

BOOK REVIEW

Labor in Latin American and European Constitutions, Ricardo Marcenaro Frers (Peru: Diálogo, 2004, 423 pp.)

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Ricardo Marcenaro has presented us with a new work entitled *Labor in Latin-American and European Constitutions*. With this book he continues his former studies that culminated with the publication of his book *Labor in the New Constitution*, the presentation of which took place at OEA premises in Washington, D.C., receiving well-deserved recognition for its high level of analysis and information.

The first thing that can be said about Marcenaro's new book is that it is a very serious work, carried out with much dedication, responding to a genuine interest and vocation. There is a lack of rules in comparative legislation on how to proceed in studies of this nature and Ricardo Marcenaro has applied his own. Obviously, as with any arbitrary rule, there can be other opinions, but for those that do not agree, they have constitutional texts on labor matters that will help in adopting their own.

The author has collected the constitutions of nineteen Latin American and twenty-four European countries, representing a significant number containing the largest economies of these regions. This considerable effort is dwarfed when compared with the translation of each of those that he could not find in Spanish, a complex task of great responsibility.

It is important to emphasize here that not only texts of labor articles of Latin American and European Constitutions are presented, they are classified by themes as well and allow the studios to find them easily.

The criterion he has applied, according to what he himself has pointed out in this work, has consisted in placing in each constitutional text articles linked to labor matters. Subsequently, he made a list of all the labor themes in each constitution and established

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common themes among all of them, repeating five of them in five Latin American and European countries for comparison. Through charts presented in a didactic way, one can accurately visualize the existing differences in each labor article of the several analyzed constitutions.

It is not surprising to see that European Constitutions cover a smaller number of matters than Latin American ones and—to emphasize this affirmation—preference in labor credits reaches a constitutional level in all Latin American legislations and none in the European; and it is not due to workers' lack of protection in Latin America, but rather that the legislature has not intended for it to reach the level of a greater hierarchy.

To summarize, and because we do not know of any existing work in which labor legislation is compared in such a large number of constitutions, the author deserves a heartfelt congratulation. I am confident that this work will amply fulfill its objective, which is to expand knowledge of constitutional texts in Latin America and Europe, and I am convinced that it will be warmly greeted in academic circles.

EUROPEAN AND LATIN-AMERICAN CONSTITUTIONS. RESUME (1)

By Professor Ricardo Marcenaro Frers

European nations include very few labor rights in their constitutional texts, however, they offer the most legislative protection to the workers. They propose 28 labor topics.

Only 15 labor rights are repeated in European Constitutions 5 or more times.

Latin-American nations incorporate to their constitutions more labor rights; nevertheless, their workers are less protected in reality. They propose 64 labor topics. There are 47 labor rights repeated in Latin-American constitutions 5 or more times.

There does not exist any common labor right between European constitutions if we take into account the half plus one (13) of the total of consulted texts.

(1) Take it from the book of Ricardo Marcenaro Frers «El Trabajo en las Constituciones Latinoamericanas y Europeas.» Lima, Perú, 2004. Diagramation and print offset: Diálogo S.A

There are 15 common labor rights in Europe and Latin-America that are repeated 5 or more times in the constitutions.

1. Work as a right or duty

2. Protection of work
3. Protection to women and mothers
4. Protection to infants
5. Work promotion (Full employment)
6. Equality and non discrimination principle
7. Liberty and choice of work
8. Social salary
9. Working days
10. Weekly rest, holidays and public holidays
11. Vocational training
12. Freedom of association to trade-unions
13. Collective agreements
14. Strike
15. Workers participation in the organization

South American Countries: Constitutional Labor Law Treatment

The labor law principles of common treatment in most of the South American constitutions are:

1. Work as a right or duty: Argentina, Bolivia, Colombia, Ecuador, México, Paraguay, Perú, Uruguay, Venezuela
2. Work as a social value: Bolivia, Brasil, Colombia, Ecuador, Perú, Venezuela
3. Work protection: Argentina, Bolivia, Colombia, Ecuador, México, Paraguay, Perú, Uruguay Venezuela
4. Work promotion (Full employment): Bolivia, Brasil, Colombia, Ecuador, México Paraguay, Perú y Venezuela
5. Equality and non discrimination principle: Brasil, Colombia, Ecuador, México, Paraguay, Perú y Venezuela
6. Principle of non-renunciable: Bolivia, Colombia, Ecuador, México, Paraguay, Perú y Venezuela
7. Principle of indubio pro-operario: Colombia, Ecuador y Venezuela
8. Reality primacy: Colombia y Venezuela
9. Equal pay by equal work: Brasil, México, Paraguay y Venezuela
10. Liberty and choice of work: Chile, Ecuador, México, Paraguay, Uruguay y Venezuela
11. Free payed work: Bolivia, Chile, Ecuador, México, Paraguay, Perú, Venezuela
12. Decent work: Argentina, Colombia, Ecuador, México, Paraguay, Perú

13. Fair wage: Argentina, Bolivia, Brasil, Ecuador, Perú, Uruguay, Venezuela
14. Protection to wage and labor credits: Brasil, Ecuador, México, Perú, Venezuela
15. Social wage: Bolivia, Brasil, Ecuador, México, Paraguay, Perú, Venezuela
16. Minimum wage: Bolivia, Brasil, Colombia, Chile, México, Paraguay, Perú, Venezuela
17. Working time: Argentina, Bolivia, Brasil, México, Paraguay, Perú, Uruguay y Venezuela
18. Right to weekly rest, holidays and public holidays: Argentina, Bolivia, Brasil, Colombia, México, Paraguay, Perú, Uruguay y Venezuela
19. Trade union freedom: Argentina, Bolivia, Brasil, Colombia, Chile, Ecuador, México, Paraguay, Perú, Uruguay, Venezuela
20. Collective agreement: Argentina, Bolivia, Brasil, Colombia, Ecuador, Paraguay, Perú, Venezuela
21. Right to strike: Argentina, Bolivia, Brasil, Colombia, Chile, Ecuador, México, Paraguay, Perú, Uruguay, Venezuela
22. Workers participation: Argentina, Bolivia, Brasil, Colombia, México, Paraguay, Perú, Venezuela
23. Labor stability: Argentina, Bolivia, Brasil, Colombia, México, Paraguay, Perú, Paraguay,
24. Freedom of association to trade-unions: Argentina, Bolivia, Brasil, Colombia, Chile, Ecuador, México, Paraguay, Perú, Uruguay, Venezuela
25. Trade union forum: Argentina, Bolivia, Brasil, Colombia, Chile, México, Paraguay, Paraguay, Venezuela
26. Collective bargaining: Brasil, Colombia, Chile, Ecuador, México, Perú, Venezuela
27. Family expenses: Argentina, Bolivia, Brasil, Paraguay, Venezuela
28. Unemployment insurance: Bolivia, Brasil, México, Paraguay, Uruguay, Venezuela.