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Abstract:
In this article, the authors report on a study of the effects of legal, organizational and institutional differences between the U.S., U.K., and Canada on numerical and functional labor flexibility. In contrast to previous studies that focused on the manufacturing industry, here the focus is on call centers, where high turnover and non-standard work arrangements abound. The authors found higher rates of dismissal in the U.S., a trend that was negatively correlated with the use of temporary and part-time employment. The authors hypothesize that weaker lay-off protections in the U.S. result in more dismissals, while in the U.K. and Canada, employers adapt to stiffer job protection laws by using more temporary and part-time work. The authors also hypothesize that a strong union presence leads to fewer dismissals, but more non-standard employment arrangements, while outsourcing centers will lead to more of both. Their study confirms that union presence decreases lay-offs and non-standard arrangements and that outsourced centers lead to at least more part-time workers. The authors also find that numerical and functional flexibility are negatively related in the U.S. and Canada, but not in the U.K.

Subjects: Comparative Labor Law, Flexibilization, Industry-Specific Case Studies

Comparative Labor Law: New Zealand and Australia


Abstract:
The authors compare protective labor legislation in New Zealand and Australia from 1970 to 2010 using a “leximetric” index assigning numerical values to variable sets measuring the regulation of (1) alternative employment contracts; (2) working time; (3) dismissal; (4) employee representation; and (5) industrial action. They conclude that the 1991 Employment Contracts Act caused New Zealand’s precipitous decline from above to below Australia’s protective level. By abolishing compulsory arbitration and the awards system, the Act weakened employee representation, industrial action, and the regulation of alternative contracts and working hours. The 2000 Employment Relations Act partially rectified the decline, causing New Zealand and Australia to converge. The authors also compare Australia, New Zealand, France, Germany,
India, the United Kingdom, and the United States to test the “legal origins” hypothesis, which holds that a country’s legal origins—common law or civil code—is the primary factor determining its mode of market constitution and regulation. It predicts that countries with common law origins produce “free market” regulatory regimes with superior outcomes, towards which countries will converge. Contrary to the legal origins hypothesis, the authors found that limited convergence was due to political factors, particularly partial legislative reversals of neoliberal policies.

Subjects: Comparative Labor Law

Full-text links: || WESTLAW || LEXIS-NEXIS ||

European Convention on Human Rights: Italian Bloggers

Cornwall, Janelle (student author), "It was the First Strike of Bloggers ever: An Examination of Article 10 of the European Convention of Human Rights as Italian Bloggers Take a Stand Against the Alfano Decree", Emory International Law Review v. 25 no1 (2011) p. 499 - 538

Abstract:
The author analyzes the legality of the Alfano Decree under the European Convention on Human Rights. The decree is a bill approved by the Italian Chamber of Deputies that precipitated a 2009 strike by hundreds of Italian bloggers. It would subject internet users to severe criminal sanctions for failing to retract posts containing inaccurate information within 48 hours of request by one who believes the material harms his/her reputation. The author concludes that the European Court on Human Rights would likely find that the decree infringes the fundamental freedom of expression under Section 10(1), does not constitute a legitimate interference under Section 10(2), and does not fall within the “margin of appreciation” doctrine that affords countries’ license to negotiate conflicts between national interests and individual rights. She argues that the decree’s political context is an important factor weighing against its legality. Prime Minister Silvio Berlusconi’s control over most of the media has made blogs one of Italy’s few independent media outlets, and the decree was promulgated in the wake of political scandal. Further, Italians have limited internet access relative to other developed countries, and other harsh restrictions, including libel laws and identification requirements, already discourage its use.

Subjects: Case Studies, European Union, Industry-Specific Case Studies

Full-text links: || WESTLAW || LEXIS-NEXIS || PDF ||

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Links to Related Projects


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.


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.


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 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/](http://www.austlii.edu.au/au/special/industrial/).

ETUI Labourline: [http://www.labourline.org/Etui](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.

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:  

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

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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