

Bird & Bird

Guide to Wage Payment during the Epidemic Prevention and Control (For Beijing, Shanghai, and Guangdong Province)

March 2022

No.	Circumstance	Beijing	Shanghai	Guangdong Province
1	For the confirmed cases, suspected cases, and close contacts during their isolation treatment, medical observation, or other quarantine measures	<ul style="list-style-type: none">• If the employee works remotely, the employees shall be paid in accordance with his or her normal attendance.• If the employee cannot work remotely, the employer shall pay the employee the fixed components of wage such as the basic wage and post wage in the employee's normal working period, and may not pay the performance-related pay, bonus, commission and other non-fixed components of labour compensation as well as car allowance and meal allowance related to actual attendance. The payment shall not be lower than the city's minimum wage.• If the employee undergoes isolation treatment or medical observation due to his or her violation of the epidemic prevention and control policy, the employee's absence can be viewed as a no pay personal leave.	The employee shall be considered as working normally and receive his or her full normal pay.	<ul style="list-style-type: none">• The employee shall be viewed as working normally and get his or her full normal pay.• If the employee undergoes isolation treatment or medical observation that prevents the employee from work due to his or her violation of the epidemic prevention and control policy, the employee's absence can be viewed as a no pay personal leave.

2	For employees who need to take a break from work and get a medical treatment after medical observation, isolation treatment, or other emergency measures expire	The employee shall get a sick pay (not less than 80% of the minimum wage).	The employee shall get a sick pay (from 40% to 100% of the wage, depending on the employee's working years and length of leave).	The employee shall get a sick pay (not less than 80% of the minimum wage in Guangdong province; and not less than 60% of the employee's full normal pay or 80% of the minimum wage in Shenzhen).
3	For employees subject to 14-day quarantine	<ul style="list-style-type: none"> • If the employee works remotely, he or she shall be paid in accordance with his or her normal attendance. • If the employee cannot work remotely, the employer can <ul style="list-style-type: none"> ➢ arrange for the employee to take leaves such as paid annual leave or welfare leave set up by the employer, and pay the employee accordingly; ➢ arrange with the employee to use the employee's rest days this year and pay the employee the full normal pay; ➢ arrange with the employee to arrange await job assignment and pay the employee no less than 70% of the city's minimum wage. • If the employee leaves Beijing for personal reason resulting in the 14-day quarantine, the employee's absence shall be viewed as a personal leave. 	<ul style="list-style-type: none"> • If the employee works remotely, the employee shall receive his or her full normal pay. • If the employee cannot work remotely, the employer shall arrange with the employee to use the employee's paid leaves such as annual leave and welfare leave set up by the employer, and pay the employee accordingly. 	<ul style="list-style-type: none"> • If the employee works remotely, the employee shall receive his or her full normal pay. • If the employee cannot work remotely, the employer shall arrange for the employee to take leaves such as paid annual leave and welfare leave set up by the employer, and pay the employee accordingly.

4	For employees subject to “2+12 epidemic control measure” (unique to Shanghai)	/	<ul style="list-style-type: none"> • In the first two days of quarantine, the employee shall receive his or her full normal pay. • In the following 12 day of community control: <ul style="list-style-type: none"> ➤ If the employee can work remotely, the employee shall receive his or her full normal pay. ➤ If the employee cannot work remotely, the employee can either work on site with due self-protection or negotiate with the employer to take paid annual leave, welfare leave, or leave in lieu. 	/
5	For business travellers who cannot return to work on time due to the epidemic	<ul style="list-style-type: none"> • The employee shall be considered as working normally and receive his or her full normal pay. • The employee’s travel expenses during the stay shall be borne by the employer. 	The employee shall be viewed as working normally and get his or her full normal pay.	The employee shall be viewed as working normally and get his or her full normal pay.
6	For employees who go to another city for personal reasons and cannot return to work on time due to the epidemic	<ul style="list-style-type: none"> • If the employee works remotely, the employee shall receive his or her full normal pay. • If the employee cannot work remotely, the employee’s absence shall be viewed as a personal leave. 	<ul style="list-style-type: none"> • If the employee works remotely, the employee shall receive his or her full normal pay. • If the employee cannot work remotely, <ul style="list-style-type: none"> ➤ the employer shall negotiate with the employee on arranging for 	<ul style="list-style-type: none"> • If the employee works remotely, the employee shall receive his or her full normal pay. • If the employee cannot work remotely, <ul style="list-style-type: none"> ➤ the employer shall arrange for the employee to take leaves such as

			<p>the employee to take leaves such as paid annual leave and welfare leave set up by the employer and pay the employee accordingly.</p> <ul style="list-style-type: none"> ➤ if the employee cannot return to work after the leaves are used up, the employer shall negotiate with the employee and pay the employee by reference to the payment principle of suspension of business. 	<p>paid annual leave and welfare leave set up by the employer and pay the employee accordingly.</p> <ul style="list-style-type: none"> ➤ if the employee cannot return to work after his or her leaves are used up, the employer shall negotiate with the employee by reference to the payment principle of suspension of business.
7	If the employer suspends business	<ul style="list-style-type: none"> • In the first payment cycle: the employer shall pay the employee his or her full normal pay. • In the second wage payment cycle: the payment shall be determined by negotiation and shall be no less than 70% of the city's minimum wage. 	<ul style="list-style-type: none"> • In the first payment cycle: the employer shall pay the employee his or her full normal pay. • In the second payment cycle: the payment shall be determined by negotiation and shall be no less than the city's minimum wage. 	<ul style="list-style-type: none"> • In the first payment cycle: the employer shall pay the employee his or her full normal pay. • In the second payment cycle, the payment shall be determined by negotiation. If the employee works, the employee shall be paid no less than the city's minimum wage. Otherwise, the employee shall be paid no less than 80% of the city's minimum wage.

*It shall be noted that this guide is based on regulations currently in effect. Epidemic prevention and control measures in different cities are constantly adjusted according to the changes of the epidemic, and the wage payment principles for different circumstances may be updated from time to time. This guide is for reference only and does not constitute legal or professional advice. If you have any specific legal questions or issues, please consult a qualified attorney.

