



Newsletter No.15

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Edited by Colin Sara

ANNUAL CONGRESS – LIVERPOOL – 26TH & 27TH JUNE 2009

“The impact of mobility of workers and enterprises on employment protection”

Think “Ferry cross the Mersey”, think Beatles, think Liverpool FC. This year we are taking our Congress to the European City of Culture 2008. The Congress will take place in the Cunard Building, one of the “three graces” which are at the centre of the famous Liverpool waterfront.

The Congress will focus on the impact of migrant workers and cross border businesses upon national and European law. The central European Union concept of the Free Movement of Workers means that the influx of workers from less prosperous countries with different employment traditions affects traditional protections in the more developed countries of the Union. Meanwhile, businesses seek to establish branches in other countries of the Union and then employ workers on their own national terms.



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This means that many such workers are not directly subject to collective bargaining and may not be “employees” in the normal sense of the word.

The Congress Hotel will be Jury’s Hotel, a brand new hotel on the King’s Waterfront.



We believe that this is a wide-ranging and important subject, and we hope that the European Commission will find it sufficiently interesting to back us financially.

We hope to arrange a dinner on Friday evening at the Athenaeum, a 19th Century gentlemen’s club which is now available for us, whether gentlemen or not.

The University of Liverpool is also keen to be involved. We hope that Professor Brian Doyle (himself an Employment Judge) will give the keynote address, and there is, by coincidence, a University-based conference on migrant workers on the Thursday which our delegates will be welcome to attend.

There are very reasonable flights from all over Europe direct to Liverpool John Lennon Airport. There is so much to do in Liverpool that we will not organise a specific visiting programme – you can choose between the Cavern Club, the Mersey Ferry, Liverpool FC, the open bus tour of historic Liverpool, the Tate Gallery of Modern Art, numerous museums, a DUKW which travels up and down the canal, and a spanking new shopping centre.



There is even a ‘50 years of Motown’ Concert on Sunday night at the arena close to the Conference Hotel.

There will be a Conference fee of €300. We will shortly be sending out Registration Forms with further information.

2008 Congress, Vienna – 4th & 5th July 2008

Our 2008 Congress took place at the Palace of Justice, Vienna, on the subject of “Harassment and Violence at Work”, with Tunde Hando (President of the Hungarian Labour Court) as our President. Like many of our previous Congresses, it was supported by the European Commission. The final report, which will be submitted to the European Commission, is still in preparation, but perhaps we can give a flavour of the Congress for those who could not attend.

The recently renovated Supreme Court of Austria is a magnificent example of the Emperor Franz-Josef’s re-modelling of Vienna. Built in the renaissance style, it is less assertive than some of the better known buildings and proved a beautiful and comfortable building in which to hold our Congress.

We were honoured and delighted to be invited by the President of the Supreme Court, Dr Irmgard Gris, and by our colleagues, Herbert Hopf, Gerhard Kuras and Marlies Glawischnig.

The keynote address was given by Professor Ulrich Runggaldier, Austria’s leading academic on employment law.

When the issue was discussed, it was immediately clear that this problem, often called “mobbing”, is a live issue in all of the participating countries.

The European Commission’s attempt to address this on a European level is based on the framework agreement prepared by the social partners and two senior Austrian representatives of the Social Partners, Dr Peter Hoffman and Mag. Christa Schweng, took part in a panel discussion.

This session raised not only the problem itself, but the effectiveness of using the social partners to promote and enforce employment rights. We discovered that there had been much discussion among the social partners nationally and Europe-wide, but that there had been little action and the Agreement itself was not widely known at the national level.



On the other hand, the approach it takes did fit in with what national courts were doing. There is a wide range of approaches available, from criminal sanctions, for the most serious forms of harassment, through disciplinary action against the perpetrator, internal and external mediation, to addressing the issue

instantly at the workplace with a round-table discussion.

We believe that the meeting helped to identify best practice in different countries and to demonstrate the extent to which different countries were addressing the issue. We also considered the extent to which European action was necessary and whether that action needed to be strengthened.

As usual, there was a social side to the Congress. There is no better view of Vienna than the view from the roof restaurant at the top of the Palace of Justice. Usually it is only open to the staff and litigants, but we were delighted to be invited to hold our Friday evening dinner there. Saturday saw us on a walking tour, followed by a visit by tram to the Matthias Kierlinger Wine Lodge, a friendly and informal *heurigen*. Our excellent hotel was the K&K Maria Theresia, in a lively restaurant area close to the centre.

Website

The website at www.ealcj.org has been updated. It is now easier to access now contains reports from the Congresses up to 2007, information of national labour courts throughout Europe and all the Newsletters. We hope that you find it a useful resource and hope to develop it further in the future, possibly with a bulletin board of national judgments from throughout Europe. Thanks to Michael Homfray-Davies for his work on this project.

Annual General Meeting, Palace of Justice, Vienna Saturday 5th July 2008

The AGM of the association took place during the Annual Congress. Italian Supreme Court Judge Giovanni Mammone was elected as our new President for 2009, and the Secretariat were re-elected:

- President 2009: Giovanni Mammone
- Secretary-General: Colin Sara
- Convenor: Professor Alan Neal
- Treasurer: Michael Homfray-Davies

National representatives:

Austria	Herbert Hopf
Belgium	Alain Simon
Czech Republic	Zdenek Novotny
Denmark	Per Sørrensen/ Borge Dahl
Estonia	Mare Merimaa
Finland	Pekka Orasmaa
Germany	Helmut Zimmerman
Hungary	Tunde Hando
Iceland	Eggert Oskarsson
Italy	Giovanni Mammone
Ireland (EAT)	Kate O'Mahoney
Ireland (Labour Court)	Kevin Duffy
Lithuania	Sigita Rudenaite
Luxembourg	Tom Moes
Malta	Abigail Lofaro
Netherlands	Taco van Peijpe
Norway	Tor Mehl
Poland	Marek Pliszkiwicz
Slovenia	Janez Novak/ Miran Blaha
United Kingdom	John van Gelder

The outgoing President, Taco van Peijpe, reported on his largely successful efforts to recruit members in Czech Republic, Estonia, Latvia and Lithuania, and of the idea of a Forum to enable National Labour Judges to discuss current cases from a trans-national perspective.