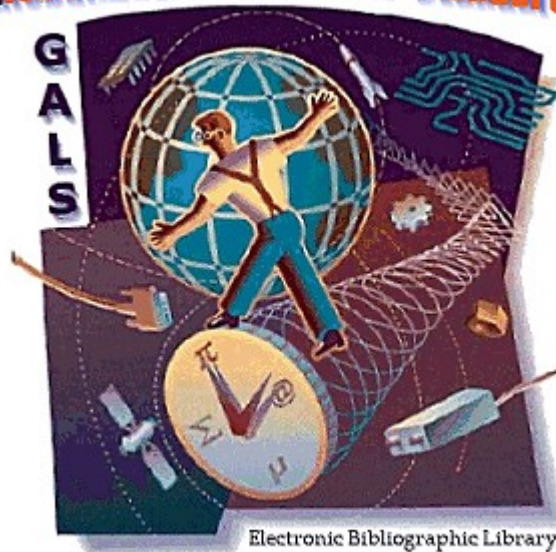


# Globalization and Labor Standards



## GALS Newsletter

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## Comparative Labor Law

Estreicher, Samuel, "Think Global, Act Local: Employee Representation in a World of Global Labor and Product Market Competition", *Labor Lawyer* v. 24 no3 (Winter 2009) p. 235-265.

### Abstract:

Trade unionism among private sector workers around the world is in decline. The author begins

by describing four general explanations that theorists put forth for this decline, including the Global Product and Labor Market Competition explanation. Next, he describes two models of workplace representation: the “Redistributive Bargaining Agent” model and the “Integrative Bargaining Agent model” and explains how these models interact to create distinct brands of unionism in different parts of the industrialized world. The author then describes how the global market and international competition have made it harder for workers to unionize and more difficult for nations to enact meaningful labor standards. Finally, the author posits that the best solution to this global labor crisis is for unions in each country to develop innovative policy solutions that give a voice to workers without harming employers’ economic performance.

**Subjects:** [Comparative Labor Law](#), [Employee Participation and Works Councils](#), [Outsourcing](#), [Trade Agreements](#)

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

## Country-Specific Case Studies

**Kolben, Kevin, "Integrative Linkage: Combining Public and Private Regulatory Approaches in the Design of Trade and Labor Regimes", *Harvard International Law Journal* v. 48 no203 (2007).**

### **Abstract:**

The article discusses the protection of workers’ rights through a process that integrates public and private regulatory approaches to enforcement, an approach the author terms “Integrative Linkage.” Part I synthesizes the policy rationales underlying the linking of trade agreements and labor standards in order to illustrate how Integrative Linkage can serve these principles. Part II looks at the current approaches to enforcement practiced by the World Trade Organization, unilateral legislation, and bilateral trade arguments. The author contends that these approaches are ineffective in improving working conditions and enforcement of worker protection provisions. Part III criticizes systems of private regulation for under-enforcement and for setting narrow goals that do not serve the public policy rationales. Nonetheless, the author maintains that private regulation can be a vital supplement to public regulatory approaches if implemented in a way that helps facilitate the development of civil society, increases transparency of employer practices, and can potentially change norms on the ground level. The article uses Cambodia as an example of a country that has positively utilized many features of the Integrative Linkage process, making Cambodia a desirable destination for clothing companies. The author concludes by presenting his own proposal for a model of Integrative Linkage that he maintains would be practically successfully while meeting the broader public policy objectives.

**Subjects:** [Country-Specific Case Studies](#), [Trade Agreements](#), [World Trade Organization \(WTO\)](#)

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

## Immigration

**Yasseri, Sanam, "Out of the Shadows: A Call to End the Exploitation of Non-Agricultural Migrant Workers by Reforming the U.S. H-2B Guest Worker Program", *Southwestern***

***Journal of Law and Trade in the Americas v. 15 no1 (2009).*****Abstract:**

The article begins by summarizing past and present guest worker programs, beginning with the Bracero Program, which facilitated employment of Mexican workers in U.S. farms during the middle of the twentieth century. The author then discusses current guest worker visas, including the H1-B for skilled workers, the H-2A for agricultural workers, and the H-2B for low-skilled, non-agricultural workers. The article critiques the H-2B program, which applies to landscapers, forestry workers, housekeepers, construction workers and others, on the ground that it fosters high levels of worker debt to unscrupulous recruitment agencies, makes it impossible for workers to change employers, and has inadequate government oversight. The author then proposes a long-term solution based on a Canadian program, in which increased involvement by both the sending and receiving country would replace exploitative recruiters with more accountable government agencies. In the short term, however, the author sees unionization of guest workers as the most likely way to enforce those workers' rights.

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

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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/celr/>

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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