Taking effect from 1st January 2021

## **LABOUR CODE 2012**

(Law No. 10/2012/QH13, 18 June 2012)

(Law No. 45/2019/QH14, 20 November 2019)

**LABOUR CODE 2019** 

Labour Code only applies to foreign and Vietnamese

employees, trainees, apprentices and other employees stipulated in the Labour Code (Article 2).

Definition (Article 15): agreement between an Employee and an Employer on a paid job, working conditions and on

the rights and obligations of each party to the labour

Labour Code will now also apply to "workers without labour relations", which are defined as persons working without an employment contract (Article 2).

relationship. Forms (Article 16): must be written, except for temporary work of less than 3 months.

Definition (Article 13): Any document, regardless of its

Forms (Article 14): must be written, except for

name, containing an agreement on the paid job, salary, management and supervision of a party.

temporary work of less than 1 month. May also be in form of an electronic data. Types (Article 20): Indefinite term and fixed term with

Types (Article 22): Indefinite term, fixed term between 12 and 36 months, and seasonal/specific jobs with a duration CONTRACTS

a duration of up to 36 months.

Annexes (Article 22): must not change the duration of

the employment contract.

of less than 12 months. Annexes (Article 24): may elaborate in detail some of the

Limited to 60 days for positions requiring college level or

The Employee (Article 37): can unilaterally terminate a

fixed term contract only in 7 special situations and must

The Employer (Articles 38, 44 and 125): can unilaterally

terminate an employment contract by evidencing 1 of the

8 grounds of termination and by giving a notice period

Employees enjoy one public holiday for the "National Day",

2<sup>nd</sup> September of each calendar year (Article 115).

Maximum overtime hours a month is 30 (Article 106).

Maximum overtime hours a year is 200 hours, except in a number of special cases where it can reach 300 hours.

Retirement age is 60 years old for males and 55 years old

Maximum duration of a work permit is 2 years (Article

Even if prohibited (Article 183), sexual harassment was not

higher specialized or technical expertise (Article 27).

comply with a notice period.

for females (Article 187).

defined by the Labour Code.

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173).

(Article 3).

(except for dismissal for misconduct).

articles of the employment contract, or may amend or supplement the employment contract.

Now duration can be up to 180 days for executive

PROBATIONARY

positions, as prescribed by the Law on Enterprises (Article 24).

LABOR CONTRACT

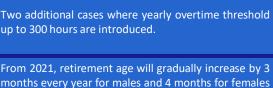
TERMINATION

The Employee (Article 35): will be able to resign without providing any justification, provided that he/she serves the required notice period, except in 7 situations that do not require notice period. The Employer (Articles 36, 125): has 4 additional grounds of unilateral termination (when an employee reaches retirement age, when an employee had falsified information for the purpose of his/her

recruitment, or being absent from work for 5 consecutive days, sexual harassment) and 2 new exemptions from giving prior notice.

From 2021, the "National Day" will become a two-day public holiday, including 2nd September plus one day before or after (Article 112).

Maximum overtime hours a month can be up to 40 hours (Article 107).





**WORK PERMIT** 

SEXIIAL

**HARASSMENT** 

(Article 118).

months every year for males and 4 months for females until it reaches 62 years old for males and 60 years old for females (Article 169). Maximum duration of a work permit remains 2 years but now it may also be extended once for up to 2 more years (Article 155).

Now defined as any sexual act of a person against

another person, in the workplace against his/her will (Article 3). Internal labour regulations must now

contain some provisions to prevent sexual harassment

Now, it will include both internal trade unions and To date, the sole employee representatives were trade unions, i.e. Vietnam General Confederation of Labour internal employee organizations (Article 3). **EMPLOYEE REPRESENTATIVES** Hanoi - A&P- Ho Chi Minh City www.audierpartners.com contact@audierpartners.com