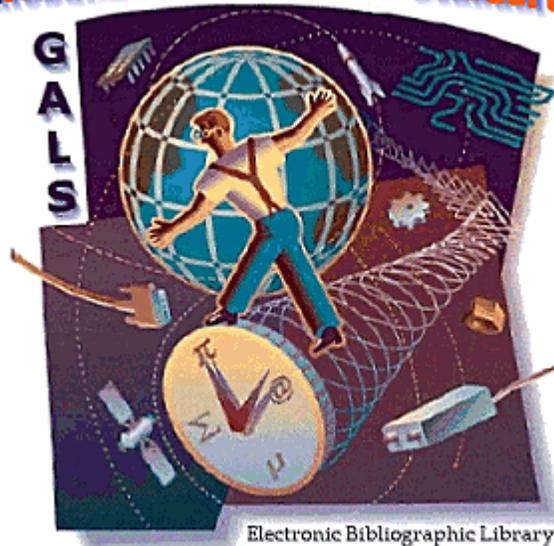


# Globalization and Labor Standards



## GALS Newsletter

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## Country-Specific Case Studies

**Kambayashi, Ryo, "Law and Economics of Labor in Japan: Review of Kaiko Hosei wo Kangaeru: Hogaku to Keizaigaku no Shiten (Examining Dismissal Law: From the Perspective of Legal and Economic Studies)", *Japan Labor Review* v. 1 no4 (Fall 2004) p. 70-97**

**Abstract:**

Professor Kambayashi describes and reviews the book: 'Examining Dismissal Law: From the Perspective of Legal and Economic Studies' in this article. The book provides a legal and economic analysis of one of the most important issues in Japanese labor policy: dismissal regulation. The first section of the book introduces the reader to Japanese dismissal law and uses an international comparative approach in conceptualizing it. The second section discusses the judicial principle of "the abuse exercise of dismissal right" (analogous to the U.S. at-will doctrine). Prof. Kambayashi notes that this is one of very few studies that analyzes the theoretical foundations of dismissal law, and thus should only be the beginning of a much needed development in this area. The third section of the book is comprised of three studies that examine the principle of "the abuse exercise of dismissal right." Prof. Kambayashi suggests that these studies do not succeed in meeting their goal of explaining actual dismissal behavior. The last section focuses on the policy debate surrounding Japanese dismissal law, including its conflict with other policy goals, as well as an overall view of the general issues that surround codifying dismissal rules, which is based on case law. Prof. Kambayashi concludes with a discussion of why dismissal law is receiving increasing attention in Japan, and in particular, the Labour Standards Law in Japan, which deals with issue of dismissal.

**Subjects:** [Country-Specific Case Studies](#)

## International Labour Organization

**Servais, Jean-Michel, "Universal Labor Standards and National Cultures", *Comparative Labor Law & Policy Journal* v. 26 no1 (Fall 2004) p. 35-54**

**Abstract:**

This article discusses the tensions that arise in implementing International Labour Organization (ILO) labor standards in member States due to local cultural variables and economic constraints. The author first explains how the ILO takes cultural and economic concerns into account by incorporating devices such as flexibility clauses and situational recommendations. However, the author concedes that the universal character of international labor standards will nonetheless still give rise to problems when applied to specific states' cultures. He argues that the ILO should proceed flexibility and with sensitivity to local culture in the textual wording of directives and recommendations but not when it comes to monitoring compliance. He reasons that a legal system is only credible if it guarantees that the methods of evaluation are the same for all. The author concludes with suggestions for steps that would lead to an effective execution of international labor standards, including proposals for rules that garner broad support, practical guidelines, and solemn declarations.

**Subjects:** [International Labour Organization \(ILO\)](#), [Labor Rights in General \(Misc.\)](#)

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

## Trade Conditionality

**Di Caprio, Alisa, "Are Labor Provisions Protectionist?: Evidence from Nine Labor-Augmented U.S. Trade Arrangements", *Comparative Labor Law & Policy Journal* v. 26 no1 (2004) p. 1-34**

**Abstract:**

This article explores whether labor provisions in U.S. trade arrangements have been used by protectionist interests to block imports. The first section gives a brief historical background on the four types of worker rights provisions that are found in modern U.S. trade arrangements: 1) unilateral trade preferences, 2) bilateral trade agreements, 3) free trade agreements, and 4) "other" provisions (i.e., provisions that do not fit within the first three categories). The second section analyzes the extent to which the labor provisions are a protectionist mechanism to block imports. Here the author examines the stage at which a labor provision is put into a trade arrangement, whether it be in the initiation, design, or actual implementation stage. She argues that it is misleading to characterize labor provisions as protectionist when the reason for their inclusion is to advocate human rights in general or when they are used as a threat (i.e., threatened withdrawal of benefits or monetary sanctions), rather than actually implemented. The author concludes that the role of labor protective provisions will probably diminish because the humanitarian and labor groups that advocate them are becoming disillusioned with the leverage they provide, and are seeking methods with more immediate results.

**Subjects:** [Labor Rights in General \(Misc.\)](#), [NAFTA/GATT](#), [Trade Conditionality](#)

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

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## Links to Related Projects

 **The International Labour Organization's (ILO) Informal Economy Resource Database:** <http://www.ilo.org/dyn/infoecon/iebrowse.home>

The Informal Economy Resource Database contains a myriad of ILO activities, research or tools directly or indirectly related to the informal economy and decent work. This source is a "living" and dynamic inventory of information on labour issues relating to the informal economy, such as access to finance, data and statistics, employment, gender equality, policy, rights, social protection and working conditions. It is a valuable tool for anyone undertaking research or working on labour issues and the informal economy.

**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.

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

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/>.

**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.

**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](mailto:dbensman@smlr.rutgers.edu).

**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.

**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.

**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.

**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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*Project Director:*

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