The Right to Occupational Health and safety and its Legislation in China

Chang Kai
Institution of Labour Relations, Renmin University of China
Right to occupational health and safety is a basic employment right

The status quo of workers’ health and safety conditions

Current legislations and the problems

Analysis and advice of the legal framework
Employees’ fundamental rights to their lives.

Offences against life and health usually occur in three ways:

▲ against the right to life by causing death;
▲ against the right of the body’s physical integrity
▲ against the right of health
A marketised China

Pursuing the economic profit-maximisation

Overlooking workers’ basic rights
Examples of the severe situation

- Industry fatalities
- Occupational disease
  - the pneumoconiosis
- Workplace injuries
The rate of industry fatalities across the whole nation is very high.
The laws

- Framework established

- The ineffectiveness:
  - Problematic ideology
  - Confusion of legal arrangement
  - Unclear provisions
  - Ineffective supervision
Analysis and advice

- The principle of “consequentialism”
- Public rights & private rights
- Advice on Chinese legal framework
  - ▲ amendment of ideology
  - ▲ re-arrangement and integration
  - ▲ the trade union
  - ▲ stringent punishment
Rights violations in developing countries

- A result of the maximization of capital expansion.
- Government’s pursuit of economic development
- Problematic legislation and weak implementation
- Fast economic development at the expense of workers’ health and safety rights
Thank you