

UNDERSTANDING
BETWEEN
THE DEPARTMENT OF LABOR OF THE UNITED STATES OF AMERICA
AND
THE MINISTRY OF LABOUR AND SOCIAL SECURITY
OF THE PEOPLE'S REPUBLIC OF CHINA
ON LABOR LAW COOPERATION

The Department of Labor of the United States of America and the Ministry of Labour and Social Security of the People's Republic of China (hereinafter referred to as "the Participants") have reached an understanding to establish a program of cooperation on labor matters of mutual interest. The Participants share common commitments and challenges to ensure economic growth, create employment, raise living standards and support widely-shared prosperity. In addition, both share the common goal to protect worker rights in accordance with relevant international labor principles, while fully respecting the national law and legal provisions of the Participants.

Article One: Areas for Cooperation

The Participants further share the view that cooperation should initially focus on selected areas, including the following:

1. Labor Legislation and Labor Law Administration

The Participants intend to cooperate in developing labor laws and regulations to safeguard worker rights as provided in China's 1994 Labor Law, taking into consideration the principles embodied in the 1998 International Labor Organization Declaration on Fundamental Principles and Rights at Work, and developing a national training system for Chinese government officials at all levels concerned with the administration of labor laws and regulations.

2. Labor Law Awareness

The Participants intend to cooperate in developing an educational infrastructure on labor law to educate workers and employers about their legal rights, protections and responsibilities under the law.

3. Industrial Relations

The Participants plan to cooperate in the promotion of labor-management cooperation in the workplace, including the development of mechanisms for labor dispute prevention and resolution and a system to inform government officials, employers, workers and other members of the civil society of best international practices in the areas of worker rights.

4. Legal Aid

The Participants, working with governmental and non-governmental organizations, expect to cooperate in developing the means to provide legal aid and legal training to workers and in developing sustainable institutional capacities in China for the continuation of legal services to workers beyond the initial period of cooperation.

In furtherance of the objectives of this Understanding, it was decided that a program of technical assistance should be initiated this year in China at a funding level of up to US\$4.5 million, provided by the Department of Labor of the United States (USDOL). USDOL and the Ministry of Labour and Social Security (MOLSS) of the People's Republic of China intend to undertake this program.

Article Two: Coordination

Overall coordination for the program of cooperation and exchange rests with the Bureau of International Labor Affairs (ILAB) of the USDOL and the Department of International Cooperation of MOLSS. MOLSS intends to support any program of technical assistance mutually decided upon by the Participants by providing staff support and the information needed for the effective design, implementation, and evaluation of the programs.

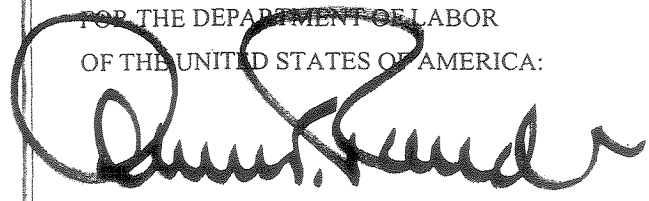
Where considered appropriate and necessary to achieve the objectives of this Understanding, upon mutual agreement of the Participants, the Participants may invite the contribution and participation of representatives of workers, employers and non-governmental organizations. Pilot projects are to be conducted when deemed appropriate by USDOL and MOLSS.

The activities undertaken pursuant to this Understanding should be subject to the availability of duly authorized and appropriated funds, and each side bears the cost for its participation unless decided otherwise. This Understanding is to be considered as the good intention of the Participants to undertake labor law cooperation and should be interpreted as nothing but an understanding between the Participants.

Activities under this Understanding commence upon the date of signature below and continue for a period of four years. This Understanding may be amended or extended by written consent of the Participants.

Signed in Beijing in duplicate, on April 10, 2003, in English and Chinese, both texts being equally authentic.

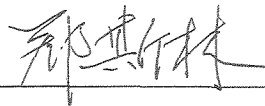
FOR THE DEPARTMENT OF LABOR
OF THE UNITED STATES OF AMERICA:



Elaine L. Chao
Secretary of Labor

By
Clark T. Randt, Jr.
Ambassador Extraordinary and Plenipotentiary

FOR THE MINISTRY OF LABOUR AND
SOCIAL SECURITY OF THE PEOPLE'S
REPUBLIC OF CHINA:



Zheng Silin
Minister

美利坚合众国劳工部
与
中华人民共和国劳动和社会保障部
关于劳动法规合作达成的
谅解

美利坚合众国劳工部与中华人民共和国劳动和社会保障部（以下简称“双方”）就双方共同感兴趣的劳动事务开展合作达成谅解。双方认为在确保经济增长、创造就业岗位、提高生活水平和促进广泛共享繁荣等方面，双方有着共同的责任和挑战。此外，双方还认为，在充分尊重各自国内有关法律和规定的同时，按照有关国际劳工原则保护工人权益是双方共同的目标。

第一条 合作领域

双方还一致认为，合作应先着眼于确定的几个领域，包括以下内容：

一、劳动立法和劳动法规行政管理

双方将在制定劳动法律和法规领域开展合作，以保障中国1994年颁布的《劳动法》赋予工人的权利，同时兼顾1998年国际劳工组织《关于工作中的基本原则和权利宣言》中体现的原则；在建立国家培训制度上开展合作，培训与劳动法律法规行政管理有关的中国各级政府官员。

二、 劳动法律意识

双方将在建立劳动法律教育基础设施方面开展合作，向雇主和雇员提供有关国家劳动法律法规赋予他们的合法权利、保护及其各自的法律责任方面的教育。

三、 产业关系

双方计划在促进工作场所劳资合作方面进行合作，包括建立劳动争议预防和处理机制，以及建立一项向政府官员、雇主、工人和民间社会其他成员介绍有关工人权利最佳国际实践的制度。

四、 法律援助

双方将开展合作，与政府组织和非政府组织一道，开发向工人提供法律援助和法律培训的手段，并在中国开发制度上可持续的能力，以便项目初期合作结束后为工人提供的法律服务得以持续。

为实现本谅解的目标，确定 2003 年在中国启动一个技术援助项目，由美国劳工部提供总额不超过 450 万美元的资金支持。该项目由美国劳工部和中国劳动和社会保障部实施。

第二条 工 作 协 调

美国劳工部国际劳工事务局和中国劳动和社会保障部国际合作司负责综合协调本项目的合作与交流活动。中国劳动和社会保障部将通过提供人员和提供为有效设计、实施和评估项目所需

信息，对双方共同确定的任何技术援助计划提供支持。

为实现本谅解的目标，如属必要和合适，经双方同意，双方可以邀请工人、雇主和非政府组织的代表参与本项目活动。如果双方认为合适，还可以进行试点。

根据本谅解开展的活动应根据批准和划拨的资金状况而定。除非另有约定，否则双方应承担各自参与项目活动的费用。本谅解应被视为双方发展两国在劳动法规合作方面的良好意愿，并仅应理解为双方的一项谅解。

本谅解自双方签字之日起开始生效，为期四年。经双方书面协商同意，本谅解可以修改或延期。

本谅解于 2003 年 4 月 10 日在北京签订，一式两份，每份都用英文和中文写成，两种文本同等作准。

美利坚合众国

劳工部代表

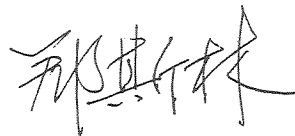


赵小兰部长

(美国驻华特命全权大使雷德代签)

中华人民共和国

劳动和社会保障部代表



郑斯林部长