

# 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）

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## 第一章 总 则

**第一条** 为了加强安全生产工作，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。

**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。

**第三条** 安全生产工作坚持中国共产党的领导。

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。

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。

**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。

**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。

**第七条** 工会依法对安全生产工作进行监督。

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。

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。

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。

**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。

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理部门。

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。

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的实施进行监督检查。

**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。

**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。

**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。

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。

**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和责任清单，公开并接受社会监督。

**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。

**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。

## 第二章 生产经营单位的 安全生产保障

**第二十条** 生产经营单位应当具备本法和有关法律、行政法规和国家标准或者行业标准规定的安全生产条件；不具备安全生产条件的，不得

从事生产经营活动。

**第二十一条** 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：

（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；

（二）组织制定并实施本单位安全生产规章制度和操作规程；

（三）组织制定并实施本单位安全生产教育和培训计划；

（四）保证本单位安全生产投入的有效实施；

（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；

（六）组织制定并实施本单位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。

**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。

**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；

（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。

**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。

**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、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。

**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。

**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。

**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。

**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。

**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。

**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。

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。

**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、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。

**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。

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。

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。

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

**第四十条** 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。

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。

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它危险作业，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。

**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。

**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。

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** 生产经营单位应当安排用于配

备劳动防护用品、进行安全生产培训的经费。

**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。

**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。

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。

**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。

**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。

### 第三章 从业人员的安全 生产权利义务

**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。

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。

**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。

**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。

**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，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。

**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。

**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。

**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。

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

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

**第六十一条** 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。

## 第四章 安全生产的监督管理

**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，并按照国家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。

**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部门，负责行政审批的部门发现其不再具备安全生产条件的，应当撤销原批准。

**第六十四条** 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。

**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：

（一）进入生产经营单位进行检查，调阅有关资料，向有关单位和人员了解情况；

（二）对检查中发现的安全生产违法行为，当场予以纠正或者要求限期改正；对依法应当给予行政处罚的行为，依照本法和其他有关法律、行政法规的规定作出行政处罚决定；

（三）对检查中发现的事故隐患，应当责令立即排除；重大事故隐患排除前或者排除过程中无法保证安全的，应当责令从危险区域内撤出作业人员，责令暂时停产停业或者停止使用相关设

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。

**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。

**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。

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。

**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，发现存在的安全问题应当由其他有关部门进行处理的，应当及时移送其他有关部门并形成记录备查，接受移送的部门应当及时进行处理。

**第七十条** 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。

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经营单位存在事故隐患或者安全生产违法行为时，应当向当地人民政府或者有关部门报告。

**第七十六条** 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。

**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。

**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。

## 第五章 生产安全事故的应急救援与调查处理

**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。

**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。

**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。

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。

**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。

**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。

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。

**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。

**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。

**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。

**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。

## 第六章 法 律 责 任

**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：

（一）对不符合法定安全生产条件的涉及安全生产的事项予以批准或者验收通过的；

（二）发现未依法取得批准、验收的单位擅自从事有关活动或者接到举报后不予取缔或者不依法予以处理的；

(三) 对已经依法取得批准的单位不履行监督管理职责,发现其不再具备安全生产条件而不撤销原批准或者发现安全生产违法行为不予查处的;

(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。

**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。

**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。

**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。

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。

**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

入百分之百的罚款。

**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。

**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：

（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；

（二）危险物品的生产、经营、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；

（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；

（四）未如实记录安全生产教育和培训情况的；

（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；

（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；

（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性维护、保养和定期检测的；

（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；

（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；

(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；

(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。

**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：

(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；

(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；

(三) 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它危险作业，未安排专门人员进行现场安全管理的；

(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。

**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。

**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，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。

**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：

（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。

**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。

**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。

**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。

**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。

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。

**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。

**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：

（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；

（二）经停产停业整顿，仍不具备法律、行政法规和国家标准或者行业标准规定的安全生产条件的；

（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，处一千万元以上二千万以下的罚款。

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。

**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。

**第一百一十六条** 生产经营单位发生生产安全事故造成人员伤亡、他人财产损失的，应当依法承担赔偿责任；拒不承担或者其负责人逃匿的，由人民法院依法强制执行。

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

## 第七章 附 则

**第一百一十七条** 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。

# Work Safety Law of the People's Republic of China (2021 Amendment)

## 中华人民共和国安全生产法 (2021 修正)

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Work Safety Law of the People's Republic of China

(Adopted at the 28th session of the Standing Committee of the Ninth National People's Congress on June 29, 2002; amended for the first time according to [the Decision on Amending Certain Laws](#) adopted at the 10th session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009; amended for the second time according to [the Decision on Amending the Work Safety Law of the People's Republic of China](#) adopted at the 10th session of the Standing Committee of the Twelfth National People's Congress on August 31, 2014; and amended for the third time according to [the Decision of the Standing Committee of the National People's Congress to Amend the Work Safety Law of the People's Republic of China](#), as adopted at the 29th meeting of the Standing Committee of the Thirteenth National People's Congress of the People's Republic of China on June 10, 2021)

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Chapter I General Provisions

**Article 1** To reinforce work safety, prevent and reduce work safety accidents, protect

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the life and property safety of the people, and promote the sustainable and sound economic and social development, this Law is developed.

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

**Article 3** For work safety, the leadership of the Communist Party of China shall be adhered to.

For work safety, the people shall be oriented to, the paramountcy of the people and life shall be adhered to, the protection of life safety of the people shall be the top priority, the concept of safe development shall be firmly established, the principle of safety first, focusing on prevention, and integrated control shall be adhered to, and major safety risks shall be prevented and resolved at source.

For work safety, industry overseers, business overseers, and production and operation overseers must oversee safety, the main responsibility of production and operation entities and the regulatory responsibility of the government shall be enhanced and implemented, and a mechanism including the responsibilities of business entities, participation of employees, governmental regulation, industry self-regulation, and public supervision shall be established.

**Article 4** A production and operation entity must comply with this Law and other laws and regulations related to work safety, strengthen work safety management, establish and improve a work safety responsibility system and work safety rules and systems for all employees, increase efforts to guarantee the input of funds, materials, technology, and personnel in work safety, improve work safety conditions, strengthen standardization and informatization of work safety, construct a dual prevention mechanism consisting of graded management and control of safety risks and examination and control of potential risks, improve the risk prevention and resolution mechanism, raise work safety levels, and ensure work safety.

A production and operation entity in the platform economy or any other emerging industry or field shall, in accordance with the characteristics of the industry and field, establish, improve and implement a work safety responsibility system for all employees, strengthen the work safety education and training for employees, and perform the relevant work safety obligations under this Law and other laws and regulations.

**Article 5** The main responsible person of a production and operation entity, as the primary person responsible for the work safety of the entity, shall be fully responsible for the work safety of the entity. Any other person in charge shall be responsible for the work safety within the scope of his or her duties.

**Article 6** Employees of a business entity shall be entitled to safeguards for work safety according to the law, and perform work safety obligations according to the law.

**Article 7** Trade unions shall oversee work safety.

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The trade union of a business entity shall organize employees to participate in the democratic management and oversight of work safety of the business entity, and protect the lawful rights and interests of employees in terms of work safety. To develop or amend policies and rules related to work safety, a business entity shall hear the opinions of its trade union.

**Article 8** The State Council and the local people's governments at and above the county level shall develop work safety plans and organize the implementation thereof in accordance with the national economic and social development plans. A work safety plan shall be connected with relevant plans such as spatial plans.

The people's governments at all levels shall strengthen the building of work safety infrastructure and capacity to regulate work safety, and include the required funds in the budget at the corresponding level.

The local people's governments at and above the county level shall arrange for relevant authorities to establish and improve a safety risk assessment and demonstration mechanism, effectuate industry planning and spatial layout in accordance with the requirements for management and control of safety risks, and jointly prevent and control major safety risks with respect to production and operation entities adjacent to each other, in a similar industry, and engaging in similar form of business.

**Article 9** The State Council and the local people's governments at and above the county level shall strengthen their leadership over work safety, establish and improve a work safety coordination mechanism, support, supervise and urge all relevant authorities' performing their duty of supervision and administration of work safety in accordance with the law, and coordinate and resolve major safety issues in supervision and administration of work safety in a timely manner.

Township and town people's governments, sub-district offices, development zones, industrial parks, port areas, and scenic spots, among others, shall specify the relevant work institutions responsible for the supervision and administration of work safety and their duties, strengthen the construction of work safety regulation forces, and conduct supervisory inspection of the work safety status of production and operation entities in their administrative areas and management areas based on their duties, and assist the relevant authorities of the people's governments in performing the duties of supervision and administration of work safety, or perform such duties upon authorization in accordance with the law.

**Article 10** The emergency management authority of the State Council shall implement comprehensive supervision and administration of work safety throughout the country in accordance with this Law; and the emergency management authorities of the local people's governments at and above the county level shall implement comprehensive supervision and administration of work safety in their respective administrative areas in accordance with this Law.

The transport, housing and urban-rural development, water resources, civil aviation, and other relevant authorities of the State Council shall, under the provisions of this Law and other relevant laws and administrative regulations, supervise and administer work safety in relevant industries and fields within the scope of their respective duties; and the relevant authorities of the local people's governments at and above the county level shall, under the provisions of this Law and other relevant laws and regulations, supervise and administer work safety in relevant industries and fields within the scope

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of their respective duties. If the duty to supervise and administer work safety in an emerging industry or field is not specific, the local people's governments at and above the county level shall determine a supervision and administration authority on the principle of similar business.

Emergency management authorities and authorities that supervise and administer work safety in related industries and fields shall be collectively referred to as authorities charged with the duty of supervision and administration of work safety. Authorities charged with the duty of supervision and administration of work safety shall cooperate with each other, jointly exercise administration, share information and resources, and strengthen the work to supervise and administer work safety in accordance with the law.

**Article 11** The relevant departments of the State Council shall, according to the requirements for safeguarding work safety, develop relevant national or industry standards in a timely manner according to the law, and amend such standards appropriately on the basis of technological advancement and economic development. Business entities must implement the national or industry standards for safeguarding work safety developed according to the law.

**Article 12** The relevant authorities of the State Council shall be responsible for proposing projects of, organizing the drafting of, soliciting comments on, and conducting technical review of mandatory national standards for work safety in accordance with the division of duties. The emergency management authority of the State Council shall coordinate the making of proposals for mandatory national standards for work safety. The standardization authority of the State Council shall be responsible for proposing, numbering, giving external notification of, and authorizing and approving the issuance of mandatory national standards for work safety. The standardization authority and relevant authorities of the State Council shall conduct supervisory inspection of the implementation of mandatory national standards for work safety in accordance with their statutory duties.

**Article 13** The people's governments at all levels and the relevant departments thereof shall strengthen the publicity of laws and regulations on work safety and work safety knowledge in various forms to raise the work safety awareness of the whole society.

**Article 14** The relevant associations shall, in accordance with laws, administrative regulations, and their articles of association, provide business entities with information, training, and other services related to work safety, play their self-regulatory roles, and promote the enhanced work safety management of business entities.

**Article 15** Institutions legally formed to provide work safety technical and management services shall, in accordance with laws, administrative regulations, and standards of practice, provide work safety technical and management services for business entities as agreed upon therewith.

Where a business entity employs an aforesaid institution to provide work safety technical or management services, the business entity shall remain responsible for ensuring its work safety.

**Article 16** The state shall apply an accountability enforcement system to work safety

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accidents, and the entities and persons liable for such accidents shall be subject to legal liability in accordance with this Law and other relevant laws and regulations.

**Article 17** The people's governments at and above the county level shall arrange for authorities charged with the duty of supervision and administration of work safety to prepare a list of work safety powers and responsibilities in accordance with the law, and publicly disclose the list, and submit to social supervision.

**Article 18** The state shall encourage and support the scientific and technological research on work safety and the promotion and application of advanced work safety technology to improve the level of work safety.

**Article 19** The state shall confer awards on entities and individuals which have made outstanding achievements in improving work safety conditions, preventing work safety accidents, and participating in rescue operations, among others.

## Chapter II Safeguards for Work Safety of Business Entities

**Article 20** Business entities shall meet the work safety conditions prescribed by this Law and other relevant laws, administrative regulations, and national or industry standards. Business entities not meeting such conditions shall not be engaged in production and other business activities.

**Article 21** The main responsible person of a production and operation entity shall have the following duties for the work safety of the entity:

- (1) Establishing, improving and implementing the work safety responsibility system for all employees of the entity and strengthening construction of work safety standardization.
- (2) Organizing the formulation and implementation of work safety rules and systems and operating procedures of the entity.
- (3) Organizing the formulation and implementation of work safety education and training plan of the entity.
- (4) Guaranteeing the effective implementation of the entity's input in work safety.
- (5) Organizing the establishment and implementation of a dual prevention mechanism consisting of graded management and control of safety risks and examination and control of potential risks, supervising, urging and inspecting the work safety of the entity, and eliminating the potential risk of work safety accidents in a timely manner.
- (6) Organizing the formulation and implementation of an emergency rescue plan for work safety accidents of the entity.
- (7) Reporting a work safety accident in a timely and truthful manner.

**Article 22** The work safety responsibility system of a business entity shall specify the responsible person for each position, the scope of duties, and the evaluation criteria, among others.

A business entity shall establish corresponding mechanisms to strengthen the supervision and evaluation of the implementation of its work safety responsibility system and ensure the implementation of the system.

**Article 23** Input of funds necessary for a business entity to meet the prescribed work safety conditions shall be guaranteed by the decision-making body or the primary

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person in charge of the business entity or the self-employed investor of the business entity, and such a body, person in charge, or investor shall be liable for the consequences of insufficient input of funds necessary for work safety. The business entity shall, as legally required, set aside and use work safety expenses exclusively for improving work safety conditions. The actual amount of work safety expenses shall be included in costs. The specific measures for the set-aside, use, supervision, and administration of work safety expenses shall be developed by the financial department of the State Council in conjunction with the emergency management authority of the State Council after solicitation of the opinions of other relevant departments of the State Council.

**Article 24** An entity engaged in mining, metal smelting, building construction, or transportation or an entity manufacturing, marketing, or storing or loading and unloading shall establish a work safety management body or have full-time work safety management personnel.

Any business entity other than those specified in the preceding paragraph shall establish a work safety management body or have full-time work safety management personnel if the number of its employees exceeds 100; or shall have full-time or part-time work safety management personnel if the number of its employees is 100 or less.

**Article 25** The work safety management institution and work safety management personnel of a production and operation entity shall perform the following duties:

- (1) Organizing or participating in the formulation of work safety rules and systems, operating procedures and emergency rescue plans for work safety accidents of the entity.
- (2) Organizing or participating in the work safety education and training of the entity and truthfully recording the work safety education and training situation.
- (3) Organizing the identification and assessment of sources of major danger and supervising and urging the implementation of the safety management measures for sources of major danger of the entity.
- (4) Organizing or participating in emergency rescue drills of the entity.
- (5) Inspecting the work safety situation of the entity, examining potential risks of work safety accidents in a timely manner, and making recommendations for improving work safety management.
- (6) Stopping and correcting acts of providing directions in violation of rules, forcibly ordering risky operations, and violating operating procedures.
- (7) Supervising and urging the implementation of corrective measures for work safety of the entity.

A production and operation entity may appoint a special person responsible for work safety to assist the main responsible person of the entity in performing the duty to manage work safety.

**Article 26** The work safety management body and work safety management personnel of a business entity shall faithfully and legally perform their duties.

In making work safety-related business decisions, a business entity shall hear the opinions of its work safety management body and work safety management personnel.

A business entity may not lower the wages, welfare, and other remuneration of or rescinds the employment contract with a work safety management employee because of the employee's performance of duties according to the law.

An entity manufacturing or storing hazardous substances or engaged in mining or

metal smelting shall inform the competent department with work safety regulatory functions of any appointment or removal of work safety management personnel.

**Article 27** The primary person in charge and the work safety management personnel of a business entity must have work safety knowledge and management capabilities commensurate with the business activities of the business entity.

The primary person in charge and the work safety management personnel of an entity manufacturing, marketing, or storing or loading and unloading hazardous substances or an entity engaged in mining, metal smelting, building construction, or transportation shall pass the assessment on their work safety knowledge and management capabilities conducted by the competent department with work safety regulatory functions. No fees shall be charged for such assessment.

An entity manufacturing or storing or loading and unloading hazardous substances or an entity engaged in mining or metal smelting shall employ certified safety engineers to conduct work safety management. Other business entities shall be encouraged to employ certified safety engineers to conduct work safety management. Certified safety engineers shall be subject to categorized management by specialty, and the specific measures for the management thereof shall be developed by the human resources and social security department of the State Council and the emergency management authority of the State Council in conjunction other relevant departments of the State Council.

**Article 28** Business entities shall provide their employees with work safety education and training to ensure that their employees have necessary work safety knowledge, are familiar with the relevant work safety policies and rules and safe operating procedures, possess the safe operating skills for their respective posts, know the emergency response measures for accidents, and are informed of their rights and obligations in work safety. Employees failing the work safety education and training shall not take their posts.

A business entity using seconded workers shall include seconded workers in its own employees for unified management, and provide seconded workers with education and training on safe operating procedures and safe operating skills for the relevant posts. The supplier of seconded workers shall provide necessary work safety education and training for them.

A business entity receiving interns from secondary vocational schools or institutions of higher education shall provide corresponding work safety education and training for interns, and provide necessary labor protection products. The schools shall assist the business entity in providing work safety education and training for interns.

A business entity shall maintain work safety education and training files to honestly record the time, contents, participants, and evaluation results, among others, of work safety education and training.

**Article 29** To use any new technique, technology, material or equipment, a business entity must study and understand its safety technical features, adopt effective safety protection measures, and provide their employees with special education and training on work safety.

**Article 30** Special operation workers of a business entity must receive special training on safe operation as required by the state, and may take their posts only after obtaining a corresponding qualification.

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The scope of special operation workers shall be determined by the emergency management authority of the State Council in conjunction with the other relevant departments of the State Council.

**Article 31** The safety facilities in a new construction, reconstruction, or expansion project of a business entity (hereinafter refers to as the “construction project”) must be designed, constructed, and put to use in production and other operations simultaneously with the body of the project. Input for the safety facilities shall be included in the budgetary estimate of the construction project.

**Article 32** Mining and metal smelting construction projects and construction projects for the manufacturing, storage, or loading and unloading of hazardous substances shall be subject to safety assessment according to the relevant provisions of the state.

**Article 33** The designers and designing entities of the safety facilities in construction projects shall be responsible for the design of the safety facilities. The designs of safety facilities in mining and metal smelting construction projects and construction projects for the manufacturing, storage, or loading and unloading of hazardous substances shall be submitted to the relevant departments for examination according to the relevant provisions of the state. The examination departments and their examiners shall be responsible for the results of examination.

**Article 34** The construction entity of a mining or metal smelting construction project or a construction project for the manufacturing, storage, or loading and unloading of hazardous substances must adhere to the approved design of safety facilities, and be responsible for the engineering quality of safety facilities.

Before a completed mining or metal smelting construction project or a completed construction project for the manufacturing or storage, or loading and unloading of hazardous substances starts production or is put to use, the construction employer shall organize an acceptance check of safety facilities; and it may start production or be put to use only after the safety facilities pass the acceptance check. The authority charged with the duty of supervision and administration of work safety shall strengthen the supervision and inspection of the acceptance check activities of construction employers and the results of acceptance check.

**Article 35** Business entities shall set conspicuous safety signs on business premises and relevant facilities and equipment with greater risk factors.

**Article 36** Safety equipment shall be designed, manufactured, installed, used, tested, maintained, improved, and retired in accordance with national or industry standards. Business entities must conduct routine repair and maintenance and regular testing of their safety equipment to ensure its normal operation. Records of repair, maintenance, and testing shall be properly made and signed by the relevant personnel.

A production and operation entity shall not close or destroy monitoring, alarm, protection, or lifesaving equipment or facility directly related to work safety, or tamper with, conceal, or destroy its related data and information.

A production and operation entity in catering or any other industry that uses fuel gas shall install a combustible gas alarm and guarantee its normal use.

**Article 37** The containers or transport vehicles for hazardous substances and the life-

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threatening or substantially dangerous special equipment for offshore oil exploitation or underground mining, as used by business entities, must be manufactured by specialized manufacturers, and may be put to use only after passing the tests and inspections conducted by professionally qualified testing and inspection institutions and obtaining the safe use certificates or safety labels. The testing and inspection institutions shall be responsible for the test and inspection results.

**Article 38** The state shall apply an elimination system to techniques and equipment seriously threatening work safety, and the specific catalogue thereof shall be developed and published by the emergency management authority of the State Council in conjunction with other relevant departments of the State Council. Where any law or administrative regulation provides otherwise for the development of such catalogues, the provisions of such a law or administrative regulation shall apply. The people's government of a province, autonomous region, or municipality directly under the Central Government may, according to the specific local circumstances, develop and publish a specific catalogue to eliminate techniques and equipment threatening work safety other than those as mentioned in the preceding paragraph. No business entity may use any technique or equipment which threatens work safety and shall be eliminated.

**Article 39** The manufacturing, marketing, transportation, storage, and use of hazardous substances or the disposal of hazardous waste shall be subject to the approval, supervision and administration of the competent authorities in accordance with relevant laws and regulations and national or industry standards. To manufacture, market, transport, store, or use hazardous substances or dispose of hazardous waste, business entities must comply with relevant laws and regulations and national or industry standards, establish a special safety management system, adopt reliable safety measures, and be subject to the supervision and administration of the competent authorities according to the law.

**Article 40** Business entities shall register and maintain files for major hazard installations, conduct regular monitoring, assessment and control, prepare emergency response plans, and inform employees and relevant personnel of measures to be taken in case of emergency.

A production and operation entity shall file the sources of major danger and related safety measures and emergency measures with the emergency management authority and relevant authorities of the local people's government in accordance with relevant provisions issued by the state. The emergency management authority and relevant authorities of the local people's government shall realize information sharing through relevant information systems.

**Article 41** A production and operation entity shall establish a graded management and control system for safety risks, and adopt corresponding management and control measures in accordance with safety risk grades.

A production and operation entity shall establish, improve and implement an examination and control system for potential risks of work safety accidents, and adopt technical and management measures to discover and eliminate potential risks of work safety accidents in a timely manner. The examination and control of potential risks of accidents shall be truthfully recorded and disclosed to employees by the meeting of employees or the meeting of employee representatives, the information bulletin board,

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and other means. In particular, the examination and control of potential risks of major accidents shall be reported to the authority charged with the duty of supervision and administration of work safety and the meeting of employees or the meeting of employee representatives in a timely manner.

The authorities charged with the duty of supervision and administration of work safety of the local people's governments at and above the county level shall incorporate the potential risks of major accidents into relevant information systems, establish and improve a system of control of potential risks of major accidents under supervision, and supervise and urge production and operation entities' elimination of potential risks of major accidents.

**Article 42** Workshops, shops, or warehouses for the manufacturing, marketing, storage, or use of hazardous substances shall not share the same building with employee dormitories, and a safe distance shall be maintained between them and employee dormitories.

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

**Article 43** To conduct blasting, hoisting, hot work, temporary use of electricity, or any other dangerous operation as specified by the emergency management authority of the State Council in conjunction with other relevant departments of the State Council, a business entity shall arrange for special personnel to conduct on-site safety management, ensuring its compliance with operating procedures and implementation of safety measures.

**Article 44** A business entity shall educate and supervise its employees on strictly complying with its work safety rules and operating procedures, and honestly inform its employees of the risk factors existing at their work sites and posts, the preventative measures, and the measures to be taken in case of emergency.

A production and operation entity shall pay attention to the physical and psychological conditions and behavioral habits of employees, strengthen the psychological counseling and spiritual comfort of employees, strictly implement job responsibilities for work safety, and prevent accidents caused by abnormal behavior of employees.

**Article 45** Business entities must provide their employees with labor protection products meeting the national or industry standards, and supervise and educate their employees on wearing or using such products in accordance with the rules of use.

**Article 46** The work safety management personnel of a business entity shall conduct routine inspections on work safety according to the characteristics of production and other operations of the business entity, immediately address safety issues discovered in such inspections, and report safety issues that they are unable to address to the relevant person in charge of the business entity in a timely manner, who shall address such issues in a timely manner. A record of such inspections and issues addressed shall be honestly maintained.

Where the work safety management personnel of a business entity discover any hidden risk of a serious accident in the course of inspection, they shall report to the

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relevant person in charge of the business entity under the preceding paragraph, and, if the relevant person in charge of the business entity fails to deal with the risk in a timely manner, may report to the competent department with work safety regulatory functions, which shall, after receiving the report, deal with the risk in a timely manner according to the law.

**Article 47** Business entities shall arrange funds for labor protection products and work safety training.

**Article 48** Where two or more business entities are conducting business in the same work zone, which may threaten each other's work safety, they shall enter into an agreement on work safety management to specify their respective responsibilities for work safety management and the safety measures to be taken by each party, and assign full-time work safety management personnel to conduct safety inspections and coordination.

**Article 49** No business entity shall contract out or lease out any business project, place, or equipment to any entity or individual not meeting the work safety conditions or without the corresponding level of qualification.

Where a business entity contracts out or leases out any business project or place to another entity, it shall enter into a special agreement on work safety management with the contractor or lessee or agree with the contractor or lessee on the work safety management responsibilities of each party in the contract or lease. The business entity shall conduct unified coordination and management on the work safety of the contractor or lessee, conduct safety inspections on a regular basis, and, in a timely manner, impel the contractor or lessee to address any safety issues discovered in such inspections.

A construction contractor for a mine or metal smelting construction project or a construction project for the production, storage, or loading and unloading of dangerous goods shall strengthen the safety management of the construction project, and shall neither resell, lease, lend, affiliate or otherwise illegally transfer its construction qualifications, nor delegate the whole construction project contracted out to it to a third party or separately delegate the divisions of the whole construction project contracted out to it to third parties in the name of subcontracting, nor subcontract the project to an entity without corresponding qualifications.

**Article 50** Where a work safety accident occurs in a business entity, the primary person in charge of the business entity shall immediately organize rescue, and shall not leave his or her post without permission during the period of investigation and handling of the accident.

**Article 51** Business entities must participate in work-related injury insurance, and pay insurance premiums for their employees according to the law.

The state shall encourage production and operation entities to buy work safety liability insurance; and production and operation entities in high-risk industries and fields specified by the state shall buy work safety liability insurance. The specific scope and implementation measures shall be formulated by the emergency management authority of the State Council in conjunction with the finance authority of the State Council, the insurance regulatory institution of the State Council and other relevant industry authorities.

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### Chapter III Rights and Obligations of Employees in Work Safety

**Article 52** The labor contracts signed between business entities and their employees shall clearly provide for the safeguards for the work safety of employees, the prevention from occupational hazards, and the participation in work-related injury insurance for employees according to the law.

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

**Article 53** Employees of a business entity shall be entitled to know the risk factors existing at their work sites and posts, the preventative measures, and the measures to be taken in case of emergency, and be entitled to offer suggestions on work safety of the business entity.

**Article 54** Employees of a business entity shall be entitled to criticize, report, or file an accusation of the business entity's work safety problems, and be entitled to refuse any command against rules or forced operation at risk.

No business entity may lower the wages, welfare, and other remuneration of or rescind the labor contract with an employee who criticize or file a report or accusation regarding the business entity's work safety or refuses any command against rules or forced operation at risk.

**Article 55** Employees of a business entity who discover any emergency directly threatening personal safety shall be entitled to suspend operations or evacuate their sites after taking possible emergency response measures.

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

**Article 56** After a work safety accident occurs, a production and operation entity shall take measures to rescue the relevant personnel in a timely manner.

If the relevant civil laws so provide, an employee who suffers injury resulting from a work safety accident shall, in addition to enjoying work-related injury insurance in accordance with the law, have the right to claim damages.

**Article 57** An employee in operations shall strictly implement job responsibilities for safety, comply with the work safety rules and systems and operating procedures of the entity, submit to management, and wear and use labor protection equipment correctly.

**Article 58** Employees of a business entity shall receive education and training on work safety, possess work safety knowledge necessary for their jobs, improve their work safety skills, and enhance their capabilities of preventing accidents and handling emergencies.

**Article 59** Employees of a business entity shall immediately report any hidden risks of accidents or other risk factor discovered to the on-site work safety management personnel or the person in charge of the business entity, and the persons who receive such reports shall handle them in a timely manner.

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**Article 60** Trade unions shall be entitled to oversee and offer opinions on the simultaneous design, construction, and use in production and other operations of the safety facilities and the body of a construction project.

Trade unions shall be entitled to require business entities to redress their violations of laws and regulations on work safety and infringement upon the lawful rights and interests of employees; shall be entitled to offer suggestions on resolutions when discovering that business entities issue any command against rules or force operations at risk or discovering any hidden risks of accidents, and business entities shall consider and reply to such suggestions in a timely manner; and shall be entitled to suggest that business entities organize evacuation of employees from dangerous work sites when discovering that the life safety of employees is in endanger, and business entities must deal with it immediately.

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

**Article 61** “Where a business entity uses any seconded workers, the seconded workers shall have the rights of employees of the business entity as set out in this Law, and perform the obligations of employees of the business entity as set out in this Law.

#### Chapter IV Work Safety Supervision and Administration

**Article 62** A local people's government at or above the county level shall, according to the work safety condition within its administrative region, organize the relevant departments to conduct strict inspections of business entities with greater risks of serious work safety accidents within the administrative region according to their respective functions.

The emergency management authorities shall, according to the requirements for category and rating-based supervision and administration, prepare annual supervision and inspection plans for work safety, conduct supervisory inspection in accordance with such plans, and deal with in a timely manner any hidden risks of accidents discovered.

**Article 63** Where the departments with work safety regulatory functions are required to make decisions on approval of (including but not limited to approval, confirmation, permission, registration, authentication, and issuance of certificates and licenses, here and below) or conduct acceptance checks on matters involving work safety in accordance with the relevant laws and regulations, they must conduct examination in strict accordance with relevant laws and regulations and national or industry standards, and shall not grant approval or acceptance if the work safety conditions specified in the relevant laws and regulations and national or industry standards are not met. For entities which conduct relevant activities without legally obtaining approval or acceptance, the departments responsible for administrative approval shall immediately ban such activities and deal with such activities according to the law after discovering or receiving reports on such activities. The departments responsible for administrative approval shall, after discovering that any entities which have legally obtained approval no longer meet the work safety conditions, revoke the original approvals.

**Article 64** The departments with work safety regulatory functions shall not charge any

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fees for the examination or acceptance check of matters involving work safety, nor require entities subject to examination or acceptance check to purchase safety equipment, devices, or other products of brands designated by them or manufactured or marketed by entities designated by them.

**Article 65** The emergency management authorities and other departments with work safety regulatory functions shall conduct agency law enforcement on work safety according to the law, and conduct supervisory inspection on the compliance of business entities with laws, regulations, and national standards or industry standards related to work safety, by exercising the following powers:

- (1) Entering business entities to conduct inspection, consult relevant materials, and gather information from the relevant entities and persons.
  - (2) Redressing on the spot, or requiring correction within a specified period, of any violations of law in work safety discovered during inspection; and for acts subject to administrative punishment according to the law, making administrative punishment decisions in accordance with this Law and other relevant laws and administrative regulations.
  - (3) Ordering immediate elimination of any hidden risks of accidents discovered during inspection; ordering evacuation of workers from dangerous areas and ordering suspension of production or business or suspension of use of relevant facilities and equipment if safety cannot be guaranteed before or during the elimination of any hidden risk of a serious accident; and allowing resumption of production or business or use upon examination after elimination of the hidden risk of a serious accident.
  - (4) Seizing or impounding any facilities, equipment and devices which do not meet the national or industry standards for work safety protection as determined based on evidence or hazardous substances illegally produced, stored, used, marketed, or transported, seizing the work sites where hazardous substances are illegally produced, stored, used, or marketed, and making handling decisions according to the law.
- Supervisory inspections shall not interfere with the normal production and other activities of the inspected entities.

**Article 66** Business entities shall cooperate with the inspectors of the departments with work safety regulatory functions (hereinafter referred to as work safety inspectors) who are legally performing their supervisory inspection duties, and shall not refuse cooperation or obstruct their performance of supervisory inspection duties.

**Article 67** Work safety inspectors shall be devoted to their duties, adhere to principles, and enforce law impartially.

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

**Article 68** Work safety inspectors shall keep a written record of inspection, including the time, place, and contents of inspection, the problems discovered during inspection, and the handling of such problems, which shall be signed by the inspectors and the person in charge of the inspected entity. If the person in charge of the inspected entity refuses to sign, the inspectors shall record it, and report it to the departments with work safety regulatory functions.

**Article 69** The departments with work safety regulatory functions shall cooperate with

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

**Article 70** Where a department with work safety regulatory functions makes a decision requiring a business entity with any hidden risk of a serious accident to suspend production or business, suspend construction, or suspend the use of relevant facilities or equipment according to the law, the business entity shall execute the decision according to the law, and eliminate the hidden risk in a timely manner. If the business entity refuses to execute the decision, and there is a realistic danger that a work safety accident will occur, conditioned on guaranteeing safety, with the approval of the primary person in charge of the department, the department may take measures, such as notifying the relevant entities to stop supplying electricity or explosives for civil uses, to force the business entity to execute the decision. The notification shall be made in writing, and the relevant entities shall cooperate.

Where the department with work safety regulatory functions takes the measure of stopping the supply of electricity under the preceding paragraph, it shall notify the business entity at least 24 hours in advance, except in any emergency threatening work safety. Once the business entity executes the administrative decision and takes corresponding measures to eliminate the hidden risk, the department shall remove the measure as mentioned in the preceding paragraph in a timely manner.

**Article 71** The oversight authorities shall, in accordance with [the Oversight Law](#) , conduct oversight over the performance of work safety regulatory functions by the departments with work safety regulatory functions and their personnel.

**Article 72** An institution charged with the duty of safety evaluation, certification, or testing and inspection shall have the qualifications required by the state and be responsible for the legality and authenticity of safety evaluation, certification, or testing and inspection results. The qualifications shall be specified by the emergency management authority of the State Council in conjunction with relevant authorities of the State Council.

An institution charged with the duty of safety evaluation, certification, or testing and inspection shall establish and implement a system for public disclosure of services and reports, and shall not lease qualifications, be affiliated, or issue a false report."

**Article 73** An authority charged with the duty of supervision and administration of work safety shall establish a reporting system and publicly disclose a telephone number for reporting, a mailbox or e-mail address and other online reporting platforms to accept reports related to work safety; form written materials, after a report has been accepted and investigation and verification is done; and report to the relevant person in charge for signature and supervision of implementation, if corrective measures need to be implemented. If the authority has no responsibility, and investigation and handling shall be done by another relevant authority, it shall transfer the matter to the other relevant authority for handling.

A report involving deaths shall be checked and handled by the people's government at or above the county level.

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**Article 74** Any entity or individual may report hidden risks of accidents or expose violations of law in work safety to the departments with work safety regulatory functions.

If a work safety violation causes a potential risk of major accidents or causes a major accident, inflicting harm on the national interest or the public interest, the people's procuratorate may initiate public interest litigation under the relevant provisions of [the Civil Procedure Law](#) and [the Administrative Procedure Law](#).

**Article 75** Residents' committees and villagers' committees which discover any hidden risks of accidents or violations of law in the work safety of business entities located in their respective areas shall report to the local people's governments or relevant departments.

**Article 76** The people's governments at and above the county level and the relevant departments thereof shall confer awards on persons who have provided meritorious services by reporting hidden risks of accidents or exposing violations of law in work safety. The specific measures for conferring such awards shall be developed by the emergency management authority of the State Council in conjunction with the financial department of the State Council.

**Article 77** News media, publishers, radio broadcasting agencies, film studios, and television broadcasting agencies shall have the obligation to provide work safety publicity and education for the public good, and have the right to conduct supervision over violations of laws and regulations on work safety through public opinions.

**Article 78** An authority charged with the duty of supervision and administration of work safety shall establish a database of information on work safety violations to truthfully record information on work safety violations by production and operation entities and their relevant employees; and if the circumstances of a violation by a production and operation entity and its related employees are serious, the authority charged with the duty of supervision and administration of work safety shall promptly make an announcement to the public, and notify the industry authorities, investment authorities, natural resources authorities, ecology and environment authorities, securities regulatory institutions and relevant financial institutions. The relevant authorities and institutions shall take such measures as increasing the frequency of law enforcement inspections, suspending project approval, raising relevant insurance premium rates, imposing an industry or occupation ban, and other joint disciplinary measures against the production and operation entity and its relevant employees that commit dishonesty and publish them.

An authority charged with the duty of supervision and administration of work safety shall strengthen the timely concentration, sharing, application and public disclosure of information on administrative penalties on production and operation entities, make a public exposure of it on the publication system of the supervision and administration authorities within seven working days after making an penalty decision against a production and operation entity, strengthen the social supervision of violating and dishonest production and operation entities and their relevant employees, and improve the level of honesty in work safety throughout the whole society.

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

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**Article 79** The state shall strengthen the building of capacity for emergency response to work safety accidents, and establish emergency rescue bases and emergency rescue teams in key industries and fields under the unified and coordinated direction of the national work safety emergency rescue institution; and encourage production and operation entities and other social forces to establish emergency rescue teams, assign corresponding emergency rescue equipment and materials, and improve the professional level of emergency rescue.

The emergency management authority of the State Council shall take the lead in establishing a unified national emergency rescue information system for work safety accidents, and the transport, housing and urban-rural development, water resources, civil aviation, and other relevant authorities of the State Council and the local people's governments at and above the county level shall establish and improve an emergency rescue information system for work safety accidents in relevant industries, fields and regions, realize interconnection and information sharing, and improve the precision and intelligent level of regulation by promoting online safety information collection, safety regulation and monitoring and early warning.

**Article 80** The local people's governments at and above the county level shall organize the relevant departments to prepare emergency rescue plans for work safety accidents within their respective administrative regions and establish an emergency rescue system.

Township and town people's governments, sub-district offices, development zones, industrial parks, port areas, and scenic spots, among others, shall formulate corresponding emergency rescue plans for work safety accidents and assist the relevant authorities of the people's government in performing the duties of emergency rescue in work safety accidents, or perform such duties with authorization in accordance with the law.

**Article 81** A business entity shall prepare its own emergency rescue plan for work safety accidents, as connected with the emergency rescue plan for work safety accidents of the local people's government at or above the county level, and organize rehearsals on a regular basis.

**Article 82** Entities manufacturing, marketing, or storing hazardous substances and entities engaged in mining, metal smelting, urban rail transit operations, or building construction shall establish emergency rescue organizations. No emergency rescue organization is required, if the size of business is relatively small, but part-time emergency rescue personnel shall be specified.

Entities manufacturing, marketing, storing, or transporting hazardous substances and entities engaged in mining, metal smelting, urban rail transit operations, or building construction shall have necessary devices, equipment, and materials for emergency rescue, and conduct routine repair and maintenance to ensure the normal operation thereof.

**Article 83** Immediately after a work safety accident occurs in a business entity, the relevant persons at the scene shall report to the person in charge of the business entity. After receiving the accident report, the person in charge of the business entity shall promptly take effective measures to organize rescue, prevent expansion of the accident, and minimize human casualties and property losses, shall immediately and

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honestly report to the local departments with work safety regulatory functions according to the relevant provisions of the state, shall not conceal the accident, make a false report, or report late, and shall not deliberately compromise the accident scene or destroy relevant evidence.

**Article 84** Immediately after receiving an accident report, a department with work safety regulatory functions shall report the accident to its superior according to the relevant provisions of the state. The department with work safety regulatory functions and the relevant local people's government shall not conceal the accident, make a false report, or report late.

**Article 85** Immediately after receiving a report on a work safety accident, the persons in charge of the relevant local people's government and the department with work safety regulatory functions shall arrive at the accident scene to organize rescue according to the requirements of the emergency rescue plan for work safety accidents. The departments and entities participating in accident rescue shall follow the uniform command, strengthen coordination and interactions, take effective emergency rescue measures, and take measures such as cordon and dispersion as needed for rescue, to prevent the expansion of the accident and occurrence of any secondary disaster and minimize human casualties and property losses.

Necessary measures shall be taken in the rescue process to avoid or minimize damage to the environment.

All entities and individuals shall support and assist in the accident rescue, and provide facilitation in any possible way.

**Article 86** In the investigation and handling of an accident, the principles of scientific rigor, compliance with laws and regulations, seeking truth from facts, and focusing on actual results shall be followed to find out the cause of the accident in a timely and accurate manner, ascertain the nature and responsibility of the accident, assess the emergency response work, summarize lessons from the accident, propose corrective measures, and make recommendations for punishing the entity and personnel liable for the accident. The accident investigation report shall be published in a timely manner in accordance with the law. Specific measures for accident investigation and handling shall be formulated by the State Council.

The entities where accidents occur shall implement rectification measures in a timely and comprehensive manner, and the departments with work safety regulatory functions shall strengthen supervisory inspection.

The relevant authorities of the State Council and the local people's government responsible for accident investigation and handling shall, within one year after approving an accident investigation report, arrange for relevant authorities to assess the implementation of corrective and preventive measures for accidents, and disclose assessment results to the public in a timely manner; and any relevant entity or person that causes the non-implementation of corrective and preventive measures for accidents by failing to perform duties shall be held accountable in accordance with relevant provisions.

**Article 87** Where a work safety accident occurring in a business entity is determined after investigation as an accident caused by human factors, in addition to the investigation of liability and the punishment of the business entity according to the law, the liability of the administrative departments responsible for approval and

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supervision of matters related to work safety shall be investigated, and those committing dereliction of duty or malfeasance shall be investigated for legal liability in accordance with Article 90 of this Law.

**Article 88** No entity or individual may obstruct or interfere with the legal investigation and handling of accidents.

**Article 89** The emergency management authorities of the local people's governments at and above the county level shall, on a regular basis, conduct and publish a statistical analysis of work safety accidents occurring within their respective administrative regions.

## Chapter VI Legal Liability

**Article 90** Where any of the personnel of the departments with work safety regulatory functions commits any of the following conduct, he or she shall be demoted or removed from office as a disciplinary action; and if the violation constitutes a crime, he or she shall be subject to criminal liability in accordance with the relevant provisions of the **Criminal Law** :

- (1) Granting approval or acceptance of matters involving work safety which do not meet the statutory work safety conditions.
- (2) Failing to ban or legally deal with the relevant activities after discovering that an entity is engaged in the relevant activities without legally obtaining an approval or acceptance or after receiving a report on such activities.
- (3) Failing to perform his or her regulatory duties for entities which have legally obtained approval, such as failing to revoke the original approval after discovering that an entity no longer meets the work safety conditions or failing to investigate and deal with discovered violations of law in work safety.
- (4) Failing to deal with, in a timely manner and according to the law, any hidden risk of a serious accident discovered in supervisory inspection.

Where any of the personnel of a department with work safety regulatory functions abuses power, neglects duty, practices favoritism for personal gains, or makes falsification in a manner other than those specified in the preceding paragraph, a disciplinary action shall be taken against the person according to the law; and if the violation constitutes any crime, the offender shall be subject to criminal liability in accordance with the relevant provisions of the **Criminal Law** .

**Article 91** Where a department with work safety regulatory functions requires an entity subject to examination or acceptance check to purchase work safety equipment, devices or other products designated by the department or charges fees for examination or acceptance check of matters involving work safety, its superior or the oversight authorities shall order correction and return of the fees collected; and if the circumstances are serious, the directly responsible person in charge and other directly liable persons shall be subject to disciplinary actions according to the law.

**Article 92** Where an institution charged with the duty of safety evaluation, certification, or testing and inspection issues an untrue report, it shall be ordered to suspend business for rectification and fined not less than 30,000 yuan nor more than 100,000 yuan; and if damage is caused to another person, it shall be liable for damages in accordance with the law.

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If an institution charged with the duty of safety evaluation, certification, or testing and inspection leases qualifications, is affiliated, or issues a false report, its illegal income will be confiscated; it shall be given a fine of not less than two times nor more than five times the illegal income in addition, if the illegal income is not less than 100,000 yuan, or a fine of not less than 100,000 yuan nor more than 200,000 yuan separately or in addition, in the absence of illegal income, or if the illegal income is less than 100,000 yuan; any directly responsible person in charge or other directly liable person of the institution shall be fined not less than 50,000 yuan nor more than 100,000 yuan; if damage is caused to another person, it shall be jointly and severally liable for damages together with the production and operation entity; and if a crime is constituted, the offender shall be held criminally liable under the relevant provisions of the [Criminal Law](#).

An institution that commits a violation under the preceding paragraph and its directly liable persons shall not engage in safety evaluation, certification, or testing and inspection, and other work for five years, with their corresponding qualifications and eligibility revoked; and if the circumstances are serious, a life-long industry and occupation ban shall be imposed.

**Article 93** Where the decision-making body or the primary person in charge of a business entity or the self-employed investor of a business entity fails to guarantee the input of funds necessary for work safety as required by this Law, causing the business entity to fail to meet the work safety conditions, the violator shall be ordered to take corrective actions within a specified period to provide the necessary funds; and if corrective actions are not taken within the specified period, the business entity shall be ordered to suspend production or business for rectification.

Where a violation of law as mentioned in the preceding paragraph leads to the occurrence of any work safety accident, the primary person in charge of the business entity shall be removed from office as a disciplinary action, or the self-employed investor of the business entity shall be fined not less than 20,000 yuan but not more than 200,000 yuan; and if the violation constitutes any crime, the offender shall be subject to criminal liability in accordance with the relevant provisions of the [Criminal Law](#).

**Article 94** Where the main responsible person of a production and operation entity fails to perform the duty of work safety management specified by this Law, an order for corrective action within a specified period shall be made, with a fine of not less than 20,000 yuan nor more than 50,000 yuan imposed; or if corrective action fails to be taken within the specified period, a fine of not less than 50,000 yuan nor more than 100,000 yuan shall be imposed, and the production and operation entity shall be ordered to suspend production and business for rectification.

Where a violation of law committed by the primary person in charge of a business entity as mentioned in the preceding paragraph leads to the occurrence of any work safety accident, he or she shall be removed from office as a disciplinary action; and if the violation constitutes any crime, he or she shall be subject to criminal liability in accordance with the relevant provisions of the [Criminal Law](#).

Where the primary person in charge of a business entity has received any criminal punishment or the disciplinary action of removal from office under the preceding paragraph, he or she shall not serve as the primary person in charge of any business entity within five years from the date of completion of serving the criminal punishment or the date when the disciplinary action is taken; or, if he or she is liable

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for any serious or especially serious work safety accident, he or she shall not serve as the primary person in charge of any business entity in the same industry for life.

**Article 95** Where the main responsible person of a production and operation entity causes a work safety accident by failing to perform the duty of work safety management specified by this Law, the emergency management authority shall impose a fine in accordance with the following provisions:

- (1) In the event of an ordinary accident, a fine of 40% of annual income of the preceding year shall be imposed.
- (2) In the event of a relatively big accident, a fine of 60% of annual income of the preceding year shall be imposed.
- (3) In the event of a major accident, a fine of 80% of annual income of the preceding year shall be imposed.
- (4) In the event of a particularly major accident, a fine of 100% of annual income of the preceding year shall be imposed.

**Article 96** Where any other responsible person or work safety management person of a production and operation entity fails to perform the duty of work safety management specified by this Law, an order for corrective action within a specified period shall be made, with a fine of not less than 10,000 yuan nor more than 30,000 yuan imposed; if a work safety accident is caused, his or her qualifications related to work safety shall be suspended or revoked, with a fine of not less than 20% nor more than 50% of annual income of the preceding year imposed in addition; and if the failure is criminally punishable, the offender shall be held criminally liable in accordance with the [Criminal Law](#).

**Article 97** Where a production and operation entity commits any of the following acts, it shall be ordered to take corrective action within a specified period and given a fine of not more than 100,000 yuan; or if it fails to do so, it shall be ordered to suspend production and business for rectification and in addition, given a fine of not less than 100,000 yuan nor more than 200,000 yuan, and the directly responsible person in charge and other directly liable person shall be fined not less than 20,000 yuan nor more than 50,000 yuan:

- (1) Failing to establish a work safety management institution or assign work safety management personnel or registered safety engineers in accordance with provisions.
- (2) The main responsible persons and work safety management personnel of a production, operation, storage, or loading and unloading entity of dangerous goods or a mine, metal smelting, construction, or transport entity fail to pass the examination in accordance with the provisions.
- (3) Failing to provide work safety education and training for employees, employees on assignment, and interns in accordance with provisions, or failing to truthfully give notice of relevant work safety issues in accordance with provisions.
- (4) Failing to truthfully record work safety education and training.
- (5) Failing to truthfully record the examination and control of potential risks of accidents, or failing to give notification to employees.
- (6) Failing to formulate an emergency rescue plan for work safety accidents in accordance with provisions, or failing to organize drills on a regular basis.
- (7) Any special operator assumes office for operations without receiving special work safety training and obtaining corresponding qualifications.

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**Article 98** Where a production and operation entity commits any of the following acts, it shall be ordered to stop construction or suspend production and business for rectification, take corrective action within a specified period and in addition, be given a fine of not less than 100,000 yuan nor more than 500,000 yuan, with its directly responsible persons in charge and other directly liable persons each given a fine of not less than 20,000 yuan nor more than 50,000 yuan; if corrective action fails to be taken within the specified period, it shall be given a fine of not less than 500,000 yuan nor more than 1 million yuan, with its directly responsible persons in charge and other directly liable persons each given a fine of not less than 50,000 yuan nor more than 100,000 yuan; and if the act is criminally punishable, the offender shall be held criminally liable under the relevant provisions of the **Criminal Law**:

- (1) Failing to conduct safety evaluation of a mine or metal smelting construction project or a construction project for the production, storage, or loading and unloading of dangerous goods in accordance with provisions.
- (2) A mine or metal smelting construction project or a construction project for the production, storage, or loading and unloading of dangerous goods lacks a safety facility design, or the safety facility design has not been submitted to relevant authorities for examination and approval in accordance with provisions.
- (3) The construction contractor of a mine or metal smelting construction project or a construction project for the production, storage, or loading and unloading of dangerous goods fails to perform construction according to the approved safety facility design.
- (4) The safety facility has not passed the acceptance inspection before a mine or metal smelting construction project or a construction project for the production, storage, or loading and unloading of dangerous goods comes on stream or is put into use.

**Article 99** Where a business entity commits any of the following conduct, it shall be ordered to take corrective actions within a specified period, and be fined not more than 50,000 yuan; if corrective actions are not taken within the specified period, it shall be fined not less than 50,000 yuan but not more than 200,000 yuan, and its directly responsible person 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 circumstances are serious, it shall be ordered to suspend production or business for rectification; and if the violation constitutes any crime, the offender shall be subject to criminal liability in accordance with the relevant provisions of the **Criminal Law** :

- (1) Failing to set conspicuous safety signs on business premises and relevant facilities and equipment with greater risk factors.
- (2) Failing to comply with the national or industry standards in the installation, use, testing, improvement, or retirement of safety equipment.
- (3) Failing to conduct routine repair and maintenance and regular testing of safety equipment.
- (4) Shutting down or destroying any monitoring, alarm, protection or life-saving equipment or facility directly related to work safety, or tampering with, concealing, or destroying related data or information.
- (5) Failing to provide its employees with labor protection products meeting the national or industry standards.
- (6) Putting to use any container or transport vehicle for hazardous substances or any life-threatening or substantially dangerous special equipment for offshore oil exploitation or underground mining which has not passed the test or inspection conducted by a professionally qualified institution to obtain a safe use certificate or

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safety label.

(7) Using any technique or equipment which threatens work safety and shall be eliminated.

(8) A production and operation entity in catering or any other industry uses fuel gas without installing a combustible gas alarm.

**Article 100** Whoever manufactures, markets, transports, stores, or uses any hazardous substances or disposes of hazardous waste without an approval according to the law shall be punished in accordance with the laws and administrative regulations on the safety management of hazardous substances; and if the violation constitutes any crime, the offender shall be subject to criminal liability in accordance with the relevant provisions of the [Criminal Law](#) .

**Article 101** Where a production and operation entity commits any of the following acts, it shall be ordered to take corrective action within a specified period and given a fine of not more than 100,000 yuan; if it fails to take corrective action within the specified period, it shall be ordered to suspend production and business for rectification and in addition, given a fine of not less than 100,000 yuan nor more than 200,000 yuan, with directly responsible persons in charge and other directly liable persons each given a fine of not less than 20,000 yuan nor more than 50,000 yuan; and if the act is criminally punishable, the offender shall be held criminally liable under relevant provisions of the [Criminal Law](#):

(1) Failing to establish a special safety management system or take reliable safety measures in the production, distribution, transport, storage, or use of dangerous goods, or disposal of waste dangerous goods.

(2) Failing to register and create records of a sources of major danger, conduct regular testing, assessments, or monitoring, formulate an emergency plan, or give notice of emergency measures.

(3) Performing blasting, hoisting, hot work, temporary use of electricity, or any other dangerous operations specified by the emergency management authority of the State Council in conjunction with the relevant authorities of the State Council, without arranging for special personnel to exercise on-site safety management.

(4) Failing to establish a graded management and control system for safety risks or take corresponding management and control measures in accordance with security risk grades.

(5) Failing to establish an examination and control system for potential risks of work safety accidents, or failing to report the examination and control of potential risks of major accidents in accordance with provisions.

**Article 102** Where a production and operation entity fails to take measures to eliminate the potential risk of an accident, it shall be ordered to eliminate the potential risk immediately or within a specified period and given a fine of not more than 50,000 yuan; if the production and operation entity refuses to comply, it shall be ordered to suspend production and business for rectification, with its directly responsible persons in charge and other directly liable persons given a fine of not less than 50,000 yuan nor more than 100,000 yuan; and if a crime is constituted, the offender shall be held criminally liable under the relevant provisions of the [Criminal Law](#).

**Article 103** Where a business entity contracts out or leases out any business project, place, or equipment to an entity or individual not meeting the work safety conditions

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or without the corresponding level of qualification, it shall be ordered to take corrective actions within a specified period, and its illegal income shall be confiscated; if its illegal income is 100,000 yuan or more, it shall be fined not less than two but not more than five times the amount of the illegal income; or if there is no illegal income or the illegal income is less than 100,000 yuan, it shall be fined not less than 100,000 yuan but not more than 200,000 yuan; its directly responsible person in charge and other directly liable persons shall be fined not less than 10,000 yuan but not more than 20,000 yuan; and if the violation leads to the occurrence of a work safety accident that causes any damage to others, it shall assume joint and several liability with the contractor or lessee.

Where a business entity fails to enter into a special agreement on work safety management with the contractor or lessee or agree with the contractor or lessee on the work safety management responsibilities of each party in the contract or lease, or fails to conduct unified coordination and management on the work safety of the contractor or lessee, it shall be ordered to take corrective actions within a specified period, and fined not more than 50,000 yuan, and its directly responsible person in charge and other directly liable persons may be fined not more than 10,000 yuan; and if corrective actions are not taken within the specified period, it shall be ordered to suspend production or business for rectification.

Where a construction contractor for a mine or metal smelting construction project or a construction project for the production, storage, or loading and unloading of dangerous goods fails to exercise safety management of the construction project in accordance with provisions, it shall be ordered to take corrective action within a specified period and given a fine of not more than 100,000 yuan, with its directly responsible persons in charge and other directly liable persons each given a fine of not more than 20,000 yuan; and if it fails to take corrective action within the specified period, it shall be ordered to suspend production and business for rectification. If the above construction contractor resells, leases, lends, is affiliated or otherwise illegally transfers its construction qualifications, it shall be ordered to suspend production and business for rectification, with its qualification certificate revoked and its illegal income confiscated; if the illegal income is not less than 100,000 yuan, it shall be given a fine of not less than two times nor more than five times the illegal income in addition, or a fine of not less than 100,000 yuan nor more than 200,000 yuan separately or in addition, in the absence of illegal income, or if the illegal income is less than 100,000 yuan; its directly responsible persons in charge and other directly liable persons shall be given a fine of not less than 50,000 yuan nor more than 100,000 yuan; and if a crime is constituted, the offender shall be held criminally liable under the relevant provisions of the [Criminal Law](#).

**Article 104** Where two or more business entities are conducting business in the same work zone, which may threaten each other's work safety, and fail to enter into an agreement on work safety management or fail to assign full-time work safety management personnel to conduct safety inspections and coordination, they shall be ordered to take corrective actions within a specified period, and be fined not more than 50,000 yuan, and its directly responsible person in charge and other directly liable persons shall be fined not more than 10,000 yuan; and if corrective actions are not taken within the specified time limit, they shall be ordered to suspend production or business.

**Article 105** Where a business entity commits any of the following conduct, it shall be

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ordered to take corrective actions within a specified period, and be fined not more than 50,000 yuan, and its directly responsible person in charge and other directly liable persons shall be fined not more than 10,000 yuan; if corrective actions are not taken within the specified time limit, it shall be ordered to suspend production or business for rectification; and if the violation constitutes any crime, it shall be subject to criminal liability in accordance with the relevant provisions of the [Criminal Law](#) :

(1) Having a workshop, shop, or warehouse for the manufacturing, marketing, storage, or use of hazardous substances which shares the same building with employee dormitories or does not maintain a required safe distance with employee dormitories.

(2) Failing to set free exits and evacuation routes with clear signs meeting the emergency evacuation requirements at business premises or employee dormitories or occupying, locking or sealing exits and evacuation routes at business premises or employee dormitories.

**Article 106** Where a business entity enters into agreements with its employees to exempt it from or reduce its legal liability for injuries to or deaths of employees in work safety accidents, such agreements shall be void, and the primary person in charge of the business entity or the self-employed investor of the business entity shall be fined not less than 20,000 yuan but not more than 100,000 yuan.

**Article 107** Where an employee of a production and operation entity fails to fulfill his or her job responsibility for safety, fails to submit to management, or violates the work safety rules and system or operating procedures, the production and operation entity shall give criticism and education, and take disciplinary action in accordance with relevant rules and system; and if a crime is constituted, the offender shall be held criminally liable under the relevant provisions of the [Criminal Law](#).

**Article 108** Where, in violation of this Law, a business entity refuses or obstructs an supervisory inspection legally conducted by a department with work safety regulatory functions, it shall be ordered to make correction; if it refuses to make correction, it shall be fined not less than 20,000 yuan but not more than 200,000 yuan; its directly responsible person in charge and other directly liable persons shall be fined not less than 10,000 yuan but not more than 20,000 yuan; and if the violation constitutes any crime, the offender shall be subject to criminal liability in accordance with the relevant provisions of the [Criminal Law](#) .

**Article 109** Where a production and operation entity in a high-risk industry or field fails to buy work safety liability insurance in accordance with the provisions issued by the state, it shall be ordered to take corrective action within a specified period and be given a fine of not less than 50,000 yuan nor more than 100,000 yuan; and if it fails to take corrective action within the specified period, it shall be given a fine of not less than 100,000 yuan nor more than 200,000 yuan.

**Article 110** Where the primary person in charge of a business entity fails to organize rescue immediately after a work safety accident occurs in the business entity, or leaves his or her post without permission or flees and hides during the period of investigation and handling of the accident, he or she shall be demoted or removed from office as a disciplinary action, and be fined by the emergency management authority emergency management authority in the amount of 60% to 100% of his or her annual income in the prior year; shall be detained for not more than 15 days if he

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or she flees and hides; and shall be subject to criminal liability in accordance with the relevant provisions of the [Criminal Law](#) if the violation constitutes any crime. Where the primary person in charge of a business entity conceals a work safety accident, makes a false report, or reports late, he or she shall be punished under the preceding paragraph.

**Article 111** Where the relevant local people's government or department with work safety regulatory functions conceals a work safety accident, makes a false report, or reports late, the directly responsible person in charge and other directly liable persons shall be subject to disciplinary actions according to the law; and if the violation constitutes a crime, shall be subject to criminal liability in accordance with the relevant provisions of the [Criminal Law](#) .

**Article 112** Where a production and operation entity which is ordered to take corrective action and given a fine for a violation of this Law refuses to take corrective action, an authority charged with the duty of supervision and administration of work safety may impose a daily fine for each day based on the amount of the original fine from the day following the day when the order for corrective action is made.

**Article 113** Where a production and operation entity falls under any of the following circumstances, an authority charged with the duty of supervision and administration of work safety shall request the local people's government to effectuate shutdown, and the relevant authorities shall suspend its relevant permits and business license in accordance with the law. The main responsible person of a production and operation entity shall not serve as the main responsible person of any production and operation entity for five years, or as the main responsible person of a production and operation entity in the industry in which he or she is engaged for life, if the circumstances are serious:

- (1) Having a potential risk of a major accident and receiving an administrative penalty under this Law three times within 180 days or four times within a year.
- (2) After suspension of production and business for rectification, still failing to meet the work safety conditions specified by laws, administrative regulations, and national standards or industry standards.
- (3) Causing a major or particularly major work safety accident due to failing to meet the work safety conditions specified by laws, administrative regulations, and national standards or industry standards.
- (4) Refusing to comply with the decision on suspending production and business for rectification made by the authority charged with the duty of supervision and administration of work safety.

**Article 114** In the event of a work safety accident, the liable production and operation entity shall be required to assume corresponding liability for damages, among others, in accordance with the law, and in addition, fined by an emergency management authority in accordance with the following provisions:

- (1) In the event of an ordinary accident, a fine of not less than 300,000 yuan nor more than 1 million yuan shall be imposed.
- (2) In the event of a relatively big accident, a fine of not less than 1 million yuan nor more than 2 million yuan shall be imposed.
- (3) In the event of a major accident, a fine of not less than 2 million nor more than 10 million yuan shall be imposed.

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(4) In the event of a particularly major accident, a fine of not less than 10 million yuan nor more than 20 million yuan shall be imposed.

In the event of a work safety accident, if the circumstances are particularly serious, and the impact is particularly egregious, the emergency management authority may impose a fine of not less than two times nor more than five times the amount of a fine under the preceding paragraph on the liable production and operation entity.

**Article 115** The administrative penalties under this Law shall be subject to the decision of the emergency management authorities and other authorities charged with the duty of supervision and administration of work safety in accordance with the division of duties; and in particular, if a production and operation entity in the civil aviation, railway, or electricity industry and its main responsible person are liable to an administrative penalty under Articles 95, 110, and 114 of this Law, an appropriate authority charged with the duty of supervision and administration of work safety may impose the penalty. An administrative penalty of shutdown shall be subject to the decision of the people's government at or above the county level within the authority prescribed by the State Council at the request of an appropriate authority charged with the duty of supervision and administration of work safety; and an administrative penalty of detention shall be subject to the decision of a public security agency in accordance with the provisions on public security administration penalties.

**Article 116** Where a work safety accident occurring in a business entity causes any human casualties or property losses to other persons, the business entity shall assume compensatory liability according to the law; and if the business entity refuses to assume such liability or the person in charge of the business entity flees and hides, the people's court shall conduct enforcement according to the law.

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

## Chapter VII Supplementary Provisions

**Article 117** In this Law, the following terms shall have the following meanings respectively:

“Hazard substances” means substances threatening the life and property safety of the people, including but not limited to inflammables, explosives, hazardous chemicals, and radioactive substances.

“Major hazard installation” means an installation which produces, handles, uses, or stores, either permanently or temporarily, hazard substances in quantities which are equal to or exceed the threshold value (including sites and facilities).

**Article 118** The classification standards for the ordinary accidents, less serious accidents, serious accidents, and especially serious accidents in work safety as mentioned in this Law shall be determined by the State Council.

The emergency management authority and other authorities charged with the duty of supervision and administration of work safety of the State Council shall, according to the division of duties, formulate identification standards for sources of major dangers

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and tests for potential risks of major accidents in related industries and fields.

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

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