

# Interim Regulation on the Administration of Human Resources Markets of the People’s Republic of China

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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 Regulation is formulated for the purposes of standardizing the activities of human resources markets, promoting the rational flow and optimal allocation of human resources, and safeguarding the lawful rights and interests of workers and employers.

Article 2 — This Regulation shall apply to the activities of human resources service institutions providing human resources services within the territory of the People’s Republic of China.

Article 3 — The State shall develop human resources service industry, improve the human resources service system, and enhance the ability and level of human resources services.

Article 4 — The human resources and social security administrative department of the State Council shall be responsible for the administration of human resources markets nationwide.

Article 5 — Human resources service institutions shall provide services in accordance with the principles of lawfulness, integrity, fairness and openness.

## **Chapter II — Establishment of Human Resources Service Institutions**

Article 6 — The establishment of a for-profit human resources service institution shall require obtaining a human resources service license from the human resources and social security administrative department.

Article 7 — To apply for a human resources service license, the following conditions shall be met:

1. Having a clear charter and management system; 2. Having qualified full-time staff; 3. Having a fixed workplace and facilities; 4. Having registered capital meeting the prescribed requirements.

Article 8 — The human resources and social security administrative department shall complete the examination within 20 working days and issue a human resources service license to qualified applicants.

Article 9 — A human resources service license shall not be forged, altered, leased, lent or transferred.

## **Chapter III — Human Resources Market Activities**

Article 10 — Human resources service institutions may carry out the following services:

1. Human resources recruitment; 2. Career guidance and human resources management consulting; 3. Human resources assessment; 4. Human resources training; 5. Human resources information network services; 6. Other human resources services.

Article 11 — In conducting human resources services, human resources service institutions shall not commit the following acts:

1. Providing false employment information; 2. Discriminating against workers on the basis of ethnicity, race, gender, religious belief, etc.; 3. Introducing employment to minors under the age of 16; 4. Detaining workers' resident identity cards or demanding deposits; 5. Other acts prohibited by laws and regulations.

Article 12 — Human resources service institutions shall establish service ledgers and keep relevant materials properly for at least two years.

Article 13 — Human resources service institutions shall clearly mark prices and publicize service items and fee standards.

## **Chapter IV — Supervision and Administration**

Article 14 — The human resources and social security administrative department shall strengthen daily supervision and inspection of human resources service institutions.

Article 15 — The human resources and social security administrative department shall establish a credit evaluation system for human resources service institutions.

Article 16 — The human resources and social security administrative department shall establish a reporting and complaint system for violations.

## **Chapter V — Legal Liability**

Article 17 — Where a human resources service institution provides human resources services without a license, the human resources and social security administrative department shall order closure and impose a fine.

Article 18 — Where a human resources service institution provides false employment information or discriminates against workers, the human resources and social security administrative department shall order correction and impose a fine.

Article 19 — Where a human resources service institution detains a worker's resident identity card or demands a deposit, the human resources and social security administrative department shall order the return and impose a fine.

Article 20 — Where staff members of the human resources and social security administrative department fail to perform their duties, they shall be subject to sanctions in accordance with the law.

## **Chapter VI — Supplementary Provisions**

Article 21 — Public employment service institutions shall provide employment services to workers free of charge.

Article 22 — These Provisions shall come into force on October 1, 2018.

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 HR market compliance and employment services in China, please contact Dan Young Business Consultancy.