

# Selected Labor & Employment Law Capsule Reviews

*compiled by Book Review/Casenote Editor*

Clara Bingham, *CLASS ACTION: THE LANDMARK CASE THAT CHANGED SEXUAL HARASSMENT* (Anchor, 2003, 400pp. \$15.00).

This volume examines the life of Lois Jenson, one of the first women hired by a northern Minnesota iron mine in 1975. During this era, female miners were relentlessly threatened with pornographic graffiti, denigrating language, stalking, and physical assaults. The women kept these problems largely to themselves—until Lois filed a complaint against the company in 1984. Weaving personal stories with legal drama, this is the story of how one woman pioneered and won the first sexual harassment class action suit in the United States, a legal milestone that immeasurably improved working conditions for American women.

Dan Clawson, *THE NEXT UPSURGE: LABOR AND THE NEW SOCIAL MOVEMENTS* (Ilr, 2003, 235pp. \$18.95).

In this volume, author Dan Clawson argues that unions do not grow slowly and incrementally, but rather in bursts. Even if the AFL-CIO could organize twice as many members per year as it currently does, it would take thirty years to return to the levels of union membership that existed when Ronald Reagan was elected president. In contrast, labor membership more than quadrupled in the years from 1934 to 1945. For there to be a new upsurge, Clawson asserts, labor must fuse with social movements concerned with race, gender, and global justice.

Kimberly Ann Elliott & Richard B. Freeman, *CAN LABOR STANDARDS IMPROVE UNDER GLOBALIZATION?* (Institute for International Economics, 2003, 175pp. \$25.00).

In this study, Elliott and Freeman address the debate on the relative merits and risks of a social clause in trade agreements, and also focus on practical approaches for improving labor standards in a more integrated global economy. The authors examine both what is being done in these areas, and what more needs to be done to ensure that steady and tangible progress toward universal respect for core labor standards is made. While concluding that the ILO should have primary responsibility for labor standards, the book also suggests that the WTO should consider how to address egregious and willful violations of core labor standards if they are trade-related.

James A. Gross, *WORKERS' RIGHTS AS HUMAN RIGHTS* (Cornell University Press, 2003, 272pp. \$35.00).

*WORKERS' RIGHTS AS HUMAN RIGHTS* provides a new perspective on the assessment of U.S. labor relations law by using human rights principles as standards for judgment. The authors present innovative recommendations for what should and can be done to bring U.S. labor law into conformity with international human rights standards.

Harish C. Jain, Peter Sloane, & Frank Horwitz, *EMPLOYMENT EQUITY AND AFFIRMATIVE ACTION: AN INTERNATIONAL COMPARISON* (M.E. Sharpe, 2003, 248pp. \$26.95).

This volume compares the affirmative action/employment equity practices of six countries—the United States, Canada, Great Britain/Northern Ireland, India, Malaysia, and South Africa. The authors focus on similarities and differences among the six countries in order to provide policy makers and practitioners with research-based guidelines for formulating effective affirmative action/equal employment policies and programs to eradicate systematic discrimination at work. The authors look at mandatory quota policies; legislated versus voluntary policies; goals and timetables; restrictions; and other policies, as well as recruitment, selection, compensation, performance appraisal, promotion, training, and career development. Building on this examination, the authors formulate operational frameworks for affirmative action/equal employment best practices, and identify critical success factors based on their academic,

public policy, and corporate consulting experiences.

William P. Quigley, *ENDING POVERTY AS WE KNOW IT: GUARANTEEING A RIGHT TO A JOB AT A LIVING WAGE* (Temple University Press, 2003, 245pp. \$17.95).

This volume examines the growing campaign in cities and counties across the country of Americans asserting their right to a job at a living wage. This campaign has been built around the idea that those who work full time are entitled to live above the real poverty line. Professor and public interest lawyer William Quigley, who helped lead the fight to give the workers of New Orleans a raise, argues that Americans should codify the right to a job at a living wage in the Constitution.

Marvin Levine, *CHILDREN FOR HIRE: THE PERILS OF CHILD LABOR IN THE UNITED STATES* (Praeger Publishers, 2003, 248pp. \$49.95).

In this volume, author Marvin Levine explains that since 1981, there has been a relaxation in enforcement of federal child labor law provisions in America. He presents the complicated elements and troubling implications of the problem, focusing especially on matters of occupational health and safety.

Philip L. Martin, *PROMISE UNFULFILLED: UNIONS, IMMIGRATION AND THE FARM WORKERS* (Ilr Publishers, 2003, 240pp. \$49.95).

Philip L. Martin examines the key features of the farm labor market in California, including the shifting ethnicity of the worker pool and the evolution of the major unions, beginning with the Wobblies. Finally, he reviews the impact of immigration on agriculture in the state. Martin argues that California's efforts to grant rights to farm workers so that they can help themselves have failed because of continued unauthorized migration and the changing structure of farm employment. Furthermore, alternative policies would make farming profitable, raise farm worker wages, and still keep groceries affordable.