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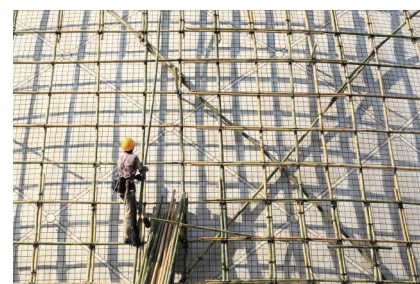
SOCIAL RESPONSIBILITY SOLUTIONS

NO. 071/12 MAY 2012

CHINA INCREASES PENALTIES IN CASE OF BREACHES OF OCCUPATIONAL DISEASE LAW

February 1st 2012, China issued a law (revised draft) on occupational disease diagnosis and identification as a complement to the newly revised Law of the People's Republic of China on Prevention and Control of Occupational Diseases (put into force on December 31st, 2011). The revision and implementation of the two laws has greatly increased the associated penalties.

According to the Ministry of Health's report on occupational disease prevention work, 27,240 new occupational disease cases were reported in 30 provinces, autonomous regions and municipalities during 2010. In order to achieve better results in occupational disease prevention and control, China revised two related laws in 2011 and 2012, which greatly increase the penalties in case of breaches of the occupational disease law. The following table gives a brief comparison between the fines under the old version and revised version of Law of the People's Republic of China on Prevention and Control of Occupational Diseases.



OFFENCE		FINE(THOUSAND CNY)	
Old version	Version 2011	Old version	Version 2011
	Article 50(new): During arbitration process, "Where an employee cannot provide evidence relevant to his or her arbitration claims where this is controlled or managed by the employer, the arbitration tribunal shall require the employer to provide such evidence within a specified time limit". Any employer who fails to provide such evidence within the specified time limit		"shall assume any adverse consequences"
Article 63	Change to Article 71	Fine≤20	Fine≤100

To be con'd

Con'd

OFFENCE		FINE(THOUSAND CNY)	
Article 64	Change to Article 72, add new clause: Where an employer "fails to provide a copy of occupational health surveillance files according to the provisions of this Law when employees leave the employer"	20≤Fine≤ 50	50≤Fine≤100
Article 65	Change to Article 73, add new clauses and requirements: 1. "withholding, forging, tampering with, or damaging occupational health surveillance files, test and evaluation results of occupational disease hazard factors at a work site, and other relevant information or refusing to provide information necessary for occupational disease diagnosis or identification; or" 2. "failing to assume the occupational disease diagnosis or identification expenses and the medical and living security expenses of occupational disease patients according to the relevant provisions."	50≤Fine≤200	No change
Article 70	Change to Article 78	100≤Fine≤300	10≤Fine≤500
	Article 86(new): "Whoever commits a crime by violating this Law"		"shall be subject to criminal liability according to law"

Source: www.gov.cn (Only available in Chinese)Table design: [SGS SRS/FA](#)

SGS SERVICES

SGS can help clients design supply chain social compliance schemes and monitor their implementation to identify and prevent occupational disease hazards. Our services deal with all social responsibility issues (business integrity, social, environmental, health and safety) and encompass organisation, product and services, and supply chains. For more information, please contact us.



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