
Centre for Human Rights Studies
Chinese Academy of Social Sciences, China (CHRS)
Submission to UN Universal Periodic Review of China
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1. The Center takes note with appreciation that Chinese Government attaches great importance to the improvement of the people's wellbeing. One of the highlights is that it highly valued the protection of laborer's rights. Chinese Government has adopted a series of measures to effectively protect citizens' employment right and every right of laborers to actively promote realization of decent work.

2. The Center considers that legislation of China's labor law has been strengthened and legal system of labor protection has been further improved after the second Universal Periodic Review.

3. In March 2015, the Communist Party of China (CPC) Central Committee and the State Council has promulgated *Opinions on the Construction of Harmonious Labor Relationship*. This document puts forward explicit requirements on labor protection and construction on harmonious labor relationship, which contributes to coordination and joint efforts of relevant departments to advance construction of harmonious

labor relationship.

4. In recent four years, Ministry of Human Resources and Social Security has issued a series of regulations, including the *Measures for the Public Disclosure of Major Violations of Law on Labor and Social Security* in August 2016, the *Rules for Handling the Arbitration of Labor and Personnel Disputes* and the *Rules for Arbitration Organization of Labor and Personnel Disputes* in April 2017, *Opinions on Strengthening the Construction of Coordination Mechanism between Arbitration and Litigation of Disputes of Labor and Personnel* in November 2017. In 2013, Ministry of Human Resources and Social Security enacted *Provisional Regulations on Labor Dispatching* promptly targeting existing problems in labor dispatching.

5. The Center takes note with appreciation that the Chinese Government regards employment as the basis of people's wellbeing and takes all kinds of measures to actively promote employment. By the end of 2016, number of employed persons has exceeded 770 million, increased by 1.52 million compared the number in the end of 2015. The new entrants to the labor force has boosted by 13.14 million in urban China during 2016, in which was the fifth consecutive year that the annual employment goal was outperformed. During past five years, the number of new entrants to the labor force annually in urban

China has remained above 12 million and the accumulative number of new entrants to the labor force has exceeded 65 million.

6. The Center especially notes that, in the previous five years, China's social security system has expanded from urban to countryside, from state-owned enterprises to various enterprises, from employed group to unemployed and unstable employment group. A grand system of social security system has formed as contributors of basic endowment insurance was 887 million and contributors to the basic medical insurance was 743 million by the end of 2016 in China. Basic endowment insurance for the urban worker has been through continuous growth in past five years, as basic pension for workers of enterprises has increased from 1686 yuan to 2362 yuan from 2012 to 2016, with an average annual growth of 8.8%.

7. The Center takes note that signing rate of labor contracts of enterprises nationwide reached up to 90% in 2016. The number of collective agreements examined by human resources and social security departments which were within the validity period were accumulatively 1.91 million, covering 3.41 million enterprises and 178 million employees by the end of 2016.

8. In 2016, there were 1.771 million disputes involving 2.268 million laborers nationwide processed by the labor and

personnel dispute mediation and arbitration organizations, and 1.639 million of the disputes were settled. The success rate of case settlement by conciliation was 65.8%, and 95.5% cases are settled in arbitration. The amount of final award in arbitration was 100,400, which took up 28.4% of all disputes.

9. In 2016, labor and social security inspection organizations at all levels in China have actively inspected 1.908 million employers, and 82.096 million laborer persons were involved. There were 2.226 million employers going through documents review and 79.658 million laborers were involved. The number of cases violating labor and social security laws was about 323,000 all the year round.

10. In 2016, by strengthening law enforcement in labor and social security inspection, labor and social security inspection organizations at all levels in China have recovered wages and other remunerations 35.06 billion yuan for 3.722 million laborers, among which, 27.83 billion yuan has been recovered to 2.901 million national migrant workers.

11. In 2016, labor and social security inspection organizations at all levels in China has urged the employers to re-sign 2.027 million labor contracts, urged 30,000 employers to go through registration of social security, urged 38,000 employers to pay back 1.73 billion yuan of social insurance fees for 633,000

laborers, recovered 2.616 million yuan of conned social insurance benefit and funds and banned 2798 illegal employment intermediary agencies.

12. The Center considers that China is still facing challenges in matters of labor protection.

13. Extra research and other efforts are still needed to protect internet platform workers and other new forms of employment.

In recent years, with development of internet technology, platform economy in China has been through rapid development. The number of workers working through online platform is boosted, which included online ride-share drivers and couriers of express enterprises. Up to June 2017, there were 295 million users of online take-out platforms, 278 million users of online taxi platforms and 217 million users of online car-sharing. There are tens of millions of online ride-share drivers. A few online ride-share drivers and couriers work for long hours while related legal responsibilities are vague. It is uncertain that whether they are protected by labor law. This is because there is difficulty in the recognition of their “employee” stutas under labor law, as online platform service providers have more autonomy in delivering service and flexibility in working time and place than traditional laborer. Therefore, how to provide protection for online platform service providers is a subject for further study.

14. Despite China has been strengthening labor protection in recent years, some laws and regulations are relatively general. Therefore, local authorities have adopted guiding opinions to implement them. Nonetheless, the understandings of laws are various, and interpretations of national labor laws are inconsistent, which leads to discrepancy in local labor law regimes.

15. The coverage of social insurance has space to be further expanded. Despite China has been continuously enlarging coverage of social insurance in recent years, there are still certain working groups, mainly some part of workers in small and mini enterprises, migrant workers, flexible workers and workers of new forms of employment, to be covered.

16. The Center recommends that the study and protection of new form of employment should be strengthened. It is necessary to study the similarities and differences between the new forms and traditional forms of employment, so as to provide proper labor protection for the workers of new forms of employment.

17. The Center appeals that China's administrative and judicial departments should reinforce the unification of legal interpretations so as to avoid conflict and inconsistency among local rules.

18. The Center appeals that it is essential to expand the

coverage of social insurance. It is necessary to include national migrant workers, flexible workers and workers of new forms of employment into the social insurance programs so as to achieve a full coverage for people in need.