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China Employment Contract Orientation Checklist (2026)

A bilingual-oriented checklist for foreign employers preparing written employment contracts and onboarding in mainland China. This is orientation only — not a template substitute, and not legal advice. Have PRC employment counsel adapt terms to your city, role, and industry.

1. Before you draft

- ■ Confirm the employing entity (WFOE / local company) has a valid business license and can hire the role under its business scope.
- ■ Classify the worker: full-time employee vs intern vs dispatch vs independent contractor (misclassification risk is real).
- ■ Identify work location city — local rules affect social insurance bases, housing fund, and sometimes overtime practice.
- ■ Decide contract term type: fixed-term, open-ended, or project-based, and probation length within statutory limits.
- ■ For foreign employees: confirm work permit / residence pathway and job title consistency across applications.

2. Core contract clauses (Chinese + English orientation)

- ■ Parties: full Chinese legal names, addresses, and unified social credit code of the employer.
- ■ Position, job description, and work location (and rules for temporary secondment or remote work if any).
- ■ Working hours system (standard / comprehensive / flexible) and overtime compensation approach.
- ■ Compensation: base salary, allowances, bonus discretion language, payment date and currency (usually RMB onshore).
- ■ Social insurance and housing fund: who contributes; note local contribution bases.
- ■ Probation: length, salary during probation, performance criteria, and termination rules during probation.
- ■ Confidentiality and IP assignment for work product — especially for tech, product, and sales roles.
- ■ Non-compete (if eligible role): scope, duration, geography, and mandatory compensation during restriction period.
- ■ Termination and resignation notice; garden leave / handover obligations; return of company property.
- ■ Governing law (PRC), dispute resolution (labor arbitration first in most employment disputes), and language clause (Chinese controlling is common).

3. Handbook & policies to align

- ■ Employee handbook / rules acknowledged in writing (disciplinary rules need proper democratic procedure under PRC practice).
- ■ Leave policy: annual leave, sick leave, maternity/paternity, marriage leave per national + local rules.
- ■ Anti-harassment / anti-discrimination and reporting channels (critical for foreign-invested workplaces).

- ■ IT, data, and device policy consistent with PIPL when processing employee personal information.
- ■ Expense, travel, and gift/anti-bribery rules for roles with third-party contact.

4. Onboarding execution checklist

- ■ Sign written contract within statutory timing; keep signed Chinese version on file.
- ■ Collect onboarding documents: ID, bank account, education certificates, prior employment proof as needed.
- ■ Complete social insurance / housing fund enrollment within local deadlines.
- ■ Issue work tools, accounts, and access with offboarding checklist prepared in advance.
- ■ For foreigners: track work permit and residence permit expiry dates on a shared HR calendar.

5. Engage counsel & next steps

- ■ Have PRC employment counsel review bilingual drafts before first hire or senior hire.
- ■ Localize non-compete and confidentiality for the role — overbroad clauses often fail.
- ■ Shortlist verified employment lawyers for your city via China Legal Portal.
- ■ Request a free initial consultation if you need help selecting counsel or scoping a handbook project.

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