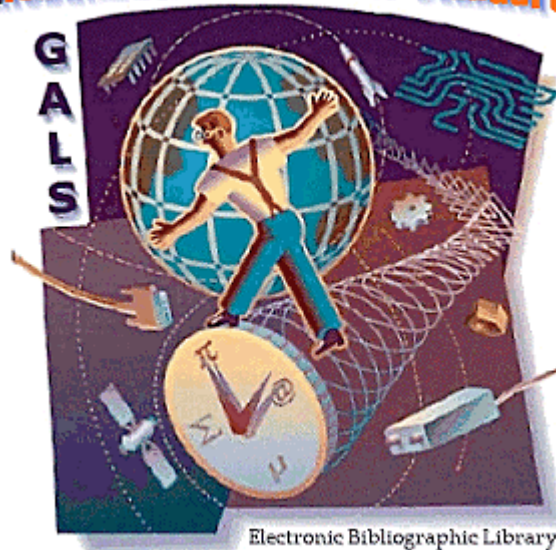


Globalization and Labor Standards



GALS Newsletter

August, 2014

Volume 13, No. 6

Katherine V.W. Stone – Editor and Project Director

Student Editor:
Nayla Wren

Student Contributors:
David Winston
Kara Ellison
Emerson Luke

Tech Advisor:
Scott MacKnight

The Globalization and Labor Standards Bibliographic Library is a sponsored by
UCLA School of Law and the UCLA Institute for Research on Labor and Employment

The complete GALS Library is available at <http://www.laborstandards.org>.
New subscribers can use gals-request@lists.ucla.edu to be placed on the GALS list-
serve. Information about how to sign up for this free service is [available below](#).

Country Specific Case Study: Vietnam

Fincher, Richard D., “Workplace Dispute Resolution in Vietnam: Perspectives on a Developing Nation”, *Dispute Resolution Journal*, v. 66 (May-July 2011) p. 11

Abstract:

The author discusses the findings of a recent study of Vietnamese workplace dispute resolution procedures. Vietnam has protective and comprehensive labor laws and uses a three-step dispute resolution process when an employee accuses their employer of violating the laws. The first step involves an informal arbitration hearing before a council of employer representatives and trade union leaders. The second step requires a hearing before the Chairman of the District's People's Committee. The third step requires that the dispute be referred to the Provincial Labor Arbitration Council, which can issue an advisory arbitration award. The author criticizes this process, arguing that it lacks credibility because it does not provide for worker advocates at any stage of the proceedings. In addition, the model assumes an active and representative union presence, and Vietnamese unions were traditionally state-controlled and have struggled to adopt representative models. Finally, the government lacks capacity to enforce arbitration awards. The author suggests that Vietnam centralize Labor Arbitrations at the federal level, make awards enforceable, and empower unions to advocate for workers.

Subjects: [Arbitration](#), [Collective Bargaining](#), [Country Specific Case Studies](#)

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

Corporate Accountability

Yosifson, David G., "The Public Choice Problem in Corporate Law: Corporate Social Responsibility After Citizens United", North Carolina Law Review v. 89 (May 2011) p. 1197

Abstract:

The author argues that corporate law should no longer tolerate the shareholder primacy norm that dominates modern corporate governance. The author describes how the shareholder primacy theory relies on external government regulation to curb exploitation of non-shareholders, such as community members, consumers, and workers, who are corporate stakeholders. However, these profit-seeking corporations are incentivized to undermine the development of these regulations. The author determines that this creates a public choice problem that could be solved by increased governmental regulation. However, in the wake of the Supreme Court's decision in *Citizens United v. Federal Elections Commission*, an increase in such regulation is likely almost impossible. The author posits that the solution lies in departure from a shareholder primacy model and a move toward multi-stakeholder corporate governance, where non-shareholding stakeholders' concerns would be necessarily considered as a necessary part of corporate governance.

Subjects: [Corporate Accountability](#), [Corporate Governance](#)

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

Comparative Labor Law

Hiessl, Christina, "Employer-Centered Benefits and the Atypical Workforce", International Journal of Comparative Labour Law and Industrial Relations v. 30 (2014) p. 67

Abstract:

This article This article examines policy reforms in Namibia and South Africa that seek to provide greater regulation and protection for agency workers. The article also analyzes the reforms in light of the decent work agenda by the International Labour Organization (ILO) and the European Union (EU) flexicurity policy, both of which have been major influences in the implementation of policies giving recognition to agency work. It considers whether and to what extent traditional labor law is relevant to Namibia and South Africa in light of these developments.

Subjects: [Comparative Labor Law](#),
[Flexibilization](#), [Country Specific Case Studies](#)

Full-text links: || [WWW](#)

Child Labor

Calitz, Karin, “The Failure of the Minimum Age Convention to Eradicate Child Labour in Developing Countries, with Particular Reference to the Southern African Development Community”, *The International Journal of Comparative Labour Law and Industrial Relations*, v. 29 (2013) p. 83

Abstract:

This article examines modern attempts to address the ills of child labor in Southern African countries. In so doing, it makes reference to the International Labour Organization’s (ILO) Minimum Age Convention 138 of 1975, which sets a general minimum employment age of 15 years. It explains how the approach taken by the ILO that all work that children engage in is detrimental is not appropriate for developing countries. This article posits that while there is certainly work that is detrimental to children, there is nevertheless light work that children can be engaged in that would benefit children and their families. This article takes the position that in order to address the detrimental effects of child labor, the focus should not be on increasing minimum age standards, but rather it should be on addressing the roots of the child labor phenomenon. In Southern Africa, this phenomenon stems from societal poverty and HIV and AIDS which has necessitated the labor contributions of children. This article illustrates how simply setting minimum age standards for child labor upon law abiding employers will only drive children to more dangerous and exploitative forms of work. Accordingly, any serious attempt to address child labor in Southern African nations must first address the cycle of poverty and disease that is rampant there.

Subjects: [Child Labor](#), [Health and Safety](#)

Full-text links: || [WWW](#)

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.cymb.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.cymb.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.polsoz.fu-berlin.de/polwiss/db_unions

The database, produced by the Center of Labor Relations of the Otto-Suhr-Institute of the Freie University Berlin, contains over 7,000 citations of books, articles, working papers, brochures, proceedings, etc. The bulk of the citations address aspects of labor relations in Germany and the EU, but there is a substantial body of literature in the database covering global labor issues as well.

GALS Information

You can view the entire GALS bibliography and database at <http://www.laborstandards.org>.

If you have colleagues who may be interested in this service, send them the following instructions on how to subscribe:

To subscribe to the **GALS Newsletter** send the following email to gals-request@lists.ucla.edu

Subject: *[leave blank]*
First line of the message: **SUBSCRIBE**

If you would like to unsubscribe to the **GALS Newsletter**, please email gals-request@lists.ucla.edu with the following text:

Subject *[leave blank]*
First line of the message: **UNSUBSCRIBE**

For any problems or questions, please email GALS@laborstandards.org.

The **GALS Bibliographic Library** is provided by the [UCLA School of Law](#) and the [UCLA Institute of Industrial Relations](#).

Project Director:

[Katherine V.W. Stone](#)
UCLA School of Law