Regulations on Reporting, Investigation and Handling of Work Safety Accidents of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the Work Safety Law of the People's Republic of China and other relevant laws and administrative regulations for the purposes of regulating the reporting, investigation and handling of work safety accidents, implementing the accountability system for work safety accidents, and preventing and reducing the occurrence of work safety accidents.

Article 2 — These Regulations shall apply to the reporting, investigation and handling of personal injury or death or direct economic loss caused by work safety accidents (hereinafter referred to as "accidents") occurring in the course of production or business operations by enterprises, public institutions and other entities (hereinafter referred to as "production or business entities"). This shall not apply to environmental pollution accidents, nuclear facility accidents, or national defense scientific research and production accidents.

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Article 3 — Based on the casualties or direct economic loss caused, accidents shall be classified into the following categories:

(1) "Extraordinarily serious accident" means an accident that causes the death of more than 30 persons, or serious injury of more than 100 persons (including acute industrial poisoning, the same hereinafter), or direct economic loss of more than RMB 100 million;

(2) "Serious accident" means an accident that causes the death of 10 to 30 persons, or serious injury of 50 to 100 persons, or direct economic loss of RMB 50 million to 100 million;

(3) "Relatively serious accident" means an accident that causes the death of 3 to 10 persons, or serious injury of 10 to 50 persons, or direct economic loss of RMB 10 million to 50 million;

(4) "Ordinary accident" means an accident that causes the death of fewer than 3 persons, or serious injury of fewer than 10 persons, or direct economic loss of less than RMB 10 million.

Where the standards for accident classification need to be supplemented or adjusted, the work safety supervision and administration department of the State Council shall formulate regulations in conjunction with relevant departments of the State Council.

The definitions in the first paragraph of this Article shall also apply to the provisions below. Where relevant laws, administrative regulations, or regulations of the work safety supervision and administration department of the State Council provide otherwise for the classification of accidents in special industries or fields such as fire, civil aviation, railway transport, highway transport, waterway transport, or fishery vessels, such provisions shall prevail.

Article 4 — Accident reporting shall be timely, accurate and complete, and no entity or individual may delay reporting, make a false report, conceal a report, or omit to report an accident.

Accident investigation and handling shall adhere to the principles of seeking truth from facts and respecting science, shall ascertain the course, cause, nature, category, casualties and direct economic loss of the accident in a timely and accurate manner, shall identify the responsibility for the accident, shall propose measures for dealing with the persons responsible and preventive and corrective measures, and shall submit an accident investigation report. Any entity or individual may not obstruct or interfere with the investigation and handling of an accident.

The principal person in charge of the production or business entity concerned shall be responsible for the entity's work safety, and shall bear legal liability in accordance with the law for the reporting, investigation and handling of accidents occurring within the entity.

Article 5 — The people's governments at or above the county level shall strengthen their leadership over work safety in accordance with the relevant provisions, and shall support and supervise the relevant departments in performing their duties of supervising and administering the reporting, investigation and handling of accidents.

The work safety supervision and administration departments and the relevant departments that have work safety supervision and administration functions shall, in accordance with their respective duties, supervise and administer the reporting, investigation and handling of accidents.

The supervisory authorities shall, in accordance with the relevant provisions, supervise the performance of their duties by the relevant people's governments and the persons in charge and relevant departments of the people's governments in connection with the reporting, investigation and handling of accidents.

Article 6 — Trade unions shall, in accordance with the law, supervise the reporting, investigation and handling of accidents and have the right to put forward opinions to the relevant departments, and the relevant departments shall deal with such opinions in accordance with the law.

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Article 7 — No entity or individual may obstruct or interfere with the lawful reporting, investigation and handling of accidents.

Article 8 — Entities and individuals that have rendered meritorious service in reporting, investigating and handling accidents shall be commended and rewarded.

Chapter II — Accident Reporting

Article 9 — After an accident occurs, relevant personnel at the scene shall immediately report it to the principal person in charge of their entity. After receiving the report, the principal person in charge of the entity shall, within one hour, report the accident to the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions of the people's government at or above the county level at the place where the accident occurred.

Under special circumstances where there is an emergency and the accident cannot be reported to the principal person in charge of the entity, relevant personnel at the scene may directly report it to the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions of the people's government at or above the county level at the place where the accident occurred.

Article 10 — After receiving an accident report, the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions shall report the accident to the higher-level authority in accordance with the following provisions, and notify the public security organ, the labor and social security administrative department, the trade union organization, and the people's procuratorate:

(1) An extraordinarily serious accident or a serious accident shall be reported level by level to the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions of the State Council;

(2) A relatively serious accident shall be reported level by level to the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions of the people's government of the province, autonomous region, or municipality directly under the Central Government;

(3) An ordinary accident shall be reported to the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions at the level of a city divided into districts.

The work safety supervision and administration department and the relevant department that has work safety supervision and administration functions shall report accidents level by level in accordance with the preceding paragraph, and each level shall complete such reporting within two hours.

Article 11 — Upon receiving an accident report, the relevant departments shall notify the public security organ, the labor and social security administrative department, the trade union and the people's procuratorate within the prescribed time limit.

Article 12 — An accident report shall include the following particulars:

(1) A general description of the production or business entity where the accident occurred;

(2) The time and place of the accident and the circumstances at the scene;

(3) A brief account of the accident;

(4) The number of casualties already found and an estimate of the casualties (including persons missing);

(5) The measures already taken;

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(6) Other matters that should be reported.

Article 13 — Where new information becomes available after the accident has been reported, a supplementary report shall be made in a timely manner. The number of casualties changes within 30 days from the date of the accident; for road traffic accidents or fire accidents, the time limit shall be 7 days.

Article 14 — After an accident occurs, the principal person in charge of the production or business entity shall immediately initiate the corresponding emergency rescue plan, take effective measures, organize rescue operations, prevent the accident from expanding, and reduce casualties and property loss.

Article 15 — After an accident occurs, the relevant local people's government and the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions shall, after receiving the report, immediately rush to the scene of the accident and organize accident rescue.

Article 16 — The scene of the accident and relevant evidence shall be properly protected. No entity or individual may damage the scene of the accident or destroy relevant evidence.

Where, for the purpose of rescuing personnel or preventing the accident from expanding, it is necessary to move certain objects at the scene, a mark shall be made, and a written record shall be kept with on-site photos or video recordings, and the original state of important traces and physical evidence at the scene shall be properly preserved.

Article 17 — The public security organ shall, in accordance with the provisions on the jurisdiction of accident cases, participate in the investigation of accidents involving suspected crimes, and shall take corresponding measures against the persons responsible for the accident in accordance with the law.

Article 18 — The work safety supervision and administration department and the relevant department that has work safety supervision and administration functions shall establish duty systems, accept accident reports and whistleblower reports, and promptly handle them.

Chapter III — Accident Investigation

Article 19 — Accident investigation shall be carried out by the relevant people's government in accordance with the following provisions:

(1) Investigation of an extraordinarily serious accident shall be organized by the State Council or the relevant department authorized by the State Council;

(2) Investigation of a serious accident, a relatively serious accident, or an ordinary accident shall be organized respectively by the people's government of the province, autonomous region, or municipality directly under the Central Government, the people's government at the level of a city divided into districts, or the people's government at the county level. The people's government at the level of a city divided into districts or the people's government at the county level may also authorize or entrust the relevant department to organize an accident investigation team to conduct the investigation.

Where no casualties occur in an accident, the people's government at the county level may entrust the production or business entity where the accident occurred to organize an accident investigation team to conduct the investigation.

Article 20 — The higher-level people's government may investigate an accident that should be investigated by a lower-level people's government. Where the people's government at or above the county level considers it necessary, it may investigate an accident that has already been investigated by a lower-level people's government.

Article 21 — Where an extraordinarily serious accident involves two or more provinces, autonomous regions, or municipalities directly under the Central Government, the investigation shall be organized by the State

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Council. Where the accidents specified in the second paragraph of Article 19 of these Regulations involve two or more administrative regions, the investigation shall be organized by the common higher-level people's government.

Article 22 — An accident investigation team shall be composed of personnel from the relevant people's government, the work safety supervision and administration department, the relevant department that has work safety supervision and administration functions, the supervisory authority, the public security organ, and the trade union, and experts may be invited to participate. Members of the accident investigation team shall sign a letter of integrity and confidentiality.

The accident investigation team may invite the people's procuratorate to send personnel to participate. The accident investigation team may also engage experts to participate in the investigation.

Members of the accident investigation team shall have the professional knowledge and expertise required for accident investigation, and shall have no direct interest in the accident and the relevant entity.

Article 23 — An accident investigation team shall perform the following duties:

(1) To ascertain the course, cause, casualties and direct economic loss of the accident;

(2) To determine the nature of the accident and the liability for the accident;

(3) To propose measures for dealing with the persons responsible for the accident;

(4) To summarize the lessons learned from the accident and propose preventive and corrective measures;

(5) To submit an accident investigation report.

Article 24 — The accident investigation team shall have the right to inquire of the relevant entities and individuals about matters related to the accident. The relevant entities and individuals shall support and cooperate with the accident investigation team and truthfully provide relevant documents and information, and shall not refuse or obstruct such inquiries or provide false information.

The accident investigation team may, as required, engage experts to conduct technical appraisals.

The accident investigation team may, as required, request the relevant people's government to seal up, detain or freeze relevant assets, documents, materials and equipment.

Article 25 — During the accident investigation, the accident investigation team may, where it discovers a production or business entity and its relevant personnel are suspected of committing a crime, transfer the relevant materials to the judicial authority for handling in accordance with the law.

Article 26 — Members of the accident investigation team shall, during the accident investigation, abide by the principle of good faith, act impartially, and observe the discipline of accident investigation, and shall keep confidential the trade secrets of the entity involved in the accident.

Without the permission of the leader of the accident investigation team, members of the accident investigation team shall not release information about the accident without authorization.

Article 27 — An accident investigation team shall submit an accident investigation report within 60 days from the date of the occurrence of the accident. Under special circumstances, the period may be extended with the approval of the people's government organizing the investigation, but the extension shall not exceed 60 days.

The time required for technical appraisal shall not be counted within the period for accident investigation.

Article 28 — An accident investigation report shall be adopted by the accident investigation team upon discussion by more than half of its members and shall include the following particulars:

(1) The general situation of the production or business entity where the accident occurred;

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(2) The course of the accident and the rescue situation;

(3) The casualties and direct economic loss caused by the accident;

(4) The cause and nature of the accident;

(5) The determination of liability for the accident and proposals for dealing with the persons responsible for the accident;

(6) Measures for preventing and correcting the accident.

The accident investigation report shall be signed by the members of the accident investigation team.

Article 29 — Where a member of the accident investigation team holds a dissenting opinion on the cause, nature, or determination of liability for the accident, such dissenting opinion may be noted in the accident investigation report. In this case, the leader of the accident investigation team shall submit a special report explaining the relevant circumstances.

Article 30 — After the accident investigation report is submitted to the people's government that organized the investigation, the accident investigation work shall be deemed completed. The relevant departments and entities shall, in accordance with the law, handle the persons responsible for the accident and implement the preventive and corrective measures. Where there is any objection to the handling result, a review may be requested in accordance with the law.

Chapter IV — Handling of Accidents

Article 31 — The people's government that organized the accident investigation shall make a decision on approval of the accident investigation report within 15 days from the date of receipt of the report. Where an extension is necessary under special circumstances, it shall be approved by the relevant higher-level people's government.

Relevant authorities shall, in accordance with the law, investigate the legal liability of the persons responsible for the accident within the statutory time limit after the approval of the accident investigation report.

Article 32 — Relevant authorities shall, in accordance with the approval of the people's government, impose administrative sanctions on the persons responsible for the accident and the relevant personnel in accordance with the limits of administrative power and procedures prescribed by laws and administrative regulations, and shall keep confidentiality of the handling results of the persons responsible for the accident.

The production or business entity where the accident occurred shall, within 30 days after the approval of the accident investigation report by the people's government, implement the disciplinary measures against the persons responsible for the accident within the entity in accordance with the law. The entity shall report the implementation results to the work safety supervision and administration department and the relevant department that has work safety supervision and administration functions.

Article 33 — After the accident investigation and handling is concluded, the relevant departments shall make the handling results public in accordance with the law. The content made public shall include the basic information on the accident, the cause of the accident, the determination of liability, the handling of the persons responsible, and the preventive and corrective measures.

Article 34 — The production or business entity where the accident occurred shall carefully learn the lessons from the accident, implement preventive and corrective measures, and prevent the recurrence of accidents. The implementation of preventive and corrective measures shall be subject to supervision and inspection by the trade union and employees of the entity.

The work safety supervision and administration department and the relevant department that has work safety supervision and administration functions shall oversee and inspect the implementation of preventive and

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corrective measures by the production or business entity where the accident occurred.

Article 35 — The relevant departments shall file and keep the accident investigation and handling materials in accordance with the law for future reference and inspection.

Chapter V — Legal Liability

Article 36 — Where the principal person in charge of a production or business entity commits any of the following acts, a fine of not less than the amount of his annual income of the preceding year but not more than 80% of such annual income shall be imposed; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) Failing to report an accident in accordance with the law, or delaying or concealing the reporting of an accident;

(2) Failing to organize rescue operations at the scene of an accident after the occurrence of the accident, or leaving his post without authorization during the period of accident investigation and handling;

(3) Making a false report or concealing an accident.

Article 37 — Where a production or business entity is found to be responsible for an accident, in addition to being investigated for liability in accordance with the law, a fine shall be imposed according to the category of the accident:

(1) For an ordinary accident, a fine of not less than RMB 200,000 but not more than RMB 500,000;

(2) For a relatively serious accident, a fine of not less than RMB 500,000 but not more than RMB 1,000,000;

(3) For a serious accident, a fine of not less than RMB 1,000,000 but not more than RMB 5,000,000;

(4) For an extraordinarily serious accident, a fine of not less than RMB 5,000,000 but not more than RMB 10,000,000; where the circumstances are especially serious, a fine of not less than RMB 10,000,000 but not more than RMB 20,000,000.

Article 38 — Where the principal person in charge of a production or business entity fails to perform his work safety management duties in accordance with the law, resulting in the occurrence of an accident, a fine shall be imposed according to the category of the accident:

(1) For an ordinary accident, a fine of not less than 30% of his annual income of the preceding year;

(2) For a relatively serious accident, a fine of not less than 40% of his annual income of the preceding year;

(3) For a serious accident, a fine of not less than 60% of his annual income of the preceding year;

(4) For an extraordinarily serious accident, a fine of not less than 80% of his annual income of the preceding year.

Article 39 — Where the relevant local people's government or the work safety supervision and administration department or the relevant department that has work safety supervision and administration functions commits any of the following acts, the directly responsible persons in charge and other directly responsible persons shall be given sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) Failing to organize rescue operations in accordance with the law after the occurrence of an accident, causing the accident to expand;

(2) Delaying or concealing the reporting of an accident, or making a false report about an accident;

(3) Obstructing or interfering with accident investigation and handling;

(4) Committing fraud or malpractice for personal gain in accident investigation and handling.

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Article 40 — Where a production or business entity or its relevant personnel commits any of the following acts, the work safety supervision and administration department shall impose a fine of not less than RMB 10,000 but not more than RMB 50,000 on the entity, and a fine of not less than RMB 5,000 but not more than RMB 20,000 on the relevant personnel; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) Refusing to accept investigation by the accident investigation team or obstructing or interfering with the investigation;

(2) Failing to truthfully provide relevant information in the course of an accident investigation or making a false statement;

(3) Transferring, concealing, destroying, or falsifying relevant materials, data, equipment, or other physical evidence related to the accident, or deliberately damaging the scene of the accident;

(4) Retaliating against personnel who reported or reflected the accident or against personnel who participated in the accident investigation and handling.

Article 41 — Where a participant in an accident investigation commits any of the following acts during the accident investigation, sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) Showing favoritism to the entity involved in the accident or shielding the persons responsible for the accident;

(2) Failing to perform duties in accordance with the law in the course of an accident investigation, leading to a serious error or omission in the accident investigation;

(3) Requesting or accepting property from the entity involved in the accident or the persons responsible for the accident;

(4) Divulging trade secrets known during the accident investigation;

(5) Failing to keep confidential the accident investigation materials during the investigation period without authorization, or disclosing information about the accident without authorization.

Article 42 — Where a production or business entity violates the provisions of these Regulations by failing to implement the preventive and corrective measures in accordance with the requirements of the accident investigation report, the work safety supervision and administration department shall order it to make corrections and impose a fine of not less than RMB 50,000 but not more than RMB 200,000; where serious consequences are caused, it shall be ordered to suspend production or business operations for rectification.

Article 43 — The fines provided for in these Regulations shall be imposed by the work safety supervision and administration department in accordance with the law. Where laws and administrative regulations provide otherwise for the administrative penalty-imposing authority, such provisions shall prevail.

Chapter VI — Supplementary Provisions

Article 44 — Where no casualties occur but the direct economic loss is less than RMB 1,000,000, the production or business entity where the accident occurred may organize an investigation in accordance with the law, without applying the provisions of these Regulations.

Article 45 — The reporting, investigation and handling of extraordinarily serious accidents shall be carried out in accordance with the relevant provisions of the State Council.

Article 46 — These Regulations shall enter into force on June 1, 2007. The Provisions on the Reporting, Investigation and Handling of Extraordinarily Serious Accidents promulgated by the State Council on March 29, 1989 and the Provisions on the Reporting, Investigation and Handling of Especially Serious Accidents

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promulgated by the State Council on February 22, 1991 shall be repealed simultaneously.

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