Chinese Calligraphy

The decorative handwriting known as calligraphy is an art form. Examples of such artistic expression include Chinese calligraphy, Mongolian calligraphy, Arabic calligraphy and western calligraphy. The traditional art of Chinese calligraphy uses the unique characters of written Chinese and, broadly speaking, the term refers to the rules for handwriting with them. In other words, it is all about how a character is drawn according to its features and meaning as well as stroke and structure, so as to bring out its beauty. Chinese calligraphy has been hailed as a poem without words, a dance without steps, a painting without images and a piece of music without sound.
Moving ahead with collective bargaining

ACFTU rolls out five-year strategy to "update" collective bargaining

In order to promote collective bargaining, the ACFTU has issued Opinions on Improving the Quality of Collective Bargaining and the Effectiveness of Collective Contracts, as well as the Work Plan for Intensifying Collective Bargaining, 2014-2018. These set out the objective that "further to the general 80% collective bargaining penetration rate, 90% of employees covered by a collective contract should be made aware of the collective bargaining process, and their rate of satisfaction with efforts to promote collective bargaining and collective contracts should increase" within the next five years. The Opinions require that "work should be done to ensure the development of the collective bargaining system, scientific work mechanisms, thorough preparation, comprehensive content, law-abiding process, meaningful negotiation, fair outcomes, and timely and effective implementation of the agreement, so as to improve the quality of collective bargaining and the effectiveness of the collective contract." The Work Plan spells out the overall arrangements for work on collective bargaining over the next five years and identifies specific performance indicators, such as the 90% penetration rate to be achieved in unionized enterprises with more than 100 employees, annual training for the 150,000 full-time or part-time staff supervising collective bargaining nationwide, including 10,000 full-timers, and 240,000 union officials and supervisors responsible for collective bargaining work, and 100 industrial, 300 corporate and 50 regional examples of good practice in conducting collective bargaining.

Objectives

- Maintain the penetration rate of collective bargaining. In unionized enterprises as a whole, the penetration rate of collective bargaining should be maintained above 80%; and in unionized enterprises with more than 100 employees, the rate should be over 90%.
- Improve the quality of collective bargaining. For those enterprises with a collective bargaining system in place, bargaining should be targeted in its content, standardized in its procedures, extensive in its communications, accountable in its implementation and effective in its results.
- Ensure an employee participation rate of over 70% and an awareness rate of over 90% with regard to collective bargaining in enterprises where such a system is in place, and an increased rate of employee satisfaction with efforts to promote collective bargaining and collective contracts.
- Expand the number of collective bargaining supervisory staff. Nationwide, the number of full-time and part-time supervisors for collective bargaining should reach at least 150,000, including a minimum of 10,000 full-timers, and efforts should be made to develop a contingent of union experts specialized in collective bargaining negotiations.

Strengths training on collective bargaining. Trade unions at all levels across the country should provide annual training for 240,000
Focus

union staff and supervisors responsible for the work of collective bargaining, including 600 who should attend training offered by the ACFTU and targeted at future instructors, and of these no fewer than 300, 200 and 60 should attend the training offered by, respectively, the provincial, municipal and county federations of trade unions. Through expansion of training coverage and raising its level, the capabilities of union staff and collective bargaining supervisors can be further improved.

Set out examples of good practice in collective bargaining. Every year, 20 examples of different industrial levels and categories with both domestic and international impact should be developed across the country; 60 corporate-based and ten regional examples of collective bargaining that is effective and industrial should be developed as well. Within the five years covered by the Work Plan, 100 industrial, 300 corporate and 50 regional examples of good practice should be chosen to maximise the impact of their exemplary role in collective bargaining.

Principles

Quality and real results. Improvements in collective bargaining quality and contract effectiveness should be incorporated into the general effort to intensify collective bargaining work, so as to balance quantity with quality and scale with outcomes.

Focus on grassroots and vertical interaction. Work priority should be given to collective bargaining at the grassroots level to encourage the enthusiasm and motivation of grassroots unions by improving the system, with a view to achieving good interaction between the active grassroots unions and the higher-level unions that provide guidance.

Reliance on employees and serving their interests. The intensification of collective bargaining can be promoted through efforts to encourage workers to participate in the process, promoting their right to bargaining and expanding their participation, thus ensuring that the content of bargaining reflects workers’ will and demands, and helping them to share in the results of economic and social development.

Consensus building. Efforts should be made to guide opinion to be more positive about reaching agreements that mean conflicts in the labour relationship are resolved through collective bargaining.

Industrial collective bargaining emphasised

The scope of industrial collective bargaining should be specified and extended. The issues that are of most concern to industrial workers, including their industry’s minimum wage, overtime pay baselines, wage adjustment margins, labour quanta and wage payment methods, should constitute the core content of industrial collective bargaining. Standards such as those for pay distribution systems, posted wage baselines and posted wage coefficients should be set through bargaining based on different jobs and posts. In accordance with the reality of different enterprises in an industry, the scope of bargaining should be extended to cover health and safety at work, special rights protection for women workers, occupational skills training and staff participation in secondary distribution within the enterprises. Unions in the larger enterprises in an industry should be encouraged to conduct more targeted secondary bargaining based on industrial collective bargaining and following the principle of a fixed wage no higher and a labour price no lower than the standards set in that industry’s collective contract. The coverage of industrial collective bargaining should be extended. While bargaining is promoted in industries where labour-intensive enterprises operate, such as construction, mining and catering services, efforts should be made to extend it to emerging and high-tech industries, as well as to those public organizations exercising corporate management, and ensure that all the suitable industries in county-level and even lower jurisdictions adopt the collective bargaining system.

Those locations where conditions allow may continue to explore the adoption of industrial collective bargaining in jurisdictions higher than county level.

Quality of collective bargaining at corporate level

Employee representatives should be carefully selected. Efforts should be made to improve the work mechanism that requires the democratic election of employee representatives, and ensure that they truly represent the voice of the employees. The composition of employee representation should be rationalised to increase representativeness, specialisation and mutual complementarity and make full use of representatives’ collective advantage. Unions at the higher level should help address the difficulties experienced by corporate union staff and employee reps in performing their duties, through system building and other support and assistance.

The content of collective bargaining should be targeted. Bargaining should focus on the issues of most concern to employees and ensure the specificity and practicability of the content. Different bargaining contents and terms should be applied to address the demands of different types and categories of jobs and employees, in particular frontline workers, migrant workers and agency workers.

Full participation of employees in collective bargaining should be ensured. Corporate unions should encourage staff participation throughout the process of collective bargaining. Before the start of bargaining, efforts should be made to know employees’ concerns and ensure that the issues to be negotiated accurately reflect them. In the course of bargaining, the proceedings should be communicated in a timely manner to employees for their feedback. After the draft is signed, the collective contract should be endorsed by the workers’ congresses, which should also be informed in a timely manner about the implementation of the collective contract.

Development of human resources for collective bargaining

Collective bargaining supervisors should be better managed. The provincial federations of trade unions should formulate the rules for the management of collective bargaining supervisors to enable them to better play their roles. Work should be assigned to them in a timely manner; information should be shared; issues should be addressed and their performance should be evaluated collectively. The goals and tasks for the work of collective bargaining supervisors should be identified to ensure consistency between power and duty and the real performance of their functions. Scientific appraisal criteria and methodology should be adopted, the continuation, termination or change of an employment relationship should be determined based on the result of appraisal, and appropriate recognition or reward should be given to supervisors demonstrating excellent performance.

Expert advisory bodies should be established and developed. If needed, local trade unions should establish and develop collective bargaining advisory groups or steering groups, engaging relevant experts in regular policy consultation, professional guidance, lecturing and training, and surveys and research on collective bargaining. Where conditions allow, local unions may apply for a special financial budget to purchase professional services from relevant experts or institutions with regard to collective bargaining.
Special Report

An instrument for trade unions in rights protection

Chen Hao
Vice-Chair, All-China Federation of Trade Unions
Union’s Perspective on Labour Legislation

(Editors’ note: The Labour Law adopted at the 8th Plenary Session of the Standing Committee of the Eighth National People’s Congress (NPC) on 5 July 1994 was China’s first national legislation designed to coordinate labour relations and regulate the employment of workers, a milestone in the development of a legal framework for labour. Twenty years on from the adoption of the Law, the labour relationship in China has in general maintained stability, the legitimate rights and interests of workers have been continuously strengthened, and a legal system of labour protection that meets the need of the socialist market economy has been established. On 4 July 2014, the Legislative Commission of the Standing Committee of the NPC, the Ministry of Human Resources and Social Security, the Office of Legal Affairs of the State Council, the ACFTU, the National Federation of Industry and Commerce, the China Enterprises’ Association and the China Entrepreneurs’ Association jointly held a national tripartite conference to commemorate the 20th anniversary of the adoption of the Labour Law, review and summarize its historic role and significance, and explore new measures to develop labour legislation. The following is excerpted from the speech made by ACFTU Vice-Chair Chen Hao, First Secretary of the Secretariat at the Seminar. The title was added by the editors.)

In the new situation where the mass of workers across the country are following the key tone of a new era to achieve the Chinese dream of a great rejuvenation for the Chinese people, and in the midst of the “China Dream Labour Value” campaign, we come together today in the Great Hall of the People to commemorate the 20th anniversary of the Labour Law, which bears great significance.

On 5 July 1994, the widely anticipated Labour Law of the PRC was adopted by the 8th Plenary Session of the Standing Committee of the Eighth National People’s Congress. The Law has been effective in regulating the labour relationship, protecting the legal rights and interests of the mass of workers and relevant parties, boosting the motivation of employees and providing an instrument that the trade unions can use for their work in rights protection.

The adoption and implementation of the Labour Law has created conditions for the market allocation of labour resources and the establishment of a labour relationship through consultation, and provided the legal basis for workers to protect their legal rights. The principle of establishing a labour relationship through consultation as required by the Labour Law allows for the equal status of both parties to the market-based labour relationship, changes the mindset of employers and employees with regard to employment, and raises their awareness of the market, consultation and the law. The unified labour standards and the democratic consultation rules required by the Law provide a legal basis for employees in all kinds of enterprises to enjoy the same rights and protection, as well as clarifying the specific requirements for all kinds of enterprises to establish their own rules and regulations, deciding distribution standards through consultation and settling labour disputes on the basis of law. The implementation of the Labour Law has greatly enhanced the awareness and capabilities of workers in protecting their lawful rights according to legal requirements and procedures, and realizing their legitimate interests through labour contracts and collective agreements. It has also improved the awareness and obligation of employers to recognize the value of labour, respect the dignity of employees and establish cooperation and win-win mechanisms. This contributes to motivating employees, unleashing productive forces, lifting productivity and corporate competitiveness and promoting healthy economic growth. The establishment of those legal rules has effectively mitigated the conflict between employers and employees, upheld fairness and justice in the labour relationship, created more opportunities for workers to share in the results of economic and social development, and promoted social harmony and stability.

The Labour Law creates conditions for the innovative development of Chinese trade unions’ work and provides legal support for the pursuit of a union development path with Chinese characteristics. Since 1994, the ACFTU has made full use of the implementation of the Labour Law, achieving remarkable progress in unionization and rights protection and largely improving Chinese trade unions’ penetration and influence. Furthermore, the Trade Union Law amended in 2001 incorporated the “protection of labour rights and interests as the fundamental function of trade unions” into its General Provision. Ever since, Chinese trade unions have always held high the banner of labour rights protection and clarified the work principles for lawful protection of labour rights. Trade unions at various levels have consciously placed themselves under the leadership of the CPC, made full use of the power mandated by the Labour Law and other labour rules and regulations, dedicated themselves to labour rights protection in an active, scientific and lawful manner, explored and pursued a union development path with Chinese characteristics, played in an effective fashion the dual role of connecting the Party with the masses and constituting a major social pillar in the socialist state regime, and achieved great progress in the protection of labour rights through legal means.

Twenty years on, trade unions at all levels have fulfilled the mandate of representing and protecting the interests of workers, helped and guided employees in establishing labour contracts, represented them in signing collective contracts, supervised the implementation of labour standards by enterprises, promoted transparent and democratic management in enterprises, participated in the prevention and settlement of labour disputes, and undertaken various forms
of legal aid, which have greatly promoted the harmony and stability of the labour relationship. In the implementation of the Labour Law, trade unions have enhanced their capabilities of protecting labour rights and coordinating labour relations from a legal perspective. To this end, putting the work of unions on the legal track has become the consensus and direction of trade unions at the various levels. These achievements have helped increase the cohesiveness, attractiveness, and social influence of trade unions. Employees in enterprises of all kinds, including Walmart and other major foreign companies, have been active in organizing and participating in trade unions. At this moment, the number of grassroot unions nationwide has reached 2.766 million, with a total membership of 290 million. Chinese trade unions have been recognized by their counterparts across the world for their rights protection work and China has been elected once again into the ILO Governing Body as a titular worker member with the largest vote, raising the voice of Chinese trade unions in the international labour movement.

The 18th National Congress and the Third Plenum of the 18th Central Committee of the CPC have made the decision and put arrangements in place to comprehensively intensify reform and promote the rule of law. With the increase in the decision role of the resource allocation, this places even more significance in this new historic era on further implementing the Labour Law, ensuring the legality and standardization of the market-based labour relationship, better protecting the legal rights and interests of workers and developing harmonious labour relations. Trade unions at the various levels should attach great importance to and be fully aware of the new situation and tasks in the labour relationship and coordinate labour relations from a legal perspective and by legal means, and push forward the work of trade unions on a legal basis.

Study and publicity of the Labour Law and other labour rules and regulations should be expanded and deepened. Trade unions at the various levels should strengthen publicity about the Labour Law as part of the relevant activities of the “China Dream Labour Value” campaign. Efforts should be made to take the organizational advantage to promote the study of labour laws and regulations, develop unions’ own talent in the field of law, improve the capabilities of union staff in the performance of duties and protection of labour rights according to law, and engage enterprises and employers in more focused and targeted publicity and training about labour law and regulations. As a major base for education and publicity, trade unions should use their resources in college education and publications, through the Internet and other new media, in a way that is widely and easily accepted by workers. They should explain the significance and positive role of labour law and regulations in protecting workers’ rights, developing a harmonious labour relationship and promoting corporate development. They should make clear the rationale and principles of labour legislation, as well as the penalty for any breach, so as to reinforce legal awareness on the part of both employers and employees. Efforts should be made to supervise corporate compliance with labour law and regulations and scientific management according to law, and provide guidance for employees in observing rules and protecting rights based on law, so as to realize a legalized and standardized labour relationship.

The implementation of the Labour Law and other labour rules and regulations should be effectively pushed forward. Union staff at all levels should perform their duties based on law and protect labour rights by legal means. Legislation, the law enforcement and judicial authorities, legal service volunteers, government lawyers, and other social partners should get involved to assure labour rights as provided by the Labour Law. Efforts should be made to help and represent employees in the establishment of labour contracts to secure their legal rights and interests. Trade unions should step up their supervision of the implementation of the Labour Law, undertake law enforcement inspection in cooperation with the People’s Congress, press government departments to strengthen administrative supervision, monitor corporate compliance with employment rules and guide employees to demand their legitimate interests according to law. Labour dispute prevention, notification, mediation and settlement mechanisms should be improved, and legal service and aid systems for workers should be established. The democratic management system, with the employees’ congress as the principal form, should be improved in enterprises and public organizations to assure the economic and political rights and interests of employees, effective coordination of the labour relationship and settlement of conflicts, so that both parties cooperate and share with each other in a harmonious, mutually beneficial and win-win manner, and employees are motivated to work hard as well as honestly, scientifically and creatively. Trade unions should actively participate in the formulation and amendment of labour laws and regulations. While promoting the implementation of existing labour laws and regulations, trade unions at the various levels should be active part in the formulation and amendment of other relevant laws and regulations, reform policies and corporate restructuring plans by voicing their opinions and recommendations to ensure the representation, expression and protection of workers’ rights and interests. Going forward, the focus should be placed on legislation regarding, among other things, wages, working time, collective contracts, corporate democratic management, to improve the labour law framework under the conditions of a market economy. Efforts should be made to further promote the establishment and improvement of the mechanisms for participating in legislation, law enforcement supervision, the systems of tripartite consultation conferences and joint meetings between unions and government, collective bargaining and democratic management at enterprise level, so as to protect labour rights at the very source, and ensure social fairness and justice together with decent work.

The rule of law in labour relations

Yin Weimin
Minister of Human Resources and Social Security
Government’s Perspective on Labour Legislation

Promulgated on 5 July 1994, the Labour Law of the People’s Republic of China was the first basic law since the founding of the new China to regulate overall labour relations with the purpose of protecting workers’ legitimate rights and interests. As such, it constitutes a landmark in the strengthening of the rule of labour law in the country. Given practical effect over the past 20 years, this law has played an important role in establishing and improving both the employment and social security systems and the mechanism for regulating labour relations in line with the socialist market economy, as well as safeguarding workers’ legitimate rights and interests and promoting overall economic and social development. In these two decades, China has also promulgated and implemented the Labour Contract Law, the Employment Promotion Law, the Labour Dispute Mediation and Arbitration Law, the Social Insurance Law and a series of supportive regulations, putting in place a relatively complete legal framework for human resources and social security. During this period of continuous expansion in employment, its structure has undergone profound changes and its quality has gradually improved. Between 1994 and 2013, the registered urban unemployment rate remained at a low level, with urban employment growing from 186.53 million to 382.4 million. Meanwhile, the employment ratio for the three economic sectors shifted from 54.23% to 41.30%, labourers having migrated in considerable numbers from agriculture to the secondary and tertiary industries.

Over the same period, as China established a vocational training system for the entire labour force and strengthened its vocational skills training, the skilled labour force has kept on growing. By 2013 the number of skilled workers had reached 150 million and senior skilled talent totalled 37.62 million, providing a strong human resource pillar for economic and social development. In the past 20 years the social security system has rapidly developed so that it now covers both urban and rural areas, with coverage continuously expanding, benefits steadily rising and a safety net now in place that is in keeping with the national economic development level. The labour contract system has been implemented across the board, the collective contract system has seen sustained advance and the tripartite labour relations regulation mechanism, comprising government, trade unions and enterprises, has gradually improved, promoting harmony and stability in labour relations. We have established and improved the rural migrant workers affairs coordination mechanism and pushed ahead with a progressive expansion in migrant employment, constant improvement of vocational skills, substantial growth in wage levels, relative growth in the number of social insurance participants, a marked strengthening of labour rights protection, and wider access to basic public services. With the establishment and improvement of labour and personnel dispute mediation organisations, arbitration bodies and labour inspection institutions, we have actively prevented labour disputes and properly handled those that did arise, investigated and punished employing units’ non-compliance with the labour laws in timely fashion, and safeguarded workers’ legitimate rights and interests effectively.

Nowadays China is at a critical juncture where it is establishing a reasonably prosperous society in all respects, and trends such as diversified forms of employment, an ageing population, urbanization and economic globalization have brought forth new challenges for human resources and social security work. The employment aggregate pressure remains huge, structural tensions are more acutely felt, the shortage of innovative and skilled talent is more pronounced, the social security system needs further improvement, the income distribution gap is still large, and malpractice impairing workers’ rights and interests such as delayed payments of wages for equal work still crops up from time to time. The task of establishing harmonious labour relations and protecting the legitimate rights and interests of workers thus remains an arduous one. The human
resources and social security authorities are therefore determined to do a better job of enforcing the labour laws and regulations and protecting workers’ legitimate rights and interests. First, we will further improve the labour law and regulation system. We will step up the formulation of supportive regulations to the Labour Law to make the various laws and regulations more operational and facilitate its implementation. In the meantime, new ways should be found to publicize the legal education campaign more widely and raise the awareness of both employers and employees. Second, we will improve the mechanism of promoting employment and entrepreneurship. We will implement the pre-employment strategy and more active employment policies in a thoroughgoing manner, establish a joint mechanism for economic development and employment expansion, improve the urban-rural public employment and entrepreneurship service systems, establish a system of lifelong vocational training and strive for full and good-quality employment. Third, we will put in place a fairer and more sustainable social security system. Upholding the principle of universal coverage and basic benefits at all levels, we will establish a system covering both urban and rural areas with the focus on strengthening equity, accommodating mobility and ensuring sustainability. Fourth, we will improve the labour relations regulation mechanism. We will fully implement the labour contract system, push ahead with collective consultation in enterprises, facilitate the channels for expressing national demands by all sides, particularly employees, and effectively prevent and reduce the number of labour disputes. We will further improve the orderly, fair and timely handling of labour disputes, enhance their efficient settlement, and promote harmony and stability in labour relations. Fifth, we will protect workers’ legitimate rights and interests effectively. We will introduce innovations in the labour inspection and law enforcement system, establish an authoritative and efficient mechanism with unified rights and responsibilities, regulate the enforcement procedure and enhance its efficiency. Focusing on the conclusion of labour contracts, payment of wages, social insurance and the human resources market, we will crack down on any illegal practice and safeguard the legitimate rights and interests of workers. (Extract from a speech given on the 20th anniversary of the Labour Law on 4 July 2014. The title was added by the editor.)

Regulating the legal and healthy development of enterprises Xie Jingrong Vice-Chair, All-China Federation of Industry and Commerce Employer’s Perspective on Labour Legislation

The Labour Law of the People’s Republic of China was adopted on 5 July 1994 at the 8th Plenary Session of the Standing Committee of the Eighth National People’s Congress. As the first basic law in the labour field and an important component of the socialist legal system with Chinese characteristics, it is a landmark in the history of labour legislation. Starting with the Labour Law, China has gradually put in place a systematic labour law system which has effectively promoted overall economic and social development and played an important role in protecting the legitimate rights and interests of workers, advancing the development of enterprises and promoting social harmony and stability.

A strong guarantee for the healthy development of non-public sectors of the economy Since China began its reform and opening up, the non-public sectors have maintained rapid development, becoming both an important part of the national economy and a significant driving force behind socialist modernization. By the end of 2013, the number of private enterprises totaled over 12.5 million and individual businesses over 44 million, the private economy accounted for above 50% of GDP and the proportion of private capital in fixed assets investment represented more than 62%. Having absorbed 80% of urban employment and 90% of annual increased employment, non-public enterprises have become the backbone of our labour relations. The achievements of the non-public sector can be attributed to the correct guidance of central policies, the harmony and stability of society, including labour relations, and the successful implementation of the Labour Law. This stipulates the rights and duties of both employers and employees, providing not only effective protection for the legitimate rights and interests of workers but also solid legal protection for the sound development of enterprises. Since they constitute the main body of enterprises in China, non-public companies see more frequent labour disputes, which is one reason why the protection of the Labour Law is essential to the healthy development of enterprises. In the 20 years since the promulgation of the Labour Law, labour relations in non-public enterprises have moved into the legal and regulated track, employment has risen, the labour contract system has been steadily adopted, social insurance coverage has gradually expanded, enterprise wage reform has been intensified and labour dispute prevention and mediation work has achieved sound results. As a result, labour relations in the non-public sector remain harmonious and stable.

The importance to industry and commerce of building harmonious labour relations For many years, federations of industry and commerce at all levels have given active guidance to non-public enterprises about
strictly abiding by labour laws and regulations and voluntarily honouring their social responsibilities, which in turn has facilitated the healthy development of the non-public sector and its employees.

First, these federations have actively participated in labour law legislation. In collaboration with the Law Committee of the National People’s Congress and the Legal Affairs Office of the State Council, centring on major areas such as labour contracts, labour dispatching and social insurance, they have reflected the voice of enterprises, put forward advice and helped make legislation more scientific.

Second, they have been actively involved in the nation’s tripartite structure. In 2011 the All-China Federation of Industry and Commerce joined the National Tripartite Committee for Labour Relations Regulation. All provincial federations have now taken part in the tripartite committee at their respective levels, and the number and coverage of federations joining the committee at municipal and county levels have continued to grow. Through this participation in the tripartite mechanism, non-public enterprises have achieved deeper engagement and greater bargaining power.

Third, they have promoted enterprise recruitment and reemployment work. Along with human resources departments, education departments and trade unions, they have during the past ten years run an annual joint Private Enterprise Recruitment Week campaign, which has attracted more than 1.5 million private enterprises and helped over 8 million jobseekers find employment.

Fourth, they have pushed forward collective wage consultation. By normalizing regular wage adjustment without affecting enterprise sustainability, they have guided the establishment of a guarantee system whereby enterprises and employees pool their destinies and share the fruits of their labour in the search for common development, constantly expanding the coverage of collective consultation.

Fifth, they have taken part in labour dispute mediation and settlement. To guard against the frequent occurrence of labour disputes, the federations of industry and commerce have tapped into their own advantages. Taking labour dispute settlement as an important entry point and counselling non-public enterprises and chambers of commerce to improve internal coordination mechanisms, they have worked together with the human resources and social security authorities to formulate guidelines on labour dispute prevention and mediation, and conducted demonstration and guidance work.

Sixth, they have strengthened the construction of grassroots enterprise democratic policy. They have actively promoted transparency in factory affairs, and made the most of the positive role of democratic management in guiding employee minds and consolidating the labour force.

Seventh, they have helped to nurture an enterprise culture, actively expanding the coverage of our Party’s organization and work and encouraging enterprises to put justice before profit, establish a sound social image and enshrine the cultural lives of their employees.

Helping non-public enterprises to follow the Labour Law in a context of thoroughgoing reform

Nowadays, affected by the complicated economic situation, heightened environmental and resource constraints, rising labour force costs and other factors, non-public enterprises that rely on the traditional extensive development model are unable to sustain it, especially when faced with an unstable workforce, inadequate worker protection, frequent labour disputes and other challenges in labour relations. It is necessary for them to be guided by thoroughgoing reform and follow the Labour Law in establishing their labour relations, taking the path of transformation and constant upgrade to enhance their quality and efficiency.

First, we have intensified the education campaign about labour laws and regulations, providing operators with guidance so that they willingly learn and abide by the relevant rules, actively honour their social responsibilities and safeguard the basic rights of their workers. Enterprise managers should be helped to implement the concept of putting people first to the mutual benefit of employers and employees, allowing employees to share the benefits of enterprise development and thus enhance their sense of identity and belonging and seek common development.

Second, we have worked to improve secondary legislation in support of the Labour Law. In the 20 years since its implementation, the social background and external environment have undergone tremendous changes. With market-oriented employment and legally based labour relations increasing the demand for the completion of supportive legislation, the feasibility and enforcement of the labour law system should be enhanced and supportive legislation work stepped up. In drafting these regulations we should not only protect the legitimate rights and interests of employees but also pay attention to the development needs of enterprises; not only heed the voice of trade unions but also learn the opinions of relevant organizations like federations of industry and commerce; not only improve the livelihoods of employees but also enhance the competitiveness of enterprises and establish harmonious labour relations.

Third, we should promote good examples of Labour Law implementation. In 2011, awards were made to more than 80 non-public enterprises as national models for the establishment of harmonious labour relations. These models generate tangible positive energy and have exerted a sound influence on businesspeople in the non-public economy, providing them with the incentive to follow the Labour Law. From now on the All-China Federation of Industry and Commerce will strengthen its coordination with all sides, creating a model database for non-public sector businesspeople by consolidating the China Glory Society award and awards for harmonious labour relations, employment and social security as well as other resources. It will step up its monitoring activities, encouraging non-public enterprises to establish harmonious labour relations, and will promote the healthy development of the non-public sector.

Reforming social security and constructing a new system under Chinese national conditions

Sun Wenbin
Deputy Director, ACFTU Legal Work Department
The history of human society is characterized by the struggle of millions of workers and the pursuit of dreams and making them come true. All people around the world share the common goals: prosperity, democracy, freedom, equality, civilization, and a decent and dignified life. A well-known term throughout the nation, “China Dream” represents the zeitgeist of the country today: striving for the rejuvenation of China. Completing the building of a moderately prosperous society by the 100th anniversary (in 2021) of the Communist Party of China and constructing a modernized socialist country with prosperity, democracy, civilization and harmony as its main features is the greatest dream and pursuit of the masses in China.

The China Dream reflects the expectations of millions of workers for a happy life. It is closely related to the social security and happiness of the people, the realization of reform and socialist modernization, and the lasting political stability of our country. It is a common dream for all workers and the people as a whole. Therefore, the establishment of a social security system should be aimed at safeguarding social equity and justice, promoting the all-round development of the people, establishing fair and sustainable social security, continuously improving people’s life quality and happiness, protecting individuals’ freedom, equality and dignity, and finally building a well-off socialist country.

China is the world’s largest developing country. Owing to the large population, poor economic foundation and unbalanced urban and rural development, it is an arduous task for China to improve its social security. Based on national conditions, the Government is profoundly concerned with and active in the establishment and improvement of a human-centered social security system. China at present has an established, multilayered and sustainable social security system with broad coverage which is based on the fundamental and realistic requirements of the majority of workers and the wider public and aimed at promoting social security and the standard of living of all citizens and promoting national welfare, and which matches current social and economic development. Both urban and rural citizens have access to basic education, medical care and decent housing. Older people are well cared for and workers are reasonably paid. The measures suggested in the ILO’s Social Protection Floors Recommendation, 2012 (No. 202), are gradually being implemented in China.

Labour Law specifies basic social security system of China Since formulating the reform target of establishing a socialist market economy system in 1993, the Government has regarded the establishment of a social security system as an important part of the basic framework of the socialist market economy. In 1994, the Government issued the Labour Law which set out a design for the social security and welfare systems. The Law explicitly specifies that “the State shall develop social insurance undertakings, establish a social insurance system, and set up social insurance funds so that labourers may receive assistance and compensations under such circumstances as old age, illness, work-related injury, unemployment and childbearing”, emphasizes that “the State shall encourage the employing unit to set up supplementary insurance for labourers according to its practical situations”, and requires that “the State shall develop social welfare undertakings, construct public welfare facilities, and provide labourers with conditions for taking rest, recuperation and rehabilitation. The employing unit shall create conditions so as to improve collective welfare and raise welfare treatment of labourers.” The Government later issued a series of laws and regulations, including the Regulation on Unemployment Insurance; the Regulation on Work-Related Injury Insurance; Measures for Childbearing Insurance of Enterprise Employees; Decisions on Establishing a Unified Basic Pension Insurance System for Enterprise Employees; Decisions on Establishing a Unified Basic Pension Insurance System for Urban and Rural Employees; and Temporary Measures for the Collection and Payment of Social Insurance Premiums. Since then, a social security system consisting of pension insurance, medical insurance, work-related injury insurance, unemployment insurance, childbearing insurance and subsistence allowances has been gradually established.

Social Insurance Law specifies basic framework of social security system To further standardize the development of social insurance, regulate social insurance relations, protect the legitimate rights and interests of citizens participating in social insurance and enjoying social insurance benefits, and enable citizens to share the achievements of development, the Government issued the Social Insurance Law in 2010. The Law specifies that the State, adhering to the guidelines of “broad coverage, basic insurance, multiple levels and sustainability”, shall establish a social insurance system including “basic endowment insurance, basic medical insurance, employment injury insurance, unemployment insurance and maternity insurance” to guarantee the rights of citizens to legally obtain material assistance from the state and society in case of old age, illness, work-related injuries, unemployment and childbirth; the people’s governments at and above the county level shall include “social insurance in their national economic and social development planning” and provide “necessary fund support for social insurance”. Under the protection of specific laws and regulations, social security has developed rapidly in recent years, and important systems of basic medical insurance for urban and rural citizens, new social endowment insurance for rural citizens, and social endowment insurance for urban citizens have been established. A unified pension insurance system for urban employees at provincial level has been established. The framework of a social security system based on social insurance, relief and welfare and emphasizing basic pension, medical insurance and subsistence allowance has been built. The framework is supplemented by charity and commercial insurance. The system has realized a fundamental transformation from enterprise- and family-based social security to social security, from only covering urban citizens to covering both urban and rural citizens, and from single security to multi-layered security.

Interim Measures for Social Assistance cover everyone experiencing difficulties In order to strengthen social assistance, guarantee the basic livelihood of citizens, promote social equity and maintain social harmony and stability, the Interim Measures for Social Assistance were issued on 1 May 2014. The Measures stipulate that the social assistance system shall adhere to the principle of maintaining a baseline, responding to emergencies and difficulties and being sustainable; be integrated with other social security programmes; and establish mechanisms for a minimum subsistence guarantee, support for those in severe poverty, relief for victims of disasters, medical relief, education relief, housing relief, employment relief and interim relief.

Minimum subsistence guarantee system. The State shall grant a minimum subsistence guarantee to households whose per capita income is below the local minimum criteria and who conform to the local provisions on the property status of households under the minimum subsistence guarantee programme. The criteria for the minimum subsistence guarantee shall be determined and published by the State in accordance with the cost of local residents’ minimum subsistence, and appropriately adjusted on the basis of the local economic and social development level and price index.

Support for those in severe poverty. The State shall grant severe-poverty income support to older people, persons with disabilities, and minors under 16 years of age in the event that there is no person under a statutory obligation to support them, or that the persons under a statutory obligation to support them do not possess the capacity to do so.

Relief for victims of disasters. The State shall establish and perfect a relief system in the event of natural disasters and provide living assistance for persons whose basic living is seriously affected. Local governments shall evacuate, rehouse or relocate the victims, and in a timely manner supply them with food, drinking water, clothing, heating equipment, temporary shelter and medical and epidemic prevention and relief. In addition, they shall provide basic relief for those experiencing living difficulties due to severe weather or famine.

Medical relief system. The State shall establish and improve a system to provide medical relief in the following ways for the members of families in need of minimum subsistence, those in severe poverty needing support and other people with difficulties satisfying the criteria determined by the people’s governments at and above the county level.

Interim View

Expert View
member has contracted a serious disease.

Trade unions actively promote the development of social enterprises

As advocates and defenders of workers’ rights and interests, trade unions in China have been particularly concerned with social security for workers. From the earliest days of the establishment of the People’s Republic of China, the Government Administration Council issued the Labour Insurance Regulations of the People’s Republic of China, on 26 February 1951. The Regulations were mainly drafted under the management of the trade unions. It is explicitly specified in the Regulations that “the All-China Federation of Trade Unions is the supreme leading body of the national labour insurance business which plans the execution of the national labour insurance business. It supervises and guides each local trade union organization and each industrial trade union organization in the execution of labour insurance business; checks and compiles report forms of the receipts and payments of labour insurance funds and general funds; works out the budgets and final accounts of labour insurance funds, business plans and business reports every year and submits them to the Ministry of Labour and the Ministry of Finance of the Central People’s Government for future reference. The All-China Federation of Trade Unions should be responsible for the collective labour insurance undertakings, including nursing home, old people’s home and orphan nursery.”

Since the reform and opening up of recent years, all trade unions in China have been particularly concerned with social security for workers. They have actively participated in the compilation of the Labour Law, the Labour Contract Law, the Employment Promotion Law, the Social Insurance Law, the Regulation on Work-Related Injury Insurance, and the Interim Measures for Social Assistance. Many practices, opinions and proposals reflecting workers’ demands have been adopted by the legislative authorities. “Warm Sending” activities. Trade unions in China first mobilized for a so-called “Warm Sending” (social assistance) campaign, on the theme Understanding the Difficulties of Families and Providing Assistance for Them, on New Year’s Day 1992. More than 20 years have since passed, and each year, trade unions carry out related activities during the Spring Festival and New Year’s Day, making it a regular, institutionalized and socialized event in China. In that time, trade unions at all levels have raised a total support fund of 50 billion yuan (US$8.2 billion), visited 1.9 million families in overall way with difficulties, and provided support for over 11,000 families with difficulties.

Establishing long-term support mechanisms. To ensure that workers with difficulties obtain prompt support, the ACFTU made a timely summary of the positive experiences of local trade unions with relief programmes, employment services and legal support, and established worker support centres in Tianjin, Nanjing and other places in 2002. By 2012, trade unions above county level had established 3,457 worker support centres, and counties, districts and enterprises had established over 10,000 support stations. All cities, districts and counties have established such support centres, providing support for 4,193 workers in difficulty. At the same time, trade unions have continuously enhanced their support and coverage, and helped the children of workers with difficulties to seek a decent education through tuition financing and living allowances. The welfare of workers and protecting and realizing workers’ legitimate interests. Active participation in the study and collation of social security policies and regulations, reflecting workers’ needs and requirements, and striving to protect workers’ interests. Trade unions have actively participated in the compilation of the Labour Law, the Labour Contract Law, the Employment Promotion Law, the Social Insurance Law, the Regulation on Work-Related Injury Insurance, and the Interim Measures for Social Assistance. Many practices, opinions and proposals reflecting workers’ demands have been adopted by the legislative authorities.

Easy Return Home programme to enable workers to meet the cost of train tickets during the so-called Spring Break. Promoting the establishment of systems to safeguard workers’ basic living standards. As early as August 1996, the ACFTU submitted to the State Council its Suggestions on Establishing a Minimum Subsistence System for City Residents. After joint efforts on the part of various parties, the State Council issued the Notification on Establishing a Minimum Subsistence System for City Residents Nationwide on 2 September 1997. By the end of September 1999, all cities in China had established a minimum subsistence system. The State Council formally issued the Regulations on Guaranteeing Minimum Subsistence for City Residents on 28 September 1999. Actively exploring the construction of a worker mutual aid security scheme. Workers participate on a voluntary basis in a non-profit mutual aid and mutual relief security programme advocated, organized and implemented by the ACFTU. This system is characterized by extensive coverage, simple procedures, timely compensation and standard management. Workers can pay as little as a few yuan and obtain compensation of tens of thousands of yuan, if they are afflicted by disease or catastrophic accident. The system can greatly reduce workers’ burden. From 2004 to 2012, a total of 63 million workers all over the country had joined the scheme. The fund reached 7.6 billion yuan and a total of 9.45 million people received support, effectively relieving their economic difficulties while in hospital. Despite the rapid development of social security in China, there is still a great gap in satisfying workers’ actual needs, and much effort is yet required in constructing the social security system. We will continue to advocate social security reform and institutional improvement in a stable and orderly fashion, promote the publicizing of relevant laws, enhance social security awareness and call for the implementation of relevant systems, so as to welcome the earliest realization of the “China Dream”.
Green jobs for sustainable development

Advancing energy saving, reducing emissions, and promoting green jobs and sustainable development in the textile sector: these were the themes of a successful two-day seminar the ACFTU hosted with the ILO in Xining City, Qinghai Province, in September 2014. Over 40 trade union representatives participated, from the ACFTU and industrial, local and enterprise unions in 11 provinces, autonomous regions and municipalities directly under the central government. Also taking part were delegates from the State Environmental Protection Administration, the China Dyeing and Printing Association and the China Textile Industry Association.

The aim was to exchange experiences in this field; China’s textile industry remains heavily resource-reliant, with substantial consumption of energy and water. ILO experts reported on international experience in energy saving and emission reduction and local representatives shared their respective best practices.

The consensus was that the need to conserve resources, protect the environment and achieve sustainable development is a major concern for the international community. It is also one of China’s most basic national policies. The 18th National Congress of the Communist Party of China has put forward the goal of achieving ecological progress. Facilitating energy saving and emission reduction is a vital responsibility not only for the government, but also for social organizations and individuals. The Chinese trade unions will mobilize and organize workers to contribute to energy conservation and emission reduction for the purpose of securing both the immediate interests of workers and the development of enterprises. These efforts help to improve working conditions and secure occupational safety and health, as well as promoting technical progress and industrial upgrading, and increasing workers’ technical input and skills. This in turn boosts labour productivity, corporate profitability and remuneration and the virtuous circle of development among the environment, society, enterprises and workers.

Chinese trade unions have always actively participated in national efforts to conserve energy and cut emissions. To this end, the ACFTU has run campaigns to encourage workers’ to make their own contributions to that goal. Using a variety of approaches, such as skills contests, these have been designed to enable key industries to reach the standards in energy saving and provide capacity building for volunteer supervisors.
Sudanese trade unionists visit China

Led by Vice-President Elghnaid Mohamed Sath Elmssait, a 17-member delegation from the Sudanese Workers’ Trade Union Federation (SWTUF) visited China in August 2014 at the invitation of the ACFTU. The occasion was a workshop on the role of trade unions in promoting development. Experts were invited from the International Department of the CPC Central Committee, the Chinese Ministry of Commerce, the Export-Import Bank of China, Beijing’s Renmin University, the China Institute of Industrial Relations, the China-Africa Development Fund, the ACFTU’s Labour Research Centre and its International and Economic and Technological Developmental Department, and the Henan Provincial Federation of Trade Unions. On the agenda were discussions on China’s macroeconomic situation, the inevitability of mutually beneficial Sino-African cooperation, the influence of labour relations on China’s investment in Africa, the socialist trade union development path with Chinese characteristics, the work of Chinese trade unions on grassroots organizing, model workers and labour contests, and microloans and international exchange. The delegation also had opportunities to go to Shanghai and Heilongjiang Province, and meet union officials at local and enterprise levels. In Shanghai, they visited the Shanghai Workers Mutual Aid Association, the Shanghai Urban Planning Exhibition Centre and the Pudong New Area. In Heilongjiang Province, the delegation visited the Cadre College of Heilongjiang Provincial Federation of Trade Unions and the Daqing Oilfield Company, with its Workers’ Service Centre, Science and Technology Hall, Iron Man Museum and No. 15114 Drilling Crew.

The delegation showed great interest in field study, since the SWTUF is also promoting microloans in Sudan with the aim of furthering economic and employment development. The ACFTU therefore plans to assign experts to visit Sudan to follow up on this issue.

In August 2014, delegations from China and the Republic of Korea came together in Yantai City, Shandong Province, for a symposium organized by the ACFTU on industrial relations in Korean enterprises investing in China and the role of trade unions.

Participating from the Republic of Korea were Park In-Sang, Chair of the Tripartite Korea Labour Foundation; Kim Joo-Ick, Executive Vice-President of the Federation of Korean Trade Unions; and Kim Dong-Wook, Director of the Membership Service Bureau of the Korea Employers Federation. From Yantai, there were officials of the Yantai Municipal Bureau of Investment Promotion, Bureau of Commerce and Association of Foreign Investment, as well as representatives from the Yantai Municipal Trade Union Federation, Yantai Industrial Unions and the Trade Union of Yantai Development Zone. Chinese-based Korean enterprises taking part were LG Innotek Yantai Co. Ltd, Daewoo Shipbuilding Ocean Co. Ltd, Doosan Infracore (China) Co. Ltd, LG Display Co. Ltd and LG Digital Mobile Communication Co. Ltd (LGEYT). Also attending were experts from the Chinese Ministry of Commerce Research Institute and the ILO’s Beijing office, together with renowned scholars on labour issues from Beijing’s Renmin University.

Among the issues taken up by the government representatives, ILO officials and experts were China’s reform and opening-up policy, the international labour standards and ISO 26000 on social responsibility, Chinese and Korean trade union representatives discussed their respective achievements in building harmonious industrial relations and advancing social responsibility. Participants from Korean enterprises raised the challenges of investment in China and some of the solutions found.

With participation by workers, employers, government spokespersons and academics, said ACFTU Secretariat member Guo Jun, the aim of the symposium had been to enhance communication between the Korea Labour Foundation and China’s government regulators, enterprises and scholars with a view to promoting enterprise development and protecting workers’ rights.
International Cooperation

ILO workshop on sectoral wage policies

Wage is the main source of living for workers. The wage growth of workers is closely linked to the enterprise development and workers living standards. In recent years, the wage level of the Chinese workers has increased rapidly. From 2008 to 2013, workers employed in urban areas enjoyed average annual wage growth of 9.57%, basically keeping up with the growth of labour productivity. However, we have to be aware that, there are still a lot of problems in wage distribution. The income inequality is still expanding. Some workers, especially rural migrants, still earn low wage. And wage level in some sectors stay lower than other sectors. Relevance of collective bargaining still needs to improve to raise the wage level especially of low-income workers and sectors. The International Seminar on Sectoral Wage Policies, held in Guiyang, Guizhou province, on 7-8 August, 2014, was the first of its kind on sectoral wage and sectoral collective bargaining. 40 participants attended the seminar, including experts from the ILO, ITUC, Renmin University, Institute for Labor and Wage Studies of MORHSS and China Optometric and Optical Association (COOA) and trade union officers from the ACFTU headquarters, 10 national industrial unions and 8 provincial federations of trade unions.

The two day seminar focused on three topics: Sectoral Wage Policies, Sectoral Collective Wage Bargaining, International and National Experience Sharing on Sectoral Wage Policies Making and Case Studies, and Key Issues in Formulating Sectoral Wage Policies. Mr. Xiao Kaine, Vice-chair and National Secretary of the ACFTU, Mr. Tim de Meyer, Director, ILO Country Office for China and Mongolia, and Mr. Yuan Zhou, Chair of Guizhou Provincial Federation of Trade Unions addressed the seminar at its opening session.

The Chinese speakers focused their presentation on sectoral wage situation, sectoral wage policy making and sectoral collective wage bargaining in China, identifying challenges and good practices for sectoral collective bargaining and exchanging thoughts for future development of sectoral collective bargaining in China. The ILO and ITUC experts introduced the ILO conventions and recommendations and practices of other countries on sectoral wage policies and sectoral collective bargaining, inspiring the Chinese participants with international experiences. The participants had a thorough discussion on collective bargaining at various levels and agreed that collective bargaining is a more effective way to wage determination and workers’ participation from the start is vital for collective bargaining at all levels. Tim de Meyer said in his closing remarks that the seminar was a successful and intensive learning about Chinese complexity. He commended sectoral unions on their immense work in carrying forward sectoral collective bargaining, especially for low wage workers. It strengthened ILO’s belief that sectoral bargaining is going to have a bright future in China.
Union helps company find ways to hold on to staff
Fujian Zhangpu Federation of Trade Unions

Zhangzhou Weiyi Chemical Fibre Co. Ltd in Zhangpu, Fujian province, has solved its labour shortage by strengthening team building and improving welfare and humanitarian care based on the people-oriented principle, thanks to the help of Fujian Zhangpu Federation of Trade Unions.

Strengthening team building
The Zhangzhou Weiyi company is a supplier of chemical textile raw materials for such famous brands as Bonas and Langsha. It has about 700 employees, of whom 60% are women and 90% are local citizens, aged between 25 and 35. In recent years, the company has insisted on team building and scientific management and configuration, ensuring it had an appropriate employee gender ratio and age distribution structure. Mainly recruiting local citizens, the company offers rewards to those who recommend their friends to work there, which may explain how it has successfully held employee mobility below 3%.

Improving welfare
Remuneration and welfare are the first factors to be taken into consideration for employees. At Zhangzhou Weiyi, the basic monthly salary is 1,800 yuan during the probation period and around 2,300 yuan after becoming a regular worker. Probation will not usually exceed one month. The company is strict about paying overtime in accordance with the Labour Law. The average monthly salary of employees working two shifts is 3,800 to 4,200 yuan, and for three shifts 2,200 to 2,500 yuan. For working eight-to-ten-hour days, the monthly salary is 2,500 to 3,000 yuan. Remuneration and welfare at Zhangzhou Weiyi are above the average levels for Zhangpu County. In terms of welfare, the company has its own canteens, including a cafeteria where a decent meal costs an employee only 10 yuan (about US $1.50). The company also boasts a well-equipped dormitory for employees. There are单 rooms, double rooms and rooms for couples. The company provides its employees with social insurance and housing funds.

Humanitarian care
Apart from the basic remuneration and welfare package, the company sticks to the corporate culture of "harmony", which it publicizes through slogans, bulletin boards, forums and various employee competitions. On the other hand, the company goes to great pains to make employees feel at home by creating a comfortable working environment and harmonious living atmosphere. The philosophy is that only if the company treats its employees as family members will they regard the company as their home. On hot days, it lays on massena herbal tea and sweet mung bean soup for employees. To minimize noise, it has installed double glazing in the dormitory, ensuring that employees enjoy a good night’s sleep. Along with other similar benefits the company has put in place as part of its corporate culture, these humanitarian care measures are indeed starting to make employees feel at home.

Jiangsu trade unions take the legal route to protecting workers' rights
Jiangsu Federation of Trade Unions

Between 2002 and 2012, the Jiangsu Federation of Trade Unions participated in and promoted the formulation and implementation of right laws protecting workers’ rights; the Measures for the Implementation of the Trade Union Law of the People’s Republic of China in Jiangsu Province; the Regulation of Jiangsu Province on Labour Contracts; the Regulation of Jiangsu Province for the Collection and Payment of Social Insurance Premiums; the Regulation of Jiangsu Province on Salary Payment; the Regulation of Jiangsu Province on Collective Contracts; the Regulation of Jiangsu Province on Safe Production; the Regulation of Jiangsu Province on Enterprise Democratic Management; and the Regulation of Jiangsu Province for Trade Unions’ Legal Supervision of the Labour Law. These eight complementary laws constitute a characteristic local legal system protecting workers’ rights in Jiangsu. In addition, the Jiangsu Federation of Trade Unions participated in the formulation of amendment of over 20 governmental rules, including Measures of Jiangsu Province for Implementation of the Regulation on Work-Related Injury Insurance; Regulations of Jiangsu Province on Unemployment Insurance; and Regulations of Jiangsu Province on Basic Pension Insurance for Enterprise Employees.

Major ways to participate in local legislation
Quality participation. More actively participating, based on a good plan. The Jiangsu Federation of Trade Unions had submitted timely suggestions and explanations about the need for the above eight laws to the Provincial People’s Congress, based on the status quo of the labour relationship and actual problems urgently faced by workers, and calling on the Congress to set out a plan for their enactment. As early as 2003, the Federation submitted to it a suggestion for the enactment of the Regulation of Jiangsu Province on Enterprise Democratic
Management, and then in 2008 for the Regulation of Jiangsu Province for Trade Unions' Legal Supervision of the Labour Law.

Strengthening the promotion of participation, based on an actual survey. The Jiangsu Federation of Trade Unions actively gathers the specific opinions of trade unions at all levels, especially community level, and holds seminars about the Labour Law. At the seminal conference, to which invites representatives of trade unions at community level and functional departments at municipal and county levels, as well as enterprises and workers, to get a good understanding of their opinions and so avoid unreasonable regulations in the drafting of laws due to deviation from people's actual experience. At the same time, the Federation will collect opinions and suggestions from our own employees to avoid any careless omissions, and invite experienced social lawyers to provide their professional services for the legislative work.

Improving the accuracy of participation. The Jiangsu Federation of Trade Unions encourages participation in legislative work to study the theories and knowledge behind legislative techniques, so that the draft regulations will conform to the legal provisions and the legislative structure. It will also choose people with a legal background to participate. In 2012, the process for amendment of the Regulation of Jiangsu Province on Labour Contracts began. The Federation suggested the addendum of a clause stipulating that "the employer should first notify the trade union of the reason for unilateral termination of the employment contract; in the case where the employer has not established a trade union, the employer should notify the trade union in the location in which the employer is located." At the seminal conference, this suggestion was strongly contested by enterprises' representative organizations because they thought it would increase the burden on employers. At the legislative coordination conference organized by the Provincial Office of Legislative Affairs, staff of the Jiangsu Federation of Trade Unions explained the legislative basis for this clause, based on practice, legal logic, and interpretation of the Labour Law, eventually convincing the enterprise representatives.

Maximizing the legislative benefit. Establishing a legislative team. Over the years, the leaders of the Jiangsu Federation of Trade Unions have been greatly concerned with legislative participation work and protecting workers' legal rights in accordance with the law. During the enactment of the eight laws, especially the Measures for the implementation of the Trade Union Law of the People's Republic of China in Jiangsu Province; the Regulation of Jiangsu Province on Labour Contracts; the Regulation of Jiangsu Province on Enterprise Democratic Management; and the Regulation of the Jiangsu Province for Trade Unions' Legal Supervision of the Labour Law, the Federation established a legislative participation team under the leadership of the Vice-Chair, who is responsible for the application of legislative projects, and the drafting, argumentation and amendment of the draft submitted for examination. It allocated specific funds to the legislative projects to ensure that they are carried out by professional staff with adequate funds and sufficient time.

Promoting a smooth legislative process with the relevant authorities. After the legislative suggestions are integrated into the annual legislative plan of the Provincial People's Congress, the Jiangsu Federation of Trade Unions starts to make preparations: first, assigning specific persons to communicate with the Congress; second, collecting relevant domestic and international information and theoretical research work as well as national and provincial legislative policy documentation and materials, and conducting the proposed draft based on the thorough surveys to the Congress for reference; third, organizing seminars attended by enterprise and workers' representatives during the legislative phase to ensure that the Congress staff have a good understanding of the actual opinions of the relevant parties so as to establish the procedural and practical knowledge of the laws. Before the draft regulations are reviewed for the first time, the Federation will compile a list of their legal foundation.

Promoting the study, publicity and implementation of the laws and regulations. During the period from 2002 to 2012, the laws and regulations formulated by the Provincial People's Congress could be divided into two kinds: the first concerned laws protecting the legal rights of workers in terms of labour contract, salary and remuneration, safety production, insurance and welfare; the second also includes the Regulation of Jiangsu Province on Collective Contracts; the Regulation of Jiangsu Province on Salary Payment; the Regulation of Jiangsu Province on Safe Production; the Regulation of Jiangsu Province for the Collection and Payment of Social Insurance Premiums. The second comprises laws guaranteeing the work of trade unions, including the Measures for the implementation of the Trade Union Law of the People's Republic of China in Jiangsu Province; the Regulation of Jiangsu Province on Enterprise Democratic Management; and the Regulation of the Jiangsu Province for Trade Unions' Legal Supervision of the Labour Law. These laws provide strong legal support for trade union activities. The Federation insisted that the laws related to workers' interests is issued, the Jiangsu Federation of Trade Unions will include it in its law dissemination plan and publicize the law's various aspects so as to enhance awareness among enterprise managers and workers and encourage them to carry out their legal responsibilities and resolve disputes using legal methods.

Seeking scientific legislative participation by sticking to three principles. Highlighting the function of trade unions; sticking to the starting point of protecting workers' legal rights; Trade unions are bridges between the Party and the workers; important social pillars of the government; and representatives and protectors of the interests of workers and the general public. It is in the very nature of trade unions, and their functions and powers as endowed by law, that they should reflect the expectations and requirements of workers and the general public, correct social inequality, speak on behalf of workers and disadvantaged groups and fight for their interests. This specific principle should be a basic prerequisite and objective when participating in legislation.

Having a correct value orientation, and sticking to the pursuit of guidance and innovation. When participating in legislation, the Jiangsu Federation of Trade Unions has made great efforts to study the local laws and legislative spirit prevailing in other provinces and cities, so as to avoid conflict with them and learn from practices elsewhere. The Federation not only focuses on solving present problems but also emphasizes advancement of the law. For example, during the survey of the Congress to communicate with the appropriate staff with a view to consider any disputes and eventually reaching a consensus.

The third is active and effective coordination and coordination. During the legislative process, differences of perception will arise due to the varying degrees to which the relevant parties are familiar with both the specific contents and the legal field in general. Under such circumstances, the Federation will visit relevant authorities and the Standing Committee of the Provincial People's Congress.

Regulation of Jiangsu Province on Enterprise Democratic Management, many enterprise managers complained that "some stipulations of the Regulation are beyond an enterprise's actual scope for implementing them, and they should be deleted." However, the Federation insisted that the laws and regulations should move forward so as to actively invite enterprises to improve their capacity to implement them.

Being well prepared, and sticking to succinct summaries of what it is hoped the legislation will achieve. When participating in the legislative process for local laws, the Jiangsu Federation of Trade Unions has been particularly concerned with three aspects. The first is a thorough study of the necessity and feasibility of the law, in collaboration with the local legislative work, the formulating of the proposed legislation is submitted, and selecting legislative projects based on the standards of whether the law meets the requirements of building a harmonious society and of development, whether it is beneficial to the protection of workers' legal interests and whether it fulfils the basic conditions of legislation. The second is explaining the innovative part of the law in advance, since this is usually the focus of disputes. The Federation will summarize the theoretical and practical basis and specific achievements in the form of data and other materials so as to make the law more acceptable to the legislative authorities. The third is active and effective coordination and coordination. During the legislative process, differences of perception will arise due to the varying degrees to which the relevant parties are familiar with both the specific contents and the legal field in general. Under such circumstances, the Federation will visit relevant authorities and the Standing Committee of the Provincial People's Congress to communicate with the appropriate staff with a view to consider any disputes and eventually reaching a consensus.

Achievements of participation in the local legislative process. Working more normatively. The Measures for the Implementation of the Trade Union Act in Jiangsu Province; the Regulation of Jiangsu Province for Trade Unions' Legal Supervision of the Labour Law, formulated based on actual conditions in Jiangsu Province, have made a good contribution to promoting the legalization and standardization of trade unions in Jiangsu Province. By the end of 2013, there were 146,000 trade unions with 20.12 million members at community level across the province.

Labour relationship more harmonious. The Regulation of Jiangsu Province on Enterprise Democratic Management specifies many well-targeted and practicable terms based on actual local conditions. For example, it includes stipulations about both the power of workers' congresses and transparency in corporate affairs, and specifies the general applicability of democratic management. Promoted by this Regulation, in 2013 there were 308,000 enterprises that had established a collective coordination salary system, some 50,000 more than in 2012. Trade unions at all levels stick to adjusting labour relationships according to law and resolve disputes through negotiation, mediation and communication, enabling enterprises and workers to achieve reasonable, mutually beneficial and harmonious new labour relationships, and enterprises are further improved. With the strong support that comes from local laws and regulations, the rights protection mechanism of trade unions in Jiangsu Province is being further improved. By participating in the formulation of labour protection policies and laws, unions have also established and improved their interest coordination mechanism, and established mechanisms for collective negotiations on pay, normal salary increases and pay guarantees, and simultaneously achieved growth in pay and productivity. Trade unions have also enhanced the mechanism for voicing appeals and provided channels for the expression of workers' opinions through joint conferences attended by local trade unions and governments at the same level, petition committees and other consultation and hotline channels encourage workers to formulate their demands and appeals in a reasonable manner in order to resolve disputes and protect their interests. In addition, trade unions have established a sound mechanism for the mediation and handling of regular disputes, enhanced the mechanisms for advance warning, monitoring, mediation and handling of labour relationship disputes, actively participated in law enforcement investigation and labour dispute risk assessments and established a green channel for reporting emergency information and handling wage disputes. Trade unions have established and improved the system for protecting workers' interests, assisted the Provincial People's Congress and the government in improving local laws, policies, urged enterprises to improve their awareness of law-based operations and social responsibility, and protected the safety and health of workers, especially migrant workers and contract workers, and effectively protected the stability of all social relations.

(Contributed by the Legal Work Department of the Jiangsu Federation of Trade Unions)
CLOSER TO THE GRASSROOTS

Workers Online gaining in popularity

Guangdong Federation of Trade Unions

At the end of 2013, a new online interactive platform jointly organized by the Guangdong Federation of Trade Unions and Nanfang Media Group was formally launched. Called Workers Online, this was the first time in Guangdong that trade unions had cooperated with mainstream media to establish a joint media platform for workers and the general public. An innovative measure even in national terms, it has forged a seamless connection between workers and trade unions.

According to Chen Zongwen, Vice Executive Chair of the Guangdong Federation of Trade Unions, the major function of Workers Online is to provide a platform for workers to express themselves and seek help from trade unions. The leaders of the Federation and heads of relevant departments and municipal and industrial trade unions will interact with workers and the wider public with a view to improving the work of the trade unions and jointly constructing a harmonious labour relationship. Nanfang Chief Editor Zhang Dongming says Workers Online facilitates communication with trade unions at all levels. Workers, netizens, members of the general public and trade union leaders throughout the province can express themselves by communicating with each other online. Trade union leaders can get to know the difficulties and concerns of front-line workers and the public and address the topics of most concern to them, getting closer to workers’ actual opinions and requirements. Nanfang Media Group will implement mass-line education and practical activities, providing a more convenient, rapid and human-based network service and promoting the construction of a harmonious labour relationship jointly with the relevant authorities. Building a happy Guangdong, he affirms, will help to realize the “China Dream”.

Responsibility to implement regulations properly

Huang Yebin, Deputy Director of the Standing Committee of the Provincial People’s Congress and Chair of the Guangdong Federation of Trade Unions, stresses that those involved have a responsibility to implement the regulations properly and avoid stirring up mass discontent. Since its establishment, he says, Workers Online has attracted wide attention among people in all walks of life, with active participation from all levels of the general public. It has been an innovative and effective method for workers to express themselves and for trade unions to resolve labour disputes at source. It is significant for rights protection work as well as enabling trade unions to build themselves a new image by delivering real solutions to the problems that workers voice through the platform.

Huang Yebin emphasizes that, to judge by the issues raised by workers, for Workers Online to function well the following aspects should be emphasized:

- trade union reform and innovation;
- promotion of rights protection based on the issues, with the current task being to carefully study salary arrears, social security and work-related injury;
- making clear the mission and the objectives, the first step being to solve the most urgent and concerning problems voiced by workers and others online, and the second step being to build a positive image for trade unions so that workers will understand, trust and come to depend on them;
- determining the channels and methods, holding a conference each month to exchange and collate feedback;
- strengthening leadership and accountability, with annual evaluations and awards.

For the prevention and handling of collective labour disputes, Huang Yebin calls on trade unions at all levels to focus on five aspects:

- exercising their judgement about current circumstances, given that there are still a large number of labour disputes around the provinces of China and incidences of mass disturbance are growing;
- ensuring that communication channels work smoothly and handling issues at source;
- drawing up a list of enterprises prone to labour disputes and forwarding it to the Guangdong Federation of Trade Unions;
- bringing in legal teams to deal with problems that have legal implications;
- participating in the handling of mass disturbance events efficiently and in a timely manner.

According to Zhang Zhenhui, Vice Chair of the Guangdong Federation of Trade Unions, the Federation together with the industrial trade unions in each city should establish a Workers Online department equipped with specific staff and funds to tackle the issues raised and allocated. Each month, the Federation will hold a conference related to the problems voiced on Workers Online. The top ten of these should be resolved within the 20 days following, and the rest within 30 days. At the second Guangdong conference on issues raised through Workers Online held recently, Huang Yebin emphasized that trade unions should pay close attention to these issues and actively resolve them. So far, Workers Online has collected 938 problems voiced by workers, of which 690 have already been resolved, a rate of 72%.

The other 268 are in the process of being dealt with. The conference assessed the handling of the first round of issues raised and allocated those of the fifth and sixth rounds to the appropriate staff. Trade unions from Guangzhou, Shenzhen, Huizhou and Foshan then reported on their work with the platform.

The trade unions summarized their experience and put forward some suggestions and advice. First, they said, it was important to effect further improvements in timeliness and accuracy: The timely allocation and handling of the problems raised by workers and the collection of necessary background material, including timeline, place and contact information, contributed to achieving better solutions. Second, progress has been made in the relevant functional modules of Workers Online, using it to publicize the Labour Law, offer guidance on the handling of labour disputes, provide contact information for trade unions at all levels and hold Q&A sessions. Trade unions should enrich the contents of Workers Online to satisfy the various requirements of workers and create favourable conditions to relieve their difficulties.

Workers’ great expectations about online complaints

As many workers can confirm, bringing a complaint through the legal channels is a very complex, costly and time-consuming process. Rather than complaining to the labour departments in person, therefore, they tend to choose the online approach. In the words of one of these cyberauts, the establishment of Workers Online shows that the Guangdong Federation of Trade Unions “is now much more practical when it comes to solving workers’ difficulties”. Many have written to the leaders of the Federation in similar terms. It is therefore important for the image of trade unions that they ensure the successful operation of Workers Online by resolving the problems workers raise there.

Great opportunity to resolve labour disputes at source

As Huang Yebin points out during one online exchange, this is a great opportunity for trade unions to prevent and resolve labour disputes at source. First, trade unions should get involved from the very outset, for example in the formulation of policy-documentation, laws and regulations related to employment, employment security, employment safety, employment distribution and other issues of concern to workers. Second, trade unions should establish user-friendly communication channels, enabling workers to air their problems and bring a complaint when their legal rights are infringed. Guangdong trade unions at all levels have now established multiple communication channels and platforms, including WeChat messaging, microblogging, email and hotlines for workers to report their complaints. Third, trade unions should protect workers’ rights in accordance with the law. And finally, trade unions should focus on the problems of most concern. At present, these are salary arrears, social insurance payments and work-related injuries.

Tackling collective labour disputes immediately

As for the question many have raised about the trade union response to collective labour disputes, Huang Yebin says that trade unions should play a more effective role and fulfill their duty to represent and safeguard the legal interests of workers. To resolve a collective labour dispute that has got out of hand, he maintains, trade unions should immediately go to the site of the mass disorder to collect first-hand information, organize the workers on-site to select their representatives for negotiation, and communicate with the enterprise to fight for the interests of the workers. In the performing negotiations, trade unions should absolutely represent the workers and protect their interests. Huang Yebin also emphasizes that when a collective labour dispute occurs, the two parties should remain calm. The workers in particular should defend their rights in a reasonable and scientific way. Trade unions at all levels should treat workers like family members while firmly protecting their rights.

“I expect you to find solutions”

During the two-hour online exchange between Huang Yebin and the workers, a total of over 1,700 problems are raised, mainly related to salary arrears, social
Closer to the Grassroots

Workers Online working well and promptly
Huang Yelin is committed to carefully resolving each issue raised by workers. Recently, trade union leaders in 21 cities confirmed that Workers Online is effective in problem solving and handling labour disputes at source.

In April 2014, Mr. Huang of Conghua district in Guangzhou wrote on Workers Online that he was a construction worker who had the back of his hand crushed by apparatus on his second day at work in July last year. However, the company refused to pay the cost of Mr. Huang’s medical treatment because he was not a regular employee. When he left the hospital, Mr. Huang’s hand had not fully recovered, leaving him slightly disabled, but the company still refused to pay any compensation.

After receiving the complaint, the Guangzhou Federation of Trade Unions immediately asked the Conghua Federation of Trade Unions to intervene and urge the company and the labour contractor to compensate Mr. Huang in accordance with the law. The company has now agreed to assist Mr. Huang in applying for recognition of work-related injury and labour incapacity and compensate him according to the legal standards.

There are many similar cases. Each city has its own characteristics: the Guangzhou Federation of Trade Unions has established a problem-solving working group and clearly spells out the duties of each of its departments. It carefully classifies problems and provides answers in detail. The Shenzhen Federation of Trade Unions summarizes and classifies problems in a timely fashion and allocates them to the appropriate district federations. The Zhongshan Federation of Trade Unions makes good use of its team of lawyers in resolving issues.

According to XuPingjian, Director of the Legal Consultation Office of the Guangzhou Federation of Trade Unions, Workers Online has collated 1,285 problems raised by workers during the first five rounds, an average of 257 problems a month. A total of 171 problems have been collected during the sixth round just ended. The monthly average has decreased by 86, a decrease rate of 33.5%. “It means that Workers Online is working well and promptly.”

Social media network Tencent Weibo recently posted a ranking list of the ten most influential Sichuan government affairs microblogs (“weibos” in Chinese) for the first quarter of 2014. The legal aid weibo of the Sichuan Provincial Federation of Trade Unions was ranked in third place. Featuring such columns as Everyday Q&A, Interpreting Law through Cases, and Trade Unions Safeguarding Workers’ Rights, the microblog aims to disseminate knowledge of the law and provide legal aid services. Information is posted daily about relevant laws and regulations together with answers to users’ frequently asked questions. It also serves to heighten legal awareness among the new generation of workers and migrant workers, and provides timely legal aid and other law services. Through the process of interaction with the weibo, these workers will gradually develop the confidence to protect their own legitimate rights and interests, and formulate legal claims rationally in accordance with the law. The weibo is managed by practicing lawyers, who reply to the questions raised by netizens and help guide them through the rights protection process.

The weibo is renowned among users for setting store by their appeals and delivering solutions accordingly, and safeguarding workers’ rights and interests in accordance with the law, thus gaining their increasing trust and support.

As a result, it has become a new front in the battle to protect workers’ rights and interests. With some 410,000 followers so far, it has posted nearly 330,000 pieces of information and images aimed at disseminating awareness of the law. Also covering aspects like legal knowledge, legal aid and individual cases of rights protection, it has consolidated another 187 legal aid weibos registered by trade unions at municipal, county and industrial levels.
**Statistics**

### Employment

From January to June 2014 new urban employment across China totalled 7.37 million jobs, a year-on-year rise of 120,000; the registered urban unemployment rate at the end of the second quarter was 4.08%, on a par with the first quarter. There was growth in employment for college graduates, rural migrant workers and urban residents with employment difficulties. Tax benefits were adopted to promote employment and entrepreneurship and assist targeted groups. The University Students Entrepreneurship Guidance Plan was launched. Job information was provided during 2014’s national Private Enterprise Recruitment Week campaign, mainly to college graduates. Altogether 200,000 private enterprises participated in this activity, with 970,000 jobseekers agreeing terms with employing units, 560,000 of them college graduates.

### Labour relations

In the first half of 2014, focusing on small and micro enterprises, we managed to increase the labour contract conclusion rate. Our priority plan for the collective contract system has been implemented, centering on collective wage consultation with the aim of improving both the enterprise wage determination mechanism and the normal growth mechanism. So far 16 regions have adjusted their minimum wage standard, with an average rise of 14.2%. We have also strengthened our local arbitration tribunal work. Demonstration work on enterprise labour dispute prevention and mediation has been carried out, and efforts have been made to advance the standardization of grassroots mediation work and the regulated training of arbitrators. Progress has also been made in the areas of labour inspection and law enforcement. Over this period, labour inspection units at all levels dealt with a total of 176,000 non-compliance cases, and voluntarily inspected 878,000 employing units. As a result, 1,466 million employees have concluded retroactive labour contracts with their employing units, 19.23 billion yuan (US$ 3.14 billion)’s worth of wage arrears have been paid, and the 720 million yuan (US$ 118 million) social insurance contributions gap has been filled.

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**SELECTED SAYINGS FROM CONFUCIUS**

The Master said of Zi-chan that he embodied the way of a gentleman on four counts: he was respectful in the manner he conducted himself; he was reverent in the service of his lord; in caring for the common people, he was generous; and in employing their services, he was just.

The Master went on: “Virtue never stands alone. It is bound to have neighbours.”