

No: 23/1999/TT-BLDTBXH

Hanoi, October 4, 1999

CIRCULAR

GUIDING THE IMPLEMENTATION OF THE REGIME OF REDUCING THE WEEKLY WORKING HOURS APPLICABLE TO STATE ENTERPRISES

Pursuant to the Labor Code of June 23, 1994 and the Prime Minister's Decision No. 188/1999/QĐ-TTg of September 17, 1999 on the implementation of the regime of 40 hour-working week, the Ministry of Labor, War Invalids and Social Affairs hereby guides the implementation of the regime of reducing the weekly working hours applicable to State enterprises as follows:

I. SUBJECTS AND SCOPE OF APPLICATION

- Officials, workers, employees and laborers working in State enterprises;
- Officials, workers, employees and laborers working in economic non-business units; production-business and service establishments under the administrative and non-business agencies, political organizations and socio-political organizations that apply the regulations prescribed by the Law on State Enterprises;

The above-said State enterprises, non-business units and production-business and service establishments, hereafter referred collectively to as the enterprises.

II. PRINCIPLES AND CONDITIONS FOR IMPLEMENTATION

1. Principles:

a/ The enterprises shall decide by themselves the reduction of the weekly working hours from 48 hours within 6 days to 40 hours within 5 days or 44 hours within 5.5 days; rationally arrange working shifts so as to have 2 or 1.5 days off a week and be answerable for such decisions;

b/ Annually, the enterprises shall base themselves on production-business plans to decide either to reduce the weekly working hours or retain the working regime of 48 hours within 6 days a week.

2. Conditions for implementation

When applying the regime of reducing the weekly working hours, the enterprises shall have to satisfy the following conditions:

a/ Their production-business activities must be efficient and profitable, and all their obligations to the State must be fulfilled;

b/ To ensure wages and fully implement the social insurance and health insurance regimes according to current regulations;

c/ Not to increase the wage unit price, production costs of products or circulation fees;

d/ The daily wage to be used as basis for payment of overtime and/or night-time work, remunerations, wage allowances, wage-substituted social insurance,... shall continue to comply with the current regulations;

e/ The total extra-time working hours must not exceed 200 hours a year as prescribed by current regulations;

f/ At places, where the laborers work in shifts, the mid-shift break and rest between two shifts must be ensured for them according to current regulations; the laborers must be entitled to rest, weekly rest days, holidays, new year holidays, annual leaves, leave for personal business and other regimes under the current regulations;

g/ The regime of the shortened working day applicable to the persons engaged in exceptionally heavy, hazardous and/or dangerous work still complies with Circular No. 16/LDTBXH-TT of April 23, 1997 of the Ministry of Labor, War Invalids and Social Affairs.

III. IMPLEMENTATION ORGANIZATION

1. The managing boards, the general directors and the directors of the enterprises have the responsibilities:

a/ Together with the Trade Unions to discuss and draw up plans and measures for effecting the regime of reducing the weekly working hours such as the rationalization of labor and production in order to cut the production costs; the improvement of ways of investment, renewal of technologies, technical innovation in order to raise labor productivity;

b/ When deciding to apply the regime of reducing the weekly working hours, to inscribe the provisions thereon in the collective labor agreements and labor rules;

c/ To coordinate with the Trade Unions in organizing training courses to raise laborers' professional and technical skills, as well as cultural and social activities on rest days involving large number of people so as to create a stirring mood in productive labor and raise the quality of the laborers' life;

d/ To report their respective managing ministries, branches or localities on the plans and measures for the reduction of the weekly working hours already committed by the enterprises' leadership and Trade Unions Executive Committees;

Particularly for Corporations 91, apart from reporting to the managing agencies, they shall also have to report on the plans and measures for reduction of weekly working hours to the Ministry of Labor, War Invalids and Social Affairs and make periodical reports as stipulated at Point 3.b of this Section III;

e/ For the enterprises which have not yet satisfied the conditions mentioned at Point 2, Section II above, the working time and rest time regime still complies with the current regulations. The enterprises shall, together with the Trade Unions, draw up plans for the implementation of the regime of reducing the weekly working hours as soon as possible.

2. To encourage enterprises, production-business establishments of other economic sectors and foreign agencies and organizations as well as international organizations in Vietnam that employ Vietnamese laborers to apply the regime of reducing the weekly working hours and report such to the provincial/municipal Labor, War Invalids and Social Affairs Services in their respective localities for monitoring.

3. The ministries, the branches, the People's Committees of the provinces and centrally-run cities have the responsibilities:

a/ To direct their respective agencies, services, sections and branches in guiding and monitoring the implementation of reduction of weekly working hours by the enterprises; promptly settle problems arising in the course of implementation thereof by the enterprises under their respective management;

b/ To send periodical first biannual and annual reports made according to set form to the Ministry of Labor, War Invalids and Social Affairs on the implementation of the reduction of weekly working hours by the enterprises; on the difficulties and problems to be solved to create conditions for many enterprises to apply the regime of reducing the weekly working hours;

The deadlines for sending reports shall be the 15th day of June for the first biannual reports and the 15th day of December for annual reports;

Particularly for 1999, the report on implementation results from October to the end of December shall be sent to the Ministry of Labor, War Invalids and Social Affairs before December 15, 1999.

4. The provincial/municipal Labor, War Invalids and Social Affairs Services shall coordinate with local Labor Federation organizations in assisting the provincial/municipal People's Committees to monitor, guide, inspect and create a favorable environment for State enterprises in their respective localities to well implement the regime of reducing the weekly working hours; at the same time elaborate plans for mobilizing and encouraging non-State enterprises in the localities to implement the reduction of weekly working hours according to the Government's regulations and this Circular.

5. This Circular takes effect as from October 2, 1999.

Any problems arising in the course of implementation shall be reported to the Ministry of Labor, War Invalids and Social Affairs for settlement./.

**MINISTER OF LABOR, WAR
INVALIDS AND SOCIAL
AFFAIRS**

Nguyen Thi Hang