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Unofficial translation

LAW OF MONGOLIA

May 22, 2008

laanbaatar city

ON LABOR SAFETY AND HYGIENE

CHAPTER ONE

General provisions

Article 1. Purpose of the law

1.1. The purpose of this Law is to determine the state policy and principles on labor safety and hygiene, and to regulate relationship with respect to management and monitoring system of state organizations, to ensure fulfillment of requirements and standards for labor safety and hygiene at workplace and to create safe and hygienic work environment for employed citizens.

Article 2. Legislation on labor safety and hygiene

2.1. The legislation on labor safety and hygiene shall comprise the Constitution of Mongolia, Labor Law, this Law and other legislative acts enacted with compliance with these laws.

2.2. In case an international treaty, to which Mongolia is a party, provides otherwise than this Law, then the provisions of the international treaty shall prevail.

Article 3. Definitions of the Legal terms

3.1. The following terms used in this Law shall be construed as follows:

3.1.1. "Labor safety and hygiene" shall mean socio-economic, managerial, technological, and hygienic measures taken for ensuring maintenance of ability to work and wellbeing of person in the course of employment, and activities related to medical treatment, rehabilitation and protection from risks;

3.1.2. "Labor safety" shall mean the level of dangerous and toxic industrial factors that impact on human health and ability to work not exceeding the hygienically allowed rate in the course of employment;

3.1.3. "Labor hygiene" shall mean activities related to preventive measures taken against getting sick and losing ability to work either partially or completely due to physical and mental changes caused by chemical, physical and biological factors in the course of employment;

3.1.4. "Work condition" shall mean work place or industrial environment which has complete or partial impact on ability to work and health of employees in the course of their employment;

3.1.5. "Industrial hazardous factor" shall mean industrial factors which lead to human disease upon impacting on human health, cause change of mental health, decrease efficiency of ability to work and cause occupational disease;

3.1.6. "Industrial dangerous factor" shall mean factors which lead to acute poisoning, industrial accident and impose severe damage to human health and life during the period of work shift;

3.1.7. "Workplace risk" shall mean work environment which may cause employees to industrial accident, acute poisoning and occupational disease in workplace;

3.1.8. "Risk assessment" shall mean procedures of risk assessment at workplace risk;

3.1.9."Workplace" shall mean all places which are directly or indirectly controlled by an employer to which to citizen, employee are liable to travel in terms of their job duties and assignments;

3.1.10."Acute poisoning" shall mean to get poisoned severely or acutely in short term by the impact of radioactive or biologically active substances or toxic chemicals;

3.1.11."Special clothing" shall mean clothes, shoes, hats, gloves and other garments which are designed to protect from impacts of toxic or dangerous industrial factors;

3.1.12."Individual protective device" shall mean device designed to protect an employee from toxic or dangerous industrial factors;

3.1.13."Common protective devices" shall mean devices designed to protect two or more employees simultaneously from toxic or dangerous industrial factors;

3.1.14."Labor safety and hygiene management system" shall mean set of managerial activities related to determination of policies and principles on labor safety and hygiene, organizing an implementation of such policies and principles, initiating, monitoring and evaluating policies and principles on labor safety and hygiene;

/This sub-paragraph was amended according to the law of May 14, 2015/

3.1.15."Premise" shall mean specifically equipped rooms including changing rooms, rest rooms, dining hall, bath rooms, heated rooms and other rooms which are specially intended to ensure normal working environment for citizens and employees;

3.1.16."To make attestation or categorization of industrial working place in accordance with working environment" shall mean to make evaluation on whether conditions of danger, toxicity and heavy load of work are within the level of hygienic working condition;

3.1.17."Safe working environment" shall mean the impact level of dangerous and toxic industrial factors is not exceeding established level of safe working condition;

3.1.18."Safety of industrial equipment" shall mean the fulfillment of requirements of safe industrial operations when operating equipment in accordance with conditions specified in layout and technical documents;

3.1.19."Labor safety and hygiene standards" shall mean the level determined by competent authority regarding working conditions, safety and hygiene;

3.1.20."Industrial accident" shall mean industrial peril and equivalent factor caused to employee citizens in the course of their employment;

/This sub-paragraph was added according to the law of May 14, 2015/

3.1.21."Industrial environment" means operational area and outdoors of entities and organizations;

/This sub-paragraph was added according to the law of May 14, 2015/

3.1.22."High risk working workplace" shall mean dangerous factor probability that might be caused to employees is higher than permissible level in the course of their employment;

/This sub-paragraph was added according to the law of May 14, 2015/

Article 4. Framework of law enforcement

4.1. The following persons engaged in employment shall be subject to this Law:

4.1.1. employer and employee specified in the sub-paragraphs 4.1.1 and 4.1.3 of Law on Labor;

/This sub-paragraph was amended according to the law of July 02, 2021/

4.1.2. self-employed citizen;

4.1.3. contract workers working on contractual basis between citizens;

4.1.4. students of universities, colleges, vocational schools and cadets of military academies doing internship at business entities and organizations;

4.1.5. active military personnel serving either for fixed or contract term military service, mobilization training and persons attending temporary service;

/This sub-paragraph was amended according to the law of September 01, 2016/

/This sub-paragraph was amended according to the law of June 27, 2018/

4.1.6.members of cooperatives and partnerships;

4.1.7.prisoners serving their sentences;

4.1.8.Mongolian citizens, foreign citizens and stateless persons who are employed by foreign business entities and organizations conducting operations in the territory of Mongolia;

4.1.9.Mongolian citizens, foreign citizens and stateless persons who are working at the basis of cooperation, work performance contract or any other means.

Article 5.State policies and principles on labor safety and hygiene

5.1.The basis of state policies and principles on labor safety and hygiene aims wholly to protect lives and health of employed citizens and employees.

5.2.The following principles shall be applied in activities related to labor safety and hygiene:

5.2.1.requirements for labor safety and hygiene norm shall be unified in the territory of Mongolia;

5.2.2.to ensure regular monitoring structures for implementation of labor safety and hygiene requirements and standards;

5.2.3.to ensure transparent, true and accurate information on labor safety and hygiene;

5.2.4.to have created working conditions which meet with requirements of labor safety and hygiene.

CHAPTER TWO

Requirements and standards of labor safety and hygiene

Article 6.Requirements and standards of labor safety and hygiene

6.1.The requirements of labor safety and hygiene shall be determined by the legislation, and such requirements shall have unified principle and aim to protect lives and health of employed citizens and employees in the course of their employment.

6.2.The state central organization shall be responsible to develop, approve and make amendments into Labor safety and hygiene standards and the organization in charge of standards shall approve, in accordance with relevant laws, upon consultation with the state central organization in charge of labor issues.

/This paragraph was amended according to the law of May 14, 2015/

Article 7.Requirements for industrial buildings and facilities

/The numbering of this article was amended according to the law of May 14, 2015/

7.1.Construction, extension, renovation of industrial buildings and facilities and assembly, installation test, maintenance and repair service of machineries and equipment should meet requirements of labor safety and hygiene.

~~7.2.~~ */This paragraph was annulled according to the law of January 20, 2011/*

7.2.The industrial environment of entities and organizations must meet the standards and requirements of labor safety and hygiene.

/This paragraph was added according to the law of May 14, 2015/

Article 8.Requirements for joint ownership and use of industrial buildings and facilities

/The numbering of this article was amended according to the law of May 14, 2015/

8.1.If industrial buildings, main and built-in facilities are owned or used by two or more employers, the owners or users shall ensure that the following requirements are met:

/This paragraph was amended according to the law of May 14, 2015/

8.1.1.owners and users shall establish procedures for fulfillment of requirements of industrial labor and health and carry out their activities in compliance with such procedures;

8.1.2.if hazardous or toxic chemicals, poisons, explosives, explosive devices or radioactive or biologically active substances are used in the course of production, the owners or users of such substances shall inform each other and take joint measures to ensure safety;

8.1.3.the guilty party that did not inform as provided in sub-paragraph 8.1.2 of this Law shall be in charge for compensation.

8.2.If the requirements specified in sub-paragraph 8.1.1 are not met, joint ownership of the industrial buildings and facilities shall be prohibited for joint ownership.

Article 9.Requirements with respect to machinery and equipment

9.1. An employer shall fulfill the following requirements with respect to industrial machineries and equipment which could impose danger to human health;

9.1.1. structures, moving parts, monitoring system, control and alarming system of machinery and equipment (workplace, exit, stairs, barricades, protective devices) shall meet requirements for safe operation;

9.1.2. instructions for use and safe operation and technical manual which will be complied during the operation and maintenance and repair service for machineries and equipment should be available;

9.1.3. an installation of machinery and equipment, and continued use after major repairs have been made to machinery and equipment, must be examined and approved by the state inspector and be obtained a permit and certificate;

/In this sub-paragraph, the term "professional inspection organization" was amended to "state inspector" by the law as of November 11, 2022 and shall be entry into forced from January 1, 2023/

9.1.4. regular maintenance, repair service and adjustment should be made to machinery and equipment within the time specified in technical manual of machinery and equipment.

9.2. When machinery and equipment is transferred to another user, user certificate should be delivered.

9.3. Electrical equipment should have control and signal system, bar and barricades should be equipped with devices which will protect from potential accident.

9.4. Electrical equipment should be installed in accordance with applicable drawings and designs. Grounding of electrical equipment and warranty for grounding capacity should be done by professional organization and electrical equipment should satisfy requirements of regulations for safe electricity use.

9.5. Machinery and equipment, which do not meet the requirements specified in paragraphs 9.1-9.4 of this Law, must not be used.

Article 10. Requirements for lifting, hauling and transportation machineries

10.1. Lifting, hauling and transportation machineries should meet technical requirements.

10.2. Lifting, hauling and transportation machineries should be certified and permitted to use by professional organization.

10.3. Maintenance, repair service and adjustment to Lifting, hauling and transportation machineries should be made within the time specified in technical documentations or test, adjustment and certification for such machineries should be made within the time approved by competent organization.

/This sub-paragraph was modified according to the law of May 14, 2015/

10.4. An employer shall ensure conditions of fulfillment of requirements specified in the paragraphs 10.1, 10.2 and 10.3 of this Law.

Article 11. Requirements for pressurized container and pipelines

11.1. Pressurized containers and pipelines shall meet the following requirements:

11.1.1. pressurized containers and pipelines should be tested, adjusted and certified in accordance with the relevant regulations and should meet technical requirements and be permitted to use;

11.1.2. pressurized containers and pipelines should have operational procedures and regulations for operation, halting for longer period and maintenance;

11.1.3. pressurized containers and pipelines should have distinguishable signs and logos, and be equipped with signaling and protective devices to prevent from accident.

Article 12. Requirements with respect to toxic and dangerous chemical substances, explosive devices, radioactive and biologically active substances

12.1. An employer shall take activities to protect lives and health of employees and preventative measures from toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances and their impacts.

12.2. An employer shall take records on toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances, which are in use of industrial operation, and shall inform, in accordance with procedures approved by competent organization, the labor monitoring organization and other relevant professional organizations.

12.3. A person who deals with toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances shall have knowledge and training on impact of such substances on human health and preventative measures against them.

12.4.Relevant laws shall regulate other requirements for use and deal of toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances by business entities, organizations, and citizens.

12.5.An accident, acute poisoning related to use of toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances shall be treated as an industrial accident and be investigated and recorded.

Article 13.Fire safety requirements

13.1.Persons specified in the paragraph 4.1 of this Law shall have responsibilities to comply regulations, procedures and standards for prevention and extinguishing of fire when undertaking their activities.

13.2.Fire alarm systems and fire extinguishers shall be placed every workplace where is possible danger of fire and keep such equipment in constant working order and train employees in the use of such equipment.

13.3.Law on Fire Safety and Law on Administrative Liabilities shall govern rights and responsibilities of citizens, business entities, and organizations with respect to fire safety.

/This paragraph was amended according to the law of December 04, 2015/

Article 14.Medical check-up

14.1.An employer shall include employees in preliminary and scheduled medical check-up necessary for their work and service in accordance with procedures resolved by the state central administrative organization in charge of health issues.

14.2.Expenses related to medical check-up specified in the paragraph 14.1 of this Law shall be borne by an employer.

14.3.Persons specified in paragraph 4.1 of this Law shall undergo medical check-up if it is deemed necessary for their current work performance.

14.4.Procedures for medical check-up for employees shall be approved by the state central administrative organization in charge of health issues.

Article 15.Provision of special garments and protective equipment to employees

15.1.An employer shall have responsibility to provide employees with special clothing and protective equipment which fit their working conditions and work performance nature at free of charge.

15.2.An employer shall bear expenses related to testing, purchasing, storing, cleaning, repairing and disinfecting of special clothing and protective equipment.

15.3.An employer shall approve and keep the list of names, types, period of use of special garments and protective equipment.

15.4.An employer shall obtain conclusion from professional organizations on the quality of its special clothing and protective equipment. Special clothing and protective equipment manufactured in accordance with international standards and have quality warranties are not subjected to this provision.

Article 16.Labor safety and hygiene condition requirements for disabled persons

16.1.Workplace conditions for disabled persons shall be fit their ability to work.

16.2.Workplace for disabled persons shall be equipped in a way, which will allow them free movement of, enter and exit.

Article 17.Training on labor safety, hygiene and professional training

17.1.Employed citizens, employees shall attend short-term training on labor safety and hygiene in compliance with procedures approved by the state central administrative organization in charge of labor issues and acquire knowledge and training.

/This paragraph was amended according to the law of May 14, 2015/

17.2.The training specified in the paragraph 17.1 of this Law can be organized in the following way:

/This paragraph was amended according to the law of May 14, 2015/

17.2.1.training for newly employed citizens;

17.2.2.training for citizens and employees who are being transferred to another workplace;

17.2.3.training for citizens and employees who work at workplace, which is under toxic and dangerous industrial impact or similar condition to it.

17.3.For the workplace specified in the sub-paragraph 17.2.3 of this Law, those citizens, who attended appropriate training and are being trained and qualified at the examinations, are allowed to work.

17.4. An employer shall conduct training on labor safety and hygiene at least twice a year for all employees and shall take examinations from them.

17.5. The member of the Government who is in charge of labor issues shall approve procedures for curriculum and examination of training on labor safety and hygiene.

/This paragraph was amended according to the law of May 14, 2015/

17.6. The Law on Education and the Law on Higher Education shall regulate the relations with respect to preparation and specialization of specialists of labor safety and hygiene.

CHAPTER THREE

Rights and responsibilities of citizens and employees to be provided by favorable working conditions

Article 18. Rights and responsibilities of citizens and employees to be provided by favorable working conditions

18.1. Employed citizens, employees shall have the following common rights:

18.1.1. to work at workplace which meet the labor safety and hygiene requirements;

18.1.2. to have medical insurance for disease caused by industrial accident and occupational nature;

18.1.3. to receive information on workplace conditions, risks that can impose danger to health, industrial dangerous and hazardous factors;

18.1.4. to suspend work in case of work safety regulations are violated or certain conditions which could cause danger to human life and health is caused in the course of work performance, and inform such matters to employer;

18.1.5. to attend discussion on labor safety and hygiene by personally or through one's representative.

18.2. Employed citizens, employees shall have the following common responsibilities:

18.2.1. to be bound by labor safety and hygiene requirements, standard, regulations and technologies;

18.2.2. to attend training on labor safety and hygiene, to take examinations if provisions of law requires and to get instructed on safe operations;

18.2.3. to take prompt measures specified in safety regulations and procedures in case of certain conditions which could have negative impact on human life and health is caused in the course of work performance.

18.2.4. to protect one's health, to undergo medical check-up;

18.2.5. to use special clothing and protective equipment in accordance with their designated purposes;

18.2.6. to acquire technique and methodology and professional skills in order to perform one's duties without risks and accidents, and to acquire skills by which able to prevent accidents, injuries and acute poisoning and deliver first aid in case of danger and accident.

18.2.7. not to bring danger and risk to oneself and others;

18.2.8. to perform work in compliance with labor safety and hygiene requirements set up by employers in consistence with legislation.

CHAPTER FOUR

Structure, powers and financing of organization in charge of labor safety and hygiene

Article 19. Structure of organization in charge of labor safety and hygiene

19.1. Structure of state organization in charge of labor safety and hygiene shall comprise the state central administrative organization, sub-ordinate organization thereof including organization and administration in charge of occupational disease, working conditions, national committee of labor safety and hygiene, personnel in charge of labor safety and hygiene issues at subsidiary section and those of aimag, capital city, district council, rural and local administrative organizations, monitoring organizations, committees and personnel in charge of labor safety and hygiene of business entities and organizations.

/This paragraph was amended according to the law of 21 December 2012/

/This paragraph was amended according to the law of May 14, 2015/

/This paragraph was amended according to the law of April 22, 2022/

Article 20. Powers of the State Great Khural

20.1. The State Great Khural shall exercise the following powers with respect to labor safety and hygiene:

- 20.1.1.to determine national policies on labor safety and hygiene;
- 20.1.2.to determine powers of the Government, the state central administrative organization and other relevant organizations in respect to protection of peoples' lives and health in case of special circumstances;
- 20.1.3.to determine entry or exit of Mongolia into or from International treaties and conventions on labor safety and hygiene;
- 20.1.4.other powers specified in laws.

Article 21.Powers of the Government

21.1.The Government shall exercise the following powers:

- 21.1.1.to develop the state policies on labor safety and hygiene and ensure their implementation;
- ~~21.1.2.to develop national program on labor safety and hygiene and organize implementation thereof;~~
/This sub-paragraph was annulled according to the law of December 17, 2021/
- 21.1.3.to award or terminate contracts and discussions with foreignstates and international organizations within its powers in respect to labor safety and hygiene;
- 21.1.4.to take preventive measures against industrial accident, occupational disease and acute poisoning;
- 21.1.5.to organize state monitoring system over labor safety and hygiene, and set up procedures for implementation thereof;
- 21.1.6.to disseminate information on labor safety and hygiene and to set up procedures for statistics and information database;
- 21.1.7.to order relevant organizations to conduct studies and analysis onlabor safety and hygiene;
- 21.1.8.to approve regulations for investigation and recording of industrial accident and acute poisoning;
- ~~21.1.9.to approve list of workplaces with high-risk level.~~
/This sub-paragraph was added according to the law of May 14, 2015/
/This sub-paragraph was annulled according to the law of July 02, 2021/
- 21.1.10.to approve publicly observed procedure for labor safety and hygiene;
/This sub-paragraph was added according to the law of May 14, 2015/
- 21.1.11.other powers specified in laws;
/The numbering of this sub-paragraph was amended according to the law of May 14, 2015/

Article 22.Powers of the state central administrative organization in charge of labor issues

22.1.The state central administrative organization shall exercise the following powers:

- 22.1.1.To implement the state policies on labor safety and hygiene;
- 22.1.2.to ensure proper relations of other state central administrative organizations, provincial and capital city self-governing and administrative organizations, employers, employees' representative organizations and their sub-ordinate professional branches or divisions and non-government organizations inrespect to labor safety and hygiene;
- 22.1.3.to develop joint legal documents on labor safety and hygiene and approve in cooperation with other state central administrative organizations and relevantprofessional organizations;
/This sub-paragraph was amended according to the law of May 14, 2015/
- 22.1.4.to make proposals and recommendations to relevantorganizations with respect to human resource issues in labor safety and hygiene;
- 22.1.5.to develop procedures for training and examination for labor safety and hygiene;
- 22.1.6.to develop report on industrial accidents, occupational diseases and acute poisoning, to create information database on toxic and dangerous workplacesand to inform such workplaces to relevant organizations and public;
- 22.1.7.to develop international cooperation in labor safety and hygiene issues;
- 22.1.8.to make proposals and recommendations to the National Social Insurance Committee on the issue of changing percentage and rates of insurance premium for industrial accidents and occupational diseases payable by employers;
- 22.1.9.to establish an organization in charge of occupational disease andworking conditions and to approve its structure, job vacancy and regulations;
- 22.1.10.other powers specified in the laws.

Article 23. National Committee in charge of labor safety and hygiene and its powers

23.1. National Committee in charge of labor safety and hygiene (non-permanent) which consists of equal number of representative members from the state administrative organizations, employers and employees shall be established at the office of member of the Government in charge of labor issues.

/This paragraph was amended according to the law of May 14, 2015/

23.2. Head of National Committee of Labor and Social Consent shall approve regulations and components of the National Committee with consideration of proposals of parties.

/This paragraph was amended according to the law of May 14, 2015/

23.3. The National Committee shall exercise the following rights:

23.3.1. to participate in development and implementation of the state policies on labor safety and hygiene;

23.3.2. to make proposals and recommendations on labor safety and hygiene issues;

23.3.3. to investigate, discuss, make recommendations and annually submit its results of implemented measures regarding prevention from causes and conditions of industrial accidents, occupational diseases and acute poisoning to the Government;

/This sub-paragraph was modified according to the law of May 14, 2015/

23.3.4. to participate in determination of entrance to international labor conventions through its representatives.

23.3.5. to submit proposal to the Government in order to get list of workplaces with high-risk level.

/This sub-paragraph was added according to the law of May 14, 2015/

23.4. Operational expense of National Committee and operational expense of subsidiary committee of Government member in charge of labor issues shall be reflected in annual budget package of Government member in charge of the same issues, respectively.

/This paragraph was added according to the law of May 14, 2015/

Article 24. Powers of Citizens' Representative Khural of aimags, capital city, soums and districts

/Title of this article was amended according to the law of April 22, 2022/

24.1. Citizens' Representative Khural of aimags, capital city, soums and districts shall exercise the following powers with respect to ensuring the implementation of legislation on labor safety and hygiene, prevention of industrial accidents, occupational diseases and acute poisoning;

/This paragraph was modified according to the law of April 22, 2022/

24.1.1. to approve preventive measures for industrial accidents, occupational diseases and acute poisoning at the local area, budgets for such preventive measures and monitor its implementation;

/This sub-paragraph was modified according to the law of May 14, 2015/

24.1.2. to discuss and make recommendations on reports and information made by a Governor on the issues of implementation of legislation on labor safety and hygiene, preventive measures for industrial accidents, occupational diseases and acute poisoning;

24.1.3. to issue resolutions on labor safety and hygiene, preventive measures for industrial accidents, occupational diseases and acute poisoning and monitor implementation of such resolutions;

24.1.4. to ensure participation of government and non-government organizations, business entities, organizations and citizens in implementation of policies and measures on labor safety and hygiene and regulate their activities;

24.1.5. other powers specified in the laws.

Article 25. Powers of Governors at all administrative levels

25.1. Governors of aimags and capital city shall exercise the following powers with respect to implementation of legislation on labor safety and hygiene:

25.1.1. to draft budgets for labor safety and hygiene, preventative measures for industrial accidents, occupational diseases and acute poisoning and implement such budgets;

25.1.2. to monitor on implementation of legislation on labor safety and hygiene;

25.1.3.to investigate causes of industrial accidents, occupational diseases and acute poisoning and take preventative measures;

25.1.4.to eliminate negative impact caused by major industrial accidents and acute poisoning on human health and lives, to take prompt actions and measures directed to protect people in case of major industrial accidents and acute poisoning;

25.1.5.in consensus with the state central administrative organization on charge of labor issues to provide professional and methodological advice to local officers in charge of labor safety and hygiene and to regulate their activities.

25.1.6.to organize training on labor safety and hygiene of self-employed citizens and herders in accordance with this Law and relevant standards;

/This sub-paragraph was added according to the law of May 14, 2015/

25.1.7.to establish and operate local council for labor safety and hygiene;

/This sub-paragraph was added according to the law of May 14, 2015/

25.1.8.other powers specified in the laws.

25.2.Governors of soums, districts, bag and khoroo shall exercise the following powers with respect to implementation of legislation and resolutions of Governor on labor safety and hygiene:

/This paragraph was amended according to the law of April 22, 2022/

25.2.1.to organize implementation of legislation, resolutions of Citizens' Representative Khural, Citizens' General Khural and higher-level Governor on labor safety and hygiene;

25.2.2.to organize involvement of business entities, organizations and citizens in participation of activities and measures aimed to protect and warn citizens from industrial accidents and industrial toxic and dangerous factors;

25.2.3.all powers specified in sub-paragraph 25.1.6 of this Law;

/This sub-paragraph was added according to the law of May 14, 2015/

25.2.4.other powers specified in the laws.

/The numbering of this sub-paragraph was modified according to the law of May 14, 2015/

Article 25¹.Functions of Aimag, capital city, soum, district, khoroo employees who are in charge of labor safety and hygiene

/Title of this article was amended according to the law of April 22, 2022/

25¹.1.Aimag, capital city, soum, district, khoroo employees who are in charge of labor safety and hygiene shall have the following functions:

/This paragraph was amended according to the law of April 22, 2022/

25¹.1.1.to organize the implementation and monitor of legislation of Labor safety and hygiene;

25¹.1.2.to publicize legislation of Labor safety and hygiene to citizens, entities and organizations;

25¹.1.3.to assemble research and information database on industrial accidents and occupational diseases in the territory.

25¹.1.4.to provide a service of advice in preventing from industrial accidents and occupational diseases;

25¹.1.5.to be provided by the information related to labor safety and hygiene from state organization and employer.

25¹.1.6.other functions specified in the laws.

25¹.2.The head of organization in charge of employment shall assign and discharge aimag, capital city, soum, district, khoroo employees.

/This paragraph was amended according to the law of April 22, 2022/

/This article was added according to the law of December 21, 2012/

Article 26.Financing of measures for labor safety and hygiene

26.1.Financing of measures for labor safety and hygiene shall be funded from the following sources:

26.1.1.State and local budget;

26.1.2.donations from international and local organizations, business entities and individual person;

26.1.3.foreign loans and aid;

26.1.4.assets to be spent by fund of industrial accident and occupational disease;

/This sub-paragraph was added according to the law of May 14, 2015/

26.1.5.other sources not prohibited by legislation.

/The numbering of this sub-paragraph was amended according to the law of May 14, 2015/

26.2.Budget organization shall spend not less than 0.5 percent of costs of product and services, which will be done by state budget to labor safety and hygiene, preventive measures for industrial accidents, acute poisoning and occupational disease and for business entities and organization they shall spend not less than 1.5 percent of production and service costs.

26.3.Expenses of organization in charge of occupational disease and working conditions specified in subparagraph 22.1.9 of this Law shall be funded by the state budget.

26.4.Citizens and employees shall not be liable for expenses of activities for labor safety and hygiene.

26.5.The properties specified in paragraph 26.2 of this Law shall be spent for following measures:

26.5.1.training and promotion of labor safety and hygiene;

26.5.2.involvement of employees to preliminary and scheduled medical check-up;

26.5.3.caring of employees and restoration of lost ability to work;

26.5.4.employees' special clothing and protective equipment;

26.5.5.provision of workplace safety industrial danger and risk-free environment;

26.5.6.activities concerning structure, personnel and counseling function on labor safety and hygiene;

26.5.7.involvement of employees to life and health insurance;

26.5.8.other preventive measure of labor safety and hygiene;

/This paragraph was added according to the law of May 14, 2015/

CHAPTER FIVE

Business entities and organizations' structures of labor safety and hygiene

Article 27.Business entities and organizations' committee and personnel in charge of labor safety and hygiene

27.1.Directors (owners) and employers of business entities and organizations shall assume responsibilities to ensure of labor safety, improve working conditions, implement legislation and monitor implementation of them.

27.2.The state central administrative organization on charge of labor issues shall determine norms and normative for business entities and organizations' committees and full-time personnel in charge of labor safety and hygiene, regulations for committees and workplace descriptions for full time personnel.

27.3.The structure, personnel and council in charge of labor safety and hygiene issues specified in paragraph 27.2 of this Law shall fulfil following functions:

27.3.1.to develop policies and planning of labor safety and hygiene of entity and organization, renew, approve and implement necessary rules and procedures;

27.3.2.to introduce labor safety and hygiene management system and monitor its implementation and result;

27.3.3.to make inspection and examination on implementation status of requirements and standards of labor safety and hygiene regulations and rules and procedures of observed in industry, entities and organizations and take measures to eliminate found breach and violation;

27.3.4.to determine, plan and develop labor safety and hygiene training needs, devise program, arrange training and estimate the result and report;

27.3.5.to provide employees with special clothing and protective equipment suitable for work condition and occupational nature and monitor norm, quality and proper use;

27.3.6.to make proposal to employer to charge with responsibility regarding official or personnel who has violated requirements, standards and procedures of labor safety and hygiene regulations;

27.3.7.other functions stated in laws and regulations.

27.4.An employer shall hire a person who graduated or specialized in labor safety and hygiene for the position of personnel in charge of labor safety and hygiene.

27.5.The following functions shall reflect on work description of chairperson of entity, organization department, unit superior or any personnel equivalent to foregoing regarding labor safety and hygiene issues:

27.5.1.to take part in implementation of labor safety and hygiene regulations and standards and in development of rules and procedures appropriate for his/her subordinate workplace and industrial environment;

27.5.2.to plan, organize, monitor, estimate the results of implementation of labor safety and hygiene activities and lead his/her employees in introduction of management system;

27.5.3.to record near-accident cases, to detect, assess, minimize occupational disease caused by industrial accident in industrial environment. To inform and cooperate with labor safety and hygiene personnel regarding elimination of such accidents;

27.5.4.to cooperate with employer and labor safety and hygiene personnel in order to implement functions specified in paragraph 27.3 and article 28 of this Law.

27.6.The state central administrative organization in charge of labor issues shall approve exemplar procedures for conducting structure model, personnel vacancy norm and counseling operation of labor safety and hygiene for entity and organization.

27.7.In case the legal entity, organization and employer specified in sub-paragraphs 4.1.2, 4.1.3 and 4.1.6 of this Law have failed to reach employing structure and personnel in charge of labor safety and hygiene issues, they may hire professional organization or employee on contractual basis for dealing with labor safety and hygiene issues.

/This article was modified according to the law of May 14, 2015/

Article 28.Rights and responsibilities of employer with respect to labor safety and hygiene

28.1.An employer shall have the following responsibilities:

28.1.1.to create conditions in which chemical, physical and biological factors developed in the course industrial operations shall not affect labor hygiene and environment and to take technical and organizational measures for creating such conditions;

28.1.2.to stop immediately if any conditions emerged in the course of industrial operations which could impose danger to human life and health and to eliminate such dangerous conditions immediately;

28.1.3.to introduce labor safety and hygiene management for protecting employees from accidents, damages, diseases which could occur in the course of industrial operations;

/This sub-paragraph was amended according to the law of May 14, 2015/

28.1.4.to make risk evaluation for the purpose of elimination and control of possible danger and accident in a workplace;

/This sub-paragraph was amended according to the law of May 14, 2015/

28.1.5.to make evaluation of working conditions of workplace;

28.1.6.to approve and implement rule, regulations and procedures in accord to workplace nature;

28.1.7.to acquire necessary knowledge on labor safety and hygiene;

28.1.8.to conduct training on safe operation, to take yearly examination of labor safety and hygiene, to give instruction on safe operation and not allow employees to perform work who did not attend training, receive an instruction and take an examination;

28.1.9.to provide free neutralizing substances, groceries and food to employees who work under dangerous and toxic working conditions;

28.1.10.in compliance with applicable labor safety and hygiene standards, an employer shall provide rooms equipped for rest and warm up for employees, during their break time, who work outdoors under extreme hot, cold, windy, snowy and rainy weather conditions or building without heat;

/This sub-paragraph was amended according to the law of May 14, 2015/

28.1.11.to keep numerical record on industrial accidents, acute poisoning and occupational diseases and inform them to relevant organizations;

28.1.12. to allow free access to competent person who is in charge of implementation of legislation on labor safety and hygiene to workplaces;

28.1.13. to take measures in response to violations of legislation on labor safety and hygiene, orders and conclusions issued by competent person and inform taken measures by it to the competent person;

28.1.14. to specify activities and measures for ensuring labor safety and hygienic conditions and expenses related thereof in yearly budget, plan and joint contracts and spend budgeted expenses in accordance with its purpose;

28.1.15. to pay compensation, in accordance with legislation, to employee who lost ability to work due to industrial accidents, occupational diseases and acute poisoning;

28.1.16. persons specified in the sub-paragraphs 4.1.2, 4.1.3 and 4.1.6 of this Law shall have responsibility of provision of safe and hygienic working environment for their employees.

28.2. An employer shall have the following rights:

28.2.1. to establish committee in charge of labor safety and hygiene and appoint and dismiss personnel;

28.2.2. to approve and implement measures, budgets and expenses for labor safety and hygiene and;

28.2.3. to impose liabilities, specified in this Law, the Law on Labor and organizational internal rule and regulations, on employee who breached rule and procedures for labor safety and hygiene.

28.3. Customer, general contractor and sub-contractor shall ensure labor safety and hygiene standards. Customer shall reflect all other responsibilities in agreement concerning preventive measures arisen from potential cases, compensation for employees in case employees are harmed due to industrial accident, acute poisoning and occupational disease, necessary properties for involvement of life and health insurance and mutual obligations and liabilities bound by labor safety and hygiene issues. Unless it did not agree to include, the general contractor shall be responsible for such matter.

/This paragraph was added according to the law of May 14, 2015/

28.4. The employee working at workplace with high-risk level shall always be insured for life and health insurance with monetary value equal to or more than 36 months' salary amount of the given employee. The employer shall be responsible for life and health insurance fee of employee and performing life and health insurance on employee shall not constitute grounds for not issuing compensation by employer specified in Article 125 of Law on Labor.

/This paragraph was amended according to the law of July 02, 2021/

/This paragraph was added according to the law of May 14, 2015/

CHAPTER SIX

Investigation and registration of industrial accidents, occupational diseases, and acute poisonings

Article 29. Measures should be taken during industrial accidents and acute poisoning

29.1. An employer shall transport citizens and employees who have been injured and poisoned in an industrial accident and acute poisoning to a hospital at the employer's expense and shall bear expenses of necessary medical examination. An employer shall take measures to eliminate negative impacts of industrial accident and acute poisoning within 24 hours.

29.2. In accordance with regulations adopted by the Government, an employer shall investigate and register every industrial accident and acute poisoning and establish part time standing committee, which will have responsibilities to determine the cause of the accident and acute poisoning and issue act and conclusion.

29.3. In terms of act issued with respect to industrial accident and state labor inspector and state labor hygiene inspector shall review conclusion made with regard to acute poisoning in accordance with paragraph 29.2 of this Law, respectively.

29.4. State inspector who reviewed act of industrial accident and conclusion of acute poisoning specified in paragraph 29.3 of this Law shall make one of the following decisions:

29.4.1. to approve and warrant act of industrial accident and conclusion of acute poisoning;

29.4.2. to draw his/her own conclusion if does not agree with act of industrial accident and conclusion of acute poisoning.

29.5. If an employer does not fulfill its responsibilities specified in paragraphs 29.1 and 29.2 of this Law or if a citizen, an employee does not agree with the conclusions for the cause of the industrial accident and acute poisoning, the citizen and employee may submit his/her complaints to the state inspector or to court for resolution of his/her complaints.

/In this paragraph, the term "professional labor inspection organization" was amended to "state inspector" by the law as of November 11, 2022 and shall be entry into forced from January 1, 2023/

29.6.A business entity or organization where the accident happened shall be responsible for the expenses incurred in connection with the investigation and reporting of the industrial accident and acute poisoning.

29.7.An employer shall provide all information on industrial accident, or the occurrence of an occupational disease or acute poisoning, in accordance with established procedures, to statistics organizations at provinces, capital city, soums and districts.

/This paragraph was amended according to the law of April 22, 2022/

29.8.An employer should not conceal the occurrence of industrial accident and acute poisoning.

Article 30.Occupational diseases and related labor management

30.1.The State central administrative organization in charge of health shallapprove a list of occupational diseases.

30.2.Loss of ability to work caused by industrial accident, acute poisoning,occupational disease and degree and term of loss of ability to work shall be determined by the medical-labor commission.

30.3.The Government members in charge of health and labor issues shall jointly approve procedure for recording and informing occupational disease.

/This paragraph was added according to the law of May 14, 2015/

Article 31.Evaluation of working conditions of workplace

31.1.Evaluation of working conditions of workplace shall be conducted by professional organization in charge of standardization issues according to approved procedures.

/This paragraph was modified according to the law of May 14, 2015/

31.2.Working conditions of employer's workplace shall be evaluated at least oncea year whenever employer creates a new workplace or changes orientation of production or service or conducting operations using raw material, which contains toxicor dangerous chemical substances.

31.3.The state central administrative organization in charge of labor issues shall approve procedures for evaluation of working conditions of workplace.

CHAPTER SEVEN

Monitoring on the implementation of legislation onlabor safety and hygiene

Article 32.Monitoring on the implementation of legislation on labor safety and hygiene

32.1.The following entities within their competence shall monitor the implementation of legislation on labor safety and hygiene:

32.1.1.the State Great Khural;

32.1.2.the Government;

32.1.3.the State central administrative body in charge of labor safety and hygiene;

/This sub-paragraph was modified by the law as of November 11, 2022 and shall be entry into forced from January 1, 2023/

32.1.4.other organizations and officials authorized by legislation;

32.1.5.Governors and inspection departments of aimags, capital city,soums and districts;

/This sub-paragraph was amended according to the law of April 22, 2022/

32.1.6.representative of employees, non-governmental organizations, business entities and organizations.

Article 33.Sanctions to be imposed for violators of the legislation

33.1.A state inspector in charge of labor safety and hygiene authorized in according to the Law on State inspection shall execute state administrative monitoring on the implementation of legislation on labor safety and hygiene.

/In this paragraph, the term "general inspector of professional inspection agency" was amended to "according to the Law on State inspection" by the law as of November 11, 2022 and shall be entry into forced from January 1, 2023/

33.2.A state inspector in charge of labor shall exercise the following powers:

33.2.1.to conduct inspection of safety of machineries and equipment which are in use at the workplace, recording of technical passports;

- 33.2.2.to review job duties and work performance of citizens and employees who are in charge of labor safety and hygiene at the business entities and organizations and to give instructions and recommendations to them;
- 33.2.3.to inspect whether testing, adjustment and warrantee for lifting, hauling, transportation machineries, pressurized containers, pipelines have been done by professional organization;
- 33.2.4.to review provision and use of special garment, individual and common protective devices;
- 33.2.5.to investigate and register industrial accidents, to review concluded causes and factors responsible for industrial accidents, to make conclusions on industrial accidents and acute poisoning in accordance with this Law;
- 33.2.6.to inspect whether workplaces for disabled citizens comply with standards;
- 33.2.7.other powers specified in laws.

33.3.A state inspector in charge of labor hygiene shall exercise the following powers:

- 33.3.1.to review work structures in respect to labor hygiene of business entities and organizations and give recommendations;
- 33.3.2.to monitor whether working conditions of workplace meetshygienic requirements and make conclusions;
- 33.3.3.to monitor measurements and studies on working conditions;
- /This sub-paragraph was amended according to the law of January 20, 2011/*
- ~~33.3.4.to make conclusions on construction, expansion of industrial buildings and facilities and on drawings and designs;~~
- /This sub-paragraph was deemed to be invalid according to the law of January 20, 2011/*
- 33.3.5.to monitor whether special garment, individual and commonprotective devices meet requirements of safe operation and hygiene;
- /This sub-paragraph was amended according to the law of January 20, 2011/*
- 33.3.6.unless otherwise specified in the laws, to monitor of use and storage of toxic and dangerous chemicals, explosives, explosive devices or radioactive or biologically active substances;
- 33.3.7.to inspect availability of rooms for employees and whether such rooms meet requirements of hygiene, outcome of protection measures against negative impacts of working environments and give recommendations;
- 33.3.8.to make evaluation of preliminary and scheduled medical check- up, preventive works for occupational diseases and work-related diseases comparing with measurements and indicators of analysis made at the working conditions;
- 33.3.9.to make recommendations and conclusions on workplaceconditions in order to determine occupational diseases or working conditions related diseases;
- 33.3.10.other powers specified in laws.

33.4.A state inspector in charge of labor inspection and labor hygiene inspection shall exercise the following common powers:

- 33.4.1.to provide information, advice on legislation, standards and requirements of labor safety and hygiene and to ensure their implementation;
- 33.4.2.to make demand to stop operations in case of emergence of imminent danger to the health and lives of employees;
- 33.4.3.to deliver warning notice to an employer to correct its breaches of legislation on labor safety and hygiene within specified period;
- 33.4.4.to inspect and give advice on fulfillment of responsibilities ofbusiness entities and organizations which are specified in labor and collective contractin respect to labor safety and hygiene;
- 33.4.5.to be a member of committee for commissioning and testing industrial buildings and facilities, machineries and equipment;
- 33.4.6.to make proposals of upgrading legislation on labor safety and hygiene;
- 33.4.7.to discuss and participate in resolution of disputes arisen in connection to issues specified in legislation on labor safety and hygiene. Labor and collective contracts or negotiations;
- 33.4.8.to impose liabilities on official who did not comply withrequirements of labor safety and hygiene, degraded working conditions or did not fulfill responsibilities of protecting the health and lives of employees, if necessary, to inform to relevant organizations;

33.4.9.to make proposals to the relevant organizations to suspend or stop operations and services of employer who breached legislation on labor safety and hygiene several times to and request the relevant organizations to resolve such breaches;

33.4.10.to stop immediately operations of business entities,organizations and their departments and units if it is determined that their workplaces and equipment are imposing adverse danger to health of employees.

Article 34.Public control on labor safety and hygiene

34.1.Representative organizations for protection of rights and legal interests of employees or non-governmental organizations shall implement public control on labor safety and hygiene in the following ways:

34.1.1.to receive truthful information on industrial accident, occupational disease and acute poisoning;

34.1.2.to submit demands to employer to correct its breaches of legislation on labor safety and hygiene;

34.1.3.to review fulfillment and processes of responsibilities of business entities and organizations which are specified in labor and collective contract in respect to labor safety and hygiene and inform about it to all employees.

34.1.4.to be a member of committee for commissioning and testing industrial buildings and facilities, machineries and equipment;

34.1.5.to participate in the process of developing draft legislation on labor safety and hygiene and submit proposals;

34.1.6.to discuss and participate in resolution of disputes arisen in connection to issues specified in legislation on labor safety and hygiene,labor and collective contracts or negotiations;

34.1.7.to submit proposals to the relevant organizations for imposing liabilities on an official who does not comply with requirements of labor safety and hygiene and degraded working conditions or does not fulfill responsibilities of protecting the health and lives of employees.

Article 35.Internal monitoring of business entities and organizations

35.1.An employer shall conduct an internal monitoring of fulfillment of laws and legislation, common requirements and standards of labor safety and hygiene at all plant workshop, departments, units and workplace, and fulfillment of measures taken in accordance with risk assessment made at workplace.

35.2.An employer shall assume of responsibility to take corrective measures for breaches found in the process of internal monitoring.

35.3.Representative of employees and officials shall have the right to participate in the process of internal monitoring of business entities and organizations.

CHAPTER EIGHT

Liabilities for violation of the legislation on labor safety and hygiene

Article 36.Liabilities for violators of the Law on labor safety and hygiene

36.1.In case that the actions by a civil servant violating this Law have not a criminal nature, they shall be subject to liabilities specified in the Law on Civil service.

36.2.Any person or legal entity violating this Law shall be subject to liabilities specified in the Criminal Law or the Law on Violations.

/This article was modified according to the law of December 4, 2015/

CHAPTER NINE

Miscellaneous

Article 37.Dispute resolution

37.1.Disputes arisen in connection with labor safety and hygiene issues between an employer and an employee or employed persons shall be resolved according to the relevant laws.

THE CHAIRMAN OF THE STATE GREAT KHURAL OF MONGOLIA LUNDEEJANTSAN.D