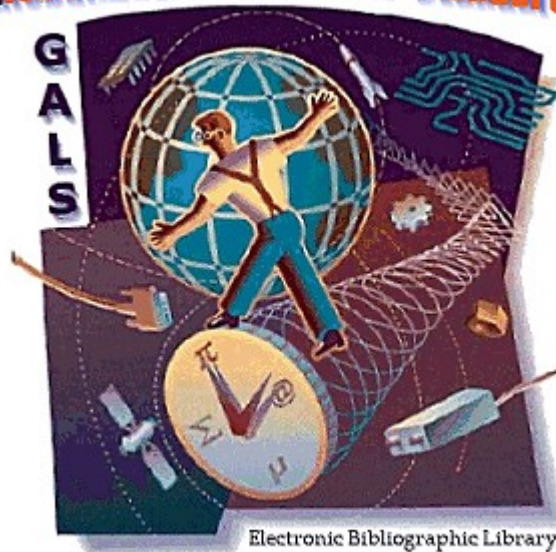


Globalization and Labor Standards



GALS Newsletter

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Katherine V.W. Stone – Editor and Project Director

Managing Editor:
Brendan Smith

Student Contributors:
Scott Miller
Carol Igoe
Lincoln Ellis
Brian Maucotel
Christina Gallo

Tech Advisor:
Salman Quazi

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Comparative Labor Law

Goldin, Adrian, "Fairness at Work (The Authurs Report): An Argentinean Perspective",
Comparative Labor Law & Policy Journal v. 29 no4 (2008) p. 533-546

Abstract:

This article begins by summarizing the Arthurs report on Federal Canadian employment law reform, and comparing it to Argentinean Mario Deveali's effort to define "Labor Law science" over fifty years ago. The author finds that the Arthurs Report is oriented toward values such as decency, the market economy, and flexicurity -- i.e., the reconciliation of worker security and flexibility in employment. He shows that Deveali's approach is more technical in nature but similar in goals to Arthurs. The author proposes that each country's application of flexicurity should be unique. In Argentina, the public's distaste of neoliberal policies in the 1990s necessitates a clear break from those policies before the principle of flexicurity could be legitimized. The author concludes by highlighting the potential for comparative research on employment and labor standards in Canada and Argentina. Both countries are federalist, but whereas Canadian provinces are empowered to create employment and labor laws, the Federal Government is charged with doing so in Argentina.

Subjects: [Comparative Labor Law](#), [Contingent Work](#), [Country-Specific Case Studies](#), [Flexibilization](#), [Labor Mobility](#)

Country-Specific Case Studies

Rajadhyaksha, Meghna, "Mergers and Amalgamations in India: Protecting Labour in Times of Change", *International Journal of Comparative Labour Law and Industrial Relations* v. 23 no3 (Fall 2007) p. 375-399

Abstract:

The author argues that India's company law and labor law do not adequately protect workers during a merger or amalgamation. First, while companies are required to consult with, and obtain approval from members and creditors prior to a merger, they are not required to consult or obtain permission from their workers. Workers' interests are merely merged with the general category of "public interest" which the court must consider in its approval or disapproval of a merger scheme. Second, the only protection afforded to workers who are discharged as a result of a merger is compensation. The author argues that legislation should be enacted to prohibit the dismissal of employees during a merger. Furthermore, legislation should be enacted to provide additional protections, including: 1) requiring the transferee employer to pay the workers' wages if the transfer or employer cannot; 2) protecting a union during and after a merger; 3) continuing existing collective bargaining agreements until another can be negotiated; 4) prohibiting a company from changing the terms of employment negotiated for the workers for a period of five years after a merger; and finally 5) requiring companies to protect the employees' accrued seniority, prior pay scales, and previous service conditions.

Subjects: [Country-Specific Case Studies](#), [Employment Law](#), [Flexibilization](#)

Extraterritorial Application of Law

Eliasoph, Ian H., "A Missing Link: International Arbitration and the Ability of Private Actors to Enforce Human Rights Norms", *New England Journal of International and Comparative Law* v. 10 no1 (2004) p. 83-120

Abstract:

Globalization has caused labor protections of human rights to erode as large multi-national enterprises (MNEs) search for the cheapest labor available. The author explains that international law and transnational labor regulations have been used in an attempt to address these human rights issues but have

not been very successful. The author suggests that the New York Convention, which requires its member nations to recognize foreign arbitral awards and enforce those awards, may be the solution to enforcing human rights internationally. The author suggests that businesses with a large amount of bargaining power, such as MNEs, could include provisions in their contracts with foreign counterparts that would require certain labor standards be adhered to, as well as random checks to ensure compliance and remedies in case of breach. The author considers several objections to using the New York Convention in this ways, including the fact that the Convention's commercial reservation clause limits the Convention's reach to matters "considered as commercial." The author shows that most nations who have adopted the New York Convention, however, have chosen not to adopt this clause. Furthermore, those that have adopted the clause have generally interpreted "commercial" broadly; therefore, an agreement containing human rights elements and commercial elements would likely remain enforceable. The author concludes by suggesting that although MNEs may incur additional costs by including labor rights provisions in their contracts - such as costs of inspections and fines for violations - some human rights NGOs might be willing to share these costs.

Subjects: [Case Studies](#), [Corporate Accountability](#), [Extraterritorial Application of Law](#)

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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.

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/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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Project Director:

[Katherine V.W. Stone](#)
UCLA School of Law