

WORKER RIGHTS

Trade Unions

The All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law,¹ and Chinese labor advocates and international observers report that the ACFTU does not effectively represent workers' rights and interests.² The ACFTU constitution describes the ACFTU as a "mass organization"³ under the leadership of the Chinese Communist Party and "an important social pillar of state power."⁴ During the Commission's 2017 reporting year, leading union officials held concurrent positions in the government and Party,⁵ including ACFTU Chairman Li Jianguo, who also served as Vice Chairman of the National People's Congress Standing Committee and a member of the Party Central Committee Political Bureau.⁶ At the enterprise level, company management typically selects union representatives, often selecting company managers to represent workers.⁷ Earlier experiments with elections of ACFTU representatives and other union reforms have reportedly stalled in recent years.⁸ Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),⁹ Universal Declaration of Human Rights,¹⁰ International Covenant on Civil and Political Rights,¹¹ and International Covenant on Economic, Social and Cultural Rights.¹²

Collective Bargaining

This past year, workers' right to collective bargaining remained limited in law and in practice. Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,¹³ but these laws designate the Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.¹⁴ The PRC Trade Union Law requires trade unions to "wholeheartedly serve workers";¹⁵ in practice, however, Chinese labor advocates and other experts report that the ACFTU and its lower level branches do not adequately represent workers' interests,¹⁶ often siding instead with enterprise management.¹⁷ In the absence of effective union representation,¹⁸ some Chinese labor non-governmental organizations (NGOs) had shifted their focus in recent years, from providing legal aid and other services to training workers in collective bargaining.¹⁹ A December 2015 crackdown on labor rights advocates and NGOs in Guangdong province, however, has reportedly had a chilling effect on labor advocates' ability to promote collective bargaining rights.²⁰ As a member of the ILO, China is obligated to respect workers' rights to collective bargaining.²¹

Civil Society

The situation of labor rights advocates and NGOs has worsened in recent years, and government suppression of labor NGOs continued during this reporting year. Grassroots labor NGOs have existed in China for decades, offering legal aid, helping workers seek

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redress for workplace injuries and unpaid wages, educating workers about their legal rights, and providing a variety of social services to workers.²² In recent years, some labor NGOs also began training workers in collective bargaining.²³ Authorities have long subjected labor NGOs to various forms of harassment,²⁴ but labor rights advocates reported increasing pressure from authorities beginning in late 2014.²⁵ In December 2015, authorities detained at least 18 labor advocates affiliated with several labor NGOs²⁶ in a crackdown that domestic and international observers described as “unprecedented.”²⁷ Labor advocates and NGOs reportedly continued to face heightened surveillance and pressure from authorities this past year.²⁸ In May 2017, authorities in Jiangxi province detained three Chinese men conducting research on behalf of a U.S.-based labor NGO regarding working conditions in factories producing shoes for international brands.²⁹ Authorities reportedly released all three on bail in June.³⁰ In addition, scholar Anita Chan warned that the PRC Law on the Management of Overseas NGOs’ Activities, which took effect on January 1, 2017,³¹ may further hinder the work of labor NGOs in China, as many of them rely on sources of funding outside of mainland China.³²

SENTENCING OF LABOR ADVOCATES

In fall 2016, a Guangdong province court sentenced four labor advocates detained in the December 2015 crackdown: Zeng Feiyang,³³ Zhu Xiaomei,³⁴ Tang Jian,³⁵ and Meng Han.³⁶ All four advocates were current or former staff of Guangdong-based labor NGOs,³⁷ and Zeng was the director of the Panyu Workers’ Services Center.³⁸ On September 26, 2016, the Panyu District People’s Court in Guangzhou municipality, Guangdong, found Zeng, Zhu, and Tang guilty of “gathering a crowd to disturb social order.”³⁹ The court sentenced Zeng to three years’ imprisonment, suspended for four years; and sentenced Zhu and Tang both to one year and six months’ imprisonment, suspended for two years.⁴⁰ Authorities reportedly released them following the trial.⁴¹ Though released, a suspended sentence means the advocates may be constrained in their ability to continue their labor advocacy work.⁴² On November 3, the same court found Meng Han guilty of “gathering a crowd to disturb social order,”⁴³ sentencing him to one year and nine months’ imprisonment.⁴⁴ Authorities reportedly released Meng upon completion of his sentence on September 3, 2017.⁴⁵ The ILO Committee on Freedom of Association stated that authorities seemed to have targeted these labor advocates for “being involved in a labour dispute,” and noted that targeting individuals for such activities “constitutes a serious interference with civil liberties in general and with trade union rights in particular.”⁴⁶

CHILLING EFFECT ON LABOR NGOS

The detention and sentencing of labor advocates has reportedly had a chilling effect on labor NGOs this past year.⁴⁷ Labor advocates and NGOs have maintained low profiles,⁴⁸ and NGOs have reportedly canceled trainings and reduced programs.⁴⁹ Legal scholar Aaron Halegua noted in an October 2016 report that the December 2015 crackdown has made labor NGOs reluctant to continue collective bargaining work.⁵⁰ Some international scholars have ar-

gued that in targeting these labor advocates, Chinese authorities were signaling that labor NGOs should stop working on collective bargaining altogether.⁵¹ Panyu Workers' Services Center, the organization reportedly at the center of the December 2015 crackdown,⁵² had trained and advised workers on collective bargaining.⁵³ The Chinese government's restrictions on labor NGOs contravene international standards on freedom of association, including those found in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the ILO Declaration on Fundamental Principles and Rights at Work.⁵⁴ [For more information on NGOs in China, see Section III—Civil Society.]

Worker Strikes and Protests

Following reports of a significant increase in worker strikes and protests in the previous reporting year,⁵⁵ the number of worker actions appeared to remain high this past year, though the Commission did not observe reliable statistics. The Hong Kong-based NGO China Labour Bulletin (CLB), which compiles data on worker actions collected from traditional news and social media,⁵⁶ documented 2,663 strikes in 2016.⁵⁷ This is fewer than the 2,776 strikes CLB documented in 2015, but approximately double the 1,379 strikes documented in 2014.⁵⁸ According to their data, 76 percent of worker actions in 2016 involved wage arrears.⁵⁹ The construction sector saw the largest number of strikes, accounting for 40 percent of the total, followed by manufacturing with 23 percent, and retail and services with 15 percent.⁶⁰ CLB statistics from the first half of 2017 indicated similar trends: 40 percent of worker actions sampled by CLB researchers were in the construction sector and 22 percent were in the retail and services sectors; 66 percent of sampled strikes in the first half of 2017 involved wage arrears.⁶¹ CLB researchers cautioned that their data were limited and likely represented a small fraction of the total number of strikes in China.⁶² Some local government figures indicate that the number of strikes may be much higher: The Party-run People's Daily reported that in the first 10 months of 2016, labor and social security inspection bureaus across Zhejiang province handled 1,701 labor-related "sudden incidents" (*tufa shijian*),⁶³ a term the government often uses to refer to strikes and protests;⁶⁴ China National Radio, an official broadcaster, reported that in 2016, Chongqing municipality handled 1,113 "sudden incidents" involving 64,500 workers.⁶⁵ The Chinese government does not publish national statistics on strikes.⁶⁶

This past year, labor advocates noted increasing difficulty in finding information on strikes in China due to the chilling effect of the December 2015 crackdown on labor NGOs and tightening government control of the media. In January 2017, one Guangdong-based advocate told Radio Free Asia (RFA) that in the past two years he observed fewer official media reports on strikes, and noted that censorship of information relating to strikes on social media had also increased.⁶⁷ An advocate from the Hong Kong Confederation of Trade Unions believes that because mainland labor NGOs are keeping a low profile following the 2015 detention of labor advocates, some observers have the "mistaken impression" that strikes have decreased.⁶⁸ In addition, in June 2016, authori-

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ties targeted an independent source of information on strikes and protests in China, detaining citizen journalists Lu Yuyu and Li Tingyu, who documented strikes and protests.⁶⁹ On August 3, 2017, the Dali City People's Court in Yunnan province reportedly sentenced Lu to four years' imprisonment for "picking quarrels and provoking trouble."⁷⁰ The same court tried Li in secret in April, and authorities reportedly released her on bail on an unknown date.⁷¹ [For more information on censorship and media restrictions, see Section II—Freedom of Expression.]

During this reporting year, government responses to worker strikes and protests appeared to be mixed, and some labor advocates asserted that the government's suppression of strikes had increased. The Commission observed reports of disputes in which Chinese authorities resolved disputes in court⁷² or assisted in finalizing negotiations between workers and management,⁷³ as well as disputes in which authorities did not get involved.⁷⁴ The Commission also observed reports of cases in which police responded violently to worker strikes and protests.⁷⁵ According to CLB data, police responded in some way to approximately 26 percent of worker actions in 2016.⁷⁶ In January 2017, labor advocates from Hong Kong and mainland China told RFA that mainland authorities had increased monitoring and suppression of worker strikes and protests.⁷⁷

Chinese law does not protect workers' right to strike.⁷⁸ A February 2017 study in the *Journal of Industrial Relations* examined nearly 900 court cases between 2008 and 2015 in which employers dismissed workers for their involvement in a strike; the study found that courts deemed strikes to be unlawful in 64 percent of cases, typically holding that striking violated workplace rules, and thus was acceptable grounds for dismissal.⁷⁹ The International Covenant on Economic, Social and Cultural Rights, which China has signed and ratified, guarantees workers' right to strike,⁸⁰ and a December 2016 report from the ILO Committee on Freedom of Association noted that the Committee "has always recognized the right to strike by workers and their organizations as a legitimate means of defending their economic and social interests."⁸¹

Child Labor

The Commission continued to observe reports of the use of child labor in China this past year.⁸² In one widely reported case, clothing manufacturers in Changshu city, Suzhou municipality, Jiangsu province, had hired workers from Yunnan province through recruiters, and many of the workers were under the age of 16.⁸³ According to the Party-run *Chungheng Evening Post*, employers beat the children for working too slowly and withheld pay and identification documents to prevent them from quitting.⁸⁴ Such actions are indicators of forced labor, according to the ILO.⁸⁵ Authorities detained at least two individuals following the media reports.⁸⁶ Domestic laws generally prohibit the employment of minors under the age of 16,⁸⁷ and China has ratified the two fundamental ILO conventions on the elimination of child labor.⁸⁸ The ILO Country Office for China and Mongolia noted that the Chinese government has not released official statistics on child labor in China, nor has it reported

any cases to the ILO.⁸⁹ [For more information on forced labor in China, see Section II—Human Trafficking.]

Occupational Health and Safety

During this reporting year, government data showed a continued decline in both workplace accidents and deaths, though the Commission continued to observe reports of lax enforcement of work safety laws and regulations. The State Administration of Work Safety (SAWS) reported in January 2017 that workplace accidents and deaths declined 5.8 and 4.1 percent, respectively, in 2016 compared to 2015.⁹⁰ SAWS also reported that accidents and deaths in the coal, fireworks, and transportation industries decreased during the same period, but did not provide statistics.⁹¹ Although China has numerous work safety laws and regulations,⁹² the Commission continued to observe reports of lax enforcement of those laws.⁹³

Official statistics indicate that pneumoconiosis—a lung disease caused by inhaling dust⁹⁴—is the most prevalent form of occupational illness in China; moreover, pneumoconiosis sufferers reportedly face difficulty obtaining workers' compensation. The National Health and Family Planning Commission (NHFPC) reported in December 2015 that pneumoconiosis accounted for roughly 90 percent of all cases of occupational illness in China in 2014.⁹⁵ Although the Commission did not observe officially published statistics for 2015 or 2016, the NHFPC noted in January 2016 that experts expected rates of pneumoconiosis to remain high in the near future.⁹⁶ A December 2016 report by Beijing-based non-governmental organization (NGO) Love Save Pneumoconiosis⁹⁷ found that pneumoconiosis sufferers had difficulty obtaining workers' compensation, as only 9.5 percent of surveyed pneumoconiosis sufferers had signed formal contracts with employers, and 84.8 percent had not obtained workers' compensation insurance.⁹⁸ The Party-run newspaper Workers' Daily reported in March 2017 that pneumoconiosis sufferers often had to spend significant time and money to obtain proper diagnoses and receive compensation.⁹⁹ In October 2016, authorities in Ganluo county, Liangshan Yi Autonomous Prefecture, Sichuan province, briefly detained several former miners who suffer from pneumoconiosis for petitioning and protesting to demand workers' compensation.¹⁰⁰

This past year, the government issued several documents setting targets and outlining plans for improving occupational health and safety. The National Human Rights Action Plan of China (2016–2020), released in September 2016, set the goal of reducing workplace accident deaths by 10 percent by 2020.¹⁰¹ In December 2016, the State Council General Office issued the National Occupational Illness Control Plan (2016–2020), with stated goals including “establishing and improving occupational illness control structures for employer responsibility, administrative supervision, enterprise self-discipline, worker participation, and societal monitoring.”¹⁰² In January 2017, the State Council General Office also issued the 13th Five-Year Plan on Work Safety calling for reductions in workplace accidents and deaths in various categories, including reducing the number of deaths in workplace accidents by 10 percent.¹⁰³ A January 2017 National Bureau of Economic Research working paper evaluating a previous policy aimed at reducing workplace

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deaths found evidence that local governments had manipulated statistics on workplace deaths in order to meet their yearly targets.¹⁰⁴

Wage Arrears

Wage arrears remained a significant problem this past year, and were reportedly a growing problem in some sectors of the economy. Wage arrears have long been a problem for China's 281 million migrant workers,¹⁰⁵ particularly in the construction industry.¹⁰⁶ In 2016, 76 percent of all strikes documented by China Labour Bulletin involved wage arrears.¹⁰⁷ The Supreme People's Procuratorate reported in March 2017 that the number of prosecutions for failure to pay wages had increased 26.5 percent in 2016 compared to 2015.¹⁰⁸ Although a January 2016 opinion issued by the State Council General Office set the goal of containing the problem of migrant worker wage arrears by 2020,¹⁰⁹ in January 2017, an official from the Ministry of Human Resources and Social Security told the People's Daily that slowing economic growth had increased the risk of wage arrears in the construction industry as well as other sectors.¹¹⁰ International and domestic media reported this past year that while wage arrears remained a problem in traditional sectors of the economy, they were also becoming a problem in new industries such as Internet commerce.¹¹¹ Vice Minister of Human Resources and Social Security Qiu Xiaoping told People's Daily in January 2017 that one of the reasons wage arrears remained a problem was that the penalties for companies that failed to pay workers were "especially low."¹¹²

Unemployment

China's economic growth rate continued to decline, and the official unemployment rate reportedly did not provide an accurate picture of employment in China. According to the National Bureau of Statistics of China (NBS), in 2016, China's rate of GDP growth was 6.7 percent.¹¹³ This was the slowest rate in 26 years,¹¹⁴ though international economists questioned the accuracy of China's GDP growth estimates.¹¹⁵ International news media reported declining employment in some types of manufacturing,¹¹⁶ as well as layoffs, underemployment, and early retirement in state sectors such as steel and coal.¹¹⁷ Other economic indicators suggested that both the service sector and manufacturing overall continued to grow at a modest pace.¹¹⁸ The official urban registered unemployment rate at the end of 2016 was 4.02 percent,¹¹⁹ but this figure only included those urban residents who officially registered as unemployed, rather than the number of unemployed individuals nationwide.¹²⁰ A study by the Hunan Provincial Bureau of Statistics cautioned that the current methodology excludes many of China's migrant workers,¹²¹ while one official at a county-level human resources and social security bureau noted increasing levels of "hidden unemployment" in rural areas.¹²² In his June 2017 report to the United Nations, Special Rapporteur on extreme poverty and human rights Philip Alston emphasized that accurate statistics are necessary for "successful" economic policymaking.¹²³ The 2010 PRC Social Insurance Law stipulates that workers and employers contribute to an unemployment insurance fund.¹²⁴ NBS, however, re-

ported that as of late 2016, only around 23 percent of workers contributed to unemployment insurance funds,¹²⁵ and the Ministry of Human Resources and Social Security (MOHRSS) further reported in March 2017 that only around 17 percent of migrant workers contributed to unemployment insurance funds.¹²⁶

Social Insurance

During this reporting year, workers' rates of social insurance coverage showed some improvement, but overall remained low.¹²⁷ 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.¹²⁸ Under the law, employers and workers are required to contribute to basic pension, health, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on workers' behalf.¹²⁹ According to NBS and MOHRSS, from 2015 to 2016, workers' compensation coverage increased slightly overall from 27.7 to 28.2 percent,¹³⁰ but decreased slightly for migrant workers from 27.0 to 26.7 percent participating.¹³¹ Employment-based pension insurance coverage rates increased from 45.7 percent to 48.8 percent for all workers, and increased from 20.1 percent to 20.7 percent for migrant workers.¹³² Employer-based health insurance coverage remained below 40 percent for all workers and below 20 percent for migrant workers.¹³³ Unemployment and maternity insurance coverage remained below 25 percent for all workers.¹³⁴ In addition to low levels of coverage, international experts noted that because local governments manage social insurance funds, many migrant workers face bureaucratic obstacles when transferring their social insurance benefits to new jurisdictions.¹³⁵ Some migrant workers reportedly preferred not to participate in social insurance programs, as they were not confident their contributions would be available to them in the future.¹³⁶

Dispatch Labor

The Commission continued to observe reports this past year¹³⁷ of employers violating domestic laws and regulations on the use of dispatch workers.¹³⁸ In order to cut costs, firms often use dispatch labor (*laowu paiqian*)—workers hired through subcontracting agencies.¹³⁹ Provisions in the PRC Labor Contract Law stipulate that employers pay dispatch workers the same as full-time workers doing similar work, and generally only employ dispatch workers on a temporary, auxiliary, or substitute basis.¹⁴⁰ The 2014 Interim Provisions on Dispatch Labor further required that dispatch labor make up no more than 10 percent of a firm's total workforce by March 2016.¹⁴¹ Despite these requirements, Chinese legal professionals found that dispatch workers continued to receive lower wages and benefits than their directly employed counterparts, and often faced difficulties holding firms and dispatch agencies accountable for labor law violations.¹⁴² Moreover, firms are reportedly using "outsourced labor" (*laowu waibao*), another form of subcontracted labor, to get around the requirement to reduce the percentage of dispatch laborers they employ.¹⁴³ According to a researcher

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with the Chinese Academy of Labour and Social Security, although the number of dispatch workers in China has declined in recent years, the use of workers who are “outsourced in name, dispatch in reality’ is rampant.”¹⁴⁴

“Employment Relationships” and China’s Labor Laws

This past year, many categories of workers were unable to benefit fully from the protections provided under Chinese law,¹⁴⁵ including workers above the retirement age,¹⁴⁶ student workers and interns,¹⁴⁷ and independent contractors or informal workers.¹⁴⁸ The PRC Labor Law and PRC Labor Contract Law apply to workers who have an “employment relationship” (*laodong guanxi*) with their employers.¹⁴⁹ Workers past the retirement age and students, however, are not able to legally form an official “employment relationship,”¹⁵⁰ and thus do not receive the protection of these labor laws.¹⁵¹ Interns are protected by separate regulations requiring that internships be relevant to students’ plans of study and prohibiting interns from working more than eight hours per day.¹⁵² Yet the Commission continued to observe reports of vocational schools sending students to work long hours for low pay in jobs unrelated to their fields of study,¹⁵³ and one former recruiter said such practices were common.¹⁵⁴ Moreover, contract workers and casual or informal employees such as delivery drivers, window washers, and street cleaners¹⁵⁵ typically do not receive social insurance benefits, and are often unable to benefit from labor law protections due to difficulties proving the existence of an “employment relationship.”¹⁵⁶

Notes to Section II—Worker Rights

¹ PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 9–11; “China’s Complicated Relationship With Workers’ Rights,” *World Politics Review*, 25 January 17; Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” *New York University School of Law, U.S.-Asia Law Institute*, October 2016, 11. See also UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, including Hong Kong, China and Macao, China, adopted by the Committee at its 40th Meeting (23 May 2014), E/C.12/CHN/CO/2, 13 June 14, para. 23.

² Dexter Roberts, “Beijing Wants One Union To Rule Them All,” *Bloomberg Businessweek*, 10 November 16; Wang Jiansong (wang jiangsong), “Worker Representative Peng Jiayong Discusses a Workers’ Representative System at ‘Unirule Institute of Economics Bi-Weekly Forum’” [Gongren daibiao peng jiayong zai “tianze shuang zhou luntan” changtan gongren daibiao zhi], WeChat post, 24 January 17; Diana Fu, “Disguised Collective Action in China,” *Comparative Political Studies*, Vol. 50, Issue 4 (March 2017), 505; Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” *New York University School of Law, U.S.-Asia Law Institute*, October 2016, 11; Tim Pringle, “What Do Labour NGOs in China Do?” *University of Nottingham, China Policy Institute: Analysis* (blog), 17 October 16.

³ Embassy of the People’s Republic of China in the Federal Democratic Republic of Nepal, “Major Mass Organizations,” 27 October 04; Anthony J. Spires, “Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China’s Grassroots NGOs,” *American Journal of Sociology*, Vol. 117, No. 1 (July 2011), 9; Karla Simon, *Civil Society in China: The Legal Framework From Ancient Times to the “New Reform Era”* (New York: Oxford University Press, 2013), 167–74. “Mass organizations” are organizations under the Chinese Communist Party such as the All-China Women’s Federation, Communist Youth League of China, and All-China Federation of Industry and Commerce. The Chinese Embassy in Nepal described these organizations as “a bridge linking the CPC [Communist Party of China] and government with the people.” According to scholar Anthony J. Spires, in practice “mass organizations” have functioned as “one-way conduits for instructions from the top to the bottom.”

⁴ Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], issued 22 October 13, General Principles.

⁵ See, e.g., All-China Federation of Trade Unions, “Xu Zhenchao, All-China Federation of Trade Unions Vice Chairman (Part Time)” [Xu zhenchao quanguo zong gonghui fuzhuxi (jianzhi)], last visited 21 March 17; Fujian Provincial Federation of Trade Unions, “Provincial Federation Leadership” [Sheng zong lingdao], last visited 22 March 17; Beijing Municipal Federation of Trade Unions, “Municipal Federation Profile” [Shi zong gaikuang], last visited 22 March 17; Pingchang County Trade Association, “Trade Union Leadership” [Gonghui lingdao], last visited 9 June 17.

⁶ All-China Federation of Trade Unions, “Li Jianguo, Chairman of the All-China Federation of Trade Unions” [Li jianguo quanguo zong gonghui zhuxi], last visited 21 March 17.

⁷ Tim Pringle, “What Do Labour NGOs in China Do?” *University of Nottingham, China Policy Institute: Analysis* (blog), 17 October 16; Jens Lerche et al., “The Triple Absence of Labour Rights: Triangular Labour Relations and Informalisation in the Construction and Garment Sectors in Delhi and Shanghai,” *University of London, SOAS, Centre for Development Policy and Research, Working Paper 32/17*, February 2017, 11, 19; Samuel Wrest, “Evaluating Trade Union Law and Collective Bargaining in China: Key Considerations for Foreign Firms,” *China Briefing* (blog), 8 March 17.

⁸ Kevin Lin, “Rising Inequality and Its Discontents in China,” *New Labor Forum*, Vol. 25, No. 3 (2016), 71; “China’s Complicated Relationship With Workers’ Rights,” *World Politics Review*, 25 January 17. For examples of reform efforts from previous reporting years, see CECC, 2010 Annual Report, 10 October 10, 73–74; CECC, 2012 Annual Report, 10 October 12, 60; CECC, 2013 Annual Report, 10 October 13, 67–68.

⁹ International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, 4 July 50, arts. 2, 3, 5. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, paras. 3, 16–17, 54, 57.

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

¹¹ International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 9 June 17. China has signed but not ratified the ICCPR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55.

¹² International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 8.1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 9 June 17. China has signed and ratified the ICESCR. See also UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, 14 September 16, para. 55.

¹³ PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, arts. 16–35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 51–56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, arts. 6, 20.

¹⁴ *Ibid.*, art. 33; *Ibid.*, arts. 6, 51, 56; *Ibid.*, arts. 6, 20. See also “China’s Complicated Relationship With Workers’ Rights,” *World Politics Review*, 25 January 17.

¹⁵ PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed 3 April 92, amended and effective 27 October 01, art. 6.

¹⁶ Dexter Roberts, “Beijing Wants One Union To Rule Them All,” *Bloomberg Businessweek*, 10 November 16; Wang Jiansong (wang jiangsong), “Worker Representative Peng Jiayong Discusses a Workers’ Representative System at ‘Unirule Institute of Economics Bi-Weekly Forum’” [Gongren daibiao peng jiayong zai “tianze shuang zhou luntan” changtan gongren daibiao zhi], WeChat post, 24 January 17; Diana Fu, “Disguised Collective Action in China,” *Comparative Political Studies*, Vol. 50, Issue 4 (March 2017), 505; Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16.

¹⁷ Dexter Roberts, “Beijing Wants One Union To Rule Them All,” *Bloomberg Businessweek*, 10 November 16; Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16.

¹⁸ Dexter Roberts, “Beijing Wants One Union To Rule Them All,” *Bloomberg Businessweek*, 10 November 16; Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” *New York University School of Law, U.S.-Asia Law Institute*, October 2016, 11; Kevin Lin, “Rising Inequality and Its Discontents in China,” *New Labor Forum*, Vol. 25, No. 3 (2016), 71.

¹⁹ Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16; Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” *New York University School of Law, U.S.-Asia Law Institute*, October 2016, 38. See also Ivan Franceschini, “Revisiting Chinese Labour NGOs: Some Grounds for Hope?” *Made in China*, Issue 1 (January–March 2016), 19.

²⁰ Chun Han Wong, “Chinese Labor Activists Handed Suspended Sentences,” *Wall Street Journal*, 26 September 16; Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16; Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” *New York University School of Law, U.S.-Asia Law Institute*, October 2016, 2, 43.

²¹ International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-Up, 18 June 98, art. 2(a). Article 2 of the ILO Declaration on Fundamental Principles and Rights at Work states that “all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining” International Labour Organization, “China,” NORMLEX Information System on International Labour Standards, last visited 9 June 17. China became a member of the ILO in 1919.

²² “Interpreting Chinese Labour: Informalisation or Empowerment?” in *Made in China Yearbook 2016: Disturbances in Heaven*, eds. Ivan Franceschini et al. (Canberra: Australian National University Press, February 2017), 37; Diana Fu, “Disguised Collective Action in China,” *Comparative Political Studies*, Vol. 50, Issue 4 (March 2017), 506–7; Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16.

²³ Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” *New York University School of Law, U.S.-Asia Law Institute*, October 2016, 38; Tim Pringle, “What Do Labour NGOs in China Do?” University of Nottingham, China Policy Institute: Analysis (blog), 17 October 16. See also Ivan Franceschini, “Revisiting Chinese Labour NGOs: Some Grounds for Hope?” *Made in China*, Issue 1 (January–March 2016), 18–19.

²⁴ Aaron Halegua, “Who Will Represent China’s Workers? Lawyers, Legal Aid, and the Enforcement of Labor Rights,” *New York University School of Law, U.S.-Asia Law Institute*, October 2016, 36; Diana Fu, “Disguised Collective Action in China,” *Comparative Political Studies*, Vol. 50, Issue 4 (March 2017), 507–8. See also CECC, 2012 Annual Report, 10 October 12, 59, 122.

²⁵ Lin Yunfei, Nan Fei Yan Social Work Services Center, “‘Dead End,’ an Open Letter From Labor Rights Defense Organization Nan Fei Yan” [“Ci lu butong” zhi laogong weiquan zuzhi nan fei yan de gongkai xin], reprinted in *New Citizens’ Movement* (blog), 19 October 15; Feng Renke and Li Linjin, “The Plight of Chinese Labor Rights NGOs” [Zhongguo laogong weiquan NGO de kunjing], *Financial Times*, 2 March 15; Alexandra Harney, “China Labor Activists Say Facing Unprecedented Intimidation,” *Reuters*, 21 January 15. For information on the harassment of labor rights advocates and NGOs in the 2015 and 2016 reporting years, see CECC, 2016 Annual Report, 6 October 16, 84–85; CECC, 2015 Annual Report, 8 October 15, 85–86.

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