

Abstract of Workplace Dispute Resolution in China

Brown, R. (2012). Comparative alternative dispute resolution for individual labor disputes in Japan, China and the United States: Lessons from Asia. *St. John's Law Review*, 86, 543-577. Retrieved from http://www.upf.edu/gredtiss/_pdf/2013-LLRNConf_Brown.pdf

Abstract:

This article compares the workplace conflict resolution methods of Japan, China, and the United States. As excerpted from the author: "Resolving individual labor rights disputes in East Asia and the United States in recent years has taken on a new significance and prominence for both domestic and multinational corporations. New legal approaches have been put into place in Japan, China, and the United States that deal with individual rights under either individual and/or collective contract or statutory labor disputes. The United States Supreme Court has approved the use of private arbitration under individual and collective contracts to resolve both contractual and statutory labor disputes. How these approaches compare may provide thought of reform for the U.S., no matter how unlikely. This area of the law is, needless to say, developing at lightning speed."

China's labor arbitration system is much broader and centralized than in the US. In China, most labor disputes are taken to the government-provided arbitration process. The Labor Mediation and Arbitration Law of 2008 has increased accessibility for employees and spurred an increase in cases. For comparative analysis, in China, labor dispute resolution is institutionalized by the government. Mediation is widely used in variant forms, starting at the company level with conciliation. Success is reportedly high. Settlement agreements are legally enforceable by the courts. Arbitration has three arbitrators. Most labor awards are enforceable. Arbitrators can be private citizens or government officers."

To cite this abstract, use the following link:

http://www.upf.edu/gredtiss/_pdf/2013-LLRNConf_Brown.pdf

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