

BULLETIN

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

EDWIN R. RENDER, *editor*

ALVIN GOLDMAN, *co-editor*

December 2005

Notes from the Chair

Alvin L. Goldman

[In August, Clyde Summers, President of the International Society, suffered a serious stroke that prevented him from attending the Society's European Regional Congress. I was asked to present opening remarks on his behalf. As indicated below, the remarks were largely Clyde's own words or paraphrases thereof which I have been urged to reprint here. ALG]

Opening Remarks by Alvin Goldman on behalf of President CLYDE SUMMERS, European Regional Congress, ISLSSL, September 20, 2005:

A health problem encountered last month prevents Clyde Summers from joining us at this Congress. In consultation with his spouse, Evelyn Summers, and his two close colleagues and friends, Robert Gorman and Matthew Finkin, and guided by Clyde's wealth of publications, we offer, often using Clyde's own words, opening remarks that reflect the substance of thoughts we think Professor Summers would want to share with you at this time.

We are gathered for a Congress that has been carefully planned by outstanding scholars to ensure intellectual stimulation and meaningful explorations of important subjects. Our program is enriched by the thoughtful, thorough, and energetic efforts of our excellent host committee. I know that all of you will want to join me in thanking them for their dedication and kindness and especially thank Franco Carinci for his devoted leadership in these efforts.

The International Society for Labor and Social Security Law most especially owes a continuing debt of gratitude to its outstanding Secretary-General, Arturo Bronstein. His attentiveness, intelligence and diplomatic skill guide our organization.

Over the course of the next several days we will be discussing how various legal systems attempt to resolve, or should resolve, important issues of employment, labor-management relations, and protection of social welfare. "Labor law, more than many other areas of law, is the product of conscious creation and social choice." Our basic laws often "were

not the products of an evolutionary process, but were deliberately designed instruments of change."

Thus, as we examine the issues of the law of work covered by our Congress agenda, it will help to recognize that our subject involves not only questions of economic activity but also questions of human values, aspirations, and dignity. The situation of each worker is unique. As a result of the fortunes of genetic heritage, where and how they were raised, the education or training they did or did not receive, or the circumstances of the society in which they seek to perform work, some workers possess talents, persistence, strength, or status that enable them to receive substantial rewards for their efforts; others do not. If the selected system of law is to accomplish the goal of doing justice, it not only should be impartially administered and provide meaningful remedies for breach of its rules, it also should give aid to the weaker party and ensure that those whose lives are affected will be heard with respect to the decisions under consideration.

The intellectual focus of our organization and this Congress is the comparative method of exploration. "Most of us are bound by our unconscious premises and have difficulty envisioning what we have not seen. When we have known only one labor law system, we are captives of its purported premises and their claimed consequences. . . . The comparative perspective helps us to see through the myths of our own system, to uncover hidden premises on which we build, and to see more clearly the realities of our system and its special characteristics."

On the other hand, our "perspective of another labor law system is almost inescapably framed by the essential characteristics of our own system." Hence, we must try to "recognize and make explicit those characteristics which frame our perspective . . . so that we do not confuse superficial similarities with functional equivalents." We also can expect to encounter times when foreigners will describe our own labor law system in ways that differ from our own perceptions. Instead of discarding such observations, one might heed the Scottish poet Robert Burns who, to paraphrase, counseled that it is a great gift to see ourselves as others see us.

Finally, the "similarities and contrasts" we encounter "should provoke us to ask 'why', and each

question ‘why’ opens a door into a new and often unexpected room which itself has other doors to be opened by further questions. Though there is seemingly no end of doors, each one opened gives us fuller knowledge of the combination mansion and madhouse in which we live.”

Addendum: As of late-November I regret having to report that Clyde’s situation has not improved. Although his analytic ability appears to remain keen, he has some long term memory gaps and his short term memory is largely non functional.

Nominating Committee

Under our Articles of Association (see our Branch website- www.uky.edu/Law/ISLLSS/), an election of the National Executive Board members must be held in the coming months. Edwin Render has been named to chair the Nominating Committee. The other committee members are William Keller and Matthew Finkin. Suggestions for nominees should be sent to Ed (University of Louisville, Brandeis School of Law, Louisville, KY 40292-0001; or by email to: ed.render@louisville.edu) no later than January 13, 2005.

SUGENO is President-elect of ISLSSL

The year prior to a World Congress, the International Society’s governing council elects a President-elect whose three year term begins at the end of the World Congress. Nominated at the recent Bologna meeting were: Professors Franco Carinci (Italy), Michal Sewerynski (Poland) and Kazuo Sugeno (Japan). The U.S. Branch’s National Executive Committee seconded the nomination of Professor Sugeno who was elected to the post.

Kazuo Sugeno’s treatise, *JAPANESE LABOR LAW*, translated into English by Prof. Leo Kanowitz, is the leading text on that subject. Prof. Sugeno, who first studied U.S. labor law at Yale under Clyde Summers, has been a contributor to *Comparative Labor Law and Policy Journal*, sponsored by our Branch, a visiting professor and a lecturer at several U.S. law schools, and has hosted a number of American guest lecturers in his own country. In addition, Prof. Sugeno has been a leader in encouraging Japanese scholars to engage in the comparative study of labor and employment law and has guided younger labor and employment law scholars to study in the U.S. Recently, Prof. Sugeno completed a term as Dean of the University of Tokyo Law School and helped

guide a restructuring of legal education in his country.

Up-coming Meetings

-May 15 – 18, 2006, Vienna. The Spring Meeting of the International Committee of the ABA Labor and Employment Law Section will be held in Vienna, Austria with an opening reception on the evening of May 14th. The meeting and reception will be at the Grand Hotel Wien.

The 2006 Annual Meeting of the ABA will be held in Honolulu in early August. The Labor and Employment Law Section’s headquarters will be at the Hyatt Regency Waikiki and its program will focus on Asian, European and other international labor and employment law issues.

-July 3-13, 2006, Bordeaux. The Bordeaux Seminar on Comparative Labour Law and Social Security, a study program, is held each year during the first half of July. For more information, visit the Seminar’s Web site: <http://comptrasec.u-bordeaux4.fr> or email Laetitia Dupoujo at dupoujo@u-bordeaux4.fr

-August 31-September 2, 2006, Slovenia. Industrial Relations in Europe Conference (IREC), , Ljubljana, Slovenia. Subject: “The Future of Social Models”. For more information contact Miroslav Stanojevic (miroslav.stanojevic@fdv.uni-lj.si)

-Sep. 5-8, 2006, Paris, France, 18th World Congress of the International Society for Labor and Social Security Law. (English will be an official language.)

The opening ceremony will be at the Grand Amphithéâtre of the Sorbonne University. The working sessions will start on September 6 and will take place at the Palais de la Mutualité, 24 Rue Saint Victor, which is near the Sorbonne.

Registration is 300 Euros; a reduced fee of 200 Euros is available for young researchers and students.

Topics to be covered are: Trade Liberalization and Labor Law; Labor Law and Outsourcing of Work; and Occupational Risks: Social Protection and Employers’ Liability. U.S. Branch member Lance Compa is the General Reporter for the first topic and members James Atleson, Katherine Stone and Emily Spieler are preparing the respective U.S. National Reports for these topics.

A conference website is available at:
<http://perso.wanadoo.fr/servicinfo.sdt/default.html>

-September 11-14, 2006, Lima, Peru, 14th World Congress of International Industrial Relations Association. The themes include: Social Dialogue, Economic Freedom and Industrial Relations; Human Resource management and the New Labor Relations; Productive Employment and Education; Policies of Social Protection and Integration and Free Trade in the Americas. Additional information is available at www.apert.com.pe A copy of the registration brochure in pdf format is available from Alvin Goldman at algold@email.uky.edu

-Future Congresses of ISLSSL: The next Western Hemisphere Regional Congress will be held in the Dominican Republic in 2007. Details as to place, dates, and programs should be available in the next Bulletin.

A European Regional Congress will be held in Freiburg, Germany, in September 2008, and a World Congress in Sydney, Australia, in September of 2009.

Bologna Workshop on ADR

Two of our U.S. Branch members were featured in an ADR workshop at the European Congress in September. Arnold Zack provided background respecting the labor-management ADR practices of several international organizations and John Kagel provided background respecting U.S. and Canadian practices. Other panelists panel were from Australia, Israel, Finland and Spain. There was a strong turnout for the session which demonstrated considerable interest in the topic and panelists on the part of the predominantly European audience. This was particularly gratifying inasmuch as the workshop was the last session of the conference and was in competition with a session focusing on European Union law regarding the labor-management effects of transfers of ownership and restructuring enterprises.



Above, some attendees at the ISLSSL Bologna Congress. In the photo, compliments of Ted and Lloyd St. Antoine, starting from the left, are: Ellie Goldman (U.S.), Moti Mironi (Israel), Alvin Goldman (U.S.), Shelley Wallach (Israel), John Kagel (U.S.), Arnold Zack (U.S.).

Dues And Election Reminder

For those who have not yet paid 2005 dues, a reminder is enclosed. In the next several months you will receive a mailing with the list of the Nominating Committee's nominees for the National Executive Board. That will be followed by an opportunity for additional nominations by membership petition. The ballot will be sent, together with biographical sketches, around late March.

When considering nominations, please keep in mind that under the by-laws, all officers (including the Journal co-editors) and all past Chairs are members of the Board as well as the 15 elected members. Officers are elected by the Board from the membership (including the Board).

Branch website: www.uky.edu/Law/ISLLSS

Int'l website: <http://www.asociacion.org.ar/ISLLSS>