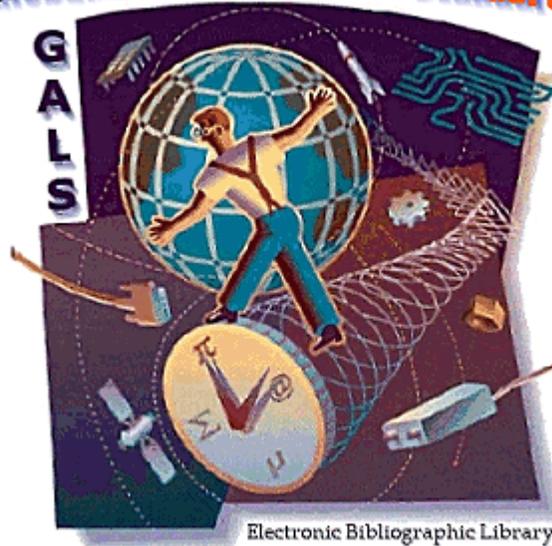


Globalization and Labor Standards



GALS Newsletter

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Extraterritorial Application of Law

Cotter, Kelly M., “Combating Child Sex Tourism in Southeast Asia,” *Denver Journal of International Law and Policy* vol. 37 no3 (Summer 2009) p. 493-512

Abstract:

Each year, more than two million children are exploited in the global commercial sex trade. This article begins with a glimpse of this epidemic which, due to recent trends in globalization, modernization and population growth, has hit Southeast Asia with particular force. To begin, the author portrays three stories of child predators in the region: the first was able to elude U.S. law enforcement prior to enactment of the U.S. Prosecutorial Remedies and Other Tools Against Exploitation of Children Today Act (PROTECT Act); the second was successfully prosecuted in his home country of Canada under the Canadian Protect Act; and, the third was brought to justice as a result of international cooperation between NGOs and law enforcement in the U.S. and Cambodia. Next, the author attempts to show that child sex tourism must be combatted through legislation, both domestic and international, aimed at shutting down the demand side of the industry. In the U.S., this has included the PROTECT Act, the Trafficking Victims Protection Act (TVPA), and various state anti-sex-trafficking laws (enacted in thirty-nine states). Internationally, NGOs play a crucial role in providing resources for enforcement, working to rehabilitate victims, and deterring potential predators from committing sex crimes, no matter where they are.

Subjects: [Extraterritorial Application of Law](#), [Sex Slavery](#), [Sex Workers](#)

Full-text links: || [WESTLAW](#) || [LEXIS-NEXIS](#) ||

Codes of Conduct

Phillips, Joe, “Their Brothers’ Keeper: Global Buyers and the Legal Duty to Protect Suppliers’ Employees,” *Rutgers Law Review* vol. 61 no2 (Winter 2009) p. 333-379

Abstract:

Substandard workplace conditions in poor countries as a result of globalization have prompted a push for responsibility for corporate buyers in the first world. In turn, buyers have adopted “codes of conduct” for their suppliers: baseline practices governing child and forced labor, union rights, wages, safety, amongst other aspects of the third-world workplace. Yet, legal enforcement of the codes is problematic. The result has been a complex patchwork of codes, but less transformation than advocates had hoped. After describing this phenomenon, this article examines some legal claims that may arise from the disparity between buyers’ codes of conduct and the brutal conditions found within their producers’ workplaces. The author argues that under Good Samaritan and general contractor doctrine in tort law, codes of conduct may create legal duties for buyers which, if coupled with personal injuries resulting from producers’ workplaces,

could result in liability for buyers. For wage and benefit claims, third-party beneficiary and promissory estoppel doctrines provide at least theoretical liability, as well. In conclusion, while advocates may hail the possibility of legal pressure, the author warns, they should make sure not to scare buyers away from codes of conduct altogether.

Subjects: [Codes of Conduct](#)

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Forced Labor

Tomlinson, Ashley V., “Slavery in India and the False Hope of Universal Jurisdiction”, *Tule Journal of International and Comparative Law* v. 18 no1 (Winter 2009) p. 231 – 261

Abstract:

This Comment explores solutions to the problem of India’s growing slave population and, particularly, the concept of universal jurisdiction that is garnering growing support from the international community. The author describes the legal history of slavery in India, the characteristics of modern slavery as differentiated from traditional slavery, and the historical and modern-day role of slavery in India. While slavery is illegal in India, widespread poverty and a desire for market competitiveness in the form of cheap production costs encourages the use of modern slavery in the forms of bonded labor, child labor and forced prostitution. This comment considers the multiple causes of modern slavery in India and stresses that adherence to the traditional caste system in India – a system in which an entire class of people is expected to perform demeaning, compulsory work for little or no pay – is perhaps the most daunting obstacle to the eradication of modern slavery in India. It argues that the deeply rooted belief in the caste system underlies the refusal of the Indian government to find violations or enforce adequate remedies in practice. The author considers a universal jurisdiction regime to address the problem, in which willing states would have the authority to prosecute slavery violations as violations of customary international law and *jus cogens* norms. Ultimately, the author concludes that the assertion of universal jurisdiction through national statutes is not a realistic solution to the problem of modern slavery in India.

Subjects: [Forced Labor](#), [Sex Slavery](#), [Slavery](#) **Full-text links:** || [WESTLAW](#) || [LEXIS-NEXIS](#) ||

Links to Related Projects

The International Labour Organization’s (ILO) Informal Economy Resource Database:
<http://www.ilo.org/dyn/infoecon/iebrowse.home>

The Informal Economy Resource Database contains a myriad of ILO activities, research or tools directly or indirectly related to the informal economy and decent work. This source is a "living" and dynamic inventory of information on labour issues relating to the informal economy, such as

access to finance, data and statistics, employment, gender equality, policy, rights, social protection and working conditions. It is a valuable tool for anyone undertaking research or working on labour issues and the informal economy.

International Labour Organization's (ILO) Conditions of Work and Employment Laws
<http://www.ilo.org/travdatabase>

The Program maintains a Database of Conditions of Work and Employment Laws, which provides information on laws from around the world. The database covers measures on minimum wages, working hours and holidays, and maternity protection and provides information on around 130 countries from all regions.

Asian Law Center: <http://www.law.unimelb.edu.au/alc/bibliography/browse.asp?s=45>

The Asian Law Centre, an initiative of the University of Melbourne Law School, devoted to the development of understanding of Asian law, offers an extensive bibliography of Asian labor law articles and reports.

Centre for Employment and Labour Relations Law: <http://www.law.unimelb.edu.au/celrl/>

Centre for Employment and Labour Relations Law is a research and teaching center devoted to the development of an understanding of labor law at the University of Melbourne. The Center's website describes the activities of the Center and contains links to several databases that are of interest to labor law scholars and practitioners. For example, the Center's Work Relations Law Project contains extensive information about Australian labor law that can be accessed directly at <http://www.austlii.edu.au/au/special/industrial/>.

ETUI Labourline: <http://www.labourline.org/Etui>

ETUI Labourline is a database of European labor information resources covering European, international and comparative aspects of industrial relations and health and safety issues, developed by the Documentation Centres of the European Trade Union Institute and the European Trade Union Institute for Health and Safety(Brussels). The consolidated bibliographic database contains more than 20,000 references to documents focusing on industrial relations, and more than 15,000 references to documents on health and safety issues.

Globalization Bulletin: <http://www.rci.rutgers.edu/~dbensman/bulletin.html>

The Globalization Bulletin is a weekly e-newsletter providing linked access to the latest articles, research, and web resources on a range of global labor issues—ranging from union organizing and labor markets to immigrations and trade agreements. The Bulletin is produced by the Globalization Task Force of the New Jersey Division of the United Nations Association-USA and the Department of Labor Studies and Employment Relations School of Management and Labor Relations, Rutgers University. To subscribe, email David Bensman at dbensman@smlr.rutgers.edu.

International Social Security and Workers Compensation Journal:

<http://www.business.curtin.edu.au/business/research/journals/international-journal-of-social-security-and-workers-compensation>

The International Social Security and Workers Compensation Journal is an on-line journal that focuses on international scholarship in the areas of social security, workers compensation, and occupational health, and disability support. It is published by the School of Business Law, Curtin Institute of Technology in Perth Australia. The IJSSWC contains inter-disciplinary articles in fields such as law, occupational medicine, health economics, and disability studies.

Labor and Global Change Database: <http://www.ilir.umich.edu/lagn/>

The Labor and Global Change Database provides bibliographies, citation information and (where available) web links to the full text of research exploring connections between labor and globalization. The database aims to provide researchers with an easy means to make the results of their work widely available to other scholars and the interested public. The database is run by and continually updated by the Labor and Global Change Program of the University of Michigan.

LabourWeb: <http://www.lex.unict.it/eurolabor/en/>

The Labour Web is a comprehensive documentation center for information about European labor law, social law, industrial relations and the welfare state. It contains up-to-date versions of European Union law, directives, pending directives, EU news, press releases, economic statistics and decisions of the European Court of Justice. It also contains a Working Papers series and subject matter reports (dossiers) on issues concerning European integration. The site also provides links to other websites that contain working papers, statistical reports, and other information about social, economic and industrial relations affairs in the European context. It is run by the Massimo D'Antona Centre for the Study of European Labour Law, at the Faculty of Law of the University of Catania.

The Marco Biagi Centre for International and Comparative Studies:
<http://www.csmb.unimo.it>

The Marco Biagi Centre for International and Comparative Studies at the University of Modena and Reggio Emilia, Italy, functions as policy resource center on comparative labor issues. Besides publishing books and law journals, the Center provides a clearinghouse of international law journals, including the International Journal of Comparative Labour Law and Industrial Relations (<http://www.csmb.unimo.it/journal.html>). Currently only in Italian, the Center's website will soon offer an English version.

Trade Unions and Labor Relations Database: <http://www.polwiss.fu-berlin.de/tu/english/>

The database, produced by the Institute of Labor Relations of the Otto-Suhr-Institute of the Freie University of Berlin, contains almost 7,000 citations of books, articles, working papers, brochures, proceedings etc. The bulk of the citations address aspects of labor relations in Germany, but there is a substantial body of literature in the database covering the EU and Eastern Europe.

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