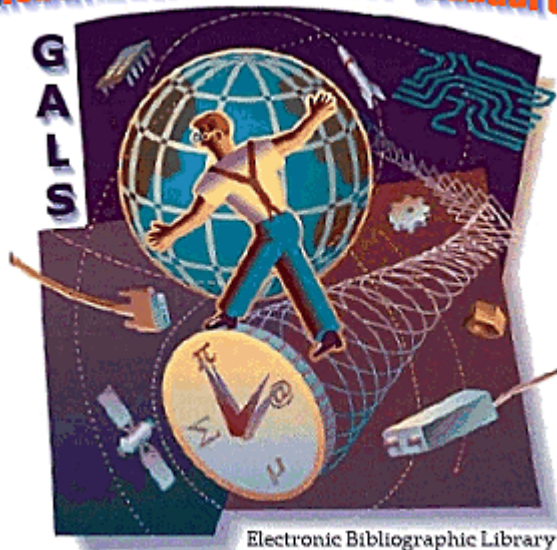


Globalization and Labor Standards



GALS Newsletter

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Katherine V.W. Stone – Editor and Project Director

Managing Editor:
Brendan Smith

Student Contributors:
Angela Jamison
Scott Miller

Tech Advisor:
Sasha Skenderija

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A Note to Our Readers

It is with great sadness that we report that Ben Aaron, Professor Emeritus at UCLA School of Law, died on August 25, 2007. Ben was a beloved teacher, mentor, and colleague, and a towering figure in all aspects of American labor law. He also pioneered the study of comparative labor law in the United States and around the world. Just before his death, his last work on the subject appeared in print. The Spring, 2007 issue of the **Comparative Labor Law & Policy Journal** is devoted to a Symposium organized and edited by Ben Aaron and Katherine Stone entitled *Bridging the Past and the Future: A Symposium on Comparative Labor Law*. The volume contains essays by major scholars in labor law from around the world, including Manfred Weiss, Mark Freedland, Jacques Rogot, Harry Arthurs, Xavier Blanc-Jouvan, Takashi Araki, Ron McCallum, Julia Lopez, Bruno Caruso, Alvin Goldman, Katherine Stone, and of course, Ben Aaron. The essays address the past, present and future of the field of comparative labor law, comparative approaches and responses to globalization, and debates over convergence or divergence in labor law systems. The individual essays will be abstracted and added to the GALS database, but the entire volume stands as a tribute to and reminder of Ben's inexhaustible engagement with the field of comparative labor law.

Codes of Conduct

Kenny, Katherine E., "Code or Contract: Whether Wal-Mart's Code of Conduct Creates a Contractual Obligation Between Wal-Mart and the Employees of its Foreign Suppliers", *Northwestern Journal of International Law & Business* v. 27 (Winter 2007) p. 453-483.

Abstract:

This Comment examines a 2005 suit brought against Wal-Mart by the International Labor Rights Fund on behalf of workers in five countries. The suit alleged that Wal-Mart was “obligated to ensure supplier compliance with its Code of Conduct, and adequately monitor working conditions in supplier factories.” The author examines whether codes are binding contracts between foreign suppliers and their employees, discussing both US courts’ interpretations of codes and specifics of Wal-Mart’s code. She concludes that Wal-Mart’s code should not be seen as a binding contract but rather as a “mere guideline,” and thus Wal-Mart should not be accountable for denial of minimum and overtime wages, breach of contract for forced labor, or breach of contract for denial of the right to freely associate. Two concluding sections discuss broader implications of this case in the context of globalization. She raises a concern that multi-national corporations will face more suits from labor groups and from foreign workers “who want to force corporations to be accountable for what takes place on foreign soil.” The author suggests corporations “be proactive with their own enforcement and monitoring” in order to avoid public criticism.

Subjects: [Codes of Conduct](#), [Company-Specific Case Studies](#), [Corporate Accountability](#)

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

Country-Specific Case Studies

Kochan, Thomas A., "Updating American Labor Law: Taking Advantage of a Window of Opportunity", *Comparative Labor Law & Policy Journal* v. 28 (2007) p. 101-122.

Abstract:

This article is one of many in recent years offering suggestions for reform of U.S. labor law. Much of the article is concerned with reviewing past attempts – both successful and otherwise – at implementing such reforms, including the author's participation as a member of the Clinton-appointed Dunlop Commission of the early 1990s whose recommendations were never adopted. Based on past experiences, the author first offers five conditions for any successful effort to effectuate fundamental changes in U.S. labor law: (1) a significant event or crisis which attracts the attention of the wider public; (2) swift action by the reformers so as not to lose the opportunity; (3) an uncompromising approach; (4) a clear agenda for reform (again, so that time is not wasted studying the issue or giving opponents time to organize opposition); and, (5) a powerful and articulate champion for reform capable of transcending the complex and partisan legislative process and framing the issues as one affecting a broad segment of the public or the country's economic well-being. The author suggests that the United States might be approaching such a "crisis" moment when it will be possible to reform what he considers an "ossified" labor law system. The author advocates that collective bargaining be supplemented with works councils or some similar guaranteed form of workplace representation based on the experience of several European countries. He also advocates a new approach for the enforcement of labor standards that would permit flexible enforcement if the parties have an agreed upon code of conduct that meets or exceeds the minimum legal standards. He also suggests a corresponding reform of the courts to add a special labor division, along the

lines of current bankruptcy courts, to ensure greater familiarity and competence among judges called upon to hear compliance and enforcement disputes.

Subjects: [Codes of Conduct](#), [Country-Specific Case Studies](#), [Labor Rights in General \(Misc.\)](#)

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

Women's Rights

Revillard, Anne, "Work/family Policy in France: from State Familialism to State Feminism?", *International Journal of Law, Policy and Family* v. 20 (2006) p. 133-148

Abstract:

This article examines the historical development of "work/family" policies in France in the 19th and 20th centuries, with particular emphasis on the notion of "familialism," i.e., policies that recognize and promote the family as an institution whose interests eclipse those of its individual members. The author explains the so-called "French paradox," which refers to the apparent disjuncture between official state policy in France since the time of the Code Napoleon to "familialism" and the historically high workforce participation rate of French women as the result of unintended consequences of attempts to promote "familialism." For example, as part of a pattern of demographic policies aimed at increasing the birth rate, over the course of the 19th and 20th centuries, France adopted a variety of guaranteed maternity leave policies with the right to return to work upon completion of the leave. The author argues that, while the objective of these policies was pro-natalist, the effect was to encourage greater workforce participation by women by assisting them in combining child care responsibilities with paid work, albeit typically on unequal terms of employment with men. The author notes that much of the apparent discrepancy in the "French paradox" is reducible to class distinctions: "family policy" for the middle and upper classes, became "labor policy" for the women of the working class in light of the reality that their incomes were necessary for household survival. Since the 1960s, however, state institutions have to a great extent undermined the traditional policy of familialism with "state feminist" policies, including the creation of governmental bodies specifically aimed at promoting women's rights. The result of this shift has been an explicit promotion of gender equality in the workplace, but has, by contrast, had little effect on gender roles within the family. The new "state feminism," she argues, has a distinctly different impact according to social class. Ironically, current French family policy assists middle class women combine child care responsibilities with professional work, while the French state encourages working-class women to stay at home with their children or work part-time.

Subjects: [Anti-Discrimination](#), [Country-Specific Case Studies](#), [Women's Rights](#), [Workplace Discrimination](#)

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

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](#)
UCLA School of Law