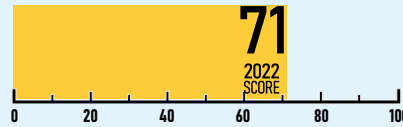




China



71 2020 SCORE

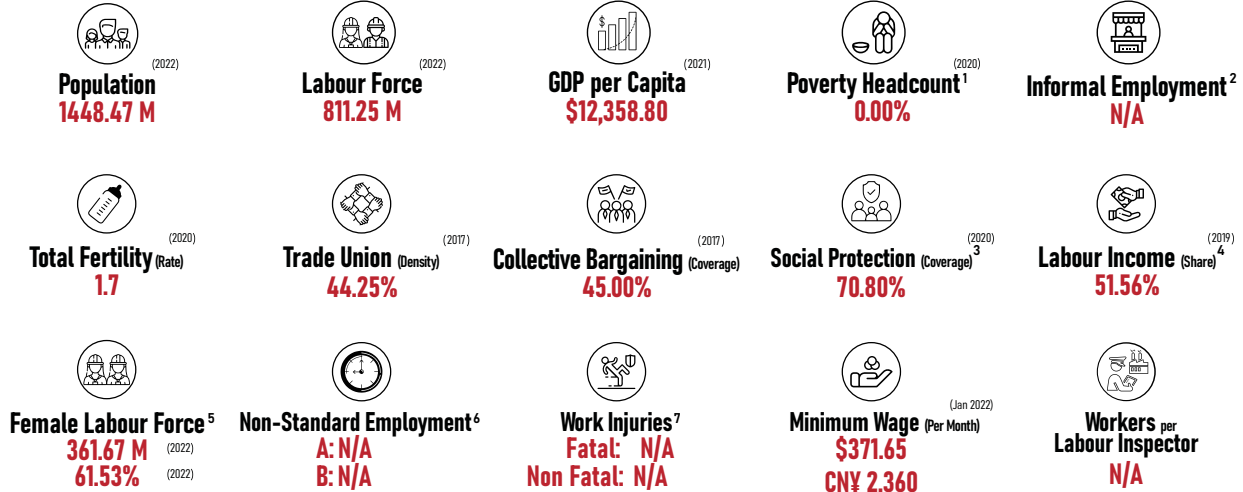
East Asia

Upper-middle income

Reasonable Access to Decent Work

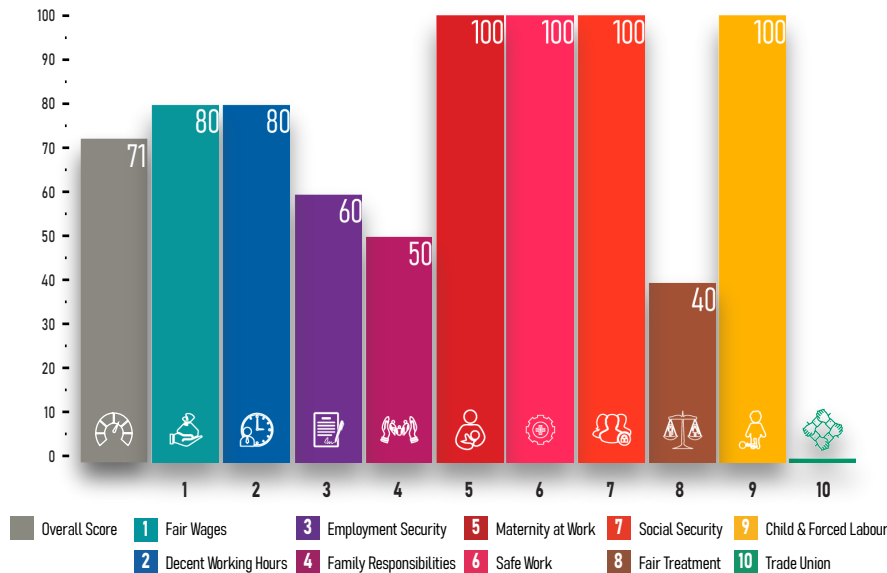


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

The legal data refers to the legislation applicable to the most populous province (Guangdong, China). Different rules may apply in other jurisdictions, necessitating review of other sources. Following this approach, China's overall score is 71 out of 100. The overall score for China is higher than the regional average observed across East Asia (76.75). Within the Eastern European region, the highest score is observed for Mongolia (82.5).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§48-49 of the Labour Law 1994; §3, 12-13 of Minimum Wage Regulations 2004; §85 of the Labour Contract Law 2007	●
	Does the law require regular payment of wages?	Yes	§50 of the Labour Law 1994; §30 & 72 of the Labour Contract Law 2007; §5 of the Minimum Wage Regulations 2004	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	Section 44 of the Labour Law 1994	●
	Does the law require additional compensation for working on a weekly rest day?	No	§44 of the Labour Law 1994	●
2. Decent Working Hours	Does the law require additional compensation for night work?	Yes	Circular of the Ministry of Human Resources and Social Security, 2021	●
	Does the law stipulate general working hours as 48 hours or lower?	Yes	§36, 37, 41-44 of the Labour Law 1994	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§36 and 41 of the Labour Code, 1994.	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§3 & 38 of Labour Law 1994; §17 of the Labour Contract Law 2007	●
	Does the law require paid public holidays?	Yes	§40 of Labour Law 1994, Measures on Annual Holidays for Public Festivals and Memorial Days	●
3. Employment Security	Does the law require at least three working weeks of paid annual leave?	No	§45 of the Labour Law 1994; §3-8 of Regulations on Paid Annual Leave of Employees	●
	Does the law require written employment contracts or at least written employment particulars?	Yes	§16 & 17 of Labour Contract Law, 2007	●
	Does the law restrict the hiring of fixed-term contract workers?	No	§ 13 & 14 of Labour Contract Law, 2007	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§ 19-21 of Labour Contract Law, 2007	●
	Does the law require a 30-day notice before contract termination?	Yes	§26 & 31 of Labour Contract Law, 2007; §21 of the Labour Union Law 1992	●
4. Family Responsibilities	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§ 46-47 & 85 of Labour Contract Law, 2007	●
	Does the law require parental leave for parents?	No	§30 of Guangdong Province Population and Family Planning Regulations, 2016	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§30 of Guangdong Province Population and Family Planning Regulations, 2016	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	No applicable legal provisions could be located	●
5. Maternity at Work	Does the law require paid nursing breaks?	Yes	§9 & 11 of Regulations on Special Labour Protection for Female Employees 2012	●
	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	Circular on Further Regulating Recruitment Practices to Promote Women's Employment, 2019	●
	Does the law require paid maternity leave of at least 14 weeks?	Yes	Regulations on Labour Protection for Female Workers and Employees 1988 and 2012	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§62 of the Labour Law 1994; §53-56 of the Social Insurance Law of the People's Republic of China 2010	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§62 of the Labour Law 1994; §9-12 of the Decree of the People's Government of Guangdong Province No. 203 of 2014	●
6. Safe Work	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§29 of the Labour Law 1994; §42 (4) of the Labour Contract Law, 2007	●
	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§37, 39 & 83 of the Work Safety Law, 2002	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§21-23, 50 & 82 of the Work Safety Law, 2002	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§61 & 63 of Labour Law 1994	●
	Does the law provide for employment injury benefit?	Yes	§33-43 of the Social Insurance Law of the People's Republic of China 2010	●
	Does the law provide for an old age pension?	Yes	§10-22 of the Social Insurance Law of the People's Republic of China 2010	●
	Does the law provide for a dependants/survivors' pension?	Yes	§10-22 of the Social Insurance Law of the People's Republic of China 2010	●
7. Social Security	Does the law provide for unemployment benefit?	Yes	§44-52 of the Social Insurance Law of the People's Republic of China 2010	●
	Does the law require paid sick leave for the first 6 months of sickness?	Yes	Decision of the State Council on Establishing a Basic Medical Insurance System for Urban Employees, No. 44 of 1998; ISSA Country Profile for China	●
	Does the law provide for invalidity benefit?	Yes	§10-22 of the Social Insurance Law of the People's Republic of China 2010	●
	Does the law require equal remuneration for work of equal value?	No	§48 of the Constitution, 1982; § 46 of Labour Law 1994; §24 of the Protection of Rights & Interests of Women Law, 1992	●
	Does the law prohibit sexual harassment in employment?	Yes	§40 of the Protection of Rights & Interests of Women Law, 1992; §11 of the Rules on Labour Protection for Female Employees 2012	●
8. Fair Treatment	Does the law prohibit discrimination in employment matters? ¹⁰	No	§33 of the Constitution of China, 1982; §12-13 of the Labour Law 1994; §3, 26-31, 62 & 68 of the Employment Promotion Law 2007	●
	Does the law allow women to do the same jobs as men?	No	§59 of the Labour Law 1994; §3 of the Employment Promotion Law 2007	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	§60 of the Social Insurance Law of the People's Republic of China 2010	●
	Does the law prohibit employment of children?	Yes	§15 & 94, Labour Law, 1994; §28, Minor Protection Law, 1991; Regulations on Banning Child Labour, 2002	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§2 & 11 of the Compulsory Education Law, 1986	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§64-65 of the Labour Law, 1994	●
	Does the law prohibit forced labour?	Yes	§96 of the Labour Law, 1994; §88 of the Employment Contract Law	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	No	§7 & 88 of the Labour Law 1994; Trade Union Law 1992; USDOS CRHRP 2021	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§33-35 of the Labour Law 1994; §20 & 34 of the Trade Union Law 1992; §54 of Labour Contract Law 2007	●
	Does the law provide for the right to strike?	No	Art. 64 of the Law on Industrial Enterprises Owned by the Whole People, 1988	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	No	Art. 64 of the Law on Industrial Enterprises Owned by the Whole People, 1988	●

Covid 19 and Labour Market in China*

Total Covid Cases	0.90 Million
Total Covid Deaths	5,226
Partial Vaccinated	93.0%
Fully Vaccinated	90.0%

Wage Subsidies	✘
Social Security Contributions (deferrals/waivers)	✔
Paid Sick Leave	✘
Add. Unemployment Benefits	✔

Protection from Dismissals	✘
Telework/flexible work	✔
Improved Health Access	✔
Training (activation measures)	✔

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the China on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change