

Legal Commentary

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Labor Management Q&As During the 2019-nCoV Epidemic (II)

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Following our previous general Q&As on labor management issues that may arise during the novel coronavirus (“**2019-nCoV**”) epidemic prevention and control period, we have compiled for your reference additional issues identified in the regulatory documents promulgated by central and local governments and human resources and social security bureaus.

When are enterprises expected to resume normal operations in each region?

I. Nationally

Normal operations are to resume beginning on February 3 (this date applies by default in the absence of notices issued by local governments).

II. Municipality of Beijing

1. Before 24:00 on February 9, the normal operations of the enterprises that are necessary to ensure the operation of municipalities, epidemic prevention and control, people’s daily life, and the national economy and people’s livelihoods are to resume.
2. Before 24:00 on February 9, the enterprises with desirable conditions shall arrange employees to complete work from home through flexible means such as telephone and internet. The enterprises without such desirable conditions shall arrange employees to work by adopting means such as flexible working schedule for calculating working hours, and shall not cause gathering or concentration.
3. Housing construction and municipal infrastructure projects are to resume or start no earlier than 24:00 on February 9 (major national or municipal construction projects, and projects that are necessary to ensure the operation of municipalities and the national economy and people’s livelihoods may resume or start work in advance, if determined by the municipal commission of housing and urban-rural development).

III. Municipalities of Shanghai and Chongqing, Provinces of Guangdong, Zhejiang, Fujian, Jiangsu, Anhui, Yunnan, Shandong, Jiangxi, Guizhou, Henan, Liaoning, Heilongjiang, Hebei, and Inner-Mongolia Autonomous Region

Normal operations are to resume no earlier than 24:00 on February 9 (except for enterprises that are necessary to ensure the operation of municipalities, epidemic prevention and control, people's daily life, and the national economy and people's livelihoods).

IV. Jilin Province

Normal operations are to resume no earlier than 24:00 on February 2 (except for enterprises that are necessary to ensure the operation of municipalities, epidemic prevention and control, people's daily lives and the national economy and people's livelihoods).

V. Sichuan Province, Guangxi Zhuang Autonomous Region

Normal operations are to resume starting from February 3.

VI. Hubei Province

Normal operations are to resume no earlier than 24:00 on February 13.

What is the standard for payment of living allowances, if an enterprise's shutdown or production halt lasts more than one salary payment period?

According to the notice issued by the Ministry of Human Resources and Social Security Bureau, where an enterprise's shutdown or production halt occurs within one salary payment period, the enterprise should pay salaries to its employees based on the standard stipulated in the employment contracts. Where such shutdown or production halt lasts more than one salary payment period and the employees provide regular labor services, the enterprises should pay salaries not lower than the local minimum salary standard. If the employees do not provide regular labor services, the enterprises should pay living allowances in accordance with the standards stipulated in the relevant provisions promulgated by provinces, autonomous regions, and centrally-administered municipalities. Similar stipulations are provided for in the regulatory documents promulgated by local governments. Specifically, the standards for payment of living allowances include:

I. Shanghai Municipality

No lower than the local minimum salary standard.

II. Provinces of Guangdong, Zhejiang, Jiangsu, Henan, Inner-Mongolia Autonomous Region

No lower than 80% of the local minimum salary standard.

III. Shaanxi Province

No lower than 75% of the local minimum salary standard.

IV. Beijing Municipality, Provinces of Liaoning, Shandong, Hubei, Sichuan and Qinghai

No lower than 70% of the local minimum salary standard.

Due to the particularity and urgency of the regulatory documents published in a short time period, certain issues are open to different interpretations and await further clarification. We will continue to monitor for the latest updates from central and local governments and human resources and social security bureaus, and continue to provide updates on notices and guidelines on labor and employment management during the epidemic prevention and control period.

Important Announcement

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