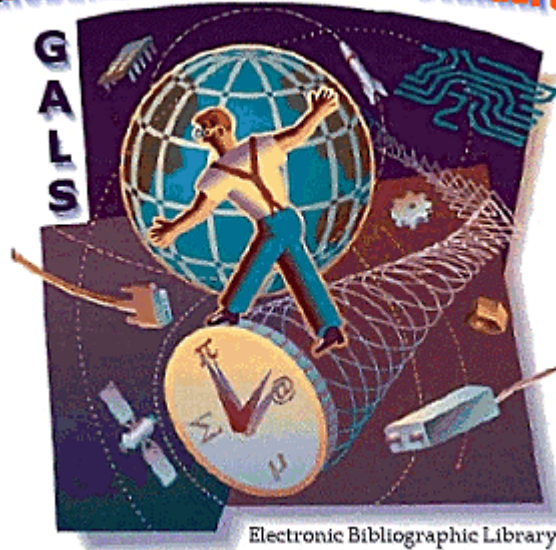


Globalization and Labor Standards



GALS Newsletter

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Country-Specific Case Studies

Filho, Roberto Fragale, "Comparative Labor and Employment Law and Policy in the Next Quarter Century: Celebrating Twenty-Five Years and Speculating Over the Future From a Brazilian Perspective", *Comparative Labor Law & Policy Journal* Vol. 25 (Fall 2003) p. 21-31

Abstract:

This article speculates about the future of labor law from the Brazilian perspective. In Part I, the author describes four different conflict theories that attempt to explain the social dynamics that underlie labor law: "capital vs. labor," "qualified labor vs. non-qualified labor," "social inclusion vs. social exclusion," and "labor vs. post-labor." The author shows how each conflict theory predicts a different future for labor law. For example, the author argues that if the field of labor law is characterized as a conflict between capital and labor, the law will not undergo major changes. However, if the field is characterized as a conflict between labor and "post-labor," labor law will have to address problems caused by short-term jobs, work force mobility, the need for continuous education, and the increasing importance of "free time." The author concludes Part I by arguing that Brazil provides a real-world laboratory for investigating the different conflict theories. In Part II, the author discusses how labor law has affected the Brazilian court system. He notes that the courts have been overwhelmed with approximately two million labor cases a year for the past ten years. The author investigates two different approaches to solve the problem of judicial crowding: making changes in the judicial system, and using alternative dispute resolution and class action suits to reduce of the number of cases heard by courts. In Part III, the author draws on the Brazilian experience to suggest an agenda for comparative labor law scholarship, arguing that labor law studies must integrate with other disciplines.

Subjects: [Contingent Work](#), [Country-Specific Case Studies](#), [Labor Rights in General \(Misc.\)](#)

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

Vigneau, Christophe, "Comparative Labor and Employment Law and Policy in the Next Quarter Century: Labor Law Between Changes and Continuity", *Comparative Labor Law & Policy Journal* Vol. 25 (Fall 2003) p. 129-141

Abstract:

This article predicts the future of labor law by analyzing the field's "glorified past" and "troubled present." In Part I, the author outlines the history of labor law in France. The author emphasizes that the field emerged through statutory law, to protect the worker in the employment relationship and to improve working conditions. In Part II, the author describes how the perception and the content of labor law have changed in present times. Specifically, the author argues that labor law reforms are no longer driven by the desire to improve the employee's work life, but by the employer's demand for flexible labor. Additionally, the author notes that the prominence of collective agreements as the source of French labor law promotes deregulation. In Part III, the author identifies particular challenges that labor law will face in the following decades: monitoring, organizing and moderating the effects of globalization; balancing the employer's need for a flexible work force with the employee's need for security; and

guaranteeing and enforcing minimum labor standards, fundamental labor rights, and social rights for every individual.

Subjects: [Country-Specific Case Studies](#), [European Union](#), [Labor Rights in General \(Misc.\)](#)

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Corporate Governance

Itami, Hiroyuki, "Revision of the Commercial Code and Reform of the Japanese Corporate Governance", *Japan Labor Review* Vol. 2 Issue 1 (Winter 2005) p. 4-25

Abstract:

This article starts with a description of Japan's Commercial Code, which was revised in 2002 as a response to the dismal situation of the Japanese stock market in the 1990s. The Commercial Code governs the structure of Japanese corporations. The revisions permitted Japanese firms to choose from various types of corporate governance. This article focuses on one type, the "committee system" (made up of 3 committees: nomination, compensation, and audit) which consists mainly of outside directors. These committees are in charge of nominating candidates for the Board of Directors and top management, drawing up proposals for their compensation, and auditing them. This committee system is contrasted with the traditional form in which a Board of Directors and auditors consist primarily of inside directors. In the next section, the author argues that the principle focus of any reform of Japan's corporate governance should be to establish a mechanism for monitoring top management. The author argues that the threat of takeover of Japanese firms by their foreign counterparts may be a more effective device than the committee system to check top management. The committee system suffers from a general suspicion of outside directors and the risk of committee power abuse, while the threat of a hostile takeover would result in direct counter measures, facilitating the self-discipline of top management. The author concludes with a proposal for a mechanism to check managerial misconduct that involves what he calls a "referential confidence vote system." He proposes that representative employees of the firm vote on the nominated candidates for top management. The results of the vote would indicate how much confidence the employees had in these candidates, and it would be used to inform decisions by shareholders and the committees in choosing top management.

Subjects: [Corporate Accountability](#), [Corporate Governance](#), [Country-Specific Case Studies](#)

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Links to Related Projects

NEW LINK!

Centre for Employment and Labour Relations Law: <http://www.law.unimelb.edu.au/celrl/>

Centre for Employment and Labour Relations Law is a research and teaching center devoted to the development of an understanding of labor law at the University of Melbourne. The Center's website describes the activities of the Center and contains links to several databases that are of interest to labor law scholars and practitioners. For example, the Center's Work Relations Law Project contains extensive information about Australian labor law that can be accessed directly at <http://www.austlii.edu.au/au/special/industrial/>.

Globalization Bulletin: <http://www.rci.rutgers.edu/~dbensman/bulletin.html>

The Globalization Bulletin is a weekly e-newsletter providing linked access to the latest articles, research, and web resources on a range of global labor issues—ranging from union organizing and labor markets to immigrations and trade agreements. The Bulletin is produced by the Globalization Task Force of the New Jersey Division of the United Nations Association-USA and the Department of Labor Studies and Employment Relations School of Management and Labor Relations, Rutgers University. To subscribe, email David Bensman at dbensman@smlr.rutgers.edu.

Asian Law Center: <http://www.law.unimelb.edu.au/alc/bibliography/browse.asp?s=45>

The Asian Law Centre, an initiative of the University of Melbourne Law School, devoted to the development of understanding of Asian law, offers an extensive bibliography of Asian labor law articles and reports.

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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