

Regulations on the Employment of Persons with Disabilities of the PRC

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

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Article 1 — These Regulations are formulated in accordance with the Law of the People's Republic of China on the Protection of Persons with Disabilities and other relevant laws and regulations for the purposes of promoting the employment of persons with disabilities and safeguarding their labor rights.

Article 2 — The State shall adopt a policy of combining centralized employment with dispersed employment for persons with disabilities, and shall promote the employment of persons with disabilities through multiple channels, at multiple levels, and in multiple forms.

Article 3 — State organs, public institutions, social organizations, enterprises, private non-enterprise units, and other employers (hereinafter collectively referred to as "employers") shall fulfill their obligation to support the employment of persons with disabilities in accordance with the provisions of laws and regulations.

Article 4 — An employer shall arrange employment for persons with disabilities at a ratio of not less than 1.5% of the total number of its employees. The specific ratio shall be prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in light of actual local conditions.

Article 5 — Where an employer fails to meet the required ratio for the employment of persons with disabilities, it shall pay a disabled person employment security fund (hereinafter referred to as the "security fund").

Article 6 — The security fund shall be collected by the tax authorities on behalf of the disabled persons' federations. The amount of the security fund payable shall be calculated on the basis of the shortfall in the number of persons with disabilities employed by the employer in the preceding year and the average annual wages of employees where the employer is located.

Article 7 — The security fund collected shall be included in the fiscal budget and shall be used exclusively for the following purposes:

- (1) subsidizing the employment of persons with disabilities;
- (2) providing vocational training for persons with disabilities;
- (3) rewarding employers that have made outstanding achievements in employing persons with disabilities in excess of the required ratio; and
- (4) other expenditures directly related to the employment of persons with disabilities.

Article 8 — The State shall encourage employers to employ persons with disabilities in excess of the required ratio. Employers that employ persons with disabilities in excess of the required ratio shall be given tax incentives and other preferential treatment in accordance with the relevant State provisions.

Article 9 — Centralized employment units for persons with disabilities, such as welfare enterprises and blindness massage institutions established by the civil affairs departments or disabled persons' federations, shall have persons with disabilities accounting for not less than 25% of their total number of employees on the job.

Article 10 — An employer recruiting persons with disabilities shall enter into employment contracts with them in accordance with the law, and shall provide them with appropriate types of work, positions, and working conditions.

Article 11 — An employer shall provide reasonable accommodation and accessible conditions in the workplace for persons with disabilities employed, so as to facilitate their work and mobility.

Article 12 — An employer shall ensure that persons with disabilities employed enjoy equal pay for equal work. The wages of persons with disabilities employed shall not be lower than the local minimum wage standard.

Article 13 — An employer shall pay social insurance premiums for persons with disabilities employed in accordance with the law, and shall not discriminate against persons with disabilities in terms of promotion, professional title evaluation, and other benefits.

Article 14 — An employer shall provide on-the-job technical training or vocational skills training for persons with disabilities employed, so as to improve their job skills.

Article 15 — An employer shall not dismiss or lay off persons with disabilities employed without cause. Where dissolution or termination of the employment contract with a person with a disability is necessary due to statutory circumstances, the employer shall timely notify the local disabled persons' federation for the record.

Article 16 — The disabled persons' federations shall be responsible for the organization, coordination, and service work relating to the employment of persons with disabilities, including:

- (1) conducting surveys and statistics on the employment of persons with disabilities;
- (2) providing employment registration, vocational guidance, and job placement services for persons with disabilities;
- (3) recommending suitable positions and types of work for persons with disabilities to employers;
- (4) organizing vocational skills training for persons with disabilities; and
- (5) supervising employers' compliance with the ratio-based employment requirements.

Article 17 — The human resources and social security administrative departments shall exercise supervision and inspection over employers' compliance with the provisions on the employment of persons with disabilities, and shall safeguard the lawful rights and interests of persons with disabilities in employment.

Article 18 — Tax authorities shall implement tax preferential policies for the employment of persons with disabilities in accordance with the relevant State provisions.

Article 19 — Employers that have met or exceeded the required ratio for the employment of persons with disabilities may apply to the relevant departments for the corresponding tax incentives and subsidies.

Article 20 — The State shall encourage and support persons with disabilities to start their own businesses or to seek self-employment. Persons with disabilities who start their own businesses shall be given support in accordance with the relevant State provisions, including small-sum loans, tax reductions or exemptions, and waiver of administrative fees.

Article 21 — The State shall encourage and support the development of sheltered employment for persons with disabilities, and shall provide support for persons with disabilities who have difficulty finding employment

in the competitive labor market to engage in productive labor in sheltered employment institutions.

Article 22 — All levels of people's governments shall develop public welfare positions, giving priority to the employment of persons with disabilities who meet the job requirements.

Article 23 — Rural persons with disabilities shall be supported in engaging in cultivation, animal husbandry, handicraft industries, and other forms of productive labor.

Article 24 — An employer that fails to arrange employment for persons with disabilities at the required ratio and refuses to pay the security fund shall be ordered by the finance department to pay within a prescribed time limit, and a late payment surcharge shall be imposed in accordance with the law.

Article 25 — Where an employer discriminates against, insults, or mistreats a person with a disability employed, the person with a disability may file a complaint with the disabled persons' federation, the human resources and social security administrative department, or other relevant departments, which shall order the employer to make corrections in accordance with the law.

Article 26 — Where an employer commits fraud to fraudulently obtain tax incentives, subsidies, or other preferential treatment for the employment of persons with disabilities, the relevant departments shall recover the fraudulently obtained benefits and impose penalties in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 27 — Where a staff member of a government department responsible for the administration of the employment of persons with disabilities abuses his or her power, neglects his or her duty, or engages in malpractice for personal gain, disciplinary action shall be taken in accordance with the law; and where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 28 — The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate specific implementing measures in accordance with these Regulations and in light of local actual conditions.

Article 29 — The State Council shall be responsible for the interpretation of these Regulations.

Article 30 — These Regulations shall come into force on May 1, 2007.

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