Labor Law of the PRC

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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 formulated in accordance with the Constitution of the People's Republic of China for the purposes of protecting the legitimate rights and interests of laborers, adjusting labor relations, establishing and safeguarding a labor system suited to the socialist market economy, and promoting economic development and social progress.

Article 2 — This Law applies to enterprises, individually-owned economic organizations (hereinafter referred to as "employing units") and laborers who form labor relations therewith within the territory of the People's Republic of China. State authorities, public institutions, social organizations and laborers who form labor contractual relations therewith shall be governed by this Law.

Article 3 — Laborers shall have the right to equal employment and choice of occupation, the right to receive remuneration for their labor, the right to rest and leave, the right to receive occupational safety and health protection, the right to receive training in vocational skills, the right to enjoy social insurance and welfare, the right to submit applications for settlement of labor disputes, and other labor rights stipulated by law. Laborers shall fulfill their work tasks, improve their vocational skills, implement rules on occupational safety and health, and observe labor discipline and professional ethics.

Article 4 — Employing units shall establish and improve rules and regulations in accordance with the law so as to ensure that laborers enjoy the right to work and fulfill the obligation to work.

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 laborers.

Article 6 — The State shall advocate laborers' participation in social voluntary labor, labor competitions and activities of putting forward rational suggestions, encourage and protect laborers in scientific research, technical renovation and invention, and commend and reward model workers and advanced workers.

Article 7 — Laborers shall have the right to join and organize trade unions in accordance with the law. Trade unions shall represent and safeguard the legitimate rights and interests of laborers, and carry out their activities independently in accordance with the law.

Article 8 — Laborers shall, through the assembly of workers' representatives, the workers' congress or other forms, participate in democratic management or consult with the employing unit on an equal basis regarding the protection of the legitimate rights and interests of laborers.

Article 9 — The administrative department of labor of the State Council shall be in charge of the administration of labor for the whole country. The administrative departments of labor of the local people's

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governments at or above the county level shall be in charge of the administration of labor in their respective administrative regions.

Chapter II — Promotion of Employment

Article 10 — The State shall create conditions for employment and expand employment opportunities through the promotion of economic and social development. The State shall encourage enterprises, public institutions and social organizations to establish industries or expand business operations within the scope permitted by laws and administrative regulations for the purpose of increasing employment. The State shall support laborers in voluntarily organizing to seek employment and in engaging in individually-owned businesses to achieve 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 — Laborers shall not be discriminated against in employment on the grounds of ethnicity, race, gender or religious belief.

Article 13 — Women shall have the right to equal employment with men. When recruiting employees, the sex of a person shall not be used as a criterion in rejecting female applicants unless the type of work or posts for which workers are being recruited is not suitable for women as specified by the State. The recruitment of female workers shall not be subject to increased standards of recruitment by reason of sex.

Article 14 — Where special provisions exist in laws and regulations concerning the employment of persons with disabilities, ethnic minority persons, or demobilized servicemen, such provisions shall apply.

Article 15 — Employing units shall be prohibited from recruiting juveniles under the age of 16. When recruiting juveniles who have reached the age of 16 but not the age of 18, units of literature and art, sports and special arts and crafts shall observe the relevant provisions of the State and perform the procedures for examination and approval, and shall 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 and defines the rights and obligations of both parties. Labor contracts shall be concluded in accordance with the law for the establishment of a labor relationship.

Article 17 — The conclusion and modification of a labor contract shall follow the principles of equality, voluntariness and agreement through consultation, and shall not contravene the provisions of laws and administrative regulations. A labor contract shall become legally binding immediately upon its conclusion in accordance with the law, 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 contravene laws or administrative regulations; and

(2) labor contracts concluded by means of fraud or intimidation.

An invalid labor contract shall have no legal effect from the time of its conclusion. Where a portion of a labor contract is confirmed as invalid and the remainder of the contract is unaffected by the invalidity, the remainder shall remain valid. The invalidity of a labor contract shall be confirmed by the labor dispute arbitration committee or the people's court.

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

(1) term of the labor contract;

(2) content of work;

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(3) labor protection and working conditions;

(4) labor remuneration;

(5) labor discipline;

(6) conditions for termination of the labor contract; and

(7) liability for breach of the labor contract.

In addition to the requisite clauses specified in the preceding paragraph, the parties to a labor contract may agree on other contents of the labor contract through consultation.

Article 20 — The term of a labor contract shall be classified as a fixed term, an unfixed term, or a term based on the completion of a specific workload. Where a laborer has worked for the same employing unit for 10 consecutive years or more and the parties agree to extend the labor contract, the laborer shall have the right to request the conclusion of a labor contract with an unfixed term if the laborer so proposes.

Article 21 — A probation period may be stipulated in a labor contract, but 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 trade secrets of the employing unit.

Article 23 — A labor contract shall terminate immediately upon the expiry of its term or the occurrence of the conditions for the termination of the labor contract agreed upon by the parties. Where a labor contract expires or the conditions for the termination of the labor contract agreed upon by the parties occur, and continuation of the labor contract would cause a loss in production, the employing unit may not terminate the labor contract before the loss is recovered from the responsible person.

Article 24 — A labor contract may be terminated by agreement between the parties through consultation.

Article 25 — An employing unit may terminate a labor contract if the laborer falls under any of the following circumstances:

(1) it is proved during the probation period that the laborer does not meet the conditions for recruitment;

(2) the laborer materially breaches labor discipline or the rules and regulations of the employing unit;

(3) the laborer causes a significant loss to the employing unit due to serious dereliction of duty or malpractice for personal gain; or

(4) the laborer is subject to criminal liability in accordance with the law.

Article 26 — The employing unit may terminate a labor contract by giving 30 days' written notice to the laborer in any of the following circumstances:

(1) the laborer is unable to take up his original work or any other work specially assigned to him after the completion of medical treatment for an illness or a non-work-related injury;

(2) the laborer is not competent in his work and remains unqualified after receiving training or after being assigned to another work post; or

(3) the labor contract can no longer be performed due to a major change in the objective circumstances on which the labor contract was based, and the parties are unable to reach an agreement on modification of the labor contract after consultation.

Article 27 — Where an employing unit is on the verge of bankruptcy and undergoing statutory rectification, or where the production and business situation encounters serious difficulties, the employing unit may reduce its workforce if it is truly necessary to do so. The employing unit shall explain the situation to its trade union or all of its employees 30 days in advance, listen to the opinions of the trade union or its employees, and

report to the administrative department of labor, after which it may reduce its workforce. Where an employing unit recruits personnel within six months after the reduction of its workforce in accordance with this Article, the personnel previously reduced shall have priority in being re-employed.

Article 28 — Where an employing unit terminates a labor contract in accordance with the provisions of Articles 24, 26 and 27 of this Law, it shall provide financial compensation in accordance with the relevant provisions of the State.

Article 29 — An employing unit shall not terminate a labor contract in accordance with Articles 26 and 27 of this Law if the laborer falls under any of the following circumstances:

(1) the laborer has suffered an occupational disease or a work-related injury and has been confirmed to have completely or partially lost the ability to work;

(2) the laborer is receiving medical treatment for an illness or injury within the prescribed period;

(3) the laborer is a female employee during pregnancy, confinement or nursing period; or

(4) other circumstances prescribed by laws or administrative regulations.

Article 30 — Where an employing unit terminates a labor contract and the trade union considers it inappropriate, the trade union shall have the right to raise an opinion. If the employing unit violates laws, regulations or the labor contract, the trade union shall have the right to request that the employing unit reconsider the matter. Where the laborer applies for arbitration or files a lawsuit, the trade union shall provide support and assistance in accordance with the law.

Article 31 — A laborer who intends to terminate the labor contract shall give 30 days' written notice to the employing unit.

Article 32 — A laborer may, in any of the following circumstances, notify the employing unit of the termination of the labor contract at any time:

(1) during the probation period;

(2) the employing unit compels the laborer to work by means of violence, intimidation or illegal restriction of personal freedom; or

(3) the employing unit fails to pay labor remuneration or provide working conditions in accordance with the labor contract.

Article 33 — Enterprise employees may, as a party, conclude a collective contract with the enterprise on matters such as labor remuneration, working hours, rest and leave, occupational safety and health, and insurance and welfare. The draft of the collective contract shall be submitted to the workers' congress or all of the employees for discussion and approval. A collective contract shall be concluded by the trade union on behalf of the employees and the enterprise. Where the enterprise has not yet established a trade union, the contract shall be concluded by representatives elected by the employees and the enterprise.

Article 34 — After a collective contract has been concluded, it shall be submitted to the administrative department of labor. If no objection has been raised by the administrative department of labor within 15 days from the date of receipt of the text of the collective contract, the collective contract shall automatically take effect.

Article 35 — A collective contract concluded in accordance with the law shall be binding on both the enterprise and all the employees. The standards for working conditions and labor remuneration stipulated in labor contracts concluded between individual employees and the enterprise shall not be lower than those stipulated in the collective contract.

Chapter IV — Working Hours, Rest and Leave

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

Article 37 — For laborers who work on a piece-rate basis, the employing unit shall reasonably determine the work quotas and piece-rate remuneration standards in accordance with the working hour system stipulated in Article 36 of this Law.

Article 38 — Employing units shall ensure that laborers have at least one rest day 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 measures for work and rest upon approval of the administrative department of labor.

Article 40 — Employing units shall arrange holidays for laborers in accordance with the law during the following festivals:

(1) New Year's Day;

(2) Spring Festival;

(3) International Labor Day;

(4) National Day; and

(5) other festivals and holidays prescribed by laws and regulations.

Article 41 — Employing units may extend working hours due to the needs of production or business operations after consultation with the trade union and the laborers, but the extended working hours shall generally not exceed one hour per day. Where the extension of working hours is required for special reasons, the extension shall not exceed three hours per day, and the total extension in a month shall not exceed 36 hours on the condition that the health of laborers is guaranteed.

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 the life and health of laborers or the safety of property is threatened by natural disasters, accidents or other reasons and emergency measures are required;

(2) where production equipment, transportation lines or public facilities malfunction, affecting production and the public interest, and urgent repairs must be carried out; or

(3) other circumstances prescribed by laws or administrative regulations.

Article 43 — Employing units shall not extend the working hours of laborers in violation of the provisions of this Law.

Article 44 — Where laborers are arranged to work extended hours, the employing unit shall pay the laborers wages at a rate higher than that for normal working hours in accordance with the following standards:

(1) for extended working hours, not less than 150 percent of the normal wages;

(2) for work on rest days where no compensatory rest can be arranged, not less than 200 percent of the normal wages; and

(3) for work on statutory holidays, not less than 300 percent of the normal wages.

Article 45 — The State shall practice a paid annual leave system. Laborers 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 — Wages shall be distributed according to the principle of distribution according to work, and equal pay shall be practiced for equal work. The wage levels shall be gradually raised through economic development. The State shall exercise macro-level control over total wages.

Article 47 — Employing units shall independently determine their own mode of wage distribution and wage levels in accordance with the law and based on the characteristics of their production and business operations and their economic efficiency.

Article 48 — The State shall implement a system of guaranteed minimum wages. The specific standards for minimum wages shall be determined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government, and shall be submitted to the State Council for record. Wages paid by employing units to laborers shall not be lower than the local minimum wage standards.

Article 49 — The following factors shall be taken into account in the determination and adjustment of minimum wage standards:

(1) the minimum living expenses of the laborer and the average number of dependent family members;

(2) the average wage level of the society;

(3) labor productivity;

(4) the employment situation; and

(5) the differences in the levels of economic development between regions.

Article 50 — Wages shall be paid to laborers in full and in a timely manner in the form of currency. Wages shall not be deducted or delayed without cause.

Article 51 — Employing units shall pay wages to laborers for statutory holidays, marriage or funeral leave, and periods of lawful participation in social activities in accordance with the law.

Chapter VI — Occupational Safety and Health

Article 52 — Employing units shall establish and improve the system of occupational safety and health, strictly implement the rules and standards of the State on occupational safety and health, educate laborers on occupational safety and health, prevent accidents in the process of labor, and reduce occupational hazards.

Article 53 — The facilities for occupational safety and health shall meet the standards stipulated by the State. The facilities for occupational safety and health in newly built, renovated or expanded projects shall be designed, constructed and put into use simultaneously with the main project.

Article 54 — Employing units shall provide laborers with occupational safety and health conditions that comply with the provisions of the State and with necessary articles of labor protection, and shall provide regular health examinations for laborers engaged in work with occupational hazards.

Article 55 — Laborers who engage in specialized operations shall receive specialized training and acquire the qualifications for such specialized operations.

Article 56 — Laborers shall strictly observe safety operation procedures in the process of labor. Laborers shall have the right to refuse to carry out operations ordered by the management personnel of the employing unit in violation of rules and regulations or by compelling risky operations. Laborers shall have the right to criticize, report to the authorities or bring charges against the employing unit for endangering the safety of life and health.

Article 57 — In the event of a casualty accident or occupational disease, the State shall establish a system of statistics, reporting and disposition.

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Chapter VII — Special Protection for Female and Juvenile Workers

Article 58 — The State shall provide special labor protection for female workers and juvenile workers. A juvenile worker means a laborer who has reached the age of 16 but not the age of 18.

Article 59 — Female workers shall be prohibited from engaging in work in mines, work with a Grade IV physical labor intensity as prescribed by the State, or other work forbidden to women.

Article 60 — Female workers shall be prohibited from engaging in work at high altitudes, work with low temperatures, or work with cold water during their menstrual periods, or work with a Grade III physical labor intensity as prescribed by the State.

Article 61 — Female workers shall be prohibited from engaging in work with a Grade III physical labor intensity as prescribed by the State or other work forbidden to women during pregnancy. Female workers who have been pregnant for seven months or more shall not have their working hours extended or be arranged to work at night.

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

Article 63 — Female workers shall be prohibited from engaging in work with a Grade III physical labor intensity as prescribed by the State or other work forbidden to women during the nursing period of a baby under one year of age, and shall not have their working hours extended or be arranged to work at night.

Article 64 — Juvenile workers shall be prohibited from engaging in work in mines, work involving toxic and harmful substances, work with a Grade IV physical labor intensity as prescribed by the State, or other work forbidden to juveniles.

Article 65 — Employing units shall provide regular health examinations for juvenile workers.

Chapter VIII — Vocational Training

Article 66 — The State shall develop vocational training undertakings through various channels and adopt various measures to develop the vocational skills of laborers, improve the quality of laborers, and enhance their employability and work ability.

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

Article 68 — Employing units shall establish a system of vocational training, withdraw and use training funds in accordance with the provisions of the State, and conduct vocational training of laborers in a planned manner and in light of the actual situation of the unit. Laborers engaged in technical work shall receive training before taking up their posts.

Article 69 — The State shall determine occupational classifications, formulate vocational skill standards for the specified occupations, and practice a system of vocational qualification credentials. Examination and appraisal institutions authorized by the government shall be responsible for conducting the examination and appraisal of the vocational skills of laborers.

Chapter IX — Social Insurance and Welfare

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

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

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Article 72 — The sources of social insurance funds shall be determined according to the types of insurance, and overall planning of social insurance funds shall be gradually introduced. Employing units and laborers shall participate in social insurance and pay social insurance premiums in accordance with the law.

Article 73 — Laborers shall be entitled to social insurance benefits under the following circumstances:

(1) retirement;

(2) illness or injury;

(3) disability caused by a work-related injury or occupational disease;

(4) unemployment; or

(5) childbirth.

The survivors of a deceased laborer shall be entitled to a survivor's subsidy in accordance with the law. The conditions and standards for laborers to enjoy social insurance benefits shall be stipulated by laws and regulations. The social insurance benefits to which laborers are entitled shall be paid in full and in a timely manner.

Article 74 — Social insurance fund management agencies shall collect, expend, manage and operate social insurance funds in accordance with the provisions of laws, and shall have the responsibility to preserve and increase the value of the social insurance funds. Social insurance fund supervisory agencies shall exercise supervision over the collection, expenditure, management and operation of social insurance funds in accordance with the provisions of laws. The establishment and functions of social insurance fund management agencies and social insurance fund supervisory agencies shall be stipulated by law. No organization or individual shall misappropriate social insurance funds.

Article 75 — The State encourages employing units to establish supplementary insurance for laborers in light of the actual situation. The State advocates individual laborers to engage in savings-type insurance.

Article 76 — The State shall develop social welfare undertakings and construct public welfare facilities to provide conditions for laborers to rest, recuperate and convalesce. Employing units shall create conditions to improve collective welfare and improve the welfare benefits of laborers.

Chapter X — Labor Disputes

Article 77 — Where a labor dispute arises between an employing unit and a laborer, the parties may apply for mediation, arbitration or file a lawsuit, or may resolve the dispute through consultation.

Article 78 — Labor disputes shall be resolved in accordance with the principles of legality, fairness and timeliness, so as to safeguard the legitimate rights and interests of the parties in accordance with the law.

Article 79 — After a labor dispute arises, the parties may apply to the labor dispute mediation committee of the unit for mediation. If mediation fails and one of the parties requests arbitration, the party may apply to the labor dispute arbitration committee for arbitration. The parties may also directly apply to the labor dispute arbitration committee for arbitration. If a party is dissatisfied with the arbitral award, the party may file a lawsuit with the people's court.

Article 80 — A labor dispute mediation committee may be established within the employing unit. The labor dispute mediation committee shall be composed of representatives of the employees, representatives of the employing unit and representatives of the trade union. The chairperson of the labor dispute mediation committee shall be a representative of the trade union. The parties shall implement the settlement agreement reached through mediation of the labor dispute.

Article 81 — The labor dispute arbitration committee shall be composed of representatives of the administrative department of labor, representatives of the trade union at the corresponding level and

representatives of the employing unit. The chairperson of the labor dispute arbitration committee shall be a representative of the administrative department of labor.

Article 82 — A party that requests arbitration shall submit a written application to the labor dispute arbitration committee within 60 days from the date of the occurrence of the labor dispute. An arbitral award shall generally be rendered within 60 days from the date of receipt of the arbitration application. Where the parties have no objection to the arbitral award, they shall implement the award.

Article 83 — If a party to a labor dispute is dissatisfied with an arbitral award, the party may file a lawsuit with the people's court within 15 days from the date of receipt of the arbitral award. If one of the parties neither files a lawsuit nor implements the arbitral award within the statutory period, 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 the dispute through consultation, the administrative department of labor of the local people's government may coordinate the parties in handling the dispute. Where a dispute arises from the performance of a collective contract and the parties are unable to resolve the dispute through consultation, the parties may apply to the labor dispute arbitration committee for arbitration. If a party is dissatisfied with the arbitral award, the party may file a lawsuit with the people's court within 15 days from the date of receipt of the arbitral award.

Chapter XI — Supervision and Inspection

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

Article 86 — Inspectors from the administrative departments of labor of the people's governments at or above the county level shall, in the course of performing their official duties, have the right to enter employing units to learn about the implementation of labor laws and regulations, consult the necessary materials and inspect the labor premises. Inspectors from the administrative departments of labor of the people's governments at or above the county level shall present their credentials in the course of performing their official duties, impartially enforce the law and observe the relevant provisions.

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

Article 88 — Trade unions at all levels shall safeguard the legitimate rights and interests of laborers in accordance with the law, and shall supervise the implementation of labor laws and regulations by employing units. All organizations and individuals 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 rules and regulations of an employing unit concerning labor contravene the provisions of laws or regulations, the administrative department of labor shall issue a warning and order rectification. If damage is caused to laborers, the employing unit shall be liable for compensation.

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

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Article 91 — Where an employing unit infringes upon the legitimate rights and interests of laborers in any of the following ways, the administrative department of labor shall order the employing unit to pay labor remuneration or make up for economic losses, and may order the payment of compensation:

(1) deducting or delaying the payment of labor remuneration without cause;

(2) refusing to pay labor remuneration for extended working hours;

(3) paying wages below the local minimum wage standards;

(4) failing to pay financial compensation to laborers in accordance with the provisions of this Law after termination of the labor contract; or

(5) other conduct prescribed by laws or regulations.

Article 92 — Where the occupational safety facilities and health conditions of an employing unit do not comply with the provisions of the State, or the employing unit fails to provide laborers with necessary articles of labor protection and labor protection facilities, the administrative department of labor or other relevant departments shall order rectification and may impose a fine. If the circumstances are serious, the relevant departments shall request the people's government at or above the county level to decide to order the employing unit to suspend production and carry out rectification. If the employing unit fails to take measures against hidden dangers of accidents, thereby causing a serious accident resulting in the loss of life and property of laborers, the responsible persons shall be subject to criminal liability according to the relevant provisions of the Criminal Law if the case constitutes a crime.

Article 93 — Where an employing unit compels laborers to engage in risky operations in violation of rules and regulations, thereby causing a serious casualty accident and serious consequences, the responsible persons shall be subject to criminal liability in accordance with the law.

Article 94 — Where an employing unit recruits juveniles under the age of 16 in violation of the law, the administrative department of labor shall order rectification and impose a fine. If the circumstances are serious, the market regulatory authority shall revoke the business license.

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

Article 96 — Where an employing unit falls under any of the following circumstances, the public security authority shall detain the responsible persons for not more than 15 days, impose a fine or issue a warning; if the case constitutes a crime, the responsible persons shall be subject to criminal liability in accordance with the law:

(1) compelling laborers to work by means of violence, intimidation or illegal restriction of personal freedom; or

(2) humiliating, imposing corporal punishment upon, beating, illegally conducting a search of or detaining laborers.

Article 97 — Where an employing unit causes the invalidity of a labor contract due to the employing unit's fault and damage is caused to laborers, the employing unit shall be liable for compensation.

Article 98 — Where an employing unit terminates a labor contract in violation of the conditions prescribed by this Law, or intentionally delays the conclusion of a labor contract, the administrative department of labor shall order rectification. If damage is caused to laborers, the employing unit shall be liable for compensation.

Article 99 — Where an employing unit recruits laborers whose labor contracts have not yet been terminated, thereby causing economic losses to the original employing units, the employing unit shall assume joint and

several liability for compensation in accordance with the law.

Article 100 — Where an employing unit fails to pay social insurance premiums without cause, the administrative department of labor shall order the employing unit to pay the premiums within a prescribed time limit. If the employing unit fails to pay upon expiry of the time limit, a late payment surcharge may be imposed.

Article 101 — Where an employing unit unreasonably obstructs the administrative department of labor, relevant departments and their officers from exercising their powers of supervision and inspection, or retaliates against those who report and bring charges, the administrative department of labor or the relevant department shall impose a fine. If the case constitutes a crime, the responsible persons shall be subject to criminal liability in accordance with the law.

Article 102 — Where a laborer terminates the labor contract in violation of the conditions prescribed by this Law, or violates the confidentiality provisions agreed upon in the labor contract, thereby causing economic losses to the employing unit, the laborer shall be liable for compensation in accordance with the law.

Article 103 — Where staff members of the administrative department of labor or relevant departments abuse their powers, neglect their duties or commit malpractice for personal gain, and the case constitutes a crime, they shall be subject to criminal liability in accordance with the law. If the case does not constitute a crime, they shall be subject to administrative sanctions.

Article 104 — Where public servants and staff members of social insurance fund management agencies misappropriate social insurance funds, and the case constitutes a crime, they shall be subject to criminal liability in accordance with the law.

Article 105 — Where the provisions of other laws or administrative regulations have stipulated penalties for the infringement of the lawful rights and interests of laborers as set out in this Law, the provisions of those laws or administrative regulations on penalties shall apply.

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 conditions of their respective regions, formulate the steps and measures for the implementation of the labor contract system, and report the same to the State Council for record.

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

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