Summaries of Research Activities for Discussion
MIT China Workshop November 21-22

Current Research and Social Work towards a Better Workplace in China
For the Round Table at MIT’s Sloan School

Associate Professor Lingyun Li
East China University of Political Science and Law

My major research project underway is *Labor Rights Protection in China: from the Perspective of International labor Standards*, a book project examining the impacts of China’s labor standard laws and regulations on China labor relations in the context of economical globalization. Moreover, I have other research projects focusing on labor dispatchment, employment system in college and universities, the collective bargaining system and union autonomy.

As the General Secretary of Shanghai Law Society Labor Law Research Association, I have been contacting and organizing many labor law experts in Shanghai, including scholars, labor dispute arbitrators, judges, lawyers, government officials, ACFTU leaders and business representatives. After its establishment in 2005, the association has been very active in discussing difficult and controversial labor cases and providing comments for the stipulation of national and local labor legislations, such as Labor Contract Law and its Amendment, Labor Dispute Medication and Arbitration Law, Employment Promotion Law and the Legal Interpretation on Labor Disputes of the Highest People’s Court. These comments have been influential on the lawmaking and implementing process. We also work very closely with Shanghai Labor and Social Security Association and Shanghai Bar Association Labor Law Professional Committee in organizing seminars and doing joint research.

I also involve in the work of East China University of Political Science and Law Legal Service Center for Workers, which is the most famous labor NGO in the Yangtze River delta funded by the Royal Netherlands Embassy. I served as the General Secretary of the Center from 2001 to 2004 and then have acted as researcher and mentor of volunteers from 2005 to present. The Center aims to promote labor protection and labor legislation by providing legal consultation, case representation, media promotion, training sessions, seminar organization, etc, directly beneficial to more than 30,000 workers since 2001. We have cooperated with international funders, namely EU Human Right Small Project Facilities, Ford Foundation, Asia Foundation, Oxfam Hong Kong, and Canadian Civil Society Program, on some short-term projects. We also have good connections with other labor NGOs in China. The biggest challenge we are facing is fund-raising since the support from Netherlands will come to the end in 2014. Furthermore, as the legal consultant of Shanghai Teacher’s Union, I have provided legal consultation for teachers and other staff members in
schools and universities since 2009.

From 2012, I have joined a Sino-America cooperating project “Advancing the Field of Labor Relations in China”, which is developing labor relations curriculum and organizing workshops for graduate students, union leaders, lawyers, labor inspectors and etc., collaborating with CUNY, Harvard, and UCLA, funded by the U.S Department of State. As a co-teacher of the project, I am collecting cases, reading materials and developing syllabus for the course of comparative labor law.

I really hope I can be part of the network and devote my thoughts and resources for the International Research Center for Chinese Workplace and Labor Relations.

Current Activities of Harry Katz relating to China

ILR School, Cornell University

In my role as Dean of the ILR School, I have signed agreements with Renmin University’s Labor and Business Schools to foster student and faculty exchanges. In summer 2013 ILR sent 7 undergraduates to study for a 4 week period at the Renmin Labor School. They took social science related courses, taught in English and Chinese language courses. In spring 2014 we will send 4 ILR undergraduate students to study for a semester at the Renmin Business School. They will take social science courses taught in English and Chinese language classes. We expect to have 4 students from Renmin study at ILR in the fall 2014 semester. Several ILR faculty are engaged in research projects related to a variety of issues in China including Eli Friedman.

In my academic role I have been writing (with Tom Kochan and Alex Colvin) a new textbook on labor relations in developing countries with a special focus on examples from China, India, South Africa, and Brazil. Our new textbook makes use of the three-tiered structure of labor relations developed by Kochan, Katz and McKersie in our analysis of the transformation of US labor relations. However, in the new text the three tier framework is adapted to take account of the greater role that political factors play in labor relations and the increasing role played by NGO’s and international agencies. Our new text also gives much attention to the role of multi-national corporations and cross national union and labor rights campaigns. Our textbook will be suitable for undergraduates, master students, practitioners, and policy makers who work in the labor relations domain. We expect to publish the text with ILR Press in late 2014 simultaneously as an e-book and in hard copy format.
November China Workshop at MIT

Outline of Willy Brown’s research interest in Chinese industrial relations

Policy-related links
My initial visit was in 2003 at the invitation of the ACFTU to talk to workshops about collective bargaining and the work of the UK conciliation/arbitration service ACAS. A visit followed with UK academic labour lawyers for government workshops in 2007 in preparation for the Labour Contract legislation. The ACFTU invited me to speak with an international perspective at conferences in 2010 for their own people (on conflict resolution) and in 2013 for trade union leaders from the developing world (on agency workers). On several visits over the past three years I have been asked to talk to staff at Chinese government agencies and research centres about different aspects of labour relations in the UK and the wider world.

Academic links
I have had two Chinese PhD supervisees. One who worked on pay systems in the Chinese auto industry and now teaches at Renmin University. The other, close to completing her PhD, is working on the role of the union in resolving strikes in China. Both used case studies. I have had close links with the School of Labor and Human Resources at Renmin University since 2010 and was involved in organising international conferences there and at Capital University in 2011, 2012 and 2013. At these I have presented papers intended to help Chinese scholars place developments in their country in a historical and international perspective. I helped organise a session on Chinese industrial relations at the Philadelphia ILERA international conference in July 2012. I addressed the annual China Industrial Relations Association conference in Chongqin in November 2012. I am a consultant to a multi-university National Science Academy funded research programme on industrial relations reform in China which commenced at the end of 2012.

Research interests
Since I neither speak nor read Mandarin, my research activity is regrettably vicarious. I have been invited to work, as a sort of amanuensis, with Chinese scholars who share my research interests and wish to get their work published in English. My principal colleague in this respect is Chang Kai, of Renmin University. We published as co-authors:
‘The transition from individual to collective labour relations in China’, industrial Relations Journal, 44:2, 2013
I facilitated his publishing:
I have also been working with Chang-Hee Lee, of the ILO, and Wen Xiaoyi, of the China Institute of Industrial Relations, and we have just submitted to a journal a paper drawing on case studies at both enterprise and sectoral level entitled:
‘What sort of collective bargaining is emerging in China?’
I want to help Chinese scholars make sense of the new institutional forms that are emerging in their country – sectoral bargaining, employer associations, local trade union organisations, mediation procedures, representative structures, wage bargaining etc - and their similarities with those elsewhere, despite the dominant and distinctive role of the Chinese state.
I’m currently working on several projects on China labor relations.

1. **Recent development of Collective Bargaining in China.** This project aims to discover different patterns of collective bargaining that has recently emerged or developed in China and to understand the key factors that shape workers or unions’ bargaining power and bargaining outcomes. A particular focus is on collective bargaining initiated by workers’ collective actions. This study is based on multiple years of field work including interviews with various actors involved in collective bargaining and participant observation of workers’ organizing and bargaining, as well as a labor NGO’s database of collective bargaining cases.

2. **The structure of global value chains and labor standards in China.** This project examines the relationship between the structure of global value chains and labor standards, using survey data of 900 workers in 30 Chinese consumer electronics manufacturing suppliers in Guangdong province. The initial results suggest that a supplier’s position in global value chain is significantly associated with some working conditions and employment practices. Working conditions in first tier electronics suppliers are better than those in second tier suppliers. And compared with second tier suppliers, first tier suppliers are more likely to have high involvement work practices and less likely to have abusive employment practices. In addition, the country of origin of lead firms in global value chains matter. Factories whose major clients are European or American brand name electronics firms tend to have better working conditions and less abusive employment practices than those mainly supplying East Asian lead firms.

3. **Does corporate social responsibility audit matter? Evidence from Chinese suppliers of a large multinational corporation.** This project attempts to answer two questions. First, can CSR audit scores really measure or reflect actual working conditions? Second, is supplier’s better compliance with CSR associated with higher workforce stability? To answer these questions, we obtained a large European multinational corporation’s internal CSR audit data of its over 100 suppliers in China. We then randomly chose 30 suppliers from this database and went to these suppliers to collect actual working conditions data. In each supplier we randomly chose 30 frontline workers and obtained their latest wage slips which had information on their individual characteristics such as age, gender, tenure, and education and working conditions including wages, social insurances, benefits, and working time. We also collected workers’ return rate after Chinese New Year from these suppliers. Initial regression results indicate that CSR audit scores are not significantly related with wages, benefits, and working hours. Nor are they related with illegal practices on these working conditions. Supplier’s compliance with CSR, however, has mixed effects on workforce stability. Better
CSR compliance is associated with lower absenteeism and lower workers’ return rate, and there is no significant relationship between compliance and worker tenure. The significant relationships between CSR compliance and workforce stability are moderated by presence of trade unions and supplier’s HRM input.

4. **Labor relations training in China.** In April 2013, Professor Tracy Chang and I provided training on interest-based problem solving and labor management communication to 600 frontline workers and managers in Foxconn IPAD factory in Shenzhen. It was well received by both the workers and Foxconn management. We are currently planning further labor relations training in the IPAD factory.

5. **A labor NGO driven direct trade union election pilot in Foxconn.** In collaboration with an international labor NGO, we did a direct union election experiment in a 1,000 workers plant of a Foxconn factory in Qinhuangdao in August 2013. We pressured Foxconn to do this through a European auto company that was going to source its auto electronics from Foxconn. This is the first labor NGO driven direct union election in China. We provided guidelines and suggestions before the election and assessed this election in October. Our interviews with 20 workers and surveys of 100 workers found that this election was very much direct and democratic and the workers were satisfied with the elected union officials. Moreover, compared to the findings of our earlier visit to this factory in May, workers’ awareness of democracy and knowledge of unions have greatly increased. The European auto company has included direct union election in its contract with Foxconn as a condition for sourcing from the other four Foxconn factories. Our next step is to provide dispute resolution and collective bargaining training to the Foxconn workers and elected union officials.

**Eli Friedman’s Two Projects:**

**Centralization of bargaining in China’s urban services**

During the period of economic reform, many cities in China outsourced and marketized the provision of many services. However, strikes in a number of sectors – notably sanitation and transportation – have led some city governments to attempt to recentralize standard-setting. In this paper, I focus on the sanitation and taxi sectors in Wenzhou and Guangzhou in assessing the outcomes of this process. I argue that decentralization created major structural problems within each industry, in turn resulting in a deterioration of pay, benefits, and working conditions. Strikes have pushed city governments to intervene in these sectors, but their capacity to do so is dependent on industry structure and political capacity. Additionally, it appears as if the trade unions are being marginalized in this process as city governments are directly administering wage levels and other features of employment relations.
Teachers’ Work in Urban China’s Migrant Schools

Although the literature on Chinese labor has grown significantly in recent years, there are no empirical studies of teachers’ work. I begin to address this major shortcoming by focusing on the socially and politically significant migrant schools that have emerged in China’s urban areas. I argue that while private education has come to be an increasingly prevalent method for cities to address the social reproduction needs of migrants, the way in which they have done so differs significantly by region. These strategies are key in the construction of distinct “reproduction labor regimes” in various regions within China. Specifically, the dominant logic of the Beijing government is a biopolitical concern with overpopulation and instability, which results in highly exclusionary education policies and extra-legal precarity in the working lives of teachers. On the other hand, the Guangzhou government is more subject to economic imperatives and has legalized and privatized migrant education. As a result, school management has employed market discipline to shift market risk onto teachers. I then draw some conclusions about the diverse approaches cities are taking in dealing with the social, political, and economic tensions brought about by mass migration.

The Development of Collective Bargaining in China: A Collaborative Research Project

Research Group

Eli Friedman (Cornell), Mingwei Liu (Rutgers), Sarosh Kuruvilla (Cornell), Hao Zhang, (Cornell), Sean Cooney (University of Melbourne), Meng Quan (Tsinghua University), Tim Pringle (SOAS, London), Chunyun Li (Rutgers), Song Yue (Chinese University of Hong Kong), Kungang Li (Anhui), Fuxi Wang (Rutgers), Qingjun Wu (Renmin)

Project Description

During the last five years, China has witnessed dramatic increases in the bargaining power of its workers, epitomized by the more than 400 recorded strikes that have resulted in significant gains to striking workers over the last five years (Elfstrom and Kuruvilla 2012), raising the possibility that collective bargaining could develop even within an institutional environment of state control (Taylor, Chang & Li 2003). The key problem our research group wishes to address is that if bargaining power of workers is increasing, how are Chinese workers, the state and employers institutionalizing bargaining processes.

Clearly there is growth in collective bargaining in China. CB is a state initiated process (Wu 2012). There have been two phases in this development, each with different motivations, incentives and regulations to stimulate bargaining. Phase 1 began in 1994, with the 1994 labor reform and the 1994 regulation on collective contracts. (Taylor, Chang and Li 2004). Phase 2, which began with the introduction of the Labor Contract Law in 2008, reflects a more forceful and coordinated response to the growing industrial unrest in China. CB is seen by the state as a “stabilizing force” that prevents industrial conflict from spilling out into the streets. The
“coordinated” response involved legal enactment (the labor contract law), a strengthening of the role of the labor ministry to further the establishment of collective contracts in enterprises, and the Party directive to the ACFTU increase collective bargaining coverage in enterprises.

We see the development of two types of bargaining structures currently. On the one hand, there is the nascent development of sectoral bargaining (bargaining at the level of the industry in a particular region). This involves coordinated bargaining across several firms in the industry, often encouraged by local governments, although generally discouraged by the central government. Case studies of three such sectoral bargaining arrangements (difanghangye) by Lee (2012) allow us to draw several conclusions. First, these are stable arrangements. The Wenling arrangement started in 2003, the Yixing experience in 2009 and the Pizhou arrangement in 2006. The initiative was taken by employers and the local township in Wenling, but by the regional trade union and the local government in Yixing and Pizhou, motivated by the high turnover and labor unrest. Second, the agreements created common sectoral standards about wages, which the labor unions in these companies enforced. Third, several rounds of negotiations have reduced both labor turnover and labor unrest. The terms of these various agreements go well above the standard provisions of the labor law, and indicate that the process of sectoral bargaining is (relatively) institutionalized, with annual bargaining reflecting the changing economic circumstances facing the industry (Lee 2012). But these are only three out of over 600 industrial sectors in China, and if anything, the more well developed (or the most studied) ones. There is some evidence that sectoral bargaining in other sectors have not had the positive impacts noted by Lee (see, e.g. Friedman 2012). The state’s view regarding sectoral bargaining also appears to be ambiguous. More case studies here would be useful.

The second type of bargaining structure is very decentralized at the firm level, which is relatively more established, and encouraged by the state as well. We know relatively more about firm level bargaining through several case studies (see, Elfstrom and Kuruvilla 2012 for a review of the results). In general, it would appear that there are two different “models”. One the one hand, there are the trade unions in large industries that have been established by the ACFTU according to the traditional model of organizing (Liu 2010). There is relatively little bargaining here, the union representatives are often chosen by the employer1 and collective agreements reflect primarily the basic provisions of the law. The ACFTU develops “templates” of agreements usually containing the basic legal provisions that companies are encouraged to sign, leading to the term “template bargaining”. A majority of firm level bargaining in China hews to this type of model. On the other hand though, there is more genuine bargaining, often preceded by strikes and labor unrest, such as in the aerospace plant of United Technologies, where after a strike, company and union negotiated to reach an agreement (Elfstrom and Kuruvilla 2012). This type of collective bargaining corresponds to bargaining in other countries, but is relatively rare.

We are also beginning to see that although multi-level bargaining structures are emerging in China, there is also emergent some degree of correspondence across different levels of CB, and that informal bargaining structures, (informal coordination of wage structures) have been occurring side-by-side with more formal CB in many industries. We need more case studies of such

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1 The term “dual posting” is relevant here. This is where a manager of the establishment is designated as the union leader.
developments.
In any case, sectoral bargaining appears to hold some promise, even in China, but is less developed and we have limited case study evidence. Decentralized bargaining is more common and growing, but shows limited potential to increase labor power as currently practiced, although there are some notable exceptions following strikes. The question as to which form, i.e. more centralized (sectoral) or more decentralized (firm level) bargaining will be better institutionalized in China has fundamental consequences for the future of Chinese industrial relations. The question is important from both a practical viewpoint as well as a comparative theoretical one, given the (almost) universal agreement amongst industrial relations scholars that bargaining at the level of the industry or sector provides the best opportunity for labor unions to strengthen their bargaining power and increase their numbers while setting a stable floor for wages and working conditions throughout the industry. It is also attractive to employers, since it permits taking wages out of competition, an important consideration in China given the tendency towards “clustering” of industry and given the current labor shortage. Yet, we don’t know whether this received wisdom about the strong association between centralized bargaining, labor union strength and better working conditions will hold as good in China, where labor unions are subordinate to and controlled by the communist party, and often controlled by management. Given relatively little case study research on different types of bargaining, our research project aims to study different incipient forms of CB in a variety of provinces in China.

Crystal Xiaoyu Huang
University of Toronto 2015
Centre for Industrial Relations and Human Resources

Prof. Anil Verma and I investigated the factors affecting labour contract duration and HR practices in China’s manufacturing sector, using matched industry and firm level data. We found that international competitive pressure is significantly associated with shorter average labour contract duration, and capital intensity is associated with longer average labour contract duration and more extensive training.

In addition, drawing on the strategic choice model, I used a case study of Mabuchi Motor from 1994 to 2010 to examine the evolution of strike settlements in China. The strike settlement in 1994 documented in this case study had significantly influenced the amendment of Article 27 of China’s Trade Union Law, which stipulates the dynamic role of trade unions during strikes.

Lastly, I’m using a recent Renmin University survey to examine the impact of employee voice mechanisms and human resource practices on firm performance.
For the past two years we have been working with colleagues at Tsinghua, Fudan and Lingnan Schools of Management, MIT Sloan School partners, to build a curriculum in labor relations and human resource management aimed at building knowledge and skills in negotiation, mediation, internal conflict resolution processes, and related state-of-the-art workplace practices for students about to enter the world of factory work in China. In our several visits to the three schools we have met and talked of these issues with the faculty, the student bodies and with a wide range of management, labor, and NGO practitioners in each community, as well as with ACFTU and government officials to explore how to build greater capacity for dealing with workplace pressures and conflicts. All the players are focusing on the need to encourage constructive collective negotiations in the face of traditions and legal procedures that have focused on individual rather than collective dispute resolution processes.

As a result of these discussions we are working toward the establishment of an International Research Center for Chinese Workplace and Labor Relations to be headquartered at Lingnan College at Sun Yat Sen University. Professor Xiaohui Wang is in the process of setting up the Center in partnership with the Environment Health and Safety Academy that he leads at Lingnan. We envision this to be a collaborative “virtual” Center with participation of faculty from the three MIT partner Schools as well as from other Chinese universities with programs focusing on workplace dispute resolution. We hope to bring together in this center the academic experts from China and elsewhere as well as leaders from the business community, worker groups, NGOs, ACFTU and government for contributions and training programs geared to reducing friction among the players, and encouraging cooperation and effective conflict resolution. The Center website will provide written documentation, videos, training materials and other resources which could be employed by academics and practitioners throughout China who are interested in providing information, guidance and training to those faced with immediate problems of workplace conflict.

We hope that you will all contribute documents, course outlines, PowerPoint Presentations, Videos and other materials for access by potential users, and rely on the materials of the Center for assistance in pursuing any of your own research projects. We expect the Center to serve as a clearing house for those interested in dispute resolution materials, and to provide courses for universities, management groups, worker groups, factory managers, brand representatives, ACFTU affiliates, and local government groups. The Center might even be available to provide mediation training and mediator designation facilities if the practitioners desire assistance in resolving their disputes.

One of the goals of our November meeting is to have labor research experts such as you to meet with Professor Wang to help in shaping and participating in the work of the Center.
Katie Quan 2013 China Activities
UC Berkeley Center for Labor Research and Education

International Center for Joint Labor Research at Sun Yat-sen University

In 2010 the UC Berkeley (UCB) Labor Center and the Sun Yat-sen University (SYSU) Institute for Political Science co-founded the International Center for Joint Labor Research (ICJLR) in Guangzhou, China. The ICJLR’s mission is to strengthen labor relations through comparative research and education. Its co-directors are Prof. He Gaochao (SYSU) and Katie Quan (UCB).

Research areas include an annual survey of migrant workers, and labor practices in auto, electronics, and garment supply chains. Teaching activities are graduate level classes on labor topics and a new Labor Masters in Public Administration. Public programs range from conferences and seminars, to trainings for workers and union leaders, and study tours for foreign scholars and labor activists. A journal is forthcoming, and the website is under development.

The ICJLR is supported primarily by the SYSU School of Government, as well as extra-mural funders. It has strong relationships with the Guangdong Federation of Trade Unions and its local affiliates. It has attracted visiting scholars from Germany, Australia, Hong Kong, Canada, England, and the U.S. It recently received extra-mural support for an endowed chair, and matching funds from the School of Government.

Research on Collective Bargaining with Chinese Academy of Social Sciences

In 2012 I began a three-year collaboration with the Chinese Academy of Social Sciences to do a national review of collective bargaining, assess needs, and design curriculum for worker education. Funded by the American Center for International Labor Solidarity.

Development of Institutional Linkages Between Sociologists in the U.S. and China

From 2011-2014 I am coordinating academic exchanges between the Labor and Labor Movements Section of the American Sociological Association and its counterpart in China, the China Association of Work of the Chinese Sociological Association. Funded by the Ford Foundation.

Research on Informal Sector Organizing Models

I am collaborating with Chris Tilly, Peter Evans, and others on a multi-national effort to identify best emerging models of labor organizing in China, the U.S., and certain countries in Latin America.
Cynthia Estlund, NYU School of Law:

My own work in China is rather broad-gauged, and seeks to understand key labor institutions, labor law reforms, and debates in China and to interpret them for a U.S. audience. I use Western, and especially U.S., experience in industrial relations and labor law as a critical lens through which to view Chinese developments, and explore how that lens might clarify and sometimes distort China’s labor landscape. This broad inquiry has specific focal points (below), but it is organized around the basic claim that, while independent trade unions have been central actors in industrial relations in the advanced economies of the West, in China it is the specter of independent trade unions that plays the central, defining role. In short, the regime’s powerful determination to avoid the rise of an independent labor movement has both driven recent labor reforms and constrained their shape.

With that broad frame, I am focusing on several developments in China that may be particularly revealing for U.S. observers: e.g., (1) the restricted role of NGOs and aggregate litigation in private enforcement litigation under the LCL; (2) the recent push for “direct election” of grassroots trade union officers (and especially the rising, though still rare, use of haixuan-type “sea elections” in the wake of strikes); (3) recent moves to expand and strengthen the “Staff and Worker Representative Congress” system in private and foreign enterprises; and, (4) more generally, the changing nature of collective bargaining and strikes, and the changing relationship between them. I am not an empiricist (and my many hours of studying Mandarin in the past two years have produced rather paltry results). My “methodology,” besides reading the literature, is to talk with knowledgeable people in China about current developments and their ideological, political, and pragmatic causes and consequences.

In addition, I am an advisor on NYU’s funded project described below:

Building Sustainable Communities of Public Interest Advocates in China

The U.S.-Asia Law Institute of NYU School of Law has a three year grant from the U.S. State Department to help build and strengthen sustainable communities of public interest advocates focused on using the law to solve specific social problems relating to 1) land rights, 2) labor rights and 3) the right to be free from discrimination based on gender, disability, sexual orientation and household registration status. In each of these three areas, unresolved grievances have often generated social conflict; yet the law, and better access to justice, potentially affords Chinese citizens a peaceful and legitimate means of redressing grievances and resolving conflict. The goal of this project is to build stronger communities of public interest advocates better equipped to use the law to solve social problems and to achieve meaningful, measurable progress in overcoming persistent obstacles to human rights protection and the Rule of Law.

In the labor area (as in each of the three topic areas), we will convene three strategic workshops over three years in China, reaching at least twenty-five key participants per year. The goal of each workshop will be to develop strategies to solve issues that Chinese participants identify as pressing and persistent and on which both foreign and domestic experience can be helpful. NYU will bring Law School faculty and visiting scholar expertise and professional experience to bear in all three fields, providing Chinese advocates with foreign collaboration, resources, information, and technical assistance.

In the labor area, we expect to focus chiefly on the issue of labor dispatch, and particularly on questions of enforcement, including private rights of action, proof, aggregate litigation, and employer identification and responsibility, that cut across many areas of labor law.

NYU’s expert staff will keep up-to-date with legal developments, and will confer frequently with local experts. NYU’s staff will also prepare memoranda and publications to educate NYU’s experts and others on current issues and obstacles to reform. NYU will maintain communication with workshop
participants and mentor them throughout the life of the project to ensure that the workshops’ strategic discussions are timely and well-informed. NYU will identify relevant foreign and Chinese case studies to use as models of how lawyers have solved similar problems in other societies and how Chinese public interest advocates may use the law to solve social problems in China.

Participants will commit to taking specific steps to carry out the strategies after each workshop. Subsequent workshops will include reporting on progress made and lessons learned. We will maintain communication and make technical assistance site visits to participants between workshops and mark progress from one workshop to another. NYU will involve key Chinese stakeholder partners in the three fields, who will share the information with others in these fields, in hopes of creating self-sustaining professional networks.
FMCS TECHNICAL ASSISTANCE PROGRAMS IN CHINA
China Roundtable Discussion – November 22, 2013

I. Background

The Federal Mediation and Conciliation Service (FMCS) is a U.S. government agency with more than sixty-five years of experience resolving labor-management conflicts and promoting cooperative workplace relationships. Established in 1947 to mediate domestic labor disputes and provide arbitration services, the Agency now provides a wide range of innovative conflict management programs in the U.S. and many other parts of the world.

In its international projects, FMCS strives to build local capacity for effective industrial relations systems, including labor administration/inspection, collective bargaining, mediation, and arbitration in partnership with local government institutions and representatives of labor and management. FMCS recognizes that, fundamentally, constructive labor-management relationships and dispute resolution systems provide workers and companies with the most enduring tools for achieving productivity, innovation, and competitiveness — the central ingredients of equitable, stable, and growing economies. By hosting visiting delegations at its Washington, DC headquarters and field offices and delivering labor relations and conflict management training abroad, FMCS helps promote collective bargaining and labor conflict prevention in developing market economies.

II. FMCS Engagement with Chinese Civil Society and MOHRSS

FMCS has engaged in training and technical assistance programs with the People’s Republic of China (PRC) since 2001, including visits and ministry level meetings of FMCS Directors and PRC officials both in Beijing and in Washington, DC. FMCS staff has provided education and training about the U.S. labor relations system and the benefits of collective bargaining and alternative dispute resolution (ADR) techniques, such as mediation and arbitration, for Chinese government officials, business and labor organizations, corporate human resource directors, enterprise level worker committees, arbitrators, academics, and lawyers. In November, 2013, the Agency signed its fourth bilateral agreement with the Ministry of Human Resources and Social Security (MOHRSS) in order to facilitate these programs both in the U.S. and China.

Notably, FMCS provided technical expertise and in-country training as part of two major U.S. government initiatives: (1) the U.S.-China Labor Law Cooperation Project (2004-2007), funded by the U.S. Department of Labor (DOL) and designed to improve the Rule of Law in the area of labor standards; and (2) in collaboration with the University of Michigan’s Center for China Employment and Labor Relations, a project called “Developing Labor-Management Committees for Workers’ Voice in China” funded by the U.S. Department of State (DOS) and
designed to improve labor-management relations at the enterprise level through the creation of labor-management cooperative committees (2008-2010).

More recently, and pursuant to an Interagency Acquisition Agreement (IAA) with DOS, FMCS is engaging directly with MOHRSS to assess mediation and conflict resolution needs, to deliver training programs that support collective dispute resolution, and to build institutional capacity for training mediators to handle collective disputes through train-the-trainers programs.

In December, 2011, FMCS met for a full day of meetings with MOHRSS officials in Beijing to sign a new Letter of Understanding (LOU) and to undertake technical and educational cooperative activities in the areas of labor and personnel relations and dispute resolution. Among the forms of cooperation contemplated were assistance, training, and the development of training materials in all forms and methods of dispute resolution and conflict prevention, including, but not limited to, negotiations, mediation, arbitration, and enterprise level labor-management committees.

The December 2011 meetings between FMCS and MOHRSS highlighted the timeliness of the renewed cooperation. MOHRSS officials described their plans to expand the use of collective consultations, collective contracts, and mediation to protect workers and promote wage increases. They also described the need for worker education regarding labor laws and collective bargaining, as well as the increased utilization of enterprise-level dispute resolution committees.

In October, 2012, a more comprehensive needs assessment, involving 10 days of meetings, presentations, and training, was carried out in China by an FMCS delegation headed by Director George Cohen. The delegation met with diverse groups from labor, management, government, academia, and the NGO community. Among other activities, the delegation provided: (1) a training program on the U.S. collective bargaining system, labor relationship development and training, and mediations skills at Nanjing University Law School; (2) a mediation skills presentation for the Shanghai Arbitration Commission; (3) a mediation and collective bargaining presentation at the Peking University School of Transnational Law; (4) mediation skills training for arbitrators, lawyers, judges and union officials at MOHRSS headquarters in Beijing; and (5) a comparison of the U.S. and Chinese labor relations systems at Beijing University. Director Cohen also delivered keynote addresses on best labor conflict management practices at Nanjing University Law School, the Shanghai Arbitration Commission, and at Beijing University.

In September 2013, MOHRSS sent a delegation of six labor relations officials (three from MOHRSS-Beijing and one each from the Mediation and Arbitration Bureaus of Tianjin, Jiangsu and Guangdong) for an intensive 4 day program of training by FMCS in *Institutional Structures and Skills for Effective Mediation*. The program, which was delivered by FMCS regional office officials in New Jersey and national staff in Washington, DC, included instruction on the management and delivery of government mediation services at the national and regional levels, the training of a corps of mediators, advanced mediation techniques, such as interest-based problem solving, programs to develop labor and management’s relationship and ability to administer collective agreements, ethical requirements for mediators, and outreach to promote the understanding and use of mediation services. The program concluded with the development of an action plan for a mediation training program that two FMCS mediators delivered in China the week of October 28, 2013.

From October 28-November 1, 2013, FMCS sent two experienced mediators to China to train labor mediators and arbitrators in advanced mediation skills in Beijing, Nanjing and Suzhou.
City. Based on the September discussions with MOHRSS Director General, Department of Mediation and Arbitration, Juan Song, who served as Head of Delegation, the training focused on the techniques and skills presented during the U.S.-based training, such as the 8-step mediation model, core communications, active listening, brainstorming, and consensus decision making skills, as well as interest based bargaining and its applicability to collective negotiations and dispute resolution. Additional activities are being planned for 2014.
Advancing the field of Labor Relations in China (ALR Project) - Outline

Three leading Labor Studies institutions in the USA (City University of New York (CUNY), Harvard University, and University of California/Los Angeles) are working together with Chinese university counterparts to offer an innovative Labor Relations Exchange Program in China. The program's mission is to strengthen labor relations programs at selected Chinese universities so that they may serve as resource centers to those in academia, government, unions, legal services, and the broader community advocating on behalf of workers and working class communities. The key components of this two-year program will be joint curriculum materials and certificate programs (for credit) in labor relations, as well as broad labor education classes and workshops (non-credit, extension services.) Funding for this project from the City University of New York and the US Department of State will make it possible to offer scholarships to up to 150 students to complete the CUNY graduate certificate program in labor relations.

It is hoped that this project can advance the institutionalization of new courses and broader networks to support unions and labor relations programs at partner universities in China and to continue and replicate joint educational efforts beyond the two-year grant period. This work will enrich and deepen the knowledge about China’s labor movement among workers, unions, and labor studies experts in the USA.

Scope of Work:

This project will seek to achieve two primary objectives: 1) build the capacity of higher education institutions in China and the U.S. to engage in labor relations education and training; and 2) build the capacity of non-academic organizations that advocate on behalf of workers. The program will focus on four topic areas: (a) comparative industrial and labor relations models, (b) comparative labor law, (c) comparative collective bargaining and contract administration practices, (d) comparative labor organization (including union structure and function, leadership development and training, and worker organizing).

Specific activities include:

First Year:

1) Curriculum Development: Labor relations material will be developed and translated to be used in both academic and non-academic settings. A curriculum team composed of lead faculty from CUNY, Harvard, UCLA, and our Chinese university partners will coordinate these efforts. The curriculum development team will seek broad input from scholars and practitioners around the country and internationally.
2) University-based labor relations certificate program: Three cycles of a Graduate Certificate Program in Labor Relations will be offered at one or more of the partner Chinese universities. Courses will include: Comparative Labor and Industrial Relations Models, Comparative Labor and Employment Law, Comparative Bargaining and Contract Administration, and Comparative Union Organization and Function. Participants will include students pursuing careers in labor relations, faculty seeking to broaden their fields of expertise, and labor practitioners (attorneys, union leaders and staff, government officials, and NGOs) seeking professional development.

Second Year:

3) Labor Advocate Trainings: Short term training programs will be offered for trade unionists in various locations. Ideally, these collaborative workshops will be offered in Shanghai, Nanjing, Beijing and other cities, and will be conducted in collaboration with the ACFTU and the Change-to-Win Federation. Trainings will focus on collective bargaining and consultation, and on union organization and function. They will consist of three workshops in each of four areas a) collective bargaining, consultation and contract negotiations, b) contract administration and enforcement, c) dispute resolution, d) union organization. Educational material developed in the earlier stage of the ALR Project will be used in this series. Instructors and technical advisors for this component of the project will be drawn from partner institutions, extension faculty from other programs, and union staff from the Change-to-Win Federation and other US unions.

4) Labor Extension Services: Technical assistance will be provided to at least one of the partner Chinese institutions to develop a permanent non-credit labor extension program for labor advocates, which will serve as a model for other universities in China. Special attention will be given to developing programs, providing services, and offering technical assistance to organizations advocating on behalf of migrant, women, and young workers. These efforts will also include facilitation of union-to-union exchanges and information sharing.

5) End of Project Conference: The Project will culminate with a conference designed to solidify networks among stakeholders; showcase the project, share materials and results, and develop a network that will sustain the project after it ends. The conference will be held in China and will focus on several topics, including: comparative labor relations models; comparative labor law; collective bargaining and consultation; union organization; pedagogy; service to the community; establishing labor relations programs and labor extension services; and building an on-going network of labor educators. The conference will be targeted to faculty, students and practitioners from other localities who are interested in establishing labor relations programs and networks.

For further information, contact: Dr. Gregory Mantsios, Director, Joseph S. Murphy Institute for Worker Education and Labor Studies, CUNY School of Professional Studies, 212-827-0200.
Advancing the Field of Labor Relations: A China-U.S. Exchange

Advancing the Field of Labor Relations seeks to broaden and strengthen communications and exchanges between China and US universities and unions. This program aims to meet the needs of labor educators, union leaders, labor relations students, and labor practitioners in China, and to build the capacity of higher education institutions in China to engage in labor relations education and to support union to union exchanges.

This program is coordinated by The Murphy Institute for Worker Education and Labor Studies at the City University of New York (CUNY) in partnership with the UCLA Center for Labor Research and Education and the Harvard University Labor and Worklife Program.

Program components include:

- English/Chinese website (www.ALReXchange.org) to post and share readings and curriculum materials for the study of labor relations in the U.S. and China
- Workshops, lectures, discussions and exchanges offered in China on topics such as comparative labor relations models; contract bargaining, consultation and negotiations; contract administration and enforcement; dispute resolution; union education, organizing and research
- CUNY Labor Relations Certificate Program offered jointly with leading Chinese universities
- US-China Labor Relations Conference in 2015

Why Study Labor Relations?
The study of Labor Relations provides a theoretical and practical understanding of employment relations, labor law, and unions, focusing on how the interests of workers are defined, challenged, and defended in contemporary workplaces. The global economy has profoundly impacted labor relations around the world, and the study of comparative labor systems and issues can help to prepare labor leaders and educators to respond to current and future challenges.

For more information, please contact:
The Joseph S. Murphy Institute (part of the CUNY School of Professional Studies)
25 West 43rd Street, 19th Floor
New York City, NY 10036
Tel: 1-212-827-0200, E-mail: alrchina@sps.cuny.edu

www.ALReXchange.org