

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

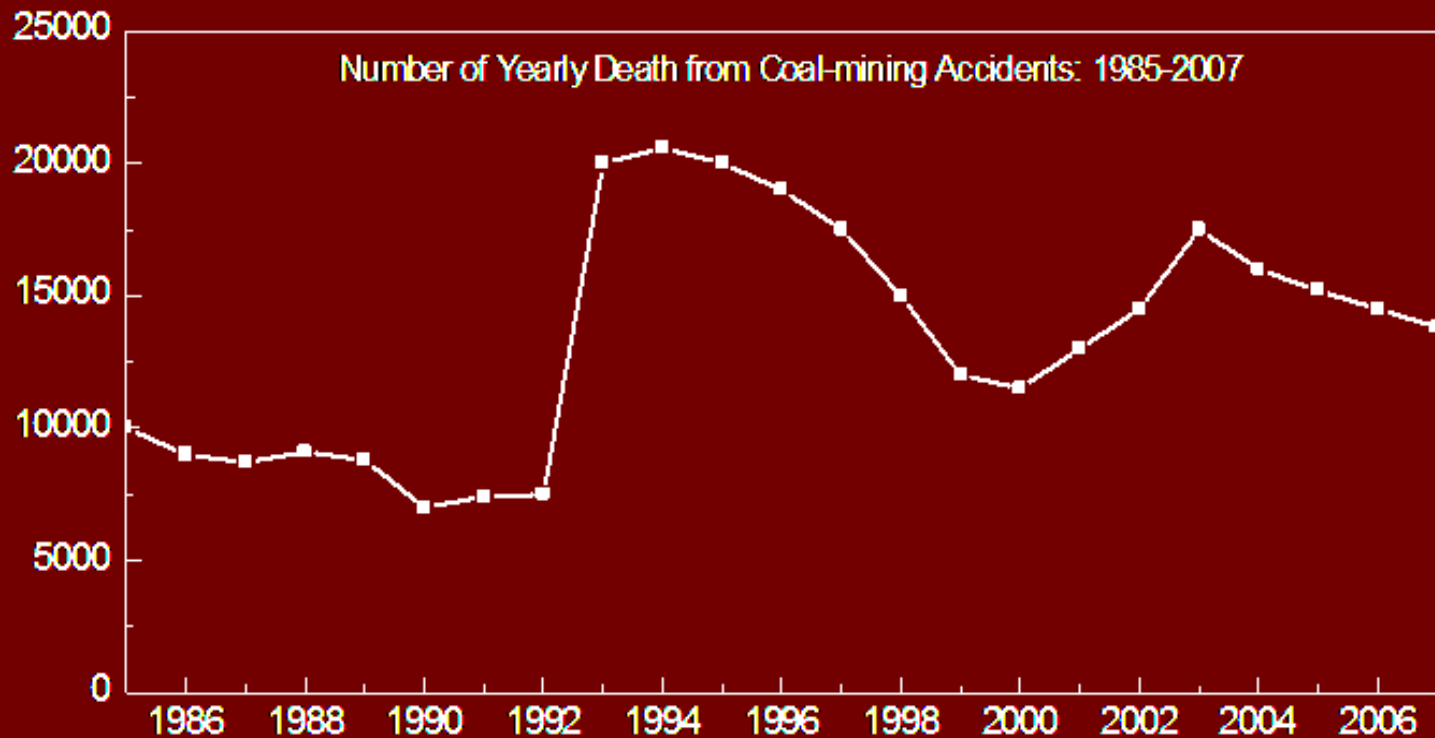
- Employees' fundamental rights to their lives.
- Offences against life and health usually occur in three ways:
 - ▲ against the right to life by causing death;
 - ▲ against the right of the body's physical integrity
 - ▲ against the right of health

- A marketised China
- Pursuing the economic profit-maximisation
- Overlooking workers' basic rights

Examples of the severe situation

- Industry fatalities
- Occupational disease
 - ▲ the pneumoconiosis
- Workplace injures

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