

Joint Circular N_o 10/1999/TTLT-BLDTBXH-BYT dated 17 March 1999
of the MOLISA and MOH

**Instructing the implementation of providing allowance in kind
for workers who are directly working in contact with harmful
and dangerous elements**

Pursuant to Article 104 of the Labour Code and Article 8 of Governmental Decree No 06/CP dated 20/1/1995 elaborating some provisions of the Labour Code on the occupational safety and health, after having consultations with the Ministry of Finance, the Vietnam general Confederation of Labour and other concerned bodies, the MOLISA and the MOH instruct the implementation of allowance in kind as following:

I. Subjects and scope of application

Allowance in kind shall be provided to workers including apprentices and vocational trainees of the following undertakings, bodies and organisations:

- State owner undertakings;
- Undertakings in other economic sectors;
- Organisations, individuals hiring employees for operating business and production;
- Undertakings with foreign invested capital, undertakings in economic processing Zones and industrial zones and high technology zones;
- Foreign organisation and international organisations operating in Vietnam and hiring Vietnamese workers;
- Institution, business, service units belonging to administrative and non-productive bodies, to political, social organisations and mass organisation, to people's army and people's security forces;
- Administrative and non productive bodies;
- Political, social organisations and mass organisations;
- Foreigners working in undertakings, organisations and individuals operating in the territory of Vietnam shall equally subject to the scope of application of this Circular, except where international treaty concluded, or accede to, by the Socialist Republic of Vietnam provides otherwise.

II. Qualified conditions and the rate of allowance in kind

1. Qualified conditions

Allowance kind shall be provided to workers who work in harmful and dangerous occupations which are stipulated by the Government with having the following conditions:

- a) Working environment holding one of harmful and dangerous elements that exceed the permitted standard stipulated by the MOH:
 - Physical elements: Micro-climate, noise, vibration, high pressure, electromagnetic field, light, ionised radiation and non ionised radiation and laze...
 - Chemical elements: toxic chemicals, toxic gar, toxic fume and toxic dust...
- b) Directly working in contact with transmittal diseases elements: super-microbe, microbe, parasite and other harmful biological elements.

2. Rate of allowance in kind

Allowance in kind shall be provided by ration, and its value is equal to following categories

First category is equal to 2,000 VND

Second category is equal to 3,000 VND

Third category is equal to 4,500 VND

Fourth category is equal to 6,000 VND

III. Principles

1. Taking care the employee's health and preventing them from occupational diseases in the process of working for the employee is the obligation of the employer. This should be met mainly by implementation of technical measures and improvement of OSH equipment, however, if elimination of harmful elements is not practicable, allowance in kind should be provided by the employer in order to prevent diseases and to protect the health of the employee.

2. Allowance in kind should be delivered on the spot during the work shift. The payment in cash in stead of allowance in kind is prohibited. Inclusion of allowance in kind into salary is also prohibited.

If work arrangement is not stable due to roving work, scatter work, or small number of workers, the allowance in kind can not delivered on the spot during the work shift, then the employer should provide suitable type of food for the employee to enable them to carry out such compensation themselves. In this case, the employer should check and register regularly the implementation of such regime and register to the Local Department of Labour Invalids and Social Affairs.

3. The person who is working in contact with harmful and dangerous elements more than or less than 50 percent of standard daily working time shall be provided a ration or a half ration of allowance in kind respectively.

If the worker have to work overtime, the amount of allowance in kind shall be provided equivalent to additional working hours.

4. For workers working in special undertaking enjoying benefits stipulated by Decree N₀ 611/TTg dated 24/9/1996 shall be excluded from application of this Circular

5. Rate of allowance in kind for workers working in those occupations according to the MOLISA and MOH in Circular N 20 dated 24/9/1992 shall be converted to new category as follows:

Previous category 1 converted to new category 1

Previous category 2 converted to new category 2

Previous category 3,4 converted to new category 3

The problems arisen during the conversation from the previous to new category shall be reported to the MOLISA for consideration and agreement as stipulated at point 2 part IV

- New category 4 of allowance in kind shall be applied only to workers whose occupations holding extremely harmful and dangerous elements.

6. Cost for allowance in kind shall be included into the cost of production, or current expenditure of administrative agencies or non productive bodies; for others such as, student,

practical students, apprentices and trainees, cost of allowance in kind shall be covered by their supervising agencies.

IV. Implementation

1. Responsibility of the employer

- a) To educate, to keep employees inform about the purpose and meaning of allowance in kind as well as to disseminate the Circular and undertaking rules on the implementation of allowance in kind to the employee.
- b) Based on occupations, and assigned work Health unit helps the employer identify the suitable component of allowance such as mild, egg, tea, fruit, cake... equivalent to the rate of allowance in kind stipulated in point 2 part II above to strengthen the health of workers to eliminate toxic elements and to strength the preventive capacity of the body,
- c) Provision of allowance in kind should be organised in appreciate way to ensure that the employee shall be provided allowance in kind fully as stipulated by the law.

2. Responsibilities of Ministries, Industries and localities

- a) To guide the implementation of this Circular to offices, undertakings under their management.
- b) Based on the proposals of offices, undertakings and the Results of Annual measurement and assessment on harmful and dangerous elements by health offices, to synthesise occupations, jobs in which the employee shall be provided allowance in kind and to submit to the MOLISA for consideration, this procedure include:
 - List of occupations, jobs in which the employee shall be provided allowance in kind. The form of this list is attached
 - The result of annual measurement on harmful, dangerous elements in the workplace that carried out by the Central for Preventive Medicine of the Province or City under the Central Government and approved by the MOH.

For occupations, jobs having transmitter diseases elements as stipulated at Part II (1) (a) result of measurement is not needed.

3. Responsibilities of Local Department of Labour, Invalids, and Social Affairs and Local Department of Health:

To supervise, organise the implementation of this Circular by the offices, undertakings and to collaborate with Trade union in the locality to check and to inspect the implementation of this Circular according to their functions and power.

4. This Circular shall come into to force after 15 days from the date of its signature. This repeals the Circular N0 20/TTLB dated 24/9/1992 of the MOLISA and MOH and all previous provisions contrary to this Circular.

Ministries, industries and localities shall report problems arisen during the implementation of this Circular to the MOLISA (Department of Labour Protection) and MOH (Department of Preventive Medicine) for study and consideration./.

For Minister of MOH
Vice minister

Le Ngoc Trong
(Signed)

For Minister of MOLISA
Vice minister

Le Duy Dong
(Signed)

Appendix 1

*(Promulgated in attachment to joint Circular 10/1999/TTLT-BLDTBXH-BYT-
dated 17/3/1999 of the MOLISA, MOH)*

The form for List of occupations, jobs in which the employee
shall be provided allowance in kind

No	Name of occupations, jobs	Data of harmful elements that exceed the permitted standard	Agencies carry out measurement and date, month year of measuring	proposal for category of allowance in kind	Remark
(1)	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
4					
5					
6					
7					
8					

**Leader of Ministry, industry,
and people committee of province and city**
(Signed and sealed)