

## LABOUR CODE 2012

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



## LABOUR CODE 2019

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

Labour Code only applies to foreign and Vietnamese employees, trainees, apprentices and other employees stipulated in the Labour Code (**Article 2**).



SCOPE

Labour Code will now also apply to “workers without labour relations”, which are defined as persons working without an employment contract (**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 relationship.

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

**Types (Article 22):** Indefinite term, fixed term between 12 and 36 months, and seasonal/specific jobs with a duration of less than 12 months.

**Annexes (Article 24):** may elaborate in detail some of the articles of the employment contract, or may amend or supplement the employment contract.

EMPLOYMENT  
CONTRACTS

**Definition (Article 13):** Any document, regardless of its name, containing an agreement on the paid job, salary, management and supervision of a party.

**Forms (Article 14):** must be written, except for 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 a duration of up to 36 months.

**Annexes (Article 22):** must not change the duration of the employment contract.

Limited to 60 days for positions requiring college level or higher specialized or technical expertise (**Article 27**).

PROBATIONARY  
PERIOD

Now duration can be up to 180 days for executive positions, as prescribed by the Law on Enterprises (**Article 24**).

**The Employee (Article 37):** can unilaterally terminate a fixed term contract only in 7 special situations and must comply with a notice period.

**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 (except for dismissal for misconduct).

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.

Employees enjoy one public holiday for the “National Day”, 2<sup>nd</sup> September of each calendar year (**Article 115**).



PUBLIC HOLIDAYS

From 2021, the “National Day” will become a two-day public holiday, including 2<sup>nd</sup> September plus one day before or after (**Article 112**).

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.



OVERTIME

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

Two additional cases where yearly overtime threshold up to 300 hours are introduced.

Retirement age is 60 years old for males and 55 years old for females (**Article 187**).



RETIREMENT AGE

From 2021, retirement age will gradually increase by 3 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 is 2 years (**Article 173**).



WORK PERMIT

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**).

Even if prohibited (**Article 183**), sexual harassment was not defined by the Labour Code.

SEXUAL  
HARASSMENT

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 (**Article 118**).

To date, the sole employee representatives were trade unions, i.e. Vietnam General Confederation of Labour (**Article 3**).

EMPLOYEE  
REPRESENTATIVES

Now, it will include both internal trade unions and internal employee organizations (**Article 3**).