

## MASTER'S THESIS

### Institutions, consciousness, and tactics: workers' legal mobilization in labor dispute resolution in Shanghai

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**Institutions, Consciousness, and Tactics**  
**Workers' Legal Mobilization in Labor Dispute Resolution in Shanghai**

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**A thesis submitted in partial fulfillment of the requirements**  
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## ABSTRACT

Labor disputes rise at an exponential rate accompanying China's drastic changes in industrial relations. Workers' lawful rights and interests are constantly infringed in the disputes. The state has responded by making efforts in institutionalizing labor dispute resolution so as to provide state-sanctioned channels for workers to seek redress for their grievances. Mediation, arbitration and adjudication, integrating the legal proceedings of the state's institutional arrangement for labor dispute resolution, are increasingly taken up by workers as weapons given by the state to protect their own rights and interests. The earlier popularity of enterprise-level mediation has suffered a steep decline ever since the enterprise reform and direct access to arbitration was permitted. However, there is also an increasing tendency to appeal an arbitral award to the court in recent years. What are the state's incentives and efforts in building these institutions? How have such incentives and efforts shaped and constrained both the operation of the institutions and the consciousness and tactics of workers? What are the features, efficacies, and limitations of each institution, and how do they influence workers' legal mobilization? How do workers' reactions in return affect the meaning and functioning of the institutions and the whole labor dispute resolution system in China?

By answering these questions, this study seeks to bridge the gap between the changes and evolution of China's labor dispute resolution system and the broader political and socio-economic context with "workers" as an intermediate variable. It argues that institutional dynamism is a process, or rather an outcome of interaction and contestation between the state, who designs the institutions and where the institutions are embedded, and those who make use of the institutions. As an independent variable, institutions shape and concurrently constrain the very goals, ideas, behaviors and tactics of the actors, and hence explain various social and political outcomes. Reversely, institutions can be a dependent variable, mediated by the broader socio-economic and political context, at the same time adapting to the actors' choices which are themselves within macro and micro institutional influence and constraints. Beyond this, however, the study also explores how institutions are unintendedly creating obstacles to their own future development.

## TABLE OF CONTENTS

	Page
Declaration -----	i
Abstract -----	ii
Acknowledgements -----	iii
Table of Contents -----	iv
List of Figures -----	vi
List of Abbreviations -----	vii
Chapter 1: Introduction -----	1
1.1 Background -----	1
1.2 Research Question -----	2
1.3 Literature Review-----	3
1.4 Framework -----	7
1.5 Methodology -----	9
Chapter 2: Institutionalizing Labor Dispute Resolution in China -----	11
2.1 Chinese Workers under Assault -----	11
2.2 “Rule of Law” in China and the Development of Chinese Workers’ Rights Consciousness -----	14
2.3 Institutionalizing Labor Dispute Resolution in China ---	20
2.4 Workers Taking up the Weapon Given by the State ----	23
Chapter 3: Implementation Context and Constraints -----	30
3.1 Legislative Deficiencies in the Transition Period -----	31
3.2 Management Autonomy and Labor Rights Infringements	35
3.3 Failure to Adhere to the Rule of Law -----	39
3.4 The Role of Trade Unions -----	44

Chapter 4: Mediation, Arbitration, and Adjudication:	
Which Works, When, and How? -----	47
4.1 Labor Dispute Mediation -----	48
4.2 Labor Dispute Arbitration -----	69
4.3 Adjudication -----	110
Chapter 5: Conclusion: Institutions, Consciousness, and Tactics -----	128
Bibliography -----	132
Curriculum Vitae -----	138