



International  
Labour  
Organization



Get to know your new Labour Code 2019

# Minor workers

---

Viet Nam has modernised its Labour Code to better protect workers' rights, reduce unnecessary bureaucracy for employers, and help support the Government's drive for international integration, economic growth and prosperity for all. The new law, which was passed by the National Assembly in November 2019, is the result of extensive consultations with experts, national and local stakeholders, and the public at large. It will come into effect in January 2021.

This information sheet is an introduction to the provisions set out in the Labour Code 2019 on the employment of workers under the age of eighteen.

## Minor workers under the Labour Code 2019

The minimum age of work set by the Labour code 2019 is 15 years of age, unless the minor is within the exceptions specified in Chapter 11 of the Code, which focuses on workers in special categories, including minor workers.

A minor worker is a worker under 18 years of age. There are three categories of minor workers under the Labour Code 2019 (see Box 1). The Code limits the forms of work and work places for minor workers and sets out minimum employment conditions that the employer must respect.

The protections for minor workers under the Code apply not only to the workers who have employment relations but also to those who work outside the employment relation (without an employment contract).

### General principles applying to minor workers

The Labour Code 2019 sets out principles that an employer must respect when considering employing minor workers. The employer should:

- Only employ a minor worker to perform work that is suitable to the health of the worker in order to ensure his or her physical, mental and personality development.
- Exercise care with respect to the minor worker's employment, wages, health and study during the period of employment.
- Obtain the consent of the minor worker's mother/-father/legal guardian to the employment prior to engaging the minor worker.
- Maintain a separate record detailing the minor worker's name, date of birth, work assigned, and results of periodical health check-ups, and present this record at the request of the competent authority;
- Create opportunities for minor workers to participate in occupational education and training with a view to improving their occupational skills; and
- Provide all minor workers 14 days of annual leave each year who work for the employer for at least 12 months. Employees who complete 5 years of employment with the same employer shall have an additional day of annual leave each year.

### Limitations and requirements when employing minor workers who are at least 15 years of age but below 18 years.

Prohibited forms of work and workplaces for minor workers who are at least 15 years old to below 18 years old

It is prohibited to employ minor workers (under the age of 18 years) to perform any of the following types of work:

#### Box 1. There are 3 different categories of minor workers under the Labour Code 2019:

1. Minor workers who are between 15 years and 18 years old. Prohibited forms of work and workplaces apply to this category.
2. Minor workers between 13 years and 15 years old. These workers may only perform work on the list of light works issued by the Minister of Labour, Invalids and Social Affairs.
3. Minor workers who are under 13 years old may perform only certain artistic and sporting jobs .

- Carrying or lifting heavy objects that are above the physical capacity of the minor worker
- Producing and trading alcoholic beverages, beers, liquors, cigarettes, psychoactive substances or addictive drugs
- Producing, using or transporting chemicals, gases or explosives
- Carrying out maintenance for equipment and machines
- Demolishing construction works
- Boiling, blowing, casting, rolling, stamping or welding metal
- Scuba diving in the sea or offshore fishing
- Other types of work that could damage the minor worker's physical and intellectual development or dignity.

It is also prohibited to employ any minor worker in any of the following types of workplaces:

- Underwater, underground, in caves or in tunnels
- Construction sites
- Slaughter houses
- Casinos, bars, discotheques, karaoke rooms, hotels, motels, saunas, massage rooms, lotteries, video game businesses
- Other workplaces that could damage the minor worker's physical and intellectual development or dignity.

### Working hours of minor workers who are at least 15 years of age but under 18 years of age

Maximum working hours for a worker from 15 years of age to 18 years of age is 8 hours per day or 40 hours per week. These workers may only perform overtime and night work in certain jobs, as stipulated by the Minister of Labour, Invalids and Social Affairs.

### Employment contracts of minor workers who are at least 15 years of age but under 18 years of age

A minor worker in this age group may sign an employment contract with the written consent of his/her parents or legal guardian.

## Limitations and requirements when employing minor workers who are at least thirteen years of age but below fifteen years

An employer is only entitled to recruit and employ persons who are 13 years of age but under 15 years of age for light work in accordance with a regulatory list provided by Minister of Labour-Invalids and Social Affairs.

An employer proposing to engage a worker of this age must:

- Enter into a written employment contract with the legal representative of workers and the minor worker;
- Ensure the worker's working hours do not affect schooling;
- Ensure the worker has a health check undertaken by a competent health care institution to certify that his or her health is suitable to the requirements of the work, and subsequent health checks every six months during employment;
- Ensure that working conditions and occupational health and safety are suitable, given the worker's age.
- Working hours must not exceed 4 hours per day or 20 hours per week, and these workers must not perform overtime or night work.

## Limitations on employing a minor below 13 years of age

The Labour Code 2019 provides that an employer must not recruit or engage a worker under the age of 13 years, except to perform certain artistic and sporting jobs, and the performance of these jobs must not damage the physical or intellectual development and dignity of the worker.



The employment of a worker under the age of 13 years must be approved by the provincial State management agency on labour. The employment contract shall be signed by the legal representative of the minor, the minor concerned and by the employer.

## Penalties for the unlawful employment of minor workers

Recruiting and employing minor workers illegally is a violation of the Labour Code and the employer may be subject to administrative and/or criminal penalties. These penalties will be set out in implementing regulations.

## For more information

All of the above matters are detailed in the Labour Code 2019. See Chapter I: General Provisions; Chapter III: Employment Contract; Chapter VII: Working hours and rest periods; and Chapter XI: Separate Provisions concerning Minor Workers and Other Certain Types of Workers.

This is a product of the New Industrial Relations Framework project. Funding for the New Industrial Relations Framework project is provided by the United States Department of Labor under cooperative agreement number IL-29690-16-75-K-11. This material does not necessarily reflect the views or policies of the United States Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the United States Government. One hundred percentage of the total costs of the project or program is financed with Federal funds, for a total of 5.1 million dollars.