

Notice by the General Office of the Ministry of Human Resources and Social Security of Issues Concerning Properly Handling Labor Relations during the Prevention and Control of the Outbreak of Novel Coronavirus Pneumonia (COVID-19)

人力资源社会保障部办公厅关于妥善处理新型冠状病毒感染的肺炎疫情防控期间劳动关系问题的通知

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Statement

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(No. 5 [2020] of the General Office of the Ministry of Human Resources and Social Security)

(人社厅明电[2020]5号)

The human resources and social security departments (bureaus) of all provinces, autonomous regions, municipalities directly under the Central Government, and the Xinjiang Production and Construction Corps:

各省、自治区、直辖市及新疆生产建设兵团人力资源社会保障厅（局）：

For purposes of effectively preventing and controlling the outbreak of novel **coronavirus** pneumonia(COVID-19) (hereinafter referred as to the “outbreak”), properly handling labor relations during the prevention and control of the outbreak, safeguarding the lawful rights and interests of employees, guaranteeing the normal order of production and trade of enterprises, and promoting harmonious and stable labor relations, you are hereby notified of the relevant issues as follows:

为做好新型冠状病毒感染的肺炎疫情防控工作，妥善处理好疫情防控期间劳动关系问题，维护职工合法权益，保障企业正常生产经营秩序，促进劳动关系和谐稳定，现就有关问题通知如下：

I. For employees who are patients or suspected patients infected with COVID-19 or their close contacts during the period of receiving treatment in isolation or the medical observation period and who are unable to normally provide work as a result of the quarantine measures or other emergency measures taken by the government, their employers shall pay remuneration to such employees during the periods and shall not terminate employment contracts with such employees in accordance with [Articles 40 and 41](#) of the [Employment Contract Law](#). If employment contracts expire during the periods, the employment contracts will automatically extend until the expiration of the medical treatment period, the medical observation period or the quarantine period or the end of emergency measures taken by the government.

II. Where an employer has encountered difficulties in production and operation due to the outbreak, the employer may consult with its employees to reach a consensus to maintain posts by taking such measures as adjusting salaries, post shift and job rotation, and reduction of working hours, and avoid or minimize layoffs as much as possible. Eligible enterprises may enjoy subsidies for employment stability as required. Where an employer suspends operation or production during a wage payment period, the employer shall pay wages to its employees according to the standards set forth in the employment contract. Where the suspension continues for longer than a wage payment period, for those employees who provide work as normal, the wages paid by the employer shall not be less than the standard for local minimum wages. For those employees who are unable to provide work as normal, the employer shall pay for living expenses, and the standards for living expenses shall be governed by the measures of the province, autonomous region or municipality directly under the Central Government.

III. Where a party is unable to apply for labor arbitration within the statute of limitation due to the impact of the outbreak, the statute of limitations for arbitration shall be suspended. The statute of limitations for arbitration shall continue to be calculated from the date when the obstacle causing the suspension is eliminated. Where any arbitration institution of labor disputes is unable to try a case due to the outbreak, it may extend the period of trial accordingly.

一、对新型冠状病毒感染的肺炎患者、疑似病人、密切接触者在其隔离治疗期间或医学观察期间以及因政府实施隔离措施或采取其他紧急措施导致不能提供正常劳动的企业职工，企业应当支付职工在此期间的工作报酬，并不得依据[劳动合同法第四十条、四十一条](#)与职工解除劳动合同。在此期间，劳动合同到期的，分别顺延至职工医疗期期满、医学观察期期满、隔离期期满或者政府采取的紧急措施结束。

二、企业因受疫情影响导致生产经营困难的，可以通过与职工协商一致采取调整薪酬、轮岗轮休、缩短工时等方式稳定工作岗位，尽量不裁员或者少裁员。符合条件的企业，可按规定享受稳岗补贴。企业停工停产在一个工资支付周期内的，企业应按劳动合同规定的标准支付职工工资。超过一个工资支付周期的，若职工提供了正常劳动，企业支付给职工的工资不得低于当地最低工资标准。职工没有提供正常劳动的，企业应当发放生活费，生活费标准按各省、自治区、直辖市规定的办法执行。

三、因受疫情影响造成当事人不能在法定仲裁时效期间申请劳动人事争议仲裁的，仲裁时效中止。从中止时效的原因消除之日起，仲裁时效期间继续计算。因受疫情影响导致劳动人事争议仲裁机构难以按法定时限审理案件的，可相应顺延审理期限。

IV. All local human resources and social security departments shall strengthen employment guidance and services for employers affected by the outbreak, reinforce labor security supervision and law enforcement, and effectively protect the lawful rights and interests of employees.

General Office of the Ministry of Human Resources and Social Security

January 24, 2020

四、各地人力资源社会保障部门要加强对受疫情影响企业的劳动用工指导和服务，加大劳动保障监察执法力度，切实保障职工合法权益。

人力资源社会保障部办公厅

2020年1月24日

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