

Abstract of Workplace Dispute Resolution in China

Zhao, Y. (2009). China's new labor dispute resolution law: a catalyst for the establishment of a harmonious labor relationship?. *Comparative Labor Law and Policy Journal*, 30(2), 409-430.
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Abstract:

This article reexamines the original labor dispute endeavors issued in the early 90's, and infers that China is on the road "toward a sound legal environment for labor dispute resolution; a step critical to the continued harmonious development of the country into an economic force to be reckoned with."

As excerpted from the author, "the problems that motivated the legislators to revise the original labor dispute resolution framework involved China's entry into the world economy. The four main problems were: first, labor mediation did not function well in the previous framework; second, the limitation period was too short, which resulted in moving cases toward litigation from arbitration; third, the overall dispute resolution process was too lengthy; and fourth, the inconsistency of applicable laws in labor arbitration and litigation directly influenced the efficiency of labor arbitration.

The author argues that in a non-drastring way of remodeling the dispute resolution system, the new laws reduce the time needed for arbitration, adjusted the relationship between litigation and arbitration, and opened up more channels for labor disputes to be solved via mediations, thus demonstrating an emphasis of "harmoniously resolving disputes". Specifically, the new law laid stress on the arbitration mechanism for labor disputes, cut down the time period for the labor dispute resolution process, provided the possibility of finality of arbitral awards in certain situations, and made the labor arbitration free of charge. The author also reviews some protections for worker rights that stemmed from this reform."

The author concludes by reflecting on the details in legislative enforcement and the deep-rooted emphasis on harmony in solving labor disputes, being somewhat positive about the legislative future in China's labor dispute resolution front.

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