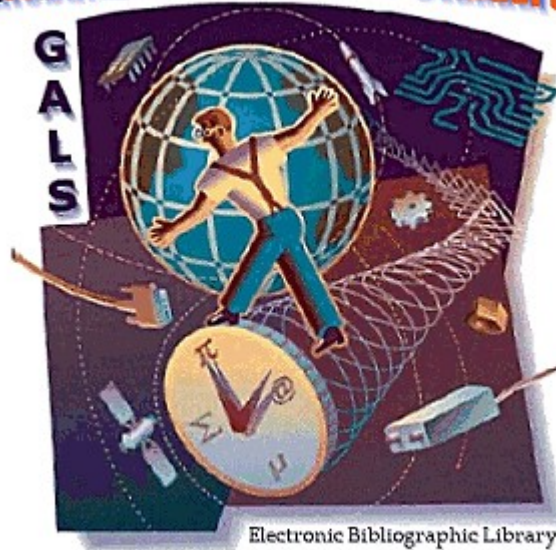


# Globalization and Labor Standards



## GALS Newsletter

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### Corporate Accountability

Kryvoi, Yaraslau, "Enforcing Labor Rights against Multinational Corporate Groups in Europe",  
Industrial Relations v. 46 no2 (2007) p. 366-386

Abstract:

This article addresses efforts by European states to hold multinational enterprises (MNEs) accountable for labor and human rights abuses and to enforce MNE adherence to labor standards in developing countries. The first section discusses efforts to implement and enforce international codes of conduct establishing norms for MNE corporate citizenship and behavior.

The author examines both company-generated codes and regulatory efforts by the EU to regulate European corporations operating in developing countries. He argues that both codes of conduct and labor standards operate in a national context and are therefore not legally binding on MNEs. In the second and third sections, the author addresses extraterritorial uses of legal remedies by home states and concludes that possibilities for litigation depend whether a country adheres to a civil law tradition, with its flexible jurisdictional rules, or a common law tradition, with more rigid jurisdictional rules. He also argues that the concept of limited liability, which shields corporate parents from responsibility for the behavior of subsidiaries, hinders enforcement opportunities against MNEs. In sum, the paper advocates a combination international standards, state-based tactics, and campaigns by private actors to force nations to hold MNEs accountable in their home countries.

Subjects: [Codes of Conduct](#), [Corporate Accountability](#), [European Union](#), [Extraterritorial Application of Law](#)

## Industry-Specific Case Studies

Nickson, Matthew, "Closing U.S. Courts to Foreign Seamen: The Judicial Exclusion of the FAA Seamen's Arbitration Exemption from the New York Convention Act", *Texas International Law Journal* v. 41 (2006) p. 103-172

### Abstract:

This article criticizes *Francisco* and *Bautista*, two recent decisions by federal appeals courts in which foreign seaman bringing tort claims against their employers for workplace injuries were forced to have their cases heard before an arbitrator, pursuant to mandatory arbitration clauses included in their employment contracts and the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The author argues that these decisions run counter to what had previously been well-settled law, including an express provision in the Federal Arbitration Act (FAA) making non-waivable the right of seamen to sue in the forum of their choice for employment contracts. The author notes that, since 1790, U.S. Admiralty law has recognized that seamen are deserving of greater judicial solicitude because of their special vulnerability as workers. The author contends that these decisions will negatively impact mostly low-wage foreign seamen from countries such as the Philippines, where all maritime employment contracts are required to include arbitration clauses. The author raises the concern that these decisions will pave the way for excluding the claims of other workers from U.S. courts, since the language of the FAA's exemption, which was severely limited by these decisions, applies to "seamen, railroad employees, or any other class of workers engaged in foreign or interstate commerce."

Subjects: [Conflict of Laws](#), [Extraterritorial Application of Law](#), [Industry-Specific Case Studies](#)

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.

**International Labour Organization's (ILO) Conditions of Work and Employment Laws**

<http://www.ilo.org/travdatabase>

The Program maintains a Database of Conditions of Work and Employment Laws, which provides information on laws from around the world. The database covers measures on minimum wages, working hours and holidays, and maternity protection and provides information on around 130 countries from all regions.

**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/ceirl/>

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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For any problems or questions, please email to Brendan Smith, at [GALS@laborstandards.org](mailto:GALS@laborstandards.org).

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*Project Director.*

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