

(Translated from Chinese)

Receipt is hereby acknowledged of the letter dated 30 May 2018 from the special procedures mandate-holders of the United Nations Human Rights Council (ref. AL CHN 10/2018). The Chinese Government wishes to reply to that communication as follows:

A. Catcher Technology (Suqian) Co., Ltd. (hereinafter referred to as “the Catcher Company”) is a Taiwanese, Hong Kong and Macao legal-entity investment enterprise wholly owned by Taiwan Catcher Technology Co., Ltd. of China. It was established in the Suqian Industrial Park of Suqian City, Suzhou, in 2008, formally began volume production in November 2010 and currently employs a total of 17,523 workers. The Catcher Company signs a written labour contract with every employee on the day he or she comes on board (one copy is given to the employee, and one copy is retained by the company), and files for and pays social insurance for all employees during their first month of work.

Investigators discovered cases in which the Catcher Company illegally extended working hours of workers; no other violations of Chinese labour security laws and regulations have as yet been discovered. The Jiangsu Provincial Department of Human Resources and Social Security has further strengthened supervision of overtime work at the Company and taken effective measures to ensure that the problem is rectified in accordance with the law.

B. Investigation of related issues

1. Restrictions on Employees’ Entry and Departure

Catcher Company employment recruiting does not involve discrimination on such grounds as nationality, race, sex, religious belief, or age. Conditions for employee recruitment are clearly stated in widely-distributed recruitment-publicity colour brochures. Recruitment procedures and declarations against employment discrimination are explicitly posted on the Company’s recruitment-hall bulletin board.

2. Employee turnover

The Catcher Company staff manual stipulates the application deadlines for departing employees and workers during, or following completion of, their probation period as follows: employees on probation must apply three days in advance of resigning while formally-employed staff members have seven days to do so. No person may postpone or fail to [*one character illegible*] for any reason. Moreover, the Catcher Company has established a “staff care centre” to provide employees intending to resign with prompt guidance on arranging exit interviews, returning uniforms and other related formalities in accordance with the employee induction and training manual.

The induction and separation channels for Catcher Company employees are currently open and working well. There have been no instances in which employees had their resident identity cards and other documents seized, were required to provide security guarantees or had their property taken under other pretexts.

(a) Regarding overtime working hours

Because of its large volume of orders, the Company adopted a day-shift and night-shift system after consultation with labour unions and staff representatives. The working hours for the day shift are 8:30–20:30 and 20:30–8:30 the next day for the night shift. These include two hours for meals and rest, for 10 hours of actual work each day, and one day off each week; extended working hours do not exceed 20 hours per week. Although compensatory time off is arranged for employees who work overtime on rest days, and extra wages are given for work on legal holidays and ordinary overtime in accordance with the law, the Catcher Company’s extended working hours exceeded the working hours provided for under relevant laws and regulations.



(b) Regarding the issue of infringement of the right to know. At the signing of the labour contract, the Catcher Company informs the employee about work content, occupational hazards, and safety in production. The text of the labour contract explains such relevant issues as the duration of the contract; the content and place of work; working hours, rest and leave; labour remuneration; working conditions; protection from occupational hazards; the probationary period; and maintaining confidentiality, with the Company and the employee each retaining a copy. Moreover, the Catcher Company also informs workers about the aforementioned relevant issues and other matters that employees need to know, through various other channels such as induction training and the employee manual. The democratic labour-management mechanisms in place at the Catcher Company, such as trade unions and workers' congresses, are currently sound and functioning normally.

(c) Regarding the issue of discharge of harmful substances and air pollution. At present, the Company has implemented the environmental-impact assessment system and completed the examination and approval procedures for its environmental-protection measures. After effective treatment, all the pollutants that it discharges conform to national standards. It has installed networked testing equipment at the main wastewater outlet, along with electricity-distribution monitoring installations for abandoned treatment facilities. The environmental protection authorities can monitor the operational status of pollution-treatment facilities in real time through software. The environmental protection departments of cities and districts conduct non-scheduled supervision and sample-testing of pollutant discharges and uncontrolled emissions at the boundary of the Company factory; all samples taken during the testing period were in conformity with the standard.

(d) Regarding the issue of hazards to workers' health and safety. The Company has engaged professional institutions such as the Jiangsu Academy of Safety Science and Technology to compile special reports on the design of occupational-illness protection facilities and assess their effectiveness in controlling such hazards; and has been evaluated and approved by the Provincial Safety Administration and other units (Safety Status Evaluation Report completed on 26 July 2017 and Occupational-Illness Hazards Status Evaluation Report completed on 6 June 2017). Gloves, masks, earplugs and other protective equipment are issued, distributed and used according to the requirements of the project health-controls effectiveness evaluation report, and adequate protective equipment is provided. Reasonable ventilation has been designed for each job workshop, with staff specifically assigned to maintain shop cleanliness; every year, professional organizations are engaged to inspect for hazardous factors in the workplace (Occupational Hazards Testing completed 4 June 2018), and the results are publicly announced to employees. Upon induction, all employees conclude and sign a "Matters Related to Occupational Health Notification for Special Posts in the Catcher Group" document providing information on the hazardous factors of every job post in the Company and the protective gear needed to be worn in each; protective work gear is provided according to the requirements of the post. For jobs with higher levels of hazard risk, automated operations are given priority over human-labour operations.

(e) On the issue of food impurity

All catering firms currently working with the Company meet qualification standards, and are able to provide quarantine cooperation certificates for all meat and other food ingredients used. Samples of each meal are preserved for 48 hours by regulation, and supervisory records are kept on them. The market supervision authorities of the industrial park in which the Company is located [following text indecipherable]. Upon investigation, the evening meal cost 3 yuan, and the quality of individual meat dishes was not high.

C. Next steps

Ever since the Catcher Company entered Suqian Industrial Park, the local human resources and social security authorities have repeatedly visited the enterprise and provided it with guidance and supervision aimed at strengthening labour and employment management in accordance with the law and regulations. They have regularly conducted daily inspections and documentary checks to verify the Company's compliance with labour laws and regulations. When unlawful labour and employment practices have been found, these authorities have promptly called attention to them and provided guidance by such

means as offering labour and social security supervision suggestions. Moreover, in accordance with the law, the Company promptly attends to reports and complaints implicating it. It thoroughly investigates unlawful acts and punishes those responsible for them.

In view of the findings in this investigation concerning overtime working hours, the local human resources and social security authorities will supervise and urge the Catcher Company to strictly abide by the labour security laws and regulations; formulate and improve its employment management system in accordance with the law, especially with regard to the system for managing working hours, rest and vacation; further regularize overtime operation procedures and reduce overtime hours for Company workers; and safeguard the rights and interests of employees regarding rest and vacation in accordance with the law. Supervision of overtime work in the Catcher Company will be further intensified to ensure that problems are rectified in accordance with the law. The Company will be warned, ordered to make corrections within a set time limit, and penalized for violations of labour-security laws, regulations or rules and for extending labourers' working hours. The work of publicizing laws and regulations will be improved, the Company's workshops and staff dormitories will be deeply examined on a regular basis, and common knowledge of labour-security laws and regulations will be popularized among front-line operators. A rotational system of training in basic professional labour-security knowledge will be set up to ensure participation by all managers, along with a system to evaluate the qualifications of workers'-affairs professionals to advise on the labour-security legal system, so as to ensure that they are certified to work.



中华人民共和国常驻联合国日内瓦办事处和瑞士其他国际组织代表团

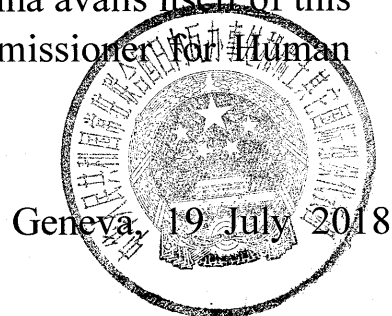
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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's communication [AL CHN 10/2018] dated 30 May 2018, has the honour to transmit the reply by the Chinese Government.

The Permanent Mission of the People's Republic of China avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Office of the High Commissioner for Human Rights
Geneva

OHCHR REGISTRY

23 JUL 2018

Recipients :.....S.P.B.....

(REG: 19/07/2018)

联合国人权理事会有关特别机制 2018 年 5 月 30 日来函 [AL CHN 10/2018] 收悉。中国政府对来函答复如下：

一、可成科技(宿迁)有限公司(以下简称“可成公司”)是由中国台湾可成科技股份有限公司投资成立的台港澳法人独资企业,于 2008 年落户宿迁市苏州宿迁工业园区,2010 年 11 月正式量产。目前总用工人数 17523 人。可成公司与所有员工在入职当天签订书面劳动合同(一份交予员工,一份公司留存),为所有员工在入职当月申报缴纳社会保险。

经查,可成公司存在违法延长劳动者工作时间情况,暂未发现其他违反中国劳动保障法律法规情况。中国江苏省人力资源社会保障厅已进一步加大对该公司超时加班的督查力度,采取有效措施,确保问题依法整改。

二、有关问题调查情况

1、关于员工入离职受限问题

可成公司招录行为没有涉及民族、种族、性别、宗教信仰、年龄等就业歧视情况。员工招录条件在广泛发放的招聘宣传彩页中有明确表述,招录流程、反就业歧视声明等在公司招聘大厅宣传栏中都明示告知。

2、员工离职

可成公司员工手册中对试用期及试用期期满职工离职时限规定如下:员工试用期内提前三日,正式工提前七日提

出离职申请，任何人不得以任何理由延迟或不批。同时，可成公司设置了“员工关怀中心”，以便及时引导具有离职意向职工按照员工入职培训手册办理离职面谈、服装交还等相关手续。

目前，可成公司员工入离职渠道畅通、状况良好，不存在扣押员工居民身份证和其他证件，或要求提供担保或以其他名义收取财物等情况。

（二）关于超时工作时间

因公司订单量较大，公司经与工会和职工代表协商后实行白班、夜班工作制。白班工作时间为 8:30-20:30，夜班工作时间为 20:30-次日 8:30，其中包含用餐和休息时间 2 小时，实际每天工作 10 小时、每周休息一天，周延长工作时间不超过 20 小时的作息模式。虽然员工休息日加班安排补休，法定节假日和平时加点工资依法支付，但可成公司延长的工作时间已超过相关法律法规规定的工作时间。

（三）关于知情权受侵犯问题。可成公司在签订劳动合同时详细告知员工工作内容、职业危害、安全生产状况等情况；在劳动合同中对劳动合同期限、工作内容和工作地点、时间及休息休假、劳动报酬、劳动条件、执业危害防护、试用期、保守秘密等相关事项都进行了说明，劳动合同文本由公司和员工各执一份。同时，可成公司还通过入职培训、员工手册等多种形式，向劳动者告知上述各相关事项及员工需

要了解的其他事项。目前，可成公司工会、职工代表大会等相关民主管理机制健全且运作正常。

（四）关于有害物质排放、空气污染问题。该企业目前已履行环境影响评价制度，完成环保审批手续，各项污染物经有效处理后排放皆符合国家标准。该企业在废水总排口处安装在线检测设备，废弃治理设施上安装配用电监控设施，环保部门通过软件可以实时查询企业污染治理设施运行状况。市、区环保部门不定期对该企业污染物排放情况、厂界无组织排放情况进行监督抽测，抽测期间指标均合格。

（五）关于危害工人健康和安全问题。该企业委托江苏省安全生产科学研究院等专业机构开展编制执业病防护设施设计专篇、控制效果评价报告，并通过省安监局等单位组织的评审、验收（安全现状评价报告 2017/7/26 完成、职业病危害现状评价报告 2017/6/6 完成）。手套、口罩、耳塞等防护用品按照项目卫生控制效果评价报告要求配备、发放、使用，防护用品充足提供。每个作业车间皆经过合理的通风换气设计，设有专人维护车间整洁，每年委托专业机构对作业场所危害因素进行检测（职业危害因素检测 2018/6/4 完成），检测结果向员工公示。员工在入职时，均专门签订一份《可成集团特殊岗位职业卫生告知相关事项》，告知公司各岗位存在的危害因素和需要佩戴的防护用具，并按岗位要求提供劳动防护用品。危害风险等级较高作业，优先以自动

化作业取代劳工作业。

（六）关于食物不洁问题

目前，与该企业合作的餐厅厂商均具备合格资质。厂商使用各种肉类等食材能够提供检疫合作证明，每餐留样按规定保存 48 小时并做监察记录。该企业所在园区市场监督管理部门每季度对该公司餐厅和合作的餐厅厂商食材进行监察。经调查，夜餐 3 元，个别荤菜品质不高。

三、下一步举措

可成公司自入驻宿迁园区以来，当地人力资源和社会保障部门多次上门指导督促企业依法依规加强劳动用工管理，定期对该公司劳动用工法律法规执行情况进行日常巡查和书面审查，发现存在劳动用工违法行为的，及时通过劳动保障监察建议书等形式予以提醒和指导，同时依法及时受理涉及该公司的举报投诉案件，严肃查处违法行为。

针对本次核查的超时工作时间，当地人力资源和社会保障部门将督促可成公司严格遵守劳动保障法律法规，依法制定完善用工管理制度，特别是工作时间和休息休假方面的管理制度，进一步规范公司员工加班操作流程、缩短加班时长，依法保障职工的休息休假权益。进一步加大对可成公司超时加班的监察力度，确保问题依法整改；对该公司违反劳动保障法律法规或规章、延长劳动者工作时间的给予警告、责令限期改正，并给予处理处罚。做好法律法规宣传工作，定期

深入企业车间、员工宿舍，对一线操作工普及劳动保障法律法规常识；建立劳动保障基础业务知识轮训制度，保证管理人员人人参加；建立劳动人事从业人员劳动保障法制指示合格考核制度，确保劳动人事从业人员持证上岗。