

Decree of Tianjin Municipal People's Government

No: 14

“Several Provisions of Tianjin Municipality on Work-related Injury Insurance,” which were adopted at the 70<sup>th</sup> executive meeting of the municipal people's government on September 2, 2019, are hereby promulgated and shall come into force as of November 1, 2019.

Zhang Guoqing

Mayor of Tianjin

September 9, 2019

Several Provisions of Tianjin Municipality on Work-related Injury Insurance in Tianjin

Article 1 In accordance with the “Social Insurance Law of the People's Republic of China” and the “Regulations on Work-related Injury Insurance,” and in light of the actual conditions in Tianjin, these provisions are hereby formulated so as to improve the system of insurance against injuries at work, ensure that employees suffering from accidents or occupational diseases at work can receive medical treatment and financial compensation, promote the prevention of work-related injuries and promote vocational rehabilitation, and disperse employers’ risk caused by work-related injuries.

Article 2 Organizations such as state organs, enterprises, institutions, social organizations, private non-enterprise entities, foundations, law firms and accounting firms, as well as individual commercial households with employees within the administrative area of this Municipality (hereinafter referred to as employers) shall take part in

the work-related injury insurance based on law, and pay premiums for work-related injury insurance for their employees, staff members, or workers (hereinafter referred to as employees as a whole).

The employees hired by the employers as mentioned in the preceding paragraph have the right to enjoy the benefits from the work-related injury insurance in accordance with these provisions.

Article 3 The municipal administrative department of human resources and social security shall take charge of the comprehensive administration over the work-related injury insurance for the whole municipality, while the district human resources and social security administrative departments shall take specific charge of the work of the work-related injury insurance within their respective administrative areas.

Social insurance premium collection institutions shall take charge of the collection of work-related injury insurance premiums.

Social insurance agencies (hereinafter referred to as the Agencies) shall take charge of the registration of insured persons, payment of benefits, fund management, and the management of agreements for work-related injury insurance services.

The departments such as public security, finance, urban and rural housing construction, transportation, health care, emergency response, market supervision and medical insurance shall, in accordance with their respective duties, do a good job in the work related to work-related injury insurance.

Article 4 The departments related to work-related injury insurance shall establish an information-sharing mechanism on work-related injury accidents and occupational diseases.

Article 5 The work-related injury insurance fund of this Municipality shall be managed under municipal overall planning. The work-related

injury insurance fund consists of the following items:

- (1) the work-related injury insurance premium paid by employers;
- (2) the interest on work-related injury insurance fund; and
- (3) other funds included in the work-related injury insurance fund based on law.

Article 6 The Agencies shall, in accordance with the relevant regulations of the state, determine the industry differential rates applicable to the employers, on the basis of the employers' industrial and commercial registration, major production and business operations.

The Agencies shall, in conjunction with the social insurance premium collection agencies, apply to the corresponding rate level in the industry, determine the annual rate of the employers' contribution to work-related injury insurance, and report it to the municipal administrative department of human resources and social security for the record, based on the use of employers' work-related injury insurance premium, the incidence rate of work-related injuries, accident injury and the degree of occupational hazards.

The floating rate shall be fixed once every one to three years.

Article 7 The employers shall pay the insurance premium for work-related injuries duly, but the individual employee is not required to pay the insurance premium for work-related injuries.

The amount of the work-related injury insurance premium paid by the employers shall be the sum of the total wages of the employees hired by the employers multiplied by the employers' contribution rate. The municipal administrative department of human resources department and social security shall determine the specific method for calculating the work-related injury insurance premium paid by the construction enterprises, the small service enterprises, the small

mining enterprises and other industrial enterprises that are unfeasible to pay the work-related injury insurance premiums based on the total wages of their employees.

Article 8 Enterprises should simultaneously register for work-related injury insurance at the time of registration.

The employers other than those mentioned in the preceding paragraph shall, within 30 days from the date of their establishment, go to the local agencies for registration of work-related injury insurance. The Agencies shall complete the examination and approval of the applications within 10 days from the date of receipt of the applications.

The employers shall, within 30 days from the date on which they begin to hire employees, go to the local agencies to go through procedures for the insurance of employees against work-related injuries.

If the registered items of the work-related injury insurance of the employers are changed or terminated according to law, the employers shall, within 30 days from the date of the change or termination, go through procedures for alteration or cancellation of the work-related injury insurance.

Where an employee (including a part-time employee) establishes a labor (personnel) relationship with two or more employers at the same time, the employers shall pay the premium for work-related injury insurance respectively; if an employee has suffered an injury at work, the employer where the employee has been injured shall bear the liability for work-related injury insurance according to law.

Article 9 The work-related injury insurance fund covers the expenditures on the following items:

- (1) the work-related injury insurance benefits;
- (2) the costs incurred in the assessment of labour capacity;

- (3) the costs incurred in connection with the investigation of the certainty of work-related injuries;
- (4) the costs incurred in vocational rehabilitation;
- (5) the costs incurred in prevention of work-related injuries; and
- (6) other expenses incurred in implementing the work-related injury insurance as stipulated by laws and regulations.

Article 10 The work-related injury insurance fund shall retain a reserve of 10% of the total amount of the work-related injury insurance fund in that year, and shall no longer withdraw when the total amount of its roll-over exceeds 30% of the total amount of the work-related injury insurance fund in that year.

A certain proportion of reserve among the work-related injury insurance fund shall be remained for the paying of the treatment of work-related injury insurance on major accidents in this Municipality subject to overall planning; if the reserve is insufficient to pay the said treatment, the municipal people's government shall pay the remaining sum.

Article 11 On the premise of guaranteeing the payment ability and reserve of work-related injury insurance, the fee for prevention of work-related injuries may be drawn up in accordance with a certain proportion of the income collected from the previous year's work-related injury insurance fund, not exceeding 3% in principle. According to the needs of the work, the proportion of work-related injury prevention expenses may be appropriately raised with the consent of the municipal administrative department of human resources and social security and the municipal financial department. The use of work-related injury prevention fees shall be subject to budgetary management and special funds for special purpose, and the specific measures shall be formulated or revised by the municipal

administrative department of human resources and social security in conjunction with the relevant departments.

Article 12 The municipal and district administrative departments of human resources and social security shall, in accordance with the jurisdiction provisions of this Municipality governing the identification of work-related injuries, take charge of the identification of work-related injuries that occur to the employees hired by the relevant employers respectively. Regulations governing the jurisdiction on the identification of work-related injuries shall be formulated and adjusted by the municipal administrative department of human resources and social security.

Article 13 After an accident or injury occurs to an employee, the employee or on-site persons shall immediately report it to the employer. The employer shall in turn report it to the administrative department of human resources and social security within 24 hours thereafter.

Article 14 The employer shall, within 30 days from the date on which the accident injury occurs or the date on which the employee is diagnosed and appraised as an occupational disease sufferer, apply to the administrative department of human resources and social security for identification of work-related injury and submit the following materials:

- (1) the Application Form for Identification of Work-related Injury;
- (2) the labor (employment) contract or certificate for labor (personnel) relationship;
- (3) the medical diagnosis certificate or occupational disease diagnosis certificate; and
- (4) other relevant certification materials stipulated by laws and

administrative regulations.

Article 15 If an employer fails to submit an application for a work-related injury according to the regulations, the employee who suffers the work-related injury or his close relative or trade union may, within one year from the date of the occurrence of the accident injury or the date on which the employee is diagnosed or identified as an occupational disease sufferer, apply directly to the administrative department of human resources and social security for the identification of work-related injury and submit the materials specified in Article 14 of these Provisions.

Article 16 The administrative department of human resources and social security may, after their accepting the application for the identification of work-related injury, conduct investigation and verification on the accident injury, and the employer, staff members and their close relatives, trade union organizations, medical institutions, public security, civil affairs and other relevant departments shall provide assistance and provide evidence based on the facts. If the case falls into one of the following circumstances, the applicant shall submit relevant evidentiary materials:

- (1) a death certificate shall be submitted in case the employee dies;
- (2) if an employee is injured by violence or other accidents due to the performance of his/her duties during working hours and in the workplace, a certificate issued by the public security department or other relevant certificates shall be submitted.
- (3) his/her whereabouts are unknown due to his/her injury or accident during his/her trip for performing his/her duties, a certificate issued by the public security department or relevant departments shall be submitted;
- (4) if an employee is injured in a traffic accident or in an urban rail transit, passenger ferry or train accident on his/her way to or back

from work, for which the employee is not primarily liable, a certificate issued by the traffic security administrative department or other relevant departments shall be submitted;

(5) if an employee suffered a sudden illness in working hours and positions, then died or died within 48 hours after an ineffective resuscitating therapy, a resuscitating certificate issued by the medical institution or other relevant certificates shall be submitted;

(6) he/she is injured when dealing with an emergency or providing disaster relief or in other activity for maintaining the state benefits or public benefits, a certificate issued by civil affairs departments or other relevant departments shall be submitted;

(7) an ex-serviceman, who was disabled due to war or duties during his military service period, suffers from a recurrence of his/her old wound at the employer after he/she has retired from active service, shall submit the "Certificate of Disabled Soldiers of the People's Republic of China;" and

(8) other relevant materials to be submitted on a case-by-case basis.

Article 17 The administrative department of human resources and social security shall, within 15 days from the date of receiving the application for identification of work-related injury, examine and verify the documents submitted by the applicant, decide whether to accept or reject the application with complete application documents, and inform the applicant of the examination result in written form; if the application documents are incomplete, the applicant shall be notified in writing in one time of all the documents needed to be supplemented within 15 days. If the applicant fails to make corrections within the time limit or fails to meet the requirements for acceptance after making corrections, the administrative department of human resources and social security shall, within 15 days from the date of the overdue or receipt of the documents to be corrected, make a decision on rejection, and notify the applicant in writing and explain the reasons.



The administrative department of human resources and social security shall, within 60 days from the date of accepting the application for identification of work-related injury, make a decision on identification of the work-related injury, and notify the employer, the employee or his/her close relatives in writing. For those applications for confirmation of work-related injury with clear facts, clear rights and obligations, a decision on the confirmation of work-related injury shall be made within 15 days from the date of accepting the application for the confirmation of the work-related injury.

Article 18 In the process of identification of work-related injuries, the following different cases shall be dealt with separately:

(1) In a reasonable period of time, for the purpose of going to or going off work, the commuting on a reasonable route between the employer's place and the place of domicile, habitual residence, dorm, spouse' residence, parents' residence or children's residence is deemed as the commuting trip to or back from work.

(2) The case, that an employee suffered from sudden illnesses at work during working hours and was sent to medical institution directly and died within 48 hours after an ineffective resuscitating therapy, shall be considered to be the same as a work-related injury. The 48-hour starting time is the initial time for a resuscitating therapy given by the medical institution.

(3) In the event that an employee has a permanent residence and a clear schedule for work and break when stationed abroad for work reasons, the identification of the employee's work-related injury shall be handled in accordance with the normal working conditions in the locality where the employee is normally stationed.

(4) Where an employee is injured in an accident while taking a commuter bus, the case shall be handled in accordance with the relevant provisions specified in Paragraph 6 of Article 14 of the "Regulations on Work-related Injury Insurance."

Article 19 The municipality and the districts shall establish labor capacity appraisal committees, composed of representatives from the administrative department of human resources and social security, the health department at the same administrative level, trade union organizations, agencies, as well as the employers.

The labor capacity appraisal committees shall assume the following duties:

- (1) the grade identification of the degree of labor dysfunction, and the degree of self-care disorder in daily life;
- (2) the confirmation of disputes over the period of cessation of work and payroll retention, and the confirmation of the extension of the period for cessation of work and payroll retention;
- (3) the confirmation of the dispensed assistive devices;
- (4) the confirmation of relapse of an old injury;
- (5) the definition of injury and non-injury;
- (6) the appraisal of the loss of work capacity of the relatives supported by the employee who died at work;
- (7) the confirmation of occupational rehabilitation; and
- (8) other work capacity appraisal entrusted.

The specific division of duties of the municipal and district work ability appraisal committees shall be formulated or adjusted by the municipal administrative department of human resources and social security.

Article 20 The injured employee's period of cessation of work and payroll retention shall be determined by the employer according to the "Administrative Measures for the Period of Cessation of Work and Payroll Retention," and the medical certificate issued by a medical institution, and the employer shall notify, in writing form, the injured employee or their close relatives, and the Agencies of the confirmed period of cessation of work and payroll retention.

If an employer disputes with an injured employee or his/her close

relatives over the confirmation of the payroll retention period, or if the payroll retention period needs to be extended after more than 12 months, the employer may apply to the Labor Capacity Appraisal Committee for confirmation.

Article 21 If an employee suffers from a work-related injury and is disabled or impaired in his or her ability to work after a relatively steady treatment of the injury, or if the period of cessation of work and payroll retention expires, the employer, the injured employee or his or her close relatives shall submit an application for the appraisal of work capacity to the Labor Capacity Appraisal Committee within 60 days from the time when the injury is relatively stable or the expiration of the period of cessation of work and payroll retention. If, due to exceptional circumstances, the application can not be made within 60 days, the application time limit may be extended appropriately.

Article 22 When an employer, an injured employee or his/her close relatives submit an application to the Labor Capacity Appraisal Committee for labor capacity appraisal, they shall submit the following materials:

- (1) the Application Form for Labor Capacity Appraisal;
- (2) complete medical records including a valid medical certificate, the examination or test reports copied or duplicated according to the relevant provisions of medical records management in a medical institution, etc; and
- (3) other materials specified by the Labor Capacity Appraisal Committee.

Article 23 The Labor Capacity Appraisal Committee shall examine and verify the materials submitted by the applicant in time after receiving

the application for labor capacity appraisal. If the application materials are complete, an appraisal shall be organized in a timely manner, and the appraisal conclusion shall be made within 60 days from the date of receiving the application, and written notice shall be given to the employer, the injured employee in the accident or his/her close relatives; if the condition of an injury is complex and involves many medical and health professions, the time limit for making an appraisal conclusion can be extended by 30 days.

If the application materials are incomplete, the Labor Capacity Appraisal Committee shall, within 5 working days from the date of receipt of the application, notify the applicant in one time in writing to submit all the materials to be supplemented and corrected within 15 days. If the applicant fails to supplement and correct the materials within the time limit or still fails to meet the acceptance requirements after making corrections, the committee shall make a decision to reject the application within 5 working days from the overdue date or the date on which the committee receives the corrected materials, and notify the applicant in writing and explain the reasons.

When the Labor Capacity Appraisal Committee deems it necessary, it may request the injured employee to go to a qualified medical institution for relevant examination and diagnosis. The examination time shall not be counted within the time limit for labor capacity appraisal.

Article 24 The following work-related injury insurance benefits are payable from the work injury insurance fund:

- (1) the medical expenses for work-related injuries;
- (2) the expenses for the rehabilitation from work-related injuries;
- (3) food allowance for hospitalization;
- (4) the cost of travel, food and accommodation for medical treatment outside the coordinated region;

- (5) the cost of installation and dispensing of assistive devices;
- (6) the expenses for daily living and nursing;
- (7) one-time subsidy for disabled employees;
- (8) disability allowance for employees with disabilities from Grade I to Grade IV;
- (9) one-time medical allowance for work-related injuries;
- (10) funeral allowance;
- (11) pension for supporting relatives; and
- (12) one-time allowance for employees who die of work-related injuries.

Article 25 The following expenses incurred as a result of work-related injuries shall be paid by the employer:

- (1) the wage and welfare benefits during the period of cessation of work and payroll retention;
- (2) life nursing during the period of cessation of work and payroll retention;
- (3) the disability allowance for the disabled employees of Grade V and Grade VI; and
- (4) one-time subsidy for disability employment.

Article 26 If an employee suffers from an accident or occupational disease due to work, the employee shall receive a medical treatment at a medical institution which has signed a service agreement. The employee can first go to the nearest medical institution for first aid in case of emergency.

When a work-related injury occurs to an employee, the employer shall take measures to enable the employee to be treated in a timely manner. The employer and the Agencies shall settle the treatment costs already incurred, upon determination of the work-related injury. The on-going hospitalization and treatment costs shall be settled by the medical

institution and the Agencies.

The expenses for rehabilitation from work-related injuries and the dispensing of assistive devices for the employee injured at work shall be settled by the work-related injury rehabilitation medical institutions and the assistive devices dispensers that have signed a service agreement with the Agencies.

The Agencies shall sign an agreement with the medical institution and the assistive devices dispensers on the basis of equal consultation, and publish a list of medical institutions and assistive device dispensers that have signed service agreements with them. Specific implementation measures shall be carried out in accordance with relevant provisions of the state and this Municipality.

Article 27 If a work-related injured employee receives a resuscitation therapy in a medical institution outside the coordinated area, the employee shall be promptly transferred to a medical institution that has signed a service agreement in this Municipality for further treatment after the employee is out of danger.

Article 28 The standards of the allowance for the meals for the hospitalized employee injured at work and the cost of travel, board and lodging for medical treatment outside the coordinated area shall be separately stipulated by the municipal people's government.

Article 29 If an employee is identified as disabled due to his/her disability at Grade V or Grade VI, he/she may, upon his/her own proposal, terminate the labor (employment) contract or labor (personnel) relationship with the employer; if an employee is identified as disabled of Grade VII to Grade X, the labor (employment) contract expires or if he proposes, he/she may terminate the labor (employment) contract or terminate the labor (personnel)

relationship with the employer. The employee who terminates the labor (employment) contract or terminates the labor (personnel) relationship shall be paid a one-time medical subsidy for injury employment by the Work-related injury Insurance Fund, and the employer shall pay a one-time employment subsidy for disability.

The specific standards for one-time medical subsidies for an employee suffering from a work-related injury shall be 2 to 12 months of the average monthly salary of employees in the previous year in this Municipality: 12 months' salary for Disability Grade V, 10 months' salary for Disability Grade VI, 8 months' salary for Disability Grade VII, 6 months' salary for Disability Grade VIII, 4 months' salary for Disability Grade IX, and 2 months' salary for Disability Grade X.

The specific standards for one-time employment subsidy for a disabled employee shall be 3 to 18 months of the average monthly salary of employees in the previous year in this Municipality: 18 months' salaries for Disability Grade V, 15 months' salaries for Disability Grade VI, 12 months' salaries for Disability Grade VII, 9 months' salaries for Disability Grade VIII, 6 months' salaries for Disability Grade IX, and 3 months' salaries for Disability Grade X.

When a work-related injured employee terminates the labor (employment) contract or the labor (personnel) relationship with the employer, the injured employee shall be paid 80% of the total amount of the one-time medical subsidy for work-related injury and the one-time subsidy for disability employment if the injured employee is five years under the legal retirement age; 60% for an injured employee four years under the legal retirement age; 40% for an injured employee three years under the legal retirement age; 20% for an injured employee two years under the legal retirement age; and 10% for an injured employee one year under the legal retirement age. An employee who has reached the legal retirement age and is eligible for monthly pension shall not be paid a one-time medical injury

subsidy or a one-time employment subsidy for disability when the employee terminates his/her labor (employment) contract or terminates his/her employment (personnel) relationship, except as stipulated in Article 38 of the Labor Contract Law of the People's Republic of China.

Article 30 After re-employment, if an old injury relapses to an employee who has already received a one-time medical allowance for the injury at work, the portion exceeding the amount of the one-time medical allowance for work-related injury shall be paid from the work-related injury insurance fund.

Article 31 Long-term benefits such as disability allowances, pensions for supporting relatives, life nursing expenses paid by the work-related injury insurance fund shall be paid in accordance with the regulations, and shall not be paid in one lump sum.

Article 32 If an employee is diagnosed as an occupational disease sufferer after retirement, he or she shall enjoy appropriate benefits from work-related injury insurance according to law.

Article 33 Disability allowances, pensions for supporting relatives and life nursing expenses shall be adjusted by the municipal administrative department of human resources and social security in accordance with the average monthly salary and minimum wage standards of employees in the previous year in this Municipality.

Article 34 If an employer for which the employee works fails to pay the premium for work-related injury insurance according to law, the employer shall pay the expenses incurred for the work-related injury if a work-related accident occurs. If the employer refuses to pay, an



advance payment shall be made from the work-related injury insurance fund. The benefits of work-related injury insurance advanced from the work-related injury insurance fund shall be reimbursed by the employer. The Agencies has the right to recover compensation from the employer in accordance with the provisions as specified in Article 63 of the "Social Insurance Law of the People's Republic of China," if the employer has failed to repay it.

The work-related injury insurance fund shall pay beforehand for the injury caused by a third party, if the third party fails to pay the medical expenses or the third party can hardly be identified. After the work-related injury insurance fund has paid for the injury caused by the third party in advance, the Agencies has the right to recover the compensation from the third party.

Article 35 If the total amount of personal injury compensation (excluding mental injury compensation) that the third party should bear is lower than the amount paid by work-related injury insurance due to the cause of the third party, the difference shall be made up by the work-related injury insurance fund.

Article 36 The work-related injured employees or their close relatives who enjoy the benefits of work-related injury insurance shall submit relevant materials to the Agencies. The Agencies shall, within 15 days from the date of receipt of the relevant materials, complete the examination and verification and implement the relevant benefits in accordance with relevant provisions.

Article 37 The employee who has suffered multiple work-related injuries with the same employer shall be entitled to one-time disability benefits according to the level of disability respectively; When the disabled employee terminates the labor (employment)

contracts or terminates the labor (personnel) relationship, he/she shall enjoy a one-time medical allowance for work-related injuries and a one-time employment allowances based on the highest disability level.

Article 38 The administrative department of human resources and social security shall give warnings and orders to the doctors of the medical institutions of work-related insurance or the medical institutions of work-related injury rehabilitation, which have signed service agreements to correct any of the following acts:

(1) the acts of concealing, forging or destroying medical documents and related materials without authorization, which affect the identification of work-related injuries or the identification of working capacity;

(2) the acts of issuing a drug prescription or drug purchase certificate in the name of treatment for work-related injured employees, and colluding with the insured to exchange cash or negotiable securities instead of prescribing drugs;

(3) the acts of tampering the diseases, diagnostic and therapeutic items and drugs paid by the non-work-related injury insurance fund with the payment by the work-related injury insurance fund; or

(4) the acts of deliberately breaking down prescriptions, over-prescribing drugs, or repeatedly prescribing drugs.

Article 39 These provisions shall come into force as of November 1, 2019. "Several Provisions on the Work-related Injury Insurance in Tianjin" (Decree No. 50 of the Municipal People's Government in 2012) promulgated by the Tianjin Municipal People's Government on February 3, 2012 shall be repealed simultaneously.