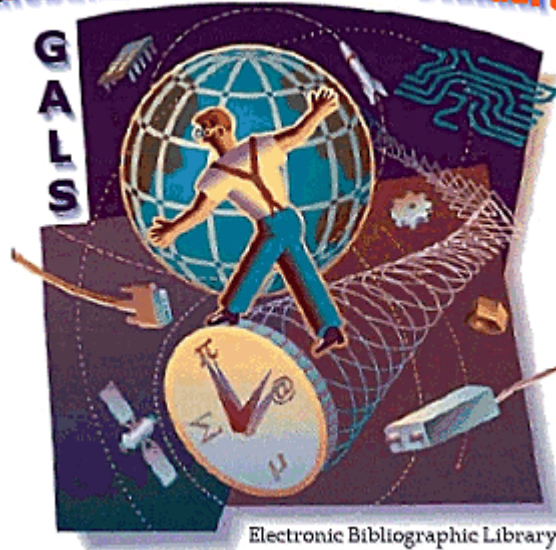


# Globalization and Labor Standards



## 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](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.

## Extraterritorial Application of Law

**Linden, Thomas, "Employment Protection for Employees Working Abroad", *Industrial Law Journal* v. 35 no186 (June 2006)**

### Abstract:

This article discusses legislative and judicial attempts to clarify the rights of British employees who work outside the territorial boundaries of Great Britain. The author focuses primarily on the development of Britain's "unjust dismissal" law and considers whether an employee who is recruited in Great Britain for an overseas job is employed "in Great Britain" for the purposes of protection against unjust dismissal under Britain's 1996 Employment Rights Act. The author discusses a Court of Appeals case in which the Court articulated a threefold categorization for labor rights for overseas workers. First, there are what the court called "standard case" employees, who should be protected by the Act based on the fact of their employment was within Great Britain at the time of their dismissal without regard to previous employment overseas. Next, there are "peripatetic" employees, such as airline pilots, who, while working primarily abroad, do so for an employer who is "based in" Great Britain. Finally, there are "expatriate" employees, such as an employee who is recruited in Great Britain for work abroad. The Court suggested that the first two categories of employees were protected, but that the expatriate employees would generally not be protected against unjust dismissal. The article also considered whether the application of Britain's workplace anti-discrimination protections similarly applied to employees working abroad. Because of recent amendments to the anti-discrimination legislation, the author suggests that the same categorization may not be controlling. The article concludes with brief notes on the limits on the jurisdiction of British tribunals to enforce employment law rights and the implications of the doctrine of forum non conveniens for enforcement of British employment law rights for workers outside the UK.

**Subjects:** [Conflict of Laws](#), [Employment Law](#), [Extraterritorial Application of Law](#)

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

## Immigration

**Jackson, Sheila Lee, "Why Immigration Reform Requires A Comprehensive Approach That Includes Both Legalization Programs and Provisions to Secure the Border", *Harvard Journal on Legislation*, No. 43 pp. 267-286 (Summer 2006)**

### Abstract:

In this article, Democratic Representative Sheila Jackson Lee of Texas argues that past efforts by the Bush Administration to "manage" the population of undocumented workers already in the United States, and to prevent a new population of undocumented migrants from replacing them, have been "ineffective," "wasteful" and "intrusive." Representative Jackson Lee further contends that the Bush Administration's recent legislative proposal to establish a guest worker program only temporarily addresses the issue of the current undocumented population. She criticizes the proposal on the grounds that it is unrealistic to expect that workers brought to the United States on a temporary basis will voluntarily leave at the end of their authorized employment period. In its place, Representative Jackson Lee describes two immigration reform bills she has introduced in the House of Representatives: the Save America Comprehensive Immigration Act (SACIA), and the Rapid Response Border Protection Act (RRBPA). The first would provide permanent legal status to undocumented immigrants who have lived in the United States for more

than five years. The second statute would add 15,000 new Border Patrol agents over a five-year period, thereby increasing the number of agents from 11,000 to 26,000. To staunch the tide of illegal border crossing, RRBPA would equip immigration enforcement officials with more helicopters, power boats, land-based vehicles, portable computers, reliable radio communications systems, hand-held GPS devices, body armor and night-vision equipment. Estimating that more than ten million undocumented persons presently reside in the United States, Jackson Lee writes that the "sheer ineffectiveness of our present militarized tactics to prevent undocumented immigration is startling."

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

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

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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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