

Law on the Promotion of Employment of the PRC

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Chapter I — General Provisions

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

Article 2 — The state shall make the expansion of employment a priority goal of economic and social development, implement a proactive employment policy, adhere to the principle of job seekers choosing their own jobs, the market regulating employment, and the government promoting employment, and expand employment through multiple channels.

Article 3 — Workers shall enjoy the right to equal employment and the right to choose their occupation on their own in accordance with the law. When seeking employment, workers shall not be subject to discrimination on the basis of ethnicity, race, gender, religious belief, or any other factor.

Article 4 — People's governments at or above the county level shall incorporate the expansion of employment as an important goal in their economic and social development plans and medium- and long-term plans, and promote the coordination between economic development and expansion of employment.

People's governments at or above the county level shall, through the development of the economy, the adjustment of the industrial structure, the regulation of the labor market, the improvement and strengthening of employment services, vocational education and training, and the provision of employment assistance, create employment conditions and expand employment.

Article 5 — People's governments at or above the county level shall continuously improve the fiscal policies that are conducive to the promotion of employment, increase financial input, improve the employment environment, and expand employment.

People's governments at or above the county level shall, based on the employment situation and employment work objectives, arrange special employment funds in the fiscal budget for the promotion of employment.

The special employment funds shall be used for vocational introduction, vocational training, public welfare posts, vocational skills appraisal, subsidies for specific employment policies, social insurance, and other expenditures such as small-sum guaranteed loans with discounted interest and micro-credit guarantee fund support.

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

People's governments of provinces, autonomous regions, and municipalities directly under the central government shall, based on the needs of employment promotion work, establish coordination mechanisms for employment promotion work within their respective administrative regions, and coordinate and resolve major issues in employment work within their respective administrative regions.

The relevant authorities of the people's governments at or above the county level shall, in accordance with their respective responsibilities, jointly do a good job of employment promotion work.

Article 7 — The state shall encourage workers to establish the concept of correct employment, improve their employability and entrepreneurship, and encourage them to start their own businesses and seek employment on their own.

People's governments at all levels and relevant authorities shall simplify procedures, improve efficiency, and provide convenience for workers to start their own businesses and seek employment on their own.

Article 8 — Employers shall enjoy the right to employ personnel on their own in accordance with the law. Employers shall provide workers with fair employment opportunities and fair employment conditions in

accordance with the provisions of this Law and other laws and regulations, and shall not implement employment discrimination.

Article 9 — Trade unions, communist youth leagues, women's federations, disabled persons' federations, and other social organizations shall assist the people's governments in carrying out employment promotion work and safeguard the labor rights of workers in accordance with the law.

Article 10 — People's governments at all levels and relevant authorities shall commend and reward entities and individuals that have made outstanding achievements in employment promotion work.

Chapter II — Policy Support

Article 11 — People's governments at or above the county level shall incorporate the expansion of employment as an important factor into the overall consideration in the adjustment and development of industries and investment in construction projects, and improve industrial policies and investment policies.

Article 12 — The state shall encourage all types of enterprises to create more jobs by opening up new business operations or expanding their business scale in accordance with the law, and by developing labor-intensive industries and the service sector.

The state shall encourage the development of small and medium-sized enterprises and support their development, expand employment through multiple channels, and increase employment positions.

The state shall encourage and support the development of the tertiary industry by expanding employment through multiple channels and increasing employment positions.

Article 13 — The state shall develop trade at home and abroad and international economic and technological cooperation, broaden employment channels through multiple channels.

Article 14 — When arranging government investment and determining major construction projects, people's governments at or above the county level shall take into account the factor of expanding employment and bring into play the role of investment and major construction projects in driving employment.

Article 15 — The state shall implement fiscal and taxation policies that are conducive to the promotion of employment, provide tax incentives and other support measures to enterprises that hire unemployed persons or disabled persons who meet the prescribed conditions, or to unemployed persons and disabled persons who engage in self-employment, in accordance with the law.

Article 16 — The state shall establish a sound unemployment insurance system to ensure the basic living standards of the unemployed and promote their re-employment in accordance with the law.

Article 17 — The state shall encourage enterprises to increase employment positions and assist the unemployed and the disabled in finding employment, and shall provide tax incentives to the following enterprises and persons in accordance with the law:

- (1) Enterprises that hire unemployed persons who meet the prescribed conditions and have reached the prescribed proportion;
- (2) Unemployed persons who establish enterprises that meet the prescribed conditions;
- (3) Enterprises that hire disabled persons who meet the prescribed conditions and have reached the prescribed proportion; and
- (4) Disabled persons who engage in self-employment.

Article 18 — The state shall implement labor export policies, guide the orderly and reasonable transfer of surplus agricultural labor, and improve the employment environment and conditions for surplus agricultural labor.

Article 19 — The state shall implement policies conducive to promoting employment in terms of financial services, and provide credit support to enterprises that increase employment positions and meet the prescribed conditions, as well as to workers who start their own businesses and meet the prescribed conditions, such as small-sum guaranteed loans, in accordance with the law.

Article 20 — The state shall implement an overall urban and rural employment policy, establish a sound unified human resources market system for both urban and rural workers, guide the orderly transfer of surplus agricultural labor for employment, and gradually improve policies and measures that are incompatible with the overall urban and rural employment policy.

Local people's governments at all levels shall promote employment for surplus agricultural labor by developing non-agricultural industries, managing small towns, and guiding and organizing orderly labor export.

Local people's governments at all levels shall provide guidance for employed surplus agricultural labor in handling social insurance and matters concerning their children's education, in accordance with the national uniform provisions.

Article 21 — The state shall support the development of regional economies and promote inter-regional cooperation, coordinate the employment of workers in different regions, and guide the orderly flow and employment of surplus agricultural labor.

The state shall support the development of ethnic minority areas, border areas, and poverty-stricken areas by implementing assistance policies to increase employment and expand employment.

Article 22 — People's governments at all levels shall take measures to coordinate employment, and gradually provide employment assistance services to workers in cities and towns, surplus agricultural labor, and other workers who have difficulty finding employment.

People's governments at all levels shall encourage all sectors of society to carry out employment assistance activities in accordance with the law and provide assistance to workers who have difficulty finding employment.

Article 23 — People's governments at all levels shall take measures to gradually improve and implement policies on leave and childbearing for female workers, and on pre-employment training and re-employment for unemployed persons and other workers who have difficulty finding employment.

Article 24 — Local people's governments at all levels and relevant authorities shall strengthen the guidance and services for unemployed persons in engaging in self-employment, provide policy advice, and training in relevant skills for unemployed persons and other workers, and guide registered unemployed persons, college graduates, and demobilized military personnel in establishing employment through multiple channels.

Chapter III — Fair Employment

Article 25 — People's governments at all levels shall create a fair employment environment, eliminate employment discrimination, and formulate policies and take measures to provide assistance and convenience to workers who have difficulty finding employment.

Article 26 — When an employer recruits personnel or a vocational intermediary institution engages in vocational intermediary activities, it shall provide workers with equal employment opportunities and fair employment conditions, and shall not engage in employment discrimination.

Article 27 — The state shall guarantee that women enjoy labor rights equal to those of men.

When an employer recruits personnel, it shall not refuse to recruit women or raise the recruitment standards for women on the grounds of gender, unless otherwise provided by the state for types of work or positions

not suitable for women.

When an employer recruits female workers, it shall not include terms in the labor contract that restrict the marriage or childbearing of female workers.

Article 28 — All ethnic groups shall enjoy equal labor rights.

When an employer recruits personnel, it shall provide workers of all ethnic groups with equal employment opportunities and fair employment conditions, and shall not discriminate against workers on the basis of different ethnic groups.

Article 29 — The state shall guarantee the labor rights of persons with disabilities.

People's governments at all levels shall make overall arrangements for the employment of persons with disabilities and create conditions for their employment.

When an employer recruits personnel, it shall not discriminate against persons with disabilities.

Article 30 — When an employer recruits personnel, it shall not refuse to recruit persons on the grounds that they are carriers of infectious disease pathogens. However, this shall not apply to types of work or positions for which carriers of infectious disease pathogens are prohibited from engaging in accordance with the law, as determined by the health administration authority under the State Council, before the carriers of infectious disease pathogens have been confirmed by medical appraisal to have been cured or before their infectivity has been eliminated.

Article 31 — Rural workers seeking employment in cities shall enjoy the same labor rights as urban workers and shall not be subject to discriminatory restrictions.

Chapter IV — Employment Services and Management

Article 32 — People's governments at or above the county level shall cultivate and improve a unified, open, competitive, and orderly human resources market to provide services for workers seeking employment and for employers recruiting personnel.

People's governments at or above the county level shall encourage all sectors of society to carry out employment service activities in accordance with the law, and shall strengthen the management and supervision of public employment services and vocational intermediary services, and gradually improve the public employment service system covering both urban and rural areas.

Article 33 — People's governments at or above the county level and relevant authorities shall strengthen the building of human resources market information networks and related facilities, establish a sound human resources market information release system, and provide market supply and demand information and other public employment information services to the public.

Article 34 — People's governments at or above the county level shall establish a sound public employment service system and establish public employment service institutions to provide the following services to workers free of charge:

- (1) Consultation on employment policies and regulations;
- (2) Information on job vacancies, market wage guidance levels, and vocational training;
- (3) Vocational guidance and vocational introduction;
- (4) Employment assistance services for workers who have difficulty finding employment;
- (5) Handling employment registration, unemployment registration, and other matters; and
- (6) Other public employment services.

Public employment service institutions shall continuously improve the quality and efficiency of their services and shall not engage in for-profit activities.

Local people's governments at all levels and relevant authorities, public employment service institutions, vocational introduction activities held by them, and the basic construction and maintenance of public employment service facilities shall be funded by the government at the corresponding level.

Article 35 — People's governments at or above the county level shall, in accordance with the law, regulate the recruitment practices of employers, vocational intermediary institutions, and other market intermediaries, and strictly prohibit fraud and other illegal acts.

Article 36 — People's governments at or above the county level shall gradually improve the employment registration system and unemployment registration system covering both urban and rural workers and strengthen the management of employment and unemployment registration.

Article 37 — The administrative authorities for industry and commerce and other relevant authorities of local people's governments at or above the county level shall, in accordance with their respective functions, timely report the information on the establishment, change, and cancellation of registration of enterprises to the labor security authorities at the corresponding level.

The statistical authorities of local people's governments at or above the county level and the relevant authorities of the labor security authorities shall, in accordance with their respective functions, timely report to each other information on employment and unemployment statistics.

Article 38 — People's governments at or above the county level and relevant authorities shall strengthen the management of vocational intermediary institutions and encourage them to improve the quality of their services, play their role in promoting employment, and safeguard the legitimate rights and interests of workers.

Article 39 — Those engaged in vocational intermediary activities shall have a fixed place of business, sound rules and regulations, and full-time staff with the corresponding professional qualifications, in accordance with the law.

The establishment of a vocational intermediary institution shall be subject to administrative licensing in accordance with the law. Licensed vocational intermediary institutions shall register with the administrative authorities for industry and commerce in accordance with the law.

Article 40 — The establishment of a profit-making vocational intermediary institution shall also meet other conditions prescribed by laws and regulations.

Vocational intermediary institutions shall abide by laws and regulations, operate in good faith, and shall not practice fraud, cheat, extort, or engage in other illegal activities.

Article 41 — Where a vocational intermediary institution provides intermediary services for a specific employer, it shall examine the employer's recruitment brochure and business license in accordance with the law and shall not provide intermediary services for an employer without a lawful business license.

Article 42 — A vocational intermediary institution shall clearly mark the price of its services and shall not charge service fees beyond the marked price in violation of the provisions of the state.

Chapter V — Vocational Education and Training

Article 44 — The state shall develop vocational education in accordance with the law, encourage vocational training, promote the improvement of the quality and employability of workers, and promote employment.

Article 45 — People's governments at or above the county level shall, based on economic and social development and market demand, formulate and implement plans for the development of vocational

capacity.

Article 46 — People's governments at or above the county level shall strengthen overall coordination and encourage and support all types of vocational colleges and universities, vocational skills training institutions, and employers to carry out pre-employment training, on-the-job training, re-employment training, and entrepreneurship training in accordance with the law, and encourage workers to participate in various forms of training.

Article 47 — Local people's governments at or above the county level and relevant authorities shall, based on market demand and the direction of industrial development, encourage and guide enterprises to strengthen vocational education and training and carry out vocational skills training.

Enterprises shall, in accordance with the relevant provisions of the state, extract employee education and training funds, which shall be used exclusively for employee education and training, and ensure that the workers of the enterprise participate in training.

Article 48 — The state shall take measures to establish a sound labor preparation system. Local people's governments at or above the county level shall provide a certain period of vocational education and training for junior and senior high school graduates who have not been able to continue their studies, so that they can obtain the corresponding vocational qualifications or master certain vocational skills.

Article 49 — Local people's governments at all levels shall encourage and support the employment training of unemployed persons and rural workers, guiding them to enhance their employability, entrepreneurship, and ability to adapt to changes in employment, and shall provide skill training and employment guidance to unemployed persons and rural workers in various forms, free of charge in accordance with the law.

Article 50 — Local people's governments at all levels shall take measures to gradually improve and implement policies on pre-employment training for unemployed disabled persons. The employment of disabled persons shall be incorporated into the overall arrangement, and employment security funds for disabled persons shall be used for vocational skills training for disabled persons, and rewards for entities and individuals exceeding the quota for the employment of disabled persons, in accordance with the law.

Article 51 — The state shall implement a system of vocational qualification certificates for workers engaged in types of work involving public safety, personal health, the safety of life and property, and other special types of work prescribed by laws and regulations. The specific measures shall be prescribed by the State Council.

Chapter VI — Employment Assistance

Article 52 — People's governments at all levels shall establish a sound employment assistance system, and adopt measures such as tax and fee reductions and exemptions, loan interest subsidies, social insurance subsidies, and post subsidies to assist workers who have difficulty finding employment through public welfare post placement and other means.

The term "workers who have difficulty finding employment" as used in this Law refers to persons who are unable to find employment due to their physical condition, skill level, family factors, loss of land, or other reasons, and persons who have been unemployed for a continuous period of a certain duration and still cannot find employment. The specific scope of workers who have difficulty finding employment shall be prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the central government based on the actual conditions of their respective administrative regions.

Article 53 — Public welfare posts invested in and developed by the government shall be given priority to workers who have difficulty finding employment and meet the requirements for the posts. Those who are placed in public welfare posts shall be given post subsidies in accordance with the provisions of the state.

Article 54 — Local people's governments at all levels shall strengthen community-level employment assistance services, provide employment assistance to workers who have difficulty finding employment and zero-employment families, implement employment support policies, place persons in public welfare posts in a targeted manner, and provide employment services and employment assistance in a timely manner based on the characteristics and needs of workers who have difficulty finding employment.

Article 55 — People's governments at all levels shall take special supportive measures to promote the employment of persons with disabilities.

An employer shall fulfill its obligation to assist persons with disabilities in finding employment in accordance with the prescribed proportion and shall provide them with appropriate types of work and positions.

Article 56 — For members of zero-employment families among the urban residents within their jurisdiction who are of legal working age and have the desire and ability to work, the sub-district offices and community public employment service institutions shall place at least one person in an appropriate position and provide employment within a prescribed time limit.

Local people's governments at or above the county level and their relevant authorities shall provide employment assistance to persons whose farmland has been expropriated and who have lost their land, in accordance with the law.

Where workers who have difficulty finding employment due to a shortage of resources are relocated from their original domicile, the people's governments that receive them shall make overall planning and take measures to create job positions, and provide employment assistance to the workers who have difficulty finding employment due to the relocation.

Chapter VII — Supervision and Inspection

Article 58 — People's governments at all levels and relevant authorities shall establish an employment promotion target responsibility system. People's governments at or above the county level shall, in accordance with the requirements of the target responsibility system, conduct assessments and supervision of the relevant authorities and the people's governments at the next lower level in fulfilling their employment promotion responsibilities.

Article 59 — The labor security authorities of people's governments at or above the county level shall conduct supervision and inspection of the implementation of this Law, establish a reporting system, accept reports of violations of this Law, and promptly verify and handle such reports in accordance with the law.

Article 60 — The labor security authorities shall strengthen supervision and inspection of employers' compliance with this Law, and shall have the authority to adopt the following measures:

- (1) Entering an employer's premises to conduct an inspection;
- (2) Reviewing materials relating to employment and employing personnel; and
- (3) Requiring the employer to make corrections to any violations of this Law.

Chapter VIII — Legal Liability

Article 61 — Where an administrative authority, its functionaries, or a public employment service institution violates the provisions of this Law by committing any of the following acts, the directly responsible person in charge and other directly responsible persons shall be given sanctions in accordance with the law:

- (1) Failing to perform the duties of promoting employment as required by this Law;
- (2) Embezzling or misappropriating special employment funds;
- (3) Engaging in for-profit activities in the name of a public employment service institution;

- (4) Discriminating in employment in the course of performing duties; or
- (5) Other acts in violation of this Law.

Article 62 — Where an employer commits employment discrimination in violation of the provisions of this Law, the worker may bring an action in a people's court in accordance with the law.

Article 63 — Where a local people's government, relevant authority, public employment service institution, or any of its staff holds a for-profit vocational intermediary activity in violation of the provisions of this Law, the competent authority at the next higher level shall order it to make corrections within a prescribed time limit and return the fees collected from the workers, and shall give sanctions to the directly responsible person in charge and other directly responsible persons in accordance with the law.

Article 64 — Where an employer or an individual operates a vocational intermediary institution without a license in violation of the provisions of this Law, the labor security authority or other competent authority shall close it down in accordance with the law. Where there are illegal gains, the illegal gains shall be confiscated and a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed.

Article 65 — Where a vocational intermediary institution provides false employment information in violation of the provisions of this Law, practices fraud for the purpose of profiting as a vocational intermediary, or provides intermediary services for an employer without a lawful business license, the labor security authority or other competent authority shall order it to make corrections. Where there are illegal gains, the illegal gains shall be confiscated and a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed. Where the circumstances are serious, the license shall be revoked.

Article 66 — Where a vocational intermediary institution seizes or impounds a worker's resident identity card or other documents in violation of the provisions of this Law, the labor security authority shall order it to return the resident identity card or other documents to the worker within a prescribed time limit and shall impose a fine in accordance with the relevant laws.

Where an employer seizes or impounds a worker's resident identity card or other documents in violation of the provisions of this Law, the labor security authority shall order it to return the resident identity card or other documents to the worker within a prescribed time limit and shall impose a fine in accordance with the relevant laws.

Article 67 — Where an employer violates the provisions of Article 47 of this Law by failing to withdraw employee education funds or misappropriating employee education funds, the labor security authority shall order it to make corrections and impose a fine in accordance with the law.

Article 68 — Where any entity or individual infringes upon the lawful rights and interests of workers in violation of the provisions of this Law and causes property losses or other damage, it shall bear civil liability in accordance with the law. Where a crime is constituted, criminal liability shall be investigated in accordance with the law.

Chapter IX — Supplementary Provisions

Article 69 — This Law shall come into force on January 1, 2008.

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