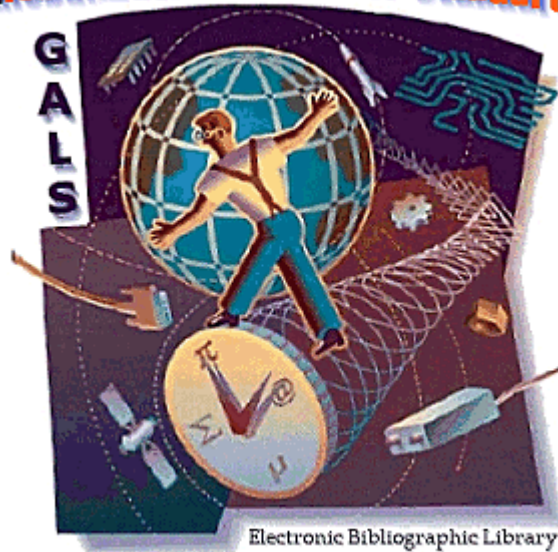


# Globalization and Labor Standards



## GALS Newsletter

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## Country-Specific Case Studies

Cooney, Sean, "Making Chinese Labor Law Work: the Prospects for Regulatory Innovation in the People's Republic of China", *Fordham International Law Journal* v. 30 (2007) p. 1050-1110

### Abstract:

This Article examines the capacity of Chinese labor laws and various state and private institutions to ensure minimum labor standards, particularly in the area of wage and hour regulation. According to official Chinese statistics, some US \$12 billion in workers' wages goes unpaid each year. The article finds that the Chinese regulatory framework is impeded by a failure to clarify key norms, a bureaucratic "command and control" approach to inspection and dispute resolution, and a narrow and ineffective range

of tools for inducing compliance. However, the article also cites some encouraging evidence of regulatory experimentation, such as a draft Labor Contract Law and regional wage regulations in Guangdong Province, that may lead to a much more effective legal response. Relying on recent scholarly literature promoting "responsive," "reflexive," or "decentered" forms of regulation as superior alternatives to traditional "command and control" style rule-making, the article makes a number of recommendation, such as (1) clarification of key norms; (2) more effective sanctions, particularly for repeat offenders; (3) improving dispute resolution by, inter alia, expanding the remedies available to include interim injunctive relief; (4) trade union reform to permit limited right to strike over health and safety hazards.

**Subjects:** [Country-Specific Case Studies](#)

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

**Pope, James, "The Next Wave of Organizing and the Shift to a New Paradigm of Labor Law", *New York Law School Law Review* v. 50 (2006) p. 515-528**

**Abstract:**

Will the new business-organizational form of flexible production produce paradigm shifts in worker organization and labor law, the same way that craft and industrial production did in the past? While some hope that any new paradigm will entail no unions at all, the author advocates for one featuring strong, independent worker organizations and asks how this could be possible. Part IV details this proposal as a shift from business unionism to social movement unionism, with a legal grounding in the right of freedom of association. This may seem unrealistic, but in the past labor growth has happened in unpredictable surges, with these advances following bleak political periods.

**Subjects:** [Country-Specific Case Studies](#), [Freedom of Association](#), [Labor Rights as Human Rights](#)

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

## Immigration

**Garcia, Ruben J., "Crossing the Line? Examining Current U.s. Immigration & Border Policy: Labor as Property: Guestworkers, International Trade, and the Democracy Deficit", *The Journal of Gender, Race & Justice* v. 10 (2006) p. 27-82**

**Abstract:**

This article explores recent immigration reform proposals in the United States that rely on the creation of "guestworker programs" that seek to bring unskilled workers to the United States on a temporary basis. The author evaluates these programs from the point of view of the commodification of labor, globalization, and the democracy deficit. The article argues that "in order for workers to have bargaining power in the global market for labor, they must be given a voice in the negotiations over trade agreements through representatives of their own choosing. Guestworker status is "fundamentally incompatible with the ability to exercise meaningful bargaining power over their labor conditions." The author notes that immigration restrictions, including guestworker programs that limit the free movement of migrant workers from one employer to another, operate to increase the insecurity of foreign workers, so that, contrary to neoliberal ideology, the increased demand for immigrant labor does not translate into increased bargaining power in the workplace. In addition, the author argues, contrary to Supreme Court precedent, that threat of deportation is inconsistent with the Thirteenth Amendment's ban on involuntary servitude.

**Subjects:** [Country-Specific Case Studies](#), [Immigration](#), [Labor Mobility](#)

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

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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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