A Follow Up Investigation on Maersk Qingdao and Dongguan

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In January and May 2008, two riots, one after the other, broke out amongst workers at Maersk Container Industry's plant in Dongguan, a southern China's city. The workers were complaining about the poor working conditions and employment terms. We therefore conducted an investigation at Maersk Container Industry Dongguan (MCID), and released our first report in January 2009. At a meeting in March Maersk's head office representative promised us the company would improve working conditions and labor rights violations in MCID. We conducted a second MCID investigation in August 2009 and then again throughout 2010. We found that although MCID has improved the way it treats its workers there are still lots of malpractices going on. We also investigated Maersk Container Industry Qingdao (MCIQ) – Qingdao is a northeast China city – we found that the plant management has allowed practices which are not in line with the law or which violate basic human rights.

In general, Maersk's plants in China are still far from satisfactory as long as labor and human rights are concerned. For instance, up until today Maersk has still not acknowledged its mistaken belief that strikes are illegal in China, and because of this it has resulted in hundreds of illegal dismissals in both MCID and MCIQ, and the victims have neither been reinstated nor compensated for the injustice Maersk has done to them. Maersk's representative has also promised that the company will join Global Compact, but ironically workers in both plants generally are not informed of this and know nothing about the ten principles of the Compact.

Although we tried to engage Maersk in dialogue, it soon became clear that MCID has no real commitment to continuing the dialogue because it has no intention of keeping its promises. MCID, in an April 2009 meeting with Globalization Monitor, gave us a written reply promising that it "will make the report (environmental investigation report and occupational hazards report) public and ensure availability to employees", but it has not materialized. The same is true for its promise to conduct a fair review of all illegal dismissals. On September 14, 2009, the managing director of MCID, Mr. Hultengren, replied to our enquiry that "the lawyers reviewed all the documentation and at the end advised us that they did not find anything incorrect or in violation." This is a review with zero credibility because it never bothered to approach the workers and listen to them. Furthermore, the head office of Maersk has shown

indifference to our complaints concerning the inappropriate practices of MCID. Hence we think it is our duty to make a second and expanded investigation into both MCIQ and MCID.

MCIQ : Questionable employment conditions and occupational health

We investigated Maersk's Qingdao plant (MCIQ) in August 2009, and interviewed 25 workers there. The plant was originally the Korean Jindo Reefer Container Company, and was acquired by Maersk in 1998. In 2005 a two day strike was triggered because of the dismissal of a team leader. The management declared the strike illegal and dismissed seven workers. Our investigation found that there are still problems that should be rectified.

Practices that violate human rights

- **Inhumane staff regulations**: The MCIQ, just as MCID did, imposes very harsh labor discipline on their workforce. In response to our criticism the MCID had revised its employee handbook and much of the former 73 penalty clauses have now been reduced to 44. In July 2009 the MCIQ also released a revised employee handbook, with its previous ban on strikes deleted as well (although it still has not recognized the right to strike). It still contains clauses that seriously infringe the workers' basic human and labor rights, however, and is in many ways worse than the revised MCID's handbook. The problematic rules are as follows:
  (The original is in Chinese language. Translation by Globalization Monitor.)

  Written warning will be issued for the following serious misconducts:
  7.1.29 Defaming the company in public or in the mass media, or disclosing the company's secrets to the mass media and third parties without the company's written permission, if these actions are not serious enough to lead to grave consequences;
  7.1.32 Disclosing the salary or related information of oneself or one's colleagues;

  Immediate dismissal will be effective for the following extremely serious misconducts:
  7.1.51 Organizing and/or joining a gathering, which leads to social unrest, violation of other people's human rights, or damaging the company's property;
  7.1.59 Disclosing the company's secrets to the mass media and external parties or openly defaming the company, leading to defamation or serious economic

loss for the company;

The problem concerns how MCIQ defines "company secret". We can find part of the answer in the manual:

8.1.1. Keeping our salary structure secret is one of the basic company policies. Employees are not allowed, in whatever form, to leak information concerning one's own salary, or his/her colleagues', to any third party;

14.7 This employee handbook is owned by the company, and its content is considered a company secret.

If one compares this to the revised handbook of MCID one will immediately be aware that the latter is less harsh and less unreasonable. Whereas MCID's handbook only bans workers from disclosing their colleagues' salary, the MCIQ handbook goes further and bans workers from disclosing the salary or related information of oneself! Neither does the MCID regard its handbook as a company secret, nor does its handbook contain the kind of clauses like the 7.1.29 clause of the MCIQ handbook, banning workers from talking to reporters. The MCID is not well known for treating its workers well, but MCIQ seems to surpass the former in imposing harsh work discipline on its employees.

The ban on workers disclosing their salary to each other or to a third party is both violating human rights and not at all grounded in law. Firstly, this kind of action should be considered a private matter among the employees and the management should in no way intervene, let alone ban it. Secondly, it violates Article Four in the Chinese Labor Contract Law which states that when the employer sets up regulations regarding employees' salary or anything directly related to employees' rights, the employees should be openly informed[1].Only if the salary system is open to the workers, can they compare their salaries with each other to see whether their pay is

[1] "When an Employer formulates, revises or decides on rules and regulations or material matters concerning labor compensation, work hours, rest, leave, work safety and hygiene, insurance, benefits, employee training, work discipline or work quota management, etc. that have a direct bearing on the immediate interests of its workers, the same shall be discussed by the employee representative congress or all the employees. The employee representative congress or all the employees, as the case may be, shall put forward a proposal and comments, whereupon the matter shall be determined through consultations with the labor union or employee representatives conducted on a basis of equality. If, during the implementation of an Employer's rule or regulation, the labor union or an employee is of the opinion that the rule or regulation is inappropriate, it or he is entitled to communicate such opinion to the Employer, and the rule or regulation shall be improved by making amendments after consultations. Rules and regulations that have a direct bearing on the immediate interests of workers shall be made public or be communicated to the workers." As translated by Baker & McKenzie.

reasonable and fair. Keeping the salary structure secret equates to depriving workers' of their right to protect themselves. Such a regulation is absolutely unreasonable. The same argument is also valid for keeping the employee handbook secret. The purpose of such penalty clauses is obvious: terrorize workers so that they dare not voice their grievances to the press or NGOs. This is a serious violation of the freedom of speech of workers there.

There are also other clauses which infringe workers' rights:

> Appendix I
> We respect our employees' right to freedom of association and to join a union as stipulated by laws…Although we respect freedom of speech, we do not accept any propaganda in the workplace.
>
> Appendix II
> 1.1.3 All employees are obligated to report to the company any illegal act or acts which violate the company's code of conduct.

The clause Appendix I claims to be "respecting trade union", but what follows, however, ("do not accept any propaganda in the workplace") practically nullifies the company's alleged respect of it. If "any propaganda" is banned, then it necessarily bans any attempt by trade union representatives to tell workers that the union works to their advantage. No wonder that the workplace union is hardly mentioned at all in the handbook, although the Labor Contract Law and the Trade Union Law require the employer to consult the trade union for all matters related to labor, from salary, labor discipline to occupational safety.

The only place that the manual acknowledges the union is in article 7.1.34 of chapter seven on labour discipline, where workers are told that they could get a verbal or written warning for any action which "the management or the trade union consider to be violating labour discipline." This not only gives those who have the authority to impose penalties on workers far too great an arbitrary power but, as it also makes the trade union part of this penalizing mechanism, it practically turns the latter into a yellow union. And this is the sole role the union plays as stipulated by the revised manual! This should not surprise us though because the workers complained that the workplace union is management controlled. (For more see below)

We do not regard it as the duty of employees to "report to the company any illegal act or acts which violate the company's code of conduct". All citizens, including employees, are only obliged to act within the law, but this is different from saying that employees have a duty to report any illegal act to the company. While MCID's revised employee handbook has already deleted this clause from its older version, it is particularly offending to see that the revised MCIQ handbook still keeps this penalty clause.

The Danish reporter, Peter Rasmussen, after making interviews with Globalization Monitor, reported these outrageous clauses in the newspaper Information on March 29, 2010. Tim Rishøj, CEO of MCIQ, was reported as saying that they were going to revise the manual again to 'remove any doubt'. We were able to obtain the revised manual for MCIQ, dated January, 2011. We found out that it is basically the same as the 2009 version, and if there is any improvement, it is trivial, and accompanied by revisions which are worse than the 2009 manual:

1 The new manual now only bans workers from disclosing their colleagues' salary, but we consider that MCIQ (and MCID) should delete this clause altogether.

2 Appendix I of the 2009 version was deleted, but it does not imply any improvement about trade union rights, because the revised version keeps the clause on empowering the union to discipline workers.

3 While the 2009 version 'only' carries 59 penalty clauses, in the 2011 version the number of clauses are increased to 62. It added a ban on workers taking private photos in the workshops (6.1.31), obviously a response to workers at MCID who took photos of a poster posted by the management acknowledging that they used benzene.

Also added is 6.1.55, which goes into details about penalizing violence:

"Instant dismissal will be exercised for any violence, intimidation, insults or any action which puts other people in danger, or which causes damage to the company or to the safety or mental well being of other people.(…Even for self defense it should be appropriate; over reacting in self defense may be considered as violating labour discipline or even the law.)

This clause seems to suggest wide spread violence in MCIQ and that it is not uncommon for workers to defend themselves. But the question is: defense from whom?

Who are the attackers? We know very well that in MCID the security guards often intimidated workers and which caused a violent strike in 2008. In MCIQ there was also a strike in 2005, although the details of it were far from clear to outsiders, nor do we know any detail of this kind of violence. One thing is sure though, that the 2011 version of the manual imposes the same kind of barrack like regime in MCIQ as it did before. In fact it keeps intact the 14 clauses of 'dinning discipline' in appendix three of the 2009 manual, which, for instance, ban workers jumping queues, talking aloud, or arguing with the canteen's management personnel. At the same time there is no institutionalized channels for genuine workers' elected representatives to have regular consultation with the management over the quality of food provided, or measures which guarantee that workers have enough time to queue up and eat. We must not forget that in MCID one of the reasons for triggering a strike was that workers were denied enough time to queue up to get food. In this situation, the 14 clauses of 'dining discipline' act as though to treat the workers like prisoners.

Complaints by workers concerning the company's illegal or inappropriate practices

Due to the fact that MCIQ has imposed harsh and unreasonable penalties on workers who dare to speak to reporters, we were not able to find as many workers for interviews as we would like, hence making it difficult for us to double check the workers' claims and to verify each and every complaint from these workers. Whenever this is the case we will report the contradictory claims by different workers.

- **No labor contracts given**: There is unfair treatment when employing new staff. New staff are not given a labor contract during the four-month pre-work training. Therefore the new staff members are not protected under the law if they suffer from any occupational injuries. According to the Labor Contract Law, the pre-work training is also considered part of the work, and should be compensated and protected under the law.

- **Management controlled union:** the Company's trade union was formed in early 2009, but its founding procedures were suspicious. Most workers said that there was no genuine election, and most of the 51 members of the union committee were practically appointed by the management, and they are mostly personnel of management level. One interviewee responded that only six of them are workers and the rest of them are people of managerial level. Only one team leader we interviewed said 98 percent of the union committee are workers, but also according to him the union's chairperson is a manager from the Human

Resources Department. If that is true then this explicitly violates the July 2008 regulation released by ACFTU (All China Federation of Trade Unions), forbidding members of management and personnel from the human resources department from becoming the chairperson of the workplace union. Most of the workers we interviewed said that the union is useless, and its main function is to distribute free and low value gifts or occasionally arrange recreational activities.

- **Bribery of foreman and opaque promotion system**: some workers complained that promotion or asking for favors requires bribery. In addition, the lack of transparency in recruitment and promotion procedures gives workers the impression that bribery and corruption are behind the scenes.

- **No Chinese-language labels for chemicals:** Many workers reported that the labels on hazardous chemicals are only written in English. So the workers have no knowledge about the hazards of the chemicals. In addition, this violates the legal requirement that all hazardous chemicals should have Chinese labels and warnings, according to the Law of Prevention and Control for Occupational Diseases.

- **Cover up work injuries:** The team leaders and supervisors of the Qingdao plant often obstruct workers with less serious work injuries from reporting to the medical office or to the authorities, even if it require some days of rest to recover from their injury. This is because their bonus is linked to the number of work injuries, and so there is an incentive in covering up work injuries. Since workers do not have their elected representatives to speak for them, there are absolutely no checks from below over the power of team leaders and supervisors.

- **High-temperature working environment:** workers reported that the temperature of the working environment is as high as 38-40 degrees Celsius, but they have not been provided any high temperature subsidy as suggested by the 2007 guideline issued jointly by the Ministry of Health, Ministry of Labour and Social Security, National Safety Supervision Bureau and the All-China Federation of Trade Union. Furthermore, the management did nothing to lower the heat except to distribute ice lollies to workers.

- **Occupational related hearing loss** is common among the workers. In terms of preventive measures, the company management provides noise stoppers to workers, but recently the management changed from the 3M brand to

domestically made products in order to cut costs. Workers complained that the quality is sub-standard and ineffective. 3M masks have also been substituted for domestic products and workers have complained that the mask design is not good, it makes breathing more difficult and has to be pulled down occasionally in order that they can breathe. The workers reported this to their team leaders but were ignored.

- **Getting personal protective equipment (PPE) is more difficult:** Previously PPE such as noise stoppers were distributed regularly but then the management changed the procedure, requiring workers to bring forward the old devices to team leaders in order to change them for new ones. This implies that whereas workers were previously entitled to receive such equipment, now they have to ask the team leaders for replacements, and this new mechanism practically gives more power to the team leaders to make things difficult for workers.

- **Salary too low and workers not consulted over changes of work due to economic downturn**: Because of the financial crisis in 2009, many workers were only guaranteed the minimum wage. In addition to this, since the management now required less manpower it decided to keep workers busy by making them to do whatever work or 'training' the management could conceive of without ever consulting workers. This resulted in the changing of work schedules which resulted in chaos and was at the expense of the workers, who often became more tired or found things in their daily lives more difficult to arrange.

- **Worsening meal quality**: Several workers complained about the worsening quality of the meals provided in the factory canteen. They found that the meal provider had been changed.

On January 25, 2010, GM wrote to the new CEO of MCIQ, Mr. Brian Nielsen, informing him of the complaints by workers, and to ask for his response, but he refused to enter into dialogue with us.

Both the workers' complaints and our investigations justify our demand for an independent investigation of MCIQ. The investigation must involve international trade unions and genuine NGOs working on China labor issues.

Maersk Dongguan: Workers fight for their health

After two violent strikes and a change of leadership, on July 8, 2008, MCID was found by the Dongguan Disease Prevention and Control Centre to have noise hazards well above the permitted level. According to the report, the Centre investigated seven work stations of the plant and found that at the 2KHZ frequency six of them had noise above the permitted level of 85dba, and at the 4KHZ frequency four of them had noise hazards above the permitted level (these two frequencies are within human hearing frequency, hence noise hazards at these two frequencies have the biggest impact on human hearing). The report concluded by saying that the level of noise exceeded the level permitted by the Design and Health Standard for Industrial Enterprises (GBZ1-2002), and suggested that improvement over the working environment and on protective personal equipment must be made. This has led to so many hearing loss cases among workers at MCID. The management of MCID has, however, repeatedly attempted to obstruct affected workers from having access to full medical check-ups, treatment and compensation. In some instances they even dismissed workers with hearing loss before they were able to make their cases heard.

As of December 20, 2010, we had interviewed 80 workers, and found out that there were at least 6 cases of certified occupational diseases (three cases of hearing loss, two cases of blood disease – one of them later died, and one case of asthma), 15 cases officially placed under medical observation for hearing loss, and 27 cases of complaints about suspected occupational diseases. (For more information see Attachment A). Even if we do not take into account the last category, the ratio of certified occupational diseases and officially placed under medical observation are abnormally high among the base of 80 workers – 7.5% for the former and 33.75% for the latter. As of October 2009 MCID had 1050 workers, if we apply the above ratio to the whole workforce the numbers of occupational diseases and those placed under medical observation will be alarmingly high. In order to find out the truth about the exact number in the above categories we emailed our questions to Mr. Hultengren, CEO of MCID, but he refused to answer our questions.

Although according to the Law of Prevention and Control for Occupational Diseases those who are put under medical observation are protected from dismissal by employers, MCID tends to dismiss them in order to evade responsibility. The first two cases of unlawful dismissal were Yuan Daiyong and Wang Dapeng in 2008, both placed under medical observation for hearing loss. After our protest the management had avoided direct dismissal, but has used more sophisticated ways to get rid of the

workers by making them ‘resign’ of their own accord, or by refusing to renew their contracts when they were due --- although this is in breach of the law. Hence all fifteen of the cases that were placed under medical observation, with the exception of one, were made to leave the company without further medical treatment.

Another common occupational disease in MCID is benzene poisoning, which may lead to blood diseases like leukemia. According to our sources, there were at least two cases of certified benzene poisoning, and one of them might have died from this. Mr. Mo Desong worked for MCID (Maersk Container Industry Dongguan Ltd) for three years since 2006. He died on October 30, 2009, after falling ill nine months earlier. He was diagnosed as having chronic occupational diseases and mild benzene poisoning, and died of multiple organ failure. MCID had delayed Mo’s application for occupational disease diagnosis and treatment for five months. His death might have been avoided if MCID had not obstructed both the sending of Mo to the Guangdong Provincial Hospital for Prevention and Treatment of Occupational Disease (Occupational Hospital hereafter) in time, and the providing of necessary documents to this hospital for Mo’s diagnosis within the time limit set by this hospital. (For more please read Globalization Monitor report *We Hold Maersk Dongguan Responsible for the Death of Mr. Mo*, March 10, 2010)

The other worker who suffers from occupational benzene poisoning is Li Xin.

For the details of these cases please refer to the section below and to Appendix A and B.

In China, a major hurdle for workers is the step of recognition and qualification of occupational injury / diseases. It requires the cooperation of the employers in providing the occupational disease prevention hospitals with employees’ health monitoring files, workshops environmental investigation report, and payment for medical expenses, before the latter can make a diagnosis for the workers. Our investigation shows that up until today the MCID still makes things difficult for workers with suspected occupational diseases or those already placed under medical observation by not providing or delaying in providing the above documents to the hospital. In many cases workers with suspected occupational disease waited for more than six months without being able to be admitted to hospital for proper medical checks and treatment.

There is also at least one case of occupational asthma. Mr. Hu Changqing spent two years fighting with the management's attempt at obstructing his medical diagnosis, and even when his asthma was finally certified as a work injury in September 2009, every step of treatment proved to be torturous because the management made things difficult for him. (For more information see below)

In addition to occupational diseases, another problem in MCID is high level of work injury. We had complained to MCID, and in respond to us MCID released a statement on January 12, 2009, denying the accusation and claims that in 2008 there were only 34 injuries. This is not true. We have at hand part of a list of work injuries indicating that in August 2008 alone there were at least 30 injuries, in July there were at least 21 injuries. The sum of these two months alone, therefore, already far exceed the Maersk yearly figure.

On the night of 16th February, 2011, there was an industrial accident occurred in Maersk Container Industry Dongguan (MCID). A welder accidentally fell down at work and then was crushed by container. He was dead immediately. The news was reported in the Nangfang Daily. The report quotes a worker by saying that the production orders increased a lot after the Chinese New Year Holiday. In order to meet the lead time, it is possible that the operating speed and tempo were increased. [2]

In general, after the workers fought back for twice in 2008, and after Globalization Monitor worked with civil organizations like the Danwatch and Critical Shareholders to put pressure on MCID, it seems that the latter did improved its OSH regime and its barrack like labor discipline. We must point out, however, that labor rights in MCID are still far from being fully protected in accordance to the laws and also to basic human rights.

Case studies

Mr. Yuan Dai-yong

Mr. Yuan joined the factory on 8 August 2006 as semi-automatic soldering worker. In April 2008, he was diagnosed as having a certain level of hearing loss, and two months later, he was suspected of suffering from benzene poisoning[3] by the Guangdong Provincial Hospital for Prevention and Treatment of Occupational

[2] http://nf.nfdaily.cn/nfdsb/content/2011-02/18/content_20126087.htm

[3] The main indicator of benzene poisoning is a lower than normal level of leukocyte, platelet or red blood cells.

Diseases. He believed that prolonged exposure to noise and the chemicals such as thinner and paints led to such diseases. He initially received medical treatment and demanded the company management provide compensation. He was recognized as "under medical observation" by the hospital, which means that he should not be dismissed. Now that he was dismissed it also means that he is denied any follow up medical check or treatment for his illness. He was also denied access to any evidence that may prove links with his illness.

His contract was terminated on alleged charges of his threatening his superiors, which Yuan denied and he has not been allowed to make any appeal since then, even though the company had promised to make a fair review of all dismissal cases. He went through the arbitrary procedure but lost his case; he suspected that the government officials might have been bribed.

Mr. Hu Chang-qing

Mr. Hu joined the company on 20 November 2006 as a soldering Quality Control worker. On September 12, 2008, he was diagnosed as having hearing loss and restrictive lung functioning by the Hospital for Prevention and Treatment of Occupational Diseases. He suspected that prolonged exposure to noise and dust led to such diseases. However, the conclusion of the medical reports stated that no links were found between the symptoms and any occupational disease. Surprisingly "no loss of hearing was found", either, hence it was deemed that there was no need to move his work post to another one free of noise hazards.

In order to find out the truth, he visited the hospital again on September 24, and consulted the doctor on duty there, who then checked the computer and printed the diagnosis for him. This time the diagnosis was entirely different from the original one: it found that there was hearing loss and it was related to Hu's occupation, hence the management needed to change his work to one free of noise hazards. Meanwhile the doctor made a phone call and when she hung up the phone she suddenly tore the printed diagnosis into two and instead printed out the original diagnosis and said it was correct. Hu was shocked and became suspicious. He decided to pay himself for visits to a Hong Kong medical inspection centre and a Guangzhou hospital respectively, which confirmed both loss of hearing and lung malfunction.

On May 18, 2009, he approached his superior Cai zhongtao to ask Cai to send him to have his lungs checked. He was turned away until he proved that he did have contact

with paint. In September he was officially diagnosed as having occupational asthma, and then in January 2011 he was graded as sixth grade disability.

Mr. Li Xin

Mr. Li joined the company on 19 July 2006 as a paint adjusting worker. He was diagnosed as having hearing loss and leukopenia in September 2008. However, he was only brought to a regular hospital, instead of the Provincial Hospital for Occupational Diseases. The company management only wished to be responsible for the medical treatment but rejected demands for monetary compensation. He has now changed his job to become a cleaning worker in order to avoid exposure to noise and paint.

He was diagnosed as having leukopenia and suspected hearing loss on November 29, 2008 in a local hospital, and he approached the company for processing the Occupational Disease diagnosis, but the management did not respond. He got the same result in the Guangdong Occupational Disease hospital on May 13, 2009. His contract was renewed when the old one expired on July 18, 2009, but later the management wanted a trade off from him by offering him 13,000 Yuan of compensation for his termination of the contract and giving up all claims and rights concerning occupational diseases regarding the company. While some of his colleagues accepted the offer, he refused to sign the document. On December 1, 2009 he was officially diagnosed as having work related leukopenia. On December 14, he was officially confirmed as having a work related injury by the social security board. In January 2011 he was graded as seventh grade disability.

Our Demands

After we released our first report on MCID, the company conducted two social audits in 2009, one carried out by Impactt and the second by CRECEA. Their reports have little credibility simply due to the fact that they asked no questions at all about the numbers of confirmed or suspected occupational diseases, the procedures of handling these cases, and the practices of the management to cover up these cases. Therefore we demand that an independent investigation, involving international trade unions and genuine NGOs, be conducted into MCID and paid for by the company be carried out as soon as possible.

The workers have faced difficulties and have been helpless when they found themselves ill. However, the company management failed to provide them sufficient assistance and instead tried to deter them from getting proper diagnosis and legal

compensation. It even illegally terminated labor contracts of workers once they were suspected of suffering from occupational diseases. We therefore urge the company management to:

- Take all workers with suspected occupational diseases to the Guangdong Provincial Hospital for Occupational Diseases, rather than to regular hospitals. The former is the only authority for medical checks according to the Law of Prevention and Control for Occupational Disease. The company management should cover all the cost of medical inspections and reimburse all the workers' past inspection costs;
- Cover the medical treatment and compensation for the workers and ex-workers once they are diagnosed as having occupational hearing loss, benzene poisoning and/or blood diseases like leukemia;

Finally, the Maersk management must obey the Law of Prevention and Control for Occupational Diseases and the Labour Contract Law. They should:

- Not terminate contracts when workers suffer from suspected occupational diseases.
- Give contracts to all new workers when they receive pre-work training.
- Remove all the inhumane and unfair rules for staff.
- Allow workers to self-organize and self-elect their trade union, which should serve as a platform for the negotiation of employment terms and compensation for occupational injuries. The trade union should be without any members of company management and Human Resources Department.

Appendix A: Cases of Certified Occupational Diseases

Name	Employment Situation	Diagnosis	Workers' complaints
1Li Xin	On the job	Chronic and mild benzene poisoning	Demand for permanent contract
2 Mo Desong	Passed away	Chronic and mild benzene poisoning	His wife is filing a court case against MCID
3 Hu Changqing	On the job	Occupational asthma	Demand for permanent contract
4 Li Jiming	Not allowed to renew contract	Mild hearing loss	Received compensation

5Song Xiaolong	Not allowed to renew contract	Mild hearing loss	Received compensation
6Wang Hua'an	Not allowed to renew contract	Mild hearing loss	Received compensation

Appendix B: Cases of Placed Under Medical Observation

Name	Employment Situation	Diagnosis	Workers Demand
1.Wang Dapeng	Dismissed 9/10/2008	Suspected Occupational Hearing Loss	Re-instate ment
2. Yuan Daiyong	Dismissed 9/10/2008	Suspected Occupational Hearing Loss	Re-instate ment
3. Huang Xianhui	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
4. Zhong Qingwen	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
5. Wu Qingshan	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
6. Zhou Qunfang	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
7. Huangpu Liguo	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
8. Huang Zhizhong	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
9. Zhang Daoying	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
10. Li Zhihai	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
11. Wei Guangbo	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
12. ZuoQuanbao	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
13. Luo Yongli	Contract not renewed	Suspected Occupational	Re-instate ment

		Hearing Loss	
14. Ling Puwang	Contract not renewed	Suspected Occupational Hearing Loss	Re-instate ment
15. Qi Yuting	On the job	Suspected Occupational Hearing Loss	

Appendix C: MCID's violation of labor-related laws

	Problems	Law requirements
Occupational Health (Law of Prevention and Control for Occupational Diseases)	Did not regularly provide effective personal protective equipment, such as noise stoppers, to prevent workers from getting occupational diseases.	Article 20 clearly stated that the company should provide such equipment, and should not provide sub-standard products, otherwise the employer will be fined 50,000 – 200,000 Yuan (article 65).
	Failed to remove all occupational hazards, and stop all operations that may lead to occupational diseases	This also violates article 21, and the employer will be fined 50,000 – 200,000 Yuan (article 65). In the most serious case, the factory will be shut down.
	Failed to arrange medical inspection and treatment for workers who suffered or were suspected of suffering from occupational diseases, and cover the incurred costs.	This also violates article 49, and the employer will be fined 50,000 – 200,000 Yuan (article 65). In the most serious case, the factory will be shut down.
	Did not correctly label	This violates article 26,

	warnings on hazardous chemicals in Chinese-language warning.	and the employer may be fined 50,000 – 200,000 Yuan (article 66).
	Obstructed people from reporting occupational diseases, and tried to cover them up.	This violates article 43, and the employer may be fined as much as 50,000 Yuan (article 67).
	Illegally terminated the contract when the worker was diagnosed as “placed under medical observation” for suspected occupational disease.	This violates article 49, and the Labour Contract Law states that contracts will continue during medical observation or treatment.
	Failed to provide necessary documents for further diagnosis of occupational disease	This violates article 48, and the employer may be fined 20,000 – 50,000 Yuan. (article 64)
	Failed to install equipment that fulfill the occupational safety requirement	This violates article 13, and the employer may be fined 100,000 – 500,000 Yuan. (article 62)
Working Hours	Over time exceeding the monthly 36 hours overtime ceiling stipulated by law	This violates article 41 in the Labor Code 1995