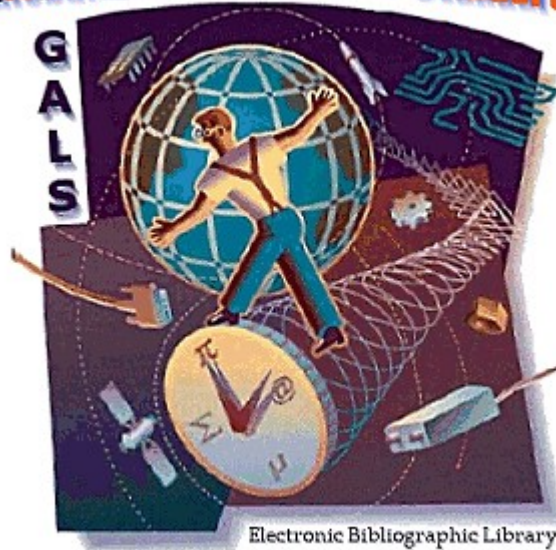


Globalization and Labor Standards



GALS Newsletter

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Country-Specific Case Studies

Halegua, Aaron, "Getting Paid: Processing the Labor Disputes of China's Migrant Workers", *Berkeley Journal of International Law* v. 26 (2008) p. 254--336

Abstract:

There are more than 150 million inter-China migrant laborers. This population makes up a subclass of socially disenfranchised workers who cannot successfully manipulate the formal legal systems to redress complaints against their employers. The inaccessibility of redress is especially urgent because many unscrupulous employers routinely fail to pay their migrant workers: some reports estimate that as high as

70% of the inter-China migrant workforce has experienced this problem. This article explains the structure of the formal legal processes available to these workers, and explores why that system is not an effective means of resolving these wage claims. Informal mediation, the article argues, is a much more viable solution. The article goes on to explore and identify the key ingredients to the most effective informal mediation process for resolution of pay claims. These key ingredients are an informal structure easily accessible by the workers, run by informal mediators who have the backing of the state.

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

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

Extraterritorial Application of Law

Wijekoon, Lavanga V., "Litigating Labor Rights Across A Demilitarized Zone: The South Korean Constitutional Court As A Forum To Address Labor Violations In North Korea's Kaesong Special Economic Zone", *Pacific Rim Law & Policy Journal* v. 17 (2008) p. 265-306

Abstract:

South Korean corporations access cheap labor by operating in North Korea's Kaesong Special Economic Zone. Although South Korea praises this Zone as an example of inter-Korean cooperation, corporations operating in the Zone commonly violate North Korean workers' rights. This article argues that North Korean workers should be able to use the South Korean Constitutional Court to vindicate claims arising from labor violations that occur in the Zone. Using this venue would subject corporations operating in the Zone to stricter regulations and sanctions. However, North Korean workers face significant barriers to vindicating their claims in this venue. The North Korean Government forbids them from leaving North Korea. The South Korean Constitutional Court will not hear claims filed on behalf of third parties and has no clear jurisdiction over claims brought by North Korean workers in North Korea. And, even if North Korean workers could access South Korean Constitutional Court, the Court bars use of fictitious names, leaving workers open to retaliation. In order to make the Court a viable venue, the article argues, the South Korean legislature and Court should adopt new rules allowing absent foreign petitions to file claims in the South Korean Constitutional Court.

Subjects: [Country-Specific Case Studies](#), [Export Processing Zones](#), [Extraterritorial Application of Law](#)

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Books of Interest

McIntyre, Richard. *Are Worker Rights Human Rights?* (University of Michigan Press, 2008)

Abstract:

The controversy over labor standards is one of the central controversies in the globalization debate. This book draws on the Institutional and Marxist traditions to present an economic analysis of labor standards that takes both moral questions and class relations and interests seriously. It argues that a prime tendency in the contemporary world economy is the lengthening of commodity chains through which the employer washes his hands of moral responsibility. This is true in globalized production networks and in temporary

and subcontracted work in the United States. Although popular organizations assert the rights of workers against such practices, supporters of such slogans as "worker rights are human rights" often fail to distinguish between individual and collective rights and the effect of class interest on the definition of rights. The author examines the practices of the International Labor Organization (ILO), interaction between labor law and U.S. foreign policy, and activities of labor-based nongovernmental organizations in creating worker rights and enforcing labor standards. He argues that in a global economy, workers must assert their collective rights as workers in order to win human rights as individuals. The best hope for achieving workers' rights lies in grassroots labor organizations that claim the right of association and collective bargaining.

Subjects: [Labor Rights in General](#), [ILO](#), [NAFTA/GATT](#), [Collective Bargaining](#), [Corporate Codes of Conduct](#)

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.

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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