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China Labour Bulletin

China. The Hard Road: Seeking justice for victims of pneumoconiosis in China

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Pneumoconiosis is the number-one occupational disease in China, accounting for around 90 percent of all cases.

More than 10,000 workers are diagnosed with this deadly lung disease every year. Yet only a handful get anything like the compensation they are legally entitled to. Most only receive a small lump sum that can cover medical costs for a few years; many get nothing at all. And countless other victims cannot even get the official diagnosis they need to initiate a compensation claim.

A new research report, published today by China Labour Bulletin, examines in detail the myriad obstacles encountered by migrant workers in their quest for redress, and outlines a comprehensive series of measures to improve workplace safety, ensure workers' rights are protected and make certain that if employees do contract pneumoconiosis, they get the compensation they both need and are legally entitled to.

The Hard Road: Seeking justice for victims of pneumoconiosis in China shows that the current laws and procedures for work-related injury compensation claims are completely out of step with the reality faced by migrant workers, most of whom will have already left their jobs and moved back home by the time clinical symptoms of the disease become apparent. As a result, what should be a relatively straight forward process of disease diagnosis and classification, disability assessment and benefits calculation can, if the worker does not have proper documentation and the employer and local authorities refuse to help, turn into a convoluted marathon involving up to 22 separate administrative and judicial hearings.

The Chinese government does now recognize the seriousness of the occupational disease crisis in the country, and is attempting to remedy the problem by revising existing laws. However, as this new report shows, the deficiencies of China's occupational disease laws and regulations are only a small part of an extremely complex problem. In addition to legislative reform, employers who currently flout the law must be made to honour their legal obligations and officials in charge of occupational disease diagnosis, assessment and compensation must adopt a more proactive, humane and sympathetic approach towards pneumoconiosis victims seeking redress.

The report uses CLB's own legal case studies, including jewellery workers, coal miners and construction workers, to illustrate the tangled mass of obstacles faced by China's victims of pneumoconiosis and show that, through determined collective action, however, there is a way through the logjam.

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