



LOCAL LABOUR LAWS SUMMARY

CHINA

LABOUR LAW BRIEF: CHINA

Introductory Notes:

1.

Guidance and Disclaimer:

The summary of the labour laws detailed on the following pages have been researched and put together based on various sources of information.

All due care has been taken to encapsulate the key elements needed in order to undertake an effective audit of labour standards and to evaluate the evidence discovered. In all cases, the labour laws are compared to the key requirements of the ETI Base Code and SA8000 as generally accepted standards that encapsulate ILO conventions.

It should be noted that as with any summary, individual circumstances may exist which have not been allowed for in this document. In all cases the prime codes and laws take precedence over any summary or analysis.

This document brings together the laws and their interpretation as at the date of publication only.

1. Legal Provisions Summary of China Labour Laws and Regulations

WORKER ISSUE	ETI CODE/SA8000 (differences for SA8000 are marked in blue)	Legal requirements	Reference Clause of Laws
1. Child Labour	1. 15 min. or 14 if law allows 2. No hazards or nights for under 18's 3. No new recruits under 15 4. Remediation programme ie progs which allow children to stay in education until 14/15 No child (15 min. or 14 if law allows) or young worker (under18) is employed during school hours. Combined hours of daily transportation (to and from work and school), school, and work time does not exceed 10 hours a day.	No employer shall be allowed to recruit juveniles under the age of 16. The state shall provide female workers and juvenile workers with special protection. Juvenile workers or Young workers hereby refer to employees at the age 16 but not 18 yet.	Clause 15, China Labour Law (1994) Clause 58, China Labour Law(1994)
		No young workers shall be arranged to engaged in work down the pit of mines, work that is poisonous or harmful, work with grade IV physical labour intensity as stipulated by the state, or other work that they should avoid.	Clause 64, China Labour Law(1994)
		The employer shall provide regular health examinations to young workers.	Clause 65, China Labour Law(1994)
		Employer shall arrange regular health examinations for young workers: 1) before commencement of employment 2) after completion of one year services 3) at the age of 18 and exceeds more than half year from the date of previous health examination.	Clause 6, Regulations on Young Worker Special Protection (1994)

Child Labour (Continued)	Employer shall arrange work for young workers according their health examination result. For those not able to perform the arranged wok, the employer shall reduce the workload or re-arrange work for them according the certificate of medical authority.	Clause 8, Regulations on Young Worker Special Protection (1994)
	The state shall practice registration systems for young workers employment and special protection. 1) Employment of young worker must subject to registration approval from local Labour Bureau of government at or above the County level. 2) The young worker shall obtain valid registration permit before commencement of work.	Clause 9, Regulations on Young Worker Special Protection (1994)
	Employer shall arrange health and safety training to young workers before commencement of work. Employer shall bear the responsibility and pay for health examination and registration of young workers.	Clause 10, Regulations on Young Worker Special Protection (1994)
	Child Labour is any person, who is under the age of 16, have established labour relationship with a unit or person to perform work with commercial income.	Clause 2, Regulations on Child Labour Prohibition (1991)
	Any employer is prohibited to employ child labour.	Clause 4, Regulations on Child Labour Prohibition (1991)
	In case child labour is employed, the Labour authority shall enforce the employer to send the child to his original residence place, and the employer shall bear the responsibility and pay for the expense arisen.	Clause 10, Regulations on Child Labour Prohibition (1991)

		In case child labour is sick or disabled before returning to home, the employer shall bear the responsibility to arrange medical treatment and pay for the expense of medical treatment and living.	Clause 11, Regulations on Child Labour Prohibition (1991)
		No employer is allowed to employ the person under the age of 16. While employing young workers of 16 ~18, the employer shall follow the regulations on job, working hours, physical labour intensity, and protective measures and no heavy, toxic, harmful or dangerous work is allowed to arranged to young workers.	Clause 28, China Young Worker Protection Law (1991)
2. Forced Labour	<ol style="list-style-type: none"> 1. No forced, bonded/involuntary labour 2. No deposits of money or ID on commencement of employment 3. Free to leave after reasonable notice <p>SA8000 doesn't mention the "reasonable notice"</p>	<p>Where employer commits any of the following acts, the person in charge shall be taken by the Public Security Organ into custody for 15 days or less, or fined, or given a warning; and criminal responsibility shall be investigated against the person in charge according to law if the act constitutes a crime:</p> <ol style="list-style-type: none"> 1) To force employee to work by resorting to violence, intimidation or illegal restriction of personal freedom; or 2) Humiliating, giving corporal punishment, beating, illegally searching or detaining employee. 	Clause 96, China Labour Law(1994)
		Employer management is prohibited to humiliate, give corporal punishment, beat or illegally search employee.	Clause 9, Provisions on Labor's Right Protection in Guang Dong

Forced Labour (Continued)		Employer shall not lodge deposit, guarantee fee or goods at the time of signing labour contract with employee.	Clause 24, Provisions on Implementation of China Labour law
		Security guards shall be trained and obtain Security Guard Qualification from Public Security Authority of County or above. The employer shall verify the valid ID card, certificate of non-crime record from the Public Security Authority of applicant's original residence place and Security Guard Qualification before employment of security guard.	Regulations on Security Service in Guang Dong Province
	Labour Contract	Labour contract is the agreement reached between an employee and employer for the establishment of the labour relationship and definition of the rights, interests and obligations of each party. A labour contract shall be concluded where a labour relationship is to be established	Clause 16, China Labour Law(1994)
		Conclusion and modification of labour contract shall follow the principles of equality, voluntariness and unanimity through consultation, and shall not run counter to the stipulations of laws and regulations.	Clause 17, China Labour Law(1994)
		The following labour contracts shall be invalid: 1) Labour concluded in violation of laws and regulations; 2) Labour contract concluded by resorting to such measures as cheating and intimidation.	Clause 18, China Labour Law(1994)

	<p>Labour Contract (Continued)</p>	<p>Labour contract shall be concluded in written form, and contain the following clauses:</p> <ol style="list-style-type: none"> 1) Term of labour contract 2) Contents of work 3) Labour protection and working conditions 4) Labour remuneration 5) Labour disciplines 6) Conditions for termination of labour contract 7) Responsibility for the violation of labour contract 	<p>Clause 19, China Labour Law(1994)</p>
		<p>The employer shall not revoke its labour contract with a employee in accordance with the stipulations in clause 26 and 27 of this law in any of the following circumstances:</p> <ol style="list-style-type: none"> 1) To be confirmed to have totally or partially lost the ability to work due to occupational diseases or injuries suffered at work; 2) To be receiving medical treatment for diseases or injuries within the prescribed period of time; 3) To be a female employee during pregnant puerperal, or breast-feeding period; or 4) Other circumstances stipulated by laws and regulations. 	<p>Clause 29, China Labour Law(1994)</p>

		<p>An employer shall conclude labour contract with employee in accordance with laws when recruiting employees In case the employer do not sign labour contract with employee after 30 days of recruitment, the Labour Bureau shall enforce it to do so within time limit.</p>	<p>Clause 7, Provisions on Labor's Rights Protection in Guang Dong</p>
3. Health and Safety	<ol style="list-style-type: none"> 1. Workplace clean & safe 2. Housing if provided clean & safe 3. Training and accident prevention 4. Clean toilets & drinking water 5. Clean food storage, if req'd 6. Resp. for H&S to senior manager <p>Clean and safe dormitory facilities and meet basic needs of personnel.</p>	<p>Employer must establish and perfect the system for occupational health and safety, strictly implement the rules and standards of State on occupational health and safety, educate employees on occupational health and safety, prevent accidents in the process of work and reduce occupational hazards.</p>	<p>Clause 52, China Labour Law(1994)</p>
		<p>Facilities on occupational health and safety must meet the standards stipulated by the State. The facilities on occupational health and safety installed in new projects and projects to be rebuilt or expanded must be designed, constructed and put into operation and use at the same time with main projects.</p>	<p>Clause 53, China Labour Law(1994)</p>
		<p>Employer must provide employees with occupational health and safety conditions conforming to the provisions of the state and necessary personal protective equipment, and provide regular health examination for employees engaged in work with occupational hazards.</p>	<p>Clause 54, China Labour Law(1994)</p>

Health and Safety (continued)	Employee to be engaged in specialized operations must receive specialized training and acquire qualification for such special operations.	Clause 55, China Labour Law(1994)
	The employees shall have the right to refuse to operate if the management of employer command the operation in violation of rules and regulation or force employees to run risks in operation.	Clause 56, China Labour Law
	All the pits, fosses and cisterns for production purpose shall be protected with fence or cover.	Clause 4, Regulations on Health and Safety in Factory
	The workplace shall be maintained clean and tidy.	Clause 9, Regulations on Health and Safety in Factory
	The fencing shall be installed for the opening of lifting and platform of work and the height of the fence shall not be less than 1 meter.	Clause 11, Regulations on Health and Safety in Factory
	The stacked raw materials, finished goods and semi-finished goods shall not obstructed the operations and transport, wastes shall be cleared timely.	Clause 12, Regulations on Health and Safety in Factory
	The floor, wall surface and ceiling shall be maintained adequately.	Clause 13, Regulations on Health and Safety in Factory
	The factory shall provide adequate clean drink water for workers.	Clause 26, Regulations on Health and Safety in Factory

Health and Safety (continued)	The first aid box shall be provided in workplace.	Clause 31, Regulations on Health and Safety in Factory
	Protection device shall be installed for the dangerous parts such as transmission belt, exposed gear, rotating axis, belt wheels and flying wheels.	Clause 32, Regulations on Health and Safety in Factory
	Safety device shall be installed for the point of pressing of pressing machines such as punching machine, grinding machines, etc.	Clause 33, Regulations on Health and Safety in Factory
	The insulation of electrical installation and wiring shall be adequate. The exposed conductor shall be installed at the place out of reach of personnel; otherwise, protective device and warning signs shall be installed.	Clause 41, Regulations on Health and Safety in Factory
	Fuse device or auto-switch must be installed for electrical installations.	Clause 42, Regulations on Health and Safety in Factory
	Protective grounding measure shall be taken in accordance with technical specification if the metal cover of machine may be electrified due to damage of insulation.	Clause 43, Regulations on Health and Safety in Factory
	Safe valve, pressure indicator and water level indicator shall be installed to each industrial boiler and be accurate and effective.	Clause 49, Regulations on Health and Safety in Factory

Health and Safety (continued)	The system of industrial boiler maintenance, repair and water pressure testing shall be maintained.	Clause 50, Regulations on Health and Safety in Factory
	The operator of industrial boiler shall obtain specialized training and pass the examination.	Clause 51, Regulations on Health and Safety in Factory
	All the gas containers must be stored and used at least 10 meters away from the open flames to prevent direct sunshine and collision during handling.	Clause 52, Regulations on Health and Safety in Factory
	Smoking and fire shall be prohibited at any storage place of flammable and explosive substance.	Clause 55, Regulations on Health and Safety in Factory
	The toxic substance and dangerous substance shall be stored at specialized area respectively and controlled strictly.	Clause 60, Regulations on Health and Safety in Factory
	Waste materials and wastewater shall be stored at specialized area respectively to prevent harm workers and nearby residences.	Clause 64, Regulations on Health and Safety in Factory

Health and Safety (continued)	The factory shall ensure that living water and industrial water is supplied adequately and drink water shall not be used without test and permit by local health department.	Clause 65, Regulations on Health and Safety in Factory
	The water sources, water spring, water pools and water piping shall be controlled appropriately to ensure that drink water is not polluted.	Clause 66, Regulations on Health and Safety in Factory
	Toilets shall be available at reasonable distance to workplace and separated for males and females.	Clause 70, Regulations on Health and Safety in Factory
	Personal protective equipment shall be provided in accordance with the hazards of work.	Clause 74, Regulations on Health and Safety in Factory
	The workers in the environment of harmful gas, vapor, or dust shall be provided with respirator, goggles and facemask.	Clause 75, Regulations on Health and Safety in Factory
	The workers in the environment of noise, strong flash, thermal radiation and flying spark and scraps shall be provided with ear protector, goggles, face mask and helmet respectively.	Clause 77, Regulations on Health and Safety in Factory
	The worker working at height (of 2 meters or above) shall be provided with safety belt.	Clause 79, Regulations on Health and Safety in Factory

Health and Safety (continued))		The electrician shall be provided with insulation boots and gloves.	Clause 80, Regulations on Health and Safety in Factory
		The factory shall be responsible to wash and amend the overalls and personal protective equipment and establish system of storage and issuance	Clause 86, Regulations on Health and Safety in Factory
		The factory shall train workers on how to use personal protective equipment correctly.	Clause 87, Regulations on Health and Safety in Factory
		The number of showers shall be calculated base on the occupational hazards of workplace, one shower per 13~24 person for class IV (the lowest class).	Clause 67, Factory Industrial Hygiene Design Standards
		Factory kitchen shall be located at reasonable distance, not too far away from the workplace, but shall not be next to toxic workshop and prevent to be affected by harmful factors.	Clause 72, Factory Industrial Hygiene Design Standards
		Facilities of washing hands, washing bowls and heating food shall be provided in canteen, kitchen's arrangement shall prevent cross-polluted among raw and cooked food. Ventilation and exhaust facilities shall be installed in kitchen and measure of pest, and fly and mice control shall be taken.	Clause 72, Factory Industrial Hygiene Design Standards

Health and Safety (continued))	<p>Toilets shall be located not too far from workplace. For the workplace with less than 100 male persons, one toilet per 25 person shall be provided, for the workplace with more than 100 male person, additional one toilet per 50 persons shall be provided. One urinal shall be provided for each toilet.</p> <p>For the workplace with less than 100 female persons, one toilet per 20 person shall be provided, for the workplace with more than 100 female persons, additional one toilet per 35 female persons shall be provided.</p>	Clause 73, Factory Industrial Hygiene Design Standards
	<p>Exposure hours- Noise limit(dB)</p> <p>8 Hr/Day – 90 dB</p> <p>4 Hr/Day – 93 dB</p> <p>2 Hr/Day – 96 dB</p>	Clause 2.01, Design Standards of Noise Control in Factory
	<p>The using unit of Lifting equipment must apply for Use approval permit of lifting equipment from local authority.</p>	Clause 16, Safety Supervision Regulations of Lifting Equipment
	<p>The using unit of lifting equipment shall establish safety technical files for lifting equipment.</p>	Clause 17, Safety Supervision Regulations of Lifting Equipment
	<p>The using unit shall conduct regular inspection for lifting equipment, including annual, monthly and daily inspection.</p>	Clause 18, Safety Supervision Regulations of Lifting Equipment

Health and Safety (continued)		The using unit must periodically apply for safety inspection and renewal of use approval permit of lifting equipment from local authority.	Clause 20, Safety Supervision Regulations of Lifting Equipment
		The health and safety supervision authority shall implement the system of Labour Safety Permit and Labour Health Permit for dangerous workplace and the workplace with toxic and harmful factors respectively.	Clause 5, Health and Safety Regulations in Guang Dong Province
		The factory shall establish a health and safety organization and allocate full time or part time technician of health and safety to be in charge of organization, supervision, inspection and promotion of health and safety.	Clause 8, Health and Safety Regulations in Guang Dong Province
		The factory shall enhance health and safety training, period examination to employees. The employees shall pass the examination and be qualified before commencement of work. The training and examination of specialized operation workers shall apply concerned national standards.	Clause 10, Health and Safety Regulations in Guang Dong Province
		The workshop producing or using danger substance and the warehouse storing dangerous substance shall not be located in the same building of employee dormitory. Hot work conducted in flammable and explosive area must subject to hot work permit system.	Clause 28, Health and Safety Regulations in Guang Dong Province

Health and Safety (continued)	For those employees engaged in toxic and harmful work, pre-employment health examination and regular health examination shall be arranged and employee health files shall be established.	Clause 30, Health and Safety Regulations in Guang Dong Province
	Upon completion of construction, the building must subject to fire prevention examination and acceptance approval by Fire Prevention Authority. Those building not being examined or failure to acceptance must not be put into use.	Clause 10, China Fire Prevention Law
	Enterprises shall bear the responsibility as below: <ol style="list-style-type: none"> 1) Establishing fire safety system and fire safety operation regulations. 2) Implementing the responsibility system of fire prevention and appointing the fire responsible person of individual department. 3) Conducting fire safety training 4) Organizing fire safety inspection 5) Allocating fire protection equipment and safety signs, organizing regular inspection and maintenance to ensure the equipment in operal condition, in accordance with the provisions of the state. 	Clause 14, China Fire Prevention Law

Health and Safety (continued)	No employee collective dormitory shall be allocated in the building in which product workshop or warehouse located.	Clause 15, China Fire Prevention Law
	The management of flammable goods warehouse must comply with the provisions of the State.	Clause 17, China Fire Prevention Law
	Open flame work is prohibited to be done at the place with fire or explosion risk. The employees engaged in fire risk works such as electric welding, gas cutting and operators of automatic fire protection system shall obtain the qualification before commencement of work.	Clause 18, China Fire Prevention Law
	Any unit or person is not allowed to damage, remove, destroy or suspend fire protection equipment, bury fire hydrant, occupy fire distance or obstruct fire routes.	Clause 21, China Fire Prevention Law
	The number of exit in factory building shall not be less than two, except it is stipulated by specific regulations.	Clause 3.5.1, Fire Prevention Standards in Building Design
	The number of exit in warehouse shall not be less than two, except it is stipulated by specific regulations.	Clause 4.2.7, Fire Prevention Standards in Building Design
	No office or rest room shall be located in the class A and B warehouse.	Clause 4.2.12, Fire Prevention Standards in Building Design
	The minimum width of evacuation routes and staircase shall not be less than 1.1 meters.	Clause 5.3.13, Fire Prevention Standards in Building Design

Health and Safety (continued)	The door of exit shall be opened towards outside, no slide door shall be used, rotating door is prohibited strictly.	Clause 7.4.7, Fire Prevention Standards in Building Design
	The consecutive service time of storage battery of emergency lighting shall not be less than 20 minutes.	Clause 10.1.2, Fire Prevention Standards in Building Design
	Evacuation signs shall be installed at the top of exit door or on the wall at the corner of evacuation route at the height of less than 1 meter. The distance between evacuation signs shall not be more than 20 meters.	Clause 10.2.9, Fire Prevention Standards in Building Design
	Fire disaster classification: 1) Class A : solid flammable substance 2) Class B : liquid flammable substance 3) Class C : gas flammable substance 4) Class D : flammable metals 5) Electrical Fire Disaster	Clause 2.0.3, Fire Extinguisher Allocation Design Standards in Building
	The number of fire extinguishers allocated at one space/place shall not be less than 2 units, the number at one point shall not be more 5 units	Clause 4.0.7, Fire Extinguisher Allocation Design Standards in Building
	Fire extinguisher shall be allocated on hook, holder or in specialized box, the height of the top shall be less than 1.5 meters, the height of the bottom shall not be less than 0.15 meters.	Clause 5.1.3, Fire Extinguisher Allocation Design Standards in Building

Health and Safety (continued)	Dangerous Chemical shall be stored at the warehouse that approved by local Fire Prevention Authority. No dangerous chemicals warehouse shall be set up without approval.	Clause 4.2, Storage Regulations of General Dangerous Chemical Goods
	Specialized technician must be designated for dangerous chemicals warehouse, and specialized storekeeper shall be arranged for the warehouse and storage area, the personal protective equipment shall be provided by the management.	Clause 4.4, Storage Regulations of General Dangerous Chemical Goods
	Smoking and open flame works are prohibited in the building and the area where dangerous chemicals are stored.	Clause 4.9, Storage Regulations of General Dangerous Chemical Goods
	The distinct signs shall be installed for stored dangerous chemicals.	Clause 4.6, Storage Regulations of General Dangerous Chemical Goods
	Power transmission and supply wiring, lamps, emergency lighting and evacuation indicators shall meet the specialized safety specifications.	Clause 5.3.1, Storage Regulations of General Dangerous Chemical Goods
	Ventilation system shall installed in the dangerous chemical warehouse.	Clause 5.4.1, Storage Regulations of General Dangerous Chemical Goods

Health and Safety (continued)	Temperature and humidity of warehouse shall be controlled strictly and inspected regularly. Modification shall be taken once change occurred.	Clause 7.3, Storage Regulations of General Dangerous Chemical Goods
	The using unit shall conduct regular testing and hazard assessment on dangerous chemicals used in workplace.	Clause 15, Safe Operation Regulations on Chemicals Goods in Factory
	The using unit shall provide first aid facilities and emergency response procedure in workplace where dangerous chemicals is used.	Clause 17, Safe Operation Regulations on Chemicals Goods in Factory
	The using unit shall communicate the MSDS of dangerous chemicals to employees and provide regular training on how to use it safely.	Clause 18, Safe Operation Regulations on Chemicals Goods in Factory
	The average dormitory area shall not less than 2.5 Sq. meters per person and the number of persons in one dormitory room shall not exceed 14.	Safety Production and Fire Prevention Management Provisions, Long Gang, Shenzhen (1997)

Health and Safety (continued)	<p>In case the number of person in a dormitory building exceeds 300, two or above staircase and fire exits shall provided. Goods are prohibited to be stacked on the evacuation routes and staircases are prohibited to be changed for other purpose, the fire staircase shall be opened/linked to the roof of the building.</p>	Safety Production and Fire Prevention Management Provisions, Long Gang, Shenzhen (1997)
	<p>In case the length of corridor exceeds 20 meters, emergency lighting and evacuation indicator signs shall be installed.</p>	Clause3, Safety Production and Fire Prevention Management Provisions, Long Gang, Shenzhen (1997)
	<p>The average dormitory area shall not be less than 2.6 sq. meters per person.</p>	Clause 3.2.1, Design Standards of Dormitory
	<p>Men's Toilets If the number of Occupants is less than 10, one toilet for 10 persons shall be provided; if the number exceeds 10, additional one toilet per 20 persons shall be provided. One urinal per 20 persons shall be provided. Women's Toilets If the number of occupants is less than 8, one toilet shall be provided; if the number exceeds 8, additional one toilet per 15 persons shall be provided.</p>	Clause 3.3.2, Design Standards of Dormitory

Health and Safety (continued)		Shower facilities shall be provided in dormitory and one shower shall be shared by no more than 20 persons in torrid regions and less than 30 persons in other regions.	Clause 3.3.5, Design Standards of Dormitory
		The number of exits in dormitory building shall not be less than two, except by stipulations of regulations.	Clause 3.5.1, Design Standards of Dormitory
		Food preparation personnel shall undergo annual health examination and obtain health certificate before commencement of work.	Clause 26, China Food Hygiene Law
		Hygiene permission certificate shall be obtained for factory kitchen and food vender.	Clause 27, China Food Hygiene Law
		Completed building must meet the provision of building quality standards. The completed building shall subject to quality examination and acceptance approval before commencement of use. Those building not being examined or failure to examination must not be put into use.	Clause 61, China Construction Law
4. Freedom of Association and right to collective bargaining	<ol style="list-style-type: none"> 1. Respect rights to form trade union and to bargain collectively 2. If law restricts find parallel means of organising Reps must not be penalised and must be allowed to carry out duties	Employee shall have the right to participate in and organize trade union in accordance with the law. Trade unions shall represent and safeguard the legitimate rights and interests of employees, and independently conduct their activities in accordance with the law.	Clause 7, China Labour Law

5. Discrimination	1. No discrimination on hiring, wages, training, promotion, termination- based on race, caste. Nationalities, religion, gender union or political member. No discrimination on disability, sexual orientation, age.	Employee shall not be discriminated against in employment, regardless of their ethnic community, race, gender, or religious belief.	Clause 12, China Labour law
		Female shall enjoy equal rights as males in employment. It shall not be allowed, in the recruitment of employees to use sex as a pretext for excluding females from employment or to raise recruitment standards for the females except for the type of work or posts that are not suitable for females as stipulated by the State.	Clause 13, China Labour law
		Where there are special stipulations in laws, rules and regulations on the employment of the disabled, the personnel of national minorities, and demobilized armymen, such special stipulations shall apply.	Clause 14, China Labour Law
		The distribution of wages shall follow the principles of distribution according to work and equal pay for equal work.	Clause 46, China Labour Law

6. Disciplinary Practices	1. Employee abuse prohibited Physical, sexual or other harassment prohibited	Wages shall be paid monthly to employee themselves in form of currency. The wages paid to employees shall not be deducted or delayed without justification.	Clause 50, China Labour Law
		The fine to those employee violated factory rules shall be no more than 20% of wage of the month, the balanced wage shall not be less than local minimum wage.	Regulation on Enterprise Employee Disciplinary Practice.
7. Working Hours	1. National laws and industry standards (greater protection),max 48 hrs /wk 2. + 12 O/T(is voluntary not regular & premium rate) 3. 1 day off / wk. on aver. If collective bargaining agreement,O/T can exceed 12 hours/week to meet short-term business demand	The state shall practice a working hour system under which employee shall work for no more than 8 hours a day and 44 hours a week on the average.	Clause 36, China Labour Law (Weekly Working hours had been revised to 40 hours a week.)
		In case of employee working on the basis of piecework, the employer shall rationally fix quotas of work and standards on piecework remuneration in accordance with the working hour system stipulated in clause 36 of this law.	Clause 37, China Labour Law
		The employer shall guarantee that its employees have at least one day off in a week.	Clause 38, China Labour Law
		The employer shall arrange holidays for employees in accordance with the law during the following festivals: 1) The New Year's day 2) The Spring Festival 3) The International Labour Day 4) The National Day 5) Other holidays stipulated by laws and regulations	Clause 40, China Labour Law

Working Hours cont'd	The employer may extend working hours due to the requirements of its production or business after consultation with the trade union and employees, but the extended working hours for a day shall generally not exceed one hour; if such extension is called for due to special reasons, the extended hours shall not exceed three hours a day under the condition that the health of employee is guaranteed. However, the total extension in a month shall not exceed 36 hours.	Clause 41, China Labour Law
	The employer shall not extend working hours of employees in violation of the provision of this Law.	Clause 43, China Labour Law
	Employee working hours shall be 8 hours per day and 40 hours per week.	Clause 3, The State Council's Provisions on Working Hours
	The Public Holidays 1) New Year's day: 1day 2) Spring Festival:3 days 3) International Labour Day: 3 Days 4) National Day: 3 Days	Clause 1, The State Council's Provisions on Statutory Holidays
	In case the public holiday is Saturday or Sunday, additional rest days shall be arranged on working days	Clause 6, The State Council's Provisions on Statutory Holidays

8. Wages	<ol style="list-style-type: none"> 1. Legal & industry norms (highest), to cover basic needs and discretionary. 2. O/T at premium rate, (law or norm) 3. No disciplinary deductions unless agreed & clearly understood by workers. 4. Employment conditions written & understood, before employment, wage slips provided & understood 5. Regular employment req'd & legal obligations of soc. security etc. must not be avoided by labour only, homework arrangements, or apprenticeship schemes. <ul style="list-style-type: none"> • No deductions for disciplinary purposes <p>Wages and benefits rendered in full compliance with law, remuneration rendered in cash or check form or in manner convenient to workers</p>	<p>The employer shall, according to the following standards, pay employees remuneration higher than normal payments under any of the following circumstances.</p> <ol style="list-style-type: none"> 1) Pay no less than 150 % of the normal wages for extensions of regular working days. 2) Pay no less than 200% of the normal wage for extension on day of rest if no deferred rest arranged can be taken. 3) Pay no less than 300% for extension on statutory holidays. 	Clause 44, China Labour Law
		<p>The state shall implement the system of guaranteed minimum wages. Wages paid to employees by employer shall not be lower than the local standards on minimum wages.</p>	Clause 48, China Labour Law
		<p>The employer shall pay wages according to law to employees who observe statutory holidays, take leaves during the period of marriage or funeral, or participate in social activities in accordance with the law.</p>	Clause 51, China Labour Law
		<p>The minimum wage is defined as minimum remuneration the employer shall pay to employee for the work of stipulated normal working hours.</p>	Clause 3, Minimum Wage Provisions

Wages cont'd	<p>The following items shall not be the composition of Minimum wages:</p> <ol style="list-style-type: none"> 1) Over time pay 2) Allowances paid for special work conditions including night shift, hot or cold temperature, work under the pit, toxic or harmful conditions, etc. 3) Labour insurance and welfare stipulated by laws, rules or regulations 4) Non-currency income provided by employer such as meal allowances, housing allowance, etc. 	Clause 17, Minimum Wage Provisions
	<p>The employer shall notify their employees on the local minimum wage provisions stipulated by local government.</p>	Clause 18, Minimum Wage Provisions
	<p>Wages shall be paid in currency, not in kind or priced securities as an alternative.</p>	Clause 5, Temporary Provisions on Wage Payment
	<p>Wages shall be paid to the employees themselves directly. Where an employee is not able to present, his/her relative or trustee may receive the wages and pass to the employee. Employer must record the wages of employees in written with wage amount, working hours, receiver's name and signature, the payroll record shall be retained for more than two years. The employer shall provide a copy of wage stubs to employees at the time of payment.</p>	Clause 6, Temporary Provisions on Wage Payment

Wages cont'd	Wages shall be paid on the payday of agreement of employer and employee; The payday shall be the workday before the holiday or rest day in case the payday is holiday or rest day. The wages shall be paid at least once per month.	Clause 7, Temporary Provisions on Wage Payment									
	The employer shall pay all the wages at one time in case the labour contract is terminated or ended in accordance with the provisions of regulations.	Clause 9, Temporary Provisions on Wage Payment									
	Where an employee attends social activities during working hours, the employee shall be considered providing normal work and be paid.	Clause 10, Temporary Provisions on Wage Payment									
	The state shall practice the system of annual vacation with pay. Employees who have kept working for one year and more shall be entitled to annual vacation with pay. The concrete measures shall be formulated by the State Council.	Clause 45, China Labour Law									
	The employee having completed one year for a employer shall have the right to enjoy annual pay Leave, detail breakdown as below: <table border="0"> <tr> <td>Service Years</td> <td>Pay annual Year</td> </tr> <tr> <td>1~5 Yrs</td> <td>5 Days</td> </tr> <tr> <td>5~10 Yrs</td> <td>7 Days</td> </tr> <tr> <td>10~20 Yrs</td> <td>10 Days</td> </tr> <tr> <td>20 Yrs~</td> <td>14 Days</td> </tr> </table>	Service Years	Pay annual Year	1~5 Yrs	5 Days	5~10 Yrs	7 Days	10~20 Yrs	10 Days	20 Yrs~	14 Days
Service Years	Pay annual Year										
1~5 Yrs	5 Days										
5~10 Yrs	7 Days										
10~20 Yrs	10 Days										
20 Yrs~	14 Days										

Wages cont'd		Employer must not deduct the wages of employee except the required by law or adjudication of court.	Clause 15, Temporary Provisions on Wage Payment
		If an employee causes commercial loss to the employer due to personal reason, the employer may request to be indemnified from the employee's wage. But the amount shall not be more than 20% of the wage of each month and the balanced after deduction shall not be less than local minimum wages.	Clause 16, Temporary Provisions on Wage Payment
		The employer and employees must participate in social insurance and pay social insurance premiums in accordance with the law.	Clause 72, China Labour Law(1994)