coast, Aust.** Contact: www.gu.edu.au/ifsam

-September 8-12, 2003, Int'l Industrial Relations Ass'n, World Congress, **Berlin**. Look up the conference in: <http://www.fu-berlin.de/info/konferenzen/>

-June 24-26, 2004, Int'l Industrial Relations Ass'n, Asian Regional Congress, **Seoul**. Information should be available by FAX from 82-2-786-1862.

Revised Articles of Association on Web Site

Earlier in the year, the membership approved the most recent proposed amendments to our Articles of Association. The amended Articles, as well as other information, can be found at:

<http://www.uky.edu/Law/ISLLSS/>

P.S. Please let Alvin Goldman know if you are interested in working on future national report projects.