

No. 08/2016/TT-BLDTBXH

Hanoi, May 15, 2016

CIRCULAR

ON GUIDELINES FOR COMPILING, ARCHIVING, SUMMARIZING, APPRISING, ANNOUNCING AND ASSESSING OF OCCUPATIONAL ACCIDENTS AND TECHNICAL ISSUES IN SERIOUS VIOLATION OF OCCUPATIONAL SAFETY AND HYGIENE

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

Pursuant to the Government's Decree No. 106/2012/NĐ-CP dated December 20, 2012 on the functions, missions, authority and organizational structure of the Ministry of Labor - Invalids and Social affairs;

At the request of the Head of the Department of Work safety;

Minister of Labor - Invalids and Social affairs promulgates this Circular on guidelines for compiling, archiving, summarizing, apprising, announcing and assessing of occupational accidents and technical issues in serious violation of occupational safety and hygiene.

Article 1. Scope

This Circular provides guidelines for compiling, archiving, summarizing, apprising, announcing and assessment of occupational accidents and technical issues in serious violation of occupational safety and hygiene.

Article 2. Regulated entities

This Circular applies to employers, authorities, organizations and individuals that compile, archive, summarize, disclose, announce or assess occupational accidents and technical issues in serious violation of occupational safety and hygiene.

Article 3. Compiling, archiving, summarizing and apprising of occupational accidents

1. Responsibilities for compiling and archiving the information on occupational accidents:

a) Employers must organize the compilation and storage of information on occupational accidents that ensue at their facilities. Moreover, employers shall maintain a logbook according to Appendix 1 of this Circular;

b) People's Committees of communes, wards and towns (referred to as communal People's Committees) shall organize the compilation and storage of information on occupational accidents of non-contract workers in relevant administrative areas. Logbooks shall also be maintained according to Appendix 2 of this Circular;

c) Compiling, archiving and logging of occupational accidents shall be carried out by agencies designated to investigate such occupational accidents according to Point c, Section 1, Article 34 and Section 4, Article 35 of the Law on occupational safety and hygiene and to Article 21 of the Government's Decree No. 39/2016/ND-CP dated May 15, 2016 on elaborating the implementation of certain articles of the Law on occupational safety and hygiene. Logging shall adhere to Appendix III of this Circular;

d) Departments of Labor - Invalids and Social affairs shall compile and archive occupational accidents that ensue in relevant administrative areas.

dd) Ministry of Labor - Invalids and Social affairs shall compile and archive occupational accidents on nation-wide scale.

2. Employers and agencies defined in Section 1 of this Article shall be responsible for summarizing and reporting the information compiled and archived on occupational accidents as per Section 1, 2 and 3, Article 36 of the Law on occupational safety and hygiene and Article 24 of the Decree No. 39/2016/ND-CP. Such entities shall provide the information on occupational accidents upon requests by competent state management authorities in charge of labor issues.

Article 4. Assessing and announcing of occupational accidents

1. Employers shall be responsible for assessing and announcing occupational accidents at their facilities as follows:

a) Assess and announce on-site occupational accidents to employees on 6-month and annual basis. 6-month data and 1-year data must be announced by the 10th of July of the year and by the 15th of

January of the following year, accordingly;

b) The information announced must be publicly displayed at employers' facilities, in their workshops (where occupational accidents have occurred) and on their websites (if available).

2. Communal People's Committees shall be responsible for assessing and announcing occupational accidents of non-contract workers in relevant administrative areas as follows:

a) Assess and announce occupational accidents of non-contract workers in relevant administrative areas on 6-month and annual basis. 6-month data and 1-year data must be announced by the 10th of July of the year and by the 15th of January of the following year, accordingly;

b) The information announced must be publicly displayed at the building of the communal People's Committee, on its website (if available) and on its communal television channel.

3. Departments of Labor - Invalids and Social affairs shall announce occupational accidents in relevant administrative areas as follows:

a) Assess and announce occupational accidents ensuing in relevant administrative areas on 6-month and annual basis. 6-month data and 1-year data must be announced by the 20th of July of the year and by the 30th of January of the following year, accordingly;

b) The information announced must be publicly displayed at the buildings of Departments of Labor - Invalid and Social affairs, on their websites and via the local mass media.

4. Agencies defined in Point c, Section 1, Article 3 of this Circular shall announce occupational accidents under their investigation as follows:

a) Assess and announce occupational accidents under their investigation on 6-month and annual basis. 6-month data and 1-year data must be announced by the 20th of July of the year and by the 30th of January of the following year, accordingly;

b) The information announced must be publicly displayed at the buildings of the agencies, on their websites and via means of communication of the superior ministries or authorities (if available).

5. Ministry of Labor - Invalids and Social affairs shall be responsible for assessing and announcing occupational accidents ensuing across the country as follows:

a) Assess and announce occupational accidents on nation-wide scale on 6-month and annual basis. 6-month data and 1-year data must be announced by the 05th of August of the year and by the 15th of February of the following year, accordingly;

b) The information announced must be publicly displayed on the website of the Ministry of Labor - Invalids and Social affairs and via the mass media.

6. Employers and agencies defined in Section 1, 2, 3, 4 and 5 of this Article shall be responsible for announcing:

a) Quantity of occupational accidents and of those with fatalities;

b) Quantity of victims and fatalities of occupational accidents;

c) Primary reasons of the accidents;

d) Damage caused by occupational accidents;

dd) Changes in statistical data (i.e. quantity, ratio) as defined in Point a, b, c and d of this Section in comparison with those in the same period or time of reporting; analyzing of reasons of such changes and efficiency of measures to prevent occupational accidents.

Article 5. Compiling, archiving, summarizing, apprising, assessing and announcing of technical issues in serious violation of occupational safety and hygiene

1. The compiling, archiving, summarizing, apprising, assessing and announcing of technical issues in serious violation of occupational safety and hygiene shall adhere to specialized legal regulations.

2. Such activities shall be based on the information provided by agencies that lead investigations into technical issues in serious violation occupational safety and hygiene according to Section 4, Article 26 of the Decree No. 39/2016/ND-CP. Ministry of Labor - Invalids and Social affairs shall assess and announce technical issues in serious violation of occupational safety and hygiene across the country as well as occupational accidents as per Section 5, Article 4 of the Circular.

Article 6. Responsibility for implementation

1. Employers shall be responsible for: implementing this Circular, applying greater measures to augment working conditions, propagate information and provide training to heighten workers' awareness of preventing occupation accidents and technical issues in serious violation of occupational safety and hygiene.

2. Communal People's Committees shall be responsible for: implementing this Circular, propagate

information and provide training to heighten non-contract workers' awareness of preventing occupation accidents and technical issues in serious violation of occupational safety and hygiene in their relevant administrative areas.

3. Departments of Labor - Invalids and Social affairs shall be responsible for propagating and guiding the implementation of the Circular to every employer in their provinces.

4. Ministries, ministerial-level agencies, government agencies and provincial People's Committees shall be responsible for instructing, inspecting and expediting inferior bodies to implement this Circular.

Article 7. Implementation

1. This Circular comes into force as of July 01, 2016.

2. Joint Circular No. 12/2012/TTLT-BLDTBXH-BYT dated May 21, 2012 by the Ministry of Labor - Invalids and Social affairs and the Ministry of Health on guidelines for declaring, investigating, summarizing and reporting of occupational accidents shall lose effect on the date that this Circular takes effect.

3. Difficulties that arise during the implementation of this Circular shall be reported to the Ministry of Labor - Invalids and Social affairs for solutions./.

**p.p. MINISTER
DEPUTY MINISTER**

Doan Mau Diep

APPENDIX I

THE FORMAT OF THE OCCUPATIONAL ACCIDENT LOGBOOK FOR THE YEAR OF ...
(Enclosed to the Circular No. 08/2016/TT-BLDTBXH dated May 15, 2016 by the Ministry of Labor - Invalids and Social affairs)

OCCUPATIONAL ACCIDENT LOGBOOK FOR THE YEAR OF ...

- Name of the enterprise / organization (referred to as the organization):
- Superior organization:
- Type of the organization¹: Type code:
- Total average quantity of employees in the year: persons: female employee: persons
- Total salary budget:

No.	Full name	Gender:	Year of birth	Occupation	Occupational seniority (year)	Salary rate (VND 1,000)	Worker grade	Type of labor contract	Work place (section, workshop)	Location of occupational accident	Work days, shift hours until the accident	Accident type ⁴ (cause of injuries)	Having been trained in occupational safety and hygiene	Reason of the accident ⁵	Casualty			Damage							Note
															Fatality	Injury		Total days -off after the accident	Pecuniary cost (VND 1,000)				Asset damage (VND 1,000)		
																Severe	Minor		Total	Cost breakdown					
																				He alth	Salary paid during medical treatment	Ame nds/ Aids		Oth ers	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
2																									
3																									
Total																									

¹ Write names and codes in accordance with the naming and coding of enterprises and administrative organizations in statistical reports as per current laws, on the basis of section 1 of business lines.

² Provide information according to Prime Minister's list of business lines, on the basis of section 3 of business lines.

³ Indicate whether the workers sign labor contracts (specify: permanent employment, time-defined employment, seasonal or job-based employment for less than 12 months) or not.

⁴ Provide information according to the list of injuries to determine severe occupational accidents, which is available in Appendix II of the Decree No. 39/2016/ND-CP.

⁵ Provide information according to the conclusion in the record of occupational accident investigation.

APPENDIX II

THE FORMAT OF THE LOGBOOK OF OCCUPATIONAL ACCIDENTS OF NON-CONTRACT WORKERS IN A COMMUNE / WARD
(Enclosed to the Circular No. 08/2016/TT-BLDTBXH dated May 15, 2016 by the Ministry of Labor - Invalids and Social affairs)

PEOPLE'S COMMITTEE OF ...
[COMMUNE/ WARD]

SOCIALIST REPUBLIC OF VIETNAM
Independent - Freedom - Happiness

OCCUPATIONAL ACCIDENT LOGBOOK FOR THE YEAR OF ...

No.	Name of the victim	Occupation ⁶	Place of residence	Occupational accident						Reason of the accident ⁸	As (V)
				Date and time of the accident	Location of the accident	Condition of the victim (deceased	Cause of injuries ⁷				

						or injured)			
1	2	3	4	5	6	7	8	9	
2									
3									
Total:									

⁶ Provide information according to Prime Minister's list of business lines, on the basis of section 3 of business lines.

⁷ Provide information according to the list of injuries to determine severe occupational accidents, which is available in Appendix II of the Decree No. 39/2016/ND-CP.

⁸ Provide information according to the conclusion in the record of occupational accident investigation.

APPENDIX III

THE FORMAT OF THE OCCUPATIONAL ACCIDENT LOGBOOK FOR THE YEAR OF ...
(Enclosed to the Circular No. 08/2016/TT-BLDTBXH dated May 15, 2016 by the Ministry of Labor - Invalids and Social affairs)

OCCUPATIONAL ACCIDENT LOGBOOK FOR THE YEAR OF ...

Name of the organization:

No.	Full name	Gender	Year of birth	Occupation ⁹	Occupational seniority (year)	Salary rate (VND 1,000)	Worker grade	Type of labor contract	Workplace (section, workshop)	Location of occupational accident	Work days, shift hours until the accident	Accident type ¹¹ (cause of injuries)	Having been trained in occupational safety and hygiene	Reason of the accident ¹²	Casualties	
															Fatality	Severely injured
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
2																
3																
Total																

⁹ Provide information according to Prime Minister's list of business lines, on the basis of section 3 of business lines.

¹⁰ Indicate whether the workers sign labor contracts (specify: permanent employment, time-defined employment, seasonal or job-based employment for less than 12 months) or not.

¹¹ Provide information according to the list of injuries to determine severe occupational accidents, which is available in Appendix II of the Decree No. 39/2016/ND-CP.

¹² Provide information according to the conclusion in the record of occupational accident investigation.