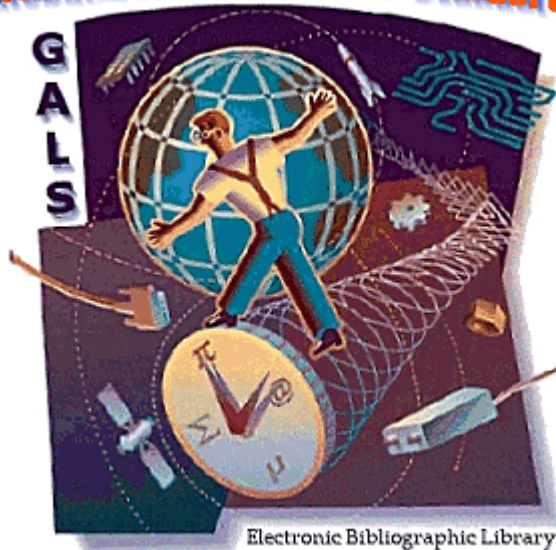


Globalization and Labor Standards



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.

Forced Labor

Zuppi, Alberto L, "Slave Labor in Nuremburg's I.G. Farben Case: The Lonely Voice of Paul M. Herbert", *Louisiana Law Review* no.66 (Winter 2006) p. 495

Abstract:

This article is a historical treatment of Paul Herbert, who wrote the lone dissenting opinion in the 1948 decision to acquit several directors of I.G. Farben, Germany's largest chemical conglomerate, of participating in war crimes and crimes against humanity. Although the case involved several allegations, Herbert's dissenting opinion focused on the majority's failure to return convictions against most of the defendants for the firm's widespread use of slave labor. Herbert argued that the use of slave labor was a corporate policy of I.G. Farben, and that therefore culpability for the firm's use of slave labor extended to all of its directors, not just the five individuals who happened to be in charge of the Firm's most notorious facility at Auschwitz-Buna. He also argued that the defense of "necessity" could not excuse guilt, but only mitigate the punishment. The author suggests that the majority's decision to acquit most of the defendants was the result of several factors, including complacency among the prosecutors because of the overwhelming evidence that I.G. Farben's directors were aware of and approved of the use of slave labor by the firm.

Subjects: [Corporate Accountability](#), [Forced Labor](#)

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

Chacon, Jennifer M., "Misery and Myopia: Understanding the Failures of U.S. Efforts to Stop Human Trafficking", *Fordham Law Review* no.74 (2006) p. 2977

Abstract:

This article describes the Victims of Trafficking and Violence Protection Act of 2000 (TVPA), contextualizes it in the history of U.S. migration legislation and law enforcement, and critically evaluates its impact. The author argues that although the Act yields a few positive outcomes for the most exploited trafficking victims, the TVPA suffers from systemic flaws. In practice, she maintains, the TVPA and its antecedents actually facilitate trafficking and exploitation by focusing on border interdiction strategies, harshly penalizing migrant workers, and providing insufficient labor protections. Part I defines trafficking, contrasting the international law and more narrow TVPA definitions. Part II, a history of the TVPA, argues that it and the legal regime on which it is built facilitate trafficking into and within the U.S. Part III shows that under the TVPA, very few victims have been identified, few cases have been prosecuted; and trafficking has not been suppressed. The author then asks why the TVPA has failed. She contends that the causes for the failure are (1) the presumptive criminality of migrants, (2) the enforcers' sacrifice of migrant protection to the agenda of furthering criminal prosecution, (3) the conflation of trafficking and prostitution, (4) a general racial bias in the conception of trafficking, and (5) the Act's focus on border interdiction rather than internal enforcement.

Subjects: [Forced Labor](#), [Immigration](#), [Sex Slavery](#), [Women's Rights](#)

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Trade Conditionality

Travers, David, "You Have to Fight for your Right to Work: The U.S.-Chile Free Trade Agreement and Global Labor Standards", *Suffolk Transnational Law Review* no29 (Summer 2006) p. 337-361

Abstract:

This article discusses the domestic pressures within the United States and Chile that resulted in the labor standards and enforcement procedures of the U.S.-Chile Free Trade Agreement of 2003. On the one hand, the author argues that the Agreement needed to have some labor standards enforcement provisions in order to appease critics in organized labor and the U.S. Congress. At the same time, however, the democratically elected post-Pinochet government in Chile did not want to be seen as surrendering sovereignty to the United States under the rubric of "international labor standards." The resulting compromise requires Chile to provide access to dispute resolution mechanisms for labor standards violations only if Chile has failed to "effectively enforce its [own] labor laws." This approach is in stark contrast to that of the Free Trade Agreement of 2001 between the United States and Jordan, which provides access to dispute resolution mechanisms in the event of violations of internationally recognized labor standards, such as those embodied in the Conventions of the International Labor Organization (ILO). According to the author, the increased global competition among workers resulting from the relatively loose labor standards of the U.S.-Chile FTA will force the North American workforce prioritize education and skills training, thereby "replac[ing] the idea of entitlement with competition, making hard-work and dedication to self-improvement through education life-long necessities." The author concludes that the Chile Agreement's approach to labor standards should serve as a model for other U.S. trading partners in future free trade agreements.

Subjects: [Country-Specific Case Studies](#), [FTA](#), [International Labour Organization \(ILO\)](#), [Trade Conditionality](#)

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GALS Working Papers

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Arthurs, H.W., "Compared to What? The UCLA Comparative Labor Law Project and the Future of Comparative Labor Law", [GALS Working Paper Series #1-06]

Abstract:

This article describes the work of the Comparative Labor Law Group from 1965 to 1978 as a particular "moment" in the life of post-war labor law. That "moment" had its origin in the post-war compromise, and was waning by the late 1970s. It was a time in which there was widespread agreement that the purpose of labor law was to provide justice in the workplace and that workers should enjoy economic and employment security. The author shows that a crisis in political economy, legal institutions and legal

theory undermined the consensus and with it, the underpinnings of traditional labor law and comparative labor law scholarship. The national labor law systems that were the focus of the consensus moment withered under the combined onslaught of technological change, the rise of the service sector, neo-liberal ideology, the restructuring of key industries, the expansion of knowledge-intensive work, the entrance of women and excluded groups into the mainstream workplace, and changes in the nature of work itself. In the wake of the demise of the national labor law systems, new sources of normative authority derived from private rule-making institutions have increased their governance role in work relationships. Such systems include corporate codes of conduct, the UN Global Compact, the institutions of trade regimes, and other “soft law” initiatives. The author calls for a new type of comparative labor law that compares these diverse, semi-autonomous systems of non-state normativity in order to develop a “new syntax, grammar, and vocabulary of comparativism which will help make them mutually intelligible.”

Subjects: [Codes of Conduct](#), [Comparative Labor Law](#), [Trade Conditionality](#)

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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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