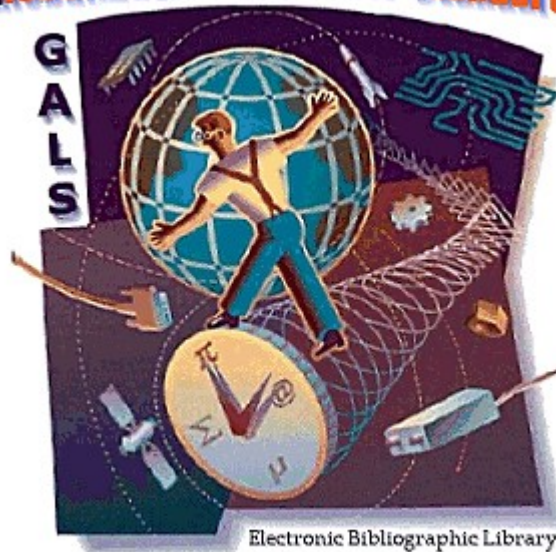


Globalization and Labor Standards



GALS Newsletter

June, 2010

Volume 9, No. 6

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Short Takes

**Brief updates on labor law developments
In different parts of the world**

ILO Recommends a workplace perspective to combating HIV/AIDS

On June 16th of this year, the International Labor Organization (ILO) conference adopted a new labor standard on HIV and AIDS. The standard, which was overwhelmingly supported by

governments, employers and workers' representatives, is known as the HIV and AIDS Recommendation of the ILO. It was developed over two years of discussions, and was amended 300 times. It was ultimately passed by a vote of 439 to 4, with 11 abstentions.

Many are optimistic that the standard will improve the lives of some of the estimated 33 million people worldwide who are HIV positive. Dr. Sophia Kisting, Director of the ILO Programme on HIV and AIDS and the World of Work said that "with this new human rights instrument we can harness the strength of the world of work and optimise workplace interventions to significantly improve access to prevention, treatment, care and support. We cannot do it alone but this standard will, I believe, provide a major contribution to making the dream of an AIDS-free generation a reality."

Since the standard takes the form of a Recommendation rather than a Convention, however, it does not require ratification by governments, and is non-binding. At a minimum, the standard will be communicated to national lawmaking bodies.

The standard calls for HIV/AIDS to be treated as a "workplace issue". The standard also notes that the informal economy, income inequality, poverty and discrimination against HIV positive workers all exacerbate the HIV epidemic. The standard proposes that employers and workers make the workplace a site of education about, and treatment of, the virus. The standard urges that member countries should implement or strengthen anti-discrimination laws to protect workers with "real or perceived" HIV positive status. Perhaps because the drafters recognized that the stigmatization of HIV positive workers will not end overnight, the standard recommends that no one should be compelled to disclose their HIV status to their employer.

The standard proposes to prevent transmission through improved occupational health strategies, gender equality efforts, and workplace education about the virus. The standard advocates special measures for workers whose jobs put them at elevated risk of infection, including health-care workers.

The standard proposes reasonable accommodation for HIV positive workers whose ability to work is affected by an HIV-related sickness. The standard seeks to encourage voluntary HIV testing, but keep the results confidential. The standard encourages national policies for HIV prevention and treatment, and proposes that migrant workers should be included in those policies.

The standard notes that young workers are vulnerable to the consequences of HIV/AIDS in two particular ways. First, they are vulnerable to child labor violations and trafficking due to the loss of their parents due to the virus. Further, youth are vulnerable to contracting of the virus and need "objective sexual and reproductive health education" to reduce the risk of transmission.

The standard proposes that national governments implement HIV / AIDS prevention and treatment programs in consultation with employers and workers. Finally, the standard suggests that collective bargaining agreements and sectoral strategies take account of ways to reduce the harm caused by the virus.

The full text of the HIV and AIDS Recommendation of the ILO can be downloaded at:
http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_141928/index.htm

Comparative Labor Law

Rittich, Kerry, "Transnationalizing the Values and Assumptions of American Labor Law", *Buffalo Law Journal* v. 57 no3 (May 2009) p. 803-811

Abstract:

The author proposes that three global trends in labor law are central to understanding efforts to improve transnational labor standards. First, North American labor law's ambivalent stance regarding workers' organization has spread around the world. Second, despite its ambivalence toward mobilization, labor law is increasingly central to broader concerns about social justice and democracy. Third, domestic labor law remains important, despite global economic integration. The author concludes by hypothesizing that the financial crisis may have increased the likelihood that policy makers will adopt improved labor standards because it is now clear that widening income disparity and economic insecurity put the entire economy at risk.

Subjects: [Comparative Labor Law](#)

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

Country-Specific Case Studies

Süral, Nurhan, "Islamic Outfits in the Workplace in Turkey, a Muslim Majority Country", *Comparative Labor Law & Policy Journal* v. 30 no3 (Spring 2009) p. 569-596

Abstract:

The author identifies debates over headscarf bans as an important site of tension between secularists and Muslims in Turkey. While most Turks say that they accept secularism, not everyone defines secularism the same way. Some would seek to ban women from wearing headscarves in public to advance secularism, while others feel that optional headscarves are consistent with secularism. Turkish law on this matter is unsettled and highly contentious. A constitutional amendment provides university students with the right to wear headscarves, but it does not apply to public employees. In the private sector, employers have implemented dress codes that range from banning headscarves to mandating them. The author argues that dress codes by private sector employers will continue to be the subject of litigation because competing and contradictory jurisprudence appears to both ban religious discrimination and permit employers to establish dress codes.

Subjects: [Anti-Discrimination](#), [Country-Specific Case Studies](#), [Women's Rights](#)

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Gaudu, François, "Labor Law and Religion", *Comparative Labor Law & Policy Journal* v. 30 no3 (Spring 2009) p. 507-527

Abstract:

This article discusses the tension between employment law and religion in France. Courts have addressed issues such as whether clergy should be considered “employees” under French labor law, and whether religious schools can fire employees for behavior which the religion considers immoral, but is not illegal. On these issues, religious institutions have retained some special standing. But other areas of labor and employment law have become more secular over time. For example, women in France are no longer barred from working night shifts, as they had been under a law supported by the Church. The author concludes that while labor and employment law are becoming more secular, religion continues to exercise influence in the way that labor and employment law function in France.

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

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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.

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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