Introduction from the Editor-in-Chief

Freedom of Association, collective bargaining, and related rights to collective action in cases where negotiations fail are at the heart of labor law protection for workers and employers. This issue of *International Labor Rights Case Law* (ILaRC) examines—among others—three cases from different international and national bodies featuring a number of diverging and yet significant problems relating to these rights.

The first case concerns an interim report by the ILO Committee on Freedom of Association that deals with the murder of three Cambodian trade union officials between 2004 and 2007. Earl V. Brown Jr. of the AFL-CIO Solidarity Center discusses how, after sustained international pressure, the cover-up of one of the murders was unraveled by the Cambodian Supreme Court. He explains how the CFA and other ILO bodies have been involved in this case since 2004 and acknowledges that the existing data discloses both “a chilling pattern of murder and violence and an attitude of impunity on the part of the authorities.” Combined international pressure from the CFA and UN High Commissioner for Human Rights influenced the Supreme Court’s decision to free individuals who were wrongly accused of one of the killings. The real perpetrators, however, are still at large.

The second case, decided by the Supreme Court of the Republic of Korea, concerns the question of whether migrant workers’ trade unions may be established to include undocumented migrant workers as members. In 2005, a group of ninety-one migrant workers held an inaugural meeting to establish their trade union, adopt its regulations, and elect their officers. The Seoul Regional Labour Office, which had requested the union to provide details and the names of the representatives in their establishment report, eventually disposed of the report on grounds that the union failed to comply with the request and that undocumented workers formed the majority of the union members. Tae-Ung Baik, associate professor at William S. Richardson School of Law, University of Hawaii at Manoa, explains the implications of the Supreme Court’s positive response to the legality of the establishment of trade unions that include undocumented migrant worker as members. In his commentary, Professor Baik indicates that the Korean Judiciary followed internationally recognized human rights standards in its reasoning. Further, he explains that constitutional provisions related to freedom of association are applicable to migrant workers.

The third case is a final declaration by the Chilean National Contact Point on the employment practices of Starbucks, Inc., in Chile. Two unions submitted a case to the NCP regarding antiunion practices of Starbucks in Chile. They complained about antiunion campaigns, interference with the right to organize and bargain collectively, retaliation and discrimination against trade unionists, the provision of false information, and noncompliance with national legislation. César F. Rosado Marzán, associate professor at IIT Chicago-Kent College of Law, examines the case in detail and explains the concrete effects that the OECD Guidelines for Multinational Enterprises can have.

These three cases show the diversity of issues that can arise in relation to the freedom of association, and the indispensability of international judicial and quasi-judicial dispute settlement mechanisms in resolving such disputes. As always, the editorial team welcomes suggestions from our readers of cases to include in later issues. Please email ILaRC@TheHagueInstitute.org

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