



Guidance for Suppliers, Employers and Workers in the Natural Stone Industry in China

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1. INTRODUCTION TO THE GUIDELINE

1.1 Purpose and Scope

This document serves as a practical guidance for companies in the natural stone sector in China on how to implement local and national legislation and best practises in key areas that are crucial to ensure worker's safety, health and wellbeing. The guidance is specifically developed to support senior managers, HR managers, administrative staff and workers representatives and committees in their work. The guidance can be used as one document, or the various chapters can be pulled out for specific guidance.

Please note that the selection of key legislations might not be covering all relevant legislations, it is the company's responsibility to stay informed of the latest and applicable legislations, especially at the local level.

This guidance covers the topics outlined below, selected based on the risk profiles outlined in the "Social Conditions in the Natural Stone Sector in China" report as well as salient issues from The Centre's human rights due diligence experience.

1.2 How to Use This Guideline

For ease of reference, we highlighted learnings and relevant information throughout this document:

- **Good to Know:** Knowledge you should know before planning the implementation or assessing the situation.
- **Useful Tips and Tools:** Knowledge and tools which can help you assess the child rights situation or design your implementation on child labour prevention or remediation.

To support and facilitate your implementation on the ground, it is important to understand the roles and responsibilities of the business partners and the basic tools/tips recommended, so that you could adapt them to your local context.



2. OCCUPATIONAL HEALTH AND SAFETY (OHS)

2.1 Key Hazards in the Natural Stone Industry

Occupational health and safety risks are high in the natural stone sector. Stone mining and processing are linked to a range of major health and safety hazards.

This includes exposure to dust, noise, heat, toxic materials, fire, heavy machinery, hazardous energy release, structure safety (buildings, installations, and structures at both quarrying and processing sites), general workplace hazards, material handling, vibrations, confined spaces, etc. Blast injuries, silicosis, hearing loss and chemical poisoning are common personal injuries that occur in the stone mining sector.

Provincial Bureaus of Quality and Technical Supervisions in e.g. Hubei and Shandong Provinces are mandating specific requirements regarding disease hazards and how these can be prevented and controlled.



GOOD TO KNOW — WHY A GOOD OHS MANAGEMENT IS IMPORTANT

A **good OHS management** is important for an **efficient and profitable business**. Effective safety and health management not only reduces business operating costs and risks of violations, but is also a necessary means and measure to prevent and reduce unplanned supply chain disruptions and maintain business continuity.

It is also important in the **occurrence of legal liabilities**. In the case of a workplace injury or verified occupational disease, Chinese law entitles employees the right to seek remunerations on medical expenses and other forms of compensation. Such costs will be covered by work injury insurance or in the case when such insurance is not purchased for the employees, the employers must bear the costs.

2.2 Requirements under Local Law to Protect Workers from Hazards

Both national laws and international frameworks should be considered when ensuring OHS, please refer to the following table and [Appendix 1](#) for an overview. Key national legislations include:

- Labor Law of the People's Republic of China (2018)
- Work Safety Law of the People's Republic of China (2021)
- Safety Requirements for Stone Processing Production (2014)

RELEVANT LEGISLATIONS AND FRAMEWORKS:

The overarching law is the Labor Law (2018) which is relevant for all parts of this document:

- "Labor Law of the People's Republic of China" (amended in 2018) Issuing Department: Standing Committee of the National People's Congress; Release Date: 2018.12.29.

Specific laws on OHS:

- "Work Safety Law of the People's Republic of China" (amended in 2021) Issuing Department: Standing Committee of the National People's Congress; Effective September 1, 2021
- "Occupational Health and Safety Management System" ISO 45001 (Issuing Department: State Administration of Market Supervision and Administration, National Standards Administration; Effective Date: March 6, 2020)
- Law of the People's Republic of China on the Prevention of Occupational Diseases (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 12-29-2018)
- Work Safety Law of the People's Republic of China (amended in 2021) (Issuing Department: Standing Committee of the National People's Congress; Effective September 1, 2021)

Specific legislation relevant for stone sector:

- Technical Specification for Dust Control of Stone Processing Process (AQ4220-2012) (Issuing Department: State Administration of Work Safety; Effective Date: September 1, 2012)
- Safety Requirements for Stone Processing Production (JC/T 2203-2013) (issuing department: State Ministry of Industry and Information Technology; effective date: July 1, 2014)
- "Stone processing enterprises occupational health management technical specifications" (DB42/ 1098-2015) (issuing department: Hubei Provincial Bureau of Quality and Technical Supervision; effective date: December 1, 2015)
- "Stone processing enterprises occupational disease hazard risk grading control system Implementation Guide" (DB 37/T 3257-2018) (issuing department: Shandong Provincial Bureau of Quality and Technical Supervision; effective date: July 1, 2018)
- "Stone processing enterprises occupational disease hazards investigation and management system implementation guide" (DB 37/T 3258-2018) (issuing department: Shandong Provincial Bureau of Quality and Technical Supervision; effective date: July 1, 2018).

It is important to refer to the relevant guidelines and implementation guides that are developed specifically for your location/province.

In addition to the national laws, China has also ratified two international conventions from the International Labor Organisation (ILO). These can be seen as reference documents.

- ILO Chemical Convention (C170)
- ILO Occupational Safety and Health Convention (C155)

Please refer to [Appendix 1](#) for an overview, including links to key legislations and frameworks.

2.3 Guidance on Appropriate OHS Management Systems and Tools:

Health & Safety Committee

- Establish a health and safety (H&S) committee that is responsible for ensuring that the company have a risk assessment and monitoring system in place including workplace testing of workplace hazards (eg noise, dust, heat, toxics etc) and emergency plans.
- Ensure that the H&S committee include representatives from management and employees and, where possible, there is a balance in gender and age. Eg both men and women and young and old employees should be represented.

Assessment & Monitoring

- Make an annual assessment of OHS risks and address key risks, update emergency plans if needed and inform all staff about any updates.
- Assign a person that is responsible for daily assessment of OHS risks.
- Develop adequate and effective health and safety management performance appraisal and continuous improvement processes. Provide all employees with annual health examinations including pre- and post-occupational health examinations.

Information, Awareness & Training

- Ensure that all workers have received necessary instruction and training prior to commencing work, thus enabling workers to carry out work in a safe manner.
- Ensure that all workers are equipped with suitable PPE that is appropriate for their work tasks.
- Establish notice boards that should be visible in various locations to announce regulations, operating procedures, emergency plans and the results of workplace tests for occupational disease hazards. Important information should be understandable for all staff and include not only text but also illustrations and signs.



2.4 Establishing OHS Systems Throughout the Supply Chain

International buyers will not only require that you ensure OHS in your own supply chain but also that you do your part to ensure these requirements are being respected amongst your sub-suppliers and business partners. Therefore, it is essential that you:



Ensure that **each part of the stone excavation process has the necessary OHS system in place**, e.g. quarrying, cutting, drilling, mechanical and hand processing, packing, guarding, transporting and driving should all be provided with specific OHS guidelines, appropriate PPE etc.



Communicate safety and health requirements to lower tier suppliers and work with suppliers to **implement performance management and continuous improvement**.



OHS system and compliance should be taken into consideration for selecting sub-suppliers and business partners. Business partners must show that they have an OHS system in place. You should establish a **minimum requirement** before starting to work with any business partners based on their production processes.



Work with your business partners to continuously improve through **supplier assessment and capacity building projects** to ensure that all suppliers meet safety and decent work standards.

2.5 Engaging Workers on OHS through Induction, Training and Consultation

This section provides guidelines for involving all employees, including short-term staff, in **creating a safe workplace** in the context of stone processing. The guidelines on the next page emphasise the importance of training, reporting, and inclusive communication channels for all workers.

If you have workers staying in dorms:

- Ensure that workshops, shops and warehouses that produce, operate, store or use dangerous goods shall not be located in the same building as the workers dormitory and shall be kept at a safe distance from the workers dormitory.
- Production and business premises and workers dormitories shall have exits and evacuation routes that meet the requirements for emergency evacuation, are clearly marked and kept open. It is prohibited to occupy, lock or block the exits and evacuation passages of production and business premises or workers dormitories.

1

Staff shall receive the **necessary instruction and training** prior to working with stone processing in order to perform the work safely and effectively.

2

Before starting stone processing site operations, companies should **develop training plans, identify job tasks and job descriptions, assess training needs, and determine training and qualification needs** (including Level 3 safety education) in accordance with the requirements of national laws and regulations.

3

Training should be **provided to employees free of charge and during working hours**. If this is not feasible, management and employee representatives should work out a schedule and other relevant arrangements by mutual agreement.

4

Ensure that your work-related accidents are reported, tracked, investigated and analysed and **followed-up** appropriately.

5

Involve workers in reporting on attempted accidents and illnesses; develop adequate and effective employee/manager programs, including soliciting and encouraging employee participation, providing input and feedback to achieve improvements; and develop a communication/reporting process for health and safety matters for stakeholders such as visitors, suppliers, customers, communities, associations, etc.

6

Introduce **feedback systems** where workers can report on OHS risks **without any repercussions**.

7

All workers shall have **access to a grievance mechanism** where they can, anonymously, report on e.g., OHS risks, accidents, flaws in OHS regulations compliance etc.

8

All communication channels for trainings, reporting and grievance mechanism should be accessible and inclusive to all workers. If you have staff who have certain barriers, e.g. who are illiterate, can only communicate in other dialects/languages, or are from an ethnic minority group, you should provide them with extra support so they can understand the OHS measures and participate in the process.

3. WORKING HOURS AND WAGES

3.1 Key Hazards and Laws

Working excessive hours is a danger to workers health and it's important that workers are provided with regulated hours for work, maximum hours of overtime and daily and weekly rest periods. Wages should be paid on time, should be paid in full, and workers shall receive overtime payments and paid leave.

Long working hours have shown to be directly linked to occupational health & safety risks. Not only because the risk for "human errors" leading to accident increases, but also because the exposure to pollutants such as dust during long hours increases the risk for occupational diseases such as e.g. pneumoconiosis and lung emphysema. This is particularly true in a hazardous working environment such as the stone industry.



GOOD TO KNOW — THE DOUBLE-EDGED SWORD ON PIECE RATE SYSTEMS

In the natural stone sector, it's common that workers are paid on a "piece" rate arrangement and not according to hours worked and hours of work are often not tracked or recorded and unregulated overtime might occur. *This practise can both be a great motivator for workers and improve productivity, but it can also create situations of unfair compensation and a need for workers to work overtime to receive a decent salary.*

This risk is further enhanced due to the seasonality of the sector, where most of the production is occurring during the dry and warm months. This means workers are often, scrambling to work as much as possible during the business period and thereby cover for the months when there is no work in the sector, which in turn might lead to very long hours and periods without rest days.

Both national legislations and provincial legislations regarding especially overtime needs to be considered. Please refer to [Appendix 1](#) and the following table for an overview of key legislations. The most important ones are:

- The Labour Law (2018) (both working hours and wages)
- The Labour Contract Law (2013)
- The Regulations on the Payments of Wages (1995)

RELEVANT LEGISLATION:Contracts and wages

- Labor Law of the People's Republic of China (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 12-29-2018)
- Labor Contract Law of the People's Republic of China (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 07-01-2013)
- The Regulations on the Payments of Wages (Issuing Authority: Ministry of Human Resources and Social Security; Effective Date: 01-01-1995)

Juvenile workers (referring to working hours)

- Law of the People's Republic of China on the Protection of Juveniles (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 06-01-2021)

Social security

- The Social Security Law (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 12-29-2018) etc.

3.2 Working Hours Management and Records Systems

To fulfil the requirements of the relevant legislations and to ensure decent work, companies shall establish policies and management systems regarding working days, overtime hours, rest days and/or holidays, payment of wages, statutory benefits, etc. Below are some key elements that should be included in policies and procedures:

Working time and recording:

- Ensure that an effective time recording system is in place to accurately record workers' work and overtime hours, even if workers are paid by piece-rate.
- Ensure that there is minimum one rest day per week,
- Ensure that attendance records for all workers are completed by the worker him/herself and enforce that recording of attendance time by others is prohibited.
- Clearly define work shift hours, overtime hours and rest day arrangements and share these guidelines with all employees.
- Keep worker attendance and related records stored for 2 years for inspection.

Shift and overtime:

- Observe the principle of voluntary overtime, and prohibit compulsory overtime.
- Establish overtime control mechanisms as part of worker management systems.
 - All managers and supervisors should be aware of the relevant requirements, and production planning and work rosters should take into account the working hours and overtime requirements.
 - Overtime limit should be clearly communicated to all workers, and workers' work and overtime hours must be accurately recorded.
 - The overtime record should be centralised and regularly reviewed, to monitor workers total working time and prevent excessive overtime.
- The following payment scheme should apply for overtime:
 - 150% of normal wages for normal workday overtime hours
 - 200% of normal wages for rest day overtime hours

- 300% of normal wages for public holiday overtime hours

Annual leave:

- Ensure that the worker management system include the statutory leave and entitlements that workers are entitled to including wedding leave, bereavement leave, maternity leave, sick leave, annual leave, etc.
- Ensure that annual leave is provided according to national guidelines as well as any local regulations. The general guideline for annual leave based on length of employment is as followed:
 - Right to paid leave is acquired after one year of continuous service.
 - Employees who work a full 1 year but less than 10 years: 5 days.
 - Employees who work 10 full years but less than 20 years: 10 days.
 - Employees who work 20 full years: 15 days.
 - State statutory holidays and rest days are excluded from annual leave.

Sick leave

- Medical treatment period ranges from 3 months to 24 months depending on employee's total working years and tenure in the unit.
- Wages or allowance during sick leave must not be less than 80% of the local minimum wage.

Protection for specific groups:

- Ensure that vulnerable worker groups such as young workers and pregnant workers have specified work tasks and overtime limits.

3.3 Managing Risks Related to Seasonality and Piece Rate Systems

To manage risks related to seasonality and piece rate system for remuneration it is important to have a robust recruitment system in place which includes age verification systems and proper contracts for all workers, including seasonal and short time workers. If urgent labour needs arise make sure that workers are recruited through regular labour dispatched companies/agents.

Payment policies

- Enterprises should establish sound wage payment policies and procedures to ensure the following.
 - Pay worker at least the local minimum wage.
 - Pay for overtime hours must be at or above the minimum overtime rate of pay established by local law.
 - No more deductions shall be made from a worker's wages than are permitted by law, i.e. no more than 20% of workers' wage, and the wage after any deduction cannot be lower than local minimum wage. In general, it is not recommended to use wage deduction (a fine, penalty) as a means to control worker absenteeism, being late for work, failure to meet production quota or quality control etc.
 - Recruitment agency fees may not be deducted from workers' salaries.
 - Provide workers with pay stubs that they can understand.
 - The correct calculation of payroll deductions or withholdings shall not be used as a disciplinary measure in the form of a fine.
- Payroll records for all workers must be available for inspection.

- Enterprises should establish a wage verification system to ensure that wages are paid in accordance with statutory requirements; workers should be allowed to approach and receive support if they have questions about wages.

3.4 Establishing wage and working hour systems throughout the supply chain:

- Provide subcontractors with production plans well in advance to minimize the need for excessive overtime.
- Share your wage and working hour management systems with subcontractors and encourage them to adopt the same procedures. Create incentives to motivate their compliance with these systems.



USEFUL TIPS AND TOOLS - INVOLVING EMPLOYEES IN ENSURING THEIR WAGES AND DECENT WORKING HOURS

- Offer training programmes to educate workers on calculating and reporting working hours, including understanding working hour requirements.
- Provide training to workers on how to read and comprehend their payslips and wage calculations.
- Engage workers in discussions about remuneration, such as considering regular payment instead of piece rates, and actively seek their input and suggestions.



4. DECENT WORK FOR YOUTH

4.1 Promoting Decent Work for Youth in the Natural Stone Sector

Ensuring decent work opportunities for youth in the natural stone sector is crucial for its long-term sustainability and modernisation. With a shrinking labour pool and an aging workforce, prioritising safe and inclusive employment for young workers is essential for the sector's growth.



GOOD TO KNOW — AN ESSENTIAL STEP FOR SUSTAINABLE GROWTH

Youth constitute more than 15% of the world's labour force. However, many young people across the globe, including in China, are lacking access to decent work and find themselves in precarious work situations including in hazardous work or in exploitive working situations. Juvenile workers, defined as those over the age of 16 but under the age of 18, are particularly vulnerable as they are still developing physically, mentally and morally, and could be severely harmed by hazardous or exploitative working conditions.

This does not mean employers can exclude juvenile workers solely based on their age. Instead, employers should strive to provide safe and decent work for young workers. This is particularly relevant for the natural stone sector in China as the working population continues to age and the labour pool starts to shrink. A younger and more educated workforce is crucial for the long-term sustainability, as well as modernisation and industrial upgrading of the natural stone sector.

4.2 Key Legislations on Juvenile Workers:

Both national legislations and specific regulations regarding the protection of juvenile workers needs to be considered. Please refer to [Appendix 1](#) and the table below for an overview of key legislations. The most important are:

- The Labour Law (2018) (both working hours and wages)
- The Labour Contract Law (2013)
- The Protection of Juveniles Law (2021)
- Regulations on Special Protection for Underage Workers (1995)

RELEVANT LEGISLATION:

Juvenile workers

- Law of the People's Republic of China on the Protection of Juveniles (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 06-01-2021),
- Regulations on Special Protection for Underage Workers (Issuing Authority: Ministry of Human Resources and Social Security; Effective Date: 01-01-1995)

Labour law and contracts

- Labour Law of the People's Republic of China (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 12-29-2018)
- Labour Contract Law (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 07-01-2013)¹⁴

4.3 Protecting Juvenile Workers through Responsible Recruitment and HR Management

In China, special protections and regulations are in place for juvenile workers (ages 16-18) to ensure their rights and safety. This includes restrictions on overtime, night shifts, and hazardous work. Follow these steps to responsibly recruit and manage juvenile workers, which also contribute to improving overall recruitment and HR management systems.

Before recruitment

- Make sure the job announcements (verbal or written) contain key information such as minimum working age.
- Employer should develop a list of appropriate roles and working conditions for juvenile workers and share with all supervisors and employment agencies.
- If the advertised position is hazardous (i.e. involves chemicals, hazardous procedures, handling dangerous machines or requiring extreme long working hours), the employer should indicate the hazardous position prominently and set the minimum working age to 18. However, setting a minimum age of 18 for non-hazardous work may be discriminatory and should be avoided.
- Indicate that all applicants must present government-issued identification documents to prove their age and identity; job announcements, application forms or notices at the facility should state that applicants with false or invalid documents will not be considered or hired.

During recruitment

- Robust systems for age verification are key. Thoroughly review and verify original ID of all workers, even for temporary, daily or seasonal workers and for workers recruited by employment agencies.
- Carefully check workers' original ID, make sure the photo and identity mark match the appearance of the applicant. Make sure the signature on the national ID card (if available) matches the applicant's signature. The date of issue should broadly tally with the condition of the card. It is suspicious if a card issued many years ago looks brand new.
- If the worker does not have an original ID card, establish the most reliable form of documentation in the country and request a minimum of two documents, such as a birth certificate and another reasonably acceptable documents such as household registration book (Hukou).
- Conduct in-person interviews with all applicants. At the interview, applicants can be asked questions such as where their documents were issued or their date of birth. This information should then be cross-checked with the ID card.
- Even when the recruitment process is conducted by employment agencies, the employers should cross check the age documents of all workers.
- Ensure that once the identity check has been completed, the original documents are immediately returned to the applicants; no identity documents belonging to workers should be retained.
- Ensure the juvenile workers earn the same wage as adult workers for performing the same work, and that they are subject to special protection related to safety and health, working hours, rest time and leave, etc.
- Ensure juvenile workers have valid employment contracts, just like other adult workers, and the juvenile workers fully understand the terms and conditions of their work agreements.
- Ensure health checks are carried out for juvenile workers before placement in a job. However, health checks should **NOT** be used as means of age verification under any circumstances, as they are not at all accurate and can violate juvenile workers' rights.

- Keep the register of juvenile workers separate from the other workers' profiles as legally required, to make it easier to manage this special group. The register must also contain:
 - Housing address
 - Name and address of parent(s) or legal guardian(s)
 - School registration (if applicable)
 - Type of work or tasks assigned
 - The number of daily and weekly working hours

4.4 Ongoing Protection for Juvenile Workers After Recruitment

Ensuring the well-being of juvenile workers goes beyond the recruitment process. Employers are encouraged to adhere to the following general guidelines:

Non-hazardous work

- Maintain an up-to-date list of juvenile workers and identify a list of appropriate roles and responsibilities for these workers.
- Employers must not allocate juvenile workers to positions that involve hazardous work, or conditions of work that are likely to be harmful to their health, safety, morals, and development. Per national legislation, juvenile workers under the age of 18 shall not be assigned work in underground mines, work that includes toxic components, work that is harmful or is listed in [national regulation](#) such as the fourth level of physical labour intensity or other prohibited labour.
- Juvenile workers should be distinguished from other workers by uniform (e.g. different colour than adult workers) or name tags, etc.
- Regular health checks for juvenile workers shall be arranged per Regulations on Special Protection for Underage Workers, and should be handled and paid for by the employer at the employer's expense. Health checks should be carried out periodically before placement in a job, after one year of work, and when the worker reaches the age of 18 (at least six months from the previous health examination).
- Employer that recruits juvenile workers should register with the human resources and social security administrative department of the district or municipality where the employer has its residence within 30 days from the date of employment.

Working hours

- No night shifts for juvenile workers.
- No overtime for juvenile workers and their max. working hours shall not exceed 8 hours/day and 40 hours/week (unless otherwise provided by national laws).¹
- Minimum consecutive period of 12 hours' night rest each day, and at least one full day of rest for every six consecutive days worked.
- Juvenile workers enjoy the same annual holiday with pay as adult workers
- The juvenile workers' working hours should allow their attendance in school, their participation in vocational orientation approved by the competent authority or their capacity to benefit from training or instructional programmes.

¹ Certain national or regional legal regulations permit juvenile workers to conduct overtime, however TruStone strongly recommends no overtime for juvenile workers, to protect children's best interest.

Occupational health & safety

- The employer shall arrange an orientation and OSH training for all juvenile workers before they begin work. Training should include:
 - Clear communication about safety so that juvenile workers fully understand the importance of safe work and their right to a safe workplace.
 - A ‘walk and talk’ safety tour for juvenile workers highlighting particular safety concerns, including the number of working hours they are allowed to do, the types of tasks, processes or positions they CAN and CANNOT do, areas that need special attention, e.g. working on slippery surfaces
 - An explanation of existing OHS risk control measures, e.g. personal protection equipment (PPE), and how to use these resources and tools.
 - Ensuring a safe, decent and healthy environment for juvenile workers is also crucial. Employers should ensure that water, sanitation and hygiene (WASH) facilities are available (at a minimum, this should include clean drinking water, gender sensitive and age-appropriate toilets, handwashing facilities and soap) both at the workplace and in living areas, if housing is provided to the workers.
 - An effective grievance system shall be put in place to gather feedback, concerns, complaints, suggestions and questions from juvenile and young workers. Channels for handling feedback and reporting grievances should include a suggestion box, hotlines, and web-based platforms (such as email, SMS, app, online surveys) that are easily accessible to juvenile and young workers. Where available, ensure juvenile and young workers can directly contact responsible personnel or mechanisms such as the OHS committee or trade unions.

4.5 Enhancing Support for Juvenile and Young Workers through Decent Work Environments

Decent work for juvenile workers (16-18) and young workers (under 25) encompasses more than just fair compensation and comprehensive protection. It entails treating youth with respect and offering opportunities for their occupational and personal growth. By prioritizing decent work, employers not only demonstrate respect for their workers but also drive productivity and enhance employee retention.



USEFUL TIPS AND TOOLS - SUGGESTIONS ON HOW TO SUPPORT THE GROWTH AND DEVELOPMENT OF JUVENILE AND YOUNG WORKERS

- Provide training opportunities for juvenile and young workers to support their professional growth.
- Develop anti-harassment policy mechanisms that focus on workers, including juvenile and young workers, create a gender-friendly work environment, and establish policies and grievance mechanisms to prevent harassment so that workers, including juvenile and young workers, can speak out in a timely manner when they suffer from abuse or harassment.

4.6 Key Considerations in Understanding Student Workers

When it comes to employing student workers, who are vocational school students completing internships as part of their graduation requirements, it's important to be aware of the following guidelines:

Relevance of Internship

- The internship should align with the students' major field of study.
- Internships are typically conducted in the later years of the students' school program, not during the first year.

Hiring and Recruitment

- A tri-party agreement involving the employer, school, and student/parent should be established.
- Students must receive proper training on health and safety aspects before commencing work.
- The involvement of labour brokers or agents is prohibited.

Health and Safety

- The nature of the work should not compromise the health or safety of the student workers.
- Both the school and the employer should provide liability insurance coverage for the duration of the internship.

Compensation

- Remuneration should be paid directly to the student workers without any delays or deductions.
- Students should not be charged any management fee for their participation in the internship.



5. EMPLOYMENT CONTRACTS

5.1 Importance of Proper Employment Contracts

TruStone's recent risk assessment on "Social Conditions in the Natural Stone Sector (2021)" acknowledges the prevalent practice in the industry of hiring workers without proper contracts, which poses risks such as low wages, limited access to social security, and excessive overtime. This highlights the critical need for proper employment contracts in the natural stone sector and beyond. By implementing comprehensive employment contracts, companies can address these risks and ensure fair remuneration, social security benefits, and reasonable working hours for their employees.



GOOD TO KNOW — ENSURING RIGHTS AND MITIGATING RISKS THROUGH EMPLOYMENT CONTRACTS

Employment contracts play a crucial role in **establishing clear rights and obligations** for both employees and employers. They provide a framework for setting out essential employment conditions and compensation, enabling effective discipline management, enhancing productivity, and reducing the likelihood of labour disputes. Moreover, proper employment contracts serve as a **prerequisite for workers to access social security and other entitlements**, as discussed in the subsequent chapter.

It is imperative to extend employment contracts to all workers, including temporary, daily, seasonal, and those recruited through employment agencies, in order to protect both employers and employees.

5.2 Legal Framework for Employment Contracts

It is crucial for companies to adhere to national legislations that outline clear requirements for employment contracts. Please refer to [Appendix 1](#) and the table on the next page for an overview of the relevant legislations. The following are among the most important laws to take into account:

- The Labour Law (2018)
- The Labour Contract Law (2013)

Complying with these legislations ensures that companies establish and maintain employment contracts that align with legal standards and protect the rights and interests of both employers and employees.

RELEVANT LEGISLATION:

Labour law and contracts

- Labour Law of the People's Republic of China (2018 Amendment) Issuing Department: Standing Committee of the National People's Congress; Release Date: 2018.12.29
- Labour Contract Law of the People's Republic of China (2012 Amendment) Issuing Department: Standing Committee of the National People's Congress; Effective Date: July 1, 2013

5.3 Legal Obligations for Employers Regarding Employment Contracts

As an employer, it is important to fulfill your legal obligations outlined in the Labour Law and the Labour Contract Law. Here are some key requirements to consider:

Establishing a Labour Relationship

A written contract should be established within one month from the date of employment, clearly defining the terms of the employment relationship.

Providing Information to Workers

Employers must truthfully inform workers about the nature of the work, working conditions, workplace, occupational hazards, safety conditions, and remuneration for labor, among other requested information.

Prohibited Practices

Employers are not allowed to seize or withhold workers' identity cards or other documents, demand guarantees, or collect fees from workers during the recruitment process.

Probationary Period

If a probationary period is agreed upon, its terms must be clearly stated in the contract and should not exceed the legally allowed lengths based on the duration of employment. The same employer and worker may only agree on a probationary period once, and certain types of employment contracts or shorter-term contracts may not include a probationary period.

When including a probationary period in an employment contract, it is essential to adhere to the legally allowed lengths based on the duration of employment:

- For employment terms exceeding 3 months but less than 1 year: The probationary period should not exceed 1 month.
- For employment terms exceeding 1 year but less than 3 years: The probationary period should not exceed 2 months.
- For fixed and open-ended employment terms exceeding 3 years: The probationary period should not exceed 6 months.

Compensation for Violations

Employers may be required to pay compensation for illegally terminating contracts and double the monthly wage for failing to establish a written employment contract with a worker within one month and less than one year from the date of employment.

5.4 Best Practices on Establishing Employment Contracts



Clear and Understandable Language: The employment contract should be in a **language that the employee understands**. If the employee is illiterate, the terms and conditions must be explained to them before signing the contract.



Inclusion of Required Information: Employment contracts must **include legally required information**, such as the basic details of the employer and employee, the term of the employment contract, the content and location of work, working hours, leave and holiday entitlements, working conditions, occupational health and safety provisions, remuneration, and social security benefits. Templates for employment contracts in different sectors, provinces, and municipalities can be found on the Ministry of Human Resources and Social Security's website.



Fair Termination Provisions: The contract should **allow either party to terminate the agreement** by providing reasonable and fair notice. Employers should avoid imposing excessive notice periods or high fines for termination, ensuring that voluntary termination of employment is not unduly restricted.



Avoidance of Subcontracting to Evade Obligations: Subcontracting labour **should not be used as a means to avoid fulfilling workers' obligations** under legislation, such as statutory benefits or social security contributions.

By following these best practices, employers can establish employment contracts that are transparent, legally compliant, and respectful of the rights and interests of both employers and employees.



5.5 Practical Steps to Ensure Employment Contracts for All Workers

If some, or all, of your workers do not currently have employment contracts, you can take the following actions:

1

Start providing employment contracts to all new recruits without delay. This ensures that new employees have clear terms and conditions of employment from the outset.

2

Assess your worker roster comprehensively, including temporary, daily, seasonal workers, and those recruited through employment agencies. Identify the workers who currently do not have valid employment contracts.

3

Engage with your HR staff to determine a reasonable timeline for providing employment contracts to all workers. If the number of contracts required is substantial, consider a phased approach, prioritizing workers in hazardous positions, young workers, migrant workers, etc.

4

Clearly communicate your plan and timeline to your buyers or clients, ensuring they are aware of your commitment to providing employment contracts for all workers. Provide regular updates on the progress made in contract implementation.



GOOD TO KNOW — IMPROVING THE WELL-BEING OF MIGRANT WORKERS

Migrant workers often face challenges due to disparities in systems related to household registration, education, employment, healthcare, and pensions, which restrict their access to social welfare and support on an equal basis with urban residents. Additionally, their families, including the elderly, women, and children, are often left without adequate social assistance in their hometowns.

To address these issues, companies are encouraged to **implement worker well-being programmes specifically designed for migrant workers**. These programmes can include initiatives such as providing additional paid family leave, supporting the care of left-behind children, and offering specialised skills training in areas like financial management, stress management, workplace communication, and cooperation.

Furthermore, enterprises are encouraged to **collaborate with local Human Resources and Social Security Bureaus and Education authorities** to explore opportunities for migrant workers and their children to obtain residence permits in their city of work or access other forms of local policy support, thereby easing challenges related to residence permits and school entrance.

6. SOCIAL SECURITY

6.1 Importance of Social Security in the Stone Sector

For employers in the stone sector, contributing to the social security scheme is not only a legal and social obligation but also helps mitigate risks and reduce labour disputes. This is particularly crucial considering the hazardous conditions and increased risks of injury or occupational diseases faced by workers in the natural stone sector. Adequate coverage of retirement insurance, basic medical insurance, and work-related injury insurance can alleviate risks and burdens for employers.

Furthermore, providing comprehensive social security coverage is essential for attracting and retaining talented workers, contributing to the long-term sustainability and productivity of your operations. By offering proper social security benefits, employers demonstrate their commitment to the well-being and security of their workforce, enhancing job satisfaction and loyalty.



GOOD TO KNOW — SOCIAL SECURITY TO PROMOTE THE WELL-BEING AND STABILITY OF EMPLOYEES

In China, social security systems, including retirement insurance, medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance, have been established to ensure citizens' right to receive government assistance in accordance with the law. However, **social security coverage remains low in various sectors, including the natural stone sector, especially for migrant workers.**

By prioritising social security, employers in the stone sector can fulfill their responsibilities, mitigate risks, and create a positive working environment that **promotes the overall welfare and stability of their employees.**

6.2 Key Legislations Regarding Social Security:

National legislations play a vital role in establishing clear requirements for social security. By referring to [Appendix 1](#) and the table in the next page, you can find a more comprehensive overview of these key legislations and their specific requirements. However, the most important ones regarding social security are:

- The Social Security Law (2018)
- The Labour Law (2018)
- The Labour Contract Law (2013)

RELEVANT LEGISLATION:

Framework

- The Social Security Law (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 12-29-2018).

Labour law and contracts

- Labour Law of the People's Republic of China (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 12-29-2018),
- Labour Contract Law (Issuing Authority: Standing Committee of the National People's Congress; Effective Date: 07-01-2013)

6.3 Legal Obligations as Employers in Terms of Social Security

As an employer, it is essential to understand your legal obligations regarding social security. The laws and regulations related to social insurance encompass the following key provisions:

Participation and Premiums

Both employers and workers must participate in social insurance and fulfill their obligation to pay social insurance premiums as prescribed by the law. **Workers are entitled to receive social insurance benefits in various situations**, including retirement, illness, injury, work-related disability or occupational disease, unemployment, and maternity, in accordance with the law.

Full Enrollment

All workers in employment relationships should be fully enrolled in social insurance programmes, **ensuring both the coverage and contribution base meet the requirements** stipulated by the law.

Social Insurance Registration

Employers are responsible for applying for social insurance registration for their employees with the social insurance agency **within 30 days from the date of employment**. This step is crucial to ensure proper coverage and compliance with social insurance regulations.

Work-Related Injury Insurance

The insurance purchased by the company must include industrial work-related injury insurance for all workers, **regardless of their contractual status**. This coverage is important to provide protection and support in case of work-related injuries.

Payment of Social Insurance Premiums

Employers must fulfill their **obligation to pay social insurance premiums promptly** and without any unjustified delays. If an employer fails to make the required payments, the labour administration department may issue an order for payment within a specified period. Failure to comply may result in the imposition of late payment fees.

It is important to stay informed about the specific requirements outlined in the relevant laws and regulations to ensure compliance and avoid any potential penalties or disputes.



USEFUL TIPS AND TOOLS - FURTHER GUIDANCE ON MANAGING SOCIAL SECURITY FOR WORKERS

- **Seek guidance from local authorities:** Contact your local Human Resources and Social Security Bureau at 12333 or visit their official website for valuable information and resources. Consider hiring a professional social insurance agency for compliance support.
- **Special worker groups:** Cover interns or retired returnees who are not covered by regular social security through agreed contributions or supplementary commercial insurance. Ensure appropriate agreements are in place for their coverage.
- **Addressing payment difficulties:** Proactively address challenges in meeting social security payments. Engage in discussions with employees, regulators, or clients to find solutions. Options include deferring contributions, phased increases in participation, or other flexible approaches that meet regulatory requirements.

Employers are required to provide migrant workers with retirement, medical, work-related injury, unemployment, and maternity insurance, as well as a housing fund, in accordance with the law. It is important to establish a recognised employment relationship when engaging migrant workers, and employers must not use contractual or sub-contractual arrangements as a means to evade their obligations in terms of providing benefits and meeting other requirements under labour and social security regulations.



7. RISKS RELATED TO THE ENVIRONMENT

7.1 The Significance of Environment Protection for Natural Stone Companies

Environmental protection is of utmost importance for natural stone companies due to the significant negative impacts associated with stone mining. This activity can have adverse effects on the landscape, wildlife, and vegetation, while also posing a threat to water sources and quality. Additionally, stone mining contributes to air pollution, noise pollution, and damages local infrastructure, such as roads. Improper disposal of residues and solid waste further compounds these issues.

To address these concerns, stone companies must evaluate how their operations impact the local communities in which they operate. Conducting comprehensive environmental impact assessments is crucial in understanding the extent of their influence. Subsequently, taking necessary actions to restore damaged nature and landscape is essential. Failure to undertake these measures can result in penalties for environmental damages and the potential loss of their "social license" to operate in the area. Moreover, it may lead to strained relationships with local communities.

7.2 Key Legal Provisions for Environmental Protection in Stone Mining Operations

National legislations play a critical role in establishing clear requirements for environmental protection. For an overview of key legislations, please refer to [Appendix 1](#) and the table below. Among the most significant laws are:

- Law of the People's Republic of China on Environmental Protection (2015)
- Law of the People's Republic of China on Environmental Impact Assessment (2018)

RELEVANT LEGISLATION:

Environmental protection

- Law of the People's Republic of China on Environmental Impact Assessment (Issuing Authority: Standing Committee of the National People's Congress, Effective Date: 12-29-2018)
- Law of the People's Republic of China on Environmental Protection (Issuing Authority: Standing Committee of the National People's Congress, Effective Date: 01-01-2015)

Mineral resources

- Mineral Resources Law of the People's Republic of China (2009 Amendment) (Issuing Authority: Standing Committee of the National People's Congress, Effective Date: 08-27-2009)



GOOD TO KNOW — LEGAL PROVISIONS FOR ENVIRONMENTAL PROTECTION IN STONE MINING

Stone mining operations are bound by legal provisions that prioritise environmental protection and prevent environmental pollution. Companies must ensure that their business activities do not cause harm to the environment or livelihoods.

In cases where environmental damage or adverse impacts on communities occur, companies are legally obligated to provide financial compensation and implement necessary remedial measures. It is important to note that in addition to local environmental legislation, there may also be specific regulations outlined by the buyer.

7.3 Establishing Environmental Management Systems

To establish effective environmental management systems within your stone mining operations, it is crucial to undertake the following measures:

Ensure Availability of Necessary Documents

- Maintain all required environmental permits, licenses, and test reports.
- Comply with legal provisions in your region by disclosing relevant environmental information.

Establish Risk Assessment and Compliance Processes

- Implement robust management processes to identify and evaluate environmental risks.
- Assign responsible individuals to oversee the assessment and management of environmental risks.
- Develop clear environmental policies and effective compliance processes that align with applicable laws, regulations, and customer requirements.
- Define and assign clear responsibilities and authorities to all employees, ensuring their understanding and adherence to the management system and environmental obligations.
- Encourage participation of worker committees and representatives in the development and monitoring of environmental guidelines.
- Implement comprehensive environmental policies and control processes that are both adequate and effective.

These systems promote risk assessment, ensure compliance with regulations, and facilitate the integration of environmental considerations into day-to-day operations. Such proactive measures contribute to sustainable practices, environmental protection, and the preservation of natural resources.

7.4 Mitigating Environmental Risks and Minimising Negative Impact

To mitigate environmental risks and minimise negative impacts associated with stone mining operations, the following measures should be implemented:

Adhere to the Principle of "Treatment and Restoration While Producing"

- Companies should prioritise the treatment and restoration of the environment in and around mining areas affected by quarrying and mining operations.
- Implement measures such as spraying, sprinkling, wet rock drilling, and the use of dust removal devices to control and dispose of dust generated during extraction and transportation.
- Establish dedicated storage and disposal sites for mine tailings, waste rock, and other solid waste.
- Take measures, such as sound dissipation, vibration damping, and vibration isolation, to reduce noise generated during mining and transportation processes.

Utilise Modern Mining Techniques and Technology

- Prohibit illegal and outdated methods such as pot-expanding blasting, shallow blasting, bottom-out crumbling, and "umbrella" techniques.
- Promote medium-deep hole blasting, top-down step-by-step mechanical shovel mining technology, and crawler conveyor and transport methods based on the principle of "mining and stripping, stripping first, layered mining."
- Adopt these advanced techniques to enhance the efficiency and safety of open quarries, minimizing safety hazards and ecological damage.

Safeguard Local Communities

- Ensure that mining sites are located away from main highways, dense residential areas, public utilities, recreational areas, and scenic spots.
- Maintain a minimum distance of 500 meters between the mining operations and residential or industrial areas.
- Install clear safety hazard signs where necessary to alert and protect local communities.

Reduce the Impact of Transport on Local Communities

- Recognise that transport of mining materials is a significant source of dust and pollution, which negatively affects communities along the transportation route.
- Implement strict management of incoming and outgoing transport vehicles and enforce speed limits of 15 km/h through villages and townships.
- Prohibit horn sounding and night transport to minimise disruptions and ensure the well-being of residents along the transportation route.

In addition to these measures, it is important for enterprises to consider the following environmental restoration requirements:

- Avoid mining stone in legally designated nature reserves, including protected areas of basic agricultural land.
- Refrain from mining stone in geological hazardous areas and avoid irreversible stone development projects where land cannot be restored.
- Install dust removal devices, implement wet work practices, and provide individual protection to prevent dust pollution from mining operations such as rock drilling, shoveling, and transportation.

- Deposit solid waste generated by mining activities in dedicated sites, implementing effective measures to prevent secondary environmental pollution and the triggering of geological hazards.
- Implement reclamation measures such as planting and mulching during mining operations to stabilise permanent slopes, such as open pits, waste rock dumps, tailings storage, and gangue hills, to prevent soil erosion and landslides.
- When utilising bioengineering for land reclamation, optimise soil reconstruction, topography, landscape design, and species selection, configuration, and planting methods.



USEFUL TIPS AND TOOLS – COMMUNITY ENGAGEMENT AND GRIEVANCE MECHANISMS IN RESPONSIBLE STONE MINING

Engaging local communities, minimising negative impacts, and establishing effective grievance mechanisms are vital for responsible stone mining. Key strategies include:

- Conduct comprehensive Environmental Impact Assessments (EIA) in compliance with laws, considering local residents' opinions.
- Publicly disclose information about environmental hazards and risks.
- Engage communities through open days and receptions, allowing them to voice concerns.
- Develop robust grievance mechanisms with accessible channels for complaints.
- Ensure confidentiality and anonymity for complainants.
- Implement a systematic process to address and follow up on all received complaints.

These actions foster community involvement, mitigate adverse effects, and promote responsible mining practices.



APPENDIX 1 REFERENCES

I. Laws related to the prevention and control of occupational diseases

- 1 Law of the People's Republic of China on the Prevention and Control of Occupational Diseases (2018 Amendment)
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 12-29-2018
- 2 Labor Law of the People's Republic of China (2018 Amendment)
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 12-29-2018
- 3 Labor Contract Law of the People's Republic of China (2012 Amendment)
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 07-01-2013

II. Administrative regulations related to the prevention and control of occupational diseases

- 1 Special provisions on labor protection for female workers
Issuing Authority: State Council
Effective Date: 04-28-2012

III. Occupational disease prevention and control-related departmental regulations and normative documents.

- 1 Occupational Health Technical Service Agency Management Measures
Issuing Authority: National Health Commission
Effective Date: 02-01-2021
- 2 Regulations on Occupational Health in the Workplace
Issuing Authority: National Health Commission
Effective Date: 02-01-2021
- 3 Occupational Disease Diagnosis and Identification Management Measures
Issuing Authority: National Health Commission
Effective Date: 01-04-2021
- 4 Notice on the publication of the directory of occupational disease hazard risk classification management of construction projects
Issuing Authority: National Health Commission
Effective Date: 03-12-2021

IV. Occupational health testing and evaluation.

- 1 GBZ2.1-2019 Occupational Exposure Limits for Hazardous Factors in the Workplace Part 1: Chemical Hazardous Factors
Issuing Authority: National Health Commission
Effective Date: 04-01-2021
- 2 GBZ2.2-2007 Occupational Exposure Limits for Hazardous Factors in the Workplace Part 2: Physical Factors

- Issuing Authority: National Health Commission*
Effective Date: 11-01-2007
- 3 GBZ159-2004 sampling specifications for monitoring hazardous substances in the air in the workplace
Issuing Authority: National Health Commission
Effective Date: 12-01-2004
 - 4 GBZ1-2010 Industrial Enterprise Design Health Standards
Issuing Authority: National Health Commission
Effective Date: 08-01-2010
 - 5 GBZT203-2007 Occupational Disease Hazard Communication Specification for Highly Toxic Substances Jobs
Issuing Authority: National Health Commission
Effective Date: 03-01-2008
 - 6 GBZ158-2003 workplace occupational disease hazard warning signs
Issuing Authority: National Health Commission
Effective Date: 12-01-2003
 - 7 GBZ188-2014 Technical Specification for Occupational Health Supervision
Issuing Authority: National Health Commission
Effective Date: 10-01-2014
 - 8 GB39800-2020 series of standards for the specification of individual protective equipment
Issuing Authority: State Administration for Market Regulation, Standardization Administration of China
Effective Date: 01-01-2022
 - 9 Environmental Management System Requirements and Guidelines for Use GBT 24001-2016
Issuing Authority: General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China, Standardization Administration of China
Effective Date: 05-01-2017
 - 10 Law of the People's Republic of China on Work Safety
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 11-01-2002
 - 11 Fire Protection Law of the People's Republic of China
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 05-01-2009
 - 12 Electricity Safety Guidelines GB/T13869-2017
Issuing Authority: General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China, Standardization Administration of China
Effective Date: 07-01-2018
 - 13 General rules for designing the production facilities in accordance with safety and health requirements GB5083-1999
Issuing Authority: State Bureau of Quality and Technical Supervision

Effective Date: 12-01-1999

- 14 Design Health Standards for Industrial Enterprises GBZ1-2010
Issuing Authority: National Health Commission
Effective Date: 08-01-2010

V. Labor Employment

- 1 Labor Law of the People's Republic of China (2018 Amendment)
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 12-29-2018
- 2 Labor Contract Law of the People's Republic of China (2012 Revised Edition)
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 01-01-2008
- 3 Provisions on Special Protection for Underage Workers
Issuing Authority: Ministry of Human Resources and Social Security
Effective Date: 01-01-1995
- 4 Supplementary to the Provisional Provisions on Payment of Wages by the Ministry of Labor
Issuing Authority: Department of Labor Relations
Effective Date: 05-12-1995
- 5 Regulations on Annual Leave with Pay for Employees
Issuing Authority: State Council
Effective Date: 01-01-2008
- 6 Decree No. 364 of the State Council of the People's Republic of China "Provisions on Prohibition of Child Labor"
Issuing Authority: State Council
Effective Date: 12-01-2002

VI. Environmental Protection

- 1 Mineral Resources Law of the People's Republic of China (2009 Amendment)
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 08-27-2009
- 2 Law of the People's Republic of China on Environmental Protection
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 01-01-2015
- 3 Law of the People's Republic of China on Prevention and Control of Air Pollution
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 12-29-2018
- 4 Law of the People's Republic of China on Environmental Impact Assessment
Issuing Authority: Standing Committee of the National People's Congress
Effective Date: 12-29-2018
- 5 Measures for the Administration of Environmental Protection Acceptance of Completed Construction Projects
Issuing Authority: Ministry of Ecology and Environment

Effective Date: 12-22-2010

- 6 Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Waste

Issuing Authority: Standing Committee of the National People's Congress

Effective Date: 09-01-2020

- 7 Law of the People's Republic of China on the Prevention and Control of Water Pollution

Issuing Authority: Standing Committee of the National People's Congress

Effective Date: 01-01-2018

Laws reference website

Rule of Law Information Network of the Ministry of Justice of the People's Republic of China <http://www.chinalaw.gov.cn/sfbsearch/index.html#/search/completeSearch>

International conventions

International Labor Organization, ILO list of Conventions Ratified by China:

[Browse by country, related subject - NATLEX \(ilo.org\)](#)

ILO Chemical Convention (C170): [Convention C170 - Chemicals Convention, 1990 \(No. 170\) \(ilo.org\)](#)

ILO Occupational Safety and Health Convention (C155):

[Convention C155 - Occupational Safety and Health Convention, 1981 \(No. 155\) \(ilo.org\)](#)



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