

China - Labor Law, 1994

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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.

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

15

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.

16

Article 7

17

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

18

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

19

Article 8

20

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.

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Article 9

22

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

23

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

24

Chapter 2 - Promotion of Employment

25

Article 10

26

The State shall create employment conditions and expand employment opportunities through promotion of economic and social development.

27

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.

28

The State shall support laborers to organize and employ themselves on a voluntary basis and to get employed in individual businesses.

29

Article 11 30

Local peoples governments at various levels shall take measures to develop various kinds of job agencies and provide employment services. 31

Article 12 32

Laborers shall not be discriminated against in employment due to their nationality, race, sex, or religious belief. 33

Article 13 34

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. 35

Article 14 36

Any special stipulations in laws and regulations about the employment of the disabled, minority people, and demobilized soldiers shall be observed. 37

Article 15 38

The employer shall be banned from recruiting juveniles under the age of 16. 39

Art, sports and special-skill units that plan to recruit juveniles under the age of 16 shall go through examination and approval procedures according to relevant State regulations and guarantee the right of the employed to receive compulsory education. 40

Chapter 3 - Labor Contracts and Collective Contracts 41

Article 16 42

Labor contracts are agreements reached between laborers and the employer to establish labor relationships and specify the rights, interests and obligations of each party. 43

Labor contracts shall be concluded if labor relationships are to be established. 44

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 peoples 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.

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 67

Probation periods can be agreed upon in labor contracts. These probation periods shall not, however, exceed six months at the longest. 68

Article 22 69

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. 70

Article 23 71

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. 72

Article 24 73

Labor contracts can be revoked with agreement reached between the parties involved through consultation. 74

Article 25 75

The employer can revoke labor contracts should any one of the following cases occur with its laborers: 76

- (1) When they are proved during probation periods to be unqualified for employment; 77
- (2) When they seriously violate labor disciplines or the rules or regulations of the employer; 78
- (3) When they cause great losses to the employer due to serious dereliction of duties or engagement in malpractice for selfish ends; 79
- (4) When they are brought to hold criminal responsibilities in accordance with law. 80

Article 26 81

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: 82

(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; 83

(2) The laborers are incompetent at their jobs and remain as so even after training or after readjusting the work posts; 84

(3) No agreements on a 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. 85

Article 27 86

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. 87

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. 88

Article 28 89

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. 90

Article 29 91

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: 92

(1) Those who are confirmed to have totally or partially lost their labor ability due to occupational diseases or work-related injuries; 93

(2) Those who are receiving treatment for their diseases or injuries during prescribed period of time; 94

(3) Women employees during pregnancy, puerperium,* and nursing periods; 95

(4) Others cases stipulated by laws and administrative decrees. 96

Article 30

97

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.

98

Article 31

99

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

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Article 32

101

Laborers can notify, at any time, their employer of their decision to revoke labor contracts in any one of the following cases:

102

(1) During their periods of probation;

103

(2) If they are forced to work by the employer through means of violence, threat or deprivation of personal freedom in violation of law;

104

(3) Failure on the part of the employer to pay labor remunerations or to provide labor conditions as agreed upon in labor contracts.

105

Article 33

106

The employees of an enterprise as one party may conclude a collective contract with the enterprise as another party on labor remunerations, work hours, rests and leaves, labor safety and sanitation, insurance, welfare treatment, and other matters.

107

The draft collective contract shall be submitted to the workers representative assembly or all the employees for discussion and passage.

108

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.

109

Article 34

110

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.

111

Article 35

112

Labor contracts concluded in accordance with law shall be binding on both 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.

113

Chapter 4 - Working Hours, Rests, and Leaves

114

Article 36

115

The State shall practice 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.

116

Article 37

117

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.

118

Article 38

119

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

120

Article 39

121

If an enterprise can not 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.

122

Article 40

123

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

124

(1) The New Years Day;

125

(2) The Spring Festival;

126

(3) The International Labor Day;

127

(4) The National Day;

128

(5) Other holidays stipulated by laws and regulations.

129

Article 41

130

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.

131

Article 42

132

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:

133

(1) Need for emergency treatment during occurrence of natural disasters, accidents or other reasons that threaten the life, health or property safety of laborers;

134

(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;

135

(3) Other cases stipulated in laws and administrative decrees.

136

Article 43

137

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

138

Article 44

139

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:

140

(1) Wage payments to laborers no less than 150 per cent of their wages if the laborers are asked to work longer hours;

141

(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;

142

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

143

Article 45

144

The State follows the system of annual leaves with pay.

145

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.

146

Chapter 5 - Wages 147

Article 46 148

Distribution of wages shall follow the principle of distribution according to work and equal pay for equal work. 149

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. 150

Article 47 151

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. 152

Article 48 153

The State shall implement a system of guaranteed minimum wages. Specific standards on minimum wages shall be stipulated by provincial, autonomous regional and municipal peoples governments and reported to the State Council for registration. 154

The employer shall pay laborers wages no lower than local standards on minimum wages. 155

Article 49 156

Standards on minimum wages shall be fixed and readjusted with comprehensive reference to the following factors: 157

(1) The lowest living costs of laborers themselves and the number of family members they support; 158

(2) Average wage level of the society as a whole; 159

(3) Productivity; 160

(4) Situation of employment; 161

(5) Differences between regions in their levels of economic development. 162

Article 50 163

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. 164

Article 51

165

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.

166

Chapter 6 - Labor Safety and Sanitation

167

Article 52

168

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 labor, and reduce occupational hazards.

169

Article 53

170

Labor safety and sanitation facilities shall meet State-fixed standards.

171

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.

172

Article 54

173

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.

174

Article 55

175

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

176

Article 56

177

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

178

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 criticize, expose and accuse any acts endangering the safety of their life and physical health.

179

Article 57

180

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 peoples 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 occurred to laborers in the process of their work and situations of occupational diseases.

181

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

182

Article 58

183

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.

184

Article 59

185

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.

186

Article 60

187

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.

188

Article 61

189

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.

190

Article 62

191

Birth-giving women workers shall be entitled to maternity leaves no shorter than 90 days.

192

Article 63

193

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.

194

Article 64

195

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 labour the State prevents them from doing.

196

Article 65

197

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

198

Chapter 8 - Professional Training

199

Article 66

200

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.

201

Article 67

202

Peoples governments at all levels shall include professional training into their programs for social and economic development, and encourage and support enterprises, institutional organizations, social groups, and individuals to carry out professional training in various forms.

203

Article 68

204

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.

205

Laborers to be engaged in technical work shall receive training before taking up their posts.

206

Article 69

207

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 organizations authorized by governments shall be charged to carry out examination and appraisal of the professional skills of laborers.

208

Chapter 9 - Social Insurance and Welfare Treatment

209

Article 70

210

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.

211

Article 71

212

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

213

Article 72

214

The sources of social insurance funds shall be determined according to the categories of insurance, and the practice of unified accumulation of insurance funds shall be introduced. The employer and individual laborers shall participate in social insurance in accordance with law and pay social insurance costs.

215

Article 73

216

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

217

(1) Retire;

218

(2) Suffer diseases or injuries;

219

(3) Become disabled during work or suffer occupational diseases;

220

(4) Become jobless;

221

(5) Give births.

222

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

223

The conditions and standards on the eligibility of laborers for social insurance treatment

224

shall be stipulated by laws and regulations.

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

225

Article 74

226

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.

227

Organizations charged to supervise social insurance funds shall supervise in accordance with law stipulations, the collection, keeping and use of social insurance funds.

228

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

229

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

230

Article 75

231

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

232

Article 76

233

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

234

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

235

Chapter 10 - Labor Disputes

236

Article 77

237

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.

238

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

239

Article 78

240

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.

241

Article 79

242

Once a labor dispute occurs, the parties involved can apply to the labor dispute mediation committee of their unit for mediation; if it can not be settled through 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 peoples court.

243

Article 80

244

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.

245

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

246

Article 81

247

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.

248

Article 82

249

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.

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Article 83

251

If any of the parties involved in a labor dispute has objections to an arbitration ruling,

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it can raise a lawsuit with a peoples 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 peoples court for forced implementation.

Article 84

253

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 can not 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 can not be solved through consultation between the parties involved. The party that has objections to a ruling can raise a lawsuit with a peoples court within 15 days after receiving the ruling.

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Chapter 11 - Supervision and Inspection

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Article 85

256

The labor administrative departments under peoples 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.

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Article 86

258

The supervisors and inspectors of the labor administrative departments under peoples 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.

259

The supervisors and inspectors of the labor administrative departments under peoples 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.

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Article 87

261

Relevant departments under peoples 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.

262

Article 88

263

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.

264

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

265

Chapter 12 - Legal Responsibilities

266

Article 89

267

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.

268

Article 90

269

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.

270

Article 91

271

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:

272

- (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.

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276

Article 92

277

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 peoples governments at or above the county level so

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that these peoples governments can decide and order it to stop production for consolidation. Criminal responsibilities shall be fixed upon the persons in charge according to stipulations in Article 187 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

279

Criminal responsibilities shall be fixed upon the persons in charge in 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.

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Article 94

281

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 administration for industry and commerce.

282

Article 95

283

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.

284

Article 96

285

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:

286

(1) Use of violence, threat or illegal deprivation of personal freedom to force labor;

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(2) Humiliation, corporal punishment, beating, and illegal search or holding of laborers.

288

Article 97

289

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.

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Article 98

291

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.

292

Article 99

293

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

294

Article 100

295

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.

296

Article 101

297

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.

298

Article 102

299

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 law if their violation causes economic losses to the employer.

300

Article 103

301

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.

302

Article 104

303

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.

304

Article 105

305

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.

306

Chapter 13 - Supplementary Provisions

307

Article 106

308

Peoples 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.

309

Article 107

310

This Law shall take effect on January 1, 1995.

311

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