

# Work Safety Law of the People’s Republic of China (2021 Amendment)

Dan Young Business Consultancy — [www.danyoungcpa.com](http://www.danyoungcpa.com)  
Unofficial English translation prepared for reference only. The official Chinese text prevails.

## Contents

|                                                                                         |   |
|-----------------------------------------------------------------------------------------|---|
| Table of Contents                                                                       | 1 |
| Chapter I — General Provisions                                                          | 1 |
| Chapter II — Work Safety Assurance of Production and Business Operation Entities        | 2 |
| Chapter III — Rights and Obligations of Employees in Work Safety                        | 4 |
| Chapter IV — Supervision and Administration of Work Safety                              | 4 |
| Chapter V — Emergency Rescue, Investigation and Handling of Production Safety Accidents | 4 |
| Chapter VI — Legal Liability                                                            | 5 |
| Chapter VII — Supplementary Provisions                                                  | 5 |

Adopted at the 28th Session of the Standing Committee of the Ninth National People’s Congress on June 29, 2002; amended in accordance with the Decision on Amending the Work Safety Law of the People’s Republic of China adopted at the 10th Session of the Standing Committee of the Eleventh National People’s Congress on August 27, 2009; amended for the second time in accordance with the Decision on Amending the Work Safety Law of the People’s Republic of China adopted at the 10th Session of the Standing Committee of the Twelfth National People’s Congress on August 31, 2014; and amended for the third time in accordance with the Decision on Amending the Work Safety Law of the People’s Republic of China adopted at the 29th Session of the Standing Committee of the Thirteenth National People’s Congress on June 10, 2021.

## Table of Contents

- Chapter I — General Provisions
- Chapter II — Work Safety Assurance of Production and Business Operation Entities
- Chapter III — Rights and Obligations of Employees in Work Safety
- Chapter IV — Supervision and Administration of Work Safety
- Chapter V — Emergency Rescue, Investigation and Handling of Production Safety Accidents
- Chapter VI — Legal Liability
- Chapter VII — Supplementary Provisions

## Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening work safety, preventing and reducing production safety accidents, safeguarding the safety of people’s lives and property, and promoting safe economic and social development.

Article 2 — This Law shall apply to work safety in entities engaged in production and business operation activities (hereinafter referred to as “production and business operation entities”) within the territory of the People’s Republic of China. Where relevant laws and administrative regulations provide otherwise for fire safety, road traffic safety, railway traffic safety, waterway traffic safety, civil aviation safety, nuclear and radiation safety, and special equipment safety, such provisions shall apply.

Article 3 — Work safety shall be people-oriented, adhere to safe development, and uphold the principle of safety first, prevention foremost and comprehensive management. Production and business operation entities shall bear the primary responsibility for work safety.

Article 4 — Production and business operation entities shall comply with this Law and other relevant laws and regulations on work safety, strengthen work safety management, establish and improve the work safety responsibility system for all employees and work safety rules and regulations, increase investment in work safety, and improve the conditions for work safety.

Article 5 — The principal person in charge of a production and business operation entity shall be the first person responsible for the work safety of the entity and shall be fully responsible for the work safety work of the entity.

Article 6 — Employees of production and business operation entities shall have the right to obtain work safety protection in accordance with the law and shall perform their obligations in respect of work safety in accordance with the law.

Article 7 — Trade unions shall supervise work safety work in accordance with the law. Trade unions of production and business operation entities shall organize employees to participate in the democratic management and supervision of the work safety of their entities and safeguard the lawful rights and interests of employees in work safety.

Article 8 — The State Council and local people’s governments at or above the county level shall incorporate work safety into their national economic and social development plans and organize the formulation and implementation of work safety plans.

Article 9 — The emergency management department of the State Council shall exercise comprehensive supervision and administration over work safety nationwide. The emergency management departments of local people’s governments at or above the county level shall exercise comprehensive supervision and administration over work safety within their respective administrative regions.

Article 10 — The relevant departments of the State Council shall, in accordance with the provisions of this Law and other relevant laws and administrative regulations, exercise supervision and administration over work safety in their respective industries and fields within the scope of their respective functions and duties.

Article 11 — The State shall encourage and support scientific and technological research in work safety and the promotion and application of advanced work safety technologies.

Article 12 — The State shall implement a registration and management system for units providing safety assessment, certification, testing, inspection and other services related to work safety.

Article 13 — The State shall implement a system under which production safety accident liabilities are pursued, and shall investigate the legal liability of the relevant production and business operation entities and personnel in accordance with this Law and the provisions of relevant laws and regulations.

## **Chapter II — Work Safety Assurance of Production and Business Operation Entities**

Article 14 — Production and business operation entities shall meet the work safety conditions prescribed by this Law and relevant laws, administrative regulations, national standards or industry standards; production

and business operation activities shall not be carried out where the work safety conditions are not met.

Article 15 — The principal person in charge of a production and business operation entity shall have the following responsibilities for work safety:

1. Establishing, improving and organizing the implementation of the work safety responsibility system for all employees; 2. Organizing the formulation and implementation of work safety rules and regulations and operating procedures; 3. Organizing the formulation and implementation of work safety education and training plans; 4. Ensuring the effective implementation of work safety investment; 5. Organizing the establishment and implementation of dual prevention mechanisms for safety risk classification, management and control and for inspection and management of hidden accident hazards; 6. Organizing the formulation and implementation of emergency rescue plans for production safety accidents; 7. Reporting production safety accidents in a timely and truthful manner.

Article 16 — The work safety responsibility system of a production and business operation entity shall specify the responsible personnel, scope of responsibility and assessment standards for each position.

Article 17 — Production and business operation entities shall have the funds necessary for work safety conditions and shall not reduce the funds for work safety for any reason.

Article 18 — Mining, metal smelting, construction, transport entities and entities producing, dealing in or storing hazardous articles shall establish work safety management institutions or have full-time work safety management personnel. Other production and business operation entities with more than 100 employees shall establish work safety management institutions or have full-time work safety management personnel; those with fewer than 100 employees shall have full-time or part-time work safety management personnel.

Article 19 — The principal person in charge and work safety management personnel of a production and business operation entity shall have work safety knowledge and management capabilities appropriate to the production and business operation activities of the entity.

Article 20 — Production and business operation entities shall provide work safety education and training to their employees to ensure that employees have the necessary work safety knowledge.

Article 21 — Production and business operation entities shall not put into use new technologies, new processes, new materials or new equipment without understanding or mastering their safety technical characteristics.

Article 22 — Production and business operation entities shall set up obvious safety warning signs at production and business operation premises and on relevant facilities and equipment where there are relatively significant risk factors.

Article 23 — The safety equipment of production and business operation entities shall comply with national standards or industry standards.

Article 24 — Production and business operation entities shall conduct regular maintenance and servicing of their safety equipment and shall conduct regular testing.

Article 25 — Production and business operation entities shall register and file the management of major hazard sources, conduct regular testing, assessment and monitoring, and formulate emergency plans.

Article 26 — Production and business operation entities shall establish and improve a system for the investigation and management of hidden accident hazards and shall take technical and management measures to discover and eliminate hidden accident hazards in a timely manner.

Article 27 — Where the workshops, stores or warehouses of a production or business operation entity are in the same building as employee dormitories, they shall maintain a safe distance from the employee dormitories.

Article 28 — Production and business operation entities shall provide employees with labor protection articles that comply with national standards or industry standards and shall supervise and educate employees in wearing and using them.

### **Chapter III — Rights and Obligations of Employees in Work Safety**

Article 29 — Employees of production and business operation entities shall have the right to be informed of the risk factors existing at their workplaces and work positions, the preventive measures and emergency measures for accidents.

Article 30 — Employees shall have the right to criticize, report and bring charges against problems existing in the work safety work of their entities. The entities shall not retaliate against employees who exercise such rights.

Article 31 — Employees shall have the right to refuse to carry out operations given in violation of regulations or hazardous operations compelled by their entities. The entities shall not reduce the wages, welfare benefits or other treatment of employees or rescind labor contracts with them for refusing such operations.

Article 32 — Where employees discover emergency situations that directly endanger their personal safety, they shall have the right to stop operations or leave the workplace after taking possible emergency measures.

Article 33 — Employees shall strictly observe the work safety rules and regulations and operating procedures of their entities, comply with labor discipline, and correctly wear and use labor protection articles.

Article 34 — Employees shall receive work safety education and training and master the work safety knowledge necessary for their own work.

Article 35 — Where an employee discovers an accident hazard or other unsafe factors, he shall immediately report it to the on-site work safety management personnel or the person in charge of the entity.

### **Chapter IV — Supervision and Administration of Work Safety**

Article 36 — The departments responsible for the supervision and administration of work safety of local people's governments at or above the county level shall strengthen supervision and inspection of production and business operation entities in accordance with the law.

Article 37 — When conducting supervision and inspection, the departments responsible for the supervision and administration of work safety shall have the authority to enter production and business operation entities for inspection.

Article 38 — Supervision and inspection shall not affect the normal production and business operation activities of the entities under inspection.

Article 39 — Any entity or individual shall have the right to report hidden accident hazards and work safety violations to the departments responsible for the supervision and administration of work safety.

### **Chapter V — Emergency Rescue, Investigation and Handling of Production Safety Accidents**

Article 40 — Production and business operation entities shall formulate emergency rescue plans for production safety accidents in their own entities and organize drills.

Article 41 — Where a production safety accident occurs in a production or business operation entity, the person in charge at the scene shall immediately report it to the principal person in charge of the entity.

Article 42 — After a production safety accident occurs, the relevant personnel of the entity concerned shall not destruct the scene of the accident or conceal, delay or falsely report the accident.

Article 43 — After a production safety accident occurs, the entity concerned shall organize rescue operations and prevent the accident from expanding.

Article 44 — The investigation and handling of production safety accidents shall be conducted in accordance with the principles of seeking truth from facts and respecting science.

## **Chapter VI — Legal Liability**

Article 45 — Where a production or business operation entity commits an act in violation of the provisions of this Law, it shall be ordered to make corrections and may be fined; where the circumstances are serious, it shall be ordered to suspend production and business operations for rectification.

Article 46 — Where the principal person in charge of a production or business operation entity fails to perform his work safety management duties, he shall be ordered to make corrections and fined.

Article 47 — Where a production or business operation entity causes a production safety accident, the entity and its responsible persons shall be fined in accordance with the law.

Article 48 — Where a production or business operation entity fails to comply with the provisions of this Law and causes a production safety accident, resulting in casualties to employees, it shall bear liability for compensation in accordance with the law.

Article 49 — Where an act in violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with the relevant provisions of the Criminal Law.

## **Chapter VII — Supplementary Provisions**

Article 50 — For the purposes of this Law, “hazardous articles” mean articles that are inflammable, explosive, dangerous chemicals, radioactive, or capable of endangering personal safety and property safety.

Article 51 — For the purposes of this Law, “major hazard sources” mean the units (including premises and facilities) where hazardous articles are produced, handled, used or stored in quantities equal to or exceeding the critical mass on a long-term or temporary basis.

Article 52 — This Law shall come into force on November 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 work safety compliance, workplace safety management and regulatory requirements in China, please contact Dan Young Business Consultancy.