



NEWSLETTER

HEALTH - SAFETY - ENVIRONMENT LEGISLATION UPDATES

July to October 2016



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Editor's Note

Dear Readers,

We would like to send all best wishes to you and your company in the new year 2017.

In this Newsletter issue 27, we would like to brief all readers with remarkable regulations issued by the Government on occupational safety, hygiene and health from July to October this year 2016.

Also in this period, we also give readers notable regulations on management, improvement and rehabilitation of persistent contaminated sites; environmental protection report; hazardous chemical emergency response plan; quality management and maintenance of construction and finally, appraisal fee on applying for industrial explosive material license usage.

Last but not least, "Did you know?" section will provide readers with safety tips to riding a motorbike in Vietnam.

GUIDELINES ON COLLECTING, ARCHIVING, SUMMARIZING, CATERING, PUBLISHING AND ASSESSING OF OCCUPATIONAL ACCIDENTS AND TECHNICAL INCIDENTS LEADING TO SERIOUS VIOLATION OF OCCUPATIONAL SAFETY AND HYGIENE

On May 15, 2016, the Ministry of Labor, Invalids and Social Affairs promulgated Circular No. 08/2016/BLDTBXH on guidelines for collecting, archiving, summarizing, catering, publishing and assessing of occupational accidents and technical incidents leading to serious violation of occupational safety and hygiene.



This Circular applies to employers, organisations and individuals relating to collecting, archiving, summarizing, catering, publishing and assessing of occupational accidents and technical incidents leading to serious violation of occupational safety and hygiene.

Regarding this Circular, employers shall:

- ❖ Collect, archive information relating to occupational accidents occurring in the facilities;
- ❖ Prepare the statistic record in accordance with the form in Appendix I enclosed with this Circular;
- ❖ Provide information relating to occupational accidents as requested by the State Management in accordance with Point 1, 2 and 3 specified in Article 36 under the Law of Occupational Safety and Hygiene and Article 24 of the Circular No. 39/2016/ND-CP.
- ❖ Improve the working conditions for employees; and
- ❖ Develop training courses to raise awareness of employees with aim to prevent occupational accident, technical incident leading to serious violation of occupational safety and hygiene.

The employers shall be responsible for collecting, archiving, summarizing, catering, assessing and publishing periodically of occupational accidents occurring at their facility twice per year or annually by posting information at the headquarter, workshop or updating information on the website.



The public information includes:

- ❖ The number of occupational accidents and fatalities;
- ❖ The number of victims and fatalities of occupational accidents;
- ❖ Primary causes of these accidents;
- ❖ Damage caused by the occupational accidents;
- ❖ The analysis of statistical data variation and the efficiency of preventive measures against the occupational accidents.

This Circular takes effect from July 01, 2016.

More information at:

<http://antoanlaodong.gov.vn/catld/Pages/ChiTietVanBan.aspx?vID=207>

IMPLEMENTATION OF OCCUPATIONAL HEALTH AND SAFETY APPLIED FOR PRODUCTION AND BUSINESS AGENCIES

On May 15, 2016, the Ministry of Labor, War, Invalids and Social Affairs promulgated Circular No.07/2016/TT-BLDTBXH with regulations on implementation of occupational health and safety applied for production and business agencies.

This Circular applies to business entities including enterprises, co-operations, households and other organizations operating in the field of production and business specified in Point 1, Article 3 of the Occupational Safety and Hygiene Law.

Regarding Article 8 of the Circular No.07/2016, organizations operating in the field below shall assess the hazards relating to occupational safety and hygiene (OSH):

- ❖ Mineral exploitation, manufacture of coke and refined petroleum;
- ❖ Chemical production, manufacture of products from rubber and plastic;
- ❖ Production of metal and metallic products;
- ❖ Production of non-metallic mineral products;
- ❖ Construction;
- ❖ Ship building and repairing;
- ❖ Electricity production, transmission and distribution;
- ❖ Processing and preservation of fishery and aquaculture products;
- ❖ Manufacture of textiles, garments, leather, shoes;
- ❖ Recycling of discarded products; and
- ❖ Environmental sanitation.

Hazard Assessment



Risk Assessment of Occupational Health and Safety shall be conducted:

- ❖ At the beginning of the production or business;
- ❖ Periodically during the operation or production at least once per year; and
- ❖ Being requested to re-assess in case of any changes of material, technology, production organization or occurrence of occupational accident, technical incident leading to significant consequences.

Moreover, employers shall:

- ❖ Provide their employees with instructions on self-assessment of occupational safety and hygiene risk;
- ❖ Carry out the inspection of occupational safety and hygiene at least once per 6 months at the operation agencies and once per three months at the workshops, production bases or equivalent;
- ❖ Collect data on occupational safety and hygiene by January 10th of the following year and report to the Department of Labor, War invalids and Social Affair or Department of Health via fax, post or email. The report template is specified in Annex II attached to this Circular; and
- ❖ Summarise the result of occupational safety and hygiene implementation.

This Circular takes effect on 01 July 2016.

More information at:

<http://antoanlaodong.gov.vn/catId/Pages/ChiTietVanBan.aspx?viD=206>

HAZARDOUS CHEMICAL EMERGENCY RESPONSE PLAN

On July 01, 2016, the Prime Minister promulgated the Decision No. 26/2016/QĐ-TTg on hazardous chemical emergency response plan.



This Decision applies to organisations and individuals operating in Vietnam and abroad relating to chemical incidents occurring in Viet Nam territory; or relating to manufacture, business, storage, preservation, transportation and use of hazardous chemical.

Regarding the Article 39 of this Decision, these organisations mentioned above are responsible for

- ❖ Developing and implementing the Chemical Incident Prevention & Response Plan and Measure in accordance with regulations of the Chemical Law. Taking part in general chemical emergency response activities under the command of Authority;



- ❖ Providing annual training and every 06-month exercises on chemical emergency response for personnel or sending them to attend external training to enhance the professional skills;

- ❖ Accommodating equipment and facility to improve the response ability of company under regulations. Having contract with relevant agencies for supporting and responding in cases of hazardous chemical accidents.



- ❖ Implementing the response activities and mobilising the response team promptly and effectively to the hazardous chemical incidents.

This Circular takes effect from December 15, 2016 and replaces the Circular No. 03/2011/TT-BXD by the Ministry of Construction dated April 06, 2011

More information at:

http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&mode=detail&document_id=185267

LIST OF JOBS WITH STRICT REQUIREMENTS ON OCCUPATIONAL SAFETY AND HYGIENE (OHS)

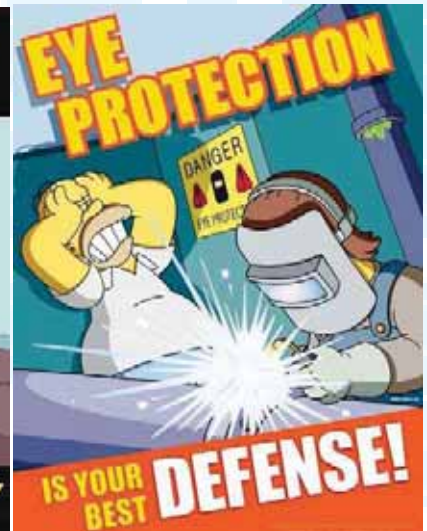
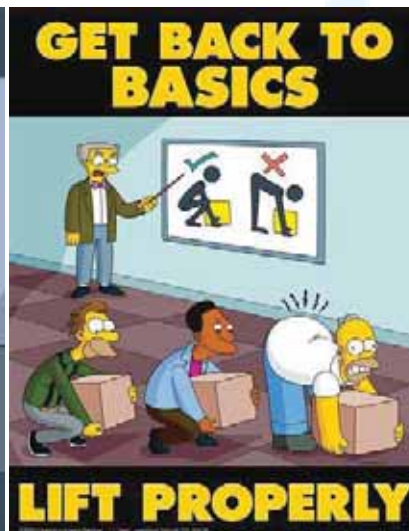
On June 16, 2016, the Ministry of Labor, War, Invalids and Social Affairs promulgated the Circular No.13/2016/TT-BLDTBXH on list of jobs with strict requirements on Occupational Safety and hygiene (OHS).

OHS

This Circular applies to entities specified in Article 2 of Occupational Safety and Hygiene Law except for Vietnamese labor working abroad with contract award.

OCCUPATIONAL HEALTH & SAFETY

Detailed list of jobs with strict requirements on Occupational Safety and Hygiene is enclosed in the attachment of this Circular and replaces the list of jobs with strict requirements on OHS specified in the Circular No. 27/2013/ TT-BLDTBXH by the Ministry of Labor, War, Invalids and Social Affairs dated October 18, 2013.



This Circular takes effect on August 01, 2016.

More information at:

<http://www.moit.gov.vn/vn/Pages/ChiTietVanBan.aspx?vID=14944>



QUALITY MANAGEMENT AND MAINTENANCE OF CONSTRUCTION

On October 26, 2016, the Ministry of Construction promulgated Circular No. 26/2016/TT-BXD on regulations of quality management and maintenance of construction.



This Circular details regulations of quality management and maintenance of construction. This Circular applies to domestic and foreign organisations and individuals having construction in Viet Nam.

Regarding the construction quality management, the project owner is responsible for



- ❖ Selecting appropriate contractors to carry out the construction activities;
- ❖ Conducting survey before construction;
- ❖ Developing the design plan and get the approval from authority;
- ❖ Supervising the development and installation works of contractors;
- ❖ Conducting the appraisal for construction;
- ❖ Preparing maintenance plan for construction; and
- ❖ Keeping all document related to construction.

The Contractor and sub-contractor shall be responsible for

- ❖ Preparing the site record during the construction phase; and
- ❖ Preparing as-built drawings of the construction.



This Circular takes effect from December 15, 2016.

More information at:

<http://thuvienphapluat.vn/van-ban/Xay-dung-Do-thi/Thong-tu-26-2016-TT-BXD-quan-ly-chat-luong-bao-tri-cong-trinh-xay-dung-289819.aspx>

COLLECTION, SUBMISSION, MANAGEMENT AND USE OF APPRAISAL FEE ON APPLICATION OF USING INDUSTRIAL EXPLOSIVE MATERIALS LICENSE

On October 14, 2016, The Ministry of Finance promulgated the Circular No. 148/2016/TT-BTC on collection, submission, management and use of appraisal fee on application of using industrial explosive materials license.

Any organisations applying for the license of industrial explosive material usage granted by competent authority must pay appraisal fee in accordance with the regulations in this Circular.



❖ The appraisal fee for applying the license of Industrial Explosive Material Usage are listed as below

No.	Description of appraisal fee	Fee Level (VND)
1	License of Industrial Explosive Material Usage in searching, exploration and exploitation activities on the sea and continental shelf.	5.000.000
2	License of Industrial Explosive Material Usage in development and clearance of construction.	4.000.000
3	License of Industrial Explosive Material Usage in searching, exploration and exploitation activities onshore.	3.500.000
4	License of Industrial Explosive Material Usage in research, verification and testing activities.	2.000.000

- ❖ In case of re-issuance or adjustment of license without any changes in location, scale or operating conditions of Industrial Explosive Material Usage, the appraisal fee specified in Clause 1 above shall be reduced by 50% (fifty percent)
- ❖ In case of re-issuance or adjustment of license with change of business register license, location, scale or operating condition of Industrial Explosive Material Usage, the appraisal fee prescribed in Clause 1 remains unchanged.



This Circular takes effect from January 01, 2017 and replaces the Decision No. 64/2007/QĐ-BTC dated 25 July, 2007 by the Ministry of Finance on collection, submission, management and use of appraisal fee on applying for using industrial explosive materials license by the central Agencies.

More information at:

<http://thuvienphapluat.vn/van-ban/Thuong-mai/Thong-tu-148-2016-TT-BTC-che-do-thu-nop-phi-tham-dinh-cap-phep-su-dung-vat-lieu-no-cong-nghiep-327071.aspx>

MANAGEMENT, IMPROVEMENT AND REHABILITATION OF PERSISTENT CONTAMINATED SITES

On October 12, 2016, the Ministry of Natural Resources and Environment promulgated the Circular No. 30/2016/TT-BTNMT on management, improvement and rehabilitation of persistent contaminated sites.

This Circular applies to State Management Authorities, domestic and foreign organisations and individuals involving in management, improvement and rehabilitation of persistent contaminated sites.



Chapter II of this Circular details:

- ❖ Principle and criteria specific for classification of contaminated sites;
- ❖ Investigation and assessment of contaminated sites;
- ❖ Principle of environmental management, improvement and rehabilitation including:
 - Control the contaminated sites;
 - Develop contamination treatment plan: Any organisation and individual expected to use the contaminated sites shall develop and submit the contamination treatment plan to Provincial People Committee for approval in accordance with Point 3, Article 13 of the Decree No. 19/2015/ND-CP.
 - Verify and approve the contamination treatment plan;
 - Implement the contamination treatment plan;
 - Inspect and verify the completion of environmental improvement and rehabilitation.

This Circular takes effect from December 01, 2016.

More information at:

<http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-30-2016-TT-BTNMT-quan-ly-cai-cao-phuc-hoi-moi-truong-khu-vuc-dat-bi-o-nhiem-ton-luu-327576.aspx>

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ENVIRONMENTAL PROTECTION REPORT

On August 24, 2016, the Ministry of Natural Resources and Environment promulgated the Circular No.19/2016/TT-BTNMT on environmental protection report.

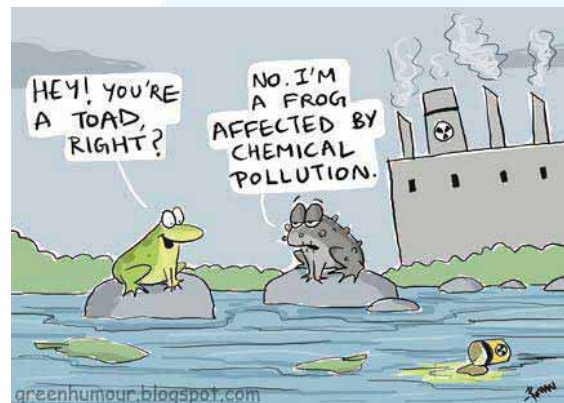


This Circular applies to organisations and individuals relating to developing the environmental protection report.

Regarding Article 5 of this Circular, the Management of Economic Zone, Export-Processing Zone (EPZ), High Tech Park and Industrial Park shall report the environmental protection plan to Provincial People Committee.

The report content shall include:

- ❖ Environmental issues; environmental quality and pollution sources impact to the environment.
- ❖ The result of environmental protection activities. Human resource and management responsibility in environmental protection of Authorities in accordance with regulations; and
- ❖ Difficulties and recommendations.



The report template of environmental protection is specified in Appendix IV attached in this Circular.

This Circular takes effect from October 10, 2016.

More information at:

<http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-19-2016-TT-BTNMT-bao-cao-cong-tac-bao-ve-moi-truong-2016-321100.aspx>

GO GREEN

INVALID AND REPLACED LEGAL DOCUMENTS

On June 30, 2016, the Ministry of Health promulgated some Circulars on National Technical Regulation regarding the Permissible levels in the Workplace. These Circulars replace some regulations specified in the Decision No.3733/2002/QĐ-BYT dated October 10, 2002.

Details of the allowable limits of these Circular are specified in the below links.

- ❖ Circular No.21/2016/TT-BYT on National Technical regulation regarding the permissible Exposure Level of high frequency Electromagnetic Intensity in the Workplace.
<http://www.diachatnuockhoang.org/phap-luat/172-thong-tu-21-2016-tt-byt-quy-dinh-quy-chuan-ky-thuat-quoc-gia-ve-dien-tu-truong-tan-so-cao-muc-tiep-xuc-cho-phep-dien-tu-truong-tan-so-cao-tai-noi-lam-viec>
- ❖ Circular No. 22/2016/TT-BYT on National Technical Regulation regarding the Permissible Levels of Lighting in the Workplace.
<http://diachatnuockhoang.org/phap-luat/173-thong-tu-22-2016-tt-byt-quy-dinh-quy-chuan-ky-thuat-quoc-gia-ve-chieu-sang-muc-cho-phep-chieu-sang-noi-lam-viec>
- ❖ Circular No. 23/2016/TT-BYT on National technical Regulation regarding the Permissible Exposure Levels of Ultraviolet Radiation in the Workplace.
<http://thuvienphapluat.vn/van-ban/Lao-dong-Tien-luong/Thong-tu-23-2016-TT-BYT-quy-chuan-ky-thuat-quoc-gia-muc-tiep-xuc-cho-phep-buc-xa-tu-ngoai-noi-lam-viec-318343.aspx>
- ❖ Circular No.24/2016/TT-BYT on National Technical Regulation regarding the Permissible Exposure Levels of Noise in the Workplace
<http://soyte.hatinh.gov.vn/read/vanban-qppl/tintuc/thong-tu-so-242016tt-byt-ngay-3062016-quy-dinh-chuan-ky-thuat-quoc-gia-ve-tieng-.html>
- ❖ Circular No.25/2016/TT-BYT on National Technical Regulation regarding the Permissible Exposure Level of Industrial Frequency Electromagnetic Fields in the Workplace
<http://www.diachatnuockhoang.org/phap-luat/176-thong-tu-25-2016-tt-byt-quy-dinh-quy-chuan-ky-thuat-quoc-gia-ve-dien-tu-truong-tan-so-cong-nghiep-muc-tiep-xuc-cho-phep-dien-tu-truong-tan-so-cong-nghiep-tai-noi-lam-viec>
- ❖ Circular No. 26/2016/TT-BYT on National Technical Regulation regarding the Permissible Exposure Limits of X- ray Radiation in the Workplace
<http://soyte.hatinh.gov.vn/read/vanban-qppl/tintuc/thong-tu-so-262016tt-byt-ngay-3062016-quy-dinh-quy-chuan-ky-thuat-quoc-gia-ve-kh.html>
- ❖ Circular No. 29/2016/TT-BYT on National Technical Regulation regarding the Permissible Exposure Limits of Ionizing Radiation in the Workplace
<http://soyte.hatinh.gov.vn/read/vanban-qppl/tintuc/thong-tu-so-292016tt-byt-ngay-3062016-quy-dinh-quy-chuan-ky-thuat-quoc-gia-ve-bu.html>
- ❖ Circular No.30/2016/TT-BYT on National Technical Regulation regarding the Permissible Exposure Limits of X- ray Radiation in the Workplace
<http://soyte.hatinh.gov.vn/read/vanban-qppl/tintuc/thong-tu-so-302016tt-byt-ngay-3062016-quy-dinh-quy-chuan-ky-thuat-quoc-gia-ve-bu.html>

These Circulars take effect from December 01, 2016.





SAFETY TIPS FOR RIDING A MOTORBIKE

Riding a motorbike around Vietnam is not safe if you drive poorly. However, if you ride sensibly and obey what really are just common sense rules you will not only stay safe but will have an absolute ball riding in Vietnam!

GENERAL RIDING

- ❖ It is compulsory and smart to wear a helmet and preferably one that has an international safety standard rating. There are many very cheap helmets available in Vietnam that is completely useless.
- ❖ Ride on the right hand side of the road.
- ❖ Give way to trucks, buses, cars and large animals as they almost certainly won't give way to you.
- ❖ When making a turn into a side street or across traffic, not only turn on light signal but also turn your neck to observe.
- ❖ Never drink and ride.



**RIDE
SAFE.
RIDE
SMART.**

WHILE IN CITY TRAFFIC

- ❖ Do not make any sudden directional or speed changes.
- ❖ Always keep your eyes forward and slow down at every intersection.
- ❖ The law states a maximum of two people per bike.
- ❖ Remember that if you are behind a larger vehicle, people in front of it can't see you. Do not make any sudden overtaking maneuvers.
- ❖ Slow down when passing public area.

ON THE OPEN ROAD OR IN THE COUNTRY SIDE

- ❖ The scenery will usually be either beautiful or extremely interesting. Do not daydream.
- ❖ If the roads are wet and slippery, slow down and keep big distances between you and other obstacles.
- ❖ Try to avoid driving after dark whenever possible. You are likely to encounter locals riding drunk or with no lights or both!
- ❖ Be aware that large animals can appear at any time. Slow down when you see them.



**Motorcycle
Safety
Is Where
Awareness
& Respect
Intersect**



Sources:
<http://motorbiketours-hoian.com/riding-in-vietnam/>



LIST OF NEW LEGISLATIONS IN THE PERIOD

Decision No. 4988/QĐ-BYT on introduction of 04 procedures of food safety inspection
<http://thuvienphapluat.vn/van-ban/The-thao-Y-te/Quyết-dinh-4988-QĐ-BYT-quy-trình-thanh-tra-an-toan-thuc-pham-2016-322991.aspx>

Circular No. 19/2016/TT-BCT on energy consumption in beer and beverage production industry
<http://antoanlaodong.gov.vn/catld/Pages/ChiTietVanBan.aspx?vID=208>

Circular No. 23/2016/TT-BGTVT on economic and technical norms for operation, exploitation and maintenance of vessel traffic service system.
http://vanban.chinhphu.vn/portal/page/portal/chinhphu/hethongvanban?class_id=1&mode=detail&document_id=185028

Circular 20/2016/TT-BTNMT on construction, exploitation and use of sea and island resources and environment data.
<http://thuvienphapluat.vn/van-ban/Tai-nguyen-Moi-truong/Thong-tu-20-2016-TT-BTNMT-xay-dung-khai-thac-su-dung-co-so-du-lieu-tai-nguyen-moi-truong-bien-hai-dao-322915.aspx>

Decision No.4666/QĐ-BYT on invalid legal documents of the Ministry of Health from January 01, 2016 to June 30, 2016.
<http://thuvienphapluat.vn/van-ban/Bo-may-hanh-chinh/Quyết-dinh-4666-QĐ-BYT-cong-bo-danh-muc-van-ban-quy-pham-phap-luat-het-hieu-luc-toan-bo-2016-320754.aspx>

Circular No. 128/2016/TT-BQP on technical safety inspection of electric winch, manual winch and explosive powder used in the Ministry of Defense.
<http://thuvienphapluat.vn/van-ban/Lao-dong-Tien-luong/Thong-tu-128-2016-TT-BQP-kiem-dinh-ky-thuat-an-toan-toi-dien-toi-thu-cong-nang-thuoc-phong-thuoc-no-325375.aspx>

Decree No.155/2016/ND-CP on administrative sanctions in the field of environmental protection.
<http://thuvienphapluat.vn/van-ban/Vi-pham-hanh-chinh/Nghi-dinh-155-2016-ND-CP-quy-dinh-xu-phat-vi-pham-hanh-chinh-trong-linh-vuc-bao-ve-moi-truong-331295.aspx>

Decree No.154/2016/ND-CP on environmental protection fee of wastewater .
<http://thuvienphapluat.vn/van-ban/Thue-Phi-Le-Phi/Nghi-dinh-154-2016-ND-CP-phi-bao-ve-moi-truong-doi-voi-nuoc-thai-330069.aspx>



IN JULY TO OCTOBER, 2016, SEN CONSULTING CO., LTD. SUCCESSFULLY COMPLETED THE FOLLOWING SERVICES

This newsletter is intended to provide general information announcement and does not constitute legal advice.

Please seek for appropriate legal advice for any specific issues.

- Preparation and acquisition of MoIT/ PVN approval for Safety Management Dossier (including SMP and QRA) for CLJOC Su Tu Trang Full Field Development Phase 1 – Detailed Engineering–Cuu Long JOC;
- Provision of Hazardous Area Classification workshop for Rong Doi Platform – Korea National Oil Corporation (KNOC)
- Provision of HAZOP study for STN Production Debottleneck – Routing STN produced water through WI pipeline. – CLJOC;
- Provision of Safety Assessment Services (including HAZID, HAZOP, SIL, FERA, NHRA, and QRA Studies) for CLJOC Su Tu Field – CLJOC.
- Provision of development of Helideck Operation Manual and Administration support for Helideck Operation Approval – PVD/KNOC;
- Provision of development of Helideck Operation Manual and Administration support for Helideck Operation Approval - PTSC CGGV;
- Provision of Advanced First Aid Training – NCSP;
- Provision of CSSR Audit at Minh Long factory in Binh Duong – AECOM;
- Provision of Working Environment Survey for offshore installations – CLJOC;
- Provision of Assessment and Development of HSE MS – PVEP;
- Provision of Working Environment Survey for office and offshore installation – Talisman;
- Provision of HSSE Legal Register Update – Talisman

We greatly appreciate our *clients who regularly use our legal update services*



We would appreciate your contributions with relevant articles, photos and comments. Please drop an email to: newsletter@senwork.com



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