Provisions on the Administration of Employment Services and Employment Management

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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 the administration of employment services and employment management, regulating employment service activities, promoting employment, and safeguarding the lawful rights and interests of workers and employers.

Article 2 — These Provisions shall apply to the employment services and employment management activities conducted by public employment service institutions, for-profit employment service institutions, and employers within the territory of the People's Republic of China.

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

Chapter II — Employment Services Regulation

Article 4 — Public employment service institutions shall provide the following services free of charge:

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(1) Employment policy and regulation consultation;

(2) Job information release and job intermediary services;

(3) Vocational guidance and career assessment;

(4) Employment and unemployment registration;

(5) Employment assistance for persons with employment difficulties;

(6) Other public employment services prescribed by the State.

Article 5 — For-profit employment service institutions shall obtain a Human Resources Service License in accordance with the law before engaging in employment service activities. Employment service institutions shall not engage in the following conduct:

(1) Providing false employment information;

(2) Publishing employment information containing discriminatory content;

(3) Introducing job seekers to engage in illegal activities;

(4) Detaining the resident identity cards or other documents of job seekers;

(5) Collecting fees, deposits, or property from job seekers in the name of guarantee or in any other form;

(6) Other conduct prohibited by laws and regulations.

Article 6 — Employment service institutions shall establish sound service management systems, improve service facilities, enhance service quality, and safeguard the personal information security of service recipients.

Chapter III — Employment Management

Article 7 — Employers recruiting workers shall have legal qualifications. Employers shall not recruit workers through the following means:

(1) Providing false recruitment information;

(2) Publishing recruitment advertisements containing discriminatory content;

(3) Recruiting workers by means of fraud, coercion, or other improper means;

(4) Recruiting minors under the age of 16 unless otherwise provided by the State;

(5) Requiring job seekers to provide guarantees or collecting property from them in the name of guarantee or in any other form.

Article 8 — Employers shall register with the public employment service institution within 30 days from the date of hiring workers. The registration content includes the basic information of the employer, the number of workers hired, and information on the workers.

Article 9 — Employers shall sign written labor contracts with workers in accordance with the law, participate in social insurance, and pay social insurance premiums for workers in accordance with the law.

Article 10 — Employers laying off 20 or more workers, or laying off fewer than 20 workers but accounting for 10% or more of the total number of employees, shall report to the administrative department of human resources and social security in accordance with the law.

Article 11 — Employment service institutions shall register workers seeking employment in accordance with the relevant provisions of the State and issue the Employment and Unemployment Registration Certificate.

Source: https://www.danyoungcpa.com/provisions-administration-employment-services-employment-management-prc-2018/

Article 12 — The administrative departments of human resources and social security shall establish employment and unemployment information systems, collect and analyze employment and unemployment data, and provide basic data support for employment decision-making.

Chapter IV — Supervision and Legal Liability

Article 13 — The administrative departments of human resources and social security shall strengthen supervision and inspection of employment service institutions and employers, and promptly investigate and punish illegal acts in accordance with the law.

Article 14 — Any entity or individual shall have the right to report illegal acts of employment service institutions or employers to the administrative departments of human resources and social security. The administrative departments of human resources and social security shall handle such reports in a timely manner and keep the informants confidential.

Article 15 — Where an employment service institution, in violation of the provisions of these Provisions, commits any of the acts specified in Article 5, the administrative department of human resources and social security shall order correction in accordance with the law and impose penalties.

Article 16 — Where an employer, in violation of the provisions of these Provisions, commits any of the acts specified in Article 7, the administrative department of human resources and social security shall order correction in accordance with the law. Where the circumstances are serious, a fine of not less than RMB 5,000 but not more than RMB 10,000 shall be imposed.

Chapter V — Supplementary Provisions

Article 17 — The employment of foreigners in China shall also comply with the relevant provisions of the State on the administration of employment of foreigners in China.

Article 18 — These Provisions shall take effect on December 14, 2018. The Provisions on the Administration of Employment Services and Employment Management issued by the Ministry of Labor and Social Security on November 28, 2007, shall be repealed simultaneously.

Disclaimer: This English translation is provided for informational and reference purposes only. It is not an official translation and has no legal effect. The original Chinese text of the Provisions shall prevail in all legal matters. Employers, employment service institutions, and workers should consult qualified legal professionals for advice on specific employment services and management matters. While every effort has been made to ensure accuracy, no warranty is given as to the completeness or accuracy of this translation. Dan Young Business Consultancy assumes no liability for any errors, omissions, or reliance on this translation.