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## **Regulations on Placement of Discharged Soldiers**

(Promulgated by Decree No. 608 of the State Council of the People's Republic of China and the Central Military Commission of the People's Republic of China on October 29, 2011, and effective as of November 1, 2011)

### **Chapter I General Provisions**

**Article 1** These Regulations are formulated in accordance with the Military Service Law of the People's Republic of China for the purpose of standardizing the placement of discharged soldiers and safeguarding their lawful rights and interests.

**Article 2** The term "discharged soldiers" in these Regulations means the conscripts and non-commissioned officers who are discharged from active service in accordance with the provisions of the Regulations on the Military Service of Active Duty Enlisted Members of the Chinese People's Liberation Army.

**Article 3** The State establishes a placement system for discharged soldiers, which centers on employment assistance in combination with a variety of ways, such as finding jobs on one's own, getting employment through arrangement, retiring, and enjoying government support and care, in order to make proper placement for discharged soldiers.

The funds needed for the placement of discharged soldiers shall be jointly borne by the Central People's Government and local people's governments at various levels.

**Article 4** The whole society shall respect and give preferential treatment to discharged soldiers and support their placement.

State organs, associations, enterprises and institutions shall have the obligation to accept discharged soldiers and provide them with jobs, and when recruiting or employing workers, they shall give priority to the

discharged soldiers who are equal to the other applicants in terms of qualifications. Where a discharged soldier applies for a civil servant post or an institution post, his active service in the armed forces shall be regarded as his work experience at the grass-roots unit. Units that accept discharged soldiers and provide them with jobs shall enjoy preferential policies in accordance with the provisions of the State.

**Article 5** The competent department of the State Council for placement of discharged soldiers shall be responsible for such placement nationwide.

The competent departments of local people's governments at or above the county level for placement of discharged soldiers shall be responsible for such placement within their respective administrative areas.

The relevant departments of both the people's governments and the armed forces shall, within the scope of their respective functions and duties, fulfill the task of placement of discharged soldiers.

**Article 6** Discharged soldiers shall obey the laws and regulations on placement of discharged soldiers and abide by the decisions made by people's governments on their placement.

**Article 7** Units or individuals that have made remarkable contributions to the placement of discharged soldiers shall be commended or rewarded in accordance with the relevant provisions of the State.

## **Chapter II Transfer and Acceptance**

**Article 8** The competent department of the State Council for placement of discharged soldiers and the General Staff Headquarters of the Chinese People's Liberation Army shall make annual plans for the transfer and acceptance of discharged soldiers throughout the country.

**Article 9** The original military unit of a discharged soldier shall, in accordance with the provisions of these Regulations, transfer the

discharged soldier to the competent department of the people's government at or above the county level for placement of discharged soldiers in the place where he is to be placed. The said department shall be responsible for accepting the discharged soldier.

**Article 10** The place where a discharged soldier is placed shall be where his residence is registered at the time when he is enlisted in the armed forces. However, where the discharged soldier is a student of a regular institution of higher education when he is enlisted in the armed forces, the place of his placement shall be where his residence is registered before he enters the institution, unless he intends to resume his studies in the institution after he is discharged from active service.

**Article 11** A discharged soldier may be placed in a different place under one of the following circumstances:

(1) where the registered residence of his parents is changed when he is on active service, the place of his placement may be where the present residence of his parents is registered;

(2) where he got married in accordance with the provisions of the armed forces on marriage of active servicemen and has been married for two years, the place of his placement may be where the residence of his spouse or his spouse's parents is registered; or

(3) in other special circumstances, he may be placed in a different place on the basis of the certificate issued by the military unit at the division (or brigade) level and with the approval of the competent department of the people's government at or above the provincial level for placement of discharged soldiers.

A discharged soldier who is placed in a different place shall enjoy the same treatment as the ones in the places of their registered residence.

**Article 12** Under one of the following circumstances, the competent department of the people's government at or above the provincial level for placement of discharged soldiers may decide on where to place a discharged soldier on the basis of his application and on

the principle of making things conducive to his daily life:

(1) where he is disabled in battle;

(2) where during his active service, he is awarded a second-class or higher merit in peacetime, or a third-class or higher merit in wartime;

(3) where he is the child of a martyr; or

(4) where both of his parents are dead.

**Article 13** A discharged soldier who chooses to find a job on his own shall, within 30 days from the date when his discharge from active service is approved, report to the competent department of the people's government at the county level for placement of discharged soldiers in the place where he is to be placed, with the document certifying his discharge from active service and the letter of introduction.

A discharged soldier who gets employment through arrangement shall, within the prescribed period of time, report to the designated competent department of the people's government for placement of discharged soldiers in the place where he is to be placed, with the notification of acceptance, the document certifying his discharge from active service, and the letter of introduction.

A discharged soldier who retires or is provided with support and care by the government shall report to the designated competent department of the people's government for placement of discharged soldiers in the place where he is to be placed.

**Article 14** When a soldier is discharged, his original military unit shall, in accordance with the relevant provisions of the State on archives management and in a timely manner, hand over his records to the competent department of the people's government at or above the county level for placement of discharged soldiers in the place where he is to be placed.

The competent department for placement of discharged soldiers shall issue to a discharged soldier a letter of introduction for residence registration when the discharged soldier reports to the said department.

The public security organ shall register the discharged soldier's residence on the basis of the said letter.

**Article 15** The records of a discharged soldier who finds a job on his own or gets employment through arrangement shall, in accordance with the relevant provisions of the State on archives management, be handled by the competent department for placement of discharged soldiers in the place where he is to be placed.

The records of a discharged soldier who retires or is provided with support and care by the government shall be handed over to the service management unit by the competent department for placement of discharged soldiers in the place where he is to be placed.

**Article 16** Where a discharged soldier has a problem relating to his active service, the original military unit shall be responsible for resolving it; if the problem relates to his placement, the people's government in the place where he is to be placed shall be responsible for resolving it.

**Article 17** Where a discharged soldier fails to report within the prescribed period of time for over 30 days without justifiable reasons, he shall be deemed to have given up his privilege in terms of placement.

### **Chapter III Placement**

#### **Section 1 Finding a Job on One's Own**

**Article 18** Where a conscript, or a non-commissioned officer who has served in the armed forces for less than 12 years, is discharged from active service, the people's government shall help him find a job on his own.

**Article 19** With regard to a discharged soldier who finds a job on his own, the military unit shall provide him with a lump-sum discharge allowance, which shall be appropriated by the Central Government as a special expenditure; the local people's government may grant him

subsidies in light of the actual local conditions, and the rates for subsidies and the measures for granting of the same shall be specified by the people's government of a province, autonomous region, or municipality directly under the Central Government.

The lump-sum discharge allowances and lump-sum subsidies shall be exempted from individual income tax in accordance with the provisions of the State.

People's governments at various levels shall improve their guidance to discharged soldiers and their service in helping them find jobs on their own. Local people's governments at or above the county level shall help discharged soldiers find jobs by means of profession introduction, employment recommendation and special job fairs.

**Article 20** The State determines the rates for discharge allowances in light of the development of the national economy, the average annual salaries of the country's employees, the special professional characteristics of the servicemen and other factors, and shall make timely adjustments. The competent department of the State Council for placement of discharged soldiers and the relevant department of the armed forces shall, jointly with the finance department of the State Council, specifically take charge of determining and adjusting the rates for discharge allowances.

A discharged soldier who finds a job on his own shall draw a lump-sum discharge allowance on the basis of his length of active service. Where the length of active service is less than six months, it shall be counted as six months, and where the length of active service exceeds six months but less than one year, it shall be counted as one year.

Where a discharged soldier has been granted an honorary title or has rendered meritorious service, the military unit shall increase the amount of his lump-sum discharge allowance by the following percentages:

(1) 15% for one who has been granted an honorary title by the Central Military Commission or a military unit at the military area

command level, or has been awarded a first-class merit;

(2) 10% for one who has been awarded a second-class merit; and

(3) 5% for one who has been awarded a third-class merit.

Where a discharged soldier has won honorary titles or has rendered meritorious service for many times, the military unit shall increase the amount of his lump-sum discharge allowance by the percentage for his highest title or merit.

**Article 21** The competent departments of local people's governments at or above the county level for placement of discharged soldiers shall arrange for discharged soldiers who find jobs on their own to receive vocational education and skills training, and shall issue to the ones who pass the examinations certificates of corresponding academic or professional qualifications and recommend them for employment. For a discharged soldier who receives vocational education or skills training within one year after his discharge from active service, the people's government at or above the county level shall bear the costs for such education and training; for a discharged soldier who receives vocational education or skills training one year or more after his discharge from active service, the costs shall be borne in accordance with the relevant policies of the State.

The funds for vocational education and skills training of discharged soldiers who find jobs on their own shall be incorporated into the fiscal budgets of the people's governments at or above the county level.

**Article 22** Public employment and human resources service agencies set up by people's governments at various levels shall provide discharged soldiers with free services in terms of archives management, profession introduction and vocational guidance.

The State encourages other human resources service organizations to provide free services for discharged soldiers who choose to find jobs on their own.

**Article 23** A discharged soldier who engages in self-employed



household business shall, in accordance with the provisions of the State, enjoy preferential tax policies and be supported with small secured loans, or, if he engages in a project that brings in small profits, he shall be given financial interest discount. With the exception of industries the development of which is restricted by the State, he shall be exempted from the administrative charges such as fees for management, registration and certificates for three years, beginning from the date he registers with the administrative department for industry and commerce for the first time.

**Article 24** The State encourages the employing units to recruit or employ the discharged soldiers who choose to find jobs on their own, and the units that have done so and satisfy the prescribed requirements shall enjoy preferential tax and other policies in accordance with law.

**Article 25** Where a discharged soldier who chooses to find a job on his own used to be a staff member or worker of a State organ, association, enterprise or institution before being enlisted in the armed forces, he may choose to return to his original position or post after he is discharged from active service, and his salary, welfare and other benefits shall not be less than the average level of those staff members or workers in the same unit who have the same qualifications.

**Article 26** Where a discharged soldier who chooses to find a job on his own uses contracted rural land under household contract before he is enlisted in the armed forces, the rural land shall not be taken back against law or transferred by compulsory means within the period of the contract; where the rural land is contracted by bidding, auction, public consultation or other non-household contract, his family members may continue the contract within the period of the contract; where the contracted rural land is expropriated, requisitioned or occupied in accordance with law, the discharged soldier shall enjoy the same rights as the other members of the rural collective economic organization do.

A discharged soldier who chooses to find a job on his own and

settles down in the place where his residence is registered when he is enlisted in the armed forces, and who is a member of a rural collective economic organization but has not contracted rural land, may apply for such a contract, and the villagers committee or villagers team shall give priority to such application.

**Article 27** Disabled discharged soldiers who have ability to work shall have priority in enjoying the preferential policies of the State on employment for the disabled.

**Article 28** Where a discharged soldier who chooses to find a job on his own enrolls at a secondary vocational school, or applies for entrance examination to an institution of higher education for adults or to a regular institution of higher education, he shall enjoy preferential treatment in accordance with the relevant provisions of the State.

Where, before he is enlisted in the armed forces, a discharged soldier is enrolled in a regular institution of higher education and his admission qualifications are retained, or he is receiving education in such an institution, he shall be allowed to enter or return to the institution within two years after he is discharged from active service, and shall enjoy the preferential policies such as scholarships, grants-in-aid and reduced or remitted tuition in accordance with the relevant provisions of the State; if his family has financial difficulties, he shall be granted subsidies in accordance with the relevant provisions of the State; after he enters or returns to the institution, he may get credits directly without taking the courses such as public P.E., military skills and military theories; if he is one of the candidates for selection of national defence students, or for selection of staff for a project on grass-roots services in rural areas as arranged by the government, after he enters or returns to the institution, or one of the candidates for selection of military officers after graduation, he shall enjoy priority in enrollment.

## **Section 2 Job Arrangement**

**Article 29** Where a discharged soldier meets one of the following requirements, his job shall be arranged by the people's government:

- (1) being a non-commissioned officer on active service for 12 years;
- (2) during the period of active service, being awarded a second-class or higher merit in peacetime, or a third-class or higher merit in wartime;
- (3) being disabled in battle and his disability is graded between levels 5 and 8; or
- (4) being the child of a martyr.

Where a discharged soldier who meets one of the requirements specified in the preceding paragraph has served in the armed forces in a hardship area or at a special post, he shall enjoy priority in job arrangement; if he is mentally handicapped and thus loses his basic ability to work, he shall be provided with appropriate arrangement.

Where a discharged soldier who meets the requirements for job arrangement chooses to find a job on his own, the case shall be dealt with in accordance with the provisions of Section 1, Chapter III of these Regulations.

**Article 30** The competent department of the State Council for placement of discharged soldiers and the General Staff Headquarters of the Chinese People's Liberation Army shall make and issue annual placement plans for discharged soldiers throughout the country who need help of the people's governments to arrange for them to get employed.

**Article 31** The quotas of the discharged soldiers who are to be employed through arrangement by the Central Government departments or by the enterprises and institutions in Beijing which are under the administration of the said departments shall be assigned by the competent department of the State Council for placement of discharged soldiers. The quotas of the discharged soldiers who are to be employed through arrangement by the agencies outside Beijing which are directly subordinate to the Central Government departments or by the enterprises

and institutions outside Beijing which are under the administration of the said departments shall be assigned by the local people's governments at or above the county level, in accordance with the principle of territorial jurisdiction.

**Article 32** Based on the number of the discharged soldiers who meet the requirements for job arrangement and the actual conditions of the employing units, local people's governments at or above the county level shall assign quotas of the discharged soldiers employed through arrangement and make the same known to the public in accordance with law.

Where the quota of discharged soldiers to be employed by a county or city through arrangement is beyond its capability, the people's government at the next higher level may make an overall arrangement within its administrative area.

**Article 33** Local people's governments at or above the county level in the places where discharged soldiers are to be placed shall, in accordance with the principle of territorial jurisdiction, make arrangement for the discharged soldiers who meet the requirements for job arrangement and see to it that they get employed through the first arrangement.

**Article 34** Where State organs, institutions, State-owned enterprises, State-holding enterprises and enterprises in which State-owned capital holds a leading position recruit or employ staff, they shall give priority to the discharged soldiers who have the same qualifications as the other applicants.

**Article 35** People's governments in the places where discharged soldiers are to be placed shall, within six months after they accept the discharged soldiers, fulfill their annual quotas for arranging for the discharged soldiers to get employed.

During the period when a discharged soldier is waiting for employment through arrangement, the people's government in the place

where he is to be placed shall grant him a monthly living allowance, at a rate not lower than the lowest of the local living standards.

**Article 36** A unit assigned the quota for employing discharged soldiers shall, on schedule, fulfill the quota assigned by the local people's government and see to it that the discharged soldiers take up their jobs within one month after the competent department for placement of discharged soldiers issues the letters of introduction, and it shall, in accordance with law, sign labor or employment contracts with the discharged soldiers for a term not less than three years.

Where a unit lawfully closes down, goes bankrupt or is restructured during the validity of the contracts, the relevant provisions of the State shall apply to the discharged soldiers in the same way as the other staff of the unit.

Where a unit that employs discharged soldiers downsizes its staff, it shall first retain the discharged soldiers.

**Article 37** For a discharged soldier who gets employed through arrangement by the people's government, the length of time during which he is on active service, and is waiting for employment through arrangement as prescribed by these Regulations, shall be counted as his working years, and he shall receive the same scale of salary and the same welfare benefits as the other staff of the unit who have the same qualifications.

**Article 38** Where the accepting unit fails to arrange for a discharged soldier to take up a post as prescribed, except due to the discharged soldier's own causes, it shall pay the discharged soldier a monthly living allowance not less than 80% of the average salary of the other staff with the same qualifications in the unit, beginning from the month when the competent department of the local people's government for placement of discharged soldiers issues the letter of introduction to the time when the discharged soldier takes up a post.

**Article 39** With respect to a disabled discharged soldier who has

got employed through arrangement, the employer shall not terminate the labor or personnel relations with him on account of his disability.

Where a discharged soldier who is disabled while in battle or on duty has got employed through arrangement, he shall enjoy the same welfare and medical benefits as the other staff of the unit who are injured at work.

**Article 40** Where a discharged soldier who meets the requirements for job arrangement refuses, without justifiable reasons, to accept the job arranged by the people's government in the place where he is to be placed, he shall be deemed to have given up the privilege of job arrangement; where a discharged soldier is prosecuted for criminal liability in accordance with law while waiting for job arrangement, his privilege of job arrangement shall be revoked.

### **Section 3 Retirement and Government Support and Care**

**Article 41** Where an intermediate or senior non-commissioned officer meets one of the following requirements, arrangement shall be made for his retirement:

- (1) he has reached the age of 55;
- (2) he has been on active service for 30 years;
- (3) he is disabled while in battle or on duty, and his disability is graded between levels 1 and 6; or
- (4) he has lost his basic ability to work due to illness, which is certified by a hospital of the armed forces and verified by the health department of a unit at or above the corps level.

A retired discharged non-commissioned officer's living, housing, medical care, etc. shall be guaranteed in accordance with the relevant provisions of the State.

Where an intermediate or senior non-commissioned officer, who is disabled in battle and whose disability is graded level 5 or 6, gives up the

arrangements for his retirement voluntarily and chooses to accept the job arrangement made by the people's government, the matter may be handled in accordance with the provisions of Section 2, Chapter III of these Regulations.

**Article 42** Where a conscript or a junior non-commissioned officer, whose disability is graded between levels 1 and 4, is discharged from active service, he shall be supported and cared by the government for life.

Where a disabled discharged soldier is supported and cared by the government, his living, housing, medical care, etc. shall be guaranteed in accordance with the relevant provisions of the State.

Support and care by the government shall be provided to the receivers collectively or individually.

The funds for purchasing (building) houses for disabled discharged soldiers who receive government support and care individually shall be determined on the basis of the average price of the local affordable housing of a county (city) with 60 square meters of floor space; where affordable housing is lacking in an area, the funds shall be determined on the basis of the price of ordinary commercial housing. The funds for purchasing (building) houses shall be earmarked by the Central Government under a special item, and the shortage shall be made up by the local government. The property rights of the purchased (built) houses belong to the disabled discharged soldiers who receive government support and care individually. Where a disabled discharged soldier receiving government support and care individually solves the housing problem himself, he shall be reimbursed for the expenses thus incurred, on the basis of the amount specified above.

**Article 43** Where an intermediate or senior non-commissioned officer, who is disabled in battle or on duty and whose disability is graded between levels 1 and 4, gives up the arrangements for his retirement voluntarily, he may choose to be supported and cared by the government.

## Chapter IV Insurance Transfer

**Article 44** The length of active service of a discharged soldier is counted in his working years, and shall be added to the years he is working in the accepting unit, and he shall enjoy the benefits related to working years in accordance with the relevant provisions of the State and the said unit.

**Article 45** The departments of the armed forces in charge of servicemen insurance and local social insurance agencies shall handle the transfer of insurance for discharged soldiers in accordance with the relevant provisions of the State.

Where a discharged soldier finds a job on his own, the social insurance agency shall, on the basis of the letter of introduction issued by the competent department for placement of discharged soldiers, handle the transfer of insurance in accordance with the relevant provisions of the State. Where a discharged soldier is employed through arrangement, the accepting unit shall handle the transfer of insurance in accordance with the relevant provisions of the State.

**Article 46** Where a discharged soldier is employed by an enterprise in a city or town, is engaged in self-employed household business or gets employed by flexible means in a city or town, he shall be covered by the basic old-age insurance scheme for employees in accordance with the relevant provisions of the State, and the length of his active service shall be regarded as years of premium payment for employees' basic old-age insurance and added to the actual years of premium payment. Where a discharged soldier returns to a village, he shall be covered by the new rural old-age social insurance scheme in accordance with the relevant provisions of the State.

The department of the armed forces in charge of servicemen insurance and the local social insurance agency shall, in accordance with the relevant provisions of the State, handle the transfer of the



servicemen's discharge old-age insurance scheme, in which a discharged soldier participates during his active service, to the basic old-age insurance scheme, in which he participates after being discharged.

The methods for calculation and payment of old-age insurance for the length of active service of a discharged soldier, which is regarded the same as the years of premium payment for employees' basic old-age insurance, shall be implemented in accordance with the relevant provisions of the State.

**Article 47** The discharged soldiers who are employed by different units shall be covered by the basic medical insurance scheme along with the other employees; where a discharged soldier gets employed by flexible means or is not yet employed, he may be covered by the basic medical insurance scheme for employees, the basic medical insurance scheme for urban residents, or the new rural cooperative medical care. Where a discharged soldier participates in the basic medical insurance scheme, his servicemen's discharge medical insurance money shall, in accordance with the relevant provisions of the State, be transferred to the social insurance agency in the place where he is placed. In areas where working years are regarded as the years of premium payment for basic medical insurance as prescribed, the length of active service of a discharged soldier shall be regarded as the years of premium payment.

**Article 48** A discharged soldier shall participate in the unemployment insurance scheme in the employing unit, whereby the length of his active service shall be regarded as the years of premium payment for unemployment insurance and added to the actual payment years. Where a discharged soldier who is covered by the unemployment insurance scheme is unemployed and meets the requirements specified in the Regulations on Unemployment Insurance, he shall, in accordance with the provisions, enjoy the unemployment insurance benefits and the relevant services for re-employment.

## Chapter V Legal Liability

**Article 49** Where the competent department for placement of discharged soldiers or any of its staff members, or a unit or any of its staff members that takes part in such placement, commits one of the following acts, the superior authority shall order it or him to make corrections, and a sanction shall be imposed in accordance with law on the relevant person with accountability; if a crime is constituted, the said person shall be investigated for criminal liability in accordance with law:

(1) granting approval for the privilege of placement of discharged soldiers in violation of the provisions;

(2) providing false evaluation documents or certificates in granting approval for placement of discharged soldiers; or

(3) seeking personal gain by taking advantage of its or his power in the work of placement of discharged soldiers.

**Article 50** Where a unit that accepts and employs discharged soldiers violates the provisions of these Regulations under one of the following circumstances, the competent department of the local people's government for placement of discharged soldiers shall order it to make corrections within a time limit; if the unit fails to do so within the time limit, a sanction shall be imposed in accordance with law on the principal leading person and each person with competent accountability in the State organ, association or institution concerned; or in the case of an enterprise, such enterprise shall be fined 10 times the sum of the average salary received in the previous year by the local urban employees, multiplied by the number of discharged soldiers affected; and the accepting unit as well as the principal leading person of the unit shall be criticized in a circular:

(1) rejecting, or postponing without good reason fulfillment of, the quota of discharged soldiers to be employed through arrangement assigned by the people's government;

(2) failing to sign a labor or employment contract with a discharged

soldier in accordance with law; or

(3) terminating the labor or personnel relations with a disabled discharged soldier.

**Article 51** Where a discharged soldier acquires his privilege of placement by fraud, the competent department of the people's government for placement of discharged soldiers in the place where he is to be placed shall revoke the privilege.

## **Chapter VI Supplementary Provisions**

**Article 52** These Regulations apply to the Chinese People's Armed Police Force.

**Article 53** These Regulations shall be effective as of November 1, 2011.

The Regulations on Placement of Discharged Conscripts, promulgated by the State Council on December 12, 1987, and the Interim Measures for Placement of Discharged Non-Commissioned Officers of the Chinese People's Liberation Army, promulgated by the State Council and the Central Military Commission on December 13, 1999, shall be repealed simultaneously.

These Regulations apply to soldiers who are enlisted before the effective date of these Regulations and discharged from active service after that effective date, or they may, of their own free will, choose to be placed in accordance with the provisions of the State on placement of discharged soldiers which are in force when they are enlisted.

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