

英汉《劳动法》配套规章17种

ENGLISH-CHINESE SEVENTEEN REGULATIONS PERTAINING TO LABOUR LAW

ENACTED BY THE MINISTRY
OF LABOUR OF THE PEOPLES
REPUBLIC OF CHINA

Compiled by the Policy and
Legislation Department of the
Ministry of Labour

中国劳动出版社

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1. Circular of the Ministry of Labour on the Implementation of the System of Guaranteed Minimum Wages

(LMI [1994] No. 409 issued by the
Ministry of Labour on October 8, 1994)

To: Labour (or Labour and Personnel) Bureaus of
Provinces, Autonomous Regions, Municipalities
Directly under the Central Government and Cities
Specifically Designated in the State plan,

In accordance with the provision of Article 48 of the Labour Law of the People's Republic of China, the issues concerning the implementation of the system of guaranteed minimum wages are notified as follows:

1. Establishing a system of guaranteed minimum wages is an important measure to meet the requirements for socialist market economy, to promote the legalization of the construction of labour market and the distribution of wages, and to fully protect the legitimate rights and interests of labourers. The labour administrative departments at all

levels shall be required to fully realize its importance and urgency, actively consult with relevant departments and social organizations, and try to determine the local standards on minimum wages under the leadership of the local people's governments before the implementation of the Labour Law on January 1, 1995 so as to secure the smooth implementation of the system of guaranteed minimum wages.

2. Where the local standards on minimum wages are determined or readjusted by the labour administrative departments of provinces, autonomous regions and municipalities directly under the Central Government before the end of 1994, they shall firstly be submitted to the Ministry of Labour. If there is no suggestion on them for revision advanced by the Ministry of Labour within 25 days from the date of receiving them, or they are amended after the receipt of suggestions for revision, they shall be submitted to the local people's governments for approval and promulgation, and also filed with the Ministry of Labour; where the local standards on minimum wages are determined or readjusted after January 1, 1995, they shall be firstly submitted to the Ministry of Labour for soliciting opinions. If there is no suggestion for revision advanced by the Ministry of Labour within 25 days from the date of receiving them, or they are amended after receipt of suggestions for revision, they shall be submitted to the local people's governments for approval and promulgation, and reported

to the State Council for the record, as well as filed with the Ministry of Labour.

3. The following amendments and supplements to Provisions on Minimum Wages in Enterprises (hereinafter referred to as Provisions, LMI [1993] No. 333) are made in accordance with the relevant provisions the of Labour Law:

(1) "The rate of minimum wages" used in the Provisions shall be changed into "the standards on minimum wages", but its meaning remains unchanged;

(2) The "normal work" mentioned in the Provisions refers to the work which labourers are engaged in during the statutory working hours according to the agreement of their labour contracts. Labourers' spending holidays, taking homeleaves or participating in social activities in accordance with the provisions of laws and regulations may be treated as their provision of normal work;

(3) As for the composition of the standards on minimum wages, it shall not cover nonmonetary incomes which employing units give subsidies for food and housing, etc. to labourers except for deductible items listed in the Provisions; and

(4) Individual economic organizations and labourers who form a labour relationship therewith, State organs, undertaking institutions and social organizations as well as labourers who form a labour contract relationship therewith shall be implemented with reference to the Provisions.

Other articles of the Provisions which are not amended

shall remain valid after the implementation of the Labour Law.

2. Circular of the Ministry of Labour on Printing and Distributing the Measures for Occupational Guidance

(LMI [1994] No. 434 issued by the Ministry
of Labour on October 27, 1994)

To; Labour (or Labour and Personnel) Bureaus of
Provinces, Autonomous Regions and
Municipalities Directly under the Central
Government,

The "Measures for Occupational Guidance" is hereby
printed and distributed to you. Please work out the detailed
rules in the light of your actual circumstances and earnestly
carry it out.

The items such as the examination and verification
standard for the functionaries of occupational guidance and
the printing of qualification certificates of occupational
guidance shall be informed later.

Measures for Occupational Guidance

Article 1 These Measures are formulated in accordance with the relevant provisions of the Labour Law of the People's Republic of China for the purpose of promoting the employment of labourers , regulating and promoting the work of job introduction.

Article 2 The main tasks of occupational guidance shall be to provide labourers and employing units with informations and services so as to promote them to realize the two-way choice.

Article 3 The work of occupational guidance shall be conducted in accordance with the law , and on the principles of equality and voluntariness.

Article 4 Occupational guidance may take the forms of private meetings, informal discussions, public lectures, giving lessons or contacting through correspondences, etc.

Article 5 Agencies for job introduction shall conduct the work of occupational guidance, and be instituted with full-time (or part-time) personnel for occupational guidance to provide guidance, informations and services to labourers and employing units.

Vocational training agencies shall offer courses of occupational guidance, be instituted full-time (or part-time) teachers, and conduct occupational guidance for labourers who participate in vocational training and are transferred to

other occupations.

Article 6 The work of occupational guidance includes the following contents;

(1) to investigate and analyse the changing tendency of social employment and the situation of the supply and demand of labour forces in labour market;

(2) to examine the qualities and characteristics of labourers, and evaluate their professional ability;

(3) to help labourers acknowledge the situation of employment, master the methods of seeking employment, determine the directions in choosing occupation, and improve their ability to choose occupation;

(4) to suggest labourers to receive training, and be responsible for the recommendation to the vocational training agencies;

(5) to offer specialized services of occupational guidance for the special groups such as women, the disabled, the personnel of national minorities and armymen demobilized from active service;

(6) to guide employing units in choosing the form of recruitment and determining the requirements and standards for recruitment;

(7) to provide informations in respect of opening business, production and operation for self-employed labourers and labourers who establish private enterprises;

(8) to provide guidance for training direction, training scale and the institution of training for vocational training

agencies ; and

(9) to provide informations and services in occupational guidance for the students at schools.

Article 7 The personnel for occupational guidance shall meet the following requirements ;

(1) to have a stronger sense of devotion and responsibilities , and love the work of occupational guidance ;

(2) to be familiar with relevant laws , regulations and policies on employment , master informations about the supply and demand in labour market , and know occupational classification and occupational characteristics ;

(3) to possess the knowledge such as psychology , pedagogy and sociology relating to the work of occupational guidance ;

(4) to have worked in labour departments for more than two years , and have received higher education from colleges and universities ; and

(5) to have received corresponding vocational qualification training and passed the examinations and evaluation , and possess qualification certificates of occupational guidance granted by the Ministry of Labour .

Article 8 The duties and responsibilities of the personnel for occupational guidance shall be as follows :

(1) to make propaganda for the laws , regulations and policies of the State on labour and employment ;

(2) to provide labourers and employing units with informations and services and to coordinate mutual relations

between the supplying and the demanding parties of labour force;

(3) to guide labourers to determine labour relationship according to law and to safeguard their own legitimate right and interests;

(4) to organize employing units and labourers seeking employment to conduct various exchanges in different ways; and

(5) to be responsible for keeping in touch with agencies for job introduction and vocational training agencies, etc..

Article 9 Job-service agencies at all levels shall provide corresponding facilities and conditions necessary for the work of occupational guidance, promote the unfolding of the work of occupational guidance, and strengthen the propaganda for the work of occupational guidance.

Article 10 These Measures shall apply to job-service agencies under labour departments. Job-service agencies not subordinate to the labour departments shall conduct the work of occupational guidance with reference to these Provisions.

Article 11 Detailed rules for implementation may be formulated by labour departments of provinces, autonomous regions and municipalities directly under the Central Government in accordance with these Measures and be reported to the Ministry of Labour for the record.

Article 12 These Measures shall be implemented as of January 1, 1995.