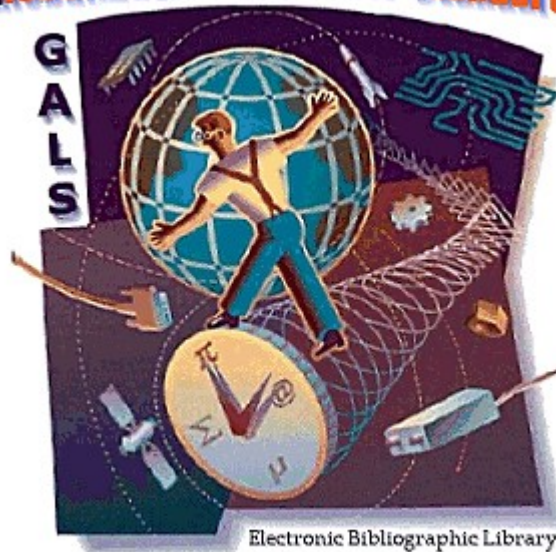


Globalization and Labor Standards



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Extraterritorial Application of Law

Mundlak, Guy, "De-Territorializing Labor Law", Law & Ethics of Human Rights v. 3 (2009) p.
188-222

Abstract:

The author argues that labor law's heretofore territorial "solutions" are inadequate for today's globalized world, where both capital and labor are increasingly mobile. He contends that labor law must be "de-territorialized" in order to better counter "capital's forum shopping" through the unilateral choice of territory and in order to more capably address territorial disparities in pay and working conditions that result from artificial, political borders. Mundlak suggests labor law should take a cue from other fields such as environmental law, where extra-territoriality is more common. Moreover, he suggests that labor rights be more thoroughly integrated into the already de-territorialized regimes of corporate or trade law. Although he acknowledges that the de-territorialization process may upset traditional nationally-focused union and worker advocacy practices, he claims that de-territorialization can create new possibilities for advancing workers' rights through across-national legislation, across-border litigation, and codes of conduct.

Subjects: [Conflict of Laws](#), [Corporate Accountability](#), [Extraterritorial Application of Law](#), [Labor Rights in General \(Misc.\)](#)

International Labour Organization

Hyde, Alan, "The International Labor Organization in the Stag Hunt for Global Labor Rights", *Law & Ethics of Human Rights* v. 3 (2009) p. 154-179

Abstract:

The author uses a game theory perspective to argue that the ILO would achieve greater success, and better maximize its resources, if it targeted practices from which countries derive no long-term, comparative advantage in global trade, such as child labor, coercive labor, and poor health and safety standards. As a transnational agency, the ILO is in a position to help states counter the collective action problems that discourage them from improving standards in these types of areas. Hyde discusses the limitation of the ILO's current work, which is narrowly focused on promulgating uniform conventions for specific industries. These conventions do not distinguish practices which are sources of comparative advantage from those that are not. Further, he maintains that general, universal conventions that are based on practices from which some members might derive a comparative advantage do not bring out international adherence and shared commitment but rather distrust and suspicion by nations about other nation's intentions and therefore lead to non-compliance with conventions or defections from them. The author urges the ILO to design future efforts with the principles of game theory in mind in order to overcome the collective action deadlock. In line with these principles, he recommends the ILO engage in more regional-level efforts and increase transparency, in addition to incorporating workers' views and waging enforcement campaigns against "egregious" corporate violators.

Subjects: [Child Labor](#), [Corporate Accountability](#), [Forced Labor](#), [Health and Safety](#), [International Labour Organization \(ILO\)](#)

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.

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.

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