

Draft Amendment to the Implementation Rules of the Labor Insurance Regulations of the People's Republic of China

Decision of the Ministry of Labor on Promulgating the Draft Amendment to the Implementation Rules of the Regulations of the People's Republic of China on Labor Insurance

(January 26, 1953)

The draft implementation rules of the Labor Insurance Regulations of the People's Republic of China have been revised in accordance with the " Decision on Several Amendments to the Labor Insurance Regulations of the People's Republic of China " and the revised Labor Insurance Regulations promulgated by the Central People 's Government Administration Council. It is hereby decided that it will still be promulgated as a draft for trial implementation and will be effective from January 1, 1953.

Chapter I Provisions on the Scope of Implementation

Article 1 The provisions of Article 2, Subparagraph A of the Labor Insurance Regulations of the People's Republic of China (hereinafter referred to as the Labor Insurance Regulations) on "more than 100 workers and staff" refer to the number of workers and staff in factories and mines. The number of management agencies and affiliated units is not included. When calculating the number of people, it should include salary system, supply system personnel and apprentices, temporary workers (except temporary construction workers and porters), and probationary personnel.

Article 2 For any enterprise that implements labor insurance, its business management organs and affiliated units shall implement labor insurance regulations at the same time as the enterprise . "Business management organization" refers to an organization whose entire expenses are spent from business income or capital construction expenses or business expenses. "Subsidiary units" refer to the relevant business and employee cultural education, welfare and other institutions attached to the enterprise.

Article 3 For workers and staff working in affiliated units of enterprises that implement labor insurance and labor union staff who are not directly paid by the enterprise administration or capital, their maternity leave wages, sickness and injury leave wages, and funeral expenses for work-related death shall be paid by the employer. The unit that pays the wages shall pay; the unit that pays the wages shall pay labor insurance premiums based on 3% of the total wages of the workers and staff of each unit (the labor insurance premiums for members of the grassroots trade union committees working in enterprises who are separated from production may be exempted from paying labor insurance premiums), handed over to the enterprise administration or capital to pay together.

Medical expenses during medical treatment for workers, employees shall be borne by the enterprise's administrative side or the employer in accordance with the provisions of the Labor Insurance Regulations.

Article 4 Personnel in the supply system in enterprises that implement labor insurance shall still be handled in accordance with the provisions of the supply system, and the Labor Insurance Regulations shall not apply. Armed security personnel of factories, mines and enterprises, if they belong to the active servicemen of the People's Liberation Army, should still enjoy the various treatment of the People's Liberation Army, and the labor insurance regulations are not applicable.

Article 5 When an enterprise that does not implement the Labor Insurance Regulations concludes a labor insurance collective contract, it shall negotiate and sign it in accordance with the spirit of the Labor Insurance Regulations and the actual conditions of the enterprise, industry or industry, and report to the local labor administrative organ for approval. The various labor insurance expenses stipulated in the collective contract shall be borne by the administrative side of the enterprise or the employer.

Chapter II Provisions on Total Wages

Article 6 For enterprises that implement labor insurance, in accordance with the provisions of Article 8 of the Labor Insurance Regulations, when paying labor insurance funds, the calculation of total wages shall be handled in accordance with the " Regulations on the Composition of Total Wages " issued by the Financial and Economic Committee of the Central People's Government Administration Council.

Chapter III Provisions on Calculation Standards of Labor Insurance Benefits

Article 7 For workers whose wages are calculated on a daily or monthly basis, when enjoying labor insurance benefits, if the calculation is based on their own wages, the daily or monthly wages of the worker or staff shall be used as the calculation standard.

Article 8 For workers whose wages are calculated on a piece-by-piece basis, when enjoying labor insurance benefits, if they are calculated based on their own wages, the average daily wages of the workers and staff in the last three months shall be used as the calculation standard. If the total working hours are less than three months, the average daily wages of the actual working days of the worker shall be used as the calculation standard. However, if the sickness and injury leave is less than seven days, the average daily salary of the previous month may be used as the calculation standard.

Article 9 When a worker or employee who receives a disability subsidy due to work retires or dies, and receives a pension, relief or subsidy under the labor insurance fund based on his salary as the calculation standard, his own salary shall be equal to the salary he received due to the Worker disability subsidies are calculated on a consolidated basis.

Article 10 If an apprentice's personal salary is lower than the minimum wage of ordinary workers in the enterprise, when the labor insurance premium is calculated based on his own salary, it shall be calculated based on the minimum wage of ordinary workers in the enterprise, but the labor insurance premium he receives shall not exceed his personal salary.

Chapter IV Provisions on Work-related Injury, Disablement and Death Benefits

Article 11 Workers and staff members who are injured, disabled or die under the following circumstances shall enjoy the benefits of work-related injuries, disabilities or death:

1. Due to the performance of daily work and the execution of work temporarily designated or approved by the enterprise administration or the employer;

2. Engage in work that is beneficial to the enterprise without being designated by the enterprise's administration or capital in an emergency;
3. Due to the work of invention or technological improvement.

Regarding the determination of work-related or non-work-related matters, the trade union group shall truthfully report to the labor insurance committee of the grass-roots committee of the trade union (hereinafter referred to as the labor insurance committee) for review and confirmation, and report to the grass-roots committee of the trade union to notify the enterprise administration or the employer and the workers themselves or their support. immediate family. If there is any disagreement, it should be reported to the labor administrative agency of the local people's government for prompt handling. But before it is processed, it should be handled according to the notice of the grassroots committee of the trade union.

Article 12 The disability examination committee stipulated in Article 12 (c) of the Labor Insurance Regulations shall be established under the leadership of the municipal trade union organization or the local industrial trade union organization, and its candidates shall be representatives of the above-mentioned trade union organizations, labor administrative agencies, and health administrative agencies. It consists of three to seven people, with the representative of the municipal trade union organization or the local industrial trade union organization as the convener, and the representative of the labor insurance committee of the enterprise to which the disabled worker belongs and the attending physician may attend the meeting as nonvoting delegates. Where only a few enterprises implement labor insurance regulations, no disability review committee is organized, and the labor insurance committee of the enterprise performs its functions and powers on its behalf. The functions and powers of the Disability Review Committee are as follows: 1. To determine the disability status of disabled workers and staff; Review it anytime.

Article 13 Workers and employees who have partially lost their labor power due to work-related disabilities and are still able to work, shall receive the subsidy for work-related disability according to the provisions of Article 12, Subparagraph B, Item 3 of the Labor Insurance Regulations, according to the amount of wage reduction after the disability: If the salary is reduced by 11% to 20%, the disability subsidy due to work shall be 10% of the salary of the person before the disability; if the salary is reduced by 21% to 30%, it shall be 2% of the salary of the person before the disability 10. If the wages are reduced by more than 30%, the compensation shall be 30% of the wages before the disability.

Article 14 If a worker or employee is injured at work and needs to be fitted with prosthetic legs, prosthetic hands, dental implants, or eye fillings after receiving medical treatment in the enterprise's medical center, hospital, designated hospital, designated Chinese and Western physicians, or transferred hospital, the expenses incurred shall be fully paid. It shall be borne by the enterprise administration or capital.

Article 15 Workers who continue to work after part of their labor force is lost due to work-related disabilities, and can still work again due to non-work-related disabilities shall receive the work-related disability subsidies in accordance with the provisions of Article 12, Subparagraph B, and Item 3 of the Labor Insurance Regulations. Keep paying. When the resignation is due to the complete loss of labor force and inability to work due to work disability, the treatment shall be handled according to the provisions of Article 13 (c) of the Labor Insurance Regulations.

Chapter V Provisions on Treatment of Diseases, Non-work-related Injuries, and Non-work-related Disabilities

Article 16 If a worker's medical treatment period is less than six months due to illness or non-work-related injury, according to Article 13 , Subparagraph B of the Labor Insurance Regulations , the administrative side of the enterprise or the employer shall pay for the sickness according to the following standards: Wages for injury holidays: For those who have worked in the enterprise for less than two years, 60% of my salary; for those who have worked for two years but less than four years, 70% of my salary; for those who have worked for four years but less than six years, 80 percent of the salary; for those who have been six years but less than eight years, 90% of the salary of the person; for those who have been eight years or more, 100% of the salary of the person.

Article 17 When a worker's illness or non-work-related injury stops working and the continuous medical treatment period exceeds six months, according to the provisions of Article 13 , Subparagraph B of the Labor Insurance Regulations , the sickness and injury holiday wages will be suspended and will be transferred to the labor insurance fund. , to pay sickness or non-work-related injury relief on a monthly basis, the standards are as follows: For those who have worked in the enterprise for less than one year, 40% of the salary of the person; Fifty percent of the salary; for three years or more, 60% of the salary of the individual. This benefit is paid until the employee is able to work or is determined to be disabled or dead.

Article 18 When a worker whose personal wage is lower than the average wage of the enterprise receives relief for illness or non-work-related injuries, if the amount of relief he receives is lower than 40% of the average wage of the enterprise, the average wage shall be Forty percent will be paid, but not higher than the salary of the individual.

Article 19 Workers and staff who have completely lost their labor power due to work disabilities and who have retired and retired for the elderly may continue to enjoy medical treatment for diseases in accordance with the provisions of Article 13, Subparagraph A of the Labor Insurance Regulations until the time of death.

Article 20 After the medical treatment of a worker or employee's illness or non-work-related injury is terminated, and he is determined to be disabled and completely loses his labor force, after resignation, in addition to receiving non-work-related disability relief, funeral subsidies when he dies, and relief for immediate family members, other labor Insurance benefits should be discontinued.

Article 21 Workers who need to stop working for medical treatment due to illness or non-work-related injuries must obtain a certificate from the responsible medical institution. Labor insurance benefits. When recovering from illness and returning to work, a certificate of ability to work shall be obtained from the responsible medical institution.

Chapter VI Provisions on Treatment of Death

Article 22 When a worker dies due to work or dies after resignation due to work disability, according to the provisions of Article 14 , Paragraph A of the Labor Insurance Regulations , the enterprise's administrative side or capital shall pay the average salary of the enterprise for three months as funeral expenses, and according to the following provisions, the labor insurance fund will pay monthly pensions to the immediate family members who support them: if they support one immediate family member, it will be 25% of the salary of the deceased; if there are two relatives, it will be 25% of the salary of the deceased Forty percent; for three or more persons, fifty percent of

the wages of the deceased. This pension shall be paid until the provider loses the conditions for support (see Chapter 11 for the conditions of support).

Article 23 When a worker dies due to illness or non-work-related injury, or dies after retiring from the post, or dies after resigning from the post due to complete loss of labor force due to non-work-related disability, in accordance with the provisions of Article 14(b) of the Labor Insurance Regulations, unless The average salary paid to the enterprise under the labor insurance fund shall be used as funeral subsidy for two months, and the labor insurance fund shall pay the relief fee to the immediate family members in one lump sum according to the following provisions: If one of the immediate family members is supported, it shall be the deceased himself Six months' wages; nine months' wages for two persons, nine months' wages for the deceased; twelve months' wages for three or more persons.

Article 24 When a worker dies or is disabled due to work and completely loses his labor force, and his immediate family members are able to work and the enterprise needs people to work, the administrative side or the management should hire them first; the children, daughters, younger brothers, The younger sister has the right to study in the school run by the enterprise.

Article 25 If two or more members of the family work in an enterprise that implements labor insurance, when the immediate family member they jointly support dies, one of them shall receive the funeral subsidy and shall not be reclaimed.

Chapter VII Provisions on Pension Benefits

Article 26 When workers and staff retire for retirement, pension subsidies for retirement shall be paid from the labor insurance fund on a monthly basis: those who have worked in the enterprise for five years but less than ten years shall be paid 50% of their wages; Those who have reached the age of 10 but less than 15 years shall pay 60% of their salary; those who have reached 15 years or more shall pay 70% of their salary. Paid until death.

Article 27 Workers and employees who meet the pension provisions of Article 15 of the Labor Insurance Regulations, because the enterprise needs to keep them to continue working, in addition to their wages, they will also be paid monthly pension subsidies from the labor insurance fund: Those who have worked in the enterprise for five but less than ten years shall pay 10% of their wages; those who have worked for ten but less than fifteen years shall pay fifteen percent of their wages; those who have worked for fifteen and fifteen years For the above, pay 20% of my salary.

Article 28 For workers and staff who receive in-service pension subsidies, when they retire for retirement, their in-service pension subsidies should not be included in their wages.

Article 29 Workers and staff who have been engaged in underground miners or fixed working hours in low-temperature workplaces below 32 degrees Fahrenheit or high-temperature workplaces above 100 degrees Fahrenheit for a total of ten years before and after, or directly engaged in lead, mercury, arsenic Phosphorusacid and other chemical and ordnance industries that are harmful to health have worked for a total of eight years., enjoy retirement benefits.

Article 30 After the labor insurance is implemented in the enterprise, if the worker is transferred to another job due to old age and weakness, and his salary falls below the average salary of the enterprise, when he retires for retirement, his retirement pension subsidy shall be calculated according to the enterprise's standard. Average salary calculation.

Chapter VIII Provisions on Maternity Benefits

Article 31 The maternity leave (regardless of regular or miscarriage) stipulated in Article 16 of the Labor Insurance Regulations shall include Sundays and statutory holidays, and shall not be supplemented.

Article 32 When female workers and female staff members or wives of male workers and male staff members give birth to twins or multiple births, the childbirth subsidy shall be paid 80,000 yuan per person according to the number of children they have.

Article 33 Where a husband and wife work together in one or two enterprises that implement labor insurance, the childbirth subsidy shall be received by the wife, and the husband shall not receive it again.

Article 34 The maternity leave for female workers and staff members who are pregnant for less than seven months and miscarriage shall be within 30 days, but at least 20 days.

Article 35 When female workers and employees give birth, if the enterprise's medical center, hospital, designated hospital, or designated doctor is unable to deliver the child, the cost of delivering the child will also be borne by the enterprise's administration or capital.

Chapter IX Provisions on Labor Insurance Benefits for Temporary Workers, Seasonal Workers and Trial Workers

Article 36 Temporary workers, seasonal workers and probationary personnel of enterprises that implement labor insurance, their labor insurance benefits are tentatively determined as the following items:

1. The benefits during the medical treatment period for work-related injuries are the same as those of ordinary workers. Work-related injuries terminated by medical treatment, and those who have completely lost their labor force after being determined to be disabled and resigned will be paid a lump-sum compensation for work-related disability under the labor insurance fund, and the amount is 12 months of their wages; , by the enterprise administration or capital allocation of appropriate work.
2. The medical treatment period for illness or non-work-related injury is limited to three months, and the medical treatment is the same as that of ordinary workers. If the period of suspension of work for medical treatment is less than three months, the enterprise administration or the employer will pay sickness and injury holiday wages on a monthly basis, and the amount is 50% of the salary of the person; Sickness or non-work-related injury benefits for the next three months of my salary.
3. In the event of death due to work, the enterprise administration or capital will pay the funeral expenses, the amount of which is the average salary of the enterprise for three months, and the labor insurance fund will pay the compensation for the immediate family members in one lump sum:
If there is one person, the salary shall be paid for six months; if there are two persons, the salary shall be paid for nine months; for three or more
4. In the event of illness or non-work-related injury death, the funeral subsidy shall be paid under the labor insurance fund, and the amount shall be two months of the average salary of the enterprise; in

addition, the relief fund shall be paid to the immediate family members under the labor insurance fund in one lump sum, the amount of which is three months of my salary.

5. For female workers and employees who are pregnant and give birth, the pregnancy examination fee, midwifery fee, childbirth subsidy and childbirth leave are the same as those of general female workers and employees; Sixty percent of the salary.

Article 37 Before the promulgation of these detailed rules, if the standard of labor insurance treatment for temporary workers, seasonal workers and probationary personnel originally determined by each enterprise or its industry or industry is higher than the provisions of Article 36 of these detailed rules, it may still follow the original prescribed payment.

Chapter 10 Provisions on Seniority of Service

Article 38 The general length of service refers to the working hours of workers whose wage income is the whole or main source of living means. When calculating the general length of service, the length of service in the enterprise shall be included.

Article 39 The length of service in the enterprise shall be calculated based on the continuous working time of the workers and staff in the enterprise. If they have left their jobs, they shall be calculated from the date when they returned to work in the enterprise for the last time. However, this does not apply to any of the following situations:

1. For workers who are transferred by the enterprise management agency, enterprise administration or capital, the length of service in the enterprise before and after the transfer shall be counted consecutively. However, those who have been transferred to work due to business needs before liberation can only be continuously counted for their length of service in the enterprise. 2. Workers who worked in the enterprise before liberation and were forced to resign and return to the enterprise. If there is a solid certificate, after discussion and approval by the trade union group and approval by the Labor Insurance Committee, the working hours before resignation and after returning to the enterprise, can be combined for the calculation of the length of service of the enterprise.

3. For domestic and foreign learners transferred by the enterprise management agency, enterprise administration or capital after liberation, the length of service in the enterprise during the study period and before and after the transfer should be counted continuously. Those who were transferred by the enterprise management agency, enterprise administration, or capital to study business at home and abroad before liberation, if there is a solid certificate, except that the length of service during the study period is not counted, the length of service in the enterprise before the transfer and after returning to the enterprise may be calculated together.

4. After liberation, due to the closure of the enterprise or the reduction of production, the workers and staff were transferred to other enterprises by the enterprise management agency. When the dismissed workers return to work in the enterprise when the enterprise resumes work or expands production, the length of service in the enterprise before the dismissal and after the resumption of work shall be calculated together.

5. After the transfer, reorganization or merger of the enterprise, the original workers and staff still remain as employees of the enterprise, and the length of service in the enterprise before and after the transfer, reorganization or merger shall be counted continuously.

6. The period of medical treatment due to work-related injuries shall be calculated as the length of service of the enterprise.

7. If the period of medical treatment due to illness or non-work-related injury is less than six months, it can be continuously counted as the working years of the enterprise; after more than six months, the employee still returns to the original enterprise to work, except for the period exceeding six months. Except for the length of service, the length of service in the enterprise before and after it shall be calculated together.

8. Those who were forced to resign under the reactionary rule of the enemy and the Kuomintang to oppose their rule and oppression, and were imprisoned by the enemy and the Kuomintang government during the period of resignation and continued to struggle, during the period of imprisonment and before resignation and after reinstatement or transfer to work in other enterprises The length of service in the enterprise shall be counted continuously.

Article 40 For specialized revolutionary workers and revolutionary soldiers transferred to work in enterprises, their number of years engaged in revolutionary work and military service shall be counted as years of service in the enterprise.

Article 41. During the period of enemy-puppet and reactionary Kuomintang rule, workers and staff who took up one of the following positions shall not be counted as seniority for the time they have been engaged in such positions: exploitative actors.

2. Officers and soldiers of the military police of the enemy and puppets and the Kuomintang army, police officers and policemen among the police, and officials of the enemy and puppets and the Kuomintang government agencies, but not including personnel in enterprise agencies.

3. Members of the Kuomintang branch or above, three people's principles youth league sub-captain above, members of the Youth Party branch or above, and members of the Democratic Socialist Party branch or above, and the main person in charge of the reactionary Daoist Association.

Article 42 For those who are deprived of political rights, the period of deprivation of political rights shall not be counted as years of service. For those deprived of political rights due to counter-revolutionary crimes, their working years in the enterprise shall be counted from the date of restoration of political rights; The length of service shall be calculated together.

Article 43 The provisions of Article 15 C and D of the Labor Insurance Regulations on the conversion of general working years and enterprise working years are equally applicable when calculating various labor insurance benefits.

Article 44 During the period of apprenticeship in the enterprise, the length of service in the enterprise shall be counted as the length of service of the enterprise. When temporary workers and probationary personnel become regular workers, the length of service in the enterprise shall be counted from the date of entering the enterprise.

Chapter Eleven Provisions on Supporting Immediate Family Members

Article 45 The immediate family members of workers whose main source of income depends on the supply of workers and staff and who meet the requirements of any of the following items may be listed as the dependent immediate family members of the workers and enjoy labor insurance

benefits: 1. Grandfather, father, and husband who are over 60 years old or who have completely lost their labor force;

2. Grandmother, mother, and wife who have not engaged in paid work;

3. Children (including adopted children, children born to ex-wife or ex-husband, unmarried children), younger siblings (including half-brothers or half-sisters) under the age of sixteen;

4. Grandchildren under the age of sixteen, whose father died or completely lost the labor force, and the mother did not engage in paid workers.

Article 46 Workers and staff who have been brought up by others since childhood, and whose current caregivers are men who have reached the age of 60 or who have completely lost their labor force, and women who have not engaged in paid work and must be supported by workers and staff who live together, can provide support. Immediate family theory.

Article 47 After a worker dies on-the-job, his posthumous child may be listed as a supporting immediate family member.

Article 48 The supporting immediate family members of workers and staff, if they do not live together with the workers and staff, must obtain a certificate from the local government agency where they are located.

Chapter XII Provisions on Medical Institutions

Article 49 Enterprises that implement labor insurance, if they have established medical institutions, should enrich their equipment and establish a sound system according to the necessary and possible conditions; if they have not established medical institutions, they should set up medical institutions or hospitals independently or jointly; If it cannot be established due to limited conditions, there should be a special hospital or special Chinese and Western doctors to treat sick and injured workers. All expenses related to clinics, hospitals, designated hospitals, and designated Chinese and Western doctors shall be borne by the enterprise administration or capital.

Chapter 13 Provisions on Sanatoriums, Amateur Sanatoriums, and Nursery Schools

Article 50 Enterprises implementing labor insurance shall, according to the needs of workers and employees and the economic conditions of the enterprise, establish sanatoriums, amateur sanatoriums, and nutritional canteens independently or jointly with other enterprises. The housing equipment of sanatoriums, amateur sanatoriums, nutritional canteens, staff salaries and all regular expenses are entirely borne by the enterprise's administration or capital. The food expenses of recuperators and nutritionists shall be subsidized when there is any surplus after the labor insurance fund pays various subsidies, relief funds, and pensions, and shall not exceed half of the food expenses at most. Those who are unable to afford the food expenses may increase their subsidy according to their discretion, but it shall not exceed two-thirds of the food expenses. The grassroots trade union committees of each enterprise should prepare a budget for food subsidies on a regular basis, and submit it to the higher-level trade union organization in charge of the adjustment fund for approval before implementation.

Article 51 Female workers and staff members of enterprises implementing labor insurance have more than 20 children under the age of four, the grassroots trade union committee shall negotiate with the enterprise administration or capital to establish a nursery school independently or jointly with other enterprises (if it is not yet possible to set up a nursery school) If there are more than five nursing babies, a nursing room must be set up). The housing equipment, wages of staff and all regular expenses shall be fully borne by the enterprise administration or the capital, and the childcare and food expenses shall be borne by the childcare parents. If the childcare parents are really in financial difficulties, they may be paid under the labor insurance fund subsidies, but not more than one-third of the childcare meal costs per child.

Chapter Fourteen Provisions on Excellent Labor Insurance Benefits

Article 52 In accordance with the provisions of Article 19 of the Labor Insurance Regulations , when a worker who enjoys excellent labor insurance benefits dies due to work, the compensation for his immediate family members shall be paid monthly from the labor insurance fund in accordance with the following provisions : If there is one immediate family member, 30% of the wages of the deceased; if there are two relatives, 45% of the wages of the deceased; if there are three or more relatives, 60% of the wages of the deceased . This pension is paid until the dependent loses the conditions for support.

Article 53 In accordance with the provisions of Article 19 the Labor Insurance Regulations, workers who enjoy excellent labor insurance benefits will be paid monthly retirement pension subsidies: those who have worked in the enterprise for five years but not ten years ,60% of my salary; 70% of my salary if I have reached the end of ten years and the end of 15 years; 80% of my salary if I have been 15 years or more. This benefit is paid until death. Workers and employees who meet the pension regulations, due to the needs of the enterprise, when they are kept to work, in addition to the salary, they will also be paid monthly pension subsidies under the labor insurance fund: the enterprise has worked for five years but has not expired for ten years, 20% of my salary; for ten years but less than 15 years, 25% of my salary; for fifteen years and more, 100% of my salary 30/30. This subsidy is paid until retirement or death.

Chapter 15 Provisions on Application and Payment Procedures for Labor Insurance Expenses

Article 54 All kinds of pensions, subsidies and relief paid under the labor insurance fund shall be applied to the Labor Insurance Commission by workers or their immediate relatives. The procedures are as follows:

1. When starting the application, the application form should be filled out according to the facts. If proof is required, the supporting documents should be submitted to the labor insurance officer of the trade union group or the leader of the trade union group to hold a group meeting for discussion, review whether the items filled in are true, and fill in the review opinion in the application form " Opinions of the trade union group" column, after signing and stamping, send it to the Labor Insurance Committee.
2. After the labor insurance committee receives the application and checks the labor insurance registration card, the director of the labor insurance committee (the labor insurance committee may hold a discussion if necessary) approves the labor insurance benefits and calculation standards to be enjoyed on the application, and fill in the payment voucher and submit it together with the

application form to the labor insurance accounting office for withdrawal. If you receive it on a monthly basis, you should issue a collection certificate when the application form is approved. Subsequent reports must be made at the regular meeting of the Labor Insurance Committee.

3. The labor insurance committee may authorize the workshop labor insurance committee to review and approve the labor insurance benefits of workers and staff in accordance with the labor insurance regulations and its implementation rules according to the needs of the work.

4. After the labor insurance accountant pays, he should indicate the payment amount and date on the application form, sign and seal it, and return the application form to the Labor Insurance Committee for safekeeping.

5. Those who receive labor insurance benefits on a monthly basis should submit the collection certificate to the director of the Labor Insurance Committee for signature or seal and fill in the payment voucher before receiving the monthly payment, and then take it to the Labor Insurance Accounting Office to collect the payment. Immediate family members who are not in the local area must attach the certification documents issued by the local government agency, and send them together with the collection certificate to the Labor Insurance Committee to apply for remittance. The remittance fee and postage will be paid by the Labor Insurance Fund.

Article 55 The pension, subsidy and relief paid by the labor insurance committee shall be paid at the end of each month if paid on a monthly basis. If the recipient does not live in the local area, the labor insurance committee may pay quarterly paid (every three months). For one-time issuance, it shall be issued within five days at the latest after approval.

Article 56 For sickness, injury, maternity leave wages, and funeral expenses for work-related deaths directly paid by the enterprise's administration or capital, after the monthly payment, the recipient's name, payment standard, and payment amount should be tabulated according to the expenses. Submit to the Labor Insurance Commission for future reference.

Article 57 Funeral expenses for work-related deaths and funeral subsidies for non-work-related deaths shall be claimed by the deceased's supporting immediate family members or immediate family members. If there are no such relatives or relatives are not in the local area, the grassroots committee of the trade union may be responsible for collecting the funeral expenses. matters.

Article 58 Where an enterprise that implements labor insurance relocates to other regions, the monthly pensions, subsidies, and relief payments for workers and staff who cannot move with the enterprise shall be determined by the provincial and municipal trade unions or the National Committee of Industrial Trade Unions. Continue to pay in the adjustment funds; workers who have not recovered from illnesses and injuries should continue to receive treatment, and the enterprise administration or capital will remit the payment in accordance with Article 12, Paragraph A or Article 13, Paragraphs A and B of the Labor Insurance Regulations . Medical expenses and wages during medical treatment.

Article 59 When an enterprise that implements labor insurance goes out of business, the pensions, subsidies and relief fees that its workers and staff receive on a monthly basis shall continue to be paid by the provincial or municipal trade unions or the National Committee of Industrial Trade Unions in the adjustment funds; Those who have not recovered from their injuries should be dealt with through consultation between the enterprise administration or the employer and the grassroots trade union committee when the business is closed.

Article 60 Where an enterprise that implements labor insurance is transferred, reorganized or merged, all its labor insurance business shall be continued by the successor, and all labor insurance fees that should continue to be paid to workers and staff shall not be suspended. Give.

Article 61 If the workers, employees or dependent family members who receive pensions, subsidies and relief funds are deprived of political rights, the payment shall be stopped immediately. When the political rights are restored, they shall submit a certificate to the Labor Insurance Commission. If approved, you can still continue to receive labor insurance benefits, but the labor insurance benefits during the suspension period will not be reissued.

Article 62 When a worker working in an enterprise that implements labor insurance is transferred to work in another enterprise that implements labor insurance by the enterprise management agency, the labor insurance committee shall send the labor insurance registration card and relevant labor insurance documents to the transferee. For enterprises, the labor insurance committee will register after the arrival of workers and staff, and continue to enjoy labor insurance benefits. If illness, injury, disability or death occurs during the transfer, the transfer company shall handle it in accordance with the provisions of the Labor Insurance Regulations. As for the transfer from an enterprise that has implemented labor insurance to work in an enterprise that has not implemented labor insurance, the relevant labor insurance benefits should be handled in accordance with the existing regulations of the transfer unit.

Article 63 When the decision, accounting and payment of labor insurance benefits by the workers or their immediate family members are different from those of the enterprise administration or the management and the labor insurance committee, they may submit to the higher-level trade union organization for processing, or report to the local people's government. Complaints to the labor administration.

Article 64 Workers and employees who receive various pensions, subsidies and relief funds or their dependent relatives should immediately report to the Labor Insurance Commission if their receiving conditions change or lose their receiving conditions. After being found out, the labor insurance committee may, according to the seriousness of the case, give public criticism or the right to stop enjoying various labor insurance benefits for one to three months, and recover the amount received for concealed and false reports.

Article 65 When the calculation standard of the pension, subsidy and relief paid on a monthly basis is changed, the labor insurance committee shall make a note on the receiving certificate; The applicant shall fill in another application form to apply.

Chapter 16 Provisions on the Receipts and Expenditures of Labor Insurance Funds Custody

Article 66 The grassroots trade union committees belonging to the national committees of railway, post and telecommunications, ordnance and sea workers' unions shall transfer the remaining part of the labor insurance fund to the national committees of the trade unions of the respective industries every month as adjustment funds; The grassroots trade union committees belonging to the above-mentioned National Committee of Industrial Trade Unions should transfer the remaining part of the labor insurance fund to the provincial and municipal trade union organizations directly under the higher level as adjustment funds every month. Textile, coal mining and other industrial trade unions, if they have the conditions to manage the adjustment funds themselves, can manage the adjustment funds by themselves with the approval of the All-China Federation of Trade Unions.

Article 67. If the National Committee of Industrial Trade Unions in charge of transfer funds authorizes its local organization to take charge of the transfer of transfer funds, it shall formulate detailed measures according to the specific conditions of each industry and report to the All-China Federation of Trade Unions and the Ministry of Labor of the Central People's Government. for the record.

Article 68 The overdue fine shall be transferred from the grassroots trade union committee to the labor insurance fund, and its purpose is the same as that of the labor insurance fund.

Article 69 The accounting department of each enterprise shall, in accordance with the provisions of the labor insurance fund accounting system, set up separate account books to record the income and expenditure of the labor insurance fund. This work is handled by the accounting department of the enterprise and is responsible to the Labor Insurance Committee.

Article 70 When each enterprise starts to implement labor insurance, the grassroots trade union committee shall report to the National Committee of Industrial Trade Unions or provincial and municipal trade union organizations based on the actual number of employees in the enterprise, and prepare a budget for the printing cost of labor insurance registration cards, and submit it to the China It is issued by the All-China Federation of Trade Unions and paid by the General Fund of Labor Insurance. The application form and the paper printing fee for obtaining the certificate required by the grassroots trade union organization to handle the labor insurance business shall be reported to the provincial and municipal trade union organizations and the National Committee of Industrial Trade Unions in charge of the transfer fund for approval and issuance, and shall be paid from the transfer fund. The paper printing fees, publicity fees, office expenses and other expenses for the statistical tables required by trade union organizations at all levels shall be paid from the labor union work expenses. The wages, office expenses, subpoenas, account books, statements and other regular expenses of the accountants who handle the labor insurance fund in the accounting department of the enterprise shall be borne by the enterprise administration or the capital.

Chapter 17 Provisions on the Supervision and Inspection of Labor Insurance Business

Article 71 The trade union organizations in the major administrative regions shall submit the labor insurance fund income and expenditure reports to the labor administrative organs of the major administrative regions, the Ministry of Labor of the Central People's Government, and the All-China Federation of Trade Unions every three months. January, February, and March are the first quarter, April, May, and June are the second quarter, July, August, and September are the third quarter, and October, November, and December are the fourth quarter. If the reporting month falls within the second or third month of the beginning of the quarter, it shall also be handled in accordance with the provisions of this article, and no inter-quarter or annual fabrication is allowed.

Article 72 The fund review committee has the right to review the income and expenditure accounts of the labor insurance fund at any time. If it finds an error, it can immediately give an opinion. The accounting department of the enterprise or the labor insurance committee should reply or make corrections promptly. If there is no reply or the handling is improper, and the error is attributable to the accounting department of the enterprise, it may be referred to the administrative side of the enterprise or the capital for handling. Or the trade union organization at the higher level shall handle it.

Article 73 When workers and staff find doubts or mistakes in the income and expenditure of the labor insurance fund and various labor insurance expenses directly paid by the enterprise administration or the capital, they may report to the grassroots committee of the trade union for handling. If the circumstances are serious, they may report to the superior Trade union organizations or labor administrative agencies of local people's governments.

Article 74 The accounting department of each enterprise shall prepare a monthly statement of labor insurance expenses paid directly by the enterprise administration or capital, and submit it to the Fund Review Committee for review, and then submit it to the grassroots trade union committee for approval and transfer to the provincial and municipal trade union organizations and industrial trade unions. The National Committee and the labor administrative organ of the local people's government. The following items shall be included in the monthly report of direct payment of labor insurance expenses:

1. Wages during the period of medical treatment for work injuries;
2. Medical expenses and medical expenses,
3. Sanatorium expenses,
4. Amateur sanatorium expenses,
5. Nutrition canteen expenses,
6. Nursery and lactation room expenses,
7. Other expenses.

Article 75 The labor administrative organs of the people's governments at all levels shall, in accordance with the provisions of Article 30 of the Labor Insurance Regulations , implement supervision and supervision over the administrative aspects of the enterprises within their jurisdiction or the labor insurance business organized by the employers and trade unions at all levels. Inspect, and may inspect the status of labor insurance implemented by each enterprise at any time, and consult various account books, statements and other relevant documents related to labor insurance . If necessary, the case may be transferred to the judiciary for handling according to law.

Chapter 18 Supplementary Provisions

Article 76 Enterprises that meet the provisions of Article 2 of the Labor Insurance Regulations shall apply to the labor administrative department of the local provincial or municipal people's government for the implementation of labor insurance by the grassroots trade union committee and the administrative side or the capital side. After registration and approval, the grassroots committee of the trade union shall report in writing to the higher trade union organization and forward it to the All-China Federation of Trade Unions for record. However, the national committees of the railway, post and telecommunications, and military trade unions may jointly apply to the Ministry of Labor of the Central People's Government for the implementation of labor insurance, and after registration and approval, immediately report in writing to the All-China Federation of Trade Unions for record, no longer apply to the local labor administration for registration.

Article 77 The labor administrative organs of the provincial and municipal people's governments shall report to the higher-level labor administrative organs and forward them to the Ministry of Labor of the Central People's Government for the record.

Article 78 The "provincial and municipal labor union" mentioned in the Labor Insurance Regulations refers to the municipality directly under the central government, the municipality directly under the administrative committee of the large administrative region, and the municipality directly under the provincial people's government.

Article 79 These detailed rules shall be promulgated by the Ministry of Labor of the Central People's Government for implementation. If there are any unfinished matters, the Ministry of Labor of the Central People's Government may supplement and amend them at any time.