

New Family Planning Law Changes Employees' Benefits

On December 27, 2015 the Standing Committee of the National People's Congress adopted *The Amendment to the Law on Population and Family Planning* (hereinafter as the "**Amendment**"). The Amendment will become effective on January 1, 2016. It came after Chinese government decided in this October on the universal two-child proposal to replace the decades-long "one couple, one child" policy.

The Amendment encourages families to have two children but not more and removed the right to extended leaves for those who get married or have children late. The details are as follows:

Benefits	Employees	Current Policy	Amendment
Late Marriage Leave	Female and male employees	seven (7) to twenty-seven (27) days of late marriage leave in addition to statutory national marriage leave (subject to local regulations).	Removed
Late Maternity Leave	Female employees only except in Beijing where such benefit can be chosen to enjoy	seven (7) days to three (3) months of late maternity leave in addition to the statutory	Removed

新《计生法》调整员工 婚姻生育福利

2015年12月27日,《人口与计划生育法修正案》(以下简称“《**修正案**》”)获全国人大常委会表决通过并将自2016年1月1日起施行。《修正案》源于中国政府在今年10月的决定,即全面放开“二胎”政策,以取代已实行几十年之久的计划生育“一孩”政策。

《修正案》鼓励一对夫妻生育两个孩子,并取消了晚婚晚育假期。具体如下:

奖励措施	享受对象	现行政策	《修正案》
晚婚假	夫妻双方	除享受国家规定的婚假外,额外享受七(7)至二十七(27)天不等的晚婚假(以各地实际规定为准)。	取消
晚育假	除北京可选择由男方或	除享受国家规定的产假外,额外享	取消

	either by husband or wife)	national maternity leave (subject to local regulations).					女方享受外，其余地区均仅能由女方享受	受七（7）天至三（3）个月不等的晚育假（以各地实际规定为准）。	
Care Leave of Late Maternity	Male employees	Three (3) days to one (1) months (subject to local regulations)	Removed			晚育护理假/看护假	男方	3天至一个月不等（以各地实际规定为准）。	取消
<p>However, though the Amendment removed the benefits relating to late marriage and late maternity, it provides that those couples to give birth to baby (or babies) in line with laws are entitled to the longer maternity leave and other benefits which will be detailed by local regulations. Therefore, the existing marriage and maternity benefits will continue to apply until local regulations adjust them in accordance with the Amendment to the family planning law. Constant attention to the follow up local legislations is recommended.</p>				<p>尽管《修正案》取消了与晚婚晚育相关的奖励措施，但其明确，凡符合法律规定生育子女的夫妻，将可获得延长生育假的奖励或其它福利待遇，具体的奖励措施应由省级和较大市的人大及其常委会依据《计生法》及相关法律法规，并结合当地实际情况予以制订。因此，在各地依据修改后的《计生法》对奖励措施进行相应调整之前，各地仍应执行现行的奖励措施。后续的地方立法值得大家关注。</p>					