

# Interim Measures of the All-China Federation of Trade Unions on the Handling of Labor Relations

Article 1 In order to implement the economic and labor policies of "development of production, prosperity of the economy, balance between public and private, and benefits for both labor and capital", these measures are formulated.

Article 2 These Measures are applicable to all private industrial and commercial enterprises.

Article 3 The relationship between the owner of a private enterprise (hereinafter referred to as the employer) and the employed workers, staff, shop assistants, apprentices, and general staff (hereinafter referred to as the labor), which are not stipulated in these Measures, may be negotiated by the employer and the employee to sign a collective contract. Or stipulated in the labor contract. However, the collective contract or labor contract shall not conflict with the content of these Measures. Note: A collective contract is a written contract for a certain period of time that stipulates the rights and obligations of labor and management. Both parties in the same industry can enter into a collective contract for the same industry or industry, and both parties in a factory enterprise can also enter into separate collective contracts. Collective contract. A labor contract is a contract that stipulates specific labor conditions between a part of the workers in a factory or a certain worker and the employer.

Article 4 The labor party has the freedom and right to participate in the trade union and all political and social activities, and the employer shall not restrict it. The laborer has the freedom to dismiss the contract, and the employer shall not force the laborer to be employed. If the laborer resigns halfway, if there are provisions in the collective contract and labor contract, it shall be handled in accordance with the provisions. If there are no provisions, the employer must be notified five days before the resignation.

Article 5 The management rules of each industrial and commercial enterprise and the working rules of the workplace shall be drafted by the management and submitted to the Labor Bureau of the People's Government for the record with the approval of the labor union. In case of violation of the above-mentioned rules, the employer has the right to discipline or dismiss according to the provisions of the rules. The management rules of various industrial and commercial enterprises and the working rules of the workplace shall not conflict with laws and orders issued by the people's government and collective contracts signed by both parties.

Article 6 The employer has the right to hire and dismiss workers and staff for production or work needs. If the employer dismisses workers and employees, the collective contract and labor contract shall comply with the regulations; if there is no stipulation, the employer must notify the employee ten days before the dismissal and may give the employee a certain amount of severance pay. The amount of severance pay shall be determined according to the business conditions of the factory and the length of the employees' working hours in the enterprise. The minimum wage shall not be less than half a month's actual wages, and the maximum shall not exceed three months' actual wages. Workers and those who are dismissed due to the negligence of workers and employees are excluded from this case.

Article 7 The trade union has the right to protest to the management when it believes that the management of the disposition and dismissal of workers is unreasonable. If the employer does not accept the protest, it may be handled in accordance with the procedures for resolving labor disputes in accordance with Article 27 of these Measures.

Article 8 All factories and shops that have resumed operations must work hard; those who have not yet resumed operations or have not fully resumed operations must strive to resume operations; if they cannot resume operations or need to resume operations due to insurmountable difficulties, they must contact the people's government Apply for approval.

Article 9 When the employer resumes employment after liberation, employees who were dismissed for participating in revolutionary political activities shall return to work first; other original employees who were dismissed within six months before liberation shall be hired first or gradually Replenishment; but those who are dismissed due to negligence are not in this case.

Article 10 When recruiting existing employees, the capital must adopt the method of written notice and report notice. The original employees must report to the factory within ten days of receiving the written notice (if no written notice is received, within half a month from the date of posting the newspaper) and work in the factory on time, otherwise they will be considered abstaining. The employer may recruit new employees when the original employees are insufficient to resume work; however, when the employer has not hired new employees, the original employees are generally not allowed to request forcibly resume work.

Article 11 When the employer has obtained the approval of the government and suspends work, if it is unable to repay the employee's wages and severance pay or other debts, it must report to the Labor Bureau, and the Labor Bureau shall convene the labor and management to negotiate a reasonable solution. The house, machinery, raw materials, furniture, etc. owned by the employer shall not be directly handed over to the labor or the labor union, and the labor and the labor union shall not receive and distribute the above-mentioned property by themselves.

Article 12 The daily working hours of employees shall be based on the principle of eight to ten hours. If production departments are required for production or harmful to the health of employees, they may be increased or shortened by agreement between employers and employees. However, the maximum working hours of employees shall not exceed twelve hours per day. In principle, the working hours and vacations of craftsmen, shop assistants, apprentices and general chores are the same as usual. However, if working hours are too long and affect the health of employees, they should be shortened accordingly.

Article 13: New Year's Day and Memorial Day holidays, if the people's government has stipulated, follow the regulations, if there is no stipulation, follow the custom. Rest days and personal leave are temporarily handled in accordance with the old rules of each company. If there is something unreasonable, it shall be stipulated in the contract by agreement between the two parties when the collective contract is concluded between the employer and the employee.

Article 14 Workers participating in trade union meetings and other recreational and educational activities shall not occupy production time. If the responsible cadres of the trade union organization in the factory need to occupy production time, they must obtain the consent of the management, but the average monthly salary shall not exceed two working days. If employees are selected as people's representatives or group representatives to participate in the meeting in accordance with the instructions of the municipal government, the military management committee, and the municipal federation of trade unions, the wages during the meeting shall be paid by the organ or group that convened the meeting. Article 15 In newly liberated cities, employers must maintain the average level of actual wages for employees in the three months before liberation, and must not reduce them. At the same time, for enterprises with underdeveloped production or operations and low profits, they should generally not increase. Real wages. If the wages were too low or too high before liberation, it could be increased or decreased based on negotiation between the employer and the employee when the collective contract was concluded, but it must be approved by the labor bureau of the local people's government to be effective. Note: this method the actual wages referred to are the total income of employees calculated in kind, including food, subsidies and other benefits provided by the employer. Article 16 It is advisable to pay wages twice a month.

Article 17 In order to protect the actual wages of employees from price changes, the local people's government must uniformly announce the standard for calculating wages based on the price index or several physical prices.

Article 18 Processing wages outside of the prescribed working hours shall be higher than the usual hourly wages.

Article 19 All male and female employees who have the same skills, do the same work, and have the same effectiveness shall receive the same remuneration.

Article 20 The original custom of providing food and lodging, dividends and other rewards to employees of all enterprises shall maintain the old rules. If there is any unreasonable situation, it shall be revised in the collective contract by the labor and management parties through consultation.

Article 21 The allowances and other treatments for apprentices and trainees are generally in accordance with the old regulations. If they are too bad, appropriate improvements should be made, which shall be stipulated in the collective contract by both the employer and the employee.

Article 22: Apprentices and trainees should strictly observe the principle of respecting teachers and loving apprentices between apprentices and trainees and imparting technical or business knowledge (i.e. masters). Those who are apprentices must study hard and work hard to produce. Abuse.

Article 23. For women workers and female employees before and after childbirth, the rest period and the breastfeeding time for their babies shall be subject to the original regulations. If there are no regulations or there are too few regulations, a total of 45 days of rest before and after childbirth shall be stipulated. Miscarriage: Those who are pregnant within three months, have a 15-day rest, and those who are pregnant for more than three months, have a 30-day rest, and the salary is paid. Nursing infants breastfeed every four hours, once every 15 to 25 minutes.

Article 24 The existing employee welfare facilities of all enterprises are generally as usual, and those that have not been organized may be gradually organized by the management based on economic strength. If an employee is injured or died due to work, the employer shall pay the wages and pay the medical expenses during the medical treatment. If the employee is disabled or

died due to work injury, the employer shall give a certain pension, the amount of which shall be determined by the employer. The labor-management agreement is stipulated in the collective contract. Workers' sick leave benefits and employee deaths due to illness shall be handled in accordance with the old regulations of each enterprise. If there is no such regulation or the regulation is too low, it may be stipulated in the collective contract by the agreement between the employer and the employee.

Article 25 When the labor and management parties conclude a collective contract, all trades and industries shall conclude a general collective contract, and each enterprise and factory may conclude a separate collective contract based on the general collective contract. The collective contract shall be signed by the representatives of the labor unions of all industries (the representatives elected by the employee representative meeting of the industry when the labor union is not established) and the representatives selected by the members of the employer's trade association on the basis of voluntary equality. This general collective contract must be approved by the Labor Bureau of the People's Government. All the industry participated in the signing set Both parties to the contract shall comply with the implementation. After the general contract is signed, the labor and management of each enterprise in the industry can enter into a separate collective contract based on the general contract. If there are special problems that are not included in the general collective contract, it can be supplemented in the separate collective contract of the enterprise However, this supplementary provision must not conflict with the content of the general collective contract, and must be approved by the trade union organization and trade association of the industry. The detailed procedures for concluding collective contracts shall be separately stipulated by the Labor Bureau.

Article 26 If the employees of each enterprise have not concluded a collective contract or made a request to the employer in addition to the collective contract, they shall be reviewed in advance by the trade union of the trade union and the municipal trade union, and the trade union of the trade union and the municipal trade union shall send personnel to join the trade union The

employee representatives of the employer negotiate with the employer or the employer's trade association to enter into an agreement by means of equal negotiation, and both parties shall abide by it.

Article 27 When a dispute between the employer and the employee of a certain enterprise cannot reach a consensus, the employer and employee shall request the representative of the trade union and the trade association of the industry to resolve it through consultation with both parties. If a consensus is still not reached, any One party may request the labor bureau of the local people's government for mediation. The invalidity of mediation may be arbitrated by an arbitration committee organized by the Labor Bureau. Before the negotiation, mediation and arbitration are established, both parties should maintain the original state of production, and the employer shall not deal with the factory, suspension of capital, suspension of partnership and other reductions in treatment; the laborer shall also produce as usual and abide by labor discipline. When either party of both parties is dissatisfied with the labor bureau's arbitration, it may lodge a complaint in the court according to judicial procedures, and the court shall impose a sentence. Before the court verdict, both parties should follow the labor bureau's arbitration decision.

Article 28 All labor disputes shall be resolved in accordance with the procedures stipulated in the preceding article, and neither party shall take personal insults and other compulsory acts against the other party.

Article 29 The right to interpret and modify these Measures shall belong to the Military Control Commission during the military administration period, and shall belong to the People's Government at the end of the military administration period.

Article 30 These Measures shall come into force on the date of promulgation.

According to the "People's Daily" published on November 26, 1949\* These are the three documents adopted by the All-China Federation of Trade Unions at the National Trade Union Work Conference held in July 1949 on handling labor relations issues one. The other two documents are: "Interim Measures on the Conclusion of Collective Contracts between Labor and Management in

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