NATIONAL ASSEMBLY

Law No. 10/2012/QH13

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, June 18, 2012

LABOR CODE

Pursuant to the Constitution 1992 of the Socialist Republic of Vietnam amended and supplemented under the Resolution No. 51/2001/QH10;

The National Assembly promulgates the Labor Code.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

The Labor Code specifies the labor standards; the rights, obligations and responsibilities of the employees, the employers, the labor representative organizations, the employer representative organizations in the labor relation and other relations directly related to the labor relation, the State management of labor.

Article 2. Subjects of application

1. The Vietnamese employees, apprentices, interns and other employees specified in this Code.
2. The employers.
3. Foreign employees working in Vietnam.
4. Other individuals, agencies and organizations directly related to the labor relation.

Article 3. Interpretation of terms

In this Code, the following terms are construed as follows:

1. Employees are people from 15 years old and above, capable of working, working under labor contracts, receiving salaries and subject to the management of the employers.

2. The employers are enterprises, agencies, organizations, cooperatives, households and individuals hiring, employing employees under labor contracts. The individuals must be sufficiently capable of civil acts.

3. The labor collectives are organized collectives of the employees working for one employer or in one division under the organizational structure of the employer.

4. The internal labor representative organizations are the executive board of the internal Union or the executive board of the direct superior Union if the internal Union has not been established

5. The employer representative organizations are organizations legally established to represent and protect the lawful rights and interests of the employers in the labor relation.

6. Labor relation is the social relation occurring while hiring or employing, paying salaries between the employee and the employer.

7. Labor dispute is the dispute over the rights, obligations and interests arising in the labor relation.

The labor disputes include the personal labor dispute between the employee and the employer, and the collective labor dispute between the labor collective and the employer.

8. Collective labor dispute over rights is the dispute between the labor collective and the employer arising out of the inconsistent explanation and implementation of the law provisions on labor, the collective labor agreement, the labor regulations and other lawful agreements and regulations.

9. The collective labor dispute over interests is the labor dispute arising when the labor collective requests the establishment of new working conditions compared to the law provisions on labor, the collective labor agreement, labor regulations and other lawful agreements and regulations during the negotiation between the labor collective and the employers.

10. Coercive labor is the use of force, the threat to use force or other tricks to coerce other people to work involuntarily.

Article 4. The State policies on labor

1. Ensuring the legitimate rights and interests of the employees; encouraging agreements that ensure more favorable conditions for the employees than that in the law provisions on labor; encouraging employees to purchase stocks and contribute capital to the production and business development.

2. Ensuring the lawful rights and interests of the employers, managing labor in a legal, democratic, equitable, civilized manner, and enhance the social responsibilities.

3. Facilitating the employment creation, self-employment, vocational training and learning towards employment opportunities, facilitating the production and business that attract a lot of labor.

4. Planning the development and distribution of labor force; providing vocational training and skill improvement courses for employees, offering incentives to employees with great

professional expertise that satisfy the modernization and industrialization requirements of the country.

5. Planning the labor market development, diversifying the means of connection between the labor supply and demand.

6. Guiding the communication and collective negotiation between employees and employers, building stable, progressive and harmonious labor relations.

7. Ensuring the gender equality; imposing labor regulations and social policies in order to protect female employees, disabled employees, elderly employees and underage employees.

Article 5. Rights and duties of employees

1. The employees are entitled to:

a) Work, independently select works, vocations, get vocational training and improvement without discrimination;

b) Receive salaries consistently with the vocational skills and grade on the basis of the agreement with the employer; receive work protection, work in safe and hygienic conditions; take official leave, paid annual leave and enjoy collective benefits;

c) Establish, join and participate in activities of the Union, professional organizations and other organizations as prescribed by law; request and participating in discussions with the employer, exercise the democratic regulation and get consultancy at workplaces in order to protect the lawful rights and interests; participate in the management under the regulations of the employer.

d) Unilaterally terminate the labor contract as prescribed by law;

dd) Be on strike.

2. The employees are responsible to:

a) Perform the labor contract and the collective labor agreement;

b) Observe the labor discipline, labor regulations and obey the lawful management of the employer;

c) Implement the law provisions on social insurance and law provisions on medical insurance.

Article 6. Rights and obligations of employers

1. The employers are entitled to:

a) Employ, arrange and manage labor according to the demand for production and business; commend and discipline for violations of labor discipline;

b) Establish, join and participate in the activities of professional organizations and other organizations as prescribed by law;

c) Request the labor collective to discuss, negotiate and conclude the collective labor agreement; participate in settling labor disputes and strikes; discuss with the Union about the problem in labor relations, improve the material and mental life of the employees;

d) Temporarily shut down the workplace.

2. The employers are responsible to:

a) Perform the labor contract, collective labor agreement and other agreements with employees, respect the honor and dignity of employees;

b) Establish the mechanism and discuss with the labor collective at the enterprise and strictly observe the internal democratic regulations;

c) Make the labor management book, salary book and present them at the request from competent agencies;

d) Declare the employment within 30 days as from starting the operation, periodically make and send reports on the change in the labor status during the operation to local State labor management agencies;

dd) Implement the law provisions on social insurance and law provisions on medical insurance.

Article 7. Labor relations

1. Labor relation between the employee or the labor collective with the employer is established through communication, negotiation and agreement in a voluntary, affable, equitable, cooperative manner, in which the lawful rights and interests are mutually respected.

2. The Union, the employer representative organizations shall join the State agencies in building the stable, progressive and harmonious labor relations, supervising the implementation of law provisions on labor; protecting the lawful rights and interests of employees and the employers.

Article 8. Prohibited acts

1. Discrimination by sex, race, social class, marital status, belief, religion, discrimination against HIV sufferers, disabled people or against the reasons for establishing, joining and participate in the Union activities.

2. Maltreatment of employees, sexual harassment at workplaces.

3. Coercive labor.

4. Exploiting vocational training and apprenticeship to make profit, exploit labor or entice, coerce the vocational learners, apprentices into committing unlawful acts.

5. Using untrained employees or employees without national vocational certificates to do the jobs that required trained employees or employees with national vocational certificates

6. Deceitfully enticing and advertising in order to cheat employees or exploiting the employment services to contractually send employees abroad to commit unlawful acts.

7. Illegally using underage labor.

Chapter II

EMPLOYMENTS

Article 9. Employments and employment creation.

1. Employments are activities that generate incomes that the law does not prohibit

2. The State, the employers and the society are responsible to create employments and ensure that everyone capable of working is offered employment possibilities.

Article 10. The right to work of employees

1. The employee is entitled to work for any employer at any place that the law does not prohibit.

2. The employee may directly contact the employee or via the employment services to seek employment towards their expectations, vocational grade and health.

Article 11. The right to employ of employers

The employer is entitled to employ labor directly or via employment services, or outsourcing service providers. The employer is entitled to increase or decrease the labor depending on the production and business demand.

Article 12. The State policies on employment development support

1. The State shall determine the target for employment increase in the five-year and the annual socio-economic development plans.

Depending on the socio-economic condition in each period, the Government shall present the National Assembly to approve the National program of vocational training and employment.

2. Establishing the policies on unemployment insurance and incentives for employees to create self-employment, support employers that employ females, disabled people or people from ethnic groups.

3. Encouraging and facilitate the investment in production and business development of domestic, foreign organizations and individuals in order to create more employments.

4. Supporting employers and employees to seek and expand the labor markets overseas.

5. Establishing the National fund of employments to grant preferential loans for employment creation and other activities as prescribed by law.

Article 13. Employment programs

1. People's Committees of central-affiliated cities and provinces (hereinafter referred to as provincial People's Committees) shall establish and present the local employment programs to the People's Council at the same level for approval.

2. Other employers, State agencies, enterprises, socio-political organizations, social organizations, within their scope of duties and authority, are responsible to participate in the employment programs.

Article 14. Employment service organizations

1. Employment service organizations shall provide consultancy, offer employments and provide vocational training to employees; supply and recruit labor at the request of the employer; collect and provide information about the labor market, and perform other duties as prescribed by law.

2. Employment service organizations include employment service centers and enterprises providing employment services.

Employment service centers are established and operated in accordance with the Government's provisions.

The enterprises providing employment services are established and operated as prescribed by the Law on Enterprise and must obtain the Licenses to provide employment services issued by provincial State labor management agencies.

3. Employment service organizations are eligible for collecting fees, for tax exemption and reduction as prescribed by law provisions on fees and law provisions on tax.

Chapter III

LABOR CONTRACT

Section 1. LABOR CONTRACT CONCLUSION

Article 15. Labor contract

A labor contract is an agreement between the employee and the employer on the paid job, the work conditions, the rights and obligations of each party in the labor relation.

Article 16. Form of labor contracts

1. A labor contract must be concluded in writing and made into 02 copies, the employee shall keep 01 copy, the employer shall keep 01 copy, except for the case prescribed in Clause 2 this Article.

2. For temporary jobs with terms under 03 months, the parties may conclude verbal contracts.

Article 17. Principles of labor contract conclusion

1. Voluntary, equitable, affable, cooperative and truthful.

2. The contract is freely concluded without violating the law, the collective labor agreement and social ethics.

Article 18. Responsibilities for labor contract conclusion

1. Before recruiting, the employer and the employee must directly conclude the labor contract.

In case the employee is from 15 to 18 years old, the labor contract conclusion must be agreed by the legal representative of the employee.

2. For casual works and regular works with terms under 12 months, the employee group may authorize an employee in the group to conclude the written contract; in this case, the validity of the contract is equal to each person.

The labor contract concluded by the authorized person must be enclosed with the list specifying the full names, ages, genders, residences, occupations and signatures of every employee.

Article 19. Responsibilities to provide information before the labor contract conclusion

1. The employer must provide information for employees about the work, work location, work conditions, working hours, break time, labor safety, labor hygiene, salary, method of salary payment, social insurance, the provisions on business secret protection, technical know-how and other issues directly related to the labor contract conclusion requested by the employee.

2. The employee must provide information for the employer about their full name, gender, residence, educational background, vocational skills, health condition and other issues directly related to the labor contract conclusion requested by the employer.

Article 20. The prohibited acts committed by the employer during the conclusion and performance of the labor contract

1. Keeping the originals of the identity papers, certificates and qualifications of the employee.

2. Requesting the employee to mortgage cash or property for the labor contract performance.

Article 21. Concluding labor contracts with multiple employers.

The employee may conclude contracts with multiple employers as long as they can ensure the implementation of the concluded contents.

For contracts concluded with multiple employers, the social insurance, medical insurance of the employee must comply with the Government's provisions.

Article 22. Kinds of labor contracts

1. The labor contract must be concluded in one of the following kind:

a) Labor contracts without fixed term;

The labor contract without fixed term is a contract in which both parties do not specify the term and the expiry date of the contract.

b) Fixed-term labor contracts;

The fixed-term labor contract is a contract in which both parties specify the term and the expiry date of the contract within 12 to 36 months.

c) Casual labor contracts or regular labor contracts with terms under 12 months.

2. In case the employee keeps working when the labor contract prescribed in Point b and Point c Clause 1 this Article expires, both parties must conclude the new labor contract within 30 days as from its expiry date; if the new labor contract is not concluded, the contracts concluded as prescribed in Clause 1 this Article shall be come a labor contract without fixed term, and the contract concluded as prescribed in Point c Clause 1 this Article shall be come a labor contract with a fixed term of 24 months

The new labor contract being a fixed-term contract shall be concluded only one more time. After that, if the employee keeps working, the labor contract without fixed-term must be concluded.

3. It is prohibited to conclude casual labor contracts or regular labor contracts with terms under 12 months to do regular works from 12 months and above, except for temporary replacement of employees doing military service, taking maternity leave, suffering from sickness or occupational accidents, or taking other temporary leave.

Article 23. Labor contract contents

1. The labor contract must include the following contents:

a) Name and address of the employer or the legal representative;

b) The full name, date of birth, gender, residence, ID number or other legal papers of the employee;

c) The work and working location;

d) The labor contract term;

dd) The salary, method of salary payment, salary payment term, allowance and other additional pays;

e) The grade increase, salary increase regime;

g) The working hours, break time;

h) The labor protection equipment for the employee;

i) Social insurance and medical insurance.

k) The vocational training and improvement courses.

2. In case the employee doing works directly related to the business secret, technical know-how as prescribed by law, the employer is entitled to reach a written agreement with the employee on the contents and term of business secret, technical know-how protection, the interests and compensation for the employee's violations.

3. For employees working in the agriculture, forestry, fishery, salt industries, both parties may remove a number of primary contents from the labor contract and reach additional agreements on the settlement in case the contract performance is affected by natural disasters, fire and weather.

4. The contents of labor contracts with employees being hired as directors in the enterprise contributed by the State must comply with the Government's provisions.

Article 24. Labor contract annex

1. The labor contract annex is part of the labor contract and as valid as an labor contract.

2. The labor contract annex is to specify a number of terms or to amend and supplement the labor contract.

In case the labor contract Annex specify a number of labor contract terms that leads to different interpretation of the labor contract, the labor contract contents shall apply.

In case the labor contract annex amends and supplements the labor contract, the amendments, supplements and date of effect must be specified.

Article 25. Labor contract effect

The labor contract takes effect as from the date of conclusion unless otherwise agreed by both parties or prescribed by the law.

Article 26. Probation

1. The employer and the employee may reach the agreements on the probation, the rights and obligations of both parties during the probation. If the probation is agreed, the probation contract may be concluded.

The probation contract includes the contents prescribed in Point a, b, c, d, dd, g and h Clause 1 Article 23 of this Code.

2. The employees working under casual labor contract do not have to undergo probation.

Article 27. Probation duration

Only one probation is given for a job. The probation duration varies according to the nature, the complication of the work and must satisfy the following conditions:

1. Within 60 days for works that demand college education or further;

2. Within 30 days for works that demand vocational intermediate education, technical workers, professional workers.

3. Within 6 working days for other works.

Article 28. Probation salary

The employee's salary during the probation is agreed by both parties but must be at least 85% of the official salary.

Article 29. Probation expiry

1. If the probation is passed, the employer must conclude the labor contract with the employee.

2. During the probation, each party is entitled to terminate the probation without prior notice and without compensation if the probation fails to satisfy the requirements agreed by both parties.

Section 2. LABOR CONTRACT PERFORMANCE

Article 30. Doing works under the labor contract

The work under the labor contract must be done by the employee that concluded the labor contract. The working location must comply with the labor contract or other agreements between both parties.

Article 31. Transferring employees to do other works than in the labor contract

1. Upon sudden difficulties from natural disasters, fire, epidemics, from the implementation of preventive and remedial measures for occupational accidents and occupational illness, from electricity or water supply system malfunctions, or from the production and business demands, the employer is entitled to temporarily transfer the employee to do other work than in the labor contract within 60 cumulative working days in a year, unless otherwise agreed by the employee.

2. When the employee is temporarily transferred to other works than in the labor contract, the employer must notify the employee in advance at least 03 days, specify the duration and arrange works suitable for the employee's health and gender.

3. The employee doing the works prescribed in Clause 1 this Article shall be paid for the new work. If the new work salary is lower than that of the old one, the old salary is kept within 30 working days. The new work salary must be at least 85% of that of the old one but must not be lower than the local minimum salary prescribed by the Government.

Article 32. Cases of labor contract suspension

1. The employee have to do military service

2. The employee is detained as prescribed by law provisions on criminal procedures.

3. The employee have to implement the decision on compulsory treatment and education in reformatories, detoxification centers or educational facilities.

4. The pregnant female employees prescribed in Article 156 of this Code.

5. Other cases agreed by the parties.

Article 33. Re-employing employees after the labor contract suspension expires.

Within 15 days as from the labor contract suspension expires as prescribed in Article 32 of this Code, the employee must be present at the workplace and the employee must re-employ the employee, unless otherwise agreed by the parties.

Article 34. Employees working shorter hours

1. The employees working shorter hours are employees that work less than the usual working hours by day or by week specified in the law provisions on labor, collective labor agreement, professional collective labor agreement or the employer's provisions.

2. The employee may reach an agreement with the employer on the shorter working hours when concluding the labor contract.

3. The employee working shorter hours shall have the salary, rights and obligations similarly to that of other full-time employees, shall have equitable opportunities, labor safety and labor hygiene conditions without discrimination.

Section 3. AMENDING, SUPPLEMENTING, TERMINATING LABOR CONTRACT

Article 35. Amending and supplementing labor contract

1. During the performance of labor contract, the party that demands to amend and supplement the labor contract must notify to the other party in advance at least 3 working days of the contents being amended and supplemented.

2. If the agreement is reached, the amendment and supplement of the labor contract must be carried out by concluding the labor contract annex or concluding the new labor contract.

3. If the agreement on the amendment and supplement of the labor contract cannot be reached, the concluded labor contract shall continue to be performed.

Article 36. Cases of labor contract termination

1. The labor contract expires, except for the case prescribed in Clause 6 Article 192 of this Code.

2. The work under the labor contract is done.

3. Both parties agree to terminate the labor contract.

4. The employee satisfies the requirements of about social insurance duration and pension age as prescribed in Article 187 of this Code.

5. The employee is condemned to imprisonment, to death or prohibited from doing the work in the labor contract according to the legal judgment and decision from the Court.

6. The employee dies, is declared dead, missing or incapable of civil acts by the Court.

7. The employer being an individual dies, is declared dead, missing or incapable of civil acts by the Court; the employer not being an individual stops the operation.

8. The employee is disciplinarily dismissed as prescribed in Clause 3 Article 125 of this Code.

9. The employee unilaterally terminates the labor contract as prescribed in Article 37 of this Code.

10. The employer unilaterally terminates the labor contract as prescribed in Article 38 of this Code; the employer dismisses the employee due to changes in the mechanism, technology or for some economic reasons, or merger, separation of enterprises, cooperatives.

Article 37. The right to unilaterally terminate the labor contract of employees

1. The employee working under the fixed-term labor contract, casual labor contract or regular labor contract with term under 12 months is entitled to unilaterally terminate the contract sooner in the following cases:

a) The employee is not provided with the right work, the workplace or the working conditions as agreed in the labor contract;

b) The salary is not adequately or punctually paid as agreed in the labor contract;

c) The employee suffers from maltreatment, sexual harassment, coercive labor;

d) The employee or their family encounters difficulties that the labor contract cannot continue to be performed;

dd) The employee is elected to perform specialized duties at elective agencies or designated to hold a position in the State mechanism;

e) The pregnant female employee has to quit job under the direction from competent medical examination and treatment facilities.

g) The employees suffering from sickness or accidents cannot recover after 90 consecutive days of treatment for employees working under fixed-term labor contracts, or one fourth of the contract term for employees working under casual labor contract or regular labor contract with term under 12 months.

2. When unilaterally terminate the labor contract as prescribed in Clause 1 this Article, the employee must notify the employer:

a) At least 3 working days for the cases prescribed in Point a, b, c and g Clause 1 this Article;

b) At least 30 working days for fixed-term labor contracts, 03 working days for casual labor contracts or regular labor contracts with term under 12 months regarding the cases prescribed in Point d and dd Clause 1 this Article;

c) For the cases prescribed in Point e Clause 1 this Article, the advance notice time must comply with the provisions in Article 156 of this Code.

3. The employees working under labor contracts without fixed term are entitled to unilaterally terminate the labor contract but the employer must be notified in advance at least 45 days, except for the case prescribed in Article 156 of this Code.

Article 38. The right to unilaterally terminate the labor contract of the employer

1. The employer is entitled to unilaterally terminate the labor contract in the following cases:

a) The employee regularly fails to complete the works according to the labor contract;

b) The employee suffering from sickness or accidents cannot recover after 12 consecutive months of treatment for labor contracts without fixed term, after 06 months for employees working under fixed-term labor contracts, or over one half of the contract term for employees working under casual labor contract or regular labor contract with term under 12 months

When the employee recovers, he/she may be considered to conclude the new contract.

c) The employer have to reduce the production and vacancies after taking all measures to overcome the consequences from natural disasters, fire or other force majeure;

d) The employee fails to be present at the workplace after the duration prescribed in Article 33 of this Code.

2. When unilaterally terminating the labor contract, the employer must notify the employee:

a) At least 45 days for labor contracts without fixed term;

a) At least 30 days for fixed-term labor contracts;

c) At least 30 working days for the case prescribed in Point b Clause 1 this Article and for casual labor contracts or regular labor contracts with term under 12 months.

Article 39. The employer must not unilaterally terminate the labor contract in the following cases:

1. The employee is undergoing treatment for sickness or occupational accidents, occupational illness under the decision from the competent medical examination and treatment facility except for the case prescribed in Point b Clause 1 Article 38 of this Code.

2. The employee is on annual leave, personal leave and other leave permitted by the employer.

3. The female employees prescribed in Clause 3 Article 155 of this Code.

4. The employee is on maternity leave as prescribed by law provisions on social insurance.

Article 40. Canceling the unilateral termination of the labor contract

Each party is entitled to cancel the unilateral termination of the labor contract before the advance notice time limit expires. The cancellation must be made in writing and agreed by the other party

Article 41. Illegal unilateral termination of the labor contract

The illegal unilateral termination of the labor contract is the labor contract termination contrary to Article 37, 38 and 39 of this Code.

Article 42. Obligations of the employer when illegally unilaterally terminating the labor contract

1. Re-employing the employee under the concluded labor contract and pay the salary, social insurance, medical insurance for the days the employee is banned from working plus the salary of at least 02 months under the labor contract.

2. In case the employee does not wish to continue working, the employer must give the severance pay as prescribed in Article 48 of this Code apart from the compensation prescribed in Clause 1 this Article.

3. In case the employer does not wish to re-employ the employee and the employee agrees, both parties shall reach the agreement on the extra compensation equal to the salary of at least 02 months under the labor contract apart from the compensation prescribed in Clause 1 this Article and the severance pay as prescribed in Article 48 of this Code.

4. If no vacancy for the position in the labor contract is available but the employee still wishes to continue working, both parties must negotiate to amend and supplement the labor contract apart from the compensation prescribed in Clause 1 this Article.

5. For violations of the advance notice time, the employee must be paid a compensation equivalent to the his/her salary of the unnoticed days.

Article 43. Obligations of the employee when illegally unilaterally terminating the labor contract

1. Being ineligible for severance pay and paying compensation equivalent to the half-month salary under the labor contract to the employee.

2. For violations of the advance notice time, the employer must be paid a compensation equivalent to the employee’s salary of the unnoticed days.

3. The training cost must be returned to the employer as prescribed in Article 62 of this Code.

Article 44. Obligations of the employer in case of changes in the mechanism, technology or economic reasons

1. In case of changes in the mechanism, technology that affect the employment of multiple employees, the employer is responsible to devise and implement the employment plan as prescribed in Article 46 of this Code; if new positions are available, the employees must be retrained and employed.

In case the employer cannot create new employments that the employees must be dismissed, the employer must give the redundancy pay to the employees as prescribed in Article 49 of this Code.

2. If the employee faces the risk of unemployment or dismissal for some economic reasons, the employer must devise and implement the employment plan as prescribed in Article 46 of this Code.

In case the employer cannot create new employments that the employees must be dismissed, the employer must give the redundancy pay to the employee as prescribed in Article 49 of this Code.

3. The dismissal of multiple employees prescribed in this Article is only carried out after the discussion with the internal labor representative organization and the provincial State labor management agency must be notified in advance 30 days.

Article 45. Obligations of the employer when merging, dividing, separating the enterprise or the cooperative

1. For the merger, division, separation of the enterprise or cooperative, the succeeding employer must be responsible to continue employing the existing employees and carry out the labor contract amendment and supplement.

In case there are not enough vacancies for the existing employees, the succeeding employer must be responsible to continue devising and implementing the employment plan as prescribed in Article 46 of this Code.

2. For ownership transfers or property use right transfers, the preceding employer must devise the employment plan as prescribed in Article 46 of this Code.

3. In case the employer dismisses the employee as prescribed in this Article, the employer must give the redundancy pay to the employee as prescribed in Article 49 of this Code.

Article 46. Employment plan

1. The employment plan must include the following contents:

a) The list and quantity of the employees being directly employed, the employees being retrained for re-employment;

b) The list and quantity of the retired employees;

c) The list and quantity of the employees being transferred to work shorter hours; the dismissed employees;

d) The measures and financial sources for implementing the plan.

2. The plan development must be participated by the internal labor representative organization.

Article 47. Obligations of the employer when terminating the labor contract

1. At least 15 days before the expiry date of the fixed-term labor contract, the employer must notify the employee in writing of the expiry date of the labor contract.

2. Within 07 working days as from terminating the labor contract, both parties are responsible to fully pay the amounts related to each party's interests. This time limit may be longer if necessary but must not exceed 30 days.

3. The employer is responsible to complete the procedures for certifying and returning the social insurance book and other papers of the employee that have been kept by the employer.

4. In case the enterprise or cooperative is shut down, dissolve or bankrupt, the salary, severance pay, social insurance, medical insurance, unemployment insurance and other benefits of the employee under the collective labor agreement and the signed labor contract shall be paid first.

Article 48. Severance pay

1. When the labor contract terminates as prescribed in Clause 1, 2, 3, 5, 6, 7, 9 and 10 Article 36 of this Code, the employer is responsible to give the severance pay to the regular employees that have been worked for 12 months or more. A half- month salary shall be paid for each working year.

2. The working time for severance pay calculation is the total duration that the employee has actually worked for the employer excluding the time the employee has taken the unemployment insurance as prescribed in the Law on Social insurance and the time the employer paid the severance pay.

3. The salary for severance pay calculation is the average salary under the labor contract of the preceding 06 months before the employee is dismissed.

Article 49. Redundancy pay

1. The employer is responsible to give the redundancy pay to the dismissed regular employees that have worked for 12 months or more as prescribed in Article 44 and 45 of this Code. 1-month salary is paid for each working year but must not be lower than the salary of 02 months.

2. The working time for redundancy pay calculation is the total duration that the employee has actually worked for the employer excluding the time the employee has taken the unemployment insurance as prescribed in the Law on Social insurance and the time the employer paid the severance pay.

3. The salary for redundancy pay calculation is the average salary under the labor contract of the preceding 06 months before the employee is dismissed.

Section 4. LABOR CONTRACT INVALIDATION

Article 50. Labor contract invalidation

1. The labor contract is totally invalidated in one of the following cases:

a) The entire labor contract contents are illegal;

b) The labor contract is concluded by incompetent persons;

c) The works in the concluded labor contract is prohibited by law;

d) The labor contract restricts or obstructs the right to establish, join and participate in the Union activities of the employee.

2. The labor contract is partially invalidated when part of it violates the law provisions but does not affect the rest.

3. In case part or the entire labor contract specifies the employee's interests that are inferior to that in the effective collective labor agreement, law provisions on labor, labor regulations, or the labor contract restricts other rights of the employee, part or the entire labor contract shall be invalidated.

Article 51. Authority to invalidate labor contracts

1. The Labor Inspectors, People's Courts are entitled to invalidate labor contracts.

2. The Government shall specify the order and procedures for the Labor Inspectors, People's Courts to invalidate labor contracts.

Article 52. Handling invalidated labor contracts

1. The partially invalidated labor contract shall be handled as follows:

a) The rights, obligations and interests of the parties shall be settled under the collective labor agreement or law provisions;

b) The parties shall amend, supplement the invalidated part of the labor contract to suit the collective labor agreement or law provisions on labor.

2. The totally invalidated labor contract shall be handled as follows:

a) In case of ultra virus signing prescribed in Point b Clause 1 Article 50 of this Code, the State labor management agencies shall guide the parties to sign it again;

b) The rights, obligations and interests of employees shall be settled under the collective labor agreement or law provisions;

3. The Government shall elaborate this Article.

Section 5. OUTSOURCING

Article 53. Outsourcing

1. Outsourcing is when an employee employed by an enterprise licensed to provide outsourcing services works for another employer and subject to the latter's management while the labor relation with the outsourcing service provider is still sustained.

2. Outsourcing service is a conditional business and only provided for a certain number of works.

Article 54. Outsourcing service providers

1. Outsourcing service providers must pay a deposit and obtain the license to provide outsourcing services.

2. The maximum outsourcing duration is 12 months.

3. The Government shall specify the outsourcing licensing, the deposit payment and the list of works eligible for outsourcing.

Article 55. Outsourcing contract

1. The outsourcing service provider and the outsourcing party must sign the written outsourcing contract. The contract is made into 02 copies, each party keeps one copy.

2. The outsourcing contract must include the following contents:

a) The working location, the position being outsourced, the work detail and requirements for the outsourced employee;

b) The outsourcing duration, the starting time of the employee;

c) The working hours, breaking time, labor safety and hygiene conditions at the work place;

d) The responsibilities for the employees of each party.

3. The outsourcing contract must not include the agreements on the rights and interests of the employee that are inferior to that in the labor contract signed by the outsourcing service provider and the employee.

Article 56. Rights and obligations of outsourcing service providers

1. Providing the eligible employees consistently with the requirements of the outsourcing party and the labor contract signed with the employee.

2. Informing the employee about the outsourcing contract contents.

3. Signing the labor contract with the employee as prescribed in this Code.

4. Informing the outsourcing party about the employee's résumé and requirements.

5. Fulfilling the obligations of the employer as prescribed in this Code; paying salaries, holiday pay, annual leave pay, work suspension pay, severance pay, redundancy pay, compulsory social insurance, unemployment insurance for the employee as prescribed by law.

Ensuring that the outsourced employee's salary is not lower than that of the outsourcing party's employees at equal levels, doing the same or equivalent job.

6. Recording the quantity of the outsourced employees, the outsourcing fees and sending reports to provincial State labor management agencies.

7. Disciplining employees that violate labor discipline when they are returned due to labor discipline violations.

Article 57. Rights and obligations of the outsourcing party

1. Notifying and guiding the outsourced employee about the labor regulations and other regulations.

2. The working condition discrimination against outsourced employees in favor of their own employees is prohibited.

3. Reaching agreements with the outsourced employees when they are mobilized to work on the night shift or to work overtime outside the outsourcing contract.

4. The outsourced employees must not be transferred to other employers.

5. Reaching the agreement with the outsourced employee and the outsourcing service provider on officially employing the outsourced employee in case the labor contract between the employee and the outsourcing service provider is unexpired.

6. Returning the employee to the outsourcing service provider if they are not eligible as agreed or if they violate labor discipline.

7. Providing evidence of the labor discipline violations of the outsourced employee for the outsourcing service provider for disciplining.

Article 58. Rights and obligations of outsourced employees

1. Doing the work under the labor contract signed with the outsourcing service provider.

2. Observing the labor regulations, labor discipline, collective labor agreement and the lawful management of the outsourcing party.

3. Receiving salary not lower than that of the outsourcing party's employees at the same level, doing the same or equivalent job.

4. Lodging complaints with the outsourcing service provider in case the outsourcing party violates the agreements in the outsourcing contract.

5. Exercising the right to unilaterally terminate the labor contract with the outsourcing service provider as prescribed in Article 37 of this Code.

6. Reaching the agreement to conclude the labor contract with the outsourcing party after terminating the labor contract with the outsourcing service provider.

Chapter IV

VOCATIONAL LEARNING AND TRAINING, VOCATIONAL SKILL AND GRADE IMPROVEMENT

Article 59. Vocational learning and training

1. The employees are entitled to choose their vocation and vocational training at workplaces consistently with their demands for employment.

2. The eligible employers are supported by the State to establish vocational training facilities or hold vocational training classes at workplaces to train, retrain, improve the vocational skill and grade for their employees and provide vocational training to other learners as prescribed by law provisions on vocational training.

Article 60. Responsibilities of employers for vocational training, vocational skill and grade improvement

1. The employers shall make the annual plan and prepare budget to provide vocational training or vocational skill and grade improvement courses for their employees; train the employees before they change their jobs to be recruited by the employers.

2. The employer must send reports on the results of vocational skill and grade training and improvement to provincial State labor management agencies in the annual labor reports.

Article 61. Vocational learning and apprenticeship towards employment

1. When the employer recruits vocational learners and apprentices to work for them, the vocational training registration is not required and school fee collection is prohibited.

The vocational learners and apprentices in this case must be 14 years or over and physically capable of the vocational demand, except for the occupations prescribed by the Ministry of Labor, War Invalids and Social Affairs.

Both parties must sign the vocational training contract. The vocational training contract must be made into 02 copies, each party shall keep one copy.

2. During the vocational training and apprenticeship, if the vocational leaner or the apprentice directly creates or participates in the creation of qualified products, they shall be paid an amount agreed by both parties.

3. When the vocational training or apprenticeship completes, both parties must sign the labor contract when the conditions prescribed in this Code are satisfied.

4. The employer is responsible to encourage the employee to participate in the vocational skill assessment in order to be issued with the national vocational certificate.

Article 62. The vocational training contract between the employer and the employee, vocational training cost

1. Both parties must sign the vocational training contract when the employee is provided with the vocational training, vocational skill and grade improvement courses domestically or overseas using the employer's budget, including the sponsorship from the employer's partners.

The vocational training contract must be made into 02 copies, each party shall keep one copy.

2. The vocational training contract must include the following contents:

a) The vocation being trained;

b) The training location and duration;

c) The training cost;

d) The duration that the employee commits to work for the employer after being trained;

dd) The responsibility to return the training cost;

e) The responsibilities of the employer.

3. The training cost includes the expenses on the trainers, the documents, the school, the equipment, the practice materials and, supportive expenses for the learner, the salary, the social insurance medical insurance payment being paid during the training. In case the employee is sent to study overseas, the training cost shall include the travel cost and living cost during the time living overseas.

Chapter V

DIALOGUE AT THE WORKPLACE, COLLECTIVE NEGOTIATION, COLLECTIVE LABOR AGREEMENT

Section 1. DIALOGUE AT THE WORKPLACE

Article 63. Purpose and form of dialogue at workplace

1. Dialogue at the workplace in order to share information and enhance the understanding between the employer and the employee to build the labor relations at the workplace.

2. Dialogue at work is done through the direct exchange between the employee and the employer or between the representatives of labor collective with the employer to ensure the implementation of democratic regulations at the grassroots level.

3. The employer and the employee are obliged to implement the democratic regulations at the grassroots level at workplace in accordance with the regulations of the Government.

Article 64. Content of dialogue at the workplace

1. The situation of production and business of the employer.

2. The implementation of labor contracts, collective labor agreements, internal rules, regulations and commitments and agreements at the workplace.

3. Working conditions

4. Requirements of the employee and the labor collective for the employer.

5. Requirements of the employer with the employee and the labor collective.

6. Other contents that both parties are concerned about

Article 65. Conducting dialogue at the workplace

1. Dialogue at the workplace is conducted once every 03 months periodically or at the request of one party.

2. The employer is obliged to arrange the venue and other material conditions to ensure the dialogue at the workplace.

Section 2. COLLECTIVE NEGOTIATION

Article 66. Purpose of the collective negotiation

The collective negotiation is that the labor collective makes discussion and negotiation with the employer for the following purposes:

1. Building harmonious, stable and progressive labor relations;

2. Establishing new working conditions as a basis for signing the collective labor agreements;

3. Settling the problems and difficulties in implementing the rights and obligations of each party in the labor relations.

Article 67. Principle of collective negotiation

1. Collective negotiation is conducted on the principles of goodwill, equality, cooperation, openness and transparency.

2. Collective negotiation is conducted periodically or irregularly.

3. Collective negotiation is done at the place agreed upon by both parties.

Article 68. Right to require the collective negotiation

1. Each party shall have the right to require the collective negotiation; the party receiving the requirement is not entitled to decline the negotiation. Within 07 working days after receiving the negotiation request, the parties shall agree upon the starting time of the negotiation meeting.

2. Where a party cannot participate in the negotiation meeting at the starting time for negotiation as agreed, that party has the right to propose the postponement, but the starting time of negotiation shall not exceed 30 days after receiving the request for collective negotiation.

3. Where a party declines to negotiate or not conduct the negotiation within the time limit prescribed in this Article, the other party has the right to carry out the procedures for requesting the settlement of labor disputes in accordance with the law.

Article 69. Representative of collective negotiation

1. Representative of collective negotiation is defined as follows:

a) For the labor collective in collective negotiation, the scope of enterprise is the representative organization of the labor collective at the grassroots level; the collective negotiation of the scope of sector is the representative of the sector Executive Committee of the Trade union;

b) For the employer in the collective negotiation, the scope of enterprise is the employer or the representative of the employer; the collective negotiation in the scope of sector is the representative of the representative organization of the sector employer

2. The number of people attending the negotiation meeting of each party shall be agreed upon by both parties.

Article 70. Content of collective negotiation

1. Salary, bonus, allowance and pay rise

2. Working hour, rest time, overtime working, break between shift.

3. Job guarantee for the employee

4. Ensuring the labor safety, occupational health and complying with labor rule.

5. Other contents that both parties are concerned about.

Article 71. Process of collective negotiation

1. The process for preparation of the collective negotiation is regulated as follows:

a) Before the collective negotiation meeting at least 10 days, the employer must provide information on the situation of production and business upon the requirement from the labor collective except for business secrets and technology secrets of the employer.

b) Gathering opinions of the labor collective

The negotiation representative of the labor collective party shall directly gather opinions of the labor collective or indirectly through the delegate conference of the employee concerning the requirements of the employee for the employer and the requirements of the employer with the labor collective;

c) Notification of the content of collective negotiation.

Within 05 working days before the start of the collective negotiation meeting, the party requiring the collective negotiation must notify in writing the other party of the estimated contents for the conduct of collective negotiation.

2. Procedures for the collective negotiation are regulated as follows:

a) Organizing the meeting of collective negotiation

The employer shall organize the meeting of collective negotiation with time and place agreed upon by both parties.

The collective negotiation must be recorded in writing, in which there must be the contents agreed upon by the two parties. The estimated time for the signing of the agreed content; the contents with different opinions;

b) The minutes of the meeting of collective negotiation must have the signature of the representative of labor collective, of the employer and the person recording the minutes.

3. Within 15 days from the day of termination of the meeting of collective negotiation, the negotiation representatives of the labor collective party must diffuse widely and publicly the minutes of the meeting of collective negotiation to the labor collective and collect suggestion by voting from the labor collective on the contents agreed upon.

4. Where the negotiation fails either party may request to continue the negotiation or conduct the procedures for the settlement of the labor disputes in accordance with this Code.

Article 72. Responsibilities of the trade unions, representative organizations of the employers and the state management agencies on labor in collective negotiation.

1. Organizing the training of the collective negotiation skills for the persons participating in the collective negotiation.

2. Participating in the meeting of collective negotiation upon the request from either collective negotiation party.

3. Providing and exchanging information relating to the collective negotiation

Section 3. COLLECTIVE LABOR AGREEMENT

Article 73. Collective Labor Agreement

1. A collective labor agreement is a written agreement between a labor collective and the employer in respect of working conditions that both parties have agreed upon through collective negotiation.

A collective labor agreement includes the enterprise collective labor agreement, the sector collective labor agreement and other form of collective labor agreement as prescribed by the Government.

2. The contents of the collective labor agreement must not be inconsistent with the regulation of law and must be more favorable to the employee compared with the provisions of law.

Article 74. Signing of the collective labor agreement

1. The collective labor agreement is signed between the representative of the labor collective with the employer or the the employer's representative.

2. The collective labor agreement is only signed when the parties have reached the agreement at the meeting of collective negotiation and:

a) There is over 50% of the labor collective to vote for the content of the collective negotiation agreed upon in case of signing the enterprise collective labor agreement;

b) There is over 50% of the Executive Committee of the Trade union at the grassroots level or the senior Trade union voting for the approval of the content of the collective negotiation agreed upon in case of signing the sector collective labor agreement;

c) For the other form of the collective labor agreement in accordance with the regulation of the Government.

3. When the collective labor agreement has been signed, the employer must announce it to his/her employee.

Article 75. Sending the collective labor agreement to the state management agency

Within a period of 10 days from the signing day, the employer or the employer's representative must send a copy of the collective labor agreement to:

1. The provincial state management agency on labor for the enterprise collective labor agreement,

2. The Ministry of Labor, War Invalids and Social Affairs for the sector collective labor agreement and other collective labor agreement.

Article 76. Effective day of collective labor agreement

The effective day of collective labor agreement is specified in the agreement.

In case there is no effective day in the collective labor agreement, the agreement then takes effect from the signing day

Article 77. Amendment and supplementation of the collective labor agreement

1. The parties are entitled to require the amendment and supplementation of the collective labor agreement in the following time limit

a) After 03 months of implementation for the collective labor agreement with the time limit of less than 01 year;

b) After 06 months of implementation for the collective labor agreement with the time limit from 01-03 years

2. In cases the provisions of law change that makes the collective labor agreements no longer consistent with the provisions of law, the two parties have to amend and supplement the collective labor agreement within 15 days from the day the provisions of law take effect.

During the time of amendment and supplementation of the collective labor agreement, the employee's interests shall comply with the provisions of law.

3. The amendment and supplementation of the collective labor agreement shall be conducted as the signing of the collective labor agreements.

Article 78. Invalid collective labor agreements

1. The collective labor agreements shall be partially invalid when one or several contents in the agreement become illegal.

2. The collective labor agreements shall be entirely invalid in one of the following cases:

a) Having the entire illegal content

b) The signers are beyond their competence;

c) The signing is not in conformity with the process of collective negotiation

Article 79. The competence to declare the collective labor agreement invalid

The People's Court is entitled to declare the collective labor agreement invalid.

Article 80. Handling of the invalid collective labor agreement

When the collective labor agreement is declared invalid, the rights, obligations and interests of the parties specified in the agreement corresponding to the entire or the part declared invalid shall be settled as prescribed by law and the legal agreements in the labor contract,

Article 81. Expired collective labor agreement

Within 03 months prior to the expiration of collective labor agreement, the two parties may negotiate to extend the term of the collective labor agreements or sign a new collective labor agreements.

Upon the expiration of collective labor agreement, but both parties still keep on negotiation, then the old collective labor agreement remains in use within a period not exceeding 60 days.

Article 82. Cost of collective negotiation and signing of collective labor agreement

All costs for the negotiation and signing, amendment, supplementation, sending and publication of the collective labor agreement shall be paid by the employer.

SECTION 4. ENTERPRISE COLLECTIVE LABOR AGREEMENT

Article 83. Signing of the enterprise collective labor agreement

1. The person signing the enterprise collective labor agreement is regulated as follows:

a) The labor collective party is the representative of labor collective at the grassroots level;

b) The employer party is the employer or the employer's representative.

2. The enterprise shall make the collective labor agreement into 05 copies, in which:

a) Each signing party keeps 01 copy;

b) 01 copy is sent to the state agency as prescribed in Article 75 of this Code;

c) 01 copy is sent to the direct superior trade union at the grassroots level and 01 copy sent to the employer's representative organization in which the employer is a member.

Article 84. Performance of the enterprise collective labor agreement.

1. The employer, the employee including the employee entering the enterprise to work after the effective day of the collective labor agreement are responsible for fully performing the collective labor agreement.

2. In case the rights, obligations and interests of the parties in labor contracts concluded before the effective day of the collective labor agreement lower than the corresponding provisions of the collective labor agreement, the corresponding provisions of the collective labor agreement must be performed. If the employer's provisions on the labor are incompatible with the collective labor agreement, they must be amended to suit the collective labor agreement within 15 days from the effective day of collective labor agreement.

3. When a party thinks that the other party incompletely performs or breaches the collective labor agreement, it is entitled to request the proper performance of the agreement and both parties must jointly consider and settle the problems, if failed, each party has the right to request the settlement of the collective labor disputes in accordance with the law.

Article 85. Time limit of the enterprise collective labor agreement

The enterprise collective labor agreement has a time limit from 01-03 years. For the enterprise that signs the collective labor agreement for the first time, the time limit may be less than 01 year.

Article 86. Performing the collective labor agreement in case of transfer of the ownership, the right of management, right of enterprise utilization, merger, consolidation, division, separation of enterprises

1. In case of transfer of the ownership, the right of management, right of enterprise utilization, merger, consolidation, division, separation of enterprises, the succeeding employer and representative of the labor collective shall rely on the plan for labor utilization in order to consider and choose to keep on performing, amending, supplementing the old collective labor agreement or negotiate to sign a new collective labor agreement.

2. In case the collective labor agreement is expired due to the employer's termination of its effect, the employee's interests shall be settled in accordance with the law on labor.

Section 5. SECTOR COLLECTIVE LABOR AGREEMENT

Article 87

1. The representative for the signing of the sector collective labor is regulated as follows:

a) The labor collective party is the sector Trade union President;

b) The employer party is the representative of the representative organization in which the employer has participated in the sector collective negotiation.

2. The sector collective labor agreement must be made into 04 copies, in which:

a) Each signing party keeps 01 copy;

b) 01 copy is sent to the state agency as prescribed in Article 75 of this Code;

c) 01 copy is sent to the direct superior trade union at the grassroots level

Article 88. Relationship between the enterprise collective labor agreement with the sector collective labor agreement

1. If the contents of the enterprise collective labor agreement or the employer's regulations on the rights, obligations and legal interests of the employee in the enterprise are lower than the

contents of the corresponding provisions of the sector collective labor agreement, the enterprise collective labor agreement must be amended and supplemented within a period of 03 months from the day the sector collective labor agreement takes effect.

2. The enterprise subject to the application of the sector collective labor agreement but having not built the enterprise collective labor agreement can build additional enterprise collective labor agreements with the provisions more favorable to the employee compared with the provisions of the sector collective labor agreement

3. Encouraging the enterprise in the sector having not participated in the sector collective labor agreement to perform it.

Article 89. Time limit of the sector collective labor agreement

The sector collective labor agreement has a time limit from 01-03 years

Chapter VI

SALARY

Article 90. Salary

1. Salary is an amount that the employer pays to the employee for the performance of work as agreed.

The salary includes the salary rate based on the work or the title, salary allowance and other additions

The salary rate of the employee must not be lower than the minimal salary rate as prescribed by the Government.

2. The salary paid to the employee is based on the labor productivity and work quality.

3. The employer must guarantee to pay equally without the gender discrimination for the employee performing work with the same value.

Article 91. Minimal salary rate

1. The minimal salary rate is the lowest rate that is paid to the employee who performs the simplest work in the normal working conditions and that must ensure the minimal living needs of the employees and their families.

The minimal salary rate is determined by month, day, hour and shall be established by region and sector.

2. Based on the minimal living needs of the employees and their families, the social and economic conditions and the salary wage on the labor market, the Government shall announce the regional minimal wage on the basis of the recommendations of the National Wages Council.

3. The minimal salary rate is determined through the sector collective negotiation and specified in the sector collective labor agreement but is not lower than the minimal salary rate announced by the Government.

Article 92. National Wages Council.

1. The National Wages Council is an advisory agency to the Government, including the members who are representatives of the Ministry of Labor – Invalids and Social Affairs, Vietnam General Confederation of Labor and the representative organization of the employer in the central.

2. The Government specifically regulates the functions, duties and organizational structure of the National Wages Council.

Article 93. Formulation of salary scale and payroll and labor norm

1. On the basis of the principles of formulating the salary scale, payroll and labor norms prescribed by the Government, the employer is responsible for formulating the salary scale, payroll and labor norm as a basis for labor recruitment and employment, salary agreement in the labor contract and salary payment to the employee

2. Upon formulating the salary scale, payroll and labor norms, the employer must consult with the representative organization of the labor collective at the grassroots level and publicize at the workplace of the employee before the formulation and simultaneously send them to the state management agency on labor at district level where the facility of production and business of the employer located.

Article 94. Form of salary payment

1. The employer has the right to make the salary payment by time, products or piecework. The chosen form of payment must be maintained for a certain period; in case of change of the payment form, the employer must notify the employee at least 10 days in advance.

2. Salary is paid in cash or paid through the employee's individual account opened at the bank. Where the payment made through bank account, the employer must agree with the employee on the various fees related to opening and maintaining the account.

Article 95. Payment term

1. The employee whose salary based on hour, day and week shall be paid by hour, day and week or a lump sum agreed upon by both parties, but a lump sum must be paid once at least 15 days

2. The employee whose salary based on month shall be paid once a month or once a fortnight.

3. The employee whose salary based on the product and piecework shall be paid as agreed upon by both parties; if the work has to be done in many months, the monthly salary shall be advanced by the volume of work done during the month.

Article 96. Principle of salary payment

The employee is paid directly, fully and in a timely manner.

In special case the salary may not be paid in a timely manner, it must not be later than 01 month and the employer must pay the employee an additional amount at least equal to the deposit interest rates by the State Bank of Vietnam announced at the time of payment.

Article 97. Overtime and working at night salary

1. The employee who works overtime is paid according to salary unit price or the salary by the job duties as follows:

a) On weekdays, at least 150%;

b) On weekly days-off, at least 200%;

c) On holidays and days-off with pay, at least 300% not including the salary of holiday and days-off for employee enjoying daily salary.

2. Employee working at night shall be additionally paid at least 30% of the salary calculated by the salary unit price or the work salary under a normal working day

3. The employee working overtime at night, in addition to the salary as prescribed in Clause 1 and Clause 2 of this Article, the employee shall also be paid an additional 20% of salary calculated by the salary unit price or the salary of work done in the day time

Article 98. Stop of working salary

In cases where the employee has to cease working, he shall be paid as follows:

1. If due to the fault of the employer, the employee shall be entitled to payment of the full salary;

2. If due to the fault of the employee, that employee shall not be entitled to salary payment; other employees in the same unit who have to cease work shall be paid the salary at the rate agreed on by the two parties provided that this salary rate is not less than the regional minimal salary rate as prescribed by the Government;

3. If there is a breakdown in electricity or water not due to the fault of the employer, or the employee or due to reasons of force majeure such as natural disasters, fire, dangerous epidemics, *enemy*-inflicts destruction, relocation of work place as required by the competent state agency or economic reasons, the salary for the working cease shall be agreed on by the two parties but shall not be less than the regional minimum wage as prescribed by the Government.

Article 99. Making salary payment through the contractor's foreman

1. Where a contractor's foreman or equivalent intermediary is employed, the employer who is the principal owner must have a list of the names and addresses of such persons accompanied by a list of their employees, and must ensure that their activities comply with the provisions of the law on salary payment, labor safety and labor sanitation.

2. In case the contractor's foreman or the equivalent intermediary fails to pay, or pay in full or to ensure other interests of employees, the employer who is the principal owner must be responsible for the full salary payment and for ensuring such interests for the employees. In this case, the employer who is the principal owner shall have the right to request the compensation from the contractor's foreman or equivalent intermediary, or request a competent State agency to resolve the dispute in accordance with the provisions of the law.

Article 100. Advance of salary payment

1. The employee shall be entitled to an advance of salary payment in accordance with the conditions agreed by both parties.

2. The employer shall advance the salary payment corresponding to the number of days the employee temporarily leaves his work to perform duties of citizen from 01 week or more but not exceeding 01 month salary maximally and the employee shall refund the advanced amount except for execution of military service.

Article 101. Deduction of salary

1. The employer is only entitled to deduct the salary of employee for the compensation of damages of tools and equipment of the employer as prescribed in Article 130 of this Code.

2. The employee shall have the right to be aware of the reasons for the deduction of his salary

3. The rate of monthly salary deduction may not exceed 30% of the employee's monthly salary after the payment of compulsory social insurance, health insurance, unemployment insurance and income tax.

Article 102. Regulation on allowance, subsidy, scale and salary increase.

The regulation on allowance, subsidy, scale and salary increase and incentives for the employee shall be agreed upon in the labor contract, collective labor agreement or the provisions specified by the employer

Article 103. Bonus

1. Bonus is the amount that employer rewards the employee based on the annual business and production results and the level of work completion of the employee.

2. The regulation on bonus shall be decided by the employer and publicly announced at the workplace after consulting the representative organization of the labor collective at the grassroots level.

Chapter VII

WORKING HOURS AND BREAK HOURS

Section 1. WORKING HOURS

Article 104. Normal working hours

1. Working hours shall not exceed 08 hours per day or forty eight (48) hours per week.

2. The employer shall have the right to determine the working hours on a daily or a weekly basis; in case of weekly basis, the normal working hours shall not exceed 10 hours/1 day, but not exceed 48 hours/1 week

The State encourages the employer to implement the 40-hour working week.

3. The working hours shall not exceed 06 hours in 01 day for those whose works are extremely hard, harmful and dangerous under the list issued by the Ministry of Labor – Invalids and Social Affairs in coordination with the Ministry of Health.

Article 105. Working hour at night

The working hour at night is calculated from 22 pm to 6 am of the following day.

Article 106. Overtime working

1. Overtime working is the working period besides the normal working hours specified in the law, the collective labor agreement or the labor rule.

2. The employer is entitle to employ the employee to work overtime upon satisfying the following conditions:

a) With the consent of the employee;

b) To ensure that the overtime hours of the employee shall not exceed 50% of the normal working hours in 01 days, in case of application of working regulation on weekly basis, , the total normal working hours and the overtime hours shall not exceed 12 hours in a day, and less than 30 hours in 01 months and the total of not more than 200 hours in 01 year, except for some special cases stipulated by the Government for the overtime working but shall not be more than 300 hours in 01 years;

c) After each time of overtime working with consecutive days in month, the employer must arrange for the employee to take compensatory leave for the time without days-off.

Article 107. Overtime working in the special case

The employer has the right require the employees to work overtime on any day and the employees shall not be entitled to decline in the following cases:

1. Performing the mobilization order to guarantee the duties of national defense and security in the state of emergency on national defense and security as prescribed by law;

2. Performing work to protect human life and property of the agencies, organizations and individuals in the preventing and surmounting the consequence of the natural disasters, fire, epidemics and disasters.

Section 2. BREAK HOURS

Article 108. Break during working hour

1. The employee who works for 08 or 06 hours consecutively as prescribed in the Article 104 of this Code shall be entitled to a break of at least half an hour which shall be included in the number of working hours.

2. In case of working nightshift, the employee shall be entitled to a break of at least forty five (45) minutes which shall be included in the number of working hours.

3. Besides the break between the hours specified in Clause 1 and Clause 2 of this Article, the employer shall determine the time of the short breaks and record in the labor rule.

Article 109. Break after shift

The employee who works by shift is entitled to a break at least 12 hours before starting another shift.

Article 110. Weekly rest

1. In every week, each employee shall be entitled to a rest of at least twenty four consecutive hours. In special cases, due to the work cycle, the employee cannot take weekly rest, then the employer shall ensure that employees is entitled to at least 04 days/ 01 months on average.

2. The employer has the right to decide and arrange the weekly rest on Sundays or a fixed date in a week but must record in the labor rule.

Article 111. Annual leave

1. An employee who has 12 months in full to work for an employer shall be entitled to annual leave fully paid under the labor contract as follows:

a) Twelve (12) working days shall apply to employees working in normal working conditions;

b) Fourteen (14) working days shall apply to persons working in heavy, dangerous, or toxic jobs, or in places with harsh living conditions under the list issued by the Ministry of Labor, Invalids

and Social Affairs in coordination with the Ministry of Health and to the employee under the age or the disabled employee

c) Sixteen (16) working days shall apply to persons working in extremely heavy, dangerous, or toxic jobs, or to the persons working in places with extremely harsh living conditions under the list issued by the Ministry of Labor, Invalids and Social Affairs in coordination with the Ministry of Health.

2. The employer is entitled to regulate the annual leave schedule after consulting with the employees and must give notice to employees in advance.

3. The employee can agree with the employer on taking annual leave in installments or combining 03 annual leave into one leave maximally.

4. When taking annual leave, if the employee travels by road, railway and waterway vehicles, the number of days to go and come back is over 02 days, from the 3rd day onwards, the traveling time is added besides the annual leave and is calculated only one time in a year.

Article 112. Annual leave increased by work seniority

Every 05 working years for an employer, the number of annual leave of the employee as prescribed in Clause 1 of Article 111 of this Code shall be increased 01 day accordingly

Article 113. Advance of salary and traveling expenses for the annual leave

1. When taking annual leave, the employee is advanced an amount at least equal to the salary of the days-off.

2. The travel expenses and salary in the traveling days shall be agreed by both parties.

For employees in the lowland working in the upland and remote areas, border, island and the employee in the upland and remote areas, border and island areas working in the lowland, the employer shall pay the traveling expenses and salaries in the traveling days to the employee.

Article 114. Payment of salary of the days-off untaken

1. An employee of an enterprise who, due to job leaving, job loss or other reasons, fails to take his annual leave or has not used up all his annual leave shall be paid salary for those days not taken.

2. An employee whose period of employment is less than twelve (12) months shall be entitled to annual leave of a duration calculated in proportion to the period of employment. In case of not taking leave, he may receive the payment instead.

Section 3. HOLIDAY LEAVE, PERSONAL LEAVE AND LEAVE WITHOUT PAY

Article 115. Holiday and Tet leave

1. An employee shall be entitled to have days off fully paid on the following public holidays:

a) Calendar New Year Holiday: one day (the first day of January of each calendar year);

b) Lunar New Year Holidays: Five days

c) Victory Day: 01 day (the 30th of April of each calendar year);

d) International Labor Day: one day (the first day of May of each calendar year);

dd) National Day: 01 day (the second day of September of each calendar year).

e) Hung Kings Commemoration Day (the 10th of March of each Lunar year)

2. The employees who are foreign citizens working in Vietnam, besides the holidays as prescribed in Clause 1 of this Article, they also take an additional day of traditional Tet and 01 day of their country's National Day.

3. Where the public holidays as prescribed in clause 1 of this Article coincide with a weekly days- off, the employee shall be entitled to take the succeeding compensatory days-off instead.

Article 116. Personal leave and leave without Pay

1. An employee may take leave for personal reasons but fully paid in the following cases:

a) Marriage: 03 days;

b) Marriage of his children: 01 day;

c) Death of natural parents, wife or husband's parents, wife or husband or child: 03 days.

2. An employee may take 01 day leaves unpaid and must notify the employer when his grandparents, natural brother and sister dies; parent or mother gets married; natural brother and sister gets married.

3. In addition to the provisions of Clause 1 and Clause 2 of this Article, the employee may agree with the employer to take unpaid leave.

Section 4. WORKING TIME AND REST TIME FOR THE PERSON PERFORMING WORK WITH PARTICULAR PROPERTIES.

Article 117. Working time and rest time for the person performing work with particular properties.

For jobs with particular properties in the area of road, railways, waterways and air transportation, oil and gas exploration and extraction at sea; working at sea, in the area of art; using radiation and nuclear engineering; application of high frequency waves; diver's work, work in the pit; work of seasonal production and work of goods processing by the purchase order; the 24/24 permanent work, the management ministries and sector shall specifically regulate the working

time and the rest time after having agreed with the Ministry of Labor, Invalids and Social Affairs and must comply with the provisions in the Article 18 of this Code.

Chapter VIII

LABOR DISCIPLINE AND MATERIAL RESPONSIBILITY

Section 1. LABOR DISCIPLINE

Article 118. Labor discipline

Labor discipline is the regulations concerning the compliance with the time, technology, and business and production management in the labor rule.

Article 119. Labor rule

1. The employer who employs from ten (10) or more employees must have the labor rule in writing.

2. The contents of the labor rule must not be contrary to the law on labor and other regulations of the relevant law. The labor rule includes the following essential contents:

a) Working hours and rest time;

b) Order at the workplace;

c) Labor safety and hygiene at the workplace;

d) Protection of assets and business and technology secrets and intellectual property of the employer;

dd) Acts of violation of the labor rule of the employee and the forms of labor discipline and material responsibility

3. Before issuing the labor rule, the employer must consult the representative organization of the labor collective at the grassroots level.

4. The labor rule must be notified to the worker and the main contents must be posted at necessary places within the enterprise.

Article 120. Registration of labor rule

1. The employer must register the labor rule at the state management agency on labor at the provincial level.

2. Within 10 days from the date of promulgation of labor rule, the employer must submit dossier for registration of the labor rule.

3. Within 07 working days after receipt of the dossier for registration of the labor rule, if the labor rule contains the provisions contrary to law, the state management agency on labor at provicial level shall notify and guide the employer to make amendment and supplementation.

Article 121. Dossier for registration of the labor rule

Dossier for registration of the labor rule includes:

1. The written request for registration of the labor rule;

2. The documents of the employer that have provisions relating to the labor discipline and material responsibilities

3. The minutes of opinions of the representative organization of the labor collective at the grassroots level.

4. The labor rule

Article 122. Effect of the labor rule

The labor rule shall take effect after 15 days from the date the state management agency on labor at provincial level receives the dossier for registration of the labor rule, except for the case prescribed in clause 3, Article 120 of this Code

Article 123. Principles and procedures of labor discipline

1. The labor discipline is regulated as follows:

a) The employer must prove the employee's fault;

b) There must be the participation of the representative organization of the labor collective at the grassroots level.

c) The employee must be present and has the right to defend himself, request a lawyer or someone to defend. In case of a person under age 18, there must be the participation of parents or the legal representative;

d) The labor discipline must be made in writing.

2. There is no permission to apply various forms of labor discipline for a violation of labor discipline.

3. When an employee at the same time has many acts of violation of the labor discipline, only the highest form of discipline shall apply corresponding to the most serious act of violation.

4. There is no permission for the labor discipline for the employee in the following time

a) Taking leave due to sickness, in convalescence and work leave with the permission of the employer;

b) Being in custody or detention;

c) Awaiting the results of the competent authority to investigate, verify and conclude for the acts of violations prescribed in Clause 1, Article 126 of this Code;

d) The female employee is pregnant and takes maternity leave; the employee nourishes her child under 12 months old

5. No labor discipline for the employee violating the labor discipline while suffering from the mental illness or another disease that causes the loss of consciousness ability or the loss of his behavior control

Article 124. Limitation of labor discipline

1. The limitation of labor discipline is up to 06 months from the date the occurrence of violation; in case the act of violation is directly related to the finance, property, disclosure of business and technology secret of the employer, the limitation of the labor discipline is up to 12 months.

2. When the time period is over as specified in points a, b and c, Clause 4 of the Article 123, if the limitation is still valid to discipline the employees, the employer shall conduct the labor discipline immediately, if the limitation expires, it shall be extended for the labor discipline but not exceeding 60 days maximally from the end date of the time period above mentioned.

When the time period specified at Point d, Clause 4 of the Article 123 is over but the limitation of the labor discipline has ended, the limitation shall be extended for the labor discipline but not exceeding 60 days maximally from the end date of the time period above mentioned.

3. The decision on the labor discipline must be issued within the time limit specified in Clause 1 and Clause 2 of this Article.

Article 125. Form of labor discipline

1. Reprimand

2. Prolongation of wage increase within 06 months; dismissed from office.

3. Dismissal

Article 126. Application of the form of disciplinary dismissal

The form of disciplinary dismissal is applied by the employer in the following cases:

1. The employee has the act of theft, embezzlement, gambling, intentionally causing injury, using drug within the workplace, disclosing the technology and business secrets, intellectual property infringement of the employer, having the act of causing serious damage or threatening to cause extremely serious damage to the property and interests of the employer;

2. The employee is disciplined by the prolongation of salary increase period but still repeating the violation during the time the disciplinary has not been cancelled or disciplined by the dismissal but still repeating the violation.

Recidivism is the case the employee repeats the act of violation that was disciplined but the discipline has not been deleted as prescribed in the Article 127 of this Code

3. The employee quits his job willingly totally 05 days in 01 months or 20 days totally in 01 year without any proper reason.

The cases are considered the proper reason including: natural disaster, fire, self and relative falls ill with the certification of the competent medical facility and other cases prescribed in the labor rule.

Article 127. Deletion of discipline and reduce of execution term of labor discipline

1. The employee is reprimanded after 03 months, or is disciplined by the prolongation of salary increase period after 06 months from the date of being handled, if the violation is not repeated, the discipline shall be automatically deleted. In case of labor discipline in the form of dismissal, after a period of 03 years, if violation of labor discipline is repeated, it shall not be considered recidivism.

2. The employee is disciplined by the prolongation of salary increase period, after having executed half the period, if making progress in discipline execution, he may be considered by the employer for a remission

Article 128. Prohibited regulation upon labor discipline

1. Violating the employee's body or dignity.

2. Applying the form of fine, salary cutting in lieu of labor discipline.

3. Handling the labor discipline for the employee having the act of violation not prescribed in the labor rule.

Article 129. Suspension of work

1. The employer has the right to suspend the work of the employee when the violation has complicated circumstances, seeing that if letting the employee continue working, which shall cause the difficulty for the verification. The suspension of the employee's work is done only after consultation with the representative organizations of the labor collective at the grassroots level.

2. The temporary suspension shall not exceed 15 days and not exceeding 90 days in special cases. During the time of work suspension, the employee shall be advanced 50% of the salary before being suspended from work.

Upon the end of work suspension, the employer must get the employee back to work.

3. Where the employee receives the labor discipline, the employee does not have to pay back the salary already advanced.

4. Where the employee does not receive the labor discipline, the employer shall make the salary payment for the period of work suspension

Section 2. MATERIAL RESPONSIBILITY

Article 130. Damage compensation

1. If the employee causes damage to the tools or equipment or has other acts that cause damage to the employer's property, he shall make a compensation as prescribed by the law

In case the employee does not cause serious damage due to negligence with a value not exceeding the regional minimal salary of 10 month announced by the Government applied at the employee's workplace, the employee shall make a compensation of 03 months' salary at most and be deducted from the monthly salary as prescribed in Clause 3, Article 101 of this Code.

2. Where the employee loses the tools, equipment and property of the employer or other property assigned by the employer or consumes the materials over the permitted norm, he shall be liable for making the compensation of damages partially or entirely according to current market price; in case of a liability contract, he shall make the compensation under the liability contract; in case of natural disasters, fire, *enemy*-inflicts destruction, epidemics, disasters and occurrence of unforeseeable and insurmountable objective events despite taking all necessary measures and allowable ability, he shall not make the compensation.

Article 131. Principle and order and procedure for the handling of damage compensation.

1. The consideration and decision on the rate of compensation must be based on the fault, the actual extent of damage and the actual family situation, personal record and property of the employee.

2. The order, procedure and limitation of the handling of the damage compensation apply in accordance with the Article 123 and 124 of this Code

Article 132. Complaint about labor discipline and material responsibility

The person subject to the handling of labor discipline, work suspension or damage compensation under the material regime, if thinking unsatisfactory, he may lodge a complaint with the employer, the competent authorities in accordance with regulation of the law or request to settle the labor disputes in the order prescribed by law.

Chapter IX

LABOR SAFETY AND HYGIENE

Section 1. GENERAL PROVISIONS ON LABOR SAFETY AND HYGIENE

Article 133. Compliance with the law on labor safety and hygiene

All enterprises, agencies, organizations and individuals related to labor and production must comply with the law on labor safety and hygiene.

Article 134. State policy on labor safety and hygiene

1. The State has invested in scientific research and supported the development of the facilities manufacturing the equipment of labor safety and hygiene, and personal protective equipment.

2. Encouraging the development of services on labor safety and hygiene.

Article 135. Program of labor safety and hygiene

1. The Government has decided the national Program on labor safety and hygiene.

2. The provincial People's Committee shall build and present the people's Council to decide the labor safety and hygiene program within the scope of locality and put into the plan of social and economic development.

Article 136. National technical regulations on labor safety and hygiene

1. The Ministry of Labor, Invalids and Social Affairs shall preside over and coordinate with the ministries and sectors and localities to build, issue and make guidance for implementation of the national technical regulations on labor safety and hygiene.

2. The employer shall rely on the standards and national technical regulations, the local technical regulations on labor safety and hygiene to build the rules and working procedures to guarantee the labor safety and hygiene in accordance with each type of machinery, equipment and workplace.

Article 137. Guaranteeing the labor safety and hygiene at the workplace

1. When newly building, expanding or improving the works and facility for production, utilization, preservation and storage of machinery, equipment, materials and substances with strict requirements on labor safety and hygiene, the investor and employer must make a plan on the measures to guarantee the labor safety and hygiene for the workplace of employees and the environment.

2. When manufacturing, using, preserving and transporting the type of machinery, equipment, materials, energy, electricity, chemicals, plant protection drugs, the change of technology and import of new technology must comply with the national technical regulations on labor safety and hygiene or the standard on labor safety and hygiene at workplace that has been published and applied.

Article 138. Obligations of the employer and employee for the work of labor safety and hygiene

1. The employer has the following obligations:

a) To ensure the workplace meets the requirements of space, ventilation, dust, steam, toxic gas, radiation, electromagnetic field, heat, humidity, noise, vibration and other harmful elements specified in the relevant technical regulations and those factors must be tested and measured periodically.

b) To ensure the conditions on labor safety and hygiene for machinery, equipment, workshop to reach the national technical regulations on labor safety and hygiene or standards on labor safety and hygiene at the workplace that has been published and applied.

c) Testing and assessing the dangerous and harmful factors, harmful at workplace of the facility to set out the exclusion measures to minimize hazards, harmfulness and improve the working conditions and health care for the employees;

d) Periodically testing and maintaining the machinery, equipment, workshops and warehouses;

dd) There must be instruction table on labor safety and hygiene for the machinery, equipment and workplace and it should be put at the legible and visible place labor safety and hygiene the workplace;

e) Gathering opinions of the representative organization of labor collective at the grassroots level when making a plan and implementing the activities to guarantee the labor safety and hygiene.

2.The employee has the following obligations:

a) To comply with the regulations, procedures and rules on the labor safety and hygiene related to the work and duties assigned.

b) To use and maintain the personal protective equipment already equipped; the equipment of labor safety and hygiene at the workplace;

c) To promptly report to the responsible person upon detecting the risk of occurrence of occupational accident and disease, toxic or dangerous incident, to participate in emergency and remedy the consequence of occupational accident upon the employer’s order.

Section 2. OCCUPATIONAL ACCIDENT AND DISEASE

Article 139. Person performing work of labor safety and hygiene

1. The employer must appoint a person performing the work of labor safety and hygiene. For the production and business facilities in the areas with the risks of occupational accidents and diseases and with the employment of 10 employees or more, the employer must appoint a person with relevant expertise to be in charge of the work of labor safety and hygiene

2. The person performing the work of labor safety and hygiene must be trained on the labor safety and hygiene

Article 140. Handling of incidents and emergency response

1. In the handling of incidents and emergency response, the employer has the following responsibilities:

a) Making a plan for handling of incidents and emergency response and periodically organizing the exercises;

b) Being equipped with the technical and medical facilities to ensure the timely rescue and first aid upon the occurrence of labor incidents and accidents;

c) Immediately implementing the remedial measures or immediately ordering the cease of operation of machinery, equipment, workplace likely to cause occupational accidents and diseases.

2. The employee has the right to refuse to perform the work or quit the workplace and still get payment of full salary and is not considered violation of labor discipline upon clearly seeing the risk of occurrence of occupational accidents and diseases, seriously threatening his life or health and he must immediately notify the person in direct charge. The employer shall not force the employee to continue that work or return to that workplace if the danger has not been remedied.

Article 141. Allowance in kind for the employee working in dangerous and hazardous conditions

The person working in dangerous and hazardous conditions shall receive the allowance in kind as prescribed by the Ministry of Labor, Invalids and Social Affairs

Article 142. Occupational accident

1. Occupational accident is an accident that causes injury to any part and function of the body or death to employee occurring during the working process associated with the implementation of work and labor tasks.

This regulations applies to trade apprentice, trainee and probationer

2. The person suffering occupational accident must receive a timely emergency and considerate treatment.

3. All occupational accidents and diseases and other serious incidents at the workplace must be declared, investigated, recorded, statistical and periodically reported as prescribed by the Government.

Article 143. Occupational disease

1. Occupational diseases are diseases caused by the harmful working conditions of the occupation effecting on the employee

The list of occupational diseases issued by the Ministry of Health in coordination with the Ministry of Labor - Invalids and Social Affairs after gathering opinions of the General Confederation of Labor of Vietnam and the representative organizations of employer

2. The person suffering from occupational disease must be treated carefully, examined health periodically and has separate health record.

Article 144. Responsibilities of the employer for the person suffering occupational accident and disease.

1. Making the payment of the co-payment costs and the costs not included under the list paid by the health insurance for the employee participating in health insurance and making full payment of all medical expenses from the first aid, emergency to the stable treatment for the employees not participating in health insurance.

2. Making full payment of salary under the labor contract to the employee suffering the occupational accident and disease and having to take leave during treatment.

3. Making compensation to the employee suffering the occupational accident and disease as prescribed in the Article 145 of this Code.

Article 145. Rights of the employee suffering the occupational accident and disease

1. The employees participating in compulsory social insurance are entitled to enjoy the regime of occupational accident and disease in accordance with the Law on social insurance.

2. The employee subject to participating in compulsory social insurance but the employer have not paid the social insurance premiums to the social insurance agency, he shall be paid an amount corresponding to the regime of occupational accident and disease under the Law on social insurance.

The payment can be made once or every month as agreed by the parties.

3. The employee with occupational accidents and disease not due to the fault of employee and reduced working capacity from 5% or more shall be compensated by the employer at the following rate:

a) At least equal to 1.5 month' salary under the labor contract if the employee is reduced from 5.0% to 10% of his working capacity and then every 1.0% increase, an addition of 0.4 months of salary under the labor contract if reduced working capacity from 11% to 80%;

b) At least 30 months' salary under labor contract for the employee reduced his working capacity from 81% or more or for the death of the employee's relative from the occupational accidents.

4. Where due to the fault of the employee, he also receives an allowance of an amount at least equal to 40% of the rate prescribed in Clause 3 of this Article.

Article 146. Prohibited acts in the labor safety and hygiene

1. Making payment in cash instead of allowance in kind

2. Concealing, declaring or reporting falsely the truth about the occupational accident and diseases.

Section 3. PREVENTION OF OCCUPATIONAL ACCIDENT AND DISEASES.

Article 147. Inspection of machinery, equipment and materials with strict requirement on labor safety

1. The types of machinery, equipment and materials with strict requirements on labor safety must be inspected before being put into use and periodically inspected during the process of utilization by the organization of technical inspection of labor safety.

2. The list of machinery, equipment and materials with strict requirements on labor safety is issued by the Ministry of Labor, War Invalids and Social Affairs.

3. The Government regulates the conditions of the organization of technical inspection of labor safety.

Article 148. Plan for labor safety and hygiene

Each year, upon making plan for production and business, the employer must make a plan and measures for the labor safety and hygiene and improve the working conditions.

Article 149. Means of personal protection in labor

1. The employee who performs work with the toxic and dangerous factors shall be fully equipped with the means of personal protection by the employer and must use them during the working process in accordance with the Ministry of Labor - Invalids and society.

2. The means of personal protection must meet the standard of quality

Article 150. Training on labor safety and hygiene

1. The employer, person performing work of labor safety and hygiene must take part in a training course on the labor safety and hygiene and is examined, tested and granted certificate performed by the organization of training service operation on labor safety and hygiene.

2. The employer must organize the training on labor safety and hygiene to the employee, trade apprentice, trainee upon recruitment and personnel arrangement; making guidance of regulations

on labor safety and hygiene to the person visiting and working at the facility under the scope of management of the employer.

3. The employees performing work with strict requirements on labor safety and hygiene must attend a training course of labor safety and hygiene, taking examination and receiving the certificate.

4. The Ministry of Labor - Invalids and Social Affairs stipulates the conditions of the organization of training service operation on labor safety and hygiene; building a framework program of training on labor safety and hygiene; the list of work with strict requirements on labor safety

Article 151. Information on labor safety and hygiene

The employer must announce the complete information on the situation of occupational accidents, occupational diseases, dangerous and harmful factors, and measures to ensure the labor safety and hygiene at workplace for the employee

Article 152. Health care for employee

1. The employer must rely on the health standards regulated for each type of work for recruitment and arrangement of employees.

2. Each year, the employer must organize periodic health examinations for the employee, including the trade apprentice, trainee, female employees must receive the *gynecology* examination, person who performs hard and hazardous work, the disabled and juvenile employee, elderly employee health must be examined health at least once for every 6 months.

3. The employees working in conditions at risk of occupational disease must be examined the occupational disease as prescribed by the Ministry of Health.

4. The employee with occupational accident and disease must receive a medical examination for disability rating, determination of the degree of reduction of working capacity and shall be under the treatment, working rehabilitation and in convalescence in accordance with the law.

5. The employee after suffering from occupational accident and disease, if being able to keep on working, he shall be arranged a job suitable to his health in accordance with the conclusions of the Medical Examination Council on labor

6. The employer must manage the health records of employees and a general monitoring record in accordance with the regulations of the Ministry of Health.

7. The employee working at the place where there are toxic and infectious factors, upon the end of the working hours, the employer must guarantee the measures of decontamination and sterilization.

Chapter X

PRIVATE REGULATIONS FOR FEMALE EMPLOYEE

Article 153. State policies for female employee

1. To ensure the equal working rights of female employee

2. To encourage employers to create conditions for female employee to work regularly and widely apply the flexible timetable working regime, working shorter hours and assigning work at home.

3. To take measures to create jobs, improve working conditions; improve their occupational level, health care, enhancing the physical and mental welfare for female employees to help them promote their professional capacity efficiently, harmoniously combining the working life and family life.

4. To have tax reduction for employer who employs many women employees in accordance with the law on tax.

5. To expand the type of training convenient for women employee to have additional reserve job and appropriate with the physical physiological characteristics, and maternal functions of women.

6. The State makes plans and takes measures for the organization of preschool, kindergarten at the place where there are many female employees.

Article 154. Obligations of the employer for the female employee

1. To ensure the gender equality and measures to promote the gender equality in recruitment, utilization, training, working time, rest time, salary and other regimes.

2. To gather opinions of the female employees or their representative upon making decision on the rights and interest of women.

3. To ensure that there are enough suitable bathrooms and toilets at the workplace.

4. To assist and support the building of nursery school, kindergarten or partial cost of child care at kindergartens for female employee.

Article 155. Maternity protection for women employee

1. The employer is not entitled to use female employee to work at night, work overtime work and take far business trip in the following cases:

a) Being pregnant from the 7th or 6th month if working in upland and remote areas, border and island areas;

b) Fostering child under 12 months old.

2. Female employee does heavy work during pregnancy from 07th month shall be transferred to lighter work or reduced 1 working hour every day but still enjoying full payment.

3. The employer is not entitled to dismiss or unilaterally terminate the labor contract with the female employee for the reason of marriage, pregnancy, maternity leave, fostering child under 12 months old, except for the case the employer is the individual who has died, is declared by the court of losing capacity of civil acts, missing or dead or the employer is not the individual terminating the operation.

4. During pregnancy, leave upon having a child under the provisions of law on social insurance, fostering child under 12 months old, female employees shall not receive the labor discipline.

5. Female employee during menstruation is entitled to take a break of 30 minute everyday; and 60 minutes a day during working hours while fostering child under 12 months of age with full payment under the labor contract.

Article 156. Right of unilateral termination and suspension of labor contract of pregnant employee

The pregnant female employee if certified by the competent medical facility that the fetus of the female employee will be affected if she continues to work, has the right to terminate the labor contract or suspend the labor contract performance. The time limit that the female employees must notify the employer depends on the time limit set by the competent medical facility.

Article 157. Maternity leave

1. The time the female employee is entitled to take leave before and after birth is 06 months.

In case the female employee gives a birth of twin or more, from the 2nd child onwards, every child, the mother is entitled to 01 month leave additionally.

The prenatal period of leave shall not exceed 02 months.

2. During maternity leave, the female employee is entitled to maternity leave under the provisions of law on social insurance.

3. Upon expiry of maternity leave as prescribed in Clause 1 of this Article, if having a demand, the female employees can take one more unpaid day under the agreement with the employer.

4. Before the expiry of maternity leave as prescribed in Clause 1 of this Article, if having a demand, with the certification of the competent medical facility concerning the early work

without harmfulness to the female employee's health and with the consent of the employer, the female employee can get back to work after taking leave of at 04 moths.

In this case, in addition to the salary of the working days paid by the employer, the female employee continues to receive maternity allowance under the provisions of law on social insurance.

Article 158. Guaranteeing work for female employee taking maternity leave

The female employee shall be guaranteed the old job upon returning to work after the end of maternity leave as prescribed in Clause 1 and Clause 3 of Article 157 of this Code, in case the old job no longer exists, the employer must arrange another job for her with the salary rate not lower than that before maternity leave.

In this case, in addition to the salary of the working days paid by the employer, the female employee continues to receive maternity allowance under the provisions of law on social insurance.

Article 159. Allowance upon leave to care for sick children, prenatal care, implementation of contraceptive methods

The time off work when prenatal care, miscarriage, abortion, stillbirth, pathological abortion, implementation of contraceptive methods, care of sick child under age 07, fostering adopted child under age 06, the female employee is entitled to social insurance allowances in accordance with the law on social insurance.

Article 160. Work without permission to employ female employee

1. The work can adversely affect the reproductive function and child fostering under the list issued by the Ministry of Labor - Invalids and Social Affairs in coordination with the Ministry of Health issued.

2. Performing the work regularly in water.

3. Performing the work regularly in mine

Chapter XI

EXCLUSIVE PROVISIONS FOR UNDER AGE EMPLOYEE AND A NUMBER OF TYPES OF EMPLOYEE

Section 1. UNDERAGE EMPLOYEE

Article 161. Underage employee

The underage employee is the employee under 18 years old

Article 162. Employment of underage employee

1. The employer only employs the underage employee in the jobs appropriate with his health to ensure the physical, intellectual development and personality development and is responsible for paying attention and taking care of the underage employee in terms of labor, salary, health and education in the labor process.

2. When employing underage employee, the employer must make a separate monitoring book, recording the full name, birth date, current job, the results of the periodical health examination and produce it upon the requirement of the competent state agency.

Article 163. Principle to employ the underage employee

1. Do not employ the underage employee to perform heavy, hazardous and dangerous jobs or the jobs negatively affecting his personality under the list issued by the Ministry of Labor - Invalids and Social Affairs in coordination with the Ministry of Health

2. The working hours of the underage employee from full 15 years of age to under 18 years must not exceed 08 hours in 01 days and 40 hours in 01 week

The working hours of person under 15 years must not exceed 4 hours in 01 days and 20 hours in 01 week without working overtime and at night.

3. The person from full years of age and under 18 years is entitled to work overtime and at night in some occupations and jobs in accordance with the Ministry of Labor - Invalids and Social Affairs.

4. Do not employ the underage employee to produce and trade in alcohol, wine, beer, tobacco, substances affecting mind and other drugs;

5. The employer must provide opportunities for the underage employee and person under 15 years old to take part in labor and cultural learning.

Article 164. Employing employee under 15 years old

1. The employer is only entitled to employ the person from full 13 years and under 15 years to perform light job under the list prescribed by the Ministry of Labor - Invalids and Social Affairs.

2. When employing the person from full 13 years and under 15 years, the employer must comply with the following provisions:

a) Must sign the labor contracts in writing with the legal representative and must be agreed by the full 13 year and under 15 year old person;

b) To arrange the working hours in order not to affect the class hour of the children;

c) To ensure the working conditions, labor safety and hygiene appropriate with the age of the underage employee;

3. Do not employ the employee under age 13 except for some specific work regulated by the Ministry of Labor - Invalids and Social Affairs.

When employing people under age 13 to work, the employer must comply with the provisions of Clause 2 of this Article.

Article 165. The work and workplace prohibiting employment of underage employee

1. Prohibiting the employment of underage employee to perform the following jobs:

a) Wearing, carrying and lifting heavy objects beyond the physical condition of the underage person;

b) Producing and using or transporting the chemicals, gases, explosives;

c) Maintaining the equipment and machinery;

d) Demolishing constructional building;

dd) Cooking, blowing, casting, rolling, stamping, welding metals;

e) Diving, offshore fishing;

g) Other work harming the health, safety or the ethics of the underage person.

2. Prohibiting the underage person to work at the following places

a) Underwater, underground, in caves and in the tunnel;

b) Constructional site;

c) Slaughter facility;

d) Casinos, bars, discos, karaoke rooms, hotels, motels, saunas and massage rooms;

dd) Other workplace harming the health, safety or the ethics of the underage person.

3. The Ministry of Labor - Invalids and Social Affairs specifies the list at Point g, Clause 1 and Point d, Clause 2 of this Article.

Section 2. ELDERLY EMPLOYEE

Article 166. Elderly employee

1. The elderly employee is the person who continues working after age as prescribed in Article 187 of this Code.

2. The elderly employee is entitled to shorten daily working hours or apply the regime of shorter hour working.

3. The final year before retirement, the employee is entitled to reduce the normal working hours or apply the regime of shorter hour working.

Article 167. Employment of elderly employee

1. When required, the employer may agree with healthy elder employee to prolong the term of labor contract or sign the new labor contract under the provisions of Chapter III of this Code.

2. Once retired, if working under a new labor contract, in addition to the interests under pension regime, the elderly employee still enjoys the interests agreed upon in labor contracts.

3. Do not employ the elderly employee to do the hard, hazardous and dangerous job adversely affecting the health of the elderly employee, except for the special cases as prescribed by the Government.

4. The employer is responsible to pay attention to and take care of the health of the elderly employee at the workplace.

Section 3. VIETNAMESE EMPLOYEE WORKING ABROAD, WORKING FOR FOREIGN ORGANIZATION AND INDIVIDUAL IN VIETNAM, FOREIGN EMPLOYEE WORKING IN VIETNAM

Article 168. Vietnamese employee working abroad, working for foreign organization and individual in Vietnam, foreign employee working in Vietnam

1. The State encourages the enterprises, agencies, organizations and individuals to seek and expand the labor market to send Vietnamese to work abroad.

Vietnamese employee working overseas must comply with the provisions of the law of Vietnam, the host country law, except the case of international agreement in which Vietnam is a member contains different provisions.

2. Vietnamese citizens working in foreign enterprises in Vietnam, in industrial parks, economic zones and export processing zones, in foreign or international agencies and organizations or working for individuals who are foreign citizens in Vietnam must comply with the law of Vietnam and are protected by law.

Article 169. Conditions of employee being the foreign citizen working in Vietnam.

1. The employee who is the foreign citizen working in Vietnam must have the following conditions:

a) Having capacity for civil acts in full;

b) Having qualification, skills and health in accordance with the job requirements;

c) Not being the criminal or prosecuted for criminal liability in accordance with the law of Vietnam and foreign law;

d) Having working permit granted by the Vietnamese competent state authorities, except for the cases as prescribed in the Article 172 of this Code.

2. The employee who is a foreign citizen working in Vietnam must comply with Vietnam's labor law, international agreement in which Vietnam is a member contains different provisions and protected by the law of Vietnam.

Article 170. Conditions for labor recruitment of foreign citizen

1. The enterprises, agencies, organizations, individuals and contractors in the country are only entitled to recruit foreign citizen to work as manager, operating director, specialist and technical employee while Vietnamese employee has not meet the production and business demand.

2. The foreign enterprises, agencies, organizations, individuals and contractors before recruiting employees who are foreign citizens to work in the territory of Vietnam must explain the demand for labor employment and be approved in writing from the competent state agency.

Article 171. Work permit for the employee being the foreign citizen to work in Vietnam

1. The employee who is a foreign citizen must present a work permit when carrying out the procedures related to the exit, entry and present as required from the competent state agency.

2. The foreign citizen coming to work in Vietnam without work permits will be expelled from the territory of Vietnam as stipulated by the Government.

3. The employer who employs foreign citizen without a work permit to work for him, shall be handled as prescribed by law.

Article 172. Foreign citizen working in Vietnam not subject to the grant of work permit

1. As contributing member, or owners of limited liability company.

2. As a member of the Board of Directors of the Joint Stock Company

3. As a Head of Representative Office, project of international organization, non-governmental organizations in Vietnam.

4. Coming to Vietnam with a period of less than 03 months to offer services

5. Coming to Vietnam with a period of less than 03 months to handle the problem, technical situation and complex technology arising that affect or threaten to affect the production and business that the Vietnamese and foreign experts currently in Vietnam cannot be handled.

6. As a foreign lawyer who has been licensed to practice law in Vietnam under the Law on Lawyers.

7. Under the provisions of international agreement in which the Socialist Republic of Vietnam is a member.

8. As students who are studying and working in Vietnam, but the employer must give a notice 07 days in advance to the provincial state management agency on labor.

9. Other cases as prescribed by the Government

Article 173. Time limit of the work permit

The time limit of the work permit is 02 maximally.

Article 174. Cases of expiration of work permit

1. Work permit has expired

2. Termination of labor contract

3. The content of the labor contract is not consistent with that of the issued work permit.

4. Contract in the area of economy, trade, finance, banking, insurance, technical science, culture, sports, education and health has been expired or terminated.

5. There is a written notice from the foreign countries on stopping sending foreign employees to work in Vietnam.

6. The work permit is revoked

7. Enterprises, organizations and partners from Vietnam or non-governmental organizations in Vietnam have ended their activities.

8. The employee is a foreign citizen who is imprisoned, dead or declared dead or missing by the court

Article 175. Grant, re-grant and revocation of work permit

The Government has specified the conditions for grant, re-grant and revocation of work permit for employee as foreign citizen working in Vietnam.

Section 4. DISABLE EMPLOYEES

Article 176. State policies for disabled employee

1. The State shall protect the right of work and self-employment of the disabled employee, having the policies of encouragement and incentives to the employer to create job and receive the disabled person to work as prescribed by the Law on disabled persons

2. The Government has stipulated the policies for preferential loans from the national Fund for the employer to employ disabled employee.

Article 177. Employing disabled employee

1. The employer must ensure that the working conditions, labor tools, labor safety and hygiene are in accordance with the disabled employee and regularly take care of their health.

2. The employer must gather the disabled employee upon making decisions on the issues related to their interests.

Article 178. Prohibited acts upon employment of disabled employee

1. Employing disabled employee with the working capacity reduced from 51% or more to work overtime or work at night.

2. Employing disabled employee to do heavy, hazardous or dangerous work, or exposure to toxic substances under the list issued by the Ministry of Labor - Invalids and Social Affairs in coordination with the Ministry of Health.

Section 5. EMPLOYEE AS HOUSEMAID

Article 179. Employee as housemaid

1. Employee working as housemaid is the employee regularly performs work in a household or many household

The house work including the housework, housekeeping, child care, patient care, elder care, driving, gardening and other work but not related to the commercial activities.

2. The person performing housework in the form of piecework is not subject to the application of this Code.

Article 180. Labor contract for employee as a housemaid

1. The employer must sign a labor contract in writing with the housemaid.

2. The time limit of the labor contract for the employee as a housemaid shall be agreed by both parties. One party has the right to unilaterally terminate the labor contract at any time but has to give a notice 15 days in advance.

3. Both parties shall agree and specify in the labor contract on the form of salary payment, term of payment, daily working hours, accommodation…

Article 181. Employer's obligations

1. Fully implementing all agreements already signed in the labor contract.

2. Paying the housemaid an amount of social insurance, health insurance as prescribed by law for employee to buy insurance herself.

3. Respecting the honor and dignity of the housemaid

4. Arranging the clean and hygienic accommodation for the housemaid if agreed.

5. Creating opportunities for the housemaid to participate in education, vocational training.

6. Paying fares when the housemaid terminates work and get home except for the case the housemaid terminates the labor contract ahead of time.

Article 182. Housemaid's obligations

1. Fully executing all agreements signed by both parties in the labor contract.

2. Having to compensate as agreed or as prescribed by the regulations of law if causing damage and loss of property of the employer.

3. Giving timely notice to the employer about the possibility, the risk of accidents and threat to the safety, health, life and property of employer's family and themselves.

4. Denouncing to the competent authorities if the employer has the acts of maltreatment, sexual harassment, forced labor or other acts of law violation.

Article 183. Prohibited acts for the employer

1. Maltreatment, sexual harassment, forced labor, force using for the employee as a housemaid.

2. Assigning the housemaid the work not specified in the labor contract

3. Keeping the housemaid's personal papers

Section 6. OTHER LABOR ACTIVITIES

Article 184. Employee working in area of art and sports

Person who performs trade or work in the area of art and sports is entitled to apply a number of appropriate regimes about the age of trade learning; about the labor contract signing, working and break time; the salary, salary allowance, bonus, labor safety and hygiene as prescribed by the Government.

Article 185. Employee receiving work to do at home

1. The employee can agree with the employer to receive work to do at home regularly.

2. The employee who works at home in the form of processing is not subject to the application of this Code

Chapter XII

SOCIAL INSURANCE

Article 186. Participation in social insurance and health insurance

1. The employer and the employee must participate in the mandatory social insurance and health insurance and unemployment insurance and shall enjoy the regimes as prescribed by the law on the social insurance and health insurance

Encouraging the employer and employee to perform other forms of social insurance for the employees.

2. During the leave with the enjoyment of the social insurance, the employer shall not pay salary to employees.

3. For employees not subject to participation in mandatory social insurance, mandatory health insurance, unemployment insurance, in addition to payment by the work, the employer shall pay

at the same time of the employee's payment period an additional amount equivalent to the rate of mandatory social insurance premium and mandatory health insurance, unemployment insurance and the amount of annual leave as prescribed.

Article 187. Pension age

1. The employee must satisfy the conditions of the social insurance payment in accordance with the law on social insurance to enjoy the pension salary when female is full 60-year-old and female is full 55 years old.

2. The employee has been reduced the working capacity; doing extremely hard, harmful or dangerous work; doing hard, harmful or dangerous work in upland and remote areas, border islands under the list stipulated by the Government shall be able to retire at younger age than specified in paragraph 1 of this Article.

3. The employee has high technical qualification, the employee working management task and some other special cases can retire at higher age but not more than 05 years compared with the provisions of Clause 1 of this Article.

4. The Government has stipulate the clause 2 and 3 of this Article.

Chapter XIII

TRADE UNION

Article 188. Role of trade union organization in labor relationship

1. The grassroots trade union performing the representatives role, protecting the legitimate and proper rights and interests of the trade union members, employee, participating, negotiating, signing and supervising the implementation of collective labor agreement, salary scale, payroll, labor norms and salary payment regulation, bonus regulation, labor rule and democracy regulation at enterprises, agencies and organizations, participating and supporting to settle labor dispute; dialogue and cooperation with employers to build harmonious, harmonious and progressive labor relations at the enterprises, agencies and organizations.

2. The direct superior grassroots trade union shall support the grassroots trade union to perform the functions and duties as prescribed in Clause 1 of this Article; propagating and educating, raising the awareness about labor law, law on trade unions for the employees

3. In areas where there is no trade union organization established at the grassroots level, the direct superior grassroots trade union shall fulfill the responsibilities as specified in clause 1 of this Article.

4. The Trade union organizations at all levels shall participate with the state management agencies at same level and the representative organization of the employer to exchange and settle the labor issues.

Article 189. Establishing and joining and operating trade union at enterprises, agencies and organizations

1. The employee working at the enterprises, agencies and organizations has the right to establish, join and operate the trade union in accordance with the Law on Trade unions.

2. The superior grassroots trade union has the right to mobilize the employee to join the trade union, establish the grassroots trade union at the enterprises, agencies and organizations and has the right to require the employer and the state management agency on labor to create conditions and support the establishment of the grassroots trade union.

3. When the grassroots trade union is established under the provisions of the Law on Trade union, the employer must recognize and create favorable conditions for the grassroots trade union to operate.

Article 190. Prohibited acts for the employer related to the establishment, joining and operation of trade union

1. Hindering or causing difficulties for the establishment, joining and operation of the trade union of the employee.

2. Coercing the employee to establish, join and operate the trade union.

4. Discriminating on salary, working hours and the rights and obligations in the labor relationship to prevent the establishment, joining and operation of trade union of the employee.

Article 191. Rights of the grassroots trade union official in the labor relationship

1. Meet employers for dialogue, exchange, negotiate on issues of labor and employers.

2. Coming to workplace in order to meet the employee within the scope of liability they represent

3. The places where the grassroots trade union has not been established, the direct superior grassroots trade union official is entitled to execute the rights provided in this Article.

Article 192. Responsibilities of employers to trade union

1. Creating favorable conditions for the employee to establish join and operate the trade union.

2. Coordinating and creating favorable conditions for the superior grassroots trade union to propagate, mobilize and develop trade union member, establish grassroots trade union and arrange specialized trade union official at the enterprises, agencies and organizations.

3. Guaranteeing the conditions for the grassroots trade union to operate under provisions in Article 193 of this Code.

4. Coordinating with the grassroots trade union to build and implement the democratic regulations, the operation coordination regulation in conformity with the functions and duties of each party.

5. Consulting with the grassroots trade union executive committee before issuing the provisions relating to the rights, obligations, regulations and policies for employees.

6. When the employee as a non-specialized trade union official is in the trade union term but his labor contract has expired, he shall be renewed the labor contracts already signed to the end of his trade union term.

7. When the employer unilaterally terminates the labor contract and perform another job, disciplines and dismisses employee who is the non-specialized trade union official, the employer must agree in writing with the grassroots trade union executive committee or the direct superior grassroots trade union executive committee.

In case failing to reach an agreement, both parties must report to the competent agency and organization. After 30 days from the date of giving notice to the local State management agencies, the employer has the right to make a decision and to take responsibility for his decisions.

In case of disagreement with the decision of the employer, the grassroots trade union executive committee and employee have the right to settle the labor disputes according to the procedures and order prescribed by law.

Article 193. Ensuring trade union operation condition at enterprises, agencies and organizations

1. The grassroots trade union is arranged the workplace and provided with information to ensure the necessary conditions for trade union operation.

2. The non-specialized trade union official is entitled to use the time in his working hours' for trade union operation as prescribed by the Law on Trade union and shall be paid by the employer.

3. The specialized trade union official at enterprises, agencies and organizations paid by the Trade union and is guaranteed by the employer the collective welfare as the employees working at the enterprises, agencies and organizations as agreed in the collective labor agreement or regulations of the employer.

Chapter XIV

SETTLEMENT OF LABOR DISPUTES

Section 1. GENERAL PROVISIONS ON SETTLEMENT OF LABOR DISPUTES

Article 194. Principles of settlement of labor disputes

1. Respecting and ensuring to let the parties negotiate and decide in the settlement of labor disputes by themselves

2. Ensuring the implementation of conciliation and arbitration on the basis of respect for the rights and interests of both parties, respect for the common good of society and not contrary to law.

3. Being public, transparent, objective, timely, rapid and lawful.

4. Ensuring the participation of representatives of the parties during the process of settlement of labor disputes.

5. The settlement of labor disputes must be directly negotiated by the two parties firstly to settle the harmonious interests of the two parties, stabilize the production and business and to ensure the social order and safety.

6. The settlement of labor disputes by the agencies, organizations and individuals having the competence to settle the labor disputes is conducted after either party files a requesting application due to the refusal of negotiation by either party, negotiation done but failed or successful negotiation but either party fails to perform the agreement.

Article 195. Responsibilities of agencies, organizations and individuals in settlement of labor disputes

1. The State management agencies on labor shall be responsible for coordinating with the trade union organization, the representative organization of the employer to make guidance and support and assist the parties in the settlement of labor disputes.

2. The Ministry of Labor - Invalids and Social Affairs shall organize the training to improve the professional capacity of the labor mediator, labor arbitrator in the settlement of labor disputes.

3. The State competent agency must actively and promptly settle the collective labor disputes on the rights.

Article 196. Rights and obligations of both parties in the settlement of labor disputes

1. In the settlement of labor disputes, both parties have the following rights

a) Directly or through the representatives to participate in the process of settlement;

b) Withdrawing application or changing the requested content;

c) Requesting the change of the person who settles the labor dispute if there is reason to believe that such person is not impartial or objective.

2. In settlement of labor disputes, both parties have the obligations:

a) Providing adequate and timely documentation and evidence to prove their claims;

b) Executing the agreements both parties have reached, the judgment or decision that has taken the legal effect.

Article 197. Rights of agencies, organizations and individuals with the competence to settle labor disputes

The agencies, organizations and individuals having the competence to settle the labor disputes within the scope of their duties and powers may request the disputing parties, the agencies, organizations and individuals concerned to provide financial data, evidence, solicit expertise, witnesses and the persons concerned.

Article 198. Labor mediator,

1. The labor conciliator is appointed by the State management agency on labor at district, town and provincial city level to settle the labor disputes and disputes on vocational training contracts.

2. The Government regulates the standard and authority for appointment of labor mediator.

Article 199. Labor arbitration Council

1. The Chairman of provincial People's Committee shall decide to establish the labor arbitration Council. The labor arbitration Council includes the Head of the state management on labor, secretary of the Council and members who are the provincial trade union representatives, representative organizations of the employer. The number of members of the labor arbitration Council is an odd number and not exceeding 07 people.

In necessary case, the Chairman of the Labor Arbitration Council may invite the representatives of agencies and organizations concerned and the person who has experience in the area of labor relations at the locality.

2. The Labor Arbitration Council conducts the reconciliation of the collective labor disputes as follows:

a) Collective labor disputes on interests;

b) Collective labor dispute occurs at the labor employment units that are not entitled to go on strike under the list regulated by the Government.

3. The labor arbitration Council makes a decision by majority in the form of secret ballot voting.

4. The provincial People's Committee shall ensure the necessary conditions for the activities of the labor arbitration Council.

Section 2. AUTHORITY AND ORDER OF PERSONAL LABOR DISPUTE SETTLEMENT

Article 200. Agencies and individuals with the competence to settle individual labor disputes

1. The labor mediator

2. The People's Court

Article 201. Mediation order and procedures for labor dispute of the labor mediator

1. The personal labor dispute must be through the mediation procedures of the labor mediator before requiring the Court to settle except for the following labor disputes without having to go through the mediation procedures:

a) On the labor discipline in the form of dismissal or disputes over the case of unilateral termination of labor contract;

b) Regarding the compensation and allowance upon termination of labor contract;

c) Between the housemaid with the employer;

d) On the social insurance in conformity with the law on social insurance and health insurance as prescribed by the law on health insurance.

dd) Regarding the compensation between the employee and the enterprise, non-business units that send the employee to work overseas under contracts.

2. Within 05 working days after receiving the request for mediation, the labor mediator must end the mediation.

3. At the mediation meeting, there must be the presence of both disputing parties. The disputing parties may authorize the others to join the mediation meeting.

The labor mediator shall guide the parties to negotiate. Where the two parties reach agreement, the labor mediator shall make a record of successful mediation.

Where the two parties cannot reach agreement, the labor mediator shall give out a mediatory plan for both parties to consider. Where the two parties accept the mediatory plan, the labor mediator shall make a record of successful mediation.

Where the two parties do not accept the mediatory plan or a disputing party has been duly summoned twice but still absent without plausible reasons, the mediator shall make a record of unsuccessful mediation.

The record shall bear the signatures of both disputing parties and the labor mediator.

Copy of the record of successful mediation or unsuccessful mediation must be sent to both disputing parties within 01 working day from the date of making the record

4. In case of unsuccessful mediation or either party does not perform the agreements in the record of successful mediation or the time limit for settlement is over as prescribed in clause 2 of this Article but the labor mediator does not conduct the mediation, each disputing party has the right to request the settlement from the Court.

Article 202. Limitation for request of settlement of personal labor disputes

1. The limitation to request the labor mediator to perform the mediation of personal labor disputes is 06 months from the date of discovery of the acts whereby the disputing parties thinks that their rights and legitimate interests have been breached.

2. The limitation to request the court to settle individual labor disputes is 01 years from the date of discovery of the act whereby the disputing parties thinks that their rights and legitimate interests have been breached.

Section 3. COMPETENCE AND ORDER FOR SETTLEMENT OF COLLECTIVE LABOR DISPUTES

Article 203. Agencies, organizations and individuals with the competence to settle the collective labor disputes

1. The agencies, organizations and individuals with the competence to settle the collective labor disputes including:

a) Labor mediator;

b) Chairman of the People's Committees of districts, towns and provincial cities (hereinafter referred to as chairman of the district-level People’s Committee).

c) People’s Court.

2. The agencies, organizations and individuals with the competence to settle the the collective labor disputes with respect to interests including:

a) Labor mediator;

b) Labor arbitration Council.

Article 204. Order of settlement of collective labor dispute at the grassroots level

1. The order of settlement of collective labor dispute at the grassroots level is executed as prescribed in the Article 201 of this Code. The record of mediation must specify the type of collective labor dispute.

2. In case of unsuccessful mediation or either party fails to perform the agreements in the record of mediation, the following provisions shall apply:

a) For the collective labor disputes on the rights, the parties have the right to request the Chairman of district-level People's Committee for settlement;

b) For the collective labor disputes on the interests, the parties have the right to request the labor arbitration Council for settlement;

3. In case the time limit of the settlement is over as stipulated in Clause 2 of Article 201 of this Code but the labor mediator does not conduct the mediation, the parties have the right to submit petition to the district-level People's Committee Chairman for settlement.

Within 02 working days after receiving the request for settlement of collective labor disputes, the Chairman of district-level People's Committee shall determine the type of dispute of about the rights or interests

In case of collective labor dispute on the rights, the settlement shall be performed as stipulated in clause 2 of this Article and Article 205 of this Code.

In case of collective labor dispute on the interests, the parties requesting the settlement of dispute shall be guided immediately under the provisions in point b, clause 2 of this Article.

Article 206. Settlement of collective labor disputes on the rights of the Chairman of district Peoples' Committee.

1. Within 05 working days after receipt of request application for settlement of collective labor disputes on the rights, the chairman district-level People's Committees shall have to settle the labor disputes.

2. At the meeting to settle the labor disputes, there must be the representatives of both disputing parties. In necessary cases, the Chairman of district-level People's Committee shall invite the representatives of the agencies and organizations concerned to attend the meeting.

The Chairman of district-level People's Committee shall rely on the law on labor, collective labor agreement and the labor rule registered and the other legal regulations and agreements for consideration and settlement of labor disputes.

3. In the event the parties do not agree with the decision of Chairman of district-level People's Committee or if the deadline is over but the Chairman of district-level People's Committee does not settle, the parties have the right request the settlement from the Court.

Article 206. Settlement of collective labor disputes on the interests of the labor arbitration Council

1. Within 07 working days after receiving the application for settlement request, the labor arbitration council must finish the mediation.

2. At the meeting of the labor arbitration council, there must be the representatives of both parties. In necessary case, the Labor Arbitration Council shall invite the representatives of agencies, organizations and individuals concerned to attend the meeting.

The Labor Arbitration Council shall assist the parties to negotiate themselves, where the two parties fail to negotiate; the labor arbitration council shall offer a plan for both parties to consider.

In case the two parties reach agreement or accept the mediation plan, the labor arbitration Council shall make a record of successful mediation at the same time make a decision on recognizing the agreement of the parties.

In case the two parties fail to reach agreement or a disputing party has been duly summoned for the second time but still absent without plausible reason, the labor arbitration Council shall make a record of unsuccessful mediation

The record has the signatures of the present parties, the Chairman and secretary of the labor arbitration council.

The copy of record of successful mediation or unsuccessful mediation must be sent to both disputing parties within 01 working day from the date of making record.

3. After a period of 05 days from the date the Labor Arbitration Council sets up the record of successful mediation but one of the parties does not execute the agreement that has been reached, the labor collective has the right to conduct the procedures to go on strike.

In case the Labor Arbitration Council sets up the record of unsuccessful mediation, after a period of 03 days, the labor collective has the right to conduct the procedures to go on strike.

Article 207. Limitation of request for the settlement of collective labor dispute on the rights

The limitation of request for the settlement of collective labor dispute on the rights is 01 year from the date of discovery of the acts that the disputing parties think that their rights and interests are breached.

Article 208. Prohibiting unilateral action while the collective labor disputes under settlement

When the collective labor disputes are being settled by the competent agencies, organizations and individuals within the time limit prescribed by this Code, neither party has the right to take unilateral action against the other.

Section 4. STRIKE AND SETTLEMENT OF STRIKE

Article 209. Strike

1. The strike is the temporary, voluntary and organizational stopping of work of the labor collective in order to meet the requirements in the process of settlement of labor disputes.

2. The strike is only conducted for the collective labor disputes on the interests and after the time limit prescribed in Clause 3, Article 206 of this Code.

Article 210. Organization and leadership of strike

1. Where there is not grassroots trade union, strike must be organized and led by the the grassroots trade union executive committee.

2. Where there is not grassroots trade union, strike must be organized and led by the the superior trade union organization at the request of the employee.

Article 211. Strike order

1. Gathering opinion of the labor collective

2. Making a decision on strike

3. Conducting strike

Article 212. Procedures for gathering opinion of the labor collective

1. For a labor collective with the grassroots trade union organization, gather the opinions from the member of the grassroots trade union executive committee and the heads of production teams. Where there is not grassroots trade union, gather the opinions of the heads of production teams or of the employee.

2. The organization of opinion gathering may be made by card or signature.

3. Content of opinion gathering for strike including:

a) The plan of the trade union executive committee on the contents prescribed at Points b, c and d, Clause 2 of Article 213 of this Code;

b) Opinions of employees on the agreement or disagreement with the strike.

4. The time and form of opinion gathering for strike shall be decided by the trade union executive committee and must be announced to the employer thereof at least 01 days.

Article 213. Notice the starting time for the strike

1. When there is more than 50% of the people gathered their opinions agree with the plan of the union executive Committee, the trade union executive committee shall make a decision on strike in writing.

2. The decision on strike must have the following contents:

a) Result of opinion gathering on strike;

b) Starting time and place for the strike;

c) Scope of strike conducting;

d) Request of labor collective;

dd)ull name of the representative of the union executive Committee.

3. At least 05 working days prior to the starting day of the strike, the trade union executive committee shall send the strike decision to the employer, at the same time send 01 copy to the provincial State management agencies on labor, 01 copy to the provincial trade union.

4. At the time the strike starts, if the employer does not accept to settle the requirements of the labor collective, the trade union executive committee shall organize and lead the strike.

Article 214. Rights of the parties before and in the course of strike

1. To keep on agreement to settle the contents of collective labor disputes or jointly request the State management agency on labor, trade union organization and representative organization of the employer at provincial level to conduct the mediation.

2. The trade union executive committee has the following rights:

a) To withdraw the decision on strike if strike has not conducted yet or stop the strike if it is underway;

b) To require the Court to declare the strike is legitimate

3. The employer has the following rights

a) To accept the whole or a part of the requirements and give notice in writing to the Trade Union Executive Committee of union organizing, leading strikes;

b) To temporarily close the workplace during the strike due to ineligible to maintain the normal operation or to protect property;

c) To request the Court to declare the strike illegal.

Article 215. Cases of illegal strike

1. Not to arise from the collective labor disputes on the interests

2. To organize for the employees who do not work for the same employer to go on strike.

3. When the collective labor disputes have not been or are being settled by the agencies, organization and individual as prescribed by this Code

4. To be conducted at enterprises that are not entitled to go on strike under the list prescribed by the Government.

5. When there is a decision to delay or stop going on strike.

Article 216. Announcing decision on temporary closure of the workplace

At least 03 working days before the temporary closure of the workplace, the employer shall publicly posted the decision on temporary closure of the workplace and announce to the following agencies and organization:

1. The trade union executive committee organizing and leading the strike;
2. Provincial-level trade union;
3. The representative organization of the employer;
4. The State management agency on labor;
5. The district-level People's Committee where the head office located.

Article 217. Cases of prohibiting the temporary closure at the workplace

1. Before 12 hours from the time of the strike specified in the decision on strike.
2. After the labor collective stop the strike.

Article 218. Salary and other legal interests of the employee during the strike.

1. The employee who does not participate in the strike but has to stop working because of strike is paid for the stop of working as prescribed in Clause 2, Article 98 of this Code and other interests under the provisions of labor law.
2. The employee who takes part in the strike shall not be paid and other interests as prescribed by the law, unless otherwise agreed by both parties.

Article 219. Acts prohibited before, during and after the strike

1. To hinder the implementation of the right to strike or incite, induce or coerce the employee to go on strike; prevent the employee who does not take part in the strike from going to work.
2. To use violence; destroy machinery, equipment and property of the employer.
3. To infringe the *public order* and *safety*
4. To terminate the labor contract or handle the labor discipline to the employee, the strike leader, or appoint the employee and the strike leader to perform another job or go to work at other places because of strike preparation or strike participation.
5. To retaliate and revenge the employee for participating in the strike and the person leading the strike.
6. To take advantage of the strike to commit other acts of violations of the law.

Article 220. Prohibited cases of strike

1. Strikes are prohibited at the units using employee and essentially operating to the national economy because the strike may threaten the security, national defense, health and public order under the list issued by the Government.

2. The State management agencies must periodically listen the opinions of the labor collective and the employer to assist and resolve the legitimate requirements of the labor collective in a timely manner.

Article 221. Decision on postponement and stop of strike

When considering that the strike may cause serious damage to the national economy and the public interest, the Chairman of the provincial People's Committee shall decide to postpone or stop the strike and ask for settlement from the competent state agencies and authorities

The Government stipulates the postponement and stop of strike and settlement of interest of the labor collective

Article 222. Handling the strike with improper order and procedures

1. The Chairman of provincial People's Committee shall make a decision on declaring the strike has breached the order and procedures and immediately notify the Chairman of district-level People's Committee as the organization and leading of the strike do not comply with the Article 212 and Article 213 of this Code.

2. Within 12 hours after receiving notice of the Chairman of provincial People's Committee, the Chairman of district-level People's Committees shall preside over and coordinate with the State management agency on labor and trade union at the same level and other agencies and organizations directly concerned to meet with the employer and the grassroots trade union executive committee or the superior trade union to hear the parties' opinions and support them to find the measures for settlement and put the operation of production and business back to normal condition.

Section 5. COURT'S CONSIDERATION OF LEGALITY OF THE STRIKE

Article 223. Requesting the Court to consider the legality of the strike

1. During the strike or in the period of 03 months, from the date of termination of the strike, each party has the right to submit petitions to the Court to request the consideration of legality of the strike.

2. The petition must have the following main contents:

a) Date, month, year of the petition;

b) Name of the Court receiving petition;

c) Name and address of the requesting party;

d) Name and address of the organization leading the strike;

dd) Name and address of the employer where the labor collective go on strike;

e) Content to request the Court's settlement;

g) Other information that the requesting party deem necessary for the settlement.

3. The requesting party must send together with the petition the copies of strike decision, decision or the record of mediation of the competent agencies and organizations to settle the collective labor dispute, materials and evidence related to the consideration of the legality of the strike.

Article 224. Procedures for submitting petition to request the Court's consideration of the legality of the strike

Procedures for petition submission, receipt, obligation to provide materials and evidence for the consideration and decision on the legality of the strike at the Court are made similarly to the procedures for petition submission, receipt; obligation to provide materials under the provisions of the Code of civil procedure.

Article 225. Competence to consider the legality of the strike

1. The provincial People's Court where the strike takes place has jurisdiction to consider the legality of the strike

2. The Supreme People's Court has jurisdiction to settle the complaints about the legality of the strike.

Article 226. Members of the legality consideration Council of the strike

1. The legality consideration Council of the strike consists of three judges

2. The Council to settle complaints against the decisions on the legality of the strike, including three judges appointed by the Chief Justice Supreme People's Court.

3. The change of judge as a member of the legality consideration Council of the strike is carried out under the provisions of the Code of civil procedure.

Article 227. Procedures for settlement of the petition to request the consideration of the strike.

1. Immediately after receiving the petition, the Tribunal President of the provincial People's Court shall decide to establish a Council to consider the legality or illegality of the strike and assign a judge to preside over the resolution of the petition.

2. Within 05 working days from the date of receiving the petition, the judge assigned to preside over the resolution of the petition must make a decision to put the legality of the strike into consideration. The decision to open a meeting to consider the legality of the strike must be sent to the Trade Union Executive Committee, the employer, agencies and organizations concerned.

3. Within 05 working days from the date of making the decision to consider the legality of the strike, the legality consideration Council of the strike must open the meeting to consider the legality of the strike.

Article 228. Suspending the consideration of the legality of the strike

The Court shall suspend the consideration of the legality of the strike in the following cases:

1. The requesting party has withdrawn its petition;

2. Both parties have agreed with each other on the settlement of the strike and submitted petition to request the Court not to carry out the settlement.

3. Person who submits the requesting petition has been duly summoned twice but is still absent.

Article 229. Persons taking part in the meeting for consideration of the legality of the strike.

1. The legality consideration Council of the strike shall be chaired by the presiding Judge; the Court's clerk shall record the minutes of the meeting.

2. The representative of the labor collective and the employer

3. The representative of the agencies and organizations on the requirement of the Court

Article 230. Meeting postponement of the legality consideration of the strike

1. The judge assigned to preside over a meeting to consider the legality of the strike or the legality consideration Council has decided to postpone a meeting to consider the legality of a strike similarly to the regulations on adjournment in accordance with the law on civil procedure.

2. The time limit for the meeting postponement of the legality consideration of the strike shall not exceed 03 working days.

Article 231. Order of the meeting of the legality consideration of the strike

1. The person presiding over the meeting of the legality consideration of the strike announces the decision on opening the meeting of the legality consideration of the strike and summarize the content of the petition.

2. The representative of the labor collective and the employer shall present their opinions.

3. The person presiding over the meeting of the legality consideration of the strike may request representatives of the agencies and organizations attending the meeting to express their opinions.

4. The legality consideration Council of the strike shall discuss and make a decision by majority.

Article 232. Decision on the legality of the strike

1. The Court's decision on the legality of the strike must specify the reason and the grounds for the conclusion of the legality of the strike.

The Court's decision on the legality of the strike must be announced publicly at the court and sent to the union executive Committee and the employer, the People's Procuracy of the same level. The labor collective and the employer shall execute the decision of the court but may lodge a complaint under the procedures prescribed by this Code.

2. After the court's decision on the legality of the strike is announced, if the strike is illegal, the employee on strike must stop the strike and get back to work.

Article 233. Violation handling

1. When the court has decided that the strike was illegal, but the employee does not end the strike and get back to work, depending on the seriousness of the violation, they may be disciplined in accordance with the regulation on labor law.

In case the strike is illegal, which causes damage to the employer, the union organization leading the strike must make compensation as prescribed by law.

2. The person who take advantage of a strike to disrupt public order, damaging machinery, equipment and property of the employer; the person who commit acts of obstructing the exercise of the right to strike, agitating, inducing, coercing the employee to strike; the person who has acts of retaliation and revenge of the employee taking part in the strike and the person leading the strike, depending on the seriousness of their violations, they can be handled for administrative violations or prosecuted for criminal liability, if causing damage, they must make compensation as prescribed by law.

Article 234. Order and procedures for settlement of complaint about the decision on the legality of the strike

1. Within 15 days from the date of receipt of the decision on the legality of the strike, the trade union executive committee and the employer may send a complaint to the Supreme People's Court.

2. Immediately after receiving the complaint about the decision on the legality of the strike, the Supreme People's Court must send a written request to the Court that has considered the legality of the strike to transfer the case dossier for review and settlement.

3. Within 03 working days after receipt of the written request, the Court that issued a decision on the legality of the strike must transfer the case dossier to the Supreme People's Court for review and settlement.

4. Within 05 working days after receipt of the dossier for the legality consideration of the strike, the Council shall resolve the complaint about the decision on the legality of the strike.

The decision of the Supreme People's Court is the final decision on the legality of the strike

Chapter XV

LABOR STATE MANAGEMENT

Article 235. Content of labor state management

The labor state management includes the following contents:

1. Issuing and organizing the implementation of the legal normative documents on labor;

2. Monitoring, making statistics and providing information about supply and demand and labor supply and demand volatility; making decision on policies, planning, human resource planning, job training, skills development, building of the frame of the national vocational level, distribution and use of social employees. Specifying the list of the trades that only employ the employees who have been trained the trade or have the certificate of national vocational skills;

3. Organizing and conducting scientific research on labor, statistics, information on labor and labor market, living standards and incomes of the employees;

4. Developing the mechanisms and institutions to support the development of the harmonious, stable and progressive labor relations;

5. Inspecting, examining and settling complaints and denunciations and handling legal violations on labor; settling labor disputes in accordance with the law;

6. Implementing the international cooperation on labor

Article 236. State management competence on labor

1. The Government has unified the State management over the labor in the country.

2. The Ministry of Labor - Invalids and Social Affairs is responsible before the Government for implementation of the State management over labor.

The Ministries, ministerial-level agencies to the extent of their duties and power shall implement and coordinate with the Ministry of Labor - Invalids and Social Affairs in the State management over the labor.

3. The People's Committees at all levels shall implement the State management over the labor in their respective localities.

Chapter XVI

INSPECTION OF LABOR AND SANCTION OF LEGAL VIOLATION ON LABOR

Article 237. Responsibilities of the state inspector on labor

The inspector Ministry of Labor - Invalids and Social Affairs and the inspector of Service of Labor - Invalids and Social Affairs have the following main tasks:

1. Inspecting the compliance of provisions of the law on labor;

2. Investigating occupational accidents and violations on labor safety and hygiene;

3. Making guidance on the application of the the system of technical standards and regulations on labor conditions, labor safety and hygiene;

4. Settling complaints and denunciation on labor as prescribed by the law;

5. Handling under the competence and requesting the competent agencies to handle violations of labor laws.

Article 238. Labor inspection

1. The inspector Ministry of Labor - Invalids and Social Affairs and the inspector of Service of Labor - Invalids and Social Affairs shall execute the specialized inspection function on labor.

2. The inspection of labor safety and hygiene in the area of radioactivity, exploration, oil and gas extraction, means of railway, waterway, road and air transportation and other units of the armed forces shall be implemented by the state management agency in that area in cooperation with the specialized inspection on labor.

Article 239. Handling violations in the area of labor

Those who have acts of violation of the provisions of this Code, depending on the nature and seriousness of their violations, they shall be disciplined, and administratively sanctioned or prosecuted for criminal liability; if causing damage they must make compensation as prescribed by law.

Chapter XVII

IMPLEMENTATION PROVISION

Article 240. Effect of the Labor Code

1. This Code shall take effect from 01 May 2013.

The Labor Code dated 23 June 1994, the Law amending and supplementing a number of articles of the Labor Code No. 35/2002/QH10, the Law amending and supplementing a number of the Labor Code No. 74/2006 / QH11 and the Law amending and supplementing a number of articles of the Labor Code No. 84/2007/QH11 that shall be expired from the date this Code takes effect.

2. From the date this Code takes effect:

a) The labor contracts, collective labor agreements, other legal agreements already concluded and the agreements more favorable to the employee than the provisions of this Code shall continue to be performed; the agreements inconsistent with the provisions of the Code must be amended and supplemented;

b) The stipulation on the time of enjoyment of the policies when giving birth in the Social Insurance Law No. 71/2006/QH11 shall comply with the provisions of this Code.

The female employee on maternity leave before the effective date of this Code, is still in the time of maternity leave to May 1, 2013 as prescribed in the Law on social insurance No. 71/2006/QH11, the time of enjoyment of the policies when giving birth complies with the provisions of this Code.

3. The labor regime for cadres, civil servants, officer and the person in the armed forces of the People's Army, People's public security and other social organizations and cooperative members stipulated by the other legal documents but depending on the object, a number of provisions in this Code shall be applied. The Government has issued the specific salary policies applicable to cadres, civil servants, officer and the person in the armed forces of the People's Army and People's public security.

Article 241. Effect for areas where less than 10 employees employed

The employer who employs less than 10 employees must implement the provisions of this Code, but is reduced and exempted a number of standards and procedures prescribed by the Government.

Article 242. Detailed regulations and guidance of execution

The Government and the competent authorities shall stipulate in detail and make guidance of the implementation of articles and clauses in the Code.

This Code is adopted by the National Assembly of the Socialist Republic of Vietnam, term XIII, 3rd session on June 18, 2012.

CHAIRMAN OF NATIONAL ASSEMBLY

Nguyen Sinh Hung