

THE TRADE UNION LAW OF THE PEOPLE'S REPUBLIC OF CHINA Friday, April  
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Article 1 This Law is formulated in accordance with the Constitution in order to protect the position of trade unions in State political, economic and social life, to clarify the rights and obligations of trade unions and to enable them to play their proper role in the development of China's socialist modernization.

Article 2 Trade unions are mass organizations formed by the working classes of their own free will.

Article 3 All workers doing physical or mental work in enterprises, public institutions and government organs within Chinese territory who earn their living primarily from wages shall have the right to participate in and form trade union organizations pursuant to the law, regardless of their nationality, race, sex, occupation, religious beliefs or level of education.

Article 4 Trade unions must abide by and safeguard the Constitution and use the Constitution as the standard for their basic activities. Trade union work shall be carried out independently and voluntarily in accordance with the Constitution of Trade Unions.

The trade union members national representative assembly shall formulate or amend the Constitution of the All-China Federation of Trade Unions, which shall be prohibited from conflicting in any way with China's Constitution and laws.

The State shall protect the legal rights and interests of trade unions and any infringement of these rights and interests shall be prohibited.

Article 5 Trade unions shall organize and educate workers to exercise their democratic rights pursuant to the provisions of China's Constitution and laws, give full play to the nation's role as master, participate through various channels and formats in the management of national

affairs, economic and cultural institutions and social matters, assist the people's governments to develop work opportunities, uphold the leadership of the working classes and support the worker-peasant alliance which forms the basis of the people's democratic dictatorship of socialist state power.

Article 6 While upholding the overall rights and interests of the whole nation, trade unions shall, at the same time, safeguard the rights and interests of workers.

A trade union must liaise closely with workers, listen to and reflect their views and requirements, care for their livelihood, assist them in overcoming difficulties and serve them wholeheartedly.

Article 7 The trade union of an enterprise or public institution owned by the whole people or a collectively owned enterprise or public institution shall organize its workers to participate in the said unit's democratic management and democratic supervision pursuant to the provisions of the law.

Article 8 A trade union shall mobilize and educate workers to approach work with the attitude of being the master, to care for State and enterprise property and observe labour discipline and shall urge and organize workers to conscientiously complete production and work assignments.

A trade union shall organize workers to launch socialist labour emulation campaigns, develop mass rationalization proposals, technological reform and technological cooperation activities, improve work productivity rates and economic performances and develop society's productive forces.

Article 9 A trade union shall educate workers in matters of patriotism, collectivism and socialism, democracy, legality and discipline and science, culture and technology, raise the ideological thoughts, ethics and scientific, cultural, technological and professional qualities of workers and enable them to become labourers with ideals, ethics, education and discipline.

Article 10 The All-China Federation of Trade Unions shall, in accordance with the principles of independence, equality, mutual respect and mutual non-interference in internal affairs, improve the relations of friendly cooperation held with the trade union organizations of various other nations.

## CHAPTER II TRADE UNION ORGANIZATIONS

Article 11 Trade union organizations at the various levels shall be established in accordance with the principle of democratic centralism.

Trade union committees at the various levels shall be elected by their general assemblies or representative assemblies.

Trade union committees at the various levels shall be responsible to and shall submit work reports to general assemblies or representative assemblies at their respective levels and shall be subject to their supervision.

Trade union general assemblies and representative assemblies shall have the right to change or dismiss their elected representatives or committee members.

Higher level trade union organizations shall provide leadership to lower level trade union organizations.

Article 12 The trade union of an enterprise, public institution or government organ with 25 or more members may establish a primary trade union committee. If members number less than 25, one organizer may be elected to organize activities for members.

A locality at county level or above shall establish a local all-level federation of trade unions.

Several enterprises operating in the same industry or in industries of a similar nature may establish a national or local specific industry trade union, depending on their requirements.

The All-China Federation of Trade Unions shall operate uniformly at a national level.

Article 13 The establishment of a primary trade union, local all-level federation of trade unions or a national or local specific industry trade union must be reported to the trade union organization at the next highest level for approval.

If a primary trade union organization's enterprise terminates its operations or its public institution or administrative organ is abolished, the said trade union organization shall also be abolished.

Article 14 The All-China Federation of Trade Unions, local all-level federations of trade unions and specific industry trade unions shall have the legal person status of a social group.

Primary trade union organizations complying with the legal person requirements stipulated by the general Principles of Civil Law shall be awarded the legal person status of a social group pursuant to the law.

Article 15 During their terms of office, a trade union chairman and deputy chairman shall be prohibited from arbitrarily transferring to other positions. If work requirements necessitate such a move, approval shall be obtained from the respective level trade union committee and higher level trade union.

### CHAPTER III RIGHTS AND OBLIGATIONS OF A TRADE UNION

Article 16 If an enterprise or public institution owned by the whole people or a collectively owned enterprise or public institution violates the provisions of the worker representative assembly system or other democratic management systems, the trade union of the said unit shall have the right to put forward its views and ensure that the workers' rights to democratic management are implemented pursuant to the law.

A trade union may appoint a representative to investigate problems in relation to infringements of the legal rights and interests of workers of the said enterprise or public institution within which it has been established and the said unit shall be obliged to provide the necessary assistance.

Article 17 If an enterprise or public institution violates labour laws or statutory regulations, thereby infringing on the legal rights and interests of workers, the trade union shall have the right to request that the said enterprise or public institution's administrative authority or other relevant departments deal with the matter seriously.

If an enterprise or public institution violates State provisions on labour (work) hours, the trade union shall have the right to request that the said enterprise or public institution's administrative authority rectifies the matter.

If an enterprise or public institution violates a law or statutory regulation safeguarding the special rights and interests of women employees, the trade union and its female employee organization shall have the right to request that the said enterprise or public institution's administrative authority rectifies the matter.

Article 18 A trade union shall assist and provide guidance to workers signing labour contracts with the enterprise or public institution's administrative authority.

A trade union may represent workers in signing a collective contract with an enterprise or public institution's administrative authority. The draft of a collective contract shall be submitted to a meeting of employee representatives or the complete body of employees for discussion and adoption.

Article 19 A trade union which believes that an enterprise's dismissal or penalizing of an employee is inappropriate shall have the right to put forward its views on the matter.

When making a decision to dismiss or remove an employee's name from its books, an enterprise owned by the whole people or a collectively owned enterprise shall first notify the trade union of its reasons for such a decision. If the enterprise's administrative authority is found to have violated the provisions of the law, statutory regulations or the relevant contract, the trade union shall have the right to request that the case be reinvestigated and dealt with anew.

A party disagreeing with the penalty decision of an enterprise's administrative authority to

dismiss or remove the said party's name from its books may request that the case be dealt with in accordance with relevant State provisions on the handling of labour disputes.

Article 20 A trade union shall participate in mediation work conducted in relation to labour disputes within its enterprise.

Equivalent level trade union representatives shall participate in district labour dispute arbitration organizations.

Article 21 If an enterprise infringes on the work rights or interests of an employee, the trade union may put forward its views on mediation and handling of the matter. If an employee initiates legal proceedings with a people's court, the trade union shall give its support and assistance.

Article 22 Trade union federations at county level or above may provide legal consultancy services to affiliated trade unions and workers.

Article 23 A trade union shall, pursuant to State regulations, have the right to put forward views on work conditions and safety and hygiene facilities for a newly constructed or expanded enterprise or one undergoing technological transformation, and the said enterprise or its department in charge shall conscientiously endeavour to meet such requirements.

Article 24 If a trade union discovers that an enterprise's administrative authority is breaking rules and regulations by directing or forcing workers to undertake risks or if distinct and significant hidden dangers or occupational hazards are discovered during the production process, the trade union shall have the right to suggest a resolution. On discovering a situation where the personal safety of workers is jeopardized, a trade union shall have the right to suggest to the enterprise's administrative authority that the workers abandon the dangerous site and the said administrative authority must decide promptly on measures to resolve the matter.

A trade union shall have the right to participate in investigations into an accident resulting in a fatality or injury or other problems seriously endangering the health of workers. It may suggest resolutions to the relevant authorities, as well as have the right to require the pursuit of the liability of the administrative leaders directly responsible and other responsible parties.

Article 25 If an enterprise is subject to stop work or slow down measures, the trade union shall, in conjunction with the enterprise's administrative authority or other relevant authorities, negotiate a resolution of demands raised by the workers which are found to be reasonable and able to be resolved so as to enable the normal production process to be resumed as quickly as possible.

Article 26 Trade unions shall assist the administrative authorities of enterprises, public institutions and government organs to organize employee collective welfare matters and

wage, labour protection and labour insurance work.

Article 27 Trade unions shall, in conjunction with administrative authorities, organize employees to undertake after-hours cultural and technical studies and occupational training so as to improve the cultural and occupational quality of the workers, as well as organize them to develop recreational and sports activities.

Article 28 The views of trade unions shall be listened to when national economic and social development plans formulated by the various levels of people's governments at county level or above and draft laws and statutory rules and regulations researched by municipalities under provincial and autonomous region people's governments and people's governments of relatively large municipalities approved by the State Council involve important issues relating to the rights and interests of workers.

When the various levels of people's governments at county level or above and their relevant authorities formulate important policies or measures on wages, commodity pricing, production safety, labour protection, labour insurance, etc, equivalent level trade unions shall be recruited to participate in the research work and the views of the said trade unions shall be heeded.

Article 29 The various levels of people's governments at county level or above may adopt appropriate methods to report the respective government's important work plans and administrative measures relating to trade union work to their equivalent level trade unions and shall study and determine ways of handling the suggestions and requests of the working masses as reflected through the trade unions.

#### CHAPTER IV PRIMARY TRADE UNION ORGANIZATIONS

Article 30 The representative assembly of the workers of an enterprise owned by the whole people shall be the primary structure through which the enterprise executes democratic management as it is the body through which the workers may exercise their rights to democratic management in accordance with the provisions of the Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People.

The trade union committee of an enterprise owned by the whole people shall be the working body of the workers representative assembly and shall be responsible for the daily affairs of the representative assembly and for inspecting and supervising the implementation of resolutions of the representative assembly.

Article 31 The trade union committee of a collectively owned enterprise shall support and organize workers' participation in democratic management and democratic supervision and shall safeguard the rights of workers to elect and dismiss administrative personnel and to determine important issues relating to operational management.

Article 32 Trade union representatives shall participate in the management committee of an enterprise owned by the whole people.

Trade union representatives shall participate in meetings convened by an enterprise owned by the whole people to discuss matters, such as wages, welfare, production safety, labour protection and labour insurance, which involve the personal rights and interests of workers.

The factory head (manager) of an enterprise owned by the whole people shall support the trade union in carrying out its work pursuant to the law and the trade union shall support the factory head (manager) in performing his powers of office pursuant to the law.

Article 33 A Sino-foreign joint equity enterprise or Sino-foreign cooperative enterprise researching and making decisions on matters, such as wages, welfare, production safety, labour protection and labour insurance, which involve the personal rights and interests of workers shall heed the views of its trade union.

The trade union of a sole foreign investment enterprise may put forward suggestions on matters, such as wages, welfare, production safety, labour protection and labour insurance, which involve the personal rights and interests of its workers and shall negotiate and resolve such matters in conjunction with the enterprise's administrative authority.

Article 34 A primary trade union committee convening a meeting or organizing activities for workers shall do so in time outside production or work hours. If it is necessary to occupy production or work hours, prior approval from the administrative authority shall be required.

If a trade union committee member of an enterprise owned by the whole people or a collectively owned enterprise who has not been released from regular work duties uses production or work hours to participate in a union meeting or other activities organized by the trade union, the member's wages shall be issued as usual and other benefits shall not be affected.

Article 35 Trade union committee members of an enterprise or public institution owned by the whole people, a collectively owned enterprise or public institution or government organ who are released from regular work duties to act as full-time union personnel shall have their wages, awards and bonuses paid by the said unit's administrative authority. With regard to labour insurance and other welfare benefits, the same treatment shall apply as received by the said unit's workers.

## CHAPTER V TRADE UNION FUNDS AND ASSETS

Article 36 The sources of trade union funds shall be as follows:

(1) membership dues paid by union members;

(2) monthly allocations of 2% of the total wages of all of its employees paid to a trade union as funds by the enterprise or public institution owned by the whole people, collectively owned enterprise or public institution or government organ which established the said trade union organization;

(3) income handed over by enterprises and public institutions subordinate to the trade union;

(4) people's government subsidies;

(5) other income.

A Sino-foreign joint equity enterprise, Sino-foreign cooperative enterprise or sole foreign investment enterprise establishing a trade union organization shall allocate funds to the said trade union pursuant to relevant State regulations.

Trade union funds shall be used primarily to educate workers at the grass-roots level and for the union to arrange other activities. Detailed measures on the use of such funds shall be formulated by the All-China Federation of Trade Unions.

Article 37 A trade union shall work out its own budget and final accounts, as well as its own fund inspection and supervisory systems in accordance with the principle of independent accounting.

All of the various levels of trade unions shall establish fund inspection committees.

The fund income and expenditure situation of trade unions at the various levels shall be investigated by equivalent level fund inspection committees and periodic reports shall be made to the members' general assemblies or representative assemblies and be subject to supervision. A trade union general assembly or representative assembly shall have the right to put forward suggestions on the use of trade union funds.

Article 38 People's governments at the various levels and enterprises, public institutions and government organs shall provide the necessary facilities, venues and other material requirements of trade union organizations handling office matters and arranging union activities.

Article 39 No organization or individual may occupy, misappropriate or arbitrarily allocate a trade union's assets, funds or immovable property allocated by the State for use by the trade union.

Article 40 The jurisdictional framework of those enterprises and public institutions servicing workers which are subordinate to trade unions shall not be altered arbitrarily.

Article 41 Persons retiring from positions with trade unions at county level or above shall

receive the same benefits as persons working for State organs.

#### CHAPTER VI SUPPLEMENTARY PRINCIPLES

Article 42 This Law shall take effect from the date of promulgation. The Trade Union Law of the People's Republic of China, issued 29 June 1950 by the People's Central Government, shall be annulled simultaneously.