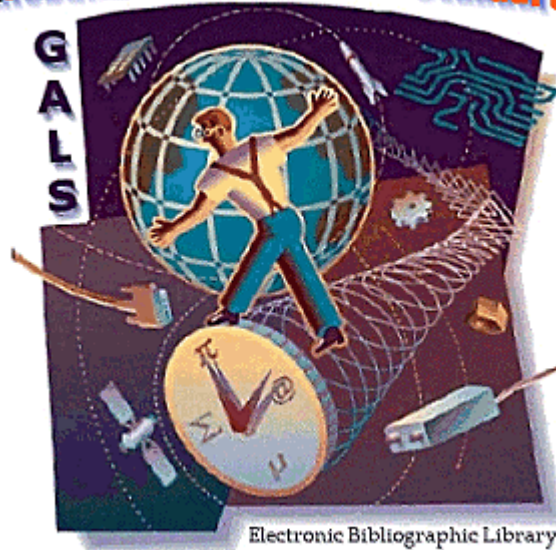


Globalization and Labor Standards



GALS Newsletter

November, 2004

Volume 3, No. 11

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International Labour Organization (ILO)

Boonstra, Klara, "Government Responsibility and Bargaining Scope Within Article 4 of ILO Convention 98", *International Journal of Comparative Labour Law and Industrial Relations* Vol. 20 Issue 2 (Summer 2004) p. 445-464

Abstract:

This article examines two recent decisions made by the Committee on Freedom of Association (CFA) of the International Labour Organization (ILO) concerning the ability of governments to legislate about subjects that are covered by collective labor agreements. The decisions addressed legislation concerning part-time work in Denmark and the retirement age in Sweden. In both cases, the legislation at issue shifted a specific employment condition from the collective bargaining arena to the enterprise level where an individual and his employer could negotiate a term that deviated from the collective agreement. The CFA concluded that the statutes failed to comply with ILO standards on the right to collectively bargain, and recommended that the parties involved work together to come up with a mutually acceptable solution. The author uses these cases as a springboard to discuss and propose that a closer examination is needed in determining: (1) the proper division of roles between government and social partners in the area of employment conditions, (2) the subjects that fall within the bargaining scope, and (3) where the convergence lies in respect to the interests of the government and social partners.

Subjects: [Contingent Work](#), [Country-Specific Case Studies](#), [International Labour Organization \(ILO\)](#)

Secondary Strikes and Boycotts

Atleson, James, "The Voyage of the Neptune Jade: The Perils and Promises of Transnational Labor Solidarity", *Buffalo Law Journal* Vol. 52 (2004) p. 85-184

Abstract:

This article examines the potential role of sympathy strikes to boost labor strength and solidarity in the growing transnational economy. The author presents a detailed account of the voyage of the Neptune Jade, a freighter loaded by scab labor which union dockworkers refused to unload in Oakland, San Francisco, Vancouver and Yokohama. He uses the case study to revisit the issues of sympathy strikes and secondary boycotts in transnational labor disputes and to demonstrate how the prohibition on secondary activity diminishes labor's power while the economy globalizes. First, the article argues that labor rights are a central feature of a viable democracy. Second, the article posits that labor rights and human rights are increasingly intertwined in a progressively global economy. Finally, the article argues that collective action is necessary for the enforcement of these rights, and that the international merger of companies (such as the merger that created the transnational behemoth, Daimler-Chrysler-Benz) rationalizes and necessitates cross-border sympathetic action. The article concludes by arguing that, even though there are a myriad of obstacles to transnational solidarity, sympathy strikes and secondary labor actions will most likely increase as the correlative to capital's global movement.

Subjects: [Company-Specific Case Studies](#), [Secondary Strikes and Boycotts](#)

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

Women's Rights

Killion, M. Ulric, "Post-WTO China: Quest for Human Right Safeguards in Sexual Harassment Against Working Women", *Tulane Journal of International and Comparative Law* Vol. 12 (Spring 2004) p. 201-235

Abstract:

In this article, the author discusses possible reasons why China has failed to provide safeguards against sexual harassment for women workers. The article starts with China's first sexual harassment case, which was initiated and then lost by Ms. Tong in 2001, to illustrate the country's "boys will be boys" mentality. The author then examines China's human rights record before it became a member of the World Trade Organization (WTO). He shows that gender-based discrimination was rampant in China and that there were no laws that directly deal with sexual harassment. In the next section, the author suggests that WTO accession has not been a watershed event for women's rights in China because the country has resisted linking international labor standards with its goal of becoming a successful member of the global economy and it has been reluctant to use corporate governance as a mechanism for social responsibility. The author then argues that Chinese culture, which is based on values in tradition, Confucianism, and nation-state sovereignty, results in a prioritization of socio - economic rights over civil and political rights, contributing to the denial of women's rights. Next, the author shows that China's Constitution and judiciary system fail to give victims of sexual harassment any cognizant legal rights. The author concludes that China must enact sexual harassment legislation if women workers are to have meaningful access to justice.

Subjects: [Country-Specific Case Studies](#), [Women's Rights](#), [World Trade Organization \(WTO\)](#)

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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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