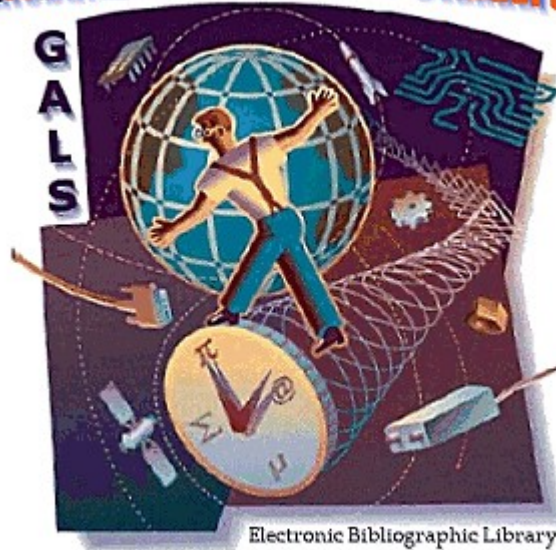


Globalization and Labor Standards



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Immigration

Ganesh, Aravind R., "Appointing Foxes to Guard Henhouses: The European Posted Workers' Directive", *Columbia Journal of European Law* v. 15 (2009) p. 123-142

Abstract:

This article discusses the implications of recent decisions by the European Court of Justice affecting the representational rights for the one million "posted" workers working temporarily under contract in

another EU member state than the one in which they live. Cases such as Laval and Viking illuminate the tensions between the EC Directive for posted workers, which establishes minimum standards, and collective bargaining agreements, which seek to raise standards. The author argues that the governance structure established by the Directive is inadequate to give "voice" to posted workers because the member states, unions, and businesses that are empowered to engage in a "social dialogue" about working conditions for posted workers have interests in conflict with those of the workers themselves. For instance, while both member states and unions are concerned about the downward pressure on wages due to the importation of cheaper labor, traditional unions have little institutional interest in organizing transient workers while member states fear posted workers will drain their social welfare coffers, giving them little incentive to broaden domestic protections for protected workers. Likening the member states and unions to "foxes," Ganesh further maintains that the European Commission's efforts to remedy the disempowerment of posted workers by encouraging greater cooperation and transparency among the partners of the "social dialogue" will prove hollow unless it includes the right of posted workers to be heard.

Subjects: [Contingent Work](#), [European Union](#), [Immigration](#), [Labor Mobility](#)

Lopez-Pabon, Maria, "Immigration Law Spanish-Style: A Study of Spain's Normalization of Undocumented Workers", *Georgetown Immigration Law Journal* v. 21 (Summer 2007) p. 571-593

Abstract:

Lopez discusses Spain's recent efforts to regularize the status of undocumented workers by granting amnesty to those who met certain employment and residence requirements. Spain, like the U.S., has become a destination for immigrants despite border policing--particularly from Eastern Europe, South America, and Africa--due to unprecedented job growth. After providing a background on Spain's immigration laws and trends, including previous attempts to regularize the undocumented, Lopez discusses the poor working and living conditions and racial antagonism suffered by a Moroccan community in one Spanish city to demonstrate the perilous circumstances faced by the undocumented. The author then discusses the main features of the 2005 amnesty, which required employers to petition on behalf of workers; over 700,000 were given work and residence permits for up to three years. Lopez then addresses the criticisms of EU member countries that Spain was "fueling" more immigration by opening the proverbial "door" and undermining the EU's larger immigration scheme. Lopez dismisses the critiques as "more political than legal" through her analysis of applicable EU laws and treaties concluding that EU member states retain the ability to determine their own immigration matters. Regardless of the legality of Spain's program, Lopez takes Spain to task for instituting an inflexible short-term solution that 1) did not make legal immigration more accessible, 2) failed to capture all undocumented workers, 3) emphasized workers' outsider status and 4) tied workers' status to employers thereby rendering workers vulnerable to exploitation.

Subjects: Contingent Work, European Union, Immigration, Labor Mobility, Undocumented Workers

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

Labor Rights as Human Rights

Weiss, Marley S., "Ruminations on the Past, Present, and Future of International Labor Standards: Empowering Law in the Brave New Economic World", *The Good Society* v. 16 no2 (2007) p. 73-81

Abstract:

This article provides an overview of the ILO and assesses its efficacy in a world where social, economic, and political conditions are remaking international legal regimes. The author discusses the ILO rule-making structure, ratification and implementation process, and the substance of its standards to date. She notes that while the ILO has successfully induced compliance by member states, promoted the adoption of positive domestic law, and influenced the incorporation of labor rights norms into international human rights instruments, its effectiveness has waned since the mid-1990s, particularly with regard to the enforcement of standards. Despite its institutional limitations, Weiss maintains that in some places, a "decentered network" of actors-international, national, public, and private-has successfully pressured employers and state governments to observe the substance of the fundamental ILO standards of freedom of association, forced labor, nondiscrimination, and child labor. However, Weiss cautions that such a fragmented approach to international labor standards could further smaller-scale agreements rather than effective multi-lateral ones, thereby weakening, rather than strengthening, international labor standards.

Subjects: [International Labour Organization \(ILO\)](#), [Labor Rights as Human Rights](#), [Labor Rights in General \(Misc.\)](#)

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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