Trade Union Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution of the People’s Republic of China to safeguard the status of trade unions in the political, economic, and social life of the State, to define the rights and obligations of trade unions, and to enable trade unions to play their role in the cause of socialist modernization.

Article 2 — Trade unions are mass organizations of the working class formed by employees on a voluntary basis. The All-China Federation of Trade Unions and all of its affiliated trade union organizations shall represent the interests of employees and protect the lawful rights and interests of employees.

Article 3 — All manual and intellectual workers in enterprises, public institutions, government organs, and social organizations within the territory of China who earn their living primarily from wages shall have the right to join and form trade unions pursuant to law, regardless of their nationality, race, sex, occupation, religious belief, or level of education. No organization or individual shall obstruct or restrict them from doing so. Trade unions shall meet the needs of economic and social development and the requirements of the

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workforce, and shall strive to expand their coverage and enhance their representativeness.

Article 4 — Trade unions shall abide by and uphold the Constitution, take the Constitution as the fundamental guideline for their activities, conduct their work independently and autonomously in accordance with the Constitution of Trade Unions of the People's Republic of China, and shall exercise their rights and perform their obligations in accordance with the provisions of the Constitution and laws. Trade union activities shall be centered on economic development, shall adhere to the socialist path, the people's democratic dictatorship, the leadership of the Communist Party of China, and Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and shall persist in reform and opening up.

Article 5 — Trade unions shall organize and educate employees to exercise their democratic rights in accordance with the provisions of the Constitution and laws, to develop the role of the people as masters of the country, to participate in the management of State affairs, economic and cultural undertakings, and social affairs through various channels and forms, to assist the people's governments in their work, to uphold the socialist State power under the leadership of the working class and based on the worker-peasant alliance, and to safeguard the socialist system.

Article 6 — The basic duty and function of trade unions shall be to protect the lawful rights and interests of employees. While safeguarding the overall interests of the people of the whole country, trade unions shall represent and safeguard the lawful rights and interests of employees. Trade unions shall establish and improve the system of workers' congresses, the system of collective consultation on wages, and other systems, and shall protect the rights of employees to democratic management, democratic decision-making, democratic supervision, and other democratic rights through such means as equal consultation and collective contracts. Trade unions shall, in accordance with the provisions of the law, organize employees to participate in the democratic elections, democratic decision-making, democratic management, and democratic supervision of their respective work units through the workers' congresses or other forms.

Article 7 — Trade unions shall mobilize and organize employees to actively participate in economic development, to work hard to complete production tasks and work assignments, and to educate employees to continuously improve their ideological and moral standards, technical skills, and scientific and cultural competence, in order to build a workforce that has ideals, ethics, culture, and discipline.

Article 8 — Trade unions shall promote the industrialization, informationization, urbanization, and agricultural modernization with Chinese characteristics, which features urban-rural integration, regional coordination, harmonious interaction between society and nature, and other development models. They shall encourage and organize employees to engage in mass-based rationalization proposals, technological innovation, and other activities to contribute to economic and social development.

Chapter II — Trade Union Organizations

Article 9 — Trade union organizations at all levels shall be established in accordance with the principle of democratic centralism. Trade union committees at all levels shall be democratically elected by the members' general assemblies or members' representative assemblies. No close relative of the principal responsible person of an enterprise or public institution shall be a candidate for the grassroots trade union committee of that entity. Trade union committees at all levels shall be responsible to, and shall report on their work to, the members' general assemblies or members' representative assemblies at the corresponding level, and shall be subject to their supervision. Trade union members' general assemblies or members' representative assemblies shall have the right to replace or remove the members' representatives or trade union committee members they have elected. No higher-level trade union organization shall be established until the lower-level trade union organizations have been established.

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Article 10 — The establishment of trade union organizations at all levels shall be reported by the All-China Federation of Trade Unions to the relevant State authorities for approval. Where the dissolution or merger of a trade union organization is necessary, it must be approved by the members' general assembly or members' representative assembly of that trade union organization, and shall not be dissolved or merged without such approval. Where the entity in which a grassroots trade union organization is located is terminated or abolished, the trade union organization shall be dissolved accordingly, and shall be reported to the next higher-level trade union. No organization or individual shall dissolve or merge a trade union organization at will, nor shall a trade union organization be subordinated to or merged into the working body of its entity.

Article 11 — The All-China Federation of Trade Unions, local trade union federations at all levels, and special trade unions at all levels shall have the status of a legal person as a social organization. Grassroots trade union organizations that meet the conditions for legal person status as prescribed by the General Principles of the Civil Law shall lawfully acquire the status of a legal person as a social organization.

Article 12 — The term of office of grassroots trade union committees shall be three or five years. The term of office of the trade union committees of local trade union federations at all levels and special trade unions shall be five years.

Article 13 — The trade union committees of enterprises and public institutions with 200 or more employees may appoint full-time trade union chairpersons. The number of full-time trade union functionaries shall be determined through negotiation between the trade union and the enterprise or public institution.

Chapter III — Rights and Obligations of Trade Unions

Article 14 — Trade unions shall organize employees to participate in democratic management and democratic supervision of their entities through the workers' congresses, the disclosure of enterprise affairs, and other appropriate forms. Enterprises and public institutions shall establish and improve the system of workers' congresses and other democratic management systems in accordance with the law.

Article 15 — Trade unions shall assist and guide employees in concluding and performing labor contracts with enterprises, public institutions, or social organizations. Trade unions shall represent employees in conducting equal consultation with enterprises, public institutions, or social organizations, and shall sign collective contracts. The draft collective contract shall be submitted to the workers' congress or all employees for discussion and approval. Where a trade union signs a collective contract on behalf of employees, the higher-level trade union shall provide support and assistance. Where an enterprise or public institution violates the collective contract by infringing upon the labor rights and interests of employees, the trade union may, in accordance with the law, demand that the enterprise or public institution assume liability. Where a dispute arising from the performance of a collective contract cannot be resolved through consultation, the trade union may apply to the labor dispute arbitration institution for arbitration; where the arbitration award is not accepted, the trade union may bring a lawsuit in a people's court.

Article 16 — Where an enterprise or public institution terminates an employee's labor contract in violation of laws, regulations, or the provisions of the labor contract, the trade union shall have the right to raise objections. Where an enterprise or public institution unilaterally terminates an employee's labor contract, it shall notify the trade union of the reasons in advance. Where the trade union considers that the enterprise or public institution has violated laws, regulations, or the relevant contract provisions, the trade union shall have the right to demand a reconsideration. Where the enterprise or public institution persists in its illegal or non-compliant decision, the trade union shall have the right to request the relevant authorities to handle the matter in accordance with the law, or to support or assist the employee in applying for arbitration or initiating litigation.

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Article 17 — Trade unions shall oversee the labor protection, occupational safety, and occupational health of employees. They shall participate in the investigation and handling of workplace casualties and other incidents seriously endangering the health of employees, and shall raise suggestions and opinions with the relevant authorities, and shall have the right to demand that measures be taken to address the matter.

Article 18 — Trade unions shall represent employees in conducting consultations with enterprises or public institutions on such matters as the quotas and standards for piece-rate work, the shutdown or change of production of enterprises, and the furlough of employees. Enterprises or public institutions shall listen to the opinions of trade unions when formulating, amending, or deciding on rules, regulations, or major matters that directly affect the vital interests of employees.

Article 19 — Trade unions shall participate in the mediation of labor disputes. Local labor dispute arbitration organizations shall include representatives of trade unions at the same level. Trade unions shall provide legal services and legal aid to employees.

Article 20 — Where an enterprise or public institution violates labor laws and regulations by infringing upon the labor rights and interests of employees in any of the following circumstances, the trade union shall represent employees in negotiating with the enterprise or public institution and shall demand that measures be taken to rectify the situation; the enterprise or public institution shall study and act upon the matter and provide a reply to the trade union; where the enterprise or public institution refuses to rectify the situation, the trade union may request the local people's government to handle the matter in accordance with the law: (1) withholding or delaying payment of employees' wages; (2) failing to provide occupational safety and health conditions; (3) extending working hours at will; (4) infringing upon the special rights and interests of female employees and underage workers; or (5) otherwise seriously infringing upon the labor rights and interests of employees.

Article 21 — Trade unions shall, in accordance with State regulations, oversee the simultaneous design, simultaneous construction, and simultaneous commissioning of the occupational safety and health facilities and the main body of new construction, expansion, or renovation projects of enterprises and public institutions. Where enterprises or public institutions fail to meet the requirements, trade unions shall have the right to raise opinions and require rectification.

Article 22 — Where an enterprise or public institution directs or forces employees to work at risk in violation of regulations, or where a major potential safety hazard or occupational hazard is discovered during the course of production, the trade union shall have the right to suggest that the enterprise or public institution evacuate employees from the hazardous site. The enterprise or public institution must make a timely decision on the matter.

Article 23 — The State shall protect the lawful rights and interests of trade unions from infringement.

Article 24 — Trade unions shall assist the people's governments at all levels in their work and shall safeguard the socialist State power.

Chapter IV — Grassroots Trade Union Organizations

Article 25 — Enterprises, public institutions, government organs, and social organizations with 25 or more trade union members shall establish grassroots trade union committees; those with fewer than 25 members may independently establish grassroots trade union committees, or may jointly establish grassroots trade union committees with other entities, or may elect an organizer to carry out trade union activities. Where an entity has a relatively large number of female employees, a trade union women's committee may be established to carry out work under the leadership of the trade union committee at the same level. The trade union women's committee shall be composed of the congress of female trade union members or the female members' representative assembly at the same level.

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Article 26 — The workers' congress shall be the basic form of democratic management in enterprises and public institutions. It shall be the institution through which employees exercise their rights to democratic management. It shall exercise its functions and powers in accordance with the law. The trade union committee of an enterprise or public institution shall be the working body of the workers' congress, responsible for the day-to-day work of the workers' congress, and shall inspect and supervise the implementation of the resolutions of the workers' congress.

Article 27 — The trade union committees of enterprises and public institutions shall participate in the evaluation and assessment of cadres at the corresponding level. The trade union committees of enterprises shall participate in the evaluation and assessment of enterprise management personnel.

Article 28 — Where an enterprise or public institution has a trade union organization, funds shall be allocated to the trade union on a monthly basis at the rate of 2% of the total wages of all employees. Trade union funds shall be managed and used by the trade union independently in accordance with the law. The trade union shall establish its own budget, final account, and fund review and supervision system. Trade unions at all levels shall establish fund review committees. Trade union funds at all levels shall be subject to review and supervision by the fund review committees at the corresponding level.

Article 29 — Where an enterprise or public institution delays or refuses to allocate trade union funds without justification, the grassroots trade union or the higher-level trade union may apply to the local people's court for an order of payment.

Chapter V — Trade Union Funds and Property

Article 30 — The people's governments at all levels and enterprises, public institutions, government organs, and social organizations shall provide the trade unions with the necessary facilities, venues, and other material conditions for their office activities and for the provision of cultural, educational, sports, and other services to employees.

Article 31 — The property, funds, and real estate allocated by the State to trade unions shall not be encroached upon, misappropriated, or arbitrarily transferred, and shall not be used as the property of the entity in which the trade union is located.

Article 32 — Enterprises and public institutions established with trade union membership shall provide offices and activity venues for grassroots trade union organizations to carry out their work. The trade union's funds, property, and real estate shall be protected by law, and no organization or individual shall occupy, misappropriate, or arbitrarily allocate, transfer, freeze, or seal them up.

Chapter VI — Legal Liability

Article 33 — Where the lawful rights and interests of a trade union are infringed upon, the trade union shall have the right to raise representations and request resolution with the relevant authorities, or to initiate litigation in a people's court.

Article 34 — Where a trade union member or trade union functionary is retaliated against for performing his or her trade union duties in accordance with the law, the trade union shall provide support and assistance, and shall have the right to request that the relevant authorities order corrective action or pursue legal liability.

Article 35 — Where an entity, in violation of the provisions of this Law, commits any of the following acts, the trade union shall have the right to request that the relevant authorities order corrective action or pursue legal liability: (1) obstructing employees from lawfully joining or organizing a trade union; (2) obstructing a higher-level trade union from assisting or guiding employees in establishing a trade union; (3) dissolving or merging a trade union organization without authorization; (4) obstructing trade union functionaries from performing their duties in accordance with the law; or (5) refusing to provide or providing insufficient office space or activity venue without justification.

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Article 36 — Where an entity, in violation of the provisions of this Law, retaliates against a trade union functionary by transferring his or her position, demoting him or her, or taking other retaliatory actions without justification, the labor administrative department shall order corrective action and restore the original position and treatment; where losses are caused, compensation shall be made.

Article 37 — Where an employee is retaliated against or dismissed without justification for participating in trade union activities, the labor administrative department shall order corrective action and restore the employee's work; where losses are caused, compensation shall be made.

Chapter VII — Supplementary Provisions

Article 38 — The All-China Federation of Trade Unions shall, in conjunction with the relevant State authorities, formulate specific measures for the implementation of the provisions on trade union funds and the protection of trade union property.

Article 39 — This Law shall apply to trade union organizations established within the territory of the People's Republic of China by enterprises, public institutions, government organs, and social organizations with foreign investment in China.

Article 40 — This Law shall go into effect as of the date of promulgation. The Trade Union Law of the People's Republic of China promulgated on April 3, 1950 by the Central People's Government shall be repealed simultaneously.

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