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Achieving decent work in China: a case study of decent working time

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Summary

Achieving decent work in China

A case study of decent working time

This thesis is about achieving decent work in China. The word ‘achieving’ underlines that China is still in the process of securing this aim. The main research question is therefore: to what extent is China achieving decent work? Because decent work is a very broad subject, it is beyond the capacity of this thesis to analyse every aspect in detail. Therefore, a case study is conducted representing a core aspect of decent work, namely decent working time. Hence, the main research question is addressed by the following five sub-questions:

1. How did the concept of decent work take shape in the International Labour Organization (ILO)?
2. What is the definition of decent work?
3. What is the definition of decent working time?
4. What analytical frameworks are needed to analyse the achievement of decent working time?
5. To what extent is China achieving decent working time?

As to the first question, the thesis finds that the words ‘decent work’ as such were officially introduced by the ILO in 1999, however, the basics of it, such as social justice, human rights, and social concerns, date back to long before 1999. Nonetheless, it is since 1999 that the ILO uses the concept of decent work to advance its activities and as the contemporary vision of its ‘personality’, embracing the essence of the Organisation’s mission and its four areas of work, namely: rights at work; employment; social protection; and social dialogue. Building on the historical development of the concept of decent work, the thesis continues with a comprehensive analysis of the doctrinal literature, to formulate a working definition of decent work. The findings of the analysis lead to three major implications for a better understanding of the concept of decent work. First, decent work can be interpreted as a multi-faceted subject that covers all labour-related issues. Second, decent work can be interpreted as a development goal with a floor but no ceiling. Third, decent work has been interpreted and operationalised as a framework to measure its achievement. Based on these indications and for the further purpose of this research, decent work is defined as a development goal with four dimensions (i.e., rights at work, employment, social protection, and social dialogue) that can be achieved by meeting international labour standards set by the ILO.

The third question addressed in the thesis concerns the definition of decent working time, which is needed to build the case study to gain more

detailed insights into and understanding of the achievement of decent work by China. The literature study on this topic revealed that the ILO has defined decent working time with five interrelated dimensions, namely: healthy working time; family-friendly working time; gender equality through working time; productive working time; and choice and influence regarding working time. For the purpose of this research, the interpretation of decent working time has been subdivided into substantive and procedural aspects. The substantive aspects refer to the concrete working time standards contained in the legal instruments that directly determine the terms and conditions of labour, which are related to the dimensions of healthy working time, family-friendly working time, and gender equality through working time. The procedural aspects refer to the processes by which the desired working time standards are formulated and enforced, which are related to the dimension of choice and influence regarding working time.

To assess China's achievement of decent working time, the thesis then continues with the formulation of two analytical frameworks. The first analytical framework enables the assessment of the substantive aspects of decent working time, and is based on a set of benchmarks derived from the ILO's labour standards which enjoy universal recognition as the minimum standards in the world of work and as such what is expected by an individual country, *in casu* China, implementing those standards. Based on the benchmarks, China is considered to be achieving decent working time when it has set similar-to-higher standards than the ILO benchmarks. To assess China's progress towards the substantive aspects of decent working time, a comprehensive historical examination in three periods has been conducted: 1949-1978 (pre-transition period); 1979-2007 (transition period); and 2008-2020 (post-transition period). As to be expected, growing with the variety of working time aspects, China's working time standards have developed with the ILO's benchmarks providing similar-to-higher standards. However, on some substantive aspects, such as paid annual leave, night work, part-time work, and parental leave, China is persistently failing to meet the ILO benchmarks.

To assess China's procedural aspects of decent working time, an analytical framework is developed based on existing approaches to the making and enforcement of working time standards as found in the doctrinal literature. The analytical framework formulates four ideal-type configurations, each representing the ideal combinations of regulatory levels and enforcement mechanisms a given country may use to set its working time standards. The configurations are: mandated; centralised negotiated; decentralised negotiated; and unilateral. The idea behind the analyses of the framework is that the closer China comes to a certain ideal-type configuration, the more effective it is presumed to be in setting and enforcing the desired standards in the real world. The closer China gets to an ideal-type configuration, the more 'decent' it is regarding the procedural aspects of working time. For the assessment of China's progress on the procedural aspects of decent working

time, again a comprehensive historical analysis, following the same three periods, has been conducted. The analysis shows that China has undergone serious changes in regulatory styles, but seems to have stabilised since 1994 at a form that comes closest to a mandated configuration which allocates strong roles to statutory laws for the regulation of working time standards and to the labour inspectorate for the enforcement of those standards. However, the potential impact of China's mandated configuration is constrained by several practical limitations, particularly with regard to the labour inspection system.

By bringing the substantive and procedural aspects of decent working time together, an overall analysis of achieving decent working time in China can be drawn. The findings show that the development goal of decent working time has not been achieved in China. The developments between the five dimensions are unbalanced. While great efforts have been made to protect workers' health and safety and enhance working time procedural configurations, less attention has been paid to the dimensions of family-friendly working time, and gender equality, which together have a negative impact on productive working time. For the achievement of decent work by China, the case study indicates that there are some significant developments. Particularly, many labour standards with regard to workers' health and safety have markedly been intensified and increased, as have the making and enforcement of Chinese labour laws, which both are signals that China has created an environment receptive to further reform and development on its path to achieving decent work.

