Work Safety Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening work safety, preventing and reducing work safety accidents, ensuring the safety of people's lives and property, and promoting sustained and healthy economic and social development.

Article 2 — This Law shall apply to work safety of entities engaged in production and business operation activities within the territory of the People's Republic of China. Where relevant laws and administrative regulations provide otherwise for work safety in firefighting, road traffic, railway traffic, waterway traffic, civil aviation, nuclear and radiological safety, special equipment safety and other fields, such provisions shall prevail.

Article 3 — Work safety shall be people-oriented, adhere to the principle that the people and life are supreme, give top priority to the protection of people's lives and safety, and firmly establish the concept of safe development. The principle of safety first and prevention-oriented comprehensive management shall be adhered to, addressing both the symptoms and root causes, and preventing and resolving major safety risks at the source.

Article 4 — Production and business operation entities shall comply with this Law and other laws and regulations concerning 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, improve work safety conditions, strengthen the construction of work safety standardization and informatization, and establish a dual prevention mechanism of safety risk grading control and hidden hazard investigation and treatment.

Article 5 — The principal responsible person of a production and business operation entity shall be the first person responsible for work safety of the entity, and shall be fully responsible for the work safety of the entity. Other responsible persons shall be responsible for work safety within the scope of their duties.

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

Article 7 — Trade unions shall supervise work safety 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 work safety of their entities, and safeguard the lawful rights and interests of employees in work safety.

Chapter II — Work Safety Guarantees of Production and Business Operation Entities

Article 8 — Production and business operation entities shall meet the work safety conditions prescribed by this Law and relevant laws, administrative regulations, national standards or trade standards. Production and business operation entities that do not meet such conditions shall not engage in production and business operation activities.

Article 9 — The principal responsible person of a production and business operation entity shall have the following duties regarding work safety:

(1) Establishing, improving and organizing the implementation of the work safety responsibility system for all employees, and strengthening the standardization of work safety;

(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;

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(4) Ensuring the effective implementation of work safety investment;

(5) Organizing the establishment and implementation of the dual prevention mechanism of safety risk grading control and hidden hazard investigation and treatment, urging and inspecting work safety, and eliminating hidden hazards of work safety accidents in a timely manner;

(6) Organizing the formulation and implementation of emergency rescue plans for work safety accidents;

(7) Reporting work safety accidents in a timely and truthful manner.

Article 10 — Where mining, metal smelting, construction, transportation entities and entities producing, dealing in, storing or using hazardous substances have more than 100 employees, they shall establish work safety management bodies or be staffed with full-time work safety management personnel. Where such entities have fewer than 100 employees, they shall be staffed with full-time or part-time work safety management personnel.

Article 11 — The work safety management bodies and work safety management personnel of production and business operation entities shall perform the following duties:

(1) Organizing or participating in the formulation of work safety rules and regulations, operating procedures and emergency rescue plans for work safety accidents;

(2) Organizing or participating in work safety education and training, and truthfully recording work safety education and training;

(3) Organizing the identification and assessment of safety risks, and urging the implementation of safety risk control measures;

(4) Organizing or participating in emergency rescue drills;

(5) Inspecting the work safety conditions, and promptly investigating hidden hazards of work safety accidents, and proposing suggestions for improving work safety management;

(6) Stopping and correcting violations of rules and regulations, forcible risky operations, and violations of operating procedures;

(7) Urging the implementation of work safety rectification measures.

Article 12 — Production and business operation entities shall conduct work safety education and training for their employees, ensure that employees have the necessary work safety knowledge, are familiar with relevant work safety rules and regulations and safe operating procedures, and master the safe operation skills for their respective positions. Employees who have not passed the work safety education and training shall not take up their posts for operations.

Article 13 — Special operation personnel of production and business operation entities shall undergo special safety operation training in accordance with relevant provisions of the state and obtain corresponding qualifications before taking up their posts for operations.

Article 14 — The safety facilities of new construction, reconstruction and expansion projects of production and business operation entities shall be designed, constructed, and put into production and use simultaneously with the main project. The investment in safety facilities shall be included in the budget estimate of the construction project.

Article 15 — Production and business operation entities shall set up conspicuous safety warning signs in places where there are relatively large risk factors in the production and business operation sites and on relevant facilities and equipment.

Article 16 — Production and business operation entities shall provide employees with labor protection articles that meet national standards or trade standards, and supervise and educate employees to wear and

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use them correctly.

Chapter III — Rights and Obligations of Employees in Work Safety

Article 17 — Employees of production and business operation entities shall have the right to know the risk factors existing in their workplaces and posts, the preventive measures and the emergency measures for accidents, and shall have the right to make suggestions on work safety of their entities.

Article 18 — Employees shall have the right to criticize, report, and file charges against problems existing in the work safety of their entities. Production and business operation entities shall not retaliate against employees who criticize, report or file charges.

Article 19 — Where an employee discovers an emergency that directly endangers personal safety, the employee shall have the right to stop the operation or evacuate the workplace after taking possible emergency measures.

Production and business operation entities shall not reduce the wages, welfare and other remuneration of employees or rescind the labor contracts with employees for exercising the emergency evacuation right under the preceding paragraph.

Article 20 — Employees shall strictly observe work safety rules and regulations and operating procedures, comply with management, and correctly wear and use labor protection articles during operations.

Article 21 — Employees shall receive work safety education and training, master the work safety knowledge required for their own work, improve work safety skills, and enhance their ability to prevent accidents and deal with emergency situations.

Chapter IV — Supervision and Administration of Work Safety

Article 22 — The emergency management departments of the people's governments at or above the county level shall exercise comprehensive supervision and administration over work safety within their respective administrative regions in accordance with this Law.

The relevant departments of the people's governments at or above the county level shall, in accordance with the provisions of this Law and other relevant laws and regulations, supervise and administer work safety of the relevant industries and fields within the scope of their respective functions and responsibilities.

Article 23 — The departments responsible for the supervision and administration of work safety shall, in the exercise of their functions and powers in accordance with the law, have the right to take the following measures for production and business operation entities:

(1) Entering production and business operation entities for inspection, accessing relevant materials, and obtaining information from relevant entities and personnel;

(2) Ordering immediate correction where hidden hazards of work safety accidents are discovered during inspection;

(3) Ordering the elimination of hidden hazards in accordance with the law where major hidden hazards of accidents are discovered;

(4) Making decisions to order the suspension of operations or stop the use of relevant facilities or equipment, among others, for situations that do not meet work safety conditions.

Article 24 — Any entity or individual shall have the right to report hidden hazards of accidents and illegal acts in work safety to the departments responsible for the supervision and administration of work safety.

Chapter V — Emergency Rescue, Investigation and Handling of Work Safety Accidents

Article 25 — Production and business operation entities shall formulate their own emergency rescue plans for work safety accidents and organize drills on a regular basis.

Article 26 — Where a work safety accident occurs in a production and business operation entity, the person in charge at the site shall immediately report to the principal responsible person of the entity.

After receiving an accident report, the principal responsible person of the entity shall promptly initiate the corresponding emergency plan, take effective measures, organize rescue, prevent the expansion of the accident and reduce casualties and property losses, and shall truthfully report the accident to the relevant local authorities in accordance with relevant provisions.

Article 27 — After a work safety accident occurs, relevant entities and personnel shall properly protect the accident site and relevant evidence. No entity or individual shall damage the accident site or destroy relevant evidence.

Article 28 — The investigation of work safety accidents shall be carried out in accordance with the principles of scientific rigor, compliance with laws and regulations, seeking truth from facts, and focusing on effectiveness, so as to find out the causes of the accident in a timely and accurate manner, identify the nature and responsibility of the accident, summarize the lessons of the accident, propose rectification measures, and hold the persons responsible for the accident accountable.

Chapter VI — Legal Liability

Article 29 — Where a production and business operation entity commits any of the following acts, it shall be ordered to make corrections within a prescribed time limit and may be fined not more than 100,000 yuan; where it fails to make corrections within the time limit, it shall be ordered to suspend production and business for rectification, and a fine of not less than 100,000 yuan but not more than 200,000 yuan shall be imposed, and the persons directly in charge and other persons directly responsible shall be fined not less than 20,000 yuan but not more than 50,000 yuan:

(1) Failing to establish work safety management bodies or staff work safety management personnel;

(2) Special operation personnel failing to undergo special safety operation training and obtain corresponding qualifications before taking up their posts for operations;

(3) Failing to conduct work safety education and training for employees, or failing to truthfully inform employees of relevant work safety matters.

Article 30 — Where a production and business operation entity fails to take measures to eliminate hidden hazards of accidents, it shall be ordered to eliminate them immediately or within a prescribed time limit and fined not more than 50,000 yuan; where the amount of the fine imposed on the production and business operation entity is less than 50,000 yuan, the responsible persons shall be fined not less than 10,000 yuan.

Article 31 — Where a work safety accident occurs in a production and business operation entity, and the entity bears responsibility for the accident, a fine shall be imposed as follows:

(1) Where a general accident occurs, a fine of not less than 300,000 yuan but not more than 1,000,000 yuan shall be imposed;

(2) Where a relatively major accident occurs, a fine of not less than 1,000,000 yuan but not more than 2,000,000 yuan shall be imposed;

(3) Where a major accident occurs, a fine of not less than 2,000,000 yuan but not more than 10,000,000 yuan shall be imposed;

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(4) Where a particularly major accident occurs, a fine of not less than 10,000,000 yuan but not more than 20,000,000 yuan shall be imposed.

Article 32 — Where the principal responsible person of a production and business operation entity fails to perform the work safety management duties prescribed by this Law, and a work safety accident occurs, and such act constitutes a crime, criminal liability shall be pursued in accordance with the relevant provisions of the Criminal Law.

Article 33 — Where an administrative penalty decision is made to order the suspension of production and business for rectification, and the production and business operation entity refuses to implement it, the department that made the decision may notify the relevant entity to stop the supply of electricity or civil explosives.

Chapter VII — Supplementary Provisions

Article 34 — For the purposes of this Law, the following terms shall have the following meanings:

(1) "Production and business operation entity" means an enterprise, public institution, individual industrial and commercial household or other entity legally established and engaged in production and business operation activities.

(2) "Work safety accident" means an incident that occurs suddenly during production and business operation activities, causing personal injury or death or direct economic losses.

(3) "General accident" means an accident that causes the death of fewer than three persons, or serious injury of fewer than ten persons, or direct economic losses of less than 10 million yuan.

(4) "Relatively major accident" means an accident that causes the death of three to nine persons, or serious injury of ten to 49 persons, or direct economic losses of 10 million yuan to less than 50 million yuan.

(5) "Major accident" means an accident that causes the death of ten to 29 persons, or serious injury of 50 to 99 persons, or direct economic losses of 50 million yuan to less than 100 million yuan.

(6) "Particularly major accident" means an accident that causes the death of 30 or more persons, or serious injury of 100 or more persons, or direct economic losses of 100 million yuan or more.

Article 35 — This Law shall come into effect on September 1, 2021.

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