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СРАВНИТЕЛЬНОЕ ИССЛЕДОВАНИЕ ТРУДОВОГО ПРАВА В РОССИИ И КИТАЕ: МЕХАНИЗМЫ ЗАЩИТЫ ПРАВ И ОТВЕТСТВЕННОСТИ

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Аннотация. В исследовании проводится сравнительный анализ трудового права России и Китая, уделяя внимание защите трудовых прав и механизмам ответственности. Рассматриваются законодательные основы, меры защиты прав работников (заработная плата, трудовые договоры, рабочее время, охрана труда), а также механизмы разрешения трудовых споров и ответственность работодателей. Исследование показывает, что трудовое право Китая более централизовано, тогда как в России большую роль играют профсоюзы и коллективные договоры. В обеих странах используются административные и судебные методы разрешения трудовых споров, но в Китае трудовой арбитраж более обязателен. Результаты исследования способствуют лучшему пониманию особенностей трудового права обеих стран.

Ключевые слова: трудовое право, защита трудовых прав, трудовые споры, юридическая ответственность, Россия, Китай, сравнительное исследование.

Introduction

Labor law plays a crucial role in economic and social governance in modern societies. As two of the largest economies in the world, Russia and China have developed distinct approaches to labor legislation. Russia's labor law originated from the Soviet planned economy and later underwent market-oriented reforms, creating a more flexible labor relationship that balances the interests of employers and employees. In contrast, China's labor law is heavily state-driven, with strict legal frameworks and government supervision to ensure workers' rights while accommodating the rapid growth of the market economy [0]. The differences between the two countries' labor laws reflect their

unique socio-economic contexts and policy orientations, making a comparative analysis valuable for understanding the role of labor law in different economic systems.

In recent years, globalization and technological advancements have profoundly transformed labor markets. The rise of remote work, platform-based employment, and informal labor arrangements has posed new challenges to existing labor regulations. Both Russia and China face the challenge of protecting workers' rights while maintaining economic dynamism. For example, Russia has recently implemented more digital tools for managing labor relations, whereas China has intensified legal protections for gig workers [1]. This study aims to compare the two countries' labor laws in terms of rights protection and liability mechanisms, highlighting their strengths and weaknesses to offer insights for optimizing labor legal frameworks.

Overview of Labor Law Systems

The labor law frameworks of Russia and China have evolved under different socio-political and economic systems, shaping their respective approaches to employment regulations. While both countries emphasize labor rights protection, their legislative foundations and implementation mechanisms reflect distinct governance models.

Russia's labor law is primarily structured around the Labor Code of the Russian Federation (Трудовой кодекс Российской Федерации, ТК РФ), first enacted in 2001. This framework incorporates principles of labor freedom, safe working conditions, non-discrimination, and collective bargaining. Russian labor legislation allows a degree of flexibility in employment relationships, as it recognizes both individual contracts and collective agreements, thus enabling trade unions to play an active role in labor relations [1]. Additionally, Russia adheres to several International Labour Organization (ILO) conventions, integrating global labor standards into its national laws.

In contrast, China's labor law system is centralized and state-controlled, with key statutes including the Labor Law of the People's Republic of China (1995) and the Labor Contract Law (2008). The Chinese framework heavily regulates employment contracts, wages, and social insurance, ensuring strict compliance by employers. Unlike Russia, where trade unions negotiate working conditions, China's All-China Federation of Trade Unions (ACFTU, 中华全国总工会) functions as a government-aligned entity rather than an independent labor rights organization [2]. While China's labor laws provide comprehensive worker protections, they have been criticized for not fully addressing the needs of different employment categories, especially in the gig economy.

The fundamental difference between these systems lies in the level of state intervention. Russia's labor law, though influenced by Soviet-era policies, now allows greater room for

negotiations between employers and employees. China, however, maintains a more rigid structure with strong government oversight. Both countries have recently enacted labor law amendments to address digital employment trends, with Russia focusing on telework regulations and China expanding protections for platform-based workers.

Labor Rights Protection Mechanisms

Labor rights protection mechanisms in Russia and China cover key aspects such as minimum wages, employment contracts, working hours, and occupational safety. While both countries aim to safeguard workers' rights, their approaches reflect their distinct economic structures and governance models.

Minimum Wage and Wage Protection: Both Russia and China implement minimum wage policies to ensure basic income security for workers. Russia's minimum wage is set by federal and regional governments, with the official minimum wage for 2021 being 12,792 rubles per month [3]. China, in contrast, allows provincial governments to determine minimum wages based on local economic conditions, leading to significant regional differences. However, enforcement remains a challenge, particularly in rural areas and among informal workers. Studies indicate that in both countries, labor law violations related to wage payments, especially unpaid overtime, persist despite legal protections [1].

Employment Contracts and Labor Relations Russia and China both require formal employment contracts to define work conditions, obligations, and rights. Russia's Labor Code (Трудовой кодекс Российской Федерации) mandates written contracts for all employees and provides legal recourse for contract violations. Additionally, Russian labor law allows for collective bargaining, enabling trade unions to negotiate better conditions for workers. In contrast, China's Labor Contract Law (2008) enforces strict regulations on employment contracts, emphasizing employer responsibilities. However, China's heavy reliance on short-term contracts, particularly for migrant workers, has raised concerns about job security [0].

Working Hours and Rest Periods: Russia's labor legislation sets 40 hours per week as the standard working time, with overtime limited to 120 hours annually. Employees are entitled to at least 28 days of paid annual leave. China's labor laws stipulate a 44-hour workweek, though many industries, especially manufacturing, frequently exceed this limit. Reports indicate widespread unpaid overtime in China's industrial sector, despite legal caps on work hours [4]. While both countries provide statutory rest periods, enforcement remains inconsistent, particularly in sectors with high labor demand.

Occupational Safety and Health: Ensuring safe working conditions is a major concern in both countries. Russia's labor laws emphasize employer responsibility for workplace safety, with penalties for non-compliance. China has implemented strict occupational health regulations, particularly after several high-profile industrial accidents. However, labor safety enforcement remains weaker in small enterprises and informal sectors. In both Russia and China, labor rights advocates emphasize the need for stronger inspection mechanisms and better employer accountability [1].

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While both Russia and China have established legal frameworks for labor rights protection, enforcement challenges persist. Russia allows more flexibility through collective bargaining, whereas China maintains strict labor controls but faces issues in contract stability and overtime regulation. Addressing these concerns is essential for improving worker welfare in both nations.

Conclusion

This comparative study highlights key differences in the labor law systems of Russia and China. Russia's labor law framework allows for greater flexibility in employment relations, with a strong emphasis on trade unions and collective bargaining. Workers have more opportunities to negotiate wages and working conditions, and the judicial system plays a significant role in dispute resolution. However, enforcement mechanisms in Russia can be inconsistent, and many labor disputes are resolved informally due to the complexity and cost of legal proceedings.

China, on the other hand, maintains a state-controlled labor system where government authorities and arbitration committees play a central role in regulating employment relations. Labor contracts are strictly enforced, but the influence of independent trade unions is minimal. While administrative dispute resolution is efficient, it often limits workers' ability to engage in direct negotiations with employers. Despite strong labor protections on paper, challenges remain in enforcing fair wages, reducing excessive overtime, and ensuring better job security for temporary and migrant workers.

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COMPARATIVE STUDY OF LABOR LAW IN RUSSIA AND CHINA: RIGHTS PROTECTION AND LIABILITY MECHANISMS

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Abstract. This study conducts a comparative analysis of labor law in Russia and China, focusing on labor rights protection and liability mechanisms. It examines the legislative framework, worker protection measures (wages, labor contracts, working hours, occupational safety), dispute resolution mechanisms, and employer liability. The study finds that China's labor law system is more state-controlled, whereas Russia emphasizes trade unions and collective bargaining. Both countries use administrative and judicial dispute resolution methods, but China's labor arbitration is more mandatory. The findings contribute to a better understanding of labor law in both countries and offer insights for improving labor rights protection.

Key words: labor law, labor rights protection, labor disputes, legal liability, Russia, China, comparative study.