

*Labour
Administration*

**PROFILE ON
OCCUPATIONAL SAFETY
AND HEALTH IN THE
PEOPLE'S REPUBLIC OF
CHINA**

EDITED BY H. ONO AND K. ENOMOTO



INTERNATIONAL LABOUR ORGANISATION

ASIAN AND PACIFIC REGIONAL CENTRE FOR
LABOUR ADMINISTRATION (ARPLA)

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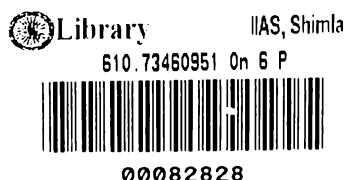
ASIAN AND PACIFIC
REGIONAL CENTRE FOR
LABOUR ADMINISTRATION
(ARPLA)
BANGKOK

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PREFACE

With improvements in the standard of living and the growing public awareness of the need to improve the quality of life in the Asian and Pacific region, mainly influenced by consistent economic growth in the past decade, the improvement of working conditions is gradually acquiring importance in labour administration. However, occupational safety and health administration, which is one of the major fields in the improvement of working conditions, has not yet been given due attention in most countries in the region. This is partly due to the lack of relevant documentation.

With support from the Governments concerned, a study in 14 countries of the region was initiated by ILO/ARPLA in 1990. The series of Profiles on Occupational Safety and Health covers Bangladesh, People's Republic of China, Fiji, India, Indonesia, Republic of Korea, Malaysia, Pakistan, Papua New Guinea, Philippines, Singapore, Solomon Islands, Sri Lanka, and Thailand.

The purpose of ARPLA's Labour Administration Profiles on Occupational Safety and Health is mainly to fill the documentation gap by providing information on the national administrative structure, legislation, activities, trends and problems relating to occupational safety and health. Such information will be useful to policy-makers, researchers, and national and international development agencies in understanding the current situation and in strengthening occupational safety and health administration.

The Profile on Occupational Safety and Health in China is based on a study by an independent consultant, Mr. Huang Zhaoqian, Senior Engineer, National Institute for Occupational Safety and Health, Ministry of Labour, People's Republic of China, and does not reflect the views of the Government of China or ILO/ARPLA.

We would like to thank the Ministry of Labour, Japan, and the Japan International Cooperation Agency for their financial support in this undertaking.

We hope the profile will be of interest to all concerned with the improvement of occupational safety and health, specially in developing countries.



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Assistant Director-General
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in Asia and the Pacific

Bangkok
December 1992

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1. FRAMEWORK OF ADMINISTRATIVE AND LEGAL INSTITUTIONS

1.1. STATUS OF OCCUPATIONAL SAFETY AND HEALTH MEASURES IN NATIONAL POLICIES

Statement in Constitution

In the Constitution of the People's Republic of China (P.R.C.), the occupational safety and health stipulations (abstract) are as follows:

Section (42) Citizens of the People's Republic of China have the right as well as duty to work. Using the various channels, the State creates conditions for employment, strengthens labour protection, improves working conditions and, on the basis of expanded production, increases remuneration for work and social benefits.

The State provides the necessary vocational training to citizens before they are employed.

Section (43) Working people in the People's Republic of China have the right to rest. The State expands facilities for rest and recuperation of working people and prescribes working hours and vacations for workers and staff.

Others

On 25 March 1988, the Premier of the State Council¹ issued the following statement in the Report on Governmental Work presented to the First Session of the Seventh National People's Congress². Because of ineffective guides, imperfect management, and lax labour disciplines and enforcement of rules and regulations, serious accidents frequently occur in transportation and production activities. These factors greatly affect reform and construction work, resulting in loss of life and property, and must be resolved. Furthermore, in respect of the goals, policies, and tasks of construction and reform in the coming five years, he emphasised: for transportation, industrial production, and infrastructure, the policy of 'safety first, prevention first' must be implemented and enterprises should attach importance to safety, improve management, strengthen labour discipline, enhance the quality of workers, implement rules and regulations, maintain equipment, adopt advanced technology, and actively prevent fatal accidents.

1.2. MAJOR LEGISLATION ON OCCUPATIONAL SAFETY AND HEALTH

Overview

The Government began to introduce new labour protection laws after its establishment in 1949. Stipulations on labour protection were made in the Common Program adopted at the plenary meeting of the Chinese People's Political Consultative Conference. Provision No. 32 states: The eight to ten hours' work system should be carried out in State-owned and private enterprises, the interests of women workers and minor workers must be protected, a checking system for industries and mining should be set up, safety and health facilities should be improved, etc. As the Common Program, at that time, served as the temporary Constitution, the stipulations constituted the basic regulations on labour protection.

¹ The State Council is the executive body of the highest organ of state power (National People's Congress) and the highest organ of State administration.

² The National People's Congress is the highest organ of state power and exercises the legislative powers of the State.

During the restoration of the national economy (from 1950 to 1952), stipulations and instructions were issued on labour protection administration: 119 regulations and rules (according to available statistics). As a consequence, in enterprises, working conditions greatly improved and industrial accidents and injuries reduced significantly.

During the First Five-Year Plan period (1953 to 1957), which was also the restoration period of the national economy, the Government paid more attention to labour protection legislation to meet the needs of economic development. A series of labour protection regulations, especially several basic regulations, were issued, such as the Rules Concerning Safety and Health in Factories, Technical Rules on Safety in Building and Construction Engineering, and the Rules on Reporting Work Injuries and Deaths Due to Accidents, called the Three Rules. According to statistics, 15 important labour protection regulations were issued. Together with the earlier regulations, there were more than 300. This marked the period of stepping up labour protection legislation.

During 1958 to 1962, with the change in directions in the restoration of the economy, labour protection measures were not effectively administered.

From 1963 to 1965, with the policy of regulation, consolidation, and improvements put into effect, the labour protection system was reorganised. The State Council, in 1963, issued regulations on improving occupational safety and health (OSH) in production and other rules and standards on labour protection administration.

During 1966 and 1976, labour protection enforcement deteriorated and industrial accidents and occupational diseases increased.

With the rehabilitation and reorganisation of the national economy after 1976, labour protection enforcement improved. Several important regulations and standards were revised and instituted, such as the Provisional Regulations on Safety Inspection of Boilers and Pressure Vessels, Regulations on Supervision of Safety in Mines, Regulations on Prevention and Cure of Pneumoconiosis, and Regulations on Labour Protection of Female Workers.

There are clauses concerning OSH in the Law on State-Owned Enterprises in P.R.C., Provisional Regulations on Private Enterprises in P.R.C., and Criminal Law of P.R.C. Besides, the Labour Law of P.R.C. and the Occupational Safety and Health Regulations of P.R.C. (to be issued) lay the legal foundation and open the way for further legislation in this field.

Characteristics of fundamental and general law

The policy is to consistently improve safety in production and ensure OSH, which are the basic principles of socialist enterprise administration. In order to put into effect the policy of 'safety and prevention first', labour protection laws and technical regulations are being established and perfected. By taking effective protection measures, establishing technical rules in production, and using scientific management methods, labour protection administration will become standardised and systematic, thereby ensuring the protection of workers, improving production efficiency, and augmenting production.

The Occupational Safety and Health Regulations (OSHR) have been drafted (see Annexure "A"). It aims at safety in production. It specifies the code of conduct and responsibilities of the labour departments at all levels; of the responsible departments of enterprises, industries, and mining enterprises; of labour unions; of labour protection supervisors and factory directors (managers); and others concerned, with chapters as follows:

- ☐ Chapter I: General provisions
- ☐ Chapter II: Engineering construction projects and workplace
- ☐ Chapter III: Production equipment and protective equipment
- ☐ Chapter IV: Protection of children and women workers
- ☐ Chapter V: Hours of work
- ☐ Chapter VI: Awareness education and research
- ☐ Chapter VII: Enterprise management
- ☐ Chapter VIII: Labour union and workers
- ☐ Chapter IX: Award and punishment
- ☐ Chapter X: Appendix

The OSHR (draft) are part of the national law and have general characteristics like other laws. At the same time, it has its own characteristics, i.e. labour protection laws, which reflect the relationship between workers' rights and duties, as follows:

Workers' rights

- (a) The worker has the right to ask the enterprise to comply with the national design standards of factories to eliminate risk factors which pollute the production environment and endanger health. This is accomplished by the government labour protection administration department and labour union being present during the design check and acceptance after completion of a newly-constructed, reconstructed, extended, or technologically-transformed project.
- (b) The worker has the right to ask the enterprise to comply with the regulations in regard to labour protection, consider and put safety techniques and labour protection plans into effect, and improve working conditions and welfare facilities.
- (c) The worker has the right to demand protective equipment from the enterprise.
- (d) The worker has the right to receive professional training and safety education.
- (e) The worker has the right to rest to avoid fatigue.
- (f) The worker has the right to ensure that labour protection measures are enforced, to check installations, and to make suggestions.
- (g) The worker has the right to reject or stop wrong directions or operations.
- (h) A minor worker or a woman worker has the right to special protection.
- (i) If a worker is injured or physically disabled while working, or is suffering from an occupational disease, he (or she) has the right to receive timely and proper treatment and obtain material help.
- (j) The worker has the right to inform of accidents as a result of operations contrary to the regulations.

Workers' duties

- (a) The worker should comply with labour laws, regulations, and rules.
- (b) The worker should follow labour discipline and obey the administration and directions.
- (c) The worker should improve his/her professional skills.

- (d) The worker should take good care of safety and health facilities.
- (e) The worker should comply with the labour protection measures as prescribed in the labour protection plan.
- (f) The worker should use protective equipment appropriately.
- (g) When unsafe or unhealthy factors are discovered, the worker should report the situation and take preventive measures at once.
- (h) When an accident takes place, the worker should endeavour to save State property and minimise damage.
- (i) When an accident takes place, the worker should give a true statement to help the department concerned to understand the actual situation and draw up protective measures.

Legislative bodies

- (a) The National People's Congress promulgates the Labour Law, Chapter VIII of which has provisions on labour protection. The OSHR (draft) are also the basic law in this field.
- (b) The State Council issues administrative labour protection laws, such as the Three Rules and Five Stipulations¹.
- (c) The Ministry of Labour issues national labour protection regulations.
- (d) Each Industry Ministry issues its own standards.
- (e) The State Technical Supervisory Bureau approves and issues the State standards.
- (f) The Local People's Congress² issues local rules, according to administrative laws, state standards, and regulations.
- (g) The People's Government³ issues the local implementing rules.

Role of legislative bodies

The aims of labour protection laws/regulations are to ensure workers' health and safety and improve working conditions, as follows:

- (a) Labour protection laws are issued by the National People's Congress, for example, the Labour Law and the Law on State-Owned Enterprises have clauses on improving working conditions and labour protection.
- (b) Rules and Regulations are issued as administrative laws by the State Council, such as the Three Rules and Five Stipulations.
- (c) Safety technical standards, such as the Safety Technical Standards and Occupational Health Standards, are issued by the responsible ministries under the State Council. The standards have provisions for workers' health and safety in production and prevention and elimination of injuries and accidents.

Chart 3 in Annexure "B" outlines the labour protection regulation system.

¹ The Five Stipulations issued by the State Council are to ensure enterprise safety in the production process.

² The Local People's Congress is the local organ of State power.

³ The People's Government is the executive body of the local organ of State power (Local People's Congress).

Purposes and functions of other related laws

Besides the OSHR (draft), several other important regulations were introduced, i.e. the Three Rules and Five Stipulations. The Three Rules have proved useful in promoting and improving working conditions and labour protection management. The Three Rules and other concerned Rules are briefly described here:

☐ Rules Concerning Safety and Health in Factories

Since the founding of the P.R.C., industrial enterprises have taken measures to improve safety and health and working conditions, and productivity has increased. But there are still many problems in respect of dirty workplaces; messy raw material and finished and semi-finished products; obstructed channels; unclean bathrooms, toilets, and changing rooms; poor health; insufficient lighting; poor natural ventilation, inefficient mechanical ventilation installations, in particular lack of seals, ventilation dust removal, etc., which spread unhealthy steam, gas, and dust. Working conditions are unsafe; electrical equipment are insulated insufficiently; the voltage of portable lamps does not meet safety requirements; portable electric tools do not have ground connections; and boilers, cranes and special mechanism lack the necessary safe installations, etc., in particular protective banisters and simple protective installations.

The Rules Concerning Safety and Health in Factories set the requirements for safety and health management of yards, workplaces, mechanical and electrical equipment, boilers and air receivers, gas, dust, dangerous substances, water supply, operation facilities, and personal protective equipment.

☐ Technical Rules on Safety in Building and Construction Engineering

Each region and concerned industry ministry sets standards on safety and health for the construction industry. But the standards are not always the same: either the requirements are too high and exceed actual needs or are too low and do not guarantee safety.

The State has set up the Technical Rules on Safety in Building and Construction Engineering, based on the needs of different regions and industries and on advanced construction technology.

☐ Rules on Reporting Work Injuries and Deaths Due to Accidents

The Rules on Reporting Work Injuries and Deaths Due to Accidents were issued in 1956. They have been supplemented and revised several times. At present, they are being perfected and enterprises are paying attention to them. Important aspects of the Rules are:

- (a) to reflect the achievements and problems of labour protection activities in reports, statistics, and analyses of accidents and to find out accident causes and their pattern, thus providing objective and practical bases for preventing and controlling accidents
- (b) through investigation and handling of accidents, to enable workers to be safety conscious, thus ensuring implementation of the labour protection policy and regulation system.

☐ Provisional Regulations on Safety Inspection of Boilers and Pressure Vessels

The Provisional Regulations on Safety Inspection of Boilers and Pressure Vessels were issued by the State Council on 6 February 1982. They prescribe that the safety inspection office of the government labour department at various levels is responsible for inspecting and supervising boilers and pressure vessels. Its main powers and functions are stipulated.

☐ Regulations on Mine Safety

The Regulations on Mine Safety were issued by the State Council on 13 February 1982. Mining enterprises and the government departments responsible for mining enterprises are required to ensure safety in production. Managers, personnel of functional branches, and various categories of workers are responsible for production safety within their areas of competence. Mining enterprises and the concerned government departments should include safety plans and programmes in their annual production and construction plans and in long-term development programmes. The safety and health requirements for State-owned and rural and township mines are stipulated. In addition, penalty measures for violations are prescribed.

☐ Regulations on Safety Inspection of Mines

The Regulations on Safety Inspection of Mines were issued by the State Council on 13 February 1982. Government labour departments at various levels should set up mine safety inspection offices and nominate mine safety inspectors to supervise implementation of the regulations. A mine safety inspector may enter workplaces under his responsibility at any time to undertake on-the-spot inspection. When a harmful situation affecting the safety of workers is encountered, he can demand immediate rectification and set a deadline for it. He can also order immediate evacuation of the operating personnel from the danger zone in an emergency.

☐ Regulations on Labour Protection of Female Workers

The Regulations on Labour Protection of Female Workers were issued by the State Council on 21 July 1988. All posts suitable for female labour must be made available to them. Their basic wages should not be reduced, and their labour contracts should not be terminated during the pre-natal, confinement, post-natal, and breast-feeding periods. They are prohibited from being employed in underground work in mines and in other prohibited occupations. During pregnancy, they must not be assigned work considered dangerous to pregnancy, nor overtime work. They should be provided with maternity leave, must not be assigned unsuitable work at breast-feeding periods, and must not work nightshifts.

☐ State Council Stipulations on Strengthening Enterprise Safety in the Production Process

The State Council Stipulations on Strengthening Enterprise Safety in the Production Process, called the Five Stipulations, were issued in 1963. They apply to labour protection management in factories, mines, enterprises, and industries through the following measures:

- (a) set up a system of production responsibility and define the safety functions of the concerned officials at all levels of production
- (b) undertake safety technology measures to improve labour conditions in the enterprise
- (c) institute a system of safety education in production and educate new workers at three levels (factory, workshop, and area of operation) before they enter the factory, train workers in specialised jobs in safety and technology, and allow workers to enter the area of operation only after passing examinations
- (d) conduct regular safety inspection in production
- (e) implement the Rules on Reporting Work Injuries and Deaths Due to Accidents.

☐ Other Rules/Regulations

The State Council has also issued important Rules/Regulations during 1982-88, like the Rules on Strengthening Work for Prevention of Dust and Toxic Substances, and Regulations on Prevention and Cure of Pneumoconiosis.

1.3. ADMINISTRATIVE ORGANISATION FOR OCCUPATIONAL SAFETY AND HEALTH

Structure and personnel of administrative organisation

The State organs responsible for uniform administration of OSH activities are the Bureau of Inspection of Occupational Safety and Health, Bureau of Inspection of Safety and Health in Mines, and Bureau of Safety Inspection of Boilers and Pressure Vessels. The responsible organ in each province, municipality, autonomous region, district (sub-provincial administrative region), and county is the local labour administration office.

Due to limited labour protection staff, labour protection administrative work is included in the functions of the related departments, e.g. in the tasks of technological management department. So far, there are 20,000 full-time labour protection supervisors nationwide. The proportion of labour protection administrative staff to personnel in some industries and enterprises has been increased to strengthen safety administration.

☐ Ministry of Labour

The Ministry of Labour is a functional body under the State Council responsible for labour-related matters. Since the founding of the P.R.C., the Ministry has experienced major changes in its organisational structure. In November 1949, the Ministry of Labour was set up to be in charge of labour administration. In June 1970, it was merged with the State Planning Commission and the State Economic Commission, to become the Labour Bureau within the new State Planning Commission. During reorganisation of the State Council in September 1975, the State General Bureau of Labour was established, directly answerable to the State Council. May 1982 saw the birth of the Ministry of Labour and Personnel as a result of the merger of the State General Bureau of Labour, State Bureau of Personnel, State Staffing Committee, and Bureau of Scientific and Technical Personnel of the State Council, in accordance with the Decisions on Scheme to Implement Reforms in the Ministries and Commissions under the State Council adopted by the Twenty-Third Session of the Standing Committee of the Fifth National People's Congress. Finally, in the light of the Scheme to Reorganise the Offices Under the State Council approved by the First Session of the Seventh National People's Congress in April 1988, the Ministry of Labour and Personnel was dissolved and the new Ministry of Labour came into being, composed of a general office and ten functional departments and bureaus (see Annexure "B").

☐ Local labour administration bodies

As the functional organ of the People's Government in the province, autonomous region, and municipality, the local labour administration office is in charge of labour matters. It is under the direction of the People's Government at the same level and under the guidance of the labour administration department at a higher level.

The labour department and labour bureau established in the province, autonomous region, and municipality have an internal structure which generally includes:

- Planning Division
- Labour Administration Division
- Training Division
- Wages Division
- Insurance and Welfare Division
- Labour Protection and Inspection Division
- Safety Inspection of Boilers and Pressure Vessels Division
- Mine Safety Inspection Division.

In city, area, and autonomous region, the labour bureau's internal structure generally includes:

- Labour Planning and Deployment Section
- Wages and Welfare Section
- Training and Employment Section
- Safety and Protection Section.

At the county and autonomous county levels, the labour section's internal structure includes:

- Labour Planning and Deployment Sub-Section
- Wages and Welfare Sub-Section
- Safety and Protection Sub-Section.

At present, reforms and readjustments are being carried out progressively in the local labour administration offices. In the light of the principle to streamline organisation and promote efficiency, no rigid rules are generally imposed on the internal set-up.

1.4. FUNCTIONS OF ADMINISTRATION FOR OCCUPATIONAL SAFETY AND HEALTH

Functions of administrative organisation

The OSH management system and means of labour protection have changed in three stages over the past 40 years:

The first stage was during the founding of the P.R.C., when the labour protection activities of the State and private enterprises were directly inspected and supervised by the labour administration department, with the help of the labour union. The major functions of the Ministry of Labour were to supervise State enterprises, cooperative enterprises, private enterprises, and joint State-private enterprises to ensure compliance of the laws and rules on labour protection; check safety and health equipment in enterprises, factories, and mines; and supervise employment of young workers and women workers in State and private enterprises in order to protect their interests. The key responsibilities of the labour administration department were supervision and inspection, mainly in respect of excessive hours of work, poor labour conditions, and major industrial accidents, but not supervision of implementation of the labour protection regulations and standards. The main tasks of the labour bureau were to inspect safety and health in factories and mines and supervise and advise on enforcement of labour protection measures and to supervise and advise on protection of women and child workers in State and private enterprises.

During the second stage, from 1953 to 1976, the system of labour protection gradually evolved. The major tasks of the labour administration department were to comprehensively manage labour protection activities; supervise and inspect industry operations; carry out investigative research; advise on a comprehensive policy and law; and provide guidance on safety at work. The industry ministry concerned was responsible for directly managing labour protection work in industry. The labour union was responsible for organising and mobilising the masses and assisting the enterprise administration in labour protection work.

During the third stage, from 1978 to the present, the Government has been enforcing management of the legal system of labour protection. It has established a national inspection system, with a combination of three functions: the labour administration department in charge of national inspection and comprehensive management, the ministry concerned in charge of industry, and the labour union in charge of mass supervision. Characteristics of this period are not only that production management must include safety management and that the industry ministry concerned should further the cause of safety management, but also that the system of national labour protection inspection and mass supervision should be strengthened to become a uniform legal and administrative system. The new system is

currently being established and perfected. As part of the State administrative structure, the labour administration organs can issue orders and instructions within their functions and powers. This ensures a uniform approach in national OSH activities.

Functions of central Government (headquarters)

The major functions of the central Government in comprehensive management of labour protection are to:

- (a) propose general and specific policies for labour protection
- (b) formulate labour protection regulations and standards and supervise enforcement
- (c) promote and organise uniform labour protection activities
- (d) encourage advanced systems of safety in production and exchange experience
- (e) organise case studies and evaluations of technical measures for labour protection, analyse hazardous conditions in industries through the evaluations, and provide the basis for establishing the labour protection policy
- (f) promote labour statistics, research, and education.

Besides comprehensive management, a system of national inspection has been adopted. Under the system, the State authorises the Ministry of Labour and its inspection Bureaus to supervise labour protection activities in the production departments of enterprises, as follows:

Bureau of Inspection of Occupational Safety and Health

The major functions of the Bureau of Inspection of Occupational Safety and Health are:

- (a) comprehensively administer OSH activities (including related engineering and technical work), undertake State supervision, propose plan requirements, and provide professional guidance
- (b) draft OSH policies and regulations on protection of female and child workers, work hours and holidays, and technical standards, and organise their enforcement, supervision, and inspection
- (c) participate in the investigation, checking, and acceptance of major triple-simultaneous State engineering construction projects (design, construction, and putting into production of projects)
- (d) organise and participate in investigation and handling of major accidents
- (e) carry out research, compile comprehensive statistics and undertake analyses of casualties, accidents, and occupational diseases, and suggest preventive measures
- (f) administer OSH activities in township enterprises
- (g) conduct local research on labour protection, prepare plans, organise appraisals, introduce the results of the research, and administer the work of the Technical Committee for Standardisation of Occupational Safety and Health
- (h) arrange for staff training, publicity, and education and provide guidance to the State Education Centre of Labour Protection and the Office of Labour Protection Education
- (i) administer funds for undertaking technical measures in labour protection and pilot work in selected industries and organise evaluation of the measures
- (j) provide professional guidance to labour protection inspection offices and OSH testing centres responsible for technical monitoring and testing
- (k) undertake the office work of the Office of the National Production Safety Committee.

The administrative body of the Office of National Production Safety Committee is housed in the Bureau. The Bureau has the following Divisions:

☐ Division of Inspection of Occupational Safety

The Division of Inspection of Occupational Safety is responsible for supervising and inspecting enforcement of the regulations on occupational safety; investigating, studying, and keeping abreast of safety conditions in enterprises and suggesting appropriate measures; establishing an occupational safety inspection system and advising on inspection work; administering specialised occupational safety inspection offices; administering enforcement of safety in township enterprises; preparing comprehensive statistics and analyses of casualties and accidents and participating in investigation of major cases; organising comprehensive evaluations of the technical measures for occupational safety; arranging specialised training, evaluation, and certification of safety personnel; and the daily work of the Production Permit Office.

☐ Division of Inspection of Occupational Health

The Division of Inspection of Occupational Health is responsible for supervising and inspecting enforcement of the regulations on occupational health; investigating, studying, and keeping abreast of health conditions in enterprises and suggesting appropriate measures; administering inspection of health conditions in triple-simultaneous engineering construction projects and in newly-reconstructed, expanded, and old enterprises under reform; administering expenditure on technical measures for health and experimental work in selected industries and evaluating the measures; preparing statistics and analyses of occupational diseases and suggesting preventive measures; administering enforcement of health in township enterprises; and administering protection of women and adolescent workers, fixed work hours and holidays, health and food care, cases of early retirement, specialised training and evaluation of occupational health personnel, issuance of certificates; etc.

☐ Division of Laws, Regulations, and Standards

The Division of Laws, Regulations, and Standards is responsible for drafting legislative programmes, plans, and regulations concerning OSH; investigating and studying theory and policies; stipulating the technical standards and administering and supervising their enforcement; organising and administering the work of the Technical Committee for Standardisation of Occupational Safety and Health; and allocating funds.

☐ Division of Publicity, Education, Science, and Technology

The Division of Publicity, Education, Science, and Technology is responsible for administering publicity and education on OSH; training inspectors and on-the-job officers; organising, compiling, and revising teaching material; advising the State Education Centre of Labour Protection and the Office of Labour Protection Education; administering, in a unified manner, plans for OSH training, compilation and publication of textbooks, and training expenses; administering training, evaluation, and certification of personnel engaged in special jobs, as well as international training of OSH personnel; formulating scientific research programmes, organising checks on scientific research projects and reporting on their results, and popularising their application; and administering scientific research expenditure.

☐ General Division

The General Division is responsible for OSH administrative and secretarial work; examining and approving documents; drafting important documents; personnel and general matters; drafting the plan for foreign affairs' activities and responding to external communications; collecting, sorting, and compiling information on OSH for reference by senior officials when making decisions; and the organisational, administration, and coordination work of the Office of the National Production Safety Committee, including participation in investigation of major accidents.

Bureau of Safety Inspection of Boilers and Pressure Vessels

The major functions of the Bureau of Safety Inspection of Boilers and Pressure Vessels are:

- (a) elaborating policies, laws, regulations, and work plans for safety inspection of boilers and pressure vessels
- (b) examining technical standards for safety of boilers and pressure vessels
- (c) enforcing State inspection on the design, manufacture, installation, use, control, and import/export of boilers and pressure vessels and providing guidance on their safe use
- (d) collecting statistics and preparing analyses of boiler and pressure vessel accidents and proposing preventive measures
- (e) participating in investigation of major accidents
- (f) organising research and approving imported safety technology
- (g) conducting publicity, education, and training of professionals.

The Bureau has the following Divisions:

☐ Division of Safety Inspection of Boilers

The Division of Safety Inspection of Boilers is responsible for:

- (a) elaborating regulations/rules for safety inspection of boilers and supervising and monitoring their implementation
- (b) verifying the competence of units manufacturing steam boilers (which can stand up to specified pressures) and safety devices and issuing licences
- (c) examining and approving nationally-accepted designs of boilers
- (d) identifying major technical problems concerning boiler safety and organising research into such problems.

☐ Division of Safety Inspection of Pressure Vessels

The Division of Safety Inspection of Pressure Vessels is responsible for:

- (a) drafting work plans on safety inspection of pressure vessels
- (b) organising research on safety of pressure vessels
- (c) elaborating rules and standards concerning safety of pressure vessels in different industries
- (d) issuing licences to various units on the design, manufacture, and inspection of pressure vessels.

☐ General Division

The General Division is responsible for:

- (a) elaborating laws/regulations on safety inspection of boilers and pressure vessels and supervising and monitoring their implementation
- (b) verifying the competence of the inspection units of boilers and pressure vessels
- (c) examining the safety performance of imported/exported boilers and pressure vessels.

Bureau of Inspection of Safety and Health in Mines

The major functions of the Bureau of Inspection of Safety and Health in Mines are:

- (a) enforcing State inspection in mine safety and health
- (b) ensuring implementation of State laws and regulations on mine safety and health
- (c) elaborating laws and regulations on mine safety and approving safety provisions for the mining industry
- (d) planning and providing guidance on OSH in mines
- (e) verifying the design of mines, participating in the approval for putting mines into operation, and rendering guidance on the verification of the competence of mine managers in respect of OSH
- (f) organising and coordinating implementation of the safety regulations in rural and township mines
- (g) arranging training of mine safety inspectors; conducting research, publicity, and education in mine safety; and collecting statistics, analysing mining accidents and occupational diseases, and proposing preventive measures
- (h) participating in investigation of major accidents.

The Bureau has the following Divisions:

☐ First Inspection Division

The First Inspection Division is responsible for:

- (a) safety inspection of State-owned coal mines
- (b) organising and participating in elaborating laws, regulations, and standards on mine safety, and supervising their implementation in coal mines
- (c) participating in verification of the design of State-owned coal mines and in approval for putting them into operation
- (d) verifying the competence of the principal officials and professionals in charge of production techniques.

☐ Second Inspection Division

The Second Inspection Division is mainly responsible for:

- (a) safety inspection of mines, geological prospecting, and underground work related to the metallurgical, nonferrous metal, chemical, petroleum, and natural gas industries
- (b) examining the safety regulations of mines, other than coal mines, and participating in elaborating laws, regulations, and standards on safety and supervising their implementation
- (c) participating in verification of the design of non-coal mines, approval for putting them into operation, and testing of equipment
- (d) verifying the competence of safety personnel.

☐ Third Inspection Division

The Third Inspection Division is responsible for:

- (a) safety inspection of all rural and township coal mines
- (b) participating in elaborating safety rules, regulations, and standards on mine safety

- (c) verifying managers' competence in safety
- (d) organising research on the technical measures necessary to eliminate major accidents and disseminating the results.

☐ **Fourth Inspection Division**

The Fourth Inspection Division is responsible for:

- (a) preventing occupational hazards caused by dust, noise, vibration, high temperatures, and radiation
- (b) supervising implementation of the State laws and regulations on industrial safety and health
- (c) collecting statistics, analysing occupational diseases, and cooperating with the administrative departments of mines to draw up and administer technical measures.

☐ **General Division**

The General Division is responsible for:

- (a) drafting and revising safety and health laws, regulations, and standards for mines
- (b) organising research on mine safety and health
- (c) collecting statistics and analysing mine accidents
- (d) training inspectors
- (e) conducting publicity and education.

Functions of local branch

The basic tasks of the local organisations responsible for labour protection inspection at all levels are to (a) represent the State, while supervising and inspecting implementation of the labour protection policy and regulations in enterprises, institutions, and industries; (b) correct and penalise illegal activities; (c) prevent and remedy deviations; (d) and ensure safety in production, protection of workers' rights and interests, and smooth implementation of socialist construction.

Authority of administrative personnel

The labour protection regulations define the responsibilities of inspectors as follows:

- (a) supervise and inspect implementation of the regulations in enterprises, institutions, and industries within their jurisdiction
- (b) carry out special and preventive examinations and approval or attestation of newly-established engineering construction projects, special equipment, and special operations
- (c) issue labour protection instructions to enterprises and institutions having potential dangers, serious hazards, and unsafe conditions in production; give warnings and order improvements within a limited time; and order stoppage of parts of dangerous operations or of production and make adjustments after reporting to the People's Government for approval
- (d) impose fines on enterprises, institutions, and persons responsible for violating the regulations, causing casualties, accidents, and poisoning, and report to the concerned government department cases for disciplinary sanctions and to the judicial department on violation of laws
- (e) supervise investigation and treatment of workers' casualties and accidents.

Administrative personnel have powers to:

- (a) require persons to accompany them to the spot and describe workplace conditions relevant to an examination or investigation
- (b) order the establishment being inspected to report the true situation on labour protection and safety production; and attend meetings, investigate documents, and make individual investigations or organise discussions
- (c) take recordings, videos, photographs, measurements, and samples of articles considered necessary for examination
- (d) stop operations, withdraw personnel from the spot, and instruct the management to improve the situation within a prescribed period, in case of potential danger of serious accidents and poor conditions of production
- (e) immediately correct irregular activities, or stop them and notify senior officials of the establishment to deal with them
- (f) submit a written notice to the establishment to handle the shortcomings of protective equipment and special equipment, within a prescribed period, and propose improvement measures.

2. COUNTERMEASURES AGAINST INDUSTRIAL INJURIES

2.1. OVERVIEW

In the State Enterprises Act of People's Republic of China and the Provisional Regulations for Private Enterprises in People's Republic of China, the administrative departments of State and private enterprises are required to take measures to ensure workers' safety and health.

The major duties of State enterprises and the relevant OSH provisions are as follows:

- (a) Items 5 and 9 in the First Chapter, General Provisions, stipulate: The enterprise must abide by laws and regulations and persist in socialist directions. The legitimate rights and interests of workers are protected by law.
- (b) Item 41 in the Third Chapter, Rights and Duties of Enterprises, points out: The enterprise must carry out the system of safety in production, improve working conditions, ensure labour and environment protection, and realise safety in production.
- (c) Items 49 and 50 in the Fifth Chapter, Workers' and Workers' Representatives Meetings, mention: Workers have the right to take part in the democratic management of the enterprise; the right to put forward opinions and suggestions on the enterprise's production work; the right to labour protection, rest, and vacations; and the right to report the real situation. Workers should take a constructive attitude towards production, abide by working disciplines and regulations, and fulfill production tasks.

In addition to the various policies, principles, and regulations, a management system of labour protection has been developed and strengthened.

The major labour protection systems are as follows:

☐ Labour protection supervision system

Supervisory organisations have been set up at all levels, from the centre to the local areas. They form the national labour protection supervision network.

☐ Examination and testing system

Examinations and tests on occupational safety and health related to labour protection tasks are conducted, providing the basis for supervision.

☐ Information system

Information on labour protection activities is collected, analysed, and compiled in order to provide services in accident prevention and for policy-making.

☐ Publicity and education system

Publicity and education activities encompass safety in production, occupational disease prevention, and labour protection policies; disseminating scientific and technological knowledge; and training and developing special cadre and technical personnel in labour protection. There are 79 labour protection training centres in the country.

☐ Labour protection research system

Research is conducted in safety and health technology, safety systems engineering, protective material and equipment, ergonomics, etc. At present, there are 15 labour protection research institutes and some research organisations established in the Ministry of Labour, most of the provinces, autonomous regions, and municipalities directly under the central Government.

Summarising the safety management experience in recent years, it can be said that the factories have carried out the following measures to change from traditional to modern management:

(a) Management theory

- safety systems engineering
- behavioural science
- total quality control (TQC)

(b) Management ideas

- change from result management to cause management
- change from investigation after the accident to prediction of the accident
- change from defensive to offensive stance

(c) Management organisation

- safety assurance system
- network management system of safety in production

(d) Management method

- biological rhythm approach
- fault tree analysis (FTA)
- tools of TQC

2.2. MAJOR MEASURES BY PRIVATE SECTOR

The private sector enterprise is responsible for (a) enforcing the national regulations on labour protection, establishing the necessary rules and system, providing safety and health services, and ensuring workers' safety and health in the production process; (b) providing health and life insurance and, if possible, social insurance for workers; (c) adopting an eight-hour working day; and (d) not employing children under the age of sixteen.

The labour union has authority to sign a collective contract with the enterprise, on behalf of the workers, to protect workers' rights and interests in accordance with the laws, and to support the enterprise's production and management activities.

The local labour administration department at all levels can take action against the enterprise, by way of warnings and fines, if it does not comply with the regulations on labour protection.

The government department responsible for enterprises (the industry ministry) is entrusted with (a) formulating the work schemes and needs of the enterprises according to the policies, regulations, plans, and major tasks of labour protection proposed by the central Government, and supervising and encouraging the enterprises to implement the work schemes; (b) implementing the labour protection laws, resolutions, guidelines, and regulations of the central Government; formulating plans for the enterprises; and supervising and encouraging enterprises to carry them out; (c) studying and solving labour protection problems of the enterprises; (d) supervising and guiding labour protection work in the enterprises; (e) regularly analysing information on occupational accidents in the enterprises, making suggestions for improving the situation, conducting accident investigations, and taking punitive action, as necessary; (f) defining the directions and functions of labour protection research according to the needs of the industry ministry and the enterprises; (g) training labour protection staff in the industry ministry; and (h) supervising and guiding labour protection work in the enterprises.

Duties of enterprise

The enterprise's duties are to:

- (a) organise and enhance safety in production in the enterprise by carrying out laws, policies, and regulations on labour protection
- (b) organise the concerned departments of the enterprise to study, specify, and carry out safety measures for preventing occupational accidents, diseases, and hazards
- (c) assist the concerned departments of the enterprise to discuss and amend the rules of safety in production and technical safety regulations
- (d) conduct frequent worksite investigations and assist the manager of the concerned departments of the enterprise to solve labour protection problems
- (e) summarise and disseminate information on advanced safety techniques in production and undertake publicity and education in safety in production
- (f) guide the work of production group safety members
- (g) ensure that the concerned departments of the enterprise use personal protective equipment, strike a balance between work and rest, and protect women workers

- (h) take part in the examination of design and construction plans of newly-built, extended, and reconstructed projects, as well as in checking, acceptance, and test-runs
- (i) participate in investigation and treatment of injuries and fatal accidents, compilation of statistics and analyses, and preparation of reports on injuries and fatal accidents, and assist the concerned departments in the enterprise to define measures for preventing accidents and urge them to complete them on schedule.

Duties of trade union

The trade union's duties are to:

- (a) help the administrative department of the enterprise to carry out labour protection policies, regulations, and laws
- (b) educate workers to abide by labour protection laws, regulations, and safety operation rules, bearing in mind the principle 'every person pays attention to production and, at the same time, every person pays attention to safety'
- (c) assist the administrative department of the enterprise to conduct labour protection publicity and training
- (d) participate in investigation and treatment of injuries and fatal accidents and assist the concerned departments of the enterprise to take measures to prevent injuries and fatal accidents
- (e) take part in examination of the design and acceptance of newly-built, extended, and reconstructed projects

Duties of group safety member

The group safety member's duties are to:

- (a) assist the person in charge of the group to enforce the rules of safety in production and policies, laws, and regulations on labour protection
- (b) organise workers to discuss and amend safety operational rules and regulations and urge all workers of the group to carry them out
- (c) report hazardous and unhealthy conditions to the person in charge in time and take initiative in organising workers to study and solve them
- (d) assist the person in charge to organise workers to analyse the causes of accidents, and suggest and carry out preventive measures
- (e) teach workers to use safety devices and personal protective equipment correctly
- (f) propose safety measures according to changes in production tasks, and, after approval by the person in charge, ensure that they are carried out
- (g) encourage workers of the group to put forward proposals on technical innovations and labour protection and discuss and examine them.

The group safety member system is an important form of mass management. Group safety members, besides their regular work, help the management to carry out labour protection policies and regulations.

2.3. MAJOR MEASURES BY PUBLIC SECTOR

Performance of central Government's responsibilities

The duties of the central Government and the measures to be taken by it at all levels in regard to OSH are stipulated in the Labour Law of the People's Republic of China. In Chapter 8, Occupational Safety and Health, the following items are included:

(a) Policy and system

The State is empowered to put into effect the policy of 'safety first, prevention first' and the system of labour protection inspection; encourage technical progress and scientific management; improve labour conditions and the working environment; and protect workers' safety and health.

(b) Duties of State

The State Council should ensure that working conditions conform to safety and health requirements and undertake measures to prevent accidents and occupational diseases.

(c) Prohibition of violation of regulations

Supervisors and operators should strictly observe the OSH laws and regulations.

(d) Protection of special operations

The State should undertake labour protection measures for workers engaged in toxic, harmful, and special operations and adopt a system of safety and health technical training and qualifications' approval.

(e) Protection of special equipment

In respect of the design, production, installation, and use of special and dangerous equipment, the State should adopt a system of qualifications' approval, product quality supervision, and safety and health inspection.

(f) Pause in operations

Workers have the right to refuse to work and leave the workplace when the production process can endanger life, safety or health.

Voluntary administrative services by central Government

The National Safety Production Committee is a standing body under the State Council. It conducts research and coordinates major safety measures; directs safety in production; and advises and assists Governments at the same level in safety matters. It is responsible, in general, for macro directions, and the national programme on safety production, planning, standards, and safety production targets.

Performance of local Government's responsibilities

The local Government's duties are to:

- (a) supervise labour protection activities (The labour protection administration department of the local Government at all levels urges the responsible authorities to carry out the labour protection policies and regulations.)
- (b) develop and examine labour protection decrees and regulations

- (c) establish the major labour protection tasks for different periods, according to production needs and working conditions, as well as maintain information on work accidents and hazards (The labour protection administration department of the local Government at all levels urges and helps the responsible authorities to investigate and solve labour protection problems and improve working conditions.)
- (d) conduct publicity and education, disseminate information on labour protection, and train labour protection officials and workers
- (e) undertake labour protection research
- (f) summarise and diffuse information and experience on advanced developments in labour protection
- (g) conduct investigations and analyses of current problems.

The following is an example of a local Government's activities:

☐ Labour Bureau, Shanghai

The Labour Bureau is entrusted with:

- (a) strengthening supervision capabilities in labour protection by:
 - releasing labour protection supervisors from work for training, by stages and in groups, to enable them to study labour protection policies, laws, and standards and enhance their legal knowledge and enforcement of the law
 - defining the work division and duties of the city, district, and county labour protection administration departments to ensure that all levels follow uniform standards and duties when dealing with labour accidents, enforcing laws, and penalising factories
 - specifying the duty areas of the labour protection supervisors and inspection organisations at all levels.
- (b) improving working conditions by:
 - carrying out detailed investigations of the labour protection measures being implemented throughout the city (6,000 enterprises have been investigated. There were up to 169 items on the enquiry form, including the number of workers; major products and production scale; funds deducted for production development and for the factory's annual reform; status of training for labour protection staff; the types, consumption, and hazards of chemical products; risky equipment; injuries; and deaths. 845,000 forms were collected and the data inputted into the computer. After carefully analysing the data, the enterprises needing to improve working conditions were ascertained.)
 - establishing test centres to provide technical data to the concerned departments and enterprises
- (c) helping key enterprises obtain funds for labour protection activities by:
 - assisting enterprises with potential hazards to obtain funds (Generally, the special fund provided by the city Government is used for remedying serious dangers.)
 - administering the grant-in-aid fund to improve working conditions (The grant-in-aid fund is derived from fines on factories and people. Relevant documents describe, in detail, fund management, application areas and procedures, and how to check and manage projects.)

(d) mobilising society to support and promote labour protection supervision by:

- convening regular meetings of responsible persons from the concerned industry ministry, so as to exchange information and supervise safety activities in enterprises
- organising the safety management staff of enterprises into a labour protection supervision group so that they can exchange information on the enterprise's safety management practices, regularly undertake safety investigations, propose measures for preventing accidents, and suggest improvements in safety work
- organising researchers of colleges and research institutes to evaluate safety and health conditions in major construction projects.

Voluntary administrative services by local Government

The Safety Production Committee in the provinces, autonomous regions, and municipalities is a standing body at the same governmental level under the auspices of the local Government. Its main functions are as follows:

- (a) execute the policy of 'safety first, prevention first', investigate and evaluate the conditions of safety production in the local and key industries, propose resolution of problems of safety in production, regularly provide information on major problems in safety in production, and make suggestions for prevention of potential major accidents to the Government
- (b) organise investigation of serious accidents and suggest the measures to be taken
- (c) coordinate with the concerned government departments to ensure compliance of the regulations and standards on safety in production
- (d) assist the concerned government departments to exchange information and carry out safety in production activities, including publicity, education, and professional training.

Activities of other governmental organisations

The Chinese labour protection society and its subordinate local societies are non-profit, public, corporate bodies. Their major duties are organising internal and external academic exchanges; advising on the national development strategy in regard to science and technology; conducting experiments in science and technology and examination of research results, scientific and technological literature, and standards; providing education to society members; disseminating information on advanced technology; and compiling and publishing labour protection books and journals.

The Chinese Society of Science and Technology for Labour Protection is an academic organisation and a component of the Association of Science and Technology of China. Its main objectives and tasks are as follows:

- (a) unite and organise labour protection workers to uphold dialectical materialism and practical and realistic attitudes
- (b) combine theory with practice
- (c) publish scientific and technological material on labour protection
- (d) constantly raise the scientific and technological levels of labour protection activities
- (e) ensure workers' safety and health in production
- (f) accelerate the country's four modernisations

- (g) develop domestic and international academic exchanges
- (h) provide consultancy services on the strategies and policy of scientific and technological developments and on important economic policies
- (i) demonstrate scientific and technological projects and their results in research
- (j) appraise the vocational levels of workers
- (k) examine and compile scientific and technical standards' literature
- (l) provide members of the Society with continuing education and popularise scientific and technical knowledge and advanced techniques
- (m) discover and recommend people of talent
- (n) represent and voice the opinions and demands of members of the Society
- (o) provide welfare facilities for and render services to members of the Society.

3. TRENDS OF INDUSTRIAL INJURIES

3.1. OVERVIEW

The policy of ensuring workers' safety and health in the process of production is being vigorously pursued by the Government of the P.R.C.. It is also one of the basic principles guiding the management in State economic administration and in factories, mines, and enterprises.

The Government, since the founding of the P.R.C., has been attaching importance to OSH and has formulated a series of policies, laws, regulations, and standards, as required from time to time. Full-time staffed organisations specifically responsible for OSH have been established in the industry ministries, both at the central and local levels. A professional OSH contingent is thus developing all over the country. The measures taken by the Government have greatly contributed to promoting OSH, controlling casualties and occupational diseases, protecting and boosting productivity, and helping in steady growth of the economy.

As provided by the State Council, OSH activities focus on strengthening legislation and inspection through implementation of the State inspection system. Concurrently, research, dissemination of information, education, advanced and scientific management, and science and technology are being promoted to ensure safety and health. Industrial injuries, in general, are, therefore, declining every year (see Figure 1 in Annexure "C", Casualty changes in enterprises at county level and above, 1979-86). The situation is briefly as follows:

- During the Sixth Five-Year Plan period (1981-85), work-related deaths in enterprises at the county level showed a decrease of 27.1% compared with the Fifth Five-Year Plan period (1976-80). Serious injuries fell by 28.2%.
- During the Sixth Five-Year Plan period, although serious injuries showed a decrease, deaths remained at an average of 9,000 or so a year.
- At present, township enterprises are developing rapidly and problems of safety and health are substantial. Casualties in many provinces and township enterprises exceed casualties at the county level.

3.2. CASES OF OCCUPATIONAL DISEASES

There were instances of 14 types of occupational diseases and 33,084 cases of diseases, according to the reports by 26 provinces, autonomous regions, and municipalities, mainly in the coal, metallurgical, machinery manufacturing, building material, urban, and rural industries:

- electric ophthalmia was found in 8,564 cases, i.e. 25.9%, mainly in the metallurgical and machine manufacturing industries
- chronic occupational poisoning was noted in 3,072 cases: 9.3% contracted mainly from lead and benzene poisoning, etc. and 62.5% contracted in the chemical, machine-building, metallurgical, light, and non-ferrous metal industries
- acute poisoning cases were 2,062, with 98 deaths (death rate 4.7%), accounting for 6.2% (the poisonous substances are mainly carbon monoxide, organic phosphorous, chlorine, aniline, hydrogen sulfide, and ammonia in the chemical, agriculture, animal husbandry, and coal industries).

4. DIFFICULTIES IN ADMINISTRATIVE DEVELOPMENT

4.1. PROBLEMS RELATED TO SERIOUSNESS OF INDUSTRIAL INJURIES

Under the leadership of the State Council and Government at all levels, improvements in OSH have been noted in some industries since 1978. For example, the number of serious accidents that took place during the first half of 1989 in the China Petrochemical Company decreased by 23.8% over the previous year and fatal accidents decreased by 46.0%. However, the situation, as a whole, is not too optimistic. The primary problems are as follows:

A large number of industry deaths and substantial financial losses were reported and there is a tendency for them to rise. In 1988, fatal accidents in State-run enterprises, collective enterprises at the upper county level, and collective enterprises at the lower county level increased by 2.5%, 10.9% and 2.7% respectively over the previous year. There was an increase of 1.5% industry deaths in mining enterprises, including collective and private mines.

In 1988, the mortality rate in mining per million tons of coal produced was 2.3 in State-owned mines, 6.3 in State-owned mines in the locality, and as high as 16 in collective and private mines. Industry deaths in 1989 in mining enterprises, including the collective and private mines, increased by 3.3% in the same period in 1988.

Serious accidents took place in succession. In 1988, 80 serious accidents (more than 3 people killed in one accident) occurred in State-owned and collective industrial and construction enterprises at the upper county level. This resulted in a 15.9% increase in accidents and a 16.5% increase in deaths. In November 1988 alone as many as 11 mining accidents took place and more than ten people were killed in one accident.

The morbidity of occupational diseases shows a tendency to increase. 30,143 new cases of occupational diseases were reported in 1987, indicating an increase over the previous year. Pneumoconiosis, which ranked first, constituted 51.6% of the total 30,143 cases. In addition, cases of acute and chronic poisoning have been increasing – 1,816 cases of acute poisoning were reported, in which organic phosphorous poisoning ranked first, followed by lead, benzene, and trinitrotoluen poisoning.

4.2. PROBLEMS RELATED TO COUNTERMEASURES AGAINST INDUSTRIAL INJURIES

According to a sample survey of industries, 60% of the enterprises did not spell out in contracts the safety factor in production and 70% did not undertake safety measures. Economic profits were their only target, with safety being neglected.

4.3. PROBLEMS RELATED TO NATIONAL POLICIES AND LEGISLATION

The Basic Law on Occupational Safety and Health has not been officially issued so far. Administrative laws on safety in production have not been formed comprehensively.

4.4. PROBLEMS RELATED TO ADMINISTRATIVE ORGANISATION AND AUTHORITY OF ADMINISTRATION

Some departments and officials neglect duties and fail to be practical, scientific, and realistic.

Frequent changes in administrative personnel have resulted in the need for special training in labour protection. Directors (managers) of many enterprises lack knowledge and experience in modern enterprise management and safety in production and fail to carry out safety administration.

4.5. OTHERS

The Government is trying to resolve problems of safety in production as follows:

- enable those in charge of safety in production at all levels to devote full attention to the policy of safety in production, consistently implement the policy, and regularly examine and summarise their experience
- set up a system of safety in production and pursue the target of safety management so that enterprise leaders at all levels are clear about their lines of responsibility. In addition, the relevant standards on safety management should be formulated in order to implement the system
- strictly control the occurrence of major accidents; ascertain the potential dangers of major accidents; and study and formulate the technology policy to ensure that sufficient funds are available for safety in production
- strengthen management, inspection, and supervision of safety in production in contract and rental enterprises where the enterprises are State-owned, but rented by individuals. The Government should continue to improve regulations on such enterprises, add relevant sections on the requirements for safety in production and labour protection, enhance their management, and provide for qualifications' tests on safety in production for tenderers during the contract and rental period
- raise the competence of enterprise leaders and workers so that safety training can be conducted systematically, promote safety consciousness in the nation, and constantly undertake re-education in safety in production.

5. PROSPECTS FOR FUTURE

Under the leadership of the Government, industrial accidents are being reduced continuously. For example, the national mortality rate per 1,000 persons in enterprises at the upper county level has, in general, decreased yearly. It was 0.133 in 1984, 0.131 in 1985, 0.097 in 1987, and 0.099 in 1988. However, the number of accidents and deaths (including traffic accidents and fires) is still very large and economic losses are great. Serious accidents take place in succession. The morbidity of occupational diseases shows a rising tendency. The accident rate in township-owned enterprises and mines is rather high.

The Government is paying special attention to improving the situation. The State Councillor responsible for national safety in production has issued important instructions. He noted that to improve safety in production, several measures must be taken to:

- (a) create in officials the right realisation and attitudes about safety in production and make them understand that the policy 'safety first, prevention first' is one of the basic requirements
- (b) establish the system of responsibility for safety in production at all levels and enforce target management. (The concerned industry ministry should have clear responsibilities and goals and strengthen supervision of safety in production)
- (c) control serious accidents, check potential hazards, and study and determine the measures needed to solve safety and health problems
- (d) promote management of safety and health in rental and contractor enterprises and strictly supervise them. (The labour administration department's and the labour union's efforts would help decrease industrial accidents.)
- (e) improve staff calibre by providing safety training and regularly assessing their capabilities.

The system of State inspection of OSH has been enforced in P.R.C. since 1983, at the same time that the national labour administration departments for OSH have been consolidated. The triple-simultaneous measures (i.e. designing, constructing, and putting into production at the same time) have assisted new engineering construction projects in eliminating or reducing unsafe and unhealthy factors. Furthermore, for improving working conditions in old enterprises, the Government has been investing more than 200 billion yuan a year for technical innovations.

ANNEXURES

LAW ON OCCUPATIONAL SAFETY AND HEALTH IN CHINA (DRAFT SUMMARY)

CHAPTER I – GENERAL PROVISIONS

The law is aimed at ensuring workers' safety and health in the process of socialist construction and applies to all enterprises.

The occupational safety and health policy is 'safety first, prevention first' and 'production management must include safety management'.

The director (manager) of the enterprise is responsible for ensuring occupational safety and health.

The government department responsible for the enterprise undertakes administrative management and supervises the enterprise to implement the national regulations and policy.

The government labour authority is responsible for management of occupational safety and health concerning engineering technology, while the government health authority undertakes management of occupational health concerning preventive medicine.

The trade union ensures supervision of safety and health of workers in accordance with the law.

CHAPTER II – ENGINEERING CONSTRUCTION PROJECTS AND WORKPLACE

When designing, constructing, extending, technologically transforming, and operating a project, the safety and health installations should be an integral part.

The design and approval of such projects should conform with the safety and health provisions and be examined and approved by the government labour and health authorities and labour union.

All projects should incorporate non-toxic and harmless production techniques and equipment and safety and health technology should be adopted if toxic and harmful production techniques need to be used, under special circumstances.

If toxic and harmful material need to be used, prevention and control measures should include mechanisation, automation, and hermetisation in accordance with national standards on occupational safety and health.

The workplace must meet safety and health requirements. The premises must be fire-proof and explosion-proof.

The workplace should have safety facilities and passageways for pedestrians and vehicles.

The workplace should have protective facilities, alarm equipment, safety signs, and rescue and safety facilities for emergencies.

CHAPTER III – PRODUCTION EQUIPMENT AND PROTECTIVE EQUIPMENT

The design, manufacture, and installation of production equipment must meet safety and health standard.

Hazardous production equipment should meet the following requirements:

- a. The design must be evaluated and examined by the safety technology unit of the enterprise.
- b. The enterprise should ensure that the products meet safety and health requirements in examinations and tests and that the system is safe.

Special equipment of peril to workers' life and health should have safety attestation. The safety attestation system should be set up by the government labour authority jointly with the concerned government department responsible for the enterprise under the State Council.

Special equipment should not leave the factory until they have obtained the certificate of safety.

The enterprise which wants to use special equipment should take the relevant documents to the local labour authority to obtain a certificate of safety before it can go into operation.

Special equipment not in accordance with safety and health requirements should not be used unless improved to meet safety standards.

The enterprise which introduces special equipment should request the government labour authority to participate in investigations and special examinations.

Contracts signed by the enterprise for the purchase of equipment and technology transfer should have clauses on safety and health.

Equipment introduced by the enterprise should have protective devices to prevent occupational hazards and accidents.

Protective equipment and appliances must be designed according to national standards to ensure production quality. They cannot be produced or sold until they are appraised and production licences obtained through the government labour authority or other departments entrusted with this responsibility by the government labour authority.

CHAPTER IV – PROTECTION OF CHILDREN AND WOMEN WORKERS

Children under the age of sixteen should not be employed in an industrial undertaking.

Children (sixteen to under eighteen years) should not work overtime, do strenuous labour, or produce or use toxic and harmful substances.

Women workers should be protected according to the national provisions.

CHAPTER V – HOURS OF WORK

The enterprise should adopt the principle of 8 hours' work a day and 48 hours a week.

For toxic and harmful operations and strenuous labour, the enterprise should adopt the principle of 4-6 hours of work a day.

The enterprise should organise harmonious production and should not resort to overtime to complete normal production. If overtime is needed, in the following special circumstances, it should be investigated and agreed to by the labour union and reported to the government department responsible for the enterprise for approval and control of overtime and the number of workers:

- a. when the systems of water, electricity, gas, communication, etc. are out of order and need to be repaired immediately
- b. when the main production equipment are out of order and need to be repaired immediately
- c. in other exigencies.

CHAPTER VI – AWARENESS EDUCATION AND RESEARCH

The enterprise and the government department responsible for the enterprise should launch a programme for educating workers and training technicians and management in occupational safety and health.

The enterprise should educate new workers in occupational safety and health. They should obtain qualifications, through examination, before being allowed to operate the equipment.

The director (manager) of the enterprise should be trained in occupational safety and health and should obtain qualifications and certification through a test.

Special operators in the enterprise should receive training in occupational safety and health and should be allowed to operate equipment individually only after obtaining qualifications and certification through a test.

The government labour authority and the government department responsible for the enterprise under the State Council should make specific provisions on education, training, testing, and certification in occupational safety and health for the director (manager) and special operators.

Occupational safety and health courses should be offered in colleges and secondary specialised (vocational) schools.

The government labour and health authorities and the government department responsible for the enterprise should undertake research and information functions in occupational safety and health.

CHAPTER VII – ENTERPRISE MANAGEMENT

The enterprise should institute rules for occupational safety and health in accordance with laws and regulations and in the light of specific conditions in the enterprise.

The enterprise should establish a comprehensive system of maintenance of safety and health facilities.

The enterprise must make arrangements to detect toxic and harmful substances in the production process at regular intervals and keep records, which should be reported to the government department responsible for the enterprise, local labour and health authorities, and labour union, and published for the information of workers.

New workers should have a health check before employment. They should be checked regularly and a file maintained on their health status. Those with health contraindications must not engage in the related job.

The enterprise should conduct a health check at regular intervals for workers who engage in hazardous work. Workers diagnosed as having occupational diseases should be given treatment or rest. Those needing to leave the present job should be transferred immediately.

The enterprise should regularly follow-up, observe, and examine workers who used to be engaged in hazardous duties and those with occupational diseases should be treated.

The enterprise should report immediately on the condition of the workers diagnosed as having occupational diseases to the government department responsible for the enterprise, local government labour and health authorities, and labour union, and should implement measures to control the occupational diseases.

As casualties and acute poisoning occur, the enterprise should register, keep statistics, investigate, report, and handle them in accordance with the national provisions.

In the enterprise where serious accidents and occupational hazards can occur easily, there should be an ambulance corps or full-time or part-time first-aiders and first-aid equipment. The enterprise should conduct training and exercises for first-aiders at regular intervals.

The enterprise should be able to predict the occurrence of occupational hazards, work out an emergency plan, and provide appropriate facilities.

The enterprise should provide workers with protective equipment and apparatus which meet safety and health standards.

CHAPTER VIII – LABOUR UNION AND WORKERS

The labour union ensures supervision of occupational safety and health in the enterprise. It has the right to stop an illegal act and appeal and lodge a complaint.

Workers can refuse to follow directions and can stop operations that violate the rules. Where the possibility of serious danger exists, they can stop operations and take emergency measures.

The labour union should support workers who refuse to accept directions and can organise them to withdraw from the danger area when the responsible person on-the-spot orders them to operate in conditions of serious danger.

Workers should strictly observe the rules of occupational safety and health, contribute to the removal of accident causes, and offer proposals for improving occupational safety and health.

CHAPTER IX – AWARD AND PUNISHMENT

The enterprise/Government department concerned should award prizes to a person/enterprise for:

- a. remarkable success or substantial contribution in improving labour conditions and preventing accidents and occupational diseases

- b. inventions and achievements in research and rationalisation proposals on occupational safety and health
- c. contribution to the removal of accident causes or to rescue in the event of accidents
- d. denouncing and exposing violations of regulations on occupational safety and health.

In case the enterprise violates the health and safety regulations, the government department responsible for the enterprise should issue a warning, send a notice of criticism, or order production stoppage.

If the responsible person (manager, director) or the person directly in charge in the enterprise violates the regulations, the government department responsible for the enterprise or the enterprise should mete out punishment.

If the enterprise or responsible person in the enterprise violates the regulations due to any one of the following acts, the government labour and health authorities, within their functions and powers, should issue a warning, send a notice of criticism, penalise, or order stoppage of production, but should first report the matter to the concerned People's Government for approval to stop production:

- a. disregards the need for improvements in working conditions, protective facilities, and education in occupational safety and health
- b. forces workers to undertake dangerous operations, i.e. assigns workers with health contraindications to do related work and does not provide them with protective equipment and appliances
- c. puts into production, without authorisation, newly-built, reconstructed, extended and technologically-transformed projects which have not been examined and approved by the government labour and health authorities and labour union
- d. retaliates against persons who insist on implementing the regulations
- e. carries out other acts which violate the regulations.

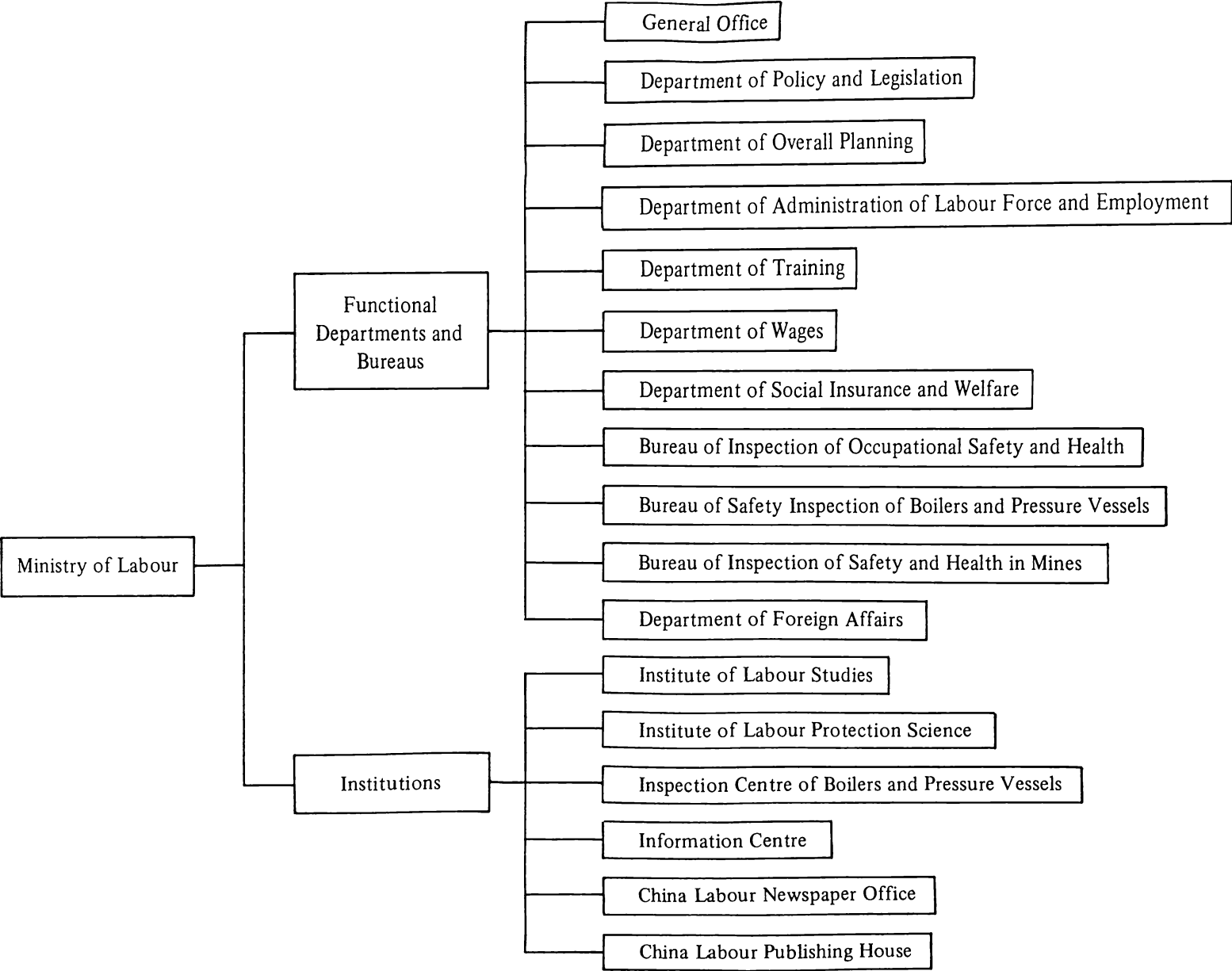
The government labour and health authorities should send the enterprise the notice for improvements to be carried out within a prescribed period and can penalise it if it does not comply.

The enterprise will be penalised for causing workers' casualties or acute poisoning accidents, in accordance with the national provisions.

The party who refuses to accept the penalty may apply for reconsideration to higher authorities, within 15 days of the penalty notice. The party who refuses to accept the decision of reconsideration may appeal to the people's court within 15 days of receiving the letter of reconsideration of decision. For the party who doesn't apply for reconsideration and doesn't implement the decision of penalty within the prescribed period, the authority which makes the decision for imposing the penalty may apply to the people's court to enforce execution.

CHAPTER X – APPENDIX

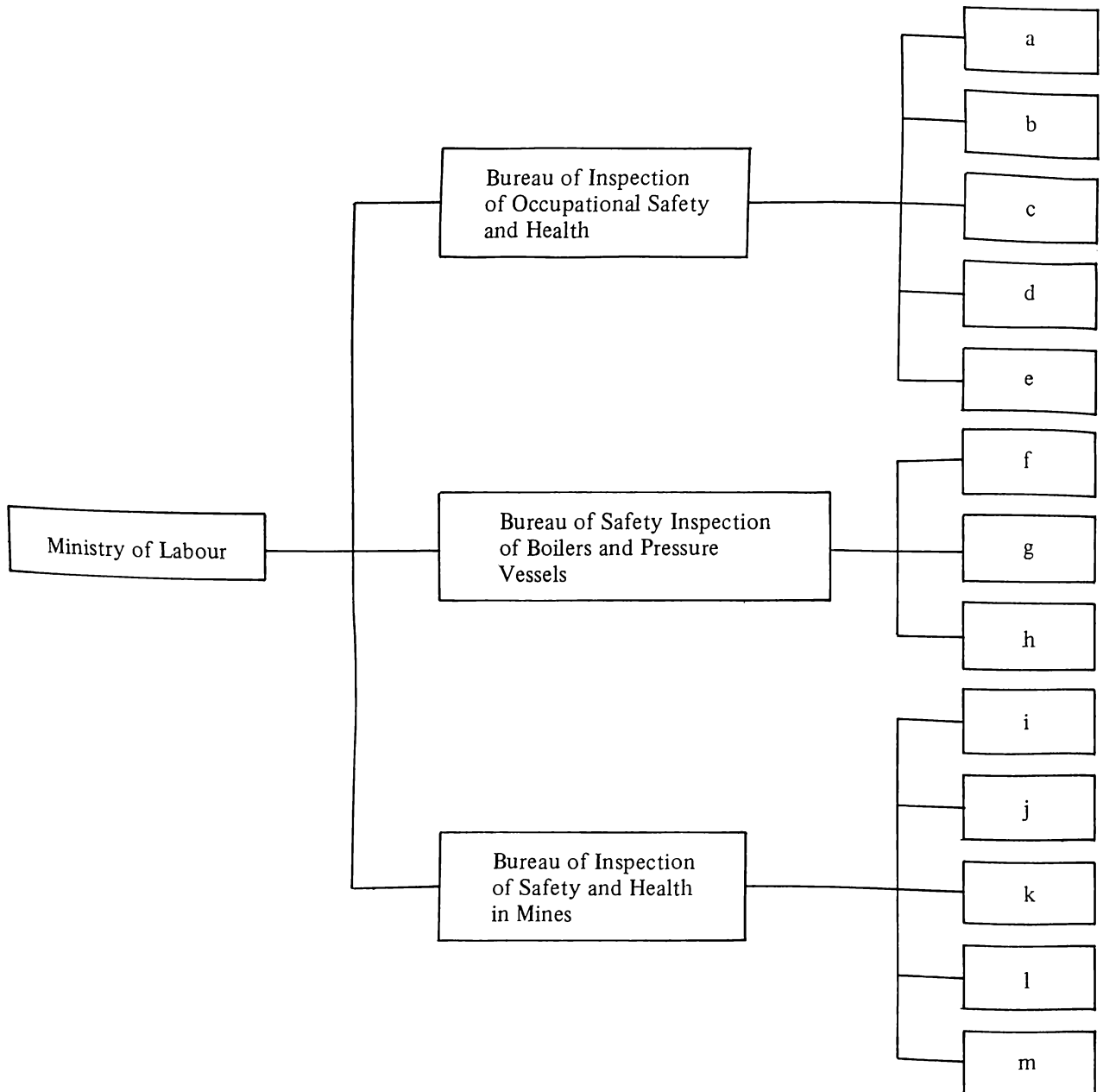
Chart 1. Organisation Chart of Ministry of Labour



ORGANISATION CHARTS

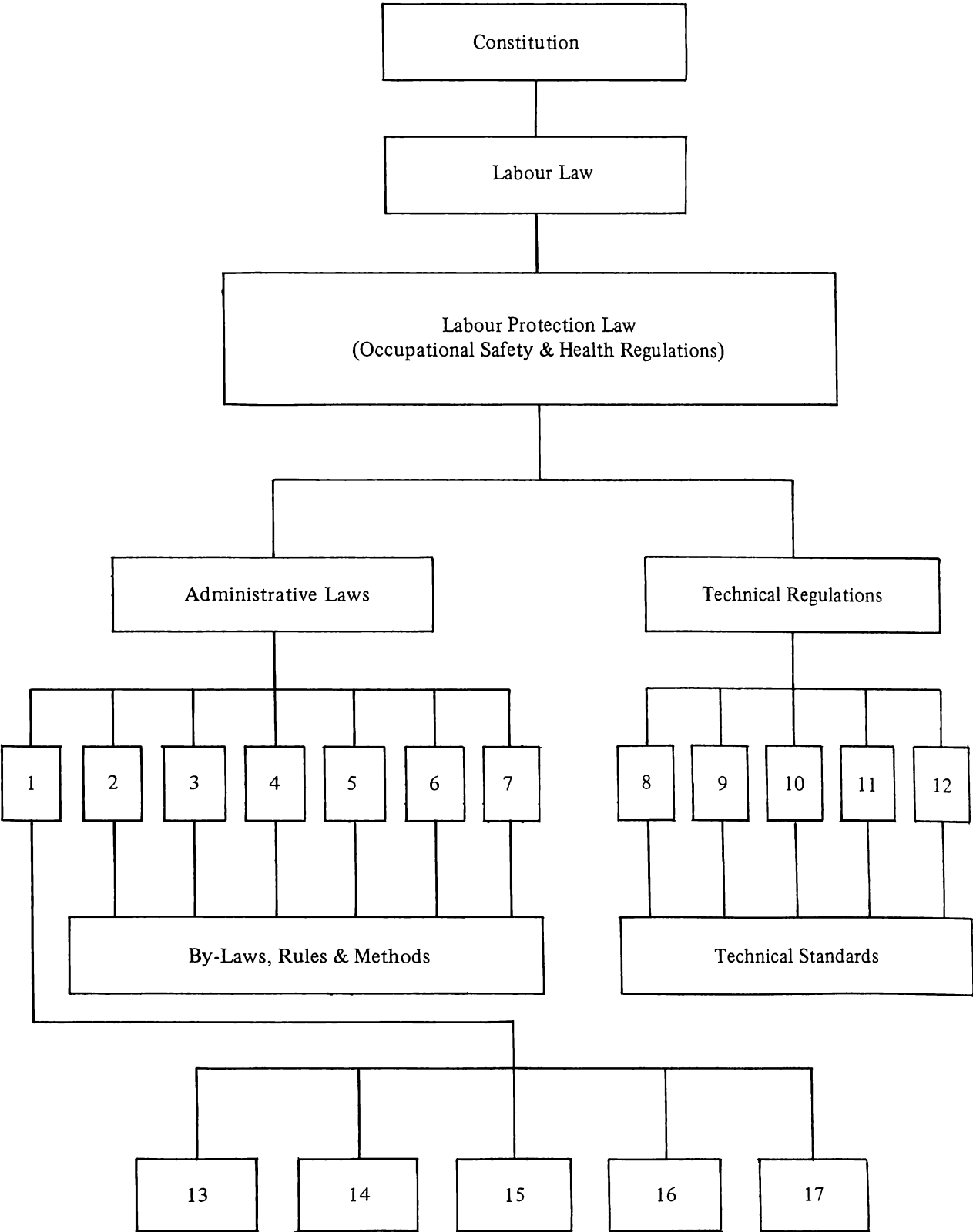
ANNEXURE “B”

Chart 2. Organisation Chart of Inspection Bureaus and Divisions



- a Division of Inspection of Occupational Safety
- b Division of Inspection of Occupational Health
- c Division of Laws, Regulations, and Standards
- d Division of Publicity, Education, Science, and Technology
- e General Division
- f Division of Safety Inspection of Boilers
- g Division of Safety Inspection of Pressure Vessels
- h General Division
- i First Inspection Division
- j Second Inspection Division
- k Third Inspection Division
- l Fourth Inspection Division
- m General Division

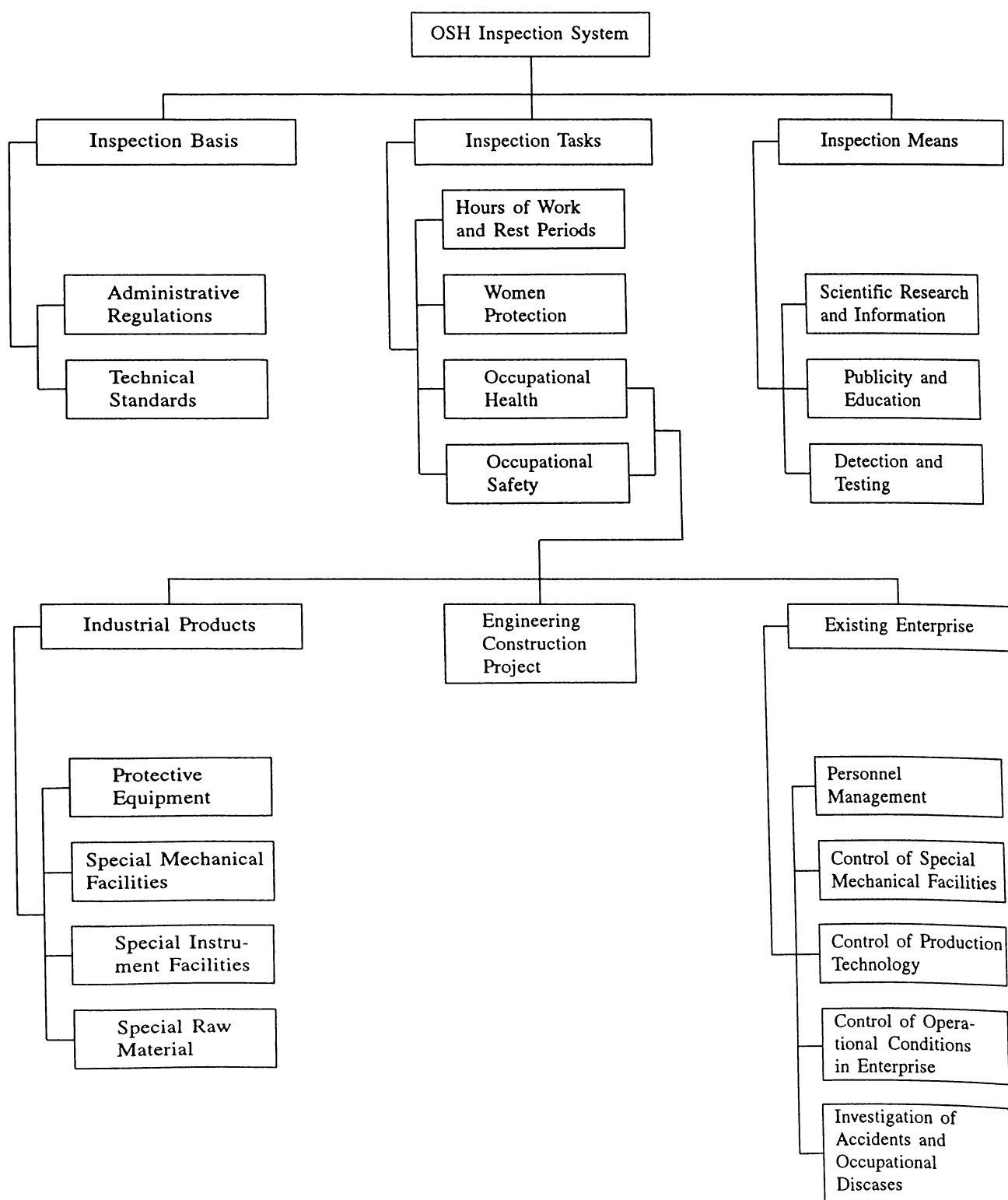
Chart 3. Labour Protection Regulation System



(For details of Nos.1 to 17, refer to page 36)

1. Regulations on Labour Protection Supervision
2. Regulations on Reporting and Settling Injuries and Accidents in Enterprises
3. Regulations on Training and Checking on Special Operations
4. Labour Protection Administrative Regulations on Rural Enterprises
5. Regulations on Labour Protection of Female Workers
6. Regulations on Staff Vocations
7. Regulations on Working Hours
8. Safety and Health Regulations on Design, Construction and Acceptance of Newly-Constructed Enterprises
9. Safety Management Regulations on Special Equipment Likely to Cause Accidents
10. Safety and Health Regulations on Enterprises in Innovation and Replacement of Equipment
11. Safety Management Regulations on Special Products and Material
12. Safety and Health Management Regulations on Dangerous Workplaces
13. Supervisory Procedure for Labour Protection
14. Financial Penalty Methods on Violation of Labour Protection Regulations
15. Safety Supervisory Rules on Special Protection Articles
16. Administrative Methods for Labour Protection Supervisors
17. Rules for Labour Protection Supervisors

Chart 4. Occupational Safety and Health Inspection System



STATISTICS ON INDUSTRIAL INJURIES

Figure 1. Casualty Changes in Enterprises at County Level and Above, 1979-86

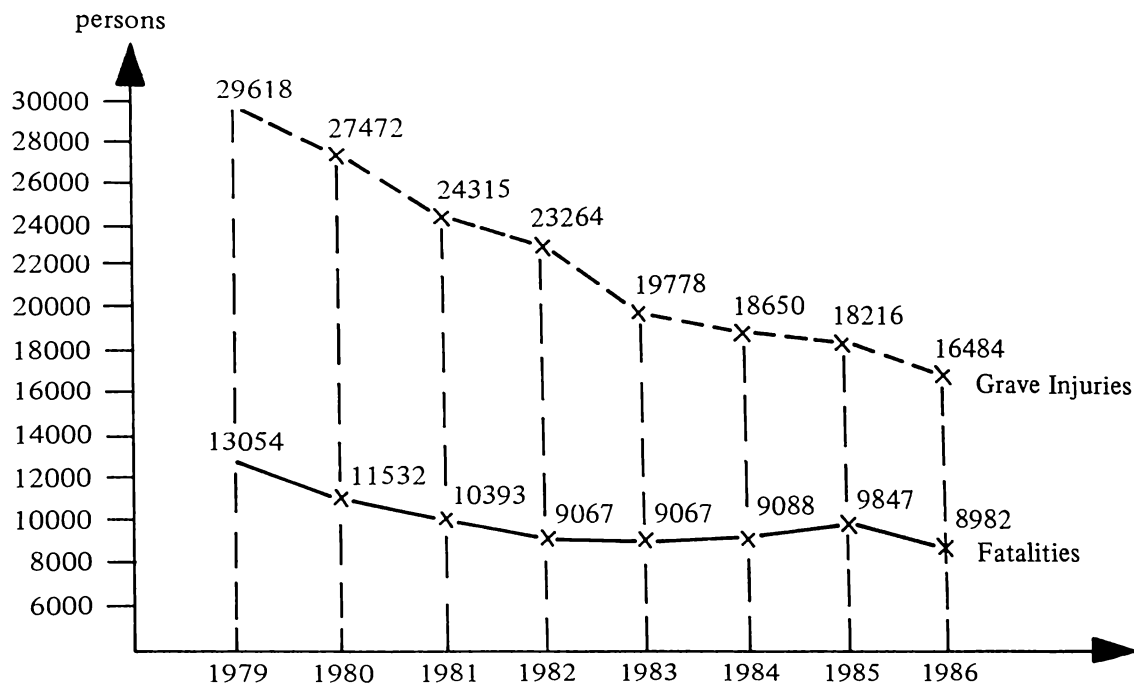


Figure 2. Fatalities in State-Owned Enterprises, 1988

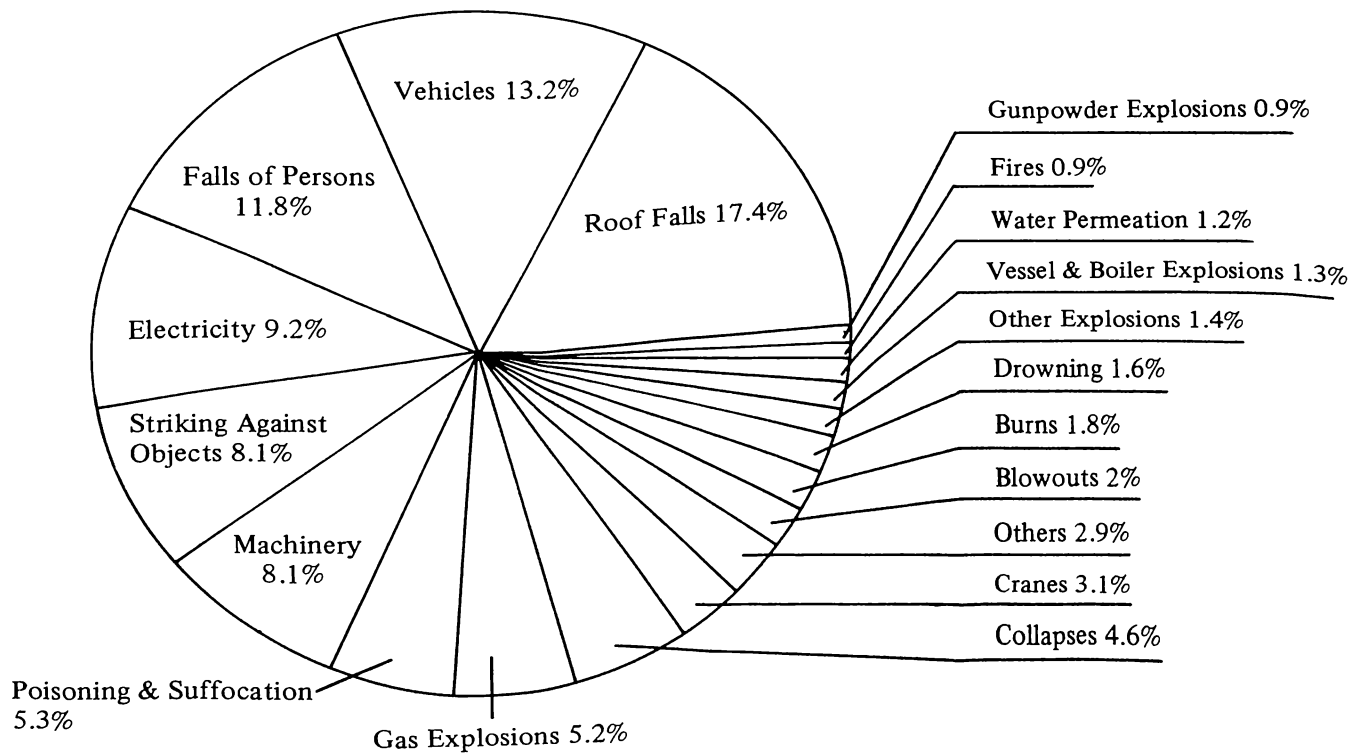


Figure 3. Grave Injuries in State-Owned Enterprises, 1988

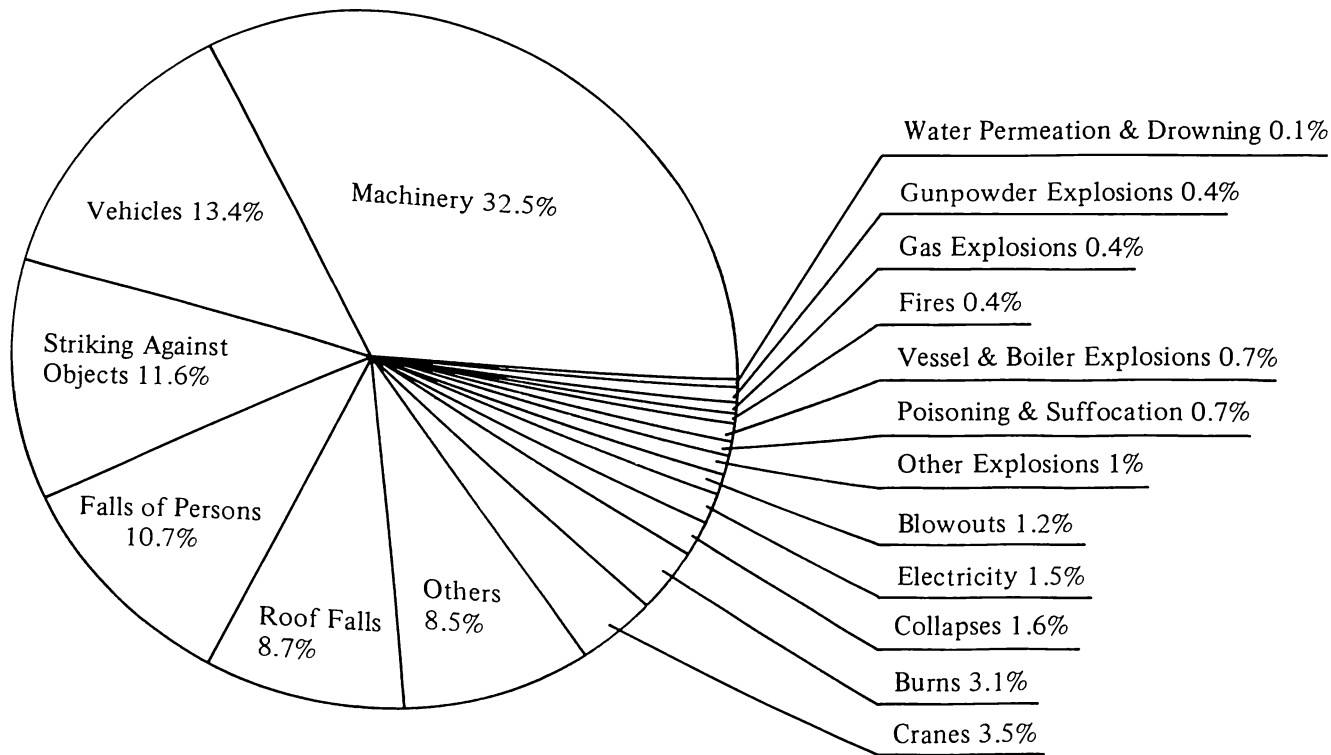


Figure 4. Fatalities in State-Owned Enterprises, 1989

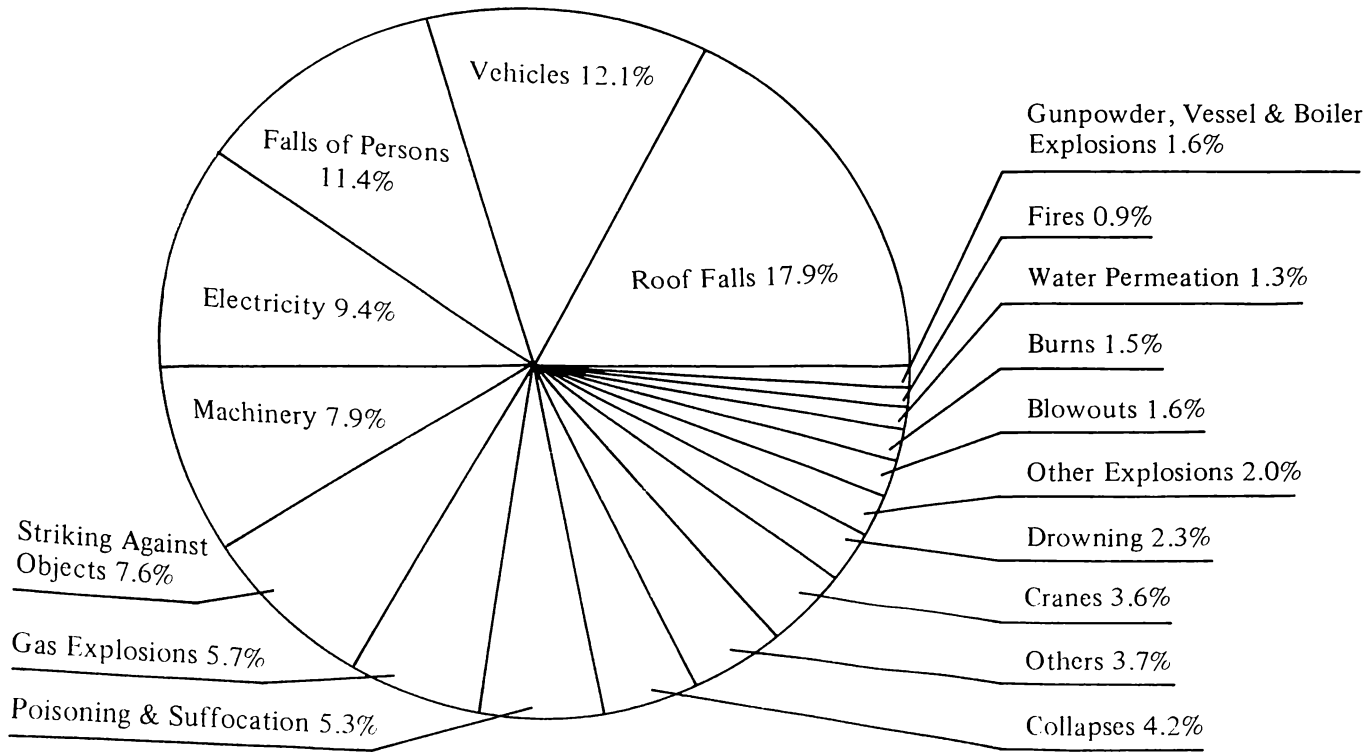
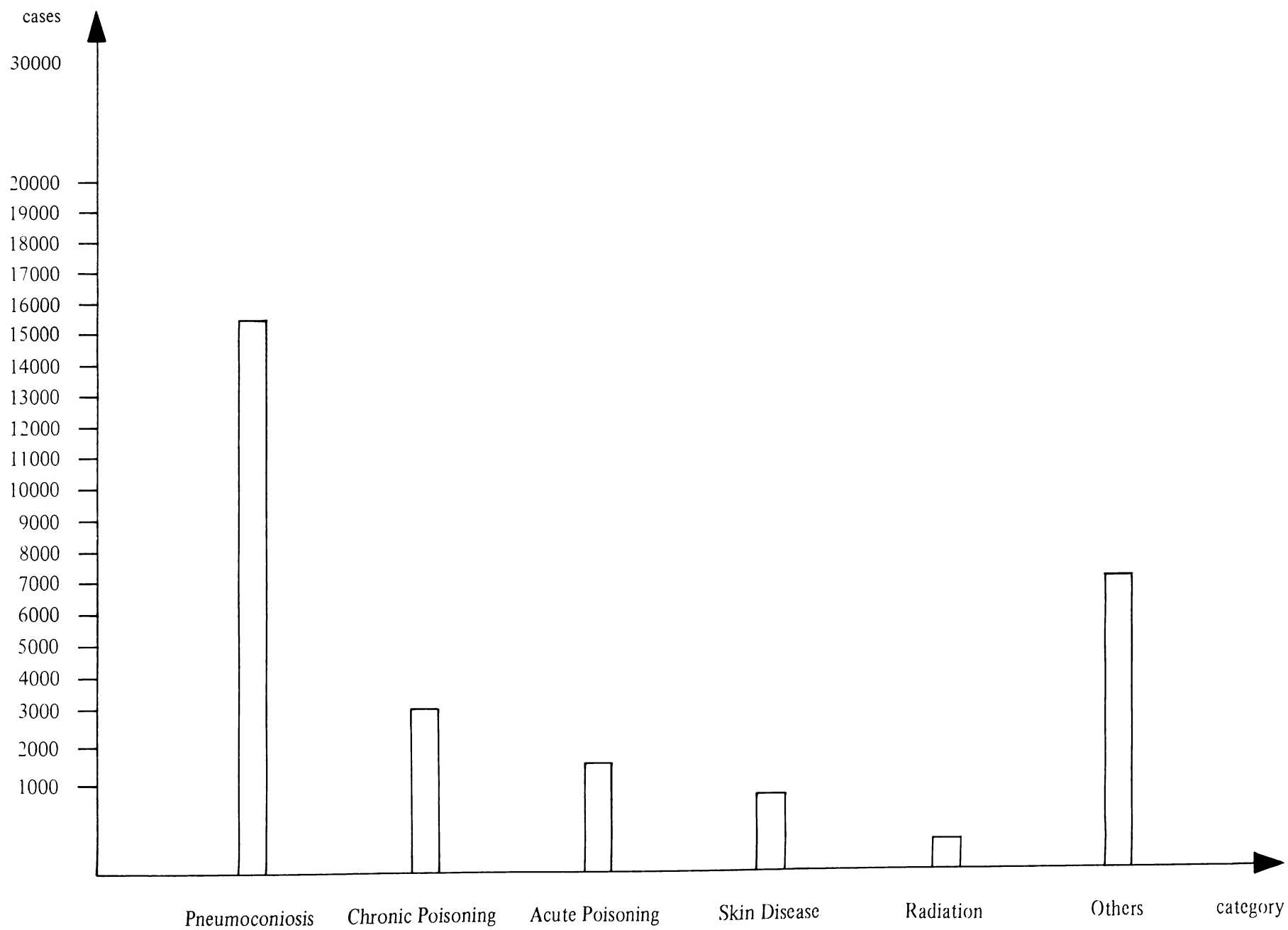


Figure 5. Cases of Occupational Diseases in National Industries and Enterprises, 1988





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