

All-China Federation of Trade Unions Interim Measures for Handling Labor Relations

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Article 1 of the All-China Federation of Trade Unions in order to implement the economy of "development of production, prosperity of the economy, consideration of public and private, and benefits for both labor and capital" Policy and labor policy, this method is specially 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, clerks, clerks, apprentices, and miscellaneous workers (hereinafter referred to as the labor party), which are not stipulated in these regulations, may be agreed by the labor and management parties and signed a collective agreement. contract or labor contract. However, collective contracts or labor contracts shall not conflict with the contents of these Measures.

Note: A collective contract is a written contract that stipulates the rights and obligations of both employers and employees for a certain period of time. In the same industry, both employers and employees can conclude a collective contract in the same industry or industry. In a factory and enterprise, both parties can also enter into separate collective contracts. collective contract. A labor contract is a contract that stipulates the specific labor conditions of some workers in a factory or a worker and the employer.

Article 4 Laborers have the freedom and right to participate in trade unions and all political and social activities, which shall not be restricted by management. The laborer has the freedom to be employed and terminated, and the employer shall not force the laborer to be employed. If the laborer resigns in the middle, if there are stipulations in the collective contract and labor contract, it shall be handled in accordance with the stipulations. If there is no stipulation, the employer shall be notified five days before the resignation.

Article 5 The management rules of each industrial and commercial enterprise and the work rules of the workplace shall be formulated by the management and submitted to the Labor Bureau of the People's Government for the record with the consent of the trade union, and the laborers must comply with them. If the above rules are violated, the management has the right to impose punishment or dismissal in accordance with the provisions of the rules. The management rules of industrial and commercial enterprises and the work rules of the workplace shall not be in line with the laws and regulations promulgated by the people's government and the collective contracts signed by both employers and employees. contradict.

Article 6 Employers have the right to hire and dismiss workers and staff for production or work needs. When the employer dismisses workers and staff, the collective contract and the labor contract shall comply with the stipulations; if there is no stipulation, the employer shall notify the laborer 10 days before the dismissal and give the laborer a certain amount of severance pay. The amount of severance pay shall be determined according to the operating conditions of the factory and enterprise and the length of time employees work in the enterprise. The minimum shall not be less than half a month's actual salary, and the maximum shall not exceed three months' actual salary. Workers and those dismissed due to the negligence of workers and staff are excluded from this case.

Article 7 The trade union has the right to protest to the management when it deems that the management's punishment and dismissal of the workers are unreasonable. If the employer does not accept the protest, it may handle it in accordance with the procedures for resolving labor disputes in Article 27 of these Regulations.

Article 8 All factories and stores that have resumed business must try their best to operate; those that have not resumed business or have not fully resumed business must try their best to resume business; if due to insurmountable difficulties and cannot resume business or need to suspend business, they must report to the people's government. Apply for approval.

Article 9 After the liberation, when the employer resumes business and recruits employees, the employees who have been dismissed for participating in revolutionary political activities shall resume work first; other original employees who were dismissed within six months before liberation shall be hired first or gradually make up; except for those dismissed for negligence.

Article 10 When the employer recruits the original employees, the method of written notice and newspaper notice shall be adopted. The original employees must report to the factory within ten days of receiving the written notice (if the written notice is not received, within half a month from the date of publication) and work in the factory on time, otherwise they will be considered as waivers. The employer may recruit new employees when the original employees are insufficient for resumption of work; however, when the employer does not employ new employees, the original employees are generally not allowed to request forcible resumption of work.

Article 11 When the employer has been approved by the government to suspend work, if it is unable to repay the wages and severance pay or other debts owed to the employees, it must report to the Labor Bureau, and the Labor Bureau will convene the labor and management parties to negotiate a reasonable solution. The houses, machines, raw materials, furniture, etc. owned by the management shall not be handed over to the laborer or the labor union for disposal, and the laborer and the labor union shall not receive and distribute the above-mentioned properties by themselves.

Article 12 The daily working hours of employees shall be eight to ten hours in principle. If the production department is required for production or harmful to the health of employees, it may be increased or shortened by agreement between the employer and the employee. However, the extension of working hours of employees shall not exceed twelve hours per day. The working hours and vacations for craftsmen, shop assistants, apprentices and general chores are, in principle, the same as before. However, if the working hours are too long and affect the health of employees, they should be shortened accordingly.

Article 13 For annual festivals and anniversaries, if the people's government has stipulated, follow the regulations, and if there are no regulations, follow the custom. Holidays and personal leave are temporarily handled according to the old practice of each company. If it is unreasonable, it shall be stipulated in the contract by mutual agreement when both parties enter into a collective contract.

Article 14 Laborers shall not occupy production time when participating in trade union meetings and other recreational and educational activities. If the responsible cadre of the trade union organization in the factory needs to occupy the production time, it must obtain the consent of the management, but the average monthly salary should not exceed two working days, and the salary will be paid. If employees are selected to participate in the meeting as people's representatives or group representatives according to the instructions of the municipal government, the Military Control Commission, and the Municipal Federation of Trade Unions, the salary during the meeting shall be paid by the organization or group that convened the meeting.

Article 15 In newly liberated cities, employers must maintain the average wage level of workers and staff in the three months prior to liberation, and must not reduce it. At the same time, in the current enterprises with underdeveloped production or business operations and low profits, generally they should not increase real wages. If the wages were too low or too high before liberation, the labor and management parties may negotiate to increase or decrease the wages at the time of signing the collective contract. However, it is only valid after the approval of the labor bureau of the local people's government.

Note: The actual wage referred to in these Regulations refers to the total income of employees calculated in kind, including meals, subsidies and other benefits given to them by the employer.

Article 16 Wages should be paid twice a month.

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

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

Article 19 Male and female employees who have the same skills, perform the same work, and have the same effect shall receive equal remuneration.

Article 20 Each enterprise's original habit of providing employees with board and lodging, dividends and other incentives, etc., may maintain the old rules. If there are any unreasonable cases, the labor and management shall negotiate and amend them in the collective contract.

Article 21 The allowances and other benefits of 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 employers and employees.

Article 22 The principle of respecting the teacher and loving the apprentice should be strictly adhered to between apprentices and training workers and the imparters of technical or professional knowledge (i.e., masters). The apprentices must study hard and work hard to produce. abuse.

Article 23 The rest period before and after childbirth and the breastfeeding time for nursing infants for female workers and staff members, if there are old regulations, shall be handled in accordance with the original regulations. If there are no regulations or too few regulations, a total of 45 days of rest before and after childbirth shall be stipulated ; For miscarriage and pregnancy within three months, 15 days off, and for those who are more than three months pregnant, 30 days off, and wages are paid. Breastfeeding breastfeeding every four hours, every 15 minutes to 25 minutes.

Article 24 The existing employee welfare facilities of each enterprise shall generally remain as they are, and those that have not yet been established may be gradually established by the employer at the discretion of the economic force. For employees who are injured or died due to their work, the employer shall pay wages and pay for their medical expenses during the medical treatment period. For employees who are disabled or died due to work-related injuries, the employer shall give a certain amount of pension. It is stipulated in the collective contract by the agreement between the employer and the employee. The treatment of employees during sick leave and pensions for death 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 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 according to the general collective contract. The general collective contract shall be signed by the representatives of the labor union of each industry (representatives elected by the employee representative meeting of the industry before the union is established) and the representatives selected by the members of the management'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 employers and employees participating in the signing of collective contracts in this industry shall abide by them. After the general contract is signed, the labor and capital of each enterprise in the industry can conclude a separate collective contract according to the general contract. If there are special issues that are not covered in the general collective contract, they can be supplemented in the individual collective contract of the enterprise. However, this supplementary stipulation shall not conflict with the content of the general collective contract and shall be subject to the consent of the trade unions and trade associations of the industry. The detailed regulations for the conclusion of collective contracts shall be separately prescribed by the Labor Bureau.

Article 26 If the employees of each enterprise have not concluded a collective contract or made a request to the management outside the collective contract, they shall be reviewed by the trade union of the industry and the Municipal Federation of Trade Unions in advance, and the trade union of the industry and the Municipal Federation of Trade Unions shall send personnel to join the industry. The employee representatives negotiate with the employer or the employer's trade association, and negotiate on an equal footing to conclude an agreement, which shall be abided by both employers and employees.

Article 27 When a dispute between the labor and management of an enterprise cannot be reached, the labor and management shall request the trade union of the industry and the representatives sent by the trade association to resolve it through consultation with both parties. If no consensus can be reached, any one party may request the labor bureau of the local people's government to mediate. Invalid mediation may be arbitrated by an arbitration committee organized by the Labor Bureau. Before the negotiation, mediation, and arbitration are established, both parties shall maintain the status quo of production, and the employer shall not deal with the factory, suspension of capital, suspension of partnership, or other reduced treatment; the laborer shall also produce as usual and abide by labor discipline. If any of the employers and employees is not satisfied with the arbitration of the labor bureau, it may file a complaint with the court in accordance with judicial procedures, and the court will impose a sentence. Before the court makes a judgment, both parties shall follow the arbitration decision of the Labor Bureau.

Article 28 Labor disputes shall be resolved in accordance with the procedures stipulated in the preceding article, and neither party shall take coercive acts such as personal insults to the other party.

Article 29 The right to interpret and amend these regulations shall belong to the Military Control Commission during the period of military control, and shall belong to the people's government after the period of military control ends.

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