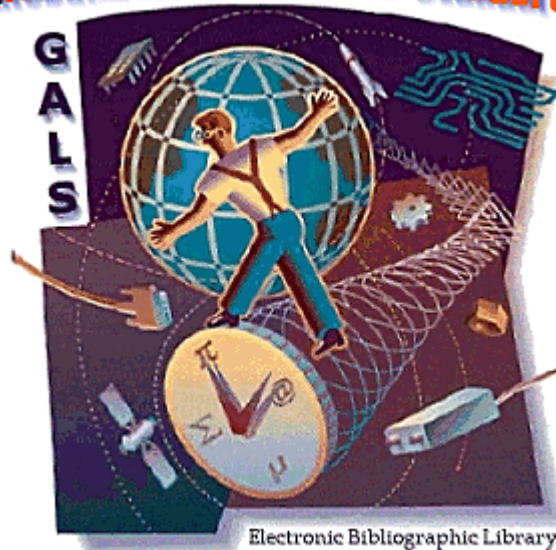


# Globalization and Labor Standards



## GALS Newsletter

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serve. Information about how to sign up for this free service is [available below](#).

**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](http://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.

## Alien Torts Claims Act

**Pagnattaro, Marisa Anne, "Enforcing International Labor Standards: The Potential of the Alien Tort Claims Act", *Vanderbilt Journal of Transnational Law* v. 37 no.203 (2004)**

**Abstract:**

This article asks where workers can go for protection of labor standards. In Part I, the author argues that US courts should recognize that the Alien Tort Claims Act (ATCA) includes torts committed in connection with freedom of association, the right to collective bargaining, prohibitions on child labor, and discrimination. Thus, ATCA can be used to enforce core labor rights under the law of nations. Part II sketches ATCA's history and narrates seven major cases, including four brought against multinational corporations by the International Labor Rights Fund (ILRF). Part III shows that foreign workers can hold multinationals liable under ATCA for violating the law of nations. Part IV lists treaties that can be used to constitute law of nations violations in the areas of human and labor rights, extra judicial murder and genocide, torture, kidnapping, slavery, freedom of association, collective bargaining, child labor and discrimination. Part V outlines four challenges to ATCA claims and Part VI gives their counter-defenses. In Part VII, the author argues that free trade will not automatically improve labor rights. While it is admirable that courts have interpreted the law of nations to include general human rights, now they should recognize its torts connected to core labor rights.

**Subjects:** [Alien Torts Claims Act](#), [Case Studies](#), [Labor Rights in General \(Misc.\)](#)

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

## Comparative Labor Law

**Fahlbeck, Reinhold, "Comparative Labor Law - Quo Vadis?", *Comparative Labor Law & Policy Journal* v. 25 no7 (2003)**

**Abstract:**

Drawing on three decades of experience, the author discusses benefits and challenges for future comparative legal researchers. He distinguishes between factual research on "what" questions and explorative research on "why" questions. Parts II and III elaborate the how/what distinction as between "mainstream" descriptive work and analytical research on interactions of foreign and domestic law. Both types of research suffer from an absence of a general method and a defined body of comparative law. However, both approaches provide the benefit of enhancing understanding of one's own country and uncovering hidden biases as well as possibilities. Section IV gives examples of "why" questions that are best answered comparatively, such as the question, "Why is US union density low?" Section V calls for a new multi-disciplinary method which understands industrial relations as parallel to other "sub-systems" (political, economic and cultural) in each country.

**Subjects:** [Comparative Labor Law](#), [Labor Rights in General \(Misc.\)](#)

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

**Goldman, Alvin, "A Perspective on the Next Quarter Century of Comparative Labor Law",**  
*Comparative Labor Law & Policy Journal* v. 25 no33 (2003)

**Abstract:**

Part I paints a picture of the global political economy of the next 25 years: population will increase in poor, authoritarian countries while the environment will be degraded. This will increase pressure for a global race to the bottom. Part II argues that wealthy nations will debate two approaches: (1) isolationism instituted through small regional alliances and trade; and (2) sacrificing some wealth to "ease the burden of poor nations" by shoring up international laws and strengthening global social standards. In support of the latter approach, the author asks if law can reduce poor people's suffering and ensure equitable resource distribution. He argues that the next generation of comparative labor law will address this question by including analysis of tax law, business associations, regulation of competition, education law, social security, trade and immigration. The author calls for a reinvigoration of global values from "delusions of consumerism" to equitable social institutions and conservation.

**Subjects:** [Comparative Labor Law](#), [Labor Rights in General \(Misc.\)](#)

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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/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/>.

**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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