

# LAW OF MONGOLIA

## ON PENSIONS, BENEFITS AND PAYMENTS FROM THE SOCIAL INSURANCE FUND IN THE CASE OF INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASE

### CHAPTER ONE

#### General provisions

##### **Article 1. Purpose of the law**

The purpose of this law is to regulate relations related to the granting and paying of pensions, benefits and payments to an insured in respect of industrial accidents and occupational diseases from the social insurance fund as established by the Social Insurance Law.

##### **Article 2. Industrial accident**

1. "Industrial accident" means damage to the health of the insured incurred while discharging work duties and caused by industrial factors.

2. Pensions, benefits and payments established by this law shall be paid if an insured suffers an industrial accident in the following conditions:

- 1) while in discharge of his or her work duties at the work place or elsewhere;
- 2) before work, during preparation for work or while tidying the working place and instruments after work;
- 3) on the way to or from work.

3. An insured shall not be entitled to the pensions, benefits and payments established by this law, if another job was being performed during the time for carrying out his or her own working duties, or if he or she was absent from the work place, or if it is proved that he or she was injured as a result of consuming alcohol or drugs, or if in breach of labor safety procedures, or injured while committing a crime.

4. Cases falling within paragraphs 2 and 3 of this article shall be studied and decided by permanent commissions (non staff) nominated by soum and district governors. These commissions shall consist of equal numbers of representatives of insurers, insureds and employers, with the participation of experts on the nature of the injury, and headed by a representative of the public administrative organization.

5. The Government shall approve the charters of the commissions referred to in in paragraph 4 of this article.

### **Article 3. Occupational disease**

1. "Occupational disease " is a disease caused by negative industrial factors in the process of discharging work duties by the insured.

2. A list of occupational diseases shall be determined by the central state administrative organization in charge of health matters.

### **Article 4. Pensions, benefits and payments from the industrial accidents and occupational diseases insurance fund**

Insureds shall be entitled to the following pensions, benefits and payments from the industrial accident and occupational disease fund:

- 1) invalid's pension;
- 2) survivor's pension;
- 3) temporary disability benefit;
- 4) payments in respect of rehabilitation of working ability.

## **CHAPTER TWO**

### **Invalid's pension**

#### **Article 5. Entitlement to invalid's pension**

1. Insureds who become invalids as a result of loss of ability to work for a long time or permanently as a result of an industrial accident or occupational disease shall be entitled to an invalid's pension.

2. The medical labor examination commission shall determine the degree and the length of the insured's loss of ability to work.

#### **Article 6. Amount of invalid's pension**

1. The invalid's pension shall be granted in the amount of 10 percent of the average monthly wage of the insured if the degree of loss of ability to work is less than 10 percent, if over 10 percent then in proportion to the degree of loss of ability to work.

2. The amount of the invalid's pension of an insured who became an invalid as a result of a degree of loss of ability to work of 30 percent or more shall be determined as an amount of not less than 75 percent of the minimum wage as fixed by the Government.

**Article 7. Duration of payment of invalid's pension**

The invalid's pension referred to in this Law shall be paid for the period stated in article 10 of the Law on Pensions and Benefits from the Social Insurance Fund.

**Article 8. Payment of invalid's pensions**

1. The social insurance authority shall pay invalids' pensions every month by means of its correspondent bank.

2. Insureds who permanently lost 30 per cent of their ability to work ability may be entitled to the pension for 6 years, or in the case of loss of ability to work for a long time if the insured wishes the invalid's pension may be granted for a period fixed by the medical labor examination commission to be paid once. In that case entitlement to the invalid's pension for that reason shall terminate.

**Article 9. Rehabilitation of the ability to work and repayment of pension**

1. If rehabilitation of the loss of ability to work fails for good reasons, to be determined by the medical labor examination commission, the pension shall be repaid for no more than six months.

2. If it is determined that the ability to work of the insured is not able to be restored the pension due to be paid during that period shall be fully compensated.

**CHAPTER THREE**

**Survivor's pension**

**Article 10. Entitlement to survivor's pension**

1. In case of death of an insured as a result of an industrial accident or occupational disease, members of his of her family who are not able to work shall be entitled to a survivor's pension.

2. The number of family members entitled to a survivor's pension shall be established in accordance with article 12 of the Law on Pensions and Benefits from the Social Insurance Fund.

**Article 11. Amount of survivor's pensions**

Survivor's pensions shall be granted in the following proportions to the salary of the deceased insured:

- 1) if the number of family members who are unable to work is 3 or more - 100%;
- 2) if the number of family members who are unable to work is 2 - 75%;
- 3) if the number of family members who are unable to work is 1 - 50%.

**Article 12. Duration of payment of survivor's pension**

The survivor's pension referred to in this law shall be paid for the period stated in article 15 of Law on Pensions and Benefits from the Social Insurance Fund.

**CHAPTER FOUR**

**Temporary disability benefit**

**Article 13. Entitlement to temporary disability benefit**

An insured who temporarily loses his or her ability to work as a result of industrial accident or occupational disease shall be entitled to a temporary disability benefit.

**Article 14. Amount of temporary disability benefit**

1. An insured who temporarily loses his or her ability to work as a result of industrial accident or occupational disease shall be entitled to a temporary disability benefit in the amount of 100 percent of his or her wages regardless of the period for which premiums have been paid.
2. The benefit for the temporary loss of working ability shall be calculated by working days.

**Article 15. Duration of payment of the temporary disability benefit**

1. The temporary disability benefit shall be paid from the day of loss of ability until the day of its restoration, or until entitlement to an invalid's pension.
2. The maximum duration of payment of the temporary disability benefit in any twelve month period shall not exceed 180 days.
3. The duration of payment of the temporary disability benefit shall be fixed by the treatment quality control commission of the professional medical institution and in the absence of such a commission by the general physician, manager or senior physician.

**CHAPTER FIVE**

## **Payments in respect of the restoration of working ability**

### **Article 16. Entitlement to payments in respect of the restoration of working ability**

An insured who lost 30 percent or more of his or her ability to work as a result of industrial accident or occupational disease shall be entitled to payment from the production injury and occupational disease insurance fund in respect of restoration of his or her ability to work by having prosthetic appliances, artificial organs and orthopedics made, and mineral water therapy.

### **Article 17. Payment related to restoration of ability to work**

1. The cost of making artificial organs, prosthetic appliances and orthopedics in Mongolia shall be paid at 100 per cent on the first occasion and on the second 50 percent will be paid.
2. If it is absolutely necessary to have prosthetic appliances and orthopedics made abroad in the opinion of the professional medical institution the cost may be paid once.
3. If the insured undergoes mineral water therapy or special care, payment may be made once each year from the industrial accident and occupational disease insurance fund.

## **CHAPTER SIX**

### **Other provisions**

### **Article 18. Documents required for the grant of pensions and benefits from the industrial accident and occupational disease fund**

In order to be granted a pension or benefit, the documents set out in article 25 of the Law on Pensions and Benefits from the Social Insurance Fund as well as a certificate of industrial accident or occupational disease shall be provided.

### **Article 19. Insurance privileges**

1. If an employer does not cause any payment from the industrial accident and occupational disease fund for five consecutive years as a result of undertaking specific organizational measures to improve working conditions and to reduce industrial accidents, the insurance premium for the following year shall be reduced by 10 percent.
2. If the condition referred to in paragraph 1 of this article continues, the discount shall be increased by 10 per cent, but its maximum level shall not exceed 50 percent of the annual premium.

**Article 20. Regulation of other relations related to the granting and payment of pensions and benefits from the industrial accident and occupational disease insurance fund**

Relations other than those related to the granting and payment of pensions, benefits and payments from the industrial accident and occupational disease insurance fund and regulated by this law, shall be regulated by the relevant provisions of the Law on Pensions and Benefits from the Social Insurance Fund.