

Circular No 23/1999/TT-BL§TBXH dated 4 october 1999
of the molisa

**Giving the guidance for the implementation of the reduced
weekly working time for state -owned enterprises.**

Pursuant to the Labour Code dated 23 June 1994 and Prime Minister Decree No 188/1999/QD on the implementation of 40 weekly working hours, The Ministry of Labour, Invalids and Social Affairs hereby provides guidance for the implementation of those provisions as follows:

I. target groups and Scope of Application

- Officials, civil servants, workers and employees employed by state enterprises.
- Officials, civil servants, workers and employees employed by public business, manufacturers and services belong to administrative bodies, mass organizations and other political and social organizations which operate under the Law On Enterprises.
- All state enterprises, public business, manufacturers, services mentioned above are hereby called as the enterprise.

II. Principles and qualified conditions

1. Principles

- a) The enterprise shall make a decision by itself on how to reduce the weekly working hours from 48 hours with 6 working days to 40 hours with 5 working days or 44 hour with 5,5 working days; arrange suitably shift work to be able to provide 2 or 1.5 days off in a week; and bear the responsibility for its decision.
- b) Annually, based on the plan of production and business, the enterprise shall make a decision on whether to reduce the weekly working time or still keep the 48 working hours with 6 working days in a week.

2. Conditions for implementation

While implementating the reduced weekly working time, the enterprise has to ensure that the following conditions to be met:

- a) Business and production activities of the enterprise are effective, profitable and its legal obligations to the state are fully fulfilled.
- b) Payment of salary and contributions to social insurance and health insurance for its employee to be made in accordance with the current laws
- c) Salary cost per product unit, cost of production or circulation cost should not be increased;
- d) Payment for working over time, for night shift, for all kinds of salary allowances shall be implemented as it is currently regulated.
- d) Total of overtime hours to be worked shall not exceed 200 hours in a year as it is stipulated by current laws.
- e) Where shift work is applied, the enterprise has to provide the mid-shift breaks, interval break between two shifts for the employees in accordance with the current Labour Code;

Provisions concerning the days off , public holidays, compensatory rest, weekly rest , annually leave, private leave and other leaves for the employee should be guaranteed as it is stipulated by current laws.

f) The regime on reduced daily working time for the employee who are employed in extremely heavy and dangerous works is still maintained as it is stipulated by Circular No 16/L§TBXH-TT dated 23/4/1997 of the MOLISA.

III. Implementation arrangements

1. Governing Bodies, General Directors and Director of the enterprise are responsible for:

a) Discussing with the trade union to develop a plan and measures for the implementation of the reduced weekly working time including measures on improvement of work organisation or rationalisation of production in order to reduce the cost of production; or implementing investment measures, technological and technical renovation to increase productivity.

b) Including the reduced weekly working time into a collective agreement and a work rule of the enterprise once a decision on its implementation is made by the enterprise .

c) Collaborating with trade unions in conducting education program to enhance skill and technical level as well as cultural and social activities for the employee during days off with the large participation of employee; creating new spirit in productive labour and improving quality of the employee's life.

d) Reporting to the Ministries, Industries and local authorities which directly administer or supervise the enterprise about the plan and measures to reduce weekly working time which have been approved by the leaders and trade unions of the enterprise,.

For the General Corporations which are regulated by Decision No 91, the plan and measures to reduce weekly working time have to be sent to both their parent's organisations and the MOLISA and later on a periodical report should be made in accordance with Point 3b of Part III of this Circular.

d) Enterprise which is not able to meet the conditions mentioned at Point 2- Part II above still implement the regime on time of work and time of rest stipulated by the current Labour Code. The enterprise should in collaboration with trade union develop a plan and measures to implement the regime of reduced weekly working hours at their soonest convenience.

2. Encouraging the enterprise, manufacturers, business belong other economic sectors and foreign organisations, international organisations located in Vietnam hiring Vietnamese employees to implement the reduced weekly working time and report to Labour - Invalids Social Affair Office in province for supervision.

3. Ministries, Industries, provincial/city People Committee under the central Government are responsible for:

a) Directing offices, departments, divisions, branches to give detailed guidance and supervise the implementation of the reduced weekly working time by the enterprise and timely deal with difficulties arising during the implementation of such regime by the enterprises under their administration.

b) Sending the Ministry of Labour, Invalids and Social Affairs a periodical report of 6 months and of a year and yearly report using the format form attached to this Circular ;

these reports shall include the implementation of reduced weekly working time; the problems that need to be solved in order to create good conditions for the enterprise to implement properly the reduced weekly working time.

The deadline for submission of a such report is on 15th of June for the 6 month report and on 15th of December for the annually report.

For the year 1999, the report on the implementation of the reduced weekly working time from October to December 1999 shall be sent to the MOLISA before 15th December 1999.

4. Departments of Labour Invalids and Social Affairs in provinces in collaboration with Trade Unions shall assist People Committee of Provinces and Cities to guide , to check and to supervise the implementation as well as create favorable environment for effective implementation of the reduced weekly working time by state enterprises located in their provinces ; and to make a plan for education and to encourage non- state enterprises in implementing the reduced weekly working time in accordance to the regulations of the Government and this Circular.

5. This Circular shall take effect on 02 October 1999.

Ministries, industries, local authorities shall report problems arisen during the implementation of this Circular to MOLISA for consideration and amendment./.

Minister of the MOLISA

**Nguyen Thi Hang
(Signed)**

*(Promulgated in attachment to Circular No 23/1999/TT-BL§TBXH
dated 4/10/1999 by the MOLISA)*

- Ministry, Industry.....
- Province, City under central.....
- general Corporation N0 91.....

Report on the implementation of the reduced weekly working time
of business and manufacturing sector for 6 first month or year -----

1. Situation of implementation on reduced weekly working time

| No | Indicators | Unit | Total | In which | | |
|----------|--|-------------|-------|----------|----------|------------|
| | | | | SE/ DNNN | PE/ DNTN | JVE / DTNN |
| A | B | C | 1 | 2 | 3 | 4 |
| 1 | Enterprises under administration | enterp rise | | | | |
| 1.1 | Of which Enterprise with the regime of 40 working hours per week | enterp rise | | | | |
| 1.2 | Enterprise with the regime of 44 working hours per week | enterp rise | | | | |
| 1.3 | Enterprise which has not implemented the regime of reduced weekly working hours | enterp rise | | | | |
| 2 | Employee of Enterprises under administration | person | | | | |
| 2.1 | Of which: The number of employees in enterprise which has implemented the regime of reduced weekly working hours | person | | | | |
| 2.2 | The number of employees in enterprise which has not implemented the regime of reduced weekly working hours | person | | | | |
| 3 | Number of employee has been increased compared to the precious report due to implementation of the | person | | | | |

| | | | | | | |
|-----|---|--------|--|--|--|--|
| | reduced weekly working hour | | | | | |
| 3.1 | Of which New recruitments | person | | | | |
| 3.2 | Using redundant and job waiting persons of enterprise | person | | | | |

*Remark: SE/DNNN: State enterprise as stipulated in this Circular
PE/DNTN: Enterprise, private business, collectives
JVE/DTNN: Joint venture enterprises*

2. Evaluation of implementation on the reduced weekly working time

- a) Achievements:
- b) Shortcomings:

3. Recommendations (identify clearly what should be supplemented, revised in the current policy, regulations and solutions)

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4. Plane for the next six month

..... *Date.... month year*

**Director of enterprise
(Signature and Seal)**