

THE GOVERNMENT  
No: 195/CP

SOCIALIST REPUBLIC OF VIET NAM  
Independence - Freedom - Happiness  
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Ha Noi , Day 31 month 12 year 1994

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**DECREE No.195-CP ON THE 31ST OF DECEMBER 1994 OF THE GOVERNMENT  
ON DETAILED PROVISIONS AND GUIDANCE FOR THE IMPLEMENTATION OF  
A NUMBER OF ARTICLES OF THE LABOR CODE ON WORK AND REST TIME  
THE GOVERNMENT**

*Pursuant to the Law on Organization of the Government on the 30th of September 1992;  
Proceeding from the Labor Code on the 23rd of June 1994;  
At the proposal of the Minister of Labor, War Invalids and Social Affairs,*

DECREES:

Chapter I

**SUBJECTS AND SCOPE OF APPLICATION**

**Article 1.-** The work and rest time is applicable to laborers in the following types of enterprises, offices and organizations:

- State enterprises;
- Enterprises of the other economic sectors; organizations and individuals employing laborers;
- Enterprises with foreign investment, enterprises in export-processing and industrial zones; foreign offices and organizations or international organizations in Vietnam that employ Vietnamese laborers, unless otherwise stipulated by international conventions that Vietnam has signed or acceded to.
- Public-service, business and servicing units at administrative and public-service offices, people's organizations and other political and social organizations, and of the People's Army and People's Public Security Force;
- This Decree is also applicable to government officials and servants in administrative and public-service offices, elected or appointed officials of the people's organizations and other political and social organizations, and to those serving in the People's Army and People's Public Security Force, unless otherwise provided for by specific laws and regulations.

**Article 2.-** This Decree shall not apply to those working in specialized enterprises of the People's Army and People's Public Security Force, and to the commissioned and non-commissioned officers and soldiers of the People's Army and People's Public Security Force.

Chapter II

**WORK TIME**

**Article 3.-** The work time stipulated in Article 68 of the Labor Code is provided for as follows:

1. The work time in normal labor conditions and environment is:
  - Not more than eight hours per day;
  - Not more than 48 hours per week.

2. The work time in especially heavy, hazardous and dangerous jobs is shortened by from one to two hours, in accordance with the list jointly issued by the Ministry of Labor, War Invalids and Social Affairs, and the Ministry of Health.

3. The other time to be counted into the paid work time includes:

- The rest time in between a workshift;
- The break time required by the nature of the work;
- The necessary break time allocated in the work process for natural physical demands;
- The 60-minute rest per day for women laborers nursing children under 12 months of age;
- The 30-minute rest per day for women laborers on menstruation;
- The work stoppages not due to the fault of the laborers;
- The time for study and training on labor safety and hygiene;
- The time for meeting and study requested or allowed by the employer.

**Article 4.-** Proceeding from Article 86 of the Labor Code, the employer has the right to set the work time during the workdays or workweeks and the rest day(s) during the week to suit the production and business of the enterprise, which are not against the provisions of Items 1 and 2 of Article 3 of this Decree, and which must be recorded in the labor contract, the collective bargain and the labor regulation of the enterprise.

**Article 5.-** The overtime work stipulated in Article 69 of the Labor Code is provided as follows:

1. The overtime work must not exceed 50% of the worktime provided for each kind of work in each day. In the event the overtime work is provided for on the basis of workweeks, the total of the regular worktime and the overtime must not exceed 12 hours a day. The total overtime work must not exceed 200 hours a year.

2. The employer and the laborers may arrange overtime work in the following cases:

- To work on production incidents;
- To solve urgent problems which cannot be delayed;
- To handle in a timely manner fresh materials or construction projects or products which, due to strict technological requirements, cannot be left undone.

3. In the urgency of a serious natural calamity, enemy sabotage, fire or a spreading epidemic, the employer has the right to mobilize overtime work in excess of the stipulations in Item 1 of this Article, given the agreement of the laborers.

**Article 6.-** The night work stipulated in Article 70 of the Labor Code is provided for as follows:

- From Thua Thien-Hue northward: from 22:00 hours to 6:00 hours of the next day.
- From Quang Nam-Danang southward: from 21:00 hours to 5:00 hours of the next day.

### Chapter III REST TIME

**Article 7.-** The rest time stipulated in Article 71 of the Labor Code is provided for as follows:

- 30 minutes for 8 hours of continuous work in normal conditions; or for 7 hours or 6 hours of continuous work in condition of shortened worktime.

- 45 minutes for continuous night work from 22:00 hours to 6:00 hours, or from 21:00 hours to 5:00 hours.

**Article 8.-** In addition to the paid holidays stipulated in Article 73 of the Labor Code, the laborers who are foreigners working in enterprises and organizations of Vietnamese are allowed one day for their traditional new-year holiday and one day for their National Days (if any), all with full payment.

**Article 9.-**

1. As stipulated by Article 74 of the Labor Code, the following time periods are considered work time of the laborers at an enterprise, or for the employer to calculate the annual leave of the laborers:

- The time for professional training and practice to work for the enterprise as stipulated in the contract for professional training and practice;
- The time for probation as stipulated in the labor contract for work at the enterprise;
- Leave for personal affairs;
- Unpaid leave allowed by the employer;
- Leave due to a labor accident or occupational disease, which shall not exceed 6 months in total.
- Sick leave, which shall not exceed 3 months in total;
- The time to exercise citizen's duties as required by law;
- The time for meeting and studies as requested or allowed by the employer;
- Work stoppage or suspension not due to the fault of the laborer;
- Non-working time due to a work suspension;
- The time of temporary arrest or detention which is followed by the laborer's return to work due to his/her innocence or exemption from prosecution.

2. The laborer is entitled to an annual leave of 14 days or 16 days as stipulated in Points (b) and (c), Item 1, of Article 74 of the Labor Code in accordance with the lists of heavy, hazardous and dangerous jobs, and jobs in areas of difficult living conditions issued by the Ministry of Labor, War Invalids and Social Affairs, and the Ministry of Health.

3. During the annual leave, if the laborer travels by car, boat or train and if the time he/she spends on the road (return) exceed two days, the third or more days on the road shall then be added into the annual leave.

4. The transport fares and salary for the time the laborer spends on the road shall be agreed upon by the laborer and the employer; for the laborer who works in remote areas (high mountainous, remote and island areas), the employer shall pay him/her transport fares and salary for the days he/she spends on the road during his/her annual leave.

**Article 10.-** The laborer shall receive his/her salary for the unspent days of his/her annual leave according to Item 3 of Article 76 of the Labor Code in the following cases:

1. A temporary postponement of the implementation of the labor contract to perform his/her military service duty;
2. The labor contract expires; unilateral termination of the labor contract; a loss of employment due to a change in technology; dismissal; retirement; death.

**Article 11.-** The time for annual leave as stipulated in Item 3 of Article 76, and Item 2 of Article 77 of the Labor Code is calculated as follows:

Divide the total of the statutory days for annual leave and the additional days of leave due to seniority at the enterprise (if any) by 12 months (leaving out the decimal) and multiplying the result with the number of months of actual work to have the number of days of paid annual leave.

#### Chapter IV

#### THE WORK AND REST TIME FOR LABORERS IN WORKS OF SPECIAL NATURE

**Article 12.-** The work and rest time for laborers in jobs stipulated in Article 80 of the Labor Code is provided for as follows:

With regard to jobs of special nature, such as land, rail and water transport; navigating, airhosting and air controlling; offshore oil prospecting; arts; applying radiation and nuclear technologies, high-frequency waves; diving; and underground mining, the ministries in charge shall define the specific work and rest time after consulting the Ministry of Labor, War Invalids and Social Affairs.

**Article 13.-** It is not allowed to employ women laborers in heavy or dangerous duties or in jobs which require direct contact with hazardous chemicals which may affect their reproduction and child-rearing functions as stipulated in Item 1, Article 113, of the Labor Code. If the women laborers already work on those jobs and their replacements are not yet available, they are entitled to a reduction of at least two hours of work time a day from the required work time while still receiving full pay.

**Article 14.-** With regard to men laborers over 60 years of age and women laborers over 55 years of age who continue to work, in the last year before their retirement, they are entitled to a reduction of 4 hours a day from the normal work day and still receiving full pay.

#### Chapter V

#### IMPLEMENTATION PROVISIONS

**Article 15.-** This Decree takes effect from the 1st of January 1995. The previous provisions on work time and rest time which are contrary to this Decree are now annulled.

**Article 16.-** The Ministers, the Heads of the agencies at ministerial level, the Heads of the agencies attached to the Government, and the Presidents of the People's Committees of the provinces and cities directly under the Central Government are responsible for the implementation of this Decree.

On behalf of the Government  
Prime Minister

**VO VAN KIET**

*(This translation is for reference only)*