



U.S.-CHINA LABOR LAW
COOPERATION PROJECT



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**U.S.-China Labor Law
Cooperation Project**

Final Report
2002 - 2007

September 30, 2007

Funding provided by the United States Department of Labor under Cooperative Agreement Number E-9-K-2-0086. This report does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government.

ACRONYMS & ABBREVIATIONS

ACFTU	All-China Federation of Trade Unions
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
AFP	Agence France-Presse
CALSS	Chinese Academy of Labor and Social Security
CCTV	Central China Television
DIC	Department of International Cooperation
DLA	Department of Legal Affairs
DLRW	Department of Labor Relations and Wages
FMCS	Federal Mediation and Conciliation Service
FY	Fiscal Year
GDP	Gross Domestic Product
GOC	Government of China
GOTR	Grant Officer's Technical Representative
I&E	Information and Education
IEC	Information, Education, and Communication
ILO	International Labor Organization
ILS	Institute for Labor Studies
ILII	International Labor and Information Institute
IO	Immediate Objective
LRC	Labor Relations Committee
MOLSS	Ministry of Labor and Social Security
NCUSCR	National Committee on U.S.- China Relations
NGO	Non-Governmental Organization
NPC	National People's Congress
PAC	Project Advisory Committee
PMP	Performance Monitoring Plan
QLSSB	Qingdao Labor and Social Security Bureau
SARS	Severe Acute Respiratory Syndrome
TAF	The Asia Foundation
TOT	Training of Trainers
TV	Television
UCLA	University of California – Los Angeles
U.K.	United Kingdom
U.S.	United States
USDOL	United States Department of Labor
USG	United States Government
WSI	Worldwide Strategies, Inc.
WTO	World Trade Organization

Currency Conversion

(September 5, 2007)

RMB 7.5597 = USD 1

RMB 1 = USD 0.1323

CONTENTS

EXECUTIVE SUMMARY	I
PROJECT DESCRIPTION SUMMARY	I
SUMMARY OF PROJECT IMPACT	II
CONCLUSION	VI
PROJECT BACKGROUND	1
PROJECT FUNDING	2
PROJECT DESIGN AND DEVELOPMENT	2
IMPLEMENTING ORGANIZATIONS	5
CHINESE GOVERNMENT COUNTERPART IMPLEMENTERS	6
PROJECT ADMINISTRATION AND MANAGEMENT	8
NATIONAL PROJECT OFFICE	8
PROJECT ADVISORY COMMITTEE	8
PERFORMANCE MANAGEMENT SYSTEM	8
INDEPENDENT PERFORMANCE EVALUATIONS	9
PROJECT IMPLEMENTATION – ANNUAL SUMMARIES	11
SUMMARY OF ACTIVITIES AND ACHIEVEMENTS	
FY 2003	11
FY 2004	11
FY 2005	12
FY 2006	13
FY 2007	13
PROJECT IMPLEMENTATION BY OBJECTIVE	15
IO.1 ENHANCED GOVERNMENT OF CHINA CAPACITY TO DEVELOP AND ENFORCE LABOR LAWS AND REGULATIONS	15
IO.2 INCREASED AWARENESS AMONG MIGRANT WORKERS OF WORKPLACE RIGHTS AND THE MEANS TO PROTECT THOSE RIGHTS	19
IO.3 IMPROVED LABOR RELATIONS	23
IO.4 INCREASED USE OF QUALITY LEGAL SERVICES	29
LESSONS LEARNED AND RECOMMENDATIONS	31
PROJECT STRATEGY AND APPROACH	31
TARGET GROUPS AND PARTNERS	31
INSTITUTIONAL AND MANAGEMENT FRAMEWORK	31
PROJECT IMPLEMENTATION TIMETABLE	32
REPLICATION AND SUSTAINABILITY	33
REPLICATION ACTIVITIES BY OBJECTIVE	34
FUTURE PROSPECTS AND CONCLUSIONS	43
CONCLUSIONS	44
ANNEX A: KEY PARTICIPANTS	46
ANNEX B: PROJECT PILOT SITES MAP	55
ANNEX C: FINAL PERFORMANCE DATA TABLE	56

ANNEX D: LIST OF DELIVERABLES BY COMPONENT	65
ANNEX E: OUTPUTS FOR IO.2 AND IO.4	66
ANNEX F: MEMBERS OF THE NATIONAL ADVISORY COMMITTEE FOR QINGDAO PILOT	68
ANNEX G: PROJECT ADVISORY COMMITTEE (PAC) MEMBERS	69
ANNEX H: LIST OF COMMON TERMS FOR TRANSLATION	71

EXECUTIVE SUMMARY

Project Description Summary

The U.S.-China Labor Law Cooperation Project is the first bilateral cooperation effort in the labor law area between the United States Government (USG) and the Government of China (GOC). It supports the technical cooperation provisions on labor rights that the 106th Congress passed in granting China Permanent Normal Trade Relations in 2000. Funded through a Cooperative Agreement by the United States Department of Labor (USDOL), the project was implemented from 2002 to 2007 by a consortia led by Worldwide Strategies, Inc. (WSI) that included The Asia Foundation (TAF) and the National Committee on United States – China Relations (NCUSCR). The project’s Chinese counterpart agency is the Ministry of Labor and Social Security (MOLSS), via the Departments of International Cooperation, Legal Affairs, and Labor Relations and Wages. The period of performance was forty-five months with a total funding of \$4,121,817. The project was implemented in five pilot sites: Beijing, Tianjin, Anhui, Yunnan, and Qingdao.

Much of China’s labor rule of law enforcement apparatus was designed to work within the realm of state-owned enterprises. Since moving into a market-oriented economy increasingly led by an emerging private sector, officials have been ill prepared to deal with new legal issues that have emerged in the rapidly changing Chinese workplace.

An estimated 120 million rural migrants work in urban areas. Many lack awareness of their legal rights and the means to protect those rights. The average age of the migrant workforce in China is 28.6, of which 66 percent has a middle school education level and 66.3 percent is male. Migrant workers make up 68 percent of China’s manufacturing workforce and 80 percent of the construction industry.¹

Conflict in the workplace has increased as workers face low wages, unpaid overtime, denied benefits, unsafe work environments, arbitrary dismissals and other conditions. The number of labor disputes has risen dramatically throughout the country, increasing by 23 percent from 1998 to 2003.² It is estimated that less than 5 percent of cases are resolved through mediation. Cases that go to arbitration are delayed by critical understaffing. Few standardized formal procedures exist, and tribunals rarely have a tripartite environment. Even when decisions are in the worker’s favor, enforcement of judgments is difficult. One of the greatest needs is to improve China’s labor law education activities, particularly for organizations providing legal counseling to migrant workers.

Given the need to update the labor legislative framework in the rapidly changing social and economic environment and the rapidly increasing numbers of migrant workers, the project’s objectives (referred to as Immediate Objectives or IOs) were:

¹ All-China Federation of Trade Unions (<http://www.acftu.org.cn/economicsituation>)

² Changsha Seminar, Dispute Resolution Baseline Findings Summary Report, March 2005, Worldwide Strategies, Inc.: 1.

- I. Enhanced GOC capacity to develop and enforce labor laws and regulations
- II. Increased awareness among migrant workers of workplace rights and the means to protect those rights
- III. Improved labor relations
- IV. Increased use of quality legal services

Summary of Project Impact

The project provided multiple opportunities for Chinese officials concerned with labor policy to consult with their United States (U.S.) counterparts to promote deeper mutual understanding of the American and Chinese systems. Participants included various provincial- and municipal-level labor departments and bureaus, as well as representatives from non-governmental and educational organizations, employers, and workers. Key results for each objective are described below.

IO.1 Enhanced GOC Capacity to Develop and Enforce Labor Laws and Regulations

The project's information exchange and technical assistance activities conducted by the National Committee on U.S.-China Relations had a timely, positive influence and became part of the process of moving Chinese legislation forward. The capacity building efforts focused on two pieces of important labor legislation: the Regulations on Labor and Social Security Inspection and the Labor Contract Law. NCUSCR organized a series of workshops at different stages of the drafting process, bringing together senior legislative drafters and Chinese and international labor law experts. International experts brought on board by NCUSCR offered constructive advice and provided comparative perspectives. These efforts were supplemented by study tours to the United States for legislative drafters and other senior labor officials and by labor legislative internships for mid-level labor officials. Revisions of the laws following information exchange activities suggested that project-sponsored discussions had a meaningful and stimulating effect on the legislation. The Regulations on Labor and Social Security Inspection went into effect in December 2004. The Labor Contract Law was adopted in June 2007 and will become effective as of January 1, 2008. This report contains a detailed description of project activities (such as workshops, study tours, and internships).

A labor inspection training-of-trainers (TOT) program updated and upgraded the professional skills and training methodology of labor inspectors from a majority of China's provinces, strengthening the enforcement capacity of labor authorities. Three American experts and four Chinese practitioners worked together for thirteen months to produce a detailed, user-friendly training curriculum. Case study models emphasized hands-on involvement and learning by doing. The MOLSS and many veteran trainees deemed these methods a vast improvement over past training methods, and the two training sessions were hailed as a milestone in labor inspection training in China. Twenty-two of China's thirty-one provinces, as well as four provincial-level municipalities participated in the training sessions, increasing

the potential for sustainability at a time when the Central Government is placing tremendous emphasis on labor inspection.

IO.2 Increased Awareness among Migrant Workers of Their Labor Rights

Project activities managed by The Asia Foundation succeeded in increasing migrant workers' understanding of labor law, as well as their demand for and use of redress mechanisms to protect their rights. A primary activity under this objective was the development and strengthening of a migrant worker training program in Yunnan and Anhui pilot sites (from which a high number of migrant workers originate). TAF's approach targeted migrant workers at the source, prior their departing to other provinces. This proved to be an effective means to reach a high number of potential migrant workers. TAF and its local partners in Yunnan and Anhui trained 43,370 potential and active migrant workers in their core workplace rights and the means to protect those rights. Pre- and post-training tests taken by participating workers indicate high increases in their knowledge of labor rights and protection. To enhance sustainability and for future replication, this activity also established nearly 200 master trainers. Moreover, in Anhui, the participating schools formally adopted the labor law awareness training into the permanent curriculum, thereby institutionalizing project gains.

In addition, TAF and its local partners produced a number of multi-media information, education, and communication (IEC) materials for literate and non-literate migrant workers. The outreach efforts and creative nature of the materials captured the attention of domestic and foreign media. Custom-designed handbooks, playing cards, posters and other innovative labor rights information materials are described later in this report. The design was led by Chinese partners in Yunnan, Anhui, and Tianjin to ensure that the materials were culturally appropriate and accepted by the target populations. TAF and its partners also engaged top labor law experts to review and ensure the accuracy of the materials, and commissioned famous Chinese individuals and artists to enhance their appeal. Overall, 402,580 copies of fifteen types of IEC materials or tools were produced and distributed through a variety of channels, including migrant worker training sessions, local labor bureaus, labor markets, enterprises, construction sites, rail and bus stations, and directly to households. It is envisioned that many of the materials (in particular the playing cards, songs, cartoon books, and manuals) will be shared within migrant groups and families, multiplying their impact.

Another demonstrated outcome of the project was that local partners have taken greater ownership of labor education responsibilities, have strengthened their capacity to undertake those responsibilities, and have promoted an improved customer-service orientation among local labor bureaus and labor service centers. In this way, the role of local labor offices as a link between national-level policies and local workers has also been fostered. With a wide assortment of IEC materials developed and outreach capacity strengthened, labor offices in the pilot sites now have the ability to sustain engagement with workers after the project has ended. Key outputs under this objective are presented in Annex E.

IO.3 Improved Labor Relations

Project activities directed by Worldwide Strategies, Inc. further strengthened China's emerging system of dispute resolution by demonstrating methods that have proven effective in other contexts. Workers in Qingdao were direct beneficiaries, particularly at the enterprise level, through increased wages, back pay, and more stable employment contracts.

The implementation of a labor dispute resolution TOT program was extended nationwide to all provincial and prefecture levels in China. This training demonstrated the value of mediation and dispute resolution techniques to labor bureau officials from all 31 provinces in China, resulting in improved participant skills and abilities. Over five months, American experts from the University of Michigan and the Federal Mediation and Conciliation Service (FMCS) provided guidance to a team of six Chinese experts, including professors from Chinese universities. Through collaboration, this team produced a draft version of materials covering basic skills and techniques for mediation, conflict management, and labor-management committees. Following an initial demonstration, training materials were revised based on practitioner feedback. The resulting Mediation and Dispute Resolution training program incorporates simulation exercises and video demonstrations to provide interactive learning. Seasoned trainees evaluated the program and methodologies as ground-breaking in China. Training materials have been provided to all 300 labor bureaus in the 285 prefecture-level cities for incorporation into each bureau's annual training program. In addition, the MOLSS will establish a new professional certification, Labor Relations Facilitator, based on completion of project training. These actions ensure the institutionalization of the Mediation and Dispute Resolution training program at a time when the number of labor disputes continues to rise dramatically.

Another result of the project is an improved regulatory framework for dispute resolution and prevention systems, considered a momentous achievement by the Chinese partners. Baseline surveys provided previously inaccessible data for research studies, seminars, and conferences that pinpointed specific realities and problems in various cities and enterprises. The findings resulted in tailored recommendations for short-, medium- and long-term improvements in the regulatory framework, particularly the Labor Contract Law and Labor Dispute Resolution Law. In addition, study tours deepened understanding of key concepts which enabled the development of realistic, practical dispute resolution tools and procedures and enterprise-based mechanisms. The National People's Congress discussions on the new Labor Dispute Resolution Law mention these surveys as important reference documents. In addition, a comparative study and summary report of prevailing international models for improving labor relations is expected to influence the drafting of new labor laws and the devising of solutions to address low satisfaction levels between labor and management in foreign-owned companies.

Labor-management committees established in 15 diverse enterprises in Qingdao prevented issues from becoming legal disputes by providing an alternative to arbitration and by improving communication and problem-solving at the company level. A total of 102 committee members from pilot enterprises served during the demonstration project. The committees discussed 216 work-related issues using consensus decision-making processes to propose solutions to upper management, who approved 97.9 percent of committee

recommendations. Democratic processes and consensus-building were a breakthrough experience for not only managers and workers, but for government officials, who were amazed by the manner in which these techniques improved decision-making and the independence with which the committees operated. In addition, a questionnaire developed to measure improvement in labor-management relationships at the plant level was considered a major innovation. The project's dispute prevention and conflict management mechanism, referred to in China as a Labor Relations Committee (LRC), has been formally adopted by 12 of the 15 enterprises, with the remaining three committing to do so. Moreover, Tsingtao Beer Company, one of the project's largest pilot enterprises, expanded LRCs to all of its Chinese locations, and replication of the LRC methodology is planned in 50 more enterprises in the Chengyang District in Qingdao.

New mediation methods, applied by Labor Dispute Arbitration Tribunals in Qingdao, helped workers recover around RMB 776,000 (\$102,650) in unpaid wages. Data indicate a 20 percent annual decrease in the number of disputes in Qingdao during the past two years, while disputes increased by approximately 30 percent in most cities in China over the same period. This trend suggests that the project's labor-management committees and mediation methods are effective alternative dispute resolution and prevention mechanisms.

IO.4 Increased Availability and Use of Quality Legal Services

The Asia Foundation-managed activities under this objective improved the quality and use of legal aid services available to migrant workers. In Tianjin and Yunnan, 230 legal services providers were trained in various aspects of labor law, including enforcement, medical insurance policies, case handling, and hearing dispute cases. Through legal aid centers established or strengthened under the project, 3,387 workers received services. Various types of legal services were provided, including oral consultation, labor arbitration, litigation, mediation, and referral to and involvement of the labor inspectorate.

Nearly 90 percent of the cases pursued to date by the project-supported legal services centers have been resolved successfully. As a result, migrant workers recouped roughly RMB 3,194,100 (\$425,880) in salaries, back pay, and work-related injury compensation.³ These tangible outcomes also reinforce the value of the formal channels of labor rights protection and encourage other workers to use these mechanisms.

Activities under this objective complemented and reinforced activities carried out under IO.2. While labor law awareness and migrant worker training activities under IO.2 fostered workers' demand for rights protection and redress mechanisms, activities under IO.4 increased access to quality legal services for those workers. In Tianjin, for example, following labor law publicity activities conducted in the first phase of the project, there was a 20 percent average annual increase in labor disputes resolved through legal means in 2005 and 2006. Together, by raising workers' awareness of their rights and improving the capacity of legal service providers to handle labor dispute cases, the project helped

³Given that per capita gross domestic product (GDP) in China is roughly \$2,104, the amounts recovered have a significant impact on the living standards of participants. Nominal GDP per capita (2006). GDP (PPP) per capita is US \$7,594 (2006). Economist, www.economist.com.

participating migrant workers to more effectively protect their labor rights. Key outputs and deliverables under this objective are presented in Annex E.

Conclusion

The U.S.-China Labor Law Cooperation Project has played an important role in improving labor rights of all workers and increasing employee and employer awareness of labor law and regulations. It has helped workers learn about the legal channels and services through which they can protect their rights and has demonstrated effective and efficient alternative mechanisms for resolving disputes. It has contributed to improving the regulatory framework for labor contracts, labor inspections, and labor dispute resolution. The project's training programs have strengthened local partner capacities and improved local services.

Information exchange activities increased official commitment and cultivated interest from other provinces. Experience-sharing workshops with dedicated sessions and discussions on sustainability and replication resulted in expanding project activities to other sites, adoption of project materials by labor bureaus and departments in other locations, and the commitment of non-project funds. This replication by other sites indicates that project tools, materials, and mechanisms can be easily adapted across locations.

Although project activities were piloted in a limited number of sites, multi-stakeholder linkages were established that enhanced the sustainability and replication of activities and demonstrated the value of this model of technical cooperation. In some cases, government agencies, research institutions, and universities that may not typically have the opportunity to collaborate were brought together in support of project activities, building the capacity of a wide range of Chinese experts in the process. Stakeholders included national and local labor officials, law schools and universities, high schools and technical schools, law associations, international experts, international and local non-governmental organizations (NGOs), and radio, television, and print journalists.⁴

Importantly, partners at the local levels had their first exposure to international technical cooperation programs through this project. The partnership developed between American and Chinese implementers fostered a group of governmental officials who can carry out international projects, developed their project management capacity, and improved their working efficiency. Chinese partners demonstrated a high degree of commitment, reflected in the approximately \$392,000 (RMB 2,963,402) provided as matching funds or in-kind contributions. This capacity building provides a solid foundation upon which future labor cooperation projects could benefit.

⁴ Annex A provides a list of the organizations and key participants who worked collaboratively on project activities.

PROJECT BACKGROUND

Since moving into a market-oriented economy led increasingly by an emerging private sector, there have been clear deficiencies in China's body of labor law, particularly in the areas of labor inspection, labor contracts, and labor dispute resolution. The National People's Congress (NPC) and State Council have discussed labor contract law for more than a decade. Nevertheless, the passage of labor legislation, including the 1994 Labor Law, has sometimes failed to protect Chinese workers because of a lack of supplementary regulations and a shortage of capacity for enforcement. Much of China's labor rule enforcement apparatus was designed to work within the realm of state-owned enterprises, often leaving today's government officials and inspectors ill-prepared to deal with new legal issues that have emerged in the rapidly changing Chinese workplace. China's labor system must cope with a rise in labor disputes, a large migrant worker population, poor access to labor information, and an increased demand for services from an already over-extended staff.

As state-owned industries restructure and face increased competition, conflict in the workplace has increased as workers deal with low wages, unpaid overtime, denied benefits and entitlements, unsafe work environments, arbitrary dismissals and other conditions. The number of labor disputes has risen dramatically; it is estimated that arbitration committees accepted 226,000 cases in 2003, an increase of 23 percent from 1998. Disputes most frequently involve remuneration, compensation for work-related injuries, and social insurance. Less than five percent of cases are resolved through mediation. Cases that go to arbitration are delayed by critical understaffing. Few standardized formal procedures exist, and tribunals rarely have a tripartite environment because trade unions do not play an active role in protecting workers' rights. Even when arbitrated or court decisions are in the worker's favor, enforcement of judgments is difficult.

It is estimated that 120 million or more rural migrants are working or seeking jobs in urban areas. This number is expected to increase to 300 million in the coming years. Of the total number of migrant workers, those with middle school education levels account for 66 percent. The average age of migrant workers is 28.6, with those aged 16 to 30 totaling 61 percent, 31 to 40 making up 23 percent and those aged 41 and above comprising 16 percent. Males account for 66.3 percent of the total migrant population. Migrant workers comprise 68 percent of those employed in manufacturing and 80 percent of workers in the construction industry. In 2004, the average monthly wage of migrant workers was RMB 780 (\$103) and their monthly expense was RMB 290 (\$38), with annual take-home pay reaching RMB 3,000 (\$397) on average.⁵ As migrant workers search for employment in more industrialized locations, they frequently enter into jobs with substandard working conditions. Many migrant workers lack awareness of their legal rights and the means to protect those rights.

One of the greatest needs is to assist organizations providing legal counseling to migrant workers, who often lack the ability or resources to seek professional legal services. There is a huge need to improve labor law education activities that deal with chronic workplace problems.

⁵ All-China Federation of Trade Unions (<http://www.acftu.org.cn/economicsituation>)

In response to this need, in 2002 the United States Department of Labor (USDOL) issued a request for applications for the U.S.-China Labor Law Cooperation Project. It was designed as a cooperative effort with the Ministry of Labor and Social Services (MOLSS) to improve worker protection under existing laws and regulations and to improve the rigorous implementation and drafting of new laws and regulations to meet the rapidly changing workplace environment. The project also supports the technical cooperation provisions on labor rights that the 106th Congress passed in granting China Permanent Normal Trade Relations in 2000.

Project Funding

The Cooperative Agreement was funded at \$4,121,817.

The project concept agreed upon by USDOL and MOLSS was to demonstrate best practice models that could be nationally replicable. The funding level supported pilot activities in five key sites. Resources were not provided for replication and sustainability of proven models.

The MOLSS and local labor bureau partners provided in-kind contributions in the form of staff time, equipment, and technical assistance. Particularly noteworthy were the efforts of four Chinese experts from the Yunnan and Jiangsu provincial labor bureaus and the Chaoyang (Beijing) district and Shanghai municipal labor bureaus, who worked for several months to develop a labor inspection curriculum. In addition, the Qingdao Labor and Social Security Bureau (QLSSB) assigned 15 staff to test dispute resolution mechanisms. Moreover, matching funds totaling RMB 2,940,000 (\$389,000) were provided by labor bureaus in Tianjin and Yunnan and from Yunnan local governments in Yuxi, Qujing, Zhaotong, and Kunming.

Project Design and Development

The first step in technical cooperation was the signing of a formal understanding on April 10, 2003. This was followed by discussions on project design, which involved development of a Project Document to establish the program approach and strategy, institutional and management framework, target groups and partners, sustainability goals, monitoring and evaluation requirements, and the anticipated project implementation timetable and budget. Initial drafts were prepared by WSI's first Project Manager, Dr. Michael Midling, and USDOL Grant Officer's Technical Representative (GOTR), Li Zhao, working in concert with MOLSS.

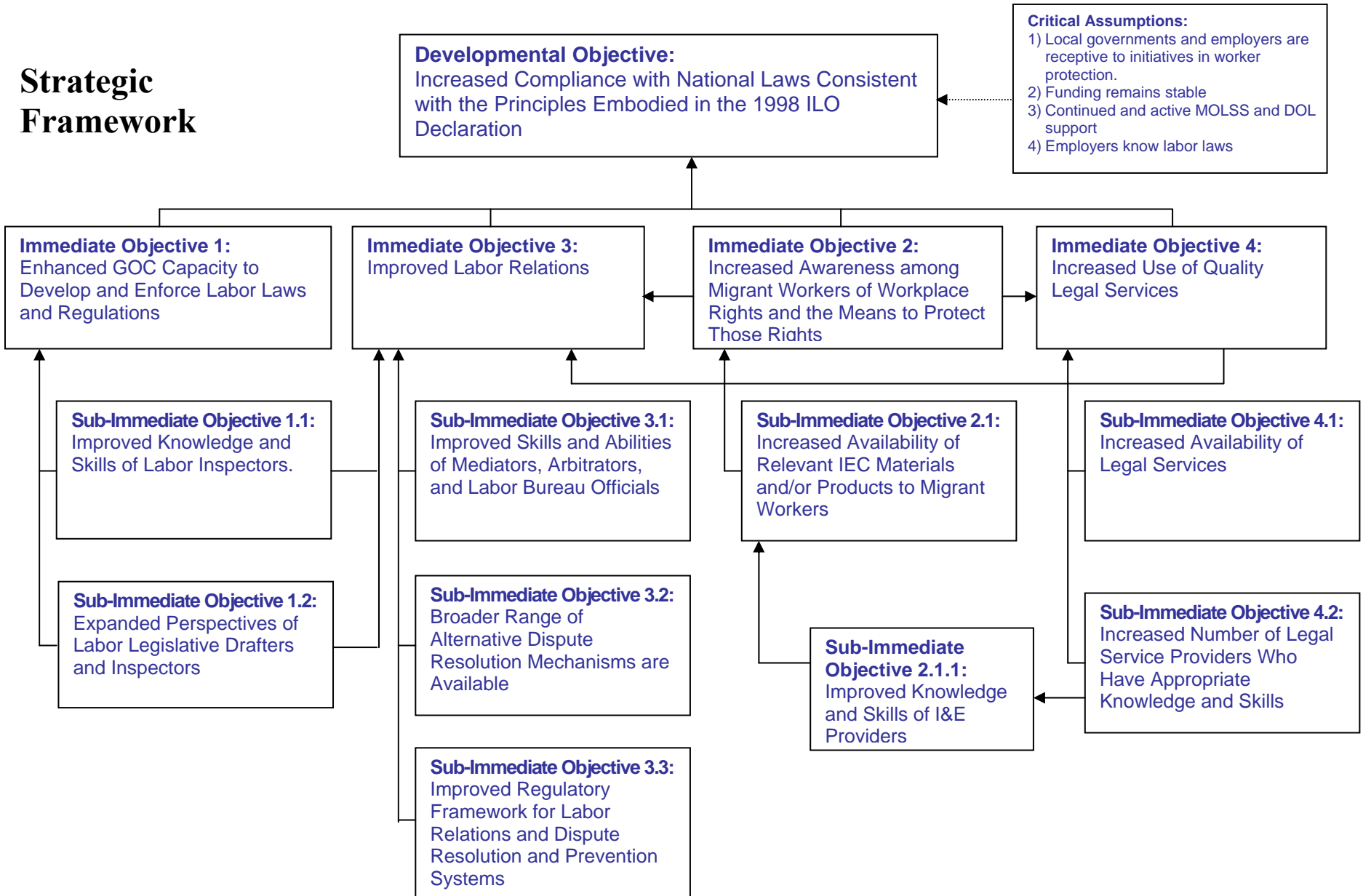
In mid-2003, project design negotiations between USDOL and MOLSS centered on several key areas of divergence. These included requests from the MOLSS for an increased number of study tours and internships, research and comparative studies and surveys, policy proposals, and translation of Chinese labor laws for posting on MOLSS's website. Agreement was reached to fulfill these requests through existing internships and study tours to the United States and through workshops or colloquia held in China. Study tours were restricted to the United States as opposed to Europe and Asia, which were considered inappropriate under this project. Targeted training for judges who handle labor disputes was dropped at MOLSS's

request. USDOL was willing to omit this subcomponent in order to accommodate MOLSS's requests for more activities in labor law, regulation and enforcement. In addition, a proposal to establish a labor legal awareness fund was rejected because of U.S. Government (USG) procurement policies and budget constraints. Moreover, it was acknowledged by both parties that a key challenge to designing an enterprise-level dispute resolution mechanism would be posed by: (1) China's current system of arbitration and mediation which is based on a tripartite system in which representatives of management, workers, and the All-China Federation of Trade Union (ACFTU) settle disputes; (2) the U.S. congressional preclusion from providing technical assistance to the ACFTU; and (3) the Government of China (GOC) restrictions on public access to factories. Finally, the original proposal included a one-stop service center, which was revised to integrate MOLSS's suggestion to provide support for legal aid through hotline telephone centers. Following extensive negotiations, USDOL Deputy Undersecretary Arnold Levine signed the Project Document with his counterpart Mr. Liu Xu, Director General of MOLSS's Department of International Cooperation, on November 4, 2003.

Between February and May 2004, senior consortium staff members and team leaders met with their MOLSS counterparts to visit the proposed pilot sites, finalize a strategic framework, develop a Performance Monitoring Plan (PMP), and set up a detailed work plan for the first year. This process resulted in the selection of five pilot sites. Anhui and Yunnan were selected because of the high number of migrant workers that originate from those provinces, while Tianjin and Beijing represent locations that receive a high number of migrant workers. Qingdao was selected to demonstrate dispute resolution mechanisms because of its long history piloting labor system improvements such as China's first labor contract system in 1982.

Project objectives and supporting activities evolved throughout implementation, with changes approved by a Project Advisory Committee (PAC). The following Strategic Framework displays the configuration of objectives that governed the final 15 months of implementation.

Strategic Framework



Implementing Organizations

The U.S.-China Labor Law Cooperation Project is unique among USDOL technical assistance projects in that three organizations operated as a consortium to implement four separate components of one project. While Worldwide Strategies, Inc. (WSI) was the prime recipient, The Asia Foundation (TAF) and the National Committee on United States – China Relations (NCUSCR) were designated subcontractors but functioned as equal partners because of their extensive experience in China. This project management structure drew on the knowledge and skills of all three organizations’ leadership to guide implementation. As the prime grantee, WSI provided administrative leadership and served as the primary point of contact for the USDOL.

Each organization was responsible for the following:

Project Component	Organization
Immediate Objective 1: Enhanced GOC capacity to develop and enforce labor laws and regulations	NCUSCR
Immediate Objective 2: Increased awareness among migrant workers of workplace rights and the means to protect those rights	TAF
Immediate Objective 3: Improved labor relations	WSI
Immediate Objective 4: Increased use of quality legal services	TAF

Implementer Backgrounds

Worldwide Strategies, Inc.

Formed in 1985 and headquartered in Boise, Idaho, with a branch office in Washington, D.C., WSI’s management and consulting team has decades of experience implementing successful workforce and economic development programs worldwide for international development organizations, including the World Bank and the U.S. Agency for International Development. For USDOL, WSI has designed, implemented and managed over \$22 million dollars in technical assistance projects in various regions of the world, working through various Ministries of Labor as its primary partners.

Following elimination of the project’s Beijing-based office and staff in July 2004, WSI’s owner and president, Virginia Stacey, was appointed by USDOL as Project Manager, providing overall project oversight and direction, functioning as Executive Secretary to the Project Advisory Committee, coordinating with the Department of International Cooperation within MOLSS, and leading the project’s management team. In addition, Ms. Stacey directed the implementation of Immediate Objective 3, hiring Dr. Jinyun Liu of the University of Michigan as WSI’s Team Leader, arranging technical assistance from the Federal Mediation and Conciliation Service, and negotiating work plan and budget adjustments with Department of Labor Relations and Wages leadership.

The National Committee on United States – China Relations

NCUSCR is a nonprofit educational organization founded in 1966, and is one of the premiere U.S.-based organizations focused on establishing constructive channels for Sino-American relations. Through its present and past board of directors, and through the extensive contacts of its experienced staff, the NCUSCR's wide range of access in China and the United States greatly facilitated program implementation. Jan Berris, NCUSCR Vice President, served as a member of the project management team while Ling Li, Senior Program Officer, functioned as Team Leader in implementing project activities.

The Asia Foundation

Established in 1954, TAF is a non-profit, non-governmental organization with 17 field offices across Asia that help improve governance, law, and civil society, women's empowerment, economic reform and development, and international relations. For over 25 years, TAF has maintained a program of assistance and cooperation with Chinese institutions, making it one of only two American foundations with a longstanding history of working in China. As a result of this engagement, TAF has built up a distinctive network of contacts and partners. The TAF project team was led by Dr. Jonathan Stromseth as a member of the project management team, with Dr. Fu Xin serving as Team Leader responsible for project implementation. Following the closing of the project office in 2004, TAF's Beijing office provided critical in-county project and logistical support.

Chinese Government Counterpart Implementers

Ministry of Labor and Social Security (MOLSS)

Department of International Cooperation (DIC)
Department of Legal Affairs (DLA)
Department of Labor Relations and Wages (DLRW)

Labor and Social Security Departments and Bureaus

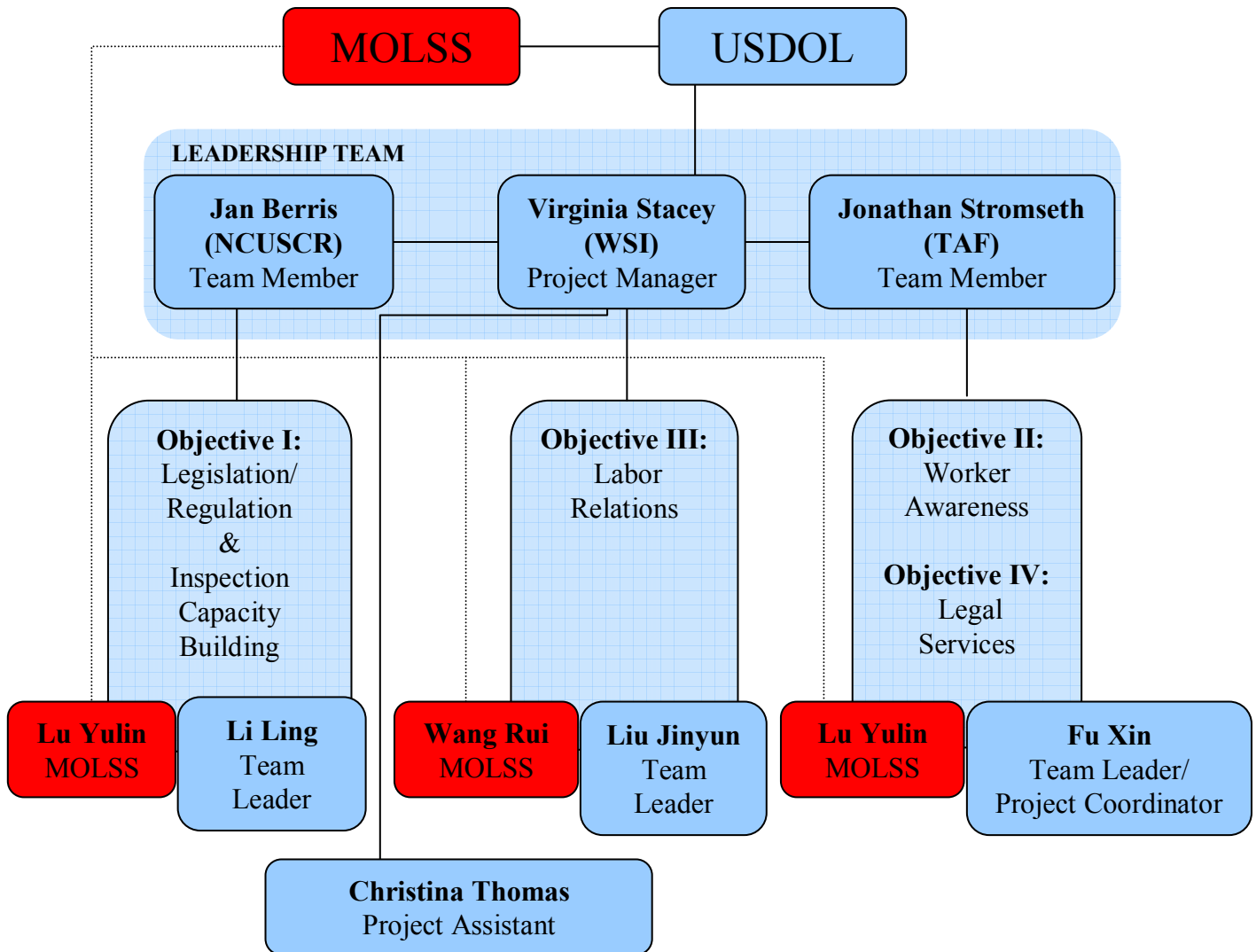
Anhui Department of Labor and Social Security
Yunnan Department of Labor and Social Security
Tianjin Bureau of Labor and Social Security
Qingdao Bureau of Labor and Social Security

Research Institutions

Chinese Academy of Labor and Social Security (CALSS)
Institute for Labor Studies (ILS)
International Labor and Information Institute (ILII)

The following organizational chart shows project responsibilities relative to each organization. Several staffing changes occurred during the project, and many other Chinese and American institutions supported implementation. These additional key participants are identified in Annex A.

The U.S. – China Labor Law Cooperation Program Organizational Chart*



•Staffing and oversight changes as well as titles and key roles are reflected in
Annex A: Key Participants.

PROJECT ADMINISTRATION AND MANAGEMENT

National Project Office

The MOLSS proposed the creation of a National Project Office to which the MOLSS would assign staff. WSI's Project Director was to function as the National Project Office co-director along with a MOLSS-appointed person. After seven months, the project structure was revamped to streamline communication and free funds for additional project activities. Following the closing of the project office in July 2004, TAF's Beijing staff provided project and logistical support under the re-organized structure as needed.

Project Advisory Committee

USDOL recommended the formation of a Project Advisory Committee⁶ to be co-chaired by USDOL and MOLSS officials of equal rank. The function of the PAC was to guide project implementation in accordance with the Project Document, to determine the outline of annual work plans and review the progress of the preceding year and, as necessary, to recommend changes to the Project Document. Two PAC meetings were held during the project term.

The first PAC meeting was conducted on February 24 to 25, 2005, chaired by Arnold Levine, representing USDOL, and by Jiang Mohui as the MOLSS designee for Liu Xu. Progress toward the 2004 workplan and plans for 2005 were reviewed. MOLSS agreed to improve responsiveness by designating back-up contact staff. As a result of the first meeting, the PAC established several guiding principles for 2005 related to easing restrictions on local travel and communication. The PAC agreed that project activities would reflect a diverse set of international and domestic views as well as China's ongoing efforts to improve laws and regulations. In addition, the PAC affirmed that sustainability, replication, capacity building and identification of policy implications would be built into pilot project activities.

The second PAC meeting was held in Beijing on May 13 to 14, 2006. The meeting was co-chaired by Ms. Celeste Helm, representing USDOL, and by Liu Xi, representing the MOLSS. The PAC established priorities for key activities and budget considerations for 2006-07. A communication process was developed for action or intervention required between PAC meetings. Performance Monitoring Plan (PMP) enhancements included a revised strategic framework and new indicators to measure replication of project activities. In addition, to further enhance information-sharing and linkages across the four project components, the consortium partners identified events under each IO to be attended, at project expense, by Chinese participants from other IOs. At least one session of each of these four meetings was to be devoted to discussion of sustainability and synergy.

Performance Management System

To measure progress and achievements, a PMP was drafted during the project design meeting in early 2004. The PMP set forth the performance indicators and data sources to be tracked and reported to USDOL semi-annually through a data tracking table. Extensive discussions and negotiations with MOLSS counterparts continued throughout 2004 to reach agreement

⁶ See Appendix F: PAC Members

on performance indicators for each objective, data collection tools and processes, and the degree of support required from local labor offices. Local partners had primary responsibility for gathering performance data, while consortium team leaders were responsible for summarizing and analyzing the data.

TAF and WSI conducted introductory training to labor officials in Tianjin, Anhui, Yunnan, and Qingdao to ensure understanding and agreement on standardized collection processes and tools. Funds were provided to cover the cost of local data collection. Because NCUSCR's data collection requirements revolved around one-time events, it worked primarily with its MOLSS counterpart to gather data.

As a result of the time required to finalize the PMP, data reporting did not begin until the first semester of 2005 for TAF and NC activities. Due to the sensitivity surrounding labor relations and central government restrictions on accessing factory-level data, performance data for WSI's IO.3 activities did not commence until the second semester of 2006. Nevertheless, the data show steady gains in all performance indicators.⁷

Ultimately, in addition to serving as a useful project monitoring tool by the local labor bureau partners, the PMP helped strengthen Chinese counterpart understanding of U.S. cooperation programs. For example, the project was able to increase the exposure of local officials in Tianjin, Anhui, Yunnan, and Qingdao to international development methodology and terminology through direct engagement on the PMP. Local partners have remarked that learning how to use performance data to evaluate project impact was one of the greatest achievements. This capacity building provides a solid foundation upon which future labor cooperation projects could be built.

Independent Performance Evaluations

A mid-term evaluation took place in March 2006, and a desk review to evaluate overall project implementation was under way August through September 2007.⁸

The purpose of the mid-term evaluation was to determine if the project was achieving its stated objectives; evaluate implementation status, project management, performance monitoring, benefits and impacts accrued to target groups, and likelihood of sustainability; and provide recommendations on how to improve project performance through possible modifications to the strategy or workplan. The evaluation report was presented at the second PAC meeting. Key mid-term findings were as follows:

- The 15-month start up period was normal and acceptable by Chinese stakeholders, given that the partners had not worked together before and the sensitive nature of the area of intervention.

⁷ See Annex C: Final Performance Data Table

⁸ Conclusions from the final evaluation of this project were underway simultaneous to development of this report.

- Critical obstacles to implementation were those dealing with official decision-making mechanisms and communications. The ability to receive timely information and responses from government officials presented challenges in day-to-day project implementation. Project Advisory Committee meetings served a very useful management function, but were too infrequent.
- The performance measurement system demonstrated significant increases in knowledge on labor inspection, labor contract law, labor legislation, workers rights, and labor dispute resolution. Involving local partners in data collection and analysis built local capacity to use a key project management tool.
- Stakeholders confirmed that the project contributed in some measure to three important national policy reforms: labor inspection regulations, labor contract law, and labor dispute resolution.
- Stakeholders believe there is strong potential for long-term institutional behavioral change from the training of trainers programs for labor inspectors and labor mediators and arbitrators.

Replication of migrant worker labor rights awareness, legal assistance for migrant workers, and enterprise-level labor-management committees were deemed to be dependent on MOLSS endorsement of expansion and promoting information dissemination on best practices to other provinces. Following the mid-term evaluation, the PMP was revised to include several indicators to capture replication activities. The MOLSS confirmed its institutional support for sustaining the training programs.

PROJECT IMPLEMENTATION – ANNUAL SUMMARIES

The effective period of performance was 45 months, from December 2003 to September 2007. A series of events outside project control, including senior Chinese Party meetings, USG and GOC turnover in key staffing, and the Severe Acute Respiratory Syndrome (SARS) outbreak, led to a 15-month delay of the original project initiation date of October 2002. During this period, WSI, TAF and NCUSCR concluded all necessary administrative arrangements to position for a rapid launch once official agreements were in place.

The following annual summaries provide a chronology of project achievements during each fiscal year (FY).

Summary of Activities and Achievements

FY 2003:

- Project Manager hired (October 2002)
- USDOL grantee orientation (October 2002)
- Project management structure organized (November 2002)
- USDOL-MOLSS Understanding signed (April 10, 2003)
- Project Document drafted (June – July 2003)
- USDOL-WSI initial design mission (August 15 – 31, 2003)

FY 2004:

- Project Document signed (November 4, 2003)
- Project Manager relocated to Beijing (December 2003)
- Year 1 work plan and Strategic Framework finalized (February – March 2004)
- Beijing, Anhui, Yunnan, Tianjin, Qingdao pilot sites selected (March 2004)
- Performance indicators and collection tools drafted (April – May 2004)
- Project operating structure changed (July – August 2004)

FY 04 Deliverables

- Project Document
- Strategic Framework
- FY 2004 Workplan
- Qingdao Workshop on Draft Labor Inspection Regulations Report
- Baseline Study Report on Labor Dispute Resolution – Qingdao
- Hotline for Legal Services – Technical Review

IO.1

- Workshop to review draft Regulations on Labor and Social Security Inspection In Qingdao (May 2004)

IO.2

- Anhui and Yunnan assessments to develop programs for migrant worker pre-departure education and Yunnan labor legal service centers (July 2004)
- Implementation agreements signed between TAF and partners in Yunnan (August 2004), Anhui (September 2004) and Tianjin (December 2004)

IO.3

- Dispute resolution baseline survey conducted in Qingdao (September 2004)

IO.4

- Tianjin assessment for labor legal service center (August 2004)
- Implementation agreements signed between TAF and legal services centers (September 2004)

FY 2005:

- First Project Advisory Committee meeting (February 2005)

IO.1

- Labor inspection officials study tour (December 2004)
- First Labor Contract Law drafting workshop in Beijing (June 2005)
- Labor Contract Law drafters study tour (July 2005)

IO.2

- Yunnan developed cartoon book and song
- Anhui developed story book, playing cards, posters, notebooks and training program for potential migrant workers
- Beijing selected DVD design team

IO.3

- Dispute resolution baseline surveys conducted in Shenyang, Liuzhou, Chongqing
- Seminar to review dispute resolution study findings in Changsha (March 2005)
- Dispute resolution officials study tour (August 2005)

IO.4

- Legal aid services established in Kunming Labor Market in Yunnan
- Legal aid centers commence legal services in Tianjin and Yunnan

FY 05 Deliverables

- Performance Monitoring Plan
- Study Tour for Senior Labor Inspectors Report
- First Labor Contract Law Drafting Workshop Report
- Study Tour on Labor Contract Law Report
- Information, Education, and Communication (IEC) Materials
- Baseline Study Report on Labor Dispute Resolution — Shenyang
- Baseline Study Report on Labor Dispute Resolution — Liuzhou
- Baseline Study Report on Labor Dispute Resolution — Chongqing
- Seminar on Dispute Resolution Baseline Findings Report
- Study tour on Dispute Resolution Report

FY 2006:

Several key laws were under review or consideration during the 2006 project year including the Labor Contract Law, Labor Dispute Resolution Law, and Promotion of Employment Law which featured non-discrimination and equal employment opportunity concepts.

- Midterm Evaluation (March 2006)
- Second Project Advisory Committee meeting (May 2006)

IO.1

- Labor legislative training program (October – November 2005)
- Initiated labor inspection training curriculum development (September 2006)

IO.2

- Tianjin's "Golden Bridge" publicity program launched (September 2006)
- Anhui's labor rights playing cards attracted international media attention (October 2005)
- Anhui launched pre-departure training for high school students (January-March 2006)
- Study tour on legal publicity and publicizing legal information (July 2006)
- Beijing initiated DVD production (July – September 2006)

IO.3

- Labor relations survey in Fujian and Hubei Provinces (April 2006)
- Dispute prevention program initiated in 15 enterprises in Qingdao (May 2006)
- Labor Mediation and Dispute Resolution training of Trainer (TOT) curriculum development (July – August 2006)
- Labor Mediation and Dispute Resolution TOT demonstration in Qingdao (September 2006)

IO.4

- Yunnan hotline established for labor law consulting (4th Quarter)
- Labor Rights Protection Month in Yunnan (August 2006)
- Labor contract management training for 63 companies in Tianjin (3rd Quarter)

FY 2007:

- Project sustainability meetings (December 2006, May 2007, June 2007, July 2007)

IO.1

- Second Labor Contract Law Seminar in Kunming (December 2006)
- Labor Inspection Seminar in Shanghai (May 2007)
- Labor Inspection TOT program demonstration (July – August 2007)

FY 06 Deliverables

- Labor Legislative Training on Labor Inspection and Legislative Issues Report
- Study Tour on Legal Publicity and Publicizing Legal Information Report
- IEC materials
- Baseline Study Report on Labor Relations – Fujian and Hubei Provinces
- Enterprise-Based Dispute Resolution Training – Qingdao Report
- Enterprise-Based Dispute Resolution Training Manual
- Labor Mediation and Dispute Resolution TOT Pilot Report
- Yunnan Hotline for Legal Consultations

IO.2

- International Seminar on Migrant Worker Policies in Kunming (December 2006)
- Yunnan added three county-level project sites with matching funds (1st quarter)
- Anhui added three new sites (3rd quarter)
- Anhui developed a DVD, fold-out map, address book, and three-character rhymes of labor rights information (3rd quarter)
- Tianjin held four IEC events (1st quarter)
- Beijing finished DVD production of legal publicity for laborers and enterprises (3rd quarter)
- Anhui held a project summary and experience sharing workshop within the province (August 2007)

IO.3

- Labor Mediation and Dispute Resolution TOT program demonstration in Hebei (October 2006)
- Labor relations study tour (November 2006)
- Labor Mediation and Dispute Resolution TOT program released nationwide in Qingdao (December 2006)
- International Labor Relations Comparative Research (March 2007)
- National Advisory Committee meeting for pilot program in Qingdao (May 2007)
- International Labor Relations Seminar in Qingdao (June 2007)
- Final revisions and video segments completed for Labor Mediation and Dispute Resolution TOT program (August 2007)

IO.4

- Seminar on Legal Services in Nanjing (July 2007)
- Labor law case studies workshop in Yunnan (August 2007)
- Project summary and experience sharing workshop in Tianjin (August 2007)

FY 07 Deliverables

- Second Labor Contract Law Seminar Report
- Labor Inspection Seminar Report
- Labor Inspection Training Curriculum Development and Training of Trainers Workshops Report
- Labor Inspection TOT Manual
- Labor Inspection TOT Role-play DVD
- International Seminar on Migrant Worker Policies Report
- Legal Publicity for Laborers and Enterprises DVD
- Study Tour on Labor Relations Report
- Labor Mediation and Dispute Resolution Nationwide TOT Report
- Baseline Study on Labor Relations in Foreign-Owned Enterprises — Xian and Wuxi Cities
- International Labor Relations Seminar Report
- Labor Mediation and Dispute Resolution TOT Manual
- Labor Mediation and Dispute Resolution TOT Role-play DVD
- Seminar on Legal Services Summary Report

PROJECT IMPLEMENTATION BY OBJECTIVE

IO.1 Enhanced Government of China Capacity to Develop and Enforce Labor Laws and Regulations

Under this objective, the National Committee on U.S.-China Relations and its Chinese partners focused on capacity building efforts involving two pieces of important labor legislation: the Regulations on Labor and Social Security Inspection and the Labor Contract Law. NCUSCR organized a series of workshops at different stages of the drafting process, bringing together senior legislative drafters and Chinese and international labor law experts. These efforts were supplemented by study tours to the United States for legislative drafters and other senior labor officials and by labor legislative internships for mid-level labor officials. Project activities catalyzed the advancement of labor rule of law by exposing senior leaders to new techniques and perspectives, by providing opportunities for legislative drafters to consult with American labor experts, and by developing training for labor inspection officials.

Labor Inspections

Labor inspection has a relatively short history in China. The country adopted its Labor Law only in 1994. The United States, in contrast, has more than 70 years of experience developing its labor investigation systems. The MOLSS and the State Council made the promulgation of national-level labor inspection regulations a legislative priority for 2004. Draft regulations submitted for State Council review at the end of March 2004 were scheduled for passage in late summer to provide guidance for the work of labor inspectors throughout China. The Labor and Social Security Inspection Regulations passed the State Council and were signed by Premier Wen Jiabao on or about November 1, 2004. This action established for the first time at the national level a legal basis for the enforcement of wage, hour, child labor, employer social insurance contributions, and other (non-safety and health) standards. The following project-sponsored activities had a meaningful effect on labor inspections in China:

Workshop on Labor and Social Security Inspection Regulations: The NCUSCR organized a workshop in Qingdao May 17 to 19, 2004 to discuss and comment on the new draft of the regulations. The workshop brought together 26 senior representatives from MOLSS and the State Council, directors of key provincial and municipal labor inspectorates, and Chinese labor lawyers and academics with a team of four American labor inspection experts. Discussions provided insights on how inspections are carried out at the local level, differences in labor standards enforcement from region to region, and key labor inspection issues in some of the most important economic development areas in China including Guangdong, Shanghai, Tianjin and Dalian. The experts' comments included specifics about investigative authorities, investigative procedures, treatment of violations, and degree of uniformity in enforcement, enforcement models that have worked well in the American context, and recommendations to strengthen the labor standards enforcement structure. The workshop resulted in the adoption of several key recommendations from the American experts that were then submitted to the State Council.

Senior Labor Inspectors' Study Tour: From December 4 to 17, 2004, a ten-member delegation of top central and provincial government inspection chiefs from seven regions participated in a study tour to Washington, D.C., Houston, and San Francisco to gain an understanding of U.S. wage and hour administration and enforcement, compliance assistance, and how workers' rights are protected. The program also addressed the training of labor inspectors and enforcement mechanisms, tools, and coordination. Most meetings involved government wage and hour experts at national, regional, district and state levels. Meetings were held also with non-governmental organizations (the International Labor Rights Fund and Solidarity Center) and academia (Berkeley Center for Labor Education and Resource) to learn about the role of unions and others in labor standards enforcement. The delegation was particularly interested in the issues of dealing with back wages; investigator training, monitoring, and evaluation; handling worker complaints; investigative skills and procedures; evidence collection; employer compliance programs; and working in partnerships.

Labor Inspection Workshop: A workshop on labor inspection was held in Shanghai May 17 to 18, 2007 to take stock of the experience of implementing the inspection regulations over the past two and a half years. The workshop brought together senior officials and labor inspectors from 20 provincial and municipal labor inspection teams, including some who had taken part in the 2004 study tour. Also in attendance were senior MOLSS officials, including the Director General of the Department of Legal Affairs, which supervises the work of labor inspection at the national level. Two American experts, four Chinese labor law experts, and an observer from the U.S. Consulate in Shanghai provided comparative perspective and intellectual depth to the discussions. The workshop covered such topics as the development of labor inspection institutions and the challenges faced by authorities, relevant legal framework and legal implementation, labor law enforcement practices and case management, and managing and training labor inspectors. Highlights of the workshop included the presentation of a joint State Council/MOLSS evaluation report on regulation implementation and a joint presentation on "grid management" and "e-management" models implemented in Shanghai and Chengdu. Participants also visited the Shanghai Labor and Social Security Bureau to learn about its "12333" hotlines, an innovative new program that may become a national model. In addition, this event provided a venue for information-sharing and discussions on replication among counterparts from the four project components.

Labor Inspection Training: The development of a training curriculum for labor inspectors was another key area where Chinese labor authorities benefited from close U.S.-China collaboration. The training of China's labor inspectors has not been systematic and relies on outdated training methods, such as compilations of laws, rules, procedure descriptions, and sample forms. From July 2006 to July 2007, a team on curriculum development comprised of three Americans and five Chinese worked closely to finalize a training of trainers manual. As many as 13 drafts of the training manual were produced. The final version includes 26 modules, covering such topics as inspection protocols, pre-inspection research, employer and employee interview techniques, record reviews, and case management. Eight scripted role-play videos were produced. Directions for six more role-play exercises were developed for groups of trainee volunteers.

A demonstration of the TOT program was conducted July 30 to August 10, 2007 in Beijing in two consecutive sessions. Fifty-nine labor inspectors from twenty-two provinces and four provincial-level municipalities, who are expected to become future trainers, were selected based on their inspection experience (a minimum of two years) and training responsibilities. Although the experiential learning model is radically different from traditional Chinese methods, participants hailed the training materials and methods as a milestone in labor inspection training in China. The Ministry has endorsed the TOT program and intends to devote resources to “localize” its content and expand the scope of the training. Because nearly every province was able to participate in the training sessions, the potential for sustainability is increased at a time when the central government is placing tremendous emphasis on labor inspection.

Labor Contract Law

The Labor Contract Law will have a much further-reaching impact on China’s labor relations than the title implies because it includes provisions on hiring and firing workers, labor standards, the role of labor unions, and labor disputes. High on the National People’s Congress’ legislative agenda, the Labor Contract Law has been unofficially dubbed the “mini-Labor Law.” In fact, the NPC released the draft law for public comment in March 2006 – one of only two laws that ever have received such treatment. The following project-sponsored activities had a stimulating effect on the June 2007 passage of the Labor Contract Law:

Labor Contract Law Drafting Workshop: From June 7 to 8, 2005, a workshop in Beijing brought together seventeen officials from MOLSS, the State Council, the NPC as well as Chinese labor law scholars and two experts from the United States and the United Kingdom. The international experts prepared extensive written comments on the draft law which were translated prior to the workshop and were then briefed the day before the workshop by four key MOLSS participants on the background of the labor contract legislation and major issues and challenges encountered. All seven chapters of the draft law were considered, particularly the coverage of the law, determination of the existence of an employment relationship, termination of labor contracts, part-time employment and the regulation on labor dispatching practices. Many of the Chinese officials noted that some of the experts’ comments provided a new way of thinking and alternative approaches to those adopted in the preliminary drafting process.

Labor Contract Law Study Tour: Ten labor officials from the MOLSS, the State Council, the NPC and several provincial and municipal labor and social security bureaus participated in a study tour to Washington, D.C.; Ann Arbor, Lansing and Detroit, Michigan; and San Francisco and Los Angeles, California, from July 9 to July 22, 2005. Most of the delegation was involved in drafting the Labor Contract Law; half had attended the June drafting workshop. The delegates exchanged views with officials at the USDOL, the National Labor Relations Board, the Federal Mediation and Conciliation Service (FMCS), as well as with state labor agencies and legislative committees in Michigan and California, law schools at the University of Michigan and University of California – Los Angeles (UCLA), the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) Michigan, public

interest advocates from NGOs such as the Legal Aid Society – Employment Law Center, employment agency professionals, and employment and labor law firms.

Of particular focus were the three most controversial areas: recognition of an employment relationship, termination of labor contracts, and regulating labor dispatchers and part-time employment. A persuasive case was made for the concept of “just cause termination,” and for paying less attention to the content requirement of a labor contract and more to enforcement means. Regarding labor dispatching and part-time employment, best practices in responsive and accountable management raised the most discussion. The delegation was introduced to the idea of making the labor dispatching agency and the employer jointly liable for wages as a way to protect a dispatched worker’s labor rights. The delegation commented that even though the two countries’ systems are very different, they were impressed with the comprehensiveness of the U.S. regulatory system and the diversity of views.

Draft Labor Contract Law Revision Workshop: A second workshop on the draft Labor Contract Law was held in Kunming December 4 to 6, 2006, a few weeks ahead of the “second reading” by the NPC on December 24, 2006. The two international experts from the first workshop returned, along with 28 Chinese participants which included mostly MOLSS and provincial officials, but also Chinese scholars, and lawyers representing the interest of employers. The Director General of the MOLSS Legal Affairs Department chaired the workshop. Also in attendance was the Director of Administrative Law at the NPC’s Legal Affairs Committee, responsible for shepherding the draft law through the NPC process. The workshop focused on legislative options to the three most intractable aspects of the draft law: the duration of labor contracts, situations where no written labor contract is concluded, and labor dispatching or temporary work. While various proposals by the MOLSS and NPC had been considered for each of these three issues and there were differences of opinions among those responsible for drafting or approving the law, there was no attempt to influence the experts to support either approach. Scholars privately noted that this is not a common practice, and that the presentation of actual options under official consideration allowed for real, meaningful input. Despite the controversial nature of the issues involved, the participants were able to reach consensus in some cases.

Labor Legislative Training: The purpose of this activity was to help Chinese participants develop an understanding of labor-related laws and regulations and the process by which they are drafted and enacted in the United States. This training brought four Chinese labor officials from the MOLSS, the Shanghai and Yunnan labor bureaus, and the NPC to the United States from October 8 to November 11, 2005 for “internships” at a host U.S. institution specializing in labor-related issues. Free English lessons (through the generosity of Wall Street English) increased the participants’ language level prior to participation.

A week-long orientation in Washington, D.C. on labor-related laws and regulations in the United States and different aspects of the labor legislation and rulemaking process was conducted by the USDOL and other government officials, congressional staffers, academics, NGO representatives, and trade union staff involved with regulatory issues. For the remaining three weeks, participants were placed at either the California Labor and Workforce Development Agency or the Institute for Legislative Practice at McGeorge School of Law,

University of the Pacific. Working closely with mentors, the Chinese officials had the rare opportunity to participate in two high profile joint federal-state labor sweeps and study labor laws, regulations and the legislation process, including the roles of academic, corporate, policy, legal and labor institutions.

IO.2 Increased Awareness among Migrant Workers of Workplace Rights and the Means to Protect Those Rights

Under this objective, The Asia Foundation and the Yunnan Department of Labor and Social Security, the Anhui Department of Labor and Social Security, and the Tianjin Labor and Social Security Bureau increased awareness among migrant workers of the labor law and mechanisms for protecting worker rights, and increased the number of materials to inform and educate workers. A major activity under this objective was a migrant worker training program in Yunnan and Anhui, from which a high number of migrant workers originate. Another key activity was the development of innovative, easily adaptable IEC materials in all three sites that could be used immediately at the local levels, shared across provinces, and would serve as a foundation for long-term worker education and outreach programming. Local partners also implemented a series of training activities to improve the knowledge and skills of information and education providers. Labor officials, law students, and community volunteers were among those trained to distribute IEC materials and to address questions on the law labor from migrant workers.

As a first step to implementing these activities, TAF assembled a six-person team of Chinese experts to conduct initial assessments in Yunnan and Anhui in July 2004, and in Tianjin in August 2004. Between August and December 2004, TAF concluded implementation agreements and in 2005, activities were initiated in all three pilot sites, as well as at the national level through cooperation with MOLSS in Beijing. Activities and events to achieve this objective are described below.

Migrant Workers Training Programs

Across Yunnan and Anhui Provinces, 43,370 potential and active migrant workers were trained in workplace rights and the means to protect those rights. Pre- and post-tests indicated that training programs were effective in significantly increasing awareness of the labor law information. For example, in training courses conducted at the Kunming Labor Market in the first quarter of 2007, only 32.23 percent of trainees could list at least three labor rights before the training, while 97.55 percent could do so afterwards. Following is a summary of activities implemented in the two provinces:

Yunnan Migrant Workers Training Program: Migrant worker training programs were developed and carried out in two Yunnan sites: Kunming Labor Market and Wuding Labor Market.⁹ The training program followed a TOT model whereby 18 officials selected at the local level were trained as master trainers, who in turn trained potential and active migrant workers. This approach promoted sustainability by establishing a core group of master trainers at each pilot site who could continue to carry out their role after the project period.

⁹ In the Chinese context, a labor market is a central location where employers and job seekers are brought together for the purpose of finding qualified workers to fill job vacancies. Labor markets provide an ideal venue for training migrant workers because throngs of migrants gather in the hope of finding work.

As project activity progressed, discussions and experience sharing resulted in the expansion of the Yunnan program to three other sites: Xiping County, Yuxi City; Huize County, Qujing City; and Qiaojia County, Zhaotong City where TAF partnered with the Xiping Labor and Employment Bureau, the Huize Employment Training Center, and the Qiaojia Personnel, Labor, and Social Security Bureau. Each new site provided one-to-one matching funds of RMB 50,000 (\$6,650). A launch ceremony was held in March 2007, in which the Vice Director-General, Yunnan Department of Labor and Social Security, heads of the pilot counties, party secretaries, and county labor bureau officials of the new sites expressed their support. An information exchange session was held for 18 teachers and labor bureau staff to foster shared experience across the new and current sites, which enabled a rapid launch to reach a high number of migrant workers in a relatively short amount of time. By the end of the project, a total of 24,649 potential and active migrant workers in Yunnan were trained in core workplace rights and the means to protect those rights.

Anhui Migrant Workers Training Program: Anhui's program also followed a TOT model. However, a unique approach to reaching migrant workers pre-departure and pre-employment was adopted. Given the high number of youth who become migrant workers, Anhui's training program was designed in cooperation with, and implemented through, technical and middle schools, bringing together two separate government departments (labor and education) to address the problems faced by migrant workers. A total of 180 teachers were trained as master trainers. Migrant worker training programs were initially developed and carried out in two pilot counties: Huoshan and Jinzhai. Through promotional and information-sharing activities, training programs were expanded in 2007 to three additional sites: Huainan, Ma'anshan and Huangshan County. By the end of the project, 18,721 potential migrant workers across five pilot sites had received labor law awareness training. Furthermore, the master trainer and migrant worker training programs had evolved to a more formal level, and the success of the school-based model resulted in its formal adoption by the participating schools as part of the permanent curriculum. This is a significant outcome in fostering the training program sustainability.

Development and Dissemination of IEC Materials

Local labor offices in Yunnan, Anhui and Tianjin produced an array of innovative, multi-media IEC materials for literate and non-literate migrant workers. The materials were designed locally to ensure that they were culturally appropriate and accepted by the target populations. Well-known Chinese individuals and artists were commissioned to enhance the products' appeal and top labor law experts were engaged to review and ensure the accuracy of select materials.

Overall, 402,580 copies or sets of 15 types of IEC materials were produced and disseminated through a number of delivery points across a variety of channels, including migrant worker training sessions, local labor bureaus, labor markets, enterprises, construction sites, rail and bus stations, and directly to households. Local partners also held a number of publicity events through which IEC materials were distributed and information and education (I&E) providers responded to questions from migrant workers. In Anhui, roundtable discussions were held in selected enterprises, and street consultations were conducted in a busy

downtown area. These materials also captured the attention of domestic and foreign media. For example, AFP (Agence France-Presse) wrote an article about the project's playing cards that was subsequently picked up by several international websites, including Yahoo. Many of the materials, in particular playing cards, songs, cartoon books, and manuals, will be shared in migrant groups and families multiplying their effect.

IEC materials were also distributed across pilot sites and to officials in non-project locations through experience-sharing and replication events. Anhui labor officials, encouraged by positive media attention in China and abroad, created portable cases containing key IEC materials for dissemination to other provinces. These cases were also distributed to representatives from 20 non-project provinces at a workshop in Nanjing in July 2007.

Another key outcome of the Anhui IEC activity was that it served to enhance the linkage between the labor department and migrant workers, fostering a more customer-service approach to labor education and outreach. After initial development of the labor law playing cards and handbooks, the Anhui Department of Labor and Social Security solicited feedback from migrant workers and revised the IEC products to be more portable and easier to read. The IEC materials developed by each site are described in detail in Annex E.

Beijing IEC Materials: A DVD was agreed upon as an effective medium to reach a high number of migrant workers, particularly non-literate workers. DVDs could be easily and cost-effectively distributed through the nationwide labor bureau system for broadcast not only in Beijing but across the country in all labor service centers, as well as in train stations, bus companies, labor markets, schools, ports, and other locations.

TAF began discussions with MOLSS in early March 2005. The MOLSS selected a team of experts from CALSS, the Yunnan Labor and Social Security Bureau, and the China Labor and Social Security News to compose the script. The MOLSS also secured an outside vendor to undertake video production and the participation of well-known Central China Television (CCTV) talk-show host, Lu Yiming, to introduce the scenes and provide other commentary. The DVD presents four workplace issues commonly faced by migrant workers. Following each scenario, expert guidance is provided by the Secretary-General of China's Labor Law Research Association.

In April 2007, MOLSS held a DVD review meeting in Beijing with approximately 20 participants, including representatives from MOLSS and TAF, scholars from academic institutions, a senior reporter from CCTV, and the DVD producer. Mr. Yuan Yanpeng, MOLSS Vice Minister, observed that the DVD identified the most important issues facing migrant workers and presented the knowledge in an effective manner. He also noted that such efforts to advance mutual understanding strengthen U.S.-China cooperation in human rights and labor standards. In June 2007, 8,000 copies of the finalized DVD were produced.

Training Information and Education Providers

TAF and the labor partners in the three project sites implemented a series of training activities to improve the knowledge and skills of information and education (I&E) providers who are responsible for distributing IEC materials to and addressing questions from migrant workers.

In Tianjin, the Labor and Social Security Counseling Center trained 630 labor and social security officials, university students, and community volunteers to serve as I&E providers. This activity included the following training courses: “New Pension Calculation Methods,” “Social Security Policies on Work-Related Injury,” “Administrative Law and Procedures Related to Labor Law and Social Security Matters,” and “Collective Contracts and Policies.” This latter course was specifically targeted to 80 managers in 63 enterprises that had been previously cited by inspectors for poorly observing labor laws.

In Anhui, law students and high school teachers were trained as I&E providers through a series of courses similar to those in Tianjin. In 2006, 33 high school teachers representing 21 schools in Houshan County received I&E provider training, enabling rapid dissemination of information and materials. In April 2007, training held in Wuhu expanded the program into Huainan, Ma’anshan, and Wuhu Technical Schools. Seven representatives from five labor and social security bureaus in Hefei, Suzhou, Chuzhou, Chizhou, and Anqing also participated to increase the project impact.

Labor Law Education Study Tour

In July 2006, TAF organized a 14-day study tour for 10 MOLSS officials to observe how the U.S. government publicizes labor laws and how the private sector carries out labor law programs. The following organizations assisted in arranging meetings for the delegation in Washington, D.C., Minnesota, and California: U.S. Embassy in China, USDOL, National Labor Relations Board, George Washington University Law School, Minnesota Department of Labor and Industry, Petters Group Worldwide Inc., University of California — Berkeley Center for Labor Research and Education, University of California Los Angeles — Center for Labor Research and Education, Stanford Law School, National Day Labor Organizing Network, the Center for Urban Education about Sustainable Agriculture, and the California State Department of Industrial Relations. The study tour introduced the delegation to practices at the federal, state, and local levels of government and in the private sector regarding disseminating information on labor law and regulations, and illustrated how critical labor concerns (such as wage/hour issues, labor relations, and outreach to day laborers) are being addressed in the U.S. Post-tour surveys indicated that the participating officials had an increased understanding of U.S. practices and were committed to apply what they learned in their daily work.

Replication Workshops

From December 6 to 8, 2006, TAF and MOLSS conducted a two-day International Seminar on Migrant Worker Policies in Kunming for project teams to share experiences and best practices with labor officials from all over China. Project teams from Yunnan, Anhui and Tianjin gave slide show presentations, highlighting innovative approaches and products. They also discussed sustainability and replication issues, best practices in project management and cooperation with international partners. Labor bureau officials from Shenzhen and Henan provinces presented their experience with labor law publicity and how to seek financial support from local government. Approximately 90 participants attended, including officials from MOLSS, at least one labor bureau official from each province and major city, labor law professors, and international law experts. In addition, this event

provided the first venue for information sharing and discussions on replication among counterparts from the four project components. Participants from other locations expressed keen interest in using the training methods, law publicity materials, and project management methods, and described the replication potential as “achieving twice the results with half of the effort.”

On August 24, 2007, the project team in Anhui organized a concluding and replication workshop which included representatives from the pilot sites, officials in charge of legal affairs from the labor bureaus, and the media. The provincial team presented the project background, implementation, and key achievements, while representatives from the pilot sites explained their experiences and local practices. This event was also an opportunity for TAF and Anhui local partners to discuss the sustainability of the labor law education program.

Publicity and Media Outreach

A key factor in the success of the labor law awareness-raising activities was the active engagement of the public and the media by local labor partners. In each of the three project sites, labor officials conducted publicity activities to generate public interest in the program and foster the specific interest of migrant workers. For example, in 2006, the Tianjin Human Resources Center launched a publicity program called the “Golden Bridge: U.S.-China Labor Law Cooperation Project,” which was attended by over 500 hundred laid-off, unemployed, retired, and injured workers, as well as enterprise human resource staff. As a result of this and previous project-supported labor law awareness activities, there was a 20 percent average annual increase in labor disputes being resolved through legal means in 2005 and 2006 in Tianjin.

In Yunnan, August 2006 was designated as Labor Rights Protection Month with events held at the Kunming Labor Market to publicize labor law and labor rights. I&E providers distributed materials and answered migrant workers’ questions. In August 2007, the Yunnan Department of Labor and Social Security and the Kunming Labor Market again held a series of labor law publicity activities that attracted a great deal of media attention. Five publicity vehicles visited bus stations and construction sites to distribute IEC materials and provide on-the-spot information and consultation to a large number of migrant workers. The events drew extensive media reporting from Yunnan TV, Kunming TV, the Yunnan Daily, the Kunming Daily, and the Yunnan Legal Daily.

In Anhui, journalists from newspapers and television stations were invited to attend eight labor law workshops as a way of promoting the project and labor law information. Chinese media coverage of other project activities was also provided by Xin Hua News Agency, CCTV News Channel, and several local newspapers.

IO.3 Improved Labor Relations

Under this objective, Worldwide Strategies, Inc. and its American and Chinese partners further strengthened China’s emerging system of dispute resolution by demonstrating effective U.S. methods of mediation and dispute resolution, adapting these techniques and processes within the Chinese context, and recommending regulatory reforms.

MOLSS leaders cite the project's greatest achievements as the creation of mediation and labor dispute resolution trainers and the development of interactive training materials. The Qingdao Labor and Social Security Bureau, the CALSS Institute for Labor Studies, and WSI cooperated to develop a TOT program that improved skills and abilities and is leading to a shift from arbitration to mediation to resolve labor disputes. The TOT program was offered nationally during training conducted in Qingdao in which labor bureau officials from all 31 provinces in China participated. Seasoned participants commented that the TOT program and methodologies were "ground-breaking." The MOLSS has committed to ensuring that project-sponsored trainers will, in turn, train other trainers. Major activities carried out towards achieving this objective are described below.

Improved Regulatory Reform for Dispute Resolution System

WSI and its partners supported the regulatory reform process by improving the availability of critical labor dispute data and encouraging better information exchange among the enterprise and local and national government levels. Pioneering baseline surveys provided previously inaccessible data for research studies, seminars and conferences that pinpointed specific realities and problems in various cities and enterprises, resulting in tailored recommendations in the regulatory framework. Study tours deepened mutual understanding that enabled the development of realistic, practical dispute resolution tools and procedures and enterprise-based mechanisms.

Dispute Resolution Baseline Survey: The Department of Labor Relations and Wages (DLRW) identified a baseline study of dispute resolution as the top priority before initiating any other activities under this component of the project. A survey would enable Chinese and American experts to understand China's labor dispute situation, including advantages and disadvantages of its current system. In September 2004, working in partnership with the Chinese Academy of Labor and Social Security's Institute for Labor Studies (ILS), a survey instrument was developed and the first survey conducted in Qingdao, one of four sites selected by the DLRW. Baseline surveys in Shenyang, Liuzhou and Chongqing were completed by late November 2004 and the ILS drafted written summaries of the survey results. This study was the first systematic analysis of dispute resolution ever conducted in China.

Dispute Resolution Findings and Recommendations: In March 2005, a seminar to discuss the findings was held in Changsha and attended by 28 dispute resolution officials from national- and local-level labor bureaus and university faculty. The group identified institutional, technical, and enterprise-specific issues in the current dispute resolution system and suggested short-, medium-, and long-term goals for improvement. A seminar report summarizing findings and recommendations served as the basis for recommending several regulatory reforms to the MOLSS Department of Legal Affairs.

Labor Relations Survey: Another survey funded by the project and conducted independently in April 2006 by CALSS's Institute for International Labor Studies examined employment and labor contract systems in Fujian and Hubei Provinces. This report included recommendations used to improve the draft Labor Contract Law that was recently passed by the NPC in June 2007.

Information Exchanges: Two study tours increased official commitment and cultivated interest in new approaches to dispute resolution. In the first (August 13 to 28, 2005), 12 labor dispute resolution officials visited the University of Michigan, FMCS Detroit Office, the Ford Motor Company, Michigan State Department of Labor and Economic Growth, Labor Contract Archive at Wayne State University, Harvard University, the FMCS National Office, USDOL's Wage and Hour Administration, the National Labor Relations Board, and School of Law at the University of California at Los Angeles. The participants used the information gained to develop recommendations to promote mediation as an effective alternative to formal arbitration. In addition, the experience convinced Chinese officials of the effectiveness of labor-management committees to improve communication and to prevent disputes at the enterprise level. Participants were also positively influenced regarding the usefulness of an in-plant survey to measure improved labor relations.

From November 6 to 9, 2006, a second study tour was held for ten officials from the Department of Labor Relations and Wages, the Institute for International Labor and Information, and labor bureaus in Shanxi, Hunan, Qingdao, Hubei and Shandong Provinces. Sites visited included the Michigan State Department of Labor Relations, School of Labor and Industrial Relations at Michigan State University, Center for China Employment and Labor Relations, University of Michigan, the FMCS Detroit Local Office, Ford Company, Labor Contract Archives at Wayne State University, the FMCS's National Office, the National Labor Relations Board, the School of Labor and Industrial Relations at Cornell University, and The Asia Foundation Office in San Francisco. Learning focused on such subjects as U.S. labor relations law, system, and practices; collective bargaining and negotiation; in-plant labor-management committee models; employment protections for full-time and other employment; and the U.S. government's role and involvement in managing labor relations. The purpose of the tour was to gain an understanding of U.S. labor relations practices to provide input into the drafts of China's Labor Contract Law and Labor Dispute Resolution Law.

International Labor Relations Comparative Research: During March 2007, a third research study was conducted of several foreign-owned companies in Xian and Wuxi. The report was provided to a working group that is drafting China's new Labor Employment Promotion Law to reflect the realities of current labor relations practices among international companies. It will assist in devising solutions to address low satisfaction levels between labor and management in foreign-owned companies.

International Labor Relations Seminar: In June 2007, a two-day seminar focused on international labor relations systems was held in Qingdao to bring together the information gathered during study tours and research studies. Forty-seven attendants included ten members of the National Advisory Committee for the Qingdao pilot program, ten Chinese labor relations experts, twenty Qingdao Labor Bureau Directors and Trainers, four American experts, and two key Chinese participants from the project's other components. Four sessions encompassed comparisons of international labor relations system, Qingdao's in-plant Labor Relations Committees experience, labor dispute resolution methods and mechanisms, and plans to sustain the IO 3 activities. This event also provided the third

venue for information-sharing and discussions on replication among Chinese counterparts from the four project components.

During the last week of December 2005, the NPC examined labor law implementation including labor dispute resolution and decided to establish a Labor Dispute Mediation and Arbitration Law. This law received its first formal review by the NPC in August 2007. The DLRW publicly acknowledged the positive influence of this project's information exchange and research activities in drafting this law.

Alternative Dispute Resolution and Prevention Mechanisms

In targeting alternative dispute resolution and prevention mechanisms, WSI worked with the FMCS to design demonstration activities at the enterprise level. Expanded communication channels between workers and managers, a platform for problem-solving and negotiation, and a trained group of labor-management committee members achieved significant results and increased enterprise capacity to prevent day-to-day work issues from becoming labor disputes.

Improving Labor Relations at the Enterprise Level in Qingdao: FMCS training materials were customized to establish labor-management committees in Qingdao city enterprises that were selected as demonstration sites. The curriculum focused on dispute prevention through communication and conflict management techniques. The Qingdao Labor and Social Security Bureau managed local implementation, while a National Advisory Committee¹⁰ oversaw the Qingdao pilot program implementation and lessons learned for future replication.

Fifteen diverse enterprises, involving over 40,000 employees, were selected based on industry, ownership structure, and labor dispute history.¹¹ WSI and four FMCS experts conducted training from April 17 to 25, 2006 for nearly a hundred people, including local labor officials, arbitrators and human resource managers and workers from participating enterprises. By May 15, Labor Relations Committees had been established in each of the 15 enterprises, and each committee had held its first formal meeting, applying tools and techniques from the training. The LRCs ranged from four to ten members equally representing management and workers, with workers selected democratically. A total of 102 committee members served during the pilot project.

The LRCs met bi-monthly, for a total of nine meetings during the pilot period, and discussed 216 work-related issues.¹² The committees used consensus decision-making to recommend solutions to upper management, who approved 191 (97.9 percent) of the LRCs

¹⁰ See Annex F for committee composition.

¹¹ Annex A provides a listing of the 15 demonstration enterprises. Fourteen have longstanding mediation committees established to address labor disputes. Size ranged from 10,000 to 200 employees. Types of businesses included beverages, machinery, textiles, shoes, paper, containers, retail, hospitality and electronics. Ownership structures included public stock, private, joint ventures, and foreign direct investment.

¹² The 216 issues covered a variety of work matters, including 56 safety and working conditions, 52 living conditions (meals, accommodations, transportation, etc.), 22 salary and benefits, 21 management and communication practices, 21 training, 17 LRC operations, 11 work hours, 10 incentives and discipline, and 6 labor contract execution. Issues were solicited through suggestion boxes, local area computer networks, dedicated phone lines, opinion forms, worker assemblies, and regular meetings with worker representatives.

recommendations. The QLSSB and its newly trained district-level officials performed commendably in providing close monitoring, intensive direction, and participating throughout the LRC development process. In addition, four separate networking sessions were organized by the QLSSB for enterprises to share implementation experiences. Workers, technicians, and managers all cited gains in mutual trust and understanding, democratic decision-making processes, and the value of the LRC to de-escalate issues, unlike previous experiences with formal internal mediation committees.

The QLSSB collected baseline survey data on the status of labor relations in the 15 enterprises at pilot inception and conducted three follow-up surveys over the 15-month demonstration period to measure impact. Each enterprise randomly selected thirty workers, five technicians, and five managers to complete confidential questionnaires. A total of 600 people were surveyed during each data collection period; 2,400 were surveyed during the life of the pilot program. As of August 2007, data showed continuous improvement in communication and problem-solving between labor and management in all 15 enterprises. The data also showed that the LRC mechanism was used at a higher rate than the pre-existing internal mediation committees. Workers reported that they were more willing to raise and settle issues through the LRC process, and managers cited the advantages of a flexible and short resolution process.¹³

At project end, 12 of the 15 enterprises had institutionalized LRC procedures in operational manuals or collective contracts and the remaining three pledged to do so. One of the largest pilot enterprises, Tsingtao Beer, replicated LRCs at its company locations in eight other provinces. Chengyang, one of the thirteen districts in Qingdao, was expanding LRCs to fifty companies during the final month of project implementation.

Dispute Resolution through Mediation and Prevention: Beginning in 2006, the QLSSB adopted mediation in favor of arbitration as the predominant dispute resolution process in two levels of its labor arbitration structure. During 2006, the overall number of labor disputes declined by 20 percent for the first time in twenty years, while the number in other cities increased 20 to 30 percent. Based on these results, the National Advisory Committee decided to sustain and replicate LRCs and mediation as dispute resolution methods. The QLSSB will designate mediation rooms in each tribunal office and issued an official invitation to all enterprises in Qingdao requesting that they learn LRC procedures from the 15 pilot companies. The advisory committee encouraged the Qingdao district officials to maintain close contact with the existing committees and directed the QLSSB to continue to hold network meetings and invite new enterprises interested in forming LRCs. A final report from the QLSSB emphasized that LRCs enable an enterprise to independently address its labor-management issues. Therefore, LRCs could have a significant impact in resolving disputes despite local labor bureau staffing shortages and dramatic increases in the number of labor disputes across China.

Labor Mediation and Dispute Resolution Training: Development of a first-ever Labor Mediation and Dispute Resolution TOT program was conducted in partnership with the ILS

¹³ A summary of the enterprise survey results is provided in the Final Performance Data Table included as Annex C.

and the QLSSB with guidance from American experts from the University of Michigan and the FMCS. Thirteen Chinese experts from ILS, national, provincial, and local labor offices, and two universities met for the first time in June 2006 to create an outline for the manual's three parts: applicable laws and regulations, mediation techniques and skills, and conflict management through LRCs. The training program was demonstrated in September 2006 in Qingdao. The interactive training methodology was so well-received that in October 2006 Hebei Province provided RMB 336,000 (\$44,446) for Qingdao trainers to teach 96 labor officials in all 16 of its prefecture-level labor bureaus. The feedback from the demonstration sessions was used to enhance the training program's mediation section before nationwide release.

The training was presented from December 4 to 8, 2006 to a nationwide audience in Qingdao, involving 93 trainees from all 31 provinces in China who would, in turn, train others. Training evaluation questionnaires indicated that participants not only learned new methods and skills in mediation and labor relations, but also new concepts and directions for improving labor relations. All participants passed post-training evaluations and developed a work plan for conducting follow-on training in their provinces. In January 2006, the first replication activity began with the QLSSB training 150 trainees from half of its labor bureaus at the prefecture city level in Shandong Province.

From January through project end, the QLSSB and the ILS enhanced the training materials for nationwide distribution. This entailed supplementing the training with four video segments to support new trainers in demonstrating techniques involved in LRC operations, mediation, and conflict management processes. A video introduction by two MOLSS leaders, Qiu Xiaoping, Director General, Department of Labor Relations and Wages and Jiang Mohui, Deputy Director General, Department of International Cooperation cited the national significance of the training program and its importance in improving China's labor relations. At project close, training materials have been provided in written, slide show, and video formats to all 300 labor bureaus in the 285 prefecture-level cities in China. These materials will be incorporated as part of each bureau's annual training program. The MOLSS estimates that 100,000 arbitrators in all 31 Chinese provinces will receive training using project materials.

Institutionalization will occur through the MOLSS's decision to establish a new professional certification, Labor Relations Facilitator, based on completing project training offered through 300 labor bureaus nationwide. The MOLSS anticipates that more than one million human resource professionals will become certified Labor Relations Facilitators in the next two years. This broad access to project training materials supports institutionalization of dispute resolution and prevention mechanisms that will contribute to reversing the trend of dramatic increases in labor disputes.

MOLSS leaders have stated that the project's dispute resolution training, mediation methods, and labor-management committees will increase the labor and social security system's capacity to prevent disputes or to settle a majority of them through mediation. These alternative dispute mechanisms will play an ever-increasing and critical role in building harmonious and stable labor relations in China.

IO.4 Increased Use of Quality Legal Services

The lack of experience in interpreting work-related legislation and the complexity of labor arbitration and adjudication require more and better technically skilled legal support and service centers if more workers are to benefit and be protected. Under this objective, The Asia Foundation and its partners have increased access to and demand for legal aid services and have strengthened the capacity of legal service providers to address labor issues faced by migrant workers. Activities in pilot sites in Yunnan and Tianjin involved the participation of a range of stakeholders, including local labor officials, labor inspectors, legal service providers, lawyers, judges and arbitrators, enterprise representatives, and workers. Major activities and events carried out towards the achievement of this objective are described below.

Providing Legal Aid Services

Local labor partners established or strengthened legal service centers to increase the availability of legal aid services to address specific workplace issues faced by migrant workers. Issues were handled through oral consultation, litigation, arbitration, mediation, or referral to, and involvement of, the labor inspectorate. In total, 3,387 workers received legal aid services.

In Yunnan, the establishment of a legal aid service window at the Kunming Labor Market (which serves thousands of migrant workers each year) ensures a significant long-term impact on migrant worker issues. By the end of the project, 2,253 workers had received legal aid services since 2005. In addition, a labor law consultation hotline (telephone number 12333) was established in 2006, expanding access for migrant workers who may not be able to travel to the Kunming Labor Market.

In Tianjin, the labor bureau provided counseling and other legal services to approximately 1,134 workers. In almost 1,000 cases, service was provided through oral consultation, and 134 cases were handled formally through the courts. At the end of the project period, only 13 cases were pending.

Surveys were given to randomly-selected migrant workers to evaluate whether legal assistance and counseling services were adequate. In both pilot sites, participating workers reported high rates of satisfaction with the quality of services received. In Yunnan, for example, 49 workers who received legal aid in July and August 2007 reported a satisfaction rate of 95.7 percent.

Moreover, nearly 90 percent of the cases have been resolved successfully. Participating migrant workers recouped roughly RMB 3,194,100 (\$425,880) in salaries, back pay, and work-related injury compensation.¹⁴ These tangible outcomes also reinforce the value of the formal channels of labor rights protection and encourage other workers to use official mechanisms. This activity also enhanced the customer service orientation of legal services providers.

¹⁴ This is significant, given that per capita GDP in China is roughly \$2,104. Nominal GDP per capita (2006). GDP (PPP) per capita is \$7,594 (2006). Economist, www.economist.com.

Training Legal Service Providers

While legal aid services aimed to increase access to legal services, training service providers sought to improve service quality. In Tianjin and Yunnan, 230 providers were trained in various aspects of the labor law, including enforcement, medical insurance policies, case handling, and hearing labor dispute cases. Training sessions were targeted to a core group of trainees and stakeholders. Local labor officials, including staff from legal service and counseling centers, comprised the core trainee group, while lawyers and law students were trained as volunteers.

The participation of court officials enhanced the success of this activity. For example, judges from the Tianjin People's High Court provided lectures on judicial interpretations related to labor disputes as part of a training course designed to increase effectiveness in representing clients. In Yunnan, labor partners co-organized¹⁵ with the Yunnan Higher People's Court a workshop on labor rights protection case studies. A total of 66 participants attended the 2007 workshop, including representatives from other pilot sites, lawyers, labor inspectors, judges, and staff from the Yunnan labor counseling center. A collection of representative labor cases and discussions was to be published in late September 2007 to serve as a future reference for improving the protection of worker rights.

Replication Workshops

An experience-sharing workshop on legal services was conducted in Nanjing in July 2007 for nearly 70 governmental and non-governmental participants, including 40 representatives from 20 provinces or cities. The workshop examined the roles of the media, universities, and lawyer associations in advancing labor rights protection, and provided an overview of project achievements and replicable experiences from the pilot sites. Three international experts introduced best practices from the United States and the United Kingdom. In addition, the Anhui Bureau of Labor and Social Security distributed boxed sets of their key IEC materials to all participants for local adaptation and replication. This event was also the fourth and final venue for information-sharing and discussions on replication among counterparts from the four project components.

Tianjin Concluding and Replication Workshop

The final workshop of the U.S.-China Labor Law Cooperation Project was held on August 15, 2007 in Tianjin. The conference was moderated by the director of the Laws and Regulations Division of Tianjin Labor and Social Security Bureau. More than 60 participants, including legal counselors, student volunteers, legal aid volunteers and officials from the labor bureau, counseling center, and the project team, discussed important steps and prospects for sustaining Tianjin's legal services and IEC programs as well as key points and updates on the labor contract law.

The project established a foundation for a replicable system by enabling organizations to provide legal services and by training staff in legal knowledge related to service for workers.

¹⁵ Yunnan Department of Labor and Social Security contributed RMB 90,000 (\$11,905) for the case studies workshop and training of trainers.

LESSONS LEARNED AND RECOMMENDATIONS

Project Strategy and Approach

- USDOL’s international cooperation requirements were new to MOLSS. The degree of involvement by the consortium in project activities, as well as the requirement of external control over project finances was atypical compared to its other international projects. Requests to renegotiate activities and purchases that exceeded funding occurred with some frequency until approval procedures and requirements were clearly delineated.
- Partners at the local levels demonstrated a strong commitment to the project in terms of responsiveness, follow-through and enthusiasm to achieve results. Communication protocols that enable direct access to local partners should be established during the Project Document stage to facilitate work progress.
- Changes to work plans required approval at annual PAC meetings; however, only two were held during the forty-five months of project implementation. To accommodate evolving conditions and requirements, an alternative approval method was developed that established deadlines for an official response counting down to automatic approval.
- Highly skilled interpreters and native Mandarin speakers were essential to all facets of the work, particularly training programs and PAC meetings. The consortium developed a list of common terms for translation to bring uniformity to written materials developed for each component.¹⁶
- Experience-sharing workshops with dedicated sessions on sustainability and replication cultivated interest from other sites and fostered replication activities and commitment of non-project funds.

Target Groups and Partners

- During project design, the Project Document suggested matching funds for NGOs to augment legal service delivery for workers. The MOLSS asserted that implementation of project activities outside the MOLSS structure would undermine sustainability. The consortium addressed this impediment by involving a range of government-organized stakeholders in design and development activities. These stakeholders included women’s federations, courts, lawyers and law firms, universities, and university legal aid centers and clinics.

Institutional and Management Framework

- PAC meetings provided an excellent opportunity to establish guiding principles and resolve operational issues. PAC members should be identified during the Project Document stage, and a meeting should be held in the first year of project start-up.
- Close coordination and frequent communication is essential to ensure effective sharing of information across MOLSS departments and provinces and among U.S. counterparts.

¹⁶ See Annex H: List of Common Terms for Translation.

Project Implementation Timetable

- Competing work demands and government holiday periods frequently limited MOLSS counterpart availability for participation and decision making which led to numerous last-minute changes and cancellations of planned activities.
- China's current system of arbitration and mediation is based on a tripartite system in which representatives of management, workers, and the ACFTU settle disputes. The congressional preclusion from providing technical assistance to the ACFTU posed a challenge in conducting factory-based labor-management work. In addition, the GOC restrictions on gaining entrance to enterprises increased this challenge. As a result, project implementers were unable to communicate directly with workers and relied on confidential questionnaires to mitigate these barriers.

REPLICATION AND SUSTAINABILITY

The project provided four separate forums for the project partners from all components to share information and discuss sustainability and project synergy. In December 2006, TAF hosted the first of four working sessions. The remaining three events, hosted by NCUSCR, WSI, and TAF were held in May, June, and July 2007. During each workshop, the project's pilot sites presented activity models that could be adapted and replicated in other sites across the country. Provincial-level labor officials expressed their willingness and interest to apply project experiences in their work. These meetings led to the creation of MOLSS-supported sustainability plans, which are detailed in a summary of completed and planned activities at the end of this section. While the project's strategic approach was to demonstrate best practice models that could be nationally replicated, positive results propelled institutionalization gains in several key areas.

Policy Support

The project's research studies, workshops, seminars, information exchange and technical assistance activities had a timely, positive influence in moving forward three pieces of important labor legislation: the Regulations on Labor and Social Security Inspection, the Labor Contract Law, and the Labor Dispute Mediation and Arbitration Law. Since March 2006, the Government of China has been promoting a policy to encourage equal emphasis on the rights of migrant workers and urban workers. Central government officials are placing increased importance on migrant workers' rights and interests and are striving to raise the public's awareness of the challenges facing migrant workers. Various proposals to protect migrant workers through legislation were submitted during the annual meetings of the National People's Congress and China People's Political Consultative Conference in 2006. As a result, labor authorities at various levels have been instructed by MOLSS to conduct trainings, provide employment services, and ensure rights protection equally for migrant workers and urban workers. This shift in policy emphasis appears to provide suitable conditions that support the replication of project activities.

Financial Viability

Financial support from the USG has been essential to project success in the pilot sites. These sites face a transition period after funding for ongoing activities ends. Securing local government budget support may be possible, but this had not been committed as the project ended. Nevertheless, project partners have demonstrated a keen commitment to project activities. For example, a total of RMB 3,276,000 (\$433,351) in matching funds was provided by local partners for replicating migrant worker and dispute resolution training programs, printing IEC materials, and convening workshops.¹⁷ Future funding commitments include RMB 2,000,000 (\$264,561) from the Kunming local government for renovation of the local labor market facilities and three years of operating expenses, and RMB 500,000 (\$66,140) from the Chengyang District in Qingdao for replicating LRCs in 50 enterprises. Additionally, a professional certification program for a new occupation, Labor Relations Facilitator, is scheduled to commence in October 2007 using project training materials. The

¹⁷ Funding was provided by Tianjin, Yunnan and Hebei labor bureaus and by local governments in Yuxi, Quijing, and Zhaotong in Yunnan.

Labor Relations Facilitator certification program is estimated to cost relevant government agencies and commercial organizations RMB 3,000,000 (\$396,841).

In-kind contributions are particularly noteworthy. The MOLSS and provincial and local governments provided travel expenses for labor officials to attend key events and staff time for project implementation and training video production. For example, the Qingdao Labor and Social Security Bureau invested the equivalent of RMB 270,000 (\$35,716) for 15 staff members who worked approximately 1,350 days on LRC implementation, training materials development, and training delivery. Four experts from Yunnan and Jiangsu provincial labor bureaus and the Chaoyang (Beijing) district and Shanghai municipal labor bureaus donated several months for labor inspection curriculum development and training delivery.

Replication Activities by Objective

IO.1 Enhanced GOC Capacity to Develop and Enforce Labor Labor Laws and Regulations

NCUSCR established 59 labor inspection trainers from major cities in 22 provinces and 4 prefecture level cities. A revised TOT manual will draw from lessons learned during the pilot training sessions. It is anticipated that over the next two years, the Labor Inspection TOT program will be replicated in most Chinese provinces. The Department of Legal Affairs of MOLSS is in charge of the coordination of labor inspection training nationwide. Based on MOLSS planning and local labor bureau information, it is estimated that about 20,000 full-time and part-time labor inspectors will be trained by TOT participants in 2008 and 2009 using the project's curriculum.

IO.2 Increased Awareness among Migrant Workers of Workplace Rights and the Means To Protect Those Rights

TAF established 198 master trainers who trained a total of 43,370 potential and current migrant workers. In Anhui, labor law awareness curriculum used in high schools and technical schools has been adopted as part of the permanent curriculum. Project activities were expanded to six new sites in Yunnan and Anhui provinces. In Yunnan, local labor officials in the new sites committed matching funds for migrant worker training activities, funded the first legal aid center established at the county level in Yuxi, and provided a matching fund for re-employment training, which can incorporate labor law awareness training.

The project's final phase contains a number of replication examples and indications of future replication possibilities. Some of the 15 types of multi-media IEC materials have been replicated with local context in other provinces and with local government funds.¹⁸ Furthermore, the cooperation of project partners with the media in Tianjin, Anhui and

¹⁸ In Shenzhen, 50,000 sets of cards with information on local wage payment regulations were produced and distributed to migrant workers. In Xiamen, Fujian province, 50,000 sets of cards with information on labor inspection regulations were produced and distributed. Although there is no data available on the numbers, playing cards with information on labor dispute and arbitration regulations have been produced and distributed in Zhejiang and Guizhou provinces.

Yunnan has greatly increased publicity and extended project reach by raising public awareness of labor law and its importance for migrant workers.

IO.3 Improved Labor Relations

WSI established 12 master trainers in forming and operating Labor Relations Committees and 93 master trainers in mediation and dispute resolution methods. A total of 285 labor officials have received training since November 2006, using non-project resources. An estimated 100,000 arbitrators from all 300 labor bureaus in all 31 provinces will be trained using project materials as part of annual training programs.

Twelve of the fifteen enterprises that demonstrated Labor Relations Committees have formally adopted LRC procedures in their operational systems, and the remaining three have committed to do so. One internationally-known company, Tsingtao Beer, has replicated LRCs at company locations in eight other provinces and cities in China. The Chengyang District in Qingdao is expanding LRCs to 50 new companies. The QLSSB will continue to hold experience-sharing meetings among the pilot enterprises and include new enterprises that are implementing committees.

A National Advisory Committee, established to guide the pilot program in Qingdao, endorsed the use of LRCs and mediation as effective dispute resolution and prevention methods. Additionally, the MOLSS will commence a professional certification program in October 2007 for a new occupation called Labor Relations Facilitator. The MOLSS estimates that approximately 1,000,000 professionals will participate in project-developed training to seek this certification over the next two years.

Project training has been adopted as part of annual local training programs. Replication of the training program and the use of mediation and labor relations committees are likely to become part of a standard package of services offered by the local labor bureaus.

Objective 4: Increased Use of Quality Legal Services

In Yunnan, the Kunming Labor Market is incorporating project-related content on labor law into a skills training program that will be provided under a new three-year grant from a private corporation. In Tianjin and Yunnan, the Legal Counseling Centers have been researching sustainable methods to help continue legal services for migrant workers after September 2007.

Sustainability Summary

Objective/ Activity	Steps to Promote Sustainability or Replication	Status	Completed and Planned Activities	Strategy
Immediate Objective 1: Enhanced GOC Capacity to Develop and Enforce Labor Laws and Regulations				
Labor Inspection Training	The NCUSCR and MOLSS conducted TOT sessions, training experienced labor inspectors from major cities across the country.	Completed	Established 59 Labor Inspection Trainers. Inspectors from major cities in the following 22 provinces and from 4 provincial-level municipalities received training in July –August 2007: Yunnan, Jilin, Sichuan, Anhui, Shangdong, Shanxi, Guangdong, Guangxi, Xinjiang, Jiangsu, Jiangxi, Hebei, Henan, Zhejiang, Hainan, Hubei, Hunan, Fujian, Guizhou, Liaoning, Shaanxi, Helongjiang, Shanghai, Beijing, Tianjin and Chongqing.	Capacity building
	The Department of Legal Affairs, MOLSS will further revise the TOT training manual.	Winter 2007	Based on lessons learned from the pilot training sessions, the TOT training manual will be revised, with particular attention given to Chinese legal requirements and inspection procedures.	Adaptation of project materials
	Provincial and local governments plan to increase resources for labor inspection work.	Ongoing	Since summer 2007, the GOC repeatedly pledged to make enforcement of the labor laws a priority. Many provinces have received or are set to receive greater resources for additional labor inspectors, as well as financial resources for conducting labor inspections.	Capacity building
	Provincial and local labor bureaus will continue to train labor inspectors across the country. The Department of Legal Affairs, MOLSS will continue to monitor activities.	2008 & 2009	About 20,000 labor inspectors (both full-time and part-time) will be trained by the 59 TOT participants in 2008 and 2009.	Capacity building

Sustainability Summary

Objective/ Activity	Steps to Promote Sustainability or Replication	Status	Completed and Planned Activities	Strategy
Immediate Objective 2: Increased Awareness Among Migrant Workers of Workplace Rights and the Means to Protect Those Rights				
Training Migrant Workers	Yunnan and Anhui Bureaus of Labor and Social Security established a core group of master trainers in local institutions.	Completed	Established 198 master trainers: 18 in Yunnan and 180 in Anhui.	Capacity-building
	Yunnan and Anhui Bureaus of Labor and Social Security built the capacity of master trainers through extensive practical application of training skills.	Completed	Master trainers trained a total of 43,370 potential and employed migrant workers. In Yunnan, 18 master trainers trained 24,649 migrant workers (average of 1,369 per master trainer), including 8,572 in Kunming; 8,342 in Wuding; 2,008 in Xiping; 3,227 in Huize; and 2,500 in Qiaojia. In Anhui, 180 master trainers trained 18,721 students and migrant workers (average of 104 per master trainer).	Capacity-building
	Labor departments and bureaus in Yunnan, Anhui, and Tianjin trained migrant workers from cities and/or districts in project locations.	Completed	In Yunnan, migrant workers representing all provincial cities received training. Also, an expert from the Yunnan Participatory Rural Appraisal Network introduced its training methodology to Yunnan labor officials to strengthen future trainings. In Tianjin, labor law counselors from all districts or counties of the city were trained.	Broad coverage of training activities in target provinces/locations; leveraging technology
	Local labor departments and bureaus incorporated migrant worker training curricula into formal education system or existing training programs.	Completed	In Anhui, the labor law awareness curriculum used in training potential migrant workers through high schools and technical schools adopted formally by participating schools and institutionalized in permanent curriculum.	Institutionalization of project gains
		On-going through 2010	In Yunnan, the Kunming Labor Market is incorporating training with project-related content on labor law into a skills training program that is being provided with a new three-year grant from a private corporation.	Institutionalization of project gains; leveraging resources with non-project funding
MOLSS Department of Legal Affairs presented successful project model to officials in non-project locations and secured commitment to replicate migrant worker training program.	Completed	Replicated and expanded training program to six new sites not originally in project design: Yuxi, Qujing, and Zhaotong in Yunnan province; Huainan, Ma'anshan, and Wuhu in Anhui province. In Yunnan, new sites provided 1:1 matching funds of RMB 50,000 (\$6,600) for project activities, and have already established 18 master trainers within the local labor bureaus.	Publicity of project achievements and methodology; leveraging resources with non-project funding	

Sustainability Summary

Objective/ Activity	Steps to Promote Sustainability or Replication	Status	Completed and Planned Activities	Strategy
Increased Availability of Information, Education, and Communications (IEC) Materials and Products	Labor departments and bureaus in Yunnan, Anhui, and Tianjin developed and pilot-tested IEC materials on labor law that can be easily adapted and used by other locations.	Completed	Developed 15 types of multi-media IEC materials (14 at local levels plus a DVD developed by MOLSS). Materials were disseminated through a wide range and number of channels: migrant worker training sessions, local labor bureaus, labor markets, door-to-door to households, and directly to workers and the public at enterprises, construction sites, and rail and bus stations. MOLSS will distribute the DVD to local labor bureaus across the country.	Broad dissemination of materials
	Labor departments and bureaus in Yunnan, Anhui, and Tianjin expanded distribution of project IEC materials beyond target cities.	Completed	In Anhui province, distributed three types of IEC materials to 16 other cities, achieving coverage rate of 94% of non-project cities. In Yunnan province, distributed one type of IEC material to 14 other cities or prefectures, achieving a coverage rate of 88% of non-project locations. In Tianjin, distributed two types of IEC materials to 5 of 18 non-project districts or counties, covering 28% of non-project areas.	Broad dissemination of materials
	Yunnan Bureau of Labor and Social Security distributed IEC materials to government representatives from non-project provinces and engaged in discussions to sustain and replicate labor education programs.	Completed	Conducted experience-sharing workshop in Kunming with presentations on all components by local labor officials from project sites and distribution of IEC materials. Workshop attended by 90 representatives from approximately 30 non-project provinces/cities who now have IEC materials they can adapt to the local context for use in labor law education. Kunming's People's Government allocated a budget of RMB 1,100,000 (\$145,508) to the Kunming Labor Market for expansion and renovation.	Broad dissemination of materials
	MOLSS and the Anhui Bureau of Labor and Social Security will work to secure local ownership for future production and dissemination of IEC materials.	Under consideration/ ongoing	MOLSS to consider posting materials and products on its website for downloading and adaptation by local labor bureaus. Anhui local labor bureau printed approximately 50,000 copies of IEC playing cards using its funds.	Institutionalization of project gains; leveraging resources with non-project funding

Sustainability Summary

Objective/ Activity	Steps to Promote Sustainability or Replication	Status	Completed and Planned Activities	Strategy
Improved Knowledge and Skills of I&E Providers	Tianjin's Labor and Social Security Counseling Center and the Anhui Bureau of Labor and Social Security trained I&E providers.	Completed	630 labor and social security officials, university students, and community volunteers in Tianjin, and 50 law students in Anhui trained to distribute IEC materials and address questions from migrant workers. Sample training topics in Tianjin include pension policies, work-related injuries, labor law, and social security administrative laws and procedures.	Capacity building
	MOLSS Department of Legal Affairs established a linkage between labor inspectorate and labor education and outreach activities.	Completed	Sixteen labor inspectors from IO.1 participated in July 2007 Nanjing workshop on legal aid and labor education to better integrate labor education into labor inspection services.	Leverage project components; establishment of new linkages
	TAF, MOLSS, and partner labor bureaus increased capacity of labor officials to engage in international cooperation projects.	Completed/ ongoing	Participating national and local labor officials reported increased capacity, experience, and interest in international cooperation on labor issues, as well as increased capacity in project management, monitoring, and reporting.	Capacity building

Sustainability Summary

Objective/ Activity	Steps to Promote Sustainability or Replication	Status	Completed and Planned Activities	Strategy
Immediate Objective 3: Improved Labor Relations				
Broader Range of Alternative Dispute Resolution and Prevention Mechanisms	Labor-Management Committees established in 15 enterprises in Qingdao to demonstrate alternative dispute resolution and prevention mechanisms. Qingdao city and district-level labor dispute tribunals have committed to continue support and monitor LRC activities.	Completed/ Ongoing	100% of the 15 pilot enterprises have pledged to continue Labor Relations Committee (LRC) after the project ends. 12 of the 15 (80%) have adopted LRC procedures in operational manuals, collective contracts, or operational regulations to institutionalize LMCs; the remaining three have committed to do so. One pilot enterprise, Tsingtao Beer Company, has replicated LRCs at company locations in eight other provinces and cities in China.	Institutionalization of project gains; capacity building
	Qingdao Labor and Social Security Bureau encouraged all companies in Qingdao City to establish LRCs.	Beginning May 2007	Chengyang District (one of 13 districts in Qingdao City) expanded LRCs to 50 companies in September 2007.	Institutionalization of project gains; capacity building
	Qingdao City Labor Dispute Tribunal and each of 13 district tribunals will incorporate mediation procedures and techniques to resolve labor disputes. Designated rooms for mediation will be established in each tribunal office.	Beginning September 2007	The implementation of mediation procedures has reduced the number of labor disputes in Qingdao City by 20% over the last two years, while the number in other cities has increased 20% - 30% during the past year.	Institutionalization of project gains; capacity building
	WSI introduced the first-ever enterprise-level questionnaire to measure the increase in partnership between workers, technicians, and managers in the 15 enterprises implementing LRCs. Involvement of district-level labor officials increased their capacity to quantify and measure gains in improved labor relations.	Completed/ Ongoing	Participating local labor officials and enterprise managers reported increased capacity, experience, and interest in international cooperation on labor relations, as well as increased capacity in project management, performance monitoring, and reporting due to this project.	Capacity building

Sustainability Summary

Objective/ Activity	Steps to Promote Sustainability or Replication	Status	Completed and Planned Activities	Strategy
Improved Skills and Abilities of Mediators, Arbitrators, and Labor Bureau Officials	MOLSS Department of Labor Relations and Wages distributed TOT materials to all (around 300) prefecture-level cities for incorporation into regular annual training programs.	Completed/ Fall 2007/ Ongoing	Trained 38 participants from Qingdao City in establishing and operating LRCs. Established 93 master trainers in Labor Mediation and Dispute Resolution from all 31 provinces in China. It is estimated that over 100,000 arbitrators from all 300 labor bureaus in all 31 provinces will receive mediation training using project training materials. Training materials were produced in three formats (print, slide show, and DVD) to provide flexible, interactive training methods.	Institutionalization of project gains; capacity building
	MOLSS Department of Labor Relations and Wages will establish a Certification Program for Mediators and Trainers of Mediators based upon completion of the project training programs.	Beginning October 2007	The certificate program will establish a new occupation in China called Labor Relations Facilitator. Completion of training based on project materials will be one of the qualifications for certification. An estimated one million professionals will become certified Labor Relations Facilitators in next two years.	Institutionalization of project gains; capacity building
Improved Regulatory Framework for Dispute Resolution and Prevention System	WSI, MOLSS Department of Labor Relations and Wages, the Chinese Academy of Labor and Social Security's Institute for Labor Studies (ILS) and International Labor and Information Institute (ILII) conducted three comprehensive baseline surveys to understand the country situation. This research informed specific recommendations for the labor contract law and labor dispute resolution law.	Completed/ On-going	The dispute resolution survey became a major reference for drafting the new Labor Dispute Resolution Law; suggested reforms are still under discussion by the NPC. Forty-seven people attended a seminar in June 2007 that summarized findings from two surveys of domestic and international companies. The seminar included a dedicated session on replication and sustainability of LRCs and Mediation Training. Two key participants from IO.1, IO.2, and IO.4 attended to better integrate labor relations with labor inspections, worker awareness and legal services project activities. The research reports will assist in drafting new labor laws to reflect the realities of current labor relations practices among companies and will help to devise solutions to address low satisfaction levels between labor and management.	Institutionalization of project gains

Sustainability Summary

Objective/ Activity	Steps to Promote Sustainability or Replication	Status	Completed and Planned Activities	Strategy
Immediate Objective 4: Increased Use of Quality Legal Services				
Replication and Experience Sharing	TAF, Yunnan Bureau of Labor and Social Security and local government presented successful project models to officials in non-project locations and engaged in discussions to sustain and replicate legal aid programs.	Completed	An experience-sharing workshop on legal services was conducted in Nanjing. The workshop, attended by 40 representatives from approximately 20 non-project provinces/cities, included a dedicated session on replication and sustainability, models for operation and sustainability presented by three international experts, and examination of the roles of media, universities, and lawyers' associations in advancing labor rights protection. The Anhui Bureau of Labor and Social Security also distributed IEC replication/display boxes to share its IEC materials.	Publicity of project achievements and methodology; leveraging of project activities
	TAF, Yunnan Bureau of Labor and Social Security and local government secured a commitment to replicate legal services.	Completed	Building on the replication and expansion of the migrant worker training program in Yuxi City, Yunnan, the Xiping Labor and Employment Bureau opened the Xiping Migrant Worker Legal Aid Station. This represents the first center established at the county level in Yuxi. The Xiping Labor and Employment Bureau committed its funds to the Legal Aid Station. Other non-project funds include RMB 300,000 (\$39,684) from Yuxi People's Government for migrant worker training and RMB 30,000 (\$3,968) pledged from the Yuxi Labor Union, totaling RMB 330,000 (\$43,653).	Leveraging resources with non-project funding
Increased Number of Legal Service Providers Have Appropriate Knowledge and Skills	Yunnan and Tianjin Labor Departments/Bureaus of Labor and Social Security and local government established a core group of legal service trainers/counselors.	Completed	230 legal service providers (100 in Tianjin and 130 in Yunnan) were trained on a series of labor law issues, including labor law enforcement, medical insurance policies, hearing labor dispute cases.	Capacity building

FUTURE PROSPECTS AND CONCLUSIONS

In 2002, USDOL expressed its commitment, through the U.S.-China Labor Law Cooperation Project, to improving worker rights and working with Chinese partners to enhance the rule of law and improve GOC compliance with internationally recognized workers' rights and labor standards. The implementing consortium and its Chinese partners believe the project has made significant strides toward USDOL's goals. However, the growth of China's economy continues to outpace the government's ability to properly deal with the diversified workforce. Future technical assistance and financial resources in the following areas would be beneficial and build on project gains.

Enforcement of Labor Standards

- While the labor inspection training program emphasized universally applicable themes, it was based on the U.S. Wage and Hour training model. Further revision of the manual is warranted to build on the lessons learned from the two training sessions and to “localize” training methods and content.
- Future trainers and their trainees might benefit from a national labor inspection training center or other similar resources that provide continuing training opportunities and promote sharing of information and best practices.
- Chinese labor officials expressed considerable interest in a Field Operation Handbook, a multiple-volume guide used by federal labor investigators. This kind of handbook could be beneficial to the uniform application of labor laws and the enforcement of labor standards.

Migrant Worker Assistance

- The Legal Service Centers model is heavily dependent on donor or government funding, given the inability of migrant workers to pay for such services. Various funding approaches could be explored to sustain this assistance. Student volunteer groups or pro bono support from labor lawyers or university professors are possible means to ensure sustainability.
- The MOLSS and local labor bureaus expressed a keen desire to expand project activities to other provinces and cities.

Alternative Dispute Resolution Mechanisms

- Although enterprise-based labor-management committees have been formed in 15 enterprises in Qingdao, master trainers of dispute resolution and prevention methods would benefit from additional training in conflict management, communication, and decision-making tools.
- Hands-on technical assistance from skilled practitioners in the nuances of operating effective labor-management committees would further improve the training capacity of master trainers.

Dispute Resolution Training Center

- The MOLSS and the QLSSB have requested support to develop a national mediator training and certification center in Qingdao. This center would enhance consistency in training delivery and certification practices, build trainer expertise in the nuances of successful mediation techniques, and facilitate capturing of best practices and lessons learned for case studies.

Public Availability of Project Materials

- The Project Document provided for the development of a clearinghouse to diffuse knowledge and best international practice on industrial relations and dispute resolution. This activity was cancelled by the PAC in favor of additional international research and expanding labor mediation and dispute resolution training to all provinces in China. The MOLSS has requested funds to develop a web-based clearinghouse or publications to make all project training and IEC materials available to others, including private practitioners, research organizations, and universities throughout China.

Conclusions

The project provided multiple opportunities for officials concerned with Chinese labor policy to consult with U.S. counterparts and deepened mutual understanding which enabled the development of realistic, practical tools and procedures. Experience-sharing workshops with dedicated sessions on sustainability and replication resulted in expansion of project activities and commitment of non-project funds. Multi-stakeholder linkages enhanced the potential for institutionalization of project methods and demonstrated the value of this model of technical cooperation.

National and local partners demonstrated a high degree of commitment through matching funds and in-kind contributions. Local partners have taken greater ownership and now have strengthened capacity to undertake project responsibilities. Project activities have promoted a more customer-service orientation among local labor bureaus and labor service centers. In this way, the role of local labor offices as a link between national level policies and local workers has also been fostered.

The U.S.-China Labor Law Cooperation project provides a solid foundation in the following areas upon which future labor cooperation projects can benefit:

Labor Legislation

Information exchange and technical assistance activities had a timely, positive influence and became part of the process of moving Chinese legislation forward. Project participants continue to play a key role in legislative initiatives.

Training of Trainers Programs

Traditional training in China tended to be a perfunctory recitation of rules and procedures. MOLSS and many trainees deemed project training a vast improvement over past methods. The project's various training programs have strengthened local partner capacities and improved local services.

Migrant Workers' Labor Rights Awareness

Project activities succeeded in increasing migrant workers' understanding of the labor law, as well as their demand for and use of redress mechanisms to protect their rights. Many of the information, education, and communication materials will be shared within migrant groups and families, multiplying their impact.

Alternative Dispute Resolution and Prevention

China's emerging system of dispute resolution was strengthened by demonstrating methods that proved effective in the Chinese context. Labor-management committees and mediation methods provided an alternative to arbitration and resolved issues before they became formal disputes.

Legal Aid Services

The quality and use of legal aid services available to migrant workers were improved. Recouped salaries, back pay and work injury compensation were significant in improving the living standards of complainants.

By raising worker awareness and improving the Chinese government's capacity to conduct labor inspections, resolve labor disputes, and provide legal aid services, the U.S.-China Labor Law Cooperation Project has played an important role in helping Chinese workers more effectively protect their labor rights.

ANNEX A: KEY PARTICIPANTS

NAME	TITLE	ORGANIZATION	COMPONENT
China			
Ministry of Labor and Social Security (MOLSS)			
Department of International Cooperation (DIC)			
Liu, Xu	Director-General		PAC Co-Chair
Jiang, Mohui	Deputy-Director General		Designated Project Counterpart, PAC Co-Chair Designee of Liu Xu
Zhao, Hui	Deputy Director, Bilateral Cooperation		Project Administration
Department of Legal Affairs (DLA)			
Yan, Baoqing	Director General		PAC Member, IO1; IO2
Lu, Yulin L.L.M.	Director, General Office		Project Counterpart IO1; IO2; IO4
Chen, Lan	Director, Inspection Division		IO1
Gao, Yun	Director, General Office		IO2; IO4
Li, Yangsong	Deputy Director, Inspection Division		IO1
Liu, Liyao	Officer, Training Center		IO2
Ma, Hongbing	Deputy Director-General		IO2
Rui, Lixin	Deputy Director-General		IO1
Shen, Shuisheng	Deputy Director, Legal Affairs Office		IO2
Department of Labor Relations and Wages (DLRW)			
Qui, Xiaoping	Director General, Division of Labor Relations		PAC Member; IO3
Wang, Rui	Deputy Director-General		Project Counterpart IO3
Cai, Ying	Deputy Director, Division of Wages		IO3
Gui, Zhen	Deputy Director, Labor Relations Coordination		IO1

NAME	TITLE	ORGANIZATION	COMPONENT
Guo, Xiaoxian	Director, Labor Dispute Resolution Division		IO3
Wu, Daohuai	Former Deputy Director-General		IO3
Wu, Lituo	Deputy Director, Division of Labor Relations		IO3
Liu, Jie	Deputy Director-General, Capacity Building Center		IO2
Department of Planning and Finance			
Yang, Wenjing	Officer		IO2
National People's Congress			
Huang, Wei	Director, Administrative Laws Division		IO1
Zheng, Quanhong	Officer, Division II, Department of Administrative Laws, Legal Affairs Working Committee of the Standing Committee		IO1
State Council			
Wang, Yan	Deputy Director General, Department of Legislation on Judiciary, Public Security and Labor and Social Security	Legislative Affairs Office	IO1
Provincial and Municipal Labor and Social Security Bureaus			
Chen, Jun	Labor Officer	Anhui Department of Labor & Social Security	IO2
Peng, Jiahai	Director	Anhui Department of Labor & Social Security	IO2
Fu, Xiangdong	Deputy Director, Department of Labor Inspection	Beijing Labor and Social Security Bureau	IO2
Su, Yu	Deputy Director, Department of Labor Dispute Resolution	Beijing Labor and Social security Bureau	IO3
Nie, Changqi	Director, Labor Inspection	Chaoyang District Labor Inspection, Beijing Municipality	IO1
Du, Yiyuan	Chief of Labor Inspection	Chendu Municipality Sichuan Province	IO1
Liu, Jianhui	Deputy Director-General	Chongqing Labor and Social Security Bureau	IO3
Feng, Zhennian	Deputy Director-General	Guangxi Zhuang Autonomous Region Department of Labor and Social Security	IO3
Wei, Guipeng	Director, Labor Dispute Arbitrational Tribunal, Liuzhou City	Guangxi Zhuang Autonomous Region Department of Labor and Social Security	IO3
Li, Jiguang	Director, Department of Labor and Wages	Hubei Department of Labor and Social Security	IO3
Luo, Hailang	Deputy Director, Department of Labor Inspection	Hubei Department of Labor and Social Security	IO2
Chen, Jiquan	Deputy Director	Hunan Department of Labor and Social Security	IO3

NAME	TITLE	ORGANIZATION	COMPONENT
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Xi, Yufeng	Labor Inspection Trainer	Jiangsu Department of Labor Inspection	IO1
Chai, Jun	Director, Jiaozhou City, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Chu, Leqiang	Director, Licang District, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Gao, Huamin	Director, Pingdu City, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Geng, Chengliang	Deputy Director	Qingdao Labor and Social Security Bureau	IO3
Jiang, Jinsong	Director, Jimo City, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Li, Bin	Director, Economic and Technical Developing District, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Li, Hongjuan	Director, Laoshan District, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Li, Minggang	Director, Division of Labor Dispute Resolution	Qingdao Labor and Social Security Bureau	IO3
Liu, Juan	Director, Sifang District, Qingdao Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Liu, Linrui	Director, Qingdao Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3; IO4
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Sheng, Handong	Director, Jiaonan City, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Zhang, Yongbing	Director, North District, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
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Zhao, Guosheng	Director, Laixi City, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Yang, Donghui	Director, Tax Free District, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
Yin, Yumei	Director, Chenyang District, City Labor Dispute Tribunal	Qingdao Labor and Social Security Bureau	IO3
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Lu, Jianmin	Director, Division of Labor and Wages	Shandong Department of Labor and Social Security	IO3
Zhu, Xinmin	Director, Division of Labor Dispute Resolution	Shandong Department of Provincial Labor and Social Security	IO3
Sha, Dexian	Deputy Director	Shanxi Department of Labor and Social Security	IO3
Wang, Yongjiang	Director, Department of Labor Dispute Resolution	Shenyang City Labor and Social Security Bureau	IO3

NAME	TITLE	ORGANIZATION	COMPONENT
Long, Shiming	Deputy Director	Shenzhen Labor and Social Security Bureau	IO2
Li, Ziqi	Deputy Director, Department of Legal Affairs	Sichuan Department of Labor and Social Security	IO2
Dai, Zhong	Officer, Tianjin Consultation Center	Tianjin Labor and Social Security Bureau	IO4
Liu, Chunhong	Director	Tianjin Labor and Social Security Bureau	IO2; IO4
Lu, Hailei	Program Coordinator	Tianjin Labor & Social Security Counseling Service Center	IO2; IO4
Song, Xiaodong	Legal Aid Officer	Tianjin Labor & Social Security Counseling Service Center	IO4
Yang, Jing	Officer for Labor Law Publicizing	Tianjin Labor and Social Security Bureau	IO2; IO4
Yu, Maodong	Deputy Director-General	Tianjin Labor & Social Security Bureau	IO4
Yu, Ruijun	Director	Tianjin Labor & Social Security Bureau	IO2; IO4
Cao, Yun	Director of Legal Affairs	Yunnan Department of Labor and Social Security	IO1; IO2; IO4
Hao, Jianfeng	Deputy Director-General	Yunnan Department of Labor & Social Security	IO4
Fu, Lei	Official	Yunnan Department of Labor & Social Security	IO1; IO2; IO4
He, Yaning	Deputy Director, Legal Counseling & Service Center	Yunnan Department of Labor & Social Security	IO2; IO4
Chinese Academy of Labor and Social Security (CALSS)			
Tian, Xiaoping	President		PAC Member
Guo, Ye	Researcher, Institute for Labor Studies		IO3
Ha, Xiaosi	Researcher, Institute for Labor Studies		IO3
Li, Tianguo	Researcher, Institute for Labor Studies		IO3
Liu, Yanbin	Director, Institute for International Labor Information		IO3
Meng, Tong	Associate Researcher, Institute for Labor Studies		IO3
Wang, Wenzhen	Director, Labor Law Division		IO1; IO2; IO3; IO4
You, Jun	Director, Institute for Labor Studies		IO3
Zheng, Dongliang	Deputy Director, Institute for Labor Studies		IO3
Partner Organizations and Consultants			
Li, Kungang	Associate Professor	Anhui University Law School	IO4
Song, Yue	Lecturer	Capital University of Economics and Business	IO3
Wang, Xiangqian	Associate Professor	China Institute of Industrial Relations Law School	IO2

NAME	TITLE	ORGANIZATION	COMPONENT
Wang, Quanxing	Professor	Hunan University Law School	IO3; IO4
Ye, Jingyi	Professor	Peking University Law School, Labor Law and Social Security Law Institute	IO1; IO2; IO4
Wang, Shenyong	Dean	Qingdao University Law School	IO3
Cheng, Yanyuan	Professor	Renmin University of China	IO2
Zheng, Aiqing	PhD.	Renmin University Law School	IO1
Xie, Decheng	Professor	Northwest University of Politics and Law	IO2
Luan, Shaohu	Senior Partner	Shandong Deheng Law Firm	IO3
Shen, Tongxian	Professor	Suzhou University Law School	IO1; IO4
Wan, Isabelle I.H.	Senior Advisor	TransAsia Lawyers	IO1
Qingdao City Enterprises – Labor Relations Committee Demonstration			
Changxin Shoes			IO3
Desheng Machinery Motorcycle			IO3
Guihua Textile			IO3
Haier Washing Machine			IO3
Haiwang Paper			IO3
Huanghai Hotel			IO3
Lianchuang Rubber Products			IO3
Panasonic Electronics			IO3
Pushi Baofeng Plastic Products			IO3
Qingte Trucks and Parts			IO3
Sanli Water Pipe Machinery			IO3
Taiguang Shoes			IO3
Tsingtao (Qingdao) Beer			IO3
Weike Department Store			IO3
Zhongji Container Manufacturing			IO3

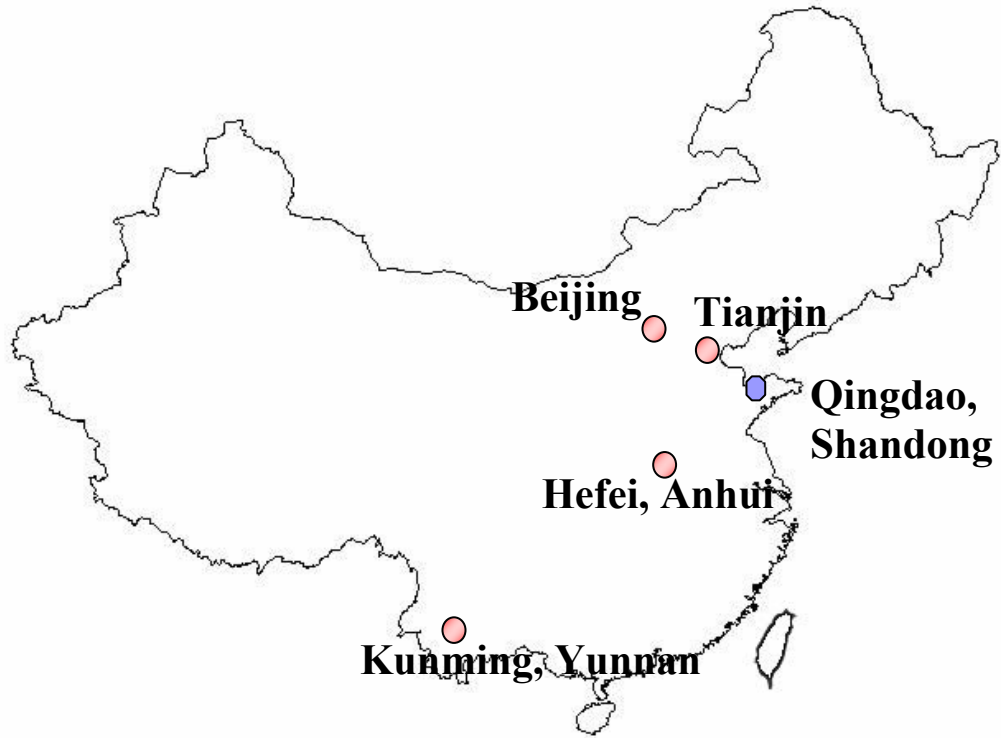
NAME	TITLE	ORGANIZATION	COMPONENT
United States			
U.S. Department of Labor (USDOL)			
Carter, James	Deputy Under Secretary of Labor	USDOL	PAC Co-Chair (2006)
Levine, Arnold	Deputy Under Secretary of Labor	USDOL	PAC Co-Chair (2005)
Church, Paula	International Project Manager	International Labor Affairs Bureau, USDOL	USDOL Project Manager (2006–2007)
Helm, Cathryn Celeste	Director, Office of Foreign Relations	International Labor Affairs Bureau, USDOL	PAC Co-Chair Designee of Mr. Carter (2006)
Li, Zhao	International Project Manager	International Labor Affairs Bureau, USDOL	USDOL Project Manager (2002–2006)
Worldwide Strategies, Inc.			
Stacey, Virginia	President/Owner		Project Director (2004–2007) PAC Member – Secretary Project Management Team IO3 (2002–2007)
Liu, Jinyun	Research Scientist, University of Michigan		Team Leader IO3 (August 2004–2007)
Midling, Michael	Project Director		Project Director (2002–July 2004)
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National Committee on U.S.-China Relations			
Berris, Jan	Vice-President		Project Management Team IO1 (2002–2007)
Belsky, Shenyu	Senior Program Officer		Team Leader for IO1 (2002–2005)
Li, Ling	Senior Program Officer		Team Leader for IO 1 (2005–2007)

NAME	TITLE	ORGANIZATION	COMPONENT
The Asia Foundation			
Stromseth, Jonathan	China Representative-designate		Project Management Team IO2; IO4 (February 2006–2007)
Choate, Allan	China Representative-designate		Project Management Team IO2; IO4 (2002–January 2006)
Fu, Xin	Program Officer		Program Officer IO4 (2005) Team Leader IO2; IO4 (2006–2007)
Bu, Dongwei	Program Coordinator		Project Coordinator IO2 and IO4 (May 2004–2005) Team Leader IO2; IO4 (2006)
Pei, Bin	Program Officer		Program Officer IO2 (2002–2004)
Xie, Gang	Program Officer		Program Officer IO4 (2002–2005) Team Leader IO2; IO4 (2006)
Zhang, Ye	China Country Director		Team Leader IO4 (2002–2005)
U.S. Government Assistance			
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Frank, Jeanne	Commissioner	FMCS	IO3
Schepker, James	Commissioner	FMCS	IO3
Ference, George	Deputy Regional Administrator	Wage and Hour Northeast Region, USA	IO1
Lu, Zhen	Labor Assistant	U.S. Embassy – China	IO4

NAME	TITLE	ORGANIZATION	COMPONENT
Consultants			
Beck, John	Associate Professor	Michigan State University	IO3
Fraser, John	Consultant	Former Deputy Administrator, Wage and Hour Division, USDOL	IO1
Melnyk, Teresa	Consultant	Former District Director, Wage and Hour District Office, North Carolina	IO1
Nagle, Thomas	Consultant	Deputy Labor Commissioner, Department of Industrial Relations, Division of Labor Standards, California	IO1
Neal, Alan	Consultant	Professor, Warwick University Law School	IO1; IO4
Owen, Ken	Deputy Director, London Region	Advisor, Conciliation, and Arbitration Service (ACAS)	IO4
Siegel, Jay	Consultant	Mediator and Arbitrator; Senior Research Fellow, Harvard University	IO3
St. Antoine, Ted	Professor	University of Michigan	IO3
Vanegas, Louis	Consultant	Former District Director, Wage and Hour Division, USDOL	IO1
Xi, Decheng	Professor	Northwest University of Politics and Law	IO2
U.S. Organizations' Assistance			
AFL-CIO Michigan			IO1
California Department of Industrial Relations			IO2; IO4
California Labor and Workforce Development Agency			IO1
California Rural Legal Assistance			IO1; IO2; IO4
Center for Urban Education about Sustainable Agriculture			IO2
Cornell University – School of Labor and Industrial Relations			IO3
Federal Mediation and Conciliation Service			IO1; IO3
The Ford Motor Company			IO3
George Washington University Law School			IO2
Harvard University – John F. Kennedy School of Government			IO3
International Labor Rights Fund			IO1

NAME	TITLE	ORGANIZATION	COMPONENT
The Legal Aid Society – Employment Law Center			IO1
Michigan State Department of Labor and Economic Growth			IO3
Michigan State University – School of Labor and Industrial Relations			IO3
Minnesota Department of Labor and Industry			IO2; IO4
National Day Labor Organizing Network			IO2; IO4
National Labor Relations Board			IO1; IO2; IO3
Petters Group Worldwide Inc.			IO2; IO4
Wage and Hour Administration, U.S. Department of Labor			IO2; IO3
Wayne State University – Labor Contract Archives			IO3
Solidarity Center			IO1
Stanford University Law School			IO2
University of California – Berkeley, Center for Labor Research and Education			IO1; IO2
University of California – Los Angeles, Center for Labor Research and Education			IO2
University of California – Los Angeles, School of Law			IO3
University of Michigan – School of Law, Institute of Labor and Industrial Relations			IO1; IO3
University of the Pacific, McGeorge School of Law – Institute for Legislative Practice			IO1

ANNEX B: PROJECT PILOT SITES MAP



 **IO 2 and 4 Pilot Sites (TAF)**

 **IO 3 Pilot Site (WSI)**

ANNEX C: FINAL PERFORMANCE DATA TABLE

Indicator	Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

Immediate Objective 1: Enhanced GOC capacity to develop and enforce labor laws and regulations.

1.2: % of Chinese participants who indicate that they have been exposed to a high level of new ideas and perspectives	Labor specialists who participated in a seminar in Qingdao to comment on draft inspection regulations: May 2004		Note (1)				Activity completed.		
	Labor Inspectors participating in U.S.-based training session: December 2004			90% (2)					
	Labor specialists who participated in Labor Contract law seminar in Beijing to comment on the draft law: June 2005				100% (3)				
	Chinese Labor Contract Law delegation Study Tour in Washington, DC, Michigan and California: July 2005				100% (4)				
	Labor Legislative Training program in U.S.: October 2005					100% (5)			
1.2.1 % of legislative interns who pass post-training assessment (per mentors)	Labor Legislative Training program in U.S.: October 2005						100% (6)	Activity completed.	
1.2.2 % of seminar participants who indicate that ideas generated in the seminar will contribute to the revision of the draft/implementation of the law	Labor specialists who participated in Labor Contract law workshop in Kunming to comment on the draft law: December 2006						100% (7)	Activity completed.	

Narrative assessment of data:

(1) The PAC in February 2005 requested that MOLSS distribute post-questionnaires to a selected number of participants. Due to delayed distribution, request was cancelled.

Indicator	Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

(2) Of the delegation members, 20% indicated that they had learned a lot; 70% indicated that they learned more than expected; 10 percent had learned a little; none indicated that they did not learn anything at all. 100% responded that what they learned will be useful and indicated several ways in which that was the case.

(3) Of the 16 labor officials and specialists surveyed, 25% indicated that they had learned a lot; 75% indicated that they learned more than expected. Those surveyed also responded that what they learned will be useful and indicated several ways in which that was the case.

(4) Of the 10 delegation members, 50% indicated that they had learned a lot; 50% indicated that they learned more than expected. Those surveyed also responded that what they learned will be useful and indicated several ways in which that was the case.

(5) All four participants indicated that they had learned much more than expected from the four-week program, particularly citing the two federal-state labor sweeps they participated in as extremely useful.

(6) The two mentors each indicated during telephone interviews conducted after the training that the participants fulfilled the assignments of the training program and improved their understanding of labor laws and regulations and legislative practices.

(7) Of the 22 questionnaires collected, 100% of respondents indicated that the ideas generated in the seminar will contribute to the revision of the draft law and its implementation. The questionnaire also asked the degree to which the respondents were exposed to new ideas and perspectives as a result of this workshop. Four respondents indicated "A Lot," and 18 indicated "More Than Expected."

1.1) % of TOT workshop participants who pass post-training assessment		94.9%	(8)
1.1.1) % of TOT workshop participants who judge qualities of pilot training materials/methods to be an improvement over past materials/methods		91.7%	(9)
REPLICATION INDICATOR - # of labor inspectors trained by the trainee-trainers of TOT		To occur during 2008-2009	(Note 10)
REPLICATION INDICATOR - # of provinces where labor inspectors have received training			(11)

Indicator		Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

Narrative assessment of data:

(8) At the end of each four-day training session, participants were given a test consisting of five narrative questions; 56 of the 59 passed the assessment. During the second session, material reflecting the second question was not covered so that question was not counted in the second session assessment.

(9) 55 of the 59 TOT workshop participants indicated in a post-training evaluation questionnaire that the qualities of the pilot training materials and methods were an improvement.

(10) The Department of Legal Affairs (MOLSS) is in charge of coordinating future labor inspection training nationwide. The Department estimated (based on Ministry planning and information supplied by local labor bureaus) that about 20,000 labor inspectors (full-time and part-time) will be trained by TOT participants in 2008 and 2009.

(11) In July - August 2007, 59 labor inspectors from major cities in 22 provinces and from 4 provincial-level municipalities received training. They were: : Yunnan, Jilin, Sichuan, Anhui, Shangdong, Shanxi, Guangdong, Guangxi, Xinjiang, Jiangsu, Jiangxi, Hebei, Henan, Zhejiang, Hainan, Hubei, Hunan, Fujian, Guizhou, Liaoning, Shaanxi, Helongjiang, Shanghai, Beijing, Tianjin and Chongqing. Nine provinces remain to be included in training in future years.

Immediate Objective 2: Increased Awareness Among Migrant Workers of Workplace Rights and the Means to Protect Those Rights

1) % of targeted migrant workers who can list three or more core workplace rights	Anhui	Activity began April 2006				100%	100%	93.50%
	Yunnan		22.70 %	32.27 %	96.29%	98.28%	97.55%	95.66%
2) % of migrant workers who can list at least one place to go for assistance	Anhui	Activity began April 2006				100%	100%	100%
	Yunnan		12.38 %	20.29 %	99.87%	97.55%	96.11%	93.80%

Narrative assessment of data: S106 percentage increased from S205 because the mid-term evaluator suggested that only the post training test result be tracked. Anhui: 10,690 trainees took part in the training in Q307, no training in Q407. Yunnan: 5,535 migrant workers were trained in Q307, 3,897 in Q407. Total trained since project inception is now 24,649 (8,572 in Kunming, 8,342 in Wuding, 2,008 in Xinping, 3,227 in Huize and 2,500 in Qiaojia).

Sub-Immediate Objective 2.1: Increased Availability of Relevant IEC Materials and/or Products to Migrant Workers

1) % of targeted delivery points carrying at least three IEC products developed under the project	Anhui			0	0	100%	100%	100%	100%
	Tianjin			0	0	100%	100%	100%	100%
	Yunnan			0	0	100%	100%	100%	100%

Narrative assessment of data: Delivery Points: S106 - Anhui 42/Tianjin 28/Yunnan 4; S106 - Anhui 29/Tianjin 4/Yunnan 4. S107 - Anhui 29, Yunnan 7, Tianjin 4; S207 - Yunnan 7, Tianjin 5, Anhui 29

Indicator		Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

REPLICATION INDICATOR — # of non-project cities within Yunnan and Anhui and # of non-project districts within Tianjin in which IEC materials are actively distributed	Anhui							16/17 94%	17/17 100%
	Tianjin							5/18 28%	18/18 100%
	Yunnan							14/16 88%	8/16 50%

Narrative assessment of data: Anhui delivered five types of IEC materials in an August 2007 experience-sharing workshop to representatives of 17 non-project cities. Tianjin delivered two types to representatives of 18 non-project districts or counties. Yunnan delivered three types of IEC materials in a case studies workshop to representatives of eight non-project cities or prefectures.

Sub-Immediate Objective 2.1.1: Improved Knowledge of I&E Providers:

1) % of participants in I&E-focused project workshops who pass post-workshop assessments	Anhui			N/A	N/A	89.90%	91.20%	N/A	91.10%
	Tianjin			N/A	80%	N/A	N/A	N/A	N/A
	Yunnan			N/A	N/A	100%	N/A	100%	100%

Narrative assessment of data: Number trained: S207 Anhui 45 in Q307, Tianjin 0, Yunnan 30 in Q407

REPLICATION INDICATOR — average # of participants completing training sessions implemented by each trainee-trainer	Anhui							54	238
	Tianjin							N/A	N/A
	Yunnan							1394	1090

Narrative assessment of data: S207 - Anhui: 45 trainee-trainers trained 10,690 middle school students and migrant workers (an average of 238 per trainee-trainer). Tianjin: no formal training of trainers. Yunnan: 10 trainee-trainers trained 10,905 migrant workers in S207.

REPLICATION INDICATOR — % of cities within Yunnan and Anhui receiving training and % of districts within Tianjin receiving training	Anhui							5.88%	100%
	Tianjin							100%	100%
	Yunnan							100%	100%

Narrative assessment of data: Anhui expanded training to all cities in Q407. Yunnan: 3,752 migrant workers from all 16 provincial cities have received training in Kunming. Tianjin has trained labor law counselors from all districts or counties of the city.

Indicator		Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

Immediate Objective 3: Improved Labor Relations

1) % increase in partnership between workers and managers in each targeted enterprise	Workers				Note (1)	Note (2)	None 11% Low 47% Average 29% High 13%	None 8% Low 43% Average 32% High 17%	None 3% Low 35% Average 42% High 20%
	Technicians				(1)	(2)	None 11% Low 45% Average 33% High 12%	None 6% Low 39% Average 38% High 18%	None 2% Low 31% Average 47% High 21%
	Managers				(1)	(2)	None 8% Low 41% Average 24% High 27%	None 4% Low 35% Average 28% High 33%	None 0% Low 28% Average 48% High 35%
2) % increase of workers, technicians, and managers in each targeted enterprise who evaluate the dispute resolution and prevention as effective	Workers				(1)	(2)	None 12% Low 56% Average 23% High 8%	None 8% Low 49% Average 30% High 12%	None 6% Low 38% Average 36% High 19%
	Technicians				(1)	(2)	None 13% Low 46% Average 33% High 7%	None 9% Low 41% Average 38% High 11%	None 6% Low 31% Average 47% High 15%
	Managers				(1)	(2)	None 11% Low 37% Average 40% High 12%	None 6% Low 31% Average 46% High 17%	None 4% Low 25% Average 51% High 20%

Indicator	Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

3) # of labor dispute cases and success rate by mediation through Regional Mediation Agencies						840/2027 41.4%	1363/2806 48.6%	506/1202 42.1%
4) # of cases and success rate by the labor dispute arbitration tribunal						1907/2125 88.6%	2546/2806 90.7%	1035/1157 89.5%
5) Days between acceptance and closing of dispute case in arbitration						50.6	46.9	47.1

Narrative assessment of data:

1) Following a study tour in August, MOLSS agreed to consider a simplified survey to measure indicators 1 and 2.

2) An enterprise-based questionnaire was approved by DLRW for use in 15 pilot enterprises in Q306 to establish a baseline that will provide five data collection periods before project end. The data in S107 will consist of two data collection periods, and S207 will provide the final two collection periods.

As employer payments to migrant workers are cyclical, like periods of each year must be compared to properly gauge performance. Comparing S207 to S206 data shows a decreasing trend in the number of labor disputes, a shorter time period for settling disputes, and a higher rate of resolution through use of mediation procedures.

Sub-Immediate Objective 3.1: Improved Skills and Abilities of Mediators, Arbitrators, and Labor Bureau Officials

1) #/% of workshop participants who pass post-training assessment	Trainers		(1)	(2)	100% (3)	100% (4)	
	Trainees	Training scheduled Q207 through end of project					

1) A study tour (completed in August 2005) provided information on specific training topics for mediators and arbitrators.

2) In January 2006, the NPC directed a transition from arbitration to mediation. Dispute prevention/conflict management techniques became the focus of training for Qingdao district arbitrators and enterprise HR managers in April 2006.

3) In April 2006, 38 participants completed Establishing Enterprise Committees training, and in September 2006, 47 participated in a pilot of Mediator Training. All trainees passed post-training assessments.

4) There were 93 participants in the Nationwide TOT conducted in December 2006, including 15 participants from 5 prefecture-level cities in Hubei province. All trainees passed post-training assessments.

REPLICATION INDICATOR — # of participants completing training sessions implemented by each trainee-trainer.

The project established 12 master trainers from Qingdao who have trained nearly 400 trainees since April 2006.

Indicator	Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

REPLICATION INDICATOR — # of provinces that have conducted follow-on training sessions	In November 2006, Hebei province conducted a second demonstration of mediator training at its own expense for all prefecture level cities. In January 2007, Shandong province (where Qingdao City is located) trained 150 trainees from 50% of its prefecture level cities. All trainees passed the post-training assessments.								
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Narrative assessment of data: At project close, project training materials were distributed to all 300 labor bureaus at the prefecture level in China for incorporation into annual training programs for arbitrators and mediators. DLRW/MOLSS estimates that over 100,000 arbitrators from all 300 labor bureaus in all 31 provinces in China will receive mediation training using project materials. The MOLSS also plans to establish a training and certification program for a new occupation called Labor Relations Facilitator in October 2007. The program will be based on project training materials. Training will be accessed through the 300 labor bureaus that received project materials. An estimated one million human resource professionals will seek LRF certification.

Sub-Immediate Objective 3.2: Broader Range of Alternative Dispute Resolution and Prevention Mechanisms are Available

1) # of active ADR and prevention mechanisms being used in target enterprises					(1)	(2)	3	3	3
2) %/# of workers and managers in a pilot enterprise who have access to ADR and prevention mechanisms	Workers				(1)	(2)	306/419 73%	357/424 85%	387/424 91%
	Technicians				(1)	(2)	54/73 74%	61/73 84%	68/73 93%
	Managers				(1)	(2)	54/71 76%	63/72 88%	68/72 94%
3) # of labor dispute cases and success rate by pre-arbitration resolutions at targeted enterprise.					(1)	(2)	38/54 70.4%	65/86 76%	29/38 76.3%
REPLICATION INDICATOR — #/% of enterprises in Qingdao actively implementing Labor Relations Committees							15/15100%	15/15100%	15/15100%

Narrative assessment of data:

1) Following a study tour in August 2005, a specific prevention mechanism and a simplified enterprise-level survey were identified for consideration to measure indicators 1 and 2.

2) In March 2006, agreement was reached to implement labor-management committees in 15 diverse enterprises in Qingdao.

Indicator	Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

Sub-Immediate Objective 3.3: Improved Regulatory Framework for Dispute Resolution and Prevention System

1) % of DR and LR study tour participants whose next steps receive passing score					100% (DR Study Tour)	-	-	100% (LR Study Tour)	-
2) # of formal regulatory reforms by Institute of Labor Studies/Dept. of Labor & Wages submitted to MOLSS's Department of Legal Affairs (DLA)						(1)	(2)	(3)	(4)
3) # of regulatory reforms submitted to DLA that are formally endorsed by MOLSS for approval							(2)	(3)	(4)

Narrative assessment of data: S205: On a three-point scale 67% (8) of the 12 DR study tour delegation members received a passing score of 3; 33% (4) received a passing score of 2. 3=identified what they learned, the items that would be useful, and specific plans to use items in their work, 2=identified what they learned and the specific items that would be useful for their work, 1=identified only what they learned. In Q205, the MOLSS consolidated delegation member reports and sent the summary to all provincial and city-level labor bureaus. S107: Of the 12 LR study tour delegation members, using a 3 point scale, 100% received the highest passing score of 3.

1) A conference report (following Dispute Resolution baseline studies that identified regulatory reforms) was reviewed by the Dept. of Labor and Wages and then formally submitted to DLA.

2) In March 2005, the final report was sent to MOLSS and legislative institutions of the State Council and National People's Congress. It became a major reference for drafting the new Labor Dispute Resolution Law. ILS/DLRW's suggested formal regulatory reforms are still under discussion by the National People's Congress.

3) Surveys of domestic companies and international companies provided findings that will assist in drafting new labor laws to reflect the realities of current labor relations practices among these companies and will assist in devising solutions to address low satisfaction levels between labor and management.

4) In June 2007, 47 people attended a seminar that summarized findings from the surveys of domestic and international companies. The conference report will assist in drafting new labor laws. The seminar included a dedicated session on replication and sustainability of LRCs and Mediation Training. Two key participants from Immediate Objectives 1, 2, and 4 attended to better integrate labor relations with labor inspections, worker awareness and legal services project activities.

Indicator		Baseline	S204	S1 05	S2 05	S1 06	S2 06	S1 07	S2 07	TOTAL
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OVERALL PROGRESS TOWARDS DEVELOPMENT OBJECTIVE:

Increased Compliance with the National Laws Consistent with the Principles Embodied in the 1998 ILO Declaration

Immediate Objective 4: Increased Use of Quality Legal Services

1) # of workers who receive any legal service provided by labor offices, professional associations, or community organizations that received advice or support under this project	Tianjin			100	500	9	230	288	49	1176
	Yunnan			14	209	235	914	546	159	2077
2) % of users of services who express satisfaction with legal services rendered by any labor office/professional association, or community organization that received advice or support under this project	Tianjin			70%	100%	N/A	40/50 80%	40/40 100%	21/21 100%	
	Yunnan			N/A	N/A	15/15 100%	264/269 98.1%	54/56 96.43%	103/106 97.17%	

Narrative assessment of data:

1. Yunnan: The number of people receiving legal services was 385 in Q107 and 161 in Q207.

2. Tianjin's satisfaction data is based on a survey of 40 people who sought legal consulting service in Q107. No data is available for Q207. Yunnan's satisfaction rate is based on 54 legal service recipients in Q107 and 2 in Q207.

Sub-Immediate Objective 4.1: Increased Availability of Legal Services

1) % of legal service delivery points in target areas that offer at least three kinds of legal services	Tianjin			0	100%	100%	75%	75%	75%	
	Yunnan			0	100%	100%	100%	100%	100%	

Narrative assessment of data: S207: Yunnan has seven sites providing legal services; Tianjin has four.

Sub-Immediate Objective 4.2: Increased Number of Legal Service Providers Have Appropriate Knowledge and Skills

1) % of participants in project workshops targeting legal service providers who passed post-assessment tests (Tianjin, Yunnan)	Tianjin				100%			100%	100%	
	Yunnan					97/97 100%		N/A	100%	

Narrative assessment of data: S207: Tianjin —100 legal service providers received training in Q307. No training conducted in Q407. Yunnan: No training conducted in Q307. Thirty legal service providers received training in Q407.

ANNEX D: LIST OF DELIVERABLES BY COMPONENT

Project Administration and Management

Project Document	November 2003
Strategic Framework	February 2004
USDOL Status and Technical Progress Reports	Quarterly
Performance Monitoring Plan	Semi-annually
Work plans	Semi-annually
Financial Status reports	Semi-annually
Final Report on the U.S.-China Labor Law Cooperation Project	September 2007

Immediate Objective 1

Qingdao Workshop on Draft Labor Inspection Regulations Report	May 2004
Study Tour for Senior Labor Inspectors Report	December 2004
First Labor Contract Law Drafting Workshop Report	June 2005
Study Tour on Labor Contract Law Report	July 2005
Labor Legislative Training on Labor Inspection and Legislative Issues Report	October 2005
Second Labor Contract Law Seminar Report	December 2006
Labor Inspection Seminar Report	May 2007
Labor Inspection Training Curriculum Development and TOT Report	August 2007
Labor Inspection TOT Manual	August 2007
Labor Inspection TOT Role-play DVD	September 2007

Immediate Objective 2

Migrant Worker Training/IEC Materials	(See Annex E)
Study Tour on Legal Publicity and Publicizing Legal Information Report	July 2006
Media Awareness and Outreach	(See Annex E)
International Seminar on Migrant Worker Policies Report	December 2006
Legal Publicity for Laborers and Enterprises DVD (MOLSS)	June 2007

Immediate Objective 3

Baseline Study Report on Labor Dispute Resolution – Qingdao	September 2004
Baseline Study Report on Labor Dispute Resolution – Shenyang	October 2004
Baseline Study Report on Labor Dispute Resolution – Liuzhou	January 2005
Baseline Study Report on Labor Dispute Resolution – Chongqing	January 2005
Dispute Resolution Baseline Findings Seminar Report	March 2005
Study Tour on Dispute Resolution Report	August 2005
Baseline Study Report on Labor Relations – Fujian and Hubei Provinces	April 2006
Enterprise-Based Dispute Resolution Training – Qingdao Experience Report	April 2006
Enterprise-Based Dispute Resolution Training Manual	April 2006
Labor Mediation and Dispute Resolution TOT Pilot Report	September 2006
Study Tour on Labor Relations Report	November 2006
Labor Mediation and Dispute Resolution Nationwide TOT Report	December 2006
Baseline Study on Labor Relations in Foreign-Owned Enterprises – Xian and Wuxi Cities	March 2007
International Labor Relations Seminar Report	June 2007
Labor Mediation and Dispute Resolution TOT Manual	September 2007
Labor Mediation and Dispute Resolution TOT Role-play DVD	September 2007

Immediate Objective 4

Hotline for Legal Services – Technical Review	April 2004
Seminar on Legal Services Summary Report	July 2007

ANNEX E: OUTPUTS FOR IO.2 AND IO.4

Objective/Activity	Outputs
IO.2 Increased Awareness Among Migrant Workers of Workplace Rights and the Means to Protect Those Rights	
Sub-Immediate Objective 2.1: Increased Availability of Relevant IEC Materials and/or Products to Migrant Workers	<ul style="list-style-type: none"> • 1 Labor Rights Protection Song (applies labor rights lyrics to the melody of a traditional, well-known Chinese song), 1,000 CDs distributed and the song taught to migrant workers (Yunnan) • 1 cartoon book illustrated by a famous Chinese illustrator on migrant worker’s experience (<i>An Adventure of a Migrant Worker</i>), 30,000 copies (Yunnan) • 1 handbook on labor law fundamentals for migrant workers (<i>Fundamentals for Going Out to Work</i>), 23,000 copies • 1 calendar with labor law content, 1,060 copies (Yunnan) • 4 poster series on labor rights, 5000 copies each (Yunnan) • 1 handbook for migrant workers, 44,000 copies (Anhui) • 1 set of playing cards with key labor law content illustrated by a famous Chinese painter, 107,000 copies (Anhui) (Around 50,000 of those copies were printed by the Anhui labor bureau with non-project funds as part of local ownership and replication) • 3-character per line rhyme, based on the pattern of traditional Chinese rhyme, developed and incorporated into a DVD and address book (Anhui) • 1 DVD that presents labor law through 6 Chinese comedic and rhyming dialogues and dramas: 1) My Employment Contract; 2) Three-word Rhymes of General Knowledge for Migrant Workers’ Rights Protection; (3) Insurance for Work-Related Injury; 4) A Story of Demanding Back pay; 5) A Song of Migrant Workers’ Rights Protection; and 6) Back pay and Labor Inspection., 3,000 copies (Anhui) • 1 address book with labor law knowledge, 5,000 copies (Anhui) • 1 fold-out guidance map on mechanisms to protect and secure for labor rights 3,000 copies (Anhui) • 2 types of notebooks commonly used by migrant workers that present labor law information, 22,000 copies (Anhui) • 2 labor law posters, 10,000 copies (Anhui) • IEC Material Replication/Display boxes designed and distributed to labor officials from 20 non-project provinces (at the July 2007 Nanjing workshop) for local adaptation and replication (Anhui) • 12 handbooks on labor law, covering topics such as medical and maternity leave rights, labor policies and key regulations, around 100,000 copies total (Tianjin) (30,000 of those copies were printed with non-project funds as part of local ownership and replication.) • 7 sets of metal posters in 140 communities, covering such topics as medical social security and re-employment opportunities, 1,960 copies total (Tianjin) • At least 60 articles published in local newspapers in response to readers’ questions on back pay issues, labor injury disputes, and labor contract problems. (Tianjin)

Objective/Activity	Outputs
	<ul style="list-style-type: none"> • Four labor law Question and Answer segments broadcast on radio and television, reaching an estimated audience of 1 million (Tianjin) • 1 high-quality DVD developed by MOLSS that presents 4 potential workplace issues confronting migrant workers, with expert guidance from Secretary-General of China’s Labor Law Research Association, 8000 copies
IO.4 Increased Use of Quality Legal Services	
Sub-Immediate Objective 4.1: Increased Availability of Legal Services	<ul style="list-style-type: none"> • 1 hotline (Tel. No. 12333) established for labor law consulting (Yunnan) • 10 outreach/publicity events to disseminate labor law knowledge to the public and provide consulting (4 in Tianjin, 5 in Anhui and 1 in Yunnan)

ANNEX F: MEMBERS OF THE NATIONAL ADVISORY COMMITTEE FOR QINGDAO PILOT

青岛专家顾问组成员 Members of Qingdao Advisory Committee

UNPAID MEMBERS:

吴道槐 劳动保障部劳动工资司 副司长
WU Daohuai, Deputy Director General, Department of Labor and Wages, MOLSS
(Chair Person)

郭晓宪 劳动工资司劳动争议处 处长
GUO Xiaoxian, Chief, Division of Labor Dispute Resolution, DLW, MOLSS

朱信民 山东省劳动保障厅 处长
ZHU Xinmin, Chief, Division of Labor Dispute Resolution, Shandong Provincial Labor
and Social Security Bureau

耿成亮 青岛市劳动保障局 副局长
GENG Chengliang, Deputy Director, Qingdao City Labor and Social Security Bureau

刘林瑞 青岛市劳动争议仲裁院 院长
LIU, Linrui, Director, Qingdao City Labor Dispute Tribunal

PAID MEMBERS:

游 钧 劳动科学研究所 所长
YOU Jun, Director, Institute of Labor Studies, CALSS

郑东亮 劳动科学研究所 副所长
ZHENG Dongliang, Deputy Director, Institute of Labor Studies, CALSS

王圣诵 青岛大学法学院院长
WANG Shenyong, Dean of Law School, Qingdao University

栾少湖 山东德衡律师事务所高级合伙人
LUAN Shaohu, Senior Partner, Shandong Deheng Law Firm

ANNEX G: PROJECT ADVISORY COMMITTEE (PAC) MEMBERS

May 2006

Co-Chairs

联席主席

James Carter, Deputy Under Secretary of Labor, USDOL¹⁹
詹姆斯.卡特, 美国劳工部副部长帮办

Liu Xu, Director-General, MOLSS
刘旭, 中国劳动和社会保障部国际司司长

Permanent Designees of the Chair

主席指定代表

Cathryn Celeste Helm, Director, Office of Foreign Relations, USDOL (designee of Mr. Carter) 凯瑟琳.希莱斯特.赫尔姆, 美国劳工部国际关系办公室主任 (詹姆斯.卡特先生的指定代表)

Jiang Mohui, Deputy Director-General, MOLSS (designee of Mr. Liu)
江谟辉, 中国劳动和社会保障部国际司副司长 (刘旭先生的指定代表)

Members

成员

Yan Baoqing, Director-General, Department of Legal Affairs, MOLSS
阎宝卿, 中国劳动和社会保障部法制司司长

Qiu Xiaoping, Director-General, Department of Labor Relations and Wages, MOLSS
邱小平, 中国劳动和社会保障部劳动和工资司司长

Tian Xiaobao, President, Chinese Academy of Labor and Social Security, MOLSS
田小宝, 中国劳动和社会保障部劳动科学研究院院长

Virginia Stacey, President/Owner, Worldwide Strategies, Inc./PAC Secretary
思德希, 美国世界战略公司主席

Observers

MOLSS

Zhao Hui, 赵晖, Director, Department of International Cooperation

Wu Jingjing, 吴菁菁, Officer, Department of International Cooperation

¹⁹ USDOL PAC leadership in February 2004: Co-Chair, Mr. Arnold Levine, Deputy Under Secretary, Bureau of International Labor Affairs; Permanent Designee of the Chair, Mr. Zhao Li, Senior Advisor, Bureau of International Labor Affairs.

Wang Rui, 王瑞, Deputy Director General, Division of Dispute Resolution, Department of Labor Relations and Wages

Guo Xiaoxian, 郭晓宪, Director, Division of Labor Relations, Department of Labor Relations and Wages

Ma Hongbing 马红兵, Deputy Director General, Department of Legal Affairs

Lu Yulin, 吕玉林, Director, Department of Legal Affairs

Liu Liyao 刘丽瑶, Officer, Department of Legal Affairs

Chinese Academy of Labor and Social Security

Zheng Dongliang, 郑东亮 Deputy Director General, Institute for Labor Studies

National Committee on U.S.-China Relations

Ms. Jan Berris, 白莉娟, Leadership Team Member

Ling Li, 李灵, Team Leader²⁰

The Asia Foundation

Jonathan Stromseth, 周思哲, Leadership Team Member

Fu Xin, 付欣, Team Leader/Project Coordinator²¹

Worldwide Strategies, Inc.

Jinyun Liu, 刘金云, Team Leader

Anhui Department Labor & Social Security

Wu Jian, 吴健, Deputy Director General

Peng Jiahai, 彭家海, Director

Chen Jun, 陈军, Project Coordinator

Yunnan Department Labor & Social Security

Hao Jianfeng, 郝坚峰, Deputy Director General

Cao Yun, 曹云, Director

He Yaning, 何亚宁, Deputy Director

Tianjin Labor & Social Security Bureau

Mr. Kong Chanqi, 孔长起, Deputy Director General

Ms. Liu Chunhong, 刘春红, Director

Ms. Lu Hailei, 芦海蕾, Director

Mr. Dai Zhong, 戴忠, Officer, Tianjin Consultation Center

Qingdao Labor Bureau & Social Security Bureau

Geng Chengliang, 耿成亮, Deputy Director General

Liu Linrui, 刘林瑞, Chief, Labor Arbitration Court

²⁰ In February 2004, NCUSCR Team Leader was Ms. Shenyu Belsky.

²¹ 2002-2005, TAF Team Leader was Ms. Zhang Ye. January – May 2006, Mr. Bu Dongwei was Team Leader. In June 2006, Mr. Fu Xin became Team Leader.

ANNEX H: LIST OF COMMON TERMS FOR TRANSLATION

Government Agencies and Other Institutions:

Ministry of Labor and Social Security (MOLSS)	中国劳动和社会保障部
U.S. Department of Labor (DOL)	美国劳工部
Project Advisory Committee (PAC)	项目顾问委员会
Worldwide Strategies Inc. (WSI)	(美国)世界战略公司
National Committee on U.S.-China Relations (NCUSCR)	美中关系全国委员会
The Asia Foundation (TAF)	亚洲基金会
Management System International (MSI)	(美国)国际管理系统公司
Federal Mediation & Conciliation Service (FMCS)	(美国)联邦调解调停局
Chinese Academy of Labor and Social Sciences (CALSS)	中国劳动科学研究院
Institute for Labor Studies (ILS)	劳动科学研究所
Department of Labor and Wages (DLRW)	劳动工资司
Labor Dispute Resolution Division (LDRD)	劳动争议处理处
Qingdao Labor and Social Security Bureau (QLSSB)	青岛市劳动和社会保障局
Qingdao Labor Dispute Tribunal (QLDT)	青岛市劳动争议仲裁院
Institute for International Labor and Information (ILII)	国际劳工和信息研究所
Department of Legal Affairs	法制司
Division of Labor Relations, Department of Labor Relations and Wages	劳动工资司劳动关系协调处
Department of Administrative Laws, Legal Affairs Working Committee of the Standing Committee, National People's Congress	全国人大常委会法制工作委员会行政法室
Department of Legislation on Judiciary, Public Security and Labor and Social Security, Legislative Affairs Office of the State Council	国务院法制办政法劳动社会保障法制司
Wage and Hour Division	(美国)工资工时处
Employment Standards Administration	(美国)就业标准署
Congressional Executive Commission on China	(美国)国会及行政当局中国委员会
National Labor Relations Board	(美国)全国劳动关系委员会
California Labor & Workforce Development Agency	加州劳工及劳动力发展部
U.S. Equal Employment Opportunity Commission	美国公平就业机会委员会
Employment Law Center	就业法律中心
Legal Aid Society	法律援助协会
AFL-CIO	美国劳联产联
Yunnan Department of Labor and Social Security	云南省劳动和社会保障厅
Yunnan Labor and Social Security Counseling and Service Center	云南省劳动保障法律咨询服务中心
Tianjin Labor and Social Security Counseling and Service Center	天津市劳动保障法律咨询服务中心

Relevant Laws and Regulations:

Regulation on Labor Dispute Resolutions (issued by China State Council in 1993)	劳动争议处理条例 (1993年国务院发布)
Labor Law (passed by China People's Congress in 1994)	劳动法 (1994年全国人大通过)
Labor Contract Law	劳动合同法
part-time employment	非全日制就业
non-competition clauses	竞业限制条款
labor dispatching	劳务派遣
joint and several liability	连带责任
labor relationship	劳动关系
administrative hearing	行政听证
Fair Labor Standard Act	(美国) 公平劳动标准法
Family and Medical Leave Act	(美国) 家庭及医疗请假法
Regulations on Labor and Social Security Inspection	劳动保障监察条例
laws, regulations and rules	法律、法规和规章
labor and social security inspectors	劳动保障监察员
employing unit; employer	用人单位
social insurance contributions	社会保险费
labor dispute resolution procedure	劳动争议处理程序
mediation, arbitration or litigation	调解、仲裁或诉讼
adduce evidence	举证
administrative reconsideration	行政复议
basic old age insurance	基本养老保险
child labor	童工 (<16 years old)
labor arbitration committee	劳动仲裁委员会
labor dispute	劳动争议
labor and social security inspection	劳动保障监察
legal provisions	法律条款
maternity leave	产假
medical insurance	医疗保险
minimum wage	最低工资
minor workers	未成年工 (16-18 years old)
pre-departure training	(在民工输出地的)出发前培训
probation period	试用期
unemployment insurance	失业保险
work-related injury	工伤
work-related injury certification	工伤认定
work capacity assessment	劳动能力鉴定
worker's compensation insurance scheme	工伤保险
withdraw an administrative reconsideration petition	撤消行政复议
labor and social security assistant	劳动保障协管员
migrant workers	进城务工人员, 农民工

pilot sites	试点
letter of agreement (L/A)	协议

Special Terms for Labor Dispute Resolution and Training:

arbitrator	仲裁员
mediator	调解员
training of trainer (TOT)	培训师培训
one mediation, one arbitration, and two courts	一调（调解），一裁（仲裁），两审（两级法院）
representation to court	出庭代理

Other Terms:

U.S.-China Labor Law Cooperation Project	中美劳动法合作项目
PMP: Performance Monitoring Plan	(项目)评估计划
IEC materials: Information, Education, and Communication	宣传材料
quarterly report	季度报告