

的处分；构成犯罪的，依法追究刑事责任：

“（一）超出资质认可或者诊疗项目登记范围  
从事医疗卫生技术服务或者职业病诊断的；

“（二）不按照本法规定履行法定职责的；

“（三）出具虚假证明文件的。”

本决定自公布之日起施行。

《中华人民共和国劳动法》《中华人民共和国  
老年人权益保障法》《中华人民共和国环境噪声  
污染防治法》《中华人民共和国环境影响评价法》  
《中华人民共和国民办教育促进法》《中华人民共  
和国民用航空法》《中华人民共和国职业病防治  
法》根据本决定作相应修改，重新公布。

# 中华人民共和国劳动法

（1994 年 7 月 5 日第八届全国人民代表大会常务委员会第八次会议通过 根据 2009 年 8 月 27 日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》第一次修正 根据 2018 年 12 月 29 日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国劳动法〉等七部法律的决定》第二次修正）

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## 第一章 总 则

**第一条** 为了保护劳动者的合法权益，调整  
劳动关系，建立和维护适应社会主义市场经济的

劳动制度，促进经济发展和社会进步，根据宪  
法，制定本法。

**第二条** 在中华人民共和国境内的企业、个  
体经济组织（以下统称用人单位）和与之形成劳  
动关系的劳动者，适用本法。

国家机关、事业组织、社会团体和与之建立  
劳动合同关系的劳动者，依照本法执行。

**第三条** 劳动者享有平等就业和选择职业的  
权利、取得劳动报酬的权利、休息休假的权利、  
获得劳动安全卫生保护的权利、接受职业技能培  
训的权利、享受社会保险和福利的权利、提请劳  
动争议处理的权利以及法律规定的其他劳动权  
利。

劳动者应当完成劳动任务，提高职业技能，  
执行劳动安全卫生规程，遵守劳动纪律和职业道  
德。

**第四条** 用人单位应当依法建立和完善规章  
制度，保障劳动者享有劳动权利和履行劳动义  
务。

**第五条** 国家采取各种措施，促进劳动就业，发展职业教育，制定劳动标准，调节社会收入，完善社会保险，协调劳动关系，逐步提高劳动者的生活水平。

**第六条** 国家提倡劳动者参加社会义务劳动，开展劳动竞赛和合理化建议活动，鼓励和保护劳动者进行科学研究、技术革新和发明创造，表彰和奖励劳动模范和先进工作者。

**第七条** 劳动者有权依法参加和组织工会。工会代表和维护劳动者的合法权益，依法独立自主地开展活动。

**第八条** 劳动者依照法律规定，通过职工大会、职工代表大会或者其他形式，参与民主管理或者就保护劳动者合法权益与用人单位进行平等协商。

**第九条** 国务院劳动行政部门主管全国劳动工作。

县级以上地方人民政府劳动行政部门主管本行政区域内的劳动工作。

## 第二章 促 进 就 业

**第十条** 国家通过促进经济和社会发展，创造就业条件，扩大就业机会。

国家鼓励企业、事业组织、社会团体在法律、行政法规规定的范围内兴办产业或者拓展经营，增加就业。

国家支持劳动者自愿组织起来就业和从事个体经营实现就业。

**第十一条** 地方各级人民政府应当采取措施，发展多种类型的职业介绍机构，提供就业服务。

**第十二条** 劳动者就业，不因民族、种族、性别、宗教信仰不同而受歧视。

**第十三条** 妇女享有与男子平等的就业权利。在录用职工时，除国家规定的不适合妇女的工种或者岗位外，不得以性别为由拒绝录用妇女

或者提高对妇女的录用标准。

**第十四条** 残疾人、少数民族人员、退出现役的军人的就业，法律、法规有特别规定的，从其规定。

**第十五条** 禁止用人单位招用未满十六周岁的未成年人。

文艺、体育和特种工艺单位招用未满十六周岁的未成年人，必须遵守国家有关规定，并保障其接受义务教育的权利。

## 第三章 劳动合同和集体合同

**第十六条** 劳动合同是劳动者与用人单位确立劳动关系、明确双方权利和义务的协议。

建立劳动关系应当订立劳动合同。

**第十七条** 订立和变更劳动合同，应当遵循平等自愿、协商一致的原则，不得违反法律、行政法规的规定。

劳动合同依法订立即具有法律约束力，当事人必须履行劳动合同规定的义务。

**第十八条** 下列劳动合同无效：

- （一）违反法律、行政法规的劳动合同；
- （二）采取欺诈、威胁等手段订立的劳动合同。

无效的劳动合同，从订立的时候起，就没有法律约束力。确认劳动合同部分无效的，如果不影响其余部分的效力，其余部分仍然有效。

劳动合同的无效，由劳动争议仲裁委员会或者人民法院确认。

**第十九条** 劳动合同应当以书面形式订立，并具备以下条款：

- （一）劳动合同期限；
- （二）工作内容；
- （三）劳动保护和劳动条件；
- （四）劳动报酬；
- （五）劳动纪律；
- （六）劳动合同终止的条件；

(七) 违反劳动合同的责任。

劳动合同除前款规定的必备条款外，当事人可以协商约定其他内容。

**第二十条** 劳动合同的期限分为有固定期限、无固定期限和以完成一定的工作为期限。

劳动者在同一用人单位连续工作满十年以上，当事人双方同意续延劳动合同的，如果劳动者提出订立无固定期限的劳动合同，应当订立无固定期限的劳动合同。

**第二十一条** 劳动合同可以约定试用期。试用期最长不得超过六个月。

**第二十二条** 劳动合同当事人可以在劳动合同中约定保守用人单位商业秘密的有关事项。

**第二十三条** 劳动合同期满或者当事人约定的劳动合同终止条件出现，劳动合同即行终止。

**第二十四条** 经劳动合同当事人协商一致，劳动合同可以解除。

**第二十五条** 劳动者有下列情形之一的，用人单位可以解除劳动合同：

- (一) 在试用期间被证明不符合录用条件的；
- (二) 严重违反劳动纪律或者用人单位规章制度的；
- (三) 严重失职，营私舞弊，对用人单位利益造成重大损害的；
- (四) 被依法追究刑事责任的。

**第二十六条** 有下列情形之一的，用人单位可以解除劳动合同，但是应当提前三十日以书面形式通知劳动者本人：

- (一) 劳动者患病或者非因工负伤，医疗期满后，不能从事原工作也不能从事由用人单位另行安排的工作的；
- (二) 劳动者不能胜任工作，经过培训或者调整工作岗位，仍不能胜任工作的；
- (三) 劳动合同订立时所依据的客观情况发生重大变化，致使原劳动合同无法履行，经当事人协商不能就变更劳动合同达成协议的。

**第二十七条** 用人单位濒临破产进行法定整顿期间或者生产经营状况发生严重困难，确需裁减人员的，应当提前三十日向工会或者全体职工说明情况，听取工会或者职工的意见，经向劳动行政部门报告后，可以裁减人员。

用人单位依据本条规定裁减人员，在六个月内录用人员的，应当优先录用被裁减的人员。

**第二十八条** 用人单位依据本法第二十四条、第二十六条、第二十七条的规定解除劳动合同的，应当依照国家有关规定给予经济补偿。

**第二十九条** 劳动者有下列情形之一的，用人单位不得依据本法第二十六条、第二十七条的规定解除劳动合同：

- (一) 患职业病或者因工负伤并被确认丧失或者部分丧失劳动能力的；
- (二) 患病或者负伤，在规定的医疗期内的；
- (三) 女职工在孕期、产期、哺乳期内的；
- (四) 法律、行政法规规定的其他情形。

**第三十条** 用人单位解除劳动合同，工会认为不适当的，有权提出意见。如果用人单位违反法律、法规或者劳动合同，工会有权要求重新处理；劳动者申请仲裁或者提起诉讼的，工会应当依法给予支持和帮助。

**第三十一条** 劳动者解除劳动合同，应当提前三十日以书面形式通知用人单位。

**第三十二条** 有下列情形之一的，劳动者可以随时通知用人单位解除劳动合同：

- (一) 在试用期内的；
- (二) 用人单位以暴力、威胁或者非法限制人身自由的手段强迫劳动的；
- (三) 用人单位未按照劳动合同约定支付劳动报酬或者提供劳动条件的。

**第三十三条** 企业职工一方与企业可以就劳动报酬、工作时间、休息休假、劳动安全卫生、保险福利等事项，签订集体合同。集体合同草案应当提交职工代表大会或者全体职工讨论通过。

集体合同由工会代表职工与企业签订；没有建立工会的企业，由职工推举的代表与企业签订。

**第三十四条** 集体合同签订后应当报送劳动行政部门；劳动行政部门自收到集体合同文本之日起十五日内未提出异议的，集体合同即行生效。

**第三十五条** 依法签订的集体合同对企业和企业全体职工具有约束力。职工个人与企业订立的劳动合同中劳动条件和劳动报酬等标准不得低于集体合同的规定。

## 第四章 工作时间和休息休假

**第三十六条** 国家实行劳动者每日工作时间不超过八小时、平均每周工作时间不超过四十四小时的工时制度。

**第三十七条** 对实行计件工作的劳动者，用人单位应当根据本法第三十六条规定的工时制度合理确定其劳动定额和计件报酬标准。

**第三十八条** 用人单位应当保证劳动者每周至少休息一日。

**第三十九条** 企业因生产特点不能实行本法第三十六条、第三十八条规定的，经劳动行政部门批准，可以实行其他工作和休息办法。

**第四十条** 用人单位在下列节日期间应当依法安排劳动者休假：

- (一) 元旦；
- (二) 春节；
- (三) 国际劳动节；
- (四) 国庆节；
- (五) 法律、法规规定的其他休假节日。

**第四十一条** 用人单位由于生产经营需要，经与工会和劳动者协商后可以延长工作时间，一般每日不得超过一小时；因特殊原因需要延长工作时间的，在保障劳动者身体健康的条件下延长工作时间每日不得超过三小时，但是每月不得超

过三十六小时。

**第四十二条** 有下列情形之一的，延长工作时间不受本法第四十一条规定的限制：

(一) 发生自然灾害、事故或者因其他原因，威胁劳动者生命健康和财产安全，需要紧急处理的；

(二) 生产设备、交通运输线路、公共设施发生故障，影响生产和公众利益，必须及时抢修的；

(三) 法律、行政法规规定的其他情形。

**第四十三条** 用人单位不得违反本法规定延长劳动者的工作时间。

**第四十四条** 有下列情形之一的，用人单位应当按照下列标准支付高于劳动者正常工作时间工资的工资报酬：

(一) 安排劳动者延长工作时间的，支付不低于工资的百分之一百五十的工资报酬；

(二) 休息日安排劳动者工作又不能安排补休的，支付不低于工资的百分之二百的工资报酬；

(三) 法定休假日安排劳动者工作的，支付不低于工资的百分之三百的工资报酬。

**第四十五条** 国家实行带薪年休假制度。

劳动者连续工作一年以上的，享受带薪年休假。具体办法由国务院规定。

## 第五章 工 资

**第四十六条** 工资分配应当遵循按劳分配原则，实行同工同酬。

工资水平在经济发展的基础上逐步提高。国家对工资总量实行宏观调控。

**第四十七条** 用人单位根据本单位的生产经营特点和经济效益，依法自主确定本单位的工资分配方式和工资水平。

**第四十八条** 国家实行最低工资保障制度。最低工资的具体标准由省、自治区、直辖市人民

政府规定，报国务院备案。

用人单位支付劳动者的工资不得低于当地最低工资标准。

**第四十九条** 确定和调整最低工资标准应当综合参考下列因素：

- （一）劳动者本人及平均赡养人口的最低生活费用；
- （二）社会平均工资水平；
- （三）劳动生产率；
- （四）就业状况；
- （五）地区之间经济发展水平的差异。

**第五十条** 工资应当以货币形式按月支付给劳动者本人。不得克扣或者无故拖欠劳动者的工资。

**第五十一条** 劳动者在法定休假日和婚丧假期间以及依法参加社会活动期间，用人单位应当依法支付工资。

## 第六章 劳动安全卫生

**第五十二条** 用人单位必须建立、健全劳动安全卫生制度，严格执行国家劳动安全卫生规程和标准，对劳动者进行劳动安全卫生教育，防止劳动过程中的事故，减少职业危害。

**第五十三条** 劳动安全卫生设施必须符合国家规定的标准。

新建、改建、扩建工程的劳动安全卫生设施必须与主体工程同时设计、同时施工、同时投入生产和使用。

**第五十四条** 用人单位必须为劳动者提供符合国家规定的劳动安全卫生条件和必要的劳动防护用品，对从事有职业危害作业的劳动者应当定期进行健康检查。

**第五十五条** 从事特种作业的劳动者必须经过专门培训并取得特种作业资格。

**第五十六条** 劳动者在劳动过程中必须严格遵守安全操作规程。

劳动者对用人单位管理人员违章指挥、强令冒险作业，有权拒绝执行；对危害生命安全和身体健康的行为，有权提出批评、检举和控告。

**第五十七条** 国家建立伤亡事故和职业病统计报告和处理制度。县级以上各级人民政府劳动行政部门、有关部门和用人单位应当依法对劳动者在劳动过程中发生的伤亡事故和劳动者的职业病状况，进行统计、报告和处理。

## 第七章 女职工和未成年工特殊保护

**第五十八条** 国家对女职工和未成年工实行特殊劳动保护。

未成年工是指年满十六周岁未满十八周岁的劳动者。

**第五十九条** 禁止安排女职工从事矿山井下、国家规定的第四级体力劳动强度的劳动和其他禁忌从事的劳动。

**第六十条** 不得安排女职工在经期从事高处、低温、冷水作业和国家规定的第三级体力劳动强度的劳动。

**第六十一条** 不得安排女职工在怀孕期间从事国家规定的第三级体力劳动强度的劳动和孕期禁忌从事的劳动。对怀孕七个月以上的女职工，不得安排其延长工作时间和夜班劳动。

**第六十二条** 女职工生育享受不少于九十天的产假。

**第六十三条** 不得安排女职工在哺乳未满一周岁的婴儿期间从事国家规定的第三级体力劳动强度的劳动和哺乳期禁忌从事的其他劳动，不得安排其延长工作时间和夜班劳动。

**第六十四条** 不得安排未成年工从事矿山井下、有毒有害、国家规定的第四级体力劳动强度的劳动和其他禁忌从事的劳动。

**第六十五条** 用人单位应当对未成年工定期进行健康检查。

## 第八章 职业培训

**第六十六条** 国家通过各种途径，采取各种措施，发展职业培训事业，开发劳动者的职业技能，提高劳动者素质，增强劳动者的就业能力和工作能力。

**第六十七条** 各级人民政府应当把发展职业培训纳入社会经济发展的规划，鼓励和支持有条件的企业、事业组织、社会团体和个人进行各种形式的职业培训。

**第六十八条** 用人单位应当建立职业培训制度，按照国家规定提取和使用职业培训经费，根据本单位实际，有计划地对劳动者进行职业培训。

从事技术工种的劳动者，上岗前必须经过培训。

**第六十九条** 国家确定职业分类，对规定的职业制定职业技能标准，实行职业资格证书制度，由经备案的考核鉴定机构负责对劳动者实施职业技能考核鉴定。

## 第九章 社会保险和福利

**第七十条** 国家发展社会保险事业，建立社会保险制度，设立社会保险基金，使劳动者在年老、患病、工伤、失业、生育等情况下获得帮助和补偿。

**第七十一条** 社会保险水平应当与社会经济发展水平和社会承受能力相适应。

**第七十二条** 社会保险基金按照保险类型确定资金来源，逐步实行社会统筹。用人单位和劳动者必须依法参加社会保险，缴纳社会保险费。

**第七十三条** 劳动者在下列情形下，依法享受社会保险待遇：

- (一) 退休；
- (二) 患病、负伤；
- (三) 因工伤残或者患职业病；

(四) 失业；

(五) 生育。

劳动者死亡后，其遗属依法享受遗属津贴。

劳动者享受社会保险待遇的条件和标准由法律、法规规定。

劳动者享受的社会保险金必须按时足额支付。

**第七十四条** 社会保险基金经办机构依照法律规定收支、管理和运营社会保险基金，并负有使社会保险基金保值增值的责任。

社会保险基金监督机构依照法律规定，对社会保险基金的收支、管理和运营实施监督。

社会保险基金经办机构和社会保险基金监督机构的设立和职能由法律规定。

任何组织和个人不得挪用社会保险基金。

**第七十五条** 国家鼓励用人单位根据本单位实际情况为劳动者建立补充保险。

国家提倡劳动者个人进行储蓄性保险。

**第七十六条** 国家发展社会福利事业，兴建公共福利设施，为劳动者休息、休养和疗养提供条件。

用人单位应当创造条件，改善集体福利，提高劳动者的福利待遇。

## 第十章 劳动争议

**第七十七条** 用人单位与劳动者发生劳动争议，当事人可以依法申请调解、仲裁、提起诉讼，也可以协商解决。

调解原则适用于仲裁和诉讼程序。

**第七十八条** 解决劳动争议，应当根据合法、公正、及时处理的原则，依法维护劳动争议当事人的合法权益。

**第七十九条** 劳动争议发生后，当事人可以向本单位劳动争议调解委员会申请调解；调解不成，当事人一方要求仲裁的，可以向劳动争议仲裁委员会申请仲裁。当事人一方也可以直接向劳

动争议仲裁委员会申请仲裁。对仲裁裁决不服的，可以向人民法院提起诉讼。

**第八十条** 在用人单位内，可以设立劳动争议调解委员会。劳动争议调解委员会由职工代表、用人单位代表和工会代表组成。劳动争议调解委员会主任由工会代表担任。

劳动争议经调解达成协议的，当事人应当履行。

**第八十一条** 劳动争议仲裁委员会由劳动行政部门代表、同级工会代表、用人单位方面的代表组成。劳动争议仲裁委员会主任由劳动行政部门代表担任。

**第八十二条** 提出仲裁要求的一方应当自劳动争议发生之日起六十日内向劳动争议仲裁委员会提出书面申请。仲裁裁决一般应在收到仲裁申请的六十日内作出。对仲裁裁决无异议的，当事人必须履行。

**第八十三条** 劳动争议当事人对仲裁裁决不服的，可以自收到仲裁裁决书之日起十五日内向人民法院提起诉讼。一方当事人在法定期限内不起诉又不履行仲裁裁决的，另一方当事人可以申请人民法院强制执行。

**第八十四条** 因签订集体合同发生争议，当事人协商解决不成的，当地人民政府劳动行政部门可以组织有关各方协调处理。

因履行集体合同发生争议，当事人协商解决不成的，可以向劳动争议仲裁委员会申请仲裁；对仲裁裁决不服的，可以自收到仲裁裁决书之日起十五日内向人民法院提起诉讼。

## 第十一章 监 督 检 查

**第八十五条** 县级以上各级人民政府劳动行政部门依法对用人单位遵守劳动法律、法规的情况进行监督检查，对违反劳动法律、法规的行为有权制止，并责令改正。

**第八十六条** 县级以上各级人民政府劳动行

政部门监督检查人员执行公务，有权进入用人单位了解执行劳动法律、法规的情况，查阅必要的资料，并对劳动场所进行检查。

县级以上各级人民政府劳动行政部门监督检查人员执行公务，必须出示证件，秉公执法并遵守有关规定。

**第八十七条** 县级以上各级人民政府有关部门在各自职责范围内，对用人单位遵守劳动法律、法规的情况进行监督。

**第八十八条** 各级工会依法维护劳动者的合法权益，对用人单位遵守劳动法律、法规的情况进行监督。

任何组织和个人对于违反劳动法律、法规的行为有权检举和控告。

## 第十二章 法 律 责 任

**第八十九条** 用人单位制定的劳动规章制度违反法律、法规规定的，由劳动行政部门给予警告，责令改正；对劳动者造成损害的，应当承担赔偿责任。

**第九十条** 用人单位违反本法规定，延长劳动者工作时间的，由劳动行政部门给予警告，责令改正，并可以处以罚款。

**第九十一条** 用人单位有下列侵害劳动者合法权益情形之一的，由劳动行政部门责令支付劳动者的工资报酬、经济补偿，并可以责令支付赔偿金：

- (一) 克扣或者无故拖欠劳动者工资的；
- (二) 拒不支付劳动者延长工作时间工资报酬的；
- (三) 低于当地最低工资标准支付劳动者工资的；
- (四) 解除劳动合同后，未依照本法规定给予劳动者经济补偿的。

**第九十二条** 用人单位的劳动安全设施和劳动卫生条件不符合国家规定或者未向劳动者提供

必要的劳动防护用品和劳动保护设施的，由劳动行政部门或者有关部门责令改正，可以处以罚款；情节严重的，提请县级以上人民政府决定责令停产整顿；对事故隐患不采取措施，致使发生重大事故，造成劳动者生命和财产损失的，对责任人员依照刑法有关规定追究刑事责任。

**第九十三条** 用人单位强令劳动者违章冒险作业，发生重大伤亡事故，造成严重后果的，对责任人员依法追究刑事责任。

**第九十四条** 用人单位非法招用未满十六周岁的未成年人的，由劳动行政部门责令改正，处以罚款；情节严重的，由市场监督管理部门吊销营业执照。

**第九十五条** 用人单位违反本法对女职工和未成年工的保护规定，侵害其合法权益的，由劳动行政部门责令改正，处以罚款；对女职工或者未成年工造成损害的，应当承担赔偿责任。

**第九十六条** 用人单位有下列行为之一，由公安机关对责任人员处以十五日以下拘留、罚款或者警告；构成犯罪的，对责任人员依法追究刑事责任：

（一）以暴力、威胁或者非法限制人身自由的手段强迫劳动的；

（二）侮辱、体罚、殴打、非法搜查和拘禁劳动者的。

**第九十七条** 由于用人单位的原因订立的无效合同，对劳动者造成损害的，应当承担赔偿责任。

**第九十八条** 用人单位违反本法规定的条件解除劳动合同或者故意拖延不订立劳动合同的，由劳动行政部门责令改正；对劳动者造成损害的，应当承担赔偿责任。

**第九十九条** 用人单位招用尚未解除劳动合同的劳动者，对原用人单位造成经济损失的，该用人单位应当依法承担连带赔偿责任。

**第一百条** 用人单位无故不缴纳社会保险费的，由劳动行政部门责令其限期缴纳；逾期不缴的，可以加收滞纳金。

**第一百零一条** 用人单位无理阻挠劳动行政部门、有关部门及其工作人员行使监督检查权，打击报复举报人员的，由劳动行政部门或者有关部门处以罚款；构成犯罪的，对责任人员依法追究刑事责任。

**第一百零二条** 劳动者违反本法规定的条件解除劳动合同或者违反劳动合同中约定的保密事项，对用人单位造成经济损失的，应当依法承担赔偿责任。

**第一百零三条** 劳动行政部门或者有关部门的工作人员滥用职权、玩忽职守、徇私舞弊，构成犯罪的，依法追究刑事责任；不构成犯罪的，给予行政处分。

**第一百零四条** 国家工作人员和社会保险基金经办机构的工作人员挪用社会保险基金，构成犯罪的，依法追究刑事责任。

**第一百零五条** 违反本法规定侵害劳动者合法权益，其他法律、行政法规已规定处罚的，依照该法律、行政法规的规定处罚。

## 第十三章 附 则

**第一百零六条** 省、自治区、直辖市人民政府根据本法和本地区的实际情况，规定劳动合同制度的实施步骤，报国务院备案。

**第一百零七条** 本法自 1995 年 1 月 1 日起施行。



# Labor Law of the People's Republic of China (2018 Amendment)

## 中华人民共和国劳动法 (2018 修正)

### Labor Law of the People's Republic of China

(Adopted at the Eighth Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1994; amended for the first time according to the Decision on Amending Some Laws issued by Order No. 18 of the President of the People's Republic of China adopted at the tenth session of the 11th Standing Committee of the National People's Congress on August 27, 2009; and amended for the second time according to the Decision of the Standing Committee of the National People's Congress to Amend Seven Laws Including the Labor Law of the People's Republic of China adopted at the Seventh Session of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on December 29, 2018)

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### Chapter 1 General Provisions

**Article 1** This Law is hereby formulated in accordance with the [Constitution](#) in order to protect the legitimate rights and interests of laborers, readjust labor relationship, establish and safeguard the labor system suiting the socialist market economy, and promote economic development and social progress.

**Article 2** This Law applies to enterprises, individually-owned economic organizations (hereinafter referred to as the employer) and laborers who form a labor relationship with them within the boundary of the Peoples Republic of China.  
State departments, institutional organizations and social groups and laborers who form a labor relationship with them shall follow this Law.



[FBM]CLI.1.328222(EN)

**Article 3** Laborers have the right to be employed on an equal basis, choose occupations, obtain remunerations for labor, take rests, have holidays and leaves, receive labor safety and sanitation protection, get training in professional skills, enjoy social insurance and welfare treatment, and submit applications for settlement of labor disputes, and other labor rights stipulated by law.

Laborers shall fulfill their tasks of labor, improve their professional skills, follow rules on labor safety and sanitation, observe labor discipline and professional ethics.

**Article 4** The employer shall establish and perfect rules and regulations in accordance with law and guarantee that laborers enjoy labor right and fulfill labor obligations.

**Article 5** The State shall take various measures to promote employment, develop vocational education, formulate labor standards, regulate social incomes, perfect social insurance, coordinate labor relationships, and gradually raise the living level of laborers.

**Article 6** The State shall advocate laborers participation in social voluntary labor, labor competition, and activities of forwarding rational proposals; encourage and protect laborers in scientific research, technical renovation, and invention; and commend and award labor models and advanced workers.

**Article 7** Laborers shall have the right to participate in and organize trade unions in accordance with law.

Trade unions shall represent and safeguard the legitimate rights and interests of laborers, and stage activities independently in accordance with law.

**Article 8** Laborers shall take part in democratic management through workers congress, workers representative assembly, or any other forms in accordance with law, or consult with the employer on an equal footing about protection of the legitimate rights and interests of laborers.

**Article 9** The labor management department under the State Council shall take charge of the management of labor of the whole country.

Local people's governments above the county level shall take charge of the management of labor in areas under their jurisdiction.

## Chapter 2 Promotion of Employment

**Article 10** The State shall create employment conditions and expand employment opportunities through promotion of economic and social development.  
The State shall encourage enterprises, institutional organizations, and social groups to start industries or expand businesses within the scope allowed by stipulations of laws and administrative decrees for the purpose of increasing employment.  
The State shall support laborers to organize and employ themselves on a voluntary basis and to get employed in individual businesses.

**Article 11** Local people's governments at various levels shall take measures to develop various kinds of job agencies and provide employment services.

**Article 12** Laborers shall not be discriminated against in employment due to their



nationality, race, sex, or religious belief.

**Article 13** Women shall enjoy equal rights as men in employment. Sex shall not be used as a pretext for excluding women from employment during recruitment of workers unless the types of work or posts for which workers are being recruited are not suitable for women according to State regulations. Nor shall the standards of recruitment be raised when it comes to women.

**Article 14** Any special stipulations in laws and regulations about the employment of the disabled, minority people, and demobilized soldiers shall be observed.

**Article 15** The employer shall be banned from recruiting juveniles under the age of 16. Art, sports and special-skill units that plan to recruit juveniles under the age of 16 shall comply with the relevant provisions of the state and guarantee the right of the employed to receive compulsory education.

### Chapter 3 Labor Contracts and Collective Contracts

**Article 16** Labor contracts are agreements reached between laborers and the employer to establish labor relationships and specify the rights, interests and obligations of each party.

Labor contracts shall be concluded if labor relationships are to be established.

**Article 17** Conclusion and alteration of labor contracts shall follow the principle of equality, voluntariness, and agreement through consultation. They shall not run counter to stipulations in laws or administrative decrees.

Labor contracts shall become legally binding once they are concluded in accordance with law. The parties involved shall fulfill obligations stipulated in labor contracts.

**Article 18** The following labor contracts shall be invalid:

- (1) Labor contracts concluded against laws or administrative decrees;
- (2) Labor contracts concluded through cheating, threat, or any other means.

Invalid labor contracts shall not be legally binding from the very beginning of their conclusion. If a labor contract is confirmed as being partially invalid, the other parts shall be valid if the parts that are invalid do not affect the validity of these other parts. The invalidity of a labor contract shall be confirmed by a labor dispute arbitration committee or a people's court.

**Article 19** Labor contracts shall be concluded in written form and contain the following clauses:

- (1) Time limit of the labor contract;
- (2) Content of work;
- (3) Labor protection and labor conditions;
- (4) Labor remunerations;
- (5) Labor disciplines;
- (6) Conditions for the termination of the labor contract;
- (7) Liabilities for violations of the labor contract.

Apart from the necessary clauses specified in the preceding clause, the parties involved can include in their labor contracts other contents agreed upon by them through consultation.



[FBM]CLI.1.328222(EN)

**Article 20** The time limits of labor contracts shall be divided into fixed and flexible time limits and time limits for the completion of certain amount of work. Labor contracts with flexible time limits shall be concluded between the laborers and the employer if the former request for the conclusion of labor contracts with flexible time limits after working continuously with the employer for more than 10 years and with agreement between both of the parties involved to prolong their contracts.

**Article 21** Probation periods can be agreed upon in labor contracts. These probation periods shall not, however, exceed six months at the longest.

**Article 22** The parties involved in a labor contract can reach agreements in their labor contracts on matters concerning the keeping of the commercial secrets of the employer.

**Article 23** Labor contracts shall terminate upon the expiration of their time limits or the occurrence of the conditions agreed upon in labor contracts by the parties involved for terminating these contracts.

**Article 24** Labor contracts can be revoked with agreement reached between the parties involved through consultation.

**Article 25** The employer can revoke labor contracts should any one of the following cases occur with its laborers:

- (1) When they are proved during probation periods to be unqualified for employment;
- (2) When they seriously violate labor disciplines or the rules or regulations of the employer;
- (3) When they cause great losses to the employer due to serious dereliction of duties or engagement in malpractices for selfish ends;
- (4) When they are brought to hold criminal responsibilities in accordance with law.

**Article 26** The employer can revoke labor contracts should any one of the following cases occur, with its laborers to be notified, in written form, of such revocation in 30 days advance:

- (1) The laborers can neither take up their original jobs nor any other kinds of new jobs assigned by the employer after completion of medical treatment for their illnesses or injuries not suffered during work;
- (2) The laborers are incompetent at their jobs and remain as so even after training or after readjusting the work posts;
- (3) No agreements on an alteration of labor contracts can be reached through consultation between and by the parties involved when major changes taking place in the objective conditions serving as the basis of the conclusion of these contracts prevent them being implemented.

**Article 27** In case it becomes a must for the employer to cut down the number of workforce during the period of legal consolidation when it comes to the brink of bankruptcy or when it runs deep into difficulties in business, the employer shall explain the situation to its trade union or all of its employees 30 days in advance, solicit opinions from its trade union or the employees, and report to the labor administrative department before it makes such cuts.



[FBM]CLI.1.328222(EN)

If the employer cuts its staff according to stipulations in this Article and then seeks recruits within six months, it shall first recruit those that have been cut.

**Article 28** The employer shall make economic compensations in accordance with relevant State regulations if it revokes labor contracts according to stipulations in Article 24, Article 26 and Article 27 of this Law.

**Article 29** The employer shall not revoke labor contracts in accordance with stipulations in Article 26 and Article 27 of this Law should any one of the following cases occur with its laborers:

- (1) Those who are confirmed to have totally or partially lost their labor ability due to occupational diseases or work-related injuries;
- (2) Those who are receiving treatment for their diseases or injuries during prescribed period of time;
- (3) Women employees during pregnancy, puerperium, and nursing periods;
- (4) Others cases stipulated by laws and administrative decrees.

**Article 30** The trade union shall have the right to air its opinions if it regards as inappropriate the revocation of a labor contract by the employer. If the employer violates laws, regulations or labor contracts, its trade union shall have the right to ask for handling the case anew. If laborers apply for arbitration or raise lawsuits, the trade union shall render support and help in accordance with law.

**Article 31** Laborers planning to revoke labor contracts shall give a written notice to their employer in 30 days advance.

**Article 32** Laborers cannot if, at any time, their employer of their decision to revoke labor contracts in any one of the following cases:

- (1) During their periods of probation;
- (2) If they are forced to work by the employer through means of violence, threat or deprivation of personal freedom in violation of law;
- (3) Failure on the part of the employer to pay labor remunerations or to provide labor conditions as agreed upon in labor contracts.

**Article 33** The employees of an enterprise as one party may conclude a collective contract with the enterprise as another party on labor enumerations, work hours, rests and leaves, labor safety and sanitation, insurance, welfare treatment, and other matters. The draft collective contract shall be submitted to the workers representative assembly or all the employees for discussion and passage.

Collective contracts shall be signed by and between the trade union on behalf of the employees and the employer. In an enterprise that has not yet set up a trade union, such contracts shall be signed by and between representatives recommended by workers and the enterprise.

**Article 34** Labor contracts shall be reported to labor administrative departments after their conclusion. Labor contracts shall take effect automatically if no objections are raised by these labor administrative departments within 15 days after they are received.

**Article 35** Labor contracts concluded in accordance with law shall be binding on both



[FBM]CLI.1.328222(EN)

the enterprise and all of its employees. The standards on labor conditions and labor payments agreed upon in labor contracts concluded between individual laborers and their enterprises shall not be lower than those stipulated in collective contracts.

#### Chapter 4 Working Hours, Rests, and Leaves

**Article 36** The State shall adopt a working hour system wherein laborers shall work for no more than eight hours a day and no more than 44 hours a week on the average.

**Article 37** In case of laborers working on the basis of piecework, the employer shall rationally fix quotas of work and standards of piecework remuneration in accordance with the working hour system stipulated in Article 36 of this Law.

**Article 38** The employer shall guarantee that its laborers have at least one day off a week.

**Article 39** If an enterprise cannot follow the stipulations in Article 36 and Article 38 of this Law due to special characteristics of its production, it may follow other rules on work and rest with the approval by labor administrative departments.

**Article 40** The employer shall arrange rests for laborers in accordance with law during the following holidays:

- (1) The New Years Day;
- (2) The Spring Festival;
- (3) The International Labor Day;
- (4) The National Day;
- (5) Other holidays stipulated by laws and regulations.

**Article 41** The employer can prolong work hours due to needs of production or businesses after consultation with its trade union and laborers. The work hours to be prolonged, in general, shall be no longer than one hour a day, or no more than three hours a day if such prolonging is called for due to special reasons and under the condition that the physical health of laborers is guaranteed. The work time to be prolonged shall not exceed, however, 36 hours a month.

**Article 42** The prolonging of work hours shall not be subject to restrictions of stipulations of Article 41 of this Law in any one of the following cases:

- (1) Need for emergency treatment during occurrence of natural disasters, accidents or other reasons that threaten the life, health or property safety of laborers;
- (2) Need for timely rush-repair of production equipment, transportation lines or public facilities that have gone out of order and as a result affect production and public interests;
- (3) Other cases stipulated in laws and administrative decrees.

**Article 43** The employer shall not prolong the work hours of laborers in violation of the stipulations of this Law.

**Article 44** The employer shall pay laborers more wage remunerations than those for normal work according to the following standards in any one of the following cases:

- (1) Wage payments to laborers no less than 150 per cent of their wages if the laborers



are asked to work longer hours;

(2) Wage payments to laborers no less than 200 per cent of their wages if no rest can be arranged afterwards for the laborers asked to work on days of rest;

(3) Wage payments to laborers no less than 300 per cent of their wages if the laborers are asked to work on legal holidays.

**Article 45** The State follows the system of annual leaves with pay.

Laborers shall be entitled to annual leaves with pay after working for more than one year continuously. Specific rules on this shall be worked out by the State Council.

## Chapter 5 Wages

**Article 46** Distribution of wages shall follow the principle of distribution according to work and equal pay for equal work.

The level of wages shall be raised gradually on the basis of economic development. The State shall exercise macro regulation and control over total payrolls.

**Article 47** The employer shall fix its form of wage distribution and wage level on its own and in accordance with this Law according to the characteristics of its production and businesses and economic efficiency.

**Article 48** The State shall implement a system of guaranteed minimum wages.

Specific standards on minimum wages shall be stipulated by provincial, autonomous regional and municipal people's governments and reported to the State Council for registration.

The employer shall pay laborers wages no lower than local standards on minimum wages.

**Article 49** Standards on minimum wages shall be fixed and readjusted with comprehensive reference to the following factors:

- (1) The lowest living costs of laborers themselves and the number of family members they support;
- (2) Average wage level of the society as a whole;
- (3) Productivity;
- (4) Situation of employment;
- (5) Differences between regions in their levels of economic development.

**Article 50** Wages shall be paid to laborers themselves in the form of currency on a monthly basis. The wages payable to laborers shall not be deducted or delayed without reason.

**Article 51** The employer shall pay wages to laborers in accordance with law when they have legal holidays, take leaves during periods of marriage or mourning, and participate in social activities in accordance with law.

## Chapter 6 Labor Safety and Sanitation

**Article 52** The employer shall establish and perfect its system for labor safety and sanitation, strictly abide by State rules and standards on labor safety and sanitation, educate laborers in labor safety and sanitation, prevent accidents in the process of



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labor, and reduce occupational hazards.

**Article 53** Labor safety and sanitation facilities shall meet State-fixed standards. The labor safety and sanitation facilities of new projects and projects of renovation and expansion shall be designed, constructed and put into operation and use at the same time as the main projects.

**Article 54** The employer shall provide laborers with labor safety and sanitation conditions meeting State stipulations and necessary articles of labor protection, and carry out regular health examination for laborers engaged in work with occupational hazards.

**Article 55** Laborers to be engaged in special operations shall receive specialized training and acquire qualifications for these special operations.

**Article 56** Laborers should strictly follow rules on safe operation in the process of labor.

Laborers shall have the right to refuse to follow orders if the management personnel of the employer direct or force them to work in violation of regulations, and to criticise, expose and accuse any acts endangering the safety of their life and physical health.

**Article 57** The State shall establish a system for the statistical report and treatment of accidents of injuries or deaths and cases of occupational diseases. The labor administrative departments and other relevant departments under the people's governments at or above the county level and the employer shall, in accordance with law, carry out statistical report and disposition with respect to accidents of injuries or deaths happened to laborers in the process of their work and situations of occupational diseases.

## Chapter 7 Special Protection for Female Staff and Workers and Juvenile Workers

**Article 58** The State provides special protection to female staff and workers and juvenile workers.

Juvenile workers refer to laborers up to 16 years old but below 18 years old.

**Article 59** It is forbidden to arrange underground work for women workers at mines, or any labor with Grade IV physical labor intensity as stipulated by the State, or other labor forbidden to women.

**Article 60** It is forbidden to engage women workers in work high above the ground, under low temperatures, or in cold water during their menstrual periods or labor with Grade III physical labor intensity as stipulated by the State.

**Article 61** It is forbidden to engage women workers during their pregnancy in work with Grade III physical labor intensity as stipulated by the State or other work the State prevents them from doing during pregnancy. It is forbidden to prolong the work hours of women workers pregnant for seven months or ask them to work night shifts.

**Article 62** Birth-giving women workers shall be entitled to maternity leaves no shorter



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than 90 days.

**Article 63** It is forbidden to engage women workers in work with Grade III physical labor intensity as stipulated by the State during their breast-feeding of babies less than one year old and other labor the State prevents them from doing during their breast-feeding periods. Neither shall their work hours be prolonged nor they be asked to work night shifts during these periods.

**Article 64** It is forbidden to engage underage workers in work under wells at mines, poisonous or harmful work, labor Grade IV physical labor intensity as stipulated by the State, or any other labor the State prevents them from doing.

**Article 65** The employer shall carry out regular physical examinations for underage workers.

## Chapter 8 Professional Training

**Article 66** The State shall promote the cause of professional training through various channels and by various measures to develop the professional skills of laborers, improve their quality, and strengthen their employment and work abilities.

**Article 67** People's governments at all levels shall include professional training into their programmes for social and economic development, and encourage and support enterprises, institutional organizations, social groups, and individuals to carry out professional training in various forms.

**Article 68** The employer shall establish a system for professional training, extract and use funds for professional training according to State regulations, and provide laborers with professional training in a planned way and according to its specific conditions. Laborers to be engaged in technical work shall receive training before taking up their posts.

**Article 69** The State shall determine occupational classification, set up professional skill standards for specific occupations, and practice a system of professional qualification certificates. Examination and appraisal institutions granted recordation shall be charged to carry out examination and appraisal of the professional skills of laborers.

## Chapter 9 Social Insurance and Welfare Treatment

**Article 70** The State shall promote the development of the cause of social insurance, establish a social insurance system, and set up social insurance funds so that laborers can receive help and compensation when they become old, suffer diseases or work-related injuries, lose their jobs, and give birth.

**Article 71** The level of social insurance shall be brought in line with the level of social and economic development and social sustainability.

**Article 72** The sources of social insurance funds shall be determined according to the categories of insurance, and the practice of unified accumulation of insurance funds



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shall be introduced. The employer and individual laborers shall participate in social insurance in accordance with law and pay social insurance costs.

**Article 73** Laborers shall be entitled to social insurance treatment in any one of the following cases:

- (1) Retire;
- (2) Suffer diseases or injuries;
- (3) Become disabled during work or suffer occupational diseases;
- (4) Become laid off;
- (5) Give births.

The dependents of the laborer who dies shall enjoy, in accordance with law, subsidies provided to these dependents.

The conditions and standards on the eligibility of laborers for social insurance treatment shall be stipulated by laws and regulations.

The social insurance funds for laborers shall be paid in due time and in full.

**Article 74** Organizations charged with the task of handling social insurance funds shall collect, keep and use social insurance funds in accordance with stipulations in laws, and assume the responsibility to guarantee and multiply the value of these funds. Organizations charged to supervise social insurance funds shall supervise in accordance with law stipulations, the collection, keeping and use of social insurance funds.

The establishment and functioning of the organizations in the preceding two clauses shall be specified by law.

No unit or individuals shall be allowed to use social insurance funds for other purposes.

**Article 75** The State encourages the employer to set up supplementary insurance for laborers according to its practical conditions.

The State calls on labourers to take out the insurance in the form of saving deposits.

**Article 76** The State shall promotes the development of the social welfare cause, construct public welfare facilities, and provide conditions for laborers to rest and recuperate and convalesce.

The employer shall create conditions to improve collective welfare and provide laborers with better welfare treatment.

## Chapter 10 Labor Disputes

**Article 77** In case of labor disputes between the employer and laborers, the parties concerned can apply for mediation or arbitration, bring the case to courts, or settle them through consultation.

The principle of mediation is applicable to arbitration and court procedures.

**Article 78** Labor disputes shall be settled according to the principle of justice, fairness, and promptness so as to safeguard the legitimate rights and interests of the parties involved in these disputes in accordance with law.

**Article 79** Once a labor dispute occurs, the parties involved can apply to the labor dispute mediation committee of their unit for mediation; if it cannot be settled through



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mediation and one of the parties asks for arbitration, application can be filed to a labor dispute arbitration committee for arbitration. Any one of the parties involved in the case can also apply to a labor dispute arbitration committee for arbitration. The party that has objections to the ruling of the labor arbitration committee can bring the case to a people's court.

**Article 80** A labor dispute mediation committee can be set up inside the employer. This committee shall be composed of workers representatives, the representatives of the employer, and trade union representatives. The chairmanship of this committee shall be held by a trade union representative.

Agreements reached on labor disputes through mediations shall be implemented by the parties involved.

**Article 81** Labor dispute arbitration committees shall be composed of the representatives of labor administrative departments, representatives from trade unions at the same level, and the employers representatives. The chairmanship of such a committee shall be held by the representative of a labor administrative department.

**Article 82** The party that asks for arbitration shall file a written application to a labor dispute arbitration committee within 60 days starting from the date of the occurrence of a labor dispute. Generally speaking, the arbitration committee shall produce a ruling within 60 days after receiving the application. The parties involved shall implement arbitration rulings if they do not have any objections to these rulings.

**Article 83** If any of the parties involved in a labor dispute has objections to an arbitration ruling, it can raise a lawsuit with a people's court within 15 days after receiving the ruling. If one of the parties involved neither raises a lawsuit nor implements the arbitration ruling within the legal period of time, the other party can apply to a people's court for forced implementation.

**Article 84** Cases of disputes resulted from the conclusion of collective contracts shall be handled through consultation by all the parties concerned brought together by the labor administrative department of a local peoples government if these cases cannot be handled through consultation between the parties involved.

Cases of disputes resulted from the implementation of collective contracts shall be brought to a labor dispute arbitration committee for arbitration if these cases cannot be solved through consultation between the parties involved. The party that has objections to a ruling can raise a lawsuit with a people's court within 15 days after receiving the ruling.

## Chapter 11 Supervision and Inspection

**Article 85** The labor administrative departments under people's governments at or above the county level shall supervise and inspect efforts by the employer to abide by laws and regulations, and have the power to stop any behavior that runs counter to labor laws and regulations and order correction.

**Article 86** The supervisors and inspectors of the labor administrative departments under people's governments at or above the county level shall have, while performing their public duties, the right to go to the employer to make investigations about the



employers implementation of labor laws and regulations, consult data they deem necessary, and inspect labor spots.

The supervisors and inspectors of the labor administrative departments under people's governments at or above the county level shall produce their documents of certification while performing public duties, impartially enforce laws, and abide themselves by relevant regulations.

**Article 87** Relevant departments under people's governments at or above the county level shall supervise, within the range of their duties and responsibilities, the employer in its observance of labor laws and regulations.

**Article 88** Trade unions at various levels shall safeguard the legitimate rights and interests of laborers, and supervise the employer in its observance of labor laws and regulations.

All units and individuals shall have the right to expose and accuse behaviors that go against labor laws and regulations.

## Chapter 12 Legal Responsibilities

**Article 89** If the rules and regulations on labor formulated by the employer run counter to the provisions of laws and regulations, it shall be given a warning by labor administrative departments, ordered to make corrections, and asked to hold responsibility over harms that may be done to laborers.

**Article 90** If the employer prolongs work hours in violation of stipulations in this Law, labor administrative departments can give it a warning, order it to make corrections, and may impose a fine thereon.

**Article 91** The employer involved in any one of the following cases that encroach upon the legitimate rights and interests of laborers shall be ordered by labor administrative departments to pay laborers wage remunerations or to make up for economic losses, and may even order it to pay compensation:

- (1) Deduction or unjustified delay in paying wages to laborers;
- (2) Refusal to pay laborers wage remunerations for working longer hours;
- (3) Payment of wages to laborers below local standards on minimum wages;
- (4) Failure to provide laborers with economic compensations in accordance with this Law after revocation of labor contracts.

**Article 92** The employer whose labor safety facilities and labor sanitation conditions fall short of State regulations or who fails to provide laborers with necessary labor protection articles and labor protection facilities shall be ordered by labor administrative departments or other relevant departments to make corrections, or be fined. Those involved in serious cases shall be reported to people's governments at or above the county level so that these people's governments can decide and order it to stop production for consolidation. Criminal responsibilities shall be fixed upon the persons in charge according to stipulations of the **Criminal Law** should the failure on the part of the employer to take measures against possible accidents result in serious accidents and cause losses of laborers life or properties.

**Article 93** Criminal responsibilities shall be fixed upon the persons in charge in



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accordance with law if the employer forces laborers to venture to work against regulations and as a result cause major accidents of injuries and deaths and serious consequences.

**Article 94** The employer that recruits juveniles below the age of 16 in violation of law shall be ordered by labor administrative departments to make corrections, and fined. That which involves in a serious case shall have its business license be revoked by the market regulatory department.

**Article 95** The employer that encroaches upon the legitimate rights and interests of women and underage workers in violation of the stipulations of this Law on their protection shall be ordered by labor administrative departments to make corrections, and fined. That which causes harms to women and underage workers shall assume the responsibility over making compensations.

**Article 96** The responsible person of the employer involved in any one of the following cases shall be taken by a public security department into custody for 15 days, fined, or given a warning, and criminal responsibilities shall be fixed upon whoever commits a crime:

- (1) Use of violence, threat or illegal deprivation of personal freedom to force labor;
- (2) Humiliation, corporal punishment, beating, and illegal search or holding of laborers.

**Article 97** The employer shall assume the responsibility over compensation for losses caused to laborers by the invalidity of contracts due to reasons on the part of the employer.

**Article 98** The employer that revokes labor contracts or purposely delays the conclusion of labor contracts in violation of the conditions specified in this Law shall be ordered by labor administrative departments to make corrections and assume responsibility over compensation for any losses that may be sustained by laborers therefrom.

**Article 99** The employer that recruits laborers whose labor contracts have not yet cancelled, thus causing economic losses to the former employer, shall assume joint liabilities for compensation according to law.

**Article 100** The employer that refuses to pay social insurance funds shall be ordered by labor administrative department to pay within fixed periods of time. That which fails to make payments beyond the prescribed time shall be asked to pay arrears.

**Article 101** The employer that unjustifiably prevent labor administrative departments and other relevant departments as well as their workers from exercising supervision and inspection powers or retaliates informers shall be fined by labor administrative departments or other relevant departments. If a crime is committed, the person in charge shall be brought to hold criminal responsibilities.

**Article 102** Laborers who revoke labor contracts in violation of the conditions specified in this Law or violate terms on secret keeping matters agreed upon in labor contracts shall be asked to hold responsibility over compensation in accordance with



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law if their violation causes economic losses to the employer.

**Article 103** Criminal responsibilities shall be fixed upon the workers of labor administrative departments or any other relevant departments if they abuse their powers, neglect their duties, and practice fraud for the benefit of relatives or friends to such a degree that they commit crimes. Those who have not committed crimes shall be disciplined administratively.

**Article 104** Public servants and the workers of organizations charged to handle social insurance funds shall be brought to hold criminal responsibilities if they use social insurance funds for other purposes and as a result commit crimes.

**Article 105** If other laws or administrative decrees have already specified punishments for encroachment upon the legitimate rights and interests of laborers in violation of the stipulations of this Law, punishments shall be given in accordance with the stipulations of these laws or administrative decrees.

#### Chapter 13 Supplementary Provisions

**Article 106** People's governments at the provincial, autonomous regional and municipal level shall work out rules on the steps of the implementation of the system of labor contracts according to this Law and their local conditions and report the rules to the State Council for registration.

**Article 107** This Law shall take effect on January 1, 1995.



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