

WORKER RIGHTS

Findings

- During the Commission’s 2019 reporting year, Chinese authorities severely restricted the ability of civil society organizations to work on labor issues, expanding a crackdown on labor advocates across China. As of August 2019, over 50 workers and labor advocates were under some form of detention in connection with the crackdown.
- 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 permitted to establish independent unions. In November 2018, Chinese authorities detained two local-level ACFTU officials, Zou Liping and Li Ao, who attempted to assist workers at a Jasic Technology factory in Shenzhen municipality, Guangdong province, in setting up an ACFTU union.
- The Chinese government did not publicly report the number of worker strikes and protests, and non-governmental organizations (NGOs) and citizen journalists continued to face difficulties in obtaining comprehensive information on worker actions. The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media, documented 1,702 strikes and other worker actions in 2018, up from 1,257 incidents in 2017. In 2018, almost half (44.8 percent) of the worker actions documented by CLB were in the construction sector, although significant incidents were documented by workers at a recycling company, food delivery workers, and factory workers in the manufacturing sector.
- In March 2019, Chinese internet technology workers launched a campaign against exploitative work hours—referred to as “996,” a 9 a.m. to 9 p.m. schedule for six days a week common in many technology companies. The campaign, described by an American tech worker advocate as “the largest demonstration of collective action the tech world has ever seen,” posted a list of companies, including Huawei and Alibaba, that reportedly require their employees to follow the 996 schedule. Jack Ma, the founder of Alibaba called the 996 schedule “a blessing,” and some Chinese companies blocked access to the software development platform Github, a Microsoft subsidiary, where tech workers first posted the campaign.
- During this reporting year, international media documented the use of forced labor associated with mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). Based on personal accounts, analysis of satellite imagery, and official documents, the New York Times documented a number of new factories in or nearby the camps, and the Associated Press tracked shipments from one of these factories to a U.S.-based company Badger Sportswear.
- In March 2019, following a chemical explosion that killed 78 people in Jiangsu province, the largest industrial accident in China since a 2015 industrial explosion in Tianjin municipality killed 173 people, the UN special rapporteur on human rights

Worker Rights

and toxics stated that, “China’s repeated promises on chemical safety must be followed by meaningful action and lasting measures if it is to meet its human rights obligations.”

• In 2019, Chinese authorities detained three citizen journalists from the iLabour (*Xin Shengdai*) website—Yang Zhengjun, Ke Chengbing, and Wei Zhili—as well as NGO worker Li Dajun, all of whom had advocated on behalf of pneumoconiosis victims.

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 Changuo** and **Zhang Zhiyu** (more widely known as Zhang Zhiru);
 - Citizen journalists and NGO workers who had advocated on behalf of pneumoconiosis victims, including **Yang Zhengjun, Ke Chengbing, Wei Zhili, and Li Dajun**;
 - 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.
- 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 the use of forced labor associated with the mass internment camps in the XUAR.
- 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 expression, collective bargaining, employment discrimination, and occupational health and safety. Seek opportunities to support capacity-building programs to strengthen Chinese labor and legal aid organizations defending the rights of workers.

Worker Rights

- 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 work monitoring core labor standards in China, including freedom of association and the right to organize.

WORKER RIGHTS

Trade Unions and Collective Bargaining

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 The ACFTU's submission to the November 2018 session of the UN Human Rights Council's Universal Periodic Review (UPR) of the Chinese government's human rights record claimed that it had 303 million members,³ including 140 million migrant workers.⁴ Based on a National Bureau of Statistics of China survey,⁵ however, the Hong Kong-based non-governmental organization (NGO) China Labour Bulletin concluded that around 80 percent of the migrant members of the ACFTU were not aware of their membership.⁶ In 2018, 288.36 million out of 775.86 million employed Chinese were migrant workers,⁷ individuals with rural household registration but who work and reside in urban areas without access to most government benefits.⁸ Scholars and international observers noted that the ACFTU typically prioritized Party interests over the interests of workers and did not effectively represent workers.⁹ In November 2018, at the 17th National Congress of the ACFTU, held once every five years, Wang Dongming, the ACFTU Chairman and a Vice Chairman of the National People's Congress Standing Committee, emphasized that the ACFTU should be loyal to the Party.¹⁰ At the enterprise level, union representatives often side with management interests.¹¹ Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,¹² but these laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.¹³ Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),¹⁴ Universal Declaration of Human Rights,¹⁵ International Covenant on Civil and Political Rights,¹⁶ and the International Covenant on Economic, Social and Cultural Rights.¹⁷ As a member of the ILO, China is obligated to respect workers' right to collective bargaining.¹⁸

Heightened Suppression of Labor Rights Advocacy

The Hong Kong Confederation of Trade Unions, which participated in an October 2018 pre-session to the UPR, summarized that labor rights in China have "deteriorated significantly in recent years" and that authorities have increased efforts to "quell labor [unrest] by coercive means."¹⁹ During the Commission's 2019 reporting year, Chinese authorities expanded a nationwide crackdown on labor advocates, following authorities' detention of workers and their supporters at a Jasic Technology factory in Shenzhen municipality, Guangdong province, beginning in July 2018.²⁰ According to the China Labor Crackdown Concern Group, an organization made up of concerned individuals in mainland China and abroad, as of August 2019, over 50 of the 130 labor advocates de-

Worker Rights

tained since July 2018 remain missing or in custody,²¹ and beginning in January 2019, “[s]ocial work organizations and labour rights activists at large have become targets.”²²

Jasic Incident

In July 2018, factory workers Mi Jiuping and Liu Penghua obtained signatures from 89 of approximately 1,000 employees at Jasic Technology, a company in Shenzhen municipality, Guangdong province, that manufactures industrial equipment, in support of organizing a union.²³ Local-level ACFTU officials had initially supported worker efforts to organize a union,²⁴ but later that month, Guangdong authorities in Guangdong province detained around 30 people including Mi and Liu.²⁵ The Jasic incident was distinct from the thousands of other worker actions in 2018,²⁶ because self-described Maoist and Marxist university students and recent graduates organized in support of the workers.²⁷ In August 2018, authorities detained about 50 of the student and recent graduate supporters, including Peking University graduate and outspoken women’s rights advocate **Yue Xin**, who had traveled to Guangdong.²⁸ Police and university officials also monitored and harassed individuals involved in labor advocacy on college campuses.²⁹ In October, Cornell University’s School of Industrial and Labor Relations suspended two student exchange programs with Renmin University in Beijing municipality due to “gross violations of academic freedom”³⁰ after university officials—reportedly at the direction of the Communist Party—harassed, threatened, and surveilled student supporters of the Jasic workers.³¹ In November, authorities detained at least 12 additional supporters of the Jasic workers’ labor advocacy,³² and two local-level ACFTU officials, **Zou Liping** and **Li Ao**, who had assisted the workers’ attempts to establish a union.³³ As of May 2019, Chinese authorities had detained 21 members of the Marxist society at Peking University, including the group’s leader **Qiu Zhanxuan**.³⁴ In May, the labor scholars who edit *Made in China Journal*, a publication supported in part by the Australian National University, wrote that there is a “. . . serious moral and political issue for those Western universities that collaborate with academic institutions . . . that blatantly and unapologetically collude with Chinese authorities to suppress student activists.”³⁵ [For more information on academic freedom in China, see Section II—Freedom of Expression.]

Civil Society Organizations

This past year, Chinese authorities severely restricted the ability of civil society organizations to work on labor issues and expanded a crackdown on labor advocates across China.³⁶ Labor NGOs have been active in China since the mid-1990s,³⁷ and had even advised workers on collective bargaining and other rights advocacy beginning around 2002.³⁸ Following an earlier crackdown on labor advocates that began in 2015,³⁹ Chinese labor NGOs have been less active, and the work of some labor NGOs has become more service-oriented.⁴⁰ In 2019, Chinese authorities continued to crack down on labor advocates, including **Wu Guijun**, **He Yuancheng**, and **Song Jiahui**.⁴¹ Between August 2018 and July 2019, authorities de-

Worker Rights

tained 22 individuals working with 10 different labor NGOs or social service centers,⁴² including from the following organizations:

- **Dagongzhe Migrant Workers Center (*Dagongzhe Zhongxin*)**. In August 2018, authorities in Shenzhen municipality, Guangdong province, detained Dagongzhe staff **Fu Changguo** and **Huang Qingnan** on suspicion of aiding Jasic workers with foreign financial support.⁴³
- **Red Reference (*Hongse Cankao*)**. In August 2018, authorities in Beijing municipality searched the office of this leftist website and detained staff member **Shang Kai**.⁴⁴ In March 2019, authorities in Nanjing municipality, Jiangsu province, placed former editor **Chai Xiaoming** under “residential surveillance in a designated location” on suspicion of “subversion of state power.”⁴⁵
- **Qingying Dreamworks (*Qingying Meng Gongchang*)**. In November 2018, Shenzhen authorities detained seven individuals associated with Qingying Dreamworks, a non-profit center providing workers’ services in a neighborhood with many migrant workers: co-founders **Wang Xiangyi** and **He Pengchao**; staff members **Jian Xiaowei**, **Kang Yanyan**, **Hou Changshan**, **Wang Xiaomei**; and supporter **He Xiumei**.⁴⁶ As of June 2019, these individuals were still missing.⁴⁷
- **Chunfeng Labor Dispute Center (*Chunfeng Laodong Zhengyi Fuwu Bu*)**. In January 2019, Shenzhen authorities detained founder **Zhang Zhiyu** (more widely known as Zhang Zhiru) and former staff **Jian Hui** from Chunfeng Labor Dispute Center, which provided legal assistance to workers.⁴⁸ Authorities held Zhang on suspicion of “disturbing public order.”⁴⁹ In 2014, Party-run Global Times described Zhang as “one of China’s top defenders of labor rights.”⁵⁰
- **iLabour (*Xin Shengdai*)**. In January 2019, authorities in Guangzhou municipality, Guangdong, detained **Yang Zhengjun**,⁵¹ the editor-in-chief of the labor advocacy website iLabour (*Xin Shengdai*), and in March, authorities in Guangzhou detained two other editors, **Ke Chengbing**⁵² and **Wei Zhili**.⁵³ The iLabour website reported on worker rights issues in China, including the health hazard pneumoconiosis.⁵⁴ Authorities held the editors on suspicion of “picking quarrels and provoking trouble.”⁵⁵

In May 2019, during three separate raids,⁵⁶ Chinese authorities detained social workers from the following organizations that assisted migrant workers:

- **Hope Community (*Lengquan Xiwang Shequ*)**. Beijing authorities detained **Li Dajun**, director of Hope Community.⁵⁷
- **Qinghu Social Learning Center (*Qinghu Shequ Xuetao*)**. Shenzhen authorities detained center director **Li Changjiang**.⁵⁸
- **Guangdong Mumian Social Work Service Center (*Guangdong Mumian Shehui Fuwu Gongzuo Zhongxin*)**. Guangzhou authorities detained Tsinghua University post-doctoral researcher and Mumian volunteer **Liang Zicun**.⁵⁹

Domestic labor advocates’ connections to foreign groups and funding were reportedly of particular concern to authorities. In

Worker Rights

January 2019, for example, Party-run Global Times reported that Dagongzhe Migrant Workers Center was “fully funded by overseas NGOs,” and “instigating [labor] incidents and coercing some workers into taking radical actions.”⁶⁰ Also in January, Chinese authorities forced some student labor advocates to watch videotaped confessions of other students in which they may have been forced to admit to, among other things, “working with foreign forces to hurt China’s international image.”⁶¹ [For more information on civil society in China, see Section II—Civil Society.]

Worker Strikes and Protests

The Chinese government did not publicly report on the number of worker strikes and protests, and NGOs that work on labor issues continued to face difficulties in obtaining comprehensive information on worker actions.⁶² **Lu Yuyu**, a citizen journalist who posted data about social unrest—including labor protests—on social media platforms, continued to serve a four-year sentence in Yunnan province.⁶³ China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news sources and social media,⁶⁴ documented 1,702 strikes and other labor actions in 2018, up from 1,257 strikes and other labor actions in 2017.⁶⁵ The majority of the labor actions documented by CLB were small in scale: in 2018, 1,524 incidents (89.5 percent) involved fewer than 100 people, and 163 (9.6 percent) involved over 1,000 people, including 13 with over 10,000 people (0.8 percent).⁶⁶ In 2018, police were involved in 267 of the total incidents (15.7 percent), although police were involved in over half (7 out of 13 protests) of the incidents involving over 1,000 people.⁶⁷ During this reporting year, wage arrears in China were a problem due in part to the continued refusal of employers to give workers contracts,⁶⁸ and in 2018, 1,342 strikes and other labor actions (78.7 percent) involved wage arrears.⁶⁹

PERCENTAGE OF WORKER STRIKES AND OTHER LABOR ACTIONS BY SECTOR⁷⁰

Year	Manufacturing	Construction	Transportation	Services	Other	Total Number Reported
2018	15.5% (263)	44.8% (763)	15.9% (270)	13.3% (227)	10.6% (180)	1,703
2017	19.7% (267)	38.1% (518)	8.6% (117)	15.2% (207)	10.8% (148)	1,257

Source: China Labour Bulletin. Note that the percentages indicate the percentage of total worker actions documented that year. CLB changed their methodology beginning in 2017.

Chinese law does not protect workers’ right to strike,⁷¹ contravening the International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified.⁷²

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

- **Temporary Workers.** In November 2018, reports indicated that hundreds to thousands of temporary workers protested outside of a Biel Crystal factory, a major supplier for Apple and Samsung, in Huizhou municipality, Guangdong province, after the factory reportedly laid off 8,000 people due to poor sales of Apple’s iPhone.⁷³

Worker Rights

- **Independent Contractors.** In February 2019, food delivery drivers for online food delivery companies Meituan and Ele.me went on strike in four cities after the companies significantly reduced delivery rates for drivers.⁷⁴
- **Wage Arrears and Bankruptcy.** In April 2019, over 1,000 workers at Little Yellow Dog Environmental Protection, a recycling company, protested in at least four cities after the company announced that it would not be able to pay workers.⁷⁵ According to CLB, the local labor bureau in Dongguang municipality, Guangdong, did not support an arbitration request filed by the workers.⁷⁶

996.ICU Campaign and Excessive Overtime

In March 2019, Chinese internet technology workers launched a campaign against exploitative working hours, protesting “996”—a 9 a.m. to 9 p.m. schedule for six days a week common in many technology companies.⁷⁷ Chinese labor laws generally require that work schedules not exceed 8 hours per day or 44 hours per week,⁷⁸ with overtime limited to 3 hours per day and 36 hours per month.⁷⁹ The campaign began as a project on the software development platform *Github*,⁸⁰ a subsidiary of Microsoft; the campaign identified labor law provisions that the schedule violates.⁸¹ The campaign posted a list of companies, including Huawei and Alibaba, that reportedly require their workers to adhere to the 996 schedule.⁸² According to an American tech worker advocate, the campaign was “the largest demonstration of collective action the tech world has ever seen,”⁸³ as the project received over 200,000 “stars” indicating support.⁸⁴ Jack Ma, the founder of Alibaba, called the 996 schedule “a blessing,”⁸⁵ and some Chinese companies blocked access to Github.⁸⁶ In April, two Chinese programmers released an “anti-996” license for open source software that requires any individual or company using the licensed software to comply with all applicable labor laws and international labor standards.⁸⁷

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, health insurance, work-related injury insurance, unemployment insurance, and maternity insurance.⁸⁸ 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.⁸⁹ According to the National Bureau of Statistics of China (NBS), in 2018, the number of people covered by work-related injury insurance coverage increased by 11.45 million to a total of 238.68 million for a coverage rate of 30.8 percent.⁹⁰ Similarly, NBS reported that work-related injury insurance coverage increased for migrant workers by 2.78 million people to 80.85 million, for a coverage rate of 28.0 percent.⁹¹ Unemployment and maternity insurance coverage rates increased slightly to 25.3 percent and 26.3 percent, respectively for all workers.⁹² In July 2018, the central government established a central adjustment

Worker Rights

fund to shift some pension funds from wealthier provinces to provinces with more retirees.⁹³ The Ministry of Finance reported that in 2019, central authorities planned to collect and redistribute a total of 484.5 billion yuan (US\$72 billion),⁹⁴ with Guangdong province expected to provide a net contribution of 47.4 billion yuan and Beijing municipality a net contribution of 26.3 billion yuan, while Liaoning and Heilongjiang provinces are expected to receive net distributions of 21.6 billion yuan and 18.4 billion yuan, respectively.⁹⁵

Employment Relationships

This past year, several categories of workers were unable to benefit fully from protections provided under Chinese law. The PRC Labor Law and PRC Labor Contract Law only apply to workers who have an “employment relationship” (*laodong guanxi*) with their employers.⁹⁶

DISPATCH LABOR AND CONTRACT LABOR

The Commission continued to observe reports of dispatch labor (*laowu paiqian*) and contract worker (*waibao*) abuses during this reporting year, in violation of domestic laws and regulations.⁹⁷ Firms, including state-owned enterprises, have long used dispatch labor—workers hired through subcontracting agencies—to cut costs,⁹⁸ and some firms have replaced dispatch labor with contract labor to further reduce costs.⁹⁹ For example, in September and October 2018, former dispatch workers at the Sino-German automobile joint venture FAW–Volkswagen in Changchun municipality, Jilin province, protested after management ended its reliance on dispatch workers, but then made employees choose to either become formal employees at lower pay or accept more tenuous employment as contract workers.¹⁰⁰ In January 2019, the state-backed media outlet Sixth Tone reported on contract workers who were employed at a Protek factory in Shanghai municipality—a site that assembled Apple iPhones.¹⁰¹ Employees there protested after learning that they would not be paid promised bonuses.¹⁰² The PRC Labor Contract Law stipulates that dispatch workers shall be paid the same as full-time workers doing similar work, and may only perform work on a temporary, auxiliary, or substitute basis.¹⁰³

INTERN LABOR

During this reporting year, reports continued to emerge of labor abuses involving vocational school students working at school-arranged “internships.” In October 2018, the Hong Kong-based NGO Students and Scholars Against Corporate Misbehavior released a report on the widespread use of 16- to 19-year-old student interns in Chongqing municipality who were forced to work 12-hour shifts on production lines as part of compulsory internships.¹⁰⁴ In November 2018, the Financial Times reported that hundreds of students in Beijing municipality and Kunshan city, Shandong province, were required to complete mandatory internships during which they had to work up to 18 hours a day at below minimum wage sorting and packing goods for the Chinese e-commerce company JD.com.¹⁰⁵ In August 2019, China Labor Watch published a report on labor viola-

Worker Rights

tions at Hengyang Foxconn in Hunan province, which included required overtime for interns at a facility that manufactures products for Amazon.¹⁰⁶ Regulations prohibit interns from working overtime and require internships to be relevant to students' plans of study.¹⁰⁷

FORCED LABOR

This past year, international media reported on the use of forced labor associated with mass internment camps in the Xinjiang Uyghur Autonomous Region (XUAR). In December 2018, based on personal accounts, analysis of satellite imagery, and official documents, the New York Times documented a number of new factories in or nearby the camps,¹⁰⁸ and the Associated Press tracked shipments from one of these factories to a U.S.-based company **Badger Sportswear**.¹⁰⁹ In March 2019, the State Council Information Office issued a white paper acknowledging that certain products were being made in the camps.¹¹⁰ In May 2019, a Wall Street Journal report found that the supply chains for a number of additional international companies may involve forced labor in the XUAR, including **Adidas, Kraft Heinz, Coca-Cola, and Gap**.¹¹¹ [For more information on forced labor in the Xinjiang Uyghur Autonomous Region, see Section II—Human Trafficking, and Business and Human Rights; and Section IV—Xinjiang.]

WORKERS ABOVE THE RETIREMENT AGE

Chinese workers above the legal retirement age continued to lack certain legal protections afforded to other workers under Chinese law, as the number of elderly workers increased.¹¹² 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.¹¹³ 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.¹¹⁴ [For more information on China's aging population, see Section II—Population Control.]

Work Safety and Industrial Accidents

During this reporting year, government data showed a continued decline in workplace deaths, although Chinese workers and labor organizations expressed concerns about inadequate safety equipment and training. According to the National Bureau of Statistics of China (NBS), a total of 34,046 people died in workplace accidents in 2018,¹¹⁵ compared to 37,852 deaths in 2017.¹¹⁶ According to one labor expert, however, the actual number of deaths “may be much higher, because incidents involving few deaths often go unreported.”¹¹⁷ In 2018, there were 333 officially reported coal mining deaths, a major decrease from recent years, although according to China Labour Bulletin, “the decline in accident and death rates . . . has far more to do with mine closures and the falling demand for coal . . . than the introduction of any new safety measures.”¹¹⁸

Worker Rights

Management of Chinese companies and factories often did not provide adequate safety equipment or required safety training. In April 2019, for example, a migrant construction worker in Qingdao municipality, Shandong province, claimed that he was fired after he filmed and posted a video online that showed the low quality of safety helmets that the company had allegedly provided to workers.¹¹⁹ In response to the video, which received over two million views, the Ministry of Emergency Management (MEM) posted a message on Weibo, China's Twitter-like microblogging platform, which said that the realization of safe production relies on workers having safe helmets, and that [MEM] should pay more attention to safety measures in practice rather than what the companies say about those measures.¹²⁰ In a December 2018 report entitled, "A Nightmare for Workers: Appalling Conditions in Toy Factories Persist," New York City-based China Labor Watch (CLW) detailed conditions in four factories that make toys for **Hasbro, Disney, and Mattel**, brands that are sold in **Walmart, Costco, and Target**,¹²¹ including inadequate pre-job safety training and inadequate safety equipment.¹²² In March 2019, CLW published a report on Dongguan Dongwon Electronics, a factory in Dongguan municipality, Guangdong province, that manufactures Samsung mobile phone chargers, which described, among other violations of Chinese law, a lack of pre-job safety training.¹²³

The Chinese government's ineffective enforcement of work safety regulations may also have contributed to a significant industrial accident.¹²⁴ On March 22, 2019, an explosion at Jiangsu Tianjiayi Chemical plant in Yancheng city, Jiangsu province, killed 78 people, injured 640, destroyed 16 nearby factories, and forced the evacuation of almost 3,000 people.¹²⁵ This explosion was the largest industrial accident since a 2015 explosion in Tianjin municipality killed 173 people.¹²⁶ Between 2016 and 2018, Chinese authorities had issued 5 administrative fines against the chemical plant,¹²⁷ and in February 2018, the State Administration of Work Safety had identified 13 production-related hazards at the facility.¹²⁸ Following the explosion, the UN special rapporteur on human rights and toxics declared that, "China's repeated promises on chemical safety must be followed by meaningful action and lasting measures if it is to meet its human rights obligations."¹²⁹ [For more information on the Jiangsu Tianjiayi Chemical plant explosion, see Section II—The Environment and Climate Change.]

Occupational Health

The Chinese government reported a decrease in the number of cases of occupational disease. In May 2019, the National Health Commission reported that there were 23,497 cases of occupational disease reported in 2018,¹³⁰ compared to 26,756 cases in 2017¹³¹ and 31,789 cases in 2016.¹³² Of the occupational disease cases in 2018, 19,468 were work-related cases of the lung disease pneumoconiosis.¹³³ In January 2019, however, National Health Commission research acknowledged that the documented number of pneumoconiosis cases was only "the tip of the iceberg."¹³⁴

This past year, protesters from Hunan province who demanded compensation demonstrated the difficulties that pneumoconiosis victims face in obtaining the official recognition required to obtain

Worker Rights

workers' compensation.¹³⁵ In November 2018, approximately 200 retired migrant construction workers from Hunan traveled to Shenzhen municipality, Guangdong, continuing a long-term campaign to seek compensation for pneumoconiosis, which they asserted was caused by their earlier work in Guangdong.¹³⁶ After Shenzhen police used pepper spray on the retired workers on November 7, authorities agreed to provide limited compensation to the workers, most of whom had never signed labor contracts.¹³⁷ In 2019, Chinese authorities detained three citizen journalists from the iLabour (*Xin Shengdai*) website, **Yang Zhengjun**, **Ke Chengbing**, and **Wei Zhili**,¹³⁸ as well as NGO worker **Li Dajun**, all of whom had advocated on behalf of pneumoconiosis victims.¹³⁹

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 16, 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, 2019. 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 2018—China (Includes Tibet, Hong Kong and Macau),” March 13, 2019, sec. 7.

² *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 387, Case No 3184 (China), February 15, 2016, October 2018, 238–39; Elaine Hui and Eli Friedman, “The Communist Party vs. China’s Labor Laws,” *Jacobin*, October 2, 2018; Aaron Halegua et al., “Forty Years On, Is China Still Reforming?,” *ChinaFile*, Asia Society, November 9, 2018. See also Christopher Balding and Donald C. Clarke, “Who Owns Huawei?,” *Social Science Research Network*, April 17, 2019, 9–10.

³ All-China Federation of Trade Unions, “Submission to United Nations Periodical Review of China,” March 2018.

⁴ All-China Federation of Trade Unions, “Submission to United Nations Universal Periodical Review of China—On Migrant Workers,” March 2018; All-China Federation of Trade Unions, “Nongmin gong ruhui renshu cong 1 yi zengjia dao 1.4 yi” [The number of migrant workers who join a union has increased from 100 million to 140 million], April 16, 2018.

⁵ National Bureau of Statistics of China, “2018 nongmingong jiance diaocha baogao” [Migrant workers monitoring and survey report], April 29, 2019.

⁶ China Labour Bulletin, “Migrant Workers and Their Children,” May 2019; National Bureau of Statistics of China, “2018 nongmingong jiance diaocha baogao” [Migrant workers monitoring and survey report], April 29, 2019.

⁷ National Bureau of Statistics of China, “Statistical Communiqué of the People’s Republic of China on the 2018 National Economic and Social Development,” February 28, 2019.

⁸ China Labour Bulletin, “Migrant Workers and Their Children,” May 2019; Cai Yiwen, “China’s Aging Migrant Workers Are Facing a Return to Poverty,” *Sixth Tone*, November 28, 2018.

⁹ Christopher Balding and Donald C. Clarke, “Who Owns Huawei?,” *Social Science Research Network*, April 17, 2019, 9–10; Freedom House, “China,” in *Freedom in the World 2019*, February 2019, sec. E3; Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, “Country Reports on Human Rights Practices for 2018—China (Includes Tibet, Hong Kong and Macau),” March 13, 2019, sec. 7. See also Elaine Hui and Eli Friedman, “The Communist Party vs. China’s Labor Laws,” *Jacobin*, October 10, 2018.

¹⁰ “Wang Dongming zai Zhongguo Gonghui Shiqi Da baogao zhong zhichu yi Xi Jinping Xin Shidai Zhongguo Tese Shehui Zhuyi Sixiang wei zhidao” [Wang Dongming’s report at the 17th National Congress of the ACFTU points out that Xi Jinping’s Thought on Socialism with Chinese Characteristics for a New Era is the guide], October 23, 2018; “The Chinese Trade Union Holds Its National Congress,” *Briefs, Made in China Journal*, October 26, 2018.

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Worker Rights

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Worker Rights

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Worker Rights

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Worker Rights

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Worker Rights

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Worker Rights

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