

Environmental Protection Series No. 23

“Fifteen Measures for Work Safety” and Upcoming Nationwide Work Safety Inspection

Recently, the Work Safety Committee of the State Council (the “WSC”) reviewed the existing provisions and measures regarding work safety and enacted fifteen updated measures (the “**Fifteen Measures**”). The Fifteen Measures further strengthen workplace safety accountability and work to prevent major accidents. They emphasize the work safety responsibility of enterprises and put forward strict requirements for work safety. Enterprises should pay close attention to the new measures.

I. Main Contents of Fifteen Measures

The Fifteen Measures include the following: (1) ensure that local Party committees are responsible for workplace safety; (2) ensure that local governments are responsible for workplace safety; (3) ensure that the competent departments are responsible for safety supervision; (4) call to account leaders and supervisors for any violation of safety regulations; (5) ensure that leaders of enterprises assume the principal responsibilities for workplace safety; (6) immediately launch nationwide work safety inspections; (7) firmly hold to the red line for work safety in project approvals; (8) crack down on illegal subcontracting and license

renting; (9) strengthen safety management regarding labor dispatch and flexible employment; (10) strike hard at illegal production and business operations; (11) address lax and weak law enforcement and inspection; (12) strengthen safety supervision law enforcement contingents; (13) reward those who report hidden risks in workplace safety; (14) punish those who cover up, misreport, underreport or report accidents in a tardy manner; and (15) coordinate efforts to promote economic development, respond to COVID-19 and ensure workplace safety.

The Fifteen Measures were refined by the WSC in response to new situations, problems, risks and hidden dangers in the field of work safety. This was in order to emphasize and highlight the implementation of the responsibility, supervision and inspection of workplace safety, the management of violations, source management and strict law enforcement.

II. Noteworthy Points of the Fifteen Measures for Enterprises

These are the following points enterprises need to focus on.

1. Responsibility for the principals of

enterprises. The newly enacted Work Safety Law provides that the principal or business operator is the main person responsible for work safety and shall take full responsibility for work safety in such entity. The newly enacted Work Safety Law adds that the principal is the first person responsible for work safety, requiring the principal to attach great importance to work safety management. The principal's failure to perform work safety responsibilities or they undertake inappropriate performance of duties, resulting in work safety accidents, shall bear the corresponding legal responsibility.

2. Nationwide work safety inspections.

The WSC intends to carry out nationwide work safety inspections. The inspections will include comprehensive self-examination, special supervision and inspection, and a "Look Back" inspection, requiring the implementation of the Fifteen Measures in each region. The WSC will form 16 comprehensive inspection teams to supervise and inspect the regions.

3. The safety management of labor dispatchers and flexible workers. The Fifteen Measures require that production and operation units shall incorporate labor dispatchers and flexible workers who accept their work instructions into the unified management of their units and educate and train them on work safety operation procedures and safety operation skills. They will strictly control the number of labor dispatchers in dangerous positions and those who do not pass safety knowledge training shall not be employed.

III. Conclusion and Suggestions

Enterprises and their principals should pay close attention to the supervision focus of law enforcement departments. We suggest that enterprises and their principals focus on the following aspects to strengthen their work safety management.

(1) Establish and improve work safety responsibility systems for all employees and strengthen the standardization of work safety; formulate and implement work safety regulations and operating procedures, as well as emergency rescue plans for work safety accidents;

(2) Establish and implement a dual prevention work mechanism of grading safety risks, hidden danger investigations and treatment and supervise and inspect the work of work safety officers. They should eliminate any hidden dangers in a timely manner, and report work safety accidents in a timely and truthful manner;

(3) Set up work safety management institutions in accordance with the law, equip these with work safety management personnel, according to the work tasks and job characteristics as to clarify the work to be done and the responsibilities of the personnel in each position in terms of work safety;

(4) Organize and implement work safety education and training programs, strengthen work safety education and training for employees (including labor dispatchers and flexible workers), and require the relevant responsible persons, safety management personnel and workers operating at special posts to work with certification after passing examinations;

(5) Strictly examine the work safety conditions or corresponding qualifications of suppliers or partners in accordance with the law, and in the case of leasing or contracting out, sign the work safety management agreement in accordance with the law to clarify their respective work safety management responsibilities; and

(6) Engage a third-party professional organization to conduct a work safety compliance audit and self-examination and self-correct the work safety management of their enterprise (even key suppliers) to better match work safety inspections and the

subsequent enforcement actions.

If you have any specific questions regarding safety management or any needs for safety compliance audits or safety training, please contact us by email: ecoenvpro@junhe.com.

About JunHe's EHS Practice and ESG

Team: JunHe is among the largest, internationally recognized law firms in China providing a full spectrum of quality legal services, and we have a team of more than 900 professionals. We are a pioneer in the ESG practice area in China and have one of the largest EHS teams in the country, advising clients in the areas of EHS and ESG. With sustainability in mind, JunHe provides EHS compliance reviews for corporations in various sectors either alone or in cooperation with third-party agencies, depending on the

particular needs of the client. Our professional legal team provides services including ESG, EHS, labor and employment, intellectual property, trade and data, banking and finance, tax, and compliance. We provide ESG due diligence investigation services for supply chain management and M&A transactions, assist companies and third-party agencies in drafting ESG reports and advise our clients on ESG-related issues arising during their day-to-day operations. We help our clients draft and review ESG-related clauses in contracts with their business partners, help investors and companies build and improve their ESG-related systems, and provide full ESG training and other ESG-related services.

George Zhu	Partner	Tel: 86 21 2208 6340	Email: zhuh@junhe.com
Carey Ni	Partner	Tel: 86 21 2208 6346	Email: nitl@junhe.com
Vincent Chen	Associate	Tel: 86 21 2283 8334	Email: chenqingyuan@junhe.com

This document is provided for and only for the purposes of information sharing. Nothing contained in this document constitutes any legal advice or opinion of JunHe Law Offices. For more information, please visit our official website at www.junhe.com or our WeChat public account “君合法律评论”/WeChat account “JUNHE LegalUpdate”.



君合专题研究报告

JUNHE

2022年4月18日

环境健康与安全专题系列（二十三）：“安全生产十五条措施”出台，全国安全生产大检查即将开展！

近日，国务院安全生产委员会（以下简称“国务院安委会”）梳理相关法律法规已有规定、举措和近年来针对新情况采取的有效措施，制定了进一步强化安全生产责任落实、坚决防范遏制重大事故的十五条措施（以下简称“**十五条措施**”）。十五条措施强调了企业的安全生产责任并对企业的安全生产工作提出了严格要求，应引起企业的充分重视。

一、 十五条措施的主要内容

此次出台的十五条措施主要包括如下方面：（1）严格落实地方党委安全生产责任；（2）严格落实地方政府安全生产责任；（3）严格落实部门安全监管责任；（4）严肃追究领导责任和监管责任；（5）企业主要负责人必须严格履行第一责任人的责任；（6）立即深入扎实开展全国安全生产大检查；（7）牢牢守住项目审批安全红线；（8）严厉查处违法分包转包挂靠资质行为；（9）切实加强劳务派遣和灵活用工人员安全管理；（10）重拳出击开展“打非治违”；（11）坚决整治执法检查宽松软问题；（12）着力加强安全监管执法队伍建设；（13）重奖激励安全生产隐患举报；（14）严肃查处瞒报谎报迟报漏报事故行为；以及（15）统筹做好经济发展、疫情防控和安全生产工作。

上述十五条措施是国务院安委会结合安全生产领域的新情况、新问题、新风险以及新隐患所提炼，以强调和突出责任落实、督查检查、治理违法违规行、源头治理以及严格执法。

二、 十五条措施中值得企业重点关注的几点内容

就十五条措施而言，我们归纳了如下几项企业普遍需要重点关注的内容：

1、**企业主要负责人责任**。新《安全生产法》规定，生产经营单位的主要负责人是本单位安全生产第一责任人，对本单位的安全生产工作全面负责。新《安全生产法》增加主要负责人作为单位安全生产的第一责任人，即是要求主要负责人高度重视安全生产工作。主要负责人因未履行本单位的安全生产工作职责或者履职不到位，导致企业发生安全生产事故的，应当承担相应的法律责任。

2、**全国安全生产大检查**。根据国务院安委会相关负责人对十五条措施的解读，国务院安委会拟部署在全国范围内开展安全生产大检查，此次大检查包括全面自查、专项督导检查、综合督查和考核巡查、“回头看”检查，要求各地区落实十五条措施。在各地自查基础上，国务院安委会将组成16个综合检查组，对各地进行督导检查。

3、**劳务派遣和灵活用工人员安全管理**。十五条措施要求，生产经营单位要将接受其作业指令的劳务派遣人员、灵活用工人员纳入本单位统一管理，对该等人员进行岗位安全操作规程和安全操作技能的教育和培训，危险岗位要严格控制劳务派遣用工数量，未经安全知识培训合格的不能上岗。

三、 结语与建议

在十五条措施出台及新《安全生产法》背景之下，企业及其主要负责人应当密切关注执法部门的监管重点。我们建议企业及其主要负责人可重点从如下方面加强安全生产管理：

(1) 建立健全全员安全生产责任制，加强安全生产标准化建设；制定和实施安全生产规章制度和操作规程，以及生产安全事故应急救援预案；

(2) 建立并落实安全风险分级管控和隐患排查治理双重预防工作机制，督促、检查安全生产工作，及时消除生产安全事故隐患，及时、如实报告生产安全事故；

(3) 依法设置安全生产管理机构，配备安全生产管理人员，根据工作任务、岗位特点明确各岗位人员在安全生产方面的应做工作及应负责任；

(4) 组织制定并实施本单位安全生产教育和培训计划，加强对从业人员（包括劳务派遣和灵活用工人员）的安全生产教育和培训，严格要求相关负责人、安全管理人员及特种作业人员须经严格考核、持证上岗；

(5) 依法严格审查供应商或合作方的安全生产条件或相应资质，并就出租或发包的情形，依法签订《安全生产管理协议》以明确各自的安全生产管理职责；以及

(6) 聘请第三方专业机构进行安全生产合规审计，对企业自身（甚至是重要的供应商）的安全生产管理情况，自查自纠，以更好地配合本次

安全生产大检查以及后续的执法行动。

如您关于安全生产管理方面的具体问题，安全生产合规审计或安全生产培训方面的需求，欢迎邮件联系我们：ecoenvpro@junhe.com。

关于君合 EHS 及 ESG 团队：君合是国际公认的、提供优质法律服务的中国大型综合律师事务所之一，拥有 900 多人的专业团队。君合是开拓中国 ESG 法律业务领域的先驱之一并且有中国最大的 EHS 律师团队之一，为客户在 EHS 和 ESG 领域提供法律服务。君合以可持续性为导向，视客户需求，单独或与第三方机构合作，为不同行业的企业提供 EHS 合规审核，并且依托不同的法律及合规专业团队（ESG、EHS、劳动人事、知识产权、贸易与数据、财税、商业和刑事合规等所有与 ESG 领域相关的专业团队），在供应链管理和并购事宜中，提供 EHS 和 ESG 尽职调查服务，配合企业或第三方机构起草 ESG 报告并结合我们服务不同行业客户的经验在企业日常运营中提供 EHS 和 ESG 相关的专项法律及合规诊断、与商业合作伙伴合同中的 EHS 及 ESG 条款起草及审阅、投资人和企业的 ESG 体系搭建和提升，EHS 及 ESG 培训等一揽子服务。

朱核	合伙人	电话：86 21 2208 6340	邮箱地址： zhuh@junhe.com
倪天伶	合伙人	电话：86 21 2208 6346	邮箱地址： nitl@junhe.com
陈清源	律师	电话：86 21 2283 8334	邮箱地址： chenqingyuan@junhe.com

本文仅为分享信息之目的提供。本文的任何内容均不构成君合律师事务所的任何法律意见或建议。如您想获得更多讯息，敬请关注君合官方网站“www.junhe.com”或君合微信公众号“君合法律评论”/微信号“JUNHE_LegalUpdates”。

