WORKER RIGHTS

Freedom of Association

China’s laws and practices continue to contravene international standards on freedom of association. Chinese workers are not free to form or join trade unions of their own choosing.1 The PRC Trade Union Law largely eliminates workers’ right to freedom of association by requiring that all union activity be approved by and organized under the All-China Federation of Trade Unions (ACFTU), an organization under the direction of the Chinese Communist Party and government.2 The ACFTU Constitution and the PRC Trade Union Law mandate that the ACFTU protect the legitimate rights and interests of workers while “preserving the leadership of the Communist Party” and broader interests of the government.3 Reportedly 280 million workers, over 36 percent of China’s working population in 2013, were members of the ACFTU in 6.3 million unionized enterprises by mid-2013.4 As an adjunct of the Party and government, the ACFTU continues largely to prioritize social stability in its approach to labor relations,5 garnering criticism from labor activists and workers for failing to protect workers’ rights and interests.6

Changing socio-economic conditions in China have led several high-level union and government officials to advocate for the need for union reform. During the ACFTU’s 16th National Congress in October 2013, ACFTU Chairman Li Jianguo acknowledged that the ACFTU was failing to meet the challenges of “a series of new circumstances and problems” brought on by unbalanced development, stating that it needed to do more to protect the social and economic rights of workers.7 In a speech in April 2013, President Xi Jinping urged the ACFTU to innovate and “adjust to social changes” to “comply with the demands of the times.”8

A small number of municipal and lower level trade unions have made efforts during the Commission’s 2014 reporting year to adopt a more proactive and engaged role with workers.9 In March 2014, the Shenzhen Municipal Trade Union demanded that IBM reinstate 20 worker representatives fired during a 10-day strike at an IBM factory in Shenzhen municipality, Guangdong province.10 The union reportedly sent lawyers to assist the fired workers in obtaining compensation and filing for arbitration after IBM refused to reinstate them.11 At the same time, labor advocates and media reports indicate ACFTU support for workers has remained largely absent amid continued labor unrest, and in those cases where unions have taken a more engaged role with workers, those actions have been mostly reactive and limited to issuing statements of concern and support.12
Civil Society and Labor Non-Governmental Organizations

Labor non-governmental organizations (NGOs) and other civil society actors have emerged in recent years to play a larger role in promoting and defending workers' rights. Chinese labor scholars and activists give varying estimates of between 50 and 60 labor NGOs in China, predominantly located in the southern and eastern coastal provinces where there is a high concentration of migrant workers. Many of these organizations provide workers with legal and educational services, including information on labor laws and legal counseling for individual rights violations. Amid continued labor activism, some labor NGOs have shifted to providing direct support to workers during collective labor disputes, including instruction on collective bargaining. In a number of cases during the 2014 reporting year, labor NGOs worked closely with striking workers to provide advice on collective action and encourage collective bargaining with employers. The support of labor NGOs in several cases was reportedly instrumental in getting workers to avoid conflict with the authorities and resolve disputes through direct bargaining with employers. Many labor NGOs still operate informally, however, as they often are unable to officially register with the authorities. Despite a loosening of NGO registration requirements in China beginning in 2012, labor NGOs have mostly remained unable to register as "social organizations," forcing them either to register as business entities or not register at all. In addition, labor NGOs have been subject to harassment by officials for engaging in activities considered sensitive. In April 2014, public security officials in Dongguan municipality, Guangdong province, detained Zhang Zhiru and Lin Dong, employees at a Guangdong-based labor rights NGO, amid a large-scale strike at the Yue Yuen shoe factory in Dongguan. Zhang and Lin had reportedly been in close contact with striking workers and had been providing them with assistance at the time of their detention.

Collective Bargaining

Collective bargaining in China remains limited in both law and practice. There is no comprehensive national law on collective bargaining, but rather a series of provisions found in the PRC Trade Union Law, PRC Labor Contract Law, and PRC Labor Law that provide a legal framework for negotiating collective contracts and some process of collective consultation between management and workers. In addition to national law, a majority of provinces have also issued provincial-level regulations on negotiating collective contracts, which in some cases contain provisions prohibiting workers from taking collective action and allowing employers to fire workers engaged in collective action during the negotiation of a collective contract.

In recent years, the ACFTU and government have promoted the expansion of collective contracts and the strengthening of collective negotiation mechanisms as essential means for managing labor relations. In April 2014, the Ministry of Human Resources and Social Security, in conjunction with other authorities, including the ACFTU, published a notice calling for the "expansion of collective consultations and coverage of collective contracts," setting a goal to "ensure the rate of signed collective contracts reaches 80 percent by
the end of 2015.”

In a development Chinese labor advocates have described as having the potential to advance labor rights throughout China, the Guangdong Province People’s Congress began deliberations in April 2014 on Draft Regulations on Collective Contracts and Collective Consultations (Draft Regulations). The Draft Regulations, initially proposed by the Guangdong Federation of Trade Unions, require employers to engage in collective negotiations if more than one-third of workers demand it and protect the right of workers to strike if employers fail to respond to their demands within 30 days. At the same time, the Draft Regulations also prohibit workers from striking during negotiations and make them subject to criminal punishment if company operations are disrupted.

The extent to which ACFTU and government initiatives on collective contract and consultation mechanisms expand the space for greater and more genuine worker representation is unclear. At present, the collective contract and consultation system remains weak due in part to ineffective trade union representation. The ACFTU and its local constituent unions continue to be subordinate to the interests of the Party, and central and local authorities, including in many cases employers as well, preventing them from properly representing workers in collective negotiations. Top-down requirements from the government and higher level trade unions have also led enterprises to enter into formalistic contracts rather than actually engage in genuine bargaining between management and trade unions. In many instances, the terms and conditions of collective contracts reflect minimum legal standards in the locality and reportedly rarely involve actual wage negotiations or touch on other interests.

Workers who requested or took part in collective negotiations with their employers independent of the officially recognized union have faced reprisals including forced resignation, firing, and detention. In May 2013, public security officials detained migrant worker Wu Guijun in Dongguan municipality, Guangdong province, for participating in a labor protest. Prior to his detention, Wu was one of seven independently elected labor representatives chosen to represent workers in collective negotiations with management. Authorities indicted Wu in January 2014 for “gathering a crowd to disrupt traffic,” and tried him in several court hearings, before releasing him in May and finally dropping the charges in June. In July 2014, authorities awarded Wu over 74,000 yuan (US$12,000) in compensation for “wrongful arrest,” but refused his request for additional compensation for “mental damages” suffered during his detention. Several Chinese labor experts and lawyers have called for greater protections for independent labor representatives. In May 2014, several Chinese labor lawyers put forward a proposal to amend the PRC Trade Union Law to protect workers who engage in collective negotiations independent of the officially recognized trade union. At present, only trade union officials and workers who participate in official union activities are protected under the PRC Trade Union Law from management retaliation.
Worker Actions

During the Commission’s 2014 reporting period, widespread reports of strikes and demonstrations emerged across a variety of industries and regions in China. Strikes were often prompted by labor-related grievances, such as low pay and the nonpayment of wages and benefits, but have also arisen more recently as a result of slowed economic growth. Faced with higher labor costs and a shrinking labor force, many multinational companies and domestic enterprises have sought to restructure their business operations, relocating and closing down factories. The Chinese government has, in part, encouraged this change in an effort to shift from investment- to consumption-driven economic growth, endorsing policies that reduce low-end manufacturing and overcapacity in other industries. In many cases, workers are not consulted by their employers, local ACFTU constituent unions, or local officials in advance of restructuring plans, leading to conflicts over compensation and remaining contractual obligations. In other cases, strikes have emerged in response to cost-cutting measures that have threatened workers’ wages and benefits.

The reported increase in labor unrest comes amid widespread economic and demographic shifts that observers contend are emboldening workers and affording them greater bargaining power in the workplace. Chinese and international labor experts indicate workers are increasingly driven by a sense of social and economic rights, including “earning a living wage, creating a safe work environment and being treated with dignity and respect by the employer.” Growing labor shortages and opportunities in China’s expanding service sector are strengthening workers’ demands for higher pay and better work conditions and benefits. Moreover, experts contend the increased activism of workers reflects a growing awareness of their rights and a greater confidence in taking collective action to redress workplace grievances. The proliferation of social media and inexpensive smartphones have also made it easier for workers to mobilize and increase public awareness of strikes.

Chinese authorities have had varied responses to labor protests, in some cases tolerating strikes that are limited to demands for wages and benefits. At the same time, the Commission continued to observe reports of authorities using force against or detaining demonstrating workers. The right to strike is not protected under Chinese law, leaving workers vulnerable to retaliation by their employers and criminal prosecution. In August 2013, security officials in Guangzhou municipality, Guangdong province, detained 12 security guards after they staged a rooftop demonstration in protest over the refusal of their employer to continue discussion over grievances related to their employment contracts and social insurance. Authorities charged the guards with “gathering a crowd to disturb social order,” tried them in January 2014 at the Baiyun District People’s Court in Guangzhou, and sentenced nine of them in April 2014 to various prison terms ranging between eight and nine months. Authorities released the majority of the guards the day of or several days after their sentencing on the basis of time served, while three other guards were released in May.
Migrant Workers

Migrant workers—rural residents who have left their place of residence to seek non-agricultural jobs in the cities—remain largely marginalized and vulnerable to mistreatment. China’s total migrant population grew by 2.4 percent in 2013 from the previous year to more than 268 million, close to one-fifth of China’s total population. Over 46 percent of these workers were born after 1980 and exhibit different characteristics from previous generations of migrants, including higher levels of education, a greater understanding of their rights, and a stronger desire to integrate into urban society. Many migrant workers, however, remain unable to obtain residency status in the cities where they live and work due to the continued enforcement of the household registration system (huji zhidu), effectively barring them from equal access to public services, including social security and public education. Faced with the difficulty of accessing public services, an estimated 61 million migrant children have been left behind by their parents to be raised in the countryside. These “left-behind children” have been found to suffer from depression and other forms of emotional distress, and are reportedly more prone to drop out of school or suffer sexual abuse. Migrant workers additionally continue to have low levels of labor and social welfare protection. According to a report published in May 2014 by the National Bureau of Statistics of China, the number of migrant workers in 2013 who signed labor contracts with their employers declined by 2.6 percent to slightly more than 40 percent. The report also indicated that even with a slight increase from the previous year, only a minority of migrants who worked outside their place of residence had pensions (15.7 percent), medical insurance (17.6 percent), occupational injury insurance (28.5 percent), and unemployment insurance (9.1 percent).

Dispatch Labor

The overuse and abuse of dispatch labor continues to be a significant problem despite legal reforms carried out in recent years to limit its proliferation. Dispatch labor (laowu paiqian) refers to an employment arrangement whereby a worker signs an employment contract with a labor dispatch agency and is then sourced by the agency to work for another employer. Dispatch workers are often hired as long-term employees in violation of law, and in many cases paid lower wages and social insurance benefits than directly hired workers. While no current official statistics are available on the extent of dispatch labor in China, 2011 estimates by the All-China Federation of Trade Unions put the total number at 37 million or 13.1 percent of all urban workers.

As the Commission observed in 2013, the National People’s Congress amended the PRC Labor Contract Law in December 2012 to address the issue of dispatch labor. The amendments included clearer definitions of the types of positions for which dispatch labor could be used, raised business standards for labor dispatch agencies, and required employers to apply the same compensation standards to both directly hired workers and dispatch laborers. Despite these changes, Chinese media has continued to report on
the misuse of dispatch labor following the amendments coming into effect in July 2013.\textsuperscript{73} Citing overall weak enforcement of the new regulations, reports indicated that no significant changes had been made in terms of increased wages or benefits for dispatch workers.\textsuperscript{74} Chinese labor scholars have indicated equal pay provisions in the law remain difficult to achieve in part because workers lack strong bargaining power.\textsuperscript{75} In some cases, employers were found to be actively circumventing the law, decreasing welfare benefits or citing a lack of clear implementing measures as a reason for not fully complying with the regulations.\textsuperscript{76}

In January 2014 the Ministry of Human Resources and Social Security issued the Interim Provisions on Labor Dispatch (Interim Provisions)\textsuperscript{77} The Interim Provisions expand on the 2012 amendments made to the PRC Labor Contract Law, clarifying regulations on dispatch labor set out in the 2012 amendments and providing further guidance on their implementation.\textsuperscript{78} The Interim Provisions detail obligations for both the employer and labor dispatch agency on the signing and termination of labor contracts,\textsuperscript{79} social insurance contributions,\textsuperscript{80} and work-related injuries,\textsuperscript{81} among other issues. The Interim Provisions also restrict the number of dispatch workers an employer is allowed to hire to 10 percent of their total workforce.\textsuperscript{82} Employers that currently exceed this threshold are allowed a two-year transition period to adjust to the new restrictions.\textsuperscript{83} The heavy reliance on dispatch labor by a number of industries, including state-owned enterprises, banking and financial institutions, and government organizations, still presents a clear challenge to achieving the 10 percent limit outlined in the Interim Provisions.\textsuperscript{84} In some cases, dispatch workers were found to account for between 50 and 70 percent of the total workforce in some enterprises.\textsuperscript{85}

\textit{Child Labor}

The use of child labor in China remained a problem during the past reporting year. As a member of the International Labour Organization (ILO), China has ratified the two core conventions on the elimination of child labor.\textsuperscript{86} The PRC Labor Law and related legislation also prohibit the employment of minors under 16 years old, and both national and local legal provisions prohibiting child labor stipulate fines and other punishments for illegally hiring minors.\textsuperscript{87} While the extent of child labor in China is unclear in part because the government does not release data on the issue,\textsuperscript{88} domestic media reports from the past year indicate that the use of child labor remained evident in the electronics manufacturing industry, with instances also reported in other sectors.\textsuperscript{89} Labor experts contend a tightening labor market has led employers in some cases to hire underage workers to resolve labor shortages and reduce labor costs.\textsuperscript{90} Poverty and limited access to educational resources were also found to be motivating factors for child workers in a number of cases.\textsuperscript{91} In December 2013, Chinese media reported on the discovery of at least nine underage workers from the Yi ethnic minority group working in two electronics factories in Shenzhen municipality, Guangdong province.\textsuperscript{92} The underage workers were found to be from Liangshan Yi Autonomous Prefecture, Sichuan province, the location of a number of child labor trafficking cases
reported on in recent years. The December 2013 case follows similar incidents in 2008 and 2011 in Guangdong involving underage workers from the same prefecture, indicating problems in preventing child labor and the trafficking of underage workers remain significant.

The abuse of student workers in “work-study” programs and other related activities also continued to be a concern. National provisions prohibiting child labor provide that “education practice labor” and vocational skills training organized by schools and other educational and vocational institutions do not constitute child labor when such activities do not adversely affect the safety and health of students. The PRC Education Law also supports schools that establish work-study programs, provided they do not negatively affect normal studies. The Commission has continued to observe reports, however, of internship programs that violate Chinese law and appear inconsistent with ILO standards.

Prison Labor

The use of forced labor in China’s prison system and in other forms of detention remains inconsistent with Chinese law and in violation of international labor standards. Although the International Labour Organization’s (ILO) core conventions on forced and compulsory labor provide an exception for prison labor on condition that the use of such labor is consistent with ILO guidelines, international human rights and non-governmental organizations have documented cases in China in which the use of such labor—for example, in administrative detention facilities—conflicts with ILO guidelines. The guidelines include provisions, for example, that permit prison labor if it is “exact from [a] person as a consequence of a conviction in a court of law”; in China, however, administrative detention terms are issued without judicial process. The ILO guidelines also prohibit the use of forced labor “as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system.” Amnesty International noted in a 2014 report submitted in advance of China’s periodic review at the UN Committee on Economic, Social and Cultural Rights that “falun gong practitioners, activists, and petitioners and human rights defenders” had been subject to arbitrary detention in administrative detention facilities where forced labor practices are common. Moreover, the use of prison labor for the purpose of profit-making also contravenes ILO guidelines prohibiting the use of prison labor “for the purposes of economic development.” Stuart Foster, a U.S. citizen imprisoned in China in 2013, stated in a National Public Radio broadcast in May 2014 that Christmas tree lights he assembled in prison reportedly were sold to “unwitting U.S. companies.” The same broadcast indicated that a brief search online by National Public Radio found at least 24 Chinese prisons advertising prison labor to manufacture a number of goods. Despite not having ratified either of the ILO core conventions on forced and compulsory labor, as a member of the ILO, China remains obligated to respect certain basic internationally recognized labor rights, including those relating to forced and compulsory labor.
The announcement in December 2013 of the abolition of reeducation through labor, a form of administrative detention where individuals were often forced to work under harsh conditions, was welcomed by Chinese and international human rights groups. Reports have since emerged, however, indicating that Chinese authorities continue to use alternative forms of arbitrary detention in which forced labor practices and other human rights violations remain commonplace. U.S. government assessments, as well as international media reports from the past two years, indicate prison labor has been used to manufacture, among other products, toys, electronics, and clothing. The export to the United States of products manufactured through the use of forced labor in China’s prison labor and other forms of detention remains commonplace despite U.S.-China agreements. The 1992 Memorandum of Understanding on Prison Labor and 1994 Statement of Cooperation between the United States and China established mechanisms to safeguard against the export of prison products to the United States. Despite these agreements, slow and irregular cooperation by China in responding to U.S. concerns as well as continued reports of prison labor exports to the United States indicate significant obstacles remain.

**Wages**

Wages in China continued to increase this past year, reflecting growth rates that have seen regular increases in average wage levels over the past two decades amid continued economic growth. Reports suggest structural changes in China’s labor market, in particular a decline in the growth of the working age population and continued sporadic labor shortages, are partially responsible for the upward pressure on wages. Local governments additionally continued to raise minimum wage levels this past year. The increases are in keeping with growth targets outlined in the 12th Five-Year Plan on Employment Promotion issued in 2011, which call for minimum wage levels to increase annually by an average of 13 percent and reach 40 percent of average urban salaries by 2015. During the 2014 reporting year, the Commission observed reports from Chinese media of increases in the statutory minimum wage in nine provincial- and municipal-level areas averaging 13 percent.

At the same time, the growth of average wages and minimum wage levels has slowed over the past three years, while minimum wage levels in many cities are still far less than the 40 percent target outlined in the 12th Five-Year Plan. Wages for migrant workers in particular continue to be well below the national average. Data published by the National Bureau of Statistics of China indicated the overall average wage in 2012 was roughly 70 percent higher than the average wage for migrant workers during the same period. Reports also indicate rising living expenses, particularly for food and housing, continued to erode wage gains as workers spend a greater portion of their income on everyday necessities. Moreover, income inequality between different regions, industrial sectors, and groups of workers has been found to be steadily increasing. Chinese and international observers have separately calculated China’s Gini coefficient, a common measure of income inequality, to range between 0.45 and 0.55. A level over 0.50 is
considered to indicate severe income inequality and present significant risks to social stability.\textsuperscript{127}

\textit{Occupational Safety}

Workers in China continue to face significant occupational safety risks. Systemic problems in implementation and enforcement of workplace safety laws, as well as a lack of meaningful worker participation in workplace decisions that impact health and safety continue to constrain efforts to reduce industrial accidents.\textsuperscript{128} Despite officially reported deaths from industrial accidents declining by 3.5 percent in 2013,\textsuperscript{129} an official from the State Administration for Work Safety continued to characterize industrial safety overall as “grim,” highlighting a continued lack of effective safety oversight by central and local authorities.\textsuperscript{130} Poor safety management by factory officials and inadequate supervision by local authorities were two factors cited in an investigation into an explosion at an auto parts factory in Jiangsu province in August 2014 that left 75 workers dead and 185 injured.\textsuperscript{131} Safety inspectors from the local government had reportedly conducted a safety audit of the factory in July and officials confirmed a fire occurred at the factory in June, yet factory management still failed to implement remedial safety measures.\textsuperscript{132} A group of Chinese labor activists and academics issued a letter following the explosion calling for greater power to be given to workers to supervise workplace safety and engage in collective bargaining on safety-related issues in light of the failure of factory management and local government to protect workers.\textsuperscript{133}

Officially reported coal mine deaths declined in 2013 by 24.4 percent,\textsuperscript{134} but human rights organizations suggested the actual number of deaths could be significantly higher due to under-reporting.\textsuperscript{135} Even with the reported decline, the death toll for workers in China’s coal industry reportedly remained more than 10 times higher than the rate in developed countries.\textsuperscript{136} Chinese media also continued to report on cases in which mine managers and local officials concealed information about mine accidents.\textsuperscript{137} During the same time period, the number of accidents and deaths that occurred in other resource extraction industries reportedly increased.\textsuperscript{138}

Reports from labor NGOs and Chinese and international media continue to highlight workplace abuses and poor working conditions throughout China.\textsuperscript{139} Low wages,\textsuperscript{140} exposure to harmful substances,\textsuperscript{141} and harsh management practices\textsuperscript{142} were cited as some of the major problems workers face. Excessive overtime in violation of Chinese labor law in particular continues to be a common problem.\textsuperscript{143} The director of the International Labour Organization’s China office called excessive overtime in China’s white-collar industries “worrying as a physical and mental-health hazard.”\textsuperscript{144} An April 2014 Chinese academic report found that close to 700 workers in the manufacturing hub of Dongguan municipality, Guangdong province had died in their sleep since 2004.\textsuperscript{145} Labor advocates and academics attributed the deaths in part to overwork, stating that low wages encouraged workers to work overtime.\textsuperscript{146}
Many workers in China continue to face significant occupational health risks. Inadequate government supervision of industrial compliance with occupational health standards, illegal practices by employers, and a lack of training and knowledge among workers about health in the workplace reportedly contribute to the high risk of contracting occupational disease. According to figures from the National Health and Family Planning Commission, over 87 percent of officially reported cases of occupational disease in 2013 were for the lung disease pneumoconiosis. The Chinese NGO Love Save Pneumoconiosis estimates that six million migrant workers are afflicted with pneumoconiosis and that migrant workers represent 90 percent of all pneumoconiosis cases in China. Obtaining compensation for occupational disease remains a difficult and protracted process, particularly for those with pneumoconiosis. According to a July 2014 report published by Love Save Pneumoconiosis, only 17.3 percent of migrant workers diagnosed with pneumoconiosis obtained compensation, while 82.4 percent did not receive any medical treatment.

### Working Conditions at Foxconn Factories

In December 2013, the Fair Labor Association (FLA) released its final report on the implementation of labor reforms at three factories owned by Foxconn (one in Chengdu municipality, Sichuan province, and two in Shenzhen Special Economic Zone), a Taiwan-based multinational electronics manufacturer and supplier for Apple. This was the third and final progress report FLA released assessing implementation of labor reforms developed by Apple and Foxconn in response to the disclosure of poor working conditions at these Foxconn factories in March 2012. The report stated Foxconn had made “steady progress” in improving working conditions in the 15 months to December 2013, including reducing working hours and constructing additional exits and toilets at the three factories. At the same time, the report also indicated that all three factories continued to not be “in compliance with Chinese labor law regarding hours of work,” and that overtime in excess of the legal limit remained a problem during certain periods in 2013. Independent experts criticized the report for in part “ignoring crucial reforms promised by Apple and Foxconn,” including wage increases and improving worker representation. The report stated FLA expected “Apple will continue to monitor compliance at Foxconn,” however it remains to be seen what measures it will take to remedy remaining problems at Foxconn factories. In addition, international and Chinese media reports published throughout the 2014 reporting year uncovered labor rights abuses at other Chinese manufacturers for Apple, highlighting the continuing problems Apple faces in managing its supply chain in China.

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**Notes to Section II—Worker Rights**

Asia, 20 February 14. 

Radio Free Guangdong Runs Out as Workers Block Road, 40 People Arrested" [Shanghai yu bai gongren Hundred Workers Striking, Blocking Factory Gate in Shanghai Arrested and Beaten, Boss in gongren shangfang tao xin jun shou zhenya], Radio Free Asia, 6 March 14; "China Steel Plant [Fushikang chongqing changfang jin bai gongren bagong], Radio Free Asia, 13 December 13. Post, 17 February 14; "Close to One Hundred Workers Strike at Foxconn Factory in Chongqing Security Van Workers End Strike After Management Agrees Pay Deal," South China Morning gongshi zengjia daiyu wei tigao], Radio Free Asia, 10 February 14; Amy Li, "Guangzhou Bank creased Work Hours Without Raise in Wages" [Sichuan lutianhua shubai gongren dulu kangyi exandra Harney, "China's Workforce: Smaller, More Savvy, More Restive," Reuters, 17 April 14. 42 See, e.g., "Several Hundred Workers at Lutianhua in Sichuan Block Roads Protestin increased Work Hours Without Raise in Wages" [Sichuan lutianhua shubai gongren dulu kangyi gongshi zengjia daiyu wei tigao], Radio Free Asia, 10 February 14; Amy Li, "Guangzhou Bank Security Van Workers End Strike After Management Agrees Pay Deal," South China Morning Post, 17 February 14; "Close to One Hundred Workers Strike at Foxconn Factory in Chongqing[Pushukang chongqing changfang jin bai gongren bagong], Radio Free Asia, 13 December 13. 43 See, e.g., "Doctors, Nurses and Workers Suppressed for Petitioning for Wages" [Yihu, gongren shangfang tao xin jun shou zhongyu], Radio Free Asia, 6 March 14; "China Steel Plant Halts as Force of Protests Over Unpaid Wages," Radio Free Asia, 16 September 15; "Over a Hundred Workers Striking, Blocking Factory Gate in Shanghai Arrested and Beaten," Boss in Guangdong Runs Out as Workers Block Road, 40 People Arrested" [Shanghai yu bai gongren du chang men bei zhu da guangdong laoban paolu gongren dulu 40 ren bei zhu], Radio Free Asia, 20 February 14.
China Morning Post, 11 September 13.


58 "Verdict Announced Today in First Large Scale Arrest and Prosecution of Rights Defense Workers: 12 Coworkers Sentenced" [Shouci daguimo daibu qisu weiquan gongren jin xuanpan: 12 Coworkers Sentenced] [Shouci daguimo daibu qisu weiquan gongren jin xuanpan], Radio Free Asia, 20 February 14.


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64. Ibid.


66. Ibid.


68. Article 66 of the PRC Labor Contract Law states that “labor dispatch generally carries out temporary, supplementary, or substitution work positions.” PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 5 July 94, effective 1 January 08, amended 28 December 12, arts. 66.


71. See National People’s Congress, Decision of the Standing Committee of the National People’s Congress Regarding Amendments to “PRC Labor Contract Law” [Quanguo renmin gongheguo laodong hetong fa], issued 28 December 12, effective 1 July 13; CECC, 2013 Annual Report, 10 October 13, 71–72.

72. National People’s Congress, Decision of the Standing Committee of the National People’s Congress Regarding Amendments to “PRC Labor Contract Law” [Quanguo renmin dahuai changwuweiyuanhui guanyu ‘zhongguo renmin gongheguo laodong hetong fa’ de jueding], issued 28 December 12, effective 1 July 13; CECC, 2013 Annual Report, 10 October 13, 71–72.


74. Ibid.


79. Ibid., arts. 9, 18–19.

80. Ibid., art. 10.

81. Ibid., art. 4.

82. Ibid., art. 28.


84. Ibid., art. 28.


88. Ibid., art. 28.

89. Ibid., art. 4.

90. Wang Weijian et al., “How To Use Temporary Workers’ Is a Big Headache for Work Units” [‘Linshigong’ za yong, danwei he touyi]. People’s Daily, 6 May 14.

91. Ibid., art. 10.


employer from hiring minors under the age of sixteen, with exceptions made for institutions of literature, art, physical culture, and special crafts which may employ minors through prior examination and approval of the government authorities while also ensuring their right to receive a compulsory education. See also PRC Law on the Protection of Minors [Zhonghua renmin gongheguo wei chengnian ren baohu fa], passed 4 September 91, effective 1 January 92, arts. 28, 49. See generally Provisions on Prohibiting the Use of Child Labor [Jinzhishi shiyong tonggong guiding], issued 1 October 02, effective 1 December 02.


“Two Companies in Shenzhen Confirmed To Have Illegally Used Child Labor Are Fined 10,000 and 35,000 Yuan” [Shenzhen liang qiye bei zhengshi feifa shiyong tonggong fenbie bei fa 1 wan he 3.5 wan yuan], Radio Free Asia, 31 December 13. While 9 workers were confirmed as being underage, investigators were not able to verify identification information for an additional 20 workers.

See ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment, 26 June 73. ILO guidelines on the subject of vocational training, apprenticeships and related internships vis-a-vis child labor permits such work “in accordance with conditions prescribed by the competent authority” and in programs involving education, training, or “guidance or orientation (on), . . . the choice of an occupation or of a line of training.” ILO Recommendation 146 on the Minimum Age for Admission to Employment, 26 June 73, item 12.2. Furthermore, the General Conference of the International Labour Organization adopted Recommendation 146 relating to the 1973 Minimum Age Convention, which urged that measures “be taken to safeguard and supervise the conditions in which child laborers work or service within the definition of forced or compulsory labor.”

International Labour Organization, Convention concerning Forced or Compulsory Labour (No. 29), adopted by 14th ILC Session, 28 June 30, entry into force 1 May 32; International Labour Office, “General Survey Concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105),” International Labour Conference, 96th Session, 2007, 19–20. ILO’s Committee of Experts noted that vocational training does not necessarily constitute compulsory work or service within the meaning of the Forced Labour Convention (No. 29), but states that “ . . . vocational training usually entails a certain amount of practical work, and for that reason, the distinction between training and employment is sometimes difficult to draw. It is therefore only by reference to the various elements involved in the general context of a particular scheme of training that it becomes possible to determine whether such scheme is unequivocally one of vocational training or on the contrary involves the exactation of work or service within the definition of forced or compulsory labor.”

International Labour Organization, Convention concerning Forced or Compulsory Labour (No. 29), adopted by 14th ILC Session, 28 June 30, entry into force 1 May 32, art. 2(c).


For a report on the use of prison labor for the purpose of profit-making, see Chai Huiqun, “Confessions of Disgraced RTL Officers” [Luoma laojiao jingcha de jiantao], Southern Weekend, 2 May 13.


Ibid.

International Labour Organization, “Ratifications of Fundamental Human Rights Conventions by Country,” last visited 6 September 13; International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work, 18 June 98, art. 2. Other rights member countries are obligated to respect include the effective abolition of child labor; the elimination of discrimination in respect of employment and occupation; and freedom of association and the “effective recognition” of the right to collective bargaining.

Decision of the Standing Committee of the National People’s Congress on Abolishing Laws and Regulations Related to Reeducation Through Labor [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu feizhi youguan laodong jiaoyang jianchu de jueding], issued and effective, 28 December 13.


124 Ibid.


130 Ibid.

131 “Xinhua Insight: Official Blames Factory Blast on ‘Serious Dereliction of Duty,’” Xinhua, 4 August 14.


135 “Coal Mine Accident Mortality Rate Declines 24 Percent Last Year in China” [Zhongguo meikuang shigu siwanglu qunian xiajiang 24%], Radio Free Asia, 6 January 14.


137 China Reports Cover-Ups in Coal Mine Accidents,” Xinhua, reprinted in Global Times, 5 August 14.

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