

**THE GOVERNMENT**

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No. 37/2016/ND-CP

**SOCIALIST REPUBLIC OF VIETNAM**

**Independence – Freedom – Happiness**

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*Hanoi, May 15, 2016*

## **DECREE**

### **DETAILING AND GUIDING THE IMPLEMENTATION OF CERTAIN ARTICLES OF THE LAW ON OCCUPATIONAL SAFETY AND HYGIENE WITH REGARD TO COMPULSORY INSURANCE FOR OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES**

*Pursuant to the Law on the Organization of the Government dated June 19, 2015;*

*Pursuant to the Law on occupational safety and hygiene dated June 25, 2015;*

*Pursuant to the Law on social insurance dated November 20, 2014;*

*At the request of Minister of Labour – Invalids and Social Affairs,*

*The Government promulgates a Decree detailing and guiding the implementation of certain articles of the law on occupational safety and hygiene with regard to compulsory insurance for occupational accidents and occupational diseases.*

## **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope**

This Decree provides for details and guidance on the implementation of certain articles of the law on occupational safety and hygiene with regard to insurance for occupational accidents and occupational diseases for employees who sign labour contracts with employers; rights and responsibilities of relevant agencies and entities for implementing policies on compulsory insurance for occupational accidents and occupational diseases.

#### **Article 2. Regulated entities**

1. Officials, public employees and Vietnamese employees with labour contracts who are covered by compulsory insurance for occupational accidents and occupational diseases, consisting of:

a) Officials and public employees are regulated in the law on officials and public employees;

b) Officers or professional soldiers in the people's army; professional and technical officers and non-commissioned officers in the people's public security; cipher officers who are salaried like soldiers;

c) Non-commissioned officers and soldiers in the people's army; non-commissioned officers and soldiers on definite-term service in the people's public security; army, public security and cipher cadets who are entitled to cost-of-living allowance;

d) National defense workers, public security workers and persons doing other jobs in cipher organizations;

dd) Persons working under indefinite-term labor contracts and labor contracts with a term of full of 03 months and longer, and persons working under labor contracts with a term of between full of 01 month and under 03 months. This point excludes domestic workers;

e) Salaried managers of enterprises and cooperatives.

2. Employers as regulated in Clause 3 Article 2 of the Law on social insurance.

3. Employees who have retired or no longer do the jobs posing risk of occupational diseases.

4. Relevant agencies and entities involved in insurance for occupational accidents and occupational diseases.

Entities prescribed in Clause 1 and Clause 3 of this Article shall be hereinafter referred to as employees.

### **Article 3. Interpretation of terms**

1. Occupational health facility refers to a health facility that has satisfied all operating requirements as regulated by the law on medical examination and treatment.

2. Occupational health rehabilitation refers to the process of adopting medical solutions, rehabilitation techniques, educational and sociological measures for rehabilitating employees' occupational health.

3. Occupational health rehabilitation facility is a health facility that has satisfied all of requirements for carrying out occupational health rehabilitation activities as regulated by the law on medical examination and treatment.

## **Chapter II**

# **INSURANCE FUND FOR OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES AND CERTAIN BENEFITS FOR VICTIMS OF OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES**

#### **Article 4. Insurance premium rates and payment methods made by employers**

Insurance premium rates made to the insurance fund for occupational accidents and occupational diseases prescribed in Clause 3 Article 44 of the Law on occupational safety and hygiene are regulated as follows:

1. Every month, an employer shall make the following contributions:

a) 1% of their salary fund which is the basis for paying social insurance premiums for employees prescribed in Points a, b, d, dd and e Clause 1 Article 2 of this Decree.

With regard to employers being enterprises, cooperatives, business households or cooperative groups that engage in agriculture, forestry, fishery or salt industry and pay product-based or piecework-based salaries, the contribution specified in this point may be made on the periodical basis of every month, every 03 months or every 06 months.

b) 1% of the statutory pay rate for employees prescribed in Point c Clause 1 Article 2 of this Decree.

2. As of January 01<sup>st</sup>, 2018, the Government shall decide other premium rates which are lower than those prescribed in Clause 1 of this Article.

#### **Article 5. Policies on insurance for occupational accidents and occupational diseases for an employee who concludes labour contracts with multiple employers**

Policies on insurance for occupational accidents and occupational diseases for an employee who concludes labour contracts with multiple employers as prescribed in Clause 2 Article 43 of the Law on occupational safety and hygiene are as follows:

1. Receive monthly or one-time payment of benefits for occupational accidents or occupational diseases which is calculated according to the sum of salaries which are the basis for making contributions to insurance fund of occupational accidents and occupational diseases of all labor contracts at the time when the occupation accident or occupation disease occur provided that such amount of benefits shall not exceed the maximum amount regulated by the law on social insurance.

2. Receive supports for career change; examination and treatment of occupational diseases; training in occupational safety and hygiene and occupational health rehabilitation as regulated in this Decree and other social insurance benefits as regulated by the law on social insurance.

#### **Article 6. Medical assessment for employees who suffer from occupational disease when they have retired or no longer do the jobs posing risk of occupational diseases**

Policies for employees who have retired or no longer do the jobs posing risk of occupational diseases but suffer from occupational diseases as regulated in Clause 2 Article 46 of the Law on occupational safety and hygiene are as follows:

1. If entities prescribed in Clause 3 Article 2 of this Decree suffer from occupational diseases caused by harmful elements of previous jobs within occupational disease coverage period from the date on which they retire, make change in occupation or quit job, they shall actively conduct medical examination and assessment of decreased working capacity upon occupational diseases.

2. Persons who suffer from occupational diseases as prescribed in Clause 1 of this Article shall be eligible for receiving supports for fee for examination and treatment of occupational diseases from the insurance fund for occupational accidents and occupational diseases as prescribed in Clause 1 and Clause 2 Chapter IV of this Decree.

3. Documents on occupational disease benefits for an employee who suffers from occupational disease when he/she has retired or no longer does the job posing risk of occupational diseases shall consist of:

a) The social insurance book if the employee still does a job or the copy of decision on retirement benefits if the employee has retired;

b) Occupational disease examination documents;

c) Written record on medical assessment of decreased working capacity made by the Medical Assessment Council;

d) The application form for paying occupational disease benefits.

4. Procedures and documents about monthly or one-time payment of occupational disease benefits shall comply with guidelines of Minister of Labour – Invalids and Social Affairs.

5. Coverage period of each occupational disease and procedures, documents for medical assessment of decreased working capacity for employees shall comply with guidelines of Minister of Health.

### **Chapter III**

#### **TUITION SUPPORTS FOR ATTENDING TRAINING COURSES FOR CAREER CHANGE OF VICTIMS OF OCCUPATIONAL ACCIDENTS AND OCCUPATIONAL DISEASES**

##### **Article 7. Conditions for supports for career change of victims of occupational accidents and occupational diseases when they return to work**

Employees shall receive tuition support for attending training courses for change in occupations after they have had occupational accidents or suffered from occupational diseases as regulated in Article 55 of the Law on occupational safety and hygiene if all of the following conditions are satisfied:

1. The level of working capacity decrease upon occupational accidents or occupational diseases is at least 31%;

2. Employees need to attend training courses for holding new job positions which are appointed by employers in conformity with the health and expectations of employees.

**Article 8. Support rate and authority to decide tuition support for attending training course for career change**

1. The tuition specified in Clause 2 Article 55 shall be calculated on the basis of prices of occupational training services regulated by competent state agencies.

2. Departments of Labour – Invalids and Social Affairs shall decide specific support amount for each entity provided that such support amount shall not exceed 50% of tuition and 15 times the statutory pay rate.

**Article 9. Application for tuition support**

1. The written request for tuition support for attending training course for career change of employee who suffer from occupation accident or occupational disease, made by the employer according to the form promulgated by Minister of Labour – Invalids and Social Affairs.

2. Copies of payment vouchers of tuition of the training course as regulated.

**Article 10. Procedures for processing application for tuition support for attending training course for career change**

1. The employer shall submit the application prescribed in Article 9 of this Decree, together with originals of payment vouchers for comparison, to Department of Labour – Invalids and Social Affairs.

2. Within 05 working days from the date on which the valid application is received, Department of Labour – Invalids and Social Affairs shall decide the support amount. In a case of refusal to give support, the Department of Labour – Invalids and Social Affairs shall specify its reasons in writing.

3. Within 05 working days from the date on which the decision on tuition support, the social security agency shall give tuition support for attending training course for career change of relevant employee.

**Chapter IV**

**CONDITIONS, SUPPORT RATE, DOCUMENTS AND PROCEDURES FOR RECEIVING SUPPORT FOR FEE OF OCCUPATIONAL DISEASE EXAMINATION AND TREATMENT, TRAINING IN OCCUPATIONAL SAFETY AND HYGIENE, AND OCCUPATIONAL HEALTH REHABILITATION**

## **Section 1. CONDITIONS, SUPPORT RATE, DOCUMENTS AND PROCEDURES FOR RECEIVING SUPPORT FOR FEE OF OCCUPATIONAL DISEASE EXAMINATION**

### **Article 11. Conditions for support for occupational disease examination of employee**

An employee may receive support for fee of occupational disease examination as regulated in Point a Clause 2 Article 56 of the Law on occupational safety and hygiene in conformity with the following regulations:

1. Entities specified in Clause 1 Article 2 of this Decree must satisfy all of the following conditions:
  - a) The employee currently participates in insurance for occupational accidents and occupational diseases and has paid insurance premiums for occupational accidents and occupational diseases for at least 12 months or longer up to the month preceding the month on which the application for support for fee of occupational disease examination is submitted;
  - b) The employer organized occupational environment monitoring as regulated;
  - c) The employee who shall receive support for fee of occupational disease examination as requested got conclusion of suffering from occupational disease at a qualified occupational health facility.
2. With regard to entities prescribed in Clause 3 Article 2 of this Decree, their occupational diseases must be discovered within the coverage period of corresponding occupational disease as regulated by Minister of Health.

### **Article 12. Support rate for fee of occupational disease examination**

1. The support rate is 50% of the fee of occupational disease examination which is determined on the basis of list of prices of occupational disease examination promulgated by Minister of Health at the time on which the employee had the occupational disease examination and has been deducted from the amount paid by health insurance agency provided that such support amount shall not exceed one third of the statutory pay rate/person/one time of medical examination.
2. Each employee may get support for fee of occupational disease examination up to 02 times but in 02 different years.
3. An employee who has done the job posing risk of occupational diseases but has retired, resigned or transferred to another unit may get 100% of fee of occupational disease examination from the insurance fund for occupational accidents and occupational diseases.

### **Article 13. Application for support for fee of occupational disease examination**

1. With regard to entities that have satisfied all of conditions as specified in Clause 1 Article 11 of this Decree, the application shall consist of:

- a) The written request for support for fee of occupational disease examination, using the form promulgated by Minister of Labour – Invalids and Social Affairs;
- b) Certified copy of record on occupational environment monitoring results;
- c) Documents certifying the employee suffered from an occupational disease made by qualified occupational health facility.

2. With regard to entities that have satisfied all of conditions as specified in Clause 2 Article 11 of this Decree, the application shall consist of:

- a) The written request for support for fee of occupational disease examination, using the form promulgated by Minister of Labour – Invalids and Social Affairs;
- b) Certified copy of record on occupational environment monitoring results made within the working period of the employee at the unit posing occupational diseases (if any);
- c) Documents certifying the employee suffered from an occupational disease made by qualified occupational health facility;
- d) Copies of payment vouchers of fee of occupational disease examination as regulated.

#### **Article 14. Procedures for processing application for support for fee of occupational disease examination**

1. With regard to entities that have satisfied all of conditions as specified in Clause 1 Article 11 of this Decree, employers shall submit application as prescribed in Clause 1 Article 13 of this Decree to Departments of Labour – Invalids and Social Affairs.

2. With regard to entities that have satisfied all of conditions as specified in Clause 2 Article 11 of this Decree, employers shall submit application as prescribed in Clause 2 Article 13 of this Decree, together with originals of payment vouchers for comparison, to Departments of Labour – Invalids and Social Affairs.

3. Within 05 working days from the date on which the valid application is received, relevant Department of Labour – Invalids and Social Affairs shall decide the support rate. In a case of refusal to give support, such Department of Labour – Invalids and Social Affairs shall specify its reasons in writing.

4. Within 05 working days from the date on which the decision on support for occupational disease examination is granted, the social security agency shall give the support upon such decision to relevant employee.

#### **Section 2. CONDITIONS, SUPPORT RATE, DOCUMENTS AND PROCEDURES FOR RECEIVING SUPPORT FOR COST OF OCCUPATIONAL DISEASE TREATMENT**

## **Article 15. Conditions for support for cost of occupational disease treatment for employees**

An employee may receive support for occupational disease treatment as regulated in Point a Clause 2 Article 56 of the Law on occupational safety and hygiene in conformity with the following regulations:

1. Entities specified in Clause 1 Article 2 of this Decree must satisfy all of the following conditions:

a) The employee has been diagnosed with occupational disease at a qualified occupational health facility;

b) Such employee currently participates in insurance for occupational accidents and occupational diseases and has paid insurance premiums for occupational accidents and occupational diseases for at least 12 months or longer up to the month preceding the month on which the application for support for occupational disease treatment is submitted;

c) The relevant employer has paid insurance premium for occupational accidents and occupational diseases for such employee while he/she done the job posing occupational diseases;

d) The employer has organized occupational disease examination for the employee as regulated.

2. With regard to entities specified in Clause 3 Article 2 of this Decree, they have paid insurance premium for occupational accidents and occupational diseases while they done the jobs posing occupational diseases, and suffered from occupational diseases within the occupational disease coverage period.

## **Article 16. Support rate for cost of occupational disease treatment**

1. The support rate is as 50% of the cost of occupational disease treatment which is determined on the basis of list of prices of occupational disease examination promulgated by Minister of Health at the time on which the employee got occupational disease treatment and has been deducted from the amount paid by health insurance agency provided that such support amount shall not exceed ten times the statutory pay rate/person.

2. Each employee may get support for cost of occupational disease treatment up to 02 times but in 02 different years.

## **Article 17. Application for support for occupational disease treatment**

1. The written request for support for cost of occupational disease treatment, using the form promulgated by Minister of Labour – Invalids and Social Affairs;

2. Certified copies of documents certifying the employee suffered from an occupational disease made by a qualified occupational health facility;



3. The copy of discharge or extraction of medical records after having received the occupational disease treatment;
4. Copies of payment vouchers of costs of occupational disease treatment.

### **Article 18. Procedures for processing application for support for cost of occupational disease treatment**

1. Entities that have satisfied all of conditions as specified in Article 15 of this Decree shall submit application as prescribed in Article 17 of this Decree, together with originals of payment vouchers for comparison, to relevant Departments of Labour – Invalids and Social Affairs.
2. Within 05 working days from the date on which the valid application is received, relevant Department of Labour – Invalids and Social Affairs shall decide the support rate. In a case of refusal to give support, such Department of Labour – Invalids and Social Affairs shall specify its reasons in writing.
3. Within 05 working days from the date on which the decision on support for occupational disease treatment is granted, the social security agency shall give the support upon such decision to relevant employee.

### **Section 3. CONDITIONS, SUPPORT RATE, DOCUMENTS AND PROCEDURES FOR SUPPORT FOR OCCUPATIONAL HEALTH REHABILITATION**

#### **Article 19. Conditions for support for costs of occupational health rehabilitation for employees**

An employee may receive support for occupational health rehabilitation as regulated in Point b Clause 2 Article 56 of the Law on occupational safety and hygiene in conformity with the following regulations:

1. The employee must be sent for occupational health rehabilitation as decided by the qualified health facility;
2. The level of working capacity decrease upon occupational accidents or occupational diseases must be at least 31%.

#### **Article 20. Support rate for cost of occupational health rehabilitation**

1. The maximum support rate is as 50% of the cost of occupational health rehabilitation which has been deducted from the amount paid by health insurance agency provided that such support amount shall not exceed two times the statutory pay rate/person/one time of rehabilitation.
2. Each employee may get support for cost of occupational health rehabilitation up to 02 times but in 02 different years.

## **Article 21. Application for support for cost of occupational health rehabilitation**

1. The written request for support for cost of occupational health rehabilitation, using the form promulgated by Minister of Labour – Invalids and Social Affairs;
2. Certified copy of written record on medical assessment of decreased working capacity made by the Medical Assessment Council;
3. Certified copy of referral form to the qualified occupational health rehabilitation facility granted by the health facility if the referral must be carried out; or certified copy of medical record which contains suggestion for referring the patient to the occupational health rehabilitation ward of the health facility if such occupational health rehabilitation ward is available.
4. Copies of payment vouchers of costs of occupational health rehabilitation, excluding costs of rehabilitation equipment.

## **Article 22. Procedures for processing application for support for cost of occupational health rehabilitation**

1. The employee shall directly submit the application prescribed in Article 21 of this Decree, together with originals of payment vouchers for comparison, to relevant Department of Labour – Invalids and Social Affairs.
2. Within 05 working days from the date on which the valid application is received, relevant Department of Labour – Invalids and Social Affairs shall decide the support rate. In a case of refusal to give support, such Department of Labour – Invalids and Social Affairs shall specify its reasons in writing.
3. Within 05 working days from the date on which the decision on support for occupational health rehabilitation is granted, the social security agency shall give the support amount upon such decision to relevant employee.

## **Section 4. CONDITIONS, SUPPORT RATE, DOCUMENTS AND PROCEDURES FOR SUPPORT FOR TRAINING IN OCCUPATIONAL SAFETY AND HYGIENE**

### **Article 23. Conditions for support for training in occupational safety and hygiene**

Employers may get support for costs of training in occupational safety and hygiene as regulated in Clause 4 Article 56 of the Law on occupational safety and hygiene if all of the following conditions are satisfied:

1. Regulations on insurance for occupational accidents and occupational diseases and training in occupational safety and hygiene have been strictly implemented;

2. Employees who are supported for training in occupational safety and hygiene have paid insurance premiums for occupational accidents and occupational diseases for at least 12 months or longer up to the month on which the application for support for costs of training in occupational safety and hygiene is submitted;

#### **Article 24. Support rate for costs of training in occupational safety and hygiene**

1. Maximum support rates for costs of training in occupational safety and hygiene shall be calculated on the basis of the number of employees participating in the training in occupational safety and hygiene. To be specific:

a) Shall not exceed 01 time the statutory pay rate/person, applicable to employees in charge of occupational safety and hygiene;

b) Shall not exceed a half of the statutory pay rate/person, applicable to employees doing the jobs in which requirements on occupational safety and hygiene must be strictly complied;

c) Shall not exceed a quarter of the statutory pay rate/person, applicable to occupational safety and hygiene managers, health officers, and occupational safety and hygiene officers.

2. Maximum support rate is as 30% of service costs of training in occupational safety and hygiene as regulated.

#### **Article 25. Application for support**

1. The written request for support for costs of training in occupational safety and hygiene, using the form promulgated by Minister of Labour – Invalids and Social Affairs;

2. Documents proving the compliance with regulations on insurance for occupational accidents and occupational diseases and training in occupational safety and hygiene;

3. Copies of payment vouchers of costs of training in occupational safety and hygiene.

#### **Article 26. Procedures for processing application for support for costs of training in occupational safety and hygiene**

1. The employer shall directly submit the application prescribed in Article 25 of this Decree, together with originals of payment vouchers for comparison, to relevant Department of Labour – Invalids and Social Affairs.

2. Within 05 working days from the date on which the valid application is received, relevant Department of Labour – Invalids and Social Affairs shall decide the support rate for costs of training in occupational safety and hygiene. In a case of refusal to give support, such Department of Labour – Invalids and Social Affairs shall specify its reasons in writing.

3. Within 05 working days from the date on which the decision on support for training in occupational safety and hygiene is granted, the social security agency shall give the support amount upon the granted decision.

## **Section 5. CONDITIONS, SUPPORT RATE, DOCUMENTS AND PROCEDURES FOR SUPPORT FOR RE-INVESTIGATION INTO OCCUPATIONAL ACCIDENTS OR OCCUPATIONAL DISEASES AT THE REQUESTS OF SOCIAL SECURITY AGENCIES**

### **Article 27. Conditions for support**

The support for costs of re-investigation into occupational accidents or occupational diseases at the requests of the social security agencies as regulated in Point c Clause 2 Article 56 of the Law on occupational safety and hygiene shall be given if all of the following conditions are satisfied:

1. The re-investigation into occupational accidents or occupational diseases must be conducted by competent authorities at the requests of the social security agencies;
2. Occupational accidents and occupational diseases under the re-investigation are not complaints or denunciations under the authority of competent state agencies.

### **Article 28. Support rate and contents**

The insurance fund for occupational accidents and occupational diseases shall pay 100% of the costs of re-investigation into occupational accidents and occupational diseases, including travel expenses, costs for hiring experts and expert examinations as regulated by prevailing laws.

### **Article 29. Application for support**

1. Decision on establishment of occupational accident or occupational disease re-investigation team;
2. Decision on establishment of occupational accident or occupational disease re-investigation team;
3. Certified copies of payment vouchers of re-investigation costs as regulated.

### **Article 30. Procedures for processing application for support**

1. The social security agency shall send written request for re-investigation into an occupational accident or occupational disease to a competent state agency.
2. Based on the request of the social security agency, the competent state agency in charge of labour - invalids and social affairs shall consider and decide the establishment of an occupational accident re-investigation team; or the competent state agency in charge of health affairs shall consider and decide the establishment of an occupational disease re-investigation team.

3. The competent state agency establishing the re-investigation team shall prepare and send the plan or estimate of re-investigation costs to the relevant social security agency in order to get a maximum advance at 80% of re-investigation costs.

4. The competent state agency that establishes the re-investigation team as regulated in Clause 2 of this Article shall, upon the completion of re-investigation, send documents of payment of re-investigation costs as prescribed in Article 29 of this Decree to the social security agency.

5. Within 07 working days from the date on which required documents are received in sufficient and valid manner, the social security agency shall give support for costs of re-investigation into occupational accident or occupational disease.

## **Chapter V**

### **RIGHTS AND RESPONSIBILITIES OF EMPLOYERS, EMPLOYEES AND RELEVANT AGENCIES**

#### **Article 31. Rights and responsibilities of social security agencies**

1. Social security agencies shall have the following rights:

a) Monitor the payment of insurance premiums and receipt of relevant insurance benefits by employers and employees.

b) Reject requests for support that do not correspond with the laws.

c) Give competent state agencies suggestions about the establishment, amendment and supplement of policies and laws on support for prevention of occupational accidents and occupational diseases; manage and use the insurance fund for occupational accidents and occupational diseases; handle or request the competent state agencies to handle violations against laws on occupational accidents and occupational diseases in compliance with prevailing laws.

d) Request for re-investigation into occupational accidents and occupational diseases.

dd) Other rights as regulated by the laws.

2. Social security agencies shall discharge the following obligations:

a) Propagate and disseminate policies and laws on occupational accidents and occupational diseases; instruct procedures for support for costs of medical examination and treatment, training for career change, training in occupational safety and hygiene, and occupational health rehabilitation.

b) Make payment of support amounts for costs of medical examination and treatment, training for career change, training in occupational safety and hygiene, and occupational health

rehabilitation; and costs of re-investigation into occupational accidents and occupational diseases.

c) Apply IT applications to management of insurance for occupational accidents and occupational diseases; retain documents of support for costs of medical examination and treatment, training for career change, training in occupational safety and hygiene, and occupational health rehabilitation; and costs of re-investigation into occupational accidents and occupational diseases as regulated.

d) Manage and use the occupational accident insurance fund as regulated by the laws.

dd) Perform statistical and accounting affairs in connection with insurance for occupational accidents and occupational diseases.

e) Submit reports to the Social Insurance Management Board and Ministry of Labour - Invalids and Social Affairs, on the periodical basis of every 06 months and annual basis respectively, on the implementation of policies on compulsory insurance for occupational accidents and occupational diseases; and annually, submit reports to Ministry of Finance on the management and use of the compulsory insurance fund for occupational accidents and occupational diseases.

Annually, local social security agencies shall submit reports to people's committees at same level on the implementation of policies on compulsory insurance for occupational accidents and occupational diseases under their authority, and send the same to local departments of labour – invalids and social affairs.

g) Provide, on sufficient and timely manner, information about policies on compulsory insurance for occupational accidents and occupational diseases at the requests of competent state agencies and employees or their representative entities.

h) Respond to complaints or denunciations of the implementation of policies on compulsory insurance for occupational accidents and occupational diseases.

i) Fulfill other responsibilities as regulated by prevailing laws.

### **Article 32. Responsibilities of Departments of Labour – Invalids and Social Affairs**

1. Take charge and coordinate with relevant agencies to receive applications and decide support rates for costs of training for career change, occupational disease examination and treatment, occupational health rehabilitation, and training in occupational safety and hygiene.

2. Take charge and coordinate with relevant agencies to disseminate and propagate policies and laws on insurance for occupational accidents and occupational diseases.

3. Take charge and coordinate with competent agencies to facilitate the re-investigation into occupational accidents, and coordinate with competent agencies in charge of health affairs to

carry out the re-investigation into occupational diseases at the requests of social security agencies.

4. Make plans for support for training in occupational safety and hygiene; implement plans for training in occupational safety and hygiene.

5. Inspect the implementation of laws on insurance for occupational accidents and occupational diseases.

6. Deal with complaints or denunciations of insurance for occupational accidents and occupational diseases as regulated by laws.

7. Give competent state agencies suggestions about the establishment, amendment and supplement of policies and laws on insurance for occupational accidents and occupational diseases, and handle violations against laws on occupational accidents and occupational diseases.

8. Submit annual or irregular reports to Ministry of Labour - Invalids and Social Affairs, and provincial people's committees as regulated by laws.

9. Fulfill other responsibilities as regulated by prevailing laws.

### **Article 33. Responsibilities of Departments of Health**

1. Coordinate with relevant agencies to disseminate and propagate policies and laws on insurance for occupational accidents and occupational diseases.

2. Instruct the occupational disease examination and treatment, occupational health rehabilitation and re-investigation into occupational diseases.

3. Take prime responsibility for re-investigation into occupational diseases, and coordinate with competent agencies to facilitate the re-investigation into occupational accidents at the requests of social security agencies.

4. Deal with complaints or denunciations by entities of occupational disease examination and treatment, and occupational health rehabilitation as regulated by laws.

5. Provide documents and information about the occupational disease examination and treatment, and occupational health rehabilitation at the requests of competent state agencies.

6. Fulfill other responsibilities as regulated by prevailing laws.

### **Article 34. Responsibilities of Ministry of Labour – Invalids and Social Affairs**

1. Based on the capacity for balancing the insurance fund for occupational accidents and occupational diseases, and the frequency of occupational accidents and occupational diseases occurred at enterprises, business facilities, and units participating in compulsory insurance for

occupational accidents and occupational diseases, Ministry of Labour – Invalids and Social Affairs shall report to the Government for deciding annual insurance premium rates by January 15<sup>th</sup> of every year, commencing from the year 2018.

2. Ministry of Labour – Invalids and Social Affairs takes charge and coordinate with Vietnam Social Security to make decisions and assume responsibility before the Government for plans for support by funding from the insurance fund for occupational accidents and occupational diseases on the basis of requests of departments of labour – invalids and social affairs and reports submitted by social security agencies.

3. Take charge and coordinate with relevant agencies to disseminate and propagate policies and laws on insurance for occupational accidents and occupational diseases.

4. Inspect the implementation of laws on insurance for occupational accidents and occupational diseases.

5. Deal with complaints or denunciations of insurance for occupational accidents and occupational diseases as regulated by laws.

6. Submit annual or irregular reports to the Government on the implementation of policies on occupational accidents and occupational diseases.

### **Article 35. Responsibilities of Ministry of Health**

1. Coordinate with relevant agencies to disseminate and propagate policies and laws on insurance for occupational accidents and occupational diseases.

2. Instruct the occupational disease examination and treatment, occupational health rehabilitation and re-investigation into occupational diseases at the requests of social security agencies.

3. Instruct and inspect the quality of occupational disease examination and treatment, and occupational health rehabilitation services.

4. Deal with complaints or denunciations by entities of occupational disease examination and treatment, and occupational health rehabilitation as regulated by laws.

### **Article 36. Procedures for approving entities, and plans for support for costs of training in occupational safety and hygiene**

1. Annually, employers who seek support for costs of training in occupational safety and hygiene shall submit written requests, which specify entities needing support for training costs, to departments of labour - invalids and social affairs where their head offices locate for consideration.



2. Departments of labour – invalids and social affairs shall make and summarized report on requests for support for costs of training in occupational safety and hygiene submitted by enterprises in their provinces to Ministry of Labour – Invalids and Social Affairs for approval.

3. Based on the approval granted by Ministry of Labour – Invalids and Social Affairs, departments of labour – invalids and social affairs shall implement the plan for support, and inform enterprises that submitted requests for support and provincial social security agencies.

## **Chapter VI**

### **EFFECT AND IMPLEMENTATION**

#### **Article 37. Effect**

1. This Decree takes effect as of July 01, 2016.

2. Persons who currently receive occupational accident or occupational disease benefits, and victims of occupational accident or occupational disease benefits who have finished their treatment or discharged from the hospital before July 01<sup>st</sup>, 2016 shall still comply with regulations of the Law on social insurance in 2014 and documents on detailing and guiding the implementation of policies on occupational accidents and occupational diseases which are promulgated before January 01<sup>st</sup>, 2016.

3. Period of paying social insurance premium before June 30<sup>th</sup>, 2016 shall be considered as period of paying insurance premium for occupational accidents and occupational diseases as regulated in this Decree, except for entities who only make payment to the fund of retirement and survivorship as regulated by the law on social insurance.

4. Employees with labor contracts with a term of between full of 01 month and less than 03 months shall apply regulations herein as of January 01<sup>st</sup>, 2018.

#### **Article 38. Implementation**

1. Minister of Labour – Invalids and Social Affairs shall instruct and organize the implementation of this Decree.

2. Annually, Vietnam Social Security shall submit reports on the use of insurance fund for occupational accidents and occupational diseases to Ministry of Labour – Invalids and Social Affairs.

3. Minister of National Defense and Minister of Public Security shall, within the ambit of their functions and tasks, instruct and organize the implementation of this Decree with the consent of Minister of Labour – Invalids and Social Affairs.

4. Ministers, Heads of bodies at ministerial level, Heads of Government-affiliated bodies, Chairpersons of People's Committees at various levels, and relevant entities are responsible for implementing this Decree.

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Xuan Phuc**