

中华人民共和国职业病防治法（2018修正）

发 文 机 关：全国人民代表大会
常务委员会

发 布 日 期：2018. 12. 29

生 效 日 期：2018. 12. 29

时 效 性：现行有效

Promulgated by:

Standing Committee of the National
People's Congress

Promulgation Date:

2018.12.29

Effective Date:

2018.12.29

Validity Status:

valid

中华人民共和国职业病防治法（2018修正）

（2001年10月27日第九届全国
人民代表大会常务委员会第二十四
次 会 议 通 过

根据2011年12月31日第十一届全国
人民代表大会常务委员会第二十四
次会议《关于修改〈中华人民共和
国职业病防治法〉的决定》第一次
修 正

根据2016年7月2日第十二届全国人
民代表大会常务委员会第二十一次
会议《关于修改〈中华人民共和国
节约能源法〉等六部法律的决定》
第 二 次 修 正

根据2017年11月4日第十二届全国
人民代表大会常务委员会第三十次
会议《关于修改〈中华人民共和国

Law of People's Republic of China on the Prevention & Control of Occupational Diseases (Amended in 2018)

(Adopted at the 24th Session of the Standing Committee of the Ninth National People's Congress on October 27, 2001, amended for the first time in accordance with the Decision on Amending the Law of People's Republic of China on the Prevention & Control of Occupational Diseases adopted at the 24th Session of the Standing Committee of the Eleventh National People's Congress on December 31, 2011, amended for the second time in accordance with the Decision on Amending the Energy Conservation Law of the People's Republic of China and Other Five Laws adopted at the 21st Session of the Standing Committee of the Twelfth National People's Congress on July 2, 2016, amended for the third time in accordance with the Decision on Amending the Accounting Law of the People's Republic of China and Other Ten Laws adopted at the 30th Session of the Standing Committee of the Twelfth National People's Congress on November 4, 2017, and amended for the fourth time in accordance with the Decision on Amending the Labor Law of the People's Republic of China and Other Six Laws adopted at the Seventh Session of the Standing Committee of the Thirteenth National People's Congress on December 29, 2018)

会计法》等十一部法律的决定》第三次修正

根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国劳动法〉等七部法律的决定》第四次修正）

第一章 总 则

第一条 为了预防、控制和消除职业病危害，防治职业病，保护劳动者健康及其相关权益，促进经济社会发展，根据宪法，制定本法。

第二条 本法适用于中华人民共和国领域内的职业病防治活动。

本法所称职业病，是指企业、事业单位和个体经济组织等用人单位的劳动者在职业活动中，因接触粉尘、放射性物质和其他有毒、有害因素而引起的疾病。

职业病的分类和目录由国务院卫生行政部门会同国务院劳动保障

Chapter I General Provisions

Article 1 The Law of the People's Republic of China on the Prevention & Control of Occupational Diseases (hereinafter "this Law") has been formulated pursuant to the Constitution of the People's Republic of China to prevent, control and eliminate occupational disease hazards, prevent and control occupational diseases, protect the health and other related rights and interests of the workers and promote economic and social development.

Article 2 This Law shall apply to the occupational disease prevention and control activities performed within the People's Republic of China. For the purpose of this Law, "occupational diseases" refers to diseases suffered by the workers of such Employer as enterprises, public institutions, and individual economic organizations due to exposure to dust, radioactive substances, and other toxic and hazardous factors.

The classification and catalogue of occupational diseases shall be developed, adjusted and published by the competent department in charge of health together with the administrative department in charge of labor security under the State Council.

行政部门制定、调整并公布。

第三条 职业病防治工作坚持预防为主、防治结合的方针，建立用人单位负责、行政机关监管、行业自律、职工参与和社会监督的机制，实行分类管理、综合治理。

Article 3 The occupational diseases prevention and control work shall be carried out in accordance with the principle of "focusing on prevention while combining prevention with control" by establishing a mechanism featuring the Employer taking responsibilities, regulation by the administrative departments, industry self-discipline, employee participation and social supervision to ensure classified management and comprehensive control.

第四条 劳动者依法享有职业卫生保护的权利。

Article 4 The workers are entitled to occupational health protection by law. The Employer shall create working environments and conditions that meet the occupational health standards and health requirements of the State and take measures to ensure occupational health protection for the workers.

用人单位应当为劳动者创造符合国家职业卫生标准和卫生要求的工作环境和条件，并采取措施保障劳动者获得职业卫生保护。

The trade unions shall supervise occupational disease prevention and control work and safeguard the lawful rights and interests of the workers. The Employer shall consult the trade unions when developing or revising related rules and policies concerning occupational disease prevention and control.

工会组织依法对职业病防治工作进行监督，维护劳动者的合法权益。用人单位制定或者修改有关职业病防治的规章制度，应当听取工会组织的意见。

第五条 用人单位应当建立、健全职业病防治责任制，加强对职业病防治的管理，提高职业病防治水平，对本单位产生的职业病危害承担责任。

Article 5 The Employer shall establish and perfect a responsibility system of occupational disease prevention and control, step up the management of occupational disease prevention and control, increase the level of occupational disease prevention and control and be liable for occupational disease hazards that occur to the Employer.

第六条 用人单位的主要负责人对本单位的职业病防治工作全面负责。

Article 6 The chief responsible person of Employer shall assume overall responsibility for its occupational disease prevention and control work.

第七条 用人单位必须依法参加工伤保险。

Article 7 The Employer must participate in work injury insurance by law. The competent administrative department in charge of labor security under the State Council and the people's government at the county level or above shall step up the supervision and regulation of the work injury insurance to ensure that the workers are entitled to the benefits of the work injury insurance by law.

国务院和县级以上地方人民政府劳动保障行政部门应当加强对工伤保险的监督管理，确保劳动者依法享受工伤保险待遇。

第八条 国家鼓励和支持研制、开发、推广、应用有利于职业病防治和保护劳动者健康的新技术、新工艺、新设备、新材料，加强对职业病的机理和发生规律的基础研究，提高职业病防治科学技术水平；积极采用有效的职业病防治技术、工艺、设备、材料；限制使用或者淘汰职业病危害严重的技术、工艺、设备、材料。

Article 8 The State encourages and supports R&D, promotion and use of new technologies, processes, equipment and materials that are helpful for occupational diseases prevention and control and protecting the health of the workers, shall step up basic research on the mechanism and law of occurrence of occupational diseases, and increase the sci-tech level of occupational disease prevention and control; makes active use of effective technologies, processes, equipment and materials for occupational disease prevention and control; restrict or eliminate the use of technologies, processes, equipment and materials that pose major occupational disease hazards. The States encourages and supports the construction of occupational disease treatment and rehabilitation facilities.

国家鼓励和支持职业病医疗康复机构的建设。

第九条 国家实行职业卫生监

Article 9 The States adopts a system of occupational health supervision. The c competent administrative department in

督制度。

国务院卫生行政部门、劳动保障行政部门依照本法和国务院确定的职责，负责全国职业病防治的监督管理工作。国务院有关部门在各自的职责范围内负责职业病防治的有关监督管理工作。

县级以上地方人民政府卫生行政部门、劳动保障行政部门依据各自职责，负责本行政区域内职业病防治的监督管理工作。县级以上地方人民政府有关部门在各自的职责范围内负责职业病防治的有关监督管理工作。

县级以上人民政府卫生行政部门、劳动保障行政部门（以下统称职业卫生监督管理部门）应当加强沟通，密切配合，按照各自职责分工，依法行使职权，承担责任。

第十条 国务院和县级以上地方人民政府应当制定职业病防治规划，将其纳入国民经济和社会发展

charge of health, and competent administrative department in charge of labor security under the State Council shall, according to this Law and the responsibilities specified by the State Council, be responsible for supervision and regulation of nationwide occupational disease prevention and control. The related competent departments under the State Council shall be responsible for related supervision and regulation work concerning occupational disease prevention and control within the scope of their respective responsibilities.

The competent administrative department in charge of health, and competent administrative department in charge of labor security under the people's governments at the county level or above shall, according to their respective responsibilities, be responsible for supervision and regulation of occupational disease prevention and control within their respective administrative regions. The related competent departments under the people's governments at the county level or above shall be responsible for related supervision and regulation work concerning occupational disease prevention and control within the scope of their respective responsibilities.

The competent administrative department in charge of health, and competent administrative department in charge of labor security under the people's governments at the county level or above (hereinafter "Competent Departments in charge of Supervision and Regulation of Occupational Health") shall step up communication, cooperate closely with each other, exercise their power and duties by law and take their responsibilities according to the division of respective responsibilities.

Article 10 The State Council and the people's government at the county level or above shall develop an occupational disease prevention and control plan, include it into the national economy and social development plan, and organize its implementation. The people's governments at the county level or above level shall assume overall responsibility for leading,

计划，并组织实施。

县级以上地方人民政府统一负责、领导、组织、协调本行政区域的职业病防治工作，建立健全职业病防治工作体制、机制，统一领导、指挥职业卫生突发事件应对工作；加强职业病防治能力建设和服务体系建设，完善、落实职业病防治工作责任制。

乡、民族乡、镇的人民政府应当认真执行本法，支持职业卫生监督管理部门依法履行职责。

organizing and coordinating occupational disease prevention and control work within their respective administrative regions, establish and perfect the occupational disease prevention and control work system/mechanism, lead and command the response work on sudden occupational health accidents in a unified manner; step up the construction of occupational disease prevention and control capabilities and service systems, perfect and implement the responsibility system for occupational disease prevention and control work.

The people's governments of townships, nationality townships and towns shall implement this Law carefully and support the Competent Departments in Charge of Supervision and Regulation of Occupational Health to perform their functions by law.

第十一条 县级以上人民政府

职业卫生监督管理部门应当加强对职业病防治的宣传教育，普及职业病防治的知识，增强用人单位的职业病防治观念，提高劳动者的职业健康意识、自我保护意识和行使职业卫生保护权利的能力。

Article 11 The Competent Departments in Charge of Supervision and Regulation of Occupational Health of the people's governments at the county level or above shall step up the publicity and education on occupational disease prevention and control, spread knowledge concerning occupational disease prevention and control, improve awareness of Employer to prevent and control occupational diseases, and enhance the workers' occupational health awareness, self-protection awareness and their ability to exercise the right to occupational health protection.

第十二条 有关防治职业病的

国家职业卫生标准，由国务院卫生行政部门组织制定并公布。

Article 12 The national occupational health standards concerning occupational disease prevention and control shall be developed and published by the competent administrative department in charge of health under the State Council. The competent administrative department in charge of health under the State Council shall organize the implementation of monitoring and

国务院卫生行政部门应当组织开展重点职业病监测和专项调查，对职业健康风险进行评估，为制定职业卫生标准和职业病防治政策提供科学依据。

县级以上地方人民政府卫生行政部门应当定期对本行政区域的职业病防治情况进行统计和调查分析。

special investigations of key occupational disease and assess occupational health risks to provide a scientific basis for developing the occupational health standards and occupational disease prevention and control policies.

The competent department in charge of health under the people's governments at the county level or above shall regularly investigate and analyze through statistical operations the occupational disease prevention and control conditions within respective administrative regions.

第十三条 任何单位和个人有权对违反本法的行为进行检举和控告。有关部门收到相关的检举和控告后，应当及时处理。

对防治职业病成绩显著的单位和个人，给予奖励。

Article 13 Each entity and individual shall have the right to report and accuse any acts that violate this Law. Upon receipt of a related report and accusation, related departments in charge shall deal with the matter in a timely manner. Any entity or individual that makes outstanding contribution to occupational disease prevention and control shall be rewarded.

第二章 前期预防

Chapter II Preliminary Prevention

第十四条 用人单位应当依照法律、法规要求，严格遵守国家职业卫生标准，落实职业病预防措施，从源头上控制和消除职业病危害。

Article 14 Each employer shall, in accordance with the requirements of the laws and regulations, comply strictly with the occupational health standards of the State and implement occupational disease prevention and control measures to control and eliminate occupational disease hazards at source.

第十五条 产生职业病危害的

Article 15 Not only the establishment of the Employer that

用人单位的设立除应当符合法律、行政法规规定的设立条件外，其工作场所还应当符合下列职业卫生要求：

（一）职业病危害因素的强度或者浓度符合国家职业卫生标准；

（二）有与职业病危害防护相适应的设施；

（三）生产布局合理，符合有害与无害作业分开的原则；

（四）有配套的更衣间、洗浴间、孕妇休息间等卫生设施；

（五）设备、工具、用具等设置符合保护劳动者生理、心理健康的要求；

（六）法律、行政法规和国务院卫生行政部门关于保护劳动者健康的其他要求。

generates occupational disease hazards shall meet the requirements for establishment set forth in the laws, administrative regulations and rules, but also its workplace shall meet the following occupational health requirements: (1) The strength or concentration of the occupational disease hazard factors meets the national occupational health standards;

(2) Has appropriate facilities for occupational disease hazards protection;

(3) The production arrangement is reasonable, meeting the principle that the hazardous operations are separated from the non-hazardous operations.

(4) Has supporting health facilities such as locker rooms, bathrooms and pregnant women restrooms;

(5) The equipment, tools, devices and other facilities meet the requirements for protecting the physical and mental health of the workers; and

(6) Laws, administrative regulations and other requirements developed by the competent administrative department in charge of health under the State Council for protecting the health of the workers.

第十六条 国家建立职业病危害项目申报制度。

Article 16 The State establishes a reporting system of occupational disease hazard items. In the event of any hazard factors of the occupational diseases listed in the occupational disease catalogue occurring in an employer's workplace, the employer shall report the hazardous items to the local competent

用人单位工作场所存在职业病目录所列职业病的危害因素的，应当及时、如实向所在地卫生行政部门申报危害项目，接受监督。

职业病危害因素分类目录由国务院卫生行政部门制定、调整并公布。职业病危害项目申报的具体办法由国务院卫生行政部门制定。

department in charge of health in a timely and truthful manner to accept supervision.

The catalogue for classification of occupational disease hazard factors shall be developed, adjusted and published by the competent administrative department in charge of health under the State Council. The detailed methods for reporting of occupational disease hazard items shall be developed by the competent department in charge of health under the State Council.

第十七条 新建、扩建、改建建设项目和技术改造、技术引进项目（以下统称建设项目）可能产生职业病危害的，建设单位在可行性论证阶段应当进行职业病危害预评价。

医疗机构建设项目可能产生放射性职业病危害的，建设单位应当向卫生行政部门提交放射性职业病危害预评价报告。卫生行政部门应当自收到预评价报告之日起三十日内，作出审核决定并书面通知建设单位。未提交预评价报告或者预评价报告未经卫生行政部门审核同意的，不得开工建设。

Article 17 In the event that any newly built, expanded or renovated construction project, or technology renovation or introduction project (hereinafter the "Construction Project") may generate occupational disease hazards, the owner shall conduct the assessment of occupational disease hazards during the feasibility study stage. In the event that a medical institution's Construction Project may generate radiation-induced occupational disease hazards, the owner shall furnish a radiation-induced occupational disease hazard pre-assessment report to the competent department in charge of health. Within 30 days from the date on which the pre-assessment report is received, the competent administrative department in charge of health shall make a review decision and notify the owner in writing. In case of failure to furnish the pre-assessment report or if the pre-assessment report is not approved by the competent administrative department in charge of health, construction shall not be commenced.

The occupational disease hazard pre-assessment report shall assess the Construction Project as to possible occupational disease hazard factors and their impact on the workplace and health of the workers, and determine the type of the hazards and the measures for protection against occupational diseases.

职业病危害预评价报告应当对建设项目可能产生的职业病危害因素及其对工作场所和劳动者健康的影响作出评价，确定危害类别和职业病防护措施。

The measures for classified management of occupational disease hazards of construction projects shall be developed by the competent department in charge of health under the State Council.

建设项目职业病危害分类管理办法由国务院卫生行政部门制定。

第十八条 建设项目的职业病防护设施所需费用应当纳入建设项目工程预算，并与主体工程同时设计，同时施工，同时投入生产和使用。

Article 18 The expenses required by the occupational disease protection facilities of the Construction Project shall be included into the construction budget of the Construction Project, and the occupational disease protection facilities shall be designed, built, and put into production and use simultaneously with the main project. The design of the occupational disease protection facilities of a Construction Project shall comply with the occupational health standards and health requirements of the State; and the design of the protection facilities of a medical institution's Construction Project with serious radiation-induced occupational disease hazards shall be reviewed and approved by the competent administrative department in charge of health prior to construction.

建设项目的职业病防护设施设计应当符合国家职业卫生标准和卫生要求；其中，医疗机构放射性职业病危害严重的建设项目的防护设施设计，应当经卫生行政部门审查同意后，方可施工。

Prior to completion acceptance of the Construction Project, the owner shall perform an assessment of the effects of occupational disease hazard control.

建设项目在竣工验收前，建设单位应当进行职业病危害控制效果评价。

Upon completion acceptance of a medical institution's Construction Project which may generate radiation-induced occupational disease hazards, its radiation-induced occupational disease protection facilities shall be accepted satisfactorily by the competent administrative department in charge of health before being put into use. With regard to the occupational disease protection facilities of any other construction project, the owner shall be responsible for organizing the acceptance, and such

医疗机构可能产生放射性职业

病危害的建设项目竣工验收时，其放射性职业病防护设施经卫生行政部门验收合格后，方可投入使用；其他建设项目的职业病防护设施应当由建设单位负责依法组织验收，验收合格后，方可投入生产和使用。卫生行政部门应当加强对建设单位组织的验收活动和验收结果的监督核查。

protection facilities shall be accepted satisfactorily before being put into production and use. The competent department in charge of health shall strengthen the supervision and inspection of the acceptance activities organized by the owners as well as the results of acceptance.

第十九条 国家对从事放射性、高毒、高危粉尘等作业实行特殊管理。具体管理办法由国务院制定。

Article 19 The State implements special management of radioactive, highly toxic and highly dust producing operations. The detailed management measures will be developed by the State Council.

第三章

劳动过程中的防护与管理

Chapter III Protection and Management during the Labor Process

第二十条 用人单位应当采取下列职业病防治管理措施：

Article 20 The Employer shall take the following management measures for occupational disease prevention and control: (1)

（一）设置或者指定职业卫生管理机构或者组织，配备专职或者兼职的职业卫生管理人员，负责本单位的职业病防治工作；

To set up or designate an occupational health management institution or organization, and appoint a full-time or part-time occupational health professional to be responsible for the occupational disease prevention and control work of respective entity.

（二）制定职业病防治计划和

(2) To develop an occupational disease prevention and control plan and implementation scheme;

(3) To establish and perfect an occupational health management

实施方案；	system and the operation codes;
（三）建立、健全职业卫生管	(4) To create and perfect the occupational health files and worker's health care files;
理制度和操作规程；	(5) To establish and perfect a monitoring and assessment system of occupational disease hazard factors in the workplace; and
（四）建立、健全职业卫生档	(6) To create and perfect an emergency rescue plan of occupational disease hazard accidents.
案和劳动者健康监护档案；	
（五）建立、健全工作场所职	
业病危害因素监测及评价制度；	
（六）建立、健全职业病危害	
事故应急救援预案。	

第二十一条 用人单位应当保障职业病防治所需的资金投入，不得挤占、挪用，并对因资金投入不足导致的后果承担责任。

Article 21 Each employer shall ensure the capital input necessary for occupational disease prevention and control, not occupy or use the capital input for other purposes and shall be liable for any consequence arising from inadequate capital input.

第二十二条 用人单位必须采用有效的职业病防护设施，并为劳动者提供个人使用的职业病防护用品。

Article 22 The Employer must adopt effective occupational disease protection facilities and provide the workers with personal occupational disease protection products. The personal occupational disease protection products that the Employer provides to the workers must meet the requirements for occupational disease prevention and control. No products that do not meet the requirements shall be used.

用人单位为劳动者个人提供的职业病防护用品必须符合防治职业病的要求；不符合要求的，不得使用。

第二十三条 用人单位应当优

先采用有利于防治职业病和保护劳动者健康的新技术、新工艺、新设备、新材料，逐步替代职业病危害严重的技术、工艺、设备、材料。

Article 23 The Employer shall give a preference to use the new technologies, processes and materials that are helpful for occupational disease prevention and control, and protecting the health of the workers to replace the technologies, processes and materials that pose serious occupational disease hazards gradually.

第二十四条 产生职业病危害

的用人单位，应当在醒目位置设置公告栏，公布有关职业病防治的规章制度、操作规程、职业病危害事故应急救援措施和工作场所职业病危害因素检测结果。

Article 24 The Employer that generates occupational disease hazards shall erect a bulletin board in a visible location for posting the rules & regulations and operation codes relating to occupational disease prevention and control, emergency rescue measures of occupational disease hazard accidents and the inspection results of occupational disease hazard factors in the workplace. Warning marks and Chinese language warnings shall be erected in a visible location for the posts that generate serious occupational disease hazards. The warnings shall indicate the type, consequence, prevention, and emergency rescue measures of the occupational disease hazards that may arise.

对产生严重职业病危害的作业

岗位，应当在其醒目位置，设置警示标识和中文警示说明。警示说明应当载明产生职业病危害的种类、后果、预防以及应急救治措施等内容。

第二十五条 对可能发生急性

职业损伤的有毒、有害工作场所，用人单位应当设置报警装置，配置现场急救用品、冲洗设备、应急撤离通道和必要的泄险区。

Article 25 In the toxic and hazardous workplaces where acute occupational injuries may occur, the Employer shall install alarm devices and provide on-site emergency rescue products, washing facilities, emergency evacuation passageways, and necessary hazard eliminating areas. For the radioactive workplaces and the transport and storage of the radioactive isotopes, the Employer must provide protection equipment and alarm devices, and ensure that the workers exposed to the radioactive rays wear the personal dosimeter.

对放射工作场所和放射性同位

素的运输、贮存，用人单位必须配置防护设备和报警装置，保证接触放射线的工作人员佩戴个人剂量计。

对职业病防护设备、应急救援设施和个人使用的职业病防护用品，用人单位应当进行经常性的维护、检修，定期检测其性能和效果，确保其处于正常状态，不得擅自拆除或者停止使用。

The Employer shall perform regular maintenance and inspection of the occupational disease protection equipment, emergency rescue facilities and personal occupational disease protection products and perform periodic testing of their performance and functions to ensure that they are in good condition, and shall not remove or stop using them without authorization.

第二十六条 用人单位应当实施由专人负责的职业病危害因素日常监测，并确保监测系统处于正常运行状态。

用人单位应当按照国务院卫生行政部门的规定，定期对工作场所进行职业病危害因素检测、评价。检测、评价结果存入用人单位职业卫生档案，定期向所在地卫生行政部门报告并向劳动者公布。

职业病危害因素检测、评价由依法设立的取得国务院卫生行政部门或者设区的市级以上地方人民政

Article 26 The Employer shall implement daily monitoring of occupational disease hazard factors undertaken by specially appointed personnel, and shall ensure that the monitoring system is in normal operating conditions. The Employer shall perform regular inspection and assessment of the occupational disease hazard factors in the workplace in accordance with the requirements of the competent administrative department in charge of health under the State Council. The inspection and assessment results shall be archived with the Employer's occupational health files, reported to local competent administrative department in charge of health and disclosed to the workers regularly.

The inspection and assessment of the occupational disease hazard factors shall be performed by a duly incorporated technical service entity of occupational health that has acquired the qualification accreditation of the competent administrative department in charge of health under the State Council or the competent administrative department in charge of health under the local people's government at the level of city with districts or above according to division of functions. The inspection and assessment

府卫生行政部门按照职责分工给予资质认可的职业卫生技术服务机构进行。职业卫生技术服务机构所作检测、评价应当客观、真实。

发现工作场所职业病危害因素不符合国家职业卫生标准和卫生要求时，用人单位应当立即采取相应治理措施，仍然达不到国家职业卫生标准和卫生要求的，必须停止存在职业病危害因素的作业；职业病危害因素经治理后，符合国家职业卫生标准和卫生要求的，方可重新作业。

of the technical service entity of occupational health shall be objective and true.

In the event that the occupational disease hazard factors in the workplace are found to fail to meet the occupational health standards and health requirements of the State, the Employer shall take appropriate handling measures immediately, and must stop the operations with occupational disease hazard factors in case of failure to meet the occupational health standards and health requirements of the State again. The operations may commence again once the occupational disease hazard factors meet the occupational health standards and health requirements of the State after being handled.

第二十七条 职业卫生技术服务机构依法从事职业病危害因素检测、评价工作，接受卫生行政部门的监督检查。卫生行政部门应当依法履行监督职责。

Article 27 The technical service institution of occupational health shall inspect and assess occupational disease hazard factors by law, and accept supervision and inspection by the competent department in charge of health. The competent department in charge of health shall perform the supervision functions by law.

第二十八条 向用人单位提供可能产生职业病危害的设备的，应当提供中文说明书，并在设备的醒目位置设置警示标识和中文警示说明。警示说明应当载明设备性能、

Article 28 In the event that the Employer provides equipment that may generate occupational disease hazards, it shall provide the Chinese language instructions, and erect the warning marks and Chinese language warnings in visible locations on the equipment. The warnings shall specify equipment performance, possible occupational disease hazards, considerations for safe operation and maintenance, occupational disease protection and emergency care

可能产生的职业病危害、安全操作
和维护注意事项、职业病防护以及
应急救治措施等内容。

measures, etc.

第二十九条 向用人单位提供可能产生职业病危害的化学品、放射性同位素和含有放射性物质的材料的，应当提供中文说明书。说明书应当载明产品特性、主要成份、存在的有害因素、可能产生的危害后果、安全使用注意事项、职业病防护以及应急救治措施等内容。产品包装应当有醒目的警示标识和中文警示说明。贮存上述材料的场所应当在规定的部位设置危险物品标识或者放射性警示标识。

国内首次使用或者首次进口与职业病危害有关的化学材料，使用单位或者进口单位按照国家规定经国务院有关部门批准后，应当向国务院卫生行政部门报送该化学材料的毒性鉴定以及经有关部门登记注册或者批准进口的文件等资料。

进口放射性同位素、射线装置

Article 29 In the event that the Employer provides chemicals, radioactive isotopes and materials containing radioactive substances that may generate occupational disease hazards, it shall provide the Chinese language instructions. The instructions shall specify the characteristics and main components of the products, existing hazardous factors, possible hazards and consequences, considerations for safe use, occupational disease protection and emergency care measures, etc. The packaging of the products shall bear visible warning marks and Chinese language warnings. The areas where the above materials are stored shall have the hazardous substance marks or radioactive warning marks installed in the specified locations. In the event of first-time use or import of chemical materials relating to the occupational disease hazards in China, the entity that uses or imports the materials shall, subject to the approval of the related competent departments under the State Council in accordance with appropriate requirements of the State, furnish such materials as the toxicity appraisal of the chemical materials and the registration or import approval documents issued by related departments.

Any import of radioactive isotopes, radioactive ray devices and goods containing radioactive substances shall be handled in accordance with appropriate requirements of the State.

和含有放射性物质的物品的，按照国家有关规定办理。

第三十条 任何单位和个人不得生产、经营、进口和使用国家明令禁止使用的可能产生职业病危害的设备或者材料。

Article 30 No entity or individual shall produce, trade, import or use any equipment or materials expressly banned by the State that may generate occupational disease hazards.

第三十一条 任何单位和个人不得将产生职业病危害的作业转移给不具备职业病防护条件的单位和个人。不具备职业病防护条件的单位和个人不得接受产生职业病危害的作业。

Article 31 No entity or individual shall transfer any operations that generate occupational disease hazards to any entity or individual that does not meet the requirements for occupational disease protection. No entity or individual that does not meet the requirements for occupational disease protection shall accept the operations that generate occupational disease hazards.

第三十二条 用人单位对采用的技术、工艺、设备、材料，应当知悉其产生的职业病危害，对有职业病危害的技术、工艺、设备、材料隐瞒其危害而采用的，对所造成的职业病危害后果承担责任。

Article 32 The Employer shall be familiar with the occupational disease hazards caused by the technologies, process and materials it adopts, and be liable for the occupational disease hazards and consequences caused if it uses technologies, processes and materials with occupational disease hazards by concealing their hazards.

第三十三条 用人单位与劳动者订立劳动合同（含聘用合同，下同）时，应当将工作过程中可能产生的职业病危害及其后果、职业病防护措施和待遇等如实告知劳动者

Article 33 When entering into the labor contract (including the employment contract) with the workers, the Employer shall inform the workers of the possible occupational disease hazards during the work process and their consequences, occupational disease protection measures and benefits in a truthful manner and state them clearly in the labor contract without concealment or deception. In the event that a worker is

，并在劳动合同中写明，不得隐瞒或者欺骗。

劳动者在已订立劳动合同期间因工作岗位或者工作内容变更，从事与所订立劳动合同中未告知的存在职业病危害的作业时，用人单位应当依照前款规定，向劳动者履行如实告知的义务，并协商变更原劳动合同相关条款。

用人单位违反前两款规定的，劳动者有权拒绝从事存在职业病危害的作业，用人单位不得因此解除与劳动者所订立的劳动合同。

engaged in any operations with occupational disease hazards not stated in the labor contract concluded due to the change of the post or work contents during the term of the labor contract concluded, the Employer shall, in accordance with the requirements of the preceding paragraph, perform the obligation of disclosure to the worker in a truthful manner and negotiate with the worker to change related clauses of the original labor contract.

In the event that the Employer violates the requirements of the preceding two paragraphs, the worker shall have the right to refuse to engage in the operations with occupational disease hazards and in that case the Employer shall not dissolve or terminate the labor contract concluded with the worker.

第三十四条 用人单位的主要负责人和职业卫生管理人员应当接受职业卫生培训，遵守职业病防治法律、法规，依法组织本单位的职业病防治工作。

用人单位应当对劳动者进行上岗前的职业卫生培训和在岗期间的定期职业卫生培训，普及职业卫生知识，督促劳动者遵守职业病防治法律、法规、规章和操作规程，指

Article 34 The chief responsible person and occupational disease management personnel of employers shall receive training in occupational health, comply with the laws and regulations concerning occupational disease prevention and control, and organize the occupational disease prevention and control work of respective institutions by law. The Employer shall carry out occupational health training of the workers before employment and regular occupational health training of the workers during employment, spread the occupational health knowledge, urge the workers to comply with the laws, regulations, rules and operation codes concerning occupational disease prevention and control, and guide the workers to use the occupational disease protection equipment and personal occupational disease protection products correctly.

The workers shall study and master related occupational health

导劳动者正确使用职业病防护设备和个人使用的职业病防护用品。

劳动者应当学习和掌握相关的职业卫生知识，增强职业病防范意识，遵守职业病防治法律、法规、规章和操作规程，正确使用、维护职业病防护设备和个人使用的职业病防护用品，发现职业病危害事故隐患应当及时报告。

劳动者不履行前款规定义务的，用人单位应当对其进行教育。

knowledge, enhance the awareness of occupational disease prevention, comply with the laws, regulations, rules and operation codes relating to occupational disease prevention and control, properly use and maintain occupational disease protection equipment and personal occupational disease protection equipment, and report any potential risk of occupational disease hazards that is identified in a timely manner.

In the event that a worker fails to perform the obligations specified in the preceding paragraph, the Employer shall educate him/her.

第三十五条 对从事接触职业病危害的作业的劳动者，用人单位应当按照国务院卫生行政部门的规定组织上岗前、在岗期间和离岗时的职业健康检查，并将检查结果书面告知劳动者。职业健康检查费用由用人单位承担。

用人单位不得安排未经上岗前职业健康检查的劳动者从事接触职业病危害的作业；不得安排有职业禁忌的劳动者从事其所禁忌的作业；对在职业健康检查中发现有与所

Article 35 The Employer shall, in accordance with the requirements of the competent administrative department in charge of health under the State Council, organize the occupational health check of the workers engaged in operations involving exposure to occupational disease hazards before, during and after employment, and inform the workers of the check results in a truthful manner. The expenses of the occupational health check shall be borne by the Employer. The Employer shall not arrange any worker to engage in any operation involving exposure to occupational disease hazards without undergoing an occupational health check before employment; shall not arrange any worker with occupational contraindications to engage in operations he/she is contraindicated for; shall transfer any worker who is found to have health injuries relating to the profession he/she is engaged in away from the original post and re-settle him/her properly; shall not dissolve or terminate the labor contract concluded with any worker that has not undergone the occupational health check prior to termination of

从事的职业相关的健康损害的劳动者，应当调离原工作岗位，并妥善安置；对未进行离岗前职业健康检查的劳动者不得解除或者终止与其订立的劳动合同。

职业健康检查应当由取得《医疗机构执业许可证》的医疗卫生机构承担。卫生行政部门应当加强对职业健康检查工作的规范管理，具体管理办法由国务院卫生行政部门制定。

第三十六条 用人单位应当为劳动者建立职业健康监护档案，并按照规定期限妥善保存。

职业健康监护档案应当包括劳动者的职业史、职业病危害接触史、职业健康检查结果和职业病诊疗等有关个人健康资料。

劳动者离开用人单位时，有权索取本人职业健康监护档案复印件，用人单位应当如实、无偿提供，并在所提供的复印件上签章。

employment.

Occupational health checks shall be undertaken by medical health institutions that have obtained the Practice License of Medical Institutions. Competent administrative departments in charge of health shall strengthen administration to make occupational health checks more standardized; specific administrative measures shall be formulated by the competent department in charge of health under the State Council.

Article 36 The Employer shall create occupational health care files for the workers, and keep them properly for the specified periods. The occupational health care files shall include the workers' history of employment, history of exposure to occupational disease hazards, results of the occupational health checks and occupational disease diagnosis and treatment information as well as other personal health data.

Upon termination of employment with the Employer, a worker shall have the right to request the copy of his/her own occupational health care files, and the Employer shall provide the same in a truthful manner free of charge, and sign and seal the copy provided.

第三十七条 发生或者可能发生

急性职业病危害事故时，用人单位应当立即采取应急救援和控制措施，并及时报告所在地卫生行政部门和有关部门。卫生行政部门接到报告后，应当及时会同有关部门组织调查处理；必要时，可以采取临时控制措施。卫生行政部门应当组织做好医疗救治工作。

对遭受或者可能遭受急性职业病危害的劳动者，用人单位应当及时组织救治、进行健康检查和医学观察，所需费用由用人单位承担。

Article 37 When an acute occupational disease hazard accident takes place or is likely to take place, the employer shall take emergency rescue and control measures immediately, and report to the local competent department in charge of health and other related departments in a timely manner. Upon receipt of the report, the competent department in charge of health shall investigate and deal with the incident together with related departments in a timely manner. Temporary control measures may be taken if necessary. The competent administrative department in charge of health shall organize the medical care work properly. In the event that an worker is exposed to or is likely to be exposed to acute occupational disease hazards, the Employer shall organize medical care, health check and medical observation in a timely manner and bear all expenses arising thereof.

第三十八条 用人单位不得安

排未成年工从事接触职业病危害的作业；不得安排孕期、哺乳期的女职工从事对本人和胎儿、婴儿有危害的作业。

Article 38 The Employer shall not arrange any minor to engage in any operation involving exposure to occupational disease hazards; shall not arrange any pregnant or lactating worker to engage in operations that are harmful to the worker, fetus or baby.

第三十九条 劳动者享有下列

职业卫生保护权利：

（一）获得职业卫生教育、培训；

Article 39 The workers are entitled to the following rights of occupational health protection: (1) To receive occupational health education and training;

(2) To access to such occupational disease prevention and control services such as occupational health check, occupational disease diagnosis and treatment and rehabilitation;

（二）获得职业健康检查、职业病诊疗、康复等职业病防治服务；

（三）了解工作场所产生或者可能产生的职业病危害因素、危害后果和应当采取的职业病防护措施；

（四）要求用人单位提供符合防治职业病要求的职业病防护设施和个人使用的职业病防护用品，改善工作条件；

（五）对违反职业病防治法律、法规以及危及生命健康的行为提出批评、检举和控告；

（六）拒绝违章指挥和强令进行没有职业病防护措施的作业；

（七）参与用人单位职业卫生工作的民主管理，对职业病防治工作提出意见和建议。

用人单位应当保障劳动者行使前款所列权利。因劳动者依法行使

(3) To learn about the occupational disease hazard factors that take place or may take place in the workplace, their hazards and consequences, and occupational disease prevention and control measures to be taken;

(4) To require the Employer to provide occupational disease prevention and control facilities and personal occupational disease protection products that meet the requirements for occupational disease prevention and control, and improve the working conditions;

(5) To criticize, report and accuse any acts that violate the laws and regulations concerning the prevention and control of occupational diseases and endanger the lives and health of the workers;

(6) To reject illegal commands and compelled operations for which no occupational disease prevention and control measures are taken; and

(7) To participate in the democratic management of the Employer's occupational health work, and provide opinions and suggestions about the occupational disease prevention and control work.

The Employer shall ensure that the workers can exercise the rights specified in the preceding paragraph. Any reduction of the worker's wages, welfare or material benefits, and any dissolution or termination of the labor contracts concluded with the workers due to their exercise of the lawful rights by law shall be invalid.

正当权利而降低其工资、福利待遇或者解除、终止与其订立的劳动合同的，其行为无效。

第四十条 工会组织应当督促并协助用人单位开展职业卫生宣传教育和培训，有权对用人单位的职业病防治工作提出意见和建议，依法代表劳动者与用人单位签订劳动安全卫生专项集体合同，与用人单位就劳动者反映的有关职业病防治的问题进行协调并督促解决。

工会组织对用人单位违反职业病防治法律、法规，侵犯劳动者合法权益的行为，有权要求纠正；产生严重职业病危害时，有权要求采取防护措施，或者向政府有关部门建议采取强制性措施；发生职业病危害事故时，有权参与事故调查处理；发现危及劳动者生命健康的情形时，有权向用人单位建议组织劳动者撤离危险现场，用人单位应当立即作出处理。

Article 40 The trade unions shall supervise and assist employers in carrying out occupational health publicity, education and training, have the right to provide opinions and suggestions about occupational disease prevention and control work of employers, sign the special collective agreement on occupational safety and health with the employers on behalf of the workers, coordinate the problems reported by the workers concerning occupational disease prevention and control with employers and urge them to solve the problems. The trade unions shall have the right to request the Employer to correct any acts that violates the laws and regulations concerning occupational disease prevention and control, and infringe upon the workers' lawful rights and interests. In case of serious occupational disease hazards, the trade unions shall have the right to request that protection measures be taken or recommend related government departments to take compulsory measures. When the lives and health of the workers are found to be endangered, the trade unions shall have the right to recommend the Employer to organize the workers to evacuate the hazardous site, and the Employer shall take actions immediately.

第四十一条 用人单位按照职

Article 41 The expenses used by the Employer for the prevention and control of the occupational disease hazards,

业病防治要求，用于预防和治理职业病危害、工作场所卫生检测、健康监护和职业卫生培训等费用，按照国家有关规定，在生产成本中据实列支。

workplace health inspection, health care and occupational health training in accordance with the requirements for occupational disease prevention and control shall be listed in the production cost in a truthful manner pursuant to appropriate requirements of the State.

第四十二条 职业卫生监督管理部门应当按照职责分工，加强对用人单位落实职业病防护管理措施情况的监督检查，依法行使职权，承担责任。

Article 42 The Competent Departments in charge of Occupational Disease Supervision and Regulation shall, according to the division of responsibilities, step up supervision and inspection of implementation of the management measures of occupational disease prevention and control by employers, exercise the powers and duties by law and take on responsibilities.

第四章 职业病诊断与职业病病人保障

Chapter IV Occupational Disease Diagnosis and Protection of the Occupational Disease Patients

第四十三条 职业病诊断应当由取得《医疗机构执业许可证》的医疗卫生机构承担。卫生行政部门应当加强对职业病诊断工作的规范管理，具体管理办法由国务院卫生行政部门制定。

Article 43 Occupational disease diagnosis shall be undertaken by medical health institutions which have obtained the Practice License of Medical Institutions. The competent department in charge of health shall strengthen the standardized administration of occupational disease diagnosis, and the specific administrative measures shall be formulated by the competent department in charge of health under the State Council. Each medical health institution that undertakes occupational disease diagnosis shall also meet the following requirements:

承担职业病诊断的医疗卫生机构还应当具备下列条件：

(1) Has appropriate medical health technicians for carrying out occupational disease diagnosis;

（一）具有与开展职业病诊断相适应的医疗卫生技术人员；

(2) Has the appropriate instruments and apparatus necessary for carrying out occupational disease diagnosis; and

(3) Has a sound quality management system for occupational

（二）具有与开展职业病诊断相适应的仪器、设备； （三）具有健全的职业病诊断质量管理制度。	disease diagnosis. No medical health institution that undertakes occupational disease diagnosis shall reject the request of a worker for occupational disease diagnosis.
--	--

承担职业病诊断的医疗卫生机构不得拒绝劳动者进行职业病诊断的要求。

第四十四条 劳动者可以在用人单位所在地、本人户籍所在地或者经常居住地依法承担职业病诊断的医疗卫生机构进行职业病诊断。

Article 44 A worker may receive occupational disease diagnosis at any medical health institution that undertakes occupational disease diagnosis by law in the employer's place, or place of the worker's permanent residence or habitual residence.

第四十五条 职业病诊断标准和职业病诊断、鉴定办法由国务院卫生行政部门制定。职业病伤残等级的鉴定办法由国务院劳动保障行政部门会同国务院卫生行政部门制定。

Article 45 The occupational disease diagnosis standards and occupational disease diagnosis and appraisal methods shall be developed by the competent administrative department in charge of health under the State Council. The appraisal methods of the disability grade of the occupational diseases shall be developed by the competent administrative department in charge of labor security together with the competent administrative department in charge of health under the State Council.

第四十六条 职业病诊断，应当综合分析下列因素：

- （一）病人的职业史；
- （二）职业病危害接触史和工

Article 46 The following factors shall be analyzed in a comprehensive manner for occupational disease diagnosis: (1) Patient's history of employment; (2) History of exposure to occupational disease hazards and information about occupational disease hazard factors in the workplace;

作场所职业病危害因素情况；

（三）临床表现以及辅助检查结果等。

没有证据否定职业病危害因素与病人临床表现之间的必然联系的，应当诊断为职业病。

职业病诊断证明书应当由参与诊断的取得职业病诊断资格的执业医师签署，并经承担职业病诊断的医疗卫生机构审核盖章。

(3) Clinical symptoms and auxiliary check results, etc.

An occupational disease shall be diagnosed if there is no evidence that refutes any positive connection between occupational disease hazard factors and the patient's clinical symptoms.

The occupational disease diagnosis certificate shall be signed jointly by the physicians who participate in the diagnosis and have qualifications for the diagnosis of occupational diseases, and be reviewed and sealed by the medical health institution that undertakes occupational disease diagnosis.

第四十七条 用人单位应当如实提供职业病诊断、鉴定所需的劳动者职业史和职业病危害接触史、工作场所职业病危害因素检测结果等资料；卫生行政部门应当监督检查和督促用人单位提供上述资料；劳动者和有关机构也应当提供与职业病诊断、鉴定有关的资料。

职业病诊断、鉴定机构需要了解工作场所职业病危害因素情况时，可以对工作场所进行现场调查，也可以向卫生行政部门提出，卫生

Article 47 The employer shall provide such materials as the worker's employment history and history of exposure to occupational disease hazards, and inspection results of occupational disease hazard factors in the workplace that are necessary for occupational diseases diagnosis and appraisal in a truthful manner. The competent department in charge of health shall supervise over, check and urge the provision of the above materials by the employer. The workers and related institutions shall also provide the materials relating to occupational diseases diagnosis and appraisal. In the event that the occupational disease diagnosis and appraisal institution needs to learn about the occupational disease hazard factors in the workplace, it may perform on-site investigation of the workplace or make a request for an on-site investigation to the competent department in charge of health, which shall organize the on-site investigation within 10 days. The employer shall not reject or hinder the on-site investigation.

行政部门应当在十日内组织现场调查。用人单位不得拒绝、阻挠。

第四十八条 职业病诊断、鉴定过程中，用人单位不提供工作场所职业病危害因素检测结果等资料的，诊断、鉴定机构应当结合劳动者的临床表现、辅助检查结果和劳动者的职业史、职业病危害接触史，并参考劳动者的自述、卫生行政部门提供的日常监督检查信息等，作出职业病诊断、鉴定结论。

劳动者对用人单位提供的工作场所职业病危害因素检测结果等资料有异议，或者因劳动者的用人单位解散、破产，无用人单位提供上述资料的，诊断、鉴定机构应当提请卫生行政部门进行调查，卫生行政部门应当自接到申请之日起三十日内对存在异议的资料或者工作场所职业病危害因素情况作出判定；有关部门应当配合。

第四十九条 职业病诊断、鉴定过程中，在确认劳动者职业史、

Article 48 In the event that the employer does not provide such materials as the inspection results of occupational disease hazard factors in the workplace during the process of occupational disease diagnosis and appraisal, the diagnosis and appraisal institution shall draw occupational disease diagnosis and appraisal conclusions based on the worker's clinical symptoms, supplemented by the check results and worker's employment history and history of exposure to occupational disease hazards as well as the worker's complaints and daily supervision and inspection information provided by the competent department in charge of health. In the event that a worker disagrees with such materials as the inspection results of occupational disease hazard factors in the workplace provided by the employer, or no employer provides the above materials due to winding up or bankruptcy, the diagnosis and appraisal institution shall request that the competent department in charge of health perform an investigation, and the competent department in charge of health shall make a judgment about the materials or information about the occupational disease hazard factors in the workplace in dispute within 30 days from the receipt of the application. The related departments shall provide cooperation.

Article 49 In the event that the parties involved have a dispute over the employment relationship, job, post or employment period when confirming a worker's employment history and

职业病危害接触史时，当事人对劳动关系、工种、工作岗位或者在岗时间有争议的，可以向当地的劳动人事争议仲裁委员会申请仲裁；接到申请的劳动人事争议仲裁委员会应当受理，并在三十日内作出裁决。

当事人在仲裁过程中对自己提出的主张，有责任提供证据。劳动者无法提供由用人单位掌握管理的与仲裁主张有关的证据的，仲裁庭应当要求用人单位在指定期限内提供；用人单位在指定期限内不提供的，应当承担不利后果。

劳动者对仲裁裁决不服的，可以依法向人民法院提起诉讼。

用人单位对仲裁裁决不服的，可以在职业病诊断、鉴定程序结束之日起十五日内依法向人民法院提起诉讼；诉讼期间，劳动者的治疗费用按照职业病待遇规定的途径支付。

history of exposure to occupational disease hazards during the process of occupational disease diagnosis and appraisal, an application may be made to the local arbitration commission of labor and personnel disputes for arbitration. The arbitration commission of labor and personnel disputes that receives the application shall accept the application and deliver an award within 30 days. The parties involved are obligated to provide evidence concerning their claims during the arbitration process. In the event that the worker is unable to provide evidence relating to the claims in the possession of and managed by the employer, the arbitration tribunal shall request that the employer provide the evidence within the specified time. In the event of failure to provide the evidence within the specified time, the employer shall be liable for any negative consequence arising thereof.

In the event that the worker is dissatisfied with the arbitration award, it may institute a lawsuit at the people's court.

In the event that the employer is dissatisfied with the arbitration award, it may institute a lawsuit at the people's court by law within 15 days from the completion of the occupational disease diagnosis and appraisal procedures. During the litigation process, the treatment expenses of the worker shall be paid through the means specified for the treatment of occupational diseases.

第五十条 用人单位和医疗卫

Article 50 Whenever an occupational disease patient or a

生机构发现职业病病人或者疑似职业病病人时，应当及时向所在地卫生行政部门报告。确诊为职业病的，用人单位还应当向所在地劳动保障行政部门报告。接到报告的部门应当依法作出处理。

suspected occupational disease patient is identified, the Employer and medical health institution shall report to local competent administrative department in charge of health and local competent administrative department in charge of health in a timely manner. If an occupational disease is confirmed, the Employer shall also report to local competent administrative department in charge of labor security. Upon receipt of the report, the competent administrative departments in charge shall take actions by law.

第五十一条 县级以上地方人民政府卫生行政部门负责本行政区域内的职业病统计报告的管理工作，并按照规定上报。

Article 51 The competent administrative department in charge of health under the people's governments at the county level or above shall be responsible for the management of the occupational disease counting reports with respective administrative regions and furnishing them to the higher level authorities as required.

第五十二条 当事人对职业病诊断有异议的，可以向作出诊断的医疗卫生机构所在地地方人民政府卫生行政部门申请鉴定。

Article 52 In the event that the parties involved disagree with the occupational disease diagnosis, they may apply to the competent administrative department in charge of health under the people's government in the place where the medical health institution that performs the diagnosis is located for appraisal. In the event of any occupational disease diagnosis dispute, the competent administrative department in charge of health under the people's government at the city (with districts) level or above shall organize an occupational disease diagnosis and appraisal committee to appraise the occupational disease according to the application of the parties involved.

职业病诊断争议由设区的市级以上地方人民政府卫生行政部门根据当事人的申请，组织职业病诊断鉴定委员会进行鉴定。

In the event that the parties involved disagree with the appraisal conclusion of the occupational disease diagnosis and appraisal committee at the city (with districts) level or above, they may apply to the competent administrative department in charge of health under the people's government of the provinces, autonomous regions and municipalities for appraisal again.

当事人对设区的市级职业病诊断鉴定委员会的鉴定结论不服的，可以向省、自治区、直辖市人民政府卫生行政部门申请再鉴定。

第五十三条 职业病诊断鉴定

委员会由相关专业的专家组成。

省、自治区、直辖市人民政府卫生行政部门应当设立相关的专家库，需要对职业病争议作出诊断鉴定时，由当事人或者当事人委托有关卫生行政部门从专家库中以随机抽取的方式确定参加诊断鉴定委员会的专家。

职业病诊断鉴定委员会应当按照国务院卫生行政部门颁布的职业病诊断标准和职业病诊断、鉴定办法进行职业病诊断鉴定，向当事人出具职业病诊断鉴定书。职业病诊断、鉴定费用由用人单位承担。

Article 53 The occupational disease diagnosis and appraisal committee shall be made up of experts of related specialties.

The competent administrative department in charge of health under the people's government of the provinces, autonomous regions and municipalities shall create corresponding expert database. Where there is the need to diagnose and appraise an occupational disease dispute, the parties involved may determine or entrust related competent administrative department in charge of health to determine the experts of the diagnosis and appraisal committee by selecting randomly from the expert database.

The occupational disease diagnosis and appraisal committee shall diagnose and appraisal the occupational disease (s) and issue an occupational disease diagnosis and appraisal report to the parties involved in accordance with the occupational disease diagnosis standards and occupational disease diagnosis and appraisal methods issued by the competent administrative department in charge of health under the State Council. The expenses of occupational disease diagnosis and appraisal shall be borne by the Employer.

第五十四条 职业病诊断鉴定

委员会组成人员应当遵守职业道德，客观、公正地进行诊断鉴定，并承担相应的责任。职业病诊断鉴定委员会组成人员不得私下接触当事人，不得收受当事人的财物或者其他好处，与当事人有利害关系的，应当回避。

Article 54 Members of the occupational disease diagnosis and appraisal committee shall comply with the professional ethics, perform the diagnosis and appraisal in an objective and impartial manner and bear corresponding responsibilities.

No member of the occupational disease diagnosis and appraisal committee shall engage the parties involved in private, accept gifts or other benefits from the parties involved and shall withdraw from the diagnosis and appraisal in case he/she has any interest relationship with the parties involved. Where occupational disease appraisal is required for a case accepted by the people's court, the experts to participate in the appraisal shall be selected from corresponding

人民法院受理有关案件需要进行职业病鉴定时，应当从省、自治区、直辖市人民政府卫生行政部门依法设立的相关的专家库中选取参加鉴定的专家。

expert database created by the competent administrative department in charge of health under the people's government of the provinces, autonomous regions and municipalities by law.

第五十五条 医疗卫生机构发现疑似职业病病人时，应当告知劳动者本人并及时通知用人单位。

Article 55 Whenever a medical health institution identifies a suspected occupational disease patient, it shall notify the worker him/herself and the Employer in a timely manner. The Employer shall make arrangement for diagnosis of the suspected occupational disease patient in a timely manner. During the diagnosis or medical observation of the suspected occupational disease patient, the Employer shall not dissolve or terminate the labor contract concluded with the suspected patient.

用人单位应当及时安排对疑似职业病病人进行诊断；在疑似职业病病人诊断或者医学观察期间，不得解除或者终止与其订立的劳动合同。

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

疑似职业病病人在诊断、医学观察期间的费用，由用人单位承担。

第五十六条 用人单位应当保障职业病病人依法享受国家规定的职业病待遇。

Article 56 The employer shall ensure that the occupational disease patients are entitled to the occupational disease benefits specified by the State. The Employer shall, in accordance with appropriate requirements of the State, make arrangements for the treatment, rehabilitation and regular check of the occupational disease patients.

用人单位应当按照国家有关规定，安排职业病病人进行治疗、康复和定期检查。

The Employer shall transfer any occupational disease patient that is no longer fit for the original job away from the original post and re-settle him/her properly.

用人单位对不适宜继续从事原工作的职业病病人，应当调离原岗位，并妥善安置。

用人单位对从事接触职业病危害的作业的劳动者，应当给予适当岗位津贴。

The Employer shall grant appropriate post allowance for workers engaged in operations involving exposure to occupational disease hazards.

第五十七条 职业病病人的诊疗、康复费用，伤残以及丧失劳动能力的职业病病人的社会保障，按照国家有关工伤保险的规定执行。

Article 57 The diagnosis and treatment expenses and rehabilitation expenses of the occupational disease patients and the social security of the injured and disabled occupational disease patients or occupational disease patients that have lost the working capacity shall be handled in accordance with appropriate requirements of the State for the work injury insurance.

第五十八条 职业病病人除依法享有工伤保险外，依照有关民事法律，尚有获得赔偿的权利的，有权向用人单位提出赔偿要求。

Article 58 In addition to being entitled to the work injury insurance, the occupational disease patients shall have the right to claim compensation from the Employer if they are entitled to other compensation pursuant to related civil laws.

第五十九条 劳动者被诊断患有职业病，但用人单位没有依法参加工伤保险的，其医疗和生活保障由该用人单位承担。

Article 59 In the event that a worker is diagnosed with any occupational disease, but the employer has not participated in the work injury insurance by law, the patient's medical and living expenses shall be borne by the employer.

第六十条 职业病病人变动工作单位，其依法享有的待遇不变。

用人单位在发生分立、合并、

Article 60 The benefits that an occupational disease patient is entitled to by law shall be unaffected if the patient changes its Employer. In cases of split, merger, winding up or bankruptcy of the employer, the employer shall perform a health check of the workers engaged in operations involving exposure to occupational disease hazards, and re-settle the patients with occupational

解散、破产等情形时，应当对从事接触职业病危害的作业的劳动者进行健康检查，并按照国家有关规定妥善安置职业病病人。

diseases appropriately in accordance with the requirements of the State.

第六十一条 用人单位已经不存在或者无法确认劳动关系的职业病病人，可以向地方人民政府医疗保障、民政部门申请医疗救助和生活等方面的救助。

Article 61 In the case of any occupational disease patient whose employer no longer exists or whose employment relationship may not be confirmed, the patient may file an application with the competent department in charge of medical security and civil affairs under the local people's government for medical aids and living aids, etc. The local people's governments at all levels shall, according to the actual conditions of their respective regions, take other measures to ensure the medical care for occupational disease patients mentioned in the preceding paragraph.

地方各级人民政府应当根据本地区的实际情况，采取其他措施，使前款规定的职业病病人获得医疗救治。

第五章 监督检查

Chapter V Supervision and Inspection

第六十二条 县级以上人民政府职业卫生监督管理部门依照职业病防治法律、法规、国家职业卫生标准和卫生要求，依据职责划分，对职业病防治工作进行监督检查。

Article 62 The competent department in charge of occupational health under the people's government at the county level or above shall, in accordance with the occupational disease prevention and control laws and regulations, occupational health standards and health requirements of the State, and based on the division of responsibilities, supervise over and inspect the occupational disease prevention and control work.

第六十三条 卫生行政部门履行监督检查职责时，有权采取下列

Article 63 When performing the supervision and inspection responsibilities, the competent administrative department in charge of health has the right to take the following measures: (1) To enter the inspected institution and the occupational disease hazard site to learn about the conditions,

措施：

（一）进入被检查单位和职业病危害现场，了解情况，调查取证；

（二）查阅或者复制与违反职业病防治法律、法规的行为有关的资料和采集样品；

（三）责令违反职业病防治法律、法规的单位和个人停止违法行为。

perform investigations and collect evidence;

(2) To check or copy the materials relating to the act that violates the occupational disease prevention laws and regulations and collect samples; and

(3) To order any institution or individual to stop any act that violates the occupational disease prevention laws and regulations.

第六十四条 发生职业病危害事故或者有证据证明危害状态可能导致职业病危害事故发生时，卫生行政部门可以采取下列临时控制措施：

（一）责令暂停导致职业病危害事故的作业；

（二）封存造成职业病危害事故或者可能导致职业病危害事故发生的材料和设备；

（三）组织控制职业病危害事

Article 64 When an occupational disease hazard accident takes place or there is evidence that the hazard status may give rise to an occupational disease hazard accident, the competent administrative department in charge of health may take the following temporary control measures: (1) To order the operations that give rise to occupational disease hazard accidents be stopped;

(2) To seal the materials and equipment that give rise to or may give rise to occupational disease hazard accidents; and

(3) To organize personnel to control the site of the occupational disease hazard accidents.

Once the occupational disease hazard accident or hazard status is brought under effective control, the competent administrative department in charge of health shall cancel the control measures in a timely manner.

故现场。

在职业病危害事故或者危害状态得到有效控制后，卫生行政部门应当及时解除控制措施。

第六十五条 职业卫生监督执法人员依法执行职务时，应当出示监督执法证件。

职业卫生监督执法人员应当忠于职守，秉公执法，严格遵守执法规范；涉及用人单位的秘密的，应当为其保密。

Article 65 When performing their functions by law, the occupational health supervision and law enforcement personnel shall present the supervision and law enforcement certificate. The occupational health supervision and law enforcement personnel shall be loyal to their duties, enforce the laws impartially, and comply strictly with the law enforcement codes. If the secrets of the Employer are involved, the occupational health supervision and law enforcement personnel shall keep the secrets for the Employer.

第六十六条 职业卫生监督执法人员依法执行职务时，被检查单位应当接受检查并予以支持配合，不得拒绝和阻碍。

Article 66 When the occupational health supervision and law enforcement personnel perform their functions by law, the inspected institution shall accept the inspection and provide support and cooperation rather than reject or hinder the inspection.

第六十七条 卫生行政部门及其职业卫生监督执法人员履行职责时，不得有下列行为：

（一）对不符合法定条件的，发给建设项目有关证明文件、资质证明文件或者予以批准；

Article 67 When performing their functions by law, the competent administrative department in charge of health and its occupational health supervision and law enforcement personnel shall not perform the following acts: (1) To issue related certifying documents and qualification certifying documents for or approve the Construction Project even when the legal requirements are not met; (2) To fail to perform the supervision and inspection duties for the Construction Project that has acquired related certifying

（二）对已经取得有关证明文件的，不履行监督检查职责；

（三）发现用人单位存在职业病危害的，可能造成职业病危害事故，不及时依法采取控制措施；

（四）其他违反本法的行为。

documents;

(3) To fail to take control measures by law in a timely manner when the Employer is found to have occupational disease hazards that may give rise to occupational disease health accidents; and

(4) Other acts that violate this Law.

第六十八条 职业卫生监督执法人员应当依法经过资格认定。

职业卫生监督管理部门应当加强队伍建设，提高职业卫生监督执法人员的政治、业务素质，依照本法和其他有关法律、法规的规定，建立、健全内部监督制度，对其工作人员执行法律、法规和遵守纪律的情况，进行监督检查。

Article 68 The occupational health supervision and law enforcement personnel shall have their qualifications recognized by law.

The competent administrative department in charge of occupational health shall step up the team building□up, improve the political and operational qualities of the occupational health supervision and law enforcement personnel, establish and perfect the internal supervision system in accordance with the requirements of this Law and other related laws and regulations, and perform supervision and inspection of implementation of the laws and regulations by its personnel and their compliance with the disciplines.

第六章 法律责任

Chapter VI Legal Liabilities

第六十九条 建设单位违反本法规定，有下列行为之一的，由卫生行政部门给予警告，责令限期改正；逾期不改正的，处十万元以上五十万元以下的罚款；情节严重的，责令停止产生职业病危害的作业

Article 69 In the event that the owner of an construction project performs any of the following acts in violation of the requirements of this Law, the competent administrative department in charge of health shall give the owner a warning and order it to take corrective actions within the specified time. In case of failure to take corrective actions within the specified time, a fine of no less than 100, 000 yuan and no more than 500, 000 yuan will be imposed. Where the violation is serious, the competent administrative department in charge

，或者提请有关人民政府按照国务院规定的权限责令停建、关闭：

（一）未按照规定进行职业病危害预评价的；

（二）医疗机构可能产生放射性职业病危害的建设项目未按照规定提交放射性职业病危害预评价报告，或者放射性职业病危害预评价报告未经卫生行政部门审核同意，开工建设的；

（三）建设项目的职业病防护设施未按照规定与主体工程同时设计、同时施工、同时投入生产和使用的；

（四）建设项目的职业病防护设施设计不符合国家职业卫生标准和卫生要求，或者医疗机构放射性职业病危害严重的建设项目的防护设施设计未经卫生行政部门审查同意擅自施工的；

（五）未按照规定对职业病防护设施进行职业病危害控制效果评

of health shall order the owner to stop the operations that generate occupational disease hazards or request related people's government to order the Construction Project be ceased or closed down pursuant to the authorities specified by the State Council. (1) The owner fails to perform the pre-assessment of occupational disease hazards;

(2) The owner starts construction without furnishing a radiation-induced occupational disease hazard pre-assessment report as required for a medical institution's Construction Project which may generate radiation-induced occupational disease hazards, or with the radiation-induced occupational disease hazard pre-assessment report not having been reviewed and approved by the competent administrative department in charge of health.;

(3) The occupational disease protection facilities of the Construction Project fail to be designed, constructed, or put into production and use simultaneously with the main project as required;

(4) The design of the occupational disease protection facilities of the Construction Project does not comply with the occupational health standards and health requirements of the State, or construction commences on a medical institution's Construction Project with serious radiation-induced occupational disease hazards when the design of its protection facilities has not been reviewed and approved by the competent department in charge of health;

(5) The owner fails to perform an assessment of the effects of occupational disease hazard control on occupational disease protection facilities as required; or

(6) The occupational disease protection facilities are put into production and use without being accepted satisfactorily as required upon completion of the Construction Project.

价的；

（六）建设项目竣工投入生产和使用前，职业病防护设施未按照规定验收合格的。

第七十条 违反本法规定，有下列行为之一的，由卫生行政部门给予警告，责令限期改正；逾期不改正的，处十万元以下的罚款：

（一）工作场所职业病危害因素检测、评价结果没有存档、上报、公布的；

（二）未采取本法第二十条规定的职业病防治管理措施的；

（三）未按照规定公布有关职业病防治的规章制度、操作规程、职业病危害事故应急救援措施的；

（四）未按照规定组织劳动者进行职业卫生培训，或者未对劳动者个人职业病防护采取指导、督促措施的；

（五）国内首次使用或者首次

Article 70 In the event that the owner of a construction project performs any of the following acts in violation of the requirements of this Law, the competent administrative department in charge of health shall give the owner a warning and order it to take corrective actions within the specified time. In the event of failure to take corrective actions within the specified time, a fine of no more than 100,000 yuan will be imposed: (1) Fails to put on file, report and publish the inspection and assessment results of occupational disease hazard factors in the workplace;

(2) Fails to take the management measures of occupational disease prevention and control specified in Article 20 of this Law;

(3) Fails to publish the rules and regulations and operation codes concerning occupational disease prevention and control, and emergency rescue measures of occupational disease hazards as required;

(4) Fails to organize occupational health training of the workers or take guidance and supervision measures for personal occupational disease protection of the workers as required; or

(5) Fails to furnish such materials as the toxicity appraisal materials and the registration or import approval documents issued by related departments in the event of first-time use or import of chemical materials relating to the occupational disease hazards in China.

进口与职业病危害有关的化学材料，未按照规定报送毒性鉴定资料以及经有关部门登记注册或者批准进口的文件的。

第七十一条 用人单位违反本法规定，有下列行为之一的，由卫生行政部门责令限期改正，给予警告，可以并处五万元以上十万元以下的罚款：

（一）未按照规定及时、如实向卫生行政部门申报产生职业病危害的项目的；

（二）未实施由专人负责的职业病危害因素日常监测，或者监测系统不能正常监测的；

（三）订立或者变更劳动合同时，未告知劳动者职业病危害真实情况的；

（四）未按照规定组织职业健康检查、建立职业健康监护档案或者未将检查结果书面告知劳动者的

；

Article 71 In the event that the Employer performs any of the following acts in violation of the requirements of this Law, the competent administrative department in charge of health shall order it to take corrective actions within the specified time, give it a warning and may give it a fine of no less than 50, 000 yuan and no more than 100, 000 yuan. (1) Fails to report to the competent administrative department in charge of health any project that generates occupational disease hazards in a timely and truthful manner;

(2) Fails to implement daily monitoring of occupational disease hazard factors undertaken by specially appointed personnel, or the monitoring system is unable to function normally.

(3) Fails to inform the workers of the real conditions about the occupational disease hazards when concluding or changing the labor contract;

(4) Fails to organize the occupational health checks, create the occupational health care files as required or inform the workers of the check results in a truthful manner; or

(5) Fails to provide a copy of the occupational health care files when the worker terminates employment with the employer in accordance with the requirements of this Law.

（五）未依照本法规定在劳动者离开用人单位时提供职业健康监护档案复印件的。

第七十二条 用人单位违反本法规定，有下列行为之一的，由卫生行政部门给予警告，责令限期改正，逾期不改正的，处五万元以上二十万元以下的罚款；情节严重的，责令停止产生职业病危害的作业，或者提请有关人民政府按照国务院规定的权限责令关闭：

（一）工作场所职业病危害因素的强度或者浓度超过国家职业卫生标准的；

（二）未提供职业病防护设施和个人使用的职业病防护用品，或者提供的职业病防护设施和个人使用的职业病防护用品不符合国家职业卫生标准和卫生要求的；

（三）对职业病防护设备、应急救援设施和个人使用的职业病防护用品未按照规定进行维护、检修、检测，或者不能保持正常运行、

Article 72 In the event that the Employer performs any of the following acts in violation of the requirements of this Law, the competent administrative department in charge of health shall give it a warning, order it to take corrective actions within the specified time and give it a fine of no less than 50,000 yuan and no more than 200,000 yuan in case of failure to take corrective actions within the specified time. Where the violation is serious, the competent administrative department in charge of health shall order it to stop the operations that generate occupational disease hazards or request related people's government to order it be closed down in accordance with the authorities specified by the State Council.

(1) The strength or concentration of the occupational disease hazard factors exceeds the national occupational health standards;

(2) Fails to provide the occupational disease protection facilities and personal occupational disease protection products, or provides occupational disease protection facilities and personal occupational disease protection products that do not meet the requirements of the occupational health standards and health requirements of the State;

(3) Fails to maintain, inspect and test the occupational disease protection equipment, emergency rescue facilities and personal occupational disease protection products as required or keep them in the normal operating and use conditions;

(4) Fails to inspect and assess the occupational disease hazard factors in the workplace as required;

(5) Fails to stop the operations involving occupational disease hazard factors in case of failure to meet the occupational health

使用状态的；

（四）未按照规定对工作场所职业病危害因素进行检测、评价的；

（五）工作场所职业病危害因素经治理仍然达不到国家职业卫生标准和卫生要求时，未停止存在职业病危害因素的作业的；

（六）未按照规定安排职业病病人、疑似职业病病人进行诊治的；

（七）发生或者可能发生急性职业病危害事故时，未立即采取应急救援和控制措施或者未按照规定及时报告的；

（八）未按照规定在产生严重职业病危害的作业岗位醒目位置设置警示标识和中文警示说明的；

（九）拒绝职业卫生监督管理部门监督检查的；

（十）隐瞒、伪造、篡改、毁

standards and health requirements of the State again after handling the occupational disease hazard factors in the workplace;

(6) Fails to make arrangements for the diagnosis and treatment of the occupational disease patients or suspected occupational disease patients as required;

(7) Fails to take emergency rescue and control measures immediately or make a report in a timely manner as required when an acute occupational disease hazard accident takes place or is likely to take place;

(8) Fails to erect warning marks and Chinese language warnings in a visible location on the posts that generate serious occupational disease hazards as required;

(9) Rejects the supervision and inspection of the competent administrative department in charge of occupational health supervision and regulation;

(10) Conceals, falsifies, alters or destroys occupational health care files, inspection and assessment results of occupational disease hazard factors in the workplace and other related materials, or refuses to provide the materials necessary for occupational disease diagnosis and appraisal; or

(11) Fails to bear the occupational disease diagnosis and appraisal expenses and the medical and living expenses of occupational disease patients as required

损职业健康监护档案、工作场所职业病危害因素检测评价结果等相关资料，或者拒不提供职业病诊断、鉴定所需资料的；

（十一）未按照规定承担职业病诊断、鉴定费用和职业病病人的医疗、生活保障费用的。

第七十三条 向用人单位提供可能产生职业病危害的设备、材料，未按照规定提供中文说明书或者设置警示标识和中文警示说明的，由卫生行政部门责令限期改正，给予警告，并处五万元以上二十万元以下的罚款。

Article 73 In the event that an entity or individual provides the Employer with equipment and materials that may generate occupational disease hazards without providing the Chinese language instructions or erecting the warning marks and Chinese language warnings, the competent administrative department in charge of health shall order the entity or individual to take corrective actions within the specified time, give it a warning and impose a fine of no less than 50,000 yuan and no more than 200,000 yuan on it.

第七十四条 用人单位和医疗卫生机构未按照规定报告职业病、疑似职业病的，由有关主管部门依据职责分工责令限期改正，给予警告，可以并处一万元以下的罚款；弄虚作假的，并处二万元以上五万元以下的罚款；对直接负责的主管人员和其他直接责任人员，可以依法给予降级或者撤职的处分。

Article 74 In the event that the Employer or medical health institution fails to report any occupational disease or suspected occupational disease as required, the relevant competent administrative departments may order it to take corrective actions within the specified time, give it a warning or impose a fine of no more than 10,000 yuan on it based on the division of duties. In case of falsification, a fine of no less than 20,000 yuan and no more than 50,000 yuan will be given. The directly responsible supervisor and other directly liable personnel may be given such sanctions as demotion or removal from office.

第七十五条 违反本法规定，

有下列情形之一的，由卫生行政部门责令限期治理，并处五万元以上三十万元以下的罚款；情节严重的，责令停止产生职业病危害的作业，或者提请有关人民政府按照国务院规定的权限责令关闭：

（一）隐瞒技术、工艺、设备、材料所产生的职业病危害而采用的；

（二）隐瞒本单位职业卫生真实情况的；

（三）可能发生急性职业损伤的有毒、有害工作场所、放射工作场所或者放射性同位素的运输、贮存不符合本法第二十五条规定的；

（四）使用国家明令禁止使用的可能产生职业病危害的设备或者材料的；

（五）将产生职业病危害的作业转移给没有职业病防护条件的单位和个人，或者没有职业病防护条

Article 75 Under any of the following circumstances in violation of the requirements of this Law, the competent administrative department in charge of health will order the Employer to take corrective actions within the specified time and impose a fine of no less than 50,000 yuan and no more than 300,000 yuan on it. Where the violation is serious, the competent administrative department in charge of health will order the employer to stop the operations that generate occupational disease hazards or request related people's government to order it be closed down in accordance with the authorities specified by the State Council. (1) Uses the

technologies, processes and materials by concealing the occupational disease hazards they generate;

(2) Conceals the real conditions of occupational health of the institution;

(3) The toxic and hazardous workplaces or radioactive workplaces where acute occupational injuries may occur, or the transport or storage of the radioactive isotopes does not meet the requirements of Article 25 of this Law;

(4) Uses any equipment or materials expressly banned by the State that may generate occupational disease hazards.

(5) Transfers any operations that generate occupational disease hazards to any institution or individual that does not meet the requirements for occupational disease protection or any institution or individual that does not meet the requirements for occupational disease protection accepts the operations that generate occupational disease hazards;

(6) Removes or stops using any occupational disease protection equipment or emergency rescue facilities without authorization;

(7) Arranges any worker that has not undergone the occupational health check or has occupational contraindications, minor worker or pregnant/lactating worker to engage in operations involving

件的单位和个人接受产生职业病危害的作业的；

（六）擅自拆除、停止使用职业病防护设备或者应急救援设施的；

（七）安排未经职业健康检查的劳动者、有职业禁忌的劳动者、未成年工或者孕期、哺乳期女职工从事接触职业病危害的作业或者禁忌作业的；

（八）违章指挥和强令劳动者进行没有职业病防护措施的作业的。

exposure to occupational disease hazards or contraindications; or

(8) Illegally commands and compels the workers to engage in operations without taking occupational disease protection measures.

第七十六条 生产、经营或者进口国家明令禁止使用的可能产生职业病危害的设备或者材料的，依照有关法律、行政法规的规定给予处罚。

Article 76 Any production, trade or import of any equipment or materials expressly banned by the State that may cause occupational disease hazards will result in sanctions pursuant to the requirements of related laws and administrative regulations.

第七十七条 用人单位违反本法规定，已经对劳动者生命健康造成严重损害的，由卫生行政部门责令停止产生职业病危害的作业，或

Article 77 In the event that the Employer violates the requirements of this Law causing serious damages to the lives and health of the workers, the competent administrative department in charge of health shall order it to stop the operations that generate occupational disease hazards or request related people's government to order it be closed

者提请有关人民政府按照国务院规定的权限责令关闭，并处十万元以上五十万元以下的罚款。

down in accordance with the authorities specified by the State Council and impose a fine of no less than 100,000 yuan and no more than 500,000 yuan on it.

第七十八条 用人单位违反本法规定，造成重大职业病危害事故或者其他严重后果，构成犯罪的，对直接负责的主管人员和其他直接责任人员，依法追究刑事责任。

Article 78 In the event that the Employer violates the requirements of this Law causing major occupational disease hazard accidents or other serious consequences, which constitutes a crime, the directly responsible supervisor and other directly liable personnel will be held criminally liable by law.

第七十九条 未取得职业卫生技术服务资质认可擅自从事职业卫生技术服务的，由卫生行政部门责令立即停止违法行为，没收违法所得；违法所得五千元以上的，并处违法所得二倍以上十倍以下的罚款；没有违法所得或者违法所得不足五千元的，并处五千元以上五万元以下的罚款；情节严重的，对直接负责的主管人员和其他直接责任人员，依法给予降级、撤职或者开除的处分。

Article 79 In the event that a technical service institution of occupational health carries out the technical service of occupational health without acquiring the technical service qualification of occupational health, the competent administrative department in charge of health shall order it to stop the illegal acts immediately and confiscate the illegal earnings based on the division of duties. In the event that the amount of the illegal earnings exceeds 5,000 yuan, a fine in an amount of no less than 2 times and no more than 10 times that of the illegal earnings will be imposed. In the absence of illegal earnings or if the amount of the illegal earnings is less than 5,000 yuan, a fine of no less than 5,000 yuan and no more than 50,000 yuan will be imposed. If the violation is serious, the directly responsible supervisor and other directly liable personnel will be given such sanctions as demotion, removal from office or dismissal by law.

第八十条 从事职业卫生技术服务的机构和承担职业病诊断的医疗卫生机构违反本法规定，有下列

Article 80 In the event that any institution that is engaged in technical services of occupational health or medical health institution that undertakes occupational disease diagnosis performs any of the following acts in violation of the requirements of this Law, the competent department in charge

行为之一的，由卫生行政部门责令立即停止违法行为，给予警告，没收违法所得；违法所得五千元以上的，并处违法所得二倍以上五倍以下的罚款；没有违法所得或者违法所得不足五千元的，并处五千元以上二万元以下的罚款；情节严重的，由原认可或者登记机关取消其相应的资格；对直接负责的主管人员和其他直接责任人员，依法给予降级、撤职或者开除的处分；构成犯罪的，依法追究刑事责任：

（一）超出资质认可或者诊疗项目登记范围从事职业卫生技术服务或者职业病诊断的；

（二）不按照本法规定履行法定职责的；

（三）出具虚假证明文件的。

第八十一条 职业病诊断鉴定委员会组成人员收受职业病诊断争议当事人的财物或者其他好处的，给予警告，没收收受的财物，可以并处三千元以上五万元以下的罚款

of health shall order it to stop the violations immediately, give it a warning and confiscate the illegal earnings. In the event that the amount of the illegal earnings exceeds 5,000 yuan, a fine in an amount of no less than 2 times and no more than 5 times that of the illegal earnings will be imposed. In the absence of illegal earnings or if the amount of the illegal earnings is less than 5,000 yuan, a fine of no less than 5,000 yuan and no more than 20,000 yuan will be imposed. If the violation is serious, the original accreditation or registration authority shall cancel its qualification. The directly responsible supervisor and other directly liable personnel will be given such sanctions as demotion, removal from office or dismissal by law. If a crime is constituted, the directly responsible supervisor and other directly liable personnel will be held criminally liable. (1) Carry out technical services of occupational health or occupational disease diagnosis beyond the scope of accredited qualifications or registered diagnosis items;

(2) Fail to perform the legal functions in accordance with the requirements of this Law; or

(3) Issue false certificates.

Article 81 In the event that a member of the occupational disease appraisal committee accepts any gifts or other benefits from the parties to a dispute of occupational disease diagnosis, he/she will be given a warning, the gifts accepted will be confiscated, a fine of no less than 3,000 yuan and no more than 50,000 yuan may be imposed, his/her qualification to serve as a member on the occupational disease appraisal

，取消其担任职业病诊断鉴定委员会组成人员的资格，并从省、自治区、直辖市人民政府卫生行政部门设立的专家库中予以除名。

committee will be deprived, and he will be removed from the expert database established by the competent administrative department in charge of health under the people's government of the provinces, autonomous regions and municipalities.

第八十二条 卫生行政部门不按照规定报告职业病和职业病危害事故的，由上一级行政部门责令改正，通报批评，给予警告；虚报、瞒报的，对单位负责人、直接负责的主管人员和其他直接责任人员依法给予降级、撤职或者开除的处分。

Article 82 In the event that a competent administrative department in charge of health fails to report the occupational diseases and occupational disease hazard accidents as required, the higher level competent administrative departments in charge will circulate a notice criticizing it and give it a warning. In the event of false reporting or concealment, the head, directly responsible supervisor and other directly liable personnel of the department will be given such administrative sanctions as demotion, removal from office or dismissal by law.

第八十三条 县级以上地方人民政府在职业病防治工作中未依照本法履行职责，本行政区域出现重大职业病危害事故、造成严重社会影响的，依法对直接负责的主管人员和其他直接责任人员给予记大过直至开除的处分。

Article 83 In the event that a people's government at the county level or above fails to perform its functions in accordance with this Law in occupational disease prevention and control work, giving rise to major occupational disease hazard accidents in the administrative region concerned and producing bad social influences, the directly responsible supervisor and other directly liable personnel will be given such sanctions as recording of major demerits and even dismissal by law. In the event that the competent department in charge of occupational health supervision and regulation under a people's government at the county level or above fails to perform the functions specified in this Law, abuses its powers, neglects its duties, or engages in malpractice for private gains, the directly responsible supervisor and other directly liable personnel will be given such sanctions as recording of major demerits and even demotion by law. In the event that any occupational disease hazard accident or other bad consequence is caused, the directly responsible supervisor and other directly liable personnel will be

县级以上人民政府职业卫生监督管理部门不履行本法规定的职责，滥用职权、玩忽职守、徇私舞弊，依法对直接负责的主管人员和其

他直接责任人员给予记大过或者降级的处分；造成职业病危害事故或者其他严重后果的，依法给予撤职或者开除的处分。

given such sanctions as removal from office or dismissal by law.

第八十四条 违反本法规定，构成犯罪的，依法追究刑事责任。

Article 84 Any violation of this law which constitutes a crime will be held criminally liable by law.

第七章 附 则

Chapter VII Supplementary Provisions

第八十五条 本法下列用语的含义：

职业病危害，是指对从事职业活动的劳动者可能导致职业病的各种危害。职业病危害因素包括：职业活动中存在的各种有害的化学、物理、生物因素以及在作业过程中产生的其他职业有害因素。

职业禁忌，是指劳动者从事特定职业或者接触特定职业病危害因素时，比一般职业人群更易于遭受职业病危害和罹患职业病或者可能导致原有自身疾病病情加重，或者在从事作业过程中诱发可能导致对他人生命健康构成危险的疾病的个

Article 85 For the purpose of this Law, "Occupational disease hazards" refers to various hazards that may result in occupational diseases in the workers engaged in occupational activities. The occupational disease hazard factors include: various hazardous chemical, physical and biological factors existing in the occupational activities and other occupational hazard factors that arise during the course of work. "Occupational contraindications" refers to the personal special physical state or pathological state whereby a worker, when engaged in a particular profession or exposed to particular occupational disease hazard factors, is more likely to suffer from the occupational disease hazards and contract the occupational diseases than ordinary occupational groups, experience aggravation of existing diseases in the worker or induce diseases that may endanger the lives and health of other people during the course of work.

人特殊生理或者病理状态。

第八十六条 本法第二条规定的用人单位以外的单位，产生职业病危害的，其职业病防治活动可以参照本法执行。

劳务派遣用工单位应当履行本法规定的用人单位的义务。

中国人民解放军参照执行本法的办法，由国务院、中央军事委员会制定。

第八十七条 对医疗机构放射性职业病危害控制的监督管理，由卫生行政部门依照本法的规定实施。

第八十八条 本法自2002年5月1日起施行。

Article 86 In case of any occupational disease hazard occurring to institutions other than the employers set forth in **Article 2 of this Law**, their occupational disease prevention and control activities may be carried out with reference to this **Law**. Each labor dispatching employer shall perform the obligations of the employer set forth in this Law.

The measures guiding the compliance of the People's Liberation Army with this Law shall be otherwise developed by the State Council and Central Military Commission.

Article 87 The supervision and regulation of radioactive occupational disease hazard control of medical institutions shall be performed by the competent administrative department in charge of health in accordance with the requirements of this Law.

Article 88 This Law shall become effective as of 1 May 2002.



扫一扫，手机阅读更方便