

BULLETIN

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

EDWIN R. RENDER, *editor*

ALVIN GOLDMAN, *co-editor*

May 2007

[Visit our new US Branch web site: <http://law.unl.edu/isllss/>]

Notes from the Chair

By Steve Willborn

The Executive Board and I need your advice on a major decision we will be making soon. We are thinking about sponsoring a Congress of the ISLSSL, probably the World Congress in 2012. We have not sponsored a Congress in the United States since 1982, so it is certainly our turn. On the other hand, this would be a major endeavor and we have to make sure we have the commitment and financial resources to do it right.

We would like to hear your views on any (or all) of the many issues we will have to consider in making such a decision:

*Ideas about where we might seek financial support?

*Where in the United States should the Congress be held? What city? What hotel?

*The International Industrial Relations Association will be holding its World Congress in the United States in 2012. Good idea to schedule ours to run before or after that Congress?

*Would you be willing to help out? If so, how?

More immediately, the VIII American Regional Congress of the ISLSSL will be held in Santo Domingo, Dominican Republic from October 31 to November 2, 2007. (See the next column for details.) Please let me know if you will be attending. I hope to see many of you there.

Finally, we have a good organization, but it operates too far under the radar screen for my taste. Please join me in encouraging our colleagues who work in the area to join the Branch, and become active in its affairs. If you send me names and contact information, I would be pleased to contact potential new members.

American Regional Congress

October 31-November 2, 2007

The next major conference of the International Society is the VIIIth Western Hemisphere (American) Regional Congress which will be held October 30 through November 2 of this year in **Santo Domingo, Dominican Republic**, an hour and a half flight from Miami.

Santo Domingo, located on the island's Caribbean coast, was the New World's first colonial city. Near to the meeting site are the western hemisphere's first cathedral, hospital, university, and monastery, in addition to the homes of Christopher Columbus and his brother Diego.

The conference meetings will be conducted at the nation's foreign ministry and will have simultaneous translation into English and Spanish. Topics to be discussed are: "The Impact of Economic Difficulties of the Enterprise on the Contract of Employment"; "Protection Against Anti-union Discrimination"; and "Protection of Workers in the Event of Illness". In addition, a roundtable discussion will examine "What's New in Labor Law--Regional Perspectives". The U.S. presenters and panelists will be Steven Willborn, Jay Youngdahl, Ramona Paetzold, and Roberto Corrada (in order of appearance).

Registration is \$150 for those registering prior to September 1st (\$180 thereafter).

Because the U.S. dollar is still strong in the Dominican Republic, members planning to attend may want to add some travel or vacation days.

Registration, hotel, tour and recreation information, in English, is available at: www.congresolaboral.org.do

Other Up-coming Conferences and Events

-The 8th IIRA European Regional Congress will be held in **Manchester, UK** from **September 3-6, 2007**. More information is available at: www.meeting.co.uk/confercare/iiraeurope2007.

-7th Annual Pacific Employment Relations Association Conference, 2007 - Breakfree Grand Pacific Resort, Sunshine Coast, **Queensland, Australia, November 14-16, 2007**. Conference Theme: Regional, National, Global: Emerging Trends in Employment Relations. Conference website: <http://pubsites.uws.edu.au/pera/peraconference07/index.htm>

- IX ISLSSL European Regional Congress, **Freiburg, Germany, 16-18 October 2008**

Theme 1: "Implementation of the Equal Treatment Principle in Employment and Occupation in the EU and EEA Member States." Theme 2: "Status and Protection of Migrant Workers." Theme 3: "The Impact of Ageing on Pension Schemes in Europe." Also, Round Tables on "The Impact of Information and Communication Technologies in the Field of Labour Law" and "Employer's Responsibilities in Complex Organizations." Finally, there will be workshops on "Systems of Law Enforcement in Labour Law" and "Qualification and Training of Legal Assistants in Labour Law."

-**XIX World Congress, Sydney, 1-4 September 2009** Website:

<http://www.labourlawssydney.com/>

Theme 1: "Regulatory Frameworks and Law Enforcement in New Forms of Employment." Theme 2: "Workers' Representation and Social Dialogue at the Workplace Level." Theme 3: "Emerging Patterns of Social Protection in Light of Structural Changes." Round Table: "Work and Family Life" and Workshop: "What is New in Labour Law?"

Member Activities

Janice Bellace is President-elect of the International Industrial Relations Association. Janice will assume office as President

in 2009. She is joined on the IRRA's Executive Committee by **Hoyt Wheeler**.

In the Fall of 2006, **Ron Brown** gave presentations on "WTO and Impacts on China's Evolving Labor Standards" at the Beijing Forum in Beijing, China; lectures on "Useful Aspects of U.S. Labor Law" for the Guangzhou Labor Bureau; and a Commentary on "China's New Labor Contract Law" for a Voice of America broadcast.

Last June, **J.H. (Rip) Verkerke**, Professor of Law and Director of the Program for Employment and Labor Law Studies University of Virginia School of Law, gave a talk entitled "Wrongful Dismissal Law: Where Have We Been and Where Are We Going?" at a workshop on wrongful dismissal law at the Utrecht School of Economics.

On June 18-30, **Ted St.Antoine** will participate in an international conference in Qingdao City, China, where a group of outside labor specialists have been invited to comment on several draft pieces of Chinese labor legislation, including laws concerning employment contracts and dispute resolution procedures.

A new book by **Charlie Craver and Gerald Williams**, entitled *Legal Negotiating*, soon will be published by West. Although it does not deal directly with international negotiating, anyone who has heard Charlie lecture on the subject will realize that it no doubt covers most of what makes for an effective negotiator in any setting.

"The Need for a Reduced Workweek in the United States", a chapter co-authored by **Vicki Schultz**, builds on comparative law and practices in pursuing its thesis. It can be found in, *Precarious Work, Women, and the New Economy: The Challenge to Legal Norms* (J. Fudge and R. Owen, eds., Hart Publishing, 2006).

News About Other Organizations

-The ABA's Labor and Employment Law Section encourages attorneys outside the United States to join in the capacity of associate members, a category established for foreign attorneys. For information, contact Judy Stofko: stofkoj@staff.abanet.org. The

Section's International Committee has benefited from the program planning and resource guidance provided by its foreign associates, some of whom regularly attend the committee's midyear and annual meetings.

- The European Commission currently is examining the issue of the adaptation of labor law to the modern world of work, especially the question of how to make job markets more flexible while maximizing security for workers (the 'flexicurity' approach). An initial report is expected this June.

- The AFL-CIO Lawyers bulletin reports that the AFL-CIO filed a complaint with the International Labor Organization's Committee on Freedom of Association claiming that, in violation of ILO Convention Nos. 87 and 98, the Board's recent decision in *Oakwood* destroys workers' collective power by denying their right to form unions and bargain collectively.

Convention No. 87 guarantees all workers "without distinction whatsoever," including supervisors, the right to form and join unions. The complaint cites Committee rulings in cases from other countries where the Committee's tripartite panel of experts has found violations based on attempts to change employee status in order to undermine rights protected by the principles embodied in Conventions 87 and 98.

The federation also asked the Geneva, Switzerland-based committee to send a special delegation to the United States to investigate the effects of the NLRB's decision.

The union lawyers' bulletin also reports more than two dozen labor organizations in Mexico, the United States and Canada jointly submitted a case against the United States under the North American Agreement on Labor Cooperation (NAALC), the labor side agreement to the North American Free Trade Agreement (NAFTA), charging that North Carolina and the United States are violating NAALC and international labor commitments by denying 650,000 public employees in the state the freedom to engage in collective bargaining.

- The Korean Journal of Industrial Relations (KJIR) is published twice a year by the Korean Industrial Relations Association and

includes all aspects of employment law and relations, both theoretical and empirical. The journal invites overseas contributions in Korean or English. Each year the best article published in the KJIR is awarded a prize of USD \$5,000 (5 million Korean won). Questions should be directed to the journal's editor, Dr. Dong-One Kim at:

dokim64@hotmail.com

- The Graduate School of Business and Law in University College Dublin is offering 11 doctoral scholarships to incoming full-time students in September 2007. The scholarships are valued at over €16,000 Euro per annum with additional funding to cover fees, conferences and fieldwork costs. The scholarship is available for four years of study. The Industrial Relations and Human Resources Group at University College Dublin welcomes applications from candidates with an interest in Work and Employment. Details can be found at:

<http://www.ucd.ie/businessandlaw/news.htm>

- From Ireland comes the announcement that the **IRCHSS Post-Doctoral Fellowship 2007-8**, valued at up to €31,745 per annum, is open to applicants of any nationality. Details are available at:

<http://www.irchss.ie/schemes/scheme02/index.html> The University College Dublin is an interested host school. For further information contact Roland.Erne@ucd.ie

Other Information

The following site references are presented with thanks to Senior Reference Librarian Stuart Basefsky of the School of Industrial & Labor Relations, Cornell University.

*ILO website with summaries for law of termination of employment:

<http://www.ilo.org/public/english/dialogue/ifpdial/info/termination/countries/index.htm>

*National Labour Law Profiles: <http://www.ilo.org/public/english/dialogue/ifpdial/info/national/index.htm>. These profiles, for over two dozen countries, provide basic outlines of the country's constitutional framework and laws regarding labor regulations including contracts of employment, hours of work, paid leave re-

quirements, maternity and other leave entitlements, protection of young workers, equality rights, collective bargaining and agreements, workers' representation in the enterprise, disputes settlement procedures, and work stoppage law.

Information about international programs sponsored by the Cornell University ILR School can be found at:

<http://www.ilr.cornell.edu/international/>

Annual ILO International Labour Conference

Every June delegates from the member nations of the International Labor Organization meet at the International Labour Conference, in Geneva, Switzerland. Each member state is represented by a delegation consisting of two government delegates, an employer delegate, a worker delegate, and their respective advisers. In theory, delegates have the same rights to express themselves freely and vote as they wish. (In reality, some delegations always speak and vote in lockstep.) Decisions often are adopted by very large majorities or even unanimously.

A central item on the conference agenda is refining and adopting international labor Conventions and Recommendations. (Conventions are international treaties which member states can ratify and, thereby, as-

sume a legal obligation to apply its provisions. Recommendations, on the other hand, are hortatory; they are designed to guide national action, but not to become legally binding.)

The conference also examines reports in which the governments of member states explain how they are complying with obligations arising out of ratified Conventions, and their law and practices with respect to those Conventions and Recommendations (ratified or not) for which the Governing Body of the ILO has requested reports. Reports are also received from the International Labor Office staff.

In addition, the Declaration on Fundamental Principles and Rights at Work, adopted in 1998, requires the Office to prepare, on a four year cycle, Global Reports covering the four fundamental rights: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labor; (c) the effective abolition of child labor; and (d) the elimination of employment and occupation discrimination. These staff reports are received and discussed at the conference.

PLEASE SEE THE ENCLOSED 2007 DUES STATEMENT

Remember, your dues include an annual subscription to
Comparative Labor Law and Policy Journal

This is a good time to encourage your colleagues to join the Society and for you to make plans to attend the up-coming Society conference in Santo Domingo.