



Trapped:

The Belt and Road Initiative's Chinese Workers



(On the banner, the workers wrote “I want to go home.”)

November 2022

Table of Contents

Executive Summary	1
1. Introduction	2
2. BRI Workers' Lives Under Tight Control	9
1. Outsourcing and deceptive hiring practices	9
2. Illegal contracting practices	11
3. Restriction of personal freedom	14
3. A Complicating Factor: COVID-19	24
4. Quantitative Evidence from Survey and Interview Data	26
5. Forced Labor and the BRI	31
Abuse of vulnerability	31
Deception	32
Restriction of movement	32
Isolation	32
Physical and sexual violence	33
Intimidation and threats	33
Retention of identity documents	33
Withholding of wages	34
Debt bondage	34
6. Enabling Conditions	35
1. Subcontracting	35
2. Workers' lack of familiarity with the system	36
3. Lack of institutional protection for overseas Chinese workers	37
4. Lack of international oversight	42
7. BRI Projects Discussion by Country	43
Country Profile: Serbia	43
Country Profile: Algeria	49
Country Profile: Indonesia	53
Country Profile: The Democratic Republic of the Congo (DRC)	63

Additional country profile: Cambodia	66
Additional country report: Singapore	73
8. Conclusion	80
9. Appendix	82
Appendix I. Methodologies	82
Appendix II. Workers' Stories	83
Appendix III. Interview questions	87
Appendix IV. Survey questions	89
Appendix V. Extended Country Profile – PT Virtue Dragon Nickel Industrial Park	90
Appendix VI. Extended Country Profile – Tsingshan Industrial Park, Indonesia	107
10. Document List	121
[DL-1] Employee Information Registration Form, Xiangshui Shenlong Foreign Cooperation of Labor Service Co._响水神龙对外劳务公司应聘人员信息登记表	121
[DL-2] Employee Declaration, Xiangshui Shenlong Foreign Cooperation of Labor Service Co._神龙对外劳务公司员工入职声明	125
[DL-3] Worker's Onboarding Statement_工人入职声明	128
[DL-4] Worker's Request to Return Voluntarily to Work at VNDi - Commitment Letter_工人自愿申请再次前往VDNI公司工作的承诺书	129
[DL-5] Workers' Penalty Notice June 18, 2021_罚款单	130
[DL-6] Letter for Justice on Weibo	131
[DL-7] Nantong Jingtang Labor Service to Sons of Zhang Guangyong _南通京唐至张广永家属的通知	132
[DL-8] Nantong Jingtang Labor Service to Family Members of Zhang Guangyong_南通京唐至张广永家属的信	133
[DL-9] Xianmen Xiangyu Notice of Petition Non-Acceptance_厦门象屿信访事项不予受理通知	134
[DL-10] Penalty Notice Regarding Accidental Death at Baotai Company_德龙印尼公司考核通报	136
[DL-11] Workers' Request for Passports _工人护照申请书	137

[DL-12] Workers' Commitment Letter to Return to China at Workers' Own Expense_工人自费回国承诺书	138
[DL-13] Indonesia Virtue Dragon Nickel Industrial Park Regulations on Public Opinion Management_印尼德龙工业园舆情管理制度通知	139
[DL-14] Virtue Dragon Nickel Industrial Park Warning Statement_印尼德龙工业园声明	147
[DL-15] Response from the City of Huai'an to a Worker's Petition 淮安区商务局对工人请愿的回复	148
[DL-16] Worker's Expired Visa Fee Notice_关于工人护照过期费用事项	150
[DL-17] Workers' Legal Rights Protection Notice_劳务人员合法权益保障告知书	159
[DL-18] Assessment Rules of Safe and Civilized Construction	160
[DL-19] OSS Company Document Regarding Lowering the COVID-19 Prevention Level and Relaxing the Curfew_关于调低疫情防控等级适当开放门禁的通知	161
[DL-20] Notice from the Economic and Commercial Counselor's Office in Indonesia Regarding the Protection of Chinese Laborers_中国驻印尼经济商务出关于保障劳务人员合法权益通知	163
[DL-21] The Embassy's Letter to a Chinese Airline_中国驻印尼大使馆给中国航空公司的信	168

Executive Summary

The Belt Road Initiative (BRI), China's ambitious transnational development program, is set to redefine globalization with "Chinese characteristics."¹ Since its inception, thousands of transportation, energy, information technology, and mining projects have been initiated around the globe. According to the American Enterprise Institute's estimate, the total value of BRI has reached \$838.04 billion.² The initiative has also driven growth at home by deepening connectivity.³ It has played a crucial part in bridging the global investment gap in infrastructure,⁴ has contributed to China's rising dominance in the global rare earth supply,⁵ and has further strengthened the country's position in global supply chains. Yet, despite the BRI's potential, observers have called attention to instances of corruption, human rights violations, and environmental hazards related to the initiative.⁶ Critics have argued that this "new Silk Road" is designed to secure China's place as the center of a new world economic order.⁷ Some have also expressed concern that Beijing's export of its surveillance technology, management strategies, and ideology might undermine democracy.⁸

There is another, lesser-known aspect of the BRI initiative that deserves scrutiny: labor conditions for its Chinese workers. According to data from China's Ministry of Commerce, in

¹ Jason Zukus, 2017. "Globalization with Chinese Characteristics: A New International Standard?" *The Diplomat*. <https://thediplomat.com/2017/05/globalization-with-chinese-characteristics-a-new-international-standard/>

² The American Enterprise Institute, "China Global Investment Tracker." <https://www.aei.org/china-global-investment-tracker/?ncid=txtlnkusaolp00000618>

³ OECD Business And Finance Outlook, 2018. "China's Belt and Road Initiative in the Global Trade, Investment and Finance Landscape." <https://www.oecd.org/finance/Chinas-Belt-and-Road-Initiative-in-the-global-trade-investment-and-finance-landscape.pdf>

⁴ Ibid., Asia Development Bank 2017 "Meeting Asia's Infrastructure Needs."

⁵ Jamil Hijazi and James Kennedy 2020. "How the United States Handed China Its Rare-Earth Monopoly." *Foreign Policy*. <https://foreignpolicy.com/2020/10/27/how-the-united-states-handed-china-its-rare-earth-monopoly/>; Vekasi, Kristin 2019. "China's Control of Rare Earth Metals." *The National Bureau of Asian Research*. www.nbr.org/publication/chinas-control-of-rare-earth-metals/

⁶ Mikkaela Salamatın 2021, China's Belt and Road Initiative is Reshaping Human Rights Norms, 53 *Vanderbilt Law Review* 1427; Business & Human Rights Resource Centre 2022, "Going Out Responsibly: Time to Take Human Rights Seriously in Chinese Overseas Business Operations." <https://thepeoplesmap.net/2022/01/12/going-out-responsibly-time-to-take-human-rights-seriously-in-chinese-overseas-business-operations/>;

⁷ Harald Pechlaner, Greta Erschbamer, Hannes Thees, and Mirjam Gruber 2020, China and the New Silk Road: Challenges and Impacts on the Regional and Local Level. Springer. <https://doi.org/10.1007/978-3-030-43399-4>

⁸ Josh Rogin, 2019. "China's efforts to undermine democracy are expanding worldwide." *Washington Post*. <https://www.washingtonpost.com/opinions/2019/06/27/chinas-efforts-undermine-democracy-are-expanding-worldwide/>

2021, there were 592,000 Chinese workers⁹ overseas.¹⁰ This number is lower than before the COVID-19 pandemic. Moreover, the official statistics exclude Chinese workers who do not possess a valid work visa. However, in our survey of 333 Chinese workers in Indonesia, only 27.6 percent held valid work visas to work in that country. Thus, millions of Chinese are potentially employed by BRI projects. These people, hired via convoluted chains of subcontracting, isolated in their host societies with or without a legal status, and unfamiliar with local legal resources, experience exploitative and dangerous working conditions. In fact, many endure circumstances that not only match the International Labour Organization's (ILO) definition of forced labor,¹¹ but also sometimes approach human trafficking and modern-day slavery.

The cause of these abuses: insufficient oversight by a range of actors, including Chinese authorities, China's BRI partner states, and global civil society. But of these actors, China bears special responsibility. There is a qualitative difference between forced labor and human trafficking in BRI projects as compared to similar abuses in other well-known cases, as the BRI is, fundamentally, a state-backed initiative financed mainly by Chinese capital.

This report is dedicated to giving these silenced workers a voice.

China Labor Watch (CLW) has documented the following specific troubling issues:

- Misleading or outright deceptive job ads, pre-work deposits, and harsh appraisal systems, all of which place workers in a fundamentally disadvantaged position;
- Restriction of personal freedom through the arbitrary use of fines, the withholding of identification documents, the accumulation of wage arrears, and, again, the exaction of pre-work deposits;
- Threats and use of physical violence to prevent workers from running away, resisting management, or contacting the media or local authorities;
- Either enforced signing of contracts without workers' expressed understanding of their terms, or, in some cases, the absence of any contract whatsoever;

⁹ Of Chinese laborers abroad, some came from urban areas, some were rural migrant workers [农民工], but the official figure only include those who are recruited through legitimate means. Here, to distinguish the Chinese workers working overseas, we avoided using the term "migrant workers," since it could be confused with rural migrant workers within China who migrated from province to province for better opportunities; instead, we opted for the more general term "overseas Chinese workers." However, many workers we came into contact with did not go abroad with a legitimate and fair labor contract or legal status, leaving them to labor abuse.

¹⁰ The People's Republic of China Department of Commerce, "2021年我国对外劳务合作业务简明统计" [A Concise Report on China International Labour Cooperation 2021]. 2020.

<http://hzs.mofcom.gov.cn/article/date/202201/20220103238999.shtml>

¹¹ International Labour Organization. 2012. ILO indicators of Forced Labor. Geneva: International Labour Organization.

- Workers' unfamiliarity with their host societies and ignorance of the avenues of legal recourse that might be available to them;
- Strict COVID-19 policies that limit workers' ability to pursue job options in China
- Complicity of various parties, including the local police, hired Chinese ex-military guards, and, occasionally, Chinese embassies and consulates in surveilling and controlling workers.

CLW believes that the following five factors exacerbate these problems: (1) The companies involved in the BRI have little accountability either at home or abroad; (2) The current lack of reach or lax execution of China labor law over international labor rights disputes involving Chinese migrant labor abroad; (3) The general lack of involvement of international organizations in monitoring the BRI for abuses; (4) The political and economic stakes for China and its BRI partner countries which evidently outweigh any considerations of workers' rights in the minds of authorities; and (5) The relative lack of interest in investigating these issues on the part of global civil society.

Recommendations

To improve the conditions of Chinese workers in BRI affiliated projects, CLW recommends that the following stakeholders take the following actions:

China

There are several steps China should take. The All-China Federation of Trade Unions (ACFTU) must protect the rights of Chinese workers overseas by offering free legal advice and assistance to workers seeking redress from the workers' foreign employers and/or the domestic employment agency that arranged their placement overseas. China should sign and ratify the ILO C97 Migration for Employment Convention,¹² ILO C143 Migrant Workers Convention,¹³ and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.¹⁴ Authorities ought to enforce the country's rule of law, and impose stricter and more encompassing regulations on overseas projects and impose harsher penalties on unqualified agencies that organize cross-border labor dispatch. In August 2022, in response to mounting pressure from the global society over China's human rights violations against the Uyghur ethnic minority, China ratified both the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105).¹⁵ The government should fully incorporate the language of these anti-forced labor treaties into its domestic labor laws and legislations and implement systematic measures to hold the agencies accountable for acts such as deceptive recruiting, confiscation of passports, and illegal contracting practices. Moreover, the Chinese Ministry of Commerce and its municipalities should fully implement relevant legislations and perform their official duties to regulate overseas entities' behavior. The Chinese Ministry of Foreign Affairs and its municipalities should also implement actions to protect overseas Chinese citizens' rights. The establishment of special procedures, committees, or new government bodies to deal specifically with overseas labor disputes is highly recommended in order to protect overseas workers, a group that's especially vulnerable due to the nature of overseas work, and their rights. China ought to implement special departure screening procedures for Chinese workers at borders to identify possible victims of labor trafficking. Moreover, authorities should implement a third-party monitoring mechanism to examine, control, and monitor labor rights abuse.

¹² International Labour Organization (ILO), Migration for Employment Convention (Revised), C97. 1949, a convention stipulating member states' protection for migrant workers.

¹³ International Labour Organization (ILO), Migrant Workers (Supplementary Provisions) Convention, C143, 24 June 1975, C143.

¹⁴ UN General Assembly, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-rights-all-migrant-workers>.

¹⁵ International Labour Organization (ILO), "China Ratifies the Two ILO Fundamental Conventions on Forced Labour." Forced labour Conventions, August 12, 2022. https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_853575/lang--en/index.htm.

BRI Host Countries

Host countries, too, have a responsibility to address the situation. They should sign and ratify the ILO C97 Migration for Employment Convention, ILO C143 Migrant Workers Convention, and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Local governments ought to create accessible channels through which Chinese workers can file complaints (including providing Chinese-language hotlines), and authorities should collaborate with civil society to offer assistance to the workers. Officials should impose stricter requirements for employers who wish to hire foreign workers. Governments ought to regularly inspect working and living conditions at BRI project worksites, and inspect companies' hiring qualifications. In particular, authorities need to develop and enhance mechanisms to identify employers and worksites that violate prohibitions on forced labor and labor trafficking. Governments must directly hold companies accountable for breaching labor and immigration regulations, and they must eliminate penalties on victims of human trafficking for breaching immigration laws. Authorities should impose stricter screening procedures for visitor- or business-visa applicants and carefully inspect the qualifications of work-visa applicants and sponsors. And to complement stricter departure screening by China, they should implement stricter arrival screening procedures at borders to identify trafficking victims.

United States

This report is being published in the United States, so suggestions are made to U.S. authorities in particular. Section 307 of the Tariff Act of 1930 (19 U.S.C. §1307) prohibits products produced wholly or in part by forced labor. This rule should be enforced. The Uyghur Forced Labor Prevention Act (UFLPA), signed into law in December 2021 and implemented in June, 2022, targets goods produced in the Xinjiang Uyghur Autonomous Region (or East Turkestan) following reports of widespread state-sanctioned forced labor, wrongful convictions, mass detainment, and other human rights allegations. The U.S. should fully implement and use this legal framework to pause or prohibit importation of goods or the use of services provided by companies or individuals suspected of using or organizing forced labor or human trafficking as a part of the BRI, as it does with entities suspected of breaching these standards in other contexts. For companies, persons, or entities that enable, participate, or extract benefits from forced labor and human trafficking of laborers, the U.S. should implement policies to hold them criminally or otherwise accountable. U.S. Government agencies ought to actively promote human rights and fair labor practices to the governments and civil societies of China and BRI-hosting countries. The U.S. should offer technical support to BRI countries to help them vet prospective projects for economic and environmental sustainability. It should also target the BRI with a robust anti-corruption campaign. Finally, America must work with allies to create alternatives to the BRI

that address global inequalities, while promoting more ethical standards as well as multilateralism.

Other Countries

Foreign policy is a key vehicle for raising the cost of forced labor and human trafficking practices involving the BRI, and it is most effective when multiple governments cooperate. For example, the United States has laws and regulations that specifically target beneficiaries of forced labor, and when these regulations are implemented, the funds and persons corresponding to forced labor overseas may be transferred to other Western countries. Therefore, the EU should also introduce and implement legislations that target forced labor, and hold culprits of forced labor criminally or economically responsible through legal proceedings. As a recent example, on September 14, 2022, the European Commission drafted a proposal to prohibit the sale of products made with forced labor from the EU market.¹⁶ If this proposed ban could be implemented, it would be a crucial step toward addressing labor rights abuses globally, including those related to the BRI. Other sanctions such as visa bans and asset freezes against key individuals who knowingly initiate, fund, or participate in the organization and management of forced labor practices is another viable path. Moreover, all countries should seek actions to monitor, track, and prevent goods produced by forced labor from entering their domestic markets.

The UN and Other International Organizations

The United Nations must condemn, pause or prohibit the importation of goods or the use of services provided by companies or individuals suspected of using or organizing forced labor, human trafficking, or modern slavery. UN bodies and other international organizations ought to investigate BRI projects for labor rights abuses and create Chinese-language hotlines, resources, and support services (e.g. legal aid) for workers. There should be better monitoring and implementation of the ILO and UN treaties related to workers' rights, including: ILO C97 Migration for Employment Convention, ILO C143 Migrant Workers Convention, the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, and the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) newly ratified by China.¹⁷ The United Nations should embark on

¹⁶ "Commission moves to ban products made with forced labour on the EU market," European Commission, September 14, 2022, https://ec.europa.eu/commission/presscorner/detail/en/IP_22_5415

¹⁷ U.N. Convention Against Transnational Organized Crime: Message from the President of the United States Transmitting United Nations Convention Against Transnational Organized Crime (The "Convention"); two Supplementary Protocols: (1) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) Protocol against Smuggling of Migrants by Land, Sea and Air, adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy. Washington :U.S. Government Printing Office, 2004.; C029 - Forced Labour Convention, 1930 (No. 29) and C105 - Abolition of Forced Labour Convention, 1957 (No. 105) were both ratified

periodic investigations to assess labor conditions in transnational projects backed by Chinese investments. UN officials ought to offer technical support to BRI countries to help them vet prospective projects for economic and environmental sustainability. Relevant agencies should embark on a robust anti-corruption campaign. There should be coordination between international organizations and other organizations to condemn and/or impose sanctions on entities that use or organize forced labor, human trafficking and modern slavery as a part of the BRI.

Global Civil Society

Global civil society groups should create channels to provide legal and material assistance to victims of forced labor and labor trafficking. Groups also need to target workers through education campaigns on fair labor practices and human rights. They ought to provide training for workers on the collection of appropriate evidence of rights violations that can be used for legal proceedings. Finally, transnational connections and cooperation should deepen in order to pressure all BRI projects to increase transparency and accountability, and to sanction persons, companies, and organizations involved in trafficking and forced labor globally.

by China in August 2022, see “ILO Member Country Profile: China,” the International Labour Organization, October 1, 2022.

1. Introduction

In recent years, reports and testimonies about problematic work conditions and the infringement of workers' rights in China's various cross-national economic projects have appeared in the media. Deeply concerned with Chinese overseas workers' conditions, especially during the COVID-19 pandemic, China Labor Watch (CLW) launched an investigation into the situation in October 2021. The data in this report are drawn mainly from our correspondence via instant messaging services, phone calls, questionnaires, and emails with over 2,000 workers, through which we spoke directly with 300 workers, in eight BRI countries in Asia, the Middle East, and Africa. In this report, we focus on four of these countries, **Algeria, Serbia, Indonesia, and Democratic Republic of the Congo**, where our investigation has been more extensive. Moreover, Cambodia and Singapore were also added as additional countries in this report.

The Belt and Road Initiative was launched by President Xi Jinping in 2013 as a major platform for international cooperation.¹⁸ The "Belt" refers to a land corridor that runs through China, passing through Central Asia and extending to Eastern Europe. The 'Road' refers to a maritime network between ports in China, Southeast Asia, Africa and the Middle East. The initiative's stated goal is to "to promote policy, infrastructure, trade, financial and people-to-people connectivity [...leading] towards peace, prosperity, opening up, innovation, green development, cultural exchanges, and clean government."¹⁹ Detailed in this vision statement are the admirable goals of helping to fulfill the world's pressing need for infrastructure development, enhanced policy coordination, and global financial integration.

Although the media have focused on the BRI's role in expanding China's global influence,²⁰ the BRI, as the Chinese officials have construed it thus far, appears to be a far broader initiative with a more amorphous goal of various forms of hard and soft "connectivity." According to China's National Development and Reform Commission (中华人民共和国国家发展和改革委员会),²¹

¹⁸ The Government of the People's Republic of China, 2018. "习近平主席提出“一带一路”倡议5周年：构建人类命运共同体的伟大实践 [The Fifth Anniversary of the Belt and Road Initiative proposed by President Xi Jinping: a great practice in building a community with a shared future for mankind]," http://www.gov.cn/xinwen/2018-10/05/content_5327979.htm

¹⁹ The State Council of the People's Republic of China, 2021. "Full Text: China's International Development Cooperation in the New Era," http://english.www.gov.cn/archive/whitepaper/202101/10/content_WS5ffa6bbbc6d0f72576943922.html

²⁰ See, for example, James Kynge and Jonathan Wheatley, "China pulls back from the world: rethinking Xi's 'project of the century'," *Financial Times*, December 11, 2020, <https://www.ft.com/content/d9bd8059-d05c-4e6f-968b-1672241ec1f6>; "BRI loses steam, no fresh Chinese investment post-Covid pandemic," *Hindustan Times*, August 20, 2022, <https://www.hindustantimes.com/world-news/bri-loses-steam-no-fresh-chinese-investment-post-covid-pandemic-101660102248286.html>.

²¹ "为推动共建“一带一路”高质量发展贡献力量 [Contribute to the high-quality development of the Belt and Road Initiative]," National Development and Reform Commission, July 27, 2022,

the progress of the BRI is based on a promotion of “hard connectivity” in infrastructure, “soft connectivity” in rules and standards, and “heart-to-heart connectivity” with the people of participating countries” [...基础设施“硬联通”、规则标准“软联通”、同共建国家人民“心联通”]. Furthermore, the Chinese Ministry of Commerce highlights “hard connectivity” created under the BRI as infrastructure connectivity building marked by infrastructure projects of Chinese investment; “soft connectivity” as trade, technological, and global talent connectivity marked by China’s participation in global trading groups, conferences, signing of trade agreements, creation of laboratories, connection with various global trading and investment entities, and more. An example of “soft connectivity” is the Alliance of International Science Organization (ANSO), which was formed in 2018 to “...support the international cooperation on science, technology and innovation” among the BRI countries,²² and which reflects China’s strategic goal to expand its science and technological alliance with other countries under the BRI; “heart-to-heart connectivity,” moreover, appears to hinge upon the spread of Chinese culture and the communication of a good image of China, with charity projects and cultural investments such as “Smile of Angkor,” a Cambodian musical performance financed by the Chinese Ministry of Culture and the Cambodian government being a notable example.²³ Although the BRI lacks concrete policy and implementation guidelines, these languages of “connectivity” and “corporation” have repeatedly appeared on various policy and news reports concerning the BRI, highlighting their significance as guiding principles. The BRI, in other words, should be considered as a drive by China to build political, social, industrial, cultural, and financial ties with countries around the world along a rough geographical pathway of a ground road “Belt” in Eurasia, and a maritime “Road” from Southeast Asia to the Middle East; and while infrastructure and foreign direct investment are the most talked about aspects, they are only two of the many elements of the initiative.²⁴ However, as this report focuses exclusively on workers’ conditions in concrete BRI projects, it specifically zooms in on grassroots workers who inadvertently find themselves part of China’s grand vision of creating infrastructure and economic “hard connectivity” with other countries.

[/web/20220831205817/https://www.ndrc.gov.cn/fggz/lywzjw/jwtz/202207/t20220727_1331752.html?code=&state=123](https://web/20220831205817/https://www.ndrc.gov.cn/fggz/lywzjw/jwtz/202207/t20220727_1331752.html?code=&state=123)

²² “The History of ANSO,” Alliance of International Science Organizations, accessed September 29, 2022, <http://www.anso.org.cn/about/history/>

²³ ““一带一路”早期项目动态评估报告发布 建议加强软联通建设 [The Belt and Road Initiative Early Project Dynamics Assessment Report Released, Suggests Strengthening Soft Connections,” *China Finance News*, January 25, 2018, [/web/20220831210346/http://m.gxfin.com/article/finance/xw/default/2018-01-25/4522493.html](https://web/20220831210346/http://m.gxfin.com/article/finance/xw/default/2018-01-25/4522493.html)

²⁴ “Is China’s Belt and Road Initiative Slowing Down?” *The People’s Map of Global China*, June 21, 2021, <https://thepeoplesmap.net/2021/06/21/is-chinas-belt-and-road-initiative-slowing-down/>



The Belt and Road Initiative—China’s modern Silk Road

Source: Xinhua News Agency²⁵

Since the BRI’s inception, in terms of global infrastructure development, China has funded and built a vast array of railways, roads, factories, plants and mining facilities, smart cities, telecommunications, and information technology platforms around the world.²⁶ To date, China has signed BRI agreements with 147 countries—more than two thirds of the world’s countries—and 32 international organizations.²⁷ Upholding the BRI has also been a part of the Chinese Communist Party Constitution since 2017.²⁸ Most of the known projects under the BRI banner are supported by state-backed capital. Indeed, this is also reflected in China’s official statistics. According to CLW’s assessment of data from China’s Ministry of Commerce, Foreign Investment and Economic Cooperation Department,²⁹ on the list of the 100 Chinese companies overseas, there are only six non-state-owned enterprises with total earnings of about US\$16

²⁵ <https://investors-corner.bnpparibas-am.com/investing/grabbing-the-china-belt-and-road-initiative-opportunity/>

²⁶ Jennifer Hillman and Gary Roughead, 2021. China’s Belt and Road: Implications for the United States, Council on Foreign Relations.

²⁷ The Government of the People’s Republic of China, 2022. “我国已与147个国家、32个国际组织签署200多份共建“一带一路”合作文件 [China has signed more than 200 cooperation documents, with 147 countries and 32 international organizations, on the joint construction of the "Belt and Road"]” http://www.gov.cn/xinwen/2022-01/19/content_5669215.htm and Xinhua News, 2022. “China, Argentina sign MoU on Belt and Road Initiative: joint statement,” <http://www.xinhuanet.com/english/20220206/08612eb21f2d456f858eb95b85b6e5d2/c.html>. However, as the BRI is an actively developing initiative, more countries and international organizations could be added to the list.

²⁸ Communist Party of China, 2017. Constitution of the Communist Party of China, Revised and adopted at the 19th National Congress of the Communist Party of China

²⁹ The Ministry of Commerce of the People’s Republic of China, “2019年我国对外承包工程业务完成营业额前100家企业” [Top 100 of Foreign Contracting Enterprises of 2019, Based on Business Turnover] 2020.

billion, accounting for only 9.2 percent of the total business profit. Moreover, according to the State Owned Assets Supervision and Administration Commission of the State Council of China, 3,116 BRI projects have been undertaken by central state-owned enterprises. Among the infrastructure projects that have been started or planned, those undertaken by central enterprises account for about 50 percent, and the contract value accounts for more than 70 percent of the total contract values.^{30, 31}

The initiative is reported to benefit its target countries' infrastructure and economy via investment and job creation.³² Indeed, according to the Asian Development Bank, Asia alone would require an investment of approximately US\$26 trillion through 2030 to modernize infrastructure and improve economic conditions (including projects related to addressing climate-change).³³ Moreover, various sources estimate that global annual investment needs range from US\$2.9 trillion to US\$6.3 trillion.³⁴ And according to the American Enterprise Institute's estimate, by 2021, the combination of investment in and construction by the BRI totaled \$838.04 billion.³⁵ These investments, carried out under the auspices of the BRI, represent the largest contribution earmarked to address these developmental needs thus far.^{36, 37} Globally, according

³⁰ http://www.gov.cn/xinwen/2018-10/31/content_5336052.htm

³¹ Central state-owned enterprises are funded, managed, and monitored directly by Chinese central (i.e., not local) government entities such as the State Council, the Ministry of Finance, and other management committees under the Chinese State Council, and are often considered a part of the Chinese central government bureaucracy. There are only 98 of such enterprises in China, with notable examples such as China Rare Earth Group, China Resources Holdings Company, see: <http://www.sasac.gov.cn/n4422011/n14158800/n14158998/c14159097/content.html>

³² <https://en.imsilkroad.com/p/314276.html>; World Bank Group 2018 "Foreign Investment across the Belt and Road : Patterns, Determinants, and Effects."

<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/394671539175518256/foreign-investment-across-the-belt-and-road-patterns-determinants-and-effects>;

³³ Asia Development Bank 2017 "Meeting Asia's Infrastructure Needs." adb.org/publications/asia-infrastructure-needs

³⁴ Biswa Nath Bhattacharya. "Estimating Demand for Infrastructure in Energy, Transport, Telecommunications, Water and Sanitation in Asia and the Pacific: 2010-2020". ADBI Working Paper 248. Tokyo: Asian Development Bank 2010 Institute. <https://www.adb.org/sites/default/files/publication/156103/adbi-wp248.pdf>; NCE, Infrastructure Investment Needs of a Low-carbon Scenario, New Climate Economy 2014,

<https://newclimateeconomy.report/workingpapers/wp-content/uploads/sites/5/2016/04/Infrastructureinvestment-needs-of-a-low-carbon-scenario.pdf>; GI Hub, Global Infrastructure Outlook, Global Infrastructure Hub, 2017 <https://outlook.gihub.org/>; McKinsey, Bridging Global Infrastructure Gaps, 2016 www.mckinsey.com/industries/capital-projects-and-infrastructure/our-insights/bridging-global-infrastructure-gaps.

³⁵ The American Enterprise Institute, "China Global Investment Tracker." <https://www.aei.org/china-global-investment-tracker/?ncid=txtlnkusaolp000000618>

³⁶ OECD Business And Finance Outlook. "China's Belt and Road Initiative in the Global Trade, Investment and Finance Landscape." 2018 <https://www.oecd.org/finance/Chinas-Belt-and-Road-Initiative-in-the-global-trade-investment-and-finance-landscape.pdf>

³⁷ Although in 2021, G7 announced the Build Back Better World Initiative also aimed at addressing pressing infrastructure needs; in June 2022, G7 announced a USD 600 billion global infrastructure investment into the initiative, reportedly to rival the political and commercial influence China was exerting through BRI. Source: Lemire, Jonathan and Karl Mathiesen, "G7 unveils \$600B plan to combat China's Belt and Road: Beijing is increasing its global reach through major investments in Africa and Asia." Politico 2022. [politico.eu/article/g7-unveils-600b-plan-to-combat-chinas-belt-and-road/](https://www.politico.eu/article/g7-unveils-600b-plan-to-combat-chinas-belt-and-road/); The White House Statements and Releases 2022. "FACT

to the World Bank's assessment and data from other sources, the infrastructure and other projects that BRI embarked on can, on the global scale, reduce travel time, improve trade and foreign investment, and improve income and living conditions for citizens in participating countries.³⁸ Furthermore, locally, BRI can be a catalytic force in the reshaping and remodeling of the economic geography of the region.³⁹

China has also benefited from this initiative. Reportedly, between 2013 and 2021, the accumulated trade volume between China and BRI countries reached US\$10.4 trillion.⁴⁰ As another national strategy of global interest, the BRI is also linked with the progress of the internationalization of the *renminbi* (CNY), the Chinese currency.⁴¹ Moreover, with around 30 percent of the global reserve of rare earth elements in its dominion, China has come to dominate the world's supply over the past decade.⁴² According to S&P Global, as of 2021, China accounted for 60 percent of global rare earth production, which is down from 97.7 percent in 2010.^{43, 44} Because rare earth minerals are integral to the construction of car batteries and other clean energy products, and because clean energy technologies such as solar and wind power and electric vehicles are poised to transform the energy industry, China's economic and diplomatic

SHEET: President Biden and G7 Leaders Formally Launch the Partnership for Global Infrastructure and Investment.”

³⁸ International Bank for Reconstruction and Development /TheWorld Bank 2019. “Belt and Road Economics: Opportunities and Risks of Transport Corridors”; Maliszewska et al. 2019. “The Belt and Road Initiative : Economic, Poverty and Environmental Impacts.” *World Bank Group*; Permanent Mission of People's Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland. “The Belt and Road Initiative Progress, Contributions and Prospects”
<https://www.mfa.gov.cn/ce/cegv/eng/zywjyjh/t1675564.htm>

³⁹ Bird et al. “The Belt and Road Initiative : Reshaping Economic Geography in Central Asia?” *World Bank Group*. 2019

⁴⁰ 中华人民共和国中央人民政府. “自2013年至今年9月，我国与“一带一路”沿线国家货物贸易额累计达10.4万亿美元“ [From 2013 to September this year, the accumulated trade volume of goods between my country and the countries along the “Belt and Road” reached 10.4 trillion US dollars], People's Government of China, November 28, 2021. http://www.gov.cn/xinwen/2021-11/28/content_5653831.htm

⁴¹ The State Council of People's Republic of China 2015. “Belt and Road Initiative and CNYinternationalization serve global interest: ReportBelt and Road Initiative and CNYinternationalization serve global interest: Report.” http://english.www.gov.cn/news/top_news/2015/10/09/content_281475207613875.htm

⁴²Kristin Vekasi "China's Control of Rare Earth Metals." The National Bureau of Asian Research. 2019. www.nbr.org/publication/chinas-control-of-rare-earth-metals/; Kennedy, James Jamil Hijazi. “How the United States Handed China Its Rare Earth Monopoly.” *Foreign Policy*, 27 Oct. 2020, foreignpolicy.com/2020/10/27/how-the-united-states-handed-china-its-rare-earth-monopoly/; Sophia Kalantzakos. "How China Came to Dominate the Rare Earth Industry." In *China and the Geopolitics of Rare Earths*. New York: Oxford University Press, 2018; Brennan, Elliot. "China's Strengthening Position on Rare Earths Did China just win the long-game on rare earth metals?" *The Diplomat*, 2015. <https://thediplomat.com/2015/07/chinas-strengthening-position-on-rare-earths/> ; China Power, "Does China Pose a Threat to Global Rare Earth Supply Chains?." *China Power*. <https://chinapower.csis.org/china-rare-earths/>

⁴³ S&P Global, “Daily Update June 27, 2022.” S&P Global. 2022. <https://www.spglobal.com/en/research-insights/articles/daily-update-june-27-2022>.

⁴⁴ Although China's global rare earth production rate dropped from 97.7% in 2010, according to S&P Global, China remained dominant in 2021, accounting for a total of 60% of production. This drop could be due to the global supply chain issues brought about by COVID and the West's strategies countering China's rare earth domination.

connections (through BRI and other means) with the Republic of Congo, Indonesia, and Afghanistan—countries that are rare earth rich—have further consolidated China’s critical position in the global supply chain.⁴⁵

However, as pointed out in a report by the World Bank,⁴⁶ despite the BRI’s unprecedented potential for improving regional economies and mitigating global developmental inequalities, in order for these net gains to happen, policies need to be implemented to “...increase transparency, expand trade, improve debt sustainability, and mitigate environmental, social, and corruption risks.”⁴⁷

Indeed, according to various media and strategy reports, the ambitious BRI global strategy might be less about improving regional economies and mitigating global developmental inequalities than about increasing its own prestige and enhancing its own soft and hard power.⁴⁸ For example, critics have raised concern that China is using the BRI to export its governance model to other countries and regions.⁴⁹ Some have argued that the BRI has been directly responsible for serious human rights violations.⁵⁰ Others have highlighted China’s growing role as a supplier of AI surveillance and communications technologies that could potentially be used to suppress freedom of expression.⁵¹ Relatedly, some posit that the BRI is in part a tool for China to further advance the mass extraction of data from a globalized information network.⁵² These issues are reportedly especially serious in countries with weak governance and where Chinese investments are dominant, e.g., in extractive and construction sectors, and they are exacerbated by the BRI’s

⁴⁵ VOA News. "Studies Reveal China’s Dominant Position in High-Tech Minerals." VOA News, 2021. www.voanews.com/a/east-asia-pacific_voa-news-china_studies-reveal-chinas-dominant-position-high-tech-minerals/6206341.html ;

⁴⁶ World Bank. “Belt and Road Initiative.” World Bank, 29 Mar. 2018, www.worldbank.org/en/topic/regional-integration/brief/belt-and-road-initiative.

⁴⁷ Ibid.

⁴⁸ People.Com, “以国际合作传播增强“一带一路”软实力” [Boosting Soft Power of Belt and Road Initiative Through International Cooperation]. <http://media.people.com.cn/n1/2019/0517/c426843-31090771.html>; China Strategic Development, ““一带一路”国策实施的综合实力战略研究” [Comprehensive Strategic Study of Belt and Road Initiative as National Strategy]. <http://www.cre.org.cn/list3/ydyl/10724.html>; Umbach, Frank(2022). How China’s Belt and Road Initiative is faring. Geopolitical Intelligence Service. <https://www.gisreportonline.com/r/belt-road-initiative/>

⁴⁹ Feng et al. ““一带一路”倡议：来自华盛顿、莫斯科和北京的观点” [“Belt and Road” Initiative: Opinion from Washington, Moscow, and Beijing.] Carnegie Endowment For International Peace, carnegieendowment.org/2019/04/23/zh-pub-78962

⁵⁰ Jennifer Hillman and Gary Roughead, 2021. China’s Belt and Road:Implications for the United States, Council on Foreign Relations

⁵¹ John Hemmings 2020, Reconstructing Order The Geopolitical Risks in China’s Digital Silk Road, *The National Bureau of Asian Research*; Center for Strategic and International Studies 2019, Watching Huawei’s “Safe Cities.”; Sheridan Prasso 2019, China’s Digital Silk Road Is Looking More Like an Iron Curtain: The funding of tech projects in dozens of countries may well divide the world, *Bloomberg*.

⁵² John Hemmings and Patrick Cha, 2020. Exploring China’s Orwellian Digital Silk Road, *The National Interest*

systematic lack of corporate accountability, and the vague legal framework under which BRI parties operate.⁵³ Amongst these issues, labor rights have also been put on the table.

Many BRI employees are Chinese workers who have been brought overseas specifically to work on these projects.⁵⁴ This results in two main problems: (1) Resentment: the local populations of the host countries are often resentful of the Chinese workers who they perceive as having deprived them of job opportunities,⁵⁵ and, (2) Vulnerability: the Chinese workers, isolated in a foreign land and possessing questionable legal status, are extremely vulnerable to abuse and exploitation, which lead to unsafe working conditions. The focus of this report is on the second issue, which has only recently started to receive attention from journalists and academics.

Through its investigation, CLW uncovered systematic violations of the rights of Chinese workers in BRI-affiliated projects. These violations have caused workers prolonged periods of psychological, financial, and in many cases, physical harm, including permanent injuries. Workers interviewed for this report told of mental illness and suicide in their workplace, direct results of the severe labor abuses. For example, in the period of a single month, between May 2022 and June 2022, in addition to serious work-related injuries, there were two cases of suicides at Indonesia's PT Virtue Dragon Nickel Industrial Park. Conditions have been worsened by the strict COVID-19 policies and travel restrictions implemented by the Chinese government and, sometimes, the host countries. More generally, conditions are exacerbated by various parties' complicity in the neglect, control, and silencing of the workers, as well as by global civil society's silence on the topic.

Some of the rights infringements documented herein amount to forced labor and, at times, even reach the level of human trafficking. According to the Palermo Protocol,⁵⁶ human trafficking is "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation."⁵⁷ Many of the individuals interviewed reported that they have been ruthlessly deceived, disempowered, isolated, coerced, and exploited as "human batteries" in overseas factories and on work sites affiliated with the BRI in patterns that align with human trafficking

⁵³ Business & Human Rights Resource Centre, "Going Out" Responsibly: The Human Rights Impact Of China's Global Investments, London: Business & Human Rights Resource Centre, pp 4-5.

⁵⁴ Hillman, Jennifer and Alex Tippet 2021. Who Built That? Labor and the Belt and Road Initiative. The Institute of Foreign Relations. <https://www.cfr.org/blog/who-built-labor-and-belt-and-road-initiative>

⁵⁵ Ibid. p15.

⁵⁶ Palermo Protocol. Article 3(a).

⁵⁷ "Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." according to the Palermo Protocol.

and slavery practices. Fear, restricted freedom of movement, exploitation, vulnerability, and invisibility form the experiences of most of the interviewed workers.

Many of the challenges that Chinese workers face on BRI projects are challenges that already exist in China, specifically, the acute problem of wage arrears, delayed payments or non-payments, and the lack of access to benefits, such as social insurance. In addition to these challenges, BRI workers who are employed abroad often work in isolation, owing to language, cultural, and institutional barriers in foreign countries.

In this report, we: (1) highlight workplace abuses and human rights violations; (2) discuss the various issues that workers have faced while working on certain BRI projects; (3) use quantitative data to roughly estimate the scale of the rights violations that are occurring within the BRI; (4) explain the different conditions found in each country we investigated (for example, more than 80 percent of the workers' travel documents were confiscated, and only about half of them signed labor contracts); and (5) analyze workers' reactions, discuss the broader implications of our findings, and make recommendations aimed at ameliorating the situation.

2. BRI Workers' Lives Under Tight Control

CLW has documented systematic and institutionalized patterns of worker exploitation and abuse, threats and violent coercion, heavy workloads, and wage manipulation in projects affiliated with the BRI. Interviews have revealed the blatant disregard for their workers' health and safety on many BRI projects. Despite this, however, workers choose to stay abroad for extended periods of time, which decision sometimes results in serious deterioration of their physical and mental health, and, at some worksites, deaths by accident and suicide. The question, then, is: *Why do they stay?*

There are several factors that prevent workers from leaving or engaging in collective action to demand better treatment. This report highlights some of the institutionalized means of control that disempowers laborers, leaving them unable or unwilling to exit or resist.

1. Outsourcing and deceptive hiring practices

The first factors undercutting workers' flight or fight options are outsourcing and deceptive hiring practices. Almost all BRI projects are subcontracted at different levels. The projects are generally carried out by state-owned enterprises or listed companies, but they pass the different components of the work on to others. Specifically, they subcontract the projects to enterprises that are usually referred to as first-tier contractors, which, in turn, subcontract to smaller enterprises known as second-tier contractors, which then subcontract to even smaller third-tier contractors, and so on down the chain, until, ultimately, the work is often handed to labor

dispatch companies, which companies pass on responsibility to individual foremen. Each tier skims off some of the profit. This is an extremely murky process.

CLW's investigation indicates that leaving employer information vague in overseas recruitment is a common practice. Some recruiters do not even mention the specific project or the company's names. Many Chinese workers reported that they have no clue who their actual employers are. Despite a lack of definitive evidence pointing to this being a deliberate practice on the part of companies, it has serious effects. Workers' lack of knowledge of this most basic information leaves them extremely vulnerable to exploitation, as it shields bosses from legal liabilities.

Stories of mistreatment abound. For example, a worker shared with us that he was hired through an outsourcing company before being dispatched to work at an industrial park in Indonesia. After he found out that his salary, for unknown reasons, would be less than promised, he raised the issue with his supervisor. This resulted in a beating administered by members of the labor dispatch company staff. He was not awarded medical compensation at all, not even after he suffered a work accident later on. And his salary was suspended as soon as he stopped working due to the injury. Other than the worker himself, no parties seem to have been punished for their actions.

Only workers who go abroad through one of the officially registered Foreign Labor Service Cooperation Enterprise (对外劳务合作企业), or those who are already employees of state enterprises, stand a chance of seeing relevant Chinese state agencies honor their obligations on basic labor rights.⁵⁸ When disputes arise involving workers who went abroad through informal channels, the absence of guidelines governing situations such as these prevent Chinese courts from handing down consistent decisions.⁵⁹ Since the majority of the migrant BRI workers interviewed were not recruited through official channels, a large proportion of them have little power to hold institutions accountable.

Because of this legal loophole, some recruiters are free to use deceptive practices in the hiring process. These practices include, but are not limited to, demanding security deposits, charging high fees, providing misleading information about conditions overseas, not offering written contracts, failing to purchase work-injury insurance, or arranging for workers to enter their host countries on tourist or business visas, then either willfully letting them overstay their visas, or otherwise forcing them to work illegally.

⁵⁸ Ban, X., Halebua, A., (2020). "Labor Protections for Overseas Chinese Workers: Legislative Framework and Judicial Practice," Chinese Journal of Comparative Law, Vol. 8, Issue 2, 304-330.

⁵⁹ Ibid.

A conversation with Mr. Tang (To protect their identity and preserve anonymity, interview subjects have been given pseudonyms.)

CLW: How did you hear about this job? Was it through an intermediary company?

Mr. Tang: *The labor broker lied to me. They said wages are higher overseas, and I could just talk to the boss when I want to quit, and my boss would let me borrow money for the ticket home. But now, after coming here, [I discovered that] my boss won't do anything for me—not [buying] the [flight] ticket, not even [paying] the wages. I called everywhere I could; no one cared.*

CLW: How did the intermediary company advertise this position?

Mr. Tang: *They said we were going to make [so much], overtime [would be] a bonus, we were going to be treated nicely, etc. After we came here, everything changed, and our boss threatened us about contacting anyone with complaints.*

CLW: What was the promised wage?

Mr. Tang: *They said the monthly salary was going to be CNY 8,000 to 10,000 [around US\$1,200 to US\$1,500], CYN 12,000 [around US\$1,800] at most. Now we've been working on the construction site for more than two, almost three years [and] they've, I've received only CNY 60,000 [around US\$9,000 in total]. They are not giving me the rest of the money. They took my passport too.*

Pre-work deposits are another way in which workers are systematically deceived and controlled by their employers. On the surface, the charging of hefty introduction fees and security deposits is intended to ensure that the agencies get paid, and to cover the travel and legal fees needed to bring Chinese workers to a foreign worksite safely. However, the decision to return home does not come easy for workers who find themselves deceived or unsatisfied with their conditions—they've already paid for the fees needed to be introduced to a foreign worksite, how can they leave without at least making back the money they've already handed over?

2. Illegal contracting practices

Illegal contracting practices are very common during the recruitment process, as some recruiters and employees view signing contracts as merely a procedural formality, hence they do not follow the required standards. It is important to highlight that unregulated contracting practices are not unique to the experiences of overseas Chinese workers: labor disputes within China itself often arise for the same reason. However, compared with domestic employment opportunities, contract malpractice has a disproportionate impact on overseas Chinese workers due to the relative disadvantages concomitant with employment in foreign countries.

A conversation with Mr. Xiao

CLW: When you were hired, the intermediary told you the term was half a year right? Is that so in the contract?

Mr. Xiao: *It's one year in the contract, but we get to go back to China after six months.*

CLW: Do you still have your contract?

Mr. Xiao: *They didn't leave a copy for us. After we signed the contract, they took it away. They didn't leave a copy for us. We don't have a copy. I don't even remember what's in it.*

Not everyone's story is the same in terms of labor contracts. The majority of overseas workers CLW interviewed reported that, to their knowledge, they did not sign any type of employment contract; information about the conditions of their employment is often verbally negotiated between recruiters/employers and workers prior to the workers' departure from China. Nearly all disputes arise after the workers arrive and become aware of the discrepancies between their promised working and living conditions and the actual conditions they find. These discrepancies can include irregular wage payments, poor safety standards, and the employers' unwillingness to repatriate the workers after completion of the "contracted" work.

The informal verbal contract practice has its roots in the large informal labor market that sprang up in China during the economic reforms of the 1980s.⁶⁰ As the majority of workers in the construction and manufacturing industries come from rural areas, they have little knowledge of labor laws and regulations, leaving them particularly vulnerable to the recruiters' false promises. Moreover, the majority of interviewed workers told CLW that they were either referred to a recruiter via friends or family members, or that they had had previous employment relations with the recruiter, circumstances which both predisposed them to trust the employers and reduced their incentive to seek written contracts, out of fear that such a request might be interpreted as a lack of trust in those close to them.

However, employment through interpersonal trust and relationship is common for the domestic informal labor market, because at this stage, some recruiters abuse workers' lack of access to laws and lack of knowledge about working conditions in foreign countries. Their unfamiliarity with the foreign environment also means that workers feel less capable of leaving voluntarily which, in turn, makes them especially vulnerable to deception and abuse.

These illegal contracting practices also mean that workers often lack a legal identity in their destination countries. CLW found that a high percentage of overseas workers arrive in their

⁶⁰ International Labour Organization. *Non-Standard Employment around the World: Understanding Challenges, Shaping Prospects*. International Labour Organization, 2016.
https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_534326.pdf

destination countries on tourist or business visas, meaning that they do not technically have legal permissions to work there. Compared with work visas, the application process for business and tourist visas tends to be less complicated, and does not require the submission of copies of employment contracts or the purchase of life and work injury insurance. Applying for improper visas is thus a strategy designed to insulate recruiters and employers from potential legal responsibilities. However, workers might lack the knowledge and capital to apply for the proper visa on their own, and in many countries, workers must go through their employers to apply for a valid work visa, giving the employers more power to control the workers' legal status. And if the workers are cognizant of their illegal status, this can reinforce their reluctance to seek assistance from local authorities, which prevents them from seeking the protection of destination country's labor laws and other relevant regulations.

Illegal contracts can take various forms, and some workers are aware of it, while others are not. For example, Mr. Yang, a worker in Bangladesh, told CLW that he was asked to sign a contract that did not adhere to the standards required by the Chinese Ministry of Human Resources and Social Security (中华人民共和国人力资源和社会保障部), because it did not indicate his wage amount or how his wage was to be paid. Upon arrival in Bangladesh, Mr. Yang asked his employer for a copy of the contract. In reading it, he noticed that the length of the labor relationship had been changed by his employer from "12 months" to "24 months" without his consent. When CLW asked Mr. Yang why he voluntarily signed a contract that he knew was problematic, he replied that he was under a lot of financial pressure and needed to find a secure source of income, and that he had come to Bangladesh under the impression that his recruiter was trustworthy, and only understood the emptiness of the verbal promises after he had arrived.

In other instances of contract deception, recruiters have taken advantage of the workers' lack of legal awareness, and coerced them into signing blank contracts or contracts written in a foreign language after their arrival in their destination country.

In some cases, the lack of a formal contract is a strategy intentionally deployed by the employer/recruiter to maintain ambiguity regarding the nature of employment. Once labor disputes arise, legal arbitration is the most commonly used method for seeking compensation. Overseas Chinese workers have two options: either they can bring their cases to arbitration at a local court in their destination country or, as is preferred by the majority of workers, they can bring their cases to Chinese courts once they have returned home. The first option is not often used due to language barriers and a lack of the necessary legal knowledge to utilize local legal resources, and the second hinges on when and whether the worker, in fact, gets to go home. In either case, the workers face numerous obstacles to making convincing allegations against their recruiters/employers because they either do not have signed contracts or their contracts contain irregularities that render them unusable as a formal legal document.

Another obstacle workers face is collecting sufficient evidence to prove that recruiters/employers have violated the terms of employment. Some workers cannot even meet the precondition of arbitration in China, i.e., proving the existence of any labor relationship whatsoever. The practice of tiered *outsourcing* described in the previous section further increases the difficulty of proving a relationship. CLW found that many of the workers were unable to directly identify which of the subcontractors, first-tier, second-tier or third-tier, was their employer. Failure to correctly name them prevents workers from collecting relevant evidence.

3. Restriction of personal freedom

Practices that restrict workers' personal freedoms are systematic, institutionalized, and extensive. Working in a foreign country often without a legal identity or any existing knowledge of the language, culture, or social conditions of their hosts, leaves many workers feeling stranded. This is worsened by the various strategies their employers use to control, intimidate, and silence them, strategies that were never more strictly employed than they due to the COVID-19 pandemic. One of the consistent appeals of workers is simply to be allowed to return home.

3.1 Passport detention, and illegal immigration practices

The Story of Mr. Liu

Mr. Liu was employed by PT Obsidian Stainless Steel (OSS), in 2020, and was interviewed by CLW in October 2021. He explained to the interviewer that, though the construction period had ended, the company continued to give, according to him, “arbitrary reasons not to let [workers] go home.” Requests for the return of their passports went unanswered, and even when workers offered to pay for their own tickets back to China, PT Virtue Dragon Nickel Industrial Park continued to withhold their passports.

Wanting to go home, Mr. Liu and a number of coworkers contacted the airlines directly. The airline confirmed that their COVID-19 IgM (antibody) tests were acceptable, and that these workers were eligible to book flights to return home. The workers were willing to bear the costs—if not with the money they'd made abroad, then with the help of their families back home. Nevertheless, the employers did not accept or even acknowledge this, and continued to hold onto the workers' travel documents. Mr. Liu lamented: “We don't have passports, so we can't go anywhere. If we go out and get caught by the police, we will be locked up because we have no documents. Every month, we ask for our passports, but they just won't give them back. We all wrote them a letter of commitment, saying that as long as our passports are returned, we will have nothing more to do with the company, and they will bear no

responsibility for us in any way. No matter how much money we have to spend, we are willing to bear that cost just to go home. But they refused every time.” Reportedly, Mr. Liu and others have also contacted the Chinese embassy, which told the workers to negotiate with their employers themselves; a call to the local mayor’s hotline resulted in the same kind of disappointment. The workers were too fearful to ring the local police because, due to past experiences and hearsay, they suspected that the company had connections with the security services.

The Chinese government has a long history of withholding the passports of personnel they have sent abroad on official missions. In the early days of the People’s Republic, very few citizens were allowed to travel to other countries. For these select few who had high incomes (lifetime work contracts), and enjoyed benefits such as medical insurance, subsidies, retirement funds, etc., being sent abroad by the state was a tremendous opportunity, and handing their passports to their company was a small price to pay. Today, many Chinese workers are in a very different situation. Passport confiscation is an effective means of controlling these people. Stranded in a foreign land without a legal identity, they hardly have any choice but to stay where they are, and they are at the mercy of their employers.

About 80 percent (see Table 1) of the workers that CLW interviewed have had their passports seized. According to firsthand information and media reports, workers’ passports are often taken away by their employers as soon as they arrive in their destination country.⁶¹ When they want to leave a company, it is often extremely difficult for them to retrieve their documents. Unless the passport confiscation issue is resolved, the situation of labor trapped overseas is unlikely to change; but this would require corresponding adjustments to Chinese laws and regulations—the likelihood of which, however, might be questionable. For example, under the current regulations, a new passport can only be issued if the old one has been lost, or stolen, or has expired. Since none of these conditions have been met, workers whose passports are confiscated are effectively unable to apply for a new passport, and the Chinese diplomatic missions abroad are unable to issue one. Unless this regulation is changed to enable the victim to apply for a new passport in situations of passport-related fraud or illegal passport retention, passport confiscation will remain an extremely effective and inexpensive means of control for the employers.

⁶¹ “一帶一路：中國工人印尼打工的慘痛遭遇，新冠疫情下的崎嶇回家路 [The Belt and Road: Chinese workers’ harrowing experience of working in Indonesia, the rugged road home under the Covid-19 epidemic],” *BBC News*, January 10, 2022, <https://www.bbc.com/zhongwen/simp/world-59412754>; “護照被中企扣押被迫偷渡，「一帶一路」成了中國勞工在印尼的血汗不歸路 [Passports Seized by Chinese Companies and Forced to Smuggle, “One Belt, One Road” Becomes a Blood and Sweat Road of No Return for Chinese Workers in Indonesia],” *The News Lens*, November 2, 2021, <https://www.thenewslens.com/article/158385>.

Seizure of important identification documents also brings with it the potential for other abuses. Some workers have even encountered some first- or second-level contractors that demand an additional “worker management fee” for the return of a passport. Other companies will only return passports after workers have paid their travel expenses and labor broker fees. If workers don't have the money, contractors will make them work until they have earned enough to reimburse their full "debt", and only then give back their documents.

These abuses can reach shocking levels. In interviews done by CLW, the *Wall Street Journal* and other media, Zhang Qiang and another four workers from Henan said that they found work on PT Virtue Dragon Nickel Industrial Park's ferronickel project in Indonesia via an intermediary. When they arrived in Indonesia, their passports were taken away as soon as they got off the plane. They then found that their salary had been changed from CNY 15,000 (around US\$2,200) per month to a monthly subsidy of just CNY 1,000 (about US\$150). According to CLW and media interviews with these workers, when they wanted to leave, the agency asked them to pay CNY50,000 (about US\$7,400) each to get their passports back.⁶²

In some cases, Chinese diplomatic missions abroad appear to be aware of the seizure of passports, yet choose to ignore the practice. Workers in a number of countries told CLW that they had reached out to embassies for help in retrieving their documents or, failing that, in procuring a new passport, but the embassies either did not reply or pushed the workers to negotiate the matter with their employers on their own. According to one interviewee who tried to get help from a diplomatic mission, workers felt that they had no way of negotiating without the help of diplomats, but the diplomats failed to show up when they were desperately needed. With oftentimes very little knowledge about their host country, workers have an even harder time reaching out to local authorities.

3.2 Wage Manipulation: The withholding of wages and a harsh appraisal system

Some companies withhold wages and implement harsh appraisal systems with heavy fines as forms of fiscal control. Many workers find themselves living in constant fear of unpredictable managers. Indeed, as Mr. Kuan in Indonesia reflected, “Both sides [the overseas company and the intermediary] made promises. But after coming here, everything changed. Whoever listens to the boss will get a slightly better salary here. Whoever has stirred up trouble with the boss is going to be unlucky. Whoever asks for their owed wages in front of everyone will have their wages reduced. If you take two or three days off after getting tired of working, you know, normal

⁶² Liza Lin, Yifan Wang, & Jon Emont. (2021). “Chinese Workers Say They Are Lured Abroad and Exploited for Belt and Road Jobs.” The Wall Street Journal. <https://www.wsj.com/articles/chinese-workers-say-they-are-lured-abroad-and-exploited-for-belt-and-road-jobs-11635348143>

stuff, even that can be the reason for salary reduction.” Rules fall to the side, treatment is capricious, and the workers often feel that they are constantly under the mercy of management.

Many workers we interviewed face the dilemma of having to work more hours to compensate for the pre-work deposits they paid out of pocket, even as they encounter new fees and fines every step of the way. Some reported to us that they owed money to the company despite working overtime. Harsh work conditions and constant anxiety and fear over their inability to control their own fate put workers under unimaginable stress.

Wage withholding can occur on both an irregular and regular basis. Irregular wage withholding happens when employers unexpectedly encounter financial difficulties. Regular wage withholding takes the form of frequently delayed payment dates. For instance, if the withholding period is three months, and the contracting period begins on January 1st, the worker will not receive their January wages until April 1st, their February wages until May 1st, and so on. This cycle continues until the last day of the contract period, when the workers are told they will receive all the wages due them. An abusive manager can thus force workers to work an additional three months in order to receive the last three months’ pay. The withholding period varies depending on the employer and the nature of employment, but ranges from one to six months in most cases; in less common scenarios, employers may withhold all wages until the end of the contract period, promising to make one single payment to their workers, a promise that is not always kept.

In China, withholding construction payment until the end of the lunar year is very common. This is the period when the news reports frequently on construction workers who, not having received a full year’s wages owed them, threaten to commit suicide by jumping off buildings. In the month before Chinese New Year, the Chinese government issues reminders that companies should pay their workers in full.

This practice of wage withholding has more serious repercussions for Chinese workers overseas. Regular wage withholding serves two purposes for the employers. First, it helps the company to deal with cash flow in the short-term. Second, and more importantly, it increases workers’ dependency on the employer while also increasing the employer’s power vis-à-vis the workers. It ensures that workers who want their money will not quit, and it allows employers to maintain a stable and compliant workforce.

The workers we interviewed also reported harsh and unreasonable appraisal systems that fine them for petty work violations or, sometimes, for no reason at all, meaning that they end up with lower wages than they expected or deserve. These fines are levied for problems that range from machines broken through no fault of the worker to workplace accidents to leaving the worksite

without authorization, and extend to refusing to work overtime, wasting food, not wearing safety equipment, fighting or arguing with others on site, resting without authorization, etc. We also found lifestyle “assessments” that force workers to conform to military discipline and fine them when they fail to meet the mark with regard to their personal behavior, and even their posture. For example, a worker in Indonesia reported being fined CNY500 (around US\$70) for taking a shirtless rest in his dormitory. Another worker at the same company reported that hardly anyone at his worksite was not fined for *something* each month. In yet another case, this one involving a construction company, a worker reported having been fined CNY10,000 (around USD 1,400) for spreading information that was deemed harmful to the company.

凯鹏矿业股份有限公司
KAI PENG MINING S.A.R.L.

签发日期: 2021年10月18日 考 (10-26)

检查通报

2021年10月17日, 行政后勤安全卫生大检查情况通报如下:

一、因柜子摆放物品摆放不规范, 要求整改的宿舍:

1、四合院: 4-1 衣架物品需整改; 404 宿舍床物品摆放混乱; 5-07 鞋柜台面摆放杂乱; 5-10 柜子物品混乱需整改; 5-14 柜子不整齐需整改; 5-20 柜子物品混乱需整改; 5-12 宿舍柜子物品混乱需整改;

2、三合院: 303、309、315、312 衣柜杂乱需整改;

3、别墅区: 17-03 被子没放好需整改; 13-02 柜子没按标准摆放需整改; 18-03 镜子摆放位置需整改; 12-03 柜子不整齐需整改;

4、汽修宿舍区: 101 窗台物品摆放混乱需整改; 汽修 102 宿舍衣柜摆放不整齐需整改;

5、以上是宿舍要求 20 日前整改完毕后后勤部验收, 不合格的予以考核。

二、因柜子摆放物品混乱考核:

1、别墅区 14-06 赵会爱床铺不整洁, 柜子未按要求摆放, 16-01 马生忠床铺不整洁、12-04 熊伟度纸箱没及时清理每人考核 20 美元。

2、四合院 5-05 权博, 马荣, 5-07 戴晓宁, 5-09 彭超、安亮, 5-13 梁玉龙, 新场地 104 宿舍王嘉星衣柜杂乱每人考核 20 美元考核。

3、三合院饮水机卫生不清洁考核负责人杨林 10 美元, 化验室仓库排放不整齐考核张仪 20 美元。

三、因床铺干净整洁的给予奖励

1、新场地 104 杨建红床铺整洁, 加油站卫生干净, 三合院 301 陈通亚内务优秀奖励 20 美元。

2、别墅区 18-01 杨林, 17-02 莫雄华、陈汉庭床铺整洁每人奖励 10 美元

近期, 因后勤部管理不严, 各住宿区宿舍卫生和物品摆放混乱, 整体水平大幅度下降, 今天检查整改和考核的宿舍累计 25 个, 每个宿舍按照 10 美元标准考核后勤部长杨林 120 美元, 管理员杨春芳 80 美元, 赵红 50 美元。希望后勤部采取措施抓严抓管, 尽快提高宿舍卫生管理水平。下周检查依然按照本次标准执行。

凯鹏矿业有限责任公司
2021年10月18日

Surat Pemberitahuan Pemberian Sanksi atas Pelanggaran Aturan dan Disiplin
违章违纪考核通知单

No: HSE/KP2021-231

Dept. Pelanggaran 发生单位	青拓设备		
Rakut Pemberian Sanksi 考核时间	2021年9月7日	Judul Insiden 事件名称	园区内私自从事经营活动
Ringkasan Peristiwa 事件概要	2021年9月6日仓储部有人举报有人出售劳保鞋, 经查出售劳保鞋人员系青拓设备员工符满标, 该员工利用工作之余, 向园区员工收购劳保鞋、工作服、安全帽、药品等物资, 再以高于收购价出售, 该行为已构成私自经营;		
Saran Penyelesaian 处理意见	依据关于重申《禁止员工在园区内私自经营的规定》的通知: 对私自园区内从事经营活动的本公司员工, 考核1万并作为开除处理, 给予员工单位青拓设备考核10,000元(大写: 壹万元整)人民币, 从工程款中扣除, 望贵部门加强员工行为管理, 杜绝此类现象再次发生, 给与青拓设备员工符满标开除处理。		
Dept. Penanggung Jawab (Penanggung Jawab) 责任单位(责任人)		Konfirmasi dari Dept. 单位确认	
Diperiksa Oleh 审核		Disetujui Oleh 批准	
Dept. Pelaksana 执行部门	ITSS财务	Tanda Terima 签收	

Left: Internal appraisal from the Kaipeng Mining in the Democratic Republic of the Congo (DRC) documenting that 12 workers received a fine of US\$10 to US\$12 for failing to adhere to dormitory guidelines.

Right: Document showing that the Tsingshan holding group in Indonesia issued a CNY10,000 fine (around US\$1,400) because an employee traded protective gear and medicine with other workers.

According to CLW’s investigation, both wage withholding and arbitrary and harsh appraisal systems are commonplace in BRI-affiliated projects. Mr. Wan, whose wages were withheld for nine months, told our investigator: “...someone in management once told us that withholding wages is a management tactic.” Indeed, when stranded in a foreign country, wage manipulation

compels workers to stay despite the harsh conditions. To get their hard-earned money back, workers endure mistreatment; if they do not grin and bear it, they may be left penniless.

Given that the BRI is backed by state capital, the fact that workers' wages are manipulated or withheld proves one of two things: 1. that China and the relevant state agencies have failed to provide proper oversight causing problems in the management of BRI projects such that labor rights issues are rampant; or 2. that China has failed to properly fund the BRI projects such that workers' wages are affected down the line.

3.3 The Fear Factor: Surveillance and direct control

Fear is constant for many of the workers living and working on BRI worksites, because there are systematized ways in which they are surveilled and controlled. Some of the projects are located in places remote from cities and towns, making workers dependent on their employers for transportation, food, and supplies, and rendering it virtually impossible to leave. Workers work, live, and socialize in a closed environment under conditions that could be considered what sociologist Erving Goffman calls a "total institution"; that is, a closed community in which, as at boarding schools and prisons, life is regimented through organized norms, regulations, and schedule, with said rules set by authority figures and carried out by staff.⁶³ This rigid structure provides grounds for institutional malpractice, surveillance, and violence.

Workers reported to us varying degrees of freedom of movement: some reflected that they feared for their safety outside the factory plant, and therefore restricted their own movements; some said that their activities were completely restricted within the confines of the factory plant; and in a few cases, workers reported being able to leave the factory plant when they were off work.

Curfew is a common practice. So are physical barriers at the entrance and exit to the worksites. In the Democratic Republic of the Congo (DRC), for example, some workers reported to us that their dormitory area is surrounded by high walls, that after 10 p.m., their doors are locked with a chain. "Say someone has some kind of emergency at night, they have to call the security guards to open the door, and to open the iron chain lock," as Mr. Zhang, who worked in a factory in the DRC, told our investigator: "Think about it: if a company treats its workers well, there is no need to worry about them running away. But they lock the door with an iron chain at night. Think about it! There's got to be a problem!" Mr. Zhang continued: "I can't get out. I feel like I am in an invisible prison." Indeed, these are prison-like conditions.

⁶³ Erving Goffman 1961, *Asylums: Essays on the Condition of the Social Situation of Mental Patients and Other Inmates*. Anchor Books.

These restrictions on workers' freedom of movement are often framed as safety measures. Around 84 percent of China's BRI investments are in medium- to high-risk countries in terms of economic and political stability.⁶⁴ Many workers are told that it is dangerous to walk around outside of their industrial parks because of terrorist threats and criminal activities. The COVID-19 pandemic has also compounded the issue and given factory management more opportunities to restrict workers' lives in the name of well-being.

Surveillance and the presence of threats (physical or otherwise) also plays a part in formulating this "invisible prison." Currently, there is a sizable security presence on many BRI projects. As has been noted in official media, Beijing, along with the state-owned enterprises and private companies who are tasked with the implementation and construction of BRI projects, has an interest in increasing the number of security contractors to protect strategically important and lucrative projects.

Some higher-level Chinese security guards are former armed services personnel. According to a job post for a safety administrator position at the Congo Gold Mining Group, for instance, candidates would receive a monthly salary of about CNY17,000 (around US\$2,500) and must be "retired from the army or engaged in security management work."⁶⁵ In a recruitment ad for security guards at the PT Virtue Dragon Nickel Industrial Park worksite in Indonesia, the description states that priority will be given to veterans. Similarly, at the Congo Sands gold mine worksite, ex-military or ex-special forces members receive a bonus for joining.⁶⁶

While the presence of ex-military members as security guards is nominally explained by the instability of many BRI host countries, according to the workers, guards often do not actually protect the safety of Chinese workers. In fact, they are frequently a major *threat* to workers' safety. Interviewed workers' primary interactions with security do not center around guards protecting them or company property, but rather around incidents of coercion. When they go on strike, or even just raise concerns, the workers are themselves considered to be the "security threat." Guards then use their military training to act as strikebreakers and restore order.

In September 2021, a strike broke out in the PT Virtue Dragon Industrial Park factory plant in

⁶⁴ Chris Devonshire-Ellis, "84% Of China's BRI Investments Are In Medium-High Risk Countries," Silk Road Briefings, July 2, 2020, <https://www.silkroadbriefing.com/news/2020/07/02/84-chinas-bri-investments-medium-high-risk-countries/>

⁶⁵ "刚果金矿业集团招厂区安全管理员，月薪17000左右35岁以内 [Congo Gold Mining Group is recruiting factory security administrators, with a monthly salary of around 17,000 and under the age of 35]," Zouchuqu, <https://www.51zouchuqu.com/jobs/e7a9e75c976a47ec8413d03f8475e57e.html>

⁶⁶ "国企刚果金沙金矿项目直招：挖掘机司机，厨师，保安 [State-owned enterprise Congo Sands gold mine project direct recruitment: excavator driver, chef, security guard]," Zouchuqu, <https://www.51zouchuqu.com/jobs/9e0527fa602340db9e50397f6575bec7.html>

Indonesia. CLW cannot ascertain the number of workers that participated in the strike, but according to video clips provided by the workers, it seems that a couple of hundred workers showed up, and demanded answers from plant management about the wages due them, and, more importantly, about when they could go home. At the scene, workers gathered at a clearing by the construction site, protesting, and shouting until night fell. Security guards and, according to the workers, local police arrived, and, as can be heard on and seen in the video, multiple shots were fired towards the sky as a warning. No one was hurt during the incident.

Following the strike, a foreman finally gathered the workers together on the construction site to answer some of their pressing questions. “I will start distributing the wages and the COVID-19 subsidies tomorrow to about 500 or 600 people, and I’ll finish before the end of this month,” he said. “Why have I not given you the subsidies yet? Well, you know, after I gave you my word, I had to go to the contractor. You see, there’s no COVID-19 subsidies stated in the contract. But look at the document here the contractor sent me, you all have seen it. The money distributed to each unit, that’s defined as our loans. Think about it, if I’m giving you free money, I won’t say this is a loan to you. Simple logic, right? Is it a subsidy or is it future money [to be paid off]? I can’t bear the risk of eating the cost here, so I confirmed it with the contractor.”

The foreman continued: “Another thing is about going home. Those who are not qualified because they haven’t gotten fully vaccinated won’t be able to go home. Some said, well, it’s been like this, or it’s going to continue to be like this for one year, two, or even five years. Well, if you are not satisfied, follow me, and I’ll drive you to the project department and you will talk to them.” [Note: the project department generally refers to the upper management that oversees the entire operation within a plant or a factory under the plant]

At the end, it took workers organizing a strike to receive some semblance of response from their management. Even so, their needs were still not directly addressed.

The hostile relationship between security, the management and workers deepens the workers’ feelings of distrust. When asked if they go to the guards to resolve safety problems, a BRI-project-employed worker in the DRC replied, “No. No one trusts anyone here. There are too many bad people.” Facing restrictive and arbitrary rules and regulations, witnessing, experiencing, and hearing stories of death and violence, seeing guards in military uniforms, some carrying rifles while patrolling the area, makes many workers fear to act. Moreover, because some workers suspect that their employers collude with local officials, they won’t call the police even in the face of egregious abuses. And we discovered that the Tsingshan factory plant in Indonesia cooperated with the local police to surveil the factory area. According to media sources, Virtue Dragon Industrial Park also signed a Strategic Security Cooperation Agreement

with the Indonesian National Police.⁶⁷ This information is also published on the industrial park's website. The atmosphere of intimidation is pervasive.



中国印尼综合产业园区青山园区

☎ 电话: 021-38618250
✉ 邮箱: cf@decent-china.com
🌐 网址: <http://www.decent-china.com/index.php/Channel/Index/id/175.html>

[园区概况](#) [所在国情况](#) [优惠政策](#) [重点产业](#) [企业入驻](#)

企业入驻

园区可为入区企业提供所需的、高效的投资、生产、生活、行政等配套服务, 包括企业注册、项目审批、园区内项目用地出让, 以及协调园区内各项基础设施供入园项目使用等; 可为区内的外籍员工办理签证, 提供办理印尼商务签证的邀请函; 可为客户提供预订酒店、交通等必要的协助, 并为客户提供相关市场考察资讯; 可协助企业招聘当地员工, 协助区内企业完成进出口货物流程; 可为区内企业提供安保服务, 园区内的治安由园区联合警察成立安保部门进行统一管理, 由该部门统一组织应对各类突发事件, 并对园区实行24小时巡逻警戒和出入口检查, 确保园区安全。

Highlighted area is translated as: [...Security within the factory plant is managed by a united security force formed by the factory plant and the police. This department manages various emergencies, executing 24-hour patrols and entrance inspection to protect the factory plant.]

This atmosphere of fear and uncertainty is complicated by some factories' more serious alleged misconduct. From June 2021 to the writing of this report, CLW received workers' reports on 11 workers' deaths. Seven of these occurred at the PT Virtue Dragon Nickel Industrial Park factory plant in Indonesia. According to the reports, the companies involved have not given any explanations for these deaths, no autopsies were conducted, and the bodies were all subsequently cremated. Photos of some of the deceased were shared publicly by workers on social media platforms. CLW has been in contact with the family of one of the deceased.

CLW got ahold of a notice that the family of a deceased worker received last year (in 2021):

⁶⁷ “印尼国家警察护航“一带一路”重点项目 [Indonesia's national police guarded the “Belt and Road” key projects],” china.com.cn, March 14, 2022, http://ydy1.china.com.cn/2022-03/14/content_78106470.htm ; http://news.china.com.cn/2022-03/12/content_78103808.htm

望加錫慈善基金会

地址: [redacted] 电话: [redacted]

望加錫

通知书

致尊敬的 [redacted] 人

位于 [redacted]

所在地 [redacted]

我们来自南苏拉威西省望加錫市慈善基金会火葬场。特此告知 [redacted]

[redacted] 的家人或相关负责人, 请马上进行火葬。由于尸体已腐烂, 已过了保存尸体的时间, 且南苏拉威西地区仍处于新冠疫情状况下, 我们避免进行该事宜。综上所述, 我们将强制进行火葬。

特此发出本公告, 对您表示感谢。


望加錫, [redacted]

望加錫慈善基金会

负责人

(盖章)

[redacted]



由艾孚翻译部翻译成中文

[Macassar Funeral Home Notice]

Dear Family of [worker],

We are from the Providence South Sulawesi Macassar Charity Organization Crematorium. We want to notify you that cremation of [worker] should be done immediately. The body is decaying, and it has passed our time limit for body storage. Moreover, under the COVID conditions in South Sulawesi, we avoid body storage. Due to the circumstances above, we will execute the cremation.

We are sending this note to thank you for your understanding.

Macassar, [date redacted]

Macassar Charity Organization]

For the charity organization's side, storing an unclaimed, decomposing body of an overseas Chinese worker might have been a procedural hassle and administrative nightmare. For the family of the deceased worker, however, a much needed closure might never be reached following the unexplained death and the subsequent, nonconsensual cremation of the body of their loved one. The most pressing issue, however, was the company management's lack of respect for their workers such that, upon the worker's death, the company did not seem to have properly arranged for the worker's family to claim the body. (See also Document List 6-9)

3. A Complicating Factor: COVID-19

The spread of COVID-19 has had a severe impact on both China and BRI host countries. As early as 2020, Beijing stated that the pandemic had “seriously affected” 20 percent of BRI projects.⁶⁸ For workers, it has compounded exploitative conditions.

Examples of the way that the pandemic has worsened the situation of Chinese migrants came up repeatedly in interviews. For instance, Mr. Ken who worked in Indonesia, told our investigator: “You know...during the pandemic, this company started hardcore tricking of its workers. They really squeeze the workers too hard, too badly. Really, when COVID-19 wasn’t a thing, the immigration bureau forced us to go home after six months, and they [the company] didn’t dare to owe us salaries. So why do they dare to reduce your salary now? What’s the reason? Well we can’t go back due to the pandemic! [If] the ticket going back costs CNY40,000 to 50,000 [about US\$6,000-7,500], how are you going to go back? Also, for the COVID-19 test report we have to get in Jakarta, all they need to do is to make some editing adjustments on the report, [and] suddenly you’re not able to pass the COVID-19 requirement. So where exactly can you go now? It’s insane.”⁶⁹

This account highlights several issues that have come up. First, employers are taking advantage of the pandemic to try to squeeze more work out of their employees. Mr. Ken further told CLW that when he arrived in Indonesia in November 2019, his company had originally agreed to pay return air fares. After the pandemic began, however, even when Mr. Ken’s contract ended, the company refused to cover his ticket fares. As a result, Mr. Ken was stranded and ended up working for another four months. When he and his co-workers went on a five-day protest strike in May 2021, the company called security guards, who beat the workers. Mr. Ken said to our investigator: “[If] you don’t work, you don’t have money, so you just wait. In the end, workers suffer.”

A second issue appears in Mr. Ken’s story. Inflated flight ticket prices due to the COVID-19 pandemic have stopped Chinese workers from repatriating. A worker constructing roads on a BRI project in Papua New Guinea shared with us that around half of the 100 workers on his project were working past the end of their three-year contracts, because when the pandemic started, the price of tickets to China tripled to more than CNY65,000 (around US\$9,700).

⁶⁸ “China says one-fifth of Belt and Road projects ‘seriously affected’ by pandemic,” Reuters, June 19, 2020, <https://www.reuters.com/article/us-health-coronavirus-china-silkroad-idUSKBN23Q0I1>

⁶⁹ Note: All the ticket prices here are for direct flights, as China’s COVID guidelines mandate its nationals to quarantine in all locations where transit flights land; China’s strict COVID restrictions also led to an extremely limited number of international flights entering and exiting China, a fact that, combined with workers’ unfamiliarity with the transnational traveling processes, has led to most workers relying heavily on third party flight ticket vendors that often sell direct flights at an inflated price. CLW has not been able to independently confirm whether predatory practices are involved in these vendors.

Furthermore, the Chinese government ruled that citizens could only return home on direct flights, but none were available between Papua New Guinea and China. Hence, workers had to buy their own tickets, fly to Laos and quarantine there first, paying for their room and board out of their own pockets, then take another flight to China.⁷⁰ Again, workers had little choice but to stay put and keep working.

As captured by the Papua New Guinea example, China's strict COVID testing and quarantine policies are a third factor that have placed workers at an impasse. Tsingshan employee Mr. Dang was interviewed by CLW in October 2021. He had been in a quarantine hotel in Jakarta for almost a year. He had to enter the hotel in November 2020 after leaving his job at a BRI-related factory. Mr. Dang explained that, in order to board a plane at that time, you needed a "green code (绿码)" from the Chinese Embassy demonstrating that you had met all of the country's health requirements. In June 2020, before quitting his job, Mr. Dang said he had had a cold and cough for two days. He took some medicine, recovered quickly, and tested negative on several PCR tests. However, because his IgM test^{71, 72} The result showed his relevant antibodies to be consistently high, he never got a green code. His employer and the Chinese Embassy ignored his repeated appeals. When interviewed, Mr. Dang did not know what type of visa he was on or whether it was still valid. He said that about 10 of his coworkers were also at the hotel and could not leave.

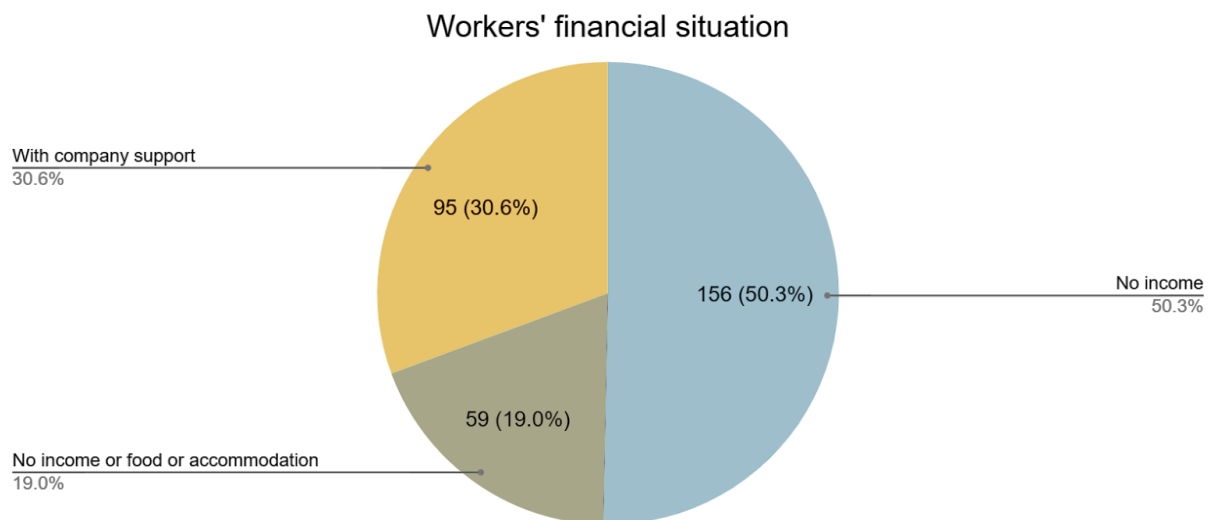
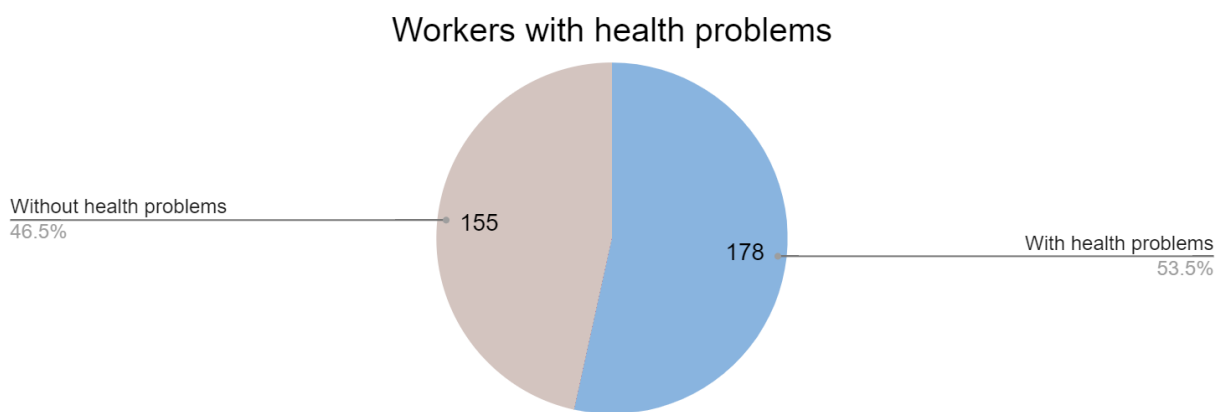
⁷⁰ Liza Lin, Yifan Wang, & Jon Emont. (2021). "Chinese Workers Say They Are Lured Abroad and Exploited for Belt and Road Jobs." The Wall Street Journal. <https://www.wsj.com/articles/chinese-workers-say-they-are-lured-abroad-and-exploited-for-belt-and-road-jobs-11635348143>

⁷¹ Antibody test detecting if the test-taker has had COVID-19 before, but vaccination can induce positive results in some types of antibodies

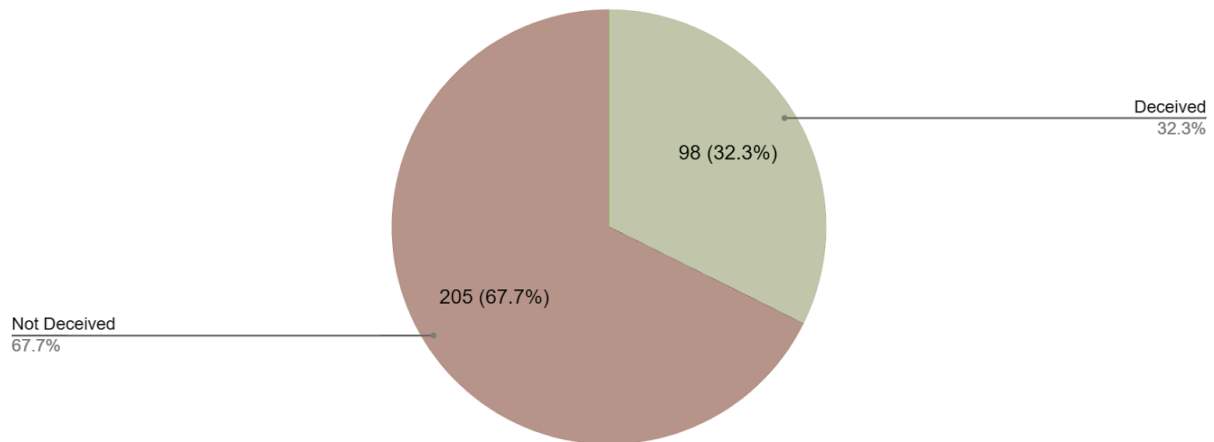
⁷² The U.S. Center of Disease Control 2022. "Interim Guidelines for COVID-19 Antibody Testing."

4. Quantitative Evidence from Survey and Interview Data

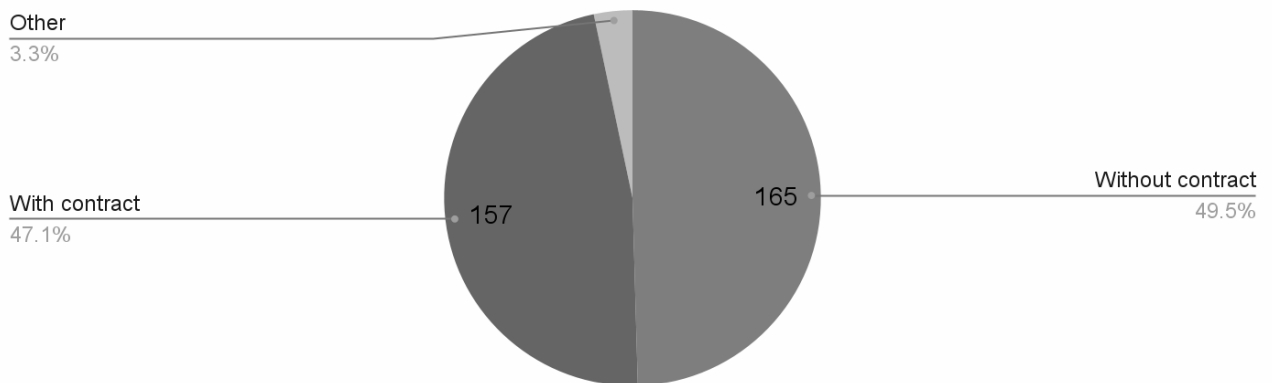
To get a sense of the prevalence of some of the problems identified elsewhere in this report, CLW drew up a survey and distributed it among dispatched Chinese workers employed at several companies in Indonesia. There were 333 individual respondents in total. Although a snowball sampling technique was used to reach this elusive group, and the sample is thus not randomly selected or strictly representative, the results reflect trends seen in other countries.



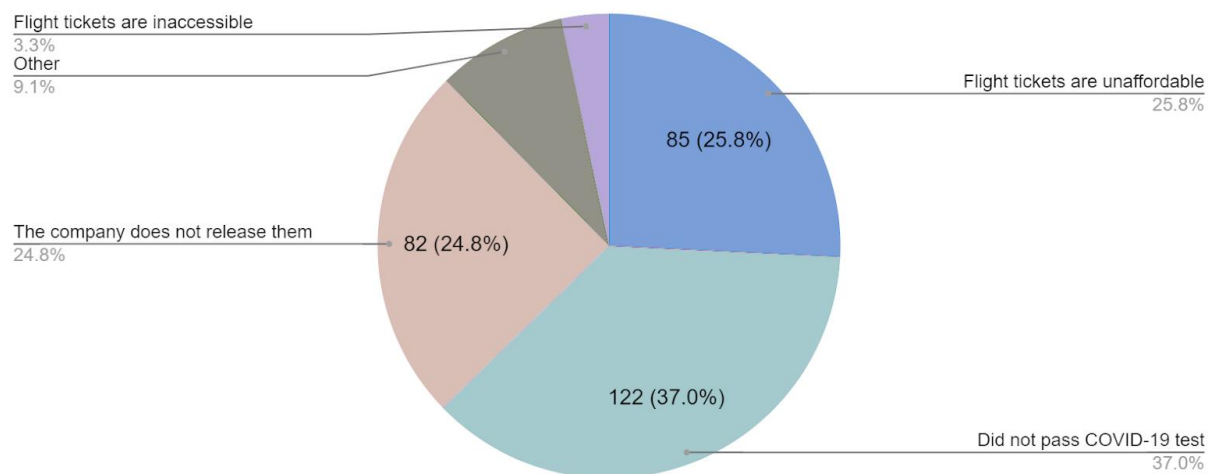
List of Employees Deceived by Intermediary

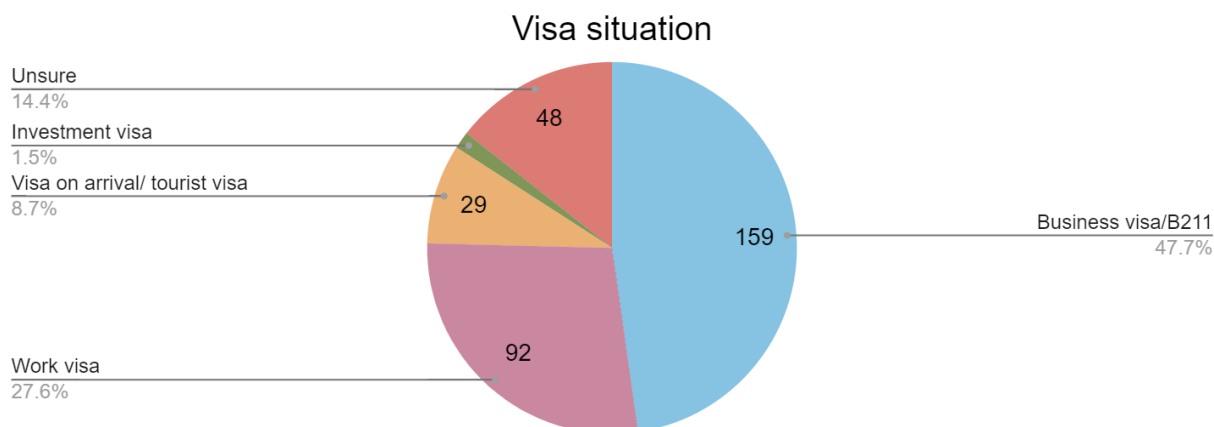


Contract situation



Reasons for staying





The graphs generated from the survey results illustrate the severity of the situation facing Chinese workers. The first thing that stands out is the dire physical and mental health conditions of these people. About 54 percent of respondents reported having health issues. Financial problems are obvious, as well. A full 50 percent of those who took the survey said that they had no income at the time, and had to resort to savings, family and friends, and help from other workers to sustain a living. Half reported lacking a contract. About 32 percent said they had been deceived by the intermediaries who introduced them to their jobs originally. In terms of their reasons for staying in Indonesia, 23 percent of the workers said that their companies would not release them and 37 percent were prevented from leaving due to positive COVID-19 tests. Shockingly, 48 percent were working (illegally) on a business visa.

The results were echoed in the more focused interviews we conducted. In total, CLW spoke at length with 53 workers for this report. Their testimonies appear throughout. The table below catalogs their grievances in a quantitative form. It should be noted that many of the grievances overlap: a single worker likely experiences multiple problems.

Table 1. Cases of Labor Abuse, Corroborated with ILO Definitions^{73, 74}

	Number of Cases	Percentage of Cases
Indicators of Human Trafficking		
Deceptive recruitment	22	55%
Coercive recruitment	19	47.5%

⁷³ International Labor Organization. 2012. ILO indicators of Forced Labor. Geneva: International Labor Organization.

⁷⁴ International Labor Organization. Indicators of trafficking of adults for labour exploitation.

Recruitment by abuse of vulnerability	5	12.5%
Exploitation	25	62.5%
Coercion at destination	23	57.5%
Abuse of vulnerability at destination	23	57.5%
Indicators of Forced Labor		
Abuse of vulnerability	15	37.5%
Deception	22	55%
Restriction of movement	20	50%
Isolation	10	25%
Physical and sexual violence	7	17.5%
Intimidation and threats	19	47.5%
Retention of identity documents	34	85%
Withholding of wages	24	60%
Debt bondage	4	10%
Abusive working and living conditions	16	40%
Excessive overtime	10	25%

Apart from the interviews, the survey mentioned earlier (see Appendix IV for survey questions) asked workers about demands they had for their employers; 291 of the 333 workers who received the survey responded. Their responses to the question “*What are your main demands and concerns?*” are summarized below:

- ***Return to China (71.04%)***
- ***Medical concerns (26.94%)***: Workers want to seek treatment in China or locally, as companies do not offer proper medical care. Many workers report having stomach, kidney, lung, and heart problems, which could be attributed to a lack of protection during work and stress from overwork.
- ***Affordable flight tickets (12.46%)***: Flights to China are too expensive for the workers to pay for themselves, and many of the companies will not reimburse the cost.

- ***More inclusive COVID-19 policies (11.11%)***: COVID-19 test standards are too strict making it unlikely that the workers will pass. According to some of the workers, some companies even falsify test results to further detain the workers.
- ***Family concerns (10.77%)***: Workers want to return to their homes as their families suffer from multiple difficulties including debt, disease, and loss of family members.
- ***Timely issuance of salaries (7.41%)***: Salaries have not been paid according to the regulations in the labor contract. The delay in the payment of salaries creates further financial difficulties for workers.
- ***Allowances during wait period/quarantine (7.41%)***: These have not been distributed to the workers though they are included in the contract.
- ***Returning passport or/and visa (5.39%)***: Many companies confiscate workers' passports upon their arrival in Indonesia.
- ***Personal safety (2.02%)***: Some workers reported a fear for their personal safety and a fear of being beaten by their bosses.
- ***Employment (1.68%)***: Some workers are unemployed in the destination country and in dire need of employment to sustain themselves and their families.
- ***Mental health concerns (1.35%)***: Some workers reported a high level of mental distress.

5. Forced Labor and the BRI

According to the International Labour Organization, many of the experiences described by workers in the sections above when taken together qualify as forced labor.⁷⁵ In this section, we match representative anecdotes from our interviews with different aspects of that organization's definition. It should be emphasized that the appearance of a single characteristic matching the definition does not by itself necessarily mean that forced labor is present; rather, the ILO offers its list of different attributes as a heuristic guideline for identifying *patterns* of abuse. In this spirit, our anecdotes should thus be considered as a whole.

In April 2022, China signed and ratified the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105).⁷⁶ However, the forced labor conditions in the BRI, as CLW exposed, is testing the Chinese government's adherence to these international conventions.

Abuse of vulnerability

The ILO defines the abuse of vulnerability as employers taking advantage of workers' vulnerable positions, e.g., their having few livelihood opportunities, their lack of knowledge of the local language or law, their religious affiliation, etc., to exercise control or to exploit them.⁷⁷

Mr. Wang: "In fact, many of those who came here to work owe money and have a bad life back home. Generally, they will not come out if they have a good job back home. I think 90 percent of our construction team is abroad because of debt. For me, I would have had a good life if I just worked a normal job. But I made some investments with others [and] [t]he investments flopped, so I went abroad because of debt. Wages are only fully cleared after a year of work. All the workers want to leave, but they can't leave within a year! The wages are never paid on time, and they want us to work more!"

⁷⁵ International Labour Organization. 2012. ILO indicators of Forced Labor. Geneva: International Labour Organization.

⁷⁶ International Labour Organization. 2022. ILO welcomes China's move towards the ratification of two forced labour Conventions.

https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_842739/lang--en/index.htm

⁷⁷ International Labour Organization. 2012. ILO indicators of Forced Labor. Geneva: International Labour Organization.

Deception

Another measure of forced labor according to the ILO is employers' failure to deliver what they promised to the workers, be that promise verbal or written.

Dr. Yang: "The contract we signed at that time was for 12 months. After we got here, we found that the contract had been altered: [t]he 12 had been crossed out and changed to 24. In the beginning, when we were recruited, they said that round-trip travel expenses, food expenses, hotel accommodation, and visa expenses would all be subsidized. But when we arrived, we found that though the company did pay for everything to get us here, if we wanted to go back to China, we would have to pay all the expenses ourselves [including] the money for staying in the hotel and the cost of COVID-19 testing, etc."

Restriction of movement

The ILO describes restriction of movement as an important indicator of forced labor.

Mr. Zhang: "This factory will not let you leave the facility, so you can't really buy anything. Our supervisor told us that it's very chaotic and dangerous outside. Except for the leaders, employees like us basically don't go out."

Isolation

According to the ILO, victims of forced labor are often isolated in remote locations and denied contact with the outside world.⁷⁸

Mr. Qiu: "The dormitory area and the factory area are separated. The dormitory area is in the mountains, and the factory area is in the village below the mountains. Our factory is a more than two hours' drive from the Industrial Park. There are security guards both in the dormitory area and the factory area. We were not allowed to leave the dormitory area, especially after the COVID-19 shutdown. The checkpoints are guarded by security officers with guns.

Workers are not allowed past the checkpoints in the dormitory area, so workers can only move around in the mountains. Because the factory area is near the beach, the workers are also not allowed to go there [also]. [The bosses] are afraid that the workers will commit suicide. We can't go out and buy things freely at all. Nothing. It has been more than five months, [and] it's basically been house arrest."

⁷⁸ Ibid.

Physical and sexual violence

Forced laborers can be subjected to physical or sexual violence for various reasons including, but not limited to, its use as a control or disciplinary measure.

Mr. Kuang: “The army presence [possibly referring to ex-military guards] here was said to be protecting us, but in fact, if the workers go on strike because the boss withholds our wages, they [the boss] will dispatch those army people [possibly ex-military guards from the Chinese army] to suppress us. There are also a lot of Indonesian security guards here. Some are like thugs. Say some workers dare to talk back at their bosses, four or five of those security guards can come beat the worker up afterwards. It’s nothing unusual for the boss to hire Indonesian bodyguards to beat Chinese people. Being locked up [worker used “关小黑屋“, or “locked in a small black room” literally translated, a colloquial term often used to refer to conditions of confinement ranging from solitary confinement to simply being locked up in a room] or being beaten in the middle of nowhere when we’re off from work [as a retaliation] is not uncommon. It happens. But many people don’t have the opportunity to keep evidence of the abuses.”

Intimidation and threats

According to the ILO, “Victims of forced labor may suffer intimidation and threats when they complain about their conditions or wish to quit their jobs. In addition to threats of physical violence, other common threats used against workers include denunciation to the immigration authorities, loss of wages or access to housing or land, sacking of family members, further worsening of working conditions, and withdrawal of ‘privileges’ such as the right to leave the workplace.”⁷⁹

Mr. Cai: “In this island country, if you don’t have a passport, you can’t escape, you can’t go anywhere. The company is so powerful here that people can apprehend you, catch you any time. Especially a person like me who’s stirring up trouble. If I get out, what if the police or troops chase after me? And when people catch me, who will know the truth if they beat me to death then call me a terrorist? Or put a knife in my hand, saying I was a murderer? So I’m not running away. This is like a desert island anyway.”

Retention of identity documents

The ILO also cites retention of important identity documents and other personal possessions as an indicator of forced labor if the workers are unable to access these personal items on demand or feel that they cannot leave the job without risking important loss.⁸⁰

⁷⁹ Ibid.

⁸⁰ Ibid.

Mr. Liang: “I don't know what kind of visa they applied for in Indonesia. I see it says 211 [Note: business visa, ineligible for work]. Our passports were taken away after we got off the plane. We hadn't even left the airport. After that, except for the times when we have to renew our visas [and] we get to take a look at our passports, they have never been left with us. You go to the immigration office to take a photo, sign your signature, [and] that's it, gone. From the moment they took my passport, I regretted coming here to work. I feel like it's not a legitimate company.”

Withholding of wages

Workers may feel obliged to stay with an abusive employer while they wait for owed wages.

Mr. Lu: “When I came, they said that one month's salary would be kept as a deposit, and then the rest would be paid on time. But when I arrived at this place, I didn't get a single day's salary for three or four months. Only CNY2,000 (around US\$300) for living expenses. Our first time [receiving wages] was the fourth month when we were paid one month's salary. Later this year, I heard that they withheld people's pay for half a year, from January to June, and then paid for [that period] only at the end of July and in early August. But even with that, they still withheld some money in the process. They just won't pay us in full. The reason given to us is that it's for disciplinary reasons. So at least ten thousand or twenty thousand [CNY] is to be withheld by the company.”

Debt bondage

The ILO points out that forced laborers may feel they have no choice but to work in an attempt to pay off an incurred debt, such as wage advances, loans to cover transportation, daily living, and other fees. Our investigation showed that debt bondage is a common practice on BRI projects.⁸¹

Mr. Rong: “[The intermediary charged us] a brokerage fee. The system differs depending on the country and company we sign with. When I arrived, I paid CNY5,000 in advance. After I arrived, I found out that the salary was low [lower than I had been promised]. So I told them that I would not be paying the rest of the money. In 2018, I asked the broker to refund me the CNY5,000 after I went back. At that time, I had [only] been working for two months, and my boss would have deducted a fee [from my wage] for early termination if I went back. This practice is actually really illegal and coercive. But when you are abroad, you don't want to get into any trouble. You don't know the place and the language is different [and so you can't find help anywhere].”

⁸¹ Ibid.

6. Enabling Conditions

The aforementioned abuses against workers on BRI projects do not exist in a vacuum. Multiple stakeholders have failed to protect employees and have left them with few options. On the ground level, the abuses result from lack of knowledge and disempowerment through subcontracting and lack of institutional protections for overseas Chinese workers. In the bigger picture, the abuses come from the lack of accountability mechanisms within both the BRI and China's foreign investments in general. Another issue is an absence, overall, of international bodies monitoring the human rights violations that occur as a part of the initiative. The conditions under different countries, however, vary according to the host countries' cultural, political, and social conditions, established laws and regulations, and rule of law.

1. Subcontracting

On China's side, the rampant outsourcing and subcontracting practices documented above have played an important role in generating the serious problems herein identified. Parent companies have been absolved of legal liabilities for rights violations. This investigation did not turn up any evidence of Chinese regulatory bodies who are actively monitoring employer behavior.

CLW's investigation has exposed that many illegal practices exist, and many workers still experience informal and illegal contracting practices, despite regulations expressly requiring different foreign contracting enterprises to register with the government and sign contracts with workers through formal means. This exposes China's improper management of BRI projects and questionable rule of law. For the workers, the complicated employment processes and relationships and the fact that Chinese capital backs the BRI projects they were employed by engendered fear of and doubts about the very possibility of litigation—how do you litigate against entities governed by secrecy and state capital?

An option that is also available to workers is taking their labor brokers to Chinese court. Though this resource is not without its difficulties, it is not impossible: precedent exists. For example, according to court records, in 2020, Ms. Liu brought a lawsuit against her labor broker regarding a massage therapist position she had taken in Malaysia; the court ordered the broker to return her

recruitment fee because the work conditions did not match what she had been promised.⁸² However, the Chinese courts' decisions are not bound by precedent. Successful cases like this seem to be few and far between, and China courts' decisions in this area are inconsistent.⁸³ The inconsistency of the decisions, in turn, reflect China's lack of clear guidelines on employment disputes with unregistered brokers. Although some Chinese laws have extraterritorial jurisdiction, most notably the recently enacted Hong Kong National Security Law,⁸⁴ none of the country's labor laws have this reach.

Administrative remedies are unreliable. Chinese officials are aware that predatory subcontracting exists, as evidenced in 2017 when the Ministry of Commerce launched a special investigation of unregistered intermediaries.⁸⁵ However, as our research reveals, these practices are still extremely common. The government has not been nearly aggressive enough.

2. Workers' lack of familiarity with the system

Many are not aware of the systems in which they are embedded. For example, when asked about the type of visa he held, Mr. Bai in Indonesia said to our investigators, "It's not Chinese, and I don't understand it. Some say it's business, some say it's labor. I don't know what it is." Many workers were not even aware of what company they were working for. When asked, Mr. Feng said, "I never figured that out. I went to the intermediary company, and they said that our project was managed by the Tsingshan Company. I went and asked Tsingshan, but Tsingshan would not answer me." Mr. Lin, too, reported to our investigator that he did not know the name of the labor service company that he signed the contract with, or whether the contract was legal. His labor contract was taken away soon after it was signed. Similarly, Mr. Ou had no idea who he was working for either: "I don't know the company name. It's in Indonesian. It seems that they said something about "PT", but I don't know exactly." This confusion is a real barrier.

Deceptive recruitment and contract practices deepen this knowledge deficit. As Mr. Rong reflected: "Many people knew nothing before coming here. The recruitment brochure stated "Zhongdi Company," but when I signed the contract, I found out that I had a private boss. You might sign a contract, but it doesn't matter if you sign it or not. They are all unequal, bad

⁸² 刘盼盼与王志强合同纠纷二审民事判决书 [Liu Panpan and Wang Zhiqiang Contract Dispute Second Instance Civil Judgement]. Weifang Intermediate People's Court (China), 30 March 2020. Wenshu.court.gov.cn. 审理法院：潍坊市中级人民法院，案号：（2020）鲁07民终1352号，审判日期：2020-03-30

⁸³ Aaron Halegua and Xiaohui Ban 2021. "Legal Remedies for China's Overseas Workers." *Made In China Journal*..

⁸⁴ "National Security Law aligns with international practice," the Government of Hong Kong Special Administrative Region Press Releases, July 17, 2021, <https://www.info.gov.hk/gia/general/202107/17/P2021071700506.htm>

⁸⁵ Ministry of Commerce. 2017. 关于进一步加强对外劳务合作管理的通知 [Notice on Further Strengthening the Foreign Labour Dispatch Management]. Promulgated 14 July 2017, effective 14 July 2017. Beijing: Ministry of Commerce.

contracts. This was my first time going abroad, and I didn't know about this whole situation. I only found out later that I don't have a legal identity. Some have gone abroad several times, and they are also [in the dark]. We don't know much.” Similarly, when asked about his contract, Mr. Geng said, “After I came here, I signed an agreement with Shanghai Baoshuo (上海宝硕). The agreement was written in Indonesian, and I didn't know what the content was. Anyway, people told me that it was a labor contract.” Conversations like these occurred repeatedly in our investigation.

3. Lack of institutional protection for overseas Chinese workers

Another issue is the lack of institutional protection of migrant Chinese workers' rights and interests. In China, the Ministry of Commerce coordinates the daily management of overseas workers (including the making and executing of migrant labor-related policies; monitoring and reviewing foreign labor service cooperation enterprises; collecting relevant information; organizing migrant labor training, etc.). In 2012, the Ministry of Commerce delegated the administrative authority to the local municipal bureau of commerce.⁸⁶

Since China's reform and opening beginning in the late 1970s, regulations have been issued to establish the responsibility of Chinese parent companies and intermediary agencies for protecting workers' rights. Formally, a few situations exist: according to Administrative Regulation on Contracting Foreign Projects (对外承包工程管理条例), a situation where an “overseas project contracting enterprise” (对外承包工程单位, or OPCE) in China dispatches workers to an overseas project directly, the project contracting enterprise is required to maintain a labor relationship with the workers, and thus bears legal responsibility for the employees.⁸⁷ This legislation is overseen by the Department of Commerce under the State Council, and the municipal Bureau of Commerce of each province and region. The Commerce Bureau of Shenzhen Municipality, for example, has issued a notice regarding companies' due report processes if they are registered in the city of Shenzhen.⁸⁸ For registered ‘foreign labor service corporation enterprises’ (对外劳务合作企业, or FLSCs) that recruit and dispatch workers abroad, similar legal restrictions also apply where labor relation is to be established between the

⁸⁶ “海外中国劳工保护制度的演变与未来展望——基于历史制度主义视角的分析 [The Evolution and Future Prospects of Overseas Chinese Labor Protection System--Analysis Based on the Perspective of Historical Institutionalism],” All-China Federation of Returned Overseas Chinese, June 13, 2022, <http://www.chinaql.org/n1/2022/0613/c420265-32445036.html>.

⁸⁷ State Council 2008. 对外承包工程管理条例 (CLI.2.293202) [Administrative Regulation on Contracting Foreign Projects (CLI.2.293202)]. Promulgated July 21, 2008, amended on March 1, 2017. Beijing: State Council.

⁸⁸ “深圳市商务局关于加强对外承包工程项目报告工作的通知” [Shenzhen Municipal Bureau of Commerce's Notice on the Strengthening of Foreign Contracting Project Report] Commerce Bureau of Shenzhen Municipality. July 7, 2021. http://commerce.sz.gov.cn/ztzl/zcq/zxfw/tzgg/content/post_8938589.html

service corporation enterprise and the Chinese laborer,⁸⁹ with its supervision carried by the Department of Commerce and the local municipal Bureau of Commerce.⁹⁰ Judging from the language of these legislations, most of the activities of enterprises of different forms overseas are overseen by the Department or Municipal Bureaus of Commerce, and while all of these legislations carry clauses concerning legal requirements for different overseas enterprises and their activities, only the “Provisions on the Administration of Intermediary Activities for Overseas Employment” carry clauses regarding labor protection. It details labor service companies’ responsibilities in protecting overseas workers’ legal rights including training, social insurances, monitoring employers’ business licenses, and the signage of legal labor contracts. Foreign project enterprises can be fined or suspended from contracting new projects for unlicensed intermediaries or intermediaries with “major violations.”⁹¹

Moreover, the language of the above-mentioned regulations also reflects that the management of foreign labor service cooperation and the establishment of a mechanism for handling overseas labor disputes, rather than the protection of the rights and interests of overseas workers, are the main focus. China’s labor laws are also inadequate to fully protect the rights and interests of overseas workers on core issues like labor conditions, labor insurance, and labor disputes.

When overseas Chinese workers find out that they have been deceived and/or their rights have been infringed otherwise, there is generally perceived to be two channels for complaints. The first is to file a complaint through the Chinese embassy/consulate; the second is to file a complaint with the city municipal bureau of commerce in the country where their Chinese-funded company is located,⁹² since, as mentioned before, most of the legislation specifically focusing on overseas enterprises are overseen by the Chinese Department of Commerce and local municipal bureaus of commerce.⁹³ Unfortunately, workers are not always aware that the

⁸⁹ State Council. 2012. 对外劳务合作管理条例 (CLI.2.176736) [Regulations on the Management of Foreign Labor Service Cooperation (CLI.2.176736)]. Promulgated 4 June 2012, effective 1 August 2012. Beijing: State Council of the People’s Republic of China.

⁹⁰ Ibid, article 4.

⁹¹ See Article 28, [Administrative Regulation on Contracting Foreign Projects (CLI.2.293202)]. Promulgated July 21, 2008, amended on March 1, 2017. Beijing: State Council.

⁹² Chinese Ministry of Commerce. “涉外劳务纠纷投诉举报处置办法”[Measures for Handling Complaints and Reports of Foreign-related Labor Disputes] 2016, <http://hzs.mofcom.gov.cn/article/zcfb/d/201603/20160301284951.shtml>

⁹³ See: State Council. 2017. 企业境外投资管理办法 第十四条 (CLI.4.307304) [Measures for the Administration of Overseas Investment of Enterprises, Article 14 (CLI.4.307304)]. Promulgated on December 26th, 2017, amended on March 1st, 2018. Beijing: State Council.; State Council 2008. 对外承包工程管理条例 第五条 (CLI.2.293202) [Administrative Regulation on Contracting Foreign Projects, Article 5 (CLI.2.293202)]. Promulgated July 21, 2008, amended on March 1, 2017. Beijing: State Council; State Council. 2012. 对外劳务合作管理条例 第四条 (CLI.2.176736) [Regulations on the Management of Foreign Labor Service Cooperation, Article 4 (CLI.2.176736)]. Promulgated 4 June 2012, effective 1 August 2012. Beijing: State Council of the People’s Republic of China; Ministry of Human Resources and Social Security. 2002. 境外就业中介管理规定 第五条 (CLI.4.40264)

second channel exists, and most end up contacting the Chinese embassy in situations of need. Again, the Chinese embassy has not fully engaged with resolving forced labor issues.

Another option for workers is to report labor abuse to the branch of the Bureau of Commerce in the city or province in which the company is located in China. Interviews indicated that at least 19 workers, after going to Indonesia to work under deceptive terms, had contacted the Municipal Bureau of Commerce (商务局) where PT Virtue Dragon Nickel Industrial Park's mother company is located in China to report an issue of withheld passports.⁹⁴ Subsequently, that local municipal bureau of commerce contacted both the Chinese embassy in Indonesia and the company itself. This resulted in the company returning the passports to the workers. In another case, a worker who was injured on the job at PT Virtue Dragon Nickel Industrial Park requested that he be returned to China and that he continue to receive the salary promised by the company. Correspondence indicates that the municipal bureau of commerce officials asked the company to fulfill those requests, and that these requests were granted (for more information, please see "[DL-15] Response from the City of Huai'an to a Worker's Petition"). These successful suits notwithstanding, in cases of complaints against domestic labor dispatch companies, workers' complaints are often dismissed because they often don't have contracts or because the company has seized their contracts.

CLW compared the results of local municipal bureaus of commerce and embassies in resolving workers' complaints and found that workers' complaints to the local municipal bureaus of commerce were more likely to be successful because the Municipal Bureau of Commerce has the power to impose penalties, while embassies serve more of a mediation and negotiation function.

Because of the large numbers of Chinese workers sent overseas by employment agencies specifically established to supply overseas labor, the "Provisions on the Administration of Intermediary Activities for Overseas Employment" [境外就业中介管理规定]⁹⁵ was implemented in July 2002, expressly stipulating that overseas employment is a labor relationship abroad. That is to say, the labor contracts signed between Chinese overseas workers and overseas employers are under the jurisdiction of the labor laws where the employer is located and not the Chinese labor laws. In this way, China could exempt itself from enforcing or applying specific laws and regulations, such as the China Labor Law, that might protect the labor rights of overseas Chinese workers. Moreover, the multitude of legislation concerning overseas companies compliance practices also creates an issue of implementation.

[Provisions on the Administration of Intermediary Activities for Overseas Employment, Article 5 (CLI.4.40264)]. Promulgated 14 May 2002, effective 1 July 2002. Beijing: Ministry of Human Resources and Social Security.

⁹⁴ See Document List 11, "工人护照申请书" [Workers' Request for Passports].

⁹⁵ Ministry of Labour and Social Security. 2002. 境外就业中介管理规定 [Provisions on the Administration of Intermediary Activities for Overseas Employment]. Promulgated 14 May 2002, effective 1 July 2002.

In contrast, the Philippines, which also exports large numbers of overseas laborers, enacted the Philippine Labor Law as early as 1974, which clearly states that the state would fully protect Philippine overseas laborers and provide them with adequate social, economic and legal services.⁹⁶ In 1995, the Philippines enacted the Overseas Workers and Overseas Filipinos Act,⁹⁷ which specifically focuses on the dispatch and management of overseas workers. In addition, the Philippine government also formed the Ministry of Foreign Affairs and the Ministry of Labor, through which specialized legislative and regulatory agencies the management of overseas employment, and the adequate protection of overseas labor rights are ensured.

Although CLW has not been able to conduct extensive investigations into how each country's state agencies and laws and regulations have interacted with BRI projects, it is nevertheless clear that multiple institutions have failed to fulfill their responsibilities. In countries with laws and regulations that protect the rights of Chinese workers, workers appear to experience less abuse. In Singapore, foreign workers' employment is regulated by the Employment of Foreign Manpower Act (EFMA) and the Immigration Act. Under the provisions of these acts, foreign workers are required to obtain a legal work pass appropriate to their job description. The failure to obtain said work pass can result in a fine, or a prison sentence of under 12 months, or both. But, importantly, employers are also held accountable: deliberate failure to apply for and provide a valid work pass can also result in fines, or prison time, or both. The EFMA also contains provisions pertaining to minimum requirements on salary hours of work, overtime and rest days, public holidays, annual leave, and sick leave. However, the situation has been complicated by the COVID-19 pandemic. As reported by various media channels, Chinese workers' working and living conditions in Singapore have been poor during COVID-19, and have included the deduction of state-issued COVID-19 relief money under the guise of room and board fees, an issue that has been extensively reported and analyzed by various journalistic and academic reports.⁹⁸ That being said, our investigation indicates that the wage manipulation and illegal visa status issues that are found in other countries are less egregious in Singapore.

In countries where laws and regulations lack the protections for workers, however, workers can be placed in a precarious position (see BRI Projects Discussion by Country below for more detailed discussion). For example, as detailed in Algeria's country profile (page 44-48), Algeria's national law and labor law provide grounds for institutionalized maltreatment of

⁹⁶ Republic of the Philippines Department of Labor and Employment, Bureau of Labor Relations. "Labor Code of the Philippines."

⁹⁷ Ibid.

⁹⁸ "Singapore's migrant workers have endured interminable lockdowns," *The Economist*, June 19, 2021, <https://www.economist.com/asia/2021/06/19/singapores-migrant-workers-have-endured-interminable-lockdowns>; "Foreign workers in Singapore," International Labour Organization, <https://apmigration.ilo.org/news/singapore-and-foreign-workers>.

Chinese workers by defining illegal immigration as a criminal offense, and through expressly legitimizing non-written contracts in establishing employment relationships. All of these, in turn, place migrant Chinese workers in a doubly precarious position: on the one hand, they might face bad employment conditions; on the other, the host country's legal system fails to protect, and can even prosecute, workers for their illegal status – something that the workers might not be able to control due to their employment conditions.

Overall, Chinese overseas workers require straightforward, readily accessible channels, both at home and abroad, through which to pursue their labor rights; training in those rights; and third-party regulatory bodies willing to shield the most vulnerable. In the current institutional vacuum, these workers, instead, constitute an easily exploitable group, even as their hard work helps realize the ambitions of Beijing, its BRI partner countries, and state sector and private employers.

What distinguishes the BRI from other transnational economic projects, and what provides the PRC with its geopolitical leverage, are bilateralism, soft laws, and the permeability of the public-private boundary.⁹⁹ These characteristics all work against accountability for rights abuses.

The BRI is built on national level bilateral agreements. These allow the PRC “to bring its full weight to bear on every interaction,” even as it reinforces the position of host countries within its own legal order.¹⁰⁰ Such agreements are also less transparent than multilateral debt negotiations, because data must be shared among fewer partners, rendering it less publicly available.¹⁰¹ This hampers workers' ability to gain the information necessary to fully understand their circumstances.

Meanwhile, the permeability of the public-private boundary in BRI projects, an outgrowth of the PRC's own system of state capitalism, “provides great flexibility in the structuring of transactions across the public-private divide.”¹⁰² State contracts, investments from sovereign wealth funds, or private contracts with state-owned enterprises can be substituted for formal treaties as an instrument of international cooperation. Furthermore, the PRC can “slip back and forth across roles depending on the urgency and importance of the issue.”¹⁰³ Because of the

⁹⁹ Ginsburg, 47.

¹⁰⁰ Ibid, 48.

¹⁰¹ Diane Desierto, “The Complexities of Democracy, Development and Human Rights in China's Belt and Road Initiative,” *Connecticut Journal of International Law*, volume 35 (2020): 327.

¹⁰² Rithmire, M., & Chen, H. (2021). *The Emergence of Mafia-like Business Systems in China*. *The China Quarterly*, 248(1), 1037-1058. doi:10.1017/S0305741021000576; Ang, Yuen Yuen. 2020. *China's Gilded Age: The Paradox of Economic Boom and Vast Corruption*. Cambridge University Press; Hillman, J. (2019, January 18). *Corruption Flows Along China's Belt and Road*. Center for Strategic and International Studies (CSIS).

<https://www.csis.org/analysis/corruption-flows-along-chinas-belt-and-road>

¹⁰³ Ginsburg, 51.

participating companies' resulting close connections with the Chinese government, they enjoy great flexibility and impunity both domestically and abroad – including when it comes to abusing workers' rights.

More specifically, the characteristics of China's state capitalism can also create a web of complex corporate-state actor relations, potentially leading to further impunity for the companies. In China, business dealings revolve around competing loyalty involving a few key stakeholders such as business leaders and state officials.¹⁰⁴ To protect and promote their self-interests, entrepreneurs often operate through informal political connections with state officials, a relationship that is often characterized by a seemingly paradoxical combination of loyalty and mutual endangerment – economic elites benefit from a connection with state officials, a connection that provides them with privileged access to state resources, and the assurance that the officials will refrain from disciplining their potentially illicit business dealings, while the officials involved enjoy personal gain (e.g., money and stock). Corruption, therefore, is bred in these complex business relations that encourage organized secrecy and obfuscation, and blur the line between the public and the private sector. Indeed, reports on and allegations about corruption in BRI projects have been rampant since the initiative's inception,¹⁰⁵ partly due to lack of institutional oversight, and partly, perhaps, due to collusion within the organization of state capitalism. Within a complex situation such as this, labor abuses can be swept under the rug.

4. Lack of international oversight

International bodies are missing in action when it comes to monitoring BRI abuses. There are few treaties that are relevant to the situation of Chinese workers in the BRI. The principal ones are: ILO C97 Migration for Employment Convention, ILO C143 Migrant Workers Convention, and the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. None of these have monitoring or enforcement mechanisms. Moreover, no BRI oversight organizations or BRI labor claims tribunals exist. There have been many opportunities for China and the governments of the destination countries to support these, yet they have not done so.

¹⁰⁴ Rithmire, M., & Chen, H. (2021). The Emergence of Mafia-like Business Systems in China. *The China Quarterly*, 248(1), 1037-1058. doi:10.1017/S0305741021000576; Ang, Yuen Yuen. 2020. *China's Gilded Age: The Paradox of Economic Boom and Vast Corruption*. Cambridge University Press.

¹⁰⁵ Hillman, J. (2019, January 18). *Corruption Flows Along China's Belt and Road*. Center for Strategic and International Studies (CSIS). <https://www.csis.org/analysis/corruption-flows-along-chinas-belt-and-road>; Exporting Corruption 2020, China. (2020). Transparency International. <https://images.transparencycdn.org/images/China.pdf> ; Malik, A., Parks, B., Russell, B., Lin, J., Walsh, K., Solomon, K., Zhang, S., Elston, T., and S. Goodman. (2021). *Banking on the Belt and Road: Insights from a new global dataset of 13,427 Chinese development projects*. Williamsburg, VA: AidData at William & Mary. *Banking on the Belt and Road* (aiddata.org).

7. BRI Projects Discussion by Country

We argue that the host countries, too, have to be complicit with the Chinese partners before exploitation of Chinese workers can take place. Each host country also has its own laws and policies governing the management of the domestic and foreign workforce. As a result of these differences, conditions under which the Chinese workers labor also vary. Below are examples of how Chinese workers are treated in six countries:

Country Profile: Serbia

Chinese President Xi Jinping visited Serbia on June 19, 2016 and signed a Joint Statement of the People's Republic of China and the Republic of Serbia on Establishing a Comprehensive Strategic Partnership Serbia, making Serbia a hub for Chinese investment in the Western Balkans. At present, this investment includes over 61 projects worth at least EUR18.7 billion.¹⁰⁶

In Serbia, the current labor law does provide a strong foundation protecting workers' rights. The Law on Employment of Foreign Citizens of 2019 stipulates that "A foreign citizen employed in the Republic in accordance with this Law shall have equal rights and obligations in terms of labor, employment and self-employment as citizens of the Republic if the conditions established by law are met."¹⁰⁷ In other words, all persons working in Serbia, irrespective of nationality, are protected by the same legal provisions that protect domestic workers, including the basic requirements of a labor contract, which shall include: personal information of employers and employees, work content, location, methods, duration, start and end dates, working hours, basic salary, regulations, etc. Most of the language of the Law on Employment of Foreign Citizens itself, however, concerns work permit requirements. Moreover, in 2018, the government of Serbia and the government of China signed the Social Security Agreement, ensuring social security in both territories and, more importantly, making only Chinese labor law applicable to Chinese migrant workers in Serbia for the first five years of their stay.^{108,109} This can be subject to further extension for up to two years.¹¹⁰

¹⁰⁶ BIRN, December 15, 2021, "China in the Balkans: Controversy and Cost", available at: <https://balkaninsight.com/2021/12/15/china-in-the-balkans-controversy-and-cost/>

¹⁰⁷ Laws on Employment of Foreign Citizens, Republic of Serbia.

¹⁰⁸ BIRN, January 26, 2021, "'Like Prisoners': Chinese Workers in Serbia Complain of Exploitation", available at: <https://balkaninsight.com/2021/01/26/like-prisoners-chinese-workers-in-serbia-complain-of-exploitation/>

¹⁰⁹ Article 7, Agreement on Social Insurance, Republic of Serbia <https://www.zso.gov.rs/doc/m-ug/Kina/Agreement-on-Social-Security-between-the-Government-of-the-Republic-of-Serbia-and-the-Government-the-Peoples-Republic-of-China.pdf>; The article details: "Where a person who is employed in the territory of one Contracting Party by an employer with a place of business in that territory is sent by that employer to the territory of the other Contracting Party in the context of that employment to perform services there for that employer, only the legislation of the first Contracting Party shall continue to apply with regard to that employment during the first sixty calendar months as though the employee were still employed in the territory of the first Contracting Party."

¹¹⁰ Ibid, Article 8.

In this way, Serbia's Labor Law is suspended for Chinese nationals working in Serbia, so the Labor Inspectorate cannot review workers' contracts or investigate whether they have been paid.¹¹¹ Additionally, a new law is expected to pass in Serbia that will make it legal for seasonal migrant workers to work without a contract.¹¹² Two notable BRI projects in the country are the Zijin Bor Copper Mine,¹¹³ and the Linglong Tire Factory, each of which has been the focus of reports of human trafficking, labor rights violations, and environmental damage. Workers at Zijin Mining in Bor, Serbia, staged a strike in February 2021, and some continued their negotiations with this employer after returning to China.

Moreover, various sources have reported on the issues of corruption and the poor rule of law in Serbia.¹¹⁴ Indeed, our conversation with our local partner ASTRA, a nonprofit focusing on human trafficking, has confirmed this, and accordingly, issues of corruption and lack of judicial independence have led to selective execution of labor laws and regulations. We were also informed that when ASTRA attempted to access Linglong Tire's worksite for an investigation, they were told that they had no rights to do so because the factory plant territory was subject to Chinese laws. Under these circumstances, reports about worker mistreatment have also surfaced in recent years.¹¹⁵

Zijin Mining Group Co., Ltd. (紫金矿业集团股份有限公司)

Zijin Mining Group Co., Ltd. is one of the largest gold, copper and zinc exploration, mining, and refinery company in China, owning facilities and subsidiaries that span across the entire production chain. Its international headquarters is in Fujian Province. It is a state-owned public

¹¹¹ Ibid

¹¹² BIRN, July 19, 2021, "Serbia Accused of 'Legalizing Exploitation' Under Seasonal Work Law", available at: <https://balkaninsight.com/2021/07/19/serbia-accused-of-legalizing-exploitation-under-seasonal-work-law/>

¹¹³ BIRN, January 26, 2021, "'Like Prisoners': Chinese Workers in Serbia Complain of Exploitation", available at: <https://balkaninsight.com/2021/01/26/like-prisoners-chinese-workers-in-serbia-complain-of-exploitation/>

¹¹⁴ Georgi Gotev "Leaked paper sheds light on poor rule of law, media situation in Serbia." Euractive. 2021. <https://www.euractiv.com/section/enlargement/news/leaked-paper-sheds-light-on-poor-rule-of-law-media-situation-in-serbia/>; N1 "Serbian government receives EC rule of law non-paper." N1, 2022. <https://rs.n1info.com/english/news/serbian-government-receives-ec-rule-of-law-non-paper/>;

European Court of Auditor, "EU support for the rule of law in the Western Balkans: despite efforts, fundamental problems persist." 2022. https://www.eca.europa.eu/Lists/ECADocuments/SR22_01/SR_ROL-Balkans_EN.pdf; Nieves Zúñiga, "Overview of corruption and anti-corruption changes in the last 10 years." U4 Anti-Corruption Centre, 2022. <https://www.u4.no/publications/serbia-overview-of-corruption-and-anti-corruption-changes-in-the-last-10-years>.

¹¹⁵ Aleksandar Matković, "Unfree Labor, from Hanoi to Belgrade: Chinese Investment and Labor Dispatch in the Case of 750 Workers from Vietnam," China, Law and Development, December 2021, <https://cld.web.ox.ac.uk/article/unfree-labor-from-hanoi-to-belgrade>; Sasa Dragojlo, "'Like Prisoners': Chinese Workers in Serbia Complain of Exploitation," BalkanInsight, January 26, 2021, <https://balkaninsight.com/2021/01/26/like-prisoners-chinese-workers-in-serbia-complain-of-exploitation/>; "Legal Memo on Chinese investments in Serbia Shows Weakened Rule of Law, Leading to Forced Labour and Human Rights Abuses," Justfiance, June 13, 2022, <https://justfinanceinternational.org/2022/06/13/legal-memo-on-chinese-investments-in-serbia-shows-weakened-rule-of-law-leading-to-forced-labour-and-human-rights-abuses/>.

company. The largest shareholder is Shanghang Minxi Xinghang State-Owned Property Investment Company, which is owned by the government of Shanghang County, Fujian Province where Zijin's head office is located. Zijin ranks 324th on the 2022 list of Global 2000 companies.¹¹⁶ According to its website,¹¹⁷ it operates significant projects in 12 countries, in addition to 14 Chinese provinces.

In 2018, Zijin Mining took control of Serbia's state-owned company, the RTB Bor Copper Mining and Smelting Company in the city of Bor, and started copper mining and smelting there.

Since January 2021, more than a dozen Chinese workers have accused Zijin Mining of using at least a thousand Chinese workers as forced labor during the COVID-19 pandemic. Workers told CLW that they were deceived by Zijin Mining, and coerced into traveling to Serbia and working long hours, without any days off. Upon arrival in the country, the workers were told to hand over their passports, after which they did not see their passports again for the duration of their work.

Many Zijin workers interviewed do not have a copy of their labor contract. They were simply told to sign on a blank space on a pre-printed document, which, once signed, was immediately taken away by the manager. Workers do not know what was in the contract.

All workers who have contacted CLW said that they do not have any freedom and are treated like prisoners. They are not allowed to go outside the settlement where their living quarters are located, nor are they permitted to go buy groceries or visit any local shops. The only place where personal hygiene items, snacks, cigarettes, medicine, uniforms, and telephone data cards can be purchased is a portable grocery van that enters the worksite, and these items must be purchased at the workers' own expense.

Zijin Mining fines the workers heavily when they violate company rules. Many of the rules, however, are petty and arbitrary. For example, a worker caught leaving the worksite is fined CNY3,000 (around US\$450). The company does not provide uniforms; workers need to purchase their own safety equipment. However, workers who wear their own short-sleeved shirts at work are fined CNY500 (around US\$75). Workers are required to work nine hours a day, seven days a week. There is no paid sick leave, and no overtime pay.

The workers we spoke with described living conditions that are unbearable. Trash and excrement can be seen everywhere. Workers are told to use pipes that are connected to the latrines in the settlement to wash away excrement and waste. The stench is so strong that all the dorm rooms

¹¹⁶Forbes. "Zijin Mining Group | Company Overview & News." *Forbes*, www.forbes.com/companies/zijin-mining-group/?sh=2e8b284b6f19.

¹¹⁷Zijin mining Group. "Zijin mining." <http://www.zijinmining.com>

smell like sewage. The food provided in the dining hall is often spoiled. Many workers try to grow vegetables after work in order to get necessary nutrients.

A worker who witnessed a work-related accident told CLW that after an injured worker collapsed at the worksite, no medical care was provided. The injured worker was left lying on the ground for 50 minutes until a company's vehicle arrived. No ambulance was called.

Wages are supposed to be paid by the end of the month, but they are frequently delayed. Workers are not given any pay slips, only told to sign on a pre-printed form where the wages are listed. According to some experienced workers, it is common for the numbers to be incorrect. Workers do not receive any medical insurance, social insurance, or other work-related benefits.

When COVID-19 hit their worksite, the workers were reportedly asked to continue to work and live in crowded dorms as if nothing had happened. Some workers told CLW that their coworkers contracted COVID-19, but Zijin Mining did not provide any medical treatment. Several workers died from untreated COVID-19 as a result of this neglect, but Zijin Mining warned other workers not to speak with anyone about what happened to those workers who had died.

The only protection provided by Zijin Mining during COVID-19 were surgical face masks: 10 per worker per month. In January 2021, both the Balkan Investigative Reporting Network and Radio Free Europe reported on the Chinese workers' situation, calling them victims of human trafficking and forced labor.¹¹⁸ The only change that came about because of this news coverage was that a worker can now get 50 face masks per month.

Linglong Tire Factory (山东玲珑轮胎股份有限公司)

In 2019, the construction of Linglong Tire's new factory began in Zrenjanin, Serbia. In addition to receiving EUR75 million in state subsidies, the 95 hectares of land it stands on (valued at EUR7.6 million) is leased for free.¹¹⁹ The opening ceremony was attended by officials from both Serbia and the PRC.¹²⁰ Yet, despite the project's importance, and its extraordinary public profile, workers and local NGOs have accused Linglong, and their subsidiaries and contractors, of exploitation and human trafficking of hundreds of workers from both the PRC and Vietnam.

¹¹⁸ Sasa Dragojlo, 'Like Prisoners': Chinese Workers in Serbia Complain of Exploitation, 2021. Balkan Insight. <https://balkaninsight.com/2021/01/26/like-prisoners-chinese-workers-in-serbia-complain-of-exploitation/>

¹¹⁹ "Documents Reveal Extent of Exploitation at Chinese Tire Site in Serbia," BIRN, November 29, 2021, <https://balkaninsight.com/2021/11/29/documents-reveal-extent-of-exploitation-at-chinese-tire-site-in-serbia/>

¹²⁰ "塞尔维亚总统武契奇出席玲珑轮胎欧洲工厂—兹雷尼亚宁项目启动仪式 [Serbian President Vucic Attends the Launching Ceremony of Linglong Tire's European Plant-Zrenjanin Project]," The Embassy of the People's Republic of China in Serbia, April 1, 2019, available at: http://rs.china-embassy.gov.cn/chn/xbwz/zsgx/jmhz/201904/t20190401_3422017.htm

Suspicion of corruption and bribery involving local officials were raised, but cannot be confirmed.



The front gate of a construction site at Linglong Factory in
Zrenjanin

Workers from the tire factory told CLW that they did not know who their legal employer was, were owed several months of wages, and had experienced physical violence. Some workers had heard of a fight that led to a death at the factory site, which was, accordingly, covered up by both the company and local authorities. Workers' testimonies and CLW's visit there revealed terrible working and living conditions, including unhygienic accommodations and very limited food options. In addition, the remote location of the factory, and the language barriers that exist between workers and the surrounding community, in combination with social-political factors, mean that Chinese workers are unable to seek help from locals. Residents of the area resent workers at Linglong because they feel that they have taken their jobs.



Left: A vacant eight-person dormitory room at the Linglong Factory construction site. Workers use foam board or cardboard as curtains to ensure privacy. Right: Kitchen in the living complex

The main contractor of the construction at Linglong is the Tianjin Electric Power Construction Co., Ltd. (天津电力建设有限公司), a subsidiary of the state-owned China Energy Engineering Group (中国能源建设集团). Parts of the construction have been further outsourced to second-tier and third-tier contractors. False information provided by recruiters has led many workers to agree to pay a deposit, only to realize that the recruiters' promises to return the money once they arrived in Serbia were empty.

Non-BRI workers in Serbia also spoke to CLW about the extensive exploitation they experienced. They explained that Serbia is an accessible destination for Chinese people who want to leave the country, because it does not require Chinese nationals to have a visa. Furthermore, as part of Europe, Serbia is perceived as a gateway to the rest of the continent, and even North America; people come first to Serbia, work and stay for a while, then seek opportunities elsewhere. CLW has learned about extensive human trafficking and smuggling networks, where users communicate through social media and word of mouth. People who use these networks pay huge fees and accept the potential of very high risk, including deportation and death. We discovered group chats with discussions of different tactics to use to cross borders. Some people "rent" the passports of European Union citizens with Asian ancestry, explaining that European border services are unable to distinguish between different Asians. Others are smuggled into the EU on tractors and trucks. Still others speak of flying from Serbia to Ecuador, where Chinese nationals do not need a visa, and walking from there into the United States. There are always people who are willing to make a referral or recommendation, and provide tips about each of these human smuggling routes.

Additionally, there are cases which suggest that there is a developing sex-worker industry centered around the male-dominated BRI projects in Serbia. For example, a male worker told CLW that his managers had brought in some women from China to provide sex services mainly to the manual laborers. In several prostitution WeChat groups, sexually explicit short videos of newly arrived women are routinely posted to attract male customers based in Bor, the town in which Zijin Mining is located. The conditions of these sex workers deserve their own attention.

Country Profile: Algeria

Algeria joined the Belt and Road Initiative in 2018, establishing a comprehensive strategic partnership with China.¹²¹ China exports about US\$7.9 billion to Algeria, with Algeria exporting US\$1.2 billion to China. The two countries signed a double tax treaty in 2006. About 1,000 Chinese companies operate in Algeria, assisted by the Algerian Government's waiving of the 51/49 ownership rule (for non-strategic sectors).¹²² Chinese workers in Algeria have described systematic deceptive recruitment, coercive recruitment, coercion, abuse of vulnerability, and other labor rights violations indicative of forced labor.

These conditions are exacerbated by the Algerian national law, which worsens the situation for victims of human trafficking, rather than ameliorating them. The treatment of illegal migration as a criminal offense, punishable by expulsion, legal procedures and prison time discourages victims of human trafficking from seeking government help. Similarly, the introduction of illegal exit as a criminal offense that is punishable by prison time exacerbates this situation and traps illegal overseas Chinese workers in Algeria; customs and other government agencies, upon discovery of workers' illegal status, routinely detain and issue fines against the workers. And this sometimes happens at the airport when workers attempt to leave Algeria as some do not possess knowledge of their illegal status. In a sense, the Algerian government routinely extracts revenue from Chinese workers by fining the individual workers before issuing clearance for them to leave the country, instead of confronting the companies that did not sponsor workers' work visas in the first place. This process, moreover, is muddled by corruption. Some government agents who asked the workers for bribes in exchange for helping the workers avoid the formal apprehension and court processes, simply pocketed the money. For the workers, paying money out of pocket to whomever out there is in charge becomes the only means of leaving their situations.

Lastly, Algeria's national labor law permits the use of non-written contracts to establish employment relationships. Although this practice is common when local laborers seek to establish employment relations with local employers, the use of non-written contracts plays an important role in transnational labor trafficking; it can be an indicator of human trafficking, and places workers at a disadvantage when employment disputes arise in destination countries. The country's law does not offer overseas Chinese workers sufficient protection against fraudulent recruitment processes either. Thus, employers may exploit the legal definitions of the employment relationship, and use non-written contracts to attract workers to Algeria, only to

¹²¹ Foster, Scott. Belt & Road reaching far and wide in Middle East. *Asia Times*, 2022
<https://asiatimes.com/2022/03/belt-road-reaching-far-and-wide-in-middle-east/>

¹²² Chris Devonshire-Ellis. "Algeria To Coordinate National Development Plans With China's Belt And Road Initiative." *Silk Road Briefing*.
<https://www.silkroadbriefing.com/news/2021/07/27/algeria-to-coordinate-national-development-plans-with-chinas-belt-and-road-initiative/>

take advantage of workers' inability to return to their countries of origin by turning it into a means of reaping personal gain.

Shandong Jiaqiang Real Estate Co. 山东嘉强置业有限公司

At a construction site near Algiers, the capital of Algeria, only 10% of the Chinese workers that CLW spoke to had valid work permits, and the majority of them arrived in Algeria on business or tourist visas. They were not aware of the illegality of their status until they realized they had been deceived about the working conditions after arriving in Algeria, and started questioning the whole process.

Chinese workers at Shandong Jiaqiang, a Chinese corporation in Algeria, are also victims of deceptive recruitment. Prior to departing for Algeria, their employers lied about the contract, legal documents and wage conditions. Workers were promised a minimum monthly wage of CNY10,000 (approximately US\$1,500) per month, but the actual wages were often arbitrarily determined and not close to what was promised. Moreover, the living conditions were much worse than what they were given to believe. Workers were told that they would arrive in Algeria and be issued valid work permits, so they were in shock to discover upon arrival that the employer had only applied for temporary business visas, which meant they would become undocumented when their visas expired. Mr. Dang said “we were cheated... and ended up becoming illegal migrants,” and “they don’t care whether the workers live or die.” Many Chinese workers end up working without a legal status in Algeria, an indicator that, in addition to having been recruited through deception, they are victims of human trafficking.

Workers who wish to return China but are stranded due to illegal immigration status are routinely asked to pay a fine to Algerian customs, the public security bureau, and the court to before they receive clearance for departure. This “fee” package can range from a few hundred to a thousand dollars. However, as mentioned earlier, this administrative hurdle can be skipped if workers bribe the right persons involved. Because in either situation, money is handed to a government agent in exchange for a clearance to leave the country, the line between a fine and a bribe is often blurred in the conversations with workers. For the workers, they are paying something that’s colloquially called a “gate pass” (过路费) regardless of who they are paying.

Mr. Zhang, a Chinese worker, explained that asking for a “gate pass”—a term that’s oftentimes also used as a euphemism for a bribe—is a common tactic used by Chinese employers to circumvent Algeria’s immigration regulations. Mr. Zhang himself has some experience with Algerian immigration control. He was sent to the airport by his employer to purchase a flight ticket. Airport staff requested that he go to the immigration counter. And upon the immigration officers’ discovery that he did not possess a legal residence permit, they detained him at the airport and, subsequently, he was sent to court. It was not until after he paid the court-issued

finances that he received legal temporary resident status and the documents he needed to clear the airport departure process. Mr. Zhang told CLW that the length of detainment by the authority varies, and can range from a few hours to several days based on the customs officers' decision. This is another example of deceptive recruitment, and an indicator of human trafficking, as the worker was not aware of his illegal status. Additionally, CLW found that many Chinese workers in Algeria arrived without having signed an employment contract beforehand.

Another Chinese worker, Mr. Ai told CLW that he had been deceived by an employment agency in China. He signed a one-year work contract at that agency, and was told that he could earn more by covering more overtime shifts, and could return to China whenever he wanted to quit. However, after he arrived in Algeria, the team leader at the construction site told him that they would not recognize the contract signed in China, and all workers were required to work for two years at the construction site, not one. His passport was confiscated by the employer, and the employment agency refused to refund his security deposit. Mr. Ai felt he was a victim of human trafficking because of the collusion between the team leader and the employment agency (labor broker). Mr. Ai added that the local government did not care much about the unsafe labor conditions at these construction sites, and he feared that seeking help from local authorities could lead to unwanted attention: most workers were staying in Algeria without legal paperwork. He could not seek help from local attorneys due to the language barrier.

Chinese workers also face debt bondage. In addition to the intermediary fee for the employment agencies, which might be thousands of dollars, workers can also be asked to pay "liquidation damage" if they wish to return to China before the written or verbal contract ends—essentially, can be asked to pay their employers for the lost labor power. If this fee is unpaid, the employer might not return the workers' passports to allow them to return to China. Therefore, workers are forced to perform the same amount of work for debt payments so they can one day be allowed to return home. Many workers in Algeria reported that they were forced to perform unpaid labor in order to make up for "debts" ranging from CNY17,000 (approximately US\$2,630) to CNY35,000 (approximately US\$5,420). This is another indicator of trafficking for labor exploitation.

All Chinese workers CLW interviewed said that their companies did not provide any health or social security/insurance (社会保险).¹²³ They were told they had to be responsible for their own health, and were expected to pay their own medical fees even for work-related injuries. Mr. Cheng told CLW that when his colleague fell and broke both of his legs, he could not get any medical care or surgery. After extensive arguing, the company agreed to pay him CNY50,000 (about US\$7,840). However, he only received CNY40,000 (about US\$6,272). Many workers

¹²³ "Social insurance in China comprises of public health and public pension insurance, unemployment, work-related injury, and maternity insurance." <https://www.statista.com/topics/1261/social-insurance-in-china/>

were not provided with enough protective gear for the work they were doing, which increased their risk of incurring a work-related injury. This is evidence of coercion at the destination, another indicator of human trafficking.

Some workers reported that they only received their wages every six months, and were, thus, forced to borrow against future wages in order to live. Furthermore, when workers want a cash advance, they must do a currency conversion through the company, and the company charges a very high rate of exchange. Through these methods of wage manipulation, the company routinely takes money from the workers.¹²⁴ Some Chinese workers' wages have been withheld for years; one worker said his employer was withholding 30 percent of his wages until the end of the two-year contract. Even though many workers have worked three to four years beyond the expiration of their original contract, they have not yet been paid in full, and, thus, must continue working at their worksites while waiting for their withheld wages.¹²⁵

All workers that CLW interviewed had had their passports taken by their employers the moment that they landed in Algeria, and employers refused to return the passports. The employers explained that this was because the workers had not fulfilled their contractual obligations, despite the fact that they had arrived in Algeria without having signed a contract. Mr. Liu told CLW that his employer often asked the locally hired security guards to physically assault anyone who refused to cooperate with the employer's demands.

In 2018, dozens of Chinese workers initiated a protest at the Chaabane Belazzoug worksite. The company had withheld workers' wages — a total of CNY3.88 million (approximately US\$2.19 million) — for a year. The workers called on the Algerian government and the Algerian president to take action. They complained that their property had been destroyed and that they had been attacked by local people who had been hired by the company.¹²⁶ Since these workers had illegal immigration status, they were vulnerable to labor exploitation and had difficulty accessing legal assistance.

¹²⁴ “独家揭秘一带一路：工人血泪不归路（一） [Exclusive reveal of the belt and road: workers blood and tears road of no return],” Radio Free Asia, January 15, 2022, <https://www.rfa.org/mandarin/duomeiti/xinwen-zhuiji/xwzj-01152022084033.html?encoding=simplified&encoding=traditional>

¹²⁵ Ibid.

¹²⁶ “中國工人赴阿爾及利亞打工被拖糧逾千萬 地盤門口抗議追討 [Chinese workers who went to Algeria to work were defaulted more than 10 million dollars; protest at the entrance of the construction site],” hk01, July 28, 2018. <https://tinyurl.com/2p8b3kxp>.

Country Profile: Indonesia

The BRI was proposed for the first time ever by President Xi Jinping during his state visit to Indonesia in 2013.¹²⁷ Data show that between 2013 and 2019, Chinese investments in Indonesia increased almost sixteen fold. Specifically, they increased from US\$296.9 million in 2013 to US\$4,744.5 million in 2019, when investments from China surpassed investments from Japan for the first time.¹²⁸

Indonesia is the largest nickel exporter in the world, as the country possesses the world's largest nickel reserves. Nickel has long been used in stainless steel production, and the surge in demand for electric vehicles translates into a surge in demand for nickel, which plays an indispensable role in battery production. This, in turn, puts pressure on the nickel ore extraction industry. In 2014, the Indonesian government imposed a ban on nickel ore exportation as a strategy to create added value from the exportation of processed nickel products. Since then, numerous industrial parks have been established around nickel mining fields in Sulawesi, and nickel processing plants and affiliated infrastructural projects – ports and road networks – are under construction. Chinese companies have invested over US\$30 billion in the Indonesian nickel supply chain,¹²⁹ making it one of the largest flagship projects of the BRI in Southeast Asia, which not only serves Indonesia's interests of gaining added value from exportation, but also allows China to have greater access to Indonesia's nickel reserves.

Chinese capital plays an extremely important economic role in Indonesia. In 2011, Indonesian President Joko Widodo proposed the Global Maritime Fulcrum Vision (GMF), which, according to Chinese officials, “relates profoundly to the concept, goals, and areas of the BRI.” Capital from China has since flowed into the mining and processing of mineral resources, infrastructure construction, and manufacturing, among other projects in Indonesia. And many Chinese-funded projects, including those involving private capital investments, have been given the coveted status of “National Strategic Projects” by the Indonesian government.

Yet protections for Chinese workers in Indonesia are weak. Although the country has a sound labor law for domestic workers, regulations for foreign workers are often restrictive rather than protective. For example, Chapter 8 of the Labor Law of 2003 stipulates that foreign employees can only engage in specific jobs for a specified period of time, and that they must be sent back to the country after their employment period ends. It also stipulates that domestic workers must be

¹²⁷ Xiao Qian, 2019. “Belt and Road benefits Indonesia, the world”. The Jakarta Post.

<https://www.thejakartapost.com/academia/2019/04/05/belt-and-road-benefits-indonesia-the-world.html>

¹²⁸ The Belt and Road Initiative in Indonesia HKUST IEMS Reports No. 2021-08

<https://news.hkust.edu.hk/news/belt-and-road-initiative-asean-indonesia>

¹²⁹ “Indonesia's Nickel Industrial Strategy,” CSIS, December 8, 2021, <https://www.csis.org/analysis/indonesias-nickel-industrial-strategy>.

present along with foreign workers at work, with the latter obligated to share relevant skills and techniques. The only part relating to labor rights requires that the employer pay the foreign worker's wages. From regulations like this, it appears that foreign workers are regarded as threats to the rights and interests of domestic workers, rather than as people to be supported.

In fact, the elevated status of Chinese investment in Indonesia paradoxically undermines Chinese labor. The designation of BRI projects as National Strategic Projects provides affiliated companies with the opportunity to circumvent construction permit requirements and employment regulations. Chinese companies in BRI benefited from this Indonesian national initiative. As early as 2017, during the construction of PT Indonesia Morowali Industrial Park (PT IMIP), many Chinese workers were brought in with visas that technically rendered them ineligible for work. Slamet Viktor Panggabean, senior vice president of external relations at PT IMIP, once admitted to the media that, initially, all the Chinese workers for the company entered Indonesia with tourist status, which lasted only one or two months though they were well aware that the workers would be staying longer. Wisnu Wijaya Sudibyo, director of the third district of the Indonesian Ministry of Investment (BKPM), has said that the exact number of Chinese workers in a particular industrial park is not known, because many workers have not been reported to the government. And Askur Ullah, head of government and legal relations at Morowali Industrial Zone, has said that since the project is a national strategic project, the central government has granted the park special permission to employ Chinese workers without a formal work permit¹³⁰. According to Luo Xiangqian, a PT Virtue Dragon Nickel Industrial Park worker interviewed by the BBC, immigration officials even come to the construction site to renew workers' business visas, as opposed to work visas.¹³¹

¹³⁰ The Jakarta Post, 2017, Morowali: A tale of China's grip on rich region.

<https://www.thejakartapost.com/news/2017/11/15/morowali-a-tale-china-s-grip-rich-region.html>

¹³¹ BBC News, China, 2022. 一带一路：中国工人印尼打工的惨痛遭遇，新冠疫情下的崎岖回家路 [Belt and Road: Chinese workers' miserable experience working in Indonesia, the bumpy road home under the new crown epidemic] <https://www.bbc.com/zhongwen/simp/world-59412754>



Indonesian immigration officials extending visas for Chinese workers¹³²

A number of Chinese private and state-owned companies, including Jiangsu Virtue Dragon Nickel Industry Co., Ltd. (江苏德龙镍业有限公司, hereafter referred to as Virtue Dragon) and Tsingshan Holding Group (青山控股集团有限公司, hereafter referred to as Tsingshan), have begun operations in Indonesia, and construction in Morowali and Weda Bay industrial parks is accelerating as Chinese construction contractors rush to ensure that the first shipments of processed nickel products will be made on time. CLW investigations revealed that forced labor and human trafficking for labor exploitation are prevalent in the construction of these industrial parks, and that Chinese workers are often victims of deception and coercion.

PT Indonesia Morowali Industrial Park¹³³

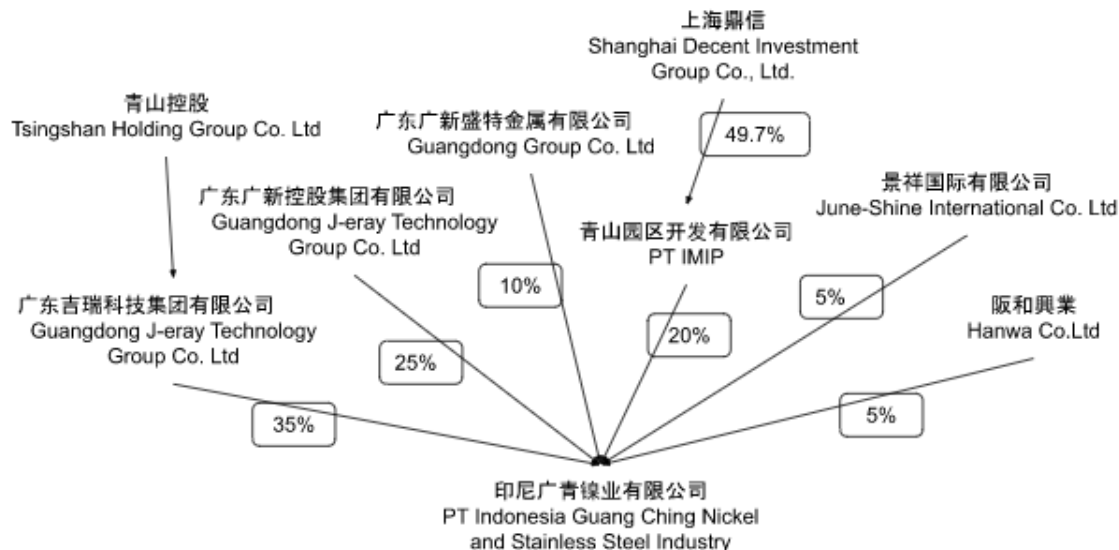
PT Indonesia Morowali Industrial Park (PT IMIP) is a joint venture between Tsingshan and Bintang Delapan, a domestic Indonesian firm. Workers often refer to PT IMIP as Tsingshan Industrial Park. Many of the workers decided to cross the ocean to work in Indonesia because of financial predicaments at home. Most of the workers we interviewed said that their nominal salary matched the promised amount. However, their actual salaries were often affected due to fines and salary withholding, not to mention the continuous, unrelenting work 30 days a month, and nine hours, or more, a day.

At Tsingshan Industrial Park, overtime is a routine practice, and some workers see it as a blessing, because wages are calculated on a daily basis, without paid vacations; there is no difference between workdays and weekends, as working on weekends is not counted as overtime by the employer. "When I first came to Indonesia, I didn't know I would have to work 176 days

¹³² Image was provided by workers.

¹³³ For detailed factory reports for Tsingshan and Virtue Dragon industrial parks, please see Appendix V and VI.

in a row. I didn't know it was such a working environment, [or that] it was continuous work." Recalled Mr. You, an electrician who came to work at PT Indonesia Guang Ching Nickel and Stainless Steel Industry (GCNS) through direct recruitment.



(Figure 1. PT GCNS is a stainless steel manufacturer company affiliated with PT IMIP.¹³⁴)

Based on 52 completed questionnaires CLW collected from workers at the PT IMIP, it was discovered that 38.5 percent of the workers believed that they had been deceived by agencies, labor service companies, or friends. Most workers obtained employment information through five main sources: relatives and friends, previously known bosses, labor dispatch companies, internet recruitment sites, and working in a domestic company with the same people. No matter which channel is used, however, there are cases in which the recruiter made false promises or concealed real information.

The most common practice is to conceal the identity of the actual employer in labor contracts and throughout the recruitment process. Intermediary companies are also guilty of promulgating false recruitment information and making false promises to the workers.

¹³⁴ 出島ニュース [Digima News]. “阪和興業、中国企業主導のインドネシア製造メーカーに出資 [Hanwa Kogyo Invests in an Indonesian Manufacturer Led by a Chinese Company].” 出島ニュース [Digima News], 11 Oct. 2016, www.digima-news.com/20161011_7870. ; 阪和興業株式会社 [Hanwa Kogyo Co.]. “株主の皆様へ（事業報告書） - 阪和興業株式会社 [to Our Shareholders (Business Report) - Hanwa Kogyo Co.].” Hanwa, www.hanwa.co.jp/ir/library/account.html. ; 网易. ““镍”暴涨背后的焦点：一文了解青山控股 [the Focus behind the “Nickel” Surge: An Article about Tsingshan Holdings].” www.163.com, 8 Mar. 2022, www.163.com/dy/article/H1UTB57Q0519QIKK.html. ; Annual report of PT IMIP 2016

Almost all the workers interviewed told CLW that their passports had been confiscated by the company on arrival in the name of unified management, and that their passports were not returned until they needed to renew their visas, or they were ready to leave Indonesia. Many workers have already accepted passport confiscation as a normal part of labor management. It was only when workers wanted to quit that they discovered the full impact the passport seizures had on their freedom: without identification documents, workers not only have no way to find other jobs, but also have difficulty contacting the local authorities and government agencies for help because they cannot prove their identity.

The data collected from the questionnaire also showed that 42 of the 52 people held a B211 visa—a type of visa for single entry only with a maximum allowable stay of 60 days.¹³⁵ According to the Indonesian Immigration Bureau, the B211 visa does not allow foreigners to engage in paid work in Indonesia, and as mentioned before, as the industrial plant was signed with the Indonesian state government as a part of their National Strategy Project to boost their economy, the companies in the factory plant were able to get an exemption from the Indonesian government to only apply for valid work permits after workers land in Indonesia, creating a possibility for abuse. In addition, since the process of applying for a visa is handled by the company in charge of the project, some workers do not know what kind of visa the company has issued for them.

In China, oral agreements are prevalent in the construction industry, and there is still no widespread awareness of the legal advantages to having a written contract signed by all parties. Interestingly, the responses to our questionnaire showed that only 12 of the 52 workers in Indonesia had not signed a labor contract, indicating that the majority of workers (77 percent) had. However, many workers reported that they signed the contract after boarding the plane, after they had paid the deposit, or after they had arrived in Indonesia. Signing a contract at such moments make it difficult for workers to opt out even if they find the terms of the contract unfavorable.

The dormitory for ordinary workers generally houses six to eight people in one room. Most of the skilled workers live in colored steel foam board houses or other temporary workers' dormitories, which sometimes leak when it rains. Workers have very little privacy and personal freedom, as they cannot leave the factory park without the permission of the leaders, and the living areas provide little personal space for each worker. During the hot summer in Indonesia, Chinese men on the construction site prefer to work shirtless, but they are fined CNY500 if they go shirtless in the dormitory area.

¹³⁵ “Single Entry Visa (B211),” Embassy of the Republic of Indonesia in Bratislava, The Slovak Republic, https://kemlu.go.id/bratislava/en/pages/visa_kunjungan_satu_kali_perjalanan_b211_/1229/etc-menu.

In terms of food, the management and workers have separate rations. Two workers reported to CLW that access to rice was unlimited, but meat and vegetables were strictly apportioned. A steel factory worker said: "I can only say that I won't die from starvation!"

He continued: "How else can I describe it? I can't describe the food on this construction site. I can only say that it maintains the most basic physiological functions of human beings."

Since the Civil Aviation Administration of China implemented its COVID-19 policy in March 2020, all international flights landing China were restricted: one airline company per country, one route per week, and one flight (the "Five-One Policy" 五个一政策).¹³⁶ The price of international flights to China has subsequently risen sharply. Direct flights that once cost CNY2,000 to CNY3,000 rose to more than CNY20,000. According to online sources that CLW has not independently verified, this has given rise to scalping by various traveling agencies: tickets were procured from airlines as soon as they were released, and subsequently sold for a presumably higher price. At this time, when many workers' work periods had ended and it was time for them to return to China, some companies in Tsingshan Industrial Park began to violate the company's promise to pay for air tickets, and asked workers to return to China at their own expense. This led to a five-day strike at the Weda Bay Industrial Park in May, 2020.¹³⁷ Among the reasons given for detention in the questionnaire, 32 of the 52 respondents said that "the air tickets are too expensive and there is no money to buy them" to explain why they had not left. Regardless of whether or not the company could afford the air ticket, the cost should not have been borne by the workers who went abroad to work and wanted to return home.

PT Virtue Dragon Nickel Industrial Park

PT Virtue Dragon Nickel Industrial Park's co-investors are a central state-owned enterprise called China First Heavy (中国一重集团) and Virtue Dragon. The Park has three main companies: PT Virtue Dragon Nickel Industry (PT VDNI) with investments from Virtue Dragon and China First Heavy; PT Obsidian Stainless Steel (PT OSS) with investments from Virtue Dragon and Xiamen Xiangyu Co., Ltd. (厦门象屿集团有限公司), and PT Gunbuster Nickel Industry (PT GNI, 印尼巨盾镍业) whose sole investor is Virtue Dragon.¹³⁸ Workers generally refer to these companies as "Delong", or "Virtue Dragon" (a transliteration of 德龙 is "Delong," while "Virtue Dragon" is a direct translation of each characters). Exploitative recruitment

¹³⁶ 五个一政策 "Five Ones" policy states that "one airline can only fly to one destination in one country, and only one flight per week." <https://www.voachinese.com/a/airlines-to-cut-international-flights-to-and-from-china-for-new-season-20211030/6292101.html>

¹³⁷ "Police arrest eight after violent protests at Indonesia's new nickel hub," REUTERS, May 3, 2020. <https://www.reuters.com/article/us-indonesia-nickel-protests-idUSKBN22F07G>

¹³⁸ 中印尼又一共建“一带一路”重点项目投产 “China-Indonesia collaboration on BRI key project” <https://www.chinanews.com.cn/gj/2021/12-13/9628827.shtml>

practices are also common at PT Virtue Dragon Nickel Industrial Park. PT Virtue Dragon Nickel Industrial Park appears to be officially affiliated with a labor dispatch company called Xiangshui Shenlong Foreign Cooperation of Labor Service Co. (响水神龙对外劳务合作有限公司).

However, many subcontractors, private bosses, labor agencies and individuals were found to be recruiting workers into factories within the industrial park. Despite the murkiness of the situation, what is clear is that under this factory plant, in which China's state capital is heavily invested, layers of subcontracting are taking place in the industrial park.

Because of the manifold outsourcing layers, some workers were not aware of who their actual bosses were. In addition, there were reports of false promises made by labor brokers. The migrant Chinese workers were particularly vulnerable to recruiters' false promises because, once they were abroad, they had very few options other than enduring the harsh conditions and backbreaking work. In addition, some of the recruitment information either deliberately concealed the difficulty workers would have in returning to China, avoided mentioning it altogether, or continued to claim that they could return to China after six months of service.

Passport seizure is also a common practice at PT Virtue Dragon Nickel Industrial Park. When employed domestically, workers are free to terminate the agreement when they find that the actual labor treatment is inconsistent with their commitments. However, when a worker's identity card or passport is confiscated by the employer, the employer can use it to practice forced labor.

Before going abroad, Mr. Xiao's employer promised to "pay one for one", that is, to pay his salary once a month after depositing the first month's salary. But for the four months he worked at PT Virtue Dragon Nickel Industrial Park, he was paid only one month's salary by the company, and the actual salary he collected was lower than what had been promised. Mr. Xiao went to the boss to negotiate: "I asked my boss to either make good on his promise, release me to do something else, or send me back to China. I don't even want my salary [I just want to go home]. But there was no way." His boss's response? "Getting you here costs me thousands [of renminbi]. If you just stop working like this, isn't my money all wasted?"

Of the 124 responses received from PT Virtue Dragon Nickel Industrial Park workers, only 47.6 percent said they hold work visas. More than half of workers are not on valid work visas: 33 percent hold B211 business visas which allow visitors to stay in Indonesia for 60 days, after which each application can be extended for 30 days, and the visa can be renewed four times meaning that the applicant can remain in the country for half a year.

About 30 percent of respondents had not signed a labor contract, some of them because they were in the habit of making oral agreements when they were working in China. Others fell into the 'trusting a friend' category. For example, an employee who did civil work for PT GNI said:

"I was introduced to Indonesia by an intermediary company that was referred by a friend, and I didn't sign any agreement. After all, it was introduced by a friend, so I trusted it. I also gave the agent CNY10,000, but I didn't get a receipt. I just gave the money to my friend and asked him to send it directly to the agent." More common than not signing a contract, however, is the confiscation of labor contracts by the company immediately after they are signed. In this way, workers are kept in the dark about the terms of their contracts, and about their rights. An employee who worked at the PT OSS said: "They won't let us take the contract when we sign it. If we signed it in Jiangsu, they took the contract away when we signed it. I remember that I secretly took a photo. It says how much my salary is, but there is no [official] stamp. It wasn't stamped until after we had signed it. [Without an official stamp] this is basically to handcuff us."

Workers reported being promised a nine-hour workday, which turned out to be nine and a half hours in reality. However, this was not the worst revelation: Many workers did not expect that these nine and a half hours would not include any rest time. Mr. W said: "No matter how much I work, it's never enough. The project always needs to be accelerated."

According to many investigative news reports, PT Virtue Dragon Nickel Industrial Park, like Tsingshan, practices closed management, prohibiting workers from entering and leaving freely. A worker from an OSS site said: "We have been in our factory area for a year and a half and have never been through the gate. Those who go out secretly [and are discovered] are fined thousands and thousands [of Chinese currencies] on the assessment list." The "assessment" here refers to various regulations and rules, violations of which result in wage deduction. For example, a worker reported that if he was 10 minutes late, he would be deducted an hour's wages. If someone dares to be half an hour late, the wages of half a day's work are deducted. Unlike "assessments," many wage deductions are unclear. For example, Mr. Wu said: "Deductions are taken from our salaries every month, sometimes CNY8,000 and sometimes CNY6,000. When we came here, we talked about payment and everything was clear. We can't communicate with them now. Originally, [we were told that] if we worked for 30 days, we would earn CNY15,000, but, in the end, sometimes we only received CNY400 or CNY350 per day." In addition to these deductions, wage arrears are also commonplace at PT Virtue Dragon Nickel Industrial Park, with workers reporting wages being withheld by their company for as many as three to four months.

Many workers reportedly realized that, at PT Virtue Dragon Nickel Industrial Park, there is no law or moral bottom line in place that protects workers' lives. A protest by the workers of the PT Virtue Dragon Nickel Industrial Park's outsourcing Jiangsu Tianmu Construction Group Company Ltd. (江苏天目建设集团有限公司) in September 2021 illustrates this. As one of the participants relates:

“A worker suffered a sudden heart attack, and his chest hurt so much that he asked his boss to send him to the hospital. The boss didn't do that, but told him to slow down and drink two bottles of Huoxiang Zhengqi water (Chinese traditional medicine commonly used for heat stroke). After two or three hours, [it was clear that] the person was dying, and needed to be sent to the hospital quickly. [But] the boss didn't send him. He said that the car was out and couldn't return at the moment, so he didn't call for a car. But the boss is in charge of six or seven hundred people in the factory plant and could have called the car back with one phone call, but he just did not. In the end, when the worker was about to die, the boss asked for the man to be carried out of the dormitory area, placed on a wooden plank outside, and covered with a piece of cloth—the man was put to death.”

From around July 2021 to the time of the writing of this report, at least eight deaths were reported by the workers in PT Virtue Dragon Nickel Industrial Park, with five appearing to have been suicides. A more detailed account of these incidents can be found in Appendix V.

Table 2. Summary of workers' deaths according to media and workers' accounts

July 28, 2021	A PT Virtue Dragon Nickel Industrial Park worker died at a local hospital due to illness. His family disputed the cause of death ¹³⁹
July, 2021	A worker committed suicide by jumping into a river
September, 2021	A worker committed suicide at a local inn
September, 2021	A worker died from cardiovascular disease
January 19, 2022	A worker died from work-related injury
May 22, 2022	A worker committed suicide by hanging
June 15, 2022	A worker committed suicide by hanging ¹⁴⁰

Before the COVID-19 pandemic, if the workers were unwilling to continue to endure the conditions, they could choose to return to China at their own expense. However, because of the COVID-19 prevention policies, the logistics of returning to China have become more complicated. The inflated price of airline tickets is only one of the problems.

As in other cases, workers at PT Virtue Dragon Nickel Industrial Park who wanted to return to China must follow certain procedures: First, they must first apply to their immediate superiors

¹³⁹ Nanxi Zhang, “印尼中国劳工实录：3个月至少3人自杀，护照被收走有人花7万元才回国,” 腾讯网, November 2, 2021, <https://new.qq.com/omn/20211101/20211101A06PEM00.html>.

¹⁴⁰ Ibid.

for permission to return to China, and their immediate superiors would relay this request to higher-ups at the PT Virtue Dragon Nickel Industrial Park. After obtaining the approval of the company, workers would take a battery of COVID-19 tests, including nucleic acid tests and antibody testing. Only after the workers “passed” the tests in the factory area would the company arrange for them to go to Jakarta. In Jakarta, they would be subjected to at least two or three other COVID-19 tests which would have to be paid for by the workers themselves at a cost of about IDR1.55 million (around CNY700 or US\$100). Sometimes, according to the constantly changing regulations, a CT scan might also be required. However, the process was marked by a lack of transparency: workers had no access to the medical report; they could only see the information as it had been recorded manually by someone from the company. This caused some workers to suspect that the company was tampering with the test results in order to control them.

Most of the workers who went to Indonesia to work in Chinese-funded metal smelting projects are men, but some were women . In addition to the labor rights and human rights violations experienced by the males, women also suffered gender-based exploitation and violence.

It was reported by both male and female workers at PT Virtue Dragon Nickel Industrial Park that it was very common for female workers to be asked to sleep with male leaders. Ms. Y, for example, told this story about a superior in the HR department: "He asked me to go to his place. I didn't go, and made a bunch of excuses not to. But then, when I wanted to go back to China, I had to rely on him to arrange these things. And because of my refusal I was quarantined here for several months.”

Response from the Chinese Embassy in Indonesia

Following several incidents involving overseas Chinese workers that had been reported by both local and international news channels, the Embassy of the People’s Republic of China in Jakarta issued statements and letters. These statements and letters can be found in the Document List. However, their response did not bring enough pressure to bear on the Chinese companies operating in Indonesia: the workers’ grievances persist.

Country Profile: The Democratic Republic of the Congo (DRC)

In the first half of 2020, bilateral trade between China and the DRC increased, achieving a total value of US\$3.11 billion. China's imports from the DRC reached US\$2.31 billion, and its exports to the DRC totaled US\$798 million. Among the 53 engineering projects that are under construction in the DRC by Chinese-funded enterprises, 32 of them involve roads, drinking water, electricity, and other infrastructure undertakings.¹⁴¹

The Labor Code of the Democratic Republic of the Congo was signed in 2002. Article 1 stipulates that the Labor Code applies to all workers and employers engaged in professional activities in the country. This includes foreign citizens. Article 2 also explicitly states that forced labor is prohibited.¹⁴²

Generally speaking, the labor law of the DRC has clearly formulated regulations to protect the rights and interests of laborers. However, due to perennial civil unrest, the absence of the rule of law, the stagnation of the domestic economy, corruption, fraud, and a lack of government supervision, the execution of laws and regulation is an issue.¹⁴³ Although the labor law clearly and expressly prohibits forced labor, the criminal law of the DRC does not regard it as a punishable crime, therefore forced labor is still common, and criminal proceedings against alleged instances are difficult. It is also worth noting that despite this report focusing on Chinese workers' experiences, egregious abuses including racism, violence, labor rights infringements, and the use of child labor among local workers in Chinese-owned companies have received coverage for years,¹⁴⁴ reflecting a persistent pattern of labor and human rights abuse inflicted by these Chinese companies.

¹⁴¹ Chris Devonshire-Ellis, 2021. "China's 2021 Progress Across The African Belt & Road Initiative." Silk Road Briefing.

<https://www.silkroadbriefing.com/news/2021/01/12/chinas-2021-progress-across-the-african-belt-road-initiative/>

¹⁴² Congo, Democratic Republic - 9.3-Labor Policies & Practices

<https://www.privacyshield.gov/article?id=Congo-Democratic-Republic-Labor-Policies-Practices#:~:text=The%20law%20prohibits%20discrimination%20in,%2C%20or%20HIV%2Dpositive%20status>

¹⁴³ SRK Consulting. *LABOUR and HUMAN RESOURCES PLAN WORKPLACE HEALTH and SAFETY PLAN COMMUNITY HEALTH and SAFETY PLAN for the KINGAMYAMBO MUSONOI TAILINGS PROJECT KATANGA PROVINCE DEMOCRATIC REPUBLIC of CONGO in Partnership With: SRK Consulting (Johannesburg, RSA)*. 2008.

https://www.humanitarianlibrary.org/sites/default/files/2013/07/Annexure_A_final.pdf

¹⁴⁴ See, for example, Thomas, David. "Workers Report "Colonial-Era" Abuse at Congolese Cobalt Mines." *African Business*, 9 Nov. 2021, <https://african.business/2021/11/energy-resources/workers-report-colonial-era-abuse-at-congolese-cobalt-mines/>; RAID. "THE ROAD to RUIN? Electric Vehicles and Workers' Rights Abuses at Congo's Industrial Cobalt Mines." RAID, 7 Nov. 2021.

https://www.raid-uk.org/sites/default/files/report_road_to_ruin_evs_cobalt_workers_nov_2021.pdf; Olander, Eric. "Chinese Mining Company in the DRC "Regrets" Recent Labor Abuse Case Involving Two Soldiers, but Doesn't Take Responsibility." *The China Global South Project*, 2 Aug. 2021, <https://chinaglobalsouth.com/2021/08/02/chinese-mining-company-in-the-drc-regrets-recent-labor-abuse-case-involving-two-soldiers-but-doesnt-take-responsibility/>; Business & Human Rights Resource Centre. "DRC: House

Kaipeng Mining Co. (凯鹏矿业)

Workers at Kaipeng Mining Co. reported that they had few livelihood options. They not only worked as hard, low-skilled laborers to support their families, but also lacked knowledge of business language and laws when they signed their contracts. All interviewees reported that they worked for more than 12 hours a day, which contradicted the oral agreements they had made that stipulated an eight-hour workday. One of the interviewees who worked the night shift was not provided any food for his shifts and, consequently, developed chronic issues with his stomach. Another reported that the company provided only noodles for dinner without a trace of protein. They could not even buy other food themselves due to the remote location of the factory plant but had to depend on meals that the company provided.

All workers signed a contract that promised a salary of CNY140,000 (around US\$20,000) per year plus an additional performance bonus. However, they never received the full wage, and were often fined according to the company's arbitrary appraisal system. One of the interviewees received around CNY10,000 (around US\$1,500), which was less than expected, and they only received CNY130,000 (around US\$19,400) for the entire year. The company also promised workers four days off per month and an annual to return to China. However, it turned out that neither of these were paid leave, and, in fact, none of the workers ever received tickets from the company to fly home. One of the interviewees reported that the company promised "first-class" food and accommodations. It wasn't until they arrived that they found out about the poor living conditions. One worker who signed on as a low voltage electrician was assigned to high voltage electric work, a high-risk job he was never trained to do, at the same pay rate.

All workers reported that their freedom of movement was restricted when they were in the industrial park. In addition, they could not easily leave their workplace. Some said that they had to report to their employers, who would assign guards to accompany them. Some also reported that they had to have other workers with them when they were allowed to leave the factory's premises. All interviewees also reported that their dormitory gate was locked at night. Workers could not open gates nor could they scale or circumvent the high walls surrounding their dormitories.

Hearing Investigates Accusations That China Is Exploiting Children in Africa in the Mining of Cobalt, Lithium and Various Rare Earth Minerals." *Business & Human Rights Resource Centre*, 1 Aug. 2022, www.business-humanrights.org/en/latest-news/drc-house-hearing-investigates-accusations-that-china-is-exploiting-children-in-africa-in-the-mining-of-cobalt-lithium-and-various-rare-earth-minerals/. ; Amnesty International. "Chinese Mining Industry Contributes to Abuses in Democratic Republic of the Congo." *Amnesty International*, 19 June 2013, www.amnesty.org/en/latest/news/2013/06/chinese-mining-industry-contributes-abuses-democratic-republic-congo/.

One of interviewees reported being assaulted by his employer because he complained about wages in the company's Wechat group. He was transferred to different positions and beaten, actions which were subsequently justified by statements claiming that he was not good enough in his original job.

Besides the appraisal system, the company deployed a militarized management style to regulate workers not only in terms of work performance, but also lifestyle. Workers' private lives were regulated down to the ways their blankets were folded and the way their clothes should be organized in their closets. Non-compliance resulted in fines and wage deductions. However, few were willing to reveal these issues since they did not want to get in trouble with the company. One of the workers who complained about his job was transferred to a different position he was not trained to do, with wages subsequently deducted without explanation. Accordingly, once a worker was targeted, they were secretly "blacklisted" by the company.

Around 200 Chinese workers, who CLW contacted mostly through questionnaires and social media, had their passports confiscated when they landed in DRC. They also reported wage withholding for at least a few weeks. One worker reported not receiving his wages for one month after quitting.

Workers have also experienced psychological violence. On top of the harsh appraisal system that deducts wages for minute violations, they also constantly experience verbal abuse from the management while working. This type of psychological violence appears to be a patterned disciplinary measure designed to keep workers at bay.

Excessive overtime was the norm here. Workers mostly had to work 12-hour shifts if they were assigned continuous day and night shifts, they had to work more than 12 hours. Before arriving at the worksite, workers were informed that they might have to work overtime for a bit; once they had arrived, however, they discovered that overtime is a constant that is not properly compensated as overtime hours.

Additional country profile: Cambodia

Sihanoukville, originally named Kampong Som, is a coastal city in Cambodia and the capital of the Preah Sihanouk Province. At the tip of a peninsula in the Gulf of Thailand, the city was once known as a tourist destination. In 2010, Cambodia signed an agreement with the Chinese government to jointly invest in the development of the Sihanoukville Special Economic Zone (SSEZ) in the city. With a total area of 11.13 Km², this economic zone was originally developed mainly for textile and garment, hardware and machinery industries.¹⁴⁵ It is the largest special economic zone in Cambodia. In 2016, China and Cambodia signed the “The Memorandum of Understanding between the People's Republic of China and the Kingdom of Cambodia on the Preparation of the Outline of Cooperation Plan for the Construction of the "Belt and Road" (中华人民共和国与柬埔寨王国共同推进“一带一路”建设合作规划纲要), officially marking Cambodia a participating country in the BRI.

Today, China is the largest investor in Cambodia,¹⁴⁶ and Sihanoukville is seen as a landmark of the BRI collaboration between China and Cambodia.¹⁴⁷ According to news sources,¹⁴⁸ Chinese investment in Cambodia has exceeded 12.5 billion USD. Indeed, China has invested in many large infrastructure projects in Cambodia. For example, in 2019, China's state-owned company, China Road and Bridge Corporation, invested over 2 billion USD building Cambodia's first highway connecting Cambodia's capital, Phnom Penh, and Sihanoukville.¹⁴⁹ China has also gifted Cambodia bridges, roads, and a national stadium that costs 150 million USD, all in the name of the BRI.¹⁵⁰

¹⁴⁵ “Brief Introduction,” SSEZ, <http://www.ssez.com/en/company.asp?lone=3>.

¹⁴⁶ “对外投资合作国别（地区）指南：柬埔寨 [Guide to Foreign Investment Cooperation Country (Region): Cambodia],” <http://www.mofcom.gov.cn/dl/gbdqzn/upload/jianpuzhai.pdf>.

¹⁴⁷ “柬埔寨西哈努克港经济特区 [Cambodia Sihanoukville Special Economic Zone],” Belt and Road, <https://beltandroad.hktdc.com/sc/sme-corner/industrial-park/cambodia-sihanoukville-special-economic-zone-ssez>.

¹⁴⁸ “熊波大使：中方不支持把西港打造成“中国城” [Ambassador Xiong Bo: China does not support turning Sihanoukville into a “China Town”,]” *Jianhua ribao*, February 8, 2018, <https://jianhuadaily.com/20180208/10421> ; “大使：中方不支持把柬埔寨西港打造成“中国城”或赌城 [Ambassador: China does not support turning Cambodia's Sihanoukville into a "China Town" or a gambling town],” *Sohu News*, February 9, 2018, https://www.sohu.com/a/221909248_115479 ;

¹⁴⁹ “金边-西港高速公路将于今年8月通车 [Phnom Penh-Sihanoukville Expressway to be opened in August this year],” *Jianzhong ribao*, January 14, 2022, <https://cc-times.com/posts/16741>.

¹⁵⁰ “一带一路大撒币 中国赠柬埔寨1.5亿美元体育馆 [China gives Cambodia \$150 million stadium for Belt and Road],” *Radio Taiwan International*, September 13, 2021, <https://www.rti.org.tw/news/view/id/2111198> ; “大使：中方不支持把柬埔寨西港打造成“中国城”或赌城 [Ambassador: China does not support turning Cambodia's Sihanoukville into a "China Town" or a gambling town],” *Sohu News*, February 9, 2018, https://www.sohu.com/a/221909248_115479

Sihanoukville is also among China's first overseas economic and trade cooperation zones created through bilateral government agreement. As a special economic zone, companies entering Sihanoukville enjoy an array of incentives under the Law on Investment of the Kingdom of Cambodia¹⁵¹ including waivers on export tax and import tax for crude material involved in production.¹⁵² Sihanoukville has therefore also attracted thousands of private Chinese investors.

Indeed, since the inauguration of China's BRI in 2013, the city has seen a large influx of Chinese immigrants.¹⁵³ In 2013, the number of Chinese nationals in Cambodia was around 80,000, a number that grew to 250,000 in 2019. During this period, various reports noted that Chinese investments and unchecked development had changed the city's character.¹⁵⁴ Other issues raised included ethnic conflicts, environmental pollution, crimes, and gentrification and the displacement of local and indigenous populations.¹⁵⁵

¹⁵¹ The Compendium of Cambodian Laws, *LAW ON THE INVESTMENT OF THE KINGDOM OF CAMBODIA*,

https://www.wto.org/english/thewto_e/acc_e/khm_e/wtacckhm3a3_leg_45.pdf.

¹⁵² “柬埔寨西哈努克港经济特区 [Cambodian Sihanoukville Special Economic Zone],” Belt and Road, <https://beltandroad.hktedc.com/sc/sme-corner/industrial-park/cambodia-sihanoukville-special-economic-zone-ssez>

¹⁵³ Sokvy Rim, “The Social Costs of Chinese Transnational Crime in Sihanoukville,” *The Diplomat*, July 5, 2022, <https://thediplomat.com/2022/07/the-social-costs-of-chinese-transnational-crime-in-sihanoukville/>

¹⁵⁴ Sim Vireak, “Sihanoukville: A Cambodian City Losing Its ‘Cambodian-ness’,” *The Diplomat*, April 20, 2019, <https://thediplomat.com/2019/04/sihanoukville-a-cambodian-city-losing-its-cambodian-ness/>;

¹⁵⁵ “龙之所及：柬埔寨西哈努克港俨然成为中国城市 [Where the dragon goes: Sihanoukville, Cambodia nearly becomes a Chinese city],” *Voice of America*, October 12, 2019, <https://www.voachinese.com/a/china-cambodia-sihanoukville-20191011/5120370.html> ; “人权观察：柬埔寨一带一路水坝造成“人权灾难” [Human Rights Watch: Cambodia's Belt and Road Dam Causes “Human Rights Disaster”],” *Deutsche Welle*, November 8, 2021, <https://www.dw.com/zh/%E4%BA%BA%E6%9D%83%E8%A7%82%E5%AF%9F%E6%9F%AC%E5%9F%94%E5%AF%A8%E4%B8%80%E5%B8%A6%E4%B8%80%E8%B7%AF%E6%B0%B4%E5%9D%9D%E9%80%A0%E6%88%90%E4%BA%BA%E6%9D%83%E7%81%BE%E9%9A%BE/a-58827698> ; “域外观察：中国资金催生柬埔寨赌博淘金热 [Overseas observation: Chinese money gives rise to gambling gold rush in Cambodia],” *BBC News*, September 18, 2018, <https://www.bbc.com/zhongwen/simp/world-45547735> ; Louis, “柬埔寨隨記：西港的眼淚 [Cambodia Memoirs: Tears of Sihanoukville],” April 21, 2018, <https://louisiskiller.wordpress.com/2018/04/21/%E6%9F%AC%E5%9F%94%E5%AF%A8%E9%9A%A8%E8%A8%98-%E8%A5%BF%E6%B8%AF%E7%9A%84%E7%9C%BC%E6%B7%9A/> ; “「如果中國朋友能更為我們著想，我們是很歡迎的……」——西港「中資湧入潮」背後，當地居民的眼淚 [“We would welcome it if our Chinese friends would think more of us...” - Tears of local residents behind the "influx of Chinese capital" in Sihanoukville],” *Crossing*, May 23, 2018, <https://crossing.cw.com.tw/article/9995> ; “桑田沧海：一个中国“一带一路”项目对柬埔寨的人权影响 [Underwater: Human Rights Impacts of a China Belt and Road Project in Cambodia],” *Business & Human Rights Resource Center*, August 10, 2021, <https://www.business-humanrights.org/zh-hans/%E6%9C%80%E6%96%B0%E6%B6%88%E6%81%AF/%E6%A1%91%E7%94%B0%E6%B2%A7%E6%B5%B7%E4%B8%80%E4%B8%AA%E4%B8%AD%E5%9B%BD%E4%B8%80%E5%B8%A6%E4%B8%80%E8%B7%AF%E9%A1%B9%E7%9B%AE%E5%AF%B9%E6%9F%AC%E5%9F%94%E5%AF%A8%E7%9A%84%E4%BA%BA%E6%9D%83%E5%BD%B1%E5%93%8D/>

Moreover, most of the Chinese investment, according to various reports,¹⁵⁶ was concentrated in real estate development and the gambling industry. Despite gambling being illegal both in China and in Cambodia, Chinese investors took advantage of the lax rule of law in Cambodia to run an array of on- and off-line gambling rings, extracting massive amounts of profit. Reportedly, the rise of the gambling industry in Sihanoukville has been accompanied by an increasing number of crimes, violent and otherwise, and increased gang activity.

The trafficking of Chinese individuals into Cambodian scam rings has been an issue since the inauguration of the economic zone. The situation even captured the Chinese diplomatic mission's attention, as it issued warnings to Chinese citizens in Cambodia to "[s]tay away from online gambling and wire fraud syndicates" [远离网赌电诈集团].¹⁵⁷ Bo Xiong, Chinese Ambassador to Cambodia, addressed this in 2018, claiming that China will not stand behind Sihanoukville turning into a "Chinatown" or a gambling city. In the same speech, he added that some (Chinese) individuals of low morals engaged in illicit activities abroad, including participation in illegal gambling and telecommunication fraud, and drunk and disorderly conduct. According to Xiong, China supports Cambodian officials' legal actions against these Chinese nationals, and is expressly opposed to "...Chinese citizens [going] abroad to participate in gambling, and the development of a gambling industry that specifically targets Chinese people." He also called on "...all Chinese citizens coming to Cambodia to be clean and stay away from gambling."¹⁵⁸ Despite the fact that gambling appeared to have presented a larger problem for the Chinese officials, fraud activities and human trafficking have long already been underlying issues, and are also alluded to in Xiong's statement.

The Chinese diplomatic mission's attitude toward gambling resonated with the Cambodian officials, as evidenced in the joint policy and executive decision to crack down on gambling activities in Cambodia. In 2019, the Chinese and Cambodian officials engaged in a joint law enforcement mission to squelch trans-national crime.¹⁵⁹ The Cambodian government also

¹⁵⁶For example, "龙之所及: 柬埔寨西哈努克港俨然成为中国城市 [Where the dragon goes: Sihanoukville, Cambodia nearly becomes a Chinese city]," *Voice of America*, October 12, 2019, <https://www.voachinese.com/a/china-cambodia-sihanoukville-20191011/5120370.html>

¹⁵⁷"领事提醒 | 中国驻柬埔寨大使馆再次提醒在柬中国公民远离网赌电诈集团 [Consular Reminder | The Chinese Embassy in Cambodia once again reminds Chinese citizens in Cambodia to stay away from online gambling and wire fraud syndicates]," Embassy of The People's Republic of China in the Kingdom of Cambodia, http://kh.china-embassy.gov.cn/tzgg/202207/t20220713_10719172.htm ; "提醒在柬埔寨中国公民远离网络赌博、电信诈骗 [Remind Chinese citizens in Cambodia to stay away from online gambling and wire fraud]," https://www.mfa.gov.cn/wjbzfwfpt/kzx/tzgg/202207/t20220704_10714963.html

¹⁵⁸ "大使：中方不支持把柬埔寨西港打造成“中国城”或赌城 [Ambassador: China does not support turning Cambodia's Sihanoukville into a "China Town" or a gambling town]," *Sohu News*, February 9, 2018, https://www.sohu.com/a/221909248_115479

¹⁵⁹"China, Cambodia launch Year of Law Enforcement Cooperation," The State Council, March 30, 2019, http://english.www.gov.cn/state_council/state_councilors/2019/03/30/content_281476586632778.htm ; "China,

announced that no online gambling permits would be issued past January of 2020.¹⁶⁰ This joint action, however, did not shake the core of the illegal scam businesses operating in Cambodia. Meanwhile, China's real estate developers experienced a huge downturn, leading to hundreds of unfinished construction sites within China, a scene that was extended to Sihanoukville. More than 200,000 Chinese left Sihanoukville as the market there continued its slump. Cyber scamming operations, then, gradually replaced the Chinese-run casinos.

This shift in the local economic ecosystem, combined with the economic and policy impact of the COVID-19 pandemic, has also had a huge impact. On the one hand, the number of Chinese nationals crossing the border into Cambodia dwindled due to China's strict border restrictions; on the other, young people from other Asian countries were pushed to leave their country in search of work due to the COVID-induced job market depression. These, combined with the pull of Cambodian scam operations, which, also due to the pandemic, expanded their victim pool to individuals outside of China, has led to an evolving situation involving thousands of victims, with new victims from different countries reported almost daily.

The cyber-scam problem in Cambodia runs deep. According to media sources, Sihanoukville is not the only destination for those wishing to run online casinos and scamming operations in Cambodia. Dozens of these online operations are scattered all over Cambodia, mostly operating along the border of Thailand and Laos, where thousands of victims from East and Southeast Asian countries are put into work.¹⁶¹ Inside these scamming rings, victims' personal identification documents are confiscated, their freedom restricted, and worse, if victims refuse "work" or perform poorly, they could be locked up, beaten, electrocuted, or even sexually assaulted, and "resold" to other scam operations.

Victims are generally led into the scam operations through deception. Smugglers, colloquially referred to as "snakeheads" (蛇头), attract victims by presenting lucrative businesses

Cambodia Mark Successful Law Enforcement Cooperation," *Voice of America*, October 18, 2019, <https://www.voacambodia.com/a/china-Cambodia-mark-successful-law-enforcement-cooperation/5128307.html>

¹⁶⁰ Mei Yang, "柬埔寨西港：中国犯罪集团的乐园 [Sihanoukville, Cambodia: A paradise for Chinese crime syndicates]," *Radio France Internationale*, January 17, 2022, <https://www.rfi.fr/cn/%E4%B8%AD%E5%9B%BD/20220117-%E6%9F%AC%E5%9F%94%E5%AF%A8%E8%A5%BF%E6%B8%AF-%E4%B8%AD%E5%9B%BD%E7%8A%AF%E7%BD%AA%E9%9B%86%E5%9B%A2%E7%9A%84%E4%B9%90%E5%9B%AD> ; "The Banning Of Gambling In Cambodia: How will Cambodia's Gambling Ban Affect the Country's Economy?," *California Business Journal*, September 30, 2022, [https://calbizjournal.com/the-banning-of-gambling-in-cambodia/#:~:text=Cambodian%20Prime%20Minister%20Hun%20Sen,have%20been%20done%20away%20with.](https://calbizjournal.com/the-banning-of-gambling-in-cambodia/#:~:text=Cambodian%20Prime%20Minister%20Hun%20Sen,have%20been%20done%20away%20with.;); "Thousands lose jobs, casinos shut as Cambodia bans online gambling," *REUTERS*, December 31, 2019, <https://www.reuters.com/article/us-cambodia-gambling-idUSKBN1YZ003>

¹⁶¹ Par Brice Pedroletti, "Cambodge : à Sihanoukville, les « cités interdites » du crime organisé chinois," *Le Monde*, January 14, 2022, https://www.lemonde.fr/international/article/2022/01/14/cambodge-a-sihanoukville-les-cites-interdites-du-crime-organise-chinois_6109512_3210.html

opportunities, job openings, or even cheap or free trips abroad. The trafficking scams vary and have been updated and innovated regularly to evade law enforcement. For example, Mr. Tong, a worker in contact with CLW was “sold” to a scam compound in Sihanoukville because his friend offered him a good job opportunity in Cambodia, which turned out to be a trafficking scam. Another worker, Mr. Qiao’s situation was different. He told CLW that he worked in a third country, but when it was time for him to return to China, he found that the airfare for returning tickets was extremely expensive due to the country’s COVID restrictions. An intermediary selling tickets informed Mr. Qiao that if he got a ticket to Thailand through them, he would be able to get a cheaper ticket back to China. Mr. Qiao complied. However, after he landed, the intermediary told him to travel instead to Cambodia because the Thai tickets were sold out. Desperate to go home, Mr. Qiao complied again, and was then “sold” to a scam compound.

After the victims’ arrival in Cambodia, their passports were usually confiscated immediately, and the victims were sent to the scam compounds where dozens, or more, scam operations are active.

Reportedly, the “snakeheads” sold victims to the scam operations for a price of around 10,000 to 30,000 USD per person. This money, in turn, became a means for the scam operations to control their victims: victims were asked to pay back what they cost their “bosses” before they could leave. The scam operations were usually divided into a scam department and a personnel department, with the scam department responsible for scamming money and the personnel department responsible for scamming people. Many were reportedly forced to ask their families for money, engage in the cyber scam, or scam others—usually their friends and families—to come to Cambodia and thus bring in more trafficking victims, in order to repay the “bosses.”¹⁶² Uncooperative victims and those whose involvement was found to be less than lucrative could be “resold” to another scam operation for a higher price, increasing the burden on the victim. Reportedly, these scam compounds were also security-intensive, with security cameras and hired guards always present.

In these scam operations, victims were in constant fear of physical assault, rape, mounting debt, being bought and sold, untimely death, etc. Some social media accounts also published videos sent to victims’ families as a means of extortion, although CLW has not been able to independently verify the truth of the matter. Moreover, with no legal documentation and no language skills, and under constant fear, victims had little option but to participate in various scams. The mental toll it takes to transition from a trafficking victim to a cyber scam accomplice is another issue, especially when some feel compelled to scam their friends and family in order

¹⁶² Yingyu Chen, “「是台灣人賣了台灣人」——逃離柬埔寨詐騙園區，人口販運倖存者的自白 [“It’s the Taiwanese who sell the Taiwanese” - Confessions of a human trafficking survivor who escaped from a Cambodian fraud camp],” The Reporter, August 9, 2022, <https://www.twreporter.org/a/cambodia-taiwanese-human-trafficking-survivors>

to get out of the situation. Some, reportedly, also feared criminal repercussions when and if they got out.

This fear, as it turns out, might not be unwarranted. According to an official Chinese source,¹⁶³ in 2019, collaboration between Cambodian and Chinese police led to close to a thousand arrests, with most appearing to involve in gambling and cyber-scams. According to the Chinese Ministry of Public Security, in 2021, some 19,000 individuals were arrested after returning to China for scamming and fraud allegations.¹⁶⁴ Similar issues exist in Cambodia too. Baorong Chen, an activist in the Cambodia-China Charity Team who helped rescue a couple hundred of trafficked victims from Cambodian scam compounds, was sentenced to two years in prison at the Preah Sihanouk Provincial Court with incitement to discriminate, false declaration, unlawful interference in the discharge of public functions, and unlawful use of a certificate of profession.¹⁶⁵ These sentences were reportedly tied to his publication of a story about a scam operation allegedly harvesting a detained worker's blood. The Chinese and Cambodian officials' actions against individuals involved in cyber scams regardless of their status as victims of human trafficking have further narrowed their options.

If the victims of the scam compounds in Sihanoukville and beyond are to be rescued on a large scale, the Cambodian and Chinese officials will have to pursue remedial actions, not only to systematically rescue and repatriate the victims, but to reduce or exempt the victims from criminal liability for engaging in fraud, human trafficking, and other crimes while trafficked and coerced. Moreover, the Cambodian government's inaction is a critical foundation to the very prevalence of these scam compounds, and there is thus a need to not just rescue the victims, but to address the root causes.

When the economic cooperation between China and Cambodia was first initiated, the situation in Sihanoukville was similar to the conditions seen in other BRI participating countries and detailed earlier in this report: mainlanders were introduced to Cambodia by intermediaries/labor brokers who generally asked the jobseekers for a deposit upfront. These jobseekers had their passports confiscated upon arrival, thus robbing them of freedom of movement and freedom to change jobs. If workers did not want to work anymore, they usually needed to compensate their company for "damages" that the companies claimed—usually a few thousand dollars—before they could go home. Markers of human trafficking are present in these situations, albeit less blatant.

¹⁶³ “中柬警方联手捣毁多个网络赌博和电信诈骗窝点 抓获嫌疑人近千名,” The State Council The People's Republic of China, September 20, 2019, http://www.gov.cn/xinwen/2019-09/20/content_5431733.htm

¹⁶⁴ “中国发布 | 挤压缅北诈骗犯罪空间！公安部：今年已拦截偷渡缅北人员1.8万人,” *China Release*, September 17, 2021, http://news.china.com.cn/2021-09/17/content_77760124.html

¹⁶⁵ Mech Dara, “Wife Says Trafficking Rescuer Sentenced to Two Years in Prison.” VOD News, August 30, 2022. <https://vodenglish.news/wife-says-trafficking-rescuer-sentenced-to-two-years-in-prison/>

These issues are common in other BRI participating countries aside from Cambodia, as this report details. However, Cambodia's unregulated and economically depressed environment has fostered this unique criminal underworld wherein human trafficking and other crimes have replaced casinos and infrastructure and real estate construction, and to become the main source of profit. Human trafficking and scam have thus matured into an industry in Sihanoukville, with victims from Taiwan as well as other Asian countries.

CLW makes no claims that the human trafficking and other crimes happening in scam syndicates in Sihanoukville are in any way affiliated with, related to, or participated in by the China state or the BRI. However, ultimately, as mentioned earlier, because Sihanoukville is an economic zone created between China and Cambodia under the BRI, and because the city has since seen heavy Chinese investment, the Chinese and Cambodian officials bear irrefutable responsibility in Sihanoukville's human trafficking and scams seen the world. And this is also why CLW has included the conditions in Cambodia as a special case in this report. The Cambodian officials, evidently, need to strengthen the country's rule of law and hold the culprits of transnational human trafficking crimes criminally responsible, in addition to rescuing the victims; China's poor standards and lack of a mature regulatory and accountability system for their own investment projects abroad, and the officials lack of legal actions taken against companies that use different means to control the personal freedom of their workers, are also culpable.

Additional country report: Singapore

In May, 2017, Singapore and China signed “the Memorandum of Understanding between the Government of the People's Republic of China and the Government of the Republic of Singapore on Jointly Promoting the Construction of the Belt and Road Initiative” [中华人民共和国政府与新加坡共和国政府关于共同推进“一带一路”建设的谅解备忘录].¹⁶⁶ In 2018, China and Singapore signed a joint statement confirming that “...cooperation along the Belt and Road is a new highlight of China-Singapore relations.”¹⁶⁷ According to the fifth article of the statement, the two countries will continue to strengthen cooperation in connectivity, financial support, tripartite cooperation, and cooperation in the new key field of law and justice under the BRI framework.

Among BRI participating countries, Singapore is considered one of China's important trade partners, acting as an intermediary for infrastructure assessment, arbitration, investment and financing for BRI projects.¹⁶⁸ In 2020, China's direct investment in Singapore was US\$5.92 billion; and as of the end of 2020, the stock value of China's direct investment in Singapore reached US\$59.86 billion. Chinese investment accounts for a relatively large proportion of foreign investment in Singapore, including construction, trade, and real estate. And there are about 8,500 Chinese-funded enterprises in Singapore.¹⁶⁹ According to Zhong Manying, Economic & Commercial Minister Counselor in the Chinese Embassy in Singapore, in 2021, Chinese investment in Singapore accounted for 35 percent of China's total investment in countries participating in the BRI. The bilateral trade accounted for 7 percent of the total trade between China and BRI countries, and Singapore is also China's largest trade partner among the countries along the BRI route.”¹⁷⁰

¹⁶⁶ “中新关系简况 [A brief overview of Sino-Singapore relations],” Embassy of the People's Republic of China in the Republic of Singapore, [/web/20220913161305/http://sg.china-embassy.gov.cn/zxgx/zxgxgk/200909/t20090905_2021721.htm](http://web/20220913161305/http://sg.china-embassy.gov.cn/zxgx/zxgxgk/200909/t20090905_2021721.htm)

¹⁶⁷ “Joint statement between Chinese, Singaporean governments,” Chinalawinfo Database, November 14, 2018, <https://lawinfochina.com/display.aspx?id=7851&lib=tax&SearchKeyword=&SearchCKeyword=>; “中华人民共和国和新加坡共和国政府联合声明,” The State Council The People's Republic of China, http://www.gov.cn/xinwen/2018-11/15/content_5340507.htm; Bentian Cai, “中新“一带一路”合作前景广阔 [China-Singapore "One Belt, One Road" cooperation has broad prospects],” china.org.cn, October 20, 2020, http://ydy1.china.com.cn/2020-10/12/content_76796354.htm

¹⁶⁸ Zhenwei Xu, ““一带一路”上的新加坡：中企投资世界的新跳板 [Singapore on the Belt and Road: A New Springboard for Chinese Companies to Invest in the World],” Xinhua Silk Road, October 17, 2018, <https://www.imsilkroad.com/news/p/114985.html>

¹⁶⁹ “2022年1-6月我对“一带一路”沿线国家投资合作情况,” Ministry of Commerce of the People's Republic of China, August 1, 2022, <http://hzs.mofcom.gov.cn/article/date/202208/20220803337573.shtml>

¹⁷⁰ “中新“一带一路”合作情况,” Ministry of Commerce of the People's Republic of China, October 24, 2018, <https://web.archive.org/web/20211221151511/http://sg.mofcom.gov.cn/article/ztjx/zxhzqk/201810/20181002799146.shtml>

According to publicly available information, China and Singapore have no infrastructure projects under formal contract with the BRI. Despite not being a primary direct beneficiary of Chinese infrastructure development projects and direct investments, Singapore, as a global financial hub, plays a significant role in facilitating Chinese projects in other BRI countries. Reportedly, approximately 60 percent of infrastructure projects in Southeast Asia have obtained financial and advisory services from Singapore-based institutions.¹⁷¹ Moreover, Singaporean firms and Chinese firms also forged partnerships to engage in joint projects.

The cooperation between the city state and China ran deep even prior to the inauguration of the BRI. As early as in the 1990s, Singapore and China engaged in government-to-government projects including the Suzhou Industrial Park, a project which was later included in the Joint Council for Bilateral Cooperation (JCBC), a group formed by collaborative councils focusing on investment and economic activities in many Chinese cities, including Suzhou, Tianjin, Guangzhou, and Shanghai. All councils are co-chaired by politicians from the two states. JCBC included eight bilateral cooperation councils, and several other large-scale project initiatives. While several of these councils were formed before the BRI, JCBC has become an institutional mechanism for Singapore's engagement with the BRI,¹⁷² wherein the JCBC monitors Chinese firms and assists them in the internationalization of their operations. In addition, Infrastructure Asia, established in 2018, has also become a facilitating entity for many BRI projects. This government agency, set up by Enterprise Singapore and the Monetary Authority of Singapore, serves to operationalize large infrastructure projects. Infrastructure Asia has also facilitated the formation of the China-Singapore Co-Investment Platform, a co-investment platform focused on investing in greenfield infrastructure projects in Southeast Asia.¹⁷³

Aside from the large-scale government-to-government infrastructure projects and investments, Chinese construction companies have also contracted infrastructure projects in Singapore on a smaller scale, taking advantage of the cheap labor from China. Chinese-owned firms have gradually come to play a key role in exporting labor to Singapore's low-skilled, labor intensive economic sectors. Today, there are about 30 Chinese-owned construction companies in Singapore. Since 2013, Chinese companies have won the most bids for new subway construction projects. In 2017, the biggest real estate developers and public housing construction contractors in Singapore were all Chinese companies. And in 2020 alone, Chinese enterprises signed US\$4.78 billion in 70 new contracts for construction projects in Singapore.

¹⁷¹ Hong Liu, Xin Fan, and Guanie Lim, "Singapore Engages The Belt and Road Initiative: Perceptions, Policies, and Institutions," *The Singapore Economic Review* 66, no. 1 (2021): 219-241. <https://www.worldscientific.com/doi/10.1142/S0217590820410015>.

¹⁷² Ibid

¹⁷³ Ibid

After Japan, Singapore is China's second largest foreign labor dispatch destination. According to figures from the Ministry of Commerce, China sent 36,531 laborers to Singapore in 2019. In 2020, the number was 16,792. By the end of 2020, combined with workers already in Singapore, there were 43,580 Chinese laborers there¹⁷⁴. This figure, however, 1) does not include Chinese nationals who came to Singapore voluntarily, rather than through labor brokers (and according to the report, there are in fact as many as 150,000 Chinese laborers in Singapore, accounting for about 10% of the total number of foreign laborers in Singapore) and ; 2) the statistics do not include the number of workers arrive in Singapore from another country, such as Malaysia. Migrant Chinese workers generally navigate toward to labor intensive sectors such as construction, manufacturing, dining, and transportation. As a country along the BRI route, Singapore has no doubt been involved in China's economic-centered BRI framework. Moreover, even officials from China's diplomatic missions in Singapore seem to believe that certain state-owned enterprises (SOEs) operating in Singapore are a part of the BRI, and he encourage said companies to further their effort in building the BRI.¹⁷⁵ This is why CLW has included testimonies from workers working in one of these Chinese SOEs as special, additional case in this report.

Between 2020 and 2022, CLW spoke with some Chinese workers in Singapore; most of these workers work in construction. Our interviews mainly concentrated on 1) Singapore's strict COVID rules locking down migrant worker dormitories; 2) circumstances when said rule was relaxed in 2022. Overall, there were long standing violations of migrant workers' rights. The most common issues Chinese migrant workers have faced in Singapore are the confiscation of passports and/or other identity documents, abusive working and living conditions, and restriction of personal freedom, all of which have been exacerbated by the COVID-19 pandemic and its consequences. The workers interviewed for this report were working at a company that, at a meeting in 2021, a former Chinese ambassador met with and encouraged to "contribute to the new developmental strategy through active participation in the BRI".¹⁷⁶

¹⁷⁴ Ministry of Commerce, 2021, Foreign Investment Cooperation Guide- Singapore, <http://www.mofcom.gov.cn/dl/gbdqzn/upload/xinjiapo.pdf>

¹⁷⁵ “洪小勇大使与在新中资建筑企业负责人开展视频交流 [Ambassador Hong Xiaoyong conducted a video communication with the leaders of Chinese construction enterprises in Singapore],” Embassy of the People's Republic of China in the Republic of Singapore, December 24, 2021, http://sg.china-embassy.gov.cn/sgsd/202112/t20211224_10475464.htm; Ministry of Foreign Affairs of the People's Republic of China. “驻新加坡大使洪小勇考察中建南洋项目工地并进行安全巡视和慰问活动[Ambassador to Singapore Hong Xiaoyong Inspected the Construction Site of CSCN Project and Conducted Safety Inspection].” *Ministry of Foreign Affairs of the People's Republic of China*, 4 May 2018, www.fmprc.gov.cn/web/gjhdq_676201/gj_676203/yz_676205/1206_677076/1206x2_677096/201805/t20180504_9305896.shtml.

¹⁷⁶ Ibid

These workers generally access job information through social media, job websites, direct contact with employment agencies, and through friends, relatives, or previous employers or bosses. Because the protections and basic labor standards applied to domestic workers are also applicable to migrant workers, abuses appear to be less rampant compared with conditions in other countries. However, similar issues as those workers face in other countries still apply to workers in Singapore, as employers use loopholes and legal oversights to abuse workers.

The first issue is the amount of money workers must cover out of pocket in order to work in Singapore. These expenses put many workers in debt, and forced them to accept harsh working conditions. Some workers arrived in Singapore only to realize that the actual working and living conditions differ from what had been promised by the labor brokers. One worker we were in contact with, for example, felt deceived, but hesitated to defend his rights because he had borrowed the money to he needed work in Singapore.

CLW sent an investigator to apply for work in Singapore, and found that the fees involved for a worker to work in Singapore—from job application to arriving in Singapore to work—was around CNY60,000 (around US\$8,400). Assuming that a worker's hourly wage is CNY35, without overtime, this worker will need to work for more than 10 months to pay off this “debt.”

Wage withholding is also an issue in Singapore, despite its clear violation of the local labor regulations. For example, a worker who came to Singapore for a SOE contracted project in March 2022 told us that he did not pay the labor broker; instead, the broker withheld two months of his wage. His passport was also confiscated by his employer.

A job posting on Wechat, a Chinese social media outlet

新加坡炼化厂项目招聘(可办护照)

新加坡炼化一体化(CRISP)项目位于风光秀丽的新加坡新嘉坡。我单位负责本项目部分标段的结构、设备、管道等安装工作。工期两年半(计划2022年9月—10月的招工计划, 现面向社会招聘工程建设项目, 共招团队100人)

一、基本条件

各工种年龄20-48周岁之间, 身体健康无重大疾病, 无犯罪记录工作认真负责, 乐观积极向上服从安排, 有大局观念 能吃苦耐劳, 善于团队合作; 技术过硬, 精益求精, 善于学习, 持续进步。

二、招聘岗位、薪酬待遇及岗位要求:

序号 工种 人数 月薪(RMB元/天)

1. 普工 (25名) 工资 665

2. 管带(燃气管) 焊工 (20名) : 工资700—750

3. 焊工 (10名) 工资665

4. 起重工 工资660 另增加5名, 有海外工作经历者优先(待遇)

6. 技术员 面议

7. 管道结构队长 工资面议

说明:

1 本项目月薪每月工作26天(2月份除外), 每天工作10小时 公司提供免费吃住, 工作津贴, 个人劳保。

3 以上工资包含加班补贴, 生活营地环境优美, 餐饮洗浴一应俱全, 让您工作无忧; 2 上岗后公司统一购买相关工伤及医疗保险。

4 实行绩效考核制度, 能者多劳, 多劳多得, 具体奖励制度根据现场实际情况制定。

三、薪酬发放及补贴

1 以人民币形式国内发放, 国外可发放少量生活费(港币)。

2 工资按月发放, 回国时结清所有工资。

3 出国前正式工种的等待期(如有)按300元人民币/天执行, 遇法定节假日不计算。

4 出国后的路费(如有)按300元人民币/天执行, 遇法定节假日不计算。

四、其他:

1 报名人员的护照有效期必须在2年以上; 公司可以协助办理和更新事宜。

2 焊工需经过业主确认的技能考核, 其他工种如果之前有石化海外工作经历, 经过核实确认后, 可免考, 所有人员都要在出发前接受公共安全和培训入场培训。

3 按照新加坡项目用工合同, 缴纳个人保证金3000元人民币/人, 第一次工资发放时退还。

4 项目自开工至乙方连续工作满1年期间的, 公司实行逐月逐月补贴, 补贴标准为(从第13个月开始计算, 每天补贴20元, 直至下月, 逐月补贴, 每半年发放一次, 即第19个月发放第13-18个月的逐月逐月补贴, 第25个月发放19-24个月的逐月逐月补贴, 以此类推)。

5、国内包括(含)国内考试的旅费(机票、火车票)及国内出发到机场的)费用自理, 公司直招, 考试时间8月22号前正式开考, 本项目特点, 上快, 签证快, 入境快, 本月考试名单已公示。

6、可协助办理护照, 不另外收取护照费用。

Singapore refinery project is hiring
(Can assist in passport application)
Posted in September in WeChat

First month's salary is to be withheld, and the salary of the following months are to be paid monthly. All the salaries will be settled before workers' return to China.

A deposit of 3,000 RMB per person is required, and shall be returned at the time of the first salary payment.

Some workers also informed CLW that they, on average, work from 10 to 11 hours per day. This is also written in a job advertisement, despite its clear violation of Singaporean labor regulations.

出勤至少保证在10小时/天，28天/月

“Work at least 10 hours per day, 28 days per month”.

工资标准：第一年，薪资9新币/小时（旷工或有不良表现者，工资按薪资8新币/小时）；第二年，薪资10新币/小时（旷工或有不良表现者，工资按薪资9新币/小时）。每天工作11个小时左右。

“Salary standard: first year, 9 SGD/hr, second year (For those who has absenteeism or poor performance, the rate is 8 SGD/hr), 10 SGD/hr (For those who has absenteeism or poor performance, the rate is 9 SGD/hr). Around 11 hours per day.”

Job postings showcasing long working hours¹⁷⁷

The Impact of the COVID-19 Pandemic on Chinese Workers in Singapore

Most “low-skilled” overseas Chinese migrant workers in Singapore live in packed foreign worker dormitories. When the COVID outbreak started in Singapore, foreign migrant workers living in overcrowded dormitories contributed to a majority of COVID cases during its peak.¹⁷⁸ According to Reuters, for example, by September 2020, nearly 95 percent of the more than 57,000 COVID-19 infections in Singapore occurred in foreign migrant workers living in overcrowded dormitories.¹⁷⁹ According to Lianhe Zaobao, the 396 newly documented cases of COVID-19 in Singapore on August 1, 2020 included 390 migrant workers living in such dormitories. The total infection rate among migrant workers in dormitories exceeded 15%, meaning that about one in 6.5 migrant workers in dormitories had been infected. As of September 21, 2021, the COVID-19 infection rate reached 16.82% among migrant worker dorm

¹⁷⁷ On the left, recruitment ad for a project contracted by China Harbour Engineering Company in Singapore: https://www.gilw.cn/job/FullDetail_280?uid=; On the right, recruitment ad for an unspecified construction project in Singapore: <https://mp.weixin.qq.com/s/f4bz3uOAK9EXyhqCsk-iSA>

¹⁷⁸ Koh DMigrant (2020). “Workers and COVID-19.” *Occupational and Environmental Medicine*, 77:634-636.

¹⁷⁹ “Why is Singapore’s COVID-19 death rate the world’s lowest,” Reuters, September 17, 2020, <https://www.reuters.com/article/health-coronavirus-singapore-explainer-idUSKBN2680TF> (accessed May 13, 2022)

residents, a rate that was more than 400 times higher than that in the general Singaporean population.¹⁸⁰

As many as 12 to 20 workers lived together in each room of the foreign labor dormitories. This, naturally, exacerbated the problem. Reportedly, workers also often shared bathrooms and showers, and ate in common areas. On April 7, 2020, after the Singaporean government realized that the coronavirus was spreading rapidly among foreign workers, it put into place a rigid isolation policy aimed at separating migrant workers from the community. Within the dorms, strict rules were imposed on freedom of movement. At one time, reportedly, virtually all workers were confined to their rooms for 22 to 23 hours a day, they were not even free to move around their dorm compound. The unusually high COVID-19 infection rate among migrant workers, compared to the national average, can perhaps be explained by the lockdown, crowded living conditions, and the isolation of migrant worker dormitories from the rest of the population, as various reports and media coverage during this period suggest.

There were about 320,000 workers in dormitories during the most restrictive period of the lockdown, most of them from the construction sector.

Soon after its implementation, Singapore's COVID rule was greeted with an outcry of criticism from NGOs¹⁸¹ and various media platforms.¹⁸² The conditions in migrant worker dormitories were also brought to the attention of the Singaporean Parliament, with Heng Chee How, the senior Minister of State for Defense, calling it "...a humanitarian disaster."¹⁸³

In September 2020, the regulation was revised to forbid an employer from confining workers when the Ministry of Manpower (MOM) allowed the workers to go out, meaning that when MOM prohibited workers from going out, employers were also allowed to restrict workers movement. In other words, the workers were subject to double control of movement: first by the Singaporean government, and, second, by their employers. During the same period, employers were required to pay SGD5000 security bond to MOM: "A security bond is a binding pledge to pay the government if either you or your worker breaks the law, Work Permit conditions or

¹⁸⁰ Gao Feng (2021). "疫情受控下 新加坡外籍劳工仍被强制隔离" [COVID is Under Control, Singapore's Migrant Workers are Still Under Strict Lockdown]. VOA News. <https://www.voachinese.com/a/Covid-19-exposed-inequality-in-Singapore-20210225/5792269.html>

¹⁸¹ "Post-Covid law makes migrant workers prisoners of employers," TWC2, June 29, 2020, <https://twc2.org.sg/2020/06/29/post-covid-law-makes-migrant-workers-prisoners-of-employers/>;

¹⁸² Satveer Kaur-Gill, "The COVID-19 Pandemic and Outbreak Inequality: Mainstream Reporting of Singapore's Migrant Workers in the Margins," *frontiers*, September 30, 2020, <https://www.frontiersin.org/articles/10.3389/fcomm.2020.00065/full>; Yvette Tan, "Covid-19 Singapore: A 'pandemic of inequality' exposed," BBC News, September 18, 2020, <https://www.bbc.com/news/world-asia-54082861>;

¹⁸³ "Government's Plans In Our Continuing Fight Against COVID-19 Pandemic," The Parliament of Singapore, June 4, 2020, <https://sprs.parl.gov.sg/search/sprs3topic?reportid=ministerial-statement-1402>

security bond conditions. The bond is in the form of a banker's or insurer's guarantee. You must buy a SGD5,000 security bond for each non-Malaysian Work Permit holder you employ. You cannot ask your worker to pay for the bond.” This means that, in order to meet MOM's requirement and avoid a fine, many employers disciplined workers further and confiscated workers ID as a means of movement control.

The widespread attention led to further loosening of COVID restrictions. From Fall 2020 to Spring 2022, the movement restrictions placed upon migrant workers were slowly lifted, first through the introduction of the Exit Pass System in October 2020, which allowed workers to apply for an exit pass to enter the recreation center closest to their dorms at designated times, to a gradual increase in the allowable quota for community visits. In June 2022, the Exit Pass System was retired and workers were finally able to freely leave their dormitories without legal restrictions.

The backlash from the public attention paid to migrant worker conditions brought other improvements. As a notable example, in 2021, more than 20 NGOs created an alliance aimed at improving the overall conditions of migrant workers.¹⁸⁴ In 2021, the Foreign Employee Dormitories Act (FEDA)¹⁸⁵ was released, improving the housing standards and safe-living requirements in migrant worker dormitories. This has had a direct impact on workers: those workers we interviewed told us that, in 2020, more than 10 workers were crammed in one room, whereas, in 2022, the number fell to only five to six per room. Before April 2021, the workers we interviewed told us that their employers had confiscated their passports, and they worried that they wouldn't be able to recover their passports if they decided to switch to a new job or return to China. Tragedy occurred because of this: in July 2020, a Chinese construction worker attempted to jump from the dormitory roof after his employer refused to return his passport to him to return to China. However, last month, CLW interviewed 20 workers, of which only one person's passport was confiscated. He is a construction worker for a Chinese SOE.

¹⁸⁴ “未更新外籍员工住址 175公司被罚逾110万元 [175 companies fined over \$1.1 million for failing to update foreign employees' addresses],” zaobao, January 27, 2022,

<https://www.zaobao.com.sg/news/singapore/story20220127-1237018>

¹⁸⁵ “Joint MND-MOM Media Release on New Dormitories with Improved Standards for Migrant Workers,” Ministry of Manpower, June 1, 2020, <https://www.mom.gov.sg/newsroom/press-releases/2020/0601-joint-mnd-mom-media-release-on-new-dormitories-with-improved-standards-for-migrant-workers>

8. Conclusion

Although the BRI has been advertised as, and can indeed be seen as, a viable long-term strategy for facilitating the development of host countries' infrastructure and economies, the initiative has raised serious concerns in different quarters. As the BRI creates a new global market for Chinese enterprises using Chinese capital and industrial technologies, it is also exporting a Chinese economic development model that exploits workers. Our research indicates that the success of this project is partly based on labor abuses. Behind the grand rhetoric of the BRI are ordinary workers whose voices are rarely heard and whose rights are routinely and systematically violated.

The issues we highlight in this report have been exacerbated by the COVID-19 pandemic. Following the outbreak, millions of Chinese citizens were stranded overseas. The Chinese government introduced the world's strictest circuit-breaker policies to restrict flights to China.¹⁸⁶ A large number of Chinese laborers working for BRI projects could not afford the airfare, failed to pass the COVID-19 testing requirements¹⁸⁷ set by the Chinese government and could not obtain the required green health code, or ran up against Chinese companies' deterrence which argued that, because new workers were not coming in, older workers could not leave, that allowing returns would interrupt the production/construction process. Many workers were thus forced to remain on site. Some, due to illness, some to other reasons, lost their lives.

Other issues are longstanding and predate the pandemic. Some workers we interviewed who were involved in BRI projects could not escape their situation for a variety of reasons: because of the confiscation of their personal identification documents, threats of debt, illegal visas, or their unfamiliarity with transportation and support channels in their host countries. These are all signs of forced labor.¹⁸⁸ Even though many workers realized this, their hands were tied.

Legal remedies exist, and there are some protections for overseas Chinese workers under Chinese law. However, our investigation indicates that most are not enforced. Furthermore, though China signed the International Covenant on Civil and Political Rights in 1998, it has not yet ratified it. In 1997, China signed the International Covenant on Economic, Social and Cultural Rights, and subsequently ratified it in 2002. Articles 7 and 8 of this treaty expressly

¹⁸⁶ As aforementioned, the "Five-Ones" policy limited international flights to one flight per week with one set route, and one airline per country; the "circuit breaker" policy cancels all international flights from certain countries once a certain number of COVID-19 cases are traced back to the airline.

¹⁸⁷ Nucleic Acid Amplification Tests (NAATs) detecting the genetic material of the virus, and IgM antibodies tests detecting the antibodies human bodies produce after exposure to the virus.

¹⁸⁸ International Labor Organization. 2012. ILO indicators of Forced Labor. Geneva: International Labor Organization. https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang--en/index.htm

declare the state parties' commitment to just and fair labor conditions and the right to unionize. However, China has failed to fully enforce these articles either at home or, as this investigation shows, abroad. When the nation's global interests are seen to conflict with its workers' interests, workers are sacrificed. In August 2022, as a response to mounting pressure from the global society over China's human rights violations against the Uyghur ethnic minority, China ratified the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105).¹⁸⁹ How these treaties are to be implemented, however, remains a question.

In our executive summary, we list several recommended actions for the Chinese government and the international community. But our focus is on Beijing. We believe that, with China's current economic and international influence, the country is fully capable of protecting the rights and interests of the working people it has sent overseas to further its policies.

¹⁸⁹ "China ratifies the two ILO Fundamental Conventions on forced labour," International Labour Organization, August 12, 2022, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_853575/lang--en/index.htm

9. Appendix

Appendix I. Methodologies

This report combines two main research methods: direct contact with workers via social media and in-depth interviews, and a literature review. The research was conducted using materials mainly in Mandarin Chinese and English. For many years, CLW has joined workers' group chats and created group chats on social media (primarily using WeChat, Telegram, and WhatsApp). CLW thus has had access to a network of more than 2,000 workers in more than 21 countries. For this research, CLW conducted 53 interviews with workers from eight BRI countries, primarily between 2021 and 2022. This was supplemented by additional interviews with workers from other countries, when these workers reached out.

The literary review is composed of official documents and sources from the Chinese government and the governments of BRI host countries. These were supplemented by academic, think tank, and NGO articles with analyses of the BRI, newspaper articles, and workers' testimonies that CLW coordinated.

The main challenges that CLW faced in its research were access to information, and protecting the security and anonymity of interviewees. Although the Chinese government has an official BRI website,¹⁹⁰ it does not include an official list of BRI projects or many statistics. The BRI host countries vary in how much official BRI information they make publicly available, and even if official data is accessible, it may be very different from the real data, given the amount of illegal or unrecorded activity that occurs within the BRI. Many workers refused to speak to CLW due to concerns for their safety; workers are regularly threatened with verbal and physical abuse, and many workers have been punished for speaking to outsiders about their situation. CLW required workers to communicate with them through encrypted channels (e.g. WhatsApp, Telegram, or Signal), but some workers were unable to download these programs on their Chinese-made phones, and thus were unable to work with us.

The data compiled from the literature review and interviews with workers were integrated and analyzed using qualitative and quantitative means. The research used legal definitions to standardize the interpretations of modern slavery, human trafficking, forced labor, labor rights, and other human rights. This enabled the research and findings to be contextualized within the framework of international law.

¹⁹⁰ “中国一带一路网 [China One Belt One Road Website],” the People’s Republic of China, <https://www.yidaiyilu.gov.cn/>

Appendix II. Workers' Stories

Individual human stories offer a powerful window into broader patterns. They provide insights into the precise processes linking different phenomena. In the case of the BRI, there is a surprising lack of such anecdotal accounts in the media. This may be the result of the remote locations of many of the initiative's projects, dealing as they do with transportation infrastructure and natural resources. Or it may spring from the closed-off nature of BRI worksites. Regardless of the reasons, the absence of Chinese workers' voices in policy discussions amounts to a serious gap – one that this report seeks to begin to remedy. Before providing an overview of the conditions we have documented, we will offer the first-person accounts of three workers. All names have been changed to protect workers' privacy and safety.

1. Mr. Wu in Indonesia

In October 2019, Mr. Wu came to Sulawesi, Indonesia, and planned to stay on the island for half a year. He followed an outsourced team that does construction and installation work for the PT Obsidian Stainless Steel (OSS). Like many overseas Chinese workers, Mr. Wu was attracted by the high wages promised by the project leaders. "Those who go abroad will generally not come out if the wages are not at least CYN100 (around US\$14) higher than domestic wages," he said. His initial plan was to earn enough money for a family member's surgery, and then return to China. In the past, when Mr. Wu was working in other places in China, he would, at most, work five or six months at a go before going home to take care of the kids and the elderly in his family. He could not have expected that he would be trapped indefinitely on a construction site in a foreign country. By April 2022, he had been in Indonesia for five and a half years, and, after three Chinese New Years, he transferred from PT OSS to PT GNI until there was no work to do.

Mr. Wu learned about factory recruitment in Indonesia through his co-workers. He then followed the WeChat account of one Indonesian project boss to assess the situation. "At that time, they were not referring to their own company or Jiangsu PT Virtue Dragon Nickel Industrial Park, but 'Xiamen Xiangyu (厦门象屿集团有限公司)'. I searched for Xiamen Xiangyu on the Internet, and found that they have a good reputation. That's why I thought I should go work there." Xiamen Xiangyu is a state-owned investment enterprise and one of the main investors in the PT OSS. However, after arriving in Indonesia, Mr. Wu realized that he had been deceived. As soon as he got off the plane, the company confiscated his passport. The nine-hour work day he had signed up for turned into nine and a half hours without a corresponding increase in his wages. Even so, the construction site demanded highly efficient labor. Wu said, "You can put in nine hours of work out of the nine-and-a-half-hour workday, but if you stop working for half an hour to smoke or to rest, they take a photo of that, and that's a fine of CNY2,000 (around US\$300)." The company promised timely delivery of his monthly salary except for the first month, which it would keep as a deposit. However, Wu worked at the construction site for four months before

being paid anything. When his salary was finally paid, more than CNY20,000 (about three months' salary; around US\$3,000) was still withheld by the company for "disciplinary purposes".

Six months later, in April 2020, Mr. Wu's contract expired. He asked the company to send him back to China. However, due to the global COVID-19 outbreak, China had adopted a "Five Ones" control policy for international aviation, which resulted in a drastic decrease in the number of airlines serving China and a steep increase in flight ticket prices. As a result, the company was reluctant to cover transportation costs for Mr. Wu.

Because trips to and from China were handled by the company, and the company held workers' passports, Mr. Wu and his coworkers had little freedom of movement. Some of Mr. Wu's coworkers asked the company to return their passports, planning to return to China at their own expense. Some even asked their families to send money for the plane tickets. Mr. Wu, however, hesitated, "Well, you're just a regular laborer, and now you want to spend more than CNY10,000 (around US\$1,500) to return to China?" Over the next few months, the price of return flights continued to increase. In October 2021, a flight from Jakarta to China reached CNY23,800 (around US\$3,400). This is the equivalent of about two or three months of labor abroad. Mr. Wu later did decide to return to China at his own expense, but the company refused to return his passport. It also unilaterally adjusted the return policy: "For those who have worked for less than six months, they would pay CNY40,000 (around US\$6,000) out of pocket for their airfare [and the company would cover the rest]. Airfare is waived [i.e., the company will pay for it] only after one year's work."

Two and a half years after his initial departure for the Indonesian job, Mr. Wu was still working at the PT Virtue Dragon Nickel Industrial Park construction site. For Chinese workers like him, the industrial park was like an isolated territory with only an entry and no exit. Police and security guards were deployed everywhere. Violence against workers who asked for their wage arrears, along with unacknowledged and unreported deaths in the industrial park, made Mr. Wu and his co-workers hesitant about pursuing their legal rights. Some employees tried to contact the Chinese consulate, but the consulate handed the problem back to the company, leaving the workers in fear of retaliation. Other workers escaped from the PT Virtue Dragon Nickel Industrial Park, traveling across Malaysia with smugglers, or made their way to Jakarta with the help of the translation software on their mobile phones. Mr. Wu was cautious, however, and chose to continue to work, while waiting for the company to arrange his return as promised. He did not strike or stir up any trouble, and they could not find fault with his work. The company had no reason to make things difficult for him – or so he believed.

Now, the project is over and Mr. Wu is unemployed in Indonesia. He is experiencing deep anxiety. When can he go home? Will he be able to return to China under the strict COVID-19 testing requirements? What if he is stuck in a Jakarta hotel forever? Previously, his life consisted of endless labor, but now is just endless stasis; these are two of the kinds of torture for the laborer overseas.

2. Mr. Chen in the Democratic Republic of the Congo

"This is worse than death. Without electricity, I can only manage to find food during the day. There are some wild tomatoes and some small bananas here, which are about to ripen. And that's the only thing I can do in the wild." When Mr. Chen said this, he was recalling the days he spent wandering on a mountain in the Democratic Republic of the Congo.

Mr. Chen never expected what awaited him in the DRC. Before he set off, he would never have imagined not receiving his anticipated salary, let alone being violently beaten in an isolated factory. And never in his wildest dreams did he think that the only way out for him would be to escape and survive in the wilderness, hoping that someone would take him in.

In 2021, Mr. Chen, who had just returned to Hubei from Indonesia, decided to go abroad again. For the sake of his wife and of his children in elementary school, he wanted to work hard and earn more money for a brighter future. Mr. Chen learned over the internet that there were Chinese companies in the DRC recruiting electricians, and that the salary was higher than that in China. He submitted his resume online, subscribed to the WeChat account of Guangdong Jichun Labor Dispatching Co., Ltd (广东冀春劳务派遣有限公司), passed the interview, took a COVID test, and, in July 2021, he crossed the ocean to work for Kaipeng Mining in the DRC.

Troubles came right away. Mr. Chen found out that the company had given him a tourist visa instead of a regular work visa. And his passport was confiscated by his boss the moment he landed in the DRC. Working conditions were also not as he expected. He had been told that his job would be working around low-voltage electricity, but when he arrived, he had to deal with high-voltage electricity. In addition, Mr. Chen had agreed to work between 10 and 12 hours, with day and night shifts. When he arrived, he found that he had been assigned to work daily 12-hour night shifts, from about 6:40 pm until 6:40 am, with no rest times scheduled during this 12-hour shift. The factory was isolated, with only the company's shuttle transporting workers to the nearest town.

Other than cold steamed buns, no food or snacks were provided for the night shifts. Mr. Chen furthermore discovered that the buns cost US\$50, an expense that cut deep into his earnings, and one that forced many workers to go hungry. After staying up late night after night without enough nutrition and rest, Mr. Chen, like other workers, developed a stomach problem. He took

four days off from work to rest. But the company treated it neither as a work-related injury nor as sick leave, but as unpaid leave, and deducted more than US\$200 from Mr. Chen's wages. In the face of this treatment, Mr. Chen connected with the WeChat account of the company's director, but he was quickly blocked. He then spoke up in the company's WeChat group, calling for snacks for night shift workers. These moves, however, made Mr. Chen's situation increasingly difficult in the factory. He was transferred to the security team, where he was bullied and beaten, and his salary was greatly reduced.

At Kaipeng, workers experience wage deductions if they fail to meet the strict requirements of the company's regulations during their lifestyle assessments. Mr. Chen was asked to fold his comforter into a rectangular shape without creases, and was also required to keep his wardrobe clean and tidy. Mr. Chen's living space was sandwiched between a sulfuric acid pool and a kerosene pool with two electrolytic chemical liquid pools. He commented: "When the wind blows, the smell of kerosene and sulfuric acid is so pungent! How can you live with this? Many people just can't stand it! At night, the gate of the company's dormitory is locked with iron chains. If there is a fire in the dormitory building, how can we workers escape? "

Mr. Chen wanted a way out, but he knew that he could not simply leave the job: if he resigned during the probation period, the company would ask him to pay for his plane ticket, visa fees, and liquidated damage, which would have added up to US\$10,000. So, he chose to escape without authorization. With the help of some fellow workers, he was able to get his passport back. He then took advantage of a power outage and climbed over the high wall and barbed-wire fence and left the factory park. This was how he ended up wandering for days in the mountains, in the blistering Congo heat, with a festering wound on his leg caused by the sharp wire, until he was eventually rescued by a passerby. "All of us came out to earn money because of financial difficulties back home. Otherwise, no one would have traveled thousands of miles to work in Congo. There is no need for Chinese folks to deceive fellow Chinese," he said.

3. Mr. Zhao in Algeria

Mr. Zhao was brought in to work for two years at the Linxi Co. Ltd. (林夕建设集团有限公司) in Oran, Algeria, by Zhengzhou Bafang Human Resources Development Co., Ltd. (郑州八方人力资源开发有限公司). He paid Bafang CNY10,000, and was told that he would earn CNY220,000 - 250,000 for his two-year stint. He was also told that he would be able to visit his family, the cost of which would be covered by the company, and that the labor conditions were much better than those in China, with contracts signed with central SOEs (央企) and more standardized labor conditions. After hearing these enticing terms, Mr. Zhao signed the labor contract, hoping that his effort would give his family a better life. After arriving in Algeria, Mr. Zhao discovered just how empty these promises were.

Like other workers, Mr. Zhao's passport and contract were confiscated by the company upon arrival. He was put to work at the construction site without any training, and even had to pay for his tools. Mr. Zhao was dumbfounded. The situation was nothing like what he had imagined, and he realized that he had been scammed. When he expressed a wish to return to China, the Linxi company threatened to make Mr. Zhao pay CNY20,000. Arguing for his legal rights resulted in Mr. Zhao's being locked in a dark room guarded by security officers, and being forced to sign a commitment letter. Mr. Zhao could not even pursue legal actions against Bafang, because he did not have the labor contract in his possession.

NOTE: According to the company introduction on its website, Zhengzhou Bafang Human Resources Development Co., Ltd. is an authorized overseas labor dispatch company that was founded in 2012 in response to the Belt and Road Initiative.¹⁹¹ Nevertheless, it has already been reported twice for violations by workers on the official website of Henan Provincial Municipal Bureau of Commerce.¹⁹² Without proper disciplinary actions from the government, Zhengzhou Bafang continues to traffic laborers to overseas lands for construction work.

Appendix III. Interview questions

This section outlines the structure of the in-depth interviews that CLW conducted with the workers. The actual interview questions varied depending on the situation in the individual destination country, but the interviews generally followed this structural guideline.

Section I – General background information of the worker: This section gave the investigators a general understanding of a worker's background: age, hometown, marital and familial status, responsibilities as a parent, financial pressures, etc.

Section II – General background information of the employer: This section contained: name of the employer; location of the project; workers' role in the project; identity of the recruiter (With whom did the workers have labor relationships? Did the recruiters and the employers belong to the same company? Were the recruiters intermediary labor dispatch agents?)

Section III – Workers' decision to work abroad: This section investigated the workers' incentive to work abroad using topics such as the comparison of wages or other conditions between domestic jobs and overseas opportunities.

Section IV – Recruitment process: This section covered the steps that eventually led to the workers' departure from China: How the workers learned of overseas employment opportunities; the content of the recruitment advertisements; whether the workers arrived after the Covid-19 outbreak: whether they worried about difficulties in repatriation; whether the

¹⁹¹ *Ibid.* “2012年公司响应国家“一带一路”的号召，成立了河南八方建筑工程劳务有限公司，并取得了对外工程劳务承包资格，积极拓展海外建筑工程。”

¹⁹² Leader's Mailbox, Henan Provincial Commerce Department, http://www.hncom.gov.cn/index_form/795/9.aspx

employer imposed restrictions on gender, age, ethnicity or region of origin; and whether the recruiter charged a security deposit or other fees for additional services such as a physical examination or clothing.

Section V – Labor contract: This special section focused exclusively on the labor contracting practices: whether a written contract was signed by both parties; and, if not, what the recruiters verbal promises were; the process of signing the contract; whether copies of the contract were kept by the workers; and the content of the contract.

Section VI – Arrival in destination countries: This section helped the investigator to unpack the experiences of the workers' arrival in destination countries, and covered such topics as visa types, passport confiscation, quarantine, conditions on the living complexes, etc.

Section VII – Work: This section invited the workers to introduce the types of work performed and the employment conditions they encountered in destination countries, which enables the investigator to compare them with the content of the written contract or the recruiters' promises to find discrepancies. The subsections are described in the following paragraphs:

Working hours: working hours and shifts; voluntary and involuntary overtime work; the achievability of the production target; rest times; accuracy of the methods used by employers to record workers' working hours; overtime work wage calculation; holidays and sick days.

Remuneration and benefits: probation; methods of wage calculation; monthly wage amount; frequency of payments (whether withholding of wages occurs); payroll deductions; fines; rewards.

Social security: whether the employer purchased social insurance, and, if so, what types of insurance and the amount, and, if not, why not: what were the reasons provided by the employer.

Living conditions: availability of free meals; quality of food; conditions of the dormitory; entertainment; connection between workmates and with the locals.

Workplace protection: whether the workers received relevant training; the provision of safety equipment; risks and hazards.

Accidents: the frequency of accidents and reasons given for them; the provision of accident insurance; employers' response to accidents.

Health: provision of medical services in worksites and dormitories; COVID-19 response.

Coercion: whether the employer committed assault, battery, made verbal threats or imposed confinements on workers.

Connection between workers: employers' treatment; connection between workers.

Repatriation: process; costs and fees; COVID-19's impact and delayed repatriation.

Forced labor and COVID-19: difficulties in acquiring pre-departure physical examination; additional cost in repatriation; employers' disclaimer; passport confiscation.

Section VIII – Assistance: This section focuses on the actions taken by the workers in seeking help: direct negotiations with their employers; organization of work union; collective bargaining and collective actions; employers' responses. The workers are also asked if they have sought assistance from any one of the following channels: Chinese embassies and consulates; local police station or immigration department; lawyers in destination or in China; civil organizations in destination countries; municipal offices in China; social media.

Appendix IV. Survey questions

1. Name
2. Age
3. Place of birth
4. Contact information
5. Do you have a valid work contract for your employment?
6. Current visa type
7. Have you encountered irresponsible labor dispatch agencies?
8. What are your main demands and concerns?
9. What are the reasons for your detainment?
10. Current and past employer(s)
11. Does the employer cover the cost of returning tickets?
12. Do you pay for your own accommodations?
13. Do you have any health conditions? If yes, please elaborate.
14. During the period of detainment, do you have a source of income or receive any other types of assistance?

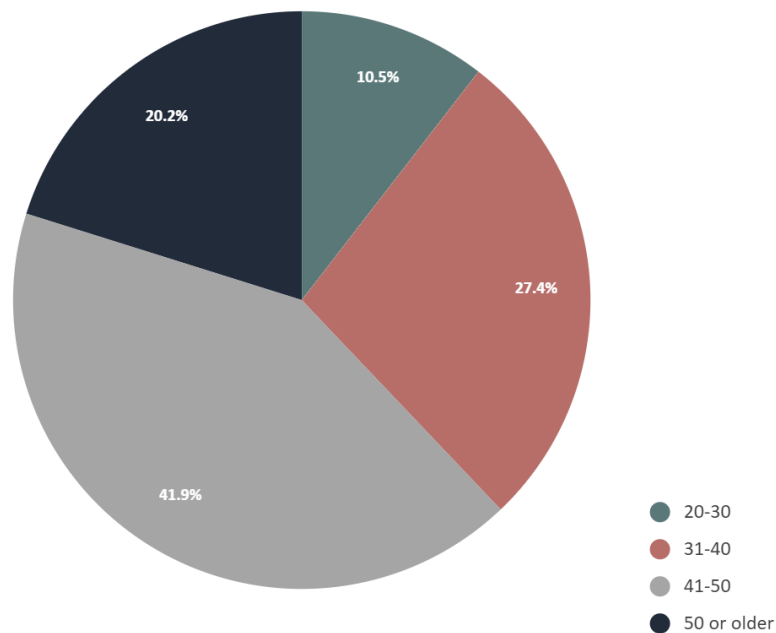
Appendix V. Extended Country Profile – PT Virtue Dragon Nickel Industrial Park

This section contains a detailed report on the investigation CLW conducted on the factories. Much of the content is repetition of what's been discussed in the body of the report.

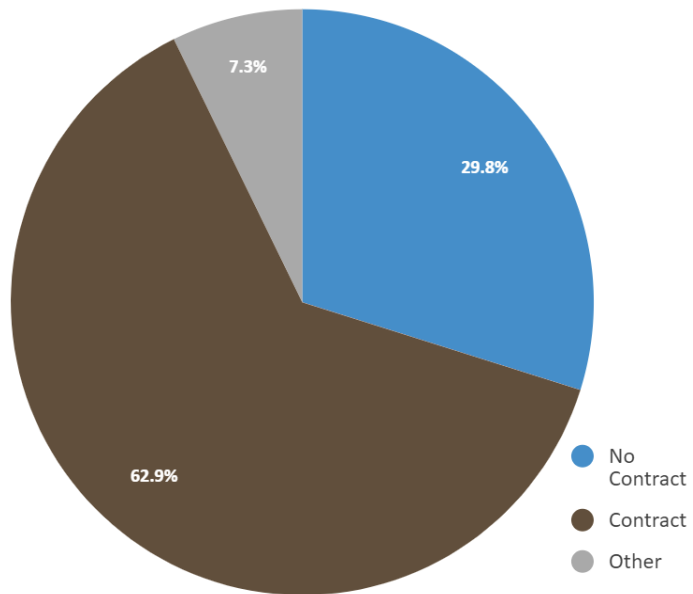
Quantitative Analysis

CLW received survey responses from 124 workers at Virtue Dragon Industrial Park. Below are pie charts that were generated based on these responses.

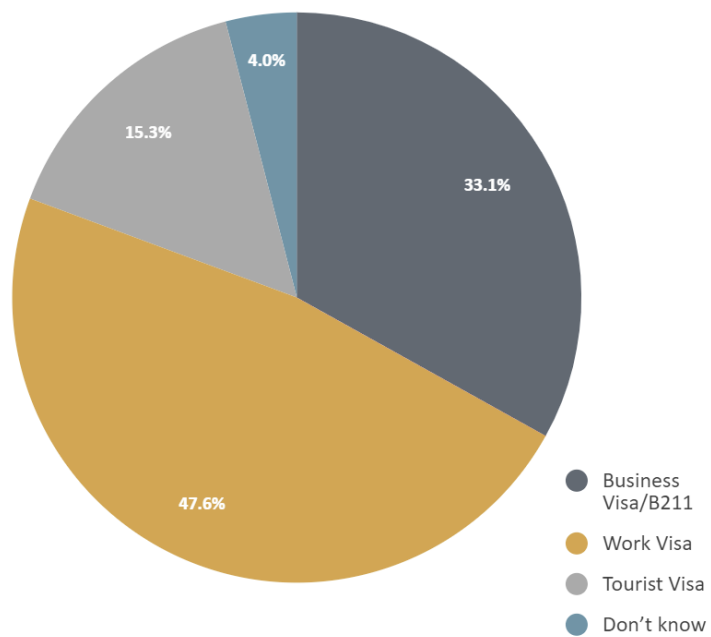
Age distribution of workers trapped



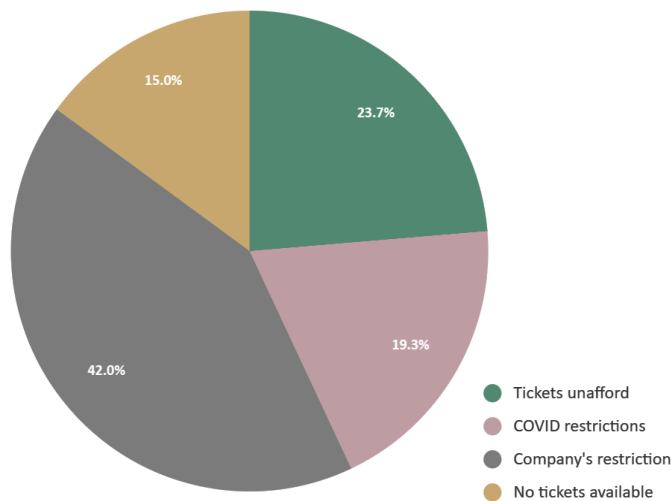
Workers' Contracts



Workers' Visa Types



Reasons for being stuck overseas



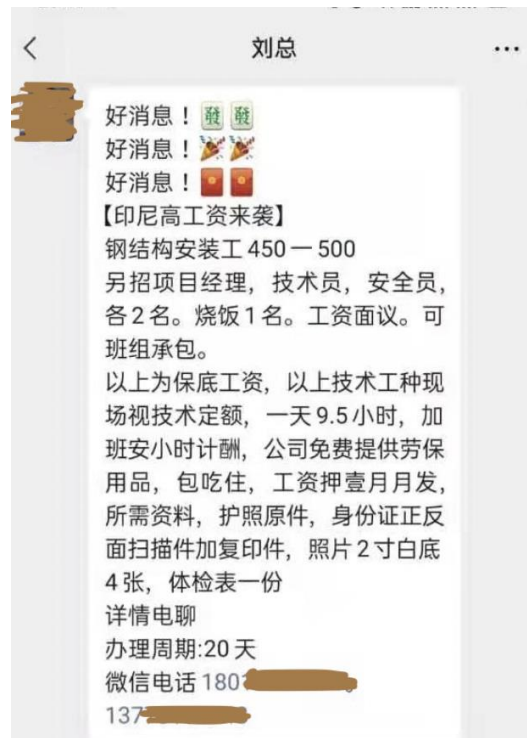
Hiring

One of PT Virtue Dragon Nickel Industrial Park's investors is the Jiangsu Virtue Dragon Nickel Industry Co. Ltd.¹⁹³ False recruitment is also common at PT Virtue Dragon Industrial Park. As at Tsingshan, PT Virtue Dragon Nickel Industrial Park also has many subcontractors, private bosses, labor agencies and individuals. Like many workers who want to improve their family's economic situation, Mr. Wu knew that Indonesia was recruiting people through previous acquaintances, and decided to go abroad to make a living. Wang later added the boss's WeChat account through a co-worker. "At that time, he was not talking about his own company or PT Virtue Dragon Nickel Industrial Park company, but 'Xiamen Xiangyu'. I checked Xiamen Xiangyu on the Internet, and their reputation was relatively good, so I thought about it." Xiamen Xiangyu is one of the main investors in the OSS steelmaking plant of the PT Virtue Dragon Nickel Industrial Park Phase II project.

Mr. Wu said that after he signed the contract, the contract was quickly taken away. He still does not know the name of the labor service company that signed the contract with him and whether the contract is formal. As for Lao Song, who came to PT Virtue Dragon Nickel Industrial Park through Hang Lung an outsourced unit in the second phase of PT Virtue Dragon Nickel Industrial Park, he came without signing a contract. He did not know what the nature of his company was in the recruitment chain: "I was working with this boss, and he asked me to come here. Let's consider it a temporary worker. This Hang Lung company seems to be a labor dispatch company in China, and I can't tell the specifics. I don't know if it counts as an intermediary company sending me here, I came directly with this boss."

¹⁹³ Xinhua English News 2021. China-invested ferronickel smelter put into production in Indonesia. <https://english.news.cn/20211228/7b71fac52b99419ebff666160057d480/c.html>

Mr. Li, who worked as a welder on the Morowali project of PT GNI, also encountered cheating in recruitment. He contacted a talent dispatch company and came to work at a subcontracted construction company in PT GNI. Compare his initially promised working conditions with his actual working conditions:



Hiring information in a WeChat conversation, provided by Xiao Li.

"We regretted it as soon as we came. We were relieved when we heard that PT Virtue Dragon Nickel Industrial Park is a big company, but when we came, we realized that it was not what we thought. We were promised a daily wage of CNY450 to CNY500 (US\$62-69). And the traveling fees in Nanjing (a city in China) were paid by the company. The quarantine fee in Nanjing was CNY200 (around US\$27) per day, and they said they are going to withhold one month's wage, and the wages after that were going to be paid normally, at the end of each month. After working for a year all fees returning home were promised to be covered by the company. All of these turned out to be lies. Normally there are two copies of the contract, but it turns out that there is only one copy of the contract for the boss and none for us. The contract signed in Indonesia is full of unilateral or coercive clauses, not beneficial to us at all."

In addition, some recruitment information deliberately concealed the difficulties returning workers might face returning to China, or continued to claim that workers could return to China after six months of service. Mr. Li came to Indonesia in May or June 2021. Before going abroad,

he had been vaccinated against COVID. However, it was only when he came to PT Virtue Dragon Nickel Industrial Park and saw the large number of workers stranded at the construction site that he realized the severity of the problem: "When I came, I didn't take the epidemic seriously. Only after I came did I realize that the impact was so great."

× 江苏德龙招聘在线 > ...

福利待遇

- 1、以上生产线岗位，转正后享受岗位工资15%左右的绩效工资；
- 2、社保和住房公积金按江苏省盐城市响水县标准执行缴存，免费缴纳境外险；
- 3、免费提供食宿及生活必需用品；
- 4、印尼员工每半年回国带薪休假一次；
- 5、来往机票及签证费用由公司承担；
- 6、免费提供正规出国劳务培训。



Public-facing Wechat account of Jiangsu Virtue Dragon recruitment advertisement online

In the public account of "Jiangsu Virtue Dragon Recruitment Online", it can be seen that, in the recruitment notice of the Indonesian VDNI company in May 2021, the welfare package still reads "employees return home with paid leave every six months." They claimed this even though, at this time, a large number of workers were stranded and unable to return to China.¹⁹⁴

Passports and Legal Documents

Passport seizure is also a common practice in PT Virtue Dragon Nickel Industrial Park. Domestically (in China), workers are free to terminate the agreement when they find that the actual labor treatment is inconsistent with their commitments. However, when a worker's identity

¹⁹⁴ <https://mp.weixin.qq.com/s/4XG93X2dXdLhjyyvsHYo6A>

card or passport is confiscated by the employer, the employer can use it to practice forced labor. Before going abroad, Mr. Li's employer promised him to "pay one for one", that is, to pay his salary once a month after depositing one month's salary. But in the four months after Mr. Li came to PT Virtue Dragon Nickel Industrial Park Morowali, the company only paid one month's salary, and the actual monthly salary was also lower than promised. He went to the boss to negotiate: "I said to the boss, either you give my salary to me as you said you would when you [recruited me], or let me leave my job and go to another place, or send me back to China." The boss said, "I paid tens of thousands to get you here. If just stop working like that, isn't my money wasted?" I said, "You described certain conditions before we came... you have not fulfilled these conditions." In order for a worker to go to another company, the worker's own passport is required. Mr. Zheng, a worker who was stranded in PT Virtue Dragon Nickel Industrial Park Phase II after the construction period ended, said, "I have been trying to get my passport back for almost half a year, but the security guards are standing in the park with guns. In the end, you can't even get in the door of the leadership's office."

Sadly, when workers' requests for passports were not met, or that they were unwilling to accept forced labor, they had to resort to extreme measures to pursue their freedom. Five construction workers from Henan Province, Zhang Qiang, Wei Pengjie, Guo Peiyang, Tian Mingxin and Zhang Zhenjie, came to PT Virtue Dragon Nickel Industrial Park's park to work in March 2021. They expected a nine-hour day and found that the workday had been extended to nine and a half hours. The promised monthly payment of CNY10,000 (around US\$1,370) turned out, instead, to be CNY1,000 (around US\$137), and the construction period changed from six months to "you-need-to-wait-until-the-end-of-the-project." The five decided to resign and return to China in June, and repeatedly sought to retrieve their passports to no avail. The five described their Kafkaesque passport-hunting experience in a letter of help posted on a social media site:

"We have repeatedly asked about the location of the passports, and some people said that they were in the office of a certain PT Virtue Dragon Nickel Industrial Park manager. But we were told by other workers, that Virtue Dragon claimed that it would not take the employee's passport and nor ask the employees for money [...] When we asked again where the passports were, Boss No. 2 repeated that they might be in a certain company office in Virtue Dragon. Some said that the passports were held in the immigration office, and that only a specific personnel could access the passports. We thought to go to the Jakarta embassy for help, but we didn't have any identifying information."

Desperate, the five chose to enter Malaysia through a smuggler, and then returned to China from there. However, they were captured in the waters of Malaysia when docking. Eventually, they were each repatriated to China through the intervention of the Chinese Embassy in Malaysia.

Of the 124 responses of PT Virtue Dragon Nickel Industrial Park workers we received, only 47.6 percent told us they held work visas. More than half of workers were not on valid work visas: 33 percent held B211 business visas. The B211 visa allows visitors to stay in Indonesia for 60 days, after which each application can be extended for 30 days, and the visa can be renewed four times in total, that is, to stay in the country for half a year. Southern Weekend News once interviewed a worker, Mr. Hai, who came to Indonesia on a B211A business visa issued by PT OSS. Since he entered Indonesia in August 2019, Mr. Hai has renewed his visa 16 times. In addition, 15.3 percent of the questionnaire's respondents said they had received their visa on arrival. In Indonesia, a visa-on-arrival is a visa for tourism, business or other social and cultural activities, not a work visa. The maximum stay for this type of visa is 30 days, which can be extended for another 30 days. Five other workers did not know what type of visa their boss had acquired for them.

Labor Contracts

About 30 percent of respondents did not sign a labor contract. The family member of one of the five Henan workers said in an interview with The Paper, "Wei Pengjie and the others (the five workers) originally thought that the longest construction period was half a year, but they did not sign the contract. Later, they were worried that they would not be able to return to the country after a year of work, so they demanded the company to sign the contract. The company agreed to sign the contract after a lot of urging." The five workers said in their WeChat letter for help: "Three months after arriving at the construction site, we asked many times about the signage of labor contract, but we were told that there was no printer at the construction site, and the contract could not be signed for the time being."

There are also workers who do not sign contracts because of the prevalence of oral agreements in China. A worker who did civil work for PT Virtue Dragon Nickel Industrial Park Phase III said: "I was introduced to Indonesia by an intermediary company which a friend referred to me. I didn't sign any agreement. After all, it was introduced by a friend, so I trusted it. I also gave the agent CNY10,000 (US\$ 1,370) to do this. I didn't have a receipt, and I didn't have any experience at the time, so I just gave the money to my friend and asked him to send it directly to the agent."

In addition, situations in which a contract was signed then confiscated are also common among PT Virtue Dragon Nickel Industrial Park's own employees. PT Virtue Dragon Nickel Industrial Park has its own labor dispatch company, the Xiangshui Shenlong Foreign Labor Cooperation Co., Ltd., which specializes in providing laborers to PT Virtue Dragon Nickel Industrial Park's Indonesian projects (See Appendix document DL-1 below). All the workers we interviewed who were dispatched to PT Virtue Dragon Nickel Industrial Park Indonesia Industrial Park through Shenlong reported that the company forcibly took their contracts away after they had signed

them. One of the workers who worked in the PT OSS steel factory said: "They won't let us take the contract. I signed it in Jiangsu, and they took it away right after I signed it. I remember that I secretly took some photos. It says how much my salary was, but there is no stamp. After we have all signed (and then stamped). This is basically to handcuff us, and we can't do anything about it." Another PT OSS employee said: "Last year in November and December, my colleagues and I went and sign the contract. There was no employer name in the contract, and they still wanted us to sign that. I wanted to take a picture at that time, and the person in charge yelled at me: 'Who asked you to take a picture?' I told him that I had signed the contract and wanted a picture. And it was normal. That person told me 'You can't take pictures. If you want to take pictures, don't sign.'" This story illustrates, again, that a worker's right to information is not only ignored in the process of obtaining recruitment information, but also in the process of signing contracts.

Shifts

When the five Henan workers came to the Morowali Industrial Zone in PT Virtue Dragon Nickel Industrial Park, they found that the previously promised nine-hour work day had turned into nine-and-a-half hours. "They didn't arrange for a unified rest time during these nine-and-a-half hours. Really, rest was not allowed. If we took a cigarette break at the construction site, we would have been photographed as evidence to reduce wages." The same was true for Mr. Wang and Mr. Li, construction workers in Tsingshan. The promised nine-hour was actually nine-and-a-half hours, but the wages did not increase accordingly. Xiaofang, who works at PT OSS mill, said that he was usually paid CNY40 (around US\$5.5) an hour, and his overtime pay was also CNY40 (around US\$5.5) per hour. Overtime pay, to him, was "unimaginable."

Many workers did not expect that the nine and a half hours would be completely for work, without rest time. Mr. Wang said: "I do installation, so I can't work at night. That's why I don't have to work overtime. But it's so much more tiring here than in China. To summarize, no matter how much you do, it will be too little to them. The project is really fast-paced. In China, getting 350 (CNY, around US\$48) was easy work. Working overtime, it would have been four or five hundred a day (CNY, around US\$50-69). Here, just working through the day is so tiring. There's no working too much. For example, you work for nine hours out of the nine-and-a-half-hour day, then you take half an hour to smoke or rest, bam, someone takes a photo, you can be fined two thousand (CNY, around US\$274)."

Salary and Benefits

Many investigative news reports have pointed out that wage deduction is common at the PT Virtue Dragon Nickel Industrial Park in Indonesia. PT Virtue Dragon Nickel Industrial Park also practices closed management, prohibiting workers from entering and leaving freely. A worker from a PT OSS site said: "We have been locked in our factory area for a year and a half and haven't been out of the gate. Those who were found to snuck out were fined thousands (CNY) on

their end assessment." A worker broke a bone because the equipment he operated desmoldered. He said: "They said I had operated it (the equipment) improperly and causing an accident, so they fined me several thousand (CNY) in the end assessment and deducted that from my salary. That decision was even signed off by the upper management. It desmoldered on its own, why was I blamed for this?" Li Junyang, who was interviewed by The Paper, said that if he was 10 minutes late, he would be deducted an hour's wage. If one dares to be half an hour late, one would be deducted for half a day's wage.

In addition to the devious deduction of wages in the name of "assessments," some wage deduction also happened without a justification. Mr. Wang said: "Our wages are deducted a little bit each month, sometimes [we get] 8,000 (CNY, around US\$1096) and sometimes 6,000 (CNY, around US\$822). When we came here, we were told "pay one for one." Now we can no longer communicate with them. With what was promised, we should have been paid 15,000 (CNY, around US\$2,055). But now we only receive 400 or 350 (around US\$48 to 55) per day (that is, US\$1,440 to 1,650, working 30 days per month)." The BBC reported on the experience of Luo Qiang, a worker pursuing his due salary from his company in Indonesia. Not only were his working hours undercounted, but so was his daily salary. Out of the 119 days of work, his average daily income was CNY51. He received a foot injury from a falling object at work, but not only was it not compensated as work injury, the injury itself became a reason for wage deduction. Going to the company for his owed wages, he subsequently received a concussion from the beating ministered by a foreman under an intermediary company.¹⁹⁵

In addition to the wage stealing strategies under various names, wage withholding was also commonplace in PT Virtue Dragon Nickel Industrial Park. Mr. Wang said: "When I came here, they said they would withhold a month's wage, and wages for each following months will be settled monthly as normal. But after I arrived here, I wasn't paid a penny for three or four months. I lived off of the 2,000 (CNY, around US\$274) I brought with me for living expenses. The first time we were (issued) salary was in the fourth month, and we were paid one month's wage. Later on, I heard there were some people who weren't paid for half a year from January to June this year, and only received their wages at the end of July and the beginning of August. That was for January to June, but they still withheld some money. It's basically impossible to have all wages settled here. His (presumably Mr. Wang's foreman) reason is 'I worry that you stir up troubles and lead fights here, a deduction is needed in any of those cases. So at least 10,000, 20,000 (CNY, around US\$1370-2739) needs to be withheld (for future deductions).'" Mr. Wang also said that if the workers don't find the boss, they will not take the initiative to pay the workers. "You need to tell them what the money is used for, check the work hours, and then

¹⁹⁵ Jingsi Ye, "一带一路：中国工人印尼打工的惨痛遭遇，新冠疫情下的崎岖回家路," *BBC News*, January 10, 2022, <https://www.bbc.com/zhongwen/simp/world-59412754>.

give them your account number, kind of like that. It's not what they've promised, that one month's wage is withheld and you get paid monthly after that. That never happens."

Mr. Li concluded: "Here, whoever listens to the bosses will get a slightly better wage. Whoever ever argued with the boss, their wages suffer. Whoever asks their due wages in front of everyone will receive a lower wage. Say you're tired of working so you take two, three days off for rest, normal stuff. That's also a reason for wage deduction. If I knew this situation, I could have stayed in China. I traveled tens of thousands of kilometers and came here across the ocean. It's just for a little bit more money. They've made me coming here completely meaningless."

Living Conditions

In PT Virtue Dragon Nickel Industrial Park, most ordinary workers live in simple dormitories. Mr. Wang said: "Our accommodation is a room for six people. It is two miles from our dormitory to the bathing place. The toilet and bathing area are together. If you have diarrhea, you may not be able to hold it until reaching the bathroom. There are many things, if you don't know then you don't, even when you talk about it it sounds like a joke. But really, these are facts."¹⁹⁶ Clearly, the facilities in and around workers' dormitories could not satisfy workers' most basic needs.

Huang Guomeng, who was interviewed by The Paper, said when introducing the diet at the construction site: "We eat rice and steamed bread, some dishes are offered but they taste fowl. If you want to eat better, you can make some instant noodles in a small pot on your own. Drinking to relieve boredom is expensive. Indonesia has many Muslims who do not drink alcohol, so the beer here is very expensive. It's around 15 (CNY, around US\$2) a bottle." And Mr. Wang said: "When it comes to food, we're not starving. Before coming here we were promised room and board. But if you're still hungry don't you still need to buy things? Don't you still need money? The people who work in the cafeteria give you set portions. If you want more they will charge you, and you will pay for it. The company doesn't cover the food expenses for those who don't work. Since I stopped working I haven't been to the cafeteria for half a month, I've been eating noodles. Noodles in the morning, and instant noodles in the afternoon. It's not easy to buy food here, and I've spent more than CNY 15,000 to 1,6000 (US\$2,055 to 2,192) for food since April."

Occupational Safety and Protection

"A lot of people have died in the steel mill," said the electric welder Mr. Zhang.

¹⁹⁶ Zhenhua Xu, "澎湃国际：特稿 | 困在印尼苏拉威西岛的中国工人 [The Paper International: Special | Chinese worker trapped in Sulawesi Indonesia]," *The Paper*, December 13, 2021, https://m.thepaper.cn/newsDetail_forward_15767169.

At the beginning of 2021, Mr. Zhang experienced a workplace accident. He suffered a comminuted fracture on his leg from a fall, and could not continue to work. At the time of the interview, Mr. Zhang had been trapped in Indonesia for two and a half years, and his leg had been broken for a year and a half. According to Mr. Zhang, three other workers were injured a few days after his injury. A few months later, on August 27, 2021, Cheng Fayang, who was working at PT OSS, died in an accident caused by a falling roller. The frequent workplace accidents reflects a concerning record for the industrial park's safety measure.

The local hospital in Kendari has limited resources. Mr. Zhang's operation on his broken leg was unsuccessful, but he could not return to China for treatment. "The boss keeps saying that he is trying to get me back [home], but my COVID-19 test results are always positive, and the list [of results] were never shown [to me]." In the industrial park, workers must apply to go through COVID tests and to go back home. And even if workers have the opportunity to be tested for COVID-19, the testing results appeared to the worker to be opaque. Many workers said that, for tests done within the industrial park, they were not given the full medical report, but a form with manually filled information indicating test results. What worried Mr. Zhang was not only his disability, but the prospect of identifying his injury as workplace-related. "The captain and vice-captain went back to China in August last year and I asked them to report my work-related injury. They said they didn't have the rights and told me to find a lawyer to discuss compensation. The one-year reporting period has already passed, and I don't know if it can still be recognized as a work-related injury." According to the "Measures for Recognition of Work Injury" issued by the Ministry of Human Resources and Social Security of China, injured employees can apply for work injury recognition within one year of the date of the accident. After one year, it is deemed expired, and the labor department will not accept the work-related injury designation. Trapping workers overseas benefits the company by extending the productivity of PT Virtue Dragon Nickel Industrial Park's steel mills and construction projects; moreover, keeping injured workers from returning home allows the company to control them, evading workers' compensation, and avoiding the costs of litigation.

Under these circumstances, many workers realize that there is no legal or moral bottom line to protect the right to life for workers at Virtue Dragon. Other than Xiangqian Luo, who received a concussion for appealing for his owed wages, other workers' lives and safety were proven unprotected, even if they did not "cause trouble" for their employers. In recounting the workers' protest at a Tianmu, an intermediary company for Virtue Dragon, Mr. Li mentioned one such incident in September 2021.

"A worker of Tianmu had a sudden heart attack and a severe chest pain, and asked his boss to send him to the hospital. The boss did not do that and told him to take a break and drink two bottles of patchouli. After two or three hours, the person was already dying and

clearly needed to be sent to the hospital quickly, but the boss still did nothing, claiming that the shuttle was outside and could not return. But in fact, as the boss, he is in charge of six or seven hundred people, and the shuttle can come back with one phone call of his, but the boss did nothing. Eventually, the worker was dying, the boss had people carry the man out of the dormitory area, put him outside on a wooden board, and covered him with a piece of cloth - and left the man to die.”

"People die here, and they die inexplicably. Nobody even knows where the body is. This person, I don't know if he [his body] was sent back [to China]. I did hear that there is this incident, because they are not far from us," Mr. Li said. "Hey, it's normal for people to die here, for me, I don't even think much of anything about it anymore. Really."

Mr. Li's words, although appearing chilling and numb, contain an underlying sentiment: Even if the workers think much about the deaths happening in the industrial park, it does nothing other than adding onto the psychological burden that the workers already bear.

Working During the Pandemic

Mr. Wu described his experience in the park when the coronavirus first became a “global plague.” "On the second or third day of 2020, COVID shutdown had begun, but work went on. It was unclear whether anyone in the park contracted it, because the company would not publicize that information. [...] We don't know who caught it, and you also can't see or touch it [COVID]. No one knows where the safest place is, we all lived in groups. There were more than six people in each dormitory room.” After the pandemic became a more severe issue, the company distributed masks for workers to wear on the job. If the COVID test results came out positive, the workers would have been quarantined for seven or eight days, and then they would be released if they had recovered after that, and continued to work.

Before the pandemic, if the workers were unwilling to continue working, they could choose to pay CNY a few thousands to fly back to China. However, after the pandemic and the accompanying COVID restriction policies were put into place, returning to China became a problem. The airfare became unaffordable for most workers. Mr. Li said: "It's very hard to eat the cost, really. So I have no choice but to stay here. It wouldn't have been like this before the pandemic. You could have gone back for (CNY) a few thousand for a ticket. With the money, you can go back as soon as you need, without a quarantine. Now, COVID has given them [the employers] a lot of excuses.” Workers who could not afford the ticket home had to go through their company to go home. This means they have to work for at least the term of the contract to qualify. However, as mentioned previously, the terms are set by the company.

Even if workers make up their minds to return home at their own expense, they may not be able to because, as mentioned earlier, workers' passports are often seized by their employers. Mr. Wu said: "I know someone who asked for a passport and left at his own expense. So I said I want my passport too, and I will go back at my own expense, whether it is CNY40,000 (around US\$ 5,479) or CNY100,000 (US\$13,697), don't worry, I will spend my own money to go back. But later when I asked for my passport, they tried and gave excuses. [They] won't give it back whatever I said. Because [they knew] if you get your passport, and are back home, you are going to stir up trouble. The person who went back, he sued them."

Secondly, the various COVID-19 testings and requirements also blocked a lot of workers' path back home. Workers who want to return to China needed to go through the following procedures before returning to China: First, workers needed to apply for the return, and their superiors would report to PT Virtue Dragon Nickel Industrial Park Company. After obtaining the approval from the company, workers could start testing, including nucleic acid tests and antibody testing. And only after "passing" the COVID tests in the factory plant would the company arrange for workers to go to Jakarta. In Jakarta, workers must go through at least two or three other tests. These COVID-related tests are paid by the workers themselves, about 1.55 million rupiah, or more than CNY700 (US\$95.9), and they are all serum plus nucleic acid tests. Sometimes, depending on China's changing regulations, a CT examination was also required. However, as mentioned earlier, the publication of test results is an extremely opaque process. Workers could access the medical report directly, but only the information filled in manually on a form issued by the company. This gave workers reasonable suspicion that the company might play a role in altering the test results, thus forcing them to continue working abroad. The leader of a team of workers that had to return to China said:

"The company's test results were different from the one we got in Kendari. We secretly went out to Kendari for COVID testing several times because we couldn't trust the company. Their testing had no basis, [they] just write a number, distribute a form, so we all doubt it. Some workers tested for a couple dozens of times, and the numbers they provide on their tests are pretty high too. If we test for COVID at the company today, and go to Kendari for a test tomorrow, the two results are going to be different. Their testing fee is also higher [than in Kendari], at CNY775 (around US\$105), which we could not accept. Testing in Kendari costs less than CNY200 (around US\$27)."

In addition, workers who are scheduled to return are required to sign a guarantee letter, known as a waiver agreement, that is neither reasonable nor legal. Mr. Wu explained: "[It says that], when you leave the park, you have nothing to do with the company. There is no company seal on it, only my signature. Worker's signature is required. If you don't sign it, the company won't arrange your return. They keep [this letter] for themselves. This is blatant oppression. Now I

know that in future lawsuits, this piece of paper will definitely be useful for them, but I have no other way now, the only way is to sign it. I will sign whatever, as long as I can return home safely and alive."

Guarantee letter signed by a worker

Gender-Based Violence

Rarely has any media reports detailing Chinese workers' conditions in Indonesia ever mention female workers. Indeed, it is true that most of the workers who go to Indonesia to work in Chinese-funded metal smelting projects were men, but there were also some women who work in said projects. In addition to the labor rights and human rights violations mentioned above, the gender-based exploitation and violence that female workers experience at work cannot be ignored.

We understood from both male and female workers at the PT Virtue Dragon Nickel Industrial Park that it is very common for female workers to be asked sexual favors from their male superiors. Ms. Yuan, a female worker of PT OSS, mentioned that the leader of the personnel department once told her to "go to him." "He asked me to go to his place. I didn't go, and made

various excuses not to. But then when it came to my return to China, I had to rely on him to arrange these things. Because of this [my refusal], I was quarantined there for several months (and never returned to China).”

CLW: He told you to go, he meant to go to his office, to his room?

Ms. Yuan: Yes.

CLW: What do you think he would have done if you had gone to his room?

Ms. Yuan: I would definitely [have had to] do shameful things (laugh). Needless to say, I know, because of the messages he sent.

CLW: What messages did he send? And where? On WeChat?

Ms. Yuan: On WeChat. He’d post something about...

CLW: Is it something pornographic?

Ms. Yuan: Yes. Yes.

CLW: How did you feel when he harassed you like that?


Ms. Yuan: I felt helpless. After all, [I am] a woman over here, without any support, and still a little scared, right? If a woman is separated from all relatives and supports, and she is threatened and intimidated, she’s going to be afraid.

When another female worker, Ms. Fang was alone with the factory manager. The factory manager made a similar invitation, but she refused. Ms. Fang said: "He said, ‘You are stupid. You have to find someone to back you up.’ That’s what he said. That was actually just baiting me in another way, but he never actually did anything. Then when he walked up the stairs, he lowered his head and said, ‘I want you to sleep with me, you don’t. You will see the consequence.’ Then he left.” Ms. Fang said that she didn’t react at the time, and felt angry after the fact.

Both Ms. Yuan and Ms. Fang mentioned that many female workers, regardless married or not, had chosen to provide sexual favors to the leadership for their jobs. Ms. Yuan said: "There is a saying, ‘Everything depends on relationships.’ If someone has your back, you are not afraid. If you don’t, everything will be difficult." She mentioned that a female worker with a relationship (with their superiors) could be allowed to operate equipment that bring in higher wages, while the female worker without such relationships had no such opportunities. "But for many people who haven’t returned to China, they don’t dare to say anything at all."



Deaths

July 28, 2021	Zhang, a PT Virtue Dragon Nickel Industrial Park worker, was claimed to have died at a local hospital due to illness. His family
---------------	--

	<p>disputed the cause of death.¹⁹⁷ Zhang was a worker employed by Jingtang (a subcontractor) at Virtue Dragon's second phase project worksite in Kendari, Southeast Sulawesi. His son reported to investigators that his father said he was physically fine during their last phone call on July 11. The company said Zhang was diagnosed with bronchitis, which had triggered complications of diabetes four days before he passed away. Zhang's family disputed the cause of death because, to their knowledge, Zhang had never been diagnosed with diabetes before. Moreover, Zhang's coworkers told his family that Zhang had tested positive for COVID-19 on July 19, and later his phone was confiscated by the company. Now Zhang's family wants to know why the company concealed information about COVID-19 and what treatment Zhang received before his death. Unable to travel to Indonesia due to COVID-19 restrictions, it is unlikely that Zhang's family will find out what truly happened to him.¹⁹⁸</p> 
July, 2021	A worker committed suicide by jumping into a river.
September, 2021	An electrician from Jiangsu committed suicide by hanging at quarantine hotel in Jakarta.
September, 2021	<p>A worker died from cardiovascular disease at the worksite of Virtue Dragon Industrial Park's third phase project in Morowali. According to his workmates who witnessed the incident, a worker employed by Tianmu (a subcontractor) suffered from acute chest pain caused by sudden cardiac arrest and begged his boss to send him to hospital, but his boss refused and told him to take a break and drink some liquid herbal formula. After two hours, it was clear that he was dying, but the boss refused to call for a shuttle even though it was only one phone call away. In the end, when the worker was about to die, the boss asked that the man be carried out of the dormitory area, placed on a wooden plank outside, and covered with a piece of cloth. In short, the man was put to death.</p>

¹⁹⁷ Nanxin Zhang. “印尼中国劳工实录：3个月至少3人自杀，护照被收走有人花7万元才回国,” 腾讯网, November 2, 2021, <https://new.qq.com/omn/20211101/20211101A06PEM00.html>

¹⁹⁸ Ibid.

January 19, 2022	<p>A worker employed by Baotai (a subcontractor) at Virtue Dragon Industrial Park's third phase project worksite died due to injury caused by pipes that fell during installation.</p>
May 22, 2022	<p>A worker committed suicide by hanging at Virtue Dragon's third phase project worksite. He had been stranded in Indonesia for over two years before his death. In a document released by the company, his death was called an "accident."</p> 
June 15, 2022	<p>A worker committed suicide by hanging at Virtue Dragon's third phase project worksite.¹⁹⁹</p> 

¹⁹⁹ Ibid.

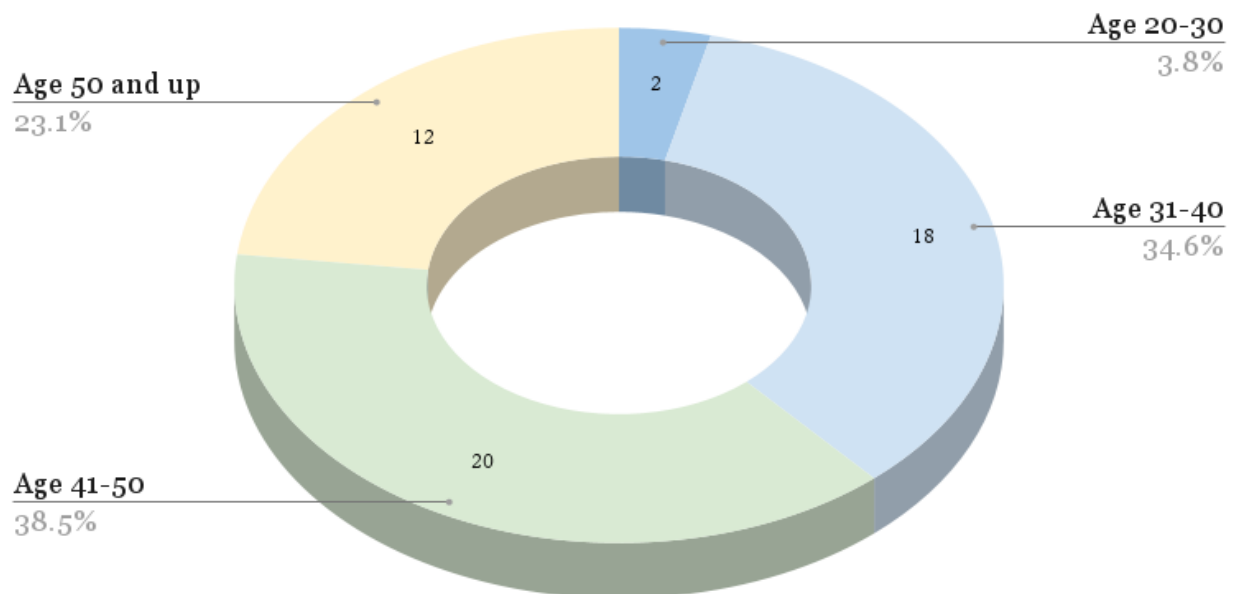
Appendix VI. Extended Country Profile – Tsingshan Industrial Park, Indonesia

Tsingshan Industrial Park

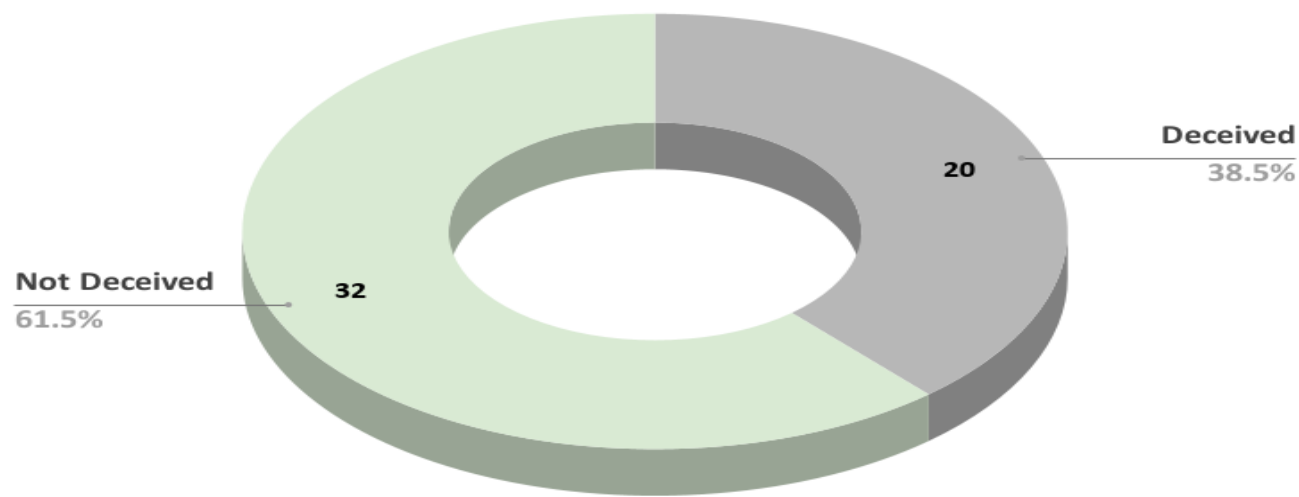
Quantitative overview

CLW received responses from 52 workers employed by Tsingshan and its subsidiaries in Indonesia. Below are pie charts generated based on these responses.

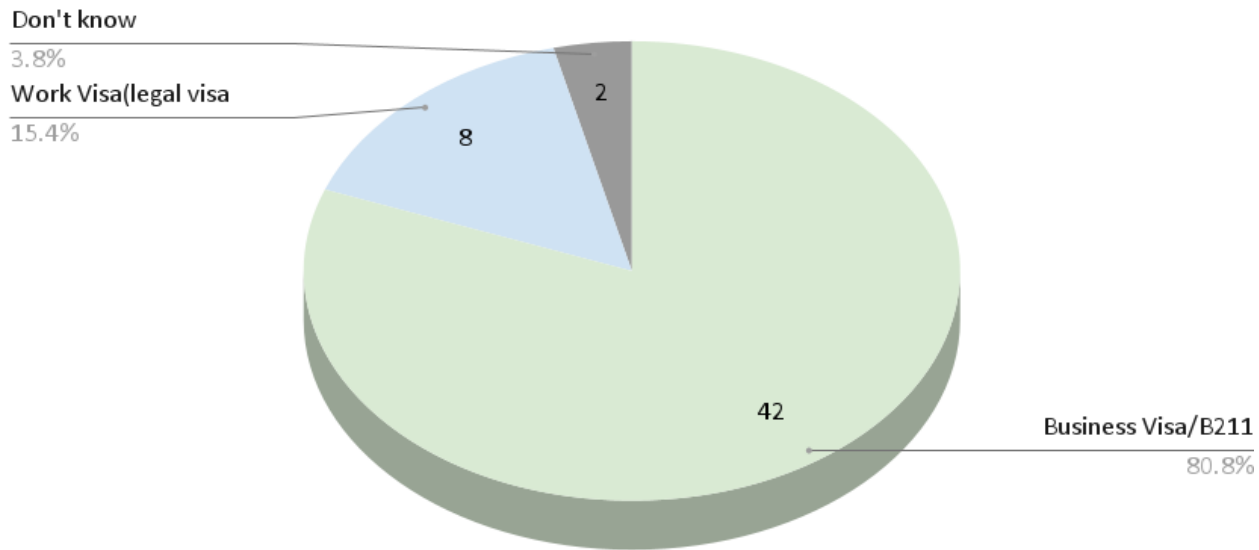
Age Distribution of Workers Trapped Overseas



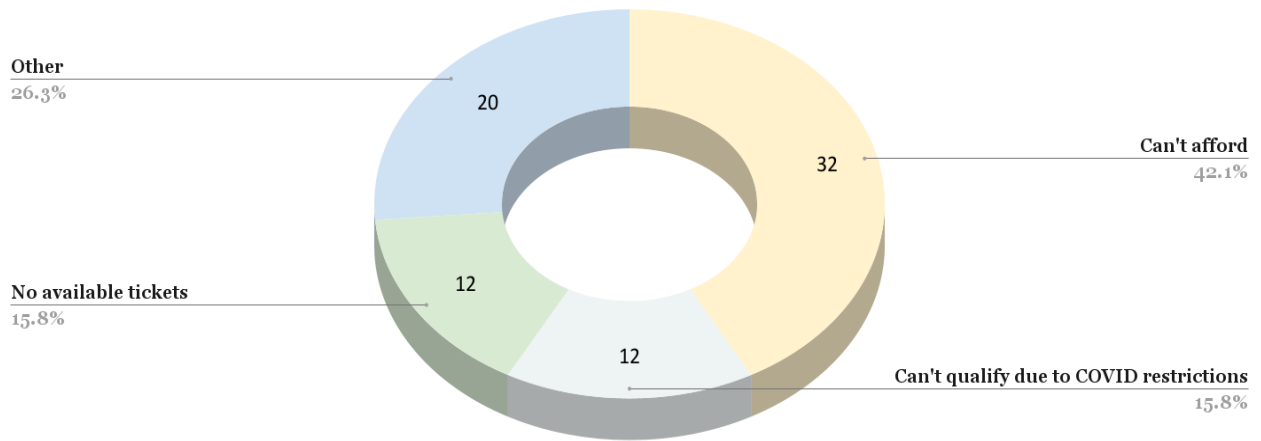
Deceived workers



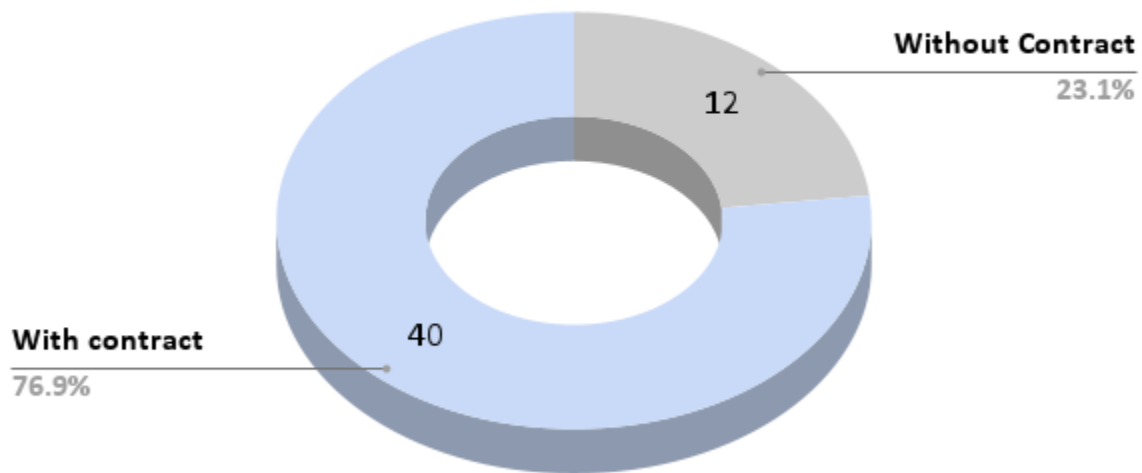
Worker's Visa Type



Reasons for being stuck overseas



Labor Contract



Hiring

Many intermediary individuals and agencies engage in deceptive recruitment practices in the process of introducing workers to work overseas. Among the answers to the 52 questionnaires CLW collected from workers in Tsingshan Industrial Park, it was seen that 38.5 percent of the

workers believed that they were deceived by agencies, labor service companies, or friends. Through questionnaires and in-depth interviews, CLW learned that workers obtained employment information mainly through the following channels: introductions from relatives and friends, introductions from previously known bosses, contacting a labor dispatch company, recruitment through the internet, and working in a domestic company with the same people. No matter which channel is used to obtain information on employment, there are cases where the recruiter makes false promises or conceals real information.

The first and most common practice is to conceal the identity of the employer. Workers thought they were subcontracted to a general contracting company and projects, but in fact they were outsourced to third-party companies or even private bosses that the workers themselves might have never heard of. Mr. Ou, a construction worker in Henan, contacted a labor dispatch company called "Zhengzhou Bafang Human Resources Development Co., Ltd. [郑州八方人力资源开发有限公司]". After paying the agency an introduction fee of CNY6,000 (US\$822), he thought he was working for Tsingtuo Equipment Manufacturing, a subsidiary of Tsingshan. The business of Fujian Tsingtuo Equip. Mfg. Co.,Ltd. includes the installation of metallurgical machinery and equipment, the installation of steel frame structures of houses, and the construction of steel structure projects. The company's main shareholder, Tsingtuo Group, is one of the five major groups of Tsingshan Industrial. But what he did not expect was that his labor contract did not mention "Tsingtuo", and his direct employer was an installation engineering company located in Shangqiu under Tsingtuo Equipment. This form of concealment of recruitment makes it impossible for workers to obtain actual information about their employers.



项目介绍

印度尼西亚共和国，为东南亚国家之一，位于亚洲东南部，地跨赤道，与巴布亚新几内亚、东帝汶、马来西亚接壤，与泰国、新加坡、菲律宾、澳大利亚等国隔海相望。印尼由上万个岛屿组成，

是全世界最大的群岛国家，别称“千岛之国”。各岛处处青山绿水，四季皆夏，人们称它为“赤道上的翡翠”，印尼是世界第四人口大国，有100多个民族，是除中国之外领土最广泛的亚洲国家。印度尼西亚是典型的热带雨林气候，年平均温度25—27℃，无四季分别。

条件要求

年龄 24-52岁，雇用合同为1年，具有5年以上工作经验，技能熟练，吃苦耐劳，无犯罪记录和不良行为。身

[Concealment of the employer is common in overseas recruitment information. Zhengzhou Bafang Talent did not even mention the specific project name or the employer name in the above recruitment advertisement.]

Source: Zhengzhou Bafang Talent WeChat Official Account.²⁰⁰

Secondly, apart from outsourcing, another form of deception in intermediary recruitment lies in false recruitment information that does not match the reality. A worker who also worked for a private boss under Tsingtuo, but did not sign a contract, said: "Tsingtuo workers are all cheated by intermediaries. The recruitment introduction was written according to Tsingshan's standards, but after I arrived, [I found] the situation to be completely different from Tsingshan. [They advertised that a dorm room is shared by four workers], but what room for four people, not true at all, I live in a room with 10!"

Employers have a legal responsibility for formally contracted employees, but not for workers who came in through outsourcing units. This leads to companies using outsourced workers to reduce labor costs and managerial responsibilities. Although both regular employees and

²⁰⁰ 八方人才。“八方人才招聘信息 [Eight Talent Recruitment Information].” Weixin Official Accounts Platform, 24 Mar. 2022, https://mp.weixin.qq.com/s/g0bW2WG2uwYLqBH0Josu_Q.

outsourced workers are managed by Tsingtu, regular employees were given priority on remuneration, salary, and benefits. The legal employer of the outsourced workers could be a formal labor construction company, but it could also be a "shell company" that does not have formal business qualifications. This means that outsourced workers not only have to undertake heavier physical work, but are also more likely to face a series of problems such as wage arrears and a lack of subsidies for work-related injuries. However, many such recruiters not only omit the name and related information of the subcontracting company, but also use the treatment of regular employees to attract Chinese workers and then place them in the subcontracting unit, which constitutes false recruitment.

Passports and Legal Documents

Employers' withholding of workers' identification documents or other valuable personal property is also an important indicator of forced labor.²⁰¹ Article 9 of the "Labor Contract Law" also stipulates that when recruiting laborers, an employer shall not detain the laborer's resident identity card and other certificates, and shall not require the laborer to provide guarantees or collect property from the laborer.²⁰² However, the passports of almost all the workers CLW came into contact with had been forcibly taken away by the company after their arrival in Indonesia in the name of unified management, and the passports were not returned until the workers needed to renew their visas or needed to leave Indonesia. Many workers regard this "unified management" as an accepted practice, and have accepted this from their employers. Without identification documents, workers not only have no way to find other jobs, but they also have difficulty reporting to the local authorities because they cannot prove their identity.

The results of the questionnaire also showed that 42 of the 52 people held a B211 business visa. According to the Indonesian Immigration Bureau, the B211 visa does not allow foreigners to engage in paid work in Indonesia. In addition, since the process of applying for a visa is handled by the project company and their bosses, some workers do not know what kind of visa the company has issued for them. A worker who came to Tsingshan Park in November 2019 said: "It's not Chinese, and I can't read it. I just heard that some say it's business, some say it's labor. I don't know what it is." Another worker also said: "The three-month renewal, we don't know what I'm signing here, and I can't speak Indonesian. We never got the accurate information about what's even written on this! We can only listen to them, renew it every three months." The highly opaque process means that workers must rely on their employers to handle their various legal document procedures, and, because their passports have been confiscated by their employers, their travel and personal movements are under the control of their employers. All of

²⁰¹ International Labour Organization. 2012. ILO indicators of Forced Labor. Geneva: International Labour Organization.

²⁰² The Central People's Government of the People's Republic of China, 中华人民共和国劳动合同法 [People's Republic of China Labor and Contract Law], June 29, 2007, available at: http://www.gov.cn/flfg/2007-06/29/content_669394.htm

these means of control have led to the fact that workers cannot easily leave the environment when encountering labor rights violations.

Labor Contract

The questionnaire revealed that 12 of the 52 people did not sign a labor contract. This may suggest that 77 percent have contracts, however, the question is, does the signing of the contract mean that the legitimate rights and interests of the laborer are protected by the contract? In fact, many workers reported that they signed the contract after the procedures for going abroad had been completed, after they had paid the deposit, or after they arrived in Indonesia. Signing a contract at such a moment makes it difficult for workers to opt out even if they do not agree with the contents of the contract. Mr. Liu, an electrician hired directly by Tsingshan, said he signed the contract the day before takeoff. He remembered that the company asked him to promise in the contract not to strike or protest. A copy of the contract belonging to him was confiscated on the spot. Another worker, Lao Wang, who came to Weidabei Park through a construction labor service company in Hubei, said: "The contract only protects the company's interests. After reading the contract, we didn't want to go, but the company did not refund the deposit. Five thousand yuan is no easy money [to procure] for a rural laborer, so I had no choice but to go to Indonesia." In addition, he said: "We signed the contract at the time, signed it at the company and left, and the contract was not given to us. They did not leave me a copy." Article 16 of the Labor Contract Law stipulates that the employer and the employee should each hold one copy of the labor contract.²⁰³

In China, oral agreements are prevalent in the construction industry, and there is still no widespread awareness of signing labor contracts in writing. A 2011 survey report on the living conditions of construction workers in Beijing, Chongqing, Shanghai, and Shenzhen pointed out that 75.6 percent of construction workers had not signed labor contracts. Among the workers, according to the 2016 Migrant Worker Monitoring Survey Report, the proportion of workers who signed labor contracts with employers or units was 35.1 percent. When asked why they did not sign a written contract, some workers mentioned that they had worked for a certain boss in China, and there were no problems at that time. The previously established trust made workers believe that not entering into a written contract would not cause problems. Unexpectedly, the actual experience in Indonesia, among other countries, appeared to be inconsistent with the verbal commitment.

Working Hours

"When I first came to Indonesia, I didn't know I had to work 176 days in a row. I didn't know it was such a working environment, it was continuous work." Mr. Liu, an electrician who came to Morowali Tsingshan Industrial Park Steel Plant through direct recruitment recalled. "The

²⁰³ People's Republic of China Labor and Contract Law

company's commitment is to work for 180 days, including the two days of back and forth travel each way. One-hundred-and-eighty days is the validity period of a business visa - it is normal to return to China, and they will reimburse you for the round-trip airfare. Including visa fees, it is all reimbursed by Tsingshan. You are allowed to return to China for 15 days of rest after half a year of work. Such recruitment information is published in Tsingshan's recruitment advertisement.” However, he did not expect that in the so-called 176 days of work, none would be a rest day. This is a blatant violation of Chapter 4 of China's "Labor Law", which stipulates that the average working hours of workers per week should not exceed 44 hours, and the employer should guarantee that workers have at least one day off each week.

× 青山实业永青集团海外企业招聘处 > ...

福利待遇

1、社保按福建省福安市标准执行缴存，在海外工作的员工免费提供食宿及生活必需品。

2、休假方式

员工级：每工作165天（即5.5个月）可休假一次；

班长级：每工作150天（即5个月）可休假一次；

主任级：每工作135天（即4.5个月）可休假一次；

经理级：每工作105天（即3.5个月）可休假一次；

每次15天。往返机票费、签证费由公司承担。

3、免费为公司老员工提供年度体检。

4、薪资待遇范围（以下为含税综合收入）：

职能部门及其他生产部门岗位：13000-17000元/月		
钢铁	中控类	12000-15000元/月
	生产类	14000-19000元/月
	机电类	13000-17000元/月
	管理类 (主任级以上)	25万以上/年 具体薪资面议
电厂	检修类	14000-18000元/月
	运行类	15000-18000元/月
	管理类 (主任级以上)	25万以上/年 具体薪资面议

5、工作优秀者，有丰厚的年终奖。

6、无钢铁厂相关工作经验，但有意向从事钢铁生产工作者，欢迎踊跃报名。学徒工需在境内钢铁厂学习3-6个月，考核通过后即可出国工作。

[Tsingshan's advertisement for different positions]

The recruitment advertisement for Morowali Industrial Park, posted on the official account of the Overseas Enterprise Recruitment Office of Tsingshan Industrial Yongqing Group, stated that employees at the employee level “can take one vacation day for every 165 days (5.5 months) of work”

From the perspective of labor rights, this is obviously a violation of the right to rest, but for many workers, having no rest days is an advantage of working overseas.

Mr. Wang, who used to work as a carpenter in Tsingshan Weidabei Industrial Park, told us: "The advantage of being out [of the country] is that you can work full-time shifts, but you can't work that long at home."

CLW: "They let you work, for 30 days a month?"

Mr. Wang: "Yes."

CLW: "No days off?"

Mr. Wang: "No. Because you're paid on a daily basis. If you take a day off, you won't get a day's pay."

Another worker at Morowali Mine in Tsingshan said: " If you don't get sick, you don't need them to tell you, you are willing to go to work on your own, because you're just out here for the money. Because if it rains, you don't get paid, if you're sick, you don't get paid. If you rest, you don't get paid. If you don't want to work, why are you abroad? What are you doing abroad? You went abroad to make money, to provide a better life for your family."

The reason why non-stop work has become a "blessing" for overseas Chinese workers is that their wages are calculated on a daily basis, there is no paid vacation, and there is no difference between the working week and weekends. Working on weekends is not counted as overtime by the employer. A full month's work constitutes a "full attendance". However, according to the "Labor Law", if it arranged that a worker shall work on a rest day but cannot arrange a compensatory vacation, the wage remuneration shall be no less than 200% of the wage; if it is arranged that the worker shall work on a statutory holiday, the payment shall not be less than 300% of the wage - not the same wages as paid on a normal day.²⁰⁴

Article 36 of the "Labor Law" stipulates that laborers shall work no more than eight hours a day, while the standard number of working hours for construction workers in Tsingshan is nine hours a day.²⁰⁵ The working hours of Weidabei's carpenter Lao Wang are, according to his account, as follows: "Go to work at 5:00 in the morning and leave at 11:30 or noon. Go to work at 1:30 or 2:00 and leave at 5:30 in the evening. You have to fill the 9-hour requirement for the day." Any work in addition to the nine hours are considered overtime. When working overtime, "[you] go and eat dinner at 5:30, and at around 6:30, 7:00 you [the worker] go back to the worksite for three more hours. Overtime is CNY35 (around US\$4.8 per hour). If the team lead asks you to work overtime, and you don't go, they might form a bad impression of you. Basically, out of one month you probably work overtime for half." In other words, normal working hours is nine-hour per day, and anything above that is considered overtime.

²⁰⁴ Labour Law of the People's Republic of China.

²⁰⁵ Ibid.

A worker who came to Morowali through Sichuan Shuyuan Construction Labor Service Company said: "You work nine hours a day, 5:30-11:30 in the morning, 1:30-5:30 in the afternoon, five hours in the morning and four hours in the afternoon. In the past, the company sometimes needed to add one or two [overtime] hours in the evening. We work overtime when needed." A steel worker who came to Tsingshan Weidabei Industrial Zone through the 15th Metallurgical Foreign Engineering Co., Ltd. said: "We agreed on nine hours a day, but in reality overtime is mandatory. The longest shift I've worked went from 6:00 am to 11:00 am of the next day, I worked continuously for more than 24 hours. After that, I took a whole afternoon and evening off, and then continued to work at 6:00 am on the third day. Overtime pay starts from CNY11 (US\$1.5), and then increased to CNY30 (US\$4.1) an hour. If you don't work, you won't be eligible to work the next day, and you won't be paid even if you work."

Salary and benefits

Many of the interviewed workers decided to cross the ocean to work in foreign countries because of family economic pressure or the perceived high income of overseas workers. A miner in Morowali said: "I am 54 years old now, and we still want to work hard for them (children) for a few more years, because they are now taking care of their children and buying houses and cars. They have a lot of burdens. So if I can, I want to work hard for a few more years [to support them]. That's what I'm thinking."

Most of the workers we interviewed said that their actual salary matched the promised amount in Tsingshan. However, as mentioned above, this daily income and monthly income "in line with the commitment" corresponds to continuous work of 30 days a month, nine hours a day or more.

The Labor Law stipulates that wages should be paid to the workers themselves in monetary form on a monthly basis.²⁰⁶ Most workers in Tsingshan said that there are no serious wage arrears. However, it is a common situation that the company withholds one month's wage to keep workers from leaving. For example, a worker from Tsingtuo Outsourcing Company said that his salary for a month and a half was held by the company as a security deposit. In addition, many outsourced workers only receive a small portion of their salary as "living expenses" each month, with the rest of their wages only issued after returning to China. The previously mentioned Weidabei worker said that the company paid his family two or three thousand yuan for food every month, and the full wages were only issued after the half-year mark is passed. "I'm due on May 5th, and they should pass me the remaining wages by the end of June." This practice of wage withholding has been accepted by workers as a default condition.

If wage withholding is creating a condition that workers cannot receive their full wages when due, and fines and assessment is creating a formal reasoning for actual wage deduction. Among

²⁰⁶ ibid

the workers, Tsingshan is nicknamed "Tsingshan Prison" because there are so many finable items:

<div><div>附件 1</div><div><div>外协单位安全文明施工考核细则</div><p>为提升施工现场的安全,规范施工人员安全行为,防止各类安全事故的发生,确保施工过程中人身、财产安全,结合施工现场实际情况,特制定以下规定。</p><p>一、员工违规违纪考核</p><p>1. 进入厂区及施工现场不戴安全帽者,考核 1000 元/人次;安全帽帽带未系者,考核 500 元/人次;</p><p>2. 工作服应系好考核,发现上身袒露、工作服穿戴不整齐者,考核 500 元/人次;</p><p>3. 在生产现场必须正确穿戴劳保鞋,发现未穿劳保鞋者,考核 500 元/人次;</p><p>4. 登高 2 米以上高空作业者,必须正确佩戴、使用安全带,违者考核 10000 元/人次;</p><p>5. 电焊人员作业时,必须正确佩戴防护手套及防护面罩,违者考核 500 元/人次;</p><p>6. 电工作业时必须戴绝缘手套、穿绝缘鞋,违者考核 500 元/人次。</p><p>7. 操作旋转机床禁止戴手套,违者考核 500 元/人次。</p><p>8. 施工现场饮酒或酒后上岗者,考核每人 5000 元/人次,并要求立即离开施工岗位;</p><p>9. 施工现场睡岗者,每人考核 1000 元/人次;</p><p>10. 在厂区或施工现场随地大小便者,考核 1000 元/人次。</p><p>11. 在禁火区域抽烟的,考核 2000 元/人次;</p><p>12. 偷盗行为的(未经允许私自动用他人物资的行为即视为偷盗),考核 5 万元/次;报假案的行为,考核 20000 元/次;</p><p>13. 私自外出厂区或工作区域的,考核 1 万元/人次;</p><p>14. 打架斗殴或者寻衅滋事者,考核 5 万元/次,发生群体事件的,考核 20 万元/次;</p><p>15. 乙方人员擅自动用甲方设备的,考核 2000 元/次;</p><p>16. 损坏安全防护设施及移除安全防护设施后未及时恢复者,考核 1000 元/次;</p><p>确认:</p></div></div>	<div><div>附件 1</div><div><p>17. 外来施工人员或业务人员进入其他生产现场作业,需告知现场负责人,经现场负责人同意后方可入内,违者将对外来施工人员或业务人员每人考核 1000 元。</p><p>18. 其他违规违纪行为根据实际情况,给予 1000-50000 元考核。</p><p>二、现场违章作业考核:</p><p>1. 进行切割作业时,氧气瓶、乙炔瓶、煤气罐不符合安全距离,氧气瓶、乙炔、</p></div></div>
--	---

Assessment rules shared by a Tsingtu worker who is engaged in installation work in Morowali (See English translation in [DL-18] Assessment Rules of Safe and Civilized Construction)

Article 13 confirms workers' testimony, that Tsingshan does not allow Chinese workers to go out, and in an event that they leave the factory plant without authorization, a fine of CNY 10,000 (around US\$1,378) is to be issued. Article 14 reads: "If mass incidents [a phrase commonly used as an alternative to incidents such as protests and strikes] occur, CNY200,000 (US\$27553) per incident is to be reflected on workers' assessment." Article 18 reads: "Other disciplinary violations are to be assessed on a case by case basis, with a fine of CNY1,000-50,000 (US\$138 to 6888) reflected on the assessment." These management regulations not only increase the employer's control over the workers, the vague expression also creates excuses for employers to deduct workers' wages on their own terms.

Living Conditions

Overseas work generally includes a package of food and housing, as mentioned in many job postings. And that appears to be true according to CLW's investigation, but the quality of food and accommodation is the issue. A dormitory room for ordinary workers generally accommodates six to eight people. They mostly lived in foam laminboard houses or other temporary constructions, which sometimes leak when it rains.

As mentioned earlier, workers could not leave the industrial park without management's expressed permission. Having their personal freedom restricted, workers also have their personal space disciplined by their employers. For example, during the hot summers of Indonesia, many male workers preferred to walk around without a shirt in the dormitory area, but such a conduct was a violation subjected to a CNY500 (around US\$69) fine.

Occupational Safety and Protection

In terms of workplace safety, despite the variety of finable items regulating workers' behaviors, safety issues remained a problem in construction. An electrician with many years of experience working in a Chinese steel mill said: "In China, electrician is a special operation, and there is a set of relatively strict rules and regulations, especially for a high-voltage electrician working with more than 10,000 volts. But in Indonesia, in order to achieve production efficiency, they ignore the safety aspect. There have been many workplace accidents in Tsingshan. Because Tsingshan blindly presses speed and efficiency."

Since 2020, COVID has become a major health concern for many workers. While China has implemented a strict zero-COVID policy domestically, workers in overseas construction sites have not received adequate public health protections. Between May and July 2020, an illness with cold-like symptoms began to spread among workers. Some workers wanted to be tested, but the company had not provided COVID. It was not until July that a worker who went to the hospital was tested positive for COVID that his company began to arrange for COVID testing. During this period, each worker was quarantined for 14 days in their own dormitory room, with

each room occupied by two to three workers. If one was diagnosed positive, they were pulled to the quarantine site to be quarantined alone. Two workers working for separate outsourced construction units said that, their company only distributed disposable masks once, without any other health protections. One of the workers from the 15th Metallurgical Construction Group said that the company only issued masks within a limited time, and one mask would have been used for three weeks.

Labor During the Pandemic

Since the Civil Aviation Administration of China has implemented their strict “Five-One” COVID-19 policy in March 2020, the price of international flights to China has increased, and had never calmed down. From a price of around CNY2,000 to 3,000 (around US\$275-413) for a one-way ticket prior to the pandemic, workers faced a hefty price tag of more than CNY20,000 (US\$2,755) just to fly home after the start of the pandemic. Many workers’ terms had ended. However, some companies in Tsingshan industrial park began to violate their initial promises to pay for workers’ airfare, and asked workers to return to China at their own expense. This led to a five-day strike at the Weda Bay Industrial Park in May 2021. A worker said: “At that time, there was a five-day strike. One of the conditions for the workers is that the company buys us a plane ticket to go back to China, and the other is the wage issue. Our wages should be raised. The company did not agree to that. Their attitude was well if you want to strike, do it for however long. If you don’t work you don’t get paid. In the end, workers suffer.” In the analysis of answers to the questionnaire, 32 out of 52 responses state that the reason for detention was “the air tickets are too expensive and there is no money to buy them.” And the air ticket prices should not have been borne by the workers who went abroad to work and wished to return home.

9月10日 雅加达=武汉 政策
10月政策已出

=====

【雅加达-武汉】

JT2619 06:20-12:25 (每周一)

9月20日 取消

9月27日 25800 (暂满)

10月4日 取消

10月11日 27800(余10)

10月18/25日 25800

=====

【武汉-雅加达】

JT2618 15:10-21:10 (每周一)

9月6/13/20/27日 4588

10月4/11/18日 4588

=====

阳性不予登机,回国阳性票款全退

A message sent by a ticket agent in the workers' WeChat group on September 10, 2021

Among the workers CLW contacted, few were able to go home, while most were stranded in the industrial park or in hotels in Jakarta because they were not able to fulfill the COVID testing requirements. Many workers stranded in the industrial park chose to continue working because under layers of institutionalized pressure, they could not see the hope of returning home. "Not working and waiting to return to China is not an option," said one worker. "Our wages were withheld, and they deduct money from that (if we don't work). So if we don't work and just sit and wait to return home, we're gonna be left with more or less nothing." COVID has given employers a convenient reason to prevent the workforce from leaving.

10. Document List

[DL-1] Employee Information Registration Form, Xiangshui Shenlong Foreign Cooperation of Labor Service Co._响水神龙对外劳务公司应聘人员信息登记表

响水神龙对外劳务合作有限公司应聘人员信息登记表

应聘职位	姓名	性别	出生日期
民族	年龄	政治面貌	籍贯
身高	学历	健康状况	婚姻状况
家庭住址	联系电话	电子邮箱	微信号
手机号码	家庭电话	紧急联系人	紧急联系电话
学历	专业	毕业学校	推荐人

之前是否在本公司工作过: ☐ 是 ☐ 否
如有, 请明确写出具体工作部门和具体职位: _____ 部门 _____ 岗位

教育经历	起止时间	学校	专业	学历
职业资格证书	证书名称	证书等级	有效日期	发证部门
工作经历	起止时间	单位名称	岗位	薪资
家庭状况	姓名	年龄	称谓	工作单位及职务
本人申明	本人截止入职之日, 处于离职或待业状态, 与其他公司或单位无任何形式的劳动关系, 也不受诸如竞业、保密等协议限制。本人自愿加入神龙公司并赴印尼VDNI、OSS公司工作, 决定不受任何外国约束和影响。本人知晓神龙公司是印尼VDNI、OSS公司唯一授权国内招聘合作公司, 知晓神龙公司不收取中介费、服务费的公司政策制度。本人申明以上所提供信息, 真实可靠。本人与原单位产生或可能产生的涉及债权、债务、劳动及其他纠纷, 均与神龙公司、印尼VDNI、OSS公司无关。如因隐瞒虚报而造成的任何后果由本人自负, 并接受公司给予的任何处理决定。			

签名: _____ 日期: _____

神龙公司初试结论

类型: <input checked="" type="checkbox"/> 面试 <input type="checkbox"/> 推荐简历	填报人: _____
资格审核: <input type="checkbox"/> 资格证书有效 <input checked="" type="checkbox"/> 身份信息真实 <input checked="" type="checkbox"/> 精神状态良好	专业考察分厂: _____
专业考察: <input type="checkbox"/> 熟练工 <input checked="" type="checkbox"/> 有经验 <input type="checkbox"/> 非熟练工	

神龙公司意见	用人部门意见	公司意见
面试结论: <input checked="" type="checkbox"/> 推荐至印尼用人部门 部门: _____ 岗位: _____ <input type="checkbox"/> 国内储备 部门: _____ 岗位: _____ <input type="checkbox"/> 淘汰 面试官签字: _____ 日期: _____	录用部门: _____ 岗位: _____ 试用期时间: _____ 试用期工资: _____ 签名: _____ 日期: _____	签名: _____ 日期: _____

Employee Information Registration Form Xiangshui Shenlong Foreign Cooperation of Labor Service Co.

Name		Position		Sex		Date of Birth	
Personal		Age		Political		Place of	

Identification No.					Status		Birth	
xxx	<input type="checkbox"/> Urban <input type="checkbox"/> Rural			Health		Infectious Disease		Ethnicity
Weight		Height		Marital Status	<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married, number of children:			
Home Address								
Cellphone				Home Phone		WeChat		
Emergency Contact				Emergency Contact Number				
Education		Major		School				Referrer
Have you worked in this company before: <input type="checkbox"/> Yes <input type="checkbox"/> No If so, please specify the department and position: _____Department_____ Position								
Education History	Start Date	School			Major		Degree	
Vocational Qualification Certificate	Name	Level			Effective Date		Department of Issuance	
Employment History	Start Date	Name of Company		Position		Salary	Reason for Leaving	

Family Background	Name	Age	Title	Employer and Position	Contact Information
Personal Statement	<p>Up to the employment date, I was unemployed or waiting for employment. I do not have any labor relations with other companies or employers, and am therefore not restricted by competition or confidentiality agreements. I voluntarily join the Shenlong Company to work at Indonesia VDNI, OSS companies. I am not restricted by any external conditions or influences. I acknowledge that Shenlong Foreign Cooperation of Labor Service Co. is the only authorized employment collaboration company of Indonesia VDNI and OSS. I acknowledge that Shenlong Company does not charge any agency fees or service fees. I hereby certify that the above information is correct and valid. Any disputes over creditor's rights, labor or other matters between me and previous employers are not relevant to Shenlong Company, Indonesia VDNI, OSS companies. The consequences of concealment and falsification of information will be assumed by myself. I accept any decision of the company.</p> <p style="text-align: right;">Signature: _____ Date: _____</p>				
Shenlong Company Initial Assessment Summary					
Type: <input type="checkbox"/> Interview <input type="checkbox"/> Referral				Filer:	
Qualification Assessment: <input type="checkbox"/> Effective certificates <input type="checkbox"/> Verified personal ID <input type="checkbox"/> Good mental state					
Professional Assessment: <input type="checkbox"/> Skilled worker <input type="checkbox"/> Experienced <input type="checkbox"/> Unskilled worker				Professional Inspection Branch:	
Opinion of Shenlong Company		Opinion of HR		Opinion of Company	
Interview Result: <input type="checkbox"/> Refer to Indonesia HR Department Department_____Position_____ <input type="checkbox"/> Reserved for domestic <input type="checkbox"/> Reject Interviewer Signature:		Hiring Department: Position: Probation Period: Probation Salary: Signature:		 Signature:	

Date:	Date:	Date:
-------	-------	-------

[DL-2] Employee Declaration, Xiangshui Shenlong Foreign Cooperation of Labor Service Co._
神龙对外劳务公司员工入职声明

响水神龙对外劳务合作有限公司
员工入职声明

声明内容: 本人 (身份证号: [redacted]) 就受聘 响水神龙对外劳务合作有限公司 郑重声明如下:

1. 关于本人对响水神龙对外劳务合作有限公司的声明: 本人知晓神龙对外劳务合作有限公司是印尼 VONI、OSS 公司在国内唯一的授权招聘合作公司, 本人知晓将通过神龙对外劳务合作有限公司前往印尼 VONI、OSS 公司工作。
2. 关于本人自身情况声明: 本人向公司出示的、陈述的任何有关本人自身情况的说明和材料都是真实有效的, 本人自身情况包括但不限于本人的身份证、学历、学位、技能、工作经历、家庭情况、婚姻状况、身体状况等等, 如有不实, 则视为本人的欺诈行为, 公司可以据此解除与本人的劳动合同, 并且不承担任何赔偿责任, 并由本人承担由此产生的一切法律责任。
3. 关于本人与前雇主关系声明: 本声明签署之日起, 本人与任何其他单位不存在任何劳动关系, 并且, 本人受聘于公司不会违反本人对前雇主的任何竞业限制义务, 公司不会因雇佣本人而引发任何诉讼, 任何公司因雇佣本人而引发的任何法律责任由本人承担。
4. 关于本人连带责任声明: 本人对前雇主或其他任何单位不负有保守商业秘密义务, 本人承诺不将任何涉及第三方的商业秘密带入公司, 并不在公司使用, 任何因本人违反对第三方的保守商业秘密的义务而导致的任何法律责任, 由本人承担。
5. 关于本人签署劳动合同的声明: 在订立劳动合同之前, 公司已经告知本人《劳动合同》各条款的涵义并说明、解释等情况, 包括岗位、工作内容、职责与要求、薪酬、劳动保护、安全生产等, 公司告知事项本人已真实知悉, 了解内容并保证严格遵守, 同意《劳动合同》各条款并自愿签署《劳动合同》, 该签署行为系本人真实意思的表示。
6. 关于本人对公司各项制度态度的声明: 在此之前, 公司已向本人出示了公司现有各项规章制度, 具体表现形式包括本公司《员工手册》以及部门规章, 并且本人清楚公司将根据具体情况不时更新这些规章制度, 本人表示将对其予以严格遵守。特别强调, 本人理解公司的商业秘密保护政策, 本人将严格遵守公司的商业秘密, 若本人违反上述规章制度, 愿意接受公司制度的执行; 若本人违反本公司《员工手册》中有关“公司终止聘用关系(解除劳动合同)”所列规定情形者, 公司可据此解除与本人的劳动合同, 并且公司不承担任何赔偿责任。
7. 关于录用条件的声明: 在本人入职前, 公司已向本人讲述或出示了本人所应聘岗位的工作条件、环境、岗位任职要求、职责, 本人认同公司对该岗位的要求, 如果试用期考核不合格, 视为本人不符合该岗位录用条件, 公司可以与本人解除劳动合同。
8. 关于本人对公司培训服务期态度的声明: 本人理解公司的培训服务期政策, 本人参加公司组织的外出培训, 所有涉及资料所有权属于公司, 并按照公司规定, 签署培训服务期协议, 如有违反, 本人接受公司规章制度所列惩处。
9. 关于本人对公司竞业限制义务理解的声明: 本人遵守本公司竞业限制义务限制, 未经公司许可不得私自进行倒买倒卖、私售等从事牟取私利的业务行为, 如本人违反, 公司可据此解除与本人的劳动合同, 并且公司不承担任何赔偿责任, 因本人上述行为给公司造成的损害, 公司可通过法律途径追究本人的责任。
10. 其他: 本人向公司声明不隐瞒本人的精神病史、传染病史等情况, 如有隐瞒, 视为违反《劳动合同法》的相关规定, 公司可以与本人解除劳动合同。
11. 本声明书系本人与公司签订《劳动合同》的承诺保证, 与《劳动合同》具有同等法律效力。

特殊情况陈述:

本人上述声明为本人真实意思的自愿表示, 特立此声明书。

声明人(签字): [redacted] 年 月 日

Statement:

I, [name] (Personal ID: [number]), make the following statement regarding my employment at Xiangshui Shenlong Foreign Cooperation of Labor Service Co.:

1. Regarding Xiangshui Shenlong Foreign Cooperation of Labor Service Co.: I acknowledge that Shenlong Foreign Cooperation of Labor Service Co. is the only authorized employment collaboration company of Indonesia VONI and OSS. I acknowledge that I will go to Indonesia VONI and OSS companies to work via Shenlong Foreign Cooperation of Labor Service Co.
2. Regarding my personal information: the materials that I present to the company about my situation are verified and valid. My situation includes but is not limited to my personal

ID, academic degrees, academic history, skills, employment history, family background, marriage status, health conditions, etc. Any discrepancy will be considered deception, and the company can thereby rescind the labor contract with me without bearing any compensation responsibilities. I will assume full legal responsibility for the deception.

3. Regarding my relationship with previous employers: Since the day of the signage of this statement, I have not had any labor relations with other companies. Moreover, my employment will not violate any competition restrictions of previous employers. My employment will not result in any litigation towards the company. I will assume all legal consequences resulting from my employment at the company.
4. Regarding my joint and several liability: I do not have any obligations of commercial confidential information towards previous employers and other companies. I promise not to bring any commercial confidential information that involves a third party to the company and will not use the information in the company. I assume any legal responsibility resulting from violations of third-party confidential information.
5. Regarding my signage of the labor contract: before signing the labor contract, I was informed by the company of the meaning of all provisions of “Labor Contract”, including work post, nature of work, responsibilities, requirements, salaries, labor protection, safe production, etc. I certify that I am fully knowledgeable about the provisions and will strictly comply with the regulations. I accept all of the provisions of the “Labor Contract”. My signature on the “Labor Contract” illustrates that this is voluntary and genuine.
6. Regarding my attitude towards regulations of the company: Before the signature of this statement, the company explained to me its regulations, including the “Employee Handbook,” and regulations of the departments, and I am fully aware that the company will update the regulations based on context. I certify that I will strictly comply with the regulations. Importantly, I understand the policy of confidential business information protection, and will strictly protect the company’s business confidences. Should I violate any of the regulations, I am willing to accept the consequences. If I violate the conditions involved in the “Conditions of Employment Termination” described in the Employee Handbook, the company can terminate the labor contract with me and not assume any liability.
7. Regarding employment requirements: before my onboarding, the company has informed me the working conditions, environment, work qualifications, and relevant responsibilities. I agree with the employment requirements presented by the company. If I fail the qualification assessment during the probationary period, I will be regarded as not qualified for the position, and the company can terminate labor relations with me.
8. Regarding my attitude towards training services provided by the company: I understand the policies of the training services of the company. I will participate in the outbound training arranged by the company. The company is deemed to own all of the materials

used during the training. I will sign the training agreement according to the company's regulations. I accept the consequences of any violation of the regulations.

9. Regarding my understanding of the competition restrictions of the company: I comply with the principle of competition restrictions. I will not conduct any fraudulent buying and selling business, private sales, or any behavior for personal gain. If I violate the provisions, the company can terminate the labor contract with me and not assume any liability. For damages resulting from the behaviors mentioned above, the company can hold me accountable.
10. Other: I certify that I am not concealing any psychiatric history, infectious disease history, etc. Concealment will be deemed a violation, and the company can terminate labor relations with me.
11. This statement is the commitment of my labor contract with the company. This statement has the same legal effect as a labor contract.

Statement of special conditions:

I hereby certify that the above statements are the true reflection of my knowledge and free will.

Declarant: [name] [date]

[DL-3] Worker's Onboarding Statement_工人入职声明

声明

我声明,以下内容是在我意识清醒,且没有受到任何胁迫的情况下亲笔书写的声明:

1. 我承诺完全遵守印尼 VDNi 或 OSS 公司已颁布及以后颁布的规章制度及安全条例,完全服从公司的调遣,包括我岗位的安排、岗位工资的确定等事宜。如果我违反公司的岗位安排等任何方面的管理规定,我接受公司对我的任何处理和处罚。
2. 我是通过公司各类正规的招聘广告或熟人介绍入职,我在此声明未通过任何第三方(如劳务公司)介绍或推荐,在入职印尼 VDNi 或 OSS 公司前后,没有与任何第三方(如劳务公司)产生经济往来。
3. 由于我自身原因回国的(如:不服从公司岗位安排等),我愿意承担一切相关费用(包括但不限于中国至印尼、印尼至中国往来机票及签证费用)。我的自身原因包括但不限于本人身体状况、工作态度、工作技能等原因。

声明人签字: [REDACTED]

声明人指纹: [REDACTED]

日期: [REDACTED]

Statement

I state that the following material is written by myself with conscious mind and under no duress:

1. I promise to fully follow the regulations and safety measures of Indonesia VNDi and OSS, and comply with the company's arrangements, and salary. If I do not comply with the company's management, I accept the consequences issued by the company.
2. I was employed through the company-issued official advertisements or through an introduction by an acquaintance. I hereby confirm that I was not introduced or recommended by any third party (i.e. a Labor Dispatching Company). Before and after being employed at Indonesia VDNi or OSS, I did not have any economic exchanges with any third parties (i.e. a Labor Dispatching Company).
3. I accept any relevant fees incurred from returning to China due to personal reasons, including airline tickets, lodging, and visa fees. Personal reasons include, but are not limited to, health conditions, work attitudes, and work skills.

Signature:

Finger print:

[DL-4] Worker's Request to Return Voluntarily to Work at VNDi - Commitment Letter_工人自愿申请再次前往VDNI公司工作的承诺书

**自愿申请再次前往 VNDi 公司工作的
承诺书**

为了认真贯彻落实公司关于疫情的管理规定, 为了更加扎实、稳定的服务公司, 秉持着诚实守信、爱岗敬业的原则, 作为一名 VNDi 公司的员工, 本人 [redacted] 身份证号 [redacted], 自愿向公司提出如下申请:

1. 回国行程申请由公司统一安排, 包括机票、食宿、隔离等一切行程;
2. 国内休假期结束申请由公司统一安排再次前往 VNDi 公司工作, 并由部门第一负责人作为担保人。

以上 2 点均为本人自愿申请, 如若违反, 本人愿意接受公司的任何处理意见, 并承担来往印尼的所有费用。如因此造成的不良后果或产生的法律纠纷问题均由个人承担, 与 VNDi 公司无关。

本人承诺决不以任何借口造谣、中伤公司。本承诺书是本人真实意思表示, 并不存在被欺诈、被威胁或显失公平或重大误解的情况。

特此声明!

承诺人: [redacted] 担保人: [redacted]
日期: [redacted] 日期: [redacted]

Commitment Letter to return voluntarily to work at VNDi

In order to strictly follow the COVID-19 guidelines of the company, and to better serve the company, I, [name], ID [number], voluntarily make the following two requests:

1. That the company will make a unified arrangement for workers' itinerary to return to China, including quarantine, airline tickets, and lodging.
2. That the company will make a unified arrangement for workers' itinerary to the VNDI company. The guarantor will be the first person in charge in the department.

The two above requests are made by me voluntarily. I accept any consequences if I commit any violation, I will also be responsible for all of the fees traveling from and to Indonesia. Potential legal disputes and harmful consequences will be covered by myself, not by the VNDi company.

I promise to not create rumors and harm the company. This letter is not created under duress, deception, or any misunderstanding.

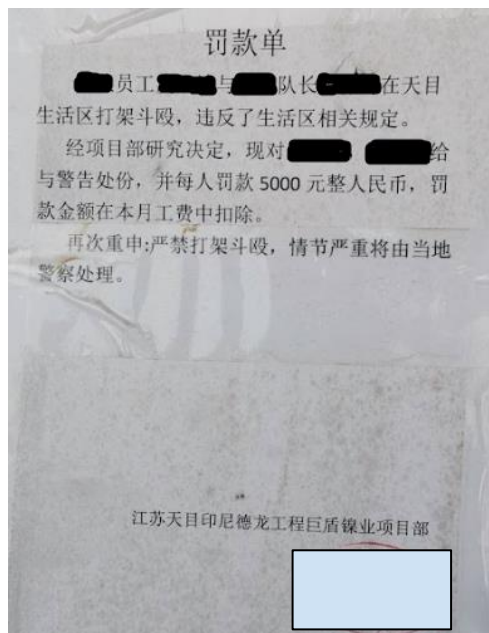
Guarantee:

Date:

Guarantor:

Date:

[DL-5] Workers' Penalty Notice June 18, 2021_罚款单



Penalty Notice

Employee [name A] and leader [name B] engaged in a fight in Tianmu Living Area, which violated regulations.

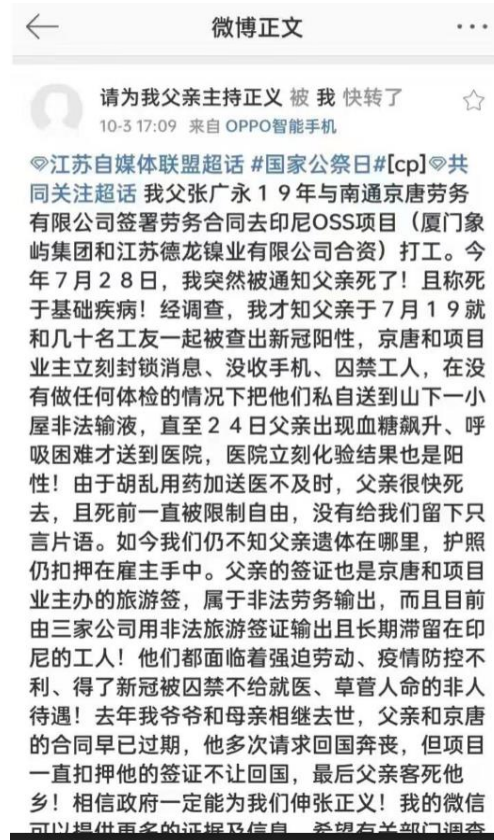
Upon the consideration of the Project Department, the two employees mentioned above will be penalized respectively with a disciplinary warning and a fine of CNY5000, which will be deducted from their monthly salary.

Once again, fighting is strictly prohibited. Serious violations will be handed over to the local police.

Jiangsu Tianmu Indonesia PT Virtue Dragon Industrial Park Nickel Industry Co. Ltd.
2021.06.18

Worker's Petitions and relevant responses: Death of Zhang [DL-6, 7, 8, 9]²⁰⁷

²⁰⁷ Images are collected from: “江苏男子赴印尼务工突然去世！家属怀疑死于新冠，遗体仍未运回,” Jinri toutiao, November 2, 2021, https://www.toutiao.com/article/7025950735246492190/?&source=m_redirect; <https://new.qq.com/omn/20211101/20211101A06PEM00.html>



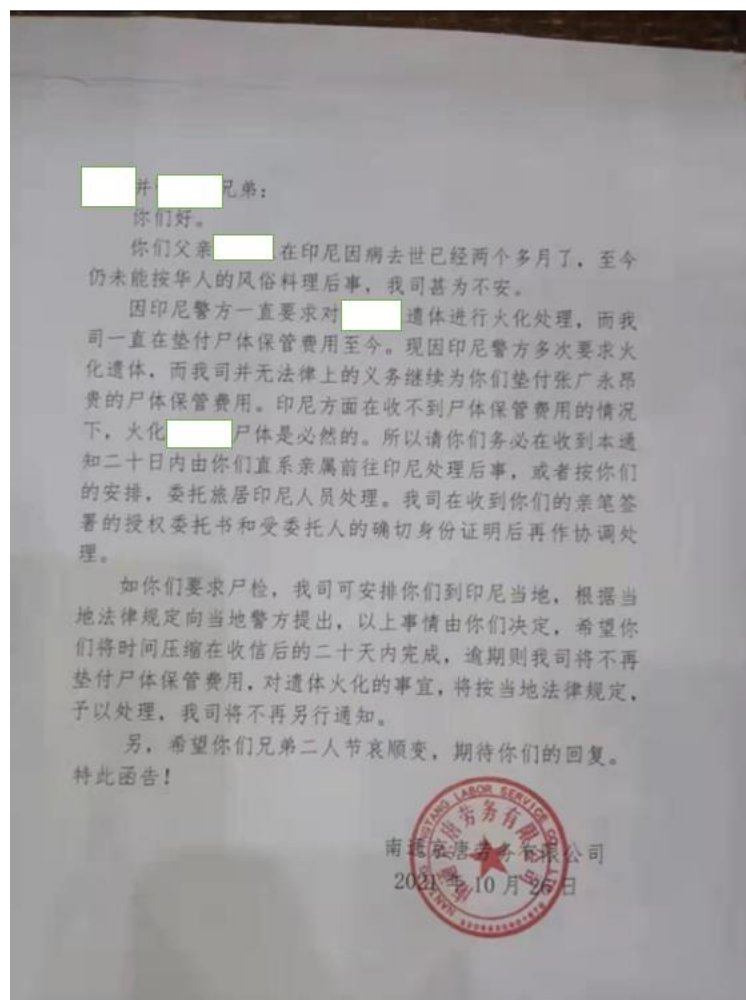
User name: justice for my father

#Jiangsu Self Media# #National Memorial Day# My father [name] signed a labor contract with Nantong Jingtang Labor Service Co. to work for the Indonesia OSS project (joint venture of Xiamen Xiangyu Co.,Ltd. and Jiangsu PT Virtue Dragon Industrial Park Nickel Co., Ltd.). On July 28th this year, I was suddenly notified that my father was dead! And it was claimed that he died of an existing condition! Following my investigation, I realized that my father, along with dozens of other workers, had tested positive for COVID-19. Jingtang and the project manager immediately blocked the sending of information, confiscated their cellphones, locked workers up, and sent them to a small place for illegal liquid infusions without any physical examination. On the 24th, when my father experienced a sharp increase in blood sugar and difficulty in breathing, they sent him to a hospital, where he also tested positive [for COVID]. Due to reckless medication and untimely hospitalization, my father died soon after. He was deprived of his freedom until his death, and could not leave us any messages. We still do not know where my

²⁰⁸ Sina Weibo. “请为我父亲主持正义 [Please Appeal for Justice for My Father.]” Weibo, https://weibo.com/p/1005057682606654/photos?from=page_100505&mod=TAB.

father's body is. His passport is still in the hands of his employer. My father's visa was a visitor's visa, and he was the victim of illegal work outsourcing. There are many workers in Indonesia right now who were outsourced by three companies using inappropriate visitor's visas! They face the challenges of forced labor, insufficient COVID-19 precautionary measures, restriction of freedom, and inhumane treatment. Last year, my grandfather and my mother died. My father's contract with Jingtang expired long before those deaths. He begged to return to his hometown for the funerals, but Jingtang Company refused to give him his passport. My father died in a foreign land in the end! We trust the government to find justice for us!

[DL-7] Nantong Jingtang Labor Service to Sons of Zhang Guangyong _南通京唐至张广永家属的通知



[person A] and [person B]:
Greetings.

Your father died in Indonesia after a two-month illness. We are concerned that no funeral could be made according to Chinese traditions.

The Indonesian police have been requesting the cremation of a [worker]'s body, and we have been paying for the body storage fees till today, though we do not have the legal responsibility to do so. With no body storage fees, cremation is certain. Please come to Indonesia within 20 days of receiving this notice, or have someone else you trust do so. Or hand this matter over to an authorized party in Indonesia. We will coordinate after we have received your signed authorization statements or identification materials of the authorized guardians.

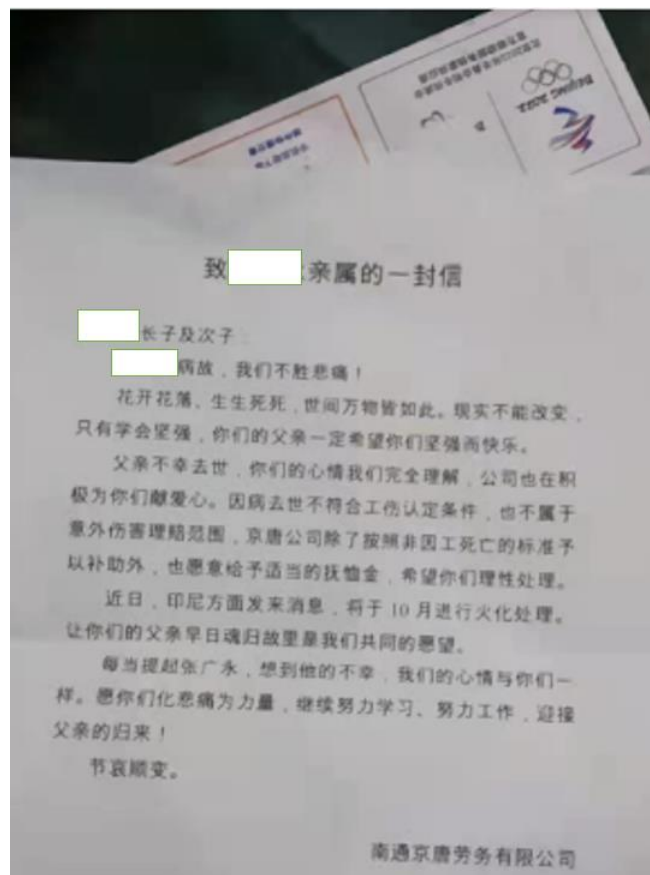
If you demand an autopsy, we can arrange for you to propose this to the local police upon your arrival in Indonesia, in accordance with the local laws and regulations. The above are matters of your decision. We hope that you can accomplish this within 20 days of the receipt of this letter. After that, we will stop paying body storage fees, and the body will be cremated according to local law. We will not send further notices in the future.

Condolences. Looking forward to your reply.

Nantong Jingtang Labor Service CO.

2021.10.26

[DL-8] Nantong Jingtang Labor Service to Family Members of Zhang Guangyong_南通京唐至张广永家属的信



To the Family Members of [worker]

Sons of [worker],

We are deeply saddened for [worker]'s death due to sickness.

Flowers bloom and wither, life and death, this is the common conditions for all. We can't change reality, but we can only be strong. Your father would have hoped you would stay strong and joyful.

We understand your sorrow and want to provide you with help, as your father has unfortunately passed away. Death due to sickness does not fall under the category of work injury, and is not included in the accidental injury claims. Jingtang Company is willing to give appropriate pensions apart from the subsidy based on the non-work injury standards. We hope you will proceed with reason.

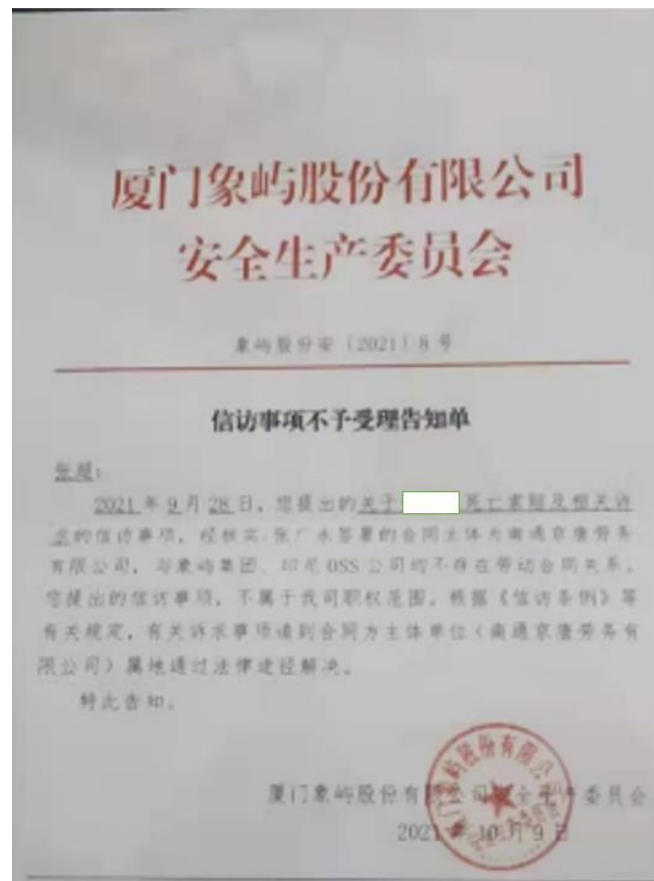
Recently, Indonesia notified us that [worker]'s body will be cremated in October. It's our shared wish that your father be returned to his homeland as soon as possible.

We share your sadness and hope that you can transform the sadness into power, and study and work hard to welcome your father's return.

Our Condolences,

Nantong Jingtang Labor Service CO.

[DL-9] Xianmen Xiangyu Notice of Petition Non-Acceptance_厦门象屿信访事项不予受理通知



Work Safety Committee of Xiamen Xiangyu Co.,Ltd.
Notice of Petition of Non-Acceptance

[name]:

On September 28, 2021, you petitioned for [worker]'s death compensation. Upon verification, [we find that] Zhang Guangyong's contractual obligation rests with Nantong Jingtang Labor Service CO. and not Xiangyu Co., Ltd. or Indonesia OSS. Your petition is not within our range of authority. According to the "Regulations Concerning Letters and Calls", petitions should be forwarded to the territory of the contractual subject (Nantong Jingtang Labor Service CO.) through legal means.

Work Safety Committee of Xiamen Xiangyu Co.,Ltd.
2021.10.09

[DL-10] Penalty Notice Regarding Accidental Death at Baotai Company_德龙印尼公司考核通报

德龙印尼公司

德龙综发〔2022〕【013】文

考核通报

公司项目部、各部门/分厂、各外协单位：

2022年5月23日上午，宝泰员工意外，值此不幸之际，龙海建设有限公司员工张荣军在未经警方、医院定案情况下在微信群“GNI 物品购物群”“三期闲置物品交易群”等群里发布令人不安的照片，给公司员工造成恐慌，对公司造成极其恶劣的影响。



鉴于此事件中龙海建设有限公司对员工平时培训及管理不善，给 GNI 公司造成严重的负面影响，经研究决定 1、考核龙海建设有限公司 10 万元人民币。2、天目生活区域其他外包单位排查本单位员工有无类似行为，并及时反馈综合部，隐瞒不报，经综合部调查后将严惩。3、望各外协单位引以为戒，加强对员工管理培训，不得散布令员工不安及损

害公司形象的各种言论、照片。4、两周之内各外包签订承诺协议，管理约束好本单位员工，如再发生类似行为，公司将追究外包单位因此产生的一切 GNI 企业形象及经济损失。

特此通报

 
张荣军 2022-5-25 综合管理部
2022年5月25日

On the morning of May 23, 2022, a Baotai employee died accidentally. After this unfortunate incident, Longhai Construction employee [name] published disturbing photos and messages to WeChat group chats, including “GNI Shopping Group Chat”, and “GNI Second-hand Trade Group Chat”, which caused panic among the employees and resulted in a negative impact [on GNI].

Because this incident indicated a lack of management and training by the Longhai Construction Company and has resulted in a negative impact on GNI (PT Gunbuster Nickel Industry), it has been concluded that 1. Longhai Company will be fined CNY100,000 (around US\$ 13,777). 2. Personnel from the Tianmu Living Area will investigate similar incidents and provide timely feedback to GNI. Should investigation by the General Department reveal that information has been concealed, it will result in a serious penalty. 3. All companies should strengthen training of employees and prohibit distribution of disturbing information that will defame the company. 4. Within two weeks, employee management and control agreements should be signed by the affiliations. Should such an incident happen again, the company will sue the responsible units for defamation and economic loss.

[DL-11] Workers' Request for Passports _ 工人护照申请书

护照申请书

尊敬的 OSS 二期领导您好，我们是江苏天力杨永忠施工队的员工，来印尼施工队一年多了，合同期已满，现在我们在土城王隔离区四个多月，申请回国时间很久了。由于每次核酸检测报告都是超标一点点，多次尝试都一样，无奈我们离开单位做核酸检测都是合格的，国内家人、老人、孩子都等着我们尽快回去团聚，我们一直是停工隔离，没有收入来源，还回不了家，国内家人生活已是捉襟见肘，请领导体谅我们农民工的难处，给我们回国一个机会，感激不尽。现在我们申请护照归还，我们自行想办法回国，特此写这份联名申请书，拿到护照后，只要走出 OSS 二期项目施工队大门（包括各项费用、人身安全、伤亡、失窃等）一切责任由其个人承担，与 OSS 二期项目和江苏天力杨永忠施工队无关，江苏天力签订的员工个人合同自动解除。

江苏天力：_____
日期：_____
审批人：_____
日期：_____

Passport Request

Dear OSS II Leaders,

We are employees of the Jiangsu Tianli Yang Yongzhong Construction Team. We have been in Indonesia for over a year. Our labor contracts have already expired. Right now we are no longer working, and have been in quarantine for four months. We requested to return to China long ago. The results of the COVID-19 nucleic acid PCR Tests performed by the company had been over the minimum threshold even after multiple tries. Testing done outside the company

[was negative] and [should have made us] eligible [for departure]. Our family members in China need us to come back soon to take care of them. They face extraordinary difficulties without our help. We have no work and no income. We hope that you understand our situation and give us a chance to return to China. We are very grateful for your help. We request that our passports be returned to us, so we can find a way to return to China on our own. The moment we leave the OSS II construction site, we will be solely responsible for our safety, illness, death, and absence. The PT Virtue Dragon Industrial Park OSS II Project and Jiangsu Tianli Yang Yongzhong Construction team will not be held responsible for any matter. The individual labor contract with Jiangsu Tianli will automatically lose its validity.

[workers' signatures]

Jiangsu Tianli

Approver:

[DL-12] Workers' Commitment Letter to Return to China at Workers' Own Expense_工人自费回国承诺书

自费回国承诺书

本人刘[redacted] 身份证号码:[redacted]

护照号:[redacted] 因个人原因申请自费回国, 回国一切费用由我自己承担, 包括机票、食宿、隔离费用等。

自本承诺书签署之日起, 本人所发生的所有事项和/或问题和/或费用和/或风险均为本人个人责任, 与江苏宝泰[redacted] 无关。

本人承诺在印度尼西亚境内时将遵守印度尼西亚共和国的所有法律和法规, 若违反本承诺, 本人愿意按照现行的法律和法规执行并且承担由此产生的全部责任。

本人承诺决不以任何借口造谣、中伤公司, 本承诺书是我个人真实意思表示, 并不存在被欺诈、被威胁或显示公平或重大误解的情况。

承诺人: [redacted]

日期: [redacted]

I, [worker name], ID: [ID number], Passport No. [number], request to return to China at my own expense for personal reasons. Fees including air tickets, lodging, and quarantine, will be covered by me.

On the day this letter is signed, every risk, matter, and fee, will be my own responsibility, and will not be relevant to [name], the person responsible for Jiangsu Baotai.

I promise to not spread rumors, and not to harm the company. This letter has not been created under duress, deception, or any misunderstanding.

Promisee:

Date:

[DL-13] Indonesia Virtue Dragon Nickel Industrial Park Regulations on Public Opinion Management_印尼德龙工业园舆情管理制度通知

印尼德龙工业园

VDNIP发(2022)【014】文

关于印发《舆情工作管理制度》的 通知

园区各公司:

现将《舆情工作管理制度》下发,请园区各单位遵照执行。

特此通知

印尼德龙工业园
VIRTUE DRAGON
INDONESIA INDUSTRIAL PARK
二零二二年五月二十七日

附:《舆情工作管理制度》

主题词: 舆情管理制度通知

抄 报: 董事长、总经理、常务副总经理、副总经理、

各公司副总经理、总监、总助。

抄 送: VDNI公司 OSS公司 GNI公司

编 发: 印尼德龙工业园企业文化部

第1页共8页

舆情工作管理制度

第一条 为加强园区舆情管理,规范舆论宣传,凝聚正能量,维护企业形象,特制定本制度。

第二条 园区舆情管理工作是指园区层面的对内和对外宣传报道,利用电视、广播、网络、报纸、杂志、展板等传统和新兴媒体,对内进行宣传思想教育工作,对外进行宣传报道、辟谣、展示活动等,为园区发展营造良好的内外部舆论环境。

第三条 舆情管理工作遵循原则:

(一)及时原则 要第一时间掌握舆论源头,控制现场,将事件传播的源头控制在最小的范围内。

(二)引导原则 把握正确的舆论导向,舆论管理工作应做正确引导,有利于提升广大员工综合素质;有利于塑造企业形象,为公司生产经营和发展创造良好的舆论氛围。

(三)真实原则 舆论宣传的内容应尊重事实,一切要以维护企业利益和提升企业影响力为前提。

第四条 园区舆情管理工作的归口单位为企业文化部。

第五条 各公司成立突发事件舆情处理小组，设立组长一名，由各公司综合管理部部长兼任，设组员若干名。

第六条 若遇突发事件，则所在区域的负责人为第一责任人，必须第一时间保护好事件现场，严禁任何人拍照。事件现场情况由园区统一上报或发布，并在当地有关部门的指导下，合法合规处理。

第七条 企业员工以及合作单位都有共同维护企业形象的责任和义务；一旦发现任何有损企业形象的言论、视频、图片等信息，第一时间报告所在单位突发事件舆情处理小组。

第八条 各公司负责其他渠道舆论的监督，如网络、微信朋友圈、微信群、微博、印尼本地通讯APP等途径对公司进行的负面报道；负责辖区内已经存在的或即将给公司造成不良影响的传言或信息等的处理。

第九条 舆情信息搜集范围

A类信息是指公司层面（包括公司运营层面、领导层面的舆情等）、可能导致迅速传播的负面信息。

煽动等的举动或者在有影响力的媒体和门户网站上传播负面信息。

C类信息指各分包队伍或个人对公司恶意造谣、诽谤、煽动等的举动或投诉在地方媒体上的负面信息。

第十条 舆情监督处理的基本流程

各厂、各部门负责相关信息的全面搜集、收集及上报公司突发事件舆情处理小组，各公司负责将相关信息及时上报园区企业文化部。

第十一条 舆情信息的处理方式

（一）各厂、各部门要抓好本部门的舆情信息的收集、分析、预警和通报工作，对重点事件，要在事发2分钟内汇报给公司突发事件舆情处理小组；公司舆情处理小组在事发后2个小时以内上报园区企业文化部，并进行全程跟踪落实。

（二）各厂、各部门要及时提交舆情周报和月报（附件一），对重大事件，要向公司舆情处理小组提交日报，各公司舆情处理小组上报园区企业文化部。

(三) 园区企业文化部对各公司提交的舆情信息和处置情况进行汇总分析,重大事件及时上报园区总经理。

(四) 网络上散布的与企业任何有关的舆情信息,企业内任何员工不得擅自回应、点评与评价,由园区企业文化部统一对网络舆情进行回复。

第十二条 考核办法

(一) 对于月/季度内舆情监控及处理表现优异的部门和个人,企业文化部将在园区内通报表扬,并反馈到其所在单位及领导,表现优秀的个人给予相应的物质奖励,根据具体情况奖励人民币500-10000元。

(二) 对突发事件,公司员工以及合作单位不得通过任何形式造谣并发布、转发、评论有损企业形象的言论、图片、视频等。一经发现视情节轻重考核其单位人民币50000-100000元,考核个人人民币10000-50000元。如有个人擅自发布视频、图片等信息造成不良影响的,除对其进行考核外,情节严重的,移交当地司法机关处理。

(三) 如出现以下重大负面舆情工作开展不力的情况,将考核相关责任公司、各分厂及各部门并视情况给予相

关责任人考核人民币1000-100000元,并视情节严重程度予以降职或者开除处分,并追究其分管领导责任:

1、由于内部自身没有及时发现而导致负面影响扩大的。

2、由于工作不到位或措施不当、没有及时处理而导致负面影响扩大的。

3、处理信息过程中,突发事件舆情处理小组以及各厂、各部门应该尽最大可能快速、有效处理负面信息,如遇到责任部门处理不力、怠于处理,企业文化部将根据问题的处理难度对责任部门及负责人提出考核意见,报公司总经理批准后下达。

第十三条 本制度由园区文化部负责解释和修订。本制度自印发之日起执行。

(后附舆情保密承诺函)

印尼德龙工业园

二〇二二年五月二十七

第 5 页 共 8 页

第 6 页 共 8 页

Indonesia Virtue Dragon Nickel Industrial Park Regarding Distribution of "Regulations for Public Opinion Management"

Notice

To All Companies in the Park:

The "Regulations of Public Opinion Management" is herewith distributed. Every company unit must follow the regulations.

Virtue Dragon Nickel Industrial Park
2022.05.27

1. To strengthen the public opinion management in the Park, standardize public information distribution, and protect the image of the corporation, regulations are established.
2. Public opinion management refers to the internal and external public opinion of the Park [disseminated] via TV, broadcasting, network, newspaper, magazines, posters, and new forms of communication media. Internal public opinion refers to ideological education,

while external public opinion, with the goal of building good public opinion of the industrial park, refers to the advocacy of the company, rumor clarification, activity illustrations, etc.

3. Public opinion management should follow the principles below:
 - a. Principle of Timeliness: The source of information should be controlled in a timely manner. The message should be controlled immediately in order to minimize the range.
 - b. Principle of Correct Direction: Content and focus of information should be controlled. Controlling the direction of the information can improve the general quality of employees and the image of the corporation, building a good environment for the development of the company.
 - c. Principle of Truthfulness: The content of information should respect the truth. Everything should protect the interests of the company and be based on the precondition of improving corporate image.
4. The unit responsible for managing public opinion is the Corporate Culture Department.
5. Every company should set up an Emergency Public Opinion Management Unit with the General Management Director as the leader, and should have multiple team members.
6. In the event of an accident, the person responsible for the area should protect the area and prohibit the taking of photographs. A site report will be published by the Park, and handled according to the guidelines of relevant local authorities.
7. Corporate employees and collaborators are obliged to protect the corporate image. Once speech, videos, photos or other kinds of information that defame the company are discovered, employees should report to the Emergency Public Opinion Management Unit.
8. Every corporation is responsible for supervising other information channels, such as the Internet, Wechat Moments, Weibo, and the Indonesia local communication APP, and [it is responsible for] handling existing or potential information and influence.
9. The range of information collection
 - a. Type A information is any negative information that is quickly distributed on the level of the company (including company management, leadership)
 - b. Type B information is any negative information distributed on influential media and websites.
 - c. Type C information is rumor and defamation information from work units and individuals.
10. The procedure of public opinion management
 - a. The departments are responsible for thoroughly collecting relevant information and reporting to the Emergency Public Opinion Management Unit. Corporations are responsible for reporting the information to the Corporate Culture Department of the Park.

11. Handling of propaganda

- a. Every unit should handle information collection, analysis, preemption, and reporting. Significant incidents should be reported to the company within two minutes. The company's Emergency Public Opinion Management Unit should report to the Corporate Culture Department of the Park within two hours, and follow up on the issue.
- b. Every unit should turn in weekly and monthly reports on public opinion in a timely manner. Regarding significant incidents, every unit should prepare a daily report to [be given to] the company's Emergency Public Opinion Management Unit, who should subsequently report it to the Corporate Culture Department of the Park.
- c. The Culture Department will analyze the public opinion information. Serious incidents will be reported to the Manager of the Park in a timely manner.
- d. Regarding any public opinion information about the Park and the Corporation on the Internet, employees should not reply or comment. The Corporate Culture Department will handle the information accordingly.

12. Performance Assessment Guidelines

- a. For monthly/seasonal best performing departments: Individuals and the Corporate Culture Department will be praised via broadcast and sent to the corresponding unit and leadership. Individuals with great performances will be given monetary rewards ranging from CNY500 to CNY1,000 (US\$69-138).
- b. Regarding accidents, corporate employees and collaborators should not create, publish, forward, or comment on rumors and photos, videos, and texts via any channel. If [an action of this sort is] discovered, the responsible corporate unit will be penalized by a fine ranging from CNY50,000 to CNY100,000 (US\$6,900-13,778); the responsible individual will be penalized with a fine between CNY10,000 and CNY50,000 (US\$1,378-6,888). Individuals who cause serious impact through publishing videos and photos on their own will be handed over to the local legal authorities.
- c. If lack of control occurs, the responsible corporation and departments will be assessed and given relevant penalties based on the assessment.
 - i. Due to ignorance of the matter that results in an increase of the negative influence;
 - ii. Due to incorrect or untimely measures that result in an increase of the negative influence;
 - iii. In the process of handling information, the Emergency Public Opinion Management Unit, and every unit, should make an effort to effectively and quickly tackle negative information. If the responsible unit is found to have mishandled the matter, the Corporate Culture Department will

propose assessment recommendations based on the difficulty of the matter, and recommendations will be released upon the Manager's approval.

13. The regulations are subject to the explanation and revision of the Culture Department of the Park. The regulations will take effect on the day this is printed.

(Privacy Agreement of Public Opinion is attached)

Indonesia Virtue Dragon Nickel Industrial Park

2022.05.20

舆情保密承诺函

_____(个人/公司) 承诺, 完全服从并遵守印尼德龙工业园舆情工作暂行管理制度, 承担保密义务和共同维护贵企业形象的责任。

一、保密信息指贵企业向我/我公司提供的不为公众所知悉的、对贵企业造成负面影响的、具有实用性且被贵企业采取保密措施的舆论信息和经营信息。

二、我/我公司承诺遵守信息保密规定, 未经贵企业允许, 不向任何第三方(包括新闻媒体或个人)等披露, 亦不会将该信息用于其他用途。

三、我/我公司积极配合贵企业正面宣传引导, 督促监管本单位人员不得随意在社交平台发布任何对贵企业不利的舆论信息, 加强舆情监测, 主动与贵企业沟通联系, 统一答复口径, 及时反馈。

四、我/我公司承诺不造谣、不信谣、不传谣, 对企业的突发事件和敏感事件做到信息保密, 不以任何形式进行传播。

五、保密信息不包括如下信息:

1. 已经公开披露且形成文件的信息;
2. 在没有违背承诺函的情况下, 已经成为公众普遍可以获得的信息;
3. 由我公司或我公司关联方合法独立公开且不会对贵企业造成负面影响的信息;
4. 经贵企业同意予以披露的信息。

六、根据有关的法院、仲裁机构或其他司法、行政、立法机构、监管机关等要求, 或者依据适用的法律、法规或其他行政规章的要求, 我/我公司须作的披露不视为违反保密义务。

七、如我/我公司违反本函规定的保密义务给贵企业造成不良影响的、或产生直接或间接声誉和经济损失的, 我/我公司自愿承担相应的法律责任, 自愿承担声誉和经济损失并赔偿贵企业人民币 200000 元。

八、本函自我/我公司签署之日起生效, 保密期限为生效之日起直到我/我公司与贵企业没有合同关系或不发生业务联系时止。

_____(个人或公司法人签字) (公司盖章)

XX 年 XX 月 XX 日

第 7 页 共 8 页

Privacy of Information Agreement

I/My company promises to be fully compliant to and follow PT Virtue Dragon Nickel Industrial Park's public information management regulations, carry on the responsibility to implement confidentiality strategies and collectively protect said company's image.

1. Keep information that the corporation provides to me that is not disclosed to the public confidential; keep information that will create a negative influence on the company['s image] confidential.
2. I/My company promise/s to comply with the regulations of the Privacy Agreement, and will not disclose information to any third party (including media agencies or individuals), and will not use the information for other purposes.
3. I/My company promise/s to readily comply with the positive public information campaign of the corporation, supervise the staff , strengthen the public opinion management, and reach out to the corporation to unify public statements and provide timely feedback.
4. I/My company promise/s not to create, believe in, or distribute any rumors, and to keep information about the company's emergencies as well as [any] sensitive information confidential.
5. The information that will be kept confidential does not include:
 - a. Information that is already publicly available and is documented;
 - b. Information that is publicly available without breaching the Agreement;
 - c. Information that is legally made available to the public by the corporation or the corporation's collaborators that will not bring negative publicity to the company;
 - d. Information that can be publicized with agreement from the corporation;
6. According to the relevant laws, regulations, and executive procedures of the legal institutions, policing institutions, legislative bodies, supervisory institutions, and other institutions, I/my company's revealing of information will be seen as a breach of the agreement.
7. If I/My company violates the regulations of the Privacy Agreement and creates negative influence to the company or indirect defamation and economic loss, I/My company will bear the legal consequences and will compensate the corporation with CNY200,000 [US\$27,553].
8. The Agreement will take effect on the day it is signed. The effective end date of the Agreement will be when there is no longer any contract or working relationship between the corporation and me/my company.

严正声明

近期，印尼德龙工业园（以下简称“园区”）经调查发现，在网络上个别自媒体公众号博主发布了一些内容与事实严重不符，故意抹黑园区，煽动挑拨公众对园区敌对化情绪的文章，严重影响了我园区的声誉和正常的生产经营活动。对此，园区严正声明如下：

1、印尼德龙工业园是一家具有肯达里和北莫洛瓦里两个基地的大型工业园区，现有超过3万印尼员工在园区工作，为印尼国家和当地的经济社会发展做出了重大贡献。企业一直秉承并践行企业和员工是命运共同体、生命至上的发展理念，关心爱护中、印尼员工。

2、个别微信公众号博主在不了解事实真相、极度不严谨的情况下，靠自己臆测撰写既不尊重事实又隐射强烈的文章抹黑我园区。我园区对此种不负责任的造谣、隐射、诽谤的不道德行为表示强烈谴责。

3、希望大家通过正规途径和官方渠道来客观了解我园区经营状况、以及事件进展，切勿听信谣言。

4、我园区坚决维护企业的合法权益，将通过法律渠道向声明所述的相关人员追究法律责任，并欢迎社会各界朋友及时向我园区举报此类不负责任的造谣诽谤文章。

特此声明



印尼德龙工业园

2022年6月20日

Recently, Virtue Dragon Nickel Industrial Park (referred to as “Park”) has found, through investigation, that some personal social media accounts have published articles that are falsified in order to defame the Park and instigate public dissatisfaction with the Park. These articles have negatively influenced the Park’s operations and reputation. The Park makes the following statements:

1. The Virtue Dragon Nickel Industrial Park is a large industrial park with two bases: [one] in Kendari, and [one in] Morowali. It has more than 30,000 Indonesian employees, and has made important contributions to the local economy in Indonesia. The Park has cared for both Chinese and Indonesian workers in the belief that the Park and employees are a community with a shared future, and that life is of the utmost importance.
2. Several WeChat Official Accounts irresponsibly posted articles without respecting the truth in order to defame the Park. The Park seriously condemns such an unethical practice of spreading rumor and defamation.
3. The Park hopes that the public will acquire information about the operations at the Park through official and legitimate channels, and not be swayed by rumors.

4. The Park will safeguard its legal rights and pursue legal actions against the relevant persons. The Park welcomes the outside community to report similar irresponsible articles to the Park.

Virtue Dragon Nickel Industrial Park
2022/06/20

[DL-15] Response from the City of Huai'an to a Worker's Petition 淮安区商务局对工人请愿的回复

<p>您好</p> <p>经12月7日跟您沟通后，针对你提出的意见，我们经协调，现作如下回复：</p> <p>一是立即安排回国的请求。按照您与江苏然越对外劳务合作有限公司合同约定要求。合同期限为：暂定一年（6个月+6个月）。您于2021年4月28日赴印尼德龙三期工作，期限已满6个月，符合要求。我局于2021年12月3日责成江苏然越对外劳务合作有限公司按照国家疫情防控要求，尽快安排回国。目前该公司积极联系驻印尼大使馆经商处、引侨处多方协调下，您回国机票已出（2022年1月28日厦航），等待到期回国。回国隔离费用由德龙集团统一安排，如需自费，凭发票到江苏然越对外劳务合作有限公司报销。</p> <p>二是保证在国外安全。您的诉求按照合同约定，符合要求。江苏然越对外劳务合作有限公司于2021年11月30日出具生命安全承诺书，保证您在回国之前，没有任何人以各种不正当理由找麻烦或对您生命威胁。</p> <p>三是对伤情进行治疗。据调查，于2021年9月12日晚，您和朱正兵理论，后发生冲突，后项目经理殷国成和生产经理杨占兵进行劝架，不存在三人合伙殴打；您被打后，经鹏德公司安排，由殷国成带着赴当地医院进行检查治疗，检查结果无问题后，您说身体不舒服，后又由殷国成进行三次检</p>	<p>查（9月12日，9月19日，11月17日），结果均正常。如果您后续还有请求，我们建议您回国后赴国家权威机构进行伤残鉴定。如鉴定有伤残情况，伤残费由江苏然越对外劳务合作有限公司从朱正兵工资中扣除给予您补偿。</p> <p>四是结清工资。截至到目前，按照江苏然越对外劳务合作有限公司提供报表，4-6月份工资表，4月记工0天、5月记工27.7天、6月份记工13.9天，合计记工41.6天，按照350元/天的工资标准，合计工资为12560元，预付10000元，剩余2560元未支付。7-9月份工资表，7月记工8.8天，8月记工20.6天，9月记工12.1天，合计记工41.5天，按照350元/天的工资标准，合计工资为14525元，扣除伙食费2700元和工地预支2500元，实际应发9325元。10月份预支工资500元，剩余未结清工资总额为11385元。12月7日，我局将处理情况反馈跟您沟通后，您反映工资太低，考虑您家庭实际情况，我们再次与江苏然越对外劳务合作有限公司协调，帮您工资争取到400元/天，再补助（41.6+41.5）天*（400-350）元/天=4155元，并且7-9月份2700元伙食费不予扣除，目前剩余未结清工资总额为11385+4155+2700=18240元，我们责成江苏然越对外劳务合作有限公司于您回国前全部结清。</p> <p>淮安市淮安区商务局</p>
---	---

[worker name]

Greetings!

After our communication on December 7th, we had a discussion regarding your complaints. The following is our response:

First and foremost is your petition to go home. According to the requirements of the contract you signed with Jiangsu Yueran Foreign Labor Service Cooperation Enterprise, the contracted term is: one year (six months + six months). You arrived at PT GNI on April 28th, 2021, reaching the six months' term, and therefore satisfy the aforementioned requirement. We contacted Jiangsu Yueran Foreign Labor Service Cooperation Enterprise on December 3rd, 2021

to arrange workers to return home, in accordance with China's COVID-19 regulations. Currently, the company is in contact with the Commerce Office in the Chinese Embassy in Indonesia. With the coordination of multiple parties, your ticket home has been issued (Xiamen Airline, January 28th), awaiting the return date. **The fees involved during the quarantine period for the return will be borne by PT Virtue Dragon Nickel Industry; if there are any out-of-pocket, please contact Jiangsu Yueran Foreign Labor Service Cooperation Enterprise with the receipt for a reimbursement.**

Second is safety and protection overseas. Your petition falls under the terms of the contract. Jiangsu Yueran Foreign Labor Service Cooperation Enterprise issued a Letter of Commitment for Life Safety on November 30th, 2021, protecting you from trouble or threats from anyone without probable cause, before your timely return.

Third is treatments. According to investigations, on the evening of September 12th, 2021, you were involved in an argument with Zhengbing Zhu, which escalated into a fight. During the event, project manager Guocheng Ying and product manager Zhanbing Yang intervened to de-escalate. No three-man-beating situation existed as described. After the event, you were sent to the hospital by Guocheng Ying, according to PT Virtue Dragon's arrangement. After the medical examinations were issued and confirmed without problem, you still claimed to feel unwell, and were subsequently examined three times with Guocheng Ying [in attendance] (on September 12th, 19th, and November 17, respectively). Results were normal. **If you have further follow-up demands, we would advise you to go through a disability identification process through qualified state agencies after your return. If disabilities are indeed identified, disability subsidies will be deducted from Zhengbing Zhu's salary, and issued to you by Jiangsu Yueran Foreign Labor Service Cooperation Enterprise**

Fourth is clearing unpaid wages. Up until today, According to Jiangsu Yueran Foreign Labor Service Cooperation Enterprise's April-to-June salary report, you had zero work days registered in April, 27.7 work days in May, 13.9 days in June, making a total of 41.6 registered workdays. According to the CNY350 /day standard, your salary total was CNY12,560, with CNY10,000 prepaid, leaving CNY2,560 in unpaid wages. According to the July-September Salary report, you had 8.8 registered workdays in July, 2.06 days in August, and 12.1 days in September, making a total of 41.5 workdays. According to the CNY350/day standard, the salary total comes to CNY14,525, after an CNY2,700 deduction for boarding, and CNY2,500 prepaid amount, meaning the remaining unpaid wages amount to CNY9,325. In October, your prepaid wage was CNY500, unpaid wages, in total, is CNY11,385. **On December 7th, after our correspondence with you regarding the results, you reported that the wages [you received] were too low. Considering your family conditions, we have corresponded with Jiangsu Yueran Foreign Labor Service Cooperation Enterprise again, and negotiated your wage to CNY400 /day, with the subsidized amount totaling CNY4,155 (41.6+41.5 days* at CNY400-CNY350/day), with the condition that the boarding fee of CNY2,700 not be deducted from July to September. Under these conditions, the current unpaid wages come**

to CNY18,240 (11,385+4,155+2,700). We have pressed Jiangsu Yueran Foreign Labor Service Cooperation Enterprise to clear this [debt to] you before your return.

Municipal Bureau of Commerce, City of Huai'an²⁰⁹

[DL-16] Worker's Expired Visa Fee Notice_关于工人护照过期费用事项

Regarding [name]'s Expired Visa Fee

[Name], an employee of the company (Xiangshui County Jingbao Construction Engineering Ltd. Co.), with passport number [passport number], has served more than two years at VDNI and GNI.

He is currently working at GNI. Due to the fact that his visa expired after he returned to China, and he tested positive for COVID-19, a fine of IDR 80,000,000 (around US\$7,231) was levied on PT Virtue Dragon Industrial Park Nickel Industry.

PT Virtue Dragon Industrial Park Nickel Industry is responsible for the visas of all of its employees. The current expired visa fee was to be paid by PT Virtue Dragon Industrial Park Nickel, as requested by GNI. Please have PT Virtue Dragon Industrial Park Nickel directly deduct the fee from the project fund.

Please instruct me on the proper assumption of the fee.

Regards,

Xiangshui County Jingbao Construction Engineering Ltd. Co.

2022.01.16

²⁰⁹ Writer's note:

A few things are exposed by this document:

1. Unlike the diplomatic missions abroad that generally lacked involvement, the municipal bureau of commerce does respond to and address worker complaints with executive power;
2. Through the official channel, the company has responded and taken some actions. The worker is finally able to go home, and despite the wage increase was small, it happened;
3. The bureau works in a bureaucratic manner to mitigate labor disputes, instead of to protect workers' rights and overall health and well-being: it requests for proof of injuries, and listens to both parties' testimony. The worker reported to us that he was hospitalized after the event of being brutally beaten by management personnel, with medical fees paid out of his pocket and with some help from his coworkers; said event seems to have been concluded by the bureau as an issue of personal dispute instead of workplace abuse. Moreover, the bureau dealt with the worker's complaint as an individual complaint, instead of an exposure of institutional abuses and bad practices. All the compensations are extremely individualized, and it has no mention of bad contracting practice, which was expressly pointed out in the worker's testimony both to CLW and in the official complaint letter to the bureau.

劳务派遣合同 (赴印度尼西亚技术工人专用)

甲 方: 山西建投
国外办公地址: 苏拉威西省青山园区
国外指定联系人: 梁尚强

乙 方:
身份证号码:
工 种:
户口所在地:
国内详细住址:
国内联系人及联系电话:

鉴于甲方已与业主签订了位于印度尼西亚的工程承包合同,为确保工程顺利实施,维护甲乙双方的权益,明确各自责任,经友好协商,并在双方充分理解和完全自愿的基础上,于 202 年 月 日在 签订本劳务派遣合同。

工作内容

在本合同履行过程中,乙方负责完成甲方安排的与本工程相关的全部工作,甲方按照本合同第六条的约定向乙方支付工资。

合同试用期

乙方的试用期为1个月,自离中国国境之日起开始计算。试用期满,经甲乙双方同意后,由甲方正式录用。

试用期间,如乙方不能达到甲方的录用条件,或不能胜任本职工作的,则甲方有权终止本合同并安排乙方回国,往返机票、国外签证和为乙方办理的国外工作所需各自证件的费用由乙方承担。

试用期间,如乙方不服从甲方管理,严重违反操作规程和甲方各项规章制度以及本合同的相关规定的,则甲方有权终止本合同并将乙方遣返回国,同时按照本合同第八条的相关规定追究乙方的违约责任。

试用期内甲方应按照本合同第六条的相关规定与乙方核算并支付工资。

合同期限

本合同根据甲方与业主正式签订工程承包合同期限为依据,合同期限13月,如果甲方与业主在工程所在地又签订了其他补充协议或后续的工作,根据甲乙双方协商一致,本合同期限自动延长,但最长不超过本合同生效后自出国之日起的24个月,同时甲方将与乙方签订续签协议或补充协议。除上述两种情况外,双方经友好协商并愿意继续合作的,则双方将另行续签劳务派遣合同。

甲方的权利和义务

甲方负责乙方出国和归国的组织工作,以及出国前的思想教育、外事教育和培训等工作。

负责组织乙方出国前体检、考试等,并协助乙方办理护照和国内保险,相应的费用由乙方承担。

负责乙方在外期间的内部生产管理,包括工作安排、统一调配、用工核算及工资支付等。

负责乙方在外期间的内部生活管理,包括提供住宿用房,床铺和床上用品甲方提供;负责统一提供伙食,个人餐具由甲方提供;伙食费由甲方承担,伙食标准将根据现场实际情况由双方协商确定(最低营养标准3两肉和两个鸡蛋)。

为劳务管理方便,甲方将根据实际情况与乙方所辖市/县人民政府和公安机关取得联系,并在必要的时候借助相关力量协助甲方统一进行劳务管理工作。

乙方免费享受国外甲方统一安排隔离期间的费用和隔离期间的补贴,每天补贴 元,免费享受回国期间的隔离费用。

第五条.乙方的权利和义务

乙方应当保证其具备完成相应工作所要求的各项技能,拥有符合中国国家规定要

求的上述资格证书；在报名或出国签订合同时，必须真实的填写自己的工种；同时，乙方应保证身体及精神状态良好，不得隐瞒任何疾病，以积极努力的态度，高质量完成甲方要求的各项工作。

乙方在出国前，必须交身份证复印件2张和2寸照片4张到甲方办公室存档。

乙方在签订合同前必须由当地派出所出具本人的无犯罪记录证明，不得隐瞒在国内的各项犯罪记录，以及以往在国外工作中的任何违法、违纪或参与任何形式罢工的历史记录，乙方必须以诚信的态度向甲方汇报。

乙方在签订合同后应服从甲方外派的统一安排，保证在办理签证并购买机票后按时成行。

乙方在出国工作期间，必须严格遵守甲方所规定的各项劳动纪律和规章制度，无条件服从甲方工作及生活管理。甲方在工程所在国各地各项目部实行统一调遣，以及回国国内时间等的统一安排。此外，乙方在本合同整个期间内不享受探亲假。

乙方应保证遵守工程所在地的各项法律法规要求和风俗习惯等，不得有任何违反外事纪律、有损甲方声誉的行为。

乙方应当严格按照甲方的操作要求进行施工，如果由于操作不当而引起返工修补的，则甲方不支付相应工资，并且相应损失由乙方承担。

乙方不得擅自离岗、不得酗酒、不得打架斗殴、不得擅自外出，不得非法滞留，不得消极怠工。

乙方在施工中应当注意节约材料、爱护机械设备和生产工具，如发生非正常损坏，应如数赔偿，甲方将从应付工资中扣除。如果由此造成误工，误工的经济损失由乙方承担。

未经甲方许可，乙方不得为第三方工作，不得从事与本合同工作无关的其他经营活动，不得从事本合同以外的其他商业活动。

出国前的体检和办理护照以及国内交通费费用，在试用期满后，甲方将根据乙方提供的相应票据进行报销。

一、人工工资及支付

乙方技能合格服从管理的，计时工（10个小时）450—480元

在国外实行计时定额和计件工资制，根据现场施工的实际情况制定计件单价或者按计时工资承包，多劳多得，不封顶。

3

条件，如贵院必须有医院的转院证明（并加盖公章），甲方协助办理转院。

第八条、违约责任

a) 如果乙方违反本合同的各项规定而给甲方造成一定损失的，则甲方有权视情节轻重对乙方处以每单次或单项2000到15000元人民币的违约金；同时，由于乙方违约而造成的各项经济损失均由乙方承担。

b) 如果乙方出现下列行为，一经甲方查实属实，则甲方将立即终止本合同，并将乙方遣返回国，由此而发生的全部费用（包括国际往返机票、国外签证和国外办理各种证件的费用等），以及不良影响所造成的各项经济损失均由乙方承担，同时甲方将对乙方处以每单次或单项10000到20000元人民币的违约金。

c) 乙方无故旷工三天以上，无故生事或以任何形式煽动或参与聚众闹事、打架斗殴、罢工游行、私闯外事机构以及当地政府部门的；

d) 乙方被发现有偷盗、赌博、嫖娼等违法违纪行为，或有违反工程所在地法律法规和风俗习惯等行为的；

e) 乙方在签订和履行本合同中存在严重隐瞒和欺瞒行为的。

f) 如果由于甲方违反本合同的相关规定而造成违约的，则乙方有权通过正当、合法的途径向甲方索取赔偿，甲方应立即无条件履行，并对因此而给乙方带来的实际损失进行赔偿。

第九条、意外风险

如因战乱、战争或其他双方认可的不可抗力因素致使本合同不能继续履行时，甲方负责及时保护乙方安全返回国内，在回国后30天内，甲方应与乙方完成最终核算并将第二工资一次性支付给乙方。

第十条、合同的份数

本合同一式三份，具有同等的法律效力，甲乙双方各执一份，一份用于办理签证等相关手续。

第十一条、争议的解决

如双方对本合同条款发生争议，可通过友好协商解决，如协商不成，乙方承诺，在国外工作期间无条件服从甲方的安排和处理，回国后任一方均可

5

甲方每月结算乙方当月的工资，并由乙方签字确认，三个月金额发放到乙方提供的银行卡号里。

甲方保证在乙方回国前一周内完成其国外工作期间全部工资的结算，并在乙方回国时一次性支付完毕剩余工资。

第七条、保险及伤病问题

a) 出国前甲方为乙方办理出现人员意外伤害保险，保险期限与本合同期限

相同，在本合同签订补充协议或补充协议时，甲方应为乙方办理人身意外伤害保险续保手续，因此如果乙方在执行合同期间在工程所在国如发生意外伤害事故，则甲方负责出面协助乙方办理保险索赔，保险理赔款项为甲方支付乙方的赔偿款，乙方及其家属（亲属）不得再提出任何额外附加条件。乙方在国外发生的原因无论发生何种性质的伤、病、残、亡事故，乙方家属（亲属）均不得以任何理由要求前往探望及处理后事宜，由甲方统一按照当地习俗办理。

b) 乙方在国外非因工的原因发生的意外事故，其一切后果由乙方承担。甲方协助乙方与有关责任方进行交涉处理和理赔索赔，但不承担任何责任，乙方及其家属（亲属）无权向甲方提出任何经济赔偿的要求。

c) 除保险应得之赔偿外，乙方在外期间的生药救治和医疗费用已包含在乙方的人工工资中，甲方不再另行承担。

d) 因乙方不遵守行为、疏忽工作、违规行为或故意引起的医疗费用和其他相关费用由乙方自理。

e) 乙方因国外患急性病，并经医生诊断必须休息的，经甲方批准可享受在当地每年累计不超过21天的病假，如果乙方连续休病假14天仍不能恢复工作的，或累计病假超过21天的，则甲方将安排乙方回国治疗，往返程机票和国内治疗费用由乙方自行承担，甲方应在乙方回国前一周内完成其国外工作期间全部工资的结算，并在乙方回国后的30天内一次性支付完毕。

f) 乙方在国外发生工伤事故，需要回国治疗，由甲方统一安排在地、市定点医院救治，乙方及其家属（亲属）不得再提出任何额外附加

4

争议提交本合同签订地有管辖权的劳动争议仲裁委员会或人民法院裁决处理。

第十二条、其他

为明确双方的各项权利义务，在甲方为乙方办理出国签证前，甲方将根据有关规定，要求乙方出具一份书面正式确认函，对本工程情况及权利义务进行确认，确认函必须由乙方本人如实填写，否则一切所带来的后果将由乙方个人承担。

本合同未尽事宜，将通过友好协商解决，并在此合同基础上另行签订补充协议，但补充协议不得对本合同的实质内容进行修改，且应以不违背本合同条款规定为前提。

（此后无正文）

甲方：

乙方：

（本人签名）

委托代理人：

年 月 日

年 月 日

6

承诺书

本人(姓名)____, 身份证号码:____, 已充分理解所签的《劳务派遣合同》, 自愿到工作, 今后如出现以下六种情形中的任何一种, 本人将承担出国所发生的往返机票、办理护照、签证、国外登机手续的一切费用及其他的一切经济损失, 除承担《劳务用工合同》规定的相应违约责任外, 还将因此向山夏建设 (以下简称公司) 承担5000元违约金。

- 1、在公司为本人办理完护照、签证等出国手续后, 不论何种理由, 产生的不去印度尼西亚工作的。
- 2、在试用期间, 不能达到公司的雇佣条件或不能胜任本职工作, 被公司终止合同, 予以辞退的。
- 3、试用期满被正式雇佣后, 在施工过程中, 违反所在国的法律、法规, 或违反公司所在项目的规章制度被予以辞退的。
- 4、出现不利于出国施工的疾病或隐瞒疾病, 被安排提前回国的。
- 5、工种单一而又不服从项目部施工现场任务分配、工种调配和工作安排, 被予以辞退的。
- 6、不遵守合同约定, 国外工作不满两年主动要求回国的。

承诺人:
日期:

确认函

本人确认以下承诺的真实性, 并为此承担相应的法律责任。

- 1、本人是中华人民共和国____(地区)的居民。
- 2、本人将亲自签署与山夏建设 (以下简称公司) 的《劳务派遣和雇用合同》及其出国所需的有关文件。本人的身份证号码为:____, 本人提供的身份证号码是合法有效的。
- 3、本人已充分理解合同内容, 并将严格执行和遵守所签署的合同、协议等相关的文件内容, 承担和享受相应的权利和义务, 并无条件的接受合同、协议和相关的文件处理决定。如因本职工作

工作暂不能安排, 应服从项目部的调配和其他工作安排。

- 4、今后若因本人身体无法适应当地的自然气候条件, 不能坚持工作, 或因此提前回国, 所产生的一切损失均由本人承担。
- 5、本人选择以银行工资卡方式领取工资, 本人提供卡号为: (银行) 帐号是____, 持卡人____, 本人保证所填写信息工整、准确、无误。今后若因本人所填写的银行卡号错误, 或银行自身原因导致工资不能及时发放给本人与公司无关, 产生的损失及法律后果, 由本人及银行承担。

签名:
时间:

Labor Dispatch Contract (For Technical Workers in Indonesia Only)

Party A: Shanxi Construction Investment Group Co., Ltd.
Foreign Office Address: Sulawesi Tsingshan Industrial Park
Foreign Assigned Contact: Li Shangpeng

Party B: [redacted]

ID No.: [redacted]

Work Type: [redacted]

Home Address: [redacted]

Home Contact: [redacted]

As Party A has already signed a construction engineering contract with a proprietor in Indonesia, to ensure a smooth implementation of the construction, protect the interests of both parties, and clarify both parties' responsibilities, it has been agreed upon that the Labor Dispatch Contract is signed voluntarily and on the basis of mutual understanding.

Article 1 Nature of Work

During the life of the contract, Party B is responsible for completing all the work that Party A has assigned regarding the construction project. Party A is responsible for paying Party B a salary according to Article 6 of the contract.

Article 2 Probation Period

Party B's probation will last one month, starting from the date of departure from China. After the probation period, upon the agreement of both parties, Party B will be officially employed by Party A.

During probation, if Party B does not meet the employment requirements of Party A, or is found to be incompetent for the assigned work, Party A has the right to end this contract and arrange for Party B to return to China. Fees including airline tickets, visas, and work authorizations will be paid for by Party B.

During probation, if Party B does not comply, and seriously violates operating rules and regulations made by the company and stated in this contract, Party A has the right to end this contract and repatriate Party B, while simultaneously holding Party B accountable based on Article 8.

During probation, Party A should pay Party B a salary according to Article 6.

Article 3 Contract Life

The period of this contract is 13 months, based on Party A's contract with the proprietor. If Party A has signed an additional contract and subsequent working contract with the proprietor, based on the mutual agreement of both parties, this contract will be extended automatically. This contract will be no longer than 24 months after the contract is in effect. Party A and Party B will also sign additional contracts.

Article 4 Responsibilities and Rights of Party A

Party A is responsible for arranging Party B's leaving from and returning to China, and for delivering ideological education, foreign affairs education, and training before Party B's departure from China.

Party A is responsible for Party B's pre-departure physical examination and tests. Party A is responsible for assisting Party B in acquiring a passport and insurance in China. Relevant costs will be the responsibility of Party B.

Party A is responsible for the internal production management of Party B, including work schedules, unified arrangement, work settlement, and salary payment.

Party A is responsible for the internal living management of Party B, and for providing free housing, bed linens, meals, and dining utensils. A meal standard will be confirmed after both parties consult with one another (minimum nutrition standard is 150g meat, and 2 eggs per day).

To make work management easier, Party A will contact Party B's local authorities of Party B to collect information to conduct [Party B's] work management.

Party B will receive quarantine subsidies with no charge in a foreign country. Quarantine fees in the home country are also free of charge to Party B. The daily subsidy is __ RMB.

Article 5 Responsibilities and Rights of Party B

Party B should ensure that he/she possesses all the required skills for the work, and possesses the necessary employment qualification certificate. He/she should claim the work type

truthfully. In order to complete the work efficiently and with high quality, Party B should also ensure a healthy body and mind, and should not conceal any diseases.

Before departure, Party B should hand in to the local office two copies of the ID card and four two-inch photos.

Party A should have a Certificate of No Criminal Conviction ready and should not conceal any crime in the home country, or any past crime, law-breaking, disciplinary violation, or labor strikes in a foreign land. These materials should be reported to Party A by Party B.

Party B should follow the time schedule made by Party B for labor dispatch.

During work, Party B should strictly follow the work regulations set by Party A and follow the dispatch unconditionally. Additionally, there will not be any Family Visit Leave during the contract period.

Party B promises to follow the local regulation and cultural customs, and promises not to do anything that will defame Party A.

Party B should ensure that the construction work meets the standards by Party A. Party A will not pay Party B any wages for any work that has to be redone due to operational error, and Party B will be held responsible for any loss in the present and in the future.

Party B should not go to any other work post, miss work days, leave the team, fight, or leave or remain in the factory plant without permission or authorization, or postpone work.

Party B should not waste construction materials, and should take care of the facilities. The charge for breaking or damaging the facilities will be deducted from Party B's salary. Should there be any subsequent postponement of work, Party B will be responsible for any economic loss.

Party B should not work for any third party without permission from Party A. Party B should not conduct any work that is irrelevant to the work described in this contract. Party B should not engage in any business activity not included in this contract.

Party A will reimburse the fees for a pre-travel physical examination, passport, and transportation after the probation period based on the appropriate receipts provided by Party B.

Article 6 Work compensation and Payment

Qualified Party B will be paid for CNY450-480 per 10 hours of work. Indonesia uses the hourly rate and piece rate systems. The use of the systems will be based on on-site construction situations. More work equals more salary. There is no upper limit.

Party A will pay Party B monthly, which will be confirmed by the signature of Party B. Three months' salary will be paid in full to the bank account that Party B provides.

Party A ensures that all wages will be paid within one week before Party B returns to the home country, and the salary will be paid in full one time before Party B returns to the home country.

Article 7 Insurance and Illness

Party A will buy accidental injury insurance for Party B before departure from China. Insurance will only cover the contract period. Similarly, should there be any supplemental

contract or renewal of contract, Party A will buy life and accidental injury insurance for Party B. If Party B suffers accidental injury due to work, Party A will assist Party B in insurance coverage. Party B and the family members of Party B should not make any further conditions. Party B's family should not visit Party B for any work-related injury, illness, death, disability of Party B. Party A will take care of these matters according to local traditions.

Accidental injuries not due to work will not be compensated by Party A. Party B will be responsible for any incident not related to work. Party A can assist Party B in requesting compensation from the responsible body. Party B and family members of Party B do not have the right to propose any economic compensation.

Party A is not responsible for medical bills or hospitalization fees, because they are included in the salary.

Medical bills from injuries due to misconduct or ignorance of work or self-injury are not covered by Party A. Party B is solely responsible.

If Party B must rest due to acute disease, Party B cannot take more than 21 days sick leave with permission from Party A. If Party B rests continuously for over 14 days, or takes a total of more than 21 days of sick leave, Party A will arrange for Party B to return to the home country. Relevant fees will be paid by Party B. Party A will settle payments for Party B within one week before Party B's departure and pay Party B within 30 days after Party B returns to the home country.

If Party B needs to go to China for treatment, Party A will arrange for a city-level designated hospital in China for Party B's treatment. Party B and family members of Party B should not make any additional requests. Change of hospital requires newly stamped approval [from Party A].

Article 8 Liabilities for Breach of Contract

If Party B violates the contract and causes Party A to incur loss, Party A has the right to impose a monetary penalty of CNY2,000 [US\$275] to CNY15,000 [US\$2,061] on Party B, based on the severity of the violation. Party B is solely responsible for any economic loss resulting from the contract violation.

If Party B is found guilty of the following behavior, once verified by Party A, Party A will end the contract immediately and repatriate Party B. All the fees incurred will be covered by Party B. Party B is also responsible for any economic losses resulting from the negative consequences of the behavior. Party A will impose a monetary penalty of CNY10,000 [US\$1,374] to CNY20,000 [US\$2,748] on Party B.

- Party B is absent for work for more than three days; is found to engage in instigation, fighting, a labor strike, a strike march, is found to have trespassed into a foreign affairs agency, or local governmental agencies;
- Party B is found guilty of theft, gambling, prostitution or other illegal behavior, or behavior that violates local laws and traditions.

- Party B is found to have concealed [anything] or to have been deceptive [about anything] in the contract.

If Party A violates the contract and thus breaches the contract, Party B has the right to request compensation through legal and justifiable means. Party A must follow the agreement unconditionally and compensate the actual costs that Party B suffers.

Article 9 Accidental Risks

If the contract could not be performed due to social disturbances, wars, or other cases of forces majeures that both parties agree upon, Party A is responsible for protecting Party B and seeing to Party B's safe return to China. Within 30 days after Party B arrives in China, Party A should make a one-time work payment in full to Party B.

Article 10 Number of Contract Copies

The three copies of this contract each have equal validity. Party A and Party B each hold one copy respectively. The third copy will be used for visa purposes.

Article 11 Dispute Settlement

If two parties have disputes over the articles in the contract, agreement should be reached by consultation. If no agreement is reached through consultation, Party B agrees that he/she will follow Party A's rules and regulations unconditionally. Before or after Party B returns to China, the dispute may be sent to the Labor Dispute Arbitration Commission in the jurisdiction of the place where the contract was signed.

Article 12 Others

To clarify the responsibilities and rights of both parties, before Party A assists Party B on his/her visa application, Party A will ask Party B to make an official statement to confirm his/her responsibilities and rights and his/her understanding of the construction project. The official statement letter should only be signed by Party B himself/herself. Under other conditions, Party B alone bears the consequences.

Matters not covered in this contract will be settled through mutual consultation and additional agreement. Additional agreements should not change the content of this contract and not violate any article in the contract.

Party A:

Party B:

Authorized agent:

Commitment Letter

I, _____, ID No. _____ fully understand the Labor Dispatch Contract and voluntarily agree to work at _____. Should any of the following six incidents occur, I will bear all the fees and economic losses. Apart from the stated responsibilities in the contract, I will give CNY5,000 to Shanxi Construction Investment Group Co., Ltd.:

1. I cannot come to Indonesia to work after the company helped me with my passport and visa;
2. I cannot satisfy the requirements of the work or qualify for work during probation, and am therefore dismissed from the company;

3. I violate local laws and regulations during construction uring official employment after probation, and am dismissed from the company;
4. I am found to have a disease or to have concealed a disease that is harmful to the construction project during construction, and am repatriated;
5. I conduct a single type of work and disobey the work distribution at the construction site, and am dismissed; and
6. I disobey the articles in the contract and request to leave the company voluntarily within two years of beginning work.

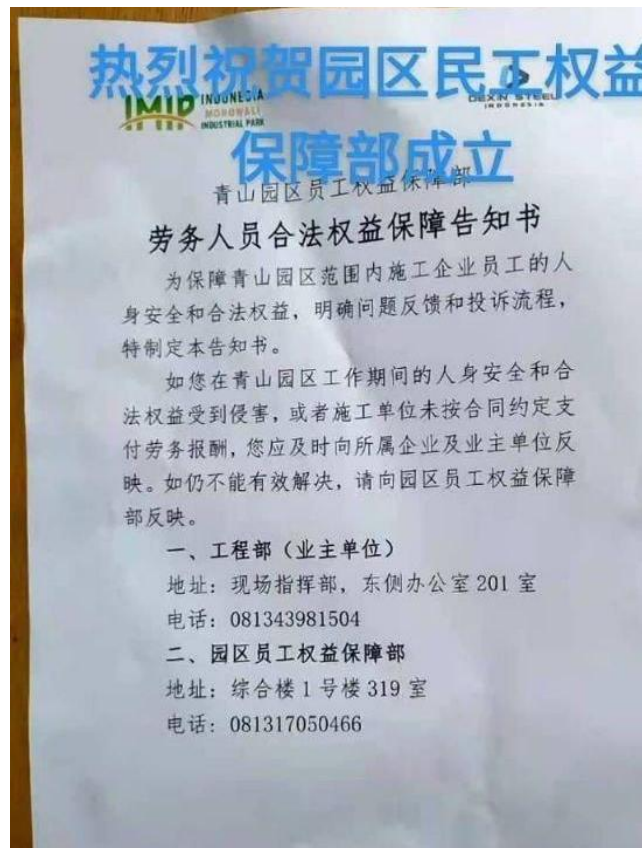
Guarantor: [name redacted]

Date: [date redacted]

Commitment Letter

I hereby confirm the truthfulness of the following commitments, and am willing to bear legal responsibilities accordingly.

1. I am a resident of ___ in the People's Republic of China.
2. I will sign the contract with Shanxi Construction Investment Group Co., Ltd. (hereafter referred to as the company)'s Labor Dispatch Contract and all materials needed for foreign travel. My ID No. is _____. I confirm that my ID is valid and legal.
3. I fully understand the terms and conditions of this contract, and will strictly follow the agreements. I accept the terms and conditions of the contract unconditionally, and bear and accept the relevant responsibilities and obligations. I will follow the work arrangements of the Project Department.
4. If I cannot tolerate the local weather conditions and thus cannot work, I will bear the costs of returning to China early.
5. I choose to receive my salary in my bank account. My bank account number is _____, card holder name _____. I guarantee the accuracy and completeness of the information herein. If I do not receive my salary due to my personal errors, I will bear the economic loss and legal consequences.



IMIP Indonesia

Employee Rights Protection Department at Tsingshan Industrial Park

Notice Regarding Workers' Legal Rights Protection

To ensure the personal safety and protection of the legal rights of employees of the construction enterprises at Tsingshan Industrial Park, and to clarify the feedback and complaint processes, this notice is made.

If your personal safety and legal rights are violated during your work at Tsingshan Industrial Park, or if the construction enterprises do not pay for your work according to the labor contract, you should immediately notify your company and the service unit. If the matter is not resolved properly, please forward the matter to the Employee Rights Protection Department.

1. Engineering Department (Service Unit)

Address: [redacted]

Phone: [redacted]

2. Employee Rights Protection Department

Address: [redacted]

Phone: [redacted]

Assessment Rules of Safe and Civilized Construction

To improve safety at the construction site, regularize the safety behaviors of construction workers, prevent accidents, and ensure personal and property security during construction, the following rules are made based on the context of the construction site.

1. Assessment Rules of Disciplinary Violations

- a. Entering the factory and construction sites without wearing a safety helmet incurs an CNY1,000 [US\$137] per person fine; not wearing safety helmets properly will incur an CNY500 [US\$69] per person fine.
- b. Work clothes should be worn at all times. Not wearing working clothes properly and exposing one's upper body will incur an CNY500 [US\$69] per person fine.
- c. Safety shoes should be worn properly at the production sites. Not wearing safety shoes will incur a CNY500 [US\$69] per person fine.
- d. Not wearing a safety belt when working at a height of more than two meters will incur an CNY10,000 [US\$1,374] per person fine.
- e. Welders should wear protective gloves and face masks properly during welding. Violations will result in a CNY500 [US\$69] per person fine.
- f. Insulation gloves and shoes should be worn during electric work. Violations will incur a CNY500 [US\$69] per person fine.
- g. Gloves should not be worn during operations of rotary machines. Violations will result in a CNY500 [US\$69] per person fine.
- h. Drinking during or before construction will incur an CNY5,000 [US\$687] per person fine. Violators will be asked to leave the post immediately.
- i. Sleeping during work at construction sites will incur an CNY1,000 [US\$137] per person fine.
- j. Indiscriminate urination and defecation at factories and construction sites will incur an CNY1,000 [US\$137] per person fine.
- k. Smoking in non-smoking areas will incur an CNY2,000 [US\$274] per person fine.
- l. Theft (taking others' property without permission) will incur an CNY50,000 [US\$6,871] per case fine. False reporting will incur an CNY20,000 [US\$2,741] per case fine.
- m. Leaving factories or working areas without permission will incur an CNY10,000 [US\$1,371] per person fine.
- n. Fighting, harassment, or picking quarrels and causing trouble will incur an CNY50,000 [US\$6,871] per case fine. Mass disturbance will incur an CNY20,000 [US\$2,741] per case fine.

- o. Using equipment without permission will incur an CNY2,000 [US\$274] per case fine.
- p. Damaging protective equipment and removing protective equipment without replacing it in a timely fashion will incur an CNY1000 [US\$137] per case fine.
- q. Before entering the construction site, foreign workers or business personnel must acquire approval from the person in charge . Violators will be fined CNY1,000 [US\$137] per person.
- r. Other violations will incur fines of CNY1,000 [US\$137] to CNY50,000 [US\$6,871] depending on the actual case.

[DL-19] OSS Company Document Regarding Lowering the COVID-19 Prevention Level and Relaxing the Curfew_关于调低疫情防控等级适当开放门禁的通知

OSS 公司文件

OSS 公司【2021】30 号

关于调低疫情防控等级适当开放门禁的通知

各部门、分厂、项目部：

2021 年 7 月份以来为应对新一轮新冠疫情的爆发，VDNIP 工业园下发《关于进一步加强疫情防控的补充规定》将疫情防控等级提高到最高级别，实施“内防扩散、外防输出、人物同防、严格管控”策略，园区实行封闭式管理，经过全体员工的共同努力，目前疫苗接种已基本做到全员覆盖，隔离人员大幅下降，连续多周无新增疑似病例，疫情防控工作已取得阶段性胜利，为满足员工购物需求，缓解员工心理压力，现经公司研究，决定将 OSS 疫情防控等级从最高风险调整为中等风险，对疫情防控措施进行调整，适当开放门禁，具体要求如下：

- 1、门禁开放时间：中午 11：00-1：00、下午 5：00-8：00 员工可外出购物，可打包食物，但严禁堂食、饮酒。
- 2、员工外出范围：二钢区域不得越过 VDNI 东门，二电区域仅限附近商店。
- 3、为降低员工外出风险，公司将免费为周边商店店主每周做 1 次快检；
- 4、员工外出时，必须严格做好个人防护，正确佩戴口罩。
- 5、除有序开放门禁外，《关于进一步加强疫情防控的补充规定》的其他疫情防控措施仍需严格执行。

特此通知！



PT. Obsidian Stainless Steel

2021 年 10 月 18 日

主题词：疫情 防控 通知

报送：董事长、总经理、常务副总经理、副总经理（总监）、股东代表 常务副总经理助理

主送：各部门 各分厂 各项目部

OSS 公司

2021 年 10 月 18 日印发（共印 30 份）

Notice Regarding Lowering the COVID-19 Prevention Level and Relaxing the Curfew

To every department, factory, and project department:

To tackle the challenges with the COVID-19 pandemic, VDNIP made an order “Regarding Enhancing COVID-19 Prevention Measures Supplementary Regulations” and increased the COVID prevention level to the highest level in July, 2021. We implemented “Prevent spread internally, Prevent case exportation, Prevent objects and persons, Prevent seriously” strategies. The Park enacted lock-down management. Through collective efforts, nearly every staff is vaccinated against COVID-19; the Quarantined population decreased; There are no potential cases for consecutive weeks. We have achieved intermediate success. To meet the shopping demands of employees, relieve their mental stress, the company has decided to change the COVID-19 prevention level to medium level and make the following changes in regulations:

1. Curfew time: during 11:00 AM - 1:00 PM, 5:00 PM - 8:00 PM, employees can go out shopping, can pack food, but dining in halls and drinking alcohol is prohibited.
2. Range of outdoor activities: Steel II area not exceeding the East door of VDNI, Electricity II region limited to nearby stores.
3. To lower the risks of outdoor activities, the company will offer shop owners of nearby shops free COVID-19 tests.
4. Employees must wear masks and maintain personal hygiene.
5. Except for changes in curfew, “Regarding Enhancing COVID-19 Prevention Measures Supplementary Regulations” must be implemented strictly.

PT. Obsidian Stainless Steel

2021.10.18

[DL-20] Notice from the Economic and Commercial Counselor's Office in Indonesia Regarding the Protection of Chinese Laborers_中国驻印尼经济商务处关于保障劳务人员合法权益通知

中华人民共和国驻印度尼西亚共和国大使馆经济商务处
The Economic and Commercial Counsellor's Office
Embassy of the People's Republic of China in the Republic of Indonesia

经商字(2021)397号

**关于开展保障在印尼中国劳务人员合法权益
专项工作的通知**

各在印尼中资企业：

为认真落实国内有关指示精神，进一步保障在印尼中国劳务人员合法权益，驻印尼使领馆将督促指导在印尼中资企业全面开展涉中国劳务人员权益保障问题专项整治工作，具体事项通知如下：

一、总体要求

各中资企业、园区务必要将保障中国劳务人员人身安全和合法权益作为一项重要工作任务，提高思想认识，履行主体责任，坚持问题导向，查找存在问题，采取有力措施，迅速开展整改，积极解决中国劳务人员实际困难，全力保障中国劳务人员合法权益，确保此次专项工作取得实效。

二、全面摸底

请各中资企业、园区认真梳理本单位情况，按要求如实填写《投资项目基本信息采集表》（见附件2）、《园区基

本信息采集表》（见附件3）和《在建拟建承包工程项目基本信息采集表》（见附件4）。

三、自查整改

各中资企业、园区要对照中印尼政府有关法律规定，按照《涉中国劳务人员问题自查整改提纲》（见附件1）要求迅速开展涉中国劳务人员合法权益保障情况全面自查，找出问题、明确责任、制订措施、立即整改。

四、注意事项

此为内部通知，不得擅自外传。请各中资企业、园区高度重视，积极稳妥开展专项整治工作，做好舆论引导和舆情应对，避免媒体负面报道甚至恶意炒作。

请各单位于11月24日（星期三）下班前将信息采集表、自查问题、整改措施及实施成效报告等材料报送所在领区总领馆和使馆。

各使领馆联系邮箱为：

驻印尼大使馆：id@mofcom.gov.cn

驻泗水总领馆：surabaya@mofcom.gov.cn

驻棉兰总领馆：supratman2@hotmail.com

驻登巴萨总领馆：chinaconsul_dps_id@mfa.gov.cn

附件：1.《涉中国劳务人员问题自查整改提纲》

2.《投资项目基本信息采集表》

3.《园区基本信息采集表》

4.《在建拟建承包工程项目基本信息采集表》

驻印尼使领馆商处

2021年11月18日

The Economic and Commercial Counselor's Office
Embassy of the People's Republic of China in the Republic of Indonesia
Economic and Commercial Office (2021) #397

**Regarding the Protection of Legal Rights and Interests of Chinese Laborers in Indonesia
Special Notice of Itemized Tasks**

Chinese companies in Indonesia:

In order to earnestly implement the relevant government directives and to further protect the legal rights and interests of Chinese laborers in Indonesia, the Embassy and Consulates in Indonesia will supervise and guide the Chinese enterprises in Indonesia to carry out special rectification work to protect the rights and interests of Chinese laborers. The specific action items are notified as follows:

1. General Requirements

All Chinese-funded enterprises and industrial parks must undertake the important tasks of protecting the personal safety, legal rights, and interests of Chinese laborers, increasing ideological awareness, fulfilling their main responsibilities, adhering to a problem-solving approach, identifying existing problems, taking effective measures to address them, and quickly carrying out rectification and improvement. All Chinese enterprises must solve the actual difficulties that Chinese laborers face, make every effort to protect the legal rights and interests of Chinese laborers, and ensure that these itemized tasks achieve practical results.

2. Complete Investigation

All Chinese-funded enterprises and industrial parks are required to carefully sort out the state of affairs of their work units, and fill out the "Investment Project Basic Information Collection Form" (see Annex 2) and "Park Fundamentals" as required.

Investment Project Basic Information Collection Form" (see Annex 2) and "Park Fundamentals," the "Information Collection Form" [see Annex 3] and the "Basic Information Collection Form of Contractor Projects Under Construction and Planning" [see Annex 4].

3. Self-Examination and Rectification

All Chinese-funded enterprises and industrial parks should follow the relevant laws and regulations of the Chinese and Indonesian governments, and follow the requirements in the "Outline for Self-Inspection and Rectification of Chinese Labor Workers' Issues" (see Appendix 1) to promptly carry out a comprehensive self-examination regarding [the discharge of their obligation] to protect the legal rights and interests of Chinese laborers in order to identify problems, clarify responsibilities, formulate corrective measures, and rectify the identified problems immediately.

4. Items for Attention

This is an internal notice and may not be distributed without authorization. All Chinese-funded enterprises and industrial parks are requested to attach great importance to this Special Notice of Itemized Tasks, actively and steadily carry out the rectification work, do a good job in guiding and responding to public opinion, and avoid negative media reports or malicious speculation.

Please submit the information collection form, the self-examination questions, the rectification measures, the implementation effectiveness report, and any other relevant materials to the Consulate General and the Embassy in your region by the end of the day on Wednesday, November 24.

Contact emails of the relevant Embassy and Consulates:

Embassy in Indonesia: [redacted]

Consulate General in Surabaya: [redacted]

Consulate General in Medan: [redacted]

Consulate General in Denpasar: [redacted]

Annexes.

1. "Outline for Self-Examination and Rectification of Issues Involving Chinese Workers"
2. "Investment Project Basic Information Collection Form"
3. "Industrial Park Basic Information Collection Form"
4. "Basic Information Collection Form for Contracting Projects Under Construction and Planning"

Embassy in Indonesia, Economic and Commercial Office, November 18, 2021

附件 1

涉中国劳务人员问题自查整改提纲

对照中国政府《对外承包工程管理条例》《对外劳务合作管理条例》《商务部关于加强对外投资合作在外人员分类管理工作的通知》等文件及印尼政府有关规定,针对用人企业/项目及派出单位在保障中国劳务人员合法权益方面存在的问题,认真梳理排查,制定整改措施,切实做好我劳务人员权益保障工作。请以下列提纲为参考,书面反馈:查找问题根源、制定整改措施、整改实施成效等工作情况。

一、项目管理问题

包括但不限于:在投资主体责任和总包负责制等原则下,承包企业是否具有对外承包工程经营资格,项目是否具有对外承包工程投(议)标许可备案,对工程总包企业、分包企业的管理情况,以及在转包、分包过程中存在的不合规、监管不到位等问题。

二、人员派遣问题

包括但不限于:派人企业是否具有对外劳务合作经营资格、中国劳务人员派出方式渠道、劳务人员知识技能培训、如实告知劳务人员权益保障及安全风险、违规外派劳务“黑中介”等问题。

三、合同、工资待遇问题

包括但不限于:对外劳务合作企业与国外雇主订立书面劳务合作合同、对外劳务合作企业与劳务人员订立书面服务合同、劳务人员与国外雇主订立确定劳动关系合同等合同管

理合规情况,员工工资发放方式、实得薪资与出国前承诺不一致、拖欠发薪资、工作超时补助、回国费用承担、员工人身意外伤害保险等薪资待遇方面问题。

四、护照签证问题

包括但不限于:中国员工护照被统一收缴管理(“护照被扣”),使用商务签、旅游签等非工作签证赴印尼务工情况等。

五、人员轮换、员工属地化问题

包括但不限于:疫情以来,回国人员人数和由国内赴印尼务工人员数量情况;是否积极推进员工“属地化”,尽可能多雇佣当地员工,中国人员数量是否符合当地用工比例规定,是否按印尼政府规定雇佣印尼当地员工等。

六、安全生产问题

包括但不限于:工作环境安全隐患、员工劳保物资保障、安全生产培训和检查、近一年中国员工伤亡情况、伤亡救治处置等。

七、疫情防控问题

包括但不限于:疫情防控措施、疫苗接种情况、隔离医治条件、医疗设备药品保障、感染后医疗救治等。

八、人文关怀问题

包括但不限于:员工食宿条件、身心健康保障、文体娱乐设施配备、情绪安抚和压力纾解、维权投诉渠道畅通等,日常管理中存在的方式简单粗暴、沟通态度冷漠、处罚标准欠客观公正、劳资关系紧张不和谐等问题。

九、应急处置和舆情管控

包括但不限于:突发事件预防和应急处置措施及方案、

舆情监测和应对等。

十、其他涉中国劳务人员问题

请说明自查中发现的其他涉中国劳务人员问题,并提出整改措施,反馈整改成效。

Attachment 1²¹⁰:

Outline for Self-Assessment and Rectification of Issues Involving Chinese Laborers

In accordance with “The Chinese Government's Regulations on the Administration of Foreign Contracted Projects”, “Regulations on the Administration of Foreign Labor Cooperation”, “Notice from the Ministry of Commerce on Strengthening the Classification and Management of Foreign Workers in Foreign Investment Cooperation”, and other documents and relevant regulations of the Indonesian and Chinese governments, investigations must be conducted, corrective measures must be formulated, and the rights and interests of Chinese laborers must be protected effectively to target employers/projects and labor dispatch units’s problems in protecting the legal rights and interests of Chinese laborers. **Please use the following outline as a reference to provide written feedback: find the root cause of the problem, formulate corrective measures, and effectively implement the corrective measures.**

1. Project Management Issues

Including but not limited to: whether the contractor enterprise is qualified to operate foreign contracting projects under the principles of investment subject responsibility and the general contractor responsibility system; whether the project has the record of bidding permits for foreign contracted projects, the management status of the general contracting enterprise and subcontracting enterprise, as well problems such as non-compliance and inadequate supervision in the process of contracting and subcontracting, etc.

2. Personnel Dispatch Issues

Including but not limited to: whether the labor dispatching enterprise has the necessary qualifications for foreign labor cooperation, what the channels are for dispatching Chinese laborers, whether worker knowledge and skills trainings are provided, whether truthful information on workers' rights and the safety risks is disseminated, the use of illegal foreign labor dispatch services or other "disreputable intermediary agencies", etc.

3. Contract, Wages and Benefits Issues

Including but not limited to: the existence of the foreign labor dispatch service and foreign employers’ written labor agreement contract, foreign labor dispatch services and dispatch laborers’ written service contract, the status of contract management compliance and labor and other relevant contracts between dispatch laborers and foreign employers, wage payment methods, whether the agreed upon salary amount before leaving the country and the actual paid salary amount are inconsistent, the delayed payment of

²¹⁰ Note: Interestingly, most of the issues CLW found in the main body of this report is identified in this self-assessment guideline issued by the Chinese embassy in Indonesia, indicating that the Chinese officials are not entirely unaware of the labor abuse of Chinese workers in foreign lands.

wages, whether overtime allowance is owed, whether the responsibility to subsidize return travel costs is fulfilled, whether personal accident insurance is offered, and other payroll issues.

4. Passport and Visa Issues

Including but not limited to: The centralized collection and management of Chinese employees' passports (i.e., "passport withholding"), the use of non-working visas such as business visas and tourist visas to work in Indonesia, etc.

5. Personnel Rotation and Localization of Employees

Including but not limited to: the number of workers that have returned home and the number of domestic workers that have come to Indonesia since the start of the pandemic; whether the "localization" of staff is actively promoted to hire as many domestic employees as possible, whether the number of Chinese staff member is in accordance with local labor ratio regulations, whether local Indonesian workers are employed according to Indonesian government regulations, etc.

6. Safety Issues

Including but not limited to: the presence of hidden dangers and safety hazards in the work environment, whether work safety equipment is guaranteed, whether training and inspections for safe manufacturing are performed, the number of injuries and deaths of Chinese employees in the past year, and the critical care methods for injuries, etc.

7. Pandemic Prevention and Control Issues

Including but not limited to: the coronavirus prevention and control measures, data on the vaccination status of the workforce, the workplace quarantine and medical treatment protocols, whether medical equipment and medicine is provided, whether medical treatment and critical care is provided after exposure to COVID-19, etc.

8. Humane Care Issues

Including but not limited to: the staff boarding and lodging conditions, the workplace physical and mental health protections, cultural, sports and recreational facilities provided, the morale improvement and stress relief measures, and whether direct and unimpeded communication channels for rights protection and complaints exist. Some issues within daily management include: rude and cruel management styles, the lack of regard and the neglect of communication in the workplace, the lack of objective and fair penalty standards, and tense and conflicted labor-management relations, etc.

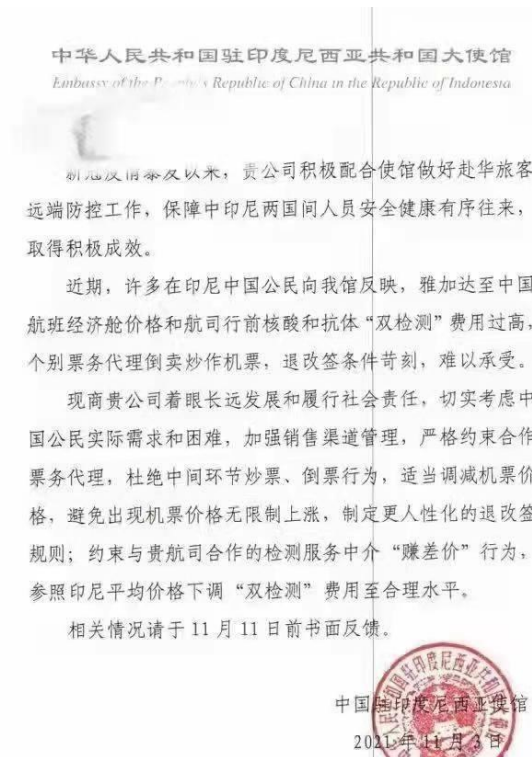
9. Emergency Response and Public Opinion Control

Including but not limited to: whether emergency prevention and emergency response measures and plans are established, whether public opinion monitoring and response is practiced, etc.

10. Other issues related to Chinese laborers

Please explain the other issues related to Chinese laborers discovered during self-examination, and propose rectification measures and feedback on their effectiveness.

[DL-21] *The Embassy's Letter to a Chinese Airline_中国驻印尼大使馆给中国航空公司的信*



Embassy of the People's Republic of China in the Republic of Indonesia

Since the coronavirus pandemic, your company has actively cooperated with the embassy in the control of the passengers to China, and in the prevention of coronavirus transmission in order to ensure the safe, healthy, and orderly movement of people between China and Indonesia. And we have achieved positive results.

Recently, many Chinese citizens in Indonesia have expressed to us that the price of economy-class airline tickets from Jakarta to China and the cost of pre-trip nucleic acid and antibody double testing requirements being too high, that certain ticket agents are selling

speculative tickets, and that the conditions needed to obtain ticket refunds and modify ticket details are harsh.

We would like to ask your company to focus on long-term development to fulfill your social responsibility, consider the actual needs and difficulties of Chinese citizens, strengthen the management of your sales channels, strictly restrict any collaboration with individual ticket agents, eliminate ticket speculation and ticket dumping through intermediary channels, reduce the price of air tickets to appropriate levels, avoid uncontrolled surges in air ticket prices, establish more humane rules for refunds and visa changes, restrict your company's collaboration with intermediary testing services to engage in "earning the price difference" practices, and reduce the cost of "double testing" to a reasonable level with reference to the average cost for COVID-testing in Indonesia. Please provide written feedback on the situation before November 11.

Embassy of China in Indonesia

11/03/2021