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# 中华人民共和国职业病防治法（2018修正）

# Law of the People’s Republic of China on Prevention and Control of Occupational Diseases (2018 Revision)

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（2001年10月27日第九届全国人民代表大会常务委员会第二十四次会议通过 根据2011年12月31日第十一届全国人民代表大会常务委员会第二十四次会议《关于修改〈中华人民共和国职业病防治法〉的决定》第一次修正 根据2016年7月2日第十二届全国人民代表大会常务委员会第二十一次会议《关于修改〈中华人民共和国节约能源法〉等六部法律的决定》第二次修正 根据2017年11月4日第十二届全国人民代表大会常务委员会第三十次会议《关于修改〈中华人民共和国会计法〉等十一部法律的决定》第三次修正 根据2018年12月29日第十三届全国人民代表大会常务委员会第七次会议《关于修改〈中华人民共和国劳动法〉等七部法律的决定》第四次修正）

(Adopted at the 24th Session of the Standing Committee of 9th National People's Congress on October 27, 2001; amended for the first time according to the Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on the Prevention and Control of Occupational Diseases at the 24th Session of the Standing Committee of the 11th National People's Congress on December 31, 2011; amended for the second time according to the Decision of the Standing Committee of the National People's Congress on Amending Six Laws including the Energy Conservation Law of the People's Republic of China at the 21st Session of the Standing Committee of the 12th National People's Congress on July 2, 2016; amended for the third time according to the Decision of the Standing Committee of the National People's Congress on Amending Eleven Laws Including the Accounting Law of the People's Republic of China at the 30th Session of the Standing Committee of the 12th National People's Congress on November 4, 2017; and amended for the fourth time according to the Decision of the Standing Committee of the National People's Congress on Amending Seven Laws Including the Labor Law of the People's Republic of China at the 7th Session of the Standing Committee of the 13th National People's Congress on December 29, 2018)

第一章 总 则

Chapter 1 General Provisions

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

Article 1 This Law is enacted, in accordance with the Constitution, for the purpose of preventing, controlling, and eliminating occupational disease hazards, preventing and controlling occupational diseases, protecting the health and related rights and interests of workers, and promoting economic and social development.

第二条   本法适用于中华人民共和国领域内的职业病防治活动。

Article 2 This Law shall apply to the prevention and treatment of occupational diseases within the territory of the People's Republic of China.

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

For the purpose of this Law, "occupational diseases" refers to diseases suffered by the workers of such Employer as enterprises, public institutions, and individual economic organizations due to exposure to dust, radioactive substances, and other toxic and hazardous factors.

职业病的分类和目录由国务院卫生行政部门会同国务院劳动保障行政部门制定、调整并公布。

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

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

Article 3 The principle of putting prevention first and combining prevention with controlling shall be upheld in prevention and control of occupational diseases, for which a mechanism featuring employer accountability, regulation by administrative authorities, self-regulation of industries, employee participation, and social supervision shall be established to administer control under different categories and in a comprehensive manner.

第四条   劳动者依法享有职业卫生保护的权利。

Article 4 Workers are entitled to occupational health protection under the law.

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

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

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

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

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

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

第六条   用人单位的主要负责人对本单位的职业病防治工作全面负责。

Article 6 Leading members of the employer shall take overall responsibility for the unit's occupational disease prevention and control work.

第七条   用人单位必须依法参加工伤保险。

Article 7 The Employer must participate in work-related injury insurance in accordance with the law.

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

The labor security department under the State Council and the local people's governments at or above county level shall step up supervision and regulation of industrial injury insurance, in order to ensure that the workers are covered by the said insurance as required by law.

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

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

国家鼓励和支持职业病医疗康复机构的建设。

The State encourages and supports the development of medical care and rehabilitation organizations for occupational diseases.

第九条   国家实行职业卫生监督制度。

Article 9 The State implements a supervision system for occupational health.

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

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

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

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

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

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

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

Article 10 The State Council and the local people's governments at or above county level shall establish plans for the prevention and control of occupational diseases, incorporate them into the national economic and social development plans, and make arrangements for their implementation.

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

The people's governments at or above county level shall take charge of, lead, organize, and coordinate the prevention and control of occupational diseases within their own administrative areas on a unified basis by establishing an occupational disease prevention and control work system and mechanism and making improvements thereto, and providing unified leadership and guidance for the response to occupational health emergencies; and shall step up the development of the capability and the service system for occupational disease prevention and control, and improve and implement the occupational disease prevention and control accountability system.

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

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

第十一条   县级以上人民政府职业卫生监督管理部门应当加强对职业病防治的宣传教育，普及职业病防治的知识，增强用人单位的职业病防治观念，提高劳动者的职业健康意识、自我保护意识和行使职业卫生保护权利的能力。

Article 11 The occupational health regulatory authorities of the people's governments at or above the county level shall redouble their publicity and educational efforts in occupational disease prevention and control and disseminate knowledge on the same, in order to enhance employers' awareness of the need to prevent and control occupational diseases, as well as the workers' awareness of occupational health, their self-protection awareness, and their ability in exercising their rights to safeguard occupational health.

第十二条   有关防治职业病的国家职业卫生标准，由国务院卫生行政部门组织制定并公布。

Article 12 The national standards for occupational health related to prevention and control of occupational diseases shall be formulated and published by the public health department under the State Council.

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

The competent administrative department in charge of health under the State Council shall organize the implementation of monitoring and special investigations of key occupational disease and assess occupational health risks to provide a scientific basis for developing the occupational health standards and occupational disease prevention and control policies.

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

The competent administrative department in charge of health under the people's governments at the county level or above shall regularly compile statistics about, investigate, and analyze the prevention and control of occupational diseases within respective administrative regions.

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

Article 13 All units and individuals shall have the right to inform or lodge complaints against any violations of this Law. Upon receipt of the relevant report and complaint, the relevant authorities shall deal with the matter promptly.

对防治职业病成绩显著的单位和个人，给予奖励。

The units and individuals that have made outstanding contributions to the prevention and treatment of occupational diseases shall be commended.

第二章 前 期 预 防

Chapter 2 Prophylaxis in Previous Phase

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

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

第十五条   产生职业病危害的用人单位的设立除应当符合法律、行政法规规定的设立条件外，其工作场所还应当符合下列职业卫生要求：

Article 15 In addition to the employer meeting the establishment requirements set by laws and administrative regulations, the workplace of the employer where occupational disease hazards are produced shall meet the following requirements for occupational health:

（一）职业病危害因素的强度或者浓度符合国家职业卫生标准；

1. The strength or concentration of the factors of occupational disease hazards shall meet the national standards for occupational health;

（二）有与职业病危害防护相适应的设施；

2. There are facilities adapted to the prevention and control of occupational disease hazards;

（三）生产布局合理，符合有害与无害作业分开的原则；

(III) The production processes are rationally arranged and in conformity with the principle of separation of operations with hazards from operations without hazards;

（四）有配套的更衣间、洗浴间、孕妇休息间等卫生设施；

(IV) There are supporting sanitation facilities such as locker rooms, bathrooms, and lounges for pregnant women workers;

（五）设备、工具、用具等设施符合保护劳动者生理、心理健康的要求；

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

（六）法律、行政法规和国务院卫生行政部门关于保护劳动者健康的其他要求。

(VI) The workplaces shall meet other requirements stipulated by laws, administrative regulations and the public health administration department under State Council.

第十六条   国家建立职业病危害项目申报制度。

Article 16 The State shall establish a report system for projects entailing occupational disease hazards.

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

In the event of any hazard factors of the occupational diseases listed in the occupational disease catalogue occurring in an employer's workplace, the employer shall report the hazardous items to the local public health department in a timely and truthful manner to accept supervision.

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

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

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

Article 17 In the event that any newly built, expanded or renovated Construction Project, or technology renovation or introduction project (hereinafter the "Construction Project") may generate occupational disease hazards, the owner shall conduct the assessment of occupational disease hazards during the feasibility study stage.

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

For a medical establishment construction project that may produce radiation-related occupational disease hazards, the unit responsible for the project shall submit a preliminary assessment report on the hazards to the public health department. The said department shall, within 30 days from receipt of such report, make a decision and notify the unit of the decision in writing. In case of failure to furnish the pre-assessment report or if the pre-assessment report is not approved by the competent administrative department in charge of health, the construction shall not be commenced.

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

The preliminary assessment report on occupational disease hazards shall include the assessment of the occupational disease hazard factors that the construction project may produce and of the effects that such factors may have on the workplace and workers' health, and identify the types of the hazards and the measures to be taken for prevention of occupational diseases.

建设项目职业病危害分类管理办法由国务院卫生行政部门制定。

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

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

Article 18 The expenditure entailed by the facilities included in a construction project, for the prevention and control of occupational diseases (hereinafter referred to as the "occupational disease prevention and control facilities") shall be included in the budget of the project, and such facilities shall be designed, constructed, and put into production and use at the same time with the main body of the construction project.

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

The design of the occupational disease protection facilities of a Construction Project shall comply with the occupational health standards and health requirements of the State; and the design of the protection facilities of a medical institution's Construction Project with serious radiation-related occupational disease hazards shall be reviewed and approved by the competent administrative department in charge of health prior to construction.

建设项目在竣工验收前，建设单位应当进行职业病危害控制效果评价。

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

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

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

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

Article 19 The State implements special management of radioactive, highly toxic and highly dust producing operations. The specific administrative measures shall be formulated by the State Council.

第三章 劳动过程中的防护与管理

Chapter III Prevention and Control in the Course of Work

第二十条   用人单位应当采取下列职业病防治管理措施：

Article 20 The Employer shall take the following management measures for the prevention and treatment of occupational diseases:

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

1. to set up or designate an institution or organization for occupational health control and have it staffed equipped with full-time or part-time occupational health professionals to take responsibility for the prevention and treatment of occupational diseases in the unit;

（二）制定职业病防治计划和实施方案；

2. to develop occupational disease prevention and control plans and implementation plans;

（三）建立、健全职业卫生管理制度和操作规程；

3. to establish and improve the management system for occupational health and rules for its implementation;

（四）建立、健全职业卫生档案和劳动者健康监护档案；

(IV) Filing and improving the files on occupational health and files on laborers' health monitoring;

（五）建立、健全工作场所职业病危害因素监测及评价制度；

(V) To establish and improve the monitoring and evaluation system for occupational disease hazard factors in the workplace; and

（六）建立、健全职业病危害事故应急救援预案。

(VI) Formulating and improving occupational disease hazard accident emergency rescue plans.

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

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

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

Article 22 The Employer must adopt effective occupational disease protection facilities and provide the workers with personal occupational disease protection products.

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

The personal protective equipment for prevention of occupational diseases provided by THE employer to individual workers must meet the requirements for prevention and control of occupational diseases; otherwise, such equipment may not be used.

第二十三条   用人单位应当优先采用有利于防治职业病和保护劳动者健康的新技术、新工艺、新设备、新材料，逐步替代职业病危害严重的技术、工艺、设备、材料。

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

第二十四条   产生职业病危害的用人单位，应当在醒目位置设置公告栏，公布有关职业病防治的规章制度、操作规程、职业病危害事故应急救援措施和工作场所职业病危害因素检测结果。

Article 24 The employer of a unit where occupational disease hazards are produced shall set up bulletin boards at prominent places to publish the rules and regulations for prevention and control of occupational diseases, the rules for their application, emergency rescue measures in occupational disease incidents, and the test results on the factors of occupational disease hazards in the workplace.

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

Warning marks and Chinese warnings shall be erected in a visible location for the posts that generate serious occupational disease hazards. The warnings shall indicate the type, consequence, prevention, and emergency rescue measures of the occupational disease hazards.

第二十五条   对可能发生急性职业损伤的有毒、有害工作场所，用人单位应当设置报警装置，配置现场急救用品、冲洗设备、应急撤离通道和必要的泄险区。

Article 25 In the toxic and hazardous workplaces where acute occupational injuries may occur, the Employer shall install alarm devices and provide on-site emergency rescue products, washing facilities, emergency evacuation passageways, and necessary hazard eliminating areas.

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

For the workplaces exposing to radioactive substances and the transportation and storage of radioactive isotopes, the Employer shall configure protective equipment and alarm devices, and make sure that the workers exposing to radioactive rays wear personal dosimeters.

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

With regard to the equipment for the prevention of occupational diseases, emergency rescue facilities, and the articles to be used by individuals for the prevention of occupational diseases, the Employer shall have them maintained and overhauled regularly, have their performance and effects tested periodically, and keep them in normal condition. Without authorization, it may not have them dismantle or discontinue their use.

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

Article 26 The employer shall assign persons to be specifically in charge of the day-to-day monitoring of the factors of occupational disease hazards and make sure that the monitoring system is kept in normal working conditions.

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

The Employer shall perform regular inspection and assessment of the occupational disease hazard factors in the workplace in accordance with the requirements of the competent administrative department in charge of health under the State Council. The test and evaluation results shall be kept in the employers' occupational health archives, and shall be reported at regular intervals to the local administrative departments for public health and announced to the workers.

职业病危害因素检测、评价由依法设立的取得国务院卫生行政部门或者设区的市级以上地方人民政府卫生行政部门按照职责分工给予资质认可的职业卫生技术服务机构进行。职业卫生技术服务机构所作检测、评价应当客观、真实。

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

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

When discovering the factors of occupational disease hazards at the workplace fail to meet the national standards and requirements for occupational health, the Employer shall immediately take appropriate measures to keep them under control; in case they still fail to meet the said standards and requirements, the operation wherein such factors exist shall be stopped and may not be resumed until the factors have been kept under control and meet the said standards and requirements.

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

Article 27 The technical service institution of occupational health shall inspect and assess occupational disease hazard factors by law, and accept supervision and inspection by the competent administrative department in charge of health. The administrative departments for public health shall perform their supervisory duties in accordance with law.

第二十八条   向用人单位提供可能产生职业病危害的设备的，应当提供中文说明书，并在设备的醒目位置设置警示标识和中文警示说明。警示说明应当载明设备性能、可能产生的职业病危害、安全操作和维护注意事项、职业病防护以及应急救治措施等内容。

Article 28 In the event that the Employer provides equipment that may generate occupational disease hazards, it shall provide the Chinese-language instructions, and erect the warning marks and Chinese-language warnings in visible locations on the equipment. The descriptions shall clearly furnish the properties of the equipment, the potential occupational disease hazards it may produce, notes on safety operation and maintenance, protection against occupational diseases, measures for emergency rescue, and so on.

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

Article 29 In the event that the Employer provides chemicals, radioactive isotopes and materials containing radioactive substances that may generate occupational disease hazards, it shall provide the Chinese instructions. The instructions shall specify the properties of the products, main components, existing hazardous factors, possible hazardous consequences, considerations for safe use, occupational disease protection and emergency rescue measures, etc. The packaging of the products shall bear visible warning signs and Chinese warnings. In the places where the said materials are stored, signs for dangerous goods or warning signs for radioactive substances shall be put up at specified spots.

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

In the event of first-time use or import of chemical materials relating to the occupational disease hazards, the institution that uses or imports the materials shall, subject to the approval of the related competent departments under the State Council in accordance with appropriate requirements of the State, furnish such materials as the toxicity appraisal of the chemical materials and the registration or import approval documents issued by related departments.

进口放射性同位素、射线装置和含有放射性物质的物品的，按照国家有关规定办理。

Any import of radioisotopes, radiation-emitting devices and goods containing radioactive substances shall be handled in accordance with the relevant regulations of the State.

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

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

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

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

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

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

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

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

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

If during the contracted period of time a worker, because of change in work post or assignment, begins to engage in an operation with occupational disease hazards which is not specified in the contract, the employer shall, in accordance with the provisions set forth in the preceding paragraph, perform its obligation by informing the worker of the true facts and alter the relevant provisions in the original contract through consultation.

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

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

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

Article 34 The chief responsible person and occupational disease management personnel of employers shall receive training in occupational health, comply with the laws and regulations concerning occupational disease prevention and control, and organize the occupational disease prevention and control work of respective institutions by law.

用人单位应当对劳动者进行上岗前的职业卫生培训和在岗期间的定期职业卫生培训，普及职业卫生知识，督促劳动者遵守职业病防治法律、法规、规章和操作规程，指导劳动者正确使用职业病防护设备和个人使用的职业病防护用品。

The Employer shall provide the workers with pre-service training in occupational health and regular in-service training in the same, in order to disseminate the knowledge on occupational health, urge them to abide by the laws, rules and regulations, and protocols for prevention and control of occupational diseases, and instruct them in the correct use of the facilities and personal protective equipment for prevention of occupational diseases.

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

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

劳动者不履行前款规定义务的，用人单位应当对其进行教育。

Where a worker fails to perform the obligation stipulated in the preceding paragraph, the employer shall educate the worker.

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

Article 35 The Employer shall, in accordance with the requirements of the competent administrative department in charge of health under the State Council, organize the occupational health check of the workers engaged in operations involving exposure to occupational disease hazards before, during and after employment, and inform the workers of the check results in a written form. The costs of such examinations shall be borne by the Employer.

用人单位不得安排未经上岗前职业健康检查的劳动者从事接触职业病危害的作业；不得安排有职业禁忌的劳动者从事其所禁忌的作业；对在职业健康检查中发现有与所从事的职业相关的健康损害的劳动者，应当调离原工作岗位，并妥善安置；对未进行离岗前职业健康检查的劳动者不得解除或者终止与其订立的劳动合同。

The employer shall not assign a worker who has not undergone a pre-service occupational health checkup to any operation with exposure to occupational disease hazards, or assign the workers that have occupational contraindications to undertake operations which they shall avoid; workers discovered in an occupational health checkup to have sustained health damage which is related to their jobs shall be transferred from their original posts to other proper placements; before a worker has gone through an off-the-job occupational health checkup, the labor contract concluded with the worker may not be canceled or terminated.

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

Occupational health examinations shall be performed by medical and healthcare institutions that have obtained the Practice License for Medical Institutions. The administrative departments for public health shall strengthen the regulation and administration of occupational health examinations; specific administrative measures shall be formulated by the administrative department for public health under the State Council.

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

Article 36 The Employer shall create occupational health care files for the workers, and keep them properly for the specified periods.

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

The occupational health surveillance archives of a worker shall include the worker's history of employment, history of exposure to occupational disease hazards, results of occupational health examinations, diagnosis and treatment of occupational diseases and other information related to his personal health.

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

The workers shall have the right to demand duplicate copies of their occupational health surveillance archives when leaving the employing units, and the employing units shall truthfully provide such duplicate copies at no charge and affix their seals on the duplicate copies they provide.

第三十七条   发生或者可能发生急性职业病危害事故时，用人单位应当立即采取应急救援和控制措施，并及时报告所在地卫生行政部门和有关部门。卫生行政部门接到报告后，应当及时会同有关部门组织调查处理；必要时，可以采取临时控制措施。卫生行政部门应当组织做好医疗救治工作。

Article 37 When an acute occupational disease hazard accident takes place or is likely to take place, the Employer shall take emergency rescue and control measures immediately, and report to local competent administrative department in charge of health and other related departments in a timely manner. Upon receipt of the report, the health administration authorities shall promptly organise investigation and handling jointly with the relevant authorities; where necessary, temporary control measures may be adopted. The competent administrative department in charge of health shall organize the medical care work properly.

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

For workers who suffer or may suffer acute occupational disease hazards, the employer shall promptly organise treatment, health examination and medical observation, and the expenses thereto shall be borne by the employer.

第三十八条   用人单位不得安排未成年工从事接触职业病危害的作业；不得安排孕期、哺乳期的女职工从事对本人和胎儿、婴儿有危害的作业。

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

第三十九条   劳动者享有下列职业卫生保护权利：

Article 39 The workers shall enjoy the following occupational health protection rights:

（一）获得职业卫生教育、培训；

1. To receive occupational health education and training;

（二）获得职业健康检查、职业病诊疗、康复等职业病防治服务；

(II) to receive services for prevention and control of occupational diseases, such as health checkups, diagnosis, treatment, and rehabilitation;

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

3. to understand the occupational disease hazard factors that exist, or are likely to exist in the workplace, the consequences of the hazards and the measures that should be taken for the prevention of occupational diseases;

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

(IV) to require the employer to provide the facilities and personal protective equipment for the prevention of occupational diseases that meet the requirements for prevention and control of such diseases, and to improve the working conditions;

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

(V) to criticize, make exposures of or charges against any act of jeopardizing the life and health in violation of laws and regulations on the prevention and treatment of occupational diseases;

（六）拒绝违章指挥和强令进行没有职业病防护措施的作业；

(VI) Rejecting the directions that are against regulations and coercive orders for doing jobs where the measures for the prevention of occupational diseases are lacking; and

（七）参与用人单位职业卫生工作的民主管理，对职业病防治工作提出意见和建议。

(VII) To participate in the employers' democratic management in the work involving occupational health, and make comments and suggestions for the prevention and treatment of occupational diseases.

用人单位应当保障劳动者行使前款所列权利。因劳动者依法行使正当权利而降低其工资、福利等待遇或者解除、终止与其订立的劳动合同的，其行为无效。

The employer shall guarantee the exercise of the rights by the worker as specified in the preceding paragraph. Any reduction in the workers' wages, welfare or material benefits, or any rescission or termination of the labor contracts entered into with the workers due to their exercise of their legitimate rights by law shall be invalid.

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

Article 40 The trade unions shall supervise and assist employers in carrying out occupational health publicity, education and training, have the right to provide opinions and suggestions about occupational disease prevention and control work of employers, sign the special collective agreement on occupational safety and health with the employers on behalf of the workers, coordinate the problems reported by the workers concerning occupational disease prevention and control with employers and urge them to solve the problems.

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

The trade unions shall have the right to request the Employer to correct any acts that violate the laws and regulations concerning occupational disease prevention and control, and infringe upon the lawful rights and interests of the workers. In case of serious occupational disease hazards, the trade unions shall have the right to request that protection measures be taken, or suggest that the relevant government departments take compulsory measures. When an occupational disease hazard accident occurs, the trade unions shall have the right to participate in the investigation and handling of the accident. When circumstances endangering the lives and health of the workers are discovered, the trade unions shall have the right to suggest that the Employer should organize the workers to evacuate the hazardous site, and the Employer shall immediately take such measures.

第四十一条   用人单位按照职业病防治要求，用于预防和治理职业病危害、工作场所卫生检测、健康监护和职业卫生培训等费用，按照国家有关规定，在生产成本中据实列支。

Article 41 The expenses used by the Employer for the prevention and control of the occupational disease hazards, workplace health inspection, health care and occupational health training in accordance with the requirements for occupational disease prevention and control shall be listed in the production cost in a truthful manner pursuant to appropriate requirements of the State.

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

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

第四章 职业病诊断与职业病病人保障

Chapter 4 Diagnosis of Occupational Diseases and Security for Occupational Diseases Patients

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

Article 43 The diagnosis of occupational diseases shall be undertaken by medical and healthcare institutions that have obtained the Practice License for Medical Institutions. The competent administrative department in charge of health shall step up the standardization and management of occupational disease diagnosis; specific administrative measures will be developed by the competent administrative department in charge of health under the State Council.

承担职业病诊断的医疗卫生机构还应当具备下列条件：

A medical health institution that undertakes occupational disease diagnosis shall also meet the following conditions:

（一）具有与开展职业病诊断相适应的医疗卫生技术人员；

1. be staffed with medical care and health professionals appropriate for diagnosis of occupational diseases;

（二）具有与开展职业病诊断相适应的仪器、设备；

(II) Have instruments and equipment suitable for conducting the diagnosis of occupational diseases; and

（三）具有健全的职业病诊断质量管理制度。

3. have a sound quality management system for diagnosis of occupational diseases.

承担职业病诊断的医疗卫生机构不得拒绝劳动者进行职业病诊断的要求。

No medical health institution that undertakes occupational disease diagnosis shall refuse a worker's request for occupational disease diagnosis.

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

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

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

Article 45 The occupational disease diagnosis standards and occupational disease diagnosis and appraisal methods shall be developed by the competent administrative department in charge of health under the State Council. The measures for identification of the degrees of injuries and disabilities caused by occupational diseases shall be formulated by the labor security administration department together with the public health administration department under State Council.

第四十六条   职业病诊断，应当综合分析下列因素：

Article 46 The diagnosis of occupational diseases shall include a comprehensive analysis of the following factors:

（一）病人的职业史；

1. the patient's occupational history;

（二）职业病危害接触史和工作场所职业病危害因素情况；

2. the history of exposure to occupational disease hazards and the factors of occupational disease hazards at the workplace;

（三）临床表现以及辅助检查结果等。

3. the clinical symptoms and the results of auxiliary examinations.

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

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

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

The certificate for diagnosis of occupational diseases shall be signed by the physicians who participate in the diagnosis and have qualifications for the diagnosis of occupational diseases, and be approved by and stamped with the seal of the medical and health institution that undertakes the diagnosis.

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

Article 47 The employer shall provide such materials as the worker's occupational history and history of exposure to occupational disease hazards, and inspection results of occupational disease hazard factors in the workplace that are necessary for occupational diseases diagnosis and appraisal in a truthful manner. The competent administrative department in charge of health shall supervise over, check and urge the provision of the above materials by the employer. The workers and related institutions shall also provide the materials relating to occupational diseases diagnosis and appraisal.

职业病诊断、鉴定机构需要了解工作场所职业病危害因素情况时，可以对工作场所进行现场调查，也可以向卫生行政部门提出，卫生行政部门应当在十日内组织现场调查。用人单位不得拒绝、阻挠。

In the event that the occupational disease diagnosis and appraisal institution needs to learn about the occupational disease hazard factors in the workplace, it may perform on- site investigation of the workplace or request that the competent administrative department in charge of health organize on-site investigation within 10 days. The employer shall not refuse or hinder the on-site investigation.

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

Article 48 In the event that the employer does not provide such materials as the inspection results of occupational disease hazard factors in the workplace during the process of occupational disease diagnosis and appraisal, the diagnosis and appraisal institution shall draw occupational disease diagnosis and appraisal conclusions based on the worker's clinical symptoms, auxiliary examination results, occupational history and history of exposure to occupational disease hazards as well as the worker's complaints and daily supervision and inspection information provided by the competent administrative department in charge of health.

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

In the event that a worker disagrees with such materials as the inspection results of occupational disease hazard factors in the workplace provided by the employer, or no employer provides the above materials due to winding-up or bankruptcy, the diagnosis and appraisal institution shall request that the competent administrative department in charge of health conduct an investigation, and the competent administrative department in charge of health shall make a judgment about the materials or information about the occupational disease hazard factors in the workplace in dispute within 30 days from the date of receiving the application. The related departments shall provide cooperation.

第四十九条   职业病诊断、鉴定过程中，在确认劳动者职业史、职业病危害接触史时，当事人对劳动关系、工种、工作岗位或者在岗时间有争议的，可以向当地的劳动人事争议仲裁委员会申请仲裁；接到申请的劳动人事争议仲裁委员会应当受理，并在三十日内作出裁决。

Article 49 In the event that the parties involved have a dispute over the employment relationship, job, post or employment period when confirming a worker's employment history and history of exposure to occupational disease hazards during the process of occupational disease diagnosis and appraisal, an application may be made to the local labor dispute arbitration commission for arbitration. The labor dispute arbitration commission receiving the application shall accept the application and deliver an award within 30 days.

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

The parties involved are obligated to provide evidence concerning their claims during the arbitration process. Where the laborer fails to provide the evidence in relation to the claims held and managed by the employer, the arbitration tribunal shall require the employer to provide within a specified time limit; where the employer fails to provide within a specified time limit, it shall be liable for any adverse consequences arising therefrom.

劳动者对仲裁裁决不服的，可以依法向人民法院提起诉讼。

If the worker is not satisfied with the arbitration award, he may institute an action with the people's court.

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

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

第五十条   用人单位和医疗卫生机构发现职业病病人或者疑似职业病病人时，应当及时向所在地卫生行政部门报告。确诊为职业病的，用人单位还应当向所在地劳动保障行政部门报告。接到报告的部门应当依法作出处理。

Article 50 Where the employer or a health care institution discovers a patient or suspected patient of an occupational disease, it shall report the case to the local public health department without delay. If an occupational disease is confirmed, the employer shall also report to the local competent administrative department in charge of labor security. The department receiving the report shall handle the case in accordance with the law.

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

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

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

Article 52 In the event that the parties involved disagree with the occupational disease diagnosis, they may apply to the competent administrative department in charge of health under the people's government in the place where the medical health institution that performs the diagnosis is located for appraisal.

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

In the event of a dispute over an occupational disease diagnosis, the public health department of the people's government at or above the level of a city with district division shall, on the basis of the application filed by the party, organize an occupational disease diagnosis verification committee to verify the diagnosis.

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

The party that is dissatisfied with the conclusion made by the verification committee for occupational disease diagnosis set up at the level of a city with district divisions may make a re-verification application with the public health department of the people's government of the province, autonomous region or municipality directly under the Central Government.

第五十三条   职业病诊断鉴定委员会由相关专业的专家组成。

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

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

The competent administrative department in charge of health under the people's government of the provinces, autonomous regions and municipalities shall set up the relevant expert database. When it is necessary to verify a diagnosis of an occupational disease under dispute, the party or the relevant competent administrative department in charge of health entrusted by the party may randomly select experts from the expert database to join the diagnosis verification committee.

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

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

第五十四条   职业病诊断鉴定委员会组成人员应当遵守职业道德，客观、公正地进行诊断鉴定，并承担相应的责任。职业病诊断鉴定委员会组成人员不得私下接触当事人，不得收受当事人的财物或者其他好处，与当事人有利害关系的，应当回避。

Article 54 Members of the occupational disease diagnosis and appraisal committee shall comply with the professional ethics, perform the diagnosis and appraisal in an objective and impartial manner and bear corresponding responsibilities. No member of the occupational disease diagnosis and appraisal committee shall contact with the parties concerned in private or accept any money, property or other benefits from any party concerned. Where any member has an interest with the parties concerned, such member shall withdraw.

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

Where occupational disease appraisal is required for a case accepted by the people's court, the experts to participate in the appraisal shall be selected from relevant expert databases established by the competent administrative department in charge of health under the people's government of the provinces, autonomous regions and municipalities by law.

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

Article 55 Whenever a medical health institution identifies a suspected occupational disease patient, it shall notify the worker him/herself and the Employer in a timely manner.

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

The Employer shall make arrangements for the patient suspected of occupational disease to be diagnosed, and may not rescind or terminate the labor contract executed by them during the period of diagnosis or medical observation.

疑似职业病病人在诊断、医学观察期间的费用，由用人单位承担。

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

第五十六条   用人单位应当保障职业病病人依法享受国家规定的职业病待遇。

Article 56 The employer shall ensure that the occupational disease patients are entitled to the occupational disease benefits specified by the State.

用人单位应当按照国家有关规定，安排职业病病人进行治疗、康复和定期检查。

The Employer shall, in accordance with relevant state regulations, make arrangements for patients of occupational diseases to undergo treatment, to recuperate and to receive regular examinations.

用人单位对不适宜继续从事原工作的职业病病人，应当调离原岗位，并妥善安置。

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

用人单位对从事接触职业病危害的作业的劳动者，应当给予适当岗位津贴。

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

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

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

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

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

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

Article 59 Where a worker is diagnosed to have an occupational disease and his employer has not undertaken an industrial injury insurance policy as required by law, the worker's medical expenses and living allowances shall be paid by the employer.

第六十条   职业病病人变动工作单位，其依法享有的待遇不变。

Article 60 The benefits that an occupational disease patient is entitled to by law shall be unaffected if the patient changes its Employer.

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

In cases of separation, merger, dissolution, or bankruptcy of the employer, the employer shall perform a health check of the workers engaged in operations involving exposure to occupational disease hazards, and re-settle the patients with occupational diseases appropriately in accordance with the requirements of the State.

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

Article 61 In the case of any occupational disease patient whose employer no longer exists or whose employment relationship may not be confirmed, the patient may file an application with the competent department in charge of medical security and civil affairs of the local people's government for medical aids and living aids, etc.

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

Local people's governments at various levels shall, in light of local realities, take other measures to enable the occupational disease patients mentioned in the preceding paragraph to get medical care.

第五章 监 督 检 查

Chapter 5 Supervision and Inspection

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

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

第六十三条   卫生行政部门履行监督检查职责时，有权采取下列措施：

Article 63 When performing their duties of supervision and inspection, health administration departments shall have the right to take the following measures:

（一）进入被检查单位和职业病危害现场，了解情况，调查取证；

1. to enter a subject's premises and the site exposed to occupational disease hazards to understand the situation, conduct investigation and take evidence;

（二）查阅或者复制与违反职业病防治法律、法规的行为有关的资料和采集样品；

(II) to consult or copy materials related to the acts in violation of the laws and regulations on the prevention and treatment of occupational diseases and collect samples; and

（三）责令违反职业病防治法律、法规的单位和个人停止违法行为。

(III) ordering the unit or individual that violates the laws and regulations on occupational disease prevention and control to discontinue such violation.

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

Article 64 When an occupational disease hazard accident takes place or there is evidence that the hazard status may give rise to an occupational disease hazard accident, the competent administrative department in charge of health may take the following temporary control measures:

（一）责令暂停导致职业病危害事故的作业；

1. to order the suspension of the operation that may cause an occupational disease incident;

（二）封存造成职业病危害事故或者可能导致职业病危害事故发生的材料和设备；

2. to seal up the materials and equipment that has caused, or may cause an occupational disease incident; and

（三）组织控制职业病危害事故现场。

3. to make arrangements to control the site of the incident.

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

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

第六十五条   职业卫生监督执法人员依法执行职务时，应当出示监督执法证件。

Article 65 When performing their functions by law, the occupational health supervision and law enforcement personnel shall present the supervision and law enforcement certificate.

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

The occupational health supervision and law enforcement personnel shall be devoted to their duties, enforce the law impartially, and strictly abide by the law enforcement norms; where the secrets of the Employer are involved, they shall keep confidentiality for them.

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

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

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

Article 67 When performing their functions by law, no public health administration department or its officials in charge of occupational health supervision and law enforcement may do any of the following:

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

1. Issuing to construction projects that do not meet the statutory conditions related certification documents or qualification certificates or giving approval to such projects;

（二）对已经取得有关证明文件的，不履行监督检查职责；

(II) failing to perform their supervision and inspection duty with respect to the construction projects which have obtained the relevant certification documents;

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

3. failing to take timely control measures as required by law upon discovery of the existence of any occupational disease hazard in the employer's workplace which may cause an occupational disease incident;

（四）其他违反本法的行为。

(IV) other acts in violation of this Law.

第六十八条   职业卫生监督执法人员应当依法经过资格认定。

Article 68 The qualification of occupational health officers shall be certified in accordance with the law.

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

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

第六章 法 律 责 任

Chapter 6 Legal Liability

第六十九条   建设单位违反本法规定，有下列行为之一的，由卫生行政部门给予警告，责令限期改正；逾期不改正的，处十万元以上五十万元以下的罚款；情节严重的，责令停止产生职业病危害的作业，或者提请有关人民政府按照国务院规定的权限责令停建、关闭：

Article 69 Any Construction Unit that, in violation of the provisions of this Law, commits one of the following acts shall be given a disciplinary warning and ordered to make rectification within a specified time limit by the public health administration department; if it fails to do so within such limit, it shall be fined from CNY100 ,000 to CNY500,000; if the circumstances of the case are serious, it shall be ordered to discontinue the operation that produces occupational disease hazards, or the said department may request the relevant people's government, within the terms of reference specified by State Council, to order the construction of the project to be discontinued or closed down:

（一）未按照规定进行职业病危害预评价的；

1. failing to conduct an occupational disease hazard pre-evaluation as is required by regulations;

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

(II) starting construction of a medical establishment construction project that may entail radiation-related occupational disease hazards without submitting a preliminary assessment report on the radiation-related occupational disease hazards of the project for approval as required or without having such report approved by the public health department;

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

(III) failing to have the occupational disease prevention and control facilities of a construction project designed, constructed, or put into operation or use the same time as the main body of the construction project as is required by regulations;

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

(IV) executing a construction project while the design of the occupational disease prevention and control facilities of the project does not meet the national standards and requirements for occupational health, or executing a medical establishment construction project that entails serious radiation-related occupational disease hazards while the design of such facilities has not been approved by the public health department;

（五）未按照规定对职业病防护设施进行职业病危害控制效果评价的；

(V) failing to assess, as is required by regulations, the occupational disease control effect of the protective devices for occupational disease;

（六）建设项目竣工投入生产和使用前，职业病防护设施未按照规定验收合格的。

(VI) The protective devices for occupational diseases failing to pass acceptance inspections as required before construction projects are completed for putting into production and use.

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

Article 70 Any unit or individual that, in violation of the provisions of this Law, commits one of the following acts shall be given a disciplinary warning by the public health administration department and shall be ordered to make rectification within a time limit; if it or he fails to do so within such limit, it or he shall be fined not more than CNY100 ,000:

（一）工作场所职业病危害因素检测、评价结果没有存档、上报、公布的；

1. failing to keep on file, report, or publish the results of its workplace occupational disease hazard testing and assessment results;

（二）未采取本法第二十条规定的职业病防治管理措施的；

2. failing to adopt the measures for prevention and control of occupational diseases specified in Article 20 of this Law;

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

3. failing to publish, as is required by regulations, the rules and regulations on prevention and control of occupational diseases, the rules for their application and the emergency rescue measures in occupational disease incidents;

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

4. failing to make arrangements for workers to receive training in occupational health or to take measures to guide and urge individual workers to take protective measures against occupational diseases as is required by regulations; or

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

(V) Failing to submit the required toxicity report on chemicals associated with occupational disease hazards which are to be used in or imported into the country for the first time, as well as the required documents proving the registration with the relevant departments or proving the approval for import.

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

Article 71 Any employer that, in violation of the provisions of this Law, commits one of the following acts shall be given a disciplinary warning by the administrative department for public health and be ordered to rectify within a time limit and may also be fined not less than CNY50,000 but not more than CNY100 ,000:

（一）未按照规定及时、如实向卫生行政部门申报产生职业病危害的项目的；

1. failing to submit timely and truthful reports to the public health administration department on projects that produce occupational disease hazards, as is required by regulations;

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

(II) Failing to appoint dedicated persons to carry out routine monitoring of the factors of occupational disease hazards, or failing to keep the monitoring system in normal working conditions;

（三）订立或者变更劳动合同时，未告知劳动者职业病危害真实情况的；

3. failing to truthfully inform workers of any occupational disease hazard when concluding or modifying labor contracts;

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

(IV) Failing to make arrangements for occupational health checkups, to keep archives on occupational health monitoring and protection, and to inform the workers concerned of the results of the checkups in writing;

（五）未依照本法规定在劳动者离开用人单位时提供职业健康监护档案复印件的。

(V) failing to provide, as is required by this Law, a worker leaving his employment with a copy of his occupational health monitoring files.

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

Article 72 Where the Employer, in violation of the provisions of this Law, commits one of the following acts, the public health administration department shall give it a disciplinary warning and order it to make rectification within a time limit; if it fails to do so within such limit, it shall be fined from CNY50,000 to CNY200,000; if the circumstances of the case are serious, it shall be ordered to discontinue the operation that produces occupational disease hazards, or the department may request the relevant people's government, within the terms of reference specified by State Council, to order the unit to close down:

（一）工作场所职业病危害因素的强度或者浓度超过国家职业卫生标准的；

1. failing to keep the intensity or concentration of the factors of occupational disease hazards at the workplace from exceeding the national standards for occupational health;

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

2. failing to provide the facilities and personal protective equipment for the prevention of occupational diseases, or failing to provide such facilities and equipment that meet the national standards and requirements for occupational health;

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

3. failing to maintain, repair, and test, as is required by regulations, the equipment, emergency rescue facilities, and personal protective equipment for prevention of occupational diseases,, or failing to keep them in normal working condition;

（四）未按照规定对工作场所职业病危害因素进行检测、评价的；

(IV) failing to test or assess the factors of occupational disease hazards in the workplace as is required by regulations;

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

(V) when the factors of occupational disease hazards in the workplace after treatment are still below the national standards and requirements for occupational health, failing to discontinue the operation where such factors exist;

（六）未按照规定安排职业病病人、疑似职业病病人进行诊治的；

(VI) failing to arrange for patients or suspected patients of occupational diseases to undergo diagnosis and treatment, as is required by regulations;

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

(VII) in the event of the occurrence or possible occurrence of an incident of an acute occupational disease, failing to immediately adopt emergency rescue and control measures or failing to make a timely report as is required by regulations;

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

(VIII) failing to put up, as is required by regulations, warning signs and warning messages written in Chinese at prominent places of work stations where serious occupational disease hazards are produced;

（九）拒绝职业卫生监督管理部门监督检查的；

(IX) refusing to accept the supervision or inspection by the occupational health regulatory authorities.

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

(X) concealing, forging, altering, or destroying the occupational health monitoring files, the test or assessment results on the factors of occupational disease hazards in the workplace, or other relevant materials, or refusing to provide the materials necessary for the diagnosis or verification of an occupational disease; or

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

(XI) failing to cover, as is required by regulations, the expenses for occupational disease diagnosis or verification and the medical care and living allowances of occupational disease patients.

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

Article 73 In the event that an institution or individual provides the Employer with equipment and materials that may generate occupational disease hazards without providing the Chinese-language instructions or erecting the warning marks and Chinese-language warnings, the competent administrative department in charge of health shall order the institution or individual to take corrective actions within the specified time, give it a warning and impose a fine of no less than Rmb50,000 and no more than Rmb200,000 on it.

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

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

第七十五条   违反本法规定，有下列情形之一的，由卫生行政部门责令限期治理，并处五万元以上三十万元以下的罚款；情节严重的，责令停止产生职业病危害的作业，或者提请有关人民政府按照国务院规定的权限责令关闭：

Article 75 Where the Employer, in violation of the provisions of this Law, commits one of the following acts, the public health administration department shall order it to make rectification within a time limit; if it fails to do so within such limit, it shall be fined from CNY50,000 to CNY300,000; if the violations are serious, it shall be ordered to discontinue the operation that produces occupational disease hazards, or the department may request the related people's government, within the terms of reference specified by State Council, to order the unit to close down:

（一）隐瞒技术、工艺、设备、材料所产生的职业病危害而采用的；

1. concealing the occupational disease hazards produced by any technology, technique, equipment or material while adopting it;

（二）隐瞒本单位职业卫生真实情况的；

2. where the employer conceals the truth about its occupational health;

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

(III) failing to comply with Article 25 of this Law in respect of the toxic and hazardous substances or radioactive substances in the workplace which may cause acute occupational injuries or in respect of the transportation and storage of radioisotopes;

（四）使用国家明令禁止使用的可能产生职业病危害的设备或者材料的；

(IV) Using the equipment or materials which may produce occupational disease hazards and the use of which is banned by formal decrees of the state;

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

(V) transferring operations that generate occupational disease hazards to another unit or individual that lacks the conditions for the prevention of occupational diseases; or a unit or individual that lacks the said conditions accepting operations that generate occupational disease hazards;

（六）擅自拆除、停止使用职业病防护设备或者应急救援设施的；

6. dismantling or ceasing to use, without authorization, the protective equipment for prevention of occupational diseases or the emergency rescue facilities;

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

(VII) assigning workers who have not undergone occupational health checkups, workers with occupational contraindications, underage workers, or pregnant or breastfeeding female workers to undertake operations that are exposed to occupational disease hazards or that they should avoid; or

（八）违章指挥和强令劳动者进行没有职业病防护措施的作业的。

(VIII) where the employer directs any of its workers to operate in violation of applicable rules and regulations, or require any of its workers to engage in any operation for which necessary occupational disease protective measures fail to be taken.

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

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

第七十七条   用人单位违反本法规定，已经对劳动者生命健康造成严重损害的，由卫生行政部门责令停止产生职业病危害的作业，或者提请有关人民政府按照国务院规定的权限责令关闭，并处十万元以上五十万元以下的罚款。

Article 77 In the event that the Employer violates the requirements of this Law causing serious damages to the lives and health of the workers, the competent administrative department in charge of health shall order it to stop the operations that generate occupational disease hazards or request related people's government to order it be closed down in accordance with the authorities specified by the State Council and impose a fine of no less than Rmb100,000 and no more than Rmb500,000 on it.

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

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

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

Article 79 In the event that a technical service institution of occupational health engages in the technical service for occupational health without acquiring the technical service qualification of occupational health, the competent administrative department in charge of health shall order it to cease the illegal act immediately and confiscate the illegal earnings. In the event that the amount of the illegal earnings exceeds Rmb5,000, a fine in an amount of no less than 2 times and no more than 10 times that of the illegal earnings will be imposed. In the absence of illegal earnings or if the amount of the illegal earnings is less than Rmb5,000, a fine of no less than Rmb5,000 and no more than Rmb50,000 will be imposed. If the violation is serious, the directly responsible supervisors and other directly responsible personnel will be given such sanctions as demotion, removal from office or dismissal by law.

第八十条   从事职业卫生技术服务的机构和承担职业病诊断的医疗卫生机构违反本法规定，有下列行为之一的，由卫生行政部门责令立即停止违法行为，给予警告，没收违法所得；违法所得五千元以上的，并处违法所得二倍以上五倍以下的罚款；没有违法所得或者违法所得不足五千元的，并处五千元以上二万元以下的罚款；情节严重的，由原认可或者登记机关取消其相应的资格；对直接负责的主管人员和其他直接责任人员，依法给予降级、撤职或者开除的处分；构成犯罪的，依法追究刑事责任：

Article 80 Where institutions engaged in technical services for occupational health and medical health institutions that undertake occupational disease diagnosis, in violation of the provisions of this Law, commit one of the following acts, the public health administration department shall order them to desist immediately from the violation, give a warning and confiscate their illegal income; if the illegal income is more than 5,000 yuan, it shall, in addition, be fined not less than two times but not more than five times the amount of the illegal income; if there is no illegal income or the illegal income is less than 5,000 yuan, it shall, in addition, be fined not less than 5,000 yuan but not more than 20,000 yuan; if the circumstances are serious, the original accreditation or registration department shall disqualify them accordingly; the persons directly in charge and the other persons directly responsible shall be demoted, dismissed from office or discharged in accordance with law; and if a crime is constituted, they shall be investigated for criminal responsibility in accordance with law:

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

1. Engaging in the technical services for occupational health or conducting occupational health checkups or occupational disease diagnosis beyond the scope certified or registered;

（二）不按照本法规定履行法定职责的；

2. failing to perform his statutory duties in accordance with the provisions of this Law;

（三）出具虚假证明文件的。

(III) issuing false certification documents.

第八十一条   职业病诊断鉴定委员会组成人员收受职业病诊断争议当事人的财物或者其他好处的，给予警告，没收收受的财物，可以并处三千元以上五万元以下的罚款，取消其担任职业病诊断鉴定委员会组成人员的资格，并从省、自治区、直辖市人民政府卫生行政部门设立的专家库中予以除名。

Article 81 In the event that a member of the occupational disease appraisal committee accepts any gifts or other benefits from the parties to a dispute of occupational disease diagnosis, he/she will be given a warning, the gifts accepted will be confiscated, a fine of no less than 3,000 yuan and no more than 50,000 yuan may be imposed, his/her qualification to serve as a member on the occupational disease appraisal committee will be deprived, and he will be removed from the expert database established by the competent administrative department in charge of health under the people's government of the provinces, autonomous regions and municipalities.

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

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

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

Article 83 Where a local people's government at or above county level, in prevention and control of occupational diseases, fails to perform its duties in accordance with this law, which leads to the occurrence of a serious occupational disease incident with grave social consequences, the persons directly in charge and other persons directly responsible shall be subject to disciplinary sanctions ranging from being given a record of a major demerit to being discharged in accordance with the law.

县级以上人民政府职业卫生监督管理部门不履行本法规定的职责，滥用职权、玩忽职守、徇私舞弊，依法对直接负责的主管人员和其他直接责任人员给予记大过或者降级的处分；造成职业病危害事故或者其他严重后果的，依法给予撤职或者开除的处分。

Where an occupational health regulatory authority of a people's government at or above the county level, in prevention and control of occupational diseases, fails to perform its duties required by this Law, abuse its powers, or commits dereliction of duty or irregularities for personal gain, the persons directly in charge and other persons directly responsible shall be given a record of a major demerit or be demoted in accordance with the law; or shall be dismissed from office or discharged in accordance with the law if the act in question results in an occupational disease incident or other grave consequences.

第八十四条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 84 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第七章 附 则

Chapter 7 Supplementary Provisions

第八十五条   本法下列用语的含义：

Article 85 Terms used in this Law are defined as follows:

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

Occupational disease hazards refer to the various kinds of hazards that may cause occupational diseases to workers engaged in occupational activities. The factors of occupational disease hazards include the various kinds of chemical, physical and biological factors existing in occupational activities and other occupational hazardous factors that come into existence in the course of work.

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

Occupational contraindications "refers to the personal special physical state or pathological state whereby a worker, when engaged in a particular profession or exposed to particular occupational disease hazard factors, is more likely to suffer from the occupational disease hazards and contract the occupational diseases than ordinary occupational groups, experience aggravation of existing diseases in the worker or induce diseases that may endanger the lives and health of other people during the course of work.

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

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

劳务派遣用工单位应当履行本法规定的用人单位的义务。

An employer using contract labor shall perform the obligations of the employer stipulated herein.

中国人民解放军参照执行本法的办法，由国务院、中央军事委员会制定。

Measures for the implementation of this Law by the Chinese People's Liberation Army shall be formulated by the State Council and the Central Military Commission.

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

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

第八十八条   本法自2002年5月1日起施行。

Article 88 This Law shall go into effect as of May 1, 2002.