

**THE MINISTRY OF LABOR, WAR
INVALIDS AND SOCIAL AFFAIRS - THE
MINISTRY OF PUBLIC HEALTH**

**SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom - Happiness**

No 03-TT/LB

Hanoi, January 28, 1994

JOINT CIRCULAR

STIPULATING HARMFUL WORKING CONDITIONS AND LIST OF OCCUPATIONS IN WHICH EMPLOYMENT OF FEMALE IS PROHIBITED

Pursuant to Article 45 of the Law on the Protection of People's Health. Pursuant to Article 19 of the Ordinance on Labour Protection.

In order to protect the health, child bearing, rearing functions of female workers the MOLISA and the MOH hereby stipulate harmful working conditions and occupations in which the employment of female is prohibited.

A. SCOPE OF APPLICATION

This Circular shall apply to the workplaces using female workers as in the following:

- State owned undertakings; defence enterprises and businesses run by the people's armed force
- State agencies
- Non-state enterprises, Private businesses employing workers
- Undertakings with foreign invested capital located in Vietnam
- Foreign, nationals and foreign organisations operating in Vietnam and employing Vietnamese workers

B. HARMFUL WORKING CONDITIONS IN WHICH THE EMPLOYMENT OF FEMALE WORKER IS PROHIBITED

1. Workplaces with pressure higher than the atmospheric pressure;
2. Working in mines;
3. Working in high and sheer workplaces;
4. Workplace unsuitable with for women's mentality and psychology;
5. Working immersed in water or in dirty water that can easily cause infection;
6. Overexerting work (average energy consumption is over than 5 Kcal/ minute and average heart beat is over 120 minute);
7. Working in contact with open radiation; and
8. Direct exposure to chemicals that can cause gene damage.

C. HARMFUL WORKING CONDITIONS IN WHICH THE EMPLOYMENT OF PREGNANT FEMALE WORKERS, NURSING MOTHERS (WHEN A CHILD IS LESS THAN 12 MONTHS) AND YOUNG FEMALE WORKERS IS PROHIBITED

1. Working in contact with magnetic voltage higher than the permitted standards;
2. Working in direct contact with chemicals whose accumulation in the body causes; bad effects on cell metabolism, which is likely cause miscarriage, premature delivery, placenta infection, innate deformity bad effects on mother's milk source and pneumonic infection;
3. Working in workplace having temperature over 45°C in the Summer and 40°C in the Winter or exposed to high thermal radiation;
4. Workplaces with vibration higher than the permitted standards;
5. Working in uncomfortable position or in places lacking oxygen.

D. LIST OF OCCUPATIONS IN WHICH THE EMPLOYMENT OF FEMALE WORKERS IS PROHIBITED

Pursuant to the harmful working conditions stipulated in Item B and Item C above. The Ministry of Labour Invalid and Social Affairs and the Ministry of Health jointly issue the list of occupations in which the employment of female workers is prohibited as an attachment to this Circular (see appendix).

E. IMPLEMENTATION

1. Pursuant to the stipulations of this Circular the Ministry of Labour Invalid and Social Affairs and the Ministry of Health jointly request undertakings, organisations and individuals employing female workers to review all jobs currently done by female workers. Based on these reviews a plan should be made to regain work, retrain and gradually transfer female workers to suitable jobs. Not later than 12 months from the day this Circular takes effect, no female workers are engaged in dangerous and harmful working conditions and occupations stipulated in this Circular. However, the employer must not make use of this Circular to dismiss or force female workers to resign. For pregnant female workers or nursing mothers all the requirements stipulated in this Circular must be promptly implemented.

During the time limit of 12 months mentioned above, if employers still employ female workers in extremely hard and harmful occupations, the daily working time of these females shall be reduced by 1 or 2 hours with full payment. If their daily working time cannot be reduced, these hours shall be considered as overtime working and the pay for this time shall be equal to 200 per cent of normal hourly wage.

Female workers who suffer from illnesses or occupational diseases because of performing prohibited jobs, shall be entitled to allowances in kind, health care, medical examination and medical treatment in accordance with the requirements of the State.

2. Vocational schools shall not train female apprentices in the occupations in which the employment of female is prohibited as stipulated in this Circular.

3. The Ministry of Labour Invalid and Social Affairs and the Ministry of Health jointly request Departments of Labour, Invalid and Social Affairs and the Departments of Health of provinces and Cities under the Central Government to collaborate with the General Confederation of Labour for increasing the supervision on the implementation of this Circular by undertakings in their localities.

4. Ministries, branches and people's Committees of provinces and cities shall be responsible for providing guidance for the implementation of this Circular in undertakings under their administration.

5. Occupational Safety inspectors and Occupational Health Inspectors shall increase inspection in undertakings employing female workers to discover and sanction violations of this Circular in accordance with the law.

This Circular shall be effective as from the date of its promulgation and replaces Circular No.9/TT-LB dated 29/8/1986 of the MOLISA and the MOH on the "List of occupations prohibiting the employment of female workers." All previous provisions contrary to this Circular are hereby repealed

Ministries, branches and local authorities shall report on problems resulting from the implementation of that Circular to the MOLISA for consideration and amendment.

**FOR THE MINISTER OF MOH
VICE MINISTER**

**FOR THE MINISTER OF MOLISA
VICE MINISTER**

Le Ngoc Trong

Le Duy Dong

APPENDIX

LIST OF OCCUPATIONS PROHIBITING THE EMPLOYMENT OF FEMALE WORKERS

(Attachment to Circular No 03/TTLB dated 28/1/1994 of the MOLISA and the MOH)

Part I:

APPLICABLE TO ALL FEMALE WORKERS REGARDLESS OF AGES

1. Working with hot melting metal from kiln:
 - Arch electric kiln of 5 tons and above;
 - Rotary kiln (for pig-iron);
 - Horizontal steel refining kiln;
 - Vertical kiln;
2. Rolling hot metal (except non-ferrous metals);
3. Refining non-ferrous metal ore (bronze, lead, tin, mercury, zinc, silver);
4. Firing kiln for refining coke;
5. Welding in tight tank. welding over 10 meters above ground;
6. Digging wells in mines;
7. Digging mines and other work in the mine shaft;
8. Exploratory drilling;
9. Hewing rock on mountains;
10. Installing Oil rigs;
11. Drilling to explore oil and gas wells;

12. Working on off-shore oil-rig (except health and social services)
13. Working in contact with open radiation;
14. Repairing electric line in underground sluices or on open-air or repairing high voltage lines;
15. Installing, repairing high voltage electric poles by rivers. installing antenna poles
16. Installing, repairing underground communication lines and suspension cables;
17. Working in submerged tanks;
18. Fixing big panel;
19. Digging wells;
20. Digging to uproot trees having a diameter of more than 40 cm;
21. Using portable steam machines having a pressure of 4 atmospheres and above (drilling, hammering machines);
22. Driving heavy-duty trucks such as excavators. bulldozers with a capacity over 36 HP;
23. Whitewashing wall, coating, and painting the exterior of the buildings (from the 3rd floor up wards), etc.
24. Felling big trees; cutting high branches;
25. Transporting big trunks of wood, loading and unloading them by hand
26. Feeling and lifting timber with hands from under the water, gathering timber, in water and rolling timber over shore;
27. Floating rafts on rivers with many waterfalls;
28. Sawing with hand-saw;
29. Exploiting sallagane nets, bat manure;

30. Working on ocean-going ships;
31. Guarding ships near rocky shores;
32. Firing steam engines;
33. Operating boilers;
34. Driving trains;
35. Operating floating bridges;
36. Working in ship- building which requires carrying and installing weights over 30 - 40 kg;
37. Conducting river survey;
38. Pouring concrete in water;
39. Diving;
40. Operating mud dredgers;
41. Driving vehicle with capacity of over 2.5 tone;
42. Manual handling load of over 50 kg of weight;
43. Operating fibre-starching machines;
44. Rolling hard and large leather pieces;
45. Sealededing cattle(manual);
46. Driving agricultural tractors of 50 HP and over;
47. Dredging underground sluices; submerging the body in dirty water;
48. Operating on dead body, burying dead body and exhuming graves (electric cremation is excepted);
49. Working in contact with chemicals causing genetic change. such as
- 5 Fluoro-uracil

- Benzene.

Part II.

APPLICABLE TO ALL PREGNANT FEMALE WORKERS. NURSING MOTHERS (UP TO 12 MONTHS) AND YOUNG FEMALE WORKERS

Apart from the 49 occupation prohibiting female workers as mentioned in part 1, pregnant, nursing and juvenile female workers are also prohibited to engage in the following occupations:

50. Working in radio, TV radar and telecommunication stations;

51. Working in places exposed to radio-active materials;

52. Working direct contact with the following chemicals such as pesticides.

herbicides (production. packing. spraying. sterilising stores) that may cause cancer:

- 1.4 butanediol, dimethyl sulphate;
- 4 aminobiphenyl;
- Asbestos (amosite, Crocidolite, Chrysotile)
- Arsenic, Calcium Arsenic;
- Dioxins;
- Dichloromethyl-ether;
- Precipitate Chromate compounds;
- Coal-plastic and coal- gas;
- Cychlophosphamite;
- Diethylstilbestrol;
- 2 Naphthylamine;
- N. N - di (Chloroethyl). 2. Naphthylamine;

- Thori dioxide;
- Theosulpha;
- Vinyl chloride, vinyl chloride;
- 4- amino, 10- methyl folic acid;
- Mercury, methyl mercury compounds, methyl mercury chloride;
- Nitrogen pentoxide;
- 2, 3, 7, 8 tetrachloro dibenzene furan;
- 3- alphaphenyl- beta axetyletyl;
- Axety salicylic acid;
- Asparagine;
- Benomyl;
- Boric acid;
- Cafein;
- Dimetyl sulphuric;
- Direct blue-1;
- Focmamide;
- Hydrocortisone, Hydrocortisone acetate;
- Iodine (metal);
- Lead, acetate lead, nitrate lead (contact with paint petrol ink containing lead producing battery. lead welding)
- Mercapto, purine;
- Kalium bromua, kalium iodua;
- Propyl- thio- uracil;

- Ribavirin;
- Natrium arsenat, natri Arsenic, natri iodua, natri salixylat;
- Tetrametyl thiuram disulphide;
- Triamcicolon acetamid;
- Triton WR-1339;
- Trypan blue;
- Valproic acid;
- Vincristine sulphate;
- Vinazol gas;

54. Working in direct contact with the following chemicals that may affect placenta and mother's milk source

- 1.1 dichloro- 2.2 (4-chlorophenyl) Ethan;
- 1.3 dimetyl - 2.6 dihidroxyipurin;
- 2 sulfamilamidotazol;
- 4.4 DDE;
- Andrine;
- Compounds Lithium;
- Antimon;
- Betaquinine;
- Calcium ferol;
- Chloralhydrate;
- Copper;
- Cyclosporine;

- Decachlorobiphenyl;
- DL- alpha - Tocoferol;
- Kalium penicillin G;
- Quinidin gluconate;
- Strontium (Sr) peroxide;
- Sulfadiazin, sulfapirizin, sulfametazin Natrium, sulfanilamid. Sulfamerazin, sulfisoxarol acetyl;
- Ce and other kinds of salts containing Ce

55. Working in direct contact with the following chemicals (without adequate personal protective equipment) to prevent toxic gas, toxic fume and toxic dust:

- Carbonic oxide (CO): such as operating kilns discharging coal-gas or cinder;
- Dye chemicals with origin of aniline, cylesin, tolusine, auramin;
- Cyanide compounds;
- Phosphorus and compounds: P₂O₅. P₂S₅. PCl₃. H₃P;
- Trinitrotoluene (TNT);
- Manganese dioxide (MnO₂);
- Photgein (COCl₂);
- Disulphide carbon (CS₂);
- Nitrogen oxide and nitrogen acid;
- Chlo and chlohydric acid;
- Anhydrite sulphuric and sulphuric acid;
- Calcium Carbide (CaC₂) such as in operating open Calcium Carbide kilns or disposing cinder;

56. Working in contact with organic solvents such as embalming sleepers laying emulsion of photographic paper, printing patterns on thin materials, printing labels on thin and smooth paper laminating phenol plastic, operating phenol glue multi-condenser pots;
57. Rubber producing work such as mixing materials, measuring, sieving and drying chemicals, working in rubber latex steaming kiln;
58. Repairing kilns, tight steel tanks, pipes in chemical production;
59. Working in tobacco fermenting kilns, cigarette drying kilns;
60. Burning gas glass kilns, melting blowing glass by mouth;
61. Embalming skin, salting skin, handling raw skin;
62. Rinsing paraffin in alcohol tanks;
63. Painting, scraping sediment in beer ferment cellar, in close containers;
64. Canning milk in tight rooms;
65. Sweeping coal in mines;
66. Working in contact with gasoline in cellars, such as receiving and delivering, gasoline, maintaining and operating petrol pumps machinery and petrol measuring machines;
67. Breaking mounds;
68. Processing feather in open conditions;
69. Cleaning steam boilers, gas pipes;
70. Pulverising, mixing ore or working in dusty environment containing 10 per cent of Silicon dioxide;
71. Sorting out lead minerals;
72. Laminating, pulling and striking lead products or products plated with lead;

73. Revolving filter press in factories;
74. Operating diesel motors with capacity over 10KVA;
75. Operating cable spinning machines and gut spouting;
76. Driving all kinds of agricultural tractors;
77. Driving all kinds of construction machines;
78. Driving any motor cars; driving electric vehicles, and other transport means within the enterprises; driving cranes in enterprises;
79. Vulcanising, forming and handling big sized rubber products in, such as big fuel tanks and containers, motor car tyres;
80. Carrying loads weighing over 25 kg;
81. Working daily in contact with medicinal anaesthetics, working in Emergency Recovery Departments, and Infection Department of Health units, of centres for intravenous infusion and of units producing preventive vaccines, or taking part suppressing epidemics and working in health stations using short waves and ultra-sound in treatment,
82. Scooping, drying and transport stale fish, or working on the production line producing fish powder for animals.
83. Getting night -soil, feeding fish with night -soil or stirring mud in fish ponds

Apart from the 83 occupations listed above, if undertakings have other works holding dangerous and harmful conditions stipulated in this Circular, the employer should not recruit female workers for these works.