
Contents

<i>List of contributors</i>	ix
<i>Preface</i>	xiii

PART I CONCEPTUALIZING TRANSNATIONAL LABOUR LAW

1 Conceptualizing transnational labour law	3
<i>Adelle Blackett and Anne Trebilcock</i>	

PART II TRANSNATIONAL LABOUR LAW AS LAW

Section A: Transnational labour law's methods

2 Global organizing and domestic constraints	37
<i>Ashwini Sukthankar</i>	
3 Corporate governance structures and practices: From ordeal to opportunities and challenges for transnational labour law	51
<i>Isabelle Martin</i>	
4 A 'dialogic' approach in perspective	65
<i>Laurence Boisson de Chazournes</i>	
5 International labour indicators: Conceptual and normative snares	76
<i>Mark Barenberg</i>	
6 Due diligence on labour issues – Opportunities and limits of the UN Guiding Principles on Business and Human Rights	93
<i>Anne Trebilcock</i>	

Section B: Challenging austerity, facing development: The North-South challenge to transnational labour law

7 Structural adjustment, economic governance and social policy in a regional context: The case of the Eurozone crisis	111
<i>Zoe Adams and Simon Deakin</i>	
8 International financial institutions' approaches to labour law: The case of the International Monetary Fund	124
<i>Franz Christian Ebert</i>	
9 Racism and the regulation of migrant labour	138
<i>Adrian A. Smith</i>	
10 China's challenge to labour law in both the Global North and the Global South	150
<i>Sean Cooney</i>	

- 11 Anti-austerity activism strategies: Combining protest and litigation in Spain 164
Julia López López

PART III TRANSNATIONAL LABOUR LAW AS LABOUR LAW

Section A: Freedom of association in the specificity of labour law

- 12 Pushback on the right to strike: Resisting the thickening of soft law 181
Janice R. Bellace
- 13 The right to take collective action: Prospects for change in European Court of Justice case law in light of European Court of Human Rights decisions 194
Reingard Zimmer
- 14 Freedom of association in deliberative spaces: The ILO Credentials Committee 204
Faina Milman-Sivan
- 15 Freedom of association in international framework agreements 217
Renée-Claude Drouin
- 16 Transnational labour law and collective autonomy for marginalized workers: Reflections on decent work for domestic workers 230
Adelle Blackett

Section B: On human rights and equality: Does transnational labour law provide spaces and vehicles to challenge domestic labour law's exclusions?

- 17 Inclusive equality and new approaches to discrimination in transnational labour law 247
Colleen Sheppard
- 18 Working together transnationally 260
Cynthia Estlund
- 19 Can human rights based labour policy improve the labour rights situation in developing countries? A look at Mexico and the countries of Central America 273
Graciela Bensusán
- 20 Constitutionalising labour in the Inter-American system on human rights 284
Rose-Marie Belle Antoine

Section C: Emerging roles for the ILO as an actor in transnational labour law

- 21 ILO normative action in its second century: Escaping the double bind? 301
Francis Maupain
- 22 The ILO's supervisory bodies' 'soft law jurisprudence' 316
Claire La Hovary
- 23 Pluralism and privatization in transnational labour regulation: Experience of the International Labour Organization 329
Janelle M. Diller

- 24 Emergent maritime labour law: Possible implications for other transnational labour fields 343
Aimée Asante and Ben Chigara

PART IV TRANSNATIONAL LABOUR LAW AS TRANSNATIONAL

Section A: Thickening soft law? ‘Privatising’ or infusing transnational labour law with public international law norms?

- 25 Transnational private labour regulation, consumer-citizenship and the consumer imaginary 361
Kevin Kolben
- 26 Thickening soft law through consumocratic law: A pragmatic approach 374
P. Martin Dumas
- 27 Diffusion and leveraging of transnational labour norms by the OECD 385
Jean-Marc Thouvenin
- 28 The use of arbitration to decide international labour issues 395
Kathleen Claussen

Section B: Beyond WTO linkage: Emerging directions and social regionalism

- 29 What the World Trade Organization learned from the International Labour Organization 411
Steve Charnovitz
- 30 Harnessing the governance capacity of the European Union: Transnational labour law responses to the exploitation of migrant agricultural workers 425
Jo Hunt
- 31 Private international law rules for transnational employment: Reflections from the European Union 438
Aukje van Hoek
- 32 Social regionalism in the Southern Africa Development Community: The international, regional and national interplay of labour alternative dispute resolution mechanisms 455
Pamhidzai H. Bamu and Rutendo Mudarikwa
- 33 Labour rights and trade agreements in the Americas 474
Paula Church Albertson and Lance Compa

Section C: The transnational challenge to the regulation of labour as a factor of production: On commodification

- 34 Trading in services – Commodities and beneficiaries 497
Tonia Novitz
- 35 The curious incident of the ILO, Myanmar and forced labour 509
Brian Langille
- 36 The implications of preparatory works for the debate regarding slavery, servitude and forced labour 523
Jean Allain

37	Child labour and fragile states in Sub-Saharan Africa: Reflections on regional and international responses <i>Aristide Nononsi</i>	536
38	A transnational law of just transitions for climate change and labour <i>David J. Doorey</i>	551
	<i>Index</i>	565