

Summary on the Law of Occupational Safety and Health

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1. Introduction

Implementation of OSH regulation as legal requirement was to be as a systematic and respectable item from 1994 and its content was inconcluded in many documents and laws such as Labour Law, Law of Chemicals, Law of Trade Unions, etc. The legal documents stipulate rather well the OSH requirement but dispersely and they often overlap causing complicated for implementation.

In tendency of the world economic integration, it requires to have special attention to occupational accident and disease prevention. Work condition improvement, prevention of workers' health and the environment are the leading tasks of the strategy of social-economic development of the country in many coming decades. Therefore, the OSH Law to be born is very important legislative basis not only solving today challenges on OSH and forstering production in Vietnam in coming days but also having great social and human significants.

2. The content of OSH Law

The OSH Law approved by National Assembly of Vietnam on 25th June, 2015 contains 7 chapters with 93 articles stipulating the principal and new items in comperasion with

existing OSH regulation. It can be summarised as follows:

Chapter 1: General regulation

Comparing with adjusting scope of Labour Law in 2012, OSH Law stipulates wider, more comprehensive and more in details of OSH activity. Except stipulation on ensuring safety and health of workers, the law also contains stipulation on OSH management of enterprises, compensation, disability allowance of accident and disease, etc. The target of the law includes employees having jobs (contract of employment and non-contract

of employment), organisation and individual who provide activities to ensure OSH at workplaces such as auditing, training, consultation on OSH; personal protective equipment, etc.

This chapter also stipulates responsibility of state management on OSH; responsibility of Vietnamese Fatherland Front and other political and social-political organisations, social organisation and occupational organisation; OSH co-operation mechanism. The law also determines the role and responsibility of all above organisations in OSH including



OSH Law is the mainstay for the freelancers

Trade Union- one member of tripartite labour relation committee, who representative for employees.

Chapter 2: The prevention measures of hazardous factors

This chapter contains 4 parts: (i) Information, promotion, education on OSH; (ii) Regulation, procedure to ensure safety and health at workplace; (iii) Taking care for employees' health; (iv) Management of machines, equipment, materials having strict requirement for OSH. Some new items such as stipulation toward management measures of prevention of accidents and diseases; also about time limit of exposure to dangerous and harmful factors for workers.

Chapter 3: Measures to settle technical incidents causing unsafe situation for OSH and occupational accidents and diseases

In this chapter, stipulation on occupational accidents and diseases and notification, inventory, reporting and investigating occupational accidents and diseases are more in details in comparison to that of in chapter 9 of the Labour Law. In addition, responsibility of employer for notification of death of employees who don't have labour contract; responsibility of employer for victims of occupational accidents and diseases. Supplement of responsibilities of employers for compensation and allowances in special cases when accidents were occurred

at workplace, during the rest time that allowed by law or when employee moves from home to work.

The new item in this chapter is to have separate article on insurance fund for occupational accident and diseases. In this article there is stipulation on the principle, target person and premium rate to the fund; the entitlement of victim to get insurance fund; no more adding payment of employer to the fund; also new item about support for victims of occupational accidents and diseases to change occupations when they return to work and support for prevention and sharing of risks of occupational accidents and diseases.

Chapter 4: Guarantee of occupational safety and health for special workers

The content of this chapter made in details from that of the Labour Law which state the right of employees to work in safe and healthy workplaces. This applied to all OSH fields including OSH for Vietnamese sent to work overseas; OSH for domestic workers; OSH for employees receiving job and working at home.

Chapter 5: Guarantee of occupational safety and health for production and business establishments.

This chapter stipulates organisation and main content of OSH activities in production and business establishments such as planning, checking, awarding, notifying, reporting about OSH activity, etc. Including risks assessment and emergency rescue.

Chapter 6: State management of occupational safety and health.

The stipulation in this chapter is summarised and made in more details of items that taken from different related legal documents. The adding stipulation of responsibility of Ministry of Labour - Invalid and Social Affairs in setting up data base, issuing the list of machinery, equipment and materials subject to strict requirements for OSH, developing the National OSH Program; clarifying workforce of OSH inspectorate about number and its function in state and provincial levels.

Chapter VII: Implementation provisions

This chapter stipulates the validity of implementation of the Law that takes effect from the 1st June, 2016 and transition between Labour Law, Law on Social Insurance and OSH Law; encouraging administrative agencies, organisations to apply OSH Law that stipulating articles for business establishments.

3. Conclusion

Law on Occupational Safety and Health inherits and specifies in more details of articles of chapter 9 of Labour Law. This law develops deeper on specific items and clarifies aspects of those who have work contact and non-contract. The birth of the Law is necessary and in time, responding to the request of social economic development and international integration of Vietnam.