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中国动态： 双语版亚洲雇佣法：季评

2018-2019

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Asia Employment Law: Quarterly Review

2018-2019

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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(Mayer Brown)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。

在第二十四期中，我们将回顾并评点2019年第二季雇佣法发展情况，同时列出一些2019年立法、咨询、政策及判例法方面的预期重大变革。

孖士打与亚洲地区15家律师事务所长期开展跨境合作，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事务所名单，请浏览[连络人页面](#)。

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 produces the **Asia Employment Law: Quarterly Review**, an e-publication covering 15 jurisdictions in Asia.

In this twenty-fourth edition, we flag and provide comment on anticipated employment law developments during the second quarter of 2019 and highlight some of the major legislative, consultative, policy and case law changes to look out for in 2019.

This publication is a result of ongoing cross-border collaboration between 15 law firms across Asia with whose lawyers Mayer Brown 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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2019**人力资源和社会保障部等九部门《关于进一步规范招聘行为促进妇女就业的通知》**

人力资源和社会保障部等九部门于2019年2月28日联合发布《关于进一步规范招聘行为促进妇女就业的通知》。《通知》对招聘环节中就业性别歧视的具体表现进一步作出了细化规定。明确要求各类用人单位、人力资源服务机构在拟定招聘计划等过程中,不得限定性别或性别优先,不得以性别为由限制妇女求职就业、拒绝录用妇女等。《通知》要求,建立联合约谈机制,根据举报投诉,对涉嫌就业性别歧视的用人单位开展联合约谈,对拒不接受约谈或约谈后拒不改正的,依法查处,并通过媒体向社会曝光。《通知》还强调,加强对妇女就业的培训服务,促进3岁以下婴幼儿照护服务发展,加强中小学课后服务,完善落实生育保险制度,为妇女就业创造良好环境和条件。

[更多...](#)**Circular on Further Regulating Recruitment Practices to Promote Female Employment**

Nine departments, including the Ministry of Human Resources and Social Security ("MOHRSS"), jointly issued the Circular on Further Regulating Recruitment Practices to Promote Female Employment on 18 February 2019. The Circular gives a further detailed description of particular forms of gender discrimination in recruitment activities, clearly requiring that in preparing the recruitment plans or in other recruitment activities, all types of employers and human resource service agencies shall neither impose limits on gender or have gender preference, nor refer to the gender as an excuse to restrict opportunities available to women to seek employment or refuse to employ women. Also, the Circular calls for establishing the joint interview mechanism, under which authorities will hold a joint interview to talk with those employers on suspicion of gender discrimination during the recruitment process, according to whistleblower reports and complaints they have received; employers will be investigated and punished if they refuse to attend such talk or to make corrections after the talk, and their illegal practices will be exposed among the general public through the media. Moreover, the Circular stresses that, efforts shall be made to improve training services concerning women's employment, promote the development of care services for infants under the age of three, step up after-school services for primary and middle schools, optimize and put in place the maternity insurance system, and thus create a good environment and favorable conditions for women's employment.

[More...](#)**人力资源和社会保障部等四部门发布《关于贯彻落实〈降低社会保险费率综合方案〉的通知》**

人力资源和社会保障部等四部门于2019年4月28日发布《关于贯彻落实〈降低社会保险费率综合方案〉的通知》(下称《通知》)。《通知》指出,各地企业职工基本养老保险单位缴费比例高于16%的,可降至16%;低于16%的,要研究提出过渡办法。《通知》明确,继续阶段性降低工伤保险费率。个体工商户和灵活就业人员参加企业职工基本养老保险,允许缴费人在60%至300%之间选择适当的缴费基数。提高企业职工基本养老保险基金中央调剂比例,2019年基金中央调剂比例提高至3.5%。《通知》要求,在征收体制改革过程中不得自行对企业历史欠费进行集中清缴,不得采取任何增加小微企业实际缴费负担的做法,务必使企业特别是小微企业社保缴费负担有实质性下降。

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Circular of the Ministry of Human Resources and Social Security, the Ministry of Finance, the State Taxation Administration and the National Healthcare Security Administration on Executing the Comprehensive Plan for Reducing the Social Insurance Contribution Rates

Four departments, including the Ministry of Human Resources and Social Security ("MOHRSS"), have issued the Circular on Executing the Comprehensive Plan for Reducing the Social Insurance Contribution Rates (the "Circular") on April 28 2019. The Circular reads that contributions to the employees' basic endowment insurance borne by enterprises in each region may be reduced to 16%, if the current level of contributions they make is higher than 16%; if the current level is lower than 16%, research shall be conducted to work out transitional measures. Further, the Circular expressly states that efforts will continue to lower the work-related injury insurance contribution rate, and that where privately-owned business and personnel seeking flexible employment opt to join the employees' basic endowment insurance scheme, individuals making the insurance contributions are allowed to select a proper base that ranges between 60% and 300% of the officially assessed base. The portion of state-owned capital allocated to supplement the social insurance fund will be enhanced and be set at 3.5% in 2019. Moreover, the Circular requires that practices to intensively settle and collect previous contributions in arrears without approval, and any practices to increase the actual burden of contributions on small and micro firms, are prohibited in all regions during the social insurance contribution collection regime reform, in order to ensure that the burden of social insurance contributions on enterprises, particularly on small and micro firms, will be substantially reduced.

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