



## Bachelor's courses Faculty of Law

VU University Amsterdam - Student- & Onderwijszaken - Exchange programme Vrije Universiteit - 2018-2019



# International Labour Law: Multinational Corporations in a Globalizing World

<b>Course code</b>	R_Int.lab.I (200948)
<b>Period</b>	Period 4
<b>Credits</b>	6.0
<b>Language of tuition</b>	English
<b>Faculty</b>	Faculteit der Rechtsgeleerdheid
<b>Coordinator</b>	prof. dr. K. Boonstra
<b>Examinator</b>	prof. dr. K. Boonstra
<b>Teaching staff</b>	prof. dr. K. Boonstra
<b>Teaching method(s)</b>	Lecture
<b>Level</b>	400

## Course objective

The objective for this course is to provide students - through an innovative and challenging method - a thorough understanding of the way international labour law (potentially) deals with the problems caused by the increased globalisation of trade and production.

Upon completion of the course, the students will:

- Understand the institutional and legislative framework relating to the ILO and the other international organisations involved in the protection of social rights;
- Have insight in the obligations of ILO member states' and the effectiveness of the ILO supervisory machinery;
- Acquire a thorough knowledge of the regulation of work and the role of labour and social security law at international level (predominantly ILO, but also UN, Council of Europe and other regional organisations);
- Have a thorough understanding and knowledge of the ILO's tripartite structure, which seeks after an equal voice for workers, employers and governments;
- Be able to identify and apply soft-law regulatory mechanisms in this field, such as the OECD guidelines for multinational companies, the UN Global Compact and varying CSR instruments.
- Have insight into the development of civil law litigation that is increasingly having an impact on the risk management of multinational corporations;
- Be able to analyse labour law and decent work issues in the context of different national legal systems from the perspective of international labour law;
- Be able to build up a case concerning a supply-chain in a multinational company, in which both international public law and other legal doctrines are applied with the aim to remedy violations of fundamental labour rights and if possible compensate the victims/aggrieved parties;
- Be ably to apply all the different legal instruments in order to create an effective remedy for human rights violations in a supply-chain.

## Course content

The impact of globalisation of trade on labour law and the protection of workers' rights is potentially vast. In order to present themselves as suitable places of establishment or production of goods and services, countries are tempted to compete on the price of labour. Labour law that covers all workers in the supply-chain is non-existent and 'old-school'

methods of legislating are insufficient to deal with this issue. During the course this problem will be reviewed and developments will be studied. Through a general introduction in international labour law students will be made familiar with the institutional framework of the International Labour Organisation and the legal nature of international labour law (from both a global and a regional perspective), and various legislative techniques, material aspects and the impact of international labour law on the domestic legal order of the member states. Recent developments in international labour law concerning the application of private law doctrines such as those on liability and tort, on violations of human rights in the supply-chain of multinational corporations will be studied, and students will work on effective cures and remedies including compensation. The aim of this course is that the students will learn to work with the different legal tools that have been developed over the years, in order to find resolutions for the problems of the application of labour law in a world where trade has been globalized, but social justice not yet.

Through the course several topics are discussed:

- the institutional framework within which international labour law has come into existence;
- the legal nature of international labour law and the functioning of the ILO and its supervisory mechanism;
- the main principles of international labour law and core labour standards concerning collective bargaining rights, prohibition of forced and child labour, and discrimination in respect of employment and working conditions;
- methods to apply international labour law in the supply-chain of multinational corporations;
- case-law (f.i. Wal-mart, Adidas, Coca cola) concerning the application of international labour law;
- alternative regulation and dispute settlement, corporate codes and international collective bargaining;
- international trade agreements and labour clauses;
- the impact of international labour law on the national legal order.

### **Form of tuition**

Students will throughout the whole course work on an individual assignment in which an actual case concerning workers' rights violations in a supply-chain of a multinational company is analysed and presented. During the course active involvement and participation of all students is required. They will each use the product of their own choice and will accumulate literature, internet- and other materials that enable them to find a legal solution for their cases. The literature and materials that are presented on the Canvas will also be useful in this way. The lecturers work along with the group in this process. Every meeting will start with a short introduction by one of the lecturers, after which the whole group will work on the subject of that particular week.

### **Type of assessment**

Individual paper and mandatory attendance. There is no written exam apart from the individual paper which is based on the assignment which will be discussed in class, step by step.

**Course reading**

To be announced via Canvas.

**Recommended background knowledge**

Exchange students - basic knowledge of Labour or Employment Law (preferable).

**Target group**

Apart from regular students, the course is also available for:

Students from other universities/faculties

Exchange students and Erasmus students

Contract students (students who pay for one course)

**Remarks**

Dutch speaking students can follow this course or Internationaal sociaal recht: multinationals en globalisering. Both is not permitted as they overlap.