

GLOBALIZATION AND LABOR STANDARDS (GALS) NEWSLETTER

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Child Labor

Stevenson, Benjamin James, "Pursuing an End to Foreign Child Labor Through U.S. Trade Law: WTO Challenges and Doctrinal Solutions", *UCLA Journal of International Law and Foreign Affairs* v. 7 (Spring 2002) p. 129

Abstract:

This Comment focuses on the right of a single state, within the WTO framework, to utilize trade sanctions against its trading partners for violation of child labor protections under international human rights standards. Part I and II discuss the extent and definition of child labor, as well as its adverse effects. Section III considers whether the U.S. can justify imposing an embargo on goods produced by child labor. The author argues that in order to prevent non-complying states from gaining advantages from others' compliance with human rights standards, a single state is justified in not only prohibiting child labor domestically, but also prohibiting it extra-territorially by refusing to import products made with child labor. Section IV reviews current U.S. laws against the importation of products made with child labor and concludes that they are ineffective in addressing the global problem of child labor. Lastly, Section V evaluates the likelihood that the WTO would uphold laws banning the importation of child labor if they were challenged by member states. The author argues that such an embargo would either be a fair response to social dumping or be exempted by the WTO's General Agreement on Trade and Tariffs (GATT) Article 20.b as a measure necessary to protect human life.

Subjects: [Child Labor](#), [World Trade Organization \(WTO\)](#)

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Country-Specific Case Studies

Royle, Tony, "Worker Representation Under Threat? The McDonald's Corporation and the Effectiveness of Statutory Work Councils in Seven European Countries", *Comparative Labor Law & Policy Journal* v. 22 no3 (2001) p. 395

Abstract:

The article examines the effect of nationally regulated employee representation institutions on employment relations and employee outcomes at the McDonald's Corporation in seven European countries -- Germany, Austria, Denmark, France, The Netherlands, Spain and Italy. The case studies of McDonald's in each country are developed as follows. First, the author provides a general overview of the legal framework for the employee representation system in the country, emphasizing legal regulations as well as key institutions such as unions, works councils, and collective agreements. Second, the article describes the quantity and quality of the employee representation within and across McDonald's restaurants in the country. Finally, the author relates the unique national labor characteristics to McDonald's employment strategies. The author finds that in the majority of the countries, the McDonald's employees and unions are unable to utilize representation institutions afforded by law or by national collective agreements. The author describes various measures employed by the McDonald's Corporation to evade the nationally imposed employee representation obligations. The author contends that in an era of increased decentralization of the collective bargaining and legislative deregulation, entities of employee representation, such as works councils, serve an important function for ensuring that collective employee needs are voiced and met. The author concludes that existing labor legislation in all of the countries surveyed is deemed inadequate for achieving this purpose.

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

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Generalized System of Preferences (GSP)

Lance Compa & Jeffery S. Vogt, "Labor Rights in the Generalized System of Preferences: A 20-Year Review", *Comparative Labor Law & Policy Journal* v. 22 no2/3 (2001) p. 199

Abstract:

This article reviews twenty years' experience with the Generalized System of Preferences (GSP) labor rights clause, which was the first significant treaty linking of workers' rights and trade under U.S. law. Parts II and III recount the legislative process resulting in passage of the GSP and as well as workers' rights provisions in other bilateral, regional, and multilateral trade arrangements. In Part IV, the authors present case studies of the use of GSP labor provisions in six countries: Chile, Guatemala, Malaysia, Indonesia, Pakistan and Belarus. Part V argues that the willingness of the United States to act unilaterally through the use the GSP has driven a process of bilateral, regional and multilateral action to promote workers' rights in trade that goes far beyond the GSP program. The authors conclude that, on balance, the GSP workers rights clause has been an important instrument in international labor affairs that has yielded concrete, positive results for workers in many instances.

Subjects: [Country-Specific Case Studies](#), [Generalized System of Preferences](#)

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World Trade Organization

Josephs, Hilary K., "Upstairs, Trade Law; Downstairs, Labor Law", *George Washington Law Review* v. 33 no3/4 (2001) p. 849-872

Abstract:

This article considers why labor law and employment-related aspects of immigration law are virtually ignored in the GATT/WTO framework. It examines several approaches to include labor issues in international trade fora. These are: (1) a labor side agreement in the WTO that would be similar to the labor side agreement in NAFTA; (2) giving the ILO an advisory, consultative, or mediating role in the WTO's Dispute Settlement Body proceedings; or (3) creating a new institution between the WTO and ILO. The author concludes that proponents of international labor rights should concentrate their efforts toward bringing cases to the WTO Dispute Settlement Body.

Subjects: [International Labour Organization \(ILO\)](#), [NAFTA/GATT](#), [World Trade Organization \(WTO\)](#)

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Shaffer, Gregory, "WTO Blue-Green Blues: The Impact of U.S. Domestic Politics on Trade-Labor, Trade-Environment Linkages for the WTO's Future", *Fordham International Law Journal* v. 24 (November 2001) p. 608-651

Abstract:

Part I of this Article provides a brief overview of the dominant debates about the linkage between domestic politics and international trade measures, focusing on whether WTO rules should be modified to permit trade restrictions on environmental and labor rights grounds. Part II addresses the politics of trade-environment agenda setting and the reasons why U.S. critics are more likely to direct their criticism at the WTO instead of environmental policy decisions made domestically. Part III turns to the trade-labor linkage, again assessing the domestic politics behind the predominant focus on trade restrictions. It examines the apparent paradox that the demand for binding WTO labor norms is strongest in the United States, which arguably offers the fewest labor and social protections in the developed world. Part IV briefly addresses what potentially could be accomplished multilaterally through better coordination of the roles of international trade, development, and other economic institutions. Part V concludes with a discussion of the nexus between U.S. domestic politics and the WTO's future development.

Subjects: [World Trade Organization \(WTO\)](#)

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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.

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.

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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