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 Favorite Download PrintFont Size: Search: ☒ "Fabao" Window**【Title】** Work Safety Law of the People's Republic of China (2009 Amendment) [Effective]**【法规标题】** 中华人民共和国安全生产法(2009修正) [现行有效]**【法宝引证码】** CLI.1.161150(EN)**Date Issued:** 08-27-2009**Effective date:** 11-01-2002**Issuing authority:** Standing Committee of the National People's Congress**Area of law:** Trade Unions**发布日期:** 2009-08-27**生效日期:** 2002-11-01**发布部门:** 全国人大常委会**类别:** 劳动工会

Work Safety Law of the People's Republic of China

(Adopted at the 28th session of the Standing Committee of the Ninth National People's Congress on June 29, 2002, and amended in accordance with the Decision on Amending Some Laws adopted at the 10th session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009)

中华人民共和国安全生产法

(2002年6月29日第九届全国人民代表大会常务委员会第二十八次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)

Chapter I General Provisions

第一章 总则

Article 1 This Law is formulated for enhancing work safety supervision and administration, preventing and reducing work safety accidents, protecting the life and property safety of the people, and promoting economic development.

第一条 为了加强安全生产监督管理,防止和减少生产安全事故,保障人民群众生命和财产安全,促进经济发展,制定本法。

Article 2 This Law is applicable to work safety of entities engaged in production and other business activities (hereinafter referred to as the "business entities") within the territory of the People's Republic of China. Where a relevant law or administrative regulation provides otherwise for fire protection and safety, road traffic safety, railway traffic safety, waterway traffic safety or civil aviation safety, such provisions shall apply.

第二条 在中华人民共和国领域内从事生产经营活动的单位(以下统称生产经营单位)的安全生产,适用本法;有关法律、行政法规对消防安全和道路交通安全、铁路交通安全、水上交通安全、民用航空安全另有规定的,适用其规定。

Article 3 In work safety management, the principle of "safety first and focusing on prevention" shall be followed.

第三条 安全生产管理,坚持安全第一、预防为主方针。

Article 4 Business entities must comply with this Law and other laws and regulations concerning work safety, strengthen work safety management, establish a sound work safety responsibility system and improve necessary conditions to ensure work safety.

第四条 生产经营单位必须遵守本法和其他有关安全生产的法律、法规,加强安全生产管理,建立、健全安全生产责任制度,完善安全生产条件,确保安全生产。

Article 5 The first person in charge of a business entity shall be fully responsible for the business entity's work safety.

第五条 生产经营单位的主要负责人对本单位的安全生产工作全面负责。

Article 6 Employees of a business entity shall be entitled to work safety protection and perform work safety obligations in accordance with law.

第六条 生产经营单位的从业人员有依法获得安全生产保障的权利,并应当依法履行安全生产方面的义务。

Article 7 The trade union of a business entity shall organize employees' participation in the democratic management and oversight of work safety of the entity and protect the lawful rights and interests of employees in work safety in accordance with law.

第七条 工会依法组织职工参加本单位安全生产工作的民主管理和民主监督,维护职工在安全生产方面的合法权益。

Article 8 The State Council and local people's governments shall strengthen their leadership on work safety and support and urge all relevant departments to legally perform their responsibilities for work safety supervision and administration.

第八条 国务院和地方各级人民政府应当加强对安全生产工作的领导,支持、督促各有关部门依法履行安全生产监督管理职责。

县级以上人民政府对安全生产监督管理中存在的重大问题应当及时予以协调、解决。

The people's governments at and above the county level shall, in a timely manner, provide coordination and solutions to major problems existing in work safety supervision and administration.

Article 9 The State Council's department for work safety supervision and administration shall, in accordance with this Law, conduct comprehensive work safety supervision and administration throughout the country. The departments for work safety supervision and administration of the local people's governments at and above the county level shall, in accordance with this Law, conduct comprehensive work safety supervision and administration within their respective administrative regions.

第九条 国务院负责安全生产监督管理的部门依照本法,对全国安全生产工作实施综合监督管理;县级以上地方各级人民政府负责安全生产监督管理的部门依照本法,对本行政区域内安全生产工作实施综合监督管理。

国务院有关部门依照本法和其他有关法律、行政法规的规定,在各自的职责范围内对有关的安全生产工作实施监督管理;县级以上地方各级人民政府有关部门依照本法和其他有关法律、法规的规定,在各自的职责范围内对有关

The relevant departments of the State Council shall, in accordance with this Law and other relevant laws and administrative regulations, conduct relevant work safety supervision and administration within their

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Article 10 The relevant departments of the State Council shall, according to the requirements for safeguarding work safety, formulate relevant national or industry standards in a timely manner in accordance with law and amend such standards appropriately on the basis of technological advancement and economic development.

Business entities must implement the national or industry standards for work safety formulated in accordance with law.

Article 11 The people's governments at all levels and their relevant departments shall strengthen the publicity of laws and regulations on work safety and work safety knowledge in various forms to enhance employees' awareness of work safety.

Article 12 Intermediary institutions legally established to provide technical services for work safety shall, in accordance with laws, administrative regulations and codes of practice, provide technical services for work safety of business entities as agreed on.

Article 13 The state applies a liability investigation system for work safety accidents. Persons liable for such accidents shall be investigated for legal liability in accordance with this Law and other relevant laws and regulations.

Article 14 The state encourages and supports the scientific and technological research on work safety and the promotion and application of advanced work safety technology to raise the level of work safety.

Article 15 The state confers awards on entities and individuals which have made outstanding achievements in such respects as improving work safety conditions, preventing work safety accidents and participating in rescue operations.

Chapter II Safeguards for Work Safety of Business Entities

Article 16 Business entities shall meet the work safety conditions prescribed by this Law and other relevant laws, administrative regulations and national or industry standards. Business entities which do not meet such conditions shall not be engaged in production and other business activities.

Article 17 The first person in charge of a business entity shall have the following responsibilities for the business entity's work safety:

- (1) creating a sound work safety responsibility system of the business entity;
- (2) organizing the formulation of rules and operating procedures for work safety of the business entity;
- (3) ensuring effective input for work safety of the business entity;
- (4) overseeing and inspecting work safety of the business entity to eliminate work safety risks in a timely manner;
- (5) organizing the preparation and implementation of the business entity's emergency rescue plans for work safety accidents; and
- (6) reporting work safety accidents in a timely and truthful manner.

Article 18 Input of funds necessary for a business entity to meet the prescribed work safety conditions shall be guaranteed by the decision-making body or the first person in charge of the entity or the individual investor if the business entity is an individual business, and such a body, person in charge or investor shall be liable for the consequences of insufficient input of funds necessary for work safety.

Article 19 A mining or building construction entity or an entity producing, marketing or storing hazardous substances shall establish a work safety management body or have full-time work safety management personnel.

A business entity other than those specified in the preceding paragraph shall establish a work safety management body or have full-time work safety management personnel if its number of employees exceeds 300; or have full-time or part-time work safety management personnel or employ engineering technicians holding relevant professional qualifications required by the state to provide work safety management services if its number of employees is below 300.

第十条 国务院有关部门应当按照保障安全生产的要求，依法及时制定有关国家标准或者行业标准，并根据科技进步和经济发展适时修订。

生产经营单位必须执行依法制定的保障安全生产的国家标准或者行业标准。

第十一条 各级人民政府及其有关部门应当采取多种形式，加强对有关安全生产的法律、法规和安全生产知识的宣传，提高职工的安全生产意识。

第十二条 依法设立的为安全生产提供技术服务的中介机构，依照法律、行政法规和执业准则，接受生产经营单位的委托为其安全生产工作提供技术服务。

第十三条 国家实行生产安全事故责任追究制度，依照本法和有关法律、法规的规定，追究生产安全事故责任人员的法律责任。

第十四条 国家鼓励和支持安全生产科学技术和安全生产先进技术的推广应用，提高安全生产水平。

第十五条 国家对在改善安全生产条件、防止生产安全事故、参加抢险救护等方面取得显著成绩的单位和个人，给予奖励。

第二章 生产经营单位的安全生产保障

第十六条 生产经营单位应当具备本法和有关法律、行政法规和国家标准或者行业标准规定的安全生产条件；不具备安全生产条件的，不得从事生产经营活动。

第十七条 生产经营单位的主要负责人对本单位安全生产工作负有下列职责：

- (一) 建立、健全本单位安全生产责任制；
- (二) 组织制定本单位的安全生产规章制度和操作规程；
- (三) 保证本单位安全生产投入的有效实施；
- (四) 督促、检查本单位的安全生产工作，及时消除生产安全事故隐患；
- (五) 组织制定并实施本单位的生产安全事故应急救援预案；
- (六) 及时、如实报告生产安全事故。

第十八条 生产经营单位应当具备的安全生产条件所必需的资金投入，由生产经营单位的决策机构、主要负责人或者个人经营的投资人予以保证，并对由于安全生产所必需的资金投入不足导致的后果承担责任。

第十九条 矿山、建筑施工单位和危险物品的生产、经营、储存单位，应当设置安全生产管理机构或者配备专职安全生产管理人员。

前款规定以外的其他生产经营单位，从业人员超过三百人的，应当设置安全生产管理机构或者配备专职安全生产管理人员；从业人员在三百人以下的，应当配备专职或者兼职的安全生产管理人员，或者委托具有国家规定的相关专业技术资格的工程技术人员提供安全生产管理服务。

生产经营单位依照前款规定委托工程技术人员提供安全生产管理服务的，保证安全生产的责任仍由本单位负责。

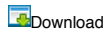
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Article 20 The first person in charge and the work safety management personnel of a business entity must have work safety knowledge and management capabilities appropriate for the business activities of the entity.

The first person in charge and the work safety management personnel of an entity manufacturing, marketing or storing hazardous substances or a mining or building construction entity may take such positions only after they have passed the assessments on their work safety knowledge and management capabilities conducted by the competent authorities. No fees shall be charged for such assessments.

Article 21 Business entities shall provide their employees with education and training on work safety to ensure that their employees have necessary work safety knowledge, are familiar with the relevant work safety rules and operating procedures and possess safe operation skills for their respective posts. Employees failing the education and training on work safety shall not take their posts.

Article 22 To use any new technique, technology, material or equipment, a business entity must study and understand its safety technical features, adopt effective safety protection measures, and provide their employees with special education and training on work safety.

Article 23 Special operation workers of a business entity must receive special training on safe operation as required by the state, and may take their posts only after obtaining a certificate of qualification for special operations.

The scope of special operation workers shall be determined by the department for work safety supervision and administration of the State Council in conjunction with other relevant departments of the State Council.

Article 24 The safety facilities in a new construction, reconstruction or expansion project of a business entity (hereinafter refers to as the "construction project") must be designed, constructed and put to use in production and other business operations simultaneously with the body of the project. Input for the safety facilities shall be included in the budgetary estimate of the construction project.

Article 25 Mine construction projects and construction projects for the manufacturing or storage of hazardous substances shall be subject to the demonstration of safety conditions and safety assessment respectively as required by the state.

Article 26 The designers and designing entities of the safety facilities in construction projects shall be responsible for the design of the safety facilities.

The designs of safety facilities in mine construction projects and construction projects for the manufacturing or storage of hazardous substances shall be submitted to the relevant departments for examination as required by the state. The examination departments and their examiners shall be responsible for the results of examination.

Article 27 Construction entities in mine construction projects and construction projects for the manufacturing or storage of hazardous substances must construct safety facilities according to the approved design and be responsible for the engineering quality of safety facilities.

Before the completed mine construction projects or construction projects for the manufacturing or storage of hazardous substances are put to use in production and other business operations, an acceptance check of the safety facilities must be conducted in accordance with relevant laws and administrative regulations; and the project may be put to use in production and other business operations only after the safety facilities pass the acceptance check. The departments and their personnel conducting the acceptance check shall be responsible for the results of the acceptance check.

Article 28 Business entities shall set conspicuous safety signs on business premises and relevant facilities and equipment with greater risk factors.

Article 29 Safety equipment shall be designed, manufactured, installed, used, tested, maintained, renovated and retired in accordance with national or industry standards.

Business entities must conduct routine maintenance and regular testing of their safety equipment to ensure its normal operation. Records of maintenance and testing shall be made and signed by the relevant

人员必须具备与本单位所从事的生产经营活动相应的安全生产知识和管理能力。

危险物品的生产、经营、储存单位以及矿山、建筑施工单位的主要负责人和安全生产管理人员，应当由有关主管部门对其安全生产知识和管理能力考核合格后方可任职。考核不得收费。

第二十一条 生产经营单位应当对从业人员进行安全生产教育和培训，保证从业人员具备必要的安全生产知识，熟悉有关的安全生产规章制度和安全操作规程，掌握本岗位的安全操作技能。未经安全生产教育和培训合格的从业人员，不得上岗作业。

第二十二条 生产经营单位采用新工艺、新技术、新材料或者使用新设备，必须了解、掌握其安全技术特性，采取有效的安全防护措施，并对从业人员进行专门的安全教育和培训。

第二十三条 生产经营单位的特种作业人员必须按照国家有关规定经专门的安全作业培训，取得特种作业操作资格证书，方可上岗作业。

特种作业人员的范围由国务院负责安全生产监督管理的部门会同国务院有关部门确定。

第二十四条 生产经营单位新建、改建、扩建工程项目（以下统称建设项目）的安全设施，必须与主体工程同时设计、同时施工、同时投入生产和使用。安全设施投资应当纳入建设项目概算。

第二十五条 矿山建设项目和用于生产、储存危险物品的建设项目，应当分别按照国家有关规定进行安全条件论证和安全评价。

第二十六条 建设项目安全设施的设计人、设计单位应当对安全设施设计负责。

矿山建设项目和用于生产、储存危险物品的建设项目的安全设施设计应当按照国家有关规定报经有关部门审查，审查部门及其负责审查的人员对审查结果负责。

第二十七条 矿山建设项目和用于生产、储存危险物品的建设项目的施工单位必须按照批准的安全设施设计施工，并对安全设施的工程质量负责。

矿山建设项目和用于生产、储存危险物品的建设项目竣工投入生产或者使用前，必须依照有关法律、行政法规的规定对安全设施进行验收；验收合格后，方可投入生产和使用。验收部门及其验收人员对验收结果负责。

第二十八条 生产经营单位应当在有较大危险因素的生产经营场所和有关设施、设备上，设置明显的安全警示标志。

第二十九条 安全设备的设计、制造、安装、使用、检测、维修、改造和报废，应当符合国家标准或者行业标准。

生产经营单位必须对安全设备进行经常性维护、保养，并定期检测，保证正常运转。维护、保养、检测应当

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manufacturers as required by the state, and may be put to use only after passing the tests and inspections conducted by professionally qualified testing and inspection institutions and obtaining the safe use certificates or safety labels. The testing and inspection institutions shall be responsible for the results of tests and inspections.

A catalogue of life-threatening or substantially dangerous special equipment shall be determined by the department for special equipment safety supervision and administration of the State Council and be submitted to the State Council for approval before implementation.

Article 31 The state applies an elimination system to techniques and equipment which seriously threaten work safety.

No business entities shall use techniques and equipment threatening work safety which have been expressly eliminated or prohibited from use by the state.

Article 32 The manufacturing, marketing, transportation, storage and use of hazardous substances or the disposal of hazardous waste shall be subject to the approval, supervision and administration of the competent authorities in accordance with relevant laws and regulations and national or industry standards.

To manufacture, market, transport, store or use hazardous substances or dispose of hazardous waste, business entities must comply with relevant laws and regulations and national or industry standards, establish a special safety management system, adopt reliable safety measures and be subject to the supervision and administration of the competent authorities in accordance with law.

Article 33 Business entities shall register and maintain files for major hazard installations, conduct regular monitoring, assessment and control, prepare emergency response plans, and inform employees and relevant personnel of measures to be taken in case of emergency.

A business entity shall, as required by the state, file a report on its major hazard installments and related safety and emergency response measures with the department for work safety supervision and administration of the local people's government and other relevant departments.

Article 34 Workshops, stores or warehouses for the manufacturing, marketing, storage or use of hazardous substances shall not share the same building with employee dormitories, and a safe distance shall be maintained between them and employee dormitories.

Business premises and employee dormitories shall have free exits with clear signs meeting the emergency evacuation requirements. Exits of business premises and employee dormitories shall not be sealed or blocked.

Article 35 To conduct dangerous operations such as blasting and hoisting, business entities shall arrange for special personnel to conduct on-site safety management, ensuring compliance with operating procedures and implementation of safety measures.

Article 36 A business entity shall educate and supervise its employees on strictly complying with its work safety rules and operating procedures and truthfully inform its employees of the risk factors existing at their work sites and posts, the preventative measures, and the measures to be taken in case of emergency.

Article 37 Business entities must provide their employees with labor protection products meeting the national or industry standards and supervise and educate their employees on wearing or using such products in accordance with the rules of use.

Article 38 The work safety management personnel of a business entity shall conduct routine work safety inspections according to the characteristics of production and other business operations of the business entity; immediately handle safety problems discovered in such inspections; and report those safety problems which they are unable to handle to the relevant person in charge of the entity in a timely manner. Records of inspections and handling of safety problems shall be made.

Article 39 Business entities shall arrange funds for labor protection products and work safety training.

按照国家标准、行业标准，并经取得相应资质的检测、检验机构检测、检验合格，取得安全使用证或者安全标志，方可投入使用。检测、检验机构对检测、检验结果负责。

涉及生命安全、危险性较大的特种设备的目录由国务院负责特种设备安全监督管理的部门制定，报国务院批准后执行。

第三十一条 国家对严重危及生产安全的工艺、设备实行淘汰制度。

生产经营单位不得使用国家明令淘汰、禁止使用的危及生产安全的工艺、设备。

第三十二条 生产、经营、运输、储存、使用危险物品或者处置废弃危险物品的，由有关主管部门依照有关法律、法规的规定和国家标准或者行业标准审批并实施监督管理。

生产经营单位生产、经营、运输、储存、使用危险物品或者处置废弃危险物品，必须执行有关法律、法规和国家标准或者行业标准，建立专门的安全生产管理制度，采取可靠的安全措施，接受有关主管部门依法实施的监督管理。

第三十三条 生产经营单位对重大危险源应当登记建档，进行定期检测、评估、监控，并制定应急预案，告知从业人员和相关人员在紧急情况下应当采取的应急措施。

生产经营单位应当按照国家有关规定将本单位重大危险源及有关安全措施、应急措施报有关地方人民政府负责安全生产监督管理的部门和有关部门备案。

第三十四条 生产、经营、储存、使用危险物品的车间、商店、仓库不得与员工宿舍在同一座建筑物内，并应当与员工宿舍保持安全距离。

生产经营场所和员工宿舍应当设有符合紧急疏散要求、标志明显、保持畅通的出口。禁止封闭、堵塞生产经营场所或者员工宿舍的出口。

第三十五条 生产经营单位进行爆破、吊装等危险作业，应当安排专门人员进行现场安全管理，确保操作规程的遵守和安全措施的落实。

第三十六条 生产经营单位应当教育和督促从业人员严格执行本单位的安全生产规章制度和安全操作规程；并向从业人员如实告知作业场所和工作岗位存在的危险因素、防范措施以及事故应急措施。

第三十七条 生产经营单位必须为从业人员提供符合国家标准或者行业标准的劳动防护用品，并监督、教育从业人员按照使用规则佩戴、使用。

第三十八条 生产经营单位的安全生产管理人员应当根据本单位的安全生产特点，对安全生产状况进行经常性检查；对检查中发现的安全问题，应当立即处理；不能处理的，应当及时报告本单位有关负责人。检查及处理情况应当记录在案。

第三十九条 生产经营单位应当安排用于配备劳动防护用品、进行安全生产培训的经费。

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Article 41 No business entities shall contract out or lease out business projects, work sites or equipment to entities or individuals which do not meet the work safety conditions or do not hold the necessary qualifications.

Where there are two or more contractors or lessees in a business project or at a business site, a business entity shall enter into a special agreement on work safety management with each contractor or lessee or specify the responsibilities of each party for work safety management in the relevant contract or lease. The business entity shall conduct overall work safety coordination and management of the contractors and lessees.

Article 42 Where a major work safety accident occurs in a business entity, the first person in charge of the business entity shall immediately organize rescue and shall not leave his or her post without permission during the period of investigation and handling of the accident.

Article 43 Business entities must participate in social insurance for work-related injuries and pay insurance premiums for their employees in accordance with law.

Chapter III Rights and Obligations of Employees

Article 44 The labor contracts signed between business entities and their employees shall clearly provide for the safeguards for the occupational safety of employees and the prevention of occupational hazards, as well as participation in work-related insurance for employees in accordance with law.

No business entity shall, in any form, enter into agreements with its employees to exempt it from or mitigate its legal liability for injuries to or deaths of employees in work safety accidents.

Article 45 Employees of a business entity shall be entitled to know the risk factors existing at their work sites and posts, the preventative measures and the measures to be taken in case of emergency and be entitled to offer suggestions on work safety of the entity.

Article 46 Employees of a business entity shall be entitled to make a criticism, report or make an accusation on the entity's work safety problems and be entitled to refuse irregular directions and forcible operations at risk.

No business entity shall reduce the wages, welfare and other treatments of or rescind the labor contract with an employee who makes a criticism, reports or makes an accusation on the business entity's work safety or refuses irregular directions or forcible operations at risk.

Article 47 Employees of a business entity who discover any emergency directly threatening their personal safety shall be entitled to suspend operations or evacuate their sites after taking possible emergency response measures.

No business entity shall reduce the wages, welfare and other treatments of or rescind the labor contracts with employees who suspend operations or take emergency evacuation measures in case of emergency as mentioned in the preceding paragraph.

Article 48 In addition to the benefits from the social insurance for work-related injuries in accordance with law, employees of a business entity who are harmed in work safety accidents shall be entitled to civil compensation from the entity if they are entitled to such compensation.

Article 49 During operations, employees of a business entity shall strictly comply with the business entity's work safety rules and operating procedures, obey management, and correctly wear and use labor protection products.

Article 50 Employees of a business entity shall receive education and training on work safety, possess work safety knowledge necessary for their jobs, improve their work safety skills, and enhance their capabilities of preventing accidents and handling emergencies.

第四十一条 生产经营单位不得将生产经营项目、场所、设备发包或者出租给不具备安全生产条件或者相应资质的单位或者个人。

生产经营项目、场所有多个承包单位、承租单位的，生产经营单位应当与承包单位、承租单位签订专门的安全生产管理协议，或者在承包合同、租赁合同中约定各自的安全生产管理职责；生产经营单位对承包单位、承租单位的安全生产工作统一协调、管理。

第四十二条 生产经营单位发生重大生产安全事故时，单位的主要负责人应当立即组织抢救，并不得在事故调查处理期间擅离职守。

第四十三条 生产经营单位必须依法参加工伤保险，为从业人员缴纳保险费。

第三章 从业人员的权利和义务

第四十四条 生产经营单位与从业人员订立的劳动合同，应当载明有关保障从业人员劳动安全、防止职业危害的事项，以及依法为从业人员办理工伤保险的事项。

生产经营单位不得以任何形式与从业人员订立协议，免除或者减轻其对从业人员因生产安全事故伤亡依法应承担的责任。

第四十五条 生产经营单位的从业人员有权了解其作业场所和工作岗位存在的危险因素、防范措施及事故应急措施，有权对本单位的安全生产工作提出建议。

第四十六条 从业人员有权对本单位安全生产工作中存在的问题提出批评、检举、控告；有权拒绝违章指挥和强令冒险作业。

生产经营单位不得因从业人员对本单位安全生产工作提出批评、检举、控告或者拒绝违章指挥、强令冒险作业而降低其工资、福利等待遇或者解除与其订立的劳动合同。

第四十七条 从业人员发现直接危及人身安全的紧急情况时，有权停止作业或者在采取可能的应急措施后撤离作业场所。

生产经营单位不得因从业人员在前款紧急情况下停止作业或者采取紧急撤离措施而降低其工资、福利等待遇或者解除与其订立的劳动合同。

第四十八条 因生产安全事故受到损害的从业人员，除依法享有工伤保险外，依照有关民事法律尚有获得赔偿的权利的，有权向本单位提出赔偿要求。

第四十九条 从业人员在作业过程中，应当严格遵守本单位的安全生产规章制度和操作规程，服从管理，正确佩戴和使用劳动防护用品。

第五十条 从业人员应当接受安全生产教育和培训，掌握本职工作所需的安全生产知识，提高安全生产技能，增强事故预防和应急处理能力。

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Article 52 Trade unions shall be entitled to oversee and offer opinions on the simultaneous design, construction, and use in production and other business operations of the safety facilities and the body of a construction project.

Trade unions shall be entitled to require business entities to correct their violations of laws and regulations on work safety and their infringement upon the lawful rights and interests of employees; shall be entitled to offer suggestions on resolution when discovering that business entities issue irregular directions or force operations at risk or discovering any accident risk, and business entities shall consider the suggestions and respond in a timely manner; and shall be entitled to suggest that business entities organize evacuation of employees from dangerous work sites when discovering that the life safety of employees is in endanger, and business entities must deal with it immediately.

Trade unions shall be entitled to participate in accident investigations in accordance with law, offer suggestions to the relevant departments on the handling of the accidents and require that the relevant persons be held liable for the accidents.

Chapter IV Work Safety Supervision and Administration

Article 53 Local people's governments at and above the county level shall, according to the work safety status in their respective administrative regions, organize the relevant departments to conduct strict inspections of business entities with greater risks of major work safety accidents within their administrative regions according to their respective functions, and deal with discovered accident risks in a timely manner.

Article 54 Where the departments responsible for work safety supervision and administration under Article 9 of this Law (hereinafter referred to as the "departments responsible for work safety supervision and administration") need to make decisions on approval, including but not limited to approval, confirmation, permission, registration, authentication, and issuance of certificates and licenses, or conduct acceptance checks on matters involving work safety in accordance with relevant laws and regulations, they must conduct examination in strict accordance with relevant laws and regulations and national or industry standards and shall not grant approvals or acceptance if the work safety conditions specified in relevant laws and regulations and national or industry standards are not met. For entities which conduct relevant activities without legally obtaining approvals or acceptance, the departments responsible for administrative approval shall immediately ban such activities and deal with such activities in accordance with law after discovering or receiving reports on such activities. The departments responsible for administrative approval shall, after discovering that entities which have legally obtained approvals no longer meet the work safety conditions, revoke the original approvals.

Article 55 The departments responsible for work safety supervision and administration shall not charge any fees for examinations and acceptance checks on matters involving work safety, nor require entities subject to examinations and acceptance checks to purchase safety equipment, devices or other products of brands designated by them or manufactured or marketed by entities designated by them.

Article 56 The departments responsible for work safety supervision and administration shall, in accordance with law, conduct supervisory inspections on business entities' implementation of laws, regulations and national or industry standards on work safety, by performing the following functions:

- (1) entering business entities for inspection, consulting relevant materials, and interviewing the relevant entities and persons;
- (2) correcting on the spot or requiring correction within a specified time limit of violations of law on work safety discovered in the inspection; and for acts subject to administrative punishment in accordance with law, making decisions to impose administrative punishment in accordance with this Law and other relevant laws and administrative regulations;
- (3) ordering immediate elimination of accident risks discovered in the inspection; ordering evacuation of workers from dangerous areas and ordering suspension of production or business or suspension of use if safety cannot be guaranteed before or during the elimination of major accident risks; and allowing resumption of production or business or use upon examination after elimination of major accident risks; and
- (4) seizing or impounding facilities, equipment and devices which do not meet the national or industry standards for work safety protection as determined based on evidence, and making a decision on the handling of the case within 15 days in accordance with law.

Supervisory inspections shall not interfere with the normal production and other business activities of the inspected entities.

第五十二条 工会依法对建设工程项目的安全设施与主体工程同时设计、同时施工、同时投入生产和使用进行监督，提出意见。

工会对生产经营单位违反安全生产法律、法规，侵犯从业人员合法权益的行为，有权要求纠正；发现生产经营单位违章指挥、强令冒险作业或者发现事故隐患时，有权提出解决的建议，生产经营单位应当及时研究答复；发现危及从业人员生命安全的情况时，有权向生产经营单位建议组织从业人员撤离危险场所，生产经营单位必须立即作出处理。

工会有权依法参加事故调查，向有关部门提出处理意见，并要求追究有关人员的责任。

第四章 安全生产的监督管理

第五十三条 县级以上地方各级人民政府应当根据本行政区域内的安全生产状况，组织有关部门按照职责分工，对本行政区域内容易发生重大生产安全事故的生产经营单位进行严格检查；发现事故隐患，应当及时处理。

第五十四条 依照本法第九条规定对安全生产负有监督管理职责的部门（以下统称负有安全生产监督管理职责的部门）依照有关法律、法规的规定，对涉及安全生产的事项需要审查批准（包括批准、核准、许可、注册、认证、颁发证照等，下同）或者验收的，必须严格依照有关法律、法规和国家标准或者行业标准规定的安全生产条件和程序进行审查；不符合有关法律、法规和国家标准或者行业标准规定的安全生产条件的，不得批准或者验收通过。对未依法取得批准或者验收合格的单位擅自从事有关活动的，负责行政审批的部门发现或者接到举报后应当立即予以取缔，并依法予以处理。对已经依法取得批准的单位，负责行政审批的部门发现其不再具备安全生产条件的，应当撤销原批准。

第五十五条 负有安全生产监督管理职责的部门对涉及安全生产的事项进行审查、验收，不得收取费用；不得要求接受审查、验收的单位购买其指定品牌或者指定生产、销售单位的安全设备、器材或者其他产品。

第五十六条 负有安全生产监督管理职责的部门依法对生产经营单位执行有关安全生产的法律、法规和国家标准或者行业标准的情况进行监督检查，行使以下职权：

- （一）进入生产经营单位进行检查，调阅有关资料，向有关单位和人员了解情况。
 - （二）对检查中发现的安全生产违法行为，当场予以纠正或者要求限期改正；对依法应当给予行政处罚的行为，依照本法和其他有关法律、行政法规的规定作出行政处罚决定。
 - （三）对检查中发现的事故隐患，应当责令立即排除；重大事故隐患排除前或者排除过程中无法保证安全的，应当责令从危险区域内撤出作业人员，责令暂时停产停业或者停止使用；重大事故隐患排除后，经审查同意，方可恢复生产经营和使用。
 - （四）对有根据认为不符合保障安全生产的国家标准或者行业标准的设施、设备、器材予以查封或者扣押，并应当在十五日内依法作出处理决定。
- 监督检查不得影响被检查单位的正常生产经营活动。

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Article 58 Work safety inspectors shall be devoted to their duties, adhere to principles and enforce law impartially.

When performing their supervisory inspection tasks, work safety inspectors must produce their valid credentials for supervision and law enforcement and shall keep confidential the involved technical and business secrets of the inspected entities.

Article 59 Work safety inspectors shall keep a written record of an inspection, including the time, place and contents of the inspection, the problems discovered in the inspection and the handling of such problems, which shall be signed by the inspectors and the persons in charge of the inspected entity. If the persons in charge of the inspected entity refuse to sign, the inspectors shall record it and report it to the departments responsible for work safety supervision and administration.

Article 60 Departments responsible for work safety supervision and administration shall cooperate with each other in supervisory inspection and conduct joint inspection. If it is really necessary to conduct separate inspections, they shall exchange information. If any discovered safety problems shall be handled by other relevant departments, they shall be transferred to other relevant departments in a timely manner, a record of which shall be made for reference, and the receiving departments shall handle them in a timely manner.

Article 61 The supervisory administrative authorities shall, in accordance with the [Administrative Supervision Law](#), conduct supervision over the performance of work safety supervision and administration duties by the departments responsible for work safety supervision and administration and their personnel.

Article 62 Institutions conducting safety assessment, certification, testing or inspection shall hold the qualifications required by the state and be responsible for the results of the safety assessment, certification, testing or inspection conducted.

Article 63 The departments responsible for work safety supervision and administration shall establish a tip-off system, publish their tip-off line numbers and tip-off mailbox or e-mail addresses, and accept tip-offs on work safety. Tip-offs accepted and verified shall be documented. If rectification measures need to be taken, the above departments shall submit the measures to the relevant persons in charge for signature and oversee the implementation of the measures.

Article 64 All entities and individuals may report accident risks or expose violations of law on work safety to the departments responsible for work safety supervision and administration.

Article 65 Residents' committees and villagers' committees which discover any accident risks or violations of law on work safety in business entities located in their respective areas shall report them to the local people's governments or the relevant departments.

Article 66 The people's governments at and above the county level and their relevant departments shall confer awards on persons who have provided meritorious services in reporting accident risks or exposing violations of law on work safety. The specific measures for conferring awards shall be formulated by the department for work safety supervision and administration of the State Council in conjunction with the finance department of the State Council.

Article 67 News media, publishers, radio broadcasting agencies, film studios and television broadcasting agencies shall have the obligation to disseminate knowledge on work safety and have the right to conduct press's supervision against violations of laws and regulations on work safety.

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

Article 68 Local people's governments at and above the county level shall organize the relevant departments to formulate emergency rescue plans for exceptionally serious work safety accidents within their respective administrative regions and establish an emergency rescue system.

第五十八条 安全生产监督检查人员应当忠于职守，坚持原则，秉公执法。

安全生产监督检查人员执行监督检查任务时，必须出示有效的监督执法证件；对涉及被检查单位的技术秘密和业务秘密，应当为其保密。

第五十九条 安全生产监督检查人员应当将检查的时间、地点、内容、发现的问题及其处理情况，作出书面记录，并由检查人员和被检查单位的负责人签字；被检查单位的负责人拒绝签字的，检查人员应当将情况记录在案，并向负有安全生产监督管理职责的部门报告。

第六十条 负有安全生产监督管理职责的部门在监督检查中，应当互相配合，实行联合检查；确需分别进行检查的，应当互通情况，发现存在的安全问题应当由其他有关部门进行处理的，应当及时移送其他有关部门并形成记录备查，接受移送的部门应当及时进行处理。

第六十一条 监察机关依照行政监察法的规定，对负有安全生产监督管理职责的部门及其工作人员履行安全生产监督管理职责实施监察。

第六十二条 承担安全评价、认证、检测、检验的机构应当具备国家规定的资质条件，并对其作出的安全评价、认证、检测、检验的结果负责。

第六十三条 负有安全生产监督管理职责的部门应当建立举报制度，公开举报电话、信箱或者电子邮件地址，受理有关安全生产的举报；受理的举报事项经调查核实后，应当形成书面材料；需要落实整改措施的，报经有关负责人签字并督促落实。

第六十四条 任何单位或者个人对事故隐患或者安全生产违法行为，均有权向负有安全生产监督管理职责的部门报告或者举报。

第六十五条 居民委员会、村民委员会发现其所在区域内的生产经营单位存在事故隐患或者安全生产违法行为时，应当向当地人民政府或者有关部门报告。

第六十六条 县级以上各级人民政府及其有关部门对报告重大事故隐患或者举报安全生产违法行为的有功人员，给予奖励。具体奖励办法由国务院负责安全生产监督管理的部门会同国务院财政部门制定。

第六十七条 新闻、出版、广播、电影、电视等单位有进行安全生产宣传教育的义务，有对违反安全生产法律、法规的行为进行舆论监督的权利。

第五章 生产安全事故的应急救援与调查处理

第六十八条 县级以上地方各级人民政府应当组织有关部门制定本行政区域内特大生产安全事故应急救援预案，建立应急救援体系。

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Entities manufacturing, marketing or storing hazardous substances and mining and building construction entities shall possess necessary devices and equipment for emergency rescue and conduct routine maintenance of them to ensure their normal operation.

Article 70 Immediately after a work safety accident occurs in a business entity, the relevant persons at the scene shall report it to the persons in charge of the entity.

After receiving the accident report, the persons in charge of the business entity shall promptly take effective measures to organize rescue, prevent expansion of the accident and minimize human casualties and loss of property, shall immediately report the truth of the accident to the local department responsible for work safety supervision and administration as required by the state, shall not conceal the accident, make a false report or delay the report, and shall not deliberately compromise the accident scene or destroy relevant evidence.

Article 71 Immediately after receiving an accident report, the department responsible for work safety supervision and administration shall report the accident to its higher authority as required by the state. The department responsible for work safety supervision and administration and relevant local people's government shall not conceal the accident, make a false report or delay the report.

Article 72 Immediately after receiving a report on a major work safety accident, the persons in charge of the relevant local people's government and the department responsible for work safety supervision and administration shall arrive at the accident scene to arrange rescue.

All entities and individuals shall support and assist in the accident rescue and provide all possible conveniences.

Article 73 In the investigation and handling of accidents, the principles of "seeking truth and respecting science" shall be followed to accurately identify the causes of an accident in a timely manner, determine the nature of and liability for an accident, draw lessons from accidents, determine rectification measures, and offer suggestions on dealing with persons liable for an accident. The specific measures for investigation and handling of accidents shall be formulated by the State Council.

Article 74 Where a work safety accident occurring in a business entity is determined after investigation to be an accident caused by human factors, in addition to investigation of liability and punishment of the entity in accordance with law, the liability of the administrative departments responsible for approval and supervision of matters related to work safety shall be investigated, and those committing dereliction of duty or malfeasance shall be investigated for legal liability in accordance with Article 77 of this Law.

Article 75 No entity or individual shall obstruct or interfere with the legal investigation and handling of accidents.

Article 76 The departments responsible for work safety supervision and administration of the local people's governments at and above the county level shall regularly conduct statistical analysis of work safety accidents occurring within their respective administrative regions and regularly publish such information.

Chapter VI Legal Liability

Article 77 Where any of the personnel of the departments responsible for work safety supervision and administration commits any of the following acts, he or she shall be subject to the administrative disciplinary action of demotion or removal from office; if the act constitutes a crime, he or she shall be subject to criminal liability according to the relevant provisions of the **Criminal Law**:

- (1) granting approval or acceptance for matters involving work safety which do not meet the statutory work safety conditions;
- (2) failing to ban or legally deal with relevant activities after discovering that an entity is engaged in relevant activities without obtaining an approval or acceptance as required by law or after receiving a report on such activities; and
- (3) failing to perform the duty of supervision and administration over entities which have obtained an approval as required by law, including failing to revoke the original approval after finding that an entity no longer meets the work safety conditions and failing to investigate and deal with discovered violations of law on work safety.

用人单位应当配备必要的应急救援器材、设备，并进行经常性维护、保养，保证正常运转。

第七十条 生产经营单位发生生产安全事故后，事故现场有关人员应当立即报告本单位负责人。

单位负责人接到事故报告后，应当迅速采取有效措施，组织抢救，防止事故扩大，减少人员伤亡和财产损失，并按照国家有关规定立即如实报告当地负有安全生产监督管理职责的部门，不得隐瞒不报、谎报或者拖延不报，不得故意破坏事故现场、毁灭有关证据。

第七十一条 负有安全生产监督管理职责的部门接到事故报告后，应当立即按照国家有关规定上报事故情况。负有安全生产监督管理职责的部门和有关地方人民政府对事故情况不得隐瞒不报、谎报或者拖延不报。

第七十二条 有关地方人民政府和负有安全生产监督管理职责的部门的负责人接到重大生产安全事故报告后，应当立即赶到事故现场，组织事故抢救。

任何单位和个人都应当支持、配合事故抢救，并提供一切便利条件。

第七十三条 事故调查处理应当按照实事求是、尊重科学的原则，及时、准确地查清事故原因，查明事故性质和责任，总结事故教训，提出整改措施，并对事故责任者提出处理意见。事故调查和处理的具体办法由国务院制定。

第七十四条 生产经营单位发生生产安全事故，经调查确定为责任事故的，除了应当查明事故单位的责任并依法予以追究外，还应当查明对安全生产的有关事项负有审查批准和监督职责的行政部门的责任，对有失职、渎职行为的，依照本法第七十七条的规定追究法律责任。

第七十五条 任何单位和个人不得阻挠和干涉对事故的依法调查处理。

第七十六条 县级以上地方各级人民政府负责安全生产监督管理的部门应当定期统计分析本行政区域内发生生产安全事故的情况，并定期向社会公布。

第六章 法律责任

第七十七条 负有安全生产监督管理职责的部门的工作人员，有下列行为之一的，给予降级或者撤职的行政处分；构成犯罪的，依照刑法有关规定追究刑事责任：

- (一) 对不符合法定安全生产条件的涉及安全生产的事项予以批准或者验收通过的；
- (二) 发现未依法取得批准、验收的单位擅自从事有关活动或者接到举报后不予取缔或者不依法予以处理的；
- (三) 对已经依法取得批准的单位不履行监督管理职责，发现其不再具备安全生产条件而不撤销原批准或者发现安全生产违法行为不予查处的。

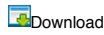
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involving work safety, no higher authority or the supervisory administrative authorities shall order correction and return of the fees charged; if the circumstances are serious, the directly liable person in charge and other directly liable persons shall be subject to administrative disciplinary actions in accordance with law.

Article 79 Where an institution conducting safety assessment, certification, testing or inspection produces false certificates, if it constitutes a crime, the institution shall be subject to criminal liability according to the relevant provisions of the Criminal Law; if it is not punishable by the [Criminal Law](#), the institution's illegal income shall be confiscated, the institution shall be fined not less than two but not more than five times the amount of the illegal income if the illegal income exceeds 5,000 yuan or be fined not less than 5,000 yuan but not more than 20,000 yuan if there is no illegal income or the illegal income is less than 5,000 yuan, and the directly liable person in charge and other directly liable persons shall be fined not less than 5,000 yuan but not more than 50,000 yuan; and the institution and relevant business entity shall be jointly and severally liable for compensation for damage caused to other persons.

An institution committing a violation as mentioned in the preceding paragraph shall be disqualified accordingly.

Article 80 Where the decision-making body or the first person in charge of a business entity or the individual investor of a business entity which is an individual business fails to guarantee the input of funds necessary for work safety as required by this Law, causing the business entity to fail to meet the work safety conditions, the business entity shall be ordered to make correction and provide the necessary funds within a specified time limit; and if no correction is made within the specified time limit, the business entity shall be ordered to suspend production or business for rectification.

Where a violation as mentioned in the preceding paragraph leads to the occurrence of a work safety accident, if it constitutes a crime, criminal liability shall be investigated according to the relevant provisions of the [Criminal Law](#); or if it is not punishable by the Criminal Law, the first person in charge of the business entity shall be removed from office, or the individual investor shall be fined not less than 20,000 yuan but not more than 200,000 yuan.

Article 81 Where the first person in charge of a business entity fails to perform his or her responsibilities for work safety management as provided for in this Law, he or she shall be ordered to make correction within a specified time limit; and if no correction is made within the specified time limit, the business entity shall be ordered to suspend production or business for rectification.

Where a violation committed by the first person in charge of a business entity as mentioned in the preceding paragraph leads to the occurrence of a work safety accident, if it constitutes a crime, he or she shall be subject to criminal liability according to the relevant provisions of the [Criminal Law](#); or if it is not punishable by the Criminal Law, he or she shall be removed from office or be fined not less than 20,000 yuan but not more than 200,000 yuan.

The first person in charge of a business entity who is subject to a criminal punishment or the disciplinary action of removal from office according to the preceding paragraph shall not, within five years from the date when the criminal punishment is fully served or the date when the disciplinary action is taken, serve as the first person in charge of any business entity.

Article 82 A business entity committing any of the following acts shall be ordered to make correction within a specified time limit, and if no correction is made within the specified time limit, shall be ordered to suspend production or business for rectification and may be fined not more than 20,000 yuan:

- (1) failing to establish a work safety management body or have work safety management personnel as required;
- (2) in the case of an entity manufacturing, marketing or storing hazardous substances or a mining or building construction entity, failing to ensure that the first person in charge and work safety management personnel of the business entity have passed the required assessment;
- (3) failing to conduct education and training on work safety for its employees in accordance with Articles 21 and 22 of this Law or failing to truthfully inform its employees of relevant work safety matters in accordance with Article 36 of this Law; and
- (4) allowing special operation workers, who have not received special training on safe operations and obtained certificates of qualification for special operations as required, to conduct such operations.

Article 83 A business entity committing any of the following acts shall be ordered to make correction within a specified time limit; if no correction is made within the specified time limit, the business entity shall be ordered to suspend construction or suspend production or business for rectification and may be fined not more than 50,000 yuan; and if a crime is constituted for the serious consequences of the act, the business

entity shall be subject to criminal liability according to the relevant provisions of the Criminal Law; or if it is not punishable by the Criminal Law, the directly liable person in charge and other directly liable persons shall be subject to administrative disciplinary actions in accordance with law.

第七十九条 承担安全评价、认证、检测、检验工作的机构，出具虚假证明，构成犯罪的，依照刑法有关规定追究刑事责任；尚不够刑事处罚的，没收违法所得，违法所得在五千元以上的，并处违法所得二倍以上五倍以下的罚款，没有违法所得或者违法所得不足五千元的，单处或者并处五千元以上二万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处五千元以上五万元以下的罚款；给他人造成损害的，与生产经营单位承担连带赔偿责任。

对前款违法行为的机构，撤销其相应资格。

第八十条 生产经营单位的决策机构、主要负责人、个人经营的投资人不依照本法规定保证安全生产所必需的资金投入，致使生产经营单位不具备安全生产条件的，责令限期改正，提供必需的资金；逾期未改正的，责令生产经营单位停产停业整顿。

有前款违法行为，导致发生生产安全事故，构成犯罪的，依照刑法有关规定追究刑事责任；尚不够刑事处罚的，对生产经营单位的主要负责人给予撤职处分，对个人经营的投资人处二万元以上二十万元以下的罚款。

第八十一条 生产经营单位的主要负责人未履行本法规定的安全生产管理职责的，责令限期改正；逾期未改正的，责令生产经营单位停产停业整顿。

生产经营单位的主要负责人有前款违法行为，导致发生生产安全事故，构成犯罪的，依照刑法有关规定追究刑事责任；尚不够刑事处罚的，给予撤职处分或者处二万元以上二十万元以下的罚款。

生产经营单位的主要负责人依照前款规定受刑事处罚或者撤职处分的，自刑罚执行完毕或者受处分之日起，五年内不得担任任何生产经营单位的主要负责人。

第八十二条 生产经营单位有下列行为之一的，责令限期改正；逾期未改正的，责令停产停业整顿，可以并处二万元以下的罚款：

- (一) 未按照规定设立安全生产管理机构或者配备安全生产管理人员的；
- (二) 危险物品的生产、经营、储存单位以及矿山、建筑施工单位的主要负责人和安全生产管理人员未按照规定经考核合格的；
- (三) 未按照本法第二十一条、第二十二条的规定对从业人员进行安全生产教育和培训，或者未按照本法第三十六条的规定如实告知从业人员有关的安全事项的；
- (四) 特种作业人员未按照规定经专门的安全作业培训并取得特种作业操作资格证书，上岗作业的。

第八十三条 生产经营单位有下列行为之一的，责令限期改正；逾期未改正的，责令停止建设或者停产停业整顿，可以并处五万元以下的罚款；造成严重后果，构成犯罪的，依照刑法有关规定追究刑事责任：

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(2) employing an construction entity in a mine construction project or a construction project for the manufacturing and storage of hazardous substances which fails to construct the project according to the approved design of safety facilities;

(3) failing to ensure that the safety facilities pass the acceptance check before a completed mine construction project or construction project for the manufacturing and storage of hazardous substances is put to use in production and other business operations;

(4) failing to set conspicuous safety signs on business premises and relevant facilities and equipment with greater risk factors;

(5) failing to comply with the national or industry standards in the installation, use, testing, renovation or retirement of safety equipment;

(6) failing to conduct routine maintenance and regular testing of safety equipment;

(7) failing to provide labor protection products meeting national or industry standards for employees;

(8) putting to use any special equipment or container or transport vehicle for hazardous substances which has not passed the test or inspection conducted by a professionally qualified institution and obtained a safe use certificate or safety label; and

(9) using any technique or equipment threatening work safety which has been expressly eliminated or prohibited from use by the state.

Article 84 Any entity manufacturing, marketing or storing hazardous substances without a legal approval shall be ordered to cease the violation or be closed down, its illegal income shall be confiscated, and it shall be fined not less than the amount but not more than five times the amount of the illegal income if the illegal income exceeds 100,000 yuan or be fined not less than 20,000 yuan but not more than 100,000 yuan if there is no illegal income or the illegal income is less than 100,000 yuan; and if a crime is constituted for the serious consequences of the act, it shall be subject to criminal liability according to the relevant provisions of the [Criminal Law](#).

Article 85 A business entity committing any of the following acts shall be ordered to make correction within a specified time limit; if no correction is made within the specified time limit, it shall be ordered to suspend production or business for rectification and may be fined not less than 20,000 yuan but not more than 100,000 yuan; and if a crime is constituted for the serious consequences of the act, it shall be subject to criminal liability according to the relevant provisions of the [Criminal Law](#):

- (1) failing to establish a special safety management system or adopt reliable safety measures for the manufacturing, marketing, storage or use of hazardous substances or refusing to accept the supervision and administration conducted by the competent authorities in accordance with law;
- (2) failing to register and maintain files, failing to conduct assessment and monitoring, or failing to prepare emergency response plans for major hazard installations; and
- (3) failing to assign special management personnel to conduct on-site safety management, when conducting dangerous operations such as blasting and hoisting..

Article 86 Any business entity contracting out or leasing out any business project, work site or equipment to an entity or individual which does not meet the work safety conditions or does not hold the necessary qualifications shall be ordered to make correction within a specified time limit and its illegal income shall be confiscated; it shall be fined not less than the amount but not more than five times the amount of the illegal income if the illegal income exceeds 50,000 yuan or shall be fined not less than 10,000 yuan but not more than 50,000 yuan if there is no illegal income or the illegal income is less than 50,000 yuan; and for any damage caused by a resulting work safety accident to other persons, the business entity shall be jointly and severally liable for compensation together with the contractor or lessee.

Where a business entity fails to sign a special agreement on work safety management with each contractor or lessee or specify the work safety management responsibilities of each party in the relevant contract or lease, or fails to conduct overall work safety coordination and management of the contractors and lessees, it shall be ordered to make correction within a specified time limit; and if no correction is made within the specified time limit, shall be ordered to suspend production or business for rectification.

Article 87 Where two or more business entities are conducting business activities within the same work zone, possibly leading to dangers to each other's work safety, and fail to enter into an agreement on work safety management or fail to assign full-time work safety management personnel to conduct safety inspections and coordination, they shall be ordered to make correction within a specified time limit; and if no correction is made within the specified time limit, they shall be ordered to suspend production or business.

Article 88 A business entity committing any of the following acts shall be ordered to make correction within a specified time limit; if no correction is made within the specified time limit, it shall be ordered to suspend production or business for rectification; and if a crime is constituted for the serious consequences of the act,

(二) 对 山 建 设 项 目 或 者 用 于 生 产 、 储 存 危 险 物 品 的 建 设 项 目 竣 工 投 入 生 产 或 者 使 用 前 ， 安 全 设 施 未 经 验 收 合 格 的 ；

(四) 未 在 有 较 大 危 险 因 素 的 生 产 经 营 场 所 和 有 关 设 施 、 设 备 上 设 置 明 显 的 安 全 警 示 标 志 的 ；

(五) 安 全 设 备 的 安 装 、 使 用 、 检 测 、 改 造 和 报 废 不 符 合 国 家 标 准 或 者 行 业 标 准 的 ；

(六) 未 对 安 全 设 备 进 行 经 常 性 维 护 、 保 养 和 定 期 检 测 的 ；

(七) 未 为 从 业 人 员 提 供 符 合 国 家 标 准 或 者 行 业 标 准 的 劳 动 防 护 用 品 的 ；

(八) 特 种 设 备 以 及 危 险 物 品 的 容 器 、 运 输 工 具 未 经 取 得 专 业 资 质 的 机 构 检 测 、 检 验 合 格 ， 取 得 安 全 使 用 证 或 者 安 全 标 志 ， 投 入 使 用 的 ；

(九) 使 用 国 家 明 令 淘 汰 、 禁 止 使 用 的 危 及 生 产 安 全 的 工 艺 、 设 备 的 。

第八十四条 未经依法批准，擅自生产、经营、储存危险物品的，责令停止违法行为或者予以关闭，没收违法所得，违法所得十万元以上的，并处违法所得一倍以上五倍以下的罚款，没有违法所得或者违法所得不足十万元的，单处或者并处二万元以上十万元以下的罚款；造成严重后果，构成犯罪的，依照刑法有关规定追究刑事责任。

第八十五条 生产经营单位有下列行为之一的，责令限期改正；逾期不改正的，责令停产停业整顿，可以并处二万元以上十万元以下的罚款；造成严重后果，构成犯罪的，依照刑法有关规定追究刑事责任：

(一) 生产、经营、储存、使用危险物品，未建立专门安全管理制度、未采取可靠的安全措施或者不接受有关主管部门依法实施的监督管理的；

(二) 对重大危险源未登记建档，或者未进行评估、监控，或者未制定应急预案的；

(三) 进行爆破、吊装等危险作业，未安排专门管理人员进行现场安全管理的。

第八十六条 生产经营单位将生产经营项目、场所、设备发包或者出租给不具备安全生产条件或者相应资质的单位或者个人的，责令限期改正，没收违法所得；违法所得五万元以上的，并处违法所得一倍以上五倍以下的罚款；没有违法所得或者违法所得不足五万元的，单处或者并处一万元以上五万元以下的罚款；导致发生生产安全事故给他人造成损害的，与承包方、承租方承担连带赔偿责任。

生产经营单位未与承包单位、承租单位签订专门的安全生产管理协议或者未在承包合同、租赁合同中明确各自的安全生产管理职责，或者未对承包单位、承租单位的安全生产统一协调、管理的，责令限期改正；逾期不改正的，责令停产停业整顿。

第八十七条 两个以上生产经营单位在同一作业区域内进行可能危及对方安全生产的生产经营活动，未签订安全生产管理协议或者未指定专职安全生产管理人员进行安全检查与协调的，责令限期改正；逾期不改正的，责令停产停业。

第八十八条 生产经营单位有下列行为之一的，责令限期改正；逾期不改正的，责令停产停业整顿；造成严重后果，构成犯罪的，依照刑法有关规定追究刑事责任：

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(2) failing to set free exits with clear signs meeting the emergency evacuation requirements at business premises or employee dormitories or sealing or blocking exits at business premises or employee dormitories.

Article 89 Where a business entity enters into agreements with its employees to exempt it from or mitigate its legal liability for injuries to or deaths of employees in work safety accidents, such agreements shall be void, and the first person in charge of the business entity or the individual investor of the business entity if it is an individual business shall be fined not less than 20,000 yuan but not more than 100,000 yuan.

Article 90 Where an employee of a business entity refuses to obey management, violating work safety rules and operating procedures, the business entity shall criticize and take disciplinary action against the employee in accordance with relevant rules; and if the violation results in a major accident and thus constitutes a crime, the employee shall be subject to criminal liability according to the relevant provisions of the [Criminal Law](#).

Article 91 Where the first person in charge of a business entity fails to organize rescue immediately after a major work safety accident occurs in the business entity or leaves his or her post without permission or flees and hides during the period of investigation and handling of the accident, he or she shall be demoted or removed from office, shall be detained for not more than 15 days if he or she flees and hides, and shall be subject to criminal liability according to the relevant provisions of the [Criminal Law](#) if a crime is constituted.

Where the first person in charge of a business entity conceals a work safety accident, makes a false report, or delays the report, he or she shall be punished according to the preceding paragraph.

Article 92 Where the relevant local people's government or department responsible for work safety supervision and administration conceals a work safety accident, makes a false report or delays the report, the directly liable person in charge and other directly liable persons shall be subject to administrative disciplinary actions in accordance with law; and if a crime is constituted, shall be subject to criminal liability according to the relevant provisions of the [Criminal Law](#).

Article 93 A business entity which does not meet the work safety conditions specified by this Law and other relevant laws, administrative regulations and national or industry standards and still fails to meet such work safety conditions after suspension of production or business for rectification shall be closed down, and the relevant departments shall revoke the relevant certificates and licenses in accordance with law.

Article 94 The administrative punishment provided for in this Law shall be decided by the departments responsible for work safety supervision and administration; the administrative punishment of closing down an entity shall be submitted by the department responsible for work safety supervision and administration to the people's government at or above the county level for decision within the powers specified by the State Council; the administrative punishment of detention shall be decided by the public security organ in accordance with the [Law on Public Security Administration Punishments](#). Where the relevant law or administrative regulation provides otherwise for the authorities deciding administrative punishment, such provisions shall apply.

Article 95 Where a work safety accident occurring in a business entity causes any human casualties or property losses to other persons, the business entity shall assume compensatory liability in accordance with law; and if the entity refuses to assume such liability or the person in charge of the entity flees and hides, the people's court shall conduct enforcement in accordance with law.

If the persons liable for a work safety accident fail to assume compensatory liability in accordance with law and are still unable to fully compensate the victims after the people's court has taken enforcement measures in accordance with law, they shall continue to perform the obligation of compensation; and the victims who find any other property of the liable persons may, at any time, request enforcement by the people's court.

Chapter VII Supplementary Provisions

Article 96 In this Law, the following terms shall have the following meanings:

"Hazard substances" means substances threatening the life and property safety of the people, including but

经营场所或者员工宿舍出口的。

第八十九条 生产经营单位与从业人员订立协议，免除或者减轻其对从业人员因生产安全事故伤亡依法应承担的责任的，该协议无效；对生产经营单位的主要负责人、个人经营的投资人处二万元以上十万元以下的罚款。

第九十条 生产经营单位的从业人员不服从管理，违反安全生产规章制度或者操作规程的，由生产经营单位给予批评教育，依照有关规章制度给予处分；造成重大事故，构成犯罪的，依照刑法有关规定追究刑事责任。

第九十一条 生产经营单位主要负责人在本单位发生重大生产安全事故时，不立即组织抢救或者在事故调查处理期间擅离职守或者逃匿的，给予降职、撤职的处分，对逃匿的处十五日以下拘留；构成犯罪的，依照刑法有关规定追究刑事责任。

生产经营单位主要负责人对生产安全事故隐瞒不报、谎报或者拖延不报的，依照前款规定处罚。

第九十二条 有关地方人民政府、负有安全生产监督管理职责的部门，对生产安全事故隐瞒不报、谎报或者拖延不报的，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依照刑法有关规定追究刑事责任。

第九十三条 生产经营单位不具备本法和其他有关法律、行政法规和国家标准或者行业标准规定的安全生产条件，经停产停业整顿仍不具备安全生产条件的，予以关闭；有关部门应当依法吊销其有关证照。

第九十四条 本法规定的行政处罚，由负责安全生产监督管理的部门决定；予以关闭的行政处罚由负责安全生产监督管理的部门报请县级以上人民政府按照国务院规定的权限决定；给予拘留的行政处罚由公安机关依照治安管理处罚法的规定决定。有关法律、行政法规对行政处罚的决定机关另有规定的，依照其规定。

第九十五条 生产经营单位发生生产安全事故造成人员伤亡、他人财产损失的，应当依法承担赔偿责任；拒不承担或者其负责人逃匿的，由人民法院依法强制执行。

生产安全事故的责任人未依法承担赔偿责任，经人民法院依法采取执行措施后，仍不能对受害人给予足额赔偿的，应当继续履行赔偿义务；受害人发现责任人有其他财产的，可以随时请求人民法院执行。

第七章 附则

第九十六条 本法下列用语的含义：

危险物品，是指易燃易爆物品、危险化学品、放射性物品等能够危及人身安全和财产安全的物品。

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