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孖士打律師行

中国动态：  
双语版亚洲雇佣法：季评  
2012-2013

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## 引言

## INTRODUCTION

亚洲法律顾问与人力资源顾问的工作往往涉及多个司法辖区。准确把握雇佣相关法律发展情况既是重中之重又充满挑战。

为协助阁下获取最新法律动态，孖士打律师行发布电子期刊**亚洲雇佣法：季评**，内容涵盖亚洲15个司法辖区，并将每季更新。

在第四期中，我们将回顾并评点2013最后一季雇佣法发展情况，同时列出一些2014年的重要焦点。

孖士打与亚洲地区15家律师行长期开展跨境合作，与对方律师建立了密切的工作关系，本刊正是这一努力的结果。欲获悉撰稿律师及律师行名单，请浏览[联络人](#)页面。

我们衷心希望本刊对阁下有所助益。

Asia's legal and human resources advisors are often required to function across multiple jurisdictions. Staying on top of employment-related legal developments is important but can be challenging.

To help keep you up to date, Mayer Brown JSM produces the **Asia Employment Law: Quarterly Review**, an e-publication covering 15 jurisdictions in Asia. It is updated every quarter.

In this fourth edition, we flag and provide comment on employment law; developments during the last quarter of 2013 and highlight some of the things to look out for in 2014.

This publication is a result of ongoing cross-border collaboration between 15 law firms across Asia with whose lawyers Mayer Brown JSM has had the pleasure of working with closely for many years. For a list of contributing lawyers and law firms, please see the [contacts page](#).

We hope you find this edition useful.

顺颂商祺

With best regards,



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- 重要：**可能需要采取行动  
Important: action likely required
- 不可不知：**关注发展动态  
Good to know: follow developments
- 注意变更：**无需采取行动  
Note changes: no action required

图例  
KEY

《信息安全技术个人信息保护指南》

已形成标准草案，文件发布指日可待

[更多...](#)

New National Standards on Personal Information Protection to be Adopted

A set of new national standards, namely, “Information Security Technology - Guide for Personal Information Protection” (Guide) is expected to be adopted.

[More...](#)

《广东省企业民主管理条例》（草案修改三稿）解读

《广东省企业民主管理条例》于2010年7月21日提交省人大常委会进行一审，经第三次修改，于2012年5月开始征询公众意见，并于2012年9月下旬提交省人大审议表决后出台。

[更多...](#)

Interpretation of Guangdong’s Regulations on the Democratic Management of Enterprises (Third Amendment)

The Guangdong’s Regulations on the Democratic Management of Enterprises (third amendment) went through its first reading in the People’s Congress Standing Committee in 21 July 2010. The Draft was open to public consultation in May 2012. It will be presented to the Standing Committee in September 2012.

[More...](#)

《中华人民共和国出境入境管理法》于2012年6月30日全国人民代表大会会议通过

2012年6月30日，《中华人民共和国出境入境管理法》经第十一届全国人大常委会第二十七次会议审议通过，将于2013年7月1日起实施。

[更多...](#)

Exit and Entry of Citizens:  
National Legislation passed, 30 June 2012

The New Law will take effect on 1 July 2013 and will apply to the exit-entry administration of both Chinese and foreign nationals.

[More...](#)

企业民主管理规定

中华全国总工会牵头制订公布了《企业民主管理规定》，要求企业建立以职工代表大会为基本形式的民主管理制度，实行厂务公开，推行民主管理，让原本已陷入招工难的众多企业面对很大压力。这项规定创设了职工代表大会、厂务公开、职工董事监事三个制度，推行民主管理。

[更多...](#)

Democratic Management of Enterprises:  
New Nationwide Provisions

The “Provisions on the Democratic Management of Enterprises” were issued recently under the All China Federation of Trade Unions. The provisions urge enterprises to establish ‘democratic management systems’ with labour unions, to increase transparency, and also to give employees a greater say in the management of the company.

[More...](#)

《女职工劳动保护特别规定》自2012年4月18日起施行

[更多...](#)

National Maternity Leave Extended to 14 Weeks:  
State Council Approves in Principle

On 18 April 2012, the Special Regulations on Labour Protection of Female Employees (Draft) were reviewed and passed in principle by the Standing Committee of the PRC State Council.

[More...](#)

《关于审理劳动争议案件适用法律若干问题的解释（四）》（征求意见稿）

根据《中华人民共和国劳动法》、《中华人民共和国劳动合同法》以及《中华人民共和国劳动争议调解仲裁法》等相关法律之规定，结合民事审判实践，就适用法律的若干问题，最高法院为正确审理劳动争议纠纷案件作出解释。

[更多...](#)

Labour Disputes Trials: The Fourth Interpretation on  
Application of Laws (Draft for Consultation)

The PRC Supreme People’s Court released the Fourth Interpretation on Certain Issues regarding Application of Laws in Trial of Labour Disputes (Draft for Public Consultation).

[More...](#)

《中华人民共和国劳动合同法》建议修正案对劳务派遣公司的影响

2012年11月，《中华人民共和国劳动合同法》若干预期修正条款如获通过，将对劳务派遣公司造成一定影响。上述修正极有可能具有追溯效力，并将影响现有和新成立的所有劳务派遣公司。

Labour Dispatch Companies:  
Proposed Amendments to the PRC Employment Contract Law

Anticipated changes to PRC Employment Contract Law in November 2012 will affect labour dispatch companies, if approved. Changes are likely to be retroactive and will, impact all existing and new labour dispatch companies.

[More...](#)

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