

# **LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON WORK SAFETY**

(Adopted at the 28th Meeting of the Standing Committee of the Ninth National People's Congress on June 29, 2002 and promulgated by Order No. 70 of the President of the People's Republic of China on June 29, 2002)

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Chapter I General provisions

Article 1 This Law is enacted for enhancing supervision and control over work safety, preventing accidents due to lack of work safety and keeping their occurrence at a lower level, ensuring the safety of people's lives and property and promoting the development of the economy.

Article 2 This Law is applicable to work safety in units that are engaged in production and business activities (hereinafter referred to as production and business units) within the territory of the People's Republic of China. Where there are other provisions in relevant laws and administrative regulations governing fire fighting, road traffic safety, railway traffic safety, water way traffic safety, those provisions shall apply.

Article 3 In ensuring work safety, principle of giving first place to safety and laying stress on prevention shall be upheld.

Article 4 Production and business units shall abide by this Law and other laws and regulations concerning work safety, redouble their efforts to ensure work safety by setting up and improving the responsibility system for work safety and improving the conditions for it to guarantee work safety.

Article 5 Principal leading members of production and business units are in full charge of work safety of their own units.

Article 6 Employees of production and business units shall have the right to work safety assurance in accordance with law and they shall, at the same time, perform their duty in work safety in accordance with law.

Article 7 Trade unions shall, in accordance with law, make arrangement for employees to participate in the democratic management of and supervision over work safety in their units and safeguard the legitimate rights and interests of the employees in work safety.

Article 8 The State Council and the local people's governments at all levels shall strengthen their leadership over work safety and support and urge all the departments concerned to perform their responsibilities in exercising supervision and control over work safety in accordance with law.

The people's governments at or above the county level shall, in a timely manner, provide coordination and solution to major problems existing in supervision and over work safety.

Article 9 The department in charge of supervision and control over work safety under the State Council shall, in accordance with this Law, exercise all-round supervision and control over work safety throughout the country. The departments in charge of supervision and control over work safety of local people's governments at or above the county level shall, in accordance with this Law, exercise all-round supervision and control over work safety on work safety within their own administrative regions.

The relevant departments under the State Council shall, in accordance with the provisions of this Law and relevant laws and administrative regulations, exercise relevant supervision and control over work safety within the scope of their respective responsibilities. The departments concerned under the local people's governments at or above the county level shall, in accordance with the provisions of this Law and relevant laws and administrative regulations, exercise supervision and control over work safety within the scope of their respective responsibilities.

Article 10 The relevant departments under the State Council shall, in compliance with the requirements for safeguarding work safety and in accordance with law, formulate relevant national standards or industrial specifications without delay and make timely revisions on the basis of technological advancement and economic development.

Production and business units shall implement the national standards or industrial specifications for work safety formulated in accordance with law.

Article 11 People's governments at all levels and the relevant departments under them shall redouble their efforts to publicize laws and regulations regarding work safety and disseminate knowledge about it in different forms in order to enhance the employees' awareness of the importance of work safety.

Article 12 The intermediary organizations established in accordance with law to provide technical services for work safety shall, in compliance with law, administrative regulations and business criteria, accept commissions entrusted by production and business units to provide such services.

Article 13 The State applies the responsibility investigation system for accidents due to lack of work safety. Persons who are responsible for such accidents shall be investigated for their legal responsibilities in accordance with the provisions in this Law and relevant laws and regulations.

Article 14 The State encourages and supports technological research in work safety and the wide application of advanced technology in this area in order to raise the level of work safety.

Article 15 The State gives awards to the units and individuals that achieve outstanding successes in improving conditions for work safety and preventing accidents due to lack of work safety, and in rescue operations.

## Chapter II Work Safety Assurance in Production and Business Units

Article 16 Production and business units shall have the conditions for work safety as specified by the provisions in this Law and relevant laws, administrative regulations and national standards or industrial specifications. Production and business units that do not have such conditions are not allowed to engage in production and business activities.

Article 17 The principal leading members of production and business units are charged with the following responsibilities for work safety in their own units:

- (1) setting up and improving the responsibility system for work safety in their own units;
- (2) making arrangements for formulating rules and operating regulations for work safety in their own units;
- (3) guaranteeing an effective input into work safety in their own units;
- (4) supervising over and inspecting work safety in their own units and, in a timely manner, eliminating hidden dangers threatening work safety;
- (5) making arrangements for the formulation and implementation of their own units' rescue plans in the event of accidents; and
- (6) submitting to higher authorities timely and truthful report on accidents due to lack of work safety.

Article 18 Funds for input essential to meeting the conditions for work safety in production and business units shall be guaranteed by the decision-making bodies and principal leading members of the units or private investors, and these bodies and persons shall bear the responsibility for the consequences of insufficient input of funds essential to work safety in their own units.

Article 19 Mines, construction units and units for manufacturing, marketing or storing dangerous articles shall set up organizations or be manned with full-time persons for the control of work safety.

Production and business units, other than the ones specified in the preceding paragraph, where the number of employees each exceeds 300, shall set up organizations or be manned with full-time persons for the control of work safety. Where the number is below 300, the units each shall be manned with full-time or part-time persons for the purpose, or, they may entrust engineers or technicians, who are professionally qualified according to State regulations in this field, with the provisions of services for the control of work safety.

Where, in accordance with the provisions in the preceding paragraph, production and business units entrust engineers or technicians with the provision of services for the control of work safety, the responsibility for guaranteeing work safety shall still rest on the production and business units.

Article 20 The principal leading members and persons for the control of work safety in production and business units shall have the knowledge about work safety and the competence for its control, which are commensurate with the production and business activities of these units.

Principal leading members and persons for the control of work safety in units that manufacture, market or store dangerous articles, in mines and in construction units shall only be appointed to the posts after they pass the examinations in their knowledge about work safety and their competence in its control conducted by the competent departments. No fees shall be charged for taking such examinations.

Article 21 Production and business units shall give their employees education and training in work safety to ensure that the employees acquire the necessary knowledge about work safety and are familiar with the relevant rules for work safety and safe operating regulations. No employees who fail to pass the qualification tests after receiving education and training in work safety may be assigned to posts.

Article 22 Before using new techniques, technologies, materials or equipment, production and business units shall get to know and master their technical properties for safety and adopt effective protective measures for safety, and they shall provide their employees with special education and training in work safety.

Article 23 Workers operating at special posts in production and business units shall, in accordance with relevant State regulations, receive special training in safe operation, and they shall only be assigned to such posts after obtaining qualification certificate for operation at special posts.

The category of workers operating at special posts shall be determined by the department in charge of supervision and control over work safety under the State Council in conjunction with the relevant departments under the State Council.

Article 24 Production and business units shall see to it that safety facilities for their projects to be built, renovated or expanded (hereinafter all are referred to as construction projects) are designed, constructed, and put into operation and use simultaneously with the principal parts of the projects. Investments into safety facilities shall be included in the budgetary estimates of the construction projects.

Article 25 Construction projects for mines and construction projects for the manufacture and storage of dangerous articles shall respectively undergo assessment of the safety conditions and safety assessment according to the relevant regulations of the State.

Article 26 The designers and designing units for safety facilities of construction projects shall be responsible for the design of the safety facilities.

The designs of the safety facilities of construction projects for mines and construction projects for the manufacture or storage of dangerous articles shall, according to relevant State regulations, be submitted to relevant departments for examination. The examination departments and the persons in charge of the examination shall be responsible for the results of the examination.

Article 27 Construction units for projects of mines and projects for the manufacture or storage of dangerous articles shall construct the safety facilities according to the approved design of the facilities and shall be responsible for the engineering quality of the facilities.

Before the completed construction projects for mines and for the manufacture and storage of dangerous articles are put into operation or use, the safety facilities shall, in accordance with the provisions in relevant laws and administrative regulations, undergo check for acceptance; the said projects shall only be put into operation or use after the facilities are checked and accepted. The departments for check and acceptance and the persons doing the check and acceptance shall be responsible for the results of the check and acceptance.

Article 28 Production and business units shall set up or affix conspicuous safety precaution signs at production and business places, facilities and equipment where factors of relatively grave danger exist.

Article 29 Safety equipment shall be designed, manufactured, installed, used, tested, maintained, renovated and abandoned in compliance with the national standards or industrial specifications.

Production and business units shall have their safety equipment constantly maintained and serviced and regularly tested in order to ensure its normal operation. Records for maintenance, service and test shall be kept and be signed by the persons concerned.

Article 30 Special equipment that threatens the safety of people's lives and is potentially more dangerous, as well as containers and transport vehicles for dangerous articles, to be used by production and business units shall be made by professional manufacturers in accordance with relevant State regulations, and they shall only be put to use after they pass the test and check by professionally qualified testing and checking authorities and safe use certificates or safety tags are issued. The said authorities shall be responsible for the results of the test and check.

A catalogue of special equipment that threatens the safety of people's lives and is potentially more dangerous shall be worked out by the department under the State Council in charge of supervision and control over the safety of special equipment, and shall be submitted to the State Council for approval before it becomes effective.

Article 31 The State applies an elimination system for the technique and equipment that present serious threat to work safety.

No production and business units may use techniques and equipment threatening work safety which are eliminated and the use of which is prohibited by State decrees.

Article 32 Where dangerous articles are to be manufactured, marketed, transported, stored, used or to be disposed of or abandoned, the matter shall be submitted to the department in

charge for approval in accordance with the provisions in relevant laws and regulations as well as the national standards or industrial specifications and shall be subject to its supervision and control.

To manufacture, market, transport, store, use or dispose of or abandon dangerous articles, production and business units shall abide by relevant laws and regulations, as well as the national standards or industrial specifications, establish a special system for safety control, adopt reliable safety measures, and subject themselves to supervision and control by the competent departments in accordance with law.

Article 33 Production and business units shall have the sources of grievous danger recorded and have the records kept on file, conduct regular monitoring, assessment and control, make exigency plans, and notify the employees and related persons the emergency measures to be taken in emergency.

Production and business units shall, in accordance with relevant State regulations, report the sources of grievous danger, related safety and emergency measures to the departments in charge of supervision and control over work safety under the local people's governments and other departments concerned for the record.

Article 34 No workshops, stores or warehouses where dangerous articles are manufactured, marketed, stored or used may share the same building with the employees' living quarters; a distance shall be kept between the two for the sake of safety.

At manufacturing and marketing places and in the living quarters of employees, there shall be exits that meet the requirements for emergency evacuation and are indicated clearly and kept unobstructed. The said exits may not be sealed or blocked.

Article 35 When carrying out dangerous operations such as blasting and hoisting, production and business units shall send special persons to the sites to ensure safety and to see that operation rules are abided by and safety measures are adopted.

Article 36 Production and business units shall inculcate their employees with the need to strictly abide by rules and regulations for work safety and safety operating regulations formulated by the units, and urge them to do so, and they shall truthfully inform the employees of the factors of danger existing at the work places and work posts as well as the precautions and the exigency measures to be taken in the event of accidents.

Article 37 Production and business units shall provide their employees with work protection gears that are up to national standards or industrial specifications, and they shall give instruction to their employees and see to it that they wear or use these gears in accordance with the rules for their use.

Article 38 Persons of production and business units in charge of work safety control shall, in light of the production and business operation characteristics of the units, carry out routine inspection on work safety. They shall immediately deal with the problems they discover in the course of inspection. Where they cannot do so, they shall report the matter to the leading members of the units in charge. The inspection and the handling of the problems shall be recorded.

Article 39 Production and business units shall arrange funds for the provision of work protection gears and for training in work safety.

Article 40 Where two or more production and business units are conducting production and business activities in the same work zone, which presents potential dangers to each other's work safety, they shall sign on agreement on work safety control, in which the responsibilities of each party for work safety control shall be defined and the safety measures to be taken by each party shall be made clear. In addition, each party shall assign full-time persons for control over work safety to conduct safety inspection and coordination.

Article 41 No production or business units may contract out or lease production or business projects, work places or equipment to any units or individuals that do not possess the conditions for work safety or the necessary qualifications.

Where there is more than one contractor or leasee involved in one production or business project or place, the production or business unit shall sign a special agreement on work safety control with each of the contractors or leasees or have the responsibilities of each party for work safety control specified in the contract. The production or business unit shall conduct overall coordination and management among the contractors or leasees in respect of work safety.

Article 42 When a major accident due to neglect of work safety occurs in a production or business unit, the principal leading member of the unit shall immediately make arrangements for rescue operation; and, during the period of investigation and handling of the accident, he may not leave his post without permission.

Article 43 Production and business units shall, in accordance with law, purchase social insurance for industrial injuries and pay insurance premiums for their employees.

### Chapter III Rights and Duties of Employees

Article 44 In the labour contracts signed between production and business units and their employees shall be clearly indicated the items concerning guarantees for occupational safety of the employees, prevention of occupational hazards, as well as the item concerning payment, according to law, of insurance premiums for industrial injuries suffered by employees.

No production or business units may, in any form, conclude agreements with their employees in an attempt to relieve themselves of, or lighten, the responsibilities they should bear in accordance with law for the employees who are injured or killed in accidents which occur due to lack of work safety.

Article 45 Employees of production and business units shall have the right to the knowledge of the dangerous factors existing at their work places and posts, and of the precaution and exigency measures, and they shall have the right to put forward suggestions on work safety of the units where they work.

Article 46 Employees shall have the right to criticize, inform against and accuse their work units for the problems existing in work safety. They shall have the right to refuse to comply

with the directions that are contrary to rules and regulations or arbitrary orders for risky operations.

No production and business units may reduce the wages or welfare standards of, or cancel the labour contracts concluded with, the employees because the latter criticize, inform against, accuse or refuse to comply with the directions that are contrary to rules and regulations or arbitrary orders for risky operations.

Article 47 On spotting emergency situations that directly threaten their personal safety, the employees shall have the right to suspend operation or evacuate from the work place after taking possible emergency measures.

No production and business units may reduce the wages, welfare standards of, or cancel the labour contracts concluded with, the employees because the latter, under the emergency situations, mentioned in the preceding paragraph, suspend operation and evacuate from the work place as an emergency measure.

Article 48 Employees who are harmed in accidents due to lack of work safety and who still have the right to compensation according to relevant civil laws shall, in addition to enjoying the social insurance for industrial injuries in accordance with law, have the right to demand compensations from the units where they work.

Article 49 In the course of operation, employees shall strictly abide by work safety rules and regulations and operation instructions of the units where they work, subject themselves to supervision, wear and use the gears for occupational protection in a correct way.

Article 50 Employees shall receive education and training in work safety to master work safety knowledge needed for the jobs they are doing, improve their skills related to work safety and increase their ability to prevent accidents and handle emergencies.

Article 51 On spotting hidden dangers that may lead to accidents or other factors that may jeopardize safety, employees shall immediately report the matter to the persons in charge of work safety on the spot or leading members of their units. Persons who receive such report shall act to handle the matter without delay.

Article 52 Trade unions shall have the right to exercise supervision over and put forward comments and suggestions on the simultaneous design, construction and commissioning of the safety facilities and the main structure of a construction project.

Trade unions shall have the right to demand that production and business units set to right their violations of laws and regulations on work safety and their infringement of the lawful rights and interests of the employees. When discovering that production and business units issue directions contrary to rules and regulations, or arbitrary orders for risky operations, or hidden dangers that may lead to accidents, they shall have the right to put forward suggestions for solution, and the production and business units shall consider the suggestions and respond in a timely manner. When discovering situations in which the safety of the employees' lives are threatened, they shall have the right to put forward suggestions to the production and business units for organized evacuation of the employees from the endangered work place, and the production and business units shall deal with such situations immediately.

Trade unions shall have the right to take part in investigations of accidents in accordance with law; put forward their suggestions to the departments concerned for the handling of the accidents and demand that the persons concerned be investigated for their responsibilities.

#### Chapter IV Supervision and Control over Work Safety

Article 53 Local people's governments at or above the county level shall, in light of the conditions of work safety in their administrative regions, make arrangements for the departments concerned, in keeping with the division of responsibilities, to carry out strict inspections in the production and business units located in their administrative regions in which major accidents due to lack of work safety are liable to occur. When discovering hidden dangers that may lead to accidents, the departments shall deal with the matter without delay.

Article 54 Where the departments charged with the responsibilities to exercise supervision and control over work safety (hereinafter all referred to as departments in charge of supervision and control over work safety), as specified in the provisions of Article 9 of this Law, need to examine before giving approval (including approval, ratification, permission, registration, authentication and issue of certificates or licenses, the same as below) or check for acceptance matters related to work safety in accordance with relevant laws and regulations, they shall conduct the examination or check strictly in accordance with relevant laws and regulations and national standards or industrial specifications. They may not give approval or authorize acceptance to matters which do not meet the work safety conditions specified in relevant laws and regulations and national standards or industrial specifications. With regard to units that engage in relevant activities without obtaining approval or without being qualified for acceptance in accordance with law, the departments in charge of administrative examination and approval, on discovering or receiving reports on such cases, shall immediately outlaw them and dealt with them in accordance with law. Where departments in charge of administrative examination and approval find that units which have obtained approval in accordance with law no longer possess the conditions for work safety, they shall cancel the given approval.

Article 55 No departments in charge of supervision and control over work safety may charge any fees for examining, checking and accepting matters related to work safety, or require that units subject to their examination, check and acceptance purchase the brands of products designated by them or the work safety equipment, devices or other products manufactured or marketed by units designated by them.

Article 56 When departments in charge of supervision and control over work safety conduct, in accordance with law, supervision over and inspection of production and business units to see how the latter implement the laws and regulations related to work safety, national standards or industrial specifications, they shall exercise the following functions and powers:

- (1) entering production and business units for inspection, acquiring relevant materials and data for investigation, and getting information from the departments and persons concerned;
- (2) putting into rights on the spot or demanding rectification of, within a time limit, violations of law related to work safety, which are discovered in the course of inspection; and with regard to practices deserving administrative penalties according to law, making decisions to

impose such penalties in accordance with the provisions in this Law, other laws and administrative regulations;

(3) when, in the course of inspection, hidden dangers that may lead to accidents, to eliminate them immediately; when it is impossible to ensure safety before major ones are eliminated or, in the course of their elimination; giving orders to evacuate workers from the danger areas and to suspend production, business operation or application, and when major dangers are eliminated, allowing resumption of production, business operation or application upon examination and approval; and

(4) sealing up or seizing facilities, equipment and devices that are deemed, on firm grounds, not up to the national standards or industrial specifications to ensure work safety, and, in accordance with law, making a decision within fifteen days to deal with the case.

No supervision or inspection may hinder the normal production and business activities of the units undergoing inspection.

Article 57 Production and business units shall cooperate with the supervision and inspectors of the departments in charge of supervision and control over work safety (hereinafter referred to as work safety supervisors and inspectors) who are performing their duties in accordance with law. They may not refuse to do so or create obstacles.

Article 58 Work safety supervisors and inspectors shall be devoted to their duties, uphold principles and enforce laws impartially.

When performing their tasks, work safety supervisors and inspectors shall produce their effective identification documents for supervision and law enforcement. They shall keep confidential the technical and business secrets of the units under inspection.

Article 59 Work safety supervisors and inspectors shall keep a written record of the inspection, including the time, place, items and the problems discovered and their solution, which shall be signed by the inspectors and the leading members of the unit under inspection. Where leading members of a unit under inspection refuse to sign, the inspectors shall keep a record of the fact and report the matter to the department in charge of supervision and control over work safety.

Article 60 Departments in charge of supervision and control over work safety shall cooperate with each other in supervision and inspection by conducting joint inspection. Where it is really necessary to conduct separate inspections, they shall exchange information. Where safety problems discovered require handling by another department concerned, the case shall, without delay, be transferred to the said department, and a record of the fact shall be kept for reference. The department receiving the case shall handle it in a timely manner.

Article 61 The supervisory authority shall, in accordance with the provisions in the Administrative Supervision Law, conduct supervision over the performance of their duties by departments in charge of supervision and control over work safety and their personnel.

Article 62 Organizations in charge of assessment, authentication, testing and inspection in respect of safety shall possess the qualifications specified by the State, and they shall be

responsible for the results of the safety-related assessment, authentication, testing and inspection performed.

Article 63 Departments in charge of supervision and control over work safety shall set up a complaint system, with the complaint telephone numbers, mail box numbers or e-mail addresses known to the public, to facilitate receipt of complaints related to work safety. After the complaints accepted are verified, written records shall be kept. Where rectification need to be taken, the measures shall be submitted to the leading member concerned for signature, and the department concerned shall see that the measures are taken.

Article 64 All units and individuals shall have the right to report or complain about hidden dangers that may lead to accidents and practices violating work safety laws to the departments in charge of supervision and control over work safety.

Article 65 When neighbourhood committees or villagers' committees discover hidden dangers that may lead to accidents or practices violating work safety laws in production and business units located in their areas, they shall report the matter to the local people's governments or the departments concerned.

Article 66 People's governments at or above the county level and the relevant departments under them shall give awards to people who have done meritorious services in reporting hidden dangers that may lead to major accidents or complaining about practices violating work safety laws. Specific measures for giving such awards shall be formulated by the department in charge of supervision and control over work safety under the State Council in conjunction with the finance department under the State Council.

Article 67 News media, publishers, broadcasting agencies, film studios and television broadcasting agencies shall have the duty to disseminate knowledge about work safety and the right to conduct supervision by means of public opinion over violations of work safety laws and regulations.

## Chapter V Accident Rescue, Investigation and Handling

Article 68 Local people's governments at or above the county level shall make arrangements for the departments concerned to formulate accident rescue plans for exceptionally serious accidents due to lack of work safety that may occur in their administrative regions and set up an emergency rescue system accordingly.

Article 69 Units that manufacture, market or store dangerous articles, mines and construction units shall set up their respective emergency rescue organizations. Units engaged in small-scale production or business operation that may be exempted from such organizations shall assign part-time persons to emergency rescue tasks.

Units that manufacture, market or store dangerous articles, mines and construction units shall have at hand the necessary devices and equipment for emergency rescue and have them maintained and serviced constantly to ensure their normal operation.

Article 70 When an accident due to lack of work safety occurs in a production or business unit, the persons at the scene shall immediately report the accident to the leading members of this unit.

On receiving such report, leading members of the unit shall take prompt, effective measures to arrange rescue operation, prevent the accident from spreading and minimize the injuries and deaths and loss of property, and they shall, in accordance with relevant State regulations, immediately report the facts of the accident to the local department in charge of supervision and control over work safety. They may not conceal the accident, make false report or delay the report, or deliberately damage the scene of the accident or destroy relevant evidence.

Article 71 On receiving the report on an accident, the department in charge of supervision and control over work safety shall, in accordance with relevant State regulations, report the accident immediately to the higher authority. No department in charge of supervision and control over work safety and relevant local people's government may conceal the facts of the accident or make a false report or delay the report of the accident.

Article 72 On receiving the report of a major accident due to lack of work safety, leading members of the local people's government concerned and of the department in charge of supervision and control over work safety shall immediately rush to the scene of the accident to arrange rescue operation.

All units and individuals shall assist in and cooperate with the efforts for rescue and provide all possible conveniences.

Article 73 In investigation and handling of an accident, the principles of seeking truth from facts and setting store by scientific approaches shall be applied in order to find out the accurate causes of the accident in a timely manner, make clear the nature of and responsibility for the accident, draw a lesson from it, formulate rectification measures and put forward suggestions for dealing with the person responsible for the accident. Specific measures for investigation into and handling of accidents shall be formulated by the State Council.

Article 74 Where an accident that occurs in a production and business unit is determined, through investigation, on due to negligence of duty, in addition to finding out the liability to be undertaken by the unit and investigating it in accordance with law, the liability to be undertaken by the administrative departments in charge of examination and approval of and supervision over matters related to work safety matters shall also be ascertained and the persons who are negligent or derelict of their duties shall be investigated for their legal responsibility according to the provisions in Article 77 of this Law.

Article 75 No unit or individual may obstruct or interfere with the lawful investigation into and handling of the accidents.

Article 76 Departments in charge of supervision and control over work safety under the local people's governments at or above the county level shall regularly prepare statistics and make analysis of accidents due to lack of work safety that have occurred within their own administrative areas and publish the information regularly.

## Chapter VI Legal Responsibility

Article 77 Where a staff member of the department in charge of supervision and control over work safety commits one of the following acts, he shall be demoted or discharged from his

post as an administrative penalty; if the act constitutes a crime, he shall be investigated for criminal responsibility according to the provisions in the Criminal Law:

- (1) giving approval or authorize acceptance to matters related to work safety that do not meet the statutory conditions for work safety;
- (2) failing to outlaw or deal with, in accordance with law, units after discovering that they are engaged in relevant activities without obtaining approval or being qualified for acceptance in accordance with law or after receiving reports thereof; and
- (3) failing to perform his duty of supervision and control over the units that have obtained approval in accordance with law, to cancel the approval given to the units that he finds no longer to possess the conditions for work safety, or to investigate and deal with violations of work safety regulations.

Article 78 Where a department in charge of supervision and control over work safety requires that the unit under examination and check for acceptance purchase the work safety equipment, devices or other products it designates, or charges fees for examining or checking for acceptance matters related to work safety, the authority at a higher level or a supervisory organization shall order it to put it right or return the fees collected; if the circumstances are serious, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law.

Article 79 Where an organization in charge of assessment, authentication, testing and inspection related to work safety produces false certificates, if it constitutes a crime, the organization shall be investigated for criminal responsibility in accordance with the relevant provisions in the Criminal Law; if the case is not serious enough for criminal punishment, the illegal gains shall be confiscated; if the illegal gains exceed RMB 5,000 yuan, it, in addition, be fined not less than two times but not more than five times the amount of the illegal gains; if there are not illegal gains or the illegal gains are less than 5,000 yuan, it shall only, or in addition, be fined not less than 5,000 yuan but not more than 20,000 yuan, and the persons directly in charge and the persons directly responsible shall be fined not less than 5,000 yuan but not more than 50,000 yuan. If damages are inflicted on other persons, the organization shall bear joint and several liability to pay compensation for the damages with production or business units.

Organizations that commit violations mentioned in the preceding paragraph shall be qualified accordingly.

Article 80 Any decision-making body, principal leading member of a production or business unit or individual investor that fails to guarantee, in accordance with the provisions of this Law, the funds for input essential to work safety, thus resulting in the lack of conditions for work safety, the production or business unit shall be ordered to set it right by providing the necessary amount of funds within a specified time limit. If it is not set right on the expiration of the time limit, the production or business unit shall be ordered to suspend production or business operation for shake-up.

Where the violation, as mentioned in the preceding paragraph, is committed, which leads to the occurrence of an accident due to lack of work safety, if it constitutes a crime, criminal responsibility shall be investigated in accordance with the provisions in the Criminal Law. If

it is not serious enough for criminal punishment, the principal leading member of the production or business unit shall be discharged from his post, and the individual investor shall be fined not less than 20,000 yuan but not more than 200,000 yuan.

Article 81 Where the principal leading member of a production or business unit fails to perform his duty for control over work safety as provided for in this Law, he shall be ordered to set it right within a time limit. If he fails to do so on the expiration of the time limit, the production or business unit shall be ordered to suspend production or business operation for shake-up.

The principal leading member of a production and business unit who commits the violation of as mentioned in the preceding paragraph, which leads to the occurrence of an accident due to lack of work safety, if it constitutes a crime, shall be investigated for criminal responsibility in accordance with the provisions of the Criminal Law. If it is not serious enough for criminal punishment, he shall be discharged from his post or be fined not less than 20,000 yuan but 200,000 yuan.

The principal leading member of a production or business unit on whom a criminal punishment is imposed or who is discharged from his post in accordance with the provisions in the preceding paragraph, he may not, within five years starting from the date on which the time for criminal punishment is served or the date on which he is discharged, work as a principal leading member in any production or business unit.

Article 82 Any production or business unit that commits one of the following acts shall be ordered to set it right within a time limit, if it fails to do so on the expiration of the time limit, it shall be ordered to suspend production or business operation for shake-up and may, in addition, be fined not more than 20,000 yuan:

- (1) failing to set up an organization, or to be manned with persons, for the control of work safety, as required by regulations;
- (2) in the case of the principal leading member or the person for control over work safety in a unit that manufactures, markets or stores dangerous articles or in a mine or construction unit, failing to pass the qualification examinations as required by regulations;
- (3) failing to conduct, among its employees, education and training in work safety according to the provisions in Articles 21 and 22 of this Law, or failing to truthfully inform the employees of the matters relating to work safety according to the provisions in Article 36 of this Law; and
- (4) assigning to special posts workers who have not received special training in safe operation or obtained qualification certificates for special posts, as required by regulations.

Article 83 Any production or business unit that commits one of the following acts shall be ordered to set it right within a time limit; if it fails to do so on the expiration of the time limit, it shall be ordered to suspend construction and may, in addition, be fined not more than 50,000 yuan; if serious consequences are entailed and thus a crime is constituted, the unit shall be investigated for criminal responsibility according to relevant provisions in the Criminal Law:

- (1) where the designs of safety facilities of construction projects for mines or construction projects for the manufacture or storage of dangerous articles are lacking or such designs are not submitted to the relevant departments for examination and approval, as required by relevant regulations;
- (2) where the construction unit for the construction projects for a mine or the construction projects for the manufacture and storage of dangerous articles fails to construct the project according to the approved design of safety facilities;
- (3) where the construction project for a mine or the construction project for the manufacture and storage of dangerous articles are completed for putting into production or to use before the safety facilities pass the check for acceptance;
- (4) where no conspicuous safety precaution signs are posted in production and business places and at relevant facilities and equipment where the factors of relatively grave danger exist;
- (5) where the safety equipment is not installed, used, tested, renovated or abandoned in compliance with national standards or industrial specifications;
- (6) where the safety equipment is not constantly maintained or served or regularly tested;
- (7) where no work protection gears that are up to national standards or industrial specifications are provided to employees;
- (8) where special equipment and containers and transport vehicles for dangerous articles put to use without passing the test or check conducted by professionally qualified authorities and without safety use certificates or safety tags issued; and
- (9) where techniques and equipment threatening work safety which are eliminated and the use of which is prohibited by State decrees are used.

Article 84 Any unit that, without obtaining approval in accordance with law, produces, markets or stores dangerous articles shall be ordered to desist from the violation or it shall be closed down, its illegal gains shall be confiscated; if the illegal gains exceed 100,000 yuan, it shall, in addition, be fined not less than the amount of the illegal gains but not more than five times the amount; if there are no illegal gains or the illegal gains are less than 100,000 yuan, it shall be only, or in addition, be fined not less than 20,000 yuan but not more than 100,000 yuan; if serious consequences are entailed and a crime is thus constituted, it shall be investigated for criminal responsibility according to the relevant provisions in the Criminal Law.

Article 85 Any production or business unit that commits one of the following acts shall be ordered to set it right within a time limit; if it fails to do so on the expiration of the time limit, it shall be ordered to suspend production or business operation for shake-up and, in addition, it may be fined not less than 20,000 yuan but not more than 100,000 yuan; if serious consequences are entailed and a crime is thus constituted, it shall be investigated for criminal responsibility according to the relevant provisions in the Criminal Law:

(1) failing to establish a special system for safety control, or adopt reliable safety measures for the manufacture, marketing, storage or use of dangerous articles, or refusing to accept supervision and control exercises by competent departments in accordance with law;

(2) failing to have the sources of major danger recorded and have the records kept on file, or failing to make assessment and exercise control, or failing to make exigency plans; and

(3) when carrying out dangerous operations such as blasting and hoisting, failing to send special persons to the site to ensure safety.

Article 86 Any production or business unit that contracts out or leases production or business projects, work places or equipment to units or individuals that do not possess the conditions for work safety or the necessary qualifications shall be ordered to set it right within a time limit and its illegal gains shall be confiscated; if the illegal gains exceed 50,000 yuan, it shall, in addition, be fined not less than the amount of the illegal gains but not more than five times the amount; if there are no illegal gains or the illegal gains are less than 50,000 yuan; it shall only, or in addition, be fined not less than 10,000 yuan but not more than 50,000 yuan; if accident due to lack of work safety occurs as a result, which causes damages to another person, the unit shall bear the joint and several liability for the damages together with the contractors or leasees.

If the production or business unit fails to sign a special agreement on work safety control with each of the contractors or leasees, if it fails to have the responsibilities of each party for work safety control specified in the contract, or if it fails to conduct overall coordination and management among the contractors or leasees in respect of work safety, it shall be ordered to set it right within a time limit; if it fails to do so on the expiration of the time limit, it shall be ordered to suspend production or business operation for shake-up.

Article 87 Where two or more production or business units are conducting production or business activities within the same work zone, which presents potential dangers to each other's work safety, if they fail to sign an agreement on work safety control or to assign full-time persons for control over work safety to conduct safety inspection and coordination, they shall be ordered to set it right within a time limit; if they fail to do so on the expiration of the time limit, they shall be ordered to suspend production or business operation.

Article 88 Any production or business unit that commits one of the following acts shall be ordered to set it right within a time limit; if it fails to do so on the expiration of the time limit, it shall be ordered to suspend production or business operation for shake-up; if consequences are entailed and thus a crime is constituted, it shall be investigated for criminal responsibility in accordance with the relevant provisions in the Criminal Law:

(1) having workshops, stores or warehouses where dangerous articles are manufactured, marketed, stored or used share the same building with the employees' living quarters or the distance between these structures and the employees' living quarters is not up to the requirements for safety;

(2) failing to have exits at manufacturing and marketing places or in the living quarters of employees, exits that meet the requirements for emergency evacuation are indicated clearly and kept unobstructed, or having the exits there sealed or blocked.

Article 89 Where a production or business unit signs an agreement with its employees in an attempt to relieve itself of, or lighten, the responsibilities it should bear in accordance with law for the employees who are injured or killed as a result of accidents due to lack of work safety, such an agreement shall be invalid, and the principal leading member of the unit and the individual investor shall be fined not less than 20,000 yuan but not more than 100,000 yuan.

Article 90 Where an employee of a production or business unit refuses to subject himself to supervision, violating work safety rules and regulations or operation instructions, the said production or business unit shall criticize him by way of education and take disciplinary action against him in accordance with relevant rules and regulations; if the violation results in grievous accidents and thus constitutes a crime, he shall be investigated for criminal responsibility according to the relevant provisions in the Criminal Law.

Article 91 Where, when a major accident due to lack of work safety occurs in a production or business unit, the principal leading member of the unit fails to make immediate arrangements for rescue operation or, during the period of investigation and handling of the accident, leaves his post without permission or goes into hiding, he shall be demoted or discharged from his post as a punishment; if he goes into hiding, he shall be detained for less than 15 days; if a crime is constituted, he shall be investigated for criminal responsibility in accordance with the provisions in the Criminal Law.

Where the principal leading member of a production or business unit conceals the facts of an accident due to lack of work safety, makes false report of the accident or delays such report, he shall be punished in accordance with the provisions in preceding paragraph.

Article 92 Where the local people's government concerned or the department in charge of supervision and control over work safety conceals the facts of an accident due to lack of work safety, makes false report of the accident or delays such report, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law; if a crime is constituted, they shall be investigated for criminal responsibility in accordance with the provisions in the Criminal Law.

Article 93 Any production or business unit that does not have the conditions for work safety specified by this Law and the relevant laws, and administrative regulations, and national standards or industrial specifications still remains so after its production or business operation is suspended for rectification, it shall be closed down, and the departments concerned shall revoke the relevant certificates and licenses in accordance with law.

Article 94 The administrative punishment provided for in this Law shall be decided on by the departments in charge of supervision and control over work safety; the administrative punishment that requires the closing down of a unit shall be submitted by the department in charge of supervision and control over work safety to the people's government at or above the county level, which shall make the decision within the limits of its powers obtained by the State Council; the administrative punishment that requires detention shall be decided on by the public security organ in accordance with the provisions in the regulations on administrative penalties for public security. Where the authorities for deciding on administrative penalties are otherwise provided for in relevant laws and administrative regulations, the provisions there shall apply.

Article 95 The production or business unit where an accident due to lack of work safety occurs, which results in injuries or deaths of employees and causes losses to other persons, shall bear the liability to pay compensation in accordance with law; if the unit refuses to bear the liability or the leading member of the unit goes into hiding, the People's Court shall take enforcement measures in accordance with law.

If the persons responsible for the accident due to lack of work safety who fails to bear the liability to pay compensation in accordance with law is still unable to pay compensation in full to the victims after the People's Court has taken enforcement measures in accordance with law, he shall continue to perform his obligation of compensation. If the victims find that the person has other property, they may, at any time, make a request to the People's Court for enforcement.

#### Chapter VII Supplementary Provisions

Article 96 The following terms used in this Law mean:

Dangerous articles include materials that present potential threat to the safety of persons and property safety, such as combustibles and explosives, hazardous chemical materials and radioactive substances.

Sources of grievous danger refer to long-term or temporary manufacturing, transporting, using or storing of hazardous materials, the amount of which is equal to or exceeds the critical amount unit (including the places and facilities).