

Professor Yanchun Cao

Biography



Professor Yanchun Cao is the Deputy-Dean of the Law School of Shanghai Maritime University in China. She got her PhD. and M.A. from the Law School in Renmin University of China. She has experiences as a visiting professor in several prominent world universities, including for instance, at the Law School of Cornell University (2006-2007), at the Law School of University of California Berkeley (2007), and at the Soochow University of Taiwan (2012).

In addition, she is the Standing Director of Law Association of Shanghai, Director of Social Law Association of China, also the Director of Civil Law Association of China. She is a member of Shanghai Committee of Chinese People's Consultative Conference, and Chair of Shanghai Maritime University Committee of China National Democratic Construction Association. She is the Special Supervisor of Shanghai Public Security Bureau and a legal expert member of the Committee of Judges and Prosecutors Selection

(Retribution) in Shanghai Municipality.

Yanchun's academic interests are in the field of tort law and employment law especially with regard to the employer's liability. She has published over one hundred academic articles in peer-reviewed journals. Her representative work is *Employer's Vicarious Liability*. She has written and co-authored over 10 books in the field of civil law and employment law. In recent years, she has been focusing on protection of the labour rights of seafarers. She leads a project to amend Chapter III (Seafarers) of the Chinese Maritime Code commissioned by the Chinese Transportation Ministry. She teaches Tort Law, Labour Law, and Employment Law in the Law School of Shanghai Maritime University. Currently, she is a senior visiting professor in Greenwich University.

Amending Chapter III of the Chinese Maritime Code: the problems, challenges and prospects in making law for seafarers in China

Abstract:

In the past twenty years, China's shipping industry has enjoyed vigorous development amid a constantly changing and growing world market. China now has 1,650,000 seafarers, representing the largest maritime labour supplying nation in the world. Of this number, 650,000 work on ocean going ships, consisting of one third of the world total. These figures indicate that it is vitally important to protect the labour and employment rights of these industrial workers through development of laws and regulation at both national and international levels.

Internationally, the Maritime Labour Convention (MLC) was developed at the International Labour Organisation (ILO) in 2006. The MLC 2006 has been referred to as the *fourth pillar* of the international maritime law and embodies "all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions". Indeed, this Convention has been acclaimed as the 'Seafarers Charter for the 21st Century'.

It is now the responsibility of the national government to incorporate provisions in this international convention into its national laws and regulations regarding seafarers. In China, efforts have been made to amend Chapter III, a chapter regarding provisions of the crew, in China's Maritime Code (1993). This talk focuses on the development of Chapter III in the Maritime Code in China. Specifically, the discussion aims to review the progress which has been made so far, to examine the challenges and barriers identified during the drafting process, and to analyse the prospect of the production of the final draft of this important 'new' legislation for the Chinese seafarers in the 21st Century.