Chinese Interim Provisions on the Protection of the Basic Rights and Interests of Over-Age Workers

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Effective: July 1, 2026

Table of Contents

- Chapter I — General Provisions

Chapter I — General Provisions

Article 1 — These Provisions are formulated in accordance with the Decision of the Standing Committee of the National People's Congress on Implementing the Progressive Delay of the Statutory Retirement Age and relevant legal provisions to protect the legitimate rights and interests of workers who have exceeded the statutory retirement age and to clarify the rights and obligations of employers and such workers.

Article 2 — These Provisions apply where an employer within the territory of the People's Republic of China recruits a worker who has exceeded the statutory retirement age (hereinafter referred to as an "over-age worker"), and the over-age worker is subject to the employer's labor management and performs compensated labor arranged by the employer.Where a worker who has retired early in accordance with the provisions is recruited by an employer after retirement, these Provisions shall apply.

Article 3 — The human resources and social security, health, taxation, and medical security departments at all levels, the departments responsible for work safety supervision and administration, trade unions, and enterprise representative organizations shall, in accordance with their respective duties, optimize policy measures, strengthen work coordination, and jointly ensure the protection of the rights and interests of over-age workers.

Article 4 — When recruiting over-age workers, an employer shall provide job positions suitable for over-age workers based on their knowledge, skills, experience, etc.Human resource service institutions are encouraged to provide employment services to over-age workers who have the willingness to work.

Article 5 — The employer and the over-age worker shall determine their respective rights and obligations based on the principles of legality, fairness, equality, voluntariness, consensus, and good faith.The employer shall ensure that the over-age worker enjoys basic rights and interests such as labor remuneration, rest and leave, labor safety and health, and work-related injury protection.The over-age worker shall abide by professional ethics and the employer's labor rules and regulations, implement work safety and occupational health procedures and standards, and complete labor tasks.

Article 6 — The employer shall conclude a written employment agreement with the over-age worker, specifying matters such as the term of the agreement, job content, work location, working hours, rest and leave, labor remuneration, social insurance, labor protection, working conditions, and protection against occupational hazards.

Article 7 — The content of the employment agreement may be modified upon mutual consultation and consensus between the parties.

Article 8 — Employment shall terminate upon the expiration of the term of the employment agreement or upon the completion of the work content agreed upon by the parties.Employment shall also terminate upon

Source: https://www.danyoungcpa.com/chinese-tentative-provisions-on-the-protection-of-basic-rights-and-interests-of-over-age-workers/

the occurrence of the termination conditions agreed upon by the parties or upon the dissolution of the employment agreement through mutual consultation and consensus.

Article 9 — The employer shall, in accordance with the provisions of the State Council's Regulations on Working Hours for Employees and the Measures for National Holidays and Memorial Days, reasonably arrange the working hours and rest and leave for over-age workers, and shall generally not arrange overtime work for over-age workers.If the employer arranges overtime work for over-age workers, it shall comply with the provisions of Articles 41, 42, and 44 of the Labor Law of the People's Republic of China.

Article 10 — The employer shall clearly specify with the over-age worker matters such as the specific amount or remuneration standard of labor remuneration, the payment cycle, payment date, and payment method.

Article 11 — If the over-age worker has performed normal labor, the labor remuneration paid by the employer shall not be lower than the local minimum wage standard.

Article 12 — The employer shall pay labor remuneration to the over-age worker in monetary form, in full and on time as agreed, at least once a month. It shall not use in-kind goods or valuable securities as substitutes, nor shall it deduct or default on payment without reason.

Article 13 — The employer shall determine suitable job positions and work intensity based on the physical condition of the over-age worker, and shall not assign the over-age worker to perform labor that endangers their physical or mental health or to engage in hazardous operations.

Article 14 — The employer shall provide education and training on work safety and occupational health for over-age workers, implement work safety and occupational health procedures and standards, and prevent accidents and occupational diseases.

Article 15 — The employer shall enroll over-age workers in work-related injury insurance and pay the corresponding premiums; the worker shall not bear the premiums. If an over-age worker suffers a work-related accident injury or contracts an occupational disease due to work, the work-related injury identification, labor ability appraisal, and corresponding work-related injury protection benefits shall be provided in accordance with the regulations. Measures for the work-related injury protection of over-age workers shall be separately formulated.

Article 16 — If an over-age worker who is already receiving basic old-age insurance benefits continues to work, their entitlement to basic old-age insurance benefits shall not be affected.If an over-age worker who is not yet receiving basic old-age insurance benefits chooses to continue participating in the basic old-age insurance for employees, they may continue to pay the basic old-age insurance premiums for employees in their individual capacity; with the consensus of the employer, the employer may also pay the basic old-age insurance premiums for employees on their behalf in accordance with the regulations, and the portion of the basic old-age insurance premiums for employees that the individual is required to pay shall be withheld and remitted by the employer.

Article 17 — If an over-age worker who is already enjoying the treatment of retired personnel under the basic medical insurance for employees continues to work, their entitlement to such treatment under the basic medical insurance for employees shall not be affected.If an over-age worker who is not yet enjoying the treatment of retired personnel under the basic medical insurance for employees chooses to continue participating in the basic medical insurance for employees, they may continue to pay the basic medical insurance premiums for employees in their individual capacity; with the consensus of the employer, the employer may also pay the basic medical insurance premiums for employees on their behalf in accordance with the relevant regulations, and the portion of the basic medical insurance premiums for employees that the individual is required to pay shall be withheld and remitted by the employer.

Source: https://www.danyoungcpa.com/chinese-tentative-provisions-on-the-protection-of-basic-rights-and-interests-of-over-age-workers/

Article 18 — Social insurance agencies shall optimize the handling procedures to provide convenient services for over-age workers and employers.Social insurance agencies shall improve age-friendly facilities and equipment to provide convenience for over-age workers.

Article 19 — Disputes arising from matters such as labor remuneration, rest and leave, labor safety and health, and work-related injury protection as specified in these Provisions shall be handled in accordance with the Law of the People's Republic of China on Mediation and Arbitration of Labor Disputes.Disputes arising from other matters may be filed by the parties with the People's Court in accordance with the law.

Article 20 — If an employer violates the provisions of the second paragraph of Article 9, Article 11, or Article 12 of these Provisions, the over-age worker may file a complaint with the administrative department of human resources and social security, which shall conduct supervision and inspection in accordance with Items (1) to (3) of Article 85 of the Labor Contract Law of the People's Republic of China and the provisions of the Labor Security Supervision Regulations.

Article 21 — If an employer violates the provisions of the Work Safety Law of the People's Republic of China, the Law of the People's Republic of China on the Prevention and Control of Occupational Diseases, or other laws, regulations, and rules, the departments responsible for supervision and administration of work safety and occupational disease prevention and control shall handle the matter in accordance with the law.

Article 22 — Trade unions shall protect the legitimate rights and interests of over-age workers in accordance with the law and supervise the employer's protection of the legitimate rights and interests of over-age workers. If the employer infringes upon the legitimate rights and interests of an over-age worker, the trade union has the right to raise opinions or request corrections; if the over-age worker applies for arbitration or initiates legal proceedings, the trade union shall provide support and assistance in accordance with the law.

Article 23 — For workers who have flexibly delayed retirement in accordance with the relevant provisions of the state, the provisions of the Labor Contract Law of the People's Republic of China, the Regulations on the Personnel Management of Public Institutions, and other laws and regulations shall apply during the period of flexible delayed retirement.

Article 24 — These Provisions shall come into effect on July 1, 2026.

Disclaimer: This English translation of the "Chinese Tentative Provisions on the Protection of Basic Rights and Interests of Over-Age Workers" (Decree No. 56) is provided for informational purposes only. In case of any discrepancy, the official Chinese text shall prevail. For specific legal or tax advice regarding employment of over-age workers in China, please consult our qualified professional.

Source: https://www.danyoungcpa.com/chinese-tentative-provisions-on-the-protection-of-basic-rights-and-interests-of-over-age-workers/