



International
Labour
Organization



Get to know your new Labour Code 2019

Apprenticeships and Internships

Viet Nam has modernised its Labour Code to better protect workers' rights, reduce unnecessary bureaucracy for employers, and 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 how the new law regulates apprenticeships and internships.

General obligations of employers

Under the new Labour Code 2019, the Government of Vietnam encourages employers to support and facilitate the training, retraining and upskilling of workers. Specifically, employers are encouraged to establish vocational education facilities and to organise training courses for their workers, provide vocational training and education for prospective workers, or to coordinate with vocational education facilities to train workers from primary to college levels in accordance with laws on vocational education.

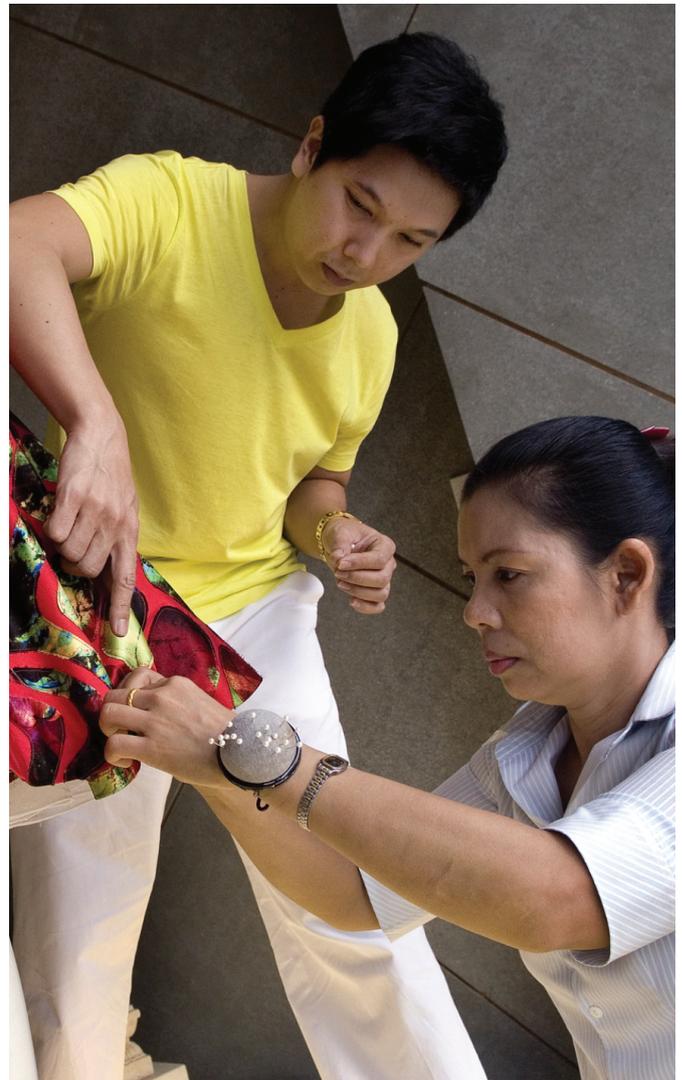
The Labour Code requires employers to develop an annual training plan, allocate a training budget, and organise training activities to improve the occupational skills and qualifications of their workers, and to train new skills for current workers before assigning them to different work. Employers are also required to submit details of their occupational skills and qualifications training outcomes to the provincial labour state management authority on an annual basis.

What are rules that are applied to apprenticeships?

An apprenticeship is a formal training arrangement under which an employer recruits a person to train them in work-related skills.

An employer who recruits an apprentice to work is not required to register this arrangement as a vocational training activity and must not charge the worker or anyone else fees for the provision of the training. Employers may also recruit apprentices to perform high-tech work or occupations that are not trained in vocational education and training institutions, provided that:

- The parties must sign a vocational training contract, in line with the Vocational Education and Training Law
- The duration of an apprenticeship must not exceed 12 months
- If the worker is 15 years of age or older, the employer must enter into an employment contract with the worker after the apprenticeship is completed.



What are the rules that are applied to internship?

An employer is allowed to recruit interns to work. The employer must guide the interns to perform the required work in the workplace. Similar to apprenticeship, the following requirements are applied to internship:

- The duration of an internship must not exceed 3 months.
- The parties must sign a vocational training contract
- If the worker is 15 years of age or older, the employer must enter into an employment contract with the worker after the internship is completed.

Who can be an apprentice or intern? Do apprentices and interns receive wages?

Apprenticeship and internship can be done by any person who is 14 years of age or older, providing they are healthy enough to meet any relevant occupational training requirements.

If the apprenticeship is in an occupation that is heavy or hazardous, the apprentice must be at least 18 years old.



A list of heavy or hazardous occupations is maintained by the Ministry of Labour - Invalids and Social Affairs.

Where an apprentice or intern performs productive work for the employer, the employer and the worker should reach agreement on an appropriate wage.

Vocational training contracts and reimbursement of training costs

Recruitment of apprentices and interns to work for an employer

Parties entering into an apprenticeship or internship arrangement must sign a vocational training contract in accordance with Law on Vocational Education. This contract must contain the following details:

- The apprentice/intern commitment to work for the employer for a period of time following completion of the apprenticeship or traineeship
- The employer commitment to recruit the apprentice/intern following completion of the apprenticeship or traineeship
- The training duration, and wages

The Labour Code does not regulate reimbursement of training costs by apprentices/interns who are recruited under a vocational training contract. However, the Law on Vocational Education requires apprentices/interns to reimburse training costs if they do not work for the employers following completion of the training as agreed in the contract.

Vocational training for employed workers

In case an employer provides training, or retaining to upskill employees, the two parties must enter a vocational training contract. The contract must contain the following details:

- Contents of training
- Training location and duration, and wages
- Duration of employment commitment after completion of the training
- Training costs and reimbursement of training costs
- Employer's responsibilities
- Employee's responsibilities

Each party keeps a copy of the contract.

Training costs include financial support provided by the employer so that the worker can engage in training. This includes any tuition fees and tuition-related costs (e.g. learning materials), as well as any wages and social insurance payments paid by the employer during the training period.

The employer should keep receipts and/or other evidence of payments made in relation to training costs. Reimbursement is only possible for costs that are supported by evidence of payments.

Employees must reimburse training costs upon unilateral and unlawful termination of labour contract in accordance with Article 40 of the Labour Code.

For more information

This leaflet describes the basic rights and duties provided under the new Labour Code 2019. More details on the above matters are set out in the following Chapters of the Code: Chapter I: General Provisions; Chapter III: Employment Contract; Chapter IV: Occupational Education and Skill Improvement; and Chapter VI: Wages.

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