



Understanding Labor and Employment Law in China

RONALD C. BROWN

CAMBRIDGE

Understanding Labor And Employment Law In China

Alan Refkin and Scott Cray



Understanding Labor And Employment Law In China:

Understanding Labor and Employment Law in China Ronald C. Brown, 2010 Continued economic prosperity in China and its international competitive advantage have been due in large part to the labor of workers in China who for many years toiled in underregulated workplaces More recently labor law reforms have been praised for their progressive measures and at the same time blamed for placing too many economic burdens on companies especially those operating on the margins which in some cases have caused business failures This combined with the global downturn and the millions of displaced and unemployed Chinese migrant laborers has created ongoing debate about the labor laws Meanwhile the Chinese Union has organized many of the Global Fortune 500 companies and a form of collective bargaining is occurring Workers are pursuing their legal labor rights in increasing numbers This book provides a clear overview of the labor and employment law environment in China and its legal requirements as well as practices under these laws used to deal with labor issues *The China Employment Law Guide* Grace Yang, 2017-08-15 The China Employment Law Guide addresses various key China labor and employment issues all employers especially foreign companies doing business in China and employees especially expats seeking a job or working in China need to address or understand It provides practical and easy to understand answers to China labor and employment questions from hiring through firing and nearly all things in between For example it addresses the issues China employers constantly confront on matters ranging from what they need to consider in drafting their employment contracts what should go into a China centric employer set of rules and regulations and why such a document is essential at all how to hire how to fire overtime vacation time pregnancy leave probation terms employee benefits and even lifetime employment Perhaps most importantly it confronts head on the many myths Western companies have about China employment laws and discusses how those myths can cause so many problems This book consists mostly of blog posts and articles my colleagues and I have authored over the years on our award winning China Law Blog We do our best to make these articles and this book as concise and readable as possible because to provide our readers with accessible legal and practical answers that work in the real world Unless absolutely necessary this means we do not go into the weeds in citing and explaining China's employment rules and regulations but we instead lay out clear paths forward for dealing with real life employment law issues and problems China's labor and employment laws are complex and local and constantly evolving and so in many cases we write not so much to provide the right answers for your specific situation but to arm you with the right questions you must ask to get the right answers *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

The Sources of Labour Law Tamás Gyulavári, Emanuele Menegatti, 2019-12-06 Labour law has traditionally aimed to protect the employee under a hierarchy built on constitutional provisions statutory law collective agreements at various levels and the employment contract in that order However in employment regulation in recent years flexibility has come to dominate the world of work a set of policies that reshuffle the relationship among the fundamental pillars of labour law and inevitably lead to degrading the protection of employees This book the first ever to consider the sources of labour law from a comparative perspective details the ways in which the traditional hierarchy of sources has been altered presenting an international view on major cross cutting issues followed by fifteen country reports The authors analysis of the changing hierarchy of labour law sources in the light of recent trends includes such elements as the following the constitutional dimension of labour rights the normative intervention by the State the regulatory function of collective bargaining and agreements the hierarchical organization of labour law sources and the principle of favour the role played by case law in both common law and civil law countries the impact of the European Economic Governance decentralization of collective bargaining employment conditions as key components of global competitive strategies statutory schemes that allow employees to sign away their rights National reports Australia Brazil China Denmark France Germany Hungary Italy Poland Russia Spain Sweden South Africa the United Kingdom and the United States describe the structure of labour law regulations in each legal system with emphasis on the current state of affairs The authors all distinguished labour law scholars in their countries thus collectively provide a thorough and comprehensive commentary on labour law regulation and recent tendencies in national labour laws in various corners of the globe With its definitive analysis of such crucial matters as the decentralization of collective bargaining and how individual employment contracts can deviate from collective agreements and statutory law and its comparison of representative national labour law systems this highly informative book will prove of inestimable value to all professionals concerned with employment relations labour disputes or labour market policy especially in the context of multinational workforces

Piercing the Great Wall of Corporate China Alan Refkin, David Dodge, 2016-06-07 China has historically cut itself off from interaction with the global business community for all but the last thirty eight years During this isolation Chinese society and businesses developed their own morality ethics cultural leanings and business practices Philosophically culturally and business wise Chinese companies operate on a

different plane than businesses in other areas of the world As a result the methodology of performing forensic due diligence in China can vary widely from that performed in other countries Forensic due diligence in China is challenging and requires a comprehensive knowledge of the countrys complex accounting legal and business issues Alan Refkin and David Dodge will provide you with the tools necessary to delve deep into the business and financial fabric of corporate China allowing readers to pierce the wall of secrecy surrounding Chinese businesses Conducting Business in the Land of the Dragon Alan Refkin and Scott Cray,2013 China is as tough a business environment as you ll experience anywhere in the world remaining one of the most complicated places to do business Just ask all the company executives and entrepreneurs who ve tried to do business there lost money and closed shop They learned the hard way that success elsewhere doesn t always lead to riches in China Alan Refkin and Scott Cray with Thornhill Capital have spent years doing business in China and they have a long term track record of helping companies navigate the complicated business terrain In this their new guide they share their intimate knowledge of how business is conducted in China They explore the intricacies of how the Chinese negotiate discuss ways to better protect yourself from the increased threat of cyberespionage and the theft of your intellectual property show you how to litigate if necessary take you through what s needed to successfully interact with government officials and demonstrate how you can be successful and reap the financial rewards from conducting business in China Being successful in China is not an accident What separates the thriving businessperson from those who abandon the country and their dreams for success is preparation Get the information and tools you need to accomplish your goals dominate and win with Conducting Business in the Land of the Dragon Conducting Business in the Land of the Dragon is a keen twenty first century guide to China and makes excellent reading for both experienced Sinophiles and China novices Everyone will learn from Alan s fascinating experiences and understanding of China its people its culture and its future John Lucas director Weinberg Company You ll never find a better guide to take you through the reality of conducting business in China Period Jose F Sada president of DS Capital Partners *Labor Law in China* Zengyi Xie,2015-05-26 The primary aim of this book is to help readers understand the development of the theory and practice of labor law in China and to familiarize them with major advances and remaining challenges in this field The author also puts forward suggestions on how to improve labor law in China on the basis of an analysis of key problems and comparative study The book can also serve as a useful guide allowing HR experts at companies with Chinese employees or doing business in China to better understand Chinese labor law and regulations It covers a broad range of labor law issues including the meaning of labor relations definition of the employee and employer the duties of employers and employees anti discrimination labor dispatch minimum wage termination of labor contracts work injury insurance labor inspections and labor dispute resolution East Asian Labor and Employment Law Ronald C. Brown,2012-03-05 This book deals with international labor and employment law in the East Asia Region EA particularly dealing with China South Korea and Japan It explores and explains the effects of globalization and discusses the role of

international lawyers business personnel and human resource directors who are knowledgeable culturally sensitive and understand the issues that can arise when dealing in EA trade and investment The text and readings from area experts are organized and written to provide the reader with first a broad understanding and insight into the global dimensions of the fast emerging area of labor and employment issues e g global legal standards and their interplay with domestic and foreign laws and second to show how these laws and approaches play out in specific EA countries comparing global approaches with the specific laws of each country on four common agenda items regulatory administration workers rights trade unions and dispute resolution The book should be of interest not only to lawyers students human resource personnel and government officials but also to business investors managers and members of the public interested in the growing phenomenon of changing labor laws and societies in China South Korea and Japan **Minimum Wages, Collective Bargaining and Economic Development in Asia and Europe** Maarten van Klaveren, Denis Gregory, Thorsten Schulten, 2015-06-09 This book offers a labour perspective on wage setting institutions collective bargaining and economic development Sixteen country chapters eight on Asia and eight on Europe focus in particular on the role and effectiveness of minimum wages in the context of national trends in income inequality economic development and social security *UC Irvine Law Review* ,2014

Landmark Labor Law Cases in China Baohua Dong, 2019-05-20 The Labor Law of the People's Republic of China originally promulgated in 1994 has undergone many changes and continues to be subject to judgments and arbitral awards arising from disputes and such claims as breaches of labor contract and denial of benefits This book provides most updated detailed and comprehensive interpretation of Chinese labor law issues focusing on detailed analysis of twenty leading cases The first part of the book describes in depth the role of labor law in Chinese society elaborating on its development and its characteristic features The cases that follow each described in minute detail thoroughly explicate the issues that underlie the dynamic growth of Chinese labor law such as the following establishment and identification of the employment relationship performance change dissolution and termination of the employment contract determining atypical employment relationships fiduciary duties health insurance provisions work related injury labor dispatching service legal remedies mediation arbitration litigation labor inspection legal issues on foreigners employment in China violation of rights to privacy human dignity and equal employment enterprise dissolution or merger employer's right to dismissal economic compensations arising from illegal dismissal and worker's damages arising from illegal dissolution of the employment contract The carefully selected cases span the full range of labor law issues with perspectives from parties to the action attorneys and judicial personnel as well as the editor's expert analysis of the legal principles statutes and case law involved This English translation of a book published in 2016 the first to focus on labor and employment related issues in China in a comprehensive way via case law will help the international community to understand China's labor law environment and its current achievements It will prove of immeasurable practical value for practitioners arbitrators and academics as well as for employers and workers

with an interest in China *Index to Course Handbooks* ,2007 **Industrial Arts Index** ,1927 *Labor Dispute Resolution in China* Virginia Harper Ho,2003 *Foreign Corrupt Practices Act* ,2005 **Legal Information Alert** ,1997
 Senate documents ,1877 **Social Science Abstracts** ,1929 Labor Relations in China's Socialist Market Economy
Sheila Oakley,2002-11-30 Ideological and cultural factors do not define or influence the way labor relations are conducted in China's workplace as many suppose they do Oakley shows that the impact of the global market has significantly altered the way labor relations are actually practiced in China which follows what she calls a global market paradigm Nevertheless Maoism and Confucianism continue to influence labor relations in China and the ideological and cultural remnants still to be found could affect China's relations with other nations for years to come Instead of taking a macro level industrial relations approach common to other studies of Chinese labor Oakley provides an in depth look at the problems emerging on the shop floor in the wake of economic reform She provides translations of actual case histories each of which details the causes of disputes the various methods that were found to resolve them and their eventual outcomes At a broader level of analysis her book tends to support convergence theories of which globalization is the latest proving that there are other features in contemporary market labor relations that have emerged in China in direct response to the demands of global competition The result is a superbly detailed examination of a topic too little covered and seldom well understood Oakley begins by considering the features of market labor relations and the emergence of a globalization friendly style in both Western and Asian economics She continues with an analysis of the ideological and cultural dimensions of the relationship between managers and managed In the next three chapters she discusses the causes resolution methods and labor dispute outcomes In each case she refers to the evidence of market Maoist and Confucian influences The conclusion she draws is that while Confucian ideas and traces of Maoism continue to have an impact on the development and resolution of labor disputes in post reform China overall Chinese labor relations conform to the demands of the global not the provincial marketplace

AsiaLaw Leading Lawyers ,2006

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