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THE DEVELOPMENT OF THE LABOUR
MOVEMENT
AND LABOUR LEGISLATION IN CHINA

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北平大學圖書館藏書

中國勞工運動與勞工立法

THE DEVELOPMENT OF THE LABOUR MOVEMENT
AND LABOUR LEGISLATION IN CHINA

By

Jefferson D.H. Lamb, Ph.D., J.D.

*Professor in the College of Public Affairs,
Division of Social Legislation and
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University*

林東海著

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In this preliminary edition only 100 copies of the book have been printed for the use of the author's class of Social Legislation; it is not ready for circulation. The final copy will be published by The Commercial Press as a companion volume to "The Agrarian Movement and Agrarian Legislation in China", the final copy of which was about to come off press when the plant of the said company was destroyed by the Japanese military.

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By

Jefferson D.H. Lamb, PH.D., J.D.

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*Author of The Development of the
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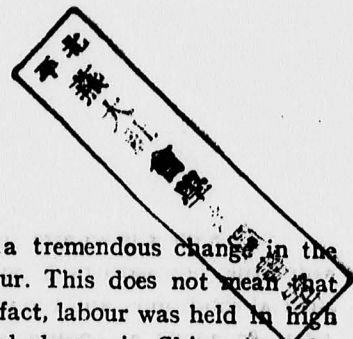


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To
My Wife

This Volume is Inscribed

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PREFACE

The past two decades have witnessed a tremendous change in the public opinion on and attitude towards labour. This does not mean that labour had no rightful place in the past; in fact, labour was held in high esteem, and constituted one of the four social classes in China (namely, the scribes or intellectuals, the farmers, the labourers, and the merchants). But this social philosophy of ours was not carried into actual practice to a large extent, and hence the position of the workers was always low.

The Revolution of 1911 brought about a radical change in Chinese society, and since then public opinion has been moulded in such a way as to alter the attitude of the people towards the workers, particularly since the reorganisation of the Kuomintang in 1924. In point of fact, legal protection of labour was not given until the Kuomintang had adopted a labour policy in that year, and it may truly be said that labour protection in a real sense of the term is the fruit of the teachings and work of Dr. Sun Yat-sen, the founder of the Kuomintang and father of the Republic.

This book of Professor Lamb's is the result of many years of research and of experiment in teaching the subject of Labour Problems and Labour Legislation in various universities in China. It represents a piece of work of a technical expert and of great importance.

March 16, 1932.

Kung Po Chen
Minister of Industries.

AUTHOR'S NOTE

This book is an attempt to give an account of the conditions under which the wage-earners lived during the period 1912-1931 inclusive. Industrial conditions and the working population have been studied from the social, economic, and political aspects. The Revolutionary Movement which gave rise to all recent social movements, particularly the Labor Movement, has been reviewed; the activities and the economic policy of the Kuomintang as well as the teachings of Dr. Sun Yat-sen have been studied and analysed with a view to bringing out the significance of the Labour Movement and Labour Legislation. Finally, all legislative enactments of the last eighteen years, especially the past eight years, have been the subject of detailed study with the object of tracing the development and progress of protective legislation since the establishment of the Republic in 1912.

My grateful thanks are due to my colleague and friend, Professor Leonard Hsu, Chairman of the Department of Sociology, for his farsightedness and interest in industrial relations by inviting me to the chair of social legislation which is entirely new in the field of social science in China. I am also grateful to the Princeton-Yenching Foundation for making it possible for every regular member of the faculty of the College of Public Affairs to do research. Finally, I wish to express my gratitude to my assistant, Mr. Lin Hsueh-chi, for assisting me in the preparation of the statistical tables.

January 1, 1932.

Yenching University.

Jefferson D. H. Lamb

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DR. SUN YAT-SEN'S MESSAGE TO THE WORKERS

(A summary of the lecture delivered before the representatives of various trade organisations in Canton on May 1st, 1924)

Dr. Sun Yat-Sen was asked to speak to the representatives of various labour organisations in Canton on Labour Day, and in compliance with the request of the committee on preparation for the meeting Dr. Sun delivered a speech entitled "The Way in which the Workers may save the Country". Dr. Sun began by saying that May first had already been set aside as an International Labour Day and that labour day had originated in the United States in 1885 when the American workers paraded in the streets of many principal cities, demanding an eight-hour working day and better treatment including rest days and educational privileges; and, as a result of this movement for a shorter working day and for fair treatment, May first was subsequently observed as the Labour Day.¹ Later this movement spread to Europe, and the European workers followed the example of the American workers and demanded the same treatment and privileges as had been secured by the American workers. Hence, workers in all countries commemorate May first as Labour Day. After this historical sketch of Labour Day, Dr. Sun pointed out five significant facts about the Chinese Labour Movement as follows:

I. THE POSITION OF THE WORKERS AND THAT OF CHINA.--The Chinese workers to-day follow the example of workers of other countries and cooperate with them to commemorate Labour Day. In Dr. Sun's opinion this is significant, but in order to understand what the significance is, the Chinese workers must be conscious of their own position; and, in order to understand their own position they must first know what the position of China is. To-day China is the poorest and weakest nation in the world, and is oppressed by the Great Powers; hence China is in the position of slavery similar to that of the Koreans and of the Annamese. The former are slaves to Japan and the latter to France. Whether they are slaves to the Japanese or to the French, they are slaves to a single strong and powerful nation; but we Chinese are slaves to many Great Powers. All the nations who have commercial treaties with China are her masters. They made loans to the Manchu Government who in turn made all kinds of unequal treaties with them, giving them China's sovereign rights, thus selling the

¹ First Monday in September is now Labour Day in the United States.

Chinese to foreign powers. In other words, the unequal treaties which the Manchu Government made with foreign powers are contracts of sale. The signing and ratification of the treaties may be said to be a transaction of business of a sale; hence we Chinese have been sold by the Manchu Government to foreign powers. The Revolution of 1911 released the Chinese from slavery to the Manchus, but the contract of sale which the Manchus made with foreign powers has not, as yet, been terminated, and hence the Chinese are still slaves to foreign nations who have treaty relations with China. The position of China is, however, different from that of pre-revolution time in that the Chinese had been slaves to both the Manchus and the foreign nations having treaty relations with China prior to the Revolution of 1911, but since then the Chinese having been freed from bondage of the Manchus remain only slaves to the foreign powers. But even though we are freemen so far as our relation with the Manchus is concerned, we are still slaves to more than ten foreign masters. Unlike the Koreans or the Annamese who have only one foreign master to serve, we have to serve many masters all of whom are difficult to please. Obviously, our position is even weaker than that of the Koreans or the Annamese, and, if China's position is weak, the Chinese workers' position is naturally weaker.

2. LABOUR ORGANISATION AND PROTECTIVE LEGISLATION.— The next important fact that Dr. Sun pointed out in his lecture is the significance of organised effort and protective legislation. The Chinese workers, he says, are also following the example of Western workers in organising unions to promote their own interests and for their protection. Henceforth Chinese workers should make up their mind and exert their energy to form a large labour organisation as the Western workers have done. In Dr. Sun's opinion all labour disputes and strikes of recent years are introduced from foreign countries. Every civilised nation with a good government has large labour organisations and has enacted labour laws for the protection of the workers' interests, but this kind of protection can only be found in civilised countries; hence despotic governments have not given the workers the privilege of organising unions and have not enacted legislation for their protection. Still, the question that arises here is: Why should they organise unions? The principal object of forming labour organisations is to struggle with the capitalists for recognition of the workers' position (in the industrial world). It is obvious, therefore, that workers even in an enlightened country are still not treated on the basis of equality. In brief the capitalists in any country still maltreat the wage-earners; hence workers of the world must cooperate and be organised in order to struggle with the capitalists (for the recognition of the workers' social personality).

Big capitalists in foreign countries sprang up as a result of the Industrial Revolution. Large scale industry has replaced the handicraft industry. The former requires big capital and brings about mass production; but, unfortunately, money is the source of all evil, and so the capitalists can do everything as they please. They are greedy; they desire more wealth and greater power; they oppress and maltreat their workers. Consequently, they have become influential. But Chinese workers are different from workers in foreign countries in that though foreign wage-earners are oppressed by the capitalists on the one hand, they are protected by law on the other. In other words, if wage-earners in any civilised country are really oppressed by the capitalists, their government comes to their rescue and interferes with such an action. But, in spite of government protection and intervention, the wage-earners have been maltreated and exploited. This is the direct result of large scale or machine industry in highly industrialised countries. But in China machine industry has not yet been highly developed, and the capitalists are not comparable to the capitalists in industrialised countries; hence Chinese workers are not oppressed by native capitalists, who are small and not powerful, but they are oppressed and exploited by foreign capitalists. On the other hand, ever since the inception of the Labour Movement in China, small scale industries have suffered and have been oppressed by the workers. Hence the position of workers in China is not the same as that of workers in foreign countries.

But, how do we know that Chinese workers are oppressed by foreign capitalists? Ordinary workers in China, owing to the lack of insight, are not aware of the source of their suffering which has been brought about by foreign goods. Foreign capitalists, because of government protection, use their own (manufactured) products as a means of exploiting Chinese workers. Conversely, the Chinese Government not only neglects the workers, but, on the contrary, protects foreign goods. Obviously this indirect protection of foreign products is the direct protection of foreign capitalists. But, how do we know this? We can discern this from the Chinese Maritime Customs, the administration of which is in the hands of foreigners as a result of the unequal treaties made between China and Foreign Powers. Hence, foreigners collect customs duties the amount of which we cannot question. As regards customs administration in foreign countries, they have a system of protective tariff which means duty free for all exported goods but high duties for all imported goods. Thus, native industry and goods are protected by means of this high tariff wall, and consequently native goods are sold everywhere at low prices, whereas imported products are extremely dear on account of heavy duties. Thus direct protection of native industry and native goods

is, in reality, the indirect protection of the workers. Therefore, the loss of the tariff right is the loss of the door of protection of native industry and goods, inasmuch as once the doors are open foreign goods will pour into all parts of our country, and people in general only care for low prices, irrespective of the place where the goods are made. Gradually the merchants do not sell native goods because they are not in great demand as foreign goods, thus native goods have been rejected in the market in favour of foreign products. As a result, native industry cannot be developed; hence the wage-earners are affected.

3. THE POSITION OF CHINESE WORKERS.— Prior to the adoption of the open-door policy Chinese workers could cultivate their lands make their own clothes, and supply themselves with all the necessities of life; but ever since the tariff administration has been in the hands of foreigners, our door of protection has automatically been destroyed, and hence we have not been able to supply our own needs. Moreover, not only have foreign goods flooded the market, but also foreign banks have been established and foreign bank notes are circulated all over China. This means that our bank notes are replaced by foreign bank notes which automatically lower the value of our currency. Hence, speaking from the standpoint of earning a living, we are economically oppressed and exploited by foreign powers. Nominally, China is an independent country, but, in reality, she has become a colony of foreign powers under the pressure of whose economic oppression Chinese workers have no way of earning a livelihood.

Dr. Sun then goes on to say that commercial relation is based on mutual interests, but ever since China had the first commercial relations, with foreign powers the imports always have exceeded exports. The annual excess of imports over exports amounts to upwards of \$500,000,000. This amount the Chinese have spent on foreign goods every year. Economically speaking, the Chinese have lost \$500,000,000 annually, and, conversely, foreign nations have gained that much from China yearly. This loss may be construed as the loss of 500 million dollars wages on the part of the workers. Furthermore, the loss is not definitely fixed; it may increase indefinitely, for ten years ago the imports amounted to only about \$200,000,000, but to-day \$500,000,000. Ten years from now it may be double the amount. How shall we regain this economic loss? Obviously, Chinese workers, as aforementioned, are economically oppressed by foreign powers. In other words, Chinese workers are, indirectly, slaves to foreign powers. Is it not true that the position of Chinese workers is entirely different from that of foreign workers? In point of fact, not only our workers are economically oppressed by foreign

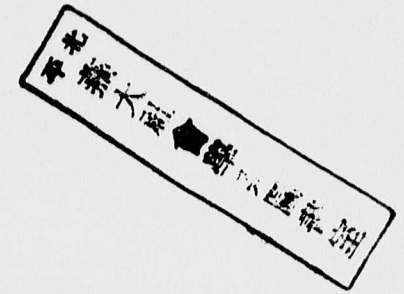
capitalists, but even educated people, farmers, and merchants are also affected by the economic exploitation of foreign powers.

4. METHODS OF IMPROVEMENT AND ELEVATION.— Since we are under the economic bondage of foreign powers, what shall we do in order to free ourselves from such a bondage? Chinese workers must, first of all, follow the example of workers in foreign countries to maintain and strengthen their position. Indeed, every civilised nation has enacted legislation for the protection of labour, and hence the workers do not have to worry about protection. As a result, the workers are in a strong position to secure what they want. Even in a less enlightened country, if workers are well organised, they can also elevate their position. For instance, the despotic Czar of Russia was defeated by organised labour a few years ago and, after the abdication of the Czar, a new form of government based on the dictatorship of the workers was established. Thus, Russian capitalists have become politically powerless, while workers have become politically powerful. The position of the Russian workers is obviously strong.

The same is true of the British workers. The British Labour Party is now in control of the Government (1924). The cabinet is composed of Labour leaders. Similarly, workers in other countries have acquired power and have elevated their position step by step, and hence they can solve their own problems in their own countries. If Chinese workers follow the example of foreign workers and form large organizations with an object of solving the internal problems, and of defeating the capitalists at the inception of the Industrial Revolution, they can easily succeed. But after the internal question is settled, we must cooperate and eliminate the economic exploitation by foreign powers.

Generally speaking, Chinese capitalists have no such great power as to oppress the workers; hence what the workers do suffer is really from foreign economic aggression and oppression. Since you have gathered together here to show your spirit of cooperation, you should devise ways and means to deal with the foreign capitalists in the hope that some day economic exploitation may be brought to an end, says Dr. Sun. By so doing the economic problem of the workers will be solved. But in order to put an end to foreign aggression in the form of economic exploitation is to recover the tariff right as the first step, so that the customs administration shall be in our hands again. Again, in order to recover our tariff right we must first abolish the unequal treaties, but the abolition of unequal treaties requires organised efforts.

5. THE DUTY OF THE WORKERS.—The last point in Dr. Sun's lecture is the duty of the workers as citizens of the Republic. The workers not only owe their duty to their own organisation, but they owe a greater duty to the country at large. After they are organised they must perform their duty as citizens of the Republic to elevate the position of China so that she may become one of the strong nations of the world. If this can be done, the workers will not only be free and their position as strong as that of workers of any civilised country, but they will become first class citizens of the world; but if China cannot become a leading nation, they will continue to be slaves to foreign powers. Chinese workers must therefore cooperate with workers in other foreign countries to declare war on the capitalists, otherwise economic exploitation by foreign powers cannot be eliminated and the position of China cannot be elevated. But from the standpoint of the workers the task is by no means difficult, inasmuch as workers in England and in Russia have done so. To use Dr. Sun's own words, he says (to the representatives): "If you can accept my principles (The Three principles of the People) and carry out my own plans, (Plans of National Reconstruction) you may be compared with the British and the Russian workers, and your position in society will be high." Dr. Sun concluded his speech by saying that the fundamental solution of China's problems was to put *The Three Principles of the People and The Five-Power Constitution* into actual practice; and, if the workers could accept his teachings and join the revolution, the problem of livelihood as well as the political problem would be solved.



The Development of The Labour Movement And Labour

Legislation in China Since 1912

CHAPTER I

INTRODUCTION

A. HISTORICAL BACKGROUND.

Prior to the Industrial Revolution trade or labour unions in a modern sense of the term never existed, and it was not until long after the rise of the factory system which brought about so many glaring evils in industry that the workers began to think of a concerted action against industrial hazards. As a result of the Industrial Revolution, the handicraft system of industry gradually disappeared, owing to the fact that hand made goods could not compete with machine made goods, both in appearance and in prices. This keen competition automatically brought craftsmanship to an end. Consequently, three great social changes took place. The first change was the shift of population from rural to urban districts resulting in the concentration of population in industrial cities. The second social change was the change from the simple rural community life to the complex urban life to which the rural people were not accustomed and which caused a good deal of confusion and dissatisfaction not only among the new comers themselves but also in the community at large. The third change was the change from relatively independent craftman or farmer to an absolutely dependent wage-earner. These changes therefore created new problems, such as the housing and health problems, the problem of crime and vice, and the problem of the high cost of living. Hence they had to adjust themselves to the new environment in which they were forced to live. In addition to all these unfavourable conditions of life brought to bear upon them as a result of the Industrial Revolution, there gradually developed an impersonal relation in modern industry, which subsequently created a great deal of misunderstanding and antagonism, thus arousing class-consciousness, resulting in a class struggle. The capitalists, who controlled industry by virtue of their large capital invested, desired high profit; while the workers, who depended upon employers for a living, struggled for higher wages

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in order to maintain subsistence. And on recognition of labour as one of the indispensable and fundamental elements of modern economic life; (capital, land, and labour) the struggle between capital and labour was enhanced.

Above all, the social hazards of modern industrial life, such as industrial accidents, low wages, long hours of work, unsanitary conditions, occupational diseases, sickness, exploitation of female and child workers by unscrupulous employers, and so forth, were the evils commonly found in large scale industry. Thus, the workers became conscious of the fact that they existed distinctly as a social class; they comprehended that there was no social justice; they realised that social equality and economic liberty could not be secured unless they were organised; hence, the labour movement was eventually inaugurated, especially after 1876 in England, 1884 in France, 1886 in the United States, 1890 in Germany, and since 1900 other countries have followed suit one after another.

However, previous to the inauguration of the labour movement many attempts were made by the governments to improve the conditions of employment, and thus labour legislation began. Indeed, the regulation of labour was by no means a nineteenth century theory or practice. Solon, the outstanding Greek statesman, who flourished during the 7th and the 6th century, B.C., had conceived the idea of labour regulations long before the Romans ever thought of framing a system of law, but his idea was not developed into a law of any social significance owing to the fact that the society in which he lived was not complex enough for such social action as is essential to the life and happiness of every individual as member of a complex society. Undoubtedly, the idea of labour regulation originated in Greece and in Rome, where slavery played the most important role in the economic life of the people. But labour legislation in the strictest sense of the term may be said to have begun in England during the fourteenth century, when the first labour law was enacted in 1349 for the purpose of eliminating mendicancy and vagrancy, because of the fact that at this time workmen always demanded excessive wages, and failing in that they preferred to beg for a living. This law prohibited the able-bodied beggars from begging on the streets, and, at the same time protected the employers from unreasonable demand for abnormally high wages. By the middle of the fourteenth century regulations dealing with wages were adopted with a view to establishing a uniform rate of wages and with the object of fixing a uniform scale of prices of all necessities of life. From this time onwards many labour laws were passed, such as the Act of 1388, which may be considered as the first child labour law, the Act of 1405-1406 dealing with apprenticeship, the Statute of Labourers of 1562, the Labour Laws of 1711,

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1720, and 1747, which provided money wages for workers, established a 14-hour working day, fixed a definite amount of wages, and empowered justices of the peace to settle disputes between employers and employees.

However, modern labour legislation did not begin until the dawn of the nineteenth century. The first and the most important piece of factory legislation is the Health and Morals of Apprentices Act of 1802, which is regarded as the most significant development in the field of labour legislation and is the first child labour law in the strictest sense of the term in the world. This Act provides a 12-hours day instead of 16 or 18 as was the case, and also provides educational opportunity for apprentices; it prohibits night work for children and institutes a system of government inspection. The Acts of 1825 and 1831 relating to the hours of labour are equally significant, but the most important period of the development of labour legislation in England is from 1834 onwards, in the United States from 1836, particularly from 1844 onwards, in France from 1841 onwards, in Germany from 1881 onwards, in Japan from 1911 onwards, and in China from 1923 onwards.

In England the formation of the Royal Commission in 1831 subsequently led to the establishment of a machinery for the administration of labour laws in 1834, the Amending Act of 1831 led to the passage of the Law of 1844 dealing with the employment of women and fixing the 12-hours working day for young persons and women. More important still is the enactment of the Ten-Hours Act in 1847.

Since then many nations, principally European, began to benefit from the English experience and to face similar problems. This is particularly true with respect to industrial legislation and problems simply because England is the birthplace of the Industrial Revolution which subsequently spread all over the world; hence England has made a great contribution to the world in the field of social legislation.

Take the movement for a shorter working day for an example. England passed the first Ten-Hours Law in 1847 after nearly thirty years of struggle, and the first Ten Hours Law was also enacted in New Hampshire, the United States of America in the same year, and then other States followed suit. Even to-day there are many States which still do not have a ten-hour day law. But more significant is the Eight-Hours Day Movement resulting in the adoption of the eight-hours system by trade agreements in Great Britain and in Germany, and, in the passage of the Eight-Hours Law by New Zealand in 1908, Australia in 1912, Switzerland in 1914, Poland, Austria, Germany, and Czechoslovakia in 1918, Sweden, The Netherlands,

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and France in 1919, Norway in 1920, Belgium in 1921, Italy and Canada in 1923, etc. Several of the States in the American Union have for some years been under the eight-hours system.

The same is true of the movement for a minimum wage resulting in the enactment of the minimum wage legislation in New Zealand as early as 1894 and in Victoria in 1896. During the first decade of the present century minimum wage legislation was also passed in South Australia, New South Wales, Queensland, and Tasmania. In England, the Trade Board Act of 1909 provided that wage boards might be established for fixing a minimum wage. In 1912 the first American minimum wage legislation was passed by the States of Massachusetts, and then other States followed suit one after another.

Similarly, the development of industrial conciliation and arbitration legislation which was first adopted by Switzerland as early as 1882, Belgium in 1887, the United States in 1888, Australia and France in 1892, the United Kingdom in 1896, Canada in 1900, Sweden in 1906, Denmark in 1910, Norway in 1916, Austria in 1919, Colombia in 1920, Spain in 1923, Italy in 1923, Germany in 1924, Finland in 1926 and so on.

The development of social insurance is another significant step in the history of social legislation. Social insurance dates back to 1884 when the first compensation act was passed by the Reichstag in Germany. Insurance against industrial accident, sickness, death, unemployment, and old age is a comparatively recent development and has lately become the ever-increasing supersession of charity or poor relief. The German system of social insurance adopted in 1884 and put into operation in 1885 has repeatedly been modified by amendment to the original Acts of 1883 and 1884 to such an extent that it now covers practically every industry in the German Republic, and the Unemployment Insurance Acts of 1927 and 1929 complete the whole history of social insurance in that country.

By 1925 compulsory social insurance legislation was enacted in Sweden, Norway, Denmark, Switzerland, France, Austria, Hungary, Great Britain, the United States, Roumania, Russia, Poland, Bulgaria, and a number of other states. In other words, social insurance has practically been internationalized.

Obviously, the social forces in connection with various movements for social betterment by means of social legislation have been the same the world over, and at times irresistible. Such social forces from which we cannot free ourselves will continue to work in us in the interest of common good. Owing to the appreciable development of social legislation in the West, China has in recent years focused her attention to the working and applica-

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tion of different laws which are termed social legislation and has begun to study them carefully with a view to adopting some parts of them to her conditions.

The industrial welfare movement, like social insurance, began in Germany about 50 years ago in the Saar and then spread to the Ruhr, the two great industrial centres of Germany. But welfare work provided by statute began in England with the Factory and Workshop Act of 1901. This Act was strengthened by the Employment of Women, Young Persons, and Children's Act of 1920. The welfare movement had gone a considerable way in the direction of improving amenities of all places of work in various European countries and in America before the Great War commenced in 1914. This movement has now spread all over the world.

Finally, the development of legislation concerning the health and safety of employees, particularly women and children, is of supreme social significance, inasmuch as women and children are more susceptible than men to the effects of dust, fumes, vapours, gases, lead, or substances of poisonous character. Besides, extremes of temperature, especially excessive heat, and excessive noises are also hazards to health, which in the course of time may cause nervous break down. The same is true of occupations involving unusual stretching and straining or occupations requiring stopping and lifting of heavy weights. These should be prohibited to women and children. All such occupations may cause strains affecting seriously the capacity of women for child-bearing and may arrest the physical growth of children.

Realizing the serious effects of the employment of women and children in the occupations mentioned above, definite steps have been taken by various industrialized nations with a view to protecting women and children from the hazards of modern industrial life by means of effective social legislation. The experience of Western nations, England and the United States in particular, in safeguarding the health of industrial workers deserves our careful consideration; and, with the adoption of an international labour code the experience of any highly industrialized country is worth studying, especially with respect to the enforcement of law. Consequently our Labour Laws are based on the principles of European and American labour legislation.

The history of social legislation in the West is a long and interesting but a complicated one. The whole history of industrial legislation in China covers but eighteen years. The first is the Mines Regulations promulgated on the 11th of March, 1914, and the last is the Factory Law which was promulgated on the 30th of December, 1929, and came into force on August

THE LABOUR MOVEMENT AND LABOUR LEGISLATION

1, 1931. Besides, the Law relating to Collective Agreement was passed by the national legislature on October 11, 1930. Even this short history of eighteen years must be divided into two periods: (1) from 1914 the third year of the Republic to 1926; and (2) since the Revolution of 1926. Each period has its own distinctive influences which lead to the enactment of laws and also has certain peculiar conditions which require government action.

As regards the first period, the Revolution of 1911, which resulted in the formation of the Chinese Republic, represents a struggle of two decades for a democracy so that the rights of the individual and the value of his social personality may be recognized. The influence of the First Revolution on Chinese social thought was so great that it was impossible for Yuan Shih-kai to set up a second empire, and since the attempt to restore the monarchy proved futile, the existing social movements for social reform subsequently gained in prestige and in power, and consequently gave birth to new movements, the labour movement in particular. Indeed, the labour movement in China is by no means self-existent, independent of foreign source and influence.

C. FOREIGN INFLUENCE AND MOVEMENTS FOR SOCIAL LEGISLATION.

Since no movement for social legislation in China is indigenous, independent, self-sufficient, and entirely free from foreign influence, it is necessary for us to consider a few outstanding influences upon the development of social legislation in the Republic of China.

1. *Foreign Capitalism in China.*—Foreign influence in the broadest sense of the term may be traced back to the so-called Opium War of 1840, as a consequence of which the five treaty ports, namely, Canton, Amoy, Foochow, Ningpo, and Shanghai were opened to foreign trade. There can be no doubt that foreign capitalism in China has played a very important role in bringing about different social movements, particularly the labour movement which, in spite of early foreign influence, did not take hold of the workers' minds until comparatively recent years. As in the West, the labour movement in China was brought about by the factory system and is a distinctive result of the Industrial Revolution. Unlike the West, the labour movement prior to 1925 had practically no political, social, and economic significance; whereas the labour movement in the West, Germany and England in particular, has always been political in nature and social as well as economic in form, inasmuch as the only way by which the Western people can accomplish their object has been the action of the legislature, and, unless they have their own representatives in the Parliament or Reichstag or Congress nothing can be done.

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As was the case in France, the Chinese labour movement is an outgrowth of the Political Revolution which is responsible for, and is the origin of, the majority of all recent movements in China. Unlike France, the labour movement had never been sufficiently strong directly to cause the legislature to enact laws in the interest of the labouring classes until 1926, yet the fact remains that any successful social movement of any nation has undergone a process of evolution, and hence our social movements are no exception. Thus every social movement has its origin in some other movement of similar character.

2. *The Influence of the British Labour Movement.*—Western movements for social reform and betterment have had a profound influence on Chinese social thought, and the one that has had the greatest and most positive influence upon Chinese industrial life has been the British Labour Movement which, no one can deny, has given rise to a true democracy in England, but England, paid heavily for her democracy by reason of the fact that feudalism held sway in that country for centuries, and it was not until the end of the seventeenth century that it actually disappeared. Yet the decline of feudalism is in no wise the dawn of democracy; it simply means the end of villeinage in that the farm labourers are no longer regarded as bondmen but as free farmers in the eyes of the law. Indeed, the abolition of slavery in England was not accomplished in a single decade, it took England centuries, and hence the Chinese Republic is now profiting by the rich experience of England in fighting for a true democracy.

The crowning success of the British Labour Movement is due to the excellent program of the British Labour Party which at present is composed of trade unionists, socialists, and members of the co-operative societies, of whom many are intellectuals, such as Arthur Henderson, J. Ramsay MacDonald and Sidney Webb, who have exerted dominant influence on the drafting of the Social Program which consists of (1) The Universal Enforcement of the National Minimum; (2) The Democratic Control of Industry; (3) The Revolution in National Finance; and (4) The Surplus Wealth for Common Good. The demand for a minimum wage is significant, for a national minimum gives the workers unconditional protection against insidious degradation of the workers' standard of life. The same is true of industrial democracy which the British workers have, to a large extent, succeeded in building up. The inauguration of the Joint Industrial Council is a good example. The British workers have so far partly succeeded in securing what they really wanted and have partly reached their goal, especially the fulfilment of their political wishes.

Doubtless China wishes to adopt the best possible method which has been tried, perfected, and applied with great success for the improvement of

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her own conditions which, in many respects, are similar to those which existed in the sixteenth, seventeenth, and eighteenth centuries in England. Thus, the English empiricism may serve as our guide in solving our own social problem, especially the problem of earning a livelihood.

3. *The Influence of The International Labour Movement.*
—By the end of the nineteenth century some national problems and even some national movements became international. This is true particularly in respect to the labour movement which began to have international significance in 1864; hence the International Labour Movement has a great deal, if not everything, to do with our own labour movement, despite the fact that China had absolutely no direct connection with the International Labour Movement until the first International Labour Conference which was held in Washington on October 19, 1919, when all great nations, after having had four years' experience of the Great War which had totally wrecked the social and economic structure of Europe, were beginning to advocate international cooperation as a means to end future wars. It is untimely and difficult to evaluate the influence of the International Labour Movement upon the national Labour Movement in China where not more than a million and a half factory workers out of 450 million people are found, and to have the cooperation of a million and a half workers is by no means to secure the support of the Chinese people; but the fact remains that the labour movement in China (perhaps partly due to Russian influence) has not only awakened the interest of the million and a half factory workers, but it has also aroused the attention of other working classes, such as the domestic servants, the agricultural labourers, the ricksha coolies, and so on, thus creating a peculiar situation in China in which social or class consciousness is so strong that it is impossible for the Government to overlook it. Social consciousness is in no case brought about by a single incident; it is, therefore, the result of an age long suffering, oppression, or the effect of a series of events covering a period of many years.

However, the International Labour Movement has as its policy one definite object—the international minimum standard. At the First Session of the International Labour Conference the Organizing Committee prepared several printed reports covering the following five subjects specified in the Peace Treaty at the initial meeting of the League of Nations:¹

1. Application of the principle of the 8-hour day or the 48-hour week.
2. The prevention of the provision for unemployment.

¹ See American Labor Legislation Review, 1919, pp. 529—538.

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3. The employment of women with reference to:
 - (a) Prohibition of employment of women before and after childbirth with maternity benefit.
 - (b) Prohibition of night work.
 - (c) Prohibition of unhealthy work.
4. The employment of children with respect to:
 - (a) Restriction of age of employment.
 - (b) Prohibition of night work.
 - (c) Prohibition of unhealthy work.
5. Extension and application of the International Convention adopted at Berne in 1906 on the prohibition of night work for women and the prohibition of the use of white phosphorus in the manufacture of matches.

Since the inception of the International Labour Organization fourteen conferences have been held in various places, many resolutions have been adopted and not a few draft conventions have been passed with the object of standardizing labour conditions on an international scale. Apart from the restrictions on the employment of women just before and immediately after confinement, on night and dangerous work, and aside from the prohibition of child labour as well as the eight-hour working day for men, practically all important questions concerning labour have been discussed. Among the noteworthy resolutions and draft conventions adopted during the past eleven years are the following:

(1) The Resolutions concerning Factory Inspection were adopted at the Fifth Session in Geneva on October 22-29, 1923. The entire Conference was devoted to the question of factory inspection without which it is impossible to secure the rigid enforcement of the laws and regulations for the protection of labour. The general principles relating to the organization of the system of factory inspection consist of (a) the scope of inspection; (b) the functions and powers of inspectors; (c) the organization of inspection; and (d) the inspectors' reports.¹

(2) The Draft Convention relating to Workmen's Compensation for Accident was adopted at the Seventh Session in 1925.

(3) The Draft Convention concerning Sickness Insurance was adopted at the Tenth Session in 1927.

(4) The Draft Convention concerning the Creation of Minimum Wage Fixing Machinery was adopted at the Eleventh Session during May 30th and June 16th, 1928.

(5) The Draft Convention concerning the Protection against Accidents of Workers in Loading or Unloading Ships was adopted at the Twelfth Session in June, 1929.

¹ International Labour Review, 1923, pp. 804-809.

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(6) The Draft Convention concerning Forced or Compulsory Labour was adopted at the Fourteenth Session in June, 1930.

Obviously, the chief purpose of the International Labour Organization, of which China is a member, is to internationalize the conditions of work by adopting universal standards according to which national legislation may be made. The results and decisions of the successive conferences since the first International Labour Conference held in Washington, 1919, are rapidly constituting an international code of labour legislation, and this international code is now being enacted in the national legislation of many countries. Thus, China is influenced by this movement for international standards.

However, before the first International Labour Conference was held the Americans had already conceived the idea for international labour protection. The following resolution was adopted by the American Association for Labour Legislation at its annual meeting held in Richmond, Virginia on December 28, 1918.

A Program of Minimum Standards*

WHEREAS, Maladjustments from which wage-earners suffer, such as inadequate wages, excessive hours of work, unemployment, and industrial accident and disease, and not confined to any one country; and

WHEREAS, These international evils know no frontiers, and national action against them needs to be supplemented and fortified by common agreement on minimum standards of labour conditions below which no person should be required or permitted to work; therefore, be it

RESOLVED, That the American Association for Labor Legislation urge that in international agreements there be incorporated minimum protective labor guarantees, including:

- (1) The Principle of the living wage;
- (2) Three-shift system in continuous industries and one day's rest in seven in all occupations.
- (3) Regulation of working hours for women and young persons, and prohibition of night work by them.
- (4) Prohibition of child labor.
- (5) Establishment of public employment offices and use of public work to prevent unemployment during the period of demobilization and other comparatively slack times.

* American Labor Legislation Review, 1924, p.183.

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(6) Safety and sanitary devices in industry, and in transportation by land and water, including international use of automatic couplers on railroad trains, and the extension of the Seamen's Act.

(7) Comprehensive systems of social insurance against accident, sickness, unemployment, old age, invalidity, and death.

(8) Provisions for collection and publication of comparable Labor statistics through the International Association for Labor Legislation and for the enforcement of international labor regulations through a League of Nations.

4. *The Influence of the Soviet Union.*—The influence of Soviet Russia on the development of the labour movement and labour legislation in China does not begin with the coming of Michael Borodin to China in 1923 but with the Russian Revolution following the World War. The success of the Russian Revolution and the work of Lenin and Trotzky have a great influence on the working classes who are always ready to work for a higher standard of life, but the influence of the Russian Revolution and Trotzky would have disappeared had it not been for Michael Borodin who thoroughly understood the aspirations of the Chinese people and who came at the moment when China was in urgent need of such a master of propaganda. His work in arousing the workers and farmers has a good deal to do with the demand for social legislation for the protection of the working classes and for the prevention of destitution as a whole.

Obviously, these different foreign movements have, either directly or indirectly, a tremendous influence on the Chinese labour movement for due recognition of workers' social personality.

C. Domestic Influence and Movements

1. *Effects of the Political Revolution.*—The First Revolution was a struggle for political liberty and personal freedom; it was the first step taken toward the realization of a true democracy; it was also the turning point in Chinese history for social, political, and economic reconstruction. The work has been slow indeed, but the effect of the Revolution cannot be overestimated. The general opinion since the first Revolution has been that revolution holds the key to the solution of all existing social problems. The idea has been strengthened by the success of the Revolution of 1926, and has been proved to be true so far as social reconstruction is concerned. To talk about the freedom of speech, the right of assembly, the liberty of the press, the franchise or equality of citizenship is perfectly legitimate and is exceedingly convincing, but none of these will satisfy human wants. The hungry must

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first be fed before political liberty has any true meaning. The chief purpose of the first Revolution was to set all people free from social, political, and economic bondage, and this immediately had a profound psychological effect on the people as a whole. As a result, social movements for reform started one after another.

2. *The Influence of the Student Movement.*—The influence of the Student Movement of 1919 cannot be overestimated. As a protest against the Versailles Peace Conference for giving a portion of the territory within the Republic of China to Japan it was not only reasonable but justifiable, despite the fact that this piece of territory was a German Concession prior to the Great War. This movement spread all over the Republic with rapidity, and every class of people participated in it. However, the greatest effect of this movement may be said to have been the origin of the Labour Movement which really began about 1920, although the National Labour Conference was not held until 1922 in the City of Canton, the birth-place of most modern social movements for social reform through social legislation.

3. *The Influence of the Labour Movement.*—Never before was there any social movement that had been more effective and widespread than the Labour Movement in China. The Labour Movement for a Living wage, a Shorter Working Day, and the Democratic Control of Industry dates back to the first year of the Republic (1912), but this first movement did not take root; hence it disappeared as the years went by, and it was not until about a decade ago that it really took hold of the workers' minds. After the first National Labour Conference held in 1922 the Labour Movement spread so rapidly that it actually prepared the way for the last Revolution. The causes of industrial conflicts for the last five years are sufficient to justify the workers' struggle for recognition of their social personality, and the chief reasons for all conflicts are (1) low wages; (2) long hours; (3) summary dismissals; (4) no provision for compensation for sickness, injury, and death; and (5) maltreatment of all kinds. Among the principal demands of over 1,000 strikes studied in different parts of China ten are of great social significance (1) increase of wages; (2) shorter working day; (3) one day a week for rest besides legal holidays; (4) New Year's vacation; (5) special vacation for women workers before and after childbirth; (6) prohibition of child labour; (7) prohibition of night work; (8) compensation for sickness, injury, and death; (9) recognition of the workers' right to form unions; and (10) free education for employees' children. These demands are by no means unreasonable, and hence they form the basis for the labour law.

4. *The Influence of Dr. Sun and the Kuomintang Program.*—Like France, our first Revolution failed to improve conditions to a great extent.

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The paramount interest in the teachings of Dr. Sun Yat-sen is Equal Opportunity for All, but this equal opportunity can never be secured unless China can free herself from imperialism and militarism, and this can be accomplished only by means of force—Revolution. The success of the last Revolution is due to the excellent program of the Kuomintang. This program includes the Improvement of the Conditions of Farmers and Labourers, and the improvement of conditions of farmers begins with 25 percent reduction of the rent or lease of agricultural land, the abolition of illegal taxes, loans to farmers at lowest possible interest, the establishment of cooperative societies with Government subsidy, the adoption of adequate measure for famine relief, the reclamation of waste land, the formation of Farmers' Unions which are to be protected by law, and so forth. As regards the amelioration of the conditions of labourers, the enactment of labour laws for the protection of workers from inhuman exploitation, the recognition of the right of labourers to form unions, and to strike if necessary, the abolition of the contract system, higher wages and shorter hours of work, rest days and holidays with full pay, the establishment of a system of social insurance, the establishment of courts of industrial arbitration, the employers' responsibility of education of employees, the improvement of housing and sanitary conditions, and so on, are the chief things which the Kuomintang aims to do for the labourers.

As a consequence, new laws have been promulgated with a view to gradually fulfilling the wishes of the masses of the people and with an object of putting Dr. Sun's principles into actual practice. Many laws are still in the process of making, inasmuch as this is a law making epoch through which we must pass before effective legislation can be expected.

But, in China the machine industry is still in its infancy; hence the questions that arise here are: What industrial potentialities has China? Is industrialization or agricultural development more urgent for China? How can a higher standard of life be made possible in view of her enormous population? Undoubtedly there is only one answer that can be given to all these questions, that is, China has great industrial potentialities and that through industrialization, which is equally important as agricultural development, a much higher standard of life can be attained. The following chart shows China's population and her chief industries.

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POPULATION AND THE CHIEF INDUSTRIES, BY PROVINCES

Province	Population	Chief Industries.
Anhwei	21,715,396	Ink and paper manufactures, rice and flour milling, and coal mining.
Chahar	2,014,858	
Chekiang	20,715,231	Silk and cotton manufactures, brass and copper ware manufactures, umbrella and fan making, brewing, etc.
Chinghai	4,599,364	Pastoral, and mineral resources.
Fukien	16,942,144	Lacquered ware, paper, pottery, umbrella etc. manufactures; tea, sugar, and canning industries.
Heilungkiang	3,417,250	Bean oil, lumber, skins and furs, iron and coal, tobacco and flour industries.
Honan	31,470,988	Coal mining and brick manufacturing.
Hopei	31,242,050	Rug, soap, match, candle, chinaware, earthenware, and pottery industries; fur, wool, jute, and skin cleaning works.
Hunan	31,532,712	Mining, paper, cotton, silks, grass-cloth, and bamboo manufactures; silk embroideries, etc.
Hupeh	26,724,482	Iron and steel works; cotton, flour, oil, and cigarette manufactures, etc.
Jehol	5,450,109	Stocking-raising, skins, furs, and wool.
Kansu	5,762,109	Tobacco, stock-raising, and wool industries.
Kiangsi	26,048,824	The porcelain industry; manufacture of coke, briquettes, and grass cloth.
Kiangsu	35,510,882	The manufacture of silk, match, glass, paper, oil, cigarettes, soap, furniture, candles, and electrical supplies; chemical works, engineering works, ship-building, rice milling, egg preserving, printing and publishing.
Kirin	6,999,057	Rich in mineral and forest resources.
Kwangsi	10,970,343	Manufacture of firecrackers and silk, leather tanning, etc.
Kwangtung	34,876,507	Among the manifold industries are the weaving of silk, cotton, and grass cloth, the

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manufacture of porcelain, paper, matting, hosiery, firecrackers, hardwood furniture, ivory materials, embroideries, medicines, drugs, lacquer, jade, and the preserving of fruits, fish, etc.

Kweichow	11,331,431	Mining industry is the greatest, and the Province is the richest in mineral wealth of the Republic.
Liaoning	15,974,825	Coal mining, skins, furs, flour manufacturing.
Ningsia	704,884	Pastoral, and mineral resources.
Shansi	12,302,800	Coal mining is the chief industry, and the Province is noted for its cast-iron products.
Shantung	32,500,218	Straw products, peanut and bean oil manufacturing, and coal as well as iron mining.
Shensi	11,684,564	Flour milling and stock-raising are chief industries.
Sikang	13,888,249	Oil manufacturing and stock-raising are principal industries.
Sinkiang	2,575,289	Stocking-raising, skins and furs, carpet, and silk fabrics are chief industries.
Suiyuan	2,162,100	Stocking-raising, skins, furs, etc.
Szechwan	45,552,814	Silk, wood oil, wool, hides, tobacco, medicines and paper are leading industries.
Yunnan	10,659,502	Mining is chief industry.
28	474,629,027	
Mongolia	5,300,000	Stocking-raising, hides, wool, and drugs form the chief industries.
Tibet	5,234,359	Hides, wool, lamb skins, carpets are leading industries.
Grand Total 485,163,386		

With the development of the leading industries enumerated above China should be able to raise the standard of life of her people, despite the fact that the majority of her enormous population of over 485 millions have heretofore been forced to live on or slightly above the poverty standard. The reason for this assumption is because China has a total area of 4,781,915 square miles or on the average of only 101 persons per square mile; and if industry and agriculture are simultaneously developed on a large scale

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China will doubtless be free from the shortage of food supplies on the one hand, and the people will automatically be on a higher plane of life by virtue of mass production which naturally lowers the cost of living on the other.

But, if the above-mentioned industries are to be developed, China will undoubtedly have the same or similar experience in industrial disputes as other industrial countries have had, and unless proper measures are taken to cope with industrial evils at the inception of the factory system, her industrial development may be greatly hampered as was the case in some Western countries. Hence, protective legislation, which has been the chief means of bringing about industrial peace in highly industrialized countries, has been adopted in every civilised country. But, unfortunately, experience has shown that when people are ruled by a despotic ruler their natural rights, especially the right to a livelihood, are virtually disregarded or constantly encroached upon; hence, in order to attain the goal of economic freedom and equality of opportunity the people must first be liberated from their political bondage. Thus, the Chinese Revolutionary Movement began.

CHAPTER II

THE REVOLUTIONARY MOVEMENT

A. The Development of the Nationalist Party¹

The Nationalist Party or the Kuomintang of China has had a stormy history of over forty years. It began with the organisation of the Hsing Chung Hui, (Society for the Development of China) which was followed by the Tung Meng Hui, (Nationalist League) by the Kuomintang, (Nationalist Party) by the Ke Ming Tang, (Revolutionary Party) and by the Kuomintang of China (The Nationalist Party of China). These were not entirely separate organisations that existed at the same time; they were virtually revolutionary societies and parties which were organised by the same revolutionary leaders, and existed at different times with the same purpose, that is, they aimed at overthrowing the Manchu dynasty and militarism as well as at establishing a republic and a democracy.

1. **The Organisation of Revolutionary Societies.**—The Hsing Chung Hui was organised by Dr. Sun-yat-sen and two other revolutionists in 1892 in the city of Macao following his graduation from a medical college in Hongkong. In order to carry on the activities of this Society, Dr. Sun established druggist stores in Canton City, Shihchi City, and the City of Macao as headquarters. In these centres of revolutionary activities his colleagues and followers gathered together and formulated plans. The sole purpose of organising this Society was to develop China and to arouse popular interest in the revolutionary work with the hope of establishing a republican form of government and of overthrowing foreign imperialism. This Society was to have branches in all parts of the world for over-sea Chinese who might be responsible for raising funds for the carrying out of the revolutionary program.

The Tung Meng Hui was organised in 1905 in the City of Tokyo, Capital of Japan, by Chinese students in Japan who were followers and colleagues of Dr. Sun Yat-sen. Politically speaking, China was practically partitioned by foreign powers at that time, and, unless the Manchu regime could be overthrown there would be no hope for the 400,000,000 people.

¹ See "The History of the Nationalist Party of China", by Hon. Hu Han-min and Hon. Chau Lu, (in Chinese) vol. I, chapters 1-5. Also the Proclamations of the Kuomintang and the early revolutionary societies compiled by the Central Executive Committee of the Kuomintang.

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Socially, the Chinese were virtually slaves to the Manchus by whom they were totally oppressed. Economically, the Chinese were hundreds of years behind the Western nations, and because of the autocracy of the Manchu regime they had absolutely no economic freedom to develop industry as a means of improving their standard of life. Realising the impossibility of developing China under the autocratic ruler, this Society was organised with a definite purpose of putting an end to the Manchu dynasty and of bringing about a political democracy which would guarantee not only political liberty but also equality of opportunity and economic freedom for all citizens.

The Nationalist Party was organised during the first year of the Republic (1912) in the City of Peking, the National Capital. It was the combination of five parties, namely, the Tung Meng Hui (Nationalist League), the Kung Ho Tang (Republican Party), the Kuo Min Kung Chin Hui (National Progressive Society), the Kung Ho Shih Chin Hui (Republican-Progressive Society), and the Kuo Min Kung Tang (National Party). The consolidation of these political parties and societies into a strong political party seemed to have inaugurated a new era of political reconstruction. Unfortunately this attempt failed owing to Yuan Shih-kai's imperial ambitions.

The Chung Hua Ke Ming Tang (Revolutionary Party of China) was organised by the adherents of Dr. Sun Yat-sen in Japan in 1914 in opposition to Yuan Shih-kai's party. Yuan and his adherents at this time had determined to restore the monarchy, and hence they sought to abolish the Kuomintang and murder its leaders. After the creation of the Revolutionary Party in Tokyo Dr. Sun was elected "Party Leader" in order that he might direct all his revolutionary activities to a finish.

The Kuomintang of China (Nationalist Party of China) as it is known to-day dates back to 1919 when the names of the Revolutionary Party and the Nationalist Party were changed into the Nationalist Party of China. But in order to understand the significance of the Kuomintang it is necessary for us to review briefly its political history which may throw more light on the subject under discussion.

2. **The Political History of the Kuomintang.**—Shortly after the establishment of the Republic in Nanking, Yuan Shih-kai, Viceroy of the Provinces of Hunan and Hupeh and Commander of the Imperial forces, was elected provisional President of the Republic because of his effort in securing the abdication of the Manchus, and since then many political parties have been organised in succession. One of the important parties organised during the early years of the Republic was the Kuomin-

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tang or Nationalist Party which is the only political party that survives in China to-day. After the abdication of the Emperor, Dr. Sun Yat-sen resigned the presidency in favour of Yuan Shih-kai, and the National Capital was transferred from Nanking to Peking. But, unfortunately, Yuan Shih-kai, as provisional President of the Republic was in a difficult and dangerous position, inasmuch as he was in reality not in favour of the political ideas of Dr. Sun Yat-sen, the father of the Republic. In other words, Yuan, from the bottom of his heart, favoured a monarchy as against the republican form of government which had heretofore been advocated by Dr. Sun and his followers.

The Kuomintang was organised with the object of strengthening a democratic constitutional government so as to bring about political liberty and economic freedom to the people. The Kuomintang became quite powerful in 1913. President Yuan, on account of his imperial ambitions, became jealous of it and therefore wished to crush it; but owing to financial difficulties, he could not carry out his plan. He therefore sought loans from foreign countries. He succeeded in securing the so-called "Reorganisation Loan" of £25,000,000 from a group of financiers representing six foreign powers. With this loan Yuan began to defy the Kuomintang and assassinated one of its leaders, Mr. Sung Chiao-jen, the speaker-elect of Parliament.

Immediately thereafter many of the leaders of the Kuomintang fled from the Capital, and the second revolution began in the southern and central provinces aiming at overthrowing Yuan. By this time the presidential mandate had been issued expelling the Kuomintang members of the Parliament on the ground of conspiracy; but as over half of the members of both houses of the Parliament were Kuomintang members, the expulsion immediately brought Parliament to an end by reason of the lack of a parliamentary quorum. Unfortunately, the second revolution failed. This, of course, strengthened Yuan's position and enhanced the opportunity for him to become emperor; and, when his imperial ambitions had become clear, he realised the difficulties and dangers with which he was confronted in an attempt to restore the monarchy which had once been overthrown.

Meanwhile Japan had her eyes on China; and, after the outbreak of the European War, Japan fully realised the impossibility of intervention in Chinese affairs on the part of Western Powers who were busily engaged in the Great War. Japan took advantage of the situation and asserted her "special privileges" in China by (1) driving out the Germans from Kiaochow; ¹ and (2) forcing the "21 Demands" upon China. Yuan Shih-kai

¹ Kiaochow is an important port of Shantung Province; it was ceded to Germany as a part of the compensation for the murder of two German missionaries in 1897. The port is now known as Tsingtao.

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was shortsighted, and hence failed to discern this kind of foreign intervention, although he might have known that China was at that time incapable of resisting foreign encroachments and aggressions because of past experience and unpreparedness. His inability to understand international affairs had probably encouraged Japanese imperialism in China. His failure to prevent Japanese intervention in Chinese affairs really minimised his ambitions to be the monarch of China; but he always displayed an extraordinary perspicacity in dealing with his own appointees, especially those who were heads of provincial governments to whom the question of the restoration of the monarchy was referred. Practically all his appointees unhesitatingly voted in favour of his ascension in 1915, inasmuch as the majority of his appointees were either old officials or militarists who themselves preferred a monarchy to a democracy.

Immediately thereafter, however, another revolution broke out in the South. This revolution is commonly known as the "Yunnan Revolt" which was led by a famous general Tsai Ao as a protest against the restoration of the monarchy. In 1916 the Kuomintang repudiated Yuan Shi-kai and later established a provisional Government in Canton. Li Yuan Hung, the Vice-President, was elected to the presidency. Meanwhile Yuan Shih-kai died, the Vice-President automatically became president, and the chances of restoring a central government were bright. The Kuomintang leaders were once more in power as members of Parliament; but, unfortunately there developed an opposition between the President and the Premier (Tuan Chi-jui) chiefly because of party affiliation and policy. The President's party was composed of many Kuomintang leaders, while the Premier's party, consisting of most northern military governors who demanded the dissolution of Parliament. Instead of meeting the demand of these militarists the President dismissed premier Tuan Chi-jui who secretly fled to Tientsin where he and his adherents organised the so-called "Provisional Government" in direct opposition to President Li Yuan Hung who was finally forced to yield and Parliament was consequently dissolved by presidential mandate in 1917. The Kuomintang leaders fled from the Capital for the South, principally Shanghai and Canton, where they endeavoured to build up a new and republican form of government which was first established as a military government in 1917 in Canton City, and then as a Nationalist Government in 1920. From 1917 onwards down to the unification of China in 1928 there were two governments, the northern and the southern. The northern Government was in control of militarists, while the Kuomintang always controlled the southern Government. The former represented ultra-conservatism, and the latter, extreme liberalism, at least in the eyes of the northern military leaders. The Canton Government (1917-1926), which

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was responsible for the success of the Revolution of 1926, was transferred to Wu-Han shortly after the Wu-Han cities were captured by the Revolutionary forces in the late autumn of 1926. The seat of the Government was in 1927 removed to Nanking, the new Capital of the Republic. But the removal of the seat of the Government did not necessitate the change of the entire policy of the Kuomintang which is based on the *Three Principles of the People* and the *Five-Power Constitution* and which has stood for a perfect democracy. Hence, ever since 1917, when the southern Government was established, the Kuomintang has been the supreme organ of the Government, particularly since 1928.

The sphere of influence of the Kuomintang from its revival or restoration to power in 1917 to its reorganisation in 1924 was limited. The southern Republic was nominally composed of six provinces, but, in reality, its territorial jurisdiction was not extended beyond the Province of Kwangtung. After its reorganisation, especially since the coming of Gen. Michael Borodin in 1923 and a group of Russian military advisers (40 in number), the Kuomintang began to grow in influence and prestige due to the new method of propaganda which the Russian advisers had contributed. With the fresh experience of the Revolution of 1917 in their own country they advised Dr. Sun and other leaders of the Kuomintang to rely upon the cooperation of the peasants and workers for the ultimate success of the Revolution, and since the adoption of a definite agrarian as well as a labour policy the influence of the Kuomintang almost immediately spread to over 20 provinces, where farmers' unions and later labour unions were organised in rapid succession.

The growth of influence and prestige of the Kuomintang may truly be said to have accounted for the success of the Revolution of 1926, inasmuch as the Revolutionary Army comprising of eight army corps and numbering 50,000 men could hardly defeat the combination of the northern armies of over 200,000 strong, but the Nationalist Army grew in size by means of incorporating into it the volunteers (workers and farmers) and the defeated soldiers of the Northern army. In short, the workers and the farmers played an important role in the last Revolution, particularly just before and immediately following the occupation of Hankow and Shanghai by the Nationalist forces.

Had it not been for the agrarian and the labour programs, the Kuomintang might not have gained so much support and sympathy of the public, or had the Kuomintang refused to adopt the Russian tactics (including the emphasis on the cooperation of the farmers and workers and the methods of arousing their interest in the revolution) the Revolutionary Army, in spite of its having the advantage of being well disciplined and of

the direction of the Russian advisers, especially Gens. Borodin and Galen, it might not have been strong enough to defeat Marshals Wu Pei-fu, Sun Chuan-fang, and Chang Tso-lin, (Marshal Chang Tso-Lin was not really defeated; he voluntarily withdrew to the Three Eastern Provinces), each of whom also had a modern army with foreign advisers and with modern equipments. But the indignation of the people over the existing deplorable conditions was too great for any militarist to restrain. Hence, the people were ever ready to join the Revolutionary Army.

Obviously, the evolution of the Kuomintang is not merely an interesting story, but a political and social history of China. The rise of the Kuomintang as a political party in an English sense of the term is only incidental, but as a revolutionary organ with a definite program for social, economic, and political reconstruction of China is beyond any possible doubt. But to understand thoroughly the Kuomintang and its activities, it is necessary for us to review briefly the whole revolutionary movement, particularly the early attempts at revolt and the Revolution of 1911.

B. The Origin of the Revolution.—In order to thoroughly understand the Revolutionary Movement, it is also necessary to trace revolutionary activities to the first movement which was inaugurated in 1895. Dr. Sun and his followers started this movement on the 15th day of the eighth moon (the lunar calendar) in the city Canton, but the revolt was totally suppressed by the imperial forces resulted in the killing of a number of Dr. Sun's followers. The first movement cannot be regarded as the origin of the revolution. Prior to this and at the outbreak of the Sino-Japanese War (1894) Dr. Sun took the opportunity and went to Honolulu where he organised the Hsing Chung Hui for the purpose of soliciting contributions from the over-sea Chinese in order to carry on his revolutionary activities; and, after China had been defeated by Japan, he was urged to return to the country and start the revolution. By this time Chinese officials were unspeakably corrupt. Extortions and bribery of all sorts were the chief sources of income of the imperial official, Li Han Chang, Viceroy of the Provinces of Kwangtung and Kwangsi and brother of Viceroy Li Hung Chang, was one of the greedy officials who had enforced the new rule of exaction from both the officials under him and the people whom he was supposed to govern and protect. Besides, it was customary among officials to present a gift to the Viceroy on his birthday. The minor officials of the two provinces collected one million taels (about \$1,400,000 Chinese currency) and sent it to the Viceroy as a birthday gift. In the meantime he sold Degrees¹ at two thousand taels (about \$2,800) each. All these corruptions,

1. According to the Old System of education, degrees were granted to candidates upon successful competitive examinations, and the degree holders were usually given government posts.

among other things, stirred up the people to hate him, and thus hastened the revolutionary movement. Unfortunately the first movement was suppressed by the government army, and the revolutionists had to flee. Dr. Sun fled to Honolulu, while some of his followers escaped to Japan, inasmuch as they were under order of arrest, and the reward for effecting the arrest of the least guilty one among the sixteen revolutionists was \$100. and of the leader (Dr. Sun) \$1,000. But the failure of this movement enhanced the opportunity for further revolutionary activities.

The second revolutionary movement was initiated also on the 15th of the eighth moon, 1899, in the district of Huichow, Kwangtung. The whole movement was directed by Dr. Sun and assisted by two other revolutionists, Shih Chien-ru and Cheng Si-liang. The former was sent to the Yangtze Valley to prepare the way, while the latter remained in Hongkong to organise headquarters and carry on the work. Six months before the movement was started Dr. Sun returned to Kwangtung through Hongkong where he was prevented from landing on account of the fact that the Hongkong authorities had already discovered that he was returning to Canton. However, he was met secretly by a group of his followers who came to the boat to have a discussion with him. Knowing that it was impossible for him to proceed to Canton, he returned to Japan whence he went to Shanghai but discovering that martial law had been declared in Hankow, he immediately proceeded to Taiwan¹ where he found the Japanese Governor who was friendly to him and was rather in favour of his revolutionary movement, and, with the Governor's help he succeeded in reaching the port of Amoy, Fukien, where he wired his followers in the Philippine Islands instructing them immediately to send ammunition to Amoy. Meanwhile all arrangements had been made to start the revolution with an army of between 5,000 to 6,000 men in the vicinity of Huichow against the Imperial forces 20,000 strong. Unfortunately the change of the Premier of Japan affected the whole movement. Contrary to the friendly policy of the former premier, the new Prime Minister prohibited the Governor of Formosa from rendering any assistance to the revolutionary party of China. Furthermore, the new premier also forbade the exportation of ammunition to China and prohibited the Japanese military officers from being employed by the Chinese revolutionists. At the same time Dr. Sun's followers in the Philippine Islands failed in sending the ammunition directly to Amoy. The revolutionary army by this time had already increased to over 10,000, but after a month of struggle they completely failed.

1. Taiwan or Formosa was ceded to Japan as the result of the Sino-Japanese War of 1894-1895.

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The third movement was, however, inaugurated on the last day of the same year also in the City of Canton led by Hung Chuan-fu, third brother of Hung Hsiu-chuan, the well known leader of the Tai-ping Rebellion, and Li Chi-tang, a millionaire. These men established headquarters under the assumed names of exporting and importing companies in Hongkong; but, unfortunately, the Hongkong authorities discovered the plot a day before the revolt was to have been staged and immediately wired to the Provincial authorities in Canton. Thus, the third movement again failed, and for nearly four years the revolutionary movement ceased to function.

The fourth movement was started in the City of Changsha, Hunan, in the tenth moon, 1903, and led by another well known leader, General Huang Hsing. The leaders of this movement were mostly returned students from Japan who established a school called Ming Teh School as their headquarters. They had planned to start the revolution on the Empress's birthday, but their secrets were disclosed just before they could begin, and hence the leaders fled from the city to Hankow and Shanghai. However, one of them later returned to the city and was determined to carry on the revolutionary work, but was arrested and executed. Thus, the fourth movement failed.

Meanwhile Wang Chi-chuan, civil governor of the Province of Kwangsi was in favour of borrowing a French army for settling the internal strife, but owing to the opposition of the people of the Provinces of Kwangtung and Kwangsi, he was compelled to resign or was dismissed, and, after he had arrived in Shanghai he immediately advocated the annexation of the Three Eastern Provinces (Manchuria) to Russia. This enraged a student-follower of Huang Hsing named Wan Fu-hua who attempted to assassinate him in Shanghai. Wan was arrested and sentenced to imprisonment for ten years, but was released after the Revolution of 1911.

Similar attempt on the life of other Imperial officials was made on the 26th of the ninth moon, 1904, by a high school student by the name of Wu Yueh at Chen Yang Men, Peking, but he failed and was arrested and executed.

The fifth movement was initiated by two returned students from Japan, Liu Tao-i and Tsai Shou-nan, on the 19th of the tenth moon, 1905, in the Province of Hunan. These two leaders had many followers and thousands of volunteers, including miners and labourers. Their declaration of independence from the autocratic control of the Manchus, contains, among other things, the following ten sins¹ of the Tartars (Manchus):

1. History of the Kuomintang, Vol. II, pp. 627-628.

2. The term "Manchus" is merely a popular term for the mixed inhabitants of northeastern Manchuria as distinguished from the term "Chinese" which means the Hans, but both were citizens of the Chinese Empire.

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1. The Tartars or Manchus are cruel foreigners who have invaded China and killed over two million Chinese. This is their first sin.
2. The Manchus are savages who have destroyed the four thousand years' civilisation of China until foreign Powers do not regard her as their equal nor do they deal with her as a civilised nation. This is the second sin of the Manchus.
3. The five million Manchus have not as yet developed their agriculture and industry; hence they are neither agriculturalists nor industrialists nor labourers nor merchants, but they sit around and suck our blood. (meaning the Manchus rob the Chinese in every way possible). This is the third sin of the Manchus.
4. The Manchus have styled themselves nobles and aristocrats, having been born of heavenly women, and hence having no common interests with the Chinese. In other words, they regard us as thieves and treat us as slaves. This is the fourth sin of the Manchus.
5. The Manchus have everything possible and are free to control and to oppress the Chinese. This is their fifth sin.
6. The Manchus have long lost their influence by virtue of their faith in foreigners who always have taken advantage of them and invaded the strategic points and important centres. This is the sixth sin of the Manchus.
7. The Manchus have always depended on foreign Powers for protection in order to preserve the throne; consequently they yielded to these Powers and granted them whatever they wished at the expense of the Chinese. This is the seventh sin of the Manchus.
8. The whole political organisation of the Manchus is based on bribery; all official positions or posts are bought with cash, thus causing political disorganisation and upheaval and bringing endless suffering to the Chinese people at large. This is the eighth sin of the Manchus.
9. The Manchus have neglected the country by not adopting a definite policy and formulating a practical program for development. Instead they have squandered public funds which should have been spent for political, economic, and social improvement. They have spent lavishly on their imperial feasts; they have wasted millions of dollars for unnecessary entertainment at the Imperial Palace. This is the ninth sin of the Manchus.
10. The Manchus have adopted a constitution which is a counterfeit or at best only a nominal one, while in reality they have adopted

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a policy of centralisation of powers so as to diminish or take away entirely the powers of the Chinese in order that they may continue their imperial title and that they may rule the Chinese forever. This is the tenth sin of the Manchus.

Apart from these ten sins enumerated above, there were countless defects and corruptions of the monarchy, such as maladministration and malfeasance, and so forth. The leaders of this movement swore to avenge by overthrowing the Manchu dynasty by force, regardless of sacrifice. Meanwhile the revolutionists and the plain-clothes vanguards were active in the Provinces of Hunan, Hupeh, Kiangsi and Kiangsu; but unfortunately they were not strong enough to combat the combined imperial forces of the four provinces, and the movement failed with the loss of many lives.

The sixth movement was inaugurated in Chaochow, Kwangtung, on the 11th of the 4th moon, 1906. One of the leaders of this movement was a son of a Singapore merchant. The whole revolutionary force was estimated at only a little over one thousand volunteers who fought fearlessly for a week with the imperial forces of many thousands, and, it was not until the admiral (Li Chen) of the imperial navy came with his naval forces that the revolutionary army was defeated.

In the same year a group of revolutionists, including a teacher of a law school planned to assassinate Admiral Li with a bomb which was unfortunately exploded before the attempt was made. The assassin was wounded, and the plot was not successfully carried out.

Four days after the sixth movement had been brought to an end Dr. Sun ordered another attack to be made immediately, and the seventh revolutionary movement was initiated on the 22nd of the 4th moon, 1906, in Huichow, Kwangtung. At first the revolutionary force was victorious, but was finally driven back by the re-enforcement of the imperial army. After two weeks of struggle the movement again failed.

1906 is one of the most important years of revolutionary activities. There were not less than eight movements or insurrections inaugurated in the course of eight months, and one of the famous movements of all time prior to the Revolution of 1911 was the assassination of the Civil Governor of the Province of Anhwei by his own subordinate, thus inaugurating the eighth revolutionary movement. The assassin was Hsu Chi-lin, one of the bravest leaders of the time. Knowing that the Manchu regime was corrupt and incapable of developing China Hsu took an active part in the revolution by seeking an official position with which he expected to initiate a revolutionary movement. He succeeded in securing an important position in the

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Provincial Government of Anhwei. The Civil Governor (En Ming) of that province was then organising a police school, and Hsu was appointed as one of the organisers and later as principal of the said school. In the summer of 1906 the school had a student body of a little over one hundred and had the first graduating class. The Civil Governor, together with other higher officials, was invited to attend the commencement exercises on the day on which (26th of the 5th moon) Governor En Ming was assassinated by Principal Hsu, who was aided by his students. Hsu had planned to revolt on that occasion, and the movement was started with the killing of the Civil Governor by Hsu, but ended in the latter's arrest. His execution enhanced the agitation against the Manchus.

Exactly five months later (26th of the tenth moon) the ninth revolutionary movement was started in the Province of Kwangsi. This revolt was so well planned that it was impossible for the imperial commander, Luh Yung-ting to hold out and, after seven days' bloodshed, the Imperial forces were completely routed. The commander, in spite of his high rank and comfortable income, was willing to surrender and join the revolutionary forces on the condition that each of his 4,000 soldiers would be paid \$30. at the time of surrender. Upon receiving the letter of Commander Luh proposing the terms for surrender Dr. Sun immediately wrote to the over-sea Chinese in Singapore for a sum of from \$100,000 to \$200,000 in order to meet the terms of the Imperial commander who could turn over with an army 4,000 strong, with rifles and other munitions. Meanwhile a regiment was despatched to re-enforce the Imperial army and an Imperial order was issued to Commander Luh simultaneously, ordering him to recapture the lost places, otherwise he and his troops would be beheaded. Realising the impossibility of resisting the large Imperial forces the revolutionary army withdrew, and this seemingly victorious movement collapsed. If Dr. Sun had had the ready cash to take over the Imperial army at the first instance, or had he succeeded in securing the help of the French Government of Annam,¹ the result might have been different.

In the winter of 1906, however, the well known leader, General Huang Hsing, led a group of revolutionists from Annam to attack Kwangtung, inasmuch as the Imperial Government of China had concluded an agreement with the French Government whereby the Government of Annam was obliged to deport Dr. Sun who had been carrying on his revolutionary activities among the Chinese in that country. Despite the fact that he

1. Annam is situated in southeastern Asia and bounded N. by China, (The Province of Kwangsi) forming a part of the peninsula of Indo-China, a French protectorate.

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succeeded in killing countless numbers of soldiers of the Imperial forces General Huang was forced to retreat by a large Imperial army of over 20,000. Thereafter, however, General Huang was recognized as one of the most able generals of the time.

About the same time the revolutionists in the Province of Szechuen had planned to revolt in all directions, but the secrets were in some way disclosed, and the revolutionary activities were promptly suppressed. Thus the well planned rebellion failed to materialise.

Nevertheless, the tenth revolutionary movement was inaugurated in the Province of Yunnan on the 29th of the third moon, 1907, and General Huang was one of the leaders of this movement. Dr. Sun was at that time still in the South Sea Islands, lecturing and soliciting funds for carrying out his gigantic scheme according to which the revolution must first take place in Yunnan, for some of the Imperial military officers in the Provinces of Kwangtung and Kwangsi were willing to surrender, and, after having control of these three provinces, Fukien and three other southern provinces would be the next to fall. With seven provinces as the base of operation here would be no difficulty in overthrowing the Manchu Dynasty. The revolution was started according to the plan outlined above, and Hokow, the most important strategic point of Yunnan was captured by the revolutionary army. Shortly thereafter reinforcements arrived to strengthen the Imperial forces which outnumbered the revolutionary forces by ten to one, and the latter only about six hundred in number, were compelled to retreat to Annam whence they were sent to Singapore. On arriving at the Colony they were prevented by the British authorities from landing there on the ground that the revolutionary movement was not recognized by foreign powers; hence these revolutionists could not be treated as political refugees, but should be regarded as rebels who could not be admitted in violation of the immigration regulations of the Colony. The French Consul in Singapore, however, came to their rescue by explaining to the Governor-General that the revolutionists were defeated at Hokow, Yunnan, and retreated to Annam, but they wished to come to Singapore; hence the Government of Annam complied with their request by supplying them with transportation facilities on account of the fact that outwardly the French Government entertained an attitude of neutrality, but in reality the Government of France had already recognized the revolutionary party as the party to the civil war, and therefore this group of defeated revolutionists could not be considered as rebels. After this satisfactory explanation on the part of the French Consul they were finally admitted unconditionally. Yet the revolutionary activities were by no means brought to an end.

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In the winter of 1908 the eleventh revolutionary movement was inaugurated in the Province of Anhwei. The centres of activities of this province were Anking and Wuhu where modern schools were first established, and it was in the Hunan Public School of Anking that the revolution was germinated. Besides, Anking also had a modern military academy the leaders of which were inclined to liberalism, and some of them were secretly carrying on revolutionary activities in the academy, and, at the same time they organised a secret society and opened a hotel where they formulated plans for the carrying out of their revolutionary program. Meantime, a general inspection and drill of the modern army of different provinces along the Yangtze River was held in Anhwei, and the members of the revolutionary party of that province took the opportunity to make connection with military leaders who were either members of the revolutionary party or at least in sympathy with the revolutionary movement; but the civil governor of Anhwei, knowing that the revolutionists were active, prohibited all members or suspects of any secret society to participate in the general military drill as a means of preventing any possible uprising. Hence, the plan of the revolutionists could not be carried out.

Shortly thereafter the news came to hand on the 22nd of the 12th moon (January, 1909) that the Emperor Kwang Hsu had passed away, and this gave new impetus to the revolutionary movement the leaders of which tried to take advantage of the situation to revolt within three days. The battalion commander, Hsiung Chen Chi, of Anking was chosen leader of the revolt which was started on the 3rd day as originally planned. After three days' military operation the revolutionary army was defeated, and the leader was forced to flee to the Three Eastern Provinces whence he escaped to Japan. Thus the movement failed.

The next important movement is the revolt of the cadets of Canton on the 3rd day of the first moon, 1909. The cadets of the modern military academy in that city were inclined towards revolutionary thinking. In 1905 the Viceroy of the Provinces of Kwangtung and Kwangsi suddenly changed the regular military academy into an institute for military training, thus automatically abolishing the regular four-year-course in favour of a short course. The cadets strongly objected to this change and were vigorously opposed to the action of the Viceroy. Meanwhile Mr. Hu Han Min (lately, President of the Legislative Yuan in Nanking) and Mr. Wang Ching Wei, the well known leader of the Left Wing of the Kuomintang, were making preparation for a successful revolt, having their headquarters in Hongkong; and, after the cadets had started the movement against the

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Viceroy, the two revolutionary leaders (Hu and Wang) sent agents to Canton to make connection with the graduates of the military academy. In the meantime Admiral Li Chen of the Imperial Navy discovered that a revolt was imminent, and ordered the imperial army and navy to be ready in time to meet the attack of the revolutionary army which was totally defeated after a few hours' battle.

Shortly following this futile movement is the attempt at the assassination of the Prince Regent, father of the Boy-Emperor led by Mr. Wang Ching-wei in the second moon, 1909. Mr. Wang was assisted by two explosive experts, Huang Fu-seng and Yu Chi-yun, by the well known young woman member of revolutionary party, Miss Chen Peh-chun (now Mrs. Wang Ching-wei), and by several others. Wang Ching-wei and Yu Chi-yun went to Peking during the winter of 1908 and opened a photographic studio as headquarters of the revolutionists. The attempt at the life of the prince is the most interesting story¹ of the revolution. The studio was opened on the New Year's Day (Lunar Calendar). The plan of the revolutionists was to assassinate Prince Ching, the most powerful prince of the time, but he was always closely guarded, and it was almost impossible to get close to him. Wang and his followers were compelled to change their plan. In the meantime princes Tsai Hsiun and Tsai T'ao were returning from Europe where they investigated the military and naval forces of European nations. Wang and his associates had planned to assassinate the princes at the station on their arrival, but could not recognise them, and hence they abandoned their plan. Failing in this they finally decided upon a plan to assassinate Prince Regent, Tsai Li. Again, they failed and Wang as well as two others were arrested and imprisoned. When brought before Prince Hsiao, Minister of Civil Affairs, for trial, Wang not only heroically admitted the plot against the government, but submitted a well prepared statement attacking the Manchu Government, pointing out its defects, comparing it with the systems of government of Japan, England, Germany, and France, and stressing the necessity of a republican form of government for China. Wang's life was spared because of his age, as he was still in his 20's, and his knowledge of the system of government.

A year after this futile attempt at the life of Prince Tsai Li, another attempt at revolt was made in Canton on the 10th of the 3rd moon, 1910, when Fu Chi of the imperial army was assassinated by Wen Seng-tai, a revolutionist from the South Sea Islands, where he was converted to the teachings of Dr. Sun Yat-sen, who had originally planned to assassinate

¹ See History of the Kuomintang, pp. 719-732.

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Admiral Li Chen of the imperial navy. Wen, knowing that Admiral Li was the obstacle to the revolutionary cause and fearing that the plot against the imperial admiral might be discovered before it could be carried out, acted single handedly and succeeded in assassinating General Fu Chi by mistake; but Wen, when arrested, was equally courageous and happy as if he had killed Admiral Li. When brought before the Viceroy of Kwangtung for trial Wen courageously admitted the act, but did not think it was a crime that he had committed. He regarded himself as a hero in an attempt to relieve the Chinese people from oppression and bondage.

The last and one of the best planned and most important movements prior to the successful Revolution of October 10, 1911, was however initiated in Canton on the 29th of the 3rd moon, 1911, just 19 days after the assassination of Gen. Fu Chi. The preparation for this movement had been made during the winter of 1910. The movement was led by Gen. Huang Hsing, one of the most courageous and important generals of the Revolution. He and his associates had originally planned to revolt on the 15th of the 3rd moon, but owing to the unprecedented but successful attempt at the life of Gen. Fu by Wen and the late arrival of a large quantity of ammunition, the revolt was not started until the 29th. In the meantime the plot against the Imperial Government was discovered. Viceroy Chang Ming-chi and Admiral Li Chen, who had just escaped death, immediately ordered the Imperial Army and Navy to occupy the most strategic points and be ready for the premeditated attack on the part of the revolutionists. As a consequence, 72 revolutionists are known to have been killed in action, and the movement was successfully suppressed by the Imperial forces. The defeat of the revolutionists, however, led them to further activities and made them more determined to subjugate the Manchu Government. And this brought all attempts to subdue the Imperial Government of the Manchus, by the Manchus, and for the Manchus down to the successful Revolution aiming at establishing a government of the people, by the people, and for the people.

C. The Revolution of 1911. *—After all the sacrifices and attempts that had been made by the revolutionists without desired results, the centre of activities was now shifted from Canton to Wuchang. Central China had now become a stormy centre. The people in the provinces of Kwangtung, Hunan, Hupeh, and Szechuen had, by this time, already been stirred up to oppose the Imperial Government, and the struggle between the people and the Government was even more accentuated than ever before. The situation

* See "History of the Chinese National Revolution", compiled by Tu Pin P'i (in Chinese), pp. 166-209.

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was aggravated by the new railway policy of the Imperial Government, inasmuch as the Canton-Hankow Railway was virtually sold to American interests by the Manchu Government but was later redeemed with the money of the people of the four provinces mentioned above, thus making it a private enterprise. But, unfortunately, the Imperial Government was not in favour of the private ownership of the railway, and began to negotiate with the governments of Great Britain, the United States, France, Germany, and Japan for a Five-Power Loan for the purpose of expropriating the railway and making it an imperial enterprise, thus depriving the people of their natural rights. Hence the people in the four provinces were ready to revolt against the Imperial Government. Obviously, the causes of the Revolution are purely social and economic.

Having secured the cooperation of the people who had long sought to exercise their natural rights, especially the right to livelihood, the revolutionists, immediately after the signing of the Canton-Hankow railway loan agreement on April 5th, 1911, by the Government, gathered courage to disseminate revolutionary ideas in the southern, western, and central provinces to the effect that the Manchus had sold China to the Powers. As a result of the spread of revolutionary teachings, there had gradually developed so much discontent, resentment, and opposition that the Imperial Government finally agreed to make a compromise in order to avert an inevitable and impending revolution by accepting the demand of the National Assembly for the reorganisation of the Government. The plan for the reorganisation was to form a responsible Cabinet in lieu of the existing Grand Council on which the Prince Regent had profound influence. This attempt at constitutional reform had in 1911 divided the imperial house into two groups each of which sought to control the Government. The Prince Regent represented the conservative group, while Empress Lung Yu, widow of Emperor Kwang Hsu, and Prince Tsai T'ao represented the liberal group and favoured constitutional reform by which they hoped that political upheaval might be avoided.

But, the propaganda work of the revolutionary emissaries in the southern provinces had, by this time, borne fruit, and the social force had become irresistible, inasmuch as many a military officer of the Imperial Army either had already been convinced by the revolutionary teachings of Dr. Sun and others or was at least in favour of a policy of constitutional reform. Dr. Sun's work in arousing the people to save the country from foreign aggressions and encroachments by means of a revolution within was now recognised by the intelligensia, inclusive of military officers and politicians, as the only way to recover the sovereign rights of the Chinese

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people and to put China upon a socially, economically, and politically sound basis. In the spring of 1911 it was high time for the revolutionary leaders to exercise their ingenuity in reaching their goal by reason of their having stirred up the soldiery, the gentry, and the literati to support them; and, in spite of the willingness on the part of the Dowager Empress and Prince Tsai T'ao to make concessions in the hope that internal strife, which might bring about chaotic conditions, might be averted, the revolutionary forces (both military and social) were really beyond the strength of the Manchu Government to repulse. Had the Manchus been wise enough to take the advice of Mr. Kang Yu-wei, the renowned social reformer, to establish a government similar to that of England as early as 1898, the situation might have been entirely different. But the attempt at constitutional reform at this stage of the development of revolutionary thought in order to appease the young Chinese was far too late, and hence a complete failure.

In the meantime the Viceroy of Hupeh had realised that the crisis was inevitable, and ordered the Imperial Army and Navy to be ready for defence. At the same time Gen. Li Yuan-hung was ordered to station himself at the arsenal in Hanyang (a city opposite Wuchang) in order to safeguard this chief source of military supplies. Despite the fact that the revolution was about to begin, the revolutionary army was still lacking a commander-in-chief. Finally the revolutionary leaders held a meeting to decide on a man to be the generalissimo. As a result, Gen. Li Yuan-hung was selected to head the revolutionary army, and representatives were appointed to approach him immediately. Should he refuse to lead, it was decided that he should be assassinated right there; but, fortunately, Gen. Li gladly accepted the appointment. The Revolution was inaugurated on the tenth of October, and immediately after the outbreak, the revolutionists captured the Mint in Wuchang and the arsenal in Hanyang. The military government was immediately established in Hupeh with Gen. Li Yuan-hung at the head of its affairs. Meanwhile Yuan Shih-kai, builder of a modern army, who had been dismissed from office in 1909, was now recalled to be commander-in-chief of the Imperial Army and viceroy of Hunan and Hupeh provinces. Yuan took the supreme command at the end of October, and, after two weeks of fighting he returned to the Capital (Peking) to become prime minister. Two weeks later the position of the Imperial forces had become precarious by reason of fourteen provinces¹ having declared their independence of the Imperial Government and joined

¹ Hupeh, Hunan, Kiangsi, Shansi, Shensi, Yunnan, Anhwei, Kiangsu, Chekiang, Kwangtung, Kwangsi, Fukien, Fengtien, and Szechuen. Shortly after Kweichow, Kansu, and Sinkiang followed.

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the revolutionaries, thus automatically forcing the Manchus to negotiate for peace.

The long struggle between a small group of revolutionists and the Manchu Government culminated in December, 1911, when the formal negotiation between the victorious revolutionary leaders and the representatives of the Imperial Government began, resulting in the abdication of the Manchu Dynasty and the establishment of the Republic in Nanking. At first it was universally thought that thereafter China would be free from imperialism and autocracy, so that the Chinese people might be able gradually to develop a true democracy in which the people, who had heretofore been in social, political, and economic bondage, would be given an opportunity to exercise their freedom and enjoy their natural rights; but unfortunately, the nominal abdication of the Manchu Emperor and the formal establishment of the Republic did not end absolute despotism which the Revolution aimed to eliminate and did not bring about real freedom of association, of speech, and of the press to the long suffering people. From the standpoint of a sociologist the Revolution as a great social movement should be viewed from two angles, that is, its success and its failure.

(1) *The Success of the Revolution.*—In so far as the actual abdication of the Manchu Dynasty and the formal establishment of the Chinese Republic the Revolution may be said to have been a success which was achieved by both revolutionary leaders and the Commander-in-Chief of the Imperial forces, Yuan Shih-kai. Dr. Sun Yat-sen, the revolutionary leader was elected first President of the Republic, but a few weeks later he resigned the presidency in favour of Yuan Shih-kai because of his effort in bringing about the abdication of the Emperor. Unfortunately, Yuan had never been convinced of the fact that in the twentieth century democracy would be best suited to the needs of the Chinese people; hence to him monarchy was more suitable to China, and, because of his firm conviction that the Chinese people were not ready for, and the conditions were not favourable to, a true democracy in the Western sense of the term, during the term of office, never made any attempt to cooperate with Kuomintang leaders who at first formed the majority and controlled the Parliament. On the contrary, as soon as he had become Provisional President of the Republic in March, 1912, Yuan began to be jealous of the Kuomintang, and sought to defy and defeat it by means of force, so that he might become permanent President-Dictator or Emperor of an entirely new dynasty, thus destroying the work of the Kuomintang and defeating the purpose of the Revolution for which so much sacrifice had been made. Hence, the plans of the Kuomintang for establishing a republic, modelled after France

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or the United States, could not be carried out. From this time onwards the success of the Revolution gradually turned into a great disappointment on the part of the revolutionists.

(2) *The Failure of the Revolution.*—From the inception of the Republic the Kuomintang did not have a chance to carry out its program for political, social and economic reconstruction. And from the inauguration of the Provisional President of March 10th, 1912, to his death on June 6th, 1916, Yuan Shih-kai committed many crimes, such as the murder of General Chang Cheng-wu, a hero of the Revolution, the assassination of the speaker-elect of parliament Mr. Sung Chiao-jen, a Kuomintang leader, the expulsion of Kuomintang members of Parliament, the contracting of the famous Reorganisation Loan of £25,000,000 without the consent of Parliament, the illegal election of himself as full President of the Republic, the granting to Japan the sovereign rights of China by meeting the famous "Twenty-one Demands", the restoration of the monarchy declaring himself Emperor of a new dynasty, and so forth. An executive of any nation who has committed such heinous crimes as those mentioned above should be impeached and dismissed from office, but in the absence of a government of law and order Yuan managed to cover his crimes in defiance of the Constitution.¹

D. *The Second Revolution.*—In view of Yuan's uncompromising attitude toward the Kuomintang members of the Parliament which was overwhelmingly controlled by them it was utterly impossible for them to work with the President who, after having secured the Reorganisation Loan of 25 million pounds from the Five-Power Group in 1913, began to suppress the activities of the Kuomintang. Prior to the signing of the contract for this enormous loan, Mr. Sung Chiao-jen, the Kuomintang speaker-elect of Parliament, had already been assassinated by agents of Yuan in Shanghai. The Kuomintang members of Parliament were therefore vigorously opposed to Yuan's plan, and requested the Ministers of the powers concerned to reject the loan in behalf of their respective countries but failed; hence, the Reorganisation Loan was signed without the approval of Parliament which by this time Yuan totally disregarded. With this enormous sum of money in his hands Yuan began to eliminate the Kuomintang with a view to making himself emperor of a new dynasty, thus destroying the work of the revolutionists who, after a struggle of two decades to overthrow the Manchu Dynasty, should be eliminated by a traitor, as Yuan from this time on to his death in 1916 had always been considered as the traitor of the Republic.

¹ The first Provisional Constitution adopted in 1912.

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The Second Revolution¹ was started by General Li Lieh-chun in Kiangsi, Gen. Huang Hsing and Gen. Chen Chi-mei in Kiangsu, Gen. Pai Wen-wei in Anhwei, Gen. Chen Chiung-ming in Kwangtung, and Gens. Hsu Tsung-chi and Sun Tao-jen in Fukien, between July 12th and 23th. After two months' struggle the Second Revolution was suppressed by three pro-Yuan generals, namely, Chang Hsun, Feng Kuo-chang, and Lung Tsi-kwang; the Kuomintang members of Parliament were dismissed by Presidential Mandate on the ground of their having supported the Second Revolution, thus eliminating the most powerful party (Kuomintang) from national politics. This had always been Yuan's desire ever since he took the oath of office as Provisional President. The failure of the Second Revolution and the defeat of the Kuomintang immediately gave Yuan a free hand in reorganising the government, resulting in making himself full President and in fact, President-Dictator by means of bribery which the unscrupulous parliamentarians accepted; hence Yuan was illegally elected for a term of five years in contravention of the Provisional Constitution. Had the Kuomintang members of Parliament been allowed to remain Yuan could never have been elected president by reason of the fact that Parliament was overwhelmingly Kuomintang. Furthermore, eight out of the twenty-one provinces were then controlled by the Kuomintang, and only four provinces were in the hands of Yuan's followers. The following chart shows the distribution of the party power.

¹ History of the Kuomintang, pp. 949-972.

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DISTRIBUTION OF POLITICAL POWER, BY PROVINCES

Province	Party in Power (governor's party affiliation)
Anhwei	Kuomintang (Nationalist Party)
Chekiang	Non-partisan (but close to Republican Party)
Chihli	Non-partisan (but close to Yuan's group of the Republican Party)
Fengtien	Republican Party (Yuan's group)
Fukien	unknown
Heilungkiang	Non-partisan
Honan	Republican Party (Yuan's group)
Hunan	Kuomintang
Hupeh	Republican Party
Kansu	Republican Party (Yuan's group)
Kiangsi	Kuomintang
Kiangsu	Non-partisan (but close to Kuomintang)
Kirin	Republican-Democratic Parties
Kwangsi	Kuomintang
Kwangtung	Kuomintang
Kweichow	Republican Party
Shansi	Kuomintang
Shantung	Republican Party (Yuan's group)
Shensi	Kuomintang
Sinkiang	Republican Party
Szechuan	Kuomintang
Yunnan	Democratic party

Aside from the governors enumerated above, other military and civil officials of high rank in the 21 provinces may be stated as follows: 85 Nationalists, 75 Republicans, 25 Democrats, and 25 Unionists. Obviously, the influence of the Kuomintang was too great for Yuan to check without the use of force and without violating the Constitution. He used force; he violated the Constitutions; he succeeded in defying the Kuomintang and in expelling its members from Parliament. Consequently, he succeeded in making himself the President-Dictator of the Republic and in changing the Constitution to suit himself. Agitation was immediately started against Yuan on the part of the Kuomintang which has always been directed by, or at least influential among, the intellectuals who, after all, are powerful in China where a strong government depends on public opinion which is created and molded by the *intelligentsia*. The situation was aggravated in

1915 by Yuan's desire to become Emperor of China and by Japan's Twenty-One Demands which, if totally met, would make China virtually a dependency. Consequently, the attack of the Kuomintang on Yuan resulted in the Third Revolution.

E. The Third Revolution.—The causes of the Third Revolution may truly be said to have been (1) Japanese aggressions and encroachments; and (2) Yuan's attempt at the restoration of the monarchy. Japan's Twenty-One Demands immediately brought about nation-wide opposition to Yuan and strong agitation against Japan, thus automatically weakening Yuan's position, lessening his ambition, and finally forcing him to give up his monarchical plan.

The Third Revolution was therefore inevitable, inasmuch as Yuan, despite the agitation of the Kuomintang, was to have become Emperor of a new dynasty on the 12th of December, and the 5th year (1916) of the Republic was to have changed to Hung Hsien I. Owing to strong and nation-wide opposition, however, Yuan decided to postpone the date of his accession to the throne. Meanwhile the Third Revolution broke out in the Province of Yunnan, and was led by Gen. Tsai Ao, governor of that province and a democrat in politics. In the spring of 1916 a southern confederacy of five provinces¹ was formed with Canton as the centre of activities. In the meantime, Feng Kuo-chang, one of Yuan's of strongest supporters and most trusted generals as well as a hero of the movement to suppress the Second Revolution, suddenly turned against Yuan and promised to support and join the Third Revolution which was led by a democrat and supported by nationalists and republicans. Thus, South, West, Southeast, and part of North were in revolt, struggling for a republican form of government and aiming at the ultimate elimination of imperialism and despotism; but, unfortunately, in the course of the Third Revolution Gen. Tsai Ao died of over-exertion. The Revolution however continued, but was automatically brought to an end by the timely death of Yuan Shih-kai. And from this time onwards the Kuomintang struggled against the northern militarists and for a constitutional government.

F. The Establishment of the Southern Government and the Struggle Against Militarism.—After the death of Yuan Shih-kai, Vice-President Li Yuan-hung automatically became president of the Republic, thus restoring and reconvening the old Parliament. Hence the Kuomintang was again in power; but, unfortunately, the Kuomintang members could not cooperate with the old type militarists who sought to control the government by reason of their disagreement with the Kuomintang's program for national

¹ Kwangtung, Kwangsi, Yunnan, Kweichow, and Chekiang. Szechuen later joined it.

reconstruction. Consequently, the Kuomintang and the northern militarists began to struggle for the control of the government, resulting in the formation of the Military Government in Canton in 1917 by the Kuomintang in opposition to the Peking Government. This struggle is commonly known as the struggle over the question of constitution. To make the story short the fight for a constitutional government between the southern leaders and the northern militarists resulted in the establishment of the Constitutional (Nationalist) Government in Canton, and Dr. Sun Yat-sen was elected President of the Republic by the majority members of Parliament in Canton, since, the complete break between Canton and Peking factions having taken place in 1918, the chances for restoring the Republic on a constitutional basis were very slight. Unfortunately, however, the Nationalist Movement in the South was frequently hampered by betrayals of military men within the Kuomintang, and it was not until the Party was thoroughly reorganised in 1924 that the Movement became significant and gained popular support.

With the coming of Gen. Borodin from Russia as political adviser and Gen. Galen as military adviser to the Nationalist Government, together with a group of experts, who played a leading part in the Nationalist Movement, the Kuomintang subsequently adopted a new platform which has been responsible for the success of the Northern Punitive Expedition of 1926. The Kuomintang was therefore completely reorganised, being modelled after the Communist Party of Russia, as from 1923 onwards Soviet Russia began to win Dr. Sun's support by reason of her willingness to abandon her imperialistic policy in China, and, after Russia had actually given up her special privileges by abrogating the unequal treaties concluded between the Czarist Regime and China, Dr. Sun began to advocate the fullest cooperation between China and Russia in the hope that Soviet Russia would assist China in her efforts to eliminate imperialism and militarism from the Chinese Republic, so that a socialist government based on his *Three Principles of the People* and the *Five-Power Constitution* might be established and that the program for national reconstruction, which had heretofore been impeded, might be carried out.

Unfortunately, however, Dr. Sun died in an effort to save the Republic before unification was achieved; but he left a will in which he requested his followers to complete the revolution for the cause of which he had fought for forty years, so that his "*Fundamentals of National Reconstruction*", "*Outlines of Policies for Reconstruction*", and "*Three Principles of the People*," might be realised. His will has been carried out; the Revolution has been completed; unification has been achieved; the program of the

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Kuomintang is being put into execution. Only the future can tell as to whether or not the standard of life of the masses of the Chinese people, particularly the working class, will be improved by means of industrialisation and legislation.

CHAPTER III

INDUSTRIAL CONDITIONS AND THE POSITION OF THE WORKERS

A. General Statement

It is a matter of common knowledge that China is essentially an agricultural country and that industry has not as yet been highly developed as compared with her neighbour, Japan, and with other countries in Europe and America. China, is universally known as having the advantage of a large supply of cheap and industrious labour. This assumption is by no means unfounded and unwarranted, for China has such an enormous population as stated in the preceding chapter, and there is every reason to believe that the supply of labour is much greater than the demand. Generally speaking, there is an excessive supply of labour in some localities; but, as a matter of fact, the oversupply of labour alternates with the shortage of labour, especially in large industrial centres, where skilled labour is usually in great demand. Hence the labour supply and demand are both variable in industrial cities, particularly during busy seasons. If agriculture and industry are developed simultaneously, as encouraged by the government, the supply of skilled or even semi-skilled labour is not going to be materially augmented. The author believes that, with encouragement and protection by the government, the farmers will remain on the farm. They prefer an independent life with a great deal of leisure, freedom, and fresh air to the life of dependent workers who are more or less at the mercy of their employers without sufficient time for rest and with meagre wages which are hardly enough to keep body and soul together. The attitude of the Chinese farmers may be right, for the prosperity of Western nations as a result of the Industrial Revolution is always accompanied by many industrial evils, such as long hours, low wages, unsanitary conditions, occupational diseases, and industrial accidents. And so long as there is no adequate legal protection of labour, there is hardly any steady employment, for frequent disputes between employers and workers incur heavy losses to both.

However, if machine industry is highly developed, the home or handicraft industry may be neglected, then a great many of the master craftsmen and home workers may be compelled to give up their independence and freedom as well as personal relation and become dependent workers in modern factories where many glaring evils exist. Labour disputes in recent

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years have attracted nation-wide attention necessitating the creation of a legal machinery for their satisfactory settlement. But so long as wages are low and hours of labour are long, the employers will undoubtedly experience greater labour troubles than they have thus far experienced, and as long as a large percentage of the people are engaged in agricultural pursuits, the supply of labour, particularly skilled labour, will not be greater than it is now. In the meantime, industry is bound to be steadily developed, but low wages, and long hours as well as many other disadvantages in modern industry will not easily and immediately attract the farmers and artisans to give up their independence and freedom and make a change for the worse. Furthermore, the Chinese family is so firmly established that it takes a movement of great importance to break it up, and so long as the people in general, the rural people in particular, are unwilling to change their place of residence, the working population in industrial cities will not be greatly increased in the near future. Certain seasonal trades or industries may attract a certain number of farmers during their leisure months, but they usually return to their respective farms when sowing season comes. This constitutes what is commonly called "labour turnover" in China. And if small scale industry is to be encouraged, as is being contemplated by the government, there will be little inducement to and chance for the farmers to become factory workers. This may be a good sign for agriculture, inasmuch as agricultural improvement is very much needed.

On the other hand, the Chinese are manifesting administrative and organizing capacity in the utilization of labour for the development of modern industry, and, as soon as the working conditions in factories are fairly well ameliorated, there is a possibility of drawing a large number of home workers and artisans to modern industrial centres. But this will not be done until there is a degree of security of employment or at least some kind of guarantee of steady employment for the chief wage-earner of the family. In view of all this the author is inclined to believe that the common belief or rather the assumption that there is a great advantage of an abundant supply of available cheap labour may be said to be overrated. The term "cheap labour" may not necessarily be efficient labour; hence the seemingly low cost of labour may in the end prove to be the high cost of production. On the whole, wages in China are low when compared with those earned by workers engaged in the same industry in Western countries. But the fact remains that Chinese labour in general is not efficient, and their inefficiency is doubtless due to the low standard of life on which they are forced to live. Hence, cheap labour and inefficiency correspond to each other, and hence low wages may not be the low cost of production.

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Even if, we take the total number of wage-earners into consideration (Table 1), and compare the highest pay workers in China with the lowest pay workers in highly industrialized countries as Great Britain, Germany, and the United States, we may not find Chinese workers as efficient as those in the aforementioned countries, because of the fact that even unskilled Western labourers, who constitute the lowly paid class, can afford to live on a much higher plane of life than the skilled workers in China. Hence a higher degree of efficiency cannot be attained unless the standard of living of the workers can be improved. But the improvement of the workers' standard of life is impossible so long as wages remain low and stationary, while the cost of living is daily increasing, and the rise in the cost of living tends to reduce the efficiency of workpeople. Therefore, higher wages, shorter hours of labour, better conditions of work, lower cost of living, and higher standard of life, will help to increase working efficiency which in the long run will prove cheaper than the seemingly cheap labour to-day. One who has ever studied the labour problem of China cannot help but admit that the conditions under which the workers live are appalling. The meagre wages they earn can hardly keep body and soul together. The increase of wages in recent years does not correspond with the increase of living costs, which are now from 30 to 40 per cent higher than pre-revolution time (1925) in many places. For this reason women and children have been drawn to the factories in order to help support their families.

But the employment of women and children in modern factories is a real social problem in China, although in recent years women have been given a certain status as a necessary and integral factor in industry. In spite of this recognition, however, the opportunity afforded women is still limited and wages paid them are generally lower than those paid men. Of course, this is true of women in every country, and the conditions under which women are employed are similar the world over. But the economic importance of the part played by women in the industrial life of the nation is becoming an accepted fact, even by those who are not conversant with industrial conditions. The old theory that women are mere home makers whose chief duty is to bear children, especially sons, to their husbands and to serve their mothers-in-law unconditionally and faithfully is no longer regarded as socially significant or economically sound.

On the contrary, with the development of modern life and with the passing away of social taboos, more and more women in China have been given greater opportunity to become wage-earners, although their activities in this new field have not, as yet, been recognized as having the same social

significance as credited to their efforts of home-making or child-bearing. However, the fact remains true that the Chinese woman, if belonging to the working class, is still a home maker and child bearer, and, in many cases she is home maker, child bearer, and wage earner at the same time, though she may be perfectly free from serving her mother-in-law. Hence, the employment of women in modern industry is a real social problem, inasmuch as she cannot be a good home maker or mother and an efficient wage-earner at the same time. She either has to neglect her home and her children entirely in order to help support the family or she may be forced to take her young children with her to the factory where she works and partly looks after them the best she can. As a matter of fact, many a woman is compelled to do this in cotton mills or in silk filatures. In certain mills or filatures nurseries are provided, and babies of woman workers are kept there, but in many mills and factories babies of female workers are laid underneath the machine. The social result of this practice is racial suicide. Some people think that the earnings of women are of only incidental importance to themselves and to their families, since men are home-providers; but, if we examine the situation more carefully, we shall find that the majority of these woman wage-earners have contributed all their income to their families in order to keep body and soul together. Those who are conversant with the conditions under which workpeople live in China will not hesitate to say that every married woman wage earner is working to supplement her husband's meagre and inadequate earnings and turning over her entire income to help defray family expenses. This alone is sufficient to prove the economic importance of the employment of women in modern industry. Indeed, the economic responsibilities and home-making activities combined make it difficult for women to carry on both without jeopardizing their health, and yet the efforts made by these married women to help their husbands in maintaining their homes must be appreciated, and should be recognized as a vital issue of women's right and share in the economic life of the family. Inasmuch as the average Chinese woman has never been considered as economically independent, the wage-earning woman has hardly been regarded as an economic well-being. In point of fact, her economic well-being has already merged with the well-being and social significance of her family. Obviously, the earnings of women are by no means incidental and unimportant; they are permanent and necessary for raising the economic status of the family. Furthermore, many of these woman wage-earners, whether married or single, are supporting dependents either on the ascending or descending line or both.

The three essential elements of modern economic life, namely, capital, land, and labour are universally recognized as having equal economic value,

but from the standpoint of human welfare and happiness the most important factor in industry is undoubtedly the human element. Unfortunately, capitalists, whether big or small, have often overlooked this truism, because of the fact that labour supply, except during certain abnormal periods, usually meets the demand. Labour shortage does not frequently or seasonally occur. In fact, the supply of woman workers at times exceeds the demand in large industrial centres, where the high cost of living compels women to become wage-earners. But this does not mean that the supply of skilled or efficient labour is abundant, although semi-skilled and unskilled labour constitutes the majority of the wage earning population. This apparent oversupply of labour has been partly responsible for the employers' arrogant attitude towards labour. In cotton mills and in silk filatures women and children constitute the large majority of the working force. Woman and child workers are readily secured, lowly paid, and easily controlled; and, if the work can be undertaken by women and children as by men with equal efficiency or with similar result, employers prefer to employ women and children who are more abundant than men and who, by force of circumstances, are willing to accept unreasonably low wages and to agree to long hours of work. Since a vast number of women and children is found to have been compelled to earn a livelihood, the conditions of work are deplorable, especially when legal protection of labour is totally absent. For instance, a nursing mother having an infant whom she must take to the factory where she is employed and where there is no nursery provided for babies, is working from ten to twelve hours a day with a daily earning of 40 cents which barely keeps her from starvation. If she has two or three young children without a grandmother to take care of them, she is compelled either to take them to the factory where she works or leave them at home to take care of themselves. For this reason mortality, particularly infant mortality, is unspeakably high among the working class, and only the fittest can survive.

The present tendency is, however, to pay a minimum wage sufficient to support a family of four or five on a lowest possible standard so that the wife of a man who is the sole wage-earner may not have to leave home when her children are too young to take care of themselves. But, in view of the rise in the cost of living few men are capable of supporting a family of four or five without going into debt, but the worst thing that a man can be in is in debt, inasmuch as interest rates on loan are exorbitant, 20, 30, or even 50 per cent interest being charged by private money lenders. Usually a person who borrows money without good security pays 36 per cent annual interest.

It is perfectly obvious that woman's share in family support is almost an urgent necessity in China.

In view of the important rôle that women play in industry and in family support the question of safeguarding the woman workers from industrial accident, from illness, and from contracting occupational diseases is imperative. Statistics on industrial accidents and occupational diseases are not available, and, perhaps reliable figures on accident, sickness, and disease of workers cannot be obtained; but judging from the unduly low wages that woman workers earn and the long hours they work, and considering the low standard of life that they can afford to maintain as well as the double responsibility which they bear as home-makers or mothers and wage-earners, we cannot overemphasize the safeguarding of woman workers in machine industry and better treatment for home-workers.

The employment of children in modern industry is similar. Some children between the ages of eight and twelve are forced to work in factories in order to help support their families. In silk filatures the majority of the workers are women and children, of whom not a few are undernourished and underdeveloped, and many have not had any actual schooling; hence the employment of children in the silk industry is of considerable importance, although child labour, say children under ten years of age, is comparatively little. From the author's own personal investigation he finds the majority of the children employed in factories which he has visited are between ten and fifteen years of age; hence the common belief that Chinese children begin to work as soon as they are able to walk around or at least as young as three, four, five, and six years of age is apparently groundless. But even the employment of children from eight to fifteen years of age is serious enough to engage our attention for two reasons: (1) Many of the children are physically unfit for factory work; and (2) the majority of them can hardly read and write. Unfortunately, no careful investigation has been made to ascertain the exact age of the children and to learn of the actual conditions under which they work. We have, however, sufficient evidence to show that many of these children are illegally employed; but, because of the great difficulty of ascertaining the true age in the case of children under twelve and fourteen as required by the New Factory Law, there are not a few children alleged to be over twelve and fourteen who are really under the legal age. Owing to the absence of registration of birth and the low economic status many parents do not hesitate to swear falsely in order to secure employment for their children before they have reached the legal age of fourteen years. Prior to the enforcement of the New Factory Law (August 1, 1931),

however, children of any age could be employed in factories and workshops without affidavit or certificate of employment.

Children engaged in home industries and other occupations are not covered by the New Factory Law; hence no attempt has been made to stamp out child labour in China except in machine industry. Despite the fact that the New Factory Law is being enforced, it is a stupendous task to raise the age of employment, and, granted that children under fourteen can, to a certain extent, be eradicated from modern industry, child labour still remains because of the fact that children employed in modern factories may represent only a small portion of the child wage-earning population in the Republic. Of course, it is exceedingly difficult to ascertain the total number of children gainfully employed in China, but if we should take it for granted that child workers constitute 10 per cent of the wage-earning population, and the figures for 1915 were taken to be the basis of our study, then the child wage-earners would exceed the total number of factory workers to-day. And in view of the fact that the compulsory system of education has not yet been carried out, child labour creates a tremendous social problem. From the author's own investigation of child labour in different parts of the Republic the evidence renders this fact indubitable. The low economic strata of the Chinese people, to a large extent, has been responsible for the unconscious exploitation of child labour.

The statistical tables in this chapter show that it has been imperative for women and children to make some contribution to the family budget, and from one-third to two-thirds of the family expenditure may be earned by the constant labour of mother and child together. Generally speaking, the child wage-earner earns between one-fourth to one-third of the earnings of an adult male worker, while the woman wage-earner earns on the average about two-thirds of the wages of a man worker. With the help of the wife or child a male worker is able to maintain a minimum of subsistence standard of life, otherwise a large number of adult male workers can hardly earn sufficient to keep body and soul together. Studies of labour conditions made by different authorities and individuals in recent years reveal that the earnings of an average wage-earner are scarcely sufficient to maintain two adults and that the income of two or three wage-earners of the same family is barely enough to maintain a lowest possible standard of life without the danger of starvation and of being in debt.

In using the statistical tables, however, one thing must be borne in mind is that the figures for any given year indicate only the results of estimates made by various local authorities, inasmuch as no systematic survey in the strictest sense of the term has ever been conducted by the government.

B. Labour Statistics.

Despite the fact that no census has been taken and no survey has been made on a scientific basis, there are three main sources of information on which we may base our study of the industrial population and labour conditions in the Chinese Republic; namely, "The Statistical Annual Reports" of the Ministry of Agriculture and Commerce of the former Peking Government, "The Labour Statistics Series", published by the Ministry of Industry, Commerce, and Labour of the National Government, and "The Statistical Reports," published by Bureaus of Social Affairs of various Municipal Governments. Apart from these sources, other official publications, such as "The Statistical Monthly", "The Chinese Economic Journal", "The Chinese Economic Bulletin", and so forth also furnish us information concerning labour conditions. All these sources from which our data are derived may be said to be the most reliable sources of information available at present.

The compilation of agricultural and labour statistics began in 1912, the first year of the Republic. The most complete reports ever made by the defunct Peking Government were, however, those for the years 1914 and 1915. The statistical reports made between 1916 and 1921 were not complete, for more than half of the provinces did not make any report owing to the interruption of civil wars. No statistics were compiled during 1922 and 1926 by the Ministry of Agriculture and Commerce, and those for the years 1920 and 1921 were not published until 1924. The work of compiling statistics of the Nanking Government began in 1927. As a result, the Ministry of Industry, Commerce, and Labour published a series of labour statistics in five small volumes. The scope of investigation was limited to only 29 industrial cities in 9 provinces. The work of bureaus of social affairs, especially that of the Bureau of Social Affairs of Shanghai, during the last four years is of great value so far as labour statistics are concerned. Aside from official reports, individual studies are also of some value. Our present study is, however, based on official reports only, inasmuch as they cover a considerably wider scope and fairly well represent the whole Republic.

Table I has been constructed to indicate the fluctuations of the number and percentage of workers engaged in each of the twenty industries. As has been stated, the figures represent only estimates, although satisfactory accuracy can be obtained, if care is taken.

TABLE I
NUMBER OF INDUSTRIAL ESTABLISHMENTS AND WORKERS,
BY INDUSTRIES, 1915

INDUSTRY	Number of Establishments	Number of Workers			As Percentage of Total Industrial Population
		Males	Females	Total	
Textile:					
Silk goods	36,806	122,489	56,247	178,736	21.5
Cotton goods	581,871	1,157,944	954,848	2,112,792	
Linen goods	71,730	80,291	120,196	200,487	
Woolen goods	5,478	56,470	1,478	57,948	
Silk & Cotton Mixture	1,731	3,482	4,045	7,527	
Knit goods, Garments etc.	148,615	24,401	35,058	59,459	
Chemical:					
Soap	7,001	11,267	2,618	13,885	8.1
Drug	2,955	13,709	152	13,861	
Candle	43,911	151,984	7,968	159,952	
Cosmetic	1,631	5,176	1,166	6,342	
Paint	8,908	26,904	768	27,672	
Mint, Mint oil, etc.	286	887	100	987	
Wax	9,202	25,801	2,185	27,986	5.8
Indigo	35,388	621,156	21,627	642,783	
Match	482	77,412	14,273	91,685	
Brick and Tile	83,221	686,767	17,970	704,737	
Glass	705	3,166	124	3,290	
Paper	55,868	274,987	23,551	298,538	4.5
Fur and Leather	20,016	199,385	2,339	201,724	
Pottery and Chinaware	141,607	509,155	38,891	548,046	
Lacquer	23,730	107,656	2,449	110,105	
Metal Ware (gold, silver, brass, iron, etc.)	69,139	384,676	11,039	395,715	
Furniture and Fixture	16,700	93,674	1,119	94,793*	3.3
Lens and opticals	548	2,278	19	2,297	
Clock and Watch	192	1,240	.....	1,240	
Ivory, Jade, etc.	7,062	53,619	626	54,245	
Oil (cooking)	247,774	1,204,310	146,073	1,350,383	
Brewing & Distilling	147,144	748,052	23,792	771,844	6.3
Sugar Refining	27,908	913,139	19,899	933,038	
Tobacco	64,811	281,660	63,765	345,425	
Flour	212,961	913,468	122,220	1,035,688	
Canning	30,038	88,333	7,300	95,633	
Mining	5,437	468,264		468,264	3.8
Miscellaneous	295,614	741,113	400,868	1,141,981	
TOTAL	2,406,470	10,054,315	2,104,773	12,159,088	100

* Report for the year 1920.

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The figures shown in the above table are taken from the government report for the year 1915. The reason for this is that the reports of subsequent years, owing to the interruption of internal strife, are not complete. The figures as given in Table I form the basis of our study of the industrial conditions, including the number of establishments and of workers employed therein. The total number of workers engaged in the textile industry was 2,616,949, of whom 1,051,676 were women; those engaged in the chemical industry were 985,153, of whom 50,857 were women; those who were engaged in the other 17 industries numbering 6,946,741, of whom 481,176 were women; and those employed in miscellaneous industries constituted 1,141,981, of whom 400,868 were women. There were also 468,264 miners who formed only 3.8 per cent of the industrial population. The largest group was, however, the textile workers who constituted 21.5 per cent; second to this came the oil workers being 11.1 per cent. The per cent of workers in flour mills was also large being 8.5 per cent. Those who were engaged in chemical works formed 8.1 per cent. Next to this fell the workers engaged in the sugar refining industry being 7.7 per cent. The fifth largest group was workers employed in breweries and distilleries, constituting 6.3 per cent. Those engaged in brick and tile industry constituted 5.8 per cent; in chinaware and pottery industry, 4.5 per cent; in metal ware manufacturing, 3.3 per cent; in tobacco manufacturing, 2.8 per cent; in paper manufacturing, 2.4; in fur and leather industry, 1.6 per cent; in miscellaneous industries, 9.4 per cent; each of the rest was below 1 per cent of the total wage-earning population of 12,159,088 employed in 2,406,470 establishments. Of this total number reported 10,054,315 were males, 2,104,773 were females.

These figures on the industrial population cover workers in home and in machine industries as well as those in artisan shops. The wage-earning population of twelve millions may not represent the total number of workers, but these figures do represent the entire working force of the establishments reported. Domestic servants were left out of account entirely. Railway employees, seamen, and agricultural workers were not included. Probably workers in some smaller domestic industries were not reported. Workers in shops and stores were never mentioned, unless they were included in the miscellaneous column, but the total number seems to be too small to include them. However, later estimates do not furnish us any more accurate information concerning the actual number of wage-earners in the Republic than the earlier estimates.

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According to the survey¹ made in 1923 and reported in the *Shun Tien Times*, the number of wage-earners in China was then estimated at a little over five millions as shown in the following table.

TABLE II (a)

THE NUMBER OF WAGE-EARNERS IN CHINA, BY INDUSTRIES OR OCCUPATIONS

Industry and Occupation	Number of Workers
Railways employees.....	100,000
Textile industrial workers.....	160,000
Match factory workers.....	90,000
Miners	420,000
Cigarette factory workers.....	100,000
Seamen.....	60,000
Workers engaged in electrical establishments.....	100,000
Metal Workers (gold, silver, iron, brass, etc.).....	200,000
Workers in the silk industry.....	130,000
Workers employed in printing establishments.....	80,000
Workers engaged in cement works.....	25,000
Workers in egg factories.....	15,000
Workers employed in shipyards	25,000
Workers employed in flour mills.....	15,000
Workers employed in tanneries.....	20,000
Total	2,040,000

¹ See also the Report of the Ministry of Agriculture and Commerce of the Peking Government, Vol. 9, No. 12 (in Chinese).

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TABLE II (b)
THE NUMBER OF WAGE-EARNERS IN CHINA, BY
INDUSTRIES OR OCCUPATIONS

Industry and Occupation	No. of Workers
Workers engaged in brewing and distilling establishments.....	100,000
Helpers in barber shops.....	200,000
Domestic servants.....	400,000
Workers in the porcelain and pottery industries.....	200,000
Workers in the rattan & wicker ware industry.....	50,000
Workers in the salt industry.....	300,000
Workers in the woolen industry.....	20,000
Workers in the dyeing industry.....	300,000
Workers in the tea industry.....	100,000
Workers in the bamboo ware industry.....	50,000
Workers in paper manufacturing establishments.....	100,000
Workers in drug (Chemical) manufacturing establishments.....	30,000
Workers in the tailoring industry.....	300,000
Workers in the building trade.....	600,000
Ricksha coolies.....	20,000
Letter carriers (postmen).....	60,000
Total.....	3,010,000
Grand Total.....	5,050,000

Among these 5,050,000 wage-earners there were (up to 1923) 289,000 unionists who were divided as follows:

Railway employees.....	42,000
Miners.....	25,000
Seamen.....	45,000
Metal Workers.....	50,000
Cigarette workers.....	18,000

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Workers in the building trade.....	30,000
Helpers in barber shops.....	14,000
Workers in the salt industry.....	10,000
Domestic servants.....	8,000
Workers in the dyeing industry.....	8,000
Ricksha coolies.....	10,000
Workers in cotton mills.....	10,000
Workers in the tailoring industry.....	1,000
Workers in printing establishments.....	10,000

Total..... 289,000

The figures in Table II clearly show that the total number of wage-earners in the Chinese Republic was estimated at 5,050,000. Apart from the 20,000 ricksha coolies, 60,000 letter carriers, 200,000 helpers in barber shops, and 400,000 domestic servants, the rest are industrial workers. In other words the industrial workers constitute 4,370,000 or 86.5 per cent, whereas non-industrial workers form only 680,000 or 13.5 per cent. while the author is skeptical about the accuracy of this estimate, he cannot help but admit that such an attempt to ascertain the wage-earning population, irrespective of how absurd it may be so far as accuracy is concerned, is by no means worthless. Since it was estimated that there were only a little over five million wage-earners in China, the estimate can be regarded only as a partial list of wage-earners in the Republic, for in Table VII we shall find entirely different figures.

TABLE III
DISTRIBUTION OF WORKERS, BY INDUSTRIES, 1915

Industry	Number of Establishments	Number of Workers	As Percentage of Total	
			Factories	Workers
Chemical Establishments	6,690	119,789	32.23	18.48
Establishments for the Manufacture of Food and Drinks	5,108	151,677	24.61	23.39
Iron Works, Shipbuilding, and other Metal Establishments	1,701	25,965	8.20	4.01
Knitting, Weaving, and Dyeing Establishments	5,376	302,666	25.90	46.69
Miscellaneous	1,531	35,085	7.38	5.41
Special (Electric and Gas Establishments)	348	13,063	1.68	2.02
Total	20,754	648,245	100	100

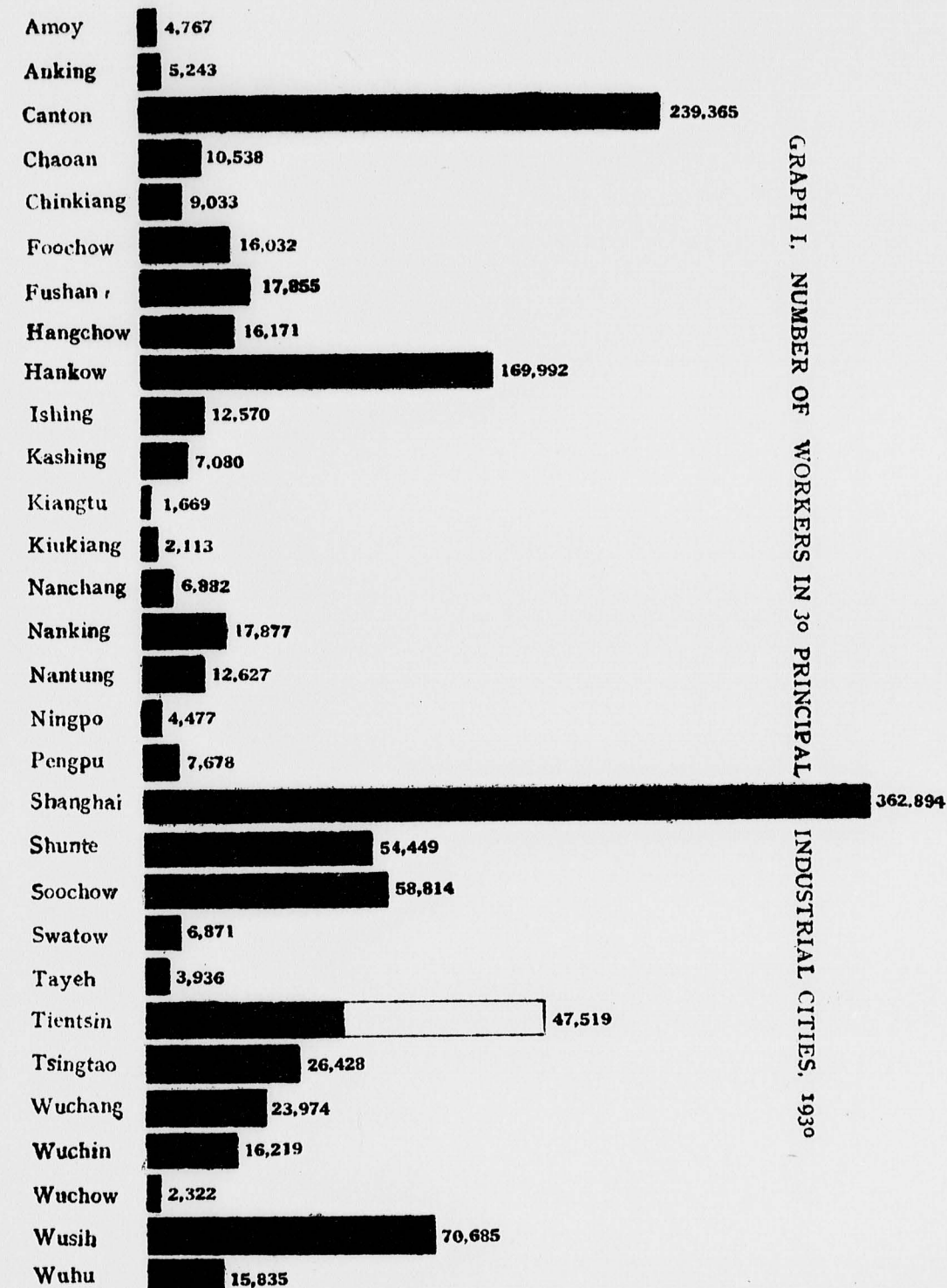
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The foregoing table shows the fluctuations of numbers engaged in the six groups of industries covering 20,754 establishments which employed 648,245 workers. In respect to the number of establishments the chemical industry represents the largest percentage, being 32.23%; textile and dyeing industries, 25.90%; manufacture of food and drink, 24.61%; iron works, ship-building, and metal ware manufacture, 8.20%; miscellaneous industries, 7.38%; gas and power plants, 1.68%. As regards the number of workers the textile and dyeing industries employed 46.69%; manufacture of food and drink, 23.39%; chemical industry, 18.48%; miscellaneous industries, 5.41%; gas and power plants, 2.02%.

According to the statistical data collected and published by the Ministry of Industry, Commerce, and Labour, in 1930, the total number of factory workers in 29 industrial cities representing 9 provinces, may be seen from the following table.

TABLE IV
NUMBER OF FACTORY WORKERS, BY CITIES, 1930

City	Number of Workers	As Percentage of Total
Amoy	4,767	0.03
Anking	5,243	0.44
Canton	239,365	1.98
Chinkiang	9,033	0.07
Chaoan	10,538	0.08
Foochow	16,032	0.13
Fushan	17,855	0.14
Hangchow	16,171	0.13
Hankow	169,992	1.41
Ihsing	12,570	0.10
Kahsing	7,080	0.05
Kiangtu	1,669	0.01
Kiukiang	2,113	0.01
Nanchang	6,882	0.05
Nanking	17,877	0.14
Nantung	12,627	0.10
Ningpo	4,477	0.03
Pengpu	7,678	0.06
Shanghai	362,894	3.01
Shunte	54,449	0.45
Soochow	58,814	0.48
Swatow	6,871	0.05
Tayeh	3,936	0.03
Tsingtao	26,428	0.21
Wuchang	23,974	0.19
Wuchin	16,219	0.13
Wuchow	2,322	0.01
Wuhu	15,835	0.13
Wusih	70,685	0.58
Total 29	1,204,396	100%



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Table IV shows the total number and the distribution of factory workers in twenty-nine industrial cities, as the data collected by the Ministry of Industry, Commerce, and Labour only cover those cities. Shanghai occupies the first and foremost place with a total number of 362,894 or 3.01% of the grand total. Canton and Hankow are the next largest industrial centres employing 239,365 or 1.98% and 169,992 or 1.41% respectively of the total number of workers in modern factories.

Graph I shows the distribution of factory workers in 30 industrial cities, including Tientsin which was left out of account in the survey conducted by the Ministry of Industry, Commerce, and Labour on account of incomplete data. It has been commonly believed that Tientsin ranks as the fourth largest industrial centre in China, but according to the figures as given in Graph I. Wusih is the fourth largest industrial city with 70,685 factory workers in her modern factories, principally silk filatures, Soochow is ranked as the fifth largest city with 58,814 workpeople in the factories therein located, Shunteh takes the sixth place with 54,449 workers, and Tientsin takes the seventh place with only 47,519 workers in her factories. The author is inclined to think, however, that the number of factory workers in Tientsin is under-estimated. There was no industrial city employing from 30,000 to 40,000 workers in 1930, and only two cities employing more than 20,000 and less than 30,000 workers were reported. Cities having above 10,000 and below 20,000 workers were eight in number, and those having above 1,000 and under 10,000 constituted the rest of the 30 cities in ten provinces of the Republic. The total number of wage-earners in modern factories in thirty cities was only 1,251,915. The question as to the actual number of factory workers in the Republic is still a debatable one; but it may safely be said that the total number of industrial workers in the thirty cities as presented in Graph I may constitute between 75 and 85 per cent of workpeople in modern factories.

Naturally, the next question that should be raised is in regard to total number of modern factories in the Republic. According to the Statistical Report of the Ministry of Industry, Commerce, and Labour for 1930, we have the figures as given in Table V. Prior to the establishment of the Republic in 1912 one hundred and seventy-one factories had been established in all parts of the country representing 8.66% of the total number of modern factories. From 1912 to 1930 inclusive 1,804 factories have been established. This means that modern industry up to 1912 had been comparatively unimportant. The growth of modern industry during the last eighteen years, especially during the past decade, has been unusually rapid; and, with the same degree of rapid progress China will become an industrial country within the next quarter of a century. And with the encouragement of the National

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Government China's industry will be so highly developed that she will not have to depend on other countries to supply her the necessary machine-made goods which flood our market to-day.

TABLE V¹
NUMBER OF MODERN FACTORIES, BY YEARS

Year of Establishment	Total Number	As Percentage of Total
Prior to the Republic (1912)	171	8.66
1912	41	2.08
1913	33	1.67
1914	41	2.08
1915	37	1.87
1916	30	1.53
1917	56	2.83
1918	56	2.83
1919	103	5.21
1920	105	5.32
1921	88	4.46
1922	87	4.41
1923	83	4.20
1924	81	4.10
1925	87	4.40
1926	124	6.28
1927	124	6.28
1928	195	9.87
1929	205	10.38
1930	103	5.21
Unknown	125	6.33
Grand Total	1,975	100

¹ See Labour Statistics (General Report), 1930, of the Ministry of Industry, Commerce, and Labour.

But according to the Statistical Annual Report for 1920-1921 of the Ministry of Agriculture and Commerce, the number of factories and workshops that had been established up to that time was 6,524, of which 2,297 had been established before 1903, and the other 4,227 were established during 1904 and 1920 (Table VI). Obviously, the majority of these establishments were small shops, because the figures as shown in Table V indicate that modern factories have largely sprung up since the Republic, and up to the end of 1920 the total number of factories was only 673.

TABLE VI
NUMBER OF FACTORIES AND WORKSHOPS ESTABLISHED,
BY YEARS.

Year of Establishment	Number of Factories
Prior to 1903	2,297
1904	225
1905	107
1906	147
1907	87
1908	134
1909	359
1910	210
1911	220
1912	496
1913	367
1914	308
1915	281
1916	242
1917	238
1918	218
1919	386
1920	202
TOTAL	6,524

Table VII shows the number of establishments reported and the total number of workers employed therein in 1920. The total number of establishments was 1,580,188 and the total number of workers was 7,845,249, of whom 6,135,448 or 78.21 per cent were males and 1,709,801 or 21.79 per cent were females. The total production was estimated at \$1,237,779,476 or \$157.77 per worker on the average. The figures on the number of establishments were considerably lower in 1920 than those for 1915, and the number of workers employed was correspondingly reduced. Should the number of establishments in 1920 be the same as that for 1915 the number of workers might reach the twelve million mark. In the author's opinion therefore the number of industrial workers in 1920 was not any less than that in 1915.

Aside from our consideration of the number of wage-earners and of factories, the size of the factories and workshops and the proportion of the workers employed therein may now be pointed out with a view to ascertaining the percentage of small establishments as compared with large factories, so as to throw more light on the distribution of home-workers and factory workers. Table VIII indicates the different sizes of factories and workshops from 1912 to 1920.

TABLE VII
LABOUR IN VARIOUS INDUSTRIES, 1920

Industry	Number of Establishments Reported	Number of Workers Employed		Total Number of Workers	Total Production (in silver dollars)
		Males	Females		
Tobacco*	64,811	281,660	63,765	345,425	39,409,511
Sugar*	27,908	913,139	19,899	933,038	43,462,679
Flour	315,977	1,398,257	6,394	1,404,651	200,486,452
Canning	30,038	88,333	7,300	95,633	22,911,185
Silk	36,806	122,489	56,247	178,736	40,123,016
Cotton	233,743	496,530	1,131,369	1,627,899	151,972,711
Linen*	71,730	80,291	120,196	200,487	10,611,424
Woolen	2,955	69,305	3,249	72,554	4,261,655
Knit Goods	18,649	13,288	29,018	42,306	8,901,502
Soap	1,210	5,266	1,435	6,701	9,923,469
Candle	43,911	151,984	7,968	159,952	18,405,701
Paint	8,908	26,904	768	27,672	2,130,387
Wax	9,202	25,801	2,185	27,986	1,134,520
Indigo	19,725	55,455	4,346	59,801	43,619,318
Match	73	148,575	16,550	165,125	33,571,627
Glass	126	2,028	14	2,042	1,181,380
Brick & Tile*	83,221	686,767	17,970	704,737	62,150,732
Paper*	55,868	274,987	23,551	298,538	54,860,795
Leather*	20,016	199,385	2,339	201,724	63,132,713
Cosmetic	927	3,462	1,595	5,057	1,711,959
Chemical*	2,955	13,709	152	13,861	2,344,278
Pottery*	141,607	509,155	38,891	548,046	13,120,743
Lacquer*	23,730	107,656	2,449	110,105	15,667,176
Gold, Silver, Brass, Iron, & Lead ware					
Manufacturing	26,259	112,007	127	112,134	224,494,638
Wooden	13,953	62,673	43	62,716	27,368,121
Lens Manufacturing*	116	551	36	587	1,346,285
Clock Manufacturing	192	1,240	.....	1,240	347,966
Jade, Ivory, etc., Manufacturing*	7,062	53,619	626	54,245	2,806,141
Miscellaneous	318,511	230,932	151,319	382,251	136,321,392
Grand Total	1,580,188	6,135,448	1,709,801	7,845,249	1,237,779,476

*Statistics for 1915 are used because those for 1920 are incomplete to represent the industry concerned.

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TABLE VIII
DISTRIBUTION OF WORKERS AND SIZE OF FACTORIES
OR WORKSHOPS, BY YEARS

Year	Factories or Workshops Employing 7-30 Workers		Factories or Workshops Employing 30-50 Workers		Factories or Workshops Employing 50-100 Workers		Factories or Workshops Employing 100-500 Workers		Factories or Workshops Employing 500-1000 Workers		Factories or Workshops Employing 1000 Workers and up		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
1912	18,212	87.77	990	4.77	798	3.85	514	2.48	181	0.87	54	0.26	20,749	100
1913	18,830	86.73	1,145	5.27	833	3.84	726	3.34	145	0.67	33	0.15	21,712	100
1914	17,447	85.99	1,187	5.86	869	4.28	548	2.70	191	0.94	17	0.23	20,289	100
1915	17,874	86.16	1,172	5.65	866	4.17	618	2.98	176	0.85	40	0.19	20,746	100
1916	14,468	84.32	1,099	6.44	768	4.49	607	3.55	160	0.94	45	0.26	17,087*	100
1917	13,076	83.10	1,176	7.47	667	4.24	589	3.74	179	1.14	49	0.31	15,736*	100
1918	11,945	83.10	1,047	7.28	720	5.00	491	3.43	122	0.85	49	0.34	14,374*	100
1919	8,813	83.81	651	6.19	464	4.41	443	4.22	115	1.09	29	0.28	10,515*	100
1920	5,212	79.89	446	6.84	367	5.63	376	5.76	98	1.50	25	0.38	6,524*	100
Total	125,817	84.53	8,913	6.20	6,352	4.43	4,912	3.58	1,367	0.98	371	0.28	147,732	100

* Incomplete data to represent the whole country.

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The foregoing table shows that the size of the six groups of factories and workshops is determined by the number of workers employed therein. Factories or workshops employing from 7 to 30 workers constitute the highest percentage, being 84.53 per cent on the average, based on the reports made during 1919 and 1920; those employing from 30 to 50 workers form 6.20 per cent on the average; those employing from 50 to 100, being 4.43 per cent; those employing from 100 to 500 workers, being 3.58 per cent; those employing from 500 workers and up being less than 1 per cent on the average. It is obvious, therefore, that factories or workshops having less than 30 workpeople constitute the majority of the industrial establishments in the Republic during the nine-year period.

From the foregoing tables we note that the wage-earning population in the Republic never exceeded thirteen millions in any one year, although a margin should be allowed for those establishments which were never reported by the local authorities. But, granted that a margin of two millions should cover unreported establishments, the total number of wage-earners would not be more than fifteen millions throughout the Republic. Factory workers in a true sense of the term up to 1930 were about one million and a quarter or about 10 per cent of the total number of men, women, and children gainfully employed. Despite the fact that this number constitutes a mere fraction of China's enormous population, the industrial workers have been given a great deal of consideration on the part of the government and the public in recent years, because of the deplorable conditions under which workpeople work and live, the unduly low wages they earn, the long hours they work, the rise of living costs by which they are affected, and the great family responsibility they bear. Hence, in considering the number of wage-earners in the Republic we are bound to go a step further and find out the earnings of these wage-earners, the length of their working day, and the prevailing standard on which they live in order to determine their economic status.

1. Scale of Wages.

The following tables and graph show that earnings of industrial workers have been unspeakably small, although wages have been on the increase since 1915 (see Graph II). Wages, however, have never kept pace with the prices of daily necessities, especially in such growing cities, as Canton, Hankow, Shanghai, and Nanking. Hence the average income of a worker is absolutely insufficient to support a family of fair size. Table IX (a) shows the scale of wages according to industry or occupation in 1919, Table IX (b) shows the daily and yearly wages of textile workers in 1920, Table IX (c) presents the daily earnings of male and female workers in the representative industries stated during 1919 and 1920 and Table X indicates the average monthly wages of factory workers in 1930.

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TABLE IX (a)
SCALE OF WAGES, BY INDUSTRIES OR OCCUPATIONS, 1919
(DAILY WAGES)

INDUSTRY OR OCCUPATION	Male (With Food)			Male (Without Food)		
	Maximum	Minimum	Average	Maximum	Minimum	Average
Agricultural Labour (Female)	0.29	0.12	0.21	.....	.....	.....
Sericultural Labour (Silkworm-rearing) (Female)	0.23	0.08	0.15	.....	.....	.....
Silk Reeling (Female)	0.31	0.14	0.22	.....	.....	.....
Fishing	0.23	0.10	0.16	.....	.....	.....
Spinning & Weaving	0.44	0.17	0.29	.....	.....	.....
Cotton Batting	0.34	0.22	0.13	.....	.....	.....
Dyeing	0.34	0.15	0.17	.....	.....	.....
Tailoring	0.33	0.15	0.22	0.45	0.25	0.33
Hat Making	0.39	0.20	0.28	0.46	0.28	0.38
Shoe Making	0.30	0.15	0.22	.....	.....	.....
Rice Milling	0.40	0.20	0.28	.....	.....	.....
Brewing & Distilling	0.34	0.16	0.24	.....	.....	.....
Sauce Making	0.33	0.16	0.24	.....	.....	.....
Tea Making	0.27	0.13	0.18	0.39	0.31	0.23
Tobacco Making	0.32	0.15	0.22	0.42	0.27	0.32
Carpentry or Woodwork	0.27	0.12	0.18	0.42	0.31	0.23
Tile Making	0.33	0.14	0.22	0.46	0.23	0.33
Sawing	0.30	0.13	0.21	0.42	0.22	0.32
Masonry	0.32	0.15	0.24	0.44	0.26	0.35
Brick Making	0.31	0.15	0.23	0.44	0.26	0.34
Furniture and Fixture Making	0.45	0.24	0.34	.....	.....	.....
Vehicle Making	0.35	0.17	0.26	0.49	0.29	0.38
Gold and Silver	0.29	0.14	0.21	0.42	0.25	0.35
Ware Making	0.37	0.16	0.25	.....	.....	.....
Brass and Lead	0.39	0.17	0.27	.....	.....	.....
Ware Making	0.43	0.19	0.30	.....	.....	.....
Iron Works	0.37	0.18	0.26	.....	.....	.....
Barrel Making	0.29	0.14	0.21	.....	.....	.....
Bamboo Wicker and Rattan Ware Making	0.31	0.21	0.13	.....	.....	.....
Paper Manufacturing	0.33	0.15	0.23	.....	.....	.....
Oil Manufacturing	0.28	0.14	0.21	0.40	0.23	0.32
Lacquered Ware	0.31	0.14	0.23	0.45	0.25	0.35
Engraving	0.33	0.16	0.24	0.46	0.26	0.36
Printing and Publishing	0.39	0.17	0.28	0.54	0.31	0.42
Leather Tanning	0.34	0.14	0.24	0.48	0.27	0.38
Mat Making	0.35	0.16	0.25	0.49	0.37	0.28
Ordinary Coolie Work	0.26	0.12	0.19	0.38	0.24	0.31
Grand Average	0.39	0.18	0.26			
Grand Average	0.33	0.15	0.22	0.44	0.27	0.33

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TABLE IX (b)
SCALE OF WAGES IN TEXTILE INDUSTRY, BY PROVINCES, 1920
(DAILY AND YEARLY WAGES)

Province and City	Average Daily Wages				Average Working Days per Year	Average Yearly Income			
	Males		Females			Males		Females	
	Max.	Min.	Max.	Min.		Max.	Min.	Max.	Min.
Anhwei Wuhu	\$0.80	\$0.20	\$0.50	\$0.16	320	\$256	\$64	\$150	\$51.20
Chihli Paote Tientsin	0.40 1.70	0.05 0.05	 0.75	 0.05	305 306	122 520	15.25 15.30	 229	 15.30
Honan Chenghsien	0.70	0.20	0.60	0.12	320	224	64.00	192	38.40
An-Yang	1.00	0.12	0.80	0.12	300	300	36.00	240	36.00
Shen-hsien	0.35	0.15	.....	.....	280	198	42.00	.....	.....
Meng-tsin	0.50	0.20	.....	.....	240	120	48.00	.....	.....
Wu-hsien	0.25	0.15	0.25	0.15	280	70	42.00	70	42.00
Hupeh Wuchang	0.30	0.12	.....	.....	270	81	34.00	.....	.....
Kiangsu Shanghai	1.80 (0.98*	0.12 0.29*	0.75 0.54*	0.10 0.24*	303	297	63.57	164	72.72
Taitsang	0.30	0.24	0.32	0.10	270	81	64.80	86	27.00
Chungming	0.36	0.12	0.48	0.12	330	118	39.60	158	39.60
Wuhsien	0.38	0.25	0.28	0.20	286	108	96.50	80	57.20
Changshou	0.62	0.18	0.52	0.16	300	186	54.00	159	48.00
Wusih	2.50	0.25	0.55	0.15	250	625	62.50	138	37.50
Chiangying	1.40	0.10	0.50	0.10	260	364	26.00	130	26.00
Nantung	0.50	0.18	0.50	0.18	280	140	50.40	140	50.40
Shantung Jeh-hsien	0.40	0.20	0.50	0.25	280	112	56.00	140	70.00
Yieh-hsien	0.20	0.15	.....	.....	340	68	51.00	.....	.....
Grand Average	0.77	0.16	0.52	0.14	291	210	48.68	149	43.67

* Average maximum and minimum.

TABLE IX (c)
SCALE OF WAGES, BY INDUSTRIES, 1919-1920

Industry	Males (Daily Wages)			Females (Daily Wages)		
	Highest	Lowest	Average	Highest	Lowest	Average
	\$0.35	\$0.19	\$0.27	\$0.28	\$0.13	\$0.21
Textile, Dyeing and Tailoring						
Manufacturing of Machines, Scientific Instruments, Farm Implements, Vehicles, Building Materials, etc.	0.38	0.19	0.29	0.22	0.13	0.18
Manufacturing of Chemical Products	0.36	0.19	0.28	0.25	0.14	0.20
Manufacturing of Food and Drink	0.34	0.20	0.27	0.31	0.17	0.24
Miscellaneous	0.29	0.17	0.23	0.26	0.15	0.21
Special (Gas and Power Plants)	0.98	0.30	0.64	—	—	—
GENERAL AVERAGE	\$0.45	\$0.21	\$0.33	\$0.26	\$0.14	\$0.20

TABLE X¹
SCALE OF WAGES, BY INDUSTRIAL CITIES, 1930

Industrial City	Average Monthly Wages								
	Men			Women			Children		
	Max.	Aver.	Min.	Max.	Aver.	Min.	Max.	Aver.	Min.
Amoy	\$40.00	\$24.00	\$18.00	\$20.00	\$20.00	\$10.50	\$10.00	\$ 8.00	\$.....
Anking	26.00*	8.40	3.00	.....	6.00	.....	.....	6.00	.....
Canton	30.00	10.62	7.50	.....	7.50	.....	.....	6.00*	.....
Chaoan	.....	27.50	.....	.....	.....	.....	.....	.....	.....
Chinkiang	42.30	15.00*	6.00*	15.00*	15.00*	7.20*	10.50	10.50	2.00
Foochow	33.00	18.00	12.00	21.00	12.00	10.00	9.00	8.00	3.00
Fushan	48.12	12.50	6.67	.....	6.00	.....	.....	3.75	.....
Hangchow	38.00	13.50	7.20	20.40	12.33	8.00	.....	5.10	.....
Hankow	41.00	19.50	8.00	19.20	19.20	6.00*	9.00	4.50*	3.00*
Ishing	43.00	13.50	7.00	.....	12.00	.....	17.10	9.60	2.00*
Kashing	40.00*	22.20	4.00*	22.00	19.87	9.00	15.60	15.60	6.00*
Kiangtu	23.00	8.10*	4.00*	.....	8.10*	.....	.....	2.00*	.....
Kiukiang	29.66	15.00	6.00	.....	15.00	.....	.....	6.50	.....
Nanchang	22.88	13.00	5.50	.....	.....	.....	.....	.....	.....
Nanking	30.00	10.80*	6.50*	.....	.....	.....	.....	.....	7.50*
Nantung	35.00	23.11	6.00*	13.47	13.47	5.00*	9.75*	8.59	4.39*
Ningpo	24.00	24.00	7.50	18.00	9.00	8.00	.....	6.00	.....
Pengpu	30.00*	10.80	8.00*	24.00	8.90	8.90	.....	9.00	.....
Shanghai	50.00	15.28	8.00*	24.00	12.50	7.00*	21.00	8.07	5.00*
Shunteh	18.83	18.83	5.00	.....	18.75	.....	.....	8.40	.....
Soochow	35.00	16.00	7.00*	25.00	15.00	9.00	16.00	9.00	3.00*
Swatow	35.00	15.54	7.66	22.00	8.00	.....	13.00	6.00	2.00*
Tayeh	.....	16.00	.....	.....	.....	.....	.....	6.00	.....
Tientsin**	.....	17.10	.....	.....	.....	.....	.....	.....	.....
Tsingtao	24.00	15.00	8.00	.....	15.00	.....	.....	10.00	.....
Wuchang	30.25	18.00	9.00	17.00	12.93	.....	9.00	8.46	.....
Wuchow	29.16	22.50	4.56	.....	10.50	.....	.....	4.00*	.....
Wuchin	34.00	14.00	5.50*	13.97	11.50	7.50*	9.45	6.75	4.75*
Wusih	30.00	20.00	7.77	21.00	17.10	15.00	13.50	10.50	9.00
Wuhu	35.60	16.00	4.00*	.....	12.60	.....	.....	7.20	.....
Grand Average	33.62	16.46	7.01	19.73	12.73	8.55	12.53	7.44	4.30
Total Average Without Food	34.28	17.06	9.23	20.10	13.13	10.85	12.99	8.36	8.30

¹ See Survey of Labour Conditions (Table IV), compiled by the Ministry of Industry, Commerce, and Labour, 1930.

* With board.

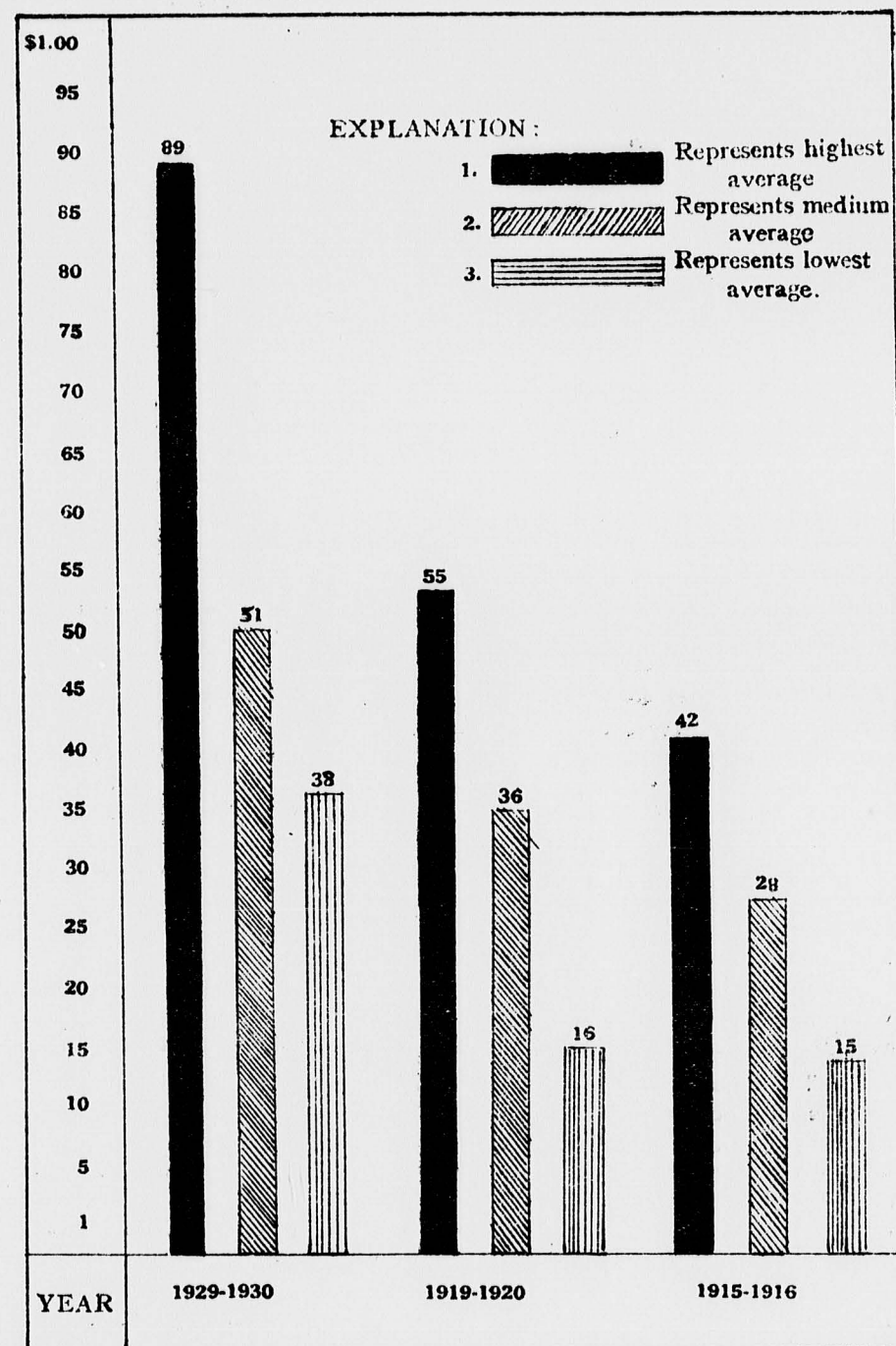
** Based on the survey made by the Municipal Government of Tientsin, 1929.

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A large proportion of the industrial workers in China do not earn sufficient to maintain a family of four in reasonable comfort, and, in some cases a man can scarcely earn enough to support his wife. Consequently, husband and wife are compelled to work in order to help maintain the home, particularly those who have children. If their children are old enough (or of legal age), they must also be employed in a factory so as to have a monthly income sufficient to maintain a minimum of subsistence standard of life.

Wage rates for the decennial period 1920-1930 indicate certain fluctuations in earnings between 1920 and 1930, but they corroborate the salient points in the general findings presented in this chapter with respect to the wage situation as it affects industrial workers, especially women and children. The highest average monthly wages for males in 1920 were \$18.67 (computed on the basis of 291 days per year, as shown in Table VI, or 24½ days per month), and for females, \$17.23. On the other hand, the lowest average monthly earnings for males were only \$3.88, and for females, \$3.39. There was no report on wages for children. I have, therefore, no doubt that wages for child workers of both sexes must have been included in the wages for males and females respectively. The highest average monthly earnings for men in 1930 were estimated at \$33.62 with three cities where wages were calculated with board or \$34.28 without board, for women, \$19.73 with one city where wages were estimated with food or \$20.10 without food, and for children, \$12.53 with one city where wages calculated outside of food provided by employers or \$12.99 without food. The same is true of the figures in other two columns which are indicative of wages paid men, women, and children, the minimum wages for men without food were \$9.23, for women, \$10.85, and for children, \$8.30. The average monthly earnings (wages most frequently paid) of men without food were \$17.06, of women, \$13.13, and of children, \$8.36. On the whole, wages paid in 1930 were higher than those paid in 1920, because wages in 1930 were based on the earnings of factory workers in 30 chief industrial cities; whereas those for 1920 were based mostly on earnings of home workers. Thus, wages paid at the beginning and end of the decennial period (1920-1930) varied greatly in many respects, although the average minimum wages paid men, women, and children were still low even in 1930. Hence, on the point of a minimum wage sufficient to maintain a family of fair size, say four; the wage situation both in 1920 and in 1930 was by no means favorable; and, in fact, deplorable. But the appalling conditions in industry are universal, and not until very recent years did the government begin to devise means for the protection of labour with the hope that both social and economic conditions of the wage-earners may be improved.

GRAPH II
AVERAGE WAGES IN ALL INDUSTRIES, BY YEARS.



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Graph II represents three kinds of average daily wages for three different periods. The highest average for 1915-1916 was 42 cents; the medium average, 28 cents; and the lowest average, 15 cents. The highest average daily wages for 1919-1920 were 55 cents; the medium average, 36 cents; and the lowest average, 16 cents. During the decennial period 1920 to 1930 wages had risen considerably; hence we find entirely different figures. The highest average daily wages for 1929-1930 were 89 cents; the medium average, 51 cents; and the lowest average, 38 cents. These figures are secured by combining the average earnings of men, women, and children. In the case of 1929-1930, only the figures on monthly wages, are available, and the average daily wages are obtained by converting the monthly earnings into daily rates calculated on the basis of 300 days per year or 25 days per month. Wages for workers who were provided with food were usually lower, but food for a worker is estimated at six dollars per month based on the prevailing standard of living of workpeople; hence an average wage of \$25. with board is equal to \$31 without board. In finding the daily average the food allowance of six dollars must therefore be added to the average monthly wages with board. Thus, we have the figures as shown in Graph II.

As to the figures for 1919-1920, the average daily wages seem to be too small to represent the average wages earned by factory workers in large industrial centres, such as Shanghai, Hankow, Canton, Tientsin, and Wusih; and, since no report was made by many industrial provinces during 1919 and 1920, the figures as given in Graph II can represent only the average wages of home workers or the medium average wages of factory workers. The incomplete report for 1919, however, showed that the highest wages paid to male factory workers in that year were \$2.00 per day in one of the cotton mills in Shanghai and \$1.73 in a cotton mill in Tientsin. This shows that wages of skilled factory workers were much higher than the average highest level. Based on the incomplete reports of six provinces; namely, Anhwei, Chihli (Hopei), Honan, Hupeh, Kiangsu, and Shantung, the average daily wages were only 60 cents. With the exclusion of Canton, Fushan, Amoy, Foochow, Hankow, and Tientsin, where wages have always been higher than many other industrial cities, the average daily wage stated above was not representative of the Republic.

The same is true of the figures for 1915-1916, although wages are considerably higher now than fifteen years ago. The average maximum wages of male factory workers in 1916 was 81 cents a day. Wages of female factory workers averaged 51 cents. The results of the author's own investigation show that the average daily earnings of adult men and women are between 40 and 55 cents; hence the figures as shown in Graph II are not far from being accurate, and the author is convinced that the recent survey on labour conditions conducted by the Ministry of Industry, Commerce, and Labour is about the nearest approach to ascertaining actual wages earned by industrial workers in China.

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But wages paid in government owned industries were a great deal higher than those paid in privately owned industries. Table XI shows the average daily wages of male and female workers in government owned industries in 1920. The highest average daily wages paid to male workers were \$1.74; to female workers, 26 cents. The lowest average daily earnings of men were 75 cents; whereas those of women were only 11 cents. Women were only employed in establishments under the Ministry of Finance and the Ministry of Military Affairs on light work, and this accounted for the unreasonably low wages they earned as compared with those earned by men. The average number of days actually worked was 319, and the average number of hours per day actually worked was 10. It is perfectly obvious that, with steady employment, male workers employed in government owned establishments could earn sufficient wages to maintain a reasonable standard of life which the ordinary industrial workers in privately owned industries were unable to attain.

TABLE XI
SCALE OF WAGES IN GOVERNMENT ESTABLISHMENTS, 1920
(Daily Wages)

Department	Males		Females		Average Working Days per Year	Average Working Hours per Day
	Highest Average	Lowest Average	Highest Average	Lowest Average		
Under the Kuowuyuan (Cabinet)	\$1.27	\$0.08	\$	\$	342	15
Under the Ministry of the Interior	0.95	1.06			299	9
Under the Ministry of Finance	217	0.18	0.20	0.10	302	11
Under the Ministry of Military Affairs	1.67	2.78	0.33	0.12	302	8
Under the Ministry of the Navy	2.94	0.15			336	9
Under the Ministry of Communications	1.45	0.25			331	9
Total Average	1.74	0.75	0.26	0.11	319	10

2. Hours Of Labour.

Since wages in government owned industries were higher and working hours were shorter than in privately owned industries, the question of hours of work for men, women, and children should therefore be taken into serious consideration. China has been going through the same process as Western countries following the Industrial Revolution in the nineteenth century. Wages are low, hours of work are long; and conditions of employment are unfavorable to the workers, and general conditions under which men, women, and children work and live are deplorable. Women and children have been forced to work practically the same number of hours per day as men. With a few exceptions women and children have not been given special consideration as to their health, family responsibility, and education. In the absence of regulation there had been no restriction of the hours of labor until the adoption of the first set of factory regulations in 1923; but these regulations were never enforced, and hence the power of regulating the hours of labour was vested in the employers themselves. Meanwhile the Labour Movement was gaining ground in the southern provinces, and the workers began to fix their own hours of work by means of strike. This organized effort on the part of the workers brought about recognition on the part of employers of the important role that workers play in modern industry. Consequently, wages are considerable higher and hours of work are slightly shorter than a decade ago.

Table XII shows that in 1920 the average maximum working hours per day were 12; minimum, 10; and average, 11; whereas in 1930 the maximum number of hours per day was 11; minimum, 7; and average, 10. The total average for the 11 provinces reported was 11½ hours in 1920 and 10¼ hours in 1930.

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TABLE XII¹
HOURS OF LABOUR, BY INDUSTRIAL CITIES, 1920 and 1930

Province and City	Number of Hours a Day, 1920			Number of Hours a Day, 1930			Average for Province	
	Max.	Min.	Aver.	Max.	Min.	Aver.	1920	1930
Anhwei	—	—	—	12	8	10	12	10
Anking	—	—	—	14	8	12	—	—
Pengpu	—	—	—	11	8	9	—	—
Wuhu	—	—	—	—	—	—	—	—
Chihli (Hopei)	—	—	—	—	—	—	11	—
Paote	12	10	—	—	—	—	—	—
Tientsin	—	—	11	—	—	12¾*	—	12¾
Fukien	—	—	—	15	8	8	—	9
Amoy	—	—	—	10	6	10	—	—
Foochow	—	—	—	—	—	—	—	—
Honan	—	—	—	—	—	—	11½	—
Chenghsien	—	—	14	—	—	—	—	—
Mengtsin	—	—	10	—	—	—	—	—
Wushieh	—	—	11	—	—	—	—	—
Hupei	—	—	—	14	8	10	10	10
Hankow	—	—	—	—	—	8	—	—
Tayeh	—	—	—	12	9	12	—	—
Wuchang	—	—	10	—	—	—	—	—
Chekiang	—	—	—	12	7	11	—	9½
Hangchow	—	—	—	12	8	10	—	—
Kashing	—	—	—	10	8	8	—	—
Ningpo	—	—	—	—	—	—	—	—
Kiangsi	—	—	—	10	7	9	—	11½
Kiukiang	—	—	—	14	8	14	—	—
Nanchang	—	—	—	—	—	—	—	—
Kiangsu	—	—	12	—	—	—	11¾	9¼
Changshu	—	—	—	12	7	9	—	—
Chinkiang	—	—	—	10	6	6	—	—
Ishing	—	—	—	13	8	10	—	—
Kiangtu	—	—	—	12	—	—	—	—
Kiangyin	—	—	—	12	6	10	—	—
Nanking	—	—	—	12	6	8	—	—
Nantung	—	—	—	12	8	11	—	—
Shanghai	12	10	—	12	—	—	—	—
Taich'uang	—	—	10	—	—	—	—	—
Tsungming	—	—	12	—	—	—	—	—
Soochow	—	—	12	14	7	10	—	—
Wuchin	—	—	—	12	7	10	—	—
Wusih	12	10	—	12	7	10	—	—
Kwangsi	—	—	—	12	7	9	—	9
Wuchow	—	—	—	—	—	—	—	—
Kwangtung	—	—	—	14	8	9	—	10
Canton	—	—	—	12	9	12	—	—
Chaoan	—	—	—	14	8	10	—	—
Fushan	—	—	—	15	9	10	—	—
Shunteh	—	—	—	12	8	8	—	—
Swatow	—	—	—	—	—	—	—	—
Shantung	—	—	—	—	—	—	11	12
Liehchen	—	—	12	—	—	—	—	—
Tsingtao	—	—	—	12	8	12	—	—
Yih sien	—	—	10	—	—	—	—	—
Average	12	10	11	11	7	10	11¼	10¼

¹ See Statistical Report No. 9 of the Ministry of Agriculture and Commerce, pp. 272-274 and Labour Statistics compiled by the Ministry of Industry, Labour and Commerce, Table IV.

² Meaning most frequently occurred.

* Report of the Bureau of Social Affairs, Tientsin, Hopei.

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The foregoing table clearly shows the general reduction of hours during the decennial period 1920-1930 by one hour per day on the average in 40 industrial cities and in 11 provinces in 1920, and in 30 industrial cities and in 10 provinces in 1930. The reduction of working hours is undoubtedly due to the Labour Movement, the Revolution of 1926, and the Labour Program of the Kuomintang. Unfortunately, however, the data available do not indicate any special privilege granted or consideration given to women and children in respect to the hours of labour. The same is true of rest days and holidays.

Table XIII shows that 439 out of 542 industries, including duplicates, in 29 industrial cities having no weekly rest days, 27 granting half a day per week, and 76 having weekly rest days. The maximum number of holidays per year was 52 on the average; minimum, 7; and average, 21. The number of hours actually worked in all industries of the cities reported were 67 calculated on the basis of 10 hours per day (see Table XII). As a customary practice some establishments granted a special New Year Vacation of from 10 to 15 days, while other simply closed during the first two weeks of the New Year. But in the latter case the workers were usually given a bonus in the form of a gift at the end of each year. This annual bonus or New Year gift takes the place of a special vacation as aforementioned. If the New Factory Law can be effectively enforced, great changes respecting the economic strata of workers are expected to take place hereafter.

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TABLE XIII¹

REST DAYS AND HOLIDAYS, BY INDUSTRIAL CITIES, 1930

City	Industries Having no Weekly Rest Days	Industries Having Weekly Rest Days		Number of Holidays per Year			Average Number of Hours per Week Actually Worked*
		1/2 day	1 Day	Max.	Min.	Aver.	
Amoy	11	—	2	69	7	18	55
Anking	14	—	—	16	7	7	70
Canton	13	—	1	36	5	36	62
Cnsoan	9	—	—	—	—	3	84
Chinkiang	28	1	4	60	5	4	62
Foochow	18	2	7	62	8	15	67
Fushan	17	—	2	64	3	10	59
Hangchow	35	—	3	65	3	3	76
Hankow	16	1	5	60	4	31	68
Ihsing	26	—	—	60	3	12	42
Kahsing	17	—	—	60	30	60	70
Kiangtu	17	—	1	60	5	15	69
Kiukiang	3	—	1	55	12	12	61
Nanchang	18	—	—	10	5	7	98
Nanking	18	—	—	14	5	10	70
Nantung	17	—	7	62	20	62	54
Ningpo	8	1	2	22	7	10	54
Pengpu	4	—	1	60	5	15	61
Shanghai	7	20	13	67	7	33	71
Shunteh	8	—	—	40	3	40	70
Soochow	35	1	9	60	7	7	68
Swatow	13	—	2	65	3	13	55
Tayeh	2	—	—	—	—	12	56
Tientsin**	—	—	—	—	—	—	—
Tsingtao	9	1	3	62	10	62	81
Wuchang	2	—	4	52	—	46	76
Wuchin	27	—	6	60	8	8	68
Wuchow	17	—	—	40	7	16	63
Wusih	8	—	3	60	8	24	67
Wuhu	22	—	—	50	5	6	84
Total Grand Average	439	27	76	52	7	21	67

¹ Based on Labour Statistics, No. I, compiled by the Ministry of Industry, Commerce, and Labour, 1930.

* Men, Women, and children are treated alike.

** According to the Survey made by the Municipal Government in 1928.

3. The Standard and Cost of Living.

The present economic status of the wage-earners does not permit them to maintain a reasonable standard of life, and the rise in the cost of living makes it difficult, if not impossible, for ordinary wage-earners to make both ends meet. Not infrequently a worker's family is rendered destitute in the event of accident, sickness, and death. In the absence of workers' insurance the worker's life is not worth much and his family is not protected. The worker's standard of living is determined by his wages and the prices of daily necessities; and, since earnings are insufficient to maintain his family in health and vigor, his life is precarious. And the everlasting worry of family support automatically reduces his working efficiency, thus directly or indirectly lowering the productivity of the nation.

Having obtained the figures on wages and the hours of labour we can, without much difficulty, find out the plane of life of the majority of the wage-earners. With the help of the figures on the prices of commodities we can easily discover what budget may be necessary for a working class family to maintain itself in health and efficiency for work, with allowance for changes in prices and available qualities of necessities.

Table XIV shows the family income and expenditure for the period 1926-1930. The data are obtained from 30 industrial cities in 9 provinces representing South, Central, Southeast, and North China.

TABLE XIV¹
FAMILY INCOME AND EXPENDITURE COMPARED,
BY PROVINCES (1926-1930)

PROVINCE	Number of Families Studied	Average Size of Family ²	Average Monthly Earnings per Family	Average Monthly Expenditure per Family	Percentage of Expenditure per Family for					
					Food	Clothing	Rent	Fuel and Light	Miscellaneous	Total
Anhwei	197	2.2	\$33.71	\$28.20	50.40	9.31	19.05	9.87	11.37	100
Chekiang	137	3.3	31.99	25.75	53.42	8.22	10.77	8.43	19.16	100
Fukien	145	2.4	38.18	35.61	46.58	6.63	17.66	12.58	16.55	100
Hupei	192	3.8	24.92	32.05	55.33	7.21	9.71	8.67	19.08	100
Kiangsi	22	4.2	31.97	26.03	50.66	7.22	15.88	13.83	12.41	100
Kiangsu	630	2.9	23.69	25.27	59.75	7.63	6.81	8.63	17.18	100
Kwangsi	13	3.9	30.76	31.94	54.66	4.95	14.21	9.51	16.67	100
Kwangtung	294	3.8	34.87	34.04	49.86	5.56	14.25	9.61	20.72	100
Shangtung	8	4.6	33.75	35.69	51.83	14.00	6.85	8.06	19.26	100
Total Average	1,638	3.5	31.54	30.50	52.49	7.86	12.79	9.92	16.94	100

Column 2 indicates the number of families studied, 1,638; column 3 shows the average number of equivalent adult males per family, the total average being 3.5; column 4 shows the average monthly income, the total average being \$31.54, while column 5 presents the figures on average family expenditure, the total average being \$30.50. We find therefore a deficit of \$1.04 per month per family on the average. Columns 6 to 10 show the percentage of family expenditure for food, the total average being 52.49 per cent; for clothing, 7.86 per cent; for rent, 12.79 per cent; and for miscellaneous, 16.94 per cent. From the foregoing table it should be noted that the average

¹ Based on the Labour Statistics Series, General Report, Published by the Ministry of Industry, Commerce, and Labour, 1930.

² Adult male is counted as 1; adult female, 0.8; child, 0.5; and infant, 0.3.

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family expenditure exceeded the average net income per family, although the average earnings of fathers, mothers, and children were not specified. The fact remains is that even the earnings of all members of the average family combined were not sufficient to defray its expenses. This means that the average family consisting of 3.5 persons equivalent adult males either had only one regular wage-earner with one or two members irregularly employed whose contributions toward family support amounted to only a fraction of the family income, or such family with two or three wage-earners who had no steady employment, or a family with two or three wage-earners having stable employment with small wages which could not keep pace with prices, or such a family with two wage-earners who were regularly employed and whose wages would, under ordinary conditions, be sufficient to maintain a fair standard of the family, thus placing the family in financial difficulty. These are the facts which the author has gathered from his own investigation of family budgets of the working class.

Another factor that determines the standard of living of the wage-earners is the percentage of net family income and the percentage of family expenditure for food. According to Table XIV, the average family spent over 50 per cent of its net income on food or 52.49 per cent of total family expenditure.

Next in importance and in expenditure to food comes rent, which is 12.79 per cent on the average. Clothing ranks next to rent in importance but second to food in expenditure, being 7.86 per cent. Fuel and light are regarded as important next to clothing but rank next to rent in expenditure, while miscellaneous items including social, education, medicine, and so forth represent 16.94 per cent. All this means poorer dwelling and clothing, and less decency and comfort. Again, this means that the wage-earners are constantly in debt, and there is no way by which they may save enough to safeguard themselves against rainy days.

Some idea of real wages and money wages may be gained from the following table in which figures on the increase of wages and of living costs are found, indicating the simultaneous and corresponding increase in money wages and in prices of commodities during 1927 and 1930, using 1926 as the basis of computation, and basing on the results of investigation of 22 industrial cities.

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TABLE XV
INDEX NUMBER OF WAGES AND PRICES¹
1926-100

City	1927		1928		1929		1930	
	Wages	Prices	Wages	Prices	Wages	Prices	Wages	Prices
Anking	100	199	120	122	120	133	140	164
Canton	114	101	129	97	143	97	157	100
Chinkiang	100	106	152	123	152	144	152	175
Foochow	104	100	105	100	105	99	109	105
Hangchow	100	107	125	109	125	123	141	146
Hankow *	109	123	109	143	116	180	118	210
Ishing	125	98	149	103	150	115	175	144
Kashing	113	105	122	122	127	137	139	148
Kiangtu	100	109	117	125	133	144	133	162
Kiukiang	113	88	125	92	125	104	125	115
Nanchang	100	113	130	106	130	115	130	148
Nanking	100	119	122	122	144	136	167	138
Nantung	101	109	112	97	113	115	116	128
Ningpo	133	110	133	108	133	120	133	137
Shunteh *	102	101	104	97	108	97	109	100
Soochow	100	118	117	147	117	165	133	181
Tsingtao	100	110	108	119	108	131	125	127
Wuchang	104	123	102	143	103	180	107	210
Wuchin	112	94	117	87	128	101	128	121
Wuchow *	103	101	116	97	118	97	122	100
Wuhu *	100	99	114	122	114	133	114	164
Wusih *	109	104	118	98	124	100	208	106
Average	106	106	120	113	124	126	136	142

¹ See Labour Statistics, General Report, Table III.

* Index number of prices for Hankow is based on that of Wuchang, for Shunteh and Wuchow is based on that of Canton, for Wuhu is based on that of Anking, and for Wusih is based on that of Shanghai.

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From the preceding table it will be seen that in 1927 the general increase of wages in the 22 industrial cities reported kept pace with the rise in prices of necessities, the general index number being 106 for wages and prices alike. In 1928, however, the general increase of wages was faster than the rise of the cost of living, the general index number being 120 for wages and 113 for prices; whereas in 1929 the index numbers indicated the trend of wages and prices somewhat reversed, being 124 for wages and 126 for prices. Thus we find prices began to climb up from 1929 onwards, and the index numbers for 1930 clearly showed that prices of commodities had risen more rapidly than wages, the general index numbers being 136 for wages and 142 for prices. Great discrepancy between index numbers of wages and those of prices was found in Canton, Hankow, Ishing, Kiangtu, Kiukiang, Nanchang, Nanking, Ningpo, Soochow, Wuchang, Wuhu, and Wusih. For instance, in 1927 wages were more rapidly increased than prices in Canton, Ishing, Kiukiang, and Ningpo; whereas prices had gone up considerably faster than wages in Hankow, Nanchang, Nanking, Soochow, and Wuchang. Wages kept on climbing up in Canton, Ishing, and Wusih, culminated in 1930. Conversely, prices had risen enormously between 1927 and 1930 in Hankow, Soochow, Wuchang, and Wuhu. Obviously, the rise in wages as well as in prices varied greatly according to place and time. On the whole, however, the foregoing table shows that prices had steadily risen between 1927 and 1930, while wages had declined.

CHAPTER IV THE KUOMINTANG AND ITS LABOUR POLICY

No political party in China has ever adopted a platform containing a labour policy that is more attractive to the labouring class, more feasible, and more adaptable to the needs of China than that of the Kuomintang. The Labour Policy of the Kuomintang may be seen from various manifestoes issued by different National Conventions of the Kuomintang and from the teachings of Dr. Sun Yat-Sen. Prior to its reorganisation in 1924 the Kuomintang had no definite labour policy, but since its reorganisation the Kuomintang has adopted an entirely new platform embodying the principle of labour protection. In the interest of clearness, the labour policy of the Kuomintang may be summarised from the different manifestoes, or declarations, and decisions of various conferences as follows:

1. The Manifesto Issued By The First National Convention Concerning The Labour Movement.

According to the Manifesto of the First National Convention held in January, 1924, the Kuomintang aims at labour protection, and hence the Government should enact labour legislation relating to (1) the improvement of the workers' standard of life; (2) the relief of unemployment; (3) old age pension; (4) orphans' pension; (5) workmen's compensation; and (6) workers' education. All these principles are embodied in the *Principle of Livelihood* (one of the Three Principles of the People). The Manifesto continues to declare that the farmers and workers throughout China are in a precarious position and that their suffering is unbearable, and hence the Kuomintang aims at uplifting the farmers and workers and at relieving their suffering; but they must join the Kuomintang and the Revolution, thus helping to elevate their own position and alleviate their own suffering. In other words, the labour platform of the Kuomintang as adopted at this Convention is (1) Enactment of Labour Legislation; (2) Improvement of the Standard of Living of Workers; and (3) Protection and Promotion of Labour Organisations and their activities.

2. The Manifesto of the Second National Convention Concerning Labour.

That the Manifesto of the Second National Convention held in January, 1926, contained provisions for labour protection is seen in the following resolutions adopted:

- (1) Promulgation of Labour Legislation.

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- (2) Adoption of the Eight-Hour System and Prohibition of Long Working Day beyond 10 hours.
- (3) Fixation of a Minimum Wage.
- (4) Protection of Woman and Child Workers:
 - (a) Prohibition of the Employment of Children under 14 years of age.
 - (b) Regulation of the System of Apprenticeship.
 - (c) Special Vacation of 60 days with pay for Women Workers before and after Childbirth.
- (5) Improvement of Sanitary Conditions.
- (6) Establishment of a Social Insurance System.
- (7) Freedom of Association, of the Press, and of Speech for Workers as well as Legalisation of Strike.
- (8) Election not to be based on Property Holdings or Intellectual Qualifications.
- (9) Workers' Education.
- (10) Establishment of Cooperative Societies and Promotion of Co-operative Enterprises as a means of raising the Standard of Life of the Workers.
- (11) Abolition of the Contract System (of Employment).
- (12) Legal Holidays with full pay.

It is perfectly obvious that the labour policy of the Kuomintang is clearly set forth and well defined in the above resolutions adopted at the Second National Convention and, if the resolutions can be put into actual practice, labour protection is in no sense different from that in highly industrialised countries where workers have a rightful place in the modern economic order.

3. The Labour Platform Adopted By The Joint Conference of The Central And Provincial Governments In 1926.

Owing to the backwardness of China's industry, because of her semi-colonial position, the economic conditions of the majority of her people are backward and low, and hence the following resolutions adopted at the Joint Conference should be carried out:

- (1) Enactment of Labour Legislation relating to (a) Freedom of Association; (b) Freedom of Strike; (c) Abolition of Profiteering at the expense of workers; and (d) Protection of Women and Child Workers. Aside from legislation applied to regular factories and mills, special regulations should also be adopted for

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the protection of workers in arsenals and munition factories as well as in transports in connection with the National Revolution so that the cause of the Revolution may not be obstructed.

- (2) Promulgation of a Labour Union Law for the improvement of labour organisations and for the elimination of disputes between members and unions.
- (3) Fixation of the Hours of Labour—The maximum working hours per week shall not exceed 54.
- (4) Wages for all Legal Holidays.
- (5) Abolition of the Contract System.
- (6) Promulgation of a Social Insurance Law and Establishment of Social Insurance Offices to take charge of Unemployment Insurance, Sickness Insurance, and Compensation for Death.
- (7) Establishment of Commissions on Arbitration for the Settlement of Labour Disputes.
- (8) Improvement of Sanitary Conditions and Housing Reform.
- (9) Establishment of Schools for Workers and their Children.
- (10) Encouragement to Cooperative Enterprises of Workers.

Apart from these resolutions adopted for the protection of labour and for the amelioration of working conditions, the following resolutions for the encouragement of native industry and for the protection of capital were also adopted at the Joint Conference.

- (1) Adoption and enforcement of a protective tariff policy.
- (2) All things or materials used in connection with the administration of government first to be ordered from native owned factories.
- (3) Government subsidy to industrial development.
- (4) Reduction or exemption of duties or bounties on native goods as a means of encouraging native industry.
- (5) Organisation of industrial associations; calling of a national industrial conference; holding of a national industrial exposition of native products in Canton or Wu-Han.
- (6) Abolition of Special Privileges granted to foreign capitalists in China.
- (7) Establishment of industrial schools.

4. Resolutions Adopted at the Third Plenary Session of the Second Central Executive Committee of the Kuomintang

The Resolutions concerning labour passed at the Third Plenary Session of the Central Executive Committee of the Kuomintang may be summarised as follows:

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1. *Improvement of the workers' standard of life and of the system of labour.*—This resolution was passed with provisions for (1) a better standard of living; (2) the fixation of the hours of labour; (3) the increase of the workers' productive efficiency; and (4) the reform of the system of work. In order to carry out this resolution it was decided that survey of industrial conditions should be made with an object of ascertaining the workers' standard of life and the cost of living in various localities. It was also decided that labour statistics and statistics relating to production should be compiled by the Ministry of Industry, Labour and Commerce, and this was to be completed at the end of September, 1929, when the whole program was to be carried out at once.

2. *Procedure for the Organisation of People's Associations.*—This resolution was adopted with a view to eliminating irregular and illegal organisations which, in the absence of regulations, are difficult, if not impossible, to supervise. This regulation however applies to industrial organisations only, such as agricultural associations or farmers' unions, labour unions, and merchants' associations. In order to form an industrial organisation whether it be farmers' union or labour union or employers' association, the promoters, at least 50 in number, shall apply to the higher Kuomintang organ located therein for approval. Upon receipt of such application, due investigation shall be made by the high organ of the Kuomintang therein. If approved by the local Kuomintang, the promoters shall be given a permit with which they can proceed without obstruction. The permit explicitly declares that the organisation to be formed must (1) not be in contravention of the *Three Principles of the People*; (2) be directed by the Kuomintang; (3) observe the laws of the land and obey the order of the Government; (4) not accept persons to be its members who are not engaged in the same industry or not permitted by law; (5) not admit into its membership persons who are anti-revolutionary or exploiters of the people's right or any such undesirable persons; and (6) not hold special or extraordinary meetings which are not stated in the by-laws without the permission of the high organ of the Kuomintang therein. Having complied with the regulations and having drafted the by-laws in respect of the name, the aim, the location, election of officers, qualifications of members, meetings, financial resources, accounts, and dissolution, the promoters then register the organisation with the government, otherwise the organisation is considered illegal.

Any resolution adopted at the Conference at this stage of political development automatically becomes a law as soon as it is made known to the public or as soon as a manifesto to the effect is issued. Hence, the two resolutions stated above became laws of the Kuomintang.

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5. Standard of Work of Labour organisations During the Period of Political Tutelage.

The resolution adopted at the Third Plenary Session of the Third Central Executive Committee of the Kuomintang concerning labour may briefly be stated as follows: (1) That during the period of political tutelage (the second period of the development of a perfect system of government according to Dr. Sun, the first being the period of military government, and the third is the period of constitutional government), or to translate his term literally, the stage of political education, the labour policy of the Kuomintang should be (a) to increase the productive efficiency of the workers; (b) to develop workers' education; and (c) to promote harmonious relation among workers. In other words, in the opinion of the leaders of the Kuomintang an independent labour movement, like that developed in England or in the United States, cannot and will not be inaugurated until the workers shall have gone through a period of political education under the direction and leadership of the Kuomintang. The same is true of a real democracy which cannot be brought about unless the masses of the people are educated to a certain extent. Hence, Dr. Sun is right in dividing the development of a perfect system of government into three periods. During the period of a military government the labour policy of the Kuomintang is based on close cooperation between the Kuomintang and the workers so as to make the Revolution a success. But the success of the Revolution means the alleviation of the suffering of the workers. During the period of political tutelage the workers should be given a chance to develop their productive efficiency by means of proper and adequate education. By so doing the workers are prepared to enter the period of constitutional government or true democracy which is based on the intelligence of the people, otherwise only monarchy or at most oligarchy is possible.

6. Declaration of Labour Policy of the Kuomintang With Special Reference to Labour Unions and the Workers.

The declaration in the form of a warning to all workers, particularly the postal employees, was issued by the Central Executive Committee of the Kuomintang on the 16th of October, 1928, after the National Government had gone through a period of struggle with the communists in the control of the Kuomintang, and, in fact, in an attempt to purify the Party (Kuomintang) from communistic influence. The following is a summary of the declaration.

In accordance with the *Three Principles of the People* of Dr. Sun and his plans for the Revolution, the Kuomintang has done its utmost for the people and the country; it has eliminated militarism; it has unified

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China. We have now entered the period of political tutelage when the people are protected, directed, and educated under the guardianship and tutorship of the Kuomintang. This is a stage of developing a government of law and order, and of reconstruction—psychological, political, social and material—in the interests of the people.

Unfortunately, however, the employees of the Post Office in Shanghai have misunderstood their position and duty and have declared a strike which gives an opportunity to those who are not in favour of our revolutionary cause to criticise our work, thus hindering the progress of the negotiation undertaken by the Government to recover the right of control and administration of the Post Office. It is regrettable that the postal employees whose organisation is still in its infancy should start such a false experiment in attaining economic ends. Realising that China's industry is still underdeveloped and that labour organisations are still in their infancy, the Central Executive Committee of the Kuomintang choose not to deal with the strikers severely but hope that the Ministry of Communications will devise ways and means to settle the dispute properly so as to avoid further interruption in communication (postal service). The strike of the post office employees, due to misunderstanding, seems to be a small matter, but should the national labour movement lack a true ideal, it would be a sad thing for the nation. Our Party (Kuomintang) during the past ten or more years, the military stage, concentrated its attention on the revolutionary work of eliminating internal obstacles; hence our work has been solely for the purpose of arousing the people to cooperate and to save the country. Unfortunately, during the last two years the communists took advantage of the situation and stirred up the farmers and workers to commit acts of violence and then deserted them. Thus, the communists have destroyed the work and weakened the strength of the Revolution and have become enemies to the National Revolution. At first the people could not distinguish the revolutionists from the anti-revolutionaries. To-day everybody knows that the communists are extremely cruel, brutal, and hard-hearted. They have departed from the principle relating to labour of the Kuomintang; they have directed the labour unions according to their individual ideas for their own selfish end until the labour unions no longer belong to the workers, nor are they connected with the Party. Furthermore, the labour unions do not belong to the country; they belong to a few individuals only. Hence the Party must declare and reiterate its policy in respect of labour organisations so as to avoid confusion and misunderstanding in the hope that the workers hereafter may understand their position and their duty to the country. The workers should therefore keep in mind the following points:

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1. *That our worker-comrades should know that they are citizens of the Republic.*—Being citizens of the Republic they must think of their welfare, but in order to promote their welfare they must first do their duty to the country. The Party Leader (Dr. Sun) back in May, 1924, delivered a speech¹ to the workers, stressing that the position of the workers was low because the position of China was weak. As a consequence, Chinese have endured great suffering which has been brought about by foreign imperialism. Chinese workers have been, unconsciously, slaves to foreigners ever since China concluded unequal treaties with foreign powers to whom the economic power and the freedom of the people have been sold. Our workers have long been aware of the presence of foreign imperialism which they must do their utmost to eliminate; but, unfortunately, they have been induced by selfish communists to follow them, thus causing insurmountable difficulties, presenting a serious obstacle to the Revolution, and lengthening the period of slavery, the abolition of which depends on the ultimate success of the Revolution. Our workers should know that the unequal treaties are still in force. We are choked by foreign imperialism; our natural resources and wealth are in the hands of the imperialists who have sucked our blood and have taken away our sovereign rights. China is in a dangerous position; hence the position of the citizens is weak and low. Our workers must not go on strike and participate in class struggle; they should do their duty as citizens of the Republic to save the country from the economic exploitation by foreign powers, for only by so doing that China's position can be elevated and her natural resources can be developed and, simultaneously, the workers' own position will be automatically raised.

2. *That our workers should know that the continuity of a race and the progress of society depend on the unremitting efforts and spirit of cooperation of the people.*—Our workers must therefore exert their energy and have that continuous spirit of cooperation with a view to promoting the welfare of, and securing the happiness for, all citizens, themselves, and their children; hence they should not think of the present false economic strength and put the whole country in a dangerous position.

3. *That Chinese workers should thoroughly understand the present economic conditions of China and should cooperate with the Government to find suitable solutions for the economic problem.*—The Party Leader has said that economically speaking China is poor; all her citizens are poor, and the reason for China's poverty is the economic exploitation of foreign imperialists who, by virtue of the unequal treaties, have long been in control of our economic life. Unnecessary strike or class struggle (with

¹ See Dr. Sun's message to the workers on the front page.

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native small capitalists) will not only paralyze our industry but also endanger society as a whole, and it will bring about more suffering to the workers themselves. If they wish fundamentally to solve their economic problem, they must cooperate with the Government to eliminate foreign imperialism from the Republic by abolishing the unequal treaties, by recovering the tariff right, by protecting native industry, and by increasing productivity.

4. *That our worker-comrades should know their present standard of life as compared with that of other classes of people.*—We all are aware of the fact that China has suffered from extreme poverty and that the majority of her population are farmers who, because of the backwardness of agriculture, political disturbances of recent years, banditry, and famine, can scarcely earn sufficient to keep body and soul together. Their suffering is great indeed. The same is true of the soldiers who have rendered service to the country for a small pay and who have endured endless sufferings. Similarly, the unemployed who can hardly find jobs and who are on the verge of starvation. Obviously, the workers (those who are employed, particularly the strikers) are far better off than the farmers, the soldiers, and the unemployed. Realising the existing order of things we (Central Executive Committee) urge our worker-comrades to cooperate with the Government in the carrying out of the program for national reconstruction and to maintain peace and order.

5. *That our worker-comrades should know the way of national salvation and should have unfailing faith in the continuity of the Chinese race.*—China's salvation depends on the early realisation of Dr. Sun's *Three Principles of the people* and the carrying out of his *Plans for National Reconstruction*. Our worker-comrades should know that, during this period of reconstruction, all railways, post offices, telephone and telegraph or radio and other enterprises in connection with communications are public utilities, and persons employed therein are public servants whose position is higher than that of ordinary workers but whose duty is heavier; hence they should under no circumstance listen to instigators and go on strike which may be construed as an act of rebellion against the government and the nation, inasmuch as public utilities are in complete accord with the *Principle of Livelihood* and aim at serving the people. Therefore our worker-comrades should have faith in the *Three Principles of the People* and support the government in carrying out the program of reconstruction.

This declaration was issued as a result of the postal employees' strike in 1928 when the campaign against the communists had just been completed and when the National Government was negotiating with foreign powers for

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the abolition of unequal treaties. Prior to the unification in 1927 the workers as a whole had been greatly influenced by the communists who, during the period of military operation, had done a great deal in the matter of propaganda, thus convincing a large number of workers to accept their program for social reconstruction by force in defiance of the principle of the Kuomintang. As a consequence, unnecessary strikes took place one after another, causing great losses to employers and retarding industrial progress. The same is true of employees in public utilities who misunderstood the meaning of legal strikes and abused the privileges granted to labour unions, thus paralyzing communication so frequently that the Government at last had to interfere. The strike of the post office employees of Shanghai is a good example. Hence this declaration was issued as a warning to the postal employees in Shanghai directly and to all workers in the country indirectly.

CHAPTER V THE LABOUR MOVEMENT

1. The Origin And Development.¹

The origin of the Labour Movement in China dates back to the first year of the Republic (1912), when a small group of workers in Changsha, capital city of Hunan Province began to show their class consciousness and class spirit with the object of arousing their fellow-workers to realize the necessity of organized effort in view of their low economic status. This labour movement in miniature seems to have completely died down, and it was not until 1917 that there was any sign of labour unrest, but the first attempt at labour organisation was made in 1913 and 1916 in Peking and Shanghai. The creation of the "Secretariat of the Chinese Labour Organisation" in 1920 in the City of Shanghai marked the real beginning of the labour movement. In the spring of 1922 the Secretariat made definite preparation for the first labour conference to which labour organisations throughout the world were invited to send representatives.

The First Labour Conference

The First Labour Conference was held in Canton from May first to May sixth. The primary purpose of this Conference was to commemorate the Labour Day, to promote friendly relation among workers throughout the Republic, and to devise ways and means to raise the standard of life of workpeople, and so forth. The Conference was attended by 162 representatives from 200 labour unions representing about 400,000 workers. The salient features of the Conference were as follows:

- (1) To organise a permanent national federation of labour for the promotion of the workers' welfare.
- (2) To do away with provincialism so that workers from all provinces and parts of China may be able to cooperate in order to improve their conditions of life.
- (3) To initiate a movement for social legislation, such as Law on the Right of Strike, Labour Union Law, Factory Law, including Minimum Wage, Hours of Work, and Employment of Women and Children clauses or separate regulations, and Social Insurance Law.

The majority of the representatives attended the Conference had received some kind of training under the auspices of the Secretariat, and

¹ Also see China Labour Year Book No. 1, Chap. III (in Chinese).

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they were ready to lead the workers in their efforts to secure better treatment and to free themselves from economic bondage.

Among the important resolutions passed were (1) The adoption of the Eight-Hour System; (2) the organisation of a permanent National Labour Union; (3) the basis of organising Local Labour Union was the trade or industry in which the workers were engaged; (4) the promotion of the Economic Status of the workers, and so on. This Conference had such a far-reaching effect on the working class that the leaders called another conference within three years.

The Second Labour Conference

The Second Labour Conference was held from May first to May seventh, 1925, also in Canton, the seat of the Nationalist Government. Two hundred seventy-seven representatives representing 165 labour unions and 540,000 workers attended. The noteworthy features of the Conference contained in its Manifesto were as follows:

- (1) That the sufferings of the workers were unbearable, and owing to the high cost of living, appallingly low wages, abnormally long hours of work, industrial fatigue resulted, and the workers were compelled to work under such deplorable conditions.
- (2) The employers had formulated unreasonable regulations restricting the freedom of the workers with a view to oppressing and ill-treating them.
- (3) That the contract system of work was a great evil existing in modern industry, because the foremen or forewomen had abused their power and exploited the workers.
- (4) That the workers had not only been robbed, exploited, unpaid and unemployed, but had suffered from illegal and exorbitant taxes as well as other forms of forced contributions or dues, which were really beyond the workers' capacity to pay.
- (5) That soldiers who were fighting for the future of the working class had been robbed and killed by their enemies; that representatives of the workers had been arrested; that labour unions had been closed; that the freedom of strike had been taken away from them; that their freedom of action had been restricted; that their movements had been closely watched, and hence the workers should understand their own position.
- (6) That their sufferings were due to foreign imperialism; that the imperialists had robbed China's natural resources in three

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ways: (a) By exploiting her mines, by controlling her rail-ways, and by taking her raw materials; (b) by exploiting the labourers because they were wretchedly paid; and (d) by controlling our trade by means of flooding our market with foreign made goods.

- (7) That foreign imperialists had forced China to make unequal treaties with them, thereby granting them extra-territorial power with which they could despatch battleships and gunboats as well as troops to China, thus infringing on China's sovereign right as an independent nation.
- (8) That as a result of ceding territories to Foreign Powers, the imperialists had established factories in China and enslaved the Chinese workers.
- (9) That the introduction of foreign made goods had put large numbers of artisans and home workers in various home industries out of employment because hand made goods could not stand the keen competition with machine made goods in our market in respect of price and appearance, thus paralyzing the business of the small Chinese traders and exploiting the masses of the Chinese people.
- (10) That a certain proportion of the unemployed had become economic slaves to foreign imperialists, and the rest had already turned to soldiers or bandits.
- (11) That imperialists had sought to exploit the Chinese and control China's wealth by utilizing and supporting the Chinese militarists.
- (12) That both the imperialists and militarists were enemies to the workers; they had taken away or destroyed the power of the workers and the masses.
- (13) That the imperialists had intentionally induced certain groups of Chinese to become foreign slaves in order to enhance their opportunity to accumulate more wealth from China, and the latest method they had employed was to utilize the corrupt officials and militarists as well as the anti-revolutionaries for the purpose of destroying the labour unions.
- (14) That Chinese workers should understand the causes of their sufferings and devise ways and means to alleviate their sufferings which have been imposed on them by international imperialists and their "running dogs" whom Chinese workers

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must eliminate or defeat by organised effort in a decisive battle in order to save the working class from total destruction.

- (15) That the 277 delegates representing 165 labour unions and 540,000 organized workers should know that all workers in the Republic must exert their own collective effort to alleviate their own sufferings and secure their own interests and privileges, including freedom of assembly, of speech, of the press, and of strike.
- (16) That the Conference and the delegates should join the soldiers and the 210,000 organised farmers in Kwangtung and the propertyless classes of the world in order to struggle successfully with the imperialists and militarists.

The Manifesto concluded by saying that all the activities of the workers in connection with their struggle for freedom and recognition should be directed by the All-China Federation of Labour.

Apart from the declaration, the main features of which are quoted above, the Conference adopted multifarious resolutions concerning political struggle, economic struggle, problems of organization, and the possibility of cooperation between labourers and farmers.

(1) *Resolutions Concerning Political Struggle.*—The Conference passed three important resolutions dealing with politics as follows: (a) That the Working Class must participate in a Political Struggle; (b) That the Working Class must participate in the National Revolution; and (c) That the Working Class must fight for Freedom.

As to the first resolution, the delegates believed that the only way by which the workers could promote their economic status was to secure the control of the government, owing to the fact that the financial position of the capitalists was so superior that they could control the government machinery and use the army, police, and courts to restrict the freedom of the workers in their struggle for economic equality. Furthermore, the Conference decided that the interests of the working class could never be harmonized with those of the imperialists and militarists. These conflicting interests constituted a class struggle. The political struggle of the working class must aim at improving the economic conditions of the workers, at securing complete freedom for the workers, at overthrowing the capitalist class, and at controlling the government machinery. And the only way to accomplish this object was to use force.

With regard to the workers' participation in the National Revolution, the Conference decided that the only way by which imperialism and militarism

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could be overthrown was a national revolution in which all people should take part; hence the propertyless class in China should participate without reserve in the revolutionary movement and become forerunners of this great social movement for the betterment of the working class. In the meantime, the workers must be well organised, otherwise the movement might prove fruitless.

With respect to struggle for freedom, it was decided at the Conference that the workers must secure (a) the freedom of action such as that to carry on strike in order to secure higher wages and shorter hours of work, (b) the freedom of assembly (c) the freedom of association, (d) the freedom of speech, (e) the freedom of the press, inasmuch as the workers' goal could never be attained without freedom.

(2) *Resolutions Concerning Economic Struggle.*—The sole purpose of a class struggle, whether it be economic or political, was completely to emancipate the labouring class from social as well as economic bondage by improving the workers' standard of life and by increasing their productive efficiency. The early realisation of this should comprise the following activities: (a) Fixation of a Minimum Wage; (b) Adoption of the Eight-Hour System; (c) Opposition to and Prohibition of all forms of Ill-treatment; (d) Amelioration of the Conditions of Life of Woman and Child Workers; (e) Inauguration of the System of Social Insurance; and (f) Abolition of the Contract System of Employment.

As regards the regulation of wages, the workers felt that they were not receiving wages equivalent to their contribution to industry. They, therefore, emphasized the adoption of a definite standard of wages so that workers might not be exploited and might be able to earn a living wage. Wages should be paid in consideration of the workers' share in production and the cost of living. In other words, the basis for the fixation of wages should be the workers' contribution to industry and prices of necessities.

In respect to the adoption of the 8-hour system, the Conference favoured an eight-hour day for factory and other workers, a six-hour day for miners, and a four-hour day for firemen on railways. It was pointed out at the Conference that European workers had already succeeded in securing a shorter hour day, but Chinese workers were still working from 12 to 18 hours a day; hence it was urgent that a movement for a shorter working day should immediately be inaugurated, and the shorter working day must not be accompanied by the corresponding reduction of wages.

In regard to the opposition to maltreatment, the Conference declared that Chinese workers had been oppressed and treated as if they were animals. Workers were not infrequently kicked, beaten, and even killed by

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cruel and inhuman employers who, because of their money-power, always escaped penalty. They had gone even as far as to restrict and prevent workers from visiting toilets during the working hours; hence workers could go to toilet only at a certain time fixed by their employers. Such an unreasonable restriction workers must staunchly oppose.

As to the improvement of the standard of life of woman and child workers, the facts were disclosed at the Conference that women and children had been virtually exploited by their employers, and, because women and children were easily controlled, employers took advantage of them and inhumanly oppressed them. Their wages were not equal to those of men who were employed for the same type of work. The same is true of children. It was pointed out at the Conference that some children under six years of age were employed in factories working twelve hours per day and deplorably paid. Hence it was decided at the Conference that workers should demand.—

- (a) That the employment of women and children under thirteen years of age in dangerous occupations, in mines and quarries, and in any occupation that is considered as detrimental to health should be prohibited.
- (b) That the employment of the pregnant woman workers and nursing mothers in night work and in excessively heated workrooms should be forbidden.
- (c) That a special vacation of eight weeks with pay for woman workers before and after confinement should be granted.
- (d) That special rest periods for pregnant woman workers and nursing mothers, aside from ordinary rest periods, should be given.
- (e) That a special privilege for nursing mothers employed in factories for feeding their babies should be granted, that is, nursing mothers should be allowed to feed their babies every three and a half hours, and time for each feeding should not be less than half an hour.
- (f) That the employment of children under thirteen years of age in any occupation should be strictly forbidden.
- (g) That the working day for women and children should not exceed six hours and that they should be granted a continuous rest of forty-two hours a week.
- (h) That wages should not be deducted without the workers' consent, and wages for woman and child workers should be the same as those paid men for the same type of work.
- (i) That free schools should be established for child workers.

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In highly industrialized countries these demands are by no means unreasonable, but in China where industry is still in its infancy such demands can hardly be met in full, although the conditions under which women and children work and live should gradually be improved.

With respect to the advocacy of social insurance, it was pointed out at the Conference that industrial accident was a matter of no small concern, inasmuch as accident was almost a daily occurrence. For example, it was pointed out that in the great fire which destroyed Hsiang Ching Cotton Mill of Shanghai, several hundred workers were burned to death. The same was true of sickness and occupational diseases which were largely due to unsanitary conditions under which workpeople worked. In consequence of industrial accident, sickness, and occupational diseases, many a workingman's family was rendered destitute; hence it was thought imperative for the workers to demand vigorously the following provisions:

- (a) That all industrial establishments should devise ways and means to eliminate or lessen such work as considered injurious to health, and to take precaution as well as to provide all necessary remedies in case of accident or epidemic of diseases.
- (b) That factories should furnish workers engaged in dangerous occupations with working uniforms, and install safety devices as well as machines for the elimination of smoke and poisonous gases from places of work.
- (c) That the social insurance system should be adopted without delay so that workers, in the event of accident resulting in the loss of their earning power, might be compensated, that the families of the workers who should be killed as a result of accident might be given compensation, and that workers who should become invalid and unable to work on account of old-age might be given pensions.

The influence of the Kuomintang was at this time at its height, and its labour policy was being carried out. The inauguration of a social insurance system was one of the noteworthy features of the labour program of the Kuomintang after its reorganization in 1924 as well as of the Nationalist Government in Canton. Both the Kuomintang and the Nationalist Government had by this time (1925) gained the confidence and support of the working class and the farmers as a consequence of the adoption of a definite labour policy which was entirely new to China and which had theretofore passed multifarious resolutions in which the principle of social insurance was embodied, and advocated its immediate realization.

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As to the abolition of the contract system of employment, the peculiar conditions have hitherto justified the existence of such a system the evil of which is unspeakable, and the public approval of this practice is inconsistent with reason and incompatible with moral principle. Unlike Western countries, employment in factories in China is usually secured through a middleman or contractor who, first having made a definite understanding with employers directly, makes an agreement with the workers he employs for his employers for a certain amount of wages per month or even per year. The contractor has full freedom in respect of employment and is empowered to hire whomsoever he pleases at the lowest possible wages, so that he may be able to make more "commission" from such an employment. He is, however, responsible for securing workers for the first party from wherever he can, and is often under moral obligation to send the workers back home either at the expiration of a stipulated time or at the workers' own request. In foreign owned factories this system of employment is specially serviceable; but experience has shown that such a system of employment has incurred great loss to the factories concerned and has enhanced the opportunity for the contractor to exploit the workers. Inevitably as soon as they discover that they have agreed to work for a much smaller wage than their employers actually pay to the contractors they begin to feel dissatisfied. Besides, woman workers have often been morally exploited by foremen and contractors; they yield to them for fear of losing their jobs. With the abolishment of the contract system of employment workers may make contracts directly with their employers, or if workers are organised, they can make collective agreements through their respective unions with employers, thus automatically eliminating the contractors and bringing to an end the contract system of employment from which so many evils have resulted. Hence the advocacy of the abolition of the contract system of employment is socially, economically and morally justifiable. It was therefore decided at the Conference that the workers should demand the discontinuance of such an evil system; but that the delegates attending the Conference never overlooked the fact that this could be done only through the worker's own organised effort. Hence, it was further resolved:—

- (a) That in order to carry on their struggle for existence they must have a unified and central organisation to direct their activities.
- (b) That should a strike be taken place in one locality the strikers must first have the expressed support of workers in other localities.

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- (c) That should strike definitely take place in one locality or industry workers in other localities or industries should declare their wholehearted support or render financial assistance, and should conditions become grave the Federation of Labour should come to their rescue.
- (d) That workers should not commit any act of violence individually, that they should well utilize any opportunity to attain their goal, especially when capitalists quarrel among themselves, and workers should point out the weak points of the capitalists and attack them accordingly and vehemently.
- (e) That the All-China Federation of Labour, established for the purpose of cooperating with all workers, should have a reserve fund upon which the strikers could depend for temporary relief in the event of strike, and should undertake the task of unemployment relief in case the workers lost their job as a result of a strike.
- (f) That workers should promote cooperative enterprises with a view to lowering their cost of living on the one hand and with an object of promoting the spirit of organisation and cooperation on the other.

(3) *Resolutions Concerning Organisation.*—A labour union is a large and voluntary association of workpeople for the purpose of maintaining their rights, privileges, and interests in respect of wages, hours of work, conditions of employment, standard of life, social and economic efficiency, social insurance, and so forth. Hence, every worker should be recruited to membership. And in view of its social as well as economic significance the question of organisation is imperative, particularly in China where industry is not yet highly and evenly developed, owing to the fact that the economic and political development differs from province to province; hence the difficulty lies in the whole social, economic, and political structure of the country. The problems of organising labour unions in China may be pointed out as follows:

- (a) *The Difference between Old and New Trade Organisations.*—The old craft guilds (hongs) were organised for the sole purpose of promoting the trade in which master craftsmen, apprentices, and journeymen were engaged. The guilds admitted masters, apprentices or learners, and journeymen on equal footing. All members enjoyed the same privileges and had equal rights in respect of holding offices and electing officers. The craft guilds were formed for certain common interests and aims

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of all men who were interested in the trade; hence there was no class distinction and no difference between master craftsmen and journeymen. Modern trade organisations are entirely different in that employers form their own associations and workers organise their own unions. These organisations representing conflicting interests have been formed for the purpose of promoting and protecting their own interests. Consequently, workers engaged in different occupations, trades or industries began from 1920 onwards to organise separate unions for class struggle. Hence, it was decided at the Conference that workers should organise modern trade unions, so that they could present a united front against the capitalists. But Chinese workers are not educated and capable enough to lead an independent labour movement; hence organisation of modern trade unions is a problem. The success of the Labour Movement from 1920-1927 should be credited to the Kuomintang and the Nationalist Government rather than to the workers themselves, despite the fact that they had exerted their utmost efforts.

- (b) *The Problem of Carrying on Activities.*—The problem of carrying out the workers' program was carefully discussed at the Conference at which a resolution was finally passed favouring secret work in connection with the Labour Movement, because conditions differed greatly from province to province. Should they carry on their activities openly they were afraid that they might encounter manifold difficulties which, at the inception of the Labour Movement and in provinces under military control, could not be overcome; hence it was decided that they should establish schools and cooperative societies in which they might carry on their activities secretly.
- (c) *The Problem of Organising Local Unions.*—According to the resolution passed the basis of organising labour unions was the factory or workshop concerned, especially in places* where labour unions could not be formed openly. In small scale industry the first step of creating a labour organisation was to appoint representatives with power to carry on the work in accordance with the decision of the higher authorities (e. g. the Central Organisation—Federation of Labour). In large scale industry, the first task was to form a branch union beginning with a small group of workers and by forming

* In provinces under the control of militarists, the organisation of labour unions was forbidden.

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a trade union in miniature in every factory or workshop, and, as soon as the membership was large enough (at least 10 in number and up to 50 or 100) a representative should be elected, and headquarters be established to carry on the activities relating to the workers' conditions of life, including the work of visiting families, of recruiting new members, and of disseminating information concerning the aims and interests of the union with a view to convincing the workers of the importance of organised efforts. In other words, it was unanimously voted that the basis of operation should be the factory or workshop, where a trade union in miniature might be formed, and, in due course a representative might be chosen among the members, whose duty was to establish a branch union and to direct all its activities, including welfare work, in the interest of its members.

- (d) The Problem of Democratic Control.—The Conference favoured the calling of a General Labour Conference or Conference of Representatives once a year to elect officers to the Executive Committee; and, the Conference further favoured the organisation of a general labour union for each province or municipality in order to unify other local and branch unions. By so doing joint conferences might be held from time to time with a view to presenting a united front against employers. But the democratic control of the unions is a problem, inasmuch as only well trained men can lead, and such leaders are scarce. Should the unions be controlled by a third party or parties or a few leaders the administration could hardly be democratic. Hence democratic control is impossible until the workers are educated and capable of shouldering responsibilities.
- (e) The Problem of Securing Justice.—The Conference declared that the labour union was organised for the sole purpose of securing (i) better treatment in general, (ii) higher wages, (iii) shorter hours of work, (iv) protection for woman and child workers, and (v) Sunday rest and holiday with pay. Furthermore, the union must exert its efforts to hasten the Government to enact protective legislation, and should establish savings funds, strike funds, and other funds for the protection of workers. Finally, the union should establish schools and short course institutes for the education of the workers. All these can be secured only when the workers are well organized, and protective legislation is rigidly enforced.

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- (f) The Problem of Maintenance.—It was decided at the Conference that in order to carry on the activities stated above members should contribute a certain amount of their wages towards the support of their respective unions, and the monthly fee was fixed at an hour's average wage at least. But an hour's pay at present is on the average about five to six cents. How can an organisation be maintained with such a small fee?
- (g) The Problem of Membership.—The basic principle of organising Labour Union was for class struggle, and hence contractor-foremen and employers should be excluded from membership, so as to preserve the union as an labouring class organisation, otherwise the labour union would have no meaning. But a class struggle without leadership in China, as in any other country, is bound to fail. The delegates attending this Conference seemed to have been bitterly opposed to peaceful means of securing their own end, and overlooked the fact that acts of violence would never help them to secure an equitable share of the wealth which they might help to produce.
- (h) A Permanent Plan of the Union.—A union should utilize all industrial or other labour disputes, including strikes and lockouts, as materials for publicity purposes, and this should be the permanent program of any labour union.
- (i) The Present Task.—The Conference decided that the immediate task was to organise a railway employees' union, seamen's union, wharve coolies' union, miners' union, textile (cotton mills) workers' union, silk industrial workers' union. Furthermore, the leaders of the Labour Movement should pay special attention to the work of labour unions in main industrial centres, such as Canton, Shanghai, Hankow, Tientsin, Tsingtao, Amoy, Hongkong, Darien, Changsha, and Peking.

In summing up the resolutions concerning the organisation of labour unions in China we may state without prejudice that the delegates at the Second Labour Conference were in favour of the use of force for attaining their goal. The Conference appears to have been called primarily for political agitation as a means to secure the workers' economic end.

(4) *Resolution concerning the Cooperation between Workers and Farmers.*—It was pointed out at the Conference that the farmers comprised 75 per cent of China's total population, and the sufferings of those unfortunate farmers were much greater than those of the workers. If the workers wish to alleviate their sufferings, they should cooperate with the

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farmers; and, since both workers and farmers were oppressed by the privileged few or capitalist classes; they should work cooperatively for the early realization of their program so as to hasten the early attainment of their aims. The program of cooperation between workers and farmers should consist of the following activities:

- (a) That workers should help to disseminate information concerning the farmers' standard of life and the possibility of elevating their economic position, and should assist them to organise unions.
- (b) That labour should help to promote the economic interests of the farmers by assisting the farmers' unions to organise cooperative societies.
- (c) That labour unions should render assistance to farmers in the event that they should encounter economic or political difficulties in the carrying out of their program.

By May, 1925, the workers in Kwangtung were well organized as a result of the work of a group of Russian advisers headed by General Michael Borodin. The Labour Movement was, in many respects, dominated by the radicals and communists who sought to change society overnight by force. And with the dazzling success of the Revolution of 1917 as well as the decisive victory of the World War the Russian advisers had tremendous influence on the young leaders in the South, labour leaders in particular. Doubtless these leaders were sincere in their attempt at improving the conditions of life of the workers, who at the same time were clamorous for higher wages and desirous of recognition as beings entitled to social and economic well-being. From the reorganisation of the Kuomintang in 1924 to the collapse of the Wuhan government in 1927 the radicals had exerted great efforts, in some cases committed acts of violence with a view to changing the whole social, economic, and political structure of China, so that the economic position of the workers might immediately be elevated. The idea of changing the workers' conditions of life, of protecting them from economic exploitation, and of safeguarding their interests had a deep impression on the working class as a whole; and, this impression was tremendously deepened by the May 30th Incident in Shanghai. This was the turning point of the Labour Movement, and the tone was changed from economic struggle with political support to political agitation with an economic aim. The Chinese Labour Movement by this time was equal in importance and in vigor to any similar movement started by the working class in the West, and it proved so great a success that the third national conference was held within a year.

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The Third National Labour Conference

The Third National Labour Conference was held in Canton from May first to May twelfth, and was attended by 502 delegates representing 699 labour unions and 1,241,000 workers. Evidently the Labour Movement was greatly strengthened by the May 30th Incident, and the workers' opportunity for a decisive economic struggle, which had hitherto been unheeded and unprecedented, was tremendously enhanced, thus giving the labour and revolutionary leaders the greatest opportunity to get hold of the workers whose support was absolutely essential to the success of the revolution. And the realization of their aims depended upon the success of the Political Revolution; hence the Labour Movement and the Political Revolution were interdependent for their ultimate success, thus enabling the two movements to exist side by side simultaneously, for one strengthened the other, although the economic program of both movements were identical. Both aimed at overthrowing imperialism and militarism; both advocated an equal opportunity for earning a livelihood; both emphasized the alleviation of the sufferings of the people, the workers and farmers in particular; both aimed at bringing about a true democracy. In the interest of clearness we may point out a few noteworthy features contained in its Manifesto as follows:

1. That since the May 30th Incident the Chinese working class had taken active part in the movement against imperialism (the Revolutionary Movement).
2. That the workers had made supreme sacrifices, had exerted great efforts, and had endured endless sufferings; but they had gained considerable experience in their struggle for the right to life, to work, and to liberty. That such sacrifices and sufferings had been great and valuable lessons to them.
3. That the Chinese working class was not only the forerunner of the Chinese revolution, but the workers were the vanguard of the Nationalist Movement against imperialism; that they constituted a strong united army of the propertyless class and of the world revolution; that they deeply abhorred imperialism and militarism, especially that with an imperialistic design.
4. That the farmers were colleagues of the workers in their attempt to overthrow imperialism and militarism.
5. That foreign imperialists had coöperated with Chinese capitalists in oppressing and exploiting Chinese workers.
6. That the treachery of the imperialists was dangerous to the revolution and to the workers; that the workers were in a perilous situation; that they should realize the gravity of the situa-

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tion and should support the Nationalist Government wholeheartedly by participating in the Northern Punitive Expedition with the object of eliminating the northern militarists and with the hope of securing for the workers the freedom of assembly, of association, of speech, and of the press, as well as the legal fixation of a minimum wage and shorter hours of labour.

The Manifesto concluded by declaring that in order to secure for the workers all privileges as aforementioned, the workers themselves must be united and promote their solidarity, and, above all, they must coöperate with the farmers so that their movement might not prove a failure. Apart from this Manifesto the main points of which have been enumerated above, there were multifarious resolutions concerning the general policy of the Labour Movement adopted by the Conference, the substance of which may be briefly summarized as follows:

1. Concerning Politics:—

- (1) To bring about class consciousness and solidarity in order to gradually eliminate imperialism from China.
- (2) To build up a strong foundation for the Nationalist Government by devoting our full attention to revolutionary activities in our efforts to exterminate the militarists.

2. Concerning Economic Improvement:—

- (1) To bring about higher wages, shorter hours of work, and better treatment in general.
- (2) To secure freedom of organising labour unions openly and of carrying on union activities without unreasonable interference.
- (3) To encourage all wage-earners to join the unions with a view to creating a Labour Party in order to gain control of the government, aiming at raising the economic status of the workers by political means.

3. Concerning Social Improvement:—

- (1) To create coöperative societies in order to lower the cost and raise the standard of living.
- (2) To establish schools, clubs, libraries, etc., in the interests of the workers.

In order to put the foregoing resolutions into actual practice, it was resolved that the centres of operation were (1) the large factories, (2) the railroads, (3) the steamship companies, and (4) the mines. Workers employed in these establishments should coöperate with employees in mercantile and home industrial establishments.

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4. Concerning Protective Legislation:—

- (1) To urge the Government to enact labour legislation, so that workers may have the right to organise unions and to declare strikes if necessary.

Above all, it was decided that in order to carry on a class struggle Chinese workers should follow the lead of the Red Internationale and should have close relations with workers of the world. Judging from this decision the author is inclined to think that the Conference was dominated by the communists who at that time could work hand in hand with leaders of the Kuomintang. Shortly after the close of this Conference, General Chiang Kai-shek led the Northern Punitive Expedition to Hunan; and, after Hanyang, Hankow, and Wuchang had been captured by the Revolutionary Forces, the Nationalist Government subsequently moved to Wu-Han, where a few months later the fourth national labour conference was held.

The Fourth National Labour Conference

The Fourth National Labour Conference was originally planned to be held in Hankow on May first, but owing to the fact that the first Pan-Pacific Labour Congress was to be held in the same place about that time, it was postponed. The fourth National Labour Conference was subsequently held in Hankow from June 19th to 30th. More than 400 delegates representing about 3,000,000 workers and various organisations, such as the Nationalist Party (Kuomintang), the Communist Party of China, the Red Internationale, and so forth attended. Many reports were made by the delegates, covering the following topics:

1. The Influence of the Labour Movement upon the Development of the Revolutionary Movement after the May 30th Incident.
2. The participation of the small capitalists, workers, and farmers in the Political Revolution.
3. The strikes that had taken place in Hongkong and in Shanghai as well as other activities that had been undertaken by the labour unions as a part of the revolutionary work being done by workers.

Aside from the reports on the activities which were being carried on by workers, the delegates introduced many resolutions concerning the future of the working class as follows:

1. Confiscation of all property held by big capitalists.
2. Solution of the problem of farm landholdings.
3. Workers' participation in the control of national lands.

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4. Workers' cooperation with small capitalists and farmers in their efforts to struggle with the imperialists and big capitalists.
5. Enlargement of the existing labour organisation and the possibility of increasing the power and strength of the labouring class.
6. The Nationalist Government should be requested not to abolish the Labour Movement and the Farmers' Movement.

In consequence of the twelve-day-session of the Conference, many important resolutions were adopted the chief features of which may be pointed out as follows:

1. *Resolution concerning General Affairs.*—The labour unions by this time had increased in number from one million and a quarter members to three million within a year, and had increased in strength; hence it was resolved:

"That all labour unions in all localities and of all industries and occupations should unconditionally support the All-China Federation of Labour", and it was further resolved:

"That all workers should strive wholeheartedly for the emancipation of the labouring class."

2. *Resolution concerning Organisation.*—Despite the fact that the Labour Movement had gained considerable ground, the resolution concerning organisation passed at the Second and Third Conferences had not, as yet, been carried out; and, in spite of the fact that a large number of labour unions had been organised, the foundation of the labour organisation as such had not yet been solidly built; hence it was resolved:

"That hereafter workers should devise ways and means to lay down a firm foundation on which all labour unions might be built; that class struggle, and class organisation should be simultaneously developed; that the power of labour unions should be centralized so as to avoid confusion; that female and child workers should be admitted to labour unions on the same basis as male workers; that the interests of woman and child workers should be protected; that since the economic struggle and the political struggle are identical workers should pay special attention to the problem of taking up arms; that members should pay fees for the maintenance of their respective unions and for building up a reserve fund and an unemployment fund; etc."

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3. *Resolution concerning the Employment of Women and Children*—It was pointed out that the proportion of women and children engaged in modern industry were much larger than that of men and that female and child workers were in a deplorable condition; hence it was resolved:

"That the hours of labour should be regulated; that the age for employment should be restricted and fixed; that sanitary conditions should be improved; that treatment in general should be the same as that given to adult men; that wages for women should be the same as that paid to men; that factories should establish schools for the apprentices employed therein; that a special vacation should be granted to woman workers before and after confinement; that rest days and holidays should be definitely fixed; that clubs should be organized for woman and child workers; that woman and child workers should enjoy the same freedom of speech, of the press, and of assembly as enjoyed by men; that all workers should cooperate in alleviating the sufferings of the female and child workers."

4. *Resolutions concerning Unemployment.*—There were three resolutions adopted dealing with unemployment, which under ordinary circumstances has been relatively unimportant, because of the fact that in China unemployment has never been so serious as underemployment. If ten per cent of the factory workers were unemployed, it would not constitute a serious problem, inasmuch as the whole factory population has been estimated at less than one million and a half; but those who have no regular employment may comprise millions. Yet, in view of the fact that workers had taken part in the Political Revolution, and, as a consequence, not a few workers had lost their jobs; it was imperative that collective action should be taken to remedy the situation, for only through the concerted action of the workers themselves, together with the support of the Government, might proper remedy be found, otherwise the situation might be so accentuated that the unemployed workers might easily become bandits. The three resolutions referred to may be roughly stated as follows:

(1) *Protective measure.*—That factories, workshops, and commercial establishments employing more than ten workers shall not dismiss workers, unless such a dismissal is approved by the Government; that any establishment wishing to discharge its workers must first make an announcement publicly stating the causes for the dismissal a month beforehand; that any establishment having lost one-third of its capital originally invested may petition the Government for assistance or subsidy in order to

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continue its operation, having lost one-half of the original capital may limit its scope of production or business, having lost more than one-half may suspend operation or business with the approval of the Government; that any establishment having suspended operation or business without sufficient reason shall be subject to confiscation; that establishments for the production of daily necessities shall not be permitted to suspend work or dismiss workers; that workers discharged on sufficient grounds shall be given travelling or such necessary expenses and from three to four months' wages, while those having been dismissed without the approval of the Government shall be paid twice the amount stated above; that the Government shall provide dispensaries or hospitals for the unemployed workers in case of sickness, build dormitories, and establish vocational schools for them.

(2) Remedial measures.—That in the event of unemployment the labour unions shall petition the Government for unemployment funds or doles and for forming relief committees to carry on relief work; that the Government shall issue orders to all factories, workshops, and commercial establishments requiring them to contribute a certain percentage of their income toward unemployment relief; that the Government shall temporarily increase all kinds of taxes, and the excess amount shall constitute an unemployment relief fund; that beside special contributions from public and private organisations the labour unions shall contribute 3 per cent of their dues collected toward unemployment relief.

(3) Preventive measure.—That the Government shall coöperate with labour unions to establish unemployment bureaus; that factories, workshops, and commercial establishments wishing to employ additional workers should apply to the employment bureaus for such workers; that the Government shall appropriate a certain sum of money for the development of industry in order to provide employment for the unemployed.

Judging from the tone of the multifarious resolutions adopted at the Fourth National Labour Conference, one can easily conclude without prejudice and antagonism that the Conference was undoubtedly and, perhaps, overwhelmingly dominated by radical elements and communists who sought to end capitalism by political means and by force. Had the resolutions mentioned above been actually carried out modern industry would have suffered a great setback.

Apart from these four national labour conferences held within five years (1922-1927), there were four more conferences of great importance; namely, The First National Conference of Representatives of Railway

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Employees (1924), The Second National Conference of Representatives of Railway Employees (1925), The First National Conference of Representatives of Post Office Employees (1927), and The Pan-Pacific Labour Congress (1927).

The First National Conference of Railway Employees

The First National Conference of Representatives of Railway Employees was held in Peking on the 7th of February, 1924, as a direct result of the general strike of the Peking-Hankow Railway employees. The chief cause of this strike was the killing of the 44 workers by the troops of Wu Pei-fu on February 7th, 1923, during the Chengchow Labour Conference which was held from February 1st to 11th. As a consequence of the First Conference of Railway Employees, the National Union of Railway Employees was formed.

The Second National Conference of Railway Employees

The Second National Conference of Representatives of Railway Employees was held in Chengchow from February 7th to 10th.¹⁹²⁵ Forty-six delegates representing the Peking-Hankow Railway, the Peking-Mukden Railway, the Tientsin-Pukow Railway, the Peking-Suiyuan Railway, the Chinese Eastern Railway, the Kioachow-Tsinan Railway, the Canton-Hankow Railway, the Southern Manchuria Railway, the Lunghai Railway, and Railway Employees' Unions of other short and branch lines. Among the most important resolutions adopted were (1) The restoration of all unions which had hitherto been closed by militarists; (2) the unification of all unions; (3) the struggle for the freedom of speech, of assembly, of association, of strike, and of the press; (4) workers' education; (5) workmen's compensation and unemployment relief; (6) affiliation with the Red Internationale; (7) coöperation with workers of the world, and so forth.

The First National Conference of Representatives of Post Office Employees

The First Conference of Post Office Employees was held in Hankow from March 7th to 16th, 1927. Fifty-four delegates from provinces such as Hunan, Hupeh, Kwangtung, Kwangsi, Kiangsi, Chekiang, Kiangsu, Fukien, etc. There were four important resolutions passed as follows:

1. *Resolution concerning Compensation.*—"That in case of accident arising from banditry, famine, disaster or any dangerous unavoidable happening resulting either in injury or incapacity, the injured or disabled workers shall be entitled to reasonable compensation which shall be paid out of the post office's public funds, that in case of death as a result of

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illness, the deceased family shall receive compensation according to the rising scale, that is, two months' wages for employees having rendered service to the post office for one year, and double the amount for every additional year, besides funeral expenses, that in the event of death while at work or on duty, the deceased family shall receive regular compensation, as aforementioned, and a cash compensation of \$1,500; that compensation for incapacity shall be full wages or 100 per cent of basic wage; that compensation for sickness shall be one-half the amount of wages or 50 per cent of basic wage."

2. *Resolution concerning the Hours and Nature of Work.*—"That the hours of labour shall not exceed eight per day; that overtime work shall be paid double the amount; that letter-carriers shall not walk more than sixty *li*¹ per day; that postmen shall not carry more than fifty catties² of mail; that for special delivery the postmen shall not carry more than ten catties of mail, and shall not travel more than fifty *li* per day; that under exceptional circumstances when postmen are required to carry a heavier load and travel a longer distance they shall be given a special allowance or bonus".

3. *Resolution concerning Savings.*—"That all bonuses that have hitherto been paid and saved in the Savings Department shall, from the first of March, be refunded; that the system of compulsory savings be abolished in favor of a voluntary system."

4. *Resolution concerning the Relation of Post Office Employees' Unions to the Post Office.*—"That the National Union of Post Office Employees shall cooperate with the Ministry of Communications of the Nationalist Government to revise the existing postal regulations concerning post office employees; that all those who are in the postal service shall have the right of initiative and referendum; that the unions of post office employees shall have the right to petition the Government to change or shift postmasters or staff members above the clerk in rank; that post office employees who are officers of an union shall not be transferred to another place during their term of office; that when any employee asks for a leave of absence in order to attend to some business for his union in the interest of all union members, such a leave of absence shall be granted with pay; that the general post office or first class post office shall establish schools for the education of the employees; that members of the Standing Committee of the National Union of Post Office Employees shall be paid and promoted as usual as if they were regular members of the post office working force; that

¹ The *li* is about one-third of a mile.

² The catty is about 1 1/3 lb.

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the unions of post office employees shall have the right to participate in the postal service examination; that the general post office of the Republic shall cooperate with the Government to establish special training schools for the training of staff members.

The Pan-Pacific Trade Union Congress

The First Pan-Pacific Trade Union Congress was held in Hankow from June 20th to 26th, 1927. Besides the Chinese delegates the Congress was attended by representatives from Soviet Russia, Japan, Korea, The United States, Great Britain, France, and Java. It is said that those who attended the Congress were all communists, and had some connection with the Third International. Such a sweeping statement the author is not in a position to accept, but the Congress was undoubtedly dominated by radicals, of whom the sweeping majority might be communists, inasmuch as the Congress convened under the joint auspices of the Nationalist Government and the communist Party of China. The most important resolutions passed may be summarized as follows:

1. Affiliation of all trade unions of the world.
2. All workers of the world should assist China in her struggle for freedom and in her efforts to drive out the imperialists.
3. Preparation for a world labour movement.
4. Assistance should be given to India, Korea, Formosa and other oppressed races in their struggle for independence.
5. Creation of a Secretariat in Shanghai with two members from the General Labour Union of China, two from the General Trade Union of the Soviet Union, and one from each of the following countries: Japan, The United States, Great Britain, and France.
6. Adoption of a definite program with special reference to wages, hours of labour, rest days and holidays, and the employment of women and children.

It was pointed out that workers in colonial and semicolonial countries had been inhumanly exploited by imperialists, that wages were so appallingly low, that workers were virtually slaves to the capitalists, and that the hours of work were abnormally long; hence workers should demand for—

1. The adoption of the eight-hour system.
2. A continuous 42-hour weekly rest.
3. The introduction of the social insurance system.

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4. The prohibition of night work for female workers; a special vacation for woman workers with pay during confinement — 8 weeks before and 8 weeks after.
5. The prohibition of the buying and selling of children for economic gain; prohibition of the employment of children under 14 years of age.
6. Equal pay for equal work, irrespective of sex.
7. Freedom of assembly, of association, of the press, and of carrying on strikes.
8. The institution of a labour inspection system.
9. The abolition of corporal punishment, system of fines, of deduction of wages, and of payment in kind.
10. The right to organise pickets against fascism and the strike breakers.

The foregoing labour conferences are indicative of class-consciousness on the one hand and of social unrest due to deplorably low wages, long hours of work, low standard and high cost of living on the other. These conferences, however, do not indicate that Chinese workers are capable of leading an independent labour movement; they are mere signs of workers' dissatisfaction over the existing order of things; they represent the different attempts made to break down the capitalistic system by force; they may be construed as the highest organs through which workers may predominantly address themselves to the world, and in which their views may be succinctly stated and their opinions effectively expressed. The leaders of the Labour Movement during 1922 to 1927 (the beginning and end of all labour conferences) were not convinced of the futility of political action and military force with respect to the control of industry in the interest of the workers. In the first place, there was no possibility of labour capturing the political machinery of the old militarists, nor was there any chance for labour to wage a political struggle against the capitalists without the backing of a strong political party. Despite the fact that the workers, whose coöperation was needed for the completion of the revolution, were strongly and invariably supported by the Kuomintang and the Communist Party during those eventful years, it was impossible to overthrow imperialism and capitalism by acts of violence, particularly when industry was still in its infancy. The centrifugal tendency of the radicals was finally and effectively restrained, and the whole movement collapsed in the Fall of 1927, when the Wuhan Government fell as a direct consequence of the attempt at securing for the workers certain temporary economic interests at the expense of industry and of committing acts of violence at the expense of the Government. But this shortlived move-

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ment was by no means worthless; in fact, it helped to distinguish the teaching of Dr. Sun Yet-sen and that of the communists, and it virtually forced the stalwart members of the Kuomintang to initiate the Party Purification Movement (Anti-communist Movement) in the late spring of 1927, resulting in the suspension of all labour unions and in the cessation of all labour activities, and it was not until after the promulgation of the Labour Union Law in 1929 that labour unions began to revive but under the control and supervision of the Kuomintang. Thus the Labour Movement has undergone five periods of development; namely, the period of preparation (1912-1919), the period of organisation and agitation (1920-1924), the period of activities and expansion (1924-1927), the period of retrenchment and inaction (1927-1929), and the period of reorganisation and reconstruction (since 1929). During the first period intermittent efforts were made on the part of the workers and their leaders to gain recognition as social and economic well-beings, but their efforts proved futile owing to the fact that during this period the warlords were in control of the political machinery. Consequently, the people had absolutely no freedom; and, in spite of their desperate struggle for the right to life and to work, nothing noteworthy was accomplished, and it was not until 1917, when the Kuomintang set up a new government in Canton that the workers began to enjoy a degree of liberty in the South. Hence from 1917 to 1919 the leaders of the labouring classes began to make definite preparation for launching a movement which had hitherto been unheard of and unknown in China. This period of preparation ended in 1919, and after the Student Movement as well as the Washington Labour Conference had taken place, the second stage commenced. During this period, as from the summer of 1919, labour unions were organised one after another in rapid succession, and labour agitations became very serious, causing considerable excitement of public feeling, and partially paralizing industry and business in Canton and Hongkong. But the most important period of development really began in 1924 immediately after the reorganisation of the Kuomintang. Under the leadership of Gen. Michael Borodin, the political adviser in the Nationalist Government, the Labour Movement rapidly expanded, and union activities were extensively and effectively carried on, culminating in the summer of 1927, when the communists were expelled from the Kuomintang into which they were admitted in 1924, thus temporarily ending all union activities and purifying the party of communistic influence. During the fourth period, when most of the union activities were suppressed, the Labour Movement was automatically checked, and it was not until 1929, especially after the promulgation of the Labour Union Law, that it reappeared in full force, but since then all labour activities have been strictly supervised and carefully directed by the Kuomintang, thus eliminating a

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great deal of radical influence from the labour unions which have since undergone thoroughgoing changes. The question that arises here is: What are the main features and results of this short-lived but great social movement?

2. The Notable Features and Results of The Labour Movement.

The notable features and immediate results of the Labour Movement may be said to be (1) The formation of modern labour unions; (2) the recognition of the workers' right to carry on strikes; (3) the appearance of class consciousness; and (4) the promulgation of protective legislation.

As to the organisation of modern labour unions the following table shows the number of unions organised by industries and by years.

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TABLE XVI¹
LABOUR UNIONS, BY INDUSTRIES OR
OCCUPATIONS AND BY YEARS

Industry or Trade	Number of Unions in all Provinces	Year of Establishment	Number of Unions Established
Textile	111	Prior to the Republic (1912)	1
Chemical	73	1915	1
Food & Drink	115	1919	3
Tailoring and Garment	35	1920	3
Manufacturing		1921	32
Instrument and Implement	37	1922	11
Manufacturing		1923	6
Machine	33	1924	7
Manufacturing		1925	19
Transport	111	1926	49
Building	45	1927	246
Trade		1928	114
Public	13	1929	190
Utilities		1930	38
Education	34	Unknown	21
Art	1		
Miscellaneous	133		
Total	741	Total	741

According to the foregoing table, seven hundred and forty-one labour unions had been organised up to 1930. Of the total number, only one was founded before the establishment of the Republic; seven were organised before the end of 1920; the rest, three hundred and thirty-three in number, were organised during the decennial period 1921-1930. Of the industries or trades represented the manufacturing of food and drink had the largest, numbering 115; the textile and transport industries each of which had 111; the chemical industry had 73; the building trade, 45; the manufacturing of scientific instruments and implements, 37; the tailoring industry, 35; educational institutions, 34; the manufacturing of machinery, 33; public utilities, 13; art, 1; and miscellaneous, 133.

The number of organised workers is shown in Table XVII.

¹ See Report No. 3, of the Labour Statistic Series, Compiled by the Ministry of Industry, Labour, and Commerce, 1930.

TABLE XVII.
Number of Organised Workers in 29 Industrial Cities
By Industries or Trades, 1930.

Industry or Trade	Total Number of Organised Workers	Percentage of Organised Workers in the Representative Industries or Trades
Textile	137,904	23.99
Chemical	43,308	7.53
Food and Drink Manufacturing	61,020	10.62
Tailoring	28,152	4.90
Instrument and Implement Manufacturing	12,961	2.26
Machine Manufacturing	74,302	12.93
Transport	105,773	18.40
Building Trade	31,374	5.46
Public Utilities	6,213	1.08
Educational Institutions	11,067	1.93
Art	305	.05
Miscellaneous	62,387	10.85
TOTAL	574,766	100.00

The preceding table shows that the number of organised workers in 1930 was only 574,766 as against 1,240,000 reported in 1926 and 2,900,000 in 1927. With the elimination of the communists, the membership of all labour unions was considerably reduced.

Having the picture of the organisation of labour unions in connection with our study of the Labour Movement as stated above, we now turn our attention to another question of equal importance, that is, the question of strike, which the workers consider as the sharpest weapon that they can use in their struggle against the capitalists.

3. Strikes in Recent Years¹

(1) *The Origin and Development.*—Strikes in a modern sense of the term began around 1916-1917, and by 1920 more than a hundred strikes had taken place. But the first strike of any social and economic importance was the Hongkong strike which took place in May, 1920, affecting upwards of 9,000 workers. The second and one of the biggest strikes was the Hongkong seamen's strike which occurred in January, 1922, involving over 50,000 workers, and paralyzing the shipping industry and business in general. The third strike of some magnitude and gravity was the Ping-Hsiang miners' strike of September, 1922, affecting about 20,000 miners. The next big strike was the Peking-Hankow railway employees' strike which occurred in February, 1923. The most important strike, however, was the Canton-Hongkong general strike of 1926, which lasted four months and affected about 200,000 workers. Since the May 30th Incident, two big general strikes have taken place in Shanghai, one of which was declared in February, 1927, involving about 65,000 workers, and the other took place a month later and affected 112,000 workpeople. The number of important strikes occurred during the last fifteen years (1917-1931 inclusive) is upwards of two thousand; but apart from those enumerated above, nothing of great social, economic, and political significance that has been declared, although strikes continued to take place during the decennial period 1921-1931. Hence, the rest of the strikes have taken place because of the existing conditions and the glaring evils in modern industry rather than of any political motive, which may be said to have been one of strongest social forces at work during 1919 and 1927, beginning with the Student Movement and ending with the Party Purification Movement. For the sake of clarity, however, we may point out the chief causes of strikes, so as to shed more light on the subject.

(2) *Causes of Strike.*—The common causes of strike during the last decade may be conveniently divided into three main groups: (a) social; (b) economic; and (c) political. They are classified as such in order to bring out the social, economic, and political significance in connection with our study of the whole labour movement, and for the purpose of analysing the underlying principles as well as the social forces at work during the period of revolution and transition. The chief causes of strike during the decennial period 1921-1931 may be said to have been embodied in the demands which may be pointed out in order of importance, as follows:

¹ For detailed account and general analysis, see *Analysis of Strikes (1918-1926)* by Prof. Chen Ta of Tsing Hua University, *China Labour Year Book*, No. 1 (in Chinese), *China Year Book*, 1926-1931, (in English), Reports of the Bureaus of Social Affairs of Shanghai, Hankow, Tientsin, and Canton.

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(a) *Economic:*

- i. Increase of wages due to the rise in living costs.
- ii. Shortening of working hours.
- iii. Rest days and holidays with pay.
- iv. Special vacation for women workers during confinement with full pay.
- v. Compensation for accident, sickness, and death.
- vi. Full pay during the period of strike.
- vii. No dismissal without a reasonable cause or the approval of the labour union.
- viii. Reinstatement of workers discharged without a sufficient cause.
- ix. Application of the principle of equal pay for equal work irrespective of sex.
- x. Higher wages for workers of long standing in the establishment concerned.

(b) *Political:*

- i. Participation in the Political Revolution in order to eliminate foreign imperialism and domestic militarism.
- ii. Demand for the promulgation of labour legislation in order to protect the workers' rights—the right of association, of assemblage, of speech, of the press, and of carrying on strike.
- iii. Demand for the recognition of workers' political liberty, including *initiative* and *referendum*.
- iv. Non-interference of workers' right on the part of the management, particularly when their right is well exercised, such as the organisation of labour unions to promote their interests.
- v. Patriotic demonstrations, parades, and movements.

(c) *Social:*

- i. Abolition of the system of imposing a fine on workers who come two or three minutes late.
- ii. Abolition of the system of deducting wages for a day's absence on account of urgent social engagement.
- iii. Establishment of schools for apprentices and young workers.
- iv. Improvement in the dormitory system be made.

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- v. Adoption of the bonus or profit-sharing system.
- vi. Inauguration of a social insurance system.
- vii. Demand for the observance of rest during important festivals.
- viii. Abolition of the contract system of employment.
- ix. Prohibition of the employment of children under 14 years of age.
- x. Prohibition of night-work for women workers.

The methods employed for the settlement of disputes have been (a) mediation; (b) conciliation; and (c) arbitration. Many disputes have been settled directly between workers and employers with a mediator. Most cases have been settled satisfactorily by means of conciliation between representatives of employers and workers either with or without the help of public authorities. Some cases have been arbitrated by the local authorities, such as the local bureau of social affairs and the local Kuomintang; and, with the coming into force in 1928 of the Regulations concerning Conciliation and Arbitration of Disputes between Employers and Employees and the promulgation of the Law on Conciliation and Arbitration in 1929, most labour disputes have been settled either by means of conciliation or arbitration. This Law may be said to have been successfully and effectively enforced since it came into operation, thus giving the workers the legal protection for which they have been struggling during the last two decades.

Obviously, the direct causes of strike have been (1) low wages and high cost of living; (2) exhaustive hours of work; (3) ill-treatment in general; (4) interference with workers' right; and (5) absence of a definite system of compensation. Hence, in the absence of protective legislation the workers are more or less at the mercy of their employers, although the author is convinced that not all the strikes that have taken place during the last fifteen years, particularly the past six, are justifiable. Not a few of the strikes were due to political agitations; hence some of the demands presented by the strikers could not be met. The economic loss of strike has been tremendous, and both the workers and employers have suffered in consequence of the strikes. On the whole the workers have won their battle as a result of organised efforts and because of government as well as popular support. Their right is now protected by law.

CHAPTER VI

DEVELOPMENT OF MINING LEGISLATION

The widespread and intelligent appreciation of the social as well as economic importance of all factors that tend to diminish the fatigue and enhance the fitness of the miners by improving the conditions of employment has had a profound influence on the legislature in every highly industrialized country. The legislature of the Republic of China has by no means been blind to the fact that good treatment for workers in any industrial establishment has a direct bearing on industrial efficiency and relationships. During the last eighteen years efforts have been made to ameliorate working conditions by means of regulations providing for a minimum standard of safety, health, and conditions of living of the workers.

The first set of regulations within the scope of labour legislation since the Republic is the Mines Regulations which were promulgated by Presidential Mandate on the 11th of March, 1914, containing 111 articles, and, on the 31st of the same month the detailed "Regulations for the Enforcement and Administration of the Mines Regulations" were also promulgated, containing 86 articles. It is not necessary to study these Regulations articles by article, inasmuch as these two sets of regulations have little, if any, important bearing on the development of social legislation in China. In fact, these Regulations were never strictly enforced and, in many respects, were unenforceable. However, a few abstracts of these Regulations are sufficient, and within the scope of our interest, to prove their infeasibility.

For instance, Chapter V. deals with the welfare of miners and Article 72 therein contained declares that regulations governing the employment of miners formulated by mine lessees (owners) should be submitted to the Inspector General of Mines for approval. Mines should keep record of all business transactions and affairs of the mines concerned, and should set a definite day for the payment of wages which shall be paid in good money either once or twice a month. Article 75 provides that employers should, upon request of the miner, grant him a certificate of employment, stating the length of service, the type of work, the ability of the miner, wages, and reasons for leaving or of dismissal from employment. As regards child labour, the employment of women, and the hours of work, the Minister of Agriculture and Commerce is responsible for formulating regulations dealing with same. Article 76 provides for compensation for

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sickness, injury, and death but such a compensation, rather compassionate grant, depends largely, if not entirely, on the generosity of the employers.

With respect to the second set of Regulations for the Administration of the first, Article 68 declares that any mine lessees within a period of two months must formulate regulations or rules concerning the employment of miners in respect to (1) the type of work (2) the classes of workmen: (3) contract of service; (4) wages for different classes of miners; (5) the day for payment of wages; (6) the hours of labour; (7) the shift system; (8) rest periods, rest days, and holidays; (9) employment of women and children; (10) compensation for old age, sickness, injury, and death, and (11) penalties. Such regulations must be submitted to the Inspector-General of Mines for approval.

After this is done the next step for preparing to start operation is to keep record of all miners, including their names, age, birthplace, types of work, classes of work, date of employment and dismissal, or any incident and accident. Furthermore, Article 70 clearly states that mine lessees should, within the first two months of the establishment of the mine concerned, draw up regulations providing for compensation, and such regulations must also be presented to the Inspector-General of Mines for approval before they become valid. The said regulations must be based on the following principles:

1. Compensation for injury or sickness and medical expenses involved therein.
2. During the period of sickness or disablement miners must be paid at least one-third of usual wages.
3. In case of death from sickness or injury sustained while at work, the mine concerned must pay at least \$10. for funeral expenses.
4. Compensation for disability must be based on the wages of the 100 days prior to the accident.
5. Compensation for death must be based on wages of the last 100 days' work of the deceased miner.
6. In the case of contracted or short-time miners, compensation either for disability or for death must be based on the last 30 days' wages.

In the event of violation of the regulations, as aforesaid, on the part of employers a fine of not less than \$25. shall be imposed on them. Obviously, such regulations are too loosely framed and hence can never be effectively enforced. In fact, these are not regulations or provisions of a mining

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law; they are in reality mere suggestions on the basis of which the mine lessees must formulate regulations at their own discretion. Besides, the Inspector-General is empowered to accept or refuse regulations made by the mine lessees. Herein lies the opportunity for corruption. Moreover, two sets of these Regulations can never be considered as national in character as they were intended to be, despite the fact that they were promulgated by Presidential Decrees, for the simple reason that national laws are not subject to voluntary alteration. The legislature alone has power to amend laws if deemed necessary and if conditions require; but these Regulations, as aforesaid, grant the full right to mine lessees to make their own regulations, which, although they must be sanctioned by the Inspector-General, may not be reasonable and enforceable.

Like early social legislation in England, where the justices of the Peace were given full power to fix wages for all classes of labourers, the Inspector-General of China was empowered by early legislation to censor all regulations relating to miners. That such an absolute power should be granted to a man living in the twentieth century is more than ridiculous.

The Ministry of Agriculture and Commerce, however, on the 12th of May, 1923, issued a set of regulations entitled "The Regulations for the better Treatment (Welfare) of Miners". There are 22 articles in all, containing provisions for the welfare of miners in detail. Article 1 requires the mine lessees to formulate regulations regarding the type of work, the scale and payment of wages, hours of work and the shift system, dismissal, compensation, penalties, etc. Article 2 deals with the contract of labour and declares that, apart from short-time and special contracts, all contracts must be made unlimited, that is, no stipulation of time shall be made but in case either party wishes to terminate the contract a 15 days' notice must be given to the other party. Of course the mine lessees may dismiss any miner on either one of the following grounds:

1. Commitment of a criminal act.
2. Failure to comply with order regarding the prevention of accident or danger.
3. Misbehaviour or misdemeanor on the part of the miner in his dealing with his employers or those in charge of the mine concerned.
4. Negligence, drunkenness, and violation of regulations.
5. Abolition of mining right or suspension of operation due to natural causes.

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Miners on the other hand have the following four causes for leaving the employment:

1. Incapability to continue the work.
2. Maltreatment on the part of mine owners or managers.
3. Failure to pay wages on time according to regulations.
4. Conditions inside and outside the shaft too dangerous for work.

With regard to child labour, boys under twelve are prohibited from employment in mines, and women as well as children under 17 but above 12 are permitted to be employed only on light and easy work outside the shaft, but mine owners are forbidden to employ any worker who has nervous disorders or who is infected with contagious disease or a woman for five weeks before and after childbirth. Mine lessees are also prohibited from making any contract with foreman for any piece of work requiring over 200 miners. As to the hours of labour, Article 9 provides that the working day for adult workers is fixed at ten hours excluding rest periods, while the working day for boys under 17 years of age and girls under 18 must not exceed 8 hours. In case of emergency or urgent necessity the working hours may be extended, but a permit must be obtained from the mines inspectorate to this effect within three days. However, when the temperature in the shaft is over 30 degrees centigrade the working day must not exceed 8 hours. As regards rest days, Article 11 provides at least two days a month for rest with pay.

With respect to the health and welfare of the miners, the mine lessees should observe the following regulations:

1. Dressing-rooms and bath-rooms should be provided at or near the entrance of the shaft.
2. For workers coming from long distance, dormitories or separate residences should be furnished and suitable sanitary equipment must be provided therein.
3. Pure drinking water should be supplied both inside and outside the shaft.
4. No decaying matter or anything that tends to create noxious odour shall be allowed to be thrown around or near places of work.
5. Measures must be taken to prevent any development of noxious odours or unsanitary conditions in work places.
6. Medical and surgical supplies should be provided for use in the event of accident.

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7. Any mine employing more than 100 workers should provide a sickroom, and over 1,000 miners, a hospital with isolation rooms.
8. In case hook-worm disease is developed and discovered miners must comply with the regulations governing such a disease.

It is obvious, therefore, that these regulations governing the operation of mines, so far as the health, safety, and general welfare of the miners are concerned, are far superior to the early regulations which, as we have already stated, were unenforceable. Furthermore, Article 16 and 17 provide that with the approval of the miners the mine owners shall secure daily necessities for them at the lowest possible cost so as to enable them to maintain a minimum standard of life; and, if the miners agree, mine owners should exert their efforts to encourage all workers to save a certain amount of wages a month by establishing savings societies. Moreover, Articles 19 and 20 provide for compensation for injury and death according to the following rules:

1. For minor injury, apart from medical expenses, full wages should be paid.
2. For partial permanent disability at least one year's usual wages should be paid.
3. For total permanent disability at least two years' usual wages should be paid.

Any dispute arising out of the payment of compensation may be referred to the Inspectorate for settlement.

Since the promulgation of these Regulations no other mining regulations or laws have been made, with the exception of the new regulations entitled "Oil Mining Regulations" which were promulgated on the 23rd of August, 1928, dealing with the petroleum industry. These Regulations were issued by the Ministry of Agriculture and Mining governing the prospecting for and working of oil in any part of the Republic of China. According to these Regulations, Oil concessions are subject to nationalisation if deemed necessary after a period of ten years, but in this case the concessionaires shall be compensated for capital invested. Only Chinese capital is allowed to be invested in such an enterprise, and apart from technical experts, no foreigner is permitted to be connected with it. In view of the lack of capital in China, Government subsidy is emphasized.

We are not concerned with these Regulations, inasmuch as they deal purely with capital. We are, however, interested in any set of regulations or law respecting both capital and labour. Therefore it is not necessary for us to consider this set of new regulations in detail.

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The same is true of the Mines Law, which was promulgated on the 26th of May, 1930, and contains no provision for the protection of miners who are still more or less at the mercy of their employers as well as the contractors, especially the latter. Like the contract system in the factories, the contractors in the mines have exploited the miners, inasmuch as the fundamental principle of this deep-rooted system of contracting labour is that miners are neither directly hired nor paid by the management. The contractor is authorized to engage and dismiss labour and is responsible for all obligations toward the miners. In other words, the contractor, in reality, is the second employer who is responsible both for the hiring of labour and for the operation of the mine concerned, or a professional middleman who is empowered to hire and pay the miners from whose wages he may deduct 10 or 20 per cent as his commission. In the former case the contractor is the employer in the strictest sense of the term. He contracts a definite piece of work to be done for the mine owner who does not take part in the operation, and so long as a certain quantity of coal is delivered to him as agreed upon he is satisfied; hence the contractor bears the full responsibility of the operation; whereas in the latter case, the contractor is an agent who has the full power to hire labour for the mine owner but has no power in the administration of the mine concerned. In this case, the mining company retains the full right of operation of the mine and the power of supervising labour. In either case, however, the contract system has proved detrimental to industry and labour. In order to protect the mining industry and the miners effective legislation is urgently needed, so as to help change the system of hiring labour and the method of exploiting mines in the hope that our mining industry may be promoted and the conditions of life of the miners may be ameliorated. The question that may arise here is: How important is the mining industry? How large is the working force of miners? The opinion of mining engineers differs greatly as to the mineral resources of China, but the general opinion is that China, unquestionably, possesses great mineral wealth which remains to be developed. Doubtless the inaccessibility and lack of waterways and good roads have thus far prevented the development of the mining industry.

However, the following table shows that in 1920 there were 5,016 mining districts reported in operation employing 14,141 administrative officers and clerks, 3,841 engineers, and about 1,006,593¹ miners.

¹ The figures on the number of miners represent estimates for 1916 to 1920, during this period no statistics on the wage-earning population in the mines were available, and what was reported was the number of days that the miners worked during those five years. The basis of calculation is 300 days which may have constituted a year's work for each miner.

TABLE XVIII
MINING INDUSTRY AND MINING LABOUR,
BY PROVINCES, 1920

Province	Number of Mining Districts Reported	Total Working Force		
		Administrative Officers and Clerks	Engineers	Miners
Anhwei	32	307	29	2,513
Chahar	9	52	6	280
Chekiang*	8	49	8	389
Chihli	63	785	53	6,163
Chingchao ¹	20	486	135	902
Fengtien	13	887	427	46,488
Fukien*	62	71	41	137
Heilungkiang	49	832	—	20
Honan	18	531	59	5,488
Hunan*	4	165	15	5,119
Hupei	7	194	3	6,517
Jehol*	38	167	10	952
Kansu*	57	180	29	1,787
Kiangsi*	180	755	116	5,822
Kiangsu	12	64	8	1,091
Kirin	15	22	10	205
Kwangsi*	116	366	70	1,636
Kwangtung*	27	173	29	921
Kweichow*	19	22	35	661
Shansi	1,441	3,347	1,199	13,338
Shantung	24	802	61	7,135
Shensi	80	225	106	265
Sinkiang*	99	131	135	2,294
Suiyuan*	22	18	142	229
Szechuen*	2,385	2,824	794	26,629
Yunnan*	216	686	321	869,612
Total	5,016	14,141	3,841	1,006,593

* Statistics compiled before 1920.

¹ Metropolitan District.

CHAPTER VII DEVELOPMENT OF FACTORY LEGISLATION

A. Genesis and Development

In spite of foreign influences and the different movements for the betterment of the working classes, owing to the fact that there were so few factories that employed a large number of workers, and the total number of modern industrial wage earners (factory workers) in the whole Republic up to the enactment of the first factory law in 1923 was less than 500,000; the legislature did not take definite steps to cope with industrial evils arising out of the factory system until that date. This was quite justifiable, inasmuch as the labour problem was insignificant as compared with other pressing problems of the country. However, between the formation of the Republic in 1912 and the establishment of the Nationalist Government in Canton in 1917 conditions had changed in rapid succession, and, the Government could no longer ignore the cry of the labouring classes for justice and protection.

Realizing that existing conditions required the change of policy on the part of the Government, the Ministry of Agriculture and Commerce of the Peking Government immediately set to work with a view to devising some effective means by which the labour problem might be properly solved; and, in the course of time a set of factory regulations was drawn up. After due consideration and careful deliberation these regulations were promulgated by the Ministry of Agriculture and Commerce on the 29th of March, 1923, entitled "Provisional General Factory Regulations."

The next stage of the development of factory legislation is the adoption of a set of regulations by the Hupeh Provincial Government under the direct influence of the Wuhan Nationalist Government entitled "Provisional Factory Regulations of Hupeh." These regulations were passed by the Council of Political Affairs in the winter of 1926 shortly after the Nationalist Government had been removed from Canton to Wuhan, where conditions and the people at that particular time demanded for a definite policy—a policy which would be in accordance with the principles of the Kuomintang and must therefore be in favour of the labour movement for better working conditions, higher wages, a shorter working day, collective bargaining, compensation, and some special privileges. As a consequence and as a piece of propaganda work the Hupeh Provincial Government

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initiated a period for industrial democracy by passing the said factory regulations.

Another step that was taken toward the improvement of conditions of the working classes was the Shanghai Regulations for the Settlement of Industrial Disputes as announced by General Chiang Kai-Shek in the spring of 1927 at Shanghai. Before the National Revolutionary Army captured that city, the Shanghai-Woosung Bureau for Industrial Welfare had already formulated plans for investigation of labour conditions in Shanghai and Woosung with a view to improving them, and, when the National Revolutionary Army conquered Shanghai the labour movement was greatly strengthened, especially after the promulgation of the Shanghai Regulations for the Settlement of Industrial Disputes.

Simultaneously, the Provisional Labour Law for the Northwestern Provinces (Shensi and Kansu) was issued by Marshal Feng Yu-hsiang. This labour law is more complete and more in detail than any other previous regulations, including the Shanghai Regulations for the Settlement of Industrial Disputes as mentioned above. Whether this carefully drawn labour law was framed before the establishment of the Wuhan Government or subsequent to the removal of the National Government from Canton to Wuhan is still unknown to the author. The significance of this labour law cannot be over-estimated, for while the National Revolutionary Forces were fearlessly and assiduously pushing northward with Peking as their final goal, the cooperation of the labouring classes was absolutely essential. Hence, the promulgation of this Provisional Labour Law at this moment had not only brought a new social and economic interest to the working classes but it had a political significance as well.

Shortly after this the Bureau of Agriculture and Labour of the Kwangtung Provincial Government proposed and finally drafted a factory law which was announced in April, 1927. It was an auspicious time indeed for the Kwangtung Provincial Government to propose such a factory law, for it undoubtedly had a tremendous influence on the workers whose cooperation was necessary for the success of the National Revolution.

A few months later the Ministry of Agriculture and Labour of the Peking Government drafted a set of factory regulations which were promulgated by Presidential Mandate on the 27th of October, 1927. These regulations are fairly complete and a great deal better than those of 1923, which were made inoperative automatically by the new regulations; and, in order to strengthen these new regulations the Ministry of Agriculture and Labour drafted a set of regulations governing factory inspection.

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These regulations were promulgated by Presidential Mandate on the second of November, 1927.

Before the passage of the National Factory Law the Wuhan Municipal Government had drafted a set of factory regulations known as Provisional Factory Regulations of the Wuhan Municipality as announced in April, 1929. They were put into operation immediately, for conditions in Wuhan cities did not permit the Municipal Authorities to wait for the enactment of a national factory law owing to the fact that Wuhan cities combined form one of the most important industrial centres of the Republic; and, in the absence of regulations industrial unrest may be brought about. Hence temporary regulations were regarded as a necessary step toward industrial peace.

Finally the long anticipated factory legislation was passed and promulgated by the Nationalist Government on the 30th of December, 1929. This is one of the first and most important laws that has ever been passed by the Central Government since its establishment in Nanking. Whether or not it can be enforced is an entirely different question, and it remains to be seen; but that the enactment of this law marks an important period in the development of social legislation in China is beyond any possible doubt.

There are certain important features in all these regulations and laws which deserve our attention, such as the application of these regulations and laws to certain types of mills and factories, Registration, the Work Day, Wages, Child Labour, the Employment of Women, Contract of Employment, Factory Equipment and Supplies; Sanitation, Health, and Safety, Rest, Holidays, and Vacation; Workers' Compensation and Welfare; Apprenticeship, Enforcement, Administration and Penalties, etc.

1. **Application And Registration.**—According to all regulations and laws that have hitherto been promulgated, every factory is required to register with the local administrative authorities concerned, together with the organic regulations or any rules of the factory that applies for registration. As regards the application of the Regulations or Laws, as aforesaid, to different factories, it depends on whether the regulations or laws are municipal, provincial, or national in character. If they are municipal regulations, they are only applicable to factories within the limit of said municipality; if provincial, they apply to factories established within the territory of that province; if national, they are applicable to all factories established within the territory of the Republic of China including all Concessions. Thus, from the legal point of view all foreign owned factories in all Concessions are subject to the National Factory Law and are under the control of the Ministry of Industries.

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Owing to the fact that Extraterritoriality has been in existence, none of the foreign owned factories has ever registered with the Chinese Government nor have the Factory Regulations or Laws been complied with; but whether or not Extraterritoriality is actually abolished, foreign owned factories must, in accordance with the New National Factory Law, register with the Ministry of Industries.

According to the Provisional General Factory Regulations of March 29th, 1923, the regulations are applicable to all factories established within the Republic of China employing more than 100 workers, irrespective of the nationality of owners, and factories in which the work is dangerous to life and injurious to health. The Hupeh Provisional Factory Regulations are, however, applicable to mills and factories established within the Province of Hupeh, employing more than 20 workers or any mill or factory in which the work is considered to be dangerous in character and detrimental to health. The Regulations of the Woosung-Shanghai Bureau for Industrial Welfare are applicable to all mills and factories, whether they be owned by corporations or by individuals, regardless of the owners' nationality. In other words, these regulations apply to mills and factories of all sizes, irrespective of the amount of capital invested.

The Provisional Labour Law, as promulgated by Marshal Feng in Sianfu, does not mention anything about its application to the type of factories, but we presume that it applies to factories within that region. The Factory Law drafted by the Bureau of Agriculture and Labour of Kwangtung applies to all factories within the territories under the control of the Nationalist Government, regardless of size and ownership. The Factory Regulations promulgated by the Peking Government on the 27th of October, 1927, are applicable to mills and factories employing more than 15 workers or mills and factories employing less than 15 workers when the nature of the work is regarded as dangerous to life and injurious to health. The Wuhan Provisional Factory Regulations are applicable to all mills and factories employing over thirty workers and to those employing under 30 workers but using steam and oil for producing motive power. The New Factory Law which was promulgated on the 30th of December, 1929, is applicable to all factories in the Republic of China using steam, electricity, and water-power for operation, and employing over 30 workers. The last two are almost identical.

2. **The Hours of Labour.**—The general tendency of the Government and the Labour Union has been to reduce the hours of labour to a minimum per day or per week with a view to securing for the workers more time for rest and recreation and with an object of establishing a uniform normal

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working day or week for all industrial workers, especially women and children, in the Republic. Owing to the unfavourable circumstances and the surplus supply of labour in China the working day has been usually long, and Sunday rest has not universally been granted by factories established within the territory of the Republic.

The early regulations provide a working day of ten hours, but under exceptional circumstances it may be extended to twelve; and, because of this provision most workers usually work twelve hours a day, particularly when wages are insufficient to maintain a lowest possible standard of life.

The new National Factory Law provides an eight-hour day for all industrial workers, but under special conditions an extension of two more hours is allowed. One day in a week and all other legal holidays are granted to workers for rest, and, with rigid enforcement of this Law, the workers shall not be required to work more than 48 hours a week, except in case of urgent necessity when temporary exemptions may be granted to the factories concerned by the district inspector of factories. Yet, it is clear that overtime employment is permitted only on the ground of unusual pressure of orders occasioned by unforeseen circumstances or when raw material is liable to rapid deterioration.

According to the Provisional General Factory Regulations of 1923, the maximum working hours should not exceed eight for juvenile workers and ten for adult workers. Juvenile workers are prohibited from night work, that is, between 8 P.M. and 4 A.M., but no mention is made concerning the time in which adult workers should and should not work. The Hupeh Provisional Factory Regulations provide a ten-hour working day as maximum requirement, but these Regulations fail to provide a shorter working day for minors. The Provisional Labour Law of the Northwest promulgated in 1927, as aforesaid, fixes the working day at nine hours with a view to shortening it to eight for adult workers, while juvenile workers between 14 and 16 and women under special conditions (such as before and after childbirth) as well as brain-workers are not permitted to work more than 7 hours a day. According to the proposed factory law drafted by the Bureau of Agriculture and Labour of Kwangtung, the working day for adult workers must not exceed eight hours or 48 hours a week, while that for juvenile workers must not under any circumstances exceed six hours or 36 hours a week. The Hupeh Provisional Factory Regulations provide a uniform ten-hour day. The Factory Regulations promulgated by the Peking Government fixes the maximum working hours at ten for adult workers and eight for juvenile workers exclusive of meal times and rest periods, but these Regulations provide an extension of a maximum of two hours if special conditions require, thus fixing the working day for children

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from 8 to 10 hours and for adult workers from 10 to 12 hours exclusive of meal times. The Provisional Factory Regulations of the Wuhan Municipality provide a ten-hour day for adults and an eight-hour day for children between 12 and 15, but if special conditions require, the working day for adult workers may be extended to 12 hours. The new Factory Law of 1929 provides an 8-hour working day for adult workers, but in exceptional circumstances the working day may be extended to 10 or even 12, but in the latter case not more than 36 hours extra a month shall be permitted.

3. **Employment of Women And Children.**—The introduction of the factory system into China has resulted in the change of the status of working women, especially since the Revolution of 1911 and the First International Labour Conference (1919) at which resolutions were passed in favour of a shorter working day for all industrial workers, women and children in particular. Women workers are usually granted a vacation of from four to sixteen weeks before and after childbirth by all Regulations and Laws that have heretofore been promulgated by both the Peking and the National Governments. As regards the employment of children, both boys and girls under the age of 12 or 14 are prohibited from employment in any factory, and children between 14 and 16 or 14 and 18, as the case may be, are regarded as minors. Both women and children are forbidden to be engaged in any dangerous occupation and heavy work.

Employers have found both women and children in industry most efficient workers, frequently excelling men in the same type or class of work and in steadiness; but, as a whole wages paid to women are usually from 20% to 30% lower than those paid to men, and children are customarily paid one half the amount. Hence, the demand for female as well as child workers is much greater than that for men, except foremen, engineers, mechanics, operators, etc. Furthermore, women and children are not so easily tempted to go on strike, but men, who are responsible for family support, are not satisfied with low wages, particularly at the time when the cost of living is abnormally high. Women and children are forced to accept low wages as fixed by their employers, for there is no alternative which they can take; hence legislative action is necessary.

The Provisional General Factory Regulations seem to pay special attention to female and child labour, inasmuch as these Regulations prohibit the employment of boys under ten and girls under twelve in factories. Boys under 17 and girls under 18 are regarded as minors who are permitted to be employed only on light work. Minors are not allowed to do dangerous work, and to work in a place infested with dust, powder, or poisonous gases. Minors are prohibited from doing any kind of work between 8 P.M. and 4 A.M.

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A minor or woman worker must not be required to clean, oil, inspect or repair machinery when it is in motion (Art. 21). In the case of a woman worker she must be given five weeks vacation before and after a confinement, together with a special allowance of a suitable sum of money toward defraying the expenses incurred during childbirth.

According to the Hupeh Provisional Factory Regulations of 1925 no children under twelve are allowed to be employed in any factory. Boys as well as girls under 15 are prohibited from work between 9 P.M. and 5 A.M. Women and children irrespective of age are not permitted to undertake dangerous work, such as operating electric or other machinery, refueling, cleaning, and oiling machinery, while in motion, putting up explosives, etc. They are also prohibited from work that is detrimental to health, such as work in connection with poisonous phosphorous in match factories, transportation of coal, chemical work in which material used for manufacture contains poisonous elements, manufacture or preparations of composition in which dangerous or poisonous acids are used, manufacture of any composition in which lead is used, or work as firemen, and from workrooms where the extremes of temperature are found.

According to the provisional Labour Law of the Northwest, as referred to, young persons under 14 are excluded from employment in factories, and those between 14 and 16 are prohibited from night work and underground work. A woman worker must be given 8 weeks before and 8 weeks after a confinement with full pay, a month's wages as a special grant, and an increase of wages of two-tenths for 9 months subsequent to childbirth. Pregnant women are not allowed to be engaged in night work and heavy work. Female workers who are nursing mothers are permitted to leave the factory for at most 30 minutes every three and a half hours in order to nurse their babies, and no reduction of wages is allowed.

According to the Proposed Factory Law of the Bureau of Agriculture and Labour of Kwangtung, boys under 12 and girls under 14 are excluded from employment in factories. Boys under 16 and girls under 18 are termed minors who must have completed the elementary school as required by the Board of Education before they are permitted to be employed in a factory on light work only. Both women and minors are not permitted to work between 6 P.M. and 6 A.M.

According to the Factory Regulations drafted by the Ministry of Agriculture and Labour of the Peking Government, boys under 12 and girls under 14 are excluded from employment in factories, but boys under 10 and girls under 12, who are already employed are permitted to continue. Boys between 12 and 17 and girls between 14 and 18 are termed juvenile workers

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who are allowed to be employed on light work only; hence boys over 17 and girls over 18 are regarded as adult workers, and must be paid accordingly.

According to the Provisional Factory Regulations of the Wuhai Municipal Government of 1929, children under 9 are prohibited from employment, while those between 9 and 12, irrespective of sex, are not permitted to work more than five hours a day in order that they may attend school which is to be provided by the factory concerned.

Children are prohibited from employment between 6 P.M. and 6 A.M. Boys and girls between 12 and 15 years of age are termed juvenile workers who are not permitted to work between 6 o'clock in the afternoon and 5 o'clock in the morning. As regards treatment, factory owners are not permitted to whip or threaten young persons in order to secure a greater amount of work nor are they permitted to maltreat juvenile workers in any way that is considered as inhuman. Women workers are prohibited from employment between 9 P.M. and 6 A.M., and the normal working day for adult female employees is fixed at ten hours, but under special conditions the working day may be extended to 11 or at most 12 hours. The same is true of night work, in case of emergency and special need night work may be allowed. In either case however the factory concerned must first petition the Bureau of Social Affairs for permission and approval. Women workers who have home duties are granted special rest days, and, in the event of childbirth a female worker shall be given a month's leave of absence before and after confinement with full pay. In regard to nursing mothers who are employed in any factory, they are permitted to leave their work in the course of a working day in order to nurse their babies according to need. Those who have babies under four months old are permitted to nurse their babies at least four times during the working hours; under six months, three times; under nine months, twice; and from one to two years, once. Such regulations are necessary in view of the prevailing poverty in China.

The original Draft Factory Law proposed by the Ministry of Industry, Commerce and Labour provides that the working day for minors must not exceed 8 hours and that they are not permitted to work at night under any circumstance. Adult women workers may be permitted to do overtime work under special conditions with the approval of the local authorities concerned, but overtime must not exceed two hours a day or 20 hours a month. Minors and female workers are not permitted to work over three hours consecutively without rest. Minors are prohibited from employment between 7 P.M. and 6 A.M., while women workers are not allowed to engage in any kind of work between 9 P.M. and 6 A.M. If factories wish to adopt the shift system, they must first petition the local authorities concerned for approval.

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Minors and female workers are prohibited from employment in dangerous or injurious occupations, including work around moving machinery, transmission of power, dusting, oiling, inspecting, and repairing machinery when it is in motion, adjusting belt or rope, or work in places where explosives are manufactured or compounded or materials of poisonous nature are stored, or workshops infested with dust, powder, or poisonous gases.

The New Factory Law of 1929 prohibits all children under 14 years of age from employment in factories, but those who are above 12 and under 14 who had already been employed in factories before the enforcement of this Law may be permitted to continue their work therein. Boys and girls above 14 and under 16 are considered as child workers who are permitted to be employed on light and easy work only. They are however prohibited from employment in places where explosives are manufactured, compounded, or stored, or in a workshop infested with dust, powder, or poisonous gases. They are also prohibited from dangerous work, such as cleaning, oiling, inspecting, repairing, moving machinery, adjusting belts or ropes, or work in connection with high pressure switchboard, transmission of power, melting lead or zinc, blast furnaces, or work which is commonly recognized as dangerous to the morals and injurious to the health of children. The normal working day for child workers is fixed at a maximum of 8 hours, and they are not allowed to work between the hours of 7 P.M. and 6 A.M. Female workers are prohibited from employment during the hours of 10 P.M. and 6 A.M. If any factory wishes to adopt the shift system, there should be an interchange of shift at least once a week.

Obviously, the restriction on work and on the hours of labour is confined to children, young persons, and women. On the whole, children are prohibited from employment at night and hazardous work. Overtime is permitted only on the following grounds:

(1). Overtime is usually permitted only in the case of women but not children. Men in general are always victims of the hazards of industrial life; they are the economic slaves for whom the public have little sympathy, and it was not until recent years that men have been given due consideration in respect to the hours of labour. In China adult workers, irrespective of sex, are allowed to work overtime in factories: (1) where the manufacturing material is liable to be spoiled by the weather; (2) where the press of work arises at certain recurring season or seasons of the year; and (3) where business grows to such an extent that the press of orders arising from unforeseen circumstances must be filled or the owner must suffer loss. But, wherever overtime is permitted it is restricted to an additional hour or so at

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the end of any working day fixed by regulations or law. Yet overtime employment must not exceed a certain number of hours in a month or a limited number of days in a year.

(2). Overtime to prevent any possible damage is excusable. All adult workers are permitted to be employed beyond the fixed period of labour so far as it is necessary for preventing any damage that may arise either from combustion or from any extraordinary atmospheric influence which naturally creates a special condition on the basis of which the extension of the working day for women is allowed.

(3). Overtime is permissible in times of war, famine, or similar emergency. Yet child labour must in no case be allowed or tolerated (New Factory Law, Art. 11). The Proposed Factory Law of the Bureau of Agriculture and Labour of Kwangtung strictly prohibits children from night work or overtime, as it is against the educational law of that Province.

4. **The Scale and Payment of Wages.**—The rates of wages are just as important and necessary as the Hours of Labour because the worker's standard of life is based on his wages, and hence his happiness is in many respects conditioned by his wages, especially in China where real wages are low and the prices of necessities are high. It is a matter of common knowledge that the cost of living is now considerably higher than at the beginning of the last revolution (the Revolution of 1926), and that money wages are precisely 20% higher now than five years ago, but the fact remains that the increase of wages, does not correspond with the rise of living costs. The rapid rise of wages, averaging about 4% per annum, is inappreciable in its economic effects as compared with the rise of commodities, which culminated at the end of 1929 in the whole history of China. However, there has been a slight decline in prices of necessities in provinces where the warfare has ceased, but owing to the exchange rates which have fluctuated with times and movements the standard of living of the wage-earners has been greatly affected. Hence, a legal minimum wage in a strictest sense of the term is difficult to fix. If we adopt a uniform rate, we shall undoubtedly be confronted with a position of great complexity on account of the wide differences of the modes and cost of living in different parts of the Republic. A uniform standard of wages in all respects is unattainable; hence we find provisions contained in every set of regulations or law for a fair and reasonable scale of wages based on the cost of necessities according to time and place.

The Provisional General Factory Regulations of 1923 do not fix the amount of wages to be paid to workers but require that wages must be

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paid in money of legal tender at least once a month regularly, and in case of an extension of the hours of labour when deemed necessary owing to exceptional conditions a special increase of wages must be made as a compensation for overtime work.

The Hupeh Provisional Factory Regulations of 1926 provide a minimum wage of \$13 per month, regardless of age or sex. In other words, a uniform wage for all workers who are engaged in the same kind of work and produce similar results, but apprentices are exempted from this rule. For over-time work double pay is required, and the amount shall be fixed by the Union with the employers. Overtime work is permitted only under extraordinary conditions, such as famine or similar accident. Wages are, however, to be increased when the cost of commodities rises, so as to enable the workers to maintain a minimum standard of living.

The Shanghai-Woosung Bureau for Workers' Welfare does not fix any amount of wages but advocates a reduction of the cost of living by cooperative efforts. The Labour Regulations of the Greater Shanghai under the Nationalist Government provide a minimum wage which is to be fixed according to the cost of the necessities of life, and wages must be increased once a year on the basis of living costs. In addition, double pay is required for work done on rest days and holidays, as workers are entitled to regular wages on such days.

The Provisional Factory Law of the Northwest provides two kinds of wages: (1) according to the hours of work; and (2) according to the amount of output. Both are fixed in accordance with the labour regulations on the basis of a minimum standard of living for a family of four, and the magistrate of the district in which such factories are located is empowered to determine the amount of wages for different types of workers with the approval of the Factory Inspection Committee upon which the magistrate depends for information concerning the existing wages and the cost of living. On the other hand, the employers are also protected by this Law, for any worker who neglects his employers is liable to a fine, but not exceeding one-third of his month's wages. This Law is undoubtedly intended to encourage punctuality and industriousness, self-respect and responsibility on the one hand and to raise the standard of life of the wage-earners by means of hard work and efficiency on the other.

According to the provisions contained in Articles 14-16 of the Draft Factory Law prepared by the Bureau of Agriculture and Labour of the Province of Kwangtung, wages must be paid in good money or silver instead of goods at least twice a month, that is, on the first and the fifteenth of every month. In case of work on rest days, which is permitted only when the

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nature of the work and extraordinary conditions require, wages must be double, and no deduction from wages for breach of contract or as fines for damage is allowed, but for the purpose of encouraging savings and for paying insurance, any amount of wages deducted must first have the approval of the worker himself or herself. Such savings or insurance or both must be returned to the worker when he or she leaves employment or must be paid to his or her beneficiary in case of death.

According to the new Factory Regulations of the Peking Government as aforesaid, wages must be based on the cost of all necessities of life. In a word, wages must be sufficient to maintain a lowest possible standard of living. Wages should be paid at least once a month in money of universally recognised value and not in kind or goods. The fixation of wages is, however, based on the recommendation of the factory inspector whose duty is to investigate the conditions of life of the workers and the cost of living in different localities.

The Provisional Factory Regulations of Wuhan Special Municipality of 1929 clearly state that all factories within the limits of that municipality must pay their workers at least sufficient to maintain their families, taking into consideration the cost of living. Wages must be paid in money of legal tender, at least once a month, and the workers are not to be paid in goods in lieu of money. If deduction from wages is to be made for breakage or fines for damage, the amount must not exceed one-fourth of the usual wages. In view of the low standard and high cost of living in China it takes all the wages of a worker to maintain a small family of three, two adults and one child, and hence wages should be paid in cash and must be paid regularly. Even one-fourth of his wages, if deducted for compensation for damage and so on, is more than he can afford according to the present wage rates. As regards minors, Article 24 provides that wages of juvenile workers must be paid to their parents or guardians without whose permission no wages must be paid to the minors directly. Such a provision seems to be quite logical by reason of the fact that the majority of these juvenile workers are compelled to work in order to help support the family.

The Draft Factory Law prepared and announced by the Ministry of Industry, Commerce and Labour, provides a minimum wage on the basis of the standard and the living cost of the workers in certain particular localities where the factories are located. Wages for monthly workers are payable in good money twice a month, on the first and the fifteenth of each month. For overtime wages should be from 25% to 50% higher than usual wages. Factories are not permitted to deduct any amount of wages for fines in case of breach of contract and for compensation for damage done to the factories

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concerned. But if such factories should adopt the savings and insurance systems and establish cooperative societies in the interest of the workers, they may encourage the workers to save a part of their wages.

The New Factory Law referred to has similar provisions with an exception that wages for both contracted or monthly and piece workers should be paid at least twice a month in money of legal tender, and, in case of overtime work for which from one-third to two-thirds additional wages should be paid. Furthermore, this Law provides an economic equality, for Article 24 states that men and women who are engaged in the same kind of work and produce the same result should receive the same amount of wages. Obviously there is no discrimination of sex with respect to wages, and such a provision is seldom found in any advanced industrial country, where the struggle between capitalists and labourers is much more tense and has a good deal longer history.

5. **Contracts of Employment.**—The Provisional General Factory Regulations do not mention labour contract which, perhaps, was considered as unimportant by those who drew up these Regulations; but no student of the labour problem is satisfied with a set of regulations dealing with that question without making any provision for concluding and cancelling contracts. In fact, contracts of employment are just as significant as the Hours of Work and Wages because when workers are not protected by a contract they may be dismissed at the will of their employers who, after all, are always powerful. On the other hand, when employers are not safeguarded by some legal means as contracts workers may leave their employment at the time when they are most urgently needed; hence it is obvious that any set of regulations or law can never be complete without a chapter or an article dealing with the contract of employment.

Sharply different from these Regulations are the Hupeh Provisional Factory Regulations which provide the best possible protection for workers of the time. According to Article 13, no dismissal of workers is permitted without the approval of the Labour Union which in this case is more powerful than the employers. Such an extreme may lead to trade depression, may lower the productive power of the nation, and may eventually bring about a total destruction of national industry, thus creating more industrial evils instead of devising means to cope with them. No mention is made in respect to individual bargaining, but Article 3 (recognition of the right of group contracts, or collective agreement) seems to favour collective bargaining.

The Provisional Labour Regulations of Greater Shanghai under the Nationalist Government of 1927 do not provide definitely the terms of

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labour contract, as these Regulations were intended to be temporary in nature, and the Government was then contemplating a new labour law. However, Article 8 explicitly states that employers must not dismiss employees on account of strike, and if such a clause is to be interpreted that workers are protected either by their Unions or by the Government from dismissal without sufficient reason or reasons, then this provision is just as effective as any regulations concerning contracts of employment. Besides, Article 9 declares that employers must not maltreat employees either by assault or by deducting wages for fines, hence the provision contained in Article 8 is strengthened by this Article. On the whole, these Regulations aim at raising the general standard of the workers by providing favourable conditions of work, sufficient wages, and steady employment. Since these Regulations were only temporary in character there is no definite provision for the protection of the employers who have hitherto been in the most advantageous position to bargain by virtue of the over-supply of labour, and, in no case that the workers have ever had an upper hand over their employers.

The Provisional Labour Law of the Northwest, on the other hand, recognises collective bargaining and differs from the above-mentioned law in that any labour organisation or union may conclude contracts for its members who may prefer collective agreement to individual contract. As a matter of fact, owing to past experience, the majority of the industrial workers are in favour of collective bargaining. According to Article 6, any contract made between the unions and the employers must not exceed one year and must be made in accordance with the principles of labour regulations as will promote the workers' welfare. Contracts are not transferable under any circumstance without the permission of the employers, although labour unions may transfer their members to other industry if deemed necessary (Art. 10).

According to Article 11, employees may terminate their contracts with their employers on the following grounds: (1) failure of payment of wages on time as agreed upon; (2) maltreatment, such as attack or unreasonable abuses; (3) violation of agreement or labour regulations on the part of the employers; and (3) insanitary and unhealthy conditions of work. Since contract of employment may be cancelled at any time on any one of the above-mentioned grounds if so desired by the worker, workers are therefore protected from inhuman treatment and are safeguarded from some hazards of modern industrial life.

On the other hand, employers are by no means neglected; they are also protected against unreasonable demands of workers. Thus, Article 12 declares that employers may terminate their contracts with

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employees for six causes: (1) when either a part or the whole factory suspends operation for more than a month; (2) when factory closes for over a month due to productive purposes, such as repairing or changing machinery; (3) when workers are really useless or incapable of continuing; (4) when regulations are violated more than three times; (5) when workers have refused to work from three to six days consecutively without sufficient reasons; and (6) when workers are unable to work on account of illness for more than a month, and, in the case of women workers who cannot resume work for more than three months after childbirth. It is obvious that employers are safeguarded from economic loss by this Law.

The proposed Factory Law drafted by the Bureau of Agriculture and Labour of Kwangtung Province does not mention as to how contracts should be made, but Article 32 says that any contract or agreement made should be certified or sanctioned by the Labour Union and the Chamber of Commerce, and Article 30 declares that any reduction of the working force due to trade depression, the dismissed workers must be paid two months' wages and food allowances. Furthermore, this article provides that employees may be dismissed on the ground of financial loss as a result of depression, but in this case the discharged workers must be paid one month's wages. How imperfect this law is with respect to labour contract is quite obvious, but the requirement of the union's sanction of any contract concluded either individually or collectively is significant because of the fact that any individual bargaining which may be considered as disadvantageous to the worker must not be tolerated by the union lest it may tend to weaken the power of collective bargaining. Moreover, if contract made by a group of workers with their employers, which in the end may prove to be contrary to the regulations of the Union is not allowed, for whatever is regarded as disadvantageous to a certain group of workmen is considered as detrimental to the whole working class. On the other hand, the Union's sanction of labour contract may be said to be harmful to the wage earners in that it may take away the freedom of the individual in concluding contract with his employer.

Chapter VIII of the new Factory Regulations of the Peking Government, as aforesaid, deals with the contract of service, and Article 29 declares that labour contract must not be in contravention of this section. Factories must draw up regulations at their own discretion providing for fines, for the breach of contract, and for damage, together with all important provisions therein contained to be submitted to the local authorities concerned for approval and sanction. Article 32 provides that in case factory owners desire to cancel any contract before its expiration, apart from extraordinary circumstances, the worker concerned should be notified

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two weeks in advance. In this case a suitable compensation for faithfulness and service, of not less than a month's wages, should be granted. If a worker wishes to terminate his or her contract, he or she should notify the employer a week in advance so as to allow ample time for securing another suitable person.

The Provisional Factory Regulations of the Wuhan Municipal Government lay special emphasis on the contract of employment. In fact, Chapter IV deals exclusively with labour contracts which should be freely made between employers and employees, but any contract is governed by rules. Article 14 prohibits factory owners to terminate any contract before its expiration with any employee, unless (1) such a worker has intentionally used a false certificate and employed a false witness for securing employment; (2) stealing, cheating, or other kind of misbehavior has occurred; (3) the worker violates the factory regulations and neglects his or her duty or fails to live up to his or her agreement; (4) the worker fails or refuses to listen to warning with respect to fire; (5) the worker deliberately destroys property belonging to the factory owners or to his or her fellow-workers; (6) the worker is absolutely incapable to continue his or her work due to ill health; (7) the worker greatly insults his or her superintendent or any one in charge of the factory; or (8) the factory is forced to limit its production owing to some unforeseen circumstances or is compelled to reduce its working force or even to suspend operation due to general trade depression. In case of permanent suspension of operation, the factory management concerned must petition the Bureau of Social Affairs for permission two months in advance, so that proper and satisfactory arrangements may be made for the settlement of wages and compensation. It is obvious that by so doing the workers are well protected. If any factory owner dismisses his workers before the contract is expired not on any of the grounds mentioned above, he is liable to a fine of from five to twenty-five dollars for each worker discharged, and the reinstatement of the dismissed workers is required.

The same is true of the worker who must not leave his or her work before the contract is expired, except on any one of the following conditions: (1) when he or she is physically incapable to continue the work; (2) when the factory owner or the one in charge or the relatives of the owner should in any way without reason insult and abuse or maltreat the worker and his or her relatives or should induce the worker to commit improper or immoral act; (3) when the factory management fails to pay wages on time without sufficient reasons; (4) when wages paid to a piece workers are considered as really insufficient to keep body and soul together, or, to be more emphatic when the factory owner actually exploits him or her; and (5) when the work

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is really dangerous to life and injurious to health. Thus, the worker is safeguarded against maltreatment and exploitation.

Article 16 further states that any contract which does not stipulate the time of termination is regarded as a year contract which on its expiration without renewal shall continue in force for another year. Such regulations relating to labour contract are fairly complete and reasonable except that no provision for the payment of wages is made in case of summary dismissal.

Chapter III of the Draft Factory Law prepared and announced by the Ministry of Industry, Commerce and Labour deals with dismissal and labour contract quite in detail. Article 13 declares that individual contracts may be renewed by mutual consent on expiration of the stipulated time, and Article 14 says that if individual contracts for which no stipulation of time is made are to be terminated by one party or the other, either party must be given at least a 15 days' notice in advance. If factories fail to comply with this regulation, they are required to pay to the dismissed workers an extra sum of money at least equal to half a month's wages. If workers fail to do so, they may not be given a certificate of employment. There are, however, eight causes for which the contract may be dissolved by the employers: (1) when the whole factory or any part thereof suspends operation; (2) when the factory, either due to disasters or unforeseen circumstances, is forced temporarily to suspend operation for more than a month; (3) when the worker is incapable of performing his or her duty or the nature of the work is unsuitable to him or her; (4) when the worker takes leave of absence without reason for over three days consecutively; (5) when the worker is imprisoned for a period over one month; (6) when the worker temporarily becomes disabled; (7) when the worker takes sick leave of more than two months; and (8) when a female worker cannot resume work for a period of over two months subsequent to childbirth. On the other hand, workers may terminate their contract with their employers on any one of the following grounds: (1) when factories violate the agreement or fail to live up to the terms of contracts and violate the Factory Law; (2) when factories fail to pay wages on time without any sufficient reason; (3) when factory owners or those who are in charge of the factories assault or maltreat the workers; and (4) when factories neglect to provide for good sanitary conditions in places of work and fail to install safety devices.

The New Factory Law provides similar protection for both the employers and employees. Chapter IV deals with labour contract alone. Although nothing is definitely mentioned about the making of contracts, it is clear that contracts are to be concluded between the workers and the

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employers. Contracts may be limited, that is, with stipulated time, and may be unlimited or without any stipulation of time. The former may be renewed upon expiration of the stipulated time by mutual agreement, while the latter may be terminated by a notice in advance with 50% of extra wages from the time when the notice is served until dismissal by the employers. But if contracts require a longer notice for dismissal by employers, any contract may be ended according to the following terms: (1) employees who have continuously worked for more than three months but under one year a ten days' notice is required; (2) employees who have continuously served a factory for a period of over one year and under three years a notice of from 20 to 30 days is necessary; and (3) employees who have been connected with a factory for more than three years at one time a 30 days' notice must be given to the workers. Upon receiving such a notice the worker is granted a special leave of absence for the purpose of seeking other employment, but such leave of absence must not exceed three working days a week. This grant of three days per week for finding new employment is considered as a fair play, for even in advanced industrial countries no such provisions in the law are made, except mutual agreement between employers and employees.

As regards the power of employers to terminate contracts of their workers, there are five grounds on each of which they may dismiss their workers: (1) suspension of operation of the whole or a part of a plant; (2) factory suspending operation for a period of more than one month; (3) the workers incapable of promotion or really inefficient; (4) the workers repeatedly violating the Factory Law; and (5) the workers taking leave of absence for more than three days consecutively or six days in a month.

Furthermore, Article 33 provides that employees may terminate limited contracts at any time without notice on the ground of: (1) violation of the terms of contract or the principles of the Factory Law on the part of the factory owners; (2) failure in payment of wages at proper time without reason; (3) maltreatment of workers by the employers. Any dispute arising from all these conditions above mentioned must be settled by the Factory Council in which equal representation is stressed. When a contract is cancelled due to ordinary and natural causes employees may request the factory management for certificates of employment, and the management concerned must not refuse to grant the same, but if the workers violate Article 32 (leave without notice), employers may have their option with respect to granting employment certificates to which the workers may or may not be entitled.

This clause appears peculiar to many Westerners to whom the certificate of employment is immaterial, but in China a man can hardly secure any

employment without proper recommendation, and even in the official circle a letter of introduction is necessary for securing a position. In other words, a certificate of employment is just as essential to the worker in China as a diploma to the teacher in the West. Hence the system of granting employment certificates may tend to improve and stabilize industrial life, thus gradually eliminating meaningless and unnecessary strikes which, instead of promoting the welfare of the workers, tends to weaken the productive power of the nation. Hence, such a measure taken by the Government to promote industrial harmony with a view to maintaining permanent industrial peace will undoubtedly prove beneficial to both capital and labour.

6. Rest, Holidays, And Vacation.—Article 9 of the Provisional General Factory Regulations declares that the worker is given one or more rest periods amounting to at least one hour a day, and Article 8 provides that adult workers are given 2 days a month for rest and juvenile workers 3 days, but no mention is made as to Sunday rest, holidays, and special vacation, excepting in the case of a female worker to whom five weeks rest is granted before and after childbirth.

The Hupeh Provisional Factory Regulations provide one day rest a week and six weeks vacation for any female worker before and after confinement, but do not specify any amount of rest and meal time during a day's labour. Such arrangement is left to the factories and the workers, but customarily there is always an hour granted for rest and meals. As to legal holidays, it entirely depends on the workers' power of bargaining or on the generosity of the employers.

The Labour Regulations of Greater Shanghai provide for rest on Sundays and Holidays for all workers, and female workers are given six weeks vacation before and after childbirth. No mention is made as to rest periods and time allowed for meals. In a word, time allowed for rest and meals is an individual factory regulations rather than Government requirement.

Chapter V of the Provisional Labour Law of the Northwest solely deals with rest, holidays and vacation. There are three kinds of rest days (1) ordinary rest—at least half a day a week; (2) legal holidays—one full day off on any festival day and national holiday; and (3) ordinary vacation—at least ten whole days a year. Apart from these regular rest days, Article 34 provides a sick leave not exceeding two months. Such a sick leave is granted to any worker upon producing a physician's certificate or a witness or on physician's recommendation. Above all, there is a special vacation privilege given to faithful workers. Those who have worked faithfully

and continuously for a period of over six months are entitled to two weeks vacation every year, and those who are engaged in underground work have continuously and faithfully served a factory or company for more than six months are entitled to two more weeks vacation a year in addition to the two weeks holiday granted to all industrial workers. Besides, 16 weeks of rest is given to any pregnant female worker, 8 weeks before and 8 weeks after childbirth. Such a provision for safeguarding the health of women workers has been rarely found in any country up to comparatively recent years.

The Factory Law drafted by the Bureau of Agriculture and Labour of the Province of Kwangtung provides for Sunday rest and a special vacation of 14 days a year for all workers; it also provides at least an hour for meal and rest or several short periods of rest in the course of a working day. Besides, Article 13 declares that workers are requested to take part in any parade on a memorial day as set aside by the Government and the Nationalist Party. Upon receiving an announcement to this effect the Labour Union must notify the factories concerned so that the workers may be granted a leave of absence in order to participate in such a parade, and the work left behind by the paraders must be shared equally by those who remain. This kind of special leave of absence is not found in any set of regulations or laws that have hitherto been passed.

According to the provisions contained in the Provisional Factory Regulations of Wuhan Municipal Government, all workers are given at least half an hour for rest in the course of a working day, and a minimum of two days a month for rest besides festival days and legal holidays, but no provisions are made for a special yearly vacation, regardless of the nature of the work.

Article 30 of the Draft Factory Law proposed by the Ministry of Industry, Commerce, and Labour provides that all adult workers who work for five hours consecutively and minors for four hours must rest for at least half an hour, and all workers must have a continuous rest for at least 18 hours in every seven days. Besides, the workers are entitled to such holidays as those designated by the said Ministry, but no special vacation is provided for by this Law.

The New Factory Law provides that workers who, in the course of the working day, labour five hours continuously should be given 30 minutes at intervals for rest, and one day a week for rest besides legal holidays to which they are naturally entitled. There is also a special vacation which is granted to workers in consideration of merits. To those who have rendered service to any factory for a period of over one year and under three years, is given

seven days a year; above three years and under five years, ten days a year; over five years and under ten years, fourteen days; beyond the tenth year, one additional day to every additional year, that is, 15 days for the eleventh year and 16 for the twelfth, etc. In case the workers do not wish to take their vacation, additional wages must be paid. In times of war, when the operation of certain factories is deemed necessary, holidays may not be granted. So far as the author knows, no where in the world are workers given such special vacation which is usually enjoyed by employees above the labourers in large commercial concerns. However, conditions in China are totally different from those in Western countries, and wage-earners in China may not care for the vacation privilege so much as they do for the double pay during the vacation period in case they choose to work. On the other hand, some of the industrial workers in China come from rural districts, where they have their permanent homes to which they would like to return for at least a short period in order that they may have their family reunion, as the Chinese family tie is so strong that it is impossible for the majority of the people to leave their ancestral homes indefinitely and permanently. Hence, a special vacation for industrial workers is regarded as necessary, not only from the standpoint of home going but also from the standpoint of encouraging the workers to stay in one place of work.

7. Sanitation, Health, and Safety.—All the regulations and laws that have hitherto been promulgated contain more or less provision for general sanitation, such as cleanliness, ventilation, light, drinking water, etc., as well as for the health and safety of the workers. The Provisional Factory Law of the Northwest and the Proposed Factory Law of the Bureau of Agriculture and Labour of Kwangtung even require the employers to provide dormitories and dining rooms for all workers. The Draft Factory Law provides that factories must appoint special officers to take charge of general sanitation and provide safety devices for the protection of workers; but nothing is more clearly stated than in Articles 49-53. In addition to proper ventilation, sanitary drinking water, cleanliness, and light, all factories must provide all necessary supplies and devices in connection with the health and safety of the workers, such as medical and surgical supplies, safety appliances, safe installation of machinery, fire prevention, wash room and rest room, and toilet facilities with a view to preventing the spread of contagious diseases. Furthermore, emphasis is also laid on the substantial construction of factory buildings with an object of avoiding disaster, such as conflagration and collapse or other calamity of similar nature. Moreover, safety instruction and health education by means of lecture, lantern slides, motion picture, and printed matter, are stressed. Fire drill is also emphasised, but there is no specific provision for the enforcement of these rules, although Article 53

declares that the workers may appoint their representatives to cooperate with the factory managements with a view to making plans for further improvements if deemed necessary. With an exception of the appointment of special officers to take charge of sanitary affairs and the appointment of representatives of workers to consider schemes for the health and safety of the workers the New Factory Law contains practically the same provisions as the original Draft Factory Law of the Ministry of Industry, Commerce and Labour.

8. **Apprenticeship.**—The system of apprenticeship is nothing new. It has been so common under the handicraft system of industry that everybody knows what it means. In Western countries apprenticeship is a special form of contract of labour, or usually applies to young persons under the age of 21 who work and learn a trade at the same time. But, of course, this type of labour contracts is totally different from ordinary contract of employment in that the master craftsman undertakes to teach the apprentices his trade and is in many respects responsible for their morals, health, and future work. In China apprenticeship has long been recognised as a stepping-stone to any trade which usually requires a long period of free service and hardship; it frequently covers from three to five years. In modern industry, however, this kind of apprenticeship does not exist by virtue of the fact that the division of adult labour and the machinery render long apprenticeship unnecessary and impossible. It is absolutely unnecessary to apprentice young persons for three years when they simply wish to learn how to operate machinery, for which a few months' practice is sufficient to give adequate skill and dexterity; hence apprenticeship in the modern sense of the term is not bondage or free service for a substantial number of years during which period the apprentices are more or less slaves; it is a period of training during which these apprentices learn the skill of handling and operating machinery.

The first Government regulation relating to apprenticeship is the Provisional Factory Regulation of the Peking Government promulgated in 1927 prior to its downfall. Chapter X of these Regulations deals solely with the question of apprenticeship which is permitted and regulated according to (1) the type of training; (2) the hours of practice of labour; (3) moral discipline; and (4) age. As regards the kind of work or training, Article 37 provides that it should be based on the necessity of certain technical knowledge and dexterity as required for safe and skilful operation of machinery, and so forth. The hours of practice must be fixed, in accordance with the Factory Regulations, by the superintendent under whose direction the apprentices must learn their trade. The same is true of discipline for which the superintendent of the factory concerned is also

responsible. As to the age of the apprentices, boys under 12 and girls under 14 are not permitted. Apart from these regulations, factory owners who wish to receive apprentices should comply with the special regulations dealing with apprenticeship drawn up by the Inspector-General of Factories. These regulations differ greatly from regulations in some Western countries by reason of the fact that the Government regulations are to be supplemented by the regulations of the chief inspector of factories. Under certain conditions such a system of regulating apprenticeship may be justifiable, for local conditions vary greatly in this country; but, on the whole, this system of regulation can never be considered as efficient from the standpoint of enforcement. Of course this system has never been put into actual operation, and hence there are no real data to prove its efficiency or inefficiency. But students of social legislation can hardly deny the fact that two sets of regulations can co-exist without conflict and produce good results, but this can be done only by effective enforcement of the law or regulations.

According to Article 44 of the Provisional Factory Regulations of the Wuhan Municipal Government, apprenticeship is permitted on the ground that technical work in a factory is such as will require only those workers who have had practical training and experience. Factories which have this type of technical work may receive apprentices, of whom the total number must not exceed the number of regular workers. Factory owners who wish to employ apprentices must make contracts with their parents or guardians. The contract must contain (1) the apprentice's name and age; (2) the type of technical work; (3) the time for practice; (4) treatment; and (5) the length of the contract. Three copies of the contract are required, one for each party and one for the Bureau of Social Affairs without the approval of which no contract is valid. Apprenticeship must not exceed three years, and, in case of simple technical work three months or six months or at most one year is regarded as sufficient to give adequate dexterity. During the period of apprenticeship factory owners must be responsible for their apprentices' board, lodging, and medical attention. The hours of work for apprentices must be the same as those fixed for juvenile workers. (8 hours a day) If apprentices, after a period of training and practice, have successfully learned the trade or technique and can do the work properly, they should receive one half of ordinary wages paid to regular workers. These regulations can doubtless answer the purpose and meet the demands of the time, but it seems to the author that three years of apprenticeship is far too long and is unnecessary for modern factories where modern machinery takes the place of skill; and, in view of the prevailing poverty in China the

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earning of the children of most families is necessary for maintaining a lowest possible standard of life.

According to the provisions in the Draft Factory Law issued by the Ministry of Industry, Commerce and Labour, apprenticeship is allowed; but factory owners must first petition the local authorities concerned for permission, stating clearly the number of apprentices needed, the kinds of technical work, the hours for practice, treatment, and the length of apprenticeship. After such a permit is obtained from the local authorities, then the factory owners may proceed to conclude contracts with the prospective apprentices' parents or guardians in accordance with the Factory Law specifying the apprentices' age, the type of work, the hours of labour, treatment, and the term of contract. A copy of each contract must be given to the local authorities for file. The period of apprenticeship must not exceed four years during which no work that is dangerous to life and injurious to health, as specified under Child Labour, is allowed, except for those apprentices who are above the age of 16. The apprentices must be provided with board, lodging, medical attention, and the standard of life of the apprentices is determined by factory managements according to local conditions. Article 68 provides that after the apprentices have finished one half of the stated period they should receive one fourth of the ordinary wages paid to regular workers, and when they have finished three fourths of the stipulated time, they should be paid one third of the regular wages.

Contracts may be terminated by employers according to the provisions contained in Article 16 (contracts of employment). In addition, the employers may cancel contract for two more causes: (1) when apprentices refuse proper instruction and discipline; and (2) when apprentices commit theft and are unwilling to repent. The same is true of the cancelation of contracts by apprentices. Apart from the conditions described in Article 17 (contract of service), contracts may be terminated on two grounds (1) when the apprentices are required to do such type of work as is contrary to the agreement or are forced to work outside the factory concerned; and (2) when the factory concerned cannot provide the type of technical training stated in the contracts. If any apprentice should leave his work before the contract is expired, his parents or guardians might be required to pay for his board, lodging, and other expenses incurred. But no definite provision is made for compensating the apprentices in case the factory concerned fails to live up to the agreement. If the duration of the contract of service is four years, and after two years of apprenticeship the employers or those who are responsible for the type of training as agreed upon have not fulfilled

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their obligations, should the apprentices decide to leave their employment they would not get anything because there is no provision for compensation to be found therein; and, in the absence of such a regulation unscrupulous employers may engage as many young persons as possible in the name of apprenticeship, but in reality the so-called apprentices may be exploited.

Chapter XI of the New Factory Law deals with apprenticeship in detail. This Law, in many respects, is similar to the Draft Factory Law of the Ministry of Industry, Commerce and Labour as aforesaid. For instance, Article 57 declares that no children under 14 are permitted to be apprentices, except those who had already been engaged before the enforcement of this law; but Article 56 differs from the Draft Factory Law in that the new Law provides that any factory that wishes to engage apprentices must first conclude contracts either directly with the apprentices themselves or with their parents or guardians, whereas according to the Draft Factory Law only the parents or guardians have any right to make contracts. Any contract should contain the following items: (1) the apprentice's name, age, and home; (2) the type of trade to be learned; (3) the duration and termination of contracts; and (4) the duty and obligation of both parties. Besides, if an apprentice is required to pay for learning the trade, the contract should specify the amount and the date to be paid, but if an apprentice is to receive wages, the amount and date for payment should be clearly stated in the contract so as to avoid future disputes. However, any compensation awarded to the apprentice does not restrict him from his freedom of choosing a place to work in the future after a period of apprenticeship. As regards the hours for practice, apprentices are permitted to work 8 hours a day just as allotted to regular child workers. In accordance with some of the recommendations of the Washington Labour Conference, this law prohibits the employment of women and young persons, including apprentices who are subject to the regulations governing Child Labour in the following operations: (1) work in places where explosives are manufactured or stored or compounded or materials containing poisonous elements are stored; (2) work in places infested with dust, powder, and poisonous gases; (3) cleaning, dusting, oiling, inspecting, repairing hazardous machinery while it is in motion, transmission of power, and adjusting belts; (4) work in connection with high pressure switchboards; (5) work in places where melted lead or zinc or such mineral product is in process of melting or to state definitely and briefly work in places where the apprentices are liable to be splashed with any melted material; (6) work in connection with blast furnaces; and (7) work which is considered as dangerous to the life and morals of the apprentices. In other words, apprentices are strictly prohibited from employment in dangerous places and from any type of work other than that

specified in the contract of service. In short, all apprentices are subject to the regulations relating to Child Labour. On the whole, the provisions in this law are fairly complete and adequate for the present when the national industry is not highly developed, factories are few in number, and the types of work are limited; but when industry is more highly developed as in Western countries this law will have to be amended.

9. Bonus or Profit-Sharing.—It has been a customary practice in China that employees should receive a certain amount as a bonus each year when a company or factory of any commercial concern earns a net profit of a certain amount. Generally speaking, the bonus system has not yet been adopted by industrial concerns, and, if it has been adopted by certain factories, the amount of bonus is too little to be of any importance. Usually, however, the workers are granted some allowance for rice or a special gift rather than bonus. As for profit-sharing, it is an entirely new scheme which was first introduced by the Ministry of Industry, Commerce, and Labour, in 1929 in its original Draft Factory Law which provides that (Chapter VII, Articles 42 to 47) after due deduction for running expenses, 8% legal interest and 20% dividends and reserve fund, the yearly surplus of any factory should be divided between the share-holders and employees. Of the surplus 40%¹ shall be divided among share-holders, 40% among workers, and 20% among other employees who are connected with the management of the factory concerned. As to the method of distributing the surplus profit, Article 45 declares that the 40% for the stock-holders shall be divided according to the amount of capital invested, and Article 46 provides that 30% of the 40% to be distributed among workers shall be divided among workers who have served the factory concerned for over a period of six months (Art. 44) and according to wages they receive, while the remaining 10% shall be reserved for the welfare of all workers under the control of the workers' members of the Factory Council. Besides, compensation, special reward, old age pension, and insurance fees, if any, shall be paid from the reserve fund or a special fund set aside for this purpose under the item of running expenses. This scheme, however, was rejected by the Government, inasmuch as the New Factory Law promulgated on December 30th 1929, does not definitely provide for either bonus or profit-sharing. The objection of the Government to adopting this plan may be due to the belief on the part of the Government that it is infeasible or may be due to the opposition of the capitalists who severely criticised this proposed law when it was first announced to the public in the spring of 1929.

¹ According to another version 45% for share-holders and an equal amount for workers.

10. Worker's Compensation and Welfare.—The true basis for legislation relating to compensation and industrial welfare, is industrial accidents and the hazards of modern industrial life as brought about by modern machinery. The industrial life of Western nations has been thoroughly revolutionized by mechanical inventions during the last 75 years, and the industrial life of the Chinese has also been gradually transformed by power-driven machinery which is naturally more hazardous than hand tools. Furthermore, the introduction of steam engines, electricity, and chemicals into factories adds new sources of danger to the workers. Another element of industrial hazard is the concentration of a large number of workmen, and wherever men, women, and children assemble in workrooms of factories and mills there are always chances for potential accidents which in various industries are almost unavoidable. Industrial accidents always bring suffering and financial loss to workers who, together with their families, in the absence of legislation, may be rendered destitute, particularly in China where wages are so unspeakably low and the cost of living is daily increasing to such extent that it is totally impossible for workers to save a part of their earnings for rainy days. Hence workmen's compensation is absolutely necessary. As a preventive measure the workers' general welfare should be looked after so as to eliminate a certain amount of accident and sickness.

Unfortunately, prior to the enactment of social legislation dealing with workmen's compensation, any loss due to accident or sickness was borne by the workers themselves, but as a matter of social justice, any loss either due to accident or sickness in the course of employment should be borne by the employers. Compensation legislation is a recent attempt to cope with industrial evils in advanced industrial countries, and it is of very recent origin in the Republic of China.

The Provisional Factory Regulations of 1923 are the first piece of legislation dealing with compensation for factory workers. Article 17 provides that factory owners must, according to the conditions of the factory concerned, draw up regulations providing for compensation for the family of any worker killed or dying in the course of employment and regulations for rewards and pension for all employees. All such regulations must be submitted to the local authorities for approval before they are considered as valid. There is no definite fixed amount provided and no punishment meted out for violation. However, Article 19 provides that any employee who is injured or becomes sick while at work or as a result of the work is entitled to a sick leave with pay. Such a provision for compensation has little, if any, legal value, for the simple reason that whenever a scheme is not definite and is voluntary, no rigid enforcement can be expected.

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In regard to the workers' welfare, Article 18 provides a supplementary education for minors and uneducated workers at the expense of the factory concerned. At least ten hours a week are required of minors and six hours of uneducated adult employees. This provision is quite definite and may be said to be a necessary and important step taken by the Government towards the improvement of the workers' conditions, despite the fact that there is no penalty provided for the violations.

The Hupeh Provisional Factory Regulations provide for compensation for injury, sickness, and death. According to Article 11, injury sustained by any worker in the course of employment should be compensated with usual wages and medical fees. When a worker who is disabled as a result of injury sustained while at work must be paid the usual wages for life, and, in case the factory concerned should suspend operation the Government is responsible for the payments to the disabled worker. In the event of death from injury the family of the deceased worker is granted a compensation by the factory concerned for a period of from five to ten years according to the age of the deceased. In case of death from sickness, the family of the deceased employee is granted an indemnity according to years of service rendered to the factory concerned. The amount of compensation for both cases must be fixed by the Labour Union and the employers. Besides, a worker who contracts disease other than venereal diseases is to receive half pay, and the medical expenses must be borne by the employers. During the period of illness a worker must not be dismissed without the approval of the Union.

The Labour Regulations of Greater Shanghai declare that the system of compensation for injury and death of workers should be adopted and that any worker who sustains an injury while at work in a factory must be paid half of his usual wages plus medical fees. These Regulations were drawn up shortly after the Nationalist Army had occupied Shanghai, and being temporary in nature, they were not intended to be a labour law, but were provisional regulations made with a view to forming a basis for a new labour law which was then under consideration; hence no definite provisions could be made for the injured worker and the deceased worker's family at that time.

The Draft Factory Law prepared by the Bureau of Agriculture and Labour of the Kwangtung Provincial Government provides for compensation for injury, sickness, and death. Article 21 declares that in case of injury or sickness, with the exception of venereal diseases, tuberculosis, insanity, and wounds inflicted from a fight, all medical expenses must be borne by the employers, and wages must be paid in full but not exceeding two months. According to Article 22, any worker who sustains permanent disability as a

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result of an injury in the course of employment must be compensated in the form of a pension for life. More significant still are the provisions contained in Article 23, setting forth the different kinds of compensation. In case of natural death a worker's family shall receive six months' usual wages as compensation, but if such a worker had served the factory concerned for six years or more prior to his death, the compensation for his family must be greater. If a worker is indefinitely confined to an isolation hospital or hospital for contagious diseases, his family shall receive one year's wages. In case of death either as a result of injury or disease contracted while at work, the deceased worker's wife shall be taken care of and his children shall be supported and educated by the factory concerned till they become of age. Besides, factories must draw up regulations providing for rewards and old age pension, and such regulations must be presented to the Bureau of Agriculture and Labour for approval.

As regards the workers' general welfare, Article 26 provides that proper education must be provided by the employers for minors and uneducated adult workers—at least two hours a day for minors and one hour for uneducated adult workers. Furthermore, article 32 declares that workers may, with the approval of the Bureau of Agriculture and Labour, have their own representatives to help supervise the work and to assist in maintaining good working conditions. The provisions contained in this proposed factory law seem much more adequate and reasonable than those contained in any previous statute. Although there is no definite provision for the punishment of any violator of this law, or for suspending any factory, Article 40 provides that any dispute arising therefrom must be referred to the Bureau of Agriculture and Labour for settlement, thus making the law enforceable through government action.

Chapter VI of the new Factory Regulations of the Peking Government provides that a system of social insurance should be instituted, but before the regulations governing such an insurance are promulgated the factories concerned should draft their own regulations providing for compensation for their workers in case of injury or sickness and for their employees' families in case of death. Besides, factories should adopt the system of old age pension and a scheme for compensation for faithful service. Furthermore, factories should at their own cost establish schools for the purpose of giving a supplementary education to juvenile workers and uneducated adult employees. All regulations providing for insurance or compensation, rewards, old age pension, and education must first have the approval of the local authorities concerned. Granted that such regulations are not carefully formulated, and hence they cannot rigidly be

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enforced, the fact remains that the principle embodied in them is doubtless economically, sociologically, and morally sound, thus laying a foundation for future legislation.

Although no definite provision is made in the Hupeh Provisional Factory Regulations dealing with compensation or insurance, rewards, and pension, Article 32 declares that factory owners have the responsibility of providing a general or vocational education for workers in their own respective factories, and, any factory where child workers are employed and where school for its workers has not been established, (Art. 33), should send its child workers to the schools of neighboring factories and bear part of the expenses thereof. In order to make it possible of enforcement, Article 33 adds that the working hours must not be in conflict with school attendance. Such a provision for the education of child workers is undoubtedly significant in view of the great number of illiterates in this country.

The Draft Factory Law proposed by the Ministry of Industry, Commerce and Labour seems to lay special emphasis on the distribution of surplus profit rather than compensation or insurance or old age pension. In other words, the system of compensation is left to the employers at their own discretion to formulate regulations as they think best with the approval of the local authorities concerned. There are, however, provisions contained in Chapter XI whereby a supplementary and suitable education for all juvenile workers and apprentices is stressed. Article 72 further adds that at least 10 hours a week for attending school are required of all minors, and 6 hours are considered to be sufficient for apprentices, but no definite hours are fixed for uneducated adult workers. Above all, Article 73 provides that factories should, within their scope and ability, promote the social life of their workers by providing proper amusements for them, and Article 74 declares that workers may elect their own representatives to cooperate with the factory management to organise and operate workers' savings societies, to establish and operate a workers' insurance as well as a cooperative society in the interest of the workers. Such provisions are doubtless helpful, but they are in reality suggestions, rather than regulations, thus giving a free hand to the employers and employees to work out their own schemes as they think best for all concerned.

On the contrary, the New Factory Law pays but a slight attention to bonus or profit-sharing, except that Article 40 declares that factories at the end of each year must take an account of the year's business, and, after due deduction is made for interest on capital invested and for reserve fund, should give to faithful and industrious workers rewards either in the form of

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bonus or otherwise, or should distribute a certain amount of surplus profit among such employees. Such a provision may mean a great deal and may not mean very much, as all depends on the cooperation and perhaps generosity of the employers who, after all, are all powerful. The real difference of this New Factory Law from the Draft Factory Law is, however, found in Chapter IX which deals solely with workmen's compensation. Article 45 provides that, before social insurance is put into effect, if a worker is injured or sick in the course of employment, the factory concerned must bear all medical expenses involved besides cash payments as a compensation which is regulated as follows:

(1) The injured or sick worker, apart from medical expenses, must be paid two-thirds of his or her usual wages during the period of temporary disablement, and if after six months he or she is still disabled, the allowance may be reduced to one-half. Such a compensation is limited to a period of one year.

(2) A worker who suffers from permanent disability either partially or totally must be paid not less than one year's and not to exceed three years, usual wages.

(3) In case of death from injury sustained the deceased worker's beneficiary must be given \$50. as funeral expenses, \$300 as special grant, and two years' usual wages as compensation—the rate of these wages to be based on the last three months' wages.

Article 46 specifies for whom the compensation must be provided in case of death of a worker. In the case of a female worker her husband is the natural beneficiary, and in the case of a male employee, his wife. If the deceased worker had no husband or wife, the children or parents or grandchildren or brothers and sisters would be regarded as legal beneficiaries, unless a will was left, and, in this case the bequeathed would be recognized as the legatee. Article 47 goes so far as to provide that in case of urgent need or on account of marriage or funeral a worker may request the factory concerned to advance him or her a month's wages so as to meet the pressing need of his or her family. Such a provision is not found in any factory act that has heretofore been passed in Western countries where the poverty scale is considerably lower than that in this country; hence such a regulation formulated by the Government is intended to prevent and eliminate the evil practice of the money lenders who usually charge from 20% to as high as 50% monthly interest on any loan however small that they make. Obviously protective legislation such as the New Factory Law is enacted simply because of absolute necessity rather than political policy.

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With respect to the general welfare of workers, Article 36 declares that factories must provide facilities for a supplementary education for all child workers, and apprentices are required to attend school for at least ten hours a week, but there is no fixed number of hours for adult workers who, of course, may and may not be willing to learn. Furthermore, Article 38 declares that factories within their scope and ability should cooperate with their workers to organise savings' and cooperative societies, and Article 39 states that factories should provide proper recreation and amusement for their workers. The provisions contained in these two articles are by no means insignificant, because the former tends to encourage frugality and saving, whereas the latter aims at promoting and bettering social life and at bringing about higher social efficiency.

II. Joint Industrial Council or Works Committee.— Factory Council or Works Committee is the latest development in the history of social legislation in China. Chapter X of the Draft Factory Law proposed by the Ministry of Industry, Commerce and Labour provides for the establishment of a Joint Factory Council or Works Committee in every factory regularly employing more than 30 workers. The Joint Factory Council or Works Committee shall be composed of an equal number of representatives chosen by both employers and employees to represent their respective interests. Article 54 provides that factories shall elect their representatives only from among those who thoroughly understand factory and working conditions, while workers shall choose their own comrades to represent them in the Council. The number of representatives depends on the size of the working force, and each workroom or department shall elect its own representatives. Article 56 provides that the number of representatives for each workroom or department is based on a rising scale as follows.

1. For each workshop or department of 15 workers one representative.
2. For each workshop or department of from 15 to 30 workers two representatives.
3. For each workshop or department of from 30 to 50 workers three representatives.
4. For each workshop or department of from 50 to 100 workers five representatives.
5. For each workshop or department of from 100 to 200 workers seven representatives.
6. For each workshop or department of from 200 to 500 workers nine representatives.

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7. For each workshop or department of from 500 to 1000 workers eleven representatives.
8. For each workshop or department of from 1000 to 5000 workers, apart from the eleven for the first 1000, two more representatives for every additional thousand.
9. For each workshop or department of from 5,000 workers and up, in addition to the nineteen for the first 5,000 workers, an additional representative for every additional thousand workers is permitted.
10. If workroom or department has less than 15 workers, such workrooms or departments may combine and elect their representatives accordingly.

This detailed plan for forming a joint factory council seems to be too theoretical to be realized at present, but to those who are far-sighted enough to look forward to the time when China's industry is highly developed and her working classes are better educated, such a scheme may help to enhance industrial democracy, especially in this age when labour is universally recognised as one of the three essential elements of modern economic life.

To say this blunderingly is to discredit the whole scheme for a Works Committee, but to do justice to it, we are obliged to point out the primary purpose of having such a council in every factory. Article 57 declares that the Factory Council shall deal with (1) disputes arising from the workers themselves involving either the whole department or even the entire factory concerned; (2) disputes between employers and employees; (3) the improvement of working conditions; and (4) workers' welfare in general. There shall be a chairman, a recording secretary, and an executive secretary, all of whom shall be elected by votes. The chairman shall call a meeting of the representatives once a month, and, in case of urgent business two or more members of the Council may request the chairman to call a meeting at any time to discuss matters relating to factory affairs that affect both the employers and employees. It is now obvious that the chief object of organizing the Factory Council or Works Committee is to promote better relations between employers and employees and to improve the conditions of labour in the interest of all concerned. Apparently this system may seem radical and infeasible, but in reality there is no element of radicalism embodied therein, and the question of feasibility is a matter of individual opinion rather than proof. The whole system has never been tried out, and hence no one is in a position to evaluate it intelligently and justly nor can anyone discredit it consistently and fairly.

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The New Factory Law with respect to the Joint Factory Council is different from the original Draft Factory Law stated above in that the method for the election of representatives is not based on the rising scale. On the contrary, the New Factory Law lays emphasis on age and qualification rather than on the number of representatives. On the whole, the aim and the spirit of the Factory Council are similar to that originally proposed by the Ministry of Industry, Commerce, and Labour. The Factory Council is based on equal representation of both capital and labour, and its object is as follows:

1. To study the results and efficiency of the work in the factory concerned.
2. To improve the relations between employers and employees and to settle disputes arising therefrom.
3. To help enforce contracts and factory regulations.
4. To help in fixing the hours of labour and wages for overtime work.
5. To improve and promote the health and general sanitary conditions in the factory concerned.
6. To make suggestions for improvement.
7. To adopt measures dealing with workers' welfare.

All questions in connection with the relations between employers and employees shall be solved by the Factory Council, but in case the Council fails to settle any dispute arising out of such relations, it shall be settled in accordance with the Regulations for Conciliation and Arbitration. As regards election of representatives, Articles 52-55 provide that workers above 18 years of age are eligible to vote, and those who have reached the age of 24 and are citizens of the Republic of China and have served the factory concerned for over a period of six months are eligible to be candidates. Representatives of both employers and employees are limited to from five to nine, of whom one shall be chosen by them to serve as chairman in turns. There shall be a regular meeting once a month, but in case of urgency the Council shall convene whenever necessary.

There is, however, no specific provision for the enforcement of the Factory Council, but students of social legislation believe that once regulations are formulated providing for a Joint Works Council, there can be no doubt that such regulations shall be enforced. Moreover, provisions contained in this law seem to be so simple and fair that no rigid enforcement is deemed necessary by reason of the fact that the Factory Council aims at improving relations by cooperation, and, if both employers and employees

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are willing to cooperate, such a cooperation in itself is enforcement of the Law.

12. **Factory Inspection.**—The necessity for factory inspection is beyond any possible doubt, for without factory inspection labour laws cannot be rigidly enforced, and without enforcement any law enacted is simply a dead letter. The worker's life, from the humanitarian point of view, is just as important as that of his or her wealthy employer, and, in view of the hazardous machinery of the modern factory system protective legislation has been passed with a view to eliminating or coping with industrial evils arising out of this impersonal enterprise, the factory system, and with the object of raising the workers' standard of life so as to bring about a higher standard of social and economic efficiency.

Government regulations in relation to Hours of Labour, Minimum Wages, Child Labour, Employment of Women, Conditions of Work, Health and Safety of Employees, Workmen's Compensation, Workers' General Welfare, Apprenticeship, and so on, have repeatedly been demanded during the last ten years and are absolutely necessary if the Republic is to develop its natural resources on a vast scale and if China is to keep abreast of the social statesmanship and progress of the West. Since they are so essential to the well-being of society and the nation, these regulations must therefore be effectively enforced, inasmuch as the weakness of human nature requires regulations and social action. An investigation by the National Government of all industries with a view to establishing standards of work, wages, sanitation and safety, housing, education, and a basis of compensation for injury, sickness, and death, will undoubtedly prove beneficial to all concerned; but such a study of industrial conditions should be scientific enough as to include reports on the standards and cost of living of workers, housing, hours of work, wages, sanitary conditions, safety appliances, fire-escapes, effect of ventilation, dust, gases or fumes, steam, darkness, heat, cold, compressed air, and educational facilities. In other words, the chief aim of government inspection of factories is to see that factories are being operated in conformity to the Factory Regulations or Laws. Nearly every set of regulations or law provides some kind of government inspection, but few regulations or laws have been strictly enforced. This is partly due to the lack of a stable Central Government and partly due to the nature of the regulations or laws which were made unenforceable. However, we have just entered a new era—an epoch of legislation, especially social legislation, in which laws are framed for effective enforcement rather than for political propaganda.

The Provisional General Factory Regulations, being the first set of factory regulations, do not specifically provide for government inspection,

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except the provision contained in Article 24 which declares that factories should provide necessary and suitable equipment for the purpose of maintaining the health of their workers and preventing any danger that may arise therefrom, and the same article further provides that inspectors may be appointed at any time by the administrative authorities concerned to investigate the conditions of factories therein located. Such a provision has little, if any, legal value by reason of the fact that there are no specific regulations governing inspection. The fact, however, remains that because of this general provision the local administrative authorities will have to formulate regulations governing such an inspection in pursuance of the Provisional General Factory Regulations. But the defect of this set of regulations is that in the event of violation of any article therein contained on the part of factory owners the local authorities are powerless because there is no penalty for the violation of these Regulations, unless the local authorities draw up such regulations as they see fit providing definite penalty as supplementary to the General Regulations aforementioned.

Chapter IX of the Factory Regulations of the Ministry of Agriculture and Labour of the Peking Government deals with Government inspection. Article 34 declares that the local administrative authorities may at any time send inspectors to investigate factories located therein. The local authorities can act only upon instructions from the Division of Factory Inspection of the Ministry of Agriculture and Labour. Anything that is found dangerous to life and injurious to health and morals or anything that is considered as detrimental to the general welfare and common interest, the factory concerned must, in accordance with the order of the local authorities, make proper adjustment and improvement, otherwise upon recommendation of the administrative authorities concerned or a factory inspector a part or the whole of the factory may be ordered to suspend its operation. These provisions are doubtless superior to those contained in the Provisional General Factory Regulations; but, again they have never been tested, and hence this set of regulations is also a dead letter.

The Regulations governing Factory Inspection of the Ministry of Agriculture and Labour of the Peking Government, which were promulgated on the second of November, 1927, by Presidential Mandate, deal with factory inspection exclusively. Despite the fact that shortly after the promulgation of these Regulations the Peking Government fell into the hands of the Nationalists, and hence these Regulations have never been put into effect, the provisions therein contained are worth considering. There are 27 articles in all, dealing with factory inspection in detail. The

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primary purpose of these Regulations is to protect capital and labour by enforcing the new Factory Regulations of the same Ministry.

According to Article 3, there shall be an inspectorate to be established in every industrial district with one or more inspectors according to the size and needs of the different industrial centres. As regards the scope of work in connection with factory inspection the investigation should include the following things relating to (1) the enforcement of every protective legislation; (2) the existing organisations in every factory; (3) the installation of safety appliances and measure adopted for the prevention of disaster; (4) the improvement of working conditions and the promotion of the welfare of employees; (5) the educational facilities provided for workers and general sanitation; (6) social insurance and savings; (7) the prevention of unemployment; (8) relief work and workmen's compensation; (9) workers' organisations; (10) the cooperation between capital and labour and schemes for promoting industrial harmony; (11) the hours of labour and the restriction of and prohibition from dangerous work; (12) child labour and the employment of women; (13) the prohibition of stirring or intimidating or tempting workers to strike; (14) the fixing of a minimum wage and the regulations governing apprenticeship; (15) special order of the Ministry; and (16) other matters concerning labour. All factories must be inspected at least once a year, and, if any regulation is not yet complied with or any equipment not yet provided for as required by the Factory Regulations, or dangerous work, insanitary workshop or factory where the workers' health may be impaired, should be frequently and carefully inspected so as to enforce the Factory Regulations. Article 8 strengthens this statement by declaring that all factories, irrespective of the nationality of the owners, are subject to inspection. If an inspector is obstructed in the execution of his duties either by owners or managers, such persons shall first be given warning, but if they repeatedly refuse inspection or wilfully delay an inspector, they are liable to be fined in accordance with the Factory Regulations (Art. 44). Furthermore, Article 13 provides that if any of the following conditions is found by an inspector, and after due notice is given without improvement, part or the whole factory concerned may be ordered to suspend operation:

1. Workshop which is injurious to health.
2. General welfare may be affected.
3. Violation of regulations.
4. Machinery is unlawfully installed and places of work are so arranged as against the Factory Regulations.

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5. Anything that is regarded as so dangerous that disaster may be brought about immediately or in the near future.

As regards the duty and power of inspectors, Article 15 declares that an inspector, in performance of his duties, has power to examine a factory's books and documents. Of course, if such an inspector in the execution of his duties should discover any secret of industrial processes of the factory concerned, he is prohibited from making known either directly or indirectly such a secret. He is also prohibited from demanding or receiving any benefit from factories under his control. He has, however, a certain power which is granted to him, but he cannot exercise his power for selfish ends. True, he is empowered to take a constable with him to any factory in which he has reasonable cause to believe that there is serious obstruction in the execution of his duty (Art. 23), and yet he is not only not empowered but under penalty to exercise his power for extortion.

Chapter XIV of the Draft Factory Law proposed by the Ministry of Industry, Commerce and Labour deals solely with factory inspection. Article 78 provides that the Ministry of Industry, Commerce and Labour shall establish an inspectorate and shall from time to time appoint inspectors for the purpose of investigating conditions in factories. Such inspectors are empowered to enter any factory at any time to inspect conditions therein, and such a factory must not obstruct or delay the inspectors in the performance of his duties. If any workshop or department of any factory is not properly equipped in accordance with the Factory Law, the inspectors shall notify and order the management concerned to make proper adjustment and improvement within a limited time, and should such a management ignore the order of the inspector proper penalty shall be imposed on it. Article 91 is interesting, for it lays emphasis on young persons' age which is to be determined, if there is any reasonable doubt, by the inspector with a special physician appointed by the inspectorate for this purpose. If any violation of any article of the Factory Law on the part of factory owners, after due warning or notice given for improvement is not complied with, they are liable to a fine in accordance with the Factory Regulations. On the other hand, if any inspector misuses his power while performing his duty either in the form of extortion or otherwise he shall be punished accordingly. Factory owners may make complaint to local administrative authorities concerned about any misconduct and misdemeanor on the part of any inspector therein stationed.

The New Factory Law does not expressly and definitely provide for factory inspection the regulations of which are to be formulated either by the Ministry of Industry, Commerce and Labour as a set of supplementary

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regulations to the Factory Law or by the Legislative Yuan, and violation of the Factory Law on the part of factories shall be punished in accordance with the regulations governing penalty therein contained.

13. **Enforcement, Administration, and Penalties.**—It is a commonly recognised fact that law without strict enforcement is really a dead letter so far as the application of the principles embodied in any legislation is concerned. The enforcement of any law is, in reality, based on the willingness of the employers to cooperate with the government and the efficiency of the factory inspectorate. Early social legislation in Western countries was, to a great extent, ineffective, inasmuch as early laws were unenforced and unenforceable owing to the unwillingness on the part of the employers to observe the law on the one hand and the inefficiency of factory inspection on the other; hence the enforcement of law in China largely depends on the extent of cooperation of factory owners and the degree of efficiency of the inspectorate as aforesaid.

As regards administration, it is legally in the hands of the minister of a ministry by which the factories are controlled, but in case of provincial regulations, the administration lies with the commissioner of a bureau which controls all industries, or if they are municipal regulations, the administration is in the hands of the Director of the Bureau of Social Affairs. But since the promulgation of the New Factory Law which automatically consolidated and extended all regulations and laws that had been made prior to the adoption of this New Factory Law. In practice, however, the Chief Inspector of Factories has the power to enforce the law in any way that he sees fit in so far as he is absolutely impartial in the discharge of his power as Chief Inspector.

As to penalties, nearly every set of regulations or law proposed or promulgated subsequent to the Revolution of 1926, for the purpose of bringing all factories into conformity with the regulations or law, has provisions for penalties, and thus fines must be imposed on factories found guilty of violating the factory regulations or law. The enforcement of law through local inspectorates in cooperation with local authorities seems to be quite reasonable and feasible, but there is always a degree of danger of administration by local authorities, for the local government may be composed of persons whose interests may be in conflict with their duties. Yet, if the local authorities really have the workers' interests at heart there is nothing to prevent them from exercising their powers and discharging their duties; and, with the assurance of full cooperation of the local authorities, an inspector in pursuance of the regulations governing factory inspection shall have no difficulties in inspecting any part of any factory as to sanitary conditions

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and equipment, and in examining any document or book as to the accuracy of its financial report, or in examining young persons as to their age and health. Furthermore, with the full cooperation of the local authorities factory inspectors shall be able to recommend to the factories a fair scale of wages which are to be fixed in accordance with the cost of living as provided by law.

In short, the enforcement of any provision or regulation or law is made possible only when the cooperation of the employers and the local authorities is secured and the efficiency of the sub-inspectorates is ensured; but penalties are indispensable to rigid enforcement of the law.

The Provisional General Factory Regulations failed simply because there are no specific regulations providing for the punishment of violators, and the enforcement and administration was in the hands of local authorities. In consequence the General Factory Regulations were never complied with, and factory owners frequently committed offences with their knowledge, connivance, or consent; hence the first set of Factory Regulations referred to was a dead letter so far as legal proceedings were concerned.

No specific provisions are found in the Regulations of Woosung-Shanghai Bureau of Industrial Welfare, the Provisional Factory Regulations of Hupeh, the Labour Regulations of Greater Shanghai under the Nationalist Government, the Provisional Labour Law of the Northwest, and the Proposed Factory Law of the Bureau of Agriculture and Labour of the Province of Kwangtung. Apparently the local authorities concerned are empowered to draw up such regulations as they think best in consideration of local conditions for the enforcement of the said regulations or laws; hence penalty for violation varies according to the nature of offences and places where they are committed.

Articles 44 and 45 of the Factory Regulations of the Ministry of Agriculture and Labour of the Peking Government provide a penalty not to exceed \$300 to be imposed on any factory owner for the violation of the said Regulations or for refusal to comply with any order issued by the local administrative authorities concerned or by a factory inspector. These regulations shall be enforced through the local court which imposes fines on the violators in accordance with the Factory Regulations as aforesaid.

The Provisional Factory Regulations of the Wuhan Municipal Government do not provide any penalty for violation, but the Bureau of Social Affairs is empowered to deal with the violators. Being provisional in character these Regulations are by no means complete, but they are considered as reasonable and feasible, pending the passage and promulgation of a national factory law.

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The Draft Factory Law of the Ministry of Industry, Commerce, and Labour provides penalties for violation in detail. Chapter XV deals with penalties and fines exclusively and definitely, and the following penalties and fines are imposed on violators of the Law:

(1) Factory promoters who, in contravention of Article 3 of this Law, recruit workers and prepare for operation without first having the factory registered with the local authorities concerned, and, in the course of such a preparation for operation cause damage to others, the said promoters are responsible for any damage done (Art. 24).

(2) Factories, in violation of Articles 7 and 8, which employ children under the age of 12 and use minors for heavy work, both of whom are prohibited by this Law, are liable to a fine not less than \$50 and not exceeding \$300 for each offence (Art. 95).

(3) Factories which violate Article 20 by refusing to issue certificates of employment to faithful workers, who are discharged due to natural causes or who leave employment in a proper way, are liable to a fine of from \$5 to \$10 for each offence and the said factories shall be forced to issue such certificates to their employees (Art. 97).

(4) Factories violating any article contained in Chapter IV by extending the hours of labour shall be fined from \$50 to \$300 (Art. 98).

(5) Factories, in violation of any article contained in Chapter V of this Law, which refuse to pay wages for work on rest days and holidays are liable to a fine not less than \$5 and not more than \$20 for each offence, and such rest days or holidays to which the workers are entitled shall be granted to them accordingly (Art. 99).

(6) Factories which violate Article 39 of this Law by not paying wages to their employees at a proper time without reason are liable to a fine of 1% of regular wages (Art. 100).

(7) Factories which violate Articles 40 and 41 by deducting a certain amount in advance from wages of their employees for breach of contract and for fines, and by deducting in advance a sum of money from wages for savings, insurance, or cooperative society enterprises without the consent of the workers, are liable to refund three times the amount deducted therefrom (Art. 101).

(8) Factories, in violation of the articles contained in Chapter VII of this Law, by concealing the annual profit or by making false report in regard to the yearly net profit the surplus of which is, as required by this Law, to be distributed among all concerned, are liable to be prosecuted for committing a fraud in accordance with the Penal Code, but such a legal pro-

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ceeding shall not take place until after the account has been taken by public accountants (Art. 102).

(9) Factories which violate any article contained in Chapter X of this Law by engaging apprentices below the legal requirements are liable to a fine of not less than \$50 and not exceeding \$300 (Art. 103).

(10) Factories, in violation of Articles 77 and 78, which refuse to pay wages and medical fees to workers for three months during the time of injury sustained while at work and to grant six weeks' leave of absence before and after childbirth in the case of women workers are liable to prosecution in accordance with the law on compensation for damage and injury (Art. 104).

(11) Factories which in violation of Articles 79, 80, and 81, of this Law, employ women and children for work that is considered as dangerous to life and injurious to health are liable to a fine not less than \$50 and not exceeding \$300 for each offence (Art. 105).

(12) Factories which violate Articles 83, 84, and 85 of this Law by failing to report or by making false reports on the workers and the conditions of work, as required by this Law, shall be fined from \$50 to \$300 for each offence (Arts. 106 and 107).

(13) Factories failing to comply with regulations to deal with proper government organs in matters of registration, report, inspection, etc., and ignore orders of such government organ or local authorities shall be fined from \$50 to \$200 (Art. 108).

(14) Factories which fail to comply with any order issued by the local authorities in pursuance of this Law are liable to a fine of not less than \$50 and not more than \$300 (Art. 109).

Chapter XII of the New Factory Law deals with penalties and fines exclusively, and violation of any article therein contained shall be dealt with in accordance with the following regulations.

(1) A factory in violation of Articles 7, 11, 12, and 13 relating to dangerous occupations, child labour, and the hours of work respectively is punishable by a fine of not less than \$100 and not exceeding \$500 (Art. 68).

(2) A factory which violates Articles 2, 8-10, 37, and 63 relating to registration, hours of labour for adult workers, leave of absence for female workers before and after confinement, and apprenticeship respectively, is liable to a fine of not less than \$50 and not exceeding \$300 (Art. 69).

(3) A factory in violation of Article 45 relating to compensation is liable to be fined from \$50 to \$200 (Art. 70).

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(4) A factory which violates Articles, 3, 4, 14-19, and 36 relating to the keeping of records, the making of reports, rest days and holidays, and the education of workers respectively is punishable by a fine of not less than \$500 (Art. 71).

(5) A foreman in any factory either due to corruption or negligence or otherwise causes a dispute or intensifies a dispute already started is liable to one year's imprisonment with hard labour, or a fine of not less than \$500 (Art. 72).

(6) Workers who use force to interfere with the work of any factory or destroy material or machinery therein shall be punished in accordance with the Penal Code (Art. 73).

(7) Workers who force others to go on strike are liable to dismissal at any time and be sent to the local authorities concerned for punishment (Art. 74).

In some respects this New Factory Law is similar to the original Draft Factory Law of the Ministry of Industry, Commerce and Labour, but on the whole the New Factory Law differs from the original Draft Factory Law in that the penalties and fines provided in the New Factory Law are simpler and more reasonable and that the foreman and other workers are held responsible in the event of violating the principles of industrial peace.

B. Regulations for the Administration and Enforcement of the New Factory Law

The Regulations for the administration of the New Factory Law were promulgated on the 16th of December, 1930, and contain 38 articles. These Regulations were originally intended to make it possible for the New Factory Law to come into force on the first of February, 1931, but owing to the obvious obstacles in the way of administration, the date for the enforcement of the New Factory Law was postponed to August first. What real advantages can be gained from such a postponement nobody seems to know; but judging from the progress of negotiation for the actual abolition of Extraterritoriality in China there is a hope for the application of the Factory Law to foreign owned factories in China and Chinese owned factories in the Concessions, because of the fact that most of modern factories and mills are located in the Concessions; hence unless Extraterritoriality is abrogated or the cooperation of factory owners is secured the administration of the Factory Law will doubtless meet insurmountable difficulties which at this stage of political and economic development are by no means easy to overcome. The essential features of this set of Regulations are as follows:

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1. **Administrative Organs.**—The official organs for the administration of the Factory Law may be said to be the local authorities or municipal governments and the Ministry of Industries. The work of local administrative authorities in respect of actual enforcement of the Factory Law is under the direction and supervision of the Ministry of Industries. The local authorities are empowered to register all factories and keep record of all workpeople in respect of age, nativity, date and conditions of employment, types of work, remuneration, workers' skill and moral character, conditions of work, causes of accident, causes for dismissal, and so forth.

2. **Age Limitation.**—Art. 5 expressly provides that children under 14 but above 12 who have already been employed prior to the enforcement of the New Factory Law must be reported to the local authorities concerned within the first two months after the Factory Law shall have come into force in order that special exemption may be granted to them, inasmuch as the Factory Law forbids the employment of children under 14 years of age.

3. **Hours of Labour.**—According to Arts. 6 and 7, the factory management concerned is given the right to fix the working hours, rest periods, rest days, and meal times in accordance with the provisions dealing with same of the Factory Law, and, whatever the hours for commencement, closing, rest and meals may be, the factory management is required to make proper report on same to the administrative authorities concerned. Furthermore, if a factory adopts the shift system, the workers employed therein must be duly reported to the local authorities for file.

4. **Legal Holidays.**—According to Art. 9, the term "legal holidays" meaning the following national holidays:

- (1) New Year's Day.
- (2) March 12th, Commemoration of Dr. Sun's Death.
- (3) March 29th, Commemoration of the Death of the 72 Martyrs (who died as the result of the Revolt of 1910).
- (4) May 5th, Commemoration of the Establishment of the Revolutionary Government.
- (5) July 9th, Commemoration of the Northern Punitive Expedition of 1926.
- (6) October 10th, Commemoration of the Founding of the Republic.
- (7) November 12th, Dr. Sun's Birthday.
- (8) Other Legal Holidays that may be set aside by the National Government when occasion arises.

Apart from the legal holidays mentioned above, May first as set aside to be the international labour day should also be observed as a legal

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holiday. Furthermore, special vacation may be granted to workers in accordance with Article 17 of the New Factory Law.

5. **Workers' Welfare.**—Art. 13 requires all factories covered by the New Factory Law to make semi-annual reports to the administrative authorities concerned on workers' education (including education for the apprentices) as provided by the Factory Law. In the case of female workers Article 14 requires a physician's certificate before returning to work after a period of confinement as provided by Art. 37 of the Factory Law. This immediately raises the question of its feasibility on account of the fact that few of the workers can afford to engage a licensed physician with modern medical training for delivery, unless such a physician is provided by the factory concerned or by the government, and unless quackery and old-fashioned midwifery shall be prohibited; but the fact remains clear that the poor woman worker is unable to engage a physician.

As regards profit-sharing, Arts. 15-16 state that factory owners may choose either provision contained in Art. 40 of the Factory Law, that is, either bonus in the form of a gift or a certain amount of net profit, after legal interest or dividends and reserve funds are taken off, to be distributed among the workers. Either provision contained in Art. 40 as beforementioned is ambiguous, and, from the legal point of view it does not mean anything unless the employers are fair and generous enough to divide their surplus profit with the workers in recognition of their indispensable contribution to modern industry. But experience of highly industrialized countries has shown that there have never been such employers; hence protective legislation has been considered as the only remedy. In view of the experience of western nations the profit-sharing clause in the New Factory Law is bound to be a dead letter if profit-sharing in the true sense of the term is expected. Furthermore, Art. 40 of the New Factory Law clearly states that "surplus profit" may be divided among the workers if the employers so desired; but is there any such thing as surplus profit if the employers do not wish to distribute any amount of the net profit gained among the workers? If not, the profit-sharing clause has little, if any, social value.

In regard to the provisions for health and sanitation as contained in the New Factory Law, Art. 17 of these Regulations requires factories employing more than 300 workers to provide dispensaries within the their premises and to engage physicians to look after the health of the workers employed therein as well as to give advice in matters of sanitation. Moreover, the types of work for child and woman workers as well as workers over 50 years of age shall be determined upon a thorough medical examina-

tion and upon the recommendation of the physician-in-charge. Art. 19 prohibits the admission of children to places of work that are dangerous to life and injurious to health, Art. 20 states factories should provide nurseries for babies of women workers who, in many places, are compelled to place their children under the machinery, and should hire nurses (the term nurses is loosely used here) to look after them for their women employees.

6. **Standard of Safety.**—All factories must be constructed in accordance with the provisions contained in Arts. 41-42 of the New Factory Law and the work of construction must be done under the supervision of registered engineers (Art. 21), and the machinery should from time to time be inspected by experts before or after using (Art. 22). Should repair be considered as necessary and imperative, such repair must be done immediately so as to ensure safety of operation and to avoid accident. Furthermore, fire escapes and exits should be well provided for, and in the course of any working day no door of any workshop or factory should be locked. Smoking inside the factory should be strictly prohibited; poisonous gases should be eliminated; poisonous elements are not permitted to be thrown into rivers or wells; factories using materials that are dangerous to life and injurious to health are permitted to be located in a given area according to local government regulations governing factory construction.

7. **Accident, Sickness, and Compensation.**—Art. 28 provides immediate medical treatment for the workers who is injured or sick in the course of work, and in case of death from injury or sickness it requires the factories to report to the administrative authorities as well as to communicate with members of the family of the deceased worker. The amount of benefit is to be paid in accordance with Art. 45 of the New Factory Law, and the only beneficiaries are those stated in Art. 46. Apart from this there is no detailed schedule provided for compensation for different kinds of injury and disability.

8. **Factory Council.**—According to Art. 54 of the New Factory Law, the number of representatives to the Factory Council is not less than five but not exceeding nine for each party. Those representing the workers are elected by a majority vote of at least over one half of the members of the working force present at a meeting called for this purpose. Apart from the regular representatives, an equal number of candidates should also be nominated to substitute any representative by reason of sickness, injury, resignation or death. The term of office is one year.

C. The Factory Inspection Law

The Law relating to Factory Inspection was promulgated on the 10th of February, 1931, and contains 20 articles, the salient points of which may

be summarised as follows:

1. **Authorities.**—According to Article II, the authorities on whom the power of carrying out the work of factory inspection are (1) The Municipal Government, and (2) The Hsien (District) Government, unless otherwise expressly stated.

2. **Centralisation.**—Article III provides for the appointment of factory inspectors by the Central Labour Administrative Organ. (The power of appointing inspectors is now vested in the Ministry of Industries, and before the Central Labour Commission is formed the Minister of Industries shall continually have the power of appointing inspectors).

3. **Scope of Inspection.**—According to Article IV, the matters to be inspected are those relating to—

- (1) the age of male and female workers;
- (2) the nature of work;
- (3) the hours of work, rest days, and holidays;
- (4) special leave of absence for woman workers before and after childbirth;
- (5) safety and sanitary conditions;
- (6) industrial accidents;
- (7) the record book and registration of workers;
- (8) apprenticeship—the age, number, and treatment of apprentices.

4. **Qualifications of Inspectors.**—According to Article V, inspectors shall be chosen from two groups of candidates: (1) Graduates of technical schools in China or in foreign countries of high standing; and (2) workers who have had over ten years' experience in factories with sufficient knowledge and skill for the task.

5. **Duty.**—The duty of inspectors may be stated briefly as follows:

- (1) To make periodic or constant inspections of all factories within their respective jurisdiction (Art. VI).
- (2) To make quarterly reports to the Administrative Authorities on (a) the number and types of factories located within their respective districts; (b) the number and occupations of workers employed therein; (c) child labour; (d) the length of employment and unemployment; (e) the hours of work; rest periods and holidays; (f) industrial accidents; (g) safety and sanitary conditions; (h) sickness and occupational diseases (Art. XI).

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- (3) To report violations of the Factory Law to the Administrative Authorities for action (Art. XII).

6. **Power of Inspectors.**—The inspectors are empowered to perform the following functions:

- (1) To ask workers and labour union officers for desired information.
- (2) To examine books, records, and documents of any factory within their respective districts.
- (3) To issue orders to factories for improvement.

7. **Conduct of Inspectors.**—According to Article XIV, factory inspectors are strictly prohibited from (a) extortions or receiving bribes; (b) making false reports; (c) disclosing secrets of industrial processes; (d) alienating friendly relations between employers and workers; (e) acceding to demands by employers or workers; (f) holding concurrent posts. In contravention of the above-mentioned provisions on the part of factory inspectors, they shall be punished in accordance with the provisions of the Criminal Code.

8. **Penalties.**—Any factory management that obstructs the inspector from executing his duty shall be liable to a fine not exceeding \$200, and any employee or officer of a labour union who refuses to answer questions put forth by a factory inspector or who prevents the inspector from examining books and documents without sufficient reasons shall be liable to a fine not exceeding \$100.

Obviously, the different sets of regulations and laws enumerated above clearly indicate the unrelenting efforts of the Government to (1) improve the relation between employers and employees, (2) ameliorate working and living conditions, (3) shorten the hours of work of factory workers, (4) eliminate child labour, (5) prohibit the employment of women at night, (6) introduce the system of workmen's compensation for accident, sickness, and death, (7) settle labour disputes by peaceful means, that is, by conciliation and arbitration, (8) fix a wage that the workers really deserve in consideration of their contribution to industry, and (9) protect the workers from inhuman exploitation in every possible way, and, at the same time safeguard industry from being ruined by unnecessary strikes. But in order to appreciate fully the Government's efforts to harmonise the interests of employers and employees and to elevate the position of the workers we must now turn our attention to the development of labour union law, which covers even a wider scope than factory legislation.

CHAPTER VIII

DEVELOPMENT OF LABOUR UNION LAWS

As a result of the Labour Movement the workers in China have gradually become organised, and Labour Unions have been formed one after another. According to the Constitution of 1912 of the Republic of China citizens have right to organise societies in the interest of common good, and it was due to this constitutional right of associations that class consciousness on the part of the workers was brought about resulting in the formation of labour unions from which the workers expect protection and through which they hope to work out their own program for the betterment of the working classes. The whole history of trade unionism, in the broadest sense of the term, covers a period of not more than twelve years. In point of fact, the trade union movement did not actually attract public attention until 1922 when the First National Labour Conference was held in the City of Canton, at which multifarious resolutions were passed with a view to raising the workers' general standards by means of collective action on the part of the labourers and of legislative actions on the part of the government. Among the important resolutions adopted two are of foremost significance; namely, the eight-hours day and the establishment of a national labour organisation. The Second National Labour Conference was held three years later (1925) in the same city, and, by this time the trade unions were officially supported for the first time, despite the fact that they were officially recognised in 1924 by virtue of the first Trade Union Regulations. The Third National Labour Conference was called in 1926 also in Canton, the seat of the new Government, and at this Conference many important proposals were made and resolutions were passed, including a program for economic struggle, workers' education, and labour legislation.

Prior to this, however, several attempts had been made to introduce a labour union law governing the organisation and activities of labour unions, and, as a result, three draft laws were proposed by the Peking Government, but none of them was promulgated. They are the draft of Labour Union Regulations issued by the Ministry of Agriculture and Commerce in 1925, the draft of Regulations concerning the Formation of Labour Unions proposed by the Ministry of Communications in 1925, and the draft of Labour Union Law proposed by the Ministry of Agriculture and Labour

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in 1927, but owing to the change of government, it was not promulgated; hence it is not necessary to study these drafts. There are, however, five sets of regulations that have been passed and two were promulgated by the Nationalist Government which deserve our attention.

I. The Labour or Trade Union Regulations. These regulations were promulgated by the Nationalist Government in Canton on the first of October, 1924. There are 21 articles in all, recognising the right of employees to form unions and imposing certain restrictions on them. Article 1 states that workers above the age of 16 belonging to the same occupation or industry or trade may organise unions or form organisations of similar nature. The word "employees" applies to industrial workers, teachers, and other government employees, of whom any group over 50 in number may form an organisation in accordance with the Regulations for promoting their own interests. Any trade union or employees' organisation of any kind is not responsible for any individual action or personal affairs outside the organisation concerned, inasmuch as any trade union or organisation is established solely for the purpose of promoting the welfare of all and not for encouraging individual indulgence or personal ambition.

Article 3 definitely provides that trade unions or employees' organisations may hold conferences from time to time for the purpose of improving their conditions and of devising adequate and better means for settling disputes of any nature that may arise from their relations with employers. The trade union or employees' organisation has, within its scope of activities, freedom of speech, freedom of the press, and liberty for educational enterprises. Such an organisation is, however, under the control and supervision of the local authorities concerned.

More important still are the provisions contained in Article 6 stating that trade unions already organised above two in number may form themselves into a federation of trade unions for the purpose of effecting the unification of efforts or with an object of reorganisation in the interest of all members. Furthermore, trade unions and the federation of trade unions are permitted by this legislation to be connected or affiliated with trade unions of the same occupation or trade or federation of trade unions of the same character of other provinces or countries.

In order to organise a trade union promoters must be above 50 in number of the same occupation or trade, and they must draw up regulations or by-laws stating the name, purpose, location, duty and power of officers, membership fees, qualification and benefit and duty of members, and submit same to the local court for registration (Arts. 7 and 8).

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The trade union must make reports from time to time to the administrative authorities concerned every six months on the following matters:

1. The names of all officers and their past experience.
2. The name and number of members, together with the conditions of work, change of occupation, change of places of employment, unemployment, death, injury, etc.
3. Financial conditions.
4. Occupational or business success.
5. Strikes or conflicts of any kind and results of same.

The purpose for requiring such reports is not clear, for there is no way by which we can find out, but judging from the nature of the requirement and the content of this Law, there can be no question that by requiring trade unions to make such reports is to supervise their activities properly within the scope of the law, and, at the same time to protect the wage earners from ill-treatment and any form of exploitation by employers.

Article 10, however, clearly states the aims and activities of any trade union, which are as follows:

1. To promote the welfare of all members.
2. To establish unemployment bureaux.
3. To conclude contracts with employers (collective bargaining).
4. To establish cooperative societies, savings banks, and social insurance in the interest of its members.
5. To organise all sorts of cooperative societies dealing with food supplies and real estate for the convenience and benefit of all members.
6. To provide all kinds of amusements, recreation, and social for its members for relaxation.
7. To enrich the knowledge of its members and enhance their opportunity for learning by providing a vocational education by means of regular schooling, special library, and printed matter.
8. To establish dispensaries and hospitals for the alleviation of suffering among its members.
9. To settle disputes arising from the relations of its members with their employers.
10. To express its opinion on any industrial conflict or to call a meeting for formulating plans for settling disputes in case its members cannot directly settle them, and, if the trade union fails

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to effect a settlement with representatives of the employers, then an umpire or a disinterested party may be called in as arbitrator or the local administrative authorities may be requested to act as arbitrator.

11. To deal with the making and the repealing of labour laws or to take care of any legal proceeding.
12. To investigate and report on the economic conditions of its members.
13. To undertake to improve the general welfare of its members, including a higher standard of life and better education.

As regards the election of officers, each trade union has its own system of election, and officers are elected in accordance with the organic regulations of the union concerned. The same is true of fees, there is no fixed amount, but usual fees must not exceed 5% of the members' income. Members have right to examine the book of the union and investigate its financial conditions.

Provisions in Article 14 on strikes go over to the workers' side a great deal further than any set of regulations heretofore formulated by any local organ, inasmuch as strikes for cause are legalized, provided such strikes are approved by the majority, but violence against persons or property or sabotage that may endanger public peace is forbidden. With respect to the hours of labour, general welfare, sanitation, or any other kind of improvement, trade unions may send representatives to discuss the matters frankly with representatives of the employers with a view to bringing about higher social and economic efficiency by means of better conditions of employment.

Article 16 declares that the administrative authorities concerned may interfere with any industrial dispute with an object of effecting an amicable settlement; but if after a careful investigation is made and a fair decision is rendered, and the parties concerned are still unwilling or refuse to give in, then the administrative authorities may employ force to settle it, if necessary, so as to avoid a prolonged strike. To use force in bringing about peace in this respect is socially, economically, and ethically justifiable.

According to Article 18 all property belonging to the union and other property, such as money invested in savings' societies, cooperative enterprises, or social insurance, or otherwise must not in any way be retained by union officers or any one who is in charge of such property or investment. In other words, in case the union goes into bankruptcy, the money invested in different cooperative enterprises by its members must be returned to the investors concerned; and, in the event of deficit those who are in control of such enterprises may be held responsible and may be

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liable to punishment in accordance with the Criminal Code, although no definite penalty is provided for violation of these regulations.

2. The Provisional Regulations Governing The Organisation of Trade Unions.—This set of regulations consisting of 30 articles was passed by the Standing Committee of the Central Executive Committee on the 9th of July, 1928. On the whole and in principles, these Regulations are not materially different from the first set of regulations, as aforesaid, but in contents and in methods they differ greatly.

According to Article 1, workers, both labourers and brain workers are alike, irrespective of sex, above the age of 16 and over 45 in number belonging to the same industry or trade are permitted to form a trade union to promote their common interests. As regards the organisation of a union, any factory or district is considered as a unit, and the smaller organisations (labour unions in miniature) will form the basis of a unit. As to the eligibility of membership, Article 3 declares that any worker who maltreats and deceives his or her fellow-workers or who is found to be reactionary is not eligible to be member of any union. In other words, any worker whose character is doubtful shall not be admitted to any union. Trade unions are allowed to be established within the administrative districts concerned, but under special conditions promoters may petition the Central Executive Committee for permission to organise unions in other places where such organisations are needed.

Trade unions are divided into different classes with the National General Trade Union as the highest official organ. Next to that is the Provincial or Special Municipal General Union, then the Hsien (equal to county) and City General Unions, then the District and Factory Unions, then the Branch Unions, and then the smaller organisations (trade unions in miniature) which form the basis of each district or factory union (Art. 6). Each general or district or factory union has two permanent committee; namely, the executive committee and the supervisory committee. In short, every union must adopt the committee system which is regarded as highly desirable for a thoroughly democratic administration. As to the methods of election, over two-thirds of the trade unions of the hsien general union may call a general conference for the election of officers, and, in the case of the provincial general union there must be more than one half of the hsien and city unions that have been established before a general conference is held for the purpose of electing officers for both the executive and the supervisory committees. After more than nine provincial and special municipal general unions are organised a national conference may be convened for the same purpose as mentioned above (Arts. 11-13).

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With respect to the division of labour, Article 17 clearly states that the National Trade Union shall have five bureaus; namely, the Bureau of Organisation, the Bureau of Publicity, the Bureau of Training, the Bureau of Finance, and the Bureau of General Affairs. In the case of the Provincial General Union there shall be five departments in place of bureaus, and, in the case of a district or factory union there shall be three divisions instead of departments, namely, organisation, publicity, and training.

As to the procedure of organising a union, the promoters above 45 in number must first submit the names and experience or qualifications of officers and the by-laws of the proposed union to the local Party Headquarters concerned for approval and then register with the local authorities concerned, but the application must be in detail in respect to the name, the aim, the officers and their duties, as well as the members.

3. Regulations Concerning the Organisation of Special Trade Unions—These Regulations were passed by the Standing Committee of the Executive Committee on the 26th of July, 1928, consisting of 15 articles and governing the organisation of five kinds of unions; namely, Railroad Labour Unions, Seamen's Labour Unions, Mining Labour Unions, Postal Employees' Unions, and Electric Plant Labour Unions.

According to Articles 3-7, there shall be a general labour union for each industry or trade and with branch unions wherever needed. All these unions above-mentioned must be organised in accordance with the Provisional Regulations governing Trade Unions.

4. The New Labour Union Law of 1929.—This is the first National Trade Union Law in the real sense of the term that has ever been passed in the history of social legislation in China. The Law, which was promulgated on October 26th, 1929, and put into effect on November first, consists of 53 articles with provisions therein contained for regulating the organisation of trade unions, the protection of trade unions and their members, the dissolution of trade unions, the federation of trade unions, and penalties for violation of the Law.

(1) *Provisions as to Organisation.*—According to Article 1, the aim of any trade union is to promote and improve the welfare of the workers, and to enrich their knowledge and develop their skill with a view to bringing about a higher productive or economic efficiency. Workers who are above the age of 16 and are being employed in the same industry, numbering over 100 or workers who belong to the same trade numbering over 50 may form a union in pursuance of their object as mentioned above.

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In other words, only those who are engaged in the same industry or trade are regarded as eligible to be members of any union, but this Law is not applicable to administrative officials employed in government owned industries, national railroads, government educational institutions, public utilities, and other government organs. In fact, salaried employees in government institutions and industrial establishments do not need any union to promote their interests, for the government undertakes the task to secure for them social justice and the best possible treatment; hence only wage-earners in privately owned industrial establishments or private enterprises of some economic importance that they need to be organised. This, of course, does not exclude workers employed in government establishments or public utilities from organising unions to promote their own interests.

In order to organise a union promoters must appoint from five to nine representatives who are responsible for registration or for obtaining the permit from the local authorities concerned. In applying for registration a copy of the by-laws, together with the names and qualifications of the officers must be submitted to the local authorities for approval. The by-laws must be approved by three-fourths of the promoters and must contain (1) the name of the union; (2) the aim; (3) the address and district in which the union is located; (4) the qualifications, benefits and duties of members; (5) provisions regulating the admission to and expulsion from the union; (6) provisions regulating the duty and power of officers; (7) provisions concerning meetings; (8) fees to be charged and used and account to be kept; (9) welfare work; and (10) provisions dealing with the amendment to the old or making of new by-laws. The change of any provision therein contained must have the approval of the local authorities concerned before it becomes valid (Art. 8).

Workers in the same industry or trade within a district are permitted to organise only one union which is considered as a juristic person or legal agency and in which no business for profit is allowed to be carried on.

A union must have a manager or director to manage all its affairs and such a manager or director is to be selected from among the members of the union concerned, but in case of necessity a non-union man may be chosen with the approval of the local authorities to conduct the business of the union and to represent the union whenever necessary. As regards his duty and responsibility, Article 12 clearly states that in the execution of his duty should the manager or director do any damage to others the union must be responsible for any damage done or for any trouble that may arise therefrom. However, the union is, under no circumstance,

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responsible for the conduct or action of its officers and members when they are not on duty as representatives of the union.

Even the power of the manager or director or any other officer is limited. For instance, Article 13 declares that any of the following matters must be decided upon at a general meeting of all members or their representatives:

1. Change of any article of the by-laws.
2. Making of a budget for the fiscal year.
3. Report on and approval of expenditure.
4. Maintenance or alteration of certain principles or demands of the workers.
5. Establishment of a reserve fund and its control and use.
6. Cooperative enterprises in the interest of all members of the union.
7. Organisation of the federation of trade unions in respect of its admission to and withdrawal from it.
8. Dissolution or consolidation of trade unions or establishment of branch unions.

It is obvious that union officers are empowered to do certain things only, and apart from the authority vested in them they cannot do anything without further authorization and approval of the majority of the members.

Besides the provision for a manager or director, Article 14 provides that there must be a supervisor who must be elected by the members of the union and whose duty is to supervise all the affairs of the union.

(2) *Provisions as to Activities.*—According to Article 15 trade unions are:

- a. To conclude, or alter, or terminate collective contracts with the approval of the local authorities concerned.
- b. To establish employment bureaus.
- c. To establish savings societies, social insurance, hospitals and dispensaries.
- d. To establish vocational schools and to institute other educational agencies for the general education of members.
- e. To establish libraries or reading rooms.
- f. To print all reading matter and circulate all publications in their behalf.
- g. To provide for social, amusement, recreation, and convention.
- h. To investigate disputes between capital and labour.

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- i. To investigate dispute among unions or members.
- j. To express freely opinions of the unions in regard to the enactment of certain labour laws on the part of the legislature and with respect to certain decisions of the court on labour disputes.
- k. To investigate the home and financial conditions of the members with emphasis on the length of employment and unemployment.
- l. To improve the conditions of work and to promote the general welfare of the members by cooperative efforts.

As to membership fees, the law permits the collection of the dollar as membership fee, and a special fee not exceeding two per cent of income from each member for current expenses, and under exceptional circumstances special contributions may be allowed. But trade unions must make reports on financial conditions of their unions.

(3) *Provisions as to supervision.*—In order to avoid violence and improper conduct on the part of trade union officers this law, though recognizes the right of employees to form unions, forbids the use of violence to intimidate strikes which under ordinary circumstances and on sufficient ground are legalized. Article 20 provides that trade unions must not force the workers to join them and must not under any circumstance prevent members from withdrawing their membership from the unions concerned. On the other hand, trade unions must not refuse to admit those who are legally recognized as eligible for membership, inasmuch as Article 19 states that workers who are engaged in the same industry or trade and who wish to join a union must join the one of their own industry or trade. In other words, workers belonging to one industry are not admitted to the union of another industry. Furthermore, trade unions are strictly prohibited from interfering with the work of non-union men who choose to be independent of any labour organisation.

Members of any trade union are permitted by this law to withdraw their membership from the union if they choose to do so. but if the by-laws require a notice in advance, such a notice must not exceed one month. As regards the amount of money required of each member to be deposited with the union for fines in case of violation of union regulations, Article 22 states that such a sum must not exceed 3 days' wages. Members of any trade union are also protected by this Law from dismissal or expulsion without sufficient ground. In other words, labour unions cannot dismiss or expel any member except for sufficient reasons recognized by the majority of members.

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Strikes, as mentioned above, are legalized, but no strike is legally permitted until efforts have been made to settle the dispute arising from any incident, in accordance with the regulations governing conciliation and arbitration, really fail and until at least two-thirds of the members have voted for it. During the course of strike public peace and order must be maintained, public safety must not in any way be endangered and the property and lives of the employers must be safeguarded against any molestation. Trade unions are not permitted to demand upon the employers an increase of wages higher than the standard rate which is officially fixed according to living costs in different localities, and, should any strike be brought about in consequence of such a demand, the strike is regarded as illegal. Thus, meaningless and unnecessary strikes will undoubtedly be lessened if not entirely eliminated.

Trade unions are not only controlled by the Kuomintang but also by the Proper Authorities concerned; and, unless they are under the control of some government authority, supervision is not only unnecessary but fruitless. Article 24 expressly states that any change in the by-laws or the management or any officer of any union must be reported to the local authorities concerned, which within two weeks must make due public announcement to this effect, but before the announcement is made no third party is allowed to conduct the affairs of the union. By so doing unscrupulous persons have absolutely no opportunity to stir the workers to do harm.

Moreover, the record book (membership book) and account book of any union are subject to censorship; they must be stamped by the local authorities, and report in detail on all the affairs of the unions, including the financial conditions of the union and the working conditions of its members, must be made twice a year, that is, in June and in December of each year. Still, moreover, according to Article 27, trade unions and union officers and members are prohibited from the following activities:

- a. To lock up shops or factories.
- b. To loot or destroy goods and machinery in shops and factories.
- c. To arrest or attack workmen and employers.
- d. To restrict employers in their employment of workers or to coerce employers to accept persons whom they (trade unions or union officers or members) recommend.
- e. To carry weapons during the course of any meeting or parade.

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- f. To commit any act of extortion.
- g. To order or advise union members during the course of employment to be negligent or to commit sabotage.
- h. To deduct wages by force or to compel members to contribute.

Trade unions which in the course of election of officers or during meeting refuse to comply with Government order or violate the by-laws the Local Authorities shall interfere with such election and meeting. The same is true of formulating regulations or by-laws in contravention of Government Ordinances, such by-laws are considered as invalid, and the Proper Authorities shall correct same in accordance with this Law.

(4) *Provisions as to Protection.*—According to Article 31, employers or their agents are not allowed to dismiss workers or refuse to employ workers because of their union connection. In other words, no discrimination must be made against either union or non-union workers. Besides, during the course of dispute between employers and employees and when the settlement of such dispute is in progress no workers are allowed to be dismissed by employers or their agents. On the other hand, union members are also protected by this law from confiscation and exploitation by unscrupulous union officers. Thus, Article 36 explicitly declares that none of the following things shall be taken away, or sold, or confiscated or destroyed:

- a. Union building, school, library, reading room, club, dispensary, hospital, research laboratory, cooperative enterprises, removable property and real estate.
- b. Reserve funds and social insurance funds.

In short, the members of any union are the legal owners of all these things enumerated above; hence no union officers have any right to dispose of them unless they are authorized to do so by the majority of the members.

(5) *Provisions as to Dissolution.*—Since all trade unions are under the control of the Government and the Kuomintang, any union may be dissolved on two grounds: (a) violation of law; and (2) nuisance or impediment of public welfare. Apart from these two reasons, there are five natural causes for which a union may also be dissolved: (a) decision made by the majority of its members at a general meeting with the approval of the local authorities; (b) suspension of activities in accordance with the by-laws; (c) financial difficulties or bankruptcy; (d) insufficient members to meet the legal requirement; and (e) the consolidation of unions or the

establishment of branch unions. However, either the consolidation of existing unions or the organisation of new branch unions cannot be accomplished by a few union officers nor the minority members, for Article 39 of this Law requires the vote of one-half of the members and the approval of Proper Authorities. The procedure for consolidating old unions or establishing branch unions is virtually the same as organising an entirely new one, with an exception that in case the unions are in debt, such a debt must be settled and liquidation must be made at the time of consolidation. In this respect a trade union is treated as more or less a commercial concern, and hence the procedure for dissolving a trade union is similar to that of declaring bankruptcy of a commercial establishment, thus protecting the public as well as the union members from being defrauded by union officers or directors.

(6) *Provision as to Federation.*—Federation of trade unions of the same industry or trade is permitted, provided that the chief purpose of a federation is to promote mutual interests, such as cooperative enterprises, and to enhance the opportunities for intellectual and social advance. Here again, the procedure for forming a federation is practically the same as organising a new union, that is, new regulations or by-laws must be drawn up and presented to the local authorities concerned for approval. Furthermore, Article 46 declares that without approval of the Chinese Government no trade union is permitted to be affiliated with that of a foreign country.

(7) *Provisions as to Penalties.*—Section VII of this Law deals exclusively with penalties which are considered as indispensable to the effective enforcement of law. Article 47 expressly declares that any officer or member of any trade union consciously violates Article 27 (the use of violence in order to bring about certain desired results) is liable to a fine not exceeding \$200, and, in addition to a fine, if violence is really committed either by union officers or members or both, they shall be punished in accordance with the Criminal Code. On the other hand, Article 48 provides that in case of violation of Articles 31 and 32 (refusal to employ workers because of their union connection) on the part of any employer or his agent a fine not more than \$300 shall be imposed on him. Furthermore, Article 49 explicitly states that any employer or his agent who, in contravention of Article 33, dismisses the workers on the ground of strike is liable to a fine not less than \$10 and not exceeding \$100 for each worker dismissed simply because strikes with sufficient reasons are legalized. Article 50 provides a penalty also in the form of a fine not exceeding \$100 to be imposed on the manager or director of any union who, in violation of

Articles 24, 25, 26, 29, 41, and 51, fails to report and submit the union's books to the Local Authorities or fails to register in case of consolidation.

Obviously, with an exception of the violation of Article 27, the penalties for violation of any other article are in the form of a fine which does not seem to be heavy enough to prevent any violation of the Law.

5. *Law Relating to the Enforcement of the Labour Union Law*—This Law was promulgated on the 6th of June, 1930, and consists of 25 articles with special provisions therein contained for the enforcement of the Labour Union Law as aforementioned. Articles 1 and 2 explicitly state that trade unions should be named after the place in which they are located, and should be followed by the name of the trade concerned. For example, Shanghai Silk Factory Workers' Union, Wusih Flour Mill Workers' Union, Canton Carpenters' Union, Hankow Cotton Mill Workers' Union, Tientsin Commercial Employees' Union, and so on. Labour unions are to be divided into two main groups, namely, trade unions and industrial unions. The former are to be organised by workers engaged in the same industry or belonging to the same occupation; whereas the latter are to be organised by workers of different industries or occupations. The eligibility of membership in a labour union is based on the employment certificate or some kind of official statement to certify such persons as employees of a factory or an industrial establishment, or if they have already been members of other labour unions, the membership cards of such unions, or having been officials of labour unions.

All labour unions are under the supervision of the Government, that is, district labour unions are under the supervision of the district government concerned and provincial labour unions are under the provincial authorities. Hence, all unions must be duly registered with the administrative authorities concerned; and, since a labour union is a juristic person, the union officials are responsible for the activities of their respective unions which in turn are responsible for the action and conduct of their officials. In order to be eligible candidates for any official position, whether it be that of a director or supervisor union members must have reached the age of 25 (Art. 15). A union is permitted to have from 5 to 9 directors and from 3 to 5 supervisors, who must be elected by the general conference of all members which should be held at least once a year. The term of office is one year with the privilege of re-election (Arts. 16-17).

CHAPTER IX
DEVELOPMENT OF LEGISLATION RELATING TO CONCILIATION
AND ARBITRATION OF DISPUTES BETWEEN EMPLOYERS
AND EMPLOYEES

Regulations concerning industrial or labour conciliation and arbitration is of very recent origin. Prior to the Revolution of 1926 no government regulations that had ever been adopted for settling disputes between capital and labour, and it was not until August 26th, 1926, that the first set of regulations was promulgated by the Nationalist Government in Canton. Since then Conciliation and Arbitration Legislation has undergone a period of rapid progress. It is difficult, however, to trace the development of local regulations, but regulations respecting the settlement of disputes, between employers and employees that are either national in character or great in social importance may be considered carefully not from the standpoint of social and economic value alone but from the standpoint of feasibility and administration as well. Indeed, the regulations formulated and promulgated by the Nationalist Government should have been enforced in all Provinces under the control of the Nationalist Government, but in a period of revolution things change in rapid succession, and it was found difficult to enforce the Regulations as aforesaid; hence new regulations had to be made in order to meet the needs of different localities. The regulations that are of some social significance are those of the Canton Government. However, the National Conciliation and Arbitration Law of 1928 automatically consolidated all previous regulations.

1. Regulations Concerning Labour Conciliation and Arbitration of the Nationalist Government in Canton.—The first set of regulations relating to arbitration is that of the Canton Nationalist Government entitled "Regulations respecting the Formation of an Arbitration Commission for the Settlement of Disputes between Capital and Labour". These Regulations consisting of 9 articles were promulgated on the 16th of August, 1926, by the Nationalist Government. The second set of regulations composing of 10 articles promulgated on the same day entitled "Regulations for Labour Arbitration" dealing with the procedure of arbitration. The chief purpose of forming a commission of arbitration is to settle all disputes arising from the relation between employers and employees. The Commission of Arbitration may be formed with a representative from the Government and two

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representatives from each of the disputing parties, and, if the dispute involves more than two parties, the other parties may send representatives to participate in settling the said dispute. The Commission of Arbitration is formed only when the employers and employees have failed to reach an agreement on questions concerning wages, hours of work, compensation, treatment, and so on. In other words, after the interested parties have exerted their effort to settle the difference but proved fruitless, then either both parties or one of them may petition the Bureau of Agriculture, Industry, and Labour to form such a commission as aforesaid to settle the difference. The first duty of the commissioners is to investigate the living conditions and the economic status of the workers as well as the financial conditions of the industrial or commercial establishment concerned. In short, the economic conditions of both the employers and the employees must first be investigated in order to ascertain the causes of dispute and to devise adequate means for a fair settlement; and, after the decision is made if one party or both parties are not satisfied with the decision of the Commission of Arbitration, they may appeal to the Nationalist Government for further adjustment.

Apart from these Government regulations which are national in character, there are a few sets of provincial and municipal regulations, such as the "Provisional Regulations relating to the Settlement of Disputes between Employees and Shopkeepers," promulgated by the Provincial Government of Kwangtung on the 5th of January, 1927, the "Procedure for Settling Disputes between Employees and Shopkeepers" adopted by the Central Political Council in Canton on the 25th of March, 1927, and the "Provisional Regulations pertaining to the Settlement of Disputes between Employees and Shopkeepers of Kwangtung" passed by the Provincial Government in June, 1927. All these regulations may be said to be a combination of labour, factory, trade union, and arbitration regulations, the general purpose of which is to promote harmony between employers and employees, to recognize the need for better conditions of living and of work, to settle disputes fairly and sympathetically so as to protect employers from economic bankruptcy and safeguard employees from inhuman exploitation. Being temporary in nature these regulations have very little permanent social value; hence we shall not discuss them in detail. Let us now turn our attention to Wuhan, the second seat of the Nationalist Government.

2. The Wuhan Regulations Respecting The Settlement of Labour-Capital Disputes.—There are two sets of regulations, of which one was passed by the Political Council in December, 1926, shortly after the Nationalist Army occupied Wuhan Cities, and the other was adopted and put into effect in

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1928. The first set is not arbitration regulations in the real sense of the term, but regulations governing the Provisional Committee for the Settlement of Disputes between Capital and Labour, which was organised in December, 1926, through the effort of the Political Council with the cooperation of the Labour Union, the Chamber of Commerce, and the Kuomintang. There are ten articles in all, and the primary purpose of this Committee was to settle all disputes between employers and employees in the Province of Hupeh, for Hankow has always been one of the most important industrial centres of China. According to Articles 2 and 3, any dispute that may arise and cannot be settled by the conflicting parties, the Committee, upon request, shall call a meeting of all members of the Committee within three days, and, after thorough investigation is made and due consideration given, the Committee shall make the final decision by which both parties must abide. This Committee is composed of all disinterested parties outside of whom no one is allowed to participate as arbitrator.

"The Provisional Regulations concerning Arbitration of the Wuhan Municipal Government" deal with the amicable settlement of dispute in detail. These Regulations consisting of 24 articles are applicable to workers in all industrial and commercial undertakings and to all labour organisations. Any dispute arising from the relations of workers or labour organisations with employers within the municipality, the Bureau of Social Affairs shall, upon request, call a meeting of the Arbitration Commission to settle the dispute involved. The Commission must be composed of two representatives from each disputing party and a representative from the Bureau of Social Affairs. These representatives must select two more fair-minded and disinterested persons, making the total of seven commissioners with the government representative as chairman. The commissioners must not under any circumstance resign without sufficient reason, but in case of urgent necessity a commissioner shall be excused, and another person shall be chosen to take his place (Art. 3).

In forming the Commission of Arbitration the Bureau of Social Affairs must first notify the parties concerned to choose their representatives whose names and addresses must be sent in within two days so as to enable the bureau officially to summon them for the purpose of choosing two disinterested persons to be umpires. In case one side or even both sides fail to send representatives the Bureau of Social Affairs may appoint suitable persons to represent them. After the Commission is formed, the work of the commissioners begins by investigating the following matters:

- (1) The causes and circumstances of the dispute.
- (2) Matters relating to both employers and employees.

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- (3) The nature and notable features of the dispute.
- (4) The reasonable or unreasonable demands of both parties.
- (5) Public opinion in regard to such demands.

In the course of investigation should the commissioners discover any secret they would be prohibited from disclosing it, and after a careful inquiry into the causes and circumstances of the difference is made, the commissioners must meet and devise adequate means available for a peaceful settlement of the dispute. Article 11 declares that at least one representative from each interested party and one independent commissioner must be present apart from the representative of the Bureau of Social Affairs in order that a fair decision may be reached; but in case the representatives of one interested party twice fail to meet as scheduled, the rest of the commissioners must render a decision which is final. Time allotted for the settlement of the difference is usually fourteen days, but under exceptional circumstances another seven days may be granted. On receiving the decision of the commissioners the Bureau of Social Affairs must notify both parties to the effect, and, if one party or both parties are not satisfied with the decision, they may appeal to the Municipal Government for reconsideration and readjustment. On receiving the application for reconsideration the Municipal Government must form another commission excluding the Bureau of Social Affairs from further participation and appoint another commissioner as chairman to represent the municipality. The decision of this commission is final and binding, and must be enforced within three days, regardless of the approval or disapproval of the interested parties (Art. 22).

3. **The Shanghai Regulations Relating to Arbitration Between Capital and Labour.**—Before the passage of the National Legislation dealing with Conciliation and Arbitration between Labour and Capital on the 9th of June, 1928, there were at least two sets of regulations adopted by the Shanghai Political Council and the Special Municipality of Shanghai respectively. The first set of regulations entitled "Provisional Regulations governing the Commission of Arbitration of Shanghai," consisting of 10 articles passed on the 4th of May, 1927, and these regulations were later amended and put into operation on the first of August, 1927, by the Municipal Government under the title of "The Principles governing the Organisation of a Commission of Conciliation for Shanghai," consisting of 9 articles. The other set of regulations consisting of 20 articles was adopted by the Shanghai Political Council on the 13th of May, 1927, entitled "Regulations for the Settlement of Disputes between Employees and Shopkeepers." These regulations were later modified and put into effect on the 18th of August of the same year by Order of the Municipal Government of Shanghai with a

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new title of "The Provisional Regulations concerning Conciliation of Disputes between Capital and Labour." The salient points of these Regulations are (1) the purpose and application; (2) the formation of a conciliation or an arbitration commission; (3) the duty of the commissioners; (4) the procedure for the settlement of disputes; (5) the enforcement of the commission's decision.

(1) *Provisions as to Purpose and Application.*—The chief purpose of formulating these Regulations and forming the Commission of Conciliation or Arbitration is, in accordance with the principles of the Kuomintang, to promote the welfare of the workers; to enhance the opportunity for higher productive efficiency; to settle all disputes arising from the relation between employees and employers of any commercial or industrial establishment located within the Special Municipality; to foster better relations between capital and labour with a view to improving the general welfare of society. In other words, these Regulations are applicable to all business enterprises and industrial concerns established within and outside the International Settlement and the French Concession as well as those in and around Woosung area for the purpose of bringing about social harmony.

(2) *Provisions as to the Formation of Conciliation and Arbitration Commission.*—The Commission is composed of thirteen members, (11 members according to another regulation) five are chosen from the Labour Union to represent the workers, five from the industrial or commercial establishment concerned, and three from the Government to act as disinterested party and arbitrators, of whom one must be sent by the Special District Kuomintang and one of the Government representatives must be chairman. Two-thirds of the members representing the three parties as aforesaid shall form a quorum which renders a decision binding and final. Apart from the 13 commissioners there is a chief secretary, two secretaries, a number of investigators and recorders, and an accountant and treasurer.

(3) *Provisions as to the Duty of Commissioners.*—Upon the application of one contending party or both parties the Special Municipal Government shall call a meeting of the commissioners whose duty is to hear and determine the matters in difference. In short, they are to consider all reports on all disputes which the interested parties cannot settle themselves, and, after a thorough investigation is made and due consideration given, the commissioners then make a decision which the interested parties must carry out. But, if the contending parties disagree on the decision rendered, they may appeal to the Special Municipal Government for reconsideration and readjustment; and, upon the recommendation of the

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Municipal Government a second hearing must be given either to uphold or to reverse the decision, and the Commissioners must not refuse the Order of the Municipality. After this is done the Special Municipal Government is requested to enforce the decision, regardless of opposition, if any, on the part of any interested party.

(4) *Provisions as to Procedure.*—The Committee which drafted these Regulations had first made a fairly extensive study of the working of the labour laws, especially the industrial arbitration laws, in various Western countries with a view to adopting certain parts that are applicable to the conditions in China in the hope that Dr. Sun Yat-sen's Three Principles of the people may eventually be realized and that the labour program of the Kuomintang may effectively be carried out. According to the aforesaid regulations, compulsory arbitration is deemed necessary for the settlement of disputes which, of course, are to be conciliated or arbitrated only when the employees and employers fail to settle by themselves. The first step that the Commission of Arbitration must take is to give hearing to the representatives who are chosen by the contending parties to represent their respective interests and, after both sides have presented their case, the commissioners then decide and draw up terms for an amicable settlement, inasmuch as the Commission of Arbitration is, in the strictest sense of the term, a legal machinery for the compulsory settlement of all trade disputes arising between employers and employees. Any decision made by the commissioners is to be recommended to the Special Municipality for enforcement within three days, but the contending parties are entitled to an appeal to the Municipal Government and a second hearing from the Commission, if they do not agree with the commissioners on the terms of settlement. The decision of the second hearing is, like the decision of a higher court, considered as final and binding on all parties, and the Commission is immediately dissolved.

(5) *Provisions as to Enforcement.*—Since trade disputes are to be settled by compulsion, the enforcement of the Commission's decision is absolutely essential; but, unfortunately, there is no penalty provided either for the refusal to obey Government Order or for violation of the Regulations. This is one of the greatest defects of these Regulations. In case one of the interested parties chooses to ignore the Government Order, the Municipal Government will find it difficult to enforce the Regulations, thus prolonging the strike which is legalized, although no violence is allowed to be used for securing certain results or for destroying property belonging to employers.

4. *The Development of Arbitration of Trade Disputes in other Provinces.*
—Before the enactment of the Conciliation and Arbitration Legislation a few

Provinces had already inaugurated the Commission of Arbitration for an amicable settlement of trade disputes, such as the Commission of Arbitration of Fukien, the Commission of Arbitration of Chekiang, the Arbitration Commission of Hupeh, the Arbitration Committees of Hunan, Kiangsi, Kiangsu, and so forth. According to the regulations governing the organisation of the aforesaid commission, an arbitration commission must be composed of public bodies, such as the Labour Union, the Chamber of Commerce, the Bureau of Social Affairs and the Bureau of Public Safety (Police), representing employees, employers, the Government, and the Kuomintang respectively. The regulations of the said arbitration commission provide an equal representation of employers and employees and a number of Government and Party representatives as referees. The salient points of these regulations are (1) the settlement of disputes by compulsory arbitration; (2) strikes are legalized but sabotage or violence is prohibited by the commission; (3) the decision of the commission is final and binding; (4) the enforcement of the decision is rested with the local authorities concerned; (5) the privilege of appeal is usually granted to the disputants.

5. The National Legislation Relating To The Settlement Of Disputes Between Capital And Labour.—This piece of national legislation was adopted and promulgated by the National Government on the 9th of June, 1928, intending for a year's experiment, but on the 12th of July, 1929, it was extended by Order of the Central Government for another six months. It has since been amended and incorporated into a permanent national law on March 17th, 1930 under the title of The Law on Conciliation and Arbitration of Labour Disputes, and the contents of the Law surely deserve our careful consideration. The Law consists of 47 articles with provisions dealing with (1) the Application and Function of the Law; (2) the Agencies for the Settlement of Disputes; (3) the Methods of Settlement by Conciliation and Arbitration; (4) the Restrictions on the Conduct of the Contending Parties; (5) Penalties for Non-Observance or Violation of the Law.

(1) *Provisions as to Application and Function.*—This Law is applicable to disputes arising between employees involving over 30 in number or labour organisation having more than 30 members, and employers. The administrative authorities through which this law may be enforced and disputes may be brought forth for settlement are special municipalities, hsien (district) governments and city governments unless otherwise specified. At the request of one contending party or both parties the administrative authorities concerned should call a meeting of the Com-

mittee of Conciliation for the purpose of settling the difference by peaceful means in accordance with this Law and according to the terms of the contract of labour, but the decision of this Committee is not final (Art. 3). Hence, Article 4 expressly states that any dispute arising from the relation between employers and employees in such establishments as (a) military establishments or munition factories; (b) public utility undertakings, such as water works, electric plants or power houses and gas companies; and (c) public utility services, such as post offices, telegraph offices, railroad, tram car, bus, and steamship companies, must first be conciliated by the Committee of Conciliation; but, in case the Committee fail to bring the contending parties to terms, the case should immediately be referred to the Commission of Arbitration for final settlement. The same is true of disputes between workers and capitalists of other industrial and commercial concerns, the final authority is the Commission of Arbitration to which only difficult cases involving over a month of loss of time or of strike may be referred for a hearing, otherwise a dispute should be settled by the Committee of Conciliation rather than by the Commission of Arbitration which, in reality, is a court of referees for arbitration between capital and labour.

(2) *Provisions as to Agencies for Settlement of Disputes.*—This law provides two distinctive agencies for the settlement of all disputes between the employers and the employees in any industrial or commercial establishment; namely, the Committee of Conciliation (or Conciliation Council) and the Commission of Arbitration (or Arbitration Council). The former is to settle differences by means of mediation, whereas the latter by means of arbitration.

a. *The Committee of Conciliation.*—This Committee may be composed of five or seven members chosen from (a) the administrative authorities concerned; and (b) the interested parties. The government authorities may choose either one or three representatives, while each contending party must appoint two so as to form a committee of five or seven. In either case the government representative or representatives must act as umpire or umpires. The first step for forming this Committee is for the interested parties to send the names and addresses of their respective representatives with the application for conciliation directly to the administrative authorities concerned which, upon receiving the same, shall call a meeting of the representatives within three days. The representative of the local authorities is to preside over all meetings, but in case that the dispute arises in a place outside the jurisdiction of the administrative area, then a delegate may be chosen from the Ministry of Industries, to preside over all meetings and act as referee.

b. The Commission of Arbitration.—Unlike the Conciliation Council, this Commission is composed of only five members, one from the administrative authorities, one from the provincial or special municipal government, one from the provincial or special municipal Kuomintang, the president of the district court or his representative, and one independent or disinterested person to represent each of the interested parties. According to Article 16 of this Law, each Provincial Government should, in June of each year, appoint 30 or 50 persons from among whom two independent commissioners must be chosen to represent the contending parties respectively. Besides, Article 17 is also important so far as fair settlement of disputes is concerned, for the provision therein contained prohibiting a person who has served as conciliator from being a commissioner for arbitrating the same case. In other words, the Committee of Conciliation is, like the lower court, to make settlement of any case presented, but if one of the contending parties is not satisfied with the decision, he can appeal to the Commission of Arbitration which, like the higher court, reviews the case and makes a final decision which is binding and must be enforced.

(3) *Provisions as to Procedure for the Settlement of Disputes.*—Since there are two agencies as mentioned above for the peaceful settlement of disputes, the procedure for mediation should be different from that for arbitration, especially when most disputes are expected to be settled by the conciliators rather than by the arbitrators by reason of the fact that it will save time, energy and expense to have all disputes properly and satisfactorily settled by the Committee of Conciliation in which both conflicting parties are directly and equally represented; whereas in the Commission of Arbitration they have absolutely no direct representation.

a. Procedure for Conciliation.—The interested party or parties who fail to reach any settlement of the dispute in question by direct negotiation should apply to the administrative authorities for conciliation, and the application should contain (a) names, occupations, and addresses of the contending parties, (b) the number of employees involved in the dispute, and (c) the special and important points of the dispute. On receiving all necessary information concerning the dispute the Committee of Conciliation must within two days make inquiry into (a) the nature and circumstances of the dispute, (b) the demands and proposals of the conflicting parties and the proceedings of the dispute, (c) the present situation of both parties in respect to their attitude towards amicable settlement, and (d) other matters of some social and economic importance relating to the dispute. Under ordinary conditions the investigation must be done within seven days, but in the event that the investigation cannot be done within the fixed period

due to some unforeseen circumstances, the preliminary work must be done as soon as possible so as to enable the conciliators to subpoena witnesses or parties involved to appear before the Committee which is empowered to question the parties concerned and to inspect any factory or shop where the dispute originates in order to ascertain the causes and to devise adequate means for the purpose of effecting a settlement and of preventing any future occurrence. In the course of investigation or inspection should any secret be discovered, the conciliators are strictly prohibited from revealing it to any one outside the Conciliation Committee. Within two days, unless otherwise agreed upon by both parties, after the investigation is made, the Committee must draw up terms for a settlement in accordance with the decision of the majority members. The parties concerned shall be furnished with a copy of the decision, and the administrative authorities shall be instructed to enforce it. Should the negotiation prove fruitless the case would be referred to the Commission of Arbitration.

b. Procedure for Arbitration.—If one interested party or both parties wish to be arbitrated, they should make application to the administrative authorities for arbitration. The power of arbitration is, however, vested in the provincial and special municipal governments only; hence, if the application made to the *Hsien* (district) government or the city government, it must be referred to the provincial government or the special municipality for action. The application for arbitration must contain (a) the names, occupations, and addresses of the interested party or parties; (b) the decision of the Conciliation Committee and the disagreement of the parties concerned, (c) the reasons against the decision of the Conciliators, and (d) suggestions for reversing the decision or changing its terms. On receiving all the information needed, the Commission then set to work immediately, and the decision of the Commission is final and binding on all parties concerned.

(4) *Provisions as to the Conduct of Disputants.*—According to Article 35, no strike or lock-out, or dismissal of workers is allowed during the progress of conciliation or arbitration, and Article 36 strengthens this restriction by declaring that pending the proceedings of the Arbitration Commission workers or labour unions are strictly forbidden to lock up shops or factories, to loot or destroy goods or machinery therein, and to coerce other workers to go on strike. As regards the problem of wages during the period of strike, it must be settled either by the Committee of Conciliation or by the Commission of Arbitration as the case may be.

(5) *Provisions as to Penalties.*—Penalty for violation of Article 3 (failure to request for conciliation) and Article 7 (failure to apply for

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arbitration) on the part of the contending parties is in the form of a fine not exceeding \$200. or in the form of imprisonment not exceeding 40 days (Art. 38). Interested parties violate Articles 35 and 36 (strike, lock-out, dismissal of employees, sabotage or act of violence, etc.) are liable to a fine not exceeding \$200. or imprisonment not more than 40 days, but in the event of violence causing damage to the employers, they are liable to a punishment in accordance with the Criminal Code. Article 40 declares that violation of Article 25 (failure to appear before the Committee of Conciliation when subpoenaed) shall be fined but not to exceed \$100, and the violation of Article 27 (disclosing secret by the Conciliators) shall be regarded as a criminal case and must be punished according to the Penal Law. Finally, any of the interested parties who commits an act of employing false witness or making false report or refusal to answer questions is liable to a fine of not more than \$100.

CHAPTER X

DEVELOPMENT OF OTHER LABOUR AND INDUSTRIAL LEGISLATION

1. Regulations Governing Railway Employees.

The first attempt made on the part of the defunct Peking Government to enact a law governing railway employees in government owned railways was the drafting of a set of regulations by the Ministry of Communications in 1925 entitled "General Regulations Governing Railway Employees in Government-owned Railways". The Regulations consists of 32 articles with provisions relating to (1) employment; (2) hours of work and rest days; (3) wages; (4) compensation and welfare; and (5) responsibility and duty.

(1) *Employment*—According to Art. 3, no workers shall be employed unless they have satisfactorily passed an examination. The legal minimum age is fixed at fourteen, and no children shall be received as apprentices (Art. 4). Young people between fourteen and eighteen shall be regarded as juvenile workers, and those above eighteen are considered as adult workers. In case of dismissal due to the employee's own fault, he shall be given a week's notice in advance to the effect, but in the event of minor mistakes, a fine may be imposed on him for demerit, or in case of competence he shall be promoted in accordance with the regulations governing promotion and abasement.

(2) *Hours of Labour and Rest Days*.—According to Articles 8-9, juvenile workers are permitted to be employed only on light work, and in no wise that they are allowed to undertake any kind of work that is dangerous to life and injurious to health. In case of sickness or disablement as a result of accident, the amount of work may be reduced or the worker may be granted a leave of absence with pay. The working day shall not exceed ten hours, but in exceptional circumstances overtime allowance may be permitted. Workers shall be given at least two full days a month for rest, and are entitled to all legal holidays and festival days, but under special conditions special holidays may not be granted.

(3) *Wages*.—Article 15 clearly states that wages shall be paid in money of legal tender and must be paid in full on the pay day decided upon by the management. The workers are entitled to full wages on all rest days and holidays designated by the government, and, in case of work on legal holidays wages shall be double the amount of ordinary wages. Overtime shall be paid on the rates agreed upon between the two parties concerned or

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fixed by the management to the satisfaction of the workers. In the interest of the employees the management may deduct a certain amount of wages for the purpose of promoting savings or social insurance.

(4) *Compensation and Welfare.*—According to Articles 20-22, all regular railway employees are entitled to old-age pension and to the surplus profit of the company, which shall be paid in a form of a bonus. In addition to these, a worker may be awarded a prize or a special sum of money in consideration of his extraordinary merits. Apart from cash reward, a faithful and exceptionally good worker may be given a certificate of recognition. Furthermore, the management shall provide facilities or establish schools for a suitable education of its employees; and shall promote sanitary conditions in places of work or rest. Above all, compensation for incapacity or death resulting from an accident shall be paid to the injured workers or to the deceased family. However, the amount of compensation is not stated, and the basis on which compensation may be paid is not given.

(5) *Responsibility and Duty.*—Railway employees must observe all regulations of the railway concerned, and shall be faithful to their work. In case of negligence resulting in any loss to the management, the responsible person shall be required to pay for the damage done, and, in the event of gross negligence resulting in the killing of person or persons or any damage done to the management's property, the responsible person or persons shall be punished in accordance with the Penal Code and the regulations of the management concerned.

2. The Fishery Law

The Fishery Law was promulgated by the National Government on the 11th of November, 1929, and contains 49 articles with important provisions therein contained dealing with (1) the Right of Fishing and the Fishing Industry; (2) Control and Administration; (3) Protection and Encouragement; and (4) Penalties.

(1) *Provisions as to the Right of Fishing and Fishery.*—The right of fishing in China has been confined to a small portion of China's population. To the Chinese fishermen the right of fishing is a natural right which belongs to them. They have been living on the water and nearby the seas from which they have been earning their livelihood; they feel that they have the right to life and hence to a livelihood; they have probably never thought of changing their occupation in favour of other kind of work. In point of fact, under the present circumstances they prefer to be fishermen rather than to become miserable agriculturalists. However, the chief object of the

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Fishery Law is not to eliminate or reduce the number of fishermen, but to promote fishery. The Law, therefore, aims at assisting the fishermen, at encouraging the fishing industry, at protecting both the fishermen and the industry in which they are engaged.

According to Article 3, the fishery right may be granted to any person who is a citizen of the Republic of China. This right is, of course, limited to the waters within the jurisdiction of the Republic and the high seas regulated by international conventions. The exclusive right of fishing and of developing fishery is to be confined to a limited area within a limited period of time, and such a right is regarded as a property right (Arts. 5 and 9). This right may be granted to an individual or a group of individuals for a period of not more than 20 years; but the lease may be renewed on its expiration (Art. 9).

The right of fishing must, however, be distinguished from the fishery right. The former is the right which is to be obtained from the person or persons who possess the fishery right of a limited area to which he has that exclusive right within a certain fishing ground. The right of fishing is not transferable without the consent of the lessor and is perpetual so long as the fisherman lives or has a successor. There is an exception, however, that if local custom does not require the consent of the person who possesses the fishery right, the fisherman is exempt from this rule (Art. 12). But this clause may render the Fishery Law unenforceable by virtue of the fact that local custom should not be above the law; local customs are subject to change in modern society in which customary practices must not be confused with legislation, the enactment of which is for the sole purpose of eliminating evil practices. In other words, laws must be above customs or must be made in accordance with the wishes of the people rather than with old social customs, although local conditions should be taken into consideration.

According to Article 15, the right of fishing is considered forfeited if the fisherman has neglected or refused to pay rent to the lessor as agreed upon for more than two years. To go from place to place without paying rent is not allowed, although in times past it has been customary for the northerners to confine themselves to the north and southerners did likewise; but northern fishermen might go to other fishing grounds belonging to other northern provinces, and the southern fishermen followed the same customary practice. For instance, the Fukien fishermen may come up to Ningpo to catch a certain kind of fish in the summer or the Chihli (Now Hopei) fishermen may freely go down to Shantung to fish at certain seasons. But in order to protect the right of fishery, the fishery districts must be clearly divided so as to avoid future disputes. If such customs, as aforementioned, are allowed

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to continue, the Fishery Law is difficult to enforce, owing to the fact that law can rigidly be enforced only when the work of enforcement is not interfered with by local customs. Indeed, some consideration should be given to local customs in minor affairs which probably will not lead to conflict, or which will help to avoid dispute. Apart from this consideration, the law should be placed above any tradition or custom.

(2) *Provision as to Administration and Control.*—Articles 17-32 deal with the administration and control which is in the hands of the Administrative Authorities as well as the Provincial Bureau of Agriculture and Mining; hence any person who wishes to acquire the right of fishing or that of pisciculture must therefore apply to the Administrative Authorities who in turn present the petition to the Provincial Bureau for a permit or lease, and, after the fishery zones are surveyed and divided, then such a permit or lease is granted to the applicant according to law. But such a right is granted only on the understanding that the lessee is to develop fishery in accordance with the terms agreed upon and the regulations of the Government with a view to promoting fishery as an important industry and protecting the fishery zones from the danger of being overfished, for impoverishment may be caused by over-fishing. Aside from this, the fishermen or lessees of fishery grounds are not permitted to carry on any illegal business which may hamper the normal development of the fishing industry and may affect the moral growth of the people. Hence the fishery right may be withdrawn on the ground of (1) forfeiture of the fishery right by not commencing work during the first 12 months from the date when the right was granted or the stoppage of work for more than two years; and (2) errors in the lease granted (Art. 21). Furthermore, the Administrative Authorities are empowered to restrict or even withdraw the permit given to the holder for four causes: (1) the necessity of protecting pisciculture and fishery; (2) the need of the fishery ground for the construction of a wharf or a similar purpose; (3) the use of the fishery zone for national defense or for laying cable; and (4) the violation of law by carrying on unlawful activities which are considered as injurious to public interest. Apart from these exceptions and restrictions, the holder of the fishery permit has exclusive right to develop and promote the fishing industry within the limited zone or district agreed upon, and any dispute arising therefrom shall be settled by the Administrative Authorities concerned.

(3) *Provisions as to Protection and Encouragement.*—For the purpose of protecting and encouraging fishery the Administrative Authorities are empowered to (1) restrict or prohibit fishing when any fishery zone is threatened with the danger of being over-fished; (2) restrict or

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prohibit the selling of marine products when such a sale is liable to endanger the fishing industry; (3) restrict or prohibit the use of certain types of trawlers; (4) restrict or prohibit the rearing of certain kinds of fish or similar species that may be injurious to the fishing industry; and (5) restrict or prohibit fishing in order to improve certain piscicultural methods or in order to eliminate certain species of fish so as to encourage the breeding of certain kinds of fish as a means of increasing the superior types of fish (Art. 23). In order to give full and adequate protection to the promoters of the fishing industry and fishery in general, Article 24 provides that the Administrative Authorities concerned may, at any time when necessitated by circumstances, request the Provincial Government or even the Central Government to despatch an armed cutter or a gunboat to the fishery zone for protection. Moreover, the Government, realizing that the existing system of taxation would hamper the normal development of fishery, passed the law with a specific provision therein contained to prohibit all local authorities of any province from imposing exorbitant taxes on fish caught therein, and the fish tax must not exceed 5 per cent of the actual value of the fish to be levied only once. Furthermore, the salt used for storing or smoking fish or used in connection with the fishing industry must not exceed 20 cents per hundred catties, so as to enable the fishermen or lessees of fishery grounds to promote their industry. Article 38 even goes further and provides that rewards or cash prizes should be given to those who (1) use steam yacht or trawler for fishing or transporting fish from ocean; (2) provide guard ships for the purpose of protecting the fishing interest as well as the fishermen; (3) improve trawlers and the methods of fishing; (4) establish fishery schools with success; (5) establish workshops for manufacturing fishing instruments; (6) build cold storages or devise special means of transportation of marine products; (7) exploit harbour for the development of fishery; (8) construct docks; (9) build marine or fish hatcheries, ponds, or similar construction for piscicultural purposes; and (10) other types of activities that tend to promote the fisheries.

(4) *Provisions as to Penalties.*—Articles 40 to 45 deal with penalties exclusively. The violation of the Fishery Law is punishable by a fine of from less than \$50 to \$200 and a term of imprisonment of not less than one year. In case of the violation of Article 45, that is, wilful destruction of the fishing industry by means of poisonous drug or explosives, is punishable by both a fine of not less than \$100 and a term of imprisonment not exceeding one year.

The Fishery Law, being the first piece of national legislation of its kind ever enacted by the National Legislature, does not specify the different

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types of fisheries which are necessary to be distinguished when the fishing industry is highly developed. For instance, the sea-fisheries, the river-fisheries, and more specific still are cod-fishery, carp-fishery, yellow-fish-fishery, and so forth. Furthermore, the regulations for the enforcement of this Law have not as yet been passed and promulgated, and hence not until such a set of regulations has been adopted, it is difficult to determine as to whether this Law can be enforced.

3. Fishermen's Union Law

The fishermen's Union Law was promulgated on the same day as the Fishery Law (November 11th, 1929) and contains 29 articles with provisions for (1) promoting the welfare of the fishermen in general; (2) encouraging the fishing industry as a means of solving the fundamental problem of economic life of the people; (3) showing the fishermen the significance of organised effort; and (4) organisation and dissolution of the union. With an exception of the duties of the union, there is little difference between the provisions contained in the Labour Union Law¹ and those contained in the Fishermen's Union Law, which aims at promoting the welfare of the fishermen, at increasing their general knowledge and skill, at improving their standard of life, and at developing and increasing their power of productivity. The legal status of the union is also the same as that of the labour union, that is, the Fishermen's Union is a juristic person. The duties of the Fishermen's Union are, however, different from those of the Labour Union in that the Fishermen's Union stresses the following activities:

1. Improvement of the Fishing Industry.
2. Building of Fishermen's Model Villages.
3. Construction of a Model Market for Promoting the Fishing Industry.
4. Government Loan to Fishermen for the Development of Fishery.
5. Building of Modern Vessels by the Government and renting them to Fishermen.
6. Fishermen's Education.
7. Exhibition of Marine Products.
8. Organisation of Credit, Marketing, Purchasing, and other kinds of Cooperative Societies.

1. See Page 178 of this volume under "New Labour Union Law."

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9. Establishment of Savings Societies, Dispensaries, and Social Insurance.
10. Protection of Fishing.
11. Survey of the Fishing Industry.
12. Formation of Committees on Conciliation of Disputes.

In other words, the Fishermen's Union is a legal person whose duty is to look after the welfare and interest of all members of the Union. This is the first time in the history of social legislation in China that the right of the fishermen is recognised by law, and also for the first time that the fishermen are given the rightful place in modern economic society, thus marking the period of great importance for the development of fishery which has heretofore been neglected either due to the lack of insight or of a definite economic policy on the part of the Government. During this period of economic reconstruction the Government cannot afford to overlook the fact that the development of fishery is just as important as the development of any other industry; hence the promulgation of this Law may be regarded as the first step taken by the Government towards the development of the fishing industry on a large scale.

While it is too early to decide as to the feasibility of this Law, the action taken by the National Legislature to improve the life of the fishermen and the fishing industry, which has hitherto been undeveloped and unprotected, deserves our consideration.

4. LAW CONCERNING AGRICULTURAL WORKERS.

The Draft Law relating to the Protection of Agricultural Workers consists of 36 articles. The outstanding features of this Draft Law are (1) the labour contract; (2) the age of employment; (3) the hours of work; (4) wages; (5) health and safety; (6) compensation and welfare; and (7) penalties for violations. This Law, if passed by the National Legislature, will be the first piece of legislation dealing with agricultural labourers who have heretofore been unprotected.

The latest development in the field of labour legislation in China is the passage of the Law on Collective Agreement. This clearly indicates the sincerity of the National Government in respect of labour protection, and, if this Law can be effectively enforced, Chinese workers will be automatically placed on an equal footing with workers in western countries so far as legal protection of labour respecting collective bargaining is concerned.

5. LEGISLATION RELATING TO COLLECTIVE AGREEMENT

The Law on Collective Agreement containing 31 articles was passed in the Legislative Yuan on the 11th of October, 1930, at its 113th session. The noteworthy features of this Law are (1) The Legal Relation between the Employers and Employees; (2) Limitation and Restriction; (3) Effectiveness; and (4) Termination and Continuation.

(1) *The Legal Relation between the Employers and Employees.*—According to Article 1, Collective Agreement must be made between the employers or their agents or the juristic persons of an employers' association with the juristic persons of a labour union. In other words, a collective contract concluded between the employers' association and the labour union concerned is just as effective and binding as an individual contract directly made between the parties concerned. Collective agreement deals with not only one type or even a few groups of workers but with all classes of workpeople and their organisations as well, such as the relation between apprentices and employers, between labour organisations and employers, between employment agencies or bureaux and employers, between agencies for conciliation and arbitration of disputes and the interested parties concerned. Obviously, a contract whether it be made collectively or individually has the same legal meaning and effect; and, in point of fact and of experience of western advanced industrial countries, collective contract is usually more effective than individual contract. But, of course, the power conferred upon the employers' association and the labour union to conclude contract is to be limited and restricted by this Law.

According to Article 3, union officials shall conclude contract in favour of their union members in accordance with the regulations of the union concerned, and, unless authorised by a conference of representatives of the union in writing, they have no right to make agreement for their members. The procedure for making a collective bargaining is as follows: (1) The terms of the contract must be agreed upon by both the employers or their representatives (such as officials of the employers' association) and the officials of the labour union; (2) the terms of the contract agreed upon must be submitted to the administrative authorities concerned for approval, and if they are made in conformity with customs in respect of the standard of living and customary practice and in accordance with the provisions of the Law, the administrative authorities shall sanction it and the collective agreement becomes valid automatically, but if the provisions therein contained are in contravention of the Law, whether they are in conflict with the employers' interests or they are injurious to the life of the workers, such provisions must be modified so as to do justice to all parties concerned, and

(3) the agreement concluded shall not become effective until the next day. According to Article 7, employers who are the interested party to the collective agreement shall be required by this Law to hang up the provisions of the contract in a conspicuous place of the establishment, and should they commit an infringement of the provisions of the Law in respect of Article 7, as aforementioned, they shall be punishable by a fine not exceeding \$50.

(2) *Limitation and Restriction.*—According to Article 8, collective agreement binds the employers to employ only the members of that particular labour union with which they concluded the contract; but they may be free from any restriction on the following grounds:

- (a) When the union with which the employers concerned made the collective contract is subsequently dissolved.
- (b) When the union cannot supply the type of technical or skilled workers as the contract calls for.
- (c) When the union cannot supply the number of workers required or when the workers are unwilling to be employed under certain conditions.
- (d) When employers employ apprentices or domestic servants.
- (e) When employers engage clerks to take charge of important documents and accounts.
- (f) When employers employ non-union men after the union concerned had supplied all their members available.
- (g) Apart from Nos. (5) and (6) mentioned above, the union workers still do not exceed 20 per cent of the total working force the employers have the right to employ other workers.

Article 9 further limits the power of the union by declaring that any provision made in the contract requiring the employers to use only those workers listed according to order in turns is considered as null and void. In other words, the union shall not force the employers to employ only certain types of workers because they are listed in order, for such a restriction is construed as coercion on the part of the labour union, and the principle of collective agreement in this respect is interpreted as a violation of the Law. Article 10 explicitly states that collective contract only implies the principle of employing unionists which is meant that workers required by the employers should be recommended by the union, but the employers' freedom of

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acceptance should not be restricted, otherwise a contract made with such a provision therein is regarded as null and void. But if collective agreement implies the principle of recommendation of workers by the union, then the union must supply the workers at a certain time agreed upon by both parties concerned. Should the union fail to recommend the workers required within ten days after a notice is served by the employers to that effect, then the employers are no longer obliged to abide by the agreement concluded, inasmuch as the failure to recommend workers as agreed upon is to be construed as a breach of contract; hence the employers are free to engage non-union workers.

The hours of labour fixed by collective agreement shall stand, and workers shall be paid for overtime work, but wages for overtime work must be higher than ordinary wages though not to exceed twice as much as regular wages. Furthermore, by collective agreement workers who are concurrently union officials may be allowed to take leave of absence in order to attend to affairs of their union, but the average hours allotted to them must not exceed 30 per month (Art. 12). On the other hand, if there is any provision contained in the agreement restricting the employers from installing new machinery, improving production, buying finished materials or materials which will increase the amount of work shall be considered as illegal and hence null and void (Art. 13).

(3) *Effectiveness of Collective Agreement.*—According to Article 14 apart from special restrictions that are within the scope of the Law, the following persons who are parties or may be parties to the agreement must observe the provisions therein contained:

- (a) The interested party to the agreement who are employers.
- (b) The interested party to the agreement who are workers.
- (c) Those who join the interests of the employers or the labour union at the time when the agreement is made or subsequent to the making of the collective contract.

All collective contracts so made shall remain in force until the expiry of the stipulated term; hence persons whether they be employers or employees involved shall under obligation to perform their duties, irrespective of their subsequent plan or affiliation with other organisation. Apart from the collective agreement made between the interested parties, other labour contract made between the same employers and workers who are members of the same union and hence party to the agreement must not be in conflict with the provisions of the collective agreement, and, if the terms of other labour contract are different from those contained in the collective agree-

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ment, such terms are construed as detrimental to the workers' interest, and should therefore be substituted by the provisions in the collective agreement in the interest of all union workers party to the agreement, unless there are express provisions to prohibit such a change (Art. 16.). In other words, a collective agreement shall become the general rule for all conditions of employment, and hence the provisions of such a collective agreement are considered as an integral part of every contract to be concluded between an employer and a worker in the same place and during the same period covered by the agreement.

During the interval between the expiration of the collective agreement and the renewal of the same all contracts concluded between employers and employees parties to the agreement just expired must be based on the provisions of the old agreement which is in force or at least is regarded as still operative so long as the parties to the agreement shall not relinquish their right conferred by the agreement, inasmuch as such a relinquishment of right is incompatible with the principle of collective agreement; but if the contract of labour has been expired for three months, the parties to the collective agreement have ceased to carry out the provisions thereof during that period, the said agreement automatically becomes invalid, and the parties to it shall be deprived of all the privileges and rights once conferred on them. Should the employers who are party to the collective agreement cancel a contract of employment on the ground of the workers' indifference to the privileges and rights of the agreement, the action of the employers is to be construed as contrary to and contravention of the principle of collective agreement which is binding on both the employers or their association and the labour union concluding it; hence the employers, party to the agreement, are not free to terminate contracts concluded between them and the workers who belong to the union which is also party to the agreement. According to Article 19, any employer who violates the provisions of the collective agreement shall be punishable by a fine of not more than \$500, and not more than \$50. shall be imposed on any worker who belongs to the union party to the agreement for the violation of the same, unless express provisions in the agreement forbid the imposition of fines as mentioned above.

Employers or their association and the labour union parties to the collective agreement are under obligation to enforce the provisions therein, and Article 20 seems to embody the principle that members of either the association or the union concluding the agreement shall neither dispute over the provisions nor doubt the validity of the agreement concluded by their respective organisations after such an agreement has already come into force. In case a party to the agreement who fails to enforce the

provisions therein contained is liable to pay damages to the party who has the right to claim such damages as considered lawful.

(4) *The Term of Collective Agreement.*—All collective agreements whether they be limited, that is, with stipulated time, unlimited or without the stipulation of time, or concluded according to a particular piece of work, are subject to a certain limitation and restriction. According to Article 24, the unlimited contract (without the stipulation of time) may be terminated by any party after one year, as from the date when it comes into force, but a three months' notice should be given to the other party concerned. The term of limited contract must not be longer than three years, and hence should any contract of employment concluded with a stipulated time longer than that is considered as a three years' contract (Art. 25). Any contract made for a definite piece of work upon the completion of which is construed as null and void, but if such a piece of work requires more than three years to complete, the contract of labour shall not be concluded for a term more than three years, inasmuch as the term of a collective agreement is limited to three years. A collective agreement with a stipulated time shall remain in force, regardless of any change in the organisations parties to the agreement, such as combination of interests and of labour unions and the dissolution of the employers' association and labours union parties to the agreement. But unlimited collective agreement may be terminated following the dissolution of the employers' association or labour union party to the agreement upon the receipt of a written notice (Art. 27).

However, according to Article 28, there is an exception to the rule in respect of restriction on the parties to the agreement. If the economic conditions were favourable at the time when the agreement was made but have since greatly changed, and the continuation of the agreement is deemed detrimental to the employers' interests or contrary to the wishes of the workers in respect to their desired standard of living. In other words, the unforeseen circumstances that necessitate the cancellation of the agreement the parties responsible for concluding such agreement may petition the administrative authorities concerned for permission for cancelling it, unless there are express provisions prohibiting the termination of agreement in this way (Art. 29).

CHAPTER XI

PROBLEMS OF ENFORCEMENT AND ADMINISTRATION OF LABOUR LAWS

The making of protective labour laws is universally recognized as a tremendously difficult task; but the enforcement of labour legislation is far more difficult. Generally speaking the common obstacles in the way of administration are numerous. The insuperable difficulties may be summarised roughly as follows:

1. *The nature of the law itself.*—There are at least three things in connection with the making of labour law that may render the law unenforced or unforceable: (1) careless drafting, (2) ambiguous clauses or terms, and (3) the law is based on sentiment rather than on actual needs and conditions. If the law is carelessly drafted, if certain clauses thereof are not clear, and if it does not meet the social and economic needs of the people, that law is bound to be a dead letter. If one of these three defects is found therein, the law is difficult, if not impossible, to enforce.

2. *The nature and efficiency of the machinery for enforcement.*—The effectiveness of any law depends largely on the method of enforcement. If the law is rigidly enforced, it is effective; if it is loosely administered, no desirable effect can be expected. It is specially true of the enforcement of labour laws, particularly in China where peculiar conditions exist, and where labour law was unknown until comparatively recent years. Labour law, therefore, requires a special administrative machinery for its operation. The experience of European countries and the United States in the administration of labour law may teach us great lessons, and deserves our careful consideration.

(1) *The European Experience.*—Early factory laws in England, such as the Acts of 1802, 1819, 1825, and 1831 were admittedly ineffective and unenforceable, and it was not until 1833 when the system of factory inspection was instituted that the factory law was effectively enforced. The same was true of France. Attempts at protection of labour began as early as 1806, and between 1813 and 1866 many labour laws were promulgated, particularly those of 1814, 1841, 1848, 1851, and 1866; but it was not until 1874 when the system of labour inspection was adopted that the enforcement of those laws was made possible. Similar situation existed in Germany. In Prussia and in the German States labour legislation began in

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1839, and between 1845 and 1869 numerous labour laws were enacted; but again, it was not until 1878 that the government made any special efforts to put the laws into effect by means of a special administrative commission. Other European countries have had similar experience, and attempts at labour protection in Austria, Switzerland, and Belgium were made at practically the same time as in England, France, and Germany; but the Austrian, the Swiss, and the Belgian laws were also unenforceable until a special administrative machinery was created for their administration.

Furthermore, the early attempts at enforcement of factory laws by means of factory inspection in England were based on moral persuasion rather than police force; hence the first task of enforcement was herculean, owing to the lack of experience in the administration of labour laws on the one hand, and the lack of knowledge of industrial conditions on the other. However, the first inspectors were highly qualified, absolutely honest, unquestionably impartial, very tactful, diplomatic and lenient. They were intensely interested in their work, and made a profound study of industrial conditions, a thorough knowledge of which was absolutely essential to efficient administration of factory laws. Despite the qualifications of the inspectors, the difficulties of enforcement of labour law were insurmountable, such as (a) the inexperience of the inspectors; (b) the ambiguous provisions of the law; (c) the lack of safeguards and definite provisions in the law against the evasions of the law; (d) the provisions dealing with the employment of children and young persons required special efforts which were beyond the inspectors' capacity to exert; (e) the vast territory which the work of a few inspectors had to cover; and (f) the lack of knowledge of industrial conditions on the part of the inspectors. All these difficulties rendered the enforcement of factory law difficult. Similar obstacles were also found in other European countries.

(2) *The American Experience.*—There are three methods employed in the administration of labour laws in the United States: (a) The old method which requires the enforcement of specific statutes by authorized officials; (b) the special method of administration which was adopted by the State of Wisconsin in 1911; and (c) the new method of enforcement which was adopted by the State of New York in 1913. The old method is no longer recognized as efficient enough to enforce labour laws. The Wisconsin system is very efficient, according to which the administration is in the hands of the Industrial Commission which is empowered to investigate, ascertain, declare, and prescribe the conditions that shall be required for the protection of workpeople in respect of their safety and welfare. In other words, the Industrial Commission is vested with all the power to

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enforce the law. As to the New York system, the law provides the creation of a factory investigating commission and an industrial board. The Factory Investigating Commission is empowered to make a preliminary investigation before the Industrial Board is given the power to enforce the laws. This Board is also vested with authority to formulate supplementary regulations or rules which may become part of the labour law. The second and the third method have been adopted by many other States, and such an administrative machinery is considered fairly efficient.

But, China can hardly adopt these systems for the enforcement of her factory law, on account of the entirely different social and economic conditions on the one hand, and because China still lacks a stable government and the cooperation of employers and employees on the other. Obviously, labour laws can be enforced only under certain conditions.

3. *Conditions under which labour laws may be enforced.*—The rigid enforcement of labour laws depends on (1) a stable and central government; (2) favourable social and economic conditions; (3) a higher degree of intelligence of the people; (4) a higher standard of public morality; (5) an efficient system of investigation and inspection; and (6) the employment of experts.

It is obvious that the first condition is a stable government, and this is specially true in a dynamic country like China, Turkey, or Mexico, where there is no stable government to make efficient administration of law possible. The respective governments of the six European countries mentioned above during the first part of the nineteenth century were fairly and comparatively stable; hence the enforcement of labour laws in these countries at that time was much easier than that in the three dynamic countries, as aforementioned, to-day.

Another condition of effective enforcement of labour laws of any country is the social as well as the economic conditions of the people. Early labour laws could not be enforced in European countries not because the European governments were unstable but because social and economic conditions of the time were absolutely unfavourable to rigid enforcement of such laws. The prevailing poverty of the time greatly hampered the working of the law, for poverty may truly be said to have been the chief cause of the failure of early labour laws; but poverty prevailed simply because European industry still remained undeveloped. In short, if the social and economic conditions of a country were favourable, the enforcement of labour laws would be made comparatively easy. It is obvious that early factory legislation in Europe was ineffective partly because of the

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economic pressure from which the common people could not free themselves and partly because the system of labour or factory inspection had not yet been instituted.

Furthermore, general intelligence as one of the six conditions of rigid enforcement of law is beyond any possible doubt, for a higher degree of general intelligence of the people ensures a better and fuller cooperation, without which the enforcement of any law is totally impossible. In fact, a true political democracy requires a degree of general intelligence of the people, otherwise either monarchy, oligarchy, or plutocracy must take its place. The same is true of an industrial democracy which demands a general education of the workers in order to cooperate with their employers either in the management of an industry or concern or in their struggle for an equitable share of the profit as a reward for their contribution to industry.

Moreover, higher standard of public morality is equally important on account of the fact that the enforcement of any law either directly or indirectly depends on the working of the political as well as the judicial machinery. If the standard of public morality is low, effective enforcement or efficient administration of law is not only difficult but may be impossible. As a rule, social justice cannot be brought about so long as there is corruption in the government and in the court. In a word, wherever a low standard of public morality is found the poor cannot secure justice; hence the enforcement and administration of law is conditioned by public morality.

Still, moreover, no labour or factory law can be enforced without an efficient machinery for investigation and inspection, for the extent of protection given to the labouring class by any country does not depend upon the enactment or existence of laws, but upon the rigidity of enforcement and the efficiency of administration; and for this very simple reason the enforcement of labour law is a real problem, inasmuch as factory law may be rendered absolutely inoperative because of recalcitrant employers, but the system of factory inspection has so far proved to be the only effective means of labour law administration.

Finally, the enforcement and administration of law demands experts. In fact, the drafting of regulations and laws should be done by experts only. In western countries regulations are drawn and laws are drafted by experts and men of experience, whereas in China the expert does not usually have an opportunity to render any valuable service to his country. As a result of the traditional evil practice of reserving the important positions for the relatives of the man in power, the less influential experts

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or such experts who have no political influence are always left out; hence instead of having things done scientifically nothing is done properly, and, consequently, laws are drafted and passed but they cannot be enforced.

However, the future holds a great hope for young China. Dr. Sun's theory of careful selection of experts for the service of the country is considered as the only solution of the problem; but we must not be too optimistic about the immediate elimination of abuses in the selection of proper men for proper posts, for such abuses are still being practised in western countries, where experts usually have their rightful place.

But the enforcement of the new laws recently promulgated can be made effective by two methods: (1) By creating a special administrative machinery; and (2) by employing experts to operate that machinery. By so doing labour legislation in China can be made operative and effective without waiting for a truly stable government or for absolutely favourable social and economic conditions of the country, inasmuch as a stable government in an English or American sense of the term may not be brought about for many years, and favourable social as well as economic conditions require time; but in the meantime, those laws which have been passed must immediately be put into operation, for the chief purpose of passing any social legislation is to protect the people and improve their conditions of life. They cannot, therefore, wait until the government and the social and economic conditions are really stable; they must live as human well beings while the government and conditions are being stabilised; their long suffering must in some way be alleviated, otherwise general social unrest will be the result.

On the other hand, we must recognize the fact that strict enforcement of labour laws is a very difficult task at present. There are four reasons for this assumption: (1) That the workers are not strongly organised and that they are absolutely dependent upon the factory or workshop for a mere subsistence; (2) that there is not as yet any efficient administrative machinery to enforce the law throughout the country; (3) that investment in China yields high interest to the investor or capitalist who is unwilling to accept lower than 8 or 10 per cent as a standard rate; and (4) that the traditional idea of saving face hinders the enforcement and administration of law, especially in the interior where conservatism prevails. Obviously, the Government will continually be confronted with endless difficulties in enforcing labour laws until the political, social, and economic conditions of the Republic are more favourable and comparatively stable.

For instance, the enforcement of the New Factory Law which was promulgated on the 30th of December, 1929, in the Concessions, such as

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Shanghai, Hankow, and Tientsin. This law is the most advanced factory law ever enacted in Asia and represents one of the most advanced types of labour legislation in any part of the world; it is based on the principles of labour laws of advanced industrial countries of Europe and the provisions of the Draft Convention of the First International Labour Conference held in Washington in 1919. Again, in pursuance of the policy of the Kuomintang such a law was deemed absolutely necessary; but the question that arises here is not that the law should not have been passed but that how it can be effectively enforced, and, in view of the present situation the following questions are bound to come up: (1) How can an eight-hour system be adopted in China while it cannot be adopted in Japan? (2) How can the legal age of employment be raised to 14 in China when it is only 12 in our advanced industrial neighbour—Japan? (3) How can the provisions relating to employment contract, sanitation and health, workmen's compensation, factory inspection, etc., be strictly enforced? These questions cannot be definitely answered at the present time for, in the first place, the law has not had time for a fair trial; in the second place, the political, social and economic conditions in China are not the same as those in Japan, although some are similar in both countries; in the third place, the Chinese are essentially liberal and democratic, whereas the Japanese are obedient and loyal to their Emperor.

However, we must not ignore the questions raised; we must therefore in some way find some solution for them. As regards the eight-hour working day, China has adopted this system in accordance with the draft convention adopted by the International Labour Organisation and in fulfilment of its requirement. China adopts this system but permits overtime employment to the maximum of two hours per day. In other words, the working day in China may be 8 or 10 hours as the case may be, while in Japan the minimum working hours are fixed at 10. In practice, China will have to be satisfied with the 10-hour day for sometime to come, and since the ten-hour working day works well in Japan there is no reason why it cannot be enforced in China. That is, we need not change the law, but enforce overtime allowance of 2 hours per pay. The 8-hour day, except for minors, is difficult to enforce in China at present, for wages are unduly low and the cost of living is abnormally high; hence workers prefer to work longer hours for higher pay than shorter hours for less wages, and for this simple reason that Japan could not adopt the eight-hour system as recommended by the Washington Labour Conference.

Similar conditions existed in England about the middle of the nineteenth century, and without the workers' cooperation the ten-hour system

at first failed. In view of the unfavourable economic conditions of the Republic it seems unwise that China should immediately enforce the eight-hour working day without overtime allowance; but if the 8-hour day is adopted with two hours overtime allowance for each working day, the New Factory Law will not be too difficult to enforce, inasmuch as workers are paid higher for overtime than for ordinary working hours. With the assurance of the cooperation of the employers and workpeople no labour law is really too difficult to put into effect.

With respect to the enforcement of the provisions dealing with general sanitation and health of the workers, strict and efficient inspection is absolutely essential. It has been stated that in six European countries factory laws could not be enforced until adequate administrative machinery was created. The same is true of our New Factory Law which cannot be enforced until factory inspection is instituted, but factory inspection immediately presents a difficult problem. In the first place, we do not have well trained and experienced inspectors to undertake the herculean task which cannot be accomplished by untrained and inexperienced persons particularly those who do not know the meaning of the provisions of the law. In the second place, the provisions relating to child labour is particularly difficult to enforce, for the legal minimum age is fixed at 14, but in the absence of birth registration the ages of children are difficult and sometimes impossible to determine. Despite the fact that the law provides that a physician should be appointed by the Government to assist the inspectors in determining the age of every child employed in a factory, but no physician, however capable he may be, can definitely ascertain the age of any child; hence the inspectors must take the parents' word for granted. But in view of the prevailing poverty in China parents may be compelled to lie in order to find jobs for their children in factories. In the third place, the opposition on the part of the employers may be so strong that the work of the inspectors may be seriously obstructed, because wages for child workers are usually 50 per cent or more lower than those paid to adult workers, and in certain types of work children can accomplish just as much in a day as adult persons. In the fourth place, the work of inspection and enforcement requires constant and frequent investigations as well as careful study of industrial conditions, and hence it involves a great expense on the part of the Government. Furthermore, inspectors must be paid a living salary so as to eliminate corruption. The experience of western nations in enforcing factory laws has taught us a valuable lesson. The enforcement or administration of factory laws is solely based on efficient inspection which requires intelligence, impartiality, and honesty on the part of inspectors, and, unless

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we can supply this type of men and women for the work no rigid enforcement can be expected. Above all, the Government must be sincere enough to carry out its program, otherwise a high standard of inspectorial work is unattainable.

When Great Britain, like any other European nations, first adopted the system of factory inspection, the Government was not sincere enough in its attempt to cope with industrial evils, and consequently the inspectors were in many ways powerless. They had to deal with the factory proprietors very tactfully, leniently, and diplomatically; they endeavoured to convince them of the beneficence of the law by moral persuasion rather than by prosecution. In China to-day we may have to employ both the moral method and the legal means to enforce the law.

In regard to the question of the selection of experts, so long as the family tie is still strong and favouritism exists Dr. Sun's theory of careful selection of experts or specialists can hardly be put into actual practice, and, so long as experts are not employed in the service of the Government there is little hope for the improvement of social and economic conditions in the Republic.

The only law among the recent legislative enactments that can be effectively enforced is the Conciliation and Arbitration Law which was promulgated on the 9th of June, 1928. This law is based on the principles of European labour legislation and has been successfully tried out in different parts of the Republic. The reason that this law has been effectively enforced is because any dispute between employers and work-people that arises is to be conciliated directly between representatives of both interested parties. Only in case they fail to reach any agreement that the case is submitted to the Arbitration Commission to be arbitrated, and the Commission is composed of five members, one from the administrative authorities concerned, one from the provincial or special municipal government, one from the provincial or special municipal Kuomintang, the president of the district court, and one independent and disinterested person to represent each of the interested parties. With the full cooperation of these different bodies the enforcement of the law has been a comparatively easy task.

In brief, the enforcement of law, especially labour laws, requires a comparatively stable government, favourable social and economic conditions, a higher degree of intelligence of the people, a higher standard of public morality, a special administrative machinery, and a number of honest experts to assist the Government. Besides, the full cooperation of the public is essential, otherwise no social legislation can be made operative and effective.

CHAPTER XII

SUMMARY, CONCLUSIONS AND SUGGESTIONS

A. The Domestic and Machine Industries.

1. **The Domestic System.**—The Political Revolution of 1911 had a very beneficial effect on the development of industry in China; and, in fact, it had a tremendous influence upon the economic development of the whole Republic. It may truly be said that the Political Revolution actually gave rise to the factory system in a strictest sense of the term. And the progress of the Industrial Revolution has been marked by far-reaching changes in recent years. In the foregoing chapters an attempt has been made (1) to describe the labour conditions in the home as well as the machine industry with a view to ascertaining the social and economic effects of the Revolution of 1911 and of the subsequent movements which were directly brought about by the Revolution; (2) to give an account of the politico-economic activities and policy of the Kuomintang as well as the teachings of Dr. Sun Yat-sen respecting the betterment of the conditions of the workers; and (3) to review and interpret all recent legislative enactments concerning labour from the standpoint of their social, economic, and moral value and of their feasibility in respect to the protection of labour and industry. Furthermore, it is the object of this study to find out the extent of industrial evils and the actual conditions under which the wage-earners work and live, as well as the degree of progress of the factory system that requires government action.

Broadly speaking, China is predominantly an agricultural country. She has a rural population of over three hundred millions and an industrial population of less than fifteen millions. In the production of food three-fourths of her population are engaged and have hardly produced sufficient to support themselves and the rest of the people. In the multifarious industries and trades we find only a fraction of China's population employed. But the smallness of her industrial population does not mean that her home industries have been neglected and insignificant. Prior to the Industrial Revolution, western countries were not better off. It was the Industrial Revolution that brought about far-reaching social and economic changes in modern society. The handicraft and domestic systems of industry had existed for centuries before the Industrial Revolution of the latter part of the eighteenth and the early part of the nineteenth

century. The handicraft and domestic systems of industry still co-exist with the factory system in China. The majority of the wage-earners either in the artisan shops or in home works, and the modern factories have not, as yet, drawn very many workers from the domestic industries. Undoubtedly the small as well as the large scale industry will remain equally important for some years to come. At present the government and the people seem to pay equal attention to the development of both as the first step towards industrialisation in this vast country. In the author's opinion, China may well follow the example of France and develop her home and factory industries simultaneously without hampering the economic development of the Republic at large. By so doing China may be able to avoid many glaring evils in modern industry as found in industrial countries of the West. And judging from the present economic status of the Chinese people the domestic industries will not disappear altogether for a long time to come, and may continue to co-exist with the factory system for another century before they are superseded by the latter. From the standpoint of social as well as economic importance small scale industry should be promoted along with machine industry, so as to enhance the opportunity for earning a livelihood for workers without submitting themselves to hazards of modern industrial life. From the standpoint of population it is doubtless unwise to encourage wage-earners to flock to the already overcrowded cities. From the point of view of a higher standard of life, the encouragement and improvement of home industries will enhance the opportunity of the wage-earners to improve their conditions of life; hence they are far better off to remain in towns and small cities which are free from the noise of modern machinery and the smoke of modern factories, and, in general, the cost of living is much lower than that in industrial centers. Furthermore, the occupations in both the domestic and machine industries are equally monotonous and dull, unless labour legislation will improve the conditions of factory workers to such an extent as to prove the new system to be immeasurably superior to the domestic system.

But home industry as it is to-day will not induce the wage-earners to remain in their home towns or cities, and, as soon as better opportunity is afforded them, they will leave their towns for the cities with the hope of bettering their conditions of life, inasmuch as wages on the whole, especially those for women and children, have been appallingly low, hours of labour have been abnormally long, conditions of work in general have been undescribably bad; and, because workers are wretchedly paid the earnings of a whole family are inadequate to meet the ordinary needs of life. Such an uncongenial job, together with the fear of unemployment at times and of

frequent sickness due to unsanitary conditions in workrooms, will not offer any inducement to wage-earners to remain in the domestic industries. However, with the promotion of home industries, as has been done in France, the future prospects of the wage-earners seem to be bright. And since the domestic industries employ an overwhelming majority of wage-earners, improvement in the methods of production and in working conditions is imperative.

In the author's opinion, the following industries should be immediately improved and developed with government subsidy, if possible: The Textile Industry, Oil Manufacturing Industry, Pottery Industry, Porcelain Industry, Lacquer Industry, Bamboo, Rattan, and Wicker Ware Making, Brick and Tile Making, Sauce Making, Flour Industry, etc. If the application of scientific methods to these industries can be made possible, the chances for a lower cost and a higher standard of living will be infinitely greater and the opportunity for industrialisation will be enormously augmented. As an agricultural country, China has never been seriously concerned with the development of industry with respect to the improvement of conditions of life affecting the masses, including the farmers and wage-earners. However, in recent years, especially during the last decade, modern and semi-modern factories have sprung up with unexampled rapidity.

2. **The Industrial Revolution and the Factory System.**—Industrialisation in the true sense of the word is inevitable in China. In point of fact, it has been going on during the last 30 years, especially since the establishment of the Republic in 1912, and large factories have sprung up with great rapidity since 1920. Among the most common factories that have been established in various industrial centres are as follows: Cotton Knitting Mills, Cotton and Silk Weaving Mills, Silk Filatures, Match Factories, Soap, Drug, and other Chemical Factories, Glass Factories, Rice and Flour Mills, Machine Shops, Tanneries, Brick and Tile Factories, Shoe Factories, and Factories for the Manufacture of Food and Drink, Paper, Tobacco, and so forth. Evidently the machine industry is being developed in all parts of China, where the author believes that the Industrial Revolution will continue for sometime to come. In spite of the fact that the Civil War has arrested or retarded industrial progress to some extent, industrialisation has proceeded without serious impediment in the southeastern and central parts of China; and, with the assurance of permanent peace and order modern machine industry is bound to develop. The remarkable increase in the numbers of factories employing mechanical power as a driving force shows that large scale industry is developing. (see Table VII). But unfortunately, industrialisation is accompanied by the concentration of population into small and limited areas, rendering the

enforcement of sanitary and health regulations difficult. Furthermore, modern industry in China is accompanied by an increase of poverty because of the insecurity of employment, low wages, high cost of living, accident, sickness or occupational disease. Consequently, women and children are forced to become wage-earners instead of home-makers and pupils in schools. With an increasing number of women and children going into remunerative occupations, keen competition for jobs has developed, although this does not necessarily mean that skilled labour is abundant. But the fact remains that semi-skilled and unskilled labourers, in certain localities, have been affected. Hence, ill-feeling or even antagonism sometimes prevails. In spite of this, however, the employment of women and children is recognized as an inevitable result of the factory system, particularly in view of the fact that the earnings of women and children are regarded not only as an economic significance but as a matter of urgent necessity owing to the conditions mentioned above. Unfortunately, however, female and child labour presents two great social problems; namely, the neglect of the home on the part of women, and the arrest of development, both physical and intellectual, in the case of children. Consequently, there has developed a good deal of dissatisfaction among the working population. And it was for this reason that the Labour Movement took hold of the workers during 1920 to 1927.

B. The Labour Movement.

The Labour Movement began to take shape in the decade immediately following the Revolution of 1911 and spread during the Revolution of 1926 with great speed. The movement may be said to have represented an inevitable response to fundamental conditions—social, economic, political, and psychological; but, unfortunately, the movement was somewhat unnaturally stimulated by propaganda, although it took a tremendous stride forward during 1924 to 1927, and had an invincible effect on the development of modern labour legislation. The Labour Movement was both the forerunner and concomitant of the Revolution of 1926, aiming at overthrowing imperialism, militarism, and capitalism, and resulted in the formation of several hundred labour unions with a membership of nearly 3,000,000 in 1927. The Labour Movement started with communistic support and with sweeping victory, culminating in the summer of 1927 as a consequence of the Party Purification Movement (Anti-communist Movement), which was inaugurated as a result of the Nanking Incident.¹ Since that time the

¹ The Nanking Incident is the incident which occurred on March 24, 1927, resulting in the killing of an American missionary and a British doctor and in the bombardment of Nanking by foreign destroyers.

movement has never regained its original poise, and, with the extermination of the communists from the political arena, the whole movement was automatically repressed. It was not until 1929 that the legal status of labour was restored; and, with the promulgation of the Law on Conciliation and Arbitration, the Labour Union Law, the Factory Law, the Law on Collective Agreement, and so forth, the legal position of labour has been strengthened, extreme violence has been restrained, unnecessary strikes have been reduced. In fact, with the application of the Law on Conciliation and Arbitration, many industrial and other labour disputes have been satisfactorily settled by peaceful means, and in no case that it actually or directly resorted to violence as a means of securing social justice on the part of labour. This proves that protective legislation is indispensable to industrial peace and is an effective means of improving the relation between capital and labour.

C. Legislation.

The protection of labour by legislation is the most recent attempt that has ever been made by the Government. The whole history of industrial legislation in China covers a period of only eighteen years. The first set of regulations governing the employment of miners was promulgated in 1914, and the first factory law was not enacted until 1923. As a whole, these regulations represent a sincere attempt of the Government to improve the relation between employers and employees; but, in practice, these regulations were probably never complied with, and their enforcement was never efficient and rigid enough to bring about results of any social significance. However, the Provisional General Factory Regulations did attempt to carry out some of the provisions of the Washington Labour Conference, and, however elastic the provisions of these factory regulations may have been, they represent a noble attempt on the part of the Government to regulate and ameliorate the relation between capital and labour. This attempt created a great sensation in the industrial world, especially at the inception of the enforcement of these regulations, inasmuch as there had virtually been no legal protection of labour up to the promulgation of the said factory regulations. Although they were difficult to enforce due to the social, economic, and political conditions of the time, a foundation for future legislation was laid; hence the early efforts of the Government to protect labour as well as capital were by no means in vain. In fact, the attempt to protect labour by legislation was at least in accordance with the spirit of the Washington Labour Conference, the chief object of which has been to promote the general welfare of the working classes throughout the world as a means to end industrial unrest and to bring about social harmony.

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Furthermore, to promote industrial peace by means of social legislation is the bounden duty of the Government, particularly in this period of reconstruction the task of which must resolutely be accomplished before real progress and prosperity can be expected. The different steps taken by the Government, whether it be the Peking, the Canton, the Wuhan, or the Nanking Government, to improve the social as well as the economic conditions of our people should not be discredited by merely affirming that the regulations or laws have never been effectively enforced, because of the fact that any attempt made with the intent and purpose of ameliorating social conditions deserves some consideration and credit. Early industrial laws in Western countries, England and the United States in particular, were not only not rigidly enforced but some of them were unenforceable because of the peculiarly difficult situations that rendered the enforcement of laws impossible. The same is true of China where the social, economic, and political conditions combined have hitherto hampered the working of the laws. However, the principles laid down in the early regulations and laws may be said to have formed a basis of the new laws which have recently been adopted by the National Government.

Nearly all factory regulations and laws have heretofore been promulgated emphasize the improvement of the fundamental working conditions, such as the Hours of Labour, the Minimum Wage, the Employment of Women and Children, Rest and Holidays, the Contract of Service, Workers' Welfare, the System of Compensation, Health and Safety, Apprenticeship, Government supervision and Inspection, and the Draft Factory Law even goes so far as to introduce the Profit-Sharing System. As regards the hours of work, the legal working day is fixed at 8, 9, and 10 with overtime allowance. Overtime work is permitted only in exceptional circumstances but not exceeding two hours per day for six days a week. The first set of regulations fixed the working day at 10 and, in addition to this, overtime work to the maximum of two hours was permitted making the total working hours per week at 72. According to the New Factory Law, the hours of labour are limited to eight per day or forty-eight per week. In fact, for the most part this legislative enactment is based on the principle of the eight-hour day or forty-eight-hour week as recommended by the Washington Labour Conference, but overtime is permitted under special conditions not exceeding two hours per day or twelve hours per week.

With respect to a minimum wage, no definite amount is fixed by any of the regulations and laws, but wages are determined according to the cost of living in various localities. By so doing unduly low wages shall not be paid to workers who are usually in the most disadvantageous position to

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bargain, and hence in the absence of regulations the wage-earners are absolutely powerless to secure for themselves a living wage. Indeed, a living or minimum wage is difficult to fix, but the remuneration must be sufficient to support the worker's family in reasonable and frugal comfort. To this end State intervention is intended, and the law that requires a lowest possible standard to be maintained justifies the purpose. The most arresting manifestations of recent years are the frequent strikes in main industrial centres, such as Shanghai, Hankow, Tientsin, and Canton, where the cost of living is abnormally high, and so unless the wage problem can be solved the prospects of a substantial improvement in the position of the wage-earner are quite remote. To improve conditions of society by the avoidance of industrial unrest is probably one of the best and most effective means to bring about general prosperity and progress. Hence, legislative recognition to the principle that workers should be paid a wage adequate to maintain a minimum standard of life is the first step taken by the Government toward the proper solution of the wage problem. Among the most important provisions of all factory regulations and laws that have been studied are those for a minimum wage. Indeed, it would be difficult to over-estimate the significance of such provisions, but experience of advanced industrial countries has shown that once such a standard is established by legislative action, it can never be lowered, except in times of war or disaster over which men have absolutely no control. On the other hand, government regulation of wages may result in the rise of the prices of commodities, and, in this case government regulation of prices of necessities is equally urgent and important, otherwise the masses of the consumers will suffer.

The provisions contained in the different regulations and laws respecting the employment of women and children differ both in content and in value, but there are three elements in common in all these regulations and laws; namely, the prohibition of the employment of children under the age of 12 or 14, the prohibition of night work for women and children, and the prohibition of employment of women and children in dangerous occupations, such as dusting, cleaning, oiling, inspecting, and repairing machinery when it is in motion; adjusting belt or rope manufacturing explosives; work infested with dust, powder, poisonous gases; work in connection with high pressure switchboards; work in connection with lead or blast furnaces, etc. On the whole, the prohibition of child labour, night work, and dangerous work is in conformity to the Draft Conventions of the International Labour Conference, but early regulations permitted the extension of the working day for women to 10 P.M. may be said to be a

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departure from the policy of protection against industrial hazards. Any kind of work commencing as early as 5 A. M. has serious implications for the welfare of women workers, excepting during summer months when long rest periods are granted during the extremely hot hours of the day. The New Factory Law, however, prohibits night work for children between 7 P. M. and 6 A. M., and for women between 10 P. M. and 6 A. M., and if it can be effectively enforced, the conditions of work so far as women and children are concerned will undoubtedly be improved.

While it is too early to know the working of this law, we are fearful that the prohibition of child labour may prove a failure, because of the fact that the age limit set at 14 can hardly be attained at the present time, unless the compulsory school attendance law can be strictly enforced throughout the Republic. Besides, should parents make false statements as to the age of their child employed in a factory it would be difficult to decide as to whether the child is over or under 14, inasmuch as there is absolutely no evidence as to the date of his or her birth. Furthermore, the child's share in family support for the majority of wage-earners is almost an absolute necessity; hence to set the age limit at 14 is too ideal to be immediately realized, but if it were set at 12, the author is confident that the law would be much easier to enforce. There is, of course, an exemption from this rule for those who had already been employed before the enforcement of this law. In other words, children already employed under 14 and above 12 or below the legal requirement are permitted to continue; hence they are exempt from this law.

As regards contracts of service, some regulations and laws are in favour of collective agreement, some provide for both individual contract as well as collective bargaining, and some are silent on this question. The New Factory Law is in favour of both, thus recognizing the right of the trade union to conclude contracts for their members.

With regard to rest days and holidays, all regulations and laws provide rest periods in the course of a working day and one day in a week for rest besides legal holidays. The Provisional Labour Law of the Northwest even provides special vacation for faithful workers, especially miners. Nearly all these regulations and laws grant sick leave to all workers and special leave of absence to female workers before and after a confinement with full pay. Such a provision is not only in accordance with the recommendations of the International Labour Conference as aforementioned, but it represents the latest development of social legislation in safeguarding the health of female workers. The most interesting provision in most of the regulations and laws is that for permitting nursing mothers to leave their work at any time during the working day for the purpose of nursing their

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babies according to needs. In view of the prevailing poverty in China where the women's share in family support is considered as essential, such a provision represents a human view of the law.

As to the system of compensation and workers' welfare, all the regulations and laws provide some kind of compassionate grant for injury, sickness, and death happening in the course of employment, and, with the exception of the Shanghai Provisional Labour Regulations and the Provisional Labour Law of the North-West, all other regulations and laws provide for a supplementary education (continuation school education) for child workers and uneducated adult workers in the form of regular classroom instruction, lectures, moving picture shows, lantern slides, newspapers, etc. In the absence of state regulations the wage-earner's life may be worth only \$50 or \$100 or \$200 which is regarded as a compassionate grant, but the New Factory Law provides for compensation for death in the course of employment. A special allowance of \$300 besides \$50 for funeral expenses and two years' usual wages, should be paid to the family of the deceased.

In regard to the health and safety of workers, all the regulations and laws emphasize the installation of safety appliances and the provision for sanitary facilities, such as toilets, washrooms, dressing rooms, rest rooms, drinking water, and so forth. Some even emphasize that dining rooms and dormitories as well as houses should be provided for workers who come from a long distance. In practice not a few factories had already done so before the passage of the laws.

As regards apprenticeship, apart from the new Provisional Factory Regulations of the Peking Government (1927), the Provisional Factory Regulations of the Wuhan Municipal Government, the Draft Factory Law of the Ministry of Industry, Commerce, and Labour, and the New Factory Law of the National Government, other regulations and laws are silent on this point. On the whole, the period of apprenticeship is fixed from three to four years. To the author it seems that long apprenticeship is absolutely unnecessary in view of the efficiency of modern machinery which displaces human skill, and, in view of the prevailing poverty there are very few parents who can afford to apprentice their boys for a period of three or four years without pay. The Draft Factory Law, however, requires the payment of wages to the amount of one-fourth and one-third of ordinary wages during the last part of apprenticeship, but the New Factory Law leaves this arrangement to the employers and apprentices concerned. The latter provisions in respect of the payment of wages to apprentices have no legal value, for in law everything must be definitely stated, otherwise rigid enforcement is not only difficult but hopeless.

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With respect to profit-sharing, the Draft Factory Law introduced this system for the first time, but the provisions therein contained were radically modified by the New Factory Law. Indeed, there are good and bad points of the Draft Factory Law regarding profit-sharing. The good points are (1) that running expenses must first be taken into account, that is, must first be deducted from the gross profit; (2) that the 8 per cent legal interest on investment and 20 per cent for reserve fund must be taken from the net profit; and (3) that the surplus profit must be divided among stockholders, workers, and the staff members. Of the surplus profit 40 per cent must be divided among shareholders in proportion to the amount of capital invested, 40 per cent must be awarded to workers, and 20 per cent to staff members. According to another version, of the surplus profit 45 per cent to the capitalists, 45 per cent to the labourers, and only 10 per cent to the staff members should be awarded. The bad points are two: (1) that this provision is bound to cause misunderstanding among the capitalists; and (2) that it is misleading the workers and the public by declaring that 40 or 45 per cent of the surplus profit should be divided among the workers who, being uneducated, take it at its face value to mean that they are entitled to 40% or 45% of the net profit. The same is true of a great number of employers who are not acquainted with this system and who cannot discern the technical points of the law take it for granted that the net profit is to be divided among them all. But, in fact, after due deduction is made for current expenses, for legal interest and for reserve fund, there is little, if any, for the workers, inasmuch as there are few industrial concerns which earn more than 28 per cent net profit. Granted that the majority can derive a net profit of 33 per cent from their investment, and, after 28 per cent is taken off, the remaining 5 per cent is to be divided among capitalists, labourers, and staff members. Of the 5 per cent net profit 2 per cent will go to the shareholders, and only 2 per cent for the workers. Hence, instead of providing a surplus profit of 40 or 45 per cent for the workers, the law should have been written in such a way as to provide 1 or 2 or 3 per cent of the net profit as a reward for the workers' contribution to production. By so doing any possible misunderstanding can easily be avoided, and the public will not be misled. However, the New Factory Law is somewhat indifferent to the system of profit-sharing which may be adopted or rejected by employers.

Finally, inspection is the most important factor in the application of any factory law which cannot be enforced unless inspection is frequently and carefully made with a view to effecting general and strict observance of the law. The task of enforcing the law is far more difficult than that of

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drafting it. Herein lies the real task of the Central Government in carrying out its policy of legal protection of capital and labour.

The development of trade union laws is of even more recent origin than factory legislation. The first labour union regulations were not passed until 1924 when the workers' right to form unions was officially recognized by the Nationalist Government in Canton, and between 1925 and 1927 many attempts were made to introduce a trade union law by the Peking Government, but none of the three drafts proposed by the Ministry of Agriculture and Commerce and the Ministry of Communications was promulgated. There were, however, two sets of regulations passed by the Central Executive Committee in 1928, but the National Trade Union Law was not promulgated until June, 1929. There are similarities and dissimilarities in these regulations and the new law, but all of them aim at promoting the welfare of the workers through a labour organisation. The main difference between the Canton Trade Union Regulations and the new Law is that the former recognizes the right of brain workers, such as teachers and government salaried employees to organise unions, while the latter does not. According to the Canton Regulations, trade unions are empowered to improve the workers' conditions of life in innumerable ways, whereas the new Trade Unions Law limits the power of the unions and places them under the control and supervision of the Kuomintang and the Government. Trade unions are permitted to undertake the task to improve the social and economic status of their members within certain limits, but all their activities are strictly under the supervision of the local Kuomintang and the local authorities concerned. Despite the fact that strikes are tolerated and legalized, acts of violence are strictly prohibited. In short, trade unions are not the organs for creating meaningless strikes and other forms of industrial unrest, but they are agencies for fostering better relations between employers and employees and for promoting the general welfare of the workers in their respective industries and trades. Unlike England and the United States, trade unions are not independent of party and government control. Like all Western countries, trade unions are empowered to establish savings banks, cooperative societies, and numerous other activities with a view to bringing about greater social and economic efficiency and securing for their members a higher standard of life.

The development of legislation relating to conciliation and arbitration of disputes between employers and employees is interesting and simple and is an outgrowth of the Labour Movement as well as the Revolution of 1926. Being so recent in origin, the principles of the conciliation and arbitration laws are based on those of European countries. According to

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the National Conciliation and Arbitration Law of 1928; disputes between capital and labour are settled by two government agencies, namely, the Committee of Conciliation and the Commission of Arbitration. The former is composed of representatives of both contending parties and one or more government delegates who act as umpires, while the latter is composed of independent members representing the local government authorities, the provincial or special municipal government, the provincial or special municipal Kuomintang, the local court, and two disinterested persons representing the conflicting parties. This new machinery for settling disputes respecting labour is the newest and most efficient organ that has even been invented in China.

Nearly all the recent laws promulgated by the National Government in Nanking have come into force. The first was the Conciliation and Arbitration Law which became operative on the day of promulgation in June, 1928, and in July, 1929. The Labour Union Law came into force on June 6th, 1930, and the Factory Law became effective on the first of August, 1931. Theoretically speaking, protective legislation in a modern sense of the term has begun and is being enforced in China. The question as to how much protection the working class will enjoy as a result of legislation is difficult to answer, but judging from the success of the Law on Conciliation and Arbitration, the author is inclined to think that if labour laws are made elastic enough, they can be enforced in China just as efficient as in other countries, although he believes that there will be insurmountable difficulties of enforcing the Factory Law. In the first place, most of the modern factories are located in Concessions, and unless we have a strong central government, it is superably difficult to apply the Factory Law to factories in the Concessions. In the second place, the system of labour inspection has only been established recently, and the inspectors have had no previous experience in factory inspection, particularly in view of the fact that the Law, in many respects, is rather general; hence it will be difficult for the inspectors to discover violations of it. In the third place, we are fearful of the unwillingness on the part of the employers to cooperate in factory inspection, and, if they do not cooperate wholeheartedly with the government, the inspectors will have all kinds of obstacles in their efforts to enforce the Law, especially with respect to the hours of labour clause. In the fourth place, the attitude of the workers is not altogether good, inasmuch as under the present unfavourable economic conditions the workers may not be willing to cooperate with the Government for fear of losing their jobs; hence some of them may be forced to lie in order to retain their jobs, and without their sincere cooperation it is almost impossible to find out the age

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of child workers owing to the absence of registration of birth. Thus, the child labour clause will not be easy to enforce.

On the whole the Factory Law has many noteworthy features, such as the minimum wage provision, the eight-hour working day provision, the child labour clause, the prohibition of night-work clause, the compensation provision, the rest days clause, etc. On the other hand, these clauses are not sufficiently clear as to enable the factory inspectors to discover violations on the part of unscrupulous employers. The Law appears to have been enacted without taking into account the significance of technical phrasing, which usually helps the inspectors in their inspection. At present, however, the Law should remain as it is and be enforced, for it has not been given a fair trial. In the author's own opinion the Law should be modified in order to secure rigid enforcement, and he thinks the following suggestions for future modifications are essential:

1. **To adopt the eight-hour principle with an allowance of two hours for overtime.**—No further extension of hours shall be granted except by special order of the Ministry of Industries. Overtime rates shall be fixed by a special committee or a minimum wage board. By this modification the working day is either eight or ten hours, for the eight-hour legislation in European countries can hardly be said to be greatly successful or widely enforced because overtime, in most cases, is still permitted. The eight-hour working day is not universal in the United States, and the work day varies widely from State to State or from as less as eight to as much as eleven hours. Furthermore, an eight-hour day may mean a forty-eight or fifty-two or fifty-six hour week. Wage-earners still work from ten to twelve hours per day in India and Japan, especially in Japan, where industry is highly developed and the economic conditions are infinitely better. Hence, China, being a member of the International Labour Organisation, should enact her legislation in the spirit of the Washington Labour Conference by adopting the eight-hour system with overtime allowance of not more than two hours per day.

2. **To lower the age-requirement from 14 to 12 until the compulsory system of education can be carried out.**—China should follow the example of India by asking the International Labour Organisation for special permission to lower the age of employment for the time being, because (1) the economic status of the masses is still low; (2) age determination is difficult, and, in some cases impossible; (3) compulsory education is not yet realized; and (4) the age limit was set at 9 and then gradually raised to 12 for a long time in European and American countries, and it was not until the compulsory system of education was adopted or the economic conditions became more favourable that the age of employment was raised to 14.

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3. **To modify Article 45** (compensation for injuries and death), for (1) a definite schedule for compensation is needed, and (2) the amount and the length of benefit should be definite according to the nature of incapacity. Indeed, the Law should expressly provide that such a schedule or the duration of compensation should be fixed by the local authorities in agreement with the Ministry of Industries, thus eliminating a great deal of future trouble.

4. **To adopt a definite standard for Article 41** (safety), for without a definite standard of safety the factory inspectors will never be able to discover violations of the Law.

5. **To modify Article 20 so as to establish a minimum wage board or commission** for the fixation of a minimum wage sufficient to support a family of 3, 4, or 5 if possible, and the principle of wage fixation should be (1) a minimum of subsistence standard of life and the necessary sum required to maintain it, (2) a wage that the trade can bear, (3) the price of daily necessities, and (4) the general cost of production. The method of applying the principle of a minimum wage must provide a formidable administrative task with elasticity, otherwise the term "minimum wage" is meaningless.

6. **To modify Article 27 so as to give a longer notice to workers to look for another job.** Besides, there should be a special allowance of from one month's to three months' wages.

7. **To modify Article 40** (profit-sharing), otherwise it is legally meaningless, and it will be administratively impossible to carry out.

8. **To eliminate Article 62** for two reasons: (1) unscrupulous employers may employ as many apprentices as possible for economic gain; and (2) the economic pressure in China is too great to permit such a practice.

9. **To add an article to Chapter II** (apprenticeship), requiring employers to pay one-third or one-half usual wages to apprentices during the last part of their training. This is absolutely necessary in view of the great poverty in China.

In addition to the foregoing suggestions, the Factory Law should be regarded as a set of general rules; but the Ministry of Industries should be vested with authority to issue special orders when deemed expedient, and to formulate regulations concerning the fixation of a minimum wage, hours of labour, overtime rates, and compensation rates.

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By so doing strict enforcement of the labour laws promulgated may be made possible, for only efficient administration of the laws that gives to workers a degree of protection which has heretofore been unknown and which the workers have been striving to secure during the last decade. Legal protection of workers, especially women and children, employed in modern industry, is of very recent origin; hence it is imperative that industrial evils may be sufficiently realized in their first crudity and may ultimately be eradicated, so that the workers, despite the apparent vicissitudes of life, may not sink into extreme poverty. That the recent legislative enactments representing an attempt to lay down a minimum standard of decent living and working conditions may prove to be one of social, economic, and moral values. That the glaring evils, such as deplorable working conditions, child labour, insufficient and precarious employment, low wages, exhaustive hours of work, bad housing, lack of education, absence of a social insurance system against accident, sickness, invalidity, and old age, inevitably resulting from the changing industrial order may be reduced to a minimum or gradually eliminated. China, at this stage of social progress, should be able to profit by the hard won experience of Europe and America to avoid much of the suffering to which the earlier European and American wage-earners were subject. Hence, the technical phrasing of labour laws, factory law in particular, and the institution of an efficient system of labour inspection will undoubtedly help to make the laws operative from the inception. Herein lies the hope of the working class for social justice and the hope of China for industrialisation without introducing so many glaring evils.

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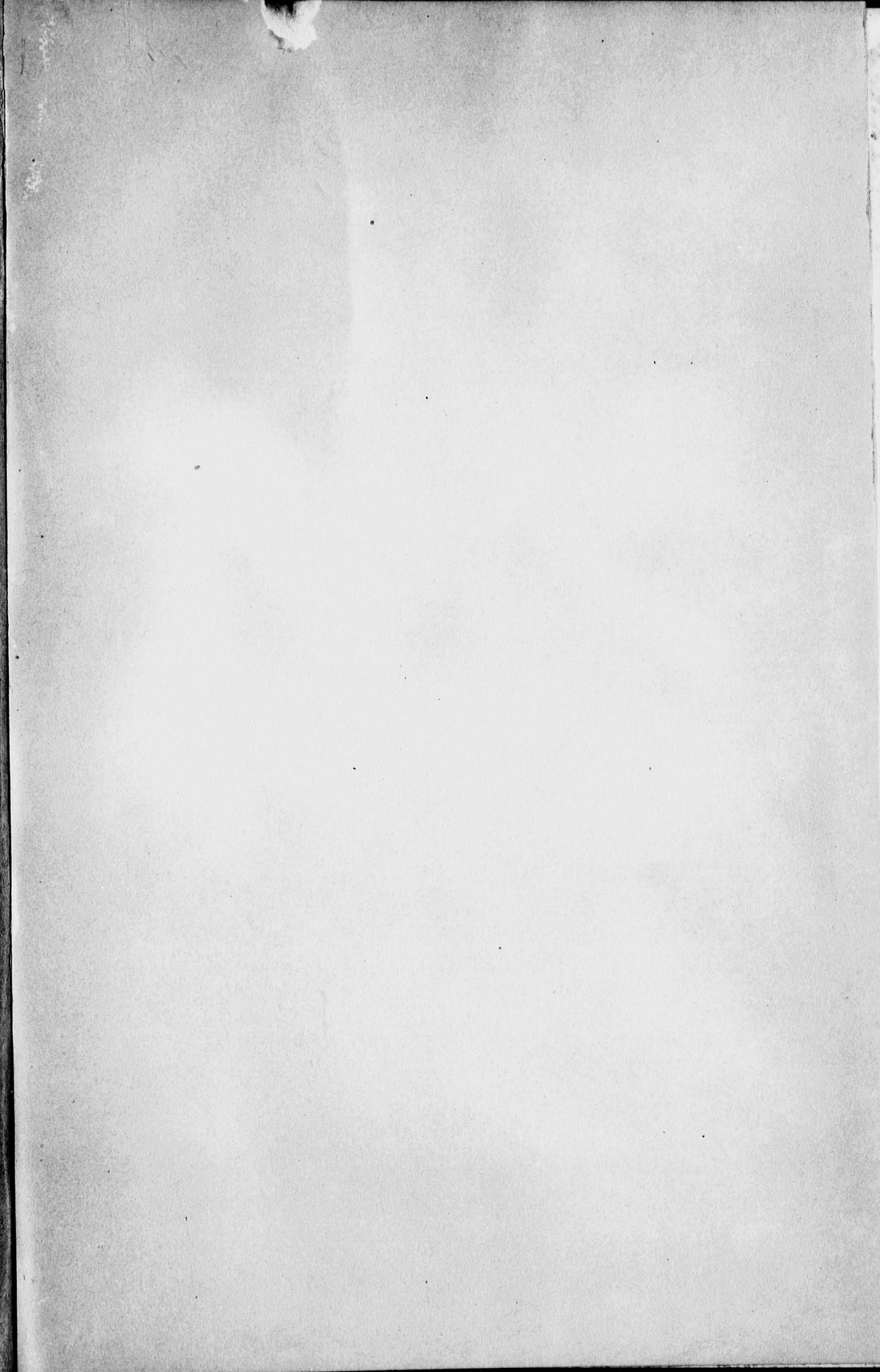
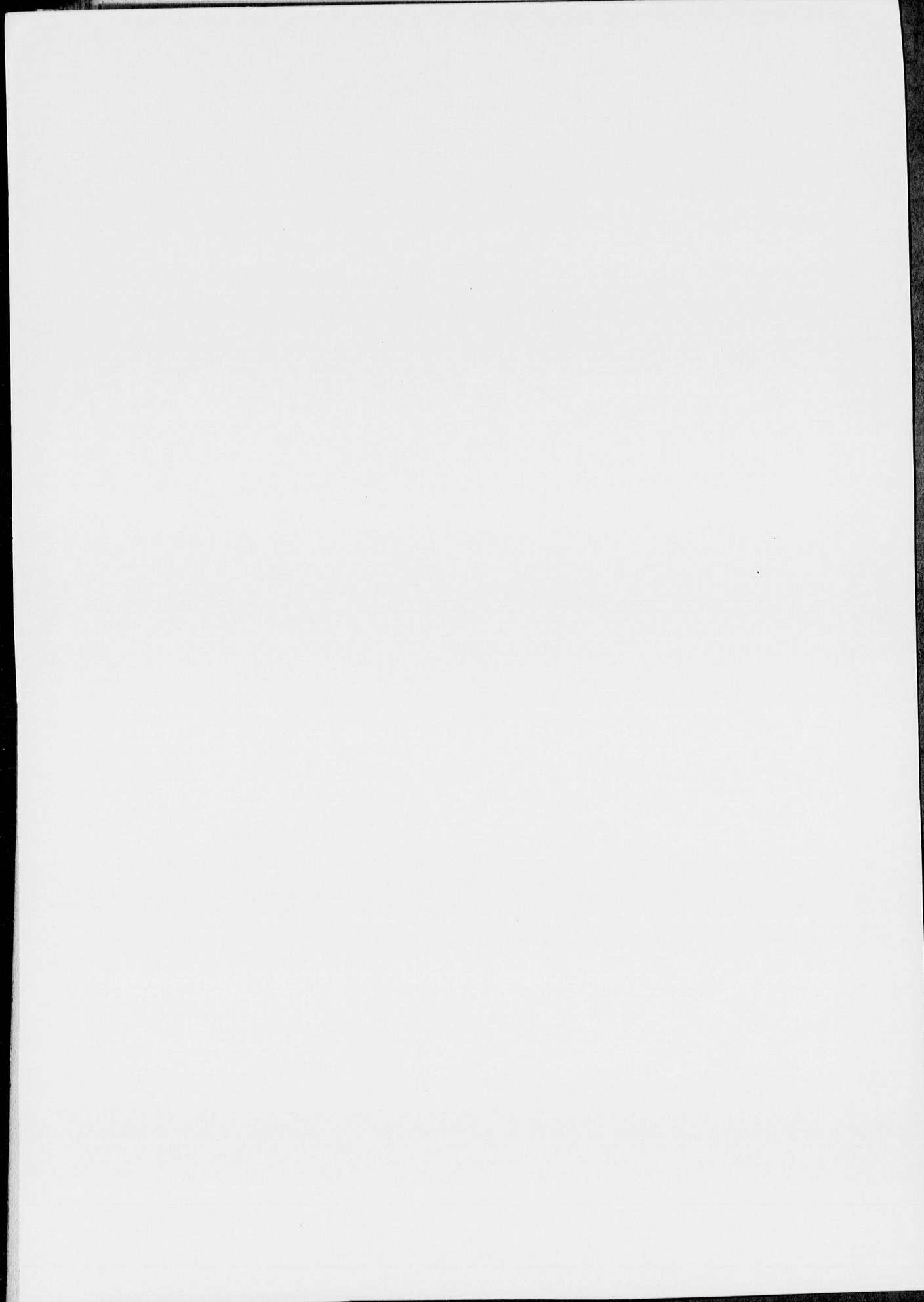
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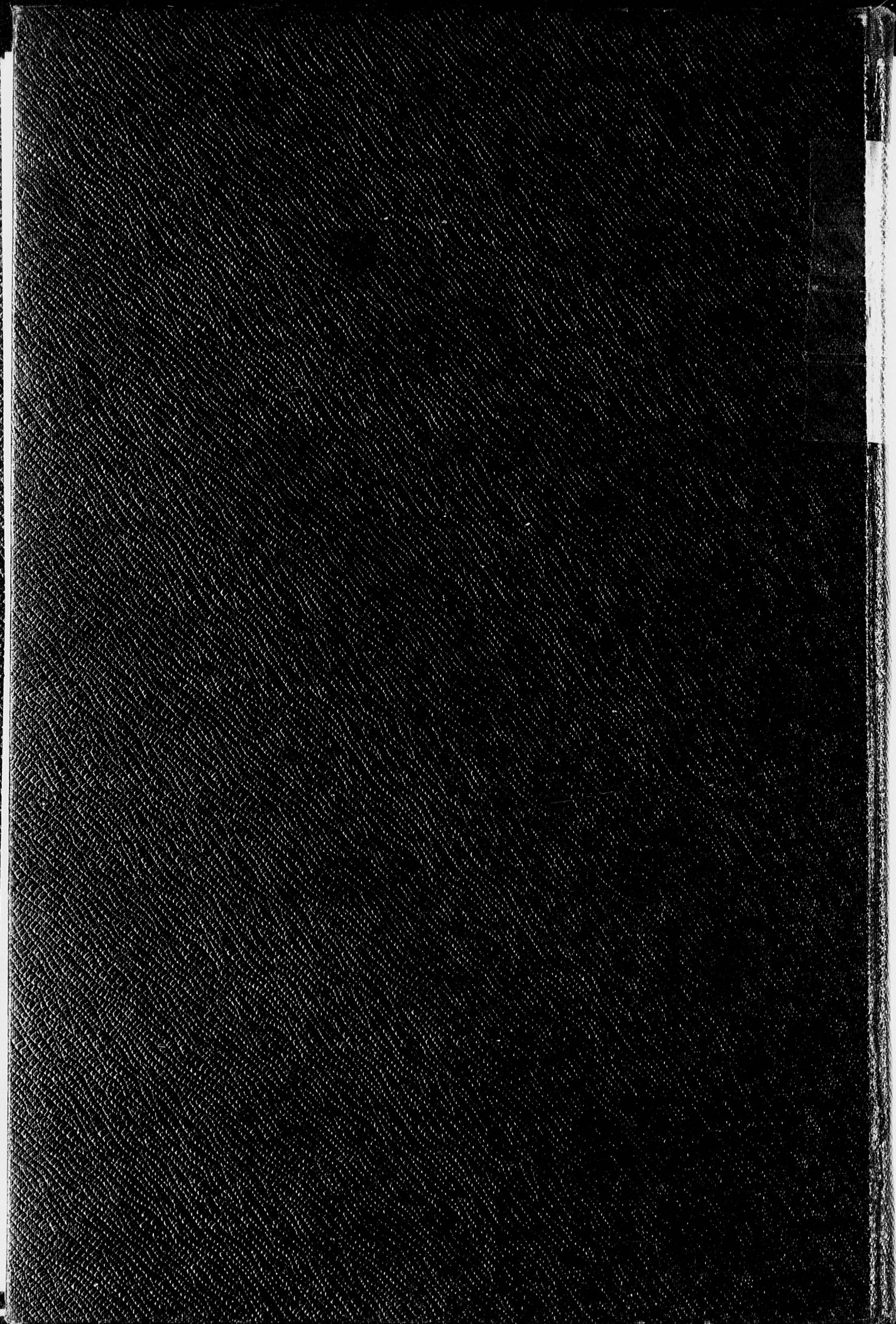
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