

VII. Worker Rights

WORKER RIGHTS

Findings

- The recorded number of strikes and labor protests in the People's Republic of China (PRC) increased in 2023 for the first time since the peak of a “strike wave” that ended in 2016. The increase can primarily be attributed to the demand for money owed for back wages. A slowing economy has led to factory closures, causing bosses to leave without paying out back wages. This has contributed to a tenfold increase in the number of factories that experienced strikes between 2022 and 2023. Construction workers were denied pay as a tightening in the housing market led to the closure of or slowdown of work at construction sites. Police continued to suppress strike activity after being called in to disrupt at least 181 strikes in 2023.
- China's repression against labor rights activists has continued. In June of 2024 a court in Guangzhou municipality, Guangzhou province sentenced labor rights activist **Wang Jianbing** to three years and six months in prison. Additionally, in the first half of 2023, police were called in to 82 strikes, and detained workers at 7 of the strikes. The continued harassment of whistleblowers such as **Lu Yuyu** and **Tang Mingfeng**, even after their release from prison, highlighted the difficulties faced by those who try to tell the truth about labor conditions in China.
- A system of normalized forced overtime among white-collar workers persisted despite China officially having an eight-hour workday, with the workweek not allowed to exceed 44 hours. In the technology industry, workers are expected to participate in an overtime practice referred to as “996,” from 9 a.m. to 9 p.m., six days a week. This overtime practice dovetails with age discrimination, as workers over 35 are perceived as unable to handle these long hours and are therefore subject to hiring discrimination.
- Inequality continues to be systematized through the *hukou* or household registration system. Urban *hukou* holders continue to be able to access considerably more benefits than rural *hukou* holders and migrant workers. In December 2023, the World Bank released a report that documented the unequal treatment of rural and urban residents when it comes to access to pensions sufficient to maintain a worker during retirement.
- The PRC continues to deny its workers the right to unionize. The official, party-controlled union, the All-China Federation of Trade Unions (ACFTU), continues to be the sole representative of workers. In 2023, the ACFTU held its 18th Congress, during which it signaled further consolidation and centralization under the leadership of Party General Secretary Xi Jinping.

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Introduction

During the 2024 reporting year, the Commission observed the suppression of internationally recognized worker rights in China, as they pertain to wage workers, salaried workers, and workers paid piece rates. In 2023, strikes were at their highest number since 2016, even as the government continues to crack down on labor rights activity and labor activists. The inequalities of the *hukou* system continued to plague rural workers and migrant workers. Recent research confirmed ongoing labor abuses in the electronics sector. The 18th National Congress of China's Communist Party-led labor union, the All-China Federation of Trade Unions (ACFTU), signaled a shift in policy that is unlikely to address workers' concerns. Continued abuses in the gig worker economy as well as excessive and uncompensated overtime were documented by both activists and workers.

Worker Strikes and Protests

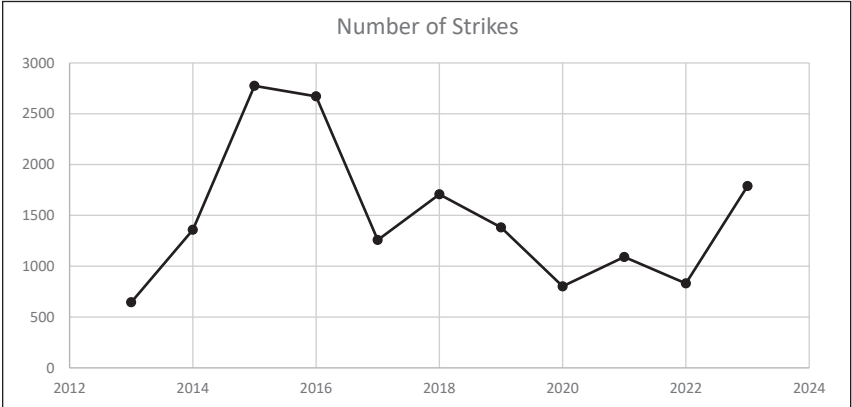
STRIKES AND LABOR PROTESTS INCREASE DESPITE CONTINUED SUPPRESSION

The right to strike has “in effect become part of customary international law,” and “is an intrinsic corollary of the fundamental right of freedom of association,”¹ a freedom protected by Article 35 of China's Constitution.² Though striking is not formally prohibited in China, workers have been prosecuted for participating in strikes, often under the criminal charge of “disturbing public order” or “picking quarrels and provoking trouble.”³ Authorities detained workers in 7 work-related protests and strikes, out of the 181 reported labor actions where public security personnel were called in throughout 2023.⁴ China Labour Bulletin (CLB), a Hong Kong-based nongovernmental organization (NGO) that compiles data on worker actions collected from traditional news sources and social media, reported that in the first half of 2023 police were called in to face striking workers 82 times, a significant increase from the 49 instances in the previous year, with 7 of those instances resulting in the detention of workers.⁵ CLB cautions that their reporting on the resolution of strikes is incomplete given difficulties with the availability of information.⁶ CLB estimates that its database only collects roughly 5 to 10 percent of all incidents.⁷ The Chinese government does not publicly report on the number of worker strikes and protests, making it difficult to obtain comprehensive information on worker actions.⁸ Rights organizations, however, documented an increase in labor actions during this reporting year.⁹

CLB found that the total number of strikes and labor actions recorded in 2023 in China surpassed the number recorded per year over the previous five years,¹⁰ with the trend of increased labor actions continuing into the first quarter of 2024.¹¹ In other words, in 2023, strike actions exceeded levels that were recorded previous to and during the COVID-19 pandemic, though they have not reached the levels recorded during China's last “strike wave” that ended in 2016.¹² The year 2016 was the last time that CLB recorded a

number higher than 2023's 1,789 strikes, when the organization recorded 2,671 strikes on its Strike Map.¹³ A China labor rights expert speculated that the drop in reported labor actions after 2016 may be linked to increased internet censorship and the detention of two labor rights activists who had been chronicling labor actions.¹⁴ Freedom House's *China Dissent Monitor* (CDM) also documented an uptick in labor related unrest in 2023.¹⁵ The number of labor strikes and protests in the fourth quarter of 2023 was more than three times the number from the same quarter in 2022, with CDM recording a total of 607 labor actions in the fourth quarter of 2023 compared to 182 during the same period in 2022.¹⁶ There has long been an uptick in strike activity around the Lunar New Year, as workers seek to return home with their earnings.¹⁷ The number of protests over unpaid wages that took place before the Lunar New Year doubled in 2024.¹⁸

NUMBER OF STRIKES PER YEAR 2013–2023¹⁹



Data from China Labour Bulletin. Graph by CECC.

Labor Actions by Sector

WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR BASED ON CHINA LABOUR BULLETIN'S (CLB) STRIKE MAP²⁰

Year	Manufacturing	Construction	Logistics & Transportation	Services	Other	Total Number Documented
2023	24% (438)	53% (945)	6% (115)	12% (208)	5% (88)	1,789
2022	4.5% (37)	48% (399)	21.5% (179)	21% (174)	4.9% (41)	830
2021	6.0% (66)	38.4% (420)	33.6% (368)	14.4% (158)	7.5% (82)	1,094
2020	10.9% (87)	44.8% (358)	19.5% (156)	18% (144)	6.9% (55)	800
2019	13.8% (191)	42.8% (593)	12.3% (171)	23.0% (319)	8.0% (111)	1,385

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- **Construction workers.** The construction industry saw the largest number of strikes and protests, accounting for 53 percent of those documented by CLB.²¹ The financial troubles in China's real estate sector have tightened budgets in the construction industry and caused construction companies to pause their operations, leaving many workers with unpaid back wages and without adequate work.²² *Bloomberg* reported that construction workers and homeowners who have protested against the property companies for pausing construction and not paying wages complain of having been put under police surveillance.²³
- **Manufacturing workers.** The manufacturing industry saw the second-highest number of strikes, with 24 percent of the total, a more than tenfold increase compared to 2022.²⁴ Labor researchers Simon Han and Jessica Song attribute the uptick in workers' response to a rise in the number of factory closures and employers' attempts to stealthily move factories without paying legally mandated severance, a practice that is referred to on Douyin, the Chinese version of TikTok, as "bosses running away."²⁵
- **Auto workers.** This reporting year has also seen the highest number of strikes in the auto industry since 2015.²⁶ Competition among Electric Vehicle (EV) producers, coupled with the elimination of subsidies for EV production, as well as lowered profits, has led many EV companies, especially lower-tier EV companies, to halt production and withhold wages and benefits from workers.²⁷ In higher-tier factories, workers' wages dropped while their workload increased, leading to widespread dissatisfaction.²⁸ At the same time, many lower-tier factories shut down, leading to protests and labor actions over back pay.²⁹
- **Transportation workers.** In 2023, there were also numerous labor actions involving taxi drivers and other parts of the transportation and logistics sector.³⁰ Taxi drivers' grievances have included competition with ride-hailing services, high gas prices, low base fares, and the right to manage and own their own taxis.³¹ Officially mandated upgrades, such as a transition to EVs, have also driven discontent.³²

Continued Suppression of Labor Rights Advocates

During this reporting year, the Commission continued to observe the PRC authorities' suppression of worker representation and independent labor advocacy, which has left little space for workers to organize, express their grievances, or negotiate satisfactory remedies.³³ On June 14, 2024, the Guangzhou Municipal People's Court in, Guangzhou municipality, Guangdong province, sentenced **Wang Jianbing**,³⁴ a labor rights advocate, to three years and six months in prison, a fine of 50,000 yuan (US\$6,900), and three years' deprivation of political rights on the charge of "inciting subversion of state power."³⁵ The U.N. Working Group on Arbitrary Detention had previously deemed Wang to be arbitrarily detained.³⁶ According to a June 2024 article from the *Washington Post*, Wang's detention is one of several examples of the PRCs growing crackdown on individuals who have participated in peaceful activism in China's civil society.³⁷

The case of **Lu Yuyu**³⁸ illustrates the ongoing forms of harassment and intimidation of labor rights advocates following their release from detention, a condition that has been referred to as “non-release release.”³⁹ Authorities in Dali Bai Autonomous Prefecture, Yunnan province, detained Lu Yuyu in June 2016 and subsequently sentenced him to four years in prison in connection with his efforts to document the activities of striking workers.⁴⁰ A May 2024 *Wall Street Journal* article detailed instances of PRC authorities harassing him after his release in 2020, including pressuring his landlord to ask him to move and preventing him from leaving the country by imposing an exit ban and restricting him from successfully obtaining a passport.⁴¹ In May 2023, Lu secretly left China by traveling through Laos and Thailand.⁴²

Additionally, a December 2023 *Financial Times* piece highlighted the difficulties faced by Chinese whistleblower **Tang Mingfang**,⁴³ who exposed the use of illegal labor practices at a Foxconn factory producing Amazon products in Hengyang municipality, Hunan province.⁴⁴ Authorities detained him in 2019 after he reported the abuse to the U.S.-based labor rights NGO China Labor Watch (CLW), and a district court in Hengyang subsequently sentenced him to two years in prison for allegedly “leaking confidential company information.”⁴⁵ Since his release in 2021, Tang’s job prospects have been limited and his efforts to appeal his case have been stymied because domestic lawyers are reportedly hesitant to take on his case due to its political sensitivity.⁴⁶

Hukou System Continues to Exacerbate Migrant Worker Precarity

During this reporting year, China’s slowing economy reduced opportunities for migrant workers and exacerbated the inequalities of the *hukou*, or household registration system.⁴⁷ The *hukou* system creates a separate and unequal labor scheme that deprives rural residents and migrant workers of rights enjoyed by those who possess an urban *hukou*.⁴⁸ This is because one’s *hukou* determines whether they will have access to a full set of benefits, including healthcare and education for their children.⁴⁹ An expert on market reform in China referred to the modern *hukou* system as “apartheid with Communist Party characteristics,” because of the ways that government-issued *hukou* bifurcates the labor force.⁵⁰ The Commission observed reports of continued bifurcation between urban and rural *hukou* holders, despite attempts at reform.⁵¹

The right to equality before the law is codified in both Chinese and international law.⁵² In China, however, the household registration system dictates that people’s access to legally defined⁵³ rights and privileges is linked to the *hukou* that they hold.⁵⁴ One is granted a *hukou* based on their place of birth or their parents’ place of birth.⁵⁵ Though it is possible to change one’s *hukou*, the system is rigid and often makes it nearly impossible for ordinary migrant workers to acquire a *hukou* in the cities in which they dwell.⁵⁶

A December 2023 report by the World Bank documented the enduring effects of the *hukou* system on those with urban *hukou* and those with rural *hukou*, many of whom reside in urban areas.⁵⁷ In 2022, 86 percent of workers paid into one of two pension schemes.⁵⁸ According to the World Bank, urban workers in the private sector

are required to participate in the Urban Worker Pension Scheme (UWPS), while the Rural-Urban Resident Scheme (RURS) is voluntary and covers rural migrants and others.⁵⁹ Roughly half of workers who contributed to a pension scheme contributed to the UWPS, which pays out on average 3,605 yuan (approximately US\$500) per month, which is about 41 percent of an average urban worker’s salary, or roughly on par with the rate paid by average retirement plans in the U.S. and Canada.⁶⁰ The RURS, however, pays on average 205 yuan (approximately US\$30) per month, 12 percent of a rural resident’s income, an amount lower than China’s poverty line.⁶¹

In May 2024, *Reuters* published an investigation into the lives of elderly workers in the PRC who do not earn enough through their pensions to survive and cannot rely on children to pay for their living expenses.⁶² The investigation found that people with a rural *hukou* living in urban areas, who cannot survive on their very low rural pensions, work past retirement age, collect recyclable waste for small sums a day, or work 13-hour shifts in a shopping mall.⁶³ *NPR* reporters found similar stories when they interviewed older construction workers who lived in urban areas but held a rural *hukou*.⁶⁴ Though the interviewees had lived and worked in Beijing and the surrounding areas for decades, they had not been able to save for retirement.⁶⁵ The interviewees belonged to a generation of migrant construction workers who moved to cities with dreams of becoming part of the middle class and who have in many cases been left disappointed.⁶⁶

**Violations of Labor Rights in the Supply Chains
of Consumer Electronics**

During the 2024 reporting year, the Commission observed reports by CLW detailing evidence of abuse and labor rights violations in the supply chains of major consumer electronic products. Chinese factories investigated by CLW include:

- **Foxconn in Chengdu municipality, Sichuan province.** CLW conducted an on-site investigation of this Foxconn factory in Apple’s supply chain in June and July of 2023.⁶⁷ The in-depth investigation revealed illegal use of dispatch workers, bullying, sexual harassment, and mandatory overtime.⁶⁸
- **Pegatron Corporation in Kunshan city, Suzhou municipality, Jiangsu province.** Investigations into Apple’s second-largest Chinese supplier revealed the illegal use of dispatch workers, bullying, sexual harassment, and excessive use of overtime.⁶⁹ CLW conducted similar investigations in 2013 into three Pegatron factories, in Suzhou municipality, Jiangsu province, and Shanghai municipality,⁷⁰ and in 2015 into another Pegatron factory in Shanghai municipality.⁷¹ The 2023 investigation revealed no significant improvements in conditions since CLW’s first investigations a decade ago, calling into question Apple’s promises with regard to labor rights in their supply chains.⁷²

**Violations of Labor Rights in the Supply Chains
of Consumer Electronics—Continued**

- **BOE in Hefei municipality, Anhui province.** BOE Technology Group Co., Ltd.'s factory in Hefei, which supplies Dell, Lenovo, Huawei, and HP, was also the subject of an investigation by CLW.⁷³ CLW found hiring discrimination, illegal use of student interns, and excessive overtime.⁷⁴
- **Foxconn in Zhengzhou municipality, Henan province.** CLW also investigated Foxconn Zhengzhou, which processes and assembles approximately 70 percent of the global supply of iPhones. CLW found hiring discrimination, illegal overtime, and illegal use of student interns, among other labor violations.⁷⁵
- **Jabil Circuit Electronics Co., Ltd. in Guangzhou municipality, Guangdong province.** In the Jabil Circuit plant in Guangzhou that supplies HP, BMW, GoPro, and Tesla, CLW found hiring discrimination, excessive working hours and mandatory overtime for dispatch workers.⁷⁶
- **Foxconn in Taiyuan municipality, Shanxi province.** Foxconn Precision Industry Taiyuan Co., Ltd., which produces iPhones as well as BMW parts, discriminated in hiring and required excessive work hours, according to CLW.⁷⁷

CLW's investigations used posts made on the internet as a valuable source of documentation for both working conditions and incriminating language in job announcements.⁷⁸

*All-China Federation of Trade Unions: Rhetoric Emphasizes
Nationalism over Worker Rights*

The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted to represent worker rights under Chinese law.⁷⁹ Categorized as a “mass organization,” the ACFTU acts as an intermediary organization between the Party and workers⁸⁰ and is required to adhere to the leadership of the Party.⁸¹ The ACFTU has been criticized for not effectively representing workers' rights to employers⁸² and aligning itself with enterprise management rather than workers.⁸³

The 18th National Congress of the ACFTU was held in October 2023.⁸⁴ According to observers, Chinese state media coverage of the congress signaled that the ACFTU would be centering the Party's leadership and the “great rejuvenation of the Chinese people,”—a noticeable messaging shift from previous years, when rhetoric at the congress highlighted the centrality of workers' leadership in the Party.⁸⁵ Experts from China Media Project speculated that this is likely a sign of further marginalization of workers' demands, leaving an avenue for continued labor rights abuse.⁸⁶

Worker Rights in the Gig Economy

According to research cited by a state-run media outlet, one-fifth of China's workforce works in the gig economy, around 200 million people.⁸⁷ Official media describes employment in the gig economy, including work as food delivery drivers, live-streamers, couriers, and drivers for ride-hailing services, as “flexible employment.”⁸⁸ Many of

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these workers are subject to violations of international labor standards with regard to access to fair pay, employment contracts and agreements, pensions, and other insurance categories.⁸⁹ Around 40 percent of gig work in China takes place through outsourcing, meaning that gig workers are tied to a particular agency and distribution point.⁹⁰ Gig work involving driving also takes place through crowdsourcing where the driver has full autonomy over location and timing, their only relationship with the employer being virtual.⁹¹ During the reporting year, Chinese labor specialists argued that “strikes by outsourced couriers are surprisingly frequent but largely invisible to outsiders.”⁹² CLB documented seven strikes in 2023 that were launched by gig workers who drove for the platform Huolala.⁹³

996, Excessive Overtime, and Age Discrimination

Excessively long work hours continued to be a concern this reporting year, as underscored in part by multiple fatalities of young people that may be attributed to overwork. The Commission’s 2022 Annual Report documented long working hours among gig workers like food delivery workers and the tech sector’s white-collar employees, noting that public concern about the consequences of excessive overtime is widespread in China.⁹⁴ Article 36 of the PRC Labor Law provides that the workday should not exceed 8 hours and that the workweek may not exceed on average 44 hours per week.⁹⁵ Nevertheless, China’s white-collar tech industry is known for its “996” working hours, which refers to working 9 a.m. to 9 p.m., six days a week.⁹⁶

Beyond excessive and uncompensated overtime, “996” is associated with age discrimination.⁹⁷ Hiring managers prefer to hire younger workers because they want people who can dedicate very long hours to the company, and the perception is that people above 35 are likely to get married and dedicate time to their families.⁹⁸ As a result, many people over the age of 35 are unable to find new employment after having been terminated for age-related reasons.⁹⁹ In response to the long hours and other demands of working life in China, a culture of *tang ping*, or lying flat, has developed among the younger generation, including a group of well-educated young people who reject life in the big cities to live in more relaxed cities such as Dali, Yunnan.¹⁰⁰ [For more information on forced labor, see Chapter 18—Xinjiang Uyghur Autonomous Region. For more information on trafficking in persons, see Chapter 10—Human Trafficking. For more information on complicity of business in human right abuses, see Chapter 14—Business and Human Rights.]

Notes to Chapter 11—Worker Rights

¹Office of the U.N. High Commissioner for Human Rights, “U.N. Rights Expert: Fundamental Right to Strike Must Be Preserved,” March 9, 2017.

²中华人民共和国宪法 [PRC Constitution], passed and effective December 4, 1982, amended March 11, 2018, art. 35.

³U.N. Committee on Economic, Cultural and Social Rights, Third Periodic Report Submitted by China under Articles 16 and 17 of the Covenant, E/C.12/CHN/3*, August 5, 2020, para. 77; U.N. Committee on Economic, Social and Cultural Rights, Implementation of the International Covenant on Economic, Social and Cultural Rights, Second Periodic Reports Submitted by States Parties under Articles 16 and 17 of the Covenant—China, E/C.12/CHN/2, July 6, 2012, sec. 6 (Article 8, Trade union rights), para. 4; China Labour Bulletin, “Workers’ Rights and Labour Relations in China,” July 10, 2023; International Labour Organization, Interim Report—Report No. 392: Case No. 3184 (China), Complaint date February 15, 2016, October 2020, para. 493; International Federation for Human Rights (FIDH) and China Labour Bulletin, “Joint Submission for the Adoption of the List of Issues, China, to the United Nations Committee on Economic, Social, and Cultural Rights, 68th Session,” December 18, 2020, 7. See also International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8(1)(d); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed June 8, 2023. China signed and ratified the ICESCR on October 27, 1997, and March 27, 2001, respectively. For more on the charge “picking quarrels and provoking trouble,” see Jiajun Luo, “Picking Quarrels and Provoking Trouble 寻衅滋事,” *CMP Dictionary, China Media Project*, November 9, 2023.

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⁶China Labour Bulletin, “An Introduction to China Labour Bulletin’s Strike Map,” January 10, 2024.

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¹²China Labour Bulletin, “China Labour Bulletin Strike Map Data Analysis: 2023 Year in Review for Workers’ Rights,” January 31, 2024; Simon Han and Jessica Song, “The Return of Strikes in China,” *Asian Labour Review*, June 4, 2024; China Labour Bulletin, “After Years of Pandemic Anomalies, Worker Strikes and Protests Are on the Rise across Industries in China,” July 28, 2023.

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²⁴ China Labour Bulletin, “China Labour Bulletin Strike Map Data Analysis: 2023 Year in Review for Workers’ Rights,” January 31, 2024.

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⁴⁴ Yuan Yang, “He Blew the Whistle on Amazon. He’s Still Paying the Price,” *Financial Times*, December 7, 2023.

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Constitution explicitly guarantees that “[a]ll citizens of the People’s Republic of China are equal before the law.” This mirrors language in Article 7 of the Universal Declaration of Human Rights, which states “All are equal before the law.”

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⁷⁹ 中华人民共和国工会法 [PRC Trade Union Law], passed April 3, 1992, amended December 24, 2021, arts. 2, 10–12; International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, para. 149. The ACFTU is a mass organization founded in the legacy of Marxist-Leninist practice where what in liberal regimes would be the purview of an independent civil society is instead encompassed in an organization with a relationship to the Party, charged with steering a particular aspect of society. China does not allow the formation of independent trade unions that are not incorporated into the Party-affiliated All-China Federation of Trade Unions.

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