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LAW OF MONGOLIA
LAW ON LABOR SAFETY AND HYGIENE

May 22, 2008

The Parliament House

Ulaanbaatar city

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 workplaces and to create safe and hygienic work environment for employed citizens.

Chapter 2. Legislations on labor safety and hygiene

2.1. The legislation on labor safety and hygiene shall comprise of the Constitution of Mongolia, Labor Law, this law and other legislative acts adopted in compliance with them.

2.2. If an international treaty to which Mongolia is a party is inconsistent with this law, then the provisions of the international treaty shall prevail.

Chapter 3. Definitions of the Law

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

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

- 3.1.2. "labor safety" means 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" means 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 environment" means work place or industrial environment which has direct or indirect impact on ability to work and health of employees in the course of their employment;
- 3.1.5. "industrial hazardous factor" means 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" means 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" means work environment which may cause employees to industrial accident, acute poisoning and occupational disease;
- 3.1.8. "risk assessment" means procedures of risk assessment at workplace;
- 3.1.9. "workplace" means 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" means 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 garment" means dresses, shoes, hats, gloves and other garments which are designed to protect from toxic or dangerous industrial factors;
- 3.1.12. "individual protective device" means device designed to protect an employee from toxic or dangerous industrial factors;
- 3.1.13. "common protective devices" means devices designed to protect two or more employees from toxic or dangerous industrial factors at the same time;
- 3.1.14. "labor safety and hygiene management" means 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;

3.1.15. "premise" means 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" means to make evaluation whether conditions of danger, toxicity, heavy load of work is within the level of hygienic working environment;

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

3.1.18. "safety of industrial equipment" means the fulfillment of requirements of safe industrial operations for ensuring operation of equipment is in compliance of conditions specified in design and technical documents;

3.1.19. "labor safety and hygiene standards" means the level determined by competent authority for working conditions, safety and hygiene.

Article 4. Law enforcement

4.1. The following persons in engage of labor shall be subject to this law:

4.1.1. Employer and employee specified in the Article 3.1.1 and 3.1.2 of Law on Labor;

4.1.2. self employed citizen;

4.1.3. contract workers under contract made 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. real military personnel serving either for fixed term or contract based military service and persons attending temporary service;

4.1.6. members of cooperatives;

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 is directed to protect lives and health of employed citizens and employees by all means.

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

5.2.1. Requirements for labor safety and hygiene 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 open and true information on labor safety and hygiene;

5.2.4. to create working conditions which meets 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. Requirements of labor safety and hygiene shall be determined by laws and legislations and such requirements shall be unified and directed to protect lives and health of employed citizens and employees in the course of their employment.

6.2. Labor safety and hygiene standards shall be approved by the organization in charge standards, in accordance with relevant laws, with the consistence with the state central organization in charge of labor issues.

Article 7. Requirements for industrial buildings and facilities

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. Conclusions made by relevant professional organization is needed for undertaking activities specified in the Article 7.1 of this law.

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

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

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 things shall inform each other and take joint measures to ensure safety;

8.1.3. If a party is not informed the other party Damages incurred due to non-informing энэ хуулийн 8.1.2-т заасны дагуу мэдээлээгүйн улмаас учирсан хохирлыг буруутай тал нь хариуцах.

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

Article 9. Requirements with respect to machinery and equipment

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

9.1.1. structures, moving parts, monitoring system, alarming system of machinery and equipment and 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 relevant professional monitoring organization and be obtained an certificate;

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 and 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 bearing

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 Article 9.1-9.4 should not be used.

Article 10. Requirements for machineries for lifting, delivering and transportation

10.1. Machineries for lifting, delivering and transportation should meet technical requirements.

10.2. Machineries for lifting, delivering and transportation should be certified and permitted to use by professional organization.

10.3. Maintenance, repair service and adjustment to machineries for lifting, delivering and transportation 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.

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

Article 11. Requirements for pressurized containers, pipes and channels

11.1. Pressurized containers, pipes and channels shall meet the following requirements:

11.1.1. pressurized containers, pipes and channels 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, pipes and channels should have operational procedures and regulations for operation, halting for longer period and maintenance;

11.1.3. pressurized containers, pipes and channels 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, explosives, 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. Other requirements for use and deal of toxic and dangerous chemical substances, explosives, explosive devices, radioactive, and biologically active substances by business entities, organizations, citizens shall be regulated by relevant laws.

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 Article 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. Rights and responsibilities of citizens, business entities, organizations in respect to fire safety shall be regulated by the Law on Fire Safety and the Law on Administrative Liabilities.

Article 14. Medical check-up

14.1. An employer shall arrange for employees to receive preliminary and scheduled medical check-up necessary for and related to their work performance in production, performance and service in accordance with procedures promulgated by the state central administrative organization in charge of health issues.

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

14.3. Persons specified in the Article 4.1 of this law shall go under medical check-up if it deemed to be 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 by special garments 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 garments 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 garments and protective equipment. Special garments and protective equipment manufactured in accordance with international standards and have quality warranties are not subject 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, employers 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.

17.2. The short term training specified in the Article 17.1 of this law can be organized in the following way:

17.2.1. training for newly employed citizens;

17.2.2. training for citizens and employees who are being shifted 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 Article 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. Procedures for curriculum and examination of short term training on labor safety and hygiene shall be approved by the member of the Government who is in charge of labor issues.

17.6. Relations in respect to preparation and specialization of specialists of labor safety and hygiene shall be regulated by the Law on Education and the Law on Higher Education.

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 meets labor safety and hygiene requirements;

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

18.1.3. to receive information on workplace conditions, risks could have impose danger to health, industrial dangerous and poisonous factors;

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

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

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

18.2.1. to abide by labor safety and hygiene requirements, standards, regulations and technologies;

18.2.2. to attend training on labor safety and hygiene, to take examinations if provisions of law requires and to be instructed for 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 emerged in the course of work performance;

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

18.2.5. to use special garments 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 laws and legislations.

CHAPTER FOUR. Structure, full rights 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 consist of the state central administrative organization, sub-ordinate organization thereof including organization and administration in charge of occupational disease, working conditions, rural and local administrative organizations, monitoring organizations, committees and personnel in charge of labor safety and hygiene of business entities and organizations.

Article 20. Full rights of the Parliament

20.1. The Parliament shall exercise the following full rights in respect to labor safety and hygiene:

20.1.1. to determine national policies on labor safety and hygiene;

20.1.2. to determine full rights 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 full rights specified in laws.

Article 21. Full rights of the Government

21.1. The Government shall exercise the following full rights:

21.1.1. to develop the state policies on labor safety and hygiene and ensure its implementation;

21.1.2. to develop national program on labor safety and hygiene and organize implementation thereof;

21.1.3. to award or terminate contracts and discussions with foreign states and international organizations within its full rights 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 on labor safety and hygiene;

21.1.8. to approve regulations for investigation and recording of industrial accident and acute poisoning;

21.1.9. other full rights specified in laws.

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

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

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 subordinate professional branches or divisions and non-government organizations in respect 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 relevant professional organizations;

22.1.4. to make proposals and recommendations to relevant organizations in

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 workplaces and 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 and working conditions and to approve its structure, job posts and regulations;

22.1.10. other full rights specified in the laws.

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

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.

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.

23.3. The National Committee shall exercise the following full 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 submit its proposals to relevant organizations on the issues of labor safety and hygiene, causes and conditions of industrial accidents, occupational diseases and acute poisoning;

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

Article 24. Full rights of Citizens' Representative Assembly of provinces, capital city,

soums and districts

24.1. Citizens' Representative Assembly of provinces, capital city, soums and districts shall exercise the following full rights in respect to ensuring implementation of laws and legislations on labor safety and hygiene, prevention of industrial accidents, occupational diseases and acute poisoning:

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;

24.1.2. to discuss and make recommendations on reports and information made by a Governor on the issues of implementation of laws and legislations 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 its 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 full rights specified in the laws.

Article 25. Full rights of Governors at all administrative levels

25.1. Governors of provinces and capital city shall exercise the following full rights in respect to implementation of laws and legislations on labor safety and hygiene:

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

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

25.1.3. to investigate causes of industrial accidents, occupational diseases and acute poisoning and take preventive 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 in 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. other full rights specified in the laws.

25.2. Governors of soums, districts, bag and khoroo shall exercise the following full rights in respect to implementation of laws and legislations and resolutions of Governor on labor safety and hygiene:

25.2.1. to organize implementation of laws and legislations, resolutions of Citizens' Representative Assembly, Citizens' Common Assembly 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. other full rights specified in the laws.

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

26.1.3. foreign loans and aid;

26.1.4. other sources not prohibited by laws and legislations.

26.2. Budget organization shall spend at least 0.3 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 at least 1.0 percent of production and services costs.

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

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

CHAPTE 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 laws and legislations and monitor implementation of them.

27.2. The state central administrative organization in 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. 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. A personnel in charge of labor safety and hygiene shall work under direct management of employer and shall be responsible to his/her employer.

27.4. A personnel in charge of labor safety and hygiene shall not take any other job responsibilities which are not related to labor safety and hygiene.

27.5. Other personnel, officials of an organization shall comply with requirements made by committee and personnel in charge of labor safety and hygiene related to their job functions.

Article 28. Rights and responsibilities of employer in 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;

28.1.4. to make risk evaluation for the purpose of elimination and control of possible

danger and accident in a workplace;

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 a 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;

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 laws and legislations on labor safety and hygiene to workplaces;

28.1.13. to take measures in response to violations of laws and legislations on labor safety and hygiene, orders and conclusions issued by competent person and inform its taken measures 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 laws and legislations, to employee who lost ability to work due to industrial accidents, occupational diseases and acute poisoning;

28.1.16. Persons specified in the Article 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.

CHAPTE 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. The act issued with respect to industrial accident and conclusion made with regard to acute poisoning in accordance with the Article 29.2 of this law shall be reviewed by state labor inspector and state labor hygiene inspector respectively.

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

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

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

29.5. If an employer does not fulfill its responsibilities specified in the Article 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 complains to the labor professional inspection organization or to court for

resolution of his/her complaints.

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.

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 shall approve 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-labour commission.

Article 31. Evaluation of working conditions of workplace

31.1. Evaluation of working conditions of workplace shall be conducted by professional organization.

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

31.3. Procedures for evaluation of working conditions of workplace shall be approved by the state central administrative organization in charge of labor issues.

CHAPTER SEVEN. Monitoring on the implementation of laws and legislations on labor safety and hygiene

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

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

32.1.1. The Parliament;

32.1.2. The Government;

32.1.3. The State Professional Inspection Agency, departments and state inspectors thereof;

32.1.4. other organizations and officials authorized by laws and legislations;

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

32.1.6. representative of employees, non government organizations, business entities and organizations.

Article 33. State administrative monitoring of labor safety and hygiene

33.1. A state inspector in charge of labor and labor hygiene authorized by the general inspector of professional inspection agency shall execute state administrative monitoring on the implementation of laws and legislations on labor safety and hygiene.

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

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 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, delivering, transportation machineries, pressurized containers, pipes and channels 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 full rights specified in laws.

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

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 workplaces meets hygienic requirements and make conclusions;

33.3.3. to make hygienic conclusions on measurements and studies on working conditions;

33.3.4. to make conclusions on construction, expansion of industrial buildings and facilities and on drawings and designs;

33.3.5. to make conclusions on whether special garment, individual and common protective devices meet requirements of safe operation and hygiene;

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 workplace conditions in order to determine occupational diseases or working conditions related diseases;

33.3.10. other full rights specified in laws.

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

33.4.1. to provide information, advice on laws and legislations, 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 laws and legislations on labor safety and hygiene within specified period;

33.4.4. to inspect and give advice on fulfillment of responsibilities of business entities and organizations which are specified in labor and collective contract in 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 laws and legislations on labor safety and hygiene;

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

33.4.8. to impose liabilities on official who did not comply with requirements 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 laws and legislations 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-government 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 laws and legislations 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 laws and legislations 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 laws and legislations 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, 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 legislations, common requirements and standards of labor safety and hygiene at all plant batches, departments, units and workplaces, and fulfillment of measures taken in accord 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 Law on labor safety and hygiene

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

36.1. If an industrial accident or acute poisoning is occurred due to wrong operations of an employee, a state labor inspector shall impose a fine in amount of from 350 000 to 500 000 togrogs.

36.2. If an industrial accident or acute poisoning has been occurred twice or more than twice, judge or state labor inspector shall impose a fine on an official of from 1 000 000 to 2 000 000 togrogs and shall impose a fine on a business entity or organization of from 1 500 000 to 3 000 000 togrogs.

36.3. If an industrial accident, occupational disease, or poisoning has been concealed, a labor inspector or judge shall impose a fine on an official of from 100 000 to 200 000 togrogs and shall impose a fine on a business entity or organization of from 200 000 to 250 000 togrogs.

36.4. If a business entity or organization has not complied with applicable labor safety and hygiene standards, a state labor inspector or judge shall impose a fine on the business entity or organization of from 200 000 to 250 000 togrogs; and if business entity or organization jointly own industrial buildings or facilities that do not meet the requirements specified in the Article 8 of this law, a state labor inspector or judge shall impose a fine on such business entity or organization of from 500 000-1 000 000

togrogs.

36.5. If construction, expansion or commissioning of industrial buildings and facilities or installation and upgrade of machineries and equipment or requirements for pressurized containers, pipes and channels is not inspected, made labor hygiene conclusions and permitted by professional inspection agencies, a labor inspector or judge shall impose a fine on an official of from 300 000 to 600 000 togrogs and shall impose a fine on a business entity or organization of from 600 000 to 750 000 togrogs.

36.6. If causes of disability or loss of ability to work or degree of loss of ability to work is wrongly determined, a judge shall impose a fine on an official or member of medical-labor commission of from 25 000-50 000 togrogs.

CHAPTER NINE. Miscellaneous

Article 37. Dispute resolution

37.1. Disputes on the issues of labor safety and hygiene between an employer and an employee or employed persons shall be resolved by the relevant laws.

D.LUNDEEJANTSAN, CHAIRMAN OF THE PARLIAMENT OF MONGOLIA