

Workshop proposal

**Regional cooperation of labour lawyers**

**Purpose:** The purpose of the workshop is to promote the fostering of regional cooperation of labour lawyers in distinct parts of the world, in particular emerging regions. Regional cooperation of labour lawyers in Africa, Latin America and large parts of Asia has traditionally been weak.

The idea behind and purpose of the workshop have been discussed by the coordinators of the workshop with a range of colleagues in various parts of the world, including in the course of a working visit by Professor Bernd Waas, coordinator of the European Labour Law Network (ELLN) to South Africa during August 2014.

**Approach:** Learning from the example of the highly successful European Labour Law Network (ELLN) (see <http://www.labourlawnetwork.eu/>), the workshop will explore possibilities for the promotion of labour law cooperation in regional contexts, on the basis of (i) key labour law issues emerging from the concerned regions; (ii) the status of labour law research in the concerned regions; (iii) challenges facing and possibilities for the promotion of one or more labour law research networks in the concerned regions; and (iv) concrete proposals for the way forward. Further details are provided in the section on the suggested structure of presentations by key presenters from the concerned regions.

**The ELLN experience:** The establishment of a network of European labour law experts was initiated by Prof. Bernd Waas of the Labour Law Department at the University of Frankfurt (Germany) and Prof. Guus Heerma van Voss of the Labour Law Department at the University of Leiden (the Netherlands). The constituting conference of the European Labour Law Network (ELLN) took place in Hagen (Germany) in 2005. The ELLN consists of a team of legal experts, mostly labour law professors or docents, who represent all European Member States, the countries belonging to the European Free Trade Association, the candidate countries and Russia. All in all, 30 countries are represented in the network.

The initial concept was to establish a platform for dialogue between labour law experts from across Europe and to facilitate the comparison of the different existing national labour law systems. The ELLN's main objective is to provide a framework in which future developments in labour law throughout Europe can be debated.

In December 2007, the ELLN signed a contract with then the Directorate-General for Employment, Social Affairs and Equal Opportunities of the European Commission in Brussels and consequently acquired a new dimension. The Network became the European Commission's official advisory board on issues relating to individual and collective labour law. The official name then became 'European Network of Legal Experts in the Field of Labour Law, dealing with both individual and collective rights/aspects', hereafter referred to as the Network. In this capacity the network covers the member States of the EU as well as Iceland, Liechtenstein and Norway. In December 2011, the

contract with the Commission (Directorate General for Employment, Social Affairs Inclusion) was renewed. Since November 2014 Prof. Bernd Waas is the sole coordinator of the network.

In November 2014, the EU let it be known that it will fund an effort of the network to arrive at a Restatement of labour law in Europe for two years. This project is supported by the European Trade Union Confederation (ETUC), the Confederation of German Employers' Associations (BDA), the European Association of Labour Court Judges (EALCJ), the European Employment Lawyers Association (EELA) and the European Foundation for the Improvement of Living and Working Conditions (Eurofound). The project aims at finding commonalities as well as differences in the various national labour law systems with regard to the notion of the employment relationship (Restatement Part 1) and atypical employment comprising of fixed term contracts, part time work and temporary agency work (Restatement Part 2).

**Suggested structure of presentations and of the workshop:** Key presenters from the concerned regions have been requested to prepare a 10-12 minute presentation each, addressing the following core issues:

- (1) Key labour law issues emerging from the region concerned, with particular reference to:
  - a. Topical issues
  - b. Instruments and standards
  
- (2) Status of labour law research in the region concerned, with particular reference to:
  - a. Collaborative efforts at the regional level
  - b. Linkages to regional/political institutions
  
- (3) Challenges facing and possibilities for the promotion of one or more labour law research networks in the region concerned, with particular reference to:
  - a. Key challenges
  - b. Possibilities for promotion, with emphasis on recommendations for:
    - i. An institutional framework
    - ii. Funding arrangements
    - iii. Thematic perspectives (i.e. key/focal themes/issues)
    - iv. Key colleagues and institutions to potentially lead and/or participate in the said network(s)
  
- (4) Concrete proposals for the way forward/next steps

The presentations will be followed by debate and reflection. The outcome of the proceedings will be noted and forwarded to ILERA Exco for notification and possible further action.

**Workshop chair:** Prof. Evance Kalula, President: ILERA (International Labour and Employment Relations Association); Director, International Academic Programmes Office (IAPO), University of Cape Town; Professor of Law (Employment Law and Social Security), Faculty of Law, University of Cape Town

**Workshop presenters:**

- Prof. Bernd Waas, Chair of Labour Law and Civil Law and Managing Director of the Institute for Civil and Business Law, Faculty of Law, Goethe University, Frankfurt am Main; Coordinator: European Labour Law Network (ELLN)
- Prof. Kazuo Sugeno, President: Japan Institute for Labour Policy and Training (JILPT): Professor Emeritus of the University of Tokyo; previously President of the International Society for Labour and Social Security Laws (2006-2009)
- Prof. Pablo Ortiz, Professor of Labour and Social Security Law, University of Valparaiso, Chile
- Prof. Marius Olivier, Extraordinary Professor, Faculty of Law, Northwest University, South Africa; Adjunct-Professor, Faculty of Law, University of Western Australia, Perth, Australia

**Workshop coordinators:**

- Prof. Bernd Waas, Chair of Labour Law and Civil Law and Managing Director of the Institute for Civil and Business Law, Faculty of Law, Goethe University, Frankfurt am Main; Coordinator: European Labour Law Network (ELLN)
- Prof. Marius Olivier, Extraordinary Professor, Faculty of Law, Northwest University, South Africa; Adjunct-Professor, Faculty of Law, University of Western Australia, Perth, Australia