

Provisions on the Prohibition of Child Labor of the PRC

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

Promulgated by Decree No. 364 of the State Council of the People's Republic of China on October 1, 2002
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Article 1 — These Provisions are formulated in accordance with the Labor Law of the People's Republic of China, the Law of the People's Republic of China on the Protection of Minors, and other relevant laws and regulations for the purposes of protecting the physical and mental health of minors, safeguarding their right to receive education, prohibiting the use of child labor, and regulating the administration of the employment of minors.

Article 2 — No state organ, social organization, enterprise, public institution, private non-enterprise unit, or self-employed industrial and commercial household (hereinafter referred to as "employer") shall employ any minor under the age of 16 (hereinafter referred to as "child labor").

No unit or individual may introduce employment to any minor under the age of 16.

No minor under the age of 16 shall be permitted to engage in self-employed business activities.

Article 3 — The parents or other guardians of a minor under the age of 16 shall protect the physical and mental health of the minor and ensure that the minor receives compulsory education. They shall not permit the minor to be illegally employed by any employer.

Where the parents or other guardians of a minor under the age of 16 permit the minor to engage in child labor, the people's governments of the townships or towns, the urban sub-district offices, the villagers' committees, and the residents' committees shall criticize and educate them.

Article 4 — When recruiting employees, an employer shall verify the identity documents of the persons to be recruited. No employer shall recruit any person who has not reached the age of 16. The employment registration and verification system shall be improved and regulated.

Article 5 — The labor security administrative departments of the people's governments at or above the county level shall be responsible for the supervision and inspection of the implementation of these Provisions.

The departments of education, public security, civil affairs, industry and commerce administration, and culture, as well as the trade unions, the communist youth league organizations, the women's federations, and other organizations shall, within the scope of their respective duties, assist in the implementation of these Provisions.

Article 6 — Where an employer uses child labor, the labor security administrative department shall impose a fine of RMB 5,000 yuan per month for each child laborer used, and shall order the employer to send the child laborer back to his or her original place of residence and to hand the child laborer over to his or her parents or other guardians within a prescribed time limit. The employer shall bear all the required transportation, board, and lodging expenses.

Where an employer fails to send the child laborer back within the prescribed time limit after being ordered by the labor security administrative department to make corrections, the labor security administrative

department shall impose a fine of RMB 10,000 yuan per month for each child laborer used, and the administrative department for industry and commerce shall revoke the employer's business license or the civil affairs department shall revoke the registration of the private non-enterprise unit. Where the employer is a state organ or a public institution, the relevant unit shall take disciplinary action against the directly responsible persons in charge and other directly responsible persons in accordance with the law.

Article 7 — Where an employer compels a child laborer to engage in work under hazardous conditions such as working at heights, underground operations, high temperatures, or long working hours, or forces a child laborer to engage in excessively heavy physical labor, or uses child laborers to engage in work involving toxic or harmful substances, the labor security administrative department shall impose a heavier fine on the basis of the standard for fines provided for in Article 6 of these Provisions.

Article 8 — Where any unit or individual introduces employment to a minor under the age of 16, the labor security administrative department shall impose a fine of RMB 5,000 yuan per person, and where a vocational intermediary institution introduces employment to a minor under the age of 16, the labor security administrative department shall also revoke its occupational intermediary permit.

Article 9 — Where a self-employed industrial and commercial household uses child labor, the labor security administrative department shall impose a fine in accordance with Articles 6 and 7 of these Provisions, and where the circumstances are serious, the administrative department for industry and commerce shall revoke its business license.

Article 10 — Where an employer or an individual that introduces employment to child laborers, or the parents or other guardians of a child laborer, commit any of the following acts in violation of laws and regulations, and where a crime is constituted, criminal liability shall be pursued by the judicial authorities in accordance with the law:

- (1) abducting and trafficking in child laborers;
- (2) forcing child laborers to work;
- (3) using child laborers to engage in work involving toxic or harmful substances; or
- (4) illegally restricting the personal freedom of child laborers.

Article 11 — The funds required by the labor security administrative departments and other relevant departments for the repatriation and resettlement of child laborers shall be included in the fiscal budgets at all levels.

Article 12 — Where a unit or individual has committed outstanding achievements in the prohibition of the use of child labor, the people's government at or above the county level or the relevant administrative department shall commend and reward the unit or individual.

Article 13 — Where, with the approval of the labor security administrative department, a literary, artistic, or sports unit recruits professional artistic workers or athletes under the age of 16, the recruitment shall be carried out in accordance with the relevant provisions of the State, and the unit shall guarantee the right of the recruited persons to receive compulsory education.

Article 14 — The labor security administrative department shall establish a supervision and reporting system for the prohibition of the use of child labor, and shall accept reports from the public. The labor security administrative department shall promptly investigate and handle violations of these Provisions discovered during inspections or reported by the public.

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

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