

WORKER RIGHTS

Introduction

During the Commission's 2016 reporting year, Chinese law continued to restrict workers' rights to freely establish and join independent trade unions. Workers' right to collective bargaining remained limited, and Chinese law did not protect workers' right to strike. In the face of slowing economic growth, Chinese firms and government officials warned of impending layoffs in troubled sectors. Wages continued to rise in China, but workers faced slower wage growth. Chinese government officials and international observers reported a significant increase in worker actions such as strikes and protests, and the majority of these actions involved disputes over wage arrears. The situation of labor rights advocates and non-governmental organizations (NGOs) has worsened in recent years, particularly in Guangdong province, where authorities detained over a dozen labor rights advocates and NGO staff, arresting four. Labor abuses related to dispatch and intern labor, as well as workers above the retirement age, continued. According to government data, workplace accidents and deaths continued to decline, while reported cases of occupational illness increased. International observers continued to express concern regarding workplace safety in China.

Trade Unions

ALL-CHINA FEDERATION OF TRADE UNIONS

The All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.¹ The ACFTU constitution describes the ACFTU as a "mass organization"² under the leadership of the Chinese Communist Party and "an important social pillar of state power."³ This past year, leading union officials held concurrent positions in the Communist Party and government.⁴ For example, Li Jianguo, Chairman of the ACFTU, was also Vice Chairman of the National People's Congress Standing Committee and a member of the Communist Party Central Committee Political Bureau.⁵ Chinese labor advocates reported that local trade unions rarely stood up for workers' rights and interests.⁶ During the reporting year, investigations by international NGOs into 10 Chinese factories in Guangdong province found that many workers did not know whether or not their factory had a union.⁷ Restrictions on workers' rights to freely establish and join independent trade unions violate international standards set forth by the International Labour Organization (ILO),⁸ Universal Declaration of Human Rights,⁹ International Covenant on Civil and Political Rights,¹⁰ and International Covenant on Economic, Social and Cultural Rights.¹¹

COLLECTIVE BARGAINING

Workers' right to collective bargaining remains limited in law and in practice. Provisions in the PRC Labor Law, PRC Labor Contract Law, and PRC Trade Union Law provide a legal framework for negotiating collective contracts,¹² but these laws designate the

Party-controlled ACFTU as responsible for negotiating with employers and signing collective contracts on behalf of workers.¹³ The PRC Trade Union Law requires trade unions to “whole-heartedly serve workers”;¹⁴ in practice, however, the ACFTU and its lower level branches reportedly more often represented the interests of government or enterprises.¹⁵ At the enterprise level, union leaders were often company managers.¹⁶ One commentator at the ACFTU-affiliated Henan Workers’ Daily noted that many workers were indifferent to collective negotiations because they felt enterprise bosses ultimately determined the outcome.¹⁷ Restrictions on collective bargaining violate China’s obligations as a member of the ILO.¹⁸

Impact of Slower Economic Growth on China’s Workers

In 2015, China’s economy grew at its slowest rate in 25 years.¹⁹ According to the National Bureau of Statistics of China, China’s rate of GDP growth was 6.9 percent in 2015, compared to 7.4 percent in 2014 and 7.7 percent in 2013.²⁰ Some economists and other observers raised doubts regarding the accuracy of China’s economic data, suggesting GDP growth in 2015 may have been even slower.²¹ Slower growth has affected sectors of the economy unevenly,²² but economic indicators in 2016 suggested a declining growth rate overall.²³

UNEMPLOYMENT

In the face of slowing economic growth, Chinese firms and government officials warned of impending layoffs. At a February 2016 press conference, Minister of Human Resources and Social Security Yin Weimin predicted firms would need to lay off workers in the coming year due to overcapacity, saying that the coal and steel industries would likely lay off 1.8 million workers.²⁴ The director of China’s Employment Research Institute, Zeng Xiangquan, and others warned of additional layoffs, particularly in state-owned enterprises.²⁵ Major steel and coal enterprises announced plans for layoffs, and some workers in these industries had reportedly already lost their jobs in recent years.²⁶ Employment in manufacturing reportedly had declined for 25 consecutive months as of late 2015, with factories closing or relocating due to slowing economic growth and rising wages.²⁷ Service sector jobs increased in 2015, but these jobs reportedly paid less on average than manufacturing jobs.²⁸ In the annual work report to the National People’s Congress in March, Premier Li Keqiang pledged 100 billion yuan (US\$15 billion) in “rewards and subsidies” to assist workers laid off due to economic restructuring.²⁹ Some observers attributed government inaction on economic reforms to concerns that unemployment could contribute to instability.³⁰

Although the official urban unemployment rate at the end of 2015 was 4.05 percent,³¹ scholars and economists cautioned that official unemployment statistics did not accurately reflect realities in the labor market, arguing that the true unemployment rate was likely higher than the official figure.³² Yu Jianrong, Director of the Rural Development Institute of the Chinese Academy of Social Sciences, warned of “hidden unemployment,” meaning that many of

China's nominally employed workers were in reality unemployed or underemployed.³³ The 2010 PRC Social Insurance Law stipulated that workers and employers contribute to an unemployment insurance fund;³⁴ the National Bureau of Statistics of China, however, reported that as of late 2015, only around 22 percent of workers had unemployment insurance.³⁵

WAGES

Wages reportedly continued to rise overall during the reporting year, though workers faced slower wage growth, and in some cases stagnant or reduced wages. Average overall wage growth in 2015 reportedly was 8.4 percent, down from a peak of 11.6 percent in 2011.³⁶ In 2015, 27 provincial-level regions and the Shenzhen Special Economic Zone raised minimum wages, with an average increase of 14 percent.³⁷ This represented a smaller increase than the four previous years.³⁸ The government of Guangdong province, an industrial hub, announced it would not raise its minimum wage in 2016 or 2017.³⁹ Some workers in the steel and manufacturing sectors reported receiving lower wages.⁴⁰ The Ministry of Labor and the Vice President of the China Association for Labor Studies, Su Hainan, reportedly warned local governments to be cautious in raising minimum wages.⁴¹ In February 2015, Finance Minister Lou Jiwei argued that in recent years China's wages had grown faster than workers' productivity, making Chinese enterprises less competitive.⁴² Su Hainan responded in March that while wages had increased quickly in recent years, 10 to 20 years ago wage growth was slower than productivity growth.⁴³ National People's Congress delegate Zhang Xiaoqing argued that migrant workers' wages should increase further, saying recent increases had not kept up with rising prices.⁴⁴

SOCIAL INSURANCE

During the reporting year, workers' rates of social insurance coverage remained low,⁴⁵ and the central government called for lowering mandatory contribution rates for employers.⁴⁶ According to the PRC Social Insurance Law, workers are entitled to five forms of social insurance: basic pension insurance, medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance.⁴⁷ Under the law, employers and workers are required to contribute to basic pension, medical, and unemployment insurance; in addition, employers are required to contribute to work-related injury and maternity insurance on workers' behalf.⁴⁸ According to statistics from the Ministry of Human Resources and Social Security (MOHRSS), while workers' insurance coverage rates increased in 2015, they remained low, particularly among migrant workers.⁴⁹ For example, MOHRSS figures showed employment-based pension insurance coverage rates of approximately 46 percent for all workers, and 20 percent for migrant workers.⁵⁰ For work-related injury insurance, coverage rates were 28 percent for all workers and 3 percent for migrant workers.⁵¹ In addition to low levels of coverage, experts also noted that many migrants face difficulties transferring their social insurance benefits after moving to new jurisdictions.⁵² During the reporting year, the central government called on local governments to reduce social insurance costs

for employers by gradually lowering contribution rates,⁵³ and as of June 2016, at least 16 province-level jurisdictions reportedly had done so.⁵⁴

Worker Actions

Chinese government officials and international observers reported a significant increase in worker actions such as strikes and protests during the reporting year.⁵⁵ In a December 2015 article in the Party-run People's Daily, Minister of Human Resources and Social Security Yin Weimin wrote that labor relations conflicts had become more prominent and more frequent.⁵⁶ The Hong Kong-based non-profit organization China Labour Bulletin (CLB),⁵⁷ which compiles data on worker actions gathered from traditional and social media,⁵⁸ reported increasing numbers of worker strikes and protests in 2015.⁵⁹ Although some of the observed increase may have been due to better data collection,⁶⁰ CLB documented 2,773 worker actions in 2015, more than double the total from 2014.⁶¹

During 2015, a majority of worker actions reportedly involved disputes over wage arrears. According to CLB data, wage arrears-related worker actions accounted for 76 percent of all strikes and protests in 2015, compared to 52 percent in 2014 and 25 percent in 2013.⁶² People's Daily reported 11,007 "sudden incidents" (*tufa shijian*)⁶³ regarding migrant workers' wage arrears in the third quarter of 2015, a 34-percent increase from the third quarter of 2014.⁶⁴ The Wickedonna blog, which, until authorities detained its administrators, collected information on protests in China,⁶⁵ documented 9,107 wage arrears-related protests—the single biggest cause of protests in China in 2015—accounting for 31.5 percent of all protests documented on their website.⁶⁶ According to commentary in People's Daily, wage arrears were a common problem for migrant workers.⁶⁷

According to CLB, worker actions related to layoffs, though far fewer, reportedly increased in 2015, accounting for 6 percent of worker actions, compared to 3 percent in 2014 and 1 percent in 2013.⁶⁸ The proportion of worker actions over unpaid social insurance contributions decreased slightly in 2015, accounting for 6 percent of worker actions compared to 8 percent in 2014 and 7 percent in 2013.⁶⁹ The Wickedonna blog documented 193 protests demanding unemployment compensation and 101 protests over unpaid social insurance benefits.⁷⁰

CLB data showed that the proportion of worker actions in the manufacturing sector decreased in 2015 compared to previous years, while the proportion of worker actions in construction increased significantly in both 2014 and 2015.⁷¹ The Wickedonna blog similarly reported that construction workers' protests accounted for the largest number of worker protests.⁷² According to the State Council, wage arrears are a notable problem within the construction sector.⁷³

WORKER STRIKES AND PROTESTS, 2013 TO 2015⁷⁴

Year	Total	Involving Wage Arrears	Involving Layoffs	Involving Social Insurance	Manufacturing Sector	Construction Sector
2013	656	161 (25%)	8 (1%)	49 (8%)	280 (43%)	20 (3%)
2014	1,379	719 (52%)	47 (3%)	110 (8%)	559 (41%)	256 (19%)
2015	2,773	2,108 (76%)	153 (6%)	158 (6%)	885 (32%)	993 (36%)

Source: China Labour Bulletin as of June 2016. Note that percentages indicate percentage of total worker actions for that year.

Government responses to worker strikes and protests were mixed. In some cases, worker actions resulted in local branches of the All-China Federation of Trade Unions (ACFTU) and governments offering support, compensation, or concessions to workers.⁷⁵ In other cases, however, local governments reportedly responded to worker actions by sending police, detaining protesters, and physically assaulting workers.⁷⁶ In one instance in March 2016, a court in Langzhong city, Nanchong municipality, Sichuan province, held a public sentencing “rally” for eight workers.⁷⁷ The court sentenced them to six to eight months in prison for their role in a protest over unpaid wages.⁷⁸ According to CLB data, in 2015, police responded to about 30 percent of all worker actions, and authorities detained participants in about 7 percent of all worker actions.⁷⁹ Chinese law does not protect workers’ right to strike, in violation of the International Covenant on Economic, Social and Cultural Rights.⁸⁰

Selected worker actions this past year included the following:

- **Shenzhen Special Economic Zone, Guangdong province.** In October 2015, the Shenzhen Fu Chang Electronic Technology Company (Fu Chang) shut down.⁸¹ Fu Chang issued a statement to workers and suppliers announcing its closure and citing legal and financial troubles but did not offer severance pay to laid-off workers.⁸² For several days, over 1,000 workers and suppliers reportedly gathered outside Fu Chang’s gates demanding compensation.⁸³ The Wall Street Journal reported that Fu Chang eventually offered some compensation to the workers, though some remained dissatisfied with the settlement.⁸⁴

- **Guangzhou municipality, Guangdong province.** In late September 2015, a labor dispatch agency providing sanitation workers to a local government informed its employees that they would be required to resign their positions and instead work in another district of Guangzhou.⁸⁵ The workers refused to resign without severance pay, and when the company ignored their demands, the workers gathered at the local garbage collection center in protest.⁸⁶ Local authorities organized negotiations between the company and the workers’ elected representatives.⁸⁷ The dispatch company agreed to give the workers severance pay, and the local government’s new contractor agreed to hire the sanitation workers under direct contracts rather than as dispatch laborers.⁸⁸ [For more information, see Dispatch Labor in this section.]

- **Shuangyashan municipality, Heilongjiang province.** On March 6, 2016, while discussing reforms to Heilongjiang’s largest state-owned enterprise, Longmay Group (Longmay),

Governor of Heilongjiang Lu Hao claimed Longmay had not missed wage payments to the coal mining company's 80,000 underground workers.⁸⁹ Beginning March 9, at least 1,000 workers across Shuangyashan protested for about six days, criticizing Lu Hao and demanding their unpaid wages.⁹⁰ Workers reported large wage cuts, and some said Longmay had not paid them for months.⁹¹ On March 13, Lu Hao admitted his mistake to Chinese media, and by March 15 Longmay reportedly began issuing some payments to workers.⁹² Following the protests, local authorities reportedly detained some of the participants, and international media reported a large police presence in Shuangyashan.⁹³

Civil Society

The situation of labor rights advocates and non-governmental organizations (NGOs) has worsened in recent years, particularly in Guangdong province, a manufacturing hub and home to many of China's labor NGOs.⁹⁴ The Financial Times reported in March 2015 that over 30 grassroots labor NGOs operated in the Pearl River Delta region of Guangdong.⁹⁵ These NGOs helped injured workers seek compensation, provided educational and other services to migrant workers, and trained workers in collective bargaining and defending their legal rights.⁹⁶ Authorities have long subjected labor NGOs to various forms of harassment,⁹⁷ but labor rights advocates reported increased pressure from authorities beginning in late 2014.⁹⁸ For example, labor NGO staff noted greater difficulties registering their organizations and increased restrictions on foreign funding.⁹⁹ Unidentified assailants beat labor advocates Zeng Feiyang in December 2014¹⁰⁰ and Peng Jiayong in April 2015.¹⁰¹

In December 2015, Guangdong authorities began a crackdown on labor NGO staff that domestic and international observers described as "unprecedented" and "more serious" than previous actions.¹⁰² [See box titled Detentions of Labor NGO Staff in Guangdong Province on next page.] Following the detention of staff from several labor NGOs in December 2015, Guangdong authorities reportedly threatened other labor NGO personnel with arrest, and many labor NGOs shut down.¹⁰³ Chinese rights advocates and international observers noted that government suppression of a wide range of rights advocacy groups has intensified in recent years.¹⁰⁴ The Chinese government's restrictions on labor NGOs contravene international standards on freedom of association, including Articles 20 and 23 of the Universal Declaration of Human Rights, Article 22 of the International Covenant on Civil and Political Rights, and Article 2(a) of the ILO Declaration on Fundamental Principles and Rights at Work.¹⁰⁵ [For more information on NGOs in China and the crackdown on rights advocacy groups, see Section III—Civil Society.]

Detentions of Labor NGO Staff in Guangdong Province

On December 3, 2015, public security officials in Guangzhou and Foshan municipalities detained at least 18 labor rights advocates affiliated with several labor NGOs.¹⁰⁶ According to the international advocacy NGO Rights Defense Network (RDN), local police criminally detained Zeng Feiyang, Zhu Xiaomei, He Xiaobo, Peng Jiayong, and Deng Xiaoming, and took Meng Han into custody.¹⁰⁷ Authorities also reportedly detained Tang Jian in Beijing municipality on December 4.¹⁰⁸ All seven were current or former employees of Guangdong-based labor NGOs.¹⁰⁹ As of January 8, 2016, procuratorates in Panyu district, Guangzhou, and Foshan had approved the arrests of Zeng, Zhu, and Meng for “gathering a crowd to disturb social order”¹¹⁰ and He for “embezzlement.”¹¹¹ Authorities released Deng and Peng on bail on January 9, Zhu on bail on February 1, and He on bail on April 7.¹¹² On January 31, Tang reportedly announced his release from detention via social media.¹¹³ By releasing Deng, Peng, Zhu, and He on bail (*qubao houshen* or “guarantee pending further investigation”), authorities may continue to restrict their freedom of movement, summon them for further questioning, and monitor them for up to 12 months.¹¹⁴ In June, the Panyu District People’s Procuratorate reportedly began reviewing the cases of Zeng, Zhu, Meng, and Tang in preparation for a possible trial, but, as of August, the Commission had not observed further news regarding the status of these cases.¹¹⁵

According to Chinese and international observers, authorities targeted these individuals due to their labor rights advocacy and ties to NGOs.¹¹⁶ Radio Free Asia (RFA) quoted one labor rights advocate who said authorities seemed to be focusing on the NGO Panyu Workers’ Services Center (Panyu), an organization established in 1998.¹¹⁷ A December 22, 2015, article by the state-run news agency Xinhua accused Panyu’s director Zeng Feiyang of taking money from workers and mismanaging funds.¹¹⁸ The article claimed Panyu was an “illegal organization” that had received foreign funding, “seriously disturbed social order,” and “trampled on the rights and interests of workers.”¹¹⁹ Several workers disputed the Xinhua report, saying that Zeng had never taken their money.¹²⁰ One labor advocate said to RFA, “The labor movement and Zeng Feiyang [were] doing what the ACFTU should have done.”¹²¹

Labor Abuses

CHILD LABOR

This past year, the Commission continued to observe reports of the use of child labor in China.¹²² Domestic laws generally prohibit the employment of minors under 16,¹²³ and China has ratified the two fundamental International Labour Organization (ILO) conventions on the elimination of child labor.¹²⁴ Yet, a June 2016 report by the Center for Child Rights & Corporate Social Responsibility found that 71 percent of auditors surveyed in China had observed suspected cases of child labor in the past two years.¹²⁵ In April, official media reported that a 14-year-old factory worker in Foshan municipality, Guangdong, died in his sleep.¹²⁶ In August, authorities in Zhuji city, Shaoxing municipality, Zhejiang province, reportedly approved the arrest of an employer who had forced at least

eight children to work for years making socks.¹²⁷ The ILO Country Office for China and Mongolia noted that the Chinese government has not released official statistics on child labor in China, nor has it reported any cases to the ILO.¹²⁸

DISPATCH LABOR

The Commission continued to observe reports of the over-reliance on and misuse of dispatch labor during the reporting year, in violation of domestic laws and regulations¹²⁹ meant to prevent such abuses. Firms have long used dispatch labor (*laowu paiqian*)—workers hired through subcontracting agencies—to cut costs.¹³⁰ The PRC Labor Contract Law stipulates that dispatch workers be paid the same as full-time workers doing similar work, and only perform work on a temporary, auxiliary, or substitute basis.¹³¹ The 2014 Interim Provisions on Dispatch Labor further require that dispatch labor make up no more than 10 percent of a firm’s total workforce by March 2016.¹³² In March 2016, however, Vice President of the China Association for Labor Studies Su Hainan noted that some enterprises were getting around these new rules by firing dispatch workers and instead using “outsourced” labor,¹³³ another form of subcontracted labor.¹³⁴

Chinese media reports detailed multiple cases of enterprises violating the PRC Labor Contract Law and the 2014 interim provisions by allowing dispatch workers to exceed 10 percent of the workforce or perform the work of permanent employees.¹³⁵ An investigation published in October 2015 by the U.S.-based non-governmental organization China Labor Watch and Norway-based environmental organization The Future in Our Hands found that roughly half of the tens of thousands of employees at a major electronics manufacturer were dispatch workers.¹³⁶ In one case in December 2015, a group of protesting railway workers said they had been “temporary” employees for over 20 years.¹³⁷

INTERN LABOR

During the reporting year, reports continued to emerge of labor abuses involving interns.¹³⁸ In October 2015, the Danish NGO Danwatch issued a report on vocational student interns working on assembly lines at Wistron Corporation (Wistron) in Zhongshan municipality, Guangdong, which manufactures computer servers for several large technology companies.¹³⁹ Danwatch found that interns were performing assembly line work unrelated to their studies and that interns often worked more than the legal limit of eight hours per day.¹⁴⁰ Some students told Danwatch that if they refused to intern with Wistron, they would not be allowed to graduate.¹⁴¹ In December 2015, a former employee of the ride-hailing company Uber alleged the company relied on low-paid interns working long hours in its office in Guangzhou municipality, Guangdong.¹⁴² A former Uber intern in Tianjin municipality made similar accusations, telling a reporter that interns far outnumbered employees in the Tianjin office, and that interns worked more than eight hours per day.¹⁴³

Although regulations governing intern labor vary by locality,¹⁴⁴ the PRC Education Law encourages work-study programs provided they do not interfere with students’ education.¹⁴⁵ In 2007, the Min-

istries of Education and Finance issued regulations defining internships as relevant to students' plans of study and prohibiting interns from working more than eight hours per day.¹⁴⁶ In April 2016, the Ministry of Education and several other central government entities jointly issued additional regulations on vocational school interns.¹⁴⁷ The regulations stipulate that interns doing the work of regular employees may not exceed 10 percent of a workplace's total employees, and task vocational schools with ensuring that workplaces accepting interns comply with relevant laws and regulations.¹⁴⁸

WORKERS ABOVE THE RETIREMENT AGE

During the reporting year, Chinese workers above the legal retirement age¹⁴⁹ continued to enjoy fewer legal protections than other workers under Chinese law.¹⁵⁰ According to the PRC Labor Contract Law and the law's implementing regulations, once workers reach retirement age or receive pensions their labor contracts should be terminated.¹⁵¹ A 2010 Supreme People's Court interpretation stated that when handling disputes between employers and workers who received pensions, the courts should treat the two sides as having a "labor service relationship" (*laowu guanxi*).¹⁵² Workers above the retirement age with "labor service contracts" (*laowu hetong*) reportedly received fewer legal protections and benefits than typical workers.¹⁵³ China Labour Bulletin (CLB) reported that workers above the retirement age often faced difficulty obtaining compensation and other benefits due to their status as labor service providers.¹⁵⁴ According to the Supreme People's Court Research Office, while court cases involving labor disputes increased roughly 25 percent in 2015, court cases involving labor service contract disputes increased nearly 39 percent in 2015.¹⁵⁵

Occupational Health and Safety

This past year, government data showed continued declines in workplace accidents and deaths, while reported cases of occupational illness increased. The State Administration of Work Safety (SAWS) reported in January 2016 that workplace accidents and deaths declined 7.9 and 2.8 percent, respectively, in 2015 compared to 2014.¹⁵⁶ SAWS reported that accidents and deaths in the coal industry decreased 32.3 and 36.8 percent, respectively, during the same period.¹⁵⁷ Coal industry accidents reportedly declined in recent years as coal production fell and the government shut down smaller, more dangerous mines.¹⁵⁸ According to CLB, the construction industry had the largest number of accidents in 2015, though these accidents caused relatively few deaths.¹⁵⁹ In December 2015, the National Health and Family Planning Commission released statistics on occupational illnesses for 2014, finding that total reported cases of occupational illness increased 13.6 percent in 2014 compared to 2013.¹⁶⁰ Pneumoconiosis accounted for roughly 90 percent of all cases of occupational illness, with 26,873 reported cases in 2014, a 16.1-percent increase from 2013.¹⁶¹ The Party-run Workers' Daily reported that pneumoconiosis sufferers found applying for compensation difficult and expensive, with long wait times and few applicants successfully obtaining compensation.¹⁶²

Despite relevant laws and regulations,¹⁶³ international observers continued to express concern regarding workplace safety in China.¹⁶⁴ Central government agencies issued several regulations regarding occupational health and safety during the reporting year,¹⁶⁵ and SAWS released for public comment a second draft of implementing regulations for the PRC Work Safety Law in November 2015.¹⁶⁶ Nevertheless, CLB specifically identified lax enforcement of safety regulations in the coal industry as well as poorly constructed factories in areas prone to tornadoes.¹⁶⁷ China Labor Watch investigations into toy and kitchenware factories found inadequate fire safety measures and failures to provide sufficient protective equipment.¹⁶⁸ International labor NGOs reported that employers often provided little or no safety training for new employees, despite Chinese regulations requiring a minimum of 24 hours' pre-employment safety training.¹⁶⁹

Notes to Section II—Worker Rights

¹PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 9–11; “They Tore Through Everything’: Labour Activists Increasingly Targeted in Civil Rights Crackdown in China, Say Supporters,” Agence France-Presse, reprinted in South China Morning Post, 30 May 16; Zhang Yu, “Chinese Activists Struggle To Establish Independent Trade Unions,” Global Times, 2 December 15. See also UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Second Periodic Report of China, including Hong Kong, China and Macao, China, adopted by the Committee at its 40th Meeting (23 May 2014), E/C.12/CHN/CO/2, 13 June 14, para. 23.

²Embassy of the People’s Republic of China in the Federal Democratic Republic of Nepal, “Major Mass Organizations,” 27 October 04; Anthony J. Spire, “Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China’s Grassroots NGOs,” American Journal of Sociology, Vol. 117, No. 1 (July 2011), 9; Karla Simon, Civil Society in China: The Legal Framework From Ancient Times to the “New Reform Era” (New York: Oxford University Press, 2013), 167–74. “Mass organizations” are organizations under the Chinese Communist Party such as the All-China Women’s Federation, Communist Youth League of China, and All-China Federation of Industry and Commerce. The Chinese embassy in Nepal described these organizations as “a bridge linking the CPC [Communist Party of China] and government with the people.” According to scholar Anthony J. Spire, in practice “mass organizations” have functioned as “one-way conduits for instructions from the top to the bottom.”

³Constitution of the Chinese Trade Unions [Zhongguo gonghui zhangcheng], issued 22 October 13, General Principles.

⁴Liu Guozhong, All-China Federation of Trade Unions Vice Chairman, Secretary of the Secretariat” [Liu guozhong quanguo zong gonghui fu zhuxi, shujichu shuji], All-China Federation of Trade Unions, last visited 15 April 16; “Guangdong Provincial Federation of Trade Unions Convenes Third Meeting of the Thirteenth Full Committee in Guangzhou” [Guangdong sheng zong gonghui shisan jie san ci quanweihui zai sui zhaokai], Southern Worker, reprinted in Guangzhou Municipal Federation of Trade Unions, 7 March 16; “Chengdu Trade Unions” [Chengdu gonghui], Chengdu Municipal Federation of Trade Unions, last visited 9 March 16.

⁵Li Jianguo, Chairman of the All-China Federation of Trade Unions” [Li jianguo quanguo zong gonghui zhuxi], All-China Federation of Trade Unions, last visited 9 March 16.

⁶Rights Defense Network, “Letter From Labor and Other Sectors to CPC, NPC, and State Council on Strike Hard Campaign Against Guangdong Labor NGO Employees” [Zhongguo laogong jie he shehui ge jie renshi jiu guangdong laogong NGO gongzuozhe zaoyu yanli daji zhi zhonggong zhongyang, quanguo renda, guowuyuan yijian shu], 11 December 15; “Chinese Workers at Walmart Campaign for Higher Wages, Union Elections,” Radio Free Asia, 11 November 15; “Guangdong Labor NGOs ‘Were Doing the Job of a Trade Union’: Activists,” Radio Free Asia, 23 December 15.

⁷China Labor Watch and Solidar Suisse, “Dirty Frying Pans,” 4 February 16, 2–3, 19, 36, 44, 57, 71; China Labor Watch, “The Other Side of Fairy Tales,” 20 November 15, 2, 14, 32, 48, 68, 94.

⁸International Labour Organization, ILO Convention (No. 87) Concerning Freedom of Association and Protection of the Right To Organise, 4 July 50, arts. 2, 3, 5.

⁹Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 23(4).

¹⁰International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22(1); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 20 May 16. China has signed but not ratified the ICCPR.

¹¹International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 8.1; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 11 March 16. China has signed and ratified the ICESCR.

¹²PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, arts. 16–35; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 51–56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 6, 20.

¹³PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 33; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 6, 51, 56; PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, arts. 6, 20.

¹⁴PRC Trade Union Law [Zhonghua renmin gongheguo gonghui fa], passed and effective 3 April 92, amended 27 October 01, art. 6.

¹⁵“Chinese Workers at Walmart Campaign for Higher Wages, Union Elections,” Radio Free Asia, 11 November 15; Shawn Shieh, “The Fight Against Inequality: Martin Luther King and China’s Labor Activists,” NGOs in China (blog), 29 February 16; Anita Chan, “The Chinese Trade Union Federation at the Crossroads—Relaxing Control Over Labour or Risking Labour Instability?” in China at the Crossroads: What the Third Plenum Means for China, New Zealand and the World, ed. Peter Harris (Wellington: Victoria University Press, 2015), 64–71.

¹⁶“They Tore Through Everything’: Labour Activists Increasingly Targeted in Civil Rights Crackdown in China, Say Supporters,” Agence France-Presse, reprinted in South China Morning Post, 30 May 16; China Labor Watch and Solidar Suisse, “Dirty Frying Pans,” 4 February 16, 19; China Labour Bulletin, “Increasingly Angry Workers in Chongqing Take to the Streets Once Again,” 4 March 16.

Worker Rights

¹⁷Jin Bei, “Workers Should See the Importance of Collective Wage Negotiations” [Laodongzhe ying zhongshi gongzi jiti xieshang], Henan Workers’ Daily, 25 February 16.

¹⁸International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work and Its Follow-Up, 18 June 98, art. 2(a). Article 2 of the ILO Declaration on Fundamental Principles and Rights at Work states that “all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining . . .” International Labour Organization, “China,” NORMLEX Information System on International Labour Standards, last visited 14 March 16. China became a member of the ILO in 1919.

¹⁹Mark Magnier, “China’s Economic Growth in 2015 Is Slowest in 25 Years,” Wall Street Journal, 19 January 16; “China Economic Growth Slowest in 25 Years,” BBC, 19 January 16; International Labour Organization, “ILO World Employment and Social Outlook (WESO)—Trends 2016,” 20 January 16.

²⁰National Bureau of Statistics of China, “National Economy Achieved Steady Progress in 2015” [2015 nian guomin jingji yunxing wenzhong youjin, wenzhong youhao], 19 January 16; National Bureau of Statistics of China, “2014 National Economy Running Smoothly Under the New Normal” [2014 nian guomin jingji zai xin changtai xia pingwen yunxing], 20 January 15; National Bureau of Statistics of China, “2013 National Economy Development Stable and Improved” [2013 nian guomin jingji fazhan wenzhong xianghao], 20 January 14.

²¹See, e.g., Andreas Illmer, “China’s Growth Data—Can You Trust It?” BBC, 19 January 16; Edward Wong and Neil Gough, “As China’s Economic Picture Turns Uglier, Beijing Applies Airbrush,” New York Times, 25 February 16; Mike Bird and David Scutt, “Why Economists Don’t Trust China’s GDP Figures,” Business Insider, 19 October 15. See also “Inspection Team Alarmed That Many Northeastern Localities Fabricated GDP, Size of County Economies Exceeds Hong Kong” [Dongbei duo di GDP zaojia jingdong xunshi zu xianyu jingji guimo chao xianggang], Beijing News, 11 December 15.

²²“China’s Two-Speed Economy Stays Intact as Factories Slump, Services Gain,” Bloomberg, 4 January 16; Mandy Zuo and Zhou Xin, “The Hidden Cracks in China’s Employment Figures,” South China Morning Post, 25 January 16.

²³See, e.g., Caixin and Markit, “China General Services PMI Chinese Service Sector Expands at Weaker Pace in February,” 3 March 16; Duncan Hewitt, “Fear of Slowing Economic Growth in China Spreads to Prosperous Pearl River Delta Region,” International Business Times, 22 December 15.

²⁴“Record of February 29 Ministry of Human Resources and Social Security Press Conference” [Renshebu 2 yue 29 ri fabuhui shilu], China Internet Information Center, reprinted in Sina, 29 February 16. For more information on overcapacity in the Chinese economy, see European Union Chamber of Commerce in China, “Overcapacity in China: An Impediment to the Party’s Reform Agenda,” 22 February 16.

²⁵“Expert Says China May See a Second Wave of Lay-Offs,” People’s Daily, 11 November 15; Benjamin Kang Lim et al., “Exclusive: China To Lay Off Five to Six Million Workers, Earmarks at Least \$23 Billion,” Reuters, 3 March 16.

²⁶Duncan Hewitt, “China Miners’ Strike Highlights Challenges for Government in Reducing Overcapacity in Loss-Making Industries,” International Business Times, 14 March 16; “Death and Despair in China’s Rustbelt,” Bloomberg, 1 March 16; Tom Phillips, “Glory Days of Chinese Steel Leave Behind Abandoned Mills and Broken Lives,” Guardian, 21 January 16.

²⁷Mark Magnier, “China’s Workers Are Fighting Back as Economic Dream Fades,” Wall Street Journal, 14 December 15; Duncan Hewitt, “Fear of Slowing Economic Growth in China Spreads to Prosperous Pearl River Delta Region,” International Business Times, 22 December 15; Mandy Zuo and Zhou Xin, “The Hidden Cracks in China’s Employment Figures,” South China Morning Post, 25 January 16; Yu Nakamura, “China’s Manufacturing Hub To Freeze Minimum Wage,” Nikkei Asian Review, 8 March 16; Simon Denyer, “Strikes and Workers’ Protests Multiply in China, Testing Party Authority,” Washington Post, 25 February 16.

²⁸“Record of February 29 Ministry of Human Resources and Social Security Press Conference” [Renshebu 2 yue 29 ri fabuhui shilu], China Internet Information Center, reprinted in Sina, 29 February 16; Brenda Goh, “China Shifts Axed Miners to Lower-Paid Jobs in Farming, Cleaning,” Reuters, 20 March 16; Duncan Hewitt, “Fear of Slowing Economic Growth in China Spreads to Prosperous Pearl River Delta Region,” International Business Times, 22 December 15.

²⁹State Council, “Government Work Report” [Zhengfu gongzuo baogao], 5 March 15. See also Ministry of Human Resources and Social Security et al., Opinion on Resettling Workers in the Process of Resolving Steel and Coal Sector Overcapacity and Turning Around Development [Renli ziyuan shehui baozhangbu guojia fazhan gaigewei deng qi bumen guanyu zai huajie gangtie meitan hangye guosheng channeng shixian tuokun fazhan guocheng zhong zuo hao zhigong anzhi gongzuo de yijian], issued 7 April 16.

³⁰Elizabeth C. Economy, “The Fits and Starts of China’s Economic Reforms,” Council on Foreign Relations, Asia Unbound (blog), 25 January 16; William Ide and Saibal Dasgupta, “Worries About China’s Economic Reform Progress Grow,” Voice of America, 10 March 16; George Magnus, “Should We Be Worried by Economic Warnings of a Bear in the China Shop?” Guardian, 20 January 16.

³¹“Record of February 29 Ministry of Human Resources and Social Security Press Conference” [Renshebu 2 yue 29 ri fabuhui shilu], China Internet Information Center, reprinted in Sina, 29 February 16.

³²Fathom Consulting, “News in Charts: China’s Hidden Unemployment Problem,” Thomson Reuters, 3 June 16; Zhang Jun, “The Truth About Chinese Unemployment Rates,” Project Syndicate, 14 April 16; Yu Jianrong, “Worries Underlying China’s Hidden Unemployment Problem”

[Zhongguo yinxing shiye wenti yinyou], People's Tribune, 18 January 16. For more information on the unreliability of China's official unemployment statistics, see Shuaizhang Feng et al., "Long Run Trends in Unemployment and Labor Force Participation in China," National Bureau of Economic Research, Working Paper 21460, August 2015.

³³Yu Jianrong, "Worries Underlying China's Hidden Unemployment Problem" [Zhongguo yinxing shiye wenti yinyou], People's Tribune, 18 January 16.

³⁴PRC Social Insurance Law [Zhonghua renmin gongheguo shehui baoxian fa], passed 28 October 10, effective 1 July 11, art. 44.

³⁵National Bureau of Statistics of China, "2015 National Economic and Social Development Statistics Bulletin" [2015 nian guomin jingji he shehui fazhan tongji gongbao], 29 February 16. See also China Labour Bulletin, "China's Social Security System," last visited 6 June 16.

³⁶Li Tangning, "28 Regions Raise Minimum Wage, Average Increase Around 14 Percent" [28 diqu tigao zuidi gongzi biaoqun pingjun zengfu yue 14%], Economic Information Daily, 29 December 15.

³⁷Ibid.

³⁸Ibid. The average increase in minimum wages reportedly was 22 percent in 2011, 20.2 percent in 2012, 17 percent in 2013, and 14.1 percent in 2014.

³⁹Guangdong Provincial People's Government, Guangdong Province Supply-Side Structural Reforms Action Plan on Reducing Costs (2016–2018) [Guangdong sheng gongji ce jiegou xing gaige jiang chengben xingdong jihua (2016–2018 nian)], issued 28 February 16, item 2(2)1; Wang Jing, "Guangdong Province Will Freeze Minimum Wage for Two Years" [Guangdong sheng jiang lianxu liang nian bu tiaozheng zuidi gongzi biaoqun], Caixin, 2 March 16; Peter Wong, "How China's Pearl River Delta Went From the World's Factory Floor to a Hi-Tech Hub," South China Morning Post, 6 October 15; Lisa Jucca, "HSBC Renews Push in China's Pearl River Delta With Train Sponsorship," Reuters, 6 April 16.

⁴⁰Tom Phillips, "Glory Days of Chinese Steel Leave Behind Abandoned Mills and Broken Lives," Guardian, 21 January 16; Simon Denyer, "Strikes and Workers' Protests Multiply in China, Testing Party Authority," Washington Post, 25 February 16.

⁴¹Chun Han Wong, "China May Rein in Wage Rises To Boost Economy," Wall Street Journal, 10 March 16; Li Tangning, "28 Regions Raise Minimum Wage, Average Increase Around 14 Percent" [28 diqu tigao zuidi gongzi biaoqun pingjun zengfu yue 14%], Economic Information Daily, 29 December 15.

⁴²Wang Jing, "Guangdong Province Will Freeze Minimum Wage for Two Years" [Guangdong sheng jiang lianxu liang nian bu tiaozheng zuidi gongzi biaoqun], Caixin, 2 March 16.

⁴³Zhang Moning, "Renewed Debate Over 'Labor Contract Law'" ["Laodong hetong fa" zhengyi zaiqi], South Reviews, 16 March 16.

⁴⁴Guo Chao et al., "Lou Jiwei: Current Labor Contract Law Does Not Suit Flexible Employment" [Lou jiwei: xianxing laodong hetong fa bu shihe linghuo yonggong], Beijing News, 8 March 16.

⁴⁵For information on workers' low levels of social insurance coverage in previous reporting years, see CECC, 2015 Annual Report, 8 October 15, 87–88; CECC, 2014 Annual Report, 9 October 14, 75; CECC, 2013 Annual Report, 10 October 13, 69–70.

⁴⁶Ministry of Human Resources and Social Security and Ministry of Finance, Circular on Gradually Reducing Social Insurance Rates [Renli ziyuan shehui baozhangbu caizhengbu guanyu jieduanxing jiangdi shehui baoxian feilu de tongzhi], issued 14 April 16.

⁴⁷PRC Social Insurance Law [Zhonghua renmin gongheguo shehui baoxian fa], passed 28 October 10, effective 1 July 11, arts. 1–4.

⁴⁸Ibid., arts. 10, 23, 33, 44, 53. See also China Labour Bulletin, "China's Social Security System," last visited 19 August 16.

⁴⁹Ministry of Human Resources and Social Security, "2015 Annual Statistics Bulletin on Human Resources and Social Security Developments" [2015 niandu renli ziyuan he shehui baozhang shiye fazhan tongji gongbao], 30 May 16, secs. 1–2. See also Li Zewei, "All-China Federation of Trade Unions Vice Chair: Hopes Migrant Workers Can Also Receive Pensions" [Quanguo zonggong hui fu zhuxi: xiwang nenggou wei nongmingong ye shang yanglao baoxian], Beijing Youth Daily, 4 March 16; Guo Chao et al., "Lou Jiwei: Current Labor Contract Law Does Not Suit Flexible Employment" [Lou jiwei: xianxing laodong hetong fa bu shihe linghuo yonggong], Beijing News, 8 March 16.

⁵⁰Ministry of Human Resources and Social Security, "2015 Annual Statistics Bulletin on Human Resources and Social Security Developments" [2015 niandu renli ziyuan he shehui baozhang shiye fazhan tongji gongbao], 30 May 16, secs. 1–2.

⁵¹Ibid.

⁵²Min Qin et al., "Old Age Insurance Participation Among Rural-Urban Migrants in China," Demographic Research, Vol. 33 (13 November 15), 1059–60; China Labour Bulletin, "China's Social Security System," last visited 19 August 16.

⁵³Ministry of Human Resources and Social Security and Ministry of Finance, Circular on Gradually Reducing Social Insurance Rates [Renli ziyuan shehui baozhangbu caizhengbu guanyu jieduanxing jiangdi shehui baoxian feilu de tongzhi], issued 14 April 16.

⁵⁴Li Tangning, "14 Provinces Lower Pension Contribution Rates by 1 Percent, Social Insurance Participants Not Affected" [14 shengfen xiatiao yanglao baoxian feilu 1% can bao ren yuan shebao bu shou yingxiang], Economic Information Daily, 17 June 16. See also Bureau of Human Resources and Social Security and Bureau of Finance, Beijing Municipality, Circular on Gradually Reducing Municipality's Social Insurance Rates [Guanyu jieduanxing jiangdi benshi shehui baoxian feilu de tongzhi], issued 31 May 16, reprinted in Beijing Municipality Social Insurance Online Service Platform, last visited 26 August 16; "Gansu Gradually Reducing Social Insurance Rates" [Gansu jieduanxing jiangdi shehui baoxian feilu], Western Economic Daily, 1 July 16; Department of Human Resources and Social Security and Department of Finance, Sichuan Province, Circular on Issues Related to Gradually Reducing Sichuan Province's Social Insurance Rates [Sichuan sheng renli ziyuan he shehui baozhangting sichuan sheng caizhengting guanyu

Worker Rights

jieduanxing jiangdi wosheng shehui baoxian feilu youguan wenti de tongzhi], issued 28 April 16, reprinted in Sichuan Province Human Resources and Social Security Department, 29 April 16.

⁵⁵ See, e.g., “Ministry of Human Resources and Social Security: Guarantee Migrant Workers’ Wages Before the Spring Festival, Maliciously Withholding Wages Will Bring Consequences” [Renshebu: chunjie qian baozhang nongmingong gongzi zhifu eyi qian xin jiang la hei], People’s Daily, 21 November 15; China Labour Bulletin, “Strikes and Protests by China’s Workers Soar to Record Heights in 2015,” 7 January 16; Pete Sweeney, “China’s Labour Law Under Fire as Restructuring Threatens Jobs,” Reuters, 12 March 16.

⁵⁶ Yin Weimin, “Promote Employment and Entrepreneurship (Study and Implement the Spirit of the 18th Party Congress’s 5th Plenum)” [Cujin jiuye chuangye (xuexi guanche dang de shiba jie wu zhong quanhui jingshen)], People’s Daily, 15 December 15.

⁵⁷ China Labour Bulletin, “About Us,” last visited 22 August 16.

⁵⁸ China Labour Bulletin, “An Introduction to China Labour Bulletin’s Strike Map,” 29 March 16.

⁵⁹ China Labour Bulletin, “Strikes and Protests by China’s Workers Soar to Record Heights in 2015,” 7 January 16; China Labour Bulletin, “CLB Strike Map,” last visited 8 June 16.

⁶⁰ China Labour Bulletin, “Strikes and Protests by China’s Workers Soar to Record Heights in 2015,” 7 January 16.

⁶¹ China Labour Bulletin, “CLB Strike Map,” last visited 8 June 16.

⁶² Ibid. Note that worker actions involving wage arrears may also involve other grievances.

⁶³ The Commission could not determine the precise nature of these “sudden incidents”; authorities in China have long used this term to refer to protests. See, e.g., Ben Blanchard, “China Warns Spectators Off Xinjiang Torch Relay,” Reuters, 16 June 08; Human Rights Watch, “A Great Danger for Lawyers: New Regulatory Curbs on Lawyers Representing Protesters,” December 2006, 17; John Kamm, Dui Hua Foundation, “Statement on China’s Initial Report Under the International Covenant on Economic, Social and Cultural Rights,” 25 April 05.

⁶⁴ “Ministry of Human Resources and Social Security: Guarantee Migrant Workers’ Wages Before the Spring Festival, Maliciously Withholding Wages Will Bring Consequences” [Renshebu: chunjie qian baozhang nongmingong gongzi zhifu eyi qian xin jiang la hei], People’s Daily, 21 November 15.

⁶⁵ Committee to Protect Journalists, “Two Chinese Journalists Detained for Picking Quarrels and Provoking Trouble,” 28 June 16; Oiwan Lam, Global Voices Advocacy, “Founder of Protest Reporting Outlet Goes Missing in China,” 23 June 16; Human Rights Campaign in China, “Arrests of Lu Yuyu, Founder of ‘Not the News’ Site Documenting Civil Society Rights Defense Incidents, and Li Tingyu, on Suspicion of Picking Quarrels and Provoking Trouble, Approved by Dali Procuratorate” [Jilu minjian weiquan shijian “fei xinwen” chuanganren lu yuyu ji li tingyu liang ren bei dali jianchayuan yi shexian xunxin zishi zui pizhun daibu], 22 July 16. In June 2016, authorities in the Dali Bai Autonomous Prefecture, Yunnan province, detained Lu Yuyu and Li Tingyu, the citizen journalists who ran the Wickedonna blog, and formally arrested them in July. For more information, see the Commission’s Political Prisoner Database records 2016-00177 on Lu Yuyu and 2016-00190 on Li Tingyu. The Wickedonna blog can be found at newsworthknowingcn.blogspot.com. For more information about Lu Yuyu and Li Tingyu’s efforts to document protests in China, see Wu Qiang, “What Do Lu Yuyu’s Statistics of Protest Tell Us About the Chinese Society Today?” China Change, 6 July 16; Yaqui Wang, “Meet China’s Protest Archivist,” Foreign Policy, Tea Leaf Nation (blog), 3 April 14.

⁶⁶ “2015 Statistics” [2015 nian tongji], Wickedonna (blog), 5 January 16.

⁶⁷ Bi Shicheng, “People’s Daily Commentary: Joint Effort Needed To Cure ‘Year-End Wage Demands’” [Renmin ribao renmin shiping: genzhi “nianmo tao xin” xu gongtong shijin], People’s Daily, 20 January 16.

⁶⁸ China Labour Bulletin, “CLB Strike Map,” last visited 8 June 16. Note that worker actions involving layoffs may also involve other grievances.

⁶⁹ Ibid. Note that worker actions involving social insurance contributions may also involve other grievances.

⁷⁰ “2015 Statistics” [2015 nian tongji], Wickedonna (blog), 5 January 16.

⁷¹ China Labour Bulletin, “CLB Strike Map,” last visited 8 June 16.

⁷² “2015 Statistics” [2015 nian tongji], Wickedonna (blog), 5 January 16.

⁷³ State Council, Opinion on Comprehensively Managing the Problem of Migrant Workers’ Wage Arrears [Guowuyuan bangongting guanyu quanmian zhili tuoqian nongmingong gongzi wenti de yijian], issued 19 January 16. See also China Labour Bulletin, “Wage Arrears Protests Erupt at Wanda Plazas Across China,” 13 November 15.

⁷⁴ China Labour Bulletin, “CLB Strike Map,” last visited 8 June 16.

⁷⁵ See, e.g., China Labour Bulletin, “Suntory Brewery Workers in China Force Their Trade Union To Take a Stand,” 30 October 15; “Hungry’ Workers Sleep on Street, Protest After Shenzhen Toy Factory Boss Absconds,” Radio Free Asia, 10 November 15; China Labour Bulletin, “Collective Action Gets Guangzhou Sanitation Workers Direct Employment Contracts,” 5 November 15.

⁷⁶ See, e.g., “Police Open Fire on Protesting Taxi Drivers in China’s Shandong,” Radio Free Asia, 11 December 15; “China Mine Workers Detained After Protesting Unpaid Wages,” Agence France-Presse, reprinted in Newsmax, 18 March 16; China Labour Bulletin, “Guangdong’s Workers Mobilize To Protect Leaders From Arrests and Reprisals,” 13 October 15.

⁷⁷ “Public Sentencing of Workers Demanding Pay Degrades the Judiciary” [Gongpan taoxin mingong xiaojie sifa zunyan], Beijing News, 18 March 16; Chun Han Wong, “Chinese City Publicly Shames Migrant Workers Who Protested Unpaid Wages,” Wall Street Journal, China Real Time Report (blog), 18 March 16.

⁷⁸ Ibid.

⁷⁹ China Labour Bulletin, “CLB Strike Map,” last visited 8 June 16.

⁸⁰Cherie Chan, “Labor Rights Movements Gaining Momentum in China,” Deutsche Welle, 5 January 16; International Trade Union Confederation, “The 2015 ITUC Global Rights Index,” 10 June 15, 72; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 3 January 76, art. 8.1(d); United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, last visited 11 March 16. China has signed and ratified the ICESCR.

⁸¹Zhao Yibo, “Shenzhen Fuchang Company Closure Prompts Rights Defense” [Shenzhen fuchang gongsi daobi yinfa weiquan], Beijing News, 10 October 15; Wang Cong and Huang Ge, “Device Maker’s Closure Sparks Protests,” Global Times, 11 October 15.

⁸²Wang Cong and Huang Ge, “Device Maker’s Closure Sparks Protests,” Global Times, 11 October 15; Zhao Yibo, “Shenzhen Fuchang Company Closure Prompts Rights Defense” [Shenzhen fuchang gongsi daobi yinfa weiquan], Beijing News, 10 October 15; Mark Magnier, “China’s Workers Are Fighting Back as Economic Dream Fades,” Wall Street Journal, 14 December 15.

⁸³Mark Magnier, “China’s Workers Are Fighting Back as Economic Dream Fades,” Wall Street Journal, 14 December 15; Wang Cong and Huang Ge, “Device Maker’s Closure Sparks Protests,” Global Times, 11 October 15; Zhao Yibo, “Shenzhen Fuchang Company Closure Prompts Rights Defense” [Shenzhen fuchang gongsi daobi yinfa weiquan], Beijing News, 10 October 15.

⁸⁴Mark Magnier, “China’s Workers Are Fighting Back as Economic Dream Fades,” Wall Street Journal, 14 December 15.

⁸⁵China Labour Bulletin, “Collective Action Gets Guangzhou Sanitation Workers Direct Employment Contracts,” 5 November 15; “Guangzhou Panyu Shatou Street Sanitation Workers Collectively Defend Rights, Reach Initial Agreement With Management” [Guangzhou panyu shatou jie huanwei gongren jiti weiquan yu zifang dacheng chubu xieyi], Boxun, 29 October 15.

⁸⁶China Labour Bulletin, “Collective Action Gets Guangzhou Sanitation Workers Direct Employment Contracts,” 5 November 15.

⁸⁷Ibid.; “Guangzhou Panyu Shatou Street Sanitation Workers Collectively Defend Rights, Reach Initial Agreement With Management” [Guangzhou panyu shatou jie huanwei gongren jiti weiquan yu zifang dacheng chubu xieyi], Boxun, 29 October 15.

⁸⁸China Labour Bulletin, “Collective Action Gets Guangzhou Sanitation Workers Direct Employment Contracts,” 5 November 15.

⁸⁹Li Wenying, “Heilongjiang Governor Lu Hao: Longmay’s 80,000 Pit Workers Have Not Missed a Month’s Wages” [Heilongjiang shengzhang lu hao: longmei jingxia zhigong 8 wan, zhijin mei shao fa 1 ge yue gongzi], The Paper, 6 March 16. See also China Labour Bulletin, “Heilongjiang Coal Miners’ Strike Forces Government To Pay Wage Arrears,” 14 March 16.

⁹⁰China Labour Bulletin, “Heilongjiang Coal Miners’ Strike Forces Government To Pay Wage Arrears,” 14 March 16; Chris Buckley, “Official Admits He Gave Misleading Account of Chinese Miners’ Plight,” New York Times, 13 March 16; Chun Han Wong and Mark Magnier, “China Mixes Cash, Coercion To Ease Labor Unrest,” Wall Street Journal, 15 March 16.

⁹¹China Labour Bulletin, “Heilongjiang Coal Miners’ Strike Forces Government To Pay Wage Arrears,” 14 March 16; Duncan Hewitt, “China’s Miners’ Strike Highlights Challenges for Government in Reducing Overcapacity in Loss-Making Industries,” International Business Times, 14 March 16; Sue-Lin Wong et al., “Coal Miners Protest in Northeastern China, Claiming Unpaid Wages,” Reuters, 13 March 16; Chun Han Wong and Mark Magnier, “China Mixes Cash, Coercion To Ease Labor Unrest,” Wall Street Journal, 15 March 16; Chris Buckley, “Official Admits He Gave Misleading Account of Chinese Miners’ Plight,” New York Times, 13 March 16.

⁹²Wen Jing, “This Was Wrong, Now It Must Be Corrected” [“Zhege shi cuo le, zhi cuo jiu yao gai”], Beijing Times, 13 March 16; Chun Han Wong and Mark Magnier, “China Mixes Cash, Coercion To Ease Labor Unrest,” Wall Street Journal, 15 March 16.

⁹³“Statement on Shuangyashan Incident” [Guanyu shuangyashan shijian de shengming], Boxun, 17 March 16; “China Mine Workers Detained After Protesting Unpaid Wages,” Agence France-Presse, reprinted in Newsmax, 18 March 16; Gerry Shih, “Anger in China’s Coal Country as Miners Feel Left Behind,” Associated Press, 18 March 16.

⁹⁴For information on the role of labor NGOs in Guangdong province, see Feng Renke and Li Linjin, “The Plight of Chinese Labor Rights NGOs” [Zhongguo laogong weiquan NGO de kunjing], Financial Times, 2 March 15; Anita Chan, “China’s Factory Workers Are Becoming More Restive,” Yale Global Online, 21 May 15.

⁹⁵Feng Renke and Li Linjin, “The Plight of Chinese Labor Rights NGOs” [Zhongguo laogong weiquan NGO de kunjing], Financial Times, 2 March 15.

⁹⁶Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders,” China Change, 10 December 15. See also Nan Fei Yan Social Work Services Center, “‘Dead End,’ an Open Letter From Labor Rights Defense Organization Nan Fei Yan” [“Ci lu butong” zhi laogong weiquan zuzhi nan fei yan de gongkai xin], reprinted in New Citizens’ Movement (blog), 19 October 15.

⁹⁷Tom Phillips, “Call for China To Free Labour Activists or Risk Backlash From Frustrated Workforce,” Guardian, 9 December 15; Eli Friedman, Aaron Halegua, and Jerome A. Cohen, “Cruel Irony: China’s Communists Are Stamping Out Labor Activism,” Washington Post, 3 January 16; Ivan Franceschini, “Revisiting Chinese Labour NGOs: Some Grounds for Hope?” Made in China, Issue 1 (January–March 2016), 17. See also CECC, 2012 Annual Report, 10 October 12, 59, 122.

⁹⁸Nan Fei Yan Social Work Services Center, “‘Dead End,’ an Open Letter From Labor Rights Defense Organization Nan Fei Yan” [“Ci lu butong” zhi laogong weiquan zuzhi nan fei yan de gongkai xin], reprinted in New Citizens’ Movement (blog), 19 October 15; Feng Renke and Li Linjin, “The Plight of Chinese Labor Rights NGOs” [Zhongguo laogong weiquan NGO de kunjing], Financial Times, 2 March 15; Alexandra Harney, “China Labor Activists Say Facing Unprecedented Intimidation,” Reuters, 21 January 15. For information on the harassment of

Worker Rights

labor rights advocates and NGOs in the previous reporting year, see CECC, 2015 Annual Report, 8 October 15, 85–86.

⁹⁹Nan Fei Yan Social Work Services Center, “‘Dead End,’ an Open Letter From Labor Rights Defense Organization Nan Fei Yan” [“Ci lu butong” zhi laogong weiquan zuzhi nan fei yan de gongkai xin], reprinted in New Citizens’ Movement (blog), 19 October 15; Feng Renke and Li Linjin, “The Plight of Chinese Labor Rights NGOs” [Zhongguo laogong weiquan NGO de kunjing], *Financial Times*, 2 March 15; Alexandra Harney, “China Labor Activists Say Facing Unprecedented Intimidation,” *Reuters*, 21 January 15.

¹⁰⁰Rights Defense Network, “Detained Guangdong Labor NGO Member Zhu Xiaomei Applies for Bail Because Child Still Nursing, Application Rejected, Currently Five NGO Members Criminally Detained, Two Forcibly Disappeared (Introduction to 7 Detained NGO Members Attached)” [Guangdong bei zhua laogong NGO chengyuan zhu xiaomei yin haizi reng zai buru qi shenqing qubao bei ju muqian gong wu ming NGO chengyuan zao xingju, liang wei zao qiango shizong (fu 7 wei bei zhua NGO chengyuan jianjie)], 15 December 15; Feng Renke and Li Linjin, “The Plight of Chinese Labor Rights NGOs” [Zhongguo laogong weiquan NGO de kunjing], *Financial Times*, 2 March 15. Zeng Feiyang is the director of the Panyu Workers’ Services Center in Guangzhou municipality, Guangdong province. For more information on Zeng Feiyang, see the Commission’s Political Prisoner Database record 2015-00427.

¹⁰¹Rights Defense Network, “Detained Guangdong Labor NGO Member Zhu Xiaomei Applies for Bail Because Child Still Nursing, Application Rejected, Currently Five NGO Members Criminally Detained, Two Forcibly Disappeared (Introduction to 7 Detained NGO Members Attached)” [Guangdong bei zhua laogong NGO chengyuan zhu xiaomei yin haizi reng zai buru qi shenqing qubao bei ju muqian gong wu ming NGO chengyuan zao xingju, liang wei zao qiango shizong (fu 7 wei bei zhua NGO chengyuan jianjie)], 15 December 15; Rights Defense Network, “Guangdong Labor Rights Advocates Suffer Consecutive Attacks at Entrance to Police Station” [Guangdong laogong weiquan renshi lianxu zai paichusuo menkou yu xi], 4 April 15. Peng Jiayong is director of the Laborer Mutual Aid Group in Guangzhou municipality, Guangdong province. For more information on Peng Jiayong, see the Commission’s Political Prisoner Database record 2015-00437. For additional examples of the harassment of labor advocates and labor NGOs on the previous reporting year, see CECC, 2015 Annual Report, 8 October 15, 85.

¹⁰²Michael Forsythe and Chris Buckley, “China Arrests at Least 3 Workers’ Rights Leaders Amid Rising Unrest,” *New York Times*, 5 December 15; Tom Phillips, “Call for China To Free Labour Activists or Risk Backlash From Frustrated Workforce,” *Guardian*, 9 December 15; Eli Friedman, Aaron Halegua, and Jerome A. Cohen, “Cruel Irony: China’s Communists Are Stamping Out Labor Activism,” *Washington Post*, 3 January 16. For more information on government suppression of labor NGOs in previous years, see CECC, 2012 Annual Report, 10 October 12, 59, 122; CECC, 2015 Annual Report, 8 October 15, 85–86.

¹⁰³Geoffrey Crothall, “Refusing To Honor Labor Rights Backfires in China,” *New York Times*, 12 May 16; “Activists See Bleak Future for China’s NGOs Amid Ongoing Crackdown,” *Radio Free Asia*, 22 January 16.

¹⁰⁴Yaqiu Wang, “Amid Crackdown, China’s Dissidents Fight To Keep the Spirit of Tiananmen Alive,” *World Politics Review*, 7 June 16; Eli Friedman, Aaron Halegua, and Jerome A. Cohen, “Cruel Irony: China’s Communists Are Stamping Out Labor Activism,” *Washington Post*, 3 January 16; “Activists See Bleak Future for China’s NGOs Amid Ongoing Crackdown,” *Radio Free Asia*, 22 January 16; Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders,” *China Change*, 10 December 15.

¹⁰⁵Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, arts. 20(1), 23(1), 23(4); International Covenant on Civil and Political Rights, adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 22(1); International Labour Organization, ILO Declaration on Fundamental Principles and Rights at Work, 18 June 98, art. 2(a).

¹⁰⁶Rights Defense Network, “Detained Guangdong Labor NGO Member Zhu Xiaomei Applies for Bail Because Child Still Nursing, Application Rejected, Currently Five NGO Members Criminally Detained, Two Forcibly Disappeared (Introduction to 7 Detained NGO Members Attached)” [Guangdong bei zhua laogong NGO chengyuan zhu xiaomei yin haizi reng zai buru qi shenqing qubao bei ju muqian gong wu ming NGO chengyuan zao xingju, liang wei zao qiango shizong (fu 7 wei bei zhua NGO chengyuan jianjie)], 15 December 15; Tom Phillips, “Call for China To Free Labour Activists or Risk Backlash From Frustrated Workforce,” *Guardian*, 9 December 15; Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders,” *China Change*, 10 December 15; Rights Defense Network, “Police Suddenly Crack Down on Four Guangdong Labor NGOs, ‘Haige Labor Services Center,’ ‘Panyu Workers’ Services Center,’ ‘Sunflower Women Workers’ Center,’ ‘Nan Fei Yan,’ Directors and Staff Disappear After Being Taken Away” [Guangdong si laogong NGO “hai ge laogong fuwu bu”, “panyu dagongzu”, “xiangyanghua nugong zhongxin”, “nan fei yan” turan zaodao jingfang daya, fuzeren ji yuangong bei daizou hou shilian], 3 December 15. See also “Guangdong Authorities Arrest Labor Rights Advocates,” Congressional-Executive Commission on China, 21 January 16.

¹⁰⁷Rights Defense Network, “Detained Guangdong Labor NGO Member Zhu Xiaomei Applies for Bail Because Child Still Nursing, Application Rejected, Currently Five NGO Members Criminally Detained, Two Forcibly Disappeared (Introduction to 7 Detained NGO Members Attached)” [Guangdong bei zhua laogong NGO chengyuan zhu xiaomei yin haizi reng zai buru qi shenqing qubao bei ju muqian gong wu ming NGO chengyuan zao xingju, liang wei zao qiango shizong (fu 7 wei bei zhua NGO chengyuan jianjie)], 15 December 15. For more information on the labor rights advocates and their cases, see the following records in the Commission’s Political Prisoner Database: 2014-00026 on Meng Han, 2015-00427 on Zeng Feiyang, 2015-00428 on Zhu Xiaomei, 2015-00431 on He Xiaobo, 2015-00435 on Deng Xiaoming, and 2015-00437 on Peng Jiayong.

¹⁰⁸*Ibid.* For more information on Tang Jian, see the Commission’s Political Prisoner Database record 2016-00017.

¹⁰⁹Rights Defense Network, “‘12/3 Guangzhou Labor NGO Case’ Arrests Approved Today for Four Individuals, One Released, Whereabouts of Two Unknown” [“12.3 guangzhou laogong NGO an” jin si ren bei pizhun daibu, yi ren huoshi, liang ren wu xialuo], 8 January 16; Rights Defense Network, “Detained Guangdong Labor NGO Member Zhu Xiaomei Applies for Bail Because Child Still Nursing, Application Rejected, Currently Five NGO Members Criminally Detained, Two Forcibly Disappeared (Introduction to 7 Detained NGO Members Attached)” [Guangdong bei zhua laogong NGO chengyuan zhu xiaomei yin haizi reng zai buru qi shengqing qubao bei ju muqian gong wu ming NGO chengyuan zao xingju, liang wei zao qiangpo shizong (fu 7 wei bei zhua NGO chengyuan jianjie)], 15 December 15; Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders.” China Change, 10 December 15; Red Balloon Solidarity, “Sunday Topic: They Promoted the Rights and Interests of Migrants, but Spent Migrants’ Day in a PSB Detention Center” [Zhouri huati: tamen wei yimingong shenzhang quanyi yiminri que zai kanshousuo duguol], Ming Pao, 19 December 15.

¹¹⁰Rights Defense Network, “‘12/3 Guangzhou Labor NGO Case’ Arrests Approved Today for Four Individuals, One Released, Whereabouts of Two Unknown” [“12.3 guangzhou laogong NGO an” jin si ren bei pizhun daibu, yi ren huoshi, liang ren wu xialuo], 8 January 16; Sui-Lee Wee, “China Arrests Four Labor Activists Amid Crackdown: Lawyers,” Reuters, 10 January 16; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 290.

¹¹¹Rights Defense Network, “‘12/3 Guangzhou Labor NGO Case’ Arrests Approved Today for Four Individuals, One Released, Whereabouts of Two Unknown” [“12.3 guangzhou laogong NGO an” jin si ren bei pizhun daibu, yi ren huoshi, liang ren wu xialuo], 8 January 16; “Four Detained Labor Rights Defenders Arrested, Two Out on Bail, Attack Aimed at Panyu Workers’ Services Center” [Bei zhua lao wei renshi si pibu liang qubao maotou zhi zhi panyu dagongzu], Radio Free Asia, 10 January 16; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 183.

¹¹²“Four Detained Labor Rights Defenders Arrested, Two Out on Bail, Attack Aimed at Panyu Workers’ Services Center” [Bei zhua lao wei renshi si pibu liang qubao maotou zhi zhi panyu dagongzu], Radio Free Asia, 10 January 16 (on Deng and Peng’s release); Human Rights Campaign in China, “Guangdong Labor NGO Case—Zhu Xiaomei Released on Bail, Returns Home” [Guangdong laogong NGO an zhu xiaomei yi qubao houshen huijia], 2 February 16 (on Zhu’s release); China Labour Bulletin, “Labour Activist He Xiaobo Released on Bail After Four Months in Detention,” 8 April 16 (on He’s release).

¹¹³Human Rights Campaign in China, “Guangdong Labor NGO Case—Zhu Xiaomei Released on Bail, Returns Home” [Guangdong laogong NGO an zhu xiaomei yi qubao houshen huijia], 2 February 16. On January 31, 2016, Tang indicated via WeChat that he had been out of detention for several days.

¹¹⁴For a description of bail (*qubao houshen*), also translated as “guarantee pending further investigation,” under Chinese legal provisions, see Human Rights in China, “HRIC Law Note: Five Detained Women Released on ‘Guarantee Pending Further Investigation,’” 13 April 15. For relevant Chinese legal provisions, see PRC Criminal Procedure Law [Zhonghua renmin gongheguo xingshi susong fa], passed 1 July 79, amended 17 March 96, 14 March 12, effective 1 January 13, arts. 65–72, 77; Ministry of Public Security, Public Security Procedural Provisions on Handling Criminal Cases [Gong’an jiguan banli xingshi anjian chengxu guiding], issued 13 December 12, effective 1 January 13, arts. 77, 85, 86, 89.

¹¹⁵“Guangdong NGO’s Zeng Feiyang and Three Others’ Labor Rights Defense Cases Will Be Referred to Court in Late July” [Guangdong NGO zeng feiyang deng si ren laogong weiqian an qiye xiaoxun yisong fayuan], Radio Free Asia, 6 July 16; Labor Partners 521, “Guangdong Labor NGO Case Development: Zeng Feiyang, Meng Han, Zhu Xiaomei, and Tang Huanxing Cases Under Review for Prosecution” [Guangdong laogong NGO an jinzhan: zeng feiyang, meng han, zhu xiaomei, tang huanxing bei yisong shencha qisu], reprinted in Rights Defense Network, 14 July 16.

¹¹⁶Human Rights Watch, “China: Persecution of Labor Activists Escalates,” 13 January 16; Cherie Chan, “Labor Rights Movements Gaining Momentum in China,” Deutsche Welle, 5 January 16; Yaxue Cao, “Chinese Authorities Orchestrate Surprise Raid of Labor NGOs in Guangdong, Arresting Leaders.” China Change, 10 December 15; “Guangdong Labor NGOs ‘Were Doing the Job of a Trade Union’: Activists,” Radio Free Asia, 23 December 15.

¹¹⁷“Four Detained Labor Rights Defenders Arrested, Two Out on Bail, Attack Aimed at Panyu Workers’ Services Center” [Bei zhua lao wei renshi si pibu liang qubao maotou zhi zhi panyu dagongzu], Radio Free Asia, 10 January 16. For additional information on Panyu Workers’ Services Center, see Zhen Jinghui, “Zeng Feiyang: A Labor NGO’s Fight for Survival” [Zeng feiyang: yi ge laogong NGO de jiafeng shengcun], South Reviews, 27 March 10, reprinted in Sina, 5 December 13.

¹¹⁸Zou Wei, “Behind the Halo of the ‘Star of the Labor Movement’—Panyu Workers’ Services Center’ Director Zeng Feiyang and Others Investigated as Suspects in Serious Crimes” [Jiekai “gongyun zhi xing” guanghuan de beihou—“panyu dagongzu wenshu chuli fuwu bu” zhuren zeng feiyang deng ren shexian yanzhong fanzui anjian diaocha], Xinhua, 22 December 15.

¹¹⁹Ibid.

¹²⁰China Labour Bulletin, “Workers Speak Out in Support of Detained Labour Activists in Guangdong,” 5 January 16.

¹²¹“Guangdong Labor NGOs ‘Were Doing the Job of a Trade Union’: Activists,” Radio Free Asia, 23 December 15.

Worker Rights

¹²²For information on child labor from previous reporting years, see CECC, 2015 Annual Report, 8 October 15, 86; CECC, 2014 Annual Report, 9 October 14, 76–77; CECC, 2013 Annual Report, 10 October 13, 70–71.

¹²³PRC Labor Law [Zhonghua renmin gongheguo laodong fa], passed 5 July 94, effective 1 January 95, art. 15; PRC Law on the Protection of Minors [Zhonghua renmin gongheguo wei chengnian ren baohu fa], passed 4 September 91, amended 29 December 06, effective 1 June 07, art. 38. Article 15 of the PRC Labor Law prohibits the employment of minors under 16, with exceptions for literature and the arts, sports, and special handicrafts, provided the employer undergoes inspection and approval and guarantees the child's right to compulsory education.

¹²⁴International Labour Organization, ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment, 26 June 73; International Labour Organization, 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 6 September 16; International Labour Organization, "Ratifications of C182—Worst Forms of Child Labour Convention, 1999 (No. 182)," last visited 6 September 16.

¹²⁵Center for Child Rights & Corporate Social Responsibility, "Best Response: Auditors' Insights on Child Labor in Asia," June 2016, 4.

¹²⁶Zheng Caixiong, "Boy's Sudden Death Prompts Campaign Against Child Labor," *China Daily*, 26 April 16. See also China Labor Watch, "Sudden Death of a 14 Year Old Child Worker From a Factory in Foshan," 27 April 16.

¹²⁷Yuan Lingzhi, "Child Laborers Cruelly Trapped Making Socks for Five Years Rescued, Worked Nearly 16 Hours Per Day" [Tonggong bei kun heixin wazi zuofang 5 nian bei jiu meiri gongzuo jin 16 xiaoshi], Justice Net, 18 August 16.

¹²⁸International Labour Organization, Country Office for China and Mongolia, "Child Labour in China and Mongolia," last visited 6 September 16.

¹²⁹Ministry of Human Resources and Social Security, Interim Provisions on Dispatch Labor [Laowu paiqian zanzing guiding], issued 24 January 14, effective 1 March 14; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 58, 63, 66; National People's Congress Standing Committee, Decision on Amending the "PRC Labor Contract Law" [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai "zhonghua renmin gongheguo laodong hetong fa" de jue ding], issued 28 December 12, effective 1 July 13.

¹³⁰Fair Labor Association, "Issue Brief: Labor Dispatch Workers in China," March 2016; Lu Binyang, "Temporary Railroad Workers Stage Sit-in Over Equal Pay," *Caixin*, 10 December 15; Jenny Chan et al., "Interns or Workers? China's Student Labor Regime," *Asia-Pacific Journal*, Vol. 13, Issue 26, No. 1 (August 2015), 3; Liu Genghua, International Labour Organization, "Private Employment Agencies and Labour Dispatch in China," Sector Working Paper No. 293, 2014, 6. For information on contract or dispatch labor from previous reporting years, see CECC, 2015 Annual Report, 8 October 15, 92; CECC, 2014 Annual Report, 9 October 14, 75–76; CECC, 2013 Annual Report, 10 October 13, 71–72.

¹³¹PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, arts. 63, 66; National People's Congress Standing Committee, Decision on Amending the "PRC Labor Contract Law" [Quanguo renmin daibiao dahui changwu weiyuanhui guanyu xiugai "zhonghua renmin gongheguo laodong hetong fa" de jue ding], issued 28 December 12, effective 1 July 13.

¹³²Ministry of Human Resources and Social Security, Interim Provisions on Dispatch Labor [Laowu paiqian zanzing guiding], issued 24 January 14, effective 1 March 14, arts. 4, 28. Article 28 includes an exception allowing firms with dispatch labor agreements that were signed prior to, and set to expire within two years of, the effective date of the amendment to the PRC Labor Contract Law to continue the use of dispatch labor at existing levels until those contracts expire.

¹³³Zhang Moning, "Renewed Debate Over 'Labor Contract Law'" ["Laodong hetong fa" zhengyi zaiqi], *South Reviews*, 16 March 16.

¹³⁴Allan Xu, "China's Labor Dispatch Laws Come Into Effect, Signaling Sweeping Change for Employment Structures," *China Briefing* (blog), 8 March 16; Zhang Xin, "Number of Dispatch Workers at Big Four Banks Down to 28,700, Yet Rural Commercial Banks Still Recruiting" [Si da hang laowu paiqiangong jiang zhi 2.87 wan ren nong shanghang reng zai nishi zhaopin], *Securities Daily*, 20 October 15; Lucy Lu and Dai Zhengcao, "Is Labor Dispatch Fading Away? Not That Simple," *King & Wood Mallesons, China Law Insight* (blog), 4 May 15.

¹³⁵See, e.g., Lu Hui et al., "Hi-Tech Industrial Park Predicts Output To Reach 28 Billion by Year End" [Gaoxin keji chanye yuan yuji niandi chanzhi da 280 yi], *Southern Daily*, 7 July 16; Zhan Wenping, "Reforms Must Be Completed by End of Next Month, Otherwise New Dispatch Workers Cannot Be Hired" [Xia yuedi qian xu wancheng zhenggai fouze bude xin yong bei paiqian laodongzhe], *Xin Kuai Bao*, 28 January 16; Lu Binyang, "Temporary Railroad Workers Stage Sit-in Over Equal Pay," *Caixin*, 10 December 15.

¹³⁶China Labor Watch and The Future in Our Hands, "Something's Not Right Here: Poor Working Conditions Persist at Apple Supplier Pegatron," 22 October 15, 8, 10.

¹³⁷Lu Binyang, "Temporary Railroad Workers Stage Sit-in Over Equal Pay," *Caixin*, 10 December 15.

¹³⁸For information on the abuse of student labor in previous reporting years, see CECC, 2015 Annual Report, 8 October 15, 87; CECC, 2014 Annual Report, 9 October 14, 77; CECC, 2013 Annual Report, 10 October 13, 70–71.

¹³⁹Danwatch, "Servants of Servers: Rights Violations and Forced Labour in the Supply Chain of ICT Equipment in European Universities," October 2015, 5, 8.

¹⁴⁰*Ibid.*, 3, 6–10; Ministry of Education and Ministry of Finance, Measures on Managing Secondary Vocational School Student Internships [Zhongdeng zhiye xuexiao xuesheng shixi guanli banfa], issued 26 June 07, art. 5. Article 5 of the Measures on Managing Secondary Vocational School Student Internships prohibits interns from working more than eight hours per day.

¹⁴¹Danwatch, “Servants of Servers: Rights Violations and Forced Labour in the Supply Chain of ICT Equipment in European Universities,” October 2015, 3, 5, 6, 15.

¹⁴²Li Yifan (Guodong de shaozi), “Why Uber Wants To Kill Me—The Secret Behind the 50-Billion-Dollar Valuation” [Wo weishenme bei uber zhuisha—500 yi guzhi beihou buweirenzhi de mimil], Weibo post, 4 December 15, 2:18 p.m.; Josh Horwitz and Echo Huang, “Uber’s Business in China Is Built on Exploiting Armies of Underpaid, Overworked Interns,” Quartz, 16 December 15.

¹⁴³Kai Maying (DOOM kai), “I Am an Intern Uber Fired, Today I Have Something To Say” [Wo shi yi ge bei uber kaichu de shixisheng, jintian wo you hua shuo], Weibo post, 6 December 15, 19:19 p.m.; Josh Horwitz and Echo Huang, “Uber’s Business in China Is Built on Exploiting Armies of Underpaid, Overworked Interns,” Quartz, 16 December 15.

¹⁴⁴Grace Yang, “Student Interns in China: The China Employment Law Issues,” China Law Blog, 20 December 15.

¹⁴⁵PRC Education Law [Zhonghua renmin gongheguo jiaoyu fa], passed 18 March 95, amended 27 August 09, 27 December 15, effective 1 June 16, art. 58.

¹⁴⁶Ministry of Education and Ministry of Finance, Measures on Managing Secondary Vocational School Student Internships [Zhongdeng zhiye xuexiao xuesheng shixi guanli banfa], issued 26 June 07, arts. 3, 5.

¹⁴⁷Ministry of Education et al., Provisions on Managing Vocational School Student Internships [Zhiye xuexiao xuesheng shixi guanli guiding], issued 11 April 16.

¹⁴⁸Ibid., arts. 6, 9.

¹⁴⁹State Council, Provisional Measures on Workers’ Retirement and Withdrawal From Office [Guowuyuan guanyu gongren tuixiu, tuizhi de zanxing banfa], issued 2 June 78, art. 1; “China Focus: China’s Plan To Raise Retirement Age Meets Mixed Reactions,” Xinhua, 4 March 16. Currently, the retirement age is 50 or 60 for male workers and 45 or 50 for female workers depending on the type of job; the government, however, plans to raise the retirement age in coming years.

¹⁵⁰Susan Finder, “Data From the Supreme People’s Court on 2015 Labor/Employment Disputes,” Supreme People’s Court Monitor (blog), 27 March 16; China Labour Bulletin, “Elderly Sanitation Worker’s Death Shows Need for Collective Action and Solidarity,” 14 December 15.

¹⁵¹State Council, PRC Labor Contract Law Implementing Regulations [Zhonghua renmin gongheguo laodong hetong fa shishi tiaoli], issued 18 September 08, art. 21; PRC Labor Contract Law [Zhonghua renmin gongheguo laodong hetong fa], passed 29 June 07, amended 28 December 12, effective 1 July 13, art. 44(2). The PRC Labor Contract Law stipulates that if a worker receives a pension, his or her labor contract terminates (*zhongzhi*), but the implementing regulations require that contracts be terminated for all workers upon reaching the legal retirement age.

¹⁵²Supreme People’s Court, Interpretation Regarding Various Issues in Using Appropriate Laws When Accepting Labor Dispute Cases (Three) [Zuigao renmin fayuan guanyu shenli laodong zhengyi anjian shiyong falu ruogan wenti de jishi (san)], issued 13 September 10, art. 7.

¹⁵³Susan Finder, “Data From the Supreme People’s Court on 2015 Labor/Employment Disputes,” Supreme People’s Court Monitor (blog), 27 March 16; Lu Cheng, “Many Older People Return To Work in Services” [Laoren zai juyue duoshu zuo fuwu], Yunnan Net, 3 May 16; Yang Lincong, “Rehired and Returning to Work Unit After Retirement—Is a Traffic Accident Considered a Workplace Injury” [Tuixiu hou fanpin hui danwei shangban chu le jiaotong shigu suan bu suan gongshang], Jinhua Evening Paper, reprinted in Zhejiang News, 22 March 16. See also Owen Haacke, “China’s Mandatory Retirement Age Changes: Impact for Foreign Companies,” US-China Business Council (blog), 1 April 15.

¹⁵⁴China Labour Bulletin, “China’s Elderly Street Sweepers at Risk as Temperatures Plummet,” 22 January 16; China Labour Bulletin, “Elderly Sanitation Worker’s Death Shows Need for Collective Action and Solidarity,” 14 December 15.

¹⁵⁵Supreme People’s Court Research Office, “2015 Situation of Judgments and Enforcement Nationwide” [2015 nian quanguo fayuan shenpan zhixing qingkuang], 18 March 16, item 3(5). See also Susan Finder, “Data From the Supreme People’s Court on 2015 Labor/Employment Disputes,” Supreme People’s Court Monitor (blog), 27 March 16.

¹⁵⁶Man Zhaoxu, “38 Serious or Very Serious Accidents in 2015, 768 Killed or Missing in 21 Provinces” [2015 nian quanguo fasheng 38 qi zhong te da shigu she 21 shengfen 768 ren sangsheng shizong], China National Radio, 15 January 16.

¹⁵⁷Ibid.

¹⁵⁸“Coal Mine Accident Kills 19 Workers in Northern China,” Al Jazeera, 24 March 16; “Shaft of Light,” Economist, 18 July 15; Michael Lelyveld, “China Cuts Coal Mine Deaths, but Count in Doubt,” Radio Free Asia, 16 March 15; China Labour Bulletin, “Coal Mine Accidents in China Decrease as Production Stagnates,” 3 April 14. See also David Stanway, “China April Coal Output Down 11 Percent on Year: Stats Bureau,” Reuters, 14 May 16.

¹⁵⁹China Labour Bulletin, “Calls To Improve China’s Work Safety Go Unheeded in 2015,” 18 January 16.

¹⁶⁰National Health and Family Planning Commission, “2014 Report on Occupational Illness Nationwide” [2014 nian quanguo zhiye bing baogao qingkuang], 3 December 15; Hu Hao, “China Had Over 26,000 Reported Cases of Occupational Illness in 2013, Over 73 Percent of Cases in Coal, Non-Ferrous Metal, Machinery, and Construction Industries” [Woguo 2013 nian baogao zhiye bing 2.6 wan yu li meitan youse jinshu jixie jianzhu hangye bingli chao 73%], Xinhua, 30 June 14.

¹⁶¹Ibid.

¹⁶²Zheng Li, “Longest Wait for Migrant Workers To Obtain Compensation for Pneumoconiosis Is Seven Years” [Chenfeibing nongmingong huo pei zuichang hao shi qi nian], Workers’ Daily, 10 December 15.

Worker Rights

¹⁶³ See, e.g., PRC Work Safety Law [Zhonghua renmin gongheguo anquan shengchan fa], passed 29 June 02, amended 31 August 14, effective 1 December 14; State Administration of Work Safety, Production and Operations Work Unit Safety Training Provisions [Shengchan jingying danwei anquan peixun guiding], issued 17 January 06, effective 1 March 06; Ministry of Industry and Information Technology et al., Measures on Managing the Restricted Use of Harmful Materials in Electrical and Electronic Goods [Dianqi dianzi chanpin youhai wuzhi xianzhi shiyong guanli banfa], issued 21 January 16, effective 1 July 16.

¹⁶⁴ China Labour Bulletin, “Calls To Improve China’s Work Safety Go Unheeded in 2015,” 18 January 16; Chris Buckley, “Before Debris Collapse in China, Safety Fears Were Discussed,” New York Times, 16 January 16; China Labor Watch, “The Other Side of Fairy Tales,” 20 November 15, 14, 19, 31, 47–48, 67.

¹⁶⁵ Ministry of Industry and Information Technology et al., Measures on Managing the Restricted Use of Harmful Materials in Electrical and Electronic Goods [Dianqi dianzi chanpin youhai wuzhi xianzhi shiyong guanli banfa], issued 21 January 16, effective 1 July 16; National Health and Family Planning Commission et al., Opinion on Strengthening Prevention and Treatment Work on Pneumoconiosis Among Migrant Workers [Guanyu jiaqiang nongmingong chenfeibing fangzhi gongzuo de yijian], issued 8 January 16; State Administration of Work Safety, Circular on Drawing Profound Lessons From Accidents To Further Prevent and Limit Serious and Very Serious Coal Mining Accidents [Guanyu shenke xiqu shigu jiaoxun jinyibu fangfan he ezhi meikuang zhong te da shigu de tongzhi], issued 28 March 16.

¹⁶⁶ State Administration of Work Safety, Provisions on Implementing the “PRC Work Safety Law” (Trial) (Draft for Solicitation of Comments) [Guojia anquan shengchan jiandu guanli zongju shishi “anquan shengchan fa” ruogan guiding (shixing) (zhengqiu yijian gao)], issued 25 November 15; State Administration of Work Safety, Certain Decisions on Implementing the PRC Work Safety Law (September 2015 Draft for Solicitation of Comments) [Zhonghua renmin gongheguo anquan shengchan fa shishi ruogan jue ding (zhengqiu yijian gao 2015 nian 9 yue)], issued 11 September 15.

¹⁶⁷ China Labour Bulletin, “Northeast China Sees Two Coal Mine Disasters in Two Days,” 18 December 15; China Labour Bulletin, “Factory Workers Feel the Full Impact of China’s ‘Natural Disasters,’” 27 October 15.

¹⁶⁸ China Labor Watch, “The Other Side of Fairy Tales,” 20 November 15, 31, 48; China Labor Watch and Solidar Suisse, “Dirty Frying Pans,” 4 February 16, 2.

¹⁶⁹ Students & Scholars Against Corporate Misbehaviour and Labour Action China, “Unveiling the Labour Rights Violations,” February 2016, 2; China Labour Bulletin, “Calls To Improve China’s Work Safety Go Unheeded in 2015,” 18 January 16; China Labor Watch and Solidar Suisse, “Dirty Frying Pans,” 4 February 16, 5; State Administration of Work Safety, Production and Operations Work Unit Safety Training Provisions [Shengchan jingying danwei anquan peixun guiding], issued 17 January 06, effective 1 March 06, art. 13.