Regulations on the Administration of Human Resources Service Market

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

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — HR Service Provider Licensing and Filing 2

Chapter III — Norms for HR Service Activities 2

Chapter IV — Supervision and Inspection 3

Chapter V — Legal Liability 3

Chapter VI — Supplementary Provisions 4

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Table of Contents

- Chapter I — General Provisions
- Chapter II — HR Service Provider Licensing and Filing
- Chapter III — Norms for HR Service Activities
- Chapter IV — Supervision and Inspection
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Employment Promotion Law of the People's Republic of China and other relevant laws for the purposes of regulating human resources service activities, promoting the rational flow, optimal allocation, and adequate utilization of human resources, safeguarding the lawful rights and interests of job seekers and employers, and promoting the healthy development of the human resources service market.

Article 2 — These Regulations shall apply to human resources service activities within the territory of the People's Republic of China. For the purposes of these Regulations, "human resources service activities" include activities such as job intermediary services, human resources recruitment, human resources training, talent assessment, human resources management consulting, human resources outsourcing, labor dispatch, and other human resources services.

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Article 3 — The State shall encourage and support the development of the human resources service market, promote the construction of a unified, open, and competitive orderly human resources service market system, and enhance the market's ability to allocate human resources.

Article 4 — The administrative departments of human resources and social security of the State Council shall be responsible for the administration of the human resources service market nationwide. The administrative departments of human resources and social security of local people's governments at or above the county level shall be responsible for the administration of the human resources service market within their respective administrative regions.

Chapter II — HR Service Provider Licensing and Filing

Article 5 — Any entity or individual that intends to engage in job intermediary or human resources recruitment activities shall apply for an administrative license from the administrative department of human resources and social security. Upon approval, a Human Resources Service License shall be issued.

Article 6 — To apply for a Human Resources Service License, the following conditions shall be met:

(1) Having a clear business purpose and articles of association;

(2) Having a fixed business venue with the area not less than the standard prescribed by the local people's government;

(3) Having full-time staff with appropriate qualifications;

(4) Having a sound organizational structure, working rules, and management system;

(5) Other conditions prescribed by laws and regulations.

Article 7 — Entities providing human resources training, talent assessment, human resources management consulting, human resources outsourcing, and other human resources services shall file for record with the administrative department of human resources and social security within 15 working days from the date of commencement of business operations. The filing matters shall include the entity name, business premises, business scope, and contact information.

Article 8 — The administrative department of human resources and social security shall, within 20 working days from the date of receiving the application for a Human Resources Service License, make a decision on whether to grant the license in accordance with the law. Where the license is granted, the applicant shall be notified in writing and issued the license; where the license is not granted, the applicant shall be notified in writing with reasons provided.

Article 9 — The Human Resources Service License shall specify the service scope, validity period, issuing authority, and date of issuance. The validity period of the license shall be determined by the issuing authority but shall not exceed five years.

Chapter III — Norms for HR Service Activities

Article 10 — Human resources service providers shall display their business licenses, Human Resources Service Licenses, service items, fee standards, and supervision and complaint telephone numbers in a prominent position at their service venues.

Article 11 — Human resources service providers shall establish service ledgers, which shall truthfully record information such as service recipients, service content, service fees, and service results. The service ledgers shall be kept for at least two years from the date of completion of the service.

Article 12 — Human resources service providers shall not engage in the following conduct:

(1) Providing false employment information;

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(2) Publishing employment information containing discriminatory content;

(3) Defrauding job seekers of their property by concealing the truth or providing false promises;

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

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

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

(7) Disclosing or illegally providing personal information of job seekers;

(8) Other conduct prohibited by laws and regulations.

Article 13 — Human resources service providers shall protect the lawful rights and interests of job seekers in terms of remuneration, social insurance, labor safety, and other aspects, and shall not damage the lawful rights and interests of job seekers.

Article 14 — Human resources service providers providing labor dispatch services shall also comply with the relevant provisions of the State on labor dispatch.

Chapter IV — Supervision and Inspection

Article 15 — The administrative departments of human resources and social security shall strengthen supervision and inspection of human resources service providers and promptly investigate and punish illegal acts in accordance with the law.

Article 16 — The administrative departments of human resources and social security shall establish a public complaint and reporting system, publish complaint and reporting telephone numbers, email addresses, and other contact information, and accept complaints and reports on illegal acts in the human resources service market.

Article 17 — The administrative departments of human resources and social security shall establish a credit record system for human resources service providers, incorporate credit information into the credit information sharing platform, and implement categorized supervision.

Article 18 — When conducting supervision and inspection, the administrative departments of human resources and social security shall have at least two staff members present, produce their law enforcement credentials, and prepare written records of the inspection.

Chapter V — Legal Liability

Article 19 — Where any entity or individual, in violation of the provisions of these Regulations, engages in job intermediary or human resources recruitment activities without obtaining a Human Resources Service License, the administrative department of human resources and social security shall order cessation of the illegal business activities, confiscate the illegal earnings, and impose a fine of not less than RMB 10,000 but not more than RMB 50,000.

Article 20 — Where a human resources service provider fails to file for record in accordance with the provisions of these Regulations, the administrative department of human resources and social security shall order correction within a specified period. Where correction is refused within the specified period, a fine of not less than RMB 5,000 but not more than RMB 20,000 shall be imposed.

Article 21 — Where a human resources service provider, in violation of the provisions of these Regulations, commits any of the acts specified in Article 12, the administrative department of human resources and social security shall order correction. Where there are illegal earnings, the illegal earnings shall be confiscated and a fine of not less than one time but not more than five times the illegal earnings shall be imposed. Where there are no illegal earnings, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be

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imposed. Where the circumstances are serious, the Human Resources Service License shall be revoked.

Article 22 — Where a human resources service provider publishes employment information containing discriminatory content, 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 VI — Supplementary Provisions

Article 23 — The administrative departments of human resources and social security of provinces, autonomous regions, and municipalities directly under the Central Government may, in accordance with these Regulations, formulate specific implementation measures in light of local actual conditions.

Article 24 — The establishment of branches by foreign-invested human resources service providers within the territory of China shall comply with the provisions of these Regulations on human resources service licensing and filing.

Article 25 — These Regulations shall take effect on October 1, 2018. The Regulations on the Administration of the Human Resources Market (Order No. 7 of 2001 of the Ministry of Personnel and the State Administration for Industry and Commerce) 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 Regulations shall prevail in all legal matters. Human resources service providers, job seekers, and employers should consult qualified legal professionals for advice on specific HR service market 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.