

Regulations on Labor Protection in Workplaces Where Toxic Substances Are Used of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com
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Chapter I — General Provisions

Article 1 — These Regulations are formulated, in accordance with the Law on the Prevention and Control of Occupational Diseases and other relevant laws and administrative regulations, to ensure the safe use of toxic substances in workplaces, to prevent, control and eliminate the hazards of occupational poisoning, and

to protect the life safety, physical health and related rights and interests of workers.

Article 2 — These Regulations shall apply to labor protection in workplaces where the use of toxic substances may produce occupational poisoning hazards.

Article 3 — Toxic substances shall be classified, according to the degree of occupational poisoning hazard they produce, into general toxic substances and highly toxic substances. The State shall exercise special administration over the use of highly toxic substances in workplaces.

The catalogue of general toxic substances and the catalogue of highly toxic substances shall be formulated, adjusted and published by the health administrative department under the State Council, in conjunction with the relevant departments, in accordance with national standards.

Article 4 — Employing units engaged in operations using toxic substances (hereinafter referred to as “employing units”) shall use toxic substances that conform to national standards, and shall not use in workplaces toxic substances whose use is expressly prohibited by the State or toxic substances that do not conform to national standards.

Employing units shall use non-toxic substances wherever possible; where toxic substances must be used, priority shall be given to the use of low-toxicity substances.

Article 5 — Employing units shall, in accordance with these Regulations and other relevant laws and administrative regulations, adopt effective protective measures to prevent occupational poisoning accidents, participate in work-related injury insurance in accordance with the law, and safeguard the life safety and physical health of workers.

Article 6 — The State shall encourage the research, development, promotion and application of new technologies, new processes and new materials that are conducive to preventing, controlling and eliminating occupational poisoning hazards and protecting the health of workers; shall restrict the use of or eliminate technologies, processes and materials that cause serious occupational poisoning hazards; and shall strengthen basic research on the mechanisms and occurrence patterns of relevant occupational diseases and raise the scientific and technological level of the prevention and control of occupational diseases.

Article 7 — The use of child labor shall be prohibited.

Employing units shall not arrange for minors or for female workers during pregnancy or lactation to engage in operations using toxic substances.

Article 8 — Trade union organizations shall urge and assist employing units to carry out occupational health publicity, education and training, put forward opinions and suggestions on the occupational health work of employing units, and coordinate with employing units on occupational disease prevention and control issues raised by workers and urge their resolution.

Trade union organizations shall have the right to demand correction where employing units violate laws or regulations or infringe upon the lawful rights and interests of workers; where serious occupational poisoning hazards arise, they shall have the right to demand that employing units adopt protective measures, or suggest that the relevant government departments adopt compulsory measures; where occupational poisoning accidents occur, they shall have the right to participate in the investigation and handling of the accidents; and where circumstances endangering the life or health of workers are discovered, they shall have the right to suggest that employing units organize the evacuation of workers from the dangerous site, and the employing units shall take immediate action.

Article 9 — The health administrative and disease prevention and control departments of the people’s governments at or above the county level and other relevant administrative departments shall, in accordance with their respective duties, supervise employing units to strictly abide by these Regulations and other relevant laws and regulations, strengthen labor protection in the use of toxic substances in workplaces,

prevent occupational poisoning accidents, and ensure the rights that workers enjoy in accordance with the law.

Article 10 — The people's governments at all levels shall strengthen leadership over occupational health and safety and related labor protection work in workplaces where toxic substances are used, urge and support the health administrative and disease prevention and control departments and other relevant administrative departments to perform their supervision and inspection duties in accordance with the law, and promptly coordinate and resolve major issues; when occupational poisoning accidents occur, they shall adopt effective measures to control the spread of the accident hazards and eliminate them, and properly handle the aftermath.

Chapter II — Preventive Measures for Workplaces

Article 11 — The establishment of employing units shall conform to the establishment conditions prescribed by the relevant laws and administrative regulations, and the relevant procedures shall be handled in accordance with the law to obtain a business license.

Workplaces of employing units where toxic substances are used shall, in addition to conforming to the occupational health requirements prescribed by the Law on the Prevention and Control of Occupational Diseases, also satisfy the following requirements:

- (1) the workplaces shall be separated from living quarters, and no one shall reside in the workplaces;
- (2) hazardous operations shall be separated from non-hazardous operations, and workplaces where highly toxic substances are used shall be isolated from other workplaces;
- (3) effective ventilation devices shall be installed; workplaces where a large quantity of toxic substances may suddenly leak or where acute poisoning is likely to occur shall be equipped with automatic alarm devices and accident ventilation facilities;
- (4) workplaces where highly toxic substances are used shall be equipped with emergency evacuation passages and necessary danger-release areas.

Article 12 — Workplaces where toxic substances are used shall be marked with yellow zone warning lines, warning signs and Chinese warning instructions. The warning instructions shall specify the type and consequences of the occupational poisoning hazards produced, prevention and emergency treatment measures, and other content.

Workplaces where highly toxic substances are used shall be marked with red zone warning lines, warning signs and Chinese warning instructions, and shall be equipped with communication and alarm equipment.

Article 13 — For newly built, expanded or rebuilt construction projects and technical transformation and technology introduction projects (hereinafter collectively referred to as "construction projects") that may produce occupational poisoning hazards, a pre-assessment of occupational poisoning hazards shall be conducted in accordance with the provisions of the Law on the Prevention and Control of Occupational Diseases; the facilities for protection against occupational poisoning hazards of construction projects that may produce occupational poisoning hazards shall be designed, constructed, and put into production and use simultaneously with the main project; before the completion acceptance of a construction project, an evaluation of the control effect on occupational poisoning hazards shall be conducted; and the facilities for protection against occupational poisoning hazards of a construction project may be put into production and use only after passing acceptance organized in accordance with the law.

The design of the facilities for protection against occupational poisoning hazards of construction projects that may produce occupational poisoning hazards shall conform to national occupational health standards and health requirements.

Article 14 — Employing units shall, in accordance with the provisions of the health administrative department under the State Council, report to the health administrative department in a timely and truthful manner the projects involving occupational poisoning hazards.

Employing units engaged in operations using highly toxic substances shall, when reporting projects involving operations using highly toxic substances, submit the following relevant materials to the health administrative department:

- (1) the evaluation report on the control effect on occupational poisoning hazards;
- (2) materials such as the occupational health management system and operating procedures;
- (3) the emergency rescue plan for occupational poisoning accidents.

Employing units engaged in operations using highly toxic substances that change the types of highly toxic substances used shall re-report to the health administrative department that originally accepted the report in accordance with the preceding paragraph.

Article 15 — Employing units that change their name, legal representative or person in charge shall file such changes with the health administrative department that originally accepted the report.

Article 16 — Employing units engaged in operations using highly toxic substances shall provide emergency rescue personnel and necessary emergency rescue equipment and facilities, formulate emergency rescue plans for accidents, revise the emergency rescue plans in a timely manner in light of changes in actual circumstances, and organize regular drills. The emergency rescue plans for accidents and drill records shall be filed with the local health administrative department, emergency management department and public security department.

Chapter III — Protection During the Labor Process

Article 17 — Employing units shall, in accordance with the relevant provisions of the Law on the Prevention and Control of Occupational Diseases, adopt effective occupational health protection and management measures and strengthen protection and management during the labor process.

Employing units engaged in operations using highly toxic substances shall provide full-time or part-time occupational health physicians and nurses; where the conditions for providing full-time or part-time occupational health physicians and nurses are not met, they shall sign contracts with occupational health technical service institutions that have lawfully obtained qualification certification, and such institutions shall provide occupational health services.

Article 18 — Employing units shall conclude labor contracts with workers, truthfully inform workers of the occupational poisoning hazards that may arise in the course of work and their consequences, and the protective measures against occupational poisoning hazards and benefits, shall specify these in the labor contract, and shall not conceal or deceive.

Where a worker, during the term of an already concluded labor contract, engages in operations with occupational poisoning hazards that were not disclosed in the labor contract due to a change in his or her work post or work content, the employing unit shall truthfully inform the worker in accordance with the preceding paragraph and negotiate to amend the relevant clauses of the original labor contract.

Where an employing unit violates the preceding two paragraphs, the worker shall have the right to refuse to engage in operations with occupational poisoning hazards, and the employing unit shall not unilaterally rescind or terminate the labor contract concluded with the worker on this account.

Article 19 — The relevant management personnel of employing units shall be familiar with the laws and regulations on the prevention and control of occupational diseases and with the knowledge necessary to ensure that workers safely use toxic substances in their operations.

Employing units shall provide workers with pre-employment occupational health training and regular occupational health training during employment, popularize relevant occupational health knowledge, urge workers to abide by the relevant laws, regulations and operating procedures, and guide workers to correctly use protective equipment against occupational poisoning hazards and personal protective articles against occupational poisoning hazards.

Workers may take up their posts only after passing training and assessment.

Article 20 — Employing units shall ensure that protective equipment against occupational poisoning hazards, emergency rescue facilities and communication and alarm devices are in normal working condition, and shall not dismantle them or stop their operation without authorization.

Employing units shall carry out regular maintenance, repair and periodic testing of the performance and effects of the facilities listed in the preceding paragraph to ensure that they are in good operating condition.

Where protective equipment against occupational poisoning hazards, emergency rescue facilities and communication and alarm devices are in an abnormal condition, employing units shall immediately stop operations using toxic substances; operations may be resumed only after normal conditions are restored.

Article 21 — Employing units shall provide workers engaged in operations using toxic substances with protective articles that conform to national occupational health standards and ensure that workers use them correctly.

Article 22 — Toxic substances must be accompanied by instructions truthfully specifying the product characteristics, main ingredients, existing occupational poisoning hazard factors, possible harmful consequences, safety precautions for use, protection against occupational poisoning hazards, emergency treatment measures and other content; toxic substances without instructions or with instructions that do not meet the requirements shall not be sold to employing units.

Employing units shall have the right to demand instructions from units that produce or deal in toxic substances.

Article 23 — The packaging of toxic substances shall conform to national standards, and safety labels for toxic substances shall be affixed or attached in a manner that is easily understood by workers. The packaging of toxic substances must bear conspicuous warning signs and Chinese warning instructions.

Units that deal in or use toxic substances shall not deal in or use toxic substances without safety labels, warning signs and Chinese warning instructions.

Article 24 — Where employing units maintain or repair production devices containing highly toxic substances, they must formulate maintenance and repair plans in advance, specify protective measures against occupational poisoning hazards, and ensure the life safety and physical health of maintenance and repair personnel.

The maintenance and repair of production devices containing highly toxic substances must be carried out strictly in accordance with the maintenance and repair plans and operating procedures. The maintenance and repair sites shall be supervised by dedicated personnel, and warning signs shall be set up.

Article 25 — Where it is necessary to enter equipment, containers or narrow enclosed places containing highly toxic substances to perform operations, employing units shall adopt the following measures in advance:

- (1) maintain good ventilation in the workplaces and ensure that the concentration of occupational poisoning hazard factors in the workplaces conforms to national occupational health standards;
- (2) provide workers with protective articles that conform to national occupational health standards;
- (3) set up on-site supervisory personnel and on-site rescue equipment.

Where the measures in the preceding paragraph are not adopted or the adopted measures do not meet the requirements, employing units shall not arrange for workers to enter equipment, containers or narrow enclosed places containing highly toxic substances to perform operations.

Article 26 — Employing units shall, in accordance with the provisions of the health administrative department under the State Council, regularly test and evaluate the occupational poisoning hazard factors in workplaces where toxic substances are used. The testing and evaluation results shall be kept in the occupational health files of the employing units, reported to the local health administrative department periodically and published to workers.

Employing units engaged in operations using highly toxic substances shall test the occupational poisoning hazard factors in workplaces where highly toxic substances are used at least once a month, and evaluate the control effect on occupational poisoning hazards at least once every six months.

Where the occupational poisoning hazard factors in workplaces where highly toxic substances are used do not conform to national occupational health standards and health requirements, employing units must immediately stop the highly toxic operations and adopt corresponding treatment measures; operations may be resumed only after the occupational poisoning hazard factors, following treatment, conform to national occupational health standards and health requirements.

Article 27 — Employing units engaged in operations using highly toxic substances shall provide shower rooms and changing rooms, and set up special rooms for cleaning, storing or handling the work clothes, work shoes and hats and other articles of workers engaged in operations using highly toxic substances.

When workers finish their work, the work clothes, work shoes and hats and other articles they use must be stored in the highly toxic operation areas and shall not be worn into non-highly-toxic operation areas.

Article 28 — Employing units shall, in accordance with the provisions, arrange job rotation for workers engaged in operations using highly toxic substances.

Employing units shall provide post allowances for workers engaged in operations using highly toxic substances.

Article 29 — Employing units that change their line of production, suspend production, cease operations, or are dissolved or go bankrupt shall adopt effective measures to properly handle the equipment, packaging and containers in which toxic substances remain or are residual.

Article 30 — Employing units shall conduct regular supervision and inspection of their implementation of these Regulations; where problems are discovered, they shall promptly handle them in accordance with the requirements of these Regulations.

Chapter IV — Occupational Health Surveillance

Article 31 — Employing units shall organize pre-employment occupational health examinations for workers engaged in operations using toxic substances.

Employing units shall not arrange for workers who have not undergone pre-employment occupational health examinations to engage in operations using toxic substances, and shall not arrange for workers with occupational contraindications to engage in operations for which they have contraindications.

Article 32 — Employing units shall conduct regular occupational health examinations for workers engaged in operations using toxic substances.

Where employing units discover workers with occupational contraindications or with health damage related to the occupations they engage in, they shall promptly transfer such workers from their original work posts and make proper arrangements.

Employing units shall arrange re-examinations and medical observation for workers who need them in accordance with the requirements of the physical examination institutions.

Article 33 — Employing units shall conduct occupational health examinations for workers engaged in operations using toxic substances at the time of departure from their posts; for workers who have not undergone occupational health examinations at the time of departure from their posts, the employing units shall not rescind or terminate the labor contracts concluded with them.

Where employing units undergo division, merger, dissolution, bankruptcy or other circumstances, they shall conduct health examinations for workers engaged in operations using toxic substances and properly arrange workers with occupational diseases in accordance with the relevant provisions of the State.

Article 34 — Employing units shall promptly organize health examinations and medical observation for workers who have suffered or may suffer acute occupational poisoning hazards.

Article 35 — The expenses for workers' occupational health examinations and medical observation shall be borne by the employing units.

Article 36 — Employing units shall establish occupational health surveillance files.

Occupational health surveillance files shall include the following content:

- (1) the workers' occupational history and history of exposure to occupational poisoning hazards;
- (2) the monitoring results of occupational poisoning hazard factors in the corresponding workplaces;
- (3) the occupational health examination results and their handling;
- (4) the workers' health materials such as occupational disease diagnosis and treatment.

Chapter V — Rights and Obligations of Workers

Article 37 — Workers engaged in operations using toxic substances shall, in circumstances where there is a danger threatening their life safety or physical health, have the right to notify the employing unit and evacuate from the dangerous site caused by the use of toxic substances.

Employing units shall not cancel or reduce the wages and welfare benefits that workers enjoy during normal work because the workers exercise their rights in accordance with the preceding paragraph.

Article 38 — Workers shall enjoy the following occupational health protection rights:

- (1) the right to receive occupational health education and training;
- (2) the right to receive occupational disease prevention and control services such as occupational health examinations, and the diagnosis, treatment and rehabilitation of occupational diseases;
- (3) the right to know the occupational poisoning hazard factors that are produced or may be produced in the workplace, the harmful consequences and the protective measures against occupational poisoning hazards that should be adopted;
- (4) the right to require employing units to provide protective facilities against occupational poisoning hazards and personal protective articles against occupational poisoning hazards that meet the requirements for the prevention and control of occupational diseases, and to improve working conditions;
- (5) the right to criticize, report and accuse acts that violate the laws and regulations on the prevention and control of occupational diseases and endanger life and health;
- (6) the right to refuse to comply with illegal commands and forced operations without protective measures against occupational poisoning hazards;

(7) the right to participate in the democratic management of the occupational health work of employing units and to put forward opinions and suggestions on the prevention and control of occupational diseases.

Employing units shall safeguard workers' exercise of the rights listed in the preceding paragraph. It is prohibited to reduce workers' wages, welfare benefits or other benefits, or to rescind or terminate the labor contracts concluded with workers, because the workers exercise their legitimate rights in accordance with the law.

Article 39 — Workers shall have the right to obtain the following materials from employing units before formally taking up their posts:

- (1) information on the characteristics, harmful ingredients and preventive measures of the toxic substances used in the workplace, and education and training materials;
- (2) the labels, signs and relevant materials of toxic substances;
- (3) the instructions for the safe use of toxic substances;
- (4) other relevant materials that may affect the safe use of toxic substances.

Article 40 — Workers shall have the right to consult and copy their own occupational health surveillance files.

When workers leave an employing unit, they shall have the right to obtain copies of their own health surveillance files; the employing unit shall truthfully provide them free of charge and affix its seal to the copies provided.

Article 41 — Where an employing unit participates in work-related injury insurance in accordance with state provisions, workers suffering from occupational diseases shall have the right, in accordance with the relevant provisions of the State on work-related injury insurance, to enjoy the following work-related injury insurance benefits:

- (1) medical expenses: the expenses needed for the diagnosis and treatment of occupational diseases shall be paid by the work-related injury insurance fund in accordance with the prescribed standards;
- (2) hospital meal subsidies: paid by the employing unit in accordance with a certain proportion of the local meal standards for official business trips;
- (3) rehabilitation expenses: paid by the work-related injury insurance fund in accordance with the prescribed standards;
- (4) expenses for disability appliances: where assistive devices need to be fitted due to disability, the expenses shall be paid by the work-related injury insurance fund in accordance with the standards for popular assistive devices;
- (5) treatment during the period of suspension from work with pay: the original wages and welfare benefits remain unchanged and shall be paid by the employing unit;
- (6) living care subsidies: where a disability is assessed and living care is confirmed to be needed, the living care subsidies shall be paid by the work-related injury insurance fund in accordance with the prescribed standards;
- (7) lump-sum disability allowance: where a disability from grade ten to grade one is assessed, a lump-sum disability allowance equivalent to 6 to 24 months of the worker's own wages shall be enjoyed according to the disability grade and paid by the work-related injury insurance fund;
- (8) disability allowance: where a disability from grade four to grade one is assessed, a disability allowance equivalent to 75% to 90% of the worker's own wages shall be enjoyed in accordance with the provisions and paid by the work-related injury insurance fund;

(9) death allowance: where death results from occupational poisoning, a lump-sum payment shall be made by the work-related injury insurance fund at a standard of not less than 48 months of the average monthly wages of workers in the coordinating region in the preceding year;

(10) funeral allowance: where death results from occupational poisoning, a lump-sum payment shall be made by the work-related injury insurance fund at a standard of 6 months of the average monthly wages of workers in the coordinating region in the preceding year;

(11) pension for supported relatives: where death results from occupational poisoning, pensions shall be paid by the work-related injury insurance fund to the relatives who were mainly supported by the deceased during his or her lifetime: 40% of the average monthly wages of workers in the coordinating region in the preceding year shall be paid monthly to the spouse, and 30% of the average monthly wages of workers in the coordinating region in the preceding year shall be paid monthly to each lineal relative who was supported by the deceased during his or her lifetime;

(12) other work-related injury insurance benefits prescribed by the State.

Where, after the implementation of these Regulations, the State adjusts the items and standards of work-related injury insurance benefits, such adjustments shall prevail.

Article 42 — Where an employing unit does not participate in work-related injury insurance, and its workers suffer occupational diseases from engaging in operations using toxic substances, the employing unit shall, in accordance with the items and standards prescribed by the relevant provisions of the State on work-related injury insurance, ensure that the workers enjoy work-related injury benefits.

Article 43 — Where an employing unit has no business license or has had its business license revoked in accordance with the law, and its workers suffer occupational diseases from engaging in operations using toxic substances, a lump-sum compensation shall be paid to the workers in accordance with the items and standards prescribed by the relevant provisions of the State on work-related injury insurance.

Article 44 — Where an employing unit is divided or merged, the successor unit shall bear the compensation liability that the original employing unit owed to workers suffering from occupational diseases.

Where an employing unit is dissolved or goes bankrupt, it shall give priority to paying, in accordance with the law, the compensation expenses for workers suffering from occupational diseases from its liquidation property.

Article 45 — In addition to enjoying work-related injury insurance in accordance with the law, workers who are still entitled to compensation in accordance with the relevant provisions of civil law shall have the right to claim compensation from the employing unit.

Article 46 — Workers shall study and master relevant occupational health knowledge, abide by the relevant laws, regulations and operating procedures on labor protection, and correctly use and maintain protective facilities against occupational poisoning hazards and their articles; and shall promptly report when they discover hidden dangers of occupational poisoning accidents.

When dangers arising from the use of toxic substances appear in workplaces, workers shall adopt necessary measures, correctly use protective facilities in accordance with the provisions, and eliminate the dangers or reduce them to the minimum.

Chapter VI — Supervision and Administration

Article 47 — The health administrative and disease prevention and control departments of the people's governments at or above the county level shall, in accordance with these Regulations and the relevant occupational health requirements of the State and according to the division of duties, conduct supervision and inspection of operations using toxic substances in workplaces and of the testing and evaluation of

occupational poisoning hazards.

The health administrative and disease prevention and control departments shall not charge fees for conducting supervision and inspection, and shall not accept property or other benefits from employing units.

Article 48 — The health administrative and disease prevention and control departments shall establish and improve supervision systems, verify materials reflecting the labor protection of employing units, and perform their supervisory responsibilities.

Employing units shall truthfully and concretely provide the health administrative and disease prevention and control departments with materials reflecting labor protection; where necessary, the health administrative and disease prevention and control departments may consult or require employing units to submit relevant materials.

Article 49 — The health administrative and disease prevention and control departments shall supervise employing units to strictly implement the relevant occupational health norms.

The health administrative and disease prevention and control departments shall, in accordance with these Regulations, conduct regular tests and unscheduled spot checks on the protective performance of the occupational health protective equipment and facilities in workplaces where toxic substances are used; where hidden dangers are discovered in occupational health protective equipment or facilities, they shall order employing units to eliminate the hidden dangers immediately; during the period of elimination of the hidden dangers, they shall order the suspension of operations.

Article 50 — The health administrative and disease prevention and control departments shall adopt measures to encourage the reporting, complaining, accusation and prosecution of the illegal acts of employing units.

The health administrative and disease prevention and control departments shall promptly verify reports, complaints, accusations and prosecutions, handle them in accordance with the law, and publish the results.

The health administrative and disease prevention and control departments shall have the obligation to keep the identities of reporters, complainants, accusers and prosecutors confidential.

Article 51 — Occupational health supervision and law enforcement personnel shall present their law enforcement certificates when performing their duties in accordance with the law.

Occupational health supervision and law enforcement personnel shall be devoted to their duties and enforce the law impartially; where the secrets of employing units are involved, they shall keep them confidential.

Article 52 — Where disease prevention and control departments impose fines as administrative penalties in accordance with the law, they shall, in accordance with the provisions of the relevant laws and administrative regulations, implement the separation of fine decisions and fine collection; the fines collected and the operating income confiscated in accordance with the law must be turned over in full to the state treasury.

Article 53 — When performing their supervision and inspection duties, the health administrative and disease prevention and control departments shall have the right to adopt the following measures:

- (1) enter employing units and the sites of workplaces where toxic substances are used to understand the situation, conduct investigation and evidence collection, carry out sampling inspection, testing and examination, and conduct on-site inspection;
- (2) consult or copy materials related to acts in violation of these Regulations, and collect samples;
- (3) order units and individuals that violate these Regulations to stop their illegal acts.

Article 54 — Where an occupational poisoning accident occurs or there is evidence proving that an occupational poisoning hazard state may lead to an accident, the health administrative and disease

prevention and control departments shall have the right to adopt the following temporary control measures:

- (1) order the suspension of operations that caused the occupational poisoning accident;
- (2) seal up articles that caused the occupational poisoning accident or may lead to an accident;
- (3) organize control of the site of the occupational poisoning accident.

After the occupational poisoning accident or hazard state is effectively controlled, the health administrative and disease prevention and control departments shall promptly lift the control measures.

Article 55 — When occupational health supervision and law enforcement personnel perform their duties in accordance with the law, the units being inspected shall accept the inspection and provide support and cooperation, and shall not refuse or obstruct it.

Article 56 — Disease prevention and control departments shall strengthen team building, raise the political and professional quality of occupational health supervision and law enforcement personnel, and, in accordance with these Regulations, establish and improve internal supervision systems to supervise and inspect the implementation of laws and regulations and the observance of discipline by occupational health supervision and law enforcement personnel.

Chapter VII — Penalty Provisions

Article 57 — Where staff of the health administrative and disease prevention and control departments commit any of the following acts, resulting in an occupational poisoning accident, they shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of abuse of power, the crime of dereliction of duty or other crimes; where occupational poisoning hazards are caused but no occupational poisoning accident has resulted, and the case is not serious enough for criminal punishment, sanctions of demotion, removal from office or dismissal shall be imposed in accordance with the law according to the circumstances:

- (1) failing to perform supervision and inspection duties over employing units, or failing to investigate and handle violations of these Regulations by employing units that are discovered;
- (2) discovering occupational poisoning hazards in employing units that may cause occupational poisoning accidents, but failing to adopt control measures in a timely manner in accordance with the law.

Article 58 — Where an employing unit violates these Regulations under any of the following circumstances, the disease prevention and control department shall give it a warning and order it to make corrections within a specified time limit; where it fails to make corrections within the time limit, a fine of not less than RMB 100,000 but not more than RMB 500,000 shall be imposed; where the circumstances are serious, the relevant people's government shall be requested to order suspension of construction or closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of major labor safety accident or other crimes:

- (1) failing to conduct a pre-assessment of occupational poisoning hazards in accordance with the Law on the Prevention and Control of Occupational Diseases for a construction project that may produce occupational poisoning hazards;
- (2) failing to design, construct, and put into production and use the facilities for protection against occupational poisoning hazards simultaneously with the main project;
- (3) failing to conduct an evaluation of the control effect on occupational poisoning hazards before the completion acceptance of a construction project, or putting into production and use without authorization facilities for protection against occupational poisoning hazards that have not passed acceptance organized

in accordance with the law;

(4) the design of the facilities for protection against occupational poisoning hazards of a construction project that may produce occupational poisoning hazards does not conform to national occupational health standards and health requirements.

Article 59 — Where an employing unit violates these Regulations under any of the following circumstances, the disease prevention and control department shall give it a warning and order it to make corrections within a specified time limit; where it fails to make corrections within the time limit, a fine of not less than RMB 50,000 but not more than RMB 200,000 shall be imposed; where the circumstances are serious, the relevant people's government shall be requested to order closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of major labor safety accident or other crimes:

(1) failing to set up warning signs and Chinese warning instructions in workplaces where toxic substances are used in accordance with the provisions;

(2) failing to maintain, repair and periodically test the occupational health protective equipment, emergency rescue facilities and communication and alarm devices, resulting in the abnormal condition of the above facilities;

(3) failing to conduct testing of occupational poisoning hazard factors and evaluation of the control effect on occupational poisoning hazards in accordance with these Regulations;

(4) failing to provide workers engaged in operations using toxic substances with protective articles conforming to national occupational health standards, or failing to ensure that workers use them correctly.

Where an employing unit violates these Regulations under any of the following circumstances, the disease prevention and control department shall give it a warning, order it to make corrections within a specified time limit, and impose a fine of not less than RMB 50,000 but not more than RMB 200,000; where it fails to make corrections within the time limit, the relevant people's government shall be requested to order closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of major labor safety accident or other crimes:

(1) failing to set up evacuation passages and danger-release areas in workplaces where highly toxic substances are used in accordance with the provisions;

(2) failing to set up warning lines in workplaces where highly toxic substances are used in accordance with the provisions.

Article 60 — Where an employing unit violates these Regulations under any of the following circumstances, the disease prevention and control department shall give it a warning, order it to make corrections within a specified time limit, and impose a fine of not less than RMB 50,000 but not more than RMB 300,000; where it fails to make corrections within the time limit, the relevant people's government shall be requested to order closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of major liability accident, the crime of major labor safety accident or other crimes:

(1) failing to install effective ventilation devices in workplaces where toxic substances are used, or failing to install automatic alarm devices or accident ventilation facilities in workplaces where a large quantity of toxic

substances may suddenly leak or acute poisoning is likely to occur;

(2) failing to stop operations when occupational health protective equipment, emergency rescue facilities and communication and alarm devices are in an abnormal condition, or dismantling or stopping the operation of occupational health protective equipment, emergency rescue facilities and communication and alarm devices without authorization.

Article 61 — Where an employing unit engaged in operations using highly toxic substances violates these Regulations by committing any of the following acts, the disease prevention and control department shall give it a warning, order it to make corrections within a specified time limit, and impose a fine of not less than RMB 50,000 but not more than RMB 200,000; where it fails to make corrections within the time limit, the relevant people's government shall be requested to order closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of major liability accident or other crimes:

(1) failing to immediately stop highly toxic operations and adopt corresponding treatment measures when the occupational poisoning hazard factors in the workplace do not conform to national occupational health standards and health requirements, or resuming operations when the treatment of occupational poisoning hazard factors does not conform to national occupational health standards and health requirements;

(2) failing to maintain and repair production devices containing highly toxic substances in accordance with these Regulations;

(3) arranging for workers to enter equipment, containers or narrow enclosed places containing highly toxic substances to perform operations without adopting the measures prescribed by these Regulations.

Article 62 — Where toxic substances whose use is expressly prohibited by the State are used in workplaces, or toxic substances not conforming to national standards are used, the disease prevention and control department shall order the immediate cessation of use and impose a fine of not less than RMB 50,000 but not more than RMB 300,000; where the circumstances are serious, it shall order the cessation of operations using toxic substances, or request the relevant people's government to order closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of causing accidents with dangerous articles, the crime of major liability accident or other crimes.

Article 63 — Where an employing unit violates these Regulations by committing any of the following acts, the disease prevention and control department shall order it to make corrections within a specified time limit and impose a fine of not less than RMB 50,000 but not more than RMB 300,000; where the circumstances are serious, it shall order the cessation of operations using toxic substances, or request the relevant people's government to order closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of major liability accident or other crimes:

(1) failing to organize pre-employment occupational health examinations for workers engaged in operations using toxic substances, or arranging for workers who have not undergone pre-employment occupational health examinations to engage in operations using toxic substances;

(2) using workers who have not passed training and assessment to engage in highly toxic operations;

- (3) arranging for workers with occupational contraindications to engage in operations for which they have contraindications;
- (4) failing to promptly transfer workers with occupational contraindications or health damage related to their occupations from their original work posts and make proper arrangements;
- (5) arranging for minors or female workers during pregnancy or lactation to engage in operations using toxic substances;
- (6) using child labor.

Article 64 — Where an employing unit engaged in operations using toxic substances violates these Regulations by failing to adopt effective measures to properly handle the equipment, packaging and containers in which highly toxic substances remain or are residual when it changes its line of production, suspends production, ceases operations, or is dissolved or goes bankrupt, the disease prevention and control department shall order it to make corrections and impose a fine of not less than RMB 20,000 but not more than RMB 100,000; where the case constitutes a crime, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of environmental pollution, the crime of causing accidents with dangerous articles or other crimes.

Article 65 — Where an employing unit violates these Regulations under any of the following circumstances, the disease prevention and control department shall give it a warning, order it to make corrections within a specified time limit, and impose a fine of not less than RMB 5,000 but not more than RMB 20,000; where it fails to make corrections within the time limit, it shall order the cessation of operations using toxic substances, or request the relevant people's government to order closure in accordance with the authority prescribed by the State Council; where serious occupational poisoning hazards are caused or an occupational poisoning accident results, the responsible persons in charge and other directly responsible personnel shall be investigated for criminal liability in accordance with the law pursuant to the provisions of the Criminal Law on the crime of major labor safety accident, the crime of causing accidents with dangerous articles or other crimes:

- (1) failing to separate workplaces where toxic substances are used from living quarters, or allowing people to reside in the workplaces;
- (2) failing to separate hazardous operations from non-hazardous operations;
- (3) failing to effectively isolate workplaces where highly toxic substances are used from other workplaces;
- (4) failing to provide emergency rescue facilities or formulate emergency rescue plans for accidents in accordance with the provisions for highly toxic operations.

Article 66 — Where an employing unit violates these Regulations under any of the following circumstances, the disease prevention and control department shall give it a warning, order it to make corrections within a specified time limit, and impose a fine of not less than RMB 20,000 but not more than RMB 50,000; where it fails to make corrections within the time limit, the relevant people's government shall be requested to order closure in accordance with the authority prescribed by the State Council:

- (1) failing to report highly toxic operation projects to the health administrative department in accordance with the provisions;
- (2) changing the types of highly toxic substances used without re-reporting to the health administrative department that originally accepted the report in accordance with the provisions, or reporting untimely or falsely.

Article 67 — Where an employing unit violates these Regulations by committing any of the following acts, the disease prevention and control department shall give it a warning and order it to make corrections within a

specified time limit, and may impose a fine of not less than RMB 50,000 but not more than RMB 100,000; where it fails to make corrections within the time limit, it shall order the cessation of operations using toxic substances, or request the relevant people's government to order closure in accordance with the authority prescribed by the State Council:

- (1) failing to organize regular occupational health examinations for workers engaged in operations using toxic substances;
- (2) failing to organize departure occupational health examinations for workers engaged in operations using toxic substances;
- (3) rescinding or terminating the labor contracts concluded with workers who have not undergone departure occupational health examinations;
- (4) failing to conduct health examinations for workers engaged in operations using toxic substances and to properly arrange workers with occupational diseases in accordance with the relevant provisions of the State upon division, merger, dissolution or bankruptcy;
- (5) failing to promptly organize health examinations and medical observation for workers who have suffered or may suffer acute occupational poisoning hazards;
- (6) failing to establish occupational health surveillance files;
- (7) failing to truthfully provide occupational health surveillance files free of charge when workers leave the employing unit;
- (8) failing to truthfully inform workers, in accordance with the Law on the Prevention and Control of Occupational Diseases and these Regulations, of the occupational poisoning hazards that may arise in the course of work and their consequences, the relevant occupational health protective measures and benefits, and to specify these in the labor contract;
- (9) canceling or reducing the benefits that workers should enjoy because the workers evacuated from the dangerous site in circumstances where there was a danger threatening life or health.

Article 68 — Where an employing unit violates these Regulations by committing any of the following acts, the disease prevention and control department shall give it a warning, order it to make corrections within a specified time limit, and impose a fine of not less than RMB 5,000 but not more than RMB 20,000; where it fails to make corrections within the time limit, it shall order the cessation of operations using toxic substances, or request the relevant people's government to order closure in accordance with the authority prescribed by the State Council:

- (1) failing to provide or employ occupational health physicians and nurses in accordance with the provisions;
- (2) failing to set up shower rooms or changing rooms for workers engaged in operations using highly toxic substances, or failing to set up special rooms for cleaning, storing and handling work clothes, work shoes and hats and other articles, or failing to ensure their normal use;
- (3) failing to arrange job rotation for workers who have been engaged in operations using highly toxic substances for a certain number of years.

Chapter VIII — Supplementary Provisions

Article 69 — For matters relating to labor protection in workplaces where the use of toxic substances may produce occupational poisoning hazards that are not provided for in these Regulations, the Law on the Prevention and Control of Occupational Diseases and other relevant laws and administrative regulations shall apply.

The safety administration of the production, operation, storage, transportation, use and waste disposal of toxic substances shall be carried out in accordance with the Regulations on the Safety Administration of Hazardous Chemicals.

Article 70 — These Regulations shall take effect as of the date of promulgation.

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