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Achieving decent work in China: a case study of decent working time

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Appendix I

Profile of China

Territory and Population

China, officially the People's Republic of China (PRC, in Chinese: 中华人民共和国; Pinyin: *Zhonghua Renmin Gongheguo*), is located in the eastern part of Asia and on the western coast of the Pacific Ocean. It has an area of approximately 9.6 million square kilometres, and by 2020 a population of 1.4 billion, made up of fifty-six different ethnic groups. It is the third largest country by area and the largest by population in the world. According to the World Bank (WB), by 2020, the life expectancy was 75 (men) and 79 (women); the Gross National Income (GNI) per capita was \$US 10,530.

Constitutional development

The PRC was established by the Chinese Communist Party (CCP) on 1 October 1949. It is a multinational, unitary state with twenty-three provinces (including Taiwan), five autonomous regions, four municipalities directly under the central government, and two special administrative regions (Hong Kong and Macao) that practice the policy of 'one country, two systems'. Since the establishment of the PRC in 1949, four Constitutions were passed in 1954, 1975, 1978, and 1982, subsequently.

The 1954 Constitution was the first formal constitution in China, adopted at the First Session of the First National People's Congress (NPC). It was built upon the Chinese People's Political Consultative Conference Common Programme that acted as the interim Constitution from 1949 to 1954. The 1954 Constitution safeguarded the fruits of the new political and economic victory since the establishment of the PRC. It also reflected the common wish of the broad masses of people in the building of a socialist society. This Constitution lasted until the adoption of the 1975 Constitution. The 1975 Constitution was born during the period of the 'Cultural Revolution' and had many flaws in its guiding ideology and specific provisions. It legitimised the 'Cultural Revolution' and reduced many contents that should be stipulated explicitly in the Constitution. It narrowed the scope of citizens' basic rights and freedoms and eliminated the stipulation that 'citizens are legally equal'. The 1975 Constitution was therefore widely criticised. The 1978 Constitution was the third version in the Chinese Constitution history. Due to the limitations of the historical conditions at that time, this Constitution failed to tackle the flaws in the 1975 Constitution. It was again short-lived. It worked only up to 1982 when a new Constitution was adopted with an aim at bringing the state affairs back on track, which is the current

1982 Constitution. The 1982 Constitution was subsequently amended in 1988, 1993, 1999, 2004, and 2018, generally modifying the Constitution in accordance with economic and political reforms at that time. This Constitution consists of 138 articles falling within four chapters, namely, General Principles, Fundamental Rights and Duties of Citizens, Structure of the State, and National Flag, Anthem, Emblem, and Capital City. According to this Constitution, the nature of the country is expressed as a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants; all power in China belongs to the people, and the people exercise state power through the NPC and the local people's congresses at various levels; the NPC is the highest organ of state power, and its permanent body is the NPC Standing Committee.

Legal system

The Chinese legal system is a socialist legal system based primarily upon a civil law model. The Constitution is the supreme law but not judiciable, governing the fundamental matters of the function of the country. It empowers the NPC and NPC Standing Committee to formulate Laws (in Chinese: 法; Pinyin: *Fa*), which are inferior to the Constitution. The State Council is the central government, which is empowered to make Administrative Regulations (in Chinese: 行政法规; Pinyin: *Xingzheng Fagui*) in accordance with the Constitution and Laws. The internal departments of the State Council, such as the Ministry of Human Resources and Social Security (MHRSS), are empowered to make Department Rules (in Chinese: 部门规章; Pinyin: *Bumen Guizhang*) that have direct instructions on some specific issues, subject to the Constitution, Laws, and Administrative Regulations. Normative Documents (in Chinese: 规范性文件; Pinyin: *Guifanxing Wenjian*) are often used to elaborate upon the legislative provisions contained in the Laws, Administrative Regulations, and Department Rules, or to provide some opinions on legal matters that are not covered by these types of legal instruments. Although Normative Documents are mostly issued by the legislative institutions, they are often couched in a mixture of exhortative and legal language and have the lowest authoritative status in the Chinese legal system. The judicial 'case law' generally do not constitute a formal source of law in China, and the court only issues binding interpretations on an individual case, rather than of the law in general. However, the Supreme People's Court (SPC) and the Supreme People's Procuratorate (SPP) tend to be exceptions because they can issue the interpretations of laws, either in the form of general interpretations of the application of the laws or of model cases in which standards and principles are established in a judgment in a particular case, which are required to be followed nationally. The ratified international treaties are generally regarded as a formal source of Chinese law. Although the Constitution does not specify the treatment of international law in relation to the Chinese laws, according to China's legislative practice, once international treaties have been signed on behalf of the government, the NPC will ratify those and integrate them as part of

the Chinese law. However, if the government has made a reservation to a provision of a treaty, such provision is not implemented in the Chinese law.

Labour law

Labour law is an independent branch of law in the Chinese legal system. In a broad sense, labour law refers to all types of legal instruments, such as Laws, Administrative Regulations, Department Rules, and Normative Documents, governing labour matters. The major labour laws at the national level include the 1992 Trade Union Law, the 1994 Labour Law, the 2007 Labour Contract Law, the 2007 Employment Promotion Law, the 2007 Labour Mediation and Arbitration Law, and the 2010 Social Insurance Law. In a narrow sense, labour law refers to the 1994 Labour Law itself.

The 1994 Labour Law is a comprehensive law governing labour in China, adopted by the NPC Standing Committee in July 1994 in accordance with the 1982 Constitution, and came into effect in January 1995. The purpose of this law is to protect workers' lawful rights and interests, adjust labour relationship, establish and safeguard the labour system suiting to the socialist market economy, and promote economic development and social progress. It has a broad application to workers who have established a labour relationship with the 'employing unit', including enterprises and individual businesses, state departments, public institutions, and social groups within the boundary of China. The content of this law is also very broad, consisting of 107 articles divided into thirteen chapters, dealing with labour matters such as employment promotion, labour contract, working time, wages, occupational health and safety, special protection for female and juvenile workers, vocational training, social insurance and welfare, and labour disputes.

Trade Unions

All workers in China have the right to form or join a trade union; however, all trade unions must be affiliated with the All-China Federation of Trade Unions (ACFTU), the unified national trade union organisation in China based on the 1992 Trade Union Law. The trade union federations are established at and above the county level. Industrial trade unions may be formed at national or local levels for single industries or several industries of a similar nature. A grassroots trade union may be set up in an enterprise, an institution, or a state organ. The ACFTU leads local trade union federations, and the national and local industrial trade unions. Local industrial trade unions are led by both local trade union federations and national industrial trade unions. The establishment of the national industrial trade unions is determined by the ACFTU. The grassroots trade unions are led by the trade union federation at the county level, and those which also belong to certain industrial trade union organisations are subject to the leadership of the local trade union federation and of the local industrial trade union as well. The trade union federation at the county level and the industrial trade union at the provincial level are led by trade union federations at the provincial level.

Employers' associations

The official national employers' association is the China Enterprises Confederation (CEC) and the China Enterprises Directors Association (CEDA) and Employers' association at the local level are established to represent the local interests of the employers. In recent years, private entrepreneurs in some localities have organised their own organisations such as the Chambers of Private Enterprises (CPE), the Guilds of Non-governmental Enterprises (GNE), and the Foreign-invested Enterprises Associations (FIEA). The 1994 Labour Law, however, is silent about the independence of employers' associations and the pluralism of the employers' organisational structure.

Ratification of ILO Conventions

China was one of the founding states of the International Labour Organisation (ILO) during its Republican era (1919-1949) governed by the Chinese Nationalist Party (Kuomintang, KMT). In 1930, the KMT government ratified fourteen International Labour Conventions, and in 1944 China became a permanent member of the ILO's Governing Body. In 1971, the ILO's Governing Body passed a resolution to restore the People's Republic of China's membership status of the ILO in accordance with United Nations General Assembly Resolution No. 396V. The CCP government did not participate formally in the activities of the ILO until 1983 at the 69th Session of the International Labour Conference when it resumed China's position as a permanent member of the Governing Body of the ILO. In 1985, the NPC Standing Committee in China recognised the fourteen Conventions which the KMT government had ratified. By 2020, China has ratified twenty-six Conventions, consisting of four Fundamental Conventions, two Governance Conventions, and twenty Technical Conventions.

Sources:

1. The State Council of the People's Republic of China, 'China ABC' <<http://english.www.gov.cn/archive/chinaabc>> accessed 31 December 2021.
2. World bank <<https://data.worldbank.org/>> accessed 31 December 2021.
3. Dong Yan, 'In Search of Chinese "Labour Law"' in Alan C. Neal (ed), *Cross-Currents in Modern Chinese Labour Law* (Wolters Kluwer 2014)
4. Dong Yan, 'Multilayers and Complexity of Chinese Labour Laws Sources' in Tamás Gyulavári and Emanuele Menegatti (eds), *The Sources of Labour Law* (Wolters Kluwer 2019)
5. Ke Chen, *Labour law in China* (Wolters Kluwer 2021).
6. ILO, 'NORMLEX' <https://www.ilo.org/dyn/normlex/en/f?p=1000:11110:0::NO:11110:P11110_COUNTRY_ID:103404> accessed 31 December 2021.

Appendix II

Index of the ILO legal instruments concerning working time (1919-2020)

Year	Legal instruments	Status
Constitution		
1919	The ILO Constitution (with the 1944 Declaration of Philadelphia as an Annex since 1946)	Up to date
Conventions		
1919	Hours of Work (Industry) Convention, 1919 (No.1)	Interim status
	Maternity Protection Convention, 1919 (No. 3)	Interim status
	Night Work (Women) Convention, 1919 (No. 4)	Abrogated
1921	Weekly Rest (Industry) Convention, 1921 (No. 14)	Up to date
1925	Night Work (Bakeries) Convention, 1925 (No. 20)	Outdated
1930	Hours of Work (Commerce and Offices) Convention (No. 30)	Interim status
1931	Hours of Work (Coal Mines) Convention, 1931 (No. 31)	Withdrawn
1934	Night Work (Women) Convention (Revised), 1934 (No. 41)	Abrogated
	Sheet-Glass Works Convention, 1934 (No. 43)	Outdated
1935	Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46)	Withdrawn
	Forty-Hour Week Convention (No. 47)	Interim status
	Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49)	Outdated
1936	Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)	Withdrawn
	Holidays with Pay Convention, 1936 (No. 52)	Outdated
1937	Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61)	Withdrawn
1939	Night Work (Road Transport) Recommendation, 1939 (No. 64)	Withdrawn
	Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67)	Abrogated
1948	Night Work (Women) Convention (Revised), 1948 (No. 89)	Up to date
1952	Holidays with Pay (Agriculture) Convention, 1952 (No. 101)	Outdated
	Maternity Protection Convention (Revised), 1952 (No. 103)	Outdated
1957	Weekly Rest (Commerce and Offices) Convention (No. 106)	Up to date
1970	Holidays with Pay Convention (Revised), 1970 (No. 132)	Interim status
1979	Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153))	Instrument to be revised
1981	Workers with Family Responsibilities Convention (No. 156)	Up to date
1990	Night Work Convention (No. 171)	Up to date
1994	Part-Time Work Convention (No. 175)	Up to date
2000	Maternity Protection Convention (No. 183)	Up to date

Protocols		
1990	The Protocol of 1990 to the Night Work (Women) Convention, 1948 (Revised)	Up to date
Recommendations		
1921	Maternity Protection (Agriculture) Recommendation, 1921 (No. 12)	Withdrawn
	Night Work of Women (Agriculture) Recommendation, 1921 (No. 13)	Request for information
	Weekly Rest (Commerce) Recommendation, 1921 (No. 18)	Withdrawn
1924	Utilisation of Spare Time Recommendation, 1924 (No. 21)	Withdrawn
1930	Hours of Work (Hotels, etc.) Recommendation, 1930 (No. 37)	Withdrawn
	Hours of Work (Theatres, etc.) Recommendation, 1930 (No. 38)	Withdrawn
	Hours of Work (Hospitals, etc.) Recommendation, 1930 (No. 39)	Withdrawn
1936	Holidays with Pay Recommendation, 1936 (No. 47)	Outdated
1939	Control Books (Road Transport) Recommendation, 1939 (No. 63)	Withdrawn
	Night Work (Road Transport) Recommendation, 1939 (No. 64)	Withdrawn
	Methods of Regulating Hours (Road Transport) Recommendation, 1939 (No. 65)	Withdrawn
	Rest Periods (Private Chauffeurs) Recommendation, 1939 (No. 66)	Withdrawn
1952	Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93)	Outdated
	Maternity Protection Recommendation, 1952 (No. 95)	Replaced
1954	Holidays with Pay Recommendation, 1954 (No. 98)	Interim status
1962	Reduction of Hours of Work Recommendation, 1962 (No. 116)	Up to date
1965	Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123)	Replaced
1957	Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)	Up to date
1979	Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161)	Instrument to be revised
1981	Workers with Family Responsibilities Recommendation (No. 165)	Up to date
1990	Night Work Recommendation, 1990 (No. 178)	Up to date
1994	Part-Time Work Recommendation, 1994 (No. 182)	Up to date
2000	Maternity Protection Recommendation, 2000 (No. 191)	Up to date

Sources: The ILO's NORMLEX database <<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12040:0::NO::>> accessed 31 December 2021.

Appendix III

Index of Chinese legal instruments concerning the substantive aspects of working time (1949-2020)

Year	Legal instruments	Legislative Institutions	Status
Constitutions			
1949	Common Program of the Chinese People's Political Consultative Conference of 1949 中国人民政治协商会议共同纲领(1949)	Chinese People's Political Consultative Conference	Expired
1954	Constitution of the People's Republic of China of 1954 中华人民共和国宪法(1954)	National People's Congress	Expired
1975	Constitution of the People's Republic of China of 1975 中华人民共和国宪法(1975)	National People's Congress	Expired
1978	Constitution of the People's Republic of China of 1978 中华人民共和国宪法(1978)	National People's Congress	Expired
1982	Constitution of the People's Republic of China of 1982 (amended in 1988, 1993, 1999, 2004, and 2018) 中华人民共和国宪法(1982通过, 1988, 1993, 1999, 2004, 2018年修正)	National People's Congress	Effective
Laws			
1992	Law of the People's Republic of China on the Protection of Women's Rights and Interests of 1992 (amended in 2005 and 2018) 中华人民共和国妇女权益保障法(1992年通过, 2005, 2018年修正)	National People's Congress	Effective
1994	Labour Law of the People's Republic of China of 1994 (amended in 2008 and 2018) 中华人民共和国劳动法(1994年通过, 2008, 2018年修正)	National People's Congress Standing Committee	Effective
2007	Labour Contract Law of the People's Republic of China of 2007 (amended in 2012) 中华人民共和国劳动合同法(2007年通过, 2012年修正)	National People's Congress Standing Committee	Effective
Administrative Regulations			
1949	Measures on Public Holidays for Annual Festivals and Memorial Days of 1949 全国年节及纪念日放假办法(1949)	State Council	Revised

1951	Labour Insurance Regulation of the People's Republic of China of 1951(amended in 1953) 中华人民共和国劳动保险条例(1951年通过, 1953年修正)	State Council	Partially expired
1952	Interim Regulation on Living Conditions of State Functionaries during Sick Leave of 1952 (Revisions in 1954 1955) 关于各级人民政府工作人员病假期间待遇的暂行规定(1952年通过, 1954, 1955年修订)	State Council	Expired
1957	Interim Regulation on Home Leave and Wages Benefits of Workers of 1957 国务院关于工人、职员回家探亲的假期和工资待遇的暂行规定(1957)	State Council	Expired
1981	Regulation on Home Leave of Workers of 1981 国务院关于职工探亲待遇的规定(1981)	State Council	Effective
	Regulation on Living Conditions for State Functionaries during Sick Leave of 1981 国家机关工作人员病假期间生活待遇的规定(1981)	State Council	Effective
1988	Regulation on Labour Protection of Female Workers of 1988 女职工劳动保护规定(1988)	State Council	Expired
1994	Regulation on Working Time of Workers of 1994 国务院关于职工工作时间的规定(1994)	State Council	Revised
1995	Regulation on Working Time of Workers (1995 Revision) 国务院关于职工工作时间的规定(1995 修订)	State Council	Effective
1999	Measures on Public Holidays for Annual Festivals and Memorial Days (1999 Revision) 全国年节及纪念日放假办法(1999修订)	State Council	Revised
2007	Measures on Public Holidays for Annual Festivals and Memorial Days (2007 Revision) 全国年节及纪念日放假办法(2007修订)	State Council	Revised
	Regulation on Paid Annual Leave of Workers of 2007 职工带薪年休假条例(2007)	State Council	Effective
2012	Special Regulation on Labour Protection of Female Workers of 2012 女职工劳动保护特别规定(2012)	State Council	Effective
2013	Measures on Public Holidays for Annual Festivals and Memorial Days (2013 Revision) 全国年节及纪念日放假办法(2013年修订)	State Council	Effective
Department Rules			
1951	Measures on Handling Dangerous Goods of 1951 关于搬运危险性物品的几项办法(1951)	Ministry of Labour	Expired
1994	Measures on Examination and Approval of Irregular Working Hours System and Comprehensive Working Hours System of Enterprises of 1994 劳动部关于企业实行不定时工作制度和综合计算工时工作制的审批办法(1994)	Ministry of Labour	Effective

1995	Measures on the Implementation of the <Regulation of the State Council on Working Time of Workers (1995 Revision)> of 1995 劳动部贯彻《国务院关于职工工作时间的规定》的实施办法(1995)	Ministry of Labour	Effective
	Measures on the Implementation of the <Regulation on Working Time of Workers (1995 Revision)> in State Departments and Institutional Organisations of 1995 人事部关于《国家机关、事业单位贯彻<国务院关于职工工作时间的规定>的实施办法(1995)	Ministry of Personnel	Effective
	Measures of the Ministry of Posts and Telecommunications on the Implementation of Working Time Provisions of 1995 邮电部关于职工工作时间的实施办法(1995)	Ministry of Posts and Telecommunications	Effective
	Measures of the Ministry of Transport on the Implementation of Working Time Provisions of 1995 交通部部属企业职工工作时间实施办法(1995)	Ministry of Transport	Effective
2008	Measures on the Implementation of Paid Annual Leave for Workers of Enterprises of 2008 企业职工带薪年休假实施办法(2008)	Ministry of Human Resources and Social Security	Effective
Normative Documents			
1952	Decisions on Employment Issues of 1952 政务院关于劳动就业问题的决定(1952)	State Council	Expired
1955	Notice on Maternity Leave for Female Workers of 1955 国务院关于女工作人员生产假期的通知(1955)	State Council	Expired
1956	Notice on Wage Issues for Workers in Industry, Mining, Infrastructure Construction and Transportation Sectors during Working on Holidays, Overtime Work, and Performing State and Social Obligations of 1956 劳动部关于工矿、基本建设、交通运输企业工人职员节日假日工作和延长工作时间以及履行国家义务、社会义务时的工资问题的通知(1956)	Ministry of Labour	Expired
	Provisions on Eight Working Hours in the Construction Sector of 1956 国务院关于建筑业实行八小时、小礼拜工作制度的规定(1956)	State Council	Expired
	Provisions on Working Conditions of Loading, Unloading, and Handling Workers of 1956 劳动部关于装卸、搬运作业劳动条件的规定(1956)	Ministry of Labour	Effective
1959	Opinions on Wage Benefits for Workers during Overtime, Personal Leave, Sick Leave, and Suspension from Work of 1959 劳动部对企业单位工人、职员加班加点、事假、病假和停工期间工资待遇的意见	Ministry of Labour	Effective
1965	Opinions on Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965 卫生部关于从事放射线工作人员的工时和休假的意见(1965)	Ministry of Health	Effective

1980	Notice on Wedding and Funeral Leave for Workers in the State-own Enterprises of 1980 国家劳动总局、财政部关于国营企业职工请婚丧假和路程假问题的通知(1980)	State Labour Bureau and the Ministry of Finance	Effective
1981	Opinions on the Implementation of <Regulation of the State Council on Home Leave for Workers> of 1981 国家劳动总局关于制定《国务院关于职工探亲待遇的规定》实施细则的若干问题的意见	State Labour Bureau	Effective
1982	Notice on the Restriction regarding the Excessive Overtime Payments of 1982 国务院关于严格制止企业滥发加班加点工资的通知(1982)	State Council	Effective
1989	Interpretation on the Issues regarding the <Regulation of the State Council on the Labour Protection of Female Workers> of 1989 劳动部关于《女职工劳动保护规定》问题解答	Ministry of Labour	Effective
1994	Interpretation on Certain Provisions of <Labour Law> of 1994 劳动部关于《劳动法》若干条文的说明	Ministry of Labour	Effective
1995	Interpretation on the Issues regarding the <Regulation of the State Council on Working Time of Workers (1995 Revision)> of 1995 劳动部《国务院关于职工工作时间的规定》问题解答(1995)	Ministry of Labour	Effective
	Opinions on the Issues regarding the Implementation of <Labour Law> of 1995 劳动部关于贯彻执行《劳动法》若干问题的意见(1995)	Ministry of Labour	Effective
1997	Reply to Working Time Issues of Employees of 1997 劳动部关于职工工作时间有关问题的复函(1997)	Ministry of Labour	Effective
2003	Opinions on Part-time Work Issues of 2003 劳动和社会保障部关于非全日制用工若干问题的意见(2003)	Ministry of Labour and Social Security	Effective
2009	Notice on the Application of Non-standard Working Time Systems in the Outsourcing Service Enterprises of 2009 人力资源和社会保障部、商务部关于服务外包企业实行特殊工时制度有关问题的通知(2009)	Ministry of Human Resources and Social Security and Ministry of Business	Effective

Sources: National Database of Laws and Regulations (in Chinese: 全国法律法规数据库) <<https://flk.npc.gov.cn/>> accessed 31 December 2021; Chinalawinfo Database: Laws and Regulations Database (in Chinese: 北大法宝: 法律法规数据库) <<https://www.lawinfochina.com/search/SearchLaw.aspx>> accessed 31 December 2021.

Note 1. Clarification concerning the translation from Chinese to English

Chinese	English
Fa法	Law
Tiaoli条例	Regulation
Guiding规定 (administrative regulations adopted by the State Council)	Regulation
Guiding规定 (normative documents adopted by the legislative institutions)	Provisions
Shixing/Zanxing Guiding试行/暂行规定	Interim Regulation
Jueding决定	Decisions
Yijian意见	Opinions
Tongzhi通知	Notice
Jieda解答	Interpretation
Xiuzheng 修正	Amendment/ Amended
Xiuding修订	Revision/ Revised

Note 2. Clarification concerning transformation of the related institutions

- (a) Ministry of Labour (劳动部, 1949-1970) – withdrawn and incorporated into the National Planning Commission (国家计划委员会, 1970-1975) – State Labour Bureau (国家劳动总局, 1975-1982) – Ministry of Labour and Personnel (劳动人事部, 1982-1988) – Ministry of Labour (劳动部, 1988-1998) – Ministry of Labour and Social Security (劳动和社会保障部, 1998-2008) – Ministry of Human Resources and Social Security (人力资源和社会保障部, 2008-present).
- (b) Ministry of Personnel (1950-1954) – State Council Personnel Bureau (国务院人事局, 1954-1959) – withdrawn and incorporated into the Ministry of Internal Affairs (内务部, 1959-1980) – State Personnel Bureau (国家人事局, 1980-1982) – Ministry of Labour and Personnel (劳动人事部, 1982-1988) – Ministry of Personnel (人事部, 1988-2008) – Ministry of Human Resources and Social Security (人力资源和社会保障部, 2008-present).

Appendix IV

Index of Chinese legal instruments concerning the procedural aspects of working time (1949-2020)

Year	Legal instruments	Legislative Institutions	Status
Constitutions			
1949	Common Program of the Chinese People's Political Consultative Conference of 1949 中国人民政治协商会议共同纲领(1949)	Chinese People's Political Consultative Conference	Expired
1954	Constitution of the People's Republic of China of 1954 中华人民共和国宪法(1954)	National People's Congress	Expired
1975	Constitution of the People's Republic of China of 1975 中华人民共和国宪法(1975)	National People's Congress	Expired
1978	Constitution of the People's Republic of China of 1978 中华人民共和国宪法(1978)	National People's Congress	Expired
1982	Constitution of the People's Republic of China of 1982 (amended in 1988, 1993, 1999, 2004, and 2018) 中华人民共和国宪法(1982通过, 1988, 1993, 1999, 2004, 2018年修正)	National People's Congress	Effective
Laws			
1950	Trade Union Law of the People's Republic of China of 1950 中华人民共和国工会法(1950)	Central People's Government Committee	Expired
1992	Trade Union Law of the People's Republic of China of 1992 (amended in 2001 and 2009) 中华人民共和国工会法(1992年通过, 2001, 2009年修正)	National People's Congress	Effective
1994	Labour Law of the People's Republic of China of 1994 (amended in 2009 and 2018) 中华人民共和国劳动法(1994年通过, 2009, 2018年修正)	National People's Congress Standing Committee	Effective
2000	Legislation Law of the People's Republic of China of 2000 (amended in 2015) 中华人民共和国立法法(2000年通过, 2015年修正)	National People's Congress	Effective

2007	Labour Contract Law of the People's Republic of China of 2007 (amended in 2012) 中华人民共和国劳动合同法(2007年通过, 2012年修正)	National People's Congress Standing Committee	Effective
	Labour Dispute Mediation and Arbitration Law of the People's Republic of China of 2007 中华人民共和国劳动争议调解仲裁法(2007)	National People's Congress Standing Committee	Effective
Administrative Regulations			
1954	Internal Code of Conduct for State-owned Enterprises of 1954 国营企业内部劳动规则纲要(1954)	State Council	Expired
1956	General Organisational Rules of the Ministry of Labour of the People's Republic of China of 1956 中华人民共和国劳动部组织简则(1956)	State Council	Expired
1980	Regulation on Labour Management of Chinese-Foreign Joint Ventures of 1980 中外合资经营企业劳动管理规定(1980)	State Council	Expired
1986	Interim Regulation on Implementing the Labour Contract System in State-Owned Enterprises of 1986 国营企业实行劳动合同制暂行规定(1986)	State Council	Expired
	Interim Regulation on Recruitment of Workers in State-Owned Enterprises of 1986 国营企业招用工人暂行规定(1986)	State Council	Expired
	Interim Regulation on Dismissal of Workers in State-Owned Enterprises of 1986 国营企业辞退违纪职工暂行规定(1986)	State Council	Expired
	Interim Regulation on Unemployment Insurance in State-Owned Enterprises of 1986 国营企业职工待业保险暂行规定(1986)	State Council	Expired
1987	Interim Regulation on Small Private Business of 1987 城乡个体工商户管理暂行条例(1987)	State Council	Expired
	Interim Regulation on Labour Dispute Resolution in State-owned Enterprises adopted by the State Council of 1987 国营企业劳动争议处理暂行规定(1987)	State Council	Expired
1988	Interim Regulation on Private Enterprises of the People's Republic of China of 1988 中华人民共和国私营企业暂行条例(1988)	State Council	Expired
	Guangdong Provincial Labour Regulation in Special Economic Zones of 1988广东省经济特区劳动条例(1988)	Guangdong Province People's Congress	Expired
1990	Regulation on Town and Village Enterprises of the People's Republic of China of 1990 中华人民共和国乡村集体所有制企业条例(1990)	State Council	Expired

1993	Regulation on Labour Dispute Settlement in Enterprises of the People's Republic of China of 1993 中华人民共和国企业劳动争议处理条例(1993)	State Council	Expired
1994	Regulation on Working Time of Workers of 1994 国务院关于职工工作时间的规定(1994)	State Council	Revised
1995	Regulation of the State Council on Working Time of Workers (1995 Revision) 国务院关于职工工作时间的规定(1995 修订)	State Council	Effective
2004	Regulation on Labour and Security Inspection of 2004 劳动保障监察条例(2004)	State Council	Effective
2005	Regulation on Complaint Letters and Visits of 2005 信访条例(2005)	State Council	Effective
Department Rules			
1950	Provisions on Labour Dispute Settlement Procedures of 1950 劳动部关于劳动争议解决程序的规定(1950)	Ministry of Labour	Expired
	Rules on Organisation and Procedures of Municipal Labour Dispute Arbitration Committees of 1950 市劳动争议仲裁委员会组织及工作规则(1950)	Ministry of Labour	Expired
1989	Interim Provisions on Labour Management of Private Enterprises 1989 劳动部关于私营企业劳动管理暂行规定	Ministry of Labour	Effective
1992	Provisions on Labour Management in Town and Village Enterprises of 1992 乡镇企业劳动管理规定(1992)	Ministry of Agriculture	Expired
1993	Provisions on Labour Inspection of 1993 劳动监察规定(1993)	Ministry of Labour	Expired
1994	Measures of the Ministry of Labour on the Examination and Approval of Irregular Working Hours System and Comprehensive Working Hours System in Enterprises of 1994 劳动部关于企业实行不定时工作制和综合计算工时工作制的审批办法(1994)	Ministry of Labour	Effective
	Provisions on Collective Agreements of 1994 集体合同规定(1994)	Ministry of Labour	Expired
2004	Provisions on Collective Agreements (2004 Revision) 集体合同规定(2004)	Ministry of Labour and Social Security	Effective
Normative Documents			
1949	Interim Measures on Labour Relations of 1949 中华全国总工会关于劳资关系暂行处理办法(1949)	<i>All-China Federation of Trade Unions</i>	Expired
	Interim Measures on Establishing Collective Agreements in Private Enterprises of 1949 中华全国总工会关于私营工商企业劳资双方订立集体合同的暂行办法(1949)	<i>All-China Federation of Trade Unions</i>	Expired

1950	Decision on Labour Relations between Provincial and Municipal Labour Bureaus and Local State-owned Enterprises of 1950 政务院财政经济委员会关于各省、市人民政府劳动局与当地国营企业工作关系的决定(1950)	Finance and Economy Committee of the State Council	Expired
	Instructions on Signing Collective Agreements in Public Enterprises of 1950 关于公营企业签订集体合同的指示(1950)	<i>Northeast People's Government</i>	Expired
1951	Interim Provisions on the Recruitment of Workers in Various Regions of 1951 劳动部关于各地招聘职工的暂行规定(1951)	Ministry of Labour	Expired
1953	Joint-Instructions on Signing Collective Agreements in Public Enterprises (textile industry) of 1953 关于在国营工厂中签订集体合同的联合指示(1953)	Ministry of Textile Industry and National Committee of China Textile Trade Unions	Expired
1954	Decision of the State Council on the adoption of the Internal Code of Conduct for State-owned Enterprises of 1954 政务院关于颁布“国营企业内部劳动规则纲要”的决定(1954)	State Council	Expired
	Measures on Signing Labour Contract for Workers Recruited in Construction Sectors of 1954 关于建筑工程单位赴外地招用建筑工人订立劳动合同办法(1954)	Ministry of Labour	Expired
1955	Instructions on Signing Collective Agreements in Mines Sectors of 1955 关于生产厂矿签订集体合同的指示(1955)	Ministry of Heavy Industry and National Committee of China Railway Trade Unions	Expired
1985	Interim Provisions on the Work of Labour Protection Supervision Inspectors of Trade Unions of 1985 工会劳动保护监督检查员暂行条例(1985)	<i>All-China Federation of Trade Unions</i>	Expired
	Provisions on the Work of Labour Protection Supervision and Inspection Committees of Grassroots Trade Unions of 1985 基层工会劳动保护监督检查委员会工作条例(1985)	<i>All-China Federation of Trade Unions</i>	Expired
	Provisions on the Work of Labour Protection Inspectors of Trade Union Groups of 1985 工会小组劳动保护检查员工作条例(1985)	<i>All-China Federation of Trade Unions</i>	Expired

Sources: National Database of Laws and Regulations (in Chinese: 全国法律法规数据库) <<https://flk.npc.gov.cn/>> accessed 31 December 2021; Chinalawinfo Database: Laws and Regulations Database (in Chinese: 北大法宝: 法律法规数据库) <<https://www.lawinfochina.com/search/SearchLaw.aspx>> accessed 31 December 2021.

Note 1. Clarification concerning the translation from Chinese to English

Chinese	English
Fa法	Law
Tiaoli条例 (administrative regulations adopted by the State Council)	Regulation
Tiaoli条例 (normative documents adopted by the legislative institutions)	Provisions
Guiding规定 (administrative regulations adopted by the State Council)	Regulation
Guiding规定 (normative documents adopted by the legislative institutions)	Provisions
Shixing/Zanxing Guiding试行/暂行规定 (administrative regulations adopted by the State Council)	Interim Regulation
Shixing/Zanxing Guiding试行/暂行规定 (normative documents adopted by the legislative institutions)	Interim Provisions
Jueding决定	Decisions
Zhisi指示	Instructions
Banfa 办法	Measures
Guize 规则	Rules
Xiuzheng 修正	Amendment/ Amended
Xiuding修订	Revision/ Revised

Note 2. Clarification concerning transformation of the related institutions

- (a) Ministry of Labour (劳动部, 1949-1970) – withdrawn and incorporated into the National Planning Commission (国家计划委员会, 1970-1975) – State Labour Bureau (国家劳动总局, 1975-1982) – Ministry of Labour and Personnel (劳动人事部, 1982-1988) – Ministry of Labour (劳动部, 1988-1998) – Ministry of Labour and Social Security (劳动和社会保障部, 1998-2008) – Ministry of Human Resources and Social Security (人力资源和社会保障部, 2008-present).

Appendix V

Comparison between the ILO benchmarks
and Chinese working time standards
(ILO-DWT-China database)

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1979-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
Group 1: working time duration							
Indicator 1.1: Daily limit	1.1.1 Topic Daily limit: it refers to a limit on normal daily hours of work; hours of work mean the time during which the persons employed are at the disposal of the employer; normal hours of work refer to the number of hours that may legally be worked during the day, week, month and /or year, excluding overtime (C30, art 2; General Survey of 2018, pp18-19).	Daily limit: it is regulated in the 1949 Common Program, the 1951 Measures on Handling Dangerous Goods, the 1952 Decisions on Employment Issues, the 1956 Provisions on Eight Working Hours in the Construction Sector, and the 1965 Opinions on Working Hours and Rest for Workers Engaged in the Radioactive Works. It refers to a daily limit on hours of work. However, there is no explicit definition or clarification on hours of work in the legal instruments.	1	Daily limit: it is regulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers. However, there is no explicit definition or clarification on hours of work in the existing legal instruments.	1	Daily limit: it is regulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers. However, there is no explicit definition or clarification on hours of work in the existing legal instruments.	1
	1.1.2 Aim/ purpose It aims to safeguard the health and well-being of workers, and serve the need related to production (General Survey of 2018, p5).	a. It aims to safeguard the health of workers, improve their production efficiency and promote the employment (Common Programme of 1949, art 32; Decisions on Employment Issues of 1952); b. It aims to safeguard the health of workers and improve their knowledge and expertise in the construction sector (Regulation on Eight Working Hours in the Construction Sector of 1956); c. It aims to safeguard the health of radiological workers and enable better services for disease prevention and treatment (Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	1	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to ensure a reasonable working time arrangement for employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to ensure a reasonable working time arrangement for employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.1.3 Scope of application	a. It applies to persons employed in any public or private industrial undertaking (mines and quarries; industries in which articles are manufactured or materials are transformed, such as shipbuilding and energy generation; construction, maintenance and demolition of roads, bridges and tunnels; and transport of passengers or goods by road, rail, sea or inland waterway) (C1, art 1.1; General Survey of 2018, p16); b. It applies to persons employed in any public or private commerce and office sectors (commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments; establishments and administrative services in which the persons employed are mainly engaged in office work; mixed commercial and industrial establishments, unless they are deemed to be industrial establishments) (C30, art 1.1; General Survey of 2018, p16).	It applies to the publicly and privately operated enterprises, particularly including works regarding handling toxic substances, the construction sector, and the radioactive works, as well as cities (Common Programme of 1949, art 32; Measures on Handling Dangerous Goods of 1951; Decisions on Employment Issues of 1952; Provisions on Eight Working Hours in the Construction Sector of 1956; Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	1	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, individually owned economic organisations, as well as state departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, individually owned economic organisations, as well as state departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.1.4 Material content	a. 8-hour limit on normal hours per day (C1, art 2; C30, art 3); b. Daily hours can be averaged within the 48-hour week, allowing the 8-hour limit to be extended to 9 hours in industry and 10 hours in commerce and office (C1, art. 2 and art. 5.2).	a. A principle of 'eight to ten working hours per day' shall apply to the publicly and privately operated enterprises (Common Programme of 1949, art 32; Decisions on Employment Issues of 1952); b. The daily working hours shall be less than eight hours in work that is arduous or harmful to workers' health (Decisions on Employment Issues of 1952); c. The daily working hours for workers engaged in handling toxic substances shall be six to eight hours, and their continuous work shall not exceed two hours (Measures on Handling Dangerous Goods of 1951); d. An eight-hour working day shall apply to the construction sector (Provisions on Eight Working Hours in the Construction Sector of 1956); e. The daily working hours shall be less than eight hours in the radioactive works (Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	1	Daily hours of work shall not exceed eight hours (Labour Law of 1994, art 36; Regulation on Working Time of 1995, art 3).	1	Daily hours of work shall not exceed eight hours (Labour Law of 1994, art 36; Regulation on Working Time of 1995, art 3).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
Indicator 1.2: Weekly limit	1.2.1 Topic Weekly limit Weekly limit: it refers to a weekly limit on normal hours of work; hours of work mean the time during which the persons employed are at the disposal of the employer; normal hours of work refer to the number of hours that may legally be worked during the day, week, month and/or year, excluding overtime (C30, art 2; General Survey of 2018, pp18-19).	It is not regulated in the legal instruments.	0	Weekly limit: it is regulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers. However, there is no explicit definition or clarification on hours of work in the legal instruments.	1	Weekly limit: it is regulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers. However, there is no explicit definition or clarification on hours of work in the legal instruments.	1
	1.2.2 Aim/ purpose It aims to safeguard the health and well-being of workers, and serves the need related to production. (General Survey of 2018, p5)	It is not regulated in the legal instruments.	0	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to ensure a reasonable working time arrangement of employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to ensure a reasonable working time arrangement of employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.2.3 Scope of application	a. It applies to persons employed in any public or private industrial undertaking (mines and quarries; industries in which articles are manufactured or materials are transformed, such as shipbuilding and energy generation; construction, maintenance and demolition of roads, bridges and tunnels; and transport of passengers or goods by road, rail, sea or inland waterway) (CI, art 1.1; General Survey of 2018, p16); b. It applies to persons employed in any public or private commerce and office sectors (commercial or trading establishments, including postal, telegraph and telephone services and commercial or trading branches of any other establishments; establishments and administrative services in which the persons employed are mainly engaged in office work; mixed commercial and industrial establishments, unless they are deemed to be industrial establishments) (C30, art 1.1; General Survey of 2018, p16).	It is not regulated in the legal instruments.	0	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, individually owned economic organisations, as well as state departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, individually owned economic organisations, as well as state departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.2.4 Material content	a. 48-hour limit on normal hours per week (C1, art 2; C30, art 3); b. A reduction to 40-hour limit on normal hours per week should be promoted gradually (C47, art 1; R116, para 4)	It is not regulated in the legal instruments.	0	a. Weekly hours of work shall not exceed 44 hours on the average (Labour Law of 1994, art 36); b. Weekly hours of work shall be 40 hours per week (Regulation on Working Time of 1995, art 3); c. The 40-hour weekly limit conferred in the Regulation on Working Time of 1995 is the more favourable standard than the 44-hour weekly limit conferred in the Labour Law of 1994 (Reply to the Working Time Issues of Workers of 1997); d. Saturday and Sunday shall be the days of weekly rest for State organs and State institutions (Regulation on Working Time of 1995, art 7).	1.5	a. Weekly hours of work shall not exceed 44 hours on the average (Labour Law of 1994, art 36); b. Weekly hours of work shall be 40 hours per week (Regulation on Working Time of 1995, art 3); c. The 40-hour weekly limit conferred in the Regulation on Working Time of 1995 is the more favourable standard than the 44-hour weekly limit conferred in the Labour Law of 1994 (Reply to the Working Time Issues of Workers of 1997); e. Saturday and Sunday shall be the days of weekly rest for State organs and State institutions (Regulation on Working Time of 1995, art 7).	1.5
Indicator 1.3: Overtime limit	Overtime limit: it refers to the maximum of additional hours to the normal hours of work (C1, art 6.2; C30, art 7.4; R116, para 11; General Survey of 2018, p18, 55)	Overtime limit: it is only briefly mentioned in the 1952 Decisions on Employment Issues. However, there is no explicit definition or clarification on overtime work limits in the legal instruments.	1	Overtime limit: it is regulated in the 1982 Notice on the Restriction regarding the Excessive Overtime Wages, the 1994 Labour Law and the 1995 Regulation on Working Time of Workers. In general, it refers to the additional hours to the eight hours per day and 40 hours per week.	1	Overtime limit: it is regulated in the 1982 Notice on the Restriction regarding the Excessive Overtime Wages, the 1994 Labour Law and the 1995 Regulation on Working Time of Workers. In general, it refers to the additional hours to the eight hours per day and 40 hours per week.	1
1.3.2 Aim/ purpose	It aims to safeguard the health and well-being of workers, and also serves the need related to production. (General Survey of 2018, p5)	It is not regulated in the legal instruments.	0	It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress (Labour Law of 1994, art. 1).	1	It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress (Labour Law of 1994, art. 1).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.3.3 Scope of application	It covers certain circumstances permitted under the derogations to normal hours of work in the case of permanent exceptions (intermittent work, complementary and preparatory work, cases of public interest, exceptions allowed in view of the nature of the work, the size of the population, or the number of persons employed) and temporary exceptions (abnormal pressure of work and unforeseen additional work, accidents or force majeure, the occurrence of a national emergency) (C1, arts. 3, 6, 14; C30, arts 7, 9; R116, para 11; General Survey of 2018, p34).	It is not regulated in the legal instruments.	0	It (overtime work) covers certain circumstances, specifically relating to needs of production or business of the employer; it is not subject to restrictions under specific cases, such as the need for emergency treatment during the occurrence of natural disasters, accidents or other situations that threaten the life, health or property safety of workers, the need for timely rush-repair of production equipment, transportation lines or public facilities that have gone out of order and as a result affect production and public interests, and other cases stipulated in the laws and regulations. (Labour Law of 1994, arts. 41, 42).	1	It (overtime work) covers certain circumstances, specifically relating to needs of production or business of the employer; it is not subject to restrictions under specific cases, such as the need for emergency treatment during the occurrence of natural disasters, accidents or other situations that threaten the life, health or property safety of workers, the need for timely rush-repair of production equipment, transportation lines or public facilities that have gone out of order and as a result affect production and public interests, and other cases stipulated in the laws and regulations. (Labour Law of 1994, arts. 41, 42).	1
1.3.4 Material content	Although no ILO instrument or General Survey establishes a specific limit on the number of overtime hours, such limit must be reasonable. When deciding what should be considered as a 'reasonable', the public authority should make a thorough evaluation of the intensity of the respective work, its ability to produce physical or mental fatigue, and of possible negative consequences of fatigue for the respective employee and the public at large (General Survey of 2018, p46)	Overtime hours shall be subject to strict restrictions (Decisions on Employment Issues of 1952).	0.5	Overtime work is allowed due to needs of production or business after consultation with trade union and workers; the hours of overtime are limited to 1 hour per day in general and three hours at maximum under the conditions that the physical health of workers is guaranteed; the hours of overtime shall not exceed 36 hours per month (Labour Law of 1994, art 41).	1.5	Overtime work is allowed due to needs of production or business after consultation with trade union and workers; the hours of overtime are limited to 1 hour per day in general and three hours at maximum under the conditions that the physical health of workers is guaranteed; the hours of overtime shall not exceed 36 hours per month (Labour Law of 1994, art 41).	1.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
Indicator 1.4: Weekly rest	Weekly rest: it refers to the rest period comprising at least 24 consecutive hours in every period of seven days. (C14, art 2.1; CI06, art 6; R103)	It is only briefly mentioned in the 1956 Notice on Wage Issues of Working on Holidays, Extending Working Hours and Performing State and Social Obligations of Workers in the Industry, Mining, Infrastructure Construction, and Transportation Sectors, in which 'Sunday' is specified as the 'public day'.	1	Weekly rest: it is regulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers.	1	Weekly rest: it is regulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers.	1
1.4.1 Topic							
1.4.2 Aim/ purpose	It aims to protect the health and safety as well as the well-being of workers (General Survey of 2018, p92, 95 & 101)	It is not regulated in the legal instruments.	0	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to ensure a reasonable working time arrangement for employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to ensure a reasonable working time arrangement for employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.4.3 Scope of application	a. It applies to the whole of the staff employed in any public or private, or any branch of industrial undertaking (mines, quarries, and other works for the extraction of minerals from the earth; industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding and the generation, transformation and transmission of electricity or motive power of any kind; construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure; transport of passengers or goods by road, rail, or inland waterway, including the handling of goods at docks, quays, wharves or warehouses, but excluding transport by hand) (C14, art 1 & 2);	It applies to the industry, mining, infrastructure construction, and transportation Sectors (Notice on Wage Issues of Working on Holidays, Extending Working Hours and Performing State and Social Obligations of Workers in the Industry, Mining, Infrastructure Construction, and Transportation Sectors of 1956).	0.5	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, individually owned economic organisations, as well as state departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, individually owned economic organisations, as well as state departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	b. It applies to all persons, including apprentices, employed in commerce and offices sectors (trading establishments; establishments, institutions and administrative services in which the persons employed are mainly engaged in office work, including the offices of persons engaged in the liberal professions; establishments under certain conditions, such as the trading branches of any other establishments, the branches of any other establishments in which the persons employed are mainly engaged in office work, and mixed commercial and industrial establishments) (C106, art 2); c. It may also apply to persons employed in establishments in consequence of a formal declaration made by a Member State at the time of ratification of Convention No. 106 such as establishments, institutions and administrative services providing personal services; post and telecommunications services; newspaper undertakings; and theatres and places of public entertainment (C106, art 3.1).						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.4.4 Material content	An uninterrupted weekly rest period comprising not less than 24 hours during each period of seven days (C14, art. 2.1; C106, art 6.1)	Sunday is specified as the 'public day' (Notice on Wage Issues of Working on Holidays, Extending Working Hours and Performing State and Social Obligations of Workers in the Industry, Mining, Infrastructure Construction, and Transportation Sectors of 1956).	0.5	a. The employer shall provide workers with at least one day off a week (Labour Law of 1994, art 38); b. Saturday and Sunday shall be the days of weekly rest for state departments and social groups (Regulation on Working Time of 1995, art 7).	1.5	a. The employer shall provide workers with at least one day off a week (Labour Law of 1994, art 38); b. Saturday and Sunday shall be the days of weekly rest for state departments, social groups (Regulation on Working Time of 1995, art 7).	1.5
Indicator 1.5: Paid annual leave	Paid annual leave: it refers to the period during which workers are given time away from their work while continuing to receive an income and to be entitled to social protection (General Survey of 2018, p103).	Paid annual leave: it is only briefly mentioned in the name of 'annual rest' the Opinion on the Working Hours and Rest for Workers Engaging in the Radioactive Works of 1965. However, there is no explicit definition or clarification on paid annual leave in the legal instruments.	1	Paid annual leave: it is regulated in the 1994 Labour Law.	1	Paid annual leave: it is regulated in the 1994 Labour Law and the 2007 Regulation on Paid Annual Leave of Workers.	1
1.5.2 Aim/ purpose	It aims to protect the health and well-being of workers, allow them to be with their families and help them to be more productive, and limit working time over the course of the year (General Survey of 2018, p103).	It aims to protect the health of workers engaging in the radiological works and prevent disease (Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	0.5	It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1).	0.5	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to safeguard the right to rest and leave of employees and to promote their working efficiency (Regulations on Paid Annual Leave of Employees art 1).	0.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.5.3 Scope of application	It applies to all employed persons except seafarers (C132, art 2.1).	It applies to workers engaging in the radioactive works (Opinion on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965)	0.5	It applies to all workers who establish labour relationships with employing units after working for more than one year continuously (Labour Law of 1994, art 45);	0.5	a. It applies to all workers who establish labour relationships with employing units after working for more than one year continuously (Labour Law of 1994, art 45); b. It applies to workers in organs, groups, enterprises, public institutions, private non-enterprise entities and individual industrial and commercial households hiring labour, who have worked continuously for one year or more are entitled to paid annual leave (Regulations on Paid Annual Leave of Employees, art 2).	0.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
1.5.4 Material content	a. Workers shall enjoy at least three working weeks of annual paid holiday for one year of service (CI32, art 3.3); b. Workers whose length of service in any year is less than the required period such as one year of service shall be entitled in respect of that year to a holiday with pay proportionate to his length of service during that year (CI32, art 4.2); c. Absence from work for reasons beyond the control of the employed persons concerned as illness, injury or maternity shall be counted as part of the period service (CI32, art 5.4); d. Public and customary holidays shall not be counted as part of the minimum annual paid holiday; (CI32, art 6.1); e. Regarding the divisions of the annual paid holiday, unless otherwise provided in an agreement applicable, one of the parts shall consist of at least two uninterrupted working weeks (CI32, art 8.2).	An annual rest of two to four weeks shall be provided to radiological workers (Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	0.5	Workers shall be entitled to the annual leave with pay after working for more than one year continuously (Labour Law 1994, art 45).	0.5	a. Workers shall be entitled to the annual leave with pay after working for more than one year continuously (Labour Law 1994, art 45); b. The annual leave shall be five days for employees who have accumulatively worked for 1-10 year(s); 10 days for workers who have accumulatively worked 10-20 years; and 15 days for employees who have accumulatively worked for 20 years or more; the annual leave shall be additional to national legal holidays and off days shall not be counted as part of annual paid leave (Regulations on Paid Annual Leave of Employees, art 3); c. In general, the annual leave can be taken once and for all or for several times within the current year; it may not be rounded up to the next year; however, where an employing unit needs to round it up to the next year for special production or working reasons, it can be rounded up to the next year (Regulations on Paid Annual Leave of Employees, art 5);	0.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
						d. Where an employing unit is unable to give annual leave to a worker or staff member due to the needs of the work, it is allowed to do so as long as it gets the consent of the employee; As for the annual leave time due and not taken by the worker or staff member, the employing unit shall pay him or her 300% of his or her daily wage income for each day of the annual leave due and not taken (Regulations on Paid Annual Leave of Employees, art 5).	
Group 2: Working time organisation							
Indicator 2.1: Standard working time arrangement	2.1.1 Topic	Standard working time arrangement: It refers to an eight-hour day and a 48-hour or 40-hour week under Conventions Nos. 1, 30 and 47 and Recommendation No. 116 (General Survey of 2005, p77; C1, art 2; C30, art 3; C47, art 1; R116, Preamble); It can be further elaborated as the fixed working hours each day for a fixed number of days, usually a Monday-to-Friday (for a 40-hour normal workweek) or Monday-to-Saturday (for normal weeks longer than 40 hours) daytime shift (with reference to the implications from General Survey of 2005, p77; C1, art 2; C30, art 3; C47, art 1; R116, Preamble; and directly from Resolution concerning the measurement of working time and a number of ILO working time reports)	1	Standard working time arrangement: it is regulated in the 1994 Labour and the 1995 Regulation on Working Time of Workers.	1	Standard working time arrangement: it is regulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers.	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.1.2 Aim/ purpose	It aims to safeguard the health and well-being of workers, and serve the need related to production (General Survey of 2018, p5).	a. It aims to safeguard the health of workers, improve their production efficiency and promote the employment (Common Programme of 1949, art 32; Decisions on Employment Issues of 1952); b. It aims to safeguard the health of workers and improve their knowledge and expertise in the construction sector (Provisions on Eight Working Hours in the Construction Sector of 1956); c. It aims to safeguard the health of radiological workers and enable better services for disease prevention and treatment (Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	1	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to provide a reasonable working time arrangement for employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish, and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress. (Labour Law of 1994, art 1); b. It aims to provide a reasonable working time arrangement for employees and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.1.3 Scope of application	No ILO instrument or General Survey establishes an explicit scope of application on the standard working time arrangement. However, according to the ILO instruments as well as a number of ILO reports on working time, it should have a similar scope of application with the elements of daily and weekly limits, and often with a focus on the formal economy (with reference to the implications from General Survey of 2005, p77; C1, art 2; C30, art 3; C47, art 1; R116, Preamble; and directly from Resolution concerning the measurement of working time and a number of ILO working time reports).	It applies to the publicly and privately operated enterprises, particularly including works regarding handling toxic substances, the construction sector, and the radioactive works, as well as cities (Common Programme of 1949, art 32; Measures on Handling Dangerous Goods of 1951; Decisions on Employment Issues of 1952; Provisions on Eight Working Hours in the Construction Sector of 1956; Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	1	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, enterprises, individually owned economic organisations, as well as State departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1	a. It applies to all workers who establish labour relationships with employing units; the employing unit includes enterprises, enterprises, individually owned economic organisations, as well as State departments, institutional organisations and social groups (Labour Law of 1994, art 2); b. It applies to all employees of state departments, social groups, enterprises and institutions and other organisations (Regulation on Working Time of 1995, art 2).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.1.4 Material content	a. Monday-to-Friday (for a 40-hour normal workweek) daytime shift (with reference to the implications from General Survey of 2005, p77; C1, art 2; C30, art 3; C47, art 1; R116, Preamble; and directly from Resolution concerning the measurement of working time and a number of ILO working time reports); b. Monday-to-Saturday (for normal weeks longer than 40 hours) daytime shift (with reference to the implications from General Survey of 2005, p77; C1, art 2; C30, art 3; C47, art 1; R116, Preamble; and directly from Resolution concerning the measurement of working time and several ILO working time reports)	a. A principle of "eight to ten working hours per day" shall apply to the publicly and privately operated enterprises (Common Programme of 1949, art 32; Decisions on Employment Issues of 1952); b. An eight-hour working day shall apply to the construction sector (Provisions on Eight Working Hours in the Construction Sector of 1956); c. A working day with less than eight hours shall apply to radioactive works (Opinions on the Working Hours and Rest for Workers Engaged in the Radioactive Works of 1965).	0.5	a. Workers shall work for no more than eight hours a day and no more than 44 hours a week on the average (Labour Law of 1994, art 36); b. Workers shall work eight hours a day and 40 hours a week (Regulation on Working Time of 1995, art 3); c. Saturday and Sunday shall be the days of weekly rest for State organs and State institutions (Regulation on Working Time of 1995, art 7).	1	a. Workers shall work for no more than eight hours a day and no more than 44 hours a week on the average (Labour Law of 1994, art 36); b. Workers shall work eight hours a day and 40 hours a week (Regulation on Working Time of 1995, art 3); c. Saturday and Sunday shall be the days of weekly rest for State organs and State institutions (Regulation on Working Time of 1995, art 7).	1
Indicator 2.2: Variable working time arrangement	Variable working time arrangement: it mainly refers to adjustments in the distribution of hours of work, particularly consisting of averaging normal weekly hours of work over a defined period, to allow the extension of working hours beyond their normal length on certain days, and their shortening on other days, without resorting to overtime (General Survey of 2018, p21).	It is not regulated in the legal instruments.	0	Variable working time arrangement: it is regulated in the 1994 Labour Law, the 1994 Measures on Working Time and the 1995 Regulation on Working Time of Workers.	1	Variable working time arrangement: it is regulated in the 1994 Labour Law, the 1994 Measures on Working Time and the 1995 Regulation on Working Time of Workers.	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.2.2 Aim/ purpose	It aims to adapt to the production requirements and technical variations inherent in certain sectors of activity, to respond to exceptional circumstances or to meet the specific needs of workers or the establishment (General Survey of 2018, p21).	It is not regulated in the legal instruments.	0	It aims to meet the needs of enterprises due to their special characteristics of production (Labour Law of 1994, art 39; Regulation on Working Time of 1995, art 5).	0.5	It aims to meet the needs of enterprises due to their special characteristics of production (Labour Law of 1994, art 39; Regulation on Working Time of 1995, art 5).	0.5
2.2.3 Scope of application	It covers four certain circumstances mainly through averaging: the distribution of working hours within the week; the distribution of working hours over a period longer than a week; averaging in the case of shift work in continuous processes; and averaging in the case of shift work (General Survey of 2018, p21; C1, art 2, 4 & 5; C30, art 4 & 6).	It is not regulated in the legal instruments.	0	It applies to all enterprises that are unable to adopt the standard working hours system of eight hours per day and 44 or 40 hours per week stipulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers (Measures on Working Time of 1994, art 2 & 3).	1.5	It applies to all enterprises that are unable to adopt the standard working hours system of eight hours per day and 44 or 40 hours per week stipulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers (Measures on Working Time of 1994, art 2 & 3).	1.5
2.2.4 Material content	f. Daily hours can be averaged within the 48-hour week, allowing the 8-hour limit to be extended to 9 hours in industry and 10 hours in commerce and office (C1, art 2; C30, art 4); g. Over a period longer than a week, the average hours of work per week shall not exceed forty-eight hours per week and that hours of work in any day shall not exceed 9 hours in industry and 10 hours in commerce and office (C1, art 5; C30, art 6);	It is not regulated in the legal instruments.	0	a. Comprehensive calculation of working time can be undertaken on a weekly, monthly, quarterly or yearly basis, as long as the daily and weekly hours of work on the average are the same or equivalent as the standard working hours system stipulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers (Measures on Working Time of 1994, art 5);	1.5	a. Comprehensive calculation of working time can be undertaken on a weekly, monthly, quarterly or yearly basis, as long as the daily and weekly hours of work on the average are the same or equivalent as the standard working hours system stipulated in the 1994 Labour Law and the 1995 Regulation on Working Time of Workers (Measures on Working Time of 1994, art 5);	1.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	h. It allows for the possibility of the averaging of hours of work in the case of shift work and permits the extension of normal hours of work on condition that the average number of hours over a period of three weeks respects the limits of eight hours a day and 48 hours a week (C1, art 2); i. It allows for the possibility of the averaging of hours of work in the case of shift work in continuous processes and provides for a limit of 56 hours a week on average (C1, art 4); j. The hours-averaging arrangement should be approved by the competent authority or by agreement between workers' and employers' organisations. (C1, art 2, C30, art 6)			b. The enterprise should take employees' health into consideration and listen to their requirements, and then take appropriate measures to guarantee the employees' right to rest and holidays as well as to ensure the completion of production (Measures on Working Time of 1994, art 6).		b. The enterprise should take employees' health into consideration and listen to their requirements, and then take appropriate measures to guarantee the employees' right to rest and holidays as well as to ensure the completion of production (Measures on Working Time of 1994, art 6).	
Indicator 2.3: Overtime work arrangement	2.3.1 Topic	Overtime work arrangement: It refers to how the additional hours to normal hours of work are organised (C1, art 62; C30, art 7 4; R116, para 11; General Survey of 2018, p18, 55).	1	Overtime work arrangement: it is regulated in the 1982 Notice on the Restriction regarding the Excessive Overtime Wages, the 1994 Labour Law, and the 1995 Regulation on Working Time. In general, it refers to how the additional hours are organised; the additional hours refer to the eight hours per day and 40 hours per week (Labour Law of 1994, art 41; Reply to the Working Time Issues of Workers of 1997).	1	Overtime work arrangement: it is regulated in the 1982 Notice on the Restriction regarding the Excessive Overtime Wages, the 1994 Labour Law, and the 1995 Regulation on Working Time. In general, it refers to how the additional hours are organised; the additional hours refer to the eight hours per day and 40 hours per week (Labour Law of 1994, art 41; Reply to the Working Time Issues of Workers of 1997).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.3.2 Aim/ purpose	It aims to safeguard the health and well-being of workers, and serves the need related to production (General Survey of 2018, p5).	It is not regulated in the legal instruments.	0	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress (Labour Law of 1994, art. 1); b. It also aims to meet the needs of production or business for an employing unit (Labour Law of 1994, art. 41); c. It aims to ensure a reasonable working time arrangement of workers and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1	a. It aims to protect the legitimate rights and interests of workers, regulate labour relationship, establish and safeguard a labour system suiting to the socialist market economy, and promote economic development and social progress (Labour Law of 1994, art. 1); b. It also aims to meet the needs of production or business for an employing unit (Labour Law of 1994, art. 41); c. It aims to ensure a reasonable working time arrangement of workers and to safeguard their right to rest, promote their working efficiency and the development of the socialist modernisation (Regulation on Working Time of 1995, art 1).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.3.3 Scope of application	It (overtime work) covers certain circumstances permitted under the derogations to normal hours of work in the case of permanent exceptions (intermittent work, complementary and preparatory work, cases of public interest, exceptions allowed in view of the nature of the work, the size of the population, or the number of persons employed) and temporary exceptions (abnormal pressure of work and unforeseen additional work, accidents or force majeure, the occurrence of a national emergency) (CI, arts. 3 6, 14; C30, arts 7, 9; RII6, para II: General Survey of 2018, p34).	It is not regulated in the legal instruments.	0	It (overtime work) covers certain circumstances, specifically relating to needs of production or business of the employer; it is not subject to restrictions under specific cases, such as the need for emergency treatment during the occurrence of natural disasters, accidents or other situations that threaten the life, health or property safety of workers, the need for timely rush-repair of production equipment, transportation lines or public facilities that have gone out of order and as a result affect production and public interests, and other cases stipulated in the laws and regulations. (Labour Law of 1994, arts. 41, 42).	1	It (overtime work) covers certain circumstances, specifically relating to needs of production or business of the employer; it is not subject to restrictions under specific cases, such as the need for emergency treatment during the occurrence of natural disasters, accidents or other situations that threaten the life, health or property safety of workers, the need for timely rush-repair of production equipment, transportation lines or public facilities that have gone out of order and as a result affect production and public interests, and other cases stipulated in the laws and regulations. (Labour Law of 1994, arts. 41, 42).	1
2.3.4 Material content	a. The limits to hours of overtime work must be reasonable. To decide what should be considered as a "reasonable", the public authority should make a thorough evaluation of the intensity of the respective work, its ability to produce physical or mental fatigue, and of possible negative consequences of fatigue for the respective employee and the public at large (General Survey of 2018, p46);	a. The rate of pay for overtime permitted shall be 150 per cent of the normal wages if work is arranged on Sunday; 200 per cent of the normal wages if work is arranged in statutory holidays (Notice on Wage Issues of Working on Holidays, Extending Working Hours and Performing State and Social Obligations of Workers in the Industry, Mining, Infrastructure Construction, and Transportation Sectors of 1956);	1.5	a. Overtime work is allowed due to needs of production or business after consultation with trade union and workers; the hours of overtime are limited to 1 hour per day in general and three hours at maximum under the conditions that the physical health of workers is guaranteed; the hours of overtime shall not exceed 36 hours per month (Labour Law of 1994, art 41);	1.5	a. Overtime work is allowed due to needs of production or business after consultation with trade union and workers; the hours of overtime are limited to 1 hour per day in general and three hours at maximum under the conditions that the physical health of workers is guaranteed; the hours of overtime shall not exceed 36 hours per month (Labour Law of 1994, art 41);	1.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
Indicator 2.4: Night work	b. For each instance of overtime work, the public authority shall fix the maximum of additional hours after the consultation with the organisations of employers and workers (CI, art 6.2; C30, art 7.3); c. The rate of pay for overtime permitted shall not be less than one-quarter times the regular rate (CI, art 6.2; C30, art 7.4).	b. Workers in the enterprises may enjoy overtime pay when they work overtime (Opinions on Wage Benefits for Workers on Overtime, Personal Leave, Sick Leave and Suspension from Work of 1959).		b. The rate of pay for overtime permitted shall not be less than 150 per cent of the normal wages if work is arranged on off days and no make-up off days can be arranged; 300 per cent of the normal wages if work is arranged in statutory holidays (Labour Law of 1994, art 44). c. No employing unit or individual shall extend the working hours of their workers without authorisation; when the working hours are necessary to extend for the purpose of special case or emergent assignment, it shall be implemented according to the relevant provisions of the State (Regulation on Working Time of 1995, art 6).	1	b. The rate of pay for overtime permitted shall not be less than 150 per cent of the normal wages if work is arranged on off days and no make-up off days can be arranged; 300 per cent of the normal wages if work is arranged in statutory holidays (Labour Law of 1994, art 44); c. No employing unit or individual shall extend the working hours of their workers without authorisation; when the working hours are necessary to extend for the purpose of special case or emergent assignment, it shall be implemented according to the relevant provisions of the State (Regulation on Working Time of 1995, art 6).	1
	Night work arrangement: it means all work which is performed during a period of not less than seven consecutive hours, including the interval from midnight to 5 a.m. (C171, art 1; R178, para 1)	It is not regulated in the legal instruments.	0	Night work arrangement: it is only briefly mentioned in 1988 Regulation on Labour Protection of Female Workers and the 1994 Labour Law of 1994. According to the 1989 Interpretation of the Ministry of Labour on the Issues regarding the <Regulation on the Labour Protection of Female Workers>, night work is defined as work performed from 22 p.m. to 6 a.m.	1	Night work arrangement: it is only briefly mentioned in 1988 Regulation on Labour Protection of Female Workers and the 1994 Labour Law of 1994. According to the 1989 Interpretation of the Ministry of Labour on the Issues regarding the <Regulation on the Labour Protection of Female Workers>, night work is defined as work performed from 22 p.m. to 6 a.m.	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.4.2 Aim/ purpose	It is intended to protect night workers' health, assist them to meet their family and social responsibilities, provide opportunities for occupational advancement, and compensate them appropriately (C171, art 3.1)	It is not regulated in the legal instruments.	0	a. It aims to safeguard to the legitimate rights and interests of female workers , reduce and solve the special difficulties encountered by them during work, protect their health and promote socialist modernisation (Regulation on Labour Protection of Female Workers of 1988, art 1); b. It aims to provide special protection to female workers (Labour Law of 1994, art 58).	0.5	a. It aims to safeguard to the legitimate rights and interests of female workers , reduce and solve the special difficulties encountered by them during work, protect their health and promote socialist modernisation (Regulation on Labour Protection of Female Workers of 1988, art 1); b. It aims to provide special protection to female workers (Labour Law of 1994, art 58).	0.5
2.4.3 Scope of application	It applies to all employed persons except those employed in agriculture, stock raising, fishing, maritime transport, and inland navigation (C171, art 2; R178, para 2; General Survey of 2018, p158).	It is not regulated in the legal instruments.	0	It applies to female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old (Regulation on Labour Protection of Female Workers of 1988, art 7; Labour Law of 1994, art 61).	0.5	It applies to female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old (Regulation on Labour Protection of Female Workers of 1988, art 7; Labour Law of 1994, art 61).	0.5
2.4.4 Material content	a. Night work hours contains not less than seven consecutive hours, including the interval from midnight to 5 a.m. (C171, art 1; R178, para 1);	It is not regulated in the legal instruments.	0	a. Night work is defined as work performed from 22 p.m. to 6 a.m. (Interpretation of the Ministry of Labour on the Issues regarding the <Regulation on the Labour Protection of Female Workers> of 1989); b. Female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old are not allowed to work on night shifts (Regulation on Labour Protection of Female Workers of 1988, art 7; Labour Law of 1994, art 61).	0.5	a. Night work is defined as work performed from 22 p.m. to 6 a.m. (Interpretation of the Ministry of Labour on the Issues regarding the <Regulation on the Labour Protection of Female Workers> of 1989); b. Female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old are not allowed to work on night shifts (Regulation on Labour Protection of Female Workers of 1988, art 7; Labour Law of 1994, art 61).	0.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	b. Normal hours of work for night workers should not exceed eight in any 24-hour period in which they perform night work, except in the case of work which includes substantial periods of mere attendance or stand-by, in cases in which alternative working schedules give workers at least equivalent protection over different periods or in cases of exceptional circumstances recognised by collective agreements or failing that by the competent authority (R178, para 4.1); c. The normal hours of work of night workers should generally be less on average than and, in any case, not exceed on average those of workers performing the same work to the same requirements by day in the branch of activity or the undertaking concerned (R178, para 4.2); d. Night workers should benefit to at least to the same extent as other workers from general measures for reducing normal weekly hours of work and increasing days of paid leave (R178, para 4.3);						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	e. Night workers have the right to undergo a health assessment without charge and to receive advice on how to reduce or avoid health problems associated with their work (CI71, art 4.1); f. Suitable first-aid facilities shall be made available for workers performing night work (CI71, art 5); g. For reasons of health, night workers certified as unfit for night work, shall be transferred to a similar job for which they are fit, and if the transfer is not practicable, they shall be granted the same benefits as other workers who are unable to work or to secure employment (CI71, art 6. 1 & 6.2); h. Night workers certified as temporarily unfit for night work shall be given the same protection against dismissal or notice of dismissal as other workers who were prevented from working for reasons of health (CI71, art 6.3) i. Measures shall be taken to ensure that an alternative to night work is available to women workers concerning maternity issues; at any point during pregnancy, once this is known, women night workers who so request should be assigned to day work, as far as practicable (CI71, art 7; RI78, para 19);						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	j. Compensation for night workers in the form of working time, pay or similar benefits shall recognise the nature of night work; the compensation should be additional to the remuneration paid for the same work performed to the same requirements during the day and should respect the principle of equal pay for men and women for the same work, or for work of equal value, and may by agreement be converted into reduced working time (C171, art 8; R178, para 8); k. Where financial compensation for night work is a normal element in a night worker's earnings, it should be included in the calculation of the remuneration of paid annual leave, paid public holidays and other absences that are normally paid as well as in the fixing of social security contributions and benefits (R178, para 9);						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	1. Appropriate social services shall be provided for night workers and, where necessary, for workers performing night work, such as to limit or reduce the time spent by night workers in travelling between their residence and workplace, to avoid or reduce additional travelling expenses for them and to improve their safety when travelling at night, to improve the quality of rest for night workers, and to enable workers performing night work to obtain meals and beverages (C171, art 9; R178, para 13, 14, 15 & 16); m. Before introducing work schedules requiring the services of night workers, the employer shall consult the worker representatives concerned on the details of such schedules and the forms of organisation of night work that are best adapted to the establishment and its personnel as well as on the occupational health measures and social services which are required; In establishments employing night workers this consultation shall take place regularly (C171, art 10.1; R178, para 10);						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	n. In determining the content of the tasks assigned to night workers, account should be taken of the nature of night work and of the effects of environmental factors and forms of work organisation; special attention should be paid to factors such as toxic substances, noise, vibrations and lighting levels and to forms of work organisation involving heavy physical or mental strain; cumulative effects from such factors and forms of work organisation should be avoided or reduced (R178, para 11) o. Overtime work by night workers should be to avoid as far as possible before or after a daily period of work which includes night work; and in occupations involving special hazards or heavy physical or mental strain, no overtime should be performed by night workers before or after a daily period of work which includes night work, except in cases of force majeure or of actual or imminent accident (R178, para 5);						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	p. Where shift work involves night work: in no case should two consecutive full-time shifts be performed, except in cases of force majeure or of actual or imminent accident; a rest period of at least 11 hours between two shifts should be guaranteed as far as possible (R178, para 6); q. Daily periods of work which include night work should include a break or breaks to enable workers to rest and eat; the scheduling and total length of these breaks should take account of the demands placed on workers by the nature of night work (R178, para 7); r. Except in cases of force majeure or of actual or imminent accident, workers should be given reasonable notice of a requirement to perform night work (R178, para 21); s. Workers who have spent a considerable number of years as night workers should be accorded special consideration with respect to opportunities for vacancies that they have the necessary qualifications, and voluntary early or phased retirement where such opportunities exist (R178, para 23 & 24)						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
Indicator 2.5: Part-time work	2.5.1 Topic Part-time work: it means the work in which the normal hours of work are less than comparable full-time work; normal hours of work can be calculated weekly or on average over a given period (CI/75, art 1; RI/82, para 2).	It is not regulated in the legal instruments.	0	Part-time work: it is regulated in the 2003 Opinions on the Part-time Work Issues; it refers to a form of employment where payments are calculated on an hourly basis, and workers generally work for no more than 5 hours per day on average and 30 hours per week in total for the same employing unit.	1	Part-time work: it is regulated in the 2007 Labour Contract Law; it refers to a form of employment where payments are calculated on an hourly basis, and workers generally work for no more than 4 hours per day on average and 24 hours per week in total for the same employing unit.	1
	2.5.2 Aim/ purpose It aims to safeguard productive and freely chosen employment for all workers, to facilitate additional employment opportunities, to ensure protection for part-time workers in the areas of access to employment, working conditions and social security, as well as to assist workers with family responsibilities (CI/75, Preamble; General Survey of 2018, p201).	It is not regulated in the legal instruments.	0	It aims to meet the flexible working time requirements of employers and the freely chosen employment for workers (Opinions on the Part-time Work Issues of 2003).	0.5	a. It aims to meet the flexible working time requirements of employers and the freely chosen employment for workers (Opinions on the Part-time Work Issues of 2003); b. It aims to improve the labour contract system, clarify the rights and obligations of both parties of labour contracts, protect the legitimate rights and interests of workers, and establish and develop a harmonious and stable labour relationship (Labour Contract Law of 2007, art 1).	0.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
2.5.3 Scope of application	It applies to all part-time workers, excludes wholly or partly particular categories of workers or of establishments when its application to them would raise particular problems of a substantial nature, such as temporary, casual or seasonal work, or workers engaged in temporary, seasonal or casual employment relationships, unless they work shorter hours than their full-time colleagues (C175, art 3; R182, para 3; General Survey of 2018, p216).	It is not regulated in the legal instruments.	0	It applies to all workers who belong to a form of part-time employment (Opinions on the Part-time Work Issues of 2003).	0.5	It applies to all workers who belong to a form of part-time employment (Opinions on the Part-time Work Issues of 2003; Labour Contract Law, art 68).	0.5
2.5.4 Material content	a. Normal hours of work may be calculated weekly or on average over a given period of employment (C175, art 1; R182, para 2) b. Part-workers shall be entitled to the same protection as full-time workers in respect of the right to organise, bargain collectively and act as workers' representatives, occupational safety and health, and discrimination in employment and occupation (C175, art 4);	It is not regulated in the legal instruments.	0	The average working hours of a part-time worker per day shall not exceed 5 hours, and the aggregate working hours per week for the same employer shall not exceed 30 hours (Opinions on the Part-time Work Issues of 2003).	0.5	a. The average working hours of a part-time worker per day shall not exceed 4 hours, and the aggregate working hours per week for the same employer shall not exceed 24 hours (Labour Contract Law, art 68); b. Both parties to part-time employment may reach an oral agreement; a worker who engages in part-time employment may conclude a labour contract with one or more employers, but a labour contract concluded subsequently may not prejudice the performance of a labour contract previously concluded (Labour Contract Law, art 69);	0.5

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	c. Part-time workers shall enjoy conditions equivalent to those of comparable full-time workers; these conditions may be determined in proportion to the basic wage, hours of work, contributions or earnings, or through other methods consistent with national law and practice (C175, art 5 & 6); d. Part-time workers shall also enjoy conditions equivalent to those of comparable full-time workers with regard to maternity protection, termination of employment, paid annual leave and paid public holidays, sick leave, and other forms of leave including paid educational leave, parental leave and leave in cases of illness of a child or another family member of a worker's immediate family, as well as the scheduling of annual leave and work on customary rest days and public holidays (C175, art 7; R182, para 13 & 14); e. Measures shall be taken to facilitate access to productive and freely chosen part-time work which meets the needs of both employers and workers, provided that the protection described above is ensured (C175, art 9);					c. No probation period may be stipulated by both parties for part-time employment (Labour Contract Law, art 70); d. Either of the parties to part-time employment may inform the other party of the termination of labour at any time, and upon the termination of part-time employment, the employer will pay no economic compensation to the employee (Labour Contract Law, art 71); e. The criteria for the calculation of part-time employment on an hourly basis shall not be lower than the minimum hourly wage prescribed by the government of the place where the employer is located; the maximum remuneration settlement and payment cycle for part-time employment shall not exceed 15 days (Labour Contract Law, art 72);	

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	f. Where appropriate, employers should give consideration to requests by workers for transfer from full-time to part-time work that becomes available in the enterprise, and also for transfer from part-time to full-time work; such transfers shall be voluntary and should not in itself constitute a valid reason for termination of employment (C175, art 10; R182, para 18 & 19).						
Group 3: Care-related leave							
Indicator 3.1: Maternity leave	Maternity leave: it refers to the leave to which a woman is entitled to a continuous period allocated before and after giving birth in accordance with national legislation and practice (C183, art 4; R191, para 1).	Maternity leave: it refers to a period of leave for female workers. It is regulated in the 1951 Labour Insurance Regulation (amended in 1953) and the 1955 Notice on Maternity Leave for Female Workers.	1	Maternity leave: it is regulated in the 1988 Regulation on Labour Protection of Female Workers, the 1992 Law on the Protection of Women's Rights and Interests, and the 1994 Labour Law.	1	Maternity leave: it was regulated in the 1992 Law on the Protection of Women's Rights and Interests, the 1994 Labour Law, and the 2012 Special Regulation on Labour Protection of Female Workers.	1
3.1.1 Topic							
3.1.2 Aim/ purpose	It aims to promote equality of all women in the workforce and protect the health and safety of the mother and child, and to recognise the diversity in the economic and social development and of enterprises (C183, Preamble).	It aims to protect the health of paid workers and ease the special difficulties in their livelihood (Labour Insurance Regulation of 1951, art 1).	0.5	a. It aims to safeguard the rights and interests of female workers, reduce and solve the special difficulties encountered by female workers during work due to their physiological characteristics, and protect their health and promote socialist modernisation (Regulation on Labour Protection of Female Workers of 1988, art 1);	1	a. It aims to protect women in the context the equal treatment between women and men (Law on the Protection of Women's Rights and Interests of 1992); b. It aims to provide special protection to female workers (Labour Law of 1994, art 58);	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
				b. It aims to protect women in the context the equal treatment between women and men (Law on the Protection of Women's Rights and Interests of 1992); c. It aims to provide special protection to female workers (Labour Law of 1994, art 58).	1	c. It aims to reduce and resolve the special difficulties which female workers may have during their work due to their physiological characteristics and to protect their health (Special Regulation on Labour Protection of Female Workers of 2012, art 1).	
3.1.3 Scope of application	It applies to all employed women, including those in atypical forms of dependent work; exclusions are allowed for limited categories of workers when its application to them would raise special problems of a substantial nature, after consulting workers' and employers' organisations (C183, art 2.1 & 2.2).	a. It applies to state-operated, joint state-private, private and cooperative factories, mines and their subsidiary units and business management organisation, each of which employs more than 100 workers members, as well as each railway, shipping or postal and telecommunications enterprise and its subsidiary units (Labour Insurance of 1951, art 2); b. For those enterprises that are not covered within the scope regulated in article 2 of Labour Insurance of 1951, revised in 1953, the administration or capital of them and their grassroots trade union committee shall consult with each other and enter into a collective contract on this matter (Labour Insurance of 1951, art 3)	0.5	a. It applies to female workers of all state agencies, mass organisations, enterprises and units (Regulation on Labour Protection of Female Workers of 1988, art 2); b. It applies to female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old (Labour Law of 1994, art 61).	1	a. It applies to female workers of all state organs, enterprises, public institutions, social organisations, individual economic organisations and other social organisations (Special Rules on Labour Protection of Female Workers of 2012, art 2); b. It applies to female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old (Labour Law of 1994, art 61).	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
3.1.4 Material content	a. A female worker shall be entitled to a period of maternity leave of not less than 14 weeks, including a period of six weeks' compulsory leave after childbirth (CI83, art 4.1 & 4.4); b. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without a reduction in any compulsory portion of postnatal leave (CI83, art 4.5); c. An extension of maternity leave of to at least 18 weeks should be promoted; an extension of maternity leave should also be made in the event of multiple births; and regarding the extensions, the woman is entitled to choose freely the time at which she takes any non-compulsory portion of her maternity leave, before or after childbirth (RI91, para 1);	a. A female worker or staff member shall be entitled to a period of maternity leave of 56 days before and after the childbearing and their wages shall be paid as usual during maternity leave (Labour Insurance of 1951, art 16.1; Notice on Maternity Leave for Female Workers of 1955); b. A female worker or staff member who has a miscarriage shall be entitled to a period of leave of 30 days if she is pregnant for less than seven months and her wages shall be paid as usual during maternity leave (Labour Insurance of 1951, art 16.2; Notice on Maternity Leave for Female Workers of 1955);	0.5	a. The maternity leave of female workers shall be 90 days, including 15 days of antenatal leave; an extra maternity leave of 15 days shall be granted in case of dystocia; female workers who have borne more than one child in a single birth shall be granted an extra maternity leave of 15 days for each additional baby borne; female workers who have a miscarriage shall be granted a certain period of maternity leave by the employing unit according to a certificate from a medical department (Regulation on Labour Protection of Female Workers of 1988, art 8);	0.5	a. The maternity leave of female workers shall be 98 days, including 15 days of antenatal leave. An extra maternity leave of 15 days shall be granted in case of dystocia. Female workers who bear more than one baby in a single birth shall be granted an extra maternity leave of 15 days for each additional baby borne. Female workers who have a miscarriage before the fourth month of pregnancy shall be granted 15 days of maternity leave; and female workers who have a miscarriage in or after the fourth month of pregnancy shall be granted 42 days of maternity leave (Special Regulation on Labour Protection of Female Workers of 2012, art 7);	1

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	d. Measures should be taken to ensure that a pregnant woman or nursing mother is not obliged to perform work which has been determined to be harmful to her health or that of her child (C183, art 3; R191, para 6); e. A woman should be allowed to leave her workplace, if necessary, after notifying her employer, for the purpose of undergoing medical examinations relating to her pregnancy (R191, para 6.6); f. On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth (C183, art 5); g. Cash benefits shall be provided to female workers, and such benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living, and which shall be no less than two-thirds of her previous earnings or a comparable amount (C183, art 6);	c. An extension of maternity leave of 14 days shall be entitled to a female worker or staff member in the event of a difficult delivery or twin births (Labour Insurance of 1951, art 16.3; Notice on Maternity Leave for Female Workers of 1955); d. If a female worker or staff member is unable to work at the expiration of her maternity leave, she shall be dealt with in accordance with the provisions for the remuneration for diseases after being certified by a doctor (Labour Insurance of 1951, art 16.5; Notice on Maternity Leave for Female Workers of 1955).		b. Female workers who need to feed a baby under one year of age shall be provided with a thirty-minute break for feeding for two times; each feeding break of female workers who have borne more than one child in a single birth shall be extended by 30 minutes for each additional baby borne; the two feeding breaks can be combined; the time spent on feeding and the time spent on route to and from the place of feeding inside the workplace shall be considered as working hours (Regulation on Labour Protection of Female Workers of 1988, art 9); c. During the pregnancy of female workers, the employer shall not arrange them to engage in work involving physical work of the third degree of intensity as specified by the state or any kind of work to be avoided during pregnancy and may not extend their work hours beyond the usual working day. For those who are no longer competent at their original work, the volume of work shall be reduced, or other work shall be arranged, according to a certificate from a medical department.		b. No employer shall prolong labour hours or arrange night-shift labour for female workers who have to feed a baby under the age of one. Employers shall, within the working hours every day, arrange one hour of feeding time for female employees during lactation period; and female workers who have borne more than one baby in a single birth shall be granted an extra feeding time of one hour for each additional baby. (Special Regulation on Labour Protection of Female Workers of 2012, art 9); c. No employer shall reduce the wages of, dismiss, or rescind the labour or employment contract with a female worker due to pregnancy, childbirth or breastfeeding (Special Regulation on Labour Protection of Female Workers of 2012, art 5);	

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	h. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave, and a woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave; the burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer (C183, art 8); i. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breast-feed her child, and these breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly (C83, art 10).			Generally, no night-shift work may be arranged for female workers in or past the seventh month of pregnancy and they shall be given certain rest periods during their working hours. The time spent by pregnant female workers on antenatal examination shall be considered as working hours (Regulation on Labour Protection of Female Workers of 1988, art 7); d. During the pregnancy, maternity leave and nursing period of female workers, their basic salaries may not be reduced, and their labour contracts cannot be terminated (Regulation on Labour Protection of Female Workers of 1988, art 4); e. Women shall be under special protection during the menstrual period, pregnancy, obstetrical period and nursing period (Law on the Protection of Women's Rights and Interests of 1992, art 26); f. Female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old are not allowed to work on night shifts (Labour Law of 1994, art 61).		d. Where a female work is no longer competent at her original labour during the period of pregnancy, the employer shall, based on the certificate of a medical institution, reduce the volume of work, or arrange other work that she is competent at. The employer shall not prolong labour hours or arrange night-shift labour for female work in or after the seventh month of pregnancy and shall give certain rest time during their work hours. The time spent by pregnant female work on antenatal examination during labour hours shall be included in working hours (Special Regulation on Labour Protection of Female Workers of 2012, art 6); e. Female workers who are seven or more months pregnant, or who are breast-feeding their babies of less than one year old are not allowed to work on night shifts (Labour Law of 1994, art 61).	

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
Indicator 3.2: Parental leave	Parental leave: it refers to the leave during a period following the expiry of maternity leave (R191, para 10.3; R165 para 22.1).	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0
	3.2.2 Aim or purpose It aims to promote equality of opportunity and treatment in employment for men and women workers with family responsibilities as well as between such workers and other workers (C156, Preamble; R165, Preamble; General Survey of 1993, p9)	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0
	3.2.3 Personal or material scopes It applies to all branches of economic activity and all categories of workers with responsibilities in relation to their dependent children (C156, art 1.1 & 2).	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0
	3.2.4 Material contents a. The employed mother or the employed father of the child should be entitled to parental leave during a period following the expiry of maternity leave, without their relinquishing employment and with their employment rights protected (R191, para 10.3; R165, para 22.1);	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0	It is not regulated in the legal instruments.	0

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	b. The period during which parental leave might be granted, the length of the leave and other modalities, including the payment of parental benefits and the use and distribution of parental leave between the employed parents, should be determined by national laws or regulations or in any other manner consistent with national practice (R191, para 10-4; R165, para 22.2); c. It should be possible for the employed mother or the employed father in relation to a dependent child to obtain leave of absence in the case of its illness (R165, para 23.2); d. All measures compatible with national conditions and possibilities should be taken to enable workers with family responsibilities to become and remain integrated in the labour force, as well as to re-enter the labour force after an absence due to those responsibilities, such as vocational training facilities and paid educational leave arrangements to use such facilities (R165, para 12 & 13);						

Legal indicators	Benchmarks	China: Period 1 (1949-1978)		China: Period 2 (1978-2007)		China: Period 3 (2008-2020)	
		Substantive aspects/explanation	Score	Substantive aspects/explanation	Score	Substantive aspects/explanation	Score
	e. Where national law and practice provide for adoption, adoptive parents should have access to the system of protection, especially regarding leave, benefits, and employment protection (R191, para 10.5).						

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