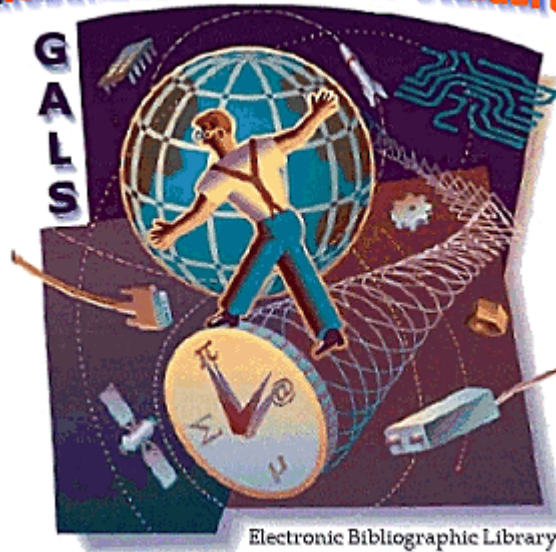


Globalization and Labor Standards



GALS Newsletter

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Short Takes

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

Labor Issues Helped Drive 2011 Egyptian Revolution

“To understand why so many authoritarian Arab regimes remain fragile, one need only to look through the window on to the court of labour relations.”

-Eric Lee, Benjamin Weinthal,

“Trade Unions: The Revolutionary Social Network at Play in Egypt and Tunisia”¹

From the onset of the Jasmine Uprising last winter, and to the surprise of much of the West, activists in the Egyptian Revolution focused on economic issues of mass poverty, unemployment and a long-stagnating economy.² This focus was evidenced by the naming of the initial day of protests: “the day of revolt against torture, poverty, corruption and unemployment.”³ The economic focus of these protests is understandable, as around forty percent of Egypt's population of 80 million lives on around two dollars per day, and a large part of the population relies on subsidized goods.⁴ Meanwhile, unemployment is driven by a demographic “youth bulge,” in which the number of new people entering the job force is around 4% a year, and unemployment for college graduates is 10 times as high than those with an elementary education.⁵

For the ten years leading up to the Revolution, Egypt had a massive wave of strikes. Since 2004, a total of 3,000 strikes have been recorded in the country. This wave began in the clothing and textile industry, saw its largest strike of 25,000 people in 2006, and culminated in a 10,000-person strike of municipal tax collectors. The number of labor protests during the period dwarfed the number of political protests.⁶ Egypt's intense labor activity no doubt helped facilitate the 2011 Revolution.

The Egyptian Trade Union Federation (ETUF), long the only legal federation of unions in Egypt, disapproved of the strikes. However, last year the government was forced by courts to allow the formation of the first independent trade union in more than half a century. At the same time, over the past twenty years, more and more Egyptian unions have been cultivating contacts with labor groups abroad. These connections proved to be extremely helpful once the Mubarek government shut down the internet on January 26. The Centre for Trade Union and Worker Services (CTUWS), for example, responded to the shutdown by making daily phone call

¹ Eric Lee and Benjamin Weinthal, *Trade Unions: The Revolutionary Social Network at Play in Egypt and Tunisia*, Foundation for Defense of Democracies, Feb. 10, 2011, http://www.defenddemocracy.org/index.php?option=com_content&task=view&id=11792083&Itemid=347 (last visited April 20, 2011).

² Interview by Benjamin MacQueen by SBS, *Q&A: What's Behind the Unrest?*, Special Broadcasting Service, Jan. 27, 2011, <http://www.sbs.com.au/news/article/1473531/Q&A--What-s-behind-the-unrest-> (last visited April 20, 2011).

³ *Egypt Braces for Nationwide Protests*, France 24, Jan. 25, 2011, <http://www.france24.com/en/20110125-egypt-braces-nationwide-protests> (last visited April 20, 2011).

⁴ *Id.* at 2.

⁵ Interview by Kai Ryssdal with Marcus Noland, *The Long-Term Economic Challenges Egypt Must Overcome*, American Public Media, Feb. 1, 2011, <http://marketplace.publicradio.org/display/web/2011/02/01/pm-the-long-term-challenges-egypt-must-overcome> (last visited April 20, 2011).

⁶ David Macaray, *Labor Unions Lead the Charge in Egypt*, Dissident Voice, Feb. 2, 2011, <http://dissidentvoice.org/2011/02/labor-unions-lead-the-charge-in-egypt> (last visited April 20, 2011).

communiqués to the AFL-CIO's Solidarity Center in Washington. The Solidarity Center, in turn, translated these messages and passed them onto their trade union websites.⁷

A series of worker strikes and walk-outs occurred throughout Egypt during the Revolution and the subsequent transitional government, along with the more-publicized political protests. Strikes and work stoppages were reported as early as February 9th in Cairo, Alexandria, and in the Suez Canal region. Some were narrowly focused on wage demands, while others occurred in conjunction with political protests in those areas.⁸

Soon, there was national unity in many of the unions' demands. On February 19, forty unions signed on to a list of "Demands of the Workers in the Revolution." These demands included: raising the national minimum wage and pension; narrowing the gap between minimum and maximum wages (both are mandated by law in Egypt); freedom to organize independent trade unions without conditions or restrictions; renationalization of all privatized enterprises; the right to strike, sit in, and organize peacefully, and; dissolution of the ETUF, which the signatories view as "one of the most important symbols of corruption under the defunct regime."⁹

As the Egyptian military took control of the situation by late February, they urged workers to stay on the job. "[The military] are now warning against so-called chaos instigated by industrial actions," said Hossam El Hamalawy, a journalist and blogger focusing on workers' movements. "However, let's remember ... the working class are the ones who toppled Mubarak."¹⁰

As of this writing, labor unrest has steadily declined, but Egyptian labor rights may themselves be in danger. On the one hand, in early March the International Labor Organization applauded the Egyptian government's recent declaration on freedom of association, calling it "a fundamental change, an historical moment, [and] a major step in the democratization process in which Egypt is involved."¹¹ On the other hand, on March 29 the Egyptian cabinet released a decree that would criminalize all unauthorized sit-ins, protests, and strikes.¹² "Nonetheless," says Egyptian newspaper Almasry Alyoum, "thousands of workers and labor activists are struggling to overcome these restrictions to establish a party which democratically represents their interests."¹³ At the same time, the Secretary-General of Egypt's Labor Party, Magdy Ahmed Hussein, has announced that he will run in Egypt's presidential elections, slated for November of

⁷ See Lee, *Weinthal*, *supra* note 1.

⁸ Chris McGreal and Jack Shenker, *Egypt's Unions Join Uprising Despite Regime's 'Coup' Threats*, *Kia Ora Gaza*, Feb. 10, 2011, <http://kiaoragaza.wordpress.com/2011/02/10/egypts-unions-join-uprising-despite-regimes-coup-threats> (last visited April 20, 2011).

⁹ *Demands of the Workers in the Revolution*, Feb. 19, 2011, found at: <http://www.arabawy.org/2011/02/21/jan25-egyworkers-egyptian-independent-trade-unionists%E2%80%99-declaration/> (last visited April 20, 2011).

¹⁰ Sarah A. Topol, *Egypt After Mubarak: Labor Strikes Escalate*, *AOL News*, Feb. 14, 2011, <http://www.aolnews.com/2011/02/14/egypt-after-hosni-mubarak-labor-strikes-escalate/> (last visited April 20, 2011).

¹¹ Press Release: *ILO Commends the Egyptian Government Declaration of Freedom of Association*, March 12, 2011, found at: http://www.ilo.org/global/about-the-ilo/press-and-media-centre/press-releases/WCMS_153006/lang--en/index.htm (last visited April 20, 2011).

¹² *Egyptian Government Moves to Outlaw Worker Protests*, AFL-CIO Solidarity Center, March 29, 2011, <http://www.solidaritycenter.org/content.asp?contentid=1178> (last visited April 20, 2011).

¹³ Jano Charbel, *Labor Activists Organize Despite Legal Hurdles*, *Al-Masry Al-Youm*, April 15, 2011, <http://www.almasryalyoum.com/en/node/401570> (last visited April 20, 2011).

this year.¹⁴ Thus it remains to be seen whether or not the labor demands that sparked the Jasmine Revolution will be addressed under the still emerging new regime.

-- Kyle Todd, UCLA School of Law

Undocumented Workers and Collective Bargaining

Ruiz Cameron, Christopher David, "The Borders of Collective Representation: Comparing the Rights of Undocumented Workers to Organize under United States and International Labor Standards", *University of San Francisco Law Review* v. 44 no2 (Fall 2009) p. 431-453

Abstract:

The author compares the U.S. approach to collective bargaining rights of transborder workers as articulated in the U.S. Supreme Court opinion in *Hoffman Plastics Compounds, Inc. v. National Labor Relations Board* ("Hoffman Plastics") with the standards set forth in several international labor rights instruments. He uses standards set forth in international human rights instruments, ILO Conventions, regional human rights instruments, labor rights clauses in free trade agreements, and European Union directives to argue that there is an international consensus that freedom of association is a fundamental right for all workers, regardless of citizenship status. In Part I, the author considers whether undocumented workers in the United States are considered "employees" under the National Labor Relations Act, notes the Supreme Court's conflicting views on the issue, and opines that *Hoffman Plastics* is "not the only way" to consider the rights of undocumented workers in the U.S. In Part II, he compares the U.S. Supreme Court's treatment of undocumented workers with the more inclusive definition of "employee" under international labor standards found in the various international instruments. In conclusion, the author argues that U.S. courts should limit *Hoffman Plastics* to its narrow facts and reinterpret the NLRA to conform to international labor principles by including undocumented workers as "employees" who are entitled to the full rights and remedies guaranteed by law.

Subjects: [Comparative Labor](#)

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Migrant Labor

Roth, Paul, "Migrant Labor in New Zealand", *Comparative Labor Law & Policy Journal* v. 31 no1 (Fall 2009) p. 67-89

Abstract:

This article provides an overview of migrant labor in New Zealand. Following a description of the geographic, social, economic, and political factors that contribute to New Zealand's migrant labor law and policy, the article explains that the country's current policy regarding unskilled or low-skilled labor represents a delicate balance among several factors, some of which are in

¹⁴ *Egypt's Labor Party Leader Says to Run for Presidency*, Xinhuanet.com, March 29, 2011, http://news.xinhuanet.com/english2010/world/2011-03/29/c_13802182.htm (last visited April 20, 2011).

competition or conflict. Some factors include the country's attempt to regularize seasonal employment, regional foreign aid commitments, the rise of domestic unemployment, and concerns about worker exploitation. The article then delves into a discussion of New Zealand's current international human rights obligations relevant to the protection of migrant workers, as well as the country's domestic compliance with these obligations. Roth notes that while migrant workers are entitled to the protection of all human rights-related legislation, they are not entitled to protection from discrimination under the country's current immigration law. Finally, the article concludes with a detailed overview of the various government programs that currently apply to migrant labor in New Zealand.

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

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Comparative Unemployment Insurance

Kuhn, Peter & Riddell, Chris, "The Long-Term Effects of Unemployment Insurance: Evidence from New Brunswick and Maine 1940-1991", *Industrial and Labor Relations Review* v. 63 no2 (January 2010) p. 183-204

Abstract:

This article describes a study on unemployment insurance (UI) policies in the bordering regions of the Canadian province of New Brunswick and the United States' state of Maine between 1940 and 1991. The two regions have similar ethnic makeup, population growth, and average income level but have divergent UI policies. New Brunswick's UI system is federally-funded, and offered dramatically higher benefits than the US system during the sample period. The study looks to see if the differences in the programs results in different incidence of part-year work, defined as work of 1 to 39 weeks duration during a given year. It finds that in 1990, New Brunswick had 25.6% of working-age men working part year, compared to 12.6% in Maine – a difference that the authors find is largely attributable to the different UI policies. The authors conclude that generous UI programs can lead to greater participation in part-year work, but that its incentive pulls from both the highest (over 40 weeks) and lowest (0 weeks) brackets, resulting in only a modest effect on total labor supply.

Subjects: [Comparative Labor Law](#), [Labor Rights in General \(Misc.\)](#), [Unemployment Insurance](#)

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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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