

iGlobal Law : 2022 Annual Update : China

Legal Change	Effective Date	Action required (although a number of these changes were introduced in 2021, it is worthwhile for employers to ensure they are compliant as set out below).
<p>Overtime Labour Disputes</p> <p>The Supreme People's Court and the Ministry of Human Resources and Social Security have jointly issued the “Typical Cases of Overtime Labour Disputes”.</p> <p>The release of the “Typical Cases” to the public instructs workers to protect their rights in relation to overtime payment and alerts employers to the risk of illegal overtime work. This is a guide for the labour arbitration commissions and the People's Courts to deal with overtime disputes in the future, and will promote the unification of the legal application and adjudication standards.</p>	30 June 2021	Employers should assess the internal overtime work rules, and their application, and make adjustments where non-compliant.
<p>Minimum Wage Standard Rise</p> <p>16 provinces increased the minimum wage standard in 2021.</p>	2021	Employers should review whether the local standards have been met.
<p>Personal Information Protection Law</p> <p>The Personal Information Protection Law came into effect on 1 November 2021. It stipulates the pre-conditions for personal information processing: (1) where the consent of the individual concerned is obtained; and (2) where it is necessary for the conclusion or performance of a contract to which the individual concerned is a party, or for the implementation of human resources management in accordance with the labour rules and regulations etc.</p> <p>This puts forward new requirements for the employer to handle employee personal information legally, that is, it is necessary to adhere to the principles of legality, legitimacy, necessity, integrity and minimum scope.</p>	1 November 2021	Employers should assess the collection of the personal information of employees and re-obtain their consent where necessary.
<p>Postponement of Statutory Retirement Age</p> <p>In the 2021 government work report, it was proposed to gradually delay the legal retirement age. At present, the plan is to gradually reform. The policy will also reflect flexibility and allow individuals to choose early retirement.</p>	Publication date has not yet been announced.	Nothing at this stage but keep an eye out for the draft legislation.