

International Association of Labor Law Journals
Minutes of Annual Meeting
Leuven, Belgium
June 24, 2015

ATTENDEES:

Joaquin Aparicio	Revista de Derecho Social (Spain)
Gian Guido Balandi	Lavoro e Diritto (Italy)
Kevin Banks	Canadian Labour and Employment Law Journal (Canada)
Guy Davidov	Labour, Society & Law (Israel)
Nelli Diveeva	Russian Yearbook of Labour Law (Russia)
Matthew Finkin	Comparative Labor Law & Policy Journal (United States)
Frank Hendrickx	European Labour Law Journal (Belgium)
Mikhail Kharitonov	Russian Yearbook of Labour Law (Russia)
Guy Mundlak	Labour, Society & Law (Israel)
Alan Neal	International Journal of Comparative Labour Law & Industrial Relations (Italy & The Netherlands)
Fatima Nogailieva	Russian Yearbook of Labour Law (Russia)
Mia Rönmar	International Journal of Comparative Labour Law & Industrial Relations (Italy & The Netherlands)
Jeffrey Sack	Canadian Labour and Employment Law Journal (Canada)
Nikolai Startsev	Russian Yearbook of Labour Law (Russia)
Kirill Tomeshevski	Labour and Social Law (Belarus)
Elena Volk	Labour and Social Law (Belarus)
Manfred Weiss	International Journal of Comparative Labour Law & Industrial Relations (Italy & The Netherlands)
Steven Willborn	Comparative Labor Law & Policy Journal (United States)

GUESTS:

Uladzislau Belavusau	Winner of the 2014 Marco Biagi Award
Barbara Kresal	Employees and Employers (Slovenia)
Pino Nue	Trabajo y Derecho (Spain)
Margarita Ramos	Trabajo y Derecho (Spain)
Andrzej Swiatkowski	Labour Law and Social Policy (Poland)

PROCEEDINGS:

I. Communications of the President

The President, Steven Willborn, welcomed and thanked those present for their attendance. He also welcomed the winner of the 2015 Marco Biagi Award, Uladzislau Belavusau. He thanked the host of the meeting, Frank Hendrickx for the preceding scientific seminar, for the facilities for the annual meeting, and for the subsequent banquet.

Mr. Willborn indicated that his interests and efforts for the IALLJ are reflected in the other business on this meeting's agenda. He encouraged members to contact him or the new President with other ideas and suggestions.

II. Approval of Minutes of Last Meeting, September 16, 2014, Dublin, Ireland

The last business meeting of the IALLJ was held in Dublin, Ireland, on September 16, 2014. The minutes of that meeting had been distributed to the group. The group approved the minutes as distributed.

III. Marco Biagi Award

A. Announcement of Winner

The judges for the 2015 award were Frank Hendrickx (Chair), György Kiss, and Alan Neal. The President extended his appreciation to the judges.

Frank Hendrickx described the process for selecting the winning paper and presented a brief description of the paper. Only four papers were submitted for the 2015 Biagi Award.

The winner of the 2015 Marco Biagi Award was Uladzislau Belavusau (Vrije Universiteit Amsterdam, the Netherlands) for a paper entitled, *A Penalty Card for Homophobia from EU Labor Law: Comment on Asociația ACCEPT (C-81/12)*. In this paper, the author provides a detailed analysis of *Asociația ACCEPT*, an important case from the Court of Justice of the European Union on sexual orientation discrimination. The Court held (1) that an employer could be found liable for the discriminatory statement of a person who is publicly perceived as playing a leading role for the employer, even though the person does not have the legal capacity to bind the employer and (2) that national rules prohibiting such discrimination must be effective, proportionate, and dissuasive. Professor Belavusau evaluates the case as an example of cause lawyering that could be used as a model of legal mobilization for LGBT advocates and for other social movements.

Uladzislau Belavusau presented his paper to the group.

B. Consideration of Next Announcement

The President presented a revised version of the Call for Papers for the 2016 Marco Biagi Award (attached as Appendix A). The group suggested (a) that the Call for Papers include a requirement that an abstract be presented with the submission and (b) that the word limit for the paper be softened to eliminate the sentence "longer papers will not be considered" and to say "in

the range of 12,500 words” rather than the current language of strictly “12,500 words.” After discussion, the group agreed that these changes would be appropriate. The President and new President indicated that they would forward a new draft of the Call for Papers to the group for its consideration, which would include these changes.

IV. Business Items

A. Next President

Jeffrey Sack reported for an ad hoc committee that was charged with the task of recommending a new President. The rest of the ad hoc committee was Guido Balandi, Carole Cooper, Matt Finkin, Manfred Weiss and Steve Willborn (ex officio). Mr. Sack reported on the process for arriving at the committee’s recommendation, which included solicitation of suggestions from the entire membership. The committee recommended that Frank Hendrickx be approved as the next President of the Association. The recommendation was approved by the group by acclamation.

Mr. Balandi and Mr. Aparacio suggested that for the next President due consideration be given to diversity in gender, geography, and linguistics in making the recommendation. Mr. Sack and Mr. Weiss agreed, while resisting the notion that those factors should be determinate. The general consensus was that consideration should be given to those factors, but that the ultimate decision would be for the group to make as it was constituted at the time the next decision is made.

B. Governance Issues

Jeffrey Sack reported on governance issues for the same ad hoc committee. The committee’s principal suggestion was that the Association continue as a largely informal organization, without strict rules. The ad hoc committee did compile the Association’s current minimal governing rules, which are attached as Appendix B.

There was a brief discussion of the language in the governing rules regarding the scheduling of meetings in conjunction with the triennial meeting of the World Congress of the International Society for Labour and Social Security Law. The consensus was to change that language to reflect current experience that consideration be given to that factor in scheduling the annual meeting, but that the meeting need not be scheduled at that time.

There was also a brief discussion of voting rules for the Association. Mr. Balandi suggested that each journal should be entitled to one vote; Mr. Sack suggested that each country should be entitled to one vote, given that the number of journals per country varies considerably. The general consensus

was that the Association should strive to avoid situations in which formal votes are taken and that the issue of how votes should be counted should be resolved only when necessary.

C. Association Activities

1. Index of Journal Articles

The President reported on progress made on a project to provide a comprehensive index on the Association's website to all the articles published in member journals. Lancaster House, which manages the Association's website, has examples of (a) the index as it will ultimately appear on the website and (b) the method of submitting abstracts to the website so that they can be added to the index. The President reported that he will forward these examples to the Association soon. If they are approved, then the process will begin to construct the index.

2. Yearbook of Comparative Labour Law

Jeffrey Sack circulated a copy of the first Yearbook, the *Yearbook of Comparative Labour Law Scholarship 2014*, which was recently published by Lancaster House. A robust discussion ensued about the future of the Yearbook.

There was a general consensus that the current arrangements for the Yearbook were not sustainable. Mr. Sack indicated that the current Yearbook was not received well by the market for several reasons, including the lack of a theme and the previous availability of the articles in member journals. Mr. Neal concurred noting the ad hoc nature of the submissions and the problem presented by the presence of multiple languages in the same volume. Mr. Weiss agreed and was pessimistic about the possibility of the Yearbook being published on an annual basis.

A number of suggestions were made about how to proceed in future. There was a general consensus that, if it were possible technologically, an effort should be made to produce a yearbook in 2015 of articles published in 2014 through a simple compilation of the articles as they originally appeared in member journals, with an introduction by a prominent Spanish academic (Prof. Antonio Baylos Grau, University of Castilla La Mancha and *Revista de Derecho Social*). In future, consideration should be given to other possibilities, such as publications of the proceedings of international meetings or of an overview of all the articles published in member journals. Guido Balandi reminds that in 2013 and in 2014 an Overview of the Labour Law literature in the journals of the Association (respectively in 2012 and 2013) had been published in Italian in *Lavoro e diritto* and in English in the English electronic version of the Bordeaux journal *Revue de Droit compare*

du Travail et de la Sécurité sociale. This publication has been announced in the website of the Association. The Overview will continue also this year. This is not formally an initiative of the Association but it is an expression of its existence and contributes to its “statutory” purposes.

V. *Plans for Next Meeting*

Plans for the 2016 annual meeting of the Association have not yet been made. Professor Balandi indicated that he may be willing to sponsor the meeting. The New President indicated that he would work on arrangements for the next meeting.

VI. *Consideration of New Members*

Six journals applied for membership. Matt Finkin reported for the ad hoc committee on membership which consisted of Mr. Finkin, Guido Balandi, Alan Neal, Manfred Weiss, and Steve Willborn (ex officio). As indicated below, two of the journals were approved for membership. For the others, the membership decision was deferred.

- A. *Delavci in delodajalci – Revija za delovno pravo in pravo socialne varnosti (Employees & Employers – Labour Law and Social Security Review)*(Slovenia). This application was approved by consensus.
- B. *Studia z zakresu prawa pracy i polityki społecznej (Studies in Labour Law and Social Policy)*(Poland). This application was deferred because the Association was unable to identify a willing referee within Poland to assure adequate academic status and respect within Poland. The Association would welcome a resubmission after three years and would also welcome suggestions about those within Poland who can assure domestic academic status and respect.
- C. *Derecho de las Relaciones Laborales* (Spain). This application was approved by consensus as the academic successor to the journal *Relaciones Laborales*, which was one of the original members of the Association, but which ceased publication in December, 2014.
- D. *Trabajo y Derecho: Nueva Revista de Actualidad y Relaciones Laborales* (Spain). This application was deferred because the journal is too new to assess. The Association would welcome a resubmission after two years.
- E. *E-Journal of International and Comparative Labour Studies* (Electronic, international). This application was deferred. Although the journal applied for admission two years ago and was deferred then, this application came in too late for the Association to conduct its usual due diligence on academic status and respect. The Association would welcome a

resubmission next year, but would urge the journal to apply early enough to permit the usual due diligence prior to the next annual meeting.

- F. *Revista Electrónica Internacional y Comparada de RELACIONES LABORALES Y DERECHO DEL EMPLEO* (Electronic, international). This application was deferred. Again, the application for admission was made too late for the Association to conduct its usual due diligence on academic status and respect. The Association would welcome a timely resubmission next year.

VII. *Other Items of Interest*

No other business items of interest were raised.

VIII. *Adjournment*

The meeting adjourned.

Respectfully submitted by,

Steven L. Willborn

Appendix A

CALL FOR PAPERS FOR THE 2016 MARCO BIAGI AWARD

See separate document, which you can use for purposes of distribution.

Appendix B

Report of the Ad Hoc Governance Committee

The ad hoc Governance Committee (Jeffrey Sack, Chair) unanimously concluded, following an exchange of views, that, given the history, size and informality of the Association, a written constitution, with its many detailed provisions, is not appropriate, and that the Association can continue to function, and to be organized, in the existing manner, with guidelines, ad hoc committees, and an elected President who, with the assistance of others, acts as the secretariat. These arrangements should suffice to carry on the primary functions of the Association, which include review of membership applications, elections for President, an annual scientific and business meeting, supervision of the Marco Biagi Award, and (possibly) continued publication of an Annual Yearbook on Comparative Labour Law.

The guidelines of the Association have been collected and are reproduced below for discussion at the Annual Meeting in Leuven.

International Association of Labour Law Journals – Guidelines

1. Purposes.

The purposes of the Association are:

- 1. Advancing research and scholarship in the fields of labour and employment law;*
- 2. Encouraging the exchange of information regarding all aspects of the publishing process;*
- 3. Promoting closer relations among editors of national and international labour and employment law journals.*

The Association has no written constitution, no express statement of its reasons for being. But inherent in its very existence is the assumption that journals committed to the dissemination of the best research and thought in labor and employment law and policy would benefit by having a forum in which to share developments – economic, social, legislative, and judicial – and to place them in comparative context; to serve as a clearinghouse for common substantive and editorial concerns. Accordingly, the Association is open to all qualified journals that share this mission.

2. Membership

More than one journal is eligible for membership from any jurisdiction. To be eligible for membership, a journal must meet the following criteria. It shall:

1. *Have as its primary focus collective and individual employment law and policy, domestic, comparative, or international. The addition of cognate areas of interest, e.g. labour economics, sociology, and industrial relations is welcome so long as these complement the central legal focus.*
2. *Be generally recognized in its jurisdiction as a venue for research and analyses of consistently high quality. In the ordinary course, this standard contemplates that the journal be of an academic or scholarly character; but practitioner-oriented journals or research serials (commonly sponsored by government agencies) will qualify if sufficiently sophisticated in content and highly regarded in the jurisdiction. A newly-founded periodical, lacking an established reputation, will also qualify if its editorial auspices and profile of pieces published thus far give adequate assurance that it will achieve the regard this standard requires.*
3. *Be willing and able to participate in the Association's activities and in attending and, from time to time, hosting the Association's annual meetings or other functions.*

3. Meetings

A meeting should be held in conjunction with the triennial meeting of the International Society for Labour and Social Security Law. Meetings between those triennial events shall be at the discretion of the membership. The host journal is not required to fund the costs of accommodation for editors in attendance at the Annual Meeting. English shall be the language of communication.

4. Membership Application Form

The form of membership application is set out below:

JOURNAL TITLE:

Editors: _____

Email of Contact Editor: _____

Telephone No. of Contact Editor: _____

Mailing Address of Contact Editor:

Publisher: _____

Publisher's Website: _____

Publisher's Address: _____

Publisher's Email: _____

Please provide information regarding the following:

- content: law, IR, both? in what proportion? academic; practitioner-oriented, both? in what proportion?
- target audience (academic, practitioner-oriented, proportions)
- number of issues per year
- subscription price
- circulation number (paid, unpaid)
- peer review standards
- internet address, features on website, e.g. current issues, archives of past issues, abstracts, etc.

Copies of this membership application, together with five copies of the most recent issue of your Journal, should be sent to: Rachel Cardozo, Webmaster, IALLJ c/o Lancaster House, 1881 Yonge Street, Suite 200, Toronto, Ontario M4S 3C4. If you have any inquiries, please contact the Webmaster at rcardozo@lancasterhouse.com.