



LAC DUY & ASSOCIATES

NEWSLETTER

12/2021

GUIDELINES ON LABOUR DISPUTES SETTLEMENT DUE TO COVID-19 FOR EMPLOYEES

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LAC DUY & ASSOCIATES

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Dear Clients,

Lac Duy & Associates would like to send you the newsletter of December 2021 with some outstanding new point and article as:

- Guidelines on labour disputes settlement due to Covid-19 for Employees
- Legal Document 12/2021



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GUIDELINES ON LABOUR DISPUTES SETTLEMENT DUE TO COVID-19 FOR EMPLOYEES

CASES OF EMPLOYEE CONTRACT TERMINATION

“Due to a major epidemic”, the employer has to lay off employees after all possibilities have been exhausted

Point c, Clause 1, Article 36 of the LC 2019

Enterprises change in the organizational structure, enterprise rearrangement to reduce labour (also known as "restructuring")

Clause 1, Article 42 of the LC 2019

Employers terminate labour contracts with employees for economic reasons

Clause 2, Article 42 of the LC 2019

NOTE: ALLOWANCES FOR EMPLOYEES WHEN THE CONTRACT IS TERMINATED

Severance allowance: Applied to employees who have worked on a regular basis for a period of at least 12 months and have their labour contracts terminated in case the agreement terminates the labor contract or the employer unilaterally terminates the labor **contract**.

Redundancy allowance: Applied to employees who have worked on a regular basis for the employer for at least 12 months and have their labour contracts terminated in case the enterprise changes organization or personnel rearrangement.

Unemployment allowance: This allowance is paid by the Unemployment Insurance Fund (UI) to employees when their labour contract is terminated; have paid unemployment insurance for full 12 months or more within 24 months before unemployment.



**STEPS TO DO
WHEN
EMPLOYEES
THOUGHT
THAT
EMPLOYER
ILLEGAL
TERMINATE
LABOUR
CONTRACT**

Step 1: Complaints

The employee directly submits a complaint or asks for the intervention of the Trade Union at the enterprise to request the correct performance of the signed contract (Article 131 of the Labor Code 2019).

Step 2: Labour Mediation (*)

If the participation of the Trade Union is not effective, the employee shall file a request for conciliation to the labour mediator of the district-level Department of Labor - War Invalids and Social Affairs where the enterprise is headquartered. This is a mandatory procedure (except for some cases in Clause 1, Article 188 of the Labor Code 2019).

Step 3: In cases of conciliation failure, the employee has the right to choose one of the following methods to resolve the dispute (Clause 7, Article 188 of the Labor Code 2019).

***LABOUR DISPUTES
FOR WHICH
MEDIATION IS NOT
MANDATORY:**

1. Dismissal for disciplinary reasons; unilateral termination of employment contracts;
2. Damages and allowances upon termination of employment contracts;
3. Between a domestic worker and his/her employer;
4. Social insurance; health insurance; unemployment insurance; occupational accidents and disease insurance;
5. Damages between an employee and organization that dispatches the employee to work overseas under a contract;
6. Between the outsourced worker and the client enterprise.

Request the Labour Arbitration Council to settle the dispute

Request the Court to settle the dispute



(*)MEDIATION PROCEDURES

Step 1: Send a request

When an employee and an employer have a dispute, the employee should send a request for conciliation to the mediator to conduct mediation procedures.

Step 2: Conduct mediation

The Labor Arbitration Council shall complete the mediation process within 05 working days from the receipt of the request (Clause 2, Article 188 of the Labor Code 2019).

Both disputing parties must be present at the mediation meeting. The disputing parties may authorize another person to attend the mediation meeting (Clause 3, Article 188 of the Labor Code 2019).

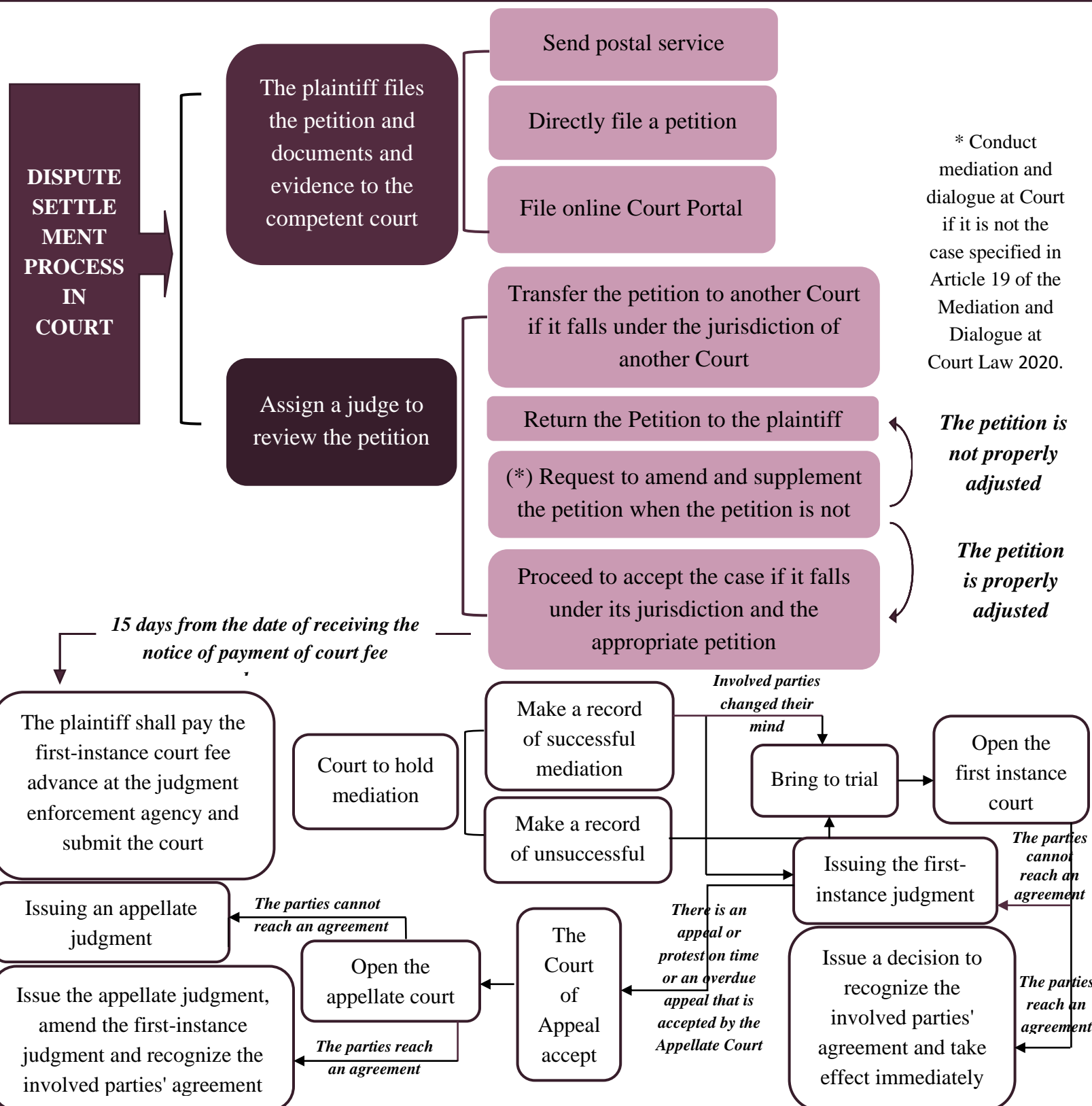
The labor mediator shall instruct and assist the parties to negotiate with each other (Clause 4, Article 188 of the Labor Code 2019).

Step 3: Make a record mediation

The mediator makes a record of successful or unsuccessful mediation, depending on each specific case

Step 4: Send the record mediation

Copies of the record of successful mediation or unsuccessful mediation shall be sent to the disputing parties within 01 working day from the date on which it is made (Clause 5, Article 188 of the Labor Code 2019).





LEGAL DOCUMENTS 12/2021

NO.	EFFECTIVE DATE	NAME
BUSINESS - GOVERNMENT FINANCE		
1.	20/12/2021	Decision 1909/QD-TCT in 2021 publicizing the final settlement of state budget expenditures in 2020 of the General Department of Taxation
2.	15/12/2021	Decision 1847/QD-BTP in 2021 The Ministry of Justice's program on thrift practice and anti-waste for the period 2021-2025
INFORMATION TECHNOLOGY		
3.	20/12/2021	Decision 3978/QD-UBND in 2021 on the List of shared databases in Can Tho City
TRANSPORT		
4.	16/12/2021	Decision 2142/QD-BGTVT in 2021 on the Regulation on management, operation, exploitation and use of the Information and Reporting System of the Ministry of Transport
TRADE		
5.	25/12/2021	Official Letter 8362/BCT-TTTN in 2021 on petrol and oil business management issued by the Ministry of Industry and Trade
CRIMINAL LIABILITY, CULTURE - SOCIETY		
6.	16/12/2021	Decision 24/2021/QD-UBND on the Regulation on consideration and award of the title "Typical citizen of Tuyen Quang province"
NATURAL RESOURCES - ENVIRONMENT		
7.	30/12/2021	Decision 51/2021/QD-UBND stipulating the functions, tasks, powers and organizational structure of the Department of Natural Resources and Environment of Long An province
SPORT - HEALTH		
8.	15/12/2021	Decision 3455/QD-UBND in 2021 approving the plan of activities to prevent and control tobacco harms for the period 2021-2022 issued by Vinh Long province