

REGULATIONS ON REPORTING AND HANDLING FATAL ACCIDENTS OF WORKERS AND EMPLOYEES IN ENTERPRISES

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CHAPTER I GENERAL PRINCIPLES CHAPTER II REPORTING OF ACCIDENTS CHAPTER III INVESTIGATION OF ACCIDENTS CHAPTER IV HANDLING OF ACCIDENTS CHAPTER V SUPPLEMENTARY PROVISIONS

Article 1 The present regulations are drawn up to ensure the timely reporting, tabulating, investigating and handling fatal accidents involving workers and employees, taking active measures of prevention, and forestalling such accidents.

Article 2 The present regulations are applicable to all enterprises within the territory of the People's Republic of China.

Article 3 The fatal accidents referred to in the present regulations are those causing personal harms and acute intoxication of workers and employees in the course of work.

Article 4 The work of reporting, tabulating, investigating and handling fatal accidents must be based on the principle of relying on facts and being scientific.

CHAPTER II REPORTING OF ACCIDENTS

Article 5 When a fatal accident happened, the injured or whoever at the site of accident should immediately report directly or via their superiors to the top executives of the enterprise.

Article 6 On receiving the report of an accident causing serious injuries, deaths, or major casualties, the top executives of the enterprise should immediately report to the department in charge of the enterprise and the local labour department, the department of public security, people's procuratorate and the trade unions.

Article 7 On receiving the report of a fatal or major fatal accident, the department in charge of the enterprise and the labour department should immediately report to their superior authorities up to the departments in charge and the labour departments in the province, autonomous region and municipality directly under the Central Government. Major fatal accidents should be reported to the departments in charge and the labour departments in the State Council.

Article 8 The enterprise where a fatal or major fatal accident happened should protect the site of the accident and take quick and necessary measures to save the lives of personnel and property, and prevent the spreading of the accident.

CHAPTER III INVESTIGATION OF ACCIDENTS

Article 9 In case of an accident causing light or serious injuries, the top executives of an enterprise or their appointees should organize an accident investigation team with the participation of personnel from the production, technical and safety sectors as well as trade union representatives to make investigation.

Article 10 In case of a fatal accident, the departments in charge of the enterprise should form an accident investigation team together with the local municipal (or its equivalent) labour department, department of public security, and trade unions to make investigation.

In case of a major fatal accident, the departments in charge of the enterprise at the provincial,

autonomous regional and municipal (municipalities under the Central Government) levels or the departments in charge in the State Council should form an accident investigation team together with the labour department, department of public security, the procuratorate and trade union at the same level to make investigation.

The accident investigation teams formed in accordance with the provisions of the two preceding paragraphs of the present Article should invite the participation of the people's procuratorate; they may also invite the participation of other departments and specialists.

Article 11 Members of the accident investigation team should satisfy the following conditions:

- (1) Specialized in any one aspect required in the investigation of an accident;
- (2) Being not a party of direct interest to the accident.

Article 12 Duties of the accident investigation team:

- (1) Find out clearly the causes, occurrence, casualties and economic losses due to the accident;
- (2) Determine the person(s) responsible for the accident;
- (3) Put forward its opinions on the handling of the accident and proposals on the preventive measures to be taken;
- (4) Write out the report on the investigation of the accident.

Article 13 The accident investigation team has the right to ask for relevant information and data from the enterprise concerned and from related units and personnel, and none of them should refuse its request.

Article 14 After clarifying the circumstances of the accident, if the accident investigation team could not arrive at a unanimous view on the analysis of the accident and the measures to deal with those responsible, the labour department has the right to put forward its conclusions. After this, if opinions still differ, the team should report the case to a superior labour department to deal with the case together with other departments concerned. Following this, if opinions yet differ, the case should be submitted to the people's government at the same level for arbitration. However, all this should not exceed the time limit imposed on handling the accident.

Article 15 No unit or person is allowed to impede or interfere in the normal work of the accident investigation team.

Article 16 The opinions of the accident investigation team for handling the accident and its proposals for preventive measures should be carried out by the enterprise where the accident occurred and the department in charge of the enterprise.

Article 17 In case of a fatal accident caused by a neglect of safety in production, giving directions in contravention to established rules and regulations, working against rules, failure to observe duties or not taking effective measures in face of hidden hazards or dangers, the department in charge of the enterprise or the enterprise itself in accordance with relevant provisions of the State should mete out administrative punishment to top executives of the enterprise or the persons directly responsible. In case of a crime, the judicial organs should investigate and affix the penal responsibilities in accordance with the law.

Article 18 If in contravention to the present regulations an enterprise fail to report the occurrence of a

fatal accident, or give false information, intentionally delay reporting, intentionally destroy the site of accident, or refuse to accept investigation and refuse to provide relevant information and data without proper reasons, the departments concerned should mete out administrative punishment toward the executives of the unit in question and those directly responsible. In case of a crime, the judicial organs should make investigations and affix the penal responsibilities in accordance with the law.

Article 19 In the course of investigating and handling a fatal accident, if there were cases of derogation of duties, practice of favouritism or taking retaliatory measures, the relevant units should mete out administrative punishment toward those responsible according to State provisions. In case of a crime, the judicial organs should make investigations and affix the penal responsibilities in accordance with the law.

Article 20 The work of handling a fatal accident should conclude within 90 days. In special cases, it should not exceed 180 days. After winding up a case of a fatal accident, the results should be publicly announced.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 21 The method of tabulation and the forms of tables of fatal accidents shall be prepared by the labour departments under the State Council together with the statistical departments under the State Council in accordance with relevant stipulations.

The method of determining economic losses due to a fatal accident and the method of classification of accidents shall be prepared by the labour departments and other relevant departments under the State Council. The existing laws and administrative regulations otherwise drawn up for the investigation and handling of fatal accidents should be observed as they are.

Article 22 The labour departments shall be responsible for the supervision and control of enterprises implementing the present regulations.

Article 23 In case of extraordinarily major accidents, it should be handled in accordance with relevant State provisions.

Article 24 Fatal accidents in government organs, institutions and people's organizations should be handled with reference to the present regulations.

Article 25 The right of interpretation of the present regulations rests with the labour departments of the State Council.

Article 26 The present regulations come into effect as from May 1, 1991. At the same time, the " Code of Reporting Fatal Accidents of Workers and Employees" issued by the State Council in 1956 becomes null

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