



LEGAL UPDATE

CIRCULAR 17 ON SELF-INSPECTION AND REPORTING OF LABOUR LAW COMPLIANCE

Circular 17/2018/TT-BLDTBXH (**Circular 17**) was issued by the Ministry of Labour, Invalids and Social Affairs and entered into force on 1 January 2019. It provides guidelines on the self-inspection and reporting of labour law compliance by businesses.

Circular 17 will ensure that companies are taking an active approach towards their compliance with labour laws and correlatively, employer obligations and employee rights.

Below we will set out the most important points of interest.

1. Self-inspection of Labour Law Compliance

Circular 17 provides guidelines for the logistics of labour law compliance. For example, businesses must self-inspect at least once a year. Furthermore, the temporal scope of the self-inspection must cover the period from the 1st January of the preceding year up to the time of the self-inspection. However, when the self-inspection occurs, is up to the discretion of the business. The enterprise is required to cooperate with labour unions to prepare the report. The enterprise needs to create an account on <http://tukiemtraphapluatlaodong.gov.vn>, and establish a team to perform the self-inspection.

Lastly, businesses must retain files relating to the results of the self-inspection.

2. Scope of Self-Inspection

Circular 17 provides that the following activities be subject to self-inspection:

- Periodic reporting;
- Employee recruitment and training;
- Signing and execution of labour contract;
- Communication, negotiation and signing of collective labour agreements;
- Working hours and rest hours;
- Payment to employees;

- Organisation and performance of occupational safety and health activities;
- Compliance with regulations applied to female labourers, elderly labourers, child labourers, disabled labourers and foreign labourers
- Formulation and registration of labour rules, labour discipline and physical compensation;
- Participation in compulsory social insurance, unemployment insurance and health insurance, and monthly insurance payment;
- Handling of labour-related disputes and complaints;
- Other necessary activities.

If the enterprise identifies issues, it is required to adopt solutions to improve where necessary and cooperate with labour unions.

3. Consequences of No Self-Inspection

A failure to undertake self-inspection renders the business liable for labour law compliance inspection by the authorities and possible penalties. Reports on the results of the self-inspection shall – when requested – be submitted online on the earlier-mentioned website to the Labour Inspectorate of the Department of Labour, Invalids and Social Affairs.

For more information, please contact:

Mark Oakley / Managing Partner
mark.oakley@acsvlegal.com

Hieu Pham / Special Counsel
hieu.pham@acsvlegal.com