

Rules for the Handling of Labor and Personnel Dispute Arbitration Cases of the People’s Republic of China (2017 Amendment)

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

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Adopted at the 104th Ministerial Meeting of the Ministry of Human Resources and Social Security on December 20, 2008, promulgated by Order No. 2 of the Ministry of Human Resources and Social Security of the People’s Republic of China on January 1, 2009, effective as of January 1, 2009; and amended in accordance with the Decision of the Ministry of Human Resources and Social Security on Amending the Rules for the Handling of Labor and Personnel Dispute Arbitration Cases on June 21, 2017.

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Chapter I — General Provisions

Article 1 — These Rules are formulated in accordance with the Labor Dispute Mediation and Arbitration Law of the People’s Republic of China and other relevant laws and regulations for the purposes of fairly and promptly handling labor and personnel dispute cases, standardizing the case handling procedures of arbitration committees, and protecting the lawful rights and interests of the parties.

Article 2 — These Rules shall apply to the handling of the following labor and personnel disputes by labor and personnel dispute arbitration committees:

1. Labor disputes arising from the confirmation of labor relations;
2. Labor disputes arising from the conclusion, performance, modification, rescission and termination of labor contracts;
3. Labor disputes arising from dismissal, discharge, resignation and departure;
4. Labor disputes arising from working hours, rest and vacations, social insurance, welfare benefits, training and labor protection;
5. Labor disputes arising from labor remuneration, work-related injury medical expenses, economic compensation or damages;
- 6.

Other labor disputes prescribed by laws and regulations.

Article 3 — Labor and personnel dispute arbitration committees shall handle labor and personnel dispute cases based on facts and in accordance with the principles of legality, fairness, timeliness, and emphasis on mediation, and shall protect the lawful rights and interests of the parties in accordance with the law.

Chapter II — General Provisions on Arbitration

Article 4 — Labor and personnel dispute arbitration committees shall have a roster of arbitrators, who shall meet the qualifications prescribed by laws and regulations.

Article 5 — The jurisdiction of labor and personnel dispute arbitration committees shall be determined in accordance with the law. Labor and personnel disputes shall be under the jurisdiction of the labor and personnel dispute arbitration committee at the place where the labor contract is performed or where the employer is located.

Article 6 — Where both parties apply for arbitration with different labor and personnel dispute arbitration committees, the dispute shall be under the jurisdiction of the labor and personnel dispute arbitration committee at the place where the labor contract is performed.

Article 7 — Where a labor and personnel dispute arbitration committee discovers that a case it has accepted does not fall within its jurisdiction, it shall transfer it to the arbitration committee having jurisdiction and notify the parties in writing.

Article 8 — An arbitrator shall withdraw under any of the circumstances prescribed by law, and the parties shall have the right to apply for withdrawal.

Chapter III — Arbitration Application and Acceptance

Article 9 — A party applying for arbitration shall submit an arbitration application, providing truthful basic information and a description of the dispute and evidence.

Article 10 — Upon receipt of an arbitration application, the arbitration committee shall examine the application within five days, accept the application if the conditions are met, and notify the applicant.

Article 11 — After acceptance, the arbitration committee shall serve a copy of the arbitration application and relevant materials on the respondent within five days.

Article 12 — The respondent shall submit a statement of defense within ten days of receiving the copy of the arbitration application. The arbitration committee shall serve a copy of the statement of defense on the applicant within five days.

Article 13 — The parties may appoint agents to participate in arbitration activities. Where an agent is appointed, a power of attorney shall be submitted to the arbitration committee.

Chapter IV — Hearing and Award

Article 14 — The arbitration committee shall conduct hearings openly, except where State secrets, commercial secrets or personal privacy are involved and the parties agree not to hold an open hearing.

Article 15 — An arbitration tribunal shall be composed of three arbitrators or a single arbitrator. Where an arbitral tribunal is composed of three arbitrators, a chief arbitrator shall be designated.

Article 16 — The arbitration tribunal shall notify the parties of the time and place of the hearing three days before the hearing.

Article 17 — The arbitration tribunal shall conduct mediation before the hearing. Where an agreement is reached through mediation, a mediation statement shall be prepared. Where mediation fails, an award shall

be rendered in a timely manner.

Article 18 — The arbitration tribunal shall render an award within 45 days from the date of acceptance of the case. Where the case is complex and requires an extension, the time limit may be extended by 15 days with the approval of the chairperson of the arbitration committee.

Article 19 — The arbitration award shall expressly state the arbitration claims, the facts in dispute, the reasons for the award, the outcome of the award, and the date of the award.

Article 20 — The arbitration award shall become legally effective upon service on both parties. Where a party is dissatisfied with the award, it may file a lawsuit with a people's court within 15 days.

Chapter V — Supplementary Provisions

Article 21 — The arbitration committee shall keep the case files for at least ten years after the case is closed.

Article 22 — The arbitration committee shall not charge fees. The funding for arbitration shall be guaranteed by the finance department.

Article 23 — These Rules shall come into force on January 1, 2009.

This translation is provided for informational purposes only. For legal matters, please consult the original Chinese text or seek professional legal advice. For assistance with labor dispute resolution and arbitration procedures in China, please contact Dan Young Business Consultancy.