

國民政府
頒佈

工

廠

法

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工廠法

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(第一章)「總則」。(第一條)凡用汽力電力水力發動機器之工廠。平時僱用工人在三十人以上者。適用本法。(第二條)本法所稱主管官署。除有特別規定者外。在市爲市政府。在縣爲縣政府。(第三條)工廠應備工人名冊。登記關於工人之左列事項。(一)姓名年齡籍貫住址。(二)入廠年月。(三)工作類別時間及報酬。(四)技能品行。(五)工作效率。(六)在廠所受賞罰。(七)傷病種類及原因。(第四條)工廠每六個月。應將左列事項呈報主管官署一次。(一)工人名冊。(二)工人傷病及其治療經過。(三)災變事項及其救濟。(四)退職工人及其退職之理由。(第二章)「童工女工」(第五條)凡未滿十四歲之男女。工廠不得僱用爲工廠工人。十二歲以上未滿十四歲之男女。在本法公佈前。已於工廠工作者。本法施行時。得由主管官署核准。寬其年限。(第六條)男女工人在十四歲以上未滿十六歲者爲童工。童工祇准從事輕便工作。(第七條)童工及女工不得從事左列各種工作。(一)處理有爆發性引火性或有毒質之物品。(二)有

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塵埃粉末或有毒氣體散布場所之工作。(三)連轉中機器或動力傳導裝置危險部份之掃除上油檢查修理及上卸皮帶繩索等事。(四)高壓電線之銜接。(五)已溶礦物或礦滓之處理。(六)鍋爐之燒火。(七)其他有害風紀或有危險性之工作。

(第三章) 「工作時間」(第八條)成年工人。每日實在工作時間。以八小時為原則。如因地方情形或工作性質有必須延長工作時間者。得定至十小時。(第九條)凡工廠採用晝夜輪班制者。所有工人班次。至少每星期更換一次。(第十條)除第八條之規定外。因天災事變季節之關係。仍得延長工作時間。但每日總工作時間。不得超過十二小時。其延長之時間。每月不得超過三十六小時。(第十一條)童工每日之工作時間。不得超過八小時。(第十二條)童工不得在午後七時至翌晨六時之時間內工作。(第十三條)女工不得在午後十時至翌晨六時之時間內工作。(第十四條)「休息及休假」(第十四條)凡工人繼續工作至五小時。應有半小時之休息。(第十五條)凡工人每七日中應有一日之休息。(第十六條)凡政府法令所規定應放假之紀念日。均應給假休息。(第十七條)凡工人在廠繼續工作。滿一定期間者。應有特別休假。其休假期如左。

(一)在廠工作一年以上未滿三年者。每年七日。(二)在廠工作三年以上未滿五年者。每年十日

(三)在廠工作五年以上未滿十年者。每年十四日。(四)在廠工作十年以上者。其特別休假期。每年加給一日。其總數不得超過三十日。(第十八條)凡依照第十五條至第十七條所定之休息日及休假期內。工資照給。如工人不願特別休假期者。應加給該假期內之工資。(第十九條)關於軍用公用之工作。主管官署認爲必要時。得停止工人之休假。

(第五章)「工資」(二十條)工人最低工資率之規定。應以各廠所在地之工人生活狀況爲標準。(第二十一條)工廠對工人。應以當地通用貨幣爲工資之給付。(第二十二條)工資之給付。應有定期。至少每月發給二次。論件計算工資者。亦同。(第二十三條)依第十條第十九條之規定。延長工作時間。其工資應照平日每小時工資額加給三分之一至三分之二。(第二十四條)男女作同等之工作而其效力相同者。應給同等之工資。(第二十五條)工廠對於工人。不得預扣工資爲違約金或賠償之用。

(第六章)「工作契約之終止」(第二十六條)凡有定期之工作契約。期滿時必須雙方同意。方得續約。(第二十七條)凡無定期之工作契約。如工廠欲終止契約者。應於事前預告工人。其預告之期間。依左列之規定。但契約另訂有較長之預告期間者。從其契約。(一)在廠繼續工作

三個月以上未滿一年者。於十日前預告之。(二)在廠繼續工作一年以上未滿三年者。於二十日前預告之。(三)在廠繼續工作三年以上者。於三十日前預告之。(第二十八條)工人於接到前條預告後。爲另謀工作。得於工作時請假外出。但每星期不得過二日之工作時間。其請假期內。工資照給。(第二十九條)工廠依第二十七條之規定。預告終止契約者。除給工人以應得工資外。並須給以該條所定預告期間工資之半數。其不依第二十七條之規定而即時終止契約者。須照給工人以該條所定預告期間之工資。(第三十條)有左列各款情事之一者。縱於工作契約期滿前。工廠得終止契約。但應依第二十七條之規定。預告工人。(一)工廠爲全部或一部之歇業時。(二)工廠因不可抗力停工。在一個月以上時。(三)工人對於其所承受之工作不能勝任時。(第三十一條)有左列各款情事之一時。縱於工作契約期滿前。工廠得不經預告終止契約。(一)工人屢次違反工廠規則時。(二)工人無故繼續曠工至三日以上。或一個月之內無故曠工至六日以上時。(第三十二條)凡無定期之工作契約。各工人欲終止契約。應於一星期間預告工廠。(第三十三條)有左列情事之一者。縱於契約期滿前。工人得不經預告終止契約。(一)工廠違反工作契約或勞動法令之重要規定時。(二)工廠無故不按時發給工資時。(三)工廠虐待工人時。(第三

十四條)對於第三十條第三款第三十一條第一款及第三十三條各款有爭執時。得由工廠會議處理之。(第三十五條)工作關係終止時。工人得請求工廠給與工作證明書。工廠不得拒絕。但工人不依第三十二條之規定而即時終止契約或有第三十一條所列各款情事之一者。不在此限。前項證明書。應記載左列事項(一)工人之姓名年齡籍貫及住址。(二)工作種類。(三)在廠工作時期及成績。

(第七章)「工人福利」(第三十六條)工廠對於童工及學徒。應使受補習教育。并負擔其費用之全部。其補習教育之時間。每星期至少須有十小時。對於其他失學工人。亦當酌量補助其教育。前項補習教育之時間。須在工作時間以外(第三十七條)女工分娩前後。應停止工作共八星期。工資照給。(第三十八條)工廠在可能範圍內。應協助工人。舉辦工人儲蓄及合作社等事宜。(第三十九條)工廠在可能範圍內。應提倡工人正當娛樂。(第四十條)工廠每營業年度終結算如有盈餘。除提股息公積金外。對於全年工作并無過失之工人。應給以獎金。或分配盈餘。(第八章)「工廠安全與衛生設備」。(第四十一條)工廠應爲左列之安全設備。(一)工人身體上之安全設備(二)工廠建築上之安全設備。(三)機器裝置之安全設備。(四)工廠預防火災水

患等之安全設備。(第四十二條)工廠應爲左列之衛生設備(一)空氣流通之設備(二)飲料清潔之設備。(三)盥洗所及廁所之設備(四)光線之設備。(五)防衛毒質之設備。(第四十三條)工廠對於工人。應爲預防災變之訓練。(第四十四條)主管官署如查得工廠之安全或衛生設備有不完全時。得限期令其改善。於必要時。並得停止其一部之使用。

(第九章)「工人津貼及撫恤」(第四十五條)在勞働保險法施行前。工人因執行職務而致傷病或死亡者。工廠應給其醫藥補助費及撫恤費。其補助及撫恤之標準如左。但工廠資本在五萬元以下者。得呈請主管官署核減其給與數目。(一)對於因傷病暫時不能工作之工人。除擔任其醫藥費外。每日給以平均工資三分之二之津貼。如經過六個月尙未痊愈。其每日津貼。得減至平均工資二分之一。但以一年爲限。(二)對於因傷病曾爲殘廢之工人。永久失其全部或一部之工作能力者。給以殘廢津貼。其津貼以殘廢部分之輕重爲標準。但至多不得超過三年之平均工資。至少不得低於一年之平均工資。(三)對於死亡之工人。除給與五十圓之喪葬費外。應給與其遺族撫卹費三百圓。及二年之平均工資。前項平均工資之計算。以該工人在廠最後三個月之平均工資爲標準。喪葬費撫卹費應一次給與。但傷病津貼。殘廢津貼。得按期給與。

(第四十六條) 受領前條之撫卹費者。爲工人之妻或夫。無妻或無夫者。依左列順序。但工人有遺囑時。依其遺囑。第一子女。第二父母。第三孫。第四同胞兄弟姊妹。(第四十七條) 工人遇有婚喪大故急需款時。得向工廠請求預支一個月以內之工資。或發還儲金之全部或一部。(第四十八條) 工廠遇災變時。工人如有死亡或重大傷害者。應將經過情形及善後辦法。於五日內呈報主管官署。

(第十章) 「工廠會議」(第四十九條) 工廠會議由工廠代表及全廠工人選舉之同數代表組織之。前項工廠代表。應選派熟習工廠或勞工情形者充之。工人代表選舉時。應呈請主管官署派員監督。(第五十條) 工廠會議之職務如左。(一) 研究工作效率之增進。(二) 改善工廠與工人之關係。並調解其糾紛。(三) 協助工作契約及工廠規則之實行。(四) 協商延長工作時間之辦法。

(五) 改進廠中安全與衛生之設備。(六) 建議工廠或工場之改良。(七) 籌劃工人福利事項(第五十一條) 前條所列各款事項。關於工廠者。先由該工廠工人代表與工廠會議處理之。工廠會議不能解決時。依勞資爭議處理法辦理。(第五十二條) 工人年滿十八歲者。有舉工人代表之權(第五十三條) 有中華民國國籍之工人年滿二十四歲在廠繼續工作六個月以上者。有被選舉

爲工人代表之權。(第五十四條)工廠會議之工人代表及工廠代表。各以五人至九人爲限。(第五十五條)工廠會議之主席。由雙方代表各推定一人。輪流擔任之。工廠會議每月開會一次。於必要時。召集臨時會議。

(第十一章)「學徒」(第五十六條)工廠收用學徒。須與學徒或其法定代理人訂定契約。共備三份。分存雙方當事人及送主管官署備案。其契約應載明左列各款事項。(一)學徒姓名年齡籍貫及住址。(二)學習職業之種類。(三)契約締結之日期及其存續期間。(四)相互之義務。如約定之學徒。應納學費時。其學費額及其給付期。如約定學徒。應受報酬時。其報酬額及其給付期。前項之約。不得限制學徒于學習期滿後營業之自由。(第五十七條)未滿十四歲之男女。不得爲學徒。但于本法施行前已入工廠爲學徒者。不在此限。(第五十八條)學徒之習藝時間。準用本法第三章之規定。(第五十九條)學徒除見習外。不得從事本法第七條所列各種工作。(第六十條)學徒對於工廠之職業傳授人。有服從忠實勤勉之義務。(第六十一條)學徒於習藝期間之膳宿醫藥費。均由工廠負擔之。並於每月酌給相當之零用。(第六十二條)學徒於習藝期間內。除有不得已事故外。不得中途離廠。如未得工廠同意而離廠者。學徒或其法定代理人

。應償還學徒在廠時之膳宿醫藥費。(第六十三條)工廠所招學徒人數。不得超過普通工人三分之一。(第六十四條)工廠所收學徒人數過多。對於學徒之傳授無充分之機會時。主管官署得令其減少學徒之一部。並限定其以後招收學徒之最高額。(第六十五條)工廠對於學徒在其學習期內。須使職業傳授人盡力傳授學徒契約所定職業上之技術。(第六十六條)除第三十一條所列各款外。有左列情事之一者。工廠得終止契約。(一)學徒反抗正當之教導者。(二)學徒有偷竊行為屢戒不悛者。(第六十七條)除第三十三條所列各款外。有左列情事之一者。學徒或其法定代理人。得終止契約。(一)工廠不能履行其契約上之義務時。(二)工廠對於學徒危害其健康或墮落其品行時。

(第十二章) 「罰則」 (第六十八條)工廠違背本法第七條及第十一條至第十三條之規定者。處一百元以上五百元以下之罰金。(第六十九條)工廠違背本法第五條第八條至第十條第三十七條及第六十三條之規定者。處以五十元以上三百元以下之罰金。(第七十條)工廠違背本法第四十五條之規定者。處五十元以上二百元以下之罰金。(第七十一條)工廠違背本法第三條第四條第十四條至第十九條及第三十六條之規定者。處一百元以下之罰金。(第七十二條)凡工廠工頭

。對於職務上如因不忠實行爲或懈怠。致發生事變。或使事變範圍擴大時。處一年以下有期徒刑拘役。或五百元以下之罰金。(第七十三條)工人以暴力妨害廠務進行。或損毀廠內貨物器具者。依刑法最高度之刑處斷。(第七十四條)工人以強暴脅迫使他人罷工時。工廠得即時開除之。並得送官署依法懲辦。

(第十三章)「附則」(第七十五條)工廠規則之訂定或變更。須呈准主管官署並揭示之。(第七十六條)本法施行條例另定之。(第七十七條)本法施行日期。以命令定之。

The New National Factory Law

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Chapter I.

General Provisions

ARTICLE 1. This Law shall apply to all factories where the machinery is driven by steam, electric, or water power and where in ordinary times thirty or more laborers are employed.

ARTICLE 2. When used in this Law, unless the regulations otherwise indicate, the term "Proper Authorities" means the municipal government in municipalities and the district government in the districts (Hsien).

ARTICLE 3. Factories shall keep a laborers' register and record fully the following particulars concerning each laborer:—

- 1) Name, age, birthplace and address;
- 2) Year and month of entry into the factory;
- 3) The kind of work, hours and remuneration;
- 4) Skill and conduct;
- 5) Efficiency of work;
- 6) The rewards and penalties received in the factory;
- 7) The kinds of illness suffered by the laborer and the causes thereof.

ARTICLE 4. Once every six months factories shall submit to the Proper Authorities a report, containing the following particulars:—

- 1) A register of the laborers' names;
- 2) Illness suffered by the laborers, treatment and results;
- 3) Accidents and measures taken for relief thereof;
- 4) The dismissal of laborers and reasons therefor.

Chapter II.

Child and Female Labor

ARTICLE 5. No person, male or female, who has not completed his or her fourteenth year shall be employed in any factory as a laborer.

Boys or girls above the age of twelve and below the age of fourteen who are already in employment prior to the promulgation of this Law may, with the consent of the Proper Authorities, have the age limit extended when this Law is put into effect.

ARTICLE 6. Males or females above the age of fourteen but who have not completed their sixteenth year shall be deemed child laborers and are permitted to perform light or easy work only.

ARTICLE 7. Child and female labor shall not be employed in the following work:—

- 1) In handling explosive, inflammatory or poisonous articles;
- 2) In places which are exposed to dust or poisonous odors and gas;
- 3) In fixing, cleaning, oiling, inspecting, or repairing moving machines, power transmitting equipment, or risky parts thereof, or in adjusting belts and ropes;
- 4) In connecting highly charged electric wires;
- 5) In handling molten metals or the residue thereof;
- 6) In handling furnaces or boilers; or
- 7) Other work that is immoral or of a dangerous character.

Chapter III.

Working Hours.

ARTICLE 8. In principle the number of working hours for adult laborers shall be eight per day; but may be extended to ten per day in cases of necessity due to varying local conditions or the nature of the work.

ARTICLE 9. All factories that use the system of day and night shifts shall so arrange their working schedules that the shifts for the laborers may be interchanged at least once a week.

ARTICLE 10. Notwithstanding the provisions of Article 8 the employers may, on the ground of natural, accidental or seasonal changes, extend the working day, but the total number of working hours shall not exceed twelve per day, and the overtime work shall not exceed thirty-six hours per month for any laborer.

ARTICLE 11. The regular working day for child laborers shall, under no circumstances, exceed eight hours.

ARTICLE 12. Child laborers shall not work between the hours of seven o'clock in the evening and six o'clock the following morning.

ARTICLE 13. Female laborers shall not work between the hours of ten o'clock in the evening and six o'clock the following morning.

Chapter VI

Rest and Holidays

ARTICLE 14. Any laborer who works continuously for a period of five hours shall enjoy half an hour's rest.

ARTICLE 15. All laborers shall have a full day's rest in every seven days.

ARTICLE 16. All factories shall cease work on holidays designated by law or orders of the Government.

ARTICLE 17. All laborers who work continuously for a fixed period shall be allowed a special holiday which shall be based on the following scale:—

- 1) All laborers who have worked continuously for more than one year but less than three years, shall be allowed a holiday period of seven days each year;
- 2) All laborers who have worked continuously for more than three years but less than five years, shall be allowed a holiday period of ten days per year;
- 3) All laborers who have worked continuously for more than five years but less than ten years, shall be allowed a holiday period of fourteen days a year;
- 4) All laborers who have worked continuously for more than ten years shall have an additional day for each additional year added to his holiday period, but the total number of days shall not exceed thirty.

ARTICLE 18. All laborers shall be paid their regular wages for the holidays and rest periods provided in Articles 15, 16 and 17.

In cases where the laborers do not wish to enjoy the special holiday to which they are entitled, their wages for the said period shall be doubled.

ARTICLE 19. Where military establishments or public utility works are concerned, the Proper Authorities may refuse to grant holiday periods whenever they deem such action necessary.

Chapter V.

Wages

ARTICLE 20. Minimum wages of the laborers shall be determined in accordance with the living conditions prevalent in the various localities in which the factories are established.

ARTICLE 21. Wages shall be paid by the factories to the laborers in the local legal tender.

ARTICLE 22. Regular wages based either on the time-rate or the piece-rate shall be paid to the workers at least twice a month. Wages shall be paid on fixed dates.

ARTICLE 23. Whenever an extension of working hours is made in accordance with Article 10 or Article 19, the laborers' wages shall be increased from one-third

to two-thirds of their regular wages calculated on an hourly basis.

ARTICLE 24. Male and female laborers of the same occupation and of equal efficiency shall receive equal wages.

ARTICLE 25. Factories shall not deduct in advance the wages of the laborers as security for penalties for breach of contract or as indemnity for damages.

Chapter VI.

Termination of Working Contracts

ARTICLE 26. Contracts entered into for a stipulated period of time may, upon expiration, be renewed only by mutual agreement.

ARTICLE 27. In cases where the contract has no stipulation as to its term, the factory may cancel the same only by serving on the laborers a notice in advance. The time allowed by the notice shall be based upon the following scale, but this provision shall not apply to contracts which have stipulations concerning the manner of termination:—

- 1) Ten days' advance notice to laborers who have worked in the factory for more than three months but less than one year;
- 2) Twenty days' advance notice to laborers who have worked for more than one year but less than three years;
- 3) Thirty days' advance notice to laborers who have worked for more than three years.

ARTICLE 28. Laborers who have received notices of dismissal may ask for a leave of absence in order to apply for other jobs, but said leave of absence shall not exceed two working days a week. Wages during the said period shall be paid to said laborers.

ARTICLE 29. Factories which terminate the working contract in conformity with the provisions of Article 27 shall pay the laborers, in addition to their regular wages, half of the wages due for the period of notification as stipulated in the said Article. Failing to comply with the provisions of Article 27, the factories which desire summary termination of the working contract, shall pay to the laborers the entire wages for the period of notification as stipulated in the said Article.

ARTICLE 30. Factories may terminate the employment agreements with their laborers under any one of the following conditions, but must serve previous notices on them in accordance with the provisions of Article 27:—

- 1) When a factory totally or partially suspends operations;

- 2) When a factory either through natural disasters or the force of unforeseen circumstances, is obliged to suspend operations for a period of over one month;
- 3) When a laborer is incapable of performing his work.

ARTICLE 31. Factories may terminate the employment agreements with their laborers without serving on them any previous notice under any one of the following conditions:—

- 1) When a laborer repeatedly violates the factory's regulations;
- 2) When a laborer fails to report for work without good cause for over three consecutive days or for over six days within one month.

ARTICLE 32. Laborers may terminate their working contracts by serving on the factories a notice of one week, in case said contracts have no stipulation as to the term thereof.

ARTICLE 33. Under any one of the following conditions the laborers may terminate their contracts with the factories without serving on the latter any previous notice:—

- 1) When a factory violates the terms of the working contract or any important provisions of the Government's labor laws;
- 2) When a factory fails to pay the wages at the proper time without just cause;
- 3) When a factory maltreats the laborers.

ARTICLE 34. Disputes arising from the interpretations and applications of paragraph 3 of Article 30, paragraph 1 of Article 31 and Article 33 may be referred to the Factory Council for settlement.

ARTICLE 35. Upon termination of the working contract, the laborers may request the factory to issue them certificates of work. But this stipulation shall not be applicable in cases where the workers summarily terminate their contract without conforming with the provisions of Article 32, or in cases where the contracts are terminated in accordance with any one of the conditions mentioned in Article 31. The certificates of work shall contain the following particulars:—

- 1) The laborers' name in full, age, birthplace and address;
- 2) The kind of work engaged in by the laborer;
- 3) The period of time during which the laborer was employed by the factory and his record.

Chapter VII.

Laborers' Welfare

ARTICLE 36. All factories shall provide supplementary education for the child laborers and apprentices, and shall be responsible for all the expenses incurred thereof. Such supplementary education shall not be less than ten hours a week. For other laborers who have no opportunity for education, the factories shall also establish within their means educational facilities. The time for conducting the above mentioned education shall be arranged outside of the working hours.

ARTICLE 37. Female laborers shall be given leave with full wages before and after child-birth, amounting altogether to eight weeks in duration.

ARTICLE 38. Factories shall to the best of their ability assist the laborers in establishing workers' savings and cooperative societies, etc.

ARTICLE 39. Factories shall to the best of their ability promote proper amusements for their laborers.

ARTICLE 40. At the end of each fiscal year, after due appropriations have been made for dividends and reserve funds the factory shall give those laborers who have no demerits during the year, either a reward or a share of the remaining profits.

Chapter VIII.

Safety and Sanitation

ARTICLE 41. All factories shall take the following safety precautions:—

- 1) Safety precautions against risks of personal injury to the laborers.
- 2) Safety precautions regarding the structure of the factory.
- 3) Precautions regarding the proper installation of machines.
- 4) Precautions for the prevention of fire and floods.

ARTICLE 42. All factories shall have the following sanitary provisions:—

- 1) Provisions for good ventilation;
- 2) " " pure drinks;
- 3) " " lavatories and toilet facilities;
- 4) " " light;
- 5) " " poison prevention.

ARTICLE 43. All factories shall give their laborers safety education.

ARTICLE 44. Whenever the safety or sanitary provisions of a factory are found inadequate, the proper Authorities may require improvement within a definite

period of time, and in case of necessity may also forbid the use of any part of the factory.

Chapter IX.

Laborers' Compensation and Pensions

ARTICLE 45. Pending the enforcement of Workers Insurance Law, the factory shall pay to the laborers injured or killed in the performance of their duty all medical expenses and a sum based on the following scale. If, however, the capital of the factory is less than fifty thousand dollars, the factory may petition the Proper Authorities to reduce the sums to be paid

- 1) For laborers temporarily incapacitated, the factory shall, besides bearing the medical expenses, pay them each day a sum amounting to two-thirds of their regular wage for a period of not more than six months. Upon the expiration of the said period, the factory may reduce the amount of compensation to half of the laborers' average wage for a period of not more than one year;
- 2) For workers permanently disabled in the performance of their duty, the factory shall pay a sum commensurate with the extent of the disablement. Such compensation, however, shall under no circumstances exceed three years' regular wages, or be less than one year's wages;
- 3) For laborers killed in the course of their employment, the factory shall, besides paying a sum of fifty dollars as funeral expenses, pay to the legal heirs a sum of three hundred dollars, plus two years' regular wages. The regular wage mentioned above shall be based upon the laborers' average wage during the last three months of their employment. Funeral expenses and pensions shall be paid at one and the same time, but compensation for injuries or sickness or disablement may be paid at regular intervals.

ARTICLE 46. Pensions provided for in the previous Article shall be paid to the wife or husband of the deceased laborer. Should the deceased leave no wife or husband, the pension, unless otherwise provided in the will of the deceased, shall be paid in the following order:—

- 1) Children
- 2) Parents
- 3) Grandchildren
- 4) Brothers and sisters

ARTICLE 47. Whenever a laborer urgently needs money on occasions of marriage or death, he may request the factory to advance him a sum not exceeding one month's wages, or the whole or a part of his savings.

ARTICLE 48. Should any accident occur resulting in the death or grave injury to a laborer, the factory shall, within five days, report its occurrence and the consequent measures taken to the Proper Authorities.

Chapter X

Factory Council

ARTICLE 49. The Factory Council shall be composed of an equal number of representatives from both the factory and the laborers.

The factory representatives on the Factory Council shall be selected from those who are familiar with the conditions of the factory and the conditions of the laborers.

The election of laborers' representatives shall be reported to and supervised by the representatives of the Proper Authorities.

ARTICLE 50. The duties of the Factory Council shall be as follows:—

- 1) To study the improvement of working efficiency;
- 2) To improve the relations between the factory and the laborers, and to settle disputes between them;
- 3) To cooperate in carrying out the working contract and the regulations of the factory;
- 4) To cooperate in discussing methods of extending the working day;
- 5) To improve the safety and sanitary conditions of the factory;
- 6) To submit proposals for the improvement of factory conditions;
- 7) To plan welfare enterprises for the laborers.

ARTICLE 51. Matters referred to in the previous Article and concerning one workshop only shall first be referred to the representatives of the workshop in question and the factory. Should the representatives fail to effect a solution or should the matter concern two or more workshops, then the dispute shall be submitted to the Factory Council for settlement. Should the Council fail to effect a solution, then the dispute shall be settled in accordance with the Laws for the Settlement of Disputes Between Capital and Labor.

ARTICLE 52. Laborers above eighteen years of age shall have the right to vote for the laborers' representatives on the Factory Council.

ARTICLE 53. Laborers who are of Chinese nationality, above 24 years of age and have worked in the factory for more than six months shall have the right to be elected as laborers' representatives.

ARTICLE 54. The number of representatives for either the factory or the laborers shall be limited to from five to nine.

ARTICLE 55. The Chairman of the Factory Council shall be elected alternatively by the factory representatives and the laborers' representatives. The Council shall have one regular meeting each month, but in case of necessity may call special meetings.

Chapter XI.

Apprentices

ARTICLE 56. Factories taking apprentices shall first conclude contracts with them or their legal representatives. The contract shall be made in triplicate, one copy for each of the contracting parties and one to be submitted to the Proper Authorities for registration. The contract shall contain the following articles:—

- 1) The name, age, birthplace and address of the apprentice.
- 2) The kind of trade the apprentice is to follow.
- 3) The date on which the contract is made and its duration.
- 4) Mutual obligations; Should the apprentice be required to pay tuition, the amount and time for payment shall be stipulated. Where the contract of apprenticeship provided remuneration for the apprentice's service, the amount and time of payment shall likewise be stipulated. The above contract shall not restrict the apprentice's freedom to work upon the expiration of the apprenticeship.

ARTICLE 57. Neither male nor female persons below the age of fourteen shall be engaged as apprentices, excepting those who were already engaged as apprentices prior to the enforcement of this Law.

ARTICLE 58. The hours of training for apprentices shall be governed by the provisions of Chapter III of this Law.

ARTICLE 59. Except for purposes of practice, apprentices shall not be engaged in any of the occupations enumerated in Article 7.

ARTICLE 60. Apprentices shall be diligent, obedient and loyal towards the officers and masters of the factory.

ARTICLE 61. During the whole term of apprenticeship, the apprentices shall be supplied with board, lodging, and medical care by the factory, in addition to a proper allowance for incidentals each month,

ARTICLE 62. Except in cases of great necessity, no apprentice shall leave the factory during the period of apprenticeship; otherwise the apprentice or his legal representative shall refund the board, lodging and medical expenses incurred by the factory during the period of apprenticeship already served.

ARTICLE 63. The total number of apprentices taken by a factory shall not exceed one-third of its regular workers.

ARTICLE 64. Should a factory take more apprentices than it can adequately train, the Proper Authorities may order a partial reduction, and also set a limit to the number of apprentices the factory may thereafter take.

ARTICLE 65. During the period of apprenticeship the factory shall to the best of its ability train the apprentices for the trade specified in the contract of apprenticeship.

ARTICLE 66. In addition to the provisions of Article 31, the factory may terminate the contract of apprenticeship under any one of the following conditions:—

- 1) When the apprentice revolts against proper instructions;
- 2) When the apprentice commits theft and fails to repent, in spite of repeated admonitions.

ARTICLE 67. In addition to the provisions of Article 33, the apprentice or his legal representative may terminate the contract of apprenticeship under any one of the following conditions:—

- 1) When the factory is incapable of performing its obligations stipulated in the contract;
- 2) When a factory becomes dangerous to the life and health of the apprentice or harmful to his character.

Chapter XII

Penalties

ARTICLE 68. Factories, violating the provisions of Articles 7, 11, 12 and 13, shall be fined a sum of not less than one hundred and not more than five hundred dollars for each offence.

ARTICLE 69. Factories, violating the provisions of Articles 5, 8, 9, 10, 37 and 63, shall be fined a sum of not less than fifty and not more than three hundred dollars for each offence.

ARTICLE 70. Factories, violating the provisions of Article 45, shall be fined a sum of not less than fifty and not more than two hundred dollars for each offence.

ARTICLE 71. Factories, violating the provisions of Articles 3, 4, 14, 15, 16, 17, 18, 19 and 36, shall be fined a sum of not more than one hundred dollars for each offence.

ARTICLE 72. When a factory foreman, due to disloyal conduct or negligence, causes thereby an accident or the extension thereof, he shall be punished with impi-

sonment for a period of not more than one year, or with a fine of not more than five hundred dollars.

ARTICLE 73. Any laborer who obstructs the operation of the factory or destroys the goods or equipment of the factory by violence, shall be liable to criminal punishment of the severest degree.

ARTICLE 74. A laborer who by duress forces another fellow-worker or his fellow-workers to strike, may be summarily dismissed or sent to the Proper Authorities for due punishment.

Chapter XIII.

Addenda

ARTICLE 75. The compilation or alteration of factory regulations shall be submitted to the Proper Authorities for approval and promulgation.

ARTICLE 76. Regulations for the enforcement of this Law shall be issued separately.

ARTICLE 77. The date for the enforcement of this Law shall be fixed by a special order.

END

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