Complaint

Chaoyang District People's Court, Beijing

Date: October 2011

Plaintiff: Party Z

Defendant: Party B

Cause of action: Labour Dispute

Claim

1. That the defendant be ordered to pay to the plaintiff 12,960 yuan in compensation and 6,480 RMB of additional economic compensation (50% of the original amount) for the dissolution of the labour contract for the period from April 5, 2002 to December 20, 2010.
2. That the defendant be ordered to pay to the plaintiff 16,728 yuan for plaintiff's unpaid pension and unemployment premiums during the period from April 5, 2002 to December 20, 2010.
3. That the defendant be ordered to pay to the plaintiff 31,558.62 yuan for overtime work for the period from January 1, 2009 to December 20, 2010.
4. That the defendant be ordered to pay to the plaintiff 1,517.24 yuan for working during annual leaves in 2008, 2009 and 2010.
5. That the defendant be ordered to pay fees.

Facts and Reasons:

Party Z started work as a security guard for Party B on April 5, 2002 for a monthly salary. In December 2010, the defendant terminated the plaintiff's contract and transferred his work. However, the defendant failed to compensate the plaintiff, as required under Art. 10 of the *Measures for Compensation due to Violation or Rescission of Labour Contracts*.

The defendant also failed to pay social security contribution on behalf of the plaintiff. Based on these facts, the plaintiff filed for arbitration with the Labor Dispute Arbitration Commission. In October 2011, the Chaoyang District Labor Dispute Arbitration Commission rejected all of the plaintiff's claims except those in regard of the defendant's failure to make social security payments on behalf of the defendant. The plaintiff subsequently appealed the decision on the grounds that that the Arbitration Commission did not determine the case based on facts and proper rules of evidence, that the Commission did not properly conduct its investigation, and that it mistakenly applied the law. The plaintiff refused to accept the arbitral award and brings the case before this court.