

**CHINA (2000-2019)**

***FREEDOM OF ASSOCIATION AND THE EFFECTIVE RECOGNITION OF THE RIGHT TO COLLECTIVE BARGAINING***

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	<b>YES</b> , since the start of the Annual Reviews (ARs) in 2000.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	<b>YES</b> , involvement of the China Enterprise Confederation (CEC) and the All China Federation of Trade Unions (ACFTU) by means of consultations and communication of Government's reports.	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	<b>2007-2011 ARs:</b> Observations by the CEC	
	<b>Workers' organizations</b>	<p><b>2014 AR:</b> Observations by the ACFTU.</p> <p><b>2010-2011 AR:</b> Observations by the ACFTU.</p> <p><b>2008-2009 AR:</b> Observations by the ACFTU. Observations by the International Trade Union Confederation (ITUC).</p> <p><b>2007 AR:</b> Observations by the ACFTU and the International Confederation of Free Trade Unions (ICFTU).</p> <p><b>2000 AR:</b> Observations by the ICFTU.</p> <p><b>2001-2002 AR:</b> Observations by the ICFTU.</p>	
<b>EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT</b>	<b>Ratification</b>	<b>Ratification status</b>	<b>China has ratified neither the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (C.87) nor the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (C.98).</b>
		<b>Ratification intention</b>	<b>NIL.</b>
	<b>Recognition of the principle and right (prospect(s), means of action, basic legal provisions)</b>	<b>Constitution</b>	<b>YES.</b>
		<b>Policy-Legislation and/or Regulations</b>	<ul style="list-style-type: none"> <li><b>Legislation:</b></li> </ul> <p><b>2019 AR:</b> In July, the action plan (2019 – 2021) on the reinforcement of collective consultation in order to stabilise employment, promote development and built harmony was jointly by the Ministry of Human Resources and Social Security, All China Federation of Trade Unions (ACFTU), China Enterprise Confederation (CEC), and All China Federation of Industry and Commerce. Up to December 2018, 41 regional implementing regulations of collective consultation had been promulgated in 30 provincial level regions.</p> <p><b>2015 -2016 AR:</b> According to the Government, no new laws have been introduced over the previous year. However, the Government stated that the Chinese government has always attached importance to promoting collective bargaining and collective contract systems. The 1994 Labour Law of China legally establishes the collective contract system. Article 33 of the Labour Law provides that the staff and workers of an enterprise as one party may conclude a collective contract with the enterprise on matters relating to labour remuneration, working hours, rest and vacations, occupational safety and health, and insurance and welfare. A collective contract shall be concluded by the trade union on behalf of the staff and workers with the enterprise; in enterprise where the trade union has not yet been set up, such contract shall be concluded by the representatives elected by the staff and workers with the enterprise. The Trade Union Law of China as amended in 2001 stipulates that trade unions coordinate labour relations and safeguard the rights and interests enjoyed in work by the workers and staff members of enterprises through consultation on an equal footing and the collective contract system. The Labour Contract Law of China, which entered into force as of 2008, devotes a</p>

			<p>special section to explicit provisions on issues such as special collective contracts, industry-wide or region-wide collective contracts, the labour remuneration and the standards for working conditions stipulated in a collective contract and dispute resolution over the collective contracts. Besides, the Company Law and the Law on Prevention and Control of Occupational Diseases also provide for a collective contract. The "Collective Contract Provisions" and the "Interim Measures for Collective Wage Bargaining", promulgated by the former Ministry of Labour and Social Security, further lay down specific provisions on collective bargaining and collective contracts. Efforts are being made to constantly explore ways to further improve the relevant regulations on collective bargaining. To date, a total of 28 regions in China have introduced local decrees and regulations on collective bargaining. These laws and regulations not only confirm the right to collective bargaining between the enterprise and staff members and workers but also lay a solid foundation for the promotion of collective bargaining.</p> <p><b>2012 AR:</b> According to the Government: Local laws and regulations on collective bargaining practices have been formulated or amended in the provinces of Heilongjiang, Anhui, Fujian and Gansu.</p> <p><b>2009 AR:</b> According to the Government: A new Law on Mediation and Arbitration of Labour Disputes adopted at the 31st Session of the Standing Committee of the 10th National People's Congress on 29 December 2007, entered into force on 1 May 2008.</p> <p><b>2008 AR:</b> According to the Government: the Labour Law Contract was adopted at the 28<sup>th</sup> Session of the Standing Committee of the 10<sup>th</sup> National People's Congress on 29<sup>th</sup> June 2007 and will enter into force as of 1<sup>st</sup> January 2008. Section 1 of chapter 5 specifies collective contracts (articles 51-56).</p> <p><b>2007 AR:</b> Corporate Law (section 18); Law on Chinese-Foreign Contractual Joint Ventures (section 14); Law on Foreign-Capital Enterprises (section 13).</p> <p><b>2003 AR:</b> The Trade Union Law, 1950 (and its subsequent amendments) and the Labour Law relate to the principle and right (PR).</p> <ul style="list-style-type: none"> <li>• <b>Regulations:</b> The regulations concerning the Congress of Staff and Workers in Industrial Enterprises Owned by the Whole People (section 9) relate to the PR.</li> <li>• <b>Policy:</b> <b>2012 AR:</b> According to the Government: In May 2010, the Tripartite National Coordination of Labour Relations issued the <i>Notice on Further Extension of the Collective Bargaining System and Implementation of the Rainbow Plan (MHRSS No. 32 (2010))</i>, striving to set up a collective bargaining system within three years (2010-2012) covering all enterprises where trade unions have been established. Regional and sector-based collective agreements will be signed for small enterprises where trade unions yet need to be established. Since the delivery of the Notice, the coverage of the collective bargaining system has expanded and priority has been given to collective bargaining concerning wages in non-public enterprises. Additionally, in order to reduce the impact of the financial crisis on the Chinese labour relations, the Tripartite National Coordination of Labour Relations have issued <i>Guidance on Stabilization of the Labour Relations in Response to the Current Economic Situation</i>, which urges enterprises to accelerate the realization of collective bargaining practices in order to use it as an institutional safeguard for uniting enterprises and workers in sharing the risks related to the crisis and to seek common positions for development. Collective bargaining will be given priority through this Guidance. For enterprises with normal production and operation, the level and growth rate of wages shall be determined through collective bargaining, so that workers and enterprises can share the outcomes. Enterprises with poor production and operation may, through collective bargaining, adopt measures such as flexible employment, flexible working hours, flexible wages and vocational training, to make joint responses to the current financial crisis, and to stabilize employment and the labour relations.</li> </ul>
		<p><b>Basic legal provisions</b></p>	<p>(i) The 1999 Constitution (article 35); (ii) the 1992 Trade Union Law (section 3); (iii) the Labour Law (sections 33 and 35); (iv) the Interim Regulation on Private Enterprises; (v) the Regulations concerning the Registration of Social Organizations (sections 9 and 13); and (v) the Regulations on Collective Contracts (section 33).</p>

		Judicial decisions	NIL.	
Exercise of the principle and right	At national level (enterprise, sector/industry, national)		For Employers	<p><b>2000-2004 ARs:</b> Prior government authorization is necessary to establish employers' organizations (section 9 of the Regulations concerning the Registration of Social Organizations). Freedom of association can be exercised by all categories of employers. However, employers cannot exercise the right to collective bargaining.</p>
			For Workers	<p><b>2008 AR:</b> According to the ACFTU: The right to freedom of association and collective bargaining is protected by national laws and regulations and workers have the full right to organize.</p> <p><b>2000-2004 ARs:</b> Government authorization is not required to establish a workers' organization or to conclude collective agreements. Freedom of association can be exercised at enterprise, sector/industry, national and international levels by all workers in the public service, medical professionals, teachers, agricultural workers, workers engaged in domestic work, workers in export processing zones (EPZs) or enterprises/industries with EPZs status, migrant workers, workers of all ages and in the informal economy. The right to collective bargaining can be exercised only at enterprise and sector/industry levels, by agricultural workers, workers engaged in domestic work, workers in EPZs or enterprises/industries with EPZs status, migrant workers, workers of all ages and in the informal economy.</p>
			Special attention to particular situations	<p><b>2016 AR:</b> The Government reported that China protects workers' rights to join and form trade unions in accordance with the law. On the basis of consolidating the achievements in the formation of trade unions, China endeavours to maximize the number of workers organized into trade unions, with focus placed on new economic organizations and new social organizations, scientific and technical workers, young workers, migrant workers and freelancers. By the end of 2015, there were 2.805 million grassroots trade union organizations in China, covering 6.593 million employing units and 295 million members. Migrant workers have become an important part of China's industrial workers. Beginning in early 2015, trade unions in China have launched the "Concentrated Action for Migrant Workers to Join Trade Unions" and boosted extensive participation of migrant workers in trade unions, with a view to effectively safeguarding the legitimate rights and interests of this particular group. In 2015, 15 million more migrant workers joined trade unions. The goal for 2016 is to have 15 million new migrant workers joining trade unions.</p> <p><b>2014 AR:</b> According to the Government: Special attention has been given to ensuring successful collective bargaining practices for workers with the lowest wages, including rural migrant workers, workers in small and medium sized enterprises (SMEs), workers in multinational corporations, and production line workers in non- public enterprises where standards of minimum wage have kept wage developments down.</p> <p><b>2013 AR:</b> According to the Government: The ACFTU continued to give special attention to the rights and interests of women workers, industries employing migrant workers, and to collective bargaining practices in non-public small and medium-sized enterprises (SMEs), as outlined in the 2012 AR. Additionally, the ACFTU has expanded its special attention to organizing workers employed by employment agencies. In line with these priorities, the ACFTU continued to safeguard the interests of women workers, with support of the "Special Provisions on Labour Protection of Women Workers" issued by the State Council of China on 28<sup>th</sup> April, 2012, protecting the rights of women workers in collective bargaining practices. In Liaoning, Shanxi, Hunan and other provinces the regulation "Special Collective</p>

				<p><i>Agreement on Special Rights and Interests for Women Workers</i>" has been promulgated. Overall, progress in adopting specialized collective agreements for women workers has been significant in 2011-2012 and has substantively contributed to protecting the rights women workers. China also continued to pay particular attention to the issue of collective bargaining in mining, construction and catering industries where migrant workers are more populated. Trade unions at all levels have set out to intensify their efforts in organizing rural migrant workers. In this regard, the Chinese trade unions are promoting an amendment to the Trade Union Law which should support migrant workers' right to organize. By the end of June 2012, an estimated 96,557 million rural migrant workers were registered as trade union members across China. With a view to improve working conditions in SMEs through collective agreements, trade unions continued their efforts to launch industry-wide and regional collective agreements, with regional or provincial trade unions representing enterprise-level unions, to safeguard the rights of workers facing high density of work, long hours of overtime, low wages and slow income growth. Trade unions special efforts to recruit and support workers employed by employment agencies to join trade unions has resulted in a trade union membership rate of 86.3 per cent among this category of workers, and the establishment of 1,910 trade unions in employment agencies in the Trade Union Federation of Jiangsu Province.</p> <p><b>2012 AR:</b> According to the Government: Special attention has been given to protection of the rights and interests of women workers. Trade unions at all levels have urged enterprises to sign specialized collective agreements for women workers in accordance with the <i>Views on Adoption of the Specialized Collective Contracts for Protection of the Rights and Interests of Women Workers</i> issued by the ACFTU. As a complement, clauses on specialized contracts for women workers have been integrated into local <i>Implementation Measures of Law on Protection of the Rights and Interests of Women Workers</i> in 15 provinces, and <i>Guidance on Adoption of the Specialized Collective Contracts for Protection of the Rights and Interests of Women Workers</i> has been issued jointly by 20 federations of trade unions, provincial departments of human resources and social security and employers' organizations. By promoting adoption of specialized collective agreements for women workers, there has been a significant success in further protecting the special rights and interests of women workers, including improved maternity protection. In line with the priority to expand industry-wide collective agreements, China is paying particular attention to the issue of collective bargaining in mining, construction and catering industries where migrant workers are more populated. Compared to other places, the working and living conditions of workers within these industries are relatively poor, and the mobility of workers is greater. Therefore, industry-wide collective agreements aim to protect the rights and interests of both workers and enterprises, to establish harmonious and stable labour relations, and to promote a coordinated development of regional and industrial economies, as well as to maintain social stability. In addition, particular attention has been given to collective bargaining practices for front-line workers in non-public small and medium-sized enterprises (SMEs). These enterprises are accompanied with greater mobility of workers and less powerful trade unions, hence violations of the rights and interests of workers often occur, and conflicts in labour relations are more elevated. Trade unions have strived to launch industry-wide and regional collective agreements, with regional or provincial trade unions representing enterprise-level trade unions, to push the non-public SMEs to participate in collective bargaining practices.</p> <p><b>2003-2004 ARs:</b> According to the Government: workers and employers at the enterprise level are given particular attention</p>
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		At international level	NIL.
	Monitoring, enforcement and sanctions mechanisms	<p><b>2014 AR:</b> According to the Government: Systematic inspection of collective agreements and related necessary investigations were carried out in 26 provinces.</p> <p><b>2010 AR:</b> According to the Government: The capacity building of the labour inspection organizations has been strengthened. By the end of 2008, 3291 labour inspection organizations organs have been established across the country, employing 23000 fulltime labour inspectors. The labour inspection organizations supervised the employment activities of employers, especially in small and medium sized enterprises, to ensure implementation of collective consultation by means of routine inspections, written requests, in-focus examinations, investigations of complaints.</p> <p><b>2009 AR:</b> According to the Government: A Labour Inspection Bureau was established within the Ministry of Human Resources and Social Security in July 2008 with a view to strengthening labour inspection in the country.</p> <p><b>2005 AR:</b> According to the Government: In cases where the PR has not been respected, the Government will ask the parties concerned to make "correction by coordination".</p> <p><b>2003-2004 ARs:</b> According to the Government: Specific measures have been implemented to respect and promote this PR, such as: (i) a inspection/monitoring system; (ii) civil/administrative sanctions; (iii) a special institutional machinery; (iv) capacity building of responsible government officials; (v) training of other government officials; (vi) capacity building for employers' and workers' organizations, and others have been envisaged, such as: (i) legal reform on labour law and other relevant legislation; and (ii) penal sanctions. In cases where the PR has not been respected, the Government will ask the parties concerned to make "correction by coordination".</p> <p><b>2000 AR:</b> According to the Government: (i) Labour inspection; (ii) people's supervision; and (iii) the Government's engagement in international cooperation.</p>	
	Involvement of the social partners	<p><b>2018 AR:</b> According to the Government, in March 2018, the All China Federation of Trade Unions (ACFTU) proposed to enact a law on collective consultation. In 2017, the ACFTU issued a Guideline on the evaluation of the effect of collective consultation, based on experiences of 10 pilot provinces, in order to improve the implementation of collective consultation. In recent years, the China Enterprise Confederation (CEC) has held two high level seminars jointly with the ACFTU, with a focus on the construction of harmonized labour relations at the enterprises. The CEC also held training for trainers in cooperation with the ILO in this regard. The CEC also carried out field visits in some cities regarding collective consultation and the conclusion of collective agreements.</p> <p><b>2013 AR:</b> According to the Government: The National Tripartite Constituents on Coordination of Labour Relations continued their work to strengthen the collective bargaining system through joint meetings, training activities, agreements, supervision and</p>	

		<p>inspection. The CEC continued to push for implementation of the <i>Rainbow Plan</i> by guiding and supporting local employers’ organizations in collective bargaining practices.</p> <p><b>2003-2004 ARs:</b> According to the Government: Tripartite discussions of issues have been implemented to realize the PR.</p>
	<p><b>Promotional activities</b></p>	<p><b>2019 AR:</b> Tripartite action to promote the collective consultation at the grassroots level. Joint activities have been carried out with the ILO since September 2018; Seminar with the ILO was held in May 2019. ACFTU took measures to promote the participation of professional specialized in this field in the collective consultation. Promotion of specific groups to joint trade union: truck drivers, migrant workers, care workers, domestic workers, sell persons in commercial centres, food delivery workers, real estate agents and security persons. ACFTU made efforts to promote the establishment of trade union at enterprises with more than 100 employees. Sectoral collective consultation were took place in the industry of metal sheet in Pizhou, catering in Wuhan, truck and trail car in Shenzhen Yantian, hotel in Hainan, production of Chinese wolfberry in Ningxian and labour dispatch in Henan Sanmenxia.</p> <p><b>2017 AR:</b> According to the Government: With regards to Freedom of Association: In the new context of economic and social development, the Chinese trade unions have taken it as one of their top priorities to organize trade unions and recruit new members, and actively adopted effective measures to protect the rights of workers to join and form trade unions in accordance with the law. Building on the achievements in their organizational work, they made continued efforts to organize the vast numbers of workers to the maximum extent by taking the new economic and social organizations as the key areas of unionization, and scientists and technicians, young workers and rural migrant workers as the main targets for new recruits. In view of faster growth of new enterprises and greater diversity in their organization patterns as a result of the “Mass Entrepreneurship and Innovation” Campaign, the Chinese trade unions have actively promoted the establishment of regional (industrial) federations of trade unions in office buildings, commercial streets, industrial parks and related industries according to the principle of federation and representation , built a network of trade unions in an innovative manner and standardized the organization of village (community) trade unions, thus forging a vertical and horizontal structure of trade unions and laying a solid foundation for trade union work. As workers become frequent Internet users, the Chinese trade unions have explored innovative approaches to facilitate the admission of workers into unions, for example, by guiding and encouraging them to apply for membership online, through emails or mobile APPs. By the end of September 2016, there had been 2,289,000 grassroots trade unions nationwide, with 302 million members. Rural migrant workers have become an important component of China's industrial workers. Since the beginning of 2015, the Chinese trade unions have launched the National Organizing Campaign among Rural Migrant Workers as part of their efforts to extensively recruit migrant workers. They have made full use of modern media to reach out to migrant workers so as to gain their understanding and recognition of trade unionism. They have set up membership application desks at the job fairs, migrant workers registration offices, trade unions service centers for workers and similar places, thus opening up more channels for rural migrant workers to join unions. They have provided demand-oriented universal services to rural migrant workers; taken various measures such as issuing union service cards, offering member exclusive concessions, and promoting special medical subsidies for workers; and created an "Internet plus" model for unions’ inclusive services. All this is designed to attract the vast majority of rural migrant workers to join trade unions and enjoy the practical benefits of becoming union members. With regards to <b>Collective Bargaining:</b> The Chinese Government has always attached importance to advancing the collective bargaining and collective contract system. The Labour Law, the Labour Contract Law and the Trade Union Law contain clear provisions concerning collective bargaining and collective agreements. Furthermore, the Regulations on Collective Contracts and the Interim Measures for Collective Wage Bargaining, adopted by the former Ministry of Labour and Social Security, have made specific stipulations in respect of collective bargaining and collective contracts. Local governments have also sought to improve the regulatory framework of collective bargaining. So far, 29 regions across the country have come up with local laws, regulations or government rules on collective bargaining. These laws, regulations and rules have constituted the legal framework for China’s collective bargaining system. The National Tripartite Conference on the Coordination of Labour Relations pointed out in the Outline of Its Work Plan for 2017 that there is the need to step up guidance on the implementation of the collective contract system in key regions and priority industries, intensify training and awareness-raising on collective bargaining and enhance the quality and effectiveness of collective bargaining. In accordance with the Work Plan of the National Tripartite Conference, all local governments have vigorously advanced the collective contract system and implemented the “Rainbow” Programme and the “Storming” Programme, with emphasis on promoting collective wage bargaining and focus on improving the quality of collective bargaining and the effectiveness of collective contracts. By the end of 2016, there had been 1.91 million valid collective contracts reviewed and filed by local departments of human resources and social security, covering 178 million workers. In addition, the Chinese</p>

		<p>Government has actively facilitated the establishment of a macro-guidance system for wage distribution throughout the country to guide enterprises in fixing wages through collective negotiation. Up to now, wage guidelines have been established in 30 provinces (21 provinces have so far issued wage guidelines, at a baseline of around 8%); most cities at the prefectural level and above have set wage guidance prices for local labour markets; some regions have built industry-specific database of labour costs; and proactive measures have been introduced to facilitate the establishment of a national unified system of pay surveys and information releases. The administrations of human resources and social security at all levels have invested continuous efforts to implement laws, regulations and rules on labour protection in accordance with the law and safeguard the legitimate rights and interests of workers. In 2017, the Ministry of Human Resources and Social Security (MOHRSS) and the International Labour Organization (ILO) reached a Memorandum of Understanding on Cooperation in Promoting the Collective Bargaining System and Building Harmonious Labour Relations. According to its work arrangements, the MOHRSS is currently collecting and analyzing best practices in collective bargaining at home and abroad, intensifying the capacity building of all parties involved in collective bargaining, and conducting comparative studies of relevant international legal systems. The All-China Federation of Trade Unions (ACFTU) has placed wage bargaining high on its agenda and invested substantial and sustained efforts to facilitate such work. As of the end of 2013, the collective bargaining system were established in more than 80% of the unionized enterprises in the country. In early 2014, the ACFTU formulated the Opinions on Improving the Quality of Collective Bargaining and Enhancing the Effectiveness of Collective Contracts and the Plan for Further Promoting Collective Bargaining 2014- 18, both of which center around the quality and effectiveness of collective bargaining and further elaborate on the objectives, measures and requirements for deepening collective bargaining work. Through the State’s coordination, three parties to labour relations have made joint efforts to vigorously advance the collective contract system, with particular attention on expanding the scope of collective bargaining and collective contracts as well as enhancing the quality of collective bargaining and the effectiveness of collective contracts, to better play the basic role of the collective bargaining and collective contract system in regulating the labour relations. In mid-March 2017, the China Enterprise Confederation (CEC) and the ILO Country Office for China and Mongolia jointly organized the Workshop on Risk Prevention in Labour Relations and Collective Bargaining in Enterprises in Anyang City, Henan Province. More than 60 representatives from enterprise confederations and enterprises in the Province attended the Workshop. The Workshop covered various areas, such as the international and national perspectives of collective bargaining and collective disputes; the risks and responses involved in non-standard forms of labour employment; major challenges faced by labour relations and the Labour Contract Law; the risk analysis of wage and working time management in enterprises; as well as the mediation, arbitration and litigation of labour disputes in workplaces. All this has helped these enterprises to actively cope with legal risks of labour relations, establish and continuously improve their risk prevention mechanism, strengthen risk control and promote the overall harmony of labour relations. In June 2017, the CEC participated in the Jiangsu Provincial Conference for Advancing the Industry-level Collective Bargaining, guiding local industries in conducting collective negotiations.</p> <p><b>2016 AR:</b> According to the Government: As is instructed by the State Labour Relations Tripartite Consultation Conference, various regions of China have in recent years vigorously promoted the collective contract system and implemented the "Rainbow Plan" and the "Programme for Overcoming Obstacles". With emphasis placed on promoting collective consultation on wages, special efforts are made to improve the quality of collective consultation and to boost the effectiveness of collective contract. Meanwhile, to guide enterprises to reasonably determine workers’ wages through collective consultation, the Chinese government has actively promoted the establishment of a wage distribution macro-guidance system across the country. Up to now, wages guidelines have been established in 30 provinces. Guidance wage levels for the human resources market have been established in a majority of cities at the prefecture level and above. Industry-specific labour cost information has been established in some regions, and active efforts are being made to establish a national salary survey and information release system. By the end of 2015, the human resources and social security departments in various regions of China had reviewed and registered 1.76 million copies of the current and valid collective contracts, covering 3.56 million enterprises and 170 million workers.</p> <p><b>2015 AR:</b> According to the Government: In accordance with the planning of the state tripartite conference of labour relations coordination, various regions of China have in recent years vigorously promoted the collective contract system and implemented the "Rainbow Plan". As a result, the coverage of collective bargaining and collective contracts has continuously extended, indicating that the collective contract system has achieved remarkable results. By the end of 2013, the human resources and social security departments in various regions of China had reviewed and registered 1.555 million copies of the current effective collective contracts, covering 3.146 million enterprise and 157 million workers, representing</p>
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	<p>respectively an increase of 18.6%, 19.5% and 8.3% over 2012. In April 2014, the Ministry of Human Resources and Social Security, in conjunction with the ACFTU, CEC and the All-China Federation of Industry and Commerce, made specific arrangements to promote nationwide implementation of the collective contract system. It was explicitly required that emphasis be laid on promoting collective wage bargaining to ensure collective contracts concluded by the end of 2015 reach 80% and that special efforts be made to enhance the quality of collective bargaining and boost the effectiveness of the collective contracts with a view to gradually forming a standardized and effective collective bargaining mechanism. Currently, in accordance with the above overall planning, the various parts of the country are in the process of developing specific policy measures to fulfil their objectives and responsibilities. Meanwhile, to guide enterprises to rationally determine wages through collective bargaining, the Chinese government has actively promoted the establishment of a wage allocation macro- guidance system across the country, which is mainly based on such information as wage guidelines, guidance wage levels for the human resources market and labour costs by industry. Currently, the Chinese government is exploring ways to establish a nationally unified salary survey and information release system.</p> <p>In 2014, the ACFTU successively developed “Opinions on Enhancing the Quality of Collective Bargaining and Strengthening the Implementation of Collective Contracts” and “Work Programme to Further Collective Bargaining (2014-2018)”, earnestly striving to enhance the quality of collective bargaining and boost the effectiveness of collective contracts. To promote collective bargaining, the Chinese trade unions have also made great efforts to launch training programs. In 2014 at the China Institute of Industrial Relations, the ACFTU organized a national trade union collective bargaining workshop and a national collective bargaining workshop for trade union trainers, training a total of 240 trade union officials at all levels. As required by the ACFTU, trade unions across China have been developing local training programs, continuously intensifying their efforts in the training activities and working hard to improve the competency and qualifications of collective bargaining instructors. The ACFTU also attaches importance to raising public awareness of the importance of collective bargaining. Making full use of public media as a powerful means of publicity, the ACFTU makes great efforts to raise public awareness and public recognition of the work of collective bargaining and expand its social influence. Chinese trade unions’ collective bargaining activities pay special attention to frontline employees, rural migrant workers, dispatched workers and female staff members. Chinese trade unions will focus on industry-wide collective bargaining as an effective means to overcome the difficulties and problems that individual SMEs encounter in enhancing the quality of collective bargaining, and actively promote the general establishment of collective bargaining system in industries with a solid foundation and ripe conditions.</p> <p><b>2014 AR:</b> According to the Government and ACFTU: In 2012, the ACFTU continued its efforts to strengthen the trade union movement in the country and to promote universal establishment of trade unions in all enterprises. Measures to reach this goal included: (i) The implementation of a three-year programme promoting the establishment of trade unions at all levels. As part of the “<i>Work Plan of the All China Federation of Trade Unions to Promote the Universal Establishment of Trade Unions in Enterprises in 2011- 2013</i>” awareness raising activities and assessment of difficulties were carried out; (ii) The launch of actions targeting the establishment of trade unions in the top 500 global corporations in China. Priority has been given to the headquarters based in China, and activities include the establishment of a database of trade union members and efforts to organize dispatched migrant workers. Particular effort has been made to establish trade unions in corporations that have operated in China for more than five years without trade union presence and collective agreements;</p> <p>(iii) Identification of areas of critical importance for the future advancement of trade union establishment. Dispatched migrant workers, highly concentrated in development areas and industrial parks, have been identified as an important target group. Key instruments have been developed by the ACFTU in this regard, including the “<i>Directives on Strengthening Trade Union Work in the Development Area, Industrial Parks and Regions</i>” and the “<i>Regulations on Organizing Dispatched Migrant Workers in Trade Unions</i>”. The Shenyang Municipal Trade Union Council in Liaoning Province launched a guide for the organization of dispatched migrant workers, pushing for trade union establishment in all 149 enterprises employing dispatched migrant workers in the province; (iv) Innovation in the organization and establishment of trade unions specially adapted to challenging environments, such as small non-public enterprises. Innovative efforts include pooling of competent personnel and sharing of funds; and (v) Improve the quality of the established trade unions to ensure the protection of workers’ rights. In this regard, there is a need to intensify public awareness raising campaigns on workers’ rights and to provide guidance on democratic internal elections within the trade unions. Through the “<i>Rainbow Program</i>” priority has also been given to establishing a collective bargaining system over the last three years. In 2013, a tripartite assessment of the implementation of the “<i>Rainbow Program</i>” was conducted, resulting in a compilation of measures and experiences from across the country, identification of the major outcomes achieved along with recommendations for future action in extending</p>
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	<p>collective bargaining coverage. In collaboration with the ACFTU, the China Enterprise Confederation (CEC) and the China Enterprise Directors Association (CEDA), the Ministry of Human Resources and Social Security launched a campaign to strengthen collective bargaining across the country. The ACFTU continued to promote collective bargaining through the ACFTU's "Work Program on Further Extension of the Collective Wage Consultation" (2011-2013), "Views on Encouraging World's Top 500 Enterprises in China to Adopt the Collective Wage Consultation System", and "Implementation Plan for Training of the Collective Consultation Instructors" (2011-2013). The ACFTU has also promoted legal amendments needed for the establishment of a collective bargaining system, urged political leaders to support the development of tripartite consultation mechanisms and coordinated labour relations, and intensified its capacity building activities and vocational training of trade union members. In 2012, the ACFTU requested that a team of full-time collective bargaining instructors should be introduced in all provinces. By the end of 2012, 149,000 collective bargaining instructors had been trained across the country, out of which more than 2000 are working as full-time instructors. In parallel, the ACFTU intensified its training activities related to collective bargaining; 200,800 collective bargaining instructors in 31 provinces received training by the ACTFU in 2012.</p> <p><b>2013 AR:</b> According to the Government: In 2011 and 2012, the CEC carried out extensive promotional activities including public awareness raising, training and research, seminars and tripartite workshops on collective bargaining practices at enterprise level. The CEC and ILO carried out joint national training courses for trainers on collective bargaining practices. The CEC also led a joint national tripartite inspection group in Sichuan, Gansu and other provinces investigating the situation of collective bargaining practices, as basis for evaluations by the tripartite parties in formulating future efforts to strengthening the collective bargaining system. In the provinces of Hubei, Shanxi, and Inner Mongolia local employers' associations and trade unions have, along with the Department of Human Resources and Social Protection, promoted actively the implementation of targeted action plans contributing to the establishment of collective bargaining systems at enterprise level. Enterprises participating in this activity significantly raised the implementation rate of collective agreements. With a view to improve collective bargaining practices, the CEC has also solved problems related to formalities, lack of efficiency, and incomplete consultation mechanisms.</p> <p>During 2012, Chinese trade unions have made significant efforts to promote universal establishment of trade unions in all enterprises. As part of the "Work Plan of the All- China Federation of Trade Unions to Promote the Universal Establishment of Trade Unions in Enterprises in 2011- 2013", the ACFTU strives towards reaching a 95 % trade union membership rate in the top 500 global corporations in China and in foreign enterprises, employing more than 10 employees. Furthermore, the ACFTU has promoted the establishment of trade unions among specific groups of workers, such as dispatched workers, and in enterprises of foreign investment and SMEs. Efforts include the implementation of "All-China Federation of Trade unions Regulations on Organizing Dispatched Workers to Join Trade Unions", promoting the establishment of trade unions in enterprises engaging dispatched workers, in line with the requirement of "Opinion by the All-China Federation of Trade Unions on Further Intensifying Trade Union Work in Development Areas and Industrial Zones". With a view to exchange lessons learned and promote successful examples on collective bargaining practices, two meetings were held in 2012 which analyzed the current situation and remaining problems concerning the implementation of a collective bargaining system. In the course of 2011-2012, trade unions provided capacity building for collective bargaining instructors. The ACFTU organized three training courses for trainers on collective bargaining practices, training more than 450 collective bargaining instructors. In parallel with the training initiatives made by the ACFTU centrally, local trade unions across the country intensified their training activities. In order to address difficulties related to the establishment of trade unions in non-public SMEs, the ACFTU has allocated 40 million Yuan annually for local unions, and regional federations have been strengthened to allow for sufficient support to local unions.</p> <p><b>2012 AR:</b> According to the Government: The CEC provides guidance to employers in terms of interpretation of the Rainbow Plan, in order to facilitate the implementation of the Plan. The CEC have also organized trainings aiming to improve its members understanding of concepts such as equal footing, outcome sharing and harmonious development. Over the last two years, Chinese trade unions have intensified their efforts to establish a collective bargaining system, giving priority to collective bargaining concerning wages. At a meeting of the Executive Committee of ACFTU held in July 2010 as well as a meeting in February 2011, the ACFTU proposed to fully conduct collective bargaining in all enterprises. Early 2011, ACFTU drafted and issued three documents: <i>ACFTU's Work Program on Further Extension of the Collective Wage Consultation (2011-2013)</i>, <i>ACFTU's Views on Encouraging World's Top 500 Enterprises in China to Adopt the Collective Wage Consultation System</i>, <i>ACFTU's Implementation Plan for Training of the Collective Consultation Instructors (2011-2013)</i>, all of which promote collective bargaining and aim to</p>
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	<p>improve the coordination and capacity of ACFTU’s collective bargaining practices. In terms of training activities, ACFTU has held three workshops during 2011, aiming to enhance the capacity and qualifications of collective bargaining instructors and to push enterprises to participate in collective bargaining.</p> <p>Through its advocacy, trade unions have pushed the Tripartite National Coordination of Labour Relations to issue, in May 2010, <i>the Notice on Further Extension of the the Collective Contract System and Implementation of the Rainbow Plan</i>, which sets up the goal of collective bargaining to cover 80 per cent of the enterprises where trade unions have been established in the next three years. Trade unions at all levels take the opportunity of implementing this Tripartite Notice and to encourage establishment of a supervisory institution which would perform tripartite inspection. With respect to raising public awareness, trade unions at all levels advocate through the public media, television, internet and newspapers, so as to increase awareness of collective bargaining. Trade unions in different regions have set up special columns in local papers to disseminate successful practices of collective bargaining. Main national media such as People’s Daily and CCTV have followed these local campaigns which have increased the public recognition of collective bargaining. Additionally, Chinese trade unions regularly compile and disseminate best practices related to collective bargaining. Through national meetings, trade unions exchange experience in collective bargaining. Three such meetings were held in 2010-2011.</p> <p><b>2011 AR:</b> According to the Government: In May 2010, Ministry of Human Resources and Social Security, together with the ACFTU and the CEC, had promulgated the Notice on Carrying Out Rainbow Programme to Further Advance the Implementation of the Collective Agreement System. This Programme aims at implementing the collective agreement system in unionized enterprises and increase the coverage of the regional and sectoral collective agreements by 2012.</p> <p>The ACFTU indicated that a national workshop on collective consultation on wages was held to exchange experience and lessons.</p> <p><b>2010 AR:</b> According to the Government: The Ministry of Human Resources and Social Security, together with the ACFTU and the CEC, had promulgated the Guiding Opinions on Tackling the Economic Crisis and stabilizing the Labour Relations. Firstly, the Opinions require promoting tripartite dialogue and cooperation among the government, employers and trade unions, and bringing into full play the unique role of tripartism in ensuring economic growth. Secondly, the Opinions promote the implementation of the Rainbow Project and take the collective negotiation on wage as a priority, so as to extend the coverage of collective consultation and improve its effectiveness.</p> <p>The CEC indicated that a workshop on collective bargaining for local CEC officials was planned for September 2009.</p> <p>The ACFTU indicated that it had organized a seminar on collective bargaining in Wuhan, Hubei Province in October 2008, in cooperation with the ILO.</p> <p><b>2009 AR:</b> According to the Government: The Ministry of Human Resources and Social Security carried out in April 2008 a nationwide Rainbow Project aiming at extending the coverage of collective consultations and collective contracts. The Project gives priority to wage collective consultation on wages and in non-public enterprises. It also aims at improving capacity building and effectiveness of collective consultations, so as to establish a collective consultation and collective contract system in all types of enterprise within 5 years. According to the ACFTU: The ACFTU has issued the Opinion on Carrying out the Collective Consultation Offer Project in 2008 to promote collective consultations on wages throughout the country. Ninety per cent of the enterprises in the Jiangsu Province are carrying out a collective consultation on wages once a year.</p> <p><b>2008 AR:</b> The Government and the CEC indicated that they had, together with the ACFTU, adopted the Opinion on Developing Industry-wide and Area-wide Collective Negotiation on 17<sup>th</sup> August 2006. These specify the importance, scope, content, procedure, for dispute resolution and organization of the industry-wide and area-wide collective contracts.</p> <p>The Government added that it had improved the collective bargaining and collective contract system by: (i) further enhancing the coverage of collective contracts and promoting the area-wide and industry-wide collective negotiation; (ii) emphasizing on the signing of specific collective contracts dealing with wages, working hours quota etc. and (iii) developing training activities and advertisements.</p> <p>The CEC also stated that it would organize training activities on collective bargaining for employers, and draw a stand of collective bargaining. It also added that the CEC was a member of the national collective contract committee.</p> <p><b>2007 AR:</b> The Government indicated that it had implemented the following measures in relation to the PR:</p> <ol style="list-style-type: none"> <li>(1) Extension of the collective consultation and collective contract system to comprehensively promote the Five Year Plan of Implementation Program on Administration by Law issued by the State Council on March 22, 2004;</li> </ol>
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	<p>(2) Under the Circular on the Publicity Syllabus of further Enforcing the Work on Employment and Reemployment issued on December 3<sup>rd</sup> 2005, the Government should build up the collective consultation system, harmonize the benefits of the enterprises and the workers to increase the stability of the employment of the workers in instances where the enterprises reduces the staff;</p> <p>(3) Under the Main Point of the Labour and Social Security Work in 2006, the Government focuses on extending or signing once again collective contracts, extend the coverage of the collective contract, make great efforts to promote the regional collective consultation with middle and small non-stated-owned enterprises, advances the collective consultation on the labour standards on wages distribution, working time, labour quota and so on; and</p> <p>(4) Under the Circular on Further Resolving the Problem of the Wages in arrears for the Migrant Workers from the rural areas, which was issued on 2 September 2005, the Government would guide and promote the enterprises, especially those recruiting more migrant workers from the rural areas to develop the collective consultation on wages, guarantee systematically the legal rights of increasing wages of the migrant workers. And the Government would develop actively the region and industry collective consultation on wages, set up and improve the normal mechanism of increasing and adjusting the wages, and ensure that migrant workers share the outcomes of the reforming and developing of the enterprises.</p> <ul style="list-style-type: none"> <li>- The CEC stated that it is carrying out a pilot programme on collective contracts and collective consultations on wages in the developing district of Dalian City, Liaoning Province.</li> </ul> <p>The ACFTU held a national meeting on promoting and organizing trade unions in the foreign enterprises on 30 March 2006; passed the Provisional Regulation on Enforcing the Work of Trade Unions in the enterprises on 6 July 2006; involved in the supervision of the implementation process of the Labour Law in 2005. The ACFTU held a training course on the International Labour Standards (ILS) and Collective Bargaining with ILO and another training course for collective bargaining trainers.</p> <p><b>2003-2005 ARs:</b> According to the Government: Specific measures have been implemented to promote and realize the PR in the country: (i) training of other government officials; (ii) capacity building for employers' and workers' organizations; (iii) awareness-raising/advocacy.</p> <p><b>2002 AR:</b> The Government thanked the ILO for assisting the ACFTU with training to wage negotiators and the CEC (Chinese Entrepreneurs' Association, Chinese Enterprises' Federation) by undertaking a national survey on the role of employers' associations in tripartism.</p> <p><b>2000 AR:</b> According to the Government: The ILO and CEC jointly organized a seminar on skills for conducting collective bargaining, a training course on industrial relations, seminars on labour legislation and practice in China, and a training course on collective bargaining; other projects have been jointly organized by the ILO and the ACFTU, including a seminar on collective bargaining and collective contracts, two tours respectively to Asian and European countries to study the issue of industrial relations, a trainers' course on collective bargaining and collective contracts, a training course on training material for collective bargaining, and a trainers' course on wage negotiation.</p> <ul style="list-style-type: none"> <li>- The ACFTU made many efforts to promote the establishment of trade unions, focusing its attention on the organization of trade unions in foreign-capital enterprises and private enterprises.</li> </ul>
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	<p><b>Special initiatives/Progress</b></p>	<p><b>2018 AR:</b> The Government indicates that in April 2017, the Ministry of Human Resources and Social Security and the ILO jointly launched a project on collective consultation, in order to explore domestic and international cases of good practices. Furthermore, the Government reports that the ACFTU made efforts to organize migrant workers, including domestic workers, in grassroots trade unions.</p> <p><b>2017 AR:</b> According to the Government: In 2016, the ACFTU signed and renewed 133,500 dedicated collective contracts on work health and safety in high-risk industries, which cover 301,700 enterprises and 17.76 million workers. In order to address issues such as insufficiency of consultation and lack of specificity in the content of contracts in some enterprises, the ACFTU prepared the Practical Guide to Dedicated Collective contracts on Occupational Diseases Prevention as well as sample contracts for high-risk industries such as coal mine, non-coal mine and dangerous chemical industry. The Guide and sample contracts are promoted and applied in industries with high-risks of occupational diseases, helping trade unions at enterprise level to specify the subject matters of consultation, addressing difficulties in the application of contracts resulting from lack of specificity in the provisions of contracts and promoting enterprises to improve working conditions and operation environment. In 2017, the ACFTU brings into full play the fundamental role of consultation on an equal footing and collective contract system in coordinating labour relations and protecting workers' health and safety rights and utilizes consultation on an equal footing and dedicated collective contracts on work health and safety as important vehicles for trade unions to play the role of key actors, reinforcing the status of grass- root level trade unions as key actors in rights protection, establishing a platform for enterprises and workers to address prominent work health and safety issues through consultation and regulating occupational health and safety administration and workers' conduct in work sites. Now, with continuing improvement of legal and policy environments for dedicated collective contracts on occupational health and safety and gradually strengthened practical foundation, ground-breaking progresses are achieved in terms of rules and regulations, team building, model development and the coverage of dedicated contracts keeps on expanding.</p> <p><b>2016 AR:</b> According to the Government: The world's top 500 companies in China have made important progress in establishing a collective consultation system. Trade unions at all levels actively promote the establishment of a collective consultation system in a large number of the world's top 500 companies in China such as Wal-Mart, KFC and Sony, and have made initial achievements in exploring the establishment of a collective consultation system in transnational corporations. China actively promotes the establishment of regional (industrial) trade union federations in office buildings, commercial streets and industrial parks in accordance with the mechanism of federation and representation. China has also worked towards innovative construction of trade union networks, standardization of trade union organizations at the level of villages (communities), and establishment of an integrated trade union network system, with a view to laying a solid foundation for trade union work. Adapting to the current new situations in which workers have frequent contact with the Internet, China explores innovative ways to facilitate workers to join trade unions conveniently and quickly, including by guiding and encouraging workers to submit applications online, by e-mail or through mobile apps. There has been an increasingly strong social environment for the promotion of collective consultation. The Chinese government attaches great importance to the publicity and guidance in relation to collective consultation. With increased publicity about the work on collective consultation by the mainstream media such as Xinhua News Agency, People's Daily and China Central Television (CCTV). Community's awareness and recognition of collective consultation has increased, and the concept of resolving labour disputes and building harmonious labour relations through consultation has been gaining in popularity.</p> <p><b>2014 AR:</b> According to the Government: The Government supports the social partners in achieving progress in strengthening industrial collective bargaining systems and establishing collective bargaining at regional levels. Successful cases include: (i) active guidance and support from the offices of human resources and social security of the Hainan province in the finalization of collective agreements for workers in the hotel and catering sectors; and (ii) the establishment of a consultation platform by the offices of human resources and social security of the Wuhan Municipality in Hubei province, along with active guidance to the social partners through the process leading up to a collective agreement between the workers' representatives from the Wuhan Municipal Commercial, Trade, Finance and Tobacco Union Federation and the employers' representatives from Wuhan Catering Sector Association. Following the establishment of collective consultations in the Wuhan catering industry, the majority of the workers concerned have gained better understanding of their rights, and the role of trade unions in representing and protecting their collective interests. In general, outstanding achievements in terms of wage increases have been recorded for those covered by collective agreements. For example, the average annual wage increase rate for workers in enterprises covered by collective agreements in Shenyang city was twice as high as the wage increase of workers in enterprises not covered by collective agreements.</p> <p><b>2013 AR:</b> According to the Government: Trade unions have made substantive progress in strengthening collective bargaining systems in the non-public SMEs and multinational</p>
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		<p>enterprises, including the top 500 global corporations in China. Special initiatives to support the establishment of trade unions in the top 500 global corporations in China include: establishment of trade union focal points in headquarters of multinationals corporations; advance the establishment of trade unions in branch corporations in other places than headquarters; and, establishment of a database on the status of trade union establishment and membership development. On 12<sup>th</sup> April 2012, the first trade union was established in the top 500 global corporations in Sichuan Province, in the enterprise Pulse Electronic Corporation Limited of Mianyang, with more than 6,200 workers joining the union. Trade unions from Shanghai, Fujian and other major cities and provinces built on the experience of establishing trade unions in Wal-Mart, in intensifying their efforts targeting the top 500 global corporations in China. Furthermore, trade unions have been established in all the enterprises invested by Foxconn in Chongqing, Zhengzhou, Hengyang, Wuhan, Chengdu, Langfang, with a total membership of some 300,000 workers. Additional cases of success among the top 500 global corporations in China include: Dongfeng Honda Auto-Spare Part Corporation Limited; Doosan Engineering Machinery Corporation Limited (China); and, Imosi Auto-Glass Corporation Limited (China). Sector specific cases of success in realizing the right to collective bargaining include: security services and domestic services of Beijing; the software industry in Dalian high-tech zone of Liaoning Province; public transportation and the hotel and restaurant sector in Shenyang of Liaoning Province; the cultural and sports sector in Yangzhou of Jiangsu Province; the garlic and gypsum industries in Pizhou of Jiangsu Province; the gold mining industry in Sanmenxia of Henan Province.</p> <p><b>2012 AR:</b> According to the Government: In order to reduce the impact of the financial crisis on the Chinese labour relations, the Tripartite National Coordination of Labour Relations have issued <i>Guidance on Stabilization of the Labour Relations in Response to the Current Economic Situation</i>, which urges enterprises to accelerate the realization of collective bargaining practices in order to use it as an institutional safeguard for uniting enterprises and workers in sharing the risks related to the crisis and to seek common positions for development. Collective agreements have been reached in several industries and provinces in 2010, including in the plate processing industry, the catering industry, the coal industry, the energy-saving lamps industry, the taxi industry in Shanghai, as well as the headquarters of Wal-Mart Investment Co., Ltd. (China) and YaoPharma Co., Ltd. in Chongqing. As a result of the practices of collective bargaining the income of workers have increased, labour disputes within the industries have dropped, competition between enterprises within the same industry has been regulated, and it has been ensured that workers share the outcomes of enterprise development. Moreover, trade unions at all levels have urged enterprises to sign specialized collective agreements for women workers in accordance with the <i>Views on Adoption of the Specialized Collective Contracts for Protection of the Rights and Interests of Women Workers</i> issued by the ACFTU.</p> <p><b>2009 AR:</b> According to the Government: section 8 of the new Law on Mediation and Arbitration of Labour Disputes, 2007, provides that the labour administrative departments, together with labour unions and enterprise representatives shall establish a tripartite labour relation mechanism to study and resolve jointly major issues of labour disputes.</p> <p>The ACFTU indicated that it had carried out, from June to September 2008, a special programme to promote the establishment of trade unions in multinational corporations, including the top 500 global corporations in China.</p> <p><b>2008 AR:</b> According to the ITUC: The Draft labour contract law was first discussed at the 19th meeting of the NPC and published online in March 2006. The draft is significant for several reasons. Firstly because of the unprecedented level of public debate and consultation—according to reports the draft received some 200,000 online comments. Secondly the draft law addresses some of the crucial failings of the current labour law and provides specific penalties and remedies for failing to observe labour laws and regulations. It seeks to clarify the nature of a labour relationship between workers and employers – including those many instances where workers have no formal contract. It includes penalties for companies, which fail to provide proper written contracts, penalties for breaking contract terms. Significantly, it also attempts to legislate on the fast growing use of contract labour. The law also appears to bolster the role of trade unions in discussions on redundancies and other major changes. The first draft has been very publicly criticized by European and American business associations and the second draft was published in December 2006. Certain aspects relating to the role of the trade union have been reduced, as have some of the penalties for companies. However the law remains a significant step forward in the protection of labour rights. As with most legislation in China the most crucial issue is the implementation of the law. A final version was expected to be issued in the spring of 2007.</p> <p><b>2005 AR:</b> According to the Government: The adoption of the Regulations on Collective Contracts in May 2004 can be considered as a major change regarding this PR.</p>
<p><b>CHALLENGES IN REALIZING THE</b></p>	<p><b>According to the social partners</b></p>	<p><b>Employers' organizations</b></p> <p><b>2010 AR:</b> The CEC noted that the capacity of collective negotiation of employers' organization needed to be strengthened.</p>

<p><b>PRINCIPLE AND RIGHT</b></p>		<p><b>2008 AR:</b> According to the CEC: collective contracts do not apply to most private and small enterprises.</p>
	<p><b>Workers' organizations</b></p>	<p><b>2009 AR:</b> The ACFTU indicated that it had participated actively in drafting and implementation of the Employment Promotion Law and the Law on Mediation and Arbitration of Labour Disputes. The ITUC reiterated the observations it made under the previous AR (2008) concerning China, in particular as regards: (i) the absence of freedom of association; (ii) trade union monopoly; (iii) the absence of law governing collective bargaining procedures (there are regulations on collective contracts only); (iv) the absence of legal protection for the right to strike; (v) the repression made on all attempts to establish independent trade unions; and (vii) the ineffectiveness of collective bargaining.</p> <p><b>2008 AR:</b> According to the ITUC: (i) some 3,000 workers from a Hong Kong-owned furniture factory in Shenzhen staged a protest on 3 April 2006 against long working hours and poor working conditions; the demonstration was dispersed by hundreds of riot police and three senior executives from a Shenzhen sporting goods factory were detained by police for allegedly “inciting workers to block roads”; (ii) sub-contracted migrant workers at the Huaen Building construction site in Beijing stopped work after not receiving overdue wages. On 19 July 2006, several of the workers were assaulted by hired men at the site and two were hospitalised; (iii) on 22 July 2006, workers from a private company protested against low wages and poor living conditions. In the evening, factory security and police sent in riot control vehicles and personnel to control the riot but the following day the conflict intensified. Scores of workers were injured, or detained but later believed to be released; (iv) on 26 August 2006, migrant workers in a company in Nanjing protested against massive unpaid wages. The workers were detained for obstructing traffic and two workers were put in administrative detention for organising the protest; (v) on 31 July and 1 August 2006, some 300 unemployed teachers from 20 different towns and townships in Suizhou, Hubei Province gathered in front of the government offices to submit a petition, demanding help from the Government to obtain livelihood assistance and benefits such as pensions and medical insurance. The teachers tried using the courts to get a decision on their status, but their legal representative dropped the case after receiving threats. Several teachers were forcibly taken to a “study camp” in mid July 2006 and were only released after 48 days; (vi) in September 2006, in the run up to National Day celebrations, a group of workers in Suining City, Sichuan province, were beaten after petitioning the local authorities for compensation on their labour dispute with their previous employer. The workers had been formally employed at a state owned guesthouse and had been laid off after this guesthouse went bankrupt and its assets were sold at a low price. The workers claimed corruption and were claiming unpaid unemployment benefits. The group of 40 workers was forcibly removed from the local Party Committee offices and two women workers were hospitalized as a result. Two other women were detained while others went into hiding for fear of further arrests. It is not known if all have since been released; (vii) on 7 December 2006, some 400 workers from the Shenzhen Safari Park in South China went on strike over inadequate compensation, unfair layoffs and unpaid wages during the privatization of the former state owned zoo. After the strike began, some 70 police officers entered the park and stopped workers from arranging protest signs; and (viii) laid off protestors were detained by public security officials in Beijing during a protest march on 15 December 2006 – some 50 protestors were detained in the afternoon and later released and send back to their hometowns.</p> <p><b>2000-2005 and 2008 ARs:</b> According to the ICFTU: (i) there is no freedom of association in China; (ii) only one trade union is recognized, the All China Federation of Trade Unions (ACFTU) and all unions must be under its leadership; (iii) ACFTU actively promotes the view of the Party and Government that any unauthorised workers’ action may lead to “social unrest and chaos”;</p> <p>(iv) China’s first ever unified national Labour Code is often ignored by enterprise managers and enforcement by the authorities is minimal; (v) the Trade Union Act does not mention the right to strike; (vi) strikers and organizers can be detained or sent to forced labour camps; (vii) in February 2001, China ratified the International Covenant on Economic, Social and Cultural Rights, but announced at the same time that provisions guaranteed</p>

		<p>under Art. 8(1) (a) of the Covenant, namely the right to establish and join workers' organisations of one's own choosing, would be dealt in accordance with Chinese law; (viii) there are no laws governing collective bargaining, but only regulations on collective contracts; (ix) however, progress is being made in terms of dispute resolution in China.</p>
	<p><b>According to the Government</b></p>	<p><b>2019 AR:</b> The main difficulty is that platform economy and other forms of flexible employment are becoming more and more prevalent.</p> <p><b>2014 AR:</b> According to the Government: Current challenges and difficulties in promoting collective bargaining are mainly related to; (i) economic contextual factors limiting the development of collective bargaining in less developed regions of the country; (ii) lack of adequate legal provisions. There is in particular a need for the legislation to be strengthened so as to allow for legal measures to be taken against employers who refuse to engage in collective bargaining; (iii) lack of coordination between the social partners in certain sectors hampering the institutionalization of collective bargaining practices; (iv) lack of capacity of certain employers' organizations and trade unions, limiting development of industrial collective bargaining; and (v) prevailing employment practices and fear of retaliation may restrict some trade unions to establish effective consultation mechanisms. There is also a need to ensure the quality and substance of the content of collective agreements, and not only to ensure that consultation mechanisms are in place.</p> <p><b>2013 AR:</b> According to the Government: The main challenges and difficulties in promoting collective bargaining are related to: (i) contextual factors such as the norms of certain actors believing that collective bargaining practices might negatively affect the investment climate and economic growth; (ii) lack of capacity in the guiding role of government institutions; (iii) lack of capacity among certain sector-wide employers' organizations and trade unions, limiting development of industrial collective bargaining.</p> <p><b>2012 AR:</b> According to the Government: Current challenges and difficulties in promoting collective bargaining are mainly related to; (i) lack of adequate legal provisions; (ii) lack of capacity in the guiding role of government institutions; (iii) lack of capacity among certain sector-wide employers' organizations and trade unions; and (iv) lack of social dialogue practices.</p> <p><b>2003-2005 ARs:</b> According to the Government: The main difficulties encountered in China in realizing the PR are the lack of capacity of responsible government institutions and the lack of capacity of employers' and workers' organizations.</p> <p><b>2000, 2002 ARs:</b> In response to the ICFTU's comments, the Government raised the following observations: (i) China has always been committed to the protection of workers' fundamental interests and rights and has fulfilled its reporting obligations as regard the Follow-up to the Declaration; (ii) given that the follow-up should not constitute a complaint-based procedure nor a double scrutiny practice, the Government would not make any observations on the substance of the communication from the workers' organization.</p>
<p><b>TECHNICAL COOPERATION</b></p>	<p><b>Request</b></p>	<p><b>2017 AR:</b> The Government is hoping to carry out exchange and cooperation with ILO with regard to the basic situation, laws and policies, practical experiences, difficulties faced and solutions and responses in the following areas: coordinating labour relations, improving tripartite mechanism, conducting collective consultations, among other things.</p> <p><b>2015 AR:</b> According to the Government: ILO could provide opportunities to strengthen cooperation with countries of market economy on collective bargaining, such as exchanges and cooperation on the basics, policies and regulations, practical experience, difficulties encountered and solutions in the fields of coordination of labour relations, improvement of the tripartite mechanism, conducting of collective bargaining and related issues. In addition, the Government would also appreciate ILO capacity-building assistance for those institutions and personnel involved in collective bargaining.</p> <p><b>2014 AR:</b> According to the Government: ILO technical cooperation is requested in the following areas: (i) Share practices of market economies on advancement of collective bargaining systems; and (ii) Increase exchange and cooperation with other member States concerning the coordination of labour relations, strengthening tripartite mechanism and in solving difficulties related to the implementation of the PR.</p> <p><b>2013 AR:</b> The Government reiterated the request for ILO technical support it made under the 2012 AR.</p> <p><b>2012 AR:</b> According to the Government: ILO technical cooperation is requested in the following areas: (i) Conduct assessments and training on legislation and practice related to collective bargaining and collective agreements; (ii) Share legal practice of market economies on advancement of collective bargaining systems; (iii) Share research and data on the role of tripartite mechanisms of other countries; (iv) Increase exchange and cooperation with other member States; (v) Assist in better solve theoretical and practical problems, and foster a more effective implementation of the PR.</p> <p><b>2011 AR:</b> The Government requested ILO's technical cooperation to organize more training activities and provide technical expertise.</p>



		<p><b>2010 AR:</b> According to the Government: ILO’s technical cooperation is needed to formulate and implement the regulations and policies on collective consultation. The CEC requested additional training and capacity building for its staff.</p> <p><b>2009 AR:</b> The Government requested the ILO’s cooperation for training labour inspectors.</p> <p><b>2008 AR:</b> According to the Government: ILO technical cooperation is requested for assistance on the legal reform, training and awareness raising activities. The CEC indicated that the capacity of employers’ bargaining techniques should be enhanced and training activities should be organized.</p> <p><b>2007 AR:</b> According to the Government: Needs for ILO technical cooperation to facilitate the realization of the PR in the country exist in particular for legal reform and training.</p> <p><b>2005 AR:</b> According to the Government: Needs for ILO technical cooperation to facilitate the realization of this PR in the country exist in particular in the following areas, in order of priority: (1) strengthening capacity of employers’ and workers’ organizations; and (2) sharing of experiences across countries/regions.</p>
	Offer	ILO.
<p><b>EXPERT-ADVISERS’ OBSERVATIONS-RECOMMENDATIONS</b></p>		<p><b>2008 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries, such as China (as well as the Gulf States and new member States, in particular in the South Pacific), had made important efforts during this process. However, according to them, more needed to be done. The IDEAs noted with concern that China (and another State) has not yet expressed its intention to ratify C.87 and C.98. Nonetheless, they also welcomed the efforts made by China (Adoption of a Labour Law Contract with provisions on collective bargaining) in implementing the principle and right and called upon the Government to provide further information on its new legislation and its implications. The IDEAs drew the attention to the practice in some countries, including China, where only one official trade union was allowed in practice and where some unions are subject to government’s interference or influence. In this regard, they recalled the following: “the right to official recognition is an essential aspect of the right to organize as it allows employers’ and workers’ organizations to be in a position to play their roles efficiently. Furthermore, any government intervention in employers’ and workers’ organizations’ internal affairs (right to establish and join organizations of their own choosing, without distinction whatsoever and without previous authorization, right to draw up internal constitutions and rules, right to elect their representatives in full freedom, etc.) constitutes interference in the functioning of these organizations, which is a denial of the principle and right” (cf. paragraphs 12, 30, 34 and 36 of the 2008 AR Introduction – ILO: GB.301/3).</p> <p><b>2007 AR:</b> The ILO Declaration Expert-Advisers (IDEAs) listed China among the four countries in which 52 per cent of the total labour force of ILO member States live and which have not yet ratified C.87 and C.98. This leaves many millions of workers and employers without the protection offered by these instruments in international law, even if the governments concerned may consider that their law and practice are sufficient (cf. paragraph 32 of the 2007 AR Introduction). Furthermore, the IDEAs noted with concern that several countries had not yet expressed their intention to ratify and urged China to do so (cf. paragraph 33 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p><b>2005 AR:</b> The ILO Expert-Advisers (IDEAs) commended China for its continuing dialogue with the Office and hoped that the positive measures taken would be expanded upon (cf. paragraph 12 of the 2005 Annual Review Introduction – ILO: GB.3292/4).</p> <p><b>2003 AR:</b> The IDEAs commended China for requesting the ILO’s technical cooperation, through the Annual Review process (cf. paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>
<p><b>GOVERNING BODY OBSERVATIONS/RECOMMENDATIONS</b></p>		<p><b>2015 AR:</b> At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office’s resource mobilization initiatives.</p> <p><b>2013 AR:</b> At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p>

		<p><b>2011 AR:</b> At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101<sup>st</sup> Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p><b>2009 AR:</b> During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99<sup>th</sup> Session (2010) of the International Labour Conference.</p>
<p><b>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</b></p>		<p><b>2013 AR:</b> In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316<sup>th</sup> Session in November 2012.</p> <p><b>2011 AR:</b> Following a tripartite debate at the Committee on the 1998 Declaration, the 99<sup>th</sup> Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link:  <a href="http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_143164.pdf">http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_143164.pdf</a>.</p>