

LAW

ON OCCUPATIONAL SAFETY AND HYGIENE

Pursuant to Constitution of Socialist Republic of Vietnam;

The National Assembly promulgates the Law on occupational safety and hygiene.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Law deals with occupational hygiene and safety assurance; policies and benefits for victims of occupational accidents and occupational diseases (hereinafter referred to as victims); rights and obligations of organizations or individuals relating to occupational hygiene and safety and the roles of regulatory agencies in occupational hygiene and safety.

Article 2. Regulated entities

1. Employees with labor contracts; interns; apprentices.
2. Officials and civil servants, people's armed forces.
3. Employees without labor contracts.
4. Vietnamese employees working abroad under contracts; foreign employees working in Vietnam.
5. Employers.
6. Other agencies, organizations or individuals relating to occupational hygiene and safety.

Every person prescribed in Point 1, 2, 3 and 4 of this Article shall be hereinafter referred to as employee.

Article 3. Interpretation of terms

For the purposes of this Law, these terms below shall be construed as follows:

1. *Business entity* means an enterprise, a cooperative, a household or another business entity.
2. *Occupational safety* means preventive measures for dangerous factors to avoid injuries or deaths to employees during the course of work.
3. *Occupational hygiene* means preventive measures for harmful factors that cause diseases or health declining of employees during the course of work.
4. *Dangerous factor* means a factor that causes unsafe condition, injuries or deaths to employees during the course of work.
5. *Harmful factor* means a factor that cause diseases or health declining to employees during the course of work.
6. *Safety threat* means a technical breakdown of machinery, equipment, materials or substances that exceeds permitted technical safety threshold, occurs during the course of work and causes damage to or likely to cause damage to humans, assets and environment.

7. *Serious safety threat* means a major safety threat, which occurs on a large scale and beyond response capacity of business entities, agencies, organizations, or local governments or involves multiple business entities and local governments.

8. *Occupational accident* means an accident that causes injuries to any bodily part and function of an employee or causes death, and occurs during the course of work, in connection with their performance of a job or a task.

9. *Occupational disease* means a disease caused by the harmful working condition of an occupation on an employee.

10. *Occupational environment monitoring* means activities of collection, analysis, assessment of figures in terms of occupational environment factors at the workplace to introduce measures for minimizing harmful effects on health and prevention of occupational diseases.

Article 4. State policies on occupational safety and hygiene

1. Enable employers, employee, relevant agencies, organizations, or individuals to implement occupational safety and hygiene measures during the course of work; encourage employers and employees to apply advanced and modern technical standards and administration system and apply advanced, high and eco-friendly technology during the course of work.

2. Invest in scientific research, application of safety and hygiene technologies; support construction of national-standards laboratories to serve occupational safety and hygiene.

3. Support prevention of occupational accidents and occupational diseases in the fields posing high risks in occupational accidents and occupational diseases; encourage organizations to establish, announce or apply advanced and modern technical standards to improve occupational safety and hygiene during the course of work.

4. Provide training in occupational safety and hygiene for employees without labor contracts who work under strict safety and hygiene requirements.

5. Extend the scope of voluntary occupational accident insurance in terms of buyers; provide a flexible mechanism for buying insurance and claiming benefit to avoid, minimize or eliminate hazards to employees.

Article 5. Rules for occupational safety and hygiene assurance

1. Respect the right of employees to have safe and hygienic working conditions.

2. Implement all measures for occupational safety and hygiene during the course of work; give priority to measures for prevention, elimination and control dangerous or harmful factor during the performance of work.

3. Consult with trade unions, employer representative, Councils of occupational safety and hygiene about development and implementation of policies, law, programs and plans for occupational safety and hygiene.

Article 6. Rights and obligations of employees in terms of occupational safety and hygiene

1. Every employee with labor contracts has rights to:

a) Obtain assurance of equal, safe and hygienic working conditions; request his/her employer to ensure safe and hygienic working conditions during the course of work at the workplace;

b) Receive adequate information about dangerous or harmful factors at workplace and prevention measures; receive training in occupational safety and hygiene;

c) Receive benefits in terms of personal protective equipment, healthcare, occupational disease check-ups; have premiums of insurance against occupational accidents and occupational diseases (hereinafter referred to as the insurance) paid by his/her employer; receive the insurance benefits for victims; receive payment for assessment fees for injuries or diseases caused by occupational accidents and occupational diseases; proactively take medical assessment of decreased work capacity and receive payment for assessment fees in case the employee is entitled to an increase in benefit occupational accident benefit and occupational disease benefit according to the assessment results;

d) Request his/her the employer to assign him/her appropriate works when their health condition becomes stable after treatment;

dd) Refuse works or quit the workplace but still receive full salary without consideration as violations against labor discipline if he/she clearly recognize the hazards of occupational accidents that seriously threaten their life and health, provided that he/she immediately informs their senior manager; and keep working when the senior manager and the person in charge of occupational safety and hygiene coped with the hazards;

e) Make complaints, denunciation or take legal proceedings as prescribed.

2. Every employee with labor contracts has obligations to:

a) Conform to internal regulations, process and measures for occupational safety and hygiene at the workplace; stick to agreements on occupational safety and hygiene in his/her labor contract or collective bargaining agreement;

b) Use and preserve his/her personal protective equipment; occupational safety and hygiene equipment at the workplace;

c) Report hazards of safety threat, occupational accidents and occupational diseases; proactively give emergency aid, cope with breakdowns, or occupational accidents according to the plan for responses to breakdowns and emergency rescue or emergency respond or under orders from the employer or a competent agency.

3. Every employee without labor contracts has the rights to:

a) Have safe and hygienic working conditions; be enabled by the State, society, and families to safe and hygienic working conditions;

b) Receive information and education in occupational safety and hygiene; receive training in occupational safety and hygiene when he/she does work having strict safety and hygiene requirements;

c) Purchase and claim on voluntary insurance for occupational accidents prescribed by the Government.

According to socio-economic development condition, government budget in each period, the Government shall provide guidance on support for voluntary insurance for occupational accidents;

d) Make complaints, denunciation or take legal proceedings as prescribed.

4. Every employee without labor contracts has obligations to:

a) Take responsibility for occupational safety and hygiene of their works as prescribed.

b) Ensure occupational safety and hygiene for relevant persons during the course of work;

c) Inform local governments about actions threatening occupational safety and hygiene in

order for them to take actions against such violations.

5. Officials, civil servants, and people's armed forces have similar rights and obligations in terms of occupational safety and hygiene to the employees prescribed in Clause 1 and Clause 2 of this Article, unless otherwise prescribed by legislative documents applicable to these entities.

6. Probationers or apprentices have similar rights and obligations in terms of occupational safety and hygiene to the employees prescribed in Clause 1 and Clause 2 of this Article.

7. Foreign workers working in Vietnam have similar rights and obligations in terms of occupational safety and hygiene to the employees prescribed in Clause 1 and Clause 2 of this Article; and their purchase of the insurance shall comply with regulations of the Government.

Article 7. Rights and obligations of employers in terms of occupational safety and hygiene

1. Every employer has the right to:

- a) Request employees to conform to internal regulations, process and measures for occupational safety and hygiene at the workplace;
- b) Commend employees for good observance of labor discipline and take disciplinary actions against employees committing violations against occupational safety and hygiene.
- c) Make complaints, denunciation or take legal proceedings as prescribed;
- d) Mobilize employees in emergency rescue and responses to breakdowns or occupational accidents.

2. Every employer has the following obligations:

- a) Implement and cooperate with relevant agencies or organizations in assurance of occupational safety and hygiene at the workplace within their responsibility to employees and relevant persons; and pay insurance premiums for employees;
- b) Provide training in regulations, internal regulations, and measures for occupational safety and hygiene; provide adequate occupational equipment or tools to ensure occupational safety and hygiene; provide healthcare and occupational disease check-ups; carry out adequate policies applicable to victims;
- c) Do not compel employees to keep working or to return their workplace when the hazards of occupational accidents that seriously threatens lives and health of the employees still exist;
- d) Appoint employees in charge of supervision and inspection of implementation of internal regulations, process and measures for assurance of occupational safety and hygiene at the workplace as prescribed;
- dd) Establish a department or appoint employees in charge of occupational safety and hygiene; cooperate with Executive board of internal trade union in establishment of network of occupational safety and hygiene officers; assign responsibility and entitlements related to occupational safety and hygiene;
- e) Make reports, carry out investigations, release statistics, and send reports on occupational accidents and occupational diseases, serious safety threat; release statistics and send reports on implementation of occupational safety and hygiene; and comply with decisions on occupational safety and hygiene made by specialized inspectorate.
- g) Consult with Executive board of internal trade union about formulation of plans, internal

regulations, process and measures for assurance of occupational safety and hygiene.

Article 8. Rights and obligations of Vietnamese Fatherland Front, member organizations of Vietnamese Fatherland Front and other social organizations

1. Vietnamese Fatherland Front, member organizations of Vietnamese Fatherland Front and other social organizations shall have rights and obligations as follows:

- a) Cooperate with relevant agencies in propagating and providing training in occupational safety and hygiene; develop occupational safety and hygiene services;
- b) Offer opinions supervise and criticize the formulation of policies or legislation on occupational safety and hygiene as prescribed;
- c) Cooperate with State management agencies in proposing measures for improvement of working condition, prevention of occupational accidents and occupational diseases, and conduct scientific research;
- d) Mobilize trade unionists and members in implementation of occupational safety and hygiene;
- dd) Detect and request the competent agency to take actions against violations against legislation on occupational safety and hygiene.

2. The employer's representative organization shall exercise rights and fulfill obligations as prescribed in Clause 1 of this Article; participate in the Council of occupational safety and hygiene as prescribed in Article 88 of this Law; mobilize the employer in organization of discussion at the workplace, collective bargaining, collective bargaining agreement, and implementation of measures for improvement of working condition to ensure the occupational safety and hygiene at the workplace.

Article 9. Rights and obligations of Trade Union in occupational safety and hygiene

1. Cooperate with regulatory agencies in policy formulation and legislation on occupational safety and hygiene. Request the competent agencies to formulate, amend policies and legislation on rights and obligations of employees in terms of occupational safety and hygiene.

2. Cooperate with the competent agency in inspection and observation of implementation of policies or legislation on rights and obligations of employees in terms of occupational safety and hygiene; formulation, instructions and observation of implementation of plans, regulations, internal regulations and measures for assurance of occupational safety and hygiene and improvement of working condition of employees; and participate in investigation of occupational accidents as prescribed.

3. Request agencies, organizations, enterprises or individuals undertaking responsibility to adopt measures for assurance of occupational safety and hygiene, implement remedial measures, including suspension from operation when there is any harmful factor or dangerous factor to health and lives of the employees during the course of work.

4. Encourage/motivate employees in observance of regulations, internal regulations, process and measures for assurance of occupational safety and hygiene.

5. Take legal proceedings on behalf of an employee group upon the infringement of their rights in terms of occupational safety and hygiene; or take legal proceedings on behalf of an employee upon the infringement of his/her rights in terms of occupational safety and hygiene.

6. Research and apply technologies, provide training in terms of occupational safety and

hygiene; and suggest measures for improvement of working condition, prevention of occupational accidents and occupational diseases for employees.

7. Cooperate with the competent agency in organization of emulation movement in terms of occupational safety and hygiene; organization of mass movement in terms of occupational safety and hygiene; organization and instructions in operation of the network of occupational safety and hygiene officers.

8. Give commendations for occupational safety and hygiene activities as prescribed by Vietnam General Confederation of Labor.

Article 10. Rights and obligations of internal trade unions in terms of occupational safety and hygiene

1. Cooperate with the employer to formulate and observe the implementation of plans, regulations, internal regulations, process and measures for assurance of occupational safety and hygiene and improvement of working condition.

2. Negotiate, sign and supervise the implementation of terms and conditions of occupational safety and hygiene in the collective bargaining agreement on behalf of the employee group; and help the employee to make complains or take legal proceedings upon the infringement of the employee's rights.

3. Discuss with the employer to take actions against issues related to rights and obligations of employees and the employer in terms of occupational safety and hygiene.

4. Cooperate with the employer in inspection of implementation of occupational safety and hygiene; observe and request the employer to conform to regulations on occupational safety and hygiene; cooperate with the employer in investigation of occupational accidents and observe the policies, vocational training and work assignment applicable to victims.

5. Request the employer or competent agency to carry out policies on assurance of occupational safety and hygiene, eliminate safety threat, occupational accidents and impose penalties for violations against occupational safety and hygiene.

6. Propagate employees and employers in observance of legislation, standards, process and measures for occupational safety and hygiene at the workplace. Cooperate with employers in provisions of training in occupational safety and hygiene for union representatives and employees.

7. Request the persons in charge to adopt measures for occupational safety and hygiene, including operation suspension if necessary when there is any hazard that threatens health and lives of employees at the workplace.

8. Participate in internal groups of investigation into occupational accidents (hereinafter referred to as the internal investigation group) prescribed in Clause 1 Article 35 of this Law; cooperate with the employer in responses to safety threat, occupational accident; in case the employer fails to report as prescribed in Article 34 of this Law, the internal union shall immediately inform the competent agency prescribed in Article 35 of this Law for the investigation.

9. Cooperate with the employer in organization of emulation movement and mass movement in terms of occupational safety and hygiene and foster safety culture at the workplace, and manage and give instructions in operation of the network of occupational safety and hygiene officers.

10. Regarding any business entity without internal trade union, the superior trade union shall exercise rights and fulfill obligations prescribed in this Article at the request of the employees of that business entity.

Article 11. Rights and obligations of Vietnam Farmers' Union

1. Cooperate with regulatory agencies in policy formulation and legislation on occupational safety and hygiene applicable to farmers. Request the competent agencies to formulate, amend policies and legislation on rights and obligations of employees who are farmers in terms of occupational safety and hygiene.

2. Cooperate with the competent agency in inspection and observation of implementation of policies or legislation on rights and obligations of employees who are farmers in terms of occupational safety and hygiene; participate in investigation into occupational accidents when victims of occupational accidents are farmers.

3. Participate in propagation and training in occupational safety and hygiene for farmers.

4. Cooperate with state management agencies in improvement of working condition, prevention of occupational accidents and occupational diseases for farmers.

5. Mobilize farmers in propagation of assurance of occupational safety and hygiene for them as prescribed.

Article 12. Prohibited acts

1. Concealing, providing false information about occupational accidents or occupational diseases; failing to conform to requests or implement measures for occupational safety and hygiene causing damage or threaten lives, assets and environment; compelling employees to work or prevent employees from leaving the workplace when there are hazards of occupational accidents threatening their health or lives or compelling employees to keep working even though such hazards have not been eliminated.

2. Evading paying or delaying paying insurance premiums; appropriating the insurance premiums or the insurance payout; cheating or forging documents on the insurance; failing to pay the insurance premiums for employees; managing and using the insurance fund not in accordance with regulations of law; illegally assessing database of the insurance.

3. Using machinery, equipment or materials having strict requirements pertaining to occupational safety and hygiene without any inspection or the inspection results show that those machinery, equipment or materials do not meet requirements; have no clear origin, expire; do not ensure quality; or cause environment pollution.

4. Committing a fraud in inspection, training in occupational safety and hygiene, occupational environment monitoring, or medical assessment of decreased work capacity upon occupational accidents or occupational diseases; prevent, make difficulties or cause damage to lawful right and interests of employees and employers in terms of occupational safety and hygiene.

5. Discriminate on grounds of sex in assurance of occupational safety and hygiene; discriminate against employees who refuse to keep working or leave the workplace when they believe that there are hazards of occupational accidents that threaten their lives or health; or discriminate against employees in charge of occupational safety and hygiene of the workplace, discriminate against occupational safety and hygiene officers and health officers.

6. Give work assignment that strictly requires occupational safety and hygiene to employees

who have not been trained in occupational safety and hygiene.

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

Chapter II

MEASURES FOR PREVENTION OF DANGEROUS OR HARMFUL FACTORS TO EMPLOYEES

Section 1. PROPAGATION IN OCCUPATIONAL SAFETY AND HYGIENE

Article 13. Propagation in occupational safety and hygiene

1. The employer shall propagate occupational safety and hygiene, dangerous or harmful factors and measures for occupational safety and hygiene at the workplace to employee; provide instructions in occupational safety and hygiene for visitors or persons working at their premises.

2. Manufacturer shall provide information about measures for assurance of occupational safety and hygiene together with products or goods that threaten the users during the course of work.

3. Agencies, organizations and households shall propagate and raise employees' awareness of knowledge and skills in occupational safety and hygiene; propagate abolishment of unsound customs, unhygienic, harmful or dangerous practices that threaten the health of employees and the community during the course of work.

Every year, People's Committees of local government shall direct propagation in occupational safety and hygiene to employees without labor contracts in their administrative divisions according to their condition.

4. Mass media agencies shall propagate and raise public awareness of policies, legislation and knowledge about occupational safety and hygiene, combine information about prevention of occupational accidents and occupational diseases and other communications programs or activities.

Article 14. Training in occupational safety and hygiene

1. Managers in charge of occupational safety and hygiene, persons in charge of occupational safety and hygiene, health officers, occupational safety and hygiene officers in the business entities are required to participate in training in occupational safety and hygiene and they are issued certificates by institutions providing training in occupational safety and hygiene upon their examination pass.

If there is any change in policies, law or science and technology in terms of occupational safety and hygiene, they must be provided with training in new knowledge about occupational safety and hygiene.

2. The employer shall provide training for employees who do work having strict safety and hygiene requirements and grant them safety cards before giving work assignment.

3. The employees without labor contracts who do work having strict safety and hygiene requirements must be trained in occupational safety and hygiene and granted safety cards.

The State shall adopt policies on tuition support for employees prescribed in this Clause upon their participation in the training courses. Tuition fees, beneficiaries and time for support shall be prescribed by the Government depending on socio-economic development in each period.

4. The employer shall self-provide training and take responsibility for quality of their training

courses in occupational safety and hygiene for employees other than those prescribed in Clause 1, 2 and 3 of this Article, apprentices, and interns before they are recruited or assigned tasks, and the employer shall periodically provide retraining for them.

5. The training in occupational safety and hygiene prescribed in this Article must be conformable with characteristics and nature of each business line, job position, and business scope without interrupting the business operation. According to their business entity condition, the employer shall provide separate training course in occupational safety and hygiene or combine training course in occupational safety and hygiene and training course in fire safety or other training courses as prescribed in specialized legislation.

6. The Minister of Labor, War Invalids and Social Affairs shall promulgate List of occupations that strictly require occupational safety and hygiene with the consent of relevant managing Ministries.

7. Institution providing training in occupational safety and hygiene (hereinafter referred to as institutions) means a public service provider or an enterprise which provide training in occupational safety and hygiene as prescribed in legislation on investment and this Law.

Any enterprise self-providing training in occupational safety and hygiene to those prescribed in Clause 1, 2 and 3 of this Article must satisfy requirements similarly to an institution.

8. The Government shall provide guidance on issuing agency, requirements for facilities, occupational safety and hygiene trainers, procedures, application for issuance, reissuance, extension or revocation of Certificate of eligibility for operation of the institutions as prescribed in Clause 7 of this Article, and training and self-training in occupational safety and hygiene.

Section 2. INTERNAL REGULATIONS, PROCESS AND MEASURES FOR ASSURANCE OF OCCUPATIONAL SAFETY AND HYGIENE AT THE WORKPLACE

Article 15. Internal regulations and process for assuring occupational safety and hygiene

The employer shall formulate, promulgate and implement internal regulations and process for assuring occupational safety and hygiene according to legislation, national technical regulations and standards, local technical standards in terms of occupational safety and hygiene and their business condition.

Article 16. Responsibility of the employer for assurance of occupational safety and hygiene at the workplace

1. The workplace is required to meet requirements pertaining to space, clearance, dust, steam, noxious gases, radioactivity, electromagnetic field, heat, moisture, noise, vibration, and other dangerous or harmful factors as prescribed in relevant technical standards and they are regularly inspected and measured; there are enough bathrooms and restrooms suitable for the workplace as prescribed by the Minister of Health.

2. Machinery, equipment, materials and substance shall be used, operated, maintained and preserved at the workplace in conformity with technical standards of occupational safety and hygiene, or technical regulation on occupational safety and hygiene that promulgated, applied and internal regulations and process for assuring occupational safety and hygiene at the workplace.

3. Employees are sufficiently provided with personal protective equipment when they perform

tasks having dangerous or harmful factors; and occupational safety and hygiene equipment at the workplace.

4. Annually or when necessary, dangerous or harmful factors at the workplace must be inspected and assessed to carry out technical measures for elimination or reduction in dangerous or harmful factors at the workplace, improvement of working condition and healthcare for employees.

5. Machinery, equipment, materials, workshops, and depots must be periodically inspected and maintained.

6. There are warning and instruction signs made in Vietnamese and popular language of employees in relation to occupational safety and hygiene for machinery, equipment, materials and substances that having strict safety and hygiene requirements at the workplace, preservation places, usage places that are placed at obvious locations.

7. Employees shall be propagated and trained in internal regulations, process of occupational safety and hygiene, measures for prevention of dangerous or harmful factors at the workplace in relation to their work assignment.

8. Formulate and promulgate plans for breakdown responses, emergency rescue at the workplace; organization of breakdown responses, emergency rescue, rescue forces and promptly send reports to the persons in charge when any hazard is found or any accident or breakdown occurs beyond the control capacity of the employer.

Article 17. Responsibility of employees for assurance of occupational safety and hygiene at the workplace

1. Conform to internal regulations, process, and requirements pertaining to occupational safety and hygiene issued by the employer or competent state agencies.

2. Comply with regulations of law and acquire knowledge and skills in measures for assurance of occupational safety and hygiene at the workplace; use and preserve their personal protective equipment, occupational safety and hygiene equipment at the workplace during the course of work.

3. Participate in training in occupational safety and hygiene before using machinery, equipment, materials or substances that are having strict safety and hygiene requirements.

4. Prevent hazards that threaten occupational safety and hygiene, violations against occupational safety and hygiene at the workplace; promptly report competent persons when they know occupational accidents or breakdowns or they detect hazards of breakdowns, occupational accidents or occupational diseases; and proactively rescue or respond to breakdowns, occupational accidents according to the plans for responses to breakdowns and emergency rescue or under orders of the employer or competent state agencies.

Article 18. Control of dangerous or harmful factors at the workplace

1. The employer shall inspect and control dangerous or harmful factors at the workplace to introduce technical measures for occupational safety and hygiene and healthcare for employees; and carry out measures for decontamination and sterilization applicable to employees who works in a contaminated or infected place.

2. Regarding harmful factors that there are regulations on permitted restrictions to control harmful effect on employees' health promulgated by the Ministry of Health, the employer shall organize occupational environment monitoring to assess those harmful factor at least

once a year. Units in charge of occupational environment monitoring must satisfy requirements for facilities, equipment and personnel.

3. Regarding dangerous factors, the employer shall regularly inspect and manage in conformity with technical standards of occupational safety and hygiene and they must be inspected and assessed at least once a year as prescribed.

4. After receiving results of occupational environment monitoring to assess harmful factors and results of inspection, assessment and management of dangerous factor at the workplace, the employer must:

a) Announce the results to employees where the occupational environment monitoring is carried out and dangerous factors are subject to inspection, assessment and management.

b) Provide information for trade unions, or competent agencies at their requests;

c) Impose measures for elimination or control of dangerous or harmful factors at the workplace to ensure occupational safety and hygiene and healthcare for employee.

5. The Government shall provide guidance on control of dangerous or harmful factors at the workplace and operation condition of the units in charge of occupational environment monitoring shall be in accordance with the Law on Investment and Law on enterprises.

Article 19. Actions against serious safety threat and emergency rescue

1. The employer shall have plans for actions against serious safety threat and emergency rescue and periodically organize manoeuvres as prescribed; provide technical and medical equipment to ensure rescue and first aid when a serious safety threat or an occupational accident occurs.

2. Responsibility for taking actions against serious safety threat and emergency rescue:

a) The employer must give an order to stop operation of machinery, equipment, materials or substances at the workplace where there are hazards of occupational accidents or serious safety threat; may not compel employees to keep working or return to workplace if the hazards have been not eliminated; carry out actions against serious safety threat and emergency rescue to save people, assets and ensure occupational safety and hygiene for employees, people around the workplace, assets and the environment; and promptly inform the local government where the breakdown or emergency rescue occurs.

b) When a serious safety threat occurs in a business entity or an administrative division; the employer or the local government must urgently mobilize personnel, material resources and vehicles for emergency response as prescribed in specialized legislation;

b) When a serious safety threat occurs in multiple business entities or multiple administrative divisions; the employers and the local governments must respond to that breakdown and send reports to superior agencies as prescribed in specialized legislation.

In case the breakdown is beyond the capacity of business entities or local governments, they shall urgently report to their superior agencies in order to mobilize other business entities or local governments in rescue; the latter business entities or local governments must carry out measures for emergency rescue within their competence.

3. The Government shall provide guidance on this Article.

Article 20. Improving working condition and fostering safety culture

1. The employer must regularly cooperate with Executive board of internal trade union to enable employees to improve their working condition and foster safety culture.

2. The employer is encouraged to apply advanced and modern technical standards and administration system and apply advanced, high and eco-friendly technology to business activities in order to improve working condition and ensure occupational safety and hygiene for employees.

Section 3. PERSONAL PROTECTIVE EQUIPMENT AND HEALTHCARE FOR EMPLOYEES

Article 21. Health check-ups and treatment for occupational diseases applicable to employees

1. Annually, an employer shall organize health check-ups at least once a year for employees; and health check-ups at least twice a year for employees doing heavy and harmful jobs and disabled, underage and elderly employees.

2. Beside regulations prescribed in Clause 1 of this Article, the employer shall organize obstetric checks for female employees, and occupational disease checks for employees who work in conditions with hazards of occupational diseases.

3. Before an employee is assigned works or taken another work that is more heavy, harmful or dangerous, or after a victim recovers from occupational accident or occupational disease and returns to work, the employer shall have them went for health check-ups, unless they have undergone decreased work capacity examinations conducted by a Medical Examination Council.

4. The employer shall organize health check-ups or occupational disease check-ups for employees at health facilities meeting professional and technical conditions.

5. The employer shall send the employee who is diagnosed as an occupational disease to a health facility meeting professional and technical conditions according to the treatment regimen of occupational diseases prescribed by the Minister of Health.

6. Costs of health check-ups, occupational disease check-ups, and treatment for occupational diseases for employees paid by employers as prescribed in Clause 1, 2 3 and 5 of this Article shall be recorded to deductible expenses when determining their taxable income as prescribed in Law on enterprise income tax and recorded to regular operating expenses applicable to administrative units without service provision.

Article 22. Heavy, harmful or dangerous occupations

1. Heavy, harmful or dangerous occupations and extremely heavy, harmful or dangerous occupations are classified according to their characteristics and particular working condition.

2. The Minister of Labor, War Invalids and Social Affairs shall promulgate a List of heavy, harmful or dangerous occupations and extremely heavy, harmful or dangerous occupations with the consent of the Ministry of Health; and regulations on classification standards for occupations according to working condition.

3. The employer shall provide adequate personal protective equipment and healthcare for employees who work heavy, harmful or dangerous occupations and extremely heavy, harmful or dangerous occupations as prescribed.

Article 23. Personal protective equipment

1. Every employee who does dangerous or harmful works shall be adequately provided with personal protective equipment by the employer and he/she is required to use it during the course of work.

2. The employer shall carry out measures pertaining to technology, engineering and equipment for elimination or limitations on dangerous or harmful factors and improvement of working condition.

3. The employer shall provide personal protective equipment according to following rules:

a) Provide personal protective equipment in conformity with their types, entities, quantity, quality assurance according to national technical regulations and standards;

b) Do not give money instead of providing personal protective equipment; do not compel employees to self-buy or collect money from employees to buy personal protective equipment;

c) Give instructions and observe employees using personal protective equipment;

d) Carry out measures for decontaminating, sterilizing, radioactive decontaminating used personal protective equipment that is put in places prone to be contaminated, infected or affected by radioactivity.

4. The Minister of Labor, War Invalids and Social Affairs shall promulgate provision of personal protective equipment.

Article 24. In-kind allowances

1. Each employee working in dangerous or harmful condition is entitled to in-kind allowances provided by the employer.

2. In-kind allowances shall be given according to following rules:

a) The in-kind allowances help the employee in strengthening the resistance and detoxification of his/her body.

b) The in-kind allowances are given conveniently and in conformity with food safety and hygiene;

c) The in-kind allowances are given within a shift or a working day, unless the employer is not able to do so.

3. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on in-kind allowances.

Article 25. Working time in dangerous or harmful condition

1. The employer must ensure that the period of time in which an employee is exposed to dangerous or harmful factors is within the safety limits as prescribed in equivalent National technical regulation and relevant law provisions.

2. Working time applicable to employees working extremely heavy, harmful or dangerous occupations shall comply with legislation on labor.

Article 26. Health rehabilitation services

Annually, every employer is encouraged to provide health rehabilitation services for employees working heavy, harmful or dangerous occupations and employees working extremely heavy, harmful or dangerous occupations and employees with poor health.

Article 27. Management of employees' health

1. The employer shall give work assignment to its employees according to health standards prescribed for each type of occupation and the results of employees' health check-ups.

2. The employer shall prepare and manage health documents of employees, occupational disease patients; send notifications of results of health check-ups and occupational disease

check-ups to employees; and send reports on management of employee's health to health authorities annually.

Section 4. MANAGEMENT OF MACHINERY, EQUIPMENT, MATERIALS OR SUBSTANCES HAVING STRICT SAFETY AND HYGIENE REQUIREMENTS

Article 28. Machinery, equipment, materials or substances having strict safety and hygiene requirements having strict safety and hygiene requirements

1. Machinery, equipment, materials or substances having strict safety and hygiene requirements means machinery, equipment, materials or substances that are kept, transported, preserved, and used appropriately and properly as recommended by the producer, but they still pose a risk of occupational accidents or occupational diseases that cause serious consequence for the people's health or lives during the course of work.

2. The Minister of Labor, War Invalids and Social Affairs shall promulgate List of occupations that strictly require occupational safety and hygiene at the requests of Ministries prescribed in Article 33 of this Law.

Article 29. Plans for assurance of occupational safety and hygiene upon new construction, extension or renovation of construction works producing, using and preserving machinery, equipment, materials or substances having strict safety and hygiene requirements

1. In an application for license for new construction, extension or renovation of construction works producing, using and preserving machinery, equipment, materials or substances having strict safety and hygiene requirements, an investor or an employer must make a plan for assurance of occupational safety and hygiene for workplace and the environment.

2. The plan for assurance of occupational safety and hygiene shall contain:

- a) Location, size of the construction work;
- b) Listing and description of work items in the construction work;
- c) Hazards of dangerous or harmful factors or breakdowns during the operation;
- d) Specific measure for elimination or reduction in dangerous or harmful factors; action plans for serious safety threat and emergency rescue.

Article 30. Use of machinery, equipment, materials or substances having strict safety and hygiene requirements

1. All types of machinery, equipment, materials or substances having strict safety and hygiene requirements must have clear origin, within their shelf life, quality assurance and subject to inspection as prescribed in Clause 1 Article 31 of this Law, unless otherwise prescribed.

2. When types of machinery, equipment, materials or substances having strict safety and hygiene requirements are put into operation or discarded, the organizations or individuals in charge shall submit a report to specialized agencies of People's Committees of central-affiliated cities or provinces (hereinafter referred to as provinces) within their competence prescribed in Clause 1 and Clause 2 Article 33 of this Law, unless otherwise prescribed.

3. When the machinery, equipment, materials or substances having strict safety and hygiene requirements are used, the organizations or individuals must have them inspected and maintained periodically, and prepare and archive documents on safety engineering for them according to equivalent National technical regulation.

4. The use of substances having strict safety and hygiene requirements shall comply with

legislation on chemicals and specialized legislation.

Article 31. Inspection of machinery, equipment, materials or substances having strict safety and hygiene requirements

1. All types of machinery, equipment, materials or substances having strict safety and hygiene requirements must be inspected before put them into operation and inspected periodically during their operation by an organization specialized in occupational safety inspection.

2. The inspection of the machinery, equipment, materials or substances having strict safety and hygiene requirements must be carried out accurately, publicly and transparently.

3. The Government shall provide guidance on issuing agency, requirements for facilities, occupational safety and hygiene trainers, procedures, application for issuance, reissuance, extension or revocation of Certificate of eligibility for operation of the organization specialized in occupational safety inspection; requirements for inspectors; and inspection of machinery, equipment, materials or substances having strict safety and hygiene requirements.

Article 32. Rights and obligations of the organization specialized in occupational safety inspection

1. The organization specialized in occupational safety inspection is a public service provider or an enterprise providing occupational safety inspection services.

2. The organization specialized in occupational safety inspection has rights to:

a) Conduct inspection activities according to agreements on inspection services;

b) Refuse to provide inspection services when it is unsafe to carry out inspection of machinery, equipment or materials;

c) Make complaints or denunciation of acts of obstructing inspection activities;

d) Request organizations or individuals having assessed entities provide materials and information to serve the inspection activities.

3. The organization specialized in occupational safety inspection has obligations to:

a) Provide inspection services within scope and entities as mentioned in the Certificate of eligibility for inspection operation;

b) Conduct inspection activities according to the inspection process;

c) Take responsibility for inspection results, compensation for damage caused by inspection activities as prescribed; and revocation of inspection results issued if any mistake is detected;

d) Send reports on inspection operation to competent authorities as prescribed in Clause 1 and Clause 2 Article 33 of this Law and labor authorities as prescribed;

dd) Archive documents on inspection.

Article 33. The roles of Ministries of state monitoring of the machinery, equipment, materials or substances having strict safety and hygiene requirements

1. Ministries shall be in charge of state monitoring of the machinery, equipment, materials or substances having strict safety and hygiene requirements as follows:

a) The Ministry of Health is in charge of state monitoring of the machinery, equipment, materials or substances having strict safety and hygiene requirements in terms of food, medicinal products, vaccines, biological, cosmetics, medicine materials, human medicine, household chemicals, pesticides, antibacterial preparations, medical equipment;

b) The Ministry of Agriculture and Rural Development is in charge of state monitoring of the

machinery, equipment, materials or substances having strict safety and hygiene requirements in terms of plants, domestic animals, fertilizers, animal feed, plant protection products, veterinary medicine, biological preparations used in agriculture, forestry, salt production, aquaculture, irrigation works, and dike maintenance;

c) The Ministry of Transport is in charge of state monitoring of the machinery, equipment, materials or substances having strict safety and hygiene requirements in terms of transport vehicles, material handling equipment, exploration or extraction equipment or vehicles, transport infrastructure;

d) The Ministry of Industry and Trade is in charge of state monitoring of the machinery, equipment, materials or substances having strict safety and hygiene requirements in terms of pneumatic tools, lifting equipment used in industry, chemicals, industrial explosives, equipment used in mining or petroleum extraction, other than equipment or devices used in exploration and extraction at sea.

dd) The Ministry of Construction is in charge of state monitoring of the machinery, equipment, materials or substances having strict safety and hygiene requirements in terms of execution of construction;

e) The Ministry of Science and Technology is in charge of state monitoring of nuclear reactors, nuclear materials, source materials, radioactive substances and radiological equipment;

g) The Ministry of Information and Communications is in charge of state monitoring of machinery and equipment used in radio and television broadcast;

h) The Ministry of National Defense is in charge of state monitoring of military equipment, weapons, ammunition, and products serving national defense and national defense works;

i) The Ministry of Public Security is in charge of state monitoring of fire safety equipment; military equipment, weapons, ammunition and support tools, excluding cases prescribed in Point h of this Clause;

k) The Ministry of Labor, War Invalids and Social Affairs is in charge of state monitoring of personal protective equipment for employees and the machinery, equipment, materials or substances having strict safety and hygiene requirements excluding cases prescribed in Points a, b, c, d, dd, e, g, h and i of this Clause.

2. Pursuant to socio-economic development and requirements for State management, the Ministry of Labor, War Invalids and Social Affairs shall cooperate with relevant specialized Ministries in requesting the Government to allocate responsibility for management of new the machinery, equipment, materials or substances having strict safety and hygiene requirements not prescribed in Clause 1 of this Article or the machinery, equipment, materials or substances having strict safety and hygiene requirements related to multiple Ministries but they are not subject to management competence of a particular Ministry as prescribed in Clause 1 of this Article.

3. According to state management of the machinery, equipment, materials or substances having strict safety and hygiene requirements prescribed in Clause 1 and Clause 2 of this Article and the List of the machinery, equipment, materials or substances having strict safety and hygiene requirements prescribed in Clause 2 of Article 28 of this Law, Ministries below have obligations to:

- a) Formulate the detailed List of the machinery, equipment, materials or substances having strict safety and hygiene requirements and send it to the Minister of Labor, War Invalids and Social Affairs for promulgation;
 - b) Issue process for inspection of the machinery, equipment, materials or substances having strict safety and hygiene requirements with the consent of the Minister of Labor, War Invalids and Social Affairs;
 - c) Inspect the inspection activities as prescribed in Clause 1 and Clause 2 of this Article.
 - d) Annually send reports on management of the machinery, equipment, materials or substances having strict safety and hygiene requirements prescribed in Clause 1 and Clause 2 of this Article to the Ministry of Labor, War Invalids and Social Affairs, unless otherwise prescribed by specialized legislation.
4. The Ministry of Labor, War Invalids and Social Affairs shall take charge and cooperate with relevant Ministries in checking the List of the machinery, equipment, materials or substances having strict safety and hygiene requirements for amendment that appropriate to socio-economic development, science and technology development and management of each period.

Chapter III

RESPONSES TO SAFETY THREAT AND OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES

Section 1. REPORTING, STATISTICS AND INVESTIGATION INTO SAFETY THREAT, OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 34. Reporting occupational accidents and safety threat

1. An occupational accident or a safety threat shall be reported as follows:
 - a) Upon the occurrence or possible occurrence of the occupational accident or safety threat at the workplace, the victim or the witness shall immediately inform the person in charge and the employer to promptly give responses and eliminate the consequences;
 - b) If the accident prescribed in Point a of this Clause is fatal or causes serious injuries to at least two employees, the employer shall immediately report the accident to the labor authority of province where the accident occurred; and concurrently inform police security authority of the district, town, city affiliated to province, or city affiliated to central-affiliated city (hereinafter referred to as the district) regarding the accident resulting in death.
 - c) If the accident or breakdown occurs in following fields: radioactivity, petroleum exploration and extraction, vehicles of rail transport, waterway, road transport, air transport, and units of People's armed forces, the employer shall report the accident/breakdown as prescribed in specialized legislation;
 - d) If the accident is fatal or causes serious injuries to an employee without labor contract, his/her family or the witness shall immediately report such accident to the People's Committee of commune, ward and town (hereinafter referred to as the commune) where the accident occurred.

If the accident is fatal or causes serious injuries to at least two employees, the People's Committee of commune shall immediately report to police authority of the district and labor authority of province where the accident occurred.

If the safety threat occurs relating to an employee without labor contract, the witness shall

immediately report the breakdown to the People's Committee of commune where the breakdown occurred as prescribed in Article 19 and Article 36 of this Law.

2. The competent agency shall consider and deal with declaration of occupational accidents and safety threat, inform results of the informer and apply necessary measures for protection of legitimate rights and interests of the informer.

Article 35. Investigation into occupational accidents or safety threat or serious safety threat

1. Each employer shall establish an internal investigation group to investigate occupational accidents that cause minor or major injuries to one employee with their management, unless such employee has undergone investigation as prescribed in Clause 2 and Clause 3 of this Article or as prescribed in specialized legislation.

Composition of the internal investigation group includes: the employer or representative of the employer who is the group leader and representatives of the Executive board of internal trade union or employees (for business entity having no internal trade union), occupational safety officers, health officers, etc., who are group members.

If the accident causes serious injuries to an employee without labor contract, the People's Committee of commune shall immediately report to police authority of the district and labor authority of province where the accident occurred.

2. Each labor authority of province shall establish a provincial investigation group to investigate fatal accidents or accidents that cause serious injuries to at least two employees, including employees without labor contracts, excluding the cases prescribed in Clause 4 of this Article; and re-investigate occupational accidents that were investigated by the internal investigation group in case of complaints, denunciations, or where necessary..

Composition of the provincial investigation group shall include representative of Occupational Safety and Hygiene Inspectorate affiliated to a provincial authority who is the group leader and representatives of the Service of Health, Confederation of Labor, etc., who are group members.

3. The Minister of Labor, War Invalids and Social Affairs or competent agency in charge of establishment of the central investigation group shall investigate occupational accidents so serious and complicated that they are beyond the capacity of the provincial group of investigation into occupational accidents; and re-investigate occupational accidents that were investigated by the provincial group of investigation into occupational accidents.

Composition of the central investigation group shall include representatives of the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Health, Vietnam General Confederation of Labor and other members.

4. Regarding the accidents and breakdowns prescribed in Point c Clause 1 Article 34 of this Law, the investigation shall be carried out according to specialized legislation, legislation on labor with the cooperation of Occupational Safety and Hygiene Inspectorate.

5. The employers and persons involved in occupational accidents or safety threat or serious safety threat must cooperate with the investigation group, provide sufficient information and relevant materials and may not refuse or obstruct the investigation process.

If the employee has the accident while commuting between home and work, the competent agency shall provide one of the following documents to the investigation group:

- a) A report on scene examination and a diagram of accident scene;
- b) A report on investigation into traffic accident;
- c) If there is no document prescribed in Point a and Point b of this Clause, a written confirmation issued by the police authority of the commune, ward or town where the accident occurred is required at the request of the employee or their relatives.

6. Time limit for investigation of occupational accidents within competence of internal, provincial or central investigation group prescribed in Clause 1, 2 and 3 of this Article from the date on which the report on the occupational accident is received to the date on which the report on investigation into the occupational accident is published is:

- a) 04 days if the accident only causes minor injuries to employees;
- b) 07 days if the accident causes major injuries to an employee;
- c) 20 days if the accident causes major injuries to at least two employees;
- d) 30 days if the accident is fatal; 60 days if the accident requires technical assessment or forensic examination. If the accident is suspected to be a crime and investigated by an investigating agency but there is no decision on criminal prosecution, the time limit for investigation shall be begin from the date on which the investigation group receives adequate materials, objects, or vehicles related to the accident.

If the accident mentioned in Points b, c, and d of this Clause has complicated facts, it shall be granted an extension provided that it does not exceed the time limit prescribed in those Points; the extension must be reported and concurred with by the person issuing the decision on establishment of the investigation group regarding occupational accidents prescribed in Points b, c and d of this Clause by the investigation group leader.

7. During the investigation process prescribed in Clauses 1, 2 and 3 of this Article, if there is any sign of crime, the investigation group shall send reports enclosed with materials, transfer relevant items and vehicles (if any) to the investigating agency for consideration, criminal prosecution as prescribed in legislation on criminal proceedings.

The time limit for criminal prosecution shall comply with legislation on criminal procedures; if the investigating agency decides not to initiate the prosecution, within 05 days, from the date on which the decision not to initiate criminal prosecution, the investigating agency shall provide and transfer materials, objects or vehicles related to the accident to the investigation group.

8. The report on investigation into the occupational accident shall be announced in the meeting presided over by the group leader and group members, the employer or representative of the employer, representatives of trade union, victims or representative of victims' relatives, witnesses or relevant parties in the accident; if the accident cause death to the employee, there are also representatives of police authority and People's Procuracy at the same level.

The report on investigation into the accident and the meeting minutes shall be sent to agencies having the group members, the labor authority, and the employer of the business entity having the accident and victims or their relatives.

9. Responsibility to publish the report on investigation into the accident and necessary information about the accident:

- a) The employer shall publish information if it is required to investigate the occupational accident prescribed in Clause 1 of this Article; the People's Committee of the commune shall

publish information about the occupational accident in which the People's Committee of the commune makes the report;

b) The investigation group leader or the competent agency in charge of the investigation into the occupational accidents prescribed in Clause 2 and Clause 2 of this Article shall publish information;

c) The investigation group leader or the competent agency in charge of the investigation into the occupational accidents shall publish information, unless otherwise prescribed by specialized legislation.

The receiving the report on investigation into the occupational accidents and the meeting minutes, the employer shall post them on the bill publicly and sufficiently for all employees in the business entity; regarding occupational accidents occurring to employees without labor contracts, the People's Committee of the commune shall post them on the bill for the people of the commune;

d) The investigation group leader or the competent agency in charge of the investigation into the occupational accidents or breakdowns prescribed in Clause 4 of this Article, or safety threat and serious safety threat shall publish the reports on investigation and relevant necessary information after the time limit for investigation expires, unless otherwise prescribed by specialized legislation.

10. If the time for investigation into the occupational accident, safety threat and serious safety threat prescribed in this Article expires the time limit as prescribed and cause damage to the lawful rights and interests of employees or employer, it is required to pay compensation as prescribed.

11. The Government shall provide guidance on classification, reporting, investigation, and statistical reports on occupational accidents, safety threat or serious safety threat and provision of occupational accident benefits for employees in case there are decision on crime prosecution for occupational accidents.

Article 36. Statistical reports on occupational accidents and serious safety threat

1. Every 6 month and every year, each employer shall send statistical reports on occupational accidents and serious safety threat to the labor authority of province, unless otherwise prescribed by specialized legislation.

2. Every 6 month and every year, each People's Committee of commune shall send statistical reports on occupational accidents and serious safety threat related to employees without labor contracts prescribed in Point d Clause 1 Article 34 of this Law to the People's Committee of district, then it shall be synthesized and reported to the labor authority of province.

3. Each labor authority of province shall send reports on occupational accidents and serious safety threat prescribed in Clause 1 and Clause 2 of this Article to the Ministry of Labor, War Invalids and Social Affairs as follows:

a) The labor authority shall send quick reports on occupational accidents that cause deaths or serious safety threat or serious safety threat in the province;

b) Every 06 months and every year, the labor authority shall send reports on occupational accidents or serious safety threat and occupational safety in the province.

4. Every 06 months and every year, the Ministry of Health shall release statistics on cases in which victims of occupational accidents undergone medical examinations and treatment and

send to the Ministry of Labor, War Invalids and Social Affairs.

5. The Ministry of Labor, War Invalids and Social Affairs shall organize and give instructions in collection, archives, provision, promulgation and assessment of occupational accidents and serious safety threat; creation and management of database of occupational safety nationwide.

Article 37. Statistics and reports on occupational diseases

1. All employees suffering occupational diseases shall be released statistics and reported as prescribed by the Minister of Health.

The List of occupational diseases promulgated by the Minister of Health with the consent of the Ministry of Labor, War Invalids and Social Affairs, Vietnam General Confederation of Labor, the representative of employers, relevant social organizations shall be amended in conformity with the occupational environment, equipment and technology.

2. Every year, each employer shall send reports and statistics of prevention of occupational diseases to health authority of province, and then they shall be sent to the Ministry of Health.

3. Every year, the Ministry of Health shall send statistics and assessment of occupational diseases and actions against occupational diseases to the Ministry of Labor, War Invalids and Social Affairs, and then they shall be sent to the Government.

4. The Ministry of Health shall organize and give instructions in collection, archives, provision, promulgation and assessment of occupational diseases; creation and management of database of occupational disease prevention; and investigation into occupational diseases.

Section 2. RESPONSIBILITIES OF EMPLOYERS TO EMPLOYEES SUFFERING FROM OCCUPATIONAL ACCIDENTS OR OCCUPATIONAL DISEASES

Article 38. Responsibilities of employers to employees suffering from occupational accidents or occupational diseases

Each employer shall take responsibilities to an employee suffering from occupational accidents or occupational diseases as follows:

1. Promptly give first aid and emergency aid to the employee and advance payment for first aid, emergency aid, and treatment for the employee;

2. Pay for first aid, emergency aid, and treatment for the employee until their health become stable, including:

a) Co-payment and costs not covered by health insurance for the employee if the employee has health insurance;

b) Payment for medical assessment of decreased work capacity if the employee's working capacity decreases by under 5% as concluded by the Medical Examination Council;

c) Full payment for treatment for the employee if the employee has not health insurance;

3. Pay full salary for the employee if he/she is absent from work during the treatment and health rehabilitation period;

4. The employer shall pay compensation for the employee suffering from occupational accident that is not entirely his/her fault and the employee suffering occupational disease as follows:

a) At least 1.5 months' salary for the employee whose working capacity decrease is between 5% and 10%; 0.4 month's salary shall be add for each additional 1% working capacity decrease regarding the employee whose working capacity decrease is between 11% and 80% ;

- b) At least 30 months' salary for the employee working capacity decrease is at least 81% or for the employee's relatives if the employee dies from an occupational accident or an occupational disease;
5. Provide the employee suffering from the occupational accident with a benefit of at least 40% of the amount prescribed in Clause 4 of this Article if the accident is entirely his/her fault;
6. Recommend the employee for medical assessment of decreased work capacity, treatment, convalescence and health rehabilitation as prescribed;
7. Pay compensation or benefit for the victim within 05 days, from the date on which the conclusion on working capacity rate made by Medical Examination Council or from the date on which the report on investigation into the occupational accident published by the investigation group in relation to occupational accidents causing deaths;
8. Assign works appropriate for the employee's health according to the conclusion of Medical Examination Council after treatment and health rehabilitation if the employee keeps working;
9. File a claim for the insurance benefits from the Insurance fund as prescribed in Section 3 of this Chapter;
10. The salary used as the basis for compensation, benefits, or salaries paid for employees absent from work due to their occupational accidents or occupational diseases prescribed in Clauses 3, 4 and 5 of this Article shall include salary, allowances and additional payments as prescribed in legislation on labor.
11. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on Clauses 3, 4, and 5 of this Article.

Article 39. Responsibilities of employers for providing compensation and benefit applicable to particular cases

1. If an employee has an occupational accident when he/she is performing tasks or conform to the directive of the employer outside the premises of the agency, enterprise, organization or cooperatives through other people's faults or through the fault of an unidentifiable person, the employer shall still pay compensation for the employee as prescribed in Clause 4 Article 38 of this Law.
2. If an employee has an occupational accident while commuting between home and work, with other people's faults or not identifiable persons causing the accident, the employer shall still pay benefits for the employee as prescribed in Clause 5 Article 38 of this Law.
3. If the employer bought accident insurance for the employee from an insurance company, the employee shall receive compensation and/or benefits as specified in the insurance policy. If the insurance payout paid by the insurance company is lower than the amount prescribed in Clause 4 and Clause 5 Article 38 of this Law, the employer shall pay the remaining amount provided that total amount that the employee or their relatives receives is not smaller than the compensation or benefit prescribed in Clause 4 and Clause 5 Article 38 of this Law.
4. If the employer does not buy the insurance for the employee subject to compulsory social insurance as prescribed in Law on social insurance, apart from the compensation and/or benefit prescribed in Article 38 of this Law, the employer shall pay an amount equivalent to the insurance benefits prescribed in Section 3 of this Chapter; the payment is a lump-sum payment or a monthly payment depending on contracting parties, or at the request of the

employee if they cannot reach an agreement.

5. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on this Article.

Article 40. Cases in which occupational accident benefit are rejected by employers

1. An employee shall not receive occupational accident benefits prescribed in Article 38 and Article 39 of this Law from the employer if the accident is caused by one of the following reasons:

- a) Conflict between the employee and the person causing the accident not relating their works or tasks;
- d) The employee deliberately ruins their own health;
- c) The employee uses drugs or other narcotic substances against of law.

2. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on this Article.

Section 3. INSURANCE FOR OCCUPATIONAL ACCIDENTS OR OCCUPATIONAL DISEASES

Article 41. Rules for provision of benefit for victims covered by Insurance fund for occupational accidents and occupational diseases (hereinafter referred to as Insurance fund)

1. Insurance fund is a sub-fund of the Social insurance fund; insurance premiums and payout, management and use of this Fund shall comply with this Law and Law on social insurance.

2. Insurance premium rates shall be determined according to monthly salary of each employee and paid by their employer.

3. Benefit level for a victim shall be determined according to his/her decreased work capacity, premium rate and payment period to the Insurance fund.

4. The insurance must be purchased and used simply, conveniently, promptly with full rights and interests for the insured.

Article 42. Use of the Insurance fund

1. Expenditures on fees for medical assessment of injuries or diseases caused by occupational accidents or occupational diseases for entities eligible as prescribed in Article 45 and Article 46 of this Law; expenditures on fees for medical assessment for employees who proactively take medical assessment of decreased work capacity as prescribed in Point b Clause 1 and Clause 3 Article 47 of this Law and the medical assessment results show that they are entitled to higher benefit of occupational accidents and occupational diseases.

2. Expenditures on lump-sum benefit, monthly benefit, attendance benefit.

3. Expenditures on daily living aids, orthopedic devices.

4. Expenditures on health rehabilitation.

5. Expenditures on support for prevention and risk sharing occupational accidents and occupational diseases.

6. Support for changes in occupations for victims when they return to work.

7. Expenditures on management of insurance as prescribed in the Law on social insurance.

8. Expenditures on health insurance premiums for employees entitled to monthly insurance

benefit.

Article 43. Employees receiving the insurance benefits

1. The employees receiving the insurance benefits prescribed in this Section are employees subject to compulsory social insurance as prescribed in Point a, b, c, d, dd, e and h Clause 1 Article 2 and employers as prescribed in Clause 3 Article 2 of the Law on social insurance.
2. If an employee concludes labor contracts with multiple employers, each employer shall pay insurance premiums for the labor contract concluded with the employee who is subject to compulsory social insurance. When an employee has an occupational accident or suffers from an occupational disease, he/she shall receive the insurance benefit as prescribed by the Government.

Article 44. Premium rates and contribution sources to the Insurance fund

1. Every month, each employer shall make a contribution up to 1% of their salary fund which is the basis for paying social insurance premiums for employees as prescribed Article 43 of this Law to the Insurance fund.
2. Contribution sources to the Insurance fund include:
 - a) Contributions under liability of employers prescribed in Clause 1 of this Article.
 - b) Profits from investment activities using the fund prescribed in Article 90 and Article 91 of Law on Social insurance;
 - c) Other lawful revenues.
3. According to balance of the Insurance fund, the Government shall promulgate detailed contribution rate to the Insurance fund prescribed in Clause 1 of this Article.

Article 45. Requirements for receiving occupational accident benefit

An employee buying the insurance shall receive occupational accident insurance benefit if the following requirements are satisfied:

1. He/she has an accident:
 - a) At the workplace and during the working time, even if he/she does necessary daily activities at the workplace or during the working time as prescribed in the Labor Code and internal regulations of the business entity, including break time, mid-shift meal, in-kind meal, menstrual hygiene, bathing, breastfeeding or personal hygiene;
 - b) Outside the workplace or beyond working time when he/she does works assigned by their employer or the person authorized by the employer;
 - c) On the route between home and work within a reasonable period of time and route;
2. He/she suffers a working capacity decrease of at least 5% caused by an accident prescribed in Clause 1 of this Article;
3. The employee will not be covered by the Insurance fund if he/she has an accident caused by one of the reasons prescribed in Clause 1 Article 40 of this Law.

Article 46. Requirements for receiving occupational disease benefit

1. An employee buying the insurance shall receive the occupational disease insurance benefit if the following requirements are satisfied:
 - b) He/she suffers from an occupational disease mentioned in the List of occupational diseases promulgated by the Minister of Health as prescribed in Clause 1 Article 37 of this Law;

b) He/she suffers a working capacity decrease of at least 5% caused by a disease prescribed in Clause 1 of this Article.

2. If an employee who has retired or no longer does the jobs posing risk of occupational diseases on the List of occupational diseases promulgated by the Minister of Health as prescribed in Clause 1 Article 37 of this Law is detect any occupational disease within a prescribed time, he/she might receive benefits as prescribed by the Government.

Article 47. Medical assessment of decreased work capacity

1. An employee involving in an occupational accident or suffering from an occupational disease is entitled to undergo medical assessment or medical re-assessment of decreased work capacity if he/she is in one of the following cases:

a) Their health condition has become stable after treatment of the first time injury or disease but there are sequelae affecting their health;

b) Their health condition has become stable after treatment of the relapse injury or disease;

c) If their health condition cannot become stable after treatment of the injury or disease as prescribed by the Minister of Health, the employee is entitled to undergo a medical assessment before or during the treatment process.

2. An employee is entitled to thorough assessment of their decreased work capacity when he/she is in one of the following cases:

a) He/she both suffers from an occupational accident and suffers from an occupational disease;

b) He/she suffers from multiple occupational accidents;

c) He/she suffers from multiple occupational diseases.

3. The employee prescribed in Point b Clause 1 of this Article shall be entitled to undergo medical re-assessment of occupational accidents or occupational diseases after 24 months, from the date on which the employee receives the preceding conclusion of decreased work capacity rate made by the Medical Examination Council; in case the employee's health decline considerably, the period of time for re-assessment shall be shortened as prescribed by the Minister of Health.

Article 48. Lump-sum benefit

1. Each employee suffering a working capacity decrease of between 5% and 30% is entitled to a lump-sum benefit.

2. Lump-sum benefit levels:

a) Each employee suffering a 5% working capacity decrease is entitled to a benefit which is five times more than the statutory pay rate, a half of the statutory pay rate shall be added to each additional 1% working capacity decrease;

b) Apart from the benefit level prescribed in Point a of this Clause, each employee is entitled to an additional benefit determined according to the payment period of the insurance premiums which equals half of the salary of the month preceding the leave taken for treatment on which social insurance premiums are based, for a period of social insurance premium payment of one year or less, and shall then be added with 0.3 month's salary of the month preceding the leave taken for treatment on which social insurance premiums are based, for each additional year of social insurance premium payment; if the employee suffers from the occupational accident in the first month he/she pays premium or discontinued payment of

premium until returning to work, the salary of such month shall be the basis for determination of that benefit.

3. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on determination of benefit occupational accident benefit or occupational disease benefit in case of changes in benefit levels given to employees due to re-assessment or thorough assessment.

Article 49. Monthly benefit

1. Each employee suffering a working capacity decrease of at least 31% is entitled to a monthly benefit.

2. Monthly benefit levels:

a) Each employee suffering a 31% working capacity decrease is entitled to benefit equivalent to 30% of the statutory pay rate, 2% of the statutory pay rate shall be added to each additional 1% working capacity decrease;

Apart from the benefit levels prescribed in Point a of this Clause, each employee is entitled to receive a monthly additional benefit determined according to the period of social insurance premium payment, which equals half of the salary of the month preceding the leave taken for treatment on which social insurance premiums are based, for a period of social insurance premium payment of one year or less, and shall then be added with 0.3% of the salary of the month preceding the leave taken for treatment on which social insurance premiums are based, for each additional year of social insurance premium payment.

3. Suspension from or continuation of receipt of monthly benefit of occupational accidents or occupational diseases, or attendance benefit shall comply with Article 64 of Law on Social insurance; documents and procedures for continuation of receipt of monthly benefit of occupational accidents or occupational diseases shall comply with Article 113 and Article 114 of Law on Social insurance. If the receipt of benefit suspend as prescribed in Point c Clause 1 Article 64 of Law on Social insurance, social security agency shall send notifications and provide explanation; decision on termination of benefit receipt shall comply with conclusion of the competent agency.

4. If a person who is receiving a monthly occupational accident benefit settles another place in the country and wishes to receive the benefit at the new place, he/she shall send an application to the former social security agency. Within 05 days, from the date on which the application is received, the social security agency shall verify the application; if the application is rejected, they must provide explanation in writing.

5. If a person who is receiving monthly insurance benefit settles abroad, he/she is entitled to a lump-sum benefit; the lump-sum benefit equals 3 months' former benefit. Documents and procedures for lump-sum benefit shall comply with Clause 2 and Clause 3 Article 109 and Clause 4 Article 110 of Law on Social insurance.

6. The monthly benefit levels of occupational accidents or occupational diseases, or attendance benefit levels shall be adjusted as prescribed in Law on Social insurance.

Article 50. Time for benefit receipt

1. Time for benefit receipt prescribed in Article 48, 49 and 52 of this Law shall be determined from the month in which the employee's health condition become stable or he/she is discharged from the hospital or from the month in which the conclusion is made by Medical Examination Council if the employee is an outpatient; with regard to thorough assessment of

decreased work capacity prescribed in Clause 2 Article 47 of this Law, the time for benefit receipt shall be determined from the month in which the employee's health condition become stable or he/she is discharged from the hospital regarding the last occupational accident or occupational disease or from the month in which the conclusion is made by Medical Examination Council if the employee is an outpatient.

If it fails to determine the time for which the employee's health become stable or he/she is discharged from the hospital, the time for benefit receipt shall be determined from the month in which the conclusion is made by Medical Examination Council; if the employee is infected with HIV/AIDS due to occupational accidents, the time for benefit receipt shall be determined from the month in which the employee receive a Certificate of HIV/AIDS infection due to occupational accidents.

2. If the employee undergoes medical assessment of decreased work capacity prescribed in Point b Clause 1 and Clause 2 Article 47 of this Law, the time for new benefit receipt shall be determined from the month in which the conclusion is made by Medical Examination Council.

Article 51. Daily living aids, orthopedic devices

1. Any employee involving in an occupational accident or an occupational disease which damages their body functions shall be annually provided with money to buy daily living aids and orthopedic devices depending on the conditions of their injury or disease and at the indication of qualified health facilities, orthopedic or rehabilitation facilities.

2. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on types of daily living aids, orthopedic devices, shelf life, costs and documents and procedures for purchase.

Article 52. Attendance benefit

If an employee suffering a working capacity decrease of 81% or more, such as rachioplegia, total blindness, paraplegia, amputation of two legs or a mental disease, he/she is entitled to not only the benefit specified in Article 49 of this Law but also a monthly attendance benefit equivalent to the statutory pay rate.

Article 53. Benefit upon death due to occupational accidents or occupational diseases

If an employee dies from an occupational accident or an occupational disease, his/her relatives shall be entitled to a lump-sum benefit which is thirty six times the statutory pay rate determined in the month in which he/she dies and enjoy survivor benefits as prescribed in Law on Social insurance if the employee is in one of the following cases:

1. The employee dies from an occupational accident or an occupational disease;
2. The employee dies from an occupational accident or an occupational disease after the first treatment;
3. The employee dies during the treatment period without assessment of decreased work capacity.

Documents on survivor benefits from deaths of employees from occupational accidents or occupational diseases shall comply with Clause 1 Article 111 of Law on Social insurance.

Article 54. Convalescence and health rehabilitation after injury or disease treatment

1. An employee whose health has not yet recovered after taking treatment of occupational diseases or injuries within 30 days after returning to work is entitled to a leave of between 5

days and 10 days for convalescence and health rehabilitation for each time that occupational accident or occupational disease occurs.

If the employee has not been received the conclusion on assessment of decreased work capacity made by Medical Examination Council within 30 days after returning to work, the employee is still entitled to benefits from convalescence and health rehabilitation after injury and disease treatment prescribed in Clause 2 of this Article if the Medical Examination Council concludes that his/her decreased work capacity is entitled to the insurance.

2. The number of days of a leave for convalescence and health rehabilitation shall be jointly decided by the employer and Executive board of internal trade union or by the employer in case the internal trade union has not been set up. In particular:

- a) Within 10 days regarding any employee suffering a working capacity decrease of at least 51%;
- b) Within 07 days regarding any employee suffering a working capacity decrease of between 31% and 50%;
- c) Within 05 days regarding any employee suffering a working capacity decrease of between 15% and 30%;

3. The per-diem benefit of convalescence and health rehabilitation for each employee prescribed in Clause 1 of this Article shall equal 30% of the statutory pay rate.

Article 55. Support for career change of victims when returning to work.

1. The employer shall assign new works for the victims as prescribed in Clause 8 Article 38 of this Law; the employee shall be supported tuition fees if the training courses for change in occupations are required.

2. The support does not exceed 50% of tuition fees and 15 times the statutory pay rate; each employee shall be entitled to up to 2 times of supports and once a year.

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

1. Every year, the Insurance fund shall allocate up to 10% of revenues to support prevention and risk sharing for occupational accidents and occupational diseases.

2. Prevention and risk sharing activities of occupational accidents and occupational diseases include:

- a) Occupational disease examinations and treatment;
- b) Occupational rehabilitation;
- c) Re-investigation into occupational accidents or occupational diseases at the requests of the social security agencies;
- d) Provision of training in occupational safety and hygiene for the insured and entities prescribed in Clause 1 and Clause 2 Article 14 of this Law.

3. The support for activities prescribed in Point a and Point b Clause 2 of this Article excluding the costs paid by the Insurance fund as prescribed in the Law on Health insurance or costs paid by the employers as prescribed in Clause 2 Article 38 of this Law.

4. The Government shall provide guidance on requirements for support, support rates, time for support, procedures for support, competent agencies deciding the support and implementation of support policies as prescribed in Article 55 and Article 56 of this Law and

assurance of balance of the Insurance fund.

Article 57. Documents for claiming occupational accident benefit

1. A social insurance book.
2. A hospital discharge note or copies of medical records after occupational accident treatment for an inpatient.
3. A report of medical assessment of decreased work capacity made by Medical Examination Council.
4. A claim form for occupational accident benefit using the form issued by Vietnam Social Security with the consent of the Ministry of Labor, War Invalids and Social Affairs.

Article 58. Claim documents on occupational disease benefit

1. A social insurance book.
2. A hospital discharge note or copies of medical records after occupational disease treatment for an inpatient; or an examination slip of occupational diseases for an outpatient.
3. A report of medical assessment of decreased work capacity made by Medical Examination Council; or a Certificate of HIV/AIDS infection due to occupational accidents.
4. A claim form for occupational disease benefit using the form issued by Vietnam Social Security with the consent of the Ministry of Labor, War Invalids and Social Affairs.

Article 59. Provision of the insurance benefits

1. The employer shall send the claim documents on the insurance benefits to the social security agency within 30 days, from the date on which the adequate documents prescribed in Article 57 and Article 58 of this Law are received.
2. Within 10 days, from the date on which the adequate documents are received, the social security agency shall provide the insurance benefits; if the documents are rejected, they must provide explanation in writing.

Article 60. Provision of benefit of convalescence and health rehabilitation after occupational accident or occupational disease treatment

1. The employer shall make a list of employees entitled to the insurance benefits whose health is not recovered and send it to the social security agency within 10 days, from the date on which their health has not been recovered as determined in Clause 1 Article 54 of this Law.
2. Within 10 days, from the date on which the list is received, the social insurance agency shall provide convalescence and health rehabilitation for the employees and transfer money to the employee; if the list is rejected, they must provide explanation in writing.
3. Within 05 days, from the date on which the money sent from the social security agency is received, the employer shall pay benefit to employees.

Article 61. Provision of the insurance benefits behind regulated schedule

1. If the insurance benefits are provided behind schedule as prescribed in Article 59 and Clause 1 Article 60 of this Law, the persons or agencies in charge shall provide explanation in writing.
2. If the insurance benefits and the benefit are provided behind the schedule as prescribed and cause damage to lawful rights and interests of the insured, the persons or agencies in charge must give compensation as prescribed, unless that damage caused by the employees or their relatives entitled to survivor benefits.

Article 62. Documents and procedures for medical assessment of decreased work capacity for the insurance benefits

1. Documents and procedures for medical assessment of decreased work capacity for the insurance benefits shall be prescribed by the Minister of Health.
2. Medical assessment of decreased work capacity shall be carried out accurately, publicly and transparently. Medical Examination Council shall be responsible for the accuracy of their assessment results as prescribed.

Chapter IV

OCCUPATIONAL SAFETY AND HYGIENE ASSURANCE APPLICABLE TO PARTICULAR EMPLOYEES

Article 63. Occupational safety and hygiene applicable to female, minor or disabled employees

The occupational safety and hygiene applicable to female, minor or disabled employees shall comply with the Labor Code, Law on disabled people and this Law.

Article 64. Requirements for employment of elderly employees in heavy, harmful or dangerous occupations

1. An elderly employee shall only be employed in heavy, harmful or dangerous occupations or serious heavy, harmful or dangerous occupations that adversely affect their health if all requirements are satisfied:
 - a) The elderly employee has experience and professional skills with at least 15 years' seniority; has professional certificates or recognized as a craftsman as prescribed;
 - b) The elderly employee has good health to work heavy, harmful or dangerous occupations according to the health standards promulgated by the Minister of Health with the consent of specialized Ministries;
 - c) The elderly employee has been employed for within 05 years;
 - d) There is at least one employee other than an elderly employee work with the elderly employee together;
 - dd) The elderly employee voluntarily work those occupations.
2. The Government shall provide guidance on this Article.

Article 65. Occupational safety and hygiene applicable to employee leasing

1. A subscribing enterprise must:
 - a) Agree with the leasing enterprise about respect for the right of leasing employees to have safe and hygienic working conditions provided that they are not lower than lawful rights and interests of employees of the leasing enterprise who have the same qualifications and same works; conclude an employee leasing and fulfill obligations of the employers as prescribed in the Labor Code and this Law;
 - b) Cooperate and inspect the implementation of occupational safety and hygiene applicable to the leasing employees carried out by the leasing enterprise. In case the leasing enterprise fails to fulfill all commitments to occupational safety and hygiene as mentioned in the employee leasing concluded, the subscribing enterprise shall be responsible for rights and interests of the leasing employees;
 - c) Keep record of occupational safety and hygiene related to the leasing employees; and send

reports on occupational accidents or occupational diseases as prescribed in Article 36 and Article 37 of this Law.

2. A leasing enterprise must:

a) Fulfill all commitments as mentioned in the employee leasing; and do not discriminate between the leasing employees and their employees in terms of occupational safety and hygiene;

c) When a leasing employee has an occupational accident or a safety threat, he/she must be received first aid and emergency aid, and the leasing enterprise must inform the subscribing enterprise, and report and conduct an investigation as prescribed in Article 34 and 35 of this Law;

c) Provide training in occupational safety and hygiene for the leasing employees as prescribed in this Law, unless the subscribing enterprise has provided such training for the leasing employees; and send reports on occupational accidents or occupational diseases involved by the leasing employees to the subscribing enterprise twice or once a year;

d) Cooperate with the subscribing enterprise in investigation into occupational accidents; and keep record of documents on occupational safety and hygiene related to the leasing employees.

3. The leasing employees must comply with internal regulations, process and measures for assurance of occupational safety and hygiene of the leasing enterprise.

4. The Government shall provide guidance on occupational safety and hygiene in terms of employee leasing; responsibility of subscribing enterprises and leasing enterprises for leasing employees, respect for rights and interests of leasing employees in accordance with the Labor Code and this Law.

Article 66. Occupational safety and hygiene applicable to workplace having employees of multiple employers

With regard to the workplace having employees of multiple employers, the project owner or the investor shall request the employers to conclude an agreement on allocation of responsibility for employees in terms of occupational safety and hygiene and send persons to cooperate with them in inspection of occupational safety and hygiene.

Article 67. Occupational safety and hygiene applicable to Vietnamese employees working abroad

1. Vietnamese employees working abroad prescribed in this Article consist of Vietnamese employees sent by their employers and worked under agreement as prescribed in the Law on Vietnamese employees working abroad under agreement.

2. The employer must comply with regulations on occupational safety and hygiene of home country and following regulations:

a) Carry out sufficient measures for occupational safety and hygiene, the insurance benefits and responsibility of employers for employees prescribed in this Law; if regulations of the home country on such benefits are more favorable to employers, those regulations shall apply;

b) Cooperate with competent agencies of the home country in investigations into accidents or injuries involved by the employees;

c) Provide documents related to the fatal or serious occupational accidents for Occupational Safety and Hygiene Inspectorate of provinces of Vietnam where the premises of the employer

are located.

3. Each Vietnamese employee working abroad must comply with Vietnam legislation, home country legislation, unless otherwise prescribed by the international agreements to which the Socialist Republic of Vietnam is a signatory.

Article 68. Occupational safety and hygiene applicable to domestic workers

1. Each employer must give instructions on how to use machinery, equipment or devices, in measures for fire safety in the house related to works of their domestic workers; and ensure safety and healthcare for their domestic workers.

2. Domestic workers must conform to instructions on how to use those machinery, equipment or devices and practice fire safety.

3. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on occupational safety and hygiene applicable to domestic workers.

Article 69. Occupational safety and hygiene applicable to work-from-home employees

1. When an employee concludes an agreement on work-from-home with an employer, the employee should base on the assurance of occupational safety and hygiene offered by the employer.

2. When the employee has an occupational accident when working from home, the employee or their relatives shall immediately report to the employer.

If the victim has bought the insurance, he/she shall be entitled to the insurance benefits as prescribed in this Law.

If the employee suffering from the occupational accident is not required to buy the insurance, the employer shall ensure the interests of the employee as prescribed in Clause 1, 2, 3, 4, 5, 6, 7, 8 and 10 Article 38 of this Law.

3. The employer must inspect workplace of work-from-home employees; fulfill commitments as mentioned in the agreement concluded with the employee; and send reports on occupational accidents involved by the employee together with the reports prescribed in Article 36 of this Law.

Article 70. Occupational safety and hygiene applicable to students, apprentices, and interns

1. Educational institutions and vocational institutions shall ensure requirements for occupational safety and hygiene applicable to students, apprentices during their practice duration similarly to the employees prescribed in Article 15, 15, 18, 19, 20, 23, 24, 25 and Clause 1 Article 27 of this Law.

2. The employer shall implement regulations on occupational safety and hygiene applicable to apprentices and interns similarly to the employees prescribed in this Law, including cases in which they have occupational accidents.

3. During the practice duration, students, apprentices must comply with regulations on occupational safety and hygiene promulgated by the educational institutions or vocational institutions.

If a student has an occupational accident during the practice duration, he/she shall receive benefits as prescribed by the Government.

Chapter V

OCCUPATIONAL SAFETY AND HYGIENE ASSURANCE APPLICABLE TO BUSINESS ENTITIES

Article 71. Occupational safety and hygiene assurance applicable to business entities

1. When a business entity carries out occupational safety and hygiene, it must comply with both regulations on occupational safety and hygiene prescribed in Chapters I, II, III and IV of this Law and regulations prescribed in this Chapter.

2. Management boards of economic zones, industrial parks, processing and exporting zones and hi-tech zones shall direct the occupational safety and hygiene for business entities within their management scope; cooperate in inspection of occupational safety and hygiene and send reports on occupational safety and hygiene to labor authorities within their management scope, unless otherwise prescribed by specialized legislation.

3. According to labor scope and characteristics, hazards of occupational accidents or occupational diseases and working condition, the Government shall provide guidance on regulations on occupational safety and hygiene of this Law applicable to other entities, management boards of economic zones, industrial parks, processing and exporting zones and hi-tech zones prescribed in Clause 2 of this Article in accordance with their working condition, organizational structure, and tasks, and other specialized legislation.

Article 72. Occupational safety and hygiene unit

1. According to labor scope and characteristics, hazards of occupational accidents or occupational diseases and working condition, the employer shall assign persons in charge of occupational safety and hygiene or set up a unit in charge of occupational safety and hygiene at a business entity.

The Government shall provide guidance on this Clause.

2. The persons in charge of occupational safety and hygiene or occupational safety and hygiene unit shall act as an advisor for the employer to carry out occupational safety and hygiene at the business entity, including:

- a) Formulating internal regulations, process and measures for assurance of occupational safety and hygiene; and fire safety;
- b) Making and implementing annual plans for occupational safety and hygiene; assessing risks and making plans for emergency rescue;
- c) Managing and observing the reporting and inspection of machinery, equipment, materials or substances having strict safety and hygiene requirements;
- d) Organizing propagation and training in occupational safety and hygiene; give first aid, emergency aid and prevention of occupational diseases for employees;
- dd) Organizing self-inspection of occupational safety and hygiene; investigating occupational accidents or safety threat as prescribed;
- e) Directing and cooperating with health unit in supervision and control of dangerous or harmful factors;
- g) Requesting the employer to comply with recommendations of the Inspectorate and employees in terms of occupational safety and hygiene;
- h) Cooperating with internal trade union in instructions in tasks of occupational safety and hygiene officers;

i) Organizing emulation movement, commendation, taking disciplinary actions, releasing statistics and sending reports on occupational safety and hygiene.

3. A person in charge of occupational safety and hygiene and an occupational safety and hygiene unit has rights to:

a) Request persons in charge of production division to give orders for work suspension or temporary work suspension for emergencies when there are hazards of occupational accidents to conduct measures for assurance of occupational safety and hygiene, and send a report to the employer;

b) Suspend machinery or equipment that is unsafe or expired from operation;

c) Participate in training courses or refresher courses in occupational safety and hygiene that are provided and arranged by the employer as prescribed.

4. The person in charge of occupational safety and hygiene must have professional knowledge and competence in technical and business operation of the business entity.

5. If the business entity fails to assign persons in charge of occupational safety and hygiene or occupational safety and hygiene unit as prescribed in Clause 1 and Clause 4 of this Article, it must hire a qualified organization as prescribed to carry out occupational safety and hygiene as prescribed in Clause 2 of this Article.

Article 73. Health unit

1. According to labor scope and characteristics, hazards of occupational accidents or occupational diseases and working condition, the employer shall assign health officers or set up a health unit in charge of healthcare for employees at a business entity.

The Government shall provide guidance on this Clause.

2. The health officer or health unit shall act as an advisor for the employer to look after the employees' health, including:

a) Making emergency scenarios, emergency equipment, essential medicines, providing training in first aid, emergency aid for employees at the business entity;

b) Making plans and organizing health check-ups, occupational disease check-ups, medical assessment of decreased work capacity upon occupational accidents or occupational diseases, convalescence and occupational rehabilitation, offering advices on prevention of occupational diseases; suggesting work positions that are suitable for the employees' health;

c) Organizing examinations and treatment of normal diseases at the business entity and first aid and emergency aid for victims of occupational accidents or safety threat as prescribed;

d) Propagating information about occupational hygiene, prevention of occupational diseases, promoting better health in the workplace; inspecting the observance of regulations on hygiene, prevention of epidemic diseases, assurance of food safety and hygiene for employees at the business entity; providing in-kind benefit as prescribed;

dd) Collecting and managing information about occupational safety and hygiene at the workplace; organizing occupational environment monitoring to assess harmful factors; manage health records of employees, health records of employees suffering occupational diseases (if any);

e) Cooperating with occupational safety and hygiene unit in performance of tasks prescribed in Clause 2 Article 72 of this Law.

3. A health officer or a health unit has rights to:

a) Request persons in charge of production division to give orders for work suspension or temporary work suspension for emergencies when there are violations or hazards that threaten health, cause diseases for employees and inform the employer of those violations or hazards; manage medical equipment, medicines used in first aid and emergency aid at the workplace; and give instructions in first aid and emergency aid at the workplace for employees;

b) Suspend the use of substances not meeting requirements for occupational safety and hygiene.

c) Participate in meetings, conferences and transactions with local health authorities or central health authorities under work assignment of the employer.

4. The health officer must have qualifications in health and a certificate of training in occupational health.

5. In case the business entity fails to assign health officers or set up a health unit as prescribed in Clause 1 and Clause 4 of this Article, it shall conclude an agreement with a qualified health facility as prescribed by the Minister of Health to take care of the employee's health prescribed in Clause 2 of this Article.

Article 74. Occupational safety and hygiene officers

1. Each production group in a business entity must have at least one part-time occupational safety and hygiene officer during the working time. The employer shall make an establishment decision and promulgate Operation regulation of the network of occupational safety and hygiene officers with the consent of their Executive board of internal trade union (if any).

2. Each occupational safety and hygiene officer is a direct employee who is expert in professional competence and safety engineering and occupational hygiene; voluntarily and exemplarily comply with regulations on occupational safety and hygiene and elected by employees of the group.

3. The occupational safety and hygiene officer shall work under management and instructions of the Executive board of internal trade union, Operation regulation of the network of occupational safety and hygiene officers; cooperate with persons in charge of occupational safety and hygiene or occupational safety and hygiene unit, health officers or health unit in professional knowledge, safety engineering and labor hygiene during the course of work.

4. Each occupational safety and hygiene officer has obligations to:

a) Expedite, remind and give instructions for members in groups, teams, workshops in strict observance of regulations on occupational safety and hygiene, preservation of safety equipment and personal protective equipment; remind group leaders, team leaders or foremen in observance of regulations on occupational safety and hygiene.

b) Observe the implementation of standards, process and internal regulations of occupational safety and hygiene, detect mistakes or violations against occupational safety and hygiene, cases threatening safety and hygiene of machinery, equipment, materials or substances and the workplace;

c) Participate in formulation of plans for occupational safety and hygiene; participate in instructions in working safety measures for new comers at the group;

d) Request the group leader or senior to provide adequate personal protective equipment,

measures for assurance of occupational safety and hygiene and take actions against cases threatening safety and hygiene of machinery, equipment, materials or substances and the workplace;

dd) Send reports to the trade union or labor inspectorate when violations against occupational safety and hygiene at the workplace are detected or cases threatening safety and hygiene of machinery, equipment, materials or substances having strict safety and hygiene requirements that are requested to the employer and no action are taken.

5. Each occupational safety and hygiene officer has rights to:

a) Receive sufficient information about measures for occupational safety and hygiene assurance at the workplace conducted by the employer;

b) Take time to perform tasks of an occupational safety and hygiene officer with full salary and receive responsibility benefit.

The responsibility benefit levels shall be jointly agreed by the employer and the Executive board of internal trade union and mentioned in the Operation regulation of the network of occupational safety and hygiene officers;

c) Request employees in the group to stop working to conduct measures for assurance of occupational safety and hygiene, avoid hazards of direct breakdowns or occupational accidents and take responsibility for their decision;

d) Take part in refresher courses in professional competence and operation methods.

Article 75. Internal occupational safety and hygiene council

1. According to labor scope and characteristics, hazards of occupational accidents or occupational diseases and working condition, the employer shall set an internal occupational safety and hygiene council.

The Government shall provide guidance on this Clause.

2. An internal occupational safety and hygiene council shall have rights and obligations to:

a) Consult and cooperate with the employer in formulation of internal regulations, process, plans and measures for assurance of occupational safety and hygiene at the business entity;

b) Annually discuss with employees at the workplace to share information and promote their relationship and promote fair and safe working condition for employees; and improve the implementation of policies, legislation on occupational safety and hygiene at the business entity;

c) Inspect the implementation of occupational safety and hygiene at the business entity;

d) Request the employer to take actions against cases threatening occupational safety and hygiene.

3. The internal occupational safety and hygiene council consists of:

a) A council president, who is the representative of the employer;

b) A council vice president, who is the representative of the Executive board of the internal trade union or the representative of employees (for business entity having no internal trade union);

c) A council standing member cum secretary, who is a person in charge of occupational safety and hygiene at the business entity;

d) The health officer at the business entity;

dd) Other relevant members.

The composition of the internal occupational safety and hygiene council must ensure the female rate that conform to gender equality rules and actual condition of the business entity.

Article 76. Plan for occupational safety and hygiene

1. Every year, the employer must formulate and carry out the plan for occupational safety and hygiene. If there is any additional work arising in the planned year, they must be added to the plan for occupational safety and hygiene.

2. The plan for occupational safety and hygiene must be concurred with the Executive board of internal trade union and according to following bases:

- a) Risk assessment of occupational safety and hygiene at the workplace; control of dangerous or harmful factors and plans for emergency rescue;
- b) Results of occupational safety and hygiene of the previous year;
- c) Tasks and orientation of business plan and personnel of the planned year;
- d) Requests of employees, the trade union and the Inspectorate.

3. The plan for occupational safety and hygiene shall contain:

- a) Technical measures for occupational safety and fire safety;
- a) Technical measures for occupational hygiene and prevention of harmful factors and improvement of working condition;
- c) Provision of personal protective equipment for employees;
- d) Healthcare for employees;
- dd) Propagation and training in occupational safety and hygiene.

Article 77. Assessment of risks to occupational safety and hygiene

1. Risk assessment of occupational safety and hygiene means analysis and identification of hazards and harmful effects of dangerous or harmful factors at the workplace in order to proactively prevent occupational accidents and occupational diseases and improve the working condition.

2. The employer must assess and instruct employees to self-assess hazards of occupational safety and hygiene before working, during the course of work or when necessary.

3. With regard to fields or occupations posing high risks of occupational accidents and occupational diseases, the risk assessment of occupational safety and hygiene shall be compulsorily applied and specified in the internal regulations and working process.

4. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on Clause 2 and Clause 3 of this Article with the consent of the Minister of Health.

Article 78. Plan for emergency rescue

1. According to the hazards of occupational accidents or occupational diseases at the workplace and regulations of law, the employer shall formulate a plan for emergency rescue at the workplace.

2. The plan for emergency rescue shall contain:

- a) Plan for evacuation of employees from the dangerous area;
- b) Measures for first aid and emergency aid for victims;
- c) Measures for preventing and dealing with consequence caused by the breakdowns;

- d) Equipment used in rescue;
 - dd) Internal rescue forces; plan for cooperation between internal and external rescue forces; manoeuvre plan.
3. Procedures and power to approve the plan for emergency rescue shall comply with regulations of law.

Article 79. Establishment of rescue forces

1. With regard to the workplace having dangerous or harmful factors prone to occupational accidents, the employer shall establish a full-time or semi fulltime rescue force as prescribed and provide them with training in first aid and emergency aid for employees.
2. The rescue force must be provided with technical and medical equipment to give prompt rescue, first aid and emergency and they are must be trained.
3. The Minister of Health shall provide guidance on establishment, equipment and training for the first aid and emergency aid force at the workplace.

Article 80. Self-inspection of occupational safety and hygiene

1. The employer shall formulate and carry out a plan for regular or irregular self-inspection in terms of at the business entity.
2. The contents, forms and time for their inspection shall ensure and effectiveness and in conformity with the occupational characteristics, hazards of occupational accidents and occupational diseases and working condition of the business entity.
3. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on this Article with the consent of the Minister of Health.

Article 81. Statistics on occupational safety and hygiene

1. Every year, the employer shall release statistics and make reports on occupational safety and hygiene as follows:
 - a) Send reports on occupational safety and hygiene to labor authorities and health authorities of provinces, unless otherwise prescribed by specialized legislation;
 - b) Release statistics and send reports on occupational accidents, occupational diseases and serious safety threat as prescribed in Article 36 and Article 37 of this Law.
2. The Minister of Labor, War Invalids and Social Affairs shall provide guidance on Point a Clause 1 of this Article with the consent of the Minister of Health.

Chapter VI

STATE MONITORING OF OCCUPATIONAL SAFETY AND HYGIENE

Article 82. Contents of state monitoring of occupational safety and hygiene

1. Promulgate and implement legislative documents on occupational safety and hygiene; formulate, promulgate or announce national technical standards for occupational safety and hygiene, local technical standards for occupational safety and hygiene within the competence.
2. Propagate and raise public awareness of legislation on occupational safety and hygiene.
3. Monitor, release statistics and provide information about occupational accidents and occupational diseases; formulate national program for occupational safety and hygiene.
4. Manage the organization and operation of services providers of occupational safety and hygiene.

5. Research and apply safety and hygiene technologies.
6. Inspect and deal with complaints, denunciation and violations against legislation on occupational safety and hygiene.
7. Provide training in occupational safety and hygiene.
8. Conduct international cooperation in occupational safety and hygiene.

Article 83. The roles of regulatory agencies in occupational safety and hygiene

1. The Government shall be in charge of state management of occupational safety and hygiene nationwide.
2. The Ministry of Labor, War Invalids and Social Affairs shall take responsibility to the Government for in charge of state management of occupational safety and hygiene nationwide.
3. Ministries, ministerial agencies shall be in charge of state management of occupational safety and hygiene within their competence.
4. The People's Committees shall be in charge of state management in terms of occupational safety and hygiene within their competence.

Article 84. The roles of the Minister of Labor, War Invalids and Social Affairs in occupational safety and hygiene

1. Formulate and request the competent agencies to promulgate and implement legislation, policies and plans for occupational safety and hygiene, national program for occupational safety and hygiene; and keep national records of occupational safety and hygiene.
2. Issue the List of machinery, equipment, materials or substances having strict safety and hygiene requirements as prescribed in Clause 2 Article 28 of this Law, carry out state management of training in occupational safety and hygiene and inspection of those machinery, equipment, materials or substances.
3. Formulate and discuss about national technical standards for occupational safety and hygiene as prescribed in Article 87 of this Law.
4. Monitor, collect and provide information about occupational safety and hygiene; release statistics on occupational safety and hygiene as prescribed in legislation on statistics.
5. Propagate and raise public awareness of legislation on occupational safety and hygiene; prevent safety threat, avoid occupational accidents and occupational diseases.
6. Request the Government to decide the handling measures when necessary to protect legitimate rights and interests of employees in terms of the insurance.
7. Inspect and deal with violations against occupational safety and hygiene; investigate or cooperate in investigation of occupational accidents, safety threat; and request the Ministry of Public Security and the People's Supreme Procuracy to investigate and take actions against occupational accidents with signs of crime.
8. Conduct international cooperation in occupational safety and hygiene.

Article 85. The roles of the Minister of Health in occupational safety and hygiene

1. Formulate and request the competent agencies to promulgate legislative documents on occupational environment monitoring; assess, control and manage harmful factors at the workplace; manage and carry out the occupational environment monitoring.
2. Formulate national technical standards for occupational safety and hygiene regarding

occupational hygiene factors in the occupational environment; and offer opinions about occupational hygiene within their competence prescribed in Clause 5 Article 87 of this Law.

3. Provide guidance on management of occupational hygiene and prevention of occupational diseases.

4. Provide guidance on health check-ups, occupational disease check-ups, medical assessment of decreased work capacity, and treatment and health rehabilitation for employees suffering from occupational accidents or suffering occupational diseases, and manage occupational health records.

5. Cooperate with the Ministry of Labor, War Invalids and Social Affairs in formulation of contents of training in occupational hygiene; propagate and raise public awareness of legislation on occupational hygiene.

6. Formulate, promulgate and regularly inspect for amendments to the List of occupational diseases prescribed in Clause 1 Article 37 of this Law; carry out assessment of occupational diseases; formulate and promulgate health standards for each occupation with the consent of relevant Ministries and agencies.

7. Monitor, collect and provide information about occupational hygiene; release statistics and create database of occupational diseases; and manage the employees' health at the workplace.

8. Cooperate with the Ministry of Labor, War Invalids and Social Affairs in formulation of assessment criteria for the List of heavy, harmful and dangerous occupations and severely heavy, harmful and dangerous occupations.

9. Cooperate with the Ministry of Labor, War Invalids and Social Affairs in inspection of observance of legislation on occupational hygiene as prescribed.

10. Annually send reports on implementation of policies and legislation on occupational safety and hygiene within their managing field to the Ministry of Labor, War Invalids and Social Affairs.

Article 86. The roles of the People's Committees in occupational safety and hygiene

1. Formulate and request the competent agencies to promulgate legislative documents and local technical standards.

2. Manage occupational safety and hygiene at local governments; formulate and implement policies and legislation on occupational safety and hygiene at local governments.

3. Annually send reports on implementation of policies and legislation on occupational safety and hygiene at local governments to the People's Councils or send irregular reports at the request of competent agencies as prescribed.

4. Annually propagate and raise public awareness of legislation on occupational safety and hygiene on administrative divisions suitable for the local condition; give priority to employees without labor contracts at local governments.

5. Inspect and deal with violations against legislation on occupational safety and hygiene at local governments.

Article 87. Formulating and promulgating national standards for occupational safety and hygiene and formulating and promulgating National technical regulation on occupational safety and hygiene

1. The Ministry of Science and Technology shall approve plans for formulation of national standards for occupational safety and hygiene and promulgate the national standards for

occupational safety and hygiene.

2. The Ministry of Labor, War Invalids and Social Affairs shall take charge and cooperate with relevant Ministries and ministerial-level agencies in making plans for formulation of National technical regulation on occupational safety and hygiene.

3. Ministries or ministerial-level agencies shall formulate national standards for occupational safety and hygiene and formulate and promulgate National technical regulation on occupational safety and hygiene within their competence assigned by the Government with the consent of the Ministry of Labor, War Invalids and Social Affairs; if the Ministry of Labor, War Invalids and Social Affairs does not concur, the Ministries or ministerial-level agencies shall send reports to the Prime Minister for consideration and decision.

National standards for and National technical regulation on occupational safety and hygiene shall be assessed by the Ministry of Science and Technology as prescribed in the Law on Technical regulations and standards.

4. The Ministry of Labor, War Invalids and Social Affairs shall formulate national standards and promulgate National technical regulation on occupational safety and hygiene within their competence as prescribed in Clause 3 of this Article; cooperate with Ministries and ministerial-level agencies in requesting the Prime Minister to assign responsibility for formulation of national standards, formulation and promulgation of new National technical regulation or the national technical regulation relates to management scope of multiple Ministries or ministerial-level agencies.

5. The Ministry of Health shall formulate national standards for occupational safety and hygiene and promulgate National technical regulation on occupational safety and hygiene within their competence as prescribed in Article 85 of this Law; discuss with other Ministries or ministerial-level agencies about formulation of national standards for or National technical regulation on occupational safety and hygiene.

Article 88. National council of occupational safety and hygiene and Provincial councils of occupational safety and hygiene

1. National council of occupational safety and hygiene means an advisory organization giving advices on new formulation or amendments to policies or legislation on occupational safety and hygiene to the Government. The National council shall be established by the Prime Minister, including representatives of the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Health, Vietnam General Confederation of Labor, Vietnam Farmers' Union, employers, relevant Ministries, agency and specialists or scientists specialized in occupational safety and hygiene.

2. Provincial council of occupational safety and hygiene means an advisory organization giving advices on implementation of polices or legislation on occupational safety and hygiene at local government to the People's Committee. Each Provincial council shall be established by the President of the provincial People's Committee, including representatives of Services of Labor, War Invalids and Social Affairs, Services of Health, Confederation of Labor, Farmers' Union, enterprises, agencies, organizations and specialists or scientists specialized in occupational safety and hygiene at local governments.

3. Annually, the Council of occupational safety and hygiene shall hold discussion to share information, improve relationship among employers, employees, trade unions, representatives of employers and regulatory agencies to promote the fair and safe working condition for

employees, and improve the development and implementation of policies and legislation on occupational safety and hygiene.

4. The Government provide guidance on establishment, functions, tasks, organization and operation of National council of occupational safety and hygiene and Provincial councils of occupational safety and hygiene.

Article 89. Occupational Safety and Hygiene Inspectorate

1. Occupational Safety and Hygiene Inspectorate means a specialized inspectorate affiliated to the labor authority of government or province.

2. The occupational safety and hygiene inspectorate shall cooperate with competent agencies in inspection of occupational safety and hygiene in terms of radioactivity, petroleum exploration and extraction, vehicles of rail transport, waterway, road transport, air transport, and units of People's armed forces.

3. The Government shall provide guidance on organization and operation of Occupational Safety and Hygiene Inspectorate prescribed in Clause 1 of this Article and interdisciplinary cooperate regime prescribed in Clause 2 of this Article.

Article 90. Penalties for violations against legislation on occupational safety and hygiene

1. Any person committing violations against legislation on occupational safety and hygiene shall face administrative penalties or criminal prosecution depending on their nature and severity; and he/she shall pay compensation for damage (if any) and eliminate the consequences as prescribed.

2. Any person misusing power and authority to commit violations against this Law or infringing interests of the state, lawful rights and interests of organizations or individuals shall face administrative penalties or criminal prosecution depending on their nature and severity; and he/she shall pay compensation for damage (if any) as prescribed.

3. Any employer who evades or makes late payment of the insurance premiums, appropriate the insurance premiums or payout prescribed in Clause 2 Article 12 of this Law for at least 30 days, he/she is required to pay the outstanding insurance premiums and face penalties as prescribed and pay interests twice the average investment interest of the Social security fund of the preceding year according to the outstanding amount of money; if not, the bank, the credit institution or the state treasury shall withdraw deposit account of the employer to pay the outstanding premiums and their interests and send to the account of the social security agency at the request of the competent agency.

4. The Government shall provide guidance on acts, methods and penalties for administrative violations in terms of occupational safety and hygiene as prescribed in this Law.

Article 91. Mechanism for cooperation in occupational safety and hygiene works

1. Cooperation regime for occupational safety and hygiene shall be carried out as follows:

a) The Ministry of Labor, War Invalids and Social Affairs shall take charge and cooperate with Ministries, ministerial-level agencies, Governmental agencies, People's Committees of provinces in implementation of regulations of Clause 2 of this Article within their competence;

b) State management agencies of occupational safety and hygiene shall cooperate with political organizations, socio-political organizations, political-socio-professional organizations, socio-professional organizations and other organizations in terms of

occupational safety and hygiene.

2. Contents of cooperation regime for occupational safety and hygiene:

- a) Formulate policies and legislation on occupational safety and hygiene; technical regulations and standards for occupational safety and hygiene;
 - b) Formulate national programs or records of occupational safety and hygiene;
 - c) Investigate occupational accidents; accidents, safety threat; polices applicable to employees suffering from occupational accidents or occupational diseases;
 - d) Propagate, raise public awareness, provide training, release statistics and send reports on occupational safety and hygiene; inspect machinery, equipment and materials having strict safety and hygiene requirements ;
 - dd) Inspect and supervise occupational safety and hygiene and impose penalties for violations against legislation on occupational safety and hygiene;
 - e) Give commendation for occupational safety and hygiene;
 - g) Research and apply safety and hygiene technologies.
3. The Government shall provide guidance on this Article.

Chapter VII

IMPLEMENTATION

Article 92. Effect

- 1. This Law come into force from July 1, 2016.
- 2. Regulations on the 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 Law on social insurance No. 58/2014/QH13 shall be annulled from the effective date of this Law.
- 3. Organizations specialized in occupational safety inspection, institution providing training in occupational safety and hygiene that operate before the effective date of this Law shall keep operating until the expiry date of the Certificate of eligibility for operation.

Article 93. Detailed provisions

The Government, competent state agencies shall provide guidance on Articles and Clauses prescribed in this Law.

This Law is passed by the 13th National Assembly of Socialist Republic of Vietnam during the 9th session on June 25, 2015.

PRESIDENT OF NATIONAL ASSEMBLY

Nguyen Sinh Hung