

Haiwen Labor Law Bi-Monthly Newsletter 2026 March-April

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Summary

本期摘要



新规速递：最高法、最高检出台《关于办理贪污贿赂刑事案件适用法律若干问题的解释（二）》，进一步完善腐败犯罪相关规定

Snapshot of New Regulations: The Supreme People's Court and The Supreme People's Procuratorate Issued the Interpretation (II) on Several Issues Concerning the Application of Law in Handling Criminal Cases of Embezzlement and Bribery, Further Improving the Provisions on Corruption and Bribery Crimes



新规速递：北京出台《北京市实施<中华人民共和国工会法>办法》；北京发布法院系统劳动人事争议法官研讨会（第十一期）疑难问题研究综述

Snapshot of New Regulations: Beijing Issued the Implementation Measures of the Trade Union Law of the People's Republic of China in Beijing; Beijing Released Research Summary on Difficult Issues Discussed at the 11th Judges' Seminar on Labor and Personnel Disputes of Beijing Municipal Court System



新规速递：深圳印发《深圳市住房公积金管理办法》、山西五部门发布《关于全面落实带薪年休假制度鼓励错峰休假的通知》、安徽发布《安徽省劳动人事争议调解仲裁条例》

Snapshot of New Regulations: Shenzhen Issued the Shenzhen Housing Fund Administrative Measures; Five Departments of Shanxi Province Issued the Notice on Fully Implementing the Paid Annual Leave System and Encouraging Staggered Leave; Anhui Issued Anhui Provincial Regulations on Mediation and Arbitration of Labor and Personnel Dispute



典型案例：人民法院案例库新增1件劳动争议案例

Exploration of Typical Cases: One Labor Dispute Case Was Added to the People's Court Case Database



典型案例：最高人民法院发布2025年人民法院知识产权典型案例，其中1件涉及竞业限制

Exploration of Typical Cases: The Supreme People's Court Released Typical Intellectual Property Cases of 2025, One of Which Relates to Non-Competition Obligations



典型案例：全国多地陆续发布劳动人事争议典型案例

Exploration of Typical Cases: Various Regions Successively Released Typical Labor and Personnel Dispute Cases

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2026年4月10日，最高人民法院、最高人民检察院联合发布《关于办理贪污贿赂刑事案件适用法律若干问题的解释（二）》（法释〔2026〕6号，“《解释二》”），自2026年5月1日起正式施行。

On April 10, 2026, the Supreme People's Court and the Supreme People's Procuratorate jointly issued the Interpretation (II) on Several Issues Concerning the Application of Law in Handling Criminal Cases of Embezzlement and Bribery (法释〔2026〕6号, "**Interpretation II**"), which came into force on May 1, 2026.

《解释二》聚焦非国家工作人员腐败犯罪、单位贿赂、对单位行贿、介绍贿赂、巨额财产来源不明、私分国有资产等司法实践中的疑难争议问题，细化完善法律适用标准，主要涉及如下重点内容：

Interpretation II focuses on difficult and controversial issues in judicial practice, such as corruption crimes committed by non-state functionaries, bribe-offering by entities, bribe-offering to entities, intermediary bribery, unexplained sources of huge property, and illegal distribution of state-owned assets. It refines and improves the standards for the application of law, covering the following key contents:

1 .降低非国家工作人员腐败犯罪入罪门槛。《解释二》第八条进一步明确非国家工作人员受贿罪、对非国家工作人员行贿罪、职务侵占罪、挪用资金罪定罪量刑标准分别参照受贿罪、行贿罪（单位行贿罪）、贪污罪、挪用公款罪定罪量刑标准执行，放宽非国家工作人员刑事追责入罪认定尺度，落实对不同所有制企业依法平等保护。

Lowering the threshold for criminalization of corruption offences committed by non-state functionaries. Article 8 of the Interpretation II further clarifies that the conviction and sentencing standards for the offenses of bribe-taking by non-state functionaries, bribe-offering to non-state functionaries, embezzlement of corporate assets, and misappropriation of corporate funds shall respectively refer to the conviction and sentencing standards for the offences of accepting bribes by state functionaries, crime of offering bribes (including bribe-offering by entities), crime of embezzlement of public funds and crime of misappropriating public funds respectively. It broadens the criteria for criminal liability determination against non-state functionaries and ensures equal legal protection for employers under different ownership structures in accordance with the law.

2 .完善退缴与追缴规则。《解释二》进一步加大对违法所得追缴力度，第二十三条规定建立了追缴原物—转化物—涉案份额—等值财产全链条追缴机制，可向行贿人、涉案第三人追缴，加大对违法所得追缴力度。另一方面，第二十二条建立积极退赃认定规则，鼓励犯罪分子积极退赃，避免、减少损害结果的发生等。

Refining rules for disgorgement and recovery of illicit proceeds. The Interpretation II further strengthens the recovery of illegal proceeds. Article 23 establishes a full-chain recovery mechanism covering original assets, converted assets, involved shares and equivalent-value property, permitting recovery from bribe-givers and relevant third parties to intensify the enforcement of illicit proceeds recovery. Meanwhile, Article 22 formulates criteria for determining voluntary surrender of illicit assets, encouraging offenders to proactively return illicit assets so as to prevent and mitigate resultant damages.

3 .明确各罪之间的界限。第十五条、第十六条明确，以“利益最终归属”为标准区分单位和个人贿赂类犯罪：即便以“单位名义”实施，只要利益实际归个人所有，或存在个人财产与单位财产高度混同的情形，仍以受贿罪、行贿罪论处；第十七条首次明确定义了“介绍贿赂”的内涵：在请托人和国家工作人员之间沟通关系、撮合条件，使贿赂行为得以实现的行为。

Clarifying boundaries between different crimes. Articles 15 and 16 stipulate that the ultimate beneficiary shall be the criterion to distinguish between institutional and individual bribery crimes. Even if an act is committed in the name of an entity, it shall still be deemed as the crime of accepting bribes or offering bribes if the benefits are actually possessed by individuals or where personal and institutional properties are highly commingled. Article 17 defines the connotation of intermediary bribery for the first time, referring to acts of mediating connections and facilitating deals between requesters and state functionaries to consummate bribery transactions.

4. 对于新型腐败的数额认定更为细致。 第十一条明确了对于以收受股票、股权的预期收益作为贿赂形式构成犯罪时的数额认定标准。对于“案发时已经获利”的，按照实际获利认定；对于“案发时尚未获利”的，按照案发时涉案资产的市场价格与支付价格的溢价认定。

Refining the valuation criteria for novel forms of corruption. Article 11 specifies the standards for determining the monetary amount of a bribe where anticipated earnings from stocks and equity received are taken as bribes. Where profits have already been realized at the time of case filing, the amount shall be determined based on actual gains realized; where no profits have been realized then, the amount shall be calculated according to the premium between the market price and the purchase price of the involved assets as of the time of case filing.

综上，《解释二》的出台明晰相关司法裁判尺度，旨在推动行业营商环境规范化、法治化发展，助力市场经济秩序稳步向好。也对企业合规经营提出了全新要求与现实挑战，企业应结合新规适当调整内部合规管理体系。

In conclusion, the Interpretation II clarifies relevant judicial adjudication criteria, aims to advance the standardized and law-based development of the business environment, and contributes to the steady improvement of market economic order. It also imposes new requirements and practical challenges on compliant business operations. Employers shall duly adjust their internal compliance management systems in light of the new provisions.



二、新规速递：北京出台《北京市实施<中华人民共和国工会法>办法》；北京发布法院系统劳动人事争议法官研讨会（第十一期）疑难问题研究综述

Snapshot of New Regulations: Beijing Issued the Implementation Measures of the Trade Union Law of the People's Republic of China in Beijing; Beijing Released Research Summary on Difficult Issues Discussed at the 11th Judges' Seminar on Labor and Personnel Disputes of Beijing Municipal Court System

1. 北京出台《北京市实施<中华人民共和国工会法>办法》

Beijing Issued the Implementation Measures of the Trade Union Law of the People's Republic of China in Beijing;

2026年3月27日，北京市第十六届人大常委会第二十三次会议修订通过《北京市实施〈中华人民共和国工会法〉办法》（以下简称“《**实施办法**》”），于2026年5月1日正式施行。

On March 27, 2026, the 23rd Session of the 16th Standing Committee of the Beijing Municipal People's Congress revised and adopted the Measures for the Implementation of the Trade Union Law of the People's Republic of China in Beijing (the "**Implementation Measures**"), which came into force on May 1, 2026.

修订后的《实施办法》共七章五十七条，分为总则、工会组织、工会的权利和义务、基层工会组织、工会的经费和财产、法律责任和附则。本次修订紧扣《工会法》精神与首都用工实际，对北京地区企业合规管理提出系统性新要求。其中，值得关注的核心要点如下：

The revised Implementation Measures consist of seven chapters and fifty-seven articles, covering general provisions, trade union organizations, rights and obligations of trade unions, grassroots trade union organizations, funds and assets of trade unions, legal liabilities, and supplementary provisions. The Implementation Measure closely aligns with the spirit of the Trade Union Law and the actual employment situation in Beijing, setting forth systematic new requirements for compliance management of employers in Beijing. The key highlights worthy of attention are as follows:

- **细化用人单位单方解除时通知工会的程序。** 《实施办法》第二十条对用人单位单方解除劳动合同的工会通知程序作出了细化调整：将旧版规定中“事先将理由通知工会”，明确细化为“提前五个工作日将理由通知本单位工会；尚未建立工会组织的，应当通知上一级工会”。

Refining the procedures for employers to notify trade unions upon unilateral termination. Article 20 of the Implementation Measures made

detailed adjustments to the trade union notification procedure for employers' unilateral termination of labor contracts, revising the old provision of "notifying the trade union of the reasons in advance" into a specific requirement that "the reasons shall be notified to the employer's trade union five working days in advance; where no trade union has been established, the superior trade union shall be notified accordingly."

- **增加应当提交职代会或职工大会审议的事项。**《实施办法》第四十条进一步将企业年金方案、国有控股企业、事业单位产权转让方案纳入职代会或职工大会必须审议通过事项，强化企业内部民主决策流程。

Expanding matters subject to mandatory deliberation by employee representative congresses or staff meeting. Article 40 of the Implementation Measures further incorporates the employer annuity plan, as well as the equity transfer plans of state-controlled employers and public institutions, into the category of matters that must be deliberated and approved by the employee representative congresses or staff meeting, strengthening internal democratic decision-making procedures of employers.

此外，《实施办法》在平台经济合规用工、新就业形态劳动者权益保障、工会经费与组织责任强化等方面均有相关调整。北京地区的用人单位在劳动用工管理的过程中，应密切关注相关重点问题，结合《实施办法》，规范用工管理。

In addition, the Implementation Measures makes adjustments in areas such as compliant employment in the platform economy, protection of rights and interests of employees in new employment forms, and strengthening of trade union funds and organizational responsibilities. Employers in Beijing shall closely focus on relevant key issues in their labor and employment management and standardize employment practices in line with the Implementation Measures.

2. 北京发布法院系统劳动人事争议法官研讨会（第十一期）疑难问题研究综述

Beijing Released Research Summary on Difficult Issues Discussed at the 11th Judges' Seminar on Labor and Personnel Disputes of Beijing Municipal Court System

近期，由北京市高院民一庭主办、一中院民六庭承办、中国社会法学会研究会及北京市劳动和社会保障法学会协办的北京市法院系统劳动人事争议法官研讨会(第十一期)相关研究综述发布，就劳动人事争议案件中亟待解决的典型疑难问题进行了探讨，覆盖主体认定、劳动合同效力、社保与工伤责任、解除终止、竞业限制等七大模块，聚焦 20 项疑难问题，北京法院内部以案例研讨、投票表决、共识归纳的方式汇总了不同的裁判倾向，对企业用工管理具有重要指引意义。

Recently, the research summary of the 11th Seminar for Judges on Labor and Personnel Disputes held by Beijing municipal courts has been released. The seminar was hosted by the First Civil Division of Beijing High People's Court, organized by the Sixth Civil Division of Beijing No.1 Intermediate People's Court, and co-organized by China Society of Social Law and Beijing Labor and Social Security Law Society. The seminar addressed typical and difficult issues to be resolved in labor and personnel dispute cases, covering seven major aspects including subject qualification confirmation, validity of labor contracts, social insurance and work-related injury liabilities, termination and discharge of labor relations, as well as non-compete obligations. Focusing on 20 difficult issues, Beijing courts have consolidated different judicial tendencies through case discussions, voting and consensus summarization, which provides important guidance for employment management of employers.



三、新规速递：深圳印发《深圳市住房公积金管理办法》、山西五部门发布《关于全面落实带薪年休假制度鼓励错峰休假的通知》、安徽发布《安徽省劳动人事争议调解仲裁条例》

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2026年3-4月，深圳、山西和安徽陆续出台劳动用工新规，对企业用工成本、休假管理及争议应对提出明确要求。

From March to April 2026, Shenzhen, Shanxi and Anhui successively issued new labor regulations, providing clear requirements for employers

regarding labor costs, leave management and dispute resolution.

1. 深圳印发《深圳市住房公积金管理办法》

Shenzhen Issued the Shenzhen Housing Fund Administrative Measures

2026年4月1日，深圳正式印发《深圳市住房公积金管理办法》（深府规〔2026〕2号），新增职工个人可自愿提高住房公积金个人缴存比例的相关规定，进一步完善公积金缴存、提取及监管相关规定，拓宽缴存覆盖范围，优化业务办理流程，明确单位缴存主体责任，对企业公积金规范化管理提出更为细致的要求。

On April 1, 2026, Shenzhen officially issued the Shenzhen Housing Fund Administrative Measures (深府规〔2026〕2号). It adds provisions allowing employees to voluntarily increase their personal contribution ratio of housing fund, further improves rules on the contribution, withdrawal and supervision, expands coverage of contributions, optimizes service processing procedures, clarifies employers' primary responsibility for contributions, and puts forward more detailed implementation requirements for standardized the housing fund management by employers.

2. 山西五部门发布《关于全面落实带薪年休假制度鼓励错峰休假的通知》

Five Departments of Shanxi Province Issued the Notice on Fully Implementing the Paid Annual Leave System and Encouraging Staggered Leave

2026年4月17日，山西省人力资源和社会保障厅等五部门联合印发《关于全面落实带薪年休假制度鼓励错峰休假的通知》（晋人社厅发〔2026〕15号），聚焦带薪休假制度落地执行，倡导推行错峰休假模式，督促用人单位切实保障职工休假合法权益。

On April 17, 2026, Department of Human Resources and Social Security of Shanxi Province and other four departments jointly issued the Notice on Fully Implementing the Paid Annual Leave System and Encouraging Staggered Leave (晋人社厅发〔2026〕15号, "Notice"), focusing on the enforcement of the paid leave system, the notice advocates a staggered leave model, and urges employers to effectively protect employees' legal right to leave.

3. 安徽发布《安徽省劳动人事争议调解仲裁条例》

Anhui Issued Anhui Provincial Regulations on Mediation and Arbitration of Labor and Personnel Dispute

2026年5月1日起，《安徽省劳动人事争议调解仲裁条例》正式施行，条例健全劳动人事争议多元化解体系，精简仲裁办理流程，提升纠纷处置效率，重点规范新业态用工纠纷处理，进一步规范区域内劳资双方用工行为。

On May 1, 2026, Anhui Provincial Regulations on Mediation and Arbitration of Labor and Personnel Dispute came into force ("Regulations"). The Regulations improve the diversified resolution system for labor and personnel disputes, streamline arbitration procedures, enhance dispute handling efficiency, focus on standardizing dispute resolution for new employment forms, and further regulate the employment practices of both employers and employees in the region.



四、典型案例：人民法院案例库新增1件劳动争议案例

Exploration of Typical Cases: One Labor Dispute Case Was Added to the People's Court Case Database

2026年3月31日，人民法院案例库收录了1件劳动争议典型案例，明确：劳动者虚构病情或者隐瞒关键信息向用人单位申请病假，严重违反用人单位的规章制度，用人单位据此解除劳动合同，主张无需向劳动者支付经济补偿金的，人民法院依法予以支持。

On March 31, 2026, a typical labor dispute case was added by the People's Court Case Database, which clarifies: where an employee applies for sick leave, by fabricating his/her medical condition or concealing key information, thereby materially breaching the employer's rules and regulations, and

the employer terminates the labor contract on such grounds and claims that it is not required to pay severance to the employee, the People's Court shall uphold the employer in accordance with law.

在该案件中，对于解除劳动合同的合法性，法院认为，员工周某以需要长期卧床休养、无法工作为由向公司申请休病假，其虽提供了医院开具的病休建议，但其在病假期间多次乘坐高铁出行及跨省参加演唱会，足以认定其身体状况未达需长期停工休假的程度。周某在公司询问其出行状况时隐瞒出行事实，有违诚信原则，构成弄虚作假。在公司不予准假并要求其返岗后，周某无正当理由拒绝到岗，构成旷工。故公司在履行通知工会的义务后解除劳动合同，符合法律规定。

In this case, regarding the legality of the termination of the labor contract, the court held that: Zhou Mou applied for sick leave on the ground that he needed prolonged bed rest and was unable to work. Although Zhou provided the hospital's medical leave recommendation, his multiple inter-provincial train travels and concert attendance during the sick leave period were sufficient to establish that his physical condition did not reach a level requiring prolonged leave from work. When the company inquired about his travel situation, Zhou concealed the fact of his travels, which violated the principle of good faith and constituted fraudulence. After the company rejected his leave application and requested him to return to work, Zhou refused to report for duty without justifiable reason, which constituted absenteeism. Accordingly, the company's termination of the labor contract, following the fulfillment of its obligation to notify the trade union, was in compliance with legal requirements.



五、典型案例：最高人民法院发布2025年人民法院知识产权典型案例，其中1件涉及竞业限制

Exploration of Typical Cases: The Supreme People's Court Released Typical Intellectual Property Cases of 2025, One of Which Relates to Non-Competition Obligations

2026年4月20日，最高人民法院发布2025年人民法院知识产权典型案例，其中案例5认定明知对方公司的员工负有竞业限制义务而聘用并帮助逃避竞业限制义务，属于恶意“挖角”行为，构成不正当竞争。

On April 20, 2026, the Supreme People's Court released its typical intellectual property cases of 2025, among which Case 5 held that hiring employees from another company with full knowledge that they are bound by non-competition obligations, and assisting them in circumventing such obligations, constitutes malicious poaching and amounts to unfair competition.

在该案件中，追某公司与科某公司构成同业竞争关系，通过《和解协议》约定互不聘用对方在职、离职后未满半年及负有竞业限制义务的员工。但追某公司仍然持续雇佣科某公司相关离职员工多达二十余人，并采取第三方代签劳动合同、代发工资、代缴社保、承诺高薪待遇和代为违约赔偿等方式帮助这些员工逃避竞业限制义务。法院认为追某公司的行为构成不正当竞争，判令追某公司立即停止不正当竞争行为并赔偿科某公司损失100万元。

In this case, Zhui Mou Co. and Ke Mou Co. were in a competitive relationship. Through a settlement agreement, they agreed not to hire each other's current employees, former employees who had left within six months, or employees subject to non-competition obligations. However, Zhui Mou Co. nonetheless continued to employ more than 20 former employees of Ke Mou Co., and assisted these employees in evading their non-competition obligations by having third parties sign labor contracts, arrange payroll, pay social insurance premiums on their behalf, promising high salaries, and assuming liability for their breach of contract. The court held that the conduct of Zhui Mou Co. constituted unfair competition, thus ordering Zhui Mou Co. to immediately cease its unfair competition acts and pay RMB 1 million in damages to Ke Mou Co.



六、典型案例：全国多地陆续发布劳动人事争议典型案例

Exploration of Typical Cases: Various Regions Successively Released Typical Labor and Personnel Dispute Cases

五一之际，多地裁审机构陆续发布劳动人事争议典型案例，既关注劳动合同订立和解除、休息休假、社保缴纳、竞业限制等经典问题，也突出新业态劳动关系、人工智能、延迟退休和超龄劳动者权益等新热点，录用条件、岗位调整、工龄合并等问题也成为多地提及的共同点：

On the occasion of International Employees' Day, the courts in various regions have successively released typical cases regarding labor and personnel disputes, addressing both classic issues such as labor contract conclusion and termination, rest and leave, social insurance contribution, and non-competition obligations, as well as emerging hot-spots including labor relationships in new work forms, AI, delayed retirement, and the rights and interests of over-age employees. Issues such as recruitment conditions, job adjustments, and the consolidation of length of service have also been common themes in many regions.

1. 北京市：

Beijing:

1) 2026年4月29日，北京市第一中级人民法院发布涉小微企业劳动争议典型案例，涉及劳动合同签订、试用期录用条件告知、包薪制、降薪、调岗、离职证明等问题。其中案例二体现，以试用期不符合录用条件为由解除劳动合同的，需证明已向员工告知具体的录用条件、试用期岗位任职的考核要求及相应绩效考核办法，且考评结果具有客观性。

On April 29, 2026, the Beijing First Intermediate People's Court released typical labor dispute cases involving small and micro employers, covering issues such as labor contract execution, notice of recruitment conditions during probation, all-inclusive pay structure, salary reduction, job adjustment, and separation certificates. Case 2 concerns that where an employer terminates a labor contract on the ground that the employee fails to meet the recruitment conditions during the probation period, the employer must prove that it had notified the employee of the specific recruitment conditions, the assessment requirements for the probationary position, and the corresponding performance appraisal methods, and that the assessment results are objective.

2) 2026年4月29日，北京市第二中级人民法院发布休息休假典型案例，涉及女职工孕期、病假申请和批准、法定年休假资格、公司福利年休假、非工作时间参加公司活动等方面。其中案例四体现，员工对公司福利年休假不享有未休年休假工资，双方另有约定或用人单位有相关规定除外；案例六体现，员工享受带薪年假需连续工作满12个月以上，包括其在不同公司的累计工作时长。

On April 29, 2026, the Beijing Second Intermediate People's Court released typical cases on rest and leave, covering issues such as female employees' pregnancy period, application and approval of sick leave, eligibility for statutory annual leave, employer-provided welfare annual leave, and participation in company activities outside working hours. Case 4 concerns that employees are not entitled to compensation for unused welfare annual leave, unless otherwise agreed upon by the parties or provided in the company's regulations. Case 6 concerns that to enjoy paid annual leave, an employee must have worked continuously for at least 12 months, including the cumulative length of service with different employers.

3) 2026年4月24日，北京市第三中级人民法院发布涉竞业限制劳动争议典型案例，涉及竞业限制补偿金支付、竞争关系认定、竞业限制违约金酌情调减、竞业限制违约证据合法性等方面。其中案例二体现，审查劳动者新入职单位与原单位是否构成竞争关系，不应仅从经营范围是否重合进行认定，还应结合主营业务、核心产品、服务对象、产品受众等因素进行实质判断。

On April 24, 2026, the Beijing Third Intermediate People's Court released typical labor dispute cases on non-competition obligations, covering issues such as payment of non-compete compensation, determination of competitive relationship, discretionary reduction of liquidated damages for breach of non-compete obligations, and admissibility of evidence of non-compete breach. Case 2 concerns that when determining whether the new employer constitutes a competitor of the former, the court should not rely solely on overlap in business scope, but should also make a substantive judgment based on factors such as core business, key products, service targets, and product audience.

4) 2026年4月28日，北京市石景山区人民法院发布劳动争议审判白皮书（2021-2025年），含4个典型案例，涉及新就业形态劳动、超龄劳动者等。其中案例三体现，超龄劳动者在工作中受伤的，公司的赔偿责任适用一般侵权责任。

On April 28, 2026, the Beijing Shijingshan District People's Court released its White Paper on Labor Dispute Trials (2021-2025), containing four typical cases, covering issues such as new work forms and over-age employee. Case 3 concerns that when an over-age employee is injured at work, the

company's liability for compensation shall be governed by general tort liability rules.

2.上海市：2026年4月30日，上海市第二中级人民法院与上海市人力资源和社会保障局发布加强劳动争议纠纷裁审衔接十大典型案例，涉及户口服务期违约赔偿、工龄合并、加班工资、延迟退休、职场性骚扰、社保缴纳、劳动关系认定等问题。其中案例三体现，约定工资结构为底薪+提成的，节假日工作获得提成不影响加班费主张；案例四体现，公司按照延迟退休前的年龄终止劳动关系的，应当支付违法终止赔偿金。

Shanghai: On April 30, 2026, the Shanghai Second Intermediate People's Court and the Shanghai Municipal Human Resources and Social Security Bureau jointly released ten typical cases on strengthening the coordination between arbitration and litigation in labor disputes, covering issues such as compensation for breach of service period relating to hukou, consolidation of length of service, overtime pay, delayed retirement, workplace sexual harassment, social insurance contribution, and determination of labor relationships. Case 3 concerns that where the agreed wage structure consists of base salary plus commission, receiving commission for work performed on holidays does not preclude the employee from claiming overtime pay. Case 4 concerns that if a company terminates the labor relationship based on the retirement age applicable prior to the delayed retirement policy, the company shall pay compensation for unlawful termination.

3.广州市：2026年4月30日，广州市中级人民法院发布2026年劳动争议十大典型案例，涉及新业态劳动关系认定、产业升级调岗、关联企业混同用工、加班合理性、利益冲突申报、陪产假、超龄劳动者工伤保险待遇、竞业限制举证等问题。其中案例二体现，公司因产业升级进行合理调岗，未降低员工待遇，属于用工自主权范畴；案例七体现，公司允许的陪产假少于广东省规定的15天，属于“违反法律、法规的规定，损害劳动者权益”，员工可单方解除劳动合同并要求经济补偿。

Guangzhou: On April 30, 2026, the Guangzhou Intermediate People's Court released ten typical labor dispute cases of 2026, covering issues such as determination of new work form labor relationships, job adjustment due to industrial upgrading, mixed employment by affiliated employers, reasonableness of overtime, declaration of conflicts of interest, paternity leave, work-related injury insurance benefits for over-age employees, and burden of proof in non-competition cases. Case 2 concerns that a reasonable job transfer by a company due to industrial upgrading, without reducing the employee's remuneration, falls within the scope of the employer's right to manage employment. Case 7 concerns that where the paternity leave granted by the company is less than the 15 days prescribed by Guangdong Province, such action constitutes "a violation of laws and regulations that impairs the employee's rights and interests", and the employee may unilaterally terminate the labor contract and claim severance.

4.川渝地区：2026年4月28日，重庆市、四川省联合发布第三批劳动人事争议典型案（事）例，涉及加班费、劳动关系、劳动报酬、工龄等问题。2026年4月29日，成都市发布2026年“五一”国际劳动节成都市劳动争议典型案例，涉及剥夺基本劳动条件、应届毕业生劳动关系认定、工龄、试用期录用条件等问题。

Sichuan and Chongqing: On April 28, 2026, Chongqing and Sichuan jointly released the third batch of typical labor and personnel dispute cases, covering issues such as overtime pay, labor relationships, labor remuneration and length of service. On April 29, 2026, Chengdu released typical labor dispute cases for International Employees' Day 2026, covering issues such as deprivation of basic working conditions, determination of labor relationships for fresh graduates, length of service, and recruitment conditions of the probationary period.

5.杭州市、宁波市、南京市、福建省：为回应科学技术、平台经济发展催生的新问题，杭州市、宁波市、南京市多地法院发布相关劳动人事争议典型案例：杭州市发布人工智能企业与从业人员权益保护典型案例，南京市发布10件南京市科技企业用工纠纷典型案例，涉及科技企业竞业限制、岗位调整等问题；福建省、宁波市发布新业态劳动者权益保障典型案例，涉及新业态用工中外包等多种情形下的劳动关系认定、人工智能从业人员等问题。

Hangzhou, Ningbo, Nanjing and Fujian: In response to emerging issues arising from technological advancements and platform economy development, courts in multiple regions have released relevant typical labor and personnel dispute cases. Hangzhou released typical cases on the protection of the rights and interests of AI employers and their employees, Nanjing released ten typical cases on employment disputes in technology employers in Nanjing, covering issues such as non-competition obligations and job reassignments for employees in technology sector; Fujian and Ningbo released typical cases on the protection of the rights and interests of employees in new work forms, covering issues such as the determination of employment relationships in outsourcing and other scenarios within new work forms, as well as issues concerning AI practitioners.

6 .其他地区：此外，其他省市高级人民法院也相继发布劳动人事争议典型案例，涉及方面主要有：平台用工、混同用工、外包和合作关系情况下的劳动关系认定，订立无固定期限劳动合同相关责任，未签劳动合同二倍工资相关认定，解除劳动合同的合法性，工伤保险待遇的支付主体、支付金额，以及调岗、工龄、工时、休假、社保、竞业限制、退休、服务期等问题。

Other areas: In addition, the higher people’s courts of other provinces and municipalities have also released typical labor and personnel dispute cases, covering areas including: determination of labor relationships in cases involving platform employment, mixed employment, outsourcing and cooperative arrangements; liabilities relating to conclusion of open-ended labor contracts; determination of double wages for failure to sign a labor contract; legality of termination of labor contracts; the entity liable for payment of work-related injury insurance benefits and the amount of such benefits; as well as issues such as job adjustment, length of service, working hours, leave, social insurance, non-competition obligations, retirement, and service periods.

以上典型案例的链接汇总如下：

The links to the aforementioned typical cases are summarized in the tables below：

北京市	北京市第一中级人民法院发布涉小微企业劳动争议典型案例
	北京市第二中级人民法院发布休息休假典型案例
	北京市第三中级人民法院发布涉竞业限制劳动争议典型案例
	北京市石景山区人民法院发布劳动争议审判白皮书（2021-2025年）
上海市	上海市第二中级人民法院与上海市人力资源和社会保障局发布加强劳动争议纠纷裁审衔接十大典型案例
广东省	广州市中级人民法院发布广州法院2026年劳动争议十大典型案例
川渝地区	重庆市高级人民法院、重庆市人力资源和社会保障局、四川省高级人民法院、四川省人力资源和社会保障厅发布第三批劳动人事争议典型案（事）例
	成都市中级人民法院、成都市总工会和成都市劳动人事争议仲裁委员会发布2026年“五一”国际劳动节成都市劳动争议典型案例
浙江省	杭州市中级人民法院发布人工智能企业与从业人员权益保护典型案例
	宁波市中级人民法院发布新就业群体权益保障典型案例
江苏省	江苏省高级人民法院、省人力资源社会保障厅联合发布2025年度江苏省劳动争议裁审衔接典型案例
	南京市中级人民法院与市人力资源和社会保障局、市总工会发布10件南京市科技企业用工纠纷典型案例
福建省	福建省高级人民法院、省人社厅共同发布新就业形态劳动者权益保护典型案例
辽宁省	辽宁省高级人民法院发布5起依法保护劳动者合法权益典型案例
天津市	天津市高级人民法院与市人社局联合发布劳动人事争议典型案例
山东省	山东省高级人民法院发布2025年度劳动人事争议十大典型案例
山西省	山西省高级人民法院、省人社厅、省总工会联合发布典型案例
河南省	河南省高级人民法院和河南省人社厅联合发布劳动人事争议典型案例
安徽省	安徽省高级人民法院、安徽省人力资源和社会保障厅、安徽省总工会联合发布劳动争议典型案例
湖北省	湖北省高级人民法院发布劳动争议十大典型案例
江西省	江西省高级人民法院发布劳动争议典型案例
青海省	青海省高级人民法院发布四起劳动关系典型案例
云南省	云南省高级人民法院与省人力资源和社会保障厅发布劳动人事争议典型案例
海南省	海南省高级人民法院、海南省人社厅联合发布第二批劳动人事争议典型案例



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