

Provisions on the Occupational Training of Enterprise Employees of the People’s Republic of China

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

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Issued by the Ministry of Labor and Social Security in accordance with the Labor Law and the Vocational Education Law of the People’s Republic of China, effective in conjunction with the Labor Law.

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Chapter I — General Provisions

Article 1 — These Provisions are formulated in accordance with the Labor Law of the People’s Republic of China, the Vocational Education Law of the People’s Republic of China and other relevant laws and regulations for the purposes of improving the quality and skill level of enterprise employees, promoting the development of enterprise employees, and enhancing enterprise competitiveness.

Article 2 — These Provisions shall apply to occupational training activities conducted by enterprises for their employees within the territory of the People’s Republic of China.

Article 3 — Enterprises shall establish an occupational training system, formulate training plans, and ensure that employees receive occupational training.

Article 4 — Employees shall have the right to receive occupational training and shall also have the obligation to improve their own vocational skills.

Article 5 — The labor administrative departments of people's governments at or above the county level shall be responsible for the administration and guidance of enterprise employee occupational training.

Chapter II — Types and Forms of Training

Article 6 — Enterprise employee occupational training includes the following types:

1. Pre-employment training: training on occupational ethics, work safety, operating procedures and job skills before new employees take up their positions; 2. On-the-job training: regular training to improve the technical and professional skills of current employees; 3. Job-change training: training for employees changing positions or processes; 4. Continuing education and training: training to update knowledge and enhance professional competence; 5. Apprenticeship training: skill training for new employees through apprenticeship programs; 6. Other training prescribed by the State.

Article 7 — Occupational training may take various forms, including theoretical lectures, operational skills practice, on-the-job tutoring, distance education, external training, etc.

Article 8 — Enterprises shall, based on the needs of production and operation, organize employees to participate in appropriate occupational training.

Chapter III — Employer Obligations

Article 9 — Enterprises shall fulfill the following occupational training obligations:

1. Formulating annual occupational training plans and ensuring their implementation; 2. Establishing and improving occupational training management systems; 3. Ensuring occupational training funding; 4. Providing necessary training venues and facilities; 5. Arranging training time for employees to participate in occupational training; 6. Establishing employee training files to record the training received by employees.

Article 10 — An employer shall provide at least the minimum required training time for each employee annually.

Article 11 — Where an employer provides specialized technical training to an employee and bears the training expenses, it may agree with the employee on a service period. Where the employee breaches the service period agreement, he shall pay liquidated damages to the employer in accordance with the agreement.

Article 12 — Enterprises shall pay wages as normal during the period when employees participate in occupational training arranged by the enterprise.

Chapter IV — Training Funds

Article 13 — Enterprises shall withdraw employee education funds at the rate of not less than 1.5 percent of the total wages, which shall be used for employee training and education expenditures.

Article 14 — Employee education funds shall be used exclusively for their designated purpose and shall not be misappropriated for other purposes.

Article 15 — Employee education funds may be used for the following expenditures:

1. Tuition fees for employees participating in external training; 2. Training material and equipment purchase costs; 3. Training instructor remuneration; 4. Venue rental and equipment costs for training; 5. Travel and accommodation expenses for employees participating in training; 6. Other expenses related to employee education and training.

Article 16 — Enterprises shall regularly publicize the use of employee education funds and accept the supervision of employees.

Chapter V — Training Institutions and Teachers

Article 17 — Enterprises may establish their own training institutions or commission external professional training institutions to provide occupational training.

Article 18 — Training instructors shall have the corresponding professional theoretical knowledge and practical operational skills.

Article 19 — Enterprises shall strengthen the management of training instructors and regularly assess and evaluate their teaching quality.

Chapter VI — Assessment and Certification

Article 20 — Enterprises shall establish an assessment system for occupational training results to evaluate employees' training effectiveness.

Article 21 — The results of occupational training assessments shall be recorded in employee training files.

Article 22 — Employees may participate in national vocational skills appraisal to obtain corresponding vocational qualification certificates.

Article 23 — Enterprises shall incorporate the results of vocational training and skills appraisal as important bases for employees' post appointments, promotions and wage adjustments.

Chapter VII — Supplementary Provisions

Article 24 — The labor administrative departments of provinces, autonomous regions and municipalities directly under the Central Government may formulate implementation rules in accordance with these Provisions.

Article 25 — These Provisions shall be implemented in accordance with the Labor Law of the People's Republic of China and the Vocational Education Law of the People's Republic of China.

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 employee training policies and HR development in China, please contact Dan Young Business Consultancy.