The widely held image, inside and outside China, of the total absence of an occupational health and safety (OHS) system in that country is not an accurate picture. This article argues that the unsafe working conditions and prevalent occupational diseases and injuries widely reported in the Chinese and foreign media occur mostly in private mines and in the Asian foreign-funded and domestic private manufacturing sectors. In contrast, the capital-intensive, larger state-owned enterprises and enterprises that have been transformed from state enterprises generally have better OHS systems. An in-depth study of two such enterprises reveals viable OHS systems, worker-management OHS committees, regular health and safety inspections, and trade unions' and workers congresses' oversight and supervision. Above all, there is an enterprise culture that regards accidents as avoidable, and both workers and management feel distressed and guilty when accidents happen. The authors believe it is important to acknowledge and champion these positive examples of “best practices” that can be emulated in workplaces throughout China, which is under great pressure from competitive domestic and global forces to relax its OHS standards.

Over the past decade, the world has been awestruck by China’s breakneck pace of industrial development, as the country has emerged as the “world’s workshop” and economic powerhouse. But there are also regular reports of horrific cases of occupational health and safety (OHS) problems. Unsafe working conditions and occupational diseases and injuries in mining and in labor-intensive manufacturing dominate both Chinese and foreign media reports. These have given rise to a popular image of China as a nation that lacks any safeguards in terms of industrial safety.
The seriousness of the problem is supported by China’s own official statistics. In 2005, it was estimated that 16 million enterprises were using toxic and hazardous materials, and 200 million workers were engaged in hazardous jobs (1–3). According to the Ministry of Health, 5 of every 1,000 workers in these jobs suffered from occupational diseases (4). In the same year, 728,000 accidents claimed 127,000 lives (5). In 2003, the fatality rate per million tons of coal mined in China was 100 times that of the United States (6, 7). These frightening national figures reveal just the tip of the iceberg, as underreporting in data collection is widely recognized in China.

In this article we argue that this negative image of Chinese OHS, while valid, presents only a partial picture. As in other countries, at larger, capital-intensive workplaces, OHS conditions are generally better. Our in-depth study of two such enterprises reveals viable OHS systems, worker-management OHS committees, regular health and safety inspections, and workers’ and trade unions’ oversight and supervision. Above all, an enterprise culture at these two firms considers accidents as avoidable, and both workers and management feel distressed and guilty when accidents happen. We believe it is important to acknowledge and indeed publicize these positive examples inside China to provide “best practices” that other Chinese workplaces can emulate.

China’s industrial workplaces can be broadly divided into two categories, each with its own industrial health and safety system (or lack of one) and culture. Dangerous and accident-prone workplaces are mostly found in the non-state sector, which includes domestic small private enterprises, labor-intensive foreign-invested export enterprises, and mines. Better regulated and monitored workplaces are mostly found in capital-intensive, larger state-owned enterprises and enterprises that have been transformed from state enterprises. This study focuses on the second category, but to highlight the differences, we begin by briefly discussing the first.

HAZARDOUS NON-STATE INDUSTRIAL ENTERPRISES

Some 15 million migrant workers from poor parts of China work in the Pearl River Delta of Guangdong province in south China. This region is filled with supplier factories owned largely by Hong Kong, Taiwanese, and Korean companies that produce for Western multinationals. In these factories, trade unions are nonexistent or exist only on paper (8). As Quinlan, Mayhew, and Bohle (9) point out, global production chains employing “precarious labor” constitute one of the reasons for the increase in unsafe workplaces around the world.

The situation in domestic small private enterprises in China is no better. Some government reports have pointed out that, in recent years, the majority of industrial accidents and deaths are concentrated in non-state small private enterprises (10–14). According to a survey of township and village private
industrial enterprises by China’s Ministry of Health in the 1990s, 34 percent of workers in these enterprises were exposed to hazardous dusts and toxic chemicals, 4.37 percent had occupational diseases, and 11.41 percent were suspected to have occupational diseases (15).

In contrast, a nationwide survey of almost 20,000 enterprises in 2002 found that 78 percent of state-owned enterprises provided workers with personal protective equipment, compared with 50 percent of privately owned factories. And 57 percent of state-owned enterprises provided medical examinations for workers exposed to occupational hazards, compared with only 2 percent of private enterprises and 3 percent of foreign-owned enterprises in China (16).

Why is the OHS record in the non-state sector so poor? The first major problem is structural. Occupational health issues are still under the purview of the Ministry of Health, which has no enforcement function. Second, funding and resources devoted to government OHS institutions are extremely insufficient (17). The government’s industrial inspection system is consequently grossly understaffed, with one inspector for every 35,000 workers (18), compared with the International Labor Organization’s (ILO) benchmark of 1 per 10,000 (19). In addition, the quality of work-safety personnel is low, partly because in the rush to establish work-safety organizations, personnel from other branches of government unrelated to OHS were transferred to the newly established organizations; as a result, they lack adequate professional knowledge. Because of chronic underfunding, the majority of work-safety institutions can only focus their attention on urgent problems and are left with few resources to deal with preventive measures. Worse yet, local governments, in trying to entice investment, collude with investors to keep wages down and to ignore OHS concerns. Local authorities relax OHS control measures in their own locale, provide OHS agencies with little support, and in some cases even put obstacles in their way (10, 20, 21). As a result, the work-safety department has difficulty working independently, without interference from local government.

For their part, the first-generation peasant-workers who work in manufacturing in the factories of the export sector, as well as in domestic small private enterprises, have little knowledge of industrial systems, occupational diseases, hazardous production processes, and unguarded machines. They toil for 60 or more hours a week, too often exposed to dust and toxic fumes, and have little idea of how to protect themselves. Even if they are aware of the dangers, there is no recourse to any means of protection except to quit the job (22).

For example, in the Pearl River Delta region, a major center of foreign-invested export industry, a survey of 54 hospitals revealed that in one recent year, attempts had been made to reattach more than 40,000 severed fingers. One 35-year-old surgeon had reattached 4,000 fingers in 10 years (23). We have personally observed injured workers with bloody fingers waiting in the street for a bus to get to hospital. In this noncaring environment, injured workers and their advocates channel their energy and desires for social justice into litigating for injury
compensation. Paralegals have proliferated to help in this laborious legal process, which has totally overshadowed any efforts to press for employers and government to improve workplace industrial health and safety to prevent injuries and occupational diseases from occurring in the first place. Regrettably, we have yet to hear workers themselves demanding improvements in workplace health and safety. For the time being, their vocal demands are focused on injuries compensation and unpaid wages, which sometimes lead to protest actions inside and outside factories.

OCCUPATIONAL HEALTH AND SAFETY SYSTEMS IN STATE AND FORMER STATE MANUFACTURING ENTERPRISES

While the situation looks very bleak in the non-state sector, the situation is considerably better in China’s state enterprises and former state enterprises that have been transformed into shareholding corporations or joint ventures. This sector has survived the industrial restructuring of the 1990s that downsized several tens of millions of workers. Today, these enterprises operate under market imperatives, and contrary to conventional wisdom in the West, many of them are thriving. These enterprises comprise what can be called the “core” sector of China’s economy, in part because they include China’s largest industrial plants. The sector has inherited some of its values, institutions, and personnel from Maoist socialism.

In the decades under Mao, the egalitarian ideology espoused workers as “masters” of the state. Supposedly there was relative social equality, and indeed, wage gaps were small because wages were set by the central state. The trade union that automatically existed at the workplace as an arm of management performed social functions such as distributing housing, taking care of workers and their families’ general welfare, social entertainment, festive celebrations, visiting the sick and retirees, and distributing relief to those in need. While the planned economy driven by campaign-style production cycles and workers’ self-sacrifice to the revolution might not be conducive to enterprises’ compliance with OHS rules and regulations, toxicity exposure limits in those days were set on a par with international standards (24). Further, work hours were not excessive, which was helpful in preventing fatigue and reducing the time that workers were exposed to toxic air and dust. Without doubt, there were enormous OHS problems in those days, too, as China was very poor and technologically backward, and general technological education was undeveloped. Nonetheless, the OHS system was better than the current situation in the export global production chain and domestic private small-enterprise sectors, in which there is almost nothing to speak of. Thus, the core-sector enterprises of today have inherited the former OHS system.

In this inherited OHS system, two institutional bodies in particular play an important role: the workplace trade union and the staff and workers representative
congress (SWRC) (25). A trade union branch within a factory has been and
normally still is an arm of management—the arm responsible for the enterprise’s
welfare measures. But its assigned functions include a role in monitoring work-
place health and safety. By law, the trade union branch is permitted to organize
workers to withdraw from the workplace when conditions are deemed unsafe.
If the union officials act responsibly, this can protect the well-being of workers.

The SWRC, still found in state enterprises, but only sometimes in former
state enterprises, was established in state-owned enterprises in 1949, when the
People’s Republic of China was founded (25). It is, in theory, similar to the
workers’ councils of the former Soviet Union and Eastern Europe. In the 1980s,
when China was undergoing economic and industrial reform, the state began
to give greater autonomy and power to the managers of enterprises. To provide
leverage against this expanded managerial power, the state strengthened the
SWRC system in the early 1980s, commonly known to workers as the “golden
age” of the SWRC (26). In 1988, its role in state-owned and collective enter-
prises was given legal standing in the Enterprise Law. This legal standing was
extended to factories of other types of ownership in the 1990s (27–30).

In reality, few of these enterprise SWRCs have ever had the wherewithal
to exercise most of their putative rights. In fact, during the 1990s, fewer of these
congresses were called into session, as managerial power continued to expand
and as more state enterprises plunged into the red, slashed employee benefits,
and downsized their workforces. But the SWRC continued to exist, even if inactively,
at 92 percent of state enterprises surveyed in 1997,¹ and in some parts of China the
congresses have remained active. In such cases, their main input normally is in
matters relating to employees’ welfare—including occupational health and safety.

An SWRC includes both blue-collar workers and white-collar staff. Most
commonly it constitutes about 10 percent of the workforce, with a tiered repre-
sentation structure, from small groups on the production line up to the factory
level. It has been endowed with a large amount of legal power by the Enterprise
Law. The rights of an SWRC include: the right to know virtually everything
about the enterprise; evaluation of the performance of the enterprise and its
managers, and based on that, recommendations to higher authorities for the
dismissal of incompetent management; and participation in decisions on anything
related to workers’ wages, benefits, and welfare, distribution of housing, and
election of SWRC representatives to sit on the board of directors. The SWRC
meets about twice a year, and between congresses, congress subcommittees
also meet, especially in the area of OHS, with the trade union committee acting
as its executive body. In other words, the SWRC possesses more power than
the trade union (32, 33).

¹ The figure of 92 percent was derived by Zhu and Chan (31) from the raw data of a large
nationwide survey sponsored by the All-China Federation of Trade Unions in 1997.
TWO CASE STUDIES

We use two case studies to illustrate how core-sector workplaces differ from private enterprises. The first is one of China’s biggest offset-press shareholding companies, employing some 3,000 people and located in a large Chinese city in the north. We call this company “SH” (for “shareholding”). It was a state enterprise set up in 1952, and in 1994 was transformed into a shareholding company, with 62.5 percent of shares held by the government, 25 percent on the Hong Kong stock market, and 12.5 percent as small Chinese shareholdings. Because the majority of the shares are still owned by the state, state bureaucracies continue to have a dominating presence. All told, SH has largely carried over the institutions, personnel, and culture of its predecessor.

The second case study is an automobile-manufacturing joint venture (“JV”) set up in 1984 through a merger between a big Chinese state enterprise and a big American auto company. It is located in the same city as SH. The Chinese government owns 58 percent of the shares and the American partner owns 42 percent. Like SH, this plant inherited from the Chinese mother plant many of its institutions, managers, and workers, as well as its enterprise practices and culture. In fact, at both SH and JV, the leading Chinese top management continues to be assigned by a state bureau.

The JV plant’s financial health was at its peak in 1995, when it produced 80,000 vehicles a year. It subsequently lost market share, restructured, and downsized its workforce, but production picked up again in 2003. When our research was conducted, beginning in 2002, JV was near its low point and had 3,300 employees. Early in 2008, with injection of more capital, it moved into far more modern facilities at a green-field site in a suburb.

While SH has both a trade union branch and an SWRC, JV has only a trade union branch. In this, SH continues to resemble a state enterprise, whereas JV, having a foreign partner, did not set up an SWRC because it is not mandatory for non-state enterprises to have one. But as we shall see, its absence has been compensated for by the trade union’s playing a more active role. At a state enterprise, the Party secretary holds a powerful position, but at JV, the Communist Party Branch Committee at the enterprise level cannot have an office, as in a state enterprise, so the Communist Party secretary took on the role of trade union chair and uses this position more generally to represent the interests of the Chinese partner. The foreign investor is responsible for wages and work conditions, so the trade union branch at JV has become the locus of the Chinese partner’s efforts to preserve the interests of Chinese employees, with OHS as one of its crucial concerns.

Methodology. The information about OHS conditions gathered from these two enterprises was part of a bigger research project on workers’ participation in Chinese enterprises. The research team consisted of six researchers (the two authors and four scholars from Beijing) and a few research assistants. The data
were collected through lengthy interviews with 32 informants from SH and 16 from JV. The informants included top-level management, Communist Party secretaries, shop-floor managers, trade union officers and lower-level representatives, SWRC representatives, OHS personnel, factory officials in charge of production, planning, political work, and human resource management, and some rank-and-file workers. The research team also collected factory documents and interviewed workers in their housing compounds, and a questionnaire survey of workers’ attitudes was also conducted. Between the two authors, we visited JV eight times starting in the early 1990s.²

ENTERPRISE-LEVEL OCCUPATIONAL HEALTH AND SAFETY INSTITUTIONAL STRUCTURES

The OHS systems at SH and JV, as at most state-owned enterprises, are designed in accordance with the state’s laws and regulations. The system comprises three major components: (a) the safety technology section of the factory’s production and technology department; (b) a bipartite management-labor work-safety committee; and (c) a trade union OHS monitoring committee (at both SH and JV) and an SWRC monitoring committee (only at SH). We briefly describe each of the three components, followed by examples from SH and JV to show how each works.

A Factory’s Safety Technology Section

At both SH and JV, the management arm of the OHS system—the Safety Technology Section—is responsible for the overall design and implementation of OHS equipment and programs. Its duties include identifying and correcting hidden OHS hazards, training employees, organizing enterprise-wide inspections, correcting and improving OHS problems, carrying out recuperation plans for workers at hazardous jobs, scheduling regular physical checkups for all workers, and distributing OHS supplies such as gloves, masks, and work clothes. At both SH and JV, this section was originally an independent department, but it was downgraded at a time of enterprise restructuring in the 1990s, being merged into the Department of Production. This meant that the number of OHS personnel at SH was reduced from 13 to 2; at JV, from 11 to 5.

In Chinese factories, the OHS persons (anquan yuan, literally meaning “safety person,” but actually having responsibility for both occupational health and safety) are appointed by management and are experienced workers assigned to OHS duties. For example, at SH, a full-time OHS person whom we interviewed,

² Verbatim transcripts of the interviews assisted us in conducting a more accurate and deeper analysis of the field data. We quote from some of the responses to provide a feel for the situation in the two factories.
Mr. Wang, a lathe worker since 1968, was appointed as a full-time OHS person in 1982 after many years of part-time OHS duties. Assisting the full-time OHS staff is a network of full-time and part-time OHS staff at the factory and shop-floor levels. The part-time OHS person at the workshop level is often the section leader (hanzhang) or vice-section leader (fu hanzhang). For example, Mr. Liu is the leader of a work group in the painting workshop of JV and also serves as the part-time OHS person for that workshop.

At both enterprises, OHS training is provided for all new recruits. As an OHS officer at SH told us:

I lecture them on work safety. I give them concrete examples. You shouldn’t wear gloves when you are working on the lathe; you shouldn’t have three people sitting in a crane; you shouldn’t smoke in no-smoking zones. You can’t always do as you please. If you breach the rules the first time I let you go, but not three times. Then we fine them. After being fined a few times they will become self-aware.

A penalty-based OHS regime is not considered ideal from the perspective of OHS practitioners of developed countries, but unlike at most private enterprises in China, there is an attempt here to educate workers in OHS.

At JV, at regular intervals the OHS officer gave brief talks to the part-time OHS personnel about safety and sometimes about environmental protection. Occasionally, outside speakers such as someone from the Department of Prevention and Control of Occupational Disease are invited to give a lecture about the new OHS laws. Annual training usually takes place during slow production times. But there has been pressure to reduce the training, according to the trade union’s OHS representative:

Our enterprise’s financial situation was declining and the annual training expenses were under reassessment, since the training fee is up to 400 or 500 yuan per person. Management asked whether we should suspend the program. We, the trade union, would not compromise on this at all, based on the collective contract we negotiated with management. No matter how difficult the financial situation is we still need to follow the city labor bureau’s regulations and have the workers participate in training programs.

As China undergoes rapid industrialization, plant relocations and construction of new plants are taking place everywhere. China has a policy requiring OHS facilities to be incorporated as part of new plant construction projects. These requirements, called “the three simultaneous,” are stipulated in Article 24 of China’s Work Safety Law and require safety facilities to be budgeted and installed at the design, construction, and production layout stages of all new plants. Critics of China generally dismiss such legal provisions as near useless, convinced that China does not enforce its OHS laws (24). But when both SH and
JV moved to green-field sites, they spent a considerable amount of money to comply with “the three simultaneous.” At SH, the OHS officer told us:

When we moved to the new site three years ago, we spent some 3 million yuan for the “three simultaneous,” mainly on a special air-tight spraying room and facilities to deal with noise reduction and welding and dust. . . .

Our restructuring and downsizing of personnel was caused by the macro climate, but when money had to be spent on safer new technology, labor protection, and environmental protection, the leadership was generally supportive. Each year we spend about one million yuan for labor protection and environmental protection. Not that many big state enterprises these days are willing to spend this much on such things.

Cathy Walker, former OHS Director of the Canadian Auto Workers Union (CAW), visited JV’s old site in 2004 and the new site in March 2008. She filed a report to CAW in 2004 in which she noted the preparations for relocation: “When building in a new area, the trade union takes part in the decision-making process. Every Wednesday afternoon there is a two hour meeting to discuss building the new plant in which the trade union takes part. Also, in the collective contract, there is a provision to ensure investment is made in improving working conditions, which is 1.5 million RMB (about C$250,000)” (34). In a 2008 e-mail, she described what she had observed two months earlier at the new plant: “I found it to be neat, clean, well-organized and [it] seemed to have every safety provision that is common to the same plant in Canada—excellent dust extraction system; three levels of OHS representation in accordance with the law; the trade union handed in 45 proposals to improve OHS and management accepted 37 of them, including 332 new fans; ergonomic assistance for lifting things more than 25 Kg.; environmentally friendly paint, noise reduction; enclosed resting areas for workers, etc.” Walker was convinced that the high standards were due to the JV trade union’s push for better facilities.

Our interviewees suggested that both management and the unions at SH and JV took workplace accidents very seriously. If one occurred, a serious investigation ensued to rectify the cause of the accident. Also, the union branch, as a welfare arm of management, had paid out generous compensation to injured workers, more than required by law. At SH, a young worker died on the spot after falling from a crane. Four years later, the factory OHS person recalled the accident:

The day was August 26, 2000. That day I was away in another city on a training program. News came there was an accident, and I rushed back to the

3 Walker’s report also includes visits to two other automotive joint ventures, one with a functioning trade union and the other with a union that is almost totally set up by management (www.caw.ca/whatwedo/health&safety/pdf/ThreeAutoPlantsinChina.pdf; www.caw.ca/whatwedo/health&safety/pdf/hse050605.pdf).
factory to see what had happened. ... After consulting with the family of the deceased and the police, the insurance company paid 70,000 yuan, and the factory in addition gave 70,000 yuan. On top of that the wife got a new apartment and a job at the factory.

Admittedly, there were economic losses associated with any fatalities. Still, under state control, management is not without pressure from above to maintain a good OHS record. The OHS person at SH explained:

This thing about workplace health and safety is invisible. One person has died and the adverse impact on the factory is enormous. It is not something you can lay a price on. Our manager is educated and he is insistent that there be no accidents. He said, “If this happened ever again, if someone dies, I’ll quit.” It comes down like a military command. Workplace health and safety had to do with production efficiency. You need to look at it dialectically. When there is an accident, the victim’s family comes after you. You can’t work for days. Then the authorities may even close you down.

At JV, serious accidents were treated in a similar manner. The trade union chair of the welding workshop recalled how he dealt with an accident:

We had a work accident some time ago. On December 27, 1994, a worker fell from high above when she was fixing a lamp at 10:10 a.m. She was paralyzed from her waist down. But being bed-ridden for a long period, she developed serious bedsores. No one wanted to help her. I found a maid for her after great effort. Then I helped to get her bedsores treated. I first discussed it with our Party secretary, and then went to the district labor bureau and the city labor bureau to talk with the head of the department in charge of occupational injury and disease insurance. They promised to treat the bedsores. On July 4, the department head arranged for her to be hospitalized, with accommodation and nursing expenses paid by the department. The factory paid for her skin grafting and bone transplant.

Worth noting here is that both the OHS person at SH and the trade union chairman at JV, even after some years had passed, still had the dates of the accidents stamped into their memory.

Management does not always proactively improve conditions or care about injured workers, unless pushed by workers through their trade union or SWRC representatives. One summer, at JV, workers in poorly ventilated areas raised the issue with the trade union OHS monitoring committee, which lobbied the OHS management office, which relented and installed air conditioning. By way of contrast, we visited two global supplier factories in south China. One was a huge Taiwanese-owned factory that made running shoes for a famous brand; the other was a medium-sized domestic Chinese-owned factory that supplied padded ski jackets for a famous brand. In these two factories, summer temperatures on the
shop floors soar to 40°C (104°F). Summer after summer, workers pleaded for a solution, but management at both of these factories refused even to install more fans.

**Joint Management-Worker OHS Committees**

At both SH and JV, the joint management-worker OHS committee is composed of 8 to 15 members, including representatives from each department, an OHS officer of the Safety Technology Section, and representatives of skilled workers, professionals, and a union OHS monitoring representative. At both enterprises, this joint body is chaired by the general manager of the enterprise. At SH, the committee mainly took charge of monthly enterprise-wide inspections. The committee at JV, in addition to carrying out regular quarterly and pre-holiday enterprise-wide OHS inspections, was also responsible for setting factory-wide OHS plans and goals.

At SH, the joint committee’s monthly factory-wide OHS inspection was led by the general manager and organized by the safety technology officer of the Production Department. An OHS report has to be filed after the inspection. The trade union’s main role is to monitor and report on problems to the safety technology officer. To raise awareness, every year the factory holds an OHS Week, when the general manager, the enterprise’s joint management-worker OHS committee, and the trade union OHS monitoring representative form a shop-floor inspection team. According to our interviewees, the general manager takes these matters quite seriously.

At both SH and JV, their trade union OHS representatives emphasized the importance of working cooperatively with management, while pointing out that they held a position separate from management. A management OHS coordinator explained:

> Our coordination was based on our common goal to improve the OHS of our enterprise. If there is any difference, it is in methods and emphases. They [the union] pay attention to workers’ feelings; we probably think more about technology or equipment, hardware, and the work environment.

**Trade Union and SWRC OHS Monitoring**

As noted earlier, SH has an SWRC, but JV does not. This workers’ representative body, which has quite a lot of legal power, has a role to play in workplace-level OHS, especially when the trade union actively engages in collective contract negotiation, as at SH.

SH’s collective contract includes a chapter with seven articles mandating that the company must: implement a specified set of OHS rules and procedures and provide workers with protective supplies, physical examinations, rest, and
treatment; closely cooperate with the trade union in implementing OHS training and education; provide special protection for female workers; immediately notify the trade union of serious accidents; and support the trade union in establishing its OHS committee. In addition, “rational suggestions” collected by the union from workers, many of which are related to OHS problems, are drawn up as resolutions to be included at the annual SWRC congress. At the congress, SWRC representatives have the power (a) to discuss, revise, and approve the manager’s report, in which OHS is one of the major issues; and (b) to discuss and vote on resolutions, many of which are related to OHS. Once the manager’s report is approved by the SWRC, it has executive status. The power of the SWRC is much more comprehensive than that of the trade union.

The trade union at SH was well aware of its limited power and had to “borrow” the SWRC’s legal power to negotiate better deals. Here is one example. As the enterprise was making a profit and as medical bills in China skyrocketed, the trade union proposed increasing employers’ contribution to health insurance by 4 percent of payroll, and the money was to be taken out of the enterprise’s expenditures rather than from its profits. The union OHS officer realized it would not be easy:

From our vantage point we insisted on the 4%. The manager was amenable. I immediately convened a special day-long meeting of all the relevant departments at a venue outside the factory, and had the factory pay for it. At the meeting, I pulled out a blueprint on how to allocate the money. We then drew up a document to be discussed at the SWRC. To get this thing through we needed something in writing. After it was passed, I said the trade union should monitor its implementation. We demanded the factory to open a special account for this 4%. You can’t fool us. We refused to accept vouchers. We want the money. Once the proposal was passed by the SWRC we then had the power. At year end we had to report to the SWRC.

Other examples included the SWRC’s voting unanimously to cover 200,000 yuan per worker for dialysis and, when workers complained about the quality of drinking water, the SWRC’s passing a resolution to install a 200,000 yuan water system.

To make up for the absence of an SWRC, the trade union at JV broadened its power by establishing an OHS monitoring committee. This committee, which did not exist at SH, was to ensure that management does what it is supposed to do in OHS. Still, the JV union officers said they felt disadvantaged in not having an SWRC. In its stead, the trade union also relied on other means to expand and strengthen its power. It made use of the Chinese OHS laws and regulations; the authority of the Party; and the collective contract. Because there was no workers representative congress, the union tried to strengthen the trade union representative congress, which met once every four years and took on the functions of an SWRC. The trade union chair noted that “even though we do not have
the rights of examination and decision-making power of the SWRC, we can
effectively accomplish what we want.”

Backed by the authority of the Party branch committee, the JV trade union
was able to hold “collective consultations” with foreign management and became
a model in China for its signing collective contracts regularly, once every
four years since the early 1980s. For China this is an accomplishment. In the
earliest contracts there was no provision for OHS; in 1986 an article was added,
according to which the enterprise was to provide special funds for improving
OHS conditions. The Safety Technology Section each year was to develop a
program of OHS preventive measures. As the trade union gained experience
in drawing up these contracts, the number of articles related to OHS increased,
the content became more detailed, and the coverage more comprehensive. For
example, the labor insurance chapter in the 1999 contract stated that “the enter-
prise pays for treatment, convalescence, disabilities, and death as a result of
occupational illnesses and injuries.” In the same contract, the trade union was
able to insist on a continuation of free physical examinations for workers once
every two years, and once a year for those exposed to hazardous tasks and
for pregnant women, despite the enterprise’s financial problems. This was a
compromise from the previous once-a-year check-up, which had been the tradition
of state enterprises. Similarly, the union negotiated to continue “recuperation
vacations” for workers at hazardous work stations, after management wanted
to scrap the program. “Negotiation is a kind of art of compromise. Both sides
need to make concessions,” said the trade union chair.

As the evidence presented here shows, workers, trade union, and management
at these two enterprises are concerned about workplace safety and workers’ health.
The question is, why is there such a contrast between these core-sector enterprises,
on the one side, and the small domestic private enterprises and global supply chain
enterprises, on the other? We would argue that there is a state enterprise OHS
culture that has evolved out of socialist ideology. The people who worked under
that state system, including some of our older respondents, were inculcated with
that culture, and one of the features is a habitual practice of obeying state
regulations. As SH’s OHS officer said:

Yes, state enterprises follow state regulations very seriously, not like those
private enterprises that are lax. Take our enterprise as an example. Orders
from above are state regulations. We comply. For example, after an industrial
accident, the worker is to be suspended from working at the post, but not
made to leave the company. You don’t fire people. This is state policy.

In the past few years, under pressure from the many negative reports of serious
industrial accidents and an increasing incidence of occupational diseases, the
Chinese state has strengthened its OHS laws and regulations, of which the two
most important are the Law on Prevention and Control of Occupational Diseases,
passed in 2001, and the Law on Work Safety, passed in 2002. In addition,
the state restructured the OHS institutions in 2003 by upgrading the State Administration of Work Safety, which was taken out of the State Economic and Trade Commission and placed directly under the State Council (China’s Cabinet). This upgrading was also implemented at the provincial, regional, city, and county levels (10, 35). The new laws and upper-level institutional rearrangements have had a flow-on effect in state enterprises.

To sum up, institutional legacy, inheritance of the old system’s personnel, and a culture of compliance to Party and government edicts, combined with a new legal regulatory regime embedded in an increasing rule-of-law environment, have helped sustain and strengthen workplace OHS systems in state-run and former state enterprises.

INTERNAL PROBLEMS AND EXTERNAL PRESSURES

Despite the factors described above, there are forces at play incessantly undermining the emerging legal OHS system that has been taking shape under a new set of OHS laws and regulations. The macro climate in China, indeed that of the entire world, in the name of efficiency and profit maximization, is constantly chipping away at people’s general health systems and conditions at the workplace (36). The two enterprises considered here have experienced relentless pressures to downgrade their OHS systems.

First, the national, provincial, and city-county trade unions are excluded from the government work-safety monitoring system. As a result, the linkage between the workplace trade union and higher-level trade unions is weak. Local governmental OHS organs cannot rely on the trade union to gain entry to workplaces (1), and trade union representatives from outside the workplace also sometimes have difficulty.

Second, the state industrial sector has inherited from the Maoist period the problem of one person occupying several posts, resulting in conflicts of interest. For instance, it is not unusual in China for trade union representatives at each level to be members of management. In what the tool-plant trade union chair at JV called “unified management,” one OHS person now represents both management and the trade union. Previously, the function of the trade union’s OHS monitoring committee differed from that of the management arm of the enterprise’s OHS. OHS management carried out the programs, while the trade union “monitored” them, ensuring that the former performed its duty.

As a consequence, in a survey we conducted at SH and JV (196 SH workers and 50 JV workers were sampled), rank-and-file workers often were ill-informed about what the unions, their officials, and representatives do. They confused them with management. In both factories, 100 percent of the sampled workers were aware that regular OHS inspections took place, and 89 percent at SH and 79 percent at JV evaluated the inspections as effective. Seventy-one percent of workers at both enterprises thought that conditions improved after the inspections.
But only about half of the surveyed workers in both factories thought the trade union carried out OHS monitoring work. At SH, which has an SWRC, half of the surveyed workers did not know that the SWRC has a special OHS committee. This was the case even though the union officials and SWRC representatives had put in a lot of effort to induce management to spend money on workers’ health and to maintain a safe and healthy working environment.

A third factor is that external economic pressures work against the effects of improved OHS technology and a better regulatory regime. Both enterprises went through a period of workforce downsizing and collapse of administrative departments. The OHS and environmental protection departments suffered more than the departments in charge of production. At both SH and JV, the OHS department came under the production department. As JV’s OHS management coordinator noted:

Mixing OHS and production together sometimes makes it difficult to deal with contradictions. This is a trend in other parts of our country. Also, before the industrial reforms our country had a National Bureau of Work Safety and many other OHS bodies, but then after the market reform got underway, these OHS organizations have been in decline. . . . We’re all influenced by the larger environment. I feel regrets about this.

CONCLUSION
The commonly held image that in China there is no concern for workers’ health and safety is not correct. Today, the state-run industrial sector has a system of OHS checks and balances at the workplace. The workplace trade union plays a part in this by performing a monitoring function. Based on our visits to other Chinese factories during the past 15 years, we can assert with some confidence that the state-run sector is definitely much better in its OHS practices than are small private enterprises or foreign-owned export factories. This is in part because the state-owned and formerly state-owned joint venture companies pay greater attention to Chinese laws and regulations. It is also because institutional mechanisms for monitoring exist: the workplace union and the SWRC. These only need to be activated and strengthened in plants where they currently are weak.

Foreigners can help to promote this. Some foreign trade unions, such as the Canadian Auto Workers (34), have been working with the All-China Federation of Trade Unions (ACFTU). The New Zealand Council of Trade Unions has been actively providing the Chinese government and the ACFTU with guidance on how to enhance mine safety. As David Feickert (6) points out in his study on mining in China, with a triangular relationship at state-owned mines between mine

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4 Seminars and training sessions were co-organized by China’s State Administration for Work and Safety—Beijing and the New Zealand Council of Trade Union, Solid Energy and Mines Rescue, New Zealand, April to June 2007. David Feickert, a consultant, wrote a report on that program, which is on file with the authors.
managers, worker inspectors, and the government, they can reinforce one another regarding safety issues. Our two case studies of factories show how this triangular relationship operates. We would strongly prefer unions to be independent of management. But at least in matters of OHS, a working relationship between the union and management is desirable. In fact, when a group of American OHS activists and academics secured permission from transnational corporations to run a program on OHS at several supplier factories in southern China, they set up joint management-labor committees (18). What they did not realize was that such committees already existed in the core industrial sector. The legal status of the two institutions that are supposed to represent labor—the union branch and SWRC—has already been extended to non-state enterprises in the revised Corporate Law (Article 18) (36, 37) and the new Contract Law of 2008 (Article 4).

In short, while terrible failings in OHS are evident in the non-state industrial sector, a way forward is available. China needs to extend to private factories the practices that now exist in the state sector. The two case studies discussed here represent “best practices” for China. The legal basis is there for the transfer of such practices to the private sector. What is required is the central government’s willpower. For the present, that is lacking. But if political circumstances should change and the government is willing to take initiatives, it already has in the law books an institutional framework for monitoring OHS in factories: the union branch and the SWRC.

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REFERENCES

7. Yang, Y. Coal Mining and Environmental Health in China. Research brief produced as part of the China Environment Forum’s partnership with Western Kentucky University on the USAID-supported China Environmental Health Project. April 2, 2007.

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