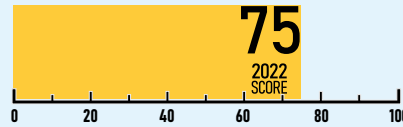




Viet Nam



66.5 2020 SCORE

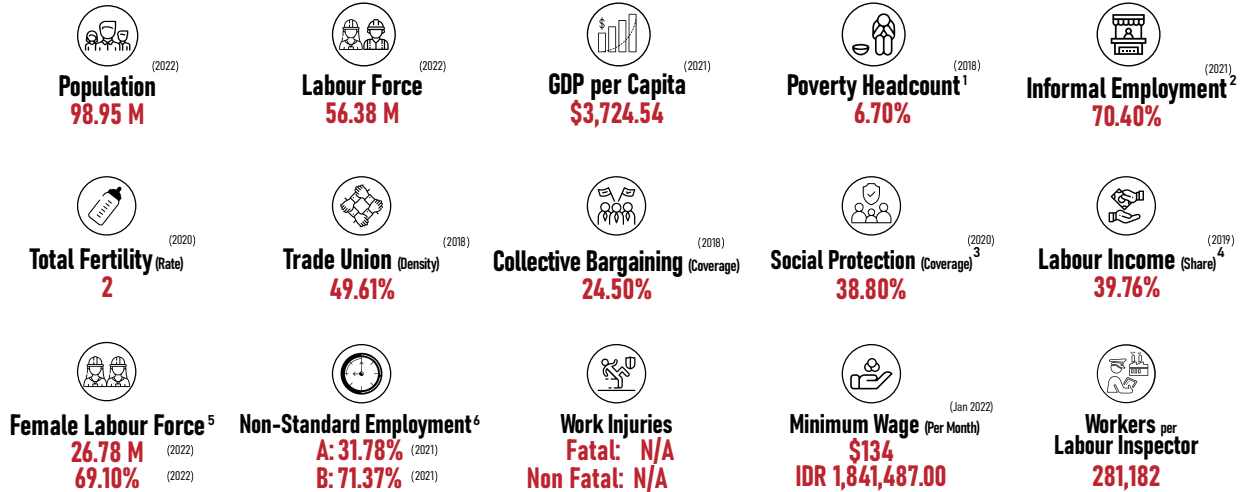
South East Asia

Lower-middle income

Reasonable Access to Decent Work

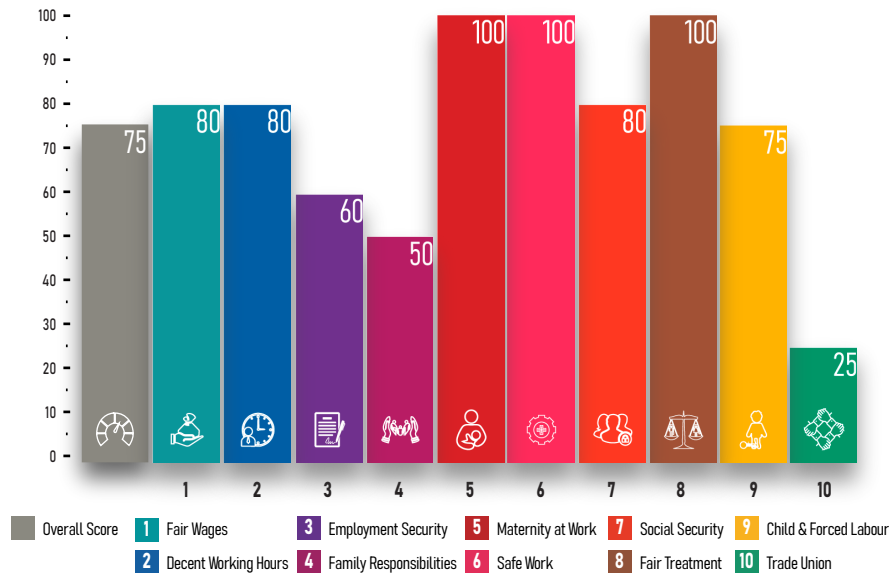


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

Viet Nam's overall score is 75 out of 100. The overall score for Viet Nam is higher than the regional average observed across South East Asia (62.33). Within the South East Asia region, the highest score is observed for Viet Nam (75).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§26, 61, 91-93, 212(5) of the Labour Code, 2019; §49-53 of the Decree No. 145/2020/ND-CP	●
	Does the law require regular payment of wages?	Yes	§94-97 & 102 of the Labour Code, 2019; §54 of the Decree No. 145/2020/ND-CP	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§98 of Labour Code, 2019; §55 of the Decree No. 145/2020/ND-CP	●
	Does the law require additional compensation for working on a weekly rest day?	No	No applicable legal provisions could be located	●
	Does the law require additional compensation for night work?	Yes	§98 & 106 of the Labour Code, 2019; §56-57 of the Decree No. 145/2020/ND-CP	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§98, 105, 107 & 108 of the Labour Code, 2019; §55 of the Decree No. 145/2020/ND-CP	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§107 of Labour Code, 2019; §55 of the Decree No. 145/2020/ND-CP	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§111 of the Labour Code, 2019	●
	Does the law require paid public holidays?	Yes	§111-112 of the Labour Code, 2019	●
	Does the law require at least three working weeks of paid annual leave?	No	§113-114 of the Labour Code, 2019; §66 & 677 of the Decree No. 145/2020/ND-CP	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	Yes	§13-22 of the Labour Code, 2019; Decree 05/2015/ND-CP, §5-6 of the Decree No. 145/2020/ND-CP	●
	Does the law restrict the hiring of fixed-term contract workers?	No	§20 & 22(2) of the Labour Code, 2019	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	Yes	§24-27 of the Labour Code, 2019	●
	Does the law require a 30-day notice before contract termination?	No	§27, 34, §36-40, 155 & 138 of the Labour Code, 2019; §7 of the Decree No. 145/2020/ND-CP	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§40-41 & §46-47 of the Labour Code, 2019; §2(3 & 4), 139(6) & 140 of Social Insurance Law (Law No.71/2006/QH11)	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
	Does the law require at least one week of paid paternity leave for fathers?	Yes	§115 of the Labour Code, 2019; §34 & 39 of the Law on Social Insurance (Law No. 58/2014/QH13); Circular 59/2015/TT-BLĐTBXH	●
	Does the law require flexible work arrangements for workers with family responsibilities?	No	§32 and §135(2) of the Labour Code, 2019	●
	Does the law require paid nursing breaks?	Yes	§137(4) of the Labour Code, 2019; §80 of the Decree No. 145/2020/ND-CP	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	Yes	§3(8) of Vietnam Labour Code, 2019	●
	Does the law require paid maternity leave of at least 14 weeks?	Yes	§139 and §141 of the Labour Code, 2019; §31-38 of Law on Social Insurance (Law No. 58/2014/QH13)	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§38 & 39 of Law on Social Insurance (Law No. 58/2014/QH13)	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§38 & 39 of Law on Social Insurance (Law No. 58/2014/QH13)	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§137(3) of the Labour Code, 2019	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§5 and §21 of the Labour Code, 2019; §23 of the Law on Occupational Safety & Health (Law No. 84/2015/QH13)	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§13-14 & 72 of the Law on Occupational Safety & Health (Law No. 84/2015/QH13)	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	Yes	§137 and 142 of the Labour Code, 2019; Joint Circular No. 40/2011/TTLT-BLĐTBXH-BYT	●
	Does the law provide for employment injury benefit?	Yes	§42-52 of Social Insurance Law (Law No. 58/2014/QH13); Circular 04/2015/TTBLĐTBXH	●
	Does the law provide for an old age pension?	Yes	§35 and §168-169 of the Labour Code, 2019; §53-65 of Social Insurance Law (Law No. 58/2014/QH13)	●
7. Social Security	Does the law provide for a dependants/survivors' pension?	Yes	§66-71 of Social Insurance Law (Law No. 58/2014/QH13)	●
	Does the law provide for unemployment benefit?	Yes	§168 of the Labour Code, 2019; §49-53 of the Employment Law (Law No. 38/2013/QH13)	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	§25-29 of Social Insurance Law (Law No. 58/2014/QH13); Circular 59/2015/TT-BLĐTBXH	●
	Does the law provide for invalidity benefit?	Yes	Social Insurance Law (Law No. 58/2014/QH13); ISSA Country Profile for Viet Nam	●
	Does the law require equal remuneration for work of equal value?	Yes	§26 of the Constitution; §90 of the Labour Code, 2019; §13 of the Law on Gender Equality, 2006	●
8. Fair Treatment	Does the law prohibit sexual harassment in employment?	Yes	§3(9), 5(2), 6(11), 8, 35, 118(d), 125, 165 & 217(1) of the Labour Code, 2019; §84-86 of the Decree No. 145/2020/ND-CP	●
	Does the law prohibit discrimination in employment matters? ¹⁰	Yes	§16 & 26 of the Constitution; §3 (8), 5(2), 8(1), 158 & 175 of the Labour Code, 2019; Decree No. 85/2015/ND-CP	●
	Does the law allow women to do the same jobs as men?	Yes	§4, 32 & 135, of the Labour Code, 2019; Decree No. 26/2013/TTBLĐTBXH	●
	Does the law guarantee basic labour protections for gig economy workers?	Yes	Social Insurance Law (Law No. 58/2014/QH13); ISSA Country Profile for Viet Nam	●
	Does the law prohibit employment of children?	Yes	§143-147 of Labour Code, 2019; Circular No. 11/2013/TTBLĐTBXH	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§143-147 of Labour Code, 2019; §1 of Law on Universal Primary Education, 1991	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§113(b), §143-147 of Labour Code, 2019; §228 of Criminal Code (No: 15/1999/QH10); Circular No. 10/2013/TTBLĐTBXH	●
	Does the law prohibit forced labour?	No	§35 of the Constitution, 2013; §3(7), 8(2) & 165 of Labour Code, 2019	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	No	§10 & 25 of Constitution 2013; §5 & 6 of the Law on Trade Unions 2012	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§63-89, 92 & 220(3) of Labour Code, 2019; CEACR, C98, DR 2021	●
	Does the law provide for the right to strike?	No	§201 & 202 of Labour Code, 2019	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	Yes	§208(4) of Labour Code, 2019	●

Covid 19 and Labour Market in Viet Nam*

Total Covid Cases	10.76 Million
Total Covid Deaths	43,091
Partial Vaccinated	90.0%
Fully Vaccinated	83.0%

Wage Subsidies	✓
Social Security Contributions (deferrals/waivers)	✓
Paid Sick Leave	✗
Add. Unemployment Benefits	✓

Protection from Dismissals	✗
Telework/flexible work	✗
Improved Health Access	✓
Training (activation measures)	✓

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the Viet Nam on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CHRHP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change