

LABOUR DISCIPLINARY REGULATIONS



are the stipulations on compliance with the working hours and technologies and business practices issued by the employer in the working regulations and as required by law.

Registration of internal work regulations

An employer employing 10 or more workers must register the internal work regulations with the specialized labour agency of the Provincial People's Committee where the employer's business is registered.

Principles for handling labour discipline

1. Labour discipline shall be handled as follows:

- ▶ The employer must be able to prove the culpability of the worker;
- ▶ There must be the participation of the workers' representative organization at the grassroots level of which the worker is a member;
- ▶ The worker must be physically present and has the right to defend themselves or to have a lawyer or workers' representative organization assist in their defence. In cases where the worker is less than 15 years of age, the worker's legal representative must be present;
- ▶ Any settlement of labour discipline must be recorded in writing;
- ▶ It is prohibited to impose more than one disciplinary measure for one violation of labour disciplinary regulations;
- ▶ When a worker simultaneously commits multiple violations of labour disciplinary regulations, they will only be subject to the highest form of disciplinary measure corresponding to the most serious violation.

2. No disciplinary measure shall be taken against a worker when:

- ▶ The worker is taking leave on account of illness or convalescence, or any type of leave with the employer's consent;
- ▶ The worker is being held temporarily in custody or detention;
- ▶ The worker is awaiting the verification and conclusion of an authorised agency regarding a violation;
- ▶ The female worker is pregnant, or the worker is on parental leave or is caring for children less than 12 months old.

Internal work regulations must include the following main contents:

- ▶ Working hours and rest periods;
- ▶ Conduct at the workplace;
- ▶ Occupational safety and health;
- ▶ Prevention and control of sexual harassment at the workplace.
- ▶ Steps and procedures for handling allegations of sexual harassment at the workplace;
- ▶ Protection of the assets, technological and business secrets, and intellectual property of the employer;
- ▶ Situations in which workers may be temporarily transferred to perform other work not specified in their employment contracts;
- ▶ Breaches of labour disciplinary regulations by workers and measures for handling labour discipline;
- ▶ Responsibilities regarding equipment;
- ▶ Individuals authorized to handle labour discipline.

3. No disciplinary measure shall be taken against a worker suffering from mental illness or another disease that results in the worker losing self-awareness or the ability to control their actions.



Statutory limitations for settling violations of labour disciplinary regulations

1. The statutory limitation for settling violations of labour disciplinary regulations is 06 months from the date when the violation occurs, and 12 months for violations directly related to finances, assets or disclosure of technological or business confidential information.

2. Upon the expiry of the period when no disciplinary measures are allowed (Part 2 of Principles for handling labour discipline), if the statutory limitation has expired or has less than 60 days remaining, the statutory limitation may be extended for up to 60 days from the expiry date stated above.

3. Employers must issue the decision settling violations of the labour disciplinary regulations within the time limits of 06 to 12 months from the date of violation occurs, and 60 day extension upon the expiry date.

Forms of settling violations of labour disciplinary regulations

1. Reprimand
2. Deferment of wage increases for no more than 6 months
3. Demotion
4. Dismissal



Strictly prohibited acts when applying labour disciplinary measures

1. Infringing the health, honour, life, prestige or human dignity of the worker.
2. Applying fines or wage deductions in lieu of a disciplinary measure.
3. Applying a disciplinary measure against a worker for having committed a violation not stipulated in the internal work regulations, the signed employment contract or labour laws.



Bureau for Employers' Activities
Vietnam Chamber of Commerce and Industry
No. 9 Dao Duy Anh Street, Dong Da, Ha Noi, Viet Nam

Tel: +84 24 35 742 022
Fax: +84 24 35 742 020
Website: www.vcci.com.vn
www.beavccivietnam.com.vn

ILO Country Office for Viet Nam
304 Kim Ma Street, Ngoc Khanh, Hanoi, Viet Nam
Tel: +84 24 38 500 100
Email: HANOI@ilo.org
Website: www.ilo.org/hanoi
Facebook: Vietnam.ILO