

GLOBALIZATION AND LABOR STANDARDS (GALS) NEWSLETTER

Editor: Katherine V.W. Stone

Student Editor:
Brendan Smith

Student Contributor:
Ritu Jain

Tech Advisor:
Sasha Skenderija

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Codes of Conduct

Blackett, Adelle, "Global Governance, Legal Pluralism and the Decentered State: A Labor Law Critique of Codes of Corporate Conduct", *Indiana Journal of Global Legal Studies* v. 8 no2 (Spring 2001) p. 401-447

Abstract:

This Article posits that codes of conduct, as self-regulatory initiatives, represent emerging forms of labor regulation that can best be understood through the lens of two key discourses: legal pluralism and economic globalization. Part I examines export processing zones (EPZ) where codes of conduct are most heavily concentrated; followed by a brief critical overview of selected contemporary examples of codes. Part II focuses on legal pluralism as it applies to traditional labor regulation and the underlying goals of labor law. Part III contends that workers' rights advocacy surrounding self-regulatory initiatives simultaneously problematizes and reinforces dominant conceptions of the globalization process. The author suggests that the most fruitful contributions of self-regulatory initiatives might be to shine a spotlight on the complex contexts in which Multi-National Enterprises act and foster deeper cross-border interactions between non-governmental actors. Finally, Part IV examines counter-hegemonic approaches to legal pluralism and economic globalization, and how they may provide a starting point for more inclusive, layered forms of labor regulation across different governance levels.

Subjects: [Codes of Conduct](#), [Export Processing Zones](#)

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Labor Rights in General

Adams, Roy J., "Choice or Voice? Rethinking American Labor Policy in Light of the International Human Rights Consensus", *Employee Rights and Employment Policy Journal* v. 5 no2 (2001) p. 521-548

Abstract:

This article argues that the right to bargain collectively has emerged as an internationally recognized human right. Part II reviews the development of the international workers' rights consensus that defines collective bargaining as a human right. Part III considers two interpretations of the international consensus endorsing collective bargaining: choice versus voice. The choice approach holds that a nation is in compliance with international standards if its working people are permitted to engage in collective bargaining. The voice approach sets a higher standard, insisting that to comply with international obligations states must ensure that all employees have an independent collective voice through which their employment interests may be represented. Part IV argues that policies based on choice are deficient, and states adopting a choice approach fail to abide by their international obligations. In particular, the author claims that by conflating freedom of association and the right to bargain collectively rather than treating them as distinct and equal rights, the United States denies a collective voice at work to a majority of American workers. Finally, Part V considers some of the steps that the U.S. government might take to bring its domestic policies in line with the international consensus.

Subjects: [Labor Rights in General \(Misc.\)](#)

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NAFTA/GATT

Wishnie, Michael J., "Immigrant Workers and the Domestic Enforcement of International Labor Rights", *University of Pennsylvania Journal of Labor and Employment Law* v. 4 no3 (Spring 2002)

Abstract:

The article deals with the prospects for using international labor law strategies to assist immigrant domestic workers and migrant farm workers in the United States. The author focuses on the potential of the Alien Torts Claims Act (ATCA) and the North American Agreement for Labor Cooperation (NAALC) to further specific goals of organizing campaigns in the immigrant communities, and also to force domestic public and private institutions to honor international obligations. In light of the growth of organizing initiatives in immigrant communities and workplaces in the last decade, the authors argue that ATCA could be an important tool for immigrant groups. In addition, petitions pending under the NAALC have challenged an information sharing agreement between the US Department of Labor and the US Immigration and Naturalization Service and delays by New York Workers' Compensation Board. The author concludes that the ATCA and NAALC have great potential to further immigrant workers rights and enforce international labor standards.

Subjects: [Alien Torts Claims Act](#), [NAFTA/GATT](#)

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Women's Rights

Alewell, Dorothea & Pull, Kerstin, "An International Comparison and Assessment of Maternity Leave Legislation", *Comparative Labor Law & Policy Journal* v. 22 no2/3 (Spring 2001)

Abstract:

The article makes an international comparison of maternity leave legislation in six industrializing countries -- the United States, Japan, Germany, the Netherlands, Denmark and the United Kingdom -- in order to assess the costs that such legislation imposes on employers. The authors find that the unpredictability of the duration of maternity leaves imposes significant costs on employers, costs that vary according to employer size and skill requirements. Using empirical data, they show that there is a broad variation in the duration of maternity leaves and that leaves of medium-duration impose the greatest cost on employers. They find that the cost to employers of unpredictable duration leaves has an adverse consequence for the labor market outcomes for young women. The article concludes that predictability of maternity leave duration is an important factor that needs to be addressed in maternity leave legislation in order to avoid adverse labor market outcomes.

Subjects: [Country-Specific Case Studies](#), [Women's Rights](#)

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Links to Related Projects

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.

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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[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