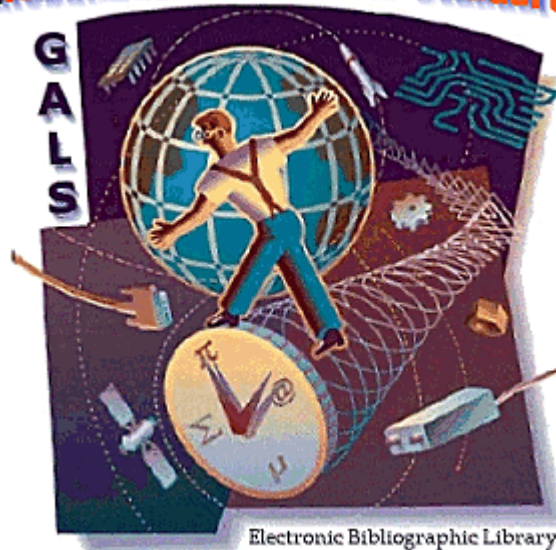


Globalization and Labor Standards



GALS Newsletter

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European Union

Kreber, Sebastian, "European Union Development: Status and Potential of the Regulation of Labor and Employment Law at the European Level", *Comparative Labor Law & Policy Journal* v. 30 no4 (Summer 2009) p. 875-903

Abstract:

According to Kreber, European regulation of employment and labor law is at a standstill. In the new century, regulation has gone from agreements enforced by directives, i.e., hard law, to soft law agreements in accordance with law in participating Member States. This regulatory dead end

is, in large part, because employee protection has been extensively developed over the last two centuries by Member States. Hence, there is little room for EU-wide regulation because Member States, especially old ones, have already extensively regulated their own employees. Further, while one can identify various “pillars” of worker protection within EU-wide legislation and jurisprudence, these are often at odds with the EU’s “pillars” of market liberalization. These conflicts create an incoherency of any EU-wide vision for labor and employment regulation. Within this incoherency, however, there may be room for European regulation in enforcing its internal market concept and handling cross-border labor issues.

Subjects: [Comparative Labor Law](#), [Employment Law](#), [European Union](#), [Labor Mobility](#)

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

Immigration

Tripathi, Ragini, "The H-2B Visa: Is This How We Treat a Guest?", *Scholar: St. Mary's Law Review on Minority* v. 11 (Spring 2009) p. 519-558

Abstract:

Focusing on the March 9, 2008 incident when Signal International held a group of Indian guest workers hostage off the coast of Mississippi, this article discusses the limitations of the H2-B temporary guest worker program. Part I sets forth the inquiry of why H2-B visa holders are subject to inadequate legal remedies and labor abuse. Beginning with the Bracero Program following World War Two, Part II traces the history of the guest worker program in the United States. Part III describes the guest worker’s plight as “contract slavery,” a form of modern slavery. This section explains how employers avoid traditional contract enforcement through use of international subcontractors. Tripathi points to recent case law illustrating how the Fair Labor Standards Act can be extended to better protect H-2B guest workers in these nontraditional contractual arrangements. The subsequent sections examine various outlets for guest workers to learn of their rights and obtain legal assistance, and consider two ways to reform immigration laws to prevent labor violations. The article concludes by calling for more stringent laws and effective enforcement mechanisms to protect guest workers in all industries.

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

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Country-Specific Case Studies

Young, Isaac, "Shut Up and Sing: The Rights of Japanese Teachers in an Era of Conservative Education Reform", *Cornell International Law Journal* v. 41 no1 (Winter 2009) p. 158-192

Abstract:

This article discusses the prospects of Japanese teachers who wish to abstain from singing Kimigayo, the Japanese national anthem, at public school ceremonies. As a result of

conservative-led efforts since WWII, the Japanese Ministry of Education (MOE) was successful in passing guidelines requiring that schools hang the Hinomaru, the Japanese national flag, and that students and teachers sing the Kimigayo. However, some teachers have objected to these practices, primarily because they associate the flag and anthem with Japanese aggression in WWII and see the MOE policies as advancing a conservative, perhaps arrogant, Japan-centered worldview. The author analyzes the plight of 228 teachers disciplined for failing to sing the Kimigayo whose case is likely to end up before the Japanese Supreme Court. Even though the teachers prevailed in a Tokyo District Court, Young gives several reasons for thinking the Supreme Court will rule against them. Because the Court has been extremely reluctant to find that government actions violate the Constitution. Further, the Court has been especially deferent to government action towards public servants such as these teachers. Finally, even if the Court rules for the teachers in this instance, recent conservative reforms to the Fundamental Law of Education (FLE) indicate that the teachers' right to abstain from singing would be short-lived. As a result of this likely ruling, Young argues, teachers' speech will be chilled and Japanese society will be less open and democratic.

Subjects: [Country-Specific Case Studies](#), [Employment Law](#), [Industry-Specific Case Studies](#)

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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.

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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