

# **Labor Law of the People's Republic of China (2018 Amendment)<sup>1</sup>**

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<sup>1</sup>Translated by Health Law Asia – Pharmaceutical, Medical Device, and Cosmetics Law



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## Chapter I: General Provisions

### Article 1

In order to protect the legitimate rights and interests of workers, regulate labor relations, establish and maintain a labor system suited to the socialist market economy, and promote economic development and social progress, this Law is hereby enacted in accordance with the Constitution.

### Article 2

This Law shall apply to enterprises and individual economic organizations (hereinafter collectively referred to as “employers”) within the territory of the People’s Republic of China and to the workers who establish labor relations with them.

Workers who enter into labor contract relationships with state organs, public institutions, or social organizations shall perform their labor in accordance with the provisions of this Law.

### Article 3

Workers shall enjoy the rights to equal employment and the freedom to choose their occupation; to receive remuneration for their labor; to rest and take leave; to occupational safety and health protection; to vocational skills training; to social insurance and welfare; to submit labor disputes for resolution; and to other labor rights as provided by law.

Workers shall be obligated to perform their labor tasks, improve their professional skills, comply with occupational safety and health regulations, and observe labor discipline and professional ethics.

### Article 4

Employers shall, in accordance with the law, establish and improve their rules and regulations, and shall ensure that workers enjoy their labor rights and fulfill their labor obligations.

### Article 5

The State shall adopt various measures to promote employment, develop vocational education, formulate labor standards, regulate social income, improve social insurance, coordinate labor relations, and progressively raise the living standards of workers.



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## Article 6

The State encourages workers to participate in social labor obligations, engage in labor competitions and activities for rationalization proposals, and supports and protects workers in scientific research, technological innovation, and inventions. The State shall recognize and reward model workers and outstanding employees.

## Article 7

Workers shall have the right, in accordance with the law, to join and organize trade unions. Trade unions shall represent and safeguard the lawful rights and interests of workers, and shall carry out their activities independently and autonomously in accordance with the law.

## Article 8

Workers shall, in accordance with the law, participate in democratic management or engage in equal consultation with employers to protect their lawful rights and interests through workers' meetings, workers' representative assemblies, or other forms.

## Article 9

The labor administrative department of the State Council shall be responsible for labor affairs nationwide. The labor administrative departments of the local people's governments at or above the county level shall be responsible for labor affairs within their respective administrative regions.

## Chapter II: Promotion of Employment

### Article 10

The State shall, by promoting economic and social development, create conditions for employment and expand employment opportunities.

The State shall encourage enterprises, public institutions, and social organizations to establish industries or expand operations within the scope prescribed by laws and administrative regulations, thereby increasing employment.



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The State shall support workers in voluntarily organizing for employment and in engaging in self-employment or individual business to achieve employment.

#### Article 11

People's governments at all levels shall take measures to develop various types of employment service agencies and provide employment services.

#### Article 12

Employment of workers shall not be subject to discrimination on the grounds of ethnicity, race, sex, or religious belief.

#### Article 13

Women shall enjoy equal employment rights with men. Except for positions or types of work that are unsuitable for women as prescribed by the State, employers shall not refuse to employ women or raise employment standards for women on the basis of sex.

#### Article 14

For the employment of persons with disabilities, ethnic minority personnel, and demobilized servicemen, special provisions prescribed by laws and administrative regulations shall apply.

#### Article 15

Employers are prohibited from hiring minors under the age of sixteen. Where minors under the age of sixteen are employed by institutions engaged in the arts, sports, or special crafts, such employment shall comply with relevant State regulations, and the minors' right to compulsory education shall be guaranteed.

### **Chapter III: Labor Contracts and Collective Contracts**

#### Article 16



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A labor contract is an agreement between a worker and an employing entity to establish an employment relationship and to clarify the rights and obligations of both parties. An employment relationship shall be established through the conclusion of a labor contract.

#### Article 17

The conclusion and modification of a labor contract shall follow the principles of equality, voluntariness, and mutual agreement, and shall not violate the provisions of laws or administrative regulations. Once a labor contract is concluded in accordance with the law, it shall have binding legal force, and the parties must perform the obligations stipulated therein.

#### Article 18

The following labor contracts shall be invalid:

- 1-Labor contracts that violate laws or administrative regulations;
- 2-Labor contracts concluded through fraud, coercion, or other improper means.

An invalid labor contract shall have no legal effect from the moment it was concluded. If only part of a labor contract is confirmed to be invalid, the remaining provisions shall continue to be effective, provided that they are not affected by the invalid portion. The invalidity of a labor contract shall be confirmed by a labor dispute arbitration committee or a people's court.

#### Article 19

A labor contract shall be concluded in written form and shall include the following clauses:

- 1-The term of the labor contract;
- 2-Job duties;
- 3-Labor protection and working conditions;
- 4-Remuneration;
- 5-Work discipline;
- 6-Conditions for termination of the labor contract;
- 7-Liability for breach of the labor contract.



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In addition to the mandatory clauses listed above, the parties may negotiate and agree upon other content in the labor contract.

#### Article 20

The term of a labor contract may be fixed-term, open-ended (without a fixed term), or based on the completion of a specific task. Where a worker has continuously worked for the same employing entity for ten years or more, and both parties agree to renew the labor contract, if the worker requests an open-ended labor contract, an open-ended labor contract shall be concluded.

#### Article 21

A labor contract may stipulate a probationary period. The probationary period shall not exceed six months.

#### Article 22

The parties to a labor contract may include provisions regarding the protection of the employing entity's trade secrets in the labor contract.

#### Article 23

Upon the expiration of the labor contract term, or upon the occurrence of the conditions for termination agreed upon by the parties, the labor contract shall terminate.

#### Article 24

By mutual agreement of the parties to the labor contract, the labor contract may be terminated.

#### Article 25

An employing entity may terminate a labor contract if the worker falls under any of the following circumstances:



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- 1-Proven not to meet the employment conditions during the probationary period;
  - 2-Seriously violates labor discipline or the employing entity's rules and regulations;
  - 3-Commits gross dereliction of duty or engages in malfeasance, causing significant harm to the employing entity's interests;
  - 4-Is subject to criminal liability according to law.

## Article 26

An employing entity may terminate a labor contract under any of the following circumstances, but shall provide the worker with thirty days' prior written notice:

- 1-The worker suffers from illness or a non-work-related injury, and upon expiration of the medical treatment period, is unable to perform their original work or other work arranged by the employing entity;
- 2-The worker is unable to perform the work competently, and remains unable to do so even after training or reassignment;
- 3-The objective circumstances upon which the labor contract was concluded undergo significant changes, rendering the original labor contract impossible to perform, and the parties are unable to reach an agreement on modifying the contract through consultation.

## Article 27

Where an employing entity is on the verge of bankruptcy and undergoing statutory reorganization, or where the production or operational conditions encounter serious difficulties necessitating staff reduction, the entity shall inform the labor union or all employees thirty days in advance, solicit their opinions, and after reporting to the labor administrative department, may proceed with staff reduction.

If personnel are reduced pursuant to this article and the entity hires new personnel within six months, the previously laid-off employees shall be given priority for re-employment.

## Article 28

An employing entity that terminates a labor contract in accordance with Articles 24, 26, or 27 of this Law shall provide economic compensation in accordance with relevant state regulations.



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## Article 29

An employing entity shall not terminate a labor contract under the provisions of Articles 26 or 27 of this Law if the worker falls under any of the following circumstances:

- 1-Suffers from an occupational disease or a work-related injury and has been confirmed to have lost, or partially lost, their labor capacity;
- 2-Suffers from illness or injury and is within the prescribed medical treatment period;
- 3-A female worker is in the period of pregnancy, childbirth, or breastfeeding;
- 4-Other circumstances as prescribed by laws or administrative regulations.

## Article 30

If an employing entity terminates a labor contract and the labor union considers it inappropriate, the union has the right to express its opinion. If the employing entity violates laws, administrative regulations, or the labor contract, the union has the right to request that the matter be reconsidered. When a worker applies for arbitration or files a lawsuit, the union shall provide support and assistance in accordance with the law.

## Article 31

A worker who wishes to terminate a labor contract shall provide the employing entity with thirty days' prior written notice.

## Article 32

A worker may terminate a labor contract at any time by notifying the employing entity under any of the following circumstances:

- 1-During the probationary period;
- 2-If the employing entity forces labor by means of violence, threats, or illegal restrictions on personal freedom;
- 3-If the employing entity fails to pay labor remuneration or provide working conditions as stipulated in the labor contract.



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### Article 33

Employees of an enterprise and the enterprise may conclude a collective contract regarding matters such as labor remuneration, working hours, rest and leave, occupational safety and health, and insurance and welfare. The draft collective contract shall be submitted to the employees' representative assembly or all employees for discussion and approval.

The collective contract shall be signed by the union on behalf of the employees and the enterprise. In enterprises where no union is established, it shall be signed by representatives elected by the employees and the enterprise.

### Article 34

After a collective contract is signed, it shall be submitted to the labor administrative department. If the labor administrative department does not raise any objections within fifteen days of receiving the contract, the collective contract shall take effect.

### Article 35

A legally concluded collective contract is binding on both the enterprise and all employees of the enterprise. In labor contracts concluded between individual employees and the enterprise, the standards regarding working conditions and labor remuneration shall not be lower than those stipulated in the collective contract.

## Chapter IV: Working Hours, Rest and Leave

### Article 36

The State implements a working hours system under which the daily working time of workers shall not exceed eight hours and the average weekly working time shall not exceed forty-four hours.

### Article 37

For workers paid on a piece-rate basis, the employing entity shall reasonably determine labor quotas and piece-rate remuneration standards in accordance with the working hours system prescribed in Article 36 of this Law.



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## Article 38

The employing entity shall ensure that workers have at least one day of rest each week.

## Article 39

Where, due to the nature of production, an enterprise is unable to implement the working hours and rest provisions prescribed in Articles 36 and 38 of this Law, it may adopt other working and rest arrangements upon approval by the labor administrative department.

## Article 40

The employing entity shall, in accordance with the law, arrange for workers to take leave during the following holidays:

- 1-New Year's Day;
- 2-Spring Festival;
- 3-International Labor Day;
- 4-National Day;
- 5-Other holidays as prescribed by laws or administrative regulations.

## Article 41

Where, due to production or operational needs, an employing entity needs to extend working hours, it may do so after consultation with the labor union and the workers. In general, the extension shall not exceed one hour per day. Where it is necessary to extend working hours due to special reasons, the extension shall not exceed three hours per day, provided that the health of the workers is safeguarded; however, the total extension shall not exceed thirty-six hours per month.

## Article 42



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Under any of the following circumstances, the extension of working hours shall not be subject to the limitations prescribed in Article 41 of this Law:

1-In the event of natural disasters, accidents, or other emergencies that threaten the life, health, or property safety of workers and require urgent handling;

2-Where production equipment, transportation lines, or public facilities malfunction, affecting production or the public interest, and require immediate repair;

3-Other circumstances as provided by laws or administrative regulations.

#### Article 43

An employing entity shall not extend the working hours of workers in violation of the provisions of this Law.

#### Article 44

Under any of the following circumstances, the employing entity shall pay remuneration at rates higher than the worker's normal wages, in accordance with the following standards:

1-Where the employing entity arranges for workers to work overtime, it shall pay wages at a rate of not less than 150 percent of the worker's wages;

2-Where the employing entity arranges for workers to work on a rest day and is unable to arrange compensatory rest, it shall pay wages at a rate of not less than 200 percent of the worker's wages;

3-Where the employing entity arranges for workers to work on a statutory holiday, it shall pay wages at a rate of not less than 300 percent of the worker's wages.

#### Article 45

The State implements a system of paid annual leave. Workers who have continuously worked for one year or more shall be entitled to paid annual leave. Specific measures shall be prescribed by the State Council

### Chapter V: Wages



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## Article 46

The distribution of wages shall follow the principle of distribution according to work, and equal pay shall be provided for equal work. Wage levels shall be gradually increased on the basis of economic development. The State shall exercise macro-control over the total payroll.

## Article 47

An employing unit shall, in accordance with the law and based on its production and operational characteristics as well as its economic performance, independently determine its wage distribution system and wage levels.

## Article 48

The State shall implement a minimum wage guarantee system. The specific standards for minimum wages shall be prescribed by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and shall be filed with the State Council for the record. Wages paid by an employing unit to workers shall not be lower than the local minimum wage standard.

## Article 49

In determining and adjusting minimum wage standards, comprehensive consideration shall be given to the following factors:

- 1-The minimum living expenses of workers themselves and the average number of dependents they support;
- 2- The average wage level of society;
- 3- Labor productivity;
- 4- Employment conditions;
- (5) Disparities in the levels of economic development among different regions.

## Article 50

Wages shall be paid to workers themselves in monetary form on a monthly basis. No employing unit may withhold or unjustifiably delay the payment of wages to workers.



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## Article 51

During statutory holidays, marriage or funeral leave, as well as periods in which workers participate in social activities in accordance with the law, the employing unit shall pay wages to the workers in accordance with the law.

## Chapter VI: Occupational Safety and Health

### Article 52

Employing units shall establish and improve occupational safety and health systems, strictly implement the State's regulations and standards on occupational safety and health, and provide workers with education on occupational safety and health, so as to prevent accidents in the course of work and reduce occupational hazards.

### Article 53

Occupational safety and health facilities shall comply with the standards prescribed by the State. For newly constructed, renovated, or expanded projects, occupational safety and health facilities shall be designed, constructed, and put into production and use simultaneously with the main project.

### Article 54

Employing units shall provide workers with occupational safety and health conditions that comply with State regulations and with necessary labor protective equipment. Workers engaged in operations involving occupational hazards shall be given regular health examinations.

### Article 55

Workers engaged in special operations shall receive specialized training and obtain the qualifications required for special operations.

### Article 56

Workers shall strictly observe safety operating procedures in the course of their work.



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Workers shall have the right to refuse to carry out any instructions given by managerial personnel of the employing unit that are in violation of regulations or that compel them to undertake hazardous operations; they shall also have the right to criticize, report, and file complaints against acts that endanger their life safety or physical health.

#### Article 57

The State shall establish a system for the statistical reporting and handling of casualty accidents and occupational diseases. Labor administrative departments of people's governments at or above the county level, relevant departments, and employing units shall, in accordance with the law, conduct statistics, reporting, and handling of casualty accidents occurring to workers in the course of work and of workers' occupational disease conditions.

### **Chapter VII: Special Protection for Female Workers and Juvenile Workers**

#### Article 58

The State shall implement special labor protection for female workers and juvenile workers. Juvenile workers refer to workers who have reached the age of sixteen but are under eighteen years of age.

#### Article 59

Female workers shall not be assigned to work in underground mining operations, work involving labor intensity classified as Grade IV as prescribed by the State, or other types of work prohibited for female workers.

#### Article 60

Female workers shall not be assigned, during their menstrual periods, to work at heights, in low-temperature environments, in cold water, or to work involving labor intensity classified as Grade III as prescribed by the State.

#### Article 61

Female workers shall not be assigned, during pregnancy, to work involving labor intensity classified as Grade III as prescribed by the State or to other work prohibited during pregnancy. Female workers who are seven months pregnant or more shall not be assigned extended working hours or night shifts.



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## Article 62

Female workers shall be entitled to maternity leave of not less than ninety days for childbirth.

## Article 63

Female workers shall not, during the period of breastfeeding infants under one year of age, be assigned to work involving labor intensity classified as Grade III as prescribed by the State or to other work prohibited during the breastfeeding period, nor shall they be assigned extended working hours or night shifts.

## Article 64

Juvenile workers shall not be assigned to work in underground mining operations, work involving toxic or harmful substances, work involving labor intensity classified as Grade IV as prescribed by the State, or other types of work prohibited for underage workers.

## Article 65

Employing units shall conduct regular health examinations for juvenile workers.

## Chapter VIII: Vocational Training

### Article 66

The State shall, through various channels and by adopting various measures, develop vocational training programs, enhance workers' vocational skills, improve their overall quality, and strengthen their employability and work capability.

### Article 67

People's governments at all levels shall incorporate the development of vocational training into their plans for social and economic development, and shall encourage and support enterprises, public institutions, social organizations, and individuals with the requisite conditions to carry out vocational training in various forms.



## Article 68

Employing units shall establish vocational training systems, extract and use vocational training funds in accordance with State regulations, and, in light of their actual circumstances, provide workers with vocational training in a planned manner.

Workers engaged in technical occupations shall receive training prior to taking up their posts.

## Article 69

The State shall determine occupational classifications, formulate occupational skill standards for prescribed occupations, and implement a system of occupational qualification certificates. Occupational skill assessments and evaluations for workers shall be conducted by assessment and evaluation institutions that have been filed for the record.

## Chapter IX: Social Insurance and Welfare

### Article 70

The State shall develop the social insurance system, establish social insurance schemes, and set up social insurance funds to provide assistance and compensation to workers in circumstances such as old age, illness, work-related injury, unemployment, and maternity.

### Article 71

The level of social insurance shall be commensurate with the level of social and economic development and the capacity of society to bear the costs.

### Article 72

Social insurance funds shall have their sources determined according to the type of insurance and shall gradually implement social pooling. Employers and workers are required to participate in social insurance and pay social insurance contributions in accordance with the law.

### Article 73



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Workers shall, in accordance with the law, enjoy social insurance benefits in the following circumstances:

1.Retirement;

2-Illness or injury;

3-Disability due to work-related injury or occupational disease;

4-Unemployment;

5-Maternity.

Upon the death of a worker, their dependents shall, in accordance with the law, enjoy survivor benefits.

The conditions and standards for workers to enjoy social insurance benefits shall be prescribed by law and regulations. Social insurance benefits due to workers shall be paid in full and on time.

#### Article 74

The administrative agencies of social insurance funds shall, in accordance with the law, handle the collection, expenditure, management, and operation of social insurance funds, and shall be responsible for preserving and increasing the value of such funds.

The supervisory agencies of social insurance funds shall, in accordance with the law, exercise supervision over the collection, expenditure, management, and operation of social insurance funds. The establishment and functions of the administrative and supervisory agencies of social insurance funds shall be prescribed by law. No organization or individual shall misappropriate social insurance funds.

#### Article 75

The State encourages employers, according to their actual circumstances, to establish supplementary insurance for workers. The State advocates that workers participate in savings-based insurance on an individual basis.

#### Article 76



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The State shall develop social welfare undertakings, construct public welfare facilities, and provide conditions for workers' rest, recuperation, and rehabilitation. Employers shall create conditions to improve collective welfare and enhance workers' welfare benefits.

## Chapter X: Labor Disputes

### Article 77

Where a labor dispute arises between an employer and a worker, the parties may, in accordance with the law, apply for mediation or arbitration, initiate litigation, or resolve the dispute through negotiation. The principles of mediation shall apply to both arbitration and litigation procedures.

### Article 78

The resolution of labor disputes shall be guided by the principles of legality, fairness, and timeliness, and shall protect the lawful rights and interests of the parties to the dispute in accordance with the law.

### Article 79

After a labor dispute arises, the parties may apply to the labor dispute mediation committee of their employing unit for mediation. If mediation fails and one party requests arbitration, the party may apply to the labor dispute arbitration committee for arbitration. Either party may also directly apply to the labor dispute arbitration committee for arbitration. A party dissatisfied with an arbitration award may file a lawsuit with a people's court.

### Article 80

A labor dispute mediation committee may be established within an employing unit. The labor dispute mediation committee shall be composed of representatives of the workers, the employer, and the labor union. The chairperson of the labor dispute mediation committee shall be a representative of the labor union. Where a labor dispute is resolved through mediation, the parties shall perform the terms of the agreement.

### Article 81



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A labor dispute arbitration committee shall be composed of representatives of the labor administrative department, representatives of the trade union at the same level, and representatives of the employers. The chairperson of the labor dispute arbitration committee shall be a representative of the labor administrative department.

#### Article 82

A party applying for arbitration shall submit a written application to the labor dispute arbitration committee within sixty days from the date on which the labor dispute arises. An arbitration award shall generally be rendered within sixty days from the date on which the arbitration application is accepted. Where no objection is raised to the arbitration award, the parties shall perform it.

#### Article 83

A party dissatisfied with an arbitration award may, within fifteen days from the date of receipt of the arbitration award, institute legal proceedings before a people's court. Where one party neither institutes legal proceedings within the statutory time limit nor performs the arbitration award, the other party may apply to the people's court for compulsory enforcement.

#### Article 84

Where a dispute arises from the conclusion of a collective contract and cannot be resolved through consultation, the local people's government labor administrative department may organize the relevant parties to coordinate and resolve the matter.

Where a dispute arises from the performance of a collective contract and cannot be resolved through consultation, the parties may apply to the labor dispute arbitration committee for arbitration. A party dissatisfied with the arbitration award may, within fifteen days from the date of receipt of the arbitration award, institute legal proceedings before a people's court.

### Chapter XI: Supervision and Inspection

#### Article 85

The labor administrative departments of the people's governments at or above the county level shall, in accordance with the law, conduct supervision and inspection of employers' compliance with labor laws and regulations. Where violations of labor laws or regulations are discovered, they shall have the authority to stop such acts and order corrections.



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## Article 86

When performing their official duties, supervision and inspection personnel of the labor administrative departments of the people's governments at or above the county level shall have the authority to enter employers' premises to understand the implementation of labor laws and regulations, consult relevant materials, and inspect workplaces.

When performing their official duties, supervision and inspection personnel of the labor administrative departments of the people's governments at or above the county level shall present their credentials, enforce the law impartially, and comply with relevant provisions.

## Article 87

Relevant departments of the people's governments at or above the county level shall, within the scope of their respective responsibilities, supervise employers' compliance with labor laws and regulations.

## Article 88

Trade unions at all levels shall, in accordance with the law, safeguard the lawful rights and interests of workers and supervise employers' compliance with labor laws and regulations. Any organization or individual shall have the right to report and lodge complaints against acts that violate labor laws or regulations.

## Chapter XII Legal Liability

### Article 89

Where the labor rules and regulations formulated by an employer violate the provisions of laws or administrative regulations, the labor administrative authority shall issue a warning and order corrections to be made. Where damage is caused to workers, the employer shall bear liability for compensation.

### Article 90

Where an employer violates the provisions of this Law by extending workers' working hours, the labor administrative authority shall issue a warning and order corrections to be made, and may impose a fine.



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## Article 91

Where an employer commits any of the following acts infringing upon the lawful rights and interests of workers, the labor administrative authority shall order the employer to pay the workers' wages and economic compensation, and may also order the payment of damages:

- 1-Withholding or unreasonably delaying the payment of workers' wages;
- 2-Refusing to pay remuneration for extended working hours;
- 3-Paying workers wages below the local minimum wage standard;
- 4-Failing to provide economic compensation to workers in accordance with this Law after terminating a labor contract.

## Article 92

Where an employer's occupational safety facilities and sanitary conditions fail to comply with national standards, or where the employer fails to provide workers with necessary labor protection articles and protective facilities, the labor administrative authority or the relevant competent authority shall order corrections to be made and may impose a fine. Where the circumstances are serious, the matter shall be submitted to the people's government at or above the county level for a decision to order suspension of production for rectification. Where an employer fails to take measures to eliminate potential accident hazards, resulting in the occurrence of a major accident and causing loss of life or property to workers, the responsible personnel shall be held criminally liable in accordance with the relevant provisions of the Criminal Law.

## Article 93

Where an employer forces workers to engage in illegal or hazardous operations in violation of rules and regulations, and a major casualty accident occurs causing serious consequences, the responsible personnel shall be investigated for criminal liability in accordance with the law.

## Article 94

Where an employer illegally recruits minors under the age of sixteen, the labor administrative authority shall order corrections to be made and impose a fine; where the circumstances are serious, the market supervision and administration authority shall revoke the business license.



## Article 95

Where an employer violates the provisions of this Law concerning the protection of female employees and underage workers, thereby infringing upon their lawful rights and interests, the labor administrative authority shall order corrections to be made and impose a fine; where damage is caused to female employees or underage workers, the employer shall bear liability for compensation.

## Article 96

Where an employer commits any of the following acts, the public security organ shall impose on the responsible personnel detention of up to fifteen days, a fine, or a warning; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

1-Forcing labor by means of violence, threats, or unlawful restriction of personal freedom;

2-Insulting, subjecting to corporal punishment, beating, illegally searching, or detaining workers.

## Article 97

Where an invalid labor contract is concluded due to reasons attributable to the employer and damage is caused to workers, the employer shall bear liability for compensation.

## Article 98

Where an employer terminates a labor contract in violation of the conditions prescribed by this Law, or deliberately delays the conclusion of a labor contract, the labor administrative authority shall order corrections to be made. Where damage is caused to workers, the employer shall bear liability for compensation.

## Article 99

Where an employer recruits a worker whose labor contract with another employer has not yet been terminated, thereby causing economic losses to the original employer, the recruiting employer shall bear joint and several liability for compensation in accordance with the law.



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## Article 100

Where an employer fails, without justification, to pay social insurance premiums, the labor administrative authority shall order the employer to make payment within a prescribed time limit; where payment is not made within the time limit, a late payment surcharge may be imposed.

## Article 101

Where an employer unreasonably obstructs the labor administrative authority, relevant departments, or their staff from exercising their powers of supervision and inspection, or retaliates against whistleblowers, the labor administrative authority or the relevant department shall impose a fine; where a crime is constituted, criminal liability shall be pursued against the responsible persons in accordance with the law.

## Article 102

Where a worker terminates a labor contract in violation of the conditions prescribed by this Law, or breaches confidentiality obligations agreed upon in the labor contract, thereby causing economic losses to the employer, the worker shall bear liability for compensation in accordance with the law.

## Article 103

Where staff members of the labor administrative authority or relevant departments abuse their powers, neglect their duties, or engage in favoritism and malpractice, and a crime is constituted, criminal liability shall be pursued in accordance with the law; where no crime is constituted, administrative sanctions shall be imposed.

## Article 104

Where state functionaries or staff members of social insurance fund management institutions misappropriate social insurance funds and a crime is constituted, criminal liability shall be pursued in accordance with the law.

## Article 105





Where acts in violation of this Law infringe upon the lawful rights and interests of workers, and penalties are already prescribed by other laws or administrative regulations, such penalties shall be imposed in accordance with the provisions of those laws or administrative regulations.

### **Chapter XIII: Supplementary Provisions**

#### **Article 106**

The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall, in accordance with this Law and the actual conditions of their respective regions, formulate the implementation steps for the labor contract system and file them with the State Council for the record.

#### **Article 107**

This Law shall enter into force on January 1, 1995.



**HEALTH LAW ASIA**

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