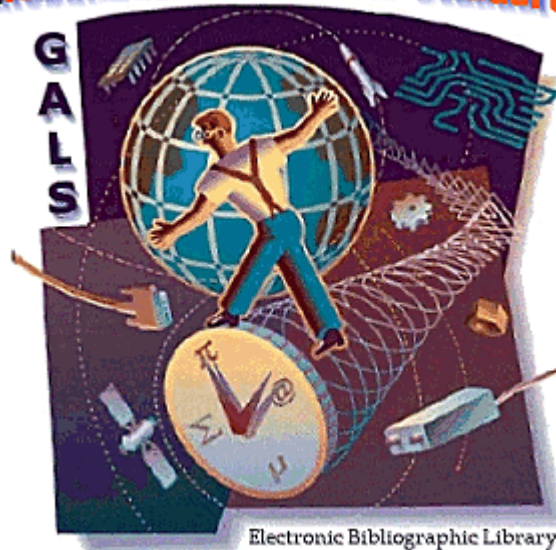


# Globalization and Labor Standards



## GALS Newsletter

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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.

## Country-Specific Case Studies

**Moldof, Stephen B., "Union Responses to the Challenges of an Increasingly Globalized Economy", *Richmond Journal of Global Law and Business* v. 5 (2005) p. 119-146**

### **Abstract:**

This article surveys the responses of some unions in the United States to the challenges of an increasingly globalized employment environment and the varying degrees of success these responses have met. In several instances, U.S.-based unions have tried to form alliances and networks with unions in other countries, often mirroring the structure of their transnational corporate employers. Some U.S.-based unions have also worked with shareholders, human rights and faith-based groups to challenge the human rights and health and safety practices of transnational employers, such as Exxon-Mobil, Bridgestone, Goodyear, Novartis and Rio Tinto. In the airline, maritime, shipping and other industries where workers are especially exposed to global competition, some U.S.-based unions have sought to counter threats of outsourcing by lending support to unions in other countries engaged in strikes or other labor-management disputes and by lobbying governments and legislative bodies to modify bi-lateral and regional trade agreements to include labor, environmental and health and safety standards. In a dispute involving flights between the United States and the Netherlands, mutual solidarity actions by U.S. and Dutch pilots' unions successfully rebuffed employer demands for concessions and began the process of negotiating a multi-party transnational collective bargaining agreement. The author notes that although U.S. law does not prohibit multi-employer/multi-union agreements between parties located both within and outside the United States, some U.S. courts have refused to enforce collective bargaining agreements when the work site was outside the territorial U.S. The author criticizes this "situs" approach as outdated and unhelpful in an increasingly globalized computer-driven environment, in which it is often difficult to identify a single, fixed workplace location. He also notes that inclusion of "choice of law" provisions in international collective bargaining agreements would not solve this problem because private parties are not free to dictate subject matter jurisdiction in U.S. courts. Instead, enforceability of future transnational collective agreements may require international treaties between the respective governments.

**Subjects:** [Collective Bargaining](#), [Corporate Accountability](#), [Country-Specific Case Studies](#), [Extraterritorial](#)

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

## Women's Rights

**Faber, Emily Miyamoto, "Pregnancy Discrimination in Latin America: the Exclusion of the 'Employment Discrimination' from the Definition of 'Labor Laws' in the Central American Free Trade Agreement", *Columbia Journal of Gender and Law* v. 16 (2007) p. 297-336.**

### **Abstract:**

This article criticizes the recently concluded Dominican and Central American Free Trade Agreement (CAFTA) for failing to include prohibitions against workplace discrimination, and in particular discrimination on the basis of pregnancy. The author describes numerous reports documenting widespread gender discrimination in Central America and the Dominican Republic, including mandatory pregnancy tests as a condition of employment. She notes that this omission can not have been an accident, as non-discrimination provisions are part of the International Labor Organization's "core" labor rights and are routinely included in other free trade agreements. Moreover, during the negotiations for CAFTA, officials in the Bush Administration and in the governments of Central America and the Dominican

Republic periodically acknowledged the problem of lax enforcement of existing laws against pregnancy discrimination but nevertheless chose to exclude such provisions from the Agreement. After considering several reasons for this exclusion, the author suggests the most likely explanation is that it was part of a conscious "win-win-lose" strategy designed to benefit businesses facing competition from Chinese manufacturers and the government signatories of the Agreement, but not workers in the maquiladoras, the vast majority of whom are women. The article concludes by suggesting several possibilities for reforming CAFTA to increase enforcement of other existing laws banning workplace discrimination. The author also suggests that CAFTA and future free trade agreements provide incentives or rewards to corporations that adopt voluntary self-regulating guidelines and promise to guarantee workers' rights in line with the ILO Core Labor Standards.

**Subjects:** [Country-Specific Case Studies](#), [FTA](#), [Health and Safety](#), [Trade Agreements](#), [Women's Rights](#), [Workplace Discrimination](#), [Workplace Harassment](#)

**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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*Project Director:*

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