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### Article in Brief

#### **The Employment Contract Law Will Be the “Sword” Used to Safeguard the Rights of Hundreds of Millions of Workers**

Source:

<http://hi.baidu.com/%C0%CD%B6%AF%B1%A3%D5%CF/blog/item/5ef00ac29c20b837e5dd3b81.html>

Legal Daily, 1 July: On 29<sup>th</sup> June, at the 28<sup>th</sup> meeting of the tenth session of the National People’s Standing Committee, a vote passed the Employment Contract Law. This law which is being paid great attention, has been socially commented on and has been published in full, after it was reviewed for the fourth time it finally appeared before the people. It will be implemented on the 1<sup>st</sup> January of next year. The employment contract system has been improved in the areas of: conclusion, fulfilment, alteration, rescindment and termination, etc. The rights and commitments of both parties have been defined, protecting the legal rights and interests of labourers, as well as establishing and developing a harmonious and stable working relationship. In addition, the Employment Contract Law has more clearly defined the assistance channels, which workers whose rights have been violated can go through: if a worker’s legal rights and interests have been violated, they have the right to ask the relevant department to handle the matter, apply for mediation or to prosecute, in line with the law.

At present, the number of jobholders in China's cities has reached a high of 260 million, and the surplus hundred million strong rural workforce will gradually move to take up employment in the cities. All of these people are beneficiaries of the Employment Contract Law, the Employment Contract Law must become their "Sword" to safeguard their rights.

### **The All China Lawyers Association Takes Six Wide Reaching Measures to Assist Child Labourers from the Black Brick Kiln, Preventing this Tragedy from Reoccurring**

Source: <http://news.sohu.com/20070627/n250789763.shtml>

Public Welfare Times, 27 June 2007: "Cases of child labourers, particularly of those who have been abducted or trafficked might not just exist in Shanxi. This kind of incident revealed that we are facing a huge challenge: to protect the rights of rural workers and minors at work. On the afternoon of 21<sup>st</sup> June, at the All China Lawyers Association, the Legal Assistance and Public Welfare Committee Vice-Director, Tong LiHua revealed that, in order to improve the protection of the rights of minors and rural workers, particularly child labourers, this committee and the Minor Protection Specialist Committee have united to promote the six wide reaching measures to help children throughout China.

Firstly, a national child labourers' legal assistance helpline has been opened: 01063813362, 01063859982, 01063813995. Child labourers and minors, as well as their families, who are in need of assistance, can consult the helpline and ask for help, every day from 8:30 to 17:30.

Secondly, the Small Sum Project has been established. It provides financial aid of 500 to 1,000 Yuan. "It can be applied for directly through the hotline. After we have found local lawyers who can verify the case, we will grant the financial aid. Tong Lihua said, "If it is quick, the financial aid will be available in two days."

Thirdly, in Beijing and in cities of the 21 provinces, where the Association has been established, 30 legal assistance hotlines have been opened, of those, 15 hotlines are legal assistance hotlines for rural workers, they aim to serve rural workers, minor labourers and child labourers.

Fourthly, in every area where child labourers and minor labourers need legal assistance, the All China Lawyers Association's Legal Assistance and Public Welfare Committee, as well as the Minor Protection Specialist Committee will cooperate with full-time public welfare lawyers as well as voluntary lawyers in each area, to promptly provide legal assistance. Throughout the country voluntary lawyers have already protected more than 6,500 minors. The lawyers can provide immediate and free legal assistance to nearby child labourers and minors.

Fifthly, the All China Lawyers Association and the China Legal Aid Foundation have cooperated and already set up the China Minors Legal Aid and Protection Specialist Fund, it will provide financial support for the handling of the employment cases of child labourers and minors.

Sixthly, 15 areas have already set up specialist mechanisms to provide rural workers with legal assistance. Rural workers can promptly contact these specialist mechanisms and ask for legal assistance; it is suggested that rural workers in areas which have not set up a legal assistance mechanism specifically for rural workers, should promptly apply to the local legal assistance centre for help.

## **Guangxi's Anti-Trafficking Children's Forum Calls for the Voices of Children to be Listened to Attentively**

Source: <http://gx.people.com.cn/GB/channel2/200707/13/1334538.html>

Xinhua Online, Window on Guangxi, 13 July 2007: China, Myanmar, Vietnam, Lao PDR, Thailand and Cambodia, the governments of these six countries lead the anti-trafficking mechanism in the Sub-Mekong Region, COMMIT, which was founded in 2003. It aims to establish a sustainable, effective, cross border, anti-trafficking cooperative system. In October 2004, in Yangon, Myanmar COMMIT convened the first Inter-Ministerial Meeting, where the Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region was signed. As the journalist understands, China will hold the Second Inter-Ministerial Meeting.

In order for the children to communicate their ideas on the issues of human trafficking to government officials and to positively affect policy and the audience's attitude, Save the Children UK and the International Labour Organisation will hold a series of regional level children's forums in the six countries of the Mekong Sub-Region. These forums will be an advocacy platform to convey the points of view and suggestions of children who are at high-risk of being trafficked.

As a component of the regional level children's forums, the Guangxi Zhuang Autonomous Region's Women's Federation and Save the Children UK's Kunming office held the Guangxi Anti-Trafficking Children's Forum from the 11<sup>th</sup> to 13<sup>th</sup> in Nanning. The Forum gathered together more than 40 children representatives from Nanning, Pingxiang, Yulin, Baise, Guilin, Liuzhou, Fangchenggang as well as other places, they gave their opinions and discussed all kinds of topics concerning anti-trafficking issues. These ideas will be fed back to the Mekong Sub-Region's second Inter-Ministerial Meeting on anti-trafficking, which will be held in Beijing at the end of the year.

## **The Black Brick Kiln Incident Reveals Obscure Areas**

### **Poverty Is the Main Cause of Child Labour**

Source: <http://news.sohu.com/20070705/n250911895.shtml>

China News Online: 5 July 2007: The incident of child labourers working in the Black Brick Kiln in Shanxi has been exposed. At present the All China Lawyers Association's Minor Protection Committee is paying great attention to the existing grey areas in the law, regulations and legislation.

Using the incidences of child labourers at Shanxi's Black Brick Kiln as well as the routine handling of cases where child labourers have been injured, the All China Lawyers Association's Minor Protection Committee summarized and analyzed the present situation of the employment of child labourers and the violation of their rights. The investigation discovered that, poor households are the main factor in the emergence of child labourers. At present most employed child labourers have discontinued with their studies due to poverty, the main reason for this is because they come from underdeveloped rural areas.

When Zhejiang Province's Labour Office carried out an investigation, they discovered that the basic causes of the problems with the illegal use of child labourers, which continue and are difficult to eliminate, is unequal economic and educational development. More than

98% of child labourers in this province come from the poor areas of other provinces, more than 98% come from families with more than one child and more than 95% of child labourers have not completed nine years of compulsory education.

The National Lawyers Association's Minor Protection Committee believes that, protecting minors' access to education is a basis for preventing and reducing child labourers, the government should really adopt measures to implement compulsory education. The government should give the families of those who discontinue their studies, due to poverty a subsidy to guarantee that minors attend school. This committee suggests establishing a system of collecting, monitoring and publishing information regarding minors.

### 劳动合同法 亿万劳动者维权的“利剑”

摘自：

<http://hi.baidu.com/%C0%CD%B6%AF%B1%A3%D5%CF/blog/item/5ef00ac29c20b837e5dd3b81.html>

法制日报 2007 年 7 月 1 日：6 月 29 日，十届全国人大常委会第二十八次会议表决通过了劳动合同法。这部备受关注的法律经历了向社会全文公布征求意见、四次审议之后，终于出现在人们面前，并将于明年 1 月 1 日起施行。它从劳动合同的订立、履行和变更、解除和终止等多个方面，进一步完善了劳动合同制度，明确了劳动合同双方当事人的权利和义务，保护劳动者的合法权益，构建和发展和谐稳定的劳动关系。此外，劳动合同法还进一步明确了劳动者权益受到侵害时的救济渠道：劳动者的合法权益受到侵害的，有权要求有关部门依法处理，或者依法申请仲裁、提起诉讼。

目前，我国城镇从业人员高达 2.6 亿人，还将有过亿的农村剩余劳动力逐步转移到城镇就业。所有这些人，都是劳动合同法的受益者，劳动合同法必将成为他们维权的“利剑”。

### 全国律协六大举措救助黑砖窑童工 防止悲剧再生

摘自：<http://news.sohu.com/20070627/n250789763.shtml>

公益时报，2007 年 06 月 27 日：“童工尤其是被拐骗、拐卖的童工案件可能也不仅在山西存在。这类事件暴露出我们在农民工以及未成年人权利保护工作中面临的巨大挑战。”6 月 21 日下午，中华全国律师协会下设的法律援助与公益事务委员会常务副主任佟丽华透露，为了更好地保护未成年人、农民工尤其是童工的权利，该委员会和未成年人保护专业委员会联合推出六大举措救助全国童工。

一是开通全国童工法律援助热线：01063813362，01063859982，01063813995。需要援助的童工、未成年工及其家属可以在每天 8:30 至 17:30 通过热线咨询或求助。

二是开设小额爱心资助项目。资助标准为 500 到 1000 元。“直接通过热线电话申请。我们找当地律师核实后就可以发放资助款。”佟丽华说，“快的话，只要两天，资助款就可以到位。”

三是在北京和 21 个省会城市开通 30 部法律援助热线，其中 15 部热线为农民工法律援助热线，服务对象包括农民工、未成年工和童工；15 部为未成年人法律援助热线，服务对象包括未成年工和童工。

第四，对各地需要法律援助的童工和未成年工，全国律师协会法律援助与公益事务委员会和未成年人保护专业委员会将协调各地专职公益律师和志愿律师，为他们及时提供法律援助。全国各地未成年人保护志愿律师已经超过 6500 人，可以及时就近为童工和未成年工提供免费的法律帮助。

第五，中华全国律师协会与中国法律援助基金会合作，已经设立“中国未成年人法律援助与保护”专项基金，将为办理童工、未成年工案件提供资金支持。

第六，对 15 个已经设立农民工法律援助专门机构的地区，农民工可以及时与这些专门机构联系，寻求法律援助；没有设立专门农民工法律援助机构的地区，建议农民工及时向当地法律援助中心申请援助

### “广西反拐卖儿童论坛”呼吁倾听儿童声音

摘自：<http://gx.people.com.cn/GB/channel2/200707/13/1334538.html>

新华网广西频道，2007年7月13日：由中国、缅甸、越南、老挝、泰国、柬埔寨六国政府主导的湄公河次区域反拐协调机制（COMMIT）始于2003年，旨在创建一个跨境合作反对拐卖人口的持续、有效的合作体系。2004年10月，COMMIT在缅甸仰光召开了首届部长级磋商会议，签署了《湄公河次区域反对拐卖人口区域合作谅解备忘录》。据记者了解，中国将主办第二届湄公河次区域反对拐卖人口部长级磋商会议。

为将儿童对拐卖问题的意见传达给政府官员，积极影响政策和公众的态度，英国救助儿童会和国际劳工组织将在湄公河次区域六国举办系列区域级儿童论坛，为区域内的拐卖高风险儿童创造一个表达观点、提出建议的倡导平台。

作为区域级儿童论坛的组成部分，广西壮族自治区妇联、英国救助儿童会昆明办公室11日至13日在南宁举办“广西反对拐卖儿童论坛”。论坛聚集了来自南宁、凭祥、玉林、百色、贵港、柳州、防城港等地的40多名儿童代表，他们通过各种主题讨论表达对反拐问题的看法。这些意见将反馈给今年年底在京举行的第二届湄公河次区域反对拐卖人口部长级磋商会议。

### 黑砖窑事件暴露晦涩地带 贫困是童工产生的主因

摘自：<http://news.sohu.com/20070705/n250911895.shtml>

发生在山西黑砖窑的童工事件暴露出当前法律法规及执法中存在的灰色地带，全国律协未成年人保护委员会对此表示高度关注。

全国律协未成年人保护委员会从山西黑砖窑童工事件和日常办理的童工伤残案件中，总结和分析了目前童工受雇和权利遭受侵害的现状。调研发现，家庭贫困是童工产生的主要原因。目前受雇的大部分童工都是因贫困辍学的孩子，主要来自不发达的农村地区。

浙江省劳动厅在调研时发现，非法使用童工问题屡禁难止的根本原因是经济和教育发展的不平衡。该省98%以上的童工来自外省(区市)贫困地区，98%以上来自多子女家庭，95%以上的童工没有完成九年义务教育。

全国律协未成年人保护委员会认为，保障未成年人的受教育权是预防和减少童工的基础，政府应真正采取措施落实义务教育。对因贫困辍学的，政府应该给予家庭补助，保证未成年人上学。该委员会建议，建立未成年人信息收集、监测和发布制度。(崔丽)(中国青年报)

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