

WORKER RIGHTS

Trade Unions

China's laws and practices continue to contravene international worker rights standards and violate rights provided for in China's Constitution, including the right to create or join independent trade unions.¹ The All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.² In January 2018, the state-run news agency Xinhua reported that the ACFTU had 303 million members in 2017, of whom 140 million were agricultural members.³ The U.S. Government and international observers noted that the ACFTU typically prioritized Chinese Communist Party interests over the interests of workers and did not effectively represent workers.⁴ During the Commission's 2018 reporting year, the ACFTU's top official held concurrent positions in the Chinese government and the Chinese Communist Party.⁵ In March 2018, the ACFTU Executive Committee selected Wang Dongming—a member of the 19th Party Central Committee⁶—to be ACFTU Chairman,⁷ and the National People's Congress (NPC) selected Wang as Vice Chairman of the NPC Standing Committee.⁸ At the enterprise level, union representatives often side with management interests.⁹ Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),¹⁰ Universal Declaration of Human Rights,¹¹ International Covenant on Civil and Political Rights,¹² and International Covenant on Economic, Social and Cultural Rights.¹³

Collective Bargaining

This past year, workers' right to collective bargaining remained limited in law and in practice. Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,¹⁴ but these laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.¹⁵ In addition to curbing union representation,¹⁶ authorities have also restricted the ability of Chinese labor non-governmental organizations (NGOs) to train workers in collective bargaining.¹⁷ As a member of the ILO, China is obligated to respect workers' right to collective bargaining.¹⁸

Civil Society

Chinese authorities continued to severely restrict the ability of civil society organizations to work on labor issues, including domestic organizations that received foreign funding and international civil society organizations. Labor NGOs have existed in China since the early 1990s,¹⁹ offering legal aid, helping workers seek redress for workplace injuries and unpaid wages, educating workers about their legal rights, and providing a variety of social services to workers.²⁰ Some labor NGOs have also trained workers in collective bargaining.²¹ The situation for labor advocates and NGOs, however, has not improved since a crackdown on labor NGOs began in December 2015,²² and deteriorated further with the implementation

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of the PRC Law on the Management of Overseas Non-Governmental Organizations' Activities in Mainland China that took effect in January 2017.²³ Chinese labor NGOs have long relied on overseas funding.²⁴ Two labor scholars at Australian National University observed that NGOs have responded to the shrinking space for their work by downsizing or working as individuals instead of in groups, cooperating less with other NGOs that continue to work on labor rights issues, and doing work perceived to be less politically sensitive, such as promoting cultural activities.²⁵ Under Xi Jinping, the scholars concluded, Chinese authorities have dismissed the contributions of labor NGOs and made it more difficult for them to operate, noting that these repressive developments “threaten the very existence of labor NGOs in China.”²⁶ The government’s suspicion of foreign NGOs working on labor issues, moreover, appears to have intensified in recent years, as highlighted by the content of an April 2018 cartoon jointly disseminated by several Chinese government agencies.²⁷ The cartoon featured a foreign NGO worker who apparently cooperates with a local Chinese partner to hold trainings on how to defend worker rights, organize a union, and go on strike.²⁸ One of the agencies that released the cartoon reportedly said the cartoon is “meant to teach workers how to detect and report foreign spies and espionage activities, and raise their awareness of State security.”²⁹

Many of the labor advocates whom authorities detained in the 2015 crackdown remain under restrictions imposed by the suspended sentences they received, including Zeng Feiyang, Zhu Xiaomei, and Tang Jian.³⁰ Therefore, while they are not physically held at detention centers or prisons, they are at risk of having to serve their sentences in full if they resume their advocacy work.³¹ [For more information on civil society in China, see Section II—Civil Society.]

Worker Strikes and Protests

The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions.³² The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media,³³ documented 1,257 strikes in 2017.³⁴ According to CLB, the overall number of strikes in 2017 was likely comparable to that of 2016, although they documented fewer strikes than in 2016 and 2015 due to changes in their collection methods and a decrease in independent reporting.³⁵ The CLB communications director estimated that CLB was able to document between 5 and 10 percent of the total number of worker actions in China between 2013 and 2017.³⁶ The case of blogger and citizen journalist Lu Yuyu highlights the dangers that citizens face in circulating independent information on worker actions.³⁷ In connection with his work documenting labor strikes across China, Lu continued to serve a four-year prison sentence on the charge of “picking quarrels and provoking trouble.”³⁸ The Dali Municipal Intermediate People’s Court in Dali Bai Autonomous Prefecture, Yunnan province, upheld this sentence on appeal in September 2017.³⁹

PERCENTAGE OF WORKER STRIKES AND PROTESTS BY SECTOR ⁴⁰

Year	Manufacturing	Construction	Transportation	Services	Other	Total Number Reported
2017	19.7% (267)	38.1% (518)	8.6% (117)	15.2% (207)	10.8% (148)	1,257
2016	23.0% (612)	40.6% (1,081)	12.4% (330)	11.0% (292)	13.1% (349)	2,664
2015	32.1% (891)	35.9% (995)	9.8% (271)	8.2% (227)	14.1% (390)	2,774
2014	41.0% (557)	19.1% (259)	18.9% (257)	8.2% (112)	12.7% (173)	1,358

Source: China Labour Bulletin. Note that the percentages indicate the percentage of total worker actions documented that year.

In 2017, CLB documented a higher percentage of strikes in private companies compared to state-owned enterprises (SOEs), although there were also major strikes at SOEs reportedly centering around lower pay for those employed through subcontracting agencies compared to formal employees.⁴¹ CLB also highlighted a trend in which strikes appeared to be increasing in inland provinces such as Shaanxi, Henan, and Anhui, with a decreasing number of strikes in Guangdong province.⁴² Chinese law does not protect workers' right to strike,⁴³ contravening the International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified.⁴⁴

Examples of worker actions this past year included the following:

- **Guangzhou municipality, Guangdong.** From March 5 to 13, 2018, approximately 1,000 workers, predominantly women, went on strike at a Chinese factory of Simone Holdings, a South Korean conglomerate that reportedly manufactures 30 percent of the luxury handbags sold in the United States, including the Michael Kors label.⁴⁵ The workers protested the company's failure to provide legally required benefits, including social security contributions and housing funds.⁴⁶ On March 14, the workers reportedly returned to work after Simone Holdings agreed to their demands.⁴⁷
- **Changning district, Shanghai municipality.** Beginning on March 26, 2018, an estimated 3,000 sanitation workers went on strike to protest cuts to their wages and benefits.⁴⁸ On March 1, 2018, Shanghai municipal authorities reportedly increased the minimum monthly salary from 2,300 yuan (approximately US\$370) to 2,420 yuan (approximately US\$390) per month.⁴⁹ After the new minimum salary went into effect, however, the sanitation companies in Changning responded by cutting benefits by approximately an equivalent amount to the increase in pay.⁵⁰ Although the strike reportedly disrupted trash collection for hundreds of thousands of Shanghai residents and images were widely shared on social media, internet censors reportedly quickly deleted strike-related content.⁵¹ The strike reportedly ended after authorities detained and subsequently released some of the protesting workers and the sanitation companies restored some of the benefits.⁵²

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- **Zhuhai municipality, Guangdong.** Beginning on March 29, 2018, 6,000 workers at five factories of a Chinese subsidiary of Flex Ltd. reportedly protested for three weeks over a plan to sell the factories.⁵³ According to CLB, the workers were not only concerned that they would lose their jobs, but also that the company would not pay workers' severance compensation and social insurance benefits as required by law.⁵⁴ During the protests, local union officials reportedly did not assist the protesters, but instead focused on "maintaining social stability."⁵⁵ The workers reportedly returned to work without any of their concerns addressed.⁵⁶
- **Nationwide.** In April 2018, crane operators in at least 27 cities in 19 provinces across China reportedly staged demonstrations over low pay and hazardous working conditions.⁵⁷ According to a Chinese labor scholar, "This is the first instance of such a large-scale, nationwide, collective action by industrial workers in China, and may in fact be the first instance of its kind ever."⁵⁸ Subsequently, in June 2018, truck drivers in at least 12 provinces in China protested low pay, high fuel costs, and other industry-wide concerns.⁵⁹ CLB reported in June that since late April 2018, food delivery workers and van drivers protested in a number of different locations.⁶⁰
- **Shenzhen municipality, Guangdong.** In July 2018, after workers at the Jasic Technology Company factory in Shenzhen, Guangdong, were laid off for trying to form an independent trade union, their supporters organized protests at the factory.⁶¹ On July 27, authorities reportedly detained 30 protesters, and held them under suspicion of "picking quarrels and provoking trouble."⁶² According to a Financial Times report based on CLB data, this was the largest detention of labor advocates since the December 2015 crackdown in Guangzhou,⁶³ and students from 11 universities reportedly circulated petitions with over 1,600 signatures calling for the release of the detained individuals.⁶⁴

Wage Arrears

Against the backdrop of the ongoing, and in some sectors worsening, problem of wage arrears, this past year, central authorities reiterated goals from 2016 to resolve the problem of migrant worker wage arrears. Between January and November 2017, Chinese authorities reportedly participated in the settlement process in 128,000 cases, a year-on-year decrease of 38 percent, involving 22.4 billion yuan (approximately US\$3.6 billion) in wage arrears for 2.81 million workers.⁶⁵ In December 2017, the State Council General Office released new measures on wage arrears,⁶⁶ reiterating the goal of a 2016 State Council opinion to resolve the problem of migrant worker wage arrears.⁶⁷ In December 2017, the Ministry of Human Resources and Social Security (MOHRSS) announced that companies that did not pay wages would be placed on a national blacklist,⁶⁸ and in January 2018, new MOHRSS measures on a wage arrears blacklist took effect.⁶⁹ In March 2018, Supreme People's Court President Zhou Qiang highlighted the role of courts in 2017 in helping recover 29.4 billion yuan (approximately US\$4.7 billion) in wage arrears for migrant workers.⁷⁰ As an example of

detentions related to wage arrears protests, in January 2018, public security authorities detained Zhang Chengyi and 12 other migrant construction workers who were petitioning over 1.2 million yuan (approximately US\$190,000) in wage arrears in Guanghe county, Linxia Hui Autonomous Prefecture, Gansu province.⁷¹ In February 2018, the international NGO Rights Defense Network reported that the workers were no longer in detention and had received their wages.⁷²

Social Insurance

During this reporting year, workers' rates of social insurance coverage showed some improvement, but overall remained low.⁷³ According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.⁷⁴ Under the law, employers and workers are required to contribute to basic pension, health, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on workers' behalf.⁷⁵ According to MOHRSS and the National Bureau of Statistics of China, from 2016 to 2017, the work-related injury insurance coverage rates increased slightly overall from 28.2 to 29.3 percent,⁷⁶ and also increased slightly for migrant workers from 26.7 to 27.3 percent.⁷⁷ Employment-based pension insurance coverage rates increased from 48.9 to 51.9 percent for all workers,⁷⁸ and increased from 21.1 to 21.6 percent for migrant workers.⁷⁹ In 2017, employer-based health insurance coverage rates remained below 40 percent for all workers.⁸⁰ Unemployment and maternity insurance coverage remained below 25 percent for all workers.⁸¹ Many migrant workers continued to face bureaucratic obstacles when transferring their social insurance benefits to new jurisdictions, because local governments manage insurance funds.⁸² On December 18, 2017, MOHRSS and the Ministry of Finance issued Measures for Enterprise Annuities, a new pension scheme that may help to supplement pension payments to retirees.⁸³

Employment Relationships

This past year, several categories of workers were unable to benefit fully from the protections provided under Chinese law. The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an "employment relationship" (*laodong guanxi*) with their employers.⁸⁴

DISPATCH LABOR

The Commission continued to observe reports of dispatch labor (*laowu paiqian*) abuses during this reporting year, in violation of domestic laws and regulations.⁸⁵ Firms, including state-owned enterprises, have long used dispatch labor—workers hired through subcontracting agencies—to cut costs.⁸⁶ The PRC Labor Contract Law stipulates that dispatch workers shall be paid the same as full-time workers doing similar work, and may only perform work on a temporary, auxiliary, or substitute basis.⁸⁷

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In November 2016, several hundreds of the more than 3,000 dispatch workers at a joint-venture FAW-Volkswagen automobile manufacturing plant filed a complaint with the All-China Federation of Trade Unions for equal compensation as provided for in the PRC Labor Contract Law.⁸⁸ Over 1,000 workers participated in legal action, many of whom also demonstrated outside the factory.⁸⁹ The dispatch workers, however, were unable to reach an agreement with management, and in May 2017, public security officials detained three worker representatives, Fu Tianbo, Wang Shuai, and Ai Zhenyu.⁹⁰ In August 2017, Volkswagen issued two statements: one claiming the company “is making every effort to find a mutually acceptable solution,”⁹¹ and another noting it was a minority shareholder in the joint-venture and therefore had “limited responsibility in the dispute.”⁹² As of January 2018, Fu remained in detention without trial, although Wang and Ai were released on bail seven days after detention.⁹³

INTERN LABOR

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged internships.⁹⁴ In November 2017, the Financial Times reported that a group of 3,000 vocational school students were being forced by their school to work up to 11 hours per day for three months at a Foxconn factory in Zhengzhou municipality, Henan province, that manufactures Apple phones.⁹⁵ In January 2018, Sixth Tone, a Chinese state-funded media publication, reported that Liaocheng University in Shandong province had ended its internship program after hundreds of students complained that they were being forced to work long hours for low pay in order to graduate.⁹⁶ The students, some of whom claimed that they were being forced by their school to complete the internship, performed overtime work in violation of national regulations.⁹⁷ Existing regulations prohibit interns from working overtime and require internships to be relevant to students’ plans of study.⁹⁸

WORKERS ABOVE THE RETIREMENT AGE

During this reporting year, Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law. China’s working age population has reportedly declined since 2012,⁹⁹ and the United Nations has estimated that the portion of population over 65 in China will increase from approximately 9.7 percent in 2015 to 26.3 percent in 2050.¹⁰⁰ Chinese academics have developed a number of policy proposals to raise China’s retirement age,¹⁰¹ but during this reporting year, China’s retirement ages in general for female employees remained between 50 and 55 years old, depending on the type of employment, and 60 years old for male employees.¹⁰² According to the PRC Labor Contract Law and the law’s implementing regulations, once workers reach retirement age or receive pensions, their labor contracts are terminated by operation of law.¹⁰³ The inability of workers over the retirement age to establish a formal employment relationship with their employers leaves them without the protections provided for in Chinese labor laws in case of work-related injuries, unpaid overtime, or other labor issues.¹⁰⁴

Child Labor

While the Chinese government did not publish statistics on child labor and did not share data on child labor with the International Labour Organization (ILO),¹⁰⁵ the Commission continued to observe reports on the use of child labor in China.¹⁰⁶ In January 2018, internet users in China widely shared an image of a seven-year-old who was delivering packages by himself.¹⁰⁷ In January 2018, the Worker's Daily reported on litigation against an enterprise filed by the father of a child laborer after his son was injured during illegal employment.¹⁰⁸ This case illustrates that the "problem of the illegal use of child labor still exists," according to Shi Fumao, the executive director of Beijing Zhicheng Migrant Workers' Legal Aid and Research Center.¹⁰⁹ Following passage of a duty of vigilance law in France, in January 2018, two French NGOs sued Samsung in France over alleged child labor and other labor abuses in China.¹¹⁰ Domestic Chinese laws generally prohibit the employment of minors under 16,¹¹¹ and China has ratified the two fundamental ILO conventions on the elimination of child labor.¹¹²

Work Safety and Occupational Health

During this reporting year, government data showed a continued decline in workplace deaths. According to the National Bureau of Statistics of China (NBS), a total of 37,852 people died in workplace accidents in 2017,¹¹³ compared to 43,062 deaths in 2016¹¹⁴ and 66,182 deaths in 2015.¹¹⁵ In 2016, the NBS, however, began excluding "non-production accidents" from their totals, and in 2018 China Labour Bulletin (CLB) described the calculation method as "opaque."¹¹⁶ According to CLB, coal mine deaths have declined steadily and significantly over the past 15 years, down to 375 in 2017, compared to 7,000 in 2002.¹¹⁷ Coal mines continued to be dangerous: In August 2018, for example, 13 workers at a coal mine in Guizhou province died as a result of an explosion.¹¹⁸ Despite the decline in the total number of workplace accidents in China, according to CLB, the number of accidents for workers in the service industry is increasing, especially for delivery drivers.¹¹⁹ Many delivery drivers do not have a formal employment relationship and lack workers' compensation insurance.¹²⁰

During the reporting year, CLB raised concerns about changes in the government institution overseeing work safety issues. In March 2018, as part of a sweeping reorganization of Party and government institutions,¹²¹ central authorities announced plans to dismantle the State Administration of Work Safety, transferring responsibility for work safety to a new Ministry of Emergency Management.¹²² CLB criticized the bureaucratic changes as highlighting how "the Chinese government is more concerned with disaster management and control rather than in preventing workplace accidents in the first place."¹²³

The government reported an increase in cases of occupational disease, and labor investigators continued to document hazardous conditions in Chinese factories. In December 2017, the former National Health and Family Planning Commission reported that there were 31,789 cases of occupational disease recorded in 2016, up from 29,180 cases of occupational disease in 2015.¹²⁴ Of the total, 28,088

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cases were pneumoconiosis and other respiratory diseases; 1,276 were ear, nose, throat, and oral diseases; 1,212 were chemical poisonings; and 1,213 were other diseases.¹²⁵ Many pneumoconiosis victims reportedly face significant difficulties in obtaining official recognition that their illness is work related, and thus are ineligible for compensation.¹²⁶ In March 2018, a National People's Congress delegate reportedly recommended that access to pneumoconiosis treatment be improved.¹²⁷ In June 2018, domestic and international media, however, reported that authorities in Guizhou province had detained three doctors for over seven months, after the doctors had allegedly misdiagnosed several hundred people with pneumoconiosis who did not actually have the disease, resulting in a loss of 30 million yuan (approximately US\$4.4 million) in public funds for compensation.¹²⁸ Three hundred of the doctors' colleagues signed a petition requesting that authorities "respect science and respect medicine, and safeguard doctors' legal rights" and release the detained doctors.¹²⁹ The legal department director of the Chinese Medical Doctor Association also reportedly warned that "[i]f the accusation that they have cost the medical insurance fund money is upheld, every pneumoconiosis doctor in the county is likely to be found to have committed a crime."¹³⁰

The U.S.-based NGO China Labor Watch (CLW) published investigative reports in November 2017, January 2018, and June 2018 documenting the hazardous conditions in some Chinese factories.

- **Toy factories.** In November 2017, CLW published a report on the hazardous working conditions at four toy factories in China, finding that, "For workers who are exposed to toxic chemicals, the factory does not provide them with adequate protective equipment."¹³¹
- **Electronics Factories.** After identifying in 2014 many labor violations at Catcher Technology—a supplier to IBM, HP, Dell, Sony, and Apple—in January 2018, CLW published a separate investigation on the continuing hazardous conditions at three of Catcher's factories in Suqian municipality, Jiangsu province.¹³² CLW's investigator reported developing respiratory problems and also suffered eye injuries while working at the factory for four weeks.¹³³ In June 2018, CLW published a report on a Foxconn factory in Hengyang municipality, Hunan province, that makes products for Amazon, including the Kindle and Echo Dot, which documented a lack of protective equipment, fire safety concerns, and inadequate safety training.¹³⁴

Notes to Section II—Worker Rights

¹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 13 July 18. China has signed but not ratified the ICCPR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55; PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, 11 March 18, art. 35; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 20-22; European Commission, “Commission Staff Working Document: On Significant Distortions in the Economy of the People’s Republic of China for the Purposes of Trade Defence Investigations,” 20 December 17, 332-35; Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 56.

²PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 9-11; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 20-22; European Commission, “Commission Staff Working Document: On Significant Distortions in the Economy of the People’s Republic of China for the Purposes of Trade Defence Investigations,” 20 December 17, 333; Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 56.

³Fan Xi, “ACFTU: Total Number of Employees in China Reaches 391 Million” [Quanzong: woguo zhihong zongshu da 3.91 yi ren], Xinhua, 17 January 18. See also Chen Xiaoyan, “Increasing Use of Big Data To Strengthen the Work of Trade Unions” [Tigao yunyong da shuju nengli gaijin gonghui gongzuol], *Workers’ Daily*, 12 June 18.

⁴Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices for 2017—China (Includes Tibet, Hong Kong, and Macau),” 20 April 18; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 20-22; Office of the U.S. Trade Representative, “2017 Report to Congress on China’s WTO Compliance,” January 2018, 147; Freedom House, “Freedom in the World 2018—China,” last visited 21 April 18; China Labour Bulletin, “China’s Trade Unions Need To Stop Making Excuses and Start Looking for Solutions,” 23 October 17; China Labour Bulletin, “Construction Site Accident Highlights Need for Effective Trade Union Presence in the Workplace,” 10 October 17; Patricia Chen and Mary Gallagher, “Mobilization Without Movement: How the Chinese State ‘Fixed’ Labor Insurgency,” *ILR Review*, 20 February 18, 6.

⁵“Wang Dongming Elected China’s Trade Union Chief,” Xinhua, 23 March 18; International Trade Administration, U.S. Department of Commerce, “China’s Status as a Non-Market Economy,” A-570-053, 26 October 17, 21.

⁶Introduction to Vice-Chairpersons, Secretary-General of 13th NPC Standing Committee,” Xinhua, 18 March 18.

⁷“Wang Dongming Elected China’s Trade Union Chief,” Xinhua, 23 March 18.

⁸Introduction to Vice-Chairpersons, Secretary-General of 13th NPC Standing Committee,” Xinhua, 18 March 18.

⁹China Labour Bulletin, “Labour Relations FAQ,” last visited 20 May 18. See also Wang Jiansong, “A Six-Day Strike in Shanghai Caused by a \$110 Pay Cut—Collective Action by Sanitation Workers in China’s ‘New Era’ of Stability Maintenance,” *China Change*, 13 April 18.

¹⁰International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, 4 July 50, arts. 2, 3, 5. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, paras. 3, 16-17, 54, 57.

¹¹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4).

¹²International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 13 July 18. China has signed but not ratified the ICCPR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55.

¹³International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 8.1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 13 July 18. China has signed and ratified the ICESCR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55; China Labour Bulletin, “China Trade Unions Need To Stop Making Excuses and Start Looking for Solutions,” 23 October 17.

¹⁴PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, amended and effective 27 August 09, arts. 16-35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 51-56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 6, 20.

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¹⁵ PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, amended and effective 27 August 09, art. 33; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 6, 51, 56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 6, 20; China Labour Bulletin, “Labour Relations FAQ,” last visited 20 May 18. Article 33 of the PRC Labor Law notes that “In an enterprise that has not yet set up a trade union, such contracts shall be signed by and between representatives recommended by workers and the enterprise.”

¹⁶ China Labour Bulletin, “Labour Relations FAQ,” last visited 20 May 18; China Labour Bulletin, “Release Worker Representative Fu Tianbo and Resume Collective Bargaining at FAW-Volkswagen,” 13 November 17.

¹⁷ Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 57. See also Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 9, 12.

¹⁸ International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-Up, 18 June 98, art. 2(a). Article 2 of the ILO Declaration on Fundamental Principles and Rights at Work states that “all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining . . .” International Labour Organization, “China,” NORMLEX Information System on International Labour Standards, last visited 13 July 18. China became a member of the ILO in 1919.

¹⁹ See, e.g., Jude Howell, “Shall We Dance? Welfarist Incorporation and the Politics of State-Labor NGO Relations,” *China Quarterly*, Vol. 223 (September 2015), 709; Anthony J. Spires et al., “Societal Support for China’s Grass-Roots NGOs: Evidence From Yunnan, Guangdong and Beijing,” *China Journal*, Vol. 71 (2014), 66–67. Spires et al. note that grassroots NGOs have “emerged largely only over the past decade.”

²⁰ Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 2, 15; Anita Chan et al., “Interpreting Chinese Labour: Informalisation or Empowerment?” in *Made in China Yearbook 2016: Disturbances in Heaven*, eds. Ivan Franceschini et al. (Canberra: Australian National University Press, February 2017), 37; Diana Fu, “Disguised Collective Action in China,” *Comparative Political Studies*, Vol. 50, Issue 4 (March 2017), 506–07; Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, Asia Research Institute, Asia Dialogue, 17 October 16.

²¹ Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 9, 12; Eli Friedman, “Collective Bargaining in China Is Dead: The Situation Is Excellent,” in *Made in China Yearbook 2017: Gilded Age*, eds. Ivan Franceschini and Nicholas Loubere (Canberra: Australian National University Press, 2018), 57.

²² Freedom House, “Freedom in the World 2018—China,” last visited 21 April 18, sec. E3; Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 121.

²³ PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities in Mainland China [Zhonghua renmin gongheguo jingwai feizhengfu zuzhi jingnei huodong guanli fa], passed 28 April 16, effective 1 January 17; Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 2.

²⁴ Anita Chan, “The Relationship Between Labour NGOs and Chinese Workers in an Authoritarian Regime,” *Global Labour Journal*, Vol. 9, Issue 1 (January 2018), 3–5, 7, 8, 15; Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 115. See also Kenneth Roth, “The Great Civil Society Choke-Out,” *Foreign Policy*, 27 January 16.

²⁵ Ivan Franceschini and Elisa Nesossi, “State Repression of Chinese Labor NGOs: A Chilling Effect,” *China Journal*, No. 80 (July 2018), 127.

²⁶ *Ibid.*, 119.

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¹²⁸“The First Pneumoconiosis Doctor Criminal Case in China: Differences in Reading X-ray Slides Considered Seriously Irresponsible and a Crime,” [Quanguo shouli chen feibing yisheng xingshi an: du pian chayi bei shiwei yanzhong bu fuze er dingzui], Observer, 20 June 18; Alice Yan, “Chinese Doctors Accused of Wrongly Diagnosing Hundreds of Workers With Black Lung Disease,” South China Morning Post, 23 June 18; China Labour Bulletin, “Three Doctors Detained for Allegedly Misdiagnosing Occupational Diseases,” 21 June 18.

¹²⁹Alice Yan, “Chinese Doctors Accused of Wrongly Diagnosing Hundreds of Workers With Black Lung Disease,” South China Morning Post, 23 June 18. See also “The First Pneumoconiosis Doctor Criminal Case in China: Differences in Reading X-ray Slides Considered Seriously Irresponsible and a Crime,” [Quanguo shouli chen feibing yisheng xingshi an: du pian chayi bei shiwei yanzhong bu fuze er dingzui], Observer, 20 June 18.

¹³⁰Alice Yan, “Chinese Doctors Accused of Wrongly Diagnosing Hundreds of Workers With Black Lung Disease,” South China Morning Post, 23 June 18. See also “The First Pneumoconiosis Doctor Criminal Case in China: Differences in Reading X-ray Slides Considered Serious Irresponsibility and a Crime,” [Quanguo shouli chen feibing yisheng xingshi an: du pian chayi bei shiwei yanzhong bu fuze er dingzui], Observer, 20 June 18.

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¹³³Ibid., 8, 36.

¹³⁴China Labor Watch, “Amazon Profits From Secretly Oppressing Its Supplier’s Workers: An Investigative Report on Hengyang Foxconn,” 10 June 18, 3.