Ulla Liukkunen Yifeng Chen *Editors*

Fundamental Labour Rights in China - Legal Implementation and Cultural Logic



Fundamental Labour Rights China Implementation

Ulla Liukkunen

Fundamental Labour Rights China Implementation:

Fundamental Labour Rights in China - Legal Implementation and Cultural Logic Ulla Liukkunen, Yifeng Chen, 2015-12-12 This volume gathers together chapters that address the theme of implementing fundamental labour rights in China It explores the legal framework as well as key institutions and other actors along with the socio economic context involved in interpretation implementation enforcement and overall promotion of fundamental labour rights in China As a collection of chapters it assembles comparative and mutually complementary perspectives and insights by distinguished scholars from China Europe and the United States With its broad perspective on implementation the book discusses the most topical challenges to realizing fundamental labour rights in China China was among the founding members of the ILO With the regulatory approach of the ILO fundamental labour rights have gained a new foothold as a key pillar in managing the social dimension of globalization The development of fundamental labour rights protection in China can be viewed as part of a larger development within China's domestic economic and social transition as well as its integration into the global economic system While China has ratified four of the eight ILO core conventions the challenge of effective implementation and enforcement in the domestic context remains With its in depth research on fundamental labour rights in the particular cultural context of the Chinese experience this book studies Chinese labour law from multiple perspectives at the same time examining the wider role of international labour standards in developing Chinese law and society This volume is a remarkable enlargement of existing scholarship on international labour standards on the one hand and fundamental labour rights in China on the other These chapters thoroughly analyse the legal and institutional framework for implementing labour law in China Among the topics covered are fundamental labour rights including freedom from forced labour prohibition of use of child labour and non discrimination In addition this volume benefits from socio historical observations on the cultural logics that inform implementation of fundamental labour rights in China in which the history and current development of Chinese labour law are equally reflected with substantive depth Research Handbook on Labour, Business and Human Rights Law Janice R. Bellace, Beryl ter Haar, 2019 Inquisitive and diverse this innovative Research Handbook explores the ways in which human rights apply to people at work through national constitutional provisions judicial decisions and the application of rights expressed in supranational instruments Key topics include evaluation of the role of the ILO in developing and promoting internationally recognized labour rights and the examination of the meaning of the obligation of business to respect human rights considering the evolution from international soft law to incorporation in codes of conduct and the emerging requirement of due diligence Global Governance of Labour Rights Axel Marx, Jan Wouters, Glenn Rayp, Laura Beke, 2015-11-27 Stories and images of collapsed factories burned down sweatshops imprisoned migrant workers child workers and many other violations of internationally recognized labour rights continue to spread across the globe This highly topical book examines the different instruments which are intended to protect labour rights on a transnational scale

and asks whether they make a difference With perspectives from law management sociology political science and political economy the topics discussed include the protection of international labour rights in a globalizing economy the EU s social dimension in its external trade relations Asian and US perspectives on labour rights in international trade agreements the role of trade unions in global labour governance and the transformative capacity of private labour governance regimes Academics and advanced students from different disciplines will benefit from the up to date empirical material in this study Policymakers NGOs and Unions will find the discussions of the instruments used to protect labour rights of great value to their work

Labor Rights and Conditions in China United States. Congressional-Executive Commission on China, 2002

Collective Bargaining in Labour Law Regimes Ulla Liukkunen,2019-10-02 This book addresses the theme of collective bargaining in different legal systems and explores legal framework of collective bargaining as well as the role of different bargaining models in domestic labour law systems in altogether twenty one jurisdictions throughout the world Recent development of collective bargaining regimes can be viewed as part of a larger development of labour law models that face increasing challenges caused by globalization and transition of work and workplaces The book places particular emphasis on identifying and examining most important development trends affecting domestic labour law regimes and collective bargaining and regulatory responses thereto The analysis offered extents to transnational dimension of collective bargaining As the chapters analyse the influence of the legal frameworks of collective bargaining in different countries they provide unique comparative insight into the topic which is central to understanding the function of labour law

International Labour Organization and Global Social Governance Tarja Halonen, Ulla Liukkunen, 2020-10-16 This open access book explores the role of the ILO International Labour Organization in building global social governance from multiple and mutually complementary perspectives It explores the impact of this UN s oldest agency founded in 1919 on the transforming world of work in a global setting providing insights into the unique history and functions of the ILO as an organization and the evolution of workers rights through international labour standards stemming from its regulatory mechanism The book examines the persistent dilemma of balancing the benefits of globalization with the protection of workers It critically assesses the challenges that emerge when international labour standards are implemented and enforced in highly diverse regulatory frameworks in international regional national and local contexts The book also identifies feasible ways to achieve more inclusive labour protection putting into perspective the tension between the economic and the social in the ILO s second century of operation It includes reflections on the work of the ILO World Commission on the Social Dimension of Globalisation by Tarja Halonen who as President of Finland co chaired the Commission with Benjamin William Mkapa President of Tanzania Written by distinguished experts and scholars in the fields of international labour law and international law the book provides an insightful and in depth analysis of the role of the ILO as an international organization devoted to decent work and social justice It also sheds light on tripartism and its particular role in the work of the ILO

Megaregionalism 2.0: Trade And Innovation Within Global Networks Dieter Ernst, Michael G Plummer, 2018-05-31 This book provides new insights for policy debates on how to strengthen the gains from trade for innovation through an inclusive trading environment that facilitates access to knowledge for all Rising economic nationalism especially in the United States creates new challenges to an enlightened globalization agenda The US government has withdrawn from the Transpacific Partnership agreement TPP that once was considered to be the gold standard of megaregionalism suggesting the need to highlight once again the critical role that international trade and investment play in fostering sustainable growth and prosperity Fostering innovation and facilitating the links between trade and innovation are becoming increasingly important for developed and developing economies alike But equally important are economic policies to ensure that gains and losses from trade for innovation are shared by all This book is a must read for trade economists innovation economists trade negotiators trade lawyers and academicians interested in current transformations in the global economy and their impact on innovation and economic growth Decoding Chinese Bilateral Investment Treaties Shen Wei, 2021-08-26 This is a major work investigating China's bilateral investment treaties BITs regime through various approaches including textual analysis case study comparative study and empirical study This book tries to unveil some of the puzzles in Chinese BITs The general consensus is that the evolution of China's BIT regime has its underlying logic which follows an investment liberalization trend and fits China's changing role from a key capital importing state to a major capital exporting state A similar trend is evident in Chinese BIT making and BIT policy This book investigates these theoretical assumptions and looks Problems in the Implementation of Chinese Human Rights Obligations Kumiko into some of the loopholes in Chinese BITs K. Julie, 2010-03-08 The objective of the study is to analyze Chinese human rights issues in the implementation of obligations in the fields of Chinese national labor laws and the incorporation of international labor law standards in the domestic legal order The study has undertaken the ways for China to be qualified minimum obligations of the international labor law standards Later in the chapters there will be definitions of applicable international conventions and comparisons to Chinese national legislation Since China hosted the Beijing Olympics 2008 more doors have opened for China to undertake successful transformation of development strategy and political schema I would like to clarify the main highlights of this research The main questions that I will point out during the thesis will be the following How does China fit in the existing framework of guiding responsibility followed by international human rights standards How does the International Covenant of Economic Social and Cultural Rights obligate China to implement economic and social rights How does the ratification of ICCPR

develop human rights under international human rights law China has already made various levels of changes since 1970s and my expectation for China will be that they will continuously and dramatically change in term of improvements within the next fifty years Economic growth can be made within twenty five years however political legal and social implementations may take at least a half century For China as one of the Asian nations historical and cultural backgrounds always follow for most of domestic improvements and implementations Protecting Migrant Children Mary Crock, Lenni B. Benson, 2018-09-28 Unprecedented numbers of children are crossing international borders seeking safety Framed around compelling case studies explaining why children are on the move in Africa the Americas Asia Europe the Middle East and Oceania this book explores the jurisprudence and processes used by nations to adjudicate children's protection claims The book includes contributions from leading scholars in immigration refugee law children's rights and human trafficking which critically examine the strengths and weaknesses of international and domestic laws with the aim of identifying best practice for migrant children **Re-Inventing Labour Law Enforcement** Louise Munkholm, 2020-04-30 This monograph investigates current issues in labour law enforcement from a socio legal perspective It analyses how local Italian enforcement actors promote the protection of workers in Prato a city that in recent decades has seen a significant influx of Chinese migrants who run small workshops as part of the local clothing industry Many of the Chinese firms in Prato fail to live up to core labour standards such as maximum working hours health and safety at work and payment of social security contributions The book analyses the strategies and practices employed by three local enforcement actors labour inspectors labour unionists and a new type of labour law consultant in their efforts to assist Chinese firms in improving their level of labour law compliance Combining documentary interview and observational data the book applies theories of legal culture and legal development to address the interaction between law and society It focuses on the operational aspects of law by asking three interrelated research questions How do local enforcement actors promote the protection of workers in Chinese firms in Prato Which tools are employed and which rationalities drive the initiatives The book thereby sheds light upon processes of legal cultural adaptation informing ongoing international and national debates about what can actually be done to combat contemporary gaps in the protection of workers China and ILO Fundamental Principles and Rights at Work Virginia Brás Gomes, 2014 Although China is not new to labour law it was among the founders of the International Labour Organisation ILO in 1919 labour conditions in China today are the subject of concern to observers both inside China and in the international community In response China has devoted much attention recently to reforming its labour law system a process driven by a political reorientation towards labour protection in the context of economic globalization However labour disputes and labour unrest continue to proliferate Using as its starting point an international research seminar held at Helsinki University in January 2013 this volume gathers a remarkable array of academic perspectives on China and its legal system by scholars from China the United States and Europe into a stimulating and unique combination of commentary and

analysis of the challenges relating to implementation of fundamental labour rights as spelled out in the landmark 1998 ILO Declaration on Fundamental Principles and Rights at Work in the Chinese setting Importantly the analysis fully takes into account action in relation to the promotion of labour rights by not only the Chinese government but local governmental authorities trade unions enterprises and other actors Each author focuses on a different aspect of how these fundamental labour rights operate in the Chinese legal environment and the kinds of obstacles met in their protection Among the issues that arise are the following gaps between ILO conventions and Chinese national laws occurring in the transformation of international obligations into domestic laws how parties to a labour dispute cases may invoke ILO conventions before courts or administrative authorities market obstacles caused by linking trade with observance of labour standards the trade union rights framework in China bottom up pressures from workers collective action conflicts between Chinese state owned enterprises and their employees complications in informal employment labour relations the growing divide between statute law and legal practice implementation of the anti discrimination law discrimination due to China's household registration system and corporate social responsibility Many of the challenges relating to implementation of fundamental labour rights discussed in this volume can be considered common to many countries. The book offers new research questions and a wider scope of analysis and also provides new tools for discussion regarding the promotion of fundamental labour rights The role of law in the reduction of rural poverty Food and Agriculture Organization of the United Nations ,2020-03-01 Considering the importance of legal frameworks in laying down governance and accountability frameworks clarifying the responsibilities of relevant public and private entities and defining the long term and budgetary commitment of states the capacity of countries to adopt and enforce laws in pertinent areas is crucial to reducing rural poverty Countries have signed up to international and regional instruments that are of relevance to rural poverty and have adopted policies and legislation in these areas However a number of normative institutional and operational challenges exist in different countries These include regulatory gaps in some areas such as social security for agricultural workers the existence of laws that sustain discriminatory practices for example in relation to inheritance of property and inconsistencies in norms and institutional mandates in the area of natural resource governance Even with relatively good laws their practical implementation may be wanting due to limitations of capacity to implement them These problems would require a range of measures on the part of state and non state actors including the adoption or revision of laws as well as awareness raising and legal empowerment This legal paper explores the significance of legislative frameworks to poverty reduction efforts with a particular focus on human rights It highlights sectoral areas for legislative intervention and identifies normative procedural and institutional challenges that states encounter while implementing poverty reduction programmes It further refers to examples from state practice and provides recommendations on how relevant actors can make use of legislation to address rural poverty

China's Changing Workplace Peter Sheldon, Sunghoon Kim, Yiqiong Li, Malcolm Warner, 2011-04-15 This book explores

the diversity and dynamism of China's workplaces and of the wider labour market experiences of its workforce Drawing on the authors extensive recent research it considers a diverse range of issues and types of workplaces These changes include the continuing spread of market oriented human resource management across public and private sector organisations greater employment rights for workers local diversity in regulatory control alongside the governmental priority of a harmonious society persistent shortages of skilled labour co existing with vast underemployment amongst the unskilled uneven access to education and training across regions and changes in union behaviour and influence Unlike other studies which tend to assume changes to management work and employment are relatively uniform across modernising parts of the economy this book conveys the rich variety among contemporary China's local labour markets by looking at them and the institutions that influence them from the bottom up It focuses on other under explored but emerging phenomena such as family owned firms the role of private services businesses and the emergence of employer associations Laws and Regulations Handbook Volume 1 Strategic Information and Basic Laws IBP, Inc., 2014-12-02 China Labor Laws and Regulations Handbook Strategic Information and Basic Laws Towards a New Development Paradigm in Twenty-first Century China Éric Florence, Pierre Defraigne, 2013 This book argues that the current state of China requires an important paradigm shift in the way the party state manages the country's development and goes on to assess the fitness of the party state for implementing such a paradigm shift and the likelihood of the party state bringing this about It brings together an examination of the very latest situation in a range of key areas where current developments have the potential to undermine substantially the status quo areas such as the recent economic crisis and the resulting economic slowdown increasing labour unrest mounting calls for social justice worsening urban rural disparity the urgent need to implement social welfare programmes the rise of civil society and the impact of new media Overall the book provides a thorough appraisal of the difficulties which China currently faces Human Resource Management in China Fang Lee Cooke, 2013-07-03 The approach to managing human resources has changed significantly in China over the last twenty five years as its transformation from a state planned economy to a market oriented economy continues By adopting a broad notion of HRM while remaining sympathetic to the strong emphasis on relationship management in the Chinese culture Fang Lee Cooke builds on the foundations of traditional Chinese HRM practice and brings it right up to date including analysis of currently under explored issues such as diversity management talent management new pay schemes and performance management Including extensive first hand empirical data and pedagogical features such as vignettes case studies and further reading lists This book will be of great use on upper level undergraduate post graduate and MBA courses covering international Chinese management and HRM as well as appealing to practitioners students and scholars of Chinese Business Asian Business and Human Resource Management <u>International Labour Law Jean-Michel Servais, 2020-06-21 No one will</u> deny that labour standards comprise a necessary framework for balanced economic and social development Yet on a global

level such balanced development has not occurred despite the existence of a rigorous body of international labour law that has been active and growing for almost one hundred years The implementation of this law devolves upon states yet many states have failed to honour it If we are to take serious steps toward a remedy for this situation there is no better place to start than a thorough well researched survey and analysis of existing international labour law its sources its content its historical development and an informed consideration of the barriers to its full effectiveness This book is exactly such a resource It provides in depth interpretation of the crucial International Labour Organisation ILO the relationship between international labour law and economic competition standards on industrial relations collective bargaining and dispute settlement procedures protection of trade unions prohibitions on enforced and child labour promotion of equal opportunity and treatment time and rest provisions wage determination and protection occupational health and safety provisions special issues on non standard forms of employment foreign and migrant workers social security provisions privacy protection The presentation demonstrates that these rules and standards offer invaluable benchmarks to governments judiciaries employers and trade unions The book s combination of detailed commentary and an overarching social policy will make it especially valuable to legislators human resources managers employers organizations trade unions jurists and academics concerned with the role of work in our globalized social system This sixth edition of the book by Jean Michel Servais analyses the potential of those standards in a globalized world and the necessary evolution It examines the actual implementation of those rules in the national context comparing different experiences It integrates the latest instruments It examines the most recent public debates on labour regulation dealing with health and security at work personal data minimum wages social security strikes etc updates the bibliography and opens some perspectives for the future work of the global institutions The Financial Crisis and the Changing Role of Workers in China United States. Congressional-Executive Commission on China,2009

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