

BULLETIN
of the
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INTERNATIONAL SOCIETY for LABOR and SOCIAL SECURITY LAW

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[U.S. Branch's web site: law.unl.edu/islssl]

From The Chair, Steve Willborn

I want to talk briefly about the past and the future. And, as usual, I would very much like to hear from you about both, but especially the future.

The Past

The VIII Regional Conference for the Americas was held in Cartagena de Indias, Columbia, last May. It was well-attended and interesting. Many of you have attended ISLSSL conferences in South America before and so you have experienced, as I have, interpreter services that were so weak that it was very difficult to follow the proceedings. That was not the case at this conference. Maybe this is a sign that this is improving generally. I hope so. Three members of the United States Branch of the ISLSSL spoke: **Carmelo Mesa-Lago** from the University of Pittsburgh gave a very interesting and well-received talk on pension systems; **Rick Bales** from the Salmon P. Chase College of Law at Northern Kentucky made important contributions to the panel on privacy; and I spoke on systems for settling labor disputes.

I had zero conception of Cartagena before going there, but it is a very neat and interesting place, and well-known as a destination city in South America. The views overlooking the Caribbean are spectacular; there is a charming ancient walled city; the food is good; and the price is right. There was also a bash at the end of the conference that was lively and South American, but most of it occurred after my bedtime, so you'll have to ask **Rick Bales** about that. The opportunity to visit new places that might be a bit off your radar screen (like Cartagena) or that are well-known but just far away (like Santiago, Chile, in 2012) is a wonderful side benefit of our organization. (continued on next page)

CLYDE SUMMERS In Memorium

Our former U.S. Branch Chair and President of the International Society, **Clyde W. Summers** died peacefully in his sleep on October 29th. He had been living in a nursing home for the past five years after suffering a stroke that left him partially para-

lyzed.

Clyde's thoughtful, often provocative scholarship was highly regarded not only in the U.S. but throughout the world of labor and employment law. A number of leading scholars in the comparative labor and employment law field studied under him and he was a frequent teacher and speaker at major universities throughout the world. In recognition of his work he was awarded honorary doctor of law degrees from the University of Stockholm, Sweden and from Catholic University, Leuven, Belgium. The National Employment Lawyers Association named him Advocate of the Year in 1991, and he received study fellowships from the Fullbright Foundation, the German Marshall Fund, and the National Endowment of Humanities. In addition, during the course of his career he was a Ford Faculty Fellow, Guggenheim Fellow, and Columbia University Fellow. He also held a variety of appointments to public councils and commissions in Connecticut and New York and for NAFTA and several U.S. government Departments and the National Science Foundation.

Professor Summer's overseas activities included talks, seminars or courses in South Africa, Germany, Sweden, Austria, Italy, Mexico, Korea, Poland, and Japan.

Marty Malin's *Employee Rights and Employment Law Journal* published a special edition, Volume 14, No. 1, in honor of Clyde. Several of the essays examined his contributions to labor and employment scholarship



MATT FINKIN TO RECEIVE HONORARY DOCTORATE

Prof. **Matthew Finkin** will be awarded a doctorate *honoris causa* by the University of Athens in recognition of his contributions as co-editor and primary moving force (including contributor) of the highly regarded *Comparative Labor Law & Policy Journal*, which is co-sponsored by the U.S. Branch of the ISLSSL and Matt's law school (University of Illinois).

For those unfamiliar with its history, the journal began as an irregularly published U.S. Branch newsletter that carried occasional short essays. Under the leadership of the late Prof. **Benjamin Aaron**, it matured into a journal published with the help of his law school at the University of California-Los Angeles. Ben eventually persuaded Prof. **Clyde Summers** to assume the journal's editorship at the University of Pennsylvania where Prof. **Janice Bel-lace** joined him as co-editor. With the help of student editorial assistants, they expanded the journal's size and readership.

In time, Clyde cajoled Matt Finkin to move the journal to its present home at Illinois where Matt re-established the UCLA link by recruiting labor historian Prof. **Sanford Jacoby** as co-editor. Under their management, the journal has developed its current reputation as the leading forum for publishing articles and commentary in the field of comparative and international labor law and policy.

From The Chair, Steve Willborn

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The Future

Our branch is not as active as many of us would like it to be (including me). One thing we are planning to do to create more activity is to establish a website that will report on labor and employment law developments from around the world. The general idea is that we will have correspondents from

our many contacts in the ISLSSL who will report periodically on interesting developments in their countries. These could be short or long posts about cases, legislation or political developments, but they will all be in English and there will be space for discussion and comment. I do not know of a place where this kind of information and discussion can occur now. So I think this may be both a good activity for our organization and a service to all of us plowing these fields. The Canadian Branch of the ISLSSL will sponsor this with us.

If you have an interest in this, please let me know. There are at least two kinds of help I would really like. First, if you would like to review prototypes of the site itself, or make suggestions about how it should be set up, please let me know. Second, and maybe more importantly, although we have English-speaking contacts in many countries around the world, we certainly do not span the entire globe. It would be great if you would be willing to be our monitor and reporter for some particular country. If you think you would be interested in doing this when the site gets going, please let me know that, too.

As always, please let me know any ideas you have for making our organization better and more vibrant.

Minimum Wage Law for Hong Kong

Under the British mandate, Hong Kong's Governor General used an informal system of suggesting minimum rates that were subsequently adopted by most larger employers. A report prepared by Susan C. Kendall, Diana Purdy-Tsang, Jennifer Van Dale, of the Baker and McKensie law firm, states that in mid-July the Hong Kong Legislative Council passed Hong Kong's first minimum wage law which established a Provisional Minimum Wage Commission that is expected to set the minimum hourly rate at between US\$3 and \$4 as of next year. The report explains that the new law requires pay for time spent commuting to work, training and idle time so long as work attendance is required. A reduced hourly rate will be set for disabled workers and a variety of workers are excluded from coverage. These include student interns, short term workers under age 26, and apprentices, Live-in domestic workers will be governed by a separate minimum wage.

Publication Announcements

-COMPARATIVE LABOUR LAW AND INDUSTRIAL RELATIONS IN INDUSTRIALIZED MARKET ECONOMIES (10th revised edition, 2010). Edited by Prof. Roger Blanpain, this 848 page hard covered text is published by Kluwer Law International. It is divided in four main parts: 1) an introduction relating to methodology and documentation; 2) a description of the international institutions, their responsibilities and procedures; 3) the sources of regulation, concentrating on international and European labor law, as well as Codes of Conduct for Multinational Enterprises, and the rules for resolving conflict of laws; and 4) analysis of core international developments and comparative studies of the institutions and processes by which labor and employment law and practices are shaped and regulated.

ISBN: 9789041133489

Source for Publication Alerts

The Flex Work Research Centre issues a weekly notice of related publications. For example, a recent alert called attention to an article by A. James and B. Vira titled “‘Unionising’ the New Spaces of the New Economy? Alternative Labour Organising in India’s IT Enabled Services–Business Process Outsourcing Industry”, 41 *Geoforum* 364 (2010), which analyzes data from a regional survey of 511 workers in India’s National Capital Region and examines the organizing problems faced by the newly formed ‘Union for ITES Professionals’ in developing an organizing model suited to the needs, motivations and preferences of India’s young, mobile, call centre workers.

See: <http://www.flexworkresearch.org>

-**Arnold Zack** has alerted us to the website of the European Association of Labour Court Judges, <http://www.ealcj.org/pub.htm>, which includes a list of that organization’s publications.

Jointly Sponsored Conference in July 2012

The U.S. and Canadian ISLSSL Branches and the International Association of Labor Law Journals will co-sponsor a one day conference on comparative labor and employment law in conjunction with the International Labor and Employment Relations Association’s world congress that will be held in Philadelphia July 2-5, 2012. (The conference is planned for the day preceding the start of the world congress.) Conference papers will be published in the *Comparative Labor Law and Policy Journal*. Members able to assist the arrangements and host committees please contact: **Matt Finkin** at: mfinkin@law.illinois.edu

Up-Coming Conferences

-January 25-27, 2011, **Lagos, Nigeria**, 6th ILERA Regional African Congress.

-April 5-7, 2011, **Leeds, England**. The International Labour Process conference. For the call for papers, see www.ilpc.org.uk/Portals/56/ilpc2011-docs/ilpc2011-callforpapers.pdf.

-July 6-8, 2011, **Geneva, Switzerland**. International Labour Office- interdisciplinary conference on Regulating for a Fair Recovery. Organized in collaboration with the University of Manchester’s Fairness at Work (FaW) Research Group and the University of Melbourne’s Centre for Employment and Labour Relations Law (CELRL). Interested researchers should submit an abstract by the closing date of 31 January 2011.

Conference and submissions details should soon be available at: <http://www.mbs.ac.uk/research/events.aspx> or contact Dr. A. Rafferty at anthony.rafferty@mbs.ac.uk

[Thanks go to Prof. **Lance Compa** for calling this to our attention.]

-July 18-21, 2011, **Athens, Greece**. 8th Annual International Conference on Law, organized by the Law Research Unit of the Athens Institute for Education and Research (ATINER). The conference brings together scholars and students of law and other related disciplines. Registration fee: € 250 covering all sessions, 2 lunches, coffee breaks and conference material.

Papers (in English) from all areas of law are welcome. Email a 300-word abstract by December 27, 2010 to atiner@atiner.gr (Prof. D. Frenkel, Head, Law Research Unit, (ATINER), with the title of paper, and at least 3 keywords that describe the subject. Announcement of the decision will be made within 4 weeks after submission. See: http://www.atiner.gr/docs/LAW_PUBLICATIONS.htm for proceedings of previous conferences. Those wishing to chair a session, evaluate papers, contribute to the editing, etc. email Dr. Gregory T. Papanikos, gtp@atiner.gr.

-July 20-23, 2011, Fitzwilliam College, **Cambridge, England**. Worlds Of Work: Employment Dispute Resolution Systems Across. A symposium of the Center for Labor and Employment Law and the Hugh Carey Center For Dispute Resolution, St. John’s University School of Law with the New York University School of Law Center for Labor and Employment Law, and the Cornell University School of Industrial and Labor Relations. For de-

tails write to Prof. David Gregory, gregory-d@stjohns.edu

-August, 22-25, 2011, **São Paulo, Brazil**, 7th ILERA Regional Congress of the Americas
General Theme: Work in the Americas: Challenges and Opportunities

-September 21-23, 2011, **Seville, Spain**. Xth European Regional Congress, ISLSSL. Agenda:

Theme 1: Labor Law and Industrial Relations in the Light of the Economic and Social Changes; Theme 2: Collective Bargaining Rights in a Globalized Economy; Theme 3: Social Protection of the Unemployed; Round Table 1: Public and private employment services as intermediaries in the hiring of workers;

Round Table 2: Groups of workers who risk exclusion or unprotection under labor law; Workshop 1: The role of the judiciary vis a vis the changes in labor law; Workshop 2: Interruptions and suspensions of the employment relationship.

-July 2-5, 2012, **Philadelphia, Pennsylvania**, 16th World Congress of International Labour and Employment Relations Association (formerly IIRA). Information on the call for papers should be available in January 2011 and registration information should soon be available at the conference web site: <http://www.ilera2012.com/default.asp>

-Week of September 24, 2012, **Santiago de Chile**, XX World Congress of ISLSSL. Details relating to the Congress location, agenda, registration fees, reporters and social activities currently being developed.

Asian Development Bank Administrative Tribunal, Arnold Zack

[Arnold is entering his third and final three year term as President of the Asian Development Bank Administrative Tribunal.]

The ADB like other international agencies has treaties with its member states providing privileges and immunities for its staff. Because employees of such organizations are precluded from challenging their employer in the judicial systems of either their native or host countries, all of these organizations have developed their own internal system of dispute resolution concerning issues such as evaluations, promotions, non renewal of contracts, terminations, compensation and allowances, etc

We are one of two dozen such Tribunals. Of continuing concern to the Tribunals is the issue of judicial independence since judges are appointed from member countries by the Governing Body of the organization, and usually serve for renewable terms. There have been a number of legal cases

filed by nations in national court systems challenging the true independence of the Tribunals, citing the dependence of judges on compensation and term renewal by the organization. The judges of the Tribunals, most of whom had served as judges on higher courts of their home countries, are sensitive to such efforts to undermine their role, and that is a topic of continuing discussion at the occasional conferences of Tribunal judges and administrators.

We at the Asian Development Bank are about to commemorate our 20th anniversary with a conference in Manila on Sept 5, 2011 (Labor Day only in the US). At that time we will have panels on how to protect the independence of internal dispute resolution procedures of international organizations from national challenge. We will be considering the procedural fairness of internal administrative review as well as the fairness and credibility of the peer review, conciliation and advisory arbitration steps on which most organizations rely to resolve disputes prior to appeal to their respective Administrative Tribunals. A panel of experts who have helped such organizations improve their structure to enhance their independence will consider the long term viability of such structures. The submitted papers will be available for subsequent distribution for those interested in this arcane aspect of international labor law.

Name Change

The International Industrial Relations Association (IIRA) is now the International Labor and Employment Relations Association (ILERA).

French and Italian Readers Needed

Volunteers are needed to translate conference or seminar announcements received in French or Italian so that the information can be passed along in the Bulletin when it is of potential interest to some members. If you are willing to help, please send a note to: goldmanalvin@me.com

Your dues include a subscription to the COMPARATIVE LABOR LAW & POLICY JOURNAL and International Society membership.