EUROCHAM
European Chamber of Commerce in Vietnam

HUMAN RESOURCES AND TRAINING
A EuroCham Vietnam Sector Committee

EVFTA Employment & Labor Context

Vietnam's Commitments on Labor and Employment

Chapter 13 on Trade and Sustainable Development:

Art 13.4: Respect, promote and effectively implement ILO's four core labor standards:

i. Freedom of association and effective recognition of the right to collective bargaining;

ii. Elimination of discrimination in respect of employment and occupation;

iii. Elimination of all forms of forced or compulsory labor;

iv. Effective abolition of child labor.

Art 13.14(e): Collaboration in the trade related aspects of the ILO "Decent Work" Agenda – in Vietnamese: *Chương trình "Việc Làm Bền Vững*" (i.e., interlinkages between trade and full and productive employment for all).

- Purpose: protecting "youth, women and people with disabilities, gender equality, vulnerable and disadvantaged groups, etc."

Status of Commitments on Labor and Employment

Commitments	ILO Conventions	Vietnam's Status
I. Four ILO Core Labor Standards		
1.a Freedom of association	No. 87	■ Plan to ratify in 2023[1]
1.b Right to collective bargaining	No. 98	■ Ratified on 5 July 2019
2. Elimination of discrimination in respect of employment and occupation	No. 100 No. 111	■ Ratified on 7 October 1997 ■ Ratified on 7 October 1997
3. Elimination of all forms of forced or compulsory labor	No. 105 No. 29	■ Ratified on 14 July 2020 (taking effect on 14 July 2021) ■ Ratified on 5 March 2007
4. Effective abolition of child labor	No. 138 No. 182	■ Ratified on 24 June 2003 ■ Ratified on 19 December 2000
II. ILO "Decent Work" Agenda		■ Vietnam signed three programs covering the period from 2006 until 2021

1. National Assembly's session is now closed and extraordinary session is foreseen for the January of 2024. The agenda is not yet known.

Recent Changes in Local Laws

Freedom of association:

- Recognition of independent employees' representative organizations at enterprises besides traditional trade union (Article 3.3 of the Labor Code 2019 which took effect on 1 January 2021 (the "**LC**"));
- Recognition of the right to collective bargaining including effective measures to prevent and deal with anti-union discrimination (Articles 67.5, 67.6, 175 and 177 of the LC);
- Resolution of collective disputes, based on voluntary negotiation between employees' and employers' organizations (Article 180 of the LC).

Elimination of discrimination:

- Definition of labor discrimination is broadened (Article 3.8 of the LC): to include discrimination on *"grounds of race, skin color, nationality, ethnicity, gender, age, pregnancy, marital status, religion, political opinion, disability, family responsibility, HIV infection, establishment of or participation in trade union or internal employee organization"* in a manner that affects the equality of opportunity of employment.
- Prohibition of sexual harassment in the workplace is required content in internal labor regulations (Article 118.2.(d) of the LC);
- Sexual harassment is ground for unilateral termination of labor contract without giving notices and dismissal (Article 125.2 of the LC).

Recent Changes in Local Laws

Elimination of all forms of forced or compulsory labor:

- New definition of "labor coercion“ (Article 3.7 of the LC): *“the use of force or threat to use force or other tricks to coerce employees to work against their wills.”*
- Employees' right to terminate labor contracts immediately without prior notice if subject to labor coercion (Article 35.2.(c) of the LC);
- Inspection without prior notice when there are risks of threats to employees' safety, life, health, honor, dignity at workplace (Article 216 of the LC).

Effective abolition of child labor:

- Prohibition of recruiting and utilizing children under 13 years old, except for particular activities (e.g., art, fitness or sport) (Article 145.3 of the LC): except for jobs “*relating to art, fitness, sports which do not cause harms to the physical, mental, personal developments*” of such children under 13 years old, and must obtain approval from the local labor authorities in this regard.
- Health check certificates and periodical health checks at least once per six months must be provided for all children under 15 years old (Article 145.1.(c) of the LC, Article 21.1 of Law on Occupational Safety and Hygiene 2015).