

Provisions on Employment Services and Employment Administration of the People's Republic of China (2022 Amendment)

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

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Chapter I — General Provisions

Article 1 — These Provisions are formulated in accordance with the Employment Promotion Law of the People's Republic of China and other relevant laws and regulations for the purposes of strengthening employment services and employment administration and standardizing job recruitment, employment introduction and employment service behaviors.

Article 2 — These Provisions shall apply to job recruitment by employers, labor supply, employment introduction, public employment services and employment administration within the territory of the People's Republic of China.

Article 3 — The human resources and social security administrative departments of people's governments at or above the county level shall be responsible for the administration and supervision of employment services and employment within their respective administrative regions.

Chapter II — Job Recruitment by Employers

Article 4 — When recruiting workers, employers shall provide equal employment opportunities to workers and shall not discriminate against them on the basis of gender, ethnicity, race, religious belief, etc.

Article 5 — When recruiting workers, employers shall truthfully inform the workers of the work content, working conditions, work location, occupational hazards, work safety conditions, labor remuneration and other information that the workers require to be informed.

Article 6 — Employers shall not recruit workers by detaining their resident identity cards or other documents, or by demanding security deposits, property or collateral from them in any form.

Article 7 — When recruiting workers, employers shall not provide false recruitment information or publish recruitment advertisements containing discriminatory content.

Article 8 — When recruiting workers, employers shall check the identity documents of the recruited persons and shall not recruit minors under the age of 16 or persons who have not obtained work permits or residence permits for foreigners as required by law.

Article 9 — Employers shall not use fraudulent, threatening or other improper means in the recruitment process.

Chapter III — Public Employment Services

Article 10 — Public employment service institutions shall provide the following services to workers free of charge: employment policy consultation, job supply and demand information, market wage guidance information, career training information, career guidance, career introduction, employment assistance services, employment and unemployment registration, and other public employment services.

Article 11 — Public employment service institutions shall continuously improve service quality and efficiency and shall not engage in for-profit activities.

Article 12 — Public employment service institutions shall establish and improve the human resources market information network and related facilities.

Chapter IV — Employment Introduction Services

Article 13 — Employment introduction institutions established for profit-making purposes shall obtain a human resources service license from the human resources and social security administrative department.

Article 14 — Employment introduction institutions shall provide employment introduction services within the scope of their license.

Article 15 — Employment introduction institutions shall publicize their business license, service items, fee standards and supervision telephone numbers.

Article 16 — Employment introduction institutions shall not provide the following employment introduction services:

1. Introducing employment to minors under the age of 16; 2. Providing false employment information; 3. Introducing workers to employers who do not have a legal business license; 4. Detaining workers' resident identity cards or demanding deposits or property from workers; 5. Other employment introduction services prohibited by laws and regulations.

Article 17 — Employment introduction institutions shall establish service records and keep them properly for future reference.

Chapter V — Supervision and Administration

Article 18 — The human resources and social security administrative departments shall strengthen supervision and inspection of employment introduction institutions.

Article 19 — The human resources and social security administrative departments shall establish a reporting and complaint system.

Article 20 — Employment introduction institutions shall accept social supervision.

Chapter VI — Legal Liability

Article 21 — Where an employer discriminates against workers in recruitment or demands security deposits, the human resources and social security administrative department shall order correction and may impose a fine.

Article 22 — Where an employer provides false recruitment information, the human resources and social security administrative department shall order correction and may impose a fine.

Article 23 — Where an employment introduction institution provides employment introduction services without authorization, the human resources and social security administrative department shall order closure and impose a fine.

Article 24 — Where an employment introduction institution provides false employment information or introduces employment to minors under the age of 16, the human resources and social security administrative department shall order correction and impose a fine.

Chapter VII — Supplementary Provisions

Article 25 — These Provisions shall come into force on January 1, 2008.

This translation is provided for informational purposes only. For legal matters, please consult the original Chinese text or seek professional legal advice. For assistance with HR compliance and employment services in China, please contact Dan Young Business Consultancy.