

Common High Risk Violations in China

中国地区常见高风险违规情况



Employment Practices 招聘流程

No hiring procedure 无有效招聘流程

- No any personal files and hiring record in the factory
无任何人事记录及其他招聘记录
- No age documentation in personal files (ID copy) / Labor Contract
人事档案中无员工身份证记录 / 劳动合同

Falsifying age documentation 伪造年龄证明文件

- Using fake ID to acquire a job
员工使用假身份证
- Borrowing someone else ID for job purpose
员工借用他人身份证或伪造年龄记录进厂

Work group (pregnant woman, minors, handicaps, etc) worker nature, volume beyond legal limits 特定工人（怀孕工人、未成年工、残疾工人等）工作性质 / 强度超过法定要求

- Female / pregnant / minor workers working hours beyond legal limits
女职工 / 怀孕女工 / 或未成年工的劳动时间超过法律规定

Labor Hours 工时违规

Incomplete / inconsistent time system 不完整 / 不一致的考勤系统

- No time records for piece rate, hourly rate, monthly rate or temp. workers

计件、计时、月薪或临时工人等无工时记录

- Handwritten time records having no accurate on/off duty time and/or workers daily signatures 手工考勤无明确的上下班时间及员工每日签核

- Incomplete time records 不完整的工时记录

- Inconsistent working time information 不一致的工时记录

Walmart Standard:

Factories shall maintain employee work hours in compliance with local standards and applicable national law of the countries in which the suppliers are doing business.

沃尔玛要求：工厂应具备完善的工时系统，准确记录所有员工的工作时间

Labor Hours 工时

Any of the 4 types of time recording is acceptable - WM Standard

四种可以接受的工时记录方式:

Scenario情况		Normal Work正常上班				OT Work加班			Example举例	Remark备注
S1	Normal work Only 无加班	1st In	xx	xx	last out	NA		NA	8:00-xx,xx-17:30	With clear work schedule like 清晰的作息时间（下同） 8:00-12:00 13:30-17:30
S2	Normal work + OT without meal break before starting or during OT 加班前无晚餐休息	1st In	xx	xx	xx	xx		Out	8:00-xx,xx-19:30	8hrs+2hrs OT 8小时+2小时加班 With clear work schedule like 8:00-12:00 13:30-17:30
S3	Normal work+ OT with OT beginning just after meal break no matter break time is paid or not (OT after meal) 加班前有晚餐休息	1st In	xx	xx	last out	In		Out	8:00-17:30 18:00-20:00	8hrs+2hrs OT 8小时+2小时加班 With clear work schedule like 8:00-12:00 13:30-17:30
S4	Normal work+ OT with meal break during OT no matter break time is paid or not (OT after meal) 加班时间内晚餐休息	1st In	xx	xx	xx	1st Out	2nd In	Last Out	8:00-18:30 19:00-21:00	8hrs+1hrs OT +2hrs OT 8小时+2小时加班 With clear work schedule like 8:00-12:00 13:30-17:30

Labor Hours 工时违规

Egregious working hours 严重超时加班

- Working hours over **Walmart maximum tolerance** (6 or 7 days)

每周工作时间超出沃尔玛**最大容许**

- Total working hours exceed **Walmart maximum tolerance** (multiple shifts)

翻班工作的工人**24**小时内的累计工作时间超过沃尔玛**最大容许**

Labor Hours 工时

Walmart Standard (Con):

沃尔玛要求（续）：

- **Comprehensive working hour system is not acceptable however compensation leave within one pay cycle is deemed to be appropriate**
不接受综合计时但接受一个工资支付周期以内的调休

- **Supplier shall maintain reasonable work hours as per local laws**

工厂应遵守营业地的地方标准，采用合理的工作时数。

- **Supplier shall work towards 60 hours/week and ensure workers are provided with 7th day rest**

工厂应该朝每一工作周60小时的目标努力(至少每七天有一天节假日)

Wages 薪酬违规

Unclear wage system 不清晰的工资记录

- **No payroll record in factory**
工厂无工资记录
- **Portion or all of the payroll record can not be provided for evaluation**
工厂无法提供部分或全部工资记录
- **Piece-rate wage record cannot be provided for evaluation**
工厂无法提供计件工人之计件记录
- **No relevant documents for bonus explanation**
工厂无法提供相关奖金说明记录
- **Wage cannot be verified due to unclear time system**
由于工时系统不清晰导致工资无法计算
- **Manipulation of payroll**
工厂使用两套不一致的工资记录

Walmart Standard:

Walmart requires factories to provide a clear, consistent and traceable wage system.

沃尔玛要求：工厂应提供一个清晰一致的可追溯的工资计算系统

Wages 薪酬违规

Wage for normal hours 正常工资支付不足

- **Hourly wage and monthly wage below the legally required minimum wage**
时薪、月薪工资低于地方规定的最低工资标准
- **Piece-rate wage below the legally required minimum wage**
单元小时的计件工资低于地方规定的最低工资标准
- **Actual wage below the legally required minimum wage (shall not include relevant allowance exclusive from the minimum wage)**
应得工资扣除法律规定不纳入最低工资范畴的津贴之后低于当地规定的最低工资标准
- **Employees in probationary and training not paid**
工人试用期未获工资
- **Employees not paid or under paid during production suspension (e.g., during Chinese New Year)**
在停工待料期间未支付工人工资（如春节放假）

Wages 薪酬违规

Insufficient overtime premium 加班工资支付不足

- **Overtime premium not paid**
工厂未支付任何加班费
- **According to latest China regulations, the pay formula is:**
Monthly pay / 21.75 = daily pay
根据最新的中国法规，工资的计算公式为：日薪 = 月薪 / 21.75
- **Employees who works for extra hours not paid with applicable wage (e.g., workers working extra time over 30min. ahead or after normal working schedule was not paid with applicable wage)**
工人超出正常工时的的工作未获工资（如工人打卡每次超出正常上下班时间30分钟以上而工厂未视为工作时间并给予工资）

Apprentice / training / probation wage 学徒 / 培训 / 试用期工资

- **Employees in probationary and training not paid**
工人在培训期 / 试用期未获工资

Employees paid less than applicable wage agreed in labor contract

工厂以少于劳动合同约定的数额支付员工工资

好的操作- 月薪工资计算表

当地最低工资=1710RMB/月, 当地最低小时工资=1710/21.75/8=9.83RMB/小时

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
工号	姓名	月薪工资	当月正常 工作时间	正常出勤工 资	加班费					奖金津 贴等	应得工资	保险或 其他扣除 项	实际发放 工资	
					平时加 班工时	平时加 班费 (x1.5)	休息日加 班工时	休息日 加班费 (x2.0)	法定假日 加班工时					法定假 日加班费 (x3.0)
		C < 1710 不接受		E= C*[D+(8*3)]/ (20*8+3*8), 或 E= C/21.75/8* [D+(8*3)]		G= C/21.75/ 8*F*1.5		I= C/21.75/ 8*H*2		K= C/21.75/ 8*J*3		M=E+G+I +K+L		O=M-N
A		1,800.00	160	1,800.00	10	155.17	16	331.03	8	248.28		2,534.48		2,534.48
B		1,740.00	154	1,683.26	10	150.00	16	320.00	8	240.00		2,393.26		2,393.26
C		1,710.00	160	1,710.00	10	147.41	16	314.48	8	235.86		2,407.76		2,407.76

- 假设该月应出勤日为20天，法定假日为3天；员工B请假6小时，员工A,B,C于法定假日加班一日。
- E项(黄色) 为未出满勤员工的正常工资，其计算为

$$= \text{月薪} / (\text{正常应出勤日} + \text{法定假日}) / 8 * (\text{实际工作时数} + \text{法定假日时数}) \quad \text{或}$$

$$= \text{月薪} / 21.75 / 8 * (\text{实际工作时数} + \text{法定假日时数})$$
- 停工待料期间工资参照当地法律规定支付。

Good Practice - Monthly wage calculations

Min wage = 1710RMB/month, min wage/hour = 1710/21.75/8=9.83RMB/hour

A	B	C	D	E	Overtime Premium						L	M	N	O
					Normal overtime	Normal OT premium (x1.5)	Rest date OT	Rest day OT premium (x2.0)	Statutory holiday OT hours	Statutory Holiday OT Premium (x3.0)				
		C < 1710 is not acceptable		E = C*(D+(8*3))/(20*8+3*8), or E=C/21.75/8*(D+(8*3))		G = C/21.75/8*F*1.5		I = C/21.75/8*H*2		K = C/21.75/8*J*3		M = E+G+I+K+L		O = M-N
	A	1800.00	160.00	1800.00	10.00	155.17	16.00	331	8.00	248.28		2534.48		2534.48
	B	1740.00	154.00	1683.26	10.00	150.00	16.00	320	8.00	240.00		2393.26		2393.26
	C	1710.00	160.00	1710.00	10.00	147.41	16.00	314	8.00	235.86		2407.76		2407.76

- Supposedly there are 20 days of normal working hours, 3 days of statutory holiday; And Worker B is on leave for 6 hours. (Worker A, Worker B and Worker C work overtime for one day during statutory holiday)

- Column E (highlighted in Yellow) is the normal wage for worker who is not having full attendance in this month, the computation should be: Monthly wage / (normal working hours+ Statutory holiday) / 8 *(actual working hours + hours of statutory holiday)

OR = monthly wage / 21.75 / 8 *(actual working hour + hours of statutory holiday)

- Work suspension wages should be subject to the applicable laws and regulations

好的操作- 时薪工资计算表

当地最低工资=1710 RMB/月, 当地最低小时工资=1710/21.75/8=9.83 RMB/小时

A	B	C	D	E	加班费						L	M	N	O
工号	姓名	时薪工资	当月正常工作时间	正常出勤工资	平时加班	平时	休息日	休息日	法定假日	法定假日加班费 (x3.0)	带薪法定假日工资或(奖金,津贴)	应得工资	保险或其他扣除项	实际发放工资
					工时	加班费 (x1.5)	加班工时	加班费 (x2.0)	加班工时					
		C < 9.83 不接受		E=C*D		G=C*F*1.5		I=C*H*2		K=C*J*3	L项应包括员工在法定假日休息应得的工资= (100%正常工资)	M=E+G+I+K+L		O=M-N
	A	11.25	160	1,800.00	10	168.75	16	360.00	8	270.00	180.00	2,778.75		2,778.75
	B	10.88	154	1,675.52	10	163.20	16	348.16	8	261.12	174.08	2,622.08		2,622.08
	C	10.22	160	1,635.20	10	153.30	16	327.04	8	245.28	163.52	2,524.34		2,524.34

- 假设该月应出勤日为20天，法定假日为3天；其中员工B请假6小时，员工A,B,C于法定假日加班一日。
- L项应包括员工在法定假日休息应得的工资（100%正常工资）。
- 停工待料期间工资参照当地法律规定支付。

Good Practice - Hourly Rate wage calculations

Min wage = 1710RMB/month, min wage/hour = 1710/21.75/8=9.83RMB/hour

A	B	C	D	E	OT Premium						L	M	N	O
No	Name	Daily wage	Normal working hours	Normal pay	Normal OT hours	Normal OT wages	Rest Day OT hours	Rest day OT Wages	Statutory holiday hours	Statutory holiday wages	Statutory holiday wage (bonus, etc)	Pay due	Misc. deduction	Actual pay
		C <9.83 is not acceptable		E=C*D		G=C*F*1.5		I=C*H*2		K=C*J*3	L should include Statutory holidays* wage = C*# of statutory holidays.	M=E+G+I+K+L		O=M-N
	A	11.25	160	1,800.00	10	168.75	16	360.00	8	270.00	180.00	2,778.75		2,778.75
	B	10.88	154	1,675.52	10	163.20	16	348.16	8	261.12	174.08	2,622.08		2,622.08
	C	10.22	160	1,635.20	10	153.30	16	327.04	8	245.28	163.52	2,524.34		2,524.34

-Supposedly there are 20 days of normal working hours, 3 days of statutory holiday; And Worker B is on leave for 6 hours. (Worker A, Worker B and Worker C work overtime for one day during statutory holiday

- Column L shall consist of the normal wage for statutory holiday (100% of normal wage)
- Work suspension wages should be subject to the applicable laws and regulations

好的操作- 计件工资计算表

当地最低工资=1710 RMB/月, 当地最低小时工资=1710/21.75/8=9.83 RMB/小时

A	B	C	D	E	F	G					L	M	N	O	P
工号	姓名	计件工资	当月正常工作时间	平均时薪	根据最低工资标准调整后的时薪	加班费					法定假日加班费(x2.0)	带薪法定假日工资或(奖金,津贴)	应得工资	保险或其他扣除项	实际发放工资
						平时加班工时	平时加班费(x0.5)	休息日加班工时	休息日加班费(x1.0)	法定假日加班工时					
				$E=C/(D+G+I+K)$	如E项低于当地最低时薪, 应补足到至少最低时薪标准。		$H=F*G*50\%$		$J=F*I*100\%$		$L=F*K*200\%$	M项应包括法定假日休息的工资 = 平均时薪*法定假日休息时数	$N=F*(D+G+I+K)+H+J+L+M$		$P=N-O$
	A	2,100.00	160	10.82	10.83	10	54.15	16	173.28	8	173.28	173.28	2,675.01		2,675.01
	B	1,800.00	154	9.57	9.83	10	49.15	16	157.28	8	157.28	157.28	2,369.03		2,369.03
	C	1,500.00	160	7.73	9.83	10	49.15	16	157.28	8	157.28	157.28	2,428.01		2,428.01

- 假设该月应出勤日为20天, 法定假日为3天; 其中员工B请假6小时, 员工A,B,C于法定假日加班一日。
- M项应包括法定假日休息的工资 = 平均时薪(不低于3.28)*法定假日休息时数。
- 停工待料期间工资参照当地法律规定支付。

Good practice – Piece rate calculations

Min wage = 1710RMB/month, min wage/hour = 1710/21.75/8=9.83RMB/hour

A	B	C	D	E	F	OT Premium					M	N	O	P	
						G	H	I	J	K					L
No	Name	Piece Rate	Normal working hours	Average hourly rate	Adjusted hour rate base on the min wage	Normal OT hours	Normal OT Premium	Rest day OT hours	Rest day OT Premium	Statutory holiday OT hours	Statutory holiday OT Premium	Legal wage for statutory holiday	Pay due	Deductions	Actual Pay
				$E=C/(D+G+I+K)$	Wage shall be increased to the min wage if Column E is lower than the min wage		$H=F*G*50\%$		$J=F*I*100\%$		$L=F*K*200\%$	Column M includes the normal wage for statutory holiday = Average hourly rate * hours of statutory holiday	$N=E*(C+F+H+J)+G+I+K+L$		$P=N-O$
	A	2,100.00	160	10.82	10.83	10	54.15	16	173.28	8	173.28	173.28	2,675.01		2,675.01
	B	1,800.00	154	9.57	9.83	10	49.15	16	157.28	8	157.28	157.28	2,369.03		2,369.03
	C	1,500.00	160	7.73	9.83	10	49.15	16	157.28	8	157.28	157.28	2,428.01		2,428.01

- Supposedly there are 20 days of normal working hours, 3 days of statutory holiday; And Worker B is on leave for 6 hours. (Worker A, Worker B and Worker C work overtime for one day during statutory holiday)

- Column M shall include the normal wage for statutory holiday = Average hourly rate (not lower than 3.28)* hours of statutory holiday

- Work suspension wages should be subject to the applicable laws and regulations

Deduction 罚款 / 扣款

- **Workers are charged for PPE, uniform, working badges, etc on/post job application**

在工人入职时或入职后收取个人防护用品, 厂服费, 工衣费等

- **Deduction for food and house fee against workers wills**

当工人不在工厂食宿时, 强制扣除工人食宿费用

- **The amount of fines deducted from the employee's wages exceeds 20% of the employee's standard wages and/or less than min. wage after deduction.**

罚/扣款金额不得超过本人标准工资的百分之二十, 且扣除后的剩余工资部分不得低于当地月最低工资标准

- **Deduction not on ratio basis, i.e. deducting 30 minutes of wage for being late of 5 minutes.**

不按比例扣款, 如: 迟到5分钟, 扣30分钟工资.

- ***Factory rules/regulations with fines and deduction terms did not obtain approval from employee committee and registration in labor bureau***

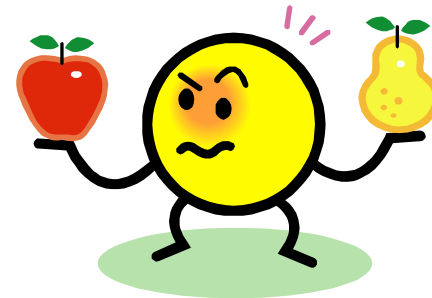
- 有罚/扣款的厂规厂纪必须经过职代会或劳动局备案

Benefits 福利

Failure to provide legal benefits
未提供法定福利

No provision of worker leave: Maternity leave / Paternity leave/work related injury leave
未制定工人相关福利：产假/ 陪产假/工伤假

No insurance coverage
未替工人投保



Temporary workers 临时工

How to keep documents for temporary workers / rent workers /summer workers /students workers

怎样为临时工/ 租赁工/ 暑假工/ 学生工等保留相关的审核文件.

-Factory should keep relevant documents of temporary workers / rent workers /summer workers /students workers same as full time worker.

所有临时工/ 租赁工/ 暑假工/ 学生工等员工的资料都与正式员工相同,所有相关资料都要保存在工厂内.

- Relevant documents should include complete personal file / labor contract / reasonable time records and payroll records.

资料包括: 完整的人事记录 /完整的劳动合同/ 正确的考勤记录和工资表.

- Factory should pay wages for temporary workers / rent workers /summer workers /students workers as local government requirements.

工厂要按照当地政府的要求去支付工资.

Environmental Compliance High Risk Violation 环境审核高风险违规情况



Environment 环境

1. No permits for on site waste disposal with no application in process
未根据法律要求取得现场废弃物处置许可也未在申请
2. Improper disposal of hazardous waste or not collected and disposed off by licensed contractors (when required by law)
危险废弃物处理不当或未根据法律要求委托有资质的分包商收集处置



Environment 环境

合同编号: _____

危险废物委托处置协议

甲方: _____

乙方: _____

签定地点: _____

签定时间: _____

NO. ACTIVA SHANGHAI
嘉德百汇

危险废物转移联单 000 0000071

产生单位填报	废物产生单位: _____ (公章) 产生单位经办人(签名): _____	第三联 废物接收单位
	废物名称: _____ 废物代码: _____	
	废物形态: <input type="checkbox"/> 固 <input type="checkbox"/> 液 <input type="checkbox"/> 气 <input type="checkbox"/> 半固 <input type="checkbox"/> 其它 <input type="checkbox"/> 包装方式: <input type="checkbox"/> 桶 <input type="checkbox"/> 袋 <input type="checkbox"/> 槽罐 <input type="checkbox"/> 其它 <input type="checkbox"/>	
	废物运输单位: _____ 运输工具牌照号: _____	
	废物接受单位: _____ (公章) 经营许可证编号: _____	
废物转移日期: _____年 _____月 _____日 废物数量(吨): _____		
接受单位填报	废物处理方式: 焚烧() 填埋() 物化() 收集() 贮存() 其它()	
	运输单位经办人(签名): _____ 接受单位经办人(签名): _____	

注:一车一单,一类一单,分项必填。 上海市环境保护局印制

Environment 环境

3. No permits for wastewater/effluents treatment and/or discharge with no application in process

未根据法律要求取得废水/出水处理/排放许可证，且未在申请

4. No permits for air emission with no application in process

未根据法律要求取得废气处理/排放许可证，且未在申请



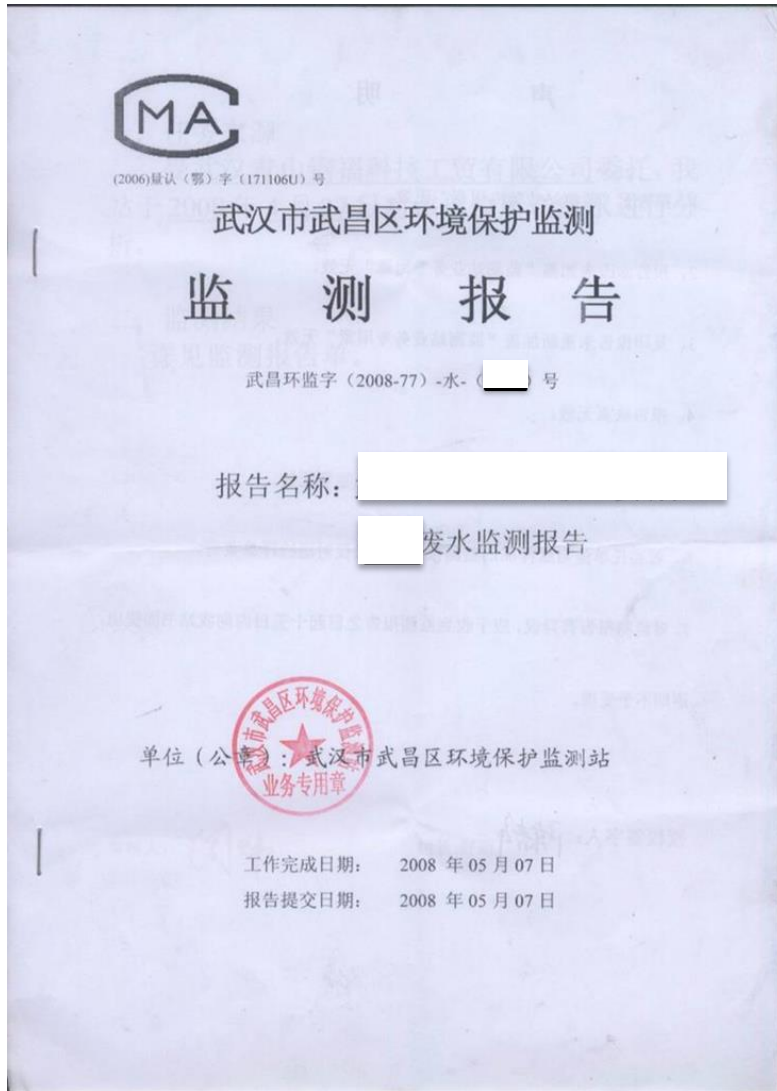
Environment 环境

5. No appropriate permits for water use/extraction
未根据法律要求取得用水/取水许可证



Environment 环境

6. Banned chemicals used and/or stored in the factory
厂区内使用或储存法律禁止的禁用化学品
7. No permit for hazardous substances handling and/or storage with no application in process
未根据法律要求取得危险品处理/储存许可证，且未在申请
8. Wastewater/effluents discharge over applicable emission limits and hazardous material discharge with no corrective action plan in place
废水/出水排放超标或排放有害物质，且没有整改计划
9. Air emissions over applicable emission limits and hazardous emissions with no corrective action plan in place
废气排放超标或排放有害物质，且没有整改计划



一、 监测目的

受企业委托对该企业污染物排放现状进行监测

二、 监测内容

1、废气

测点布设: 厨房废气排放口、工业废气排放口、发电机废气排放口、锅炉烟道

监测项目: 苯、甲苯、二甲苯、烟尘、颗粒物、二氧化硫、氮氧化物、烟气黑度、硫酸雾、油烟

采样时间: 2009年05月19日

化验时间: 2009年05月19日~22日

2、废水

测点布设: 生产废水排放口

监测项目: pH、SS、COD、BOD₅、磷酸盐、石油类

采样时间: 2009年05月19日

化验时间: 2009年05月19日~25日

3、噪声

测点布设: 厂界外1米

监测项目: 平均等效声级 (Leq)

监测时间: 2009年05月19日昼间

三、 监测方法及仪器(见附表)

四、 监测结果及评价

1、废水

单位: mg/L(pH除外)

样品名称	样品编号	监测项目及化验结果						样品性状描述
		pH	SS	COD	BOD ₅	磷酸盐	石油类	
生产废水	WS090519-001	7.72	4 (L)	38.1	10.3	1.17	0.34	无色清
执行标准:《广东省水污染物排放限值》(DB44/26-2001)第一时段一级排放标准		6~9	70	100	20	0.5	5.0	—
结果评价:		达标	达标	达标	达标	超标1.3倍	达标	—

注: (L)表示检验数值低于方法最低检出限, 以所使用的方法检出限值报出。

Health & Safety 健康与安全

PPE / Chemical Safety 个人防护用品 / 化学品安全

- No PPE provided to workers in the whole factory

未向从事有毒有害工作的所有工人提供个人防护用品

Sanitation 安全卫生

- No accessibility of drinking water in the whole factory

工厂无饮用水提供

- The sanitary condition of canteen and dormitory is not good, no designated cleaning crew, no cleaning record.

食堂及宿舍设施卫生状况不佳、未设专业清洁人员、未保存清洁记录