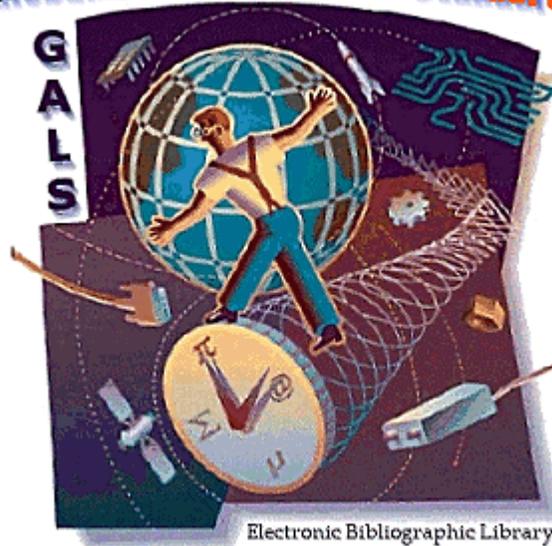


Globalization and Labor Standards



GALS Newsletter

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Contingent Work

Tsuchida, Michio, "Career Formation and Balanced Treatment of Part-time Workers: An Examination Focusing on Legal Policy", *Japan Labor Review* v. 1 no. 4 (Fall 2004) p. 27-47

Abstract:

This article explores the legal policies affecting part-time workers, and what the Japanese government must do to tackle the problem of the disparate treatment between part-time workers and regular employees. The article starts with an overview of the concept of career formation and its relationship to part-time workers. The author argues that the continuously increasing number of part-time workers necessitates that career formation policies be strengthened to acknowledge that part-timers are an indispensable human resource for companies. The next section describes the different categories of part-time workers, such as “fulltime part-time” -- i.e. workers who are treated as part-time, but work as many hours as regular employees and “core part-time” -- part-time workers engaged in duties that are nearly identical to regular employees. The fourth and fifth sections examine legal regulations affecting part-time workers. The author discusses the vast, unequal treatment in relation to wages, working conditions, and dismissals that part-time workers receive compared to regular employees. The article concludes with an analysis of the revisions the Japanese government made in 2003 to their legal regulations affecting part-time workers. The author agrees with the “idea of balance” that the revisions are based on, which is the principle that measures encouraging part-time workers to become regular employees must be balanced with measures making part-time work a desirable employment opportunity. However, the author points out that there is still much room for improvement, such as creating an “in-between” employee category to create a transition from part-time worker to regular employee, and changing the social insurance system so that it treats all working styles fairly.

Subjects: [Contingent Work](#), [Country-Specific Case Studies](#)

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Country-Specific Case Studies

Kolben, Kevin, "Trade, Monitoring, and the ILO: Working To Improve Conditions in Cambodia's Garment Factories", *Yale Human Rights & Development Law Journal* v. 7 (2004) p. 79-107

Abstract:

This article provides an analysis of the labor standards provision in the U.S.-Cambodia Bilateral Textile Trade Agreement that was signed on Jan. 20, 1999 (Agreement). The provision creates quota incentives for the Cambodian garment industry to bring it into substantial compliance with international labor standards and Cambodian labor law. The article starts with a description of the poor working conditions in Cambodia's garment factories during the time the Agreement was signed. Though there were Cambodian labor laws in place, they were seldom enforced due to corruption of labor inspectors and politically-controlled unions. The next section gives a brief overview of the regulations of textile imports in international trade, highlighting the fact that the

labor standards provision in the Agreement was the first of its kind and a creative approach to linking trade privileges with labor rights. The next section evaluates the International Labor Organization's (ILO) initial proposal, the U.S counter-proposal, and the final joint proposal of the program required by the Agreement to improve working conditions of the Cambodian textile and apparel sector. The ILO's proposal aimed to improve industrial relations by strengthening the Cambodian labor inspection system so that they may effectively monitor and enforce Cambodia's labor laws. The U.S. counter-proposal's goal was to implement a system of monitoring that would enable it to determine if the Cambodian garment industry was in substantial compliance with international labor standards and local labor laws. The U.S. proposed that the ILO undertake independent monitoring, visiting individual factories to make assessments and reports. The final proposal included aspects of both. The author critiques all three proposals and proposes a set of criteria that may be used as a guide for similar programs in the future.

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

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Shimada, Yoichi, "Working Hour Schemes for White-Collar Employees in Japan", *Japan Labor Review* v. 1 no. 4 (Fall 2004) p. 48-67

Abstract:

This article argues that the current regulations in place concerning "working hours" (hours that an employee is paid wages for) is not appropriate for Japan's white-collar workers. White-collar workers, unlike most other employees in Japan, have varying levels of discretion over how they do their work as well as the amount of work they perform. The article starts with a description of the general working conditions of white-collar workers, which often includes excessively long working hours, unpaid overtime, and no paid holidays. Section 2 discusses how previous regulations on working hours were applied to white-collar workers and the two current working-hour schemes that were set up in recognition of the unique nature of white-collar workers. The "flex-time" scheme doesn't fix rigid starting and ending times for the working day, but does mandate a certain number of hours be worked within a certain period (e.g. one month). The "discretionary work" scheme lets the individual worker calculate his/her own working hours, but is riddled with cumbersome legal procedures. Section 3 explores in depth how the discretionary nature of white-collar workers warrants a working hour scheme that's different from other employees, and suggests that the "flex-time" and "discretionary work" schemes can be improved by incorporating evaluation systems and health requirements. Section 4 raises issues that should be discussed in considering new working hour regulations for future white-collar workers, including how to determine an appropriate workload, and an annual paid holiday scheme.

Subjects: [Contingent Work](#), [Country-Specific Case Studies](#), [Working Hours](#)

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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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