



NEW LEGAL REGULATIONS ON ENTERING INTO AND PERFORMING LABOR CONTRACTS

Increasing the identification of labor contracts:

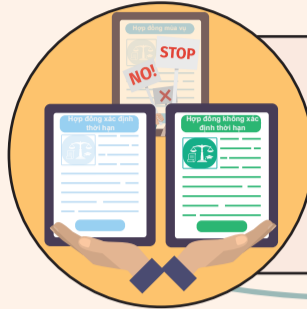
If the nature of an agreement is about the paid job, salary, management and supervision of a party, it is considered a labor contract.



Seasonal labor contracts no longer exist:

There are only 02 types of labor contracts:

- Fixed-term labor contracts;
- Indefinite-term labor contracts.



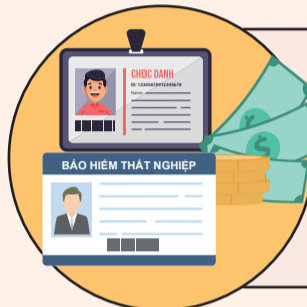
Recognition of electronic labor contracts:

Labor contracts in the form of electronic data shall have the same value as a traditional written contract.



Supplementing some of the mandatory contents of the labor contracts:

- Position of the employer;
- Job- or position-based salary;
- Unemployment insurance.



Signing a fixed-term labor contract for a maximum of 2 times:

Except for the following cases:

- Employees who are directors of state-owned enterprises;
- Elderly employees;
- Foreign employees working in Vietnam
- Other cases as prescribed by law.

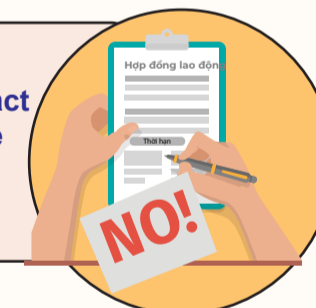


Regulations on the person concluding the labor contract:

- The legal representative of the enterprise / authorized person;
- The head of the organization that is a juridical person / authorized person;
- The representative of the household, artels or other organizations that are not juridical person / authorized person;
- The individual who directly hires the employee.



The term of the labor contract must not be amended in the labor contract appendix.



Prohibited acts by employers:

- Keeping the employee's original identity documents, diplomas and certificates;
- Requesting the employee to make a deposit in cash or in kind as security for his/her performance of the labor contract;
- Forcing the employee to keep performing the labor contract to pay debt to the employer.



A verbal labor contract is only recognized if its term is less than 01 month:

Except for the following cases:

- Seasonal works which have a duration of less than 12 months;
- Concluding a labor contract with the employee who is under 15 years old and his/her legal representative;
- The employee who is a domestic worker.



Supplementing 04 cases of temporary suspension of labor contracts:

- Perform military service, or service in Militia and self-defense force;
- Be designated as the executive of a wholly state-owned single-member LLC;
- Be authorized to represent the state investment in enterprises;
- Be authorized to represent the enterprise's investment in another enterprise.



*Legal basis: Labor Code 2019.



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