12. Hours of Work

12.01 Name of Relevant Legislation

For more information on the following legislative sources for this chapter, please refer to Chapter 02 “List of Legislation”:

Expectation:

1. Please highlight the first line and start to write the information.
2. List the legislation in alphabetical order or in reverse chronological order if the law is numbered only and does not have an official name.
3. If there are no legislative sources for this chapter, please remove the bullets in the answer box and add the answer “There are no legislative sources for this chapter.” (without quotation marks)

* Decree 45/2013/ND-CP
* Labor Code 2012

12.02 Standard / Ordinary Hours

#### Standard Working Hours

12.02-Q1

Please state the standard / ordinary working hours specified in the law.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please specify the number of standard working hours applicable for each category of employees such as full time, part time, casual, child workers, aged workers, or female employees.
3. Please include any exception rules such as working hours restrictions for young workers or pregnant employees, or regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement relating to standard working hours for employees, please state in the answer “There is no legislative requirement relating to standard working hours in the country.” without quotation marks.

Normal Working Time

Normal working time must not exceed eight hours per day or 48 hours per week.

An employer may determine the working time on an hourly, daily, or weekly basis. In the case of working hours determined on a weekly basis, the normal working time must not exceed 10 hours per day and exceed 48 hours per week.

The State encourages employers to apply 40 working hours per week.

The working time must not exceed six hours per day for employees who perform extremely heavy, hazardous, or dangerous jobs on a list issued by the Ministry of Labor, War, Invalids, and Social Affairs, in coordination with the Ministry of Health.

An example of a common scheduling for working hours is as follows:

* Monday to Friday: from 8:00 a.m. to 6:00 p.m. with a one hour break for lunch from 12:00 p.m. to 1:00 p.m.
* In the morning from 8:00 a.m. to 12:00 p.m.
* In the afternoon from 3:00 p.m. to 5:00 p.m.
* Rest time from 12:00 p.m. to 1:00 p.m.

Working Time for Special Cases Minor Employees

A minor employee is a person under a certain age which distinguishes childhood from adulthood. There are specific scheduling requirements for minor employees.

The working time of minor employees aged from 15 years old to less than 18 years old must not exceed eight hours per day and 40 hours per week.

The working time of employees aged less than 15 years old must not exceed four hours per day and 20 hours per week, and the employer may not employ these minors to work overtime or at night and the employer needs to arrange working hours which do not overlap the school hours of the child.

Persons aged from 15 years old to less than 18 years old may work overtime and at night in some occupations and jobs.

Elderly Employees

Elderly employees are entitled to reduced daily working hours, or to the regime of part-time work in the last working year before retirement.

Disabled Employees

Disabled employees who have lost 51% or more of their working ability will not work overtime and at night.

Female Employees

An employer may not require female employees to work at night, work overtime, or go on a long working trip in the following cases:

* The employee is in her seventh month of pregnancy, or in her sixth month of pregnancy in the case of working in a mountainous, remote, distant, border, or island area
* The employee is nursing a child under 12 months of age

A female employee who performs heavy work, upon reaching her seventh month of pregnancy, is entitled to be transferred to a lighter work or have her daily working time reduced by one hour while still receiving her full wage.

*(Sources: Articles 104, 106, 155, 163, and 164 of the Labor Code; Law No. 10/2012/QH13)*

12.03 Overtime (OT) Hours

#### Maximum Overtime Hours

12.03-Q1

Please state the maximum overtime hours allowed in the law.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please specify the number of maximum overtime hours applicable for each category of employees including full time, part time, casual, child workers, aged worker, or female employees.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement relating to the maximum number of overtime hours, please state in the answer “There is no legislative requirement relating to the maximum number of overtime work hours allowed in the country.” without quotation marks.

Overtime is time worked in addition to normal working hours prescribed in the law, collective labor agreements, or internal working regulations

Overtime hours in a day shall not exceed the following:

* 50% of the normal working hours on one day. The total normal working hours and overtime hours shall not exceed 12 hours in a day when applying weekly working hours
* 12 hours in a day when working overtime on public holidays and weekends
* 200-300 overtime hours in a year

Overtime hours are permitted in the following cases:

* Production and processing of textiles, garments, leather, shoes, agricultural, silviculture (the growing of trees), and aquaculture (the farming of aquatic organisms) products
* Electricity supply, telecommunication services, oil refinery, water supply, and drainage
* Other urgent cases in which works must not be postponed

*(Source: Article 106 of the Labor Code 2012; Article 4 of Decree 45/2013/ND-CP)*

12.04 Shift Work Hours

#### Shift Work

12.04-Q1

Please provide the legislative definition of shift work under the law.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please indicate the number of hours in a shift, the beginning and end of a shift, and the official name of a shift such as night shift, day shift, or morning shift.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative definition relating to shift work, please state in the answer “There is no legislative definition relating to shift work in the country.” without quotation marks.

There is no legislative definition relating to shift work in the country, but the working time per day need to follow *Article 104 of the Labor Code 2012*.

Overlapping shifts will be arranged by company policy and the time exceeding normal working time will be paid as overtime salary.

Working hours at night are counted from 10:00 p.m. on the previous day to 06:00 a.m. on the following day.

*(Source: Articles 104 and 105 of the Labor Code 2012)*

#### Government Approval

12.04-Q2

Please state whether government approval is required for arranging shift work.

Expectation:

1. Please highlight the first line and start to write the information.
2. If government approval is required, please provide the application procedure, required documentation, and to whom and by when the application should be filed.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no government approval required, please state in the answer “There is no government approval required for arranging shift work in the country.” without quotation marks.

According to *Articles 23 and 119 of the Labor Code 2012*, the working hours and rest time are required content in company regulations and employment contracts.

According to *Article 120 of the Labor Code 2012*, the company regulation needs to be registered with the Department of Labour, Invalids, and Social Affairs (DOLISA) within 10 days from the date of issuance and within seven working days from the date of receipt of a dossier for registration of the company regulations. If there are any contents that are contrary to law, the DOLISA shall notify and instruct the employer to make necessary amendments, and the regulations must be re-submitted for registration.

If the employee is not originally hired to work shift work, and later on the employer requires them to work in shifts, as the working time is stated in employment contract, both the employee and employer need to negotiate on such changes. The employee can refuse the shift work if they cannot arrange their personal schedule accordingly.

*(Source: Articles 23, 104, 119, and 120 of the Labor Code 2012)*

12.05 Breaks

This refers to work breaks, meal breaks, or nursing breaks during normal working hours, or during overtime periods.

#### Breaks

12.05-Q1

Please state whether a break (whether it is a work break, meal break, or nursing break) during working hours is required by the law.

Expectation:

1. Please highlight the first line and start to write the information.
2. Breaks may refer to a work break of, for example, 15 minutes after working for five hours, a meal break of 30 minutes after working for four hours, or a nursing break of 30 minutes and so on.
3. Please include in the answer whether the break is counted as working hours.
4. Please include any exception rules such as regional requirements.
5. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
6. If there is no legislative requirement relates to providing various breaks, please state in the answer “There is no legislative requirement to provide work breaks, meal breaks, or nursing breaks during working hours in the country.” without quotation marks.

According to *Articles 108,109, and 110 of the Labor Code 2012*, there are work breaks, breaks between shifts, and breaks for female employees. The company regulations should details these breaks.

Rest Breaks during Working Hours

Employees are entitled to a break of at least 30 minutes in the middle of working each eight hour or six hour period which must be counted within the working hours.

Employees who work at night are entitled to a break of at least 45 minutes in the middle of working which must be counted in the working hours.

Besides these mandatory breaks, the employer shall determine other short breaks and include them in the company regulations.

There is no specific requirement for meal breaks, but according to *Article 109 of the Labor Code 2012*, the employer shall determine other short breaks in company regulation (not be counted as working hours)

In cases where employees work overtime for more than two hours a day, before the overtime work, employers must arrange an additional rest time of least 30 minutes which shall be counted into the overtime.

Work breaks shall be counted as working hours.

Breaks between Shifts

Employees who work in shifts are entitled to a break of at least 12 hours before moving to another shift.

Breaks for Female Employees

A female employee during her menstruation period is entitled to a 30 minute break every working day.

A female employee nursing a child under 12 months of age is entitled to a 60 minute break every working day with full wages, as stated in the labor contract.

*(Source: Articles 108,109, and 110 of the Labor Code 2012)*

12.06 Regular Day Off / Rest Day

This refers to a regular day of rest where no work is required during a standard period of time (for example, one day off every week, or two days off every two weeks).

#### Regular Day Off / Rest Day

12.06-Q1

Please state whether a regular day off or rest day is required by the law.

Expectation:

Please highlight the first line and start to write the information.

1. Please include any conditions that should be met in granting the regular day off or rest day, such as one day off is required for every seven days.
2. Please include any exception rules such as regional requirements.
3. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
4. If there is no legislative requirement relates to provision of regular days off or rest days, please state in the answer “There is no legislative requirement to provide a regular day off or rest day in the country.” without quotation marks.

Weekly rest time is regulated under the current *Labor Code 2012*. Every week, an employee is entitled to a break of at least 24 consecutive hours. In case it is impossible for an employee to have a weekly break due to the cycle of work, the employer shall ensure the employee has at least four days off on average in a month. An employer may determine and schedule weekly breaks either on Sunday or another fixed weekday, and shall include them in the internal working regulations.

*(Source: Articles 108 and 109 of the Labor Code 2012; Article 5 of Decree No.05/2015/ND-CP )*

12.07 Flexible Working Hours

#### Flexible Working Arrangements

12.07-Q1

Please state whether flexible working arrangements are available in the country.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please include in the answer how flexible working arrangements work in the country.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement relates to flexible working arrangement, please state in the answer “Flexible working arrangements are not available in the country.” without quotation marks.

Legislatively, flexible working arrangements are not available in the country. However, the employee and employer can reach an agreement on such an arrangement without breaking the labor laws and regulations. If there is a flexible working arrangement, the company regulation and / or internal policy should detail all agreed rules for time management, and of the calculation of flexible working hours.

If flexible working time is introduced, it is not required to record the actual working time.

The labor law encourages and accepts any negotiation between the employee and employer as long as such negotiation will not break the stipulations of the current Labor Code 2012 about working hour and rest time.

The current labor law of Vietnam provides regulations regarding part-time work and piece work. Piece work is based only on the end performance results, without considering the working hours.

*(Source: Labor Code 2012)*

12.08 Measuring Attendance

12.08.01 Measuring Time

#### Measuring Normal Hours

12.08.01-Q1

Please state whether recording the actual time of attendance including the actual start and finish of the day, meal times, breaks, and so on is required by the law.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please state how the attendance information can be collected such as by using a paper system, using a mechanical clocking machine, using electronic devices, and so on.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement relates to recording actual timing, please state in the answer “There is no legislative requirement that requires recording of the actual time of attendance including the start and finish of the day, lunch time, breaks, and so on in the country.” without quotation marks.

There is no legislative requirement that requires recording of the actual time of attendance including the start and finish of the day, lunch time, breaks, and so on in the country.

Employer may establish their own rules according to the requirements of their daily operations.

*(Source: Not available)*

#### Measuring Overtime Hours

12.08.01-Q2

Please state the regulations for measuring overtime hours.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please include in the answer whether overtime can be performed before the start of the normal working hours.
3. Please include in the answer what increments overtime is measured by (for example, by minute, or by every 15 or 30 minutes).
4. Please include any exception rules such as regional requirements.
5. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
6. If there is no legislative requirement related to measuring overtime hours, please state in the answer “There is no legislative requirement on the measuring of overtime hours in the country.” without quotation marks. Please include any known market practice.

According to *Article 106 of the Labor Code 2012*, overtime is time worked in addition to normal working hours prescribed in the law, collective labor agreement, or company regulations. If the employee starts work before the agreed working hours, it is considered overtime work.

**Example:**

If an employee’s regular working time is from 8:00 a.m. to 12:00 a.m., and the employee requested to work from 7:00 a.m., this employee will be paid for one hour as an overtime payment

Overtime to be counted based on the schedule of working time as follows:

**Examples:**

Employee A works a shift that ends at 5:00 p.m.. This employee was confirmed on the list of overtime registration on Monday, and the actual end time is 6:00 p.m.. Therefore, this employee will be paid for one hour of overtime.

Employee B works a shift that ends at 5:00p.m. This employee was not confirmed on the list of overtime registration on Monday, and the actual end time is 7:00 p.m. Therefore, this employee’s overtime worked may be zero, or would be two hours with the approval of the employee’s supervisor.

*(Source: Article 106 of the Labor Code 2012)*

12.08.02 Employees on Travel

#### Time on Travel

12.08.02-Q1

Please state the regulations for measuring time while an employee is travelling.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please include whether time spent on travel is regarded as working hours.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement, please state in the answer “There is no legislative requirement regarding the recording of time information for employees on travel in the country.” without quotation marks.

There is no legislative requirement regarding the recording of time information for employees on travel in the country.

*(Source: Not available)*

12.08.03 Employees on Training

#### Time on Training

12.08.03-Q1

Please state the regulations for measuring time while an employee is attending off site training.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please include whether time spent on training is regarded as working hours.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement, please state in the answer “There is no legislative requirement regarding the recording of time information for employees attending off site training in the country.” without quotation marks.

There is no legislative requirement regarding the recording of time information for employees attending off site training in the country.

*(Source: Not available)*

12.08.04 Work from Home

#### Work from Home

12.08.04-Q1

Please state the regulations for measuring time while an employee is working from home.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please include any exception rules such as regional requirements.
3. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
4. If there is no legislative requirement, please state in the answer “There is no legislative requirement regarding the recording of time information for employees working from home in the country.” without quotation marks.

There is no legislative requirement regarding the recording of time information for employees working from home in the country.

*(Source: Not available)*

12.08.05 Outdoor Work

#### Outdoor Work

12.08.05-Q1

Please state the regulations for measuring time while an employee is completing outdoor work.

Expectation:

1. Please highlight the first line and start to write the information.
2. Employee working outdoors may include a company car driver or similar.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement, please state in the answer “There is no legislative requirement regarding the recording of time information for employees who work outdoors in the country.” without quotation marks.

There is no legislative requirement regarding the recording of time information for employees who work outdoors in the country.

Before overtime can be counted, it should be agreed upon by both the employee and employer (supervisor), or such overtime will not be paid even if the employee does work more than one hour after the end time of the normal working hours.

*(Source: Not available)*

12.08.06 Time Shortages

#### Time Shortages

12.08.06-Q1

Please state how time shortages are defined and dealt with (for example, if an employee begins work late or leaves work early).

Expectation:

1. Please highlight the first line and start to write the information.
2. Please use examples to demonstrate how time shortages are defined. For example:
   1. If the normal working hours begin at 9:00 a.m. but the employee’s clock in time is 9:05 a.m., whether this is a shortage of five minutes
   2. If the normal working hours ends at 5:00 p.m. but the employee’s clock out time is 4:45 p.m., whether this is a shortage of 15 minutes
   3. If the normal working hours are 9:00 a.m. to 5:00 p.m., and the employee clocks in at 9:05 a.m. and clocks out at 5:10 p.m., whether this is considered 5 minutes of overtime
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no legislative requirement, please state in the answer “There is no legislative requirement regarding the measuring of time shortages in the country.” without quotation marks.

There is no legislative requirement regarding the measuring of time shortages in the country.

*(Source: Not available)*

12.09 Scheduling / Roster

#### Scheduling

12.09-Q1

Please state whether it is required by legislation to produce a work schedule or roster.

Expectation:

1. Please highlight the first line and start to write the information.
2. Please include in the answer the time (such as one week in advance, two weeks in advance) when a schedule should be in place, and the period a schedule should cover (such as a schedule for one month or a schedule of three weeks).
3. Please include in the answer whether the schedule should be reported in 12 hour format (such as 1:00 p.m.) or 24 hours format (such as 13:00).
4. Please include in the answer whether the schedule should record scheduled normal hours and scheduled overtime hours separately.
5. Please include any exception rules such as regional requirements.
6. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
7. If there is no legislative requirement, please state in the answer “There is no legislative requirement on the production of a staff roster / work schedule in the country.” without quotation marks.

According to *Articles 23 and 199 of the Labor Code 2012*, the working time, working schedule, and rest time is required content that needs to be shown in company regulations, employment contracts, and the collective agreement. There is no regulation to report each staff schedule to the authority.

It is not regulated when a staff roster should be scheduled (for example, one week in advance, three days in advance), how scheduling must be organized, or how flexible it can be organized, and the employer can design their own internal process and rules to insure the smooth operation and to provide a suitable timeframe for the preparation of staff.

*(Source: Articles 23 and 199 of the Labor Code 2012)*

12.10 Statutory Reporting

#### Statutory Reporting

12.10-Q1

Please state any statutory reporting relating to employee scheduling, quota management, or hours of work.

Expectation:

1. Please highlight the first line and start to write the information.
2. If there is a statutory reporting requirement, please state the name of the report, the information required in the report, and to whom, by when, and in what manner the report should be filed. Headings, such as “Employee Scheduling Reporting”, “Shift Work Reporting”, “Attendance and Overtime Report” or similar, can be used to categorizing reports if required.
3. Please include any exception rules such as regional requirements.
4. Please quote the source of information such as the name and article number of the law, or the website link where the information can be validated.
5. If there is no statutory reporting required, please state in the answer “There is no statutory reporting relating to scheduling or quota management in the country.” without quotation marks.

There is no statutory reporting relating to scheduling or quota management in the country.

*(Source: Not available)*

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You need to stop protecting the document before you can remove the expectations and questions:

* Shortcut keys for removing expectations in green: Ctrl + R + E
* Shortcut keys for removing questions in blue: Ctrl + R + Q