

Provisions on the Prohibition of Child Labor of the People's Republic of China

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

Adopted at the 45th Executive Meeting of the State Council on September 18, 2002, promulgated by Decree No. 364 of the State Council of the People's Republic of China on October 1, 2002, effective as of December 1, 2002.

Article 1 — Purpose — These Provisions are formulated in accordance with the Labor Law of the People's Republic of China and other relevant laws and regulations for the purposes of protecting the physical and mental health of minors and safeguarding their right to education.

Article 2 — Definition of Child Labor — For the purposes of these Provisions, “child labor” refers to minors under the age of 16 who have established labor relations with entities or individuals, are engaged in economic income-generating labor activities, or are engaged in individual labor activities. Where the State provides otherwise for minors under the age of 16 engaging in literary, artistic, sports and special craft activities, such provisions shall apply.

Article 3 — Prohibition Against Employing Child Labor — State organs, public organizations, enterprises, public institutions, private non-enterprise entities or individually-owned businesses (hereinafter referred to as “employers”) shall not employ minors under the age of 16. It is prohibited for any entity or individual to introduce employment to minors under the age of 16. Minors under the age of 16 are prohibited from starting businesses and engaging in individual business activities.

Article 4 — Obligation Not to Introduce Employment — No entity or individual shall introduce employment to minors under the age of 16.

Article 5 — Obligation of Parents — Parents or other guardians of minors under the age of 16 shall protect the physical and mental health of the minors and safeguard their right to compulsory education, and shall not permit them to be employed by employers illegally.

Article 6 — Employer Verification Obligation — When recruiting employees, employers must check the identity documents of the persons being recruited and shall not recruit minors under the age of 16. The identity documents of recruited persons shall be properly kept by employers for future reference.

Article 7 — Verification by Administrative Departments — In verifying and handling cases of child labor, the labor security administrative department shall have the authority to access relevant materials and question the employer and the relevant persons.

Article 8 — Repatriation Obligation — Where an employer illegally employs a minor under the age of 16, the labor security administrative department shall order it to repatriate the minor to his or her original place of residence at the employer's expense. The parents or other guardians of the child shall take back the child worker upon receiving the repatriation notice.

Article 9 — Penalties for Employers — Where an employer employs a minor under the age of 16 in violation of these Provisions, the labor security administrative department shall impose a fine of 5,000 yuan per month per child worker and shall order the employer to repatriate the child worker within a specified time limit.

Article 10 — Penalties for Employment Introduction — Where an entity or individual introduces employment to minors under the age of 16, the labor security administrative department shall impose a fine of 5,000 yuan per person, and where the occupational qualification has been obtained, the license shall be revoked by the relevant administrative department.

Article 11 — Administrative Sanctions — Where an employer provides false certificates or materials, the labor security administrative department shall impose a fine. Where the staff members of a labor security administrative department or other relevant department fail to perform their duties, they shall be subject to administrative sanctions.

Article 12 — Criminal Liability — Where illegal employment of child labor constitutes a crime, criminal liability shall be pursued in accordance with the provisions of the Criminal Law on the crime of illegal employment of child labor and other relevant provisions.

Article 13 — Exceptions for Literary and Sports Activities — Minors under the age of 16 may, in accordance with the relevant State provisions, engage in literary creation, artistic performance, sports and traditional craft activities.

Article 14 — Supplementary Provisions — These Provisions shall come into force on December 1, 2002. The Provisions on the Prohibition of Child Labor issued by the State Council on April 15, 1991 shall be repealed simultaneously.

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