



Important Notice from Guangdong HR & Social Security Department

On January 25, 2020, HR & Social Security Department of Guangdong Province issued the Notice on Actively Responding to New Coronavirus Infection and Pneumonia in Terms of Employment Management. The full notice is as follows:

All Bureaus of Human Resources and Social Security of Cities in Guangdong:
In order to prevent and control the pneumonia epidemic of new-type coronavirus infection, properly handle labor relations during the epidemic prevention and control, safeguard the legitimate rights and interests of employees, protect the normal production and operation of enterprises, and promote the harmonious and stable labor relations, in accordance with The Notice of the General Office of Human Resources and Social Security Ministry of PRC on the Proper Handling of Labor Relations during the Prevention and Control of Pneumonia Epidemic Situation of New Coronavirus Infection ([2020] No. 5), relevant requirements are now informed as below:

I. Make every effort to maintain the stability of labor relations

Employees shall not terminate labor contract according to Articles 40 and 41 of the Labor Contract Law with patients with pneumonia and suspected patients infected with the new type of coronavirus that cannot provide normal work because of isolation treatment, medical observation, or other emergency measures by government. If the labor contract expires during the period of isolation treatment or medical observation, the government implements isolation measures or other emergency measures, the expire date shall be postponed to the end of the above-mentioned period.

II. Protect the rights and interests of employees' wages

For patients with pneumonia, suspected patients, and close contacts who are infected with the new type of coronavirus during their isolation and treatment or medical observation, and employees who cannot provide normal work due to the implementation of quarantine measures or other emergency measures by the government, the employer shall treat and pay them as providing normal work.

III. Arrange rest and vacation for the employees who cannot return to Guangdong

For employees who cannot return to Guangdong to work in time due to the epidemic situation, after consultation with the employees, the employer may give priority to arranging employees to take paid annual leave. Among them, employees who have worked cumulatively for one year and less than 10 years are entitled to 5 days of annual leave; for those who have worked for 10 years and less than 20 years are entitled to 10 days of annual leave; for those who have worked for more than 20 years are entitled to 15 days of annual leave. Employees enjoy the same wages during paid annual leave as during normal work.

IV. Guarantee the normal production and operation order of enterprises



Enterprises shall avoid or reduce the number of layoffs as far as possible. If the enterprise has difficulties in production and operation due to the epidemic situation, it may, through consultation with the employees, adopt such measures as salary adjustment, post rotation and leave rotation, shortened working hours and waiting for post to stabilize the working position. Enterprises affected by the epidemic shall be encouraged to maintain normal production and operation through concentrated work and rest. Enterprises that meet the prescribed conditions may enjoy the stable post subsidy.

V. Guarantee the treatment of employees during no-productive time

If the enterprise is shut down or discontinued due to the epidemic situation, if it does not exceed one wage payment period (up to 30 days), wages shall be paid in accordance with normal working hours. If the wage payment period exceeds one period, wages may be paid according to the labor provided by the employees and workers according to the newly agreed standard between the parties; If the enterprise does not arrange workers to work, it shall pay the living expenses of the employees at least 80% of the local minimum wage standard, and the living expenses shall be paid to the enterprise to resume work, resume production or dissolve labor relations.

VI. Strengthen the prevention and mediation of labor and personnel disputes

The affected parties should be guided to apply for mediation through Guangdong Provincial WeChat mini programs, and non-contact instant communication through telephone mediation, online video mediation and other means to resolve disputes in different places and reduce the number of return and gathering of the parties. If the party is unable to apply for labor and personnel dispute arbitration within the statutory limitation period due to the epidemic situation, the limitation period for arbitration shall be suspended. The limitation period for arbitration shall continue to be calculated from the date on which the reasons for the suspension are eliminated. If the party or agent affected by the epidemic situation is unable to attend the hearing at an arbitration institution, he may apply to the arbitration institution for an extension of the hearing. If it is difficult for an arbitration institution to hear a case within the prescribed time limit due to the epidemic situation, the time limit may be extended accordingly.

VII. Provide service guidance, monitoring and disposal

Human resources and social security departments in various places should implement territorial responsibilities, strengthen guidance on labor employment for enterprises affected by the epidemic situation, increase the prediction and early warning of labor relationship risks, and effectively safeguard the legitimate rights and interests of employees. In line with the requirements of epidemic prevention and control, authorities should strengthen the monitoring of employment in enterprises with intensive labor force and large personnel mobility, and effectively prevent and deal with emergencies.

Human Resources and Social Security Department of Guangdong Province

January 25, 2020



转发广东省人社厅 《关于积极应对新型冠状病毒感染肺炎疫情做好劳动关系相关工作的通知》

2020年1月25日，广东省人力资源和社会保障厅发布《关于积极应对新型冠状病毒感染肺炎疫情做好劳动关系相关工作的通知》，全文如下：

一、全力维护劳动关系稳定

企业不得依据劳动合同法第四十条、四十一条与在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不能提供正常劳动的新型冠状病毒感染的肺炎患者、疑似病人、密切接触者解除劳动合同。在职工隔离治疗期间或医学观察、政府实施隔离措施或采取其他紧急措施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、保障职工工资报酬权益

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职工，企业应当视同提供正常劳动并支付职工正常工作时间工资。

三、合理安排未返粤复工职工休息休假

对于因疫情未及时返粤复工的职工，经与职工协商一致，企业可以优先考虑安排职工带薪年休假。其中，职工累计工作已满1年不满10年的，年休假5天；已满10年不满20年的，年休假10天；已满20年的，年休假15天。职工在带薪年休假期间享受与正常工作期间相同的工资收入。

四、保障企业正常生产经营秩序

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、待岗等方式稳定工作岗位，尽量不裁员或者少裁员。鼓励受疫情影响的企业采取集中工作、集中休息方式保持正常生产经营。符合条件的企业，可按规定享受稳岗补贴。

五、保障职工停工停产期间待遇

企业因受疫情影响导致停工停产的，未超过一个工资支付周期（最长三十日）的，应当按照正常工作时间支付工资。超过一个工资支付周期的，可以根据职工提供的劳动，按照双方新约定的标准支付工资；企业没有安排职工工作的，应当按照不低于当地最低工资标准的80%支付职工生活费，生活费发放至企业复工、复产或者解除劳动关系。

六、加强劳动人事争议预防调处



引导受疫情影响的当事人通过粤省事微信小程序申请先行调解，通过电话调解、在线视频调解等非接触即时沟通方式，异地化解纠纷，减少当事人往返和聚集次数。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。受疫情影响的当事人或代理人，无法到仲裁机构参加庭审的，可以向仲裁机构申请延期开庭审理。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。

七、做好服务指导和监测处置工作

各地人力资源社会保障部门要落实属地责任，加强对受疫情影响企业的劳动用工指导，加大劳动关系风险预测预警力度，切实维护职工合法权益。要结合疫情防控工作要求，加强对用工密集、人员流动性大的企业的用工监测，有效防范和处置突发情况。

广东省人力资源和社会保障厅

2020年1月25日