

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON PREVENTION AND CONTROL OF OCCUPATIONAL DISEASES

(Adopted at the 24th Meeting of the Standing Committee of the Ninth National People's Congress on October 27, 2001 and promulgated by Order No. 60 of the President of the People's Republic of China on October 27, 2001)

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Chapter I General Provisions

Article 1 This Law is enacted, in accordance with the Constitution, for the purpose of preventing, controlling and eliminating occupational disease hazards, preventing and controlling occupational diseases, protecting the health and related rights and interests of workers, and promoting the development of the economy.

Article 2 This Law is applicable to activities conducted within the territory of the People's Republic of China to prevent and control occupational diseases.

The occupational diseases mentioned in this Law refer to the diseases contracted by the workers of enterprises, institutions and household economic organizations (hereinafter all are referred to as the employer) due to their exposure in the course of work to dusts, radioactive substances and other toxic and harmful substances, etc.

The categories and catalogue of occupational diseases shall be arranged, readjusted and published by the administrative department together with the administrative department for occupational security under the State Council.

Article 3 In prevention and control of occupational diseases, the principle of putting prevention first and combining prevention with controlling shall be upheld, and the diseases shall be controlled under different categories and dealt with in an all-round way.

Article 4 The workers enjoy the right to occupational health protection.

The employer shall create the working environment and conditions that conform to the national norms for occupational health and requirements for public health and take measures to ensure that the workers receive occupational health protection.

Article 5 The employer shall establish and improve the responsibility system for prevention and control of occupational diseases, in order to enhance management and raise the level in this field, and bear responsibility for the occupational disease hazards produced in the unit.

Article 6 The employer shall, as required by laws, undertake social insurance on industrial injuries.

The administrative departments for occupational security under the State Council and the local people's governments at or above the county level shall conduct strict supervision and control of social insurance on industrial injuries, in order to ensure that the workers receive social insurance for industrial injuries.

Article 7 The State encourages research in development, popularization and employment of new technologies, new techniques and new materials which are conducive to prevention and control of occupational disease and to protection of the workers' health, and basic research in pathogenic mechanism and etiologic rules of occupational diseases with redoubled efforts, in order to raise the scientific and technical level in prevention and control of occupational diseases; actively adopts the technologies, techniques and materials that are effective for prevention and control of occupational diseases and restrict the use of or eliminate the technologies, techniques and materials that entail serious occupational disease hazards.

Article 8 The State applies a supervision system for occupational health.

The administrative department for public health under State Council shall be responsible for unified supervision over prevention and control of occupational diseases throughout the country. The relevant departments under the State Council shall, within the limits of their respective duties, be responsible for supervision related to prevention and control of occupational diseases.

The public health administration departments of the local people's governments at or above the county level shall, within their own administrative areas, be responsible for supervision over prevention and control of occupational diseases. The relevant departments of the said governments shall, within the limits of their respective duties, be responsible for supervision related to the same.

Article 9 The State Council and the local people's governments at or above the county level shall formulate plans for prevention and control of occupational diseases, incorporate them into the national economic and social development plans and make arrangements for their implementation.

The people's governments of townships, nationality townships and towns shall conscientiously implement this Law and support the public health administration departments in performing their duties in accordance with law.

Article 10 The public health administration departments and the relevant departments of the people's governments at or above the county level shall redouble their efforts in publicizing

importance of prevention and control of occupational diseases and disseminate knowledge about such prevention and control, in order to enhance the employer's awareness of the need to prevent and control occupational diseases, as well as the workers' awareness of the need to protect their own health.

Article 11 The national norms for occupational health related to prevention and control of occupational diseases shall be formulated and published by the public health administration department under the State Council.

Article 12 All units and individuals shall have the right to inform and lodge complaints against any violations of this Law.

The units and individuals that have made outstanding contributions to prevention and control of occupational diseases shall be rewarded.

Chapter II Preliminary Prevention

Article 13 The workplace, set up by the employer, where occupational disease hazards are produced shall, apart from fulfilling the conditions specified by laws and administrative regulations, meet the following requirements for occupational health:

- (1) The strength or concentration of the factors of occupational disease hazards shall meet the national norms for occupational health;
- (2) There are facilities commensurate with the prevention of occupational disease hazards;
- (3) The production processes are arranged rationally and in conformity with the principle of separation the harmful from non-harmful processes;
- (4) There are supporting health facilities such as locker rooms, bathrooms and a lounge for pregnant women workers;
- (5) The equipment, tools, apparatus and other facilities meet the requirements for protecting workers' physiological and psychological health; and
- (6) The workplace meets the other requirements specified by laws administrative regulations and the public health administration department under the State Council regarding the protection of worker's health.

Article 14 A report system for projects entailing occupational disease hazards shall be established in the public health administration departments.

The employer that has projects entailing occupational disease hazards included in the published catalogue of occupational diseases shall make a timely and truthful report to the public health administration department for supervision.

The specific measures for report on projects entailing occupational disease hazards shall be formulated by the public health administration department under the State Council.

Article 15 For construction projects, including projects to be constructed, expanded and reconstructed, and projects for technical updating and introduction, which may produce occupational disease hazards, the unit responsible for a construction project shall, during the period of feasibility study, submit to the public health administration department a preliminary assessment report on the hazards. The said department shall, within 30 days from the date the report is received, make a decision upon examination and inform the unit of the decision in writing. Where a unit fails to submit such a report to or obtain approval by the public health administration department after examination of the report, the authority concerned may not grant approval to the construction project.

The preliminary assessment report on the occupational disease hazards shall include the assessment of the occupational hazard factors that the construction project may produce and of the effects that such factors may have on the workplace and the workers' health, the defined category of the hazards and the measures to be taken for prevention of occupational diseases.

The catalogue of the categories of occupational disease hazards shall be prepared, and the measures for their control on the basis of the categories shall be formulated, by the public health administration department under the State Council.

Article 16 The expenditure entailed by the facilities included in a construction project, for prevention of occupational diseases shall be incorporated into the budget of the project, and the facilities shall be designed, built and put into operation and use simultaneously with the main body of the construction project.

For construction projects that produce serious occupational disease hazards, the design of the protective facilities shall be subject to examination by the public health administration department. Only when the design conforms to the national norm for occupational health and meet the requirements for occupational health, construction can be started.

Before the construction project is completed for inspection and acceptance, the construction unit shall assess the effect of the control of occupational disease hazards when the project is completed and ready for inspection and acceptance, the facilities for prevention of occupational diseases may be put into formal operation and use only after they pass the inspection by the public health administration department.

Article 17 Preliminary assessment of occupational disease hazards and of the effect of the control of such hazards shall be conducted by the occupational health technical service that is set up in accordance with law and is authenticated as qualified by the public health administration department of the people's governments at or above the provincial level. The assessment made by the said institution shall be objective and truthful.

Article 18 The State exercises special control over operations exposes to radioactive and highly toxic hazards. The specific control measures shall be formulated by the State Council.

Chapter III Prevention and Control in the Course of Work

Article 19 The employer shall take the following measures for prevention and control of occupational disease:

(1) to set up or designate an institution or organization for occupational health control, and have it manned with full-time or part-time occupational health professionals to be responsible for prevention and control of occupational diseases in the unit;

(2) to make plans for prevention and control of occupational diseases and programs for their implementation;

(3) to establish and improve the control system for occupational health and rules for its application;

(4) to keep files on occupational health and files on monitoring and protecting of the workers' health, and improve the practice;

(5) to set up and improve the system for monitoring and assessing the factors of occupational disease hazards at the workplace; and

(6) to make and improve preliminary plans for emergency rescue in accidents caused by occupational disease hazards.

Article 20 The employer shall have effective facilities for prevention of occupational disease and shall provide individual workers with articles for prevention of occupational diseases.

The articles for prevention of occupational diseases provided by the employer to individual workers shall meet the requirements for prevention and control of occupational diseases; otherwise, such articles may not be used.

Article 21 The employer shall give priority to the use of new technologies, new technologies and new materials that are conducive to prevention and control of occupational diseases and to protection of workers' health, in order to gradually replace the technologies, techniques, and materials that produce serious occupational disease hazards.

Article 22 The employer of a unit where occupational disease hazards are produced shall set up bulletin boards at eye-catching places to publish the rules and regulations for prevention and control of occupational diseases, the rules for their application, emergency rescue measures in accidents caused by occupational disease hazards, and the monitoring results of the factors of occupational disease hazards at the workplace.

At eye-catching places, alarming signs with warning descriptions in Chinese shall be put up at the operation posts where serious occupational disease hazards are produced. The descriptions shall clearly furnish the categories, consequences and prevention of and the emergency rescue measures for, the occupational disease hazards.

Article 23 At the workplace with toxic and hazardous substances where acute occupational injuries may occur, the employer shall have such places equipped with alarming devices, first-aid articles and washing equipment, and have emergency exit passages built and necessary risk obviating areas prepared.

For the workplaces exposed to radioactive substances and the transportation and storage of radioisotope, the employer shall install protective equipment and alarming devices, and make sure that the workers exposed to radioactive rays wear dosimeters for personal use.

With regard to the equipment for prevention of occupational diseases, emergency rescue facilities, and the articles to be used by individuals for prevention of occupational diseases, the employer shall have them maintained and overhauled regularly and have their properties and effects tested periodically, in order to keep them in normal condition. Without authorization, it may not have them dismantled or discontinued their use.

Article 24 The employer shall assign special persons to carry out day-to-day monitoring of the factors of occupational disease hazards and make sure that the monitoring system is kept in normal working conditions.

The employer shall, in accordance with the regulations of the public health administration department under the State Council, have the factors of occupational disease hazards monitored and assessed regularly at the workplace. The results of monitoring and assessment shall be kept in the unit's files of occupational health regularly reported to the local public health administration department and announced to the workers.

The factors of occupational disease hazards shall be monitored and assessed by the occupational health technical service institutions set up in accordance with law and authenticated as qualified by the public health administration departments of the people's governments at or above the provincial level. The monitoring and assessment made by the said institution shall be objective and truthful.

When discovering the factors of occupational disease hazards at the workplace do not conform to the national requirements for occupational health, the employer shall immediately adopt appropriate measures to keep them under control. If they still cannot meet the norms or requirements, the operation where such factors exist, shall be stopped. It can be resumed only after the factors are kept under control and meet the said norms and requirements.

Article 25 When providing the employer with the equipment that may produce occupational disease hazards, the supplier shall give a handbook in Chinese and put up alarming signs with warning descriptions in Chinese at eye-catching spots on the equipment. The descriptions shall clearly furnish the properties of the equipment, the possible occupational disease hazards it may produce, points for attention for safety operation and maintenance, protection against occupational diseases, measures for emergency rescue, etc.

Article 26 When providing the employer with occupational disease hazards producing chemicals, radioisotope or materials containing radioactive substances, the supplier shall give a handbook in Chinese. The handbook shall clearly contain the properties of the product, the main constituents, the hazardous factors present and the possible hazardous consequences, the points for attention for safety application, protection against occupational diseases, emergency rescue measures, and other particulars. On the package of the product there shall be eye-catching alarming signs with warning descriptions in Chinese. In the places where the materials mentioned above are stored, signs for dangerous goods or alarming signs for radioactive substances shall be put up at specified spots.

For chemicals pertaining to occupational disease hazards which are to be used or imported for the first time in the country, the user or importer shall, upon approval by the relevant department under the State Council, as required by State regulations, submit to the public health administration department under the State Council the report on the identification of

the toxicity of the chemicals and the documents proving its registration with the department concerned or proving the approval for import.

Radioisotope, radiation devices and goods containing radioactive substances shall be imported in accordance with the relevant regulations of the State.

Article 27 No unit or individual may produce, deal in, import or use the equipment or materials which may produce occupational disease hazards and the use of which is prohibited by State decree.

Article 28 No unit or individual may transfer the operation that produces occupational disease hazards to another unit or individual that lacks the conditions for prevention of occupational diseases. No unit or individual that lacks the conditions for prevention of occupational diseases may accept any operation that produces occupational disease hazards.

Article 29 The employer shall know the occupational disease hazards produced by the technologies, techniques and materials it employs; if it conceals the fact that the technologies, techniques and materials produce occupational disease hazards and employs them, it shall bear responsibility for the consequences of the hazards.

Article 30 When signing with the workers labor contracts (including contracts of employment), the employer shall truthfully inform the workers of he potential occupational disease hazards the consequences in the course of work, the measures for prevention of such diseases and the material benefits, and it shall have the same clearly put down in the contracts; it may not conceal the facts or deceive the workers.

If, during the contracted period of time, a worker, because of change in work post or assignment, begins to engage in an operation with occupational disease hazards, which is not mentioned in the contact, the employer shall, in accordance with the provisions in the preceding paragraph, perform its obligation by informing the worker of the true situation and, through consultation with the worker, alter the related provisions in the original contract.

If the employer violates the provisions in the preceding two paragraphs, the worker shall have the right to reject the assignment where occupational disease hazards exist, and the employer may not thus cancel or terminate labor contract with the worker.

Article 31 Leading members of the employer shall receive training in occupational health and observe the laws and regulations on prevention and control of occupational diseases and, in accordance with law, make arrangements for prevention and control of such diseases within the unit.

The employer shall provide the workers with pre-service training in occupational health and regular in-service training in this field, in order to popularize knowledge about occupational health, urge on them the need to abide by the laws, rules and regulations on prevention and control of occupational diseases and the rules of operation, as well as to show them the correct way of using the facilities for prevention of occupational diseases and such articles for personal use.

The workers shall learn and grasp the knowledge related to occupational health, observe the laws, rules and regulations on prevention and control of occupational diseases and the rules

of operation, correctly use and maintain the facilities for prevention of occupational diseases as well as such articles provided to them for their personal use. When they discover any hidden danger of occupational disease hazard accident, they shall report immediately.

If a worker does not perform the obligation specified in the preceding paragraph, the employer shall enlighten him on the need to do so.

Article 32 With regard to the workers who engage in operation exposed to occupational disease hazards, the employer shall, in accordance with the regulations of the public health administration department under the State Council, make arrangements for pre-service, in-service and job leaving occupational health checkups and truthfully inform the workers of the results of the checkups. The expenses for occupational health checkups shall be borne by the employer.

No employer may assign to workers who have not received pre-service occupational health check-ups any jobs exposed to occupational disease hazards, nor assign to workers forbidden jobs. Workers whose signs of job-related injuries are shown by occupational health checkups shall be transferred from their original posts and proper arrangements shall be made for them. With regard to workers who have not received occupational health checkups before leaving their jobs, the employer may not cancel or terminate the labor contracts concluded with them.

Occupational health checkups shall be undertaken by the medical and health institutions approved by the public health administration departments of the people's government at or above the provincial level.

Article 33 The employer shall keep files on occupational health monitoring and protection for the workers and keep the files in good condition for a specified period of time.

In the file on occupational health monitoring and protection shall be recorded the worker's professional history, history of exposure to occupational disease hazards, the results of occupational health checkups and diagnosis and treatment of occupational diseases and other information related to his health.

When a worker leaves the employer, he shall have the right to ask for a copy of the file on monitoring and protection of his occupational health. The employer shall provide a truthful copy to him free of charge, and have it signed and sealed.

Article 34 When an accident of acute occupational disease hazards occurs or is likely to occur, the employer shall immediately adopt emergency rescue and control measures and at the same time report to the local public health administration department and any relevant departments. Upon receiving the report, the public health administration department shall, together with the relevant departments, make arrangements for investigation and handling without delay. When necessary, it may adopt temporary control measures.

With regard to the workers who are exposed to, or are likely exposed to, an accident of acute occupational disease hazards, the employer shall immediately make arrangements for their rescue and treatment, for health checkups and medical observation. The expenses thus entailed shall be borne by the employer.

Article 35 No employer may assign minors jobs that are exposed to occupational disease hazards, or assign women workers who are pregnant or breastfeeding babies jobs that are harmful to them and to the embryos and the babies.

Article 36 The workers shall enjoy the following rights of protection for their occupational health:

- (1) receive education and training in occupational health;
- (2) to receive services for prevention and control of occupational diseases, such as health checkups, diagnosis, treatment and recuperation;
- (3) to know about the occupational disease hazard factors that may or are likely to exist at the workplace, the consequences of the hazards and the necessary measures to be taken for prevention of occupational diseases;
- (4) to ask the employer to provide the facilities for prevention of occupational diseases that meet the requirements for prevention and control of such diseases, provide the workers with articles to be used personally for the same purpose and improve the working conditions;
- (5) to criticize, report and accuse violations of the laws and regulations on prevention and control of occupational diseases and acts that endanger the lives and health of the workers;
- (6) to reject directions that are against regulations and coercive orders for doing jobs where the measures for prevention of occupational diseases are lacking; and
- (7) to participate in the unit's democratic management of occupational health, and to put forward comments and suggestions about prevention and control of occupational diseases.

The employer shall ensure that the workers exercise the rights mentioned in the preceding paragraph. Any reduction of the workers' wages, welfare or material benefits, and any cancellation or termination of the labor contracts concluded with the workers, because the workers exercise their legitimate rights pursuant to law, shall be invalid.

Article 37 The trade union organizations shall urge and assist the employer in publicity and training in occupational health, put forward comments and suggestions about prevention and control occupational diseases in the unit, consult with the employer about the questions on prevention and control of occupational diseases raised by the workers and urge the employer to solve them.

The trade union organizations shall have the right to demand rectification where the employer violates the laws and regulations on prevention and control of occupational diseases and infringes upon the workers' legislative rights and interests. When serious occupational hazards occur, they shall have the right to demand that protective measures be taken, or to raise suggestions to the government department concerned for adoption of compulsory measures. When an occupational disease hazard accident occurs, they shall have the right to participate in the investigation and handling of the accident. When they discover that the workers' lives or health are in danger, they shall have the right to make suggestions to the employer that arrangements be made for the workers to withdraw from the dangerous spot, and the employer shall take action immediately.

Article 38 The expenses which the employer, in compliance with the requirements for prevention and control of occupational disease, pays for prevention and control of occupational disease hazards, public health monitoring at the workplace, health monitoring and protection and training in occupational health shall truthfully be incorporated into the production cost in accordance with relevant State regulations.

Chapter IV Diagnosis of Occupational Diseases and Security for Occupational Disease Patients

Article 39 Diagnosis of occupational diseases shall be conducted by medical and health institutions approved by the public health administration departments of the people's governments at or above the provincial level.

Article 40 The workers may have their occupational diseases diagnosed in the medical and health institutions that undertake diagnosis of such diseases in accordance with law and are located in the place of the employer or the workers' residence.

Article 41 The criteria for the diagnosis of occupational diseases and the measures for such diagnosis and confirmation shall be formulated by the public health administration department under the State Council. The measures for confirmation of the grades for injuries and disabilities caused by occupational diseases shall be formulated by the labor security administration department together with the public health administration department under the State Council.

Article 42 In the diagnosis of occupational diseases, the following factors shall be analyzed comprehensively.

- (1) the patient's occupational history;
- (2) the history of exposure to occupational disease hazards and on-the-spot investigation and assessment of the hazards; and
- (3) the clinical symptoms and the results of auxiliary examinations.

Where there is no proof to negate the inevitable connection between the factors of the occupational disease hazards and the patient's clinical symptoms, after exclusion of other pathogenic factors, the case of the patient shall be diagnosed as occupational disease.

The medical and health institution that undertakes the diagnosis of occupational diseases shall at least have three licenced doctors who are qualified for diagnosis of occupational diseases to make diagnosis collectively.

The certificate for diagnosis of occupational diseases shall be signed jointly by the doctors who participate in the diagnosis and be stamped with seal of the medical and health institution after its examination and approval.

Article 43 Where the employer or the medical and health institution discovers any patient of occupational disease or any patient suspected of such disease, it shall report to the local public health administration department without delay. Where a patient is confirmed as one

suffering from occupational disease, the employer shall also report to the local labor security administration department.

After receiving the report, the public health administration department and the labor security administration department shall handle the matter according to law.

Article 44 The public health administration departments of the people's governments at or above the county level shall be responsible for the management of the statistic reports on occupational diseases in their own administrative areas and, according to regulations, submit the reports to the departments at higher levels.

Article 45 A party who has objection to the diagnosis of occupational disease may apply to the public health administration department of the people's government of the place where the medical and health institution is located for verification.

Where a dispute arises over the diagnosis of occupational diseases, the public health administration department of the people's government at or above the level of a city divided into districts shall, on the basis of the application filed by the party, make arrangements for a verification committee of occupational disease diagnosis to make a conclusion of the diagnosis.

Where the party is dissatisfied with the conclusion made on the diagnosis of occupational diseases by the verification committee of occupational disease diagnosis at the level of a city divided into districts, he may apply to the public health administration department of the people's government of a province, autonomous region or municipality directly under the Central Government for further verification.

Article 46 The verification committee of occupational disease diagnosis shall consist of experts of related professions.

The public health administration departments of people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall have banks of related experts, and when it is necessary to verify a diagnosis of occupational disease under dispute, the party or the related public health administration department entrusted by the party may at random select some experts from the bank and appoint them members of the diagnosis verification committee.

The verification committee of occupational disease diagnosis shall, in accordance with the criteria for the diagnosis of occupational disease and the measures for such diagnosis for verification and of the diagnosis published by the public health administration department under the State Council, conduct verification of occupational disease diagnosis and issue to the party a certificate for verification of occupational disease diagnosis. The expense for such verification shall be borne by the employer.

Article 47 The member of the occupational disease diagnosis verification committee shall abide by professional ethics and be objective and impartial in verifying diagnosis, and they shall be held responsible accordingly. None of them may have contract with the party in private or accept any money or things of value or other benefits from the party. If any of them has an interest with the party, he shall withdraw.

When in handling a case the People's Court needs verification of occupational diseases, it shall select, for the purpose, experts from the bank of experts set up by the public health administration department of the people's government of a province, autonomous region or municipality directly under the Central Government.

Article 48 When for making diagnosis and verifying occupational diseases, the employer is required to provide information related to occupational health and health monitoring and protection, it shall provide truthful information. The worker and the related institutions shall also provide information related to diagnosis and verification of occupational diseases.

Article 49 When the medical and health institution finds that a worker is suspected of being an occupational disease patient, it shall let the worker himself know it and inform the employer of the matter without delay.

The employer shall make arrangements for the patient suspected of occupational disease to be diagnosed. During the period of diagnosis or medical observation, the employer may not cancel or terminate the labor contract it concludes with the said patient.

The expenses incurred during the period of diagnosis and medical observation of the patient suspected of occupational disease shall be borne by the employer.

Article 50 Patients of occupational diseases shall, in accordance with law, receive the material benefits conferred by State regulations.

The employer shall, in accordance with relevant State regulations, make arrangements for patients of occupational diseases to undergo treatment, to recuperate and to receive regular checkups.

The employer shall transfer to other posts the patients of occupational diseases who are no longer suited for the jobs they are originally assigned, and make proper arrangements for them.

The employer shall give workers who are exposed to occupational disease hazards subsidies appropriate to the jobs they are doing.

Article 51 The expenses for diagnosis and recuperation of occupational disease patients and the social security for such patients who are injured and disabled shall be dealt with according to State regulations on social insurance for injuries suffered on the job.

Article 52 In addition to enjoying, in accordance with law, social insurance for injuries suffered on the job, the occupational disease patients who, according to related civil laws, still have the right to compensation, shall have the right to make a claim against the employer.

Article 53 Where the illness of a worker is diagnosed as occupational disease, and the employer has not effected the social insurance for industrial injuries, as required by law, the worker's expenses for medical treatment and source of income shall be borne by the final employer; if the final employer has evidence proving that the occupational disease in contracted from hazards in the workplace of the previous employer, they shall be borne by the previous employer.

Article 54 When a patient of occupational disease goes to work in another unit, the material benefits he enjoys in accordance with law shall remain unchanged.

When the employer is to be separated, merged with others or dissolved, or goes bankrupt, it shall make arrangements for the workers who are engaged in jobs exposed to occupational disease hazards to undergo health checkup and, in accordance with relevant State regulations, make proper arrangements for the occupational disease patients.

Chapter V Supervision and Inspection

Article 55 The public health administration departments of people's governments at or above the county level shall, in accordance with laws and regulations on prevention and control of occupational disease, in compliance with the national norms and requirements for occupational health and on the basis of their division of responsibilities, supervise and inspect the work in respect of prevention and control of occupational diseases and the monitoring and assessment of occupational disease hazards.

Article 56 When performing its duties of supervision and inspection, the public health administration departments shall have the right to take the following measures:

- (1) to enter the unit under inspection and the place exposed to occupational disease hazards, to get to know the situation, conduct investigation and take evidence;
- (2) to consult or duplicate material related to violations of the laws and regulations on prevention and control of occupational diseases, and to collect sample; and
- (3) to order the unit or individual that violates the laws and regulations on prevention and control of occupational diseases to discontinue violation.

Article 57 When an accident of occupational disease hazards occurs or there is evidence proving that the hazards may lead to occurrence of such an accident, the public health administration department may adopt the following measures to keep the situation under control:

- (1) to order suspension of the operation that may lead to an accident of occupational disease hazards;
- (2) to seal up for safekeeping the materials and equipment that has caused, or may lead to, the occurrence of an accident of occupational disease hazards; and
- (3) to get people to keep under control the place where the accident of occupational disease hazards has occurred.

When the accident of occupational disease hazards or the hazardous situation has been kept under effective control, the public health administration department shall repeal the control measures without delay.

Article 58 When performing their duties in accordance with law, officials in charge of supervision and law enforcement shall show their papers of supervision and laws enforcement.

Official in charge of occupational health supervision and law enforcement shall be devoted to their duty, impartial in enforcing laws and strictly abide by the norms for law enforcement; where the secrets of the employer are involved, they shall keep its secrets.

Article 59 When officials in charge of occupational health supervision and law enforcement performing their duties in accordance with law, the unit under inspection shall accept, assist and cooperate with the inspection; it may not refuse to do so or put obstacles in their way.

Article 60 When performing its or their duties, no public health administration department or its officials in charge of occupational health supervision and law enforcement may do any of the following:

- (1) issuing to construction projects that do not meet the statutory conditions related certifying documents or qualification certificates or giving approval to such projects;
- (2) failing to perform the duties of supervision and inspection where a construction project has obtained the related certifying documents;
- (3) failing to take timely measures in accordance with law to keep the situation under control when discovering that in the workplace of the employer there exist occupational disease hazards that may lead to an accident; and
- (4) other violations of this Law.

Article 61 The qualifications of official in charge of occupational health supervision and law enforcement shall, in accordance with law, undergo authentication.

The public health administration departments shall strengthen their contingents, raise their level of political and professional quality and, in accordance with the provisions of this Law and other related laws and regulations, establish and improve the system for internal supervision, in order to supervise and inspect how their officials enforce the laws and regulations and observe discipline.

Chapter VI Legal responsibility

Article 62 Where the construction unit, in violation of the provisions of this Law, commits one of the following acts, the public health administration department shall give it a disciplinary warning and order it to make rectification within a time limit; if it fails to do so at the expiration of the time limit, it shall be fined not less than RMB 100,000 yuan but not more than 500,000 yuan. If the circumstances are serious, it shall be ordered to discontinue the operation that produces occupational disease hazards, or the department may request the related people's government, within the limits of its powers specified by the State Council, to order the unit to discontinue construction or close down:

- (1) start construction without making a preliminary assessment of the occupational disease hazards according to regulations or submitting a report on such assessment, or without obtaining approval of the report by the public health administration department after examination;

(2) failing to have the facilities for prevention of occupational disease put into operation and use simultaneously with the main body of the construction project, as is required by regulations;

(3) starting construction of a project which produces serious occupational disease hazards and the design of the facilities of which for prevention of such diseases does not meet the norms and requirements; and

(4) putting into use the facilities for prevention of occupational diseases without assessing the effectiveness of their control of occupational disease hazards, as is required by regulations, or without inspection and acceptance by the public health administration department or without passing the inspection;

Article 63 Any employer who, in violation of the provisions of this Law, commits one of the following acts shall be given a disciplinary warning by the public health administration department and shall be ordered to make rectification within a time limit; if it fails to do so at the expiration of the time limit, it shall be fined not more than 20,000 yuan:

(1) failing to keep files on the results of the monitoring and assessment of the factors of occupational disease hazards at the workplace, and to report and publish the results;

(2) failing to adopt the measures for prevention and control of occupational diseases, as specified in Article 19 of this Law;

(3) failing to publish the rules and regulations on prevention and control of occupational diseases, the rules for their application and the emergency rescue measures in accidents of occupational disease hazards as is required by regulations;

(4) failing to make arrangements for workers to receive training in occupational health and to take measures for guiding and urging individual workers to protect themselves against occupational diseases, as is required by regulations; and

(5) failing to submit information on the identification of toxicity of the chemicals which contain occupational disease hazards and are to be used or imported for the first time in the country, and the documents proving its registration with the department concerned and proving the approval for import, as is required by regulations.

Article 64 Where the employer, in violation of the provisions of this Law, commits one of the following acts, the public health administration department shall order it to make rectification within a time limit and give it a disciplinary warning, and may also impose on it a fine not less than 20,000 yuan but not more than 50,000 yuan:

(1) failing to submit timely and truthful report to the public health administration department on the project that produce occupational disease hazards, as is required by regulations;

(2) failing to assign special persons to carry out day-to-day monitoring of the factors of occupational disease hazards and failing to keep the monitoring system in normal working conditions;

(3) when concluding or altering labor contracts, failing to inform the workers of the true situation of occupational disease hazards; and

(4) failing to make arrangements for occupational health checkups, to keep files on occupational health monitoring and protection and to truthfully inform the worker of the results of the checkups.

Article 65 Where the employer, in violation of the provisions of this Law, commits one of the following acts, the public health administration department shall give it a disciplinary warning and order it to make rectification within a time limit; if it fails to do so at the expiration of the time limit, it shall be fined not less than 50,000 yuan but not more than 200,000 yuan. If the circumstances are serious, the said department shall order it to discontinue operation that produces occupational disease hazards, or the department may request the related people's government, within the limits of its powers specified by the State Council, to order it to close down:

(1) failing to keep the strength or concentrations of the factors of occupational disease hazards at the workplace from exceeding the national norms for occupational health;

(2) failing to provide facilities for prevention of occupational diseases and to provide such articles for personal use, or failing to provide the said facilities and articles that meet the national norms and requirements for occupational health;

(3) failing to maintain, overhaul and test the equipment for prevention of occupational diseases, the emergency rescue facilities and the articles to be used by individuals for prevention of such diseases, as is required by regulations, or failing to keep them in normal operation and use;

(4) failing to monitor and assess the factors of occupational disease hazards at the workplace, as is required by regulations;

(5) failing to discontinue work where the factors of occupational disease hazards exist, when such factors at the workplace still remain below the national norms and requirements for occupational health, even after treatment;

(6) failing to make arrangements for patients of occupational diseases or suspected patients of such diseases to receive diagnosis and treatment, as is required by regulations;

(7) failing to adopt emergency rescue and control measures immediately after the occurrence of an accident of acute occupational disease hazards or when such occurrence is likely, or failing to report such occurrence immediately, as is required by regulations;

(8) failing to put up alarming indications with warning descriptions in Chinese at eye-catching spots of a post where serious occupational disease hazards are produced, as is required by regulations; and

(9) refusing to accept supervision and inspection by public health administration departments.

Article 66 Where the supplier that provides the employer with the equipment and materials which may produce occupational disease hazards fails to provide handbook in Chinese or

alarming indications with warning descriptions in Chinese attached, as is required by regulations, the public health administration department shall order it to make rectification within a time limit and give it a disciplinary warning, and may also impose on it a fine not less than 50,000 yuan but not more than 200,000 yuan.

Article 67 Where the employer or the medical and health institution fails to report cases of occupational diseases or suspected cases of such diseases, as is required by regulations, it shall be ordered by the public health administration department to make rectification within a time limit and given a disciplinary warning and may also be fined not more than 10,000 yuan. If it practices fraud, it may also be fined not less than 20,000 yuan but not more than 50,000 yuan. The persons directly in charge and the other persons directly responsible may be demoted or dismissed from office in accordance with law.

Article 68 Where the employer, unit or individual, in violation of the provisions of this Law, commits one of the following acts, it shall be ordered by the public health administration department to make rectification within a time limit and may also be fined not less than 50,000 yuan but not more than 300,000 yuan. If the circumstances are serious, the department shall order it to discontinue the operation that produces occupational disease hazards or request the related people's government, within the limits of its powers defined by the State Council, to order the employer to close down:

(1) concealing the occupational disease hazards produced by the technologies, techniques and materials and employing them;

(2) concealing the truth about occupational health in the unit;

(3) failing to comply with the provisions of Article 23 of this Law in respect of the workplaces with toxic and hazardous substances that may cause acute occupational injuries, workplaces exposed to radioactive substances and in respect of the transportation and storage of radioisotope;

(4) using the equipment or materials which may produce occupational disease hazards and the use of which is prohibited by State decree;

(5) transferring the operation that produces occupational disease hazards to another unit or individual that lacks the conditions for prevention of occupational diseases; or accepting the said operation by a unit or individual that lacks the said conditions;

(6) without authorization, dismantling or casing to use the equipment for prevention of occupational diseases or the emergency rescue facilities;

(7) assigning to workers who have not received occupational health checkups, workers who must avoid certain jobs, minors or women workers who are pregnant or breastfeeding babies jobs that are exposed to occupational disease hazards or that they must avoid; and

(8) giving directions against regulations or compelling workers to do jobs for which the measures for prevention of occupational disease are lacking.

Article 69 Any unit or individual that produces, deals in or imports the equipment or materials which may produce occupational disease hazards and the use of which is prohibited

by State decree shall be punished according to the related laws and administrative regulations.

Article 70 Where the employer, in violation of the provisions of this Law, has caused serious harm to the workers' lives and health, the public health administration department shall order it to discontinue the operation that produces occupational disease hazards, or request the related people's government, within the limits of its powers defined by the State Council, to order it close down, and also impose on it a fine not less than 100,000 yuan but not more than 300,000 yuan.

Article 71 Where due to violation by the employer of the provisions of this Law, a major accident caused by occupational disease hazards occurred or other serious consequences ensued, if a crime is constituted, the persons directly in charge and the other persons directly responsible shall be investigated for criminal responsibility according to law.

Article 72 Anyone who, without obtaining qualification certificate for occupational health technical services, engages in such services, or any medical and health institution that, without obtaining approval, conducts occupational health checkup and diagnosis of occupational diseases, shall be ordered by the public health administration department to discontinue the illegal acts, and the unlawful gains shall be confiscated. If the unlawful gains amount to more than 5,000 yuan, he or it shall also be fined not less than two times but not more than 10 times the amount of such gains. If there are no unlawful gains or such gains are less than 5,000, he or it shall also be fined not less than 5,000 yuan but not more than 50,000 yuan. If the circumstances are serious, the persons directly in charge and the other persons directly responsible shall, in accordance with law, be demoted, dismissed from office or discharged as punishment.

Article 73 Any occupational health technical service institution or any medical and health institution for occupational checkups and occupational disease diagnosis that, in violation of the provisions of this Law, commits one of the following acts shall be ordered by the public health administration department to discontinue the violation immediately and be given a disciplinary warning, and the unlawful gains shall be confiscated; if the unlawful gains exceed 5,000 yuan, it shall also be fined not less than two times but not more than five times the amount of the unlawful gains; if there are no unlawful gains or such gains are less than 5,000 yuan, it shall also be fined not less than 5,000 yuan but not more than 20,000 yuan; if the circumstances are serious, it shall be disqualified by the original certifying or approving authority; the persons directly in charge and the other persons directly responsible shall, in accordance with law, be demoted, dismissed from office or discharged; if a crime is constituted, criminal responsibility shall be investigated in accordance with law:

- (1) engaging in occupational health technical services or conducting occupational health checkups and occupational disease diagnosis beyond the scope certified or approval;
- (2) failing to perform the statutory duty in accordance with the provisions of this Law; and
- (3) issuing false certification documents.

Article 74 Where a member of the verification committee of occupational disease diagnosis accepts money, things of value or other benefits from the party to a dispute over an occupational disease diagnosis, he shall be given a disciplinary warning, the money and

things of value accepted shall be confiscated, he may also be fined not less than 3,000 yuan but not more than 50,000 yuan, he shall be disqualified for membership of the verification committee of occupational disease diagnosis and his name shall be removed from the bank of experts established by the public health administration department of the people's government of the province, autonomous region or municipality directly under the Central Government.

Article 75 Where the public health administration department fails to report cases of occupational diseases or accidents of occupational disease hazards, as required by regulations, the public health administration department at the next higher level shall order it to make rectification, circulate a notice of criticism, and give it a disciplinary warning. Where the department makes false reports or conceals the truth, the leading members of the department, the persons directly in charge and the other persons directly responsible shall, in accordance with law, be demoted, dismissed from office or discharged as administrative punishment.

Article 76 Where the public health administration department and its officials in charge of occupational health supervision and law enforcement commits one of the acts listed in Article 60 of this Law, which leads to the occurrence of an incident of occupational disease hazards and constitutes a crime, they shall be investigated for criminal responsibility in accordance with law. If it does not constitute a crime, the leading members of the department, the persons directly in charge and the other persons directly responsible shall be demoted, dismissed from office or discharged as administrative punishment.

Chapter VII Supplementary Provisions

Article 77 The meanings of the following terms used in this Law are:

Occupational disease hazards refer to the various kinds of hazards that may cause occupational diseases to workers engaged in an occupation. The factors of occupational disease hazards include the various kinds of chemical, physical and biological factors existing in occupational activities and other occupational hazardous factors that come into existence in the process of operation.

Forbidden jobs mean jobs where, when workers are engaged in certain jobs or are exposed to certain factors of occupational disease hazards, they are more liable than the ordinary run of workers to occupational disease hazards or more easily suffer from occupational diseases, or their original diseases may become aggravated, or in the course of work their peculiar physiological or pathological conditions may induce diseases that may constitute a danger to other persons' lives and health.

Article 78 When occupational disease hazards occur in units other than the ones mentioned in Article 2 of this Law, the provisions of this Law may be applied mutatis mutandis in their efforts to prevent and control occupational diseases.