

Employment Promotion Law of the People’s Republic of China (2015 Amendment)

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

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of promoting employment, ensuring economic development and social stability, and achieving social harmony.

Article 2 — The State implements the policy of increasing employment as a priority and adheres to the principle of the worker choosing his own job, the market regulating employment and the government promoting employment, so as to expand employment.

Article 3 — Workers shall enjoy the right to equal employment and the right to choose their own jobs in accordance with the law. Workers seeking employment shall not be subject to discrimination on the basis of ethnicity, race, gender, religious belief or other grounds.

Article 4 — People's governments at or above the county level shall incorporate the expansion of employment into their national economic and social development plans, formulate medium and long-term employment plans and annual work plans, and promote employment.

Article 5 — People's governments at or above the county level shall, through the development of the economy, adjustment of the industrial structure, regulation of the labor market, and improvement of employment services, create employment conditions and expand employment.

Article 6 — The State Council shall establish a national coordination mechanism for employment promotion work, study major issues in employment work, and coordinate and promote employment promotion work nationwide.

Article 7 — The State advocates that workers establish correct job selection concepts, enhance employability and entrepreneurial ability, and encourages workers to start their own businesses and seek employment through multiple channels.

Article 8 — Employers shall enjoy the right to employ workers autonomously in accordance with the law and shall provide workers with fair employment opportunities in accordance with the law.

Article 9 — Trade unions, Communist Youth Leagues, Women's Federations, Disabled Persons' Federations and other organizations shall assist the people's governments in carrying out employment promotion work and safeguard the labor rights of workers in accordance with the law.

Article 10 — People's governments at all levels and the relevant departments shall commend and reward entities and individuals that have made outstanding achievements in employment promotion work.

Chapter II — Policy Support

Article 11 — People's governments at or above the county level shall incorporate the expansion of employment as an important objective in the coordinated development of the economy and society and shall improve employment policies.

Article 12 — The State encourages various types of enterprises to expand employment and increase employment positions by developing new industries and new business formats.

Article 13 — The State develops small and medium-sized enterprises, encourages and supports the development of labor-intensive industries and service industries, and increases employment positions.

Article 14 — The State implements fiscal and taxation policies that are conducive to promoting employment, grants tax preferences to enterprises that absorb workers, and provides support to unemployed persons who start their own businesses.

Article 15 — The State implements financial policies that are conducive to promoting employment, and increases credit support for small and medium-sized enterprises and self-employed businesses.

Article 16 — The State establishes and improves the unemployment insurance system to ensure the basic livelihood of the unemployed and promote their re-employment.

Article 17 — The State encourages enterprises to increase employment positions, support enterprises to stabilize employment positions, and provide social security subsidies and job subsidies.

Chapter III — Fair Employment

Article 18 — Workers shall not be discriminated against in employment on the basis of ethnicity, race, gender, religious belief or other grounds.

Article 19 — Women shall enjoy equal labor rights with men. When an employer recruits employees, it shall not refuse to recruit women or raise recruitment standards for women on the ground of gender, except where the State prescribes that the types of work or positions are not suitable for women.

Article 20 — When an employer recruits employees, it shall not provide for marriage or childbirth restrictions for female employees in the labor contract.

Article 21 — Workers of all ethnic groups shall enjoy equal labor rights. When an employer recruits employees, it shall give appropriate consideration to workers of ethnic minorities in accordance with the law.

Article 22 — The State shall protect the labor rights of persons with disabilities. People's governments at all levels shall make overall plans for the employment of persons with disabilities and create conditions for their employment.

Article 23 — When an employer recruits employees, it shall not discriminate against persons with disabilities in employment.

Article 24 — When an employer recruits employees, it shall not discriminate against workers on the ground that they are carriers of infectious disease pathogens.

Article 25 — Rural workers entering cities for employment shall enjoy equal labor rights with urban workers and shall not be subject to discriminatory restrictions.

Chapter IV — Employment Services and Management

Article 26 — People's governments at all levels shall establish and improve public employment service systems and set up public employment service institutions.

Article 27 — Public employment service institutions shall provide the following services to workers free of charge:

1. Employment policies and regulations consultation; 2. Job supply and demand information, market wage guidance price information and career training information services; 3. Career guidance and career introduction; 4. Employment assistance services; 5. Employment registration, unemployment registration and other affairs; 6. Other public employment services.

Article 28 — Local people's governments at all levels shall strengthen the construction of human resources market information networks and related facilities.

Article 29 — Public employment service institutions shall continuously improve service quality and efficiency and shall not engage in for-profit activities.

Article 30 — Local people's governments at or above the county level shall establish a human resources market system, standardize the order of the human resources market, and strengthen the supervision and management of the human resources market.

Article 31 — Enterprises and other entities established by the State shall be responsible for the placement and employment of persons with disabilities and shall arrange employment for persons with disabilities according to the prescribed proportion.

Article 32 — The State implements a system for the filing of employer recruitment advertisements and recruitment briefs.

Article 33 — Employers shall not provide false recruitment information or recruit workers by means of fraud or coercion.

Article 34 — Employers shall not collect fees or property from workers or detain workers' resident identity cards or other documents under the guise of guarantee or other names.

Chapter V — Vocational Education and Training

Article 35 — The State shall develop vocational education in accordance with the law, encourage vocational training, and promote the improvement of workers' quality and employability.

Article 36 — People's governments at or above the county level shall strengthen overall planning and coordination of vocational education and training.

Article 37 — Enterprises shall withdraw employee education funds in accordance with relevant State provisions for employee education and training.

Article 38 — Local people's governments at all levels shall encourage and support various types of vocational schools and vocational skills training institutions to carry out vocational training.

Article 39 — People's governments at or above the county level shall establish a labor reserve system for urban and rural junior and senior high school graduates who have not been admitted to higher education.

Chapter VI — Employment Assistance

Article 40 — People's governments at all levels shall establish an employment assistance system, providing employment assistance to persons with employment difficulties and zero-employment families by means of public service job placement, job subsidies and other measures.

Article 41 — Public employment service institutions shall establish a system for the registration and management of persons with employment difficulties and shall provide employment assistance services.

Article 42 — The government shall invest in the development of public service jobs that suit the employment of persons with employment difficulties.

Article 43 — People's governments at all levels shall take measures to progressively ensure that at least one person in a zero-employment family is employed.

Chapter VII — Supervision and Inspection

Article 44 — People's governments at or above the county level and relevant departments shall establish a system of target responsibility and a system of supervision and inspection with respect to employment promotion.

Article 45 — The labor administrative department shall supervise and inspect the implementation of this Law and shall establish a reporting system.

Article 46 — Public employment service institutions shall accept social supervision and make their service items, procedures and standards public.

Chapter VIII — Legal Liability

Article 47 — Where the relevant departments of people's governments at or above the county level act in violation of the provisions of this Law, the people's government at the corresponding level or the relevant department of the people's government at a higher level shall order correction.

Article 48 — Where an employer violates the provisions of this Law and discriminates against workers in employment, the worker may file a lawsuit with the people's court.

Article 49 — Where an employer collects fees or property from workers or detains workers' resident identity cards or other documents, the labor administrative department shall order the return and impose a fine.

Article 50 — Where a public employment service institution engages in for-profit activities, the competent department shall order correction and impose sanctions.

Article 51 — Where a violation of this Law causes damage to a worker, the party shall bear civil liability in accordance with the law.

Chapter IX — Supplementary Provisions

Article 52 — The specific measures for the implementation of this Law shall be formulated by the State Council.

Article 53 — This Law shall come into force on January 1, 2008.

This translation is provided for informational purposes only. For legal matters, please consult the original Chinese text or seek professional legal advice. For assistance with employment law compliance and HR policies in China, please contact Dan Young Business Consultancy.