

BULLETIN

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

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November 2003

Note From the Chair- Alvin Goldman

The Society's World Congress in Montevideo, this past September, gave members more than just an opportunity to judge whether the fine distinctions between beef barbequed Uruguayan style and its close cousins made in Argentina and Brazil (and to do so at bargain prices). It also provided occasions to meet over 800 labor and employment specialists from all over the world, but most especially those from Latin America.

In various presentations and in many of the conversations, antagonism was voiced toward a variety of U.S. economic, labor and foreign affairs policies, but in keeping with the scholarly nature of the Society, these differences were never personalized. Rather, our hosts set a tone of graciousness, good humor and congeniality which marked the both the Congress' official and unofficial activities.

One result of this Congress was that the long discussed amendments to the Society's governing articles were adopted with little change. A minor affect of that change can be seen in the heading at the top of the Bulletin. For reasons of consistency, the English version of the Society's name was altered by moving the word "Law" from the middle to the end. (At some future time we will need to conform our own branch charter, and its IRS registration.)

At the final session of the Congress, the Executive Committee presented its nomination of our own Professor **Clyde Summers** to be President of the Society and he was elected by acclamation. Clyde, our immediate past-chair, has, of course, a global reputation for his knowledge of comparative labor and employment law, his always thoughtful, provocative observations as a comparative scholar, and his persistent calls for rules and standards that reflect compassion, decency, and respect for human dignity. As many have observed, the Society is honored by having him at its helm.

A number of Americans present at the Congress participated in a variety of roles. Much appreciated national reports were authored by **Steve Willborn**, **Ed Render**, and myself; **Tom Wilson** carried the day on a very volatile roundtable; **Neil Bernstein** prepared a poster session paper, I chaired a panel,

and several of the Americans members offered impromptu remarks on a variety of subjects.

The U.S. members present convened for a traditional luncheon gathering and used the occasion to discuss the question, posed in the last issue of this Bulletin, of **whether to have occasional State-side national meetings** for our US members to which Society members from other countries will be invited. The consensus of those who have discussed this issue appears to be that we should conduct a one day program, from time-to-time, and piggy-back it on the another meeting that members might be interested in attending. Of the several suggestions, a short conference of our own at the start or end of the annual meeting of the National Academy of Arbitrators seems to have the most support. Our preliminary discussion of this proposal with the Academy's leadership was warmly received. The most immediate prospects would seem to be the Academy's annual meeting in Chicago from May 26 to 28 in 2005 or in 2006 (date and place not yet set). For its further guidance, Executive Committee members will contact a random sample of members to ascertain the level of interest in organizing such a national meeting.

Peter Hurtgen Joins the Executive Board

Pursuant to our articles of association which gives the Executive Board authority to add to it a limited number of Branch members from specified categories, the Executive Committee is happy to announce that FMCS Director, **Peter Hurtgen**, has accepted our invitation to join the Board.

Join a Study Group

As previously noted in the *Bulletin*, **John Kagel** (medarb@attglobal.net) and **Arnold Zack** (zackam@earthlink.net) are co-chairing the International Society's study group Arbitration, Mediation and Other Methods of Conflict Resolution. Expressions of interest have been received from outside the U.S. as well as from U.S. Branch members. Please let them know if you are interested. It is expected that the study group will launch its activities at the 2005 European Congress in Bologna and will have another session at the 2006 World Congress in Paris.

Prof. Blanpain (roger.blanpain@cer-leuven.be) is forming a study group on teaching comparative labor and employment law. Please contact him if interested.

Also, Australian professor Anthony Forsyth (ForsythA@law.anu.edu.au) proposes a study group on Workers' Participation and Information and Consultation Mechanisms. Prof. Monika Schlachter of Germany (M.Schlachter@recht.uni-jena.de) proposes one on Collective Mechanisms Regulating Working Time in an Era of Flexibility. Luiz Carlos Robotella a Brazilian labor lawyer (luiz.carlos@robotella.com.br), wants to set-up a study group on Atypical Employment Relations in the Frameworks of Civil or Commercial Contracts. Finally, Jennifer Dunn (Jenie.Dunn@dir.gld.gov.au) of the Department of Industrial Relations, Brisbane, Australia, is interested in establishing a study group on the Legal Regulations of Industrial Actions.

In Memoriam

With regret we report that Prof. **Daniel Kruger**, emeritus professor at Michigan State University's School of Labor and Industrial Relations, died in early July. Among his many accomplishments, he served for three terms on the Federal Services Impasse Panel. Memorial contributions can be made to the Daniel H. Kruger Endowment at the School of Labor and Industrial Relations.

Zack Organizing Zimbabwe Project

In early September, the State Department asked **Arnold Zack** to visit Zimbabwe to explore the possibilities of developing programs in dispute resolution to help grass roots efforts to overcome pressing problems in the employment field. Arnold says that Zimbabwe "has long been one of my favorites since I first went there in 1960." As background, he explains that Zimbabwe's legal system is patterned on the British colonial approach and uses Labor Officers, a Labor Court and protective legislation on dismissal and severance.

On his mission, Arnold conducted sessions with the teachers union, the leadership of the Zimbabwe Confederation of Trade Unions, the Employers Confederation of Zimbabwe, the Woman's Lawyers Association, the Law Society, the Arbitration Society, university faculty, university student leaders, the members of the Labor Court and several others. They examined possible initiatives to develop training programs in dispute resolution and grievance processing under collective bargaining, the initiation of a cadre of mediators trained in employment

law and mediation process, the development of a program to train government arbitrators in the employment field, training for representatives of management and labor in the processing of complaints in collective bargaining as well as in handling case preparation and presentation before the Labour Court. The proposals included integration of dispute resolution materials into the curriculum of the law school and university and the training of law students in a mediation clinic to provide mediation services to local courts or administrative agencies.

Arnold reports that his efforts had an enthusiastic reception. He foresees that success in introducing such improvements in resolving employment disputes will spread into other fields through the law schools, the law society and government.

Up-coming Meetings

A Western Hemisphere ISLSSL Regional Congress will be conducted in **Mexico City from September 14-17, 2004**. Topics to be covered are: Special Employment Relations, Evolution and Trends of Labor Law in the Americas and Europe, Internationalization of Labor and Employment Relations in the Framework of the Free Trade Agreement for the Americas, Should Social Security be Privatized, The Right to Strike, and Social Accountability of Multinational Enterprises.

The next Asian ISLSSL Regional Congress will be held in **Taipei from April 25-28, 2005**. Subjects to be covered are: Participation of Women in the Labor Market—the Goal of Gender Equality, Impetus for Economic Restructuring and the Protection of Workers' Rights, and Asian Experiences with Old-Age Security or Pension Systems. The working languages will be English and Chinese.

The European ISLSSL Regional Congress will convene in **Bologna, September 20-23, 2005** and will include poster sessions and a roundtable discussion on the New Boundaries of Employee Information and another on Consultation, Challenges in Labour Law and Collective Bargaining in Central European Countries. In addition, panels, based on national reports, will address the topics of Family Allowances, Processes of Adopting and Implementing Social Law within the European Union, and Transfer of Undertakings: Compromises among Individual Protection, Labour Market and Economic Development. The working languages for the conference will be, English, French, Italian, German, and Spanish.

An ISLSSL World Congress has been called for **Paris in 2006 from September 5th to 8th** with the

following agenda: Theme 1: Affects of Trade Liberalization on Labor Law and Social Security, Theme 2: Individual and Collective Labor Law and Productive Decentralization, and Theme 3: Occupational Risks: Social Protection and the Employer's Liability. There also will be a roundtable on The Future for Statutory Regulation in the Field of Labor Law?

Other up-coming activities include a meeting sponsored by the International Labor Law Committee of the ABA Labor and Employment Law Section which will be held in **Stockholm and St. Petersburg May 16-22, 2004.**

From **June 24-26, 2004**, the Int'l Industrial Relations Ass'n will conduct an Asian Regional Congress, in **Seoul**. Information should be available at www.kli.re.kr/irra2004

Other Member Activities

The second edition of Volume 1, *International Labor and Employment Law*, edited by **Bill Keller**, is scheduled for publication in December 2003.

Hoyt N. Wheeler's *The Future of the American Labor Movement* was published by Cambridge University Press, 2002. It has two chapters on Europe, and includes a discussion of the European Social Dialogue which involves something akin to international collective bargaining under the threat of legislation.

Linda Weckstein has moved to England where she is employed by Spring Group, an international recruitment agency specializing in information technology personnel.

In December, as part of an exchange program with the University of Michigan, Prof. **Theodore St. Antoine** will teach a short course on alternative dispute resolution at the Capital University of Economics and Business in Beijing and Shanghai, China. His students will be labor law teachers, students, lawyers and government employees.

This past summer, **Timothy Heinz**, Director of the Center for the Study of Dispute Resolution, University of Missouri-Columbia School of Law, participated in teaching a course on alternative dispute resolution at Western Cape Town Law School. Tim reports that the students, who are familiar with

labor arbitration, expressed particular interest in the use of mediation.

Prof. **Charles Craver**, George Washington University School of Law, recently spoke to foreign experts at Meridian House, in Washington, DC, and at the FMCS about labor and employment law.

The Branch's *Comparative Labor Law and Policy Journal* is catching-up on backlog issues which will soon be mailed. One contains a symposium with an overview paper, comparative papers, and national reports on Information Technology and Workers' Privacy as well as a book review by editor Prof. **Matthew Finkin** on The Conception of the Employee as a Person in Western Law. Another forthcoming issue, this one dedicated to the late Prof. Marco Biagi, brings together many of the world's most prominent scholars to examine the intriguing topic of national styles of labor law scholarship.

Of Possible Interest

Juris Publishing, Inc., (www.jurispub.com) announced its publication of LABOR LAW IN CHINA, 2nd edition, by Hilary K. Josephs of the Syracuse University College of Law. The book is described as exploring the inner logic of the Chinese legal system with emphasis on labor and employment law with the purpose of demonstrating how that system has adapted to change while maintaining a high degree of social stability. It draws on primary and secondary sources in both Western languages and Chinese and has translations of key statutory, regulatory, and judicial materials.

YOUR ANNUAL DUES

STATEMENT IS ENCLOSED

PLEASE RESPOND PROMPTLY

ALSO

**PLEASE TELL COLLEAGUES
AND FRIENDS ABOUT THE
U.S. BRANCH AND URGE
THEM TO JOIN**