

No. 43/2010/TT-BCT

*Hanoi, December 29, 2010*

## **CIRCULAR**

### **REGULATIONS ON SAFETY MANAGEMENT IN INDUSTRY AND TRADE**

*Pursuant to the Decree No. 189/2007/ND-CP dated December 27<sup>th</sup>, 2007 of Government regulating functions, duties and powers of the organizational structure of Ministry of Industry and Trade*

*Pursuant to the Decree No. 06/CP dated January 20<sup>th</sup>, 1995 of Government detailing a number of articles of the Labor Law on labor safety, labor hygiene;*

*Pursuant to the Decree No.110/2002/ND-CP dated December 27<sup>th</sup>, 2002 amending and supplementing a number of articles of the Decree No. 06/CP dated January 20<sup>th</sup>, 1995 of Government detailing a number of Articles of the Labor Law on labor safety, labor hygiene; The Ministry of Industry and Trade regulating on safety management in industry and trade as follows:*

#### **Chapter 1:**

### **GENERAL PROVISIONS**

#### **Article 1: Adjusting scope and applicable entities**

This circular regulates on safety management to be applicable to business -production enterprises in the fields of mechanical engineering, metallurgy, new energy, renewable energy, oil and gas, petroleum, chemical, industrial explosive, mine exploration and mineral processing, consumption industry, food industry and other processing industry (hereinafter referred to as the Industrial and Trade enterprises) and the organizations and individuals involved in safety work in the Industry and trade.

#### **Article 2: Interpretation of terms**

In this Circular, the terms are construed as follows:

1. *Safety* means a condition not to cause injury, danger to life, affect to the health of workers and damage to machinery, equipment, line, manufacturing technology process.
2. *Risk management* means the application of technical measures and management to ensure all potential risks have been identified, analyzed and evaluated to all works, machinery, equipment, line, manufacturing technology process and in all operation stage.

3. *Risk assessment* means to assess potential risks on the basis of acceptable risk standard and approved targets, and concurrently to identify measures for reducing risk to reach a reasonable level towards acceptable fact.

4. *Risky level Assessment* means to assess the hazards have been identified based on the consequence and likelihood.

5. *Emergency response plan* including: organization, response to emergency situations such as rescue, salvage, fire & explosion prevention, flood & storm prevention as prescribed.

## **Chapter 2**

### **CONTENT, RESPONSIBILITY OF ENTERPRISE IN SAFETY MANAGEMENT**

#### **Article 3. Content of safety management work**

Content of safety management includes:

1. Safety management system.
2. Risk management.
3. Emergency response plan.
4. Safe production area.

#### **Article 4. Responsibility of enterprise in safety management system**

1. Enterprise has to set up:

- a) Safety objective and policy, reward policy and handling of violations on safety of enterprise in accordance with provisions of legislation on safety;
- b) Regulation on safety check: The program, content, form of safety check, record of inspection, minute, petition book, safety inspection book in accordance with regulations;
- c) The organizational system of safety work in enterprises according to provisions of law;
- d) A list of documents in the field of safety, standard system, safety standard is applied in enterprise;
- e) Safety regulations for each factory, production line, machine, equipment, materials, used chemical, the jobs with strict requirements for safety;
- f) Safe technical measures, fire & explosion prevention, equipment investment to ensure safety work in labor protection plan annually;

g) Records on qualification, professional experience of employees for job position in enterprises.

## 2. Management of machinery, equipment, materials, chemical

a) To periodically to examine, test, maintain and repair machinery and equipment;

b) To assess and register as prescribed towards machinery, equipment and materials which are required strictly on specific safety in the industry;

c) To choose organizational to verify pressure equipments, lifting equipment in accordance with conditions prescribed by Ministry of Industry and Trade;

d) Management of chemical safety in accordance with law on chemical.

## 3. Training, scientific research on safety

a) To train workers on proper safety content, materials, time as prescribed by law;

b) To research science, to apply technical advances in order to enhance safety and reduce risk.

## 4. Statistic and report

a) There must be records for inspection, investigation, evaluation, overcoming accidents, incidents and injuries to persons or damage to property;

b) To quickly report about serious accidents, emergency situations;

c) To periodically report on occupational accidents as prescribed;

d) To periodically report on labor protection as prescribed.

The economic group, the head of company shall integrate statistics and reports of affiliated enterprises to send to competent authorities and Ministry of Industry and Trade; the non- affiliated enterprises of economic group, its head of company shall total up and report to competent authorities and Department of Trade and Industry of province or city where headquartered of enterprise locate.

## **Article 5.Responsibility of enterprises in the risk management**

### 1. Set up the content of risk assessment, including:

a) Hazard identification;

b) Risk Assessment;

c) Measures to control and minimize risk.

2. Risk assessment is carried out by the quantitative method or qualitative method. In case where there is no provision on risk assessment by quantitative method, enterprise may choose risk assessment by qualitative method.

3. To periodically update analysis report, risk assessment (to be determined, analyzed and evaluated for all projects, production lines, machines, equipments, dangerous substances ...) as prescribed for each particular field or 3 years period for fields still not yet specified.

4. In case where an enterprise with a change in technology, machinery, equipment, scale, production site or after accidents and incidents, need to be conducted again risk assessment in order to be fit for those changes.

#### **Article 6. Responsibility of enterprises in the emergency response plan**

1. To set up an emergency response plan as prescribed by law for each specific line, and must be fit for the system of national emergency response. Emergency response plan include at least the following:

a) Organization chart, decentralization of responsibilities and report system when an accident occurs or the appearance of dangerous situations;

b) Contact chart and report to competent authorities;

c) Existing resources within and outside or to be mobilized to effectively rescue emergencies;

d) Minutes of result assessment on practice and rehearsal handling hypothetical situations in enterprises.

2. Member of Steering Committee for Flood and Storm Prevention and Search and Rescue of enterprises must be trained, coached skills and plan for emergency response.

3. To establish a Committee of emergency rescue (for enterprise required to have under provisions of law).

#### **Article 7. Responsibility of enterprises in the production sector safety**

1. Organization, arrangement of production sector, machinery and equipment must be complied with safe technical regulation and respectively legal documents.

2. To establish and protect by necessary measures prescribed by competent bodies and technical regulations applicable to the area, safety corridors surrounding works, machinery and equipment.

3. The production sector must be equipped with fire detection system and fire gas detection in areas of high fire risk, fire fighting equipment in place, the fire fighting system and there must be appropriate signal for each specific area as prescribed by law.

4. To fully equip equipment and safety system, rescue equipment.
5. Production sector must be arranged escape chart; exit.

### **Chapter 3.**

## **ORGANIZATION OF IMPLEMENTATION**

### **Article 8. Department of Safety Engineering and Industrial Environment**

Department of Safety Engineering and Industrial Environment, Ministry of Industry and Trade is responsible for directing, guiding, checking, integrating statistics reporting on the implementation of safety work in the Industry & trade.

### **Article 9. Department of Industry and Trade**

1. To guide and supervise the implementation of safety regulations for Industry and Trade enterprise in the management area.
2. Lead and coordinate with relevant agencies of provinces to inspect and handle violations of legislation on safety work as prescribed.
3. To integrating statistics, reports of enterprises based whose headquarter locate in the management area, to report to Ministry of Industry and Trade (Department of Safety Engineering and Industrial Environment).

### **Article 11. Provisions of Implementation**

1. This Circular takes effect from February 14<sup>th</sup>, 2011.
2. In the process of implementation, if any issues or problems arise, organizations and individuals report to Ministry of Industry and Commerce for timely consideration and resolution. /.

**ON BEHALF OF MINISTER  
DEPUTY MINISTER**

**Hoang Quoc Viet**

*clause 2, article 14 of the Law on Intellectual Property. **LawSoft** always welcome your comments*