

REGULATIONS CONCERNING THE LABOR

PROTECTION OF FEMALE STAFF AND WORKERS

Article 1 These Regulations are formulated in order to safeguard the lawful rights and interests of female staff and workers, to reduce and solve the special difficulties encountered by female staff and workers in their labor and work (hereinafter collectively referred to as "Labor") due to their physiological characteristics, and to protect their health, so as to promote socialist modernization.

Article 2 These Regulations shall apply to the female staff and workers of all state agencies, mass organizations, enterprises and units(hereinafter collectively referred to as "Units").

Article 3 Any Unit which is suitable for women to engage in Labor may not refuse to employ female staff and workers.

Article 4 During the pregnancy, maternity leave and nursing period of female staff and workers, their basic salaries may not be reduced and their Labor contracts may not be cancelled.

Article 5 It shall be forbidden to arrange for female staff and workers to engage in Labor in mine pits, Labor involving physical Labor of the fourth (4th) degree of intensity as specified by the state, or any other kind of Labor to be avoided by female staff and workers.

Article 6 During the menstrual period of female staff and workers, the Units employing them may not arrange for them to engage in Labor at high altitudes, in low temperatures or involving contact with cold water, or Labor involving physical Labor of the third (3rd) degree of intensity as specified by the state.

Article 7 During the pregnancy of female staff and workers, the Units employing them may not arrange for them to engage in Labor involving physical Labor of the third degree of intensity as specified by the state or any kind of Labor to be avoided during pregnancy, and may not extend their Labor hours beyond the usual Labor day. For those who are no longer competent at their original Labor, the volume of Labor shall be reduced, or other Labor shall be arranged, according to a certificate from a medical department.

Generally, no night-shift Labor may be arranged for female staff and workers in or past the seventh (7th) month of pregnancy and they shall be given certain rest periods during their Labor hours.

The time spent by pregnant female staff and workers on antenatal examination during Labor hours shall be deemed to be Labor hours.

Article 8 The maternity leave of female staff and workers shall be ninety (90) days, including fifteen (15) days of antenatal leave. An extra maternity leave of fifteen (15) days shall be granted in case of dystocia. Female staff and workers who have borne more than one child in a single birth shall be granted an extra maternity leave of fifteen (15) days for each additional baby borne.

Female staff and workers who have a miscarriage shall be granted a certain period of maternity leave by the Units employing them according to a certificate from a medical department.

Article 9 Units employing female staff and workers with a baby under one (1) year of age shall grant them two feeding (including bottle feeding) breaks of thirty (30) minutes each during each Labor shift. Each feeding break of female staff and workers who have borne more than one child in a single birth shall be extended by thirty (30) minutes for each additional baby borne. The two feeding breaks during each Labor shift of female staff and workers may be taken consecutively. The time spent on feeding and the time spent en route to and from the place of feeding inside the Unit concerned shall be deemed to be Labor hours.

Article 10 During the infant-feeding period allowed female staff and workers, the Units employing them may not arrange for them to engage in Labor involving physical Labor of the third degree of intensity as specified by the state or any kind of Labor to be avoided during the feeding period, nor may they extend their Labor hours. Generally, such Units may not arrange night-shift Labor for such female staff and workers.

Article 11 Units employing a relatively large number of female staff and workers shall, either individually or jointly, gradually establish such facilities as a clinic for female staff and workers, a lounge for pregnant women, a feeding room, a nursery and a kindergarten, and shall properly solve the physiological, health, feeding and child-care difficulties encountered by their female staff and workers, in accordance with relevant state regulations.

Article 12 If the right and interests of female staff and workers in respect of Labor protection are infringed upon, such female staff and workers shall have the right to appeal to the department in charge of the Unit employing them or the local Labor department. The department accepting the appeal shall decide on it within thirty (30) days after its receipt of the letter of appeal. Female staff and workers who object to the decision or the handling of the appeal may

initiate legal proceedings at the People's Court within fifteen (15) days after their receipt of the notification of the decision.

Article 13 If a Unit violates these Regulations by infringing upon the rights and interests of a female staff member or worker in respect of Labor protection, the department in charge of such Unit shall take administrative disciplinary action against such Unit's person(s)-in-charge and person(s) directly responsible for the infringement, according to the seriousness of the case, and shall order such Unit to pay such female staff member or worker reasonable financial compensation. If a criminal offence is constituted, the judicial authorities shall investigate criminal liability according to law.

Article 14 The Labor departments at all levels shall be responsible for inspecting the implementation of these Regulations.

The public health departments, and Trade Union and Women's Federation organizations, at all levels shall have the right to supervise the implementation of these Regulations.

Article 15 If a female staff member or worker violates the birth control regulations of the state, her Labor protection shall be handled in accordance with the birth control regulations of the state and these Regulations shall not apply.

Article 16 The scope of Labor which is to be avoided by female staff and workers on account of their physiological characteristics shall be specified by the Ministry of Labor.

Article 17 The People's Governments of the provinces, autonomous regions and municipalities directly under the central government may formulate concrete measures on the basis of these Regulations.

Article 18 The Ministry of Labor shall be responsible for the interpretation of these Regulations.

Article 19 These Regulations shall be implemented as from September 1, 1988. At the same time, the provisions concerning the treatment of child-bearing female workers and staff members contained in the Regulations of the People's Republic of China Concerning Labor Insurance which were revised and promulgated by the Government Administration Council on 2 January 1953, and the Notice of the State Council Concerning the Maternity Leave of Female Working Personnel of 26 April 1955, shall be repealed.