



HP Student and Dispatch Worker Standard for Supplier Facilities in the People's Republic of China (PRC)

Version 1.6, April 13, 2015

Objective

The objective of this standard is to set minimum requirements for appropriately and ethically managing student and dispatch worker populations at supplier facilities involved in HP's manufacturing processes in the People's Republic of China (PRC), including manufacturing HP's products, packaging, parts, components, subassemblies, and materials, or that provide services to or on behalf of HP.

Scope and Definitions

All suppliers and supplier facilities located in the PRC that are involved in HP's manufacturing processes or in manufacturing HP's products, packaging, parts, components, subassemblies, and materials, or that provide services to or on behalf of HP.

- An **educational institution** (referred to as "school") is an institution that offers programs of at least one academic term in length that lead to a certification, degree, or diploma in a career field.
- A **student worker** is a worker, regardless of age, who is enrolled in a program at an educational institution, and employed by a supplier for an internship that is arranged by the educational institution.
- An **internship** is work performed by a student worker and arranged by an educational institution.
- **Reasonable notice** is no more than one-month prior notice, or less if required by applicable laws and regulations, for a worker to voluntarily terminate the employment contract with a supplier.
- A **night shift** is any work occurring between 10pm-6am or the established night period defined by the factory.
- A **private employment agency (PEA)** is a private service enterprise, including sub-agents, carrying out, under contract and in exchange for financial compensation, operations on behalf of individuals or enterprises, whose role is to facilitate or expedite access to employment or career progression by filling employment vacancies.
- A **dispatch worker** is considered any person placed on-site for work through a PEA and without a direct labor contract with the supplier or supplier facility.
- A **student internship agreement** is a tri-party agreement between the student, supplier, and school.

Policy

While we recognize that there are different legal and cultural environments in which suppliers operate throughout the PRC, this policy sets forth minimum requirements related to the use of student and dispatch workers that all suppliers operating facilities in the PRC must meet in doing business with HP.

HP encourages suppliers to hire full-time direct labor to meet on-going capacity requirements.

Suppliers shall have sound management systems in place to monitor the sponsoring school and PEA through which student and dispatched workers are placed to ensure work is voluntary and that appropriate remuneration and social insurance is in place.

Suppliers must comply with all applicable national and local labor laws as well as the HP Electronic Industry Code of Conduct (EICC). Where national or local labor laws and/or guidelines are more stringent than the requirements in this standard, the supplier shall follow those national or local requirements.

A. Student Workers

1. All work must be voluntary, and student workers shall be free to discontinue an internship, whether or not the term is complete, upon reasonable notice, without impact to their ability to find alternative student work opportunities and/or internships to achieve their school degree and without financial penalty such as paying back recruitment fee, education fee, fine, or any other penalty for early termination of the internship agreement.
2. Suppliers shall not allow the use of student workers younger than 16 years of age and may not use secondary vocational school students who are in their first year. If local requirements have a higher minimum age for student workers (for example: 18 years of age), the facility shall follow those guidelines.
3. No more than 20% of the direct labor supporting the manufacturing of HP products, packaging, parts, components, subassemblies and materials at any given facility should be comprised of student workers at any point in time.
4. Student workers shall not work more than 8 hours per day or 40 hours per week (in other words: no overtime). In addition, student workers shall not be permitted to work a night shift.
5. Student workers should be paid at least the same rate as full-time, entry-level workers performing equal or similar tasks. Student workers should be paid directly. No deductions for educational fees shall be permitted. Placement fees shall not be permitted.
6. Student workers shall not be permitted to work in high risk or hazardous environments.
7. A student internship agreement between the sponsoring school, the student worker and the supplier or supplier facility must be in place prior to the student worker beginning work at a facility. The agreement must include, at the minimum, the student internship agreement terms in Appendix A.
8. Suppliers shall ensure that the student worker receives and understands a copy of the student internship agreement prior to performing work at the supplier's facility.
9. Suppliers may not recruit student workers through PEAs. PEAs shall not be permitted in the hiring, management of internships, or employment of student workers.
10. Student workers should only engage in work activities that complement the primary degree they seek.
11. The supplier shall maintain the legally required insurance to cover student workers, including, but not limited to accidental injury insurance.
12. The accumulated length of a student worker's internship or internships at a given supplier facility shall be no longer than one year. The internship shall not exceed the limit regulated by applicable laws and regulations or 1 year, whichever is shorter.
13. Student workers shall have access to grievance mechanisms with specific communication and response procedures for student workers. Student workers shall be able to openly communicate and share grievances with management regarding working conditions and management practices without fear of reprisal, intimidation or harassment.

B. Dispatch Workers

1. All work must be voluntary, and dispatch workers shall be free to discontinue the contractual service term, whether or not the term is complete, upon reasonable notice, and without financial penalty unless otherwise allowed by laws and regulations.
2. Dispatch workers shall only be used for temporary, auxiliary, or substitute job positions:
 - a. “Temporary” means a position with a maximum duration of 6 months;
 - b. “Auxiliary” means a position that is not engaged in the principal business of the supplier; and
 - c. “Substitute” means a position that replaces another employee who is absent for a defined period of time due to off-the-job study, leave or other reasons.
3. The supplier must ensure that it or the PEA, if applicable, provides appropriate remuneration and social insurance as required by applicable labor laws. Dispatch workers should be paid at a similar rate as full-time, entry-level workers with similar skills and experience that are performing equal or similar tasks.
4. Dispatch workers should not be used as a primary source of direct labor in roles related to the principal business of the supplier. Suppliers shall comply with all applicable national and local labor laws related to the volume of dispatch workers used in operations at any given time.
5. Dispatch workers shall have access to grievance mechanisms and be able to openly communicate and share grievances with management regarding working conditions and management practices without fear of reprisal, intimidation or harassment.

REFERENCES

The following standards, regulations, notifications and opinions were used in preparing this standard and may be a useful source of additional information.

HP Supplier Code of Conduct:

<http://www.hp.com/hpinfo/globalcitizenship/environment/pdf/supcode.pdf>

Underage, Juvenile & Student Workers: A Legal Guide for Business in China:

http://www.cccsr.com/sites/default/files/Legal%20Guide%20_Final_0.pdf

A sample of the regulations, notifications and opinions from the People's Republic of China (PRC) referenced during the development of these guidelines:

- 劳动法 *Labor Law of the PRC*
- 劳动合同法及其修订 *Labor Contract Law of the PRC and its Amendments*
- 职业教育法 *Vocational Education Law of the PRC*
- 就业促进法 *Employment Promotion Law of the PRC*
- 高等学校学生勤工助学管理办法 *Administrative Measures on the Internship Program for College Students*
- 国务院关于大力发展职业教育的决定 *The State Council Decision on the Development of Vocational Education*
- 职业学校学生顶岗实习管理规定(试行)(征求意见稿) *Administrative Provisions on the Practice of the Students of Vocational Schools by Taking Posts (for Trial Implementation) (Draft for Comments)*
- 劳动部关于印发《关于贯彻执行〈中华人民共和国劳动法〉若干问题的意见》的通知（劳部发[1995]309号）
The Notification Issued by the Ministry of Labor on the Views of the Implementation of PRC Labor Law
- 财政部、国家税务总局《关于企业支付学生实习报酬有关所得税政策问题的通知》
The Notification Issued by Ministry of Finance, State Administration of Taxation on the Tax Policy for the Income Tax Levied on the Compensation Paid by the Enterprise for the Internship
- 共青团中央、教育部《关于进一步做好大学生勤工助学工作的意见》
The Opinion Issued by the China Communist Youth League and Ministry of Education Regarding the Improvement on the Internship Program
- 关于全面提高高等职业教育教学质量的若干意见 *Opinions on Improving Teaching Quality of Higher Vocational Education*
- 教育部办公厅关于应对企业技工荒进一步做好中等职业学校学生实习工作的通知
Notification Issued by Office of Ministry of Education for the Improvement of Internship Arrangement for Secondary Vocational School Student When Dealing With Enterprise Shortage of Skilled Workers
- 教育部关于职业院校试行工学结合、半工半读的意见 *The Opinion Issued by Ministry of Education on the Pilot Run of the Combination of Practicing and Learning/Work through Study Program*
- 劳动和社会保障部办公厅关于加强技工学校生产实习管理工作的通知（劳社厅函[2005]274号）
Notification Issued by Ministry of Labor and Social Security on Strengthening the Administration of Internship for Technical Schools
- 教育部办公厅关于进一步加强中等职业学校学生实习风险管理工作的紧急通知（教职成厅[2010]10号）
The Emergency Notification Issued by Ministry of Education on the Further Strengthening the Risk Management of the Internship for Secondary Vocational School Students

APPENDIX A: Student Internship Agreements

Agreement Terms: The agreement shall stipulate, at a minimum:

1. All terms required by applicable laws and regulations
2. Student worker’s full name
3. Emergency contact information
4. The name and address of the school
5. The name and address of the supplier
6. Responsible individual for the student worker on behalf of the school (if applicable)
7. Responsible individual of the student worker on behalf of the supplier
8. Work start and end dates
9. Living conditions
10. Wages and benefits
11. Costs (if any) for meals and accommodation
12. Working hours
13. Nature of work and place where it will be performed
14. Agreement termination/resignation procedures and terms
15. Insurance coverage
16. Education and training to be provided by the school (if applicable)
17. Education and training to be provided by the supplier

DOCUMENT HISTORY

Version, Date	Brief Description of change
1.0, 07-Feb-2013	Initial release
1.5, 12-Jul-2013	<p>Replaced “labor agency” with “PEA” (private employment agency) throughout the document.</p> <p>Replaced “employer” with “supplier” throughout the document.</p> <p>Added 5 new definitions: educational institution, internship, reasonable notice, night shift, and private employment agency to Scope and Definitions section.</p> <p>Update to student worker definition in the Scope and Definitions section.</p> <p>Update to guideline 1 in section A Student Workers to include financial penalty avoidance and replaced “leave work at any time” with “discontinue an internship, whether or not the term is complete”.</p> <p>Update to guideline 5 in section A Student Workers to include educational and placement fee avoidance.</p> <p>Update to guideline 7 in section A Student Workers to include student internship agreement term addition.</p> <p>Update to guideline 8 in section A Student Workers to include new guideline verifying the student internship agreement is understood by student.</p> <p>Update to guideline 9 in section A Student Workers to include new guideline on PEA recruitment & hiring avoidance.</p> <p>Update to guideline 12 in section A Student Workers to include guidance on student internship duration & length of service limit.</p> <p>Update to guideline 13 in section A Student Workers to include guidance on student worker grievance communication and response procedures.</p> <p>Replaced “leave work at any time” with “to discontinue the contractual service term, whether or not the term is complete, upon reasonable notice, and without financial penalty unless otherwise allowed by laws and regulations” in guideline 1 in section B Dispatch Workers.</p> <p>Addition of Appendix A - student internship agreement term detail.</p>

1.6, 13-April-2015	Changed name of standard to remove "Guidance" from the title. Updated references to "these guidelines" to "this standard" and "this guidance standard" to "this standard".
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