

## **Abstract of Workplace Dispute Resolution in China**

Chan, A. (2010, May). *Strikes in Vietnam and China: Contrasts in labor laws and diverging industrial relations patterns*. Paper for the American Bar Association's International Labor & Employment Law Committee 2010 midyear meeting, Istanbul, Turkey. Retrieved from [http://www.americanbar.org/content/dam/aba/administrative/labor\\_law/meetings/2010/2010\\_intl\\_chan.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/labor_law/meetings/2010/2010_intl_chan.authcheckdam.pdf)

### **Abstract:**

The objective of this article is to compare the regulation, nature, and government response to worker strikes between Vietnam and China. Section I provides the background. Section II compares the course of strikes in China and Vietnam. Section III examines the underlying factors: the differences in the two countries' labor laws and legal regulatory regimes, the tripartite dispute-resolution institutions, the labor standards established by the governments, and the relationship between the government and the official trade union. Section IV analyzes the trend lines in the two countries' industrial relations patterns.

As excerpted from the author in her introduction: "Even though China and Vietnam have emerged from similar histories of Communist Party rule, the labor laws of the two countries are a study in contrasts. Nowhere is the distinction more marked than in the regulation of strikes. Vietnam has legislated complex provisions detailing when and how strikes can legally occur, and specifying that only when collective bargaining breaks down can the trade union apply to hold a strike. The intent is to regulate labor discontent by providing workers with a collective bargaining platform and strike procedures so as to reduce the outbreak of wildcat strikes.

Chinese law, in contrast, does not mention strike actions, and as a result they are neither legal nor illegal. We therefore might expect fewer strikes in Vietnam, where legal sanctions exist to regulate them; but the reverse is the case. Vietnam witnesses waves of wildcat strikes, whereas China observes far fewer strikes. Also unexpected is that even though the strikes in Vietnam are "illegal" under the law, they are unimpeded by the authorities, who often in fact act in the interests of the strikers, whereas strikes in China which cannot be categorized as illegal are nonetheless normally vigorously suppressed by the authorities."

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