

Hazarding Hazards: An Assessment of China's Workplace Safety Since Year 2000

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Abstract

COVID-19 has (re)ignited conversations on workplace safety across the world, thus necessitating renewed attention on policies and practices in this regard. The International Labour Organization (ILO) estimates that each year 2.78 million workers die from occupational accidents and work-related diseases, and an additional 374 million workers suffer from non-fatal occupational accidents. ILO also posits that lost work days represent almost 4 percent of the world's GDP. The pandemic has only further complicated and exacerbated the existing precariousness of working conditions and occupational health. China's rapid economic and industrial growth, and significant diversification of the economy, also expanded the worlds of work in the country. However, this expansion - and prioritization of profit maximization - has also not been paralleled by safe working conditions and fair labour practices, as safety deficits have led to workplace accidents and even loss of life in many cases.

Using the pandemic as a starting point, this Analysis discusses some major features regarding workplace safety in China, its transition and positioning under market reforms, the legal-institutional framework that undergirds it, the dichotomy visible in practice in state-owned enterprises and non-state enterprises, thus moving on to discuss the glaring deficits that result in accidents at work. In conclusion, it also briefly looks at possible parallels in India.

Keywords

The ICS is an interdisciplinary research institution, which has a leadership role in the promotion of Chinese and East Asian Studies in India. The ICS Analysis aims to encourage debate and provide informed and balanced inputs for policy formulation and is based on extensive research and interactions with a wide community of scholars, experts, diplomats and military personnel in India and abroad.

April 28th has been designated by the International Labour Organization (ILO) as the World Day of Safety and Health at Work. The organization's estimates that 'each year 2.78 million workers die from occupational accidents and work-related diseases (of which 2.4 million are disease-related) and an additional 374 million workers suffer from non-fatal occupational accidents..lost work days globally represent almost 4 per cent of the world's GDP, and in some countries, this rises to 6 per cent or more' (Hämäläinen, P, et. al, 2017, as quoted in International Labour Organization, 2020). The grip of COVID-19 across the world further complicates and exacerbates the existing precariousness of working conditions and occupational health. In addition to health and safety concerns, the pandemic also carries economic costs, with recession and crisis, engulfing different sectors.

Conversations on workplace safety – COVID-19 or otherwise – have to inevitably include China. The country's rapid economic and industrial growth, over the last three decades – even being called, 'workshop of the world' – has taken place on the back of market reforms. However, the economic miracle has not been without social costs - uneven development, prioritizing profit maximization over social costs, environmental degradation, and intensifying social tensions. Spiralling labour discontent in different forms, sizes and scale serves as a good illustration of

the faultlines in China's developmental model. The diversification of economy, and the rise of services and logistics sector, while expanding the labour system, has also brought into scrutiny the labour practices in them.

Therefore, in such a large world of work in China, workplace safety (also known as occupational safety) remains ever pertinent. Even as the rest of the world came to terms with the contagion, China had gradually restarted its economy after lockdown and restrictions of two months, with the State Council coming up with a circular on 3 March 2020 giving some basic directions as Standard Operating Procedures. From stricter screening, bifurcation into high and low risk zones, using big data to monitor health risks, and residence-to-workplace transportation, the virus outbreak has necessitated the party-state and employers to be turn vigilant in workplaces (State Council, 3 March 2020).

However, pigeonholing workplace safety to only the pandemic limits a broader analysis of workplace safety; rather, pandemic-related responsive actions in workplaces now tends to mask other glaring issues and shortcomings that remain unaddressed or often underplayed. Given that provincial and sub-provincial governments in China are tasked with responsibilities of ensuring economic, industrial and infrastructural development at their administrative levels and regions – which is also indexed to their performance

assessments at the higher levels – workplace safety is given short shrift; it often creates the ground for accidents at the worksites which in turn poses questions on accountability for the party-state. Even though workplace safety gets emphasized repeatedly in government’s work reports and party’s political reports, frequent accidents render hollow such ‘concerns’.

This article discusses some major features of workplace safety in China: its transition and positioning under market reforms, the legal-institutional framework that undergirds it, the dichotomy in its practice in state-owned enterprises and non-state enterprises, thereby moving on to discuss the glaring shortcomings that accentuates loss of lives at work, and finally coming to the conclusion, which would also briefly look at possible parallels in India.

Workplace Safety – From Plan to Reform Era

The ‘Regulation on Labour Security’, passed on 26 February 1951 was the first major legislation on workplace safety in China, and it was accompanied by the initiation of the national health and anti-epidemic network that also included occupational hazards and occupational disease control (Jin and Courtney, 2009). Occupational health gets equal priority in making any analysis and assessment of workplace issues since it is co-terminus with workplace safety, and therefore the common

term in labour relations and rights discourse is Occupational Safety and Health. While the Post Mao reforms brought in incremental changes, it was not until the 1990s that regulations of workplace safety moved from state supervision to enterprises gaining ‘responsibility of enforcing work safety policies and ensuring occupational health and safety of the workforce’ (Chan and Gao, 2012). While the state entities were to only monitor and manage affairs, the trade unions were entrusted with supervision of the functioning of those entities. It was in 2001 that ‘the work safety administration was transferred from the former Ministry of Labour to the State Economic and Trade Commission’ (Jin and Courtney, 2009). However, it was not until the passing and promulgation of the Work Safety Law on 29 June 2002, that workplace safety got a formal institutional anchor. The passing of the law coincided was the start of era of Hu Jintao-Wen Jiabao, which marked a political relook at the country’s outlook after realizing the limits of prioritizing high economic growth.

Pressure from Coal Mine Accidents: Getting Serious on Work Safety

The high volume and frequency of coal mine disasters in 2000s, resulting in serious loss of lives, seriously blighted the image of the party-state. Accidents rose by over 50 per cent between 2000-02, rising further in the years 2004-06. ‘Since the founding of the PRC in

1949, there have been 20 coal mine accidents in which more than 100 people died; eight of these occurred during the high growth period of 2000 to 2005, and of these eight, six occurred in a 13-month period between 2004 and 2005' (China Labour Bulletin, 2008). The heavy safety deficits, as witnessed in the mine accidents, was due to multifarious factors including from overproduction and lack of upgradation of ventilation systems to match it, lag in safety systems and equipment, and conscious oversight of the small mines under the Township and Village Enterprises (TVE). The small TVE mines were the deadliest mines with registered fatality rates around seven to eight times higher than of the state-owned ones; given the increased market demand for coal, there was pressure on managements and local officials to maximize production and thereby even tolerate the illegal operation of TVE mines (Wright, 2004).

Overwhelmed and pressurized by the coal mine accidents, the party-state prioritized work safety, intending to make improvements and thereby, involving officials at different levels. The establishment of the Work Safety Commission (WSC) of the State Council (*guowuyuan anquan shengchan weiyuanhui*) in 2003 with Huang Ju, member of the Politburo Standing Committee as the head signalled work safety being accorded, a serious status (Chan and Gao, 2012). This arrangement at the central level was replicated at the local levels, assigning senior cadre responsibilities and creating work safety bureaus across the country.

The State Bureau of Work Safety that housed the WSC was in 2005 upgraded to ministerial level and its name was changed to the State Administration of Work Safety¹. The establishment of 'Fatality Indicators' or, work safety control evaluation indicators (*anquan shengchan kongzhi kaohe zhibiao*) was aimed at bringing down work-related accidents by making local officials accountable for specific time periods. Such a carrot-and-stick policy of evaluation – by making their upward career promotions dependent on their ability to demonstrate results – was aimed at ramping up local resources and making them buy into the central government's objectives. Such micro measures along with mass closure and consolidation of mines as well as drop in the demand for domestic coal – that also led high number of miners being laid-off – have led to steady decline in accidents and death. 'From 2005 to 2019, the number of coal mine deaths fell by 96 per cent while the overall annual rate of decrease was just around 77 per cent' (China Labour Bulletin, 2020)

From Heavy Industry to Services: Hazards Shift Locations

While the marked decline in accidents in mines may provide some relief to the party-state, that does not necessarily mean that accidents have stopped or that workplaces in China have become safer. As China moved from heavy industries in its drive for diversifying the economy and developing its tertiary sector, the

nature of workplace safety has also undergone significant changes. The growth of construction, logistics, and e-commerce sectors in urban China has materialized in parallel with the rise in informal employment patterns – lack of formal work contracts and social security entitlements, longer working hours, precarious work conditions, no representative unions, and more. While crane collapses and scaffolding accidents dominate the construction sector (According to estimates by Hong Kong-based labour support group, China Labour Bulletin, by the end of 2018, 36 per cent of recorded work accidents – the majority among all sectors and areas – happened in the construction sector), casualties in accidents of drivers of food delivery platform drivers in road accidents is a routine occurrence; guarantees of deliveries in shorter time and inducements for superior ratings – markers of performance and pay – keep the drivers under tremendous pressure. Even as they kept up with the high number of deliveries during the virus outbreak-induced lockdown in China, beyond ‘valourization’, nothing substantive has even been visualized to improve their lives (Yuan, 2020). Casual routinization of workplace accidents in people’s consciousness is a disturbing reality in present day urban China.

Occupational Health and Illness – the Other Arm of Workplace Safety

Another by-product of China’s rapid urbanization and industrialization drives is the prevalence of various occupational diseases in the workforce – mostly chronic – due to over-exposure to dust, chemicals and other toxic agents. Afflicting largely those engaged in construction and mining, other than leading to death, some of these illnesses can also cripple health for the rest of their lives.

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The most prevalent among the various occupational illnesses is pneumoconiosis, an irreversible lung disease, caused by inhaling mineral dust in mines, quarries, construction sites and related workspaces. While the incubation of the disease is for long periods, rural migrants who constitute the majority of the workforce in these areas, remain unaware of the ill-effects until it is fully developed. By the end of 2018, out of more than 970,000 cases of occupational diseases, around 870,000 were cases of occupational pneumoconiosis (People’s Daily, 2019, as quoted in Kerswell and Deng, 2020). However, unofficial estimates, as gathered by the NGO, Charity Fund of Love Save Pneumoconiosis (*daai*

qingchen) pointed out that the number to be around 6 million.

The uphill battle for making the employer liable for the continued exposure to the hazardous work environments and claim compensation is tied to the informality governing the affected workers – either no contracts or at most, those riven with ambiguities, and the lack of formal representative voices.

Further, the Labour Dispatch System, that provides workmen to the sites, only complicates the already tenuous work arrangements, wherein ambiguities prevail over identifying the principal employer. The commercialized health system and socio-spatial constraints of the *hukou* system of urban residence further burden the workers. With the near absence of the formal trade union, it is up to select labour NGOs to step in as support system for the workers but they are mostly fragmented and lack a strategic response to the problem.

Moreover, the increased repression by the state apparatus through crackdowns often tends to extinguish any meaningful efforts (Lau, 2019; Chuǎng 2019). Clearly, ‘pneumoconiosis sufferers in China lack any form of institutional power to mobilize support, lobby the government, or engage in political action. Patients with pneumoconiosis are scattered all over the country, concentrated in some villages, but without any real representation’ (Kerswell and Deng, 2020).

Missing Pieces of the Puzzle

The number of work related accidents and number of deaths at the end of nine months of 2019 reduced by 20.3 per cent and 18.5 per cent respectively, according to the Ministry of Emergency Management (Economic Daily, 2019). The constraints and conditions limiting the workers afflicted by pneumoconiosis is an appropriate segue to discuss some of the pertinent problems or glaring gaps in the workplace safety system in China in the present time.

Among these is the existence of a dichotomy between state/state-managed enterprises and non-state/private/foreign invested enterprises. In contrast to the non-state enterprises, which have increasingly proliferated over the last decade or so, safeguards are mostly in place in the state enterprises; ‘better regulated and monitored workplaces are mostly found in capital-intensive, larger, state-owned enterprises’ (Chen and Chan, 2010). Such ring-fencing of the state-owned/managed enterprises which gives a privileged status to their workforce, is not just due to the strict observance of laws and regulations. The presence of workplace unions – albeit working in coordination with the management – and their involvement in decision-making as well as monitoring ensures that checks and balances are in place. While on the one hand this indicates ‘labour aristocracy’, on the other it highlights the

flexibilities and autonomies provided to non-state enterprises and firms, to maintain industrial peace sans interventionist advocacies. Such privileges also extend to work accident insurance, wherein it is guaranteed in state enterprises. Even though the Social Insurance Law passed in 2004 calls for extension of social security benefits and entitlements to all workplaces, enterprise managements often practice autonomy in making payments. Further, proper, written work contracts is a necessary requirement to be registered under social security and claim benefits.

However, ‘the problem for rural workers is in obtaining a legal work contract from their employer. To be legally taken on in this way, they need all sorts of permits and certificates which can take a lot of time and cost’ (Cheng and Darimont, 2005).

While the ‘Fatality Indicators’ and assigning responsibility to the local party officials did bring down workplace accidents, this also proved to be a double-edged sword – given that career advancement and personnel evaluation was so closely intertwined with targets based on local performances, there developed increased propensity among the officials and cadre, to be dishonest in their reporting, thus leading to underreporting or cover up of real numbers; this has even been reflected in the ‘Chinese proverb, *‘cun pian xiang, xiang pian, yizhi pian dao guowuyuan’* (cheating originates from villages, levels up to townships, , then counties and all the way

to the State Council) (Chan and Gao, 2012). The dynamics of the short-circuiting at the local level may also in some ways be explained in relation to the skewed revenue-tax structure in China. Following the taxation reforms in 1990s, or the *fenshuizhi* taxation system, fiscal resources were redistributed more towards the central government, which is more than 50 percent (Rosen, 2014). With the responsibility of welfare and development invested in the local government, such a skewed revenue structure pressurizes them to look at alternate sources.

Even though the Social Insurance Law passed in 2004 calls for extension of social security benefits and entitlements to all workplaces, enterprise managements often practice autonomy in making payments.

Therefore, the local governments become dependent on enterprises (irrespective of state-owned, TVEs, private enterprises, or foreign invested ones) within their area of administrative jurisdiction, for resources and support.ⁱⁱ

Higher the number of enterprises within an area, the local officials use it to burnish their career profile, and set the ground for seeking more investments. As an aside, this even extends to real estate agencies, thus being entangled in speculative practices. The nexus formed between local governments and enterprises conditions the former to water down stringent regulations and supervision

including inspections, which are mostly either informal or non-existent. To add, the inspections are also seriously constrained by the lack of trained and dedicated personnel in labour bureaus. The understaffing is also directly related to the chronic shortage of financial resources for the supervisory ecosystem. The lack of personnel within supervisory departments and labour bureaus to keep track of workplace safety also problematizes and rather runs contrary to the avowed high state and organizational capacity associated with the Chinese party-state.

The Chinese party-state, being highly conscious of its image abroad, is eager to ensure that the optics are always correct, and thus, provide positive messaging. Despite attentive censorship machinery, news of industrial accidents with high loss of lives and property, often spreads out and gets international attention. Some of the visible examples of this are the explosions at an automotive components factory in Kunshan in 2014, and at Tianjin port in 2015.

Such accidents which negatively impact the party-state's image on a global level, forces them to be reactive and seek to fix accountability. However, such a tunnelled vision takes the attention away from the daily risks and non-fatal accidents, which are based on working conditions, defective equipment or laxity in safety guidelines. Thus, the inability to identify and manage costs of cutting corners or letting things slip through the cracks at the micro-level raises serious

questions on the actual priorities of the party-state, extending from the local to the central level. Thus, irrespective of the repeated 'cognizance' of the workplace accidents in work reports, the concomitant seriousness in responsive action does not get reflected on the ground.

Conclusion

The high rate of growth and development in China post reforms, while producing economic transformation and raising the living standards, has also brought forth socio-economic faultlines in the country, raising discontents and social tensions. Increased strife and contention in the arena of labour is a significant feature of these faultlines; within this, workplace safety occupies a critical position. Even though the work and political reports of the government and party repeatedly 'take cognizance' and pledge improvement, safe workplaces remain a bridge too far.

Once known for frequent coal mine disasters – due to a variety of structural reasons including laxity in safety standards in equipment and conditions, turning a blind eye to the proliferation of non-state mines in collusion with local state officials, and preference for profit maximization over human resources – in early 2000s, changes in the nature of work has also led to deficits in work safety enter newer territories. The gradual transition of the economy from heavy industries and extractive sector to the development of construction,

logistics and platform services have seen workplace safety raising serious concerns in contemporary urban China.

However, the precariousness of the work arrangements in these sectors and services is also directly proportional to the rise of workplace accidents. Even though the central party-state seeks to significantly heighten work safety as an image building exercise for seeking investments and project China as the ‘global producer’, the deficits at the local level render any tall claims hollow. Local governments starved off financial resources have no option but to depend on enterprises/companies and firms in their administrative jurisdiction for support and to generate revenue for the populace. The high pressure to perform and showcase local achievements and investments, makes them go light on diligently enforcing regulations; shortage of personnel and resources further complicate matters, leading to inspections and supervision being tardy. The absence of trade unions in most of the non-state enterprises and the informal sector exacerbates the prevalent shortcomings, with no agency to step into the breach.

It is also worthwhile to have a glance at the scenario in India before ending this analysis. While India has multiple laws and regulations, at least within the formal sector, in line with the democratic system, workplace safety has not been actualized or realized in its entirety. Loss of life, and injuries continue to highlight the gaps between policies and implementation;

this despite the multitudes of trade unions and worker associations in the formal sector. The gas leak at a chemical factory in Visakhapatnam in May 2020 – which had just restarted operations after the first round of relaxations in the national lockdown due to COVID-19 – illustrates this (Janyala, 2020). If this is the case of formal sector, the work safety standards in informal sector are further inferior – crammed workspaces with poor ventilation, insanitary conditions, no inspections, no medical facilities and more (Yadav, 2019). It is not just lack of will or resources, but also low levels of state and organizational capacity that help in iteration of this low level equilibrium. Often compared and analyzed as two leading ‘developing’ economies, both China and India have much more to traverse in ensuring safe and habitable workplaces.

ENDNOTES

¹ The State Administration of Work Safety was formally disbanded and replaced by the Ministry of Emergency Management established in March 2018 to oversee the management of a wide range of natural and man-made disasters.

http://english.www.gov.cn/state_council/ministries/2018/03/30/content_281476095337420.htm

(accessed 15 May 2020)

² The dependence of the local government on enterprises within their jurisdiction is also reflected in the issue of student workers, or unpaid interns in enterprises; students from technical-vocational educational institutions being forced to work for long hours on the Assembly line without any pay and uncovered by any labour rights. For more, see Anand, P.K. 2018. 'Non-Standard Employment and Precarity: Student-Workers in China', *ICS Analysis*, No. 67, October

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