

SYLLABUS

**INTERNATIONAL LABOR LAW
LAW 676 – FALL 2022
UNIVERSITY OF THE PACIFIC
MCGEORGE SCHOOL OF LAW**

OMAR YOUSEF SHEHABI

This seminar will examine a variety of contemporary issues concerning the prescription and application of international labor law from a legal and policy perspective. It will explore the conflicting interests of governments, employers and labor unions, their objectives, and the policy choices made by their regulators on the national, regional, and international planes.

The seminar will examine the contemporary questions in international labor law, including the protection of fundamental labor rights of migrant workers, gig workers and workers in the informal economy; the enforcement of labor rights through the international and regional human rights systems; declining rates of unionization and new forms of employee organization; and the relevance and role of the International Labour Organization in the emerging era of competing public orders.

The seminar will be conducted through the analysis of treaties, case law, contemporary disputes and challenges, and hypothetical scenarios. Students will be expected to engage with the material of the class, think through the cases and disputes, and consider the hypothetical scenarios. The required readings for each class will range between 45-60 pages; optional readings will be provided for students looking to enrich their understanding of each topic.

Students will be assessed through class participation, a written exam, and an experiential activity concerning the ongoing collective bargaining in the United States between six Class I freight railroad companies and the 12 trade unions representing approximately 125,000 railroad employees.

While this course has no prerequisites, it complements Public International Law (LAW 600), Labor Law (LAW 555) and Employment Law (LAW 433).

Office Hours

Office hours are a dedicated time that I am available to answer your questions, discuss course content, and generally be of support. Office hours will be 4:00-6:00p on Fridays and at other times by appointment. Please email me any time you would like to speak.

Attendance and Class Participation

As an intensive course, attendance is vital. You should attend every class; please notify me in advance if you must miss a session. While you should be prepared to discuss the assigned readings for every session, particularly given that this is a small seminar course, please do not miss class because you are not fully prepared. I do not 'cold-call' on students. Rather, at the end of each session, I will ask for volunteers, and assign students as necessary, to lead discussion on each of the readings for the following session. I expect a student assigned to lead discussion to have read and analyzed the material thoroughly.

ADA Accommodations

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation

requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you believe you have a disability requiring an accommodation, please submit a request on the following webpage: <https://www.pacific.edu/student-life/student-services/services-for-students-with-disabilities>. If you have questions about getting started, please contact the Office of Student Affairs at 916-739-7089 or sacstudentaffairs@pacific.edu.

Name/Pronoun

Students have the right to be addressed and referred to in accordance with their personal identity. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of these requests early in the semester so that I may make appropriate changes to my records. If you would like additional assistance regarding communication about your name or pronoun, please contact the Office of Student Affairs, sacstudentaffairs@pacific.edu, or the Office of the Registrar, sacregistrar@pacific.edu, to make an official name change.

Diversity and Inclusion

All participants in this course come from individually distinct circumstances and experiences. Individual differences add value to the course and our community. Views of people of all ethnicities, races, genders and gender identities, sexual orientations, socio-economic backgrounds, religions, national origins, and ages are welcome and make for a richer class environment. We all lose out if everyone does not feel comfortable to participate. If you feel shut down or excluded from the conversation, please let me know. If you experience bias in the classroom, and do not want to talk to me, please contact the Office of Student Affairs, sacstudentaffairs@pacific.edu, or submit a bias incident report through the University bias reporting form.

Grading

Performance in the course will be assessed as follows:

- Class participation (including leading class discussion on assigned days): 40%
- Exam: 40%
- Experiential activity: 20%

I believe this assessment format gives students various opportunities and venues in which to demonstrate their grasp of course concepts and materials.

GENERAL BIBLIOGRAPHY

The following books are useful treatises, edited volumes and monographs on subjects that will be taken up in the course of the semester. (**available online/online book; *on reserve in law library open reserves room)

Treatises/casebooks

- **[JEAN-MICHEL SERVAIS, INTERNATIONAL LABOUR LAW](#) (7th ed. 2022)
- **[COMPILATION OF DECISIONS OF THE COMMITTEE ON FREEDOM OF ASSOCIATION](#) (6th ed. 2018) ('CFA Digest')
- *INTERNATIONAL LABOR LAW: CASES AND MATERIALS ON WORKERS' RIGHTS IN THE GLOBAL ECONOMY (James Atleson et al. eds, 2008)
- *THE GLOBAL WORKPLACE: INTERNATIONAL AND COMPARATIVE EMPLOYMENT LAW CASES AND MATERIALS (Roger Blanpain et al. eds., 2d ed. 2012)
- INTERNATIONAL LABOUR LAW (Barbara Fick ed., 2015)
- COMPARATIVE LABOR LAW (Matthew Finkin & Guy Mundlak eds., 2015)

Edited volumes

- INTERNATIONAL LABOUR ORGANIZATION AND GLOBAL SOCIAL GOVERNANCE (Tarja Halonen & Ulla Liukkunen, 2021)
- JEFFREY VOGT ET AL., THE RIGHT TO STRIKE IN INTERNATIONAL LAW (2020)
- LABOUR LAW AND THE GIG ECONOMY (Jo Carby-Hall & Lourdes Mella Méndez eds., 2020)
- THE ILO @ 100: ADDRESSING THE PAST AND FUTURE OF WORK AND SOCIAL PROTECTION (Christophe Gironde & Gilles Carbonnier eds., 2019)
- THEORISING LABOR LAW IN A CHANGING WORLD (Alysia Blackham, Miriam Kullman & Ania Zbyszewska eds., 2019)
- **INTERNATIONAL LABOUR LAW HANDBOOK: FROM A TO Z (Giuseppe Casale & Gianni Arrigo eds., 2017)
- MIGRANTS AT WORK: IMMIGRATION & VULNERABILITY IN LABOUR LAW (Cathryn Costello & Mark Freedland eds., 2014)
- THE IDEA OF LABOUR LAW (Guy Davidov & Brian Langille eds., 2011)
- GLOBALIZATION AND THE FUTURE OF LABOUR LAW (John Craig & S. Michael Lynk eds., 2006)
- BOUNDARIES AND FRONTIERS OF LABOUR LAW (Guy Davidov & Brian Langville eds., 2006)
- LABOUR RIGHTS AS HUMAN RIGHTS (Phillip Alston ed., 2005)
- THE RISE AND DEVELOPMENT OF COLLECTIVE LABOUR LAW (Marcel van der Linden & Richard Price eds., 2000)

Monographs

- ANETA TYC, GLOBAL TRADE, LABOUR RIGHTS AND INTERNATIONAL LAW (2021)
- ANASTASIA TATARYN, LAW, MIGRATION AND PRECARIOUS LABOUR (2020)
- GIOVANNI DI LIETO, MIGRANT LABOUR LAW (2016)
- GUY DAVIDOV, A PURPOSIVE APPROACH TO LABOUR LAW (2016)
- WOLFGANG PLASA, RECONCILING INTERNATIONAL TRADE AND LABOR PROTECTION (2015)
- ANTONIO OJEDA-AVILÉS, TRANSNATIONAL LABOUR LAW (2014)
- FRANCIS MAUPAIN, THE FUTURE OF THE INTERNATIONAL LABOUR ORGANIZATION IN THE GLOBAL ECONOMY (2013)

RELEVANT WEBSITES

There are several websites with useful information on international labor law and global labor issues:

- International Labour Organization (ILO): <https://www.ilo.org/>
 - ILO Digital Repository (Labordoc): <https://labordoc.ilo.org/> (ILO books, journal articles, reports, working papers, *International Labour Review*, reports of the International Labour Conference, Governing Body, Regional and other Meetings)
 - Comments of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) and Committee on the Application of Standards (CAS): <https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:20010:0::NO>
 - Committee on Freedom of Association cases (CFA): <https://www.ilo.org/dyn/normlex/en/f?p=1000:70001:::NO>
 - National legislation on labour and social rights (NATLEX): <http://www.ilo.int/dyn/natlex/>

- World Trade Organization, Labour standards: https://www.wto.org/english/thewto_e/whatis_e/tif_e/bey5_e.htm
- U.S. Department of Labor, Bureau of International Labor Affairs: <https://www.dol.gov/agencies/ilab/>
- Office of the U.S. Trade Representative, Labor: <https://ustr.gov/issue-areas/labor>
- European Economic and Social Committee: <https://www.eesc.europa.eu/en>
- Trade Union Advisory Committee (TUAC) to the Organisation for Economic Co-operation and Development (OECD): <https://tuac.org/>
- International Trade Union Confederation: <https://www.ituc-csi.org/>
- Solidarity Center, AFL-CIO (formerly American Center for International Labor Solidarity): <https://www.solidaritycenter.org/>
- Global Labor Justice – International Labor Rights Forum: <https://globallaborjustice.org/>
- *Solidar* (formerly International Workers Aid): <https://www.solidar.org/>
- Business & Human Rights Resource Centre: <https://www.business-humanrights.org/en/>
- U.S. Council for International Business: <https://www.uscib.org/>

TOPICS AND ASSIGNMENTS
(ASSIGNMENTS ARE SUBJECT TO CHANGE)

CLASS	DATE	DESCRIPTION
1.	8/20/22 AM	<p><u>LABOR LAW ON NATIONAL, REGIONAL AND INTERNATIONAL PLANES</u></p> <p><i>Required readings</i></p> <ul style="list-style-type: none"> - Hoffman Plastic Compounds v. NLRB, 535 U.S. 137 (2002) (excerpts) - Inter-American Court of Human Rights, Advisory Opinion OC-18/03, Juridical Condition and Rights of Undocumented Migrants (2003) (excerpts) - ILO Committee on Freedom of Association, United States, Case No 2227, Report No 332 (2003) (excerpts) <p><i>Optional supplemental readings</i></p> <ul style="list-style-type: none"> - Human Rights Watch, <i>Blood, Sweat, and Fear: Workers’ Rights in U.S. Meat and Poultry Plants</i>, chapter VII, The Impact of Hoffman Plastic on Workers’ Rights (2005) - Christopher David Ruiz Cameron, Borderline Decisions: Hoffman Plastic Compounds, the New Bracero Program, and the Supreme Court’s Role in Making Federal Labor Policy, 51 UCLA L. REV. 1 (2003)

2.	8/20/22 PM	<p><u>PUBLIC INTERNATIONAL LAW FOR LABOR LAWYERS / LABOR LAW FOR INTERNATIONAL LAWYERS</u></p> <p><i>Required readings</i></p> <ul style="list-style-type: none">- INTERNATIONAL LABOR LAW: CASES AND MATERIALS ON WORKERS' RIGHTS IN THE GLOBAL ECONOMY 5-12 (top of page), 15-44 <p><i>Optional supplemental readings</i></p> <ul style="list-style-type: none">- THE GLOBAL WORKPLACE: INTERNATIONAL & COMPARATIVE LABOR LAW 41-51 (top of page)- Matthew Finkin, Comparative Labour Law, in OXFORD HANDBOOK OF COMPARATIVE LAW 1132-1159 (Mathias Reimann & Reinhard Zimmermann eds., 2d ed. 2019) <p><i>Optional short primer on U.S. labor and employment law</i></p> <ul style="list-style-type: none">- THE GLOBAL WORKPLACE: INTERNATIONAL & COMPARATIVE LABOR LAW 92-124 (top of page) (<i>read notes, skim cases</i>) <p><i>Students familiar with U.S. labor and employment law are encouraged to review one of the following country/bloc surveys in THE GLOBAL WORKPLACE: Mexico, European Union, Germany, China, Japan, India</i></p>
3.	8/26/22	<p><u>THE SOURCES OF INTERNATIONAL LABOR LAW</u></p> <p><i>Required readings</i></p> <ul style="list-style-type: none">- POPE LEO XIII, RERUM NOVARUM (1891), ¶¶ 1, 3-6, 13-14, 20, 33, 37-42, 45-46, 48-49, 51- SERVAIS, INTERNATIONAL LABOUR LAW 50-55 (¶¶88-98, 101-104), 56-57 (¶¶109-110), 58-61 (¶¶116-117, 119-122, 124), 65-68 (¶¶137-141, 145-146), 69-74 (¶¶149-169), 75-77 (¶¶174-176), 81-83 (¶¶193-197, 199-200), 85-89 (¶¶207-219), 94-96 (¶¶232-238).- VOGT ET AL., THE RIGHT TO STRIKE IN INTERNATIONAL LAW 3-8- ILO Convention and Philadelphia Declaration (as amended)- ILO Declaration on Fundamental Principles and Rights at Work (1998, as amended 2022) <p><i>Optional supplemental readings</i></p> <ul style="list-style-type: none">- INTERNATIONAL LABOUR OFFICE, RULES OF THE GAME: AN INTRODUCTION TO THE STANDARDS-RELATED WORK OF THE INTERNATIONAL LABOUR ORGANIZATION 104-123 (4th ed. 2019)- Marieke Louis, <i>Who Decides? Representation and Decision-making at the International Labour Organization</i>, in THE ILO @ 100, 40-58

		<ul style="list-style-type: none"> - Laurence Helfer, Understanding Change in International Organizations: Globalization and Innovation in the ILO, 59 VAND. L. REV. 649 (2006) - Article 22: Freedom of Association, in PAUL TAYLOR, A COMMENTARY ON THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS 610-629 (2020) (section on trade unions) - Jan Klabbers, <i>An Accidental Revolution: The ILO and the Opening Up of International Law</i>, in INTERNATIONAL LABOR ORGANIZATION AND GLOBAL SOCIAL GOVERNANCE 123-140
4.	8/27/22	<p><u>FREEDOM OF ASSOCIATION, PART 1: AN OVERVIEW OF FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING</u></p> <p><i>Required readings</i></p> <ul style="list-style-type: none"> - SERVAIS, INTERNATIONAL LABOUR LAW 102-114 (¶¶249-295), 117-122 (¶¶307-330) - VOGT ET AL., THE RIGHT TO STRIKE IN INTERNATIONAL LAW 9-15 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (C-87) - Right to Organise and Collective Bargaining Convention, 1949 (C-98) - Joint statement by the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, Freedom of association, including the right to form and join trade unions, U.N. Doc. E/C.12/2019/3-CCPR/C/2019/1 (2019) <p><i>Optional supplemental readings</i></p> <ul style="list-style-type: none"> - Alan Bogg & Keith Ewing, <i>Freedom of Association</i>, in COMPARATIVE LABOUR LAW 296-329 [299-317, 321-327] - Steve Charnovitz, The ILO Convention on Freedom of Association and its Future in the United States, 102 AM. J. INT’L L. 90 (2008) - James Pope, How American Workers Lost the Right to Strike, and Other Tales, 103 MICH. L REV. 518 (2004) - Bernard Gernigon, Alberto Otero & Horacio Guido, ILO Principles Concerning Collective Bargaining, 139 INT’L LAB. REV. 33 (2000).
5.	9/9/22	<p><u>FREEDOM OF ASSOCIATION, PART 2: ‘SOCIAL BARGAINING’ AND MODERN LABOR COLLECTIVISM</u></p> <p><i>Required readings</i></p> <ul style="list-style-type: none"> - Kate Andrias, The New Labor Law, 126 YALE L. J. 1 (2016), sections II(C), IV(A) [excluding IV(A)(i)-(ii)], IV(B), pp. 57-70, 81-84, 93-97

		<ul style="list-style-type: none"> - Government of Canada, Issue Paper, Collective Voice for Non-Unionized Workers (2019), pp. 7-15. <p><u>Optional supplemental readings</u></p> <ul style="list-style-type: none"> - THE GLOBAL WORKPLACE 283-288 (‘Competence of the EU Regarding Social Policies: In Search of a European Social Model’) - Janice Fine, <i>Solving the Problem from Hell: Tripartism as a Strategy for Addressing Labour Standards Non-Compliance in the United States</i>, 50 OSGOODE HALL L. J. 4 (2013) - Kerwin Kofi Charles, Matthew S. Johnson & Nagisa Tadjfar, Trade Competition and the Decline in Union Organizing: Evidence from Certification Elections, NBER Working Paper 29464 (2021)
6.	9/16/22	<p><u>FREEDOM OF ASSOCIATION, PART 3: THE SUBSTANTIVE DIMENSIONS OF TRADE UNION RIGHTS</u></p> <p><u>Required readings</u></p> <p><u>Exclusive representation/minority unions</u></p> <ul style="list-style-type: none"> - <i>Dick’s Sporting Goods</i>, NLRB Case 6-CA-34821 (NLRB General Counsel, Division of Advice, 22 June 2006) (highlighted sections) - ILO CFA Case 2512 (India/MRF United Workers Union), Report No. 348 (2006) (highlighted sections) - ILO CFA Case 2512 (India), Report No. 384 (2018) (highlighted sections) <p><u>Secondary strikes</u></p> <ul style="list-style-type: none"> - Compilation of decisions of the Committee on Freedom of Association, 6th ed. 2018 (‘CFA Digest’), para. 770-771 - <i>National Union of Rail, Maritime and Transport Workers v United Kingdom</i> [2014] Eur. Ct. H.R. 366 (highlighted sections) <p><u>Secondary boycotts</u></p> <ul style="list-style-type: none"> - CFA Digest, para. 748, 771, 1294 - <i>Norwegian Confederation of Trade Unions and Norwegian Transport Workers’ Union v. Norway</i>, App. No. 45487/17 (Eur. Ct. H.R., 10 June 2021) (highlighted sections) <p><u>Non-union employer representation</u></p> <ul style="list-style-type: none"> - CFA Digest, para. 1214-15, 1224-25 - Teamwork for Employers and Managers Act of 1995 (United States)

		<ul style="list-style-type: none">- <i>Communication Workers of America v. NLRB (T-Mobile, Inc.)</i>, 994 F.3d 653 (D.C. Cir. 2021) (highlighted sections) <p><u>The right to strike as a constitutional right (to be reviewed in class)</u></p> <ul style="list-style-type: none">- <i>County Sanitation District No. 2 of Los Angeles County v. Los Angeles County Employees Association, Local 660, SEIU</i>, 38 Cal.3d 564 (1985) (selected sections)- <i>Saskatchewan Federation of Labour v. Saskatchewan</i> [2015] SCC-CSC 4 (selected sections)- James J. Brudney, <i>The Right to Strike as Customary International Law</i>, 46 YALE J. INT'L L. 1 (2021) (optional)
7.	9/17/22	<p><u>CHILD LABOR, FORCED LABOR AND DISCRIMINATION IN OCCUPATION & EMPLOYMENT</u></p> <p><u>Required readings</u></p> <ul style="list-style-type: none">- SERVAIS, INTERNATIONAL LABOUR LAW 126-131 (¶¶344-356) (forced labor); 131-136 (¶¶357-371) (child labor); 141-156 (¶¶389-394, 396-423, 430-443) (non-discrimination)- U.S. Congressional Research Service, <i>Worker Rights Provisions and U.S. Trade Policy</i> 16-21 (2021) <p><u>Forced labour</u></p> <ul style="list-style-type: none">- Forced Labour Convention, 1930 (C-29) and Protocol of 2014 to the Forced Labour Convention, 1930 (P-29)- Abolition of Forced Labour Convention, 1957 (C-105)- Global Estimates of Modern Slavery 2022 report (pp. 2-4, 6-8, 14) <p><u>Child labour</u></p> <ul style="list-style-type: none">- Minimum Age Convention, 1973 (C-138)- Worst Forms of Child Labour Convention, 1999 (C-182) <p><i>Case study: child labor in Malawi tobacco industry</i></p> <ul style="list-style-type: none">- Sarah Boseley, <i>Child Labour Rampant in Tobacco Industry</i>, GUARDIAN (2018)- <i>Josiya v. British American Tobacco PLC</i> [2021] EWHC 1743 (QB) (excerpts) <p><u>Discrimination in employment and occupation</u></p> <ul style="list-style-type: none">- Discrimination (Employment and Occupation) Convention, 1958 (C-111)- Equal Remuneration Convention, 1951 (C-100)

		<p><u>Optional supplemental readings</u></p> <ul style="list-style-type: none">- Edward van Daalen & Karl Hanson, The ILO's Shifts in Child Labour Policy: Regulation & Abolition, in THE ILO @ 100, 133-151 (2019)
8.	10/7/22	<p><u>LABOR LAW AS HUMAN RIGHTS LAW</u></p> <p><u>Required readings</u></p> <ul style="list-style-type: none">- Violence and Harassment Convention, 2019 (C-190) and Violence and Harassment Recommendation, 2019 (R-206)- Kalina Arabadjieva, Worker Empowerment, Collective Labour Rights and Article 11 of the European Convention on Human Rights, 22 HUM. RTS. L. R. 1 (2022), pp. 4-10- Kevin Kolben, Labor Rights as Human Rights?, 50 VA. J. INT'L L. 449 (2010)- <i>Wilson and National Union of Journalists v. United Kingdom</i>, 35 E.H.R.R. 20 (2002) (summary)- <i>Sindicatul 'Păstorul cel Bun' v. Romania</i> [2013] Eur. Ct. H.R. 646 (summary)- <i>Baena Ricardo et al. v. Panama</i>, Inter-Am. Ct. H.R. (ser. C) No. 72 (2001) [summary, 36 LOYOLA L.A. INT'L & COMP. L. REV. 1000 (2014) (selected sections)] <p><u>Optional supplemental readings</u></p> <ul style="list-style-type: none">- <i>Demir and Baykara v. Turkey</i>, 48 E.H.R.R. 54 (2008) (summary)- Phillip Alston, 'Core Labor Standards' and the Transformation of the International Labor Rights Regime, 36 EUR. J. INT'L L. 457 (2004)
9.	10/21/22	<p><u>TRADE & INVESTMENT AGREEMENTS AND LABOR RIGHTS</u></p> <p><u>Required readings</u></p> <ul style="list-style-type: none">- <i>Multilateral trading system</i><ul style="list-style-type: none">o World Trade Organization, Singapore Ministerial Declaration (1996), ¶1-7o European Parliament, WTO Rules: Compatibility with Human and Labour Rights (2021) (selected sections)- US Generalized System of Preferences, 19 U.S.C. § 2461 <i>et seq.</i> (selected sections)<ul style="list-style-type: none">o <i>International Labor Rights & Educ. Fund v. Bush</i>, 954 F.2d 745 (D.C. Cir. 1992) (selected sections)

		<ul style="list-style-type: none">- <i>Trade and investment agreements</i><ul style="list-style-type: none">o <i>Elettronica Sicula S.p.A. (United States v Italy)</i> [1989] ICJ Rep 25 ('ELSI') (selected sections)o <i>Saint-Gobain Plastics v Bolivarian Republic of Venezuela</i>, ICSID Case No. ARB/12/13, Decision on Liability and Principles of Quantum, Dec. 30, 2016 (selected sections)o United States Model BIT (2012), art. 13: Investment and Laboro Netherlands Model BIT (2018), preamble, articles 2(1)-(2), 5(5), 6, 7- United States-Mexico-Canada Agreement (USMCA)<ul style="list-style-type: none">o USMCA Chapter 23: Labor (2018), articles 23.1-23.9 (incl. footnotes), 23.13, 23.17, annex 23-Ao Case study: GM Silao<ul style="list-style-type: none">▪ Government of Mexico, Protocol to Legitimate Existing Collective Bargaining Agreements, 31 July 2019▪ US Trade Representative, Request for review of denial of rights, 12 May 2021▪ US Trade Representative, Fact sheet: GM Silao rapid response action, July 2021▪ GM workers in Mexico defeat union in first test of U.S. trade deal, Reuters, 19 August 2021▪ 'Fed up' GM workers in Mexico pick new union in historic vote, Reuters, 3 February 2022 <p><u>Optional supplemental readings</u></p> <ul style="list-style-type: none">- <i>Multilateral trading system</i><ul style="list-style-type: none">o Chantal Thomas, The WTO and Labor Rights: Strategies of Linkage, in THE WORLD TRADE ORGANIZATION AND HUMAN RIGHTS (Sarah Joseph, David Kinley, and Jeff Waincymer eds., 2009)o SARAH JOSEPH, BLAME IT ON THE WTO? A HUMAN RIGHTS CRITIQUE (2011), chapter 4: 'Human Rights' Restrictions on Trade- <i>U.S. Generalized System of Preferences</i><ul style="list-style-type: none">o Lance Compa & Jeffrey S. Vogt, Labor Rights in the Generalized System of Preferences: A 20-Year Review, 22 COMP. LAB. L. & POL'Y J. 199–238 (2001)
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		<ul style="list-style-type: none"> ○ M. Cristina Esteron von Spiegelfeld, <i>Achieving Full Compliance in the Philippines: A More Stringent Adherence to Labor Standards in U.S. Free Trade Agreements</i>, 34 Conn. J. Int'l L. 77 (2018) - <i>Trade and investment agreements</i> ○ Álvaro Santos, Reimagining Trade Agreements for Workers: Lessons from the USMCA, 113 AJIL Unbound 407 (2019) ○ Omar Yousef Shehabi, <i>Wage Labour and (Foreign) Capital: Industrial Relations in International Investment Law</i> (forthcoming) (excerpts)
10.	10/22/22	<p><u>CORPORATE SOCIAL RESPONSIBILITY AND LABOR RIGHTS</u></p> <p><u>International instruments</u></p> <ul style="list-style-type: none"> - Guiding Principles on Business and Human Rights ('Ruggie Principles') (2011), principles 11-14 (operational principles) & 29 (non-state-based grievance mechanisms) - OECD Guidelines for Multinational Enterprises (2011 update), Ch. V – Employment and Industrial Relations (incl. commentary) - Legally Binding Instrument to Regulate, in International Human Rights Law, the Activities of Transnational Corporations and other Business Enterprises (3rd draft 2021) (selected sections) <p><u>Cases</u></p> <ul style="list-style-type: none"> - <i>Kasky v. Nike, Inc.</i>, 45 P.3d 243 (Cal. 2002) (majority opinion and dissent of Justice Chin, selected sections) - <i>Nike, Inc. v. Kasky</i>, 539 U.S. 654 (2003), dismissing writ of <i>certiorari</i> as improvidently granted (dissenting opinion of Judge Breyer, selected sections) - <i>Doe I v. Wal-Mart Stores, Inc.</i>, 572 F.3d 677 (9th Cir. 2009) <ul style="list-style-type: none"> ○ Walmart Audit and Assessment Policy and Guidance (2021) - <i>Nestlé USA, Inc. v. Doe</i>, 593 U.S. ___, 141 S. Ct. 1931 (2021) <ul style="list-style-type: none"> ○ review: Worst Forms of Child Labour Convention, 1999 (C-182) ○ Harkin-Engel Protocol (2001) and Framework of Action to Support Implementation of Harkin-Engel Protocol (2010) - <i>Ratha v. Phatthana Seafood Co.</i>, 35 F.4th 1159 (9th Cir. 2022) <ul style="list-style-type: none"> ○ Trafficking Victims Protection Act, 18 U.S.C. 1581 <i>et seq.</i> (selected sections) ○ Human Rights Watch, Walmart's Human Trafficking Problem (2012)

		<p><u>Supplemental readings</u></p> <ul style="list-style-type: none"> - Trade Union Advisory Council to the OECD, Trade Union Guide to Responsible Business Conduct (2016), read pp. 2-3, 6-13, 25; skim pp. 30-39, 42-47 - Nelson Lichenstein, The ILO and the Corporate Social Responsibility Regime in East and South Asia, in THE ILO FROM GENEVA TO THE PACIFIC RIM (J.M. Jensen et al. eds., 2016) - Leyla Davarnejad, In the Shadow of Soft Law: The Handling of Corporate Social Responsibility Disputes under the OECD Guidelines for Multinational Enterprises, 2011 J. DISP. RESOL. 351 (2011)
11.	10/28/22	<p><u>PRECARIOUS LABOUR, PART 1: MIGRANT LABOUR LAW AND THE ‘SOCIAL DUMPING’ QUESTION</u></p> <p><u>Required readings</u></p> <ul style="list-style-type: none"> - GIOVANNI DI LIETO, MIGRANT LABOUR LAW 59-80 - Mark Freedland & Cathryn Costello, <i>Migrants at Work and the Division of Labour Law</i>, in MIGRANTS AT WORK: IMMIGRATION AND VULNERABILITY IN LABOUR LAW 1-26 (Cathryn Costello & Mark Freedland eds., 2014). - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. res. 45/158, annex (1990), entered into force July 1, 2003 - ILO Multilateral Framework on Labour Migration (2005) - EU Parliament/Council Directive 2018/957 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (2018) (highlighted sections) <p><i>Case study: P&O Ferries UK mass layoffs, March 2022</i></p> <ul style="list-style-type: none"> - P&O Ferries Scandal: Was Sacking 800 Staff Legal?, FINANCIAL TIMES (Mar. 18, 2022) - House of Commons Library, P&O Ferries: Employment law issues (Apr. 19, 2022) - Holly Cutbill, P&O Ferries Sacking: What Are the Implications of Breaking Employment Law?, Blake Morgan LLP (May 16, 2022) - UK Government, P&O Ferries: update from the Insolvency Service (Aug. 19, 2022) <p><u>Optional supplemental readings</u></p> <ul style="list-style-type: none"> - International Labour Conference, Towards a Fair Deal for Migrant Workers in the Global Economy (2004), chapter 4, pp. 71-98 - Alan Bogg, Viking and Laval: The International Labour Law Perspective, in VIKING, LAVAL AND BEYOND 41-74 (Mark Freedland & Jeremias Prassl eds., 2016)

		<ul style="list-style-type: none"> - Catherine Jacqueson, The Internal Market at a Social Turn? Social Dumping and the Protection of Workers, 22 EUR. J. SOC. SEC. 403 (2020)
12.	11/4/22	<p><u>PRECARIOUS LABOR, PART 2: MIGRANT LABOUR LAW (CONT'D), THE KAFALA SYSTEM AND THE INFORMAL ECONOMY</u></p> <ul style="list-style-type: none"> - Anne Trebilcock, International Labour Standards and the Informal Economy, in LES NORMES INTERNATIONALES DU TRAVAIL: UN PATRIMOINE POUR L'AVENIR, MELANGES EN L'HONNEUR DE NICOLAS VALTICOS 585-612 (J.C. Javillier, B. Gernigon & G. Politakis eds., 2004) - Mohammed Dito, <i>Kafala: Foundations of Migrant Exclusion in GCC Labour Markets</i>, in TRANSIT STATES: LABOUR, MIGRATION AND CITIZENSHIP IN THE GULF 79-100 (Abdulhadi Khalaf, Omar Al-Shehabi & Adam Hanieh eds., 2014) <p><i>Optional supplemental readings</i></p> <ul style="list-style-type: none"> - Antonio Donini, Social Suffering and Structural Violence: Nepali Workers in Qatar, in THE ILO @ 100, 178-199 (2019) - Eva Kocher, Transnational Labour Law? "Corporate Social Responsibility" and the Law, in TRANSNATIONAL LEGAL ACTIVISM IN GLOBAL VALUE CHAINS (Miriam Saage-Maass et al. eds., 2021)
13.	11/18/22	<p><u>INTERNATIONAL ADMINISTRATIVE LAW (EMPLOYMENT LAW OF INTERNATIONAL ORGANIZATIONS)</u></p> <ul style="list-style-type: none"> - Santiago Villalpando, International Administrative Tribunals, in THE OXFORD HANDBOOK OF INTERNATIONAL ORGANIZATIONS 1085-1104 (Jacob Katz Cogan, Ian Hurd & Ian Johnstone eds., 2016) <p><i>Case study: the Geneva salary scale cases</i></p> <ul style="list-style-type: none"> - ILO Administrative Tribunal, Judgment No. 4134 (2019) (excerpts) - United Nations Appeals Tribunal, Abd al-Shakour et al. v. Secretary-General, 2021-UNAT-1107 (excerpts) - Report of the Secretary-General, Initial review of the jurisdictional set-up of the United Nations common system, U.N. Doc. A/75/690 (2021) (excerpts) <p><i>Optional supplemental readings</i></p> <ul style="list-style-type: none"> - ABDELAZIZ MEGZARI, THE INTERNAL JUSTICE OF THE UNITED NATIONS: A CRITICAL HISTORY 1945-2015 (2015), ch. 18
14.	11/19/22	<p><u>EXPERIENTIAL ACTIVITY: US FREIGHT RAILROAD COLLECTIVE BARGAINING</u></p>