
No 16/2015/TT-BLĐTBXH

Ha Noi, 22 April 2015

CIRCULAR

- Pursuant to Government Decree No 106/2012/NĐ-CP dated 20 December 2012 stipulating the functions, duties, rights and the organizational structure of the Ministry of Labour, War Invalids and Social Affairs;
- Pursuant to Government Decree No 75/2014/NĐ-CP dated 28 July 2014 stipulating the implementation of some articles of the labour law, regarding recruitment and management of Vietnamese employees to work in Viet Nam for foreign individuals and/or organisations functions (known as Government Decree No 75/2014/NĐ-CP).
- According to the request of the head of the Employment Department,

The Minister for Labour, War Invalids and Social Affairs issues a circular stipulating the implementation of some articles of Government Decree No 75/2014/NĐ-CP.

Article 1: Scope of adjustment

This circular will give guidelines in relation to assigning or giving authority, regarding the recruitment and management of Vietnamese employees to work in Viet Nam for foreign individuals and/or organisations, job applications; periodical reports of recruitment and management of Vietnamese employees to work in Viet Nam for foreign individuals and/or organisations as stated in Government Decree No 75/2014/NĐ-CP.

Article 2: Applicable objects

Objects applicable to this circular will be the ones as stipulated in Article 2 of Government Decree No 75/2014/NĐ-CP.

Article 3: Assign or give authority pertaining to recruitments and management of Vietnamese employees to work in Viet Nam for foreign individuals and/or organisations

1. The Ministry of Foreign Affairs, the Ministry of Labour, War Invalids and Social Affairs, and the People's Committees of provinces and cities under the control of the central government, issue a decision pertaining to assigning or giving authority to competent agencies to recruit and manage Vietnamese employees to work in Viet Nam for foreign individuals and/or organisations as stipulated in Paragraph 1 in Article 4 of Government Decree No 75/2014/NĐ-CP (known as the competent authority to recruit and manage Vietnamese employees)
2. Within 20 days from the day when the decision mentioned in (1) becomes effective, the Ministry of Foreign Affairs and the People's Committees of provinces and cities under the control of the central government, will send one original copy of the decision to the Ministry of Labour, War Invalids and Social Affairs.



3. Within 30 days from the day when the decision mentioned in (1) becomes effective, the competent authority that is assigned to recruit and manage Vietnamese employees will have to publicize the address, its telephone numbers, the assigned or authorized functions and duties, at its office, branches, representative offices, and through the mass media.

Article 4: Employment application forms

Employment application form as stated in Paragraph 1 in Article 5 of Government Decree No 75/2014/NĐ-CP will follow Form No. 1 issued with this Circular.

Article 5: Periodical reports of recruitment, use and management of Vietnamese employees

1. Before 10 June and 10 December every year, the foreign organisations, individuals in Viet Nam must send the first six-month and the annual reports of the situation of recruitment and use of Vietnamese employees working for foreign organisations, individuals in Viet Nam, according to Form No. 2 issued with this Circular, as follows

a) For foreign organisations, individuals in Viet Nam as stipulated in points a, b, c and d in Paragraph 2 in Article 2 of Government Decree No 75/2014/NĐ-CP, the reports must be returned to the competent authority that is assigned or authorized by the Ministry of Foreign Affairs to recruit and manage Vietnamese employees.

b) For foreign organisations, individuals in Viet Nam as stipulated in point d in Paragraph 2 in Article 2 of Government Decree No 75/2014/NĐ-CP, the reports must be returned to the Employment Service Centre established based on the decision of the Minister for Labour, War Invalids and Social Affairs or the chairperson of the People's Committee of provinces and cities under the control of the central government, and assigned to recruit and manage Vietnamese employees working for foreign organisations, individuals in Viet Nam.

2. Before 15 June and 15 December every year, the competent authority that is assigned or authorized to recruit and manage Vietnamese employees must send the first six-month and annual reports of the situation of recruitment and management of Vietnamese employees working for foreign organisations, individuals in Viet Nam, according to Form No. 3 issued with this Circular, as follows

a) for the authority that is assigned or authorized by the Ministry of Foreign Affairs, the reports must be returned to the Ministry of Foreign Affairs;

b) for the Employment Service Centre established on the decision of the Minister for Labour, War Invalids and Social Affairs, the reports must be returned to the Ministry of Labour, War Invalids and Social Affairs and the Department of Labour, War Invalids and Social Affairs where the centre's head office is located;

c) for the Employment Service Centre established on the decision of the chairperson of the People's Committee of provinces and cities under the control of the central government, the reports must be returned to the Department of Labour, War Invalids and Social Affairs;

3. Before 20 June and 20 December every year, the Foreign Affairs Ministry and People's Committees of provinces and cities under the control of the central government have to send the first six-month and annual reports of the situation of



recruitment and management of Vietnamese employees working for foreign organizations, individuals in Viet Nam under the scope of their management, according to Form No. 3 issued with this Circular.

Article 6: Implementation validity

1. This circular takes effects from 6 June 2015.
2. Circular No 09/1999/TT-BLĐTBXH dated 15 March 1999 of the Ministry of Labour, War Invalids and Social Affairs providing guidelines for implementation of some articles in government Decree No 85/1998/NĐ-CP dated 20 October 1998, will expire on the day when this circular becomes effective.

Article 7: Implementation

The competent authority assigned to recruit and manage Vietnamese employees working for foreign organizations, individuals; the Department of Labour, War Invalids and Social Affairs; foreign organizations, individuals in Viet Nam; and other relevant agencies, organizations, individuals will be responsible for implementation of this circular.

Any problems arising during implementation of this circular should be reported to the Ministry of Labour, War Invalids and Social Affairs for a solution.

For the Minister
Deputy Minister
NGUYEN THANH HOA
(Signed and sealed)

Translated from Vietnamese into English by SCEDFA
Certified as a true translation
Da Nang, 21 May 2015

SERVICE CENTRE FOR DA NANG FOREIGN AFFAIRS



TRẦN HỒNG ĐỨC

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SOCIALIST REPUBLIC OF VIET NAM
Independence – Freedom – Happiness

Date:

EMPLOYMENT APPLICATION FORM

To:

1. Full name: Sex:.....

2. Date of birth: Place of birth.....

3. ID/ Passport Number:

Date of issue..... Place of issue:.....

4. Ethnic group:..... Religion:.....

5. Permanent address:

6. Temporary address:.....

7. Contact address:.....

8. Telephone:..... Fax:..... Email:.....

9. Educational background:.....

10. Highest qualification:.....

11. Vocational skills (if any):.....

12. Foreign language:.....Level:.....

Currently a member of Ho Chi Minh Communist Youth Union, or Trade Union, or Vietnamese Communist Part.....

13. Training background:

No	Educational institute	Major	Degree/ Certificate
1			
2			
3			

14. Working background

No	Working period (From month/ year to month/ year)	Place of work (name, address)	Position
1			
2			



15. Family relationship (Husband/ wife, children)

No	Full name	Relationship	Year of birth	Permanent address	Place of work	Position
1						
2						
3						

16. Your own ability and strong points:

.....

Having carefully examined your employment recruitment, I would like to apply to the position (name of work, place of work):

Enclosures are

- A copy of my birth certificate
- A copy of health certificate
- Copies of qualification(s)
- Other documents according to the laws
- Any priority document(s)



FORM NO 2

Name of foreign individual/organization

Date:

REPORT OF RECRUITMENT AND USE OF VIETNAMESE EMPLOYEES

To:

I. SITUATION OF RECRUITMENT OF VIETNAMESE EMPLOYEES IN THE REPORTING PERIOD

No	Full name	Year of birth	Qualification	Position	Type of recruitment	
					Direct recruitment	Recruitment through the competent authority
1						
2						

II. SITUATION OF USE OF VIETNAMESE EMPLOYEES IN THE REPORTING PERIOD

No	Criteria	Unit	Opening		During the reporting period		Closing	
			Total	Female	Increase	Decrease	Total	Female
1	Total of Vietnamese employees	person						
2	Highest qualification	person						
	Primary vocational	person						
	Intermediate vocational	person						
	Junior College	person						
	University and above	person						
3	Labour contract	person						
	Indefinite-term	person						
	Definite term	person						
	Seasonal or below-12-month contracts	person						
4	Reason for reduction of Vietnamese employees	person						
	Unilateral termination of labour contracts	person						
	Discipline, dismissal	person	x	x	X	x	x	x
	Negotiation for termination	person	x	x	X	x	x	x
	Other	person	x	x	X	x	x	x

I commit that the information above is totally true and subject to the regulations of employment recruitment. If I am accepted to work at your organization, I declare that I will

1. strictly abide by all the regulations of the Labour Law



2. strictly carry out all the articles in the signed labour contract
3. fully carry out all the stipulations of the competent authority of recruitment and management of Vietnamese employees to work for foreign individuals, organizations in Viet Nam that has recommended me to your organization.
4. I will be fully responsible for any false information in this statement.

Applicant
(Signature and full name)

III. NEED FOR EMPLOYMENT IN 6 NEXT MONTHS

No	Vacant position	Quantity (person)	Specific requirements
1			
2			
3			

IV. RECOMMENDATION AND SUGGESTION

1. With regard to the competent authority assigned to recruit and manage Vietnamese employees
2. With regard to Vietnamese employees
3. Other issues

Representative of foreign individual/ organization



FORM NO 3

THE REPORTING AGENCY
No. /BC

SOCIALIST REPUBLIC OF VIET NAM
Independence – Freedom – Happiness

Date:

REPORT

THE SITUATION OF RECRUITMENT AND MANAGEMENT OF VIETNAMESE EMPLOYEES
WORKING FOR FOREIGN INDIVIDUALS/ORGANISATIONS IN VIET NAM

To:

I- NEEDS FOR RECRUITMENT OF VIETNAMESE EMPLOYEES IN THE REPORTING PERIOD

No	Name of foreign individual/ organization	Address	The number of employees requested for recruitment				
			Total	including			
			University and above level	Junior college level	Vocational Intermediate	Vocational Primary	Unskilled
1							
2							



4. The number of employees at the closing

No	Name of foreign individual/ organization	Total	Qualification					Type of contract		
			University and/or above level	Junior college level	Vocational Intermediate	Vocational Primary	Unskilled	Indefinite term	Defenite term	Seasonal or below-12-month labour contract
1										
2										
3										

IV. Recommendation and suggestion

HEAD OF THE OFFICE

(Signature, seal, and full name)