

Order of the State Council of the People's Republic of China  
(No.514)

The Regulations on Paid Annual Leave for Employees, which were adopted at the 198th executive meeting of the State Council on December 7th, 2007, are hereby promulgated, and shall come into force as of January 1st, 2008.

Premier Wen Jiabao  
December 14th, 2007

**Regulations on Paid Annual Leave for Employees**

Article 1 For the purpose of safeguarding employees' right to take rest and leave and mobilizing their work enthusiasm, these Regulations are formulated in accordance with the Labor Law and the Civil Servant Law.

Article 2 Employees in organs, groups, enterprises, public institutions, private non-enterprise entities and individual industrial and commercial households hiring labor, who have worked continuously for one year or more are entitled to paid annual leave (hereinafter referred to as annual leave). Employers shall guarantee employees' such right. Employees shall be paid for annual leave equally as for normal working hours.

Article 3 The annual leave shall be five days for employees who have accumulatively worked for 1-10 year(s); 10 days for employees who have accumulatively worked 10-20 years; and 15 days for employees who have accumulatively worked for 20 years or more.

The annual leave shall be additional to national legal holidays and off days.

Article 4 Under any of the following circumstances, an employee shall not enjoy the annual leave of that year:

1. he enjoys winter vacation and summer vacation according to law and the leave days are more than the annual leave days;
2. he has taken private affair leave for totally 20 days or more and no wage has been deducted for that reason;
3. he has taken sick leave for totally 2 months or more when he is a worker who has accumulatively worked for 1-10 year(s);
4. he has taken sick leave for totally 3 months or more when he is a worker who has accumulatively worked for 10-20 years; or
5. he has taken sick leave for totally 4 months or more when he is a worker who has accumulatively worked for 20 years or more.

Article 5 An employer may, in light of the actual production and work situation, plan the annual

leave of its employees as a whole on the basis of employees' own wills.

The annual leave may be taken once and for all or for several times within the current year, generally, it may not be rounded up to the next year. Where an entity needs to round it up to the next year for special production or working reasons, it may be rounded up to the next year only.

Where an entity can't give annual leave to an employee due to work needs, it is allowed to do so as long as it gets the consent of the employee. As for the annual leave time due and not taken by the employee, the entity shall pay the employee 300% of his daily wage income for each day of the annual leave due and not taken.

Article 6 The personnel department and the labor security department of each local people's government at or above the county level shall, according to their respective functions and powers, take the initiative to supervise and inspect entities' implementation of these Regulation.

Labor union organizations shall safeguard employees' entitlement to annual leave according to law.

Article 7 Where an entity does not give annual leave to its employees and does not pay for the leave time due and not taken, the personnel department or the labor security department of the local people's government at or above the county level shall order it to correct within a certain time limit; if it fails to do so, it shall be ordered to make the payment, and, in addition, pay compensation money to employees on the basis of the amount of payment for annual leave time due and not taken; if it refuses to make such payments, in case its employees are public servants or workers governed by the Public Servant Law by analogy, punishments shall be imposed on its directly liable person in charge and other directly liable persons, in other cases, the labor security department, the personnel department or employees may apply to the people's court for compulsory enforcement.

Article 8 Where an employee and his entity has any dispute over annual leave, such dispute shall be handled in accordance with the related laws and administrative regulations of the state.

Article 9 The personnel department under the State Council and the labor security department under the State Council shall respectively formulate the measures for the implementation of these Regulations according to their respective functions and powers.

Article 10 These Regulations shall come into force as of January 1st, 2008.