

# BULLETIN

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

EDWIN R. RENDER, *editor*

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

## Notes from the Chair

**Steven L. Willborn**

We now have a team to present the United States reports at the next World Congress, which will be held in Sydney, Australia, from September 1-4, 2009. It's a very impressive and knowledgeable group.

Professor **Marley Weiss** from the University of Maryland will present our report on the first theme: regulatory frameworks and law enforcement in new forms of employment. Professor Weiss has been at Maryland since 1984. Before that, she worked for the UAW in Detroit.

Professor **Charles B. Craver**, the Freda H. Alverson Professor of Law at George Washington will present our report on the second theme: workers' representation and social dialogue at the workplace level. Professor Craver has been at George Washington since 1986, but taught previously at several other fine universities including Florida, Virginia, and Illinois.

Professor **Christopher Cameron** from the Southwestern Law School will present the United States report on the third theme of the conference: emerging patterns of social protection in light of structural changes (such as immigration, an aging population, and changes in family structure). Professor Cameron has been at Southwestern since 1991. Currently, he also serves as Associate Dean (which, in my experience, deserves some sympathy).

Finally, Professor **Gillian Lester** from the University of California at Berkeley will serve as the round table moderator on work and family life. Professor Lester began her academic career at UCLA in 1994, but has been at Berkeley since 2005. Next year, she will be visiting at Harvard. She is also co-author of a wonderful textbook on employment law. You should be aware that I have a less-than-modest conflict of interest in

making that last comment, so it's partly in jest (but only partly!).

In future, if you're interested, we would be pleased to offer you an opportunity to present one of the United States reports at one of our conferences. Please let me know if you would like to be considered for that sometime. A warning: one of my requests in return will be that you try to find a new member or two for our organization. This should be an easy sell: it's inexpensive, you receive Matt Finkin's wonderful journal and this newsletter, and you have opportunities to meet engaging people from around the world at interesting venues. Please refer any people who might be interested to our website at [law.unl.edu/islssl](http://law.unl.edu/islssl). Information and a membership form can be found there.

## Excerpted from "A Snapshot of China's Labor Landscape: Delegation of AFL-CIO General Counsels Visits China"

By **Jon Hiatt**, AFL-CIO General Counsel

[AN AFL-CIO leadership delegation recently traveled to Beijing, Shanghai, Shenzhen, and Hong Kong where they met with labor and employment lawyers, academics, and other worker rights advocates who are involved in a variety of legal aid clinics and other non-governmental organizations (NGOs) throughout the country. Below is an excerpt from Jon Hiatt's report.]

We met extremely inspirational legal aid lawyers who are dedicating enormous amounts of pro-bono time to these endeavors. We visited with leaders who are trying to build multi-purpose organizations that not only assist workers with their legal problems, but offer cultural and educational activities to the workers and their families at the same time. We talked with lawyers and leaders who are dedicated to training the trainers, so that the workers themselves can take on representational responsibilities.

These courageous and dedicated organizations and their leadership all seemed to recognize that their

models were not long-term or broad-based solutions to the protection of worker rights in China. Rather, they understood that what they are offering has relatively marginal impact, and can have no lasting effect unless they serve to put pressure on the government to accept an independent trade union movement.

The ACFTU's [All China Federation of Trade Unions] status as a state-controlled organization has been an important factor in its relationship with the international trade union movement. Until recently, many national labor federations have been extremely reluctant to recognize or engage with the ACFTU given its role as an arm of the state, and effectively as an agent of the employer (whether a state-owned enterprise or private entity). Indeed, when the ACFTU sought a seat on the governing body of the International Labor Organization (ILO) in 2002, there was strong opposition from the AFL-CIO and many other national labor federations who were concerned that in the tripartite world of the ILO, having the ACFTU joining the workers group would effectively be akin to having an agent of the governments and employers sitting in on internal strategy meetings of the workers' group and ultimately diluting the workers' votes on key issues.

The concern has been compounded by China's deplorable record on fundamental worker rights and human rights issues. Moreover, some unions that sought to establish relations with the ACFTU have found themselves unwittingly used by the ACFTU for PR purposes, with the contacts being held out as alleged evidence of international labor acceptance of ACFTU's record.

Even so, national federations have increasingly determined that as a practical matter, with China playing such a major role in the global economy, the opportunity to influence the government and the ACFTU must be weighed against the concerns justifying total isolation. In this context, the governing council of the International Trade Union Confederation (ITUC) recently proposed a new process of engagement with the ACFTU that would focus on a substantive agenda of trade union issues, reserve the right and intention to continue to speak out critically on China's worker and human rights policies, and avoid those purely formal or diplomatic exchanges that do not serve to promote worker rights in a meaningful way. AFL-CIO

President John Sweeney strongly supports this approach.

Supportive of this concept of limited engagement, almost every NGO and legal aid clinic with which we met, although critical of the ACFTU's current role, urged the American labor movement, including its lawyers, to engage the ACFTU in such a process. They cautioned that we not allow our contacts to be manipulated by the ACFTU. They also stressed that our outreach should be substantive, focusing on training sessions and sharing of expertise (e.g. health and safety, collective bargaining, etc). They further requested that such engagement not result in a reduction of support for the work that they, the NGO's and legal aid clinics, are currently doing as union substitutes. With these caveats, however, they virtually all indicated their belief that engagement of this kind could make a real difference once there is sufficient political space for the ACFTU to play a truly independent role.

The economic, political, and social experiment that is occurring in China today is unprecedented. The stakes could not be higher, not just for the almost one billion Chinese workers, but for their brothers and sisters across the globe.

### UP-COMING EVENTS

**-May 30, 2008, San Francisco, California.** Labor and Employment Section of the Bar Association of San Francisco presents: "Employment Law Goes Global: Focus on Asia and the Pacific Rim". Additional information available at:

<http://www.sfbar.org/calendar/eventdetail.aspx?id=G080302/G080302>

**-June 23-25, 2008, London, United Kingdom. Industrial Relations in Europe Conference.** Theme: "Nation States, Europeanization and Globalization". For further details see:

[www.ugbs.org/weru/irec](http://www.ugbs.org/weru/irec)

**-June 29-2 July, 2008, Radboud University, Nijmegen, The Netherlands. 16<sup>th</sup> annual conference of the International Employment Relations Association.** Theme: "Diversity and Employment Relations". Registration before May 15<sup>th</sup>- €375; before June 24- €495; PhD holders- €195; students- €125. More information is available at: [www.iera2008.org](http://www.iera2008.org)

**-June 30- July 11, 2008, Bordeaux, France. International Seminar on Comparative Labour Law, Industrial Relations and Social Security.**

This annual seminar is sponsored by the ISLSSL and is organized by the Centre de Droit comparé du Travail et de la Sécurité Sociale of the University Montesquieu Bordeaux IV (COMPTRASEC) in part-

nership with the departments and European research centers of the Universities of Brussels, Frankfurt, Hull, Lisbon and Lodz.

General topic: Individual Freedom and Labor Relations: What is possible, what is permitted and what is prohibited? The working languages will be English and French.

Registration fees: €400 without accommodation; €800 with accommodation and breakfast.

More information is available on the web at: <http://comptrasec.ubordeaux4.fr/static/SEMINA IRES/anglais.htm>

The ISLSSL offers up to 5 fellowships, each worth up to €800 to cover registration fees and accommodation. Applications must be submitted to the ISLSSL Secretary-General no later than May 31, 2008. Priority is given to younger applicants from countries with weak currencies. For additional information and to apply, contact Arturo Bronstein, Secretary-General, ISLSSL at: [asbronstein@msn.com](mailto:asbronstein@msn.com)

**-September 2-4, 2008, Buenos Aires, Argentina. Sixth Regional Congress of the Americas** (appears to be in Spanish only). Themes: 1. Productivity, economic changes and social protection. 2. New forms of employment and the Organization of work. 3. Welfare of workers and economic integration in the Americas. See: [www.congresoamericas.com.ar/](http://www.congresoamericas.com.ar/)

**-September 10-13, 2008, Denver, Colorado.** The Business Meeting of the **ABA's International Labor Law Committee** will convene at the 2008 Labor and Employment Law Section's annual meeting in Denver (rather than at the ABA's Annual Meeting in New York City in August). The Committee sponsored CLE programs at that meeting include: "Confidential Information in a Global Economy", "Protecting and Advancing Rights of Workers Abroad", and "Developments Affecting U.S. Employers, Their Employees, and Unions in Europe". For further information, see: <http://www.abanet.org/labor/>

**-September 16-19, Freiburg, Germany. IX European Regional Congress, ISLSSL.** Simultaneous translation in German, English, French and Spanish. 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 aging on pension schemes in Europe. Round Table 1. The impact of information and communication technologies in the field of labor law. Round Table

2. Employer's responsibilities in corporate organizations. Workshop 1. Systems of law enforcement in labor law. Workshop 2. Qualification and training of lawyers and legal advisors in the field of labor law.

Registration, program and accommodation information is available at the webpage: [www.labourlawfreiburg2008.com](http://www.labourlawfreiburg2008.com)

The ISLSSL offers up to 5 fellowships, each worth up to € 800 to help young scholars who wish to attend this event. Applications must be submitted to the Secretary-General of ISLSSL no later than 31 May 2008. Priority will be given to applicants from weak currency exchange nations. For additional information and to apply, contact Arturo Bronstein, Secretary-General, ISLSSL, at: [asbronstein@msn.com](mailto:asbronstein@msn.com)

**-May 10-14, 2009, Madrid, Spain.** Meeting and program of the **International Labor Law Committee of the ABA** Labor and Employment Law Section. Hotel Ritz-Madrid. Details to be announced.

**-August 24-27, 2009, Sydney, Australia. International Industrial Relations Association's 15<sup>th</sup> World Congress.** Themes: 1. Management, work and organization. 2. Voice and representation at work. 3. Work, family and community. 4. Institutions, processes and outcomes. 5. New forms of work and employment. For further information, see: <http://www.iceaustralia.com/IIRA2009>

**-September 1-4, 2009, Sydney, Australia. International Society for Labor and Social Security Law's 19th World Congress.** Themes: 1- Regulatory frameworks and law enforcement in new forms of employment. 2- Workers' representation and social dialogue at the workplace level. 3- Emerging patterns of social protection in light of structural changes (aging population, changing family structures, immigration, budgetary constraints, political and ideological realignments). Also, a round table on "Work and Family Life" and a workshop titled "What's New in Labor Law?" The conference web site is at: <http://www.labourlawsydney.com>

### Job Opportunity

The School for Advanced Studies in Industrial and Labour Relations of ADAPT - Marco Biagi Foundation, has announced that it has a temporary job opening for a researcher to work in collaboration with Prof. Michele Tiraboschi in studying and in project planning in the field of labor markets. The job will be located in Modena, Italy. The preferred candidate is someone who is proficient in English or in other foreign languages.

Anyone who is interested, should send their resume to [tiraboschi@unimore.it](mailto:tiraboschi@unimore.it) by no later than June 10, 2008. A privacy statement and other information concerning the sponsoring institution can be found at: [www.fmb.unimore.it](http://www.fmb.unimore.it)

### DUES NOTICE

Your U.S. Branch annual dues of \$40 pays your membership in the International Society as well as the U.S. Branch and includes a subscription to the *Comparative Labor Law and Society Journal*. For many members, this Bulletin is accompanied by a dues statement for 2008 dues (and, perhaps, for back dues, as well). Most members pay ISLSSL dues at this time of year; some pay at the end of the year. This complicates the record keeping and occasionally errors are made by the Treasurer in preparing the bill, or by members in paying their dues. As a result, some members already paid their 2008 dues and, therefore, should not be receiving the dues statement. If you think there has been an error in your bill or if you are a paid-up member but have not been receiving the *Comparative Labor Law and Policy Journal*, please contact our Treasurer, Alvin Goldman, at: 2063 Bridgeport Drive, Lexington, KY 40502, or by email at: [algold00@email.uky.edu](mailto:algold00@email.uky.edu)  
—While we do our best, occasionally it is not good enough, so please bear with us.

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### Photos from October 2007 Western Hemisphere Congress in Santo Domingo, Dominican Republic



Right to left: President Kazuo Sugeno, Michiko Sugeno, Roberto Corrada and Ted St. Antoine.



Right to left: Ted St. Antoine, Lloyd St. Antoine, Steve Willborn, and Ellie Goldman.



Left to right: Jay Youngdahl, daughter Coleen Youngdahl, and the ever photogenic Ted St. Antoine.