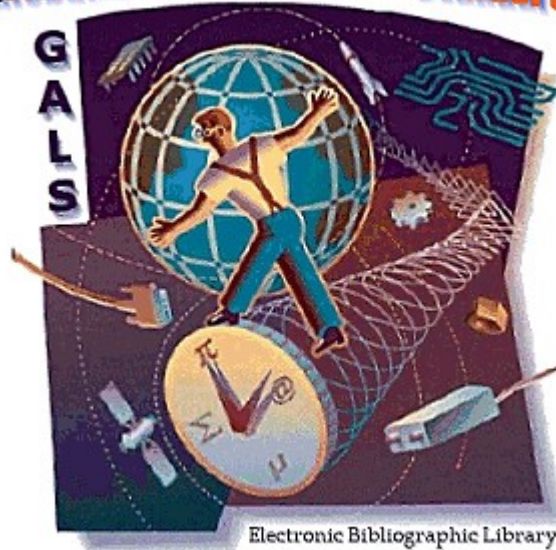


Globalization and Labor Standards



GALS Newsletter

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Corporate Accountability

Zumbansen, Peter, "The Parallel Worlds of Corporate Governance and Labor Law", *Indiana Journal of Global Legal Studies* v. 13 (Winter 2006) p. 261-301

Abstract:

The author applies the lens of transnational law (TL)-a body of norms and a methodological approach to the study of legal regulatory systems throughout the world-to the area of corporate governance. Zumbansen argues that TL captures the "hybridized" mix of "hard" and "soft" regulations that characterizes corporate governance rule-making in the area of labor regulation in the twenty-first century

global economy. Part I argues that the separate worlds of corporate and labor law are in fact parallel, in that both are affected by the same "denationalization of societal activity" that has led to a decline in state-based law and a rise in the number of foreign and transnational "norms-producers," both public and private. Zumbansen criticizes self-regulation mechanisms, such as codes of conduct, through the TL rubric, finding them lacking accountability. Part II describes the emergence of TL and discusses whether constitutionalizing TL can afford greater protection for core labor standards. The author claims that TL is positioned to address the magnitude of regulatory challenges inherent in a globalized labor market. He also contends that moving the analysis beyond the realm of the nation-state can help scholars assess the layers of regulations that govern both "regulated and self-regulating" firms.

Subjects: [Codes of Conduct](#), [Conflict of Laws](#), [Corporate Accountability](#), [Labor Rights in General \(Misc.\)](#)
Full-text links: || [WESTLAW](#) || [WWW](#) ||

Immigration

Weissbrodt, David, "Remedies for Undocumented Noncitizens in the Workplace: Using International Law to Narrow the Holding of *Hoffman Plastic Compounds, Inc. v. NLRB*", *Minnesota Law Review* v. 92 (May 2008) p. 1424-1465

Abstract:

In *Hoffman v. NLRB*, the Supreme Court held that an undocumented worker was ineligible for backpay due to his citizenship status, despite the fact that his dismissal for union activity was a violation under the National Labor Relations Act. Weissbrodt contends *Hoffman* is contrary to universal norms such as the principle of nondiscrimination against noncitizens, declared *jus cogens* (a "norm accepted and recognized by the international community...from which no derogation is permitted") by the Inter-American Court of Human Rights. He also notes that *Hoffman* conflicts with the terms of international treaties to which the U.S. is a signatory. Even though U.S. courts have been reluctant to apply *jus cogens* or to interpret treaties as judicially enforceable, Weissbrodt maintains that courts hearing cases post-*Hoffman* should consider international norms and treaty obligations "interpretative tools," just as the Supreme Court did in *Lawrence v. Texas*. He urges U.S. courts to adhere to international legal norms and treaty obligations by limiting the applicability of *Hoffman* to backpay remedies under the NLRA, rather than extending the holding to other statutory claims of unauthorized workers.

Subjects: [Country-Specific Case Studies](#), [Immigration](#), [Undocumented Workers](#)
Full-text links: || [WESTLAW](#) || [LEXIS-NEXIS](#) ||

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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