

Abstract of Workplace Dispute Resolution in China

Tsui, A. (2009). Labor dispute resolution in the Shenzhen Special Economic Zone. *China Information*, 23.2, 257-284. doi: 10.1177/0920203X09105127

Abstract:

The author explains the implications of China's labor dispute resolutions system from its implementation in the Shenzhen Special Economic Zone (SEZ)—the “window and test case.” The author chose the case studies in Shenzhen because this city has more developed and consistently implemented labor laws. The case studies consist of seven enterprises in the telecommunication industry, including state-owned enterprises (SOEs), foreign joint ventures, and privately owned enterprises.

The author offers four propositions about the labor dispute resolution system in China, which are: 1) the ownership type is related to the degree of compliance—state-owned enterprises are more prone to establishing a labor dispute resolution system than the non-state ones, 2) among foreign investors (compared to the ones of Hong Kong/Taiwanese origins), large and competitive foreign enterprises from the US and Japan are more likely to conform to the Chinese labor laws, 3) a clear correlation between the size and degree of compliance among the state-owned enterprises is not observed, while among foreign investors, the bigger the enterprise, the better law conformity it is likely to have, and 4) due to the weak nature of unions in China, the trade union status of an organization is not likely to affect its conformity to labor dispute resolution laws.

Based on the SEZ case studies and other observations, the author concludes that to accommodate the needs of its socialist market reform, China has established a hybrid labor dispute resolution system. The systems blends both the modern Western elements and a legal system influenced historically, politically, and socio-culturally by China's specific settings, with a distinctive feature in its mediation and arbitration process that “advocates the ‘sameness’ and ‘togetherness’” of the parties and the obligations of the individuals to the country.

To cite this abstract, use the following link:

<http://cin.sagepub.com.proxy.library.cornell.edu/content/23/2/257.full.pdf+html>

**Hosted by the Asian Labor Arbitration Project
Scheinman Institute on Conflict Resolution
Cornell University**