

Circular N_o 13/BYT-TT dated 24 October 1996 of the MOH
**Giving instructions for the administration of occupational health,
Employee's health and occupational diseases**

Pursuant to chapter IX of the Labour Code and the Government Decree N_o 06/CP dated 20 January 1995 elaborating some provisions of Labour Code on Occupational Safety and Health, the Ministry of Health instructs the implementation of the regulations on occupational health, the employee's health and occupational diseases as follows:

I. Subjects and scope of application

- This Circular shall be applied to the following subjects: Undertakings employing workers including state-owned undertakings, collective and private enterprises employing workers; understandings with foreign invested capital, foreign bodies or organisations and international organisations operating in Vietnam and hiring Vietnamese workers;
- All administrative and non-productive institutions and public service of establishments, mass organisations, other political, social organisations, and the people's army enterprises.

II. Administration of Occupational health

2.1. Occupational Health

2.1.1. Occupational health includes: micro-climate elements (temperature, humidity, wind speed and radiation), physical elements (light, noise, vibration, radio action, electromagnetic field...), dust and chemical elements, physic biological labour elements, harmful micro-biological elements and other elements within the area under the management of undertakings.

2.1.2. The employers must ensure that they have knowledge of harmful elements of working environment, of risks of occupational accidents, occupational diseases as well as the measures to prevent occupational accidents, occupational diseases and the employer also has the responsibility for organising training courses to deliver this knowledge to employees.

2.1.3. Undertakings shall ensure that harmful elements of working environment be checked and measured at least once a year. When the amount of such elements in the workplace exceeds the permitted standards according to Ministerial Decree No 550/ BYT/QD dated 13/4/1992 of the Ministry of Health, undertakings must carry out adequate methods to overcome this problem, or if the workplaces hold imminent danger to health and lives of the workers, the undertakings must cease their activities and report to responsible authorities for checking and dealing with these situations.

2.1.4. The measuring of harmful elements in working environment shall be carried out by Occupational health technical services of Ministry of Health. Ministries, branches and State bodies employing workers and are in a position to meet the requirements of the occupational health technical service, shall be authorised by the MOH measure harmful elements of working environment at the request of their undertakings under the supervision of Department of Health in province.

2.1.5. The cost for the measuring of harmful elements of working environment shall be covered by the employer.

2.1.6. The employer must keep records of the results of the measurement in conformity with the requirements of the Ministry of Health for a period of at least 10 years after the operation of the concerned production lines has ceased (Forms No1 and No 2).

2.2. Proven studies on measures to ensure occupational health

2.2.1. In case of new construction, renovation of premises for the production, the owner must produce proven studies on the measures to ensure occupational health in term of its location, size, the distance to residential areas and other nearby buildings. The owner must prepare preventive and operational measures to ensure that the working environment and its surroundings meet the permitted health standards.

2.2.2. Based on the list of machinery, equipment, materials, and substances having strict occupational health requirements issued by the Ministry of Health, the employer must submit proven studies and solutions to ensure occupational health to the Health Inspector of the Ministry of Health (Occupational Health Inspector) for approval (according to the guidance of Occupational Health Inspector).

2.2.3. The proven studies shall be reviewed for approval within 15 days starting from the date of their submission to the Occupational Health Inspector of the Ministry of Health. After 15 days, if there is no response from the Occupational Health Inspector, the proven studies shall be automatically approved.

2.2.4. Cost for proven studies approval shall be borne by the undertakings.

III. administration of employee's health and occupational diseases.

3.1. First aid in occupational accidents

3.1.1. At the workplace holding harmful and dangerous elements likely to cause occupational accidents the employer shall provide medical technical facilities such as first aid medicine, anti-dose, emergency charts, dressing, cotton-wool, gauze, scissors, stretchers, gas mask, poison prevention and ambulance car.

3.1.2. The employer must have a plan approved by the relevant local Health Offices to cope with emergency cases such as giving first aid in chemical poisoning, electric-shock, injuries, heart failure, lung failure, broken bones immobilisation, immediate haemostasis, thermo- or chemical burns...

3.1.3. The employer is responsible for the organisation of the emergency first aid brigade (or squad) and shall ensure that the brigade and employees regularly perform training exercises on the methods of emergency aid at the workplace in accordance with the instructions of Health offices.

3.1.4. The employer shall ensure prompt provision of on the spot first aid for the victims and immediately deliver them to the nearest health establishments.

3.1.5. Records of emergency cases shall be sufficiently filled by the employer in accordance with the requirements of the Ministry of Health (Form No 3) and shall be kept at least until the employee terminated employment or transferred to other undertaking. In the latter case, the records of emergency cases shall be transferred to the new undertaking.

3.1.6. After treatment in case of or recurrence of injury, a victims of occupational accident shall undergo a medical examination by the Medical Assessment Board with purpose of

determination of the degree of his/her working capacity reduction and she/he shall be assigned work suitable to his/her health.

3.2. Administration of employees health

3.2.1. Employees shall have a medical examination at the time of recruitment. The employer shall not recruit workers who have no medical certificate reflecting the state of their health. Basing on the results of medical examination, health establishments shall propose to the employer for assigning employees to occupations adapted to their health.

3.2.2. Every year, the employer must provide periodical medical examination for their workers, including trainees and apprentices. For workers, who work in heavy and dangerous occupations, periodical medical examination is six months. The employer must keep individual's health records and general records in accordance with the requirements of the Ministry of Health (Form No 4). Workers, whose health is classified as categories IV or V, and workers who suffer from chronic diseases, shall be supervised, given full treatment, rehabilitation and suitable jobs.

3.2.3. Medical examination at the time of recruitment and periodical health examination shall be carried out by State Health services at district level and Center for occupational health at industrial or at higher levels. Health establishments of undertakings having adequate facilities and specialists shall be allowed to organise medical examination for their employees.

3.2.4. Time spent on periodical health examination shall be included into as working time and shall be fully paid with salary and other benefits stipulated by law. As for trainees and apprentices, the benefits while taking medical periodical examination shall be paid in accordance with the agreements in their labour contracts.

3.3. Administration of occupational diseases

3.3.1. Occupational diseases are those which are caused by the effect of harmful conditions of work on the workers. The list of occupational diseases is jointly-issued by the Ministry of Health and the Ministry of Labour, Invalids and Social Affairs.

3.3.2. Employees working in the workplace holding harmful conditions likely to cause occupational diseases shall be provided with occupational diseases examination in accordance with the requirements of the Ministry of Health.

3.3.3. Occupational diseases examination shall be carried out by State Health services at provincial level and industrial level. Records of Occupational diseases examination include the following minimum requirements: Health certificate while being recruited Medical record and periodical examination note, and result of medical test (if any), the result of annual measurement of harmful elements in the working environment.

3.3.4. For the victims of occupational diseases, their degree of reduction in capacity to work must be determined by the Medical Assessment Board and they shall be assigned work suitable to their health. The employer shall not assign the victims of serious occupational diseases, of developed diseases and employees working in extremely heavy and hard occupations to work in their previous workplaces where it is likely to cause occupational diseases.

3.3.5. The victims of occupational diseases shall be treated in special therapeutics. These victims shall undergo treatment and medical examination at least once every six months and have special medical records in accordance with the requirements of the Ministry of Health and such records shall be kept all through their life. (Form No 5)

3.4. Health care expenses

Expenses on emergency cases of occupational accidents, medical examination for recruitment, periodical medical examination, occupational disease examination shall be borne by the employer in accordance with the current regulations.

IV. Report regulation

4.1. The employer shall have the responsibility to develop a plan and to report to relevant provincial Department of Health on all the issues mentioned above every quarter, every six months and every year (Form No 6). The plan should include control over all harmful elements in working environment, the number of periodical medical examinations, subjects being checked for occupational diseases, occupational health training, schedule for implementation measures to address these issues.

4.2. Departments of Health in provinces, Ministries and branches shall be responsible for the implementation of periodical report to the Ministry of Health (Department for the Preventive Medicine) every quarter, every six months and every year.

V. Implementation

5.1. The Minister of the Ministry of Health authorises Heads of the Department for the Preventive Health, Department of Health Treatment, Chief of Health Inspection in charge of occupational health to provide guidance for the implementation of this Circular.

5.2. Departments of Health of provinces and cities shall assist the People's Committees of provinces and cities under the Central Government in administration in occupational health, employee's health and occupational diseases of organisations and individual employer within their localities.

5.3. Head of the Institute of Occupational Health and Working Environment, the Medical Assessment Board and concerned local institutions for the Preventive Medicine in collaboration with other departments of the Ministry of Health shall implement the following functions: to check occupational health, to train special technical staffs on occupational health and occupational disease; to set up occupational health standards, to establish standards of health examination for recruitment and periodical health examination, to set up a list of occupational diseases to suit the currently economy.

5.4. Centre for the Preventive medicine of provinces and cities under the Central Government and Centres for occupational health of Ministries, branches being responsible for occupational health and occupational disease shall assist their departments, Ministries and branches to check working environment and working conditions, to carry out health examination for

employees working in heavy and dangerous occupations, to find out occupational diseases, to train occupational health, to improve professional skills and to help disseminate knowledge, propagate and educate on occupational health, and measures to prevent occupational diseases for local of health services and for employees.

5.5. Ministries, branches, localities shall be responsible for providing instructions for undertakings to implement this Circular in accordance with the state regulations and within their competence.

5.6. Health service of undertakings shall be responsible for proper implementation of health care activities for employees and shall advise the employer to comply with regulations on occupational safety and health.

This Circular shall take effect from the date of its signature. All previous provisions contrary to this Circular are hereby repealed.

Ministries, branches, localities shall report on problems arisen from the implementation of this Circular to the Ministry of Health (Department for the Prevention of Medicine) for review and amendment.

**On behalf of the Minister of Health
vice Minister**

**Pr. Dr Nguyen Van Thuong
(Signed)**

