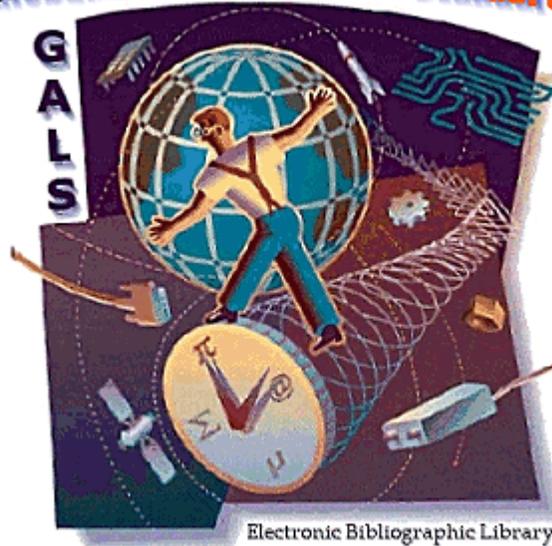


Globalization and Labor Standards



GALS Newsletter

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Katherine V.W. Stone – Editor and Project Director

Managing Editor:
Brendan Smith

Student Contributors:
Angela Jamison
Scott Miller
Kristi Matthews
Nubia Diaz

Tech Advisor:
Sasha Skenderija

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Country-Specific Case Studies

Kolben, Kevin, "The New Politics of Linkage: India's Opposition to the Workers' Rights Clause", *Indiana Journal of Global Legal Studies* v. 13 (2006) p. 225-258

Abstract:

Based on interviews with Indian government officials, employers, labor activists, journalists, and others, this article documents and categorizes some of the more salient arguments made by lesser developed countries (LDCs) against proposals by Western scholars and labor activists to link international trade and improved labor standards through the inclusion of a workers' rights provision (or "social clause") within the WTO framework. The author delineates three basic categories of arguments – economic, political and structural – typically made as part of the LDCs' case against linkage. Economic arguments against linkage generally involve concerns that calls from the West to improve labor standards ultimately stem from protectionist motives and that linking trade and labor standards will have the effect of protecting the domestic markets of the Western countries from cheap goods, thereby reducing trade and employment in the LDCs. Political arguments against linkage are often directed at protecting sovereignty and opposing globalization, which is understood as serving the interests of world financial institutions. Thus, some Indian labor activists and unionists who oppose the WTO, the World Bank and the IMF, will not support a social clause in the WTO, for fear that doing so would legitimize, but not fundamentally alter, the oppressive nature of structural adjustment programs, neoliberalism and other aspects of these institutions. Structural arguments focus on deficiencies of the WTO for enforcing labor standards. For example, some interviewees pointed out that the ILO, as the organization most knowledgeable about labor rights issues, should be strengthened rather than relying on the WTO, which has relatively little familiarity with issues of labor standards. Similarly, because the WTO is a treaty between governments, only governments but not unions or NGOs would have standing to raise complaints for violations of a proposed social clause. Another concern expressed is that trade sanctions are too blunt an instrument because they punish an entire national economy and cannot be calibrated to reach only those employers who violate labor standards while rewarding those employers that honor them. The author concludes by suggesting that scholars and activists who support linking labor rights and trade pay closer attention to the concerns voiced by the various sectors of Indian society and government and that, for the near future, regional trade pacts and bi-lateral agreements are the more likely fora in which to achieve linkage labor standards and trade issues.

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

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

Trade Conditionality

Wells, Don, "Best Practices in the Regulation of International Labor Standards: Lessons of the U.S.-Cambodia Textile Agreement", *Comparative Labor Law & Policy Journal* v.27 (2006) p. 357-371

Abstract:

This article is a post-mortem assessment of the U.S.-Cambodia Textile Agreement (UCTA), which went into effect in 1999 and expired in 2005. The UCTA was unique among U.S. trade agreements in several respects. By linking increased market access to systematically and publicly monitored increased compliance with labor standards, it was the only bilateral U.S. trade agreement to use market incentives instead of punishments to motivate government and employer compliance with labor standards. Also,

UCTA used the ILO, rather than private firms or NGOs, to monitor compliance with labor standards, thereby making claims of improved working conditions under the UCTA more credible than similar claims under other trade agreements. The author notes that between 1999 and 2004, Cambodia went from one of the worst violators of core ILO labor standards to ranking ahead of all its regional competitors in compliance. Based on these reports of increased compliance, the United States increased Cambodia's garment export quota in each year of the agreement, so that Cambodia's apparel exports increased four-fold over the life of the UCTA with about two-thirds of these exports going to the U.S. market. Because the value of these quota increases far outstripped the costs of increased compliance, employers in the Cambodian garment industry – most of which is foreign owned – could afford to pay higher wages to garment workers. Although the author notes that there were some problems of implementation and enforcement, particularly in protecting freedom of association and reducing anti-union discrimination, he concludes that the UCTA has benefited Cambodian garment workers, and that, with appropriate modification, the UCTA serves as a potential model to be replicated and extended to other countries and other industries.

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

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Labor Rights in General

Trubek, David, "The Emergence of Transnational Labor Law", *American Journal of International Law* v. 100 (2006) p. 725-735

Abstract:

This essay reviews recent books by Bob Hepple, Philip Alston, and Kimberly Elliot & Richard Freeman that address the need for a more effective transnational system of institutional protections to enforce worker rights and raise labor standards in an increasingly global economy. According to Trubek, all of the books are pluralist in their outlook and embody a new “transnational vision” one that relies on both “hard” and “soft” enforcement measures, public and private norms, and various levels of governance, including, where necessary, international financial institutions such as the World Trade Organization and regional trade pacts to create minimal labor standards. However, despite their convergence, Trubek points out that there are numerous issues about which these leading proponents of transnationalism disagree. Areas of disagreement include such fundamental issues as: whether labor standards can promote growth and development; whether globalization necessarily entails a “race to the bottom” with respect to labor standards; the proper balance between “hard” enforcement mechanisms, such as trade sanctions, and “softer” approaches, such as private codes of conduct, publicity campaigns and calls for consumer boycotts; the future role (if any) of the United Nations in setting and enforcing international labor standards; and the potential for the European Union, the proposed Free Trade Area of the Americas and other regional trade pacts to provide the same level of protection to workers rights that they currently afford to international investments and intellectual property rights. While Trubek endorses the transnationalist project, he suggests that transnationalist scholars need to devote more attention to the specific strategies and institutions necessary to construct an effective system of global labor standards.

Subjects: [International Labour Organization \(ILO\)](#), [Labor Rights in General \(Misc.\)](#), [Trade Agreements](#)

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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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Project Director:

[Katherine V.W. Stone](#)

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