

# China to impose criminal liability on employers refusing to pay salaries and drunken drivers

## Description

China parliament, the Standing Committee of the National People's Congress, has in February of 2011 enacted a very important amendment to the current China Criminal Law, the eighth Amendment.

The Eighth Amendment included fifty articles, a substantial revamp of the Law. Among those revisions, two have caught a lot of attention and sparked waves in the public.

1. To tackle the long-haunted problem of migrant workers being denied wages/salaries, China now resorts to criminal weapon. The newly added clause provides that: employers upon satisfaction of the following conditions shall be subject to detention or imprisonment up to three years, and/or a fine:

- (1) he or she transfers assets, or goes into hiding and otherwise in order to evade paying wages or salaries to employees, or he or she is capable of but refuse paying such wages or salaries;
- (2) the amount of wages or salaries is relative large;
- (3) he or she still refuses to pay such wages or salaries upon being ordered to do so by relevant governmental department.

In the event that the outcome or consequence caused thereby is severe, he or she shall be subject to imprisonment of 3-7 years together with a fine.

Where the employer is an enterprise, the enterprise shall be subject to a fine, and the person in direct charge and other directly responsible persons shall be punished in accordance with the preceding paragraphs.

Companies including foreign-invested ones shall heed such rules when handling labor issues relating to employee's remuneration. Yet, it remains to be seen what kind of threshold amount will be set therefor in order to trigger such a crime.

2. As China becomes the world No. 1 auto market superseding USA, China has also seen a great surge of car accidents which often claim human lives. Among those accidents, a number of nasty accidents involving reckless driving on road and drunken drivers have spurred a public outcry to strengthen punishment of these conducts. It is against that background that China now makes those conducts a crime.

It is now provided that people who chase each other by driving and/or race vehicles on roads in very bad manner, or who drive vehicles when drunken, shall be subject to detention together with a fine.

So far as I know, many foreigners now hold chinese driving licenses and do drive cars in China.

When you go for banquet or celebration or business events where alcoholic drinks are offered, you should further restrain from drinking, or simply do not touch any bit at all.

Meanwhile, China has also revised its Road Traffic Safety Law by upgrading punishment in the case of driving vehicles after drinking wine.

Though this new crime is created largely with a bid to regulating domestic driving, it is worth a note by foreigners who drive car in China.

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