Regulations on the Handling of Social Insurance of the PRC

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

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Chapter I — General Provisions

Article 1 — These Regulations are enacted, in accordance with the Social Insurance Law of the People's Republic of China, for the purposes of standardizing the handling of social insurance, optimizing social insurance services, safeguarding the safety of social insurance funds, protecting the lawful rights and interests of employers and individuals, and promoting social fairness.

Article 2 — These Regulations apply to the handling of social insurance prescribed by the state, including basic old-age insurance, basic medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance.

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Article 3 — The handling of social insurance shall uphold the leadership of the Communist Party of China, adhere to a people-centered approach, and follow the principles of lawfulness, convenience, timeliness, openness, and safety.

Article 4 — The human resources and social security administrative department of the State Council shall be in charge of the nationwide handling of social insurance such as basic old-age insurance, work-related injury insurance, and unemployment insurance. The medical security administrative department of the State Council shall be in charge of the nationwide handling of social insurance such as basic medical insurance and maternity insurance.

The human resources and social security administrative departments of local people's governments at or above the county level shall, according to the pooling levels, be in charge of the handling of social insurance such as basic old-age insurance, work-related injury insurance, and unemployment insurance. The medical security administrative departments of local people's governments at or above the county level shall, according to the pooling levels, be in charge of the handling of social insurance such as basic medical insurance and maternity insurance.

Article 5 — The human resources and social security administrative department, the medical security administrative department, and other relevant departments of the State Council shall, according to their respective duties, cooperate closely and coordinate with each other to jointly do a good job of handling social insurance.

Local people's governments at or above the county level shall strengthen their leadership over the handling of social insurance within their respective administrative regions, enhance the capacity-building for handling social insurance, and provide guarantees for the handling of social insurance.

Chapter II — Social Insurance Registration and Transfer of Relations

Article 6 — An employer shall complete social insurance registration simultaneously with registration at the registration administration authority.

Where an individual applies for social insurance registration, the citizen identification number shall be used as the social security number, and the individual shall obtain a social security card and an electronic medical insurance voucher. The social insurance handling agency shall complete the handling within 10 working days from the date of receipt of the application.

Article 7 — The social security card is the voucher for an individual's participation in social insurance such as basic old-age insurance, basic medical insurance, work-related injury insurance, unemployment insurance, and maternity insurance, and for enjoying various social insurance benefits, and includes physical social security cards and electronic social security cards.

The electronic medical insurance voucher is the voucher for an individual's participation in social insurance such as basic medical insurance and maternity insurance, and for enjoying social insurance benefits such as basic medical insurance and maternity insurance benefits.

Article 8 — The registration administration authority shall share information on the establishment, change, and deregistration registration of employers with the social insurance handling agency, and the public security, civil affairs, health, judicial administration, and other departments shall share information on individuals' births, deaths, and household registration, transfer, and cancellation with the social insurance handling agency.

Article 9 — Where there is a change in an employer's nature, bank account, employment, or other insurance-participation information, or a change in an individual's insurance-participation information, the employer or individual shall promptly notify the social insurance handling agency. The social insurance handling agency shall compare and verify the insurance-participation information provided by employers and

individuals against the shared information.

Article 10 — Where an employer or individual applies for a change in or cancellation of social insurance registration, the social insurance handling agency shall complete the handling within 10 working days from the date of receipt of the application. Where an employer cancels its social insurance registration, it shall first settle the outstanding social insurance premiums, late payment fees, and fines.

Article 11 — The social insurance handling agency shall promptly, completely, and accurately record the following information:

(1) the status of social insurance registration;

(2) the payment of social insurance premiums;

(3) the enjoyment of social insurance benefits;

(4) the status of individual accounts; and

(5) other circumstances related to the handling of social insurance.

Article 12 — Where an individual participating in basic old-age insurance for employees seeks employment across pooling areas, the individual's basic old-age insurance relation for employees shall be transferred accordingly.

Where an individual participating in basic old-age insurance for employees moves between employers of different natures, such as between government agencies or public institutions and enterprises, the individual's basic old-age insurance relation for employees shall be transferred accordingly.

Where an individual participating in basic old-age insurance for urban and rural residents who has not yet enjoyed benefits migrates with household registration across pooling areas, the individual's basic old-age insurance relation for urban and rural residents may be transferred accordingly.

Article 13 — Where an individual participating in basic medical insurance for employees seeks employment across pooling areas, the individual's basic medical insurance relation for employees shall be transferred accordingly.

Where an individual participating in basic medical insurance for urban and rural residents migrates with household registration across pooling areas or changes habitual residence, the individual's basic medical insurance relation for urban and rural residents may be transferred accordingly as required.

The transfer of relations between basic medical insurance for employees and basic medical insurance for urban and rural residents shall be carried out in accordance with the relevant provisions.

Article 14 — Where an individual participating in unemployment insurance seeks employment across pooling areas, the individual's unemployment insurance relation shall be transferred accordingly.

Article 15 — Where an individual participating in work-related injury insurance or maternity insurance seeks employment across pooling areas, the individual shall participate in work-related injury insurance or maternity insurance in the new place of employment.

Article 16 — Where an employer or individual completes the formalities for the transfer and continuation of social insurance relations, the social insurance handling agency shall complete the handling within the prescribed time limit and notify the employer or individual of the result, or provide a service for inquiring about the status of the handling.

Article 17 — Military organs and social insurance handling agencies shall, according to their respective duties, handle the formalities for the transfer and continuation of relations between military insurance and social insurance.

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The social insurance handling agency shall provide priority services for handling the formalities for the transfer and continuation of relations between military insurance and social insurance.

Chapter III — Determination and Payment of Social Insurance Benefits

Article 18 — An employer or individual shall, in accordance with state provisions, submit to the social insurance handling agency an application for receiving basic old-age pension. The social insurance handling agency shall complete the handling within 20 working days from the date of receipt of the application.

Article 19 — Where an individual participating in basic old-age insurance for employees dies, or an unemployed person dies while receiving unemployment insurance benefits, the surviving dependents may, in accordance with the law, apply to the social insurance handling agency for funeral subsidies and pensions for the surviving dependents. The social insurance handling agency shall promptly verify the relevant circumstances and determine and pay the funeral subsidies and pensions for the surviving dependents in accordance with regulations.

Article 20 — The portion of an individual's medical expenses and maternity medical expenses payable by the basic medical insurance (including maternity insurance) fund shall, upon review by the social insurance handling agency, be settled directly with medical institutions and pharmaceutical distribution entities.

Where an individual applies for manual reimbursement under special circumstances, the individual shall provide the social insurance handling agency with the charge receipts, expense lists, diagnostic certificates, and medical records from medical institutions and pharmaceutical distribution entities. The social insurance handling agency shall review the charge receipts, expense lists, diagnostic certificates, and medical records and complete the handling within 30 working days from the date of receipt of the application.

Where an individual participating in maternity insurance applies for maternity allowance, the individual shall provide the social insurance handling agency with medical records. The social insurance handling agency shall review the medical records and complete the handling within 10 working days from the date of receipt of the application.

Article 21 — Where an employee with a work-related injury and the employer apply, in accordance with the law, for work capacity assessment, confirmation of the allocation of assistive devices, confirmation of the extension of the period of suspension from work with pay, or confirmation of the recurrence of an old work-related injury, they shall provide the social insurance handling agency with diagnostic certificates and medical records.

Article 22 — The portion of an individual's medical expenses for treating a work-related injury, rehabilitation expenses, and expenses for installing and allocating assistive devices payable by the work-related injury insurance fund shall, upon review by the social insurance handling agency, be settled directly with medical institutions and assistive device allocation institutions.

Where an employer or individual applies for manual reimbursement under special circumstances, it or he shall provide the social insurance handling agency with the charge receipts, expense lists, diagnostic certificates, and medical records from medical institutions and assistive device allocation institutions. The social insurance handling agency shall review the charge receipts, expense lists, diagnostic certificates, and medical records and complete the handling within 20 working days from the date of receipt of the application.

Article 23 — The human resources and social security administrative department and the medical security administrative department shall, according to their respective duties, establish and improve a settlement system for medical expenses incurred in medical treatment away from the place of insurance. The social insurance handling agency shall do a good job of settling medical expenses incurred in medical treatment away from the place of insurance.

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Article 24 — Where an individual applies for unemployment insurance benefits, the social insurance handling agency shall complete the handling within 10 working days from the date of receipt of the application.

Where an individual is receiving unemployment insurance benefits, the social insurance handling agency shall pay from the unemployment insurance fund the basic medical insurance (including maternity insurance) premiums that the individual should pay.

Where an individual applies for subsidies such as vocational training subsidies, the individual shall provide a vocational qualification certificate or a vocational skill level certificate. The social insurance handling agency shall review the vocational qualification certificate or vocational skill level certificate and complete the handling within 10 working days from the date of receipt of the application.

Article 25 — Where an individual is in a circumstance prescribed by the state for ceasing to enjoy social insurance benefits, the employer, the benefit recipient, or the recipient's relatives shall notify the social insurance handling agency within 20 working days from the date of occurrence of the relevant circumstance. The social insurance handling agency shall cease payment of the corresponding social insurance benefits upon verification.

Article 26 — The social insurance handling agency shall verify the eligibility to enjoy social insurance benefits by means such as information comparison and self-service authentication. Where the eligibility to enjoy social insurance benefits cannot be confirmed by means such as information comparison and self-service authentication, the social insurance handling agency may entrust an employer or a third-party institution to conduct verification.

Where there is suspicion that a person continues to enjoy benefits after losing eligibility to enjoy social insurance benefits, the social insurance handling agency shall investigate and verify. Where investigation confirms that the person does not meet the eligibility to enjoy social insurance benefits, payment of the benefits shall cease.

Chapter IV — Social Insurance Handling Services and Administration

Article 27 — The social insurance handling agency shall, by relying on the social insurance public service platform and the medical security information platform, realize the handling of social insurance across departments and across pooling areas.

Article 28 — The social insurance handling agency shall promote the coordinated handling of social insurance handling matters with related government service matters. Social insurance handling windows shall be stationed in government service centers to provide one-stop services for employers and individuals.

The human resources and social security administrative department and the medical security administrative department shall strengthen the capacity to provide social insurance handling services and achieve full coverage at the provincial, city, county, township (subdistrict), and village (community) levels.

Article 29 — Employers and individuals may handle social insurance affairs through service channels such as government websites, mobile terminals, and self-service terminals, and may also handle them on-site at social insurance handling windows.

Article 30 — The social insurance handling agency shall strengthen the building of an accessible environment, provide accessible information exchange, improve accessible service facilities and equipment, and provide convenience for special groups such as the elderly and persons with disabilities by means such as authorized agency handling and door-to-door services.

Article 31 — Where, in handling social insurance affairs, the social insurance handling agency requires employers or individuals to provide evidentiary materials other than identity documents, there shall be a basis in laws, regulations, or decisions of the State Council.

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Article 32 — The social insurance handling agency shall provide employers and individuals, free of charge, with services such as inquiry and verification of social insurance premium payment and social insurance benefit records and social insurance consultation.

Article 33 — The social insurance handling agency shall, according to the needs of its handling work, negotiate and conclude service agreements with institutions meeting the relevant conditions so as to standardize social insurance service conduct. The human resources and social security administrative department and the medical security administrative department shall strengthen supervision over the conclusion and performance of service agreements.

Article 34 — The social insurance handling agency under the medical security administrative department shall improve fund payment and settlement services, strengthen the administration of service agreements, and establish and improve a collective consultation and negotiation mechanism.

Article 35 — The social insurance handling agency shall properly keep social insurance handling information and ensure the completeness, accuracy, and safety of the information.

Article 36 — The social insurance handling agency shall establish and improve internal control systems for business, finance, safety, and risk management.

The social insurance handling agency shall regularly inspect and evaluate the formulation and implementation of the internal control systems and rectify the problems discovered.

Article 37 — The social insurance handling agency shall define the powers and responsibilities of posts and implement tiered review of key business and high-risk business.

Article 38 — The social insurance handling agency shall strengthen the application management of information systems, improve information verification mechanisms, and record the process of business handling.

Article 39 — The social insurance handling agency shall specifically prepare the draft budget for social insurance funds for the next year and submit it to the human resources and social security administrative department and the medical security administrative department at the same level for review and summarization. The draft revenue budget for social insurance funds shall be specifically prepared by the social insurance handling agency together with the social insurance premium collection institution.

Article 40 — The social insurance handling agency shall establish an expenditure account for social insurance funds, to be used for receiving funds allocated from the special fiscal account, paying fund expenditures, remitting funds to handling agencies at higher levels, and allocating funds to handling agencies at lower levels.

Article 41 — The social insurance handling agency shall conduct accounting and reconciliation of social insurance funds in accordance with the state's unified accounting system.

Article 42 — The social insurance handling agency shall inspect the following matters:

(1) the status of social insurance registration and enjoyment of benefits;

(2) the performance of service agreements by social insurance service institutions and the implementation of expense settlement items and standards; and

(3) other matters prescribed by laws and regulations.

Article 43 — Where the social insurance handling agency discovers that a social insurance service institution has violated a service agreement, it may urge the institution to perform the service agreement, and may, in accordance with the service agreement, suspend or withhold payment of expenses, recover expenses paid in violation of the agreement, or suspend the social insurance services involving the use of social insurance funds by the relevant responsible persons or the department in which they work, up to termination of the

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service agreement. The social insurance service institution and its relevant responsible persons shall have the right to make statements and defenses.

Article 44 — Where the social insurance handling agency discovers that an employer, individual, or social insurance service institution has violated social insurance laws, regulations, or rules, it shall order rectification. Where the party refuses to rectify, or where the matter should be handled by the human resources and social security administrative department or the medical security administrative department in accordance with the law, the matter shall be promptly transferred to the human resources and social security administrative department or the medical security administrative department for handling.

Article 45 — The human resources and social security administrative department and the medical security administrative department of the State Council shall, together with the relevant departments, establish a social insurance credit management system and specify the standards for identifying the list of seriously untrustworthy entities in the field of social insurance.

The social insurance handling agency shall truthfully record the untrustworthy conduct of employers, individuals, social insurance service institutions, and their staff members in violating social insurance laws and regulations.

Article 46 — Where an individual has received social insurance benefits in excess, the social insurance handling agency shall order the return of the excess. Where it is difficult to return the excess in a lump sum, a repayment agreement may be signed for return in installments, or the excess may be offset against the social insurance benefits subsequently enjoyed by the individual or the balance of the individual's account.

Chapter V — Supervision of Social Insurance Handling

Article 47 — The human resources and social security administrative department and the medical security administrative department shall, according to their respective duties, supervise and inspect the following matters of the social insurance handling agency:

(1) the implementation of social insurance laws, regulations, and rules;

(2) the handling of matters such as social insurance registration and payment of benefits;

(3) the management of social insurance funds;

(4) the conclusion and performance of service agreements with social insurance service institutions; and

(5) other matters prescribed by laws and regulations.

The finance department and audit organs shall, according to their respective duties, supervise the relevant work of the social insurance handling agency in accordance with the law.

Article 48 — The human resources and social security administrative department and the medical security administrative department shall, according to their respective duties, strengthen supervision and inspection of the compliance of social insurance service institutions, employers, and individuals with social insurance laws, regulations, and rules. Social insurance service institutions, employers, and individuals shall cooperate, truthfully provide materials relating to social insurance, and shall not refuse inspection or make false or concealed reports.

Where the human resources and social security administrative department or the medical security administrative department discovers that a social insurance service institution or an employer has violated social insurance laws, regulations, or rules, it shall, according to its respective duties, put forward handling opinions, urge rectification, and may conduct interviews with the relevant responsible persons.

Article 49 — The human resources and social security administrative department, the medical security administrative department, the social insurance handling agency, and their staff members shall protect the

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information of employers and individuals in accordance with the law and shall not disclose it in any form.

Article 50 — The human resources and social security administrative department and the medical security administrative department shall keep supervision channels open and encourage and support all sectors of society in supervising the handling of social insurance.

The social insurance handling agency shall periodically make public the status of participation in social insurance and the revenue, expenditure, balance, and income of social insurance funds, listen to the opinions and suggestions of employers and individuals, and accept social supervision.

Trade unions and enterprise representative organizations shall promptly reflect the opinions and suggestions of employers and individuals on the handling of social insurance.

Article 51 — Any organization or individual shall have the right to report or complain about conduct that violates social insurance laws, regulations, or rules.

The human resources and social security administrative department and the medical security administrative department shall handle, in accordance with the law, the reports and complaints concerning social insurance that they receive.

Article 52 — Where an employer or individual believes that the social insurance handling agency has infringed upon its or his social insurance rights and interests in the handling of social insurance, it or he may apply for administrative reconsideration or file an administrative lawsuit in accordance with the law.

Chapter VI — Legal Liability

Article 53 — Where a social insurance handling agency or any of its staff members commits any of the following acts, the human resources and social security administrative department or the medical security administrative department shall, according to its respective duties, order rectification; where losses are caused to social insurance funds, employers, or individuals, liability for compensation shall be borne in accordance with the law; and the responsible leading persons and directly responsible persons shall be given sanctions in accordance with the law:

(1) failing to perform the statutory duties of social insurance handling;

(2) requiring the provision of evidentiary materials in violation of the provisions;

(3) withholding or failing to pay social insurance benefits on time;

(4) losing or tampering with social insurance data and individual rights records such as premium payment records and social insurance benefit records; or

(5) violating the internal control systems for social insurance handling.

Article 54 — Where the human resources and social security administrative department, the medical security administrative department, the social insurance handling agency, or any of their staff members discloses the information of employers or individuals, the responsible leading persons and directly responsible persons shall be given sanctions in accordance with the law; where losses are caused to employers or individuals, liability for compensation shall be borne in accordance with the law.

Article 55 — Whoever obtains expenditure from social insurance funds by fraud, fabricating evidentiary materials, or other means shall be ordered by the human resources and social security administrative department or the medical security administrative department, according to its respective duties, to make a return and shall be fined not less than two times but not more than five times the amount obtained by fraud; where the party is a designated medical or pharmaceutical institution, it shall be ordered to suspend the social insurance services involving the use of social insurance funds of the relevant responsible department for not less than six months but not more than one year, up to termination of the service agreement by the

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social insurance handling agency; where the party is another social insurance service institution, the social insurance handling agency shall terminate the service agreement. Where the responsible leading persons and directly responsible persons hold practicing qualifications, the relevant competent department shall revoke their practicing qualifications in accordance with the law.

Article 56 — Where social insurance funds are concealed, transferred, embezzled, misappropriated, or invested and operated in violation of regulations, the human resources and social security administrative department, the medical security administrative department, the finance department, and audit organs shall, according to their respective duties, order recovery of the funds; where there are illegal gains, the illegal gains shall be confiscated; and the responsible leading persons and directly responsible persons shall be given sanctions in accordance with the law.

Article 57 — Where a social insurance service institution refuses supervision and inspection by the human resources and social security administrative department or the medical security administrative department, or makes false or concealed reports of the relevant circumstances, the human resources and social security administrative department or the medical security administrative department shall, according to its respective duties, order rectification and may conduct interviews with the relevant responsible persons; where the institution refuses to rectify, it shall be fined not less than RMB 10,000 but not more than RMB 50,000.

Article 58 — Public officials who abuse their powers, neglect their duties, or practice favoritism or commit irregularities in the handling of social insurance shall be given sanctions in accordance with the law.

Article 59 — Whoever violates these Regulations, where the act constitutes a violation of public security administration, shall be given a public security administration punishment in accordance with the law; and where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 60 — The social insurance handling agencies referred to in these Regulations mean the institutions under the human resources and social security administrative department that handle social insurance such as basic old-age insurance, work-related injury insurance, and unemployment insurance, and the institutions under the medical security administrative department that handle social insurance such as basic medical insurance and maternity insurance.

Article 61 — The social insurance service institutions referred to in these Regulations mean medical institutions, pharmaceutical distribution entities, assistive device allocation institutions, institutions entrusted with unemployment insurance training, and other institutions that have concluded service agreements with social insurance handling agencies to provide social insurance services.

Article 62 — The social security card may be loaded with financial functions, and places where conditions permit may expand the scope of application of the social security card and improve the efficiency of services for people's well-being. The electronic medical insurance voucher may, as needed, be loaded with relevant service functions.

Article 63 — These Regulations shall come into force on December 1, 2023.

Disclaimer: This is an unofficial translation of the Regulations on the Handling of Social Insurance of the People's Republic of China, provided for reference only. In the event of any discrepancy, the official Chinese text shall prevail. This translation is provided for informational purposes only and does not constitute legal advice.

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