

HUMAN AND LABOR RIGHTS IN CHINA LABORATORY, 20 HOURS, 3 ECTS

Prof. Zhenxing Ke

The laboratory is opened to all interested students and Ph.d. candidates. Attending GPS, MHR and PPPA students of the Department of social and political science will take 3 ECTS.

Understanding Chinese labor and employment law, its roots, its links to the social, economic and political structure is gaining importance at global level. Through an interactive learning experience, the laboratory provides the opportunity to become familiar with Chinese labor and employment law key issues. Comparing Chinese and European law can provide new ideas for research. For example, regarding platform workers, the EU's Platform Work Directive establishes a legal presumption, making platform workers more likely to be identified as employees. China's approach is different: it creates a third employment category entitled to partial protection. By comparing labor laws in various countries and analyzing their advantages and disadvantages, students can better explore the suitable path for the future of labor law.

This course teaches Chinese labor law, and selected topics that are popular in the comparative study of Chinese, American and European labor and employment laws. Traditional labor and employment law issues include dismissal protection (economic reasons and disciplinary and discriminatory dismissal), trade unions, and minimum wage (the EU's Directive on Minimum Adequate Wages complicates the adequate wage issue). The course will also focus on how labor law responds to problems caused by new technological development, such as platform work, algorithmic management, and employee privacy in the digital workplace. The latest judgments in each section will also be provided to help to understand Chinese law.

Timetable

Classes will take place in the Seminar Room, via Passione 13.

- 27 May h. 9.00-12.30
- 30 May h. 9.00-12.30
- 3 June h. 9.00-12.30
- 5 June h. 9.00-12.30
- 10 June h. 9.00-12.00
- 12 June h. 9.00-12.00

The course is held entirely in English with the support of slides and other teaching materials. At the end of the course, students will be required to give short PowerPoint presentations on topics agreed upon by the teacher.

Assessment Methods and Criteria

Pass/Fail system. Attending students (75% of attendance) will be required to give a class presentation at the end of the laboratory.

Course design and reading materials

Class 1 (27 May)– the political and legal system in China

- Lecture on the link between Chinese law and the social, political, and economic structure

Class 2 (30 May) – Labor law system in China and dismissal protection

□ Gallagher, M. E., & Dong, B. (2011). *Legislating Harmony. From Iron Rice Bowl to Informalization: Markets, Workers, and the State in a Changing China*, Sarosh Kuruvilla (ed.) et al. Cornell University Press 2011.

□ Zhenxing Ke (2022). A Comprehensive Proposal for the Reform of the Dismissal Law in China, *Tsinghua China Law Review*, 15(1).

Class 3 (3 June) – trade union and minimum wage

□ Chen, F. (2003). Between the state and labor: The conflict of Chinese trade unions' double identity in market reform. *The China Quarterly*, 176, 1006-1028.

- Lecture note on the minimum wage

Class 4 (5 June)– the regulation of the platform work

□ Wang, Q., Chen, Y., & Yang, Y. (2024). Unpacking the legal status of platform workers in China: an empirical analysis of judicial attitudes and challenges in the food delivery sector. *Asia Pacific Law Review*, 32(1), 149-171.

□ Zhenxing Ke (2023), *Legal Judgements on the Employee Status of Platform Workers in China—A Combination of Legal Formalism and Pragmatism*, *China: An International Journal*, 21(4)

□ Zhenxing Ke (2022). A Third Employment Category for Platform Workers in China: A Tough Start. *The Chinese Journal of Comparative Law*, 10(2), 297-322.

Class 5 (10 June)– Algorithmic management and workplace privacy

□ Zhenxing Ke (2023). The Regulation of the Platform Labor Process Algorithms in China, *China Legal Science*, 11(2).

□ Zhang, Z., & Zha, Y. (2023). Systematic construction of lawfulness of processing employees' personal information under China's personal information protection law. *Computer Law & Security Review*, 50.

Class 6 (12 June) – Research presentation by students

Dr. Zhenxing Ke, LL.M. University of Illinois Urbana-Champaign, SJD Indiana University Bloomington, is lecturer at Nankai University, School of law, specialized in American and Chinese labor and employment law. Dr. Ke not only has rich study experience, but also has profound teaching attainments. He is author of several articles about Chinese and American labor and employment law. In addition, in the book *Foreign Labor Law*, the 2019 edition of Peking University Press edited by Silu Tian, Ke wrote the section on American Labor Law.

Contacts and information: kezhenxing@nankai.edu.cn; Orsola.razzolini@unimi.it