Review
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Review by: Faina Milman-Sivan
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Book Review

ARTURO BRONSTEIN, INTERNATIONAL AND COMPARATIVE LABOUR LAW: CURRENT CHALLENGES (Palgrave Macmillan and International Labour Office, 2009)†

*Reviewed by Faina Milman-Sivan**

The title of Arturo Bronstein's book, *"International and Comparative Labour Law,"* suggests the formidable nature of the task that Bronstein undertakes. It is an extraordinary endeavor to provide both an account of recent international developments and a comparative study. This is particularly true in light of the magnitude of recent transformations in both of these fields. With the acceleration of globalization processes, the need to address the mounting power of multinational enterprises (MNEs) gave rise to innovative mechanisms, including a variety of novel trade-labor institutional linkages. At the same time, as Bronstein correctly points out, the last three decades have been marked by an abundance of substantial labor reforms in numerous countries, such that a detailed account of these alone would easily provide materials for an entire body of literature. Hence, prospective readers might be skeptical of the feasibility of this extensive endeavor; however, as the reading begins, any skepticism is quickly set aside. Formidable as the task may be, Bronstein handles the challenge remarkably well, providing a clear overview of the legal landscape and the major issues at hand, and an optimistic framework from which to begin addressing the challenges of both international and comparative labor law in the twenty-first century.

This book is the product of the author's professional work as a longtime labor law expert at the ILO, where he has been providing legal consultation to numerous countries and serving in key positions (including Senior Labour Law Policy Advisor), and it also reflects his distinguished academic activities. It relies on first-rate studies,[1] and refers to more than twenty-five ILO documents and reports. Throughout the book, readers benefit from the vast information garnered from ILO supervisory mechanism reports and research

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* Assistant Professor, Faculty of Law, University of Haifa.

1. These include the scholarly works of notable contributors: Paul Benjamin, Sean Cooney, Mary Cornish, Bob Hepple, Fernando Valdés Dal-Ré, Lance Compa, and Raffaele de Luca Tamajo, and Adalberto Perulli (p. xiii).

projects, which are expertly woven into the fabric of the text alongside the author's extensive knowledge. Despite this abundance of information, the book cleverly balances the details and the grand scheme. Bronstein excels in putting things in rich perspective, never losing sight of the big picture.

I.

The book's organization reflects the combination of international and comparative perspectives. Commencing with Chapter 1, entitled "Labour law at a crossroads," the book provides a clear overview of the current crisis in labor law today, as well as its historical, political and economic origins. The remainder of the book is devoted to three main sections. The first deals with substantive labor law issues: Chapter 2 addresses the scope of labor law; Chapter 3 addresses security of employment, and Chapter 5 is devoted to issues of equality at work, and the right to privacy and freedom of thought and expression, as they unfold in the workplace. The second section, presented in Chapter 4, provides an overview of all of the key strategies currently employed to address the relationship between international trade and labor law. Finally, the third section addresses labor law from a regional perspective, surveying the European Union, the former communist countries, Latin America, Asia and the Pacific, and South Africa.

Chapter 1 opens with a concise historical survey of the development of Western European labor law, which eventually expanded worldwide. This is followed by a brief comparative account of the five sources of labor law: constitutions, statutory regulations, collective agreements, international law, and case law. The author then focuses on the familiar contrast between two periods: between the years 1945 and 1975, and post-1975. The first period saw the development of the labor law model that is characterized by standard employment relations. During that period, economic prosperity and growth, neo-Keynesian ideology, and restricted international economic competition, combined with a favorable political environment, resulted in the development of the welfare state in Western Europe, and what came to be known as the "*"The Thirty Glorious Years"*" (pp. 8-9).

A description of the "typical" employment model, in which the male breadwinner gains job security and unionization in exchange for subordination to an employment contract, sets the stage for understanding the meaning of "atypical" employment (p.11). By the second half of the 1970s, a variety of processes that were already in motion began to accelerate, placing mounting pressure on the typical employment model. Economically, the post-1975 period has witnessed a spread of production, supply, and distribution chains worldwide. Enhanced by political globalization, the growth of global trade—and in particular low-wage countries' entrance into the international economic arena by the end of the cold war—considerably altered the conditions of labor law.

The continuous shifting of traditional Fordist organizational patterns (upon which labor law was founded) narrows the scope of labor law, and its ability to respond is further weakened by the ideological attacks of neo-liberalism and by the state's diminishing capacity to regulate labor effectively. These transformations, coupled with the process of technological globalization, i.e., the rapid development of machinery and the information revolution, constitute the theoretical and empirical background for understanding Bronstein's description of the mounting challenges of labor today.

Chapter 2 extends beyond its limiting title *(Who is protected by labour law?)* to tackle a related question: who is the employer? While these are familiar core topics of national labor law, the book makes skillful use of comparative law to demonstrate a variety of manifestations of the problem worldwide. Thus, for example, labor lawyers of the English-speaking world may be surprised to learn that the category of workers they define as "informal," i.e., workers engaged in undeclared, clandestine work, simply does not have an existing legal parallel in Asia, Africa, or Latin America (p. 31). Likewise, the widespread practice in some Latin American states of disguising employment relations by hiring workers through labor-only cooperatives may be unfamiliar to experts from other countries (pp. 58-59).

The book highlights the diversity in labor law regimes. On the question of how to define the scope of labor law, for example, the book describes several sophisticated models for distinguishing between the employee and the self-employed. Thus, while Ireland utilizes a particular list of indicators identified with the collaboration of the social partners (pp. 47-48), the Belgium-based UNIZO, an organization of small businesses and self-employed entrepreneurs, developed a mathematical formula with a precise mathematical value for each indicator to ascertain status (pp. 49-50). The 2007 Spanish law on self-employed work takes yet a different approach, whereby the work conditions of the self employed are brought closer to those of workers by granting the former some of the protections afforded by labor law (pp. 55-56). The Spanish legal solution demonstrates the agenda that Bronstein advocates for future labor law reforms, namely, "widening the definition of the workers who are to be protected by labour law," yet at the same time acknowledging that not "all of these workers can be protected in the same way as those who have recognized employee status" (p. 55). This pragmatic stance seems to characterize the book's general approach throughout.

Chapters 3 and 5 follow similar patterns, providing a methodical analysis of the problems at hand, followed by examples of recent, innovative national and international legal solutions. Chapter 3, which focuses on employment security, does not offer a particularly encouraging picture. While the majority of countries today adhere to the basic rule prohibiting unfair dismissal of employees, work security today is severely contested. The challenges come first from an expansion of the various exceptions to this rule, and secondly from uncertainty as to the effectiveness of the remedies that aim to enforce the rule. Countries that have traditionally sustained high standards

of employee protection have recently relaxed their guard when it comes to small enterprises, despite the fact that the "evidence that an overall easing of the hiring and firing rules can have a significant effect on employment creation continues to be disputed" (p. 70). Germany and Australia, for example, excluded enterprises with up to 10 (Germany) and 100 (Australia) employees from the unfair dismissal protections in 2003 and 2005, respectively (p. 75). Other erosions of those protections include extending the length of the probationary period, extending the qualifying period for employees to be entitled to the protection, and an increasing use of fixed term contracts (pp. 76-79). Several legal reforms have been introduced to address these trends, including, on the national level, the 2006 Spanish reform prohibiting the use of successive fixed-term contracts (p. 77), and, on the supranational level, the 1999 EU Council Directive concerning the framework agreement on fixed-term contracts, which introduced a similar goal (pp. 78-79). These attempts, however, provide little comfort in light of the general trend, and particularly given the feeble effect of the remedies provided for unfair dismissal. Perhaps the most problematic aspect of termination remedies is the difficulty involved in obtaining employees' reinstatement, leaving monetary compensation as the most common remedy for unjustified termination.

Chapter 5 paints a far more encouraging portrait. Bronstein identifies a trend whereby "human rights concerns today occupy a place in labour law which is far more prominent than it was some 30 years ago" (p. 126). From the impressive breakthrough of the ILO's Discrimination Convention (No. 111), which dates back to 1958, through the development of the concept of indirect discrimination, to the ideas of equal remuneration for work of equal value and affirmative action, the abolition of apartheid, and the legal denial of racial discrimination, we can certainly observe a general improvement in international and regional labor law. Progress can also be detected in the expansion of forms of discrimination covered herein, ranging from discrimination on grounds of religious belief, family responsibility, sexual orientation, age, disability and state of health and HIV/AIDS, to issues such as sexual harassment, affirmative action, protection of privacy and freedom of thought and expression. This progress is not limited to Western Europe. It came as no surprise when, in 2004, Finland enacted a comprehensive law on the Protection of Privacy in Working Life, providing protections regarding the processing of employees' personal data, the manner in which employers test and examine employees' performance, questions of technical surveillance, and privacy of email messages at the workplace (p. 182). But the book covers examples from all regions, including Chile, where in 2006 the Supreme Court decided that video surveillance for the purpose of monitoring work performance was illegal (p. 188). Indeed, while the rights designed to protect workers in their capacity as workers have generally weakened, "non specific rights at work," designed to address the functioning of workers as human-beings, have enjoyed much broader legal recognition in the last few decades. This is true not only with regard to the word of the law, but also in practical

terms. The book does not disregard the practical aspects of enforcing rights, and emphasizes, for example, the consistent tendency of many jurisdictions, embraced by international labor law, to shift the burden of proof to the employer as long as the claimant provides some threshold evidence to support its claim.

The concise yet comprehensive description and analysis of the relationship between international trade and labor law presented in Chapter 4 provide an excellent introduction to labor law beyond the national arena. At the extreme end of the spectrum one finds the free trade advocates, who until recently benefitted from the unreserved encouragement of Breton-Woods institutions such as the World Bank and the IMF. These tend to support the removal of all barriers to free trade and to encourage the deregulation of labor markets (pp. 89-90). On the other end of the spectrum are advocates of the protection of national markets and domestic labor law, who argue in favor of promoting social justice and the moral dimensions of labor law. The latter are accused, however, of harboring protectionist motivations. This debate is clearly presented, centering on the question of labor standards as a legitimate comparative advantage, and readers are provided with the historical background necessary for its evaluation. This is followed by an up-to-date description and assessment of the key institutional arrangements that address the complex nexus between labor and trade. While an in-depth analysis of each institutional approach is clearly beyond the book's scope, this chapter makes meticulous distinctions among the types of strategies described. First, it discusses three approaches that add an international dimension to national labor legislation. The book distinguishes between the ILO's standard-based approach, according to which each standard must be ratified by each country, and the transnational law approach, whereby a legal rule once established applies directly in a group of nations, an approach that currently is implemented only in the European Community. A third strategy presented is harmonization, which encourages similar countries to adopt comparable labor legislation to prevent a "race to the bottom" strategy. Different renditions of attempted harmonization (none of which has been successful so far) include regional trade agreements such as the Andean Community and MERCOSUR, and the project for a Uniform Code by the Organization for the Harmonization of Business Law in Africa (OHADA) (pp. 93-94).

The chapter then portrays several strategies that utilize the threat of economic sanctions to protect laborers, by linking labor rights with trade related institutions. These include, first, the prospect of incorporating a social clause in the WTO; and second, the innovative yet somewhat controversial ILO Declaration on Fundamental Principles and Rights at Work. This Declaration is commonly regarded as representing a set of minimal standards, accepted worldwide, and could therefore be easily incorporated in most trade-related

social clauses.[2] The Declaration, with its unique follow-up system and promotional nature, which grants participating states financial assistance to achieve the Declaration's objectives, certainly merits the attention devoted to it in the text (pp. 96-102). Next, various multilateral and bilateral trade agreements are addressed (including the North American Agreement on Labor Cooperation (NAALC) and DR-CAFTA), as well as unilateral social clauses, i.e., social requirements that a state unilaterally inflicts on its trade partners. In this latter category, the most well-known device is the Generalized System of Preferences (GSP), and it is rightly the focus of this section. Wrapping up this review is a summary of familiar and less familiar Corporate Social Responsibility (CSR) strategies, including corporate codes such as that of the Fair Labor Association, model codes such as the UN Global Compact, and the European-inspired approach of framework agreements (pp. 111-22). The discussion of framework agreements alongside codes is somewhat unusual,[3] and could be regarded as a controversial choice, depending on one's definition of CSR.[4] It could, however, be easily justified as a welcome reminder that voluntarism need not be unqualified and can be manifested in a collective, rather than an individualistic, form. A description of NGO standards such as SA8000 and ISO standards concludes this chapter. Brief analyses of advantages and disadvantages of each strategy are strewn throughout the chapter, affording readers a broad view of the transformative opportunities and possibilities that future developments in international labor law can offer.

Perhaps more than any other area of law, labor law is geographically diverse, as it is both closely related to the economic stage of development of each country and region, and locally bound by the cultural, social, and historical developments in each state. Therefore, the attention that Chapter 6 devotes to the particularities of each of the five regions addressed is welcome. Opening with a short history of the European Union's controversial social model, this section describes the gradual progress from the beginning of EU social legislation under the competence to better the Common Market in the 1970s, through the Community Charter of Fundamental Social Rights (1989), to the Treaty of Maastricht in 1992, and culminating in the current stage, characterized by the existence of an EU social model that is beyond challenge (pp. 197-98). Furthermore, the text attributes the limited attrition in collective bargaining within the Eu-

2. *See, e.g.,* CHRISTIAN BARRY & SANJAY G. REDDY, INTERNATIONAL TRADE & LABOR STANDARDS, A PROPOSAL FOR LINKAGE 119 (2008); Sarah H. Cleveland, *Why International Labor Standards?, in* INTERNATIONAL LABOR STANDARDS: GLOBALIZATION, TRADE, AND PUBLIC POLICY 129, 130-36 (Robert J. Flanagan & William B. Gould IV eds., 2003).

3. Thus, for example, the recent Oxford Handbook of Corporate Social Responsibility does not include Framework Agreements. *See* THE OXFORD HANDBOOK OF CORPORATE SOCIAL RESPONSIBILITY (Andrew Crane et al. eds., 2008).

4. On the gradual inclination of the field to adopt voluntary and self-reliant forms as defining CSR, *see, e.g.,* Ronen Shamir, *Between Self-Regulation and the Alien Tort Claims Act: On the Contested Concept of Corporate Social Responsibility*, 38 LAW & SOC'Y REV. 635 (2004).

ropean Union (compared to the attrition experienced worldwide) to the political aspect of EC law, where collective bargaining was "singled out as both a means of implementing (Article 137 EC) and of creating (Article 138 EC) European Community Law" (p. 203). This is an optimistic portrayal, strengthened by the encouraging progress former communist countries had made with regard to industrial relations. It is tainted, however, by a focus on recent legal developments. The right of freedom of association, the right to strike and the right to impose lock-outs all fall outside the scope of EC law. Moreover, several recent ECJ rulings appear to debilitate not only the right to undertake collective action for workers' protection but also the ability to prevent wage dumping, vis-à-vis business owners' right to insist on the freedom to provide services.[5] Bronstein is right to observe that it is too early to assess the full meaning of these legal judgments.

Labor relations play a similarly significant role in Latin American countries, where in most states, trade unions were in the past "key stakeholders in the political coalitions that controlled the State" (p. 225). While today they "no longer enjoy the political power they had" (p. 225), labor relations are described against the historical background of Latin American populist regimes, their ideological foundations, and the economic strategies of the states. Current trends, whereby many Latin American states are inclined to adopt flexibility-oriented labor reforms, are also depicted (pp. 228-30). Similar developments have taken place in the region of Asia and the Pacific. Acknowledging the particularly vast diversity of the region, comprised of countries significantly different in social and economic respects, Bronstein focuses mostly on Australia, New Zealand, and Japan. Australia seems to be aggressively moving from a collective to a more individual approach to labor relations, most notably under its controversial neo-liberal oriented Workplace Relations Amendment (Work Choices) Act 2005 (p. 234). Both New Zealand and Japan have moved in a direction similar to that of Australia, albeit in a more moderate manner. While a far-reaching deregulation and individualization of the labor market was initiated in New Zealand in 1991, the drastic results that ensued were partially mitigated by the 2000 Employment Relation Act (further amended in 2004), which sought to encourage collective bargaining, although it has had only partial success as of yet. Japan has undergone less drastic changes; nevertheless, it is struggling with considerable difficulties, including the declining number and influence of trade unions and the unusually high percentage of elderly population. Many of the other countries in the region are attempting to survive rapid economic transformations, and some are resorting to the privatization of state enterprises as a key strategy in this struggle.

The focus of the section on Southern Africa is the struggle against apartheid and the subsequent development of a labor law

5. Two recent cases, knows as the *Laval* and *Viking* cases, address the ability to exert workers' collective action, and the even more recent case, known as the *Rüffert* case, engages wage dumping (pp. 207-12).

model in democratic South Africa. One must presume that the text devotes attention to the state of South Africa due to the far-reaching influence that South Africa's labor law model had on neighboring countries (p. 253). This influence has been particularly strong in the area of dispute resolution, where an interesting model combining conciliation and arbitration has been introduced. This influence extends to legislation regarding the rights of employers and employees, including, for example, legislation that attempts to curtail the sharp increase in informal work that is common throughout the region (pp. 252-53).

In the short final remarks of the book, Bronstein acknowledges the risks and anxieties that accompany the "deep and far-reaching mutation" (p. 258) that labor law is undergoing at the turn of the century. Nevertheless, he encourages us not to lose sight of the "glass half full." His optimism stems from the fact that freedom of association has spread to and developed in emerging democracies, particularly in former communist countries. Further, the increasing efforts many governments make today to widen the scope of labor law, affording protection to otherwise unprotected and vulnerable groups, and the clear progress in the field of the fundamental rights of employees in the workplace further contribute to this positive outlook.

II.

For many, this basically optimistic view would come as a surprise. Many consider much of the global workforce to be the "losers" of globalization.[6] This is particularly true today, in the aftermath of the 2008 crisis. Looking back at the period when this decade's economic "expansion" reached its peak, we can now clearly see that compared with earlier expansionary periods, workers not only obtained a smaller share of the fruits of economic growth but were also forced to bear many of the costs of the current crisis.[7] Bronstein's cautious optimism may be attributable to his locus of attention, both geographically (the slightly more evident focus on Western Europe) and substantively. The geographic imbalance is relatively subtle; therefore, I will elaborate on the substantive one.

In terms of substantive legal topics, the book places undue emphasis on individual labor law, at the expense of collective labor law. Clearly, in a project of this breadth, the author must be selective as to the labor law topics presented, and it makes little sense to criticize any one topic and suggest others. The scope of labor law, work security, and non-specific rights at work are all issues of utmost

6. DANI RODRIK, HAS GLOBALIZATION GONE TOO FAR? (1997); Katherine V.W. Stone, *Flexibilization, Globalization, and Privatization: Three Challenges to Labour Rights in Our Time*, 44 OSGOODE HALL L. J. 77 (2006).

7. International Labour Organization (International Institute for Labour Studies), *The Financial and Economic Crisis: A Decent Work Response*, INTERNATIONAL INSTITUTE FOR LABOUR STUDIES, 11 (2009), *available at* http://www.ilo.org/public/libdoc/ilo/2009/109B09_59_engl.pdf.

importance. Nevertheless, collective law topics were omitted from the list of subject matters meriting separate in-depth analysis. Furthermore, most of the employment topics treated in the book pertain to the category referred to as "cash standards," i.e., protections and benefits that mandate a specific outcome, which directly affects labor costs (e.g., minimum wage, compensation for overtime, etc.). Non-cash standards are typically associated with a neo-liberal understanding of labor law.[8]

Arguably, the most serious challenge faced by labor and international law today is the decline of the organized workforce worldwide. Freedom of association and the right to organize and bargain collectively have long been recognized as fundamental rights, improving both work and living conditions, as well as the "development and progress of economic and social systems."[9] Without purporting to elaborate on the very unique significance of collective labor law, suffice it to say that trade unions are generally considered to be the best guarantee for the enforcement of workers' rights (including individual rights) and social justice.[10] Industrial relations and the question of social partners and social dialogue are topics that are, of course, far from overlooked. They were discussed in Chapter 4, and even more robustly in Chapter 6, as they constitute a central manifestation of the unique characteristic of each of the five regions addressed. Nevertheless, I cannot help but express an ounce of regret that collective law was not addressed more fully. Taken together with the focus on non-cash standards, one can only wonder whether the cautious optimism this book takes pains to convey ought to be limited to the realm of non-cash employment (rather than labor) standards.[11]

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8. KIMBERLY ANN ELLIOTT& RICHARD B. FREEMAN, CAN LABOR STANDARDS IMPROVE UNDER GLOBALIZATION? 13 (2003). The distinction between core and cash standards is far from being clear. Compare with an evaluation of a similar argument in the European context: Fritz W. Scharf, *The Social European Model: Coping with Challenges of Diversity,* 40 J. COMMON MARKET STUD. 645 (2002). For but one example of a different categorization of labor standards, see Stanley L. Engerman, *The History and Political Economy of International Labor Standards*, *in* INTERNATIONAL LABOR STANDARDS: HISTORY, THEORY, AND POLICY OPTIONS 9, 10 (Kaushik Basu et al. eds., 2003).

9. ILO, *Freedom of Association in Practice: Lessons Learned*, Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, Report of the Director-General, ix, (ILC 97th session 2008), *available at* www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/documents/publication/wcms_096122.pdf.

10. It has long been the assertion of the ILO that the value of freedom of association, by "allowing for the establishment of workers' and employers' organisations and vesting them with the means to promote and defend the interests of their members, constitutes a source of social justice and one of the main safeguards of sustainable peace." *See* ILO, *Introduction*, *in* FREEDOM OF ASSOCIATION: DIGEST OF DECISIONS AND PRINCIPLES OF THE FREEDOM OF ASSOCIATION COMMITTEE OF THE GOVERNING BODY OF THE ILO 1 (5th (revised) ed., 2006). Bronstein acknowledges of course the importance of freedom of association.

11. I refer here to the American terminology, distinguishing between employment law and labor law. On this dichotomy, see William R. Corbett, *Waiting for the Labor Law of the Twenty-First Century: Everything Old Is New Again,* 23 BERKELEY J. EMP. & LAB. L. 259, 263 (2002).

III.

Generally, however, Bronstein's book is far from an endorsement of neo-liberal inclinations. It focuses on answering the question "What is the state of labor law today, nationally, regionally, and internationally, and what challenges does it face?" Bronstein avoids abstract normative assertions. Nevertheless, even when the book's primary approach remains mostly descriptive and neutral, a distinctive normative agenda is apparent, manifested in several ways.

Throughout the book, the author is sensitive to the normative connotations and chronological development of the terminology used. Thus, for example, he reminds us that the commonly used term "flexibility of work patterns" is far from neutral, and in fact implies that the standard work contract is rigid and inefficient. The former term is interchangeable with "atypical work" or "precarious work," which suggests condemnation of these types of work (p. 16). Other examples include noting that the neo-liberal slant has replaced "workers" with "manpower," "workforce," and "human resources" (p. 26). Similarly, "labor rights" today are often being referred to as "labor costs." While the author refrains from openly criticizing these vivid illustrations of the implications of the neo-liberal shift, these subtle observations serve as reminders of the contingent nature of the current terminology and state of affairs. While linguistic analysis is by no means the focus of this book, the careful attention paid to the social and historical context throughout implicitly cautions us not to take for granted the common wisdoms of our time, including the neo-liberal ideological turn.

Moreover, normative preferences can be detected when one examines the choice of legal models the book portrays. Obviously, it would be impossible to describe every existing national legal system pertinent to each subject; instead, Bronstein presents relevant ILO and EU standards, in addition to selected national law examples that demonstrate the diversity of the subject matter. The criteria for selecting particular legal solutions are never explicated, yet the examples chosen give the direct impression that one of these criteria was the author's assessment of their merit as best-practice models in the various fields. In fact, in my view the book, by repeatedly outlining the diversity of possible legal solutions and best practices worldwide, many of which have been carefully documented by the ILO, underscores the critical importance of disseminating knowledge and learning as a component of enhancing international labor law. For the many who envisage a successful response to the challenges of labor law in the form of a decentralized yet coordinated governance scheme,[12] the book may also serve as a reminder of the ILO's as-of-

12. For two different visions of such a decentralized approach to international labor standards, see ARCHON FUNG ET AL., CAN WE PUT AN END TO SWEATSHOPS? A NEW DEMOCRACY FORUM ON RAISING GLOBAL LABOR STANDARDS (2001) and Mark Barenberg, *Sustaining Workers' Bargaining Power in an Age of Globalization: Institutions for the meaningful Enforcement of international Labor Rights*" EPI Briefing paper no. 246, Economic Policy Institute, 2009.

yet unrealized potential role as a coordinating body, a clearinghouse, for such a system.

However, the book's normative horizon does not incorporate such a revolutionary scheme, and avoids portraying either a new role for the ILO or any other institutional reforms. Its normative aspirations do not extend beyond the "best practices" in each field. Whenever the book makes statements affirming normative developments, they refer to rather conservative, incremental legal reforms rather than revolutionary leaps, as they generally depict existing (albeit elsewhere) national or supranational legal rules. This is by no means a criticism of the book. In the landscape of literature addressing globalization, labor, and trade today, few follow a revolutionary path, trying to reimagine "the way we think about markets, the division of labor, and the relation of production and exchange . . . "[13] Bronstein does not purport to do so. He follows, instead, a more modest path, taken by many, which is perhaps unavoidable when one commits to a legal perspective, whereby current institutions and practices remain the principal guide for future reforms. We must keep in mind that in the field of comparative and international labor law, the realization of effective dissemination and implementation of best practices would constitute, in itself, a significant transformation.

The most fundamental normative assertion in this book is the notion that labor law is indispensible, as "[d]ependent work continues to exist and the vulnerability of the worker . . . continues to be an unchallenged fact" (p. 258). This core argument is coupled with the understanding that the "relationship between international trade and labour law is today a crucial issue" (p. 257), and what is needed is an agreement "on the appropriate strategies and tools to tackle this problem rather than to discuss whether international trade and labour rights are separate issues . . . " (*id.*). The message that labor law can no longer be addressed merely on the national level or by a single national entity is strongly conveyed throughout the book, in its very structure. This is very different from the vast majority of current scholarly literature, which tends to address comparative and international aspects of law separately.

In sum, this book is instructive to scholars and practitioners, as well as to law students first encountering the complexities of comparative labor law and its international dimension. While the latter are provided with a much needed context from which to begin their exploration of the topic, the former will benefit from the book's comprehensive range and welcome departure from the unfortunately common tendency of academic writing to ignore any non-English legal materials. The index, together with the tables and boxes that

13. For one recent notable example that attempts to reimagine the way we conceptualize international trade and labor relations, see ROBERTO MANGABEIRA UNGER, FREE TRADE REIMAGINED: THE WORLD DIVISION OF LABOR AND THE METHOD OF ECONOMICS 213 (2007). Another recent impressive attempt to imagine "ideal institutions for enforcing global labor rights" can be found in Barenberg, *supra* note 12. Barenberg himself notes that that "the concrete proposals in this field have been surprisingly few and unspecific." *Id.* at 3.

highlight a variety of judicial decisions and legal developments, coupled with the tables of cases and legislation, all coalesce to create a book that is easily accessible.

One cannot help but agree with the assertion that "the essence of the problems that gave birth to labour law is still there" (p. 258). The complexities that we face when responding to the challenges presented with respect to labor law do not alter this essential reality. Labor law, both nationally and internationally, must be rendered more effective, "in order to avoid a return to the social injustices of the nineteenth" century (*id.*). The book's comprehensive contextual understanding of both comparative and supranational labor law constitutes an evident contribution towards this goal.