

新冠肺炎疫情期间 企业用工合规操作手册

The Handbook for Enterprise about Compliance in terms
of Employment in the Epidemic Situation of COVID-19

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前 言

Preface

2020年春节前夕，新型冠状病毒感染的肺炎疫情（本文统称“新冠肺炎疫情”）爆发，影响范围迅速扩大，疫情防控形势极为严峻。各类企业受疫情的严重影响，面临较大困难。

The Corona Virus Disease 2019 (hereinafter refer to as COVID-19) broke out in the eve of the Spring Festival of 2020. the COVID-19 spreads quickly and the Epidemic Situation is serious. In general matters, enterprises are impacted seriously by the Epidemic Situation, and will face tough time.

在这个特殊时期，我们编撰了疫情期间企业用工常见合规问题并提供相关法律意见和建议，以期为广大企业提供参考；同时，我们也起草了相关通知文件、会议文件模板，以期协助企业妥善处理疫情期间劳动合同履行等相关问题。

In this special period, we write and compile those F&Q asked by enterprise in the Epidemic Situation and provide relevant legal opinions and suggestions, for reference of enterprises. We also draft relevant templates of notices, meeting files for the purposes of assisting enterprise to properly handle issues of labour laws and employment in the Epidemic Situation, such as the issue of implement of labour contract.

需要说明的是，当前疫情仍不断发展变化，有关法律法规、政策文件亦在不断更新完善；同时，劳动用工法律法规、政策文件具有较强地域性特点，各地规定有较大差异。因此，本文的撰写主要以北京市法律法规为基础，并且也介绍分析了国家层面的法律法规的主要内



容。国家层面的法律法规是中国各地通用的。

Please note, the Epidemic Situation is changing and developing, and relevant laws and regulations, policies are also constantly improved; also, the laws and regulations, policies of labor & employment issues are with strong regional characteristics, and there are big differences among different jurisdictions. Therefore, the drafting and compiling of the Handbook are based on the rules and regulations of Beijing Municipality. In this Handbook, we also introduce and analyze major points of China's national laws, regulations, and circulars. The China's national laws, regulations, and circulars shall be applied in all territories of China.

本文仅供参考，实践中应因事而议，在处理详细事务时应结合实际情况处理，不能简单套用。如有详细咨询，请按以下联系方式与我们联系咨询：

The Handbook is only for reference. It is suggested to consider and analyze carefully the specific situations when handling specific issues. Please do not apply directly and simply the Handbook to handle labour and employment issues without considering specific circumstances. If you have any questions, please feel free to communicate with us via the following ways.



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Part 1 新冠肺炎疫情期间企业用工常见合规问题

F&Q of Enterprise Employment within the COVID-19

Epidemic Situation

一、劳动合同签订、变更和续订 **Execution, Changes and Extension of the Labor Agreement**

1. 企业在春节假期前发出录用通知书要求新聘员工于 2 月初到岗办理入职手续，但由于疫情影响暂无法办理，企业可以疫情防控为由取消录用吗？ **An enterprise issued the offer letter requiring new staffs to come to the office in the beginning of this February to handle commencement procedures for new staffs . However, the commencement procedures has to be suspended due to the Epidemic Situation. In this case, can the enterprise cancel the employment of the new staffs?**

我们不建议企业以此为由取消录用，一方面有违诚信原则，另一方面如果以疫情防控取消录用，可能承担缔约过失赔偿责任。

We would not suggest the enterprise to cancel the employment of the new staffs in this scenario for two reasons: 1. it would violate the Honesty Principle; 2. the enterprise may bear damages due to the Contracting Fault Liability.

为此，我们建议企业：可以通过邮件、微信等方式及时告知新聘人员不能办理的原因，双方重新协商确定新的入职时间；也可以采用线上办理入职手续的方式为新聘员工办理入职手续，根据工作需要可以在线上安排正常工作。当然，如果企业确实不再需要拟录用人员入职的，应与拟录用人员进行妥善沟通、达成终止录用的一致意见，并保留相关的沟通记录。

Therefore, here are our proposals: the enterprise may inform the new staffs of the reason of the suspension of the commencement procedures



through mail, wechat, etc. The enterprise and the new staffs may re-consult to make an new date to handle the commencement procedures. The enterprise may also online handle the commencement procedures and arrangement daily works. In case the enterprise does not need to employ the new staffs indeed, it shall appropriately communicate with the new staffs to reach an agreement to terminate the employment and it shall reserve all relevant communication records.

2. 企业可以拒绝录用曾经患有新冠肺炎但已治愈的人员吗？

Can the enterprise refuse to employ the COVID-19 suffers who have already healed?

不可以。《就业促进法》第三十条规定，企业招用人员，不得以是传染病病原携带者为由拒绝录用；第六十二条规定，违反本法规定，实施就业歧视的，劳动者可以向人民法院提起诉讼。《传染病防治法》第十六条规定，任何单位和个人不得歧视传染病病人、病原携带者和疑似传染病病人。

No. The Article 30 of the Employment Promotion Law provides that the enterprise shall not refuse to employ contagious disease pathogen carriers. The Article 62 of the Employment Promotion Law provides that the labor is entitled to make lawsuit to the People's Court against the employer which implements discrimination employment policies. The Article 16 of the Employment Promotion Law provides that any employer or person shall not discriminate contagious disease suffers, contagious disease pathogen carriers, or suspected contagious disease suffers.

因此，患有新冠肺炎后被治愈的，企业不得以其曾经患有上述传染病为由对其拒绝录用，更不得者实施任何就业歧视行为。

Therefore, the enterprise shall not, solely for the reason that he or she has once been infected, refuse to employ the COVID-19 suffers who have already healed, and shall not implement any discrimination



employment policies.

3.未复工期间，企业是否需要处理劳动合同续订事宜？Is it necessary for the enterprise to handle the issues relevant to extension of the labor contract during the period of suspension of work?

未复工期间，企业需要妥善处理劳动合同续订事宜，切忌因疫情而置之不理。对于劳动合同的续订与否问题，企业可与劳动者通过电子邮件、微信等方式进行确认；若续签的，事后再补签书面劳动合同。

It is necessary for the enterprise to handle the issues relevant to extension of the labor contract during the period of suspension of work. Please do not leave alone those issues just because of the Epidemic Situation. The enterprise and the labor may confirm those issues relevant to extension of the labor contract via emails, wechat, etc. If the enterprise and the labor confirm to extend the labor contract, the two parties may execute the written labor contract upon the end of the Epidemic Situation.

二、工资、社保与公积金 Salary, Social Insurance and Public Accumulation Fund

4.国家延长 2020 年春节假期，延长假期期间企业安排劳动者上班的，是否应当支付加班工资？The government has extended the Spring Festival Holiday of 2020. If an enterprise arranges its employees to go to work during the extended holiday, should the enterprise pay the overtime salary?

应当支付。2020 年 1 月 26 日，国务院办公厅《关于延长 2020 年春节假期的通知》规定，延长 2020 年春节假期至 2020 年 2 月 2 日。鉴于 2 月 2 日是星期日，原就是休息日，故实际是延长了 1 月 31 日和 2 月 1 日两天（2 月 1 日是星期六，原是休息日，与春节假期中的



1月30日对调，成为工作日）。本次延长假期的法律依据为《突发事件应对法》第八条的规定，属为应对疫情采取的防控措施，企业应当遵守。本次延长的假期期限性质应为休息日。根据《劳动法》第四十四条休息日安排劳动者工作又不能安排补休的规定，在此期间应当按休息日加班工资标准支付加班工资。

Yes, it shall pay the overtime salary. The General Office of the State Council issued the Circular re the Extension of the Spring Festival Holiday of 2020 on January 26, 2020, which extends the Spring Festival Holiday of 2020 to February 2, 2020. February 2 is Sunday, and it is originally the Day of Rest, therefore the actually extended Spring Festival Holidays are January 31 and February 1 (According to the last Circular made by the General Office of the State Council, February 1 is Saturday, however this day is set as a working day to replace January 30 in the Spring Festival Holidays). The legal base of the Circular is Article 8 of the Emergency Response Law. In accordance with Article 8 thereof, the extension of the holiday this time is the control and protection measure for the Epidemic Situation which shall be obeyed by the enterprise. The nature of the extended holiday is the Day of Rest. In accordance with Article 44 of the Labour Law, if the employer arranges labors to work on the Day of Rest and can not arrange the labors to have rest on other days, the employer shall pay the labors with the Day of Rest Overtime Salary.

需要说明的是，上述加班工资仅适用于标准工时工作制的员工，而对于适用综合计算工时工作制的员工，如综合计算周期内的综合工作时间超过法定标准工作时间的，应按延长工作时间支付150%的加班工资；对于适用不定时工作制的员工，无需支付此加班工资。

Please note, the aforesaid Overtime Salary arrangements only apply to the staffs under the Standard Working Hours System. For those staffs



under the Comprehensive Calculation of Working Hours System, if the comprehensive working hours in the comprehensive calculation cycle exceed the statutory standard working hours, the staffs shall be paid 150% of salary for the extended working hours. An enterprise may not pay the Overtime Salary to the staffs under the Irregular Working System.

5. 企业能否以年休假或其他假期抵扣春节延长的假期，变相减少企业的工资支付成本？ May the enterprise deduct the extended Spring Festival Holiday with annual leave or other leaves for the purpose of reduce its cost of payment of salary?

根据《职工带薪年休假条例》第三条“国家法定节假日、休息日不计入年休假的假期”之规定，企业无权将该两天延长的春节假期内的员工休假按照年休假处理。如企业此前已经安排员工在上述期间休年休假或者其他假期的，应当予以撤销更改，另行安排休假。

According to Article 3 of the Regulation of Paid Annual Leave of Employee, the enterprise has no right to deduct the extended Spring Festival Holiday with annual leave. If an enterprise has already done that, it shall cancel such arrangement, and re-arrange the leaves for its employees.

6. 春节假期、延长春节假期与延迟复工期间，劳动者的工资应当分别如何支付？ How to arrange the payment of salary in the Spring Festival Holiday, the Extended Spring Festival Holiday and the Period of Suspension of Work?

根据国务院办公厅《关于延长2020年春节假期的通知》第三条、《全国年节及纪念日放假办法》第二条第（二）项、《北京市人民政府关于在新型冠状病毒感染的肺炎疫情防控期间本市企业灵活安排



工作的通知》、北京市人社局《关于进一步做好疫情防控期间本市人力资源和社会保障相关工作的通知》等规定，具体分为以下几种情况：

According to Article 3, Sub-article 2 of Article 2 of the Circular re the Extension of the Spring Festival Holiday of 2020 issued by the General Office of the State Council, the Circular re Flexible Arrangement of Works by Enterprises in Beijing in the Epidemic Situation of COVID-19 of Beijing Municipality, the Circular of Properly Maintaining the Stability of the Labour Relation in the Period of Emergency Control and Protection under the Epidemic Situation promulgated by the Bureau of Human Resources and Social Security of Beijing, the specific arrangements of payment of salary are as the following:

(1) 2020年1月25日（初一）、26日（初二）、27日（初三）共计3天为法定节假日。企业放假的，应当支付劳动者正常工资。企业安排劳动者加班的，应当依照《劳动法》第四十四条第三项的规定另外支付不低于平时日工资300%的加班费。

The January 25, January 26, January 27 of 2020 are the Statutory Holiday. The enterprise shall pay its employees with the normal salary in the Statutory Holiday. If the enterprise arranges its employees to work in the Statutory Holiday, the enterprise shall pay the Statutory Holiday Overtime Salary which shall be no less than 3 times of the employee's normal salary in the normal working days in accordance with Sub-article 3 of the Article 44 of the Labour Law.

(2) 2020年1月24日（除夕）、1月28日至30日共计4天为调整的休息日。企业安排劳动者加班的，应当依照《劳动法》第四十四条第二项的规定安排补休；不能安排补休的，应当支付不低于平时日工资200%的加班费。



January 24, January 28, January 29, January 30 of 2020 are the Day of Rest. If the enterprise arranges its employees to work in the Day of Rest, the enterprise shall arrange the employees to have rest on other days in accordance with Sub-article 2 of the Article 44 of the Labour Law. If enterprise fails to make such arrangement, it shall pay the Day of Rest Overtime Salary which shall be no less than 2 times of the employee's normal salary in the normal working days.

(3) 2020年1月31日至2月2日为延长的春节假期（其中2月2日为周日，在未通知延长春节假期时即为休息日），在此期间因疫情防控不能休假或者需提前结束休假复工（根据企业安排在工作单位上班或居家办公）的劳动者，应视为休息日加班，企业应当依照《劳动法》第四十四条第二项的规定安排补休；不能安排补休的，应当支付不低于平时日工资200%的加班费。

January 31 to February 2 of 2020 are the Extended Spring Festival Holiday (February 2 is a Sunday which had been a Day of Rest if the Spring Festival Holiday would not have been extended). If the employees can not enjoy the Extended Spring Festival Holiday or has to work in the Extended Spring Festival Holiday due to the Epidemic Situation (including the employees who required by enterprises to work in working place or at home), the working hours under these situations shall be deemed as the Overtime Working in the Day of Rest, and the enterprise shall arrange the employees to have rest on the other working days in accordance with Sub-article 2 of the Article 44 of the Labour Law. If enterprise fails to make such arrangement, it shall pay the Day of Rest Overtime Salary which shall be no less than 2 times of the employee's normal salary in the normal working days.

(4) 2020年2月3日至延迟复工宣告结束之日为“延迟复工期”，因人民政府采取疫情防控紧急措施导致劳动者不能到岗工作的，延迟



复工期限内除休息日外，视为劳动者提供了正常劳动，应正常发薪。企业提前安排复工的，企业应安排补休，不能安排补休的，应当支付不低于平时日工资200%的加班费。

From February 3 to the end of the Period of Suspension of Work, the employees shall be deemed as working normally, and shall be normally paid with salary, except those employees who can not come back to work because of the emergency control and protection measures for the Epidemic Situation taken by the government. If an enterprise arranges its staffs to resume works and operation in advance of the end of the Period of Suspension of Work, the enterprise shall arrange the employees to have rest on the other working days. If enterprise fails to make such arrangement, it shall pay the Day of Rest Overtime Salary which shall be no less than 2 times of the employee's normal salary in the normal working days.

7. 劳动者疑似患病或系密切接触者被隔离期间，或被确诊治疗期间，是否仍应支付工资？如需支付，工资应如何支付？ Should the enterprise pay and how to pay salary to suspected contagious disease suffers and close contacts of these suspected disease suffers in the period of isolation or treatment?

应支付在此期间的正常工资。根据人社部《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》第一条及《传染病防治法》第四十一条第二款的规定，对新型冠状病毒肺炎患者、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，用人单位应支付在此期间的工作报酬。北京市人力资源和社会保障局《关于进一步做好疫情防控期间本市人力资源和社会保障相关工作的通知》也做了与上述相同的规定。



The enterprise shall pay the normal salary in these periods. Article 1 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security and Sub-section 2 of Article 41 of the Contagious Disease Control and Treatment Law provide that the enterprise shall pay salary to contagious disease suffers, suspected suffers, close contacts in the period of isolation, treatment or medical observation, and staffs who fail to provide normal labor services because of the isolation measures or other emergency measures taken by government. The Circular of Properly Handling the Human Resources and Social Security Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Bureau of Human Resources and Social Security of Beijing also provides the same rules.

8.企业因受疫情影响导致2月9日之后仍无法复工或者停工停产的，员工工资如何支付？ If an enterprise can not resume operation or has to suspend production and works after February 9 due to the Epidemic Situation, how does the enterprise pay salary to its employees?

北京市政府明确要求，在国家规定的延长3天休假后，在2月9日前非防控必需企业应安排员工居家办公、避免造成人员聚焦。2月9日后，有些企业因疫情影响仍无法复工或继续自行停工停产的，在此期间劳动者的工资如何发放？

The Government of Beijing Municipality definitely requires that the enterprises which is not required to join Emergency Control and Protection shall arrange its employees to work at home and shall avoid gathering of persons in its work place , after the end of the the Extended



Spring Festival Holiday (three days) and before February 9. Meanwhile, after February 9, some enterprises still fail to resume works and operation or have to continue to suspend, in their discretion, their operations and works because of the Epidemic Situation. How do these enterprises pay salary during the suspension of operation and works?

《工资支付暂行规定》第十二条及人社部《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》第二条规定，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。”

Article 12 of the Temporary Regulation re Payment of Salary and Article 2 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security provides that “ if the difficulty of the operation and works of an enterprise is due to the Epidemic Situation, the enterprise may adjust the salary, take turns to have rest, reduce working hours or conduct other measures to hold the jobs through consulting with employees to reach agreement. The enterprise shall try its best to not to reduce employees or to reduce employees as less as possible. The enterprises which meet certain conditions may enjoy the Subsidy for Maintaining Jobs in accordance with relevant regulations. if the



suspension of works or productions lasts less than one Salary Payment Cycle, the enterprise shall pay its labors with the salary under the labor contract. If the suspension situation lasts more than one Salary Payment Cycle, and the labors provide normal works, the enterprise shall pay the labors with the salary which shall be no less than the local required minimal salary. if the labors fail to provide normal works, the enterprise shall pay the living expenses, and the issues of payment of living expenses shall be handled in accordance with relevant regulations promulgated by provinces, autonomous regions, municipalities. ”

据此，用人单位应分情况执行：

In conclusion, these enterprise may make different arrangements for each specific circumstance as the following:

(1) 停工停产在一个工资支付周期内（2月10日至3月9日）的，按劳动合同约定的标准支付职工工资。

If an enterprise suspends working and operations within one Salary Payment Cycle (February 10 to March 9), the enterprise shall pay its labors with the salary under the labor contract.

(2) 停工停产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。

If an enterprise suspends working and operations for more than one Salary Payment Cycle and the labors provide normal works, the enterprise shall pay the labors with the salary which shall be no less than the local required minimal salary.

该种情形下需要特别说明的是，对于提供了正常劳动的职工，并非一律按当地最低工资标准发放工资，而是要按劳动者实际提供的劳动与未停工停产期间的正常劳动的对比关系确定工资发放标准，例



如：如果职工按企业的要求居家办公并提供了与未停工停产期间基本相同的劳动，则应按劳动合同约定的标准支付职工工资。在此情形下，建议企业与职工个别协商就新的薪酬标准达成一致意见，如果无法达成一致，企业可以不再安排该员工的工作，按职工没有提供正常劳动处理，发放生活费。

In this circumstance, we need to especially suggest that the enterprise would be better to not to pay uniformly the local required minimal salary to staffs. We suggest the actual paid salary shall be set according to ratio between the actual workload provided by the staff and the normal workload provided by the staff in normal working days. We suggest the enterprise and the staff may consult to reach agreement for the new salary in the period of suspension of works and operation before the staff actually provides his or her labor services in the period of suspension of works. If the two parties fail to reach agreement, the enterprise may not arrange the staff to work in the period, and may only pay the living expenses.

(3) 超过一个工资支付周期的，若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。

More than one Salary Payment Cycle and the labors fail to provide normal works, the enterprise shall pay the living expenses, and the issues of payment of living expenses shall be handled in accordance with relevant regulations promulgated by provinces, autonomous regions, municipalities.



9. 2月9日之后停工超过一个月，员工仍然待岗（未提供正常劳动）的，发放生活费的标准是多少？ If the period of suspension of work and operation required by the government lasts more than one month since February 9, and the staff is still holding his or her job but fails to provide normal labor services, what is the statutory standard of payment of the living expenses?

北京市的生活费标准是最低工资标准的70%。

The living expenses in Beijing is 70% of the local required minimal salary.

其他省市的生活费的计算标准各地不同，从目前收集的资料来看，主要分为四档：

Other provinces and cities are different from each other in terms of the statutory standard of payment of the living expenses. These standards can be summarized into four classes:

(1) 不低于当地的最低工资标准：天津市；

No less than the local required minimal salary: Tianjin Municipality;

(2) 不低于最低工资标准的80%：广东省、江苏省、浙江省、河南省、河北省；

No less than 80% of the local required minimal salary: Guangdong Province, Jiangsu Province, Zhejiang Province, Henan Province, Hebei Province;

(3) 不低于最低工资标准的75%：陕西省；

No less than 75% of the local required minimal salary: Shanxi Province

(4) 不低于最低工资标准的70%：北京市、安徽省、山东省、四川省。



No less than 70% of the local required minimal salary: Beijing Municipality, Anhui Province, Shandong Province, Sichuan Province.

无明确规定的省市，可咨询当地劳动保障行政管理部门或拨打当地的劳动保障咨询热线 12333。

If a province or city does not publish its standards, you may inquire the labour protection administration organ of local government or call local labour protection consulting hotline:12333

10. 疫情期间，单位安排员工在家工作，可以适度降低工资吗？

In the Epidemic Situation, if the employer arrange its staffs to work at home, may the employer to properly reduce the salary of the staffs?

员工在家办公也是办公，员工也提供了劳动。因此，原则上来讲，企业安排员工在家办公，应该正常支付员工工资。假设员工是固定工资，在家办公不得降薪。但是，有些单位薪资构成中含有绩效工资，在家办公，效率降低，可能一些业绩无法完成，单位根据绩效考核核算绩效工资（适度降低）合理合法。

Even if at home, works are still works. Therefore, in general, if the employer arrange its staffs to work at home, the employer shall pay salary as normal. However, the salary paid by some employers comprise merit pay. If some staffs fail to complete the required performance because of low working efficiency due to working at home, it is legal and reasonable for the employer to properly reduce the merit pay.

总之，因为疫情影响，企业确实会面临一些困境，企业向员工说明情况，员工自愿协商一致降薪，法律层面是允许的，建议获得员工书面签字或微信、电子邮件等有形确认。



The enterprise indeed will face some difficulties because of the impact of the Epidemic Situation. It is legal for the enterprise to make statements to the staffs and to reach agreement with the staffs to collectively reduce salary through voluntary negotiation. We suggest the enterprise to get staffs' written confirm of the agreement, such as signature, Wechat or emails, etc.

另外，如企业确因疫情影响导致企业收入大幅下降、生产经营困难、不减少工资企业就难以维系和生存，需要全员普遍降低工资，且与全体员工一一协商存在困难，也可以根据《劳动合同法》第四条第二款的规定，就有关劳动报酬、工作时间、休息休假等事项，经职工代表大会或者全体职工讨论，提出工资调整方案后，报请职工代表大会通过或者获得半数以上职工同意后执行。切记强制通知决定员工集体降薪，不合法、有风险。

On the other hand, if the enterprise faces extreme difficulties because of the impact of the Epidemic Situation, such as a sharp slump in revenue, and it has to cut salary to survive, the enterprise may cut salaries of all staffs through consulting with all staffs one by one. If it is hard to consult with all staffs one by one, according to Sub-article 2 of Article 4 of the Labour Contract Law, the enterprise also may discuss with all staffs or the assembly of representatives of staffs for issues of salary, working hours, rest and leave, etc, and then make and submit the plan of adjustment of salary to the assembly of representatives of staffs for approval; the enterprise may also submit the plan to all staffs, and if one half of all staffs agree the plan, the enterprise shall be entitled to implement the plan. Please note, it is illegal and risky for the enterprise to collectively reduce salary by fiat.

11.企业要求本单位有感染风险的员工居家隔离（如在家办公、待岗），如何发放工资？ If an enterprise requires its staffs with



infection risk to comply with home quarantine (such as working at home, furlough), how to pay salary?

根据人社部《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》第一条及《传染病防治法》第四十一条第二款的规定，对于疑似患有新型冠状病毒肺炎被隔离的员工，应支付在此期间的工作报酬。

Article 1 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security and Sub-article 2 of Article 41 of the Contagious Disease Control and Treatment Law provide that the enterprise shall pay salary to suspected contagious disease suffers in the period of isolation.

为了全体员工的健康，单位有权要求有感染风险的员工居家隔离，通过网上办公等形式提供劳动或者就居家隔离而无需提供劳动。对员工提供劳动的，自然应当正常发放工资；对员工没有提供劳动，仅仅是居家隔离的，因为是单位的整体利益需要，不应由员工个人承担后果，也应当正常发放工资。当然，单位亦可与员工协商，引导其优先使用未休年假、存休等，甚至可以预先使用 2020 年的年假，或者协商一致按事假处理。需要注意的是，单位如欲按此安排，应保留书面材料（电子邮件、短消息、微信均可）。

For the health of all the staffs, the employer is entitled to require its staffs with infection risk to comply with home quarantine. These staffs in home quarantine may or may not provide labor services at home. The employer shall normally pay salary to those staffs in home quarantine providing labour services. The employer shall also normally pay salary to those staffs in home quarantine without providing labour services.



However, the employer also may consult with the staffs to deduct with unused annual leave, unused day of rest or even the unused annual leave in 2020, etc. The employer and the staffs may also reach agreement to handle the term of the home quarantine as leave of absence. Please note, the employer shall reserve relevant written records of these arrangements (email, short message or wechat).

12. 为响应政府号召，从疫情地区返程到岗上班的员工自行居家隔离观察，隔离期间工资如何支付？ According to requirements of the government, the staffs who come back to work from the regions impacted by the COVID-19 shall comply with home quarantine. How to pay salary for these staffs in the term of home quarantine?

当下大多数地区要求从疫情地区返回当地人员居家隔离观察14天。根据人社部《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》第一条规定，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员工，企业应当支付职工在此期间的工作报酬。

According to requirements of most local governments, The required term of home quarantine for those persons coming back from epidemic areas is 14 days. The enterprise shall pay the salary in the term. Article 1 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security provides that the enterprise shall pay salary to the staffs who can not provide labour services as normal because of the isolation or other emergency measures taken by governments.

如前所述，在此自行隔离期间，单位可以安排员工居家办公，亦可与员工协商，引导其优先使用未休年假、存休等，甚至可以预先使



用 2020 年的年假，或者协商一致按事假处理。

As we mentioned before, in this home quarantine period, the employer may arrange the staffs to work at home, and the employer may also consult with the staffs to deduct with unused annual leave, unused day of rest or even the unused annual leave in 2020, etc. The employ and the staffs may also reach agreement to handle the term of the home quarantine as leave of absence.

13.因疫情影响导致企业生产经营困难的，可否降低工资？ If the enterprise face some difficulties because of the impact of the Epidemic Situation, may the enterprise reduce salary?

原则上，企业不能随意降低工资标准。但如果劳动合同有明确约定或企业的规章制度有明确规定，企业可以依该等约定和规定，依法降低劳动报酬。

In general, the enterprise can not reduce salary at will. However, if the labour contract or the rules and regulations of the enterprise contain definite provisions, the enterprise may reduce salary according to such provisions.

除前述情形之外，根据人社部《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》第二条规定：“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”，企业也可与员工个别协商，说清目前疫情防控的严峻形势、企业生产经营困难的现状、求得员工的谅解，从而就降低工资达成一致。建议在降低工资的同时，应制定在疫情结束、企业恢复正常生产经营后补发期间降低工资的相应方案。

Excluding the aforesaid situations, Article 2 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency



Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security provides that “ if the difficulty of the operation and works of an enterprise is due to the Epidemic Situation, the enterprise may adjust the salary, take turns to have rest, reduce working hours or conduct other measures to hold the jobs through consulting with employees to reach agreement. The enterprise shall try its best to not to reduce employees or to reduce employees as less as possible.” Therefore, the enterprise may reduce salary of parts of staffs through reaching a agreement with each of these staffs. The enterprise may consult with these staffs one by one, and may tell them the tough situations faced by the enterprise for the purpose of getting understanding of the staffs. We also suggest that the enterprise may begin to make relevant plans of reimbursement of the reduced salary after the end of the Epidemic Situation and the restore of the normal works and operation.

如企业确因疫情影响导致企业收入大幅下降、生产经营困难、不减少工资企业就难以维系和生存，需要全员普遍降低工资，且与全体员工一一协商存在困难的，也可以根据《劳动合同法》第四条第二款的规定，就有关劳动报酬、工作时间、休息休假等事项，经职工代表大会或者全体职工讨论，提出工资调整方案后，报请职工代表大会通过或者获得半数以上职工同意后执行。

If the enterprise indeed faces extreme difficulties because of the impact of the Epidemic Situation, such as a sharp slump in revenue, and it has to cut salary to survive, the enterprise may cut salaries of all staffs through consulting with all staffs one by one. If it is hard to consult with all staffs one by one, according to Sub-article 2 of Article 4 of the Labour Contract Law, the enterprise also may discuss with all staffs or the assembly of representatives of staffs for issues of salary, working hours,



rest and leave, etc, and then make and submit the plan of adjustment of salary to the assembly of representatives of staffs for approval; the enterprise may also submit the plan to all staffs, and if one half of all staffs agree the plan, the enterprise shall be entitled to implement the plan.

14. 因疫情影响导致企业生产经营困难的，可否让员工轮岗轮休？轮岗轮休期间如何发放工资？ If the enterprise face some difficulties because of the impact of the Epidemic Situation, may the enterprise to arrange staffs to take turns to have rest? How to pay salary to the staffs in the term of taking turns to have rest?

人社部《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》第二条规定：“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。”据此，企业可以采取轮岗轮休的方式稳定工作岗位，但前提是和职工协商一致。

Article 2 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security provides that “ if the difficulty of the operation and works of an enterprise is due to the Epidemic Situation, the enterprise may adjust the salary, take turns to have rest, reduce working hours or conduct other measures to hold the jobs through consulting with employees to reach agreement. The enterprise shall try its best to not to reduce employees or to reduce employees as less as possible.” Therefore, the enterprise may arrange its employees to take turns to have rest to hold the jobs with the precondition that the enterprise and the staffs reach agreement on this issue.



由于轮岗轮休不是被隔离而无法上班，也不是节假日，属于企业自己确定的休息日，在法定计薪天数不包括休息日的前提下，轮休期间企业不用支付劳动报酬。此轮岗轮休和停工停产并不相同，所以不受后者关于一个工资支付周期要正常支付工资等规定的影响，并且在“稳定工作岗位，尽量不裁员或者少裁员”的目的下，可以理解为休息而不用发工资，但建议企业发放生活费，以便能获得员工同意。

The situation of taking turns to have rest is neither the suspension of works and operation due to isolation nor the Statutory Holiday. Actually it is the Day of Rest appointed by the enterprise itself. Therefore, the enterprise may not pay salary in the term of taking turns to have rest except those statutory salary paid days in this term. The situation of taking turns to have rest is different from the suspension of works and operation, therefore the enterprise in the term of taking turns to have rest does not need to comply with the rules about paying normal salary in one Salary Payment Cycle. For the purpose of “holding the jobs and trying best to not to reduce employees or to reduce employees as less as possible”, the situation of taking turns to have rest can be deemed as having rest, so the enterprise does need to pay salary in the term of taking turns to have rest. However, it is proposed to pay the living expenses to staffs in the term to get the staffs’ agreement.

与员工协商存在困难的，也可以根据《劳动合同法》第四条第二款的规定，经职工代表大会或者全体职工讨论，提出轮岗轮休实施方案后，报请职工代表大会通过或者获得半数以上职工同意后执行。

If it is hard to consult with all staffs one by one, according to Sub-article 2 of Article 4 of the Labour Contract Law, the enterprise also may discuss with all staffs or the assembly of representatives of staffs for issues of salary, working hours, rest and leave, etc, and then make and submit the plan of adjustment of salary to the assembly of representatives



of staffs for approval; the enterprise may also submit the plan to all staffs, and if one half of all staffs agree the plan, the enterprise shall be entitled to implement the plan.

15.因疫情影响导致企业生产经营困难的，可否缩短员工的工作时间？缩短工时的如何发放工资？ If the enterprise face some difficulties because of the impact of the Epidemic Situation, may the enterprise reduce working hours of staffs? How to pay salary to the staffs in this situation?

人社部《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》第二条规定：“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。”企业可以采取缩短工时的方式稳定工作岗位，但前提是与员工协商一致。

Article 2 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security provides that “if the difficulty of the operation and works of an enterprise is due to the Epidemic Situation, the enterprise may adjust the salary, take turns to have rest, reduce working hours or conduct other measures to hold the jobs through consulting with employees to reach agreement. The enterprise shall try its best to not to reduce employees or to reduce employees as less as possible.” The enterprise may reduce working hours of staffs to hold the jobs with the precondition that the enterprise and the staffs reach agreement on this issue.

由于缩短工时不是节假日，属于企业自己确定的工作时间，按照“多劳多得、少劳少得”的原则，企业可以相应减少劳动报酬。缩短



工时和停工停产并不相同，所以不受后者关于一个工资支付周期要正常支付工资等规定的影响，并且在“稳定工作岗位，尽量不裁员或者少裁员”的目的下，可以理解为在缩短工时的同时相应减少劳动报酬标准，但减少后的劳动报酬不应当低于最低工资标准。

The situation of reducing working hours is not the Statutory Holiday. Actually it is in the discretion of the enterprise to make its own working hours schedule. The enterprise may reduce relevant salary in according with the principle of “more working load and so getting more salary, less working load and so getting less salary”. The situation of reducing working hours is different from the suspension of works and operation, therefore the enterprise reducing the working hours does not need to comply with the rules about paying normal salary in one Salary Payment Cycle. For the purpose of “holding the jobs and trying best to not to reduce employees or to reduce employees as less as possible”, the enterprise may reduce working hours and relevant salary. However, the actually paid salary after reducing shall be no less than the the local required minimal salary.

与员工协商存在困难的，也可以根据《劳动合同法》第四条第二款的规定，经职工代表大会或者全体职工讨论，提出工时缩短的实施方案后，报请职工代表大会通过或者获得半数以上职工同意后执行。

If it is hard to consult with all staffs one by one, according to Sub-article 2 of Article 4 of the Labour Contract Law, the enterprise also may discuss with all staffs or the assembly of representatives of staffs for issues of salary, working hours, rest and leave, etc, and then make and submit the plan of adjustment of salary to the assembly of representatives of staffs for approval; the enterprise may also submit the plan to all staffs, and if one half of all staffs agree the plan, the enterprise shall be entitled to implement the plan.



16.员工结束隔离措施后，需在家继续休养的，休养期间工资如何支付？ If a staff needs to recuperate at home upon the end of the period of isolation, how to pay salary to the staff in the period of recuperating at home?

具体根据员工的假期性质确定。员工持有医疗机构出具的病休证明，应当按照病假支付待遇；无病假证明的，可以优先安排员工年休假、公司福利假期、加班调休；员工无医疗机构病休证明，且无其他假期可用的，按事假处理。

It depends on the nature of the staff's recuperating at home. If the staff holds the certificate of sick leave issued by medical institution, the staff is entitled to enjoy material benefits and salary which matches to the sick leave. If the staff does not have the certificate of sick leave, the enterprise may arrange the staff to have annual leave, leave appointed by the enterprise as benefit, leave for overtime work. If the staff has neither the certificate of sick leave nor other available leaves, the enterprise may handle the staff's recuperating at home as the leave of absence.

17.实行综合计算工时制的企业，因为延长春节假期，如何计算加班工资？ For those enterprises adopting Comprehensive Calculation of Working Hours System, how to calculate the salary for the overtime works due to the Extended Spring Festival Holiday?

因为国务院办公厅通知延长了两天的春节假期，导致2020年1月和2月份（以及2020年全年）的法定工作日天数减少，在计算法定工作时间数量时应扣减相应天数的法定工时。实行综合计算工时制的员工在该两天延长假期上班的，在统计周期内如有超时，按照150%的标准支付加班工资，而非按照200%或300%的标准支付。



As the Circular of the General Office of the State Council extends two days of the Spring Festival Holiday, the January, February of 2020 (and the whole year of 2020) shall reduce two Statutory Working Days. Therefore, the enterprises shall deduct the extended two days of the Spring Festival Holiday when calculating the total of the statutory working days of the January, February of 2020 or the whole 2020. If the enterprises adopting Comprehensive Calculation of Working Hours System arrange staffs to work overtime in the two days of the Spring Festival Holiday, the enterprises shall pay the staffs with the overtime salary which is amount to 150% of the normal salary, neither 200% nor 300%.

18. 实行不定时工作制的企业，在延长春节假期期间，是否需要支付加班工资？ For those enterprises adopting the Irregular Working System, should the enterprises pay overtime salary for the Extended Spring Festival Holiday?

《北京市工资支付规定》第十二条规定，在北京地区，用人单位经批准实行不定时工作制度的，在休息日和法定节假日加班，均无需支付加班工资。

Article 12 of Regulation of Payment of Salary of Beijing provides that, in Beijing, if an enterprise is approved to adopt the Irregular Working System, the enterprise does not need to pay overtime salary for the Statutory Holidays and the Days of Rest.



19. 由于疫情防控原因导致企业错过工资发放日，应如何处理？

If an enterprise has missed the salary payment day due to the Epidemic Situation, how should the enterprise do to handle the situation?

根据《工资支付暂行规定》补充规定第四条的规定：企业遇到非人力所能抗拒的自然灾害、战争等原因，无法按时支付工资的，不属于拖欠工资；企业确因生产经营困难，资金周转受到影响，在征得本单位工会同意后，可暂时延期支付劳动者工资。《北京市工资支付暂行规定》及其补充规定进一步明确企业因生产经营困难资金周转受到影响而延期发放工资的时间最长不得超过一个月，且需要经职工代表大会同意。实务中没有职工代表大会的，征得大多数员工（一般为超过半数）的同意亦可。

Article 4 of the Supplementary Rules of the Temporary Regulation re Payment of Salary provides that “ if an enterprise’s failure of payment of salary on time because of force majeure, such as natural disaster, war, this circumstance shall not constitute the Delay of Payment of Salary; if the enterprise indeed faces difficulties in terms of production and operation, such as cash-flow problems, it may temporarily suspend the payment of salary upon the agreement of its union. The Temporary Regulation re Payment of Salary of Beijing Municipality and its Supplementary Rules provides in further that if the enterprise indeed faces difficulties in terms of production and operation, such as cash-flow problems, its temporary suspension of payment of salary shall last for no more than one month, and such suspension of payment shall be approved by the assembly of representatives of staffs in advance. In practices, an enterprise may not set the assembly of representatives, so it shall get the approval of the majority of all staffs (in general matter, more than one half of all staffs) before its implementation of the suspension of payment



of salary.

the employer shall pay salary on the date agreed by the enterprise and the labor. If the date is a Statutory Holiday or a Day of Rest, the employer shall pay salary on the nearest working day in advance.” However, the State Council’s Circular extends the Spring Festival Holiday to February 2, and the Beijing Municipality Government requires that the enterprises which is not required to join Emergency Control and Protection shall not resume working and operation before 24:00, February 9, 2020. Therefore, the delay of paying salary is due to objective reasons, and shall not constitute the intentional default on payment of salary.

所此，企业在疫情期间可以延期发放工资，但企业要将有关情况及时通知员工，并在复工后及时支付。如在复工后仍需延期发放，则应按法律规定征得职工代表大会或全体员过半数同意，且延期不能超过一个月。

Therefore, the enterprise may suspend the payment of salary in the Epidemic Situation. However, the enterprise shall timely inform the staffs of the objective reasons of the suspension of paying salary, and shall pay salary as soon as possible upon its resuming of the working and operation. In case the enterprise still needs to suspend the payment of salary, according to law, it shall get the approval of the assembly of representatives of staffs or the agreement of more than one half of all staffs and the new suspension shall last no more than one month.

20. 依法复工后，员工因为疫情原因需要申请未成年子女看护假的，休假期间工资如何发放？ **After resuming of working and operation, if a staff applies for the leave of looking after kids due to the Epidemic Situation, how to pay the staff with the salary in the leave?**



工资应依法正常发放。根据北京市人力资源和社会保障局《关于因防控疫情推迟开学企业职工看护未成年子女期间工资待遇问题的通知》规定，每户家庭可有一名职工在家看护未成年子女，视为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情形，期间的工资待遇由职工所属企业按出勤照发。

The enterprise shall pay salary as normal. The Circular re the Salary and Material Benefits of the Enterprises' Staffs on the Leave of Looking after Juvenile Son or Daughter Due to the Delay of Opening School Caused by the Epidemic Situation provides that one family may have one staff looking after their juvenile son or daughter at home, who shall be deemed as being unable to provide normal labour services due to the isolation or other emergency measures taken by government. The enterprise shall pay salary to the staff as normal in the period of looking after juvenile son or daughter.

企业可以要求员工提出书面申请、依法审查休假资格，例如要求员工提供子女看护假相关的证明材料，包括：结婚证、子女出生证明、配偶已经复工的证明、子女所在学校迟延开学的证明等；同时，企业可安排在家看护子女的员工采用电话、网络等灵活办公方式提供适量、适度的劳动。

The enterprise may require the staff to submit the written application and files to assess whether or not the staff meets the conditions of taking the leave, such as the Certificate of Marriage, the Certificate of Born, the Certificate of Resuming of Work provided by his or her spouse, the Certificate of Suspension of Opening School, etc. Meanwhile, the enterprise may arrange the staff looking after juvenile son or daughter at home to provide proper labour services through phone, internet or other flexible ways of work.



21.企业因为疫情原因无法按期、及时为员工办理社保缴费的，是否可以延期？延期办理是否影响参保人员个人权益记录？ If an enterprise fails to timely pay the Social Insurance for its staffs because of the Epidemic Situation, may the enterprise delay to pay and handle relevant procedures? Whether or not the delay of handling relevant procedures impacts the personal records of the staffs?

可以延期办理，不影响参保人员个人权益记录。根据人力资源社会保障部办公厅《关于切实做好新型冠状病毒感染的肺炎疫情防控期间社会保险经办工作的通知》的规定，因受疫情影响，用人单位逾期办理职工参保登记、缴费等业务的，允许参保企业和个人延期办理业务，经办机构应及时受理。逾期办理缴费不影响参保人员个人权益记录，补办手续应在疫情解除后三个月内完成。

The Enterprise may delay to pay and handle relevant procedures, and the delay of handling relevant procedures will not impact the personal records of the staffs. The Circular re Properly Conducting Works Relevant to Social Insurance in the Period of Control and Protection against the Epidemic Situation due to COVID-19 promulgated by the General Office of the Ministry of Human Resources and Social Security provides that, if an enterprise fails to timely pay the Social Insurance, conduct the Social Insurance Registration, etc, for its staffs because of the Epidemic Situation, the enterprise may delay to go through these procedures and such delay will not impact the personal records of the staffs; the enterprise shall complete these works within 3 months upon the end of the Epidemic Situation.

北京市社会保险基金管理中心《关于新型冠状病毒疫情防控期间延长我市社会保险缴费工作的通告》规定，北京市暂定将1月、2月应



缴社会保险费缴费期延长至3月底，并根据疫情情况继续放宽时限要求，延长期间各项社会保险待遇正常享受。疫情期间，用人单位未按时办理职工参保登记、缴费等业务，允许疫情结束后补办，补办应在疫情解除后三个月内完成，不收取滞纳金，不影响个人权益记录。

The Circular re the Extension of the Deadline of Payment of Social Insurance in the Period of Control and Protection against the Epidemic Situation due to COVID-19 promulgated by the Center of Management of Social Insurance Fund of Beijing Municipality provides that, Beijing temporarily extends the deadline of payment of the Social Insurance in January, February to the end of March, and will continue to extend the deadline according to the Epidemic Situation. The staffs are entitled to enjoy all Social Insurance Benefits as normal within the extended periods. if an enterprise fails to timely pay the Social Insurance, conduct the Social Insurance Registration, etc, for its staffs because of the Epidemic Situation, the enterprise may delay to go through these procedures; the enterprise shall complete these works within 3 months upon the end of the Epidemic Situation, and the enterprise will not be charged for the Interest of Delay Payment, and such delay will not impact the personal records of the staffs.

22. 疫情期间，企业缴存住房公积金存在困难的，是否可以延期缴存？ In the Epidemic Situation, if an enterprise is difficult to pay the Housing Public Accumulation Fund, may the enterprise delay to pay?

可以。北京住房公积金管理中心《关于疫情防控期间住房公积金业务办理相关事项的通告》规定，疫情期间，单位缴存住房公积金存在困难的，允许延期缴存；待疫情结束后及时补缴，单位所属职工住房公积金视同连续缴存。



Yes. The Circular re Conducting Works Relevant to the Housing Public Accumulation Fund in the Period of Control and Protection against the Epidemic Situation due to COVID-19 promulgated by the Center of Management of Housing Public Accumulation Fund of Beijing Municipality provides that, if an enterprise is difficult to pay the Housing Public Accumulation Fund, the enterprise may delay to pay; If the enterprise timely make supplementary payment upon the end of the Epidemic Situation, the payment of the Housing Public Accumulation Fund of the employees shall be deemed as conducting continuously.

三、企业复工 Resuming Work and Operation

23.对于地方政府发布的禁止提前复工的通知，企业是否必须遵照执行？ Should an enterprise comply with a circular forbidding the resuming of work and operation in advance promulgated a local government?

必须遵照执行。《突发事件应对法》第五十六条、第六十六条规定，企业应当服从人民政府发布的决定、命令，配合人民政府采取的应急处置措施。单位或者个人不服从所在地人民政府及其有关部门发布的决定、命令或者不配合其依法采取的措施，构成违反治安管理行为的，由公安机关依法给予处罚。

The enterprise shall comply with the circular. Article 56, Article 66 of the Emergency Response Law provide that the enterprise shall obey order, decision promulgated by local government, and cooperate with emergency response measures adopted by local government. If any enterprise or individual does not obey order, decision promulgated by local government, or does not cooperate with emergency response measures adopted by local government, the public security organ shall punish the enterprise or individual whose action constitutes the violation of public order.



2020年01月31日，北京市人民政府发布《关于在新型冠状病毒感染的肺炎疫情防控期间本市企业灵活安排工作的通知》，通知规定，在2020年2月9日24时前，北京市行政区域内疫情防控必需（药品、防护用品以及医疗器械生产、运输、销售等行业）、保障城市运行必需（供水、供电、油气、通讯、市政、市内公共交通等行业）、群众生活必需（超市卖场、食品生产和供应、物流配送、物业等行业）、重点项目建设施工以及其他涉及重要国计民生的相关企业应当安排职工正常到单位上班。在2020年2月9日24时前，其他企业具备条件的，应当安排职工通过电话、网络等灵活方式在家上班完成相应工作；不具备条件安排职工在家上班的企业，安排职工工作应当采取错时、弹性等灵活计算工作时间的的方式，不得造成人员汇聚、集中。

The Circular re Arranging Flexibly Works in the Period of Control and Protection against the Epidemic Situation due to COVID-19 promulgated by the Beijing Municipality Government on January 31, 2020 provides that these enterprises shall arrange staffs to resume works and operation at working place as normal before 24:00, February 9th, 2020: the enterprises which are required to join Emergency Control and Protection within the executive jurisdiction of Beijing Municipality (pharmaceutical, protective equipment and medical equipment production, transportation, sales, etc industry), the enterprises which are required to maintain the operation of the city (water supply, power supply, oil and gas, communication, municipal administration, urban public transport, etc industry), the enterprises which are necessary for civil life: (super market, food production and supply, logistics, real property management, etc industry), the enterprises which are constructing on key projects, and other enterprises which are relevant to essential national securities and people's life. Before 24:00, February 9th, 2020, the other enterprises



which have conditions shall arrange staffs to work at home through flexible measures, such as phone or internet. Before 24:00, February 9th, 2020, the other enterprises which have no conditions shall arrange staffs to work with taking turns to have rest, flexible working schedule or other flexible ways of calculating working hours and these arranges shall not cause the gathering of persons.

因此，对于当地政府发布的禁止提前复工的通知，企业必须遵照执行。

The enterprise shall comply with a circular forbidding the resuming of work and operation in advance promulgated a local government.

24.企业如何判断员工是否属于新冠肺炎的密切接触者和可疑暴露者？ How to judge whether or not staffs are close contacts or experienced suspected exposure to COVID-19?

根据国家卫健委疾病预防控制局发布的《新型冠状病毒感染的肺炎可疑暴露者和密切接触者管理方案（第二版）》，该方案对新型冠状病毒感染的肺炎的“密切接触者”和“可疑暴露者”的判定标准作了明确界定：

The Management Scheme of the Close Contracts or the Persons Experiencing Suspected Exposure to COVID-19 (Second Edition) promulgated by the Disease Control Bureau of the National Health Commission of the People's Republic of China stipulates the definite judgement standards for “the close contacts” and “the suspected exposure”:

（一）病例的密切接触者 Close Contacts to the Suffers

与病例发病后有如下接触情形之一，但未采取有效防护者：（1）与病例共同居住、学习、工作，或其他有密切接触的人员，如与病例近距离工作或共用同一教室或与病例在同一所房屋中生活；（2）诊



疗、护理、探视病例的医护人员、家属或其他与病例有类似近距离接触的人员，如直接治疗及护理病例、到病例所在的密闭环境中探视病人或停留，病例同病室的其他患者及其陪护人员；（3）与病例乘坐同一交通工具并有近距离接触人员，包括在交通工具上照料护理过病人的人员；该病人的同行人员（家人、同事、朋友等）；经调查评估后发现有可能近距离接触病人的其他乘客和乘务人员；（4）现场调查人员调查后经评估认为符合其他与密切接触者接触的人员。

The persons who contacted the following suffers without effective prevention measures are the Close Contact: (1) the persons who have lived, learned, worked together with the suffers or other close contacts, such as working closely with the suffers, or sharing the same classroom with the suffers, or living with the suffers in the same suite; (2) doctors, nurses, family members, or other persons who have similar close contact experiences with the suffers; (3) the persons who are on the same vehicle and have close contact experiences with the suffers, including friends, colleagues, family members, doctors, nurses; other passengers or crew members who are assessed to be possible to have close contact experiences with the suffers; (4) other persons who are assessed by investigators on place to be possible to have close contact experiences with the suffers.

（二）可疑暴露者 the Suspected Exposure

可疑暴露者是指暴露于新型冠状病毒检测阳性的野生动物、物品和环境，且暴露时未采取有效防护的加工、售卖、搬运、配送或管理等人员。

the Person experiencing suspected exposure to COVID-19 mean the person who conducts processing, sale, removing, distribution or management of the wild animal and exposed to wild animal, object,



environment which is COVID-19-positive without effective prevention measures.

25.因接触过确诊病例或疑似病例有隔离需要的员工，出现谎报病情、拒绝检查、拒绝隔离等情形，企业有关责任人员是否会因此受到行政处罚？If the staff has contacted suffer or suspected suffer and therefore is required to be isolated, and the staff falsely reports his or her disease, refuses investigation, refuses isolation, etc, whether or not the person in charge of the enterprise will suffer executive punishments for the staff's aforesaid conduction?

结合国务院《突发公共卫生事件应急条例》第二十一条、第五十一条以及《治安管理处罚法》第五十条等规定可知，这需要视具体情形而定：

It depends on specific situations according to Article 21, Article 51 of the Regulation of Emergency Responses to Emergent Events of Public Health and Article 50 of the Public Security Management Punishment Law:

(1) 在企业落实了防控主体责任情形下，出现员工个人故意隐瞒、谎报病情、拒绝检查、拒绝隔离等情形，企业有关人员不需要承担责任。

If the enterprise has fully performed its statutory duties of a control and protection subject, the relevant persons in charge of the enterprise do not need to bear liabilities for those staffs' falsely reporting disease, refusing investigation and isolation, etc.

(2) 企业在知道或者应当知道员工瞒报、谎报病情，但未依法采取措施予以制止，或不按规定报告或处理的，有关责任人需要承担瞒报的法律责任。



If the enterprise knows or shall know its staffs' falsely reporting disease but it fails to take actions to stop or fails to report or fails to handle, relevant persons in charge of the issue shall bear legal liabilities for falsely reporting disease.

(3) 对于因接触过确诊病例或疑似病例有隔离需要的员工拒绝检查、拒绝隔离等情形，企业应当按照规定及时向所在地人民政府或者人民政府有关部门报告，协助当地街道（乡镇）和社区（村）、防疫部门处理；否则企业有关责任人员将因此承担瞒报的法律责任。

The enterprise shall timely report to the local government or relevant departments of government about the staffs who are required to be isolated due to their contacting the suffers or suspected suffers refuse the investigation, isolation, and shall insist local block (town), community (village) and disease control department to handle the issue; or the persons in charge of the enterprise shall bear legal liabilities for falsely reporting disease.

26. 员工因疫情严重无法返工或者单位出于安全考虑决定推迟复工时间，单位该如何安排才能将损失降到最低？ If staffs fail to come back to work, or the enterprise decides to delay the resuming of works and operation, how should the enterprise do to reduce its losses to a minimal level?

根据人社部《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》和北京市人力资源和社会保障局《关于进一步做好疫情防控期间本市人力资源和社会保障相关工作的通知》的规定，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，可按规定给予失业保险费返还。



建议企业与员工协商一致，倡导或建议员工按以下假期安排处理：

According to the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security and Properly Handling the Human Resources and Social Security Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Bureau of Human Resources and Social Security of Beijing Municipality, if the difficulty of the operation and works of an enterprise is due to the Epidemic Situation, the enterprise may adjust the salary, take turns to have rest, reduce working hours or conduct other measures to hold the jobs through consulting with employees to reach agreement. The enterprise shall try its best to not to reduce employees or to reduce employees as less as possible. If the enterprise meets certain conditions, it is entitled to the reimbursement of unemployed insurance premium according to rules and regulations.

It is suggested that the enterprise and the staffs may reach agreement to arrange leaves as the followings:

(1) 在家办公：企业可以与员工协商一致要求员工在家办公，对于员工在家办公期间的工资，如果单位与员工没有特别约定，原则上单位应该按照员工正常出勤支付工资。

Working at home: the enterprise and the staffs may reach agreement to arrange the staffs to work at home. The enterprise shall pay the staffs with the salary of normal working days, except any special agreement reached by the enterprise and the staffs.

(2) 年休假：优先安排员工休法定年休假、单位的福利年休假。法定年休假期间，单位应正常支付员工休假期间的工资；单位福利年



休假期间工资按照单位规章制度进行工资支付。对于员工不服从假期安排的，单位可通过电话、微信、短信、电子邮件、快递等方式明确通知员工单位的假期安排，特别提示要留存好相关录音原件、电子邮件、微信沟通记录、快递详情单及查询回执等上述相关证据。

Annual Leave: The statutory Annual Leave, Annual Leave Provided by Enterprise as Benefit have high priority when considering the arrangement of leave. The enterprise shall pay the staffs with the salary of normal working days in the period of the Statutory Annual Leave. The enterprise shall pay the staffs with the salary according to its internal rules and regulations in the period of the Annual Leave Provided by Enterprise as Benefit. If the staffs do not obey the arrangement of leave made by the enterprise, the enterprise may definitely inform the staffs of the arrangement of leave via phone call, Wechat, short message, email, courier, etc. It is suggested to keep relevant evidences, such as relevant sound recording, email, Wechat records, courier records, etc.

需要提醒的是，根据《企业职工带薪年休假实施办法》第十二条等规定，对于企业当年已安排职工休完的年休假，如员工中途离职，则经过折算后员工多休的年休假天数不再扣回。

Please note, according to Article 12 of the Regulation of Implementation of the Salary Paid Annual Leave of Staffs of Enterprise, if the enterprise arranges a staff to enjoy all of his or her annual leave, and then the staff leaves office, the salary for the exceeding days of annual leave actually enjoyed by the staff will not be reimbursed to the enterprise.

(3) 病假：员工因新型冠状病毒感染的肺炎之外的其他原因产生身体不适的，建议单位引导员工休病假，提交病假条，并按照当地的规定对员工支付病假工资。



Sick Leave: if a staff is unwell due to other reasons than the COVID-19, it is suggested that the employer may persuade the staff to take the sick leave and to submit the sick note, and the employer shall pay the staff with the sick pay in accordance with local regulations.”

(4) 事假：建议单位可以引导员工休事假，原则上事假期间单位可以不为员工发工资，但是单位对于事假期间工资另有约定的，如个别福利较好单位规定一定天数的带薪事假，需要按照单位的约定或者规章制度的规定进行操作。

Leave of Absence: it is suggested that the employer may persuade the staff to take the leave of absence. In principle, the enterprise may not pay salary to the staff in his or her leave of absence. Other enterprises and staffs may otherwise reach agreement for the salary in the leave of absence, for example, some enterprises providing better benefits may approve certain days of paid leave of absence. The enterprise shall handle these special arrangements of leave in accordance with the specific agreement or internal rules and regulations.

(5) 优先休假、事后补班：可以与员工协商一致，安排员工先休假，待复工后再要求员工进行补班。

Being on leave in advance, coming back to work later to deduct the leave: the enterprise and the staffs may reach agreement to arrange the staffs to being on leave in advance, and to come back to work to deduct the leave upon the resuming of work and operation.

上述假期中仅年休假系单位可以单方安排的假期；对于事假、病假、补班等措施，单位适用的前提系需要与员工协商一致。对于协商一致的员工，单位需注意保留好与员工协商一致的相关证据，例如微信、电话、邮件沟通记录原件，避免因证据留存不足产生纠纷时，单



位陷入被动。

Among those leaves, an enterprise can only arrange unilaterally the annual leave. An enterprise shall reach agreement with staffs to arrange leave of absence, sick leave, supplemental works, etc. The enterprise shall keep carefully relevant evidences for the agreement reached with the staffs, such as Wechat, phone call, email to avoid disputes arising from lack of evidence.

企业还可以根据《劳动合同法》第四条第二款的规定，就有关劳动报酬、工作时间、休息休假等事项，经职工代表大会或者全体职工讨论，提出工资调整方案后，报请职工代表大会通过或者获得半数以上职工同意后执行，以此降低人力成本支出。

According to Sub-article 2 of Article 4 of the Labour Contract Law, the enterprise also may discuss with all staffs or the assembly of representatives of staffs for issues of salary, working hours, rest and leave, etc, and then make and submit the plan of adjustment of salary to the assembly of representatives of staffs for approval; the enterprise may also submit the plan to all staffs, and if one half of all staffs agree the plan, the enterprise shall be entitled to implement the plan to reduce human resources expenses.

27. 企业违反当地政府关于复工时间的规定提前复工，是否会被追究法律责任？ If an enterprise resumes works and operation in advance which violates regulations of local government about the date of resuming work and operation, should the enterprise be charged for its legal liabilities?

可能会被追究法律责任。企业提前复工，视情节严重程度，确定是否需承担相应的法律责任。

The enterprise may be charged for its legal liabilities. Its specific



liability would depend on the level of severity of circumstances.

《传染病防治法》第四十二条第一款规定，传染病暴发、流行时，县级以上地方人民政府应当立即组织力量，按照预防、控制预案进行防治，切断传染病的传播途径，必要时，报经上一级人民政府决定，可以采取下列紧急措施并予以公告：……（二）停工、停业、停课；……。第七十七条规定，单位和个人违反本法规定，导致传染病传播、流行，给他人人身、财产造成损害的，应当依法承担民事责任。

Sub-article 1 of Article 42 of the Contagious Disease Control and Treatment Law provides that: “In case a contagious disease broke out, the local governments above county level shall immediately mobilize resources to conduct disease control and prevention and to cut the channels of transmission of the contagious disease, and shall report to higher level government when necessary, and may take and publish the following emergency measures:……(2) suspending work and operation, suspending industries, closing education institutions;…… Article 77 thereof provides that any unit or individual, who violates this law and causes the transmission, spread of the contagious disease which causes other individual’s physical and property damages, shall bear civil liabilities.

《突发事件应对法》第六十七条规定，单位或者个人违反本法规定，导致突发事件发生或者危害扩大，给他人人身、财产造成损害的，应当依法承担民事责任。

Article 67 of the Emergency Response Law provides that any unit or individual, who violates this law and causes the happening or expansion of the emergency which causes other individual’s physical and property damages, shall bear civil liabilities.

《传染病防治法实施办法》第七十条规定，有下列行为之一的单



位和个人，县级以上政府卫生行政部门报请同级政府批准，对单位予以通报批评；对主管人员和直接责任人员由所在单位或者上级机关给予行政处分。（一）传染病暴发、流行时，妨碍或者拒绝执行政府采取紧急措施的；……

Article 70 of the Implementation Measures of the Contagious Disease Control and Treatment Law provides that if a unit or person makes any of the following conducts, upon the the same level government's approval of the application, the health executive department of government above county level shall publicly criticize the unit and the unit or the high level organ shall administratively punish the person in charge of the unit or the person who shall be directly responsible to the following conducts: (1) within the period of the transmission, spread of the contagious disease, refusing or interfering to implement the emergency measures taken by government; ……

《刑法》第三百三十条规定，违反传染病防治法的规定，有下列情形之一的，引起甲类传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑：……（四）拒绝执行卫生防疫机构依照传染病防治法提出的预防、控制措施的。单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。甲类传染病的范围，依照《传染病防治法》和国务院有关规定确定。

Article 330 of the Criminal Law provides that if any unit or person violates the Contagious Disease Control and Treatment Law under any of the following circumstances, and the violation causes the transmission or the serious risk of the transmission of the Class I contagious disease, the person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the result of the violation is extreme



serious, the person shall be sentenced to fixed-term imprisonment of more than three years and less than seven years:.....(4) refusing implementation of the control and prevention measures made by disease control organ. If a unit violate this crime, the unit shall be imposed fine and the person directly in charge of the unit or other person in charge of the unit shall be punished according to aforesaid provisions thereof. The definition of the Class I contagious disease shall be subject to the Contagious Disease Control and Treatment Law and relevant Regulations of the State Council.

本次新型冠状病毒系乙类传染病并采取甲类传染病的预防和控制措施。因此，如果由于企业未执行规定、擅自提前复工并导致病毒交叉感染或有感染严重危险的，将可能被追究有关法律责任，包括民事责任、行政责任以及刑事责任。

COVID-19 is classified as Class II contagious disease and is controlled and prevented by the measures of level of Class I contagious disease. If the enterprise fails to obey relevant rules and regulations, resumes working and operation without approval which cause the transmission or the serious risk of the transmission of COVID-19, the enterprise or relevant person may be charged for relevant legal liabilities, including civil liabilities, executive liabilities, criminal liabilities.

28. 企业因疫情防控需要并经批准后再要求员工提前返岗，员工可以拒绝吗？ If an enterprise is required to join the Emergency Control and Protection against the Epidemic Situation, and then it requires its staffs to come back to working place to resume work and operation upon approval by relevant authority, are the staffs entitled to refuse such requirement of the enterprise ?

员工无故不得拒绝。企业因疫情防控需要经批准，可提前复工并通知劳动者提前返岗工作、安排加班的，劳动者应当服从安排。劳动



者因被隔离或者交通限制等防控措施确实无法到岗的，应当及时向企业说明情况并履行请假手续。劳动者无正当理由拒不服从企业合理安排的，企业可以依照企业规章制度作出相应处理。

The staffs are not entitled to refuse without reasons. If an enterprise is required to join the Emergency Control and Protection against the Epidemic Situation, it requires its staffs to come back to working place to resume work and operation and to do overtime works upon approval by relevant authority. The staffs shall obey these arrangements. If a staff is isolated or can not come back to working place to resume work due to the control and protection measures such as traffic limitation, the staff shall timely report to the enterprise and go through leave application procedures. If the staff refuses to obey reasonable arrangements made by the enterprise, the enterprise may punish the staff according to rules and regulations of the enterprise.

29. 企业因工作需要要求职工 2 月 10 日之后及时到岗复工，但是外地员工因疫情被当地村委会、居委会等限制离开，企业应如何处理？ **If an enterprise is required by government to arrange its staffs to come back to working place to resume works and operation after February 10 as soon as possible, and a staff can not come back from other parts of the country due to limitation policies for the Epidemic Situation made by local village committees, resident committees, how to handle such situation for the enterprise?**

有些身体健康、体温正常的外地员工因疫情被当地村委会、居委会等限制离开，如果企业经核实该情况不属于疑似病人、密切接触者，在隔离治疗期间、医学观察期间以及政府实施隔离措施或采取其他紧急措施的，建议企业与村委会、居委会进行沟通并可以配合村委会、



居委会出具要求员工返岗工作的书面证明以便尽快安排员工返岗复工。

If the enterprise confirms that the staff is in good condition with normal body temperature, and is not suspected suffer, close contact, and is not in the isolation and treatment period, in the medical observation period, and is not enforced with any isolation or other emergency measures implemented by government, the enterprise may communicate with the village committees, resident committees and can issue the written certificate for the staff to cooperate with the village committees, resident committee to arrange the staff to come back to work as soon as possible.

30. 企业可否要求劳动者披露感染新冠肺炎相关情况以及有关假期所在地、回岗路线等个人信息？ May the enterprise require a staff to report his or her infection of COVID-19 or other relevant personal information such as the place of his or her vacation, route of coming back to work?

可以，劳动者应当向企业报告相关信息。

Yes, the enterprise may do that. The staff shall report these relevant information to the enterprise.

根据《北京市人民政府关于进一步明确责任加强新型冠状病毒感染的肺炎预防控制工作的通知》以及《北京市人民政府办公厅关于落实“四方责任”进一步加强重点人群、场所和单位新型冠状病毒感染的肺炎疫情防控工作的通知》，用人单位和劳动者均作为四方主体之一负有相应的责任，劳动者应向用人单位报告，用人单位亦有权依法向员工收集与疫情防控相关的信息，包括但不限于地址、轨迹、健康信息等。但是企业不得收集与疫情防控无关的信息，且收集、处理或者披露应当符合个人信息保护的相关法律规定。



According to the Beijing Municipality's Circular about Enhancing Disease Control and Prevention Measures against COVID-19 and Clarification of Responsibilities further, and the General Office of Beijing Municipality's Circular about Bearing "Four Parties Responsibilities" & Enhancing Disease Control and Prevention Measures of Key Population, Places, Units against COVID-19, both the enterprise and its staffs are two of the Four Parties and shall bear relevant responsibilities. Therefore, the staffs shall report to their employer, and the enterprise is entitled to collect staff's information relevant to the control and protection against the Epidemic Situation, including but not limited the place of his or her vacation, route of coming back to work, health information, etc. However the enterprise shall not collect information not relevant to the control and protection against the Epidemic Situation, and the collection, handling or disclosure made by the enterprise shall comply with the laws and regulations relevant to protection of personal information.

31. 对于湖北籍或者近期有过湖北工作、旅居史的返程员工，企业应如何处理？ How to make measures for the staffs whose registered domicile is in Hubei or who recently worked in Hubei or traveled in Hubei have come back?

建议企业根据员工的不同情况采取不同的应对措施。

It is suggested that the enterprise may make different response measure to the staffs under different circumstances.

(1) 员工确诊治愈后仍需遵医嘱病休的，企业可以通知员工依法根据医疗期规定，在家休息。

If the staff who has healed shall recuperate according to doctor's advice, the enterprise may arrange the staff to have rest at home in his recuperation period.

(2) 若疑似感染新冠肺炎的员工，根据《传染病防治法》第三



十一条规定，任何单位和个人发现传染病病人或者疑似传染病病人时，应当及时向附近的疾病预防控制机构或者医疗机构报告。因此，企业对于发现的疑似病例应立即向所在区的卫生部门进行报告。

According to Article 31 of the Contagious Disease Control and Treatment Law, any unit and person shall timely report to nearby disease control institution or medical institution when detecting the contagious disease suffer or suspected suffer. Therefore, the enterprise shall timely report to nearby disease control institution or medical institution when detecting its staff is a suspected suffer of COVID-19.

(3) 若员工未确诊也未疑似，企业应按北京市的规定要求员工在到京之日主动向居住地或者住宿地的社区（村）报告健康状况，于到京之日起接受 14 日的监督性医学观察。

If the staff is not the suffer or suspected suffer, the enterprise shall require the staff to report his or her health situation to the community or the village of his or her residence, and to accept the inspected medical observation for the term of 14 days since his or her arrive in Beijing.

32. 异地返城职工到岗复工前是否必须需要隔离观察 14 天？ If a staff comes back from other place, whether or not the staff shall be isolated for 14 days before his or her resuming works?

请密切注意北京市政府网站发布的最新规定，为确保企业最大限度符合北京市要求，建议企业安排所有返京员工一律需要隔离 14 天并严格遵守所在社区和相关医疗机构的要求。本回答的有效期限截至 2020 年 2 月 27 日。

Please keep close eyes on the latest rules and regulations published by Beijing Municipality's official website. For the purpose of compliance of rules and regulations of Beijing Municipality to the maximum extend,



we suggest enterprises to arrange all staffs who come back to Beijing from outside places to be isolated for 14 days, and enterprises and staffs shall comply strictly with requirements of communities and relevant medical institutions. Our reply for this question is in effect until February 27, 2020.

33.企业复工后、在疫情解除前，如何做好日常疫情防控工作？

If an enterprise resumes working and operation before the end of the Epidemic Situation, how to make daily control and prevention measures against the Epidemic Situation for the enterprise?

建议企业根据自身情况安排复工工作，具体建议主要为：

It is suggested that the enterprise shall make daily control and prevention measures according to its own circumstances. Our specific proposals are as the following:

(1) 认真理解、严格遵守当地政府应急响应措施；

Reading carefully and complying strictly with emergency response measures made by local government;

(2) 主动与员工联系，做好返城员工的登记工作，了解员工春节假期期间的出行信息；

Communicating actively with staffs, registering all staffs coming back to Beijing, knowing traffic information of staffs in the Spring Festival Holiday;

(3) 对于有湖北省旅行史以及有咳嗽、发热等症状的员工，应根据相关规定及时上报行业主管机构、办公地点所在大厦的物业管理部门、办公地点所在社区等有关部门和机构；

Reporting timely the staffs who have travel history to Hubei and have cough, fever or other symptoms to industry administrative institutions, the property management company of the tower where the



working place locates, the community where the working place locates, and other relevant organs and institutions.

(4) 对具有前述情形的员工，通知其暂不要返岗上班，在获得合格的体检报告后，经公司审批后方可返岗上班；

Informing the staffs under the aforesaid circumstances to not to come back to working place to work. if the staff gets the qualified physical examination report, the staff may come back to working place to work upon the approval of the enterprise;

(5) 尽量安排员工在家办公并按公司规章制度每日上报工作内容；

Arrange staffs, as much as possible, to work at home and to report their works each day according to the rules and regulations of the enterprise;

(6) 确需安排员工返岗工作的，尽量创造条件，进行员工日常体温监测，发现异常，及时安排就医；

If the enterprise indeed needs to resume working and operations, it shall strive to make conditions to monitor staffs' temperature and to timely arrange the staffs who have abnormal symptoms to go to hospital;

(7) 配备消毒设施设备，对于办公场所每日进行消毒；

Equipping disinfection facilities and equipment to daily disinfect the working place of the enterprise;

(8) 督促返岗工作的员工在办公场所尽量使用口罩；

Urging the staffs to take masks at the working place of the enterprise;

(9) 倡导员工多洗手、建议员工尽量避免公共交通工具通勤；

Urging the staffs to wash hands frequently, and to avoid taking commuter public traffic vehicle;



(10) 倡导员工自带饭菜，各自自行用餐，避免集中用餐和外出聚餐；

Urging the staffs to take food with themselves and to eat food separately; avoiding eating food together in working place or going out to have lunch or dinner together;

(11) 做好疫情报告工作，发现疑似病情，或出现员工拒绝就医或配合隔离治疗等情况，应当及时报告给疾病控制机构或公安机关；

If the enterprise detects suspected suffer or its staffs refuse to go to hospital or cooperate with isolation and treatment arrangement, it shall report timely to the disease control institution or public security organs;

(12) 每日公布正确的疫情信息、宣传防控手段，告知员工不信谣不传谣。

Daily publishing the correct information of Epidemic Situation and the control and prevention measures; instructing staffs to not believe rumors and not to spread rumors.

34.复工后，企业必须提供口罩吗？如果不提供，员工可以拒绝上班吗？Is an enterprise required to provide its staffs with masks after resuming of works and operation? If the enterprise fails to provide mask, whether or not the staffs are entitled to refuse working?

《安全生产法》第四十二条规定，生产经营单位必须为从业人员提供符合国家标准或者行业标准的劳动防护用品，并监督、教育从业人员按照使用规则佩戴、使用。但对一般企业而言，口罩并不是企业必须要提供的劳动防护用品。例如，中国疾控中心《口罩选择与使用技术指引》规定，“对于通风良好场所的工作者，可不戴口罩”。有些地方也规定，办公室也可以不戴口罩，例如广东省疾控中心制定了《广东省预防新型冠状病毒感染的肺炎口罩使用指引》，也规定了“通



风良好的办公室不需要佩戴口罩。正常工作时，如果没有口罩，可以佩戴遮掩口鼻的物品，勤洗勤换”。

Article 42 of The Law of Safety in Production provides that the production and operation unit shall provide its staffs with labor protection articles meeting national standards or industrial standards and shall supervise and persuade staffs to use, wear the labor protection articles. However, the mask is not the labor protection article with which a common enterprise is required to provide. For example, the Technical Guideline of Choosing and Use of Masks issued by the Center of Disease Control and Prevention of China provides that the labor whose working place has good ventilation may not wear mask. Some local regulations also provide that the staffs working in office may not wear masks. The Use Guideline of Masks for Control and Prevention of COVID-19 of Guangdong Province issued by the Center of Disease Control and Prevention of Guangdong also provides that “ the labor whose office has good ventilation may not wear mask. When working as normal, the staffs who do not have masks may wear articles which an cover their mouth and nose, and wash and replace the articles frequently.”

所以，员工不能以单位不提供口罩为由，拒绝上班。但在特殊时期为员工提供口罩，充分体现了企业对员工的人文关怀，建议有条件的企业可以为返岗工作的员工配备口罩。

Therefore, the staffs are not entitled to refuse working, if the enterprise fails to provide mask. However, in such a special period, providing masks will fully express the enterprise’s humanistic care for employees. It is suggested that the enterprise which has resources may provide the staffs coming back to work with masks.



35.员工未及时到岗复工或拒不到岗，企业应如何处理？ If staffs fail to timely come back to working place to resume works or refuse to come back to working place to resume works, how to deal with these situations for the enterprise?

建议企业应区分具体情况灵活处理。企业应将返岗复工的通知通过邮件、短信、微信等方式发送给职工，并告知如不能如期返岗应回复说明具体的理由。

It is suggested that the enterprise shall handle flexibly these situations. The enterprise shall send the notice of coming back to resume works to its staffs via emails, short messages, Wechat, instructing its staffs to provide specific reasons of failure of coming back to resume works.

(1) 如员工确因客观情况不能返岗，应要求职工提供相应的证明材料，如属于新冠状肺炎患者、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员工，应正常支付工资至相应期限届满或紧急措施结束；如符合病、事假情形的，办理相关请假手续，按照企业病事假期间薪酬规定支付工资。

If a staff fails to come back to working place to resume working, the enterprise shall require the staff to provide relevant evidence materials. The enterprise shall pay salary to its staffs as normal until the end of relevant terms or the emergency measures if the staffs meet the following conditions: the staffs are the sufferers of COVID-19, the suspected suffers of COVID-19, the close contacts to suffer; the staffs are in the period of treatment or isolation; the staffs can not provide normal labour services due to isolation measures or other emergence responses taken by government. However if a staff meets conditions of applying sick leave or



leave of absence, it is suggested that the employer may persuade the staff to go through relevant application procedures, and the employer shall pay the staff with the sick pay or the salary for the leave of absence in accordance with relevant regulations.

(2) 如员工拒不返岗且未能在合理期限内说明理由的，企业应书面告知相应后果并督促限期返岗；如果员工仍置之不理的，企业可以依据劳动合同约定、规章制度规定，在征求工会意见并履行必要程序后，依法解除与员工的劳动合同。

If a staff fails to come back to working place to resume works and fails to provide reasons within reasonable term, the enterprise shall inform the staff in written form of relevant results and urge the staff to come back to working place to resume works within limited time. If the staff still ignores the written notice, the enterprise may dissolve the labour agreement with the staff upon consulting with the Union and going through relevant procedures in accordance with the labour agreement, rules and regulations of the enterprise.

36.企业因疫情防控的需要，是否可以延长员工的每日工作时间？ Can the enterprise extend the daily working hours of its staffs for needs of the control and prevention against the Epidemic Situation?

可以，但需保证员工的身体健康。

Yes, it can do that. However it shall promise the health of its staffs.

《劳动法》第四十一条规定：企业由于生产经营需要，经与工会和劳动者协商后可以延长工作时间，一般每日不得超过一小时；因特殊原因需要延长工作时间的，在保障劳动者身体健康的条件下延长工作时间每日不得超过三小时，每月不得超过三十六小时。

Article 41 of Labour Law provides that if it is necessary for



production and operation, an enterprise may extend working hours with no more than one hour per day in general upon reaching agreement with its staffs; in case under special circumstances, the enterprise may extend working hours with no more than 3 hours per day and no more than 36 hours per month upon reaching agreement with its staffs in the precondition of keeping the staffs in good conditions.

此次新冠病毒肺炎疫情极为严峻，属于法律规定的特殊情况，因此，企业在一定程度上可突破加班时长的限制。即，在保障员工身体健康的条件下延长工作时间，但每日不得超过3小时。

The Epidemic Situation of COVID-19 shall be deemed as the statutory special circumstances, so the enterprise may extend working hours with no more than 3 hours per day and no more than 36 hours per month upon reaching agreement with its staffs in the precondition of keeping the staffs in good conditions.

37.企业因疫情防控的需要安排员工加班的，员工是否有权拒绝？ If the enterprise requires the staffs to work overtime for needs of the control and prevention against the Epidemic Situation, whether or not the staffs are entitled to refuse such arrangements?

员工无正当理由不可以拒绝。

The staffs can not refuse such arrangements without reasons.

《劳动法》第四十二条规定企业出现以下特殊情形和紧急任务的可以延长职工工作时间：（1）发生自然灾害、事故或者其他原因，威胁劳动者生命健康和财产安全，需要紧急处理的；（2）生产设备、交通运输线路、公共设施发生故障，影响生产和公众利益，必须及时抢修的；（3）为完成国家紧急任务或完成上级安排的其他紧急任务的；（4）法律、行政法规规定的其他情形。



Article 42 of the Labour Law provides that under the following special circumstances or to complete emergency missions, the enterprise may extend working times of its staffs : (1) natural disasters, accidents or other reasons which threaten staffs' life, health and safety and the enterprise needs to deal with urgently; (2) production equipment, traffic and transportation lines, public facility break down and impact production and public interests, and therefore the urgent repairing is necessary; (3) completing emergency missions of government or other emergency missions assigned by higher level authority; (4) other circumstances provided by laws and regulations.

因此，此次新型冠状病毒肺炎疫情，严重威胁人民生命健康和财产安全，属于法律规定的特殊情况；若企业因为抗击疫情需要安排员工加班的，员工必须服从。

The Epidemic Situation of COVID-19 seriously threatens people's life, health and property security, therefore it is the statutory special circumstance; if If the enterprise requires the staffs to work overtime for needs of the control and prevention against the Epidemic Situation, the staffs have to obey such arrangement.

38.受疫情影响的企业可否申请特殊工时？ Is the enterprise impacted by the Epidemic Situation entitled to apply for special working hours?

可以。

Yes, it is.

人社部《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》规定，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。受疫情影响的企业，可以申请特殊工时，也可以采用



灵活工时（如缩短工时、弹性上下班等），确保企业正常运营。

the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the Ministry of Human Resources and Social Security provides that, if the difficulty of the operation and works of an enterprise is due to the Epidemic Situation, the enterprise may adjust the salary, take turns to have rest, reduce working hours or conduct other measures to hold the jobs through consulting with employees to reach agreement. The enterprise impacted by the Epidemic Situation is entitled to apply for special working hours, or to make flexible working hours system (such as reducing working hours, flexible starting or closing working time) to keep the normal operation of the enterprise.

39. 员工被确诊患新冠肺炎，企业是否需要支付医疗费用？ If a staff is confirmed to be the suffer of COVID-19, whether or not the enterprise shall pay the expenses of medical treatment of the staff?

具体根据缴纳社保情况确认，如企业已经依法为员工缴纳基本医疗保险的，企业无须支付医疗费用。

It depends on the payment situation of the social insurance. If the enterprise has paid the basic medical insurance for the staff, the enterprise does not need to pay expenses of the medical treatment for the staff.

针对此次疫情特点，财政部、国家医保局发布《关于做好新型冠状病毒感染的肺炎疫情医疗保障的通知》，决定对确诊为“新型冠状病毒感染肺炎”等患者采取特殊报销政策：（1）对于患者发生的医疗费用，在基本医保、大病保险、医疗救助等按规定支付后，个人负担部分由财政给予补助。（2）对于其中的异地就医患者，先救治后



备案，报销不执行异地转外就医支付比例调减规定。（3）患者使用的符合卫生健康部门制定的新型冠状病毒感染肺炎诊疗方案的药品和医疗服务项目，可临时性纳入医保基金支付范围。

The Ministry of Finance and the National Medical Insurance Bureau jointly promulgated the Circular for Properly Handling the Issues of the Medical Insurance in the Epidemic Situation of COVID-19 which provides special reimbursement policies for the sufferers of COVID-19: (1) After payment via the basic medical insurance, serious disease insurance, medical assistance, the rest of the medical insurance expenses of the suffer shall be paid by the Ministry Finance. (2) for those suffer who has been treated in the place which is not the jurisdiction where he or she pay medical insurances, the suffer shall be treated in advance of registration, and the regulations for the reducing payment ratio for the treatment in different jurisdiction shall not apply the reimbursement of his or her medical expenses. (3) the Medical Insurance Fund may temporarily pay the medicines and medical service items used by the sufferers which meet the treatment plans for COVID-19 made by the Health Department.

四、工伤认定 **Work-Related Injury**

40.复工后，员工在工作过程中，包括上下班途中，感染了新冠病毒是否属于工伤？ After resuming of working and operation, in case a staff is infected by the COVID-19 while working, including commuting, should such infection be classified as the work-related injury?

原则上，工伤的判定标准应该是在工作时间、工作场所因工作原因受到的事故伤害属于工伤，而在工作过程中感染新冠病毒并不属于事故，所以感染新冠病毒导致的肺炎本身不属于工伤。但如果员工



是在履行新冠肺炎防控工作中感染的新冠肺炎，应当视为工伤，具体分析详见下述两个问题。

In general, the work-related injury means a injury caused by an accident occurs within working hours and working place and caused by works. The circumstance that infecting COVID-19 when working does not constitutes an accident. However, if staffs was infected by COVID-19 when him or her implementing duties of control and prevention against COVID-19, this circumstance shall constitute an accident, and we clarify this issue in further in the next two questions.

41. 医护人员因履行新冠肺炎预防和救治工作职责被感染，是否属于工伤？ In case a medical or nurse staff is infected by the COVID-19 while implementing his or her duties of control and prevention against COVID-19, should such infection be classified as the work-related injury?

应属于工伤。根据《工伤保险条例》的规定，其符合工伤的认定条件，即工作时间、工作场所、工作原因。同时，根据人社部、财政部、国家卫健委于2020年1月23日印发的《关于因履行工作职责感染新型冠状病毒肺炎的医护及相关工作人员有关保障问题的通知》规定，在新型冠状病毒肺炎预防和救治工作中，医护及相关工作人员因履行工作职责，感染新型冠状病毒肺炎或者因感染新型冠状病毒肺炎死亡的，应认定为工伤，依法享受工伤保险待遇。

It shall be classified as the work-related injury, according to the Regulation of Work-Related Injury Insurance, because it meets the requirements of working time, working place, the nature of working. The Circular of the Issues of the Protection and Supporting for the Medical or Nurse staff and other relevant Staffs who are Infected by COVID-19 because of Implementing His or Her Works of Control and Prevention



against COVID-19 promulgated by the Ministry of Human Resources and Social Security, the Ministry of Finance, the National Health Commission on January 23, 2020 provides that: if the medical or nurse staffs and other relevant staffs are infected by COVID-19 because of implementing his or her works of control and prevention against COVID-19 and then are dead, the death shall be deemed as the work-related injury, and the medical or nurse staffs and other relevant staffs shall be entitled to enjoy the benefits of the work-related injury insurance.

42. 员工从事疫情防控志愿活动期间发生意外伤害，是否属于工伤？ In case a staff of an enterprises is infected by the COVID-19 while conducting his or her voluntary activities of control and prevention against COVID-19, should such infection be classified as the work-related injury

员工从事疫情防控志愿活动期间受到意外伤害伤害，存在被认定为工伤的可能。

If a staff of an enterprises is infected by the COVID-19 while conducting his or her voluntary activities of control and prevention against COVID-19, the infection is possible to be classified as the work-related injury.

根据《工伤保险条例》第十五条第二款规定，员工在抢险救灾等维护国家利益、公共利益活动中受到伤害的视同工伤，按照工伤保险条例的有关规定享受工伤保险待遇。换言之，员工在从事疫情防控志愿活动中受到伤害的，存在认定为工伤的可能。

The Sub-article 2 of Article 15 of the Regulation of Work-Related Injury Insurance provides that if a staff is injured while conducting his or her voluntary activities of disaster relief, safeguarding national interests, public interests, the injury shall be deemed as the work-related injury, and the staff shall be entitled to enjoy the benefits of the work-related injury



insurance according to relevant provisions of the Regulation of Work-Related Injury Insurance. In other words, If a staff of an enterprises is infected by the COVID-19 while conducting his or her voluntary activities of control and prevention against COVID-19, the infection is possible to be classified as the work-related injury.

五、劳动合同解除、终止 **Dissolving, Termination of Labour Contract**

43.企业能否解除与疑似感染新冠肺炎且拒绝配合检疫治疗的员工解除劳动合同？ If a staff is a suspected suffer of COVID-19 and refuse to cooperate with disease infection and treatment, is his or her employer entitled to dissolve the labour contract with the staff?

根据《关于办理妨害预防、控制突发传染病疫情等灾害的刑事案件具体应用法律若干问题的解释》第一条规定，配合检疫、治疗是每个公民的义务。如果疑似感染的员工拒绝接受检疫、强制隔离或者治疗，过失造成传染病传播，情节严重，危害公共安全的，构成犯罪并依法被追究刑事责任的，则企业可根据《劳动合同法》第三十九条第六项规定依法与其解除劳动合同；即便劳动者的行为较轻，尚未构成犯罪，但是只要其行为严重违反了企业的规章制度，企业依然可以依法解除劳动合同。

According to Article 1 of Explanation of Several Issues of Specific Application of Law on Criminal Cases Involving Interfering Control and Prevention of Disasters such as Contagious Disease Breaking out provides that, it is the duty of each citizen to cooperate with disease infection and treatment. If the suspected suffer refuses to accept disease infection, treatment, enforced isolation or treatment, or negligently causes the spread of the contagious disease, his or her actions are under serious



circumstances, damage public security, and constitute a crime, and the suspected suffer has been charged for his or her criminal liabilities, the employer may dissolve the labour contract with the suspected suffer according to the Sub-article 6 of Article 39 of the Labour Contract Law; even if the suspected suffer's actions are under relevant light circumstances and do not constitute a crime, the enterprise still may dissolve the labour in case his or her actions violate seriously the enterprise's rules and regulations.

44.因防控疫情影响企业延迟日期发放工资的,员工能否依据《劳动合同法》规定要求解除劳动合同、要求支付经济补偿金? If an enterprise delays the date of payment of salary due to the Control and Prevention Measures against the Epidemic Situation, can the staffs claim to dissolve the labour contract and claim for damages?

在防控疫情的需要及各地政府出台延迟复工的通知背景下,因疫情推迟复工期间不能发放工资属于因“不可抗力”导致,不可归咎于企业责任。《民法总则》第一百八十条规定,因不可抗力不能履行民事义务的,不承担民事责任。鉴于不可抗力为合同不能履行的法定免责事由,企业在延迟发放工资问题上自身无过错,应当不适用法定的未及时支付工资情形;员工不能依据《劳动合同法》第三十八条规定主张解除劳动合同并要求企业支付经济补偿金。

In considering of the Epidemic Situation and the Circulars about delay of resuming works and operations promulgated by local governments, the Epidemic Situation shall be deemed as the Force Majeure which causes the enterprise's delay of payment of salary. Therefore, the enterprise may immune from the liabilities arising from the delay of payment of salary because of the Force Majeure. Article 180 of General Rules of Civil Law provides that a civil subject shall not bear



civil liabilities arising from its failure of implementing civil obligations caused by the the Force Majeure. Therefore, in such circumstances, the enterprise shall not bear those liabilities arising from those statutory circumstances about failure of timely payment of salary, and the staff can not claim to dissolve the labour contract and to require the enterprise to pay relevant damages according to Article 38 of the Labour Contract Law.

45.企业能否以员工故意传播传染病病毒为由解除劳动合同？ Is the enterprise entitled to dissolve the Labour Agreement with a staff for the staff's intently spreading the contagious disease virus?

最高人民法院、最高人民检察院《关于办理妨害预防、控制突发传染病疫情等灾害的刑事案件具体应用法律若干问题的解释》规定，故意传播突发传染病病原体，危害公共安全的，依照刑法第一百一十四条、第一百一十五条第一款的规定，按照以危险方法危害公共安全罪定罪处罚。

Explanation of Several Issues of Specific Application of Law on Criminal Cases Involving Interfering Control and Prevention of Disasters such as Contagious Disease Breaking out promulgated by the Supreme People's Court and the Supreme People's Procuratorate provides that if any unit or person intentionally spread pathogens of suddenly outbreaking contagious disease, and such actions damage public security, the unity or person shall be convicted of the Crime of Endangering Public Security via Dangerous Ways in accordance with Article 114, Sub-article 1 of Article 115 of the Criminal Law.

如果员工故意传播传染病病毒构成犯罪并依法被追究刑事责任的，可根据《劳动合同法》第三十九条第六项规定与其解除劳动合同。

If the staff's intently spreading contagious disease virus



constitutes crime and then the staff is charged for his or her criminal liabilities, the enterprise may dissolve the labour contract according to Sub-article 6 of Article 39 of the Labour Contract Law.

46. 劳动者在 2020 年春节前已提出离职申请，现因疫情防控延长假期导致离职手续无法办理的，离职是否有效力？ If the employee has submitted his or her application for leaving office before the Spring Festival Holiday in 2020, and the employee fails to go through relevant procedures for long time because of the extended holidays due to the Epidemic Situation, is his or her leaving office in effect?

应为有效。《劳动合同法》第三十七条规定，劳动者提前三十日以书面形式通知企业，可以解除劳动合同。劳动者提出解除劳动合同的通知到达企业即可产生效力。因此，在员工提出离职申请符合其真实意愿的情况下，因疫情防控延长假期导致离职手续无法办理不影响其已提出解除劳动合同的法律效力，企业应在复工后及时为员工办理离职手续。

His or her leaving office shall be in effect. Article 37 of Labour Contract Law provides that the employee can dissolve the labour contract with providing 30 working days of written notice to the enterprise. The written notice itself will be in effect upon its arrival of the enterprise. Therefore, if the application for leaving office expresses the real intent of the staff, it will not impact the effectiveness of the application that the employee fails to go through relevant procedures for long time because of the extended holidays due to the Epidemic Situation, and the enterprise shall handle with the staffs' leaving office procedures as soon as possible upon resuming of works and operation.



47.企业可以因疫情原因进行经济性裁员吗？ Is the enterprise entitled to conduct economic reducing employees because of the Epidemic Situation?

如果企业经营发生严重困难的，可以依法进行经济性裁员。根据《劳动合同法》第四十一条规定，用人单位因为生产经营发生严重困难的，需要裁减人员 20 人以上或者裁减不足 20 人但占企业职工总数 10%以上的，需要提前三十日向工会或者全体职工说明情况，听取工会或者职工的意见后，裁减人员方案经向劳动行政部门报告，可以裁减人员。

If an enterprise's operation is in serious difficulty, the enterprise shall be entitled to conduct economic reducing employees. According to Article 41 of Labour Contract Law, if the employer's production and operation is in serious difficulty, and the proposed number of reduced staffs is more than 20 or less than 20 but accounts of 10% of the total amount of staffs of the employer, the employer shall made statements to the Union or the whole staffs in advance of 30 days. The employer can reduce employees after it listens to the opinions of the Union or staffs and the the plan of reducing employees is approved by the labour administrative department.

根据《劳动合同法》第四十七条规定，对于经济性裁员情形，企业需要向员工依法支付经济补偿金，具体标准为：“按劳动者在本单位工作的年限，每满一年支付一个月工资的标准向劳动者支付。六个月以上不满一年的，按一年计算；不满六个月的，向劳动者支付半个月工资的经济补偿。劳动者月工资高于用人单位所在直辖市、设区的市级人民政府公布的本地区上年度职工月平均工资三倍的，向其支付经济补偿的标准按职工月平均工资三倍的数额支付，向其支付经济补偿的年限最高不超过十二年”。



Article 47 of the Labour Contract Law provides that “the enterprise shall pay the staffs with the economic compensation for its economic reducing staffs. The specific standards of the economic compensation are: the economic compensation = one month salary × the amount of years which the employee works for the employer. If a working period is more than 6 months but less than one year, the working period shall be deemed as one year. If a working period is less than 6 months, the employer shall pay the employee with a half of one month salary as the economic compensation for the working period. If a employee’s one month salary is higher than 3 times of the last year local average one month salary of staff published by the municipality, the city with districts government where the employer locates, “the one month salary” shall be the 3 times of aforesaid the last year local average one month salary, and “the amount of years which the employee works for the employer” shall be no more than 12 years”.

针对此次新冠肺炎疫情，人力资源社会保障部办公厅发布《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》，该通知规定，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。

The Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the General Office of the Ministry of Human Resources and Social Security provides that “ if the difficulty of the operation and works of an enterprise is due to the Epidemic Situation, the enterprise may adjust the salary, take turns to have rest, reduce working hours or conduct other measures to hold the jobs through consulting with employees to reach agreement. The



enterprise shall try its best to not to reduce employees or to reduce employees as less as possible.”

另外，符合条件的企业，可按规定享受稳岗补贴，例如：北京市人民政府办公厅于2020年2月5日发布《关于应对新型冠状病毒感染的肺炎疫情促进中小微企业持续健康发展的若干措施》，实施援企稳岗政策，保障企业正常生产运营。

The enterprises which meet certain conditions may enjoy the Subsidy for Maintaining Jobs to implement relevant policies to maintain normal operation in accordance with relevant regulations, such as the Several Measures Response to the Epidemic Situation and Promoting Constant and Healthy Development of the Small and Medium Enterprises promulgated by the General Office of Beijing Municipality on February 5, 2020.

因此，我们建议企业尽量先不采取经济性裁员方式，尽量灵活采取多种用工、计薪方式，在保障员工基本生存需求的同时减轻企业负担，与员工共渡难关。

Therefore, it is suggested that an enterprise should try its best to not to implement economic reducing staffs, and should strive to apply several employment systems and salary systems to meet the basic survival needs of staffs and to reduce the costs of operation of the enterprise.



48. 员工因感染肺炎被隔离或者因政府采取疫情防控紧急措施延迟复工，被隔离期间或延迟复工期间，劳动合同到期了如何处理？

How to handle the labour contract which expires in these periods: the staff's period of isolation which is due to his or her infection of COVID-19, the period of isolation or suspension of resuming works and operation which is due to control and prevention emergency measures against the Epidemic Situation taken by government?

劳动合同期限应当依法予以自动顺延，企业不可以终止劳动合同。

The validity period of the labour contract shall be extended automatically according to law, and the enterprise shall not terminate the labour contract.

根据《劳动合同法》第四十五条以及人社厅《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》第一条的规定，企业应当将劳动合同应分别顺延至医疗期、医学观察期、隔离期期满或者政府采取的紧急措施结束，并且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。

Article 45 of the Labour Contract Law and Article 1 of The Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the General Office of the Ministry of Human Resources and Social Security provides: the enterprise shall extend the validity period of the labour contract to cover the medical treatment term, the medical observation term, the isolation term, or extend the validity period until the end of the emergency measures taken by government, and



the enterprise shall pay its staffs with salary in the extended validity period. The enterprise shall not dissolve the labour contract according to Article 40, Article 41 of the Labour Contract Law in the extended validity period.

因此，如果在此期间劳动合同到期的，劳动合同期限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。对于在此期间劳动合同期满的员工，企业可发送劳动合同顺延的通知，并正常支付在此期间的工资报酬并提醒员工提供政府采取相关材料，企业亦可自行搜集整理政府采取相关材料以备存。

Therefore, if the validity period of the labour contract expires in the medical treatment term, the medical observation term, the isolation term, or the term of the emergency measures taken by government, the enterprise shall extend the validity period of the labour contract until the end of these aforesaid terms. The enterprise may send a notice of extension of validity period to impacted staffs. The enterprise shall pay its staffs with salary in the extended validity period as normal, and may request the staffs to provide supporting evidence of the response measures taken by government. The enterprise also may collect and untangle relevant files and materials about relevant measures taken by government.



六、劳动争议仲裁与诉讼 **Arbitration and Litigation about Labor Disputes**

49.因疫情原因导致不能在劳动人事争议仲裁时效内申请劳动人事争议仲裁的，仲裁时效如何计算？ If the failure of making application within the labor arbitration limitation is due to the Epidemic Situation, how to handle such situation?

可以按仲裁时效中止处理。人社部《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》第三条规定，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。

The situation can be deemed as the suspension of the arbitration limitation. Article 3 of the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 promulgated by the General Office of the Ministry of Human Resources and Social Security provides: If the failure of making application within the statutory labor arbitration limitation is due to the Epidemic Situation, the statutory labor arbitration limitation shall be suspended. The statutory labor arbitration limitation will resume as of the date of non-existence of the reason of the suspension. If the Labour Disputes Arbitration Institution's failure of handling an arbitration case within the statutory labor arbitration limitation is due to the Epidemic Situation, the Arbitration Institution may extend its hearing limitation.



50.因为地方政府采取紧急措施导致推迟复工的，在此期间相关民商事案件的上诉期限、举证期限等诉讼期限是否停止计算？ If local governments apply emergency measures which cause the delay of resuming working and operations, whether or not the litigation limitations of the civil and commercial cases, such as the time limitation of appeal, submitting evidences, should be suspended?

不停止计算。《民事诉讼法》第八十二条规定，期间届满的最后一日是节假日的，以节假日后的第一日为期间届满的日期。因此，2020年春节假期延长至2020年2月2日，如上诉期间、举证期限等期限的最后一日在延长后的春节假期期间届满的，则应顺延至2月3日。因此，除另有规定外，当事人应在法定期限内及时进行相关诉讼活动，如：在限期内提起上诉、申请延期举证等，否则不利后果应当自行承担。

No. Article 82 of the Law of Civil Litigation Procedures provide that if the last day of the term of limitation is a Statutory Holiday, the first day after the Statutory Holiday shall become the last day of the term of limitation. As the Spring Festival Holiday has been extended to February 2, 2020, the last day of the terms of limitation, such as the time limitation of appeal, submitting evidences, shall be February, 3. Therefore, unless otherwise provided, parties to a litigation shall timely conduct relevant litigation actions within statutory litigation limitations, or the party shall be responsible for the adverse consequences by itself.

需要特别提醒的是，前述《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》中仅仅规定了劳动争议案件相关时效终止问题，并不包含其他类别的诉讼案件时效问题；同时，各地政府部门规定的推迟复工日期，并非国家规定的法定假日或者休息



日，是对于疫情防控采取的应急措施，并不能当然适用相关法律规定停止计算相关诉讼期限。但是当地仲裁机构、法院发布具体规定可以延长有关期限的除外。

Please note, the Circular of Properly Handling the Labour Relation Issues in the Period of Emergency Control and Protection under the Epidemic Situation due to COVID-19 only provides the rules of the termination of limitation of time relevant to labour disputes cases, and it does not mention issues of litigation limitation of other kinds of case. On the other hand, the regulations about delay of resuming works and operation made by local governments does not create new National Statutory Holidays or Days of Rest, and the regulations are emergency response measures for control and prevention against the Epidemic Situation, therefore can not apply to issues of statutory litigation limitation. But local arbitration institution, court may issue specific rules about extension of relevant time limitation.

七、地方扶持政策 **Supporting Policies of Local Government**

51.北京市政府对因受疫情影响暂时困难的企业是否有政策支持？ Have Beijing Municipality provided any supporting policies for those enterprises which are impacted by the Epidemic Situation and temporally are in difficult?

为切实减轻疫情对中小微企业生产经营影响，帮助企业共渡难关和稳定发展，北京市人民政府办公厅于2020年2月5日发布《关于应对新型冠状病毒感染的肺炎疫情影响促进中小微企业持续健康发展的若干措施》，与劳动法有关的主要政策支持如下：

For the purpose of reducing the impact of the Epidemic Situation to small and medium size enterprises and assisting enterprises to get through the tough time, the General Office of Beijing Municipality promulgated



the Several Measures Response to the Epidemic Situation and Promoting Constant and Healthy Development of the Small and Medium Enterprises on February 5, 2020. The major supporting policies relevant to the Labour Law provided by the Several Measures are as the following:

对受疫情影响较大，面临暂时性生产经营困难且恢复有望、坚持不裁员或少裁员的参保企业，可按6个月的上年度本市月人均失业保险金标准和参保职工人数，返还失业保险费。疫情期间，对符合首都功能定位和产业发展方向的中小微企业，截至4月底企业职工平均人数与上年平均人数相比持平或增长20%(不含)以内的，一次性给予该企业3个月应缴纳社会保险费30%的补贴；截至4月底企业职工平均人数与上年平均人数相比增长20%及以上的，一次性给予该企业3个月应缴纳社会保险费50%的补贴。对于享受上述政策的企业，根据岗位需要组织职工(含待岗人员)参加符合规定的职业技能培训，可按每人1000元的标准享受一次性技能提升培训补贴。

If the insured enterprise is impacted by the Epidemic Situation seriously, its production and operation is temporarily in difficult and is hopefully to be recovered, and the enterprise insists to not to reduce employees or to reduce employees as less as possible, the enterprise will be reimbursed with unemployment insurance premium which shall be calculated on the number of insured staffs and 6 month per capita unemployment insurance fund of Beijing last year. In the Epidemic Situation, if a small-medium size enterprise meets the requirements of the the functional orientation of the capital and the industry development orientation of the capital, and the enterprise's monthly average number of staffs as of this April is the same with or is more than up to 20% (not include 20%) of its monthly average number of staffs in last year, the enterprise shall be paid with the subsidy in one lump sum which is equal



to 30% of the 3 month payable social insurance premium of the enterprise; if the enterprise's monthly average number of staffs as of this April is the same with or is more than 20% (include 20%) of its monthly average number of staffs in last year, the enterprise shall be paid with the subsidy in one lump sum which is equal to 50% of the 3 month payable social insurance premium of the enterprise. If an enterprise which is enjoying the aforesaid polices arranges its staffs (including those staffs who are taking turns to have rest) to join the professional skill training program according to the needs of job shall be paid with the professional skill promotion subsidy in one lump sum of 1000 RMB per person.

为方便企业了解该文件的重点内容，我们将该文件的标题整理如下：

In order to assist enterprises to know the major points, We hereby compile titles of the circular as the following:

(一) 减轻中小微企业负担

Reduce burdens of small and medium size enterprises

1. 停征部分行政事业性收费。

Suspension of payment of part of administrative and public services fees

2. 减免中小微企业房租。

Reducing or exempting payment of rent

3. 为经营困难企业办理延期纳税。

Extension of deadline of payment of taxes

4. 补贴小微企业研发成本。

Subsidy of science and technology research made by small enterprises

5. 缓解疫情造成的突出影响。

Hedging Major impacts caused by Epidemic Situation



(二) 加大金融支持力度

Enhancing Financial Support

6. 进一步增加信贷投放。

Increasing supplies of loans

7. 降低企业融资成本。

Reducing costs of financing

8. 拓宽直接融资渠道。

Increasing direct financing channels

9. 提高融资便捷性。

Improving financing convenience

10. 优化融资担保服务。

Optimizing Financing guarantee services

11. 加强创新型中小微企业融资服务。

Enhancing financing services to innovation oriented small and medium size enterprises

(三) 保障企业正常生产运营

Maintaining normal production and operation of enterprises

12. 实施援企稳岗政策。

Implementing polices to support enterprises and maintain jobs

13. 促进就业困难群体就业。

Improving employment of Employment Disadvantaged Groups

14. 保障企业正常安全生产需求。

Maintaining normal and safety production of enterprises

15. 加大政府采购和中小微企业购买产品服务支持力度。

Enhancing government procurement and supporting small and medium size enterprises to purchase products and services

16. 精心做好企业服务。

Providing good services to enterprises



Part 2 企业用工实务操作手册

Templates of Enterprise' Documents for Employment and Labour Issues in the Epidemic Situation

在本次疫情影响下，国家和各地方相继出台疫情防控政策，强调企业的主体责任，要求除涉及重要国计民生的企业可以复工以外，其余各企业不得提前复工并要求做好疫情防控工作。

针对此，很多企业困惑于如何做到既能配合政府打好这场防疫阻击战，又能依法保障员工合法权益、保证公司正常经营。

我们针对企业前述需求，特为企业客户设计制作了在疫情防控过程中，企业在劳动用工方面可能需要的相关通知、协议等文件模板，以供企业客户能够根据自身实际情况参考使用。

具体模板如下：





模板 01：关于成立疫情防控暨复工工作小组的通知

__XXX 公司

关于成立疫情防控暨复工工作小组的通知

公司全体员工：

为了更好地推进新冠肺炎疫情防控工作，尽早恢复公司正常生产经营秩序，经公司研究决定，现成立疫情防控暨复工工作小组，具体名单如下：

组 长：_____，负责_____

副 组 长：_____，负责_____

小 组 成 员：_____，负责_____

_____，负责_____

_____，负责_____

.....

防控复工小组会议原则上每隔____天召开一次，由_____主持召开，对公司疫情防控及复工条件等进行阶段性汇报、总结，并视情况对防控小组成员进行调整、轮换。

为尽可能降低感染风险，相关会议采取线上会议方式，通过“钉钉会议”“腾讯会议”等形式召开，请各相关人员提前做好准备。

_____公司

年 月 日



模板 02：关于积极防控新冠肺炎疫情告全体员工书

关于积极防控新冠肺炎疫情

告全体员工书

公司全体员工：

因全国突发新冠肺炎疫情，国务院和地方人民政府均启动不同级别疫情响应，北京市亦启动了重大公共卫生事件一级响应。现根据国家、地方防控指挥的工作要求，向全体员工通知如下：

1. 请全体员工务必重视本次疫情的严重性和疫情防控工作的困难性，务必加强对自身生命、健康的重视。

2. 请全体员工务必遵守所在地人民政府应对疫情的应急防控措施；务必遵守法律规定，不信谣不传谣，不在朋友圈、微信群等社交媒体转发任何不实传言，不作任何不利于疫情防控的行为。

3. 各位员工请每日主动配合完成健康申报、健康检查和相应的隔离观察：

(1) 有湖北、浙江温州、江苏淮安等疫情重点地区停留、旅行、居住史的；

(2) 曾接触过来自湖北、浙江温州、江苏淮安等疫情重点地区人员并发热咳嗽的；

(3) 身边有新型冠状病毒感染的肺炎疑似、确诊病人或有多名人员出现发热咳嗽等症状的；

(4) 其他可疑不适症状的。

全体员工每日需通过“钉钉”办公软件向公司上报健康状况。

4. 公司目前正在积极履行复工报备手续，如最终确定复工时间的，公司将提前通知全体员工。



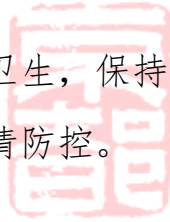
5. 公司确定复工时间后，如有员工因客观情况不能于复工日按时上班的，请至少提前_____个工作日向公司_____部门报备，并告知您的实际情况和预计复工时间，公司将与您协商处理。

6. 如有员工因本次疫情有其他特殊困难的，请及时与公司_____部门联系，公司将在公司规章制度下予以协调解决。

7. 如公司安排复工的，公司将会做好健康防护和安全生产准备；具备在家办公条件的岗位，公司将安排员工在家工作。届时，请全体员工严格遵守相关规定，配合公司进行人员统计、健康统计、体温检测、防疫措施安排等。

8. 如国家和我省颁布防疫相关新规定，公司将依据更新的规定另行调整，请全体员工积极配合政府有关部门及公司开展疫情防控工作。

9. 请全体员工注意个人卫生，保持身心愉悦；不信谣、不传谣、不恐慌，进行科学理性的疫情防控。



疫情无情，请全体员工以生命安全、健康为重，克服现阶段的困难，休养生息，养精蓄锐。待疫情解除，让我们全体员工共同努力，重新创造起未来！让我们共克时艰，迎接美好未来！

公司（盖章）：

年 月 日



模板 03：关于公司管理制度的修正案

关于《_XXX_公司管理制度》的修正案

____年__月__日，为加强新冠肺炎的疫情防控，____公司召开全体员工线上会议，讨论并表决通过了“健康情况上报制度”，现对公司管理制度作出如下修订：

一、增加《健康情况上报制度》

在“《_____制度》”章节中增加“健康情况上报制度”，具体内容如下：

疫情防控期间，全体人员于每日____时前通过“钉钉”软件中的“每日健康打卡”功能进行上报，报送内容包括：（1）目前健康状况；（2）目前所在城市；（3）自2020年1月1日起，是否在湖北停留或路过或接触来自湖北的人员；（4）是否接触过疑似或确诊的新型肺炎患者。

二、增加“未如期申报的对应奖惩措施”

在“《_____制度》”章节中增加“未如期申报的对应奖惩措施”，具体内容如下：

（1）如未按时上报健康情况一次，员工将受到口头警告；（2）如在疫情防控期间累计达到三次，员工将受到书面警告；（3）如在疫情防控期间累计达到五次或瞒报一次的，视为严重违反律所规章制度，公司有权立即解除劳动合同。

_____公司

年 月 日



附：会议纪要

会议纪要

会议时间：

会议地点：“钉钉”软件_____公司工作群

主持人：

应到人员：_____公司全体员工

实到人员：_____共计_____人

会议议题：

1. 讨论将疫情防控期间的员工健康情况申报制度纳入公司管理制度；
2. 讨论未如期进行申报的对应奖惩措施；
3. 对____月____日至____月____日期间未及时申报人员进行奖惩。

会议议程及发言纪要：

一、介绍_____公司健康情况申报制度

要求全体人员通过“钉钉”软件中的“每日健康打卡”功能进行上报，报送内容包括：1. 目前健康状况；2. 目前所在城市；3. 自2020年1月1日起是否在湖北停留或路过或接触来自湖北的人员；4. 是否接触过疑似或确诊的新型肺炎患者。将每日上报健康情况纳入《_____公司管理制度》之中，自即日起施行。

二、说明未如期申报的对应奖惩措施



如未按时上报健康情况一次，员工将受到口头警告；如在疫情防控期间累计达到三次，员工将受到书面警告；如在疫情防控期间累计达到五次或瞒报一次的，视为严重违反律所规章制度，员工将被立即解除劳动合同。

三、对未及时申报人员进行奖惩

根据统计，_____未按时上报，根据前述奖惩措施，提议对_____未及时上报健康情况进行口头警告。

四、参会人员讨论上述议题

经主持人释明，有意见或异议请直接提出，如果没有意见可回复没有意见。

五、参会人员就上述议题进行表决

经主持人释明，参加会议的全员需作出表决，以“同意”或“不同意”或“弃权”作出表决。上述议题经多数员工表决通过，有关决议立即生效。





模板 04：员工违纪处理单

员工违纪处理单

编号：_____

姓名	部门	身份证号
处理事由	因_____在疫情防控期间，未按时上报健康情况累计达到_____次之行为违反了《_____管理制度》的规定。	
处理结果	<input type="checkbox"/> 1. 口头警告；	
	<input type="checkbox"/> 2. 书面警告；	
	<input type="checkbox"/> 3. 自_____年_____月_____日起解除劳动合同。	
部门负责人	日期	
负责人	日期	
工会	日期	
员工	日期	
备注：如事先知悉管理制度、认同处理事由及结果，请相应人员签字；如有异议，请在处理单中注明。		



模板 05：员工延期到岗申请书

员工延期到岗申请书

_____公司：

受新冠肺炎疫情影响，因出现感染新冠肺炎/近两周有湖北和浙江温州等重点疫区旅居史/近两周内有与湖北和浙江温州等重点疫区人员接触史/所在地政府采取的交通管制措施情况，本人无法在公司规定的复工日（2020年__月__日）按时到岗，特此向公司提出延期到岗申请，待自行隔离/交通管制解除返回公司工作，预计到岗时间为2020年__月__日。

在公司规定的复工日至本人实际到岗日期间，申请按照【医疗期/年假/病假/事假/调休】处理，具体以公司批复为准，并按照法律法规及公司规定享受复工日至本人实际到岗日期间薪酬政策（如有）。

申请人（签字）：

年 月 日



模板 06: 对于员工延期到岗的批复

对于员工延期到岗的批复

_____员工（身份证号码：_____）：

受新冠肺炎疫情的影响，您主动向公司提出，您无法在公司规定的复工时间（2020年__月__日）到岗复工，公司决定按以下第__项进行处理：

（1）您依法享有医疗期_____天，公司同意您于2020年__月__日起至2020年__月__日止享受医疗期政策。

（2）您2020年享有的年休假（包含法定年休假__天及福利年休假__天），现公司同意您于2020年__月__日起至2020年__月__日止休年休假，期满如仍不能到岗的休事假。

（3）公司同意您于2020年__月__日起至2020年__月__日止休事假，事假期间无薪。

（4）公司同意您于2020年__月__日起至2020年__月__日止调休，待您到岗复工后公司有权安排您补班。

前述假期届满后请按时到岗，若届时您仍然无法复工上班的，请至少提前__个工作日向公司人力资源部报备，届时公司将根据实际情况做进一步安排。

特此批复。

公司（盖章）：

年 月 日



模板 07：缺勤通知函

缺勤通知函

_____员工（身份证号码_____）：

鉴于您未在公司规定的复工时间 2020 年___月___日（“复工日”）按时到岗上班，也未向公司告知您的具体情况或履行请假手续，公司很担心您的情况。截至本通知发送之日，您已缺勤_____个工作日。

请您于 2020 年___月___日前主动与公司人力资源部联系，告知缺勤原因，并提供相关证明材料，如公司认为原因真实、合理，可安排您补办相关请假手续。如您未能在前述日期之前告知公司您的缺勤原因，对于您的缺勤期间公司将暂按事假处理。

如您在 2020 年___月___日前未回复也未返岗，自 2020 年___月___日起，您未出勤期间属于“旷工”，公司有权按照劳动合同以及公司规章制度等规定，依法采取纪律处分措施，直至解除劳动合同。

如您在上述期间回复公司，但是提交的请假原因、证明材料存在不真实、不合理，公司亦有权按照劳动合同、内部规章制度等规定，依法采取纪律处分措施，直至解除劳动合同。

特此通知！

公 司（盖章）：

年 月 日



模板 08：关于因疫情影响亟需变更劳动合同的告知函

关于因疫情影响亟需变更劳动合同的告知函

_____员工（身份证号码：_____）：

因公司受新冠肺炎疫情的影响，生产经营极为困难，业务大规模萎缩，入不敷出。在公司和您签订劳动合同时，均无法预见此种情况。

目前公司希望与您协商变更劳动合同，提供如下方案供您选择：

1. 将您的工作岗位调整为_____，工资标准调整为应发工资元/月；

2. 轮岗轮休、缩短工时；

3. 在家待岗，在一个工资支付周期内，按劳动合同约定的标准支付工资；超过一个工资支付周期的，按照本市最低工资标准的 80% 发放生活费。

4. 暂时中止劳动关系，在此期间双方不具有劳动关系上的权利义务关系。

请您于收到本函后_____日内与公司协商变更劳动合同事宜；逾期不回复的视为您不同意与公司协商变更劳动合同，公司将根据公司的生产经营情况，依法作出处理。

特此告知。

公 司（盖章）：

年 月 日



模板 09：变更劳动合同协议书

变更劳动合同协议书

甲方（用人单位）：_____

乙方（员工）：_____

身份证号码：_____

经甲乙双方平等自愿协商，一致同意对双方于_____年__月__日
签订的劳动合同（编号：_____）（以下简称“原劳动合同”）
相关内容作如下变更：

一、双方同意将原劳动合同的以下内容进行变更：

1. 工作岗位、工作内容：

2. 薪酬标准：

3. 其它：

二、除前述第一条变更内容外，原劳动合同内容继续履行。

三、本协议一式三份，甲方执两份，乙方执一份，自双方签字（盖
章）之日起生效。

甲方（盖章）：

乙方（签字）：

签订日期： 年 月 日

签订日期： 年 月 日



模板 10：中止劳动关系协议书

中止劳动关系协议书

甲方：_____

乙方：_____

身份证号：_____

甲乙双方就劳动合同中止事宜，经协商一致达成如下协议：

一、劳动关系中止期间

1. 由于乙方提出申请，甲方同意乙方的劳动关系中止。
2. 中止期间为：____年__月__日至____年__月__日。

二、中止期间双方权利义务

1. 劳动合同

中止期间，劳动合同暂停履行。中止期间不计入乙方在甲方的工作年限。

2. 劳动报酬和福利待遇

中止期间，甲方无需向乙方支付劳动报酬（工资、奖金、津贴、补贴）和其他福利、待遇等。

3. 社会保险（五险），双方选择按以下第____种方式执行：

- (1) 中止期间停止缴纳社保保险费。
- (2) 中止期间继续缴纳社会保险费，社保个人部分由乙方承担，单位部分由乙方承担。基数：按最低缴费基数。

4. 住房公积金，双方选择按以下第____种方式执行：

- (1) 中止期间停止缴纳住房公积金。



(2) 中止期间继续缴纳住房公积金，公积金个人部分由乙方承担，单位部分由乙方承担。基数：按最低缴费基数。

三、劳动关系中止期满的处理

1 劳动关系中止期限届满次日，双方劳动关系自动恢复。乙方应到甲方报到，由甲方安排工作。

2. 工作安排：甲方不承诺能提供与劳动关系中止前相同的岗位，但是应提供与之前岗位相关的工作，且劳动报酬不低于之前岗位的劳动报酬。乙方同意服从甲方的安排。

3. 如乙方未按期报到的，视为旷工；逾期超过三天的，视为严重违反甲方规章制度，甲方有权依法单方解除劳动关系。

4. 如本协议约定的中止期限届满后，乙方申请继续中止劳动关系的，应在中止期限届满前____日向甲方提出书面申请，甲方有权同意或拒绝；如甲方同意的，双方应签订书面补充协议，对延长的中止期限进行确认。

四、特别声明

1. 劳动关系中止期间，乙方无需出勤，不受甲方一般规章制度管理，双方无劳动关系。除本协议约定的以外，双方关系不受劳动法律法规约束。

2. 劳动关系中止期间，如乙方未按约定按月将由其承担的社会保险费或住房公积金支付给甲方的，甲方有权停止缴纳社会保险费或住房公积金，相关损失由乙方自行承担。

五、其它

1. 本协议经甲方盖章且乙方签字后生效，至劳动关系恢复之日终止。

2. 经甲乙双方协商一致，可以提前解除本协议（即提前恢复劳动



关系)。

3. 经甲乙双方协商一致,可以另行签订书面变更或补充协议,对本协议中的部分条款作出变更或补充。

(以下无正文,为双方签字盖章页)

甲方(盖章):

日期:

乙方(签字):

日期:





模板 11：停工停产通知书

停工停产通知书

全体员工：

因受新冠肺炎疫情的影响，公司生产经营面临极大困难。根据公司的实际经营情况并基于公司长久存续和发展考虑，为共克时艰，公司特通知如下：

自 2020 年 ____ 月 ____ 日起，公司停工停产。

公司将依照相关法律法规和公司内部规章制度，于停工停产期间，在第一个工资支付周期内，按劳动合同约定的标准向各位员工支付工资；超过一个工资支付周期的，公司将依法向各位员工发放生活费，直至公司恢复生产。

请各位员工在公司停工停产期间，注意身体健康，有效防控疫情。在修养生息的同时注意加强业务学习，以期在恢复生产之时能够迅速投入战斗，共同恢复公司经营业绩。

具体复工日期及安排，公司将另行通知。

公司（盖章）：

年 月 日



模板 12: 协商解除劳动合同协议书

协商解除劳动合同协议书

甲方（用人单位）：_____

乙方（员工）：_____

身份证号码：_____

甲乙双方经平等自愿协商，就新冠疫情影响下双方劳动合同解除相关事宜达成一致，并签订本协议。

一、解除日期

双方同意于 2020 年___月___日（解除日）解除劳动合同。

二、相关安排

1. 乙方应根据甲方的要求办理工作交接手续。
2. 甲方正常发放乙方工资至解除日。
3. 社会保险、住房公积金正常缴纳至 2020 年___月（含当月）。

三、离职补偿

1. 双方同意，按照以下第___种方式计发离职的经济补偿金：
 - (1) 甲方支付乙方___个月工资的经济补偿，共计___元（大写：_____），于 2020 年___月___日前一次性付清。
 - (2) 甲方无需向乙方支付离职的经济补偿金。
2. 双方确认，上述经济补偿包括双方劳动关系解除相关的全部补偿、代通知金等项目。

四、确认无其它争议



双方在此确认：除本协议前述第三条约定的以外，任何一方都不再因为原劳动合同的履行和解除向对方要求其它报酬、费用、赔偿或补偿等。

五、工作交接特别约定

六、保密义务

1. 乙方对于其甲方工作期间所掌握的甲方的任何商业秘密，在与甲方解除劳动合同后，不得泄露甲方的商业机密及任何有关管理、技术性或商业情报，否则甲方有权要求乙方承担责任。乙方

2. 乙方不得直接或间接地劝诱、帮助他人劝诱甲方内部掌握商业秘密的员工离开甲方单位。

七、其它条款

1. 乙方对此前甲方根据劳动合同已支付的全部劳动报酬予以确认且无异议。

2. 本协议包含了双方就本协议事项达成的全部内容，并取代双方之间所有先前的口头或书面的协议或意见。

八、附则

1. 本协议一式三份，甲方执两份，乙方执一份，具同等法律效力。

2. 本协议经双方签署后生效。

(以下无正文，为双方签字盖章页)

甲方（签章）：

乙方（签字）：

签订日期： 年 月 日

签订日期： 年 月 日



模板 13：因受新冠疫情严重影响解除劳动合同通知书

因受新冠疫情严重影响解除劳动合同通知书

_____员工（身份证号码_____）：

因公司受新冠肺炎疫情的影响，生产经营极度困难，业务大规模萎缩，入不敷出。您和公司在签订劳动合同之初，均无法预见此种情况。

公司于 2020 年__月__日向您发出了《关于因疫情影响亟需变更劳动合同的告知函》，但最终无法和您协商一致变更薪资、岗位等劳动合同内容。故公司经研究决定，根据《劳动合同法》第四十条第三项的规定“劳动合同订立时所依据的客观情况发生重大变化，致使劳动合同无法履行，经用人单位与劳动者协商，未能就变更劳动合同内容达成协议的”，自 2020 年__月__日起解除公司和您的劳动合同，公司将依法向您支付经济补偿。

请您于收到本通知后____日内至公司办理离职手续和工作交接。
特此通知！

公 司（盖章）：

年 月 日



模板 14：解除劳动合同理由告知书

解除劳动合同理由告知书

_____ 工会：

我公司现拟与员工解除劳动关系，现将相关情形提前告知贵会，
请提出意见或建议。

拟解除员工姓名：_____

身份证号码：_____

原入职时间：____年__月__日

愿劳动合同终止期限：____年__月__日

拟解除时间：____年__月__日（实际时间可能有所调整）

解除理由：劳动合同订立时所依据的客观情况发生重大变化（公
司受 2020 年新冠肺炎疫情的影响，导致公司生产经营极度困难），
致使劳动合同无法继续按原约定履行；经公司与员工协商，亦未能就
变更劳动合同内容达成一致协议。

法律依据：《劳动合同法》第四十条第三项。

特此通知。

公司（盖章）：

年 月 日



Part 3 本次疫情相关法律法规

Laws and Regulations Relevant to the Epidemic Situation

1. 《就业促进法》（2015.04.24 施行）

第三十条 用人单位招用人员，不得以是传染病病原携带者为由拒绝录用。但是，经医学鉴定传染病病原携带者在治愈前或者排除传染嫌疑前，不得从事法律、行政法规和国务院卫生行政部门规定禁止从事的易使传染病扩散的工作。

第六十二条 违反本法规定，实施就业歧视的，劳动者可以向人民法院提起诉讼。

2. 《传染病防治法》(2013.06.29 施行)

第十六条 国家和社会应当关心、帮助传染病病人、病原携带者和疑似传染病病人，使其得到及时救治。任何单位和个人不得歧视传染病病人、病原携带者和疑似传染病病人。

第三十一条 任何单位和个人发现传染病病人或者疑似传染病病人时，应当及时向附近的疾病预防控制机构或者医疗机构报告。

第四十一条 在隔离期间，实施隔离措施的人民政府应当对被隔离人员提供生活保障；被隔离人员有工作单位的，所在单位不得停止支付其隔离期间的工作报酬。

第四十二条 传染病暴发、流行时，县级以上地方人民政府应当立即组织力量，按照预防、控制预案进行防治，切断传染病的传播途径，必要时，报经上一级人民政府决定，可以采取下列紧急措施并予以公告：

(一)限制或者停止集市、影剧院演出或者其他人群聚集的活动；



(二) 停工、停业、停课；

.....

(五) 封闭可能造成传染病扩散的场所。

3. 《突发事件应对法》（2007.11.01 施行）

第五十六条 突发事件发生地的其他单位应当服从人民政府发布的决定、命令，配合人民政府采取的应急处置措施，做好本单位的应急救援工作，并积极组织人员参加所在地的应急救援和处置工作。

第六十六条 单位或者个人违反本法规定，不服从所在地人民政府及其有关部门发布的决定、命令或者不配合其依法采取的措施，构成违反治安管理行为的，由公安机关依法给予处罚。

第六十七条 单位或者个人违反本法规定，导致突发事件发生或者危害扩大，给他人人身、财产造成损害的，应当依法承担民事责任。

第六十八条 违反本法规定，构成犯罪的，依法追究刑事责任。

4. 《劳动法》（2018.12.29 施行）

第四十一条 用人单位由于生产经营需要，经与工会和劳动者协商后可以延长工作时间，一般每日不得超过一小时；因特殊原因需要延长工作时间的，在保障劳动者身体健康的条件下延长工作时间每日不得超过三小时，但是每月不得超过三十六小时。

第四十二条 有下列情形之一的，延长工作时间不受本法第四十一条规定的限制：

(一) 发生自然灾害、事故或者因其他原因，威胁劳动者生命健康和财产安全，需要紧急处理的；

(二) 生产设备、交通运输线路、公共设施发生故障，影响生产



和公众利益，必须及时抢修的；

（三）法律、行政法规规定的其他情形。

第四十四条 有下列情形之一的，用人单位应当按照下列标准支付高于劳动者正常工作时间工资的工资报酬：

（一）安排劳动者延长工作时间的，支付不低于工资的百分之一百五十的工资报酬；

（二）休息日安排劳动者工作又不能安排补休的，支付不低于工资的百分之二百的工资报酬；

（三）法定休假日安排劳动者工作的，支付不低于工资的百分之三百的工资报酬。

5. 《劳动合同法》（2013.07.01 施行）

第八条 用人单位招用劳动者时，应当如实告知劳动者工作内容、工作条件、工作地点、职业危害、安全生产状况、劳动报酬，以及劳动者要求了解的其他情况；用人单位有权了解劳动者与劳动合同直接相关的基本情况，劳动者应当如实说明。

第三十八条 用人单位有下列情形之一的，劳动者可以解除劳动合同：

（一）未按照劳动合同约定提供劳动保护或者劳动条件的；

（二）未及时足额支付劳动报酬的；

（三）未依法为劳动者缴纳社会保险费的；

（四）用人单位的规章制度违反法律、法规的规定，损害劳动者权益的；

（五）因本法第二十六条第一款规定的情形致使劳动合同无效的；



(六) 法律、行政法规规定劳动者可以解除劳动合同的其他情形。

用人单位以暴力、威胁或者非法限制人身自由的手段强迫劳动者劳动的，或者用人单位违章指挥、强令冒险作业危及劳动者人身安全的，劳动者可以立即解除劳动合同，不需事先告知用人单位。

第三十九条 劳动者有下列情形之一的，用人单位可以解除劳动合同：

(一) 在试用期间被证明不符合录用条件的；

(二) 严重违反用人单位的规章制度的；

(三) 严重失职，营私舞弊，给用人单位造成重大损害的；

(四) 劳动者同时与其他用人单位建立劳动关系，对完成本单位的工作任务造成严重影响，或者经用人单位提出，拒不改正的；

(五) 因本法第二十六条第一款第一项规定的情形致使劳动合同无效的；

(六) 被依法追究刑事责任的。

第四十一条 有下列情形之一的，需要裁减人员二十人以上或者裁减不足二十人但占企业职工总数百分之十以上的，用人单位提前三十日向工会或者全体职工说明情况，听取工会或者职工的意见后，裁减人员方案经向劳动行政部门报告，可以裁减人员：

(一) 依照企业破产法规定进行重整的；

(二) 生产经营发生严重困难的；

(三) 企业转产、重大技术革新或者经营方式调整，经变更劳动合同后，仍需裁减人员的；

(四) 其他因劳动合同订立时所依据的客观经济情况发生重大变化，致使劳动合同无法履行的。



裁减人员时，应当优先留用下列人员：

- （一）与本单位订立较长期限的固定期限劳动合同的；
- （二）与本单位订立无固定期限劳动合同的；
- （三）家庭无其他就业人员，有需要扶养的老人或者未成年人的。

用人单位依照本条第一款规定裁减人员，在六个月内重新招用人员的，应当通知被裁减的人员，并在同等条件下优先招用被裁减的人员。

第四十五条 劳动合同期满，有本法第四十二条规定情形之一的，劳动合同应当续延至相应的情形消失时终止。但是，本法第四十二条第二项规定丧失或者部分丧失劳动能力劳动者的劳动合同的终止，按照国家有关工伤保险的规定执行。

第八十八条 用人单位有下列情形之一的，依法给予行政处罚；构成犯罪的，依法追究刑事责任；给劳动者造成损害的，应当承担赔偿责任：

- （一）以暴力、威胁或者非法限制人身自由的手段强迫劳动的；
- （二）违章指挥或者强令冒险作业危及劳动者人身安全的；
- （三）侮辱、体罚、殴打、非法搜查或者拘禁劳动者的；
- （四）劳动条件恶劣、环境污染严重，给劳动者身心健康造成严重损害的。

6. 《安全生产法》（2014.12.01 施行）

第四十二条 生产经营单位必须为从业人员提供符合国家标准或者行业标准的劳动防护用品，并监督、教育从业人员按照使用规则佩戴、使用。



7. 《全国年节及纪念日放假办法》（2014.01.01 施行）

第二条 全体公民放假的节日：

- （一）新年，放假1天（1月1日）；
- （二）春节，放假3天（农历正月初一、初二、初三）；
- （三）清明节，放假1天（农历清明当日）；
- （四）劳动节，放假1天（5月1日）；
- （五）端午节，放假1天（农历端午当日）；
- （六）中秋节，放假1天（农历中秋当日）；
- （七）国庆节，放假3天（10月1日、2日、3日）。

8. 《关于延长2020年春节假期的通知》（2020.01.26 施行）

一、延长2020年春节假期至2月2日（农历正月初九，星期日），2月3日（星期一）起正常上班。

9. 国务院《职工带薪年休假条例》（2008.01.01 施行）

第三条 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。

国家法定节假日、休息日不计入年休假的假期。

10. 《企业职工带薪年休假实施办法》（2008.09.18 施行）

第十二条 用人单位与职工解除或者终止劳动合同时，当年度未安排职工休满应休年休假的，应当按照职工当年已工作时间折算应休未休年休假天数并支付未休年休假工资报酬，但折算后不足1整天的部分不支付未休年休假工资报酬。

前款规定的折算方法为：（当年度在本单位已过日历天数÷365



天) × 职工本人全年应当享受的年休假天数 - 当年度已安排年休假天数。

用人单位当年已安排职工年休假的,多于折算应休年休假的天数不再扣回。

11. 《关于贯彻执行<中华人民共和国劳动法>若干问题的意见》 (1995.08.04 施行)

(59) 职工患病或非因工负伤治疗期间,在规定的医疗期内由企业按有关规定支付其病假工资或疾病救济费,病假工资或疾病救济费可以低于当地最低工资标准支付,但不能低于最低工资标准的 80%。

12. 《企业职工患病或非因工负伤医疗期规定》 (1995.05.23 施行)

第二条 医疗期是指企业职工因患病或非因工负伤停止工作治病休息不得解除劳动合同的时限。

第三条 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:

(一) 实际工作年限十年以下的,在本单位工作年限五年以下的为三个月;五年以上的为六个月。

(二) 实际工作年限十年以上的,在本单位工作年限五年以下的为六个月;五年以上十年以下的为九个月;十年以上十五年以下的为十二个月;十五年以上二十年以下的为十八个月;二十年以上的为二十四个月。

第五条 企业职工在医疗期内,其病假工资、疾病救济费和医疗待遇按照有关规定执行。



13. 《工资支付暂行规定》（1995.01.01 施行）

第七条 工资必须在用人单位与劳动者约定的日期支付。如遇节假日或休息日，则应提前在最近的工作日支付。工资至少每月支付一次，实行周、日、小时工资制的可按周、日、小时支付工资。

第十二条 非因劳动者原因造成单位停工、停产在一个工资支付周期内的，用人单位应按劳动合同规定的标准支付劳动者工资。超过一个工资支付周期的，若劳动者提供了正常劳动，则支付给劳动者的劳动报酬不得低于当地的最低工资标准；若劳动者没有提供正常劳动，应按国家有关规定办理。

14. 《北京市工资支付规定》（2007.11.23 修改）

第十四条 用人单位依法安排劳动者在标准工作时间以外工作的，应当按照下列标准支付劳动者加班工资：

（一）在日标准工作时间以外延长工作时间的，按照不低于小时工资基数的 150% 支付加班工资；

（二）在休息日工作的，应当安排其同等时间的补休，不能安排补休的，按照不低于日或者小时工资基数的 200% 支付加班工资；

（三）在法定休假日工作的，应当按照不低于日或者小时工资基数的 300% 支付加班工资。

第十四条 用人单位依法安排劳动者在标准工作时间以外工作的，应当按照下列标准支付劳动者加班工资：

（一）在日标准工作时间以外延长工作时间的，按照不低于小时工资基数的 150% 支付加班工资；

（二）在休息日工作的，应当安排其同等时间的补休，不能安排



补休的，按照不低于日或者小时工资基数的 200% 支付加班工资；

（三）在法定节假日工作的，应当按照不低于日或者小时工资基数的 300% 支付加班工资。

第二十一条 劳动者患病或者非因工负伤的，在病休期间，用人单位应当根据劳动合同或集体合同的约定支付病假工资。用人单位支付病假工资不得低于本市最低工资标准的 80%。

第二十二条 劳动者在事假期间，用人单位可以不支付其工资。

第二十七条 非因劳动者本人原因造成用人单位停工、停业的，在一个工资支付周期内，用人单位应当按照提供正常劳动支付劳动者工资；超过一个工资支付周期的，可以根据劳动者提供的劳动，按照双方新约定的标准支付工资，但不得低于本市最低工资标准；用人单位没有安排劳动者工作的，应当按照不低于本市最低工资标准的 70% 支付劳动者基本生活费。国家或者本市另有规定的从其规定。

15. 《工伤保险条例》（2011.01.01 施行）

第十四条 职工有下列情形之一的，应当认定为工伤：

- （一）在工作时间和工作场所内，因工作原因受到事故伤害的；
- （二）工作时间前后在工作场所内，从事与工作有关的预备性或者收尾性工作受到事故伤害的；
- （三）在工作时间和工作场所内，因履行工作职责受到暴力等意外伤害的；
- （四）患职业病的；
- （五）因工外出期间，由于工作原因受到伤害或者发生事故下落不明的；
- （六）在上下班途中，受到非本人主要责任的交通事故或者城市



轨道交通、客运轮渡、火车事故伤害的；

(七) 法律、行政法规规定应当认定为工伤的其他情形。

第十五条 职工有下列情形之一的，视同工伤：

(一) 在工作时间和工作岗位，突发疾病死亡或者在 48 小时之内经抢救无效死亡的；

(二) 在抢险救灾等维护国家利益、公共利益活动中受到伤害的；

(三) 职工原在军队服役，因战、因公负伤致残，已取得革命伤残军人证，到用人单位后旧伤复发的。

职工有前款第(一)项、第(二)项情形的，按照本条例的有关规定享受工伤保险待遇；职工有前款第(三)项情形的，按照本条例的有关规定享受除一次性伤残补助金以外的工伤保险待遇。

16. 《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》（2020.01.24 施行）

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。

17.《关于因履行工作职责感染新型冠状病毒肺炎的医护及相关工作人员有关保障问题的通知》（2020.01.23 施行）

（一）在新型冠状病毒肺炎预防和救治工作中，医护及相关工作人员因履行工作职责，感染新型冠状病毒肺炎或因感染新型冠状病毒肺炎死亡的，应认定为工伤，依法享受工伤保险待遇。

（二）已参加工伤保险的上述工作人员发生的相关费用，由工伤保险基金和单位按工伤保险有关规定支付；未参加工伤保险的，由用人单位按照法定标准支付，财政补助单位因此发生的费用，由同级财政予以补助。

18.最高人民法院、最高人民检察院《关于办理妨害预防、控制突发传染病疫情等灾害的刑事案件具体应用法律若干问题的解释》（2003.05.15 施行）

第一条 故意传播突发传染病病原体，危害公共安全的，依照刑法第一百一十四条、第一百一十五条第一款的规定，按照以危险方法危害公共安全罪定罪处罚。

患有突发传染病或者疑似突发传染病而拒绝接受检疫、强制隔离



或者治疗，过失造成传染病传播，情节严重，危害公共安全的，依照刑法第一百一十五条第二款的规定，按照过失以危险方法危害公共安全罪定罪处罚。

19. 财政部、国家医保局《关于做好新型冠状病毒感染的肺炎疫情医疗保障的通知》（2020.01.22 施行）

二、确保患者不因费用问题影响就医。一是对于确诊新型冠状病毒感染的肺炎患者发生的医疗费用，在基本医保、大病保险、医疗救助等按规定支付后，个人负担部分由财政给予补助，实施综合保障。二是对于确诊新型冠状病毒感染的肺炎的异地就医患者，先救治后结算，报销不执行异地转外就医支付比例调减规定。三是确诊新型冠状病毒感染的肺炎患者使用的药品和医疗服务项目，符合卫生健康部门制定的新型冠状病毒感染的肺炎诊疗方案的，可临时性纳入医保基金支付范围。

20. 《民事诉讼法》（2017.07.01 施行）

第八十二条 期间包括法定期间和人民法院指定的期间。

期间以时、日、月、年计算。期间开始的时和日，不计算在期间内。

期间届满的最后一日是节假日的，以节假日后的第一日为期间届满的日期。

期间不包括在途时间，诉讼文书在期满前交邮的，不算过期。

21. 《治安管理处罚法》（2013.01.01 施行）

第五十条 有下列行为之一的，处警告或者二百元以下罚款；情节严重的，处五日以上十日以下拘留，可以并处五百元以下罚款：



(一) 拒不执行人民政府在紧急状态情况下依法发布的决定、命令的；

(二) 阻碍国家机关工作人员依法执行职务的；

(三) 阻碍执行紧急任务的消防车、救护车、工程抢险车、警车等车辆通行的；

(四) 强行冲闯公安机关设置的警戒带、警戒区的。

阻碍人民警察依法执行职务的，从重处罚。

22. 国务院《突发公共卫生事件应急条例》（2011.01.08 施行）

第二十一条 任何单位和个人对突发事件，不得隐瞒、缓报、谎报或者授意他人隐瞒、缓报、谎报。

第五十一条 在突发事件应急处理工作中，有关单位和个人未依照本条例的规定履行报告职责，隐瞒、缓报或者谎报，阻碍突发事件应急处理工作人员执行职务，拒绝国务院卫生行政主管部门或者其他有关部门指定的专业技术机构进入突发事件现场，或者不配合调查、采样、技术分析和检验的，对有关责任人员依法给予行政处分或者纪律处分；触犯《中华人民共和国治安管理处罚法》，构成违反治安管理行为的，由公安机关依法予以处罚；构成犯罪的，依法追究刑事责任。

23. 北京市人民代表大会常务委员会《关于依法防控新型冠状病毒感染肺炎疫情坚决打赢疫情防控阻击战的决定》（2020.02.07 施行）

三、本市行政区域内的机关、企业事业单位、社会团体和其他组织应当依法做好本单位的疫情防控工作，建立健全防控工作责任制和



管理制度，配备必要的防护物品、设施，加强对本单位人员的健康监测，督促从疫情严重地区回京人员按照政府有关规定进行医学观察或者居家观察，发现异常情况按照要求及时报告并采取相应的防控措施。按照属地人民政府的要求，积极组织人员参加疫情防控工作。

24.北京市人力资源和社会保障局《关于做好疫情防控期间维护劳动关系稳定有关问题的通知》（2020.01.23 施行）

一、企业应当保障患病职工依法享有医疗期和病假工资

根据国家和本市相关法律法规规定，企业职工因患病停止工作治疗休息的，应当享有医疗期。职工医疗期中，企业应当根据劳动合同或集体合同的约定，支付病假工资，病假工资不得低于北京市最低工资标准的80%。

二、企业要妥善安置因疫情被隔离人员和未及时返京复工人员

对于新型冠状病毒感染肺炎疑似病人及与新型冠状病毒感染肺炎病人、疑似病人密切接触者，经隔离、医学观察排除是病人或者病原携带者后，隔离、医学观察期间的工资待遇由所属企业按正常工作期间工资支付。

对于因疫情未及时返京复工的职工，企业可以优先考虑安排职工年休假。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。职工在年休假期间享受与正常工作期间相同的工资收入。职工未复工时间较长的，企业经与职工协商一致，可以安排职工待岗。待岗期间，企业应当按照不低于本市最低工资标准的70%支付基本生活费。执行工作任务的出差职工，因疫情未能及时返京期间的工资待遇由所属企业按正常工作期间工资支付。



三、企业可以采取集中工作、集中休息方式保持正常生产经营
受疫情影响的企业，可以向人力资源社会保障部门申请执行综合
计算工时制度，按照生产经营需要，实行轮岗调休。

25.北京市人力资源和社会保障局《关于进一步做好疫情防控期间本市人力资源和社会保障相关工作的通知》（2020.01.31 施行）

一、全力维护劳动关系稳定

（一）依法履行劳动合同，保障工资支付

1.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者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其工资，不得解除劳动关系。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。

2.对于企业要求职工通过网络、电话等灵活方式在家上班的，按照正常工作期间的工资收入支付工资。

（二）合理安排职工休息休假

根据《国务院办公厅关于延长2020年春节假期的通知》，2020年1月31日至2月2日期间因疫情防控不能休假和提前结束休假复工的职工，企业应当安排其同等时间的补休，不能安排补休的，按照不低于工资基数的200%支付加班工资。

（三）保障用人单位正常生产经营秩序

用人单位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。符合条件的企业，可按规定给予失业保



险费返还。

二、落实社会保障措施

(一) 根据我市关于本行政区域内企业灵活安排工作的有关规定, 适时调整疫情防控期间我市社会保险费征收期, 并及时向社会通告, 确保各项社会保险待遇享受及权益不受疫情影响。2020年1月、2月应缴社会保险费的征收期延长至3月底。

(二) 医护及相关工作人员因履行工作职责感染新型冠状病毒肺炎的, 按规定认定为工伤。压缩认定时间, 用人单位为上述对象申报工伤认定且事实清楚、材料完整的, 应在受理3日内完成认定工作。

(三) 及时落实工伤保险待遇。将《新型冠状病毒感染的肺炎诊疗方案》覆盖的药品和医疗服务项目, 临时纳入工伤保险基金支付范围。认定工伤人员发生的相关费用, 参加工伤保险的由工伤保险基金和用人单位按工伤保险有关规定支付; 未参保的由用人单位按法定标准支付。各级社保经办机构要开辟工伤待遇支付快捷通道, 按规定支付工伤保险待遇。按照疫情防控部署, 延期开展劳动能力鉴定, 劳动能力鉴定办结时限相应顺延。

26. 北京市人力资源和社会保障局《关于进一步做好疫情防控期间本市人力资源和社会保障相关工作的通知的政策解读》 (2020.02.01 施行)

一、企业应依法履行劳动合同, 保障职工权益

《通知》明确, 疫情防控期间, 企业应依法履行劳动合同, 保障工资支付。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者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



常劳动并支付其工资，不得解除劳动关系。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。另外，对企业要求职工通过网络、电话等灵活方式在家上班的，按照正常工作期间的工资收入支付工资。

在保障工资支付的同时，企业要合理安排职工休息休假。根据《国务院办公厅关于延长2020年春节假期的通知》，2020年1月31日至2月2日期间，因疫情防控不能休假和提前结束休假复工的职工，企业应当安排其同等时间的补休，不能安排补休的，按照不低于工资基数的200%支付加班工资。如果用人单位因受疫情影响导致生产经营困难的，经与职工协商一致，可以采取调整薪酬、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。符合条件的企业，还可按规定给予失业保险费返还。

二、本市将开设工伤待遇支付快捷通道

在社会保障方面，根据本市关于行政区域内企业灵活安排工作的有关规定，市人力资源社会保障局将适时调整疫情防控期间本市社会保险费征收期，并及时向社会通告，确保各项社会保险待遇享受及权益不受疫情影响。2020年1月、2月应缴的社会保险征收期延长至3月底。

27.北京市人力资源和社会保障局《关于因防控疫情推迟开学企业职工看护未成年子女期间工资待遇问题的通知》（2020.01.31施行）

一、每户家庭可有一名职工在家看护未成年子女，视为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情形，期间的工资待遇由职工所属企业按出勤照发。



二、职工看护未成年子女期间，企业不得解除劳动合同；劳动合同到期的，顺延至政府实施隔离措施或采取其他紧急措施结束。

三、鼓励在家看护职工采用电话、网络等灵活办公方式提供劳动；鼓励职工之间调班轮休，发扬互助友爱精神，保证工作和生产正常运转。

28.北京住房公积金管理中心《关于疫情防控期间住房公积金业务办理相关事项的通告》（2020.02.02 施行）

4. 疫情期间，单位缴存住房公积金存在困难的，允许延期缴存，待疫情结束后及时补缴，单位所属职工住房公积金视同连续缴存。

29.北京市人民政府办公厅《关于落实“四方责任”进一步加强重点人群、场所和单位新型冠状病毒感染的肺炎疫情防控工作的通知》（2020.01.27 施行）

一、加强对重点人群的服务管理

（一）对湖北地区相关到京人员的服务管理

本市居民正在湖北地区出差、探亲访友的，应当严格遵守湖北地区当地政府就疫情防控采取的措施，不得违反规定擅自离开湖北地区。

到京前 14 日内，离开湖北地区或者有过湖北地区人员接触史的到京人员，在到京之日应当主动向居住地或者住宿地的社区（村）报告健康状况，于到京之日起接受 14 日的监督性医学观察，每日早晚监测体温，不得外出，负责监督性医学观察的社区（村）应当为其提供基本生活保障；出现发热、乏力、干咳等症状时立即报告，负责监督性医学观察的社区（村）应当协助其到就近的医疗卫生机构发热门



诊就诊。

北京市疾病预防控制中心对全国各地疫情状况开展评估。对来自于经评估确定为重点地区的人员，按照湖北地区相关到京人员提供服务管理。

（二）对国内其他地区到京人员的服务管理

国内其他地区到京人员应当服从航空、铁路、长途客运等运输经营者和道路进京检查站的服务管理，自觉接受并配合体温检测。对体温异常的人员，本市立即安排其到就近的医疗卫生机构发热门诊就诊。体温正常的人员，到京 14 日内，应当每日早晚自行进行体温和健康监测，外出时应当佩戴口罩，加强个人防护；出现发热、乏力、干咳等症状时，应当立即到就近的医疗卫生机构发热门诊就诊。

来自国内其他地区职工的所在单位，应当督促其落实相关防控措施，为其配备必要的防护用品。对处于 14 日医学观察期的职工，执行弹性工作时间；实行错峰上下班；有条件的，应当安排职工居家工作，或者提供尽可能减少人员接触的工作环境。

30、北京市人民政府《关于在新型冠状病毒感染的肺炎疫情防控期间本市企业灵活安排工作的通知》

一、在 2020 年 2 月 9 日 24 时前，本市行政区域内疫情防控必需（药品、防护用品以及医疗器械生产、运输、销售等行业）、保障城市运行必需（供水、供电、油气、通讯、市政、市内公共交通等行业）、群众生活必需（超市卖场、食品生产和供应、物流配送、物业等行业）、重点项目建设施工以及其他涉及重要国计民生的相关企业应当安排职工正常到单位上班。

对确因工作需要于 2020 年 2 月 9 日 24 时前正常到单位上班的职



工，各企业应当对其加强体温检测和健康防护，及时报告相关信息，做到防护工作全员覆盖。各行业主管部门要加强对企业防疫工作的指导和监督，做到守土有责、守土担责、守土尽责。

二、在2020年2月9日24时前，其他企业具备条件的，应当安排职工通过电话、网络等灵活方式在家上班完成相应工作；不具备条件安排职工在家上班的企业，安排职工工作应当采取错时、弹性等灵活计算工作方式的方式，不得造成人员汇聚、集中。

三、本市企业职工因出差、探亲访友、回乡等正在湖北地区的，要严格遵守湖北地区当地政府就疫情防控采取的措施，不得违反规定擅自离开湖北地区。到京前14日内离开湖北地区或者有过湖北地区人员接触史的返京职工，要按照《北京市人民政府办公厅关于落实“四方责任”进一步加强重点人群、场所和单位新型冠状病毒感染的肺炎疫情防控工作的通知》（京政办发〔2020〕4号）的要求，严格落实监督性医学观察等措施。

31.北京市人民政府办公厅《关于进一步支持打好新型冠状病毒感染的肺炎疫情防控阻击战若干措施》（2020.02.03 施行）

三、精心做好企业服务

9. 支持防控疫情所需物资生产企业实施技术改造提质增效增加产能，支持其他企业通过新增防控疫情所需物资生产线快速形成产能，对相关有效释放产能的项目提供投资补贴或者贷款贴息。（责任单位：市经济和信息化局、市发展改革委、市财政局）

10. 帮助各类企业稳定生产经营。协助企业解决防控物资保障、原材料供应、物流运输等问题，加强防控监督指导，确保企业在疫情防控达标前提下正常生产。实施灵活用工政策，允许企业综合调剂使



用年度内的休息日。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。符合条件的企业，可按规定给予失业保险费返还。（责任单位：各行业主管部门、市商务局、市药品监管局、市交通委、北京铁路局、北京海关、市卫生健康委、市人力资源社会保障局、市财政局、各区政府）

11. 妥善解决困难企业融资问题。对因受疫情影响经营暂时出现困难但有发展前景的企业不抽贷、不断贷、不压贷，为相关企业做好续贷服务，努力做到应续尽续、能续快续。启动线上续贷机制。采取适当下调贷款利率、增加信用贷款和中长期贷款等措施，支持相关企业战胜疫情灾害影响。对于因受疫情影响在股票质押、公司债兑付、信息披露等方面遇到困难的企业，指导其用好中国证监会及交易所相关政策，通过适当展期、发新还旧和延期披露等方式，化解流动性危机，渡过难关。（责任单位：人行营业管理部、北京银保监局、北京证监局）

12. 延迟缴纳社会保险费。将1月、2月应缴社会保险费征收期延长至3月底。对于旅游、住宿、餐饮、会展、商贸流通、交通运输、教育培训、文艺演出、影视剧院、冰雪体育等受影响较大的行业企业，经相关行业主管部门确认，可将疫情影响期间应缴社会保险费征收期延长至7月底。延迟缴费期间，不收取滞纳金，不影响正常享受各项社会保险待遇，不影响个人权益记录。（责任单位：市人力资源社会保障局、市教委、市文化和旅游局、市商务局、市交通委、市体育局、市医疗保障局、市财政局）

13. 鼓励大型商务楼宇、商场、市场运营方对中小微租户适度减免疫情期间的租金，各区对采取减免租金措施的租赁企业可给予适度



财政补贴。(责任单位：市商务局、市财政局、市国资委、各区政府)

32.人力资源社会保障部办公厅《关于切实做好新型冠状病毒感染肺炎疫情防控期间社会保险经办工作的通知》（2020.01.30 施行）

五、允许参保企业和个人延期办理业务

因受疫情影响，用人单位逾期办理职工参保登记、缴费等业务，经办机构应及时受理。对灵活就业人员和城乡居民 2020 年一次性补缴或定期缴纳社会保险费放宽时限要求，未能及时办理参保缴费的，允许疫情结束后补办，并在系统内标识。逾期办理缴费不影响参保人员个人权益记录，补办手续应在疫情解除后三个月内完成。

33.北京市社会保险基金管理中心《关于新型冠状病毒疫情防控期间延长我市社会保险缴费工作的通告》（2020.01.31 施行）

我市暂定将 1 月、2 月应缴社会保险费缴费期延长至 3 月底，并根据疫情情况继续放宽时限要求，延长期间各项社会保险待遇正常享受。疫情期间，用人单位未按时办理职工参保登记、缴费等业务，允许疫情结束后补办，补办应在疫情解除后三个月内完成，不收取滞纳金，不影响个人权益记录。

34.北京市人民政府办公厅《关于应对新型冠状病毒感染的肺炎疫情影响促进中小微企业持续健康发展的若干措施》（2020.02.05 施行）

一、减轻中小微企业负担

1. 停征部分行政事业性收费。疫情期间，对受影响较大的中小微企业停征特种设备检验费、污水处理费、占道费。(责任单位：市财



政局、市发展改革委、市市场监管局、市水务局、市交通委、各区政府)

2. 减免中小微企业房租。中小微企业承租京内市及区属国有企业房产从事生产经营活动,按照政府要求坚持营业或依照防疫规定关闭停业且不裁员、少裁员的,免收2月份房租;承租用于办公用房的,给予2月份租金50%的减免。对承租其他经营用房的,鼓励业主(房东)为租户减免租金,具体由双方协商解决。对在疫情期间为承租房屋的中小微企业减免租金的企业,由市区政府给予一定资金补贴。对在疫情期间为承租房屋的中小微企业减免租金的特色园、科技企业孵化器、大学科技园、众创空间、创业基地、文化产业园、视听园区等各类载体,优先予以政策扶持。鼓励在京中央企业参照执行。(责任单位:市国资委、市财政局、市住房城乡建设委、市经济和信息化局、市科委、市委宣传部、市文化和旅游局、市广播电视局、市体育局、中关村管委会、市文资中心、北京经济技术开发区管委会、各区政府)

3. 为经营困难企业办理延期纳税。受疫情影响纳税申报困难的中小微企业,可依法办理延期缴纳税款,最长不超过3个月。对受疫情影响的“定期定额”户,结合实际情况合理调整定额,或简化停业手续。(责任单位:北京市税务局、各区政府)

4. 补贴小微企业研发成本。对中关村国家自主创新示范区内的科技型小微企业,根据研发投入实际情况,给予每家最高不超过20万元的研发费用补助。(责任单位:中关村管委会、市财政局)

5. 缓解疫情造成的突出影响。对符合条件的中小文化企业融资,通过“投贷奖”政策给予贴息、贴租等奖励。对符合条件的小微、初创型文化企业房租,通过“房租通”政策给予房租补贴。对受疫情影响的滑冰滑雪场所给予适当额度用水用电补贴。按照有关规定对经营



规范、信誉良好的旅行社，全额退还旅行社质量保证金，待疫情结束后再适时重新缴纳。对受疫情影响严重或在疫情防控工作中保障市民基本生活的重点连锁餐饮(早餐)、菜店(生鲜超市)、便利店等网点设立项目，对其给予房屋租金等支持，支持比例上限由原 50%提高至 70%。对于因疫情影响暂停举办的展会项目，如年内继续在京举办且参展中小微企业数量超过参展企业总数的 50%，给予一定的场租费用补贴。降低出租车运营成本，鼓励出租车企业对疫情期间继续正常从事运营服务的出租车司机适度减免承包金；市区两级按照管理事权，可对采取减免承包金等措施鼓励运营的出租车企业给予一定运营补贴。(责任单位：市委宣传部、市体育局、市文化和旅游局、市商务局、市交通委、市财政局、各区政府)

二、加大金融支持力度

6. 进一步增加信贷投放。全年普惠型小微企业贷款增速高于各项贷款增速，其中国有大型银行普惠型小微企业贷款增速不低于 20%。对因受疫情影响经营暂时出现困难但有发展前景的企业不抽贷、不断贷、不压贷，对受疫情影响严重的中小微企业到期还款困难的，可予以展期或续贷。(责任单位：人行营业管理部、北京银保监局、市金融监管局)

7. 降低企业融资成本。加快和扩大 LPR 定价基准的运用，推动 2020 年全市普惠型小微企业贷款综合融资成本较 2019 年再下降 0.5 个百分点。对疫情防控重点保障企业给予贷款贴息支持。(责任单位：人行营业管理部、北京银保监局、市金融监管局、市财政局)

8. 拓宽直接融资渠道。中小企业股票质押协议在疫情防控期间到期，企业由于还款困难申请展期的，可与证券公司等金融机构协商，展期 3 至 6 个月。积极推进拟上市公司 IPO、新三板创新层企业申请



精选层辅导验收工作，采取非现场等灵活高效方式进行辅导验收。疫情期间，加快资本市场线上服务平台建设，组织辅导机构加大企业挂牌上市线上培训力度。（责任单位：北京证监局、人行营业管理部、市金融监管局、中关村管委会）

9. 提高融资便捷性。加强金融服务快速响应机制和网络建设，开展“网上畅融工程”快速对接服务，充分发挥银企对接系统作用，提升金融服务可获得性，降低服务成本。完善本市企业续贷服务中心功能，加快建设企业首贷服务中心，持续提高中小微企业“首贷率”、信用贷款占比，小微企业无还本续贷占比提升 20 个百分点以上。建设基于区块链的供应链债权债务平台，为参与政府采购和国企采购的中小微企业提供确权融资服务。（责任单位：人行营业管理部、北京银保监局、市金融监管局、市政务服务局）

10. 优化融资担保服务。疫情期间，本市政府性担保机构对受疫情影响严重的中小微企业降低综合费率 0.5 个百分点；对疫情期间提供生活服务保障的相关企业，担保费率降至 1.5% 以下；对疫情防控相关企业，担保费率降至 1% 以下。（责任单位：市财政局、市金融监管局、市经济和信息化局）

11. 加强创新型中小微企业融资服务。进一步降低十大高精尖产业和中关村国家自主创新示范区等地区资金困难的中小微企业贷款利率。力争 2020 年科创类企业贷款同比增长不低于 15%，有贷款余额的户数同比增长不低于 15%，针对因疫情造成中小微企业信用评级负面影响的，暂不予以信用降级。对符合条件的中关村创新型中小微企业给予贷款贴息以及债券、融资租赁费用补贴。（责任单位：人行营业管理部、市经济和信息化局、中关村管委会、市发展改革委、市科委、市财政局、北京银保监局、市金融监管局）



三、保障企业正常生产运营

12. 实施援企稳岗政策。对受疫情影响较大，面临暂时性生产经营困难且恢复有望、坚持不裁员或少裁员的参保企业，可按6个月的上年度本市月人均失业保险金标准和参保职工人数，返还失业保险费。疫情期间，对符合首都功能定位和产业发展方向的中小微企业，截至4月底企业职工平均人数与上年平均人数相比持平或增长20%(不含)以内的，一次性给予该企业3个月应缴纳社会保险费30%的补贴；截至4月底企业职工平均人数与上年平均人数相比增长20%及以上的，一次性给予该企业3个月应缴纳社会保险费50%的补贴。对于享受上述政策的企业，根据岗位需要组织职工(含待岗人员)参加符合规定的职业技能培训，可按每人1000元的标准享受一次性技能提升培训补贴。符合条件的本市失业人员按照有关规定可享受免费培训。(责任单位：市人力资源社会保障局、市财政局、各区人民政府)

13. 促进就业困难群体就业。用人单位招用本市登记失业人员和城乡就业困难人员，依法签订一年及以上期限劳动合同且按规定缴纳职工社会保险、按月足额发放不低于本市职工最低工资标准1.2倍工资的，可按规定申请享受岗位补贴、社会保险补贴。(责任单位：市人力资源社会保障局、市财政局)

14. 保障企业正常安全生产需求。各生产企业要严格落实本市疫情防控工作要求，保障生产工作人员健康安全。优化疫情防控货物、生活必需品及国家级、市级重大工程建设原材料和涉及保障城市运行必需、重要国计民生的相关项目建设原材料的调配、运输，为企业办理疫情防控应急物资通行证，保障运输通畅。加大企业复产用工保障力度，积极帮助企业协调解决防疫物资需求，加强防控工作技术支持，监督指导企业在疫情防控达标前提下开展生产经营活动。(责任单位：



市住房城乡建设委、市交通委、市商务局、市经济和信息化局、市卫生健康委、各区政府)

15. 加大政府采购和中小微企业购买产品服务支持力度。全市预算单位在满足机构自身运转和提供公共服务基本需求的前提下,要加大对中小微企业的倾斜力度,进一步提高面向中小微企业采购的金额和比例。依托市中小企业公共服务平台发放中小微企业服务券,受疫情影响严重的企业采购远程办公、视频会议、法律咨询、在线检测、网络销售等指定服务产品的,对每家企业给予不超过合同额 50%的补贴,最高额度不超过 20 万元。(责任单位:市财政局、市经济和信息化局、各有关部门)

16. 精心做好企业服务。发挥 12345 企业服务热线功能,及时帮助企业解决困难和问题。开通中小微企业法律咨询热线专席服务,组建律师专家服务团,为中小微企业提供咨询、代理、“法治体检”等多种形式的法律服务。出台涉疫情防控公证事项办事指引,为受疫情影响的中小微企业提供专门公证服务。(责任单位:市发展改革委、市司法局、市经济和信息化局、各有关部门、各区政府)

35.中国疾控中心《口罩选择与使用技术指引》(2020.02.06 施行)

对于通风良好场所的工作者,可不戴口罩。

专业团队

TEAM OF ELITES



贾宝军
合伙人
劳动与雇佣部门
主管

主要执业方向为民商事领域及劳动法律事务。在人力资源管理风险诊断和风险控制、出具劳动争议解决方案、代理劳动仲裁诉讼案件以及劳动法律和实务培训等方面具有丰富的经验。执业十余年来，为百余家企业实施了劳动法律风险控制服务，为客户培训近百余次，服务客户包括大型国有企业、事业单位、上市公司及外资企业等。服务宗旨：认真负责，关心客户利益。服务准则：提供切实可行的解决方案。



丁丽萍
合伙人
劳动与雇佣部门
协管

自 2008 年起从事专职律师执业，为上百家国内外客户提供常年、专项劳动及综合法律顾问服务。成功代理数千起劳动仲裁诉讼案件及民商事诉讼代理服务，协助企业出色完成诸如建章建制、员工劳动关系处理、集体裁员、工伤、薪酬体系设计、高管谈判、劳动法律风险控制、劳动争议案件代理、劳动法律法规及实操培训、劳动经典案例分享等法律事务，获得了客户的一致好评。



张妍
律师

曾在某直辖市司法局及劳动人事争议仲裁委员会工作。执业以来，承办了数百起民商事及仲裁案件，有着多年劳动及人事争议解决、公司合规及法律风险控制、企业大规模经济性裁员、企业改制及员工安置等处理经验。为多家知名上市公司、跨国企业、大型国企事业单位提供法律服务并担任常年法律顾问。



李毅然
律师

2007 年开始从事法律服务工作，2008 年取得律师执业资格，2015 年加入京都律师事务所，拥有多年的法律服务行业工作经验。专业方向偏重涉外业务，承办过涉及外企的劳动法律相关业务，起草、审核、校对翻译英文文件逾千份，出版发表专著和文章数十万字。此外，李毅然律师对刑事訴訟、涉外非诉项目也有涉猎。



王冠楠
律师

2011 年加入京都律师事务所，专业方向偏重诉讼业务，截至 2019 年，承办过劳动争议仲裁、诉讼案件一百五十余件。对劳动法律相关业务进行过深入研究，承办过多个大型国企员工安置项目，另外王冠楠律师对房屋买房，商事仲裁，借贷纠纷，股权争议，交通事故等案件也有涉猎。



杨木青
律师

毕业于四川外国语大学，有深厚的外语背景，2015 年加入京都律师事务所，同时在职攻读中国政法大学法律硕士。主要从事公司业务和劳动法律纠纷，为多家企业提供法律顾问服务，参与办理多起劳动相关的诉讼与非诉业务。擅长专题研究并提出解决方案。



许可
律师

自 2017 年加入京都律师事务所以来，已经为多家企业及上市公司提供日常法律顾问服务工作，涉及互联网、卫生医疗、建设工程等多个领域，获得了客户的广泛好评。协办了大量的诉讼及非诉业务，包括各类劳动争议、商事纠纷、建设工程施工合同纠纷、离婚纠纷等，均取得了良好的效果。



赵毓
律师助理

北京工商大学诉讼法学硕士研究生，已通过法律职业资格证书考试。



Team of Elites
律师团队



陈宇
高级合伙人
京都南京分所主任

深耕民商事、刑事案件十几年。运用金融与资本市场、TMT、知识产权等领域的大量法律服务经验，为企业治理结构设计、规范运营、公共关系管理及危机处置提供综合法律服务，避免企业、股东及高管承担企业经营过程中出现的民商事赔偿、行政处罚、刑事投诉等风险。



任视宇
合伙人

从业开始即将自己定位于诉讼业务与非诉业务均衡发展的综合型律师。承办并参与了大量的民商事诉讼、仲裁及刑事诉讼辩护等案件，同时为多家公司提供日常法律顾问工作，涉及金融、投资、互联网、影视娱乐传媒等行业，具备提供综合法律服务的能力。



蒋伟
合伙人

原系某检察院主诉检察官。专注于刑事辩护以及复杂疑难商事法律问题的处理，擅长综合运用股权设计、公司治理以及刑事辩护的丰富实践经验，为企业提供综合法律服务。



汤新芸
合伙人

具备复合型知识结构和工作经历。执业领域涉及各类刑事辩护、民商事争议解决与诉讼代理。擅长经济犯罪的辩护、建筑工程和房地产纠纷的代理，能为疑难、复杂案件的委托人提供可操作性解决方案。在公司治理、知识产权保护、企业风险防控等非诉方面也颇有研究。



林琳
主办律师

中国人民大学法学硕士。从业以来，承办大量民商事诉讼案件，并为多家企业提供IPO、新三板挂牌、重大资产重组等资本市场法律服务。专注于企业法律顾问、民商事争议解决以及国内资本市场业务，致力于为企业提供多维度的法律服务。



秦凯
主办律师

前资深法官。在长达九年的审判、执行工作中积累了丰富的司法实务经验。能够从法院诉讼的视角去分析应对各类型民事纠纷，更精确地为客户厘清诉讼法律关系，固定证据，实现诉讼利益最大化。擅长为企业提供合法合规、法律风险防范服务。



孙斌
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擅长综合运用合同法、民事诉讼法、公司法、劳动合同法等法律为客户提供民商事诉讼和非诉法律服务。服务对象涉及房地产、金融、酒店等各领域，在争议解决方案、管理制度等方面，积累了丰富的实践经验。致力于勤勉尽责地为客户提供优质高效的法律服务。

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程秋语
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执业领域包括并购重组、企业合规以及争议解决业务，曾协助多个大型企业完成境内投融资项目，指导多家企业完成合规审查程序，并主办了逾百起民事诉讼案件。程秋语律师历来秉持“以诉止诉”服务理念，以实现客户定纷止争的诉求。



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毕业于北京大学法学院。办理大量民商事争议解决及刑事辩护案件，成功处理多起疑难复杂的融资性贸易、股权纠纷、债权债务清理等案件并发表研究文章。在帮助企业法人治理、合规管理、防控法律风险、处理经济纠纷等方面积累了丰富的经验。



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陈思思
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综合运用诉讼和非诉讼业务技能为客户提供全方位、高质量的法律服务。曾担任多家公司的破产管理人，为贝恩资本信贷亚洲1号有限公司、嘉沃环球基金（香港）资产管理投资有限公司等中外客户提供NPL相关投后管理、处置服务。承办多起民商事诉讼、刑事诉讼案件并为客户提供合规培训法律服务。



胡慧敏
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已承办上百件民商事诉讼案件，为数家企业提供法律服务。代理数件建设工程纠纷、金融借款纠纷、婚姻家庭纠纷等类型案件，拥有丰富的诉讼实践经验。擅长处理企业劳资纠纷，帮助企业建立适合的人事管理制度，有效预防用工风险。



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