

Regulations on Working Hours of Employees of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

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

Adopted at the 174th Executive Meeting of the State Council on February 17, 1995

Amended in accordance with the Decision of the State Council on Amending the Regulations on Working Hours of Employees on March 25, 1995

Effective: May 1, 1995

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Article 1 — These Regulations are formulated in accordance with the relevant provisions of the Constitution of the People's Republic of China for the purposes of rationally arranging the working hours and rest periods of employees, safeguarding the employees' right to rest, mobilizing the enthusiasm of employees, and promoting the development of socialist modernization.

Article 2 — These Regulations shall apply to state organs, public institutions, social organizations, enterprises, public institutions, self-employed industrial and commercial households, and other organizations (hereinafter collectively referred to as "employers") and the employees working therefor within the territory of the People's Republic of China.

Article 3 — Employees shall work no more than eight hours per day and no more than forty hours per week on average.

Article 4 — Employers that have special difficulties in implementing the forty-hour work week due to the nature of their work and the characteristics of their production may, upon approval by the labor administrative department, adopt a flexible approach to working hours and rest periods.

Article 5 — No organization or individual may extend the working hours of employees without authorization. Where an employer extends working hours due to special circumstances or urgent production tasks, it shall ensure that the total extended working hours do not exceed the limits prescribed by the State.

Article 6 — Under any of the following circumstances, the extension of working hours shall not be subject to the restrictions provided for in Article 5 of these Regulations:

- (1) where a natural disaster, accident, or other reason threatens the life, health, or safety of employees and requires emergency response;
- (2) where production equipment, transportation lines, or public facilities malfunction, affecting production and the public interest, and require urgent repair; or
- (3) other circumstances provided for by laws and administrative regulations.

Article 7 — State organs and public institutions shall implement uniform working hours, with Saturday and Sunday as weekly rest days.

Enterprises, public institutions, self-employed industrial and commercial households, and other organizations that are unable to implement the uniform working hours provided for in the preceding paragraph may, in light of actual circumstances, make flexible arrangements for weekly rest days.

Article 8 — The provisions of the Labor Law of the People's Republic of China shall apply to the overtime wage standards for extended working hours and the arrangements for statutory holidays and leave. The specific payment standards for overtime wages shall be as follows:

(1) where an employer arranges for an employee to extend working hours, it shall pay the employee wages at a rate not less than 150% of the employee's normal hourly wage;

(2) where an employer arranges for an employee to work on a rest day but cannot arrange compensatory rest, it shall pay the employee wages at a rate not less than 200% of the employee's normal daily or hourly wage; and

(3) where an employer arranges for an employee to work on a statutory holiday, it shall pay the employee wages at a rate not less than 300% of the employee's normal daily or hourly wage.

Article 9 — These Regulations shall come into force on May 1, 1995. Where the working hours arrangements formulated prior to the implementation of these Regulations do not comply with the provisions of these Regulations, such arrangements shall be modified to conform to these Regulations within three months from the effective date of these Regulations.

Article 10 — The Ministry of Labor shall be responsible for the interpretation of these Regulations. The labor administrative departments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate implementing measures in accordance with these Regulations and in light of local actual conditions.

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