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Workers' Rights as Human Rights

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the conception, development, and execution of projects like that discussed in *Labor Standards*.

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Workers' Rights as Human Rights. Edited by James A. Gross. Ithaca, N.Y.: ILR Press (an imprint of Cornell University Press), 2003. 272 pp. ISBN 0-8014-4088-2, $35.00 (cloth).

Increasing international economic integration over the past fifty years has raised concerns about the effects of globalization on labor conditions and human rights around the world. Although the exact connections between labor conditions and trade, international migration, and the activities of multinational companies are under-explored, both the United Nations (through the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights) and the International Labor Organization (through the Declaration of Fundamental Principles and Rights at Work) have provided points of departure for efforts to link traditional human rights to worker rights.

This book explores the general theme of linking human rights with worker rights from a narrower perspective than the title implies—the reform of U.S. labor relations law. As explained in the lucid introduction by James A. Gross, the book provides "a different perspective in the assessment of U.S. labor-relations law by applying a human rights standard that is *more fundamental than statutory or even constitutional standards*" (p. 6, emphasis added). The book seeks to present a "reexamination and reassessment of U.S. labor and employment law using human rights principles as standards for judgment" (p. 7).

Chapters by Lance Compa, Thomas B. Moorhead, and Roy Adams focus on the status of workers' freedom of association (the right singled out in the United Nations declarations) in the United States. Compa's chapter contrasts the stance of international and regional labor laws and treaties with several recent case studies illustrating the limitations of U.S. labor law when confronted with determined employer opposition to unionization. The chapter concludes with a list of suggested reforms of the National Labor Relations Act (NLRA) to provide stronger guarantees of workers' statutory collective bargaining rights. Moorhead's brief paper expresses satisfaction with the status quo in labor relations law. Adams is less concerned with the gap between law and practice than with the fact that workers can choose to accept or reject collective representation. His strong position is perhaps best summarized by the second sentence in his paper: "The corporate policy of union avoidance (and thus of collective bargaining avoidance), which is the norm among unorganized employers, is equivalent to the use of forced and child labor and overt discrimination on the basis of race, creed, sex, and color" (p. 142). Chapters by Linda A. Lotz and Reverend Jim Lewis illustrate how cooperation between labor organizations and faith-based organizations may facilitate efforts to organize low-wage workers for collective action.

Informative chapters by Lee Swepston and Edward E. Potter discuss the nature of and reasons for the gaps between the provisions of international human rights laws and the NLRA. In explaining the issues encountered in trying to harmonize domestic and international labor laws, these papers provide readers with a much fuller understanding of why U.S. labor law is so little influenced by international law.

The UN and ILO declarations are notable for emphasizing general rights rather than specific employment outcomes (such as minimum pay and health and safety standards). Not everyone is comfortable with the distinction between rights and outcomes. Emily A. Spieler's paper develops a case for defining occupational health and safety as a core worker right. In Spieler's view, even the provision of information on workplace risks (so that workers can make informed job choices) is not sufficient. She proposes that "human rights violations occur when employers' deliberate and intentional actions expose workers to preventable, predictable, and serious hazards" (p. 100).

The strength of this volume is in providing a guide to the body of international law pertaining to human rights and explaining how gaps between international law and domestic labor laws come to exist and persist. The proposals to link human rights to workers' rights are at least provocative, but skirt several important issues.

Most fundamentally, can employment practices, cultural norms, or national laws be changed by assertions of rights? Are there more effective approaches to improving labor conditions? One may infer from the complaints about the failures of the NLRA that assertions of rights are

not obviously the most effective way of improving workers rights and working conditions. The paper by James Atleson suggests that with increasing world economic integration, improving labor conditions by linking worker rights to human rights may be difficult absent international coordination of collective representation institutions. Other papers accord little attention to issues of implementation and enforcement. One alternative to assertions of rights is economic growth, an option of particular importance for securing rights in less developed countries. While there is a clear connection between economic growth and improvements in workers' rights and labor conditions around the world, the papers in this book do not consider whether policies to accelerate growth may produce more rapid and powerful improvements in labor conditions than policies to assert rights.

Related to this general point is the question of why labor rights guaranteed by domestic law are more difficult to deliver in some industrialized countries than in others. This question seems central to the book's frequent emphasis on freedom of association at the workplace, for the degree of employer resistance to union organizing encountered in the United States is rarely found in other developed countries. The focus on U.S. labor law prevents a comparative exploration of why the incentives to resist freedom of association vary among industrialized countries. The book leaves unanswered the question: How will assertions of rights alter these incentives?

The discourse in these papers reflects the legal backgrounds of many of the contributors. The papers are generally normative and even adversarial, and they reflect distrust of unregulated labor market behavior as a reliable method for improving workers' rights. Most disconcerting to a social scientist is the lack of appreciation for the role of choice in labor markets. The extent to which bargaining power is unequal in labor markets (an article of faith for several contributors) in fact depends on the extent to which employees and employers have alternatives. Policy proposals derived from observing coal miners in West Virginia may poorly fit the needs of programmers in Silicon Valley. Proposals to reduce choice (for example, by requiring some form of collective representative for all workers) effectively diminish opportunities for individuals who can get a better deal negotiating individually. Even effective enforcement of freedom of association rights does not guarantee a significant reversal of the decline in union membership.

Overall, this book provides as clear an introduction to the arguments for linking human rights to worker rights as one is likely to find. It also forces thought on what evidence would be necessary to accept the human rights approach as the most effective method for improving labor conditions.

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Economic and Social Security and Substandard Working Conditions

It's About Time: Couples and Careers. Edited by Phyllis Moen. Ithaca, N.Y.: ILR Press (an imprint of Cornell University Press), 2003. xi, 431 pp. ISBN 0-8014-4080-7, $45.00 (cloth); 0-8014-8837-0, $19.95 (paper).

It's About Time applies the life course perspective to a comprehensive set of topics in the "work and family" area. The chapters are unified by a focus on middle-class, married couples. An individual's work and family decisions over the life course, it is argued, cannot be understood without also examining the link to a spouse's decisions.

Although this book's chapters, like those of any edited volume, vary in quality, their coherence as a collection is exceptional—no doubt owing to the strong editorial hand of Phyllis Moen, a recognized authority on the life course perspective. Thematically, the chapters emphasize the "choice versus constraint" nature of work and family decision-making and the adaptive strategies couples use to manage work and family life. Moen and other authors in the volume assert that families have changed extensively while work settings have changed little, resulting in a "cultural lag" or "mismatch" between what working families need to meet their care-giving responsibilities and what work organizations demand of workers.

The data featured in all the chapters come from a multi-method study of working couples in upstate New York. A unique feature of the data collection is the sampling frame, based in seven different organizational settings in order to study variation in organizational contexts. In each of the seven organizations, the researchers