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China

China: Localities Extend Leave Time for New Parents

By Mark Melnicoe

April 7— In the wake of China's abandonment of its one-child policy, localities from Beijing in the north to Guangdong Province in the south are moving to lengthen leave times from work for couples having babies.

China already had some of the world's most generous work laws for new mothers, with a minimum of 98 days off for maternity leave, including 15 days before birth. The State Council's Special Provisions on Labor Protection of Female Employees also prohibits employers from arranging overtime or night shifts for employees more than seven months pregnant or who are nursing, and it does not allow a woman who is pregnant or nursing to be fired or laid off from her job.

The national capital of Beijing was the latest to join in extending leave time, announcing March 24 that maternity leave would be extended to 128 days—30 days longer than before—for a first or second child. Shanghai and Guangdong Province made identical moves in January and February, as did numerous other provinces and municipalities across the country.

Changes Vary By Locale

In all, some 20 provinces, autonomous regions and municipalities have amended their family-planning regulations, the official Xinhua news agency reported.

"According to published local policies, the longest period of maternity leave is 180 days (in Fujian) and the shortest is 128 days (in many localities such as Beijing, Shanghai & Tianjin)," Andy Yeo, a partner at Mayer Brown JSM in Shanghai, told Bloomberg BNA in an April 7 e-mail. "The difference is almost two months. The longest period of paternity leave is 25 days (Guangxi & Ningxia) and the shortest is only 7 days (Tianjin & Shandong)."

In Beijing, the leave can be extended to as much as seven months if the employer allows it.

Part of Liberalization Process

The shifts came after the revised national Law on Population and Family Planning, which was passed last year, allowed all couples to have two babies. Some cities, including Shanghai, had modified their one-child policies more than a year earlier, but the country has not seen the desired increase in the number of births.

Multinationals Must Know Law

Yang warned earlier in a blog post that multinational companies operating in China often don't fully understand China's parental-leave laws.

"Employers should familiarize themselves with applicable laws relating to pregnancy and nursing and do their utmost to be aware of which of their employees are either pregnant or nursing," she wrote. "A failure to do so can result in civil damages, administrative fines, and even criminal liability."

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For More Information

The new parental leave policies can be found in Chinese at the following government websites in Beijing, Shanghai and Guangdong Province.

For more information on Chinese HR law and regulation, see the China primer.

Contact us at <http://www.bna.com/contact/index.html> or call 1-800-372-1033

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