

INTERNATIONAL LABOR LAW

CASES AND MATERIALS ON
WORKERS' RIGHTS IN THE
GLOBAL ECONOMY

James Atleson
Lance Compa
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Marley S. Weiss

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By

James Atleson

*SUNY Distinguished Teaching Professor
University at Buffalo Law School
The State University of New York*

Lance Compa

*Senior Lecturer
School of Industrial and Labor Relations (ILR)
Cornell University*

Kerry Rittich

*Associate Professor
Faculty of Law
University of Toronto*

Calvin William Sharpe

*John Deaver Drinko Baker & Hostetler Professor
School of Law
Case Western Reserve University*

Marley S. Weiss

*Professor of Law
University of Maryland School of Law*

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Foreword

The Labor Law Group

The Labor Law Group had its origins in the desire of scholars to produce quality casebooks for instruction in labor and employment law. Over the course of its existence, the hallmarks of the group have been collaborative efforts among scholars, informed by skilled practitioners, under a cooperative non-profit trust in which royalties from past work finance future meetings and projects.

At the 1946 meeting of the Association of American Law Schools, Professor W. Willard Wirtz delivered a compelling paper criticizing the labor law course books then available. His remarks so impressed those present that the "Labor Law Roundtable" of the Association organized a general conference on the teaching of labor law to be held in Ann Arbor in 1947. The late Professor Robert E. Mathews served as coordinator for the Ann Arbor meeting and several conferees agreed to exchange proposals for sections of a new course book that would facilitate training exemplary practitioners of labor law. Beginning in 1948, a preliminary mimeographed version was used in seventeen schools; each user supplied comments and suggestions for change. In 1953, a hard-cover version was published under the title *Labor Relations and the Law*. The thirty-one "cooperating editors" were so convinced of the value of multi-campus collaboration that they gave up any individual claims to royalties. Instead, those royalties were paid to a trust fund to be used to develop and "provide the best possible materials" for training students in labor law and labor relations. The Declaration of Trust memorializing this agreement was executed November 4, 1953, and remains the Group's charter.

The founding committee's hope that the initial collaboration would bear fruit has been fulfilled. Under Professor Mathews' continuing chairmanship, the Group's members produced *Readings on Labor Law* in 1955 and *The Employment Relation and the Law* in 1957, edited by Robert Mathews and Benjamin Aaron. A second edition of *Labor Relations and the Law* appeared in 1960, with Benjamin Aaron and Donald H. Wollett as co-chairmen, and a third edition was published in 1965, with Jerre Williams at the helm.

In June of 1969, the Group, now chaired by William P. Murphy, sponsored a conference to reexamine the labor law curriculum. The meeting, held at the University of Colorado, was attended by practitioners and by full-time teachers including nonmembers as well as members of the Group. In meetings that followed the conference, the Group decided to reshape its work substantially. It restructured itself into ten task forces, each assigned a unit of no more than two hundred pages on a discrete topic

such as employment discrimination or union-member relations. An individual teacher could then choose two or three of these units as the material around which to build a particular course. This multi-unit approach dominated the Group's work throughout much of the 1970s under Professor Murphy and his successor as chairman, Herbert L. Sherman, Jr.

As the 1970's progressed and teachers refined their views about what topics to include and how to address them, some units were dropped from the series while others increased in scope and length. Under Professor Sherman's chairmanship, the Group planned a new series of six enlarged books to cover the full range of topics taught by labor and employment law teachers. Professor James E. Jones, Jr., was elected chairman in 1978 and shepherded to completion the promised set of six full-size, independent casebooks. The Group continued to reevaluate its work and eventually decided that it was time to convene another conference of law teachers.

In 1984, the Group, now chaired by Robert Covington, sponsored another general conference to discuss developments in the substance and teaching of labor and employment law, this time at Park City, Utah. Those discussions and a subsequent working session led to the conclusion that the Group should devote principal attention to three new conventional length course books, one devoted to employment discrimination, one to union-management relations, and one to the individual employment relationship. In addition, work was planned on more abbreviated course books to serve as successors to the Group's earlier works covering public employment bargaining and labor arbitration.

In 1989, with Alvin Goldman as Chair, the Group met in Breckenridge, Colorado, to assess its most recent effort and develop plans for the future. In addition to outlining new course book projects, the Group discussed ways to assist teachers of labor and employment law in their efforts to expand conceptual horizons and perspectives. In pursuit of the latter goals it co-sponsored, in 1992, a conference held at the University of Toronto Faculty of Law at which legal and nonlegal specialists examined alternative models of corporate governance and their impact on workers.

When Robert J. Rabin became Chair in 1996, the Group and a number of invited guests met in Tucson, Arizona, to celebrate the imminent fiftieth anniversary of the Group. The topics of discussion included the impact of the global economy and of changing forms of representation on the teaching of labor and employment law, and the impact of new technologies of electronic publishing on the preparation of teaching materials. The Group honored three of its members who had been present at the creation of the Group, Willard Wirtz, Ben Aaron, and Clyde Summers. The Group next met in Scottsdale, Arizona in December, 1999, to discuss the production of materials that would more effectively bring emerging issues of labor and employment law into the classroom. Among the issues discussed were integration of international and comparative materials into the labor and employment curriculum and the pedagogical uses of the world wide web.

Laura J. Cooper became Chair of the Group in July, 2001. In June, 2003, the Group met in Alton, Ontario, Canada. The focus there was on labor law on the edge—looking at doctrinal synergies between workplace law and other legal and social-science disciplines, and workers on the edge, exploring the legal issues of highly-compensated technology workers, vulnerable immigrant employees, and unionized manufacturing employees threatened by foreign competition. The Group also heard a report from its study of the status of the teaching of labor and employment law in the nation's law schools and discussed the implications of the study for the Group's future projects. Members of the Group began work on this case book on international labor law at this meeting. During Professor Cooper's term the Group also finished its popular reader *Labor Law Stories* which examines the stories behind many of the most important American labor law cases.

In July 2005, Kenneth G. Dau-Schmidt became the Chair of the Labor Law Group. Shortly after his election, the Group held a meeting in Chicago with national recognized practitioners to discuss how best to teach students about the practice of labor law in the new global economy of the information age. The outline that resulted from this meeting has served as the basis for the Group's latest project *Labor Law in the Contemporary Workplace*. Since the Chicago meeting, the Group has met again twice to discuss and work on new editions of its books and new projects: June 2006 in Saratoga Springs New York, and June 2007 in St. Charles, Illinois. The Group's efforts on the subject of international labor law are reflected in the pages of this volume, the Group's latest project. Projects are planned on comparative labor law and the problems of low wage workers.

At any one time, roughly twenty-five to thirty persons are actively engaged in the Group's work; this has proved a practical size, given problems of communication and logistics. Coordination and editorial review of the projects are the responsibility of the executive committee, whose members are the successor trustees of the Group. Governance is by consensus; votes are taken only to elect trustees and to determine whom to invite to join the Group. Since 1953, more than seventy five persons have worked on Group projects; in keeping the original agreement, none has ever received anything more than reimbursement of expenses.

The Labor Law Group currently has seven books in print. Thomson/West has published our six textbooks. They are: *International Labor Law*, by James Atleson, Lance Compa, Kerry Rittich, Calvin William Sharpe and Marley S. Weiss; *Employment Discrimination Law: Cases and Materials on Equality in the Workplace* (Seventh Edition), by Robert Belton, Dianne Avery, Maria L. Ontiveros and Roberto L. Corrada; *Labor and Employment Law: Problems, Cases and Materials in the Law of Work* (Third Edition), by Robert J. Rabin, Eileen Silverstein, George Schatzki and Kenneth G. Dau-Schmidt; *ADR in the Workplace*, by Laura J. Cooper, Dennis R. Nolan and Richard A. Bales (Second Edition); *Legal Protection for the Individual Employee* (Third Edition), by Matthew W. Finkin, Alvin

L. Goldman, Clyde W. Summers and Kenneth G. Dau-Schmidt; and *Public Sector Employment*, by Joseph R. Grodin, June M. Weisberger and Martin H. Malin. Foundation Press has published the Group's seventh book, *Labor Law Stories*, edited by Laura J. Cooper and Catherine L. Fisk.

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