GOVERNMENT **-------**	**SOCIALIST REPUBLIC OF VIETNAM** **Independence - Freedom - Happiness** **----------**
No. 145/2020/ND-CP	*Hanoi, 14 December 2020*

DECREE

DETAILING AND GUIDING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LABOUR CODE REGARDING WORKING CONDITIONS AND LABOUR RELATIONS

Pursuant to the Law on Organization of the Government dated 19 June 2015, the Law amending and supplementing a number of articles of the Law on Organization of the Government, and the Law on Organization of Local Government dated 22 November 2019;

Pursuant to the Labour Code dated 20 November 2019;

Pursuant to the Law on Investment dated 17 June 2020;

Pursuant to the Law on Enterprises dated 17 June 2020;

At the request of the Minister of Labour, Invalids and Social Affairs

The Government promulgates this Decree detailing and guiding the implementation of a number of articles of the Labour Code relating to working conditions and labour relations.

CHAPTER I

GENERAL PROVISION

Article 1. Scope of regulation

This Decree details and guides the implementation of the following articles and clauses of the Labour Code relating to working conditions and labour relations:

1. Labour management according to Clause 3 Article 12.

2. Employment contract according to Clause 4 Article 21; Point d Clause 1 Article 35, Point d Clause 2 Article 36; Clause 4 Article 46; Clause 4 Article 47; Clause 3 Article 51.

3. Labour dispatch according to Clause 2 Article 54.

4. Organisation of dialogue and implementation of grassroots democracy at the workplace according to Clause 4 Article 63.

5. Wage according to Clause 3 Article 92; Clause 3 Article 96; Clause 4 Article 98.

6. Working hours and rest periods according to Clause 5 Article 107, Clause 7 Article 113, Article 116.

7. Labour discipline and material liability according to Clause 5 Article 118; Clause 6 Article 122; Clause 2 Article 130; Article 131.

8. Female workers and gender equality according to Clause 6 Article 135.

9. Domestic workers according to Clause 2 Article 161.

10. Labour dispute settlement according to Clause 2 Article 184; Clause 6 Article 185; Clause 2 Article 209; Clause 2 Article 210.

Article 2. Scope of application

1. Workers, apprentices, trainees according to Clause 1 Article 2 of the Labour Code.

2. Employers according to Clause 2 Article 2 of the Labour Code.

4. Other agencies, organisations and individuals related to the implementation of the provisions in this Decree.

CHAPTER II

LABOUR MANAGEMENT

Article 3. Labour management book

The establishment, update, management and use of the labour management book specified in Clause 1 Article 12 of the Labour Code are stipulated as follows:

1. Within 30 days since starting the operation, the employer must establish a labour management book at the venue of the head office, branch or representative office.

2. The labour management book shall made in paper or electronically and must include the basic information on workers, including: full name; sex; date of birth; nationality; residence; ID card or passport number; technical qualifications; vocational skill level; job position; type of employment contract; date of work commencement ; social insurance participation; wage; wage step upgrade, pay rise; annual leave; number of overtime hours; apprenticeship, training, retraining and improvement of vocational skills; labour discipline, material liability; occupational accidents, occupational diseases; date of employment contract termination and the reasons.

3. The employer shall be responsible for recording and updating the information specified in Clause 2 of this Article from the date the worker starts working; managing, using and presenting the labour management book to the labour authority and relevant agencies upon request in accordance with the provisions of law.

Article 4. Employment report

The report on the employment of workers and periodical report on labour changes according to Clause 2 Article 12 of the Labour Code are stipulated as follows:

1. The employer shall report on the employment of workers in accordance with the Government's Decree No. 122/2020/ND-CP dated 15 October 2020 providing for single-window cooperation in processing applications for registration of enterprises, branches, representative offices;

employment notification; issuance of social insurance participant number; use of invoices by enterprises.

2. Every 6 months (by June 5) and annually (by December 5), the employer shall report on labour changes to the Department of Labour, Invalids and Social Affairs (DOLISA) through the National Public Service Portal using the Form No. 01/PLI in Annex I to this Decree and notify the social insurance agency of the district where his/her head office, branch or representative office is located. In case the employer is unable to report the labour changes through the National Public Service Portal, s/he shall report DOLISA in writing using the Form No. 01/PLI in Annex I to this Decree and notify the social insurance agency of the district where his/her head office, branch or representative office is located.

In cases where employers report in writing, DOLISA shall be responsible for synthesizing information on labour changes into an updated report in accordance with Form No. 02/PLI in Annex I to this Decree.

3. Every 06 months (by June 15) and annually (by December 15), DOLISA shall report on the employment of workers in the locality to the Ministry of Labour, Invalids and Social Affairs (MOLISA) through the National Public Service Portal using the Form No. 02/PLI in Annex I to this Decree.

In case DOLISA is unable to report the employment of workers through the National Public Service Portal, it shall report MOLISA in writing using the Form No. 02/PLI in Annex I to this Decree.

CHAPTER III

EMPLOYMENT CONTRACT

Section 1. CONTENTS OF EMPLOYMENT CONTRACTS WITH WORKERS HIRED TO BE DIRECTORS OF STATE-OWNED ENTERPRISES

Article 5. Contents of employment contracts with workers hired to be directors of enterprises with >50% - 100% of charter capital or >50% of voting shares owned by the State

An employment contract with a worker hired to be the director of an enterprise with >50% - 100% of charter capital or >50% of voting shares owned by the State specified in Clause 4 Article 21 of the Labour Code shall contain the following key contents:

1. Name and address of the enterprise's head office according to its business registration certificate; full name, date of birth, ID card or passport number, phone number, contact address of the Chairperson of the Board of Members or the Enterprise President or the Chairperson of the Board of Directors .

2. Full name; date of birth; sex; nationality; qualifications; address of residence in Vietnam, address of residence in a foreign country (in case of foreign workers); ID card or passport number; phone number, contact address; number of the work permit issued by a competent state agency or a work permit exemption certificate; other papers as requested by the employer (in case of foreign workers) (if any) of the worker hired to act as a director.

3. Work to be done, work not to be done, and expected performance of the worker hired to act as a director.

4. Workplace of the worker hired to act as a director.

5. The term of the employment contract agreed upon by the two parties shall not exceed 36 months. In case a foreign worker is hired to be a director, the term of the employment contract shall not beyond the expiry date of the work permit issued by a competent state agency.

6. Contents, time limit of the responsibility to protect business and technological secrets of the enterprises by the worker hired to act as a directors; and handling of violations.

7. Rights and obligations of the employer, including:

a) Provide information to facilitate the work of the worker hired to act as a director;

b) Examine, supervise and assess the performance of the worker hired to act as a director;

c) Rights and obligations prescribed by law;

d) Promulgate working regulations for the director;

dd) Fulfil obligations towards the worker hired to act as a director in relation to wage and bonus payment; payment of social insurance, health insurance, unemployment insurance; work, travel and accommodation facilities; training and retraining;

e) Other rights and obligations agreed upon by both parties.

8. Rights and obligations of the worker hired to act as an director, including:

a) Implement the tasks stated in the employment contract;

b) Report and propose solutions to difficulties and problems arising during the implementation of the tasks stated in the employment contract;

c) Report on the management and use of capital, assets, labour and other resources;

d) Enjoy benefits relating to wage and bonus; working hours, rest periods; work, travel and accommodation facilities; social insurance, health insurance, unemployment insurance; training and retraining; other benefits agreed upon by both parties;

dd) Other rights and obligations agreed upon by both parties.

9. Conditions, process and procedures for amending and supplementing the employment contract, unilaterally terminating the employment contract.

10. Rights and obligations of the employer and the worker hired to act as a director upon termination of the employment contract.

11. Labour discipline, material liability, settlement of labour disputes and complaints.

12. Other contents agreed upon by both parties.

Article 6. Contents of employment contracts with workers hired to be directors of enterprises with <50% of charter capital or <50% of voting shares owned by the State

An employment contract with a worker hired to be the director of an enterprise with <50% of charter capital or <50% of voting shares owned by the State shall comply with Clause 1 of Article 21 of the Labour Code.

Section 2. TERMINATION OF EMPLOYMENT CONTRACTS

Article 7. The time limit for prior notice of the unilateral termination of an employment contract in a number of particular sectors, occupations or jobs

Particular sectors, occupations, jobs and the time limit for prior notice of unilateral termination of employment contracts specified in Point d Clause 1 Article 35 and Point d Clause 2 Article 36 of the Labour Code are as follows:

1. Particular sectors, occupations and jobs include:

a) Flight crew members; aircraft maintenance staff, repair workers in aviation industry; flight dispatchers;

b) Enterprise managers governed by the Law on Enterprises, Law on Management and Use of State Capital Invested in Production and Business Activities in Enterprises;

c) Crew members working on Vietnamese ships operating abroad; crew members dispatched by Vietnamese enterprises to foreign vessels;

d) Other cases as stipulated by law.

2. When a worker working in the sector, occupation or job specified in Clause 1 of this Article unilaterally terminates the employment contract or his/her employer unilaterally terminates the employment contract with him/her, the time limit for making prior notice is as follows:

a) At least 120 days for an indefinite term contract or a definite term contract with a duration of ≥12 months;

b) At least a period equal to a quarter of the term of the employment contract for a definite contract with a duration of <12 months.

Article 8. Severance allowance and job loss allowance

1. The employer shall pay severance allowance according to Article 46 of the Labour Code to workers who have worked for him/her for ≥12 months on a regular basis upon the termination of the employment contract in accordance with the provisions of Clauses 1, 2, 3, 4, 6, 7, 9 and 10 Article 34 of the Labour Code, except for the following cases:

a) The worker is eligible for retirement pension as stipulated in Article 169 of the Labour Code and the law on social insurance;

b) The worker is absent from work without plausible reasons for ≥5 consecutive working days as stipulated in Point e Clause 1 Article 36 of the Labour Code. Workers absent from work shall be considered to have plausible reasons is s/he falls into one of the cases prescribed in Clause 4 Article 125 of the Labour Code.

2. The employer shall pay job-loss allowance according to Article 47 of the Labour Code to workers who have worked for him/her for ≥12 months on a regular basis before losing their jobs in accordance with the provisions of Clause 11 Article 34 of the Labour Code.

In case a worker has worked for the employer for ≥12 months on a regular basis and loose the job but the working time used to calculate the job loss allowance specified in Clause 3 of this

Article is less than 24 months, the employer shall pay the worker a job loss allowance equal to at least 2 months' wage.

3. The working time used to calculate the severance allowance and job loss allowance is the total time a worker actually works for the employer minus the time the worker participates in unemployment insurance as stipulated by the law on unemployment insurance and the working time for which the worker is paid by the employer with severance allowance and job loss allowance, specifically:

a) The total time a worker actually works for the employer shall include: the time the worker directly performs work; probationary period; the time s/he attends training as requested by the employer; sick leave and maternity leave as stipulated by the law on social insurance; time off for treatment and rehabilitation in case of occupational accidents and occupational diseases for which the worker is paid by the employer as stipulated by the law on occupational safety and hygiene (OSHY); time off to perform civic obligations as stipulated by law for which the worker is paid by the employer; period of work stoppage which is not due to the worker's fault; weekly breaks under Article 111, paid holidays under Articles 112, 113, 114 and Clause 1 Article 115 of the Labour Code; time spent on performing WRO tasks under Clauses 2 and 3 Article 176 and period of temporary work suspension under Article 128 of the Labour Code.

b) The time the worker participates in unemployment insurance shall include: the time the worker participates in unemployment insurance as stipulated by law and the time the worker is not subject to unemployment insurance participation as stipulated by law but is paid, in addition to the wage, an amount equal to the unemployment insurance premium by the employer as stipulated by the law on labour and unemployment insurance.

c) The working time used to calculate the severance allowance and job loss allowance shall be calculated by year (i.e. full 12 months); if there is an odd-months period, such period shall be counted as 0.5 years if it is ≤6 months and as 01 year if it is >06 months.

4. Determination of the time a worker actually works for the employer specified in Point a Clause 3 of this Article in special cases:

a) For enterprises with 100% state capital or state-owned enterprises that have been equitized, upon termination of the employment contract with a worker who has worked for state-owned agencies, organizations, units or enterprises before moving to the existing enterprise by 1 January 1995 and has not received severance allowance, job loss allowance, lump-sum allowance or change-of-occupation allowance (in case of being a demobee), the employer shall count both the time such worker actually works for him/her and the time s/he worked in the public sector before.

The time a worker worked for state-owned agencies, organizations, units or enterprises before 1 January 1995 shall include: actual working time at state agencies, public non-business units, political organizations, socio-political organizations, armed forces with wage paid from the state budget, state-owned enterprises.

b) Where a worker works for the same employer under successive employment contracts as specified in Clause 2 Article 20 of the Labour Code and has not been paid with severance allowance, job loss allowance upon termination of each contract, the time s/he actually works for the employer shall be the total working time under all employment contracts minus the working time under the contract(s) that has/have been declared as entirely invalid as the entire contents of

the contract violate the law, or the work described in the contract is prohibited by the law, or the employment contract under which the worker has been fired as a disciplinary action, or the employment contract that has been unilaterally terminated by the worker against the law (if any).

c) In case the worker continues to work at an enterprise or cooperative under the labour utilization plan specified in Clause 1 Article 44 of the Labour Code in case of division, split, consolidation or merger; sale, lease or conversion of business type; transfer of ownership or asset usage rights, the employer shall count the time the worker has actually worked for him/her for calculating and paying severance allowance and job loss allowance as follows:

c1) If the employment contract is terminated under the provisions of Clauses 1, 2, 3, 4, 6, 7, 9 and 10 Article 34 of the Labour Code, the actual working time of the worker eligible for severance allowance shall be the total actual working time under employment contracts with the employer before and after the division, split, consolidation or merger; sale, lease or conversion of business type; transfer of ownership or asset usage rights.

c2) If the employment contract is terminated under the provisions of Clause 11 Article 34 of the Labour Code, the actual working time of the worker eligible for job loss allowance shall be the total actual working time under employment contracts with the employer after the division, split, consolidation or merger; sale, lease or conversion of business type; transfer of ownership or asset usage rights. The actual working time of the worker eligible for severance allowance shall be the total actual working time under employment contracts with the employer before the division, split, consolidation or merger; sale, lease or conversion of business type; transfer of ownership or asset usage rights.

c3) The employer shall be responsible for paying severance allowance for the period the worker works in the public sector with the last recruitment happening by 1 January 1995 before the division, split, consolidation or merger; sale, lease or conversion of business type; transfer of ownership or asset usage rights in accordance with Point a of this Clause.

5. The wage used to calculate severance allowance and job loss allowance is stipulated as follows:

a) The wage used to calculate severance allowance and job loss allowance shall be the average wage of the 06 consecutive months under the employment contract before the resignation or job loss.

b) Where a worker works for the employer under successive employment contracts as specified in Clause 2 Article 20 of the Labour Code, the wage used to calculate severance allowance, job loss allowance shall be the average wage of the 06 consecutive months under the employment contract before the termination of the last employment contract. In case the last employment contract is declared invalid because the wage stated in such contract is lower than the regional minimum wage announced by the Government or than the wage stated in the collective bargaining agreement, the wage used to calculate severance allowance shall be agreed upon by the two parties but not lower than the regional minimum wage or the wage stated in the collective bargaining agreement.

6. The amount spent to pay severance allowance and job loss allowance for workers shall be accounted into production and business costs or operating costs of the employer.

Section 3. HANDLING OF INVALID EMPLOYMENT CONTRACTS

Article 9. Handling of partially invalid employment contracts

The handling of partially invalid employment contracts under Clause 1 Article 51 of the Labour Code is stipulated as follows:

1. When an employment contract is declared as partially invalid, the employer and the worker shall amend and supplement the part of the contract which has been declared invalid in accordance with the collective bargaining agreement and law.

2. The rights, obligations and interests of both parties from the date of commencement of the work under the employment contract which has been declared as partially invalid until the amendment and supplementation of such contract shall comply with the applicable collective bargaining agreement, or with the provisions of law in case there is no collective bargaining agreement.

Where the employment contract declared invalid states a wage lower than what is stipulated by labour law or by the collective bargaining agreement, the two parties shall re-negotiate and agree on another wage rate in line with regulations and the employer shall be responsible for determining and paying the difference between the re-negotiated wage and the wage stated in the employment contract which has been declared invalid in accordance with the time the worker has actually worked under the invalid employment contract.

3. In case the two parties do not agree on the amendment or supplementation to the contents which have been declared invalid:

a) The employment contract shall be terminated;

b) The rights, obligations and interests of both parties from the date of commencement of the work under the employment contract that has been declared as partially invalid until the termination of such contract shall comply with Clause 2 of this Article;

c) Severance allowance shall be provided in accordance with the provisions in Article 8 of this Decree;

d) The working time of the worker under the employment contract that has been declared invalid shall be the time the worker works for the employer as a basis for the implementation of the regimes prescribed by labour law.

4. Other issues related to the handling of partially invalid employment contracts shall be under the jurisdiction of the Court according to the provisions of the Civil Procedure Code.

Article 10. Handling of employment contracts which are declared as entirely invalid due to being concluded by a person without due competence or due to violation of the principles for employment contract conclusion

1. When an employment contract is declared as entirely invalid, the worker and the employer shall re-conclude the contract in accordance with the provisions of law.

2. The rights, obligations and interests of the worker from the date of commencement of the work under the employment contract that has been declared invalid until the re-conclusion of the contract shall be as follows:

a) If the rights and interests of each party in the employment contract are not lower than what is stipulated by the applicable law or collective bargaining agreement, the rights, obligations and interests of the worker shall follow contents of the employment contract which has been declared invalid;

b) If the employment contract has contents regarding rights, obligations and interests of each party violating the law but not affecting other contents of the contract, the rights, obligations and interests of the worker shall follow Clause 2 Article 9 of this Decree;

c) The time the worker works under the employment contract that has been declared invalid shall be counted as the time s/he works for the employer as a basis for implementation of the regimes prescribed by labour law.

3. In case the employment contract that has been declared as entirely invalid is not re-concluded:

a) The employment contract shall be terminated;

b) The rights, obligations and interests of the worker from the date of commencement of the work under the employment contract that has been declared invalid until the termination of such contract shall comply Clause 2 of this Article;

c) Severance allowance shall be provided in accordance with the provisions in Article 8 of this Decree.

4. Other issues related to the handling of employment contracts which are declared as entirely invalid due to being concluded by a person without due competence or due to violation of the principles for employment contract conclusion shall be under the jurisdiction of the Court according to the provisions of the Civil Procedure Code.

Article 11. Handling of employment contracts which are declared as entirely invalid as the entire contents of the contract violate the law or the work described in the contract is prohibited by law

1. When an employment contract is declared as entirely invalid, the worker and the employer shall re-conclude the contract in accordance with the provisions of law.

2. The rights, obligations and interests of the worker from the date of commencement of the work under the employment contract that has been declared invalid until the re-conclusion of the contract shall follow the provisions of Clause 2 Article 10 of this Decree.

3. In case a new employment contract is not concluded:

a) The existing employment contract shall be terminated;

b) The rights, obligations and interests of the worker from the date of commencement of the work under the employment contract that has been declared invalid until the termination of such contract shall comply Clause 2 of this Article;

c) The employer shall pay the worker an amount agreed upon by the two parties but equal to at least one month's regional minimum wage per working year which is stipulated by the Government and applicable to the locality where the worker is working at the time the employment contract is declared invalid. The working time used to calculate the allowance is the time the worker actually works under the employment contract that has been declared invalid in accordance with Point a Clause 3 Article 8 of this Decree;

d) Severance allowance shall be provided for the employment contracts that have been concluded before the invalid contract in accordance with Article 8 of this Decree, if any.

4. Other issues related to the handling of employment contracts which are declared as entirely invalid as the entire contents of the contract violate the law or the work described in the contract is prohibited by law shall be under the jurisdiction of the Court according to the provisions of the Civil Procedure Code.

CHAPTER IV

LABOUR DISPATCH

Section 1. GENERAL PROVISIONS ON LABOUR DISPATCH

Article 12. Labour dispatch enterprises

A labour dispatch enterprise means an enterprise established under the Law on Enterprises, licensed to provide labour dispatch, recruiting and concluding employment contracts with workers before sending them to work under the management of another employer while maintaining the labour relations with the enterprise that has concluded the employment contract (hereinafter referred to as labour dispatch enterprise).

Article 13. Hiring parties

A hiring party means an enterprise, agency, organization, cooperative, household and individual with full civil act capacity and using dispatched workers to do jobs on the list of jobs for which labour dispatch is allowed for a certain period of time.

Article 14. Dispatched workers

A dispatched worker means worker with full civil act capacity, recruited by and entering into an employment contract with a labour dispatch enterprise, then sent to work under the management of a hiring party.

Section 2. DEPOSIT OF LABOUR DISPATCH ENTERPRISES

Article 15. Deposits and use of deposits

1. Labour dispatch enterprises shall pay a deposit at the rate prescribed in Clause 2 Article 21 of this Decree at Vietnamese commercial banks or branches of foreign banks lawfully established and operated in Vietnam (hereinafter referred to as deposit-receiving bank).

2. The deposit shall be used to pay wages, social insurance, health insurance, unemployment insurance, occupational accident and disease insurance, and other benefit for dispatched workers in accordance with employment contracts, collective bargaining agreements, internal regulations/rules of the labour dispatch enterprise or to compensate dispatched workers in case the labour dispatch enterprise breaches the employment contract or causes damage to dispatched workers due to failure to ensure the rights and legitimate interests of dispatched workers.

Article 16. Payment of deposits

1. Labour dispatch enterprises shall pay a deposit in accordance with the regulations of deposit-receiving bank and with law. Labour dispatch enterprises shall be entitled to interest on the deposit as agreed with the deposit-receiving bank and in accordance with law.

2. Deposit receiving banks shall issue a certificate of deposit for labour dispatch business in accordance with Form No. 01/PLIII in Annex III to this Decree after the labour dispatch enterprise has completed the deposit payment procedures. In case one of the information on the certificate of deposit for labour dispatch business such as enterprise's name, head office address, deposit account number, etc. is changed, the labour dispatch enterprise shall send a written request and documents proving the information change to the deposit-receiving bank for renewal of the certificate of deposit for labour dispatch business.

Article 17. Management of deposits

1. Deposit-receiving banks shall block the entire deposits paid by labour dispatch enterprises and manage them in accordance with the law on deposits.

2. Deposit-receiving banks shall let labour dispatch enterprises fully or partially withdraw their deposits, or request labour dispatch enterprises to additionally pay deposits as stipulated in Articles 17, 18 and 19 of this Decree.

3. Deposit-receiving banks shall not let labour dispatch enterprises withdraw their deposits without written approval from Chairpersons of People's Committees of provinces/centrally-run cities (hereafter referred to as Chairperson of Provincial-level People's Committee).

Article 18. Withdrawal of deposits

1. Chairperson of People's Committee of the province/city where a labour dispatch enterprise is headquartered shall allow such enterprise to withdraw its deposit in the following cases:

a) The labour dispatch enterprise encounters difficulties and is incapable of paying wages, social insurance, health insurance, unemployment insurance, occupational accident and disease insurance, and other benefits for dispatched workers as agreed in the employment contract, collective bargaining agreement, internal regulations/rules of the labour dispatch enterprise after 30 days from the due date of payment as stipulated by law;

b) The labour dispatch enterprise encounters difficulties and is incapable of paying compensation to the dispatched workers in case the labour dispatch enterprise breaches the employment contract or causes damage to dispatched workers due to failure to ensure the rights and legitimate interests of dispatched workers after 60 days from the due date of compensation payment as stipulated by law;

c) The labour dispatch enterprise is not granted with a labour dispatch licence;

d) The labour dispatch enterprise has its labour dispatch license revoked or not renewed/re-issued;

dd) The labour dispatch enterprise has made a deposit at another Vietnamese commercial bank or the branch of another foreign commercial bank operating in Vietnam.

2. The application for withdrawal of deposits submitted to DOLISA shall include:

a) An application form for withdrawal of deposit by the labour dispatch enterprise;

b) The plan for use of the withdrawn deposit, including reasons and purposes for withdrawing the deposit, the list of workers, number of worker, amount of money, time and method of payment in case of the withdrawal of deposit regulated in Points a and b Clause 1 of this Article;

c) The report on and documents proving the enterprise's fulfilment of obligations towards dispatched workers in case of the withdrawal of deposit regulated in Point d Clause 1 of this Article;

d) The certificate of deposits for labour dispatch business in case of the withdrawal of deposit regulated in Point dd Clause 1 of this Article.

3. The application for withdrawal of deposits submitted to deposit-receiving banks shall include:

a) An application form for withdrawal of deposit the labour dispatch enterprise in accordance with Point a Clause 2 of this Article;

b) The written approval for withdrawal of deposit granted by Chairperson of Provincial-level People's Committee in accordance with the Form No. 02/PLIII in Annex III to this Decree;

c) The deposit withdrawal slip in accordance with regulations of the deposit-receiving bank (if any).

4. Procedures for withdrawal of deposits shall be carried out as follows:

a) The labour dispatch enterprise shall submit an application as stipulated in Clause 2 of this Article to DOLISA of the province/city where its head office is located;

b) DOLISA shall receive and examine the application, and issue a receipt indicating the date of receipt to the enterprise. Within 05 working days from the receipt of the complete application, DOLISA shall verify the application and the enterprise's fulfilment of obligations towards its dispatched workers in the case specified in Point d Clause 1 of this Article and request Chairperson of the Provincial-level People's Committee to approve the enterprise's withdrawal of deposit;

c) Within 05 working days from the receipt of DOLISA request, the Chairperson of the Provincial-level People's Committee shall issue a written approval of the withdrawal of deposit and a deposit utilization plan (if any) and send them to the enterprise and the deposit-receiving bank. In case of non-approval, the Chairperson of the Provincial-level People's Committee shall reply in writing to the labour dispatch enterprise, clearly stating the reasons thereof;

d) After receiving the written approval for withdrawal of deposit from the Chairperson of the Provincial-level People's Committee, the labour dispatch enterprise shall submit an application as stipulated in Clause 3 of this Article to the deposit-receiving bank;

dd) The deposit-receiving bank shall receive and examine the application for withdrawal of deposit submitted by the labour dispatch enterprise. If the received application is deemed lawful and satisfactory, the deposit-receiving bank shall let the labour dispatch enterprise withdraw its deposit within 01 working day since receiving the application for withdrawal of deposit.

In case of the withdrawal of deposits regulated in Points a and b Clause 1 of this Article, the payments and compensation dispatched workers shall be paid directly by the deposit-receiving bank in accordance with the plan approved by the Chairperson of the Provincial-level People's Committee, after deducting bank service charges.

Article 19. Deduction of deposits in case labour dispatch enterprises fail to fulfil obligations towards dispatched workers

1. After 60 days from the due date of the payments stipulated in Clause 2 Article 15 of this Decree, if a labour dispatch enterprise fails to pay dispatched workers, DOLISA, after consulting with the social insurance agency and other relevant organizations, shall request the enterprise in writing to pay such benefits to dispatched workers. Within 10 days from the date on which a written request is made by DOLISA, if the labour dispatch enterprise fails to make payments or to submit an application for withdrawal of deposit for paying the benefits to dispatched workers, DOLISA shall propose the Chairperson of the Provincial-level People's Committee to deduct the enterprise's deposit to pay the benefits to dispatched workers in accordance with the following order and procedures;

a) DOLISA shall request the labour dispatch enterprise to report the quantity and details of dispatched workers, amount of unpaid payments or compensation for each dispatched worker. The labour dispatch enterprise shall have to provide a report within 05 working days from the receipt of DOLISA request. Within 03 working days from the receipt of the enterprise's report, DOLISA shall synthesize information and propose to the Chairperson of the Provincial-level People's Committee to deduct the enterprise's deposit to make payments to dispatched workers.

b) Within 05 working days from the receipt of DOLISA proposal, the Chairperson of the Provincial-level People's Committee shall decide on the deduction of the labour dispatch enterprise's deposit. The Decision on Deposit Deduction shall be made in accordance with Form No. 03/PLIII in Annex III to this Decree.

c) Within 07 working days from the receipt of the Decision on Deposit Deduction from the Chairperson of the Provincial-level People's Committee, the deposit-receiving bank shall deduct the enterprise's deposit to make payments directly to dispatched workers in accordance with the list attached to the Decision by the Chairperson of the Provincial-level People's Committee, after deducting bank service charges. The labour dispatch enterprise's deposit shall be used to make the following payments in order of priority: wage; social insurance, health insurance, unemployment insurance; occupational accident and disease insurance; other benefits for dispatched workers as agreed in the employment contract, collective bargaining agreement, the enterprise's internal regulations/rules.

2. DOLISA shall supervise the making of payments to and compensations for dispatched workers as stipulated in Clause 1 of this Article and report results to the Provincial-level People's Committee.

Article 20. Additional payment of deposits

1. Within 30 days, after a deposit is withdrawn for making payments in the cases mentioned in Points a and b Clause 1 Articles 18 and 19 of this Decree, the labour dispatch enterprise must supplement the deposit in compliance with Clause 2 Article 21 of this Decree.

2. Within 30 days after the time limit specified in Clause 1 of this Article, if the labour dispatch enterprise fails to supplement the deposit, the deposit-receiving bank shall notify in writing DOLISA and the People's Committee of the province/city where the labour dispatch enterprise is headquartered. Within 15 days after receiving the notice from the deposit-receiving bank, DOLISA shall propose to the Chairperson of the Provincial-level People's Committee to revoke

the labour dispatch license of the enterprise in accordance with Clause 4 Article 28 of this Decree.

Section 3. REQUIREMENTSS, AUTHORITY, ORDER AND PROCEDURES FOR ISSUING, RENEWING, RE-ISSUING, RECOVERING LABOUR DISPATCH LICENSES AND LIST OF JOBS FOR WHICH LABOUR DISPATCH IS ALLOWED

Article 21. Licensing requirements

1. The legal representative of a labour dispatch enterprise must meet the following requirements:

a) Being the manager of the enterprise in accordance with the Law on Enterprises;

b) Having no criminal records;

c) Having worked as a professional or manager in labour dispatch or labour supply for full 3 years (i.e. 36 months) or more during the last 05 years preceding the date of submission of the application for the license.

2. The enterprise has paid a deposit of VND 2,000,000,000 (two billion dongs).

Article 22. Authority to issue, renew, re-issue or revoke labour dispatch licenses

The Chairperson of the People's Committee of the province/centrally-run city where the enterprise is headquartered shall have the authority to issue, renew, re-issue or revoke licenses granted to enterprises.

Article 23. Labour dispatch licenses

1. A labour dispatch license shall be produced with cardboard paper of A4 size (21 cm x 29.7 cm); the front side of the license is inscribed with the content of the license on a white background with blue patterns, imprinted with the national emblem, and black border frame; the back side of the license has the official name of Vietnam, the national emblem and the phrase "LABOUR DISPATCH LICENSE" printed on a blue background.

2. Contents of a labour dispatch license shall comply with Form No. 04/PLIII in Annex III to this Decree.

3. The term of a labour dispatch license is stipulated as follows:

a) A labour dispatch license shall be valid for maximum 60 months;

b) A labour dispatch license can be renewed multiple times for maximum 60 months per renewal;

c) The term of a re-issued license shall be equal to the remaining term of the previously granted license.

Article 24. Application for a labour dispatch license

1. The application for a labour dispatch license shall comply with Form No. 05/PLIII in Annex III to this Decree:

2. The resume of the legal representative of the enterprise shall comply with Form No. 07/PLIII in Annex III to this Decree;

3. The criminal record No. 1 of the enterprise's legal representative shall comply with the law on criminal records. If the enterprise's legal representative is a foreigner who cannot apply for a Vietnamese criminal record, the criminal record No. 1 shall be replaced by a criminal record or a document granted by the relevant authority of his/her country.

The documents mentioned in this Clause must be issued within the last 06 months before the date of application submission. Documents in foreign languages must be translated into Vietnamese, authenticated and consular legalized in accordance with law.

4. Documents proving that the enterprise's legal representative has worked as a professional or manager in labour dispatch or labour supply as stipulated in Point c Clause 1 Article 21 of this Decree may include one of the following:

a) Authenticated copy of the employment contract, work contract or decision of recruitment/appointment/assignment of the enterprise's legal representative; or

b) Authenticated copy of the appointment decision (for appointed person) or the record of voting results (for voted person) of the enterprise's legal representative or a copy of the enterprise's business registration certificate (for person who used to be the legal representative of a labour dispatch or labour supply enterprise).

If the documents specified in Points a and b of this Clause are made in foreign languages, they must be translated to Vietnamese.

5. Certificate of deposit for labour dispatch business in accordance with Form No. 01/PLIII in Annex III to this Decree.

Article 25. Procedures for issuance of labour dispatch licenses

1. The enterprise shall submit the application for licence prescribed in Article 28 of this Decree to DOLISA of the province/city where it is headquartered.

2. After examining all the required documents in the application as stipulated in Article 24 of this Decree, DOLISA shall issue a receipt specifying the date of application receipt.

3. Within 20 working days from the receipt of a complete application, DOLISA shall verify and submit it to the Chairperson of the Provincial-level People's Committee for issuance of the labour dispatch license.

If the received application is deemed unsatisfactory, within 10 working days from the date of receipt, DOLISA shall request the enterprise in writing to complete it.

4. Within 07 working days from the receipt of the application from DOLISA, the Chairperson of the Provincial-level People's Committee shall consider and grant the license to the enterprise. In case the license is not granted, the Chairperson of the Provincial-level People's Committee shall reply in writing to the applicant, clearly stating the reasons thereof.

5. Labour dispatch licences shall not be issued in the following cases:

a) The enterprise fails to meet the licensing requirements specified in Article 21 of this Decree;

b) The enterprise has used a fake licence to provide labour dispatch services;

c) The enterprise's legal representative used to be the legal representative of a labour dispatch enterprise having its labour dispatch license revoked for the reasons regulated in Points d, dd and

e Clause 1 Article 28 of this Decree within the last 05 years before the date of submission of the application for a labour dispatch license;

d) The enterprise's legal representative used to be the legal representative of a labour dispatch enterprise which has ever used a fake license.

Article 26. Renewal of labour dispatch licenses

1. A licence shall be renewed if the labour dispatch enterprise meets the following requirements:

a) It meets all the licensing requirements specified in Article 21 of this Decree;

b) It is not subject to the revocation of license prescribed in Article 28 of this Decree;

c) It has fully complied with the reporting requirement regulated in this Decree;

d) The application for licence renewal must be submitted to DOLISA at least 60 working days before the expiry date of the license.

2. The application for renewal of license shall include:

a) An application form for renewal of license in accordance with the Form No. 05/PLIII in Annex III to this Decree;

b) The documents specified in Clause 5 Article 24 of this Decree;

c) The documents specified in Clauses 2, 3 and 4 Article 24 of this Decree in the enterprise applies for license renewal and replacement of its legal representative at the same time.

3. Order and procedures for license renewal:

a) The enterprise shall submit an application for license renewal as specified in Clause 2 of this Article to DOLISA of the province/city where it is headquartered. After examining all the required documents specified in Clause 2 of this Article, DOLISA shall issue a receipt clearly stating the date of receipt of the application for license renewal;

b) Within 15 working days from the date of receipt of the complete application, DOLISA verify and submit it to the Chairperson of the Provincial-level People's Committee for renewal of the labour dispatch license. If the received application is deemed unsatisfactory, within 07 working days from the date of receipt, DOLISA shall request the enterprise in writing to complete it;

c) Within 07 working days from the receipt of the application from DOLISA, the Chairperson of the Provincial-level People's Committee shall consider and renew the enterprise's license. In case the license is not renewed, the Chairperson of the Provincial-level People's Committee shall reply in writing to the applicant, clearly stating the reasons thereof.

4. In case a labour dispatch enterprise fails to meet the requirements stipulated in Clause 1 of this Article or falls under the case specified in Clause 5 Article 25 of this Decree, the Chairperson of the Provincial-level People's Committee shall reply in writing to the enterprise, clearly stating the reasons for not renewing the licence.

Article 27. Re-issuance of labour dispatch licenses

1. A labour dispatch enterprise shall request the Chairperson of the Provincial-level People's Committee to re-issue its license in the following cases:

a) There is a change to the license contents such as the enterprise's name, head office address (but still in the same province where the license was issued) or legal representative;

b) The license is lost;

c) The license misses some information because of damage.

d) The enterprise's head office is moved to another province other than the one where the license was issued.

2. The application for re-issuance of license shall include:

a) An application form for re-issuance of license in accordance with Form No. 05/PLIII in Annex III to this Decree;

b) A copy of the enterprise's business registration certificate in case the enterprise changes its name, head office address (but still in the same province where the license was issued) or the license misses some information because of damage;

c) The documents specified in Clauses 2, 3 and 4 Article 24 of this Decree in case the enterprise changes its legal representative;

d) The documents specified in Clauses 2, 3, 4 and 5 Article 24 of this Decree in case the license is lost;

dd) The current license, applied to the cases specified in Points a and c Clause 1 of this Article.

3. The order and procedures for re-issuing a licence for the cases specified in Points a, b and c Clause 1 of this Article shall be as follows:

a) The enterprise shall submit the application for license re-issuance specified in Clause 2 of this Article to DOLISA of the province/city where it is headquartered. After examining all the required documents specified in Clause 2 of this Article, DOLISA shall issue a receipt clearly stating the date of receipt of the application;

b) Within 15 working days from the date of receipt of the complete application, DOLISA shall verify and submit it to the Chairperson of the Provincial-level People's Committee for re-issuance of the labour dispatch license. If the received application is deemed unsatisfactory, within 07 working days from the date of receipt, DOLISA shall request the enterprise in writing to complete it;

c) Within 07 working days from the receipt of the application from DOLISA, the Chairperson of the Provincial-level People's Committee shall consider and re-issue the enterprise's license. In case the license is not re-issued, the Chairperson of the Provincial-level People's Committee shall reply in writing to the applicant, clearly stating the reasons thereof.

4. The order and procedures for re-issuing a licence for the case specified in Point d Clause 1 of this Article shall be as follows:

a) The application for re-issuance of license shall include: an application form for re-issuance of license in accordance with Form No. 05/PLIII in Annex III to this Decree; a copy of the enterprise's business registration certificate issued by the relevant authority of the province/city where the enterprise's new head office is located as stipulated by law; the license which was issued by the Chairperson of the People's Committee of the province/city where the enterprise was previously headquartered;

b) The enterprise shall submit the application for re-issuance of license specified in Point a of this Clause to DOLISA f the province/city where its new head office is located. DOLISA shall issue a receipt clearly stating the date of receipt if the dossier contains all the documents required in Point a of this Clause;

c) Within 10 working days, DOLISA of the province/city where the enterprise's new head office is located shall request in writing DOLISA of the province/city where the enterprise's previous licence was issued to provide a copy of the enterprise's application for labour dispatch license and to certify that the enterprise is not subject to revocation of licence;

d) Within 07 working days from the date of receipt of the written request from DOLISA of the province/city where the enterprise's new head office is located, DOLISA of the province/city where the enterprise's previous licence was issued shall feedback on the performance of the enterprise during its operation in the locality and send a copy of the enterprise's application for labour dispatch license.

In case an enterprise has its license revoked under Clause 1 Article 28 of this Decree, DOLISA of the province/city where the enterprise's previous licence was issued shall report it to the Chairperson of the People's Committee of the province/city where the licence is revoked and notify it to the DOLISA of the province/city where the enterprise's new head office is located;

dd) Within 06 working days from the date of receipt of the written feedback from DOLISA of the province/city where the previously license was issued, DOLISA of the province/city where the enterprise's new head office is located shall propose to the Chairperson of the Provincial-level People's Committee to re-issue the license.

In case a labour dispatch enterprise has its license revoked by the Chairperson of the People's Committee of the province/city where it used to be headquartered in accordance with Point a Clause 1 Article 28 of this Decree, DOLISA of the province/city where the enterprise's new head office is located shall request the enterprise in writing to complete the application and submit it to the Chairperson of the Provincial-level People's Committee for re-issuance of license.

In case a labour dispatch enterprise has its license revoked by the Chairperson of the People's Committee of the province/city where it used to be headquartered in accordance with Point c, d, dd and e Clause 1 Article 28 of this Decree, DOLISA shall propose to the Chairperson of the Provincial-level People's Committee not to re-issue the license;

e) Within 04 working days from the receipt of the application submitted by DOLISA of the province/city where the enterprise's new head office is located, the Chairperson of the Provincial-level People's Committee shall consider and re-issue the license. In case the license is not re-issued, the Chairperson of the Provincial-level People's Committee shall reply in writing to the applicant, clearly stating the reasons thereof.

Article 28. Revocation of labour dispatch licenses

1. A labour dispatch enterprise shall have its license revoked in the following cases:

a) Labour dispatch activities are terminated at the request of the labour dispatch enterprise;

b) The enterprise is dissolves or is declared bankrupt by a court;

c) One of the requirements specified in Article 21 of this Decree is not met;

d) The enterprise let another enterprise, organization or individual use the license;

dd) The enterprise’s dispatched workers are sent to perform jobs that are not on the list of jobs for which labour dispatch is allowed in accordance with Annex II to this Decree;

e) The labour dispatch enterprise has acts of forging documents in the application for issuance, renewal, re-issuance of the license or erasing, modifying contents of the issued license or using a fake license.

2. A licence revocation dossier for the cases specified in Points a and b Clause 1 of this Article shall include:

a) A request for revocation of license in accordance with the Form No. 06/PLIII in Annex III to this Decree;

b) The issued license or the enterprise's written commitment to taking responsibility before the law in case the license is lost;

c) The enterprise’s report on labour dispatch activities in accordance with Form No. 09/PLIII in Annex III to this Decree;

d) A copy of the labour dispatch contract which is still valid at the time of request for license revocation.

3. The order and procedures for revocation of licence for the cases specified in Points a and b Clause 1 of this Article shall be as follows:

a) The enterprise shall submit the dossier specified in Clause 2 of this Article to DOLISA of the province/city where it is headquartered;

b) DOLISA shall receive and examine the dossier, then issue a receipt specifying the date of receipt of the complete dossier. Within 10 working days from the date of receipt of the complete dossier, DOLISA shall inspect and review the enterprise’s labour dispatch contracts which are still valid in order to request the enterprise to pay benefits to its workers in accordance with Article 29 of this Decree and submit the dossier to the Chairperson of the Provincial-level People's Committee for revocation of licence;

c) Within 07 working days from the date of receipt of the dossier from DOLISA, the Chairperson of the Provincial-level People's Committee shall decide on revocation of license. The Decision on Revocation of Labour Dispatch License shall be in accordance with the Form No. 08/PLIII in Annex III to this Decree.

4. The order and procedures for revocation of licence for the cases specified in Points c, d, dd and e Clause 1 of this Article shall be as follows:

a) Upon detecting that a labour dispatch enterprise falls in the cases specified in Points c, d, dd and e Clause 1 of this Article, DOLISA of the province/city where the enterprise is headquartered shall conduct an inspection, collect relevant evidence and submit it to the Chairperson of the Provincial-level People’s Committee for revocation of licence;

b) Within 07 working days after receiving the dossier from DOLISA, the Chairperson of the Provincial-level People's Committee shall decide on revocation of license;

c) Within 03 working days since receiving the decision on license revocation, the labour dispatch enterprise shall return the license to the Provincial-level People's Committee.

5. The enterprise shall not be granted with a new labour dispatch license for a period of 5 years from the date of revocation of its license due to violation of the contents specified in Points c, d, dd and e Clause 1 of this Article.

Article 29. Responsibilities of labour dispatch enterprises whose license is revoked or whose application for renewal or re-issuance of license is refused

Within 15 working days from the receipt of written refusal to renew or re-issue license, or decision on revocation of license from the Chairperson of the Provincial-level People's Committee, the labour dispatch enterprise shall liquidate all valid labour dispatch contracts, settle all legitimate rights and interests of dispatched workers and hiring parties as stipulated by the labour law, and have information about the termination of its labour dispatch services posted on at least an electronic newspaper for 07 consecutive days.

Article 30. The list of jobs for which labour dispatch is allowed

The list of jobs for which labour dispatch is allowed is specified in Annex II to this Decree.

Section 4. RESPONSBILITY FOR IMPLEMENTATION OF LABOUR DISPATCH

Article 31. Responsibilities of labour dispatch enterprises

1. Publicly post up the original labour dispatch license at its head office and the authenticated copy thereof at its branches and representative offices (if any). In case the enterprise moves its operation to another province, it shall send an authenticated copy of the license to DOLISA of the new province/city for monitoring and management.

2. Submit bi-annual and annual reports on its labour dispatch activities in accordance with Form the 09/PLIII in Annex III to this Decree to the Chairperson of the Provincial-level People's Committee and DOLISA of the province/city where it is headquartered; at the same time, report to DOLISA of the province/city where the enterprise provides labour dispatch services on its labour dispatch activities in the locality in case the enterprise operates in a province/city different from the one where it is headquartered. Bi-annual and annual reports must be submitted by June 20 and December 20 respectively..

3. Immediately submit reports on any incidents related to its labour dispatch activities to local relevant authorities or as requested by a labour authority.

4. Fulfil obligations of labour dispatch enterprises in accordance with the provisions of Article 56 of the Labour Code and of this Chapter.

Article 32. Responsibilities of deposit- receiving banks

1. Comply with regulations on opening of deposit accounts, payment of deposit, use of deposit accounts of labour dispatch enterprises, and other relevant regulations in relation to these deposit accounts.

2. Submit quarterly reports on payment of deposits by labour dispatch enterprises in accordance with the Form No. 11/PLIII in Annex III hereto to the State Bank of Vietnam's branch in the province/centrally-run city, Chairperson of the Provincial-level People's Committee and DOLISA of the province/city where the enterprise is headquartered by the 15th of the first month of the following quarter.

3. Fulfil obligations of deposit-receiving banks in accordance with the provisions of this Chapter.

Article 33. Responsibilities of DOLISA

1. Communicate and disseminate regulations of laws on labour and labour dispatch to employers, workers, relevant authorities and organizations in the locality.

2. Instruct, examine, inspect and supervise the implementation of regulations on labour dispatch in the locality.

3. Monitor and submit consolidated bi-annual and annual reports on payment of deposits and issuance of labour dispatch licences in the locality in accordance with the Form No. 10/PLIII in Annex III to this Decree to the Chairperson of the Provincial-level People's Committee and to MOLISA. The bi-annual and annual reports must be submitted by July 20 of the same year and by January 20 of the following year respectively.

4. Fulfil obligations of DOLISA in accordance with the provisions of this Chapter.

Article 34. Responsibilities of Chairpersons of Provincial-level People's Committees

1. Send reports on the issuance, renewal, re-issuance and revocation of labour dispatch license to MOLISA within 05 working days from the date on which a license is issued, renewed, re-issued or revoked for monitoring and management.

2. Publish information about enterprises having labour dispatch license issued, renewed, re-issued or revoked on its website.

3. Fulfil obligations of Provincial-level People's Committees in accordance with the provisions of this Chapter.

Article 35. Responsibilities of MOLISA

1. Communicate, disseminate, instruct, inspect and examine the implementation of the law on labour dispatch.

3. Consolidate and publish information about enterprises having labour dispatch license issued, renewed, re-issued or revoked on its website.

5. Fulfil obligations of MOLISA in accordance with the provisions of this Chapter.

Article 36. Responsibilities of the State Bank of Vietnam

Inspect, examine and supervise deposit-receiving banks regarding the receipt and management of deposits paid by labour dispatch enterprises in accordance with law.

CHAPTER V

DIALOGUES AT THE WORKPLACE

Section I. ORGANIZATION OF DIALOGUES AT THE WORKPLACE

Article 37. Responsibility for organizing dialogues at the workplace

1. Employers shall collaborate with WROs at grassroots level (if any) in organizing dialogues at the workplace in accordance with provisions of Clause 2 Article 63 of the Labour Code.

In a workplace where there are workers not being members of any WROs at grassroots level, the employer shall collaborate with WRO(s) at grassroots level (if any) to guide, support and facilitate such workers to elect their representatives to participate in dialogue with the employer (hereinafter referred to as elected workers' dialogue representatives) in accordance with the provisions of Clause 2 Article 63 of the Labour Code. The number of elected workers' dialogue representatives shall comply with Clause 2 Article 38 of this Decree.

2. Employers shall specify in the Regulation on grassroots democracy at the workplace the following key contents for organizing dialogues at the workplace as stipulated in Clause 2 Article 63 of the Labour Code:

a) Principles of dialogue at the workplace;

b) Number and composition of participants from each dialogue party in accordance with Article 38 of this Decree;

c) Number of times and time for organizing periodic dialogues in the year;

d) Methods of organizing periodic dialogues, dialogues at the request of either or both parties, and dialogues upon the occurrence of events;

dd) Responsibilities of the parties when participating in dialogue as stipulated in Clause 2 Article 63 of the Labour Code;

e) Implementation of the provisions in Article 176 of the Labour Code which apply to workers' representatives participating in the dialogues who are not members of the Leader Committee of any WRO at grassroots level;

f) Other contents (if any).

3. In addition to the provisions of Clauses 1 and 2 of this Article, employers shall be responsible for:

a) Sending employers' representatives to dialogues at the workplace as stipulated.

b) Arranging the location, time and other necessary physical conditions for organizing dialogues at the workplace.

4. WROs at grassroots level and workers' representatives shall be responsible for:

a) Sending their representatives to dialogues as stipulated.

b) Providing employers with their comments on contents about the Regulation on grassroots democracy at the employer's workplace.

c) Consulting workers, synthesizing and preparing issues to request dialogues.

d) Participating in dialogues with employers in accordance with Clause 2 Article 63 of the Labour Code, this Decree and the Regulation on grassroots democracy at the workplace.

5. Employers and workers or WROs are encouraged to conduct dialogues in addition to the cases prescribed in Clause 2 Article 63 of the Labour Code in line with the actual conditions, the organization of production, business and labour at the workplace and provisions of the Regulation on grassroots democracy at the workplace.

Article 38. Number and composition of participants in dialogues

The number and composition of participants in the dialogues stipulated in Clause 2 Article 63 of the Labour Code are as follows:

1. Employer's side

Based on production and business conditions as well as labour organization, the employer shall decide the number and composition of their representatives to participate in the dialogue which include at least 3 people, including their lawful representatives who are stated in the Regulation on grassroots democracy at the workplace.

2. Workers' side

a) Based on production and business conditions, labour organization, structure, number of workers employed and gender equality factors, WROs at grassroots level and elected workers' dialogue representatives shall determine the number and composition of participants to engage in the dialogue as follows:

a1) At least 3 participants if the employer employs less than 50 workers;

a2) At least 4-8 participants if the employer employs 50-<150 workers;

a3) At least 9-13 participants if the employer employs 150-<300 workers;

a4) At least 14-18 participants if the employer employs 300-<500 workers;

a5) At least 19-23 participants if the employer employs 500-<1000 workers.

a6) At least 24 participants if the employer employs ≥1000 workers.

b) On the basis of the number of workers' representatives allowed to participate in the dialogue as stipulated in Point a of this Clause, WROs at grassroots level and elected workers' dialogue representatives shall determine the number of their representatives to participate in the dialogue based on the proportion of their members out of the total number of workers employed.

3. The determination of the list of employer and the workers' representatives to participate in dialogues as stipulated in Clauses 1 and 2 of this Article shall be done periodically at least every 2 years and be publicized at the workplace. During the time between the two periods of determination of the list, if any representative cannot continue to participate, the employer or each WRO, elected workers' dialogue representatives shall consider and decide the replacement of such representative and make a public announcement at the workplace.

4. When conducting the dialogue stipulated in Clause 2 Article 63 of the Labour Code, apart from the participants prescribed in Clause 3 of this Article, the two parties may agree to invite all workers or some related workers to join the dialogue, and ensure that female workers are well represented in dialogues on issues related to the rights and interests of female workers in accordance with the provisions of Clause 2 Article 136 of the Labour Code.

Article 39. Organization of periodic dialogues at the workplace

1. The employer shall collaborate with WROs at grassroots level, elected workers' dialogue representatives in organizing periodic dialogues in accordance with Point a Clause 2 Article 63 of the Labour Code and the Regulation on grassroots democracy at the workplace.

2. Participants in periodic dialogues are representatives of the two parties as stipulated in Clause 3 Article 38 of this Decree. The time, place and method of organizing periodic dialogues shall be

decided by the two parties based on the actual conditions and in line with the Regulation on grassroots democracy at the workplace.

3. Each party shall send the dialogue issues to the dialogue partner at least 5 days before starting a periodic dialogue.

4. A periodical dialogue shall only be conducted if it is participated by the legal representative or authorized person from the employer's side and by more than 70% of the total workers' representatives specified in Clause 3 Article 38 of this Decree. The dialogue process must be recorded into minutes which is signed by the legal representative or authorized person from the employer's side and by representatives of each WRO (if any) as well as by elected workers' dialogue representatives (if any).

5. Within 03 working days from the end of the dialogue, the employer shall publicly announce at the workplace the main contents of the dialogue; WROs (if any) and elected workers' dialogue representatives (if any) shall disseminate the main contents of the dialogue to the workers for whom they represent.

Article 40. Organization of dialogue at the request of either or both parties

1. The organization of dialogue at the request of either or both parties shall be done if the dialogue issue(s) proposed by the requesting party satisfies the following conditions:

a) If the dialogue is requested by the employer, the proposed dialogue issue(s) must be agreed by the lawful representative of the employer.

b) If the dialogue is requested by workers, the proposed dialogue issue(s) must be agreed by at least 30% of the members representing workers in dialogue stipulated in Clause 3 Article 38 of this Decree.

2. Within 5 working days since being informed of the dialogue issue(s) prescribed in Clause 1 of this Article, the informed party must reply in writing, stating agreed dialogue time and place. The employer and workers' dialogue participants in the dialogue shall collaborate and conduct the dialogue together.

3. The dialogue process must be documented and signed by the dialogue parties as stipulated in Clause 4 Article 39 of this Decree.

4. Within 3 working days from the end of the dialogue, the employer shall disseminate at the workplace the main contents of the dialogue; WROs (if any) and elected workers' dialogue representatives (if any) shall disseminate the main contents of the dialogue to the workers for whom they represent.

Article 41. Organization of dialogue upon the occurrence of events

1. In the occurrence of events which requires the employer to consult and discuss with WROs at grassroots level regarding the performance assessment rules as stipulated in Point a Clause 1 Article 36; worker dismissal as stipulated in Article 42; workers utilization plan as stipulated in Article 44; wage scale, wage table and labour norms as stipulated in Article 93; bonus policy as stipulated in Article 104 and internal regulations as stipulated in Article 118 of the Labour Code shall be done as follows:

a) The employer shall send a document specifying the dialogue issue(s) for consulting workers' dialogue participants.

b) Workers' dialogue participants shall consult the workers that they represent and each WRO/worker's group will synthesize the collected opinions into a written reply for sending to the employer. In case where the dialogue issue is related to the rights and interests of female workers, their opinions must be collected.

c) Based on the opinions of WROs at grassroots level and elected workers' dialogue representatives, the employer shall conduct a dialogue to discuss, exchange ideas, consult and share information about the issue(s) raised by the employer.

d) The number and composition of participants, time and place for conducting the dialogue shall be determined by the parties in accordance with the Regulation on grassroots democracy at the workplace;

dd) The dialogue process must be documented and signed by the dialogue parties as stipulated in Clause 4 Article 39 of this Decree.

e) Within 3 working days from the end of the dialogue, the employer shall disseminate at the workplace the main contents of the dialogue; WROs (if any) and elected workers' dialogue representatives (if any) shall disseminate the main contents of the dialogue to the workers for whom they represent.

2. In case of suspension of a worker's work as stipulated in Clause 1 Article 128 of the Labour Code : the employer and the WRO representing the worker who shall be suspended from work shall discuss in writing or through face-to-face discussion by the dialogue representatives of both parties.

Section 2. EXERCISE OF THE REGULATION ON GRASSROOTS DEMOCRACY AT THE WORKPLACE

Article 42. Principles for exercising the Regulation on grassroots democracy at the workplace

1. Goodwill, cooperation, honesty, equality, publicity and transparency.

2. Respect for the legitimate rights and interests of workers, employers and other organizations/individuals concerned.

3. The exercise of the Regulation on grassroots democracy at the workplace must not be against the law and social ethics.

Article 43. Issues to be publicized by employers and forms of publicity

1. Issues to be publicized by employers include:

a) The production and business situation of the employer.

b) Employer's internal work regulations, wage scale, wage table, labour norms, rules and other documents related to workers' rights, obligations and responsibilities.

c) Collective bargaining agreements joined by the employer.

d) The set-up and use of reward funds, welfare funds and other funds contributed by workers (if any).

dd) The payment of trade union fees, social insurance, health insurance and unemployment insurance premiums.

e) The exercise of emulation, commendation, discipline, settlement of complaints and denunciations related to workers' legitimate rights and interests.

g) Other issues as stipulated by law.

2. Regarding the issues mentioned in Clause 1 of this Article which the provisions of law have specified the form of publicity, the employer shall comply with such provisions.

As for the issues which the provisions of law do not specify the form of publicity, employers shall base on their production and business features, labour organization as well as the issues to be publicized to decide the use of the following forms and state them in the Regulation on grassroots democracy at the workplace as stipulated in Article 48 of this Decree:

a) Public notice at the workplace;

b) Verbal notice in meetings, dialogues between the employer and WROs at grassroots level/elected workers' dialogue representatives;

c) Written notice sent WROs at grassroots level so that they can notify workers;

d) Notice on the internal information system;

dd) Other forms which are not prohibited by law.

Article 44. Issues to be consulted with workers and forms of consultation

1. Issues to be consulted with workers include:

a) Development, amendment and supplementation of the employer's internal work regulations, rules and other documents related to workers' rights, obligations and interests.

b) Development, amendment and supplementation of the wage scale, wage table and labour norms; proposed issues for collective bargaining.

c) Recommendation and implementation of solutions to save costs, increase labour productivity, improve working conditions, protect the environment and prevent fire.

d) Other issues related to workers' rights, obligations and interests as stipulated by law.

2. Regarding the issues mentioned in Clause 1 of this Article which the provisions of law have specified the form of consultation with workers, employers shall comply with such provisions. As for the issues which the provisions of law do not specify the form of consultation with workers, employers shall base on their production and business features, labour organization, the issues to be consulted as well as the Regulation on grassroots democracy at the workplace to decide the use of the following forms:

a) Workers give opinions directly or through WROs or their elected dialogue representatives; through the workers' congress, dialogues at the workplace;

b) Direct comments or recommendations;

c) Other forms which are not prohibited by law.

Article 45. Issues to be decided by workers and forms of decision

1. Issues to be decided by workers include:

a) Enter into, amend, supplement, terminate employment contracts as stipulated by law.

b) Joining or not joining WROs at grassroots level.

c) Participating or not participating in strikes in accordance with law.

d) Voting for agreed collective bargaining issue(s) as a ground for signing the CBA in accordance with law.

dd) Other issues as stipulated by law or as agreed by the parties.

2. Workers' forms of decision shall comply with the provisions of law.

Article 46. Issues to be examined and supervised by workers and forms of examination, supervision

1. Issues to be examined and supervised by workers include:

a) The implementation of employment contracts and collective bargaining agreements.

b) The implementation of the employer's internal rules, regulations and other documents related to workers' rights, obligations and interests.

c) The use of reward funds, welfare funds and other funds contributed by workers.

d) The payment of trade union fees, social insurance, health insurance and unemployment insurance premiums by the employer.

dd) The exercise of emulation, commendation, discipline, settlement of complaints and denunciations related to workers' rights, obligations and interests.

2. Workers' forms of examination and supervision shall comply with the provisions of law.

Article 47. Workers' congress

1. The workers' congress shall be held annually by the employer in collaboration with WROs at grassroots level (if any) and elected workers' dialogue representative (if any) engaging either all workers or workers' delegates.

2. Content of the workers' congress shall comply with Article 64 of the Labour Code and also includes other issues agreed by the parties.

3. The congress' form, contents, participants, time, venue, procedures, organization responsibility and the form of dissemination of the congress' results shall comply with the Regulation on grassroots democracy at the workplace stipulated in Article 48 of this Decree.

Article 48. Responsibility for issuance of the Regulation on grassroots democracy at the workplace

1. The employer shall issue the Regulation on grassroots democracy at the workplace to ensure the implementation of provisions on dialogue and exercise of grassroots democracy at the workplace as stipulated in this Decree.

2. In formulating, amending and supplementing the Regulation on grassroots democracy at the workplace, the employer must consult WROs at grassroots level (if any) and elected workers' dialogue representatives (if any) before finalization and issuance. In case the employer does not

absorb comments from WROs at grassroots level and elected workers' dialogue representatives, the reasons must be clearly stated.

3. The Regulation on grassroots democracy at the workplace must be disseminated to workers.

CHAPTER VI

WAGE

Section 1. NATIONAL WAGE COUNCIL

Article 49. Functions of the National Wage Council

The National Wage Council is established by the Prime Minister under the provisions of Clause 2 Article 92 of the Labour Code to advise the Government on:

1. Regional minimum wage (including monthly and hourly ones).

2. Wage policies for workers in accordance with provisions of the Labour Code.

Article 50. Tasks of the National Wage Council

1. Research, survey, collect information, analyse and evaluate the situation of wage, minimum living standards of workers, production and business activities, labour supply-demand relations, employment and unemployment in the economy and other related factors as the basis for setting minimum wages.

2. Formulate reports on workers' minimum wage in relation to the factors that are used as a basis for setting the minimum wage specified in Clause 3 Article 91 of the Labour Code.

3. Review minimum living standards of workers and their families, and zoning areas for application of the minimum wage as the basis for working out options to adjust the minimum wage for each period.

4. Annually, organize negotiations to recommend to the Government on the options to adjust the regional minimum wage (including monthly and hourly ones).

5. Advise and recommend to the Government on a number of wage policies for workers in all types of enterprises, agencies, organizations and cooperatives in accordance with the provisions of the Labour Code.

Article 51. Organizational structure of the National Wage Council

1. The National Wage Council shall have 17 members, including: 05 members from MOLISA; 05 members from Vietnam General Confederation of Labour (VGCL); 05 from employers' representative organizations at central level; 02 members being independent experts (hereinafter referred to as independent members), specifically:

a) The Chairperson of the National Wage Council shall be a MOLISA Deputy Minister

b) 03 Vice Chairpersons of the National Wage Council shall include: one being a VGCL Vice President, one being Vietnam Chamber of Commerce and Industry (VCCI) Vice President, one being Vietnam Cooperative Alliance (VCA) Vice President;

c) The remaining members of the National Wage Council shall include: 4 from MOLISA, 4 from VGCL, 3 from employers' representative organizations at central level (including 1 from Vietnam Association of Small and Medium Enterprises (VINASME) and 2 from business associations of two labour-intensive industries), 2 independent experts/scientists in the fields of labour, wage, socio-economic affairs (who are not from agencies, units, research institutes, universities under MOLISA, VGCL or employers' representative organizations at central level)

2. The Prime Minister shall appoint and dismiss the Chairperson and Vice Chairpersons of the National Wage Council specified in Points a and b Clause 1 of this Article and shall authorize MOLISA Minister to appoints and dismisses other members of the National Wage Council specified in Point c Clause 1 of this Article. The Chairperson, Vice Chairpersons and members of the National Wage Council shall work on a part-time basis. The term of the National Wage Council members shall be maximum 5 years.

3. The National Wage Council shall have a Technical Division and a Standing Body to assist the Council and its Chairperson in preparing technical reports within the Council's duties and performing administrative work of the Council. Members of the Technical Division and Standing Body shall be from agencies of which staff join the Council as members, relevant agencies and organizations and shall work on a part-time basis.

Article 52. Operation of the National Wage Council

1. The National Wage Council shall operate in a collective manner through meetings chaired the Chairperson, democratic and open discussion, and majority rule.

2. The National Wage Council has its own seal which is managed at MOLISA in accordance with the provisions of law.

3. The operation funding of the National Wage Council shall be included in the annual MOLISA recurrent expenditure estimates allocated from the state budget and from other lawful sources in accordance with the provisions of law. The management, use and settlement of state budget shall comply with the provisions of law on state budget and guiding documents.

Article 53. Responsibility for establishment and operation of the National Wage Council

1. Presidents of VGCL, VCCA, VCA, VINASME shall assign representatives to join the National Wage Council and send the list to MOLISA for synthesis.

2. VCI President shall assume the prime responsibility for and collaborate with VCA President in selecting and requesting business associations of two labour-intensive industries at central level to assign representatives to join the National Wage Council as members appropriate for each period.

3. The Chairperson of the National Wage Council shall discuss with the Vice Chairpersons of the Council, recommend and select independent members of the Council and propose to MOLISA for consideration and appointment; issue the work regulations of the Council, its Technical Division and Standing Body

4. MOLISA Minister shall propose to the Prime Minister to establish the National Wage Council and to appoint or dismiss the Chairperson, Vice chairpersons of the National Wage Council; decide the appointment or dismissal of other members of the National Wage Council.

5. The Minister of Planning and Investment shall provide findings of surveys on people's living standards, labour and employment, and enterprise and other relevant statistical data at the request of the National Wage Council.

Section 2. FORMS OF WAGE PAYMENT, WAGES FOR OVERTIME WORK AND NIGHT WORK

Article 54. Forms of wage payment

The forms of wage payment under Article 96 of the Labour Code are specified as follows:

1. Based on the nature of the work and the production and business conditions, the employer and workers shall agree on the forms of wage payment by time, by piece rate or by piece work, specifically:

a) Time-based payment shall be made to workers who are subject to this form of payment, based on the working time by month, week, day and hour as agreed in the employment contract, specifically:

a1) Monthly wage shall be paid for one working month;

a2) Weekly wage shall be paid for one working week. In case there is an agreement on wage payment by month in the employment contract, the weekly wage shall be determined by the monthly wage multiplied by 12 months and divided by 52 weeks;

a3) Daily wage shall be paid for one working day. In case there is an agreement on wage payment by month in the employment contract, the daily wage shall be determined by the monthly wage divided by the number of working days in the month under regulations of law as selected by the enterprise. In case there is an agreement on wage payment by week in the employment contract, the daily wage shall be determined by the weekly wage divided by the number of working days in a week as agreed in the employment contract;

a4) Hourly wage shall be paid for one working hour . In case there is an agreement on wage payment by month, week or day in the employment contract, the hourly wage shall be determined by the daily wage divided by the number of normal working hours in a day in accordance with Article 105 of the Labour Code.

b) Piece-rate payment shall be made to workers who are subject to this form of payment, based on the degree of completion, volume and quality of the products created according to the labour norms and unit cost of the products assigned to them.

c) Piece-work payment shall be made to workers who are subject to this form of payment, based on the volume, quality of the work and the deadline for work completion.

2. A worker's wage paid under the forms specified in Clause 1 of this Article may be paid in cash or via worker's personal bank account. The employer must pay all the charges relating to bank account opening and money transfer if s/he chooses to pay wages via workers' personal bank accounts.

Article 55. Wages for overtime work

Wages for overtime work specified in Clause 1 Article 98 of the Labour Code are stipulated as follows:

1. For a worker who enjoys time-based wage, s/he shall be paid for the overtime work performed beyond the normal working hours required by the employer under Article 104 of the Labour Code. Such wage shall be calculated using the following formula:

Wages for overtime work =	Actual hourly wage for the current job on a normal working day	x	At least 150% or 200% or 300%	x	The number of overtime working hours	

In which:

a) Actual hourly wage for the current job on a normal working day shall be the actual wage for the current job in the month or week or day in which the worker preforms overtime work (excluding overtime pay, wages for night work, wages for public holidays and New Year holidays, and paid leave days under the Labour Code; bonuses as prescribed in Article 104 of the Labour Code, bonuses for initiatives; mid-shift meal allowances, allowances for gasoline, telephone, travel, accommodation, and childcare; allowances for workers whose relative dies or gets married, for workers' birthdays or for workers suffering from occupational accidents or occupational diseases, and other kinds of support and allowance not relating to the performance of his/her jobs or his/her title in the employment contracts) divided by the actual number of working hours in the month or week or day in which the worker performs the overtime work (not exceeding the number of normal working days in a month and the number of normal working hours in a day or a week as stipulated by law that the enterprise chooses and does not include overtime working hours);

b) The overtime payment shall be at least equal to 150% of the actual hourly wage paid for the current job on a normal working day, applicable to overtime working hours on weekdays; at least equal to 200% of the actual hourly wage paid for the current job on a normal working day, applicable to overtime working hours on weekends; at least equal to 300% of the actual hourly wage paid for the current job on a normal working day, applicable to overtime working hours on public/New Year holidays and paid leave days, excluding the wage for public/New Year holidays and paid leave days for workers who enjoy daily wage.

2. For workers enjoying piece rate pay, they shall be paid for the overtime work performed beyond the normal working hours to make a quantity of products or volume of work in addition to the one already completed under the labour norms agreed with the employer. Such wage shall be calculated using the following formula:

Wages for overtime work	=	Wage unit of a product on a normal working day	x	At least 150% or 200% or 300%	x	Quantity of additional products

In which:

The overtime payment shall be at least equal to 150% of the wage unit of a product on a normal working day, applicable to additional products made on a normal working days; at least equal to 200% of the wage unit of a product on a normal working day, applicable to additional products made at weekends; at least equal to 300% of the wage unit of a product on a normal working day, applicable to additional products made on public/New Year holidays and paid leave days.

3. For workers who perform overtime work on public holidays, New Year holidays which fall on a weekend, they shall be paid for overtime work on public holidays and New Year holidays. For workers who perform overtime work on a compensatory day off for public/New Year holidays which fall on a weekend, they shall be paid for overtime work at weekends.

Article 56. Wage for night work

Wage for night work specified in Clause 2 Article 98 of the Labour Code shall be calculated using the following formula:

1. For workers enjoying time-based wage, the wage for night work shall be calculated as follows:

$$\text{Wage for night work} = \left| \text{Actual hourly wage paid for the current job on a normal working day} + \text{Actual hourly wage paid for the current job on a normal working day} \times \text{At least 30\%} \right| \times \text{Number of night working hours}$$

In which: Actual hourly wage paid for the current job on a normal working day shall be determined in accordance with Point a Clause 1 Article 55 of this Decree.

2. With regards to workers enjoying piece rate pay, the wage for night work shall be calculated as follows:

$$\text{Wage for night work} = \left| \text{Wage unit of a product on a normal working day} + \text{Wage unit of a product on a normal working day} \times \text{At least 30\%} \right| \times \text{Number of night working hours}$$

Article 57. Wage for overtime night work

A worker who performs overtime work at night under Clause 3 Article 97 of the Labour Code shall be paid an additional amount, which is calculated using following formula:

1. With regards to workers enjoying time-based wage, the wage for overtime night work shall be calculated as follows:

$$\text{Wage for overtime night work} = \left| \text{Actual hourly wage paid for the current job on a normal working day} \times \text{At least 150\% or 200\% or 300\%} + \text{Actual hourly wage paid for the current job on a normal working day} \times \text{At least 30\%} + 20\% \times \text{Hourly wage during the day on a normal working day or weekend or public holidays or New Year holidays or} \right| \times \text{Number of overtime night working hours}$$

													paid leave	

In which:

a) Actual hourly wage paid for the current job on a normal working day shall be determined in accordance with Point a Clause 1 Article 55 of this Decree;

b) Hourly wage during daytime of a normal working day or weekend or public/New Year holidays or paid leave days shall be determined as follows:

b1) Hourly wage during daytime of a normal working day shall be at least equal to 100% of the actual hourly wage for the current job on a normal working day if the worker does not work overtime during daytime of that day (before performing the overtime night work); at least equal to 150% of the actual hourly wage for the current job on a normal working day if the worker works overtime during daytime of that day (before performing the overtime night work);

b2) Hourly wage during daytime of a weekend shall be at least equal to 200% of the actual hourly wage for the current job on a normal working day;

b3) Hourly wage during daytime of public/New Year holidays or paid leave days shall be at least equal to 300% of the actual hourly wage for the current job on a normal working day.

2. With regards to workers enjoying piece rate pay, the wage for overtime night work shall be calculated as follows:

Wage for overtime night work	=	Wage unit of a product on a normal working day	x	At least 150% or 200% or 300%	+	Wage unit of a product on a normal working day	x	At least 30%	+	20%	x	Wage unit of a product during daytime of a normal working day or on weekend or public/New Year holidays or paid leave days	x	Quantity of additional products made at night

In which, the wage unit of a product during daytime of a normal working day or weekend or public/New Year holidays or paid leave days shall be determined as follows:

a) The wage unit of a product during daytime of a normal working day shall be at least equal to 100% of the wage unit of a product on a normal working day if the worker does not work overtime during daytime of that day (before performing the overtime night work); at least equal to 150% of the wage unit of a product on a normal working day if the worker works overtime during daytime of that day (before performing the overtime night work);

b) The wage unit of a product during daytime of a weekend shall be at least equal to 200% of the wage unit of a product on a normal working day;

c) The wage unit of a product during daytime of public/New Year holidays or paid leave days shall be at least 300% of the wage unit of a product on a normal working day.

CHAPTER VII

WORKING HOURS, REST PERIODS

Article 58. Time to be counted as paid working time

1. Mid-shift breaks as stipulated in Clause 2 Article 64 of this Decree.

2. Breaks as required by the nature of the work.

3. Rest time which is necessary during the working process to meet human's physiological needs and is already included in labour norms.

4. Rest time for a female worker who is pregnant or raises a child under 12 months old or in her menstruation period in accordance with Clauses 2 and 4 Article 137 of the Labour Code.

5. Time of work stoppage which is not due to workers' fault.

6. Time for meeting, learning and training as required or agreed by the employer.

7. Time for apprentices or on-the-job trainees to directly carry out or participate in labour activities in accordance with Clause 5 Article 61 of the Labour Code.

8. Time that workers who are members of the leadership committees of WROs at grassroots level spend on performing their tasks as prescribed in Clauses 2 and 3 Article 176 of the Labour Code.

9. Time for health check up, examination of occupational diseases, medical assessment for determining the level of work ability loss due to occupational accidents and occupational diseases, if such time is planned or requested by the employer.

10. Time for registration, medical examination and health check up for military services, if such time is entitled to full wage in accordance with the law on military services.

Article 59. Workers' agreement on overtime work

1. Except for the cases specified in Article 108 of the Labour Code, in other cases where overtime is organized, the employer must obtain the agreement of the workers who perform overtime work on the following contents:

a) Overtime period;

b) Place for performing overtime work;

c) Overtime jobs.

2. In case workers' agreement is made into a written document, such document shall be in accordance with the Form No. 01/PLIV in Annex IV to this Decree.

Article 60. Restriction on the number of overtime working hours

1.The total overtime working hours shall not exceed 50% of the normal working hours per day in case of performing overtime work on a normal working day, except for the cases specified in Clauses 2 and 3 of this Article.

2. In case normal working hours are counted on a weekly basis, the total of normal working hours and overtime working hours must not exceed 12 hours per day.

3. In case of part-time work as prescribed in Article 32 of the Labour Code, the total of normal working hours and overtime working hours must not exceed 12 hours per day.

4.The total overtime working hours must not exceed 12 hours per day in case of performing overtime work on public/New Year holidays and weekends.

. When calculating the total overtime working hours in a month or a year for determination of the observance of the regulations specified in Points b and c Clause 2, Article 107 of the Labour Code, the time specified in Clause 1 Article 58 of this Decree shall be deducted.

Article 61. Cases where overtime work from over 200 hours to 300 hours a year is allowed

In addition to the cases specified in Points a, b, c and d Clause 3 Article 107 of the Labour Code, overtime work from over 200 hours to 300 hours a year shall be allowed in the following cases:

1. Cases where there is urgent and irreversible work arising from objective factors directly related to public service activities in state agencies and units, except for the cases specified in Article 108 of the Labour Code.

2. Provision of public services; medical examination and treatment services; education and professional education services.

3. Direct production and business jobs in enterprises where the normal working hours do not exceeding 44 hours per week.

Article 62. Notification of the organization of overtime work from over 200 hours to 300 hours a year

1. When organizing overtime work from over 200 hours to 300 hours a year, the employer must notify DOLISA in the following localities:

a) The province/city where the employer organizes overtime work from over 200 hours to 300 hours a year;

b) The province/centrally-run city where the enterprise is headquartered if it is different from the one where the employer organizes overtime work from over 200 hours to 300 hours a year.

2. Such notification must be done after 15 days at the latest from the date on which the overtime work from over 200 hours to 300 hours a year is performed.

3. The written notice shall comply with the Form No. 02/PLIV in Annex IV to this Decree.

Article 63. Shifts and organization of shift work

1. A shift is the working period of a worker from receiving a task to ending and handing it over to another person, including working time and mid-shift break.

2. Organization of shift work is the arrangement of at least 02 people or 02 groups of people taking turns to work in the same job position for a period of 1 full day (i.e. 24 consecutive hours).

3. The case where a worker performs shift work for multiple consecutive hours in order to enjoy the inter-sessional rest break during the working hours as stipulated in Clause 1 Article 109 of

the Labour Code is the one organized under Clause 2 of this Article if it meets the following conditions:

a) The worker works in a shift for 06 hours or more;

b) The transitional period between the two work shifts is no more than 45 minutes.

Article 64. Breaks during working hours

1. A break during working hours of at least 45 consecutive minutes as prescribed in Clause 1 Article 109 of the Labour Code shall be applicable to workers who work for 06 hours or more in a day, including at least 3 hours of working at night as prescribed in Article 106 of the Labour Code.

2. A break during working hours which is included in the working time for workers who work continuously as prescribed in Clause 3 Article 63 of this Decree shall be at least 30 minutes, or 45 minutes in case of work at night.

3. The employer shall decide on the time of the break during working hours, provided that such break shall not fall into the starting or ending time of a shift.

4. Apart from the break given to workers working continuously as prescribed in Clause 3 Article 63 of this Decree, both parties are encouraged to reach an agreement on including breaks during working hours into the working time.

Article 65. Time regarded as working time for calculation of workers' annual leave days

1. Apprenticeship and on-the-job training period as prescribed in Article 61 of the Labour Code - if the worker works for the employer after finishing the apprenticeship or on-the-job training.

2. Probation period - if the worker continues to work for the employer after ending the probation.

3. Paid leave as prescribed in Clause 1 Article 115 of the Labour Code.

4. Unpaid leave agreed by the employer – provided that the total time does not exceed 01 month in a year.

5. Leave due to occupational accidents or occupational diseases, provided that the total time does not exceed 6 months.

6. Sick leave, provided that the total does not exceed 02 months in a year.

7. Maternity leave in accordance with the law on social insurance.

8. The time for performing tasks of WROs at grassroots level which is regarded as working time as stipulated by law.

9. The time of work stoppage which is not due to workers' fault.

10. The time when a worker is subject to work suspension but then s/he is concluded to commit no violations or to be free from labour discipline.

Article 66. Calculation of annual leave days in special cases

1. The number of annual leave days of a worker who has worked for less than 12 months as stipulated in Clause 2 Article 113 of the Labour Code shall be calculated as follows: the amount of annual leave entitlement plus the number of extra leave days due to seniority (if any), divided

by 12 months, multiplied by the actual number of working months in the year to make the number of annual leave days.

2. In case where a worker has not worked for a full month, if his/her total number of working days and paid leave days (e.g. public/New Year holidays, paid leave for personal business under Articles 112, 113, 114 and 115 of the Labour Code) account for 50% or more of the agreed normal working days in a month, that month shall be regarded as a full working month for calculating the annual leave days.

3. The total time during which a worker works for state agencies, organizations, units and enterprises shall be regarded as working time for calculation of extra annual leave days as specified in Article 114 of the Labour Code if the worker continues to work for state agencies, organizations, units and enterprises.

Article 67. Travel expenses, wages paid for travel time, for annual leave and other paid leave

1. Travel expenses, wages for travel time other than the annual leave specified in Clause 6 Article 113 of the Labour Code shall be agreed upon by the two parties.

2. The wage used as a basis for the payment to workers for their public/New Year holidays, annual leave and paid leave for personal business under Article 112, Clauses 1 and 2 Article 113, Article 114 and Clause 1 Article 115 of the Labour Code is the one stated in the employment contract at the time the workers take public/New Year holidays, annual leave and paid leave for personal business.

3. The wage used as a basis for the payment to workers for their untaken annual leave under Clause 3 Article 113 of the Labour Code is the one stated in the employment contract of the month preceding the month when the workers quit or lose their jobs.

Article 68. Work of special nature in terms of working hours and rest periods

1. Apart from the work of special nature specified in Article 116 of the Labour Code, other work of special nature in term of working hours and rest period include:

a) Natural disaster, fire and disease prevention and control;

b) Work in the field of sport;

c) Production of drugs, bio-products and vaccines;

d) Operation, maintenance and repair of gas distribution pipeline systems and gas works.

2. MOLISA Minister shall stipulate the working hours and rest periods for workers doing seasonal production work and processing products under orders.

3. Line ministries and sector shall stipulate the working hours and rest periods for the work of special nature prescribed in Article 116 of the Labour Code and Clause 1 of this Article after reaching an agreement with MOLISA..

CHAPTER VIII

LABOUR DISCIPLINE AND MATERIAL LIABILITY

Article 69. Internal work regulations

Internal work regulations under Article 118 of the Labour Code are stipulated as follows:

1.Employers must issue internal work regulations; such regulations must be in written form if 10 or more workers are employed. In case less than 10 workers are employed, it is not required to issue internal work regulations in writing but there must be an agreement on labour discipline and material liability in the employment contract.

2.The contents of internal work regulations must not be contrary to the labour law and other relevant laws. Internal work regulations must have the following main contents:

a) Working hours and rest periods: normal working hours per day and per week, shifts; starting and ending time of a shift; overtime work (if any), overtime work in special cases; breaks in addition to mid-shift rest time; rest time between shifts; weekly days off, annual leave, leave for personal business, and unpaid leave;

b) Order at the workplace: working areas, movements during working time; behavioural culture, uniform; compliance with employers' assignment and mobilization;

c) OSHY at the workplace: responsibility to comply with internal regulations, rules, OSHY procedures and measures, fire prevention and fighting; use and maintenance of personal protection equipment and OSHY equipment at the workplace; cleaning, decontamination and disinfection at the workplace;

d) Prevention and combat of sexual harassment at the workplace; order and procedures for handling acts of sexual harassment at the workplace: employers shall provide rules on prevention and combat of sexual harassment in accordance with Article 85 of this Decree;

dd) Protection of employers'' assets, business secrets, technological secrets and intellectual property: lists of to-be-protected assets, documents, technological and business secrets and intellectual property; acts of infringing assets and confidentiality;

e) Cases in which workers may be temporarily assigned to other work rather than the one stated in the employment contract: the internal work regulations must specify the cases in which workers may be temporarily assigned to other work rather than the one stated in the employment contracts due to the enterprise's production and business demands in accordance with Article 29 of the Labour Code;

g) Workers' violations of labour disciplinary regulations and settlement of violations of labour disciplinary regulations: the internal work regulations must specify acts of violating labour disciplinary regulations, and corresponding settlement of violations of labour disciplinary regulations;

h) Material liability: the internal work regulations must specify the cases where workers have to compensate for damage to tools, equipment or assets; loss of tools, equipment, assets or excessive consumption of supplies; the compensation rate must be corresponding to the degree of damage; the compensation for damage shall be handled by competent persons;

i) Persons competent to handle violations of labour disciplinary regulations persons competent to enter into employment contracts from the employer's side as prescribed in Clause 3 Article 18 of the Labour Code or persons specified in the internal work regulations.

3. Before issuing, amending or supplementing internal work regulations, the employer shall consult WROs at grassroots level (if any). The consultation shall comply with Clause 1 Article 41 of this Decree

4. After being issued, internal work regulations shall be sent to every WRO at grassroots level (if any) and disseminated to all workers, with the main contents displayed in key areas at the workplace.

Article 70. Order and procedures for settling violations of labour disciplinary regulations

The order and procedures for settling violations of labour disciplinary regulations prescribed in Clause 6 Article 122 of the Labour Code are stipulated as follows:

1. Upon detecting that a worker is committing a violation of labour disciplinary regulations, the employer shall make a written record and notify the WRO at grassroots level that represents the worker, the legal representative of an under-18 worker. In case where the employer detects the violation after it has been committed, s/he shall collect evidence proving the worker's faults.

2. Within the statutory limitations for settling violations of labour disciplinary regulations specified in Clauses 1 and 2 Article 123 of the Labour Code, the employer shall hold a meeting for settling the violation as follows:

a) The employer shall notify of the contents, time and place of the meeting for settling the violation, full name of the violating worker, act of violation to all the required participants specified in Points b and c Clause 1 Article 122 of the Labour Code at least 05 working days before the meeting date, ensuring that such participants are well informed of the meeting.

b) Upon receiving the employer's notice, the required participants specified in Points b and c Clause 1 Article 122 of the Labour Code shall send their confirmation on participation in the meeting to the employer. If one of the required participants cannot join the meeting at the notified time or place, the employer and worker shall reach an agreement on changing the time or place of the meeting. If both parties fail to reach an agreement, the employer shall decide the time and place;

c) The employer shall hold the meeting for settling violation of labour disciplinary regulations at the notified time and place under Points a and b of this Clause. If one of the required participants specified in Points b and c Clause 1 Article 122 of the Labour Code does not confirm to join the meeting or s/he is absent, the employer shall keep holding the meeting.

3. Before the meeting for settling violations of labour disciplinary regulations is closed, contents of the meeting shall be recorded in minutes, agreed and signed by all participants specified in Points b and c Clause 1 Article 122 of the Labour Code. In case one of the participants refuses to sign the minutes, his/her full name and the reasons for refusal (if any) must be clearly stated in the minutes.

4. Within the statutory limitations for settling violations of labour disciplinary regulations specified in Clauses 1 and 2 Article 123 of the Labour Code, the person competent to settle violations of labour disciplinary regulations shall issue a decision on settling violations of labour disciplinary regulations and send it to the required participants specified in Points b and c Clause 1 Article 122 of the Labour Code.

Article 71. Order and procedures for handling compensation for damage

The order and procedures for handling compensation for damage prescribed in Clause 2 Article 130 of the Labour Code are stipulated as follows:

1. Upon detecting that a worker loses tools, equipment or assets of the employer or other assets assigned to him/her by the employer, takes other acts causing damage to the employer's assets or uses supplies in excess of the prescribed norms, the employer shall request the worker to report in writing on the case.

2. Within the statutory limitations for handling compensation for damage specified in Article 72 of the Labour Code, the employer shall hold a meeting for handling compensation for damage as follows:

a) At least 05 working days before the meeting for handling compensation for damage, the employer shall notify the required participants, including: those who are specified in Points b and c Clause 1 Article 122 of the Labour Code; price appraisers (if any), ensuring that such participants are well informed of the meeting. Such notice must clearly state the time and place of the meeting for handling compensation for damage, full name of the violating worker and his/her act of violation;

b) Upon receiving the employer's notices, the required participants specified in Point a of this Clause shall send their confirmation on participation in the meeting to the employer. If one of the participants cannot to join the meeting at the notified time or place, the employer and worker shall reach an agreement on changing the time or place of the meeting. If both parties fail to reach an agreement, the employer shall decide the time and place;

c) The employer shall hold the meeting for handling compensation for damage at the notified time and place under Points a and b of this Clause. If one of the required participants specified in Point a of this Clause does not confirm to join the meeting or s/he is absent, the employer shall keep holding the meeting in accordance with law.

3. Before the meeting for handling compensation for damage is closed, contents of the meeting shall be recorded in minutes, agreed and signed by all participants specified in Point a Clause 2 of this Article. In case one of the participants refuses to sign the minutes, his/her full name and the reasons for refusal (if any) must be clearly stated in the minutes.

4. A decision on handling of compensation for damage must be issued within the statute of limitations for handling of compensation for damage. Such a decision must clearly state the damage level, cause; the compensation level; time limit and methods of compensation and be sent to the required participants as prescribed at Point a, Clause 2 of this Article.

5. Other cases of compensation for damage shall comply with the Civil Code.

Article 72. Statutory limitations for handling compensation for damage

The statutory limitations for handling compensation for damage prescribed in Clause 2 Article 130 of the Labour Code is stipulated as follows:

1. The statutory limitations for handling compensation for damage shall be 06 months since the worker loses tools, equipment or assets of the employer or other assets assigned to him/her by the employer, takes other acts causing damage to the employer's assets or uses supplies in excess of the prescribed norms.

2. Workers under the cases prescribed in Clause 4 Article 122 of the Labour Code shall not have to provide compensation for damage.

3. Upon the expiration of the time limit specified in Clause 4 Article 122 of the Labour Code, if the statutory limitations are expired or still valid but for less than 60 days, they can be extended but not exceeding 60 days from the expiration

Article 73. Complaints about labour discipline and material liability

A worker subject to disciplinary measures, suspension of work or payment of compensation in accordance with regulations on material liability but not satisfied with the settlement decision may file a complaint with the employer or with a competent agency in accordance with the Government's regulations on handling of labour-related complaints, or request the settlement of an individual labour dispute according to the procedures prescribed in Section 2 Chapter XIV of the Labour Code.

In case a employer decides to dismiss a worker - as a form of discipline - in contravention of law, such employer shall have to implement the regulations in Article 41 of the Labour Code in addition to the obligations and responsibilities under the Government's regulations on handling of labour-related complaints or on settlement of individual labour disputes in accordance with the procedures prescribed in Section 2 Chapter XIV of the Labour Code.

CHAPTER IX

FEMALE WORKERS AND GUARANTEE OF GENDER EQUALITY

Section 1. GENERAL PROVISIONS ON FEMALE WORKERS AND GUARANTEE OF GENDER EQUALITY

Article 74. Employers employing many female workers

An employer employing many female workers means an employer in one of the following cases:

1. Employing from 10 to less than 100 female workers, who account for ≥50% of the total work force;

2. Employing from 100 to less than 1,000 female workers, who account for ≥30% of the total work force;

3. Employing ≥1,000 female workers.

Article 75. Places where there are many workers

A place where there are many workers means:

1. An industrial park, industrial cluster, export processing zone, economic zone, hi-tech zone (hereinafter referred to as IZ) with ≥5,000 workers who work in enterprises and participate in social insurance in the IZ;

2. A commune, ward or township with ≥3,000 workers with permanent or temporary residence registration in such commune, ward or town.

Article 76. Lactation rooms

A lactation room means a private space but not a bathroom or toilet; with electricity, water, table(s), chair(s), refrigerator(s) of good hygiene, fan(s) or air conditioner(s); located in a convenient location, protected from the access and visibility of colleagues and the public so that female workers can breastfeed their children or express and store milk.

Article 4. Nursery/kindergarten classes

A nursery or kindergarten class means a preschool education institution as defined in Article 26 of the Education Law, including:

1. Nursery school, independent babysitting group accepting children from 3 months to 3 years old;

2. Kindergarten, independent kindergarten class accepting children from 3 years to 6 years old;

3. Pre-school, independent pre-school class which is a combination of nursery and kindergarten classes and accepts children from 3 months to 6 years old.

Section 2. GUARANTEE OF GENDER EQUALITY AND POLICIES FOR FEMALE WORKERS

Article 78. Workers' right to equality at work and the implementation of measures to ensure gender equality

1. Workers' rights to equality:

a) Employers shall guarantee female and male workers' right to equality, take measures to ensure gender equality in recruitment, employment, training, wage payment, reward, promotion, remuneration, contribution to social insurance, health insurance, unemployment insurance, working conditions, occupational safety, working hours, rest periods, sickness leave, parental leave, other material and spiritual welfares;

b) The State shall guarantee female and male workers' right to equality, takes measures to ensure gender equality in the fields specified in Point a, Clause 1 of this Article in labour relations.

2. It is the responsibility of employers to consult female workers or their representatives before making decisions on issues related to women's rights, obligations and interests. The consultation with female workers' representatives shall be carried out in accordance with Clause 1 Articles 41 of this Decree.

3. The State encourages employers to:

a) Prioritize the recruitment and employment of women when they meet the conditions and standards for jobs which are suitable for both men and women; prioritize the conclusion of new employment contracts with female workers when their employment contracts expire;

b) Offer better benefits and policies for female workers than what are stipulated by law.

Article 79. Increase of welfare and improvement of working conditions

1. Employers shall guarantee that there are enough suitable bathrooms, toilets at the workplace as stipulated by the Ministry of Health.

2. Employers are encouraged to collaborate with workers' representative organizations at grassroots level to:

a) Plan and implement solutions to ensure regular jobs for female and male workers, offer flexible work schedules, part-time jobs, home-based jobs, training to improve skills; provide training for female workers in additional occupations suitable to their physical characteristics, physiology and mothers' functions;

b) Construction of entertainment, sport, medical facilities, housing and other facilities to serve workers in areas where there is a big number of workers.

Article 80. Health care for female workers

1. During periodic health check-ups, female workers are entitled to obstetric and gynaecological examination services in accordance with the list issued by the Ministry of Health.

2. Employers are encouraged to create favourable conditions for pregnant female workers to take more leave for antenatal care visits than what is prescribed in Article 32 of the Social Insurance Law.

3. Break during a female worker's menstrual period:

a) During the menstrual period, female workers are entitled to a 30-minute break every day which is counted as working time and to payment of the full wage stated in their employment contract. The number of days for which female workers enjoy the break shall be agreed by the two parties based on the actual conditions at the workplace and the needs of female workers but no less than 3 working days per month; the specific days of the month during which the break is taken shall be notified by the worker to the employer;

b) In cases where a female worker have demand for more flexible break than what is prescribed in Point a of this Clause, the two parties shall agree with each other on the form of break suitable to the actual conditions at the workplace and to her needs;

c) In cases where a female worker does not have needs for such break and gets the employer's consent, she shall work instead and get paid for the work performed during her break period in addition to the amount of wage paid to her specified in Point a of this Clause; such working time shall not be counted as overtime.

4. Break while nursing a child under 12 months old:

a) Female workers, while nursing children under 12 months of age, are entitled to a daily 60-minute break during their working time for breastfeeding, milk expression and storage, and rest; and to payment of the full wage stated in their employment contract;

b) In cases where a female worker have needs for more flexible break than what is prescribed in Point a of this Clause, the worker shall agree with the employer on the form of break suitable to the actual conditions at the workplace and to her needs;

c) In cases where a female worker does not have needs for such break and gets the employer's consent, she shall work instead and get paid for the work performed during her break period in addition to the amount of wage paid to her specified in Point a of this Clause.

5. Employers are encouraged to arrange (a) lactation room(s) suitable to the actual conditions at the workplace, the needs of female workers and the abilities of the employers. In cases where an employer employs $\geq$1,000 female workers, lactation rooms must be arranged at the workplace.

6. Employers are encouraged to create favourable conditions for female workers who nurse

children ≥12 months old to express and store breast milk at the workplace. The duration of the time off for milk expression and storage shall be agreed upon by the worker and the employer.

Article 81. Organization of nursery and kindergarten classes in places where there are many workers

1. Provincial-level People's Committees shall:

a) Allocate, in the local land use plan, land to the construction of nursery and kindergarten classes in places where there are many workers;

b) Construct nursery and kindergarten classes to meet the learning needs of workers' children at preschool age;

c) Invest in infrastructure, construct part or all of the facilities, or use existing housing and facilities leased to organizations and individuals to establish nursery and kindergarten classes in order to meet workers' needs.

d) Provide direction to ensure the strict implementation of mechanisms and policies on socialization of education, create favourable conditions in terms of land, loans and administrative procedures for enterprises, organizations and individuals to invest in the construction of nursery and kindergarten classes to meet workers' needs;

dd) Perform state management of education in accordance with law.

2. People-founded and private nursery and kindergarten classes in places where there are many workers are to enjoy the policies applicable to independent people-founded and private preschools in places where there are IZs prescribed in Article 5 of the Government's Decree. No. 105/2020/ND-CP dated 8 December 2020 stipulating preschool education development policies.

3. Children at preschool age of workers working in places where there are many workers are entitled to the policies applicable to children at preschool age of workers working in IZs prescribed in Article 8 of the Government's Decree. No. 105/2020/ND-CP dated 8 September 2020 stipulating preschool education development policies.

4. Preschool teachers working at people-founded and private nursery and kindergarten classes in places where there are many workers are to enjoy the policies applicable to teachers working at people-founded and private preschool education institutions in places where there are IZs prescribed in Article 10 of the Government's Decree No. 105/2020/ND-CP dated 8 September 2020 stipulating preschool education development policies.

5. Employers are encouraged to organize and construct nursery or kindergarten classes or provide part of the costs for constructing nursery or kindergarten classes.

Article 82. Employer's help and support for workers in terms of childcare costs

Based on actual conditions, employers develop plans to help and support workers with children at preschool age to pay part of childcare costs to nursery or kindergarten classes. The support can be in cash or in kind. Employers may decide the extent and duration of support after discussing with workers' representatives through the workplace dialogue prescribed in Articles 63 and 64 of the Labour Code and Chapter V of this Decree.

Article 83. Support policies for employers

1. Employers investing in the construction of nursery and kindergarten classes, health facilities,

cultural facilities, other utilities, which meet prescribed criteria for scale and standards, shall enjoy socialization promotion policies in accordance with the current regulations on promotion of socialization in the fields of education, vocational training, health, culture, sports and environment.

In cases where employers invest in the construction of housing for workers, they shall be entitled to additional preferential policies in accordance with the Housing Law.

In cases where employers invest in or organize nursery and kindergarten classes, they shall be entitled to exempt or reduced facility rent.

2. Employers shall be supported by the State as follows:

a) Employers employing many female workers shall be entitled to tax reduction in accordance with the tax law;

b) Added expenses spent for female workers, on guarantee of gender equality and prevention of sexual harassment at the workplace specified in this Decree shall be considered as business expenses subject to exemption of corporate income tax in accordance with regulations of the Ministry of Finance.

Section 3. PREVENTION AND CONTROL OF SEXUAL HARRASHMENT AT THE WORKPLACE

Article 84. Sexual harassment at the workplace

1. Sexual harassment stipulated in Clause 9 Article 3 of the Labour Code can take the form of quid pro quo such as offering, asking, suggesting, threatening, or forcing a sexual relationship for any job-related benefits; or acts of a sexual nature that are not intended to be quid pro quo but cause hostile work environment, which cause physical and mental damage to the work and life of the harassed.

2. Sexual harassment at the workplace includes:

a) Physical sexual harassment includes actions, gestures, contact, physical touch on the body which are of sexual nature or for sexual suggestion;

b) Verbal sexual harassment includes speeches made directly, through the phone or electronically with sexual content or sexual implications;

c) Non-verbal sexual harassment includes body language; display, description of visual materials on sex or related to sexual activities directly or electronically;

3. The workplace mentioned in Clause 9 Article 3 of the Labour Code is any place where workers works under agreement or as assigned by the employer, including places or spaces related to their work such as social activities, seminars, training, formal business trips, meals, phone conversations, electronic communications, worker transportation vehicles arranged by the employer, accommodation provided by the employer and other venues specified by the employer.

Article 85. Employer's regulations on prevention and control of sexual harassment at the workplace

1. Employer’s rules on prevention and control of sexual harassment stipulated in the internal

work regulations or issued as an annex to the internal work regulations must include the following key contents:

a) Any act of sexual harassment at the workplace is strictly prohibited;

b) Detailing and clearly defining acts of sexual harassment at the workplace based on the nature and characteristics of the job and the workplace;

c) Responsibility, timeline, order and procedures for internally handling sexual harassment at the workplace, including responsibility, timeline, order, procedures for making and settling complaints and denunciations as well as relevant regulations;

d) Forms of labour discipline applied to persons who commit sexual harassment or who make false accusations depending on the nature and severity of their violation;

dd) Compensation for the victim and remedial measures.

2. Employers' regulations on sexual harassment complaints and denunciations and handling of sexual harassment must ensure the following principles:

a) Promptness and timeliness;

b) Protection of the confidentiality, honour, reputation, dignity and safety of the victim of sexual harassment, the complainant/denouncer and the complained/denounced.

Article 86. Responsibilities and obligations in sexual harassment prevention and control at the workplace

1. Employers shall:

a) Implement and supervise the implementation of legal regulations on prevention and control of sexual harassment at the workplace;

b) Carry out communication and dissemination of laws and regulations on prevention and control of sexual harassment at the workplace to workers;

c) When there are complaints or denunciations relating to acts of sexual harassment at the workplace, the employer must promptly prevent and handle such acts and take measures to protect the identity, honour, prestige, dignity, safety of victims of sexual harassment, complainants/denouncers and the complained/denounced.

2. Workers shall:

a) Strictly comply with regulations on prevention and control of sexual harassment at the workplace;

b) Participate in building a work environment free from sexual harassment;

c) Prevent, denounce acts of sexual harassment at the workplace.

3. Workers' representative organizations at grassroots level shall:

a) Participate in the development, implementation and supervision of the implementation of regulations on prevention and control of sexual harassment at the workplace;

b) Provide information for, advise and represent sexually harassed workers or workers being complained/denounced as perpetrator of sexual harassment;

c) Carry out communication, dissemination, training of regulations on prevention and control of sexual harassment at the workplace.

4. Employers and WRO at grassroots level are encouraged to pick prevention and control of sexual harassment at the workplace as an issue for collective bargaining.

Section 4. RESPONSBILITY FOR ORGANIZING THE IMPLEMENTATION OF POLLICIES ON FEMALE WORKERS AND GENDER EQUALITY

Article 87. Organization of the implementation of policies on female worker and gender equality

1. The Ministry of Labour, Invalids and Social Affairs shall:

Assume the prime responsibility for and collaborate with relevant agencies in communicating and disseminating policies on female workers, guarantee of gender equality, prevention and control of sexual harassment at the workplace;

2. The Ministry of Finance shall assume the prime responsibility for and collaborate with relevant agencies in providing guidance on the implementation of provisions of Clause 2, Article 83 of this Decree.

3. The Ministry of Education and Training shall assume the prime responsibility for and collaborate with relevant agencies in providing guidance on the implementation of provisions of Article 81 of this Decree.

4. The Ministry of Health shall:

a) Provide guidance on standards for bathrooms and toilets as stipulated in Clause 1 Article 79 of this Decree;

b) Issue a list of obstetric and gynaecological examination services for female workers as stipulated in Clause 1 Article 80 of this Decree;

c) Provide guidance on the deployment of lactation room as stipulated in Clause 5 Article 80 of this Decree.

5. Provincial-level People's Committees shall:

a) Communicating, disseminating, examining and inspecting the implementation of policies on female workers, guarantee of gender equality, prevention and control of sexual harassment at the workplace as stipulated in this Chapter;

b) Review and determine places where there are many workers for implementation of the provisions in Article 81 of this Decree.

6. Vietnam Fatherland Front and its member organizations shall supervise, within their authority and duties, the implementation of the provisions of this Chapter.

CHAPTER X

PROVISIONS FOR DOMESTIC WORKERS

Article 88. Domestic workers

Domestic workers are workers defined in Clause 1 Article 3 of the Labour Code that enter into written employment contracts for the work prescribed in Clause 1 Article 161 of the Labour Code.

Article 89. Specific provisions for domestic workers

a) Upon recruitment of a worker, the employer must enter into an employment contract with such worker. The employment contract must be in writing in accordance with Clause 1 Article 14 and Clause 1 Article 162 of the Labour Code;

b) Before concluding the employment contract, the worker and the employer must provide information according to Article 16 of the Labour Code; at the same time, the employer must clearly provide information about the worker's work, living conditions in the employer' house and other necessary information as required by the workers related to the guarantee of his/her safety and health during his/her work;

c) The contents of the employment contract shall comply with Clause 1 Article 21 of the Labour Code. Based on the Form No. 01/PLV in Annex V to this Decree, the employer and the worker shall reach an agreement on the rights, obligations and interests of each party, which is stated in the employment contract for implementation providing that it is in line with actual conditions and includes the main contents prescribed in Clause 1 Article 21 of the Labour Code;

d) During the implementation of the employment contract, each party may unilaterally terminate the contract without reasons but must notify such termination at least 15 days in advance to the other party, except the following cases:

d1) The worker unilaterally terminates the employment contract due to one of the following reasons: s/he is not assigned to the agreed work or workplace, or not provided with the agreed working conditions, except the cases specified in Article 29 of the Labour Code; his/her wage is not paid in full or on time, except the case specified Clause 4 Article 97 of the Labour Code; s/he is ill-treated, beaten, verbally or physically humiliated by the employer, which affects his/her health, dignity or honour; or is subject to forced labour; is sexually harassed at the workplace; the worker is pregnant and has to stop working as prescribed in Clause 1 Article 138 of the Labour Code; s/he reaches retirement age as prescribed in Article 169 of the Labour Code, unless otherwise agreed upon by the two parties; the employer provides untruthful information as prescribed in Clause 1 Article 16 of the Labour Code, which affects the performance of the contract;

d2) The employer unilaterally terminates the employment contract due to one of the following reasons: The worker is not at work after the time limit specified in Article 31 of the Labour Code; the worker quits work at his/her own discretion without a plausible reason for 05 or more consecutive working days;

dd) The unilateral termination of an employment contract shall be unlawful if it does not comply with provisions in Point d of this Clause. When unilaterally terminating an employment contract unlawfully, the worker must comply with Article 40 and the employer must comply with Article 41 of the Labour Code. In case the employer fails to provide advanced notice as stipulated in Point d of this Clause, s/he shall pay the worker an amount of money for the days the worker does not work without being notified in advance of the contract termination at a wage rate as the one stated in the employment contract ;

e) Upon the termination of an employment contract as prescribed in Clauses 1, 2, 3, 4, 6 and 7 Article 34 of the Labour Code and Point d of this Clause, the employer shall pay the worker severance allowance in accordance with Article 46 of the Labour Code; the two parties shall settle all payments related to the interests of each of them.

2. The worker and the employer shall reach agreement on wage, bonus, payment of wage and bonus in accordance with Chapter VI (except for Article 93) of the Labour Code, in which the worker's wage stated in the employment contract according to Clauses 1 and 2 Article 90 of the Labour Code shall include wage, wage-based allowances and other additional payments (if any). Job-based wage

2. The worker and the employer shall reach agreement on wage, bonus, payment of wage and bonus in accordance with Chapter VI (except for Article 93) of the Labour Code, in which the worker's wage defined in employment contract according to Clauses 1 and 2, Article 90 of the Labour Code includes work-based wage, wage allowance and other additional payments (if any). Work-based wage (including meal and accommodation expenses in case the worker lives together with the employer's family, if any) must not be lower than the regional minimum wage announced by the Government. The employer and the worker shall agree on monthly meal and accommodation expenses (if any) which must not exceed 50% of the work-based wage specified in the employment contract.

3. Working hours and rest periods shall comply with Chapter VII of the Labour Code and Chapter VII of this Decree, in which rest periods in a normal work day or at weekend shall be as follows:

a) In a normal work day, in addition to the working hours defined in the employment contract in accordance with law, the employer must facilitate and ensure that the worker is entitled to a rest of at least 08 hours, including 06 consecutive hours within a full day of 24 hours;

b) The worker is entitled to weekly rest according to Article 111 of the Labour Code. In case it is impossible for the employer to arrange such weekly rest, the employer must ensure that on average the worker has at least 04 days off in a month.

4. The employer shall, at the time of paying wage to the worker, pay the worker an amount equal to compulsory social insurance and health insurance premiums which are under the employer's responsibility as stipulated by the law on social insurance and health insurance proactively participate in social insurance and health insurance.

In case the worker is concurrently under various employment contracts as a domestic worker, the employers' responsibility for paying social insurance, health insurance shall be in conformity with each employment contract.

5. OSHY for domestic workers shall be implemented as follows:

a) The employers shall instruct the worker on the use of machines, equipment and utensils as well as fire prevention and fighting measures, which are related to the worker's work in the house; provide him/her with personal protective equipment;

b) When the worker suffers from an occupational accident or disease, the employer must fulfil his/her obligations toward the workers in accordance with Articles 38, 39 of the OSHY Law;

c) Workers must comply with instructions on usage of machines, equipment and utensils as well as fire prevention and fighting instructions; meet OSHY requirements set by the household and the residential area where they reside.

6. Labour discipline and material liability applied to workers shall be implemented as follows:

a) The employer and the worker shall specifically determine violations, forms of discipline and material liability in accordance with Clause 2 Article 118 and Article 129 of the Labour Code and state them in the employment contract or express them through other form of agreement;

b) The forms of discipline applied to workers shall include reprimand and dismissal according to Clauses 1 and 4 Article 124 of the Labour Code;

c) The employer may apply dismissal as a form of discipline to the worker in the following cases: the worker commits one of the acts prescribed in Clauses 1, 2 and 4 Article 125 of the Labour Code or the worker ill-treats, beats, verbally or physically humiliates the employer or a member of the family, which affects the health, dignity or honour of such person;

d) Upon detecting a violation of labour disciplinary regulations by the worker, the employer shall consider and discipline the worker, using the forms prescribed in Point b of this Clause. For a worker aged from full 15 years to under full 18 years, the employer shall notify the settlement of violations of labour disciplinary regulations to his/her legal representative;

dd) The settlement of violations of labour disciplinary regulations must comply with the principles, order and procedures prescribed in Points a and c Clause 1, Clauses 2, 3, 4, and 5 Article 122 of the Labour Code.

Article 90. Obligations of employers and workers

1. To fulfil the obligations prescribed in Articles 163, 164 and 165 of the Labour Code.

2. The employer must notify the People's Committee of the commune/ward/township (hereinafter referred to as Commune-level People's Committees) of the employment of domestic workers, termination of such employment using the forms No. 02/PLV and No. 03/PLV in Annex V to this Decree within 10 days from date of signing or terminating the employment contract.

Article 91. Responsibility for management of domestic workers

1. Provincial-level People’s Committees shall direct DOLISAs to guide District- level Offices of Labour, Invalids and Social Affairs on communication and dissemination of regulations on domestic workers; manage, inspect, examine, monitor the implementation of regulations on domestic workers in localities.

2. People’s Committees of rural districts, urban districts, towns, provincial cities and cities under centrally-run cities (hereinafter referred to as District-level People’s Committees) shall direct District-level Offices of Labour, Invalids and Social Affair to guide commune-level civil servants on communication and dissemination of regulations on domestic workers; manage, inspect, examine, monitor the implementation of regulations on domestic workers in localities.

2. Commune-level People's Committees:

a) To organize the communication and dissemination of regulations on domestic workers based on the guidance from DOLISA and District-level Office of Labour, Invalids and Social Affairs;

b) To assign the focal for monitoring, managing, examining, supervising the implementation of regulations on domestic workers in the localities under their management;

c) To receive notification of employment of domestic workers, termination of employment of domestic workers prescribed in Clause 2 Article 90 of this Decree; to synthesize and report the employment of domestic workers in localities under their management as requested by competent state management agencies.

CHAPTER XI

LABOUR DISPUTE SETTLEMENT

Section 1. LABOUR MEDIATORS

Article 92. Criteria for labour mediators

1. Being Vietnamese citizen, having full civil act capacity as provided for by the Civil Code, having good health and good moral characters;

2. Having a university degree or higher and at least 3 years of work experience in a labour relation - related field.

3. Being not subject to criminal prosecution or having served a sentence but not yet having the conviction expunged.

Article 93. Order and procedures for appointment of labour mediators

1. Development of plans for recruitment and appointment of labour mediators

a) In the first quarter of each year, the District-level Office of Labour, Invalids and Social Affairs shall review the needs for recruitment, appointment of labour mediators under their management to make a plan and submit it to DOLISA before March 31;

b) DOLISA shall synthesize the plans submitted by District-level Offices of Labour, Invalids and Social Affairs and its own plan into an overall plan of the province/centrally-run city and submit it to the Chairperson of the Provincial-level People's Committees for approval.

2. Order and procedures for recruitment and appointment of labour mediators

a) Based on the plan for recruitment and appointment of labour mediators approved by the Chairperson of the Provincial-level People's Committee, for recruitment and appointment of;

b) Within the timeline stated in the DOLISA labour mediator recruitment notice, interested individuals shall apply directly to DOLISA or shall be nominated by state agencies units, political organizations, socio-political organizations and other organizations as candidates to DOLISA or to District-level Offices of Labour, Invalids and Social Affairs.

The application shall include: application form, resume certified by a competent authority; health certificate issued by a competent health authority as stipulated by the Ministry of Health; authenticated copies or unauthenticated copies attached by the original ones (for verification) of relevant degrees and certificates; nomination letter by relevant agencies/organizations (if any).

c) Within 05 working days from the deadline for application stated in the labour mediator recruitment notice, District-level Offices of Labour, Invalids and Social Affairs shall check the eligibility of the applications received and report to DOLISA for evaluation.

d) Within 10 working days since receiving reports from District-level Offices of Labour, Invalids and Social Affairs, DOLISA shall evaluate the applications (including those directly received by DOLISA) and submit a proposal, which clearly specifies which future labour mediators shall be managed by DOLISA and which ones shall be managed by District-level Offices of Labour, Invalids and Social Affairs, to the Chairperson of the Provincial-level People's Committee for consideration and appointment.

dd) Within 5 working days from receiving DOLISA proposal, the Chairperson of the Provincial-level People's Committee shall consider and decide the appointment of labour mediators. The term of a labour mediator shall not exceed 5 years.

3. Re-appointment of labour mediators

a) At least 03 months prior to the end of the term, if a labour mediator wishes to continue working as a labour mediator, s/he shall send submit a proposal for re-appointment to DOLISA.

b) Based on the annual plan for recruitment and appointment of labour mediators approved by the Chairperson of the Provincial-level People's Committee, results of the review of the labour mediator's eligibility and assessment of the labour mediator's performance, DOLISA shall- within 10 working days since receiving the proposal for reappointment - submit a written request to the Chairperson of the Provincial-level People's Committee.

c) Within 5 working days since receiving the DOLISA written request, the Chairperson of the Provincial-level People's Committee shall consider and decide on the re-appointment of qualified and eligible labour mediators.

4. DOLISA and the District-level Office of Labour, Invalids and Social Affairs shall publicize, update and post the list of full names, working location, telephone numbers and contact addresses of the appointed/re-appointed labour mediators on their websites and announce on mass media for workers and employers to know and get in contact.

Article 94. Dismissal of labour mediators

1. A labour mediator shall be dismissed in one of the following cases:

a) S/he submits an application for stopping working a labour mediator;

b) S/he fails to meet the criteria specified in Article 92 of this Decree;

c) S/he commits violation of law which harms the interests of the parties or the State's interests during the implementation of labour mediator's tasks as stipulated;

d) S/he fails to fulfil the assigned tasks for 02 years according to the Regulation on Management of Labour Mediators.

dd) S/he refuses to conduct mediation two times or more when being assigned labour disputes or disputes over vocational training contracts without plausible reasons as prescribed in the Regulation on Management of Labour Mediators.

2. Order and procedures for dismissal of labour mediators

a) For the case specified in Point a, Clause 1 of this Article, within 05 working days since receiving the application from the labour mediator, DOLISA shall propose in writing to the Chairperson of the Provincial-level People's Committee to consider and dismiss labour mediators;

b) For the cases specified in Points b, c, d, and dd Clause 1 of this Article, DOLISA shall, based on the report from the District-level Office of Labour, Invalids and Social Affairs and review results, propose to the Chairperson of the Provincial-level People's Committee to consider the dismissal of such labour mediator;

c) Within 10 working days since receiving DOLISA proposal, the Chairperson of the Provincial-level People's Committee shall consider and decide on the dismissal of labour mediators.

Article 95. Competence, order and procedures for assignment of labour mediators

1. The assignment of labour mediators to conduct mediation shall be done by DOLISA or District-level Offices of Labour, Invalids and Social Affairs within their authority defined in the Regulation on Management of Labour Mediators.

2. Order and procedures for assigning labour mediators

a) Written requests for settlement of labour disputes or disputes over vocational training contracts or requests for labour relations development support shall be sent to DOLISA or to the District-level Office of Labour, Invalids and Social Affairs or to labour mediators.

In case labour mediators directly receive such requests, within 12 hours from the receipt, they must forward them to DOLISA or District-level Offices of Labour, Invalids and Social Affairs which manage labour mediators for classification and handling;

b) Within 05 working days from receiving a request, DOLISA or District-level Office of Labour, Invalids and Social Affairs shall, within their authority, classify it and assign in writing a labour mediator to settle the labour dispute as stipulated.

In case of receiving a request forwarded by a labour mediator as stipulated in Point a of this Clause, within 12 hours since receiving the request, DOLISA or the District-level Office of Labour, Invalids and Social Affairs shall, within their authority, assign in writing a labour mediator as stipulated.

3. Depending on the complexity of the dispute, DOLISA or District-level Office of Labour, Invalids and Social Affairs may assign one or several labour mediators to perform the settlement.

Article 96. Benefits and working conditions of labour mediators

1. A labour mediator is entitled to the following benefits:

a) For each working day as assigned by a competent agency, a labour mediator shall be entitled to an allowance equal to 5% of the monthly regional minimum wage (average of all regions) stipulated by the Government for each period (from 1 January 2021, regional minimum wage rates shall comply with the Government's Decree No. 90/2019/ND-CP dated 15 November 2019) applicable to workers working under employment contracts.

The Provincial-level People's Committees can consider and propose to the People's Council of the same level for decision on application of an allowance rate higher than the one prescribed in this Point which is affordable to the local budget.

b) Being given time by the agency/unit/organizations where s/he is working to implement labour mediator's tasks as stipulated.

c) Being entitled to travel allowance in accordance with the regulations applicable to state officials, civil servants and public workers during the implementation of labour mediator's tasks as stipulated.

d) Being entitled to training, retraining organized by competent authorities to get his/her technical capacity and skills improved .

dd) Being rewarded for achievements during the implementation of labour mediator's tasks according to provisions of the Law on Emulation and Reward.

f) Being entitled to other benefits as stipulated by the law.

2. The agencies assigning labour mediators specified in Article 95 of this Decree shall arrange working space, working facilities, materials, stationery and other conditions necessary for labour mediators to perform their work.

3. The expenditures spent on the benefits and working conditions prescribed in Clauses 1 and 2 of this Article shall be covered by the state budget. The estimation, management and settlement of such expenditures shall comply with the law on state budget.

Article 97. Management of labour mediators

1. MOLISA shall:

a) Develop and submit to competent agencies for issuance, or issue under its competence, legal documents on labour mediators;

b) Communicate, guide, inspect, examine and supervise the implementation of regulations on labour mediation;

c) Develop training contents, programs and organize training, retraining to improve professional capacity for labour mediators.

2. Chairperson of the Provincial-level People's Committee shall:

a) Appoint, re-appoint, dismiss and manage the performance of labour mediators in the province.

For provinces and centrally-run cities with many businesses, big labour force and many labour disputes, the Chairperson may consider to appoint full-time labour mediators under DOLISA. These full-time labour mediators shall resolve labour disputes, disputes over vocational training contracts, support labour relations development, and assist DOLISA in managing labour mediation activities in the locality. The criteria for selection, appointment of full-time labour mediators and their duties shall follow the Regulation on Management of Labour Mediators;

b) Promulgate the Regulation on Management of Labour Mediators and decentralize the management of labour mediators to DOLISA and District-level Offices of Labour, Invalids and Social Affairs;

c) Direct the development and implementation of policies, benefits, emulation and commendation for labour mediators in accordance with law.

3. DOLISA shall:

a) Develop and submit to the Chairperson of the Provincial-level People's Committee the Regulation on Management of Labour Mediators;

b) Advise and assist the Chairperson of the Provincial-level People's Committee in managing labour mediators in the locality;

c) Develop and implement annual plans for recruiting and appointing labour mediators;

d) Assign, within their authority, labour mediators to resolve disputes and support labour relations development; ensure working conditions for labour mediators; appraise the performance and fulfilment of tasks by labour mediators; provide allowance, emulation and commendation for labour mediators as stipulated; manage labour mediators' profiles, dispute settlement records and other relevant documents;

dd) Preside over and collaborate with MOLISA specialized units in organizing training and retraining on professional skills for labour mediators in the locality;

e) Carry out inspection, examination and supervision of labour mediation work in accordance with law;

g) Annually report the situation of labour mediation work to the Chairperson of the Provincial-level People's Committee and MOLISA.

4. District-level Office of Labour, Invalids and Social Affairs shall:

a) Manage labour mediators in the district within their authority;

b) Develop and implement annual plans for recruiting and appointing labour mediators within their authority;

c) Assign, within their authority, labour mediators to resolve disputes and support labour relations development; ensure working conditions for labour mediators; appraise the performance and fulfilment of tasks by labour mediators; provide allowance, emulation and commendation for labour mediators as stipulated; manage labour mediators' profiles, dispute settlement records and other relevant documents;

d) Send labour mediators to professional training and retraining courses organized by MOLISA, DOLISA.

dd) Annually report the situation of labour mediation work to DOLISA.

Section 2. LABOUR ARBITRATION COUNCIL

Article 98. Criteria and requirements for labour arbitrators

1. Being Vietnamese citizen, having full civil act capacity as provided for by the Civil Code, having good health, good moral characters, reputation and impartiality.

2. Having a university degree or higher, having legal knowledge and at least 5 years of work experience in a labour relations-related field.

3. Being not subject to criminal prosecution, being serving a criminal sentence or having served a sentence but not yet having the conviction expunged

4. Being nominated to be a labour arbitrator by DOLISA or the Provincial Federation of Labour (FOL) or employers' representative organization(s) in the province in accordance with Clause 2 Article 185 of the Labour Code.

5. Being not a judge, prosecutor, investigator, executor, civil servant of a People's Court, People's Procuracy, investigation body or judgment execution agency.

Article 99. Appointment of labour arbitrators

1. Based on the number of labour arbitrators of the Labour Arbitration Council (LAC) prescribed in Clause 2, Article 185 of the Labour Code as well as the criteria and requirements for labour arbitrators specified in Article 98 of this Decree, the provincial FOL and employers' representative organization(s) in the province shall make profiles of the nominated candidates and submit them to DOLISA.

2. Within 10 working days since receiving the nomination dossier from the provincial FOL and employers' representative organization(s) in the province, DOLISA shall review and verify the dossier, at the same time consolidate information of the candidates nominated by itself into the nomination dossier before submitting it to the Provincial-level People's Committee for appointment of labour arbitrators.

The nomination of candidates to the post of labour arbitrators by DOLISA must take into account the LAC composition prescribed in Point a, Clause 2, Article 185 of the Labour Code to serve the appointment of the LAC Chairperson and Secretary.

3. The nomination dossier shall include:

a) A written request by the nominating body;

b) An application for the post of labour arbitrator by the nominee;

c) Resume certified by a competent authority;

d) A health certificate issued by a competent health authority as stipulated by the Ministry of Health;

dd) Authenticated copies or unauthenticated copies attached by the original ones (for verification) of relevant degrees and certificates.

4. Within 10 working days since receiving the DOLISA nomination, the Chairperson of the Provincial-level People's Committee shall decide on the appointment of labour mediators as LAC members.

A labour arbitrator's term shall coincide with the LAC's term. In case there is supplementation or replacement of a labour arbitrator which is in accordance with Article 100 of this Decree, the term of the new labour arbitrator shall be the remaining time of the LAC's term.

At the end of their term, labour arbitrators who still meet all the criteria and requirements stipulated in Article 98 of this Decree and continue to be nominated by the agencies specified in Points a, b and c Clause 2 Article 185 of the Labour Code shall be considered to be re-appointed as labour arbitrators in line with the order and procedures stipulated in this Article.

Article 100. Dismissal of labour arbitrators

1. A labour arbitrator shall be dismissed in one of the following cases:

a) S/he submits an application for stopping working a labour arbitrator;

b) S/he fails to meet the criteria specified in Article 98 of this Decree;

c) The nominating body sends a written request for dismissal or replacement of labour arbitrator;

d) S/he commits violation of law which harms the interests of the parties or the State's interests during the implementation of labour arbitrator's tasks as stipulated;

dd) S/he fails to fulfil the assigned tasks for 02 years according to the LAC Operation Regulation.

2. Order and procedures for dismissal of labour arbitrators

a) For the case specified in Point a Clause 1 of this Article, within 02 working days since receiving the application for relief from duty from a labour mediator, the LAC Chairperson shall report in writing to DOLISA. Within 03 working days since receiving the report from the LAC Chairperson, DOLISA shall discuss with the nominating agency and propose to the Chairperson of the Provincial-level People's Committee to consider and decide on the dismissal of labour arbitrator;

b) For the cases specified in Points b, c, d and dd Clause 1 of this Article, DOLISA shall, based on the report from the LAC Chairperson, review and discuss with the nominating agency before proposing to the Chairperson of the Provincial-level People's Committee to consider and decide on the dismissal of labour arbitrator;

c) Within 10 working days since receiving the proposal from DOLISA, the Chairperson of the Provincial-level People's Committee shall consider and decide on the dismissal of labour arbitrator.

Article 101. Establishment of the LAC

1. The Chairperson of the Provincial-level People's Committees shall decide to establish the LAC for 5-year terms, which consists of labour arbitrators appointed under Article 99 of this Decree, specifically:

a) The LAC Chairperson is a labour arbitrator who is a DOLISA leader and shall work on a part-time basis.

b) The LAC Secretary is a labour arbitrator who is a DOLISA official and shall work on a full-time basis.

c) LAC members are the remaining labour arbitrators who shall work on a part-time basis.

d) The LAC may use its own seal.

2. The LAC shall be responsible for:

a) Settling labour disputes in accordance with provisions of Articles 189, 193 and 197 of the Labour Code;

b) Settling collective interest-based labour disputes at the workplaces where strikes are prohibited in accordance with provisions in Section 3 of this Chapter;

c) Settling other labour disputes in accordance with law;

d) Supporting labour relations development in the province in accordance with the LAC Operation Regulation;

dd) Annually reporting the LAC activities to the Chairperson of the Provincial-level People's Committee, at the same time sending such report to DOLISA, provincial FOL and employers' representative organization(s) in the province.

3. The LAC Chairperson shall:

a) Promulgate the LAC Operation Regulation after consulting DOLISA, provincial FOL and employers' representative organization(s) in the province;

b) Assign specific tasks to labour arbitrators and manage LAC activities;

c) Decide on the establishment of a Labour Arbitration Panel (LAP); join the LAP and implement its tasks as stipulated in Article 102 of this Decree;

d) Annually, organize a LAC meeting to appraise the performance of each labour arbitrator in accordance with the LAC Operation Regulation, then report to the Chairperson of the Provincial-level People's Committee.

4. The LAC secretary shall:

a) Act as a permanent staff, perform administrative, organizational and logistic tasks to guarantee activities of the LAC.

b) Assist the LAC in making work plans, organizing labour dispute settlement meetings of the LAP.

c) Receive labour dispute settlement requests, advise and propose to the LAC Chairperson on selection and establishment of a LAP.

d) Join the LAP and implement its tasks as stipulated in Article 102 of this Decree.

dd) Classify and archive labour dispute settlement records according to regulations.

e) Perform other tasks assigned by the LAC Chairperson and the LAC Operation Regulation.

5. Labour arbitrators shall:

a) Join the LAP and implement its tasks as stipulated in Article 102 of this Decree.

b) Perform other tasks assigned by the LAC Chairperson and the LAC Operation Regulation.

Article 102. Establishment and operation of the LAP

1. Within 07 working days since receiving a labour dispute settlement request as specified in Points a, b and c, Clause 2, Article 101 of this Decree, the LAC shall set up a LAP.

2. The LAP composition shall be determined under provisions of Points a, b, and c, Clause 4, Article 185 of the Labour Code. In cases where either party or both disputing parties do(es) not select labour arbitrators as stipulated in Point a, Clause 4, Article 185 of the Labour Code, the LAC Chairperson shall select labour arbitrators on behalf of the non-selecting party (parties).

In cases where the two selected labour arbitrators do not agree on the selection of the third arbitrator who shall act as the Chair of the LAP as stipulated in Point b, Clause 4, Article 185 of the Labour Code, the LAC Chairperson shall select another labour arbitrator to be the LAP Chair
.

3. After the LAP is established or during the process of labour dispute settlement, if there is evidence that a labour arbitrator is not partial or objective which may affect the rights and interests of disputing parties/party, the disputing parties/party may request the LAC Chairperson to change such labour arbitrator(s).

4. Within 30 days from the date of its establishment, the LAP shall:

a) Study the case and collect evidence within its competence prescribed in Article 183 of the Labour Code to prepare a dispute settlement plan.

b) Hold a meeting to resolve the labour dispute.

c) Issue a decision on labour dispute settlement in accordance with principles defined in Clause 5 Article 185 of the Labour Code and send it to the disputing parties.

The LAP's decision must contain the following main contents: time (date, month, year) of decision issuance; names and addresses of the disputing parties; contents of the dispute settlement request; grounds for dispute settlement; contents of LAP's decisions relating to the dispute; signature of the LAP Chair and the LAC seal.

In case no decision on labour dispute settlement is issued, the LAP shall notify in writing to the disputing parties. Regarding collective right-based labour disputes specified in Points b and c Clause 2 Article 179 of the Labour Code which involve violations of law, the LAP shall make a record and transfer the record and relevant documents to a competent agency for consideration and handling in accordance with law.

5. The process of the meeting to resolve the labour dispute mentioned in Point b, Clause 4 of this Article shall be as follows:

a) At least 05 days before holding the meeting, the LAP must send an invitation to the disputing parties, clearly stating the time and venue for the meeting.

b) Upon receiving the invitation, the disputing parties must give feedback to the LAP on the participation in the meeting. In cases where one of the parties has a relevant reason for not being able to attend the meeting at the pre-defined time and venue, it may request the LAP to defer the meeting to an appropriate time. The LAP shall make final decision on postponement of the meeting time and notify the parties of such decision.

c) At the labour dispute settlement meeting, there must be representatives or authorized persons of the disputing parties as stipulated. In cases where one of the parties is absent, even if it has requested the postponement of the meeting but such request is not approved, the LAP shall still organize the meeting.

d) During the meeting, the LAP must clearly state the issue(s) requested by the parties to be addressed, listen to the parties presenting details of the issue(s) and make minutes with the signatures of every labour arbitrator and party present at the meeting.

Article 103. Benefits and working conditions of labour arbitrators and the LAC

1. A labour arbitrator is entitled to the following benefits:

a) For each working day spent on study of documents, collection of evidence and organization of labour dispute settlement meeting as assigned by a competent agency, a labour arbitrator shall be entitled to an allowance equal to 5% of the monthly regional minimum wage (average of all

regions) stipulated by the Government for each period (from 1 January 2021, regional minimum wage rates shall comply with the Government's Decree No. 90/2019/ND-CP dated 15 November 2019) applicable to workers working under employment contracts.

The Provincial-level People's Committees can consider and propose to the People's Council of the same level for decision on application of an allowance rate higher than the one prescribed in this Point which is affordable to the local budget.

b) Being given time by the agency/unit/organizations where s/he is working to join the LAC, the LAP for settling disputes.

c) Being entitled to travel allowance in accordance with the regulations applicable to state officials, civil servants and public workers during the period of joining the LAP for settling disputes.

d) Being entitled to training, retraining organized by competent authorities to get his/her technical capacity and skills improved .

dd) Being rewarded for achievements during the implementation of labour arbitrator's tasks according to provisions of the Law on Emulation and Reward.

e) Being entitled to other benefits as stipulated by the law.

2. The LAC secretary shall be entitled to a responsibility allowance equal to 0.5 of the base wage specified in the Government's Decree No. 204/2004/ND-CP dated 14 December 2004 on wages of cadres, civil servants, public employees and armed forces. When the Government sets new wage rates in accordance with the Resolution No. 27-NQ/TW on reforming wage policies for cadres, civil servants, public employees, armed forces and workers in enterprises dated 21 May 2018 by the 12th Party Central Committee at its 7th Congress, the above-mentioned responsibility allowance shall comply with the new regulations.

3. Working conditions of labour arbitrators, the LAP and the LAC

a) DOLISA shall arrange working space, working facilities, materials, stationery and other conditions necessary for labour arbitrators, the LAP and the LAC to perform their work.

b) The LAC shall have its own office at DOLISA premises.

c) The operation expenditures of the LAC shall be covered by the state budget and is included in the annual recurrent expenditure estimates of DOLISA The estimation, management and settlement of the operation expenditures of the LAC shall comply with the law on state budget.

Article 15. State management of labour arbitrators and the LAC

1. MOLISA shall:

a) Develop and submit to competent agencies for promulgation or promulgate within its competence legal documents on labour arbitrators and the LAC;

b) Communicate, guide, inspect, examine and supervise the implementation of the provisions on labour arbitrators, LAC according to regulations;

c) Develop contents, programs and organize training, retraining and improve professional competence of labour arbitrators.

2. Chairperson of the Provincial-level People's Committee shall:

a) Appoint, dismiss labour arbitrators and establish the LAC;

b) Direct the development and implementation of policies, benefits, emulation and commendation for labour arbitrators in accordance with provisions of this Decree .

3. DOLISA shall:

a) Evaluate profiles and propose the appointment, dismissal of labour arbitrators, establish the LAC.

b) Provide opinions for the LAC Chairperson to issue the LAC Operation Regulation.

c) Ensure working conditions for labour arbitrators, the LAP and the LAC; provide benefits, emulation and commendation for labour arbitrators and the LAC; manage and archive labour arbitrators' profiles, LAC profile, labour dispute settlement records of the LAP and other relevant documents as stipulated.

d) Preside over and collaborate with MOLISA specialized units in organizing training and retraining on professional skills for labour arbitrators in the locality;

dd) Carry out inspection, examination and supervision of labour arbitration work in accordance with law.

e) Annually report activities of labour arbitrators and the LAC to the Chairperson of the Provincial-level People's Committee and MOLISA.

Section 3. LIST OF WORKPLACES WHERE STRIKES ARE PROHIBITED AND THE SETTLEMENT OF LABOUR DISPUTES AT WORKPLACES WHERE STRIKES ARE PROHIBITED

Article 105. List of workplaces where strikes are prohibited

The list of workplaces where strikes are prohibited is attached to this Decree, which includes enterprises or divisions of enterprises where the occurrence of strikes is likely to threaten the national defence, public security and order, human health as detailed in Annex VI to this Decree.

Article 106. Settlement of individual labour disputes, collective right-based labour disputes at workplaces where strikes are prohibited

1. Individual labour disputes shall be settled in accordance with Articles 187, 188, 189 and 190 of the Labour Code.

2. Collective right-based labour disputes shall be settled in accordance with Articles 191, 192, 193 and 194 of the Labour Code.

Article 107. Settlement of collective interest-based labour disputes at workplaces where strikes are prohibited

1. Collective interest-based labour disputes must be handled by labour mediators before being requested to be settled by the LAC or the Chairperson of the Provincial-level People's Committee.

2. Handling of collective interest-based labour disputes by labour mediators.

a) The handling of collective interest-based labour disputes by labour mediators shall comply with Clauses 1 and 2, Article 196 of the Labour Code.

b) In cases where the mediation is unsuccessful, or the labour mediator fails to conduct mediation within the time limit prescribed in Clause 2, Article 188 of the Labour Code, or either party fails to implement the agreement in the record of successful mediation, the disputing parties may request the LAC or the Chairperson of the Provincial-level People's Committee to settle it.

3. Settlement of collective interest-based labour disputes by the LAC.

a) The settlement of collective interest-based labour disputes by the LAC shall comply with Clauses 1, 2 and 3, Article 197 of the Labour Code.

b) In cases where the LAP is not established within the time limit prescribed in Clause 2, Article 197 of the Labour Code, or the LAP fails to issue a settlement decision within the time limit prescribed in Clause 3, Article 197 of the Labour Code, or either party fails to implement the LAP's settlement decision, the disputing parties may request the Chairperson of the Provincial-level People's Committee to settle it.

During the time when the collective interest-based labour dispute is handled by the LAC, the parties must not request the Chairperson of the Provincial-level People's Committee to settle it.

4. Settlement of collective interest-based labour disputes by the Chairperson of the Provincial-level People's Committee.

a) Within 02 working days since receiving a request for collective interest-based labour dispute settlement, the Chairperson of the Provincial-level People's Committee shall assign DOLISA to collaborate with relevant agencies to propose the settlement.

b) Within 10 days from the date of being assigned by the Chairperson of the Provincial-level People's Committee to settle the labour dispute, DOLISA shall collaborate with the provincial FOL and relevant agencies in investigating the case and guiding the disputing parties to conduct negotiation for dispute settlement. In cases where the disputing parties reach an agreement, DOLISA shall make a record signed by representatives of the disputing parties and report the agreement as the result of the labour dispute settlement to the Chairperson of the Provincial-level People's Committee in writing. In cases where the parties fail to reach an agreement within 10 working days, DOLISA shall collaborate with the provincial FOL and relevant agencies to make a labour dispute settlement plan and propose it to the Chairperson of the Provincial-level People's Committees for consideration and decision.

c) Within 5 working days from the date of receiving the proposed labour dispute settlement plan from DOLISA, the Chairperson of the Provincial-level People's Committee shall chair a meeting to consult disputing parties, provincial FOL representative and relevant agencies on the labour dispute settlement plan and make settlement decision.

The labour dispute settlement decision made by the Chairperson of the Provincial-level People's Committee shall be binding to disputing parties.

Article 108. Settlement of disputes over the right to collective bargaining at workplaces where strikes are prohibited

Disputes over the right to collective bargaining at workplaces where strikes are prohibited shall follow the Government's regulation on settlement of disputes over the right to collective bargaining.

Section 4. SUSPENSION, STOPPAGE OF STRIKES AND GUARANTEE OF WORKERS' BENEFITS

Article 109. Suspension, stoppage of strikes

1. Suspension of a strike is the case where the Chairperson of the Provincial-level People's Committee issues a decision on deferring the starting time of a strike which is stated in the strike decision of the WRO at grassroots level having the right to organize and lead the strike.

2. Stoppage of a strike is the case where the Chairperson of the Provincial-level People's Committee issues a decision on temporarily stopping an ongoing strike until there are no longer risks of serious damage to the national economy, public interests, national defence, public security and order, human health.

3. Cases where suspension of strikes takes place:

a) Strikes planned to be held at the venues of suppliers of electricity, water, public transport and other services directly serving the meetings to celebrate public holidays and New Year holidays specified in Clause 1 Article 112 of the Labour Code..

b) Strikes planned to be held in areas where activities are taking place to prevent and overcome the consequences of natural disasters, fire, dangerous epidemics or emergencies as stipulated by law.

4. Cases where stoppage of strikes takes place:

a) Strikes taking place in areas where there are natural disasters, fire, dangerous epidemics or emergencies as stipulated law.

b) Strikes taking place until the third day at the venues of suppliers of electricity, water, public transport and other services, affecting the environment, living conditions and health of people in provincial cities.

c) Strikes taking place with violent acts, disturbances affecting properties and life of investors, causing serious damage to the national economy, public interests, national defence, public security and order, human health.

Article 110. Order and procedures for suspending a strike

1. Within 24 hours since receiving the strike decision from the WRO at grassroots level which has the right to organize and lead a strike, DOLISA Director shall consider it; if the strike falls under the cases prescribed in Clause 3, Article 109 of this Decree, s/he shall report in writing to the Chairperson of the Provincial-level People's Committee for decision on suspension of the strike.

The report requesting the suspension of a strike sent to the Chairperson of the Provincial People's Committee must include the following main contents: name of the employer at the workplace where the strike is planned to take place, name of the WRO which shall organize and lead the strike; place where the strike is planned to take place; tentative time to start the strike;

requests of the WRO; reasons to suspend the strike; recommendations relating to the strike suspension, duration of suspension and measures to implement the decision on strike suspension issued by the Chairperson of the Provincial-level People's Committee.

2. Within 24 hours since receiving the report from DOLISA Director, the Chairperson of the Provincial-level People's Committee shall consider and issue a decision on suspension of the strike. Within 12 hours from the issuance of such decision, the Chairperson of the Provincial-level People's Committee shall notify the Chairperson of the District People's Committee, President of the Provincial FOL, LAC Chairperson, the WRO at grassroots level which has the right to organize and lead the strike, employer of the workplace where the strike is planned to take place. The decision on strike suspension issued by the Chairperson of the Provincial-level People's Committee shall take effect from the date of signing.

3. Based on the decisions issued by the Chairperson of the Provincial-level People's Committee, the WRO at grassroots level which has the right to organize and lead the strike, workers, the employer, related individuals and organizations must immediately suspend the strike in accordance with regulations.

Article 111. Order and procedures for stopping a strike

1. When a strike falls under the cases prescribed in Clause 4 Article 109 of this Decree, the District-level Office of Labour, Invalids and Social Affairs must immediately report it to the Chairperson of the District People's Committee for stoppage of the strike.

Within 12 hours since receiving the report from the District-level Office of Labour, Invalids and Social Affairs, the Chairperson of the District People's Committee shall consider it and submit a request to the Chairperson of the Provincial-level People's Committee for stoppage of the strike, and to DOLISA Director as well. The request for stoppage of a strike sent to the Chairperson of the Provincial People's Committee must include the following main contents: name of the employer at the workplace where the strike is taking place, name of the WRO organizing and leading the strike; place where the strike is taking place; starting time of the strike; scope of strike; number of workers participating in the strike; requests of the WRO; reasons to stop the strike; recommendations relating to the strike stoppage and measures to implement the decision on strike stoppage issued by the Chairperson of the Provincial-level People's Committee.

2. Within 12 hours since receiving the report from the Chairperson of the District People's Committee, DOLISA Director must provide his/her opinions for the Chairperson of the Provincial-level People's Committee to consider and decide on the stoppage of the strike.

3. Within 12 hours since receiving the opinions from the DOLISA Director, the Chairperson of the Provincial-level People's Committee shall consider and issue a decision on stoppage of the strike. Within 12 hours from the issuance of such decision, the Chairperson of the Provincial-level People's Committee shall notify the Chairperson of the District People's Committee, President of the Provincial FOL, LAC Chairperson, the WRO at grassroots level which has the right to organize and lead the strike, employer of the workplace where the strike is taking place. The decision on strike stoppage issued by the Chairperson of the Provincial-level People's Committee shall take effect from the date of signing.

4. Within 12 hours since the Chairperson of the Provincial-level People's Committee issues a decision to stoppage of the strike, the WRO at grassroots level which has the right to organize

and lead the strike, workers, the employer, related individuals and organizations must immediately stop the strike in accordance with regulations.

5. Within 24 hours since receiving the decision on stoppage of the strike issued by the Chairperson of the Provincial-level People's Committee, the Chairperson of the District People's Committee must report on the implementation of strike stoppage to the Chairperson of the Provincial-level People's Committee. .

Article 112. Guarantee of workers' benefits in case of strike suspension or stoppage

1. During the implementation of a decision on suspension or stoppage of a strike issued by the Chairperson of the Provincial-level People's Committee, DOLISA and the District-level Office of Labour, Invalids and Social Affairs in collaboration with the provincial FOL, district FOL, WRO at grassroots level which has the right to organize and lead the strike, the employer at the workplace where the strike is suspended or stopped and relevant agencies shall help the disputing parties to conduct bargaining and mediation to guarantee workers' benefits and to settle related conflicts.

2. Upon the expiry of the suspension or stoppage duration stated in the decision issued by the Chairperson of the Provincial-level People's Committee, if the two parties fail to get an agreement on guarantee of workers' benefits and settlement of related conflicts, the WRO at grassroots level which has the right to organize and lead the strike may continue to organize a strike but must notify in writing to the employer, District People's Committee and DOLISA at least 05 working days before the starting date of the strike.

Article 113. Rights and responsibilities of workers in case of strike stoppage

1. After the Chairperson of the Provincial-level People's Committee decides on stopping the strike, workers must return to work and be paid.

2. After the Chairperson of the Provincial-level People's Committee decides on stopping the strike, if workers do not return to work, they shall not be paid unless the two parties agree otherwise. Depending on the seriousness of the violation, workers shall be disciplined in accordance with the internal work regulations and provisions of law.

CHAPTER XI

IMPLEMENTATION PROVISIONS

Article 114. Effect

1. This Decree shall take effect as from February 1, 2021.

2. From the effective date of this Decree, the following regulations shall be null and void:

a) Decree No. 03/2014/ND-CP dated January 16, 2014 detailing a number of articles of the Labour Code regarding employment;

b) Decree No. 44/2013/ND-CP dated May 09, 2013 detailing a number of articles of the Labour Code regarding employment contracts;

2. From the effective date of this Decree, the following Decrees cease to be effective:

a) Decree No. 03/2014/ND-CP dated January 16, 2014 of the Government detailing the implementation of a number of articles of the Labour Code regarding employment;

b) Decree No. 44/2013/ND-CP dated May 9, 2013 of the Government detailing a number of articles of the Labour Code regarding employment contracts; Decree No. 05/2015/ND-CP dated 12 January 2015 detailing and guiding a number of articles of the Labour Code; Decree No. 148/2018/ND-CP dated October 24, 2018 amending and supplementing a number of articles of Decree No. 05/2015/ND-CP dated January 12, 2015 detailing and guiding a number of provisions of the Labour Code;

c) Decree No. 29/2019/ND-CP dated March 20, 2019 detailing Clause 3 Article 54 of the Labour Code regarding licensing of labour dispatch, payment of deposits and the list of jobs for which labour dispatch is allowed;

d) Decree No. 149/2018/ND-CP dated 7 November 2018 detailing Clause 3 Article 63 of the Labour Code on the exercise of grassroots democracy at the workplace;

dd) Decree No. 49/2013/ND-CP dated May 14, 2013 detailing a number of articles of the Labour Code regarding wages; Decree No. 121/2018/ND-CP dated September 13, 2018 amending and supplementing a number of articles of Decree No. 49/2013/ND-CP dated May 14, 2013 detailing a number of articles of the Labour Code regarding wages;

e) Decree No. 45/2013/ND-CP dated May 10, 2013 detailing a number of articles of the Labour Code regarding working hours, rest periods, occupational safety and occupational hygiene;

g) Decree No. 85/2015/ND-CP dated October 01, 2015 detailing a number of articles of the Labour Code regarding policies for female workers;

h) The Government's Decree No. 27/2014/ND-CP of April 07, 2014 detailing a number of articles of the Labour Code regarding domestic workers;

i) Decree No. 46/2013/ND-CP dated May 10, 2013 detailing and guiding the implementation of several articles of the Labour Code on labour dispute;

k) Decree No. 41/2013/ND-CP dated May 8, 2013 detailing the implementation of Article 220 of the Labour Code 2012 on the list of undertakings where strikes are prohibited and the handling of requests of workers' collectives at undertakings where strikes are prohibited.

3. Labour dispatch enterprises that are licensed before the effective date of this Decree shall continue their labour dispatch activities until the expiration date of the license. Enterprises having their labour dispatch licence to be renewed, re-issued or revoked shall comply with Articles 26, 27 and 28 of this Decree.

3. The labour dispatch enterprises that have been granted a labour outsourcing operation permit before the effective date of this Decree shall continue performing the labour outsourcing operation until the permit expires. term. Cases of extension, re-issuance or revocation of a license comply with Articles 26, 27 and 28 of this Decree.

4. Employers who employ less than 10 workers are exempt from the organization of the workers' congress and from the issuance of the Regulation on grassroots democracy at the workplace stipulated in Articles 47 and 48 of this Decree. Employers being state administrative agencies, public non-business units that employ workers under employment contracts in accordance with

the Government's Decree No. 68/2000/ND-CP dated November 17, 2000 on the application of the contractual regime to a number of jobs in state administrative agencies and public non-business units, the Government's Decree No. 161/2018/ND-CP dated November 29, 2018 amending and supplementing a number of regulations on recruitment of civil servants, public employees, civil servant rank promotion, public employee promotion and application of the contractual regime to a number of jobs in state administrative agencies and public non-business units governed by the Government's Decree No. 04/2015/ND-CP dated January 9, 2015 on exercise of democracy in activities of state administrative agencies and public non-business units are free from the organization of dialogue and the exercise of grassroots democracy at the workplace stipulated in Chapter V of this Decree.

5. Working hours and rest periods applied to cadres, civil servants, public employees, staff of the People's Army and the People's Public Security Forces are stipulated by other legal documents. If the other legal documents have no regulations on these contents, Chapter VII of this Decree shall apply.

6. For labour mediators appointed before the effective date of this Decree and still under their term, if they do not fall into the cases of dismissal specified in Points a, c, d and dd Clause Article 94 of this Decree, they shall continue to act as labour mediators until the end of their term

7. In case the documents referred to in this Decree are amended, supplemented or replaced, the newly issued documents shall apply.

Article 115. Implementation responsibilities

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of People's Committees of provinces/centrally-run cities, related agencies, enterprises, organizations and individuals shall implement this Decree.

FOR THE GOVERNMENT
PRIME MINISTER

Nguyen Xuan Phuc.

Recipients:
- Secretariat of Central Party Committee
- Prime Minister, Deputy Prime Ministers;
- Ministries, ministerial-level agencies, government agencies;
- People's Councils, People's Committees of provinces/centrally-run cities;
- Central Office and Departments of the Party;
- Office of the Party's Secretary General
- Office of the State President;
- Ethnic Council and Committees of the National Assembly;
- Office of National Assembly;
- Supreme People's Court;
- Supreme People's Procuracy;
- State Audit Agency;
- National Financial Supervisory Commission
- Vietnam Bank for Social Policies
- Vietnam Development Bank
- Central Committee of Vietnam Fatherland Front
- Central agencies of mass organizations;
- State-owned economic groups and corporations

- Government Office: Head-Minister, Deputy Heads, assistant to the Prime Minister, director of the Government portal, Units, Official Gazette;

- Archive: Administration Office, Department of Science, Education and Social Affairs (2 copies).