

PROVISIONS ON THE PROHIBITION OF USING CHILD LABOR

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Article 1 In order to protect physical and psychological health of juveniles and children, and to promote compulsory education, these provisions are formulated according to the Constitution of the People's Republic of China.

Article 2 Child labor shall mean a juvenile or child who is not 16 years old, who incurs labor relationship with a unit or an individual and engages in labor for economic income or who engages in labor under sole proprietorship.

The following shall not fall within the category of child labor: juveniles or children under 16 years old who participate in family chores, labor courses organized by their schools, and auxiliary labor activities that do not harm their physical and psychological health and are not beyond their physical capacity and which are permitted by the people's government of the province, autonomous region or municipality.

Article 3 Labor administration department shall, jointly with the industry and commerce administration department, education administration department, agricultural administration department and department in charge of enterprises and trade union, confederation of women, be responsible for the inspection of the implementation of these provisions.

Article 4 Government agencies, social organizations, enterprises and institutional entities (hereafter collectively "units") and sole proprietors, farmers or residents in cities or towns (hereafter collectively "individuals") are hereby prohibited from using child labors.

Article 5 All employment information agencies and other units and individuals are hereby prohibited from recommending employment to juveniles and children under 16 years old.

Article 6 Industry and commerce administration department at all levels shall not grant sole proprietorship business license to juveniles and children under 16 years old.

Article 7 Parents or other custodian shall not permit their children or juveniles under custody under 16 years old to engage in child labor.

Article 8 Arts, sports and units of special profession that genuinely need to recruit artistic workers, athletes and apprentices, shall apply to labor administration department above county level (inclusive, the same as follows) for approval.

The definition of "artistic workers, athlete and apprentice" shall be specifically provided for by the labor administration department under the State Council together with department in charge of culture and physical education under the State Council.

For juveniles and children recruited pursuant to the above provision, the recruiting units shall truly protect their physical and psychological health so as to help them grow healthily in terms of morality, intelligence and physical fitness, and shall be responsible to create conditions so as to ensure that juveniles and children shall receive compulsory education for the number of

years locally prescribed pursuant to the law.

Article 9 Labor administration department shall strengthen the administration of recruiting, and shall strictly verify the age of the candidates when processing employment and filing formalities. It shall not process the formality if the recruiting does not comply with these provisions.

Article 10 Labor administration department shall demand any unit or individual that employs child labor in violation of these provisions to send such child labor back to his or her original place of abodes. The costs and expenses of sending such child labor to his or her place of abode shall be fully borne by the unit or individual that employs the child labor.

Article 11 Any unit or individual who employs child labor in violation of these provision shall be responsible for the medical treatment of the child labor who has become ill or is injured or becomes disabled prior to being sent back to his or her original place of abode, and shall bear all the medical and living expenses incurred during the period of medical treatment. At the end of the medical treatment, the labor verification committee shall determine the degree of his or her injury, and the unit or individual who employs the child labor shall pay disability compensation fee to the child labor according to the degree of injury or disability if the child labor died, then the unit or individual that employs the child labor shall pay his or her parents or other custodian death and burial subsidies, as well as economic compensation.

The specific standard and measures concerning the payment of all fees pursuant to above provision shall be decided by the people's government of each province, autonomous region and municipalities.

Labor administration department above county level shall impose administrative punishment against those units and individuals who are responsible for the injury, disability or death of the child labor; if criminal offenses are committed, then criminal liabilities shall be prosecuted by the judiciary organs.

Article 12 Labor administration department above county level shall request the relevant department in charge to impose administrative punishments to the following persons who violate these provisions:

- (1) Legal representative (or major person in charge) of the unit that employed child labor and direct responsible person.
- (2) Administrative personnel in charge and the direct responsible person of the industry and commerce administration department that approved and granted sole proprietorship business license to juveniles and children under 16 years old.
- (3) Person in charge of the employment information agency and direct responsible person that recommended employment to juveniles and children under 16 years old.
- (4) Direct responsible person of the relevant unit that issued false certificate for juvenile and children under 16 years old working as child labors.

Article 13 Any of the following act shall be punished by a fine by labor administration department:

- (1) A unit or individual employs child labor;

(2) Parents or other custodian allows juveniles or children under 16 years old to work as child labor and refuses to remedy after being ritized and educated;

(3) Employment information agency and other units or individual recommends employment to juveniles and children under 16 years old.

(4) A unit or individual issues false certificate for juveniles or children under 16 years old working as child labor.

Heavy fines shall be imposed on the unit that employs child labor, and the detailed scale of fines shall be determined by the people's government of each province, autonomous region and municipality. Scale of fines under other provisions of this article shall be decided by the labor administration department under the State Council.

All fines shall be submitted to the State Treasury.

Article 14 If a unit or a sole proprietor commits one of the following act, the labor administration department above county level shall request the industry and commerce department to revoke its or his business license:

(1) The enterprise and the institutional unit that engages in business operation and sole proprietor employ child labors and refuse to remedy despite repeated education, and the circumstance is very serious;

(2) A juvenil or child under 16 years old obtains a business license for sole proprietorship.

Article 15 Any of the following acts that violates the Regulations on the Administration of Public Order and Punishment, the public security agency shall impose administrative punishment. If the act constitutes a criminal offense, then criminal liability shall be prosecuted by the judiciary organ:

(1) Abducting child labor;

(2) Abusing child labor;

(3) Forcing child labor to work under hazardous conditions which lead to injury or death accident;

(4) Other harms to the physical health of child labor.

Article 16 In poor rural area that do not posses the conditions for implementing compulsory junior high school education according to the implementation steps of the compulsory education in that local area, juveniles between 13 and 15 years old not entering into the junior high school who genuinely need to engage in auxiliary labor for economic income, and the labors are not beyond their capacity, the scope and trade of such labor shall be strictly restricted and specific measures shall be decided by the people's government of each province, autonomous region and municipality having regard to actual circumstances. Article 17 People's government of each province, autonomous region and municipality shall make implementing rules according to these provisions.

Article 18 The Ministry of Labor shall be responsible for the interpretation of

these provisions.

Article 19 These provisions shall be implemented from the date of

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