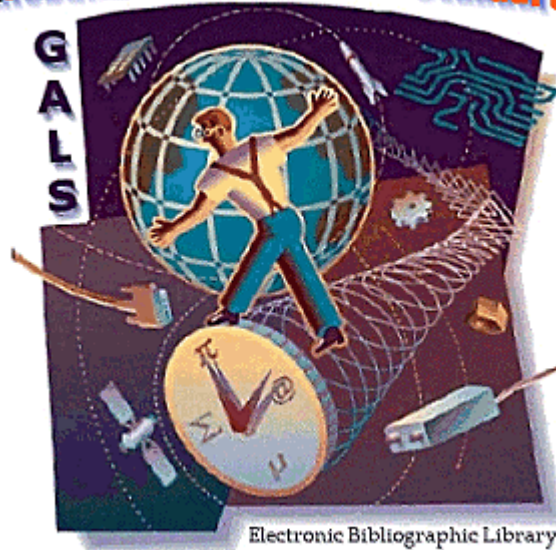


# Globalization and Labor Standards



## GALS Newsletter

July, 2003

Volume 2, No. 7

**Katherine V.W. Stone** – Editor

Student Editor:  
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## Codes of Conduct

**Williams, Cynthia A., "Text of Remarks on Panel: 'Codes of Conduct and Transparency'", *Hastings International and Comparative Law Review* v. 24 no3 (Spring 2001) p. 415-422**

### **Abstract:**

This article proposes using Section 14 of the U.S. Securities Exchange Act as a model for requiring multinational corporations to disclose the social, political, and environmental effect of international corporate action. The author argues that the Securities and Exchange Commissions statutory authority is sufficient to require publicly held companies to disclose how those companies are dealing with workers rights, environmental protection, and human rights issues at

home and abroad. The author also points to empirical evidence that disclosure requirements benefit consumers and investors as well as the corporations.

**Subjects:** [Codes of Conduct](#)

**Full-text links:** || [WESTLAW](#) ||

## European Union

**Armour, John & Deakin, Simon, "Bargaining in the Shadow of TUPE", *Industrial Law Journal* v. 29 no4 (2000) p. 395-402**

### **Abstract:**

Armour and Deakin use the sale of Rovers assets by BMW to describe how, in practice, the European Unions Transfer of Undertakings Regulations (TUPE) protect workers. They show how the rules created disincentives for the buyer and seller, BMW and the Phoenix consortium, to completely break up the British subsidiary and opportunities for the union to use litigation to drive up the costs of such a move, dramatically reducing job losses in the process. TUPE forces transferees to take the entire workforce instead of picking and choosing who it will hire and who it will not hire. It also requires them to pay employees redundancy compensation in accordance with previous employment contracts and accrued seniority. After providing a concise overview of TUPE rules, the authors give a brief account of the unions strategy and explains how, under the Acquired Rights Directive, member states can make a partial derogation from these protections in the event of insolvency proceedings. This loophole, however, did not apply to the Rover situation because, although unprofitable, Rover was not insolvent, and the union was therefore not in a position of concession bargaining allowed under the directive.

**Subjects:** [European Union](#)

## Extraterritorial Application of Law

**Short, Eric K., "Is the Alien Tort Statute Sacrosanct? Retaining Forum Non Conveniens in Human Rights Litigation", *New York University Journal of International Law and Politics* v. 33 no4 (Summer 2001) p. 1001-1100**

### **Abstract:**

This article explores whether the Alien Tort Claims Act (ATCA) confers jurisdiction on U.S. courts that is immune from traditional forum non conveniens analysis. Part II of this article reviews the purpose, history, and development of the ATCA and the doctrine of forum non conveniens. Part III analyzes and evaluates the primary arguments raised by those seeking abolition or significant curtailment of the doctrine in ATCA cases: (1) the statute's express language and legislative intent make forum non conveniens inapplicable; (2) weighing forum non conveniens considerations would nullify the ATCA; and (3) U.S. interests support elimination of forum non conveniens in human rights suits. The author argues that no reasonable basis exists to justify federal courts refusing to consider forum non conveniens arguments in

cases brought under the ATCA. Rather, he argues that the purpose and design of forum non conveniens make it sufficiently flexible to be invoked in even the most compelling human rights cases brought in the United States. If applied properly, the doctrine will enable courts to identify ATCA cases that cannot and should not be dismissed to foreign jurisdictions. At the same time, the author contends that the forum non conveniens doctrine can determine when alleged violations of the law of nations would be addressed more appropriately by the courts of other countries. By identifying such exceptional cases meriting dismissal, the doctrine will help advance a global development of customary international law norms in the area of human rights and will help ensure that U.S. courts do not antagonize international relations unnecessarily. Part IV proposes a slight modification to the forum non conveniens analysis in human rights lawsuits to account for the frequent existence of significant sovereign interests in those cases. It then analyzes forum non conveniens arguments in a recent suit brought under the ATCA by Holocaust survivors and the heirs of Holocaust victims against three Swiss banks to highlight the continued importance of the doctrine and the critical role that sovereign interests play in such an analysis.

**Subjects:** [Alien Torts Claims Act](#), [Extraterritorial Application of Law](#)

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## United Nations

**Meyer, William H. & Stefanova, Boyka, "Human Rights, The UN Global Compact, and Global Governance", *Cornell International Law Journal* v. 34 no3 (2001) p. 501-522**

**Abstract:**

This article discusses the Global Compact (GC) in relation to similar efforts in other quarters, and then ties these various political and legal activities to larger issues raised by theories of international relations. First, the article considers whether or not the Global Compact might have any impact on the behavior of transnational corporations (TNCs). The author argues that the GC could have a positive impact, relying on empirical studies about the relationship between TNCs and human rights. The second section addresses the question: is the Compact's voluntary regulatory approach the best or most efficient way to foster morally responsible corporate behavior? Part III looks at TNCs and labor rights through the lens of international relations theory. It asks whether there is now, or will there be in the future, a global regime for TNCs and labor rights? Alternatively, do industrial relations theories of global governance better inform our understanding of international efforts such as the GC? In the conclusion, the author looks ahead to what may come next in the areas of TNCs, labor rights, and environmental rights.

**Subjects:** [UN Global Compact](#), [United Nations \(UN\)](#)

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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