

## 《内地首次裁决开除罢工工人违法》

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A company illegally terminated the employment contracts of workers who staged a two-week strike, arbitrators have ruled in Fujian province in the first case of its kind on the Chinese mainland.

The labor dispute arbitration committee in Xiamen said Coactive Technologies (Xiamen), a foreign-funded company, planned to relocate from Xiamen's Huli district to Tong'an district in January.

The company declined to offer compensation to the employees, but said it would provide housing and transportation subsidies for the inconvenience caused by the relocation.

Some employees did not agree to the plan. After negotiating with the company but reaching no consensus, hundreds of workers went on strike from Feb 13 to 28.

On March 4, the firm laid off about 40 workers who went on strike on the grounds that they severely violated company regulations because they were absent from work without a reason.

The arbitration committee said there was no solid evidence to prove the workers carried out harmful activities, such as interrupting the work of others and threatening the company during the strike.

It said the workers' behavior could not be categorized as violating the company's regulations.

The committee ruled that the workers had been laid off illegally and that the company should compensate them in line with the Labor Contract Law.

A staff member surnamed Chen said the company did not agree with the ruling and had filed lawsuits with a court asking for it to be nullified.

An arbitrator close to the case, speaking on condition of anonymity, said that if it was not satisfied with the arbitration result, the company was free to seek further legal assistance from the court.

He said it was illegal for the company to fire its workers because they were absent from work for no good reason.

Zhang Zhiru, a labor rights activist at Shenzhen Chunfeng Labor Disputes Services Center, said the arbitration result in Xiamen was encouraging for workers who went on strike to fight for their rights.

Recent strikes in China have resulted from company changes such as closures, new owners and relocations.

Zhang said Chinese law has not stated whether strikes are a legal resort or not, and some local governments that place a priority on maintaining social stability are afraid of strikes and place pressure on courts and arbitration authorities over their judgments.

"In most cases, courts and arbitration authorities don't support workers who go on strike for their rights. As a result, employers dare to punish workers who take part in strikes with dismissal and continue to violate workers' legal rights, creating a vicious circle," he added.

