

**LAW ON**  
**OCCUPATIONAL SAFETY AND HEALTH**

*Pursuant to the Constitution of the Socialist Republic of Vietnam;*

*The National Assembly, hereby, enacts the Law on Occupational Safety and Health*

CHAPTER I

**GENERAL PROVISIONS**

**Article 1. Scope of adjustment**

This Law provides for measures guaranteeing occupational safety and health (OSH), policies and compensation for victims of occupational accidents and diseases; responsibilities and rights of organisations and individuals in respect of OSH and state management for OSH.

**Article 2. Subjects of application**

1. Workers working with labour contracts, workers on probation, apprentices and interns working for employers.
2. Cadres, civil servants, public employees, persons working in the people's armed forces.
3. Persons working without labour contracts.
4. Vietnamese workers working overseas with labour contracts; foreign workers working in Vietnam.
5. Employers.
6. Other agencies, organisations, individuals in relation to OSH.

Subjects stipulated in Clauses 1, 2, 3 and 4 of this Article hereafter are commonly called workers.

**Article 3. Interpretation of terms**

In this Law, the following terms are interpreted as follows:

1. *A production/business establishment* means an enterprise, a cooperative, a household or an organisation carrying out production and/or business activities.
2. *Occupational safety* means measures to prevent and combat the impact of hazardous factors to make sure that no illness or mortality happens to people during the working process.
3. *Occupational health* means measures to prevent and combat the impact of toxic factors that may cause diseases and affect people' health during the working process.
4. *A hazardous factor* means a factor causing unsafe situations, injuries or death to people during the working process.
5. *A toxic factor* means a factor causing diseases or decreasing people' health during the working process.
6. *A technical incident causing OSH failure* means the failure of machinery, equipment, materials, substances that exceeds the limit for prescribed technical safety happening during the working process and causing damages or likely to cause damages to people, properties and the environment.
7. *A serious technical incident causing OSH failure* means a technical incident causing big OSH failure which happens widely and cannot be controlled by production/business establishments, agencies, organisations, localities or is related to many by production/business establishments and/or localities.
8. *An occupational accident* is an accident causing injury to any parts or functions of the body or causing death to workers, which happens during the working process and in relation to the performance of the assigned work or tasks.
9. *An occupational disease* is an illness caused to workers by their hazardous working conditions.
10. *Environmental monitoring* is the collection, analysis and evaluation of data measuring elements in the working environment at the workplace in order to work out measures to minimize their harm to health, prevent and combat occupational diseases.

#### **Article 4. State policies on OSH**

1. Create good conditions for employers, workers, agencies, organisations and related individuals to take measures for guaranteeing OSH during the working process; encourage employers and workers to apply technical standards, advanced and modern management systems, advanced, high and environment-friendly technologies during the working process.
2. Invest in research and application of science and technology relating to OSH; support the building of laboratories and development of tests which meet the national OSH standards.
3. Support the prevention of occupational accidents and diseases in the sectors/fields at risk of

occupational accidents and diseases; encourage organisations to develop, announce or apply advanced and modern OSH technical standards during the working process.

4. Support the provision of OSH training for workers without labour contracts who are doing jobs subject to strict requirements for OSH.

5. Increase the number of participants in voluntary occupational accident insurance; develop a flexible payment-compensation mechanism in order to prevent, minimize and remedy risks for workers.

#### **Article 5. Principles for guaranteeing OSH**

1. Guarantee the workers' right to work in OSH conditions.

2. Guarantee that OSH measures are implemented during the working process; prioritize measures to prevent, exclude and control hazardous factors and toxic factors during the working process.

3. Consult with trade unions, representative organisations of employers, OSH Councils at all levels in the development and implementation of OSH policies, legislations and programmes.

#### **Article 6. Rights and obligations of workers on OSH**

1. Workers with labour contracts have the following rights:

a) Work in fair, safe and OSH conditions; to request the employer to guarantee OSH working conditions during the working process and at the workplace;

b) Be provided with adequate information on hazardous factors and toxic factors at the workplace and preventive measures; be trained in OSH;

c) Benefit from labour protection regime, health care, examination for detection of occupational diseases; have occupational accident and disease insurance premium paid by the employer; get full compensation in case they suffer from occupational accidents and/or occupational diseases; have costs of medical assessment for injuries and/or illnesses caused by occupational accidents and diseases paid; actively seek medical assessment for determination of the degree of work ability decrease and have the assessment costs paid in case the medical assessment results show that they are eligible for an increased allowance for occupational accidents and/or diseases;

d) Ask the employer to arrange appropriate jobs after the treatment of occupational accidents and/or diseases;

dd) Refuse to undertake work or leave the workplace being paid fully and not considered as violation of working principles when they are clearly aware of imminent risks of occupational accidents that seriously threaten their life or health provided that an immediate notification is addressed to the direct supervisor for settlement; continue working only when the direct supervisor and the OSH in-charge officer have already addressed the identified risks to guarantee OSH.

e) Make complaints, denunciation or lawsuits as prescribed by the law;

2. Workers with labour contracts have the following obligations:

a) Comply with OSH regulations, procedures and measures at the workplace; comply with commitments on OSH as mentioned in the employment contract or in the collective labour agreement;

b) Use and maintain the provided personal protective equipment and other OSH tools at the workplace;

c) Promptly report to responsible persons any risks of technical incidents that may cause OSH failure, occupational accidents or diseases; proactively participate in the provision of first aid and overcome the consequence of incidents, occupational accidents as stated in the incident settlement and emergency rescue plan or at the request of the employer or competent state bodies.

3. Workers without labour contracts have the following rights:

a) Work in OSH conditions; be facilitated by the State, society and family to work in the OSH environment;

b) Be provided with OSH information, communication and education; receive OSH training when doing jobs subject to strict requirements for OSH.

c) Participate in and benefit from voluntary occupational accident and disease insurance as stipulated by the Government;

Based on the socio-economic development conditions and the state budget in each period, the Government shall detail the support for payment of voluntary occupational accident and disease insurance premium.

d) Make complaints, denunciation or lawsuits as prescribed by the law.

4. Workers without labour contracts have the following obligations:

a) Be responsible for the OSH of the work fulfilled by themselves;

b) Ensure OSH for related people during the working process;

c) Inform the local authority on unsafe acts for prompt prevention and settlement.

5. Cadres, civil servants, public employees, persons in the people's armed forces have similar rights and duties on OSH as regulated at Clauses 1 and 2 of this Article unless otherwise stipulated by other legal normative documents.

6. Apprentices and interns working for employers have the same OSH rights and obligations as those of workers prescribed in Clauses 1 and 2 of this Article.

7. Foreign workers working in Vietnam have the same OSH rights and obligations as those of workers prescribed in Clauses 1 and 2 of this Article; regarding their participation in occupational accident and disease insurance, it will be done in accordance with the Government's regulations.

#### **Article 7. Rights and obligations of employers on OSH**

1. Employers have the following rights:

- a) Require workers to comply with OSH regulations, procedures and measures at the workplace;
- b) Commend and reward workers with good compliance and discipline those with violations of OSH;
- c) Make complaints, denunciation or lawsuits as prescribed by the law.
- d) Mobilize workers to participate in the provision of first aid in emergency situations and overcome the consequence of incidents and occupational accidents.

2. Employers have the following obligations:

- a) Develop, enforce and actively collaborate with agencies and organisations in the guarantee of OSH measures for workers and related people at the workplace managed by themselves; pay occupational accident and disease insurance premium for workers;
- b) Provide training and guidance in OSH regulations, rules, procedures and measures; provide occupational equipment and tools adequately to ensure OSH; provide health care and medical examination for detection of occupational diseases; provide full compensation for victims of occupational accidents and diseases;
- c) Do not require workers to continue working or return to the workplace where there are risks of occupational accidents that may seriously threatens the lives or health of workers;
- d) Assign staff to monitor and examine the implementation of OSH regulations, procedures and measures at the workplace as prescribed by the law;
- dd) Assign units or people to be in charge of OSH; collaborate with the establishment's Trade Union Executive Committee to establish a network of OSH representatives; have clear division of OSH duties and powers;

- e) Notify, investigate, inventory and report on occupational accidents, occupational diseases, technical incidents causing serious OSH failure; prepare statistics and reports on the implementation of OSH; implement conclusions of OSH inspectors;
- g) Consult the establishment's Trade Union Executive Committee in the development of OSH plans, contents, procedures and measures.

**Article 8. Rights and responsibilities of Vietnam Fatherland and Front, its member organisations and other social organisations**

1. Vietnam Fatherland and Front, its member organisations and other social organisations, socio-professional organisations, within their duties and powers, are responsible for:

- a) Collaborating with relevant agencies to organize communication, education and training in OSH; developing OSH services;
- b) Providing comments, supervision and critical feedback during the development of OSH mechanisms, policies and legislation as prescribed by the law;
- c) Together with state management agencies, proposing solutions to improve working conditions and prevent occupational accidents/diseases; conducting scientific research;
- d) Encouraging their members to engage in OSH activities;
- dd) Detecting and reporting to competent state bodies about acts violating OSH regulations for prompt treatment.

2. Representative organisations of employers are responsible for implementing the rights and responsibilities prescribed in Clause 1 of this Article; participating in OSH Councils as prescribed in Article 88 of this Law; encouraging employers to organize dialogues at the workplace, collective negotiation, collective labour agreements and to implement measures to improve working conditions in order to ensure OSH at the workplace.

**Article 9. Rights and responsibilities of the trade unions for OSH**

- 1. Together with state agencies, develop OSH policies and legislation; propose to competent state bodies about the development, amendment and supplementation of policies and legislations relating to OSH rights and obligations of workers.
- 2. Participate and collaborate with state agencies in the inspection, monitoring and supervision of the implementation of OSH policies and legislation related to the rights and obligations of workers; participate in the development, guidance and supervision of the implementation of OSH rules, regulations and measures in order to improve working conditions for workers at the workplace; participate in investigation of occupational accidents as prescribed by the law.

3. Ask responsible agencies, organisations, businesses and individuals to immediately take measures to ensure OSH, implement corrective measures - including suspension of operations - upon detecting hazardous factors and/or toxic factors at the workplace that may harm people's health and life during the working process.
4. Encourage workers to abide by regulations, rules, procedures and measures to ensure OSH.
5. Represent the collective of workers to make lawsuits when the OSH rights of the collective of workers are violated; represent workers to make lawsuits when the OSH rights of workers are violated and when being authorised by workers.
6. Study and apply science/technology, organize OSH training courses; proposing solutions to improve working conditions and prevent occupational accidents/diseases for workers;
7. Collaborate with state agencies in organizing OSH competitions; organize movements for the public to engage in OSH activities; organize and guide the operation of the network of OSH representatives.
8. Provide reward to OSH activities/movements as instructed by the Vietnam General Confederation of Labour.

#### **Article 10. Rights and responsibilities of establishments' trade unions for OSH**

1. Collaborate with employers to develop and supervise the implementation of OSH plans, regulations, rules, procedures and measures as well as those to improve working conditions.
2. Represent workers in the negotiation, signing and supervision of the implementation of OSH provisions in collective labour agreements; help workers to make complaints and lawsuits when their legitimate rights and benefits are violated.
3. Dialogue with employers to address problems relating to OSH rights and obligations of workers and employers.
4. Collaborate with employers to inspect and supervise OSH activities; supervise and request employers to abide by OSH regulations; collaborate with employers in the investigation of occupational accidents and supervise the provision of compensation, vocational training and appropriate jobs for victims of occupational accidents and diseases.
5. Request employers, competent agencies and organisations to implement OSH measures, address consequences of technical incidents causing OSH failure, occupational accidents and handle violations of OSH.
6. Communicate, encourage workers and employers to comply with OSH legislations, standards,

regulations, process, measures at the workplace; collaborate with employers in organizing OSH training for trade union staff and workers.

7. Request in-charge persons to take OSH measures, including pause of the operation of the involved establishment if necessary, when detecting risks that are likely to be harmful to workers' health and life.

8. Be a member of the investigation team for occupational accidents at the establishment as prescribed by Clause 1 Article 35 of this Law; participate and collaborate with employers in the rescue and the correction of consequences of technical incidents causing OSH failure and/or occupational accidents. In case an employer does not fulfill his/her obligation of notification as prescribed by Article 34 of this Law, the trade union is responsible for informing the competent state authorities as provided for in Article 35 of this Law for investigation.

9. Collaborate with employers to organize competitions and movements for the public to engage in OSH activities, develop safe work culture at the workplace; manage and guide the operation of the network of OSH representatives.

10. In production and business establishments where there are no trade unions, the trade union of the upper level shall directly guide the establishments to perform the rights and responsibilities prescribed in this Article if being required by workers in such establishments.

#### **Article 11. Rights and responsibilities of Vietnam's Farmers Union**

1. Together with state agencies, develop OSH policies and legislation for farmers; propose to competent state bodies about the development, amendment and supplementation of policies and legislations relating to OSH rights and obligations of farmers.

2. Participate and collaborate with state agencies in the inspection, monitoring and supervision of the implementation of OSH policies related to the rights and obligations of farmer; participate in investigating occupational accidents happening to farmers.

3. Participate in OSH communication and training activities for farmers.

4. Collaborate with state agencies in improving working conditions, preventing occupational accidents and diseases for farmers.

5. Encourage farmers to engage in the movement of guaranteeing OSH for farmers in accordance with the law.

#### **Article 12. Prohibited acts in OSH**

1. Hide of, incorrect notification and incorrect reporting on occupational accidents and diseases;



failure to implement OSH requirements and measures, which causes or is likely to cause damage to people, property and the environment; require worker to work or not to leave their workplace when there are risks of occupational accidents that seriously threaten their health and lives or require them to continue working when such risks are not addressed.

2. Failure or lateness in paying occupational accident and disease insurance premium; appropriation of occupational accident and disease insurance premium and benefits; creation of frauds and fake dossiers in relation to occupational accident and disease insurance; failure to pay occupational accident and accident insurance benefits for workers; misuse of the Insurance Fund for Occupational Accidents and Diseases against the law; illegal access to and exploitation of the database on occupational accident and disease insurance.

3. Use of machinery, equipment and materials subject to strict requirements for OSH which are not appraised, fail to meet the stipulated standards, are from unclear sources/origins, expired, below the stipulated quality and likely to cause environmental pollution.

4. Frauds in safety assessment, OSH training, working environment monitoring, medical assessment for determination of the degree of work ability decrease in case of occupational accidents and diseases; creation of obstacles, difficulties for or damage to legitimate OSH rights and benefits of workers and employers.

5. Gender-based discrimination in OSH; discrimination because workers refuse to work or leave the workplace when there are risks of occupational accidents that seriously threaten their life or health; discrimination because of the performance of OSH at the workplace of OSH officers, OSH representatives, health workers.

6. Use of workers in jobs subject to strict requirements for OSH while they are not trained in OSH.

7. Payment of cash instead of in-kind allowances.

## CHAPTER II

### **MEASURES TO PREVENT AND CONTROL HAZARDOUS FACTORS AND TOXIC FACTORS FOR WORKERS**

#### **Section 1**

### **INFORMATION, COMMUNICATION, EDUCATION AND TRAINING IN OCCUPATIONAL SAFETY AND HEALTH**

### **Article 13. Information, communication and education on OSH**

1. Employers must provide workers with information, communication and education on OSH, hazardous factors, toxic factors and OSH measures at the workplace; provide instructions on OSH regulations for visitors to and workers in their establishment.
2. Manufacturers must provide information on OSH measures attached to goods and products which are likely to create unsafe situations to users during the working process.
3. Agencies, organisations and families are responsible for communicating and disseminating OSH knowledge and skills for their workers; communicating on and advocating for the elimination of backward practices and unhygienic habits which are harmful and dangerous to their health and the community during the working process.

Based on specific conditions of the locality, every year People's Committees at all levels are responsible for directing and organizing the delivery of information, communication and education on OSH for workers without labour contracts working in the locality.

4. Mass media agencies are responsible for providing information, communicating and disseminating OSH policies, legislation and knowledge, integrating information on prevention of occupational accidents and diseases in other communication programs and activities.

### **Article 14. Training in OSH**

1. Managers in charge of OSH, OSH officers, health worker and OSH representatives from production/business establishments must participate in OSH training and obtain a certificate from an OSH training institution after passing the examination organized by it.

In case there changes to OSH policies, legislation or OSH science/ technologies, they must get their knowledge and skills refreshed and updated.

2. Employers must organize training for workers performing jobs subject to strict requirements for OSH and provide them with safety cards before assigning them to such jobs.

The state has policies to subsidize parts of the tuition fee for workers participating in the training mentioned in this Article. The rate of subsidy is decided by the Government depending on the socio-economic development of each period.

3. Workers without labour contracts must received OSH training before being doing jobs subject to strict requirements for OSH and be provided with safety cards.
4. Employer organize OSH training by themselves and are responsible for the quality of OSH training for workers not defined in Clauses 1, 2 and 3 of this Article, trainees, apprentices and

workers on probation prior to official recruitment or assignment of jobs; and provide periodic retraining in order to equip enough necessary knowledge and skills to ensure OSH in the working process and relevant to their jobs.

5. The OSH training prescribed in this Article shall conform to the characteristics and nature of each profession, job, number of the establishment and shall not create difficulties to production and business activities. Based on specific conditions of the production/business establishment, employers shall decide to organize separate training in OSH or combined training in OSH and fire prevention, fire fighting or other contents specified by specialised laws.

6. The Minister of Labour, Invalids and Social Affairs shall promulgate the list of jobs subject to strict requirements for OSH after consulting line ministries managing related sectors/areas.

7. OSH training institutions shall include public non-business units and OSH training service providers in accordance with investment legislation and this Law.

In case an enterprise organizes OSH training by themselves for subjects defined in Clauses 1, 2 and 3 of this Article, they must meet the conditions applicable to OSH training institutions.

8. The Government shall detail competent authorities which decide the requirements for infrastructure, techniques, standards for OSH trainers, order, procedures and dossiers for granting, re-granting, extending or recovering operation licences of OSH training institutions defined in Clause 7 of this Article; OSH training and self-training.

## **Section 2**

### **REGULATIONS, PROCEDURES AND MEASURES FOR GUARANTEEING OCCUPATIONAL SAFETY AND HEALTH AT THE WORKPLACE**

#### **Article 15. Regulations and procedures for guaranteeing OSH**

Employers - based on national OSH legislation standards, regulations, local OSH technical regulations and their business, production and working conditions - shall develop, issue and organize the implementation of regulations and procedures to guarantee OSH.

#### **Article 16. Responsibilities of employers in guaranteeing OSH at the workplace**

1. Guarantee that the workplace meets the requirements in terms of space, ventilation, dust, steam, toxic gas, radiation, electro-magnetic fields, heat, moisture, noise, vibration, microorganisms, other hazardous and toxic factors as indicated in relevant technical regulations; examine and measure these factors regularly; ensure that there are enough proper shower rooms and toilets at the workplace as stipulated by the Health Minister.

2. Guarantee that machinery, equipment, supplies and substances are used, operated, maintained and serviced at the workplace in accordance with national OSH technical regulations, or meet OSH technical standards which have been promulgated and applied, and in accordance with OSH regulations and procedures at the workplace.
3. Provide workers with adequate personal protective equipment when performing jobs with hazardous factors and toxic factors; have OSH facilities at the workplace.
4. Every year or when necessary, inspect and assess hazardous factors, toxic factors at the workplace in order to implement technical and technological measures to exclude and minimize these factors; improve working conditions; take care of workers' health.
5. Regularly inspect and maintain machinery, equipment, supplies, substances, workshops, stores.
6. Visible and observable warning and instruction signboards in Vietnamese and popular local language(s) spoken by workers on OSH for machinery, equipment, supplies and substances subject to strict requirements for OSH must be available at the workplace and in areas where these objects are stored, preserved and used.
7. Deliver information, communication or training to workers on OSH regulations, rules, procedures, measures to prevent and control hazardous factors, toxic factors at the workplace related to their work.
8. Develop, issue incident settlement and emergency rescue plans at the workplace; settle incidents, provide emergency rescue, set up rescue forces and report timely to responsible persons when detecting risks or at the occurrence of occupational accidents and technical incidents causing OSH failure at the workplace which is beyond the control of employers.

#### **Article 17. Responsibilities of workers in guaranteeing OSH at the workplace**

1. Abide by OSH regulations, rules, procedures and requirements issued by employers or competent state agencies related to their work;
2. Comply with legislation and grasp knowledge and skills on measures to guarantee OSH at the workplace; use and maintain the provided personal protective equipment, OSH facilities at the workplace during the performance of the assigned work/duties.
3. Participate in OSH training before using machinery, equipment, supplies and substances subject to strict requirements for OSH.
4. Prevent direct risks of OSH failure, violations of OSH regulations at the workplace; timely report to responsible persons when detecting occupational accidents, incidents or risks of incidents, occupational accidents or diseases; actively participate in providing rescue, dealing with incidents

and occupational accidents following the incident settlement and emergency rescue plan or at the request of employers or competent state agencies.

#### **Article 18. Control of hazardous factors and toxic factors at the workplace**

1. Employers must evaluate and control hazardous factors and toxic factors at the workplace in order to develop OSH technical measures, take care of workers' health; implement decontamination and sterilization in areas where there are toxic or contaminative elements.

2. Regarding toxic factors which are under restricted contact to minimize their harmfulness to workers' health as regulated by the Minister of Health, employers must provide working environment monitoring to assess toxic factors at least once a year. Organisations performing working environment monitoring must meet requirements for infrastructure, facilities, equipment and manpower.

3. With regard to hazardous factors, employers must control regularly and manage them in accordance with technical requirements to ensure OSH at the workplace and at least once a year organize inspection and assessment of these factor as prescribed by law.

4. Upon the availability of results of the working environment monitoring to assess toxic factors and results of the inspection, assessment and management of hazardous factors at the workplace, employer must:

. a) Publicly inform workers working in areas where the working environment monitoring is conducted and the inspection, assessment and management of hazardous factors are performed;

b) Provide information at the request of trade unions, competent agencies and organisations;

c) Apply measures to address and control hazardous factors, toxic factors at the workplace to ensure OSH, provide health care for workers.

5. The Government shall detail the control of hazardous factors, toxic factors at the workplace and operation conditions for organisations conducting working environment monitoring in conformity with the Law on Investment and the Law on Enterprises.

#### **Article 19. Measures to settle technical incidents causing serious OSH failure and provide emergency rescue**

1. Employers must develop plans to settle technical incidents causing serious OSH failure and provide emergency rescue, and organize drills regularly in accordance with the law; provide technical and medical facilities to guarantee prompt rescue and first aids at the occurrence technical incidents causing serious OSH failure and occupational accidents.

2. Responsibilities for settlement of technical incidents causing serious OSH failure and provision of emergency rescue:

Employers must immediately order the immediate stoppage of the operation of the machinery, equipment, the use of supplies, substances and activities at the workplace which are likely to create occupational accidents, technical incidents causing serious OSH failure; and must not force workers to continue their work or return to their workplace if the risks of occupational accidents which seriously threaten their lives or health have not been corrected; implement corrective measures and other measures in accordance with the plan on settlement of technical incidents causing serious OSH failure, provide emergency rescue to save people, properties, guarantee OSH for workers and people around the workplace, properties and the environment; and timely notify authorities of the locality where the incident or emergency rescue occurs.

b) At the occurrence of a technical incident causing serious OSH failure in a production/business establishment, a locality, employer of the establishment and authority of the locality where the incident occurs shall be responsible for quickly mobilizing manpower, materials and means to settle the incidents timely as prescribed by specialised laws;

c) At the occurrence of a technical incident causing serious OSH failure which is related to various production/business establishments and/or localities, employer of the establishment and authority of the locality where the incident occurs shall be responsible for settling it and reporting to the direct management level as prescribed by specialised laws;

If the incident is beyond the responsiveness of the production/business establishment and/or locality, it must be immediately reported to the direct management level for timely mobilization of support from other production/business establishments and localities to respond to it; mobilized production/business establishments and localities must collaborate and provide emergency support within their capacity and powers.

3. The Government shall detail this Article.

#### **Article 20. Improvement of working conditions and development of safe work culture**

1. Employers must collaborate regularly with the establishment's Trade Union Executive Committee to engage workers in activities to improve working conditions and develop safe work culture at the workplace.

2. Employers are encouraged to apply technical standards, advanced and modern management systems, advanced, high and environment-friendly technologies in their production and business activities to improve working conditions and ensure OSH for workers.

### Section 3

#### LABOUR PROTECTION AND HEALTH CARE FOR WORKERS

##### **Article 21. Health check-up and treatment of occupational diseases for workers**

1. Employers must provide health check-up for workers at least once a year; for workers performing heavy, toxic, hazardous work/occupations or extremely heavy, hazardous, toxic work/occupations, workers with disabilities, minor workers, elderly workers, they must be provided with health check-up at least once every six month.
2. In provision of health check-up as prescribed in Clause 1 of this Article, female workers must get obstetric care, people working in the environment where there are factors likely to cause occupational diseases must receive medical examination for detection of occupational diseases.
3. Employers must organize health check-up for workers before assigning jobs to them and before moving them to heavier, more hazardous, more toxic jobs or after they come back to work from treatment of occupational accidents and diseases, except when there is conclusions of the Medical Assessment Council on the degree of their work ability decrease.
4. Employers must provide health check-up for workers and medical examination for detection of occupational disease at health facilities that meet technical requirements and standards.
5. Employers must take workers who are diagnosed with occupational diseases to health facilities that technical standards for treatment in accordance with the regimens regulated by the Minister of Health.
6. Costs for health check-up, medical examination for detection of occupational diseases, treatment of occupational diseases for workers paid by employers as specified in Clauses 1, 2, 3 and 5 of this Article shall be accounted as deductible expenses upon the determination of taxable incomes according to the Law on Enterprise Income Tax and as recurrent expenditures business in administrative agencies and non-business units with no service activities.

##### **Article 22. Heavy, hazardous and toxic work/occupations**

1. Heavy, hazardous, toxic work/occupations and extremely heavy, hazardous, toxic work/occupations are classified based on the characteristics and working conditions of each work and occupation.
2. The Minister of Labour, Invalids and Social Affairs shall issue the list of heavy, hazardous, toxic work/occupations and extremely heavy, hazardous, toxic work/occupations after consulting the Ministry of Health; regulate criteria for classifying workers by working condition.

3. Employers shall sufficiently implement regulations on labour protection and health care for workers who undertake heavy, hazardous, toxic work/occupations and extremely heavy, hazardous, toxic work/occupations in accordance with the law.

### **Article 23. Personal protective equipment at work**

1. Workers in contact with hazardous factors and toxic factors at work shall be adequately provided by their employers with personal protective equipment and shall use them during the working process.

2. Employers shall take technological, technical measures and equipment to exclude or minimize hazardous factors and toxic factors and improve working conditions.

3. When providing personal protective equipment, employers shall obey the following principles:

a) Ensuring correct types of personal protective equipment, correct beneficiaries, correct quantity with the quality as prescribed by national technical standards and regulations;

b) Not providing money in lieu of personal protective equipment; not requiring workers to buy personal protective equipment by themselves or collecting money from them to buy personal protective equipment;

c) Instructing and monitoring workers in using personal protective equipment;

d) Organizing the implementation of detoxification, sterilization and radioactive decontamination to ensure hygiene for personal protective equipment which has been used in areas at risk of intoxication, infection and radioactive contamination.

4. The Minister of Labour, Invalids and Social Affairs stipulates regulations on provision of personal protective equipment.

### **Article 24. In-kind allowances**

1. Workers in contact with hazardous factors and toxic factors at work shall be provided by their employers with in-kind allowances.

2. Principles for providing in-kind allowances are as follows:

a) Helping increasing the resistance and detoxification of the body;

b) Guaranteeing the convenience and food safety;

c) Implemented during the working shift/day, except for special cases where employers cannot provide in-kind allowances to all eligible workers at the workplace.



3. The Minister of Labour, Invalids and Social Affairs shall stipulate the provision of in-kind allowances

#### **Article 25. Working hours under working conditions with hazardous factors and toxic factors**

1. Employers shall ensure that the duration of contacting with hazardous factors and toxic factors of workers is within the safe limits prescribed by the relevant national technical regulations and related legislation.

2. The working hours of workers undertaking heavy, hazardous and toxic work shall follow provisions of the labour law.

#### **Article 26. Health recuperation**

Employers are encouraged to organize annual health recuperation activities for workers performing heavy, hazardous and toxic work/occupations or extremely heavy, hazardous and toxic work/occupations and workers with poor health conditions.

#### **Article 27. Management of workers' health**

1. Employers must base on the health standards stipulated for each job/occupation and health check-up results to assign relevant jobs to workers.

2. Employers are responsible for establishing and managing occupational health records of workers, health records of victims of occupational diseases; informing workers about results of health check-up, medical examination for detection of occupational diseases; reporting on the health of workers under their management to competent health management agencies annually.

### **Section 4**

#### **MANAGEMENT OF MACHINERY, EQUIPMENT, SUPPLIES AND SUBSTANCES SUBJECT TO STRICT REQUIREMENTS FOR OCCUPATIONAL SAFETY AND HEALTH**

#### **Article 28. Machinery, equipment, supplies and substances subject to strict requirements for OSH**

1. Machinery, equipment, supplies and substances subject to strict requirements for OSH are those which are likely to cause occupational accidents and serious consequences to people's health and life despite appropriate transportation, storage, preservation and usage during the production and working process as instructed by manufacturers.

2. The Minister of Labour, Invalids and Social Affairs shall promulgate the list of machinery, equipment, supplies and substances subject to strict requirements for OSH upon the request of ministries as prescribed in Article 33 of this Law.

**Article 29. Development of OSH schemes when constructing, expanding or renovating works/infrastructure serving the production, use, preservation and storage of machinery, equipment, supplies and substances subject to strict requirements for OSH**

1. The dossiers of investors and employers submitted to competent bodies for approval of construction, expansion or renovation of works and infrastructure serving the production, use, preservation and storage of machineries, equipment, supplies and substances subject to strict requirements for OSH must include OSH schemes for the workplace and the environment.

2. OSH schemes must comprise major contents as follows:

a) Location and scale of the infrastructure and works;

b) A list and description of items in the infrastructure and works;

c) A list and description of hazardous factors, toxic factors; measures to settle technical incidents causing serious OSH failure and provide emergency rescue.

d) Measures to minimize and eliminate hazardous factors and toxic factors; incident settlement and emergency rescue plan.

**Article 30. Use of machinery, equipment, supplies and substances subject to strict OSH requirements**

1. Machinery, equipment and supplies subject to strict OSH requirements must have clear origins, be within expiry date, of good quality and be appraised as prescribed in Clause 1 Article 31 of this Law, unless otherwise stipulated by specialised laws.

2. The use, stoppage and discard of the machinery, equipment, supplies and substances subject to strict OSH requirements must be notified by organisations and individuals to specialised agencies under people's committees of provinces and centrally-run cities (hereafter referred to as provincial level) where such products are used in accordance with the authority prescribed in Clauses 1 and 2 Article 33 of this Law, unless otherwise stipulated by specialised laws.

3. During the operation of the machinery, equipment and supplies subject to strict OSH requirements, organisations and individuals are responsible for conducting periodical check and maintenance, develop and file technical safety records in accordance with the relevant technical regulations.

The use of substances subject to strict OSH requirements must comply with chemical legislation and specialised laws.

**Article 31. Appraisal of machinery, equipment and supplies subject to strict requirements for occupational safety**

1. Machinery, equipment and supplies subject to strict requirements for occupational safety must be appraised before being used and examined periodically during the use by organisations delivering occupational safety appraisal.

2. The appraisal of machinery, equipment and supplies subject to strict requirements for occupational safety must be accurate, open and transparent.

3. The Government shall detail competent authorities which decide the requirements for infrastructure, techniques, order, procedures and dossiers for granting, re-granting, extending or recovering operation licences of organisations delivering occupational safety appraisal; standards for appraisers to meet appraisal demands of service users; performance of appraisal of machinery, equipment and supplies subject to strict requirements for occupational safety.

**Article 32. Rights and obligations of organisations delivering occupational safety appraisal**

1. Organisations delivering occupational safety appraisal shall include public non-business units and providers of occupational safety appraisal services.

2. Organisations delivering occupational safety appraisal shall have the following rights:

- a) Implement appraisal activities under appraisal service contracts;
- b) Deny to provide appraisal services if they fail to meet safety conditions required for the appraisal of machinery, equipment and supplies.

c) Make appeal, complaints, denunciation on acts obstructing appraisal activities;

d) Request organisations and individuals who have appraised objects to provide materials and information to serve appraisal activities;

3. Organisations delivering occupational safety appraisal shall have the following obligations:

a) Provide appraisal services within the scope prescribed in the operation licence for appraisal services;

b) Implement appraisal in accordance with the appraisal process;

c) Take responsibility for appraisal results, pay compensation for damages caused by appraisal activities as prescribed by the law; withdraw the issued appraisal results if finding wrongness;

d) Every year, report to competent specialised management agencies as stipulated in Clauses 1 and 2 Article 33 of this Law and labour state management agencies on appraisal activities performed as stipulated by the law;

dd) File appraisal records;

**Article 33. Responsibilities of ministries in the state management over machinery, equipment, materials, supplies and substances subject to strict requirements for OSH**

1. Ministries are responsible for state management over machinery, equipment, materials, supplies and substances subject to strict requirements for OSH as follows:

a) The Ministry of Health is responsible for state management over machinery, equipment, materials, supplies and substances subject to strict requirements for OSH in relation to foods, pharmaceuticals, vaccines, medical products, cosmetics, materials for producing drugs and drugs for people, household chemicals, pesticides and disinfectants , medical equipment;

b) The Ministry of Agriculture and Rural Development is responsible for state management over machinery, equipment, materials, supplies and substances subject to strict requirements for OSH in relation to crops, livestock, fertilizer, feeder, pesticides, veterinary drugs, biological products used in agriculture, forestry , salt production, fishery, irrigation works, dikes;

c) The Ministry of Transport is responsible for state management over machinery, equipment, materials, supplies and substances subject to strict requirements for OSH in relation to means of transportation, loading/unloading equipment and facilities, transportation services, exploration/exploitation equipment and facilities in the sea, traffic infrastructure;

d) The Ministry of Industry and Trade is responsible for state management over machinery, equipment, materials, supplies and substances subject to strict requirements for OSH in relation to pressure equipment, industrial lifting equipment, chemicals, industrial explosives, mining facilities, oil and gas except for exploration/exploitation equipment and facilities in the sea;

dd) The Ministry of Construction is responsible for state management over machinery, equipment, materials, supplies and substances subject to strict requirements for OSH used in construction;

e) The Ministry of Science and Technology is responsible for state management over nuclear reactors, nuclear materials, source nuclear materials, radioactive materials, radiation equipment;

g) Ministry of Information and Communications is responsible for state management over machinery and equipment used in radio and television;

h) The Ministry of Defense is responsible for state management over military means and equipment, weapons, ammunition, materials and products serving national defense and defense

works;

i) The Ministry of Public Security is responsible for state management over fire fighting equipment, technical equipment, weapons, ammunition, materials, support tools unless otherwise stipulated in Point h of this Clause.

k) The Ministry of Labour, Invalids and Social Affairs is responsible for state management over personal protective equipment for workers, machinery, equipment, materials, supplies and substances subject to strict requirements for OSH which are not prescribed in Points a, b, c, d, dd, e, f, g, h and i of this Clause.

2. Based on the socio-economic development situation and state management requirements, the Ministry of Labour, Invalids and Social Affairs shall be responsible for collaborating with line ministries managing specific sectors/areas in the submission to the Government for decision on assignment of specific agency responsible for the management of new machinery equipment, supplies and substances subject to strict requirements for OSH which are specified in Clause 1 of this Article or machinery, equipment, supplies and substances subject to strict requirements for OSH which are related to the management of many ministries and have not been clearly defined to be managed by which ministries under provisions of Clause 1 of this Article.

3. Based on the authority for state management over machinery, equipment, supplies and substances subject to strict requirements for OSH prescribed in Clauses 1 and 2 of this Article and the List of machinery, equipment, supplies and substances subject to strict requirements for OSH prescribed in Clause 2 Article 28 of this Law, ministries shall:

a) Develop detailed lists of machinery, equipment, supplies and substances subject to strict requirements for OSH under their management and send them to the Ministry of Labour - Invalids and Social Affairs for issuance;

b) Issue the procedures for appraising machinery, equipment, supplies and substances subject to strict requirements for OSH under their management after consultation with the Ministry of Labour - Invalids and Social Affairs;

c) Inspect the performance of appraisal activities under their state management as prescribed in Clauses 1 and 2 of this Article;

d) Annually, send reports to the Ministry of Labour - Invalids and Social Affairs on the management of machinery, equipment, supplies and substances subject to strict requirements for OSH defined in Clauses 1 and 2 of this Article, unless otherwise stipulated by specialised laws.

3. The Ministry of Labour - Invalids and Social Affairs, in collaboration with related ministries, shall take the lead in reviewing the lists of machinery, equipment, supplies and substances subject to strict requirements for OSH to submit to the Government for amendment and supplementation to make them suitable with the socio-economic development, science, technology and management level in each period.

4. The Ministry of Labour - Invalids and Social Affairs, in collaboration with related ministries, shall take the lead in reviewing the lists of machinery, equipment, supplies and substances subject to strict requirements for OSH for amendment and supplementation to make them suitable with the socio-economic development, science, technology and management level in each period.

### CHAPTER III

#### **MEASURES TO SETTLE TECHNICAL INCIDENTS CAUSING OCCUPATIONAL SAFETY AND HEALTH FAILURE, OCCUPATIONAL ACCIDENTS AND DISEASES**

##### **Section 1**

#### **NOTIFICATION, INVENTORY, REPORTING AND INVESTIGATION OF TECHNICAL INCIDENTS CAUSING OCCUPATIONAL SAFETY AND HEALTH FAILURE, OCCUPATIONAL ACCIDENTS AND DISEASES**

##### **Article 34. notification of occupational accidents and technical incidents causing OSH failure**

1. The notification of occupational accidents and technical incidents causing OSH failure shall be done as follows:

a) At the occurrence or at risk of an occupational accident and/or a technical incident causing OSH failure at the workplace, victims of the accident or the witness shall immediately report it to the direct supervisor and/or employer for corrective measures.

b) In case of an accident mentioned in Point a of this Clause where it causes death or injuries to at least 02 workers, the employer shall immediately notify the labour state management agency at provincial level where the accident happens. In case of a fatal occupational accident, s/he shall also notify it to the police agency of the district, town, provincial city, city under a centrally-run city (hereafter referred to as district level).

c) At the occurrence of accidents and incidents in the fields of nuclear power, oil and gas exploration and exploitation, railway, waterway, road, air transportation and in people's armed forces, employers shall be responsible for notification as prescribed by specialised laws:

d) At the occurrence of an occupational accident causing death or injuries to workers without labour contracts, the family of the victim or the witness shall immediately notify it to the People's Committee of the commune, ward, township (hereafter referred to as commune level) where the accident occurs for timely interventions.

In case of an accident where it causes death or injuries to at least 02 workers, the commune people's committee shall notify it to the district police agency and the provincial labour state management agency where the accident occurs for timely interventions.

At the occurrence of a technical incident causing OSH failure related to workers without labour contracts, the witness shall notify it to the people's committee of the commune where the technical incident occurs and the reporting shall follow provisions of Articles 19 and 36 of this Law.

2. Within their responsibilities, competent authorities and organisations shall consider and deal with information on occupational accidents, technical incidents causing OSH failure, inform their interventions at the request of agencies, organisations and individuals notifying such accidents/incidents and apply necessary measures to protect legitimate rights and benefits of informants.

**Article 35. Investigation of occupational accidents, technical incidents causing OSH failure, technical incidents causing serious OSH failure**

1. Employers are responsible for setting up an investigation team within their establishment to investigate occupational accidents causing minor injuries or serious injuries to a worker under their management, except where it has been investigated as stipulated in Clauses 2 and 3 of this Article or in case of occupational accidents investigated by competent state agencies as prescribed by specialised laws.

The composition of the establishment's investigation team for occupational accidents shall include the employer or the person authorised by the employer in writing as the team leader, and representatives of the establishment's Trade Union Executive Committee or representatives of workers – in case the establishment has no Trade Union Executive Committee, OSH officers, health workers and some other members as team members.

In case of an occupational accident causing serious injuries to a worker without a labour contract, the people's committee of the commune where the accident occurs shall make minutes of the accident and report it to the people's committee of the district where the accident occurs.

2. Provincial labour state management agencies shall be responsible for setting up provincial investigation teams to investigate occupational accidents causing deaths and/or serious injuries to at least 2 workers, including those without labour contracts, unless otherwise specified in Clause 4

of this Article; re-investigate occupational accidents which are already investigated by the establishment's investigation team in case there are complaints, denunciations or if necessary. The composition of a provincial investigation team for occupational accidents shall include a representative of specialised OSH inspectors from the provincial state management agency as the team leader, representatives from the provincial Department of Health , provincial Labour Federation and some other members as team members.

3. The Minister of Labour, Invalids and Social Affairs or competent state agencies shall set up investigation teams at central level to investigate occupational accidents which are considered of serious nature or the complexity of the investigation of such occupational accidents goes beyond the capacity of provincial investigation teams; re-investigate occupational accidents which are already investigated by provincial investigation teams.

The composition of a central investigation team for occupational accidents shall include representatives of the Ministry of Labour, Invalids and Social Affairs, Ministry of Health, Vietnam General Confederation of Labour and some other members.

4. Regarding accidents and incidents specified in point c Clause 1 Article 34 of this Law, the investigation shall be conducted in accordance with provisions of specialised laws, labour law and in collaboration with OSH inspectors.

5. Employers and individuals related to occupational accidents and/or technical incidents causing OSH failure or serious OSH failure must cooperate with investigation teams, provide all involved information and not refuse or hinder the investigation process. For accidents occurring when workers are going to/coming back from the workplace, competent state agencies shall be responsible for providing investigation teams with the following documents:

- a) Minutes of the scene inspection and diagram of the scene of accidents;
- b) Investigation minutes of traffic accidents;
- c) In case the documents defined in Points a and b of this Clause, a written confirmation of the accident must be issued by the police agency of the commune, ward, town where the accident occurs at the request of workers or their family.

6. The duration of the investigation of occupational accidents by establishment's investigation teams, provincial and central investigation teams specified in Clauses 1, 2 and 3 of this Article shall be calculated from the receipt of information on or notification of the occupational accident to the release of the minutes of occupational accident investigation, specifically:

- a) Maximum 04 days for an occupational accident causing minor injuries to workers;
- b) Maximum 07 days for an occupational accidents causing serious injuries to a worker;



- c) Maximum 20 days for an occupational accidents causing serious injuries to at least 2 workers;
- d) Maximum 30 days for a fatal occupational accident; maximum 60 days for an occupational accidents requiring technical assessment or forensic examination. In case of occupational accidents with signs of criminal investigated by investigation agencies but then decided not to be prosecuted, the investigation duration shall be calculated since all documentation, objects and means related to the accident are received by the investigation team for occupational accidents.

For occupational accidents prescribed in Points b, c and d of this Clause with complicated progress, investigation duration may be extended once but the extended time shall not exceed the time limit prescribed in these Points; the investigation team leader shall have to propose the extension and get approval of the person who decides the establishment of the investigation team for the occupational accidents prescribed in Points b, c and d of this Clause.

7. During the inspection of occupational accidents prescribed in Clauses 1, 2 and 3 of this Article, if any signs of criminal are found, the investigation team shall send a written report and related documentation, objects and means (if any) to investigation agencies for consideration and prosecution as prescribed by legislation on criminal proceedings.

The time limit for handling prosecution recommendations shall comply with legislation on criminal proceedings; in case the investigation agency decide not to prosecute the case, within 05 days since the decision of not prosecuting the case is made, the investigation agency shall provide and transfer related documentation, objects and means related to the occupational accident to the investigation team for occupational accidents.

8. Minutes of occupational accident investigation must be made public at a meeting chaired by the investigation team leader and participated by members of the investigation team for occupational accidents, the employer or person authorised by the employer in writing, trade union representatives, victims or their family, witness, people involved in the accident; in case of a fatal occupational accident, the meeting shall also be participated by representatives of the police agency and the People's Procuracy of the same level.

Minutes of occupational accident investigation and minutes of the meeting to announce the minutes of occupational accident investigation must be sent to host agencies of investigation team members, labour state management agencies, employer of the establishment where the occupational accident occurs, victims of the accident or their family.

9. Responsibilities for announcing minutes of occupational accident investigation and other necessary information related to occupational accidents are as follows:

- a) Employer shall announce information if the investigation of occupational accidents defined in Clause 1 of this Article is organized by them; Commune People's Committees shall announce information if minutes of occupational accidents are prepared by them;
- b) Leaders of investigation teams for occupational accidents or state agencies in charge of investigating occupational accidents defined in Clauses 2 and 3 of this Article shall announce information;
- c) Leaders of investigation teams for occupational accidents or state agencies in charge of investigating occupational accidents shall announce information, unless otherwise stipulated by specialised laws;

After receiving the minutes of occupational accident investigation and minutes of the meeting to announce the minutes of occupational accident investigation, employers must make them public to workers of their establishment; in case of occupational accidents happening to workers without labour contracts, commune people's committees must make them public to people;

- d) Investigation team leader or state agencies in charge of investigating occupational accidents and incidents defined in Clause 4 of this Article, technical incidents causing OSH failure or serious OSH failure shall be responsible for announcing investigation minutes and other related necessary information after the expiry of the investigation duration, unless otherwise stipulated by specialised laws.

10. Where the investigation of occupational accidents, technical incidents causing OSH failure or serious OSH failure defined in this Article exceeds the time limit causing damage to legitimate rights and benefits of workers, employer shall pay compensation as prescribed by the law.

11. The Government shall detail the classification, notification, investigation and reporting of occupational accidents, technical incidents causing OSH failure or serious OSH failure and compensation for victims of occupational accidents which are subject to prosecution decision.

**Article 36. Inventory and reporting on occupational accidents, technical incidents causing serious OSH failure**

1. Employers shall inventory and report occupational accidents and technical incidents causing serious OSH failure happening within their establishment to provincial labour state management agencies biannually and annually, unless otherwise stipulated by specialised laws.

2. Commune People's Committees shall inventory and report occupational accidents and technical incidents causing serious OSH failure related to workers without labour contracts defined in Point d Clause 1 Article 34 of this Article to District People's Committees biannually and annually; report to provincial labour state management agencies.

3. Provincial labour state management agencies shall report occupational accidents and technical incidents causing serious OSH failure which have been inventoried and reported as prescribed in Clauses 1 and 2 of this Article to the Ministry of Labour, Invalids and Social Affairs, specifically:

a) Submitting immediate reports on fatal occupational accidents and technical incidents causing serious OSH failure occurring in the locality;

b) Submitting biannual and annual reports on occupational accidents, technical incidents causing serious OSH failure and OSH activities in the locality.

4. On a biannual and annual basis, the Ministry of Health shall inventory occupational accidents where victims receive medical examination and treatment at health facilities and send reports to the Ministry of Labour, Invalids and Social Affairs.

5. The Ministry of Labour, Invalids and Social Affairs shall organize and guide the collection, storage, aggregation, provision, publication and assessment of data on occupational accidents, technical incidents causing serious OSH failure; organize the development and management of a database on occupational safety nationwide.

#### **Article 37. Inventory and reporting on occupational diseases**

1. All cases of occupational diseases shall be documented and reported as stipulated by the Minister of Health.

The list of occupational diseases shall be issued by the Minister of after consulting the Ministry of Labour, Invalids and Social Affairs, Vietnam General Confederation of Labour, representative organisations of employers, related social organisations and shall be reviews for amendment and supplementation to make them suit the changes to the working environment, equipment and technologies.

2. Every year, employers shall submit reports and statistics on the prevention and control of occupational diseases to provincial health state management agencies for reporting to the Ministry of Health.

3. Every year, the Ministry of Health shall send a report and statistics on the situation of occupational diseases, prevention and control of occupational diseases to the Ministry of Labour, Invalid and Social Affairs for reporting to the Prime Minister.

4. The Ministry of Health shall organize and guide the collection, storage, aggregation, provision, publication and assessment of data on occupational diseases; organize the development and management of a database on prevention and control of occupational diseases; organize the investigation of occupational diseases.

## Section 2

### **RESPONSIBILITIES OF EMPLOYERS FOR VICTIMS OF OCCUPATIONAL ACCIDENTS AND DISEASES**

#### **Article 38. Responsibilities of employers for victims of occupational accidents and diseases**

Employers shall have the following responsibilities for victims of occupational accidents and diseases:

1. Timely conduct first aid and emergency care for workers suffering from occupational accidents, advance the costs for first aid, emergency care and treatment for victims of occupational accidents and diseases.
2. Pay all medical expenses incurred, from first aid to completion of the medical treatment, for victims of occupational accidents and diseases as follows:
  - a) Accomplish co-payment responsibility and pay the full costs of services which are not covered by health insurance workers who participate in the health insurance scheme;
  - b) Pay costs for medical assessment for determination of the degree of work ability decrease for workers whose work ability is decided to be decreased by <5% and who are sent by the employer to a Medical Assessment Council for medical assessment to determine the degree of work ability decrease;
  - c) Where workers are not covered by the health insurance scheme, the employer shall pay all medical expenses incurred.
3. Pay full wage to the workers who suffer from occupational accidents and diseases during the leave for medical treatment and vocational rehabilitation period.
4. Compensate for workers who suffer from occupational accidents which are not entirely caused by their faults and those who suffer from occupational diseases as follows:
  - a) At least 1.5 months' wages in case the worker's work ability is reduced by 5.0%-10%. For every additional 1.0%, the worker shall receive an additional of 0.4 months' wages in accordance with the labour contract; this applies to cases where the worker's work ability is reduced by 11%- 80%.
  - b) At least 30 months' wages in case the worker's work ability is reduced by at least 81% or for family members of the worker who dies of occupational accidents and diseases.
5. In case an occupational accident occurs due to the faults of the worker, s/he shall receive an allowance equal to at least 40% of the amount prescribed in Clause 4 of this Article corresponding to the decrease of his/her work ability.

6. Send workers who suffer from occupational accidents and diseases to medical assessment for determining the degree of work ability decrease so that they can benefit from medical treatment, health recuperation and vocational rehabilitation as stipulated by the law.
7. Provide compensation and allowance for victims of occupational accidents and diseases within 05 days from the issuance of conclusions by the Medical Assessment Council on the degree of work ability decrease or from the announcement of the minutes of occupational accident investigation by the occupational accident investigation team in case of fatal occupational accidents;
8. Assign appropriate work to workers who suffer from occupational accidents and diseases after they come back from medical treatment and vocational rehabilitation (in case they continue to work) based on conclusions of the Medical Assessment Council.
9. Prepare dossiers for workers to receive compensation for occupational accidents and diseases from the Insurance Fund for Occupational Accidents and Diseases as prescribed in Section 3 of this Chapter.
10. The wages which serve as a basis for payment of compensation, allowances, wages paid to workers retiring as a consequence of occupational accidents and diseases specified in Clauses 3, 4 and 5 of this Article include wage rate, allowances and other additional payment stipulated by the labour law.
11. The Ministry of Labour, Invalids and Social Affairs shall detail Clauses 3, 4 and 5 of this Article.

**Article 39. Responsibilities of employers for compensation and allowances in special cases of occupational accidents**

1. In case a worker gets an occupational accident when s/he performing tasks or following the direction of the employer outside the venue of their agency, enterprise, organisation, cooperative, if the accident is caused by other persons or it is unable to identify who causes the accident, the employer shall have to pay compensation to the worker in accordance with clause 4 Article 38 of this Law.
2. In case a worker gets an occupational accident when s/he is going to/coming back from the workplace within a reasonable time and route, if the accident is caused by other persons or it is unable to identify who causes the accident, the employer shall have to pay compensation to the worker in accordance with Clause 5 Article 38 of this Law.
3. In case the employer has bought accident insurance for victims of occupational accidents from insurance service providers, these victims are entitled to compensation and payment under the

contracts signed with the insurance service providers. If the amount paid by the insurance service providers for victims of occupational accidents is lower than that defined in Clauses 4 and 5 Article 38 of this Law, the employer must pay the difference so that the total amount received by victims of occupational accidents or their family is at least equal to the compensation and allowances provided for in Clauses 4 and 5 Article 38 of this Law.

4. If the employer does not pay insurance premium for workers who are compulsory participants to social insurance as stipulated by the Law on Social Insurance, when such workers get occupational accidents and diseases, in addition to the compensation and allowances prescribed in Article 38 of this Law the employer shall also pay them an amount equal to the compensation for occupational accidents and diseases as stipulated in Section 3 of this Chapter. The payment shall be made in lump-sum or annually as agreed by involved parties; in case no agreement is reached, such payment will be made as requested by workers.

5. The Minister of Labour, Invalids and Social Affairs shall detail this Article.

#### **Article 40 Circumstances where workers are not entitled to allowances for occupational accidents from the employer**

1. Victims of occupational accidents shall not be entitled to allowances from the employer as prescribed in Articles 38 and 39 of this Law in the following cases:

- a) The accident is caused due to personal conflicts between the victim(s) and the perpetrator(s) and has no relation to the implementation of any work/tasks;
- b) The accident is caused as a consequence of deliberate acts of the victim(s);
- c) The accident is caused as a consequence of the illegal use of drugs and other narcotics.

2. The Minister of Labour, Invalids and Social Affairs shall detail this Article.

### **Section 3**

#### **INSURANCE COMPENSATION FOR OCCUPATIONAL ACCIDENTS AND DISEASES**

#### **Article 41. Principles of providing insurance compensation for victims of occupational accidents and diseases from the Insurance Fund for Occupational Accidents and Diseases**

1. The Insurance Fund for Occupational Accidents and Diseases is a component of the Social Insurance Fund; the payment of premium to, benefits from and management of this fund shall be done in accordance with this Law and the Law on Social Insurance.

2. The insurance premium for occupational accidents and diseases is calculated based on workers' monthly wages and is paid by employers.

3. The compensation rate and allowances for victims of occupational accidents and diseases are calculated based on the degree of work ability decrease, insurance premium and duration of paying insurance premium to the Fund.

4. The provision of compensation for participants to the Insurance Fund for Occupational Accidents and Diseases must be conducted in a simple, convenient, timely way and must guarantee all workers' rights and benefits.

#### **Article 42. Use of the Insurance Fund for Occupational Accidents and Diseases**

1. Payment of costs for medical assessment of injuries and illnesses caused by occupational accidents and diseases for eligible cases defined in Articles 45 and 46 of this Law; payment of costs for medical assessment in case workers actively get medical assessment for determination of the degree of work ability decrease as stipulated in Point b Clause 1 and Clause 3 of Article 47 of this Law with the assessment results showing that such workers are eligible for increased compensation for occupational accidents and diseases.

2. Lump-sum allowances; monthly allowances; service allowances

3. Costs for assistive and orthopaedic devices

4. Costs for rest and recovery.

5. Costs for preventing and sharing risks of occupational accidents and diseases.

6. Costs to support victims of occupational accidents and diseases to change work/occupations when they return to work.

7. Management costs for occupational accident and disease insurance as stipulated by the Law on Social Insurance.

8. Payment of health insurance premium for victims of occupational accidents and diseases who stop working and benefit from monthly allowances.

#### **Article 43. Subjects entitled to insurance compensation for occupational accidents and diseases**

1. Subjects entitled to compensation for occupational accidents and diseases prescribed in this Clause are workers who participate in the compulsory social insurance scheme defined in Points a, b, c, d, dd, e and h Clause 1 Article 2 and employers defined in Clause 3 Article 2 of the Law on Social Insurance.

2. Where a worker signs labour contracts with many employers, employers must pay workers' insurance premium for occupational accidents and diseases under each labour contract if the

worker is subject to compulsory social insurance. If the worker get occupational accidents or diseases, the s/he shall benefit from insurance compensation for occupational accidents and diseases in accordance with the principles for premium payment and compensation stipulated by the Government.

#### **Article 44. Premium rate and sources for forming the Insurance Fund for Occupational Accidents and Diseases**

1. Every month employers shall pay an amount equal to maximum 1% of the wage fund used as the basis for payment of social insurance premium for workers prescribed in Article 43 of this Law to the Insurance Fund for Occupational Accidents and Diseases.

2. The Insurance Fund for Occupational Accidents and Diseases is formed by the following sources:

- a) Employers' contributions as prescribed in Clause 1 of this Article;
- b) Profits from investment activities implemented by the Fund as stipulated in Articles 90 and 91 of the Law on Social Insurance;
- c) Other lawful revenues.

3. Based on the ability to balance the Insurance Fund for Occupational Accidents and Diseases, the Government shall detail the rate of premium to be paid to the Fund specified in Clause 1 of this Article.

#### **Article 45. Conditions for receiving compensation for occupational accidents**

Workers participating in occupational accident and disease insurance are entitled to compensation for occupational accidents if they meet the following conditions:

1. Getting the accident in the following cases:
  - a) At the workplace and during working hours, even when they are doing personal activities at the workplace and during working hours allowed by the Labour Code and regulations of their production/business establishment, including breaks between working hours, meals between shifts, in-kind meals, menstruation breaks, shower time, breast-feeding time, toilet use;
  - b) Outside the workplace or out of working hours while performing a task requested by the employer or the person authorised by the employer in writing;
  - c) On the way going to/coming back from the workplace within a reasonable time and route.
2. Having their work ability decreased by at least 5% as a consequence of the accident prescribed in Clause 1 of this Article.
3. Workers shall not be entitled to compensation paid by the Insurance Fund for Occupational



Accidents and Diseases if they fall into one of the cases specified in Clause 1 Article 40 of this Law.

#### **Article 46. Conditions for receiving compensation for occupational diseases**

1. Workers participating in occupational accident and disease insurance are entitled to compensation for occupational diseases if they meet the following conditions:

a) Suffer from occupational diseases included in the list of occupational diseases issued by the Minister of as prescribed in Clause 1 Article 37 of this Law;

b) Have their work ability decreased by at least 5% caused by the disease(s) prescribed in Point a of this Clause.

2. After retiring or no longer working in the jobs/occupations at risk of the occupational diseases included in the list of occupational diseases issued by the Minister of as prescribed in Clause 1 Article 37 of this Law, if workers detect that they get occupational diseases within the time stipulated, medical assessment for consideration of compensation shall be performed as stipulated by the Government.

#### **Article 47. Assessment of the degree of work ability decrease**

1. Victims of occupational accidents and diseases shall be examined/re-examined to determine the degree of work ability decrease in the following cases:

a) After completing treatment for injuries and diseases for the first time and still getting effect on their health;

b) After completing treatment for relapsed injuries and diseases.

c) In case of injuries or occupational diseases that cannot be fully recovered as prescribed by the Minister of Health, workers can go through medical assessment procedures prior to or during the treatment process.

2. Workers shall receive a total assessment to determine the degree of work ability decrease in the following cases:

a) Suffering from both occupational accidents and diseases;

b) Getting occupational accidents many times;

c) Getting numerous occupational diseases.

3. Workers specified in Point Clause 1 of this Article are entitled to medical re-assessment for occupational accidents and disease after 24 months from the issuance of preceding conclusions of

the Medical Assessment Council on the degree of work ability decrease; in case workers get occupational diseases that reduce their health rapidly, the medical assessment shall be done earlier as prescribed by the Minister of Health.

#### **Article 48. Lump-sum allowance**

1. Worker whose work ability is decreased by 5%-30% shall be entitled a to lump-sum allowance.
2. The rate of lump-sum allowance is as follows:
  - a) Workers whose work ability is decreased by 5% shall be entitled to an allowance equal to 5 times of the basic wage rate, for every additional 1.0% they shall receive an additional of 0.5 times of the basic wage rate;
  - b) In addition to the allowance prescribed in Point a of this Clause, workers shall be entitled to an additional allowance calculated by the number of years of premium payment into the Insurance Fund for Occupational Accidents and Diseases, if it is less than one year the allowance shall be equal to 0.5 months' wage on which the premium is based, for every additional year of premium payment into the Fund they will get an additional of 0.3 months' wage paid to the Fund of the month preceding the month when they get occupational accidents or are diagnosed with occupational diseases; in cases workers get occupational accidents during the first months paying premium to the Fund or coming back from work from an intermittent working period, the wage used for calculating this allowance is the wage of that month.
3. The Minister of Labour, Invalids and Social Affairs shall detail the calculation of compensation for occupational accidents and diseases in case workers benefit from another compensation rate following results of medical re-assessment and/or total assessment.

#### **Article 49. Monthly allowance**

1. Workers whose work ability is decreased by at least 31% shall receive a monthly allowance.
2. The monthly allowance is regulated as follows:
  - a) If the work ability is decreased by 31%, the allowance shall be equal to 30% of the basic wage rate, for every additional 1% of work ability decrease workers shall receive an additional of 2% of the basic wage rate;
  - b) In addition to the allowance prescribed in Point a of this Clause, workers shall be entitled to an additional allowance calculated by the number of years of premium payment into the Insurance Fund for Occupational Accidents and Diseases, if it is less than one year the allowance shall be equal to 0.5 months' wage on which the premium is based, for every additional year of premium payment into the Fund they will get an additional of 0.3 months' wage paid to the Fund of the

month preceding the month when they get occupational accidents or are diagnosed with occupational diseases; in cases workers get occupational accidents during the first months paying premium to the Fund or coming back from work from an intermittent working period, the wage used for calculating this allowance is the wage of that month.

3. The suspension, continuation of payment of monthly allowance and service allowance for occupational accidents and diseases shall be implemented in accordance with Article 64 of the Law on Social Insurance; dossiers for and order of settling the continuation of payment of monthly allowance for occupational accidents and diseases shall comply with provisions of Articles 113 and 114 of the Law on Social Insurance. In case of suspension of compensation as prescribed in Point c Clause 1 of Article 64 of the Law on Social Insurance, social insurance agencies shall inform in writing and state the reasons; the decision to terminate compensation must be based on conclusions and decisions of competent state agencies.

4. When beneficiaries of monthly allowance for occupational accidents move to another living place in the country and wish to receive the allowance in their new place of residence, they must send an application to the existing social insurance agency providing allowance to them. Within 05 days from the receipt of the application, the social insurance agency shall have to address it; in case they do not approve the application, they must reply in writing and stating the reason.

5. When beneficiaries of monthly allowance for occupational accidents and diseases move to another country for living, they will be provided with lump-sum allowance; the amount of the lump-sum allowance shall be equal to 03 months of the existing monthly allowance. The dossiers for and order of settling lump-sum allowance shall comply with provisions of Clauses 2 and 3 Article 109 and Clause 4 Article 110 of the Law on Social Insurance.

6. The rates of monthly allowance and service for occupational accidents and diseases shall be adjusted according to provisions of the Law on Social Insurance.

#### **Article 51. Period for receiving allowances**

1. The period for receiving the allowances prescribed in Articles 48, 49 and 52 of this Law shall start from the month workers complete medical treatment and are discharged from hospitals or from the month when conclusions of the Medical Assessment Council are released in case workers do not get inpatient treatment; if workers receive a total assessment to determine the degree of work ability decrease as stipulated in Clause 2 Article 47 of this Law, the period for receiving allowances shall be calculated from the month they complete medical treatment and are discharged from hospitals for the last occupational accident and/or disease or from the month when

conclusions of the Medical Assessment Council are released in case workers do not get inpatient treatment.

2. In case workers get occupational accidents and diseases but cannot determine when they shall complete medical treatment and are discharged from hospitals, the period for receiving allowances for occupational accidents and diseases shall be calculated from the month when conclusions of the Medical Assessment Council are released; in case workers contract HIV / AIDS due to occupational accidents, the period for receiving allowances shall be calculated from the month they are granted with a document certifying that they contract HIV/AIDS due to occupational accidents.

3. In case workers get medical assessment for determination of the degree of labour ability decrease as defined in Point b Clauses 1 and 2 of Article 47 of this Law, the period for receiving new allowances shall be calculated from the month when conclusions of the Medical Assessment Council are released.

#### **Article 51. Assistive and orthopaedic devices**

1. Victims of occupational accidents and diseases which cause injuries to the body functions shall be provided with money for buying assistive and orthopaedic devices for a period of time based on the seriousness of the injuries and diseases and as prescribed by health, orthopaedic and rehabilitation facilities to guarantee professional and technical requirements and conditions.

2. The Minister of Labour, Invalids and Social Affairs shall detail types of assistive and orthopaedic devices, the duration and the amount of money spent on purchasing assistive and orthopaedic devices, dossiers for and order of implementation.

#### **Article 52. Service allowance**

Workers whose work ability is decreases by at least 81% with paralysis of the spinal cord, blindness in both eyes, amputation or paralysis of two arms/legs or psychiatric diseases shall be entitled to a monthly service allowance equal to the basic wage rate in addition to the allowance prescribed in Article 49 of this Law.

#### **Article 53. Lump-sum allowance for workers dying of occupational accidents and diseases**

Families of workers shall be provided with a lump-sum allowance equal to 36 times of the basic wage rate in the month workers die and death benefit as stipulated by the Law on Social Insurance in the following cases:

1. Workers die of occupational accidents and diseases during the working process;
2. Workers die of occupational accidents and diseases during the first medical treatment;

3. Workers die during the medical treatment of injuries and diseases before they receive medical assessment for determination of the degree of work ability decrease. Dossiers for receipt of death benefit in case workers die from occupational accidents and diseases shall comply with provisions of Clause 1 Article 111 of the Law on Social Insurance.

#### **Article 54. Rest and recovery after medical treatment of injuries and diseases**

1. After completing treatment for injuries caused by occupational accidents or illnesses caused by occupational diseases, within the first 30 days back to work, workers who are not fully recovered shall be entitled to a rest for 5-10 days for each time getting occupational accident and disease.

In case workers do not receive conclusions on the degree of work ability decrease from the Medical Assessment Council within the first 30 days back to work, they shall still enjoy rest and recovery applicable to workers after treatment of injuries or diseases as defined in Clause 2 of this Article if the Medical Assessment Council concludes the degree of work ability decrease of theirs is eligible for insurance compensation for occupational accidents and diseases.

2. The number of days for rest and recovery prescribed in Clause 1 of this Article shall be regulated by the employer and the establishment's Trade Union Executive Committee. In case the establishment has no Trade Union, it shall be decided by the employer only. The time for rest and recovery is stipulated as follows:

- a) Maximum 10 days for victims of occupational accidents and diseases whose work ability is decreased by at least 51%;
- b) Maximum 07 days for victims of occupational accidents and diseases whose work ability is decreased by 31%-50%;
- c) Maximum 05 days for victims of occupational accidents and diseases whose work ability is decreased by 15%-30%.

3. Workers prescribed in Clause 1 of this Article shall receive a daily allowance equal to 30% of the basic wage rate.

#### **Article 55. Support for victims of occupational accidents and diseases to change occupations when they return to work**

1. Where victims of occupational accidents and diseases are assigned by the employer with new work as prescribed in Clause 8 Article 38 of this Law and the new work requires training, such workers are entitled to financial support to cover the tuition fee.

2. The financial support shall not exceed 50% of the total tuition fee and 15 times of the basic wage rate; and shall not be for more than twice per worker. Each year workers can receive this kind of financial support once.

**Article 56. Support for the prevention and sharing of risks of occupational accidents and diseases**

1. Annually, the Insurance Fund for Occupational Accidents and Diseases shall reserve maximum 10% of its revenue to support the prevention and sharing of risks of occupational accidents and diseases.

2. Activities relating to the prevention and sharing of risks of occupational accidents and diseases to be supported comprise:

a) Health check-up and medical treatment of occupational diseases;

b) Vocational rehabilitation;

c) Re-investigation of occupational accidents and diseases at the request of social insurance agencies;

d) OSH training for participants to occupational accident and disease insurance scheme and those specified in Clauses 1 and 2 Article 14 of this Law.

3. Support for activities defined in Points a and b Clause of this Article does not include expenses paid by the Health Insurance Fund in accordance with the Law on Health Insurance or expenses paid by employers as prescribed in Clause 2 Article 38 of this Law.

4. The Government shall detail conditions for support, required dossier, the rate of financial support, duration, order, procedures, competent agencies deciding the support, organisation of the provision of financial support as stipulated in Articles 55 and 56 of this Law in a way that ensures the balance of the Insurance Fund for Occupational Accidents and Diseases.

**Article 57. Dossier for receiving occupational accident allowances**

1. Social insurance book.

2. Hospital discharge sheet or a copy of the medical record after the completion of inpatient treatment for occupational accidents

3. Minutes of the Medical Assessment Council concluding the degree of work ability decrease.

4. Request for compensation for the occupational accident in the template issued by Vietnam Social Security after consulting the Ministry of Labour, Invalids and Social Affairs.

#### **Article 58. Dossier for receiving occupational disease allowances**

1. Social insurance book.
2. Hospital discharge sheet or a copy of the medical record after the completion of treatment for occupational diseases; in case workers do not get inpatient treatment at health facilities, they must show an occupational disease examination sheet.
3. Minutes of the Medical Assessment Council concluding the degree of work ability decrease; in case workers contract HIV/AIDS due to occupational accidents, they must show the document certifying that they contract HIV/AIDS due to occupational accidents instead.
4. Request for compensation for the occupational disease in the template issued by Vietnam Social Security after consulting the Ministry of Labour, Invalids and Social Affairs.

#### **Article 59. Settlement of insurance compensation for occupational accidents and diseases**

1. Employers shall submit dossiers to social insurance agencies within 30 days since the receipt of requests for compensation for occupational accidents and diseases as stipulated in Articles 57 and 58 of this Law.
3. Within 10 working days since the date of receiving eligible dossiers, social insurance agencies shall be responsible for settling insurance compensation for occupational accidents and diseases; in case of refusal, a written response must be provided which clearly mentions the reasons thereof.

#### **Article 60. Settlement of rest and recovery allowances after occupational accidents and diseases**

1. Employers shall make a list of workers who have received insurance compensation for occupational accidents and diseases but are not fully recovered and submit it to social insurance agencies within 10 days since the date workers are determined as not fully recovered as stipulated in Clause 1 Article 54 of this Law.
2. Within 10 working days since the date of receiving the list, social insurance agencies shall be responsible for settling rest and recovery allowances for workers and transferring money to their establishment; in case of refusal, a written response must be provided which clearly mentions the reasons thereof.
3. Within 05 working days since the date of receiving money from social insurance agencies, employers are responsible for paying the allowances to the workers.

#### **Article 61. Late settlement of insurance compensation for occupational accidents and diseases**

1. In case the settlement of insurance compensation for occupational accidents and diseases is not

done within the time prescribed in Article 59 and Clause 1 Article 60 of this Law, a written document must be issued specifying the reason.

2. In case of late settlement of insurance compensation for occupational accidents and diseases and late payment of allowances causing damage to the legitimate rights and benefits beneficiaries, compensation must be given as stipulated by the law, unless the late settlement is due to the faults of the victims or families of dead workers.

**Article 62. Dossiers for and order of medical assessment to determine the degree of work ability decrease for settling insurance compensation for occupational accidents and diseases**

1. Dossiers and order of medical assessment to determine the degree of work ability decrease for compensation shall be regulated by the Minister of Health.

2. The medical assessment to determine the degree of work ability decrease must be done accurately, publicly and transparently. The Medical Assessment Council is responsible for the accuracy of the assessment results in accordance with the law.

#### CHAPTER IV

### **GUARANTEE OF OCCUPATIONAL SAFETY AND HEALTH FOR SPECIAL WORKERS**

**Article 63. OSH for female workers, minor workers and workers with disabilities**

Regulations on OSH for female workers, minor workers and workers with disabilities shall comply with provisions of the Labour Code, the Law on People with Disabilities and this Law.

**Article 64. Conditions for employment of elderly workers to do heavy, toxic or hazardous work**

1. An employer shall only employ an elderly worker to do heavy, toxic and hazardous work or extremely heavy, toxic and hazardous work that adversely affects his/her health when the following conditions are fully met:

a) The elderly worker is experienced, obtains highly qualified occupational skills with at least 15 full working years; is granted with a vocational certificate or acknowledged as artisan in accordance with the law;

b) The elderly worker has sufficient health to do heavy, toxic and hazardous work in line with the health standards issued by the Minister of Health after consulting line ministries;

c) The employment shall take place for no more than 05 years per elderly worker;



d) The elderly worker must work together with at least another worker who is not elderly.

dd) The elderly worker works on a voluntary basis

2. The Government shall detail this Article.

### **Article 65. OSH in case of outsourcing**

1. An outsourcee shall have the following responsibilities:

a) Negotiate with the outsourcer on the guarantee of lawful OSH rights and interests of the outsourced workers, which should not be less than those of the outsourcer's workers who have the same qualification, do the same jobs or do jobs of the same value; include these contents in the outsourcing contract and implement obligations of the employer as prescribed by the Labour Code and this Law.

b) Collaborate with the outsourcer and check if the outsourcer guarantees OSH for outsourced workers. In case the outsourcer fails to implement their commitments on OSH implementation stated in the signed outsourcing contract, the outsourcee shall be responsible for guaranteeing all rights and benefits of outsourced workers.

c) Archive OSH records related to outsourced workers; make reports on occupational accidents and diseases as prescribed in Articles 36 and 37 of this Law.

2. An outsourcer shall have the following responsibilities:

a) Fully implement commitments in the outsourcing contract; guarantee OSH for outsourced workers and have no discriminative treatment towards them compared to the treatment with the in-house workers;

b) When an outsourced worker suffers from an occupational accident or a technical incident causing OSH failure, the outsourcer must promptly conduct first aid and emergency care for the victim, at the same time inform the outsourcee and notify, inspect the case as prescribed in Articles 34 and 35 of this Law;

c) Organize OSH training for outsourced workers as prescribed by this Law, except the case that the outsourcee has provided appropriate training for outsourced workers in the jobs they are assigned; collect data on occupational accidents and diseases of outsourced workers biannually and annually and send them to the outsourcee;

d) Collaborate with the outsourcee in investigating occupational accidents, archive OSH records related to outsourced workers.

3. Outsourced workers must obey OSH regulations, procedures and measures issued by the

outsourcer.

4. The Government shall detail OSH in case of outsourcing; responsibilities of outsourcees and outsourcers for outsourced workers, guarantee of legitimate rights and benefits of outsourced workers to be in line with provisions of the Labour Code and this Law.

**Article 66. OSH at a workplace with workers of many employers**

At a workplace where there are many workers under different employers working together, investors or project owners must create conditions for these employers to develop a document together which clearly specifies the OSH responsibility of each employer and assign staff to collaborate with others in OSH examination.

**Article 67. OSH for Vietnamese workers overseas**

1. Vietnamese workers assigned to work overseas prescribed in this Article comprise those who are assigned by their employers to undertake work overseas and those working overseas under contracts as defined by the Law on Vietnamese Workers Working Overseas under Contracts.

2. Employers must obey OSH regulations of foreign countries and comply with the following principles:

a) Guarantee the full implementation of OSH measures, insurance compensation for occupational accidents and diseases, obligations of employers for workers as prescribed in this Law; in case regulations of foreign countries are more beneficial to workers, such regulations shall apply;

b) Collaborate with competent bodies of foreign countries in investigating occupational accidents and diseases;

c) Concerning fatal occupational accidents and serious ones, dossiers and materials related to the occupational accidents must be provided to OSH inspectors at provincial level in Vietnam where the headquarters of employers are located.

3. Vietnamese workers working overseas must obey Vietnam's laws and the laws of foreign countries unless otherwise stipulated by international conventions/agreements to which the Socialist Republic of Vietnam is a signatory.

**Article 68. OSH for domestic workers**

1. Employers are responsible for guiding domestic workers on the use of machinery, facilities and utensils, fire-fighting equipment in family which are to serve their domestic work; implementing other mechanisms to guarantee OSH for domestic workers.

2. Domestic workers are responsible for complying with the instruction on usage of machinery, utensils, facilities and fire-fighting equipment.

3. The Minister of Labour, Invalids and Social Affairs shall specifically provide for OSH provisions applied to domestic workers.

#### **Article 69. OSH for home workers**

1. Workers shall enter into written agreement with employers on working from home if they can guarantee OSH for the work assigned to them.

2. In case an occupational accident takes place during the working process at home, the home worker or his/her family shall inform it immediately to the employer.

If the victim of the occupational accident has participated in occupational accident and disease insurance, they will benefit from compensation applicable to victims of occupational accidents and diseases as provided for by this Law.

If the victim of the occupational accident do not have to participate in occupational accident and disease insurance, the employer shall be responsible for settling compensation for them of this Law as provided for in Clauses 1 , 2, 3, 4, 5, 6, 7, 8 and 10 Article 38 of this Law.

3. Employers shall be responsible for checking the OSH conditions at the workplace of home workers; implementing commitments in the agreement with the home workers; report on the occupational accidents happening to home workers together through a general report on occupational accidents as prescribed in Article 36 of this Law.

#### **Article 70. OSH for pupils, students, apprentices, interns and workers on probation**

1. Educational and vocational training institutions are responsible for guaranteeing OSH conditions for pupils, students and apprentices during the practice and vocational training as for workers prescribed in Articles 15, 16, 18, 19, 20, 23, 24, 25 and Clause 1 Article 27 of this Law.

2. Employers are responsible for implementing OSH regulations for trainees, apprentices and workers on probation as for workers prescribed in this Law, including occupational accident cases.

3. During the practice, vocational training and apprenticeship, pupils, students and apprentices must obey OSH regulations of the educational/vocational training institutions.

In case a pupil/student gets an occupational accident during the practice, they will receive support as stipulated by the Government.

## CHAPTER V

### **GUARANTEE OF OCCUPATIONAL SAFETY AND HEALTH IN PRODUCTION AND BUSINESS ESTABLISHMENTS**

#### **Article 71. Implementation of OSH in production and business establishments**

When organizing the implementation of OSH, production and business establishments must abide by OSH regulations stipulated in Chapters I, II, III, IV of this Law as well as provisions of this Chapter.

2. The management of economic zones, industrial parks, export processing zones, high-tech zones shall be responsible for directing the organisation of OSH work in production and business establishments under their management; collaborating in the organisation of OSH inspection activities and reporting OSH work to competent labour state management agencies, unless otherwise stipulated by specialised laws.

3. Based on the size and characteristics of workers, risks of occupational accidents and diseases, working conditions, the Government shall detail the application of OSH regulations of this Law to other establishments, the management of economic zones, industrial parks, export processing zones, high-tech zones defined in Clause 2 of this Article in accordance with working conditions, organisational structure, apparatus, functions, duties and other regulations of related specialised laws.

#### **Article 72. OSH unit**

1. Based on the size and characteristics of workers, risks of occupational accidents and diseases, working conditions, employers must assign OSH officers or establish an OSH unit at their establishment.

The Government shall detail this Article.

2. OSH officers or OSH unit shall be responsible for assisting and providing consultation to employer in the implementation of OSH in production and business establishments with major duties as follows:

- a) Develop OSH regulations, procedures and measures; guaranteeing fire fighting and prevention in the establishments;
- b) Develop and monitor the implementation of annual plans on occupational safety and health; assess risks and develop emergency rescue plans;

- c) Develop and monitor the notification and appraisal of machinery, equipment and materials subject to strict requirements for OSH;
- d) Organize information, communication and training activities in OSH; organize first-aid and emergency care, prevention and control of occupational diseases for workers;
- dd) Organize OSH self-examination; investigate occupational accidents and technical incidents causing OSH failure in accordance with the law;
- e) Chair and collaborate with the health unit in monitoring and controlling hazardous factors, toxic factors;
- g) Synthesize and request employers to deal with recommendations on OSH of inspection teams, examination teams, units and workers.
- h) Collaborate with the establishment's Trade Union Executive Committee in guiding the performance of OSH representatives;
- i) Organize competitions, commending/rewarding, disciplining, preparation of statistics and reports on OSH.

3. OSH officers and OSH units shall be entitled to the following rights:

- b) Require the heads of production units to order work suspension or temporary work suspension (in emergency circumstances) if being aware of risks of occupational accidents in order to implement OSH measures; at the same time report it to employers;
- b) Cease the operation of machinery and equipment failing to meet safety requirements or being expired;
- c) Be sent by employers to training and retraining to improve knowledge on OSH in accordance with the law.

4. OSH officers must have technical knowledge, skills and good understanding of production and business activities of the establishment.

5. Where production and business establishments have neither OSH officers nor OSH unit as prescribed in Clauses 1 and 4 of this Article, they must hire institutions with relevant capacity as required by the law to implement OSH duties as stipulated in Clause 2 of this Article.

### **Article 73. Health unit**

1. Based on the size and characteristics of workers, risks of occupational accidents and diseases, working conditions, production and business establishments must assign health workers or establish a health unit responsible for taking care of and managing workers' health.

The Government shall detail this Clause.

2. Health workers or health units shall be responsible for assisting and providing consultation to employers and directly managing workers' health with major duties as follows:

a) Develop plans and facilities for first aid and emergency care, essential drugs and emergency rescue for victims of occupational accidents; organize training in first aid and emergency care for workers at the workplace;

b) Plan and organize health check-up, medical examination to detect occupational diseases, medical assessment to determine the degree of work ability decrease in case of occupational accidents and diseases, recovery and vocational rehabilitation, consultation on measures to prevent occupational diseases; plan and assign jobs appropriate for workers' health;

c) Organize medical examination and treatment of regular diseases at the workplace and provide first aid, emergency care for victims of occupational accidents, technical incidents causing OSH failure as stipulated;

d) Communicate and disseminate information on OSH, prevention of occupational diseases, health promotion at the workplace; examine the implementation of sanitation regulations, organize prevention of epidemics, guarantee food safety for workers at the workplace; provision of in-kind allowances as stipulated;

dd) Collect and manage information on OSH at the workplace; organize working environment monitoring to assess toxic factors; manage health records of workers and of victims of occupational diseases (if any);

e) Collaborate with the OSH unit in implementing relevant tasks prescribed in Clause 2 Article 72 of this Law.

3. Health workers and health units shall be entitled to the following rights:

b) Require the heads of production units to order work suspension or temporary work suspension (in emergency circumstances) if finding the signs of violations or risks that are likely to cause harm, diseases and illnesses to workers; at the same time report employers on the situation; manage medical equipment, drugs to serve first aid and emergency care at the workplace; guide workers in the establishment on first aid and emergency care.

b) Cease the use of substances failing to meet OSH requirements;

c) Be sent by employers to meetings and seminars with local health facilities or health authority of the ministry/sector to improve professional knowledge and cooperation.

4. Health workers at the establishment must have health background and certificates in the field of occupational health.

5. Where production and business establishments have neither health workers nor health unit as prescribed in Clauses 1 and 4 of this Article, they must engage in a contract with capable health facilities as stipulated by the Minister of Health to ensure health care for workers as prescribed in Clause 2 of this Article.

#### **Article 74. OSH representatives**

1. Each production team in production and business establishments must have at least 01 part-time OSH representatives during the working hours. Employers shall promulgate the decision on establishment and operation of the network of OSH representatives after consulting the establishment's Trade Union Executive Committee if the establishment has one;

2. An OSH representative shall be a worker, who obtains knowledge on OSH, is voluntary, dedicated and strictly follows OSH regulations and is elected by workers in his/her team.

3. OSH representatives operate under the management and guidance of the establishment's Trade Union Executive Committee following operational regulations of the network of OSH representatives; collaborate technically with OSH officers or OSH units, health workers or health units in the implementation of their tasks.

4. OSH representatives shall have the following duties:

a) Urge, remind, and instruct every person in teams, groups and workshops to strictly obey OSH regulations, preserve safety facilities, personal protective equipment; remind the heads of teams, groups and workshops to obey OSH regulations;

b) Supervise the implementation of OSH standards, procedures and regulations, identify wrongdoings and violations relating to OSH, unsafe and unhygienic machinery, equipment, supplies, substances and workplace.

c) Participate in the development OSH plans and the instruction of safe working measures to new workers in the team.

d) Request the head of the team or supervisors to fully implement regulations on labour protection and OSH measures, timely address unsafe and unhygienic machinery, equipment, supplies, substances and workplace.

dd) Report to trade unions or labour inspectors upon the detection of OSH violations at the workplace or unsafe machinery, equipment, supplies and substances subject to strict requirements for OSH which have been reported to the employer but have not been addressed.

5. OSH representatives shall have the following rights:

a) Be provided with information on measures used by the employer to guarantee OSH at the workplace;

b) Spend parts of working hours to perform duties of OSH representatives, get paid for these hours and benefit from allowances for these additional duties.

The rate of allowances for additional duties of OSH representatives shall be decided by the employer and the establishment's Trade Union Executive Committee, and shall be stated in the operating regulations of the network of OSH representatives;

c) Require workers in the team to stop working for implementing OSH measures if being aware of imminent risks that are likely to cause incidents/occupational accidents and are responsible for such decision;

d) Participate in training and retraining to improve professional knowledge and performance.

#### **Article 75. Establishment's OSH Councils**

1. Based on the size and characteristics of workers, risks of occupational accidents and diseases, working conditions, employers shall establish an OSH Council in their establishments.

The Government shall detail this Clause.

2. The OSH Council shall have the following duties and rights:

a) Provide consultation to and collaborate with the employer in developing regulations, procedures, plans and measures to guarantee OSH at production/business establishments;

b) Every year, organize dialogues at the workplace between employers and workers to share information, enhance understanding, promote equal and safe working conditions for workers; improve the effectiveness of the implementation of OSH policies and legislation in production/business establishments;

c) Examine the implementation of OSH activities in production/business establishments.

c) Request the employer to implement corrective measures if finding risks of unsafe situations.

3. The OSH Council members shall comprise:

a) A representative of the employer shall act as the Council President;

b) A representative of the Executive Committee of the establishment's Trade Union or a representative of workers in establishments where there is no trade union shall act as the Council Deputy President;



c) Occupational safety and health officer of the undertaking shall act as the standing member and secretary of the Council;

d) Health workers of the establishment.

dd) Other relevant members.

The Council shall have certain percentage of female members in accordance with gender equality principles and the practical situations of the establishment.

### **Article 76. OSH plans**

1. Employers shall develop and organize the implementation of OSH plans annually. In case of unexpected issues arising, they must be added to the OSH plan.

2. In the development of OSH plans, opinions of the establishment's Trade Union Executive Committee must be collected and based on the following foundation:

a) Assessment of OSH risks at the workplace; the control of hazardous factors, toxic factors and the emergency rescue plans;

b) Implementation results of OSH activities in the previous years;

c) Production and business tasks, direction, plans and the situation of workers of the respective year;

d) Recommendations of workers, trade unions, inspection and examination teams;

3. An OSH plan must comprise major contents as follows:

a) Technical occupational safety and fire fighting measures;

b) Technical measures on occupational health, prevention and control of toxic factors and improvement of working conditions;

c) Provision of personal protective equipment;

d) Health care for workers;

đ) Information, communication, education and training in OSH.

### **Article 77. Assessment of OSH risks**

1. Assessment of OSH risks mean the analysis and detection of risks and damage of hazardous factors, toxic factors at the workplace in order to proactively prevent occupational accidents and diseases and improve the working conditions.

2. Employers must organize periodical risk assessment and guide workers to self-assess OSH risks before engaging in work, during the working process in a regular manner or when necessary.
3. In sectors and occupations with high risks of occupational accidents and diseases, the assessment of OSH risks should be made compulsory and included in the work regulations.
4. The Minister of Labour, Invalids and Social Affairs shall detail Clauses 2 and 3 of this Article after consulting the Minister of Health.

**Article 78. Emergency rescue plans**

1. Based on the risks of occupational accidents and diseases at the workplace and the legal framework, employers must develop emergency rescue plans at the workplace.
2. Emergency rescue plans must comprise major contents as follows:
  - a) Plans on evacuating workers from dangerous areas;
  - b) Emergency and first-aid measures for victims;
  - c) Measures to prevent and overcome consequences caused by incidents;
  - d) Rescue facilities;
  - dd) Rescue forces at site; plans to collaborate with external forces; drill plans.
3. The order, procedures and competence of approval of emergency rescue plans shall be performed as stipulated by the law.

**Article 79. Establishment of emergency rescue force**

1. In a workplace with exposure to hazardous factors and toxic factors, the employer shall be responsible for establishing a part-time or full-time emergency rescue force as prescribed by the law and provide training in first aid, emergency care for workers.
2. The emergency rescue force must be provided with technical and medical equipment to ensure timely rescue, first aid, emergency care and must receive training.
3. The Minister of Health shall detail the organisation of, equipment and training for emergency rescue forces at the workplace.

**Article 80. Self-examination of OSH**

1. Employers must plan and organize the implementation of periodical and extraordinary self-examination of OSH in their establishments.

2. Contents, form and duration of the self-examination must ensure effectiveness and be suitable for the size and characteristics of workers, risks of occupational accidents and diseases, working conditions of the establishment.

3. The Minister of Labour, Invalids and Social Affairs shall detail this Article after consulting the Minister of Health.

#### **Article 81. OSH statistics and reports**

1. Every year, employers must prepare statistics and reports on OSH at the workplace as follows:

a) Submit OSH reports to provincial labour state management agencies and provincial health state management agencies, unless otherwise stipulated by specialised laws.

b) Prepare statistics and reports on occupational accidents and diseases, technical incidents causing serious OSH failure as prescribed by Articles 36 and 37 of this Law

2. The Minister of Labour, Invalids and Social Affairs shall detail Point a Clauses 1 of this Article after consulting the Minister of Health.

## CHAPTER VI

### **STATE MANAGEMENT FOR OCCUPATIONAL SAFETY AND HEALTH**

#### **Article 82. Contents of state management for OSH**

1. Promulgate and organize the implementation of legal normative documents on OSH; develop, promulgate or announce national OSH standards and technical regulations, local OSH technical regulations within respective authority.

2. Conduct communication, dissemination and education of OSH legislation.

3. Monitor, document and provide information on occupational accidents and diseases; develop national OSH programmes and records.

4. Manage the organisation and operation of OSH service institutions.

5. Organize and conduct research, application of science and technology in OSH.

6. Examine, inspect and handle complaints/denunciation on and violations of OSH.

7. Deliver training and retraining in OSH.

8. Enhance international cooperation in OSH.

#### **Article 83. State management responsibilities for OSH**

1. The Government shall regulate state management responsibilities for OSH.

2. The Ministry of Labour, Invalids and Social Affairs shall be responsible before the Government for performing state management for OSH.
3. Ministries and ministerial-level agencies, within their respective duties and powers, shall be responsible for performing state management for OSH.
4. People's Committees at all levels, within their respective duties and powers, shall perform state management for OSH.

**Article 84. State management responsibilities for OSH of the Minister of Labour, Invalids and Social Affairs**

1. Take the lead in developing OSH legislations, policies, plans and submitting them to competent state agencies for issuance, or issuing them within his/her authority and organizing the implementation; establish national OSH records.
2. Issue the list of machinery, equipment and materials subject to strict requirements for OSH as stipulated in Clause Article 28 of this Law; take the lead in performing state management for OSH training activities and appraisal of machinery, equipment, supplies, substances subject to strict requirements for occupational safety.
3. Develop or participate, within its authority, in the development of national OSH standards and technical regulations as defined in Article 87 of this Law.
4. Monitor, aggregate and provide OSH information; collect OSH statistics in accordance with statistical legislations.
5. Take the lead in conducting communication, dissemination and education of OSH legislation; prevent technical incidents causing OSH failure, occupational accidents and diseases.
6. Submit to the Government for decision of solutions in necessary cases to protect the legitimate rights and benefits relating to occupational accident and disease insurance of workers.
7. Inspect, examine and handle OSH violations; investigate and collaborate in investigation of occupational accidents and technical incidents causing OSH failure; propose the Ministry of Public Security and the Supreme People's Procures to investigate and handle occupational accidents with signs of criminal.
8. Enhance international cooperation on OSH.

**Article 85. State management responsibilities for OSH of the Minister of Health**

1. Take the lead in developing legal normative documents on working environment monitoring and submitting them to competent state agencies for issuance, or issuing them within his/her authority; assess, control and manage toxic factors at the workplace; manage and organize working environment monitoring;

2. Develop national OSH standards and technical regulations applicable to factors relating to occupational health in the working environment; providing comments on contents relating to occupational health within his/her authority as prescribed in Clause 5 Article 87 of this Law;
3. Guide the management of occupational health and prevention of occupational diseases;
4. Guide the provision of health check-up, medical examination for detecting occupational diseases, medical assessment to determine the degree of work ability decrease, treatment and rehabilitation for victims of occupational accidents and diseases; manage health records of workers.
5. Collaborate with the Ministry of Labour, Invalids and Social Affairs in developing training contents on OSH, communicate, disseminate and educate on OSH legislation.
6. Develop, promulgate and periodically review, amend and supplement the list of occupational diseases prescribed in Clause 1 of Article 37 of this Law; organize medical assessment for occupational diseases; develop and promulgate health standards for each occupation/job after consulting related ministries/sectors.
7. Monitor, aggregate and provide OSH information; prepare statistics and develop database on occupational diseases; manage workers' health at the workplace.
8. Collaborate with the Ministry of Labour, Invalids and Social Affairs in building evaluation criteria for the list of heavy, hazardous and toxic occupations and extremely heavy, hazardous and toxic occupations.
9. Collaborate with the Ministry of Labour, Invalids and Social Affairs in inspecting and supervising the implementation of OSH legislations as stipulated by the law.
10. Each year, send the Ministry of Labour, Invalids and Social Affairs a report on the implementation of OSH policies and legislation under their management

**Article 86. State management responsibilities for OSH of People's Committees at all levels**

1. Develop legal normative documents and local technical regulations and submit them to competent state agencies for issuance, or issue them within their authority.
2. Take responsibilities for OSH management in the locality; develop and enforce OSH legislation in the locality.
3. Every year, send a report on the implementation of OSH policies and legislation in the locality to the People's Council of the same level or prepare ad-hoc reports upon request of competent state agencies as stipulated by the law.
4. Every year, provide resources to conduct communication, dissemination and education on OSH legislation in the locality in accordance with actual characteristics of the locality; prioritize

communication, dissemination and education on OSH legislation for workers without labour contracts working in the locality.

6. Inspect, examine and handle violations of OSH in the locality within their authority.

**Article 87. Responsibilities for developing, announcing national OSH standards and developing, promulgating national OSH technical regulations**

1. The Ministry of Science and Technology shall approve the plan for developing national OSH standards and announce national OSH standards.

2. The Ministry of Labour, Invalids and Social Affairs shall take the lead, in collaboration with related ministries and ministerial-level agencies, in making the plan for developing national OSH technical regulations.

3. Ministries and ministerial-level agencies shall take the lead in developing national OSH standards, developing national OSH technical regulations as assigned by the Government after obtaining the consent of the Ministry of Labour, Invalids and Social Affairs; in case of disagreement, the agency in charge of developing national OSH standards and technical regulations shall report it to the Prime Minister for consideration and decision.

The evaluation of national OSH standards and technical regulations shall be done by the Ministry of Science and Technology in accordance with provisions of the Law on Standards and Technical Regulations.

4. The Ministry of Labour, Invalids and Social Affairs shall develop national OSH standards and promulgate national OSH technical regulations within its authority as provided for in Clause 3 of this Article; collaborate with ministries and ministerial-level agencies in submitting to the Prime Minister for decision of responsibilities for developing national OSH standards, developing and promulgating national OSH technical regulations which are new or related to the management of multiple ministries/ministerial-level agencies.

5. The Ministry of Health shall develop national OSH standards and promulgate national OSH technical regulations within its authority as provided for in Article 85 of this Law; provide comments on OSH contents of national OSH standards and technical regulations developed by other ministries/ministerial-level agencies.

**.Article 88. National OSH Council and provincial OSH councils**

1. The National OSH Council is an advisory body assisting the Government in the formulation, amendment or supplementation of OSH policies and legislations. The Council shall be established by the Prime Minister with members being representatives of the Ministry of Labour - Invalids and

Social Affairs, Ministry of Health, Vietnam General Confederation of Labour, Vietnam Farmers' Union, representative organisations of employers, related ministries/sectors, some OSH experts and scientists.

2. Provincial OSH Councils are advisory bodies assisting provincial People's Committees in organizing the implementation of OSH policies and legislations in the locality. These Councils shall be established by Chairpersons of provincial People's Committees with members being representatives of the provincial Department of Labour, Invalids and Social Affairs, Department of Health, Confederation of Labour, Farmers' Union, some enterprises, agencies, organisations, OSH experts and scientists at the locality.

3. Every year, OSH Councils shall organize dialogues at the workplace for sharing information, enhancing understanding among employers, workers, trade unions, representative organisations of employers and state agencies to promote equal and safe working conditions for workers, improve the effectiveness of the implementation of OSH policies and legislation.

4. The Government shall detail the establishment, functions, duties, organisation and operation of the National OSH Council and provincial OSH councils.

#### **Article 89. OSH inspectors**

1. OSH inspectors are specialised inspectors from central and provincial labour state management agencies.

2. OSH inspection in the fields of radiation, oil and gas exploration and exploitation, railway, waterway, road, air transportation or people's armed forces shall be implemented by state management agencies of such fields in collaboration with OSH inspectors

3. The Government shall detail the organisation and operation of OSH inspectors defined in Clause 1 of this Article and inter-sectoral collaboration mechanism defined in Clause 2 of this Article.

#### **Article 90. Treatment of OSH violations**

1. Persons violating OSH legislations, depending on the nature and level of violation, shall be subject to administrative sanctions or prosecution; in case of causing damage shall compensate for and repair consequences as regulated by the law.

2. Persons who take advantage of their position and powers to violate regulations of this Law, the benefits of the state, the legitimate rights and benefits of organisations and individuals, depending on the nature and level of violation, shall be subject to disciplinary measures or prosecution, if causing damage shall compensate for consequences as prescribed by the law.

3. Employers who get failure or lateness in paying occupational accident and disease insurance premium, appropriation of occupational accident and disease insurance premium and benefit as prescribed in Clause 2 Article 12 of this Law for >30 days shall, apart from paying the full amount of unpaid premium and being subject to treatment of the law, pay an interest rate which is twice the interest rate of the investment of the Social Insurance Fund in the preceding year based on the amount and lateness of the unpaid premium; if an employer fails to comply with this regulation, at the request of the authorities, banks, other credit institutions, the State Treasury shall deduct an amount from his/her deposit account to pay the unpaid amount and interest rate on this amount to the account of the social insurance agency.

4. The government shall detail actions, form and rates of sanction applied to administrative violations of OSH regulated in this Law.

### **Article 91. Collaboration mechanism in OSH**

1. Collaboration mechanism in OSH shall be performed as follows:

a) The Ministry of Labour, Invalids and Social Affairs shall take the lead and collaborate with other ministries, ministerial-level agencies, Government bodies, provincial People's Committees in implementing collaboration activities specified in Clause 2 of this Article within its responsibilities.

b) OSH state management agencies at all levels shall collaborate with relevant political organisations, socio-political organisations, socio-political-professional organisations, socio-professional organisations and other organisations in OSH activities of relevant fields.

2. Contents of the collaboration in OSH:

a) Development of OSH policies and legislation; OSH standards and technical regulations

b) Development of national OSH programmes and records;

c) Investigation of occupational accidents; accidents and technical incidents causing OSH failure; compensation policies and benefits for victims of occupational accidents and diseases;

d) Provision of OSH information, communication, education, training, statistics and reports; appraisal of machinery, equipment and supplies subject to strict requirements for OSH;

dd) OSH inspection, examination and supervision; handling of OSH violations

e) Commending and rewarding relating to OSH;

g) Research and application of OSH science, technology

3. The Government shall detail this Article.



## CHAPTER VII

### IMPLEMENTATION PROVISIONS

#### **Article 92. Enforcement**

1. This Law shall take effect as of 01 July 2016.
2. Provisions on occupational accident and disease insurance prescribed in Section 3 Chapter III, Clause 4 Article 84, Point b Clause 1 and Point a Clause 2 Article 86, Articles 104, 105, 106, 107, 116 and 117 of the Law on Social Insurance No. 58/2014/QH13 shall expire from the date this Law takes effect.
3. Organisation delivering occupational safety appraisal and OSH training institutions operating before this Law comes into effect shall continue to operate until the expiry of their operation licenses.

#### **Article 93. Detailed provisions**

The Government and competent state bodies shall detail articles and clauses of this Law.

*This Law is adopted by the 13<sup>th</sup> National Assembly of the Socialist Republic of Vietnam at its 9<sup>th</sup> Session on 25 June 2015.*

**CHAIRMAN OF THE NATIONAL ASSEMBLY**

*(Signed and sealed)*

**Nguyen Sinh Hung.**