

**LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON PROMOTION OF  
EMPLOYMENT  
ORDER OF THE PRESIDENT OF THE PEOPLE'S REPUBLIC OF CHINA**

**No.70**

The Law of the People's Republic of China on Promotion of Employment, adopted at the 29th Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of the China on August 30, 2007, is hereby promulgated and shall go into effect as of January 1, 2008.

Hu Jintao

President of the People's Republic of China

August 30, 2007

Law of the People's Republic of China on Promotion of Employment

(Adopted at the 29th Meeting of the Standing Committee of the Tenth National People's Congress on August 30, 2007)

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Chapter I

General Provisions

Article 1 This Law is enacted in order to promote employment, coordination between economic development and employment increase, and harmony and stability of society.

Article 2 The State lays great stress on employment increase in economic and social development, implements a proactive employment policy, and upholds the guideline under which workers keep the initiative in their own hands when choosing jobs, employment is regulated by the market, and the government promotes employment, in order to increase employment through multiple channels.

Article 3 The workers enjoy the right to employment on an equal footing and to choice of jobs on their own initiative in accordance with law.

In seeking employment, the workers shall not be subject to discrimination because of their ethnic backgrounds, races, gender, religious beliefs, etc.

Article 4 People's governments at or above the county level shall make employment increase one of their important goals in their endeavors for economic and social development, incorporate it in their plans for national economic and social development, and formulate medium- and long-term plans and annual work plans for promotion of employment.

Article 5 People's governments at or above the county level shall create conditions for employment and increase employment by taking such measures as developing the economy, adjusting the industrial structure, regulating the market of human resources, improving employment services, strengthening vocational education and training, providing employment aid, etc.

Article 6 The State Council shall establish a national mechanism for coordinating the efforts made to promote employment, whereby to study the major issues arising in this field of endeavor and coordinate and push forward such efforts nationwide. Specifically, the administrative department of labor of the State Council shall be in charge of the promotion of employment nationwide.

People's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall, in light of the need for promotion of employment, establish mechanisms for coordinating the efforts made to promote employment, whereby to coordinate such efforts and solve the major issues arising in this field of endeavor in their administrative areas respectively.

The relevant departments of the people's governments at or above the county level shall, in compliance with the division of duties, make joint efforts to do a good job in promoting employment.

Article 7 The State advocates that the workers develop correct ideas about how to choose jobs and enhance their employability and the capability to start an undertaking, and encourages them to start an undertaking on their own initiative or to seek jobs by themselves.

People's governments at all levels and the relevant departments shall simplify procedures and increase efficiency to provide conveniences for the workers to start undertakings on their own initiative and seek jobs by themselves.

Article 8 The employing units shall, in according with law, have the right to employ people independently.

The employing units shall guarantee the lawful rights and interests of the workers in accordance with the provisions of this Law, other laws and regulations.

Article 9 Trade unions, Communist youth leagues, women's federations, disabled persons' federations and other public organizations shall assist the people's governments in carrying out the promotion of employment and, in accordance with law, protect the workers' right to work.

Article 10 People's governments at all levels and the relevant departments shall commend and reward the units and individuals that have achieved outstanding successes in the effort to promote employment.

## Chapter II

### Policy Support

Article 11 People's governments at or above the county level shall make employment increase an important duty, and formulate overall plans for coordinating their industrial and employment policies.

Article 12 The State encourages various types of enterprises to provide more job opportunities by creating new industries or expanding business operation within the scope as prescribed by laws and regulations.

The State encourages the development of labor-intensive industries and the service industry and supports small and medium-sized enterprises in their efforts to provide more job opportunities through multiple channels and by diversified means.

The State encourages, supports and gives guidance to the non-public sectors of the economy in its effort to develop the economy, thereby to increase employment and provide more job opportunities.

Article 13 The State develops both domestic and foreign trade as well as international economic cooperation, thus to develop more channels for employment.

Article 14 When people's governments at or above the county level make arrangements for government investment or decide on major construction projects, they shall pay attention to bringing into play the role of such investment or projects in promoting employment and providing more job opportunities.

Article 15 The State implements the fiscal policies which are favorable for the promotion of employment, increases the input of funds and improves employment environment in order to increase employment.

People's governments at or above the county level shall, in light of the employment situation and the goal set for the work concerning employment, appropriate from their budgets special funds for employment promotion.

The special funds for employment shall be used as subsidies for job recommendation, vocational training, public welfare jobs, appraisal of occupational skills, special employment policies, social insurance, etc., and as guarantee funds for small loans and discount interest on small guarantee loans for low-profit projects, and shall be used to support the public

services for employment. The measures for management and use of the special employment funds shall be formulated by the finance department and the administrative department of labor of the State Council.

Article 16 The State establishes a sound unemployment insurance scheme to ensure the basic living standards of the unemployed in accordance with law and to promote their re-employment.

Article 17 The State encourages enterprises to provide more job opportunities and to support the unemployed and the disabled in finding jobs and, in accordance with law, offers the following enterprises and persons preferential tax policies:

- (1) enterprises that meet the requirement for hiring the unemployed persons who satisfy the conditions as prescribed by the State;
- (2) small and medium-sized enterprises set up by unemployed persons;
- (3) enterprises that reach the assigned proportion for employment of disabled persons, or whose employees are entirely disabled persons;
- (4) unemployed persons who engage in self-employed businesses and meet the conditions as prescribed by the State;
- (5) disabled persons who engage in self-employed businesses; and
- (6) other enterprises and persons entitled to preferential tax policies as prescribed by the State Council.

Article 18 To the persons mentioned in Subparagraphs (4) and (5) of Article 17 of this Law, the relevant departments shall give due consideration in terms of business site, ect. and exempt them from administrative charges.

Article 19 The State adopts financial policies favorable for promotion of employment, open up more channels for financing small and medium-sized enterprises, and encourages financial institutions to improve financial services, by giving such enterprises increased support in loans and providing, within a given period of time, small loans, etc. to support persons who start undertakings independently. Article 20 The State applies an employment policy whereby to make overall plans for both urban and rural areas, establishes a sound system under which to provide equal job opportunities to both urban and rural people and give guidance to the surplus agricultural workers in their effort to find other jobs in an orderly manner.

Local people's governments at or above the county level shall push forward the development of small towns (townships), accelerate the regional economic development of the counties, and give guidance to the surplus agricultural workers in their efforts to find other jobs at or near the places where they live. When formulating plans for small towns (townships), they shall include in the plans the employment of the surplus agricultural workers of their respective areas in other jobs as an important task.

Local people's governments at or above the county level shall give guidance to the surplus agricultural workers in going to the urban areas for employment in an orderly manner. The people's governments where workers are exported and imported shall cooperate with each

other in improving the employment environment and conditions for rural people to find jobs in the urban areas.

Article 21 The State supports the development of regional economy, encourages cooperation between different regions and comprehensively coordinate the efforts for balanced increase of employment in different areas.

The State supports ethnic minority areas in their efforts to develop the economy and increase employment.

Article 22 People's governments at all levels shall make overall plans for the employment of the new-arising workforce in cities and towns, of the surplus agricultural workers in other jobs, and for the re-employment of the unemployed.

Article 23 People's governments at all levels shall take measures to gradually improve and implement the labor and social insurance policies adapted to such flexible employment as part-time jobs, in order to provide assistance and services to the persons who look for flexible employment.

Article 24 Local people's governments at all levels and the relevant departments shall give better guidance to the unemployed in starting self-employed businesses, and provide them with policy consultation, vocational training, instructions on how to start a business and other services.

### Chapter III

#### Fair Employment

Article 25 People's governments at all levels shall create an environment for fair employment, eliminate discrimination in employment, and formulate policies and take measures to support and aid the persons who have difficulty in finding jobs.

Article 26 When an employing unit recruits persons or when a job intermediary engages in intermediary activities, it shall provide persons with equal opportunities and fair conditions for employment, and it shall not discriminate against anyone in this respect.

Article 27 The State guarantees that women enjoy equal right to work as men.

When an employing unit recruits persons, it shall not refuse to employ women or raise recruitment standards for females by using gender as an excuse, except where the types of work or posts are not suitable for women as prescribed by the State.

When an employing unit recruits female workers, it shall not have such provisions as restrict female workers from getting married or bearing a child included in the labor contract.

Article 28 The peoples of all ethnic groups enjoy equal right to work.

When an employing unit recruits persons, it shall give appropriate considerations to the persons of ethnic minorities in accordance with law.

Article 29 The State guarantees the disabled persons' right to work.

People's governments at all levels shall make overall plans for the employment of the disabled and create conditions for their employment.

When an employing unit recruits persons, it shall not discriminate against disabled persons.

Article 30 When an employing unit recruits a person, it shall not use as a pretext that he is a pathogen carrier of an infectious disease to refuse to employ him. However, before a pathogen carrier of an infectious disease is confirmed upon medical test that he is cured or before the suspicion that the disease is infectious is expelled, he shall not take up the kind of jobs which may easily cause the disease to spread and which a person is prohibited from taking up by laws and administrative regulations and by the administrative department of health under the State Council.

Article 31 Rural workers who go to cities for employment shall enjoy equal right to work as urban workers do. No discriminating restrictions may be placed on the rural workers who go to cities for employment.

#### Chapter IV

#### Employment Services and Management

Article 32 People's governments at or above the county level shall foster and improve a unitary, open, competitive and orderly market for human resources to provide services to the workers for employment.

Article 33 People's governments at or above the county level shall encourage all sectors of the society to carry out activities in the service of employment in accordance with law, provide better guidance in and exercise stricter supervision over public services for employment and the services provided by job intermediaries and gradually improve the employment service system covering urban and rural areas.

Article 34 People's governments at or above the county level shall intensify the development of information networks and relevant facilities for the market of human resources, establish a sound information service system for such market, and improve the system for dissemination of market information.

Article 35 People's governments at or above the county level shall establish a sound system to provide public services for employment, set up public service agencies for employment and provide the following services to the workers gratis:

- (1) consultation on employment policies and regulations;
- (2) release of information about supply and demand of jobs, guidance rates of wages on the market, and vocational training;
- (3) vocational guidance and job recommendation;
- (4) employment aid to people who have difficulty in finding jobs;
- (5) registration of employment and unemployment, etc.; and
- (6) other public services for employment.

A public service agency for employment shall constantly improve the quality and increase the efficiency of its services and shall not engage in any profit-making activities.

The funds for public services for employment shall be incorporated into the government budget at the same level.

Article 36 People's governments at or above the county level shall, according to the relevant regulations, subsidize the job intermediaries which provide public welfare services for employment.

The State encourages all circles of the society to make donations and provide financial aid to the public welfare service for employment.

Article 37 No local people's government at any level and no relevant department may set up any profit-making job intermediary or do so jointly with another.

No local people's government at any level, no relevant department or public service agency for employment may collect fees from people who attend job fairs held by it.

Article 38 People's governments at or above the county level and the relevant departments shall enhance the administration of job intermediaries, encourage them to improve the quality of their services and bring into play their role in the promotion of employment.

Article 39 The principles of lawfulness, good faith, fairness and openness shall be observed in intermediary activities for employment.

When an employing unit recruits persons via a job intermediary, it shall provide the intermediary with truthful information about its demand for jobs.

All organizations and individuals are prohibited from infringing on the legitimate rights and interests of the workers by taking advantage of their intermediary activities for employment.

Article 40 For establishment of a job intermediary, the following conditions shall be met:

- (1) having a definite charter and rules of management;
- (2) having fixed premises, office facilities and a certain amount of startup funds, which are essential to the business;
- (3) having a certain number of full-time staff members armed with the appropriate professional qualifications; and
- (4) other conditions prescribed by laws and regulations.

For establishment of a job intermediary, administrative permission shall be applied for in accordance with law. The job intermediary that obtains such permission shall register with the administrative department for industry and commerce.

No institution that has not obtained permission and registered in accordance with law may engage in job intermediary activities.

If where are regulations separately formulated by the State with respect to the job intermediaries that are funded by foreign investment or that offer to people overseas employment services, the provisions there shall prevail.

Article 41 No job intermediary may do any of the following:

- (1) providing false employment information;
- (2) offering job intermediary services to any employing unit that does not have a lawful license;
- (3) counterfeiting, tampering with or transferring the permit of job intermediary;
- (4) taking away a worker's resident identity card or other certificates, or charging a deposit from the worker; or
- (5) other acts in violation of the provisions of laws or regulations.

Article 42 People's governments at or above the county level shall establish an unemployment alert system to prevent, regulate and control potential large-scale unemployment.

Article 43 The State establishes a statistical system for workforce survey and a system for employment and unemployment registration, in order to conduct statistical survey of the workforce resources and of the status of employment and unemployment and publish the statistical findings.

When statistics departments and administrative departments of labor conduct statistical survey of the workforce and registration of employment and unemployment, the employing units and individuals shall provide truthful information required for statistical survey and registration.

## Chapter V

### Vocational Education and Training

Article 44 The State develops vocational education in accordance with law, promotes vocational training and encourages the workers to raise the level of their vocational skills and to increase their employability and capability of starting undertakings.

Article 45 People's governments at or above the county level shall, in light of the need of economic and social development and market demand, formulate and implement plans for the development of vocational capabilities.

Article 46 People's governments at or above the county level shall improve coordination under an overall plan, encourage and support various types of vocational colleges and schools, vocational skills training institutions and employing units to, in accordance with law, provide pre-employment training, on-the-job training, re-employment training and training for starting undertakings, and shall encourage the workers to participate in various forms of training.

Article 47 Local people's governments at or above the county level and the relevant departments shall, in light of the market demand and the trend of industrial development,

encourage enterprises to do a better job in vocational education and training and give them guidance in this endeavor.

Vocational colleges and schools and vocational skills training institutions shall keep close ties with enterprises, in order to combine teaching with production, serve economic development, and to cultivate people for practical use and skilled workers.

An enterprise shall allocate funds for their workers' education according to the relevant regulations of the State, in order to carry out vocational skill training and continued education among the workers. Article 48 The State takes measures to establish a sound labor reserve system. Local people's governments at or above the county level shall provide a certain period of vocational education and training to the graduates from junior and senior middle schools who need to find jobs, in order to enable them to acquire the relevant vocational qualifications or the skills of certain professions.

Article 49 Local people's governments at all levels shall encourage and support employment training, help the unemployed to upgrade their vocational skills and increase their employability and their capability of starting undertakings. The unemployed who participate in such training shall, in accordance with relevant regulations, be entitled to receive the training subsidies provided by the governments.

Article 50 Local people's governments at all levels shall take effective measures to make arrangement for and give guidance to the rural workers who go to cities for employment to participate in skill training in this respect, and encourage various types of training institutions to provide skill training to such rural workers to increase their employability and capability of starting undertakings.

Article 51 The State applies a vocational certification system to the workers who are engaged in such special types of work as those involving public security, human health, safety of people's lives and property. The specific measures in this respect shall be formulated by the State Council.

## Chapter VI

### Employment Aid

Article 52 People's governments at all levels shall establish a sound employment aid system and, in their support and assistance, give priority to the persons who have difficulty in finding jobs, by means of exemption and deduction of taxes and fees, discount interest loans, social insurance subsidies, post subsidies, by providing public welfare jobs and through other channels.

By persons who have difficulty in finding jobs are meant those persons who have difficulty in getting employed because of their physical condition, level of skills, family factor, loss of land, etc., or who cannot get re-employed after being unemployed for a continuous period of time. The specific range of persons who have difficulty in finding jobs shall be separately defined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in light of the actual conditions of their respective administrative areas.

Article 53 The public welfare jobs which are created through government investment shall first be offered to the persons who have difficulty in finding jobs and meet the requirements

of such jobs. The persons who get such jobs shall be given post subsidies according to the regulations of the State.

Article 54 Local people's governments at all levels shall improve their service in respect of employment aid at the grass-roots level, place emphasis on assisting the persons who have difficulty in finding jobs and offer them employment services and aid related to public welfare jobs that are suited to them.

Local people's governments at all level shall encourage and support the various sectors of the society to provide skill training, job information and other services to the persons who have difficulty in finding jobs.

Article 55 People's governments at all levels shall take special supportive measures to promote the employment of disabled persons.

An employing unit shall arrange the employment of disabled persons according to the regulations of the State. The specific measures in this respect shall be formulated by the State Council.

Article 56 Local people's governments at or above the county level shall adopt diversified forms of employment, expand the range of public welfare posts, create job opportunities, and ensure that at least one member is employed in each urban family that needs employment.

Where all the members of a family who have reached the statutory working age are unemployed, they may apply for employment aid to the public service for employment of the neighborhood or community where they live. The said public service for employment shall, upon verification, provide a suitable job to one member of the family at least.

Article 57 The State encourages the cities open to resources exploitation and the independent industrial and mining areas to develop industries that meet market demand and guide people to find jobs in these industries.

To the areas where it becomes difficult for a large number of persons to find jobs because the resources there are exhausted or the structure of the economy is readjusted, or for other reasons, the people's governments at a higher level shall provide the necessary support and assistance.

## Chapter VII

### Supervision and Inspection

Article 58 People's governments at all levels and the relevant departments shall establish target responsibility system for promotion of employment. The people's governments at or above the county level shall, on the basis of the requirements of such a system, assess and supervise the work of its subordinate departments and the people's governments at the next lower level.

Article 59 The audit organs and finance departments shall, in accordance with law, supervise and inspect the management and use of the special funds for employment.

Article 60 The administrative department of labor shall supervise and inspect the implementation of this Law and establish a reporting system to accept reports on violations of this Law, and shall verify and handle such violations in a timely manner.

## Chapter VIII

### Legal Responsibility

Article 61 Where the administrative departments of labor or other relevant departments or their members abuse their power, neglect their duties or engage in malpractices for personal gain in violation of the provisions of this Law, the leading persons directly in charge and the other persons directly responsible shall be given sanctions in accordance with law.

Article 62 Where anyone practices discrimination in employment in violation of the provisions of this Law, the workers concerned may lodge a lawsuit in the people's court.

Article 63 Where, in violation of the provisions of this Law, a local people's government, a relevant department or public service for employment establishes a profit-making job intermediary, or engages in profit-making job intermediary activities, or collect fees from the workers, the department in charge at a higher level shall order it to make rectification within a time limit and to return to the workers the fees illegally collected, and shall, in accordance with law, give sanctions to the leading persons who are directly in charge and the other persons who are directly responsible.

Article 64 Where any unit or individual, in violation of the provisions of this Law, starts a job intermediary without obtaining permission or registration, the administrative department of labor or other departments in charge shall have it closed down in accordance with law, and shall confiscate the illegal gains, if any, and impose on it/him a fine of not less than RMB 10,000 yuan but not more than 50,000 yuan.

Article 65 Where a job intermediary, in violation of the provisions of this Law, provides false employment information, provides intermediary services for employment to any employing unit that does not have a lawful license, or forges, tampers with or transfers the job intermediary permit, the administrative department of labor or other departments in charge shall order it to make rectification, confiscate its illegal gains, if any, and impose on it a fine of not less than 10,000 yuan but not more than 50,000 yuan, or, if the circumstances are serious, revoke its permit for job intermediary activities.

Article 66 Where a job intermediary takes away the resident identity card or other certificate of a worker in violation of the provisions of this Law, the administrative department of labor shall order it to return it to the worker within a time limit and shall punish it in accordance with provisions of relevant laws.

Where a job intermediary collects any deposit from the workers in violation of the provisions of this Law, the administrative department of labor shall order it to return the deposit to the workers within a time limit and shall impose on it a fine of not less than 500 yuan but not more than 2,000 yuan for each person from whom it collects a deposit.

Article 67 Where an enterprise, in violation of the provisions of this Law, fails to allocate funds for workers' education according to State regulations or misappropriates such funds, the administrative department of labor shall order it to make rectification and shall punish it in accordance with law.

Article 68 Where anyone, in violation of the provisions of this Law, infringes on the lawful rights and interests of the workers, thus causing property losses or other damages, he shall bear civil liabilities in accordance with law; if a crime is constituted, he shall be investigated for criminal responsibilities in accordance with law. Chapter IX

#### Supplementary Provisions

Article 69 This Law shall go into effect as of January 1, 2008.