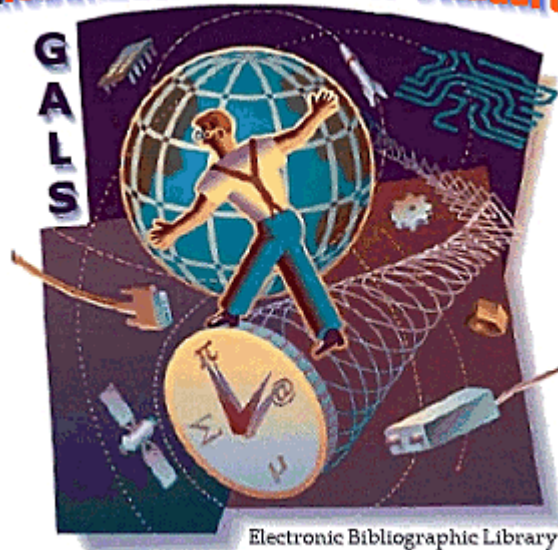


Globalization and Labor Standards



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.

Country-Specific Case Studies

Gould, William, "Fundamental Rights at Work and the Law of Nations: An American Lawyer's Perspective", *Hofstra Labor and Employment Law Journal* v. 23 (Fall 2005) p. 1-44

Abstract:

This essay discusses US labor law and its compatibility with the conventions of the ILO, asking in what ways domestic law should be shaped in order to comport with international law in labor-management relations. Gould, former NLRB chair, narrates a detailed history of labor rights in the US from 1935, noting the recent Supreme Court practice of referencing foreign and international law, and a legislative backlash from Congress. A cardinal Supreme Court decision is *Sosa v Alvarez-Machain*, which authorized federal courts to examine instruments under the 1789 Alien Tort Claims Act when considering the lawfulness of extraterritorial conduct. Gould concludes with a detailed explanation of the legal progeny of the *Sosa* decision (Drummond, Del Monte and Unocal), analyzing the implications of each decision. He predicts that in future decisions with international implications the Supreme Court will be cautious, "but *Sosa* has opened up a new frontier for rights and dignity of labor abroad," and perhaps in the US as well.

Subjects: [Alien Torts Claims Act](#), [Country-Specific Case Studies](#), [Extraterritorial Application of Law](#), [International Labour Organization \(ILO\)](#)

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

Kagan, Joshua, "Workers' Rights in the Mexican Maquiladora Sector: Collective Bargaining, Women's Rights, and General Human Rights: Law, Norms, and Practice", *Journal of Transnational Law and Policy* v. 15 (Fall 2005) p. 153-180

Abstract:

This note chronicles the emergence of the Mexican maquiladora sector, summarizes the history of Mexican labor law from 1942, and analyzes the connection between the sector's success and the enforcement of labor laws pertaining to it. Kagan details the maquiladoras' human rights concerns in the areas of working conditions, health and safety, wages, women's rights, child labor and unionization. Neither Mexico's strong labor protections nor the labor side-agreement to NAFTA are enforced, because the government prioritizes job creation rather than affirming human rights, and because dominant unions have conspired with government to keep wages low. But the author points to emerging global norms of labor rights and suggests that transnational regulation could prevent a race to the bottom in labor standards without compromising foreign investment and economic development.

Subjects: [Child Labor](#), [Collective Bargaining](#), [Country-Specific Case Studies](#), [Health and Safety](#), [NAFTA/GATT](#), [Women's Rights](#)

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

Women's Rights

Hernandez-Truyol, Berta & Larson, Jane, "Sexual Labor and Human Rights", *Columbia Human Rights Law Review* v. 37 (Winter 2006) p. 391-445

Abstract:

This article deconstructs the false binary polarizing debates on prostitution as either consensual or coercive. This polarity derives from liberal political theory, which contrasts contract work- purportedly consensual and therefore non-exploitative- to slavery. But this view misinterprets prostitution's social realities, which has aspects of both work and servitude. Thus, rather than debating prostitution's "essential nature," the authors define it as work and ask what are just and human conditions for it. This "labor paradigm" calls for locally-grounded empirical work about conditions of sexual labor in order to determine how it should be regulated. The authors contend that the ILO's four core human rights for labor pertain specifically to sex work and should be enforced as such.

Subjects: [Industry-Specific Case Studies](#), [Sex Slavery](#), [Women's Rights](#)

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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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