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978-0-52184785-8 - The Global Workplace: International and Comparative Employment Law - Cases and Materials

Roger Blanpain, Susan Bisom-Rapp, William R. Corbett, Hilary K. Josephs and Michael J. Zimmer
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THE GLOBAL WORKPLACE

With the forces of globalization as a backdrop, this casebook develops labor and employment law in the context of the national laws of nine countries important to the global economy – the United States, Canada, Mexico, the U.K., Germany, France, China, Japan, and India. These national jurisdictions are highlighted by considering international labor standards promulgated by the International Labour Organization as well as the rulings and standards that emerge from two very different regional trade arrangements – the labor side accord to NAFTA and the European Union. Across all these different sources of law, this book considers the law of individual employment, collective labor laws dealing with unionization as well as the laws against discrimination, the laws protecting privacy, and the systems used to resolve labor and employment disputes. This is the first set of law school course materials in English covering international and comparative employment and labor law.

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INTERNATIONAL AND COMPARATIVE

EMPLOYMENT LAW –

CASES AND MATERIALS

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Roger Blanpain

To Lina and our 22 children and grandchildren

Susan Bisom-Rapp

To Charles, Skylar, and Ezra, my parents, Bob and Marilyn, and my mother-in-law, Jean

William R. Corbett

To Monica, Brock, and my parents, Bill and Sara

Hilary K. Josephs

To Lew and to the memory of my parents, Joseph and Bernice Kromelow

Michael J. Zimmer

To Margaret, Michael, and Lanier

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The materials are current as of October 2006. The learning process for us, as well as our readers, extends into the future.

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Table of Secondary Authorities

Articles and Papers

- Acuff, J.L., Note: The Race to the Bottom: The United States' Influence on Mexican Labor Law Enforcement, 5 *San Diego Int'l L. J.* 387 (2004), 217
- Adams, R.J., Choice or Voice? Rethinking American Labor Policy in Light of the International Human Rights Consensus, 5 *Emp. Rts. & Emp. Pol'y J.* 521 (2001), 87
- Agarwal, R.K., The Barefoot Lawyers: Prosecuting Child Labour in the Supreme Court of India, 21 *Ariz. J. Int'l & Comp. Law* 663 (2004), 588
- Aizawa, M., An International Perspective: A Proposal to Combine Disparate Approaches to the Maternal Wall, 7 *Empl. Rts & Employ. Pol'y J.* 495 (2003), 528–529
- Alexander, R., FAT Obtains First Secret Ballot Election: International Observers Report on Experience, www.ueinternational.org/Mexico_info/mlna_articles.php?id=88, 239
- Alston, P., 'Core Labour Standards' and the Transformation of the International Labour Rights Regime, 15 *Eur. J. Int'l L.* 457 (2004), 44, 90
- Anderson, K., The Limits of Pragmatism in American Foreign Policy: Unsolicited Advice to the Bush Administration on Relations with International Non-Governmental Organizations, 2 *Chi. J. Int'l L.* 371 (2001), 20
- Andrias, K.E., Gender, Work, and the NAFTA Labor Side Agreement, 37 *U.S.F. L. Rev.* 521 (2003), 21
- Araki, T., Corporate Governance Reforms, Labor Law Developments, and the Future of Japan's Practice-Dependent Stakeholder Model (2005), <http://www.jil.go.jp/english/documents/JLR05-araki.pdf>, 506, 527, 536, 537
- Archibold, R.C., Immigrants Take to U.S. Streets in Show of Strength, *The New York Times*, May 2, 2006, 28
- Arthurs, H.W., Globalization of the Mind: Canadian Elites and the Restructuring of Legal Fields, 12 *Canadian J. Law & Soc'y* 219 (1998), 255
- Arthurs, H.W., Reinventing Labor Law for the Global Economy: The Benjamin Aaron Lecture, 22 *Berkeley J. Emp. & Lab. L.* 271 (2001), 11
- Atleson, J., The Voyage of the Neptune Jade: The Perils and Promises of Transnational Labor Solidarity, 52 *Buff. L. Rev.* 85 (2004), 11, 15, 362, 363
- Austen, I., Wal-Mart To Close Store In Canada With a Union, *N.Y. Times*, Feb. 10, 2005, 517
- Austin, R., Employer Abuse, Worker Resistance, and the Tort of Intentional Infliction of Emotional Distress, 41 *Stan. L. Rev.* 1 (1988), 104
- Bagenstos, S.R., The Structural Turn and the Limits of Antidiscrimination Law, 94 *Cal. L. Rev.* 1 (2006), 135
- Bai, M., The New Boss, *N.Y. Times Magazine*, Jan. 30, 2005, 15
- Barbaro, M., Maryland Sets a Health Cost for Wal-Mart, *N.Y. Times*, Jan. 13, 2006, 600
- Barboza, D., The New Power Brokers, *N.Y. Times*, July 19, 2005, 521
- Barboza, D., Wal-Mart Bows To Trade Unions At Stores in China, *N.Y. Times*, Nov. 25, 2004, 517
- Barboza, D. & Barbaro M., Judge Gives Wal-Mart Reprieve on Benefits, *N.Y. Times*, July 20, 599
- Barcelo, R., Seeking Suitable Options for Importing Data from the European Union, 36 *Int'l Law.* 985 (Fall, 2002),
- Barnard, C. & Deakin, S., 'Negative' and 'Positive' Harmonization of Labor Law in the