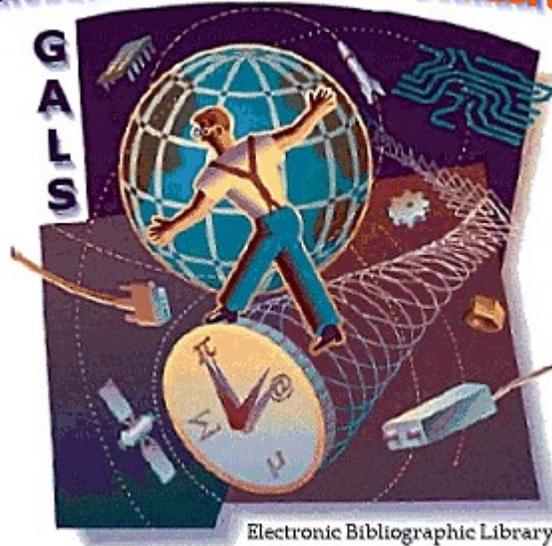


# Globalization and Labor Standards



## GALS Newsletter

December, 2008

Volume 7, No. 12

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## Country-Specific Case Studies

Geare, Alan, "Legal Rights of Employees in the Event of Dismissal: The New Zealand Situation", International Journal of Comparative Labour Law and Industrial Relations v. 23 (2007) p. 267-283

Abstract:

This article explores the evolution and current state of New Zealand workers' rights in the event of termination. As in U.S. at-will regime, workers in New Zealand have traditionally had little no ability to challenge wrongful terminations. In 1973, a law was enacted protecting union members from "unjustified dismissal." In 1991, this protection was extended to all workers. During this same period, a more

generous damages regime developed under the common law. However, in 2000, a new law restricted recovery to the previous statutory regime. The article concludes by explaining the operation of remedies currently available to New Zealand workers who bring wrongful terminations claims and arguing that while they are more robust than under the original at-will regime, they are nonetheless quite restrictive at the margins.

**Subjects:** [Country-Specific Case Studies](#), [Employment Law](#), [Flexibilization](#), [Labor Mobility](#)

## Extraterritorial Application of Law

Secunda, Paul M., "'The Longest Journey, With A First Step': Bringing Coherence to Sovereignty and Jurisdictional Issues in Global Employee Benefits Law", *Duke Journal of Comparative and International Law* v. 19 (2008) p. 107-140

Abstract:

The ERISA law has serious limitations in coverage for Americans working abroad and for foreign employees working in the U.S. This article explores these problems, and identifies statutory and judicial changes that could bridge these gaps. On the legislative front, the author suggests two changes. First, Congress should expand ERISA to apply to Americans working in foreign countries where there is no conflict with the laws of that country. This expansion would be of a very limited nature, and would not apply to non-American employees of American companies operating abroad. Second, Congress should reform immigration law to include a provision that provides that lawful immigrant workers enjoy the same protections under ERISA as their U.S. national counterparts. In the judicial sphere, courts should look to the policies underlying ERISA, along with the dissent in *Hoffman Plastics*, to support a finding that undocumented workers are eligible for relief under ERISA.

**Subjects:** [Country-Specific Case Studies](#), [Extraterritorial Application of Law](#), [Immigration](#), [Pensions](#)

**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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