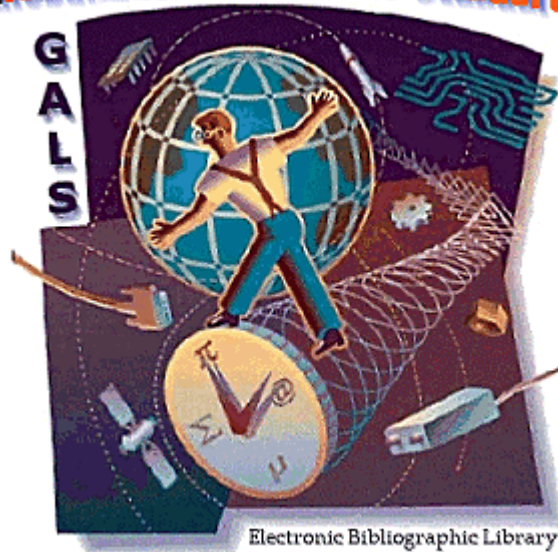


Globalization and Labor Standards



GALS Newsletter

March, 2004

Volume 3, No. 3

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Country-Specific Case Studies

McCallum, Ron, "Conflicts of Laws and Labour Law in the New Economy", *Australian Journal of Labour Law* v. 16 no1 (May 2003) p. 50-68

Abstract:

This article contends that Australia has become integrated into the new economy; that is, a global economy marked by a growth in the number of corporations doing business and employing workers across State and national borders and by an increase in the geographic mobility of workers. Part II argues that the integration of Australia into the global economy makes it imperative for labor law academics and practitioners to familiarize themselves with the

Australian conflicts of laws rules because they have an impact upon the labor law obligations of transnational enterprises. Part III explains how the pertinent conflicts rules interact with other statutory and judge-made laws, both within Australia and beyond. Part IV explores the manner in which the most important of the conflicts rules operate when acts or transactions concerning employment matters bring into play the laws of two or more nations. Throughout the article, the author examines the operation of Australian conflicts of laws rules in employment situations through a survey of recent case law.

Subjects: [Conflicts of Laws](#), [Country-Specific Case Studies](#)

NAFTA/GATT

Weiss, Marley, "Two Steps Forward, One Step Back - Or Vice Versa: Labor Rights Under Free Trade Agreements from NAFTA, Through Jordan, via Chile, to Latin America, and Beyond", *University of San Francisco Law Review* v. 37 no689 (2003)

Abstract:

This article examines the ever-expanding set of free trade agreements (FTA) being negotiated by the United States, all of which are built upon the pattern created under the North American Free Trade Agreement (NAFTA) and the North American Agreement on Labor Cooperation (NAALC), the NAFTA side agreement. It explores the successes and failures of the NAFTA/NAALC model in an effort to improve the development of future FTAs. Part II summarizes the main elements of the NAALC labor rights regime, and compares them to the approaches taken in five separate trade agreements and one piece of U.S. trade legislation. Part III outlines the enforcement procedures and remedies provided under NAALC, analyzes cases brought under it, and identifies deficiencies in the operation of NAALC. Part IV questions whether progress in negotiating effective, enforceable labor rights provisions is in fact being made in the FTAs discussed in Part II. It concludes with a discussion about the prospects for conjoining labor rights and free trade agreements in the future.

Subjects: [NAFTA/GATT](#), [Country-Specific Case Studies](#)

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

World Trade Organization

Blackett, Adelle, "The International Law of Trade: Mapping the Equilibrium Line: Fundamental Principles and Rights at Work and the Interpretive Universe of the World Trade Organization", *Saskatchewan Law Review* v. 65 no369 (2002)

Abstract:

This article considers the importance of the shift within the WTO framework toward recognizing the relevance of public international law to the normative universe of the WTO, and the WTO's own potential contribution to the development of public international decision making. The author discusses the need for context-sensitive decision making and respect for the carefully crafted hierarchy of international norms within the WTO. The article focuses on the emerging consensus on certain fundamental human rights principles within the workplace context. The

author considers the varying shades of international commitments taken by WTO members, and posits that the WTO Dispute Settlement Body needs to take them into account when seeking to give meaning to its treaty provisions. Finally, the author considers how a deferential, case-by-case approach that is sensitive to – but not unduly restricted by – the (emerging) hierarchy of international norms provides a way to ensure that internationally-agreed balances are respected.

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

Full-text links: || [LEXIS-NEXIS](#) ||

Books of Interest

Gross A., James, Ed., *Workers' Rights as Human Rights* (ILR Press, 2003)

Abstract:

This collected volume, edited by James A. Gross, approaches various questions of US labor relations law from an international human rights perspective. Representing both labor and employer views, these authors debate such issues such: whether US labor law violates ILO core labor standards; whether human rights are in fact universal; what should be done to bring US labor law into conformity with international human rights standards; and whether health and safety protections ought be included in international core labor regimes. Other contributors claim that the efforts of workers themselves—through increased transnational solidarity and labor/community alliances—hold the secret to the advancement of workers rights. In sum, each chapter of the volume offers a variant perspective on the intersection between US labor law and human rights. This book contains contributions by: James A. Gross, Lance Compa, Lee Swepston, Emily A. Spieler, Edward E. Potter, Thomas B. Moorhead, Roy J. Adams, James Atleson, Linda A. Lotz, Reverend Jim Lewis.

Subjects: [Labor Rights in General](#), [Country-Specific Case Studies](#), [ILO](#), [United Nations](#)

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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