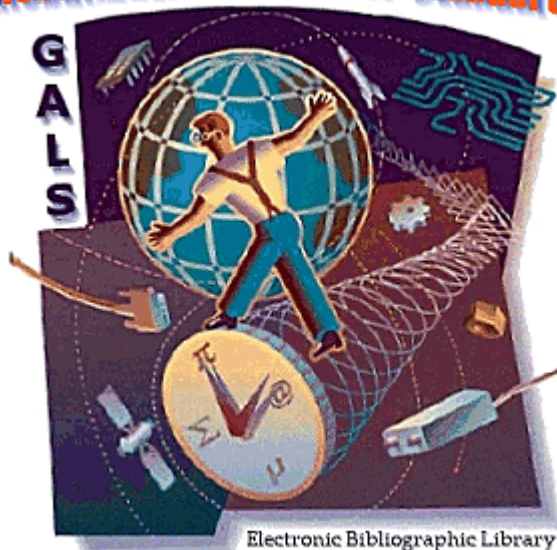


Globalization and Labor Standards



GALS Newsletter

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Country-Specific Case Studies

Garcia, Ruben J., "Labor's Fragile Freedom of Association Post-9/11", *University of Pennsylvania Journal of Labor and Employment Law* v. 8 (Winter 2006) p. 283-366

Abstract:

In the name of national security, federal legislation, Executive Orders and administrative agency decisions have greatly limited the rights of U.S. workers to organize and bargain collectively since September 11, 2001. Some workers, such as airport security employees, have completely lost the right to bargain collectively as a result of heightened security concerns. The author of this article argues that because domestic law has proven inadequate, labor should look

increasingly to international law, which recognizes the rights of workers to organize and bargain collectively as fundamental human rights. He points out that international law principles are increasingly accepted in U.S. courts in a variety of contexts, including the Alien Tort Claims Act, the Universal Declaration of Human Rights and constitutional cases that rely on a consensus of nations. Although these instruments may not be self-executing or include private rights of action, he argues that domestic courts can nonetheless look to these principles in deciding whether national security requires the exclusion of certain workers from collective bargaining. The author further notes that international labor law principles are already part of the fabric of U.S. law through ratified treaties and incorporation of the "Law of Nations" into federal statutes such as the Alien Tort Claims Act, so that courts and administrative agencies charged with enforcing domestic labor law should look to international principles for guidance when domestic labor law and national security concerns collide.

Subjects: [Alien Torts Claims Act](#), [Country-Specific Case Studies](#), [Freedom of Association](#), [Labor Rights as Human Rights](#), [Right to Strike](#)

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Comparative Labor Law

Freedland, Mark, "Developing the European Comparative Law of Personal Work Contracts", *Comparative Labor Law & Policy Journal* v. 28 (2007) p. 487-497

Abstract:

This article summarizes ongoing research into the comparative law of employment contracts in North America, Great Britain and continental Europe. The author argues that the continental European labor law is generally less inclined than its English counterpart to make categorical exclusions of temporary and contingent workers from "employee" status based on assumptions about long-term labor contracts as a societal norm. He also argues that continental European legal systems have generally had a more flexible notion of "employer," which, in turn, may be more useful for recognizing a continuous employment contract between a worker and successive proprietors or in situations involving employment contracts with joint or multiple employers. Further, the author argues that because different countries have different doctrines regarding the ability of individual employees to contract out of statutory labor standards, the resulting divergence of regulations has made it increasingly important for labor law scholars to examine labor law in a comparative perspective.

Subjects: [Comparative Labor Law](#), [Conflict of Laws](#), [Contingent Work](#), [Country-Specific Case Studies](#), [Employment Law](#), [European Union](#), [Flexibilization](#), [Working Hours](#)

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Weiss, Manfred, "Convergence And/or Divergence In Labor Law Systems?: A European Perspective", *Comparative Labor Law & Policy Journal* v. 28 (2007) p. 469-486

Abstract:

This article engages an ongoing debate among labor law scholars over whether the spread of globalization and neo-liberal ideology necessarily lead to a "convergence" or homogenization of labor standards whether that convergence is accomplished by a "race to the bottom," i.e., a general decrease in workers' rights. The author argues that European Community labor legislation has in fact contributed to a "convergence" among member States, but that it has often done so by setting minimum standards whose overall effect is to increase workers' rights with respect to workplace discrimination, health and safety standards, wage and hour laws and alternative forms of employment. The article also points out how EC legislation has promoted worker "voice" by requiring employers to provide information and consult with designated workers' representatives. On balance, the author sees these developments as contributing at least as much to the creation and expansion of workers' rights as to a downward spiraling "convergence" of labor standards.

Subjects: [Comparative Labor Law](#), [Conflict of Laws](#), [Country-Specific Case Studies](#), [European Union](#)

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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.

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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