

中华人民共和国安全生产法（2021修正）

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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》第一次修正根据2014年8月31日第十二届全国人民代表大会常务委员会第十次会议《关于修改〈中华人民共和国安全生产法〉的决定》第二次修正根据2021年6月10日第十三届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国安全生产法〉的决定》第三次修正）

Work Safety Law of the People's Republic of China (Amended in 2021)

(Adopted at the 28th Session of the Standing Committee of the Ninth National People's Congress on June 29, 2002, amended for the first time on August 27, 2009 according to the Decision on Amendments to Some Laws adopted at the Tenth Session of the Standing Committee of the Eleventh National People's Congress, amended for the second time on August 31, 2014 according to the Decision on Amendments to the Safety Production Law of the People's Republic of China adopted at the 10th Session of the Standing Committee of the Twelfth National People's Congress, and amended for the third time on June 10, 2021 according to the Decision on Amendments to the Safety Production Law of the People's Republic of China at the 29th Session of the Standing Committee of the 13th National People's Congress)

第一章 总则

Chapter I General Provisions

第一条 为了加强安全生产工

Article 1 This Law is enacted in order to enhance work safety, prevent and reduce accidents relating to work safety, ensure

作，防止和减少生产安全事故，保障人民群众生命和财产安全，促进经济社会持续健康发展，制定本法。

the safety of people's lives and property, and promote the sustainable and sound development of the economy and the society.

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、民用航空安全以及核与辐射安全、特种设备安全另有规定的，适用其规定。

Article 2 This Law applies to work safety in entities that are engaged in production and business activities (hereinafter referred to as Producers and Business Operators) within the territory of the People's Republic of China. Where relevant laws and administrative regulations contains otherwise provisions on firefighting, road traffic safety, railway traffic safety, water way traffic safety, civil aviation safety, nuclear and radiation safety, or special equipment safety, those provisions shall apply.

第三条 安全生产工作坚持中国共产党的领导。

Article 3 It is imperative to adhere to the leadership of the Communist Party of China in work safety. For work safety, we should adopt a people-centered approach, put people and life first, give priority to the protection of people's life and safety, foster the concept of safe development, adhere to the guidelines of safety first, prevention first and comprehensive governance, and prevent and resolve major safety risks at the source.

安全生产工作应当以人为本，坚持人民至上、生命至上，把保护人民生命安全摆在首位，树牢安全发展理念，坚持安全第一、预防为主、综合治理的方针，从源头上防范化解重大安全风险。

For work safety, we must center on safety while implementing administration of industry, business, and production and operations, strengthen and put into effect the primary responsibilities of producers and business operators and regulatory responsibilities of governments, and establish a mechanism of responsibility taken by producers and business operators, with employees' participation, government regulation, industry self-regulation and social supervision.

安全生产工作实行管行业必须管安全、管业务必须管安全、管生产经营必须管安全，强化和落实生

产经营单位主体责任与政府监管责任，建立生产经营单位负责、职工参与、政府监管、行业自律和社会监督的机制。

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，建立健全全员安全生产责任制和安全生产规章制度，加大对安全生产资金、物资、技术、人员的投入保障力度，改善安全生产条件，加强安全生产标准化、信息化建设，构建安全风险分级管控和隐患排查治理双重预防机制，健全风险防范化解机制，提高安全生产水平，确保安全生产。

平台经济等新兴行业、领域的生产经营单位应当根据本行业、领域的特点，建立健全并落实全员安全生产责任制，加强从业人员安全生产教育和培训，履行本法和其他法律、法规规定的有关安全生产义务。

Article 4 Producers and business operators shall abide by this Law and other laws and regulations concerning work safety, strengthen work safety management, establish and improve the all□staff work safety responsibility system and work safety rules and regulations, increase investment in funds, materials, technologies and personnel for work safety, improve the conditions for work safety, strengthen the standardized and information technology development of work safety, establish a dual prevention mechanism of graded management and control of safety risks and the screening and handling of hidden dangers, improve the risk prevention and resolution mechanism, and improve the level of work safety so as to ensure work safety. Producers and business operators in emerging industries and fields such as platform economy shall, in light of the characteristics of the industries and fields, establish and improve upon and implement the all□staff work safety responsibility system, strengthen work safety education and training for their practitioners, and perform the relevant work safety obligations stipulated in this Law and other laws and regulations..

第五条 生产经营单位的主要负责人是本单位安全生产第一责任人，对本单位的安全生产工作全面负责。其他负责人对职责范围内的安全生产工作负责。

Article 5 The principal of a producer or business operator is the first person responsible for its work safety and shall take full responsibility for work safety in such entity. Other persons in charge shall be responsible for work safety within the scope of duties.

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 6 Employees of a producer or business operator have the right to work safety assurance in accordance with the law and shall, at the same time, perform their obligations for work safety in accordance with the law.

第七条 工会依法对安全生产工作

Article 7 Trade unions shall supervise work safety in accordance with the law. The trade union of a producer or business operator shall, in accordance with the law, organize employees of such entity to participate in the democratic management of and supervision over work safety in such entity, and safeguard the legitimate rights and interests of the employees in work safety. Such entity shall hear the opinions of the trade union in formulating or amending relevant rules or regulations concerning work safety.

工作进行监督。
生产经营单位的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。生产经营单位制定或者修改有关安全生产的规章制度，应当听取工会的意见。

第八条 国务院和县级以上地方各级人民政府应当根据国民经济和社会发展规划制定安全生产规划，并组织实施。安全生产规划应当与国土空间规划等相关规划相衔接

Article 8 The State Council and local people's governments at or above the county level shall formulate work safety plans in accordance with the national economic and social development plans and organize the implementation thereof. Work safety plans shall be connected with relevant plans such as territorial spatial plans. People's governments at all levels shall strengthen the development of infrastructure for work safety and regulatory capacity for work safety, and the expenses

。	required shall be included in the budget at the corresponding level.
各级人民政府应当加强安全生产基础设施建设和安全生产监管能力建设，所需经费列入本级预算。	Local people's governments at or above the county level shall organize the relevant departments to establish and improve the mechanism for assessment and demonstration of safety risks, carry out industrial planning and spatial layout according to the requirements for management and control of safety risks, and implement joint prevention and control of major safety risks for producers and business operators with adjacent locations, similar industries or similar business forms.
县级以上地方各级人民政府应当组织有关部门建立完善安全风险评估与论证机制，按照安全风险管控要求，进行产业规划和空间布局，并对位置相邻、行业相近、业态相似的生产经营单位实施重大安全风险联防联控。	

第九条 国务院和县级以上地方各级人民政府应当加强对安全生产工作的领导，建立健全安全生产工作协调机制，支持、督促各有关部门依法履行安全生产监督管理职责，及时协调、解决安全生产监督管理中存在的重大问题。

乡镇人民政府和街道办事处，以及开发区、工业园区、港区、风景区等应当明确负责安全生产监督管理的有关工作机构及其职责，加强安全生产监管力量建设，按照职

Article 9 The State Council and local people's governments at or above the county level shall strengthen their leadership over work safety, establish and improve the coordination mechanism for work safety, support and urge all the departments concerned to perform their duties in supervision and administration over work safety in accordance with the law, and provide in a timely manner coordination and solution to major problems existing in supervision and administration of work safety. Township people's governments and sub-district offices, as well as development zones, industrial parks, port areas and scenic areas, shall specify the relevant working bodies in charge of supervision and administration over work safety and their duties, strengthen the development of regulatory forces for work safety, conduct supervision and inspection of the work safety conditions of producers and business operators within their respective administrative regions or management areas according to their duties, and assist the departments concerned of the people's governments in performing their duties of supervision and

责对本行政区域或者管理区域内生产经营单位安全生产状况进行监督检查，协助人民政府有关部门或者按照授权依法履行安全生产监督管理职责。

administration of work safety in accordance with the law or do so as authorized.

第十条 国务院应急管理部门依照本法，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应急管理部门依照本法，对本行政区域内安全生产工作实施综合监督管理。

Article 10 The emergency administration under the State Council shall, in accordance with this Law, exercise comprehensive supervision and control over work safety throughout the country. The emergency administrations of the local people's governments at or above the county level shall, in accordance with this Law, exercise comprehensive supervision and control over work safety within their respective administrative regions. The relevant departments under the State Council in charge of transport, housing and urban□rural development, water resources and civil aviation shall, in accordance with the provisions of this Law and other relevant laws and administrative regulations, exercise supervision and control over work safety in relevant industries or sectors within the scope of their respective responsibilities. The relevant departments of the local people's governments at or above the county level shall, in accordance with the provisions of this Law and other relevant laws and administrative regulations, exercise supervision and control over work safety in relevant industries or sectors within the scope of their respective responsibilities. Where the duties of supervision and control over work safety in emerging industries or sectors are unclear, the local people's governments at or above the county level shall determine the regulatory departments under the principle of business similarity.

国务院交通运输、住房和城乡建设、水利、民航等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行业、领域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行业、领域的安全生产工作实施监督管理。对新兴行业、领域的安全生产监督管理职责不明确的，由县级以上地方各级人民政府按照业务相近的原则确定监督管

The emergency administration and the authorities exercising supervision and control over work safety of relevant industries or sectors are collectively referred to as the departments in charge of supervision and control over work safety. The departments in charge of supervision and control over work safety shall cooperate

理部门。

with each other, make concerted efforts in administration, share information and resources, and strengthen supervision and control over work safety in accordance with the law.

应急管理部门和对有关行业、领域的安全生产工作实施监督管理的部门，统称负有安全生产监督管理职责的部门。负有安全生产监督管理职责的部门应当相互配合、齐抓共管、信息共享、资源共用，依法加强安全生产监督管理工作。

第十一条 国务院有关部门应

当按照保障安全生产的要求，依法及时制定有关的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。

Article 11 The departments concerned under the State Council shall, as required for ensuring work safety, formulate in a timely manner relevant national standards or industrial specifications in accordance with the law, and make timely revisions on the basis of technological advancement and economic development. Producers and business operators shall implement the national standards or industrial specifications for work safety formulated in accordance with the law.

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。

第十二条 国务院有关部门按

照职责分工负责安全生产强制性国家标准的项目提出、组织起草、征求意见、技术审查。国务院应急管理部门统筹提出安全生产强制性国家标准的立项计划。国务院标准化行政主管部门负责安全生产强制性

Article 12 The departments concerned under the State Council are responsible for initiating projects for, organizing and drafting, soliciting opinions on and conducting technical review of mandatory national standards for work safety according to their respective functions and responsibilities. The emergency administration under the State Council shall put forward the plans for project initiation of mandatory national standards for work safety as a whole. The administrative department of standardization under the State Council is responsible for project initiating, numbering,

国家标准的立项、编号、对外通报和授权批准发布工作。国务院标准化行政主管部门、有关部门依据法定职责对安全生产强制性国家标准实施进行监督检查。

notification, authorized or approved promulgation of mandatory national standards for work safety. The administrative department of standardization under the State Council and the departments concerned shall, according to their statutory functions and responsibilities, supervise and inspect the implementation of mandatory national standards for work safety.

第十三条 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，增强全社会的安全生产意识。

Article 13 People's governments at all levels and the departments concerned under them shall publicize laws and regulations regarding work safety and disseminate relevant knowledge in various forms in order to raise the awareness of work safety in the society.

第十四条 有关协会组织依照法律、行政法规和章程，为生产经营单位提供安全生产方面的信息、培训等服务，发挥自律作用，促进生产经营单位加强安全生产管理。

Article 14 Relevant associations shall, in accordance with the laws, administrative regulations and articles of association, provide producers and business operators with information, training and other services concerning work safety, play their self-discipline role, and push forward producers and business operators to strengthen control over work safety.

第十五条 依法设立的为安全生产提供技术、管理服务的机构，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、管理服务。

Article 15 The organizations duly established to provide technical and managerial services for work safety shall, in accordance with laws, administrative regulations and practice standards, accept entrustment by producers and business operators to provide such services therewith for work safety. A producer or business operator that entrusts an organization stated in the preceding paragraph with supply of technical and managerial services shall remain responsible for assuring work safety.

生产经营单位委托前款规定的机构提供安全生产技术、管理服务的，保证安全生产的责任仍由本单

位负责。

第十六条 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单位和责任人员的法律责任。

Article 16 The State adopts an accountability system for work safety accidents. Persons liable for such accidents shall be investigated for their legal liability in accordance with the provisions of this Law and relevant laws and regulations.

第十七条 县级以上各级人民政府应当组织负有安全生产监督管理职责的部门依法编制安全生产权力清单和责任清单，公开并接受社会监督。

Article 17 All people's governments at or above the county level shall organize the departments in charge of supervision and control over work safety to prepare a list of powers and responsibilities for work safety in accordance with the law, which shall be disclosed to the public and be subject to social supervision.

第十八条 国家鼓励和支持安全生产科学研究和安全生产先进技术的推广应用，提高安全生产水平。

Article 18 The State encourages and supports technological research for work safety and the popularization and application of advanced technologies in this area in order to improve the level of work safety.

第十九条 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。

Article 19 The State will grant rewards to the entities and individuals that make outstanding performance in improving conditions for work safety and preventing work safety accidents or participating in rescue.

第二章

生产经营单位的安全生产保障

Chapter II Work Safety Assurance by Producers and Business Operators

第二十条 生产经营单位应当

Article 20 Producers and business operators shall have the conditions for work safety as specified in this Law and

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。

relevant laws, administrative regulations and national standards or industrial specifications. Producers and business operators that do not have such conditions are not allowed to engage in production or operation activities.

第二十一条 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：

Article 21 The principal of a producer or business operator assumes the following duties for its work safety: (1) establishing, improving and implementing the all-staff work safety responsibility system and strengthening the standardized development of work safety;

（一）建立健全并落实本单位全员安全生产责任制，加强安全生产标准化建设；

(2) making arrangements for working out and implementing rules and operating procedures for work safety in such entity;

(3) making arrangements for working out and implementing plans for education and training on work safety in such entity;

（二）组织制定并实施本单位安全生产规章制度和操作规程；

(4) ensuring the effective implementation of input in work safety in such entity;

（三）组织制定并实施本单位安全生产教育和培训计划；

(5) organizing the establishment and implementation of a dual prevention mechanism of graded control over safety risks and identification and handling of hidden dangers, supervising and inspecting the work safety in such entity, and eliminating hidden dangers of work safety accidents in a timely manner;

（四）保证本单位安全生产投入的有效实施；

(6) organizing the formulation and implementation of an emergency rescue plan for work safety accidents in such entity; and

（五）组织建立并落实安全风险分级管控和隐患排查治理双重预防工作机制，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；

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

（六）组织制定并实施本单位的
的生产安全事故应急救援预案；

（七）及时、如实报告生产安
全事故。

第二十二条 生产经营单位的
全员安全生产责任制应当明确各岗
位的责任人员、责任范围和考核标
准等内容。

生产经营单位应当建立相应的
机制，加强对全员安全生产责任制
落实情况的监督考核，保证全员安
全生产责任制的落实。

Article 22 Such particulars as the person in charge of a post, scope of responsibilities and assessment criteria shall be specified in the responsibility system for work safety of a producer or business operator. The producer or business operator shall set up an appropriate mechanism to strengthen the supervision over and assessment of the implementation of the responsibility system for work safety and to ensure the proper implementation of the responsibility system for work safety.

第二十三条 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。

有关生产经营单位应当按照规
定提取和使用安全生产费用，专门
用于改善安全生产条件。安全生产

Article 23 The input of funds essential to meeting the conditions for work safety in a producer or business operator shall be guaranteed by the decision-making body and the principal of such entity or by private investors, and they shall bear the responsibility for the consequences of insufficient input of funds essential to work safety in such entity. Relevant producers and business operators shall, as stipulated, withdraw and use the expenses for work safety for the dedicated purpose of improving conditions for work safety. The expenses for work safety shall be truthfully incorporated into the cost. The specific measures for accrual, use, supervision and control of work safety expenses shall be formulated by the financial department under the State Council in conjunction with the emergency administration under the State Council after soliciting opinions from departments concerned under the State Council.

费用在成本中据实列支。安全生产费用提取、使用和监督管理的具体办法由国务院财政部门会同国务院应急管理部门征求国务院有关部门意见后制定。

第二十四条 矿山、金属冶炼、建筑施工、运输单位和危险物品的生产、经营、储存、装卸单位，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，从业人员超过一百人的，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；从业人员在一百人以下的，应当配备专职或者兼职的安全生产管理人员。

Article 24 Mines, entities for metal smelting, construction and transport as well as the entities for manufacturing, marketing, storing, loading/unloading dangerous articles shall set up an organization or have full-time persons for the control of work safety. Where the number of employees of a producer or business operator, other than those specified in the preceding paragraph, exceeds 100, such entity shall set up an organization or have full-time persons for the control of work safety. A producer or business operator that has less than 100 employees shall have full-time or part-time persons for the control of work safety.

第二十五条 生产经营单位的安全生产管理机构以及安全生产管理人员履行下列职责：

（一）组织或者参与拟订本单位安全生产规章制度、操作规程和生产安全事故应急救援预案；

Article 25 The organization and persons for management of work safety in a producer or business operator shall perform the following functions and responsibilities: (1) making arrangements for or participating in drafting rules, regulations and operating procedures for work safety and the emergency rescue plan for work safety accidents in such entity;

(2) making arrangements for or participating in the education and training on work safety in such entity and recording truthfully the education and training of work safety;

（二）组织或者参与本单位安全生产教育和培训，如实记录安全生产教育和培训情况；

（三）组织开展危险源辨识和评估，督促落实本单位重大危险源的安全管理措施；

（四）组织或者参与本单位应急救援演练；

（五）检查本单位的安全生产状况，及时排查生产安全事故隐患，提出改进安全生产管理的建议；

（六）制止和纠正违章指挥、强令冒险作业、违反操作规程的行为；

（七）督促落实本单位安全生产整改措施。

生产经营单位可以设置专职安全生产分管负责人，协助本单位主要负责人履行安全生产管理职责。

(3) organizing the identification and evaluation of sources of danger and urging the implementation of the measures for safety control over major hazard sources in such entity;

(4) making arrangements for or participating in the emergency rescue drill in such entity;

(5) inspecting the situation of the work safety in such entity, finding out hidden dangers of work safety accidents in a timely manner and making proposals on improving control over work safety;

(6) stopping and correcting the command against the rules or regulations, arbitrary orders for risky operations or acts contrary to operating procedures; and

(7) urging the implementation of the rectification measures for work safety in such entity.

The producer or business operator may appoint a full-time person in charge of work safety to assist the principal of such entity in performing his/her responsibilities for control over work safety.

第二十六条 生产经营单位的安全生产管理机构以及安全生产管

Article 26 The organization and Persons for control of work safety in a producer or business operator shall exercise due diligence and perform their duties in accordance with the

理人员应当恪尽职守，依法履行职责。

生产经营单位作出涉及安全生产的经营决策，应当听取安全生产管理机构以及安全生产管理人员的意见。

生产经营单位不得因安全生产管理人员依法履行职责而降低其工资、福利等待遇或者解除与其订立的劳动合同。

危险物品的生产、储存单位以及矿山、金属冶炼单位的安全生产管理人员的任免，应当告知主管的负有安全生产监督管理职责的部门。

law. A producer or business operator shall hear the opinions of the organization and Persons for control of work safety in making business decisions involving work safety.

A producer or business operator shall not reduce the salary, welfare or any other benefits of, or terminate the labor contract with, a person in charge of control of work safety due to his performance of duties in accordance with the law.

The appointment or removal of a person to be in charge of control of work safety in an entity manufacturing or storing dangerous articles or a mine or metal smelting entity shall be notified to the competent department in charge of supervision and control over work safety.

第二十七条 生产经营单位的主要负责人和安全生产管理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、装卸单位以及矿山、金属冶炼、

Article 27 The principal and the person in charge of the control of work safety in a producer or business operator shall have the knowledge about work safety and the competence for its control, which are necessary for the production and business activities of the entity. The principal and the person in charge of the control of work safety in an entity that manufactures, runs, stores, load/unload dangerous articles, a mine or an entity for metal smelting, construction or transport shall pass the examination in their knowledge about work safety and their competence in control over work safety conducted by the competent department responsible for work safety supervision. No

建筑施工、运输单位的主要负责人和安全生产管理人员，应当由主管的负有安全生产监督管理职责的部门对其安全生产知识和管理能力考核合格。考核不得收费。

危险物品的生产、储存、装卸单位以及矿山、金属冶炼单位应当有注册安全工程师从事安全生产管理工作。鼓励其他生产经营单位聘用注册安全工程师从事安全生产管理工作。注册安全工程师按专业分类管理，具体办法由国务院人力资源和社会保障部门、国务院应急管理部门会同国务院有关部门制定。

fees shall be charged for taking such examination.

An entity that manufactures, stores, loads or unloads dangerous articles, a mine and an entity for metal smelting shall have certified safety engineers to engage in control over work safety. Other producers and business operators are encouraged to employ certified safety engineers to engage in control over work safety. Certified safety engineers shall be managed under classification by professions. The specific measures shall be formulated by the department for human resources and social security under the State Council and the emergency administration under the State Council in conjunction with the departments concerned under the State Council.

第二十八条 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，了解事故应急处理措施，知悉自身在安全生产方面的权利和义务。未经安全生产教育和培训合格的从业人员，不得

Article 28 Producers and business operators shall provide their employees with education and training on work safety to ensure that the employees acquire the necessary knowledge about work safety, are familiar with the relevant rules for work safety and safe operating procedures, master the safety operating skills for the posts, understand the emergency handling measures for accidents and are aware of their rights and obligations in respect of work safety. No employee who fails to pass the examination after receiving education and training on work safety may be assigned to posts. A producer or business operator that uses any dispatched workers shall incorporate the dispatched workers into the unified management of the employees of the entity and provide the dispatched workers with education and training on post safety operating procedures and safety operating skills. The entity dispatching workers shall

上岗作业。

生产经营单位使用被派遣劳动者的，应当将被派遣劳动者纳入本单位从业人员统一管理，对被派遣劳动者进行岗位安全操作规程和安全操作技能的教育和培训。劳务派遣单位应当对被派遣劳动者进行必要的安全生产教育和培训。

生产经营单位接收中等职业学校、高等学校学生实习的，应当对实习学生进行相应的安全生产教育和培训，提供必要的劳动防护用品。学校应当协助生产经营单位对实习学生进行安全生产教育和培训。

生产经营单位应当建立安全生产教育和培训档案，如实记录安全生产教育和培训的时间、内容、参加人员以及考核结果等情况。

provide the dispatched workers with necessary education and training on work safety.

The producers and business operators that take on interns who are students from secondary vocational schools or institutions of higher education shall provide such students with appropriate education and training on work safety and necessary labor protection articles. Such schools and institutions shall assist producers and business operators in providing the students with education and training on work safety.

Producers and business operators shall set up archives of education and training on work safety to truthfully record the time, content, participants and assessment results, etc. of the education and training on work safety.

第二十九条 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

Article 29 Producers and business operators shall, prior to using new techniques, technologies, materials or equipment, get to know and master their technical properties for safety and adopt effective protective measures for safety, and they shall provide their employees with dedicated education and training on work safety.

生产教育和培训。

第三十条 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，取得相应资格，方可上岗作业。

特种作业人员的范围由国务院应急管理部门会同国务院有关部门确定。

Article 30 Workers operating at special posts in a producer or business operator shall, in accordance with relevant regulations of the State, receive special training on safe operation, and they shall not be assigned to such posts until obtaining appropriate qualification. The range of workers operating at special posts shall be determined by emergency administration under the State Council in conjunction with the departments concerned under the State Council.

第三十一条 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。

Article 31 The safety facilities of a producer or business operator for engineering projects to be built, renovated or expanded (hereinafter collectively referred to as construction projects) shall be designed, constructed, and put into operation and use simultaneously with the principal part of the projects. Investments into safety facilities shall be included in the budgetary estimates for the construction projects.

第三十二条 矿山、金属冶炼建设项目和用于生产、储存、装卸危险物品的建设项目，应当按照国家有关规定进行安全评价。

Article 32 Construction projects for mines or metal smelting and construction projects for the manufacture, storage, loading or unloading of dangerous articles shall respectively undergo safety assessment according to the relevant regulations of the State.

第三十三条 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、金属冶炼建设项目和用

Article 33 The designer and designing entity for a safety facility of a construction project shall be responsible for the design of the safety facility. The design of safety facilities for construction projects of mines and metal smelting and construction projects for the production, storage and loading and unloading of hazardous substances shall, in accordance with the relevant provisions of the State, be submitted to the relevant departments

于生产、储存、装卸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。

for examination, and the examination departments and the personnel in charge of the examination shall be responsible for the examination results

第三十四条 矿山、金属冶炼建设项目和用于生产、储存、装卸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。

Article 34 Construction entities for projects of mines or metal smelting and the projects for the manufacture, storage, loading and unloading of dangerous articles shall construct the safety facilities based on the approved design thereof and shall be responsible for the engineering quality of the facilities. Before the completed construction projects for mines or metal smelting and for the manufacture, storage, loading and unloading of dangerous articles are put into operation or use, the construction entities shall be responsible for making arrangement for the acceptance check of the safety facilities in accordance with the provisions in relevant laws and administrative regulations; the said projects shall not be put into operation or use until the facilities pass the acceptance check. The work safety supervision and administration departments shall strengthen the supervision and verification of the activities and results of acceptance check conducted by construction entities.

矿山、金属冶炼建设项目和用于生产、储存、装卸危险物品的建设项目竣工投入生产或者使用前，应当由建设单位负责组织对安全设施进行验收；验收合格后，方可投入生产和使用。负有安全生产监督管理职责的部门应当加强对建设单位验收活动和验收结果的监督核查。

第三十五条 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。

Article 35 Producers and business operators shall set up or affix conspicuous safety precaution signs at production and business operation places, facilities and equipment where factors of relatively great hazardousness exist.

第三十六条 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、检测应当作好记录，并由有关人员签字。

生产经营单位不得关闭、破坏直接关系生产安全的监控、报警、防护、救生设备、设施，或者篡改、隐瞒、销毁其相关数据、信息。

餐饮等行业的生产经营单位使用燃气的，应当安装可燃气体报警装置，并保障其正常使用。

第三十七条 生产经营单位使

用的危险物品的容器、运输工具，以及涉及人身安全、危险性较大的海洋石油开采特种设备和矿山井下特种设备，必须按照国家有关规定，由专业生产单位生产，并经具有专业资质的检测、检验机构检测、

Article 36 Safety equipment shall be designed, manufactured, installed, used, tested, maintained, renovated and scrapped in compliance with the national standards or industrial specifications.

Producers and business operators shall have their safety equipment constantly maintained and serviced and regularly tested in order to ensure its normal running. Records of maintenance, service and test thereof shall be kept and be signed by the persons concerned.

No producer or business operator may shut down or destroy the monitoring, alarm, protection or life-saving equipment or facilities that have a direct bearing on work safety, or alter, conceal or destroy the relevant data or information.

A producer or business operator in the catering or other industries that uses fuel gas shall install the combustible gas alarm device and ensure the normal use of such device.

Article 37 Containers and transport vehicles for dangerous articles as well as special equipment for offshore oil

exploitation and underground mining special equipment that threatens safety of people's lives and is of great danger as used by producers and business operators shall be made by professional manufacturers in accordance with relevant regulations of the State , and they shall not be put into use until they pass the test and check conducted by professionally qualified testing and checking institutions and safe use certificates or safety tags are issued. The said

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。

institutions shall be responsible for the results of the test and check.

第三十八条 国家对严重危及生产安全的工艺、设备实行淘汰制度，具体目录由国务院应急管理部门会同国务院有关部门制定并公布。法律、行政法规对目录的制定另有规定的，适用其规定。

Article 38 The State adopts an elimination system for techniques and equipment that exert serious threat to work safety. Specific catalogue shall be formulated and promulgated by the emergency administration under the State Council in conjunction with departments concerned under the State Council. Where the formulation of the catalogue is otherwise provided for in laws or administrative regulations, such laws, or administrative regulations shall prevail. The people's governments of provinces, autonomous regions or centrally administered municipalities may, in light of the actual conditions of their respective regions, formulate and release the specific catalogue to eliminate the techniques or equipment that exert threat to work safety other than those prescribed in the preceding paragraph.

省、自治区、直辖市人民政府可以根据本地区实际情况制定并公布具体目录，对前款规定以外的危及生产安全的工艺、设备予以淘汰。

No producer or business operator may use techniques and equipment threatening work safety which ought to be eliminated.

生产经营单位不得使用应当淘汰的危及生产安全的工艺、设备。

第三十九条 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。

Article 39 Where dangerous articles are to be manufactured, run, transported, stored, used or to be disposed of or scrapped, the matter shall be submitted to the competent departments concerned for approval in accordance with the provisions in relevant laws and regulations as well as the national standards or industrial specifications and shall be supervised and control by such departments. To manufacture, run, transport, store, use or dispose of or scrap dangerous articles, producers and business operators shall abide by relevant laws and regulations, as well as the national standards or industrial

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。

specifications, establish a special system for safety control, adopt reliable safety measures, and subject themselves to supervision and control by the competent departments in accordance with law.

第四十条 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。

Article 40 Producers and business operators shall have the sources of great hazardousness recorded and have the records archived, conduct regular monitoring, assessment and monitoring, make emergency response plans, and notify their employees and related persons the response measures to be taken in emergency. A producer or business operator shall, in accordance with relevant regulations of the State, file its major hazard sources and related safety and emergency measures to the emergency administration under the local people's government and other departments concerned for the record. The emergency administration under the local people's government and other departments concerned shall share information through the relevant information system.

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应急管理部门和有关部门备案。有关地方人民政府应急管理部门和有关部门应当通过相关信息系统实现信息共享。

第四十一条 生产经营单位应当建立安全风险分级管控制度，按照安全风险分级采取相应的管控措施。

Article 41 A producer or business operator shall establish a safety risk grading control system and take corresponding control measures according to safety risk grading. A producer or business operator shall set up, improve and implement the system for screening and handling hidden danger of work safety accidents, and take technical and managerial measures for timely

生产经营单位应当建立健全并落实生产安全事故隐患排查治理制度，采取技术、管理措施，及时发现并消除事故隐患。事故隐患排查治理情况应当如实记录，并通过职工大会或者职工代表大会、信息公示栏等方式向从业人员通报。其中，重大事故隐患排查治理情况应当及时向负有安全生产监督管理职责的部门和职工大会或者职工代表大会报告。

县级以上地方各级人民政府负有安全生产监督管理职责的部门应当将重大事故隐患纳入相关信息系统，建立健全重大事故隐患治理督办制度，督促生产经营单位消除重大事故隐患。

第四十二条 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

discovering and eliminating hidden danger of accidents. The information on the screening and handling of hidden danger of accidents shall be truthfully recorded, and be notified to the practitioners through the employees' congress or employee representatives' congress, or the information bulletin board, etc. Among others, the information on the screening and handling of hidden danger of serious accidents shall be reported in a timely manner to the departments in charge of supervision and control over work safety or the employees' congress or employee representatives' congress.

The departments in charge of supervision and control over work safety of the local people's governments at or above the county level shall incorporate hidden danger of serious accidents into relevant information systems, establish and improve the system for supervising the handling of hidden danger of serious accidents, and urge the producer or business operator to remove hidden danger of serious accidents.

Article 42 Workshops, shops and warehouses for the production, management, storage or use of hazardous substances shall not be in the same building as the staff dormitories and shall keep a safe distance from the staff dormitories. The production and business site and the staff dormitories shall be equipped with exits and evacuation passages that meet the requirements of emergency evacuation and are clearly marked and kept unblocked. It is forbidden to occupy, lock up or block off the exit or evacuation passage of the production and business sites or of the staff dormitories.

设有符合紧急疏散要求、标志明显、保持畅通的出口、疏散通道。禁止占用、锁闭、封堵生产经营场所或者员工宿舍的出口、疏散通道。

第四十三条 生产经营单位进行爆破、吊装、动火、临时用电以及国务院应急管理部门会同国务院有关部门规定的其他危险作业，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。

第四十四条 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。

生产经营单位应当关注从业人员的身体、心理状况和行为习惯，加强对从业人员的心理疏导、精神慰藉，严格落实岗位安全生产责任，防范从业人员行为异常导致事故发生。

Article 43 When carrying out blasting, hoisting or other dangerous operations specified by the emergency administration under the State Council in conjunction with departments concerned under the State Council, producers and business operators shall arrange for dedicated persons to the sites for safety control and ensure that operating procedures are abided by and safety measures are implemented.

Article 44 Producers and business operators shall inculcate their employees with the requirements to strictly implement rules and regulations for work safety and safety operating regulations formulated by the entities, and they shall truthfully inform their employees of the factors of danger existing at the work places and work posts as well as the precautions and the emergency response measures to be taken in the event of accidents. Producers and business operators shall pay attention to the physical and psychological conditions as well as behavioral habits of their employees, strengthen the psychological counseling and spiritual consolation for their employees, strictly fulfill the responsibilities for work safety of posts, and prevent accidents from occurring due to abnormal behaviors of their employees.

第四十五条 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。

Article 45 Producers and business operators shall provide their employees with work protection articles that satisfy national standards or industrial specifications, and shall give instructions to and ensure their employees to wear or use these articles in accordance with the rules for use.

第四十六条 生产经营单位的安全生产管理人员应当根据本单位的生产经营特点，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，有关负责人应当及时处理。检查及处理情况应当如实记录在案。

Article 46 The personnel in charge of production safety of a production or business operator shall, according to the production business operation characteristics, regularly inspect the state of production safety. They shall immediately deal with the problems discovered during inspection. Where they are unable to do so, they shall report the matter in a timely manner to the relevant person in charge of the entity who shall handle the problems in a timely manner. The inspection and the handling of the problems shall be truthfully recorded. When discovering hidden danger of a serious accident during inspection, persons for control of work safety in the producer or business operator shall, report the hidden danger to the relevant person in charge of the entity in accordance with the preceding paragraph. If such person fails to handle hidden danger in a timely manner, persons for control of work safety may report the case to the competent department in charge of supervision and control over work safety, which shall, upon receiving the report, handle it in a timely manner in accordance with the law.

生产经营单位的安全生产管理人员在检查中发现重大事故隐患，依照前款规定向本单位有关负责人报告，有关负责人不及时处理的，安全生产管理人员可以向主管的负有安全生产监督管理职责的部门报告，接到报告的部门应当依法及时处理。

第四十七条 生产经营单位应

Article 47 Producers and business operators shall allocate funds for the provision of work protection articles and for

当安排用于配备劳动防护用品、进行安全生产培训的经费。

training on work safety.

第四十八条 两个以上生产经营单位在同一作业区域内进行生产经营活动，可能危及对方生产安全的，应当签订安全生产管理协议，明确各自的安全生产管理职责和应当采取的安全措施，并指定专职安全生产管理人员进行安全检查与协调。

Article 48 Where two or more producers and business operators are carrying out production or business operation activities in a same operation area, which may cause potential dangers to each other's work safety, they shall sign an agreement on work safety control, specifying the responsibilities of each party for work safety control and the safety measures to be taken by each party. In addition, each party shall assign full-time persons for control over work safety to conduct safety inspection and coordination.

第四十九条 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。

Article 49 No producer or business operator may contract out or lease production or business projects, workplaces or equipment to any entities or individuals that do not possess the conditions for work safety or the corresponding qualifications. To contract out or lease production or business projects or work places to any other entities, a producer or business operator shall enter into a special agreement on control over work safety with the contractors or lessees or specify their respective responsibilities for control over work safety in a work contract or lease contract. The production and business operator shall carry out unified coordination and management of the work safety of the contractors or lessees, conduct regular safety inspection and, if there are safety problems discovered, supervise in a timely manner the rectification of such problems.

生产经营项目、场所发包或者出租给其他单位的，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，定期进行安全检查，发现安全问题的，应当及时

The construction entity of a construction project for mines or metal smelting or a construction project for manufacture, storage, loading or unloading of dangerous articles shall strengthen the safety management of the construction project, and may not resell, lease, lend, be affiliated to any other organization or illegally transfer in any other form the construction qualification, subcontract the entire

督促整改。

矿山、金属冶炼建设项目和用于生产、储存、装卸危险物品的建设项目的施工单位应当加强对施工项目的安全管理，不得倒卖、出租、出借、挂靠或者以其他形式非法转让施工资质，不得将其承包的全部建设工程转包给第三人或者将其承包的全部建设工程支解以后以分包的名义分别转包给第三人，不得将工程分包给不具备相应资质条件的单位。

construction project it contracted to third parties, or divide such project and then subcontract it to third parties respectively, or subcontract the project to an entity without appropriate qualifications.

第五十条 生产经营单位发生生产安全事故时，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。

Article 50 When a work safety accident occurs in a producer or business operator, the principal of the entity shall immediately make arrangements for rescue and, during the period of investigation and handling of the accident, may not leave his post without permission.

第五十一条 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。

国家鼓励生产经营单位投保安全生产责任保险；属于国家规定的高危行业、领域的生产经营单位，应当投保安全生产责任保险。具体

Article 51 Producers and business operators shall, in accordance with the law, purchase job-related injury insurance and pay insurance premiums for their employees. The State encourages producers and business operators to purchase work safety liability insurance. The producers and business operators in high-risk industries or fields as specified by the State shall purchase work safety liability insurance. The emergency administration under the State Council shall, in conjunction with the finance department under the State Council, the insurance regulatory authority under the State Council and departments in charge of the relevant industries, formulate the

范围和实施办法由国务院应急管理
部门会同国务院财政部门、国务院
保险监督管理机构和相关行业主管
部门制定。

specific scope and implementing measures.

第 三 章

从业人员的安全生产权利义务

Chapter III Employees' Rights and Obligations Relating to Work Safety

第五十二条 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。

Article 52 A labour contract concluded between and by producers and business operators and their employees shall indicate such matters as work safety assurance for employees, prevention of occupational hazards and take out job-related insurance for employees in accordance with the law. No producer or business operator may, in any form, conclude an agreement with its employees in an attempt to exempt it from or lighten the liability it should bear in accordance with the law for the employees who are injured or killed in a work safety accident.

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。

第五十三条 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。

Article 53 Employees of a producer or business operator have the right to know dangerous factors existing at their workplaces and posts as well as the precaution and accident response measures. They also have the right to put forward suggestions on work safety in the entity.

第五十四条 从业人员有权对
本单位安全生产工作中存在的问题

Article 54 Employees of a producer or business operator have the right to criticize, inform against or accuse the entity for any work safety problem. They also have the right to refuse to follow the directions that are contrary to rules and regulations

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、福利待遇或者解除与其订立的劳动合同。

or arbitrary orders for risky operations. No producer or business operator may reduce the salary or welfare of, or dissolve the labour contracts concluded with its employees who have criticized, informed against, accused the entity for any work safety problem or have refused to follow the directions that are contrary to rules and regulations or arbitrary orders for risky operations.

第五十五条 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、福利待遇或者解除与其订立的劳动合同。

Article 55 In the event of an emergency that directly endanger employees' personal safety, such employees have the right to **suspend operation or evacuate from the work place after taking possible emergency measures.** No producers and business operators may reduce the wages, welfare and other benefits, or dissolve the labour contracts concluded with their employees who, under the emergency provided in the preceding paragraph, suspend operation and evacuate from the work place as an emergency measure.

第五十六条 生产经营单位发生生产安全事故后，应当及时采取措施救治有关人员。

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，

Article 56 In the event of occurrence of a work safety accident to a producer or business operator, such producer or business operator shall promptly take measures to rescue the persons concerned. Employees who are injured in a work safety accident shall, in addition to being entitled to the work-related injury insurance in accordance with the law, may claim compensation if they are entitled to compensation according to relevant civil laws.

依照有关民事法律尚有获得赔偿的权利的，有权提出赔偿要求。

第五十七条 从业人员在作业过程中，应当严格落实岗位安全责任，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。

Article 57 Employees shall, in the course of operation, strictly fulfill the responsibilities for post safety, abide by work safety rules and regulations and operating procedures of their employers, subject themselves to management, and correctly wear and use the labor protection articles.

第五十八条 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。

Article 58 Employees shall receive education and training on work safety to master work safety knowledge needed for the jobs they are doing, improve their skills relating to work safety and increase their capability to prevent accidents and handle emergencies.

第五十九条 从业人员发现事故隐患或者其他不安全因素，应当立即向现场安全生产管理人员或者本单位负责人报告；接到报告的人员应当及时予以处理。

Article 59 Employees of an entity shall, when discovering hidden dangers that may lead to accidents or other factors of danger, immediately report the case to the person in charge of work safety on the spot or person in charge of the entity. Persons who receive such report shall act to handle the matter in a timely manner.

第六十条 工会有权对建设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。

Article 60 Trade unions have the right to supervise and put forward opinions on the simultaneous design, construction and put into production or use of the safety facilities and the main structure of a construction project. The trade union of a producer or business operator has the right to ask the producer or business operator infringing upon the lawful rights and interests of the employees in violation of laws and regulations on work safety to make correction, and has the right, when discovering that the producer or business operator gives directions contrary to rules

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。

and regulations or arbitrary orders for risky operations, or when discovering hidden dangers that may lead to accidents, to put forward suggestions for solution, the producer or business operator shall consider the suggestions and respond in a timely manner. When discovering circumstances in which the safety of the employees' lives are threatened, the trade union has the right to put forward suggestions to the producer or business operator for organized evacuation of the employees from the endangered work place, and the producer or business operator shall immediately make response thereto.

Trade unions have the right to take part in investigations of accidents in accordance with the law; put forward their suggestions to the departments concerned for the handling of the accidents and ask for pursuing the investigation of the persons involved.

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。

第六十一条 生产经营单位使用被派遣劳动者的，被派遣劳动者享有本法规定的从业人员的权利，并应当履行本法规定的从业人员的义务。

Article 61 Where producers and business operators use any dispatched workers, the dispatched workers are entitled to the rights of employees under this Law, and shall perform the obligations of employees under this Law.

第四章 安全生产的监督管理

Chapter IV Supervision and Control over Work Safety

第六十二条 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

Article 62 Local people's governments at or above the county level shall, in light of the conditions of work safety in their respective administrative regions, make arrangements for the departments concerned, according to the division of their functions, to carry out strict inspections over the producers and business operators located in their respective

发生重大生产安全事故的生产经营单位进行严格检查。

应急管理部门应当按照分类分级监督管理的要求，制定安全生产年度监督检查计划，并按照年度监督检查计划进行监督检查，发现事故隐患，应当及时处理。

administrative regions in which serious work safety accidents are likely to occur. The emergency administration shall, as required for supervision and control by classification and by levels, work out annual supervision and inspection plans on work safety and follow such annual plans to carry out supervision and inspection. And they shall, when discovering hidden dangers that may lead to accidents, make response thereto in a timely manner.

第六十三条 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

Article 63 Where the departments taking the responsibilities to exercise supervision and control over work safety need to examine before giving approval (including approval, ratification, permission, registration, authentication and issue of certificates or licenses, the same as below) or check for acceptance matters relating to work safety in accordance with relevant laws and regulations, they shall conduct the examination or check strictly in accordance with relevant laws and regulations and national standards or industrial specifications. They may not give approval or have the acceptance check passed for matters which do not satisfy the work safety conditions specified in relevant laws and regulations and national standards or industrial specifications. With regard to entities that engage in relevant activities without obtaining approval or without having the acceptance check passed in accordance with the law, the departments in charge of administrative examination and approval shall, when discovering or receiving reports on such cases, immediately outlaw them and handle such cases in accordance with the law. Where departments in charge of administrative examination and approval discover that entities which have obtained approval in accordance with the law no longer possess the conditions for work safety, they shall cancel the given approval.

其不再具备安全生产条件的，应当
撤销原批准。

第六十四条 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。

Article 64 No department in charge of supervision and control over work safety may charge any fees for examining and checking for acceptance matters relating to work safety, or require that entities subject to their examination or check for acceptance purchase the brands of products designated by it or the work safety equipment, devices or other products manufactured or marketed by entities designated by it.

第六十五条 应急管理部门和其他负有安全生产监督管理职责的部门依法开展安全生产行政执法工作，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：

Article 65 When the emergency administration and other departments in charge of supervision and control over work safety carry out, during administrative law enforcement for work safety in accordance with the law, supervision over and inspection of the implementation of the laws and regulations relating to work safety by Producers and Business Operators, they may exercise the following functions and powers: (1) entering producers and business operators for inspection, referring to relevant materials and data for investigation, and getting information from the departments and persons concerned;

（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；

(2) requiring rectification, on the spot or within a specified time limit, of practice in violation of law relating to work safety which are discovered in the course of inspection; and making decisions to impose administrative penalties in accordance with the provisions in this Law, other laws and administrative regulations on practice deserving administrative penalties according to the law;

（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

(3) giving orders to eliminate the hidden dangers that may lead to accidents discovered in the course of inspection immediately; when it is impossible to ensure safety before or in the course of the elimination of any hidden dangers of serious accidents, giving orders to evacuate workers from the dangerous areas and to

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相关设施、设备；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、器材以及违法生产、储存、使用、经营、运输的危险物品予以查封或者扣押，对违法生产、储存、使用、经营危险物品的作业场所予以查封，并依法作出处理决定。

监督检查不得影响被检查单位的正常生产经营活动。

suspend production or business operation or stop using relevant facilities or equipment; and when the hidden dangers of serious accidents are eliminated, allowing resumption of production and business operation as well as the use of facilities and equipment upon examination and approval; and

(4) sealing up or seizing facilities, equipment and devices that are believed, on firm grounds, not up to the national standards or industrial standards to ensure work safety, sealing up work places that manufacture, store, use, or market dangerous articles in violation of laws, and making a decision to deal with the case in accordance with the law.

No supervision or inspection may hinder the normal production and business activities of the entities undergoing inspection.

第六十六条 生产经营单位对负有安全生产监督管理职责的部门的监督检查人员（以下统称安全生

Article 66 Producers and business operators shall cooperate with the supervisors and inspectors of the departments in charge of supervision and control over work safety (hereinafter referred to as work safety supervisors and

产监督检查人员）依法履行监督检查职责，应当予以配合，不得拒绝、阻挠。

inspectors) who are performing their duties in accordance with the law. They may not refuse to do so or create obstacles.

第六十七条 安全生产监督检查人员应当忠于职守，坚持原则，秉公执法。

Article 67 Work safety supervisors and inspectors shall be devoted to their duties, uphold principles and enforce laws impartially. When performing their tasks, work safety supervisors and inspectors shall produce their effective identification documents for supervision and law enforcement. They shall keep confidential the technical and business secrets of the entities under inspection.

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

第六十八条 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。

Article 68 Work safety supervisors and inspectors shall keep a written record of the inspection, including the time, place, items and the problems discovered and the handling result, which shall be signed by the inspectors and the person in charge of the entity under inspection. Where person in charge of an entity under inspection refuses to sign, the inspectors shall put the fact on record and report the case to work safety supervision and administration department.

第六十九条 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

Article 69 Departments in charge of supervision and control over work safety shall cooperate with each other in joint inspection. Where it is really necessary to conduct separate inspections, they shall exchange information. Where safety problems discovered require handling by another department concerned, the case shall be referred in a timely manner to

，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。

the said department, and a record of the fact shall be kept for reference. The department receiving the case shall handle it in a timely manner.

第七十条 负有安全生产监督管理职责的部门依法对存在重大事故隐患的生产经营单位作出停产停业、停止施工、停止使用相关设施或者设备的决定，生产经营单位应当依法执行，及时消除事故隐患。生产经营单位拒不执行，有发生生产安全事故的现实危险的，在保证安全的前提下，经本部门主要负责人批准，负有安全生产监督管理职责的部门可以采取通知有关单位停止供电、停止供应民用爆炸物品等措施，强制生产经营单位履行决定。通知应当采用书面形式，有关单位应当予以配合。

Article 70 Where work safety supervision and administration department renders, in accordance with the law, decisions on ceasing the production, business operation, construction or the use of relevant facilities or equipment by any production and business operator where there are hidden danger of serious accidents, such production and business operator shall carry out the decisions in accordance with the law to eliminate the hidden dangers of accidents in a timely manner. If the producer or business operator refuses to do so and there are real dangers of the occurrence of accident relating to work safety, the work safety supervision and administration department may, under the preconditions of ensuring safety and upon approval by the principal of the department, adopt the measures such as giving notice to relevant organizations to stop the supply of electricity or the supply of civil explosive or forcing relevant producer or business operator to perform the decisions. The notices shall be in written form and relevant organizations shall provide cooperation therefor. In adopting the measure for stop of electricity supply in accordance with the preceding paragraph, the work safety supervision and administration department shall notify the producer or business operator twenty-four hours in advance, except for the emergencies endangering work safety. If the producer or business operator has performed the administrative decisions in accordance with the law and adopted appropriate measures to eliminate the hidden dangers of accidents, the work safety supervision and administration department shall lift the measures prescribed in the preceding paragraph in a timely manner.

负有安全生产监督管理职责的部门依照前款规定采取停止供电措施，除有危及生产安全的紧急情形外，应当提前二十四小时通知生产

经营单位。生产经营单位依法履行行政决定、采取相应措施消除事故隐患的，负有安全生产监督管理职责的部门应当及时解除前款规定的措施。

第七十一条 监察机关依照监察法的规定，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。

第七十二条 承担安全评价、认证、检测、检验职责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、检验结果的合法性、真实性负责。资质条件由国务院应急管理部门会同国务院有关部门制定。

承担安全评价、认证、检测、检验职责的机构应当建立并实施服务公开和报告公开制度，不得租借资质、挂靠、出具虚假报告。

第七十三条 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

Article 71 The supervisory authority shall, in accordance with the provisions in the Administrative Supervision Law, conduct supervision over the performance of their duties by departments in charge of supervision and control over work safety and their personnel.

Article 72 Organizations in charge of safety-related assessment, certification, testing and inspection shall possess the qualifications specified by the State and shall be responsible for the legality and authenticity of the results issued by them in respect of safety-related assessment, certification, testing and inspection. The emergency administration under the State Council shall, in conjunction with the relevant departments of the State Council, formulate the qualifications. Organizations in charge of safety-related assessment, certification, testing and inspection shall establish and implement a service disclosure and report disclosure system and shall not lease or lend their qualifications, be affiliated to other organizations or issue false reports.

Article 73 Authorities in charge of supervision and control over work safety shall set up a whistleblowing system, make public the hotline, mailbox, e-mail address and other online whistleblowing platforms for accepting whistleblowing

邮件地址等网络举报平台，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。对不属于本部门职责，需要由其他有关部门进行调查处理的，转交其他有关部门处理。

涉及人员死亡的举报事项，应当由县级以上人民政府组织核查处理。

第七十四条 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。

因安全生产违法行为造成重大事故隐患或者导致重大事故，致使国家利益或者社会公共利益受到侵害的，人民检察院可以根据民事诉讼法、行政诉讼法的相关规定提起公益诉讼。

第七十五条 居民委员会、村民委员会发现其所在区域内的生产

reports relating to work safety. A whistleblowing report accepted shall be recorded in writing after it is verified through investigation. If it is necessary to take rectification measures, they shall be reported to the person in charge concerned for signature, and the implementation of such measures shall be overseen. If a whistleblowing report does not fall within the scope of their duties and needs to be investigated and handled by other relevant authorities, it shall be referred to such authorities for handling. Any whistleblowing report involving the death of a person shall be examined and handled by a people's government at or above the county level.

Article 74 Any entity or individual has the right to report or inform against hidden dangers that may lead to accidents and practices in violation of work safety laws to the department in charge of supervision and control over work safety. Where violations against work safety have caused hidden risks of serious accidents or led to serious accidents, thus infringing upon national or public interests, the People's Procuratorate may institute public interest litigation in accordance with the relevant provisions of the Civil Procedure Law or the Administrative Procedure Law.

Article 75 When neighborhood committees or villagers' committees discover hidden dangers that may lead to accidents or practices in violation of work safety laws in a

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。

producer or business operator located in their areas, they shall report the case to the local people's governments or the departments concerned.

第七十六条 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应急管理部门会同国务院财政部门制定。

Article 76 People's governments at or above the county level and the relevant departments under them shall reward the persons who have performed meritorious services in reporting hidden dangers that may lead to serious accidents or informing against practices in violation of work safety laws. Specific measures for granting such rewards shall be formulated by the emergency administration under the State Council in conjunction with the finance department under the State Council.

第七十七条 新闻、出版、广播、电影、电视等单位有进行安全生产公益宣传教育的义务，有对违反安全生产法律、法规的行为进行舆论监督的权利。

Article 77 News media, publishers, broadcasting agencies, film studios and television broadcasting agencies have the obligation to disseminate knowledge about work safety free of charge and have the right to conduct supervision by means of public opinion over violations of work safety laws and regulations.

第七十八条 负有安全生产监督管理职责的部门应当建立安全生产违法行为信息库，如实记录生产经营单位及其有关从业人员的安全生产违法行为信息；对违法行为情节严重的生产经营单位及其有关从业人员，应当及时向社会公告，并通报行业主管部门、投资主管部门、自然资源主管部门、生态环境主

Article 78 The authorities in charge of supervision and control over work safety shall set up an information database regarding violations of laws on work safety to truthfully record the information about violations of laws on work safety by producers or business operators and their employees involved. For the producers or business operators and their employees involved that commit serious violations of laws, such authorities shall promptly issue public announcements and provide notification to competent authorities in charge of the industry, investment, natural resources and ecology and environment, the securities regulatory body and relevant financial institutions. Relevant authorities and agencies shall take joint disciplinary measures against the producers or business operators and their employees that commit

管部门、证券监督管理机构以及有关金融机构。有关部门和机构应当对存在失信行为的生产经营单位及其有关从业人员采取加大执法检查频次、暂停项目审批、上调有关保险费率、行业或者职业禁入等联合惩戒措施，并向社会公示。

负有安全生产监督管理职责的部门应当加强对生产经营单位行政处罚信息的及时归集、共享、应用和公开，对生产经营单位作出处罚决定后七个工作日内在监督管理部门公示系统予以公开曝光，强化对违法失信生产经营单位及其有关从业人员的社会监督，提高全社会安全生产诚信水平。

dishonest acts, such as increasing the frequency of law enforcement inspections, suspending examination and approval of projects, raising the relevant insurance premium rates, or prohibiting them from accessing the industry or profession, and make public such measures. The authorities in charge of supervision and control over work safety shall strengthen the timely collection, sharing, application and disclosure of information on administrative penalties imposed on producers or business operators, disclose the same through the publicity system of the regulatory authorities within seven working days after a penalty decision is made, and strengthen social supervision over the producers or business operators and their employees that commit illegal and dishonest acts, so as to improve the integrity level of work safety in the whole society.

第 五 章

生产安全事故的应急救援与调查处理

Chapter V Rescue, Investigation and Handling of Accidents Relating to Work Safety

第七十九条 国家加强生产安全事故应急能力建设，在重点行业、领域建立应急救援基地和应急救援队伍，并由国家安全生产应急救

Article 79 The State will strengthen the building of capacity for emergency response to work safety accidents, and will set up emergency rescue bases and teams in major industries and sectors, which shall be coordinated and commanded by the national emergency rescue agency for work safety in a unified manner. The State encourages producers and business

援机构统一协调指挥；鼓励生产经营单位和其他社会力量建立应急救援队伍，配备相应的应急救援装备和物资，提高应急救援的专业化水平。

国务院应急管理部门牵头建立全国统一的生产安全事故应急救援信息系统，国务院交通运输、住房和城乡建设、水利、民航等有关部门和县级以上地方人民政府建立健全相关行业、领域、地区的生产安全事故应急救援信息系统，实现互联互通、信息共享，通过推行网上安全信息采集、安全监管和监测预警，提升监管的精准化、智能化水平。

operators and other social forces to set up emergency rescue teams, be equipped with corresponding emergency rescue equipment and supplies and improve the level of the specialization of emergency rescue. The emergency administration under the State Council shall take the lead in establishing a national unified emergency rescue information system for work safety accidents. The departments in charge of transport, housing and urban□rural development, water resources and civil aviation, etc. under the State Council and local people's governments at or above the county level shall set up and improve emergency rescue information systems for work safety accidents in relevant industries, sectors and regions, so as to achieve interconnection and information sharing, and improve the precision and intelligence level of regulation by promoting online collection of safety information, supervision over work safety and monitoring and early warning.

第八十条 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生产安全事故应急救援预案，建立应急救援体系。

乡镇人民政府和街道办事处，以及开发区、工业园区、港区、风景区等应当制定相应的生产安全事

Article 80 Local people's governments at or above the county level shall arrange the departments concerned to formulate accident rescue plans for work safety accidents that may occur in their respective administrative regions and set up an emergency rescue system accordingly. Township people's governments and sub□district offices, as well as development zones, industrial parks, port areas and scenic areas, etc. shall formulate appropriate emergency rescue plans for work safety accidents and assist the relevant departments of the people's governments in performing their duties of emergency rescue for work safety accidents in accordance with the law or do so as authorized.

故应急救援预案，协助人民政府有关部门或者按照授权依法履行生产安全事故应急救援工作职责。

第八十一条 生产经营单位应当制定本单位的生产安全事故应急救援预案，与所在地县级以上地方人民政府组织制定的生产安全事故应急救援预案相衔接，并定期组织演练。

Article 81 Producers and business operators shall develop their own emergency rescue plans for work safety accidents which shall have connection with the emergency rescue plans for work safety accidents formulated under the arrangement of local people's governments at or above the level of county where they are located and shall organize drill on regular basis.

第八十二条 危险物品的生产、经营、储存单位以及矿山、金属冶炼、城市轨道交通运营、建筑施工单位应当建立应急救援组织；生产经营规模较小的，可以不建立应急救援组织，但应当指定兼职的应急救援人员。

Article 82 Entities that manufacture, sell or store dangerous articles, mines and the entities for metal smelting, urban rail transit business or construction shall set up their respective emergency rescue organizations. Entities engaged in small-scale production or business operations that are not required to set up such organizations shall assign part-time persons to emergency rescue tasks. Entities that manufacture, sell or store dangerous articles, mines and the entities for metal smelting, urban rail transit operations or construction shall have at hand the necessary devices, equipment and supplies for emergency rescue and have them maintained and serviced constantly to ensure their normal operation.

危险物品的生产、经营、储存、运输单位以及矿山、金属冶炼、城市轨道交通运营、建筑施工单位应当配备必要的应急救援器材、设备和物资，并进行经常性维护、保养，保证正常运转。

第八十三条 生产经营单位发

Article 83 In the event of occurrence of a work safety accident

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、谎报或者迟报，不得故意破坏事故现场、毁灭有关证据。

in a producer or business operator, the persons at the scene shall immediately report the accident to the person in charge of the entity. The person in charge of the entity shall, upon receiving such report, promptly take effective measures to arrange rescue operation to prevent the accident from spreading and minimize the injuries and deaths and loss of property and shall, in accordance with relevant regulations of the State, immediately report the accident to the local department in charge of supervision and control over work safety. They may not conceal the accident, make false report or delay the report, or deliberately damage the scene of the accident or destroy relevant evidence.

第八十四条 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、谎报或者迟报。

Article 84 The work safety supervision and administration department shall, upon receiving a report on an accident, immediately report the accident to the higher authority in accordance with relevant regulations of the State. No department in charge of supervision and control over work safety and relevant local people's government may conceal the fact of an accident or make a false report or delay the report of the accident.

第八十五条 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生产安全事故报告后，应当按照生产安全事故应急救援预案的要求立即赶到事故现场，组织事故抢救。

Article 85 The persons in charge of the local people's government concerned and of work safety supervision and administration department shall, upon receiving the report of a work safety accident, as required by the emergency rescue plans for work safety accidents, immediately rush to the scene of the accident to arrange rescue operation. The departments and entities participating in the accident rescue shall follow the unified directions, strengthen cooperation and interaction, take effective emergency rescue measures and adopt,

参与事故抢救的部门和单位应当服从统一指挥，加强协同联动，采取有效的应急救援措施，并根据事故救援的需要采取警戒、疏散等措施，防止事故扩大和次生灾害的发生，减少人员伤亡和财产损失。

事故抢救过程中应当采取必要措施，避免或者减少对环境造成的危害。

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。

in light of the needs of the accident rescue, the measures such as alerting or evacuation to prevent the expansion of the accident and the occurrence of secondary disasters and to reduce the casualties and property loss.

Necessary measures shall be adopted during the accident rescue to avoid or reduce the harm caused to the environment.

All entities and individuals shall assist in and cooperate with the efforts for rescue and provide all possible conveniences.

第八十六条 事故调查处理应当按照科学严谨、依法依规、实事求是、注重实效的原则，及时、准确地查清事故原因，查明事故性质和责任，评估应急处置工作，总结事故教训，提出整改措施，并对事故责任单位和人员提出处理建议。事故调查报告应当依法及时向社会公布。事故调查和处理的具体办法由国务院制定。

事故发生单位应当及时全面落

Article 86 In investigation and handling of an accident, the principles of being scientific and precise, abiding by laws and regulations, seeking truth from facts and paying attention to practical results shall be followed in order to find out the accurate causes of the accident in a timely manner, make clear the nature of and liability for the accident, evaluate the work on emergency handling, draw a lesson from the accident, work out rectification measures and put forward suggestions for punishing the entity and personnel liable for the accident. The accident investigation report shall be made public in accordance with the law in a timely manner. Specific measures for investigation into and handling of an accident shall be formulated by the State Council. The entity to which an accident occurs shall implement rectification measures in a timely and comprehensive manner, and the authorities in charge of work safety supervision and administration shall strengthen supervision

实整改措施，负有安全生产监督管理职责的部门应当加强监督检查。

负责事故调查处理的国务院有关部门和地方人民政府应当在批复事故调查报告后一年内，组织有关部门对事故整改和防范措施落实情况进行评估，并及时向社会公开评估结果；对不履行职责导致事故整改和防范措施没有落实的有关单位和人员，应当按照有关规定追究责任。

and inspection.

The relevant departments of the State Council and the local people's governments responsible for investigation and handling of an accident shall, within one year after giving an official reply on the accident investigation report, organize relevant departments to assess the implementation of the accident rectification and preventive measures and make public the assessment results in a timely manner; relevant entities and personnel that fail to perform their duties, resulting in failure to put into practice the accident rectification and preventive measures, shall be investigated for liability in accordance with relevant provisions.

第八十七条 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，依照本法第九十条的规定追究法律责任。

Article 87 Where a work safety accident that occurs to a producer or business operator is determined as an accident due to negligence of duty upon investigation, in addition to finding out the liability to be undertaken by the entity and pursuing such liability in accordance with the law, the liability to be undertaken by the administrative department in charge of examination and approval of and supervision over matters relating to work safety shall also be ascertained and the persons who are negligent or derelict of their duties shall be investigated for their legal liability according to the provisions in Article 90 hereof.

第八十八条 任何单位和个人不得阻挠和干涉对事故的依法调查处理。

Article 88 No entity or individual may obstruct or interfere with the lawful investigation into and handling of an accident.

第八十九条 县级以上地方各

级人民政府应急管理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。

Article 89 Emergency administrations under the local people's governments at or above the county level shall regularly prepare statistics and make analysis of work safety accidents that have occurred within their respective administrative areas and make public the information regularly.

第六章 法律责任

Chapter VI Legal Liability

第九十条 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处分；构成犯罪的，依照刑法有关规定追究刑事责任：

Article 90 Where a staff member of the work safety supervision and administration department commits any of the following acts, he shall be demoted or discharged from his post as a sanction; if the act constitutes a crime, he shall be investigated for criminal liability according to the provisions in the Criminal Law: (1)giving approval or having acceptance check passed for matters relating to work safety that do not meet the statutory conditions for work safety;

（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；

(2)failing to outlaw or deal with, in accordance with the law, entities after discovering that they are engaged in relevant activities without obtaining approval or being qualified for acceptance in accordance with the law or after receiving reports thereof;

（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；

(3)failing to perform his duty of supervision and control over the entities that have obtained approval in accordance with the law, to cancel the approval given to the entities that he finds no longer possess the conditions for work safety, or to investigate and deal with violations of work safety regulations; and

（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

(4) failing to deal with in a timely manner the hidden danger of a serious accident discovered during supervision and inspection.

Any staff member of the departments in charge of supervision and control over work safety commits any acts of neglecting his duties, abusing power or practicing favouritism for personal gains other than those prescribed in the preceding paragraph shall be imposed

予查处的；

（四）在监督检查中发现重大事故隐患，不依法及时处理的。

负有安全生产监督管理职责的部门的工作人员有前款规定以外的滥用职权、玩忽职守、徇私舞弊行为的，依法给予处分；构成犯罪的，依照刑法有关规定追究刑事责任。

punishment in accordance with the law; if the act constitutes a crime, the criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

第九十一条 负有安全生产监督管理职责的部门，要求被审查、验收的单位购买其指定的安全设备、器材或者其他产品的，在对安全生产事项的审查、验收中收取费用的，由其上级机关或者监察机关责令改正，责令退还收取的费用；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 91 Where the department in charge of supervision and control over work safety requires the entities under its examination and check for acceptance to purchase work safety equipment, devices or other products it designates, or charges fees for examining or checking for acceptance matters relating to work safety, the authority at a higher level or a supervisory authority shall order it to make correction or return the fees collected; if the case is serious, the person directly in charge and other directly liable persons shall be imposed punishment in accordance with the law.

第九十二条 承担安全评价、认证、检测、检验职责的机构出具失实报告的，责令停业整顿，并处三万元以上十万元以下的罚款；给

Article 92 Where an organization in charge of safety-related assessment, certification, testing or inspection issues a false report, it shall be ordered to suspend business for rectification and be fined not less than 30,000 yuan but not more than 100,000 yuan; if damage is caused to others, it shall be liable for compensation in accordance with the

他人造成损害的，依法承担赔偿责任。

承担安全评价、认证、检测、检验职责的机构租借资质、挂靠、出具虚假报告的，没收违法所得；违法所得在十万元以上的，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十万元的，单处或者并处十万元以上二十万元以下的罚款；对其直接负责的主管人员和其他直接责任人员处五万元以上十万元以下的罚款；给他人造成损害的，与生产经营单位承担连带赔偿责任；构成犯罪的，依照刑法有关规定追究刑事责任。

对有前款违法行为的机构及其直接责任人员，吊销其相应资质和资格，五年内不得从事安全评价、认证、检测、检验等工作；情节严重的，实行终身行业和职业禁入。

law. Where the organization in charge of safety-related assessment, certification, testing or inspection leases or lends its qualifications, is affiliated to other organizations or issues false reports, its illegal gains shall be confiscated; if the illegal gains exceed 100,000 yuan, it shall, in addition, be fined not less than two times but not more than five times the illegal gains; if there are no illegal gains or the illegal gains are less than 100,000 yuan, it shall only, or in addition, be fined not less than 100,000 yuan but not more than 200,000 yuan, and its person directly in charge and other directly liable persons shall be fined not less than 50,000 yuan but not more than 100,000 yuan. If damage is caused to others, the organization shall bear joint and several liability to pay compensation with the producer or business operator concerned; if it constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

Organizations that commit violations mentioned in the preceding paragraph and their directly liable persons shall be disqualified accordingly, and they shall not engage in safety-related assessment, certification, testing or inspection within five years; if the circumstance is serious, they shall be banned from entering the industry or profession for life.

第九十三条 生产经营单位的决策机构、主要负责人或者个人经

Article 93 Any decision-making body, the principal of a producer or business operator or individual investor that fails to guarantee, in accordance with the provisions of this Law,

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；构成犯罪的，依照刑法有关规定追究刑事责任。

第九十四条 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，处二万元以上五万元以下的罚款；逾期未改正的，处五万元以上十万元以下的罚款，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的，给予撤职处分；构成犯罪的，依照刑法有关规定追究刑事责任。

the funds for input essential to work safety, thus resulting in the lack of conditions for work safety, the producer or business operator shall be ordered to make correction by providing the necessary amount of funds within a specified time limit. In case of failure to do so within the specified time limit, the producer or business operator shall be ordered to suspend production or business operation for rectification. In the event of the violation of laws as mentioned in the preceding paragraph, which leads to the occurrence of a work safety accident, the principal of the producer or business operator shall be discharged from his post, and the individual investor shall be fined not less than 20,000 yuan but not more than 200,000 yuan. If the violation constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

Article 94 The principal of a producer or business operator who fails to perform his duty for control over work safety as provided for in this Law shall be ordered to make corrections within a specified time limit and be fined not less than 20,000 yuan but not more than 50,000 yuan; in case of failure to make the corrections within the specified time limit, he shall be fined not less than 50,000 yuan but not more than 100,000 yuan, and the producer or business operator shall be ordered to suspend production or business operation for rectification. The principal of a producer or business operator on whom a criminal punishment is imposed or who is discharged from his/her post in accordance with the provisions in the preceding paragraph may not serve as a principal for any producer or business operator within five years starting from the date on which the criminal punishment is served or the date on which he is discharged from his post. If the person is liable for a serious or extremely serious work safety accident, the person shall not serve as a principal of any producer or business operator in the industry

任。

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；对重大、特别重大生产安全事故负有责任的，终身不得担任本行业生产经营单位的主要负责人。

concerned for life.

第九十五条 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，导致发生生产安全事故的，由应急管理部门依照下列规定处以罚款：

（一）发生一般事故的，处上一年年收入百分之四十的罚款；

（二）发生较大事故的，处上一年年收入百分之六十的罚款；

（三）发生重大事故的，处上一年年收入百分之八十的罚款；

（四）发生特别重大事故的，处上一年年收入百分之一百的罚款

Article 95 Where the principal of a producer or business operator fails to perform his responsibilities for control over work safety as provided for in this Law, leading to the occurrence of a work safety accident, the emergency administration shall impose a fine on him according to the following provisions: (1) a fine equivalent to 40% of his annual income of the preceding year shall be imposed in the event of occurrence of a general accident;

(2) a fine equivalent to 60% of his annual income of the preceding year shall be imposed in the event of occurrence of a relatively serious accident;

(3) a fine equivalent to 80% of his annual income of the preceding year shall be imposed in the event of occurrence of a serious accident; or

(4) a fine equivalent to 100% of his annual income of the preceding year shall be imposed in the event of occurrence of an extremely serious accident.

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第九十六条 生产经营单位的其他负责人和安全生产管理人员未履行本法规定的安全生产管理职责的，责令限期改正，处一万元以上三万元以下的罚款；导致发生生产安全事故的，暂停或者吊销其与安全生产有关的资格，并处上一年年收入百分之二十以上百分之五十以下的罚款；构成犯罪的，依照刑法有关规定追究刑事责任。

Article 96 Other persons in charge and work safety management persons of a producer or business operator who fail to perform their responsibilities for control over work safety as provided for in this Law shall be ordered to make corrections within a specified time limit and be fined not less than 10,000 yuan but not more than 30,000 yuan. If a work safety accident occurs as a result, their qualifications relating to work safety shall be suspended or revoked, and a fine not less than 20% but not more than 50% of their annual income of the preceding year shall be imposed on them. If their act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

第九十七条 生产经营单位有下列行为之一的，责令限期改正，处十万元以下的罚款；逾期未改正的，责令停产停业整顿，并处十万元以上二十万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处二万元以上五万元以下的罚款：

Article 97 Any producer or business operator that commits one of the following acts shall be ordered to make corrections within a specified time limit and be fined not more than 100,000 yuan; in case of failure to make the corrections within the specified time limit, it shall be ordered to suspend production or business operation for rectification and be fined not less than 100,000 yuan but not more than 200,000 yuan, and the person directly in charge and other directly liable persons shall be fined not less than 20,000 yuan but not more than 50,000 yuan: (1) failing to set up an organization or to have persons for the control over work safety or certified safety engineers as required by regulations;

（一）未按照规定设置安全生产管理机构或者配备安全生产管理人员、注册安全工程师的；

(2) the principal and work safety management persons of an entity that manufactures, sells, stores or loads and unloads dangerous articles or of a mine or an entity for metal smelting, construction or transport fail to pass the examinations as required by regulations;

（二）危险物品的生产、经营

(3) failing to provide its employees, dispatched workers and students serving as interns with education and training on work

、储存、装卸单位以及矿山、金属冶炼、建筑施工、运输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；	safety according to relevant regulations or failing to truthfully inform them of the matters relating to work safety according to relevant regulations;
（三）未按照规定对从业人员、被派遣劳动者、实习学生进行安全生产教育和培训，或者未按照规定如实告知有关的安全生产事项的；	(4) failing to truthfully record the information on education and training on work safety;
（四）未如实记录安全生产教育和培训情况的；	(5) failing to truthfully record or to notify the employees of, the information on screening and handling of the hidden dangers of accidents;
（五）未将事故隐患排查治理情况如实记录或者未向从业人员通报的；	(6) failing to formulate the emergency rescue plans for work safety accidents or to organize drills on a regular basis in accordance with relevant regulations; or
（六）未按照规定制定生产安全事故应急救援预案或者未定期组织演练的；	(7) the special operation personnel take up their posts without receiving special training on safe operation or obtaining qualifications as required by regulations.
（七）特种作业人员未按照规定经专门的安全作业培训并取得相应资格，上岗作业的。	

第九十八条 生产经营单位有下列行为之一的，责令停止建设或

Article 98 Any producer or business operator that commits one of the following acts shall be ordered to suspend construction or production or business operation for

者停产停业整顿，限期改正，并处十万元以上五十万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处二万元以上五万元以下的罚款；逾期未改正的，处五十万元以上一百万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处五万元以上十万元以下的罚款；构成犯罪的，依照刑法有关规定追究刑事责任：

（一）未按照规定对矿山、金属冶炼建设项目或者用于生产、储存、装卸危险物品的建设项目进行安全评价的；

（二）矿山、金属冶炼建设项目或者用于生产、储存、装卸危险物品的建设项目没有安全设施设计或者安全设施设计未按照规定报经有关部门审查同意的；

（三）矿山、金属冶炼建设项目或者用于生产、储存、装卸危险物品的建设项目的施工单位未按照

rectification and make corrections within a specified time limit and shall, in addition, be fined not less than 100,000 yuan but not more than 500,000 yuan, and the person directly in charge and other directly liable persons shall be fined not less than 20,000 yuan but not more than 50,000 yuan; in case of failure to make the corrections within the specified time limit, it shall be fined not less than 500,000 yuan but not more than 1 million yuan, and the person directly in charge and other directly liable persons shall be fined not less than 50,000 yuan but not more than 100,000 yuan; if the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law: (1) where it fails to conduct safety assessment for the construction projects for mines or metal smelting or construction projects for the manufacture, storage, loading or unloading of dangerous articles, as required by relevant regulations;

(2) where there are no designs of safety facilities for construction projects for mines or metal smelting or construction projects for the manufacture, storage, loading or unloading of dangerous articles or such designs fail to be submitted to the relevant authority for examination and approval as required by relevant regulations;

(3) where the construction entity of the construction projects for mines or metal smelting or construction projects for the manufacture, storage, loading or unloading of dangerous articles fails to construct the projects according to the approved design of safety facilities; or

(4) where the construction projects for mines or metal smelting or construction projects for the manufacture, storage, loading or unloading of dangerous articles are completed and put into production or use before the safety facilities pass the acceptance inspection.

批准的安全设施设计施工的；

（四）矿山、金属冶炼建设项目或者用于生产、储存、装卸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。

第九十九条 生产经营单位有下列行为之一的，责令限期改正，处五万元以下的罚款；逾期未改正的，处五万元以上二十万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处一万元以上二万元以下的罚款；情节严重的，责令停产停业整顿；构成犯罪的，依照刑法有关规定追究刑事责任：

（一）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；

（二）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；

（三）未对安全设备进行经常

Article 99 Any producer or business operator that commits one of the following acts shall be ordered to make correction within a specified time limit and may be fined not more than 50,000 yuan; in case of failure to make the correction within the specified time limit, it shall be fined not less than 50,000 yuan but not more than 200,000 yuan, and the person directly in charge and other directly liable persons shall be fined not less than 10,000 yuan but not more than 20,000 yuan; if the case is serious, the entity shall be ordered to suspend production or business operation for rectification; if the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law: (1) where no conspicuous safety precaution signs are posted in production and business places and at relevant facilities and equipment where the factors of relatively grave danger exist; (2) where the safety equipment is not installed, used, tested, renovated or scrapped in compliance with national standards or industrial standards; (3) where the safety equipment is not constantly maintained or served or regularly tested; (4) turning off or destroying the monitoring, alarm, protection or life-saving equipment or facilities that have a direct bearing on work safety or altering, concealing or destroying the relevant data or information;

性维护、保养和定期检测的；

(5) where no work protection supplies that are up to national standards or industrial standards are provided to employees;

（四）关闭、破坏直接关系生产安全的监控、报警、防护、救生设备、设施，或者篡改、隐瞒、销毁其相关数据、信息的；

(6) where the containers and transport vehicles for dangerous articles and the special equipment for offshore oil exploitation and underground mining that threatens safety of people's lives and is of great danger are put into use without passing the test or check conducted by professionally qualified authorities and without safety use certificates or safety tags issued;

（五）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；

(7) where techniques and equipment threatening work safety which ought to be eliminated are used; and

（六）危险物品的容器、运输工具，以及涉及人身安全、危险性较大的海洋石油开采特种设备和矿山井下特种设备未经具有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；

(8) where any producer or business operator in the catering industry, etc. uses gas but fails to install combustible gas alarm devices.

（七）使用应当淘汰的危及生产安全的工艺、设备的；

（八）餐饮等行业的生产经营单位使用燃气未安装可燃气体报警装置的。

第一百条 未经依法批准，擅自生产、经营、运输、储存、使用

Article 100 Without obtaining approval in accordance with the law, an entity that produces, sells, transports, stores or uses dangerous articles or disposes of abandoned dangerous

危险物品或者处置废弃危险物品的，依照有关危险物品安全管理的法律、行政法规的规定予以处罚；构成犯罪的，依照刑法有关规定追究刑事责任。

articles shall be punished in accordance with the laws and administrative regulations on safety control over dangerous articles. If the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

第一百零一条 生产经营单位有下列行为之一的，责令限期改正，处十万元以下的罚款；逾期未改正的，责令停产停业整顿，并处十万元以上二十万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处二万元以上五万元以下的罚款；构成犯罪的，依照刑法有关规定追究刑事责任：

Article 101 Any producer or business operator that commits one of the following acts shall be ordered to make corrections within a specified time limit and shall be fined not more than 100,000 yuan; in case of failure to make the corrections within the specified time limit, it shall be ordered to suspend production or business operation for rectification and shall be fined not less than 100,000 yuan but not more than 200,000 yuan, and the person directly in charge and other directly liable persons shall be fined not less than 20,000 yuan but not more than 50,000 yuan; if the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law:

（一）生产、经营、运输、储存、使用危险物品或者处置废弃危险物品，未建立专门安全管理制度、未采取可靠的安全措施的；

(1) failing to establish a special safety management system or adopt reliable safety measures for the manufacture, sale, transport, storage or use of dangerous articles or disposal of abandoned dangerous articles;

（二）对重大危险源未登记建档，未进行定期检测、评估、监控，未制定应急预案，或者未告知应急措施的；

(2) failing to have the major hazard sources recorded and archived, failing to conduct regular testing, assessment and monitoring, or failing to formulate emergency plans, or failing to inform the emergency measures;

（三）进行爆破、吊装、动火

(3) failing to arrange for special persons to the site for safety management when carrying out blasting, hoisting, fire operation, temporary use of electricity or any other dangerous operations specified by the emergency administration under the State Council in conjunction with the relevant departments of the State Council;

(4) failing to establish a system for graded control over safety risks or failing to adopt appropriate control measures according to the

、临时用电以及国务院应急管理部门会同国务院有关部门规定的其他危险作业，未安排专门人员进行现场安全管理的；

grading of safety risks; or
(5) failing to establish a system for screening and handling of hidden dangers of accidents or failing to report, as required, the information on screening and handling of hidden dangers of serious accidents.

（四）未建立安全风险分级管控制度或者未按照安全风险分级采取相应管控措施的；

（五）未建立事故隐患排查治理制度，或者重大事故隐患排查治理情况未按照规定报告的。

第一百零二条 生产经营单位未采取措施消除事故隐患的，责令立即消除或者限期消除，处五万元以下的罚款；生产经营单位拒不执行的，责令停产停业整顿，对其直接负责的主管人员和其他直接责任人员处五万元以上十万元以下的罚款；构成犯罪的，依照刑法有关规定追究刑事责任。

Article 102 Any producer or business operator that fails to adopt measures to eliminate any hidden danger of accidents shall be ordered to eliminate the same immediately or within a specified time limit and shall be fined not more than 50,000 yuan; in case of refusal to do so, it shall be ordered to suspend production or business operation for rectification, and the person directly in charge and other directly liable persons shall be fined not less than 50,000 yuan but not more than 100,000 yuan; if the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

第一百零三条 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

Article 103 Any producer or business operator that contracts out or leases production or business projects, work places or equipment to entities or individuals that do not possess the conditions for work safety or the necessary qualifications shall be ordered to make correction within a specified time limit and its illegal gains shall be confiscated; if the illegal

令限期改正，没收违法所得；违法所得十万元以上的，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十万元的，单处或者并处十万元以上二十万元以下的罚款；对其直接负责的主管人员和其他直接责任人员处一万元以上二万元以下的罚款；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，处五万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处一万元以下的罚款；逾期未改正的，责令停产停业整顿。

矿山、金属冶炼建设项目和用于生产、储存、装卸危险物品的建设项目的施工单位未按照规定对施

gains exceed 100,000 yuan, it shall, in addition, be fined not less than two times the illegal gains but not more than five times the amount; if there are no illegal gains or the illegal gains are less than 100,000 yuan; it shall only, or in addition, be fined not less than 100,000 yuan but not more than 200,000 yuan and the person directly in charge and other directly liable persons shall be fined not less than 10,000 yuan but not more than 20,000 yuan; if a work safety accident occurs as a result, which causes damage to another party, the entity shall bear the joint and several liability for compensation together with the contractors or lessees. If the producer or business operator fails to sign a special agreement on work safety control with each of the contractors or lessees, or if it fails to have the responsibilities of each party for work safety control specified in the contract, or if it fails to conduct overall coordination and control over work safety of the contractors or lessees, it shall be ordered to make correction within a specified time limit and may, in addition, be fined not more than 50,000 yuan and the person directly in charge and other directly liable persons shall be fined not more than 10,000 yuan; in case of failure to make the correction within the specified time limit, it shall be ordered to suspend production or business operation for rectification.

Where construction entities of construction projects for mines or metal smelting and construction projects for the manufacture, storage, loading and unloading of dangerous articles fail to carry out safety control over the construction projects as required by relevant regulations, they shall be ordered to make corrections within a specified time limit and be fined not more than 100,000 yuan, and the person directly in charge and other directly liable persons shall be fined not more than 20,000 yuan; in case of failure to make the corrections within the specified time limit, they shall be ordered to suspend production or business operation for rectification. Where the above-mentioned construction entities resell, lease, lend, subordinate to or illegally transfer in any other form the construction qualifications, they shall be ordered to suspend production or business operation for rectification, their

工项目进行安全管理的，责令限期改正，处十万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处二万元以下的罚款；逾期未改正的，责令停产停业整顿。以上施工单位倒卖、出租、出借、挂靠或者以其他形式非法转让施工资质的，责令停产停业整顿，吊销资质证书，没收违法所得；违法所得十万元以上的，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十万元的，单处或者并处十万元以上二十万元以下的罚款；对其直接负责的主管人员和其他直接责任人员处五万元以上十万元以下的罚款；构成犯罪的，依照刑法有关规定追究刑事责任。

qualification certificates shall be revoked and the illegal gains shall be confiscated; if the illegal gains exceed 100,000 yuan, they shall, in addition, be fined not less than two times but not more than five times the amount of the illegal gains; if there are no illegal gains or the amount of the illegal gains is less than 100,000 yuan, they shall only, or in addition, be fined not less than 100,000 yuan but not more than 200,000 yuan, and the person directly in charge and other directly liable persons shall be fined not less than 50,000 yuan but not more than 100,000 yuan; if the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

第一百零四条 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

Article 104 Where two or more producer or business operators are conducting production or business operation within the same work zone, which may endanger each other's work safety, if they fail to sign an agreement on work safety control or to assign full-time persons for control over work safety to conduct safety inspection and coordination, they shall be ordered to make correction within a specified time limit and may be fined not more than 50,000 yuan and the person directly in charge and other directly liable persons

，处五万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处一万元以下的罚款；逾期未改正的，责令停产停业。

shall be fined not more than 10,000 yuan; in case of failure to do so within the specified time limit, they shall be ordered to suspend production or business operation.

第一百零五条 生产经营单位有下列行为之一的，责令限期改正，处五万元以下的罚款，对其直接负责的主管人员和其他直接责任人员处一万元以下的罚款；逾期未改正的，责令停产停业整顿；构成犯罪的，依照刑法有关规定追究刑事责任：

Article 105 Any producer or business operator that commits one of the following acts shall be ordered to make correction within a specified time limit and may, in addition, be fined not more than 50,000 yuan and the person directly in charge and other directly liable persons shall be fined not more than 10,000 yuan; in case of failure to do so within the specified time limit, it shall be ordered to suspend production or business operation for rectification; if a crime is constituted, criminal liability shall be pursued in accordance with the relevant provisions in the Criminal Law: (1) having workshops, stores or warehouses where dangerous articles are manufactured, sold, stored or used share the same building with the employees' living quarters or the distance between these structures and the employees' living quarters is not up to the requirements for safety;

(2) The production or business operation site and the staff dormitories are not equipped with exits or evacuation channels that meet the needs of emergency evacuation and are not clearly marked and kept unblocked, or the exits or evacuation channels of the production and business operation site or the staff dormitories are occupied, locked or blocked.

（一）生产、经营、储存、使用危险物品的车间、商店、仓库与员工宿舍在同一座建筑内，或者与员工宿舍的距离不符合安全要求的；

（二）生产经营场所和员工宿舍未设有符合紧急疏散需要、标志明显、保持畅通的出口、疏散通道，或者占用、锁闭、封堵生产经营场所或者员工宿舍出口、疏散通道的。

第一百零六条 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。

Article 106 Where a producer or business operator signs an agreement with its employees in an attempt to exempt itself from or lighten the liability it should bear in accordance with the law for the employees who are injured or killed as a result of work safety accidents, such agreement shall be invalid, and the principal of the entity and the individual investor shall be fined not less than 20,000 yuan but not more than 100,000 yuan.

第一百零七条 生产经营单位

的从业人员不落实岗位安全责任，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；构成犯罪的，依照刑法有关规定追究刑事责任。

Article 107 Where any employee of a producer or business operator fails to fulfill his/her post safety responsibilities, refuses to subject himself to management or violates work safety rules and regulations or operating procedures, the producer or business operator shall criticize and educate him/her and take disciplinary actions against him/her in accordance with relevant rules and regulations; if the act constitutes a crime, criminal liability shall be investigated in accordance with relevant provisions of the Criminal Law.

第一百零八条 违反本法规定

，生产经营单位拒绝、阻碍负有安全生产监督管理职责的部门依法实施监督检查的，责令改正；拒不改正的，处二万元以上二十万元以下的罚款；对其直接负责的主管人员和其他直接责任人员处一万元以上二万元以下的罚款；构成犯罪的，依照刑法有关规定追究刑事责任。

Article 108 Any producer or business operator that, in violation of this Law, hinders work safety supervision and administration department from carrying out supervision and inspection in accordance with the law shall be ordered to make correction; if it refuses to make the correction, its shall be fined not less than 20,000 yuan but not more than 200,000 yuan and the person directly in charge and other directly liable persons shall be fined not less than 10,000 yuan but more than 20,000 yuan; if the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law.

第一百零九条 高危行业、领域的生产经营单位未按照国家规定投保安全生产责任保险的，责令限期改正，处五万元以上十万元以下的罚款；逾期未改正的，处十万元以上二十万元以下的罚款。

Article 109 Where any producer or business operator in a high-risk industry or field fails to purchase work safety liability insurance in accordance with relevant provisions of the State, it shall be ordered to make corrections within a specified time limit and shall be fined not less than 50,000 yuan but not more than 100,000 yuan; in case of failure to make the corrections within the specified time limit, it shall be fined not less than 100,000 yuan but not more than 200,000 yuan.

第一百一十条 生产经营单位的主要负责人在本单位发生生产安全事故时，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，给予降级、撤职的处分，并由应急管理部门处上一年年收入百分之六十至百分之一百的罚款；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。

Article 110 In the event of occurrence of a work safety accident in a producer or business operator, the principal of the entity fails to make immediate arrangements for rescue operation or, during the period of investigation and handling of the accident, leaves his post without permission or goes into hiding, he shall be demoted or discharged from his post as a punishment and shall be fined an amount ranging from 60% to 100% of the previous year's annual income by the emergency administration; if he goes into hiding, he shall be detained for less than 15 days; if the act constitutes a crime, criminal liability shall be pursued in accordance with relevant provisions of the Criminal Law. Where the principal of a producer or business operator conceals the facts of a work safety accident, makes false report of the accident or delays such report, he shall be punished in accordance with the provisions in preceding paragraph.

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

第一百一十一条 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、谎报或者迟报的，对直接负责

Article 111 Where the local people's government concerned or work safety supervision and administration department conceals the facts of a work safety accident, makes false report of the accident or delays such report, the persons directly in charge and the other directly liable persons shall be punished in accordance with the law; if a crime is

的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依照刑法有关规定追究刑事责任。

constituted, they shall be pursued for criminal liability in accordance with the provisions in the Criminal Law.

第一百一十二条 生产经营单位违反本法规定，被责令改正且受到罚款处罚，拒不改正的，负有安全生产监督管理职责的部门可以自作出责令改正之日的次日起，按照原处罚数额按日连续处罚。

Article 112 Where any producer or business operator that is ordered to make corrections and has been fined for violation of this Law refuses to do so, the authority in charge of supervision and control over work safety may, as of the following date after the order for corrections is made, impose consecutive fines on a daily basis based on the original amount of fine.

第一百一十三条 生产经营单位存在下列情形之一的，负有安全生产监督管理职责的部门应当提请地方人民政府予以关闭，有关部门应当依法吊销其有关证照。生产经营单位主要负责人五年内不得担任任何生产经营单位的主要负责人；情节严重的，终身不得担任本行业生产经营单位的主要负责人：

Article 113 Where any producer or business operator falls under any of the following circumstances, the department in charge of supervision and control over work safety shall request the local people's government to close it down, and the relevant departments shall revoke its relevant certificates and licenses in accordance with the law. The principal of the producer or business operator shall not serve as the principal of any producer or business operator within five years; if the case is serious, he shall never serve as the principal of any producer or business operator in the industry: (1) being subject to administrative penalties prescribed herein three times within 180 days or four times within one year for the existence of hidden danger of a serious accident;

（一）存在重大事故隐患，一百八十日内三次或者一年内四次受到本法规定的行政处罚的；

(2) still failing to meet the work safety conditions specified in the laws, administrative regulations and national or industrial standards after suspension of production or business operation for rectification;

（二）经停产停业整顿，仍不具备法律、行政法规和国家标准或

(3) failing to meet the work safety conditions specified in the laws, administrative regulations and national or industrial standards, resulting in the occurrence of a major or extremely major work

者行业标准规定的安全生产条件的

safety accident; or

;

(4) refusing to carry out the decision made by the department in charge of supervision and control over work safety on suspension of production or business operation for rectification.

（三）不具备法律、行政法规

和国家标准或者行业标准规定的安

全生产条件，导致发生重大、特别

重大生产安全事故的；

（四）拒不执行负有安全生产

监督管理职责的部门作出的停产停

业整顿决定的。

第一百一十四条 发生生产安

全事故，对负有责任的生产经营单位除要求其依法承担相应的赔偿等责任外，由应急管理部门依照下列规定处以罚款：

（一）发生一般事故的，处三

十万元以上一百万元以下的罚款；

（二）发生较大事故的，处一

百万元以上二百万元以下的罚款；

（三）发生重大事故的，处二

百万元以上一千万元以下的罚款；

（四）发生特别重大事故的，

Article 114 Where a work safety accident occurs, any producer or business operator that is liable shall, in addition to bearing appropriate liability for compensation, etc., be fined by the emergency administration according to the following provisions: (1) in the event of occurrence of a general accident, a fine not less than 300,000 yuan but not more than 1 million yuan shall be imposed on it;

(2) in the event of occurrence of a relatively serious accident, a fine not less than 1 million yuan but not more than 2 million yuan shall be imposed on it;

(3) in the event of occurrence of a serious accident, a fine not less than 2 million yuan but not more than 10 million yuan shall be imposed on it; and

(4) in the event of occurrence of an extremely serious accident, a fine not less than 10 million yuan but not more than 20 million yuan shall be imposed on it.

Where a work safety accident occurs and the circumstances are extremely serious or the impact is extremely adverse, the

处一千万元以上二千万元以下的罚款。

发生生产安全事故，情节特别严重、影响特别恶劣的，应急管理部门可以按照前款罚款数额的二倍以上五倍以下对负有责任的生产经营单位处以罚款。

emergency administration may impose a fine equivalent to two to five times the amount of the fine prescribed in the preceding paragraph on the producer or business operator that is liable therefor.

第一百一十五条 本法规定的行政处罚，由应急管理部门和其他负有安全生产监督管理职责的部门按照职责分工决定；其中，根据本法第九十五条、第一百一十条、第一百一十四条的规定应当给予民航、铁路、电力行业的生产经营单位及其主要负责人行政处罚的，也可以由主管的负有安全生产监督管理职责的部门进行处罚。予以关闭的行政处罚，由负有安全生产监督管理职责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的规定决定。

Article 115 The administrative punishment prescribed in this Law shall be decided on by the emergency administration and other departments in charge of supervision and control over work safety according to the division of functions. Where an administrative punishment shall be imposed on a producer or business operator in the civil aviation, railway or power industries and its principal under Articles 95, 110 and 114 hereof, the punishment may also be imposed by the competent department in charge of supervision and control over work safety. The administrative punishment of closedown shall be submitted by the department in charge of supervision and control over work safety to the people's government at or above the county level, which shall make a decision within the limit of its power specified by the State Council; the administrative punishment of detention shall be decided on by the public security organ in accordance with the provisions on administrative punishment for public security.

第一百一十六条 生产经营单

Article 116 A producer or business operator, in which a work safety accident occurs, resulting in injuries or deaths of its

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。

employees and causing losses to other persons, shall bear the liability to pay compensation in accordance with the law; if the entity refuses to do so or the person in charge of it goes into hiding, the People's Court shall take enforcement measures in accordance with the law. If the person liable for a work safety accident who fails to bear the liability to pay compensation in accordance with the law is still unable to pay compensation in full to the victims after the People's Court has taken enforcement measures against him in accordance with the law, he shall continue to perform his obligation of compensation. If the victims find that the person has other property, they may, at any time, make a request to the People's Court for enforcement.

第七章 附则

Chapter VII Supplementary Provisions

第一百一十七条 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。

重大危险源，是指长期地或者临时地生产、搬运、使用或者储存危险物品，且危险物品的数量等于或者超过临界量的单元（包括场所

Article 117 For the purpose of this Law, the following terms have the following meaning Dangerous articles include materials that pose potential threat to the safety of persons and property safety, such as combustibles and explosives, hazardous chemical materials and radioactive substances.

Sources of great hazardousness refer to long-term or temporary manufacturing, transporting, using or storing of hazardous materials, the amount of which is equal to or exceeds the critical amount unit (including the places and facilities).

和设施）。

第一百一十八条 本法规定的生产安全一般事故、较大事故、重大事故、特别重大事故的划分标准由国务院规定。

国务院应急管理部门和其他负有安全生产监督管理职责的部门应当根据各自的职责分工，制定相关行业、领域重大危险源的辨识标准和重大事故隐患的判定标准。

第一百一十九条 本法自2002年11月1日起施行。

Article 118 The standards for identifying general accidents, relatively serious accidents, serious accidents and extremely serious accidents shall be provided for by the State

Council. The emergency administration under the State Council and other departments in charge of supervision and control over work safety shall, according to their respective responsibilities, formulate the identification standards for major hazard installations in relevant industries and fields and the judgment standards for hidden dangers of major accidents.

Article 119 This Law shall come into force on 1 November 2002.



扫一扫，手机阅读更方便