Employment Promotion Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of promoting employment, coordinating economic development with the expansion of employment, and facilitating social harmony and stability.

Article 2 — The state shall regard the expansion of employment as a strategic priority in economic and social development, implement a proactive employment policy, and adhere to the principle of promoting

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employment through independent job-seeking by workers, market regulation, and government support.

Article 3 — Workers shall have the right to obtain employment on an equal footing and to choose their occupation on their own initiative in accordance with the law. In seeking employment, workers shall not be subject to discrimination on the basis of ethnicity, race, sex, or religious belief.

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

Article 5 — The people's governments at or above the county level shall create employment conditions and expand employment opportunities by developing the economy, adjusting the industrial structure, standardizing the human resources market, improving employment services, and strengthening vocational education and training.

Article 6 — The State Council shall establish a national coordination mechanism for the promotion of employment, study major issues in employment work, and coordinate and promote nationwide employment promotion work. The labor administrative department under the State Council shall be specifically responsible for the nationwide employment promotion work.

Chapter II — Policy Support

Article 7 — The people's governments at or above the county level shall implement fiscal policies conducive to the promotion of employment, increase financial input, improve the employment environment, and expand employment.

Article 8 — The state shall grant tax incentives to enterprises that employ unemployed persons or persons with disabilities in accordance with the law, and to enterprises and persons in specified categories that meet the requirements.

Article 9 — The state shall implement a small-sum secured loan policy conducive to the promotion of employment, and provide interest subsidies and other supportive measures to qualified small and micro-enterprises and self-employed individuals.

Article 10 — The state shall establish a sound unemployment insurance system to ensure the basic livelihood of the unemployed and promote their re-employment in accordance with the law.

Article 11 — People's governments at all levels shall make overall plans for the employment of urban and rural workers, establish a sound mechanism for the equal employment of urban and rural workers, and guide the orderly transfer and employment of surplus agricultural labor.

Article 12 — The state shall encourage all types of enterprises to expand employment by expanding their operations within the scope permitted by laws and regulations. The state shall encourage the development of labor-intensive industries, the service sector, and small, medium, and micro enterprises to create more job opportunities.

Article 13 — The people's governments at all levels and relevant departments shall simplify procedures, improve efficiency, and provide facilitation for self-employed and independently job-seeking individuals.

Chapter III — Fair Employment

Article 14 — Employers recruiting workers and employment agencies and public employment service agencies engaging in employment agency activities shall provide workers equal employment opportunities and fair employment conditions and shall not engage in employment discrimination.

Article 15 — When recruiting workers, no employer may refuse to recruit women or raise recruitment standards for women on the basis of sex. The labor contract of a female worker shall not contain provisions

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restricting her right to marry or bear children.

Article 16 — Workers of all ethnic groups shall enjoy equal labor rights. When recruiting workers, employers shall provide equal employment opportunities to workers of all ethnic groups in accordance with the law.

Article 17 — 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 employment conditions for them. Employers shall fulfill their obligation to arrange employment for persons with disabilities.

Article 18 — No employer may refuse to recruit workers on the basis that the worker is a carrier of an infectious disease pathogen. However, carriers of infectious disease pathogens shall not engage in work that is prohibited by laws, administrative regulations, and health authorities under the State Council.

Article 19 — Rural workers seeking employment in urban areas shall enjoy the same labor rights as urban workers and shall not be subject to discriminatory restrictions.

Chapter IV — Employment Services and Management

Article 20 — The people's governments at or above the county level shall cultivate and improve a unified, open, competitive, and orderly human resources market and provide services for workers seeking employment and employers recruiting workers.

Article 21 — The people's governments at or above the county level shall establish and improve public employment service systems and set up public employment service agencies to provide free services such as employment policy and regulation consultation, job information, career guidance, and job introduction to workers.

Article 22 — Public employment service agencies shall continuously improve the quality and efficiency of their services and shall not engage in for-profit activities. Public employment service funds shall be included in the fiscal budgets of the people's governments at the corresponding level.

Article 23 — The establishment of for-profit employment agencies shall meet the conditions prescribed by laws and regulations and be registered with the administrative department for industry and commerce. Employment agencies shall not commit any of the following acts: (1) providing false employment information; (2) providing employment agency services for employers without legal licenses; (3) forging, altering, or transferring employment agency permits; or (4) seizing the identity cards or other documents of workers.

Article 24 — Employers recruiting workers shall truthfully inform the workers of the job content, working conditions, workplace, occupational hazards, production safety conditions, labor remuneration, and other information that workers request to know.

Chapter V — Vocational Education and Training

Article 25 — The state shall develop vocational education and training in accordance with the law, promote the quality and skills of workers, and enhance their employability and entrepreneurial capacity.

Article 26 — People's governments at all levels shall, in accordance with the needs of economic and social development and market demand, formulate and implement plans for the development of vocational capacity.

Article 27 — Enterprises shall withdraw and use employee education funds in accordance with the relevant state provisions, and use such funds for vocational skills training and continuing education and training for their employees.

Chapter VI — Employment Assistance

Article 28 — People's governments at all levels shall establish and improve an employment assistance system and adopt measures such as providing tax and fee reduction or exemption, loan interest subsidies, social insurance subsidies, and job subsidies to assist persons with employment difficulties through public welfare job placement and other methods.

Article 29 — The term "persons with employment difficulties" means persons who are unable to obtain employment due to their physical condition, skill level, family difficulties, loss of land, or other reasons and persons who remain unemployed for a certain period of time despite continuous efforts.

Article 30 — The people's governments at all levels shall ensure that urban families with zero employment shall have at least one employed person. The sub-district offices and community public employment service agencies shall provide employment assistance to families with zero employment.

Chapter VII — Legal Liability

Article 31 — Where an entity, in violation of this Law, engages in employment discrimination, the worker may file a lawsuit with the people's court.

Article 32 — Where a for-profit employment agency, in violation of the provisions of this Law, provides employment agency services without obtaining a license or registration, the labor administrative department or the administrative department for industry and commerce shall ban the agency and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan; where there are illegal gains, the illegal gains shall be confiscated.

Article 33 — Where an entity, in violation of the provisions of this Law, seizes the identity cards or other documents of workers in the name of a security deposit or under any other pretext, the labor administrative department shall order the entity to return such documents within a specified time limit and impose a fine.

Article 34 — Where a labor administrative department or other relevant department and its staff abuse their powers, neglect their duties, or engage in malpractices for personal gain in the promotion of employment, sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued.

Chapter VIII — Supplementary Provisions

Article 35 — This Law shall come into force on January 1, 2008. The amendments adopted on April 24, 2015 shall come into force on the date of promulgation.

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