

# Provisions on the Administration of Occupational Health Examinations

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## Chapter I — General Provisions

Article 1 — These Provisions are enacted in accordance with the Law of the People's Republic of China on the Prevention and Treatment of Occupational Diseases (hereinafter referred to as the "Occupational Disease Prevention Law") for the purposes of strengthening the administration of occupational health examinations, standardizing occupational health examination work, protecting the health rights and interests

of workers, and promoting economic and social development.

Article 2 — For the purposes of these Provisions, "occupational health examinations" means medical health examination activities in which occupational health examination institutions, permitted by the health administrative departments, examine the health condition of workers exposed to occupational disease hazards through medical techniques, means and methods to understand the impact of occupational disease hazards on workers' health.

Occupational health examinations include pre-employment occupational health examinations, periodic occupational health examinations during employment, post-employment occupational health examinations, and emergency occupational health examinations.

Article 3 — These Provisions shall apply to the administration and standardization of occupational health examination activities within the territory of the People's Republic of China.

Article 4 — The health administrative department under the State Council shall be responsible for the supervision and administration of occupational health examinations nationwide. Health administrative departments of local people's governments at or above the county level shall be responsible for the supervision and administration of occupational health examinations within their respective administrative areas.

Article 5 — Employers shall organize occupational health examinations for workers exposed to occupational disease hazards in accordance with law, and shall bear the costs of occupational health examinations.

Workers shall accept occupational health examinations organized by the employer, and shall not refuse to undergo occupational health examinations without proper reason. Workers have the right to access the results of their own occupational health examinations.

## **Chapter II — Occupational Health Examination Institutions**

Article 6 — Occupational health examination institutions shall meet the following conditions:

- (1) Holding a Medical Institution Practicing License;
- (2) Having medical technical personnel appropriate for the occupational health examination work carried out;
- (3) Having instruments, equipment and facilities appropriate for the occupational health examination work carried out, as well as necessary safeguards;
- (4) Having a sound quality management system for occupational health examinations;
- (5) Other conditions prescribed by laws and regulations.

Occupational health examination institutions shall carry out occupational health examination work within the approved scope of occupational health examination categories and items.

Article 7 — Medical institutions applying to carry out occupational health examinations shall submit an application to the health administrative department at the provincial level.

Provincial health administrative departments shall review the applications and make decisions in accordance with prescribed procedures. Those that meet the conditions shall be issued an Occupational Health Examination Institution Approval Certificate, specifying the approved categories and items of occupational health examinations. Those that fail to meet the conditions shall be given a written explanation of the reasons.

Article 8 — Occupational health examination institutions shall perform the following duties:

- (1) Conducting occupational health examinations within the approved categories and items;
- (2) Issuing objective and truthful occupational health examination reports;

- (3) Informing employers and workers of the examination results in accordance with relevant provisions;
- (4) Reporting to the local health administrative department upon discovering suspected occupational disease cases;
- (5) Undertaking other work related to occupational health examinations assigned by health administrative departments;
- (6) Other duties prescribed by laws and regulations.

Article 9 — Occupational health examination institutions shall establish and improve various management rules and regulations, including but not limited to quality management systems for examination reports, information management systems, and instrument and equipment management systems.

Article 10 — Occupational health examination institutions shall strengthen the training and continuing education of their occupational health examination professionals to continuously improve the quality and capability of occupational health examinations.

### **Chapter III — Occupational Health Examination Procedures**

Article 11 — When entrusting occupational health examinations, employers shall provide the occupational health examination institution with the following information:

- (1) Basic information about the employer;
- (2) Types of occupational disease hazard factors present at the workplace, the names of workers exposed, and information on their positions and exposure periods;
- (3) Results of testing and evaluation of occupational disease hazard factors at the workplace;
- (4) Other relevant information required by the occupational health examination institution.

Article 12 — Occupational health examination institutions shall determine the examination items and cycles for workers based on the categories of occupational disease hazard factors they are exposed to and in accordance with the Occupational Health Monitoring Technical Specifications and relevant standards.

Article 13 — Occupational health examination institutions shall conduct occupational health examinations strictly in accordance with the approved categories and items, and shall not carry out examination items unrelated to occupational disease hazards.

Article 14 — Pre-employment occupational health examinations shall be conducted before workers commence their positions; periodic occupational health examinations during employment shall be conducted at intervals determined by the types and degrees of occupational disease hazard factors workers are exposed to; post-employment occupational health examinations shall be conducted within a reasonable period before or after workers leave their positions.

Where occupational health examinations are required as a result of emergency occupational disease hazard accidents, emergency occupational health examinations shall be organized promptly.

Article 15 — Occupational health examination institutions shall, after completing the examinations, prepare individual examination reports for each worker examined, and shall prepare an occupational health examination summary report for the employer.

### **Chapter IV — Examination Results and Reports**

Article 16 — Occupational health examination institutions shall inform both the employer and the examined workers of the individual occupational health examination results within 30 days after the completion of the occupational health examinations; where special circumstances exist requiring an extension, the employer and workers shall be notified, and the reasons and the extended time period shall be specified.

Article 17 — Individual occupational health examination reports shall include the following content:

- (1) Basic information of the examined worker;
- (2) Information on the occupational disease hazard factors the worker is exposed to;
- (3) Results of various examination items;
- (4) Occupational health examination conclusions and recommendations;
- (5) Other content required to be included.

Article 18 — Occupational health examination conclusions shall be categorized as follows:

- (1) No abnormalities detected at present;
- (2) Occupational contraindications;
- (3) Suspected occupational disease;
- (4) Occupational disease;
- (5) Other diseases or abnormalities.

Article 19 — The occupational health examination summary report shall include the following content:

- (1) Basic information of the employer;
- (2) Information on the categories of occupational disease hazard factors at the employer's workplace and the detection results;
- (3) Information on workers undergoing occupational health examinations, examination items carried out, and a summary of examination results;
- (4) Recommendations for handling workers with occupational contraindications, suspected occupational diseases, and occupational diseases;
- (5) Other issues requiring explanation.

Article 20 — Where occupational health examination institutions discover suspected occupational disease cases during occupational health examinations, they shall issue suspected occupational disease reports to the workers and inform the employer and the worker that the worker shall apply for an occupational disease diagnosis.

Where occupational health examination institutions discover cases of occupational contraindications, they shall inform the employer and the worker in a timely manner, and make recommendations regarding the worker's position.

## **Chapter V — Employer Obligations**

Article 21 — Employers shall sign an entrustment agreement with occupational health examination institutions, specifying the rights and obligations of both parties, including the items, time, location, costs, reporting methods, and confidentiality obligations for the occupational health examinations.

Article 22 — Employers shall notify workers of the categories of occupational disease hazard factors they are exposed to and the corresponding occupational health examination items before organizing occupational health examinations.

Article 23 — Employers shall truthfully provide the information required under Article 11 of these Provisions to the occupational health examination institution and shall be responsible for the authenticity of the information provided.

Article 24 — Employers shall provide the occupational health examination results to workers within seven working days after receiving the occupational health examination reports, and shall truthfully inform workers of the examination conclusions and recommendations.

Article 25 — Where employers arrange for workers to undergo occupational health examinations at occupational health examination institutions and the examination conclusions indicate occupational contraindications, the employers shall transfer the workers from their original positions and properly reassign them.

Where the examination conclusions indicate a requirement for reexamination, the employer shall organize reexamination for the workers as required.

Article 26 — Employers shall retain occupational health examination files for each worker. Occupational health examination files shall be retained for the period specified by relevant State regulations.

Occupational health examination files shall include the worker's occupational history, history of exposure to occupational disease hazards, relevant information on occupational disease hazard factors at the workplace, the worker's past medical history, all occupational health examination results and treatment information, and information on occupational disease diagnosis.

Article 27 — Employers shall truthfully and accurately provide workers' occupational health examination results and information on occupational disease diagnosis and treatment when workers transfer to new workplaces, and shall retain copies for reference.

## **Chapter VI — Supervision and Inspection**

Article 28 — Health administrative departments of local people's governments at or above the county level shall strengthen the supervision and inspection of occupational health examination institutions within their respective administrative areas. The focus of supervision and inspection includes:

- (1) Whether occupational health examination institutions are carrying out occupational health examination work in accordance with laws, regulations, rules and relevant technical standards;
- (2) Whether occupational health examination institutions are operating beyond the approved scope of occupational health examination categories and items;
- (3) Whether occupational health examination institutions are issuing false occupational health examination reports;
- (4) Whether occupational health examination institutions are fulfilling their reporting obligations in a timely manner;
- (5) Other matters required to be supervised and inspected in accordance with law.

Article 29 — Health administrative departments shall, in accordance with law, conduct random inspections covering no less than 30 percent of occupational health examination institutions within their respective administrative areas each year, and shall conduct supervision and inspection of all occupational health examination institutions within their respective administrative areas at least once every two years.

Article 30 — Where health administrative departments, during supervision and inspection, discover violations by occupational health examination institutions, they shall order correction in accordance with law. Where the circumstances are serious, the occupational health examination permit shall be revoked in accordance with law.

## **Chapter VII — Legal Liability**

Article 31 — Where occupational health examination institutions conduct occupational health examinations beyond the approved scope of occupational health examination categories and items, the health

administrative department at or above the county level shall order immediate cessation of the illegal activities and issue a warning, and may impose a fine of not more than 30,000 yuan; where the circumstances are serious, the responsible person in charge and other directly responsible personnel shall be given disciplinary sanctions in accordance with law.

Article 32 — Where occupational health examination institutions fail to perform reporting obligations in accordance with regulations, or conceal, falsify or fabricate data or results, the health administrative department at or above the county level shall order correction within a specified time limit and issue a warning, and may impose a fine of not more than 30,000 yuan; where the circumstances are serious, the responsible person in charge and other directly responsible personnel shall be given disciplinary sanctions in accordance with law.

Article 33 — Where occupational health examination institutions issue false certification documents, the health administrative department at or above the county level shall issue a warning and confiscate illegal gains; where the illegal gains exceed 5,000 yuan, a fine of not less than two times but not more than five times the illegal gains shall be imposed, and where there are no illegal gains or the illegal gains are less than 5,000 yuan, a fine of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed; where the circumstances are serious, the original issuing department shall revoke the corresponding qualification.

Article 34 — Where employers fail to organize occupational health examinations, establish occupational health monitoring files, or inform workers in writing of the examination results as required, the health administrative department shall order correction within a specified time limit and issue a warning, and may impose a fine of not less than 50,000 yuan but not more than 100,000 yuan.

Article 35 — Where employers arrange for workers with occupational contraindications to engage in work prohibited by their contraindications, or fail to transfer workers to other positions or properly reassign them, the health administrative department shall order correction within a specified time limit and may impose a fine of not less than 50,000 yuan but not more than 300,000 yuan.

## **Chapter VIII — Supplementary Provisions**

Article 36 — The term "occupational contraindications" as used in these Provisions means situations in which, before engaging in a specific occupation or while engaging in an occupation with specific occupational hazards, an individual's special physiological or pathological state makes them susceptible to occupational disease hazards, more likely to suffer from an occupational disease, or may aggravate their own condition, or may induce diseases that pose a danger to the life and health of others while working.

Article 37 — The format of documents such as occupational health examination reports, occupational health examination summary reports, and individual occupational health examination reports shall be prescribed by the health administrative department under the State Council.

Article 38 — The administration of the occupational health examination of workers who may be exposed to occupational disease hazards while performing official duties by state organs, public institutions, and social organizations shall be governed by reference to these Provisions.

Article 39 — These Provisions shall come into effect on May 1, 2015. The Measures on the Administration of Occupational Health Examinations issued by the former Ministry of Health on February 28, 2002 shall be repealed simultaneously.

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