

## 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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> As an adjunct of the Party and government, the ACFTU continues largely to prioritize social stability in its approach to labor relations,<sup>5</sup> garnering criticism from labor activists and workers for failing to protect workers' rights and interests.<sup>6</sup>

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.<sup>7</sup> 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."<sup>8</sup>

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.<sup>9</sup> 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.<sup>10</sup> The union reportedly sent lawyers to assist the fired workers in obtaining compensation and filing for arbitration after IBM refused to reinstate them.<sup>11</sup> 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.<sup>12</sup>

### **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.<sup>13</sup> Many of these organizations provide workers with legal and educational services, including information on labor laws and legal counseling for individual rights violations.<sup>14</sup> Amid continued labor activism, some labor NGOs have shifted to providing direct support to workers during collective labor disputes, including instruction on collective bargaining.<sup>15</sup> 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.<sup>16</sup> 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.<sup>17</sup> Many labor NGOs still operate informally, however, as they often are unable to officially register with the authorities.<sup>18</sup> 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.<sup>19</sup> In addition, labor NGOs have been subject to harassment by officials for engaging in activities considered sensitive.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup>

### *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.<sup>23</sup> 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.<sup>24</sup>

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.<sup>25</sup> 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.”<sup>26</sup> 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).<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup>

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.<sup>30</sup> 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.<sup>31</sup> 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.<sup>32</sup> 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.<sup>33</sup>

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.<sup>34</sup> In May 2013, public security officials detained migrant worker Wu Guijun in Dongguan municipality, Guangdong province, for participating in a labor protest.<sup>35</sup> Prior to his detention, Wu was one of seven independently elected labor representatives chosen to represent workers in collective negotiations with management.<sup>36</sup> 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.<sup>37</sup> 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.<sup>38</sup> 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.<sup>39</sup> 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.<sup>40</sup>

*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.<sup>41</sup> Strikes were often prompted by labor-related grievances, such as low pay<sup>42</sup> and the nonpayment of wages and benefits,<sup>43</sup> but have also arisen more recently as a result of slowed economic growth.<sup>44</sup> 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.<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup> In other cases, strikes have emerged in response to cost-cutting measures that have threatened workers' wages and benefits.<sup>48</sup>

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.<sup>49</sup> 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."<sup>50</sup> Growing labor shortages and opportunities in China's expanding service sector are strengthening workers' demands for higher pay and better work conditions and benefits.<sup>51</sup> 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.<sup>52</sup> The proliferation of social media and inexpensive smartphones have also made it easier for workers to mobilize and increase public awareness of strikes.<sup>53</sup>

Chinese authorities have had varied responses to labor protests, in some cases tolerating strikes that are limited to demands for wages and benefits.<sup>54</sup> At the same time, the Commission continued to observe reports of authorities using force against or detaining demonstrating workers.<sup>55</sup> The right to strike is not protected under Chinese law, leaving workers vulnerable to retaliation by their employers and criminal prosecution.<sup>56</sup> 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.<sup>57</sup> 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.<sup>58</sup> 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.<sup>59</sup>

### *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.<sup>60</sup> 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.<sup>61</sup> 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 (*hukou zhidu*), effectively barring them from equal access to public services, including social security and public education.<sup>62</sup> 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.<sup>63</sup> These “left-behind children” (*liushou ertong*) 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.<sup>64</sup> 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.<sup>65</sup> 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).<sup>66</sup>

### *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.<sup>67</sup> Dispatch workers are often hired as long-term employees in violation of law,<sup>68</sup> and in many cases paid lower wages and social insurance benefits than directly hired workers.<sup>69</sup> 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.<sup>70</sup>

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.<sup>71</sup> 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.<sup>72</sup> Despite these changes, Chinese media has continued to report on

the misuse of dispatch labor following the amendments coming into effect in July 2013.<sup>73</sup> 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.<sup>74</sup> Chinese labor scholars have indicated equal pay provisions in the law remain difficult to achieve in part because workers lack strong bargaining power.<sup>75</sup> 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.<sup>76</sup>

In January 2014 the Ministry of Human Resources and Social Security issued the Interim Provisions on Labor Dispatch (Interim Provisions), effective March 2014.<sup>77</sup> 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.<sup>78</sup> The Interim Provisions detail obligations for both the employer and labor dispatch agency on the signing and termination of labor contracts,<sup>79</sup> social insurance contributions,<sup>80</sup> and work-related injuries,<sup>81</sup> 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.<sup>82</sup> Employers that currently exceed this threshold are allowed a two-year transition period to adjust to the new restrictions.<sup>83</sup> 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.<sup>84</sup> In some cases, dispatch workers were found to account for between 50 and 70 percent of the total workforce in some enterprises.<sup>85</sup>

### *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.<sup>86</sup> 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.<sup>87</sup> While the extent of child labor in China is unclear in part because the government does not release data on the issue,<sup>88</sup> 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.<sup>89</sup> 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.<sup>90</sup> Poverty and limited access to educational resources were also found to be motivating factors for child workers in a number of cases.<sup>91</sup> 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.<sup>92</sup> 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.<sup>93</sup> The December 2013 case follows similar incidents in 2008 and 2011 in Guangdong involving underage workers from the same prefecture,<sup>94</sup> 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.<sup>95</sup> The PRC Education Law also supports schools that establish work-study programs, provided they do not negatively affect normal studies.<sup>96</sup> The Commission has continued to observe reports,<sup>97</sup> however, of internship programs that violate Chinese law and appear inconsistent with ILO standards.<sup>98</sup>

#### *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,<sup>99</sup> 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.<sup>100</sup> The guidelines include provisions, for example, that permit prison labor if it is “exacted from [a] person as a consequence of a conviction in a court of law”;<sup>101</sup> in China, however, administrative detention terms are issued without judicial process.<sup>102</sup> 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.”<sup>103</sup> 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.<sup>104</sup> 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.”<sup>105</sup> 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.”<sup>106</sup> 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.<sup>107</sup> 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.<sup>108</sup>

The announcement in December 2013 of the abolition of reeducation through labor,<sup>109</sup> a form of administrative detention where individuals were often forced to work under harsh conditions,<sup>110</sup> was welcomed by Chinese and international human rights groups.<sup>111</sup> 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.<sup>112</sup> 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.<sup>113</sup> The export to the United States of products manufactured through the use of forced labor in China's prison system and other forms of detention reportedly continues despite U.S.-China agreements.<sup>114</sup> 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.<sup>115</sup> Despite these agreements, slow and irregular cooperation by China in responding to U.S. concerns,<sup>116</sup> as well as continued reports of prison labor exports to the United States,<sup>117</sup> 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.<sup>118</sup> 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.<sup>119</sup> 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.<sup>120</sup> 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.<sup>121</sup>

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.<sup>122</sup> 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.<sup>123</sup> 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.<sup>124</sup> Moreover, income inequality between different regions, industrial sectors, and groups of workers has been found to be steadily increasing.<sup>125</sup> 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.<sup>126</sup> A level over 0.50 is

considered to indicate severe income inequality and present significant risks to social stability.<sup>127</sup>

### *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.<sup>128</sup> Despite officially reported deaths from industrial accidents declining by 3.5 percent in 2013,<sup>129</sup> 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.<sup>130</sup> 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.<sup>131</sup> 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.<sup>132</sup> 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.<sup>133</sup>

Officially reported coal mine deaths declined in 2013 by 24.4 percent,<sup>134</sup> but human rights organizations suggested the actual number of deaths could be significantly higher due to under-reporting.<sup>135</sup> 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.<sup>136</sup> Chinese media also continued to report on cases in which mine managers and local officials concealed information about mine accidents.<sup>137</sup> During the same time period, the number of accidents and deaths that occurred in other resource extraction industries reportedly increased.<sup>138</sup>

Reports from labor NGOs and Chinese and international media continue to highlight workplace abuses and poor working conditions throughout China.<sup>139</sup> Low wages,<sup>140</sup> exposure to harmful substances,<sup>141</sup> and harsh management practices<sup>142</sup> 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.<sup>143</sup> 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.”<sup>144</sup> 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.<sup>145</sup> Labor advocates and academics attributed the deaths in part to overwork, stating that low wages encouraged workers to work overtime.<sup>146</sup>

*Occupational Health*

Many workers in China continue to face significant occupational health risks. Inadequate government supervision of industrial compliance with occupational health standards,<sup>147</sup> illegal practices by employers,<sup>148</sup> and a lack of training and knowledge among workers about health in the workplace<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup> Obtaining compensation for occupational disease remains a difficult and protracted process, particularly for those with pneumoconiosis.<sup>152</sup> 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.<sup>153</sup>

<b>Working Conditions at Foxconn Factories</b>
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<p>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),<sup>154</sup> a Taiwan-based multinational electronics manufacturer<sup>155</sup> and supplier for Apple.<sup>156</sup> 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.<sup>157</sup> 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.<sup>158</sup> 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.<sup>159</sup> Independent experts criticized the report for in part “ignor[ing] crucial reforms promised by Apple and Foxconn,” including wage increases and improving worker representation.<sup>160</sup> The report stated FLA expected “Apple will continue to monitor compliance at Foxconn,”<sup>161</sup> 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,<sup>162</sup> highlighting the continuing problems Apple faces in managing its supply chain in China.</p>
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**Notes to Section II—Worker Rights**

<sup>1</sup>The Network of Chinese Human Rights Defenders and a Coalition of NGOs, Report Submitted to the Committee on Economic, Social and Cultural Rights for Its Review at the 52nd Session of the Second Report by the People’s Republic of China on Its Implementation of the International Covenant on Economic, Social and Cultural Rights, April 2014, 4, para. 15.

<sup>2</sup>PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 9–12; Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], adopted 26 September 03, amended 21 October 08, arts. 9, 11.

<sup>3</sup>Ibid., arts. 4–6; Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], adopted 26 September 03, amended 21 October 08, General Principles.

<sup>4</sup>Chang Hong, “ACFTU Membership Reaches 280 Million, Minimum Wage Standards Annual Average Increase 12.6 Percent” [Quanguo gonghui huiyuan da 2.8 yi ren zuidi gongzi biao zhun nianjun tigao 12.6%], People’s Daily, 11 October 13. According to data published in January 2014 by the National Bureau of Statistics of China, there were 769.77 million employed persons (*jiuye ren yuan*) in China by the end of 2013. See National Bureau of Statistics of China, “2013 National Economic Development Steady for the Better” [2013 nian guomin jingji fazhan wen zhong xiang hao], 20 January 14.

<sup>5</sup>Bethany Allen-Ebrahimian, “The World’s Largest Union: ‘A Capitalist Running Dog,’” Foreign Policy, 23 April 14; Tom Mitchell and Demetri Sevastopulo, “China Labour Activism: Crossing the Line,” Financial Times, 7 May 14.

<sup>6</sup>Geoffrey Crothall, “In China, Labour Activism Is Waking Up,” South China Morning Post, 1 May 14; John Ruwitch, “Fired From Walmart, Mrs. Wang Is Now Gunning for China’s State Labor Union,” Reuters, 11 May 14.

<sup>7</sup>“Chairman of the All-China Federation of Trade Unions Li Jianguo: Firmly Grasp the Themes of the National Workers’ Movement” [Zhonghua quanguo zonggonghui zhuxi li jianguo: laolao bawo woguo gongren yundong de shidai zhuti], People’s Daily, 5 December 13; Chang Hong et al., “Li Jianguo: Advance Migrant Workers and Workers in Challenging Enterprises Fair Rights to Social Security” [Li jianguo: cujin nongmingong, kunnan qiye zhigong gongping xiangyou shehui baozheng], People’s Daily, 18 October 13.

<sup>8</sup>“Speech at All-China Model Worker Representative Forum” [Zai tong quanguo laodong mofan daibiao zuotan shi de jianghua], People’s Daily, 29 April 13.

<sup>9</sup>China Labour Bulletin, “Searching for the Union: The Workers’ Movement in China 2011–13,” February 2014, 38–40.

<sup>10</sup>Huang Dan, “Trade Union Offers Legal Aid to 20 Workers Sacked by IBM” [Gonghui wei 20 ming IBM bei chao yuangong tigong fa yuan], Southern Metropolitan Daily, 13 March 14; China Labour Bulletin, “Shenzhen Trade Union Seeks To Help Striking Workers Sacked by IBM,” 13 March 14.

<sup>11</sup>Ibid.

<sup>12</sup>China Labour Bulletin, “The Fast Emerging Labour Movement in China and Its Impact on the Country’s Future,” 6 September 13; Tom Mitchell and Demetri Sevastopulo, “China Labour Activism: Crossing the Line,” Financial Times, 7 May 14.

<sup>13</sup>Mimi Lau, “Fertile Ground for Labour Activism,” South China Morning Post, 2 May 14; “Douban Columnist Shangguan Luan Interview With Wang Jiansong: Most Important Channel To Remove Gap Between Intellectuals and Labor—Chinese Labor NGOs Present and Future” [Douban wang zhuanlan zuojia shangguan luan zhuanfang wang jiansong: datong zhishifenzi yu laogong gehe de zhongyao tongdao—zhongguo laogong NGO de dangxia yu weilai], Wang Jiansong Sina Blog, 20 May 14; Wang Jing, “Guangdong Labor Bill Puts HK Companies, Workers at Odds,” Caixin, 23 June 14.

<sup>14</sup>“Douban Columnist Shangguan Luan Interview With Wang Jiansong: Most Important Channel To Remove Gap Between Intellectuals and Labor—Chinese Labor NGOs Present and Future” [Douban wang zhuanlan zuojia shangguan luan zhuanfang wang jiansong: datong zhishifenzi yu laogong gehe de zhongyao tongdao—zhongguo laogong NGO de dangxia yu weilai], Wang Jiansong Sina Blog, 20 May 14; Ivan Franceschini, “Labour NGOs in China: A Real Force for Political Change?” China Quarterly, Vol. 218 (June 2014), 482–83.

<sup>15</sup>Geoffrey Crothall, “Striking Behavior: Chinese Workers Discover a Weapon Against Labour-Market Turmoil,” openDemocracy, 29 March 14; “Douban Columnist Shangguan Luan Interview With Wang Jiansong: Most Important Channel To Remove Gap Between Intellectuals and Labor—Chinese Labor NGOs Present and Future” [Douban wang zhuanlan zuojia shangguan luan zhuanfang wang jiansong: datong zhishifenzi yu laogong gehe de zhongyao tongdao—zhongguo laogong NGO de dangxia yu weilai], Wang Jiansong Sina Blog, 20 May 14.

<sup>16</sup>See, e.g., China Labour Bulletin, “The Making of a Labour Activist,” 14 November 13; China Labour Bulletin, “Playing Hardball: Workers Solidarity Forces Boss To Make Concessions,” 7 November 13; Mimi Lau, “Fertile Ground for Labour Activism,” South China Morning Post, 2 May 14.

<sup>17</sup>See, e.g., China Labour Bulletin, “The Making of a Labour Activist,” 14 November 13; China Labour Bulletin, “Playing Hardball: Workers Solidarity Forces Boss To Make Concessions,” 7 November 13.

<sup>18</sup>Dexter Roberts, “China’s Officials Muzzle Labor Activists,” Bloomberg Businessweek, 8 May 14; Mimi Lau, “Fertile Ground for Labour Activism,” South China Morning Post, 2 May 14.

<sup>19</sup>Ibid.

<sup>20</sup>Mimi Lau, “Fertile Ground for Labour Activism,” South China Morning Post, 2 May 14; Ivan Franceschini, “Labour NGOs in China: A Real Force for Political Change?” China Quarterly, Vol. 218 (June 2014), 482–84.

<sup>21</sup>“Assisting Striking Workers at Dongguan Yue Yuen in Rights Defense, Two Labor Organization Staff ‘Go Missing,’” [Zhu dongguan yu yuan gongren bagong weiquan liang laogong zuzhi chengyuan “bei shizong”], Radio Free Asia, 23 April 14; Rights Defense Network, “Shenzhen Labor Organization Staff Taken Away by Police in Dongguan” [Shenzhen laogong zuzhi yuangong zai dongguan bei jingfang daizou], 13 April 14. For more information on the detention of Lin Dong, see the Commission’s Political Prisoner Database record 2014-00171.

<sup>22</sup>“Assisting Striking Workers at Dongguan Yue Yuen in Rights Defense, Two Labor Organization Staff ‘Go Missing,’” [Zhu dongguan yu yuan gongren bagong weiquan liang laogong zuzhi chengyuan “bei shizong”], Radio Free Asia, 23 April 14; “Chinese Shoe Strike Activist Held on Public Order Charges,” Radio Free Asia, 30 April 14.

<sup>23</sup> Hong Kong Federation of Trade Unions, Submission to the Committee on Economic, Social and Cultural Rights (CESCR) on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in the Hong Kong Special Administrative Region (HKSAR) and the Mainland, China, March 2014; Chris King-Chi Chan and Elaine Sio-ying Hui, “The Development of Collective Bargaining in China: From ‘Collective Bargaining by Riot’ to ‘Party State-Led Wage Bargaining,’” *China Quarterly*, Vol. 217 (March 2014), 226.

<sup>24</sup> Hong Kong Federation of Trade Unions, Submission to the Committee on Economic, Social and Cultural Rights (CESCR) on the Implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in the Hong Kong Special Administrative Region (HKSAR) and the Mainland, China, March 2014.

<sup>25</sup> “Zhang Jianguo: Status and Purpose of Constructing a Collective Consultation System in Deepening Reform” [Zhang jianguo: jiti xieshang zhidu jianshe zai shenhua gaige zhong de diwei zuoyong], *Workers’ Daily*, 22 April 14; Wang Jiaoping et al., “Labor Capital Collective Consultations Three Year Work Plan Mission Complete” [Gongzi jiti xieshang gongzuo san nian guihua renwu wancheng], All-China Federation of Trade Unions, 25 December 13.

<sup>26</sup> Ministry of Human Resources and Social Security, Notice Regarding Promoting Implementation of Collective Contract System Attack Plan [Guanyu tuijin shishi jiti hetong zhidu gongjian jihua de tongzhi], 14 April 14.

<sup>27</sup> Mimi Lau, “Guangdong Collective Bargaining Proposal Seen as Bellwether for China,” *South China Morning Post*, 6 July 14; Wang Jing, “Wrestling With Collective Labor Consultations” [Jueli laogong jiti xieshang], *Caixin*, 16 June 14; Wang Jing, “Guangdong Labor Bill Puts HK Companies, Workers at Odds,” *Caixin*, 23 June 14.

<sup>28</sup> Wang Jing, “Guangdong Labor Bill Puts HK Companies, Workers at Odds,” *Caixin*, 23 June 14; Wang Jing, “Wrestling With Collective Labor Consultations” [Jueli laogong jiti xieshang], *Caixin*, 16 June 14.

<sup>29</sup> *Ibid.*

<sup>30</sup> Wang Jing, “Wrestling With Collective Labor Consultations” [Jueli laogong jiti xieshang], *Caixin*, 16 June 14; Chris King-Chi Chan and Elaine Sio-ying Hui, “The Development of Collective Bargaining in China: From ‘Collective Bargaining by Riot’ to ‘Party State-Led Wage Bargaining,’” *China Quarterly*, Vol. 217 (March 2014), 226–27.

<sup>31</sup> Chris King-Chi Chan and Elaine Sio-ying Hui, “The Development of Collective Bargaining in China: From ‘Collective Bargaining by Riot’ to ‘Party State-Led Wage Bargaining,’” *China Quarterly*, Vol. 217 (March 2014), 227.

<sup>32</sup> *Ibid.*, 226.

<sup>33</sup> *Ibid.*

<sup>34</sup> China Labour Bulletin, “Protecting Workers’ Representatives,” 7 December 12. See also “Detention of Labor Representative Highlights Challenges for Collective Bargaining in China,” Congressional-Executive Commission on China, 20 December 13.

<sup>35</sup> “Worker Representative Faces Criminal Responsibility, 10 Labor Organizations Issue Joint Protest Declaration” [Gongren daibiao mianlin xingze shi laogong zuzhi lianshu kangyi], *Radio Free Asia*, 26 September 13. See also “Detention of Labor Representative Highlights Challenges for Collective Bargaining in China,” Congressional-Executive Commission on China, 20 December 13. For additional information on Wu Guijun’s case, see the Commission’s Political Prisoner Database record 2013-00316.

<sup>36</sup> China Labour Bulletin, “Public Outcry Grows Over Shenzhen Labour Activist’s Five Month Detention,” 18 October 13. See also “Detention of Labor Representative Highlights Challenges for Collective Bargaining in China,” Congressional-Executive Commission on China, 20 December 13. For additional information on Wu Guijun’s case, see the Commission’s Political Prisoner Database record 2013-00316.

<sup>37</sup> China Labour Bulletin, “Third Hearing in Trial of Labour Activist Wu Guijun Gets Underway in Shenzhen,” 13 May 14; China Labour Bulletin, “Shenzhen Authorities Drop Charges Against Labour Activist Wu Guijun,” 9 June 14. For additional information on Wu Guijun’s case, see the Commission’s Political Prisoner Database record 2013-00316.

<sup>38</sup> “Beiguo: Labor Leader Wu Guijun, Imprisoned Under Stability Maintenance, Finally Obtains State Compensation” [Beiguo: laogong lingxiu wu guijun bei weiben ruyu zhong huo guojia peichang], *New Citizens’ Movement*, 11 August 14.

<sup>39</sup> Wang Jing, “Expert Lawyers Recommend Revising ‘Trade Union Law’ Article” [Zhuanjia lushi jianyi xiugai gonghui fa tiaokuan], *Caixin*, 23 May 14.

<sup>40</sup> *Ibid.*

<sup>41</sup> China Labour Bulletin, “Searching for the Union: The Workers’ Movement in China 2011–13,” February 2014, chaps. 2–3, 17, 25–31; Geoffrey Crothall, “Striking Behaviour: Chinese Workers Discover a Weapon Against Labour-Market Turmoil,” *openDemocracy*, 29 March 14; Alexandra Harney, “China’s Workforce: Smaller, More Savvy, More Restive,” *Reuters*, 17 April 14.

<sup>42</sup> See, e.g., “Several Hundred Workers at Lutianhua in Sichuan Block Roads Protesting Increased Work Hours Without Raise in Wages” [Sichuan lutianhua shubai gongren dudu 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” [Fushikang chongqing changfang jin bai gongren bagong], *Radio Free Asia*, 13 December 13.

<sup>43</sup> See, e.g., “Doctors, Nurses and Workers Suppressed for Petitioning for Wages” [Yihu, gongren shangfang tao xin jun shou zhenya], *Radio Free Asia*, 6 March 14; “China Steel Plant Halts as Workforce Protests Over Unpaid Wages,” *Radio Free Asia*, 16 September 13; “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 zhua da guangdong laoban paolu gongren dudu ren bei zhua], *Radio Free Asia*, 20 February 14.

<sup>44</sup>John Ruwitch, “China Strike Illustrates Shift in Labor Landscape,” *New York Times*, 10 March 14; *China Labour Bulletin*, “Searching for the Union: The Workers’ Movement in China 2011–13,” February 2014, chap. 1, 7–10.

<sup>45</sup>“Striking Chinese Workers Are a Headache for Nike, IBM, Secret Weapon for Beijing,” *Bloomberg*, 6 May 14; Tom Mitchell and Demetri Sevastopulo, “China Labour Activism: Crossing the Line,” *Financial Times*, 7 May 14; Alexandra Harney, “China’s Workforce: Smaller, More Savvy, More Restive,” *Reuters*, 17 April 14.

<sup>46</sup>“Striking Chinese Workers Are a Headache for Nike, IBM, Secret Weapon for Beijing,” *Bloomberg*, 6 May 14; Liyan Qi, “China To Offer Subsidies to Firms Hit by Overcapacity,” *Wall Street Journal*, 7 May 14; Wayne Ma and Chuin-Wei Yap, “First Up on the Reform Plans: Tackling Overcapacity,” *Wall Street Journal*, 15 November 13.

<sup>47</sup>See, e.g., “Week Long Strike at Towada Electronics Factory, Factory Management Issues Ultimatum” [Shihetian dianzi chang bagong yi zhou changfang fa zuihoutongdie], *Radio Free Asia*, 13 November 13; “Two Electronics Factories in Guangdong Strike, Over a Thousand Workers at Shenzhen Factory Participate” [Yue liang dianzi chang bagong shenzhen changfang guo qian ren canyu], *Radio Free Asia*, 31 October 13; “Electronics Factory To Close, Two Thousand Workers Strike for Compensation” [Dianzi chang jiang jieye liang qian gongren zheng peichang bagong], *Radio Free Asia*, 25 February 14.

<sup>48</sup>See, e.g., “Over a Thousand Workers Strike, Dissatisfied With Benefits Reduction” [Qian duo gongren bagong buman fulli bei xue], *Radio Free Asia*, 2 December 13; “Two Large Scale Factories in Shenzhen Troubled by Strikes” [Shenzhen liang daxing gongchang nao gong chao], *Radio Free Asia*, 15 November 13; “Two Thousand Workers Strike at Japanese-Financed Dongguan Electronics Factory Protesting Salary Deductions” [Dongguan ri zi dianzi chang liang qian gongren bagong kangyi kou xin], *Radio Free Asia*, 18 September 13.

<sup>49</sup>“Striking Chinese Workers Are Headache for Nike, IBM, Secret Weapon for Beijing,” *Bloomberg*, 6 May 14; John Ruwitch, “China Strike Illustrates Shift in Labor Landscape,” *Reuters*, reprinted in *New York Times*, 10 March 14; Geoffrey Crothall, “In China, Labour Activism Is Waking Up,” *South China Morning Post*, 1 May 14.

<sup>50</sup>*China Labour Bulletin*, “Searching for the Union: The Workers’ Movement in China 2011–13,” February 2014, 46; Alexandra Harney, “China’s Workforce: Smaller, More Savvy, More Restive,” *Reuters*, 17 April 14; Zhang Yiwei, “Wave of Strikes Shows Neglect of Labor Rights,” *Global Times*, 22 April 14.

<sup>51</sup>Dan Levin, “Plying Social Media, Chinese Workers Grow Bolder in Exerting Clout,” *New York Times*, 2 May 14.

<sup>52</sup>Zhang Yiwei, “Wave of Strikes Shows Neglect of Labor Rights,” *Global Times*, 22 April 14; Geoffrey Crothall, “Striking Behavior: Chinese Workers Discover a Weapon Against Labour-Market Turmoil,” *openDemocracy*, 29 March 14.

<sup>53</sup>Dan Levin, “Plying Social Media, Chinese Workers Grow Bolder in Exerting Clout,” *New York Times*, 2 May 14.

<sup>54</sup>“Striking Chinese Workers Are Headache for Nike, IBM, Secret Weapon for Beijing,” *Bloomberg*, 6 May 14; *China Labour Bulletin*, “Searching for the Union: The Workers’ Movement in China 2011–13,” February 2014, chap. 4, 32–33.

<sup>55</sup>See, e.g., “Construction Contractor Owes 5 Million in Back Wages, Dozens of Workers Demanding Salaries Encounter Stability Maintenance” [Jianzhu chengbaoshang qianxin wu baiwan shu shi ming gongren tao xin zao weiben], *Radio Free Asia*, 16 January 14; “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 zhua da guangdong laoban paolu gongren dulu 40 ren bei zhua], *Radio Free Asia*, 20 February 14.

<sup>56</sup>Alexandra Harney, “China’s Workforce: Smaller, More Savvy, More Restive,” *Reuters*, 17 April 14.

<sup>57</sup>“12 Guangzhou Rights Defense Workers Are Collectively Arrested by Authorities, Citizen Watch Group in Guo Feixiong Case Calls Again for His Release” [Guangzhou 12 ming weiquan gongren zao dangju jiti daibu guo feixiong an gongmin guan cha tuan fasheng zai huyu fang ren], *Radio Free Asia*, 3 October 13; *China Labour Bulletin*, “Hospital Security Guards Detained for 50 Days After Staging Protest,” 8 October 13. For more information on the 12 security guards and their cases, see the following records in the Commission’s Political Prisoner Database: 2014-00026 on Meng Han; 2014-00027 on Ou Guanglong; 2014-00028 on Ma Qing; 2014-00029 on He Tao; 2014-00030 on Hu Zhihui; 2014-00031 on Gu Dalu; 2014-00032 on Zhang Ke; 2014-00033 on Zhong Rujiao; 2014-00034 on Li Bin; 2014-00035 on Yang Yanguang; 2014-00036 on Chen Tao; and 2014-00037 on Zheng Jianfeng.

<sup>58</sup>“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 ming gongyou bei panxing], *New Citizens Movement*, 15 April 14. For more information on the 12 security guards and their cases, see the following records in the Commission’s Political Prisoner Database: 2014-00026 on Meng Han; 2014-00027 on Ou Guanglong; 2014-00028 on Ma Qing; 2014-00029 on He Tao; 2014-00030 on Hu Zhihui; 2014-00031 on Gu Dalu; 2014-00032 on Zhang Ke; 2014-00033 on Zhong Rujiao; 2014-00034 on Li Bin; 2014-00035 on Yang Yanguang; 2014-00036 on Chen Tao; and 2014-00037 on Zheng Jianfeng.

<sup>59</sup>*China Labour Bulletin*, “Several Guangzhou Hospital Security Guards Vow To Appeal Jail Sentences,” 15 April 14.

<sup>60</sup>National Bureau of Statistics of China, “2013 Nationwide Migrant Worker Monitoring Survey Report of China” [2013 nian quanguo nongmingong jiance diaocha baogao], 12 May 14.

<sup>61</sup>*Ibid.*; “Investigation on Migrant Workers’ Integration Into Cities: Without Enough Points, Children Unable To Attend Public Primary Schools” [Nongmingong rongru chengshi diaocha: jifen buguo zinu wufa du gongban xiaoxue], *People’s Daily*, reprinted in *China News Service*, 8 December 13; Zhuang Pinghui, “Chinese Migrants Seek More Stability in New Homes,” *South China Morning Post*, 11 September 13.

<sup>62</sup>Huang Yueping, Beijing Yilian Labor Legal Aid and Research Center, “When Will Migrant Workers Circle Around the ‘China Dream?’” [Nongmingong heshi yuan shang “zhongguo meng”], 13 September 13; Amnesty International, China: Submission to the UN Committee on Economic, Social and Cultural Rights, 52nd Session, May 2014, ASA 17/014/2014, March 2014, chaps. 1.3, 7.

<sup>63</sup>Amnesty International, China: Submission to the UN Committee on Economic, Social and Cultural Rights, 52nd Session, May 2014, ASA 17/014/2014, March 2014, chaps. 1.3, 7; Dexter Roberts, “China’s Migrant Workers Want Their Children,” Bloomberg Businessweek, 10 January 14.

<sup>64</sup>Ibid.

<sup>65</sup>National Bureau of Statistics of China, 2013 Nationwide Migrant Worker Monitoring Survey Report [2013 nian quanguo nongmingong jiance diaocha baogao], 12 May 14.

<sup>66</sup>Ibid.

<sup>67</sup>“Labor Dispatch and Labor Agencies” [Laowu paiqian yu laowu zhongjie], Jilin Worker News, reprinted in China Trade Union Net, 12 March 14.

<sup>68</sup>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], issued 29 June 07, effective 1 January 08, amended 28 December 12, art. 66.

<sup>69</sup>China Labour Bulletin, “Labour Rights Groups and Workers Call for Action on China’s Employment Agencies,” 10 September 13; Lin Jia, “‘Fixed Definition + Fixed Quantity’ Will Limit Misuse of Labor Dispatch” [“Dingxing + dingliang” ezhi laowu paiqian lanyong], Workers’ Daily, 27 January 14.

<sup>70</sup>Sources citing data from the All-China Federation of Trade Unions in 2011 report the total number of dispatch workers in China was 37 million; however, other reports provide estimates that range between 10 million and 60 million. See Zhang Zhilong et al., “Xinhua Viewpoint: Labor Dispatch Personnel’s ‘Equal Pay for Unequal Work’ Problem Draws Concern” [Xinhua shidian: laowu paiqian renyuan “tonggong bu tongchou” wenti yin guanzhu], Xinhua, 16 January 13; Mary Gallagher et al., “China’s 2008 Labor Contract Law: Implementation and Implications for China’s Workers.” World Bank, Policy Research Working Paper 6542, July 2013, 16; China Labour Bulletin, “Labour Rights Groups and Workers Call for Action on China’s Employment Agencies,” 10 September 13.

<sup>71</sup>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 daibiao dahui changwuweiyuanhui guanyu xiugai “zhonghua renmin gongheguo laodong hetong fa” de jue ding], issued 28 December 12, effective 1 July 13; CECC, 2013 Annual Report, 10 October 13, 71–72.

<sup>72</sup>National People’s Congress, Decision of the Standing Committee of the National People’s Congress Regarding Amendments to “PRC Labor Contract Law” [Quanguo renmin daibiao dahui changwuweiyuanhui guanyu xiugai “zhonghua renmin gongheguo laodong hetong fa” de jue ding], issued 28 December 12, effective 1 July 13, arts. 57, 63, 66.

<sup>73</sup>Jiang Gang et al., “To Evade New Regulations, Enterprises Have Hundreds of Tricks, Equal Pay for Equal Work Becomes ‘A Right on Paper’” [Guibi xin gui qiye huayang bai chu tonggong tongchou cheng “zhi shang quanli”], China Comment, reprinted in China News Service, 1 November 13; Wang Weijian et al., “How To Use ‘Temporary Workers’ Is a Big Headache for Work Units” [“Linshigong” za yong, danwei hen touteng], People’s Daily, 6 May 14.

<sup>74</sup>Ibid.

<sup>75</sup>Jiang Gang et al., “To Evade New Regulations, Enterprises Have Hundreds of Tricks, Equal Pay for Equal Work Becomes ‘A Right on Paper’” [Guibi xin gui qiye huayang bai chu tonggong tongchou cheng “zhi shang quanli”], China Comment, reprinted in China News Service, 1 November 13.

<sup>76</sup>Ibid.

<sup>77</sup>Ministry of Human Resources and Social Security, Interim Provisions on Labor Dispatch [Laowu paiqian zanzing guiding], issued 26 January 14, effective 1 March 14.

<sup>78</sup>“‘Fixed Definition + Fixed Quantity’ Will Limit Misuse of Labor Dispatch” [“Dingxing + dingliang” ezhi laowu paiqian lanyong], Workers’ Daily, 27 January 14.

<sup>79</sup>Ministry of Human Resources and Social Security, Interim Provisions on Labor Dispatch [Laowu paiqian zanzing guiding], issued 26 January 14, effective 1 March 14, arts. 5–7, 12–17.

<sup>80</sup>Ibid., arts. 9, 18–19.

<sup>81</sup>Ibid., art. 10.

<sup>82</sup>Ibid., art. 4.

<sup>83</sup>Ibid., art. 28.

<sup>84</sup>Li Peike, “Standardizing Labor Dispatch Depends on Strength of Enforcement” [Guifan laowu paiqian guanjian hai yaokan zhixingli], Lanzhou Daily, 13 May 14; Cao Yongquan, “[Exploring the Labor Movement] Analysis of Highlights and Effects of the Interim Provisions on Labor Dispatch” [“Gongyun tantao” qianxi “laowu paiqian zhanxing guiding” de liangdian ji qi yingxiang], Workers’ Daily, 18 March 14; Jin Yanming, “Dispatch Labor Not To Exceed 10 Percent Overall” [Paiqian yonggong bude chao zongliang 10%], Southern Daily, 5 March 14.

<sup>85</sup>Jin Yanming, “Dispatch Labor Not To Exceed 10 Percent Overall” [Paiqian yonggong bude chao zongliang 10%], Southern Daily, 5 March 14.

<sup>86</sup>ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment, 26 June 73; ILO Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 17 June 99; International Labour Organization, “Ratifications of C138—Minimum Age Convention, 1973 (No. 138),” last visited 16 July 14; International Labour Organization, “Ratifications of C182—Worst Forms of Child Labour Convention, 1999 (No. 182),” last visited 16 July 14.

<sup>87</sup>PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, amended 10 October 01, arts. 15, 94. Article 15 of the PRC Labor Law prohibits an

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 [Jinzhì shiyong tonggong guiding], issued 1 October 02, effective 1 December 02.

<sup>88</sup>International Labour Organization, “Observation (CEACR)—C138—Minimum Age Convention, 1973 (No. 138)—China,” adopted 2010, published 100th ILC Session 2011.

<sup>89</sup>“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], Southern Weekend, 21 January 14; “18 Child Laborers Discovered in Rented Room in Taizhou, Zhejiang, Youngest Is 10 Years Old” [Zhejiang taizhou yi chuzu wu nei xian 18 ming tonggong zui xiao 10 sui], China Central Television, reprinted in Sohu, 4 April 14.

<sup>90</sup>“15 Year Old Child Worker at Taiwanese Subcontractor Factory in Shanghai for Apple Dies of Illness, 4 Deaths in Half a Year Point to Overwork as Main Cause” [Hu pingguo taizi daigongchang 15 sui tonggong bingshi bannian 4 si guolao bei zhi zhuyin], Radio Free Asia, 13 December 13.

<sup>91</sup>“A Factory in Shenzhen Employs Large Number of 12-Year-Old Girls” [Shenzhen yi gongchang guiyong daliang 12 sui nutong], Radio Free Asia, 31 December 13; “18 Child Laborers Discovered in Rented Room in Taizhou, Zhejiang, Youngest Is 10 Years Old” [Zhejiang taizhou yi chuzu wu nei xian 18 ming tonggong zui xiao 10 sui], China Central Television, reprinted in Sohu, 4 April 14.

<sup>92</sup>“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], Southern Weekend, 21 January 14; “A Factory in Shenzhen Employs Large Number of 12 Year Old Girls” [Shenzhen yi gongchang guiyong daliang 12 sui nutong], 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.

<sup>93</sup>China Labour Bulletin, “Chinese Media Uncovers Another Case of Child Labour Trafficking in Shenzhen,” 30 December 13.

<sup>94</sup>Ibid.

<sup>95</sup>State Council, Provisions on Prohibiting the Use of Child Labor [Jinzhì shiyong tonggong guiding], issued 1 October 02, effective 1 December 02, art. 13.

<sup>96</sup>PRC Education Law [Zhonghua renmin gongheguo jiaoyu fa], passed 18 March 95, effective 1 September 95, amended 27 August 09, art. 58.

<sup>97</sup>See, e.g., Sarah Mishkin, “Foxconn Admits Student Intern Labour Violations at China Plant,” Financial Times, 10 October 13; “Foshan 16 Year Old Vocational Student Dies From Overwork in Forced Internship” [Foshan 16 sui zhongzhuansheng bei qiangpo shixi guolao si], Radio Free Asia, 8 October 13.

<sup>98</sup>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-à-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 children and young persons undergo vocational orientation and training within undertakings, training institutions and schools for vocation or technical education and to formulate standards for their protection and development.” See International Labour Organization (ILO), 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 Labor 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 exaction of work or service within the definition of ‘forced or compulsory labor.’”

<sup>99</sup>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. 2.2(c); International Labour Organization, Convention concerning the Abolition of Forced Labour (No. 105), adopted by 40th ILC Session, 25 June 57, entry into force 17 January 59, art. 1. Article 2.2(c) of the Convention concerning Forced or Compulsory Labour allows for “any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations.”

<sup>100</sup>See, e.g., Asia Catalyst, “‘Custody and Education’: Arbitrary Detention for Female Sex Workers in China,” December 2013, 8, 20, 25–27; Amnesty International, China: Submission to the UN Committee on Economic, Social and Cultural Rights, 52nd Session, May 2014, ASA 17/014/2014, March 2014, 5–6.

<sup>101</sup>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. 2.2(c).

<sup>102</sup>See, e.g., “China Has Many Forms of Arbitrary Detention, Lawyers Say,” Radio Free Asia, 19 November 13; Amnesty International, China: Submission to the UN Committee on Economic, Social and Cultural Rights, 52nd Session, May 2014, ASA 17/014/2014, March 2014, 5–6.

<sup>103</sup>International Labour Organization, Convention concerning the Abolition of Forced Labour (No. 105), adopted by 40th ILC Session, 25 June 57, entry into force 17 January 59, art. 1(a).

<sup>104</sup>Amnesty International, China: Submission to the UN Committee on Economic, Social and Cultural Rights, 52nd Session, May 2014, ASA 17/014/2014, March 2014, 6.

<sup>105</sup>International Labour Organization, Convention concerning the Abolition of Forced Labour (No. 105), adopted by 40th ILC Session, 25 June 57, entry into force 17 January 59, art. 1(b). 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.

<sup>106</sup>Frank Langfitt, “U.S. Teacher: I Did Seven Months of Forced Labor in a Chinese Jail,” National Public Radio, 29 May 14.

<sup>107</sup>Ibid.

<sup>108</sup>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.

<sup>109</sup>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 falu guiding de jue ding], issued and effective, 28 December 13.

<sup>110</sup>“Prospects for Reforming China’s Reeducation Through Labor System,” Congressional-Executive Commission on China, 9 May 13, 2–3, 4, 6; John Dotson and Teresa Vanfleet, U.S.-China Economic and Security Review Commission, “Prison Labor Exports From China and Implications for U.S. Policy,” 9 July 14, 5.

<sup>111</sup>Amnesty International, “Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 5; Human Rights Watch, “China: Fully Abolish Re-Education Through Labor,” 8 January 13; Chinese Human Rights Defenders, “[CHRB] Lawyers Warn Against Other Forms of Arbitrary Detention To Replace RTL (11/14–11/20, 2013),” 21 November 13; Rights Defense Network, “Statement of Chinese Lawyers for the Protection of Human Rights on Issues Related to the Abolition of the Re-education Through Labor System” [Zhongguo baozhang renquan lushituan lushi dui laojiao zhidu feizhi xiangguan wenti de shengming], 19 November 13.

<sup>112</sup>Amnesty International, “Changing the Soup but Not the Medicine?: Abolishing Re-Education Through Labour in China,” ASA 17/042/2013, 17 December 13, 8–9, 39–41; Chinese Human Rights Defenders, “A Nightmarish Year Under Xi Jinping’s ‘Chinese Dream’: 2013 Annual Report on the Situation of Human Rights Defenders in China,” March 2014, 4–5, 7–8; Amnesty International, “China: Submission to the UN Committee on Economic, Social and Cultural Rights, 52nd Session, May 2014,” ASA 17/014/2014, March 2014, 5–6.

<sup>113</sup>Frank Langfitt, “U.S. Teacher: I Did Seven Months of Forced Labor in a Chinese Jail,” National Public Radio, 29 May 14; U.S. Department of Labor, List of Goods Produced by Child Labor or Forced Labor, last visited 26 August 14; Lisa Murray and Angus Grigg, “Qantas in China Prison Labour Row,” Australian Financial Review, 26 June 13; Frank Langfitt, “Ex-Inmates Speak Out About Labor Camps as China Considers ‘Reforms,’” National Public Radio, 22 February 13.

<sup>114</sup>See, e.g., Frank Langfitt, “U.S. Teacher: I Did Seven Months of Forced Labor in a Chinese Jail,” National Public Radio, 29 May 14; John Dotson and Teresa Vanfleet, U.S.-China Economic and Security Review Commission, “Prison Labor Exports From China and Implications for U.S. Policy,” 9 July 14, 7–10.

<sup>115</sup>Memorandum of Understanding Between the United States of America and the People’s Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, effective 7 August 92; Statement of Cooperation on the Implementation of the Memorandum of Understanding Between the United States of America and the People’s Republic of China on Prohibiting Import and Export Trade in Prison Labor Products, 14 March 94.

<sup>116</sup>Shujie Leng, “Made in China—But Was It Made in a Prison?” National Public Radio, 29 March 14; John Dotson and Teresa Vanfleet, U.S.-China Economic and Security Review Commission, “Prison Labor Exports From China and Implications for U.S. Policy,” 9 July 14, 5–6, 11–12.

<sup>117</sup>See, e.g., Frank Langfitt, “U.S. Teacher: I Did Seven Months of Forced Labor in a Chinese Jail,” National Public Radio, 29 May 14.

<sup>118</sup>China Labour Bulletin, “Wages in China,” last visited 8 July 14.

<sup>119</sup>Julie Zhu, “Is the Manufacturing Industry Withdrawing From the Pearl River Delta?” [Zhizaoye chili zhushanjiao?], Financial Times, 7 February 14; Qiu Yue, “Number of Areas Facing ‘Labor Shortage’ Following Holiday, Where Have All the ‘Migrant Workers’ Gone?” [Duo di jie hou yu “yonggong huang” “nongmingong” dou qu naer le?], Guangming Daily, reprinted in Xinhua, 22 February 14; Wang Huiyu et al., “In Many Provinces Cheap Labor Is Increasingly Difficult To Obtain, Turning Point Is Forcing Transformation and Upgrade” [Duo sheng lianjia laoli huoque yuelaiyue nan guadian daolai dao bi zhuangxing shengji], Economic Information News, reprinted in China News Service, 5 November 13.

<sup>120</sup>State Council, Plan on Employment Promotion (2011–2015) [Cujin jiuye guihua (2011–2015 nian)], 24 January 12.

<sup>121</sup>Li Tangning and Zhou Rui, “9 Provinces and Cities Raise Minimum Wage Standards 13 Percent” [9 sheng shi shangtiao zuidi gongzi biaozhun zhang 13%], *Economic Information News*, 22 April 14.

<sup>122</sup>China Labour Bulletin, “Wages in China,” last visited 8 July 14; Li Tangning and Zhou Rui, “9 Provinces and Cities Raise Minimum Wage Standards 13 Percent” [9 sheng shi shangtiao zuidi gongzi biaozhun zhang 13%], *Economic Information News*, 22 April 14; “26 Provinces Raise Minimum Wage Levels by Average of 18 Percent, Basically in Line With 2012” [26 sheng tiao zuidi gongzi biaozhun pingjun zeng 18% yu 2012 nian jiben chiping], *China News*, 15 January 14.

<sup>123</sup>China Labour Bulletin, “Wages in China,” last visited 8 July 14; China Labour Bulletin, “Real Wages for China’s Migrant Workers Stagnate as Cost of Living Escalates,” 14 May 14.

<sup>124</sup>*Ibid.*

<sup>125</sup>China Labour Bulletin, “Wages in China,” last visited 8 July 14.

<sup>126</sup>National Bureau of Statistics of China, “2013 National Economy Developing Steadily for the Better” [2013 nian guomin jingji fazhan wen zhong xiang hao], 20 January 14; “Income Inequality Now Greater in China Than in US,” *University of Michigan News*, 28 April 14. See also Yu Xie and Xiang Zhou, “Income Inequality in Today’s China,” *Proceedings of the National Academy of Sciences*, Vol. 111, No. 19, 13 May 14.

<sup>127</sup>Lorraine Woellert and Sharon Chen, “China’s Income Inequality Surpasses U.S., Posing Risk for Xi,” *Bloomberg*, 29 April 14.

<sup>128</sup>See, e.g., Chen Weiwei, “State Administration of Work Safety: Comparatively More Accidents Last Year at Central Enterprises Reveals Many Problems” [An jian zongju: qunian yangqi shigu jiao duo baolu zhuduo wenti], *Xinhua*, 9 January 14; China Labour Bulletin, “Factory Bosses Detained After Explosion at Jiangsu Auto Plant Kills 69,” 3 August 14; Shannon Van Sant, “China Factory Blasts Highlight Gaps in Workplace Safety,” *Voice of America*, 4 August 14.

<sup>129</sup>State Administration of Work Safety, “2013 National Work Safety Situation” [2013 nian quanguo anquan shangchan gongzuo qingkuang], 19 February 14.

<sup>130</sup>Chen Weiwei, “State Administration of Work Safety: Comparatively More Accidents Last Year at Central Enterprises Reveals Many Problems” [An jian zongju: qunian yangqi shigu jiao duo baolu zhuduo wenti], *Xinhua*, 9 January 14.

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

<sup>132</sup>*Ibid.*; Zhao Zhijiang, “Xinmin Evening News: Kunshan’s Pain ‘Mayor Weeps at the Scene’ Again Proving Importance of Safety” [Xinmin wanbao: kunshan zhi tong “shizhang danchang kuqi” zai zheng anquan zhi zhong], *Xinmin Evening News*, reprinted in *People’s Daily*, 4 August 14; China Labour Bulletin, “Activists Demand That Workers Be Given the Right To Supervise Workplace Safety,” 4 August 14.

<sup>133</sup>Wang Jing, “Labor Community Calls for Workers To Be Given Power To Supervise Production Safety” [Laogong jie huyu jiang anquan shengchan jiandu quan jiaogei gongren], *Caixin*, 4 August 14; China Labour Bulletin, “Activists Demand That Workers Be Given the Right To Supervise Workplace Safety,” 4 August 14.

<sup>134</sup>PRC Central Government, “2013 National Coal Mine Safety Production Achieves Three Substantial Declines” [2013 nian woguo meikuang anquan shengchan shixian san ge dafu xiajiang], 4 January 14.

<sup>135</sup>“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.

<sup>136</sup>Wang Yichen, “State Administration of Work Safety: Safe Production in Coal Mining Remains Key Problem To Tackle” [Guojia an jian zongju: meikuang reng shi anquan shengchan gongguan zhongdian], *Economic Daily*, reprinted in *China News Service*, 10 January 14.

<sup>137</sup>“China Reports Cover-Ups in Coal Mine Accidents,” *Xinhua*, reprinted in *Global Times*, 5 August 14.

<sup>138</sup>“Number of Non-Mining Accidents and Deaths Both Increase Last Year” [Qunian fei meikuangshan zhongda shigu qishu he siwangrenshu tongbi jun shangsheng], *China News Service*, 27 February 14.

<sup>139</sup>See, e.g., China Labor Watch, “Another Samsung Supplier Exploiting Child Labor: Investigation of Shinyang Electronic Co. Ltd. (Dongguan),” 10 July 14, 3, 14; Zhou Jing et al., “Tracing Fire at Shoe Factory: Hidden Dangers Amass Leading to Enormous Fire, Lack of Training Leads to Death of Many People by Smoke Inhalation” [Xie chang huozai zhuzhong: yinhuan ji chong tianda huo zhong fasheng que peixun duo ren jing bei xunsi], *Xinhua*, 15 January 14; “Frequent News of Deaths at Apple Subcontractors Suspected To Be Related to Working Environment” [Pingguo daigongchang pinchuan sixun yi yu gongzuo huanjing youguan], *Radio Free Asia*, 21 November 13.

<sup>140</sup>See, e.g., “Several Hundred Workers at Lutianhua in Sichuan Block Roads Protesting Increased Work Hours Without Raise in Wages” [Sichuan lutianhua shubai gongren dula kangyi gongshi zengjia daiyu wei tigao], *Radio Free Asia*, 10 February 14; Amy Li, “Guangzhou Bank Security Van Workers End Strike After Management Agrees To Pay Deal,” *South China Morning Post*, 12 February 14; Sophie Stracke et al., DanWatch, “IT Workers Still Pay the Price for Cheap Computer: Case Study of Labour Conditions at 4 Dell Suppliers in China,” November 2013, 10–12.

<sup>141</sup>See, e.g., Sophie Stracke et al., DanWatch, “IT Workers Still Pay the Price for Cheap Computer: Case Study of Labour Conditions at 4 Dell Suppliers in China,” November 2013, 13–14; China Labour Bulletin, “Another Ammonia Leak at a Chinese Factory Claims 15 Lives,” 2 September 13; China Labor Watch, “Another Samsung Supplier Exploiting Child Labor: Investigation of Shinyang Electronic Co. Ltd. (Dongguan),” 10 July 14, 3, 14.

<sup>142</sup>See, e.g., “Workers in Dongguan Blocking Streets, Demanding Back Wages Suppressed” [Dongguan gongren dula tao xin zao daya], *Radio Free Asia*, 14 October 13; Sophie Stracke et al., DanWatch, “IT Workers Still Pay the Price for Cheap Computer: Case Study of Labour Con-

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<sup>143</sup> See, e.g., Shai Oster, “They’re Dying at Their Desks in China as Epidemic of Stress Proves Fatal,” Bloomberg, 30 June 14; Sarah Mishkin, “Overtime Work at Foxconn Still Beyond China’s Legal Limits,” Financial Times, 12 December 13; Yan Ying and Song Taowei, “Why Do Apple Subcontractor Workers Vie for Overtime? ‘Double Overtime’ Can Earn Two or Three Thousand More” [Pingguo daigongchang yuangong weihe zheng zhe jiaban? “shuangjia” neng duo na liang san qian], East Day, 16 December 13.

<sup>144</sup> Shai Oster, “They’re Dying at Their Desks in China as Epidemic of Stress Proves Fatal,” Bloomberg, 30 June 14.

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<sup>146</sup> Zheng Caixiong, “Syndrome Killing Young Workers in ‘World’s Factory,’” China Daily, reprinted in People’s Daily, 22 July 14; Andrea Chen, “Mystery as Hundreds of Young Chinese Workers Are Dying in Their Sleep,” South China Morning Post, 22 July 14.

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<sup>152</sup> Li Xiaocong and Xu Liuping, “A Majority of the 20,000 People Suffering With Occupational Disease in Our Province Lack Medical Certification” [Wosheng 2 wan zhiyebing ren daduo wu zhenduan shu], Jiangxi Morning Post, 12 August 14; Xiang Huilian, “Report States Over 80 Percent of Migrant Workers With Pneumoconiosis Unable To Obtain Compensation” [Baogao cheng chao ba cheng chenfeibing nongmingong wei huo peichang], Caixin, 7 July 14.

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<sup>154</sup> Fair Labor Association, “Final Foxconn Verification Status Report,” 12 December 13.

<sup>155</sup> “Profile: Foxconn Technology Co Ltd (2354.TW),” Reuters, last visited 8 September 14.

<sup>156</sup> Fair Labor Association, “Final Foxconn Verification Status Report,” 12 December 13, 1.

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*, 3.

<sup>159</sup> *Ibid.*

<sup>160</sup> Isaac Shapiro and Scott Nova, “Apple Fails To Deliver on Key Labor Rights Promises, but Company’s Chosen Labor Rights Monitor Finds Little Fault,” Economic Policy Institute (blog), 13 December 13.

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<sup>162</sup> See, e.g., Li Na, “Numerous Violations Again Exposed at Apple Subcontractor Factories: Low Wages and Long Work Hours” [Pingguo daigongchang zai bao duo xiang weigui: xinzi di gongzuo shijian chang], 21st Century Business Herald, 18 August 14; Neil Gough and Brian X. Chen, “Groups Accuse Apple Supplier in China of Labor Violations,” New York Times, 4 September 14; Yan Ying, “4 Workers at Apple Subcontractor Recently Died From Illness, Including One 15 Year Old; Pegatron’s Response: Problem With Hiring Child Labor Is in Examining Identification in Recruitment” [Pingguo daigongchang 4 ming yuangong yin bing zai jinqi siwang, qizhong yi ren jin 15 sui, heshuo keji huiying: tonggong yong wenti shenfenzheng tongguo zhao gong hechal], Shanghai Morning Post, 13 December 13.