



Minimum Wage Report

CHINA

www.wageindicator.cn

Minimum Wage In China

Poverty and the minimum wage standards are all different aspects of humanitarian protection program in the last one red. The so-called minimum wage is the legal working hours of workers in the labour contract law or agreed to provide the normal working hours, working under the premise; the employer shall be paid a minimum remuneration.

Workers to labour remuneration in order to safeguard the legitimate rights and interests of individual workers and their families protect the basic livelihood of the Ministry of Labour and Social Security in December 30, 2003 7th meeting of the Ministry of Finance through the "minimum wage", and in March 1, 2004 shall come into force.

The minimum wage is how to measure it? "Minimum wage" in the Annex to determine the minimum wage generally considers six factors: cost of living expenditure of urban residents, individual workers to pay social insurance, housing provident funds, average wages, unemployment and economic development. Further, the proportion method using the Engel coefficient, or a place in the final calculation of the minimum wage.

As a result of regional cost of living expenditure of urban residents, average wages and the level of economic development and other differences, our different provinces, municipalities and autonomous regions within and between the uneven levels of the minimum wage (see Table). (The list may be incomplete)

Although the implementation of the minimum wage system for several years, though around the minimum wage after several adjustments, but overall, the generally low. Of the minimum wage and per capita GDP, about 25%, while the world average of 58%; of the minimum wage is 21% while the average wage of 24 OECD countries the minimum wage and the average ratio of the average wage is 50%. Therefore, China needs to establish a scientific and rational with the international practice of the minimum wage

Minimum Wage Rates

China Minimum Wages as applicable in the year 2010			
Province-Level Minimum Wage			
Implementation Date	Provinces	Monthly MW(¥)	Hourly MW(¥)
April,2010	Shanghai	1,120	9
April,2010	Zhejiang	800-1,100	6.5-9
May,2010	Guangdong	660-1,030	6.4-9.9
July,2010	Beijing	960	11
Febtember,2010	Jiangsu	670-960	5.4-7.2
June,2010	Xinjiang	500-960	
June,2010	Tibet	850-950	7.5-8.5
April,2010	Tianjin	920	7.8
May,2010	Shandong	600-920	6.5-9.6
June,2010	Hebei	690-900	6.9-9.0
June,2010	Mongolia	680-900	6.1-8.1
June,2010	Liaoning	650-900	6.0-8.5
March,2010	Fujian	600-900	6.5-9.6
May,2010	Hubei	600-900	6.5-9.0
June,2010	Heilongjiang	600-880	5.5.-7.5
August,2010	Sichuan	650-850	6.8-8.9
April,2010	Shanxi	640-850	7.0-9.3
June,2010	Hunan	600-850	6.0-8.5
June,2010	Hainan	680-830	5.9-7.2
June,2010	Yunnan	630-830	6.0-8.0
May,2010	Jilin	680-820	5.2-6.3
September,2010	Guangxi	565-820	4.5-6.0
June,2010	Henan	600-800	6.8-9.0
October,2010	Gansu	630-760	6.6-7.5
June,2010	Shaan'xi	580-760	
June,2010	Anhui	500-720	
June,2010	Jiangxi	500-720	4.7-6.8
May,2010	Ningxia	605-710	6.8-7.2
January,2008	Chongqing	520-680	
November,2007	Guizhou	550-650	5.9-6.9
May,2008	Qinghai	580-600	6.3-6.5

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

Countries/Districts-Level Minimum Wage				
Implementation	City	Province Zhejiang	Monthly	Hourly MW(¥)
April,2010	Hangzhou		1,100	9
April,2010	Ningbo	Jiangdong,Jiangbei,Haishu,zhenhai	1,100	9
April,2010		Beilun,Yinzhou,Daxie developmentzone,	1,100	9
April,2010		NingboNational high-tech District,	1,100	9
April,2010		DongqianLakeResort,Free trade Zone	1,100	9
April,2010		Lucheng,Longwan,o'hai,	1,100	9
April,2010		WenzhouEconomic and Technological District	1,100	9
April,2010	Wenzhou	Leqing,Rui'an	980	8
April,2010		Countries: Yongjia,Dongtou,Pingyang,cangnan	900	7.3
April,2010		Countries: Wencheng,Taishun	800	6.5
April,2010	Jiaxing		980	8
April,2010	Huzhou	Districts:Wuxing,Nanxun	980	8
April,2010		Deqing,Changxing,An'ji	900	7.3
April,2010	Shaoxing		980	8
April,2010	Jinghua	Districts:Wucheng,Jindong	980	8
April,2010	Quzhou		900	7.3
April,2010	Zhoushan		900	7.3
April,2010	Taizhou	Taizhou Urban,LinhaiCity,Wenling City,	980	8
April,2010		Yuhuan Country	980	8
April,2010		Countries: Tiantai,Xianju,Sanmen	900	7.3
April,2010	Lishui	Lishui Urban,Liandu District,	900	7.3
April,2010		Countries: Qingtian,Jinyun	900	7.3
April,2010		Countries: Yunhe,Jingning,Songyang,	800	6.5
April,2010		Countries: Suichang,Qingyuan;Longquan City	800	6.5

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

Countries/Districts-Level Minimum Wage		
City	Autonomous Regions Xinjiang	Monthly MW(¥)
Kalamayi	Including A-----Old-age, Health, Unemployment Insurance and Housing Fund	960
	B--A is not included.	800
Kashi	Kashiku'ertajike Autonomous Country (A)	960
	Kashiku'ertajike Autonomous Country (B)	800
Shihezi	Nongba Division 136 Regiment(A)	960
	Nongba Division 136 Regiment(B)	800
	Shizongchang,Nongba Division147'148'149'150'152 Regiment(A)	800
	Nongba Division121'133'134'141'142'143'144 Regiment(A)	720
	Shizongchang,Nongba Division 147'148'149'150'152 Regiment(B)	660
	Nongba Division 121'133'134'141'142'143'144 Regiment(B)	570

Countries/Districts-Level Minimum Wage				
Implementation Date	City	Autonomous Region Tibet	Monthly MW(¥)	Hourly MW(¥)
January,2008	Lasa	No specific division	730	6.5
January,2008	Changdu	No specific division	680	6
January,2008	Shannan	No specific division	730	6.5
January,2008	Rikaze	No specific division	680	6
January,2008	Naqu	No specific division	730	6.5
January,2008	A'li	No specific division	730	6.5
January,2008	Linzhi	No specific division	680	6

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

Countries/Districts-Level Minimum Wage				
Implementati on Date	City	Province Heilongjiang	Monthly MW (¥)	Hourly MW (¥)
July,2010	Ha'er'bin	The Urban District (except Hulan District, Acheng District)	840	6.5
July,2010		Hulan District, Acheng District	720	6
July,2010	Qiqiha'er		700	6
July,2010	Jixi		700	6
July,2010		Jidong Country	620	5.8
July,2010	Hegang		700	6
July,2010	Shuangyashan		700	6
July,2010	Daqing		880	7.5
July,2010	Yichun	Yichun District	620	5.8
July,2010		Other Districts	600	5.5
July,2010	Jiamusi		700	6
July,2010	Qitaihe	The Urban District	700	6
July,2010	Mudanjiang	The Urban District , Suifenhe District	700	6
July,2010	Heihe		700	6
July,2010	Suihua	The Urban District	670	6
July,2010	Daxinganling		620	5.8

Countries/Districts-Level Minimum Wage				
Implementation Date	City	Province Jinlin	Monthly MW (¥)	Hourly MW (¥)
May,2010	Changchun	The Urban District	820	6.3
May,2010	Jinlin	The Urban District	780	6
May,2010	Simping	The Urban District	730	5.6
May,2010	Liaoyuan	The Urban District	730	5.6
May,2010	Tonghua	The Urban District	730	5.6
May,2010	Changshan	The Urban District	730	5.6
May,2010	Baishan	Changbaishan Administrative Committee	680	5.2
May,2010	Songyuan	The Urban District	780	6
May,2010	Baicheng	The Urban District	730	5.6
May,2010	Yanbian	Huichun City	730	5.6

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

Minimum Wage Legislation

1	Is there separate minimum wage legislation in China?
	<u>As Per Law:</u> There is no separate minimum wage legislation in China. However, there is Provisions On Minimum Wage, promulgated by Ministry of Labour and Social Security on January 20, 2004 and enforced on March 1, 2004. (Provision is not equal to Legislation)
2	Do one or more minimum wage/s, exists in China?
	<u>As Per Law:</u> Yes, more than one minimum wage exists in China. As per Articles 5 and 7 of the Provisions on minimum wages, 2004 Minimum wage rates (standards) exist for each province, Autonomous Region and Municipality and there are also separate monthly and hourly minimum wages.
	<u>In Practise:</u> Different Provinces/Regions have various levels of MW.
3	At what level is minimum wage determined?
	<u>As Per Law:</u> In China, minimum wages are determined at regional level. As per article 7 of the Provisions on minimum wages, 2004 different administrative areas, within a province, autonomous region or municipality directly under central government may adopt different standards of minimum wages.
	<u>In Practise:</u> There is sector wise minimum wage in reality but no national one.
4	On what basis is/are minimum wage/s declared?
	<u>As Per Law:</u> As per article 5 of the Provisions on minimum wages, 2004 standards of minimum wages appear in two forms - monthly and hourly minimum wage standard
	<u>In Practise:</u> There are monthly and hourly minimum wages

Minimum Wage Legislation

5	<p>In case of daily/weekly/monthly minimum wage, are number of working hours considered while fixing minimum wages?</p>
	<p>As Per Law: Yes, number of working hours is considered while fixing hourly/weekly/monthly minimum wages. As per article 3 of the Provisions on Minimum Wages, 2004 "standards on minimum wages" refers to MW remunerations paid by the employing entities to the labourers, under the law, if they have provided normal labour within the statutory working hours or the working hours prescribed in the labour contracts. The Article 5 refers to the applicable scope of Monthly MW and Hourly Minimum Wage, which means full-time workers, may get Monthly MW, and part-time workers can get Hourly MW.</p>
6	<p>Who all are involved in setting minimum wages?</p>
	<p>As Per Law: In China, Ministry of Labour and Social Security, China Entrepreneur Association, and The Chinese National Federation of Trade Unions are involved in setting minimum wages. As per article 8 of the Provisions on minimum wages, 2004 the program for determining and regulating minimum wages shall be formulated by administrative department of labour and social security of a province, autonomous region or municipality directly under the central government in consultation with the labour union and the league of enterprises (employers association). And the report shall be submitted to the Ministry of Labour and Social security. Then Ministry of Labour and Social security collects opinions of China Labour Union and China League of Enterprises.</p>
	<p>In Practise: The reality coincides with the Provisions</p>

Minimum Wage Legislation

7	How are upratings (adjustments) of minimum wage/s decided upon?
	<p><u>As Per Law:</u> Upratings or adjustments of minimum wages are jointly decided by the government, employer and trade union representatives. As per article 8 of the Provisions on minimum wages, 2004 the program for determining and regulating minimum wages shall be formulated by administrative department of labour and social security of a province, autonomous region or municipality directly under the central government in consultation with the labour union and the league of enterprises (employers association). And the report shall be submitted to the Ministry of Labour and Social security. Then Ministry of Labour and Social security collects opinions of China Labour Union and China League of Enterprises.</p>
	<p><u>In Practise:</u> The reality coincides with the Provisions</p>
8	Which are the components of minimum wages in China?
	<p><u>As Per Law:</u> China has fixed and variable components. As per the attachment of Provisions on Minimum Wage, 2004 Six components (that is the average living costs of urban residents, the social insurance premiums and the public accumulation fund for housing construction paid by the employees themselves, the average wage of the employees, the unemployment rate, the level of economic development and the adjustment factors) shall be taken into account when determining the standards on Minimum Wages. The adjustment factor is the expenses for the pension, unemployment and medical insurance premiums and the public accumulation fund for housing construction. Of course these fixed components vary accordingly with the development of society and economy.</p>
	<p><u>In Practise:</u> The reality coincides with the Provisions</p>

Minimum Wage Legislation

9	How frequently is the fixed component of minimum wages updated?
	As Per Law: Minimum wages in China are updated once in two years. As per the article 10 of the Provisions on minimum wages, 2004 the standards on minimum wages should be regulated at least once every two years.
	In Practise: In practice, the Minimum Wages are adjusted once a year in most places. Some places adjust Minimum Wages at the first half year and other places do it at the second half.
10	How frequently is the variable component of minimum wage updated?
	In Practise: In practice, no relative evidence can be found.
11	What are the yardsticks on which minimum wage revisions are based?
	As Per Law: As per article 6 of the Provisions on minimum wages, 2004 monthly minimum wage standard should include minimum costs of living of the local employees and the people supported by them, urban residents consumer price index, social insurance premium, public accumulation of funds for housing paid by employees themselves, average wage of the employee, level of economic development, status of employment and etc. Based on Monthly MW, Hourly MW shall take such factors into account as the basic pension insurance premiums and the basic medical insurance premium paid by the entity and the disparities between the non-full time labourers and the fulltime labourers in the aspects of working stability, condition and intensity, and welfare.
	In Practise: The reality coincides with the Provisions
12	What is the national poverty line? (In national currency)
	The national poverty line in china is ¥1196.

Minimum Wage Legislation

13	How often is poverty line updated?
	As Per Law: No proof is found on the basis of Law.
	In Practise: Since 1985, there have been several irregular adjustments, for example, the year 2007 and 2008.
14	When was poverty line last updated?
	Poverty line was last updated in 2009.
15	What is the percentage of minimum wage relative to the current poverty line?
	The scale of minimum wages in China is between 500 and 1,120. The current poverty line is 1,196. So the result is from 501.67% to 1123.75%. ¥ 1,196 is the per-capita annual income.
16	What is the incidence of minimum wages in the national labour force (wage earners only)?
	There is no comprehensive data to calculate.
17	Who all regulate minimum wages compliance?
	As Per Law: In China Labour Inspector (or similar body), trade unions and independent body or special organisation regulate minimum wage compliance. As per article 4 of Provisions on Minimum Wages, 2004, "the administrative departments of labour and social security at country level or above shall be responsible for supervision and inspection." Also as per the article 86 of the Labour Law, 1994 the inspectors from administrative department of labour shall make investigations about the implementations of the labour laws, rules and regulations. In March, 1998 the Ministry of Labour and Social Security is established on the basis of Ministry of Labour. Ministry of Labour is abolished since then. So, the two articles are consistent. Additionally, on March, 2008 Ministry of Human Resources and Social Security founded on the basis of Ministry of Labour and Social Security and Ministry of Personnel.

Minimum Wage Legislation

18	Which legal sanctions can be applied if compliance is lacking?
	<p><u>As Per Law:</u> As per article 13 of the Provisions on Minimum Wages, 2004 in case of violation of the MW provision the employing entity shall be ordered to make up the wages owing to labourers by the administrative department of labour and social security and may also be ordered to pay labourers compensation in the sum of one to five times of the wages owed within a time limit.</p>
	<p><u>In Practise:</u> The reality coincides with the Provisions.</p>
19	Are sanctions often being applied?
	<p>In practice, no relative evidence can be found.</p>
20	Are employer and/or trade union representatives involved in compliance procedures?
	<p><u>As Per Law:</u> As per the article 4 of the Provisions on Minimum Wages 2004 trade unions at all levels shall conduct supervision over the implementation of the present provisions.</p>
	<p><u>In Practise:</u> No relative evidence can be found.</p>

Minimum Wage Legislation

21	To whom/where can individuals complain, if they think they are earning less than minimum wages?
	<p><u>As Per Law:</u> Employer/Management/Contractor coordinates, Labour Inspectorate coordinates and Trade unions coordinate. Article 14 of the Provisions on Minimum Wages, 2004 says that if any dispute arises over the standards of Minimum wages between the employer and the labourers it shall be coped according to the provisions on labour disputes. As per Chapter 10, article 77 of the Labour Law, 1994 if a labour dispute arises both the parties (employer as well as labourer) may apply for mediation, arbitration, take legal proceeding or settle them through consultation. As per article 80 a labour dispute mediation committee may be established within the employing unit and shall be composed of representatives of workers, employing unit and trade unions. A labour dispute arbitration committee (as per article 81) shall be composed of representatives of administrative department of labour, trade union at the corresponding level and the employing units. As per article 83 if the dispute is not settled by arbitration, parties can approach to the people's court.</p>
	<p><u>In Practise:</u> The reality coincides with the Provisions.</p>

在中国最低工资

贫困标准和最低工资标准皆为人道保障划在不同方面的最后一根红线。所谓最低工资标准，是指劳动者在法定工作时间或依法签订的劳动合同约定的工作时间内提供了正常劳动的前提下，用人单位依法应支付的最低劳动报酬。

为了维护劳动者取得劳动报酬的合法权益，保障劳动者个人及其家庭成员的基本生活，劳动和社会保障部于2003年12月30日第7次部务会议通过《最低工资规定》，并于2004年3月1日起施行。

最低工资是如何测算的？《最低工资规定》附件中规定，确定最低工资标准一般考虑到六大因素：城镇居民生活费用支出、职工个人缴纳的社会保险费、住房公积金、职工平均工资、失业率和经济发展水平。进而，采用比重法或恩格尔系数法最终计算出某地的最低工资标准。

由于各地区的城镇居民生活费用支出、职工平均工资和经济发展水平等方面的差异，我国不同的省、直辖市和自治区之间和之内的最低工资水平参差不齐（见Table）。（列表可能不全）

最低工资制度虽已实行数年，各地的最低工资标准虽几经调整，但总体来说，普遍偏低。我国最低工资与人均GDP的比重约为25%，而世界平均值为58%；我国最低工资是平均工资的21%而经合组织24国的最低工资与平均工资的比值平均为50%。因此，中国需要建立科学、合理与国际惯例接轨的最低工资。

最低工资标准

县级/区级最低工资				
实施日期	城市	广东省	每月最低工资 (¥)	小时最低 工资 (¥)
5/1/2010	广州	本市(花都区、番禺区、南沙区、从化市、增城市除外)	1,100	1100
5/1/2010		花都区、番禺区、南沙区 从化市、增城市	960	960
5/1/2010	韶关	武江、浚江、曲江区	710	710
5/1/2010		其它县市	660	660
5/1/2010	深圳	全市	1,100	1100
5/1/2010	珠海		960	960
5/1/2010	汕头	市区	810	810
5/1/2010		南澳县	710	710
5/1/2010	佛山	没有明确的区分	920	920
5/1/2010	江门	没有明确的区分	810	810
5/1/2010	湛江	没有明确的区分	710	710
5/1/2010	茂名	没有明确的区分	710	710
5/1/2010	惠州	没有明确的区分	810	810
5/1/2010	梅州	没有明确的区分	710	710
5/1/2010	汕尾	没有明确的区分	710	710
5/1/2010	河源	没有明确的区分	710	710

县级/区级最低工资				
实施日期	城市	广东省	每月最低工资 (¥)	小时最低 工资 (¥)
5/1/2010	阳江	没有明确的区分	710	710
5/1/2010	清远	清远市直、清城区	710	710
5/1/2010		清新县、佛冈县	710	710
5/1/2010		其他县 (市)	660	660
5/1/2010	东莞		920	920
5/1/2010	中山		920	920
5/1/2010	潮州	市直、潮安县、饶平县	710	710
5/1/2010		湘桥区、枫溪区	710	710
5/1/2010	揭阳		710	710
5/1/2010	云浮		710	710

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

县级/区级最低工资			
实施日期	城市	新疆维吾尔自治区	每月最低工资 (¥)
Jun-10	克拉玛依	含三险一金	960
Jun-10		不含三险一金	800
Jun-10	喀什	塔什库尔干塔吉克自治县 (含三险一金)	960
Jun-10		塔什库尔干塔吉克自治县 (不含三险一金)	800
Jun-10	石河子	农八师136团 (含三险一金)	960
Jun-10		农八师136团 (不含三险一金)	800
Jun-10		石总场、农八师147团、148团、149团、150团、152团 (含三险一金)	800
Jun-10		农八师121团、133团、134团、141团、142团、143团、144团 (含三险一金)	720
Jun-10		石总场、农八师147团、148团、149团、150团、152团 (不含三险一金)	660
Jun-10		农八师121团、133团、134团、141团、142团、143团、144团 (不含三险一金)	570

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

县级/区级最低工资				
实施日期	城市	西藏自治区	每月最低工资 (¥)	小时最低工资 (¥)
Jan-08	拉萨	没有明确的区分	730	730
Jan-08	昌都	没有明确的区分	680	680
Jan-08	山南	没有明确的区分	730	730
Jan-08	日喀则	没有明确的区分	680	680
Jan-08	那曲	没有明确的区分	730	730
Jan-08	阿里	没有明确的区分	730	730
Jan-08	林芝	没有明确的区分	680	680

县级/区级最低工资				
实施日期	城市	黑龙江	每月最低 工资 (¥)	小时最低 工资 (¥)
01/Jul/10	哈尔滨	市区 (呼兰区、阿城区除外)	840	840
01/Jul/10		呼兰区、阿城区	720	720
01/Jul/10	齐齐哈尔		700	700
01/Jul/10	鸡西		700	700
01/Jul/10		鸡东县	620	620
01/Jul/10	鹤岗		700	700
01/Jul/10	双鸭山		700	700
01/Jul/10	大庆		880	880
01/Jul/10	伊春	伊春区	620	620
01/Jul/10		其他区	600	600
01/Jul/10	佳木斯		700	700
01/Jul/10	七台河	市区	700	700
01/Jul/10	牡丹江	市区、绥芬河市	700	700
01/Jul/10	黑河		700	700
01/Jul/10	绥化	市区	670	670
01/Jul/10	大兴安岭		620	620

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

县级/区级最低工资				
实施日期	城市	吉林省	每月最低工资 (¥)	小时最低工资 (¥)
May,2010	长春	市区	820	6.3
May,2010	吉林	市区	780	6
May,2010	四平	市区	730	5.6
May,2010	辽源	市区	730	5.6
May,2010	通化	市区	730	5.6
May,2010	长山	市区	730	5.6
May,2010	白山	长白山管委会	680	5.2
May,2010	松原	市区	780	6
May,2010	白城	市区	730	5.6
May,2010	延边	珲春市	730	5.6

县级/区级最低工资				
实施日期	城市	广西壮族自治区	每月最低工资 (¥)	小时最低工资 (¥)
Sept,2010	南宁		820	6
Sept,2010	柳州		820	6
Sept,2010	桂林		820	6
Sept,2010	梧州		820	6
Sept,2010	北海	海城区、银海区、铁山港区	820	6
Sept,2010		合浦县	565	4.5
Sept,2010	防城港	没有明确的区分	710	5.5
Sept,2010	德钦县、维西傈僳族自治县	没有明确的区分	710	5.5
Sept,2010	贵港	没有明确的区分	710	5.5
Sept,2010	玉林	没有明确的区分	710	5.5
Sept,2010	百色	没有明确的区分	710	5.5
Sept,2010	贺州	没有明确的区分	710	5.5
Sept,2010	河池	没有明确的区分	710	5.5
Sept,2010	来宾	没有明确的区分	710	5.5
Sept,2010	崇左	没有明确的区分	710	5.5

For More Information on Minimum Wages in China Kindly visit www.wageindicator.org

最低工资常见问题解答

1.	你的国家，有一个独立的最低工资法规吗？
	<u>法律依据</u> : 在中国，关于最低工资没有独立的法律法规。但是，劳动和社会保障部于2004年1月20号发布了《最低工资规定》，并于2004年3月1号生效。（规定不是法律法规）。
2.	你的国家，有一个还是多个最低工资？
	<u>法律依据</u> : 在中国有多个最低工资。根据2004年《最低工资规定》第五条和第七条，每个省、直辖市和直辖市都有最低工资率，也有独立的月最低工资率和小时最低工资率。
	<u>现实依据</u> : 不同的省或区域有不同的最低工资水平。
3.	第二题的答案是“有”，那么在哪个水平上确定最低工资？
	<u>法律依据</u> : 在中国，最低工资在区域水平上确定。根据2004年《最低工资规定》第七条，省、自治区、直辖市范围内的不同行政区域可以有不同的最低工资标准。
	<u>现实依据</u> : 现实中，有行业最低工资但是没有国家最低工资。
4.	于什么公布的最低工资？
	<u>法律依据</u> : 根据2004年《最低工资规定》第五条，最低工资标准有两种形式：月最低工资和小时最低工资
	<u>现实依据</u> : 现实中，存在月最低工资和小时最低工资。
5.	确定天/周/月/最低工资时，需要考虑工作时间吗？
	<u>法律依据</u> : 是的，在确定小时/周/月最低工资时，需要考虑工作时间。根据2004年《最低工资规定》第三条，最低工资标准是指劳动者在法定工作时间或依法签订的劳动合同约定的工作时间内提供了正常劳动的前提下，用人单位依法应支付的最低劳动报酬。第五条指出了月最低工资和小时最低工资的适用范围：月最低工资适用于全日制劳动者，小时最低工资适用于非全日制劳动者。

最低工资常见问题解答

6.	参与到最低工资的确定？
	<p><u>法律依据</u>: 在中国，劳动和社会保障部、中国企业家协会和中华全国总工会. 根据2004年《最低工资规定》的第八条，最低工资标准的确定和调整方案，由省、自治区、直辖市人民政府劳动保障行政部门会同同级工会、企业联合会/企业家协会研究拟订，并将拟订的方案报送劳动保障部。然后，劳动和社会保障部将会向全国总工会和企业联合会征集意见。</p>
	<p><u>现实依据</u>: 现实操作和规定一致。</p>
7.	何调整最低工资？
	<p><u>法律依据</u>: 最低工资的更新和调整是由政府、企业和工会代表共同决定的。根据2004年《最低工资规定》的第八条，最低工资标准的确定和调整方案，由省、自治区、直辖市人民政府劳动保障行政部门会同同级工会、企业联合会/企业家协会研究拟订，并将拟订的方案报送劳动保障部。然后，劳动和社会保障部将会向全国总工会和企业联合会征集意见。</p>
	<p><u>现实依据</u>: 现实操作和规定一致。</p>
8.	你的国家，最低工资的组成要素是什么？
	<p><u>法律依据</u>: 中国的最低工资的组成要素包括固定要素和可变要素.根据2004年《最低工资规定》的附件，确定最低工资标准需要考虑六个要素（城镇居民人均生活费用、职工个人缴纳社会保险费、住房公积金、职工平均工资、失业率、经济发展水平和调整因素）。其，调整因素是指当地个人缴纳养老、失业、医疗保险费和住房公积金等费用。当然，这些固定的要素随着社会和经济的发展而变化。</p>
	<p><u>现实依据</u>: 现实操作和规定一致。</p>
9.	律依据: 中国的最低工资两年内更新一次。根据2004年《最低工资规定》第十条，至少每两年调整一次最低工资标准。
	<p><u>现实依据</u>: 在实际中，大多数地方一年调整一次最低工资。有的地方在上半年调整，有的地方在下半年调整。</p>

最低工资常见问题解答

10.	低工资的可变要素多长时间更新一次？
	<u>现实依据</u> : 现实中，相关的证据找不到。
11.	低工资基于什么标准调整？
	<u>法律依据</u> : 根据2004年《最低工资标准》第六条，月最低工资应该参考当地就业者及其赡养人口的最低生活费用、城镇居民消费价格指数、职工个人缴纳的社会保险费和住房公积金、职工平均工资、经济发展水平、就业状况等因素。基于月最低工资标准，小时最低工资应该考虑单位应缴纳的基本养老保险费和基本医疗保险费因素，同时还应适当考虑非全日制劳动者在工作稳定性、劳动条件和劳动强度、福利等方面与全日制就业人员之间的差异。
	<u>现实依据</u> : 现实操作和规定一致。
12.	家贫困线是什么？（以本国货币为单位）
	中国国家贫困线是¥1196
13.	困线多久更新一次？
	<u>法律依据</u> : 没有找到法律证据
	<u>现实依据</u> : 自1985年以来，有几次不固定的调整，如，2007年和2008年各调整一次。
14.	次更新国家贫困线是在什么时候？
	上次更新国家贫困线是在2009。
15.	低工资是目前贫困线的百分之多少？
	中国最低工资在500---1,120之间。目前的贫困线是1,196。所以计算结果是501.67%---1123.75%。1,196是人均年收入。

最低工资常见问题解答

16.	家劳动力中享有最低工资的比例？
	没有综合的数据可以用来计算。
17.	管理最低工资的执行情况？
	<u>法律依据</u> : 在中国，劳动监察部门（或相似机构）、工会和独立机构或特殊机构管理最低工资的执行情况。根据2004年《最低工资规定》第四条，县级以上的劳动保障行政部门负责监督和检查。同时，根据1994年《劳动法》第86条，劳动行政部门的监督检查人员应该调查劳动法律、法规的执行情况。在1998年3月，在劳动部的基础上成立了劳动和社会保障部，从此劳动部就废止不用了。所以，这两个法律条文是一致的。另外，在2008年3月，基于劳动和社会保障部以及人事部，人力资源和社会保障部建立。
18.	没有遵守本规定，适用什么法律制裁？
	<u>法律依据</u> : 根据2004年《最低工资规定》第13条，违反本规定的用人单位由劳动保障行政部门责令其限期补发所欠劳动者工资，并可责令其按所欠工资的1至5倍支付劳动者赔偿金。
	<u>现实依据</u> : 现实操作和规定一致。
19.	常适用制裁吗？
	现实中，相关的证据找不到。
20.	人单位和/或工会代表参与本规定的执行情况吗？
	<u>法律依据</u> : 根据2004年《最低工资规定》第四条，各级工会应该依法对本规定的执行情况进行监督。
	<u>现实依据</u> : 现实中，相关的证据找不到。

最低工资常见问题解答

21.	劳动者认为他们的劳动所得少于最低工资，他们向谁投诉？
	<p><u>法律依据</u>: 企业/管理层/承包商协调，劳动监察部门协调和工会协调。根据《最低工资规定》第14条，劳动者与用人单位之间就执行最低工资标准发生争议，按劳动争议处理有关规定处理。根据1994年《劳动法》第十章和第77条，若用人单位与劳动者发生劳动争议，当事人可以依法申请调解、仲裁、提起诉讼，也可以协商解决。根据1994年《劳动法》第80条，在用人单位内，可以设立劳动争议调解委员会。劳动争议调解委员会由职工代表、用人单位代表和工会代表组成。根据1994年《劳动法》第81条，劳动争议仲裁委员会由劳动行政部门代表、同级工会代表、用人单位方面的代表组成。根据1994年《劳动法》第83条，通过仲裁裁决解决不了的争议，当事人可以向人民法院提起诉讼。</p>
	<p><u>现实依据</u>: 现实操作和规定一致。</p>

- ▶ **Indian Institute of Management**
Vastrapur
Ahmedabad -380 015
India
- ▶ **Amsterdam Institute for
Advanced Labour Studies (AIAS)**
University of Amsterdam
Plantage Muidersgracht 12
1018 TV Amsterdam
The Netherlands
- ▶ **WageIndicator Foundation**
Plantage Muidersgracht 12,
1018TV Amsterdam,
The Netherlands
office@wageindicator.org