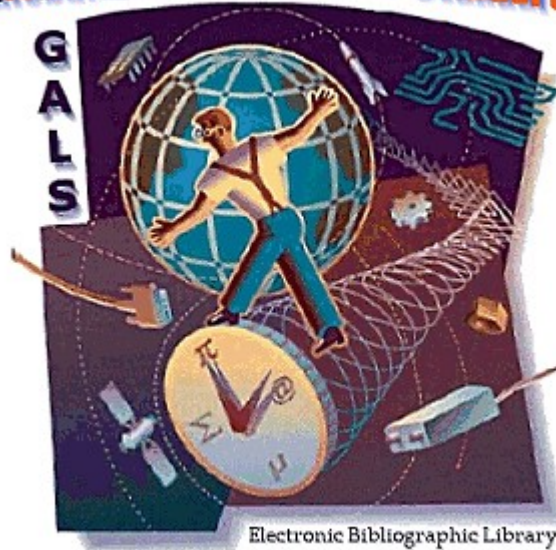


Globalization and Labor Standards



GALS Newsletter

April, 2008

Volume 7, No. 4

[Katherine V.W. Stone](#) – Editor and Project Director

Managing Editor:
[Brendan Smith](#)

Student Contributors:
Angela Jamison
Scott Miller
Brian Maucotel
Carol Igoe

Tech Advisor:
[Sasha Skenderija](#)

The Globalization and Labor Standards Bibliographic Library is a sponsored by
UCLA School of Law and the UCLA Institute of Industrial Relations

The complete GALS Library is available at <http://www.laborstandards.org>.
New subscribers can use gals-request@lists.ucla.edu to be placed on the GALS list-serve. Information about how to sign up for this free service is [available below](#).

Immigration

Hill, Jennifer, "Binational Guestworker Unions: Moving Guest Workers into the House of Labor", *Fordham Urban Law Journal* v. 35 (2008) p. 307-348

Abstract:

This article explores the role of guestworkers within the ranks of organized labor in the U.S. and Canada. Part One describes the nature and extent of guestworker programs, conditions faced by guestworkers, and recent organizing efforts within that workforce. Part Two discusses the difficulties organizing guestworkers, arguing that to be successful, it would be necessary to organize both within the US or Canada and within Mexico because such a large portion of guestworkers are Mexican nationals and

because much of the employment relationship plays out in the country of origin. The author recounts the Florida-based Farm Labor Organizing Committees' recent organizing efforts in Mexico, as well as elements of the UFW and UFCW organizing strategies that would be enhanced by Mexican based organizing efforts. Part Three discusses the obstacles to gaining union recognition within Mexico, including official reluctance to recognize independent unions and Mexico's ban on foreign nationals as union officials. The author suggests that these obstacles may not be insurmountable because ambiguities in Mexican law are often interpreted in favor of workers' rights. The article concludes that unions with recognition and organizational capacity on both sides of the border (US and Mexico, or Canada and Mexico) would create a meaningful path to bring guestworkers into the house of organized labor.

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

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

Trade Agreements

Speece, Lyndsay D., "Beyond Borders: CAFTA's Role in Shaping Labor Standards in Free Trade Agreements", *Seton Hall Law Review* v. 37 (2007) p. 1101-1134

Abstract:

This comment evaluates the labor standards provisions of the Dominican Republic Central American Free Trade Agreement (CAFTA) based on a model combining the most effective labor standards provisions from existing free trade agreements (FTAs). Unlike the North American Free Trade Agreement (NAFTA), CAFTA includes labor standards provisions within the body of the Agreement itself, so that, to the extent its language is binding, it is subject the same enforcement mechanisms as other provisions in the Agreement. In several other respects, however, CAFTA falls short of existing agreements. Like NAFTA and unlike the U.S.-Jordan FTA, CAFTA's labor standards provisions simply recognize existing domestic laws rather than incorporating international labor standards guaranteeing freedom of association, the right to organize and bargain collectively, the prohibition of forced labor, minimum age requirements for employing children and other minimum wage, hours of work and occupational health and safety standards. And, unlike the Cambodia Bilateral Textile Agreement, there are no incentives, such as guaranteed increases in trade, in return for continued improvement in labor standards. And, unlike the U.S.-Jordan FTA, which sets no limit on the fines that can be imposed for violations of labor standards, CAFTA limits such fines to \$15 million per year, adjusted for inflation. The author recommends that future FTAs combine the best practices of existing Agreements and that they not revert to less effective labor standards provisions along the lines of CAFTA.

Subjects: [CAFTA](#), [FTA](#), [NAFTA/GATT](#), [Trade Agreements](#)

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

Wu, Mark, "Free Trade and the Protection of Public Morals: an Analysis of the Newly Emerging Public Morals Clause Doctrine", *Yale Journal of International Law* v. 33 (2008) p. 215-269

Abstract:

The article discusses the "public morals exception" clause of the General Agreement on Tariffs and Trade, which allows states to depart from the free trade principles of the treaty when "necessary to protect public morals." Labor scholars and advocates of international labor standards have argued that the clause, Article XX, should be interpreted to enable a government to impose trade restrictions against a particular good whose production violates international labor standards, such as soccer balls produced with child labor. Thus far, only one case has explicated the meaning of this clause – U.S.-Gambling, in which the

Caribbean country of Antigua brought a WTO complaint against the United States for banning crossborder gambling and internet betting services ostensibly to counter organized crime, money laundering and fraud and to protect the "public health and morals" of its citizens. A WTO Appellate Body held that the United States could ban internet gambling from entering its territory if it could show that the measure was not done for discriminatory purposes. Because the U.S.-Gambling case involved a country claiming to protect the morals of its own citizens, it does not address other kinds of fact patterns of great concern to labor advocates. The article concludes by discussing several alternative approaches for deciding future cases under the "public morals" exception, including originalism (restricting public morals to those matters intended in 1947 when the GATT was signed), unilateralism (allowing each country to define and act on its own definition of public morals) and transnationalism (requiring that the public morals be either universally or at least widely recognized before serving as a legitimate basis for trade sanctions).

Subjects: [NAFTA/GATT](#), [Trade Agreements](#), [Trade Conditionality](#), [World Trade Organization \(WTO\)](#)

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

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/ceclr/>

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.

GALS Information

You can view the entire **GALS** bibliography and database at <http://www.laborstandards.org>.

If you have colleagues who may be interested in this service, send them the following instructions on how to subscribe:

To subscribe to the **GALS Newsletter** send the following email to gals-request@lists.ucla.edu

Subject: [*leave blank*]
First line of the message: **SUBSCRIBE**

If you would like to unsubscribe to the **GALS Newsletter**, please email gals-request@lists.ucla.edu with the following text:

Subject [*leave blank*]
First line of the message: **UNSUBSCRIBE**

For any problems or questions, please email to Brendan Smith, at GALS@laborstandards.org.

The **GALS Bibliographic Library** is provided by the [UCLA School of Law](#) and the [UCLA Institute of Industrial Relations](#).

Project Director:

[Katherine V.W. Stone](#)
UCLA School of Law