

# BULLETIN

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

EDWIN R. RENDER, *editor*

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June 2003

## **New Officers and Board Members**

Dennis Nolan, Nominating Committee Chair, recently reported the election results to the Executive Board which, in turn, elected (re-elected) the Branch's Officers. Pursuant to Article IV § 2(d) of the Article of Association, in the coming months the Executive Board may, in its discretion, add to its membership up to 5 members who "hold a principal elected or appointed national office in a government agency or non advocacy membership organization involved in the regulation of labor or employment law, in scholarly inquiry, or in professional development in the field of labor or employment law." As currently constituted, the officers and Executive Board members (including those specified by Article IV § 2) are: Chair—Alvin Goldman, Vice-Chair—George Nicolau, Secretary-Treasurer—William Keller, Journal Editors—Matthew Finkin and Sanford Jacoby, Other Members—Benjamin Aaron, Janice Bellace, Lance Compa, Charles Craver, Samuel Estreicher, Tim Heinsz, John Kagel, Thomas Kohler, Leroy Merrifield, Dennis Nolan, Edwin Render, Theodore St. Antoine, Calvin Sharpe, Katherine Stone, Clyde Summers, John Truesdale, Hoyt Wheeler, and Arnold Zack.

## **Note From the Chair-** Alvin Goldman

There still is time to register for the Society's World Congress in Montevideo. (See below for detailed information.) In addition to a solid program concerned with labor and employment law issues, the Congress will provide an opportunity to help launch the International Society presidency of our own Professor Clyde Summers whose formal election will take place at the World Congress. Clyde's generations of innovative, challenging, thoughtful scholarship, including many significant comparative studies, have earned him the world-wide recognition reflected in the unanimous endorsement of his election by the Society's international Executive Committee.

An additional order of business in Montevideo will be discussion and probable adoption of the

proposed modifications to the Society's charter which have been endorsed by the Executive Committee. These can be seen at:

[www.ilo.org/public/english/bureau/inst/isllss/](http://www.ilo.org/public/english/bureau/inst/isllss/)

Above all, the World Congress is a place to meet, learn from, and interact and network with scholars, practitioners and government officials from all over the world. If you have not yet attended your first ISLLSS congress, this will be an excellent introduction since many say that Montevideo is South America's most congenial city and the host committee is working hard to make our stay enjoyable and interesting. If you do attend, please contact me when you arrive to let me know you are present (I will be registered at the Radisson) so that you will be included in our traditional breakfast or lunch get-together for the U.S. attendees.

From time-to-time members ask why we do not have national meetings. My answer has been finances, logistics and competing activities of other professional organizations. As our membership grows (**with your help!**), that may cease to be a good answer, especially if we devise a way to piggy-back onto a national gathering of a professional organization with substantial overlapping membership. Please offer your feedback (including, if you wish, an opinion column for this Bulletin) respecting this issue.

## ***In Memoriam***

W. Gary Vause, a member of the Branch's Executive Board, died on May 9<sup>th</sup> from cancer. Gary was Dean and Vice President of the Stetson University College of Law. A scholar and teacher in the fields of international business transactions, labor law and dispute resolution, he spoke Mandarin Chinese, Portuguese and Spanish, and served as a Fulbright Distinguished Scholar in China. His family suggests that any one wishing to make a memorial contribution in his honor direct their donation to the Stetson University College of Law Scholarship Fund for International LL.M. Students.

## **WORLD CONGRESS**

The next World Congress of the ISLLSS will be held in **Montevideo**, Uruguay, from **September 2-**

**5, 2003** at the Radisson Montevideo Victoria Plaza hotel. There will be simultaneous translation in English. Information for arranging pre or post meeting side-trips to Iguazú Falls, Buenos Aires, Rio de Janeiro, and elsewhere is available on the congress web site (see below). Registration is \$200 for attendees and \$50 for accompanying persons through July, and \$250 and \$60, respectively, after that. Included are a cocktail reception, city tour, cultural activities, and a closing dinner.

All hotel prices include breakfast. The current quoted prices (subject to modification) for single occupancy at the Radisson is \$85/day; \$95 for double occupancy. Other hotels listed by the arrangements committee range from \$35/\$45 to \$130/\$145.

The Congress web site is at:

[www.congresomontevideo2003.com](http://www.congresomontevideo2003.com)

### Other Meetings

A Western Hemisphere ISLLSS Regional Congress will be conducted in **Mexico City** from **September 13-16, 2004**. Topics to be covered are: Special Employment Relations, 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 and Voluntary Codes of Practices. The next Asian ISLLSS Regional Congress will be held in **Taipei** in **2005**; the European ISLLSS Regional Congress will convene in **Bologna**, September 20-23, **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 and English is a working language at each of these meetings.

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

-September 8-12, 2003, Int'l Industrial Relations Ass'n, World Congress, Berlin. Information about the conference is available at: <http://www.fu-berlin.de/irra2003>

-June 24-26, 2004, Int'l Industrial Relations Ass'n, Asian Regional Congress, Seoul. Information should be available at [www.kli.re.kr/irra2004](http://www.kli.re.kr/irra2004)

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A new multi-disciplinary internet discussion group has been established for those interested in employment and industrial relations in Europe. Its objective is "to encourage debate in the field of industrial relations, and to share information on activities, resources and existing initiatives amongst the academic community and practitioners of IR."

Information on joining is available at <http://listes.cru.fr/www/info/reinet>

### **Member Activities Related to Comparative and International Labor and Employment Law**

In February, **Philip Harvey**, who teaches at Rutgers University in Camden, NJ, presented a conference paper on "The Right to Work and Basic Income Guarantees" in which he compared the effectiveness and costs of proposals to provide all persons an unconditional basic income guarantee (BIG) with proposals to secure the right to work and income assistance recognized in the Universal Declaration of Human Rights. His paper also analyzed the proposals' respective abilities to achieve the declaration's social goals. A revised version of the paper can be downloaded at:

[www.philipharvey.info](http://www.philipharvey.info) or can be requested by email at: [pharvey@camden.rutgers.edu](mailto:pharvey@camden.rutgers.edu).

**Ed Fillenwarth** of Indianapolis is going to Southern Mexico in mid-June as a Witness for Peace to study the impact of NAFTA on factory workers and farmers. On returning, the group will meet with members of Congress to discuss the affects of NAFTA and potential affects of FTAA on farm and factory workers.

Kluwer Law International published **Alvin Goldman's** new book *Negotiation: Theory and Practice*, co-authored with Jacques Rojot of the University of Paris (Pantheon). Speaking of Paris, Kenneth Dau-Schmidt taught at the University of Paris (Pantheon) last Fall.

**J.H. (Rip) Verkerke**, Director of the Program for Employment and Labor Law Studies at the University of Virginia School of Law, is a member of the Labor Law Team for the ABA's Afghanistan Transitional Commercial Law Project. This group of six practicing lawyers and academics will draft a labor code for the transitional government of Afghanistan. They expect to complete work on the labor code by early summer. Rip will also teach a new seminar "International Aspects of Employment and Labor Law" this coming fall semester.

This summer, **Barbara Fick**, of the Notre Dame law faculty, will teach courses on Negotiation & Int'l Commercial Arbitration and Int'l & Comparative Labor Law in her school's London Law Program.

**Calvin Sharpe's** recent paper "Integrity Review of statutory Arbitration Awards, 54 *Hastings L.J.* 311, borrows from South African jurisprudence in suggesting an approach to reviewing arbitration awards under the Federal Arbitration Act.

**Paul Tobias**, Cincinnati, informs us that in October a group of employment lawyers will travel to Budapest, Vienna, Prague and Berlin to meet with lawyers, government officials, union leaders and law professors to learn how their countries deal with employee claims and workplace disputes. There is room for additional persons. Paul can be contacted at [tkt@tktlaw.com](mailto:tkt@tktlaw.com) or (513) 241-8137.

In February, **Thomas Kohler** of the Boston College law school gave the Japan International Labor Law Foundation Distinguished Lecture at the University of Tokyo Faculty of Law. His talk was entitled "Employee Representation, the Notion of Solidarity, and the Secret History of American Labor Law." He additionally spoke to the Kansai Region Academics Group on "Comparative Advantages? The Protection of the Employment Bond in German and American Law" and worked with graduate students at the University of Tokyo and universities in the Kansai area. In June, Tom will be in Berlin as the keynote speaker for the German Federal Trade Unions Confederation speaking on "Unfair Discharge Protections: The Law and Practice of Other Countries."

Tom also reminds members that as the book review editor of the Branch's *Comparative Labor Law and Policy Journal*, he can always use new reviewers. You can contact him at: [thomas.kohler@bc.edu](mailto:thomas.kohler@bc.edu)

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Hart Publishing Ltd. Has released a new book, *EU Employment Law From Rome to Amsterdam and Beyond*, by Jeff Kenner. It traces the evolution of European Union employment law and social policy from its origins in the Treaty of Rome to the present day.

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A study group on workers' participation, and information and consultation mechanisms in the workplace is being formed. If interested, contact: Anthony Forsyth, Lecturer, Centre for Employment & Labour Relations Law, Room 728, Level 7, Melbourne Law School, The University of Melbourne, Victoria 3010, Australia.  
E-mail: [a.forsyth@law.unimelb.edu.au](mailto:a.forsyth@law.unimelb.edu.au)

#### ***Up-coming Issue of Comp. Lab. L. & Pol. J.***

Members will soon receive issue number 1 of Volume 23 of the *COMPARATIVE LABOR LAW & POLICY JOURNAL*, which contains a symposium on employment agencies. The journal's co-editors,

**Matthew Finkin** and **Sanford Jacoby**, prepared an introductory overview of the "Regulation of Leasing and Employment Agencies." The other articles are: "Temporary Agency Work in France" by Christophe Vigneau, "Employee Leasing in Germany: The Hiring-Out of an Employee as a Temporary Worker" by Peter Schüren, "Targeting Employment Services in the Netherlands" by Els Sol, "Temporary Work and Employment Agencies in Spain" by Miguel C. Rodríguez-Piñero Royo, and "The Legal Regulation of Employment Agencies and Employment Leasing Companies in Sweden" by Birgitta Nyström. The issue also has the following book reviews: R. Blanpain, *On-line Rights for Employees in the Information Society: Use and Monitoring of E-mail and Internet at Work*, reviewed by Paul Roth; M.V. Murillo, *Labor Unions, Partisan Coalitions, and Market Reforms in Latin America*, reviewed by Mark Anner; and R. Milkman, *Organizing Immigrants: The Challenge for Unions in Contemporary California*, reviewed by John Logan.

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**Arnold Zack** ([zackam@earthlink.net](mailto:zackam@earthlink.net)) and **John Kagel** ([medarb@attglobal.net](mailto:medarb@attglobal.net)) have agreed to co-ordinate a Study Group for the International Society for Labor Law and Social Security on the subject area "Arbitration, Mediation and Other Methods of Conflict Resolution". The purpose of a study group is to encourage communication and discourse among people with common subject interests. Future congresses of the Society will schedule an opportunity for study groups to convene so that members can discuss topics of interest, present papers, and the like. Should you wish to become involved in this new endeavor, please let Arnold or John know of your interest and any suggested study group activities you wish to propose.

## **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**