

## WORKER RIGHTS

*Freedom of Association*

The Chinese government's laws and practices continue to contravene international standards on freedom of association. The right to freely associate is identified as a fundamental labor right by the International Labour Organization (ILO) and is protected under international law, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.<sup>1</sup> Although China is a member of the ILO, Chinese labor law does not incorporate basic obligations relating to freedom of association as defined under international law.<sup>2</sup> Chinese workers are not free to form or join trade unions of their own choosing.<sup>3</sup> Organizing independent trade unions outside the structure of the state remains illegal, and authorities continue to suppress the work of independent labor rights groups.<sup>4</sup>

The All-China Federation of Trade Unions (ACFTU) remains the only legal trade union organization allowed under Chinese law.<sup>5</sup> The PRC Trade Union Law requires that all union activity be approved by and organized under the ACFTU, an organization under the direction of the Chinese Communist Party and government.<sup>6</sup> The ACFTU Constitution and the PRC Trade Union Law mandate that the ACFTU protect the legal rights and interests of workers while supporting the leadership of the Party and the broader goals and interests of the government.<sup>7</sup> Leading union officials hold concurrent high-ranking positions in the Party and government,<sup>8</sup> while enterprise-level union officials are frequently appointed by management, undermining union autonomy and giving employers influence over union policy and decisionmaking.<sup>9</sup> The ACFTU is reportedly the largest trade union organization in the world in terms of members, with a reported 290 million members at the end of 2014.<sup>10</sup>

*Collective Bargaining*

Collective bargaining in China remains limited in both law and practice. A series of provisions found in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law together provide a legal framework for negotiating collective contracts and some process of collective consultation between employers and workers.<sup>11</sup> Under this framework, workers and employers can negotiate collective contracts on a range of work-related issues, with the trade union specified as the principal negotiator and representative of workers.<sup>12</sup> In addition to national law, 29 of 31 provincial-level governments have issued regulations on collective negotiations.<sup>13</sup> Several central government officials have criticized inadequacies in national labor laws, indicating that provisions related to collective bargaining lack substance and are ineffective in requiring employers to negotiate with workers.<sup>14</sup>

Additionally, the limitations of trade unions in representing workers' interests make genuine collective bargaining difficult, if not unattainable.<sup>15</sup> Many enterprise-level trade unions remain subject to undue influence by employers, while higher level trade unions continue to be subordinate to the interests of national and provincial Party and government authorities.<sup>16</sup> Top-down bench-

marks issued by the central government and ACFTU on quantifiable rates for concluded collective contracts have also led enterprises to enter into agreements that either reflect minimum legal labor standards or fail to be implemented after signing.<sup>17</sup>

*Civil Society and Labor Non-Governmental Organizations*

Throughout the 2015 reporting year, labor non-governmental organizations (NGOs) and independent labor rights advocates reported increased harassment and intimidation. Labor NGOs have long worked under uncertain conditions, with many groups forced to operate informally due to their inability to officially register with the authorities.<sup>18</sup> Yet a number of labor advocates described the scope and intensity of the pressure over the past year as unprecedented.<sup>19</sup> Concerns over “maintaining social stability” amid rising labor unrest have led authorities to use aggressive tactics to monitor and restrict the activities of labor advocates and NGOs.<sup>20</sup> Several NGOs shut down or significantly reduced their operations reportedly due to pressure from local authorities.<sup>21</sup> In one example, police harassment forced the Chunfeng Labor Dispute Service Center in Shenzhen municipality, Guangdong province, to move its offices 13 times in 2014.<sup>22</sup>

Labor NGOs and advocates also reported numerous cases in which individuals faced heightened surveillance,<sup>23</sup> harassment,<sup>24</sup> and detention<sup>25</sup> as a result of their work. Authorities in Guangzhou municipality, Guangdong, criminally detained labor advocate Liu Shaoming on suspicion of “picking quarrels and provoking trouble” on May 30, 2015, reportedly due to his advocacy and efforts to organize a labor NGO, and formally arrested him on unknown charges on July 14.<sup>26</sup> Of particular concern, labor advocates have increasingly been subject to violent attacks.<sup>27</sup> The Commission observed reports of at least eight attacks against labor advocates or NGO offices since October 2014.<sup>28</sup> In several of these incidents, local authorities reportedly failed to investigate or solve the crimes.<sup>29</sup> In one case, a group of unidentified men abducted labor advocate Peng Jiayong outside a police station in Zhongshan municipality, Guangdong, severely beat him, and later abandoned him in the countryside.<sup>30</sup>

Domestic labor NGOs’ and advocates’ ties to foreign organizations were reportedly of particular concern to authorities throughout the past reporting year. In November 2014, authorities in Guangzhou closed the International Center for Joint Labor Research (ICJLR)—established in 2010 by the University of California, Berkeley, and Sun Yat-sen University in Guangzhou—without specific reason.<sup>31</sup> The ICJLR hosted local and foreign researchers studying industrial relations in China and organized academic forums on labor-related issues.<sup>32</sup> According to Chinese academics and others, the ICJLR’s closure came amid authorities’ growing concern over foreign influence on Chinese universities and civil society.<sup>33</sup> Other labor NGOs and advocates also reported facing pressure from authorities for accepting foreign funding.<sup>34</sup> In March 2015, Vice Chairman and Party Secretary of the ACFTU Li Yufu stated that “overseas hostile forces” were increasingly “attempting to wreck the solidarity of the working class and trade union unity with the help of some illegal labor ‘rights defense’ organizations

and ‘rights defense’ activists.”<sup>35</sup> Measures that went into effect in Guangzhou in January 2015 and a draft PRC Overseas NGO Management Law released in April 2015 may intensify scrutiny of domestic NGOs that receive foreign funding.<sup>36</sup> [For more information on the January 2015 Guangzhou Measures and the draft PRC Overseas NGO Management Law, see Section III—Civil Society.]

### *Child Labor*

Child labor continues to be a problem in China despite the existence of legal measures prohibiting its practice. As a member of the International Labour Organization (ILO), China has ratified the two core conventions on the elimination of child labor.<sup>37</sup> The PRC Labor Law and related legislation also prohibit the employment of minors under 16, and national legal provisions prohibiting child labor stipulate fines and other punishments for employing children.<sup>38</sup> Systemic problems in implementation and enforcement of the law, however, have hindered the effects of these legal measures.<sup>39</sup> Collusion between private businesses and local authorities reportedly continues to facilitate child labor.<sup>40</sup> In addition, a reported lack of government resources has hindered monitoring and oversight in the workplace.<sup>41</sup> In 2015, the ILO’s Committee of Experts on the Application of Conventions and Recommendations (CEACR) expressed “deep concern that, to date, not a single case of child labour has been found [by government regulators], despite the Government’s indication that its labour inspectors conduct routine visits and inspections.”<sup>42</sup>

The overall extent of child labor remains difficult to assess due to a lack of data and official reporting on cases.<sup>43</sup> In 2015, the CEACR expressed concern over this lack of transparency and urged the Chinese government to “take necessary measures to ensure that sufficient up-to-date data on the situation of working children in China is made available . . .”<sup>44</sup> Chinese experts and media reports indicated child laborers work primarily in low-skill service sectors as well as in small workshops and businesses, including textile and electronics manufacturing enterprises.<sup>45</sup> In a December 2014 report, the U.S. Department of Labor reported it had “reason to believe” six categories of goods—bricks, cotton, electronics, fireworks, textiles, and toys—were being produced in China with child labor.<sup>46</sup> Chinese experts and judicial officials identified poverty and the low quality of education in rural areas as underlying factors contributing to child labor in China.<sup>47</sup> Increased labor shortages in recent years and a desire to cut down on labor costs were also reported to be motivating factors for hiring underage workers.<sup>48</sup>

Reports of child labor continued during the reporting year with a high-profile case surfacing at a factory in Guangdong province. A migrant worker, Li Youbin, reportedly died in November 2014 after regularly working 10- to 12-hour shifts at a factory that manufactured shoes in Dongguan municipality, Guangdong.<sup>49</sup> Li was only 13 years old when the factory hired him and at the time of his death.<sup>50</sup> Southern Metropolitan Daily reported a labor dispatch agency provided Li with false identity documents to obscure his real age,<sup>51</sup> a problem authorities have acknowledged is widespread.<sup>52</sup>

*Student Labor in Work-Study Programs*

The expansion of internship programs for vocational school and college students in recent years increased attention to the misuse of student labor through work-study programs. The Ministry of Education reported in October 2014 that 10 million vocational school students participate in internships each year in China.<sup>53</sup> The PRC Education Law and related legislation support the establishment of work-study and other vocational programs provided they contain educational content and do not negatively affect the safety and health of students.<sup>54</sup>

Reports throughout the 2015 reporting year, however, found student workers engaged in industrial and service sector internships that did not meet these standards and often violated Chinese labor law.<sup>55</sup> Chinese experts and media reports indicate that student interns often work for substandard wages in internships largely lacking educational or vocational content.<sup>56</sup> A survey published in September 2014 by the ILO and the China National Textile and Apparel Council found that 52 percent of student interns working in the textile and apparel industries worked under conditions that did not meet minimum Chinese labor standards, and in some circumstances constituted forced labor.<sup>57</sup> The survey found that in other cases, students worked full and overtime schedules under hazardous conditions.<sup>58</sup> An October 2014 report by the Ministry of Education found that for every 100,000 students engaged in internships, around 78 students on average were injured and 4 died.<sup>59</sup> In December 2014, Vice Minister of Education Lu Xin criticized the practice of vocational schools sending underage students to perform internships at low-end enterprises as a violation of Chinese labor law, saying that “it is never permitted for vocational students to be used as child labor.”<sup>60</sup> Although student workers are not explicitly excluded from protection under Chinese labor law, the absence of specific legal provisions addressing student workers has been cited as a reason for continued violations.<sup>61</sup>

*Social Insurance*

Chinese workers continue to face significant challenges obtaining social insurance benefits, despite progress made in recent years expanding insurance coverage nationwide.<sup>62</sup> The PRC Social Insurance Law provides all workers with the right to social security by requiring employers to enroll their employees in five social insurance schemes, including basic pension insurance, medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance.<sup>63</sup> The failure of employers to purchase insurance for workers or provide regular insurance contributions, however, remains widespread.<sup>64</sup> An October 2014 study published by a group of Chinese labor experts found that none of the five factories examined in their investigation had purchased pension insurance for their workers as required by law.<sup>65</sup> Labor experts and advocates have cited ineffective punitive measures, as well as collusion between local authorities and businesses, as underlying causes for employers’ noncompliance with the law.<sup>66</sup> Moreover, government policies in some instances have allowed employers to delay insurance contribution payments.<sup>67</sup> A government policy introduced dur-

ing the 2008 financial crisis allowed employers to delay insurance payments for up to six months.<sup>68</sup> Authorities reportedly never formally rescinded this policy, and the practice continues in some areas, including in the Guangxi Zhuang Autonomous Region and Shanxi and Zhejiang provinces.<sup>69</sup>

Migrant workers in particular continue to lack social insurance coverage. The National Bureau of Statistics of China indicated in 2015 that a minority of migrants had pension insurance (16.7 percent), medical insurance (17.6 percent), work-related injury insurance (26.2 percent), unemployment insurance (10.5 percent), and maternity insurance (7.8 percent).<sup>70</sup> Migrants also continue to have trouble transferring insurance when moving and in some instances faced restrictions filing claims for insurance compensation.<sup>71</sup> Labor experts have raised concerns specifically over the lack of pension insurance, as an estimated 40 million migrant workers over the age of 50 approach retirement age.<sup>72</sup> Throughout the 2015 reporting year, these older workers were at the forefront of protests demanding insurance payments.<sup>73</sup>

#### *Wages*

Disposable income and absolute wage levels reportedly increased in China during this reporting year. The National Bureau of Statistics of China reported the national per capita disposable income in 2014 was 20,167 RMB (US\$3,300), an increase of 10.1 percent from 2013.<sup>74</sup> Monthly minimum wage levels also increased in 2014, with state media reporting a 14.1-percent average rise in minimum wages in 19 provincial-level areas.<sup>75</sup> As of April 2015, the Commission observed an increase in monthly minimum wages in 11 provincial-level areas at an average of 10 percent for 2015.<sup>76</sup> Structural changes in China's labor market, in particular a decline in the working age population, as well as an increasingly assertive workforce, have in part driven wage increases in recent years.<sup>77</sup>

The growth in wage levels, however, has slowed in recent years. A comparison of minimum wage growth between 2011 and 2015 shows that the rate of growth declined over the past five years, from an average increase of 22 percent in 2011 to 20 percent in 2012, 17 percent in 2013, 14 percent in 2014, and around 10 percent as of April 2015.<sup>78</sup> Chinese and international labor experts indicate slowing economic growth, declining business profits, and economic restructuring have all contributed to lower wage growth and will likely continue to do so in the near future.<sup>79</sup> Moreover, minimum wage growth in some areas has reportedly failed to achieve targets outlined in the 12th Five-Year Plan on Employment Promotion issued in 2011, which calls for minimum wage levels to increase by an average of 13 percent per year and reach 40 percent of the average wage in each region by 2015.<sup>80</sup> Current data indicates that minimum wage levels in many cities are less than the 40 percent target and remain generally insufficient to cover basic living expenses.<sup>81</sup>

As wage level growth has declined, income inequality between industrial sectors and groups of workers has been increasing.<sup>82</sup> In a study published by the International Monetary Fund in March 2015, the top fifth of earners in China accounted for 47 percent of total income while the bottom fifth accounted for less than 5 per-

cent, making China “one of the most unequal countries in the world.”<sup>83</sup>

#### *Wage Arrears and Non-Payment of Wages*

Wage arrears and the non-payment of wages remain significant problems, particularly for migrant workers. The Ministry of Human Resources and Social Security (MOHRSS) reported that labor authorities handled a total of 228,000 cases involving wage violations in the first 11 months of 2014, an increase of 7 percent from 2013.<sup>84</sup> Chinese and international media indicate deteriorating business conditions have made wage arrears especially common in the construction and manufacturing industries, where widespread use of subcontracting and tightening credit controls have caused the delay or non-payment of wages.<sup>85</sup> Vice Minister of the MOHRSS Qiu Xiaoping cited wage arrears as a primary factor prompting labor-related conflict in the past year, and labor experts predict wage arrears could become more common as economic growth continues to slow.<sup>86</sup>

Throughout the 2015 reporting year, protests by workers over wage arrears remained widespread, particularly in the weeks prior to the Chinese Lunar New Year holiday.<sup>87</sup> Use of violence by law enforcement and security personnel, and criminal syndicates, to suppress worker-led wage arrears protests is common, according to Chinese labor experts and advocates.<sup>88</sup> A February 2015 report published by a Chinese non-governmental human rights organization documented 63 cases between February 2014 and January 2015 in which authorities used violence to suppress workers protesting over wage arrears, causing the deaths of at least four workers.<sup>89</sup> In a case that attracted wide public attention, police beat to death female migrant worker Zhou Xiuyuan in December 2014 amid a dispute over unpaid wages at a construction site in Taiyuan municipality, Shanxi province.<sup>90</sup> Authorities tried the three police officers involved in the incident in May 2015.<sup>91</sup> In March 2015, Premier Li Keqiang indicated in the government’s annual work report that authorities would “deal with the ‘missing’ or delayed wages of migrant workers.”<sup>92</sup> Regulations released by the MOHRSS in December 2014 aim to streamline procedures for investigating and prosecuting cases of wage arrears.<sup>93</sup> Employers who fail to pay workers are already subject to criminal punishment under a provision in the 2011 amendment to the PRC Criminal Law,<sup>94</sup> yet few cases have been prosecuted.<sup>95</sup>

#### *Occupational Health and Safety*

Workers in China continue to be exposed to a variety of occupational safety and health risks. The director of the International Labour Organization’s China and Mongolia office stated that “China is likely to continue to face major [occupational safety and health] challenges” as the country’s industrial and urban landscape changes.<sup>96</sup> High-risk industries such as mining and chemical manufacturing still constitute a major part of the economy, while emerging industries present new challenges for workplace safety.<sup>97</sup> Amid slowing economic growth, government officials found some enterprises have reduced investment in workplace safety or low-

ered safety standards in order to attract business.<sup>98</sup> Despite a measurable decrease in recent years in the number of officially reported workplace accidents and fatalities, substantial occupational hazards persist and industrial accidents and deaths remain “too high,” according to Yang Dongliang, former director of the State Administration of Work Safety (SAWS).<sup>99</sup> SAWS reported a total of 290,000 accidents and 66,000 deaths in 2014, a decrease from 2013 of 3.5 percent and 4.9 percent, respectively.<sup>100</sup> Officially reported accidents and deaths in the mining industry in 2014 declined by 16.3 percent and 14.3 percent, respectively,<sup>101</sup> although some experts have suggested the actual number of accidents and deaths could be higher due to underreporting and cover-ups by local government authorities and mining enterprises.<sup>102</sup>

Weak regulation and enforcement of health and safety standards remain significant problems due, in part, to a lack of adequate resources. A December 2014 State Council report on workplace safety found that only 54 percent of China’s 3,312 economic development zones had adequate safety supervision.<sup>103</sup> For example, the economic development zone in Kunshan municipality, Jiangsu province, was reported in 2015 to have only three safety regulators for over 4,000 enterprises.<sup>104</sup> In some cases, enterprises were found to be operating without proper licensing. For example, the State Council reported in 2014 that 3,840 mines were operating without necessary permits or were engaged in illegal mining activity.<sup>105</sup> Some employers also frequently ignore mandatory health and safety standards and take actions that put the health and safety of workers at risk.<sup>106</sup> Significant safety violations observed in the past reporting year included the following:

- **Excessive Overtime.** Excessive overtime in violation of Chinese labor law remained widespread.<sup>107</sup> A November 2014 report by Beijing Normal University estimated that 90 percent of enterprises nationwide violated legal limits on overtime.<sup>108</sup> A January 2015 investigation on working conditions at two textile factories in Guangdong province found that workers performed between 112 and 134 hours of overtime per month.<sup>109</sup> To supplement low base wages, workers often requested overtime, which encouraged employers’ noncompliance with overtime limits.<sup>110</sup>
- **Unsafe Working Environment.** Labor non-governmental organizations (NGOs) and Chinese and international media highlighted a variety of occupational health and safety risks Chinese workers faced in some industries, including unsanitary working conditions, exposure to hazardous materials, and poor air quality.<sup>111</sup> Basic personal protection equipment was often inadequate or absent.<sup>112</sup> A March 2015 media investigation found that several textile factories in Guangdong used sandblasting in the production of jeans, a dangerous manufacturing process that can cause the respiratory disease silicosis.<sup>113</sup> The investigation uncovered evidence that factories provided workers with little or no protective equipment when sandblasting and handling harmful chemicals.<sup>114</sup>
- **Lack of Safety Training.** Employers frequently failed to provide workers with legally mandated safety training.<sup>115</sup> A December 2014 State Council report on workplace safety found

that 70 percent of workers in the mining, construction, and fireworks industries did not receive required safety training.<sup>116</sup> An investigation into a November 2014 fire at a food processing plant in Shandong province found a lack of safety training and emergency drills had contributed to the deaths of 18 workers and injuries of 13 others.<sup>117</sup>

Occupational disease remains a significant and growing problem in China. Experts indicate that around 36 percent of workers in China are exposed to hazards in the workplace and that occupational hazards overall are increasing, particularly in small and medium enterprises.<sup>118</sup> Former Director of the State Administration of Work Safety Yang Dongliang stated in February 2015 that “large gaps” still exist in preventing occupational diseases.<sup>119</sup> Research published in April 2015 by a consortium of Chinese universities and government-led research centers found that the number of people suffering from occupational diseases in China, as well as the cumulative number of new cases and disease-related deaths, ranked among the highest in the world.<sup>120</sup> The Chinese Center for Disease Control and Prevention recorded 15,871 new occupational disease cases in the first eight months of 2014, although labor experts indicate the actual number of new cases each year is most likely much higher than official reports.<sup>121</sup> Limited government disclosure of occupational disease rates, cases concealed by employers and local authorities, and the failure of many workers to undergo medical examinations reportedly cause many cases to go unaccounted for and undiagnosed.<sup>122</sup>

Instances of the lung disease pneumoconiosis remain particularly high, with government experts indicating 10,000 new cases on average are recorded each year, and reportedly account for between 80 and 90 percent of all occupational disease cases in China.<sup>123</sup> State-run media reported a total of 720,000 pneumoconiosis sufferers in China, but an NGO that does research on the disease estimated a number closer to 6 million.<sup>124</sup> Chinese medical experts and government officials have cited weak government oversight and inadequate investment in occupational health services as two of the factors contributing to high rates of occupational disease in China.<sup>125</sup> Research from 2015 indicated basic occupational health services only covered 10 to 20 percent of workers nationwide, while there was also a serious shortage of occupational health service professionals.<sup>126</sup>

**Contract Labor: Firefighters**

During the past reporting year, the Commission observed that over-reliance on and abuse of contract and subcontract labor remained a problem across many industries,<sup>127</sup> including for public safety services such as firefighting.<sup>128</sup> The Ministry of Public Security reportedly employs approximately 130,000 official firefighters,<sup>129</sup> far fewer per capita than in other developing countries.<sup>130</sup> To cope with this shortage, local governments, public institutions, and enterprises throughout China employ approximately 113,000 contract firefighters in addition to those officially employed, according to government statistics from December 2014.<sup>131</sup> Contract firefighters reportedly receive low pay, few opportunities for advancement, insufficient training, and limited social insurance.<sup>132</sup> The adverse work conditions of contract firefighters pose serious hazards to both firefighters and the public. After a fire in Harbin municipality, Heilongjiang province, killed five firefighters in January 2015, a veteran Harbin firefighter stated that one of the deceased firefighters had been at the job for less than two months. Standard practice reportedly requires a year of training before being allowed to participate in firefighting,<sup>133</sup> but some new recruits are deployed after only a few months of training.

Such problems were seen in the case of a deadly chemical fire and explosions in Tianjin municipality on August 12, 2015.<sup>134</sup> Contract firefighters employed by the state-owned Tianjin Port Group were the first on the scene of the fire.<sup>135</sup> According to international and Chinese media reports, the contract firefighters attempted to extinguish the blaze with water because they were unaware that it was a chemical fire and had limited training on controlling such a fire.<sup>136</sup> Some experts indicated that water may have combined with the industrial chemicals to cause two massive explosions.<sup>137</sup> As of August 21, state-run media reported that 65 firefighters were among the 116 dead and 39 firefighters were among the 60 missing,<sup>138</sup> making it the deadliest incident for Chinese firefighters since 1949.<sup>139</sup> Reports that contract firefighters were omitted from the initial list of dead and missing persons raised concerns that the government would not recognize their sacrifices.<sup>140</sup> Premier Li Keqiang addressed such concerns during an inspection visit to Tianjin by stating that all the deceased firefighters “must be treated equally with the same burial treatment, honor and compensation.”<sup>141</sup>

### Notes to Section II—Worker Rights

<sup>1</sup>International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work, 18 June 98, art. 2; Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23; 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). China has signed, and stated its intent to ratify, the ICCPR.

<sup>2</sup>ILO Convention (No. 87) Freedom of Association and Protection of the Right to Organize, 4 July 1950. Article 2 of the ILO Convention on Freedom of Association and Protection of the Right to Organize stipulates that “workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.” PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 10–11. Article 10 of the PRC Trade Union Law establishes the All-China Federation of Trade Unions (ACFTU) as the “unified national trade union federation” and Article 11 mandates that all unions must be approved by the next higher-level union body, giving the ACFTU an absolute veto over the establishment of any local union and the legal authority to block independent labor associations. UN GAOR Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, Including Hong Kong, China and Macao, China, Adopted at Its 52nd Session (28 April–23 May 2014), 13 June 14, para. 23. Paragraph 23 of the concluding observations on the second periodic report of China by the UN Committee on Economic, Social and Cultural Rights expressed concern “that workers cannot freely exercise their right to form and join trade unions outside the option of the All-China Federation of Trade Unions.”

<sup>3</sup>PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 10–11. Article 10 of the PRC Trade Union Law establishes the All-China Federation of Trade Unions (ACFTU) as the “unified national trade union federation” and Article 11 mandates that all unions must be approved by the next higher level union body, giving the ACFTU an absolute veto over the establishment of any local union and the legal authority to block independent labor associations.

<sup>4</sup>Ibid.; “As Labor-Capital Disputes Increase Dramatically, Labor Groups Also Become Targets of Attack” [Laozi jiu fen juzeng laogong tuanti yi chengwei daji duixiang], Radio Free Asia, 30 December 14.

<sup>5</sup>PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 10–11.

<sup>6</sup>Ibid., arts. 9–12, 56; Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], adopted 26 September 03, amended 21 October 08, General Principles.

<sup>7</sup>Ibid., arts. 4–6; Ibid.

<sup>8</sup>For example, during the past year, ACFTU Chairman Li Jianguo was concurrently a member of the Political Bureau of the Communist Party Central Committee. See “Li Jianguo, All-China Federation of Trade Unions Chairman” [Li jianguo quanguo zong gonghui zhuxi], All-China Federation of Trade Unions, last visited 23 July 15. See also Manfred Elfstrom, “Whither China’s New Worker Militancy?” China Policy Institute Blog, 31 March 15; “Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti xieshang, zhineng “kanshangqu hen mei?”], Tencent, 23 April 15.

<sup>9</sup>Manfred Elfstrom, “Whither China’s New Worker Militancy?” China Policy Institute Blog, 31 March 15; “Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti xieshang, zhineng “kanshangqu hen mei?”], Tencent, 23 April 15; Jane Slaughter, “Review: Behind China’s Wildcat Strike Wave,” Labor Notes, Troublemakers (blog), 15 October 14.

<sup>10</sup>Lily Kuo, “The Company That Made Your iPhone Is Reluctantly Bringing Democracy to Chinese Labor,” Quartz, 22 September 14; Wang Jiaoping et al., “Looking Back To Have an Even Better Start” [Huimou, shi weile geng hao di chufa], Workers’ Daily, 26 December 14.

<sup>11</sup>PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, chap. 3, arts. 16–35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, effective 1 January 08, amended 28 December 12, chap. 5, secs. 1–2, arts. 51–67; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 6, 20.

<sup>12</sup>PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 6, 20; PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, chap. 3, arts. 16–35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, effective 1 January 08, amended 28 December 12, chap. 5, secs. 1–2, arts. 51–67.

<sup>13</sup>Chen Xiaoyan and Shen Gang, “Enact Legislation, Allow Workers Daring To Talk With Bosses Their Desire To Talk” [Lifa, rang zhi gong gan tan laoban yuan tan], Workers’ Daily, 9 March 15; Wang Kailei, “More and More Migrant Workers Brought Into China’s Union System” [Yuelai yue duo nongmingong bei naru zhongguo gonghui tixi], Xinhua, 12 November 14.

<sup>14</sup>Chen Xiaoyan and Shen Gang, “Enact Legislation, Allow Workers Daring To Talk With Bosses Their Desire To Talk” [Lifa, rang zhi gong gan tan laoban yuan tan], Workers’ Daily, 9 March 15; Chen Xiaoyan and Shen Gang, “Union Committee Members Offer Suggestions for Amending Labor Law” [Gonghui jie weiyuan zhizhao “laodong fa” xiugai], Workers’ Daily, 4 March 15.

<sup>15</sup>“Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti xieshang, zhineng “kanshangqu hen mei?”], Tencent, 23 April 15.

<sup>16</sup>Liu Jiaying, “Report States Migrant Workers’ Collective Action Pushes Forward Labor Union Reform” [Baogao cheng nongmingong jiti xingdong tuidong gonghui gaige], Caixin, 8 December 14; Manfred Elfstrom, “Whither China’s New Worker Militancy?” China Policy Institute Blog, 31 March 15; “Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti

xieshang, zhineng “kanshangqu hen mei”?), Tencent, 23 April 15; Jane Slaughter, “Review: Behind China’s Wildcat Strike Wave,” Labor Notes, Troublemakers (blog), 15 October 14. See also Chris King-Chi Chan and Elaine Sio-leng Hui, “The Development of Collective Bargaining in China: From ‘Collective Bargaining by Riot’ to ‘Party State-Led Wage Bargaining,’” *China Quarterly*, Vol. 216 (December 2013), 7.

<sup>17</sup>“Collective Wage Consultations, Can They Only ‘Look Nice?’” [Gongzi jiti xieshang, zhineng “kanshangqu hen mei”?), Tencent, 23 April 15. See also Chris King-Chi Chan and Elaine Sio-leng Hui, “The Development of Collective Bargaining in China: From ‘Collective Bargaining by Riot’ to ‘Party State-Led Wage Bargaining,’” *China Quarterly*, Vol. 216 (December 2013), 7.

<sup>18</sup>“Mainland Will Enact Law Overseeing Foreign NGOs, Civil Society Organizations More at Risk” [Dalu jiang lifa jianguan jingwai NGO minjian zuzhi geng kanyu], Radio Free Asia, 10 March 15.

<sup>19</sup>Andrew Jacobs and Chris Buckley, “In China, Civic Groups’ Freedom, and Followers, Are Vanishing,” *New York Times*, 26 February 15; Alexandra Harney, “China Labor Activists Say Facing Unprecedented Intimidation,” Reuters, 21 January 15; Mimi Lau, “Chinese Labour Activists ‘Increasingly Targets of Violent Attacks, Intimidation,’” *South China Morning Post*, 30 April 15.

<sup>20</sup>Anita Chan, “As Supply Drops, China’s Factory Workers Are Becoming More Restive,” *Yale Global Online*, 21 May 15.

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<sup>97</sup>*Ibid.* See also “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15; Chen Jing, “Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Early Warning System” [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], *China News Service*, 29 April 15.

<sup>98</sup>State Council, “State Council Report on Circumstances of Work Safety” [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14; “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>99</sup>Wang Yichen, “2014 National Work Safety Accidents and Death Toll Totals Decline 3.5 Percent and 4.9 Percent” [2014 nian quanguo anquan shengchan shigu shu he siwang renshu xiajiang 3.5% he 4.9%], *China Economic Net*, 27 January 15; “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>100</sup>State Administration of Work Safety, “2014 National Work Safety Review” [2014 nian quanguo anquan shengchan gongzuo huigu], 26 January 15; “State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>101</sup>State Administration of Work Safety, “2014 National Work Safety Review” [2014 nian quanguo anquan shengchan gongzuo huigu], 26 January 15.

<sup>102</sup>Michael Lelyveld, “China Cuts Coal Mine Deaths, but Count in Doubt,” *Radio Free Asia*, 16 March 15; Gao Yulong, “Coal Mine Conceals Reports of Deaths and Smuggles Black Coal, Workers Collectively Denounce Wage Arrears” [Meikuang man bao shangwang tou yun hei mei tuoqian gongzi zao gongren jiti jubao], *China Business News*, 7 April 15; “Seventeen Officials Punished After Mine Accident Cover-Up,” *Xinhua*, 28 January 15.

<sup>103</sup>State Council, “State Council Report on Circumstances of Work Safety” [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>104</sup>“State Administration of Work Safety Director Yang Dongliang and Others Answer Reporters’ Questions (Record)” [An jian zongju juzhang yang dongliang deng da jizhe wen (shilu)], *Caixin*, 10 March 15.

<sup>105</sup>State Council, “State Council Report on Circumstances of Work Safety” [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>106</sup>*Ibid.*

<sup>107</sup>See, e.g., “Investigation States Overtime in Labor Intensive Industries Has Become Normal State of Affairs, Costs of Rights Defense High” [Diaocha cheng laodong miji xing qiye jiaban yi cheng changtai weiquan chengben gao], *China National Radio*, reprinted in *People’s Daily*, 5 February 15. According to Article 41 of the PRC Labor Law, employers may extend work hours, but the total number of overtime hours per month that a worker is allowed to perform may not exceed 36 hours. See PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 41.

<sup>108</sup>“90 Percent of Industry Workers’ Working Hours Exceed Limits, Holiday Overtime Pay ‘Disappears Without a Trace’” [Jiu cheng hangye laodongzhe gongzuo shijian chao biao jie jiar jiaiban fei “buyierfei”], *CCTV*, reprinted in *China News Service*, 24 November 14.

<sup>109</sup>Students and Scholars Against Corporate Misbehavior et al., “Investigation Report on the Working Conditions in UNIQLO’s China Suppliers,” January 2015, 1.

<sup>110</sup>“Investigation States Overtime in Labor Intensive Industries Has Become Normal State of Affairs, Costs of Rights Defense High” [Diaocha cheng laodong miji xing qiye jiaban yi cheng

changtai weiquan chengben gao], China National Radio, reprinted in People's Daily, 5 February 15.

<sup>111</sup>Yuan Suwen et al., "Behind Rights Defense Difficulties of Migrant Workers With Occupational Disease: Settling Out of Fear That Things Will Drag on Becomes the Convention" [Zhiye bing nongmin gong weiquan nan beihou: haipa tuo buqi siliao cheng guanli], Xinhua, reprinted in China News Service, 3 January 15; "Sandblasting Still Being Used in Chinese Jean Factories," Al Jazeera, 11 March 15; Students and Scholars Against Corporate Misbehavior, "The Lives of iSlaves: Report on Working Conditions at Apple's Supplier Pegatron," September 2014, 3, 11–12; China Labor Watch, "Barbie, Mickey Mouse, Optimus Prime, Thomas the Tank Engine: Who Else Continues To Exploit Toy Workers?" 18 November 14, 4, 10–11; Students and Scholars Against Corporate Misbehavior et al., "Investigation Report on the Working Conditions in UNIQLO's China Suppliers," January 2015, 2, 19.

<sup>112</sup>"Sandblasting Still Being Used in Chinese Jean Factories," Al Jazeera, 11 March 15; Students and Scholars Against Corporate Misbehavior, "The Lives of iSlaves: Report on Working Conditions at Apple's Supplier Pegatron," September 2014, 3, 11–12; China Labor Watch, "Barbie, Mickey Mouse, Optimus Prime, Thomas the Tank Engine: Who Else Continues To Exploit Toy Workers?" 18 November 14, 4, 10–11; Students and Scholars Against Corporate Misbehavior et al., "Investigation Report on the Working Conditions in UNIQLO's China Suppliers," January 2015, 14, 17.

<sup>113</sup>"Sandblasting Still Being Used in Chinese Jean Factories," Al Jazeera, 11 March 15.

<sup>114</sup>Ibid.

<sup>115</sup>See, e.g., Students and Scholars Against Corporate Misbehavior, "The Lives of iSlaves: Report on Working Conditions at Apple's Supplier Pegatron," September 2014, 15; China Labor Watch, "Barbie, Mickey Mouse, Optimus Prime, Thomas the Tank Engine: Who Else Continues To Exploit Toy Workers?" 18 November 14, 4.

<sup>116</sup>State Council, "State Council Report on Circumstances of Work Safety" [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>117</sup>State Council and State Administration of Work Safety, "State Council, Office of the Committee on Safety Announcement on the Serious Fire Accident on '11.16' in Shouguang, Shandong" [Guowuyuan anweihui bangongshi guanyu shandong shouguang "11.16" zhongda huozai shigu de tongbao], 24 November 14.

<sup>118</sup>Chen Jing, "Occupational Disease in China Widespread, Experts Call for Establishing Comprehensive Occupational Disease Risk Early Warning System" [Zhongguo zhiyebing gaofa zhuanjia yu jian quanmian de zhiyebing weihai yujing tixi], China News Service, 29 April 15; State Council, "State Council Report on Circumstances of Work Safety" [Guowuyuan guanyu anquan shengchan gongzuo qingkuang de baogao], 23 December 14.

<sup>119</sup>Zheng Genling et al., "Yang Dongliang: Great Disparity in Occupational Health, Particularly in the Prevention of Occupational Disease" [Yang dongliang: zhiye jiankang tebie shi zhiyebing fangzhi gongzuo chaju hen da], CCTV, 10 March 15.

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<sup>129</sup>Ibid.; “United States Does Not Encourage ‘Non-Permanent Staff Heroes’ To Serve as Heroes” [Meiguo bu guli “bianwai yingxiong” dang yingxiong], Caijing, 18 August 15.

<sup>130</sup>China Labour Bulletin, “In China, There Is No Firefighters’ Trade Union and It Shows,” 19 August 15; “United States Does Not Encourage ‘Non-Permanent Staff Heroes’ To Serve as Heroes” [Meiguo bu guli “bianwai yingxiong” dang yingxiong], Caijing, 18 August 15. According to Caijing, China employs fewer than 0.9 firefighters per 10,000 residents, while other developing countries have 3 firefighters per 10,000 residents, and developed countries employ between 10 and 15 firefighters per 10,000 residents. Zhang Yongsheng and Zhai Xingli, “Behind Deaths of Firefighters, Investigation Into Professionalization Dilemma” [Xiaofangyuan zhi si beihou zhiyehua kunjing diaocha], Beijing News, 15 January 15. Beijing News reports that China has fewer than 2 firefighters per 10,000 residents while the averages for developing and developed countries are 3 to 5 per 10,000 residents and more than 10 per 10,000 residents, respectively.

<sup>131</sup>Ministry of Public Security Fire Department, China Fire Yearbook (2014) [Zhongguo xiaofang nianjian (2014 nian)], December 2014, 378, 380, 382; Zheping Huang, “China’s Teenage, Untrained Firefighters Make Disasters Like Tianjin Worse,” Quartz, 18 August 15. See also PRC Fire Protection Law [Zhonghua renmin gongheguo xiaofang fa], passed 29 April 98, amended 29 October 08, effective 1 May 09, art. 39.

<sup>132</sup>China Labour Bulletin, “In China, There Is No Firefighters’ Trade Union and It Shows,” 19 August 15; Luo Ting et al., “Many From First Firefighting Team To Enter Scene of Fire Still Out of Contact” [Shou zhi jin huochang xiaofangdui reng duo ren shilian], Beijing News, 16 August 15.

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<sup>137</sup>“China Explosions: Potent Chemical Mix Behind Tianjin Blasts,” BBC, 15 August 15.

<sup>138</sup>“Tianjin Blasts Death Toll Rises to 116, 60 Missing,” Xinhua, 21 August 15.

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