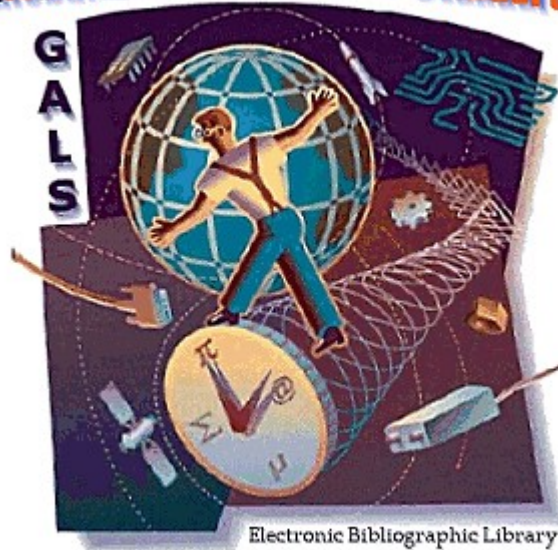


Globalization and Labor Standards



GALS Newsletter

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Industry-Specific Case Studies

Kaeb, Caroline, "Emerging Issues of Human Rights Responsibility in the Extractive and Manufacturing Industries: Patterns and Liability Risks", *Northwestern Journal of International Human Rights* v. 6 no2 (Spring 2008) p. 327

Abstract:

This article provides case studies from several countries on patterns of human rights abuses by multinational corporations (MNCs) in the extractive and manufacturing industries. The author argues that in the extractive industries, human rights abuses are typically committed by government security forces or government authorities of the host country, often at the request oil or mining corporations. The degree of

corporate liability, either in civil litigation in the United States or through criminal prosecutions in European courts, tends to depend upon the proximity and kind of relationship between the corporations and the host government's security forces. By contrast, human rights abuses within manufacturing industries abroad mostly involve allegations of abuse within the corporate production and supply chain, and mostly pertain to the situation in the workplace, including allegations of forced labor, child labor and violations of the international labor standards pertaining to freedom of association and collective bargaining. The author concludes that MNCs in both sectors have increasingly accepted responsibility for human rights abuses and adopted various voluntary corporate codes of conduct.

Subjects: [Child Labor](#), [Codes of Conduct](#), [Corporate Accountability](#), [Industry-Specific Case Studies](#)

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NAFTA/GATT

Mumford, Todd, "Voluntary International Standards: Incorporating 'Fair Trade' within Multilateral Trade Agreements", *Southwestern Journal of Law and Trade in the Americas* v. 14 (2007) p. 171

Abstract:

This article proposes the incorporation into existing multilateral trade agreements, such as the North American Free Trade Agreement (NAFTA), a uniform and voluntary set of international labor standards, which could be certified by third party nongovernmental organizations (NGOs). The model for this proposal derives from the U.S. Department of Agriculture's adoption of a standardized definition for "organic" food products, which, under the Organic Foods Production Act of 1990, provides a uniform set of standards, which can nonetheless be monitored the certification processes of multiple third party NGOs. The underlying concern of the author is to ensure uniformity in the meaning of "fair trade," so as to prevent a proliferation of competing definitions which may be used by big businesses to evade compliance and ultimately undermine consumer confidence in the integrity of the "fair trade" label. The author points out that such uniform standards are not prohibited under the terms of NAFTA or other multilateral free trade agreements, so long as they do not function as a "technical barrier to trade."

Subjects: [Country-Specific Case Studies](#), [Labor Rights in General \(Misc.\)](#), [NAFTA/GATT](#), [Trade Agreements](#), [Trade Conditionality](#)

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Privatization

Finkin, Matthew W., "Privatization of Wrongful Dismissal Protection in Comparative Perspective", *Industrial Law Journal* v. 37 (2008) p. 149

Abstract:

In *Circuit City Stores*, the Supreme Court ruled that it employers may impose mandatory pre-dispute arbitration of statutory employment claims. This article compares the privatization of employment law claims in the U.S. to the British, French, and German systems and shows that in each of those systems, such privatization would not be viable. The article explores the reasons for the U.S. exceptionalism in this arena including the American courts' desire to clear clogged dockets, the lassitude of the American legislature on the topic, and the rationale offered by public choice theory. In contrast, the article explains,

the substitution of employer designed private remedies would be unthinkable in the British, French, and German systems. While each of these three systems is distinct in many aspects, they share three important features: (1) public tribunals are seen as inviolable fixtures of the legal culture, (2) legislation would be required to dismantle extant legal barriers to privatization of employment claims, and (3) despite awareness of the U.S. trend toward privatization, there has been no serious legislative interest in following that direction.

Subjects: [Comparative Labor Law](#), [Country-Specific Case Studies](#), [Privatization](#)

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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.

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/celr/>

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.

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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