

# Selected Labor & Employment Law Capsule Reviews

*compiled by the Book Review/Casenote Editor*

LANCE COMPA, *UNFAIR ADVANTAGE: WORKERS' FREEDOM OF ASSOCIATION IN THE UNITED STATES UNDER INTERNATIONAL HUMAN RIGHTS STANDARDS* (ILR Press, 2004, 240 pp. \$16.95).

Although the United States is not shy about reporting human rights abuses around the globe, it is much more reluctant to recognize them at home. This book exposes the violations of human rights witnessed daily in workplaces across our country. Based on detailed case studies in a variety of sectors, it reveals an "unfair advantage" in U.S. law and practice that allows employers to fire or otherwise punish thousands of workers as they seek to exercise their rights of association. In addition, this unfair advantage excludes millions more laborers from laws that protect their rights to bargain and to organize. *UNFAIR ADVANTAGE* approaches workers' use of organizing, collective bargaining, and strikes as an exercise of basic rights where workers are autonomous actors, not objects of unions' or employers' institutional interests. Both historical experience and a review of current conditions around the world indicate that strong, independent, democratic trade unions are vital for societies in which human rights are respected. In Lance Compa's view, human rights cannot flourish where workers' rights are not enforced. While researching workers' exercise of these rights in different industries, occupations, and regions of the United States, Human Rights Watch found that freedom of association is under severe, often buckling pressure when workers in the United States try to exercise it. Cornell University Press is making this valuable report, originally published in August 2000, available again as a paperback with a new introduction and conclusion that bring the story up-to-date.

GARY FLORKOWSKI, *MANAGING GLOBAL LEGAL SYSTEMS* (Routledge, 2004, 256 pp. \$27.42).

*MANAGING GLOBAL LEGAL SYSTEMS* presents a framework for understanding the corporate strategy-public policy interface as it relates to human resource management (HRM) activities in international business. It incorporates legal issues beyond those traditionally associated with HRM, and uses high profile news events from around the world to illustrate key concepts. In addition, Florkowski embraces a truly global perspective, taking an applied approach to the subject.

SHARLENE NAGY HESSE-BIBER & GREGG LEE CARTER, *WORKING WOMEN IN AMERICA: SPLIT DREAMS* (Oxford University Press, 2004, 300 pp. \$34.95).

The second edition of *WORKING WOMEN IN AMERICA: SPLIT DREAMS* highlights current research on critical issues affecting American women in today's global workplace. It features updated information and examples, including extended discussions of women's activism within and outside of the workplace, the impact of globalization, the effects of the glass ceiling and sexual harassment, and women's roles in the U.S. labor movement. Retaining the focus of the first edition, this text emphasizes the continuity of women's work experience. It seeks to dispel the misconception that women's work is a recent phenomenon, when in fact women have been working throughout history. The volume also addresses the constant tension and multiple roles that women must manage. The lives of working women are indeed characterized by "split dreams:" most women who work are constantly juggling their work and family dreams. To this end, the authors argue for and utilize a structural approach • one that examines the ways in which the economy, education, the family, and the polity reflect and influence one another and help reinforce women's subordination. Only when these connections are brought to light is it possible to begin to formulate alternatives to conventional ideas concerning work, family, and gender roles.

MAURICE "MO" JOURDANE, ET AL., *THE STRUGGLE FOR THE HEALTH AND LEGAL PROTECTION OF FARM WORKERS: EL CORTITO* (Arte Publico Press, 2004, 172 pp. \$34.95).

This volume chronicles Maurice "Mo" Jourdane's decade-long struggle to research and advocate for a state ban of the short hoe and his efforts to protect other civil and human rights of California field workers. One of Jourdane's greatest contributions to the advancement of farm workers was his relentless – and ultimately successful – effort to end agricultural employers' required use of the short-handled hoe by laborers in the state's lucrative lettuce, celery, sugar beet, and strawberry industries. The short hoe, known by Hispanic farm workers as "el cortito" (the short one), was the cause of severe and permanent crippling of hundreds of thousands of field laborers. It required workers to spend as many as ten to twelve hours each day, often in more than ninety degree heat, stooped over in a back-breaking posture, thinning and weeding plants for agribusiness employers who profited immensely from the workers' low cost labor. *THE STRUGGLE FOR THE HEALTH AND LEGAL PROTECTION OF FARM WORKERS: EL CORTITO* is critical in understanding of continuing injustices that plague contemporary Latino (and other immigrant/minority) labor struggles in the garment, service, and heavy production industries of the nation. Jourdane's historical summation of the farm workers' struggle for justice emphasizes that despite real gains that California farm laborers achieved in the 1960s and 1970s, today much more work remains to ensure safe and decent working conditions.

STEPHANIE LUCE, *FIGHTING FOR A LIVING WAGE* (ILR Press, 2004, 266 pp. \$45.00).

The living wage movement is considered by many to be the most interesting grassroots enterprise to emerge since the civil rights movement. In *FIGHTING FOR A LIVING WAGE*, Luce provides the first serious examination of the reasons for implementation failure, as well as an analysis of the factors that lead to success. Luce argues that citizens can play a significant role in implementing and monitoring living wage policies, even where governments oppose the movement or are reluctant to enforce the laws in question. Luce finds that the nature of the campaign to formulate and pass policy can influence the likelihood of successful implementation. Surprisingly, the chances for thorough enforcement are greater in communities where living wage campaigns caused more, not less, conflict.

KATHERINE V. W. STONE, *FROM WIDGETS TO DIGITS: EMPLOYMENT REGULATION FOR THE CHANGING WORKPLACE* (Cambridge University Press, 2004, 312 pp. \$75.00).

Existing labor and employment laws were built on the assumption of long-term, stable relationships between employees and firms. However, this text explores the changing nature of the employment relationship and its implications for labor and employment law. The current challenge of labor regulations is to find a means to provide workers with continuity in wages, ongoing training opportunities, sustainable and transferable skills, unambiguous ownership of their human capital, portable benefits, and support structures to enable them to weather career transitions.