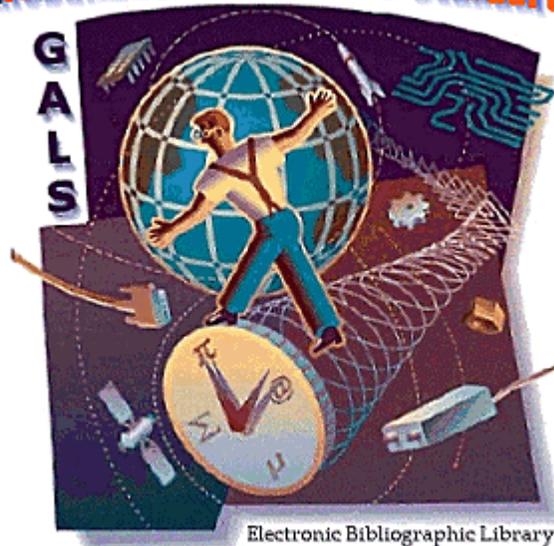


# Globalization and Labor Standards



## GALS Newsletter

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**Katherine V.W. Stone** – Editor

Student Editor:  
**Brendan Smith**

Student Contributor:  
**Amanda Meader**

Tech Advisor:  
**Sasha Skenderija**

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### **Alien Torts Claims Act (ATCA)**

**Haberstroh, John, "In re World War II Era Japanese Forced Labor Litigation and Obstacles to International Human Rights Claims in U.S. Courts", *Asian Law Journal* v. 10 no253 (May 2003) p. 253-294**

#### **Abstract:**

This article discusses In re World War II Era Japanese Forced Labor Litigation (“Forced Labor”), a case in which Chinese and Korean victims of Japan’s forced labor camps unsuccessfully pursued civil claims against Japanese corporations in the U.S. The claims were

brought under California Code of Civil Procedure (CalCCP) section 354.6 – a provision created specifically for such claims -- and the Alien Tort Claims Act. Part I outlines the historical background of the case, the laborers' efforts to seek redress in Japan, and the creation of a cause of action in California. Part II examines the two grounds on which the Forced Labor claims were rejected – the unconstitutional intrusion of CalCCP 354.6 into the federal government's exclusive foreign affairs power, and the expiration of the statute of limitation on the ATCA claims. Part III discusses additional obstacles to ATCA claims that did not arise in the Forced Labor litigation but that could be pertinent to future international human rights claims in U.S. courts under ATCA. The author concludes by noting that although laborers are most passionate about receiving an apology, not monetary damages, to the extent that forced apologies deter future misconduct less effectively than restitution and retribution, ATCA claims may still be the most effective avenue of redress.

**Subjects:** [Alien Torts Claims Act](#), [Forced Labor](#)

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## Country-Specific Case Studies

**Gross, Jared S. (Student Author), "Recognition of Labor Unions in a Comparative Context: Has the United Kingdom Entered a New Era?", *Chicago Kent Law Review* v. 78 no1 (2003) p. 357-80**

### **Abstract:**

This note compares the United Kingdom's experience with collective rights in the workplace with that of the United States, focusing on the technical aspects of union recognition. In particular, it compares the U.K.'s relatively recent Employment Relations Act ("ERA") to the U.S.'s long-standing National Labor Relations Act. Part I briefly describes the importance of recognition for unions, noting that for a long time, British unions fared well without a statutory recognition scheme, and relied on voluntary recognition. Part II describes the events that led to the British union movement's campaign for statutory recognition. Part III provides an introduction to the NLRA and then explains the procedures that an American union must go through before it is recognized. Part IV explains the procedures that a British union must go through before it is recognized, comparing and contrasting the American NLRA and the British ERA. The author concludes that while the ERA is marginally better than the previous voluntary recognition scheme, it does not change the industrial status quo in any radical way, and thus the long term effect of the ERA on British labor relations is still unclear.

**Subjects:** [Country-Specific Case Studies](#)

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## Women's Rights

**Andrias, Kate (Student Author), "Gender, Work, and the NAFTA Labor Side Agreement", *University of San Francisco Law Review* v. 37 no3 (Spring 2003) p. 521-62**

**Abstract:**

This article examines the relationship between gender, work and the North American Agreement on Labor Cooperation (NAALC), a side agreement to NAFTA that sets forth eleven labor principles and requires the three signatory governments (USA, Mexico, Canada) to enforce their own labor laws. Part II details the connection between gender and economic globalization and argues that labor rights and women's equality cannot be separated, nor can they be viewed as solely local problems requiring domestic solutions. Part III analyzes the public debate surrounding the passage of NAALC, noting that gender was largely missing from the public discourse. Part IV examines NAALC through a gender lens and finds that although NAALC has expressive value, NAFTA ultimately privileges free trade over workers' rights, resulting in particular deleterious consequences for women. Part V argues that while NAALC is flawed as an instrument for protecting the rights of women workers, it is critical that those concerned about equality not abandon efforts at creating new labor rights agreements and improving provisions such as NAALC.

**Subjects:** [NAFTA/GATT](#), [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