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## REGULATION OF LABOUR MARKET MANAGEMENT (DECREE NO. 10)

(Adopted by the conference of the Ministry of Labor and Social Security on November 29, 2000)

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## CHAPTER I GENERAL PRINCIPLES

Article 1 This Regulation is promulgated pursuant to Labor Law and relevant regulations in order to protect legal interests of employees and employers, to develop and standardize labor market and to promote employment.

Article 2 This Regulation shall apply to the laborer's job application and work, the employer's recruitment and career introduction activities of various job centers.

Article 3 The labor security administrative authorities at different levels shall organize activities for public employment and promote the development of job centers in order to serve both the laborers and the employers.  
Any organization and individual shall have the right to impeach and accuse the action contrary to this Regulation.

Article 4 The labor security administrative authorities above county level shall be responsible for the labor market management within their own administrative areas.  
The labor security administrative authorities above county level may entrust their subsidiary departments of employment service with the specific affairs concerning labor market management.

## CHAPTER II JOB APPLICATION AND EMPLOYMENT

Article 5 The laborer above the age of 16 with working ability, desire for a job, and qualified for legal requirement according to laws, may apply for a job by way of being introduced by job centers or directly contacting employers with his identity documents as well as education and training certificates.  
Prior to employment, the laborer shall receive necessary career education or training. The middle school graduates of cities and towns shall get preparatory training prior to employment.

Article 6 In cities and towns, the jobless with working ability and expectation in their legal labor ages shall register their unemployment. The jobless without working experience shall show their identity documents and relevant evidence of original identity; besides these documents, the jobless with working experience shall also show the document of work termination provided by his former employer.  
With unemployment registration certificate, the jobless may be entitled to public employment service, support policies or unemployment insurance. The labor security administrative authorities at provincial level shall formulate the specific procedures and forms of unemployment registration.

## CHAPTER III RECRUITMENT

Article 7 The employer shall enroll a laborer through public and fair competition and chose the outstanding one.

Article 8 The employer may enroll a laborer in the following ways:

- 1.entrusting a job center;
- 2.participating in labor exchanging activities.
- 3.publishing advertisements for employers in mass media;
- 4.recruiting on internet;
- 5.other means stipulated by laws and regulations.

Article 9 When entrusting a job center with the recruitment of laborers, the employer shall present letter of introduction, business license (duplicate) or other registration files of a legal person, general rules of employment and identity documents of the staff who deals with such business.  
The general rules of employment shall comprise basic conditions of the employer, number of enrollment, type of job, requirement of position and qualification for enrollment, remuneration, welfare, labor protection, etc.

When publishing advertisements for employers in mass media such as newspapers, broadcast, television, the employer shall abide by relevant state regulations after being approved by the local labor security administrative authorities.

The employer shall be subject to the investigation of vacancy organized by local labor security administrative authorities and report vacancy on its own initiative.

Article 10 Employers are prohibited from the following activities:

1. publishing false information for employers;
- 2.enrolling persons without legitimate certificates;
- 3.charging job hunters for advertisement fees;
- 4.charging the hired persons for deposit or mortgage fee;
- 5.detaining documents such as identity certificate of the employed persons;
- 6.seeking unlawful profits or conducting other illegal activities in the name of recruiting.

Article 11 While hiring a person, the employer shall not refuse to hire or enhance hiring standard on the basis of gender, nationality, race, religion, except those provided by state laws concerning unsuitable types of work or positions.

Article 12 Where hiring a technique worker that must hold a working qualification certificate as required by state regulations, the employer shall abide by the Regulation on the Employment of Technique Positions.

Article 13 Where hiring persons from other provinces, foreign countries, Hong Kong, Macao and Taiwan, the employer shall abide by relevant state regulations.

Article 14 Within thirty days after hiring a person, the employer shall go through record procedures in the local labor security administrative authorities and register the employment for the laborer.

Within seven days after terminating or dissolving an employment with its worker, the employer shall put on record in the local labor security administrative authorities.

Specific measures for hiring record, employment registration, record of termination or dissolution shall be stipulated by labor security administrative authorities at provincial level.

## CHAPTER IV CAREER RECOMMENDATION

Article 15 Career recommendation organs are classified under two types, non-profit making and profit making organs, and the former comprises public and other organs.

Public career recommendation organs in this Regulation shall refer to the service organizations for public good that are sponsored by labor security administrative authorities at different levels and undertake the function of public employment service. Public career recommendation organs shall be marked with nationally unified symbols.

Other non-profit making career recommendation organs in this Regulation shall refer to those service organs sponsored by governments other than labor security administrative authorities, and by enterprises, institutions and other social forces that are engaged in non-profit making services.

Profit-making career recommendation organs in this Regulation shall refer to those service organs sponsored by legal persons, other organizations and citizens that are engaged in job introduction services for profit.

Article 16 When establishing a career recommendation organ, the following requirement shall be satisfied:

1. possession of specific business scope, articles of organizations and management systems;
2. fixed premises, office facilities and certain amount of fund that are necessary for operation;
3. certain number of full-time staff that are qualified for relevant professions;
4. other qualifications required by laws and regulations.

When a non-profit making organ is to be established, its purpose of non-profit making shall be reflected in its articles of organizations and management systems.

Article 17 Administrative license system shall apply to the career recommendation work. The establishment of career recommendation organs or other organs to undertake job introduction shall be subject to the approval of labor security administrative authorities.

After receiving application for establishment of career recommendation organs or other organs to undertake job introduction, the labor security administrative authorities shall finish examination within 30 days. The qualified application shall be approved and the unqualified rejected with explanation of the reasons.

Labor security administrative authorities at provincial level shall stipulate power limit of approval, procedures and establishment conditions of various career recommendation organs.

The labor security administrative authorities shall examine the approved career recommendation organs annually.

Article 18 To establish non-profit making organs, the sponsor shall hold approval documents issued by the labor security administrative authorities and register in relevant authorities according to state regulations. The institutional organs shall register or record in management departments of institution staff; the non-enterprise organs sponsored by local people shall register in civil departments.

The profit-making organs shall register as enterprises in the industry and commerce administration with approval documents issued by labor security administrative authorities.

Article 19 The career recommendation organs shall go through relevant procedures for the establishment of a branch, alteration or termination in the previous approving and registering authorities.

Article 20 The career recommendation organs may be engaged in the following business:

1. introducing employers for job-hunters;
2. recommending job-hunters for employers and families;
3. providing career instruction and advice;
4. collecting and distributing labor information;
5. providing labor information on internet according to state regulations;
6. organizing career exchange meetings after being approved by labor security administrative authorities;
7. providing trans-provincial labor medium service if qualified for such service;
8. other services approved by labor security administrative authorities.

Article 21 The career recommendation organs are prohibited from the following activities:

1. operation beyond the approved business scope;
2. providing false information;
3. charging beyond standard;
4. recommending jobs prevented by laws and regulations;
5. providing career service for employers or job-hunters without legitimate licenses or identity documents;
6. recommending career by force, coercion, fraud and the like;
7. forging, altering or transferring approval documents;
8. seeking illegal profits or conducting other illegal activities in the name of career recommendation.

Article 22 The staff in career recommendation organs shall hold qualification certificates.

Article 23 The charging standard of service on consideration offered by public career recommendation organs or other non-profit making career recommendation organs shall be directed by governments and determined by price administration at the same level after the labor security administrative authorities at provincial level put forward proposals.

The charging standard of profit making career recommendation organs shall be determined according to relevant state regulations and subject to supervision of local price authorities.

Article 24 The career recommendation organ shall expressly present the legitimate license, approval document, service scope, charging standard, name of supervisor, the supervision telephone, etc, and be subject to examination by labor security administrative authorities and other relevant departments.

The career recommendation organ shall fill in statistic forms on the basis of facts.

Article 25 The establishment of foreign-invested career recommendation organs and the organs engaged in overseas career medium services shall go through procedures according to relevant regulations.

#### CHAPTER V PUBLIC EMPLOYMENT SERVICES

Article 26 The term "public employment service" in this Regulation shall refer to the employment services for the public good provided by labor security administrative authorities at various levels, including job recommendation, career instruction, training, career development in communities and other services.

Article 27 The labor security administrative authorities in municipalities directly under the State Council and the cities with districts shall manage the work of public career recommendation organs and public career services in their own administrative areas.

Article 28 Public career recommendation organs shall provide the following services free of charge:

1. providing advice on labor security policies and regulations to job-hunters and the employers;
2. providing career instruction and recommendation to the jobless and special persons;
3. recommending the jobless and special persons that need training to participate in free or partially free training;
4. publishing information of vacancy, demand analysis, salary instruction in labor market and career training;
5. registering joblessness, employment, recording enrollment, termination or dissolution of employment, etc.;
6. other services designated by labor security administrative authorities.

Article 29 Special persons in this Regulation shall refer to the following:

1. the disabled;
2. those entitled to the minimum life security;
3. retired servicemen and their families;
4. other persons who have special difficulty in finding a job or those who need special treatment as stipulated by the local governments.

Article 30 With approval of labor security administrative authorities above county level, the public career recommendation organ may be entrusted by laborers and employers to act as agent for labor security business.

Where conditions permit, the labor security administrative authorities in certain cities shall offer comprehensive premises to serve employer and laborers with the assistance of public career recommendation organs in the cities or districts.

Article 31 Public career organs shall computerize the management and service progressively and set up computer networks of employment service, unemployment insurance, career training in the cities.

Labor security administrative authorities in provinces, autonomous regions, municipalities and cities with districts shall set up labor market information networks (of employment service and unemployment insurance) step by step and level by level, according to the unified program and technique standard put forward by the Ministry of Labor Security. The cities with districts shall set up centers of labor market information networks; the provinces and autonomous regions shall set up supervision center at provincial level for labor market information network; the Ministry of Labor Security shall set up national supervision center for labor market information networks. The network centers and supervision centers shall operate according to relevant regulations.

Article 32 The labor security administrative authorities shall encourage and support the development of various career training organs and make regular plans to organize the training organs to provide free or partially free training to the jobless or special persons.

Article 33 According to the relevant regulations, expenses by the public career recommendation organs on provide free or partially free services, expenses on the establishment and maintenance of labor market information networks and allowance for free training to the jobless shall all be included as an expenditure in the employment funds arranged by financial departments at various levels.

Allowance for the career training and introduction for the jobless during the period of receiving unemployment insurance shall be included as expenditure in the unemployment insurance funds.

Labor security administrative authorities at different levels shall draw up annual budget of employment funds according to the requirement of financial authorities, and after being approved by financial authorities at the same level should put it into effect.

#### CHAPTER VI SANCTIONS

Article 34 Where the employer violates Article 10 of this Regulation, the labor security administrative authorities shall order it to correct, and may impose on it a fine of not more than 1000 yuan; if any damage arises consequently, the employer shall compensate it.

Article 35 Where the employer violates Article 14 of this Regulation by failing to record on time, the labor security administrative authorities may order it to correct within a time limit. If it defaults over the time limit, the authorities may impose on it a fine of not more than 1000 yuan.

Article 36 Where the employer violates Article 17 and Article 18 by establishing career recommendation organ or doing career recommendation business without approval, the labor security administrative authorities shall order it to terminate such business and may impose a fine of not more than 10000 yuan. If there is any illegal profit, the employer may be liable for a fine below three times of the profit and not more than a maximum of 30000 yuan.

Article 37 Where the career recommendation organ violates Article 21 of this Regulation, the labor security administrative authorities may order it to correct and impose on it a fine of not more than 10000 yuan. If there is any illegal profit, the employer may be liable for a fine below three times of the profit, but not more than a maximum of 30000 yuan. If the offense is serious, the authorities may require the industry and commerce departments to revoke the employer's business license or require the original registration authorities to withdraw registration. The employer shall compensate the suffered for any consequent loss.

Article 38 Where the career recommendation organs violates Article 24 of this Regulation by failing to present its legitimate license, approval certificate or supervision telephone, the labor security administrative authorities shall order it to correct and impose a fine of not more than 1000 yuan. If it fails to show its charging standard, the labor security administrative authorities may require the price administration to sanction it according to relevant state regulations.

## CHAPTER VII SUPPLEMENTARY PRINCIPLES

Article 39 Labor security administrative authorities in the provinces, autonomous regions and municipalities shall stipulate implementing measure of free service according to the free services provided in Article 28 of this Regulation and the conditions of local fund, then record the measure in the Ministry of Labor Security.

Article 40 Labor security administrative authorities in provinces, autonomous regions and municipalities may formulate implementing rules pursuant to this Regulation.

Article 41 This Regulation shall come into force as of the promulgation date. The Regulation of Employment Registration issued on September 12, 1995 and the Regulation of Career Recommendation issued on November 9, 1995 by the former Ministry of Labor shall cease to be effective.

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