

**MINISTRY OF LABOR, WAR
INVALIDS AND SOCIAL
AFFAIRS**

No.17/2018/TT-BLDTBXH

**SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, October 17, 2018S

CIRCULAR

**PROVIDING FOR SELF-INSPECTION OF COMPLIANCE WITH THE LABOR LAW
PERFORMED BY ENTERPRISES**

Pursuant to Decree No.14/2012/ND-CP dated February 17, 2017 of the Government on functions, duties, rights and organizational structure of the Ministry of Labor, War Invalids and Social Affairs;

Pursuant to Clause 4 Article 21 of Decree No.110/2017/ND-CP dated October 04, 2017 of the Government on organization and operation of Inspectorate of Ministry of Labor, War Invalids and Social Affairs;

At the request of the Chief Ministry Inspectorate;

The Minister of Labor, War Invalids and Social Affairs promulgates a Circular providing guidelines for self-inspection of compliance with the labor law performed by enterprises.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides guidelines for self-inspection of compliance with the labor law, online reporting of the result of self-inspection of compliance with the labor law and responsibilities of employers, labor unions and state inspection agencies for labor affairs.

Article 2. Regulated entities

This Circular applies to employers, labor unions and state inspectorate for labor affairs.

Article 3. Definition

1. “self-inspection of compliance with the labor law” (hereinafter referred to as “self-inspection”) refers to self collection, analysis and evaluation of compliance with provisions of the labor law performed by employers in their own production or business facilities.

2. “website <http://tukiemtraphapluatlaodong.gov.vn>” (hereinafter referred to as "the website") refers to an internet website for connection, integration and update of information, documents, applications and services related to labor affairs to be used by employees and employers.
3. “online reporting of self-inspection result” refers to the activity in which the employer posts the report on self-inspection results on the website.
4. “account for online reporting of self-inspection result” refers to an account registered on the website by the employer and used to post the report on self-inspection results, retrieve and use labor-related information, documents and applications.
5. “self-inspection note” refers to a note specifying activities subject to self-inspection and inspection results.

Chapter II

PARTICULAR PROVISIONS

Section 1: SELF-INSPECTION AND ONLINE REPORTING OF SELF-INSPECTION RESULTS

Article 4. Self-inspection

1. The employer must conduct self-inspection of compliance with the labor law performed in his/her facility at least once a year in order to evaluate the compliance with the labor law and work out methods for enhancement of law soft compliance.
2. Time for self-inspection shall be decided by the employer.
3. The self-inspection period is from the first date of January in the previous year to the inspection date.

Article 5. Activities subject to self-inspection

1. Activities subject to self-inspection include:
 - a) Periodic reporting;
 - b) Employee recruitment and training;
 - c) Signing and execution of labor contract;
 - d) Communication, negotiation and signing of collective labor agreements;
 - dd) Working hours and rest hours;

- e) Payment to employees;
- g) Organization and performance of occupational safety and health activities;
- h) Compliance with regulations applied to female labors, elderly labors, child labors, disabled labors and foreign labors
- i) Formulation and registration of labor rules, labor discipline and physical compensation;
- k) Participation in compulsory social insurance, unemployment insurance and health insurance, and monthly insurance payment;
- l) Handling of labor-related disputes and complaints;
- m) Other necessary activities

2. Self-inspection matters shall be provided in the self-inspection note according to the business field registered on the website. The employer shall select one or more than one self-inspection note based upon his/her main working field.

Article 6. Procedures for self-inspection

According to self-inspection time and plan which are already determined, the employer shall establish a self-inspection delegation and register an account on the website to obtain a self-inspection note.

Components of the self-inspection delegation include a head of the delegation (the representative of the employer) and members thereof, that are persons in charge of salary payment, persons in charge of occupational safety and health work, labor union and other relevant components decided by the employer.

The self-inspection delegation shall compare activities performed in the enterprise with the labor law in force according to the inspection matters provided in the self-inspection note for the purpose of analysis and comparison to judge whether such enterprise complies with the labor law and suggest measures to handle acts against the labor law (if any). The self-inspection conclusion form shall be posted on the website and regularly updated in case of changes made to the labor law.

As for activities requiring inspection visit to the production facility or workplace of the employees, the self-inspection delegation shall pay a visit to such facility or workplace to check the compliance with the labor law and work out methods for handling violations (if any).

Self-inspection dossier which includes the self-inspection note, self-inspection conclusion, document on establishment of the self-inspection delegation and other documents made during the self-inspection must be stored in the enterprise management dossier as a basis for monitoring,

analyzing and developing policies and methods for improvement law compliance in the enterprise.

Article 7. Reporting self-inspection results

1. The employer shall cooperate with the labor union in preparing an online report on the self-inspection result as required in written by the state inspection agency for labor affairs.
2. The enterprise, including its branches and offices located in local areas and construction entities must send an online report on the self-inspection result to their supervisory authorities and Inspectorate of the Department of Labor, War Invalids and Social Affairs in places where their branches and offices or the construction entities operate.

Section 2. OBLIGATIONS OF EMPLOYERS, RIGHTS OF LABOR UNIONS AND RESPONSIBILITIES OF STATE INSPECTION AGENCIES FOR LABOR AFFAIRS

Article 8. Obligations of employers

1. Conduct self-inspection of compliance with the labor law as prescribed in this Circular. The employer must register an account and make a report on the self-inspection result on the website as required and guided by the state inspection agency for labor affairs.
2. Take legal responsibility for honesty and accuracy of the online report on the self-inspection result and prepare the report on schedule as required by the state management agency for labor affairs.
3. Cooperate with the labor union in implementing recommendations of the state inspection agency for labor affairs according to the online report on the self-inspection result and provide representation as required by the competent authority or competent person.

Article 9. Rights of labor unions

Participate in the self-inspection delegation and make an online report on the self-inspection result as well as supervise implementation of recommendations suggested by the state inspection agency for labor affairs according to the online report on the self-inspection result performed by the employers.

Article 10. Responsibilities of Inspectorate of the Ministry of Labor, War Invalids and Social Affairs

1. Manage the website, conduct annual research to perfect and improve the website and update changes made to the labor law to satisfy using demand.
2. Decentralize the management and provide guidelines on use of the website for the Inspectorate of the Department of Labor, War Invalids and Social Affairs of provinces and centrally-affiliated cities.

3. Make orientation of persons in charge of the self-inspection reporting in conformity with the work orientation of the Ministry of Labor, War Invalids and Social Affairs.
4. Make a consolidated online report on the nationwide self-inspection result as required by the competent state management agency.
5. According to the self-inspection result, timely give suggestions to the Minister for great performance of state management in labor, propose plans for inspection of law compliance and plans for enhancement of compliance with the labor law of the Ministry and provide orientation of annual labor inspection for local government authorities.

Article 11. Responsibilities of Inspectorate of the Department of Labor, War Invalids and Social Affairs

1. Instruct enterprises to register an account used to make an online report on the self-inspection result and prepare such online report.
2. Analyze and evaluate the online result of self-inspection and send recommendations to the enterprise as well as send proposals of inspection plans to the competent authority for approval purpose.
3. Send proposals of irregular inspection to the competent authority for approval purpose if any violation against the labor law is found upon consideration of the online report of the self-inspection result or if there is failure to make online report on the self-inspection result.
4. Send a consolidated report on the result of self-inspection of enterprises located in the area under their management to the Inspectorate of the Ministry of Labor, War Invalids and Social Affairs according to the report form provided in Appendix issued thereto before October 15 every year.
5. According to the self-inspection result, timely give suggestions to the Director of Department of Labor, War Invalids and Social Affairs for great performance of state management in labor, propose plans for inspection of law compliance and annual plans for enhancement of compliance with the labor law performed in the areas under their management.

Chapter III

IMPLEMENTATION

Article 12. Sources and conditions for self-inspection

1. The Minister of Labor, War Invalids and Social Affairs shall ensure sufficient sources and funding for tasks performed by the Inspectorate of the Ministry of Labor, War Invalids and Social Affairs as prescribed in Article 10 herein.

2. The Director of Department of Labor, War Invalids and Social Affairs shall ensure sufficient sources and funding for tasks performed by the Inspectorate of the Department of Labor, War Invalids and Social Affairs as prescribed in Article 11 herein.

3. The employer shall ensure sufficient sources and funding for self-inspection and reporting under regulations herein.

Article 13. Measures to handle organizations and individuals failing to comply with regulations herein

The acts in which the enterprise, agency or individual fails to conduct self-inspection and make report under regulations herein is a basis for the state inspection agency for labor affairs to carry out irregular inspection or make inspection plan for the following year and a aggravation for imposing penalties for administrative violations, and will face criminal charges if causing serious effects and shall be subject to other legally accepted measures.

Article 14. Commendation

1. The Minister of Labor, War Invalids and Social Affairs shall consider and grant the certificate of merit to enterprises, agencies and individuals who well comply with the provisions of the labor law at the request of Chief Inspectorate of the Ministry of Labor, War Invalids and Social Affairs.

2. Chief of Inspectorate of the Ministry of Labor, War Invalids and Social Affairs shall consider and grant the certificate of merit to enterprises, agencies and individuals who well conduct self-inspection and send report under regulations herein.

Article 15. Effect

1. This Circular comes into from January 01, 2019.

2. Decision No.02/2006/QD-BLDTBXH dated February 16, 2006 of the Minister of Labor, War Invalids and Social Affairs providing for regulations on use of self-inspection note will expire on the effective date of this Circular.

3. Should any question arise during implementation, relevant entities shall inform the Ministry of Labor, War Invalids and Social Affairs for consolidation and handling./.

MINISTER

Dao Ngoc Dung

	recommendation ions issued									
6	Number of enterprises giving response after receiving the recommendat ion	Enterprise								

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