

Major changes under way in China's industrial relations

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Since economic reform and an open door policy have been implemented in China there have been significant changes in society and new interest groups have appeared, which has accentuated conflicts of interest. The changing industrial relations system is one of the most sensitive issues associated with economic reform and the open door policy. Pounded by the market economy, state-owned enterprises (SOEs) are facing rationalization, and have laid off superfluous employees. Collective ownership enterprises (COEs) and domestic private enterprises (DPEs) are springing up in both urban and rural areas; in their pursuit of rapid, efficient production, they may pay little attention to the protection of workers. Since the early 1980s, foreign investment from different sources has poured into the country and industrial relations vary from one foreign-invested enterprise (FIE) to another. A large and floating population is moving from the countryside to the cities, but it exists outside the registered labour market.

For a long time, the issue of industrial relations (as understood in a market economy) was ignored in China, and there was no clear legislation on the question. The first Labour Law¹ was passed by the Standing Committee of the National People's Congress on 5 July 1994. That ambitious law seeks to protect workers' rights, adjust labour relations and set up an industrial relations system within the socialist market economy. However, the implementation of this new legislation and its effective supervision remain issues of concern. There are several reasons for this. First, although the traditional industrial relations system manifestly cannot cope with the current changes, it remains the dominant one. Second, since there is now a greater diversity among firms their management systems vary and, consequently, industrial relations have become more complicated. Third, in order to maintain macroeconomic control, both central and local governments use different fiscal and administrative policies to supervise

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¹ For the full text in English, see ILO: *Labour law documents* (Geneva), 1994/3, pp. 7-20.

firms. The supervision of labour rights is therefore more intricate. Fourth, since the open door policy started in the coastal areas, the respective geopolitical and economic situations in inland areas and in coastal areas have diverged, as have industrial relations in those areas. Such political and economic diversity and uncertainty add to the difficulties of protecting workers' rights.

The purpose of this article is to analyse the industrial relations system in the context of the dramatic changes at both political and economic levels and to identify the changing roles of government, enterprise management and trade unions in the current transition period. First, the traditional industrial relations system is briefly outlined. Second, illustrations are provided of the changes affecting the industrial relations system, including changes in government policy and the roles of government, enterprises and trade unions. Finally, the problems of industrial relations in the current transition stage are examined, as are recent government responses.

The traditional system

The traditional government planning system was based on the concept that the entire economic system was run as a large enterprise (Ma et al., 1994). Under that system, employment, finance, property, production, supply of materials and markets were arranged by government plan. Firms were subordinated to government administration and the very extensive functions of government included not only the design and implementation of macro economic policy but also the direct command of SOEs, and even non-SOEs. The consequence of this command system was in fact a failure to manage economic activities at both macro and micro levels. Inappropriate plans created an imbalance between supply of and demand for products and huge losses of revenue.

Traditionally, there were three main types of firms before reform started: SOEs, COEs and DPEs. There was no foreign investment. The differences between the three types of firms were justified in terms of implicit ownerships as follows: SOEs belonged to all the people; COEs belonged to the responsible collective (either in a given locality or the workers in the enterprise themselves); and DPEs belonged to individuals. SOEs formed the majority of firms and had relatively advanced production facilities. There were fewer COEs and DPEs and they tended to be not only smaller but also less advanced technologically and to give a poorer economic performance because of lack of support from the State.

The traditional system had two employment categories: permanent employment (the so-called iron rice bowl, i.e. secure lifelong employment) and temporary employment. The overwhelming majority of workers were permanent employees with assured lifelong employment in urban state and collective firms. Their recruitment, allocation, employment permits, transfer and dismissal were subject to the official approval of the state labour personnel departments. Temporary workers were urban and rural residents

working under a labour agreement of restricted duration in urban state and collective firms (Korzec, 1992). This category included seasonal workers and peasant workers who worked temporarily in industrial sectors (Chang, 1992).

Traditionally the standard (or basic) wages varied according to an eight-point scale. Differences between areas and industries reflected price differences and compensation for hardship. This wages system was criticized for being insufficiently tied to enterprise efficiency and individual labour effort (Chang, 1992). China also had a somewhat complicated welfare system, which included retirement benefits, survivor benefits, payment of medical costs, subsidies for workers on low incomes, and subsidized food prices, leisure activities, and workplace welfare facilities (e.g. for transport between home and work, and for family planning). In the 1980s the value of welfare benefits ranged from 20 to 30 per cent of total wages (CSP, 1990). Hence, the traditional function of enterprises extended beyond production to include many aspects of social security.

Since Liberation in 1949, the trade union system has been dominated by the Chinese Communist Party (CCP) and the Government (the Party-State). The CCP was formed by the working class and was the representative of the proletariat. Party leaders therefore perceived the industrial relations between the State as owner of public property (in this case, SOEs) and the workers in those firms as cooperative, not as contradictory. The official national trade union – the All-China Federation of Trade Unions (ACFTU) – had been set up in 1925, in the context of the CCP's struggle for an independent new China. After Liberation, the Party did not set up another union organization, and the ACFTU was used by the CCP as a link between the Party and the "masses".

The traditional system has not been able to cope with the dramatic changes occurring in society following economic reform and, since the late 1970s, new policies have been introduced in order to change the function of government and to promote economic efficiency.

Changes in policy

The central task of reform is to replace direct government intervention at enterprise level with enterprise autonomy based on market adjustment. Government is to focus on macroeconomic adjustment and development planning which are beyond the capability of the market to manage. In addition, the pattern of government economic management is to change from an emphasis on traditional administrative decrees to the adoption of indirect means, such as managing interest rates, taxation, exchange rates, and legislation. One important initiative aims at separating the function of public ownership from the function of government by establishing an independent public property management organization outside state administrative system to exercise authority. With this separation, direct government control of individual firms can be diminished.

The early stage of reform did not include much legislation on labour issues, but more recently there have been some regulations. Some of the so-called labour regulations issued by provincial authorities or ministries have been implemented as "internal regulations", "minimal law" or "semi-law" (Korzec, 1992). Since 1986, four "temporary regulations" have been implemented, reflecting four objectives of the State for the reform of the labour system in the SOEs and COEs. These regulations include: (a) the Regulation on the Labour Contracts (reforming the employment system from permanent status to a contract system); (b) the Regulation on the Employment of Staff and Workers (reforming the recruitment system from one of administrative allocation and internal recruitment to open job-application and selection according to objective standards); (c) the Regulation on Discharging Employees (granting the enterprises power to dismiss workers); and (d) the Regulation on the Insurance of Employees (establishing a system of social security for the unemployed and old-age pensions for the retired).

The changes in government functions and policy have led to changes in other aspects of the industrial relations system (for example, in enterprises, employment, wages, the welfare and social security systems, the labour market and trade unions).

Changes in enterprises

Following the changes in government roles, even SOEs have greater autonomy and their function is being transformed. A central task is the reform of an inefficient and inflexible production system into a competitive and profitable one. Many large and medium-sized SOEs have implemented a contract management system, and small SOEs have started to use a leasing management system². Recently, SOEs have been transformed into shareholding firms all over the country.

There is greater diversity in types of enterprise than ever before. Since the start of economic reform, COEs and DPEs have increased markedly in both number and size in urban and rural areas. The expansion of COEs and DPEs started with the development of rural township enterprises in the wake of agricultural decollectivization (Goodman, 1994). In addition, the reallocation of state or public sector assets and resources to COEs and DPEs promoted the growth of both types of enterprise. Individuals were allowed to take a second job or to leave their work units to operate their own business (the so called *yia hai* in Chinese, which means taking the plunge into private business). These changes encouraged the development of both COEs and DPEs in urban areas. Besides the changes in domestic firms, foreign investment has also increased significantly and joint ventures and

² Under the contract management system, managers sign a contract with the Government to achieve a certain level of economic contribution. Individual managers and workers can be rewarded with bonuses if they satisfy the contract's requirements. Under the leasing management system, the firm is run according to a rental agreement. Individual managers pay the rental fee and the remaining profits can be taken as their individual income.

wholly foreign-owned firms have become economically important. In 1992, the private sector (including both domestic and foreign firms) contributed an estimated 50 per cent of total GNP (Walsh, 1993).

Changes in the employment system

Since the Government relinquished its control over the recruitment and employment of workers, individual firms gained autonomy to decide on the number of workers hired, the terms of employment and the discharge of employees. In order to overcome the well-known ills of state socialist economies – including superfluous workers and stagnating productivity – there has been a revolution in Chinese labour relations as a contract system has replaced the traditional lifelong employment. This change has often been described as “the end of the iron rice bowl”.

The contract system started as an experiment at the beginning of 1983 and was formally implemented within a legal framework in 1986 (Chang, 1992). In this framework, new industrial workers are employed as “contract system workers” (although those previously engaged as permanent workers still enjoy lifelong employment). Contracts must last for at least one year and contain provisions covering production tasks, probation, working conditions, remuneration, labour discipline and penalties (Biddulph and Cooney, 1993). In addition, the “old-style” temporary workers are also required to sign contracts, but this does not mean that they have been converted into “contract system workers” for the purposes of the new system: they remain temporary workers with benefits different from those accorded to contract system workers. On the other hand, the situation of employment varies from one type of firm to another. In SOEs and COEs, there is a mix of permanent workers, contract workers and temporary workers. In FIEs, there are contract workers and temporary workers. In DPEs, there are only temporary workers. Tables 1 and 2 show the proportion of contract workers among total employees.

Table 1. Contract workers in 1989 and 1992

Type of enterprise	Number (millions)		Percentage of total employees in enterprise	
	1989	1992	1989	1992
SOEs	11.90	20.58	12	19
COEs	2.36	3.99	7	11
FIEs *	0.16	0.66	34	–

* Includes joint ventures and enterprises owned by overseas Chinese or by other foreigners.

Sources: Calculated from *China Labour and Wages Statistics Yearbook, 1990* and *Yearbook of Labour Statistics of China, 1993*.

Table 2. Contract workers in SOEs, 1985-92

Year	Number (millions)	Percentage of total employees in enterprise
1985	0.33	3.7
1986	5.24	5.6
1987	7.35	7.6
1988	10.08	10.1
1989	11.90	12.0
1990	13.72	13.3
1991	15.89	14.9
1992	20.58	18.9

Sources: Reproduced from *China Labour and Wages Statistics Yearbook, 1990* and *Yearbook of Labour Statistics of China, 1993*.

Since the implementation of the Regulation on Discharging Employees, enterprises have gained the power to dismiss workers. According to this regulation, there are five grounds on which discharging an employee may be justified: breach of labour discipline; bankruptcy of the firm; unsuitability of the worker for the job after a trial period; inability of the worker to resume duties even after medical treatment, following a non work-related illness or accident; and employee's imprisonment or conviction of a crime (Korzec, 1992).

Wages and welfare

Under the new wages and welfare system, benefits vary according to the type of employment. However, the idea behind the reform is to link wages with enterprise productivity and individual performance. The new wage system – "the structural wage system" – has been tried out since 1985. It incorporates a distinct mix of basic wages (traditional standard wages), functional wages (by status or seniority), and floating wages (such as bonuses, which link enterprise and individual performance).

Table 3 indicates that wholly foreign-owned firms had the highest wage level in the second half of the 1980s and COEs had the lowest, but that from 1990 to 1992 wages in wholly foreign-owned firms lagged behind those in joint ventures and firms owned by overseas Chinese. Average wages in SOEs and COEs rose gradually and steadily. However, during periods when the central Government implemented tight financial controls and an economic adjustment policy – 1988 and 1990 – the economic activities of FIEs were affected and wages fluctuated.

As for the welfare system, it has been seen as a financial burden for enterprises, thus leading them to seek ways of minimizing the welfare costs. The commonest way is to use the insurance system to cover payment of retirement pensions, unemployment benefits, medical costs, etc.

Table 3. Average annual wages 1985-92 (in renminbi)

Type of enterprise	1985	1986	1987	1988	1989	1990	1992
SOEs	1 213	1 414	1 546	1 853	2 055	2 284	2 878
COEs	967	1 092	1 207	1 426	1 557	1 681	2 109
FIEs							
- joint ventures	2 111	2 082	2 245	2 447	2 669	2 905	3 973
- enterprises owned by overseas Chinese	2 500	1 613	1 830	2 966	2 995	3 687	4 415
- wholly foreign-owned firms	2 144	2 380	2 826	2 012	3 567	3 411	3 616

Sources: Reproduced from *China Labour and Wages Statistics Yearbook, 1990* and *Yearbook of Labour Statistics of China, 1993*.

Following the reform of the employment system, few workers still enjoy secure lifelong employment. New phenomena, such as enterprise bankruptcies, the reorganization of production, retrenchment, and the termination of contracts, have the potential to create massive unemployment. Unemployment insurance was first introduced in 1986 and the unemployment insurance fund was based initially on the total sum of standard wages, with the enterprise contributing the equivalent of 1 per cent of that total sum. Eligibility for unemployment benefits was conditional on having been employed for over five years, and benefit amounting to 50 to 70 per cent of the standard wage was payable for 24 months; for those employed for less than five years, a similar benefit was payable for 12 months (Geng, 1992). The recently revised policy has increased the level of unemployment benefits: the enterprise's contribution has risen from the equivalent of 1 per cent of the total sum of standard wages to 1 per cent of total wages. Moreover, the previous levels of unemployment benefit (50 to 70 per cent of the standard wage) have been replaced by basic unemployment insurance pay which is normally higher than the old standard. The level of basic unemployment insurance pay is determined by local government according to local living standards. At present, most FIEs implement a social insurance policy, which costs 25 per cent of wages (for all kinds of insurance costs). As for SOEs and COEs, they are in the transition process from a welfare system to an insurance system. For instance, the new contract workers are normally covered by the insurance system, but the remaining permanent workers are still covered by the traditional welfare system.

Emergence of a labour market

With the reform of the employment system, individual firms gained the power to recruit their employees (both technicians and unskilled workers).

This new development requires an independent and flexible labour market (by comparison with one in which work is assigned by government). The new system started with the reform of all administrative levels of the Government's Labour Bureau. The Bureau's function has changed from assigning employees to enterprises to introducing (or recommending) workers to enterprises. Following changes in the Labour Bureau, different kinds of labour service agencies (domestic service agencies, project subcontract companies, and personnel information exchanges, etc.) have appeared, first in the urban areas, then in rural areas. People looking for work or wanting to change jobs can register with these agencies. A new network to facilitate the functioning of a labour market has thus begun to emerge. One important problem is that the floating population is excluded from this network. Each year many millions move temporarily from the countryside to the cities looking for all kinds of work on their own or through relatives and friends who are already working or have contacts in the cities. Not only has this situation added to population pressures and the difficulties of housing and material supplies in the cities, it has also created opportunities for private-sector employers to exploit workers.

Trade unions

The trade union movement is now facing new challenges and the union organizations are going through a transition in both structure and function. The ACFTU – the official union – functions on three levels: national, local (provincial, city and county trade unions and union councils) and primary (enterprise level). This is much as it has been since 1949, despite an expansion of union membership as industrial development drew more workers into industry. However, the number of trade union branches increased from 100,000 in 1951-52 to over 540,000 recently (Warner, 1993). The ACFTU membership grew from only 2.4 million in 1949 to 103 million by 1994; it is distributed among 16 national industrial unions (ACFTU, 1994). And 8,260 unions with 1.3 million members have been established in FIEs (*Labour Daily*, Beijing, 4 July 1994).

According to the ACFTU, the role of trade unions is to motivate workers and provide for their welfare, for example, by organizing production and technology campaigns, training workers in production techniques, establishing social clubs, credit unions, running recreational facilities, and providing employment support services (ACFTU, 1994). The Workers' Congress is a new organization formed by workers' representatives for the purpose of workers' participation in decision-making at the plant level, and supplements the formal representative function of the unions. Following the reform of enterprise management and the employment system, it has been established in most SOEs and COEs. There are 8-10 representatives per hundred employees, half of the representatives coming from the shop floor. The Workers' Congress organizes a general meeting twice a year, and assumes responsibility for several tasks: examining and discussing the

enterprise's production decisions, approving its regulations, determining wages and welfare; evaluating management and managerial staff and making suggestions for improvement; and electing managers (with the approval of higher authorities). Through its full-time cadres, the trade union committee at enterprise level (now a standing committee of the Workers' Congress but maintaining its hierarchical link to the ACFTU) deals with routine duties, such as the supervision of occupational health and safety in enterprises, the training of workers, and mediation in disputes between workers and enterprises.

On 3 April 1992, the new Trade Union Law covering formal powers, structure, rights and duties of trade unions was adopted at the 5th Session of the 7th National People's Congress (NPC) (Biddulph and Cooney, 1993). Although the new law represents a substantial revision of the law of 1950, its objective is not the reform of existing practice but ensuring the application of principles governing trade union activities and regulating labour so as to advance economic development and maintain social stability in the long term. A contradiction may emerge in the tasks of trade unions: on the one hand, they are expected to represent the workers' interests in the enterprise; on the other hand, they have to work for the collective welfare of the enterprise, as well as for the general interests of workers and the State.

The means available to official unions to protect workers' benefits are inadequate, which has led to the creation of unofficial, illegal unions. Whilst these sometimes work against the Government, many workers are primarily concerned with the economic benefits such unofficial unions can bring them. However, they are a challenge to the State, which is now considering allowing official unions to increase their involvement in the decision-making process. The ACFTU is under pressure to change.

Empirical evidence

Although new policies are being implemented, they still cannot cope with the dramatic changes that have occurred in the industrial relations system. The empirical evidence offered below illustrates the challenges to industrial relations in particular types of enterprise. The remainder of this section examines the Government's response, and includes a brief review of the recent Labour Law.

Problems in the FIEs

In the past 15 years, over 80,000 FIEs employing over 10 million people have been established in China, with an investment of over US\$60 billion. The contribution of FIEs to the national economy is significant. For instance, foreign investment took an average 2.5 per cent of total national investment in the 1980s, but this increased to 4.5 per cent in 1991, 8.9 per cent in 1992 and 13 per cent in 1993. FIEs' share of national industrial output increased from 7.5 per cent in 1992 to 11 per cent in 1993. They shared 34 per cent of total

national trade value in 1993. Their contribution to taxes also doubled from 10.7 billion renminbi in 1992 to 20.6 billion renminbi in 1993 (Zhang, 1994).

Both foreign and local employees are employed in FIEs. At present, about 100,000 foreign employees work in FIEs, most of them as supervisory staff and technicians. The wages of foreign employees are on average ten times their local counterparts' earnings. Special accommodation, shopping centres, entertainment centres and education facilities exist for foreign employees and their families.

Local employees are typically blue-collar workers; some supervisory staff and technicians are also recruited locally. FIEs recruit employees through the contract system. At the national level, the Government fixed the minimum wage of FIEs' employees at a level at least 120 per cent above the average national wage (Zhang, 1994). According to a government survey, the general situation of industrial relations is often better in large, foreign-owned enterprises than in small and medium-sized enterprises (Zhang, 1994). While many factors influence the attitudes of FIEs to workers' rights and to regulation, large enterprises, especially multinationals from industrialized countries which have long experience of industrial relations at home, generally follow Chinese regulations: for example, they assist in the establishment of a Workers' Congress and unions, and provide some welfare facilities and benefits such as accommodation, medical care, holiday arrangements, overtime payment, etc. The small and medium-sized foreign-owned enterprises bring their own (sometimes negative) attitude towards respect for workers' rights. According to Zhang (1994) and Yang (1994), there have been allegations of a lack of facilities for basic hygiene in work and living places, frequent industrial accidents, an overcrowded working environment, exposure to pollution, high temperatures and noise without protection, forced overtime, extremely high output norms, subminimum wages, and the engagement of workers without contracts. Cases have been reported of work-related injuries, industrial and fire accidents, and human rights abuses (e.g. no break during working time, even to go to the toilet, penalties for absence when sick, the use of a stick to supervise production and abuse workers, and putting a suspected thief into a dog cage).

Such abuses – if the allegations are borne out – surely constitute exploitation. One reason for the development of such a situation could be that in their enthusiasm for seeking foreign investment, some government officials may have been less than energetic in the supervision and regulation of FIEs. Second, the means open to workers' organizations to protect workers may well be inadequate. At present, only 30 per cent of FIEs have established unions. Third, workers lack experience in dealing with industrial disputes, which creates opportunities for foreign investors to take advantage of them. Fourth, rapid changes have occurred over a short time, leaving legislation far behind reality.

Problems in the SOEs

The pressures SOEs are facing arise from excessive employment and huge debts because of inefficient production and competition from other types of enterprises. This affects their access to raw materials, their market share and the costs of production. Following the reform, most large SOEs are undergoing some form of restructuring, such as transformation into public, share-holding companies, or adjustment to contract or leasing management systems. New management teams have to take full responsibility for profitable production, and inefficient enterprises face bankruptcy.

At present, the most troubled sectors are the coalmining, textiles and metallurgical industries. In the coalmining industry, for instance, small private and collectively-owned coal mining firms have set up around the country and compete with large SOEs for resources and markets, so the large SOEs have found it difficult to survive. These small mining firms do not pay wages or provide welfare benefits to the workers, but exchange cash for coal with individual miners on a daily basis. The individual miners mine the coal at their own risk and without any protection from organized bodies such as unions. The working conditions are poor and safety measures are out of date. This makes the cost of small mining production much lower than that of large SOEs, and these firms can sell their products at very low prices. In 1993, 1.14 billion tons of coal were produced, nearly half by private mining firms (480 million tons). The SOEs' products could not be sold and stocks accumulated, peaking at 200 million tons; the result was a lack of money to pay wages or to improve equipment and safety facilities, and deterioration in working conditions and an increase in industrial accidents (5,036 people died in industrial accidents in the coalmining industry in 1993). These SOEs have started to lay off superfluous employees. The entire state-owned coalmining industry employs 3.6 million people of whom about a million are estimated to be superfluous. However, since in most parts of the country there is no social security system, SOEs cannot easily lay off workers because of concerns about social instability, so many workers are still employed but have no work to do (*Xia Gang* in Chinese). These people receive only 70 per cent of their basic wages. Payment in kind is common because SOEs often experience cash shortages. Since 1991, many strikes and demonstrations have occurred in Heilongjiang Province, north-eastern China, where most SOEs' heavy industrial complexes are located. The Government is now seeking to ease the situation by providing bank loans to these SOEs to help them pay basic wages to their employees and unemployment benefits to workers who have been laid off. In addition, the Government provides 2 billion renminbi per year to the coalmining industry to help superfluous employees transfer to other sectors.

Government response

In the face of these challenges, the Government has intervened in order to prevent a worsening crisis.

Central Government is seeking to establish more relevant legislation in order to cope with the changes in the industrial relations system. The recently passed Labour Law provides a legal framework for the protection of workers' rights. Although it is incomplete, some important issues have been addressed, for example, compulsory written contracts between employers and employees, a maximum of 44 working hours per week and one hour of overtime per day, payment for overtime (150 per cent of wages on normal days, over 200 per cent on holidays and over 300 per cent on public holidays) and a minimum wage level. Other issues addressed include working conditions, safety and hygiene, protection for female workers and for workers aged 16-18, training, social insurance and welfare, and industrial disputes. Government supervision and inspection have also been regulated and legal liabilities and punishments for breaking the law have been stipulated.

As for local governments, some have established inspection teams to examine the problems within firms. The first such team has been set up by the local Labour Bureau in Shenzhen Special Economic Zone. The team's main task is to inspect whether enterprise management and industrial relations (in this case, mainly in FIEs) conform with regulations and legislation. This has been done in three ways: first, a general inspection of every enterprise each year; second, selective inspections of certain enterprises; third, special inspections of particular enterprises about which complaints have been made by workers.

The Government and the media currently expose the problems in the FIEs, but both are more cautious in their approach to the problems within the SOEs. Nevertheless, the Government is increasingly concentrating on separating public ownership from the management of SOEs, a policy which shifts the focus from the contradictory relations between Government and workers to direct relations between individual enterprises and workers and collective bargaining without governmental interference.

Concluding remarks

China has experienced dramatic changes over the past 15 years, and reform has led to changes in social relations – between the State and enterprises, between the State and workers, and between enterprises and workers. New divisions have appeared, following the appearance of entrepreneurs and a new working class. Labour/management contradictions may come to dominate labour conflict, and unemployment and a floating population are likely to be significant factors encouraging social instability in the near future. A huge social experiment is going on in China, and the social costs could be high.

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