



CFTU Monthly Newsletter #125 – June 05, 2020 - ChinaForeignTeachersUnion@gmail.com

Hello friends! We hope you and your loved ones are all enduring the Pandemic and using this down-time in a productive manner. This month's newsletter will be focused on employment and recruiter contracts. Every contract a teacher or any expat in China by law has to be fair and meet certain requirements. But first another teacher joke...

TEACHER: Class, why do you *really* want to learn English?

LI PENG: So I can have an international career.

LING: So I can find and flirt with a foreign boyfriend.

BO: So I can argue with my mom and always win since she only speaks Chinese!

Veteran teachers in a China (anyone teaching here more than three years) already knows that nothing really is what it appears to be on the surface, and verbal promises and emails mean nothing when it comes to the terms and conditions of your daily work at schools, universities, and training centers. We know the employment contract is all that counts. In other words, if it's not in writing you will not get those promised benefits, over-time, nor bonuses. For newbies however their landscape can only be described below...





FOR YOUR INFORMATION

- You should sign your employment contract directly with your actual employer NOT with an agent or TEFL recruiter
- **You will sign a separate fee agreement IF you use a TEFL recruiter or a China Job Agent.**
- According to Chinese Law any head-hunter, TEFL recruiter, or China Job agent **MUST** be registered as such with SAFEA and can legally only charge you one month's salary as their total fee. *(If someone tries to charge you more, report them to SAFEA and the local "Procuriate Office" which has a special unit for this abuse located on Wanliu DongLu in Haidian Distric about 50 yards away from Muffy's Kindergarten. Ask for Mr. Ma or Mrs. Zhang)*
- **Do not sign any contract that is not in English and printed on the reverse side of the Chinese version page by page** *(If you agree with the contract be sure you and the employer sign and date each and every page in blue ink. The last page must have the seal of the school)*
- Insist that the SAFEA and SAIC registration number of the school is in the contract, usually on the first page. If they refuse to comply, you are dealing with a "Black school" not authorized to hire foreigners. *(you should report them to SAFEA and the Procreates Office).*
- **Public Schools and Universities use standard SAFEA template contracts. This is not true for private schools and training centers.** *(If you are told you must sign a standard contract without modifications by a private school, training center, or an agent/recruiter, take a pass).*
- Unless you agree to work part-time make sure your contracts clearly states that you are a "full-time teacher" or you will not be entitled to your employee rights, medical insurance, and paid vacations and bonuses. *(Part-Time employees are usually the most abused and never paid for over-time.)*

- **Super Important – make sure your contract is a 12 month contract and not a 9 or 10 month contract or you will lose your paid vacations and holidays** *(Could be as much as \$10,000 of lost pay)*
- **In accordance with Chinese law you are entitled to have an original signed and sealed copy of your contract that must specify you're a) job description, b) Salary before taxes, c) Complete legal name of your employer, d) the complete Chinese name of employer signing the contract, e) days and hours of work, and f) place and address of employment.** *(If this is missing on your contract you should insist that it be added in writing to the contract)*
- **No employment contract can violate any China Labor Law such as the right to collect over-time pay, paid holidays, nor arbitrary re-assignments without your consent. However, if you sign an illegal contract you voluntary waive these rights,** *(So make sure that in your contract you include a sentence that says “The employee does not waive any of their employee rights under any circumstances.)*
- **Do not sign any contract that allows the employer to hold your passport nor to assess/deduct any “deposits”, “fines” from your monthly pay.**
- **Any discounted probationary pay cannot exceed one month for every year on your contract in accordance with Chinese law.**
- **By Chinese law it is illegal for an agent or recruiter to collect your pay on your behalf. You MUST be paid directly.**
- **If genuine taxes are deducted from your pay, you are entitled to be given tax receipts showing taxes were paid on your behalf which will show your name and employee number.** *(Many employers of foreigner claim to deduct tax money but simply pocket what they deduct).*
- **By law, you cannot be fired without cause and 30 days written notice. If you are told to vacate the premises with your things do not do so without collecting the balance of your pay up to date and a release letter.** *(If the Principal or Headmaster refuse, call the police and ask for a police report and get the name and service number of the police to include with your complaint to the Minister of Labor.*

If you chose a white-listed school, university of training center to work for, you will not have a problem getting the above issues in order. It will be the black, unregistered schools that will refuse to cooperate with the above contract demands. But take note that Public Schools and Universities are required to use the standard SAFEA employment contract template, but are allowed to attach addendums to deal with specific items not mentioned in the template. Take advantage of these addendums to get what you need/want.



The reason a solid contract is SOOOOOO very important is that it will prevent all of the below abuse and exploitation that is common in China IF you do not work for a public school, university, or genuine international school...

(Excerpt from CFTU Newsletter No. 89) "China's original labor law was written in 1995 (before then employers were gods) and there have since been upgrades and amendments in 2007, 2009, 2014, and in 2016 China's pretty tough Privacy Act was also extended to cover us wai guo ren (foreigners) in 2016. The complete 367 pages of laws with amendments are not online in English but you can read them all at the Law Libraries of Peking or Renmin University as well as the National Library (Weigongcun Subway Station - Line 4). Here below are the exploitation and abuses we are protected from, and in the last year 9 out of 12 foreigners won their claims at both the Ministry of Labor and in the Courts. Unfortunately, when foreigners sue a Chinese company a gag order is always part of any settlement."

- Unpaid overtime
- Being used as a Marketing Monkey

- Having your personal image used in promotions
- Having your personal information disclosed to third parties
- Not getting a copy of your original chopped contract in English
- Not knowing the ownership/identification of your employer
- Not knowing the SAIC business license No. of your employer
- Not being provided a written job description
- Being told to lie to customers about your citizenship or credentials
- Being given illegal probationary periods exceeding 30 days
- Being forced to sign illegal contracts
- Not given 72 hours advance notice of work schedule changes
- Not provided the proper Z work visa required by law
- Being forced to pay money for your release letter or Z visa
- Not being provided medical insurance as a full-time employee
- Not being paid within 48 working hours of a regular payday
- The right to see your employment tax records and receipts
- Illegal deductions (like fake taxes) and "deposits" withheld from your pay

Sources:

http://www.cameraitacina.com/sites/default/files/slides_seminario_settembre_2015.pdf

<http://chinaschoolblacklistwhitelist.blogspot.de/>

<http://opnltr.com/letter/15-employee-rights-chinas-expat-foreign-english-teachers-esl-tefl-are-now-being-enforced>

<http://www.chinalawblog.com/2016/08/hiring-foreign-employees-in-china.html>

<https://internationalhrforum.com/2011/02/15/ten-frequently-asked-questions-about-chinas-labor-law/>

Suggestions

If you are qualified teacher with a genuine 4-year degree from an ACCREDITED university who actually has 2 years of teaching experience or a degree in education or linguistics, you are in extremely high demand and you should not accept any salary less than 35,000 rmb per month or if housing is provided, 30,000 rmb per month.

If you are not this qualified, no worries. You are also in demand if you are a native speaker and here's why: <https://opnltr.com/letter/pandemics-border-closures-provide-silver-lining-dark-cloud-boosting-salaries-60000-world-wide>

You should never accept the first offer the employer makes to you and come back with a counter-offer of at least 30%-40% higher so you have some wiggle room for negotiation. Be sure to make offers based on a "after taxes" basis.

If your employer does not offer you ACCEPTABLE housing (perhaps you don't want to live with 1 – 4 roommates who may or may not be smokers or night-owls, or simply incompatible assholes, you can ask for a housing subsidy (usually 3,000 rmb a month in the city or 2,000 a month in the countryside.)

Don't let others choose your employer for you as they will send you someplace where they are being compensated and won't care that they sent you into a living hell situation.



Do not let yourself be bullied by any employer/agent who threatens to black-ball you or revoke your visa, so long as you are working legally with a Z visa. If you are working illegally, and you make formal complaints with the police, SAFEA, or the Minister of Labor, they will get fined but you won't be here to see it, because you will be sitting in jail awaiting deportation. Watch this short video... <https://www.youtube.com/watch?v=9mW9l0-ZdO0>

If you still have doubts, here are what other teachers say for the last few years after the PSB crackdown began <https://www.esl-jobs-forum.com/viewtopic.php?t=6767>

This is why it is always best to find your own job which is not difficult and will get you results within 10 days or less. If you don't know how to go about this, here are three links that will show you the way...

<https://ruqqus.com/post/3ej9/finding-your-own-tefl-english-teaching>

<https://www.reddit.com/r/ChinaTeachers/>

<https://ruqqus.com/post/3tzj/chinas-universities-provide-stable-and-scam>

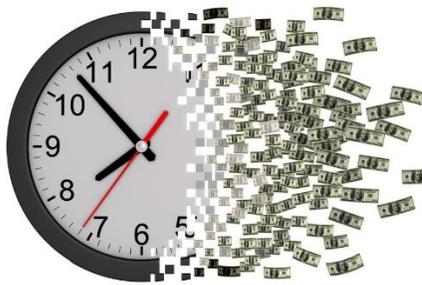


The Ministry of Foreign Affairs has given us a guesstimate that the borders may open up sometime in September but will require foreigners to be both quarantined for 14 days upon arrival and be tested for CIVID no later than 72 hours before your arrival to Beijing or Shanghai and present a certified test result upon entry. We will update this matter at these sites weekly at https://reddit.com/r/tefl_tips_traps_scams, <https://ruqqus.com/+ChinaTEFL> and at <https://reddit.com/r/CFTU>



From Julie in Atlanta: *"I have been getting so much contradictory information about the official 2020 requirements for me to come and teach in China from three different agents from Foreign HR, ESLCafe, and Laowai Career. One says I must have a TEFL certificate, another says not, but none of them say I need a Z visa, and two say I do not eve need a diploma. WTF?"*

Answer From Gregg: Thank you Julie. This is an aggravating topic because too many job agents ignore the Chinese law just to earn a \$1,000 placement fee. Here is your answer direct from the Chinese government: <https://old.reddit.com/domain/english.www.gov.cn/>



Time is Money!

Not many of us have time to waste, but now that we have to deal with the Pandemic lock-down we all have some extra time. But if you want to keep or expand your teaching school there is no reason you can't generate a nice income from teaching online where the pay is between \$20 to \$50 an hour depending if you have your own students or go through a company like VIP Kids or Tele-Teach which are just two examples. If this idea interests you, then perhaps you may want to read this <https://www.chronicle.com/article/how-to-be-a-better-online-teacher/>

As a China foreign teacher, reading can also save you at least \$10,000 a year in lost income. Unpleasant surprises can be avoided with just one hour of reading these TEFL teacher links...

<https://opnltr.com/letter/15-employee-rights-chinas-expat-foreign-english-teachers-esl-tefl-are-now-being-enforced>

<https://reddit.com/r/chinascamcentral> <https://ruqqus.com/+TEFL>

<https://chinascampatol.wordpress.com> <https://reddit.com/r/TEFLScams>

<https://www.scribd.com/document/371819349/2018-CFTU-Whitelist-of-Chinese-Schools-For-TEFL-ESL-Foreign-Teachers>

DID YOU KNOW... If you can speak English, Spanish and Chinese you can communicate with 72% of the Earth's population!

