

Circular No. 16/LDTBXH-TT dated 23 April 1997 of the MOLISA
**Guiding the reduction of daily working hours for employees
engaged
in extremely hard, harmful or dangerous work**

Implementing Governmental Decree No 195/CP dated 31 December 1995 elaborating and guiding the enforcement of some provisions of the Labour Code on time of work and time of rest, and Paragraph 2, Article 68 of the Labour Code, the MOLISA instructs the reduction of daily working hours for employees engaged in extremely hard, harmful or dangerous work as follows:

I. Subjects and scope of application

The reduction of daily working hours applied to employees engaged in extremely hard, harmful or dangerous work in the following undertakings:

- State-owned undertakings;
- Undertakings in other economic sector;
- Organisations, individuals hiring employees for business and production;
- Undertaking with foreign invested capital, undertakings in Export Processing Zones and Industrial Zones;
- Foreign bodies, organisations, international organisations operating in Vietnam and hiring Vietnamese workers;
- Institutions, business, service units belonging to administrative and non-productive bodies, political social organisations and people's organisations;
- Administrative and non-productive bodies;
- Political, social organisations and mass organisations.

For workers engaged in extremely hard, harmful or dangerous work in specific undertakings, for officers, non-commissioned officers and soldiers of the mass army and peoples' security forces and for persons engaged in special types of work as stipulated in Article 80 of the Labour Code, Article 12 of Governmental Decree No 195/CP dated 31/12/1994 shall be regulated by separated regulations.

II. Reduction of daily working hours

1. Daily working hours shall be reduced by two hours for workers engaged in extremely hard, harmful or dangerous work as indicated on the list promulgated in attachment to the Decision of the minister of the Ministry of Labour, Invalids and Social Affairs.
2. Workers who work 6 consecutive hours in extremely hard, harmful or dangerous occupations shall be entitled to a break of at least thirty minutes in day time a break of at least 45 minutes and on the night shift.
3. Daily over time work of persons engaged in extremely hard, harmful or dangerous work shall not exceed three hours a day; 9 hours a week.
4. Workers whose daily working hours are reduced due to working in extremely hard, harmful or dangerous work shall be entitled to full payment, allowance payment (if any) and other benefits in accordance with the provisions of the Labour Code and other regulations providing guidance for the enforcement of the Labour Code.

III. Implementation

1. The employers of undertakings, organisations and bodies specified in point 1 Part I of this Circular shall be responsible for:

a) Implementing the reduction of daily working hours for workers engaged in extremely hard, harmful or dangerous occupations as defined in the attachment to Ministerial Decrees No 1453/LDTBXH-QD dated 13/10/1995; No 915 LDTBXH-QD dated 30/7/1996 and No 1629/LDTBXH-QD dated 26/12/1996 and other decrees to be stipulated by the Minister of the Ministry of Labour, Invalids and Social Affairs following this Circular.

b) Including in Labour contract, in collective labour agreement; the undertaking rules on the time of work, time of rest for ensuring the reduced daily working hours for employees who engaged in extremely hard, harmful or dangerous work.

2. Ministries, branches, the People's Committees of provinces and of cities under the Central Government shall be responsible for providing guidance for their competent agencies localities to inspect and check the implementation of this Circular.

This Circular shall take effect after 15 days from the date of its signature.

Ministries, branches, localities shall report problems arising from the implementation of this Circular to the Ministry of Labour, Invalids and Social Affairs for review and amendment.

Minister of MOLISA

**Tran Dinh Hoan
(Signed)**