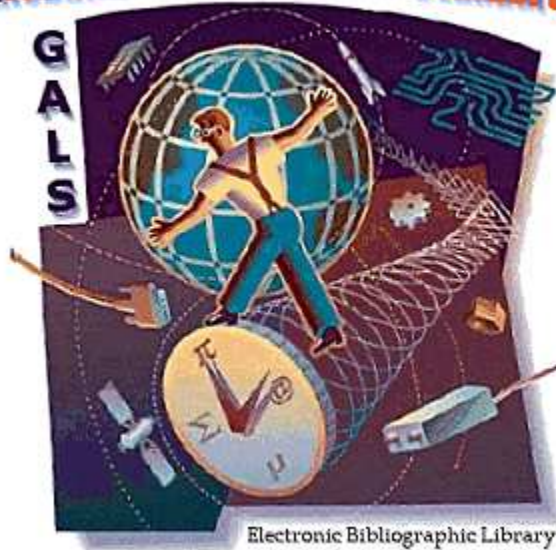


# Globalization and Labor Standards



## GALS Newsletter

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**Katherine V.W. Stone** – Editor and Project Director

Managing Editor:  
**Brendan Smith**

Student Contributors:  
**Lincoln Ellis**  
**Brian Maucotel**  
**Christina Gallo**

Tech Advisor:  
**Salman Quazi**

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## Contingent Work

**Fudge, Judy, "Self-Employed Worker: A Canadian Perspective on the Scope of Employment Standards, Labor Rights, and Social Protection: The Good, the Bad, and the Ugly", *Comparative Labor Law & Policy Journal* v. 31 no2 (Winter 2010)**

### Abstract:

This article compares the legal frameworks for regulating self-employment in Spain and Canada. In Spain, the recently adopted Self-Employed Workers Statute attempts to guarantee four sets of rights for all self-employed workers: 1) basic rights, such as nondiscrimination and payment

guarantees; 2) occupational health and safety rights; 3) collective bargaining rights, and; 4) social security rights. The author argue that Canada's Federal Labor Law lags behind Spain in several respects. Importantly, only dependent contractors have collective bargaining rights in Canada. Both countries lack minimum wage and maximum hours of work laws for self-employed workers, and neither country has found a satisfactory way of distinguishing between dependent and independent contractors. The author concludes that while Spain has made progress, both Spain and Canada should do more to move beyond a classic conception of labor rights that focuses on a contract in a singular workplace.

**Subjects:** [Comparative Labor Law](#), [Contingent Work](#), [Country-Specific Case Studies](#)

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

## Immigration

**Fudge, Judy & MacPhail, Fiona, "The Temporary Foreign Worker Program in Canada: Low-Skilled Workers as an Extreme Form of Flexible Labor", *Comparative Labor Law & Policy Journal* v. 31 no1 (Fall 2009)**

**Abstract:**

This article describe Canada's Temporary Foreign Worker Program (TFWP) and shows how it is as an employer-driven program that creates risks for foreign workers and Canadian labor standards. The program consists of a high-skill stream and a low-skill stream. Guest-workers in the high skill stream are normally granted visas for their immediate family members, and gain the chance to immigrate permanently. Guest-workers in the low-skill stream cannot readily change employers, are usually unable to bring family members during stays of up to two years in Canada, and are not normally eligible to immigrate at the conclusion of their contract. The authors note an increasing reliance on the TFWP to meet Canada's labor needs, as the number of temporary foreign workers in the country has surpassed the number of permanent immigrants in the economic class. The authors conclude that despite some government efforts to improve working conditions, the TFWP puts guest-workers at risk for workplace rights violations.

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

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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/celrl/>**

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).

**International Social Security and Workers Compensation Journal:**

<http://www.business.curtin.edu.au/business/research/journals/international-journal-of-social-security-and-workers-compensation>

The International Social Security and Workers Compensation Journal is an on-line journal that focuses on international scholarship in the areas of social security, workers compensation, and occupational health, and disability support. It is published by the School of Business Law, Curtin Institute of Technology in Perth Australia. The IJSSWC contains inter-disciplinary articles in fields such as law, occupational medicine, health economics, and disability studies.

**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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*Project Director:*

[Katherine V.W. Stone](#)  
UCLA School of Law