|  |
| --- |
| **Work Safety Law of the People's Republic of China** |

|  |
| --- |
|  |

|  |  |
| --- | --- |
|  | Chapter I General Provisions  Article 1 This Law is formulated for the purpose of strengthening the supervision and management of production safety, preventing and reducing production safety accidents, ensuring the safety of the people's lives and property, and promoting economic development.  Article 2 This Law shall apply to the safe production of units engaged in production and business activities within the territory of the People's Republic of China (hereinafter collectively referred to as production and business units); where relevant laws and administrative regulations have other provisions on fire safety and road traffic safety, railway traffic safety, water traffic safety and civil aviation safety, those provisions shall apply.  Article 3 Safety production management adheres to the principle of safety first and prevention first.  Article 4 Production and business units must abide by this Law and other laws and regulations related to production safety, strengthen the management of safe production, establish and improve the responsibility system for safe production, improve the conditions for safe production, and ensure safe production.  Article 5 The principal responsible person of a production and business unit shall be fully responsible for the safe production work of the unit.  Article 6 The employees of production and business units have the right to obtain production safety guarantees in accordance with law, and shall perform their obligations in terms of production safety in accordance with law.  Article 7 Trade unions shall, in accordance with law, organize employees to participate in the democratic management and democratic supervision of the work of production safety in their respective units, and safeguard the lawful rights and interests of employees in the field of safe production.  Article 8 The State Council and local people's governments at all levels shall strengthen leadership over production safety work, and support and urge all relevant departments to perform their duties of supervision and management of production safety in accordance with law.  People's governments at or above the county level shall promptly coordinate and resolve major problems existing in the supervision and management of production safety.  Article 9 The departments under the State Council responsible for the supervision and management of production safety shall, in accordance with this Law, exercise comprehensive supervision and management over the work of production safety throughout the country; and the departments of local people's governments at or above the county level responsible for the supervision and management of production safety shall, in accordance with this Law, carry out comprehensive supervision and management of production safety work within their respective administrative regions.  The relevant departments of the State Council shall, in accordance with the provisions of this Law and other relevant laws and administrative regulations, supervise and manage relevant production safety work within the scope of their respective duties; and the relevant departments of local people's governments at or above the county level shall, in accordance with the provisions of this Law and other relevant laws and regulations, supervise and manage relevant production safety work within the scope of their respective duties.  Article 10: The relevant departments under the State Council shall, in accordance with the requirements for ensuring production safety, promptly formulate relevant national or industry standards in accordance with law, and revise them in a timely manner on the basis of scientific and technological progress and economic development.  Production and business units must implement the national standards or industry standards formulated in accordance with law to ensure safe production.  Article 11 People's governments at all levels and their relevant departments shall adopt various forms to strengthen publicity of laws, regulations and knowledge on safe production, and raise the awareness of production safety among employees.  Article 12 Intermediary institutions established in accordance with law to provide technical services for safe production shall, in accordance with laws, administrative regulations and practice standards, accept the entrustment of production and business units to provide technical services for their safe production work.  Article 13 The State implements a system for pursuing responsibility for production safety accidents, and pursues the legal responsibility of personnel responsible for production safety accidents in accordance with the provisions of this Law and relevant laws and regulations.  Article 14: The State encourages and supports scientific and technological research on production safety and the popularization and application of advanced technologies for safe production, raising the level of production safety.  Article 15: The State gives rewards to units and individuals that have made notable achievements in improving production safety conditions, preventing production safety accidents, and participating in emergency rescue and rescue.  Chapter II: Production safety guarantees for production and business units  Article 16 Production and business units shall meet the safe production conditions stipulated in this Law and relevant laws, administrative regulations and national or industry standards; those who do not have the conditions for safe production shall not engage in production and business activities.  Article 17 The principal responsible person of a production and operation unit shall have the following duties for the safe production work of the unit:  (1) Establish and improve the unit's responsibility system for safe production;  (2) Organize the formulation of safety production rules and regulations and operating procedures for the unit;  (3) Ensure the effective implementation of the unit's safe production inputs;  (4) Supervise and inspect the safety production work of the unit, and promptly eliminate hidden dangers of production safety accidents;  (5) Organize the formulation and implementation of the unit's emergency rescue plan for production safety accidents;  (6) Timely and truthfully report production safety accidents.  Article 18 The capital investment necessary for the conditions for safe production that a production and business unit shall have shall be guaranteed by the decision-making body of the production and operation unit, the principal responsible person or the investor of the individual operation, and shall bear responsibility for the consequences caused by insufficient capital investment necessary for safe production.  Article 19 Mines, construction units and units producing, operating and storing dangerous goods shall set up safety production management institutions or appoint full-time safety production management personnel.  In production and business units other than those provided for in the preceding paragraph, where there are more than 300 employees, they shall set up safety production management institutions or appoint full-time safety production management personnel; where there are less than 300 employees, they shall appoint full-time or part-time safety production management personnel, or entrust engineering and technical personnel with relevant professional and technical qualifications provided by the State to provide safety production management services.  Where a production and operation unit entrusts engineering and technical personnel to provide safe production management services in accordance with the provisions of the preceding paragraph, the responsibility for ensuring safe production shall remain the responsibility of the unit.  Article 20 The main responsible persons and safety production management personnel of the production and operation units must have the knowledge and management ability of safe production corresponding to the production and operation activities engaged in by the unit.  The principal responsible persons and safety production management personnel of the units producing, operating and storing dangerous goods, as well as the mining and construction units, shall be qualified by the relevant competent departments for their knowledge of safe production knowledge and management ability before they can take up their posts. There is no charge for assessment.  Article 21 Production and business units shall conduct safety production education and training for employees, ensure that employees have the necessary knowledge of safe production, are familiar with relevant safety production rules and regulations and safety operation procedures, and master the safe operation skills of their posts. Employees who have not passed the safety production education and training shall not be allowed to work on the job.  Article 22 Production and business units adopting new processes, new technologies, new materials or using new equipment must understand and master their safety technical characteristics, adopt effective safety protection measures, and conduct special safety production education and training for employees.  Article 23 The special operation personnel of production and business units must undergo special safety operation training in accordance with the relevant provisions of the State and obtain a special operation qualification certificate before they can take up their posts.  The scope of special operations personnel shall be determined by the department responsible for production safety supervision and management under the State Council in conjunction with the relevant departments of the State Council.  Article 24 The safety facilities of new construction, reconstruction and expansion projects (hereinafter collectively referred to as construction projects) of production and business units must be designed, constructed and put into production and use at the same time as the main project. Investment in safety facilities shall be included in the estimated budget of the construction project.  Article 25 Mine construction projects and construction projects used for the production and storage of dangerous goods shall be subject to safety condition demonstration and safety assessment in accordance with the relevant provisions of the State.  Article 26 The designer and design unit of the safety facilities of a construction project shall be responsible for the design of the safety facilities.  The design of safety facilities for mine construction projects and construction projects for the production and storage of dangerous goods shall be submitted to the relevant departments for review in accordance with the relevant provisions of the State, and the examination departments and their personnel responsible for the review shall be responsible for the results of the review.  Article 27 The construction units of mine construction projects and construction projects used for the production and storage of dangerous goods shall be designed and constructed in accordance with the approved safety facilities and shall be responsible for the engineering quality of the safety facilities.  Before mine construction projects and construction projects used for the production and storage of dangerous goods are completed and put into production or use, safety facilities must be inspected and accepted in accordance with the relevant laws and administrative regulations; after acceptance, they can be put into production and use. The acceptance department and its acceptance personnel are responsible for the acceptance results.  Article 28 Production and business units shall set up conspicuous safety warning signs in production and business sites and related facilities and equipment with relatively large risk factors.  Article 29 The design, manufacture, installation, use, testing, maintenance, transformation and scrapping of safety equipment shall comply with national or industry standards.  Production and operation units must carry out regular maintenance and maintenance of safety equipment, and regularly test to ensure normal operation. Maintenance, maintenance and testing shall be recorded and signed by relevant personnel.  Article 30 The special equipment used by production and business units involving life safety and greater danger, as well as containers and means of transport of dangerous goods, must be produced by professional production units in accordance with the relevant provisions of the State, and can only be put into use after being tested and inspected by testing and inspection institutions that have obtained professional qualifications, and obtaining safety use certificates or safety signs. Testing and inspection institutions are responsible for the testing and inspection results.  The catalogue of special equipment involving life safety and greater danger shall be formulated by the department responsible for the safety supervision and management of special equipment under the State Council, and shall be implemented after approval by the State Council.  Article 31 The State implements a phase-out system for processes and equipment that seriously endanger production safety.  Production and business units shall not use processes and equipment that endanger production safety that are explicitly eliminated or prohibited by the state.  Article 32 Where dangerous articles are produced, operated, transported, stored or used or discarded dangerous goods are disposed of, the relevant competent departments shall examine and approve and carry out supervision and management in accordance with the provisions of relevant laws and regulations and national or industry standards.  Production and business units producing, operating, transporting, storing, using hazardous materials or disposing of obsolete hazardous materials must implement relevant laws, regulations, national standards or industry standards, establish a special safety management system, adopt reliable safety measures, and accept the supervision and management implemented by the relevant competent departments in accordance with law.  Article 33 Production and business units shall register and file major sources of danger, conduct regular testing, assessment and monitoring, and formulate emergency response plans to inform employees and relevant personnel of the emergency measures they should take in emergency situations.  Production and business units shall, in accordance with the relevant provisions of the State, report the major sources of danger and relevant safety measures and emergency measures of their units to the relevant local people's governments responsible for the supervision and management of production safety and the relevant departments for the record.  Article 34 Workshops, shops and warehouses producing, operating, storing and using dangerous goods shall not be in the same building as the employee dormitories, and shall maintain a safe distance from the employee dormitories.  Production and business sites and staff dormitories shall have exits that meet the requirements for emergency evacuation, are clearly marked, and are kept open. It is forbidden to close or block the exits of production and business sites or employee dormitories.  Article 35 Production and business units carrying out hazardous operations such as blasting and hoisting shall arrange for special personnel to carry out on-site safety management to ensure compliance with operating procedures and the implementation of safety measures.  Article 36 Production and business units shall educate and urge employees to strictly implement the safety production rules and regulations and safety operation procedures of their own units; and truthfully inform employees of the risk factors, preventive measures and emergency measures for accidents that exist in the workplace and the workplace.  Article 37 Production and business units must provide employees with labor protection articles that conform to national or industry standards, and supervise and educate employees to wear and use them in accordance with the rules of use.  Article 38 The safety production management personnel of a production and business unit shall, in accordance with the characteristics of the production and operation of the unit, conduct regular inspections of the safety production situation; shall immediately deal with the safety problems discovered during the inspection; if they cannot be dealt with, they shall promptly report to the relevant responsible person of the unit. Inspections and handling shall be recorded.  Article 39 Production and business units shall arrange funds for the allocation of labor protection articles and the conduct of safety production training.  Article 40 Where two or more production and business units carry out production and business activities in the same operation area, which may endanger each other's production safety, they shall sign a safety production management agreement, clarify their respective production safety management responsibilities and the safety measures that should be taken, and designate full-time safety production management personnel to conduct safety inspection and coordination.  Article 41 Production and business units shall not contract or lease production and operation projects, sites, or equipment to units or individuals that do not have the conditions for safe production or corresponding qualifications.  Where there are multiple contracting units or lessee units in a production and operation project or field, the production and operation unit shall sign a special safety production management agreement with the contracting unit or the lessee unit, or stipulate their respective safety production management responsibilities in the contracting contract or lease contract; the production and operation unit shall uniformly coordinate and manage the safety production work of the contracting unit and the lessee unit.  Article 42 When a major production safety accident occurs in a production and business unit, the principal responsible person of the unit shall immediately organize rescue and shall not leave his post without authorization during the investigation and handling of the accident.  Article 43 Production and business units must participate in social insurance for work-related injuries in accordance with law and pay insurance premiums for employees.  Chapter III: Rights and Obligations of Employees  Article 44 The labor contract concluded between a production and business unit and an employee shall specify matters related to ensuring the labor safety of employees and preventing occupational hazards, as well as matters concerning the handling of social insurance for work-related injuries for employees in accordance with law.  Production and business units shall not conclude agreements with employees in any form to exempt or reduce their responsibilities for the casualties of employees due to production safety accidents in accordance with law.  Article 45 The employees of production and business units have the right to understand the risk factors, preventive measures and emergency measures for accidents existing in their workplaces and jobs, and have the right to make suggestions on the safe production work of their units.  Article 46 Employees have the right to criticize, report and accuse the problems existing in the safety production work of their units; they have the right to refuse to command in violation of regulations and to force risky operations.  Production and business units shall not reduce their wages, benefits, and other benefits or terminate the labor contracts concluded with them because employees criticize, report, accuse, or refuse to command in violation of regulations or force risky operations to work in their own units.  Article 47: When employees discover an emergency situation that directly endangers personal safety, they have the right to stop operations or evacuate the work site after taking possible emergency measures.  Production and business units shall not reduce employees' wages, benefits, and other benefits or terminate the labor contracts concluded with them because they stop their operations or take emergency evacuation measures under the emergency situation mentioned in the preceding paragraph.  Article 48 Employees who have been harmed by production safety accidents, in addition to enjoying social insurance for work-related injuries in accordance with law, have the right to receive compensation in accordance with the relevant civil laws, and have the right to submit compensation claims to their own units.  Article 49 In the course of operation, employees shall strictly abide by the safety production rules and regulations and operating procedures of the unit, obey the management, and correctly wear and use labor protection articles.  Article 50 Employees shall receive education and training on production safety, master the knowledge of safe production required for their own work, improve their skills for safe production, and enhance their ability to prevent accidents and deal with emergencies.  Article 51 When an employee discovers hidden dangers of accidents or other unsafe factors, he shall immediately report to the on-site safety production management personnel or the responsible person of the unit; the personnel receiving the report shall promptly deal with it.  Article 52 The trade union shall have the right to supervise and put forward opinions on the simultaneous design, construction, production and use of the safety facilities of a construction project and the main project.  Trade unions have the right to demand corrections for the production and business units' violations of production safety laws and regulations and infringement of the legitimate rights and interests of employees; when the production and business unit is found to have violated the rules and regulations, forced to take risky operations, or discovers hidden dangers of accidents, it has the right to put forward suggestions for solving them, and the production and business units shall promptly study and reply; when a situation endangering the life and safety of employees is discovered, it has the right to suggest to the production and business units to organize employees to evacuate dangerous places, and the production and operation units must immediately deal with them.  Trade unions have the right to participate in accident investigations in accordance with the law, to submit opinions on handling to the relevant departments, and to request that the relevant personnel be held accountable.  Chapter IV Supervision and Management of Production Safety  Article 53 Local people's governments at or above the county level shall, on the basis of the production safety situation within their respective administrative regions, organize relevant departments to conduct strict inspections of production and business units that are prone to major production safety accidents in their respective administrative regions in accordance with their duties and division of labor;  Article 54 Where the departments responsible for supervision and management of production safety in accordance with the provisions of Article 9 of this Law (hereinafter collectively referred to as the departments with production safety supervision and management responsibilities) need to examine and approve (including approval, approval, licensing, registration, certification, issuance of licenses, etc.) or acceptance of matters involving production safety in accordance with the provisions of relevant laws and regulations, they must conduct a review in strict accordance with the relevant laws, regulations, national standards or industry standards; Where laws and regulations and national standards or industry standards provide for safe production conditions, they must not be approved or accepted. Where units that have not lawfully obtained approval or passed acceptance have engaged in relevant activities without authorization, the department responsible for administrative examination and approval shall immediately ban them after discovering or receiving a report, and handle it in accordance with law. For units that have already obtained approval in accordance with law, the department responsible for administrative examination and approval shall revoke the original approval if it discovers that it no longer has the conditions for safe production.  Article 55 The department responsible for the supervision and management of production safety shall not collect fees for the examination and acceptance of matters involving production safety; the unit subject to examination and acceptance shall not require the unit subject to examination or acceptance to purchase the safety equipment, equipment or other products of its designated brand or designated production or sales unit.  Article 56 The department responsible for the supervision and management of production safety shall, in accordance with law, supervise and inspect the implementation of laws, regulations and national standards or industry standards related to production safety by production and business units, and exercise the following functions and powers:  (1) Enter the production and operation unit for inspection, access relevant materials, and learn about the situation from relevant units and personnel.  (2) Corrections of production safety violations discovered during inspections on the spot or requests corrections within a time limit; for conduct that should be given administrative punishment in accordance with law, an administrative punishment decision is to be made in accordance with the provisions of this Law and other relevant laws and administrative regulations.  (3) Where hidden dangers of accidents discovered during inspections are to be ordered to be eliminated immediately; if safety cannot be guaranteed before or during the elimination of hidden dangers of major accidents, it shall be ordered to withdraw the operators from the dangerous area and ordered to temporarily stop production and business or stop using them; after the hidden dangers of major accidents are eliminated, production, operation and use may be resumed after review and approval.  (4) Seal or seize facilities, equipment, or equipment that are found to have grounds for not meeting national or industry standards for ensuring safe production, and shall make a disposition decision within 15 days in accordance with law.  Supervision and inspection must not affect the normal production and operation activities of the unit being inspected.  Article 57 Production and business units shall cooperate with the supervision and inspection personnel of the departments responsible for the supervision and management of production safety (hereinafter collectively referred to as the safety production supervision and inspection personnel) in performing their supervision and inspection duties in accordance with law, and shall not refuse or obstruct them.  Article 58 Safety production supervision and inspection personnel shall be loyal to their duties, adhere to principles, and enforce the law impartially.  When performing supervision and inspection tasks, production safety supervision and inspection personnel must present effective supervision and law enforcement certificates; technical secrets and business secrets involving the inspected units shall be kept confidential.  Article 59 The safety production supervision and inspection personnel shall make a written record of the time, place, content, problems discovered and their handling of the inspection, and shall be signed by the inspector and the responsible person of the unit being inspected;  Article 60 The departments responsible for the supervision and management of production safety shall cooperate with each other and carry out joint inspections during supervision and inspection; where it is truly necessary to conduct separate inspections, they shall exchange information, and where safety problems discovered should be handled by other relevant departments, they shall promptly transfer them to other relevant departments and form records for future reference, and the departments that accept the transfer shall promptly handle them.  Article 61 The Supervision Organs shall, in accordance with the provisions of the Administrative Supervision Law, supervise the performance of production safety supervision and management duties by departments with responsibility for the supervision and management of production safety and their staff.  Article 62: Institutions undertaking safety assessments, certifications, testing, and inspections shall meet the qualifications and requirements prescribed by the State, and be responsible for the results of the safety assessments, certifications, testing, and inspections they make.  Article 63: Departments with responsibility for supervision and management of production safety shall establish a reporting system, make public reporting telephones, mailboxes, or e-mail addresses, and accept reports on production safety; after the investigation and verification of the reported matters accepted, they shall form written materials; where it is necessary to implement rectification measures, report them to the relevant responsible persons for signature and urge implementation.  Article 64 Any unit or individual shall have the right to report or report to the department responsible for the supervision and management of production safety to the hidden dangers of accidents or illegal acts of production safety.  Article 65 When residents' committees or villagers' committees discover that the production and business units in their areas have hidden dangers of accidents or illegal acts of production safety, they shall report to the local people's government or relevant departments.  Article 66: People's governments at the county level or above and their relevant departments shall give rewards to meritorious personnel who report hidden dangers of major accidents or report illegal acts of production safety. Specific reward measures shall be formulated by the department responsible for the supervision and management of production safety under the State Council in conjunction with the financial department under the State Council.  Article 67: Press, publishing, radio, film, television, and other such units have the obligation to conduct publicity and education on production safety, and have the right to conduct public opinion supervision over violations of laws and regulations on production safety.  Chapter V Emergency Rescue and Investigation and Handling of Production Safety Accidents  Article 68: Local people's governments at or above the county level shall organize relevant departments to formulate emergency rescue plans for extraordinarily large production safety accidents within their respective administrative regions, and establish an emergency rescue system.  Article 69 Units producing, operating and storing dangerous goods, as well as mining and construction units, shall establish emergency rescue organizations;  Units producing, operating and storing dangerous goods, as well as mining and construction units, shall be equipped with necessary emergency rescue equipment and equipment, and shall carry out regular maintenance and maintenance to ensure normal operation.  Article 70 After a production safety accident occurs in a production and business unit, the relevant personnel at the scene of the accident shall immediately report to the person in charge of the unit.  After receiving the accident report, the responsible person of the unit shall promptly take effective measures to organize rescue, prevent the expansion of the accident, reduce casualties and property losses, and immediately and truthfully report to the local department responsible for the supervision and management of production safety in accordance with the relevant provisions of the state, and must not conceal or fail to report, falsely report or delay in reporting, and must not intentionally destroy the accident site or destroy relevant evidence.  Article 71 After receiving the accident report, the department responsible for the supervision and management of production safety shall immediately report the accident situation in accordance with the relevant provisions of the State. Departments responsible for the supervision and management of production safety and relevant local people's governments must not conceal or fail to report, falsely report, or delay in reporting the accident.  Article 72 After receiving a report of a major production safety accident, the responsible persons of the relevant local people's governments and departments responsible for the supervision and management of production safety shall immediately rush to the scene of the accident and organize the rescue of the accident.  All units and individuals shall support and cooperate with the rescue of the accident and provide all convenient conditions.  Article 73 The investigation and handling of accidents shall, in accordance with the principles of seeking truth from facts and respecting science, promptly and accurately investigate the causes of accidents, ascertain the nature and responsibility of accidents, summarize the lessons of accidents, propose rectification measures, and put forward handling opinions on those responsible for accidents. Specific measures for the investigation and handling of accidents shall be formulated by the State Council.  Article 74 Where a production safety accident occurs in a production or business unit and is determined to be a liability accident after investigation, in addition to ascertaining the responsibility of the accident unit and pursuing it in accordance with law, it shall also ascertain the responsibility of the administrative department that has the responsibility of reviewing, approving and supervising matters related to production safety, and where there is dereliction of duty or dereliction of duty, legal responsibility shall be pursued in accordance with the provisions of Article 77 of this Law.  Article 75 No unit or individual may obstruct or interfere with the lawful investigation and handling of an accident.  Article 76 The departments responsible for the supervision and management of production safety of local people's governments at or above the county level shall periodically conduct statistical analysis of the occurrence of production safety accidents within their respective administrative regions and periodically announce them to the public.    Chapter VI: Legal Liability  Article 77 Where a staff member of a department responsible for the supervision and management of production safety commits any of the following acts, he shall be given an administrative sanction of demotion or dismissal; where a crime is constituted, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law:  (1) Approving or passing inspection and acceptance of matters involving production safety that do not meet the legally prescribed requirements for safe production;  (2) Where it is discovered that a unit that has not lawfully obtained approval or acceptance has engaged in relevant activities without authorization, or does not ban or handle it in accordance with law after receiving a report;  (3) Failing to perform supervision and management duties for units that have already obtained approval in accordance with law, not revoking the original approval when it is discovered that they no longer have the conditions for safe production, or failing to investigate and punish illegal acts of production safety.  Article 78 Where a department responsible for the supervision and management of production safety requires the unit subject to review or acceptance to purchase the safety equipment, equipment or other products designated by it, and collects fees in the course of the examination and acceptance of production safety matters, the organ at the level above it or the Supervision Organ shall order corrections and order the refund of the fees collected;  Article 79: Where institutions undertaking safety assessment, certification, testing, or inspection work issue false certificates that constitute a crime, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law; where criminal punishment is not sufficient, confiscate the illegal gains, and where the illegal gains are between 5,000 yuan and not more, a fine of not less than two times but not more than five times the illegal gains, and if there are no illegal gains or the illegal gains are less than 5,000 yuan, a fine of not less than 5,000 yuan but not more than 20,000 yuan shall be imposed separately or concurrently. The directly responsible supervisors and other directly responsible personnel shall be fined not less than 5,000 yuan but not more than 50,000 yuan; if damage is caused to others, they shall bear joint and several liability for compensation with the production and operation unit.  Institutions that have violated the law mentioned in the preceding paragraph shall have their corresponding qualifications revoked.  Article 80 Where the decision-making bodies, principal responsible persons, and individual investors of a production and business unit do not follow the provisions of this Law to ensure the capital investment necessary for safe production, so that the production and business unit does not have the conditions for safe production, it shall be ordered to make corrections within a time limit and provide the necessary funds; if it is not corrected within the time limit, it shall be ordered to stop production and business for rectification.  Where there is an illegal act mentioned in the preceding paragraph, resulting in the occurrence of a production safety accident, which constitutes a crime, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law; where criminal punishment is not sufficient, the principal responsible person of the production and business unit shall be dismissed from his post, and the investor of the individual business shall be fined between 20,000 and 200,000 yuan.  Article 81 Where the principal responsible person of a production and business unit fails to perform the duties of production safety management provided for in this Law, he shall be ordered to make corrections within a time limit; if the correction is not made within the time limit, he shall be ordered to stop production and business for rectification.  Where the principal responsible person of a production or business unit commits an illegal act mentioned in the preceding paragraph, resulting in a production safety accident that constitutes a crime, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law; where criminal punishment is not sufficient, he shall be dismissed from his post or fined not less than 20,000 yuan but not more than 200,000 yuan.  Where the principal responsible person of a production or business unit receives a criminal punishment or dismissal in accordance with the provisions of the preceding paragraph, he or she must not serve as the principal responsible person of any production or business unit for five years from the date on which the criminal punishment is completed or the punishment is imposed.  Article 82 Where a production or business operation unit commits any of the following acts, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to stop production and business for rectification, and may also be fined not more than 20,000 yuan:  (1) Failing to follow provisions to establish a safety production management organization or appoint a production safety management personnel;  (2) The principal responsible persons and safety production management personnel of units producing, operating, or storing dangerous goods, as well as mining and construction units, fail to pass the assessment in accordance with regulations;  (3) Failing to conduct production safety education and training for employees in accordance with the provisions of Articles 21 and 22 of this Law, or failing to truthfully inform employees of relevant production safety matters in accordance with the provisions of Article 36 of this Law;  (4) Special operations personnel who have not followed provisions to undergo special safety operation training and obtain special operation qualification certificates, and are put into operation.  Article 83 Where a production or business unit commits any of the following acts, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to stop construction or stop production and business for rectification, and may also be fined not more than 50,000 yuan; where serious consequences are caused and a crime is constituted, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law:  (1) Mine construction projects or construction projects used for the production or storage of dangerous goods do not have safety facility designs, or safety facilities designs are not reported to the relevant departments for review and approval in accordance with regulations;  (2) The construction unit of a mine construction project or a construction project used for the production or storage of dangerous goods fails to design and construct in accordance with the approved safety facilities;  (3) Before the mine construction project or the construction project used for the production or storage of dangerous goods is completed and put into production or use, the safety facilities have not passed the acceptance test;  (4) Failing to set up conspicuous safety warning signs on production and business sites and relevant facilities and equipment with relatively large risk factors;  (5) The installation, use, testing, transformation, and scrapping of safety equipment that do not conform to national or industry standards;  (6) Failure to carry out regular maintenance, maintenance, or periodic testing of safety equipment;  (7) Failing to provide employees with labor protection articles that conform to national or industry standards;  (8) Containers and means of transport of special equipment and dangerous goods have not been tested or inspected by institutions that have obtained professional qualifications, and have obtained safety use certificates or safety marks, and have been put into use;  (9) Using processes or equipment that the State has explicitly eliminated or prohibited from using that endanger production safety.  Article 84 Whoever, without the approval of law, produces, trades or stores dangerous goods without authorization, is ordered to stop the illegal conduct or close it down, confiscates the illegal gains, and where the illegal gains are more than 100,000 yuan, a fine of not less than one time but not more than five times the illegal gains shall be imposed, and where there are no illegal gains or the illegal gains are less than 100,000 yuan, a fine of between 20,000 and 100,000 yuan shall be imposed separately or concurrently; where serious consequences are caused and a crime is constituted, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law.  Article 85 Where a production or business operation unit commits any of the following acts, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to stop production and business for rectification, and may also be fined not less than 20,000 yuan but not more than 100,000 yuan; where serious consequences are caused and a crime is constituted, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law:  (1) Producing, operating, storing, or using dangerous goods, failing to establish a special safety management system, failing to employ reliable safety measures, or failing to accept supervision and management carried out by the relevant competent departments in accordance with law;  (2) Failing to register and file major sources of danger, or failing to conduct assessment or monitoring, or failing to formulate an emergency response plan;  (3) Carrying out hazardous operations such as blasting or hoisting, and failing to arrange for special management personnel to carry out on-site safety management.  Article 86 Where a production and business unit contracts or leases production and operation projects, sites, or equipment to a unit or individual that does not have the conditions for safe production or the corresponding qualifications, it shall be ordered to make corrections within a time limit and confiscate the illegal gains; where the illegal gains are more than 50,000 yuan, a fine of not less than one time but not more than five times the illegal gains shall be imposed; if there are no illegal gains or the illegal gains are less than 50,000 yuan, a fine of not less than 10,000 yuan but not more than 50,000 yuan shall be imposed separately or concurrently; where a production safety accident causes damage to others, the contracting party shall, The lessee is jointly and severally liable.  If the production and operation unit fails to sign a special safety production management agreement with the contracting unit or the leasing unit, or fails to specify its respective responsibilities for safe production management in the contracting contract or lease contract, or fails to coordinate and manage the safety production of the contracting unit or the leasing unit, it shall be ordered to make corrections within a time limit; if it is not corrected within the time limit, it shall be ordered to stop production and stop business for rectification.  Article 87 Where two or more production and business units carry out production and business activities that may endanger each other's safe production in the same operation area, and fail to sign a production safety management agreement or have not designated full-time safety production management personnel to conduct safety inspection and coordination, they shall be ordered to make corrections within a time limit; if they do not make corrections within the time limit, they shall be ordered to stop production and business.  Article 88 Where a production or business unit commits any of the following acts, it shall be ordered to make corrections within a time limit; if it fails to make corrections within the time limit, it shall be ordered to stop production and business for rectification; where serious consequences are caused and constitute a crime, criminal responsibility shall be pursued in accordance with the relevant provisions of the Criminal Law:  (1) Workshops, shops, warehouses, or warehouses producing, operating, storing, or using hazardous materials are in the same building as employee dormitories, or where the distance from employee dormitories does not meet safety requirements;  (2) Production and business sites and employee dormitories do not have exits that meet the needs of emergency evacuation, are clearly marked, and remain unobstructed, or close or block the exits of production and business sites or employee dormitories.  Article 89 Where a production and business unit concludes an agreement with an employee to exempt or mitigate its liability for the injury or death of the employee due to a production safety accident, the agreement shall be invalid, and a fine of not less than 20,000 yuan but not more than 100,000 yuan shall be imposed on the principal responsible person of the production and operation unit and the investor in the individual operation.  Article 90 Where the employees of a production and business unit disobey management and violate the rules and regulations or operating procedures for production safety, the production and business unit shall give criticism and education and give sanctions in accordance with the relevant rules and regulations;  Article 91 Where the principal responsible person of a production and business operation unit fails to immediately organize rescue or leaves his post or escapes without authorization during the investigation and handling of the accident, he shall be given the punishment of demotion or dismissal, and shall be detained for not more than 15 days if he or she has escaped;  Where the principal responsible person of a production or business unit conceals or fails to report a production safety accident, makes a false report, or delays in reporting it, he shall be punished in accordance with the provisions of the preceding paragraph.  Article 92 Where the relevant local people's governments or departments responsible for the supervision and management of production safety conceal or fail to report production safety accidents, make false reports, or delay in reporting them, they shall give administrative sanctions to the directly responsible supervisors and other directly responsible personnel in accordance with law;  Article 93 Where a production and business operation unit does not have the safe production conditions stipulated in this Law and other relevant laws, administrative regulations, national standards or industry standards, and still does not have the conditions for safe production after suspension of production and business rectification, it shall be closed; the relevant departments shall revoke their relevant licenses in accordance with law.  Article 94 The administrative punishment provided for in this Law shall be decided by the department responsible for the supervision and management of production safety; the administrative punishment for closure shall be decided by the department responsible for the supervision and management of production safety by reporting to the people's government at the county level or above in accordance with the authority prescribed by the State Council; the administrative punishment for the granting of detention shall be decided by the public security organ in accordance with the provisions of the Regulations on Penalties for administration of public security. Where relevant laws or administrative regulations have other provisions on the organs making administrative punishments, follow those provisions.  Article 95 Where a production safety accident occurs in a production and business unit causing casualties or property losses to others, it shall bear the liability for compensation in accordance with law; if it refuses to bear it or the responsible person escapes, the people's court shall enforce it in accordance with law.  Where the person responsible for a production safety accident has not borne the liability for compensation in accordance with law, and after the people's court has taken enforcement measures in accordance with law, it is still unable to give full compensation to the victim, it shall continue to perform the obligation of compensation; if the victim discovers that the responsible person has other property, he may request the people's court to enforce it at any time.  Chapter VII Supplementary Provisions  Article 96: The meaning of the following terms used in this Law:  Dangerous goods refer to inflammable and explosive materials, hazardous chemicals, radioactive materials and other items that can endanger personal safety and property safety.  A major source of danger refers to a unit (including premises and facilities) that produces, handles, uses or stores dangerous goods for a long or temporary period of time, and the quantity of dangerous goods equals or exceeds the critical amount.  Article 97 This Law shall enter into force on November 1, 2002. |