

# BULLETIN

of the

**U.S. BRANCH**

**INTERNATIONAL SOCIETY for LABOR and SOCIAL SECURITY LAW**

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

## Notes from the Chair

By Steve Befort

Three of our members have recently completed questionnaire responses summarizing U.S. law relating to each of the three themes that will be the focus of the American Regional Congress that will take place this coming October in Guayaquil, Ecuador. **Steve Wilborn** authored a response addressing the role of jurisprudence in the field of employment discrimination law. **Barbara Fick** authored a response addressing the topic of collective representation and the settlement of labor disputes. I submitted a response summarizing the legal status of self-employed workers within the realm of U.S. labor and employment law.

The general reporter for each theme will next prepare an international report that will draw upon and summarize the responses submitted on behalf of the participating Western Hemisphere nations. These reports, in turn, will frame the discussion and analysis that will take place during the Guayaquil conference. I look forward to participating in these dynamic face-to-face discussions.

I mention these activities as a way of encouraging broader member participation in this and future conferences. Participating as a reporter or attendee is a reward onto itself in terms of promoting a better understanding of comparative labor and employment law. This experience typically is enhanced yet further by a visit to a vibrant international city. So, thanks to our U.S. branch reporters for the Guayaquil Congress and please start thinking about taking advantage of future opportunities.

## Other Member Activities

Last November **Tom Kohler** held the first of an invited yearly series of lectures for the Hugo-Sinzheimer-Institut and the Univ. of Frankfurt law school. The lectures deal with comparative developments in labor and employment law.

## Scheduled Conferences

**-Oct. 2-4, 2013- Guayaquil, Ecuador.** IX Western Hemisphere Congress of the ISLSSL.

The conference will open with a keynote speech on International Human Rights and Labor Law followed by a workshop on that topic. Presentations on three main conference themes will address the topics: "The role of jurisprudence in the fight against employment discrimination", "Collective representation of workers: evolution of legal regimes from a viewpoint of the collective autonomy and freedom of association", and "The self-employed: the legal regime and the extension to the same of rules and institutions of labor law". Additionally, roundtables will be organized on the topics: "Public and private pension systems: advantages and disadvantages for workers" and "Forms of social protection of the workers in the coming decades from a legal and financial viewpoint and proposals for a solution".

Registration: \$ 260, \$100 for accompanying persons. (Includes welcoming event. It is unclear whether it includes closing dinner). Website: <http://www.congresolaboralguayaquil.com/>

**-Sep. 17-19, 2014, Dublin, Ireland,** XI European Congress of ISLSSL.

Conference themes: 1. Labour Rights and Human Rights. 2. The legal and extra legal remedies against discrimination. 3. Alternative Dispute Resolution. 4. Other themes still to be determined

**-Sep. 14-17, 2015, Cape Town, South Africa,** XXI ISLSSL World Congress. Cape Town as host city will ensure a stimulating and beautiful environment. Located next to one of the world's seven natural wonders (Table Mountain) and two UNESCO world heritage sites (Robben Island and the Cape Floral Region), Cape Town was voted the world's second-best city by Condé Nast Traveller in 2012.

**-June 10-11, 2013, Paris, France.** Symposium on the Effect of Work on Workers. The official lan-

guages will be French, English and Spanish. For further information, see:

[gestes.net/colloquejune2013/comitescientifique](http://gestes.net/colloquejune2013/comitescientifique)

**-June 20-22, 2013, Amsterdam, The Netherlands.** 10<sup>th</sup> European Conference of the International Labor and Employment Relations Association. Theme: Imagining New Employment Relations and New Solidarities. Registration and other information available at:

[www.ilera-europe2013.eu](http://www.ilera-europe2013.eu)

**-Sep. 3-5, 2013, Warwick, UK.** British Sociological Association and the Work, Employment and Society Editorial Board Conference preceded by a postgraduate workshop on Sep. 1<sup>st</sup>.

The conference is sociologically oriented, but welcomes contributions from related fields—all with an international focus.

Details at: [britsoc.co.uk/events/wes-conference-2013.aspx](http://britsoc.co.uk/events/wes-conference-2013.aspx)

**-Sep. 12-13, 2013, Toulouse, France.** ADAPT, in cooperation with the Toulouse Business School, the Marco Biagi Centre for International and Comparative Studies and the Middlesex University will conduct the 3rd international conference on Vulnerable Workers and Precarious Work. Contributing papers need to be drafted in English and deal with the issues of vulnerable workers and precarious work, focusing on labor market exclusion and occupational risks. For details, go to:

[esc-toulouse.fr/en/contribution-conference-3rd-international-conference-vulnerable-workers-and-precarious-work](http://esc-toulouse.fr/en/contribution-conference-3rd-international-conference-vulnerable-workers-and-precarious-work)

### New Books

**Management and the Law: Common Workplace Problems in Different Legal Environments** by Matthew Finkin and Joel Cutcher-Gershenfeld. Contributors: Takashi Araki, Andrew Stewart, Philipp Fischinger, Bernd Waas, and Roberto Fragale Filho,

An examination of how five legal and labor relations systems – Australia, Brazil, Germany, Japan and the United States – deal with twenty common human resource problems involving issues of employee voice (unionization and works councils), discrimination, privacy, wrongful dismissal, compensation and benefits administration, and global supply chain and labor standards.

Fall 2013 Edward Elgar Publ. ISBN 978 1 78100 412 8 c £85.00

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### **Rethinking Workplace Regulation: Beyond the Standard Contract of Employment**

Editors: Katherine V.W. Stone and Harry Arthurs (Russell Sage Foundation Press, 2013, ISBN-10 978-0-87154-859-7). Contributors: Takashi Araki, Harry Arthurs, Thomas Bredgaard, Bruno Caruso, Alexander J.S. Colvin, Mark Freedland, Morley Gunderson, Thomas Haipeter, John Howe, Robert Kuttner, Julia Lopez Lopez, Keisuke Nakamura, Michio Nitta, Anthony O'Donnell, Michael Rawling, Ida Regalia, Katherine V.W. Stone, Kendra Strauss, Julie Suk, and Jelle Visser.

Scholars from ten countries representing eight disciplines, address the impact upon the nature of employment relationships that globalization, technological change, new HR strategies, and the financial crisis have had in advanced economies. Its premise is that the employment relationship has undergone a profound transformation in the past 20 years from a system based a social practice as well as a legal construct that assumed that workers would be employed by a single entity for an extended duration, would be provided with decent wages and benefits, and given reliable advancement opportunities within their employer's internal labor market. Today many employers outsource work and reduce their core labor force by utilizing new recruits or temporary workers in order to lower labor costs and break the link between pay and length of service. These developments are documented in an appendix using data from international and domestic sources.

In response, many countries are experimenting with new regulatory approaches to try to balance workers' security with flexibility. The book reports on some of these recent experiments.

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Sex workers are among the world's most exploited classes of employees. A recently published book by Prof. Gregor Gall of the University of Hertfordshire, **An Agency of Their Own: Sex Worker Union Organising**, examines attempts in many countries to use union organizing techniques as a means of helping these workers. (ISBN978-1-84694-254-9 £9.99/\$14.95)

### Remembering Charles Ipavec

**Charles F. Ipavec**, died in late October, 2012. Charlie was a successful, respected arbitrator who played a key role in establishing the U.S. Branch of the ISLSSL.

It was in the late 1950s, when Charlie learned

that European lawyers, judges, professors and others in the labor field had formed an organization to study their varied approaches to labor and employment law. Enthused by the opportunity for such interchanges, he called this to the attention of fellow Clevelander **Ed Teple** as well as to **Benjamin Aaron** and other members of the National Academy of Arbitrators. At Charlie's urging, they joined him in becoming active in this new undertaking and soon thereafter established the U.S. Branch of what is now the ISLSSL.

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### **Masters Degree Program**

Know someone looking to further their education in global policies? The Università Ca' Foscari, Venice, Italy, in collaboration with the International Labor Organization, offers a masters degree under the title the Global Economics and Social Affairs Master (GESAM). Among others, this one year program, presented in English, is designed to serve applicants who are professionals working in profit and non profit international and regional operations, officials of government ministries of labor or foreign trade, and those involved in social accountability projects. In addition to courses covering such fields as finance, economics, international business organizations, and ethics, the law subjects include international law, international and European labor law, human rights and globalization, and international trade law. Further information is available at: [www.unive.it/master-gesam](http://www.unive.it/master-gesam)

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Third annual Summer School in Advanced Studies in Labour, HR and Employment Relations at the University of Montreal's School of Industrial Relations (ERIUM) will start on Monday **July 15th, 2013** and end on Thursday August 15th, 2013. The three seminars in International Perspectives on Health and Safety, International Human Resource Management and Partnership and Social Dialog will each be taught (in English) twice a week.

"This is an opportunity for advanced undergraduate students, graduate students and practitioners to embark on an intense and stimulating intellectual adventure in a vibrant urban setting. Students from partner and exchange programs are especially welcome."

For more information contact: Cristina Piccoli  
[cristina.piccoli@umontreal.ca](mailto:cristina.piccoli@umontreal.ca)

### **Other Items of Interest**

Work Organisation, Labour and Globalisation is an inter-disciplinary peer-reviewed journal, published twice a year by Merlin Press. Each issue is devoted to a specific theme. For example, a recent issue was titled "Bridges And Barriers: Globalisation and the Mobility of Work and Workers". More information about the journal, its editorial board, and the contents of past issues is available at: [www.analyticapublications.co.uk](http://www.analyticapublications.co.uk)

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The U.S. Department of Labor's Bureau of International Labor Affairs has published a guide "Reducing Child Labor and Forced Labor: A Toolkit for Responsible Businesses" to help businesses combat child labor and forced labor in their global supply chains. The toolkit offers step-by-step guidance respecting eight critical elements that it says are helpful in strengthening systems to combat child labor. The toolkit was developed to fulfill requirements of the Trafficking Victims Protection Reauthorization Act of 2005. It can be found at: <http://www.dol.gov/ChildLaborBusinessToolkit>.

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It is often said that jobs move to low-wage countries and we hear stories about companies that made such moves without understanding all of the compensation factors such as paid holidays; social benefits including paid nursing breaks, mandatory medical facilities, meal and housing allowances; payroll taxes and the like. To reduce such surprises, the BLS compiles data in dollar equivalents comparing the total hourly compensation costs for manufacturing in over two dozen countries. (The data does not include countries such as China, India, and Vietnam.)

BLS also compiles comparative unemployment data for a smaller number of countries and for some of them adjusts the figures using U.S. definitions of who should be counted as unemployed. Additionally, the C.I.A.'s World Factbook has unemployment statistics for most countries using the BLS data where available and other sources where not available.

Interestingly, comparing these two items of data for a sampling of low middle and high wage

nations suggests that there may in fact be little, if any, correlation between compensation levels and employment opportunities. For example, the following data for 2011 shows compensation rates in U.S. dollars followed, in parenthesis, by the country's estimated annual unemployment rate: Philippines \$2.01 (7.0%), Mexico \$6.48 (5.2%), Poland \$8.83 (12.4%), Argentina \$15.91 (7.2%), Greece \$21.78 (17.4%), Spain \$28.44 (21.7%), U.S. \$35.53 (9.0%), Ireland \$39.83 (14.4%), Germany \$47.38 (6.0%), Belgium \$54.47 (7.2%), Switzerland \$60.40 (2.8%), Norway \$64.15 (3.3%).

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A useful web site devoted to news and advice regarding the nature, developments and enforcement of the directive on European Works Councils is at: <http://www.ewc-news.com/en042012.htm>

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In a recent study, Silvia Spattini of ADAPT reviewed the actions taken in all EU member nations in response to the EU's 2008 directive calling for protective regulation of employees assigned by temporary work agencies. Titled "Agency Work: A Comparative Analysis", it can be found at 1 *E-Journal of International and Comparative Studies* No. 3-4 (Oct.-Dec. 2012). It and is available, as well, at: <http://www.flexworkresearch.org/publication/5589>

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The International Society is developing a new web site so that the full national reports prepared for future conferences of the Society will be available. Additionally, papers presented at "poster" sessions that have been approved by a review committee will also be published on the web site.

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The Institute for Comparative Legal Studies of the Hebrew University Law Faculty recently published a book of essays in honor of the former Deputy President of the Israeli National Labour Court, Judge Erika Barak-Ussoskin. Although the book is in Hebrew, some of the articles will be available in English.

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A study of union membership in Belgium reports that in Belgium between 2001 and 2010 un-

ion density rose from 56.9% to 60.5%. One explanation is that Belgian unions manage social security functions including the payment of unemployment benefits. The study authors also argue that the relative success of Belgian unions is attributable to their very visible workplace presence. Officers collect monthly dues in person, an opportunity for member input respecting any workplace concerns. J. Faniel and K. Vandaele, *Geen grenzen aan de groei: de Belgische syndicalisatiegraad in de jaren 2000* (2012). [Reported in *Collective Bargaining Newsletter*, No. 11 (2012).]

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Those who wish to closely follow Canadian labor and employment developments should check the website of the Centre for Industrial Relations and Human Resources, University of Toronto at: [worklabournewsresearch.tumblr.com](http://worklabournewsresearch.tumblr.com)

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The journal de Droit Comparé du Travail et de la Sécurité Sociale (Comparative Law of Work and Social Security) is now available in English on the internet. The journal, which is published by COMPTRASEC, Université Montesquieu-Bordeaux IV, France, characterizes itself as an annual selection of the best papers and international legal news published in the print version during the past year. To access the journal, go to: <http://comptrasec.u-bordeaux4.fr/revue/english-electronic-edition>

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FOR MOST MEMBERS,  
THIS BULLETIN IS ACCOMPANIED BY A DUES INVOICE.  
YOUR PROMPT PAYMENT IS GREATLY APPRECIATED.