



LABOUR CODE 2019

WORKING HOURS AND REST PERIODS



Normal working hours

Normal working hours shall not exceed

8 hours/ day
48 hours/ week



In cases where a weekly basis is used, the normal working hours shall not exceed

10 hours/ day
48 hours/ week



Overtime work



Employers are allowed to mobilise workers to work overtime when all of the following conditions are fully met:

- ▶ The worker's consent must be obtained.
- ▶ Overtime cannot exceed 50% of the normal daily working hours.
- ▶ Total hours worked in a day cannot exceed 12 hours where weekly normal working hours are applied.
- ▶ Total monthly overtime cannot exceed 40 hours.
- ▶ Total annual overtime cannot exceed 200 hours in a year, except in cases specified in the law.

Situations where overtime work is prohibited:

- ▶ The worker has reached the seventh month of pregnancy, or the sixth month of pregnancy when working in mountainous, remote, border and island areas.
- ▶ A person who is less than 15 years of age.
- ▶ A person from 15 years of age to less than 18 years of age perform work that is not regulated in the list issued by the Minister of Labour-Invalids and Social

Wages for overtime work and night work

Wages for over time work are calculated based on the rate for the work that is being done during normal working hours:

On regular days,
equal to at least

150%

On the weekly days off,
equal to at least

200%

On public holidays,
New Year holidays and
paid leave days,
equal to at least

300%

excluding the wage for public holidays, New Year holidays and paid leave days if the worker receives a daily wage.

Rest breaks during working hours

A worker who performs work within normal working hours with a duration of 06 hours or more per day must be given a rest break of at least



30 minutes/day



45 minutes/night

Female workers are entitled to a 30 minute break each working day during their menstruation period, and to a 60 minute break each working day during the period of caring for a child under 12 months of age.



Public holidays and New Year holidays

Workers are entitled to fully paid days off on the following public holidays and New Year holidays:



- New Year Holiday according to the Gregorian calendar: 01 day (the 1st of January according to the Gregorian calendar).
- Lunar New Year Holidays: 05 days.
- Victory Day: 01 day: 01 day (the 30th of April according to the Gregorian calendar).
- International Labour Day: 01 day (the 1st of May according to the Gregorian calendar).
- National Day: 02 days (the 2nd of September according to the Gregorian calendar and 01 preceding or following day).
- Commemorative Celebration of the Hung Kings: 01 day (the 10th of March according to the Lunar calendar).



Annual leave

- Any worker who has been working for an employer for a full 12 months shall be entitled to annual leave as follows:

12 working days

for workers with regular working conditions.



14 working days

For workers who are minor workers or workers with disabilities, or who perform heavy, harmful or hazardous work or occupations.



16 working days

for workers who perform extremely heavy, harmful or hazardous work or occupations.



- A worker's annual leave shall increase by 01 additional day for every 05 years of employment with the same employer.
- For workers who have worked for an employer for less than 12 months, the number of annual leave days shall be proportionate to the number of months they have worked.
- Employers are responsible to stipulate the annual leave schedule following consultation with workers and must give prior notice to the workers.
- Workers may agree with the employer to take annual leave at various times, or to combine up to 3 years of annual leave at one time.

Personal leave and leave without pay

Workers are entitled to take leave with full pay, in the following circumstances:

- Marriage: **03 days.**

- Marriage of the worker's birth or adopted children: **01 day.**

- Death of the worker's natural or adoptive father or mother death of the worker's spouse's birth or adoptive father or mother, death of the worker's spouse, or death of the worker's birth or adopted children: **03 days.**

Workers may reach an agreement with the employer to take leave without pay.



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