

Labor Collective Bargaining Rights from the Perspective of CPTPP: A Comparative Analysis and China's Response

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Abstract: The CPTPP aims to be "comprehensive and progressive", with its progressiveness primarily reflected in the integration of labor rights with international trade rules, requiring member states to incorporate various labor rights stipulated in the agreement into their domestic laws and related practices. This paper focuses on the provisions related to collective bargaining rights under the CPTPP, revealing the gaps between China's labor collective bargaining system and the CPTPP in terms of trade union independence, negotiation effectiveness, and legal remedy mechanisms. In China, issues such as the administrative tendencies of trade unions affecting their representational efficacy, the vagueness of collective bargaining content, insufficient practical effectiveness, and ambiguous legal remedy provisions pose obstacles to aligning with CPTPP labor standards. By drawing on the reform experiences of CPTPP member states like Vietnam and Mexico in aligning with CPTPP labor standards, this paper proposes pathways for China, including legislative improvements, promoting trade union representativeness and autonomy reforms, strengthening the binding force of collective bargaining content, and constructing a multi-level safeguard system, to facilitate the substantive alignment of China's labor protection system with CPTPP labor standards.

1. Introduction

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), grounded in the theoretical foundations of human rights protection and fair trade, establishes high-level labor standards that pose significant challenges for aspiring member countries. On September 16, 2021, China formally submitted its application to join the CPTPP to the depository country, New Zealand. However, as of September 2025, the official CPTPP process for China's accession has not yet commenced. China stands to gain substantial benefits from joining the CPTPP.^[1] The delayed progress in China's accession process indirectly reflects that there remains room for improvement in the country's institutional construction. Reforming and enhancing systems related to the protection of labor rights and interests represents a crucial step for China to align with CPTPP rules and advance its accession process.

The labor standards of the CPTPP generally follow the framework established by the Trans-Pacific Partnership Agreement (TPP). However, while maintaining TPP's high-standard labor

provisions, the CPTPP has lowered implementation thresholds for member states through flexible institutional arrangements and cooperative mechanisms. It has enhanced transparency and international cooperation, providing transition periods for new acceding members, thereby making the agreement more open and inclusive. This paper focuses on the legal foundations of collective bargaining rights within the CPTPP. By analyzing differences between the CPTPP and China regarding the definition of collective bargaining rights, modes of rights exercise, and safeguard mechanisms, it assesses the various challenges China faces in aligning its collective bargaining rights with CPTPP standards. Drawing on the successful experiences of Vietnam and Mexico, the paper proposes practical reform pathways. These aim to assist China in improving its labor environment, stimulating productivity, and deepening supply-side structural reforms within the context of integrating into the new international economic and trade order. Ultimately, this contributes to injecting Chinese solutions into the construction of fair and rational global labor governance standards.

2. The Regulatory Origins and Practical Implementation of Collective Bargaining Rights under the CPTPP

2.1 Regulatory Origins of Collective Bargaining Rights under the CPTPP

The CPTPP requires member states to adopt and maintain, within their domestic laws and relevant practices, two categories of labor rights in accordance with the labor provisions of Chapter 19 of the agreement. The first category comprises the fundamental labor rights outlined in the 1998 International Labour Organization Declaration on Fundamental Principles and Rights at Work (hereinafter referred to as the Declaration). The second category pertains to acceptable working conditions related to minimum wages, working hours, occupational safety, and health.^[2] Among these, the first category of labor rights is directly related to collective bargaining rights. According to Article 19.3.1 of the CPTPP, member states must guarantee freedom of association, allowing workers to autonomously form and join trade unions, and ensure these unions can operate independently. Simultaneously, they must effectively recognize the right to collective bargaining, promoting the use of collective negotiations between employers or employers' organizations and workers' organizations to determine core terms of employment such as remuneration and working hours. While Article 19.3.1 guides both labor and management to proactively use collective bargaining to regulate employment relationships, considering the non-derogable nature of the fundamental labor rights in the Declaration, the "effective recognition" of collective bargaining rights is, in fact, a legal obligation that member states must fulfill. In other words, member states cannot use domestic law to weaken or exempt themselves from the protection of collective bargaining rights, and the scope of collective bargaining must be sufficiently broad, encompassing issues such as remuneration, working conditions, safety, and health.

To ensure the effective implementation of collective bargaining rights within member states, the CPTPP imposes several stringent legal obligations. The first is the obligation to recognize and guarantee these rights. Article 19.4 requires that member states must recognize and protect the right to collective bargaining in their domestic laws and practices, without weakening or providing exemptions. Member states must ensure within their legal and practical systems that workers and employers have the right to establish and join organizations of their own choosing without prior authorization, and must protect the right of these organizations to determine working conditions through collective bargaining. This implies that member states need to review and ensure their domestic laws do not contain provisions that substantially undermine or negate this right. For instance, any comprehensive prohibition of collective bargaining rights for specific sectors (such as civil servants or police officers) must align with the principle of "strict necessity" as interpreted by

relevant ILO bodies. The second obligation is effective implementation. Article 19.4 stipulates that a signer "shall not waive or derogate from its labor laws in a manner affecting trade or investment between the Parties." This clause links the domestic legal protection of collective bargaining rights with trade restrictions. If a country's laws provide for collective bargaining rights but, in practice, the government persistently and systematically fails to prevent employers from refusing to bargain in good faith with legitimate unions, it effectively creates an unfair cost advantage for its domestic enterprises, constituting a trade distortion. Other member states can initiate dispute settlement procedures based on this unfair competition.^[3] Finally, there is the obligation of non-derogation. To prevent a "race to the bottom", Article 19.5 of the CPTPP explicitly prohibits member states from weakening the protection level of their labor laws, including those concerning collective bargaining, to encourage trade or investment. This signifies that member states cannot amend their laws to dilute existing collective bargaining standards in exchange for a competitive advantage, as doing so would constitute a direct violation of treaty obligations. The CPTPP labor rules effectively link labor issues with trade and economic matters,^[4] tightly integrating the protection of labor rights and interests with economic and trade development.

2.2 Practices of Member States

1) Vietnam's Practices

To implement CPTPP rules, Vietnam undertook extensive domestic legal reforms, which have significantly advanced its labor standards, serving as an important model. To align with CPTPP labor standards, Vietnam revised its Labor Code, placing particular emphasis on the independence of trade union development. Article 176 of the revised Labor Code stipulates that trade union representatives must be directly elected by workers, and interference in the election process by enterprises or local governments is prohibited. This provision fundamentally alters the administrative control previously exerted by external forces over trade unions, ensuring that workers can autonomously choose representatives who genuinely represent their interests. Furthermore, Vietnam mandates that grassroots trade union representatives must be elected through secret ballots by employees, and enterprises or local governments cannot appoint candidates, thereby further enhancing the democratic nature of trade union representation. In 2024, Vietnam amended its Trade Union Law, strengthening the trade union supervision system. Article 16 of the law introduced four new forms of supervision: reviewing employer documents and reports, conducting democratic dialogues, supervising through the People's Inspectorate, and organizing supervision delegations.

2) Mexico's Practices

Mexico's 2019 labor reform, which involved the regulation of collective bargaining rights, is a prime example of how international trade agreements profoundly shape domestic labor governance. The direct impetus for this reform was compliance with Annex 23-A of Chapter 23 of the United States-Mexico-Canada Agreement (USMCA), which required Mexico to undertake labor reforms to allow workers to engage in genuine collective bargaining. To fulfill this obligation, Mexico implemented a historic domestic labor reform on May 1, 2019. A key aspect of this reform was amending the Federal Labor Law, among other measures, to ensure the authenticity and democracy of collective bargaining. A core measure was the mandatory requirement that all existing collective bargaining agreements must be formally voted on and ratified by workers by May 1, 2023, aiming to end the era of "protection contracts" where workers had not genuinely participated in collective bargaining.

Regarding agreement enforcement, the USMCA established a unique Rapid Response Labor Mechanism, primarily used to address violations of freedom of association and collective

bargaining rights in specific manufacturing sectors (such as automotive and aerospace). Under this mechanism, if an enterprise is found non-compliant, it may face severe consequences, including the loss of tariff-free export benefits under the agreement, providing relatively strong institutional safeguards for enforcement. Through these reforms implemented to comply with the USMCA, Mexico's domestic labor standards on the critical issue of collective bargaining rights have, in essence, already met the relevant CPTPP requirements, effectively fulfilling its CPTPP obligations. Therefore, this can also be viewed as practice under the CPTPP framework. Mexico's experience clearly demonstrates how new-generation regional trade agreements, through binding and specific legal provisions, profoundly guide and shape the paradigms of labor rights protection within member states. The measures taken by Vietnam and Mexico to align with the labor standards of international agreements have not only enhanced the transparency and operability of labor rights protection in their own countries but have also promoted the independence and democracy of trade unions, providing valuable references for other member states. These reform measures not only help improve the level of labor rights protection but also foster harmonious labor-management relations, offering strong support for meeting CPTPP labor standards.

3. The Regulatory Origins and Practical Implementation of Collective Bargaining Rights in China

3.1 The Rules and Characteristics of Collective Bargaining Rights in China

1) Regulatory Origins of Collective Bargaining Rights in China

Collective bargaining, known as "collective consultation" in China, aims to alter the unequal status between labor and management, enabling both parties to engage in equal consultation and negotiation under the law to protect the legitimate rights and interests of workers. The exercise of collective bargaining rights in China primarily occurs under the unified leadership of trade unions. However, these unions are subject to direct intervention by enterprise management as well as directive control from higher-level authorities (such as industrial unions or local trade union federations). This dual administrative interference significantly undermines their independence.

Nevertheless, from the perspective of the rule of law development process, China has gradually established a relatively comprehensive legal framework for protecting labor rights through administrative promotion and multi-stakeholder collaboration. As an important collective labor right, the protection of collective bargaining rights is mainly reflected in the Trade Union Law of the People's Republic of China (hereinafter referred to as the "Trade Union Law"), the Labor Law of the People's Republic of China (hereinafter referred to as the "Labor Law"), and the Labor Contract Law of the People's Republic of China (hereinafter referred to as the "Labor Contract Law"). "Collective consultation" or "equal consultation" is a distinctive feature of how collective bargaining rights are exercised in China. Article 21 of the Trade Union Law explicitly stipulates that trade unions represent workers in conducting equal consultations with enterprises and institutions managed as enterprises to sign collective contracts. Articles 33 and 35 of the Labor Law establish the legal status of collective contracts and their binding force on individual labor contracts, reflecting the legal effect of collective consultation outcomes. Articles 51 to 56 of the Labor Contract Law further elaborate on the procedures for concluding collective contracts, their content, dispute resolution, and legal effect, enhancing the operability of the system.

In summary, the Labor Law provides the foundational basis for the collective contract system, the Trade Union Law clarifies the trade unions' authority to represent workers in consultations, and the Labor Contract Law supplements and refines the specific implementation of collective contracts.

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2) Practical Characteristics of Collective Bargaining Rights in China

The operational mechanism for collective bargaining rights in China features relatively low costs and high efficiency. The core of this mechanism lies in grassroots trade unions extensively gathering workers' demands and electing representatives to negotiate with enterprises. In China, grassroots trade unions primarily operate through methods such as "Workers' Congresses" and "Workers' Groups", collecting workers' demands in a bottom-up manner. This ensures strict collective bargaining procedures and reasonable selection of negotiation representatives, covering workers from different positions to guarantee the representativeness of their opinions.

However, in practice, this mechanism exhibits strong administrative dominance: trade unions typically conduct consultation activities under the policy guidance of the government. While this results in weaker independence, it also brings advantages of high efficiency and low cost, enabling the system to adapt to China's reality of a large labor force, diverse types of enterprises, and generally weak bargaining awareness among workers. Specifically, this mechanism not only effectively reduces negotiation costs and improves efficiency but also alleviates various issues arising from information asymmetry to a certain extent, promoting communication and understanding between enterprises and workers. Furthermore, in the process of promoting collective bargaining, grassroots trade unions also undertake important education and training functions. They help workers enhance their awareness of rights protection and improve their negotiation skills, thereby strengthening workers' bargaining power and safeguarding their legitimate rights and interests. Simultaneously, government support and guidance provide strong guarantees for collective bargaining, allowing this mechanism to continue playing an active role in a complex and ever-changing economic environment.

China's collective bargaining mechanism demonstrates high efficiency and low cost in practice, adapting to the current socio-economic environment. Although issues such as lack of independence exist, the mechanism still plays a significant role in protecting workers' rights and promoting harmonious labor relations. In the future, with continuous socio-economic development and increasing awareness of workers' rights protection, there remains room for further improvement of the mechanism to better serve the broad workforce and meet the needs of social development.^[6]

3.2 Practice of Collective Bargaining Rights in China

The practice of collective bargaining rights in China has developed a unique operational model, yet the depth and breadth of its implementation still face numerous practical challenges. The collective negotiations in Wuhan's catering industry can be considered a model case for sector-wide bargaining: In 2011, the Wuhan Catering Industry Trade Union and the employers' association signed a collective contract covering 450,000 workers, establishing for the first time a minimum wage standard for the industry.^[7] However, although this case demonstrates the broad coverage of the contract, the strong administrative push during the negotiation process has raised concerns in academia about the lack of worker autonomy and voluntariness. Some views suggest that this is essentially a "standardization process of rights and interests led by the government."^[8]

In practice, the scope of topics for collective consultations is significantly constrained. Although Article 8 of the "Regulations on Collective Contracts" outlines negotiable matters, the actual content of negotiations tends to focus primarily on basic labor standards such as wages and working hours, rarely touching upon core interest areas like corporate profit distribution or major management decisions.^[9] For instance, although recent pilot initiatives in the platform economy have explored new topics such as "algorithmic transparency" and "remuneration payment", employers often set boundaries on negotiations regarding deeper issues like profit distribution.^[10] One of the root causes of this situation lies in the incompleteness of China's collective labor rights protection system, particularly the absence of legal provisions for the right to dispute (such as

the right to strike). This leaves trade unions "lacking effective bargaining chips and pressure mechanisms, making it difficult to compel employers to make substantive concessions on their core interests."^[11]

It is noteworthy that with the vigorous development of new forms of employment, the practice of collective bargaining is attempting to break through traditional boundaries. In pilot programs in Zhejiang, Jiangsu, and other regions, "groups such as ride-hailing drivers and food delivery workers are attempting to reach collective agreements on new issues such as remuneration payment, algorithm transparency, and occupational safety through industry-wide negotiations."^[12] However, although these explorations hold certain innovative significance, they still face severe challenges: On one hand, the "de-laborization" characteristic of platform employment creates legal obstacles in applying the traditional labor relationship-based collective bargaining system, particularly regarding the determination of subject eligibility.^[13] On the other hand, the crisis of representativeness within trade unions remains a constraint on the effectiveness of negotiations. Relevant studies indicate that due to trade unions' significant reliance on enterprises and government funding for organization and finances, their independence and bargaining power in collective negotiations are widely questioned.^[14] This has directly led to a tendency for the content of collective contracts to become formalistic. Numerous empirical studies show that "the content of many collective contracts merely reiterates legal stipulations, lacking substantive clauses tailored to the specific circumstances of enterprises or provisions that exceed statutory standards."^[15] On the other hand, the representativeness crisis of trade unions has consistently been a shackle restricting the effectiveness of negotiations. Relevant research indicates that because trade unions rely significantly on corporate and government funding for their organization and finances, their independence and bargaining power in collective negotiations are widely questioned. This has directly led to a tendency for the content of collective contracts to become formalistic. A substantial body of empirical research shows that "the content of many collective contracts merely reiterates legal stipulations, lacking substantive clauses tailored to the specific circumstances of enterprises or provisions that exceed statutory standards."

That means, the intended functions of collective bargaining cannot be fully realized. Therefore, the dilemmas in the practice of China's collective bargaining rights are mainly manifested in the following three aspects: First, the operation of trade unions carries strong administrative characteristics, with weak independent negotiation awareness and capacity for duty fulfillment among laborers. Second, the actual effectiveness of collective bargaining is limited, making it difficult to effectively represent and realize labor rights and interests. Third, the legal remedy mechanisms are unclear, lacking rigid responsibility constraints and effective dispute resolution procedures. The causes of these dilemmas are related both to China's trade union system and its functional positioning, as well as to the systematic inadequacy of the protection mechanisms for collective bargaining rights in current legislation. In conclusion, the practice of collective bargaining rights for laborers in China presents a complex picture, and there remains a significant gap between the actual effectiveness of rights exercise and the "good faith bargaining" principle advocated by the CPTPP.^[16]

4. Gaps between China's Collective Bargaining Rights and CPTPP Standards, and the Challenges Ahead

4.1 Discrepancies between China's Collective Bargaining Rights and CPTPP Standards

The gaps between China's collective bargaining rights and those stipulated by the CPTPP are primarily manifested in the following three aspects:

1) Different Regulatory Foundations

The CPTPP introduces unified standards from the International Labour Organization (ILO),

emphasizing that member states must adhere to international labor standards when establishing rules for collective bargaining rights. In contrast, China does not directly adopt ILO standards but instead tailors its approach based on its unique national conditions. For example, Article 2 of the ILO's Freedom of Association and Protection of the Right to Organise Convention (No. 87) stipulates that workers and employers, without distinction, have the right to establish organizations of their own choosing and to join such organizations without prior authorization. However, China primarily adopts a bottom-up approach where worker representatives are elected to participate in trade unions, with the All-China Federation of Trade Unions coordinating activities uniformly.

2) Varying Degrees of Organizational Independence

The CPTPP emphasizes that trade unions must be free from administrative interference, requiring member states to ensure that unions can conduct collective bargaining objectively and impartially.^[17] In contrast, within China's context, trade unions serve as a crucial link between administrative authorities and workers. When conducting collective bargaining, trade unions maintain extensive communication and coordination with the government, and the negotiation process is carried out under governmental guidance, resulting in relatively weaker independence.

3) Different Safeguard Mechanisms

The CPTPP provides more robust protections for collective bargaining rights. If a member state fails to safeguard these rights in accordance with the agreement's requirements, it may face international pressure in the form of "trade sanctions."^[18] In contrast, China encourages the resolution of disputes through mediation or arbitration. If an employer refuses a collective consultation request from a trade union or worker representatives without justifiable reason, the law only stipulates that the people's government at or above the county level shall order corrective action and handle the matter according to the law. The term "handle according to the law" lacks relative transparency in its regulatory expression, and government authorities retain significant discretionary power.

4.2 Challenges Facing China's Collective Bargaining Rights

1) Low Independence Fails to Meet CPTPP's Autonomy Requirements

Under China's administrative-oriented trade union system, socio-economic governance priorities often take precedence over the protection of labor rights, leading to compromises in safeguarding workers' interests. When dealing with enterprises, trade unions tend to prioritize directives from the government rather than focusing on the harmonious development of labor relations. The administrative tendency of China's trade unions is mainly reflected in issues such as redundant upper-level institutions, weak grassroots strength, significant bureaucratic thinking, and inefficient services.^[19] The administrative orientation of trade unions presents both advantages and disadvantages. On the positive side, it facilitates better transmission of directives, enables more efficient top-down communication, and aids the state in uniformly managing labor relations to prevent major issues. However, the downside is that administrative intervention often makes trade unions hesitant to act independently, leading them to merely follow superior directives. This, in turn, makes it more difficult for workers to voice their concerns. For example, during the strike at Honda's Nanhai plant in Guangdong, after employees raised demands for higher wages and improved working conditions, the enterprise union failed to actively represent the workers in collective negotiations. Instead, influenced by the administrative system, it tended to prioritize "maintaining stability", merely relaying information while avoiding substantive negotiations. As a result, the workers' demands remained unresolved for a long time, ultimately leading to a large-scale work stoppage. Under the administrative operational model, trade unions often focus excessively on executing superior directives, leading to a functional gap in mediating labor conflicts

and protecting workers' rights. This significantly deviates from the independent and effective collective bargaining mechanism advocated by the CPTPP.

2) The Effectiveness of Collective Bargaining Falls Short of CPTPP Standards

While China's legal framework explicitly establishes the collective bargaining system, its practical effectiveness remains limited. The CPTPP covers a wide range of areas related to collective bargaining rights, aiming to protect labor rights in multiple aspects, including but not limited to clauses that genuinely safeguard workers' core interests, such as negotiations on salary and working conditions.^[20] The current lack of substantive clauses in China's collective contract practice not only creates difficulties for workers in safeguarding their rights in the future but also reduces the collective bargaining process to a mere formality. Specifically, collective bargaining in most enterprises remains at the stage where management unilaterally drafts the text and requires trade union representatives to sign it, lacking a genuine negotiation process. This approach deprives workers of their right to know and participate in negotiation documents concerning their own rights and interests, creating a "gray area" for enterprises to evade responsibilities, thereby substantially undermining the operational mechanism of collective bargaining rights. The main issue with China's collective bargaining lies in its overemphasis on procedure at the expense of substantive content, making it difficult to achieve a true balance in labor relations and to meet the high standards required by the CPTPP. The CPTPP not only emphasizes the protection of labor rights but also requires the full realization of collective bargaining rights, areas where China's current collective bargaining mechanism shows significant deficiencies.

Additionally, the lack of professionalism and representativeness among representatives is another major factor weakening the effectiveness of collective bargaining. In China, the main parties involved in negotiations are government labor departments, industrial trade unions, and employer organizations. However, China's current trade union organizational structure is primarily based on local unions at the provincial, municipal, and county levels, while industrial and sectoral trade union systems are relatively underdeveloped. This results in collective bargaining relying mainly on local government trade unions, with limited participation from industrial and sectoral trade unions, which to some extent diminishes the effectiveness of negotiations. At the same time, many worker representatives have not received professional negotiation training, and enterprises lack corresponding training mechanisms, leading to insufficient awareness among worker representatives of their legal rights and difficulties in effectively expressing their demands. At a deeper level, worker representatives may be influenced by management during the initial election process, resulting in the screening out of workers who genuinely wish to express core rights through various means by management, making it difficult to reflect their true intentions. This phenomenon not only weakens the effectiveness of collective bargaining but also further exacerbates tensions in labor relations.

4.3 Gaps in Legal Remedy Mechanisms Compared to the CPTPP

As a high-standard regional trade agreement, the CPTPP clearly stipulates remedies for collective bargaining rights, ensuring their enforcement through the robust mechanism of trade sanctions. In contrast, China's legal provisions regarding remedies for collective bargaining rights lack clarity. While there are preliminary regulations concerning negotiating parties and procedures, corresponding punitive safeguards and subsequent enforcement measures are not adequately specified.^[21] For instance, Article 33 of the Labor Law stipulates that employees and enterprises may enter into collective contracts regarding matters such as remuneration, working hours, rest periods and vacations, occupational safety and health, as well as insurance and welfare. However, it does not specify corresponding legal penalties or recourse mechanisms. When enterprises fail to

attend negotiation meetings as required or do not implement effective negotiation outcomes, the absence of punitive measures condones such behavior, thereby further exacerbating labor-management conflicts. On top of that, when enterprises disregard legal provisions, labor representatives become increasingly dissatisfied and begin to question the authority of the law and the effectiveness of trade union operations. This erosion of trust in the collective bargaining system may eventually lead workers to resort to extreme measures such as strikes or collective protests to defend their rights. Such actions can severely disrupt the order of the socialist market economy and impact social stability.

The ambiguity in China's relevant legal remedy rules adversely affects the harmonious development of domestic labor relations. It could also serve as grounds for CPTPP member states to reject China's accession, thereby hindering the country's progress in joining the agreement. Therefore, it is imperative for China to prioritize the improvement of legal remedies and penalty provisions related to collective bargaining rights^[22], in order to remove obstacles and facilitate its smooth accession to the CPTPP.

5. Pathway Options for Aligning China's Collective Bargaining Rights with CPTPP Standards

5.1 Piloting Trade Union Autonomy Reform

Vietnam, also a developing country, revised its domestic laws before joining the CPTPP to gradually promote the independent development of trade unions. The Vietnamese Labor Code explicitly stipulates that trade union representatives must be directly elected by workers and prohibits enterprises or local governments from interfering in the election process, thereby advancing trade union autonomy reform. This institutional design fundamentally alters external control over trade unions and grants workers the right to autonomously choose their representatives. Although relevant Chinese laws also advocate for the democratic election of trade unions in principle, Vietnam's experience demonstrates that ensuring the independence and fairness of elections through more detailed requirements is key to deepening democracy. Furthermore, Vietnam has introduced an accountability system requiring trade unions to regularly report to workers and establishing channels for workers to lodge complaints against trade unions; if a trade union fails to effectively fulfill its negotiation duties, workers can vote to recall the trade union leadership.^[23] Building on Vietnam's experience, the core of trade union autonomy reform lies in ensuring transparent and fair election processes for union representatives, as well as establishing effective communication and accountability mechanisms between unions and workers. These measures not only enhance the independence and democracy of trade unions but also improve their efficiency and effectiveness in safeguarding workers' rights. China could consider introducing similar mechanisms when revising the Trade Union Law. For instance, it may appropriately break through the existing distribution of authority and first pilot reforms in economically developed regions such as the Pearl River Delta. This could involve shifting from annual, internal democratic evaluations to quarterly reporting hearings open to all workers, thereby enabling trade unions to better protect workers' rights. Furthermore, the success of trade union autonomy reform relies not only on the improvement of legal systems but also on supporting education and training mechanisms. Union representatives need to possess certain legal knowledge and negotiation skills to effectively represent workers' interests. Therefore, while promoting trade union autonomy reform, China could consider establishing training mechanisms for union representatives, providing necessary legal and negotiation skills training to enhance their professional capabilities. Additionally, it is essential to build sound supervision mechanisms to ensure that union representatives genuinely represent workers' interests and prevent trade unions from becoming appendages of enterprises or local governments.

5.2 Enhancing the Practical Effectiveness of Collective Bargaining Content

First, to align with CPTPP rules, Vietnam expanded the scope of collective bargaining matters in its labor law and implemented more detailed reforms to the collective bargaining system. The 2019 revised Vietnamese Labor Law incorporated enterprise benefits into the mandatory negotiation scope, building upon traditional basic labor conditions such as wages, working hours, employment security, and occupational safety. This means that through collective bargaining, workers can negotiate not only cash income like wages but also benefits such as canteens, childcare facilities, and transportation subsidies, making the negotiation content more aligned with workers' actual living needs.^[24] Mexico has implemented standardized collective contracts in the manufacturing sector, legally mandating that these contracts must specify detailed provisions for wage increases and ensure the protection of workers' core rights and interests, such as safety and health.^[25] Furthermore, Mexico also requires relevant industry associations to establish minimum standards to protect the rights of vulnerable workers. China can learn from Mexico's experience in developing industry-specific negotiation content templates for key sectors. This would involve mandating that issues such as workers' wages and benefits cannot be avoided, and introducing an evaluation and supervision mechanism for the effectiveness of collective bargaining. Labor regulatory authorities would annually review negotiation outcomes and impose administrative penalties on enterprises and institutions that fail to meet standards, thereby robustly ensuring the practical effectiveness of collective bargaining content. The reforms in the collective bargaining systems of Vietnam and Mexico have not only elevated the level of labor rights protection but also provided effective models for other countries. When advancing its own collective bargaining system reforms, China should fully consider the requirements of international labor standards and, based on its national conditions, develop a collective bargaining system that aligns with international rules while retaining Chinese characteristics. Simultaneously, it is essential to strengthen the supervision and evaluation of collective bargaining outcomes to ensure that the results genuinely benefit the broad workforce and promote social harmony and stability.

5.3 Improving the Multi-tiered Safeguard System

It is recommended that the Standing Committee of the National People's Congress include the standalone legislation of the Collective Bargaining Law in its legislative agenda, while concurrently initiating revisions to the Labor Law and the Trade Union Law. The ultimate goal is to establish a modern labor relations governance system that conforms to international labor standards while embodying Chinese characteristics, thereby laying a legal foundation for China's participation in shaping global trade rules. In addition to improving the legislative system, judicial safeguards must be strengthened to ensure the effective implementation of collective bargaining rights. Specifically, specialized labor dispute arbitration bodies could be established to enhance the professionalism and efficiency of handling collective bargaining disputes. Furthermore, a comprehensive legal supervision mechanism should be established, including mid-process regular reviews and post-implementation periodic evaluations to assess the enforcement of current laws and regulations, and to promptly identify and rectify existing issues.

Enhancing workers' awareness of their rights is also a critical component. The government and social organizations should conduct extensive publicity and educational activities to deepen workers' understanding of collective bargaining rights and encourage their active participation in collective negotiations. At the same time, support for trade unions should be intensified to improve their capacity and effectiveness in representing workers' interests. Besides, to achieve the goal of aligning with international rules, China should actively participate in relevant activities of international organizations such as the International Labour Organization (ILO), learning from and

adopting advanced experiences and techniques in legal remedies for collective bargaining rights from other countries and regions. This will help China better fulfill its international obligations and further refine its domestic legal system. Finally, a comprehensive information-sharing platform should be established to collect, organize, and disseminate the latest policy regulations, case analyses, and research findings related to collective bargaining rights. This will enable all stakeholders to access necessary information in a timely manner and participate more effectively in collective bargaining activities.

Moreover, an open labor governance system must be constructed to meet the high standards of the CPTPP. Pilot implementations of CPTPP labor clauses should be initiated in the Guangdong-Hong Kong-Macao Greater Bay Area and the Hainan Free Trade Port, leveraging ILO technical assistance projects to enhance institutional compatibility. Learning from Vietnam's reform experience under the CPTPP framework, China should establish labor law dialogue mechanisms with the United States and Europe, conduct bilateral consultations on sensitive issues such as collective bargaining remedies, and promote mutual recognition mechanisms for labor standards within Belt and Road cooperation.^[26] Although these bilateral dialogue mechanisms do not fall directly under the CPTPP framework, they can effectively promote the enhancement of China's labor protection standards and create favorable international conditions for aligning with the CPTPP's high-standard rules.

Developing standardized toolkits that include negotiation process guides, contract templates, and dispute resolution diagrams; establishing a national collective bargaining case database and regularly publishing typical precedents; implementing the "Million Enterprises Negotiation Capacity Enhancement Program", which provides professional guidance to small and medium-sized enterprises through government-purchased services; and adding practical collective bargaining courses in universities to cultivate a team of specialized professionals.

Through three years of systematic reform, it is expected that the collective contract signing rate will increase from 60% to over 85%, and the success rate of labor dispute mediation will improve by 40%, thereby clearing institutional obstacles for CPTPP alignment.^[27]

6. Conclusion

In the contemporary balancing mechanism of labor relations, the right to collective bargaining, as a core instrument for safeguarding workers' rights and interests, has become a crucial dimension of labor standards in international trade agreements. By deeply integrating labor rights with trade rules, the CPTPP has not only reshaped the landscape of global economic governance but also imposed higher demands on the labor legal systems of developing countries. As the world's second-largest economy, China, in its proactive alignment with high-standard international trade agreements like the CPTPP, faces both the challenge of reconciling its domestic collective bargaining system with CPTPP rules and the opportunity to deepen labor law reforms and enhance worker welfare.

Through comparative analysis, this study finds certain gaps between China's current collective bargaining system and the CPTPP requirements, particularly in trade union independence, the substantive effectiveness of negotiations, and legal remedy mechanisms. The administrative tendencies of trade unions weaken workers' capacity to autonomously express their demands, the formalization of negotiation procedures hinders the realization of core rights, and the lack of effective remedies further exacerbates labor-management conflicts. In this regard, the reform experiences of Vietnam and Mexico offer valuable insights: through pilot initiatives for trade union autonomy, strengthening the binding force of negotiation content, and constructing a multi-tiered safeguard system.

Future reforms should prioritize legislative improvements, promoting the standalone enactment of the Collective Bargaining Law alongside synchronized revisions to the Labor Law and the Trade Union Law. Pilot implementations of CPTPP labor clauses should be advanced in open frontier regions such as the Guangdong-Hong Kong-Macao Greater Bay Area. Simultaneously, international collaboration should be enhanced through technical assistance from the International Labour Organization and bilateral dialogue mechanisms to improve institutional compatibility. Only under a governance framework that promote legalization, marketization, and internationalization can China construct a modern labor relations governance system that aligns with high international standards while reflecting local characteristics. This will contribute Chinese wisdom to global labor governance and clear institutional obstacles for joining the CPTPP.

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