Special Provisions on Labor Protection of Female Employees

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

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Chapter I — Scope and General Obligations

Article 1. These Provisions are formulated to reduce and resolve the special difficulties that female employees may encounter in the course of their work due to their physiological characteristics, and to protect their health.

Article 2. These Provisions shall apply to female employees of State organs, enterprises, public institutions, private non-enterprise units, self-employed businesses, and other employing organizations within the territory of the People’s Republic of China.

Article 3. Employing units shall strengthen labor protection for female employees, take measures to improve working conditions and the working environment, protect the safety and health of female employees, and shall not reduce their wages, remove them from their positions, or terminate their labor contracts because they are pregnant, give birth, or breastfeed.

Article 4. Employing units shall publicize the institutions and measures relating to the labor protection of female employees, educate female employees on self-protection, and provide training on related laws and regulations.

Chapter II — Protection During Menstruation and Pregnancy

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Article 5. Where a female employee experiences difficulties in performing her regular work during her menstrual period, the employing unit shall, upon presentation of a medical certificate from a medical institution, arrange for appropriate work adjustment or provide one to two days of menstrual leave.

Article 6. Where a female employee cannot adapt to her original work during pregnancy, the employing unit shall, upon presentation of a medical certificate from a medical institution, reduce her workload or arrange other work that she can accommodate. For a female employee who is seven or more months pregnant, the employing unit shall not extend her working hours or arrange night shift work, and shall arrange a certain period of rest during working hours.

Article 7. The time spent by a female employee on prenatal checkups during working hours shall be counted as working time. The employing unit shall not deduct wages for such time. The frequency of prenatal checkups shall be determined in accordance with medical advice.

Article 8. Where a female employee suffers a miscarriage, the employing unit shall grant her a period of rest with pay, based on a medical certificate from a medical institution. The rest period shall be: 15 days for a miscarriage within the first four months of pregnancy; 42 days for a miscarriage after four months of pregnancy.

Chapter III — Maternity Leave and Breastfeeding Protection

Article 9. A female employee shall be entitled to 98 days of maternity leave, including 15 days of prenatal leave. In cases of difficult childbirth, an additional 15 days of maternity leave shall be granted. For multiple births, an additional 15 days of maternity leave shall be granted for each additional infant.

Article 10. During maternity leave, the female employee shall receive maternity benefits in accordance with the relevant provisions on maternity insurance. Where the employing unit has not participated in maternity insurance, the maternity benefits shall be paid by the employing unit at the rate of the female employee’s pre-maternity leave wages.

Article 11. A female employee who has not yet reached one year of continuous contributions to the maternity insurance fund before childbirth may still receive maternity benefits, provided that the employing unit has made contributions for the prescribed period. The specific provisions shall be set by local regulations.

Article 12. For a female employee who is breastfeeding an infant under one year of age, the employing unit shall not extend her working hours or arrange night shift work. The employing unit shall arrange one hour of breastfeeding time during working hours for each working day. For multiple births, an additional one hour of breastfeeding time shall be granted for each additional infant.

Chapter IV — Prohibited Work and Working Conditions

Article 13. An employing unit shall comply with the provisions on the scope of prohibited work for female employees. Female employees shall not be assigned to work in underground mines, nor to work involving Grade IV physical labor intensity as stipulated by the State, nor to other work prohibited for women.

Article 14. During pregnancy, a female employee shall not be assigned to work involving exposure to toxic or hazardous substances that may affect the health of the fetus, nor to work in environments with excessive levels of radiation, vibration, noise, or high or low temperatures, as specified in state standards.

Article 15. During the breastfeeding period, a female employee shall not be assigned to work involving exposure to toxic or hazardous substances specified by the State as harmful during lactation, nor to work involving Grade III or higher physical labor intensity.

Chapter V — Employer Obligations and Facilities

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Article 16. Employing units with a relatively large number of female employees shall establish facilities such as female employee health rooms, pregnant employee rest rooms, and nursing rooms in accordance with the needs of female employees, and shall properly address the difficulties of female employees in their physiological health and breastfeeding.

Article 17. Employing units shall establish a system for the registration and management of female employee health protection, conduct regular health examinations for female employees, and establish health records. The frequency of health examinations shall be at least once every one to two years.

Article 18. Employing units shall, when formulating internal rules and regulations, collectively contracting, or otherwise, incorporate the labor protection of female employees into their management framework. Trade unions and employees' representative assemblies shall oversee the implementation of female employee labor protection measures.

Chapter VI — Legal Remedies and Penalties

Article 19. Where an employing unit violates these Provisions by infringing upon the lawful rights and interests of a female employee, the female employee may file a complaint with the labor administration department, the safety production supervision and administration department, or the public health administration department. The relevant departments shall handle the complaint in accordance with the law.

Article 20. Where an employing unit violates these Provisions by requiring a female employee to perform work within the prohibited scope or assigning her to work overtime or night shifts during pregnancy, maternity leave, or the breastfeeding period, the labor administration department shall order corrections and impose a fine of not less than RMB 1,000 and not more than RMB 5,000 per affected female employee.

Article 21. Where an employing unit violates these Provisions by failing to establish female employee health rooms, pregnant employee rest rooms, or nursing rooms as required, the relevant department shall order corrections. Where the circumstances are serious, a fine of not less than RMB 20,000 and not more than RMB 50,000 shall be imposed.

Article 22. Where an employing unit violates these Provisions by reducing a female employee's wages, removing her from her position, or terminating her labor contract because she is pregnant, gives birth, or breastfeeds, the labor administration department shall order the employing unit to make corrections, and the female employee may apply for labor arbitration or bring a lawsuit. The employing unit shall compensate the female employee for any loss suffered.

Article 23. These Provisions shall also apply to female workers employed through labor dispatch. The labor dispatching unit and the host unit shall jointly assume responsibility for the labor protection of female employees within the scope of their respective obligations stipulated by law and the dispatch agreement.

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