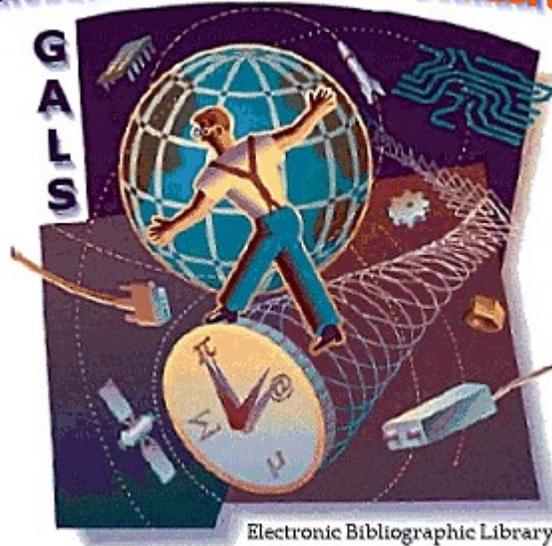


Globalization and Labor Standards



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Conflict of Laws

Benvenisti, Eyal & Downs, George W., "The Empire's New Clothes: Political Economy and the Fragmentation of International Law", *Stanford Law Review* v. 60 (2007) p. 595-624

Abstract:

In this article, the authors argue that "fragmentation" in international law, which they define as the increased proliferation of international regulatory institutions with overlapping jurisdictions and ambiguous boundaries, is a more serious problem than is commonly accepted among scholars of international relations. Specifically, the authors criticize the tendency to view the growth of competing international legal institutions as an almost natural or haphazard phenomenon, when, in their view,

powerful states actively promote fragmentation because it enables them to preserve their dominance. In this view, fragmentation allows more powerful states to exploit the diversity of interests among weaker states by channeling reform efforts into a plethora of atomized institutions, by increasing the transaction costs for less powerful states to pursue claims in international tribunals, and by resisting the emergence of broad, multi-issue fora in which less powerful states might coalesce around a variety of issues, including environmental regulation, protection of domestic markets, and improved labor standards. They note, for example, that when the United States encountered increasing demands for reform within the General Agreement on Trade and Tariffs (GATT), it withdrew and, along with the European Union, formed the alternative World Trade Organization (WTO), whose treaties were not burdened with matters seen as “unrelated” to trade, such as human rights, labor standards, or environmental protection. Ironically, they note that the very process of delegitimizing international law that results from fragmentation furthers the imbalance of power among states.

Subjects: [Conflict of Laws](#), [International Monetary Fund](#), [NAFTA/GATT](#), [Trade Conditionality](#), [World Bank](#), [World Trade Organization \(WTO\)](#)

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

Country-Specific Case Studies

Sean Cooney & Biddulph, Sarah & Kungang, Li & Zhu, Ying, " China's New Labour Contract Law: Responding to the Growing Complexity of Labour Relations in the PRC", *University of New South Wales Law Journal* v. 30 no3 (2007) p. 786-801

Abstract:

This article provides a discussion and evaluation of China's New Labour Contract Law. First, the article explains how the previous Labour Law of 1994 was inadequate in the increasingly complex and privatized nature of the Chinese labor market and how the new law was intended to provide a comprehensive framework for the formation, performance, modification and termination of labor contracts. Secondly, the article discusses the lobbying efforts of labor and business to shape the outcome of the new law. The article then evaluates the effectiveness of the law, including some of its more controversial provisions. For example, by limiting employers' ability to change work rules governed by employment contracts, the law may have the unintended effect that employers will limit the scope of such agreements to escape regulation. Similarly, the compromise between labor and business lobbying groups over the responsibility of employers towards terminated workers has resulted in a two-tier system in which “regular” employees enjoy significant protections while “casual” employees have few protections. One of the most important aspects of the law, according to the author, is that labor contract agencies must now also provide contracts to their employees – of a minimum two years. The new law's treatment of post-employment non-compete clauses is also controversial. Though the law restricts this pervasive practice to some extent, the law's provisions on this subject rely largely on voluntary compliance by employers. This article concludes that while this new law is often an uncomfortable compromise between the demands of competing interests, overall it is an improvement in efforts to clarify the employment relationship and establish minimum labor protections for China's large privat-sector workforce.

Subjects: [Contingent Work](#), [Country-Specific Case Studies](#), [Employment Law](#), [Health and Safety](#), [Working Hours](#)

Sex Slavery

Chang, Grace & Kim, Kathleen, "Reconceptualizing Approaches to Human Trafficking: New Directions and Perspectives from the Field(s)", *Stanford Journal of Civil Rights & Civil Liberties* v. 3 (2007) p. 317-351

Abstract:

There is a growing consensus among anti-human trafficking advocates that the current U.S. policies and practices are too narrowly focused on enforcement and prostitution. This article explores the national and international consequences of this approach. It also evaluates the impact of these policies and practice on prostitution, labor migration, and sexual and reproductive health rights. It then uses that analysis to facilitate the development of a new anti-trafficking paradigm designed to situate trafficking within a broader framework and create new strategies to protect the rights of trafficked persons. The article concludes that human rights advocates approaching anti-trafficking advocacy from different sectors should identify guiding principles, expand the existing anti-trafficking coalition, and change the rhetoric used to discuss the problem. By executing these changes, human rights advocates will be able to more effectively protect the rights of trafficked persons.

Subjects: [Forced Labor](#), [Labor Rights as Human Rights](#), [Sex Slavery](#), [Women's Rights](#)

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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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