

International Lawyers Assisting Workers (ILAW) Network Journal
Volume I, Issue 1
Winter 2020
Call for Papers

Introduction

The ILAW Network is excited to be publishing a new law journal – the Global Labour Rights Reporter. The journal intends to be a forum primarily for labour and employment law practitioners globally, including ILAW Network members, to grapple with the legal and practical issues that directly affect workers and their organizations today. We see the strength of the journal being its comparative approach, given the worldwide composition of ILAW’s membership. Each issue of the journal will be organized thematically and will highlight notable cases and judicial opinions, trends in the regulation of labour, and analytical pieces which help to envision how practitioners can expand the protection of law, enhance accountability and obtain full and effective remedies. We intend for the journal to be published bi-annually, summer and winter, with the possibility of additional articles or contributions being posted on the journal’s website between issues. The journal will run editions in English, Spanish and French.

Theme

For the first issue, the editorial board has decided on the theme of “Access to Labour Justice” given the multiple and multiplying obstacles workers face to obtain justice. These obstacles can take many forms and may include:

- the effective exclusion from protection under law due to the kind of work, the identity or status of the worker or the manner in which work is performed, among others;
- the absence of effective state inspection and administrative enforcement mechanisms;
- structural and/or procedural barriers that put access to counsel and/or access to independent tribunals out of reach (as well as the absence of such tribunals);
- jurisdictional hurdles which prevent bringing claims against the responsible individuals or entities;
- other legal doctrines or practices that undermine the rights otherwise afforded under labour and employment law

Of course, COVID-19 has severely exacerbated many of these problems, from the suspension of labour inspection and labour court hearings in some countries, to the outright suspension or derogation of certain labour rights by law or decree. The lack of effective government responses to the pandemic, including measures to maintain employment and to extend social protection, has also undermined workers’ access to labour justice. These impacts are often greater and more difficult to overcome, if at all, for workers in marginalized groups.

At the same time, lawyers and advocates representing workers, worker organizations and unions have successfully overcome the obstacles above and others through legislation, strategic litigation and public advocacy (and often in tandem with organizing and mobilization). In recent months, for example, these efforts have meant that, in some jurisdictions, workers have been able to remain out of unsafe workplaces (with pay), be provided necessary protective equipment and/or have COVID treated as an occupational

disease. In other jurisdictions, misclassified workers are obtaining the rights and benefits due them under law. However, these gains are by no means universally enjoyed.

Submission Process

We are placing a call for submissions that are relevant to the theme of this issue. We welcome submissions that explore the nature, scope and impacts of these obstacles to justice. However, we are in particular interested in submissions which point toward potential solutions – either examples of recent successful efforts (legislative, judicial, or otherwise) or legal theories which could potentially be adapted and employed by legal advocates. Submissions that engage with the impact of COVID-19 on access to justice in some way will be given priority.

Please email all submissions to Haley Gray at hgray@solidaritycenter.org on or before September 15, 2020, with a subject line of “ILAW Journal Submission, Winter 2020”. Submissions of various lengths are welcome, though the maximum length of any submission should be 2,500 words. We will accept submissions in English, Spanish or French. The editorial board will respond promptly after the due date and will work with authors to get selected submissions ready for publication. For any additional questions please email admin@ilawnetwork.com.