

LAW  
ON EMPLOYMENT

*Pursuant to the Constitution of the Socialist Republic of Vietnam;  
The National Assembly promulgates the Law on Employment.*

**Chapter I**

**GENERAL PROVISIONS**

**Article 1.** Scope

This Law provides employment creation support policies; labour market information; assessment and grant of certificates of national occupational skills; employment service organizations and activities; unemployment insurance; and state management of employment.

**Article 2.** Subjects of application

This Law applied to labourers, employers and other agencies, organizations and individuals involved in employment.

**Article 3.** Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Labourer* means a Vietnamese citizen who is full 15 years old or older, has ability to work and seeks employment.
2. *Employment* means an income-generating working activity not banned by law.
3. *National occupational skills standards* means regulations on professional knowledge, practice capacity, and ability to apply such knowledge and capacity in work, which are required for a worker to perform his/her work depending on each qualification level of skills of each occupation.
4. *Unemployment insurance* means a scheme aiming to compensate part of income of a worker when he/she becomes unemployed, support him/her to receive vocational training, maintain employment, or seek employment, on the basis of making contributions to the Unemployment Insurance Fund.
5. *Public employment* means paid temporary employment which is created through the implementation of state-funded projects or activities associated with socio-economic development programs in communes, wards or townships (hereinafter referred to as communes).

**Article 4.** Principles of employment

1. Ensuring the right to work and freely choose jobs and workplaces.
2. Ensuring equality in employment opportunities and incomes.
3. Ensuring working under safe and hygienic conditions.

**Article 5.** State policies on employment

1. To adopt socio-economic development policies aiming to create employment for labourers, identify employment creation objectives in socio-economic development strategies and plans; to allocate resources for the implementation of employment policies.
2. To encourage organizations and individuals to create employment for others and for themselves with incomes at least equal to the minimum wage level, contributing to socio-economic and labour market development.
3. To adopt policies on employment creation support, labour market development and unemployment insurance.
4. To adopt policies on assessment and grant of certificates of national occupational skills in association with improvement of occupational skills qualifications.

5. To adopt preferential policies for sectors and trades that use labourers with high professional and technical qualifications or use many labourers, as suitable to socio-economic development conditions.

6. To support employers that employ many people with disabilities, women and ethnic minority people.

**Article 6.** Contents of the state management of employment

1. Promulgating, and organizing the implementation of legal documents on employment.

2. Propagating, disseminating and educating about the law on employment.

3. Managing labourers, labour market information, assessment and grant of certificates of national occupational skills, and unemployment insurance.

4. Managing the organization and operation of employment service centers and employment service enterprises.

5. Examining, inspecting, settling complaints and denunciations, and handling violations of the law on employment.

6. Carrying out international cooperation on employment.

**Article 7.** Competence to perform the state management of employment

1. The Government shall uniformly perform the state management of employment nationwide.

2. The Ministry of Labour - Invalids and Social Affairs shall have responsibility with the Government for the state management of employment.

Ministries and Ministerial-level agencies shall, within the ambit of their duties and authorities, coordinate with the Ministry of Labour - Invalids and Social Affairs in performing the state management of employment.

3. People's Committees at all levels shall, within the ambit of their duties and authorities in performing the state management of employment in localities.

**Article 8.** Responsibilities of agencies, organizations and individuals for employment

1. The Vietnam Fatherland Front and its member organizations, within the ambit of their functions and duties, shall mobilize agencies, enterprises, units, organizations and individuals to create employment; and join state agencies in formulating, and supervising the implementation of policies and laws on employment in accordance with the law.

2. Agencies and organizations, within the ambit of their duties and authorities, shall propagate and disseminate policies and laws on employment; create employment; and protect the lawful rights and interests of labourers and employers in accordance with law.

3. Individuals shall take the initiative in seeking employment and participating in employment creation.

**Article 9.** Prohibited acts

1. Committing discriminatory acts in employment and occupations.

2. Infringing upon the body, honor, dignity, property, the lawful rights and interests of labourers or employers.

3. Recruiting or employing labourers in contravention of law.

4. Enticing, promising and deceitfully advertising to deceive labourers, or taking advantage of employment services or labour market information to commit illegal acts.

5. Committing fraud or forging dossiers in the implementation of employment policies.

6. Obstructing, or causing difficulties or damage to, the lawful rights and interests of labourers or employers.

**Chapter II**

**EMPLOYMENT CREATION SUPPORT POLICIES**

**Section 1. CREDIT PREFERENCES FOR EMPLOYMENT CREATION**

**Article 10.** Credit preferences for employment creation

The State shall provide credit preferences from the National Employment Fund and other credit sources to support employment creation and maintain and expand employment.

**Article 11.** The National Employment Fund

1. Sources forming the National Employment Fund include:

- a/ State budget;
- b/ Supporting sources of domestic and foreign organizations and individuals;
- c/ Other lawful sources.

2. The management and use of the National Employment Fund must comply with law.

**Article 12.** Borrowers of loans from the National Employment Fund

1. Eligible borrowers of loans from the National Employment Fund include:

- a/ Small- and medium-sized enterprises, cooperatives, cooperative groups and business households;
- b/ Labourers.

2. The entities defined in Clause 1 of this Article that fall in the cases below may take loans from the National Employment Fund at lower interest rates:

- a/ Small- and medium-sized enterprises, cooperatives, cooperative groups and business households that employ many people with disabilities or ethnic minority people;
- b/ Ethnic minority people who are living in areas with extremely difficult socio-economic conditions, and people with disabilities.

**Article 13.** Conditions for loan borrowing

1. The entities defined at Point a, Clause 1, Article 12 of this Law may take loans from the National Employment Fund when fully meeting the following conditions:

- a/ Having a loan-borrowing project that is feasible in the locality, suits their production and business lines and creates more stable jobs;
- b/ Having a loan-borrowing project certified by a competent agency or organization in the locality where the project is implemented;
- c/ Having loan collateral.

2. The entities specified at Point b, Clause 1, Article 12 of this Law may take loans from the National Employment Fund when fully meeting the following conditions:

- a/ Having full civil act capacity;
- b/ Wishing to take loans to create employment for themselves or attract more labourers, as certified by a competent agency or organization in the locality where the project is implemented;
- c/ Lawfully residing in the locality where the project is implemented.

3. The Government shall prescribe loan levels, duration and interest rates, the order and procedures for borrowing loans, and loan collateral conditions.

**Article 14.** Provision of preferential loans from other credit sources to support employment creation

Based on socio-economic conditions in each period, the State shall use other credit sources to provide preferential loans for the implementation of indirect policies to support employment creation.

**Section 2. POLICIES TO SUPPORT EMPLOYMENT CHANGE FOR LABOURERS IN RURAL AREAS**

**Article 15.** Support for occupation or employment change for labourers in rural areas

1. Based on socio-economic development strategies and plans, the State shall support occupation or employment change for labourers in rural areas.

2. Labourers in rural areas who participate in occupation or employment change are entitled to:

- a/ Vocational training support;
- b/ Free counseling on policies and laws on labor, employment and vocational training;
- c/ Free job recommendation;

d/ Taking loans from the National Employment Fund as prescribed in Articles 11, 12 and 13 of this Law.

**Article 16.** Vocational training support for labourers in rural areas

Labourers in rural areas who attend vocational training courses of under three months or at primary level in vocational training institutions are entitled to support of vocational training expenses under the Prime Minister's regulations.

**Article 17.** Support for small- and medium-sized enterprises, cooperatives, cooperative groups and business households to create employment for labourers in rural areas Small- and medium-sized enterprises, cooperatives, cooperative groups and business households are entitled to the State's support for development of production and business activities and expansion of on-spot employment for labourers in rural areas through:

1. Taking loans from the National Employment Fund as prescribed in Articles 11, 12 and 13 of this Law;
2. Being supported in accessing information on outlet markets;
3. Enjoying tax exemption and reduction in accordance with tax laws.

**Section 3. PUBLIC EMPLOYMENT POLICIES**

**Article 18.** Contents of public employment policies

1. Public employment policies are implemented through state-funded projects or activities associated with socio-economic development programs in communes, including:

- a/ Building infrastructure for agriculture, forestry, fisheries and salt production;
- b/ Building public infrastructure facilities;
- c/ Protecting the environment;
- d/ Responding to climate change;
- e/ Other projects and activities serving the local communities.

2. For the projects and activities specified in Clause 1 of this Article, when selecting contractors under the bidding law, a bidding dossier or dossier of requirement must contain a requirement that the bid-participating contractors propose a plan on employment of the labourers defined in Clause 1, Article 19 of this Law.

3. The Government shall detail the organization of implementation of public employment policies.

**Article 19.** Participants in public employment policies

1. Labourers may participate in public employment policies when fully meeting the following conditions:

- a/ Lawfully residing in the locality where the projects or activities are implemented;
- b/ Participating on a voluntary basis.

2. The labourers defined in Clause 1 of this Article who are ethnic minority people, members of poor households or households living just above the poverty line or households having agricultural land recovered, and unemployed or underemployed people are prioritized to participate in public employment policies.

3. Organizations and individuals are encouraged to employ the labourers defined in Clause 1 of this Article when implementing projects or activities other than those specified in Clause 1, Article 18 of this Law.

**Section 4. OTHER SUPPORT POLICIES**

**Article 20.** Support for guest labourers

1. The State shall encourage and create conditions for labourers who have demand and ability to go abroad as guest labourers.

2. Labourers who are ethnic minority people, members of poor households or households living near the poverty line or households having agricultural land recovered, and relatives of people

with special contribution to the revolution who wish to go abroad as guest labourers, are entitled to the State's support for:

- a/ Vocational training and learning foreign languages; getting familiarized with the customs, habits and laws of Vietnam and the host country;
- b/ Training to improve occupational skills qualifications to meet the requirements of the host country;
- c/ Taking loans with preferential interest rates.

3. The Government shall regulate detail of support policies for guest labourers as prescribed in this Article.

**Article 21.** Employment creation support for young people

1. The State shall encourage organizations and individuals to create employment for young people; and create conditions for young people to bring into play their initiative and creativity in employment creation.

2. The State shall provide employment creation support for young people through:

- a/ Free job counseling, career orientation and job recommendation for young people;
- b/ Vocational training in association with employment creation for young people who have completed their military or public security obligation and youth volunteers who have completed their tasks in socio-economic development programs or projects;
- c/ Support for young people to start up their career or business.

3. The Government shall detail points b and c, Clause 2 of this Article.

**Article 22.** Support for labour market development

The State shall provide support for labour market development through:

1. Collecting and providing labour market information, analyzing and forecasting labour markets, and linking labour supply and demand;
2. Modernizing employment service activities and labour market information systems;
3. Making investment to build the capacity of employment service centers;
4. Encouraging organizations and individuals to participate in labour market development.

**Chapter III**

**LABOUR MARKET INFORMATION**

**Article 23.** Contents of labour market information

1. The status and trends of employment.
2. The information on labour supply and demand and fluctuation of labour supply and demand in labour markets.
3. The information on foreign labourers in Vietnam and Vietnamese guest labourers.
4. The information on salaries and wages.

**Article 24.** Management of labour market information

1. State management agencies in charge of statistics shall collect, publicize, develop and manage databases of labour market information being national statistics in accordance with the law on statistic.

2. The Ministry of Labour - Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with related Ministries and agencies in collecting and publicizing labour market information in the sectors and fields under their management beyond the national statistics on labour market information; promulgate regulations on management, use and dissemination of labour market information; and develop labour market information networks and databases.

3. People's Committees at all levels within the ambit of their duties and authorities, shall manage labour market information in localities.

4. The agencies defined in Clauses 1, 2 and 3 of this Article shall periodically publicize labour market information.

**Article 25.** Collection, archive and synthesis of labour market information

1. The Ministry of Labour - Invalids and Social Affairs shall organize and guide the collection, archive and synthesis of labour market information falling within its competence as specified in Clause 2, Article 24 of this Law.

2. People's Committees at all levels shall organize the collection, archive and synthesis of labour market information in localities under their management.

3. Agencies, organizations, enterprises and individuals shall collect, archive and synthesize labour market information in accordance with law.

**Article 26.** Provision of labour market information

Agencies, organizations, enterprises and individuals shall accurately and timely provide labour market information in accordance with law.

**Article 27.** Analysis, forecast and dissemination of labour market information

1. The Ministry of Labour - Invalids and Social Affairs shall assume the prime responsibility for the analysis, forecast and dissemination of labour market information falling within its competence.

2. People's Committees at all levels shall organize the analysis, forecast and dissemination of labour market information in localities under their management.

**Article 28.** Safety assurance, secret-keeping and archive of labour market information

1. Safety must be ensured for labour market information during the development, operation and upgrading of labour market information networks and databases.

2. Labour market information secret - keeping includes:

a/ Labour market information associated with specific names and addresses of organizations and individuals, unless otherwise agreed by these organizations and individuals;

b/ Labour market information in the process of collection and synthesis not yet publicized by authorized persons;

c/ Labour market information on the law-prescribed list of state secrets.

3. Agencies, organizations, enterprises and individuals that exploit and use labour market information shall ensure safety and secret – keeping and archive such information in accordance with this Law and other relevant laws.

#### **Chapter IV**

### **ASSESSMENT AND GRANT OF CERTIFICATES OF NATIONAL OCCUPATIONAL SKILLS**

**Article 29.** Purposes of assessment and grant of certificates of national occupational skills

1. Assessment and grant of certificates of national occupational skills aim to recognize the levels of occupational skills of labourers based on their qualifications.

2. Labourers may participate in the assessment and be granted certificates of national occupational skills in order to improve their occupational capacity or seek appropriate employment or employment requiring such certificates.

**Article 30.** Principles and contents of assessment of national occupational skills

1. The assessment of national occupational skills must adhere to the following principles:

a/ Ensuring voluntariness of labourers;

b/ Being based on national occupational skills standards;

c/ Conforming with each qualification level of skills of each occupation;

d/ Ensuring accuracy, independence, impartiality, equality and transparency.

2. Contents of assessment of national occupational skills including:

a/ Professional and technical knowledge;

b/ Work practice skills;

c/ Occupational safety and hygiene process.

**Article 31.** Occupational skills assessment organizations

1. Occupational skills assessment organization means an organization that operates under prescribed conditions and possesses a certificate for assessment and grant of certificates of national occupational skills granted by an authorized state agency.
2. When fully meeting the conditions on physical foundations, equipment and staff, an occupational skills assessment organization will be granted a certificate for assessment and grant of certificates of national occupational skills by an authorized state agency.
3. Occupational skills assessment organizations may collect charges in accordance with the law on charges and fees.
4. The Government shall detail the conditions for, and organization and activities of the assessment and grant of certificates of national occupational skills.

**Article 32.** Development and publicization of national occupational skills standards

1. National occupational skills standards shall be developed for each qualification level of occupational skills for each occupation and the national occupational skills qualification framework. The number of qualification levels of occupational skills depends on the complexity of each occupation.
2. Ministers, heads of ministerial-level agencies and heads of government- attached agencies shall assume the prime responsibility for developing national occupational skills standards for each occupation in the fields under their management and request the Ministry of Labour - Invalids and Social Affairs to appraise and publicize national occupational skills standards.
3. The Ministry of Labour - Invalids and Social Affairs shall guide the development, appraisal and publicization of national occupational skills standards.

**Article 33.** Certificates of national occupational skills

1. A worker who satisfies the requirements at a certain qualification level of occupational skills will be granted a certificate of national occupational skills at that level according to regulations of the Ministry of Labour - Invalids and Social Affairs.
2. Certificates of national occupational skills are valid nationwide. In case of mutual recognition of certificates of national occupational skills between Vietnam and other countries or territories, the certificates of national occupational skills are valid in the countries or territories where they are recognized and vice versa.

**Article 34.** Rights and responsibilities of labourers participating in the assessment and grant of certificates of national occupational skills

1. Labourers participating in the assessment and grant of certificates of national occupational skills have the following rights:
  - a/ To select occupational skills assessment organizations;
  - b/ To be granted certificates of national occupational skills when satisfying the requirements at the corresponding qualification level of occupational skills;
  - c/ To lodge complaints about the results of assessment of national occupational skills in accordance with law.
2. Labourers participating in the assessment and grant of certificates of national occupational skills have the following responsibilities:
  - a/ To observe rules and regulations on assessment and grant of certificates of national occupational skills which are issued by occupational skills assessment organizations;
  - b/ To pay charges for the assessment and grant of certificates of national occupational skills in accordance with law.

**Article 35.** Jobs requiring certificates of national occupational skills

1. Certificates of national occupational skills are required for labourers who do jobs that directly affect the safety and health of themselves or of the community.
2. The Government shall provide a list of jobs specified in Clause 1 of this Article.

**Chapter V**

## EMPLOYMENT SERVICE ORGANIZATIONS AND ACTIVITIES

### **Article 36.** Employment services

1. Employment services include job counseling and recommendation; supply and recruitment of labourers at the request of employers; and collection and provision of labour market information.
2. Employment service organizations include employment service centers and employment service enterprises.

### **Article 37.** Employment service centers

1. Employment service centers are public non-business units, including:
  - a/ Employment service centers established by state management agencies;
  - b/ Employment service centers established by socio-political organizations.
2. Employment service centers must be established under the Prime Minister-approved master plans and satisfy the prescribed conditions on physical foundations, equipment and staff. Ministers, heads of ministerial-level agencies and chairpersons of People's Committees of provinces or central affiliated cities (hereinafter referred to as provincial-level) may decide on the establishment of employment service centers specified at Point a, Clause 1 of this Article; heads of central socio-political organizations may decide on the establishment of employment service centers specified at Point b, Clause 1 of this Article.
3. The Government shall detail the establishment conditions for, and organization and operation of employment service centers.

### **Article 38.** Tasks of employment service centers

1. Employment service centers have the following tasks:
  - a/ To provide job counseling and recommendation for labourers and provide labour market information free of charge;
  - b/ To supply and recruit labourers at the request of employers;
  - c/ To collect labour market information;
  - d/ To analyze and forecast labour markets;
  - e/ To implement employment programs and projects;
  - f/ To provide occupational skills and vocational training in accordance with law.
2. Employment service centers established by state management agencies in charge of employment have the tasks specified in Clause 1 of this Article and shall receive dossiers of request for unemployment insurance and submit them to competent state agencies for decision.

### **Article 39.** Employment service enterprises

1. Employment service enterprise means an enterprise established and operating under the law on enterprises and possessing an employment service license granted by the provincial-level state management agency in charge of employment.
2. An enterprise that fully satisfies the conditions on physical foundations, equipment, staff and

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