

GLOBALIZATION AND LABOR STANDARDS (GALS) NEWSLETTER

Editor: Katherine V.W. Stone

Student Editor:
Brendan Smith

Student Contributor:
Ian Greer

Technical Advisor:
Sasha Skenderija

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European Union

Bercusson, Brian, "The European Social Model Comes to Britain", *Industrial Law Journal* v. 31 no3 (September 2002) p. 209-244

Abstract:

The author examines the relationship between British labor law and the European Commission's directives mandating 'information and consultation.' First, the author outlines in detail the meaning of the EC framework directive for informing and consulting employees (Directive 2002/14/EC) and its implications for British labor law, which until now has not mandated workplace representatives. Second, the author describes several respects in which the Blair government has weakened the EC legislation, including diluting the language mandating sanctions for noncompliance. Lastly, the author speculates about whether the British will adopt a posture of 'exceptionalism' in its implementation of the directive, such as by exploiting a loophole for member states that do not have a statutory system of workplace representation or information and consultation. The author concludes that ultimately the UK cannot escape the European social model of mandatory employee representation.

Subjects: [Country-Specific Case Studies](#), [European Union](#)

Lo Faro, Antonio, "Fairness at Work? The Italian White Paper on Labor Market Reform", *Industrial Law Journal* v. 31 no2 (June 2002) p. 190-198

Abstract:

The author describes some labor reform proposals of the conservative Berlusconi government, outlined in its "Proposals for an Active Society and for Quality in Work," released in October 2001. The Berlusconi proposals seek to delegate an increasing amount of labor regulation to the local levels; make it easier for employers to evade collective bargaining by transferring employees to new firms; exempt several groups of

workers from protections against unfair dismissals; eliminate limitations on individually contracted 'elasticity clauses' that conflict with collective agreements; and revoke the right of individual workers to back out of such 'elasticity clauses.' The author argues that, although the proposals purport to build upon European Union concepts of 'social dialog' and 'soft law,' they will actually work in the opposite direction. He points out that they were developed without input from unions and with the intent of marginalizing them.

Subjects: [Country-Specific Case Studies](#), [European Union](#)

GATT/NAFTA

Alben, Elissa (student author), "GATT and The Fair Wage: A Historical Perspective on the Labor-Trade Link", *Columbia Law Review* v. 101 (2001) p. 1410

Abstract:

This Note examines the emerging definition of fundamental labor standards from the perspective of the purposes and policies expressed in the original General Agreement on Tariff and Trade (GATT). Part I reviews recent approaches under existing GATT/WTO provisions to the problem of labor standards and trade, as well as efforts to adopt a universal definition of labor standards in the trade context. The author concludes that the modern emphasis on Article XX (the WTO "exceptions clause") is closely linked to the historical understanding of what constituted fundamental labor standards at the inception of the GATT. Part II analyzes the debates about trade and labor standards in the early postwar period and in the 1953 GATT negotiations. The author finds that the early GATT treaty was predicated on a conception of fair labor standards as fair wages, a conception that differs markedly from modern human rights based conceptions. In Part III, the author argues that the wage based view of labor standards holds important legal and procedural implications for how--and whether--human rights based labor provisions could be incorporated into the GATT/WTO today. The author concludes that because concerns about "fair labor standards" were integral to early GATT negotiations, history is not on the side of those who advocate entirely delinking trade and labor issues.

Subjects: [NAFTA/GATT](#), [World Trade Organization \(WTO\)](#) [LEXIS-NEXIS](#)

Labor Rights in General

Arthurs, Harry, "Reinventing Labor Law For the Global Economy: The Benjamin Aaron Lecture", *Berkeley Journal of Employment and Labor Law* v. 22 no2 (2001) p. 271-294

Abstract:

This article looks broadly at the relationship between national labor law and the global economy, and surveys the various forms of rule-making and dispute resolution currently used to address international labor disputes. Part One sets out a broad definition of

globalization as a neo-liberal political system. Part Two asks why lawyers continue to perceive labor law as a national, rather than a global, phenomenon. Part Three examines how globalization is influencing industrial relations. Part Four looks at five types of mechanisms currently used to set international labor standards—treaties and conventions; dissemination of “best practices;” codes of conduct; international union campaigns; and social movement consumer campaigns. It concludes that these diffuse standards hold the keys to an emerging international labor law regime for the global economy.

Subjects: [Labor Rights in General \(Misc.\), Codes of Conduct](#)

[LEXIS-NEXIS](#)

Links

LabourWeb: www.lex.unict.it/eurolabor/en/default.htm

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.

Labor and Global Change Database: 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.

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

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

Professor of Law and Anne E. Estabrook Professor of Dispute Resolution

Cornell Law School and Cornell School of Industrial and Labor Relations