Labor Law of the People’s Republic of China

Dan Young Business Consultancy — www.danyoungcpa.com

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

Contents

Table of Contents 1

Chapter I — General Provisions 2

Chapter II — Promotion of Employment 3

Chapter III — Labor Contracts and Collective Contracts 3

Chapter IV — Working Hours, Rest, and Leave 5

Chapter V — Wages 6

Chapter VI — Work Safety and Health 6

Chapter VII — Special Protection for Female and Juvenile Workers 7

Chapter VIII — Vocational Training 7

Chapter IX — Social Insurance and Welfare 8

Chapter X — Labor Disputes 8

Chapter XI — Supervision and Inspection 9

Chapter XII — Legal Liability 9

Chapter XIII — Supplementary Provisions 11

Adopted at the Eighth Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1994

Amended in accordance with the Decision on Amending the Labor Law of the People's Republic of China adopted at the 10th Meeting of the Standing Committee of the 11th National People's Congress on August 27, 2009, and the Decision on Amending the Labor Law of the People's Republic of China adopted at the 7th Meeting of the Standing Committee of the 13th National People's Congress on December 29, 2018

Effective: January 1, 1995 (as amended)

Table of Contents

- Chapter I — General Provisions

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

- Chapter II — Promotion of Employment
- Chapter III — Labor Contracts and Collective Contracts
- Chapter IV — Working Hours, Rest, and Leave
- Chapter V — Wages
- Chapter VI — Work Safety and Health
- Chapter VII — Special Protection for Female and Juvenile Workers
- Chapter VIII — Vocational Training
- Chapter IX — Social Insurance and Welfare
- Chapter X — Labor Disputes
- Chapter XI — Supervision and Inspection
- Chapter XII — Legal Liability
- Chapter XIII — Supplementary Provisions

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, adjusting labor relationships, establishing and safeguarding the labor system suited to the socialist market economy, and promoting economic development and social progress.

Article 2 — This Law applies to enterprises, individual economic organizations, and the workers who have established labor relationships with them within the territory of the People's Republic of China. State organs, public institutions, social organizations, and the workers who have established labor contract relationships with them shall be governed by this Law.

Article 3 — Workers shall enjoy the following rights: the right to equal employment and choice of occupation, the right to receive labor remuneration, the right to rest and leave, the right to receive work safety and health protection, the right to receive vocational training, the right to enjoy social insurance and welfare, the right to submit labor disputes for resolution, and other labor rights provided for by law. Workers shall fulfill their labor tasks, improve their vocational skills, observe work safety and health rules, observe labor discipline, and observe professional ethics.

Article 4 — Employers shall establish and improve rules and regulations in accordance with the law to ensure that workers enjoy their labor rights and perform their 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 relationships, and gradually raise the living standards of workers.

Article 6 — The State shall encourage workers to participate in social voluntary labor, conduct labor emulation, and make rationalization proposals; encourage and protect workers in conducting scientific research, technical innovation, and invention-creation; and commend and reward model workers and advanced workers.

Article 7 — Workers shall have the right to join and organize trade unions in accordance with the law. Trade unions shall represent and safeguard the lawful rights and interests of workers and conduct their activities independently in accordance with the law.

Article 8 — In accordance with the provisions of the law, workers shall participate in democratic management and shall conduct consultation on an equal footing with their employers on the protection of the lawful rights and interests of workers through the workers' congress, the workers' representatives, or other means.

Article 9 — The administrative department of labor under the State Council shall be responsible for labor work nationwide. The administrative departments of labor under the local people's governments at or above the county level shall be responsible for labor work within their respective administrative regions.

Chapter II — Promotion of Employment

Article 10 — The State shall create employment conditions and expand employment opportunities by promoting economic and social development. The State shall encourage enterprises, public institutions, and social organizations to establish industries or expand businesses to increase employment within the scope permitted by laws and administrative regulations. The State shall support workers in voluntarily organizing for employment and in engaging in individual business to realize employment.

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

Article 12 — Workers shall not be discriminated against in employment, regardless of ethnicity, race, sex, or religious belief.

Article 13 — Women shall enjoy equal rights with men in employment. Unless the types of work or positions are not suitable for women as prescribed by the State, no employer shall refuse to employ women on the ground of sex or raise the employment standards for women.

Article 14 — Where special provisions are made for the employment of persons with disabilities, minority ethnic groups, and demobilized soldiers in laws and regulations, such provisions shall prevail.

Article 15 — No employer shall recruit minors under the age of 16. Entities such as literature and art, sports, and special arts and crafts that recruit minors under the age of 16 shall comply with the relevant State provisions and guarantee their right to receive compulsory education.

Chapter III — Labor Contracts and Collective Contracts

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

Article 17 — The conclusion and amendment of a labor contract shall follow the principles of equality, voluntariness, and consensus through consultation, and shall not violate the provisions of laws and administrative regulations. A labor contract shall become legally binding upon its conclusion in accordance with the law, and the parties shall perform their respective obligations under the labor contract.

Article 18 — The following labor contracts shall be invalid: (1) labor contracts that violate laws or administrative regulations; and (2) labor contracts concluded through fraud or coercion. An invalid labor contract shall have no legal binding force from the time of its conclusion. Where a labor contract is partially invalid and the validity of the other parts is not affected, the other 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 terms: (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) the conditions for termination of the labor contract; and (7) the liability for breach of the labor contract. In addition to the essential terms specified in the preceding paragraph, the parties to a labor contract may agree on other matters through consultation.

Article 20 — The term of a labor contract may be fixed, open-ended, or based on the completion of a specific task. Where a worker has worked for the same employer for ten consecutive years or more, and both parties agree to extend the term of the labor contract, an open-ended labor contract shall be concluded upon the worker's proposal.

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

Article 21 — A probation period may be stipulated in a labor contract, but the maximum period shall not exceed six months.

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

Article 23 — A labor contract shall expire upon the expiration of its term or the occurrence of the conditions for termination as agreed by the parties. A labor contract may be terminated upon the consensus of the parties through consultation.

Article 24 — A worker may terminate the labor contract by giving the employer 30 days' prior written notice. A worker may terminate the labor contract by giving the employer notice at any time in any of the following circumstances: (1) during the probation period; (2) the employer forces the worker to work by means of violence, threats, or unlawful restriction of personal freedom; or (3) the employer fails to pay labor remuneration or provide working conditions as agreed in the labor contract.

Article 25 — An employer may terminate the labor contract in any of the following circumstances: (1) the worker is found not to meet the employment conditions during the probation period; (2) the worker seriously violates labor discipline or the rules and regulations of the employer; (3) the worker causes major damage to the employer through gross negligence of duty or malpractice; or (4) the worker is subjected to criminal liability in accordance with the law.

Article 26 — An employer may terminate the labor contract by giving the worker 30 days' prior written notice in any of the following circumstances: (1) the worker falls ill or sustains a non-work-related injury and, upon the expiration of the medical treatment period, is unable to perform the original work or any other work arranged by the employer; (2) the worker is incompetent for the post and remains incompetent after undergoing training or being transferred to another post; or (3) the objective circumstances on which the labor contract was concluded have changed significantly, rendering the labor contract impossible to perform, and the parties are unable to reach an agreement on amending the labor contract through consultation.

Article 27 — Where an employer is on the verge of bankruptcy and is undergoing statutory rectification, or experiences serious difficulties in production and business operations, and it is truly necessary to reduce its workforce, the employer shall explain the situation to the trade union or all the workers 30 days in advance, solicit the opinions of the trade union or the workers, and may reduce the workforce after reporting to the administrative department of labor. Where an employer reduces its workforce under this Article and subsequently recruits workers within six months, priority shall be given to the workers previously laid off.

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

Article 29 — An employer shall not terminate a labor contract under Article 26 or 27 of this Law in any of the following circumstances: (1) the worker suffers from an occupational disease or a work-related injury and has been confirmed to have wholly or partially lost the capacity to work; (2) the worker suffers from an illness or injury and is within the prescribed medical treatment period; (3) the female worker is during pregnancy, maternity leave, or nursing period; or (4) there exist other circumstances provided for by laws or administrative regulations.

Article 30 — Where an employer terminates a labor contract and the trade union considers it inappropriate, the trade union shall have the right to raise its opinions. Where the employer violates any law or regulation or any provision of the labor contract, the trade union shall have the right to request the employer to make a new decision. Where the worker applies for arbitration or institutes an action, the trade union shall provide support and assistance in accordance with the law.

Article 31 — Where a worker terminates a labor contract, he or she shall complete the handover of work in accordance with the agreement.

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

Article 32 — The workers of an enterprise, as a party, may conclude a collective contract with the enterprise on matters such as labor remuneration, working hours, rest and leave, work safety and health, and insurance and welfare. The draft of the collective contract shall be submitted to the workers' congress or all the workers for discussion and approval. A collective contract shall be concluded by the trade union on behalf of the workers and the enterprise. Where the enterprise has not yet established a trade union, the contract shall be concluded by a representative elected by the workers and the enterprise.

Article 33 — A collective contract shall become effective upon its submission to the administrative department of labor. The administrative department of labor shall, within 15 days of receiving the text of the collective contract, raise no objection to the collective contract, whereupon the collective contract shall become effective automatically.

Article 34 — A collective contract concluded in accordance with the law shall be binding on the enterprise and all its workers. The standards for working conditions and labor remuneration set forth in a labor contract concluded between a worker and the enterprise shall not be lower than those set forth in the collective contract.

Chapter IV — Working Hours, Rest, and Leave

Article 35 — The State shall adopt a working hour system under which a worker shall work no more than eight hours a day and no more than 44 hours a week on average.

Article 36 — The employer shall determine its production quotas so that all workers can complete their work within eight hours a day on average.

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

Article 38 — An employer shall ensure that its workers rest for at least one day a week.

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

Article 40 — An employer shall arrange for its workers to take leave during the following holidays in accordance with the law: (1) New Year's Day; (2) Spring Festival; (3) International Labor Day; (4) National Day; and (5) other holidays provided for by laws and regulations.

Article 41 — An employer may, as needed for production and business operations, extend the working hours upon consultation with the trade union and the workers. The extended working hours shall generally not exceed one hour a day. Where the working hours need to be extended for special reasons, the extended hours shall not exceed three hours a day, and the total for each month shall not exceed 36 hours, provided that the health of the workers is protected.

Article 42 — The extension of working hours shall not be subject to the restrictions specified in Article 41 of this Law in any of the following circumstances: (1) in the event of a natural disaster, accident, or other reason that threatens the life, health, or safety of property of workers, where urgent handling is required; (2) where production equipment, transportation lines, or public facilities break down, affecting production and the public interest, and urgent repairs are required; or (3) other circumstances provided for by laws or administrative regulations.

Article 43 — No employer shall extend the working hours of a worker in violation of this Law.

Article 44 — An employer shall pay its workers wages at a rate higher than that for normal working hours in accordance with the following standards under any of the following circumstances: (1) for arranging for the

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

worker to extend the working hours, a wage of not less than 150 percent of the normal wage; (2) for arranging for the worker to work on rest days where no compensatory rest can be arranged, a wage of not less than 200 percent of the normal wage; and (3) for arranging for the worker to work on statutory holidays, a wage of not less than 300 percent of the normal wage.

Article 45 — The State shall adopt a paid annual leave system. Workers who have worked continuously for one year or more shall be entitled to paid annual leave. The specific measures shall be formulated by the State Council.

Chapter V — Wages

Article 46 — The distribution of wages shall follow the principle of distribution according to work, and equal pay shall be given for equal work. The level of wages shall be gradually raised on the basis of economic development. The State shall exercise macro-regulation and control over the total amount of wages.

Article 47 — An employer shall autonomously determine the form of wage distribution and the wage level of its own entity in accordance with the law and in light of the characteristics of its production and business operations and its economic results.

Article 48 — The State shall adopt a guaranteed minimum wage system. 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 submitted to the State Council for filing. The wages paid by an employer to its workers shall not be lower than the local minimum wage standards.

Article 49 — The determination and adjustment of the minimum wage standards shall take into account the following factors: (1) the minimum living expenses of the workers themselves and the average dependent family members; (2) the average wage level of society as a whole; (3) labor productivity; (4) the employment situation; and (5) differences in the level of economic development between regions.

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

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

Chapter VI — Work Safety and Health

Article 52 — An employer shall establish and improve a work safety and health system, strictly implement State work safety and health rules and standards, provide workers with education and training on work safety and health, prevent accidents during the labor process, and reduce occupational hazards.

Article 53 — Work safety and health facilities shall meet the standards prescribed by the State. The work safety and health facilities of a new construction, expansion, or reconstruction project shall be designed, constructed, and put into use simultaneously with the main body of the project.

Article 54 — An employer shall provide workers with work safety and health conditions and necessary labor protection articles as prescribed by the State, and shall arrange for regular health examinations for workers engaging in operations involving occupational hazards.

Article 55 — Workers engaging in special operations shall receive specialized training and obtain the qualifications required for such special operations.

Article 56 — Workers shall strictly observe safety operation procedures in the labor process. Workers shall have the right to refuse to perform operations where the managers of the employer direct operations contrary to regulations or order operations that are hazardous, and they shall have the right to criticize, report, and file

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

charges against acts that endanger their life safety and physical health.

Article 57 — The State shall establish a statistical reporting and handling system for casualties and accidents and occupational diseases. The administrative departments of labor, relevant authorities, and employers under the people's governments at or above the county level shall collect statistics, report, and handle any casualties and accidents or occupational diseases that occur to workers in the course of their labor in accordance with the law.

Chapter VII — Special Protection for Female and Juvenile Workers

Article 58 — The State shall provide special labor protection for female workers and juvenile workers. "Juvenile workers" means workers who have reached the age of 16 but not the age of 18.

Article 59 — Female workers shall not be arranged to engage in work in mines and tunnels, work involving Grade IV physical labor intensity as prescribed by the State, or other work prohibited by the State.

Article 60 — Female workers during menstruation shall not be arranged to engage in work involving high altitudes, low temperatures, cold water, or Grade III physical labor intensity as prescribed by the State.

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

Article 62 — Female workers shall be entitled to maternity leave of not less than 90 days after childbirth.

Article 63 — Female workers during the nursing period of a baby under one year of age shall not be arranged to engage in work involving Grade III physical labor intensity as prescribed by the State, other work prohibited during the nursing period, or work involving the extension of working hours or night work.

Article 64 — Juvenile workers shall not be arranged to engage in work in mines and tunnels, work involving toxic or hazardous substances, work involving Grade IV physical labor intensity as prescribed by the State, or other work prohibited by the State.

Article 65 — An employer shall arrange for regular health examinations for juvenile workers.

Chapter VIII — Vocational Training

Article 66 — The State shall develop vocational training through various channels and means, and shall conduct various types of vocational training for workers in light of social needs, so as to develop their vocational skills and enhance their quality of employment and work ability.

Article 67 — The people's governments at all levels shall incorporate the development of vocational training into their plans for social and economic development and shall encourage and support enterprises, public institutions, social organizations, and individuals that meet the conditions to conduct various forms of vocational training.

Article 68 — An employer shall establish a vocational training system, draw and use vocational training funds in accordance with the provisions of the State, and conduct vocational training for its workers in a planned way and in light of its actual situation. Workers engaging in technical work shall undergo training before taking up their posts.

Article 69 — The State shall determine occupational classifications, formulate vocational skill standards for the specified occupations, and adopt a vocational qualification certificate system. Appraisal and assessment institutions authorized by the government shall be responsible for conducting appraisal and assessment of the vocational skills of workers.

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

Chapter IX — Social Insurance and Welfare

Article 70 — The State shall develop social insurance, establish a social insurance system, 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 social affordability.

Article 72 — The sources of social insurance funds shall be determined according to the categories of insurance, and social pooling shall be gradually introduced. 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 any of the following circumstances: (1) retirement; (2) illness or injury; (3) disability caused by work-related injury or occupational disease; (4) unemployment; and (5) childbirth. The surviving family members of a worker who has died shall be entitled to subsidies for the survivors in accordance with the law. The conditions and standards for workers to enjoy social insurance benefits shall be provided for by laws and regulations. The social insurance benefits enjoyed by workers shall be paid in full and on time.

Article 74 — The agencies handling social insurance funds shall collect, expend, manage, and operate social insurance funds in accordance with the provisions of the law, and shall ensure the preservation and increase of the value of such funds. The supervisory organizations for social insurance funds shall exercise supervision over the collection, expenditure, management, and operation of social insurance funds in accordance with the provisions of the law. The establishment and functions of the agencies handling social insurance funds and the supervisory organizations for social insurance funds 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 their workers in light of their actual situation. The State shall encourage individual workers to carry out savings insurance.

Article 76 — The State shall develop social welfare undertakings, construct public welfare facilities, and provide conditions for workers to rest, recuperate, and convalesce. An employer shall create conditions to improve collective welfare and increase the welfare benefits of its 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 institute an action in accordance with the law, or may resolve it through consultation.

Article 78 — The resolution of a labor dispute shall, in accordance with the principles of legality, fairness, and timeliness, protect the lawful rights and interests of the parties to the dispute.

Article 79 — After a labor dispute arises, the parties may apply to the labor dispute mediation committee of their own entity for mediation. Where mediation fails, or one of the parties is unwilling to have mediation, the party may apply to the labor dispute arbitration committee for arbitration. A party may also directly apply to the labor dispute arbitration committee for arbitration. Where the party is dissatisfied with the arbitration award, it may institute an action in the people's court.

Article 80 — A labor dispute mediation committee may be established within an employer. The labor dispute mediation committee shall be composed of representatives of the workers, the employer, and the trade union. The chair of the labor dispute mediation committee shall be assumed by a representative of the trade union. Where an agreement is reached through mediation of a labor dispute, the parties shall perform the agreement.

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

Article 81 — A labor dispute arbitration committee shall be composed of representatives of the administrative department of labor, the trade union at the same level, and the employer. The chair of the labor dispute arbitration committee shall be assumed by a representative of the administrative department of labor.

Article 82 — A party that applies for arbitration shall submit a written application to the labor dispute arbitration committee within 60 days of the date on which the labor dispute arose. An arbitration award shall generally be made within 60 days of receipt of the application for arbitration. Where no objection is raised against the arbitration award, the parties shall perform the award.

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

Article 84 — Where a dispute arises from the conclusion of a collective contract and the parties are unable to resolve it through consultation, the administrative department of labor under the local people's government may organize the relevant parties to coordinate the resolution. Where a dispute arises from the performance of a collective contract and the parties are unable to resolve it through consultation, the party may apply to the labor dispute arbitration committee for arbitration. Where the party is dissatisfied with the arbitration award, it may institute an action in the people's court within 15 days of receipt of the arbitration award.

Chapter XI — Supervision and Inspection

Article 85 — The administrative departments of labor under the people's governments at or above the county level shall supervise and inspect the implementation by employers of laws, regulations, and rules relating to labor. They shall have the right to stop any act in violation of such laws, regulations, and rules and order rectification.

Article 86 — When the labor inspection personnel of the administrative departments of labor under the people's governments at or above the county level perform their official duties, they shall have the right to enter the employer to inspect the implementation of labor laws and regulations, consult necessary materials, and inspect the workplace. The labor inspection personnel of the administrative departments of labor under the people's governments at or above the county level shall produce their credentials when performing their official duties, enforce the law impartially, and comply with the relevant provisions.

Article 87 — The relevant departments under the people's governments at or above the county level shall, within the scope of their respective duties, supervise the implementation by employers of laws and regulations relating to labor.

Article 88 — Trade unions at all levels shall safeguard the lawful rights and interests of workers in accordance with the law and shall supervise the implementation by employers of laws and regulations relating to labor. Any organization or individual shall have the right to report and file charges against any act 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 and regulations, the administrative department of labor shall issue a warning and order rectification. Where any damage is caused to a worker, the employer shall be liable for compensation.

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

Article 91 — Where an employer infringes upon the lawful rights and interests of a worker under any of the following circumstances, the administrative department of labor shall order it to pay the worker his or her

wages and economic compensation and may order it to pay compensation: (1) deducting or delaying the payment of wages to the worker without cause; (2) refusing to pay wages to the worker for extended working hours; (3) paying wages to the worker below the local minimum wage standards; or (4) failing to pay economic compensation to the worker upon termination of the labor contract in accordance with this Law.

Article 92 — Where the work safety and health conditions and facilities of an employer do not meet the prescribed standards, or the employer fails to provide the worker with necessary labor protection articles and labor protection facilities, the administrative department of labor or other relevant authorities shall order rectification and may impose a fine. If the circumstances are serious, the people's government at or above the county level shall be requested to order the employer to suspend production for rectification. Where the employer fails to take measures against the hidden danger of an accident, thus causing a serious accident that results in the loss of life and property of the worker, the persons responsible shall be investigated for criminal liability in accordance with the law.

Article 93 — Where an employer forces a worker to engage in risky operations in violation of the rules, causing a serious casualty or accident and the circumstances are serious, the persons responsible shall be investigated for criminal liability in accordance with the law.

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

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

Article 96 — Where an employer commits any of the following acts, the public security authority shall impose a detention of up to 15 days, a fine, or a warning on the persons responsible. If the violation constitutes a crime, the persons responsible shall be investigated for criminal liability in accordance with the law: (1) forcing a worker to work by means of violence, threats, or unlawful restriction of personal freedom; or (2) humiliating, giving corporal punishment to, beating, illegally searching, or detaining a worker.

Article 97 — Where an employer causes damage to a worker due to an invalid contract concluded for reasons attributable to the employer, the employer shall be liable for compensation.

Article 98 — Where an employer terminates a labor contract in violation of the conditions specified in this Law or intentionally delays the conclusion of a labor contract, the administrative department of labor shall order rectification. Where any damage is caused to a worker, the employer shall be liable for compensation.

Article 99 — Where an employer recruits a worker whose labor contract with another employer has not yet been terminated, thereby causing economic losses to the former 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 administrative department of labor shall order it to pay within a prescribed time limit. Where the employer fails to pay within the time limit, an overdue fine may be imposed.

Article 101 — Where an employer unreasonably obstructs the administrative department of labor, the relevant authorities, or their functionaries in exercising their powers of supervision and inspection, or retaliates against informants, the administrative department of labor or other relevant authorities shall impose a fine. If the violation constitutes a crime, the persons responsible shall be investigated for criminal liability in accordance with the law.

Article 102 — Where a worker terminates a labor contract in violation of the conditions specified in this Law or breaches the confidentiality agreement stipulated in the labor contract, thereby causing economic losses

Source: https://www.danyoungcpa.com/labor-law-prc-2018-amendment-english-translation/

to the employer, the worker shall be liable for compensation in accordance with the law.

Article 103 — Where a functionary of the administrative department of labor or another relevant authority abuses his or her powers, neglects his or her duties, or engages in malpractices for personal gain, thereby constituting a crime, he or she shall be investigated for criminal liability in accordance with the law. If the violation does not constitute a crime, he or she shall be subject to administrative sanctions.

Article 104 — Where a functionary of the State or a functionary of a social insurance fund agency misappropriates social insurance funds, thereby constituting a crime, he or she shall be investigated for criminal liability in accordance with the law.

Article 105 — Where a violation of this Law infringes upon the lawful rights and interests of a worker and compensation has been ordered by another law or administrative regulation, the compensation shall be awarded in accordance with the provisions of the said law or administrative regulation.

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, formulate the steps and measures for the implementation of the labor contract system and submit them to the State Council for filing.

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

Disclaimer: This English translation is provided for informational and reference purposes only. It is not an official translation and has no official legal effect. While every effort has been made to ensure accuracy, no guarantee is made as to the completeness or correctness of the translation. For any legal purpose, the official Chinese-language text issued by the National People's Congress of the People's Republic of China shall prevail. Users should consult qualified legal professionals for advice on specific labor law matters. Dan Young Business Consultancy assumes no liability for any errors, omissions, or consequences arising from the use of this translation.