

SUBJECT: LABOUR LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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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 labourers, readjust labour relationship, establish and safeguard the labour system suiting the socialist market economy, and promote economic development and social progress.

Article 2 This Law applies to enterprises, individually-owned economic organisations (hereinafter referred to as the employer) and labourers who form a labour relationship with them within the boundary of the People's Republic of China.

State departments, institutional organisations and social groups and labourers who form a labour relationship with them shall follow this Law.

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

Labourers shall fulfil their tasks of labour, improve their professional skills, follow rules on labour safety and sanitation, observe labour discipline and professional ethics.

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

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

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

Article 7 Labourers 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 labourers, and stage activities

independently in accordance with law.

Article 8 Labourers 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 labourers.

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

Local people's governments above the county level shall take charge of the management of labour 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 organisations, 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 labourers 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 Labourers 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 go through examination and approval procedures according to relevant State regulations and guarantee the right of the employed to receive compulsory education.

Chapter 3 Labour Contracts and Collective Contracts

Article 16 Labour contracts are agreements reached between labourers and the employer to establish labour relationships and specify the rights, interests and obligations of each party.

Labour contracts shall be concluded if labour relationships are to be established.

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

Labour contracts shall become legally binding once they are concluded in accordance with law. The parties involved shall fulfil obligations stipulated in labour contracts.

Article 18 The following labour contracts shall be invalid;

(1) Labour contracts concluded against laws or administrative decrees;

(2) Labour contracts concluded through cheating, threat, or any other means.

Invalid labour contracts shall not be legally binding from the very beginning of their conclusion. If a labour 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 labour contract shall be confirmed by a labour dispute arbitration committee or a people's court.

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

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

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

Article 20 The time limits of labour contracts shall be divided into fixed and flexible time limits and time limits for the completion of certain amount of work.

Labour contracts with flexible time limits shall be concluded between the labourers and the employer if the former request for the conclusion of labour 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 labour contracts. These probation periods shall not, however, exceed six months at the longest.

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

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

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

Article 25 The employer can revoke labour contracts should any one of the following cases occur with its labourers:

- (1) When they are proved during probation periods to be unqualified for employment;
- (2) When they seriously violate labour 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 labour contracts should any one of the following cases occur, with its labourers to be notified, in written form, of such revocation in 30 days' advance:

- (1) The labourers 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 labourers are incompetent at their jobs and remain as so even after training or after readjusting the work posts;
- (3) No agreements on a alteration of labour 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 labour administrative department before it makes such cuts.

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 labour contracts according to stipulations in Article 24, Article 26 and Article 27 of this Law.

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

- (1) Those who are confirmed to have totally or partially lost their labour 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 labour contract by the employer. If the employer violates laws, regulations or labour contracts, its trade union shall have the right to ask for handling the case anew. If labourers apply for arbitration or raise lawsuits, the trade union shall render support and help in accordance with law.

Article 31 Labourers planning to revoke labour contracts shall give a written notice to their employer in 30 days' advance.

Article 32 Labourers can notify, at any time, their employer of their decision to revoke labour 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 labour remunerations or to provide labour conditions as agreed upon in labour contracts.

Article 33 The employees of an enterprise as one party may conclude a collective contract with the

enterprise as another party on labour remunerations, work hours, rests and leaves, labour 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 Labour contracts shall be reported to labour administrative departments after their conclusion. Labour contracts shall take effect automatically if no objections are raised by these labour administrative departments within 15 days after they are received.

Article 35 Labour contracts concluded in accordance with law shall be binding on both the enterprise and all of its employees. The standards on labour conditions and labour payments agreed upon in labour contracts concluded between individual labourers 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 practise a working hour system wherein labourers 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 labourers 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 labourers have at least one day off a week.

Article 39 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 labour administrative departments.

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

- (1) The New Year's Day;
- (2) The Spring Festival;
- (3) The International Labour 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 labourers. 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 labourers 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 labourers;
- (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 labourers in violation of the stipulations of this Law.

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

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

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

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

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

Labourers 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 labourers 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 labourers 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 labourers themselves in the form of currency on a monthly basis. The wages payable to labourers shall not be deducted or delayed without reason.

Article 51 The employer shall pay wages to labourers 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 Labour Safety and Sanitation

Article 52 The employer shall establish and perfect its system for labour safety and sanitation, strictly abide by State rules and standards on labour safety and sanitation, educate labourers in labour safety and sanitation, prevent accidents in the process of labour, and reduce occupational hazards.

Article 53 Labour safety and sanitation facilities shall meet State-fixed standards.

The labour 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 labourers with labour safety and sanitation conditions meeting State stipulations and necessary articles of labour protection, and carry out regular health examination for labourers engaged in work with

occupational hazards.

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

Article 56 Labourers should strictly follow rules on safe operation in the process of labour.

Labourers 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 labour 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 occurred to labourers 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 labourers 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 labour with Grade IV physical labour intensity as stipulated by the State, or other labour 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 labour with Grade III physical labour intensity as stipulated by the State.

Article 61 It is forbidden to engage women workers during their pregnancy in work with Grade III physical labour 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 than 90 days.

Article 63 It is forbidden to engage women workers in work with Grade III physical labour intensity as stipulated by the State during their breast-feeding of babies less than one year old and other labour the State prevents them from doing during their breastfeeding 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, labour Grade IV physical labour intensity as stipulated by the State, or any other labour 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 labourers, 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 organisations, 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 labourers with professional training in a planned way and according to its specific conditions.

Labourers 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 practise a system of professional qualification certificates. Examination and appraisal organisations

authorised by governments shall be charged to carry out examination and appraisal of the professional skills of labourers.

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

Article 73 Labourers 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 jobless;
- (5) Give births.

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

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

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

Article 74 organisations 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.

organisations 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 organisations 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 labourers according to its practical conditions.

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

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

Chapter 10 Labour Disputes

Article 77 In case of labour disputes between the employer and labourers, 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 Labour 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 labour dispute occurs, the parties involved can apply to the labour 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 labour dispute arbitration committee for arbitration. Any one of the parties involved in the case can also apply to a labour dispute arbitration committee for arbitration. The party that has objections to the ruling of the labour arbitration committee can bring the case to a people's court.

Article 80 A labour 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 labour disputes through mediations shall be implemented by the parties involved.

Article 81 Labour dispute arbitration committees shall be composed of the representatives of labour administrative departments, representatives from trade unions at the same level, and the employer's representatives. The chairmanship of such a committee shall be held by the representative of a labour administrative department.

Article 82 The party that asks for arbitration shall file a written application to a labour dispute arbitration committee within 60 days starting from the date of the occurrence of a labour 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 labour 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 labour administrative department of a local people's 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 labour 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 people's court within 15 days after receiving the ruling.

Chapter 11 Supervision and Inspection

Article 85 The labour 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 behaviour that runs counter to labour laws and regulations and order correction.

Article 86 The supervisors and inspectors of the labour 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 employer's implementation of labour laws and regulations, consult data they deem necessary, and inspect labour spots.

The supervisors and inspectors of the labour 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 labour laws and regulations.

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

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

Chapter 12 Legal Responsibilities

Article 89 If the rules and regulations on labour formulated by the employer run counter to the provisions of laws and

regulations, it shall be given a warning by labour administrative departments, ordered to make corrections, and asked to hold responsibility over harms that may be done to labourers.

Article 90 If the employer prolongs work hours in violation of stipulations in this Law, labour 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 labourers shall be ordered by labour administrative departments to pay labourers 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 labourers;
- (2) Refusal to pay labourers wage remunerations for working longer hours;
- (3) Payment of wages to labourers below local standards on minimum wages;
- (4) Failure to provide labourers with economic compensations in accordance with this Law after revocation of labour contracts.

Article 92 The employer whose labour safety facilities and labour sanitation conditions fall short of State regulations or who fails to provide labourers with necessary labour protection articles and labour protection facilities shall be ordered by labour 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 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 labourers' life or properties.

Article 93 Criminal responsibilities shall be fixed upon the persons in charge in accordance with law if the employer forces labourers 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 labour 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.

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 labour 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 labour;
- (2) Humiliation, corporal punishment, beating, and illegal search or holding of labourers.

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

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

Article 99 The employer that recruits labourers whose labour 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 labour 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 labour administrative departments and other relevant departments as well as their workers from exercising supervision and inspection powers or retaliates informers shall be fined by labour administrative departments or other relevant departments. If a crime is committed, the person in charge shall be brought to hold criminal responsibilities.

Article 102 Labourers who revoke labour contracts in violation of the conditions specified in this Law or violate terms on secretkeeping matters agreed upon in labour contracts shall be asked to hold responsibility over compensation in accordance with law if their violation causes economic losses to the employer.

Article 103 Criminal responsibilities shall be fixed upon the workers of labour 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 organisations 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 labourers 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 labour 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.