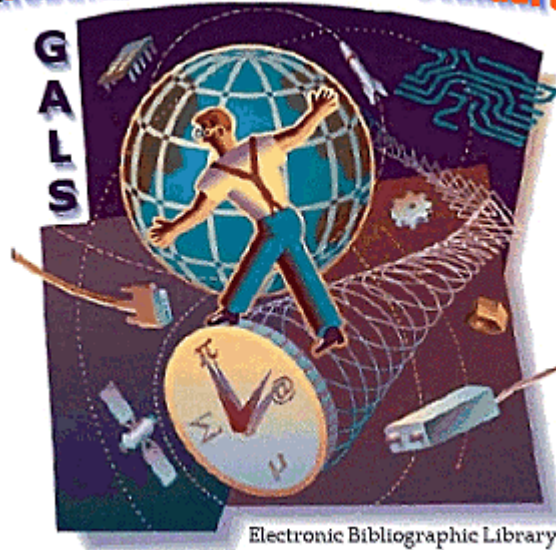


Globalization and Labor Standards



GALS Newsletter

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Alien Torts Claims Act (ATCA)

Fielding, Jonathan, "Enforcing International Labor Standards Through the Use of the Alien Tort Claims Act and Traditional Corporate Law", *New York International Law Review* Vol. 17 (Winter 2004) p. 77-101.

Abstract:

This article explores ways in which international human rights activists can utilize the Alien Tort Claims Act (ATCA), customary international law, and traditional corporate law in order to hold U.S. companies accountable to international labor standards. First, the article describes the development of ATCA litigation involving the enforcement of human rights. It also notes that judges have been unwilling to imply or create causes of action under the Act, thus limiting ATCA's usefulness in regulating U.S. corporations' actions abroad. Second, the article argues that a new paradigm for international law has developed since WWII, one that may now permit regulation between non-state entities and individuals. And finally, the article examines the doctrine of ultra vires in corporate law and its potential use as a tool for international labor activists. The author contends that the ultra vires doctrine allows a plaintiff to bring an equitable action directly against a corporation and, more importantly, permits third parties who are injured by ultra vires actions to sue corporations for in tort. This would allow non-stockholder aliens injured by violating U.S. corporations to state a cause of action under ATCA. The article concludes that traditional litigation under ATCA can be bolstered with use of the ultra vires doctrine, and strengthen labor rights activism internationally.

Subjects: [Alien Torts Claims Act](#)

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Forced Labor

Eizenstat, Stuart E., "Imperfect Justice: Looted Assets, Slave Labor and the Unfinished Business of World War II", *Vanderbilt Journal of Transnational Law* Vol. 37 Issue 2 (March 2004) p. 333-351

Abstract:

In this article, Stuart Eizenstat, former U.S. Ambassador to the European Union, discusses the mediated settlements between several European countries and the victims of World War II over compensation for slave labor in Germany and Austria, property restitution, and recognition of insurance policies and bank accounts. The author specifically focuses on the negotiations that led to settlement in which the Swiss National Bank agreed to return some of the looted gold and assets that it held and in which Germany and Austria agreed to pay \$7500 in compensation to each slave laborer who was forced to work for Hitler's reign. The article, originally a speech in Vanderbilt University's 26th Annual Holocaust Lecture Series, includes a transcribed question and answer session in which former Ambassador Eizenstat discusses the implications of the slave labor settlement for issues of reparations for African-American slavery, American-Indians disenfranchisement, and Japanese-American internment.

Subjects: [Company-Specific Case Studies](#), [Forced Labor](#)

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

Extraterritorial Application of Law

Frommer, Gail, "Hooray for...Toronto? Hollywood, Collective Bargaining, and Extraterritorial Union Rules in an Era of Globalization", *University of Pennsylvania Journal of Labor and Employment Law* Vol. 6 Issue 1 (Fall 2003) p. 55-120

Abstract:

This article examines "runaway production," i.e., the filming of an American film outside the United States, and considers whether it violates § 8(b)(1)(A) of the National Labor Relations Act. Parts I through IV describe the economic reasons for and effects of runaway production. Part V explores the cooperative and long history between employers and unions in the film industry. Part VI outlines efforts by the Hollywood unions to restrain runaway film production, focusing on the Screen Actors Guild's (SAG) Global Rule One, which prohibits any of its members from working for a filmmaker anywhere in the world who does not agree to provide protections in line with SAG's collective bargaining agreement with American filmmakers. Part VII discusses whether Global Rule One violates the Act. The author examines three principles derived from U.S. Supreme Court decisions that bear on the legality of Global Rule One: (1) the presumption against applying statutes outside the territory of the United States, (2) the desire to avoidance of international discord or controversy, and (3) the question whether Global Rule One violates the NLRA's embedded policies. In Part VIII she focuses on the third principle and proposes an analytical framework for resolving disputes between the U.S. and a foreign nation if one were to arise over SAG's enforcement of Global Rule One. The article concludes that there is no clear answer to the questions of whether Global Rule One violates § 8(b)(1)(A). She opines that the Rule, and the dilemma it creates, reflect the broader problem of American unions' seeking to preserve protection for their negotiated standards when production moves outside the United States.

Subjects: [Extraterritorial Application of Law](#), [Industry-Specific Case Studies](#)

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Links to Related Projects

NEW LINK! The Marco Biagi Centre for International and Comparative Studies:
<http://www.csmb.unimo.it>

The Marco Biagi Centre for International and Comparative Studies at the University of Modena and Reggio Emilia, Italy, functions as policy resource center on comparative labor issues. Besides publishing books and law journals, the Center provides a clearinghouse of international law journals, including the International Journal of Comparative Labour Law and Industrial Relations (<http://www.csmb.unimo.it/journal.html>). Currently only in Italian, the Center's website will soon offer an English version.

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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