

WORKER RIGHTS

Findings

- Chinese authorities continued to arbitrarily detain many prominent labor advocates and censor reporting and social media comments on unemployment, strikes, and other issues involving workers. During the Commission's 2020 reporting year, Chinese authorities continued to detain three citizen journalists from the iLabour (*Xin Shengdai*) website, **Yang Zhengjun**, **Ke Chengbing**, and **Wei Zhili**, as well as **Li Dajun**. All of them had advocated on behalf of pneumoconiosis victims and were taken into custody in 2019.
- Officially reported Chinese statistics—widely regarded as unreliable—continue to mask the true levels of unemployment, labor protests, and worker safety concerns, potentially distorting coverage by the international organizations and media that use them. In 2019, the Chinese government again did not publicly report the number of worker strikes and protests, making it challenging to obtain comprehensive information on worker actions. The Hong Kong-based non-governmental organization (NGO) China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,385 strikes and other labor actions in 2019. CLB estimates that they are able to document between 5 and 10 percent of total worker actions.
- The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law, and workers are not allowed to establish independent unions. Official praise for workers does not indicate government support for workers' rights. State-run media celebrated the efforts of Chinese construction workers who worked long hours to construct quarantine hospitals rapidly. Police, however, responded violently when hundreds of these workers protested after they were not paid adequate wages. Research by CLB found that the ACFTU did not adequately protect the rights of workers and played only a limited role in assisting workers during the novel coronavirus crisis.
- Chinese corporations are often able to enlist the local police in resolving labor and business disputes. In December 2019, Chinese and international media reported on Li Hongyuan, a 13-year veteran of Huawei, who obtained a court award for about 108,000 yuan (US\$15,000) in compensation after authorities detained him for 251 days following a request by Huawei due to a dispute over his severance pay.
- Chinese authorities continued to arbitrarily detain many labor advocates outside of the formal legal system and refused to provide information on their whereabouts. In October 2019, the International Labour Organization's Committee on Freedom of Association published a list of 32 individuals who were still missing or in formal detention in connection with worker attempts to organize a trade union in 2018 at Jasic Technology in Shenzhen municipality, Guangdong province. As of May

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2020, the Commission had not observed any reports that these individuals had been released.

- In 2019, pneumoconiosis, a group of lung diseases caused by the inhalation of dust during mining, construction, and other activities, continued to be the most prevalent type of officially reported occupational disease in China. According to the U.S. Centers for Disease Control and Prevention, “these conditions are entirely man-made, and can be avoided through appropriate dust control.”

- During this reporting year, many medical workers, as well as construction and other employees, lacked access to protective equipment in their workplaces. In a February 2020 letter to *The Lancet*, a leading medical journal, two medical workers wrote about the “severe shortage” of medical equipment and conditions “more difficult and extreme than [they] could ever have imagined.” Two days after publication, the medical workers requested that their piece be withdrawn, but even the Chinese government-supported media publication the Sixth Tone acknowledged the “sensitivity” of the matter, and noted that a statement criticizing the letter was deleted for “unclear reasons.”

- The Chinese government continued to implement a government-sponsored system of forced labor in the Xinjiang Uyghur Autonomous Region (XUAR). During this reporting year, international media documented the use of forced labor throughout the XUAR, including in association with mass internment camps and administrative detention. Factories that benefited from this forced labor were part of the supply chains of 83 major brands including Apple, Gap, and Nike.

- News reports indicated that suppliers for U.S. companies continued to be complicit in labor abuses in China. In a September 2019 report on Zhengzhou Foxconn, the largest factory for Apple iPhones in the world, New York-based NGO China Labour Watch (CLW) investigators found that the factory did not provide any of the legally required occupational health or safety trainings. In a November 2019 report on five toy factories, CLW documented unsafe conditions in factories that make toys for Disney, Mattel, Lego, and other brands.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Press the Chinese government to immediately release labor advocates and journalists who are in prison or detention for the exercise of their lawful rights and to stop censoring economic and labor reporting. Specifically, consider raising the following cases:

- Detained NGO staff and labor advocates, including **Fu Changguo** and **Zhang Zhiyu** (more widely known as Zhang Zhiru);
- Citizen journalists and NGO workers who advocated on behalf of pneumoconiosis victims, including **Yang Zhengjun**, **Ke Chengbing**, and **Wei Zhili**;

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- Detained factory worker advocates from Jasic Technology in Shenzhen municipality, Guangdong province, including **Mi Jiuping** and **Liu Penghua**;
- Detained university students and recent graduates, including **Yue Xin** and **Qiu Zhanxuan**; and
- Detained local-level ACFTU officials **Zou Liping** and **Li Ao**, who supported grassroots worker organizing efforts.
- Press the Chinese government to allow American and other foreign journalists to report in China, including on labor and economic issues. In March 2020, the Chinese government expelled nearly all reporters from the Washington Post, New York Times, and Wall Street Journal. Specifically, consider asking about the expulsion of Gerry Shih of the Washington Post. Mr. Shih's award-winning reporting included stories on the following issues highlighted in the Commission's 2019 Annual Report:
 - The disappearance of student labor advocates at Peking University,
 - Work safety issues related to the 2019 Xiangshui Chemical explosion, and
 - Pneumoconiosis victims' compensation.
- Call on the Chinese government to respect internationally recognized rights to freedom of association and collective bargaining and allow workers to organize and establish independent labor unions. Raise concern in all appropriate trade negotiations and bilateral and multilateral dialogues about the Chinese Communist Party's role in collective bargaining and elections of trade union representatives, emphasizing that in a market economy, wage rates should be determined by free bargaining between labor and management.
- Call on the Chinese government to permit academic freedom on university campuses in China, and stop the harassment, surveillance, and detention of students who support worker rights.
- Call on the Chinese government to end all programs involving the forced labor of mass internment camp detainees and prisoners in the XUAR, as well as programs involving the forced labor of other ethnic minority individuals within and outside of the XUAR. Congress should pass the Uyghur Forced Labor Prevention Act (H.R. 6210/S. 3471), creating a "rebuttable presumption" requiring companies to prove that imported goods from the XUAR are not made, wholly or in part, with forced labor.
- Consider issuing a comprehensive import ban on all goods produced, wholly or in part, in the XUAR. This import ban should last until a determination can be made by U.S. Customs and Border Protection that XUAR authorities and producers have ended the systematic use of the forced labor of Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim ethnic minorities.
- Promote and support bilateral and multilateral exchanges among government officials, academics, legal experts, and civil society groups to focus on labor issues such as freedom of ex-

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pression, collective bargaining, employment discrimination, occupational health and safety, and wage arrears. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations defending the rights of workers.

- When appropriate, integrate meaningful civil society participation into bilateral and multilateral dialogues, meetings, and exchanges. Invite international unions and labor NGOs as well as domestic civil society groups from all participating countries to observe relevant government-to-government dialogues.
- Encourage compliance with fundamental International Labour Organization (ILO) conventions. Request that the ILO increase its monitoring of core labor standards in China, including freedom of association and the right to organize.

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Absence of Independent Trade Unions

The Chinese government and Communist Party's laws and practices continue to contravene international worker rights standards, including the right to create or join independent trade unions.¹ The Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.² Outside the ACFTU, workers are unable to create or join independent trade unions.³

In February 2020, the Ministry of Human Resources and Social Security and the ACFTU jointly released the Opinions on Stabilizing Labor Relations and Supporting Enterprises' Resumption of Work and Production that provided nonbinding guidelines on labor relations during the pandemic and emphasized that employers and employees were encouraged to use negotiation to resolve any disputes.⁴ According to research by China Labour Bulletin (CLB), however, local-level ACFTU officials reportedly believed that it was their responsibility to "follow the instructions" of local government officials.⁵ CLB concluded that "officials basically dropped the ball when it came to what should be the core mission of a union, organizing workers and negotiating with employers to ensure employees are adequately protected."⁶ The International Labour Organization had noted that "workers' organizations can play an important role in participating in decisionmaking and policy responses to the crisis on COVID-19."⁷

Continued Suppression of Labor Advocacy

During the Commission's 2020 reporting year, Chinese authorities continued to restrict the ability of civil society organizations to work on labor issues by means such as detaining labor advocates, and by other means, across China. After a series of nationwide and coordinated crackdowns beginning in 2015,⁸ and a subsequent crackdown in 2018 and 2019,⁹ Chinese labor non-governmental organizations (NGOs) have been less active, and authorities continued to detain some labor advocates.¹⁰ Examples of labor advocates disappeared or held in detention this past year include the following:

- **Meng Han.** In October 2019, authorities in Guangzhou municipality, Guangdong province, released labor advocate Meng Han after over a month in detention when the procuratorate decided not to prosecute.¹¹ No official reason was given for his detention, although CLB reported that authorities may have detained Meng to prevent him from disrupting China's national day celebrations.¹² Meng had previously worked at a labor rights advocacy group, and authorities had sentenced Meng to nine months' imprisonment in 2014 and one year and nine months' imprisonment in 2016.¹³
- **Chen Weixiang.** In January 2020, Guangzhou authorities released labor advocate Chen Weixiang, also known as Xiangzi, and two of his associates after 15 days of administrative detention.¹⁴ Chen and his associates were affiliated with a social

media group called Heart Sanitation that supported sanitation workers.¹⁵

- **Li Qiaochu.** In February 2020, authorities in Beijing municipality detained women’s rights and labor advocate Li Qiaochu and placed her under “residential surveillance at a designated location” reportedly in connection with her criticism of the Chinese government’s response to COVID–19.¹⁶ Li had provided support to migrant workers in Beijing, handed out masks to sanitation workers, and had been involved in efforts to address sexual harassment.¹⁷ [For more information on sexual harassment in the workplace, see Section II—Status of Women.]

- **Ke Chengbing, Yang Zhengjun, and Wei Zhili.** During the 2020 reporting year, Chinese authorities continued to detain three citizen journalists from the iLabour (*Xin Shengdai*) website, Yang Zhengjun, Ke Chengbing, and Wei Zhili, as well as NGO worker Li Dajun.¹⁸ All of them had advocated on behalf of pneumoconiosis victims and were taken into custody in 2019, initially held in “residential surveillance at a designated location,” and prevented from meeting with their lawyers.¹⁹

- **Thirty-two individuals associated with the Jasic Campaign.** During this reporting year, authorities continued to detain 32 individuals in association with workers attempting to establish a union at Jasic Technology factory in Shenzhen municipality, Guangdong, including **Fu Changguo** and **Yue Xin**.²⁰ In October 2019, the International Labour Organization Committee on Freedom of Association reported a list of these individuals whom Chinese authorities disappeared or detained between July and November 2018 and who were still believed to be disappeared or detained.²¹

- **Wu Guijun, Zhang Zhiru, He Yuancheng, Jian Hui, and Song Jiahui.** In January 2019, authorities detained these five labor advocates in a coordinated action.²² In May 2020, Chinese authorities permitted these five labor advocates to return home after 15 months of detention.²³ According to CLB, the advocates had all “played key roles in China’s workers’ movement during the 2010s” but none of them had yet been permitted to resume their work after release.²⁴

Worker Strikes and Protests

The Chinese government did not publicly report on the number of worker strikes and protests, making it difficult to obtain comprehensive information on worker actions.²⁵ China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,385 strikes and other labor actions in 2019, compared to 1,706 strikes and other labor actions in 2018, and 1,258 strikes and other labor actions in 2017.²⁶ CLB estimates that they are able to document approximately 5 to 10 percent of total worker actions, and cautions against drawing firm conclusions from year-to-year comparisons.²⁷ The majority of the labor actions documented by CLB were small in scale: in 2019, 1,298 incidents (93.7 percent) involved 100 people or fewer, and only 3 (0.2 percent) involved over 1,000 people.²⁸ During this reporting year, wage arrears in China were a signifi-

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cant source of worker unrest.²⁹ In 2019, 1,158 of the strikes and other labor actions that CLB was able to document (83.6 percent) involved wage arrears.³⁰ In one prominent example from this reporting year, Chinese media celebrated the efforts of Chinese construction workers who worked long hours constructing quarantine hospitals very quickly.³¹ When hundreds of these workers protested after they were not paid adequate wages in quarantine, however, police responded violently.³²

PERCENTAGE OF WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR
[As documented by China Labour Bulletin]³³

Year	Manufacturing	Construction	Transportation	Services	Other	Total number documented
2019	13.8% (191)	42.8% (593)	12.3% (171)	23.0% (319)	7.7% (107)	1,385
2018	15.5% (265)	44.8% (764)	15.9% (272)	16.8% (286)	7.0% (119)	1,706
2017	21.1% (265)	41.4% (521)	9.2% (116)	20.7% (261)	7.6% (95)	1,258

Note that the percentages indicate the percentage of total worker actions documented that year.

Chinese law does not protect workers' right to strike,³⁴ contravening the International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified.³⁵

Examples of strikes and worker actions this past year include the following:

- In March and April 2020, CLB reported that taxi drivers across China who had already protested against taxi company management practices, regulations, and competition with ride-sharing apps, protested for rent reductions from cab companies, as their incomes were significantly reduced due to the coronavirus pandemic.³⁶ Local governments' responses to the protests were inconsistent.³⁷ For example, in Liuzhou municipality, Guangxi province, following a mass protest by taxi drivers, local transportation authorities agreed to a 50 percent reduction in fees.³⁸ In other localities, however, such as in Dalian municipality, Liaoning province, the government did not intervene following protests and cab fees have remained the same.³⁹
- In March 2020, China Labor Watch reported that a Zhengzhou Foxconn employee committed suicide by jumping from a dormitory.⁴⁰ Although details of this suicide have not been publicly reported, international attention has focused on suicides at Foxconn since 2010 when 18 workers attempted suicide and 14 died;⁴¹ and in January 2018, a dispatch worker at Zhengzhou Foxconn committed suicide reportedly after he did not receive his bonus.⁴²
- During 2019, CLB documented 8 protests over wage arrears by different minor league soccer teams, held on the field and near government buildings.⁴³
- In October 2019, over 200 employees of solar panel manufacturer Hanergy in Beijing municipality protested over wage ar-

rears.⁴⁴ Many of the employees had not been paid since May 2019, and one senior employee reportedly threatened to jump off a building if he was not paid.⁴⁵ According to CLB, the employees demanding wages were ignored by the trade union, local government officials, and the media.⁴⁶

251-Day Detention of Former Huawei Employee

In December 2019, Chinese and international media reported on Li Hongyuan, a 13-year veteran of Huawei, who obtained a court award for about 108,000 yuan (US\$15,000) in compensation after authorities detained him for 251 days following a request by Huawei due to a dispute over his severance pay.⁴⁷ According to an article (later deleted) by Caixin, a commercial media outlet known for its investigative reports, Li was one of five former employees jailed at the request of Huawei in December 2018.⁴⁸ The Financial Times reported that “Mr Li’s detention has also struck a nerve for many in China’s expanding middle class, serving as a reminder of the tenuous state of the rule of law in the mainland for any individual when facing powerful interests.”⁴⁹ Chinese censors deleted comments and online discussion about Li’s case, and Chinese netizens used various numbers to express their support for Li without having their comments deleted.⁵⁰ These numbers included 996, the 9 a.m. to 9 p.m. schedule for six days a week common in some technology companies, and 251, representing the length of Li’s detention.⁵¹ The New York Times reported that many Chinese were upset at the extent of the censorship of both news reporting and related social media posts, stating “[T]hey say they feel helpless because they can’t criticize the government. Now they feel they are also not able to criticize a giant corporation.”⁵² A labor rights lawyer estimated that authorities in Shenzhen municipality, Guangdong province, detain an estimated 10 Huawei employees a year over employment disputes.⁵³

Forced Labor

This past year, the Chinese government continued to use forced labor, including in the Xinjiang Uyghur Autonomous Region (XUAR).⁵⁴ The Chinese government has created an extensive system of forced labor in the XUAR requiring current and former mass internment camp detainees to work in industries including manufacturing and textile production.⁵⁵ In addition, authorities sent individuals from ethnic minority groups to engage in forced labor directly, without first sending them to the camps.⁵⁶ In February 2020, the Australian Strategic Policy Institute (ASPI) published a report that estimated that 80,000 ethnic minority individuals were sent, including in some cases directly from mass internment camps, to “work in factories across China between 2017 and 2019.”⁵⁷ ASPI found that the factories that benefited from this forced labor were part of the supply chains of 83 major brands including Apple, Gap, and Nike.⁵⁸ In addition to forced labor in the XUAR, authorities reportedly continued to subject individuals to forced labor during administrative detention throughout China.⁵⁹ [For more information on forced labor in the XUAR, see Section II—Business and Human Rights and Section IV—Xinjiang; and for more information on

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forced labor in the XUAR and in administrative detention, see Section II—Human Trafficking.]

Social Insurance

The majority of workers in China continued to lack social insurance coverage. According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, basic health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.⁶⁰ 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 behalf of workers.⁶¹ According to the National Bureau of Statistics of China (NBS), in 2019, the number of people covered by work-related injury insurance increased by 16.00 million to a total of 254.74 million for a coverage rate of 30.8 percent.⁶² Similarly, NBS reported that work-related injury insurance coverage increased for migrant workers by 5.3 million people to 86.16 million for a coverage rate of 29.6 percent.⁶³ Unemployment and maternity insurance numbers increased to 205.43 million and 214.32 million, for coverage rates of 26.5 percent and 27.7 percent, respectively, for all workers.⁶⁴ According to NBS, at the end of 2019, 2.28 million people were receiving unemployment insurance payments.⁶⁵ In January 2020, the Ministry of Human Resources and Social Security reportedly issued an announcement regarding a temporary reduction in social security payments due to COVID-19,⁶⁶ and in February, the State Council decided to temporarily waive or reduce social security contributions in certain regions for up to five months.⁶⁷

Unemployment, Migrant Workers, and the Unknown Impacts of COVID-19

During the peak of the novel coronavirus crisis in February 2020, the National Bureau of Statistics of China reported that the employment situation was generally stable, with only a 1 percent increase in monthly unemployment to 6.2 percent,⁶⁸ roughly an increase of 5 million unemployed.⁶⁹ Independent estimates, however, indicated that the true number of unemployed might be 70 million, 80 million, or even over 200 million.⁷⁰ Part of the reason for the large differences in the numbers is due to differences in how migrant workers are counted; migrant workers often lack social benefits and continued to be negatively impacted by the coronavirus.⁷¹

Employment Relationships

This past year, several categories of workers were unable to benefit fully from protections provided under Chinese law.⁷² The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an “employment relationship” (*laodong guanxi*) with their employers.⁷³ Categories of workers who do not have an “employment relationship” with their employers include dispatch and contract workers, interns, and workers above the retirement age.⁷⁴

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DISPATCH LABOR AND CONTRACT LABOR

The Commission continued to observe reports of dispatch labor and contract worker abuses during this reporting year, in violation of domestic laws and regulations.⁷⁵ Firms, including state-owned enterprises, have long used dispatch labor—workers hired through subcontracting agencies—to cut costs, and some firms have replaced dispatch labor with contract labor, to further reduce the employee relationship and costs.⁷⁶ In one example of dispatch labor abuse, in September 2019, China Labor Watch reported that as of August 2019, approximately 50 percent of the workers at Zhengzhou Foxconn were dispatch labor, far higher than the legally permitted 10 percent.⁷⁷ The PRC Labor Contract Law requires that dispatch workers be paid the same as full-time workers doing similar work and may only perform work on a temporary, auxiliary, or substitute basis.⁷⁸ Labor groups raised concerns about a related new development of companies using shared labor.⁷⁹ Shared labor involves a company with low demand “loaning” employees to companies with higher demand, which raises concerns about issues including social insurance contributions.⁸⁰

INTERN LABOR

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged “internships.” In August 2019, China Labor Watch published a report documenting how interns were illegally forced to work overtime and night shifts at Hanyang Foxconn, a supplier for Amazon.⁸¹ In February 2020, China Labour Bulletin reported on interns forced to work mandatory overtime during the COVID-19 pandemic.⁸²

WORKERS ABOVE THE RETIREMENT AGE

As the number of elderly workers increased, Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law. 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.⁸³ 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 cases of work-related injury, unpaid overtime, or other labor issues.⁸⁴ For example, employers are legally permitted to fire workers over the retirement age without providing severance pay.⁸⁵ Some retired employees do return to work even with increased health risks.⁸⁶ According to research published in the *New England Journal of Medicine*, 11 of 23 identified health care workers who died from COVID-19 in China were retirees who had been rehired after retirement.⁸⁷ The Chinese government has considered raising the retirement age.⁸⁸ However, even if the retirement age is raised, workers above the new age would continue to lack certain legal protections.⁸⁹

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Work Safety and Industrial Accidents

During this reporting year, government data showed a continued decline in workplace deaths, although inadequate safety equipment and training continued to be a significant problem.⁹⁰ China Labour Bulletin (CLB) described the Chinese government's approach to work safety as "reactive and coercive," noting that the government typically plays a minimal role in supervision until a major accident occurs.⁹¹ According to the National Bureau of Statistics of China, a total of 29,519 people died in workplace accidents in 2019,⁹² compared to 34,046 deaths the previous year.⁹³ In 2019, there were 316 officially reported coal mining deaths, a decrease from the 333 in 2018, although CLB identified a concerning trend; namely, an increasing number of major coal mining accidents.⁹⁴

Management of Chinese companies and factories often did not provide adequate safety equipment or required safety training, and government oversight was often limited. In a November 2019 report on five toy factories in China, New York-based NGO China Labor Watch (CLW) detailed concerning conditions in factories that make toys for Disney, Mattel, Lego, and other brands, including inadequate pre-job safety training and inadequate safety equipment.⁹⁵ In a September 2019 report on Zhengzhou Foxconn, described as the largest factory for Apple iPhones in the world,⁹⁶ CLW investigators found, among many other issues, that the factory did not provide any occupational health or safety trainings.⁹⁷ In November 2019, a State Council investigation group on the March 2019 chemical explosion at Tianjiayi Chemical in Jiangsu province that killed 78 people found the event to be a "major work safety accident that exposed the failures of local authorities and departments in assuming responsibilities and in punishing violations of the law."⁹⁸

Occupational Health

The Chinese government reported a decrease in the number of cases of occupational disease, although significant concerns remained. In June 2020, the National Health Commission reported that there were 19,428 cases of occupational disease reported in 2019,⁹⁹ compared to 23,497 cases in 2018.¹⁰⁰ Of the occupational disease cases in 2019, 15,898 were work-related cases of the lung disease pneumoconiosis.¹⁰¹ Pneumoconiosis is a group of lung diseases caused by the inhalation of dust that can occur during mining and construction and is the most prevalent type of officially reported occupational disease in China.¹⁰² According to the U.S. Centers for Disease Control and Prevention, "these conditions are entirely man-made, and can be avoided through appropriate dust control."¹⁰³ In late 2019, the Chinese government announced a new plan to require that all employees in industries at high risk for pneumoconiosis expand work-related injury insurance, assess the risks of the disease, and set up a national database of high-risk industries and employers that might benefit employees in the future.¹⁰⁴ In 2018, according to official data, 873,000 Chinese workers had pneumoconiosis, up from about 560,000 in 2000, but Love Save Pneumoconiosis, a Beijing non-profit, has estimated that the number may be around 6 million. In March 2020, documentary

filmmaker Jiang Nenjie released his film on pneumoconiosis online for free, because he knew that he would not be able to get approval from authorities for official distribution without making significant changes to the film.¹⁰⁵ During the 2020 reporting year, Chinese authorities continued to detain three citizen journalists from the iLabour (*Xin Shengdai*) website, **Yang Zhengjun**, **Ke Chengbing**, and **Wei Zhili**, as well as **Li Dajun**, all of whom had advocated on behalf of pneumoconiosis victims and were taken into custody in 2019.¹⁰⁶ In December 2019, 2020 Osborn Elliott Journalism Prize-winning Washington Post reporter Gerry Shih published a story on pneumoconiosis, exposing inadequate safety equipment affecting former migrant workers from Hunan province who had labored in Shenzhen municipality, Guangdong province.¹⁰⁷ In March 2020, Chinese authorities expelled Mr. Shih, along with many other American reporters.¹⁰⁸ [For more information on the Chinese government's expulsion of foreign journalists, see Section II—Freedom of Expression.]

During the 2020 reporting year, many medical workers,¹⁰⁹ as well as construction and other employees, lacked access to personal protective equipment in their workplaces.¹¹⁰ In a February 2020 article in *The Lancet*, a leading medical journal, two medical workers submitted a letter about the “severe shortage” of protective equipment and conditions “more difficult and extreme than [they] could ever have imagined.”¹¹¹ Two days after publication, the medical workers requested that their piece be withdrawn,¹¹² but even the Chinese government-supported media publication *Sixth Tone* noted the “sensitivity” of the matter and indicated that a statement published in the *Southern Metropolis Daily* criticizing the letter was deleted for “unclear” reasons.¹¹³

Notes to Section II—Worker Rights

¹ Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 23(4); International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 19, 1966, entry into force March 23, 1976, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 15, 2020. China has signed but not ratified the ICCPR. International Covenant on Economic, Social and Cultural Rights, adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 8; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices for 2019—China (Includes Tibet, Hong Kong and Macau),” March 11, 2020, sec. 7.

² *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; China Labour Bulletin, “Holding China’s Trade Unions to Account,” February 17, 2020; International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, para. 149; Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy*, 2020.

³ *Zhonghua Renmin Gongheguo Gonghui Fa* [PRC Trade Union Law], passed April 3, 1992, amended August 27, 2009, arts. 9–11; International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, para. 149; Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy*, 2020.

⁴ Ministry of Human Resources and Social Security and the All-China Federation of Trade Unions, *Guanyu Zuo Hao Xinxing Guan Zhuang Bingdu Ganran Feiyan Yiqing Fangkong Qijian Wendong Laodong Guanxi Zhichi Qiye Fugong Fuchan De Yijian* [Opinion on Stabilizing Labor Relations and Supporting Enterprises’ Resumption of Work and Production During the Prevention and Control of the Novel Coronavirus Epidemic Situation], February 7, 2020, sec. 2(1); Bonnie Puckett and Skye Hao, “China Provides Return-to-Work Guidance for Employers Dealing with End of Spring Festival Holidays and Ongoing Coronavirus Epidemic,” Ogletree Deakins, February 24, 2020.

⁵ China Labour Bulletin, “China’s Trade Unions Caught in the Headlights of the Coronavirus Crisis,” April 1, 2020.

⁶ *Ibid.*

⁷ International Labour Organization, “COVID–19 and the World of Work,” March 18, 2020.

⁸ See, e.g., Kevin Lin, “State Repression in the Jasic Aftermath: From Punishment to Preemption,” *Made in China Journal* 4, no. 1 (January–March 2019): 16–19.

⁹ Hong Kong Confederation of Trade Unions et al., “Statement of ‘18–19 Chinese Labor Rights Mass Crackdown’ from Various Circles in Hong Kong,” reprinted in China Labor Crackdown Concern Group, August 7, 2019; China Labor Crackdown Concern Group, “One Year, One Hundred Arrested, What You Need to Know about China’s Labor Crackdown,” July 27, 2019.

¹⁰ See, e.g., China Labour Bulletin, “Labour Activist Chen Weixiang Released from Detention,” January 3, 2020; “Lest We Forget: The Missing Chinese Activists of 2019,” *Made in China Journal*, December 23, 2019;

¹¹ China Labour Bulletin, “Veteran Labour Activist Meng Han Released from Detention,” October 8, 2019.

¹² *Ibid.*

¹³ China Labour Bulletin, “Veteran Labour Activist Meng Han Released from Detention,” October 8, 2019; Chinese Human Rights Defenders, “Meng Han,” accessed April 17, 2020.

¹⁴ China Labour Bulletin, “Labour Activist Chen Weixiang Released from Detention,” January 3, 2020.

¹⁵ *Ibid.*

¹⁶ “Labor Activist ‘At Risk of Torture’ in Incommunicado Detention: Group,” *Radio Free Asia*, May 1, 2020.

¹⁷ *Ibid.*

¹⁸ China Labour Crackdown Concern Group, “UN Working Groups Address the Chinese Government on Detention of iLabour Three,” October 10, 2019.

¹⁹ *Ibid.*

²⁰ International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019; “Lest We Forget: The Missing Chinese Activists of 2019,” *Made in China Journal*, December 23, 2019.

²¹ International Labour Organization, Interim Report—Report No. 391, Case No. 3184 (China), Complaint date February 15, 2016, October 2019, Appendix; “Lest We Forget: The Missing Chinese Activists of 2019,” *Made in China Journal*, December 23, 2019.

²² China Labour Bulletin, “Five Labour Activists Released after 15 Months in Detention,” May 9, 2020.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ China Labour Bulletin, “An Introduction to China Labour Bulletin’s Strike Map,” January 10, 2020. Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy*, 2020.

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