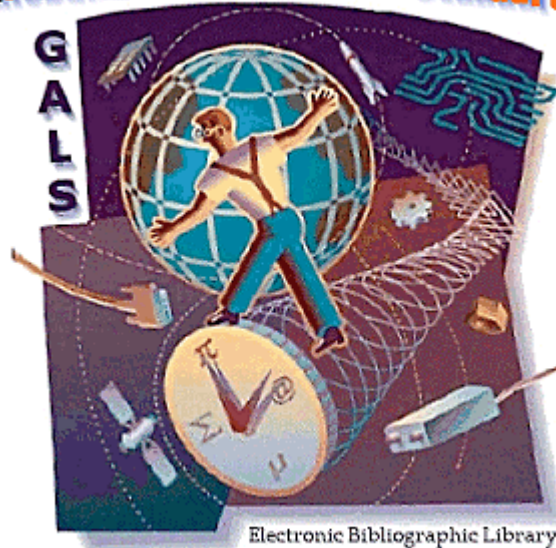


# Globalization and Labor Standards



## GALS Newsletter

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## Country-Specific Case Study: China

**Jiefeng Lu, Employment Discrimination In China: The Current Situation and Principle Challenges, Hamline Law Review, v. 32 (2009) p. 133**

### Abstract:

This article examines the current status and recent trends of employment discrimination laws in China. The author argues social unrest following the Zhou Yichao event and Zhan

Xianzhu's lawsuit in Wuhu, Anhui Province prompted changes in China's employment discrimination laws. In order to assess these changes, the author describes a number of different types of employment discrimination in China including gender, age, disability, height, migrant peasant status, attractiveness, and religion. The author then provides a brief analysis of employment discrimination statutes as well as the relief available under the Chinese Constitution. The author argues that despite the existence of Constitutional and statutory protections, employment discrimination remains common in China for a number of reasons. First, the absence of a specific anti-discrimination employment law makes it impossible for employees to file lawsuits against discriminating employers. Second, there is uncertainty regarding the applicability of constitutional rights in litigation and their enforceability against private entities. Additionally, there is a lack of meaningful remedies for plaintiff. The author concludes that employment discrimination permeates workplaces in China, but Chinese society and employers have demonstrated a willingness to eliminate employment discrimination.

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

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

## Trade Conditionality

**Michael P. Malloy "Human Rights and Unintended Consequences: Empirical Analysis of International Economic Sanctions in Contemporary Practice", Boston University International Law Journal, v. 31 (2011) p. 75**

**Abstract:**

The author empirically analyzes the use of sanctions in response to humanitarian crises in four countries: Zimbabwe (then Southern Rhodesia), Belarus, Myanmar, and South Africa. He first compares foreign policy based sanctions to human rights based sanctions, finding that foreign policy based sanctions are more effective in the short term. Next, he looks at whether the sanctions were unilateral or multilateral, and determines that unilateral sanctions are just as effective. In general, he finds that sanctions are effective at attaining human rights compliance. Finally, he determines that because unilateral sanctions are effective at addressing human rights violations, countries like the US and the UK could act unilaterally to improve human rights, labor rights, and equal justice conditions in nations that are part of US or UK supply chains.

**Subjects:** [Trade Conditionality](#), [Labor Rights as Human Rights](#),

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

## Country-Specific Case Study: China

**Crystal Roberts, Far From A Harmonious Society: Employment Discrimination In China, 52 Santa Clara Law Review v. 52 (2012) p. 1531**

**Abstract:**

This Comment analyzes China's anti-discrimination laws and proposes several solutions. Part I provides background information about employment discrimination practices in China and their

historical basis. According to the author, women, migrant workers, and workers perceived to have disabilities are the most likely people to be victims of employment discrimination. Part II examines China's efforts to combat employment discrimination laws and the obstacles that limit their effectiveness. In this part, the author argues the protections available to women under China's Constitution, China's Labor Law, the Law on the Protection and Interests of Women, the 2004 Law on Prevention and Treatment of Contagious Disease, and the Employment Promotion Law, remain limited due to lack of enforcement and the absence of independent trade unions. For instance, while the Labor Law gives workers rights against discrimination based on gender, nationality, race and religion, it does not provide a mechanism for calculating compensation for victims. Part III of this Comment details obstacles to Equal Employment Opportunities in China including a lack of access to enforcement mechanisms, the absence of clear standards of proof, China's lax enforcement of its employment discrimination laws, and the lack of education and awareness in China concerning discrimination. In Part IV, the author proposes two measures for increasing the effectiveness of China's employment discrimination laws: (1) enacting a law that exclusively addresses employment discrimination; and (2) allow the formation of independent trade unions.

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

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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](mailto: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.polsoz.fu-berlin.de/polwiss/db\\_unions](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.

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*Project Director:*

[\*\*Katherine V.W. Stone\*\*](#)

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