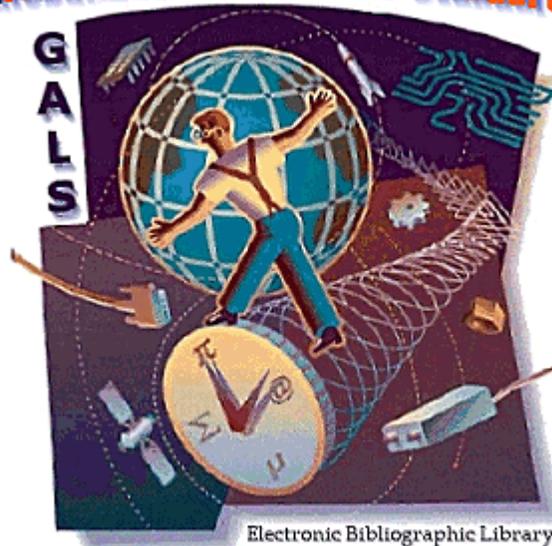


# Globalization and Labor Standards



## GALS Newsletter

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**Katherine V.W. Stone** – Editor and Project Director

Managing Editor:  
**Brendan Smith**

Student Contributors:  
**Jennifer Ku**  
**Pamela Chandran**

Tech Advisor:  
**Sasha Skenderija**

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## Country-Specific Case Studies

**Kuwahara, Yasuo, "Migrant Workers in the Post-War History of Japan", *Japan Labor Review* v. 2 no4 (Fall 2005) p. 25-47**

**Abstract:**

This article explores the rekindled interest in the issue of foreign workers in Japan today. The first section describes the prevalence of foreign workers throughout all of Japan's labor force, and showing how while foreign workers are ubiquitous, they are not wholly accepted by Japanese society or Japan's government. The second section explains the historical roots of the category 'foreign workers' of Japanese descent. These are Japanese people who emigrated out of Japan as early as 1908 to look for work, who's descendants are now coming back to Japan to earn a living -- a pattern that has been termed "U-turning." The third section discusses the causes and factors of Japan's increasing dependence on foreign workers, including labor shortages in Japan and Japanese workers shunning of types of jobs that are considered "dirty" or "dangerous" (i.e. non white-collar jobs). The next section explores several issues that have arisen with the influx of foreign workers, including the problem of foreigners overstaying their visas to illegally work in Japan, the abuse of training programs by employers, and the tension between workers of Japanese descent, who are allowed to work in Japan legally, and illegal foreign workers who are not. The article concludes that Japan's government needs to set up a single administrative body that can discuss and implement practical solutions to accommodate the steady and continual increase of foreign workers and encourage true acceptance of foreign workers in Japan.

**Subjects:** [Contingent Work](#), [Country-Specific Case Studies](#), [Immigration](#), [Labor Mobility](#), [Undocumented Workers](#)

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**Ogawa, Makoto, "Current Issues Concerning Foreign Workers in Japan", *Japan Labor Review* v. 2 no4 (Fall 2005) p. 6-24**

**Abstract:**

This article gives an overview of the issues concerning foreign workers in Japan, including detailed survey data of the actual workers, policies in dealing with their influx, and general public opinion toward them. The first section describes why current conditions in Japan's labor market -- specifically falling fertility rates, an increasing proportion of elderly people, and a high unemployment rate -- have put the issue of foreign workers in the spotlight. The second section discusses how the basic policy in Japan is to promote acceptance of foreign workers, favoring skilled (i.e., professional or technical) as opposed to unskilled workers. The third section explores the circumstances that affect foreign workers in Japan, including programs to facilitate foreign workers entrance into Japan's labor market, public opinion on foreign workers (i.e., negative), specific fields in which foreign workers find employment (i.e., entertainment and manufacturing), and residency requirements. The fourth section examines policies that affect foreign workers, the 'double-payment' problem in which foreign workers must make pension contributions in both Japan and one's own country, and issues concerning the education foreign workers' children. The next section reviews proposals to deal with foreign workers in Japan, including advocating town hall meetings are held to collect suggestions, and the adoption of a comprehensive policy that embraces and takes full advantage of the potential of foreign workers. The final section states that Japan is negotiating with countries in Asia to establish economic partnership agreements to establish conditions for bringing in foreign workers from their respective countries. The article concludes that this issue of accepting foreign labor must be looked at in a comprehensive manner, but also cautions prudence, as issues such as this one require public consensus.

**Subjects:** [Contingent Work](#), [Country-Specific Case Studies](#), [Immigration](#), [Labor Mobility](#), [Undocumented Workers](#)

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## NAFTA/GATT

Tucker, Eric, "Great Expectations", *Comparative Labor Law & Policy Journal* v. 26 no1 (Fall 2004) p. 97-150

**Abstract:**

This article explores the effects that NAFTA had on collective bargaining laws in Canada and the United States, specifically whether the 'great expectation' that NAFTA would lead to a legislative erosion of collective bargaining laws was realized or not. The first section analyzes the "Race to the Bottom" ("RTB") hypothesis model, which anticipates that trade liberalization will lead to increased mobility of capital and products, increasing competition between employers who will then look to produce more efficiently, making strong labor standards not attractive. This analysis examines the RTB model's limitations such as its absence of factoring in political and economic processes that affect regulatory outcomes, and its narrow focus only private sector labor legislation. It then suggests another model of trade liberalization's effects that takes into account mediating contextual factors such as economic complexity, internal adaptation in the collective bargaining regime, and external environments that shape government policy. The second section uses this new model to assess the trajectory of collective bargaining laws in Canada and the United States. The case studies show that though there has been a downward trajectory in both countries, it has not been as steep as many free-trade critics had predicted because of such variables as internal adaptation through the bargaining process, political and legal influences, the weakening of the effectiveness of the labor laws themselves, and civil society activism. The author also notes that U.S. collective bargaining laws were less affected by competition than Canada because of its already weakened state at the beginning of the free-trade era. The article concludes that the 'great expectation' has been defeated, to the extent that it predicted NAFTA would lead to a dramatic legislative (as opposed to regulatory effectiveness) decline in collective bargaining laws.

**Subjects:** [Collective Bargaining](#), [NAFTA/GATT](#)

**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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A **GALS mirror-site** at <http://www.lawschool.cornell.edu/library/GALS-mirror/> is provided by [Cornell Law Library](#).

*Project Director:*

[Katherine V.W. Stone](#)  
UCLA School of Law