



Tools for Leave Management and Cost Control

干货：企业假期管理增效降本实用工具

During the outbreak prevention and control of the new coronavirus, the HR & Social Security Bureaus in various regions have issued policies on salary payment and leave management to help enterprises to lower production and operation costs. Some terms in the policies, such as "statutory holiday", "rest day", "take annual leave first", "personal leave", "medical period", "comprehensive calculation of working hours" become high frequency. Many HRs, however, get confused in practice even though these terms seem simple. Therefore, PW lawyers make the following forms to help you understand the current leave laws and policies in China.

新型冠状病毒疫情防控期间，为减轻企业经营成本压力，各地人社部门纷纷出台相关政策指导企业如何处理员工的薪资发放、假期管理问题。其中，“法定假期”、“休息日”、“优先安排年休假”、“事假”、“医疗期”、“综合计算工时制”等词汇再次成为热词，看似简单，但在使用过程中却让不少 HR 产生疑惑。为此，固法律师决意帮助大家理清上述假期管理工具，提高日常工作效率。

类型 Terms	具体内容 Details	薪资发放标准 Payment	参考规定 Reference
法定节假日 Statutory Holiday	法定年节假日标准为 11 天，分别是： China's current statutory holidays are 11 days: 1. 元旦，放假 1 天（1 月 1 日） The New Year Day, 1 day off (January 1) 2. 春节，放假 3 天（农历正月初一、初二、初三）； The Spring Festival, 3 days off (the first 3 days of lunar year) 3. 清明节，放假 1 天（农历清明当日）； The Tomb-sweeping Day, 1 day off (around April 5 in Gregorian calendar) 4. 劳动节，放假 1 天（5 月 1 日）； Labor Day, one day off (May 1 st) 5. 端午节，放假 1 天（农历端午当日）； The Dragon Boat Festival, one day off (May 5 th in lunar calendar) 6. 中秋节，放假 1 天（农历中秋当日）；	安排加班的，不能调休，须按日工资标准额外支付三倍工资。 For overtime during the Statutory Holidays, the employer cannot arrange the employee to take time off and shall pay extra the 3 times daily wage.	《我国法定年节假日等休假相关标准》 Standards for Statutory Annual Leave, Holiday and Other Leave Entitlements in China



	<p>The Mid-Autumn Festival, one day off (August 15th in lunar calendar) 国庆节，放假3天（10月1日、2日、3日）。</p> <p>The National Day, three days off (October 1 - 3 in Gregorian calendar)</p>		
<p>休息日 Rest day</p>	<p>我国职工的休息时间标准成为工作5天、休息2天。休息日特指星期六和星期日。 China's current rest time standard of a laborer becomes work 5 days, rest 2 days. Rest day refers to Saturday and Sunday.</p>	<p>安排加班的，可以安排调休；无法调休的，按日工资标准支付二倍工资 For overtime during the rest days, the employer can arrange employee to take time off or pay twice the daily wage.</p>	<p>《我国法定年节假日等休假相关标准》 Standards for Statutory Annual Leave, Holiday and Other Leave Entitlements in China</p>
<p>年休假 Annual leave</p>	<p>注意：用人单位有权单方统筹安排年休假，无须经过员工同意。（重要的事情说三遍） NOTE: The employer has the right to arrange the annual leave unilaterally without the consent of the employees.</p>	<p>未休年休假应额外按员工日工资的200%计算支付。 For those unused annual leave, the employer shall pay extra 200% daily wage.</p>	<p>《企业职工带薪年休假实施办法》 Implement measures for Annual Paid Leave of Enterprise Employees</p>
<p>事假 Personal leave</p>	<p>需要由员工因个人事务自行申请，并经用人单位同意，但不可由用人单位自行为员工安排。 The employee shall apply by himself/herself and obtain the consent of the employer. The employer shall not arrange for the employees unilaterally.</p>	<p>因事假未提供劳动期间，用人单位可以不支付工资。 Personal leave could be unpaid.</p>	<p>《广东省工资支付条例》 Regulation of Guangdong Province on the Payment of Wages</p>
<p>综合计算工时制 Comprehensive calculation of working hours</p>	<p>须向当地人社部门申请，可以集中休息、集中工作。在综合计算周期内，平均日工作时间和平均周工作时间应与法定标准工作时间基本相同。 The employer may adopt the system of "concentrated rest and concentrated work" via applying to local HR & social security department. The average daily working hours and the average weekly working hours should be substantially the same as the statutory standard working hours in the comprehensive calculation cycle.</p>	<p>在休息日安排职工工作，只要不超过周期内工时上限则不需要支付不低于工资百分之二百的加班工资。 OT payment shall be paid for extra working hours exceed the approved maximum but not certainly for overtime during the rest days.</p>	<p>《劳动部关于企业实行不定时工作制和综合计算工时工作制的审批办法》 The Approval and Measures on Flexible Working Time Mechanism and comprehensive calculation of working hours issued by the former Ministry of Labor</p>
<p>医疗期 Medical period</p>	<p>企业职工因患病或非因工负伤，需要停止工作医疗时，根据本人实际参加工作年限和在本单位工作年限，给予三个月到二十四个月的医疗期； For the employees who need to stop working and have a medical treatment because of</p>	<p>广东省要求不低于最低工资标准的80%即可。 No less than 80% of the minimum wage.</p>	<p>劳动部关于发布《企业职工患病或非因工负伤医疗期规定》的通知 The Notice on Provision of Medical Treatment Period Enjoyed by</p>



	illness or non-work-related injury, the employer shall grant the employees a medical treatment period of 3 to 24 months based on the length he/she has worked for the employer and others if any.		Employees for Illness or Non-Work-Related Injury issued by the former Ministry of Labor
婚丧假 Marriage & funeral leave	实践中基本统一为3天。 Basically 3 days in practice.	按照正常工资标准发放 The employees shall receive their standard wages or salaries.	《国家劳动总局、财政部关于国营企业职工请婚丧假和路程假问题的通知》 Notice of the State Administration of Labor and the Ministry of Finance on the Issue of Marriage and Funeral Leave and Travel Leave for Employees of State-owned Enterprises
产假 Maternity leave	女职工生育享受98天产假，其中产前可以休假15天； Female employees enjoyed 98 days of maternity leave, including 15 days before childbirth.	已购买社保的，可享受生育津贴。产假期间，先由用人单位按照职工原工资标准逐月垫付，再由社会保险经办机构按照规定拨付给用人单位。 Female employee may enjoy birth allowance if she has bought social security. During maternity leave, employer pay birth allowance first according to employee's former salary standard every month, the social insurance agency will pay employer after according to the rules and regulations.	广东省实施《女职工劳动保护特别规定》办法 Measures of Guangdong Province for the Implementation of the Special Rules on the Labor Protection of Female Employees 《广东省职工生育保险规定》 Regulations of Guangdong Province on Employee Maternity Insurance
奖励假 Award leave	女方符合法律、法规规定生育子女的，享受80天假的奖励假。 If a female employee gives birth in accordance with laws and regulations, she shall enjoy an 80-day leave as a reward.	在规定假期内照发工资，不影响福利待遇和全勤评奖。 The employee shall be fully paid and the welfare package and the award for full attendance shall not be affected.	《广东省人口与计划生育条例》 Regulations of Guangdong Province on population and family planning
陪产假 Parental leave	男方符合法律、法规规定生育子女的夫妻，享受十五日的陪产假。	在规定假期内照发工资，不影响福利待遇和全勤评奖。 The employee shall be fully paid and the welfare package	《广东省人口与计划生育条例》 Regulations of Guangdong Province on

	The husband of a wife who gives birth in accordance with laws and regulations shall enjoy 15 days of paternity leave.	and the award for full attendance shall not be affected.	population and family planning
哺乳假 Breastfeeding leave	经员工申请，用人单位批准，可以请哺乳假至婴儿1周岁。 Upon the employee's application and the employer's approval, the employee may take breast-feeding leave until the baby 1 year old.	哺乳假期间的工资待遇由双方协商决定，实践中一般为原工资标准的20%。 The salary during breast-feeding leave is decided by both sides through negotiation, which is generally 20% of the original salary standard in practice.	广东省实施《女职工劳动保护特别规定》办法 Measures of Guangdong Province for the Implementation of the Special Rules on the Labor Protection of Female Employees
停工留薪期 Suspension with Pay	因工作遭受事故伤害或者患职业病需要暂停工作接受工伤医疗的，一般不超过12个月。 Where an employee is injured from an accident or suffers from an occupational disease due to his/her work or needs to suspend work for medical treatment of the work-related injury, the period shall usually not exceed 12 months	原工资福利待遇不变，由所在单位按月支付。 Original remuneration of wages and welfares shall remain unchanged and be paid on a monthly basis by the employer.	《工伤保险条例》 Regulation on Work-Related Injury Insurance