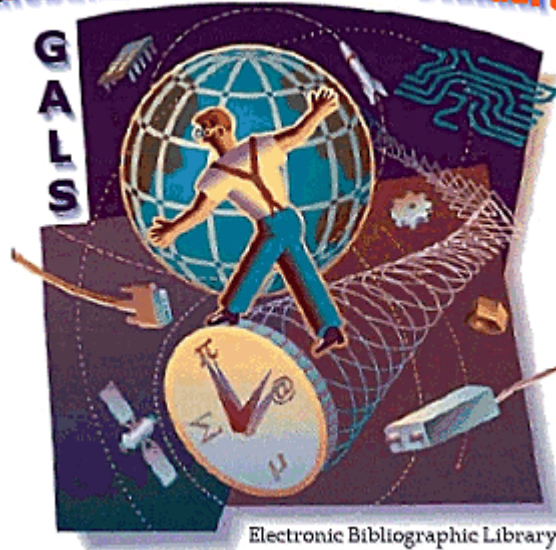


Globalization and Labor Standards



GALS Newsletter

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NEW The Globalization and Labor Standards Project has initiated a Working Papers Series. GALS Working Papers can be found at in PDF format at www.laborstandards.org. They are listed separately as well as cross-referenced and integrated into the GALS library. The library contains links to the full text of the Working Paper. GALS Working Papers are also listed in the newsletter.

Industry-Specific Case Studies

Bisom-Rapp, Susan, "Exceeding Our Boundaries: Transnational Employment Law Practice and the Export of American Lawyering Styles to the Global Worksite", *Comparative Labor Law & Policy Journal* no25 (Winter 2004) p. 257-356

Abstract:

In this article, Susan Bisom-Rapp explores the growth of international labor and employment law as a distinctive field of legal practice. Specifically, the author argues that the traditional understanding of labor and employment law as quintessentially local is changing as practitioners deal more with transnational clients. Bisom-Rapp provides a case study of the firm Littler Mendelson, a leading United States labor and employment firm that has developed an International Practice Group to increase global client and practitioner contacts. The author conducted e-mail interviews with twenty-one lawyers in thirteen countries who are affiliated with Littler's International Practice Group. She reports that the practitioners are deeply engaged in transnational legal strategies and are enthusiastic about implementing some of the tactics of American-style employment practice. Bisom-Rapp also predicts that some aspects of American employment law are not likely to globalize, such as the concept of at-will employment. The author concludes that commonalities in lawyering styles and some substantive employment law issues are emerging across national jurisdictions, indicating that the field may be less localized than traditionally thought.

Subjects: [Company-Specific Case Studies](#), [Conflict of Laws](#), [Industry-Specific Case Studies](#)

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

NAFTA/GATT

Graubart, Jonathan, "'Politicizing' a New Breed of 'Legalized' Transnational Political Opportunity Structures: Labor Activists Uses of NAFTA's Citizen-Petition Mechanism", *Berkeley Journal of Employment and Labor Law* no26 (2005) p. 97-150

Abstract:

This article argues that the citizen-petition mechanism for labor disputes, established by the North American Agreement on Labor Cooperation ("NAALC"), should not be abandoned despite waning enthusiasm. Graubart posits that although the NAALC process is quasi-judicial and produces no binding authority, it is a useful tool for transnational labor reform activists. Through a detailed analysis of the successes and pitfalls of past NAALC petitions involving labor disputes with Honeywell, General Electric, Sony, and other companies, the author explains how and under what conditions activists can use the NAALC petition process to strengthen their position in a dispute with the government. Additionally, he shows how the petition process can provide activists with a broader platform from which they can mobilize wider support for their cause which, in turn, puts greater pressure on their governments.

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

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Outsourcing

Mordecai, Adam, "Anti-offshoring Legislation: The New Wave of Protectionism, the Backlash Against Foreign Outsourcing of American Service Jobs", *Richmond Journal of Global Law and Business* no5 (2005) p. 85-102

Abstract:

This article argues that anti-outsourcing measures undermine US economic interests. Section I introduces the problem of outsourcing, especially the more recent outsourcing of white-collar jobs and the rising calls for anti-offshoring legislation. Section II argues that free trade will improve everyone's fortunes through more efficient use of capital and resources. The author acknowledges that as businesses are compelled to outsource, some individuals will meet hardship, but argues that this is a transitional growing pain. Section III categorizes anti-offshoring legislation in thirty-five states and both houses of Congress. These include: limitations on government contract awards, mandatory offshoring disclosures, prohibitions on transmission of customer information abroad, and restrictions on state assistance. Section IV specifies why each type of measure is economically harmful to the US. The author claims that jobs lost to outsourcing will be replaced by higher value-added positions, which will spur the US economy to greater creativity and growth.

Subjects: [Outsourcing](#)

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GALS Working Papers

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Labor Rights in General (Misc.)

Stone, Katherine V.W., "Flexibilization, Globalization, and Privatization: Three Challenges to Labor Rights in Our Time", [GALS Working Paper Series #1-05]

Abstract:

Three dynamics are coalescing to reshape labor relations in the 21st century in the United States: They are flexibilization, globalization and privatization. Flexibilization refers to the changing work practices by which firms no longer use internal labor markets or implicitly promise employees lifetime job security, but rather seek flexible employment relations that permit them to increase or diminish their workforce, and reassign and redeploy employees with ease. Globalization refers to the increase in cross-border transactions in the production and marketing of goods and services that facilitates firm relocation to low labor cost countries. And privatization refers to the rise of neo-liberal ideology, the attack on big government and the dismantling of the social safety net that have dominated public policy in the U.S. in recent years.

All three of these dynamics have been detrimental to U.S. employment standards and union strength. This paper describes how each of these dynamics has undermined labor rights and then asks, what prospects are there, in light of this environment, for protecting employment rights, re-invigorating unions, and security a social safety net? It concludes that the response to the global threat to labor standards lies in a revival of collective action at the local level. It further concludes that the combined forces of flexibilization, globalization, and privatization make collective action at the local level not only necessary, but also possible.

Subjects: [Labor Rights in General \(Misc.\)](#)

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Country-Specific Case Studies

McCallum, Ron, "Plunder Down Under: Transplanting the Anglo-American Labour Law Model to Australia" GALS Working Paper Series #2-05

Abstract:

This paper compares and contrasts the federal approaches to labour law in the three Common Law federations of the United States, Canada and Australia. In the United States, curial interpretations of the Constitution have lead to the Congress having national labour law powers. On the other hand, the legislative divide between the Canadian Government and the Provinces, has meant that it is the Provinces who have control over the vast bulk of labour law in the private sector. Throughout the twentieth century, the jurisdiction over labour law in Australia has been divided between the Australian and State Governments. Presently, the Australian Government is attempting to deregulate Australian federal labour law and to limit Australia's traditional processes of conciliation and arbitration. Furthermore, the Australian Government is seeking to utilize its constitutional powers to create one deregulated national labour law system for Australia. If successful, this will mean that the five remaining separate State labour law systems will be diminished. If the Australian Government is successful in using its legislative power over corporations to create a national labour law regime, State controls will be minimized. Much will depend on the way the Australian High Court interprets the corporation's power within the framework of the Australian Constitution.

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

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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.

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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