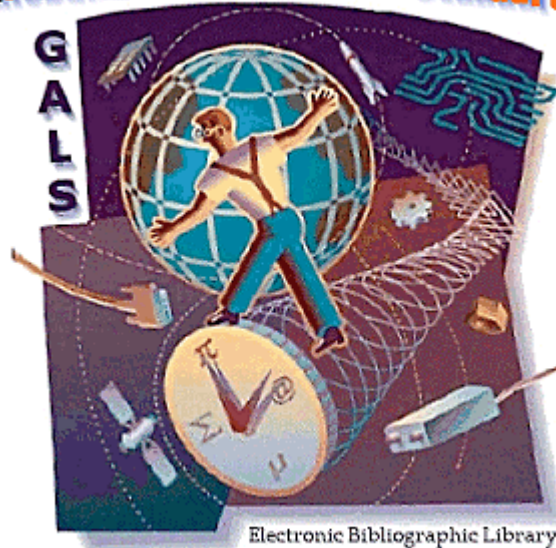


# Globalization and Labor Standards



## GALS Newsletter

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**Katherine V.W. Stone** – Editor and Project Director

Student Editor:  
**Nayla Wren**

Student Contributors:  
**David Winston**  
**Kara Ellison**

Tech Advisor:  
**Scott MacKnight**

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## Trade Agreements

Tamara Kay, “Legal Transnationalism: The Relationship Between Transnational Social Movement Building and International Law”, *Law and Social Inquiry*, v. 36 (Spring, 2011) p. 419

**Abstract:**

The author traces the history of the North American Agreement on Labor Cooperation (NAALC), which is the labor-side component of the North American Free Trade Agreement (NAFTA). NAALC was designed to increase labor standards across the continent, and to establish legal mechanisms for addressing labor complaints. Union leaders have criticized NAALC because it has not raised labor standards, and some argue that post-NAFTA labor conditions in Mexico have gotten worse. The author argues that despite NAALC's ineffectiveness as law, it has had unintended beneficial consequences. Specifically, NAALC has helped workers in the US, Canada, and Mexico form a collective identity, which has encouraged cooperation and cross-border enforcement of labor rights. The author argues that this cooperation may build into a transnational workers movement that could have the effect NAALC promised.

**Subjects:** [NAFTA/GATT](#), [Social and Economic Rights](#), [Trade Agreements](#)

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

## Forced Labor

**Jennifer S. Nam, "The Case of the Missing Case: Examining the Civil Right of Action for Human Trafficking Victims", *Columbia Law Review*, v. 107 (November, 2007) p. 1655**

### **Abstract:**

The Trafficking Victims Protection Act (TVPA) was amended in 2003 to create a private right of action under which trafficking victims may sue their traffickers for damages. The author surveys every case brought under this right of action. She finds that in the years since the law's enactment, only 18 suits for damages have been brought against human traffickers. She hypothesizes that the reason for this paucity of cases may be that trafficking victims are afraid of their traffickers, who often have ties to the victim's home country and may threaten the victim's family. In addition, the author notes that because T-Visas are difficult to obtain, particularly for victims whose cases do not result in criminal prosecution of traffickers, the victims may be unable to remain in the United States long enough to file suit or see a civil action through. In addition, the TVPA requires that plaintiffs prove they were subject to a 'severe form of trafficking' in order to have standing. This may prove too high a bar, and too nebulous a standard, for most trafficking victims.

**Subjects:** [Forced Labor](#), [Labor Rights as Human Rights](#), [Social and Economic Rights](#),

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

## Labor Rights as Human Rights

**Note, "Remedying the Injustices of Human Trafficking Through Tort Law", *Harvard Law Review*, v. 119 (June, 2006) p. 2574**

### **Abstract:**

The author of this unsigned note outlines victims' possible remedies for human trafficking. The author notes that 13<sup>th</sup> Amendment jurisprudence has narrowed the definition of slavery; victims

must have suffered physical or legal force to state a 13<sup>th</sup> Amendment claim. This excludes most victims of contemporary human trafficking, who are often kept in bondage through psychological coercion. The author similarly criticizes the Trafficking Victims' Protection Act, which provides redress for victims of 'severe' forms of trafficking only, which similarly excludes many victims who were intimidated into remaining in bondage. The author proposes that victims seek redress through state tort law, and outlines how a trafficking victim might state a claim for false imprisonment, intentional infliction of emotional distress, and fraud.

**Subjects:** [Forced Labor](#), [Labor Rights as Human Rights](#), [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](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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[Katherine V.W. Stone](#)  
UCLA School of Law