

GLOBALIZATION AND LABOR STANDARDS (GALS) NEWSLETTER

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Labor Rights in General

Murray, Jill, "The Sound of One Hand Clapping? The 'Ratcheting Labour Standards' Proposal and International Labour Law", *Australian Journal of Labour Law* v. 14 no3 (December 2001) p. 306-332

Abstract:

This article examines the ramifications of a recent proposal for international labor regulation put forward by Charles Sabel, Dara O'Rourke and Archen Fung for "Ratcheting Labor Standards (RLS). The RLS proposal makes the optimistic prediction that upward-pressure through civil society such as through transnational consumer movements can induce multi-corporations to unilaterally raise their labor relations. The author describes the RLS approach and compares it to the traditional conception of international labor regulation as embodied in the International Labor Organization (ILO). The author characterizes the RLS approach as an attempt to find a third way between the polar extremes of inflexible, fixed-rule regulation and a deregulation. The article concludes that the RLS proposal is close to the deregulatory pole in its rejection of transnational, multi-level regulatory instruments of the ILO, and other international agencies and in its reliance instead on business self-regulation. The author is critical of the proposal and argues that because the contemporary political climate is unlikely to create institutional structures to further workers interests, we should not weaken the hard-won transnational structures, particularly the only international rule-making institution in which civil society participates, the ILO.

Subjects: [International Labour Organization \(ILO\)](#), [Labor Rights in General \(Misc.\)](#)

NAFTA/GATT

LaSala, Barry (student author), "NAFTA and Worker Rights: An Analysis of the Labor Side Accord After Five Years of Operation and Suggested Improvements", *Labor Lawyer v. 16 no3 (2001) p. 319-348*

Abstract:

This note examines the success of the North American Agreement on Labor Cooperation (NAALC). It concludes that Mexico has adequate labor standards in place but it lacks appropriate mechanisms to enforce its laws, and that the NAALC has failed to facilitate such enforcement. Section II discusses the general structure and technical procedures established in the NAALC, which are designed to resolve alleged labor law violations. Section III assesses the NAALC's response to various labor complaints in Mexico. Particular emphasis is placed on determining if the allegations of the complainants were heard in a timely and efficient manner and whether the final resolution resulted in the advancement of worker rights. Section IV analyzes the overall effectiveness of the NAALC. It highlights Mexico's inability to enforce its labor laws and illustrates the NAALC's inability to address this concern. Section V proposes an arbitration system similar to commercial arbitration as an alternative to the current dispute resolution system prescribed by the NAALC. The author argues that arbitration will encourage fair, efficient, and timely resolution of labor disputes in this and future trade pacts, as well as offer a way to account for cultural, legal, and historical differences between nations when dealing in the sensitive area of labor relations.

Subjects: [NAFTA/GATT](#)

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WTO

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 proposals for including 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 on bringing cases to the WTO Dispute Settlement Body.

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

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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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