

Evolution of China's Right to Health Legislation: A Historical Analysis and Contemporary Insight into Occupational Health Protection

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Abstract: Health is said to be the fundament for personal survival and development, happiness, and is the source of prosperity and social progress for any nation. During the 20th National Congress of the Communist Party in China, it was ascertained that the protection of people's health was given greater priority over development strategies. This article explored the changes and evolution of health laws in China over the past seven decades and specifically focused on the recent changes made to the law on the Prevention and Control of Occupational Diseases and the Occupational Health Protection Action Plan. The occupational health protection action plan outlined the objectives and specific actions and emphasized the importance of a systematic approach to safeguarding the health rights of workers. This article summarized the potential opportunities for further research and policy considerations aimed at addressing challenges in the evolving landscape of occupational health in China.

Keywords: Occupational health protection; Health policy

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1. Introduction

Health is an important indicator in reflecting a country's comprehensive national strength and overall development status ^[1]. It is a noble pursuit aligned with the country's goals of modernization, national economy, and the well-being of the population. This endeavor is guided by the goal of maximizing public health interests and optimizing the integration and efficiency of public health resources.

Despite all these efforts, China continues to face occupational health problems due to exposure to various harmful factors in the workplace ^[2]. Furthermore, the situation regarding occupational disease prevention and control is severe and complex. As new occupational health hazards continue to appear, physiological and psychological problems that arise have posed new occupational health challenges that need to be addressed urgently ^[3].

Recognition of the evolving needs of occupational health work has urged the state government of China to perform timely revision of the law on the prevention and control of occupational diseases. The revisions include an expanded scope and adjustment towards broadening the interpretation and extension of occupational diseases ^[3]. These revisions aim to meet the requirements of evolving occupational health needs. However, these changes, both quantitatively and qualitatively, including the difficulties faced in regulating health effects suggest that a new approach is needed ^[2]. This new approach should be holistic and extend beyond traditional occupational health and safety based on the basic rights and interests of citizens.

This article explored the history of China's health policies and specifically examined the policies related to occupational health issues. Existing policies were analyzed and suggestions for the improvement of this particular aspect were provided, to contribute to a better future for occupational health in the country.

2. History of China's right to health legislation

The development path of China's health rights in the past 70 years includes three stages.

(1) The germination stages

This occurred during the early founding days of China. Before the implementation of China's reform and opening-up policy, the leaders of China had already recognized the significance of health rights. This was evident during the eve of the country's founding, as health protection became an integral part of the grand blueprint for nation-building. Specifically, Article 48 of the Common Program ^[1] emphasized the promotion of health and medicine, with a particular focus on safeguarding the health of mothers, infants, and children. For 20 years, various sectoral regulations and working papers addressing health protection were sporadically promulgated. These initiatives concentrated on diverse aspects, including the prevention and treatment of occupational diseases, the well-being of workers, and the enhancement of students' health. However, despite its limited number of legislations of approximately four normative legal documents per year, a clear trend can be observed with the increased development of public health protection beyond treating diseases since China's establishment. This proactive measure was carried out by heralded practices and a conducive environmental scenario that encouraged a positive attitude towards healthcare methodologies.

(2) The development stages

In 1978, a major transition took place in China during the process of reforming and opening up, marking the introduction to health rights. This epochal phase was broken down into different phases and signified a great leap. Article 21 of the 1982 Constitution played a crucial role in defining the state's commitment to advancing medical and health initiatives. The article explicitly stated, "the state develops medical and health undertakings, develops modern medicine and traditional Chinese medicine, and encourages and supports various entities to organize medical and health care facilities, carrying out mass health activities to protect people's health." This was a significant change from previous constitutions, which merely touched upon the need to promote health development without explicitly stipulating the right to health.

During this stage, the landscape of the right to health legislation underwent a dynamic transformation. The quantity of health rights legislation surged dramatically, increasing from a few per year to over 100, and eventually exceeding 500 annually ^[4]. Simultaneously, the scope of legislation was broadened to encompass diverse areas including drug quality, health and quarantine, food safety, health care, and environmental governance. This expansion in both number and scope signified a great

improvement in the quality and extent of health legislation where these advancements were mirrored by the flourishing in public health care.

(3) The booming stages

This stage occurred from 2000 to the present. Since 2000, there have been remarkable legislative achievements in promoting the right to health in China. The relevant legal documents have significantly increased, covering all aspects of social life. This legislative evolution reflects a shift in the country's approach to promoting citizens' right to health, and to expand beyond merely protecting physical health to also emphasizing psychological and mental well-being, and transitioning from simple treatment to prevention and more comprehensive healthcare.

An important milestone in this progress occurred in 2009 when the citizens' health management entered the information age. The Ministry of Health issued several regulations, including guidelines for health files and the construction of a regional health information platform ^[4]. This marked the beginning of the state actively promoting citizen health by gradually establishing unified health files nationwide and implementing a standardized management procedure.

A significant breakthrough in 21st-century right to health legislation was the increasingly systematic approach. Various areas of health, as well as the overall framework for the right to health, are becoming more defined. Notably, the Basic Medical Care and Health Promotion Law, effective on June 6, 2020, laid the foundational framework for medical care, health protection, and promotion, by integrating relevant healthcare systems. Additionally, a separate law has been introduced to address the specific aspects of the right to health, integrating corresponding norms to establish a more comprehensive legal framework.

3. Characteristics and trends of China's right to health legislation

Based on China's right to health legislation over the past 70 years, it can be determined that it has the characteristics below.

(1) Targets of the right to health

Comprehensive coverage and prioritization of the right to health is a basic human right, including public health services, medical, and healthcare. However, considering the limited availability of health resources, counties can appropriately manage the allocation of health resources according to the differences in levels of development across different regions, and the specific needs of certain groups. This scenario is mainly reflected in the focus and balance across different groups and regions.

(2) The connotation of the right to health including physical and mental health

The Healthy China 2030 Outline proposes the concept of great health, which includes complete health in physiological, psychological, social, environmental, moral, and other aspects. This outline enhances the concept of physical and mental health, which is more fitting with the needs of human survival and development.

(3) The concept of health protection by focusing on treatment and prevention

Early efforts in the right to health legislation primarily targeted specific diseases, exemplified by initiatives like the National Polio Eradication Plan. However, since the 1990s, the focus has shifted towards a more comprehensive approach that combines prevention and control. This evolution was evident in three key areas: strengthening disease prevention and control measures, promoting physical exercise, and enhancing health publicity and education. Promoting health knowledge and cultivating

health awareness play is important in safeguarding public health. The state engages in comprehensive health publicity and education through various channels, reflecting a strong commitment to fostering a healthier and more informed population about the right to health.

(4) Means of protecting the right to health via comprehensive linkage and continuous innovation.

Continuous innovation in governance is crucial as it connects society with various industries. The approach is based on “co-construction and sharing,” which aims to involve more participants in the right to health and explore new ways to promote it.

4. Implementation of the occupational health protection plan

4.1. Initiatives of the occupational health protection plan

(1) Implementation of the “Healthy China 2030” (HC2030) plan

The HC2030 planning outline was issued by the Central Committee of the Communist Party of China and the State Council in October 2016. It is a comprehensive long-term plan to enhance public health and emphasize disease prevention and the right to health promotion. This plan seeks to shift the focus from merely treating diseases to prioritizing overall public health, aiming to minimize illness and to implement all health policies by the year 2030 ^[1].

Among them, the occupational health protection action primarily outlines the measures and relevant guidelines to be taken by individual workers, employers, and the government by the Law of the People’s Republic of China on the prevention and control of occupational diseases. The specific objectives of the occupational health protection action according to the announced HC2030 plan are listed below.

- (i) Working hours system implementation
- (ii) Work-related injury insurance participation
- (iii) Pneumoconiosis prevention
- (iv) Occupational health examination and diagnosis services
- (v) Occupational disease hazard declaration
- (vi) Occupational health examination rate
- (vii) Occupational disease diagnosis reporting
- (viii) Worker awareness in key industries
- (ix) employee health management
- (x) Support for establishing a health image
- (xi) Prevention of work-related musculoskeletal system diseases
- (xii) Comprehensive measures for reducing work pressure

These objectives aim to create a healthier and more supportive environment for workers in China.

(2) Implementation of the Healthy China Action (2019–2030)

In July 2019, the HC2030 plan promotion committee introduced the Healthy China Action (2019–2030) by incorporating initiatives for occupational health protection. The occupational health protection action represents a significantly strategic move by the Central Committee of the Chinese Communist Party (CPC) and the state council to fortify the prevention and control of occupational diseases and safeguard the health rights of workers. This initiative draws primarily from the Law of the People’s Republic of China on the prevention and control of occupational diseases and its relevant guidelines. It outlines specific guidelines for individual workers, employers, and the government, involving various sectors such as health, development, reform, science, technology, industry, informatization, education, etc.

4.2. Systematic evaluation and revision of existing legislation

The Healthy China Action Plan calls for a systematic evaluation and revision of existing legislation.

(1) Revision of legal framework and standards

Necessary revisions should be made after revising the Law of the People's Republic of China on the prevention and control of occupational diseases and other laws and regulations. Existing occupational health standards should be sorted out, analyzed, and evaluated based on existing occupational health standards, focusing on dust prevention, anti-virus, noise prevention, and radiation prevention. The revision and promulgation of stricter and more effective national occupational health standards are needed to improve the regulations and standards for the prevention and control of occupational diseases. The research, identification, evaluation, and control of new occupational hazards should be strengthened and relevant investigations should be carried out. There is also a need to formulate normative standards and propose preventive measures, and integrate them into statutory management in time, to deal with new occupational health problems that may arise from industrial transformation and technological progress.

(2) Facilitation of technological advancements

New technologies, processes, equipment, and materials that are conducive to protecting the health of workers should be developed and promoted. Focusing on occupational pneumoconiosis, noise-induced hearing loss, and chemical poisoning, special treatment should be carried out in mining, building materials, metal smelting, and chemical industries. Strict source control and employer guidance on occupational disease hazards should be implemented to perform technical transformations and upgrades. Industry associations should also be encouraged to develop and implement occupational health codes.

(3) Supply of institutional support

The technical support system for occupational disease prevention and control should be improved, and the construction of occupational disease prevention and control institutions should be strengthened by the principle of regional coverage and reasonable allocation. Home-based healthcare institutions are responsible for the diagnosis of occupational diseases within their jurisdiction. In principle, there should be at least one such institution per county-level administrative region. Full utilization of various occupational disease prevention and control is important in the diagnosis, treatment, rehabilitation, occupational disease hazard monitoring and evaluation, occupational health risk assessment, etc., which can improve the working mechanism of the division of labor. Colleges and universities should be encouraged to increase the enrolment rate of occupational health and related majors to produce professional talents. The enterprise's occupational health management team management ability should also be improved.

(4) The supervision and enforcement of existing legislation

The supervision and enforcement of existing legislation should be enforced. Grassroots law enforcement forces such as counties (districts) and towns (streets) should be strengthened along with the improvement of the occupational health supervision and law enforcement team. Employers should also be supervised and encouraged to implement the rules and regulations regarding occupational disease prevention and control.

(5) Protection of migrant workers

To begin addressing the issue of pneumoconiosis among migrant workers, the supervision and inspection of occupational disease prevention and control within labor dispatching units should

first be improved. Occupational disease diagnosis procedures and service processes should also be optimized to ensure a higher quality of service. Pneumoconiosis patients should increase their protection insured by work-related injury insurance policies. For those who do not have work-related injury insurance, they shall be protected through medical insurance and medical assistance, etc. by the regulations. The sharing and utilization of information between departments should be reinforced, along with the timely exchange of information regarding the occupational disease hazard of employers, and the occupational health and work injury insurance of employers

(6) Establishment of an information management platform

Unified and efficient mechanisms for supervising and enforcing laws regarding occupational disease hazards should be established. The detection, monitoring, and reporting network of occupational disease hazards in the workplace should also be implemented, along with the collection of any relevant data. A big data platform should be established to effectively monitor occupational and radiation health, and any relevant information should be applied when appropriate to improve regulatory efficiency.

(7) Construction of “healthy enterprises”

Healthy enterprises play an important role in the construction of a healthy city. They should gradually expand and enrich the scope of occupational health and actively study the hazards associated with occupational diseases such as work pressure and musculoskeletal diseases. Enterprises should be urged to carry out all professions by the Law of Legal Responsibilities and obligations related to disease prevention and control to create a health-focused culture.

5. Future directions

Through the HC2030 and Healthy China Action (2019–2030) initiative, policies can be provided for occupational health protection and address the critical aspects of occupational health. Nonetheless, there are still many areas in this field that require further enhancement:

(1) The holistic approach to well-being

It was confirmed by Karasek in 1979 ^[5] that the interaction between job demands and job decision latitude can cause mental strain. In China, long working hours are the main cause of mental strain on employees ^[6]. Hence, policies should focus beyond physical health and encompass mental health, work-life balance, and the overall well-being of the employees. Strategies that address workplace stress, burnout, and psychological factors should be implemented.

(2) The empowerment of employees

A policy that allows employees to have a voice in decisions about their health and safety at work should be implemented. Employees should also have a right to confidentiality about their health concerns and problems.

(3) Green and sustainable workplaces

Environmentally sustainable practices should be incorporated in workplaces to minimize the use of harmful chemicals and pollutants. By adopting these practices, workers are less exposed to substances that could negatively impact their health, such as air pollutants or toxic materials. Initiatives that reduce the environmental impact of industries and prioritize green technologies should also be considered ^[7].

(4) Flexible work arrangements

Since the pandemic, flexible work arrangements have been predicted as the future of work ^[8]. It can promote a healthier work-life balance, reduce stress, and contribute to overall well-being by granting

employees the freedom to manage their work in a way that aligns with their individual needs and circumstances.

(5) Intersectionality and diversity

A policy that recognizes and addresses the unique occupational health challenges faced by workers of different genders, ages, ethnicities, and socioeconomic backgrounds should be implemented to eliminate inequitable health services. Inclusivity is also in line with the global initiative for health equity whereby it is achieved when everyone can attain their full potential for health and well-being^[9]. Inclusive policies that consider the intersectionality of workplace health issues should also be implemented.

(6) Smart technologies for health monitoring

As technology advances, the Health Department should explore new ways to use these smart technologies and data analytics for real-time health monitoring within workplaces. This can help identify potential health risks early and facilitate timely interventions.

(7) Continuous learning and improvement

A culture of constant learning and improvement in occupational health should be established. Employers ought to regularly assess and enhance their occupational health programs based on emerging research, technological developments, and employee feedback. (8) Global collaboration on health standards. International collaborations should be executed to establish global standards for occupational health. This can facilitate the exchange of best practices, harmonization of regulations, and create a more consistent approach to protecting the health of workers worldwide. By incorporating these unique and crucial elements, the Occupational Health Protection action can evolve into a more dynamic, inclusive, and forward-thinking framework for ensuring the well-being of workers in China.

6. Conclusion

China's right to health legislation has improved greatly since the country's founding. A comprehensive framework to safeguard the right to health of the Chinese population shaped by the combined efforts of the government and society, and transformative milestones has been presented in this article with the analysis of historical health legislation. From the foundational principles established in the early days to the dynamic stages of development during the reform and opening up era, and the booming legislative advancements in the 21st century, this journey reflects a commitment to continuous improvement and adaptation to emerging challenges in safeguarding the right to health of citizens.

Under the HC2030 initiative, the contemporary understanding of China's occupational health landscape highlights a critical moment driven by the implementation of the occupational health protection action plan. This action plan, with its multifaceted objectives and specific measures, exemplifies a strategic response to global commitments to improve public health. It underscores the interconnected roles of individual workers, employers, and the government in creating a conducive environment for safeguarding occupational health rights.

However, as the nation strides forward in addressing evolving health challenges, opportunities for further enhancements emerge. The recommendations outlined in this article aim to guide policymakers and stakeholders in advancing occupational health. Proposals for a holistic approach to overall well-being, worker empowerment, green and sustainable workplaces, flexible work arrangements, intersectionality, and diversity considerations, smart technologies for health monitoring, continuous learning, and global collaboration on health standards collectively contribute to a more dynamic and inclusive occupational health protection action plan.

The journey of China's right to health legislation is not merely a historical narrative but a living testament to the nation's commitment to the well-being of its people. The path forward requires a proactive and adaptive approach, embracing new paradigms, technologies, and global collaborations to ensure that the evolving landscape of occupational health in China continues to prioritize the fundamental rights and interests of citizens. As the nation advances, it is poised to not only meet the challenges of today but also to shape a healthier and more resilient future for its workforce and society.

Disclosure statement

The authors declare no conflict of interest.

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