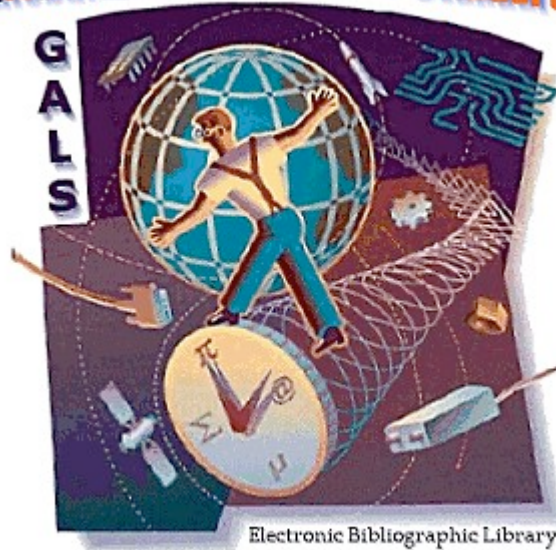


Globalization and Labor Standards



GALS Newsletter

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Corporate Governance

Neal, Alan C., "Corporate Social Responsibility: Governance Gain or Laissez-Faire Figleaf?",
Comparative Labor Law & Policy Journal v. 29 no4 (Summer 2008) p. 459-474

Abstract:

In his primer on "corporate social responsibility" (CSR) in Europe, Neal questions whether the popular slogan CSR is more than simply an "incantation" of corporate governance rhetoric. Neal defines CSR as voluntary behavior by corporations beyond existing legal requirements that is associated with notions of economically, socially, and environmentally sustainable corporate operations. CSR is promoted in Europe

by the European Commission, the Organisation for Economic Cooperation, and other international and quasi-governmental organizations on the grounds that it embodies the idea that corporations can profit while being responsive to stakeholders apart from their shareholders. The author argues to the contrary, that voluntary compliance by corporations is fraught, leading to the proliferation of reports by management consultants and auditors, but little in the way of meaningful benchmarks that can be used to measure changes in corporate activity. Furthermore, he cautions that licensing self-regulation in the absence of independent standards may in fact undermine existing international standards, such as those established by the ILO, by allowing companies more room to proclaim their business practices "accountable" or "responsible" without the sanction of traditional oversight or "hard" regulation. In sum, he argues for the development of regulatory approaches that preserve a distinction between the "economic" and "social" realms of society that CSR blurs.

Subjects: [Corporate Governance](#), [European Union](#), [International Labour Organization \(ILO\)](#), [Organisation for Economic Cooperation and Development \(OECD\)](#)

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

Country-Specific Case Studies

Lu, Haina, "New Developments in China's Labor Dispute Resolution System: Better Protection for Workers' Rights?", *Comparative Labor Law & Policy Journal* v. 29 no3 (Spring 2008)

Abstract:

This article describes in detail China's second interpretation of its 1995 Labor Dispute Resolution (LDR) system, and then evaluates the implications of the second interpretation for workers' rights. The LDR, especially in the context of the increasingly market-oriented economy, initially complicated the resolution of labor disputes and still leaves all parties-workers, employers, labor law enforcement personnel and lawyers-unsatisfied. Although the LDR has been structurally weak and poorly implemented, the second interpretation does extend its jurisdiction and provide better protection for some fundamental rights for workers. The greatest concern is that rural migrant workers are mostly still not covered by the LDR system or lack the resources to act on aspects that apply to them. The author argues that presently the Chinese system needs not only technical improvements but respect for rule of law and a commitment to fundamental rights. Furthermore, since China has ratified the International Covenant on Economic, Social and Cultural Rights and 25 ILO conventions, it is obligated to protect and promote workers' rights contained in these international treaties and to remedy violations.

Subjects: [Contingent Work](#), [Country-Specific Case Studies](#), [International Labour Organization \(ILO\)](#)

Full-text links: [WESTLAW](#)

Trade Agreements

Helfer, Laurence R., "Nonconsensual International Lawmaking", *University of Illinois Law Review* no1 (2008) p. 71-126

Abstract:

This article discusses nonconsensual international lawmaking-defined as the creation of a binding legal obligation on a member state to a treaty or international organization where the state has not ratified or acceded to the obligation-in the areas of antiterrorism, environmental standards, and human rights, including labor standards. Consensual lawmaking implicates concerns of state participation. Such lawmaking suffers from the problem that goals are diluted through the exercise of negotiation and

compromise so that the resulting treaties are weaker and have less enforcement mechanisms than the alternatives. Nonconsensual lawmaking, on the other hand, can trigger "sovereignty costs," i.e. a lessening of a state's ability to govern its territory. The author contends that sovereignty costs do not always arise in antiterrorism or environmental agreements, they are likely in the arena of international human rights. The author argues that states may tolerate a moderate amount of nonconsensual lawmaking in the area of human rights if such lawmaking enlarges a treaty system that already contains consensually adopted amendments and protocols. He cites the European and Inter-American human rights systems as exemplars of this incrementalist dynamic.

Subjects: [Labor Rights in General \(Misc.\)](#), [Trade Agreements](#)

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

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/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.

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