

Labor Law of the People's Republic of China (2018 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 in accordance with the Constitution for the purposes of protecting the lawful rights and interests of workers, regulating labor relations, establishing and maintaining a labor system suited to the socialist market economy, and promoting economic development and social progress.

Article 2 — This Law shall apply to enterprises, individual economic organizations (hereinafter collectively referred to as “employers”) and the workers who have formed labor relations therewith within the territory of the People’s Republic of China.

State organs, institutional organizations, social organizations and the workers who have entered into labor contract relations therewith shall be governed by this Law.

Article 3 — Workers shall have the right to equal employment and choice of occupation, the right to receive labor remuneration, the right to rest and vacation, the right to occupational safety and health protection, the right to receive vocational skills training, the right to enjoy social insurance and welfare benefits, the right to submit labor disputes for resolution, and other labor rights prescribed by law.

Workers shall fulfill their labor tasks, improve their vocational skills, observe occupational safety and health regulations, and comply with labor discipline and professional ethics.

Article 4 — Employers shall establish and improve rules and regulations in accordance with the law to ensure that workers enjoy labor rights and perform labor obligations.

Article 5 — The State shall adopt various measures to promote employment, develop vocational education, formulate labor standards, regulate social income, improve social insurance, coordinate labor relations, and gradually raise the living standards of workers.

Article 6 — The State shall encourage workers to participate in voluntary social labor, conduct labor emulation and rational suggestion activities, encourage and protect workers in scientific research, technological innovation and invention, and commend and reward model workers and advanced workers.

Article 7 — Workers shall have the right to participate in and organize trade unions in accordance with the law.

Trade unions shall represent and safeguard the lawful rights and interests of workers and shall independently carry out their activities in accordance with the law.

Article 8 — Workers shall, in accordance with the provisions of law, participate in democratic management through workers’ congresses, workers’ representative assemblies or other forms, or conduct equal consultation with employers on the protection of workers’ lawful rights and interests.

Article 9 — The labor administrative department of the State Council shall be in charge of labor work nationwide.

The labor administrative departments of local people's governments at or above the county level shall be in charge of labor work within their respective administrative regions.

Chapter II — Promotion of Employment

Article 10 — The State shall create employment conditions and expand employment opportunities through the promotion of economic and social development.

The State shall encourage enterprises, institutional organizations and social organizations to establish industries or expand business operations within the scope permitted by laws and administrative regulations to increase employment.

The State shall support workers in voluntarily organizing for employment and engaging in individual business operations to achieve employment.

Article 11 — Local people's governments at various levels shall adopt measures to develop various types of employment introduction agencies and provide employment services.

Article 12 — Workers shall not be discriminated against in employment on the grounds of ethnicity, race, gender or religious belief.

Article 13 — Women shall enjoy equal employment rights with men. When recruiting workers, no employer shall refuse to recruit women or raise the recruitment standards for women on the grounds of gender, except for types of work or positions not suitable for women as prescribed by the State.

Article 14 — Where laws or regulations have special provisions on the employment of persons with disabilities, persons of minority ethnic groups, and military personnel who have retired from active service, such provisions shall apply.

Article 15 — Employers shall be prohibited from recruiting minors under the age of 16.

Where arts, sports or special craft entities recruit minors under the age of 16, they must comply with relevant State provisions and ensure the minors' right to compulsory education.

Chapter III — Labor Contracts and Collective Contracts

Article 16 — A labor contract is an agreement that establishes the labor relationship between a worker and an employer and defines the rights and obligations of both parties.

A labor contract shall be concluded when a labor relationship is established.

Article 17 — The conclusion and modification of labor contracts shall observe the principles of equality, voluntariness and consensus through consultation, and shall not violate the provisions of laws and administrative regulations.

A labor contract lawfully concluded shall be legally binding, and the parties shall perform the obligations stipulated in the labor contract.

Article 18 — The following labor contracts shall be invalid:

1. Labor contracts that violate laws or administrative regulations; 2. Labor contracts concluded by means of fraud, coercion or other such means.

An invalid labor contract shall have no legal binding force from the time of its conclusion. Where a labor contract is confirmed to be partially invalid and the validity of the remaining parts is not affected, the remaining parts shall remain valid.

The invalidity of a labor contract shall be confirmed by a labor dispute arbitration committee or a people's court.

Article 19 — A labor contract shall be concluded in writing and shall contain the following clauses:

1. The term of the labor contract; 2. The content of the work; 3. Labor protection and working conditions; 4. Labor remuneration; 5. Labor discipline; 6. Conditions for termination of the labor contract; 7. Liability for breach of the labor contract.

In addition to the mandatory clauses specified in the preceding paragraph, the parties may agree on other content through consultation.

Article 20 — The term of a labor contract shall be divided into fixed term, non-fixed term, and term based on completion of a specific task.

Where a worker has worked for the same employer continuously for ten or more years and both parties agree to renew the labor contract, if the worker requests the conclusion of a labor contract with a non-fixed term, such a labor contract shall be concluded.

Article 21 — A labor contract may provide for a probation period. The probation period shall not exceed six months.

Article 22 — The parties to a labor contract may agree in the labor contract on matters relating to the protection of the employer's trade secrets.

Article 23 — A labor contract shall terminate upon expiry of its term or upon the occurrence of the conditions for termination of the labor contract as agreed upon by the parties.

Article 24 — A labor contract may be rescinded by consensus reached through consultation between the parties.

Article 25 — An employer may rescind a labor contract under any of the following circumstances on the part of the worker:

1. Where the worker is proved during the probation period not to satisfy the recruitment conditions; 2. Where the worker seriously violates labor discipline or the employer's rules and regulations; 3. Where the worker causes significant damage to the employer's interests through serious dereliction of duty or engagement in malpractices for personal gain; 4. Where the worker is subject to criminal liability in accordance with the law.

Article 26 — An employer may rescind a labor contract under any of the following circumstances, provided that it notifies the worker in writing 30 days in advance:

1. Where the worker is unable to perform the original work or any other work arranged by the employer after the expiration of the medical treatment period for illness or non-work-related injury; 2. Where the worker is incompetent for the work and remains incompetent after training or adjustment of the work position; 3. Where the objective circumstances on which the labor contract was based have changed significantly, rendering the original labor contract impossible to perform, and the parties are unable to reach agreement on modification of the labor contract through consultation.

Article 27 — Where an employer is on the verge of bankruptcy and undergoing statutory consolidation, or where its production and business situation encounters serious difficulties and it genuinely needs to reduce its workforce, it shall explain the situation to the trade union or all workers 30 days in advance, hear the opinions of the trade union or workers, and may reduce its workforce after reporting to the labor administrative department.

Where an employer reduces its workforce in accordance with this Article and recruits workers again within six months, it shall give priority to the workers who were previously laid off.

Article 28 — Where an employer rescinds a labor contract in accordance with Articles 24, 26 and 27 of this Law, it shall provide economic compensation in accordance with relevant State provisions.

Article 29 — An employer shall not rescind a labor contract in accordance with Articles 26 and 27 of this Law under any of the following circumstances on the part of the worker:

1. Where the worker has suffered an occupational disease or work-related injury and has been confirmed to have lost or partially lost the capacity to work; 2. Where the worker is ill or injured and is within the prescribed medical treatment period; 3. Where the female worker is in pregnancy, childbirth or lactation; 4. Other circumstances prescribed by laws or administrative regulations.

Article 30 — Where an employer rescinds a labor contract and the trade union considers the rescission inappropriate, the trade union shall have the right to express its opinion. Where the employer violates laws, regulations or the labor contract, the trade union shall have the right to request reconsideration. Where a worker applies for arbitration or files a lawsuit, the trade union shall provide support and assistance in accordance with the law.

Article 31 — A worker shall notify the employer in writing 30 days in advance when rescinding a labor contract.

Article 32 — A worker may rescind a labor contract by notifying the employer at any time under any of the following circumstances:

1. During the probation period; 2. Where the employer forces the worker to work by means of violence, threats or illegal restriction of personal freedom; 3. Where the employer fails to pay labor remuneration or provide working conditions as agreed in the labor contract.

Article 33 — The workers of an enterprise and the enterprise may conclude a collective contract on matters such as labor remuneration, working hours, rest and vacations, occupational safety and health, insurance and welfare benefits. The draft collective contract shall be submitted to the workers' representative assembly or all workers for discussion and approval.

A collective contract shall be concluded by the trade union on behalf of the workers with the enterprise; where no trade union has been established in the enterprise, the contract shall be concluded by representatives elected by the workers with the enterprise.

Article 34 — A collective contract shall be submitted to the labor administrative department after conclusion; the collective contract shall become effective if the labor administrative department raises no objection within 15 days from the date of receipt of the text of the collective contract.

Article 35 — A collective contract lawfully concluded shall be binding on the enterprise and all workers of the enterprise. The standards of working conditions and labor remuneration, etc. stipulated in the labor contract between a worker and the enterprise shall not be lower than those stipulated in the collective contract.

Chapter IV — Working Hours, Rest and Vacations

Article 36 — The State shall implement a working hour system under which workers shall work no more than eight hours per day and no more than 44 hours per week on average.

Article 37 — For workers engaged in piecework, the employer shall reasonably determine the labor quotas and piecework remuneration standards in accordance with the working hour system prescribed in Article 36 of this Law.

Article 38 — Employers shall ensure that workers have at least one day of rest per week.

Article 39 — Where an enterprise is unable to implement the provisions of Articles 36 and 38 of this Law due to the characteristics of its production, it may adopt other work and rest measures with the approval of the labor administrative department.

Article 40 — Employers shall arrange for workers to take leave on the following holidays in accordance with the law:

1. New Year's Day; 2. Spring Festival; 3. International Labor Day; 4. National Day; 5. Other holidays and festivals prescribed by laws and regulations.

Article 41 — An employer may extend working hours due to production and business needs after consultation with the trade union and the workers. The extended working hours shall generally not exceed one hour per day; where working hours need to be extended for special reasons, the extended working hours shall not exceed three hours per day, subject to the condition that the workers' health is ensured, and shall not exceed 36 hours per month.

Article 42 — The extension of working hours shall not be subject to the restrictions of Article 41 of this Law under any of the following circumstances:

1. Where emergency measures are required due to natural disasters, accidents or other causes that threaten the life, health and property safety of workers; 2. Where production equipment, transportation lines or public facilities malfunction and affect production and public interests, and must be repaired urgently; 3. Other circumstances prescribed by laws or administrative regulations.

Article 43 — Employers shall not extend the working hours of workers in violation of the provisions of this Law.

Article 44 — Under any of the following circumstances, the employer shall pay wage remuneration higher than the normal working hour wage of the worker according to the following standards:

1. Where the employer arranges for the worker to extend working hours, it shall pay no less than 150 percent of the wage; 2. Where the employer arranges for the worker to work on rest days and cannot arrange compensatory rest, it shall pay no less than 200 percent of the wage; 3. Where the employer arranges for the worker to work on statutory holidays, it shall pay no less than 300 percent of the wage.

Article 45 — The State shall implement a system of paid annual leave.

Workers who have worked continuously for one year or more shall be entitled to paid annual leave. The specific measures shall be prescribed by the State Council.

Chapter V — Wages

Article 46 — Wage distribution shall follow the principle of distribution according to work and equal pay for equal work shall be implemented.

Wage levels shall be gradually raised on the basis of economic development. The State shall exercise macro-control over total wages.

Article 47 — Employers shall, in accordance with the law, independently determine their own wage distribution methods and wage levels based on the production and business characteristics and economic performance of the employer.

Article 48 — The State shall implement a system of minimum wage protection. The specific standards of the minimum wage shall be prescribed by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government and reported to the State Council for filing.

The wages paid by an employer to its workers shall not be lower than the local minimum wage standard.

Article 49 — The determination and adjustment of the minimum wage standard shall comprehensively take into account the following factors:

1. The minimum living expenses of the workers themselves and the average number of dependents they support; 2. The average social wage level; 3. Labor productivity; 4. Employment conditions; 5. Differences in

economic development levels between regions.

Article 50 — Wages shall be paid to the worker in currency on a monthly basis. No employer shall deduct or delay the payment of wages to workers without cause.

Article 51 — An employer shall pay wages to workers in accordance with the law during statutory holidays, marriage leave, funeral leave, and periods of participation in social activities in accordance with the law.

Chapter VI — Occupational Safety and Health

Article 52 — Employers shall establish and improve occupational safety and health systems, strictly implement State occupational safety and health regulations and standards, provide occupational safety and health education to workers, prevent accidents in the labor process, and reduce occupational hazards.

Article 53 — Occupational safety and health facilities shall meet the standards prescribed by the State.

The occupational safety and health facilities of new, renovated and expanded construction projects shall be designed, constructed, and put into production and use simultaneously with the main project.

Article 54 — Employers shall provide workers with occupational safety and health conditions that comply with State provisions and the necessary labor protection articles, and shall provide regular health examinations to workers engaged in work with occupational hazards.

Article 55 — Workers engaged in special operations must undergo specialized training and obtain qualifications for special operations.

Article 56 — Workers shall strictly observe safety operation procedures during the labor process.

Workers shall have the right to refuse to carry out operations where the employer's management personnel give instructions in violation of regulations or compel workers to undertake hazardous operations; they shall have the right to criticize, report or bring charges against acts that endanger life, safety and health.

Article 57 — The State shall establish a system of statistics, reporting and handling of casualties and occupational diseases. The labor administrative departments of people's governments at or above the county level, relevant departments and employers shall, in accordance with the law, conduct statistics, reporting and handling of casualties occurring to workers in the labor process and the occupational disease conditions of workers.

Chapter VII — Special Protection for Female Workers and Juvenile Workers

Article 58 — The State shall provide special labor protection to female workers and juvenile workers.

Juvenile workers mean workers who have reached the age of 16 but have not reached the age of 18.

Article 59 — Female workers shall be prohibited from engaging in work in mines, work at the fourth level of physical labor intensity as prescribed by the State, and other work prohibited for female workers.

Article 60 — Female workers shall not be arranged to engage in work at heights, low-temperature work, cold-water work, or work at the third level of physical labor intensity as prescribed by the State during their menstrual periods.

Article 61 — Female workers shall not be arranged to engage in work at the third level of physical labor intensity as prescribed by the State or other work prohibited during pregnancy during their pregnancy. Female workers who are seven or more months pregnant shall not be arranged to extend their working hours or to work night shifts.

Article 62 — Female workers shall be entitled to no less than 90 days of maternity leave for childbirth.

Article 63 — Female workers shall not be arranged to engage in work at the third level of physical labor intensity as prescribed by the State or other work prohibited during lactation while nursing infants under one year of age, and shall not be arranged to extend their working hours or to work night shifts.

Article 64 — Juvenile workers shall not be arranged to engage in work in mines, toxic or hazardous work, work at the fourth level of physical labor intensity as prescribed by the State, or other work prohibited for juvenile workers.

Article 65 — Employers shall provide regular health examinations to juvenile workers.

Chapter VIII — Vocational Training

Article 66 — The State shall, through various channels and by adopting various measures, develop vocational training to enhance the vocational skills of workers, improve their quality, and strengthen their employability and working capacity.

Article 67 — People's governments at various levels shall incorporate the development of vocational training into their social and economic development plans, and shall encourage and support enterprises, institutional organizations, social organizations and individuals with the requisite conditions to conduct various forms of vocational training.

Article 68 — Employers shall establish vocational training systems, set aside and use vocational training funds in accordance with State provisions, and provide vocational training to workers in a planned manner based on the actual circumstances of the employer.

Workers engaged in technical types of work must undergo training before taking up their positions.

Article 69 — The State shall determine occupational classifications, formulate occupational skill standards for prescribed occupations, implement a system of vocational qualification certificates, and have registered assessment and verification institutions be responsible for conducting vocational skill assessment and verification of workers.

Chapter IX — Social Insurance and Welfare

Article 70 — The State shall develop social insurance undertakings, establish social insurance systems and set up social insurance funds so that workers may receive assistance and compensation in the event of old age, illness, work-related injury, unemployment or childbirth.

Article 71 — The level of social insurance shall be commensurate with the level of social and economic development and the social affordability.

Article 72 — The sources of social insurance funds shall be determined according to the types of insurance, and social pooling shall be gradually implemented. Employers and workers shall participate in social insurance and pay social insurance premiums in accordance with the law.

Article 73 — Workers shall enjoy social insurance benefits in accordance with the law under the following circumstances:

1. Retirement; 2. Illness or injury; 3. Work-related disability or occupational disease; 4. Unemployment; 5. Childbirth.

After the death of a worker, the surviving dependents shall enjoy survivor's allowances in accordance with the law.

The conditions and standards for workers to enjoy social insurance benefits shall be prescribed by laws and regulations.

Social insurance benefits received by workers shall be paid in full and on time.

Article 74 — Social insurance fund management agencies shall collect, expend, manage and operate social insurance funds in accordance with the provisions of law, and shall bear the responsibility of preserving and increasing the value of social insurance funds.

Social insurance fund supervisory agencies shall supervise the collection, expenditure, management and operation of social insurance funds in accordance with the provisions of law.

The establishment and functions of social insurance fund management agencies and social insurance fund supervisory agencies shall be prescribed by law.

No organization or individual shall misappropriate social insurance funds.

Article 75 — The State shall encourage employers to establish supplementary insurance for workers based on the actual circumstances of the employer.

The State shall encourage individual workers to engage in savings-based insurance.

Article 76 — The State shall develop social welfare undertakings, construct public welfare facilities, and provide conditions for workers to rest, recuperate and convalesce.

Employers shall create conditions to improve collective welfare and raise the welfare treatment of workers.

Chapter X — Labor Disputes

Article 77 — Where a labor dispute arises between an employer and a worker, the parties may apply for mediation, arbitration or file a lawsuit in accordance with the law, or may resolve the dispute through consultation.

The principle of mediation shall apply to arbitration and litigation procedures.

Article 78 — Labor disputes shall be resolved in accordance with the principles of legality, fairness and timeliness, and the lawful rights and interests of the parties to labor disputes shall be protected in accordance with the law.

Article 79 — After a labor dispute arises, the parties may apply to the labor dispute mediation committee of the employer for mediation; if mediation fails and one party requests arbitration, it may apply to the labor dispute arbitration committee for arbitration. A party may also directly apply to the labor dispute arbitration committee for arbitration. A party that is dissatisfied with the arbitration award may file a lawsuit with a people's court.

Article 80 — Labor dispute mediation committees may be established within employers. A labor dispute mediation committee shall be composed of worker representatives, employer representatives and trade union representatives.

The chairperson of the labor dispute mediation committee shall be a trade union representative.

Where an agreement is reached through mediation of a labor dispute, the parties shall perform the agreement.

Article 81 — Labor dispute arbitration committees shall be composed of representatives of the labor administrative department, trade union representatives at the same level and employer-side representatives. The chairperson of the labor dispute arbitration committee shall be a representative of the labor administrative department.

Article 82 — The party requesting arbitration shall file a written application with the labor dispute arbitration committee within 60 days from the date of occurrence of the labor dispute. An arbitration award shall generally be rendered within 60 days from the date of receipt of the arbitration application. Where there is no objection to the arbitration award, the parties shall perform the award.

Article 83 — Where a party to a labor dispute is dissatisfied with an arbitration award, it may file a lawsuit with a people's court within 15 days from the date of receipt of the arbitration award. Where one party neither files a lawsuit within the statutory time limit nor performs the arbitration award, the other party may apply to a people's court for compulsory enforcement.

Article 84 — Where a dispute arises from the conclusion of a collective contract and the parties fail to resolve it through consultation, the labor administrative department of the local people's government may organize the relevant parties to coordinate and handle the matter.

Where a dispute arises from the performance of a collective contract and the parties fail to resolve it through consultation, they may apply to the labor dispute arbitration committee for arbitration; a party dissatisfied with the arbitration award may file a lawsuit with a people's court within 15 days from the date of receipt of the arbitration award.

Chapter XI — Supervision and Inspection

Article 85 — The labor administrative departments of people's governments at or above the county level shall, in accordance with the law, supervise and inspect employers' compliance with labor laws and regulations, and shall have the authority to stop any acts in violation of labor laws and regulations and order rectification.

Article 86 — Supervision and inspection personnel of the labor administrative departments of people's governments at or above the county level shall, in the course of performing official duties, have the authority to enter employers to understand the implementation of labor laws and regulations, consult necessary materials, and inspect the labor premises.

Supervision and inspection personnel of the labor administrative departments of people's governments at or above the county level shall, in the course of performing official duties, produce their credentials, enforce the law impartially, and comply with relevant provisions.

Article 87 — The relevant departments of people's governments at or above the county level shall, within the scope of their respective functions and duties, supervise employers' compliance with labor laws and regulations.

Article 88 — Trade unions at various levels shall, in accordance with the law, protect the lawful rights and interests of workers, and shall supervise employers' compliance with labor laws and regulations.

Any organization or individual shall have the right to report and bring charges against acts in violation of labor laws and regulations.

Chapter XII — Legal Liability

Article 89 — Where the labor rules and regulations formulated by an employer violate the provisions of laws or regulations, the labor administrative department shall issue a warning and order rectification; where damage is caused to workers, the employer shall bear liability for compensation.

Article 90 — Where an employer extends the working hours of workers in violation of the provisions of this Law, the labor administrative department shall issue a warning, order rectification, and may impose a fine.

Article 91 — Where an employer commits any of the following acts infringing upon the lawful rights and interests of workers, the labor administrative department shall order the employer to pay wage remuneration and economic compensation to the workers, and may also order the employer to pay compensation:

1. Deducting or delaying the payment of workers' wages without cause;
2. Refusing to pay wage remuneration for extended working hours of workers;
3. Paying workers' wages below the local minimum wage standard;
4. Failing to provide economic compensation to workers in accordance with this Law after

rescission of the labor contract.

Article 92 — Where an employer's occupational safety facilities and occupational health conditions do not comply with State provisions, or where the employer fails to provide workers with necessary labor protection articles and labor protection facilities, the labor administrative department or relevant departments shall order rectification and may impose a fine; where the circumstances are serious, it shall request the people's government at or above the county level to decide on ordering suspension of production for rectification; where the employer fails to take measures against hidden accident hazards, resulting in a major accident and causing losses to workers' lives and property, the responsible persons shall be pursued for criminal liability in accordance with the relevant provisions of the Criminal Law.

Article 93 — Where an employer compels workers to undertake operations in violation of regulations and by taking risks, causing a major casualty accident with serious consequences, the responsible persons shall be pursued for criminal liability in accordance with the law.

Article 94 — Where an employer illegally recruits minors under the age of 16, the labor administrative department shall order rectification and impose a fine; where the circumstances are serious, the market regulatory department shall revoke the business license.

Article 95 — Where an employer violates the provisions of this Law on the protection of female workers and juvenile workers, infringing upon their lawful rights and interests, the labor administrative department shall order rectification and impose a fine; where damage is caused to female workers or juvenile workers, the employer shall bear liability for compensation.

Article 96 — Where an employer commits any of the following acts, the public security authority shall impose on the responsible persons detention of up to 15 days, a fine, or a warning; where the act constitutes a crime, the responsible persons shall be pursued for criminal liability in accordance with the law:

1. Forcing workers to work by means of violence, threats or illegal restriction of personal freedom; 2. Humiliating, imposing corporal punishment on, beating, illegally searching, or detaining workers.

Article 97 — Where an invalid contract caused by the employer causes damage to workers, the employer shall bear liability for compensation.

Article 98 — Where an employer rescinds a labor contract in violation of the conditions prescribed by this Law or deliberately delays the conclusion of a labor contract, the labor administrative department shall order rectification; where damage is caused to workers, the employer shall bear liability for compensation.

Article 99 — Where an employer recruits workers whose labor contracts have not yet been rescinded, causing economic losses to the original employer, the employer shall bear joint and several liability for compensation in accordance with the law.

Article 100 — Where an employer fails to pay social insurance premiums without cause, the labor administrative department shall order the employer to pay the premiums within a prescribed time limit; where the employer fails to pay within the time limit, late payment surcharges may be imposed.

Article 101 — Where an employer unreasonably obstructs the labor administrative department, relevant departments and their personnel from exercising their supervision and inspection powers, or retaliates against whistleblowers, the labor administrative department or relevant departments shall impose a fine; where the act constitutes a crime, the responsible persons shall be pursued for criminal liability in accordance with the law.

Article 102 — Where a worker rescinds a labor contract in violation of the conditions prescribed by this Law or violates the confidentiality matters agreed upon in the labor contract, causing economic losses to the employer, the worker shall bear liability for compensation in accordance with the law.

Article 103 — Where personnel of the labor administrative department or relevant departments abuse their powers, neglect their duties, or engage in malpractices for personal gain, and the act constitutes a crime, they shall be pursued for criminal liability in accordance with the law; where the act does not constitute a crime, administrative sanctions shall be imposed.

Article 104 — Where State functionaries or personnel of social insurance fund management agencies misappropriate social insurance funds, and the act constitutes a crime, they shall be pursued for criminal liability in accordance with the law.

Article 105 — Where a violation of the provisions of this Law infringes upon the lawful rights and interests of workers and other laws or administrative regulations already provide for penalties, the penalties shall be imposed in accordance with the provisions of such laws or administrative regulations.

Chapter XIII — Supplementary Provisions

Article 106 — The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with this Law and the actual circumstances of their respective regions, prescribe the implementation steps for the labor contract system and report to the State Council for filing.

Article 107 — This Law shall come into force on January 1, 1995.

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, labor contracts, and HR management in China, please contact Dan Young Business Consultancy.