

Law on the Prevention and Control of Occupational Diseases of the People's Republic of China (2018 Amendment)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing, controlling and eliminating occupational disease hazards, preventing and controlling occupational diseases, protecting the health of workers and their

related rights and interests, and promoting economic and social development.

Article 2 — This Law shall apply to the prevention and control of occupational diseases within the territory of the People's Republic of China. For the purposes of this Law, "occupational diseases" refer to the diseases contracted by workers of enterprises, public institutions, individually-owned businesses and other employers due to their exposure to dusts, radioactive substances and other toxic and harmful factors during their occupational activities.

Article 3 — The prevention and control of occupational diseases shall adhere to the principle of putting prevention first and combining prevention with control, implement categorized management and comprehensive treatment, and establish a mechanism of employer responsibility, administrative supervision, trade union supervision and social supervision.

Article 4 — Workers shall enjoy the right to occupational health protection in accordance with the law. Employers shall create a working environment and conditions that comply with national occupational health standards and health requirements for workers, and shall take measures to ensure that workers obtain occupational health protection.

Article 5 — Employers shall establish and improve the occupational disease prevention and control responsibility system, strengthen the management of occupational disease prevention and control, improve the level of occupational disease prevention and control, and assume primary responsibility for the occupational disease hazards generated by their entities.

Article 6 — The principal person in charge of an employer shall be fully responsible for the prevention and control of occupational diseases in the entity.

Article 7 — Employers must participate in work-related injury insurance in accordance with the law. The social insurance administrative departments of the State Council and local people's governments at or above the county level shall strengthen the supervision and administration of work-related injury insurance to ensure that workers enjoy work-related injury insurance benefits in accordance with the law.

Article 8 — The State encourages and supports the research, development, promotion and application of new technologies, new processes, new equipment and new materials conducive to the prevention and control of occupational diseases.

Article 9 — The State shall implement an occupational health supervision system. The health administrative department of the State Council shall exercise unified supervision and administration over the prevention and control of occupational diseases nationwide.

Chapter II — Preliminary Prevention

Article 10 — The State shall formulate a catalogue of occupational diseases. The catalogue of occupational diseases shall be formulated, adjusted and published by the health administrative department of the State Council in conjunction with the labor security administrative department.

Article 11 — Employers shall, in accordance with laws and regulations, strictly comply with national occupational health standards and strictly implement occupational health management measures.

Article 12 — Construction projects that may generate occupational disease hazards shall undergo occupational disease hazard pre-assessment. The occupational disease hazard pre-assessment report shall be submitted to the health administrative department for review.

Article 13 — The occupational disease prevention and control facilities of a construction project shall be designed, constructed and put into use simultaneously with the main project. The expenses for occupational disease prevention and control facilities shall be included in the project budget.

Article 14 — The State shall implement a system of licensing for employers using radioactive substances and employers engaging in radioactive workplace operations.

Chapter III — Prevention and Control During Work

Article 15 — Employers shall adopt the following occupational disease prevention and control management measures:

1. Setting up or designating an occupational health management institution or organization and having full-time or part-time occupational health management personnel; 2. Formulating occupational disease prevention and control plans and implementation plans; 3. Establishing and improving occupational health management systems and operating procedures; 4. Establishing and improving occupational health records and workers' health monitoring records; 5. Establishing and improving monitoring and assessment systems for occupational disease hazard factors at workplaces; 6. Establishing and improving emergency rescue plans for occupational disease hazard accidents.

Article 16 — Employers shall adopt effective occupational disease protection facilities and provide workers with occupational disease protection articles for personal use.

Article 17 — Employers shall give priority to adopting new technologies, new processes, new equipment and new materials conducive to the prevention and control of occupational diseases and the protection of workers' health.

Article 18 — Employers shall set up bulletin boards at conspicuous positions in workplaces to publicize the rules and regulations on occupational disease prevention and control.

Article 19 — Employers shall set up warning signs at workplaces where occupational disease hazards are present.

Article 20 — Employers shall conduct regular monitoring and assessment of occupational disease hazard factors at workplaces.

Article 21 — Employers shall enter into labor contracts with workers and shall truthfully inform workers of the occupational disease hazards and the consequences thereof.

Article 22 — Employers shall conduct occupational health training for workers before they take up their posts and regular occupational health training during their employment.

Article 23 — Employers shall organize occupational health examinations for workers before they take up their posts, during their employment and when they leave their posts.

Article 24 — Employers shall establish occupational health monitoring records for workers and keep them properly for a specified period.

Chapter IV — Diagnosis and Protection of Occupational Disease Patients

Article 25 — Medical and health institutions undertaking occupational disease diagnosis shall obtain the qualifications for occupational disease diagnosis in accordance with the law.

Article 26 — Workers may undergo occupational disease diagnosis at medical and health institutions with occupational disease diagnosis qualifications.

Article 27 — The diagnosis of occupational diseases shall be based on the diagnostic criteria issued by the health administrative department of the State Council.

Article 28 — Employers shall provide truthful occupational health and monitoring information for occupational disease diagnosis and appraisal.

Article 29 — Where a party disagrees with an occupational disease diagnosis, it may apply for appraisal.

Article 30 — Workers diagnosed with an occupational disease shall enjoy occupational disease benefits prescribed by the State in accordance with the law.

Article 31 — Employers shall timely arrange for the diagnosis and treatment of occupational disease patients and shall provide them with rehabilitation and regular examinations in accordance with the law.

Article 32 — Employers shall transfer occupational disease patients from their original posts and arrange appropriate work.

Article 33 — Employers shall pay the diagnosis and appraisal expenses of occupational disease patients and necessary transport, accommodation and other expenses.

Chapter V — Supervision and Inspection

Article 34 — The health administrative departments of people's governments at or above the county level shall supervise and inspect the prevention and control of occupational diseases.

Article 35 — When performing their duties of supervision and inspection, health administrative departments shall have the authority to enter the premises of the entities under inspection, collect samples, access and copy relevant materials, and conduct surveys.

Article 36 — Any entity or individual shall have the right to report violations of this Law.

Chapter VI — Legal Liability

Article 37 — Where an employer violates the provisions of this Law by causing occupational disease hazards to workers, the health administrative department shall order it to make corrections and impose a fine.

Article 38 — Where an employer commits any of the following acts, the health administrative department shall order it to make corrections within a specified time limit and may impose a fine; where the circumstances are serious, it shall order the cessation of operations causing occupational disease hazards:

1. Failing to conduct occupational disease hazard factor monitoring at workplaces; 2. Failing to organize occupational health examinations for workers; 3. Failing to provide occupational disease protection articles.

Article 39 — Where an employer has already caused occupational disease hazards to workers but fails to take control measures, it shall be ordered to cease operations causing the occupational disease hazards, or the relevant people's government shall be requested to order its closure.

Article 40 — Where staff members of the health administrative departments neglect their duties, abuse their powers or engage in favoritism, they shall be subject to sanctions in accordance with the law.

Chapter VII — Supplementary Provisions

Article 41 — For the purposes of this Law, "occupational disease hazards" refer to various hazards that may cause occupational diseases to workers engaged in occupational activities.

Article 42 — The occupational disease prevention and control work of entities not covered by this Law may be handled by reference to this Law.

Article 43 — This Law shall come into force on May 1, 2002.

This translation is provided for informational purposes only. For legal matters, please consult the original Chinese text or seek professional legal advice. For assistance with occupational health compliance and workplace safety in China, please contact Dan Young Business Consultancy.