



Newsletter No.6

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Contents

New EALCJ Internet Site Goes On-Line	1
Fundamental Social Rights Book Published	1
1998 Technical Seminar on Practice and Procedure in Discrimination Cases	2
Rome Meeting of the Executive Committee of the EALCJ	3
EALCJ Technical Seminar in Conjunction with the European Court of Justice	3
Technical Seminar on Part-Time Work, Spain 1999	3
Officers of the European Association	4

New EALCJ Internet Site Goes On-Line

The Association's new internet site has been available for trial access since 1st February 1999. This marks the beginning of a "test-bedding" period which is planned to last until the end of April 1999, at which time all of the new features planned to be included in the site should be completed and loaded for public use.

Access to the site has been facilitated by the International Centre for Management, Law & Industrial Relations in the University of Leicester, England, and, as well as providing updated news about EALCJ activities, the site allows users to connect directly to a wide range of technical sites dealing with labour law, European Union law, and official publications in most of the Member States of the European Union and EEA.

Amongst the features included on the new site is the ability to download EALCJ Newsletters in a convenient form for printing off-line, as well as a "bulletin board" containing news about conferences, training events, and general developments of interest to judges and policy-makers in the field of European Labour Law.

Access to the new EALCJ site is at:

<http://ic.law-web.co.uk/Neighbours/EALCJ.html>

Fundamental Social Rights Book Published

Final results of the Association's 1997 seminar in Seville will be published for the EALCJ by Ashgate Publishers, in the form of the volume *Fundamental Social Rights at Work in the European Community*. The book, produced under the direction of Professor Alan Neal, is to be launched on 17th April 1999. Full details and information about how to obtain copies can be found on the EALCJ internet site.

1998 Technical Seminar on Procedure and Practice in Discrimination Cases

At the invitation of Judge Giovanni Mammone and colleagues from the Italian *Consiglio Superiore della Magistratura*, the Association organised its most recent technical seminar in Rome over the period 29th - 31st October and 1st November 1998.

The technical seminar was organised with financial support from the social affairs directorate (DG/V) of the European Commission, and some twenty participants, including representatives from twelve of the member countries of the Association, gathered to discuss a wide range of issues relating to discrimination claims before European labour courts and tribunals. The Association was also pleased to welcome representatives from the European Commission and the European Lawyers' Association, as well as a group of distinguished judicial colleagues from the Italian *Corte di Cassazione*.

Amongst the matters addressed during the seminar were problems of access to justice in cases of discrimination; rules relating to time limits for bringing discrimination claims; problems raised by provisions on the burden of proof in discrimination litigation; issues surrounding remedies for successful litigants in discrimination cases; and procedures for appeal against first-instance decisions in such cases.

The technical working sessions proceeded on the basis of reports drawn up by each of the national delegates, prepared in response to a template questionnaire drafted by the EALCJ Secretariat. Following the discussion sessions, three overview reports have been prepared by the rapporteurs – Monica Garzia (*Italy*), Tor Mehl (*Norway*), and Jenny Schokkenbroek (*The Netherlands*) – and a final report is being written by Michael Homfray-Davies (United Kingdom) for submission to the European Commission in June 1999.

The Association would like to place on record its appreciation of the efforts made by our Italian hosts, ensuring that this highly successful Rome meeting provided both a valuable opportunity to reflect on key problems raised by litigation in relation to discrimination as well as an important chance to renew professional links between EALCJ friends and colleagues.

Participants in the Rome Seminar

Austria	Judge Gerhard Kuras <i>Court of Appeal, Vienna</i>
Finland	Judge Pekka Orasmaa <i>President, Labour Court, Helsinki</i>
Germany	Judge Friedrich Hauck <i>Federal Labour Court, Kassel</i>
Iceland	Judge Eggert Oskarsson <i>President, Labour Court, Reykjavik</i>
Ireland	Ms. Mary Faherty <i>Employment Appeals Tribunal, Dublin</i>
Italy	Judge Fabio Gallo <i>Consiglio Superiore della Magistratura, Rome</i> Judge Monica Garzia <i>Pretore del Lavoro, Rome</i> Judge Giovanni Mammone <i>Corte di Cassazione, Rome</i>
The Netherlands	Mrs. Jenny Schokkenbroek <i>Regional Labour Tribunal, Utrecht</i>
Norway	Judge Tor Mehl <i>Vice-President, Labour Court, Oslo</i>
Portugal	Mrs. Amelia Alves Ribeiro <i>Labour Court, Lisbon</i>
Spain	Mrs. Colva <i>Labour Tribunal, Madrid</i>
Sweden	Judge Michäel Koch <i>President, Labour Court, Stockholm</i>
United Kingdom	Douglas Crump <i>Chairman of Employment Tribunals, Birmingham</i> Michael Homfray-Davies <i>Chairman of Employment Tribunals, Liverpool</i> Professor Alan Neal <i>Chairman of Employment Tribunals, London</i> Colin Sara <i>Chairman of Employment Tribunals, Bristol</i>
EU Commission	Ms. Fiona Kinsmann <i>Directorate-General V</i>
European Lawyers' Association	Avv. Franco Toffoletto

Rome Meeting of the Executive Committee of the EALCJ

As an adjunct to the Association's technical seminar in Rome the annual general meeting of the Executive Committee of the EALCJ took place on 31st November 1998, under the chairmanship of the Secretary-General, Colin Sara.

Amongst the matters dealt with by the Executive Committee on that occasion were the approval of proposals to develop a formal programme of activities for the Association during the forthcoming five-year period; an agreement to explore prospects for financial support in relation to future activities from the recently-established GROTIUS-Programme and Robert Schuman project; approval of proposals to enter into closer relations with the Meeting of European Labour Court Judges (MELCJ), as

outlined in *EALCJ Newsletter* No.5; and agreement on the level of affiliation fee for national sections in respect of the coming year.

On that latter point, it was agreed that the affiliation fee should be set at 1,000 *Euros* per Member State, payable as of 1st January 1999.

Finally, it was agreed that the Secretariat should complete its informal discussions with colleagues in relation to the appointment of Officers of the Association for the next three-year period. Those discussions have continued, and a list of appointments to the relevant posts is set out at the end of this *Newsletter*.

The next meeting of the Executive Committee is scheduled to take place in Trier, Germany, on Saturday 20th May 2000.

EALCJ Technical Seminar in Conjunction with the European Court of Justice

The Secretary-General (Colin Sara) and Convenor (Professor Alan Neal) travelled to Luxembourg on 10th - 12th February 1999 in order to discuss with members of the European Court of Justice the organisation by the EALCJ of a technical seminar in May 2000. A meeting was also held with the Director of Programmes at the Academy of European Law, in Trier, Germany, to discuss joint involvement between the EALCJ and the Academy in the organisation of that event.

As a result of those meetings, it has been

agreed in principle that the EALCJ will organise its next technical seminar in conjunction with the Trier Academy, and that the focus of the seminar will be upon the process of making references to the European Court of Justice under the provisions of Article 177 of the Treaty.

The Court of Justice has kindly agreed to assist in making the necessary arrangements, including hosting the seminar's sessions in the Court building in Luxembourg.

It is intended that the seminar should take place between 17th and 20th May 2000.

Technical Seminar on Part-Time Work, Spain 1999

Following a generous initiative by the Association's retiring President, Judge Alfonso Martinez Escribano, and his colleagues within the Spanish judiciary, plans are currently under way to organise a technical seminar on various aspects of part-time work and the problems which that form of work organisation poses for labour courts and tribunals in Europe.

It is anticipated that this seminar will take

place in the early Autumn of 1999, and that there will be an opportunity for members of the national affiliates of the EALCJ to participate in the proceedings.

Further details about this event, together with information concerning participation in the technical seminar, will be made available on the Association's internet site as soon as these become available.

Officers of the European Association

Following a meeting of the Executive Committee of the European Association, held in Rome on Saturday 31st October 1998, the Secretariat held discussions with members of the Executive Committee in order to finalise arrangements for the Presidency of the Association which fell vacant on the completion of Judge Alfonso Martinez Escribano's term of office. As a result of those discussions, the following indicated their willingness to act as Officers of the Association for the periods indicated:

President (1999-2000) Judge Gustav Maier (*Austria*)

Immediate Past-President (1999-2000) Judge Alfonso Martinez Escribano (*Spain*)

President-Elect (1999-2000) Ms. Mary Faherty (*Ireland*)

Further to decisions taken at a meeting of the Executive Committee of the European Association, held on the occasion of its international seminar at Seville in 1997, the following members continue to constitute the Secretariat of the Association:

Secretary-General (1997-2000) Mr. Colin Sara

Treasurer (1997-2000) Mr. Douglas Crump

Convenor (1997-2000) Professor Alan C. Neal

The EALCJ Newsletter is the official organ of the European Association of Labour Court Judges, which is a Company limited by guarantee in the United Kingdom. The Newsletter aims to provide current news and information about the activities of the Association and its members. Contributors to the Newsletter express their personal views, and should not be taken necessarily to represent the official positions adopted by the Courts or Tribunals in which they sit, or the views held or expressed by the governments or any government agency of the Member States or legal systems in which they act.

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