

Regulations on Labour Protection for Female Workers and Employees

*(Adopted at the 11th Regular
Meeting of the State Council
on June 28, 1988)*

Article 1 The present Regulations are formulated in order to assert the legitimate rights and interests of female workers and employees, reduce and solve their peculiar difficulties in labour and work caused by their physiological features and protect their health in the interests of Socialist modernization.

Article 2 The Regulations are applicable to female workers and employees of all the State organs, people's organizations, enterprises and institutions (hereinafter referred to as units) within the territory of the People's Republic of China.

Article 3 Any unit that is suitable for females to work in

shall not refuse to recruit female workers and employees.

Article 4 During the period when female workers and employees are pregnant or on maternity leave or nursing babies, no unit shall reduce their basic wage or terminate their labour contracts.

Article 5 It is forbidden to assign female workers and employees to work in underground mines or take up work classified by the State as of Grade 4 labour intensity or any other work considered as taboo for females.

Article 6 During their menstruation period, female workers and employees shall not be assigned by their units to work at high altitudes, or low temperatures, or in cold water, or classified by the State as of Grade 3 labour intensity.

Article 7 Female workers and employees when pregnant shall not be assigned by their units to any work classified by the State as of Grade 3 labour intensity or any other work considered as taboo for females in times of pregnancy. Their working time shall not be extended beyond the normal working day. In case they are unable to take up their original work, lighter or other work should be assigned them according to medical certification.

Female workers and employees with seven or more months of pregnancy shall not in general be assigned to work night shifts. In addition, rest time should be provided during their working hours.

Prenatal examination for pregnant female workers and

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employees during their working time should be counted as a part of it.

Article 8 Maternity leave for female workers and employees is ninety days, including fifteen days of prenatal leave. An additional maternity leave of fifteen days is given for dystocia. For a multiparous mother, an additional leave of fifteen days is given to her for every additional infant.

In case of miscarriage, an appropriate leave should be given to the female worker or employee by her unit according to medical certification.

Article 9 A female worker or employee having an infant aged under one year should be given two nursing times (including bottle-feeding time), with 30 minutes each, within the working hours of every shift. For a multiparous mother, an additional 30 minutes shall be given to each nursing time for every additional infant to be nursed. The two nursing times within the working hours of every shift may be merged into one for use. The nursing time plus the time for travelling to and fro inside the unit is counted as working time.

Article 10 During their nursing period, female workers and employees shall not be assigned by their units to work classified by the State as of Grade 3 labour intensity or any other work considered as taboo during their nursing period. Their working hours shall not be extended, nor, as a rule, shall they be assigned to work on night shifts.

Article 11 A unit with quite many female workers and

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employees should, in accordance with relevant State stipulations, establish step by step such self-run or jointly-run facilities as clinics for females, rest-rooms for pregnant females, nursing rooms, nurseries and kindergartens, etc. It should also appropriately solve their problems with respect to physiological hygiene, nursing and infant care.

Article 12 When a female worker or employee's rights or interests to labour protection are infringed upon, she has the right to appeal to the competent department of her unit or to the local labour administration department, which shall make a decision thereon within 30 days upon receipt of the appeal. If the female worker or employee has objections to the decision, she may file a suit with the People's Court within 15 days upon receipt of the decision.

Article 13 The unit leader and directly responsible person(s), who in violation of the Regulations have infringed upon female worker and employee's rights or interests to labour protection, shall be subject to disciplinary action by the competent authorities of the unit in accordance with the degree of seriousness in each specific case. The unit shall be instructed to give reasonable economic compensation to the female infringed upon. Anyone who commits a crime in such a case shall be prosecuted by the judicial organ according to law for his or her criminal liability.

Article 14 The department of labour administration at all levels shall be in charge of inspecting the implementation of the

Regulations.

Public health departments, trade unions and women's federations at all levels have the power to supervise the implementation of the Regulations.

Article 15 Problems of labour protection for female workers and employees who violate State stipulations concerning family planning should be dealt with in accordance with State stipulations concerning family planning. The Regulations are thus inapplicable.

Article 16 The scope of work considered as taboo for female workers and employees due to their physiological features shall be specified by the Ministry of Labour.

Article 17 People's Governments of all provinces, autonomous regions and municipalities may institute specific measures on the basis of the Regulations.

Article 18 The power to explain the Regulations is vested with the Ministry of Labour.

Article 19 The Regulations shall come into force on September 1, 1988. The relevant stipulations on maternity benefits for female workers and employees under the Labour Insurance Regulations of the People's Republic of China amended and promulgated by the Government Administration Council on January 2, 1953 and the State Council Circular Concerning Maternity Leave for Female Workers and Employees on April 26, 1955 shall henceforth become null and void.