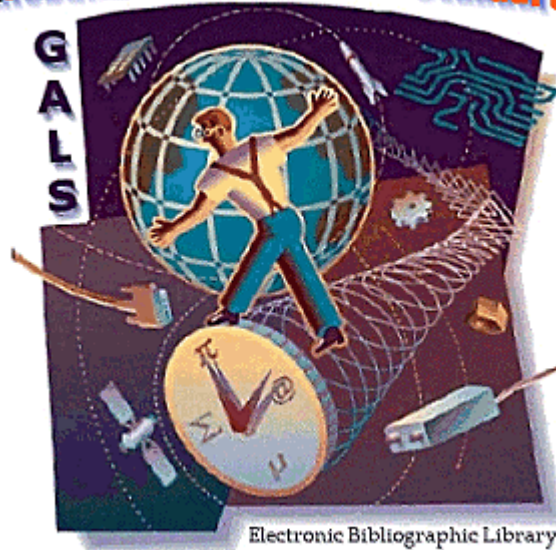


Globalization and Labor Standards



GALS Newsletter

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Industry-Specific Case Studies

Alexander, Leslie D, "Fashioning a New Approach: The Role of International Human Rights Law in Enforcing Rights of Women Garment Workers in Los Angeles", *Georgetown Journal of Poverty Law and Policy* v. 10 no81 (Winter 2003) p. 81-104

Abstract:

In this note, the author argues that numerous instances of human rights abuses within the United States demonstrate the need for additional mechanisms to enforce these rights. She uses a case

study of women garment workers in Los Angeles to argue that the U.S. should ratify and enforce several international human rights treaties to better protect these workers. Section I describes the conditions of the garment industry sweatshops in Los Angeles, the circumstances that drive workers into sweatshop employment, and the reasons why most of the garment sweatshop workers are women. Section II discusses the domestic laws of the United States and California that should protect the workers' rights, why attempts to enforce these laws have often failed, and how their enforcement could be improved. Section III discusses sources of international law that currently bound the U.S that could be invoked on behalf of garment workers. It also criticizes the U.S. for its failure to ratify several other treaties that would protect labor rights, including CEDAW, ICESCR, and other international instruments. Section IV describes the options that would be available to garment workers if the United States would ratify and enforce these treaties.

Subjects: [Industry-Specific Case Studies](#), [Women's Rights](#)

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Undocumented Workers

Borak, Jill, "A Wink and a Nod: The Hoffman Case and Its Effects on Freedom of Association for Undocumented Workers", *Human Rights Brief* v. 10 no.1 (Spring 2003) p. 20-22

Abstract:

In this article, the author discusses the United States Supreme Court's decision in *Hoffman Plastic Compounds, Inc. v. NLRB* ("Hoffman") that undocumented immigrants improperly discharged by U.S. employers for union organizing activities are not entitled to backpay. She notes widespread concern among workers and labor rights advocates that Hoffman represents a substantial reduction in labor rights. The author begins with a discussion of the international human rights instruments governing workers' rights, as well as the primary law governing U.S. workers' rights -- the NLRA. The author then examines the Hoffman decision and explores the effects the decision will have on workers' rights. Finally, the author examines actions taken in the international fora in response to Hoffman, including a request for an advisory opinion from the Inter-American Court of Human Rights and a complaint to the ILO Committee on Freedom of Association. The author concludes by arguing it is unlikely that federal legislators will propose legislation to assist undocumented workers anytime soon, thus leaving it to advocates at state and local levels to promote workers' rights and international fora to continue to exert pressure on the U.S. government to balance its immigration policy with the rights of workers.

Subjects: [Contingent Work](#), [Undocumented Workers](#)

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study of women garment workers in Los Angeles to argue that the U.S. should ratify and enforce several international human rights treaties to better protect these workers. Section I describes the conditions of the garment industry sweatshops in Los Angeles, the circumstances that drive workers into sweatshop employment, and the reasons why most of the garment sweatshop workers are women. Section II discusses the domestic laws of the United States and California that should protect the workers' rights, why attempts to enforce these laws have often failed, and how their enforcement could be improved. Section III discusses sources of international law that currently bound the U.S that could be invoked on behalf of garment workers. It also criticizes the U.S. for its failure to ratify several other treaties that would protect labor rights, including CEDAW, ICESCR, and other international instruments. Section IV describes the options that would be available to garment workers if the United States would ratify and enforce these treaties.

Subjects: [Industry-Specific Case Studies](#), [Women's Rights](#)

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Undocumented Workers

Borak, Jill, "A Wink and a Nod: The Hoffman Case and Its Effects on Freedom of Association for Undocumented Workers", *Human Rights Brief* v. 10 no.3 (Spring 2003) p. 20-22

Abstract:

In this article, the author discusses the United States Supreme Court's decision in *Hoffman Plastic Compounds, Inc. v. NLRB* ("Hoffman") that undocumented immigrants improperly discharged by U.S. employers for union organizing activities are not entitled to backpay. She notes widespread concern among workers and labor rights advocates that Hoffman represents a substantial reduction in labor rights. The author begins with a discussion of the international human rights instruments governing workers' rights, as well as the primary law governing U.S. workers' rights -- the NLRA. The author then examines the Hoffman decision and explores the effects the decision will have on workers' rights. Finally, the author examines actions taken in the international fora in response to Hoffman, including a request for an advisory opinion from the Inter-American Court of Human Rights and a complaint to the ILO Committee on Freedom of Association. The author concludes by arguing it is unlikely that federal legislators will propose legislation to assist undocumented workers anytime soon, thus leaving it to advocates at state and local levels to promote workers' rights and international fora to continue to exert pressure on the U.S. government to balance its immigration policy with the rights of workers.

Subjects: [Contingent Work](#), [Undocumented Workers](#)

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Women's Rights

Sankaran, Kamala, "The ILO, Woman and Work: Evolving Labor Standards to Advance Women's Status in the Informal Economy", *Georgetown Journal on Gender and the Law* v. 3 no.3 (2002) p. 851-869

Abstract:

In this article, the author discusses the shifting nature of work with a specific focus on the emergence of home work and the challenges that confront the law as it deals with the changing relationships in the world of work. Part I discusses the Fordist model of work organization (full-time, on employer's premises), how this model is being replaced by a growing informal economy of part-time, flex-time, contingent, and home workers, and the ILO's attempts to create standards to govern these new work arrangements. Part II discusses the challenges of crafting labor standards relating to home work, explaining that the ILO's approach has been to provide comparable benefits to those who are engaged in such work, without mandating that all home workers are employees for the purposes of labor law. Lastly, the author argues that in the context of growing numbers of persons who are earning their livelihood outside formal employment relationships, there is a need to unlink the benefits that are provided to such workers from employment contracts. Although labor standards must continue to evolve to advance the status of participants in the informal economy, the author optimistically concludes that labor standards relating to home work indicate the breaking of new ground in the scope of labor laws and have great significance for the millions engaged in the informal economy.

Subjects: [Contingent Work](#), [International Labour Organization \(ILO\)](#), [Women's Rights](#)

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

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