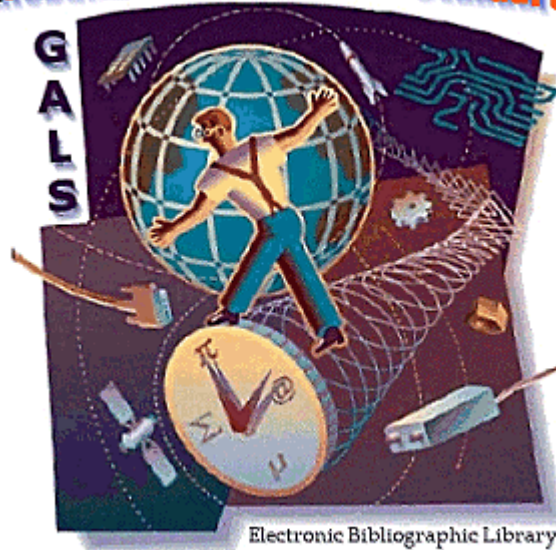


Globalization and Labor Standards



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Alien Torts Claims Act

Prociv, Justin, "Incorporating Specific International Standards Into ATCA Jurisprudence: Why the Ninth Circuit Should Affirm Unocal", *University of Miami Inter-American Law Review* v. 34 no515 (2003)

Abstract:

This Comment focuses on the Alien Tort Claims Act (ACTA)s and argues that U.S. courts should incorporate specific international standards into ATCA jurisprudence. Part II presents a brief overview of the ATCA as interpreted as of 2003, and discusses John Doe I v. Unocal

Corporation, in which a three-judge panel of the 9th Circuit Court of Appeals held that liability under the ATCA may be appropriately determined according to specific international substantive tests. Part III acknowledges and discusses problems and inconsistencies with the ATCA and identifies sources of international law appropriate for incorporation. Part IV lays out arguments from both parties petitions for rehearing of the case, while Part V analyzes why such standards ought to be incorporated into ATCA jurisprudence. In Part VI, the author argues that courts, when applying the ATCA, should move away from the ambiguous and often empty standards of domestic jurisprudence and into a realm of meaningful internationally accepted legal standards.

Subjects: [Alien Torts Claims Act](#)

Full Text: [Westlaw](#)

Child Labor

Dillon, Sara Ann, "A Deep Structure Connection: Child Labor and The World Trade Organization", *ILSA Journal of International & Comparative Law* v. 9 no2 (Spring 2003) p. 443-56

Abstract:

This article discusses the relationship between the global phenomenon of child labor and the World Trade Organization. The author acknowledges that the WTO has no institutional capacity to respond to concerns about even the worst forms of child labor, but argues that it should serve as a model of a global regulatory structure that can address both economic and non-economic, humanistic concerns. Current efforts to use trade sanctions and import restrictions to solve non-economic problems has not addressed child labor concerns in any meaningful way and has only resulted in a backlash on the part of developing countries in the WTO. The solution, according to the author, is to require global economic institutions such as the WTO to set specific empirically-based goals derived from the principals contained in international conventions and to act in a concerted manner to eliminate particular abuses. This goal would necessitate a re-orientation of the agendas of the IMF and World Bank.

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

Full Text: [Westlaw](#)

Country-Specific Case Studies

Robin, Gabriela, "Hoffman Plastic Compounds Inc. V. National Labor Relations Board: A Step Backwards For All Workers In The United States", *New England Journal of International and Comparative Law* v. 9 no679 (2003)

Abstract:

This article examines the 5 Hoffman Plastic Compounds, Inc. v. NLRB (Hoffman) case in which

the Supreme Court held 5-4 that the Immigration Reform & Control Act of 1986 (IRCA) precluded the NLRB from ordering an employer to pay an employee a back pay award for violating the NLRA. Part II examines the facts of the case as well as the majority and dissenting opinions. Part III discusses the purpose of the NLRA and the IRCA, and Part IV argues that the two acts were not intended to conflict with each other. Part V argues that the Hoffman decision gives employers an incentive to hire undocumented workers while depriving undocumented workers of any remedies for violations of their labor law rights. Finally, Part VI concludes that the Court should have upheld the NLRB ruling that undocumented workers are entitled to back pay, and provides an alternative explanation for the Court's decision.

Subjects: [Country-Specific Case Studies](#), [Undocumented Workers](#)

Full Text: [Westlaw](#)

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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