MANUAL DE AUDITORÍA SOCIAL DEL CÓDIGO DE CONDUCTA DE UNA ORGANIZACIÓN EN LAS FÁBRICAS E INSTALACIONES DE SUS FABRICANTES

FICHA PAÍS

VIETNAM

RSC Càtedra MANGO

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Diseño y maquetación: Reportia | www.reportia.es VERSIÓN 1.0 (Noviembre 2018)

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01

INTRODUCCIÓN

1.1 ENTORNO TERRITORIAL

Vietnam ocupa un territorio de 331.051 Km2, con una población de 95,5 millones de habitantes. Sus principales ciudades son Ho Chi Minh City, la antigua Saigón (8.146.000 habitantes), la capital Hanoi (7.216.000 habitantes) y Thanh Hoa (3.514.000 habitantes). El clima es tropical monzónico: el norte es fresco y húmedo en invierno (Noviembre a Abril), y cálido y lluvioso en verano; en el sur es más estable. En el centro hay posibilidad de tifones. Las lluvias son bastante impredecibles.

En Vietnam se habla el vietnamita (90% de la población) y el inglés está siendo promocionado como segunda lengua. En areas rurales remotas se habla lenguajes minoritarios (Hmong, Thai, Khmer y otros) que representan el 10% restante.

1.2 FACTORES CUALITATIVOS

Mano de obra: Vietnam ocupa el lugar 86 (sobre 118) en el índice *Global Talent Competitiveness Index (GTCI)* 2017, obteniendo los mejores resultados en conocimiento global, debido a la alta tasa de alfabetización . De todos modos, a pesar de la disponibilidad de mano de obra, la rápida industrialización crea dificultades en la contratación de trabajadores laboralmente cualificados. Es de destacar la particularmente baja brecha salarial entre hombres y mujeres.

Infraestructuras: Vietnam parte de una situación de desventaja en cuanto a infraestructuras, a causa de su historia reciente. Según el *World Economic Forum Global Competitiveness Report 2016-2017*, Vietnam ocupa el lugar 79 de 138 en términos de calidad general de infraestructuras, el puesto 89 en carreteras, y el 77 en infraestructura portuaria. De todos modos, el esfuerzo inversor en este sentido es el segundo mayor de Asia, después de China.

Proximidad geográfica: No hay vuelos directos entre España y Vietnam ; en cuanto a comunicaciones marítimas, el puerto de Ho Chi Minh ocupa el lugar 26, y el de Haiphong el 38 entre los principales puertos mundiales en movimiento de containers (world Shipping Council). El tiempo de transporte marítimo entre Ho Chih Minh y Barcelona se estima en 24 días.

1.3 PRINCIPALES DATOS ECONÓMICOS 2017[1]

DATOS ANUALES	2017
Población (m)	95,5
PIB (US$ bn; al cambio)	220,6
PIB (US$ bn; paridad poder compra)	647,4
PIB per cápita (US$; tasa de cambio)	2.309
GDP per cápita ($; paridad poder compra)	6.776
Tasa de cambio (av) Dong:US$	24.775

MEDIAS HISTÓRICAS (%)	2013-17
Crecimiento de la población	1,1
Crecimiento PIB real	6,2
Crecimiento real de la demanda doméstica	7,4
Inflación	3,5
Balanza de pagos (% PIB)	2,9
Inversión extranjera (% PIB)	5,8

[1] Fuente: *The Economist Intelligence Unit* 2016

1.4 PRINCIPALES DATOS DE COMERCIO EXTERIOR 2017

Las principales exportaciones se han realizado en los sectores de teléfonos y teléfonos móviles, seguidos de confección, electrónica y calzado. Su principal mercado, de exportación es USA, seguido de China, Japón y Corea. Sus importaciones proceden principalmente de China, seguida de Corea, Japón y Taiwan.

1.5 SITUACIÓN POLÍTICA

Antecedentes: durante gran parte de su historia, Vietnam ha luchado contra la dominación de potencias externas. En 1945 Ho Chi Minh declaró la independencia de Francia después de casi 60 años de gobierno colonial.

Vietnam se dividió entre el norte comunista y el sur respaldado por Estados Unidos en 1954. La guerra entre los dos gobiernos finalmente terminó en 1975 con la victoria del norte.

La invasión vietnamita de Camboya en 1978-79 llevó el país a más de una década de aislamiento desde el oeste y a una importante dependencia de la Unión Soviética. Esta situación terminó con el asentamiento camboyano de 1991, que permitió a Vietnam implementar más plenamente la política gubernamental de renovación económica (doi moi), iniciada por primera vez en 1986.

Vietnam se adhirió a la Organización Mundial del Comercio en 2007, y esta fecha marcó el comienzo de un nuevo capítulo en su compromiso con la comunidad internacional.

Estructura política: Vietnam es uno de los pocos países sobrevivientes que se organizó a lo largo de líneas leninistas tradicionales. Es un estado de partido único, dentro del cual el Partido Comunista de Vietnam mantiene un control estricto del país. Se están realizando esfuerzos para mejorar la rendición de cuentas y para reducir la ineficiencia burocrática y la corrupción.

1.6 OTRAS INFORMACIONES DE INTERÉS

1.6.1 Índice de Competitividad Global del World Economic Forum

http://reports.weforum.org/global-competitiveness-report-2017-2018/

Vietnam está en la posición 55 sobre 137 países.

1.6.2 Índice Doing Business (DB) del Banco Mundial

http://www.doingbusiness.org/reports/global-reports/doing-business-2018

Vietnam está en la posición 68 sobre 190 países.

1.6.3 Índice de Desarrollo Humano (IDH) de la Organización de Naciones Unidas

http://hdr.undp.org/en

Vietnam está en la posición 115 sobre 188 países, clasificado como un país de desarrollo humano medio.

IDH valor 2016	Posición (sobre 188 paises)	Esperanza de vida al nacer	Años medios de escolarización	Años previstos de escolarización (2012)	Renta nacional bruta per cápita (2015) ($; PPA de 2011)
0,683	115	75,9 años	8,0 años	12,6 años	5.335$

02

OBJETIVO DE LA FICHA DE PAÍS

El objetivo del presente documento denominado: "Ficha País: Vietnam", es el de destacar aquellos aspectos más significativos de la legislación y de la normativa de Vietnam aplicables en la realización de una auditoría social, tomando como base un Código de Conducta de referencia tal y como se explica al final de este documento, con el objetivo de que sea plenamente operativa y práctica. Asimismo, desarrolla y complementa el estudio realizado previamente, también por la cátedra MANGO, titulado: "Manual de auditoría social", en el que se estableció una metodología básica para la realización de una auditoría de estas características.

Una auditoría social consiste fundamentalmente en verificar las condiciones sociales, laborales, de respeto a los derechos humanos y medioambientales en una fábrica y/o instalación perteneciente a una determinada organización, normalmente de carácter industrial, aunque también se pueden llevar a cabo en organizaciones de servicios.

La práctica general es que las organizaciones (normalmente empresas) que contratan los servicios de un fabricante establezcan, en un documento denominado "Código de Conducta", los aspectos anteriormente citados: sociales, laborales, de respeto a los derechos humanos y medioambientales, que son los mínimos (básicos) a aplicar y respetar por parte del fabricante contratado en sus fábrica/s y/o instalación/es.

En general, aunque se desarrollan para cualquier empresa y país/zona, lo habitual es que se apliquen en especial en fabricantes situados en países denominados productores y que acostumbran a ser países en vías de desarrollo y, por tanto, con un mayor riesgo de incumplimiento de los aspectos recogidos en los códigos, por diferentes razones: legislación poco desarrollada, menos recursos y consecuentemente un control menos efectivo por parte de las diferentes administraciones, etc.

Estos códigos de conducta son consecuencia de las políticas y compromisos de las organizaciones en materia de sostenibilidad. Por otro lado, estos códigos están basados, prácticamente en su totalidad, en la Declaración de los Derechos Humanos de Naciones Unidas (ONU), la Convención sobre los Derechos del Niño (ONU), los Convenios de la Organización Internacional del Trabajo (OIT) aplicables en cada ámbito, así como en iniciativas concretas que existen en materia de responsabilidad social como, por ejemplo, *Global Compact*, también de Naciones Unidas.

Todos los aspectos establecidos por Naciones Unidas, o por parte de sus organismos especializados, deberán estar transcritos a la legislación específica de cada país miembro firmante de los mismos, complementados o ampliados por aquella legislación que cada país/zona considere necesaria. En aquellos casos en que no se haya transcrito a la ley, parcial o completamente, estos códigos se establecen entonces como mínimos a aplicar en estas fábricas/instalaciones.

En este sentido, y para llevar a cabo este estudio, se han analizado y detallado los aspectos más importantes recogidos en la legislación (y/o recomendaciones) de Vietnam.

El resto de aspectos legislativos, frecuentemente formales, se pueden consultar en los diferentes documentos completos que se incluyen en el anexo (Código de Trabajo, etc.). Estos aspectos principales citados en la ficha son los mínimos necesarios para confirmar en la auditoría del Código de Conducta que se aplica la legislación básica y se siguen las prácticas generalmente aceptadas y aplicadas en el país.

Asimismo, esta ficha se ha desarrollado en base a los diferentes puntos de un código básico de referencia establecido por la propia Cátedra MANGO, donde se recojen los aspectos más significativos y comunes de los diferentes códigos que se están aplicando actualmente por parte de las empresas que los tienen establecidos.

El citado Código de Conducta se describe a continuación:

CÓDIGO DE CONDUCTA SOCIAL, LABORAL, DE RESPETO A LOS DERECHOS HUMANOS Y AMBIENTAL PARA FABRICANTES/PROVEEDORES (en adelante fabricantes) DE LA EMPRESA/ORGANIZACIÓN (en adelante organización)[1]

Este Código está basado en los principios y filosofía del Pacto Mundial de Naciones Unidas, así como en los principios estipulados en la Declaración Universal de los Derechos Humanos y el Convenio de Naciones Unidas sobre los Derechos del Niño.

Asimismo se incluyen todos los Convenios y Recomendaciones de la Organización Internacional del Trabajo (OIT) de aplicación (en particular los convenios: 1, 29, 75, 81, 87, 98, 100, 102, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182 y 183, y las recomendaciones: 35, 90, 111, 143, 146, 164, 168, 184 y 190).

1. TRABAJO INFANTIL

Los fabricantes no utilizarán trabajo infantil de acuerdo con los criterios establecidos en los convenios de la OIT. Asimismo, la política de la organización sobre el trabajo de menores se basa en el convenio de Naciones Unidas sobre los Derechos del Niño.

2. TRABAJOS FORZADOS Y OBLIGATORIOS

Los fabricantes no utilizarán ningún tipo de trabajo forzado y obligatorio..

3. SALUD Y SEGURIDAD EN EL TRABAJO

Los fabricantes garantizarán a sus empleados un lugar de trabajo seguro (prevención de incendios, maquinaria, etc.) y saludable (luz, ventilación, condiciones higiénicas, etc.) cumpliendo, asimismo, con todo lo exigido en la legislación que sea de aplicación en esta materia. De igual forma garantizarán que estas condiciones sean extensivas, en el caso de ser aplicable, a todas las instalaciones destinadas a sus empleados.

4. LIBERTAD DE ASOCIACIÓN

Los fabricantes respetarán el derecho de sus empleados a asociarse, organizarse o negociar colectivamente sin que sufran por ello ninguna clase de sanción.

5. DISCRIMINACIÓN

Los fabricantes no realizarán ningún tipo de discriminación en las prácticas laborales y de contratación por motivos de raza, nacionalidad, religión, discapacidad, sexo, edad, orientación sexual, asociación o afiliación política o cualquier otra situación.

[1] Siempre que se hace referencia a la empresa/organización (en adelante organización), corresponde a la contratante de los servicios del fabricante y emisora del código de conducta básico de referencia.

6. MEDIDAS DISCIPLINARIAS, ACOSOS Y ABUSOS

Los fabricantes no harán uso de castigos corporales, así como de abusos físicos o psicológicos y/o cualquier otra tipología de acoso.

7. HORARIO DE TRABAJO

Los fabricantes acatarán la legislación aplicable y las reglas de su industria en materia de horas trabajadas. Las horas extraordinarias deberán ser siempre voluntarias y adecuadamente retribuidas.

Si se realizan horas extraordinarias, se aceptará un máximo de dos horas por día. En el caso de que se produzcan condiciones excepcionales de forma puntual cabe la posibilidad de modificar este límite aceptando aquellas situaciones que, con las características anteriormente descritas, y siendo razonables y lógicas, se realicen siempre de mutuo acuerdo con el trabajador no superando nunca el máximo anual de horas extraordinarias totales al año previstas en la legislación.

8. REMUNERACIONES

Los fabricantes garantizarán que los salarios cumplan rigurosamente con todas las leyes. Asimismo el salario mínimo legal se interpretará como tal mínimo, pero no como un nivel recomendado.

9. SUBCONTRATACIÓN

Los fabricantes sólo pueden realizar las producciones en aquellas fábricas autorizadas y verificadas por la organización.

10. MEDIO AMBIENTE

Toda la actividad de los fabricantes, se realizará de manera respetuosa con el medio ambiente cumpliendo, asimismo, la legislación y reglamentación prevista. Asimismo los fabricantes suscribirán todos los documentos específicos que, en este sentido, tenga establecida la organización.

11. CUMPLIMIENTO DE LA LEGALIDAD VIGENTE

Los fabricantes deberán también cumplir la legislación aplicable en todo lo no previsto en los puntos anteriores.

E-mail de contacto la organización:

En este código se han considerado en cada punto, tal y como ya se ha comentado, los aspectos básicos más comunes y significativos incluidos en la práctica habitual. Como cada organización establece el suyo propio pueden haber algunas diferencias, así como otros aspectos que algunas consideren, no incluidos en este documento por ser más específicos o estar establecidos en base a otros tipos de iniciativas. Cabe señalar que el nivel de contenido y detalle de cada punto puede variar significativamente entre las diferentes organizaciones incluyéndose, en esta ficha, lo más importante y comúnmente aplicado. En este sentido se ha tomado como base el Código de Conducta de la organización MANGO en el ámbito del sector textil que, por sus características, abarca los aspectos más destacados a tener en cuenta.

03

ESTRUCTURA DE LA FICHA

La ficha se estructura en base a los diferentes puntos del Código de Conducta para Fabricantes de la organización, incluyendo los siguientes aspectos:

3.1 CONVENIOS DE LA OIT

En primer lugar se detalla el marco general de referencia, establecido en los convenios de recomendaciones de la Organización Internacional del Trabajo (OIT), en relación con cada punto concreto del Código, señalando si Vietnam ha ratificado o no cada uno de estos convenios (incluimos enlaces a los distintos Convenios y Recomendaciones).

3.2 LEGISLACIÓN VIETNAMITA

A continuación presentamos los aspectos más significativos de la legislación vietnamita, que afectan a cada punto del referido Código de la Organización. Nos hemos basado, fundamentalmente en el Código de Trabajo de Vietnam (que abreviamos como C.T y al que nos referimos cuando no se cita explícitamente la fuente) y en algunas de las leyes y normativas que lo desarrollan, que son referenciadas en cada caso.

En especial, en relación al punto 3 del Código: "Salud y seguridad en el trabajo", hemos seguido el criterio de detalle desarrollado en las 18 esferas de acción técnica sobre las que la OIT recomienda incidir (Recomendación 164), debido a que el Código de Trabajo de Vietnam (Artículos 133 a 152) tiene un enfoque más general. También es el orden que se ha tomado como referencia en el documento "Manual de auditoría social" citado en el capítulo 2 (ver pág. 10).

Asimismo, con el objetivo de ofrecer una mejor información, en determinados casos, aportamos una clasificación más concreta de la referida Recomendación 164, de acuerdo con normativa específica desarrollada en el ámbito de la Unión Europea (UE)[1]. El texto de la citada normativa específica es, por su obviedad y claridad, perfectamente aplicable en el desarrollo de las esferas de acción técnica en cualquier país productor.

En este mismo tercer punto se ha incluido, también, para cada ámbito y en base a la estructura de clasificación especificada anteriormente, diferentes aspectos desarrollados en la Ley no. 84/2015/QH13: "*Law on Occupational Safety and Health*" y el Decreto no. 44/2016/ND-CP de fecha 15/5/2016: "*Decree of the Government detailing some articles of the Law on Occupational safety and sanitation, technical inspection of occupational safety, training of occupational safety and sanitation and monitoring of occupational environment*".

Finalmente, y en este mismo ámbito del punto 3, citamos la Ley nº.40/2013/QH13: "*Amending Law on Fire Prevention and Fighting*". Ésta ley ha añadido nuevas regulaciones con vistas a mejorar la eficacia de la gestión estatal con respecto a las actividades de prevención y lucha contra incendios.

Los citados textos legislativos que están originariamente en vietnamita e inglés, se muestran en idioma inglés sin traducirlos al español.

[1] Real decreto 486/1997, por el que se establecen las condiciones mínimas de seguridad y salud en los lugares de trabajo.

3.3 NIVELES DE CUMPLIMIENTO DE LA LEY (BÁSICO/SOBREPASANDO EXPECTATIVAS)

En cuarto lugar, cabe señalar, que diferenciamos para cada punto del código entre la aplicación básica de la ley y aquellas situaciones que suponen una aplicación de la misma que sobrepasa las expectativas, en todos aquellos casos en que sea útil.

3.4 POSIBLES BUENAS PRÁCTICAS

En quinto lugar se detalla, para cada punto, un serie de buenas prácticas realizadas en el sector que van más allá de la legislación aplicada actualmente, de cara a aportar elementos de mejora continua en las fábricas que trabajan para para la organización en Vietnam.

No obstante, cabe señalar que la interpretación de lo que se incluye en la normativa o no, debido al redactado de la misma, puede ser un tanto subjetivo. Consecuentemente, a veces, la frontera entre lo que está recogido en la legislación y lo que se puede considerar como buena práctica, más allá de la misma, puede ser difícil de determinar y ser objeto de distintas opiniones.

3.5 VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

Con el objetivo de promover la mejora continua citada en el punto anterior, en sexto lugar, se ha propuesto una escala de valoración, considerando estas buenas prácticas, de acuerdo con el nivel alcanzado utilizando esta metodología. El sistema de valoración se detalla en el punto 6 de este documento.

3.6 EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

En este punto se incluyen una serie de fotografías con la finalidad de mostrar imágenes de algunas de las posibles buenas prácticas y de actuación correcta de la ley descritas en los apartados 3.3 y 3.4 anteriores.

04

DETALLE LEGISLATIVO/NORMATIVA ESPECÍFICA DE LA ORGANIZACIÓN PARA CADA PUNTO DEL CÓDIGO DE CONDUCTA

4.1 ASPECTOS PREVIOS A TENER EN CUENTA

Se detallan a continuación, algunos requisitos previos comunes a la mayoría de los códigos de conducta y que consideramos también importantes a tener en cuenta para la aplicación del presente código.

Hemos definido un capitulo inicial denominado: "INTRODUCCIÓN" en el se ha incluido una parte introductoria prevista normalmente en los códigos de las organizaciones. Por otro lado, hemos incorporado también en este capítulo (por sus características, ya que se acostumbra a considerar en otros aspectos adicionales de los códigos) la obligación de exponer el referido código en las principales entradas y salidas del personal, en los diferentes idiomas previstos, incorporando un e-mail de contacto por si el trabajador necesita hacer uso del mismo.

Aunque los aspectos recogidos en este punto, debido a su naturaleza, normalmente no se exponen en los códigos de las fábricas, es importante verificarlos ya que también se incorporan, por regla general, en otros ámbitos de los citados códigos y, pueden estar incluidos también, en los contratos[1].

4.1.0 INTRODUCCIÓN

Para asegurar el adecuado cumplimiento de todos los estándares sociales, laborables, de respeto a los derecho humanos y ambientales por parte de los fabricantes de la organización, se establece el presente Código de Conducta para fabricantes. Este código supone un requisito indispensable de obligatorio cumplimiento para los fabricantes (puede estar incluido en los contratos).

Una copia de este Código, debera estar expuesta en las principales entradas y salidas del personal en las instalaciones del fabricante, tanto en idioma inglés/francés/español, etc. (según idioma internacional hablado en el país/zona) como en el idioma local, el cual incorporará un e-mail de contacto con la organización por si cualquier trabajador necesitara o quisiera hacer uso del mismo.[2]

4.1.0.1
NORMATIVA HABITUAL ESPECÍFICA DE LA ORGANIZACIÓN QUE ESTABLECE EL CÓDIGO DE CONDUCTA PARA FABRICANTES (convenios OIT no aplicables en este caso)

Tal y como se detalla en el punto anterior, el Código de Conducta para Fabricantes deberá estar expuesto en las entradas y salidas de los trabajadores.

Como paso previo a la realización de una auditoría social en una fábrica/instalación en Vietnam, se deberán llevar a cabo los siguientes pasos:

- Se deberá obtener información general del país/zona: PIB, situación del sector textil (si está disponible), etc.
- Asimismo, se deberá consultar la presente ficha específica de Vietnam actualizada.
- Finalmente, se deberá obtener información por parte de las organizaciones pertinentes: IndustriALL, OIT, etc., acerca de la situación laboral / derechos humanos / sindical del país/zona.

4.1.0.2
LEGISLACIÓN VIETNAMITA

N/A

[1] Consultar también el documento específico: "Manual de auditoría social", también publicado por la Cátedra MANGO.

4.1.0.3
POSIBLES BUENAS PRÁCTICAS

N/A

4.1.0.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.1.0.4.1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.1.0.1	50/100
4.1.0.4.1/2	CUMPLIMIENTO DEL PUNTO 4.1.0.1 SOBREPASANDO EXPECTATIVAS	10/100
	TOTAL	**60**

4.2 CÓDIGO DE CONDUCTA SOCIAL, LABORAL, DE RESPETO A LOS DERECHOS HUMANOS Y AMBIENTAL PARA FABRICANTES DE LA ORGANIZACIÓN

Este Código está basado en los principios y filosofía del Pacto Mundial de Naciones Unidas, así como en los principios estipulados en la Declaración Universal de los Derechos Humanos y el Convenio de Naciones Unidas sobre los Derechos del Niño.

Asimismo se incluyen todos los convenios y recomendaciones de la Organización Internacional del Trabajo (OIT) de aplicación (en particular los convenios: 1, 29, 75, 81, 87, 98, 100, 102, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182 y 183, y las recomendaciones: 35, 90, 111, 143, 146, 164, 168, 184 y 190).

4.2.1 TRABAJO INFANTIL

(corresponde al punto 1 del Código de Conducta de la organización)

"Los fabricantes no utilizarán trabajo infantil de acuerdo con los criterios establecidos en los convenios de la OIT. Asimismo, la política de la organización sobre el trabajo de menores se basa en el convenio de Naciones Unidas sobre los Derechos del Niño."

4.2.1.1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C138 Convenio sobre la edad mínima, 1973.
R146 Recomendación sobre la edad mínima, 1973.
C182 Convenio sobre las peores formas de trabajo infantil, 1999.
R190 Recomendación sobre las peores formas de trabajo infantil, 1999.
R052 Recomendación sobre la edad mínima (empresas familiares), 1937.

4.2.1.2
LEGISLACIÓN VIETNAMITA

LAW Nº. 10/2012/QH13 – LABOR CODE

Article 3.1. *Employees are people from 15 years old and above, capable of working, working under labor contracts, receiving salaries and subject to the management of the employers.*

Article 8: *Prohibited acts*

(...)

Article 7. *Illegally using underage labor.*

Article 161. *Underage employee*
The underage employee is the employee under 18 years old.

Article 162. *Employment of underage employee*
1. The employer only employs the underage employee in the jobs appropriate with his health to ensure the physical, intellectual development and personality development and is responsible for paying attention and taking care of the underage employee in terms of labor, salary, health and education in the labor process.
2. When employing underage employee, the employer must make a separate monitoring book, recording the full name, birth date, current job, the results of the periodical health examination and produce it upon the requirement of the competent state agency.

Article 163. *Principle to employ the underage employee*

1. Do not employ the underage employee to perform heavy, hazardous and dangerous jobs or the jobs negatively affecting his personality under the list issued by the Ministry of Labour - Invalids and Social Affairs in coordination with the Ministry of Health.

2. The working hours of the underage employee from full 15 years of age to under 18 years must not exceed 08 hours in 01 days and 40 hours in 01 week.

The working hours of person under 15 years must not exceed 4 hours in 01 days and 20 hours in 01 week without working overtime and at night.

3. The person from full15 years of age and under 18 years is entitled to work overtime and at night in some occupations and jobs in accordance with the Ministry of Labour - Invalids and Social Affairs.

4. Do not employ the underage employee to produce and trade in alcohol, wine, beer, tobacco, substances affecting mind and other drugs.

5. The employer must provide opportunities for the underage employee and person under 15 years old to take part in labor and cultural learning.

Article 164. *Employing employee under 15 years old*

1. The employer is only entitled to employ the person from full 13 years and under 15 years to perform light job under the list prescribed by the Ministry of Labour - Invalids and Social Affairs.

2. When employing the person from full 13 years and under 15 years, the employer must comply with the following provisions:

a) Must sign the labor contracts in writing with the legal representative and must be agreed by the full 13 year and under 15 year old person;

b) To arrange the working hours in order not to affect the class hour of the children;

c) To ensure the working conditions, labor safety and hygiene appropriate with the age of the underage employee;

3. Do not employ the employee under age 13 except for some specific work regulated by the Ministry of Labour - Invalids and Social Affairs.

When employing people under age 13 to work, the employer must comply with the provisions of Clause 2 of this Article.

Article 165. *The work and workplace prohibiting employment of underage employee*

1. Prohibiting the employment of underage employee to perform the following jobs:

a) Wearing, carrying and lifting heavy objects beyond the physical condition of the underage person;

b) Producing and using or transporting the chemicals, gases, explosives;

c) Maitaining the equipment and machinery;

d) Demolishing constructional building;

dd) Cooking, blowing, casting, rolling, stamping, welding metals;

e) Diving, offshore fishing;

g) Other work harming the health, safety or the ethics of the underage person.

2. Prohibiting the underage person to work at the following places

a) Underwater, underground, in caves and in the tunnel;

b) Constructional site;

c) Slaughter facility;

d) Casinos, bars, discos, karaoke rooms, hotels, motels, saunas and massage rooms;

dd) Other workplace harming the health, safety or the ethics of the underage person.

3. The Ministry of Labour - Invalids and Social Affairs specifies the list at Point g, Clause 1 and Point d, Clause 2 of this Article.

4.2.1.3
POSIBLES BUENAS PRÁCTICAS

4.2.1.3.1 Acuerdos con escuelas profesionales (o similares) con alumnos en prácticas.

4.2.1.3.2 Existencia de centro de formación de la propia empresa para aprendices.

4.2.1.3.3 Existencia de guardería (en el lugar de trabajo) para los hijos de los empleados.

4.2.1.3.4 Ayudas para los hijos de los trabajadores menores de 6 años.

4.2.1.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.1.4.1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.1.2	50/100
4.2.1.4.1/2	CUMPLIMIENTO DEL PUNTO 4.2.1.2 SOBREPASANDO EXPECTATIVAS	10/100
4.2.1.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.1.4.2.1	Acuerdos con escuelas profesionales (o similares) con alumnos en prácticas	10/100
4.2.1.4.2.2	Existencia de centro de formación de la propia empresa para aprendices	10/100
4.2.1.4.2.3	Existencia de guardería (en el lugar de trabajo) para los hijos de los empleados	10/100
4.2.1.4.2.4	Ayudas para los hijos de los trabajadores menores de 6 años	10/100
	TOTAL	**100**

4.2.2 TRABAJOS FORZADOS Y OBLIGATORIOS

(corresponde al punto 2 del Código de Conducta de la organización)

"Los fabricantes no utilizarán ningún tipo de trabajo forzado y obligatorio"

4.2.2.1
CONVENIOS DE LA OIT DE APLICACIÓN[1]

C29 Convenio sobre el trabajo forzoso, 1930.
C105 Convenio sobre la abolición del trabajo forzoso, 1957.

4.2.2.2
LEGISLACIÓN VIETNAMITA

LAW Nº. 10/2012/QH13 – LABOR CODE

Article 3.10. *Coercive labor is the use of force, the threat to use force or other tricks to coerce other people to work involuntarily.*

Article 8.3. *Prohibited acts. Coercive labor.*

4.2.2.3
POSIBLES BUENAS PRÁCTICAS

4.2.2.3.1 Transparencia documentada y efectiva con intervención de los trabajadores en la organización y asignación de las horas extraordinarias (a través de cualquier mecanismo: representantes de los trabajadores, etc.).

4.2.2.3.2 Intervención efectiva y demostrable de los trabajadores en la definición de sus puestos/condiciones de trabajo: rotaciones (en especial en los trabajos más duros como la plancha, etc.), ventilación, disposición de la planta (*layout*), realizado a través de los mecanismos de agrupación de trabajadores previstos en la ley (comité de seguridad, representantes de los trabajadores, etc.) u otro tipo de mecanismo.

4.2.2.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.2.4.1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.2.2	50/100
4.2.2.4.1/2	CUMPLIMIENTO DEL PUNTO 4.2.2.2 SOBREPASANDO EXPECTATIVAS	10/100
4.2.2.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN	
4.2.2.4.2.1	Transparencia documentada y efectiva con intervención de los trabajadores en la organización y asignación de las horas extraordinarias (a través de cualquier mecanismo: representantes de los trabajadores, etc.).	20/100
4.2.2.4.2.2	Intervención efectiva y demostrable de los trabajadores en la definición de sus puestos / condiciones de trabajo: rotaciones frecuentes (en especial en los trabajos más duros como la plancha, etc.), ventilación, disposición de la planta (layout), realizado a través de los mecanismos de agrupación de trabadores previstos en la ley (comité de seguridad, representantes de los trabajadores, etc.) u otro tipo de mecanismo.	20/100
	TOTAL	**100**

[1] El convenio 29 ha sido ratificado por Vietnam. El convenio 105 no ha sido ratificado por Vietnam.

4.2.3 SALUD Y SEGURIDAD EN EL TRABAJO

(corresponde al punto 3 del Código de Conducta de la organización)

"Los fabricantes garantizarán a sus empleados un lugar de trabajo seguro (prevención de incendios, maquinaria, etc.) y saludable (luz, ventilación, condiciones higiénicas, etc.) cumpliendo, asimismo, con todo lo exigido en la legislación que sea de aplicación en esta materia. De igual forma garantizarán que estas condiciones sean extensivas, en el caso de ser aplicable, a todas las instalaciones destinadas a sus empleados. "

LA RECOMENDACIÓN R164 DE LA OIT SOBRE SEGURIDAD Y SALUD DE LOS TRABAJADORES ESTABLECE LAS ESFERAS DE ACCIÓN TÉCNICA SOBRE LAS QUE RECOMIENDA INCIDIR.[1]

A) CONCEPCIÓN, EMPLAZAMIENTO, CARACTERÍSTICAS DE CONSTRUCCIÓN, INSTALACIÓN, MANTENIMIENTO, REPARACIÓN Y TRANSFORMACIÓN DE LOS LUGARES DE TRABAJO Y DE SUS MEDIOS DE ACCESO Y DE SALIDA

A1) SEGURIDAD ESTRUCTURAL[2]

4.2.3.1/A1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[3]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A1
LEGISLACIÓN VIETNAMITA

LAW Nº. 10/2012/QH13 - LABOR CODE

Article 137. *Guaranteeing the labor safety and hygiene at the workplace.*

1. When newly building, expanding or improving the works and facility for production, utilization, preservation and storage of machinery, equipment, materials and substances with strict requirements on labor safety and hygiene, the investor and employer must make a plan on the measures to guarantee the labor safety and hygiene for the workplace of employees and the environment.

2. When manufacturing, using, preserving and transporting the type of machinery, equipment, materials, energy, electricity, chemicals, plant protection drugs, the change of technology and import of new technology must comply with the national technical regulations on labor safety and hygiene or the standard on labor safety and hygiene at workplace that has been published and applied.

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[1] En los recuadros sombreados en gris se detallan las diferentes esferas de acción técnica previstas en la Recomendación 164 de la OIT, manteniendo su clasificación original (A, B, C, etc.), para una mayor claridad.

[2] En los recuadros sombreados en rojo, se detallan los diferentes apartados de clasificación propuestos por el Real Decreto 486/1997, adaptando su clasificación (A1, B2, etc.) a la prevista en la Recomendación 164 para una mayor claridad.

Ambos son independientes de la numeración de los diferentes apartados de cada capítulo, con el objetivo de simplificar y facilitar su lectura.

[3] El Convenio 155 está retificado por Vietnam.

Article 138. *Obligations of the employer and employe for the work of labor safety and hygiene.*
1. The employer has the following obligations:
a) To ensure the workplace meets the requirements of space, ventilation, dust, steam, toxic gas, radiation, electro magnetic field, heat, humidity, noise, vibration and other harmful elements specified in the relevant technical regulations and those factors must be tested and measured periodically.

b) To ensure the conditions on labour safety and hygiene for machinery, equipment, workshop to reach the national technical regulations on labor safety and hygiene or standards on labour safety and hygiene at the workplace that has been published and applied.

c) Testing and assessing the dangerous and harmful factors, harmful at workplace of the facility to set out the exclusion measures to minimize hazards, harmfulness and improve the working conditions and health care for the employees;

d) Periodically testing and maintaining the machinery, equipment, workshops and warehouses;

dd) There must be instruction table on labour safety and hygiene for the machinery, equipment and workplace and it should be put at the legible and visible place labour safety and hygiene the workplace;

e) Gathering opinions of the representative organization of labor collective at the grassroots level when making a plan and implementing the activities to guarantee the labour safety and hygiene.

4.2.3.3/A1
POSIBLES BUENAS PRÁCTICAS

4.2.3.4.1/A1 Certificación de un técnico cualificado (arquitecto, ingeniero, etc.) u organismo competente respecto a la adecuación actual de la estructura del edificio.

4.2.3.4.2/A1 Edificio y entorno adecuado para una correcta evacuación y acceso de los medios de emergencia (facilidad de acceso, ubicación en calles anchas, etc.)

4.2.3.4.3/A1 Existencia de instrucciones y controles de acceso para vehículos y personas.

4.2.3.4/A1
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A1/1	CUMPLIMIENTO DEL PUNTO 4.2.3.2/A1	50/100
4.2.3.4.1/A1/2	Cumplimiento del punto 4.2.3.2/A1 sobrepasando las expectativas	10/100
4.2.3.4.2/A1	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/A1	Certificación de un técnico cualificado (arquitecto, ingeniero, etc.) u organismo competente respecto a la adecuación actual de la estructura del edificio.	20/100
4.2.3.4.2.2/A1	Edificio y entorno adecuado para una correcta evacuación y acceso de los medios de emergencia (facilidad de acceso, ubicación en calles anchas, etc.)	10/100
4.2.3.4.2.3/A1	Existencia de instrucciones y controles de acceso para vehículos y personas.	10/100
	TOTAL	**100**

4.2.3.5/A1
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Buenas prácticas: ejemplos de entornos adecuados con fácil acceso y evacuación.

A2) ESPACIOS DE TRABAJO Y ZONAS PELIGROSAS

4.2.3.1/A2
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A2
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

Article 12.1.1. Minimal sizes of rooms – Requirements
The rooms of residential houses and public buildings must satisfy the requirements for minimum sizes suitable for their functions in order to utilize natural ventilation and lighting.

Article 12.9.1. Fall protection - Requirements
01: The following positions must have banisters:
a: Places where people might fall from a height above 1m such as: on roofs with regular access, at the openings on the walls, the floor, or places where heights sharply vary.
b: Places where small children (under 10 years old) are blocked, such as the entrance to the swimming pool or reservoir deeper than 0.4m.
02: The height of banisters must be appropriate (from 1.1m or taller), sturdy, and safe.

4.2.3.3/A2
POSIBLES BUENAS PRÁCTICAS

4.2.3.4.1/A2 Existencia de espacios o áreas de control especial que impidan la contaminación del producto final (control de metales, seguridad final en mercancías destinadas a aeropuertos en cuanto a almacenamiento y contenido, etc.).

4.2.3.4/A2
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A2/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/A2	50/100
4.2.3.4.1/A2/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/A2 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/A2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/A2	Existencia de espacios o áreas de control especial que impidan la contaminación del producto final (control de metales, seguridad final en mercancías destinadas a aeropuertos en cuanto a almacenamiento y contenido, etc.).	20/100
	TOTAL	**80**

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.5/A2
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de espacios de trabajo adecuados y bien señalizados.

A3) SUELOS, ABERTURAS Y DESNIVELES Y BARANDILLAS

4.2.3.1/A3
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A3
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

12.4.1.1. *Requirements for paths:*

(...)
g) The walking surface must not slippery;
h) The slope and size of the steps must be suitable for the users;
i) Having banisters if necessary;

12.4.1.3.e. *The stair banisters must:*

(...)
I) Be reachable
II) Be sturdy and satisfy the requirements under the structural calculation
III) The handrail surface must be flat and smooth.

4.2.3.3/A3
POSIBLES BUENAS PRÁCTICAS

N/A (completo con la aplicación de la ley).

4.2.3.4/A3
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A3/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/A3	50/100
4.2.3.4.1/A3/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/A3 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/A3	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (completo con la aplicación de la ley).	
	TOTAL	**60**

[1] El Convenio 155 está retificado por Vietnam.

A4) TABIQUES, VENTANAS Y VANOS[1]

4.2.3.1/A4
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[2]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A4
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

11.5.2.6. Openings

a) The fire blocking doors, windows, gates, doorways, or fire blocking valves may be placed on the fire blocking parts.

b) The total area of the doors and openings on fire blocking parts must not exceed 25% of their area.

c) The fire blocking doors and gates must close shut automatically, and the fire blocking windows must not open automatically.

4.2.3.3/A4
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (completo con la aplicación de la ley).

4.2.3.4/A4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A4/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/A4	50/100
4.2.3.4.1/A4/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/A4 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/A4	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (completo con la aplicación de la ley).	
	TOTAL	**60**

[1] Hueco en paredes.

[2] El Convenio 155 está retificado por Vietnam.

4.2.3.5/A4
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de ventanas adecuadas.

A5) VÍAS DE CIRCULACIÓN

4.2.3.1/A5
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A5
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

12.4.1.1. *Requirements for paths:*

a) Safe and convenient for people (including the disabled) when entering, exiting, going up and down the floors (including the attic), going in and out the rooms in normal conditions or during emergency evacuations.

Paths for the disabled are specified in Article 8.3 Chapter 8 of this Standard.

b) Safe and convenient for vehicles to going in and out, to turn around, and to park.

c) Accessible

d) Large enough to satisfy the service requirements;

e) Not having fixed of moving obstacles that cause danger to passengers;

g) The walking surface must not slippery;

h) The slope and size of the steps must be suitable for the users;

i) Having banisters if necessary;

k)The heights of risers must be constant. If the in different heights of risers must be marked by colors or perrons,

2) Path and parking places for cars:

The entrance and exit paths for cars, and the parking place must:

a) Have enough space and be suitable for the service requirements;

b) Have enough space for cars to going in and out, to turn around, and to park;

c) Have enough space for drivers to observe and drive safely.

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.3/A5
POSIBLES BUENAS PRÁCTICAS

N/A (completo con la aplicación de la ley).

4.2.3.4/A5
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A5/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/A5	50/100
4.2.3.4.1/A5/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/A5 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/A5	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (COMPLETO CON LA APLICACIÓN DE LA LEY)	
	TOTAL	**60**

A6) PUERTAS Y PORTONES[1]

4.2.3.1/A6
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[2]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A6
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

11.6.2.7. *Doors on emergency exits*

The doors on emergency exits must open towards the exit direction.

The following kinds of doors may open inwards:

i) The doors to the balconies, the yard, the stair landings of external stairs for escape.

ii) The doors to the rooms usually having up to 15 people,

iii) The doors to the storerooms smaller than 200 m2,

iv) The bathroom doors.

The doors to the outside must not be locked from the outside, and must use the kinds of locks that can be opened from the inside without keys.

The doors to the corridors and emergency staircase must automatically close shut.

[1] Puertas principales (normalmente de mayores dimensiones).
[2] El Convenio 155 está retificado por Vietnam.

4.2.3.3/A6
POSIBLES BUENAS PRÁCTICAS

N/A (Completo con la aplicación de la ley).

4.2.3.4/A6
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de adecuadas puertas y portones.

4.2.3.5/A6
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.5.1/A6/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.3.3.2/A6	50/100
4.2.3.5.1/A6/2	CUMPLIMIENTO DEL PUNTO 4.3.3.2/A6 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.5.2/A6	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.5.2.1/A6	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

A7) RAMPAS, ESCALERAS FIJAS Y DE SERVICIO

4.2.3.1/A7
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A7
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

12.4.1.3 *Staircase*

The staircase must:

a) Be installed even when there are elevators;

b) Satisfy the requirements for escape specified in Article 11.6 Chapter 11 of this Standard.

c) The height of risers, the slope of a staircase must be constant;

d) Have stair landings at necessary places with appropriate sizes;

e) The stair banisters must:

(...)

i) Be reachable

ii) Be sturdy and satisfy the requirements under the structural calculation

iii) The handrail surface must be flat and smooth.

12.4.1.4 *Elevator:*

a) The elevators must be installed in buildings with 6 floors or more The paths for the disabled must be designed in buildings as prescribed in Article 8.3, the elevator must be arranged and designed to satisfy the needs of the disabled.

b) Cargo elevators in production areas must not be positioned at the same place with elevators for humans.

c) The elevators must be reasonably positioned and distributed by group or in a group.

[1] El Convenio 155 está retificado por Vietnam.

12.4.1.5 *The elevators and escalators must satisfy the following requirements:*

a) Operating safely. The weight being carried must not exceed 1.25 times of the prescribed payload.

b) The elevator must not be suddenly decelerated.

c) Ensuring safety and convenience so that users would not fall, stumble, get stuck at the door, or hit the moving or sharp, pointed parts in normal or unusual use that may be expected.

d) Having signs and frequently displaying the elevator positions for closed elevator chambers with more than 2 stops.

e) The elevator chamber is lighted and ventilated in normal state and emergency.

f) No impact among the elevator parts as well as between the elevator and the structural parts of the building.

g) Having safety system when the elevator is overloaded or some part is broken.

h) The installation must ensure safety and convenience for inspections, tests, and maintenance.

i) The doors to the elevator shaft must not be so close to the elevator shaft in order to avoid danger in a fire.

12.4.1.6 *Emergency elevators:*

Emergency elevators must also be equipped with devices to:

a) Call for help from the outside;

b) Protect the users from the harm of fire, smoke, and toxic gases. .

c) Rescue people from the elevator safely.

d) Allow a person in charge to operate exclusively without following any usual operation procedures (only applicable to elevators of which the operating height is 15m or more).

4.2.3.3/A7
POSIBLES BUENAS PRÁCTICAS

N/A (Completo con la aplicación de la ley).

4.2.3.4/A7
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A7/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.3.3.2/A7	50/100
4.2.3.4.1/A7/2	CUMPLIMIENTO DEL PUNTO 4.3.3.2/A7 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/A7	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

A8) ESCALAS FIJAS

4.2.3.1/A8
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A8
LEGISLACIÓN VIETNAMITA

Incluido en el punto A7) anterior

4.2.3.3/A8
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (Completo con la aplicación de la ley).

4.2.3.4/A8
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A8/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.3.3.2/A8	50/100
4.2.3.4.1/A8/2	CUMPLIMIENTO DEL PUNTO 4.3.3.2/A8 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/A8	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/A8
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: Ejemplo de una adecuada escala fija.

[1] El Convenio 155 está retificado por Vietnam.

A9) ESCALERAS DE MANO

4.2.3.1/A9
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A9
LEGISLACIÓN VIETNAMITA

N/A

4.2.3.3/A9
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (Completo con la aplicación de la ley.

4.2.3.4/A9
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: Ejemplo de una adecuada escalera de mano.

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.5/A9
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.5.1/A9/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/A9	50/100
4.2.3.5.1/A9/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/A9 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.5.2/A9	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

A10) VÍAS Y SALIDAS DE EVACUACIÓN

4.2.3.1/A10

CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/A10
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

Article 11.6.1. *Escape requirements*

11.6.1.1. *Every house must have an emergency exit that ensures:*

a) All people in the house on fire may easily escape.

b) The fire fighters may carry out the fighting conveniently.

11.6.1.2. *The number of emergency exits and the distance from the exit to the rally point must be suitable for:*

a) The fire hazard of the construction (type of houses under fire prevention classification)

b) The height and fire resistance level of the construction

c) The fire alarm and fire extinguisher system installed in the house.

11.6.1.3. *The emergency exits must:*

a) Be scattered and arranged rationally, with appropriate length and width for people to escape quickly and safely.

b) Be safe and convenient for use without obstacles during the escape.

c) Be easy to find and guided by signs or sound systems if necessary.

d) Ensure ventilation and lighting.

[1] El Convenio 155 está retificado por Vietnam.

11.6.2.1. *Number of emergency exits and distance to emergency exits*

a) There must not be less than 2 emergencies exits, except for houses in Group 1a. There may be only one emergency exit if the fire sprinkle system is installed.

b) The maximum distances to the emergency exit are specified in Table 11.6.1 and 11.6.2

Table 11.6.1. *Maximum distance from the rally point to the nearest emergency exit in houses, outbuildings of factories (m).*

KIND OF HOUSE	GROUP OF HOUSE	FROM THE ROOM BETWEEN 2 EXITS CORRESPONDING TO FIRE RESISTANCE LEVELS				FROM THE ROOM TO THE CENTRAL CORRIDOR OR CLOSED CORRIDOR			
		I & II	III	IV	V	I & II	III	IV	V
1. Tenements	1b, 1c	40	30	25	20	25	20	15	10
2. Public constructions:									
Hospitals	4	30	25	20	15	-	-	-	-
Kindergartens		-	-	-	-	25	15	12	10
Others	5a	20	15	12	10	-	-	-	-
		40	30	25	20	-	-	-	-
3. Outbuildings of factories		50	30	25	20	-	-	-	-

Table 11.6.2. *Maximum distance from the working position to the nearest emergency exit in factories (m).*

CHARACTERISTICS OF FACTORIES		GROUP	MAXIMUM DISTANCE CORRESPONDING TO FIRE RESISTANCE LEVEL			
Class	Number of floors		I or II	III	IV	V
Class A	1 ≥ 2	7A	50 40	-	-	-
Class B	1 ≥ 2	7B	100 75	-	-	-
Class C	1 2 ≥ 3	7C	N/A	80 60 60	50 30 -	50 - -
Class D	1 2 ≥ 3	7D		100 60 60	50 40 -	50 - -
Class E	1 2 ≥ 3	7E		100 75 75	60 50 -	50 40 -
Class F	1 2 ≥ 3	7F	-	100m 80m 75m	-	-

For rooms to closed corridors, the distance from the room door to the direct exit to the outside, to the lobby or stair hatch must not exceed 25m.

11.6.2.2. *The width of emergency exits*

a)The minimum width of emergency exits.

The minimum width of emergency exits is specified in Table 11.6.3.

Table 11.6.3. *The minimum inner width of emergency exits*

EMERGENCY EXIT	MINIMUM INNER WIDTH (M)	NOTES
Path	1	The width of paths to isolated workplaces may decreased to 0.7m
Corridor	1.4	- In residential houses: May be reduced to 1.2m when the length of the straight corridor does not exceed 40m - In hotels and schools: The width of the central corridor must not be less than 1.6m
Door	0.8	-
Stairs	1.05	- The minimum space between the parallel stairs is 100mm - The width of stairs the stair landings to the basement, the attic, and the emergency staircase for up to 60 people may be decreased to 0.9m
Stair landing	= the stair width	- The stair landings in hospitals and maternity wards must not be narrower than 1.9m. - The stair landings in front of elevators with sliding doors must not be narrower than 1.6m.
External staircase as secondary exit	0.7	There must be a handrail, and the slope must not exceed 60 degrees, ensuring easy and safe landing.

b) The total width of emergency exit doors, stairs, or emergency exit paths in public buildings and factories must be calculated from the number of people on the most crowded floor (excluding the first floor) consistently with the Table 10.6.4.

4.2.3.3/A10
POSIBLES BUENAS PRÁCTICAS

N/A (Completo con la aplicación de la ley).

4.2.3.4/A10

VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/A10/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.3.3.2/A10	50/100
4.2.3.4.1/A10/2	CUMPLIMIENTO DEL PUNTO 4.3.3.2/A10 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/A10	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/A10
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de vías de evacuación despejadas y bien señalizadas.

B) ILUMINACIÓN, VENTILACIÓN, ORDEN Y LIMPIEZA DE LOS LUGARES DE TRABAJO;

B1) ILUMINACIÓN DE LOS LUGARES DE TRABAJO

4.2.3.1/B1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/B1
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

12.1.1. REQUIREMENTS

The inside and outside of houses must be lighted suitably for their use purposes under the following provisions.

1) Natural lighting

a) The natural lighting for the rooms in a house, especially the bed room, living room, and the sanitary areas must be prioritized using the windows opened to the open space outside.

b) The natural lighting for the working place must be longer than half the daytime with minimum natural illuminance suitable for visual activities, specified in Table 12.2.1.

Table 12.2.1. *Minimum natural illuminance coefficient*

USE LEVEL OF NATURAL LIGHTING	VISUAL ACTIVITY CLASSIFICATION		MINIMUM NATURAL ILLUMINANCE (LUX)	MINIMUM NATURAL ILLUMINANCE COEFFICIENT (%)
	Accuracy	Size of item (mm)		
I	Particularly accurate	d 0.15	300 – 500	5
II	Very accurate	0.15 < d 0.3	200 – 300	3
III	Accurate	0.3 < d 1.0	100 – 200	2
IV	Medium	1.0 <d 5.0	50 – 100	1
V	Raw	d > 5.0	20 – 50	0.5

2) Artificial lighting

a) Working lighting

The houses with users inside must have artificial lighting in order to ensure the constant activities of humans when there is little or no natural lighting.

[1] El Convenio 155 está retificado por Vietnam.

b) Backup lighting

There must be backup lighting in the following cases:

i) Emergency lighting: along emergency exits of places at risks of fire, explosion, or intoxication.

ii) Continuous lighting: at places that the suspension of lighting could negatively affect the social safety and security, cause economic damage or harm human lives (such as operating rooms, emergency rooms).

iii) Protective lighting: outside the building, along the building boundary or the construction that require security.

c) The external lighting must not negatively affect the traffic and the urban scenery.

d) The requirements for artificial illuminance are specified in Table 12.2.2. and 12.2.3.

Table 12.2.2. *Artificial lighting inside residential houses and public buildings, minimum illuminance on working surfaces or items.*

OBSERVATION LEVEL	TYPE OF ROOM	MINIMUM ILLUMINANCE (LUX) IN CASE					
		(a)		(b)		(c)	
		(1)	(2)	(3)	(4)	(5)	(6)
I	Working rooms: Offices, class rooms Design rooms, laboratories	400	200	300	150	150	75
II	- Dining rooms - Goods stalls - Exhibition stalls	300	150	200	100	100	50
III	- Audience halls - Theatres, cinemas	150	75	100	50	75	30

Notes:
(1) The characteristics of observation levels:

OBSERVATION LEVEL	OBSERVATION CHARACTERISTICS	SIZE OF ITEMS
Level I	Doing accurate works on the working surface.	0.15 – 0.3
Level II	Requiring distinguishment of multiple directions	0.30 - 0.50
Level III	Mainly observing the surroundings.	> 0.5

(2) Legend:

Observation characteristics
a): Regular
b): Periodic
c): Short

Type of lights
(1): Fluorescent lights
(2): Incandescent lights

Table 12.2.3. External artificial lighting and backup lighting

TYPE OF LIGHTING	MINIMUM ILLUMINANCE (LUX)		NOTES
	Inside	Outside	
1. Backup lighting: - On working surfaces - In operating rooms - Along emergency exits	 2 150 1	 1 - 2 (On the floor and the treads)	Filament lights
2. Protective lighting	-	1 (On the ground)	-
3. Outside - The gate - The path and the walking ground - d) The playground and the exercising ground	-	 3 2 4	-

4.2.3.3/B1
POSIBLES BUENAS PRÁCTICAS

4.2.3.4.1/B1 Existencia de un adecuado control de flujo lumínico mediante aparatos de medición (fotómetros)

4.2.3.4/B1
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/B1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/B1	50/100
4.2.3.4.1/B1/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/B1 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/B1	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/B1	Existencia de un adecuado control de flujo lumínico mediante aparatos de medición (fotómetros)	20/100
	TOTAL	**80**

4.2.3.5/B1
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Buenas prácticas: ejemplo de un adecuado control de flujo lumínico mediante aparatos de medición (fotómetros).

Aplicación correcta de la ley: ejemplos de espacios bien iluminados.

B2) VENTILACIÓN

4.2.3.1/B2
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.2/B2
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

Article 12.3. Ventilation and air conditioning

12.3.1. Requirements

1. General requirements for ventilation and air conditioning

a) The buildings must be ventilated to ensure the circulation of air inside and outside.

b) The moisture, unpleasant smells, dust, smoke, toxic gases, and inflammable gases emerges from the kitchen the sanitary area, the production devices, as well as the gases and smoke produced by a fire, must be collected and discharged, and cleaned before discharging if necessary.

c) The air conditioners must ensure the health and technical safety. The room temperature must not be lower than 25 0C when cooling, The room temperature must not exceed 20 0C when heating.

2) Natural ventilation

The natural ventilation must be utilized for the rooms inside the building.

3) Artificial ventilation (mechanical ventilation):

a) The mechanical ventilation system is set up on demand, and may combine with the air conditioning system.

b) The mechanical ventilation system must be designed, set up, and maintained so that:

i) The air in the room is not contaminated with toxic substances and pathogenic microorganisms;

ii) The exhaust must not cause irritate or harm surrounding humans and property;

iii) The noise during operation must not exceed the permissible limit;

iv) The smoke and flame are not circulated during a fire.

c) The air conditioning and ventilation system must not work when the air contents:

i) Toxic or harmful substances;

ii) Inflammable or explosive substances;

iii) Pathogenic microorganisms (germs, virus, fungi);

iv) Substances that give off unpleasant smells.

4) Backup ventilation

a) Backup ventilation is the intensive ventilation during a anticipated breakdown that produces a large amount of toxic or inflammable or explosive substances.

b) Flow rate of backup ventilation

The necessary air flow produced by the simultaneous operation of the main ventilation system and the backup ventilation system must not be lower than 8 times of the total volume per hour.

c) The fan and the air inlets must be placed suitably for the characteristics of the collected air (heavier or lighter than the air, flammable or non-flammable).

d) The outlets must not affect people outside and the inlets of the surrounding ventilation systems, and must not cause risks of fire and explosion (away from fire sources and chimneys...)

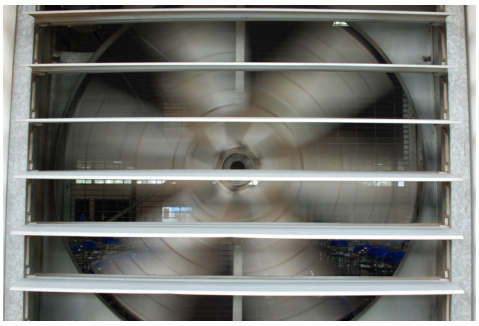
4.2.3.3/B2
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (Completo con la aplicación de la ley).

4.2.3.4/B2
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/B2/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/B2	50/100
4.2.3.4.1/B2/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/B2 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/B2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/B2	N/A (Completo con la aplicación de la ley)	N/A
	TOTAL	**60**

4.2.3.5/B2
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES



Aplicación correcta de la ley: ejemplos de adecuados sistemas de ventilación.

B3) ORDEN, LIMPIEZA Y MANTENIMIENTO

4.2.3.1/B3
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/B3
LEGISLACIÓN VIETNAMITA

LAW 84/2015-QH13 ON OCCUPATIONAL SAFETY & HEALTH

Article 16. Responsibilities of employers in ensuring occupational safety and health at the workplace
1. To ensure that the workplace meets the requirements on space, ventilation, dust, steam, hazardous gas, radiation, electro-magnetic fields, heat, moisture, noise, vibration, and other dangerous and hazardous factors as stated in relevant technical regulations; to periodically examine and measure these factors; ensure that there are enough proper shower rooms and toilets at the workplace as prescribed by the Minister of Health.

[1] El Convenio 155 está retificado por Vietnam.

2. To ensure that machinery, equipment, supplies and substances are used, operated, maintained and preserved at the workplace in accordance with occupational safety and health technical regulations, or meet occupational safety and health technical standards which have been announced and applied, and in accordance with occupational safety and health regulations and procedures at the workplace.

3. To provide adequate personal protective equipment for employees performing jobs with dangerous factors and hazardous factors; to have occupational safety and health equipment at the workplace.

4. Every year or when necessary, to inspect and assess dangerous factors and hazardous factors at the workplace in order to implement technical and technological measures to exclude and minimize these factors, improve working conditions and take care of employees' health.

5. To periodically inspect and maintain machinery, equipment, supplies, substances, workshops and stores.

6. To place noticeable warning and instruction signboards in Vietnamese and popular language(s) of employees on occupational safety and health for machinery, equipment, supplies and substances subject to strict requirements for occupational safety and health at the workplace and in places of their storage, preservation and use.

7. To provide information, communication or training to employees on occupational safety and health regulations, rules and procedures, measures to prevent and control dangerous factors and hazardous factors at the workplace related to their assigned work or tasks.

8. To prepare and issue incident settlement and emergency rescue plans at the workplace; to handle incidents, provide emergency rescue, organize rescue forces and promptly report to responsible persons when detecting risks or upon occurrence of occupational accidents or technical incidents endangering occupational safety and health at the workplace which is beyond the control of employers.

4.2.3.3/B3

POSIBLES BUENAS PRÁCTICAS

4.2.3.4.1/B3 Los productos de limpieza deben estar adecuadamente almacenados en un lugar separado y correctamente identificados.

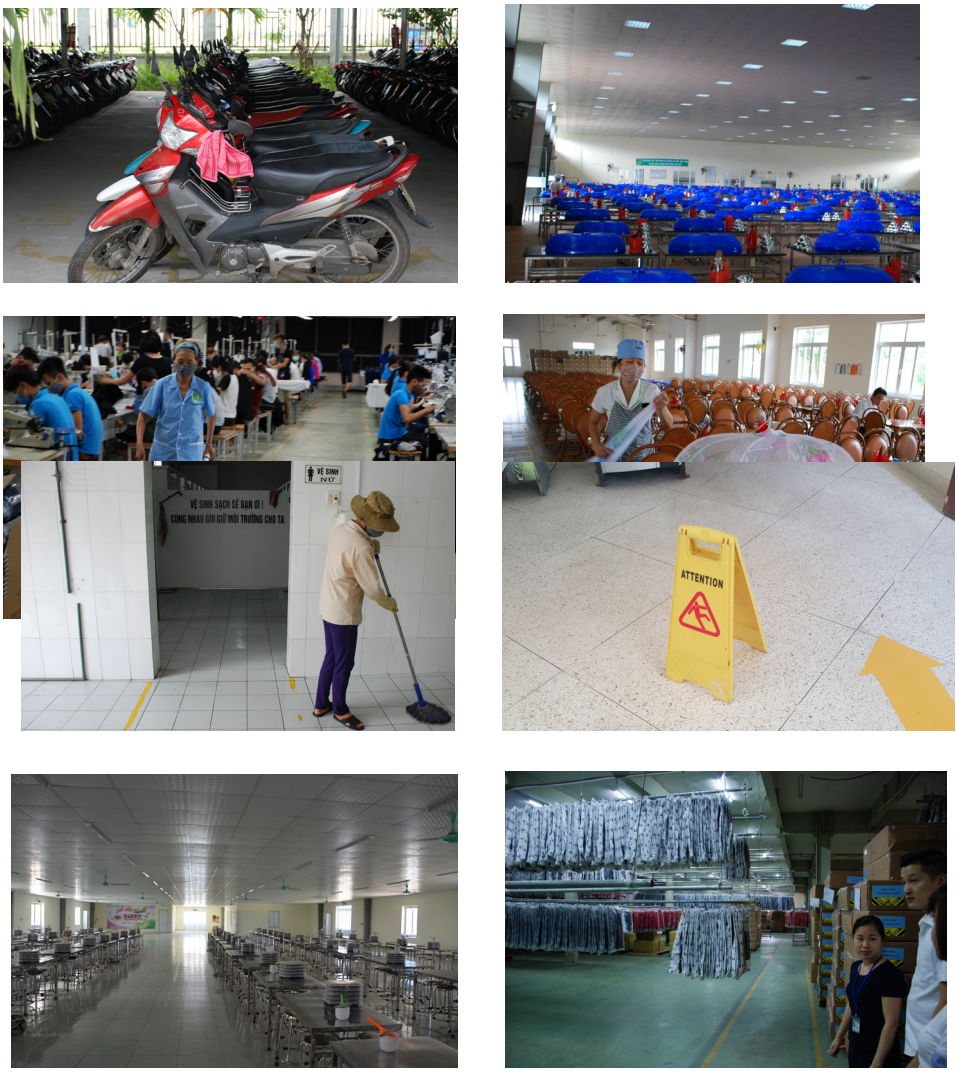
4.2.3.4.2/B3 En el caso de suelos húmedos después de la limpieza, estos deben estar adecuadamete indicados.

4.2.3.4.3/B3 Existencia de separación y de suficientes medios (papeleras, etc.) e indicadores de residuos (papel, etc).

4.2.3.4/B3
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/B3/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/B3	50/100
4.2.3.4.1/B3/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/B3 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/B3	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/B3	Los productos de limpieza deben estar adecuadamente almacenados en un lugar separado y correctamente identificados.	10/100
4.2.3.4.2.2/B3	En el caso de suelos húmedos después de la limpieza, estos deben estar adecuadamete indicados.	10/100
4.2.3.4.2.3/B3	Existencia de separación y de suficientes medios (papeleras, etc.) e indicadores de residuos (papel, etc).	10/100
	TOTAL	**90**

4.2.3.5/B3
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES



Aplicación correcta de la ley: ejemplos de un adecuado orden, limpieza y mantenimiento.

C) TEMPERATURA, HUMEDAD Y MOVIMIENTO DEL AIRE EN LOS LUGARES DE TRABAJO

4.2.3.1/C
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/C
LEGISLACIÓN VIETNAMITA

QCVN 26:2016/BYT: NATIONAL TECHNICAL REGULATION ON MICROCLIMATE – PERMISSIBLE VALUE OF MICROCLIMATE IN THE WORKPLACE

II.TECHNICAL SPECIFICATIONS

1. Requirements for microclimatic conditions in the workplace are classified by kind of work as presented in Table 1.

Table 1. *Permissible values of microclimate parameters in the workplace*

Kind of work	Air temperature (°C)	Humidity (%)	Air velocity (m/s)	Heat radiation intensity by area of exposure (W/m2)
Light work	20 - 34	40 - 80	0.1 – 1.5	35, when more than 50% of body surface area are exposed 70, when more than 25% up to 50% of body surface area are exposed 100, when less than 25% of body surface area are exposed
Medium work	20 - 34	40 - 80	0.2 – 1.5	
Heavy work	16 - 30	40 - 80	0.3 – 1.5	

Where the workplace is hot and has high humidity, the air velocity therein may increase to 2 m/s.

Where the workplace having air conditioners and the ventilation is in good condition to ensure the permissible concentration of CO2, the air velocity therein may be less than 0.1 m/s if workers perform light work, less than 0.2 m/s and less than 0.3 m/s if workers perform medium and heavy work, respectively.

The difference in temperature by altitude shall not exceed 3 ºC.

The difference in temperature by horizontal direction in the workplace where workers perform light, medium and heavy work shall not exceed 4°C, 5°C and 6°C, respectively. The difference between outdoor temperature and indoor temperature shall not exceed 5°C.

[1] El Convenio 155 está retificado por Vietnam.

DECISION NO. 3733/2002/QD-BYT PROMULGATING 21 LABOR HYGIENE STANDARDS, 05 PRINCIPLES AND 07 LABOR HYGIENE MEASUREMENTS

VII. MICROCLIMATE STANDARDS

1. Scope of regulation:

These standards specify the temperature, humidity, air speed, heat radiation intensity.

2. Subjects of application: all facilities that employ workers.

3. Cited standards

The value specified in these standards are equivalent to TCVN 5508 - 1991

4. Acceptable values

Table 1: *Requirements of temperature, humidity, air speed, heat radiation intensity.*

TIME (SEASON)	WORK	AIR TEMPERTURE(ºC)	AIR HUMIDITY (%)	AIR SPEED (M/S)	HEAT RADIATION INTENSITY (W/M²)
Cold season	Light Medium Heavy	20 18 16	80 or under	0.2 0.4 0.5	35 when more than 50% of the human body surface is exposed 70 when more than 25% of the human body surface is exposed
Hot season	Light Medium Heavy	34 32 30	80 or under	1.5	100 when less than 25% of the human body surface is exposed

For each measurement:

The temperature must not exceed 32ºC. The production area must not be hotter than 37ºC.

The temperature difference between the production area and outdoors is from 3ºC to 5ºC.

The relative humidity: 75 - 85%.

The wind speed must not exceed 2m/s.

The heat radiation intensity: 1 cal/cm2/minute.

4.2.3.3/C
POSIBLES BUENAS PRÁCTICAS

N/A (Completo con la aplicación de la ley).

4.2.3.4/C
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/C/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/C	50/100
4.2.3.4.1/C/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/C SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/C	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/C
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de adecuados sistemas de regulación de temperatura, humedad y movimiento del aire en los lugares de trabajo.

D) CONCEPCIÓN, CONSTRUCCIÓN, UTILIZACIÓN, MANTENIMIENTO, PRUEBA E INSPECCIÓN DE LA MAQUINARIA Y EQUIPO QUE PUEDAN ENTRAÑAR RIESGOS Y, CUANDO PROCEDA, SU APROBACIÓN Y SU CESIÓN A CUALQUIER TÍTULO

4.2.3.1/D
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/D
LEGISLACIÓN VIETNAMITA

LAW Nº. 10/2012/QH13 – LABOR CODE

Article 147. *Inspection of machinery, equipment and materials with strict requirement on labor safety*

1. The types of machinery, equipment and materials with strict requirements on labor safety must be inspected before being put into use and periodically inspected during the process of utilization by the organization of technical inspection of labor safety.

2. The list of machinery, equipment and materials with strict requirements on labor safety is issued by the Ministry of Labour, War Invalids and Social Affairs.

3. The Government regulates the conditions of the organization of technical inspection of labor safety.

CIRCULAR 05&06/2014/TT-BLDTBXH

Article 1. *List of machine, equipment and supplies having strict requirements on Work Safety*

1. Promulgated together with this Circular is the list of machines, equipments and supplies having strict requirements on Work Safety (below collectively referred to as the List).

2. Authorized Ministries prescribed in Article 18 of Decree No.45/2013/NĐ-CP dated May 10, 2013 of the Government on detailing a number of Articles of the Labour Code on working time, rest time and occupational safety and hygiene having requests to amend or supplement the List will prepare dossiers and send to the Ministry of Labour-Invalids and Social Affairs. A dossier including:

a) A written proposal for amendment, supplementation of the List with main contents as follows:

- Names of machines, equipments and supplies that need to be amended or supplemented in the List, including scientific names and commercial transaction names (if any);

- The necessity of amendment or supplementation of the List;

- Evaluation on the possibility for accreditation of machines, equipments or supplies required for supplementation by organizations operating in technical accreditation of work safety.

[1] El Convenio 155 está retificado por Vietnam.

- Way of selection, assignment of organizations to conduct inspection of machines, equipment and supplies required for supplementation.

b) Drafting processes of accreditation or proposing the base for conducting accreditation (promulgated national standards or technical regulations).

Article 2. *Organization of implementation*

1. Department of Work Safety, Ministry of Labour-Invalids and Social Affairs will be responsible for organizing the implementation of this Circular; compiling and reporting the proposed opinions on amendment, supplementation of the List from Ministries to the Ministry of Labour-Invalids and Social Affairs.

2. Departments of Labour - Invalids and Social Affairs of provinces and central-affiliated cities will be responsible for coordinating with relevant state agencies to disseminate, guide the implementation of this Circular to enterprises, agencies, organizations, cooperatives, households and individuals using machines, equipments and supplies which have strict requirements on Work Safety in their localities; annually compiling and reporting to the Ministry of Labour-Invalids and Social Affairs for the status of implementation of this Circular together with the report on status of implementation of works in Work Safety and labour hygiene in their localities.

Article 3. *Effective*

1. This Circular will take effects on May 01, 2014.

2. Circular No.32/2011/TT-BLDTBXH dated November 14, 2011 of the Ministry of Labour - Invalids and Social Affairs on guiding the implementation of technical accreditation on Work Safety for all kinds of machines, equipments and supplies which have strict requirements on Work Safety will be annulled since the effective date of this Circular.

3. Any problems arising in the course of implementation should be promptly reported in writing by agencies, organizations or individuals to the Ministry of Labour - Invalids and Social Affairs for consideration and settlement./.

KINDS OF MACHINES, EQUIPMENTS AND SUPPLIES HAVING STRICT REQUIREMENTS ON WORK SAFETY
(Promulgated together with Circular No.05/2014/TT-BLDTBXH dated March 06, 2014 by the Ministry of Labour-Invalids and Social Affairs)

NO.	LIST OF MACHINE, EQUIPMENT AND SUPPLIES HAVING STRICT REQUIREMENTS ON WORK SAFETY
Section I	List of machines, equipment and supplies having strict requirements on Work Safety which is under the management responsibility of Ministry of Labour-Invalids and Social Affairs
1	Types of boilers (including super-heated sets and water warming sets) having normed working pressure of more than 0.7 bar; Water heaters have solvent temperature more than 115ºC.
2	Oil heating boilers.
3	Systems of steam pipes, hot water of level I and II with an outer diameter is 51mm or more, pipes of level III and IV with an outer diameter is 76mm or more as classified by Vietnam's standards of TCVN 6158:1996 and TCVN 6159:1996.
4	Pressure tanks have a working pressure of more than 0.7 bar (other than hydrostatic pressure) as classified by Vietnam's standards TCVN 8366:2010.
5	Tanks (cisterns) and barrels used for storage and transportation of liquefied gas or liquids working pressure of more than 0.7 bar or liquid or solid in powder form with no pressure but when removing to be used with pressure higher than 0.7 bar as classified by Vietnam's Standard TCVN 8366:2010.
6	Types of bottles used for storage and transportation of compressed gas, liquefied gas, liquefied petroleum gas (LPG), dissolved gas having working pressure of more than 0.7 bar.
7	System of fixed gas pipeline, except for the gas pipeline on the sea; System of medical gas pipeline.
8	Types of refrigerated system as classified by Vietnam's standards of TCVN 6104:1996, excluding refrigerated system with solvent worked by water, air; Refrigerated system with an amount of charged solvent less than 5kg for refrigerated solvent under group 1, less than 2.5 kg for refrigerated solvent under group 2, without limit of charged solvent for refrigerated solvent under group 3.
9	Systems preparing, charging liquefied gas, dissolved gas; systems providing liquefied petroleum gas (LPG) at consumption places (including systems in civil and industrial consumption places).
10	Types of cranes: Automotive cranes, cranes with air tires, cranes with metal belts, tower cranes, railway cranes, derrick cranes.
11	Bridge cranes: Rolling bridge cranes, hanging bridge cranes.
12	Gantry cranes: Gantry cranes, semi-gantry cranes.
13	Cable cranes for loading goods; Cable cranes for carrying people; Cable cranes in construction machines, loading cranes for inclined wells, loading cranes for vertical wells.
14	Electric pulleys; Hand-carrying pulleys with a load capacity of 1,000 kg or more.
15	Electric trolley running on rails.
16	Electric winch for lifting, pulling following inclined direction; lift table, raised floors; raised floors used to lift people; hoists lifting people who work at height.
17	Hand-lifting hoists with loading capacity of 1,000kg and more.
18	Forklift trucks having engines with loading capacity of 1,000kg and more.
19	Man-lifts: Self-propelled man-lifts, man-lifts using hydraulic transmission structure, manual transmission chain lifting people to a height of more than 2m.
20	Hoists lifting goods; Hoists lifting goods attached with people; hoists lifting people.
21	Types of elevators.
22	Escalators; passenger conveyor.
23	Mobile performing floors.
24	Games bringing people to a height of 2m or more, the moving speed of people is from 3m/s compared with fixed floors (gliders, marry-go-round, and slide) except sports facilities.
25	Systems of cable cars transporting people.
26	Machines, equipments and supplies having strict requirements on Work Safety as prescribed in Section I, which are specially used for defense purposes.

4.2.3.3/D
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (Completo con la aplicación de la ley).

4.2.3.4/D
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/D/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/D	50/100
4.2.3.4.1/D/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/D SUPERANDO EXPECTATIVAS	10/100
4.2.3.4.2/D	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN::	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/D
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

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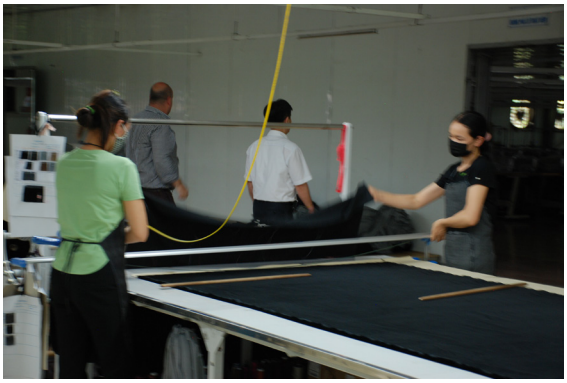


Aplicación correcta de la ley: ejemplos de un adecuado mantenimiento de maquinaria e instalaciones.

E) PREVENCIÓN DE TENSIONES FÍSICAS O MENTALES PROVOCADAS POR LAS CONDICIONES DE TRABAJO Y PERJUDICIALES PARA LA SALUD

4.2.3.1/E
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/E
LEGISLACIÓN VIETNAMITA

DECISION 3733-2002/QD-BYT PROMULGATING 21 LABOR HYGIENE STANDARDS, 05 PRINCIPLES AND 07 LABOR HYGIENE MEASUREMENTS

4.3. Labor process designs

- The labor process must be designed in order to protect human health and safety, create comfort and ease the jobs, especially by avoid overload and underload. The overload and underload due to crossing the upper and lower limit of the mental and physical function scale. For example:

+ The physical burden and sensory burden that cause fatigue.

+ The underload burden or labor monotony may reduce vigilance.

- Apart from the above factor, the mental and physical stress also depend on the contents and the recurrence of the tasks and the control of humans throughout the work process.

- Taking measures for improving the work process quality. For example:

+ Only one worker performs a number of consecutive tasks of the same work instead of a few workers (work extension).

+ Only one worker performs a number of consecutive tasks of the different works instead of a few workers (work variety).

[1] El Convenio 155 está retificado por Vietnam.

+ Changing works. For example: alternating the voluntary works among the workers on the same assembly line or in one autonomous team.

+ Organized or unorganized breaks.

- During the implementation of the above measures, it is required to pay attention to:

+ The change in the insomnia and the work ability in day and night.

+ The difference in work ability among the workers and the variance in ages.

+ The personal abilities.

4.2.3.3/E
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (Completo con la aplicación de la ley).

4.2.3.4/E
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/E/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/E	50/100
4.2.3.4.1/E/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/E SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/E	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

F) MANIPULACIÓN, APILAMIENTO Y ALMACENAMIENTO DE CARGAS Y DE MATERIALES, MANUALMENTE O CON AUXILIO DE MEDIOS MECÁNICOS

4.2.3.1/F
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/F
LEGISLACIÓN VIETNAMITA

N/A

V. CARRYING STANDARDS – LIMITED WEIGHT

1. Scope of regulation: These standards specify the maximum carrying weight for each load of a person that have adapted to strenuous manual labor while doing regular or irregular carrying jobs.

2. Subjects of application: the workers at facilities employing workers.

3. Limit values:

Norm	Limit (Kg)	
	Male	Female
Regular carrying jobs	**40**	**30**
Irregular carrying jobs	**20**	**15**

4.2.3.3/F
POSIBLES BUENAS PRÁCTICAS

4.2.3.3.1/F Almacenes bien organizados y señalizados.

4.2.3.3.2/F Cargas paletalizadas con sistemas mecánicos (carretillas elevadoras).

4.2.3.3.3/F Adecuadas instrucciones para el manejo de cargas de forma manual.

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.4/F
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/F/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.4.2/F	50/100
4.2.3.4.1/F/2	CUMPLIMIENTO DEL PUNTO 4.2.4.2/F SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/F	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN::	
4.2.3.4.2.1/F	Almacenes bien organizados y señalizados.	10/100
4.2.3.4.2.2/F	Cargas paletalizadas con sistemas mecánicos (carretillas elevadoras).	10/100
4.2.3.4.2.3/F	Adecuadas instrucciones para el manejo de cargas de forma manual.	10/100
	TOTAL	**90**

4.2.3.5/F
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Buenas prácticas: ejemplos de almacenes bien ordenados y señalizados y de sistemas mecánicos de movimientos de cargas (carretillas elevadoras).

G) UTILIZACIÓN DE LA ELECTRICIDAD

G1) INSTALACIÓN ELÉCTRICA Y OTROS TIPOS DE INSTALACIONES

4.2.3.1/G1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/G1
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

Article 14.2. *Requierments for electrical equipment in works*

Design and installment of indoor electric system must:

1) To ensure safety for human and assets, works, including:

a) Ensuring safety for human, not being in danger due to:

i) Touching with electric parts of electrical equipment in normal operation and the normal non- carrying -electricity parts made of metal of electrical equipment or parts of works being prevented from colliding of sheath when occurring malfunction.

ii) Touching parts with temperature increasing excessively causing by abnormal operation of electrical equipment or electric currents exceeding the calculated level as prescribed.

iii) Electrodynamic force in electrical equipment is caused by the electric current exceeding calculated level.

b) Ensuring electrical equipment operating safely in the defined environment, not generate spark in environment with risk of burning, explosion.

c) Protecting parts of works from risk of burning, decreasing technical characteristics because temperature is increased by heat transfer or electric arc.

2) To use conveniently and safely

If house is expected that it shall be used by disable people, light brakes and electrical outlets must lay places being easy to access and convenient for them in use.

3) To ensure that the electrical grid operates stably, continuously in a period suitable to function and scale of works, except for reasons caused by the system of local's electricity.

4) To ensure the capacity of detaching system of electricity supply.

a) At input, must have a common electric cutout in order to protect the system of electricity outside when occurring incident

b) Protection equipment must be selected to impact in a selective gradation

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.3/G1
POSIBLES BUENAS PRÁCTICAS

N/A (completo con la aplicación de la ley).

4.2.3.4/G1
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/G1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/G1	50/100
4.2.3.4.1/G1/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/G1 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/G1	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/G1
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de adecuadas instalaciones eléctricas.

H) FABRICACIÓN, EMBALAJE, ETIQUETADO, TRANSPORTE, ALMACENAMIENTO Y UTILIZACIÓN DE SUSTANCIAS Y AGENTES PELIGROSOS, EVACUACIÓN DE SUS DESECHOS Y RESIDUOS Y, CUANDO PROCEDA, SU SUSTITUCIÓN POR OTRAS SUSTANCIAS O AGENTES INOCUOS O MENOS PELIGROSOS

4.2.3.1/H
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/H
LEGISLACIÓN VIETNAMITA

LAW 55/2014/QH13 ON ENVIRONMENTAL PROTECTION

Article 85. *Requirements applied to waste management*

1. Wastes must be managed throughout the process of generation, minimization, classification, collection, transport, recycling, and destruction.

2. Conventional wastes that contain hazardous wastes beyond permissible limits and cannot be classified shall be managed in accordance with hazardous waste.

3. The Government shall elaborate regulations on waste management.

Article 86. *Minimization and recycling of wastes*

1. Wastes that can be recycled and used as energy must be classified.

2. Owners of manufacturing and business organizations that produce wastes are responsible for minimizing, recycling wastes, or transfer wastes to the organizations capable of recycling such wastes.

Article 87. *Collecting and treating discarded products*

1. Owners manufacturing and business establishments must collect and treat discarded products.

2. Users are responsible for taking discarded products to proper places.

[1] El Convenio 155 está retificado por Vietnam.

3. The People's Committees and environment authorities shall facilitate manufacturing and business establishments to collect discarded products.

4. Discarded products shall be collected and treated in accordance with decisions of the Prime Minister.

Article 90. *Document compilation, registration and licensing of hazardous waste treatment*

1. Every entity that discharges hazardous wastes shall compile documents about hazardous wastes and apply for registration with an environment authority.

2. Only capable and licensed entities may process hazardous wastes.

3. The Ministry of Natural Resources and Environment shall compile a list of hazardous wastes and issue licenses to process hazardous waste.

Article 91. *Classification, collection, and storage of hazardous wastes prior to processing*

1. Every entity that discharges hazardous wastes must collect, store, and process hazardous wastes in accordance with environmental standards; if the entity that discharges hazardous wastes fails to process hazardous wastes in accordance with environmental standards, hazardous wastes shall be transferred to an entity licensed to process hazardous wastes.

2. Hazardous wastes must be kept in specialized containers that ensure no negative impacts on humans and the environment.

Article 92. *Transport of hazardous wastes*

1. Hazardous wastes must be transported with suitable vehicles and equipment which are specified in the license to process hazardous wastes.

2. Hazardous wastes transported to another country must comply with the international agreements to which the Socialist Republic of Vietnam is a signatory.

Article 93. *Conditions of facilities that process hazardous wastes*

1. Its location is approved by a competent authority.

2. Its distance ensures no negative impacts on the environment and human.

3. There are technologies and specialized equipment for storing and processing hazardous waste in accordance with environmental standards.

4. There are constructions and measures for environmental protection.

5. There are managers granted certificates and qualified technicians.

6. There are procedures for safe operation of specialized equipment.

7. There is an environmental protection plan.

8. There is a plan for environmental remediation after shutdown.

9. There is an environmental impact assessment report approved by the Ministry of Natural Resources and Environment.

Article 95. *Responsibility to classify conventional solid wastes*

Owners of manufacturing and business establishments, organizations, households, and individuals that produce conventional solid wastes are responsible for classifying them at source to facilitate their recycling and processing.

Article 96. *Collection and transport of conventional solid wastes*

1. Conventional solid wastes shall be collected, stored, and transported with specialized vehicles and equipment.

2. Environment authorities shall organize the collection, storage, and transport of conventional solid wastes locally.

Article 97. *Recycling and treating conventional solid wastes*

Owners of manufacturing and business establishments, organizations, households, and individuals that produce conventional solid wastes are responsible for recycling and treating them. If conventional solid wastes cannot be recycled or treated, they shall be sent to the organizations capable of recycling such or processing such wastes.

Article 99. *GENERAL REGULATIONS ON WASTEWATER MANAGEMENT*

1. Wastewater shall be collected and treated in accordance with environmental standards.

2. Wastewater that contains hazardous elements beyond the permissible limits shall be managed in accordance with regulations on hazardous wastes

Article 100. *Collection and treatment of wastewater*

1. Every urban area and concentrated residential area must have a system for separating rainwater and wastewater.

2. Wastewater produced by manufacturing and business establishments must be collected and treated in accordance with environmental standards.

3. Waste sludge from wastewater treatment systems shall be managed in accordance with regulations of law on solid waste management; waste sludge that contains hazardous wastes beyond permissible limits and shall be managed in accordance with hazardous wastes.

Article 101. *Sewage treatment system*

1. The following entities must have sewage treatment systems:

a) Concentrated manufacturing/business zones;

b) Trade villages complexes;

c) Manufacturing and business establishments that are not connected to any concentrated sewage treatment systems.

2. Every sewage treatment system must:

a) Have a technology process suitable for the type of wastewater that needs treating;

b) Have a treatment capacity that is sufficient for the amount of wastewater produced;

c) Treat wastewater according to environmental standards;

d) Has the wastewater discharge outlets located at positions convenient for inspection and supervision;

dd) Be operated regularly.

3. The manager of the sewage treatment system shall carry out periodic monitory before and after the treatment. Monitory data shall be kept as the basis for sewage treatment system inspection.

4. Manufacturing and business establishments that produce a large amount of wastewater that is likely to harm the environment must carry out automatic environmental monitoring send data to competent authorities as prescribed by the Ministry of Natural Resources and Environment.

LAW 06/2007/QH12 ON CHEMICAL

Article 27. *Classification and labeling of chemicals*

1. Organizations and individuals producing or importing chemicals are obliged to classify and label chemicals before using or marketing these chemicals are used or marketed.

2. Chemicals are classified in accordance with technical principles and guidance of the Globally Harmonized System of Classification and Labeling of Chemicals.

3. Chemicals are labeled in accordance with the law on goods labeling.

4. Hazardous chemicals are labeled in accordance with the law on goods labeling and guidance of the Globally Harmonized System of Classification and Labeling of Chemicals.

5. The Ministry of Industry and Trade shall guide the classification and labeling of chemicals according to the Globally Harmonized System of Classification and Labeling of Chemicals and determine a roadmap for application of regulations on classification and labeling of substances and mixtures of substances.

Article 28. *Packaging of chemicals*

1. Packages of marketed chemicals must meet the following requirements:

a) Satisfying requirements on classification and labeling of chemicals specified in Article 27 of this Law;

b) Preventing leakage and dispersal of chemicals in the process of transportation, preservation or storage;

c) Not being corroded or destroyed by contained chemicals;

d) Complying with technical regulations on packaging promulgated by competent agencies or with international standards announced by competent state agencies for application.

2. Line ministries shall provide for specifications, materials and requirements on the examination and evaluation of packages of each kind of chemical.

Article 29. *Chemical safety data sheets*

1. Hazardous chemicals include hazardous substances or mixtures with the content of hazardous substances exceeding the prescribed limit. For hazardous chemicals, chemical safety data sheers must be made.

2. Organizations and individuals producing or importing hazardous chemicals, before using or marketing these chemicals, shall make chemical safety data sheets.

3. A chemical safety data sheet contains the following contents:

a) Identification of the chemical;

b) Identification of hazardous properties of the chemical;

c) Information on the composition of substances;

d) Physical and chemical properties of the chemical

dd) Stability and activity of the chemical;

e) Information on toxicity;

g) Ecological information;

h) First-aid measures;

i) Fire-fighting measures;

k) Incident prevention and response measures;

l) Storage requirements;

m) Effects on humans and requirements for personal protection devices;

n) Requirements on disposal of the chemical;

o) Requirements on transportation:

p) Applicable technical regulations and laws;

q) Other necessary information.

4. The Government shall specify the contents of hazardous substances in mixtures for which chemical safety data sheets prescribed in Clause 1 of this Article are required.

CIRCULAR 36/2015-TT-BTNMT - MANAGEMENT OF HAZARDOUS WASTES

Article 6. *Identification and classification of hazardous wastes*

1. Hazardous wastes shall be identified according to Appendix 1 enclosed herewith and environmental standards on limits of hazardous wastes.

2. Hazardous wastes must be classified by the source owner when:

a) Hazardous wastes are moved to storage at the same establishment where hazardous wastes are produced;

b) Hazardous wastes are moved an external establishment for treatment other than storage of the establishment where hazardous wastes are produced.

3. In case hazardous wastes are reused, recycled, treated, or used for energy production at the generating facility, the source owner may decide whether to classify hazardous wastes depending on available technologies.

Article 7. *Technical requirements and procedures for hazardous waste management*

1. Hazardous waste source owners shall fulfill the duties prescribed in Article 7 of Decree No. 38/2015/ND-CP with regard to the technical requirements and procedures prescribed in Clauses 2 to 9 of this Article.

2. Prepare an area for storage of hazardous wastes; store hazardous wastes in packages or storing devices that satisfy technical requirements and management procedures in Appendix 2 (A) enclosed herewith.

3. Requirements for transfer of hazardous wastes:

a) Only sign contract to transfer hazardous wastes to entities having legitimate licenses for hazardous waste treatment or hazardous waste management;

b) When exporting hazardous wastes for overseas treatment, the source owner must comply with Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (hereinafter referred to as Basel Convention) according to Article 23 of this Circular.

4. Use the documents provided in Appendix 3 enclosed herewith for every transfer of hazardous wastes, except for the following cases:

a) Reuse, treatment, recycling of hazardous wastes within the premises of the facility;

b) The case mentioned in Clause 4 Article 24 of this Circular.

5. Within 06 months from the transfer date, if the last two copies of the documents are not received without acceptable explanation in writing from the transferee, the hazardous waste source owner shall send a report to the Department of Natural Resources and Environment of the province or Vietnam Environment Administration as prescribed by law.

6. Making and submitting reports:

a) Make annual reports on hazardous waste management (the reporting period is from January 01 to December 31) using the form provided in Appendix 4 (A) enclosed herewith and submit them to the Department of Natural Resources and Environment by January 31 of the succeeding year. In the case mentioned in Point a Clause 3 Article 12 of this Circular, the hazardous waste source owner shall only submit one report within one month from the day on which the facility is shut down;

b) Submit extraordinary reports at the request of competent authorities.

7. Retain all copies of hazardous waste documents, reports on hazardous waste management, and relevant documents for 5 years in order to provide them for competent authorities on request.

8. Make paper documents simultaneously with online reports on the system of Vietnam Environment Administration or via email at the written request of competent authorities.

9. The reuse, recycle, treatment of hazardous wastes, or use of hazardous wastes for energy production must satisfy the technical requirements and procedures in Appendix 2 (A) enclosed herewith and be registered in the register of hazardous waste source owners.

Article 5, DECREE 26/2011/ND/CP AMENDING AND SUPPLEMENTING SOME ARTICLES OF THE GOVERNMENT'S DECREE NO. 108/2008/ ND-CP DATED 7th OCTOBER 2008, DETAILING AND GUIDING SOME ARTICLES OF THE CHEMICAL LAW

5. To add the following Article 7a below Article 7

"Article 7a. Training in chemical safety techniques

1. Organizations and individuals engaged in chemical-related activities shall send their leaders, managers and laborers to training courses in chemical safety techniques.

2. To be trained in chemical safety techniques are: leaders and managers of sections directly engaged in chemical-related activities; persons directly engaged 4 in the production, trading, transportation, storage, preservation and use of chemicals.

3. Contents of training in chemical safety techniques in chemical-related activities must be suitable to working positions of trainees and kinds of chemicals. Specifically:

a) Leaders and managers of sections directly engaged in chemical-related activities shall be trained in legal knowledge about management of chemicalrelated activities and fire prevention and fighting, regulations on safety distances and implementation of chemical-related incident prevention and response measures and plans;

b) Persons directly engaged in the production, trading, transportation, storage, preservation and use of chemicals shall be trained and re-trained in current standards, regulations and legal documents concerning safety in the production, trading, use, preservation and transportation of chemicals;

c) Line ministries shall specify programs and contents of training in chemical safety techniques in chemical-related activities for the trainees specified in Clause 2 of this Article

4. Qualified trainees shall be granted certificates after completing training courses on technical safety techniques.

5. Line ministries shall guide and authorize specialized agencies under provincial-level People's Committees to organize training courses on chemical safety techniques according to the contents and programs specified in Clause 3 of this Article and to grant certificates of training in chemical safety techniques to organizations and individuals engaged in chemical-related activities in their localities.

6. Before 31st December every year, certificate-granting agencies specified in Clause 5 of this Article shall report on the training in chemical safety techniques to line ministries for reporting on training activities under their respective management to the Ministry of Industry and Trade no later than January 15 of the subsequent year.

7. Line ministries shall examine the training in chemical safety techniques by certificate-granting agencies under their management"

4.2.3.3/H
POSIBLES BUENAS PRÁCTICAS

4.2.3.3.1/H Los trabajadores reciben formación adecuada en esta materia.

4.2.3.4/H
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/H/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/H	50/100
4.2.3.4.1/H/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/H SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/H	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/H	Los trabajadores reciben formación adecuada en esta materia.	10/100
	TOTAL	**70**

4.2.3.5/H
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de una adecuada separación y señalización de áreas de tratamiento con productos químicos.

I) PROTECCIÓN CONTRA LAS RADIACIONES

4.2.3.1/I
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/I
LEGISLACIÓN VIETNAMITA

LAW Nº. 10/2012/QH13 – LABOR CODE

Article 138. *Obligations of the employer and employe for the work of labor safety and hygiene*

1. The employer has the following obligations:

a) To ensure the workplace meets the requirements of space, ventilation, dust, steam, toxic gas, radiation, electro magnetic field, heat, humidity, noise, vibration and other harmful elements specified in the relevant technical regulations and those factors must be tested and measured periodically.

DECISION 3733-2002/QD-BYT PROMULGATING 21 LABOR HYGIENE STANDARDS, 05 PRINCIPLES AND 07 LABOR HYGIENE MEASUREMENTS

5. Acceptable doses

The equivalent dose at working positions of the radiation bases must not exceed the values specified in Table 1.

Table 1: *Acceptable equivalent dose*

RADIATED SUBJECTS	WORKPLACE	40h/week=P (mrem/h) with t
Subject A	- Regular workplaces - Workplaces under 20h/week	1.2 2.4
Subject B	- In other working rooms within the control zone - In supervision zones	0.12 0.03

Notes: Subject A: Radiation worker

Subject B: Adjacent people

5.2. The limited doses in a year (for both internal and external radiation) of the radiated subjects and the vital organs are specified in Table 2:

Table 2: *Limited dose in a year*

HUMAN SUBJECT	LIMITED DOSE FOR VITAL ORGANS (REM/YEAR)		
	Group I	Group II	Group III
A	5	15	30
B	0.5	1.5	3

[1] El Convenio 155 está retificado por Vietnam.

Notes:

- Group I: whole-body, gonads, bone marrow.

- Group II: Organs outside Group I and III

- Group III: Skin, tissue, bones, hands, legs, feet, ankles

5.3. The limited density of radioactive substances in the air or workplaces are specified in Table 3. That of the radioactive compounds with unknown compositions are specified in Table 4.

5.4. The radioactive contamination levels of surfaces at workplaces and protective instruments are specified in Table 5.

5.5. The total accumulative doses of Subject A at any age over 18 are calculated by the formula:

5 (N - 18)=D

- D: Dose (in Rem).

- N: Age (in year).

If necessary, the accumulative dose may reach 12 rem/year, but then must be offset in 5 years so that the total dose would not exceed D.

4.2.3.3/I
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (completo con la aplicación de la ley).

4.2.3.4/I
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/I/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/I	50/100
4.2.3.4.1/I/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/I SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/I	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A(completo con la aplicación de la ley)	
	TOTAL	**60**

J) PREVENCIÓN Y LIMITACIÓN DE LOS RIESGOS PROFESIONALES DEBIDOS AL RUIDO Y A LAS VIBRACIONES, Y PROTECCIÓN DE LOS TRABAJADORES CONTRA TALES RIESGOS

4.2.3.1/J
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/J
LEGISLACIÓN VIETNAMITA

LAW Nº 55/2014/QH13 ON ENVIRONMENTAL PROTECTION

Article 103. *Management and control of noise, vibration, light, and radiation*

1. Any entity that creates noise, vibration, light, and/or radiation must take measures to control and treat them in accordance with environmental standards.

2. Manufacturing and business establishments in residential areas that create noise must take measures to minimize them to avoid affecting the local community.

3. Managers of the routes with heavy traffic that produces noise, vibration, light, and radiation must take measures to minimize them in accordance with environmental standards.

4. It is prohibited to manufacture, import, transport, sell, and use firecrackers. The Prime Minister shall decide the manufacture, import, transport, sale, and use of firework.

DECISION NO. 3733/2002/QD-BYT PROMULGATING 21 LABOR HYGIENE STANDARDS, 05 PRINCIPLES AND 07 LABOR HYGIENE MEASUREMENTS

XII. STANDARDS OF NOISE

1. Scope of regulation:

These standards specify the acceptable noise levels at workplaces in workshops, factories and agencies affected by the noise.

2. Subjects of application: Every facility that employs workers.

3. Cited standards

The acceptable values specified in these standards are equivalent to TCVN 3985 - 1999

4. Acceptable levels

4.1. The continuous noise level equivalent to Leq dBA at workplaces must not exceed 85 dBA in 8 hours.

4.2. If the time of exposure to the noise reduces by 50%, the acceptable noise level may increases 5 more dB.

[1] El Convenio 155 está retificado por Vietnam.

For 4 hours of exposure, 5 dB increased, the acceptable level is 90 dBA

- *2 hours 95 dBA*
- *1 hour 100 dBA*
- *30 minutes 105 dBA*
- *15 minutes 110 dBA*
- *< 15 minutes 115 dBA*

The maximum loudness is 115 dBA.

Only exposure to noise under 80 dBA is acceptable for the remaining time of the working day .

4.3. The acceptable noise pressure level for noise under 5 dB compared to the values specified in section 4.1, 4.2.

4.4. In order to achieve the productivity at various working positions, the noise pressure level at such places must not exceed the values in the below table.

Table 1: *The noise pressure level at working positions*

WORK POSITIONS	LIMIT OF NOISE LEVEL OR THE EQUIVALENT (DBA)	LIMIT OF NOISE LEVEL (DB) OF THE CORRESPONDING OCTAVE (Hz)							
		63	125	250	500	1,000	2,000	4,000	8,000
1. Working areas of workers, places with workers in workshops and factories	85	99	92	86	83	80	78	76	74
2. Monitoring and remote control rooms without telephone, laboratories, computer rooms with noisy equipment.	80	94	87	82	78	75	73	71	70
3. Monitoring and remote control rooms with telephone, coordination room, precision assembly room, typing room..	70	87	79	72	68	65	63	61	59
4. Functional, administrative, accounting, planning, statistics rooms.	65	83	74	68	63	60	57	55	54
5. Mental working, designing, researching, statistics, programming, figure processing rooms and theoretic laboratory	55	75	66	59	54	50	47	45	43

XIII. STANDARDS OF VIBRATION

The vibration levels at the working places must not exceed the values specified in Table 1, 2, 3.

Table 1: *Vibration of working floors and chairs*

FREQUENCY BAND (Hz)	ACCEPTABLE VIBRATION VELOCITY (CM/S)	
	Vertical vibration	Horizontal vibration
1 (0.88 – 1.4)	12.6	5.0
2 (1.4 – 2.8)	7.1	3.5
4 (2.8 – 5.6)	2.5	3.2
8 (5.6 – 11.2)	1.3	3.2
16 (11.2 – 22.4)	1.1	3.2
31.5 (22.4 - 45)	1.1	3.2
63 (45 - 90)	1.1	3.2
125 (90 - 180)	1.1	3.2
250 (180 - 355)	1.1	3.2

Table 2: *Vibration of control devices*

FREQUENCY BAND (Hz)	ACCEPTABLE VIBRATION VELOCITY (CM/S)	
	Vertical vibration	Horizontal vibration
16 (11.2 – 22.4)	4.0	4.0
31.5 (22.4 - 45)	2.8	2.8
63 (45 - 90)	2.0	2.0
125 (90 - 180)	1.4	1.4
250 (180 - 355)	1.0	1.0

Table 3: *Vibration of the tool handles*

FREQUENCY BAND (Hz)	ACCEPTABLE VIBRATION VELOCITY (CM/S)	CORRECTION COEFFICIENT K_0*
8 (5.6 – 11.2)	2.8	0.5
16 (11.2 – 22.4)	1.4	1
31.5 (22.4 - 45)	1.4	1
63 (45 - 90)	1.4	1
125 (90 - 180)	1.4	1
250 (180 - 355)	1.4	1
500 (355 - 700)	1.4	1
1,000 (700 - 1400)	1.4	1

** The correction coefficient k0 is used for calculating the corrective vibration velocity VhD (or total vibration velocity)*

LAW Nº. 10/2012/QH13 – LABOR CODE

Article 138. *Obligations of the employer and employe for the work of labor safety and hygiene*

1. The employer has the following obligations:

a) To ensure the workplace meets the requirements of space, ventilation, dust, steam, toxic gas, radiation, electro magnetic field, heat, humidity, noise, vibration and other harmful elements specified in the relevant technical regulations and those factors must be tested and measured periodically.

4.2.3.3/J
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

4.2.3.4.1/J Existencia de un adecuado control periódico de ruidos y vibraciones mediante aparatos de medición (sonómetros).

4.2.3.4/J
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/J/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/J	50/100
4.2.3.4.1/J/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/J SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/J	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/J	Existencia de un adecuado control periódico de ruidos y vibraciones mediante aparatos de medición (sonómetros)	20/100
	TOTAL	**80**

4.2.3.5/J
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Buenas prácticas: ejemplo de un adecuado control periódico de ruidos y vibraciones mediante aparatos de medición.

Aplicación correcta de la ley: ejemplo de adecuadas instrucciones de utilización de equipos de protección individual para evitar ruidos.

K) CONTROL DE LA ATMÓSFERA Y DE OTROS FACTORES AMBIENTALES DE LOS LUGARES DE TRABAJO

4.2.3.1/K
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/K
LEGISLACIÓN VIETNAMITA

CIRCULAR NO. 31/2016/TT-BTNMT ON ENVIRONMENTAL PROTECTION OF INDUSTRIAL CLUSTERS, CONCENTRATIONS OF BUSINESSES AND SERVICE PROVIDERS, TRADE VILLAGES, PRODUCTION, COMMERCIAL AND SERVICE ESTABLISHMENTS

Article 19. *Management of solid wastes, emissions, noise, vibration, light, heat and radiation*

1. Production, commercial and service establishments must carry out management of municipal solid wastes, common industrial solid wastes, biomedical solid wastes and hazardous solid wastes generated from production, commercial and service activities in accordance with laws on solid waste management.

2. Establishments generating emissions shall take on the following obligations:

a) Invest in and install emission the treatment system that meets regulatory environmental technical standards in which the working floor must be available for safe sampling of emission;

b) Keep an operational logbook of the emission treatment system which is fully compiled and retained for a period of at least 02 years.

The operational logbook must be written in the Vietnamese language, including the following details: flow volume, operational parameters, amount of water and chemicals used (applicable to any establishment of which form and size is equivalent to establishments that require preparation of an environmental impact statement as defined in the Appendix II to the Decree No. 18/2015/ND-CP);

c) Carry out automatic and continual monitoring of emissions as stipulated by Clause 2 and 3 Article 26 hereof, and apply for registration as the owner of an emission source as prescribed by laws (applicable to any establishment that releases industrial emissions that belong in the list of high-flow emission sources referred to in the Appendix to the Decree No. 38/2015/ND-CP).

3. Any establishment creating noise, vibration, light, heat and radiation must invest in and install the system for reducing noise, vibration, light, heat and radiation that meets regulatory environmental technical standards and other relevant regulations.

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.3/K
POSIBLES BUENAS PRÁCTICAS

N/A (completo con la aplicación de la ley).

4.2.3.4/K
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/K/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2	50/100
4.2.3.4.1/K/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/K	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/K	N/A (completo con la aplicación de la ley)	
	TOTAL	**60**

L) PREVENCIÓN Y LIMITACIÓN DE LOS RIESGOS DEBIDOS A ALTAS Y BAJAS PRESIONES BAROMÉTRICAS

4.2.3.1/L
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/L
LEGISLACIÓN VIETNAMITA

N/A

4.2.3.3/L
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

N/A (completo con la aplicación de la ley).

4.2.3.4/L
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/L/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.3.3.2/L	50/100
4.2.3.4.1/L/2	CUMPLIMIENTO DEL PUNTO 4.3.3.2/L SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/L	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (completo con la aplicación de la ley)	
	TOTAL	**60**

[1] El Convenio 155 está retificado por Vietnam.

M) PREVENCIÓN DE INCENDIOS Y EXPLOSIONES, Y MEDIDAS QUE DEBEN TOMARSE ENCASO DE INCENDIO O EXPLOSIÓN

M1) CONDICIONES DE PROTECCIÓN CONTRA INCENDIOS

4.2.3.1/M1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/M1
LEGISLACIÓN VIETNAMITA

TCVN 439/BXD-CSXD: GENERAL PROVISION ON INDUSTRIAL AND CIVIL WORKS

Article 11.1. *General provisions on fire prevention for constructions*

11.1.1. *Every construction must be protected from fire, including the requirements for:*

a) Fire resistance of the structure

b) Fire blocking

c) Escape

d) Fire alarm equipment

Notes:

The specific requirements for fire resistance, fire blocking, escape, fire alarm and fire fighting equipment, are provided for in Points 11.4.1, 11.5.1, 11.6.1, 11.7.1,.11.8.1 and 11.9.1.

11.1.2. When appraising and approving the designs of constructions at high risks of fire and explosion, or with many people inside, or large-scale constructions, it is required to have the written approval on fire prevention made by competent fire prevention agencies.

CIRCULAR 66/2014/TT-BCA – DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE DECREE NO. 79/2014/ND-CP ON FIRE PREVENTION AND FIGHTING

Article 12. *Fire fightingplans*

1. Construction of fire fighting plans

a) Fire fighting plans of facility (form No.PC11);

b) Fire fighting plans of the fire Department (formNo.PC12);

c) Fire fighting plans must be re-examined andapproved by competent persons when the most complicated fire detail is changedor there are at least two typical fire details being changed.

[1] El Convenio 155 está retificado por Vietnam.

In case there is only one fire detail beingchanged, fire fighting plans shall be examined and approved by head of thefacility that construct such fire fighting plans.

2. The fire Department that constructs the firefighting plan for nuclear facility, other facilities on the administrativedivision of commune-level neighboring the two central-affiliated provinces, andresidential areas as regulated in Article 13 hereof must make a written noticeabout the time for construction of fire fighting plans to heads of theabovementioned facilities and residential areas before three working days.Heads of facilities, the Presidents of the People's Committee of communes,wards, and towns (hereinafter referred to as Presidents of People's Committeesof communes) shall be responsible for providing necessary documents,information concerning the construction of fire fighting plans as required bythe fire Department, arranging people to get involved and ensuring conditionsfor the construction of fire fighting plan.

3. Authorities to approvefire fighting plan

a) Presidents of People's Committees of communes,heads of agencies, organizations shall approve the fire fighting plan forfacilities that are not defined in the Appendix II enclosed together withDecree No. 79/2014/NĐ-CP within their scope of management ;

b) Heads of the Fire department affiliated to theFire department of provincial level shall approve the fire fighting plansprepared by facilities as defined in the Appendix II enclosed together with theDecree No.79/2014/NĐ-CP within the administrative division; the fire fightingplans prepared by the fire Department for facilities within their scope ofmanagement;

c) Head of the Department of fire safety, reliefand rescue shall approve the fire fighting plans prepared by facilities asdefined in the Appendix II enclosed together with the Decree No.79/2014/NĐ-CP;the fire fighting plans prepared by the fire Department for facilities,residential areas within their administrative division; in specialcircumstances, the fire fighting plans shall be approved by Director ofprovincial police department;

d) Director of the fire Department of provinciallevel shall approve the fire fighting plans prepared by the fire Departmentthat mobilizes human forces and means from at least two subordinate fireDepartments or mobilizes human forces and means from many agencies,organizations outside the administrative division of one subordinate fireDepartment;

dd) The President of the People's Committee ofcentral-affiliated provinces and cities shall approve the fire fighting plansprepared by the fire Department for facilities on the administrative divisionof commune neighboring the two central-affiliated provinces and the firefighting plans prepared by the locally based army with human forces and meansmobilized;

e) General Director of the Central Department ofFire Prevention, Firefighting, Relief and Rescue shall approve the firefighting plans by the fire Department that mobilizes human forces and meansfrom many central-affiliated provinces and cities.

4. Fire fighting plan practice

a) The fire fighting plans by facilities as definedin Clause 2, Article 21 of the Decree No.79/2014/NĐ-CP must be developed forregular practice. Number of practices shall be decided by a competent personwho develops the fire fighting plan but shall not be less than once a year; thefire fighting plan can be developed into one or more different situations butensures all the situations in the plan are practiced;

b) The fire fighting plan by the Fire departmentshall be practiced at the request of the competent person who approves the firefighting plan as stipulated in the Points b, c, d, dd and e, Clause 3 of thisArticle; The competent person who requests practice of the fire fighting planmust make a written notice to the President of People's Committee of commune,head of the facility where the practice is expected to take place at least 30working days prior to the practice, and send request for mobilization of humanforces and means for agencies, organizations and locality at least 20 workingdays before the practice takes place. The President of People's Committee ofcommune, head of the facility where the practice is expected to take placeshall be responsible for ensuring necessary conditions for the organization ofthe practice of fire fighting plan;

c) The fire fighting plan shall be put intounexpected practice in the preparation for special political, cultural and sociale-vents at local or national levels at the request of the competent person whoapproves the fire fighting plan according to the provisions set out in Clause 3of this Article.

TCVN 7435/1/2004: FIRE PROTECTION – PORTABLE AND WHEELED FIRE EXTINGUISHERS. PART 1: SELECTION AND INSTALLATION

Article 5 Fire extinguishers must be:

5.1 Fully loaded and placed in defined locations at all times.

5.2 Installed in easy to find locations, where they are accessible and ready for immediate use in the event of a fire.

5.4 Free from all obstructions.

5.5 Placed on stands or in designated fire boxes with the exception of portable trolley fire extinguishers.

Art. 7 Arrangement of fire extinguishers:

7.2 Regulations for installing and arranging fire extinguishers must meet the following requirements in Type A fire: involving solid (normally organic materials):

Level of fire risk	Equipped norm	Max distance between fire extinguisher and fire hazard location	
		For solid fires	For liquid fires
Low	1 fire extinguisher/150m^2	20m	15m
Medium	1 fire extinguisher/75m^2	20m	15m
	1 fire extinguisher/50m^2	15m	15m

TCVN 7435-2/2004: Fire protection – Portable and wheeled fire extinguishers. Part 2: Inspection and Maintenance

Art. 4.2.1 Fire extinguishers must be inspected at first use and afterwards must be checked periodically for about 30 days. Fire extinguishers shall be inspected at shorter intervals if are required.

4.2.3.3/M1
POSIBLES BUENAS PRÁCTICAS

N/A (completo con la aplicación de la ley).

4.2.3.4/M1
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/M1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/M1	50/100
4.2.3.4.1/M1/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/M1 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/M1	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/M1
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

HỌNG NƯỚC CỨU HỎA
CẤM MỞ
HỘP CHỮA CHÁY
FIRE HOSE REEL

CỬA SỐ 05
KHÔNG PHẬN SỰ MIỄN VÀO
CẤM LỬA
NO FIRE
CẤM HÚT THUỐC
NO SMOKING
PHẢI MANG QUẦN ÁO BẢO HỘ
WEAR PROTECTIVE CLOTHING
PHẢI MANG KHẨU TRANG
WEAR MASK
DANH BẠ ĐIỆN THOẠI KHẨN CẤP
STT | HỌ VÀ TÊN | CHỨC VỤ | SỐ ĐIỆN THOẠI
1 | CẤP CỨU BỆNH VIỆN | | 115
2 | CÔNG AN CỨU HỎA | | 114
3 | NGUYỄN VĂN QUÂN | GIÁM ĐỐC | 0986 966 700
4 | NGUYỄN ĐỨC HIỆP | CT. CÔNG ĐOÀN | 0914 512 982
5 | NGUYỄN VĂN DOÀN | PHÓ GIÁM ĐỐC | 01689 186 133
6 | NGÔ THỊ DINH | NV. TIỀN LƯƠNG | 01649 581 792
7 | DƯƠNG THỊ LOAN | NV. LAO ĐỘNG | 0863 703 228
8 | VŨ ĐÌNH LÝ | TP. BẢO VỆ | 0912 456 822
9 | TRƯƠNG HỮU BÌNH | NV. AN TOÀN | 0977 335 612

PUSH

CẤM HÚT THUỐC
NO SMOKING
CẤM LỬA
NO FIRE
PCCC

Aplicación correcta de la ley: ejemplos de medios de detección y extinción adecuados y registros de su correcto mantenimiento.

N) DISEÑO, FABRICACIÓN, SUMINISTRO, UTILIZACIÓN, MANTENIMIENTO Y PRUEBA DE EQUIPOS DE PROTECCIÓN INDIVIDUAL Y DE ROPAS DE PROTECCIÓN

4.2.3.1/N
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.2/N
LEGISLACIÓN VIETNAMITA

LAW Nº. 10/2012/QH13 – LABOR CODE

Article 149. *Means of personal protection in labor*

1. The employee who performs work with the toxic and dangerous factors shall be fully equipped with the means of personal protection by the employer and must use them during the working process in accordance with the Ministry of Labour - Invalids and society.

2. The means of personal protection must meet the standard of quality

CIRCULAR 04/2014/TT-BLDTBXA – GUIDING IMPLEMENTATION OF REGULATIONS ON PERSONAL PROTECTIVE EQUIPMENT

Article 3. *Personal protective equipment*

1. Personal protective equipment are necessary tools and means provided to labourer during their work or performing their duties in order to protect bodies from impact of harmful, dangerous elements arising during their work, when dangerous, harmful elements are not be able to eliminated entirely by technological solutions, equipment, technical safety and labour hygiene measures at the working place.

2. Personal protective equipment includes:

a) Head protective equipments;

b) Eye and face protective equipments;

c) Hearing protective equipments;

d) Respiratory protective equipments;

e) Hand and foot protective equipments;

f) Body protective equipments;

g) Protective equipments preventing of falling from height;

h) Protective equipments preventing of electric shock, electromagnetic field;

i) Protective equipments preventing down;

k) Other equipments ensuring occupational safety and health.

3. Personal protective equipment provided for employees should be adequate to prevent effectively the impact of harmful, dangerous elements of working environment but convenient and easily for use and maintenance and should not create other harmful elements.

4. Personal protective equipments must satisfy the quality, specification in accordance with regulations, standards and other provisions of the State.

Article 4. *Conditions for provision of personal protective equipment*

Labourers who during their work are in contact with one of the following dangerous and harmful elements shall be provided with personal protective equipment:

1. Contact with disadvantageous physical elements;

2. Contact with harmful chemicals and dust;

3. Contact with harmful biological elements and disadvantageous working environment:

a) Harmful virus, bacteria (transmittal diseases), harmful insects;

b) Polluted dung, water, garbage, sewage;

c) Other harmful biological elements;

4. Working with machinery, equipment, working tools, or in positions with high risks of occupational accidents; working in the height place, in mines, low-oxygen places; working on water, in forest or working in other dangerous and harmful working conditions.

Article 5. *Principles for provision of personal protective equipment*

1. The employer shall ensure to carry out technological, equipment, technical safety and occupational hygiene measures to eliminate or to reduce to minimum the damage of dangerous and harmful elements as less as possible and to improve working conditions before providing personal protective equipment.

2. The employer provide personal protective equipment for the employee in accordance with the list in Annex 1 promulgated together with this Circular. In the case of unsafe occupations having dangerous and harmful elements not ensuring health safety for employees are not covered yet in the list of the Ministry of Labour- Invalids and Social Affairs, The employer shall be temporally allowed to provide personal protective equipment to meet the requirements of such occupations, and at the same time the employer shall send reports to the provincial Departments of Labour- Invalids and Social Affairs, of Ministries, sectors directly managing them according to the form in Annex 2 promulgated together with this Circular for supplement to list by the Ministry of Labour- Invalids and Social Affairs.

3. The employer, based on requirements of each job or each occupation in the workplace and taking into account the opinions of trade union at grassroots or representatives of employees collective shall set up a life time of personal protective equipment to fit with nature of work and quality of used personal protective equipment.

4. The employer must make a book of providing and monitoring the personal protective equipment and this book must have signatures of employees received personal protective equipment according to form in Annex 3 promulgated together with this Circular.

5. Employees have right to request The employer for providing new equipment or changing kind of personal protective equipment specified in Annex 1 promulgated together with this Circular to be adequate with actual conditions. The employer shall consult opinions of trade union at grassroots or representatives of employees collective before making decision.

6. Depending on specific requirements, the employer shall provide necessary personal protective equipment for visitors or learners to use during visit and study.

7. All acts by employers to pay cash in hand for employees instead of providing personal protective equipment or to pay cash in hand and let employees to purchase personal protective equipment themselves are strictly prohibited.

Article 6. *Principles for use of personal protective equipment*

1. The employer shall instruct their labourers how to smoothly use the adequate personal protective equipment and closely supervise their use.

2. As for the dedicated personnel protective equipments that require technically high safety, the employer (or persons authorized for provision) shall check to ensure quality, standards of personal protective equipments before distribution to the employee and periodically recheck personal protective equipment during use and make records into a logbook; not using equipment failing to satisfy technical requirements or expired.

3. Employees provided personal protective equipments must use those equipments in accordance with regulations during work. If employees violate regulations, depend on seriousness of violation, they must bear discipline in accordance with labour rules of their establishments or provisions of law.

4. Labourers shall not pay for personal protective equipment. In case personal protective equipment is lost, damaged, or expired, the employer shall provide a substitute. In case of the loss or break- down without legitimate reasons, a labourer shall pay in accordance with labour rules of establishments. When personal protective equipment run out of life time for using or when the employee moves to other occupations, the employee shall return personal protective equipment to the employer if required but they must sign for handing over.

Article 7. *Principles for maintenance of personal protective equipment*

1. The employer shall provide facility for storing and maintaining personal protective equipment according to the instructions of manufactures, or producer of such personal protective equipment. Labourers shall keep the provided personal protective equipment.

2. As for personal protective equipments used in polluted areas vulnerable by toxic substance, bacteria, radiation, after using, the employer shall carry out anti- contamination measures, bacteria sterilize, appropriate purging measures to meet the requirements of Hygiene and safety standards for employees, surrounding environment and shall check such equipment periodically.

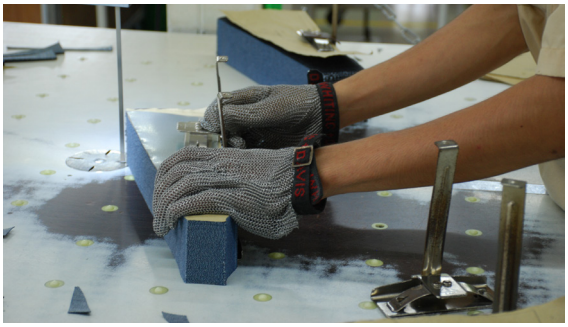
4.2.3.3/N
POSIBLES BUENAS PRÁCTICAS

N/A (completo con la aplicación de la ley).

4.2.3.4/N
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/N/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/N	50/100
4.2.3.4.1/N/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/N	10/100
4.2.3.4.2/N	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/N
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES



Aplicación correcta de la ley: ejemplos de correcta utilización de equipos de protección individual.

O) INSTALACIONES SANITARIAS, MEDIOS DE ASEO, VESTUARIOS, SUMINISTRO DE AGUA POTABLE Y CUALESQUIERA OTRAS INSTALACIONES ANÁLOGAS QUE TENGAN RELACIÓN CON LA SEGURIDAD Y LA SALUD DE LOS TRABAJADORES

O1) SERVICIOS HIGIÉNICOS Y LUGARES DE DESCANSO

O1.1) Agua potable

4.2.3.1/O1.1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/O1.1
LEGISLACIÓN VIETNAMITA

EMPLOYERS MUST PROVIDE 1.5 LITERS OF WATER PER PERSON FOR EVERY WORK SHIFT. (NO TENGO LEGISLACIÓN ESPECÍFICA)

4.2.3.3/O1.1
POSIBLES BUENAS PRÁCTICAS

4.2.3.4.1/O1.1 Existencia de fuentes de agua en los lugares de trabajo sin restricciones de acceso.

4.2.3.4/O1.1
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/01.1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/O1.1	50/100
4.2.3.4.1/01.1/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/O1.1 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/O1.1	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/O1.1	Existencia de fuentes de agua en los lugares de trabajo sin restricciones de acceso.	20/100
	TOTAL	**80**

[1] El Convenio 155 está retificado por Vietnam.

4.2.3.5/O1.1

EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Buenas prácticas: ejemplos de adecuda disponibilidad de agua potable.

O1.2) Vestuarios, duchas, lavabos y retretes

4.2.3.1/O1.2
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/O1.2
LEGISLACIÓN VIETNAMITA

DECISION NO. 3733/2002/QD-BYT PROMULGATING 21 LABOR HYGIENE STANDARDS, 05 PRINCIPLES AND 07 LABOR HYGIENE MEASUREMENTS

4. Standards of hygienic amenities

HYGIENE FACILITIES	STANDARD	SCOPE OF APPLICATION
Latrine pit	By shift: 1- 10 people/pit 11- 20 people /pit 21 - 30 people /pit	Facilities with: 1- 100 people 101 - 500 people Over 500 people
Urinary pit	By shift: 1- 10 people /pit 11- 20 people /pit 21 - 30 people /pit	Facilities with: 1- 100 people 101 - 500 people Over 500 people
Bathroom	By shift: 1- 20 people /room 21- 30 people / room Over 30 people / room	Facilities with: 1- 300 people 301 - 600 people Over 600 people
Menstrual hygiene room	By shift: 1- 30 females/ room Over 30 females/ room	Facilities with: 1 - 300 people Over 300 people
Hand-washing faucet	By shift: 1 - 20 people / faucet 21 - 30 people / faucet Over 30 people / faucet	Facilities with: 1 - 100 people 101 - 500 people Over 500 people
Emergency clean water faucet	1 - 200 people /faucet Over 200 people / faucet	Facilities with: 1 - 1,000 people Over 1,000 people
Clothes storing place	1 person/slot, hook, or small locker.	Facilities employing workers (production facilities, business establishments, offices...)
Potable water	1.5 liter/person/shift	Facilities hiring workers (production facilities, business establishments, offices...)

4.2.3.3/O1.2
POSIBLES BUENAS PRÁCTICAS

N/A (Completo con la aplicación de la ley).

4.2.3.4/O1.2
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/O1.2/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/O1.2	50/100
4.2.3.4.1/O1.2/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/O1.2 SOBREPASANDO LAS ESPECTATIVAS	10/100
4.2.3.4.2/O1.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.3.5/O1.2
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de instalaciones sanitarias en adecuadas condiciones.

O1.3) Locales de descanso

4.2.3.1/O1.3
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/O1.3
LEGISLACIÓN VIETNAMITA

DECISION NO. 17/2006/QD-BXD PROMULGATING THE PROVISIONAL REGULATION ON MINIMUM CONDITIONS OF DWELLING HOUSES LEASED TO LABOURERS FOR DWELLING

Article 4. *Minimum conditions of a dwelling room*

1. The use area of a room must be at least 9 m2; its inner width must be at least 2.40 m and its inner height at the lowest place must be at least 2.70 m.

2. The average use area per dweller must be at least 3 m2 (excluding the area of auxiliary works).

3. A dwelling room must have a door and window(s) to ensure natural ventilation and lighting. The proportion of the area of the door and window(s) for lighting to the room's total area must be at least one tenth. The door must be at least 0.75m wide and have a bolt and lock, while window(s) must be mullioned to ensure safety and security for dwellers. Each dweller must be furnished with a bed.

4. There must be lamps for sufficiently lighting the whole room (with a minimum illumination of 50 lux). Each dweller must have at least one electric socket and each room must have a separate automatic circuit-breaker.

5. In a self-contained room, its toilet and bath area must be separated from the sleeping area with a wall and ensure hygienic conditions.

[1] El Convenio 155 está retificado por Vietnam.

Article 5. *Minimum conditions of a dwelling house*

A dwelling house leased to laborers, apart from complying with the provisions of Article 4 this Regulation on dwelling apartments, must also satisfy the following conditions:

1. The foundation must be built with durable materials which are capable of bearing the load of the entire house and cutting off wall permeability.

2. The house floor must be covered with flooring tiles or coated with a cement mortar layer. The house floor must be at least 0.3 m higher than the level of the access road and at least 0.15 m higher than the level of the front yard or pavement.

3. Surrounding walls and partition walls must be built with durable materials, satisfying the fire prevention, soundproof and heat-insulation requirements. The inner surface of partition walls which are of brick masonry must be evenly plastered and triply whitewashed or painted.

4. The house must not be roofed with flammable materials and must be leak-free. Where the house is roofed with iron or fibrocement sheets, it must have a heat- and sound-insulating ceiling.

5. The house must be firmly structured and can stand windstorm.

6. Each dwelling room must have its own door and window(s).

7. Regarding electricity supply: Electricity supply lines must ensure safety conditions prescribed by electricity authorities. There must be exterior lamps for sufficient lighting of entryways.

8. Regarding daily-life water supply: Clean water must be supplied at a minimum norm of 75 liters per person per day. Where water is taken from a drilled well, it must be purified at a filtering basin to satisfy drinking water's hygienic standards specified in the Health Ministry's Decision No. 1329/2002/BYT/QD.

9. Regarding water drainage: There must be water drainage pipelines connected to the area's common drainage system. If drainage gutters and ditches are used, they must be properly covered.

10. Regarding fire and explosion prevention and fighting: There must be a water tank for fire fighting and fire and explosion prevention and fighting devices according to regulations.

11. Regarding environmental sanitation: Each dwelling house for lease must have places for cooking, washing and drying clothes. The place for drying clothes must be at least 0.4 m2 per dweller on average. If there is only one common toilet place in a dwelling house, men's and women's toilet places (toilet and bath) must be separated. Each toilet place should be used by no more than 10 persons. Waste discharged from toilet must go through a detritus pit built according to set specifications.

12. There must be a hygienic place for collecting garbage. Garbage must be collected on a daily basis so as not to pollute the environment.

Article 6. *Minimum conditions of a dwelling quarter*

1. The land plot for building dwelling houses to be leased to laborers for dwelling must lie neither in an area where construction is banned nor within the corridor for protection of traffic or irrigation works, dikes, energy projects, historical ' cultural relics and zones for protection of other works specified by law. It must lie neither in an area prone to landslide, flash flood, inundation, pollution caused by industrial waste, garbage dumping site or cemetery nor in public land areas, and must be dispute-free.

2. The arrangement of the ground for building dwelling houses and other construction items in the land plot must ensure convenient passage within the quarter and environmental sanitation and minimize the spread of fire or the domino effect upon the collapse of a house.

3. The construction density must not exceed 70%.

4. Each passage must be at least 3.5 m wide, clear of obstacles and ensure easy operation of fire-fighting equipment upon occurrence of a fire.

5. The distance between the edges of the front roofs of houses of two opposite rows must be at least 2.70 m. The distance between the edge of the front roof of a house and the edge of the back roof of an opposite house or an opposite wall must be at least 2.4 m. The distance between the back sides of two parallel houses must be at least 2.0 m.

6. Within a quarter of dwelling houses for lease consisting of 10 rooms or more or accommodating more than 30 tenants, the area for trees or free space must be at least 2 m2 per person.

7. Each quarter of dwelling houses must have its use rules displayed at an easy-to-spot place.

Circular No. 30/2012/TT-BYT dated December 05, 2012 of the Ministry of Health regulations on food safety conditions for food services business and street food business establishments.

Article 4. *For canteen, collective kitchen, kitchen, hotel's restaurant, resort restaurant;*

1.Facilities, equipment, instrument and person directly processing and serving food at canteens, collective kitchen, hotel, resort, restaurant shall comply with the requirements specified in Article 1, 2, 3, and 4 of Circular No. 15/2012/TT-BYT dated September 12, 2012 of the Ministry of Health regulating the general conditions to ensure food safety for food production and business establishment.

2. Designed with preliminary processing of food ingredients, processing and cooking area, food preservation area, dining area; food ingredient store, separate packed food preservation storage, separate hand-washing area and toilet. For collective kitchen using ready-made helping services moving in must have private area and in accordance with the number of helpings served to ensure food safety.

3. The food processing place must be designed on the one-way principle with adequate processing devices and exclusively used for the fresh food and cooked food with enough tools for division, grippingand containing food, the eating utensils must be clean with daily hygiene mode, equipped with clean disposable gloves when in direct contact with food; having equipment to prevent flies, cockroach, insect and pathogenic animal.

4. Dining area must be cool and furnished and regularly clean, equipped with equipment to prevent fly, cockroach, insect and pathogenic animal. There must be sinks for 50 eaters and toilet. The number is at least 01 (a) toilet for 25 people eaters.

5. Display and preservation of instant and cooked foodstuff area must ensure sanitation. The instant and cooked food must be displayed on table or shelf at least 60cm high and fully equipped and other objects to prevent dust, fly, cockroach and pathogenic insects. There are adequate hygiene instrument for clamping, picking and gripping food.

6. Ice used in food must be produced from water in accordance with the National Technical Regulations (QCVN) about the quality of drinking water No. 01:2009/BYT.

7. Having books to record the implementation of three-step food checking mode under the guidance of the Ministry of Health. Having devices for food sample storage and ensuring the food sample storage mode in at least 24 hours at the establishment after the food is processed.

8. Having waste material and garbage containers and ensuring the closure with lids. The waste material and garbage must be collected, processed daily as prescribed; waste water is collected in a closed system so as not to cause environmental pollution.

4.2.3.3/O1.3
POSIBLES BUENAS PRÁCTICAS

4.2.3.3.1/O1.3 Suministro de una comida al día financiada en parte por la empresa y de calidad.

4.2.3.3.2/O1.3 Suministro de una comida al día gratuita y de calidad.

4.2.3.3.3/O1.3 Ayuda de electricidad y agua para los empleados.

4.2.3.4/O1.3
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/O1.3/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/O1.3	50/100
4.2.3.4.1/O1.3/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/O1.3 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/O1.3	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.2/O1.3	Suministro de una comida al día financiada en parte por la empresa y de calidad.	10/100
4.2.3.4.2.3/O1.3	Suministro de una comida al día gratuita y de calidad.	10/100
4.2.3.4.2.3/O1.3	Ayuda de electricidad y agua para los empleados.	10/100
	TOTAL	**90**

4.2.3.5/O1.3
EJEMPLOS DE BUENAS PRÁCTICAS EN IMÁGENES

Aplicación correcta de la ley: ejemplos de adecuados locales de descanso.

O1.4) Locales provisionales y trabajos al aire libre y servicios adicionales

4.2.3.1/O1.4
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/O1.4
LEGISLACIÓN VIETNAMITA

N/A

4.2.3.3/O1.4
POSIBLES BUENAS PRÁCTICAS

4.2.3.3.1/O1.4 Facilitación de transporte gratuito a los empleados a/desde la fábrica en los casos no previstos en normativas específicas.

4.2.3.4/O1.4

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/O1.4/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/O1.4	50/100
4.2.3.4.1/O1.4/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/O1.4 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/O1.4	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/O1.4	Facilitación de transporte gratuito a los empleados a/desde la fábrica en los casos no previstos en normativas específicas.	20/100
	TOTAL	**80**

4.2.3.5/O1.4
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

[1] El Convenio 155 está retificado por Vietnam.

Buenas prácticas: ejemplos de un adecuado transporte gratuito para los empleados.

Aplicación correcta de la ley: ejemplos de adecuados servicios adicionales.

P) PRIMEROS AUXILIOS

P1) MATERIAL Y LOCALES DE PRIMEROS AUXILIOS

4.2.3.1/P1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.

R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.

R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/P1

LEGISLACIÓN VIETNAMITA

CIRCULAR 09/2000/TT-BYT GUIDING HEALTHCARE FOR LABORERS AT MEDIUM AND SMALL-SIZE ENTERPRISES

APPENDIX II - REGULATIONS ON FIRST AID KIT (issued together with Circular No.09/2000/TT-BYT)

1. *Place to put firt aid kit:*

- Kits shall be put at work places of laborers.

- Kits shall be put at places most visible, easy to find, with a specific sign (usually a red cross).

- Notifying the laborers of the place of the kit and use method.

2. *Equipment, tools and medicine for the first aid kit*

- The first aid kit must have enough equipment and instruments for use in emergency, not to put other things in the kit.

- To check the first aid kit regularly to ensure sufficient instruments.

Kit A Kit B Kit C Number Minimum equipment (for 25 (for 50 (for 100 workers) workers) workers)

1. Adhesive tape (roll) 02 02 04
2. Bandage 5 x 200cm (roll) 02 04 06
3. Medium bandage 10 x 200 cm (roll) 02 04 06
4. Large bandage 15 x 200 cm (roll) 01 02 04
5. Absorbent pad (10 pieces/box) 01 02 04
6. Absorbent wool (box) 05 07 10
7. Triangular bandage (unit) 04 04 06
8. Rubber garrot 6 x 100 cm (unit) 02 02 04
9. Rubber garrot 4 x 100 cm (unit) 02 02 04
10. Scissors (pair) 01 01 01
11. Clamp 04 04 06
12. Disposable glove (pair) 02 02 04
13. Suitable gas mask 01 01 02
14. Sterilized water or salt solution in 100 ml disposable bottles (where running water is not available) 01 03 06
15. Arm fixture (set) 01 01 01

[1] El Convenio 155 está retificado por Vietnam.

16. Forearm fixture (set) 01 01 01
17. Thigh fixture (set) 01 01 02
18. Shin fixture (set) 01 01 02
19. Disinfectant (bottle) 01 01 02
20. First-aid plan 01 01 01

3. Quantity of first aid medicine kits

The quantity of necessary first aid boxes or kits depends on the disposition at the establishment and the number of laborers. There should be at least 1 first aid box or kit at each floor of the building. The total of kits of different types is indicated below, depending on the number of laborers.

Number of laborers Quantity and type of first-aid bags

Under 25 persons At least 01 kit type A

From 26 to 50 persons At least 01 kit type B

From 51 to 150 persons At least 01 kit type C

Note: 01 kit type B is equivalent to 02 kits type A, and 01 kit type C is equivalent to 02 kits type B.

4.2.3.3/P1
POSIBLES BUENAS PRÁCTICAS EN ESTE SENTIDO

4.2.3.3.1/P1 Personas formadas convenientemente en la plantilla.

4.2.3.4/P1
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/P1/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/P1	50/100
4.2.3.4.1/P1/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/P1 SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/P1	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/P1	Personas formadas convenientemente en la plantilla.	20/100
	TOTAL	**80**

4.2.3.5/P1
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de material y áreas adecuadas de primeros auxílios.

Q) ESTABLECIMIENTO DE PLANES DE ACCIÓN EN CASO DE EMERGENCIA

4.2.3.1/Q
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/Q
LEGISLACIÓN VIETNAMITA
Law nº 10/2012/QH13-LABOR CODE

ARTICLE 140. DEALING WITH BREAKDOWNS AND EMERGENCIES

1 - In dealing with break-downs and emergencies, the employer shall have the following responsibilities:

a) Develop a contingency plan to deal with the incidents and provide emergency responses and organize periodical trainings and practice;

b) Provide technical and health equipments to ensure timely first aid and responses when there is a break-down or occupational accidents.

c) Immediately take action or give orders to immediately stop the operation of machinery, equipment and the workplace which are at risk of causing occupational accidents and diseases.

CIRCULAR 66/2014/TT- BCA DETAILINGTHE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE DECREE NO. 79/2014/NĐ-CP ON FIRE PREVENTION AND FIGHTING

Article 5. *Safety rules, direction map, instruction signs for fire prevention and fighting*

1 - Safety rules for fire prevention and fightinginclude the following information such as management and use of fire and heat-sources, inflammable and explosive substances, fire, heat generating equipment;prohibited acts according to the provisions of the Law on fire prevention andfighting; regulations on management, storage, maintenance, employment of means,equipment of fire prevention and fighting; things to be done to prevent andfight fire, explosion.

2 - Direction map of fire prevention and fightingmust present work items, internal road system, escape path, position ofemergency water and fire fighting equipment. Depending on nature andcharacteristics of specific operation of the facility, the guiding map of fireprevention and fighting can be made into separate maps to present one or someof the aforesaid information.

3 - Prohibition signs, notice signs and guidingsigns about fire prevention and fighting, including:

a) No fire sign, no smoking sign, no blocking sign,do not use water on fires sign... As for places where explosive materials, LPG,petrol are manufactured, managed, stored and used and other places running highrisk of fire, explosion, it is required to set up secondary signs prohibitingcarriage and use of sulfur, mobile phone, transmitters and receivers, and otherdevices likely to generate heat, spark or fire

b) Notice signs about materials running risk offire, explosion;

c) Guiding signs about fire prevention and fightingincluding: escape way sign, fire exit, positions where phones, extinguishers, pillar hydrants, emergency water, mechanical and other fire fighting equipmentare stored.

[1] El Convenio 155 está retificado por Vietnam.

4 - Size, forms of prohibition sign, notice signsand guiding signs about fire prevention and fighting shall follow TCVN 4879:Fire prevention – Safety signs. In case validity of prohibition sign, noticesign and guiding sign needs to be defined, secondary signs should be set up.

5 - Safety rules, guiding maps, prohibition signs,notice signs and guiding signs about fire prevention and fighting must bedisseminated and set up at easy-to-notice places.

Article 12. *Fire fightingplans*

1 - Construction of fire fighting plans

a) Fire fighting plans of facility (form No.PC11);

b) Fire fighting plans of the fire Department (formNo.PC12);

c) Fire fighting plans must be re-examined andapproved by competent persons when the most complicated fire detail is changedor there are at least two typical fire details being changed.

In case there is only one fire detail beingchanged, fire fighting plans shall be examined and approved by head of thefacility that construct such fire fighting plans.

2 - The fire Department that constructs the firefighting plan for nuclear facility, other facilities on the administrativedivision of commune-level neighboring the two central-affiliated provinces, andresidential areas as regulated in Article 13 hereof must make a written noticeabout the time for construction of fire fighting plans to heads of theabovementioned facilities and residential areas before three working days.Heads of facilities, the Presidents of the People's Committee of communes,wards, and towns (hereinafter referred to as Presidents of People's Committeesof communes) shall be responsible for providing necessary documents,information concerning the construction of fire fighting plans as required bythe fire Department, arranging people to get involved and ensuring conditionsfor the construction of fire fighting plan.

3 - Authorities to approvefire fighting plan

a) Presidents of People's Committees of communes,heads of agencies, organizations shall approve the fire fighting plan forfacilities that are not defined in the Appendix II enclosed together withDecree No. 79/2014/NĐ-CP within their scope of management;

b) Heads of the Fire department affiliated to theFire department of provincial level shall approve the fire fighting planspreparred by facilities as defined in the Appendix II enclosed together with theDecree No.79/2014/NĐ-CP within the administrative division; the fire fightingplans prepared by the fire Department for facilities within their scope ofmanagement;

c) Head of the Department of fire safety, reliefand rescue shall approve the fire fighting plans prepared by facilities asdefined in the Appendix II enclosed together with the Decree No.79/2014/NĐ-CP;the fire fighting plans prepared by the fire Department for facilities,residential areas within their administrative division; in specialcircumstances, the fire fighting plans shall be approved by Director ofprovincial police department;

d) Director of the fire Department of provinciallevel shall approve the fire fighting plans prepared by the fire Departmentthat mobilizes human forces and means from at least two subordinate fireDepartments or mobilizes human forces and means from many agencies,organizations outside the administrative division of one subordinate fireDepartment;

dd) The President of the People's Committee ofcentral-affiliated provinces and cities shall approve the fire fighting planspreparred by the fire Department for facilities on the administrative divisionof commune neighboring the two central-affiliated provinces and the firefighting plans prepared by the locally based army with human forces and meansmobilized;

e) General Director of the Central Department ofFire Prevention, Firefighting, Relief and Rescue shall approve the firefighting plans by the fire Department that mobilizes human forces and meansfrom many central-affiliated provinces and cities.

4 - Fire fighting plan practice

a) The fire fighting plans by facilities as definedin Clause 2, Article 21 of the Decree No.79/2014/NĐ-CP must be developed forregular practice. Number of practices shall be decided by a competent personwho develops the fire fighting plan but shall not be less than once a year; thefire fighting plan can be developed into one or more different situations butensures all the situations in the plan are practiced;

b) The fire fighting plan by the Fire departmentshall be practiced at the request of the competent person who approves the firefighting plan as stipulated in the Points b, c, d, dd and e, Clause 3 of thisArticle; The competent person who requests practice of the fire fighting planmust make a written notice to the President of People's Committee of commune,head of the facility where the practice is expected to take place at least 30working days prior to the practice, and send request for mobilization of humanforces and means for agencies, organizations and locality at least 20 workingdays before the practice takes place. The President of People's Committee ofcommune, head of the facility where the practice is expected to take placeshall be responsible for ensuring necessary conditions for the organization ofthe practice of fire fighting plan;

c) The fire fighting plan shall be put intounexpected practice in the preparation for special political, cultural and socialevents at local or national levels at the request of the competent person whoapproves the fire fighting plan according to the provisions set out in Clause 3of this Article.

Article 15. *Activities ofnight-watch forces, human force for prevention and fighting at intramural andprofessional levels*

1 - Organization, staff of night-watch teams

a) Night-watch teams from 10-20 staff shall bearranged with one captain and one vice-captain; from 20 to 30 staff, anadditional vice-captain shall be promoted. Night-watch teams can be dividedinto sub-teams from 5-10 staff with one captain and one vice-captain;

b) Officials, members of the night-watch teams arethose who are permanently present at their residence;

c) The President of People's Committee of communeshall decide the appointment of captains, vice-captains of the night-watchteams and sub-teams;

d) Police authorities of communes shall act as anadvisor for the President of the People's Committee of the same level in thedirection of night-watch teams.

2 - Organization and part-time staff of intramuralfire fighting team

a) If any facility, motor vehicle has less than 10permanent staff, all the staff working in such facility, motor vehicle shall beconsidered as members of intramural fire fighting team under the command of thehead of such facility, motor vehicle;

b) If any facility, motor vehicle has from 10-50permanent staff, the number of staff as members of the intramural fire fightingteam shall be at least 10 with one captain;

c) If any facility, motor vehicle has from 50-100permanent staff, the number of staff as members of the intramural fire fightingteam shall be at least 15 with one captain and one vice-captain;

d) If any facility, motor vehicle has from 100permanent staff and over, the number of staff as members of the intramural firefighting team shall be at least 25 with one captain and two vice-captains;

dd) If any motor vehicle or facility has more thanone independent workshop, department, or operates in shifts, each department,workshop, and shift must have one intramural fire fighting team with at leastfrom 05-09 staff with one captain and one vice-captain.

Head of the agency or organization directlysuperior to facilities, motor vehicles shall decide the appointment ofcaptains, vice-captains of the intramural fire fighting team.

3 - Organization and full-time staff of intramuralfire fighting team

a) Number of full-time staff of intramural firefighting team must ensure requirements for fire prevention and fighting of thefacility and be suitable for nature and characteristics of fire, explosion insuch facility. Head of the agency or organization directly superior tofacilities shall consider and give decision on the organization and full-timestaff of the intramural fire fighting team. Full-time staff of intramural firefighting team shall work in shifts around the clock. Leaders of the teaminclude one captain and one vice-captain;

b) Equipment of fire prevention and fighting forintramural fire fighting teams shall be decided by the Ministry of PublicSecurity; Agency of fire prevention and fighting shall provide guidance on firefighting competence.

4. In addition to the facilities that need theestablishment of the professional fire fighting team according to theprovisions set out in Clause 25, Article 1 of the Law on amendments andsupplements to a number of articles of the Law on fire prevention and fighting,other facilities such as national reserve and petrol stores with capacity of atleast 50,000 m^3, nuclear power plants and power plants with capacity of atleast 200 MW, paper production facilities with capacity of at least 25,000 tonsper year, nitrogenous fertilizer production facilities with capacity of atleast 180,000 tons per year, textile factories with capacity of 20 million m2per year; oil refineries, industrial zones, processing and exporting zones withan area of at least 50 ha must establish the professional fire fighting team.

Number of staff of professional fire fighting teammust ensure requirements for fire prevention and fighting of the facility andbe suitable for nature and characteristics of fire, explosion in such facility.Head of the agency or organization directly over facilities shall consider andgive decision on the organization and staff of the professional fire fightingteam. The professional fire fighting team shall work shifts around the clock.Leaders of the team include one captain and one vice-captain;

5. The person who decides the establishment ofnight-watch team, intramural and professional fire fighting teams shall beresponsible for maintaining the operation, organizing training in fire fightingcompetence, ranking operation of armed force teams, intramural and professionalfire fighting team on an annual basis.

Article 16. *Training in fireprevention and fighting competence*

1 - Trainees

a) Fire fighting commanders as defined in Clause 2,Article 37 of the Law on fire prevention and fighting;

b) Officials, members of night-watch team,intramural and professional firefighting team;

c) Staff who work in the environment posing risksof fire, explosion or are frequently in contact with inflammable and explosivesubstances;

d) Ship, train and plane captains, persons workingon motor vehicles with at least 30 seats, transporters of substances andcommodities posing risk of fire, explosion.

dd) Persons who work in fire prevention and fightingequipment manufacturers

e) Other individuals who need training in fireprevention and fighting competence.

2 - The President of the People's Committee of alllevels, heads of agencies, organizations and facilities shall be responsiblefor organizing training courses in fire prevention and fighting for thesubjects within scope of management. Heads of automobile driver traininginstitutions shall be responsible for introducing knowledge of fire preventionand fighting into the training course.

In case agencies, organizations and facilities thatare not able to organize their own training course or individuals have demandfor the training in fire prevention and fighting competence, they should submita written request of the fire Department for the organization of the trainingcourse. Expenses for the organization of the training course shall be incurredby such agencies, organizations, facilities or individuals.

3 - Time for the training in ire prevention andfighting competence

a) Time for the first training is from 16 to 24hours with respect to the subjects as defined in Clause 1 of this Article;

b) Time for re-training for replacement of theexpired certificate of fire prevention and fighting competence is 16 hours at aminimum.

4 - Application for the issuance of the certificateof fire prevention and fighting competence submitted to the fire Department isas follows:

a) For agencies, organizations and facilities thatorganize the training themselves, the documents include:

- *Written request for inspection and issuance ofcertificate of fire prevention and fighting competence;*
- *Training plan and program*
- *Resumes of participants in the training course*

b) For agencies, organizations and facilities thatare not able to organize the training themselves, the documents include:

- *Written request for the training;*
- *Resumes of participants in the training*

e) Other individuals who need to take part in thetraining and apply for the certificate of fire prevention and fightingcompetence must submit the application for attendance in the training course(form No. PC14).

5 - Procedures for issuance, re-issuance andreplacement of certificates of fire prevention and fighting competence

a) After completing the training with satisfactoryresults, the subjects as defined in Clause 1 of this Article shall be issuedthe certificates of fire prevention and fighting competence by the competentfire agency.

b) In case the certificate becomes torn, lost orinvalid, a written request for re-issuance or replacement must be submitted.

The time for issuance, re-issuance and replacementof certificates of fire prevention and fighting competence is five working dayssince the result is confirmed as satisfactory or a written request forre-issuance and replacement is submitted.

6 - Certificates of fire prevention and fightingcompetence issued by General Director of Central Department of Fire Prevention,Fighting, Relief and Rescue, Director of provincial fire Department, Head ofprovincial Department of Fire Prevention, Fighting, Relief and Rescue are validacross the country for a period of two years since the date of issuance. Afterthis period, re-training is compulsory for re-issuance of certificate.

4.2.3.3/Q
POSIBLES BUENAS PRÁCTICAS

4.2.3.3.1/Q Formación al personal para actuar en caso de emergencia.

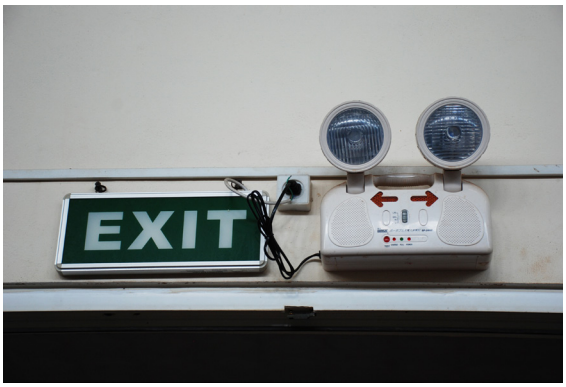
4.2.3.3.2/Q En los ejercicios de evacuación se toman fotografías y se cronometran los tiempos.

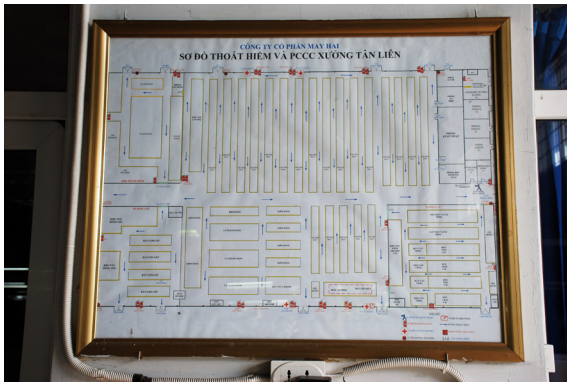
4.2.3.3.3/Q Existencia de un punto de encuentro.

4.2.3.4/Q
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/Q/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/Q	50/100
4.2.3.4.1/Q/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/Q SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/Q	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.3.4.2.1/Q	Formación al personal para actuar en caso de emergencia.	20/100
4.2.3.4.2.2/Q	En los ejercicios de evacuación se toman fotografías y se cronometran los tiempos.	10/100
4.2.3.4.2.3/Q	Existencia de un punto de encuentro.	10/100
	TOTAL	**100**

4.2.3.5/Q
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES


EXIT


CÔNG TY CỔ PHẦN MAY HẢI
SƠ ĐỒ THOÁT HIỂM VÀ PCCC XƯỞNG TÂN LIÊN

EXIT
LỐI THOÁT HIỂM

LỐI THOÁT HIỂM
EXIT

SƠ ĐỒ THOÁT HIỂM KHO THÀNH PHẨM
PKH
GHI CHÚ:
Xe bình cứu hỏa
Bình cứu hỏa
Tủ điện

SƠ ĐỒ THOÁT HIỂM NHÀ ĂN
GHI CHÚ:
Bình cứu hỏa
Tủ điện

EXIT
LỐI THOÁT
KHO PHỤ LIỆU
ACCESSORIES WAREHOUSE

Aplicación correcta de la ley: ejemplos de adecuados esquemas de actuación, existencia de puntos de encuentro y formación de equipos de emergencia.

R) VIGILANCIA DE LA SALUD DE LOS TRABAJADORES

4.2.3.1/R
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C155 Convenio sobre seguridad y salud de los trabajadores, 1981.
R164 Recomendación sobre seguridad y salud de los trabajadores, 1981.
R171 Recomendación sobre los servicios de salud en el trabajo, 1985.

4.2.3.2/R
LEGISLACIÓN VIETNAMITA

LAW Nº 10/2012/QH13 LABOUR CODE

Article 152: *Health care for employee:*

2. Each year, the employer must organize periodic health examinations for the employee, including the trade apprentice, trainee, female employees must receive the gynaecology examination, person who performs hard and hazardous work, the disabled and juvenile employee, elderly employee health must be examined health at least once for every 6 months.

[1] El Convenio 155 está retificado por Vietnam.

CIRCULAR 14/2013/BYT-TT GUIDING MEDICAL EXAMINATION

Article 3. *Expenses for medical examination*

1. Organizations, individuals requesting for ME must pay expenses to the ME establishments at the price of ME&T services already approved by competent state agencies or under agreement between two units, except for cases being exempted or reduced as prescribed by law.

2. If person being performed ME request to be issued for two or more ME certificates, he/she must pay additionally charge for issuance of ME certificate as prescribed by law.

3. The collection, remittance, management and use of funding source from the ME operation shall be comply with regulations of law.

Article 6. *Contents of medical examination*

1. In case of ME for persons at full 18 (eighteen) years or older but not case of periodical ME: Examining under contents inscribed in ME certificate specified in Annex 1 promulgated together with this Circular.

2. In case of ME for persons under 18 (eighteen) years but not case of periodical ME: Examining under contents inscribed in ME certificate specified in Annex 2 promulgated together with this Circular.

3. For case of periodical ME: Examining under contents inscribed in periodical ME book specified in Annex 3 promulgated together with this Circular.

4. For cases of ME under the set of specialized health standard: Examining under contents inscribed in ME certificate specified in the ME certificate form of that specialty.

5. For cases of ME at the request: Examining under content required by person performed ME.

Article 15. *Responsibility of labor's establishments*

1. To take responsibility for ME for subjects under their management competence as prescribed by law.

2. To manage periodical ME books of subjects under their management competence

Circular interministerial 01/2011/TTLT-BLDTBXH-BYT: Existencia del Comité de Seguridad e Higiene: actas de nombramiento, reunión e informe trimestral, nombramiento de personal a cargo de la seguridad e higiene en el trabajo.

Article 4. *Organization of labor safety and sanitation units*

1. A labor-employing establishment shall set up a labor safety and sanitation unit according to the following minimal regulations:

a) If the establishment employs under 300 direct workers, it shall appoint at least 1 part-time labor safety and sanitation officer;

b) If the establishment employs between 300 and 1,000 direct workers, it shall appoint at least 1 full-time labor safety and sanitation officer;

c) If the establishment employs more than 1,000 direct workers, it shall set up a labor safety and sanitation office or section or appoint at least 2 full-time labor safety and sanitation officers.

2. A labor safety and sanitation officer must satisfy the following conditions:

a) Having professional knowledge and skills in safety, fire and explosion prevention and fighting, labor environment and sanitation techniques;

b) Being knowledgeable about practical production, business or service provision operations of his/her establishment.

3. In case a labor-employing establishment cannot set up a labor safety and sanitation unit satisfying the conditions specified in Clauses 1 and 2 of this Article, it shall sign a contract with a capable organization to discharge the labor safety and sanitation tasks specified in Clause 2, Article 5 of this Circular.

Article 5. *Functions and tasks of a labor safety and sanitation unit*

1. Functions:

A labor safety and sanitation unit shall function to advise and assist the employer in organizing the performance, inspection and supervision of labor safety and sanitation activities.

2. Tasks:

a) To coordinate with relevant units in the labor-employing establishment in:

- Elaborating internal rules, regulations, processes and measures to assure labor safety and sanitation, prevent and fight fire and explosion in the establishment;

- Managing and monitoring the registration and inspection of machines, equipment, supplies and substances subject to stringent labor safety and sanitation requirements;

- Working out annual labor safety and sanitation plans and urging and supervising the implementation of these plans; assessing risks and working out emergency response and rescue plans;

- Disseminating the State's and the labor-employing establishment's regulations on labor safety and sanitation within the establishment;

- Organizing labor safety and sanitation training for employees;

- Conducting labor safety and sanitation examination at least once a month in production units and places in which heavy, noxious or dangerous jobs are performed;

- Checking the labor environment and food safety (if the establishment provides industrial shift meals for employees); following the situation of occupational injuries and diseases; and proposing the employer to take measures to manage and care for labor health.

b) To propose and take part in inspecting the observance of labor safety and sanitation regulations by the labor-employing establishment under Article 17 of this Circular;

c) To propose to the employer measures to address labor safety and sanitation problems.

Article 10. *Organization of a network of safety and sanitation workers*

1. Each professional department or section of a medical examination and treatment establishment or each production unit of an enterprise or a production or business establishment must have at least one part-time safety and sanitation worker.

2. A safety and sanitation worker must be a direct worker who is professionally knowledgeable (about labor safety and sanitation knowledge and techniques), enthusiastic and exemplary in observing labor safety and sanitation regulations and elected by employees of a working team.

3. Safety and sanitation workers shall work under the management and guidance by the grassroots trade union executive board or the representative of the labor collective and the employer-issued operation regulation of the network of safety and sanitation workers.

Article 13. *Organization of labor protection councils*

1. Any labor-employing establishment which employs over 1,000 direct workers shall set up a labor protection council. Other labor-employing establishments may set up a labor protection council when finding it necessary and having sufficient conditions for the operation of such council.

2. Labor protection councils function to coordinate and advise on labor safety and sanitation activities in their labor-employing establishments and to guarantee the trade union's right to take part in and inspect and supervise labor protection, safety and sanitation activities.

3. The membership of a labor protection council depends on the number of employees and the size of its establishment and complies with the following regulations:

a) The representative of the employer acts as chairman of the council;

b) The representative of the grassroots trade union executive board or employees in an establishment without trade union organization acts as vice chairman of the council;

c) The head of the labor safety and sanitation unit or the labor safety and sanitation officer of the establishment acts as standing member-cum-secretary of the council. If the labor safety and sanitation officer is hired under a contract from another organization, the standing member-cum-secretary of the council shall be appointed by the employer.

Depending on the characteristics and practical conditions of each labor-employing establishment, a labor protection council may have other related members, provided the total number of its members must not exceed 9.

Article 17. *Labor safety and sanitation self-inspection*

1. Employers shall prescribe and organize labor safety and sanitation self-inspection in their establishments.

2. Employers shall decide on self-inspection activities, forms and schedules under the guidance in Appendix 3 to this Circular (not printed herein), provided that comprehensive inspection shall be conducted at least once every 6 months in the whole establishments and at least once every 3 months in workshops and production teams or groups.

3. For a group of companies operating under the Law on Enterprises, self-inspection regulations are applicable to each company in the group.

CIRCULAR 27/2013/TT-BLDTBXH: ACTIVIDADES DE ENTRENAMIENTO A LOS MIEMBROS DEL COMITÉ DE SEGURIDAD E HIGIENE, OBTENCIÓN Y RENOVACIÓN DE LOS CERFITICADOS CORRESPONDIENTES.

Se ha publicado una normativa que modifica los contenidos de este circular y sería la de abajo la más actualizada (Decree 44/2016).

Decree 44/2016/ND-CP details some articles of the Law on Occupational safety and sanitation, technical inspection of occupational safety, training of occupational safety and sanitation and monitoring of occupational environment.

Article 17. *Subjects participating in the training course of occupational safety and sanitation*

The subjects specified in Article 14 of the Law on occupational safety and sanitation are defined as the following groups:

1. Group 1: The person who manages and is in charge of the occupational safety and sanitation include:

a) The heads of business and production units and establishments, departments and subordinate branches; the persons in charge of production, business and techniques; foremen of workshops and the equivalent;

b) The deputy of the heads specified under Point a, Paragraph 1 of this Article are assigned to be in charge of occupational safety and sanitation.

2. Group 2: The person performing the occupational safety and sanitation includes:

a) Persons working full time or part time on occupational safety and sanitation of their establishments;

b) Persons directly monitoring the occupational safety and sanitation at their workplace.

3. Group 3: Employees performing work with strict requirements on occupational safety and sanitation are the persons who perform work included in the List of work with strict requirements on occupational safety and sanitation issued by the Ministry of Labor - Invalids and Social Affairs

4. Group 4: Employees who do not belong to the groups specified in Paragraphs 1, 2, 3 and 5 of this Article, including the apprentices, probationary employees who shall work for the employers.

5. Group 5: Persons who perform health work.

6. Group 6: Safety and sanitation employees specified in Article 74 of the Law on occupational safety and sanitation.

Article 18. *Content of training of occupational safety and sanitation*

1. Group 1 training

a) System of law and policies on occupational safety and sanitation;

b) Professional activities of occupational safety and sanitation include: Organizing the apparatus, management and compliance with regulations on occupational safety and sanitation at the establishments; defining responsibility and assigning power on occupational safety and sanitation; basic knowledge about harmful and dangerous factors, preventive measures, improvement of working conditions and safety culture in production and business.

2. Group 2 training

a) System of policies and laws on occupational safety and sanitation;

b) Professional activities of occupational safety and sanitation: Organizing the apparatus, management and compliance with regulations on occupational safety and sanitation at the establishments; developing the rules, regulations, procedures and measures to ensure the occupational safety and sanitation; defining responsibility and assigning power on occupational safety and sanitation; safety culture in production and business; basic knowledge about harmful and dangerous factors, preventive measures, improvement of working conditions; developing and urging the implementation of annual plan for occupational safety and sanitation; analyzing and evaluating risks and developing the urgent response plan; developing the management system of occupational safety and sanitation; self-inspection and investigation of occupational accidents; requirements for inspection, training and observation of working environment; management of machine, equipment, materials with strict requirements on occupational safety and sanitation, information, propagation and training of occupational safety and sanitation; first aid and emergency of occupational accident, prevention of occupational disease for employees; emulation and commendation, discipline, statistics and report on occupational safety and sanitation.

c) Specialized training content: General knowledge about machine, equipment, materials and substances generating dangerous and harmful factors; procedures for safe work with machine, equipment, materials and substances with strict requirements on occupational safety and sanitation.

3. Group 3 training

a) System of policies and law on occupational safety and sanitation;

b) Basic knowledge about occupational safety and sanitation: Policies and regulations on occupational safety and sanitation for the employees; basic knowledge about dangerous and harmful factors at workplace and method for improvement of working conditions; functions and duties of the safety network, sanitation employees; safety culture in production and business; rules of occupational safety and sanitation, signs and signposts of occupational safety and sanitation and use of safety equipment, means of personal protection; techniques and skills of first aid of occupational accidents and prevention of occupational diseases;

c) Content of specialized training: General knowledge about machine, equipment, materials and substances generating dangerous and harmful factors and the method for analysis, evaluation and management of risks related to the work with strict requirements on occupational safety and sanitation which the trainees are performing; procedures for safe work, occupational sanitation; safety techniques and occupational sanitation related to the work of employees;

4. Group 4 training

a) Basic knowledge about occupational safety and sanitation: Rights and obligations of the employers, the employees, regulations on occupational safety and sanitation for the employees; basic knowledge about dangerous and harmful factors at workplace and method for improvement of working conditions; functions and duties of the safety network, sanitation employees; safety culture in production and business; rules of occupational safety and sanitation, signs and signposts of occupational safety and sanitation and use of safety equipment, means of personal protection; techniques and skills of first aid of occupational accidents and prevention of occupational diseases;

b) On-the-spot training: Working procedures and specific requirements on occupational safety and sanitation at workplace.

5. Group 5 training:

a) System of policies and law on occupational safety and sanitation;

b) The professional work of occupational safety and sanitation includes: Organizing the apparatus, management and compliance with regulations on occupational safety and sanitation at the establishments; defining responsibility and assigning power on occupational safety and sanitation; basic knowledge about dangerous and harmful factors, measures to prevent and improve the working conditions; safety culture in production and business;

c) Training for issue of Certificate of professional occupational health: Harmful factors at workplace; observing the working environment to evaluate the harmful factors; preparation of dossier of occupational sanitation at workplace; common occupational diseases and prevention measures; ways to organize the examination of occupational diseases, examination for work placement, preparation of dossier for inspection of occupational disease; organization and skills of first aid and emergency; prevention of disease at workplace; food safety; procedure for taking and storing food sample; supply of objects and nutrition to employees; health improvement at workplace; prevention of non-infectious disease at workplace; knowledge, skills and methods of making plan, scheme, equipment and necessary conditions to carry out work of occupational sanitation; method of educational communication on occupational sanitation, prevention of occupational diseases; setup and management of information on occupational sanitation and occupational diseases at workplace; setup and management of health dossier of employees and persons with occupational diseases; coordination with the persons performing work of occupational safety and sanitation or management department of occupational safety and sanitation for implementation of relevant duties in accordance with the provisions in Article 72 of the Law on occupational safety and sanitation.

6. Group 6 training:

The employees participating in the safety network and sanitation employees, in addition to the prescribed contents of training of occupational safety and sanitation, they are also provided with additional skills and methods of safety and sanitation employees.

Article 19. *Training time*

The first minimum training time is provided for as follows:

1. Group 1 and Group 4: The total training time is at least 16 hours, including the testing time.

2. Group 2: The total training time is at least 48 hours, including the training time of theory, practice and testing time.

3. Group 3: The total training time is at least 24 hours, including the testing time.

4. Group 5: The total training time is at least 56 hours, including the testing time in which the training time for issue of Certificate of professional occupational health of at least 40 hours; the content of training for issue of Certificate of occupational safety and sanitation is at least 16 hours.

5. Group 6: The total training time is at least 4 hours in addition to the training time of occupational safety and sanitation.

Article 24. *Managing the issue of training Certificate, safety Card and Certificate of professional occupational health*

1. Issue of training Certificate

a) Training organization and the enterprises eligible for organizing the self-training shall issue the training Certificate to the trainees of the groups 1, 2, 5 and 6 after they pass the examination and testing.

b) The training Certificate is under the Form No.08 of Appendix II issued with this Decree.

2. Issue of safety Card

a) The employer shall issue the safety Card to the trainees of group 3 when they pass the examination. The training organization shall issue the safety Card to the employees who do not work under labor contract.

b) The safety Card is under the Form No.08 of Appendix II issued with this Decree.

3. Issue of Certificate of professional occupational health

a) Training organization, self-trained enterprises, healthcare facilities including the professional educational institutions of medical training, other educational facilities with industry code of health science industry, research institute of preventive medicine system at central level with training function, health personnel training center issuing Certificate of professional occupational health to the persons who are provided with training of professional occupational health after satisfactory examination;

b) The Certificate of professional occupational health is under the Form No.07, Appendix II issued with this Decree.

4. Monitoring book for trained persons of group 4

a) The employers record the trainee's training result of group 4 in the book at their business and production establishments.

b) The training monitoring book is the Form 11 specified in Appendix II issued with this Decree.

5. The training organization and enterprises eligible for self training and the business and production establishments shall prepare the book to monitor the training Certificate, safety Certificate, Certificate of professional occupational health; the monitoring book for persons of group 4 is the Forms 09, 10, 11 of Appendix II issued with this Decree.

Article 25. *Validity for issue and re-issue of training Certificate, safety Certificate, Certificate of professional occupational health*

1. The training Certificate and safety Certificate have validity of 02 years and the Certificate of professional occupational health has validity of 05 years.

2. Within 30 days before the expiration of training Certificate, safety Certificate and Certificate of professional occupational health, the employers shall make a list of persons to be issued with the training result or papers evidencing the updating of knowledge and skills of occupational safety and sanitation as stipulated in Paragraph 1, Article 22 of this Decree and send this list to the training organization, healthcare facilities or self-trained enterprises as stipulated in Article 26 and 29 of this Decree. If the training result is satisfactory, the trainees shall be issued with the new safety Certificate and Certificate of professional occupational health in accordance with the provisions in this Decree.

CIRCULAR INTERMINISTERIAL 01/2011/TTLT-BLDTBXH-BYT: EXISTENCIA DE MÉDICO Y SERVICIOS SANITARIOS DURANTE LAS HORAS DE TRA¬BAJO PARA CENTROS CON MÁS DE 500 TRABAJADORES Y CONTRATO DE ASISTENCIA SANITARIA CON CENTROS DE SALUD CUANDO SEAN MENOS DE 500 TRABAJADORES.

Article 7. *Organization of health units in labor-employing establishments*

1. A labor-employing establishment shall set up a health unit according to the following minimal regulations:

a) If the establishment employs between 500 and 1,000 direct workers, it must have at least 1 health worker possessing an intermediate medicine degree;

b) If the establishment employs more than 1,000 direct workers working together in the same place, it shall organize a health station or unit or an infirmary staffed with at least 1 assistant medical doctor or general medical doctor.

2. In case a labor-employing establishment cannot set up a health unit under Clause 1 of this Article or employs under 500 direct workers, it shall sign a healthcare contract with any of the following local health establishments:

a) Health station of commune, ward or township;

b) Regional general clinic;

c) Hospital of district or provincial city (below collectively referred to as district) or district-level health center.

4.2.3.3/R
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: adecuadas instalaciones y servicio sanitario.

4.2.3.4/R
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.3.4.1/R/1	CUMPLIMIENTO BÁSICO DEL PUNTO 4.2.3.2/R	50/100
4.2.3.4.1/R/2	CUMPLIMIENTO DEL PUNTO 4.2.3.2/R SOBREPASANDO EXPECTATIVAS	10/100
4.2.3.4.2/R	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**60**

4.2.4 LIBERTAD DE ASOCIACIÓN

(corresponde al punto 4 del Código de Conducta de la organización)

"Los fabricantes respetarán el derecho de sus empleados a asociarse, organizarse o negociar colectivamente sin que sufran por ello ninguna clase de sanción."

4.2.4.1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C87. Convenio sobre la libertad sindical y la protección del derecho de sindicación, 1948.
C98. Convenio sobre el derecho de sindicación y negociación colectiva, 1949.
C135. Convenio sobre los representantes de los trabajadores, 1971.
C154. Convenio sobre la negociación colectiva, 1971.
R143. Recomendación sobre los representantes de los trabajadores, 1981.
R163. Recomendación sobre la negociación colectiva, 1981.

4.2.4.2
LEGISLACIÓN VIETNAMITA

LAW Nº. 10/2012/QH13 LABOUR CODE

Article 69. Representatives of the parties to the collective bargaining
1. Representatives of the parties to the collective bargaining are regulated as follows:
a) The representative for the worker's collective in collective bargaining at the enterprise level shall be the representative organization of the worker's collective at grassroots level; at sectoral level, this shall be the representative of the executive committee of the sectoral trade union.
b) The representative on the employer's side in collective bargaining at the enterprise level shall be the employer or the representative of the employer; at the sectoral level, this shall be the representative of sectoral employers' organization.
2. The number of representatives of each party participating in the negotiation meeting shall be agreed by the two parties.

Article 189. *Establishing and joining and operating trade union at enterprises, agencies and organizations*

1. The employee working at the enterprises, agencies and organizations has the right to establish, join and operate the trade union in accordance with the Law on Trade unions.

2. The superior grassroots trade union has the right to mobilize the employee to join the trade union, establish the grassroots trade union at the enterprises, agencies and organizations and has the right to require the employer and the state management agency on labor to create conditions and support the establishment of the grassroots trade union.

3. When the grassroots trade union is established under the provisions of the Law on Trade union, the employer must recognize and create favorable conditions for the grassroots trade union to operate.

LAW Nº. 12/2012/QH13 ON TRADE UNION

Article 5. *Rights of establishing, participating in and operating of Trade Union*

1. Laborers are Vietnamese persons working in agencies, organizations, enterprises shall have rights to establish, participate in and operate Trade Union.

[1] Los convenios 97, 98, 135, 154 no ha sido ratificados por Vietnam.

2. Order, procedures of establishment, participation and operation of Trade Union shall comply with provisions in the charter of Vietnamese Trade Union.

Article 10. *Representation, protection of legal and legitimate rights and interests of laborers*

1. Guiding, consulting laborers on their rights and obligations upon concluding, performing labor contracts, working contracts with units employing laborers.

2. Representing for labor collective in agreement of, conclusion and supervision of the implementation of collective labor accord.

3. Participating with units employing laborers to formulate and supervise the implementation of wage scales and wage groups, the labor standards, regulations of wave paying, regulations of reward, labor regulation.

4. Talking with units employing laborers to settle problems related to rights and obligations of laborers.

5. Organizing of law consulting activities for laborers.

6. Taking part in settle labor disputes together with agencies, organizations, competent personals

7. Proposing to organizations, competent state agencies for consideration, settlement upon the legal and legitimate rights and interest of labor collective or laborers are breached.

8. Representing labor collective to suing at the Court upon the legal and legitimate rights and

interest of labor collective are breached; representing laborer to suing at the Court upon the legal and legitimate rights and interest of laborer are breached and being authorezed by laborer.

9. Representing labor collective to participate in legal proceeding related to cases of labor, administration, enterprise bankruptcy in order to protect the legal and legitimate rights and interest of labor collective and laborers

10. Organization and leadership of strikes as prescribed by law.

The Government shall detail this article after unifying with Vietnam General Confederation of Labour.

4.2.4.3
POSIBLES BUENAS PRÁCTICAS

4.2.4.4.1 Los representantes de los trabajadores se reúnen periódicamente (mínimamente de forma trimestral) y levanta actas de sus reuniones.

4.2.4.4.2 Los representantes de los trabajadores tratan de temas relevantes tales como: salarios, horarios, horas extraordinarias y levanta actas de sus reuniones.

4.2.4.4.3 Seguimiento estricto y documentado (actas) del procedimiento de elección de los representantes de los trabajadores.

4.2.4.4.4 La empresa considera efectivamente las proposiciones realizadas por los representantes de los trabajadores.

4.2.4.4.5 Existencia de un buzón de sugerencias con una gestión adecuada.

4.2.4.4.6 Existencia de actividades de tipo social ajenas a la actividad de la empresa para crear cohesión interna entre los trabajadores: clubs deportivos, celebraciones, etc.

4.2.4.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.4.4.1	CUMPLIMIENTO DEL PUNTO 4.2.4.2	50/100
4.2.4.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.4.4.2.1	Los representantes de los trabajadores se reúnen periódicamente (mínimamente de forma trimestral) y levanta actas de sus reuniones.	10/100
4.2.4.4.2.2	Los representantes de los trabajadores tratan de temas relevantes tales como: salarios, horarios, horas extraordinarias y levanta actas de sus reuniones.	10/100
4.2.4.5.2.3	Seguimiento estricto y documentado (actas) del procedimiento de elección de los representantes de los trabajadores.	10/100
4.2.4.4.2.4	La empresa considera efectivamente las proposiciones realizadas por los representantes de los trabajadores.	10/100
4.2.4.4.2.5	Existencia de un buzón de sugerencias con una gestión adecuada.	5/100
4.2.4.4.2.6	Existencia de actividades de tipo social ajenas a la actividad de la empresa para crear cohesión interna entre los trabajadores: clubs deportivos, celebraciones, etc.	5/100
	TOTAL	**100**

4.2.4.5
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Buenas prácticas: ejemplos de disponibilidad de buzones de sugerencia.

4.2.5 DISCRIMINACIÓN

(corresponde al punto 5 del Código de Conducta de la organización)

"Los fabricantes no realizarán ningún tipo de discriminación en las prácticas laborales y de contratación por motivos de raza, nacionalidad, religión, discapacidad, sexo, edad, orientación sexual, asociación o afiliación política o cualquier otra situación."

4.2.5.1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C100. Convenio sobre igualdad de remuneración, 1951.
C111. Convenio sobre la discriminación (empleo y ocupación), 1958.
C183. Convenio sobre la protección de la maternidad, 2000.
R90. Recomendación sobre igualdad de remuneración, 1951.
R111. Recomendación sobre la discriminación (empleo y ocupación), 1958.
R191. Recomendación sobre la protección de la maternidad, 2000.

4.2.5.2
LEGISLACIÓN VIETNAMITA

LAW Nº 10/2012/QH13 LABOUR CODE

Article 5. *Rights and duties of employees*

1. The employees are entitled to:

a) Work, independently select works, vocations, get vocational training and improvement without discrimination;

Article 7. *Labor relations*

1. Labor relation between the employee or the labor collective with the employer is established through communication, negotiation and agreement in a voluntary, affable, equitable, cooperative manner, in which the lawful rights and interests are mutually respected.

Article 8. *Prohibited acts*

1. Discrimination by sex, race, social class, marital status, belief, religion, discrimination against HIV sufferers, disabled people or against the reasons for establishing, joining and participate in the Union activities.

Article 90. *Salary*

(...)

3. The employer must guarantee to pay equally without the gender discrimination for the employee performing work with the same value.

Article 154. *Obligations of the employer for the female employee*

1. To ensure the gender equality and measures to promote the gender equality in recruitment, utilization, training, working time, rest time, salary and other regimes.

Article 177. *Employing disabled employee*

1. The employer must ensure that the working conditions, labor tools, labor safety and hygiene are in accordance with the disabled employee and regularly take care of their health.

2. The employer must gather the disabled employee upon making decisions on the issues related to their interests.

[1] Vietnam ha ratificado los convenios 100 y 111, pero no el convenio 183.

4.2.5.3
POSIBLES BUENAS PRÁCTICAS

4.2.5.3.1 Medidas de transparencia tales como publicación de información general sobre la política de salarios, de primas, etc.

4.2.5.3.2 Condiciones de trabajo más favorables para mujeres embarazadas (plancha, prioridad en el acceso al transporte, lavabos reservados, etc.)

4.2.5.3.3 Trabajadores contratados con discapacidades.

4.2.5.3.4 Todas aquellas que faciliten el acceso al trabajo (discriminación positiva) a personas en condiciones de posible exclusión social: mujeres divorciadas, ex reclusos, jóvenes procedentes de barrios marginales, u otras personas en condiciones de dificultad.

4.2.5.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.5.4.1	CUMPLIMIENTO DEL PUNTO 4.2.5.2	50/100
4.2.5.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.5.4.2.1	Medidas de transparencia tales como publicación de información general sobre la política de salarios, de primas, etc.	20/100
4.2.5.4.2.2	Condiciones de trabajo más favorables para mujeres embarazadas (plancha, prioridad en el acceso al transporte, lavabos reservados, etc.)	10/100
4.2.5.4.2.3	Trabajadores contratados con discapacidades.	10/100
4.2.5.4.2.4	Todas aquellas que faciliten el acceso al trabajo (discriminación positiva) a personas en condiciones de posible exclusión social: mujeres divorciadas, ex reclusos, jóvenes procedentes de barrios marginales, u otras personas en condiciones de dificultad.	10/100
	TOTAL	**100**

4.2.5.5
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Buenas prácticas: salida preferente para mujeres embarazadas.

4.2.6 MEDIDAS DISCIPLINARIAS, ACOSOS Y ABUSOS

(corresponde al punto 6 del Código de Conducta de la organización)

"Los fabricantes no harán uso de castigos corporales, así como de abusos físicos o psicológicos y/o cualquier otra tipología de acoso."

4.2.6.1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C158. Convenio sobre la terminación de la relación de trabajo, 1982

4.2.6.2
LEGISLACIÓN VIETNAMITA

LAW Nº 10/2012/QH13 LABOR CODE

Article 3: *. Interpretation of terms*

10. Coercive labor is the use of force, the threat to use force or other tricks to coerce other people to work involuntarily.

Article 8. *Prohibited acts*

(...)

3. Coercive labor.

Article 106. *Overtime working*

(...)

2. The employer is entitle to employ the employee to work overtime upon satisfying the following conditions:

a) With the consent of the employee;

Article 119. *Labour rule*

1 - The employer who employs from ten (10) or more employees must have the labour rule in writing.

2 - The contents of the labour rule must not be contrary to the law on labor and other regulations of the relevant law. The labor rule includes the following essential contents:

a) Working hours and rest time;

b) Order at the workplace;

c) Labor safety and hygiene at the workplace;

d) Protection of assets and business and technology secrets and intellectual property of the employer;

dd) Acts of violation of the labor rule of the employee and the forms of labor discipline and material responsibility

3 - Before issuing the labor rule, the employer must consult the representative organization of the labor collective at the grassroots level.

4 - The labor rule must be notified to the worker and the main contents must be posted at necessary places within the enterprise.

Article 123. *Principles and procedures of labor discipline*

1. The labor discipline is regulated as follows:

[1] Vietnam no ha ratificado el convenio 158.

a) The employer must prove the employee's fault;

b) There must be the participation of the representative organization of the labor collective at the grassroots level.

c) The employee must be present and has the right to defend himself, request a lawyer or someone to defend. In case of a person under age 18, there must be the participation of parents or the legal representative;

d) The labor discipline must be made in writing.

2. There is no permission to apply various forms of labor discipline for a violation of labor discipline.

3. When an employee at the same time has many acts of violation of the labor discipline, only the highest form of discipline shall apply corresponding to the most serious act of violation.

4. There is no permission for the labor discipline for the employe in the following time

a) Taking leave due to sickness, in convalescence and work leave with the permission of the employer;

b) Being in custody or detention;

c) Awaiting the results of the competent authority to investigate, verify and conclude for the acts of violations prescribed in Clause 1, Article 126 of this Code;

d) The female employee is pregnant and takes maternity leave; the employee nourishes her child under 12 months old

5. No labor discipline for the employee violating the labor discipline while suffering from the mental illness or another disease that causes the loss of consciousness ability or the loss of his behaviour control

Article 124. *Limitation of labor discipline*

1. The limitation of labor discipline is up to 06 months from the date the occurrence of violation; in case the act of violation is directly related to the finance, property, disclosure of business and technology secret of the employer, the limitation of the labor discipline is up to 12 months.

2. When the time period is over as specified in points a, b and c, Clause 4 of the Article 123, if the limitation is still valid to discipline the employees, the employer shall conduct the labor discipline immediately, if the limitation expires, it shall be extended for the labor discipline but not exceeding 60 days maximally from the end date of the time period above mentioned.

When the time period specified at Point d, Clause 4 of the Article 123 is over but the limitation of the labor discipline has ended, the limitation shall be extended for the labor discipline but not exceeding 60 days maximally from the end date of the time period above mentioned.

3. The decision on the labor discipline must be issued within the time limit specified in Clause 1 and Clause 2 of this Article.

Article 125. *Form of labor discipline*

1. Reprimand

2. Prolongation of wage increase within 06 months; dissmissed from office.

3. Dismissal

Article 126. *Application of the form of disciplinary dismissal*

The form of disciplinary dismissal is applied by the employer in the following cases:

1. The employee has the act of theft, embezzlement, gambling, intentionally causing injury, using drug within the workplace, disclosing the technology and business secrets, intellectual property infringement of the employer, having the act of causing serious damage or threatening to cause extremely serious damage to the property and interests of the employer;

2. The employee is disciplined by the prolongation of salary increase period but still repeating the violation during the time the disciplinary has not been cancelled or disciplined by the dismissal but still repeating the violation.

Recividism is the case the employee repeats the act of violation that was disciplined but the discipline hasnot been deleted as prescribed in the Article 127 of this Code

3. The employee quits his job willingly totally 05 days in 01 months or 20 days totally in 01 year without any proper reason.

The cases are considered the proper reason including: natural disaster, fire, self and relative falls ill with the certification of the competent medical facility and other cases prescribed in the labor rule.

Article 128. *Prohibited regulation upon labor discipline*

1. Violating the employee's body or dignity.

2. Applying the form of fine, salary cutting in lieu of labor discipline.

3. Handling the labor discipline for the employee having the act of violation not prescribed in the labor rule.

Article 130. *Damage compensation*

1. If the employee causes damage to the tools or equipment or has other acts that cause damage to the employer's property, he shall make a compensation as prescribed by the law

In case the employee does not cause serious damage due to negligence with a value not exceeding the regional minimal salary of 10 month announced by the Government applied at the employee's workplace, the employee shall make a compensation of 03 months' salary at most and be deducted from the monthly salary as prescribed in Clause 3, Article 101 of this Code.

2. Where the employee loses the tools, equipment and property of the employer or other property assigned by the employer or consumes the materials over the permitted norm, he shall be liable for making the compensation of damages partially or entirely according to current market price; in case of a liability contract, he shall make the compensation under the liability contract; in case of natural disasters, fire, enemy-inflictes destruction, epidemics, disasters and occurrence of unforeseeable and unsurmountable objective events despite taking all necessary measures and allowable ability, he shall not make the compensation.

DECREE Nº 05/2015/ND-CP DEFINING AND PROVIDING GUIDANCE ON THE IMPLEMENTATION OF A NUMBER OF CONTENTS OF THE LABOR CODE

Article 30. *Procedures for handling violations against the labor discipline*

The procedures foe handling of violations against labor discipline in Article 123 of the Labor Code shall be prescribed as follows

1. The employer shall give a written notice of the participation in the meeting of handling violations against labor discipline to the executive board of the primary trade unions or trade union at the higher levels of grassroots one at the place where the primary trade union has not been yet established, employees, parents or legal representatives of the employees under 18 years of age at least 5 working days prior to the meeting.

2. The meeting about handling of violations against labor discipline shall be conducted in the presence of sufficient participants notified under the provisions of clause 1 of this Article. If the employer has noticed in writing 03 times, but one of the participants is absent, the employer shall conduct the meeting unless the employee is in time that labor disciplinary measures may not applied as specified in clause 4 of Article 123 of the Labor Code.

3. The meetings for labor discipline must be made in minutes and such minutes must be agreed by the participants before the end of the meeting. The minutes must be signed by all meeting participants prescribed in clause 1 of this Article and the minutes writer. If one of the participants attended the meeting without signing the minutes, the reason for such refusal must be clearly provided.

4. The persons concluding contracts prescribed at Points a, b, c and d, Clause 1, Article 3 of this Decree shall be the persons entitled to make decision on handling violations against labor discipline imposed on employees. Persons authorized to conclude contracts may only handle violations against labor discipline in the form of reprimands.

5. The decision to handle violations of labor discipline to employees must be issued within the statute of limitations of handling violations of labor discipline or prolonged duration of the statute of limitations of handling violations of labor discipline under Article 124 of the Labor Code, such decision must be sent to the participants of meeting of handling violations of labor discipline.

Article 31. *Dismissal imposed on employees being absent from work without permission*

1. Dismissal may be applied by an employer as a form of discipline for an employee who has been absent from work without permission for a total of 5 working days within 1 month or 20 days within 1 year without plausible reasons

2. Dismissal may be applied by an employer as a form of discipline for an employee quitting jobs with the following plausible reasons :

a) Natural disasters, conflagration;

b) Illness of employees or their mother, father, adoptive mother, adoptive father, mother-in-law, father-in-law, husband, wife, children or adopted children with certification by a health facility founded and operated as prescribed in law

c) Other cases defined in the labor regulations.

Article 32. *Compensation for damage*

Compensation for damage under the provisions of Article 130 of the Labor Code shall be prescribed as follows:

1. In case due to negligence, an employee causes damage to tools and equipment valued at no more than 10 months' regional minimum wage announced by the Government and this damage is applied at the employee's workplace, the employee shall pay compensation of no more than 3 months' wage which is written in the employment contract of the preceding month before the damage that happens and this compensation shall be deducted monthly from his/her wage in accordance with Clause 3, Article 101 of this Code.

2. The employee must pay compensation for damage in whole or in part in accordance with the market price in one of the following cases:

a) An employee, due to negligence, causes damage to tools and equipment valued at no more than 10 months' regional minimum wage announced by the Government and this damage amount is applied at the employee's workplace.

b) An employee causes loss of tools, equipment or assets of the employer or other assets provided by the employer.

c) An employee consumes materials in excess of the permitted level defined by the employer.

3. If the employee causes any damage as prescribed in clause 2 of this Article and has been bound by the liability contract with the employer, such employee must compensate according to the liability contract.

4. In case the damage is caused by a natural disaster, conflagration, hostilities, epidemic diseases, calamity or other objective events which are unforeseeable and irremediable and every necessary measure has been taken to full ability, no compensation is required.

5. The process and effective term of payment for compensation for damages shall be applied in the procedures and statute of limitations of handling violations of labor discipline.

4.2.6.3
POSIBLES BUENAS PRÁCTICAS

N/A (Completo con la aplicación de la ley).

4.2.6.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.6.4.1	CUMPLIMIENTO DEL PUNTO 4.2.6.4	50/100
4.2.6.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A (Completo con la aplicación de la ley)	
	TOTAL	**50**

4.2.7 HORARIO DE TRABAJO

(corresponde al punto 7 del Código de Conducta de la organización)

"Los fabricantes acatarán la legislación aplicable y las reglas de su industria en materia de horas trabajadas. Las horas extraordinarias deberán ser siempre voluntarias y adecuadamente retribuidas.

Si se realizan horas extraordinarias, se aceptará un máximo de dos horas por día. En el caso de que se produzcan condiciones excepcionales de forma puntual cabe la posibilidad de modificar este límite aceptando aquellas situaciones que, con las características anteriormente descritas, y siendo razonables y lógicas, se realicen siempre de mutuo acuerdo con el trabajador no superando nunca el máximo anual de horas extraordinarias totales al año previstas en la legislación."

4.2.7.1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C1. Convenio sobre las horas de trabajo (industria), 1919.
C14. Convenio sobre el descanso semanal (industria), 1921[1].

4.2.7.2
LEGISLACIÓN VIETNAMITA

LAW Nº 10/2012/QH13 LABOR CODE

Article 104: *Normal working hours*

1. Working hours shall not exceed 08 hours per day or forty eight (48) hours per week.

2. The employer shall have the right to determine the working hours on a daily or a weekly basis; in case of weekly basis, the normal working hours shall not exceed 10 hours/1 day, but not exceed 48 hours/1 week

The State encourages the employer to implement the 40-hour working week.

3. The working hours shall not exceed 06 hours in 01 day for those whose works are extremely hard, harmful and dangerous under the list issued by the Ministry of Labour – Invalids and Social Affairs in coordination with the Ministry of Health.

Article 105. *Working hour at night*

The working hour at night is calculated from 22 pm to 6 am of the following day.

Article 106. *Overtime working*

1. Overtime working is the working period besides the normal working hours specified in the law, the collective labor agreement or the labor rule.

2. The employer is entitle to employ the employee to work overtime upon satisfying the following conditions:

a) With the consent of the employee;

b) To ensure that the overtime hours of the employee shall not exceed 50% of the normal working hours in 01 days, in case of application of working regulation on weekly basis, , the total normal working hours and the overtime hours shall not exceed 12 hours in a day, and less than 30 hours in 01 months and the total of not more than 200 hours in 01 year, except for some special cases stipulated by the Government for the overtime working but shall not be more than 300 hours in 01 years;

[1] Vietnam ha ratificado el convenio 14, pero no el convenio 1.

c) After each time of overtime working with consecutive days in month, the employer must arrange for the employee to take compensatory leave for the time without days-off.

Article 108. *Break during working hour*

1. The employee who works for 08 or 06 hours consecutively as prescribed in the Article 104 of this Code shall be entitled to a break of at least half an hour which shall be included in the number of working hours.

2. In case of working nightshift, the employee shall be entitled to a break of at least forty five (45) minutes which shall be included in the number of working hours.

3. Besides the break between the hours specified in Clause 1 and Clause 2 of this Article, the employer shall determine the time of the short breaks and record in the labor rule.

Article 110. *Weekly rest*

1. In every week, each employee shall be entitled to a rest of at least twenty four consecutive hours. In special cases, due to the work cycle, the employee cannot take weekly rest, then the employer shall ensure that employees is entitled to at least 04 days/ 01 months on average.

2. The employer has the right to decide and arrange the weekly rest on Sundays or a fixed date in a week but must record in the labor rule.

Article 111. *Annual leave*

1. Any employee who has been working for an employer for 12 months is entitled to fully-paid annual leave, which is stipulated in his/her employment contract as follows:

a) 12 working days for employees who work in regular working conditions; 51

b) 14 working days for employees who work in heavy or hazardous working conditions, or who work under exposure to toxic substances; and for employees who work in an area with harsh living conditions, as prescribed in the list issued by the Ministry of Labour, Invalids and Social Affairs in coordination with the Ministry of Health; and for minor employees and disabled employees.

c) 16 working days for employees who are subject to extremely heavy or hazardous work or who work under exposure to toxic substances; employees working in an area with extremely harsh living conditions as prescribed in the list issued by the Ministry of Labour, Invalids and Social Affairs in coordination with the Ministry of Health.

2. The employer has the right to regulate the timetable for annual leaves after consultation with the employees and must give prior notice to the employees.

3. An employee may reach an agreement with the employer on taking annual leave in instalments or combining annual leave over a maximum period of up to 3 years.

4. When taking annual leave, should the employee travel by road, rail, water and the travel days, comprising of the time to go and to return, are more than 02 days, then, from the 3rd day onward will be calculated as additional travelling time, not counted as annual leave days, and this policy shall only be granted once for an annual leave in a year.

Article 112. *Increased annual leave in accordance with the duration of employment*

The annual leave of an employee as prescribed in Article 111 of this Code shall increase by 01 additional day for every 05 years of employment with the same employer.

Article 155. *Maternity protection for women employee*

1. The employer is not entitled to use female employee to work at night, work overtime work and take far business trip in the following cases:

a) Being pregnant from the 7th or 6th month if working in upland and remote areas, border and island areas;

b) Fostering child under 12 months old.

2. Femal employee does heavy work during pregnancy from 07th month shall be transferred to lighter work or reduced 1 working hour every day but still enjoying full payment.

3. The employer is not entitled to dismiss or unilaterally terminate the labor contract with the femal employee for the reason of marriage, pregnancy, maternity leave, fostering child under 12 months old, except for the case the employer is the individual who has died, is declared by the court of losing capacity of civil acts, missing or dead or the employer is not the individual terminating the operation.

4. During pregnancy, leave upon having a child under the provisions of law on social insurance, fostering child under 12 months old, female employees shall not receive the labor discipline.

5. Female employee during menstruation is entitled to take a break of 30 minute everyday; and 60 minutes a day during working hours while fostering child under 12 months of age with full payment under the labor contract.

Article 157. *Maternity leave*

1. The time the female employee is entitled to take leave before and after birth is 06 months.

In case the female employee gives a birth of twin or more, from the 2th child onwards, every child, the mother is entitled to 01 month leave additonally.

The prenatal period of leave shall not exceed 02 months.

2. During maternity leave, the female employee is entitled to maternity leave under the provisions of law on social insurance.

3. Upon expiry of maternity leave as prescribed in Clause 1 of this Article, if having a demand, the female employees can take one more unpaid day under the agreement with the employer.

4. Before the expiry of maternity leave as prescribed in Clause 1 of this Article, if having a demand, with the certification of the competent medical facility concerning the early work without harmfulness to the female employee's health and with the consent of the employer, the female employee can get back to work after taking leave of at 04 moths.

In this case, in addition to the salary of the working days paid by the employer, the female employee continues to receive maternity allowance under the provisions of law on social insurance.

Article 166. *Elderly employee*

1. The elderly employee is the person who continues working after age as prescribed in Article 187 of this Code.

2. The elderly employee is entitled to shorten daily working hours or apply the regime of shorter hour working.

3. The final year before retirement, the employee is entitled to reduce the normal working hours or apply the regime of shorter hour working.

DECREE Nº 45/2013/ND-CP ELABORATING A NUMBER OF ARTICLES OF THE LABOR CODE ON HOURS OF WORK, HOURS OF REST, OCCUPATIONAL SAFETY AND OCCUPATIONAL HYGIENE

Article 3. *Periods included in paid working hours*

10. The working hours of elderly employees shall be shortened to at least 01 hour in the last year before their retirement.

Article 4. *Overtime work*

1. Overtime hours in a day shall:

1. The number of overtime working hours per day is prescribed as follows:

a) It does not exceed 50% of the normal working hours per day; when regulations on weekly work are applied, the total of normal working hours and overtime working hours must not exceed 12 hours per day;

b) It does not exceed 12 hours per day in case of overtime work on public and New Year holidays, and weekends.

2. The organization of overtime work for between over 200 and 300 hours per year is prescribed as follows:

a) Overtime work may be organized in the following cases:

- Production and processing for export of textile, garment, leather footwear, agricultural, forest and aquatic products;

- Power generation and supply, telecommunications services, oil refinery; water supply and drainage;

- Other cases in which urgent work must be performed without delay.

b) When organizing overtime work, employers shall notify such in writing to professional agencies assisting People's Committees of provinces or centrally run cities (below referred to as provincial-level People's Committees) in performing the state management of labor in their localities.

3. Compensatory days off provided at Point c, Clause 2, Article 106 of the Labor Code are specified as follows:

a) After each period of overtime work of up to 7 consecutive working days within a month, employers shall arrange compensatory days off for their employees' overtime working hours.

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b) If unable to arrange sufficient compensatory days off for their employees' overtime working hours, employers shall pay overtime wages as prescribed in

Article 97. *of the Labor Code.*

Article 5. *Rest periods during working hours*

1. The short breaks prescribed in Clause 1 and Clause 2 Article 108 of the Labor Code are considered working hours in a 08-hour shift in normal conditions or 06 hours if shortened. Specific rest periods are decided by the employer.

2. Apart from short breaks during a normal shift prescribed in Clause 1 of this Article, employees working 10 hours a day or more, including overtime hours, shall be given at least 30 minutes of rest during working hours

LAW Nº 58/2014/QH13 ON SOCIAL INSURANCE

Article 31. *Conditions for enjoying the maternity regime*

1. Employees shall be covered by the maternity regime in one of the following cases:

a) Pregnant female employees;

b) Female employees giving birth to children;

c) Female employees as surrogate mothers and intended mothers;

d) Employees adopting under-6-month children;

dd) Female employees having intrauterine devices or employees taking sterilization measures;

e) Male employees currently paying social insurance premiums whose wives give birth to children.

2. To enjoy the maternity regime, employees defined at Points b, c and d, Clause 1 of this Article must have paid social insurance premiums for at least full 6 months within 12 months before childbirth or child adoption.

3. To enjoy the maternity regime, employees defined at Point b, Clause 1 of this Article who have paid social insurance premiums for at least full 12 months and need to take a leave during pregnancy for pregnancy care as prescribed by a competent health establishment must have paid social insurance premiums for at least full 3 months within 12 months before childbirth.

4. Employees who fully satisfy the conditions specified in Clause 2 or 3 of this Article and terminate their labour contracts or working contracts or cease working before the time of childbirth or the time of adoption of under-6-month children are still entitled to the maternity regime prescribed in Articles 34, 36 and 38, and Clause 1, Article 39, of this Law.

Article 32. *Leave period for prenatal checks-up*

1. Pregnant female employees are entitled to take leaves for 5 prenatal checks-up, one day for each check-up; employees who live far from health establishments or have pathological signs or abnormal pregnancies are entitled to take a two-day leave for each prenatal check-up.

2. The leave period specified in this Article shall be counted in working days, excluding public holidays, New Year holidays and weekends.

Article 33. *Leave period upon miscarriage, abortion, stillbirth or pathological abortion*

1. When getting miscarriage, abortion, stillbirth or pathological abortion, a female employee may take a maternity leave as prescribed by a competent health establishment. The maximum leave period is:

a) 10 days, for pregnancy of under 5 weeks;

b) 20 days, for pregnancy of between 5 weeks and under 13 weeks; c/ 40 days, for pregnancy of between 13 weeks and under 25 weeks; d/ 50 days, for pregnancy of 25 weeks or more.

2. The maternity leave period specified in Clause 1 of this Article is inclusive of public holidays, New Year holidays and weekends.

Article 34. *Leave period for childbirth*

1. Female employees are entitled to a 6-month leave before and after childbirth under the maternity regime. For a female employee who gives birth to twins or more infants, she is entitled to an additional leave of 1 month for each infant from the second.

The maternity leave period before childbirth must not exceed 2 months.

2. Male employees currently paying social insurance premiums whose wives give birth to children are entitled to a maternity leave of:

a) 5 working days;

b) 7 working days, in case their wives undergo a surgical birth or give birth to children before 32 weeks of pregnancy;

c) 10 working days, in case their wives give birth to twins; or additional 3 working days for each infant from the second;

d) 14 working days, in case their wives give birth to twins or more infants and take childbirth operation.

The maternity leave period specified in this Clause must be within the first 30 days after the date of childbirth.

3. After childbirth, if an under-2-month child dies, the mother is entitled to a 4-month leave from the date of childbirth; if a child aged 2 months or older dies, the mother is entitled to a 2-month leave from the date of the child's death, but the maternity leave period must not exceed the period specified in Clause 1 of this Article; such leave period shall not be included in the period of personal leave as prescribed by the labour law.

4. In case only the mother is covered by social insurance or both parents are covered by social insurance but the mother dies in childbirth, the father or the direct fosterer is entitled to a maternity leave for the remaining period applicable to the mother as specified in Clause 1 of this Article. In case the mother who is covered by social insurance but does not fully satisfy the conditions specified in Clause 2 or 3, Article 31 of this Law, dies, the father or the direct fosterer is entitled to a maternity leave until the child reaches full 6 months.

5. The father or the direct fosterer who is covered by social insurance but does not take a leave under Clause 4 of this Article is entitled to not only his/her salary but also the maternity regime for the remaining period applicable to the mother as specified in Clause 1 of this Article.

6. In case only the father is covered by social insurance and the mother dies in childbirth or faces a postnatal risk that makes her unable to care for the child, as certified by a competent health establishment, the father is entitled to a maternity leave until the child reaches full 6 months.

7. The maternity leave period specified in Clause 1, 3, 4, 5 or 6 of this Article is inclusive of public holidays, New Year holidays and weekends.

Article 35. *Maternity regime of female employees as surrogate mothers and intended mothers*

1. A female employee as surrogate mother is entitled to the prescribed regime when getting prenatal check-ups, miscarriage, abortion, stillbirth or pathological abortion, and take a maternity leave until the time of relinquishing the child to the intended mother, with the leave period not exceeding the period specified in Clause 1, Article 34 of this Law. In case the maternity leave period is under 60 days from the date of childbirth to the time of relinquishing the child, surrogate mothers are entitled to continue enjoying the maternity regime until such leave period reaches full 60 days, including public holidays, New Year holidays and weekends.

2. Intended mothers are entitled to a maternity leave from the time of receiving the child until the child reaches full 6 months.

3. The Government shall provide in detail the maternity regime, and procedures for enjoying the maternity regime applicable to female employees as surrogate mothers and intended mothers.

Article 36. *Leave period for child adoption*

Employees adopting an under-6-month child are entitled to a maternity leave until the child reaches full 6 months. In case both parents are covered by social insurance and fully satisfy the conditions for enjoying the maternity regime as specified in Clause 2, Article 31 of this Law, either father or mother only is entitled to a maternity leave.

Article 37. *Leave period when taking contraceptive measures*

1. When taking contraceptive measures, employees are entitled to the maternity regime as prescribed by competent health establishments. The maximum leave period is:

a) 7 days, for female employees implanted with intrauterine devices;

b) 15 days, for employees taking sterilization measures.

2. The maternity leave period specified in Clause 1 of this Article is inclusive of public holidays, New Year holidays and weekends.

Article 38. *Lump-sum allowance upon childbirth or child adoption*

Female employees giving birth or employees adopting an under-6-month child are entitled to a lump-sum allowance equaling 2 times the basic salary for each child in the month of childbirth or child adoption.

In case the mother gives birth to a child but only the father is covered by social insurance, the father is entitled to a lump-sum allowance equaling 2 times the basic salary for each child in the month of childbirth.

4.2.7.3
POSIBLES BUENAS PRÁCTICAS

4.2.7.4.1 Adecuado sistema informatizado de control horario.

4.2.7.4.2 Ausencia de horas extras con equilibrio de producción en la totalidad del año.

4.2.7.4.3 Transparencia completa en el cálculo e información a los trabajadores de las horas realizadas (incluyendo las horas extraordinarias, distinguiendo las diferentes clases y sus tramos de remuneración).

4.2.7.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.7.4.1	CUMPLIMIENTO DEL PUNTO 4.2.7.2	50/100
4.2.7.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.7.4.2.1	Adecuado sistema informatizado de control horario..	20/100
4.2.7.4.2.2	Ausencia de horas extras con equilibrio de producción en la totalidad del año.	10/100
4.2.7.4.2.3	Transparencia completa en el cálculo e información a los trabajadores de las horas realizadas (incluyendo las horas extraordinarias, distinguiendo las diferentes clases y sus tramos de remuneración).	10/100
	TOTAL	**90**

4.2.7.5
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: ejemplos de entradas y salidas.

Buenas prácticas: ejemplos de adecuados sistemas informatizados de control horario.

4.2.8 REMUNERACIONES

(corresponde al punto 8 del Código de Conducta de la organización)

"Los fabricantes garantizarán que los salarios cumplan rigurosamente con todas las leyes. Asimismo el salario mínimo legal se interpretará como tal mínimo, pero no como un nivel recomendado."

4.2.8.1
CONVENIOS Y RECOMENDACIONES DE LA OIT DE APLICACIÓN[1]

C26 Convenio sobre los métodos para la fijación de salarios mínimos, 1928.
C95 Convenio sobre la protección del salario[1], 1949.
C102 Convenio sobre la seguridad social (norma mínima), 1952
C131 Convenio sobre la fijación de salarios mínimos, 1970.
R85 Recomendación sobre la protección del salario, 1949.
R135 Recomendación sobre la fijación de salarios mínimos, 1970.

4.2.8.2
LEGISLACIÓN VIETNAMITA

LAW Nº 10/2012/QH13 LABOR CODE

Article 28: *Article 61. Vocational learning and apprenticeship towards employment*

(...)

2. During the vocational training and apprenticeship, if the vocational leaner or the apprentice directly creates or participates in the creation of qualified products, they shall be paid an amount agreed by both parties.

Article 90. *Salary*

1. Salary is an amount that the employer pays to the employee for the performance of work as agreed.

The salary includes the salary rate based on the work or the title, salary allowance and other additions

The salary rate of the employee must not be lower than the minimal salary rate as prescribed by the Government.

2. The salary paid to the employee is based on the labor productivity and work quality.

3. The employer must guarantee to pay equally without the gender discrimination for the employee performing work with the same value.

Article 91. *Minimal salary rate*

1. The minimal salary rate is the lowest rate that is paid to the emmployee who performs the simplest work in the normal working conditions and that must ensure the minimal living needs of the employees and their families.

The minimal salary rate is determined by month, day, hour and shall be established by region and sector.

Article 93. *Formulation of salary scale and payroll and labor norm*

1. On the basis of the principles of formulating the salary scale, payroll and labor norms prescribed by the Government, the employer is responsible for formulating the salary scale, payroll and labor norm as a basis for labor recruitment and employment, salary agreement in the labor contract and salary payment to the employee

[1] Ninguno de estos convenios ha sido ratificado por Vietnam.

2. Upon formulating the salary scale, payroll and labor norms, the employer must consult with the representative organization of the labor collective at the grassroots level and publicize at the workplace of the employee before the formulation and simultaneously send them to the state management agency on labor at district level where the facility of production and business of the employer located.

Article 94. *Form of salary payment*

1. The employer has the right to make the salary payment by time, products or piecework. The chosen form of payment must be maintained for a certain period; in case of change of the payment form, the employer must notify the employee at least 10 days in advance.

2. Salary is paid in cash or paid throughthe employee's individual account opened at the bank. Where the payment made through bank account, the employer must agree with the employee on the various fees related to opening and maintaining the account.

Article 97. *Overtime and working at night salary*

1. The employee who works overtime is paid according to salary unit price or the salary by the job duties as follows:

a) On weekdays, at least 150%;

b) On weekly days-off, at least 200%;

c) On holidays and days-off with pay, at least 300% not including the salary of holiday and days-off for employee enjoying daily salary.

2. Employee working at night shall be additionally paid at least 30% of the salary calculated by the salary unit price or the work salary under a normal working day

3. The employee working overtime at night, in addition to the salary as prescribed in Clause 1 and Clause 2 of this Article, the employee shall also be paid an additional 20% of salary calculated by the salary unit price or the salary of work done in the day time

Article 98. *Stop of working salary*

In cases where the employee has to cease working, he shall be paid as follows:

1. If due to the fault of the employer, the employee shall be entitled to payment of the full salary;

2. If due to the fault of the employee, that employee shall not be entitled to salary payment; other employees in the same unit who have to cease work shall be paid the salary at the rate agreed on by the two parties provided that this salary rate is not less than the regional minimal salary rate as prescribed by the Government;

3. If there is a breakdown in electricity or water not due to the fault of the employer, or the employee or due to reasons of force majeure such as natural disasters, fire, dangerous epidemics, enemy-inflictes destruction, relocation of work place as required by the competent state agency or economic reasons, the salary for the working cease shall be agreed on by the two parties but shall not be less than the regional minimum wage as prescribed by the Government.

Article 101. *Deduction of salary*

1. The employer is only entitled to deduct the salary of employee for the compensation of damages of tools and equipment of the employer as prescribed in Article 130 of this Code.

2. The employee shall have the right to be aware of the reasons for the deduction of his salary

3. The rate of monthly salary deduction may not exceed 30% of the employee's monthly salary after the payment of compulsory social insurance, health insurance, unemployment insurance and income tax.

Article 102. *Regulation on allowance, subsidy, scale and salary increase.*

The regulation on allowance, subsidy, scale and salary increase and incentives for the employee shall be agreed upon in the labor contract, collective labor agreement or the provisions specified by the employer

Article 103. *Bonus*

1. Bonus is the amount that employer rewards the employee based on the annual business and production results and the level of work completion of the employee.

2. The regulation on bonus shall be decided by the employer and publicly announced at the workplace after consulting the representative organization of the labor collective at the grassroots level.

Article 111. *Annual leave*

1. An employee who has 12 months in full to work for an employer shall be entitled to annual leave fully paid under the labor contract as follows:

a) Twelve (12) working days shall apply to employees working in normal working conditions;

b) Fourteen (14) working days shall apply to persons working in heavy, dangerous, or toxic jobs, or in places with harsh living conditions under the list issued by the Ministry of Labour, Invalids and Social Affairs in coordination with the Ministry of Health and to the employee under the age or the disabled employee

c) Sixteen (16) working days shall apply to persons working in extremely heavy, dangerous, or toxic jobs, or to the persons working in places with extremely harsh living conditions under the list issued by the Ministry of Labour, Invalids and Social Affairs in coordination with the Ministry of Health.

2. The employer is entitled to regulate the annual leave schedule after consulting with the employees and must give notice to employees in advance.

3. The employee can agree with the employer on taking annual leave in installments or combining 03 annual leave into one leave maximally.

4. When taking annual leave, if the employee travels by road, railway and waterway vehicles, the number of days to go and come back is over 02 days, from the 3rd day onwards, the traveling time is added besides the annual leave and is calculated only one time in a year.

Article 112. *Annual leave increased by work seniority*

Every 05 working years for an employer, the number of annual leave of the employee as prescribed in Clause 1 of Article 111 of this Code shall be increased 01 day accordingly

Article 113. *Advance of salary and traveling expenses for the annual leave*

1. When taking annual leave, the employee is advanced an amount at least equal to the salary of the days-off.

2. The travel expenses and salary in the traveling days shall be agreed by both parties.

For employees in the lowland working in the upland and remote areas, border, island and the employee in the upland and remote areas, border and island areas working in the lowland, the employer shall pay the traveling expenses and salaries in the traveling days to the employee.

Article 114. *Payment of salary of the days-off untaken*

1. An employee of an enterprise who, due to job leaving, job loss or other reasons, fails to take his annual leave or has not used up all his annual leave shall be paid salary for those days not taken.

2. An employee whose period of employment is less than twelve (12) months shall be entitled to annual leave of a duration calculated in proportion to the period of employment. In case of not taking leave, he may receive the payment instead.

Article 116. *Personal leave and leave without Pay*

1. An employee may take leave for personal reasons but fully paid in the following cases:

a) Marriage: 03 days;

b) Marriage of his children: 01 day;

c) Death of natural parents, wife or husband's parents, wife or husband or child: 03 days.

2. An employee may take 01 day leaves unpaid and must notify the employer when his grandparents, natural brother and sister dies; parent or mother gets married; natural brother and sister gets married.

3. In addition to the provisions of Clause 1 and Clause 2 of this Article, the employee may agree with the employer to take unpaid leave.

DECREE Nº 05/2015/ND-CP DEFINING AND PROVIDING GUIDANCE ON THE IMPLEMENTATION OF A NUMBER OF CONTENTS OF THE LABOR CODE

Article 3. Region-based minimum wages

1. Region-based minimum wages shall be applied as follows:

a) VND 3,500,000/month shall be applied to enterprises operating in region I.

b) VND 3,100,000/month shall be applied to enterprises operating in region II.

c) VND 2,700,000/month shall be applied to enterprises operating in region III.

d) VND 2,400,000/month shall be applied to enterprises operating in region IV.

Article 21. *Salary*

Salaries in clauses 1 and 2 of Article 90 of the Labor Code shall be prescribed as follows:

1. Salary identified in the employment contract shall be agreed with the employer by the employee to perform certain jobs, including:

a) Work- or position-based salary shall be the salary rates in salary scale, salary table defined by the employer under the provisions of Article 93 of the Labor Code. Salary for the most simple jobs in normal working conditions and business hours (exclusive of extra payments for overtime and overnight work) shall not be less than the region-based minimum salary defined by the Government;

b)Salary allowance shall be the amounts offset against the working conditions, the complexity of jobs, the living conditions, the employee attraction level which is not included or incompletely included in work- and position-based salary ;

c) Other extra payments shall be the sums in addition to salary rates, salary allowances, and shall be related to job performance or working position in the employment contract, excluding bonuses, meal- between- shift allowances, benefits, contributions of employers which are not related to job performance or position in the employment contract.

2. Salary paid to employees shall be based on the contractual salary, productivity, workload and quality of work that the employees have done.

3. The salary in the employment contract and the salary paid to employees shall be specified in Vietnam Dong except salaries and allowances paid to non-residents, foreigner residents under provisions of the law on foreign exchange.

Article 22. *Form of payment*

Form of payment under clause 1 of Article 94 of the Labor Code shall be prescribed as follows:

1. The time-based salary paid to employees shall be based on actual working time in specific months, weeks, days, hours:

a) The monthly salary paid for a working month shall be determined on the basis of employment contracts;

b) The weekly salary paid for a working week shall be determined on the basis of the monthly salary multiplied by 12 months and divided by 52 weeks;

c) The daily salary paid for a working day shall be determined on the basis of the monthly wage divided by the number of normal working days in the month under the provisions of the law that businesses choose;

d) The hourly salary paid for a working hour shall be determined on the basis of the daily salary divided by the number of normal working hours in the day as prescribed in Article 104 of the Labor Code.

2. The product-based salary shall be paid with the basis of the degree of completion of the quantity and quality of the product according to the labor requirement and deliveried product unit price.

3. Piecework salary shall be paid with reference to the quantity and quality of work and completion time.

Article 23. *Salary payment period for employees paid monthly salary*

1. An employee enjoying monthly salary shall bepaid on monthly or semi-monthly basis.

2. The payment time shall be agreed by the two parties and fixed at a specific date of a month.

Article 24. *Payment principles*

1. The employee shall be paid directly, fully and punctually.

2. In case natural disaster, conflagration or other force majeure events take place, and employers have sought all remedial measures but can not make payment on time as agreed in the employment contract, the payment shall be made within 01 month. The employer shall make additional payment to the employee due to their late payment in the following cases:

a) If such late payment is made within less than 15 days, additional payments are not required;

b) If the late payment is made for 15 days or more, an extra amount shall be at least equal to the arrears of salary multiplied by the ceiling of interest rate for 1-month deposits announced by the State bank of Vietnam at the time when the payment is made. If the State Bank of Vietnam does not specify the ceiling interest rate, 1-month deposit interest rate of commercial banks, where businesses and agencies open trading accounts at the time of payment, shall be applied.

Article 25. *Overtime and nightshift salary*

1. The employee paid for their overtime work in accordance with clause 1 of Article 97 of the Labor Code shall be prescribed as follows:

a) Employees paid time-based salary shall be paid for their overtime work if their working hours exceed normal working hours defined by the employers in accordance with the provisions in Article 104 of the Labor Code;

b) Employees paid product-based salary shall be paid for their overtime work if they work overtime to increase the product quantity, volume and their overtime work helps to increase product quantity and volume, work according to requirements agreed with employers.

2. Overtime salary defined in clause 1 of this Article shall be calculated according to the salary unit price or actual salary paid on the basis of the current job as follows:

a) On weekdays, minimum payment equals 150%;

b) On the weekly days-off minimum payment equals 200%;

c) On public holidays, paid days-off, minimum payment equals 300%, which is not included in public holiday pays, paid leave pays under the provisions of the Labor Code with respect to employees paid daily salary.

3. If employees work at night under clause 2 of Article 97 of the Labor Code, they shall be paid at least 30% of the salary calculated in salary unit price or actual salary paid for the work of normal working days .

4. If employees work overnight under clause 3 of Article 97 of the Labor Code, they shall be paid an additional 20% of salary calculated by salary unit price or actual salary paid by the work done on the day of the normal working day or the weekly rest days or holidays.

5. Employees who work overtime on holidays falling on the weekly days-off as prescribed in Article 110 of the Labor Code shall be paid overtime salary. Employees who work overtime on compensation days off for the holidays falling on a weekly rest days under the provisions of clause 3 of Article 115 of the Labor Code shall be paid overtime salary on weekly rest days.

6. Salary paid to workers for overtime work, night work as prescribed in Clauses 2, 3, 4 and 5 of this Article shall be calculated in proportion to the form of payment specified in Article 22 of this Decree.

DECREE Nº 49/2013/ND-CP DETAILING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LABOUR CODE ON WAGES

Article 8. *Principles for formulation of Labour norms*

1. The labour norms are implemented for each step of work, each stage and entire process of producing products and providing services on the basis of organizing scientific labour and reasonable production.

2. The labour norms are formulated on the basis of the job or title ranks and in compatibility with the grades and trained qualifications of labourers, technological process, and technical standards of machines, equipment and ensuring the labour standards.

3. The labour norms must be the advanced average norm, which ensure that the majority of labourers can attain it without having to excessively prolong the regular working time of enterprises as prescribed by law.

4. The new labour norm must be applied experimentally before being officially promulgated. Enterprises must notify labourers at least 15 days before applying experimentally. Duration of experimentally applying shall depend on nature of work, but not more than 3 months and must assess the implementation of the norm.

In case where during the standard working time, the actual implemented level of calculation under productivity is lower 5% or higher 10% than the assigned norm, or the actual implemented level of calculation under the time is higher 5% or lower 10% than the assigned norm, enterprises must adjust the labour norm.

5. The labour norm must be periodically reviewed, assessed to amend, supplement, and adjust for conformity. When formulating or amending and supplementing, adjusting the labour norms, enterprises must consult organizations representing for labour collectives at enterprises and publicly at the working places of labourers before implementation, and send to the labour state management agencies at district level where enterprises located their production facilities.

CIRCULAR 23/2015/TT-BLDTBXH GUIDELINES FOR SOME ARTICLES ON WAGES OF THE GOVERNMENT'S DECREE NO. 05/2015/NĐ-CP

Article 4. *Method of payment*

Methods of payment of wages are prescribed Article 22 of Decree No. 05/2015/NĐ-CP and elaborated as follows:

1. Time-based wages (monthly, weekly, daily, or hourly) are paid to employees for their actual working time by month, week, day, or hour. To be specific:

a) Monthly wage is paid for one working month based on the employment contract;

b) Weekly wage is paid for one working week, which equals (=) monthly wage multiplied by (x) 12 months and divided by (:) 52 weeks;

c) Daily wage is paid for one working day which equals (=) monthly wage divided by (:) number of working days in the month (depending on each month of the solar calendar and employees have averagely 04 days off in a month) under regulations of law as selected by the enterprise;

d) Hourly wage is paid for one working hour which equals (=) daily wage divided by (:) number of normal working hours in the day as prescribed in Article 104 of the Labor Code.

2. Piece rates are paid to employees who are paid by the piece (piece workers) according to the completion of work in terms of quantity and quality of products under the given norm and rate.

3. Fixed wage is paid to employees who agree to receive fixed wage according to the workload, work quality, and deadline for work completion.

Depending on the characteristics of work and business conditions, employers shall decide on the method of wage payment that ensure wage matches the work performance, encourage employees to improve work efficiency and performance. The selection or change of wage payment method must be written in employment contracts and collective bargaining agreement.

Article 6. *Overtime pay*

Overtime pay paid to employees who work overtime is prescribed in Clause 1 Article 25 of Decree No. 05/2015/NĐ-CP and elaborated as follows:

1. Every employee who receives time-based wage and works overtime in addition to the working time established by the employer shall receive overtime pay as prescribed in Article 104 of the Labor Code, which is calculated as follows:

Overtime pay =	Actual hourly wage on a normal working day	x	At least 150% or 200% or 300%	x	Number of overtime hours

Where:

a) Actual hourly wage on a normal working day equals (=) the actual wage for the current job of the month in which the employee works overtime (minus overtime pay and extra pay for night work) divided by (:) actual number of working hours in the month (exclusive of overtime hours). If the employee receives a daily or weekly wage, the overtime pay equals (=) the actual wage of that working day or week (minus overtime pay and extra pay for night work) divided by (:) actual number of working hours in the day or week (exclusive of overtime hours);

b) The overtime pay on a normal working day is at least 150% of actual hourly wage on a normal working day.

c) The overtime pay on a weekly day off is at least 200% of actual hourly wage on a normal working day.

d) The overtime pay on a public holiday or paid day off (exclusive of wages of public holidays and paid days off prescribed by the Labor Code) is at least 300% of actual hourly wage on a normal working day. This rate is applied to employees receiving daily wages.

Employees receiving daily wages are those whose wages are paid daily according to the employment contract and do not include wages of public holidays and paid days off prescribed by the Labor Code.

2. With regard to piece workers who receive overtime pay when the employees and the employer reach an agreement on overtime work in additional to normal working hours to increase the quantity of completed products or works in additional to the agreed workload, overtime pay is calculated as follows:

Overtime pay =	Piece rate on a normal working day	x	At least 150% or 200% or 300%	x	Quantity of additional products

Where:

a) The overtime pay for products done on a normal working day is at least 150% of piece rate on a normal working day.

b) The overtime pay for products done on a weekly day off is at least 200% of piece rate on a normal working day.

c) The overtime pay for products done on public holiday or paid day off is at least 300% of piece rate on a normal working day.

Article 7. *Pay for night work*

Employees working at night as prescribed in Clause 3 Article 25 of Decree No. 05/2015/NĐ-CP shall be paid as follows:

1. With regard to employees receiving time-based wages:

Pay for night work =	Actual hourly wage on a normal working day	+	Actual hourly wage on a normal working day	x	At least 30%	x	Number of night work hours

Where: Actual hourly wage on a normal working day is determined in accordance with Point a Clause 1 Article 6 of this Circular.

2. With regard to piece workers:

Pay for night work =	Piece rate on a normal working day	+	Piece rate on a normal working day	x	At least 30%	x	Number of products completed at night

Article 8. *Pay for overtime night work*

Employees working overtime at night as prescribed in Clause 4 Article 25 of Decree No. 05/2015/NĐ-CP shall be paid as follows:

1. With regard to employees receiving time-based wages shall be paid as follows:

Pay for overtime night work =	Actual hourly wage on a normal working day	+	At least 150% or 200% or 300%	x	Actual hourly wage on a normal working day	x	At least 30%

+ 20% x Hourly wage during the day on a normal working day or weekly day off or public holiday or paid day off	x	Number of night work hours

Where:

a) Actual hourly wage on a normal working day is determined in accordance with Point a Clause 1 Article 6 of this Circular;

b) Hourly wage during the day on a normal working day or weekly day off or public holiday or paid day off is determined as follows:

- Hourly wage during the day on a normal working day is at least 100% of hourly wage on a normal working day if the employee does not work overtime during the day on that day (before working overtime at night); at least 150% of hourly wage on a normal working day if the employee works overtime during the day on that day (before working overtime at night).

- Hourly wage during the day of a weekly day off is at least 200% of actual hourly wage on a normal working day.

- Hourly wage during the day of a public holiday or paid day off is at least 300% of actual hourly wage on a normal working day.

2. With regard to piece workers:

Pay for overtime night work =	Piece rate on a normal working day	x	At least 150% or 200% or 300%	+	Piece rate on a normal working day	x	At least 30%

+ 20% x Piece rate during the day on a normal working day or weekly day off or public holiday or paid day off	x	Number of products done while working overtime at night

Where:

a) Piece rate during the day on a normal working day or weekly day off or public holiday or paid day off is determined as follows:

- Piece rate during the day on a normal working day is at least 100% of piece rate on a normal working day if the employee does not work overtime during the day on that day (before working overtime at night); at least 150% of piece rate on a normal working day if the employee works overtime during the day on that day (before working overtime at night);

- Piece rate during the day of a weekly day off is at least 200% of that on a normal working day.

- Piece rate during the day of a public holiday or paid day off is at least 300% of that on a normal working day.

No: 58/2014/QH13 Hanoi, November 20, 2014

LAW ON SOCIAL INSURANCE

Article 2. *Applicable entities*

1. Employees being Vietnamese citizens shall be covered by compulsory social insurance, including:

a) Persons working under indefinite-term labour contracts, definite-term labour contracts, seasonal labour contracts or contracts for given jobs with a term of between full 3 months and under 12 months, including also labour contracts signed between employers and at-law representatives of persons aged under 15 years in accordance with the labour law;

b) Persons working under labour contracts with a term of between full 1 month and under 3 months

El Decree 115/2015-ND/CP no habla de las Cotizaciones: seguridad social 26% (empleador 18% - trabajador 8%), seguro médico 4.5% (empleador 3% - trabajador 1.5%), seguro de desempleo 2% (empleador 1% - trabajador 1%). La normativa que lo regula es:

Social Insurance Law nº 58/2017/QH13, articles 85 and 86

Article 85. Levels and methods of payment by employees covered by compulsory social insurance

1. Employees defined at Points a, b, c, d, dd and h, Clause 1, Article 2 of this Law shall monthly pay 8% of their monthly salary to the retirement and survivor allowance fund.

Employees defined at Point i, Clause 1, Article 2 of this Law shall monthly pay an amount equal to 8% of the basic salary to the retirement and survivor allowance fund.

2. For employees defined at Point g, Clause 1, Article 2 of this Law, the levels and methods of payment are specified as follows:

a) The monthly level of payment to the retirement and survivor allowance fund must equal 22% of employees' monthly salary on which social insurance premiums are based before they go abroad to work, for employees who have paid compulsory social insurance premiums in a certain period; 22% of 2 times the basic salary, for employees who are not yet covered by compulsory social insurance or who have paid compulsory social insurance premiums and have already received a lump-sum social insurance allowance.

b) Payment shall be made once every 3 months, every 6 months or every 12 months or in a lump sum within the time limit stated in the contracts on sending of employees to work abroad. Employees may make payment directly to social insurance agencies of localities where they reside before going abroad or via enterprises or non-business organizations that have sent them to work abroad.

In case the payment is made via enterprises or non-business organizations that have sent employees to work abroad, these enterprises or organizations shall collect and pay social insurance premiums for employees and register the method of payment with social insurance agencies.

Employees who have their contracts extended or sign new contracts in the host countries shall pay social insurance premiums according to the method specified in this Article or shall retrospectively pay social insurance premiums to social insurance agencies after they repatriate.

3. Employees who neither work nor receive salary for 14 working days or more in a month are not required to pay social insurance premiums in that month. This period shall not be counted for enjoyment of social insurance regimes, except cases of maternity leave.

4. An employee defined at Point a or b, Clause 1, Article 2 of this Law who signs labour contracts with many employers shall only pay social insurance premiums under Clause 1 of this Article for the first-signed labour contract.

5. Employees who enjoy product-based or piecework-based salaries at enterprises, cooperatives, individual business households or cooperative groups engaged in the fields of agriculture, forestry, fishery or salt making shall pay monthly social insurance premiums at the levels specified in Clause 1 of this Article; payment may be made every month, every 3 months or every 6 months.

6. The determination of the period of social insurance premium payment for enjoyment of pension and monthly survivor allowance must adhere to the principle that one year has full 12 months; an employee who satisfies the age requirement for pension enjoyment but whose period of social insurance premium payment is short of 6 months at most may pay a lump-sum amount for these months with the monthly premium equal to the total premiums paid by him/her and his/her employer to the retirement and survivor allowance fund, based on the monthly salary on which social insurance premiums were based before he/she ceases working.

7. The calculation of periods of social insurance premium payment with odd months for enjoyment of the retirement and survivor allowance regimes must be as follows:

a) A period of between 1 month to 6 months shall be counted as half year;

b) A period of between 7 months to 12 months shall be counted as one year.

Article 86. *Levels and methods of payment by employers*

1. Employers shall make monthly payments calculated based on the salary funds on which social insurance premiums are based for employees defined at Points a, b, c, d, dd and h, Clause 1, Article 2 of this Law as follows:

a) 3% to the sickness and maternity fund;

b) 1% to the labour accident and occupational disease fund;

c) 14% to the retirement and survivor allowance fund.

2. Employers shall make monthly payments calculated based on the basic salary for each employee defined at Point e, Clause 1, Article 2 of this Law as follows:

a) 1% to the labour accident and occupational disease fund;

b) 22% to the retirement and survivor allowance fund.

3. Employers shall monthly pay an amount equal to 14% of the basic salary to the retirement and survivor allowance fund for employees defined at Point i, Clause 1, Article 2 of this Law.

4. Employers are not required to pay social insurance premiums for employees defined in Clause 3, Article 85 of this Law.

5. Employers being enterprises, cooperatives, household business households or cooperative groups engaged in agriculture, forestry, fishery or salt making that pay product-based or piecework-based salaries shall make monthly payments at the levels specified in Clause 1 of this Article; the payment may be made every month, every 3 months or every 6 months.

6. The Minister of Labour - Invalids and Social Affairs shall detail Clause 5, Article 85, and Clause 5, Article 86, of this Law.

4.2.8.3
POSIBLES BUENAS PRÁCTICAS

4.2.8.3.1 Políticas efectivas de salario digno (living wage).

4.2.8.3.2 Existencia de sistemas de reconocimiento, premios y primas (incluyendo la productividad).

4.2.8.3.3 Existencia de primas adicionales en circunstancias especiales para los trabajadores.

4.2.8.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.8.4.1/A	CUMPLIMIENTO DEL PUNTO 4.2.8.2	50/100
4.2.8.4.2	Políticas efectivas de salario digno (living wage)	10/100
4.2.8.4.2.1	Existencia de sistemas de reconocimiento, premios y primas (incluyendo la productividad)	10/100
4.2.8.4.2.2	Existencia de primas adicionales en circunstancias especiales para los trabajadores	10/100
	TOTAL (máximo)	**80/100**

4.2.9 SUBCONTRATACIÓN

(corresponde al punto 9 del Código de Conducta de la organización)

"Los fabricantes sólo pueden realizar las producciones en aquellas fábricas autorizadas y verificadas por la organización."

(No es aplicable la legislación en este ámbito)

4.2.9.1
NORMATIVA HABITUAL ESPECÍFICA DE LA ORGANIZACIÓN QUE ESTABLECE EL CÓDIGO DE CONDUCTA PARA FABRICANTES (convenios OIT no aplicables en este caso)

Existencia de contrato, instrucciones y control de calidad por parte de la organización (subcontratación sólo en casos autorizados)

4.2.9.2
LEGISLACIÓN VIETNAMITA

N/A

4.2.9.3
POSIBLES BUENAS PRÁCTICAS

N/A

4.2.9.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.9.4.1	CUMPLIMIENTO DEL PUNTO 4.2.9.2	50/100
4.2.9.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
	N/A	
	TOTAL	**50**

4.2.10 MEDIO AMBIENTE

(corresponde al punto 10 del Código de Conducta de la organización)

"Toda la actividad de los fabricantes, se realizará de manera respetuosa con el medio ambiente cumpliendo, asimismo, la legislación y reglamentación prevista. Asimismo los fabricantes suscribirán todos los documentos específicos que, en este sentido, tenga establecida la organización."

4.2.10.1
NORMATIVA HABITUAL ESPECÍFICA DE LA ORGANIZACIÓN QUE ESTABLECE EL CÓDIGO DE CONDUCTA PARA FABRICANTES (convenios OIT no aplicables en este caso)

General:
Los fabricantes han de cumplir todas las legislaciones y reglamentos medioambientales aplicables en cada país.

Los fabricantes deberán subscribir todas las políticas medioambientales establecidas por la organización en el Código de Conducta o documentos relacionados, en caso de existir (protocolo de químicos, tratamiento de aguas y vertidos, residuos, envases, etc.).

4.2.10.2
LEGISLACIÓN VIETNAMITA

LAW Nº 10/2012/QH13 LABOR CODE

LAW 55/2014/QH13 ON ENVIRONMENTAL PROTECTION

Article 18. *Environmental impact assessment objects*

1. Environmental impact assessment objects consist of:

a) Projects subject to the decision on investment intentions made by the National Assembly, Government and the Prime Minister;

b) Projects that use land parcels situated in wildlife sanctuaries, national parks, historical – cultural monuments, world heritage sites, biosphere reserves, scenic beauty areas that have been ranked;

c) Projects that can cause bad effects on the environment.

2. List of projects mentioned at Points b and c Clause 1 of this Article shall be regulated by the Government.

Article 19. *Carrying out the environment impact assessment*

1. Owners of projects regulated in Clause 1 Article 18 of this Law shall carry out, on his own, or hire an advisory organization to carry out the environmental impact assessment and take statutory responsibility for the conclusive result after carrying out such assessment.

2. The environment impact assessment must be performed in the preparatory stage of the project.

3. The conclusive result yielded after carrying out the environment impact assessment shall be expressed in the form of the report on environmental impact assessment.

4. Expenses incurred from the formulation and inspection of the report on environmental impact assessment, and included in total investment budget shall be covered by the project owner.

Article 68. *Environmental protection in manufacturing and business establishments*

1. Manufacturing and business establishments are obliged to:

a) Collect and treat wastewater in accordance with environmental standards;

b) Collect, classify, store, treat, and discharge solid waste in accordance with law;

c) Minimize, collect, treat dust and exhaust gases in accordance with law; ensure no leakage and discharge of noxious gases into the environment; limit noise, vibration, light and heat emission that negatively affects the surrounding environment and employees;

d) Provide sufficient resources and equipment for prevention and response to environmental emergencies;

dd) Formulate and implement environmental protection plans;

2. Manufacturing establishments or warehouses must ensure that there are no negative impacts on residential areas if they:

a) Have inflammable and/or explosive substances;

b) Have radioactive substances or strongly radiating substances;

c) Have substances that are harmful to humans and animals;

d) Emit dust, smell, noise that negatively affect human health;

dd) Cause pollution to water sources.

3. Manufacturing and business establishments that produce a large a mount of waste that is likely to seriously affect the environment must specialized units or employees specialized in environmental protection; the environment management systems of which must be certified as prescribed by the government.

4. Owners of manufacturing and business establishments are responsible for fulfilling the environmental protection requirements in Clauses 1, 2, and 3 of this Article and relevant regulations of law.

CIRCULAR 19/2011/TT-BYT GUIDING THE MANAGEMENT OF LABOR HYGIENE, LABORERS' HEALTH AND OCCUPATIONAL DISEASES

Article 4. *Labor hygiene management*

1. To make labor hygiene dossiers according to the form provided in Appendix 1 to this Circular, covering the following principal contents:

a) Part I. General situation of the labor establishment, including basic information on organizational structure, payroll; size and tasks; briefing of operating technological processes; hygiene of the surrounding environment and the working environment; health organization of the labor establishment; listing of machines, equipment and substances subject to strict labor safety and hygiene requirements;

b) Part II. Labor hygiene of sections of the labor establishment;

c) Part III. Listing of equipment meeting requirements on working environment hygiene safety;

d) Part IV. Registration of regular examination of the working environment.

2. To plan annual labor hygiene management, covering schedule for measuring and examination of the working environment, and preventive and remedy solutions.

3. To measure and examine labor hygiene elements according to the form provided in Appendix 2 to this Circular.

4. For investment projects to build or set up labor establishments, to make health impact assessment reports under regulations.

4.2.10.3
POSIBLES BUENAS PRÁCTICAS

4.2.10.3.1 Sistema de gestión ambiental propio, completo, en funcionamiento y documentado.

4.2.10.3.2 Sistema de gestión ambiental certificado (ISO14001, etc.).

4.2.10.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.10.4.1	CUMPLIMIENTO DE LOS PUNTOS 4.2.10.1 y 4.2.10.2	50/100
4.2.10.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN Y DE LA NORMATIVA DE LA ORGANIZACIÓN:	
4.2.10.4.2.1	Sistema de gestión ambiental propio, completo, en funcionamiento y documentado.	20/100
4.2.10.4.2.2	Sistema de gestión ambiental certificado (ISO14001, etc.).	10/100
	TOTAL	**80**

4.2.10.5
EJEMPLOS DE BUENAS PRÁCTICAS Y DE APLICACIÓN CORRECTA DE LA LEY EN IMÁGENES

Aplicación correcta de la ley: recogida y separación de residuos.

4.2.11 CUMPLIMIENTO DE LA LEGALIDAD VIGENTE

(corresponde al punto 11 del Código de Conducta de la organización)

"Los fabricantes deberán también cumplir la legislación aplicable en todo lo no previsto en los puntos anteriores."

En aquellos casos en que algún punto no esté previsto en la ley o no se aplique, esté claramente obsoleto o sea contrario a la razonabilidad o a la práctica general se aplicará lo previsto en este documento y a las referencias internacionales que en este sentido sean aplicables. Destacamos a continuación, entre estos aspectos de cumplimiento de la legalidad vigente, los relativos a corrupción:

4.2.11.1 CONVENIOS Y RECOMENDACIONES DE LA OIT/ONU Y REGLAMENTACIONES/GUÍAS INTERNACIONALES DE APLICACIÓN

Convención de las Naciones Unidas sobre corrupción[1], 2004.

Para un mayor detalle de información en aspectos de corrupción, se pueden consultar las siguientes referencias:

- Reglas de la International Chamber of Commerce (ICC) para combatir la corrupción.
- Cláusula ICC contra la corrupción.
- The Global Compact. Documento Guía. Implementación del 10º Principio contra la corrupción.

4.2.11.2 LEGISLACIÓN VIETNAMITA

Contratos de trabajo

LAW Nº 10/2012/QH13 LABOR CODE

Article 15. *Employment Contract*

An employment contract is an agreement between a worker and employer on the remunerated work, working conditions, rights and obligations of each party in the labour relations.

Article 16. *Forms of employment contracts*

1. An employment contract shall be concluded in writing and made in two copies, of which the employee keeps one copy; the employer keeps one copy, except for the case regulated in clause 2 of this Article. 16

2. The two parties may conclude a verbal employment contract in respect of temporary work for a duration of less than 3 months.

Article 36:. *Cases of labor contract termination*

1. The labor contract expires, except for the case prescribed in Clause 6 Article 192 of this Code.

2. The work under the labor contract is done.

3. Both parties agree to terminate the labor contract.

4. The employee satisfies the requirements of about social insurance duration and pension age as prescribed in Article 187 of this Code.

5. The employee is condemned to imprisonment, to death or prohibited from doing the work in the labor contract according to the legal judgment and decision from the Court.

6. The employee dies, is declared dead, missing or incapable of civil acts by the Court.

7. The employer being an individual dies, is declared dead, missing or incapable of civil acts by the Court; the employer not being an individual stops the operation.

8. The employee is disciplinarily dismissed as prescribed in Clause 3 Article 125 of this Code.

9. The employee unilaterally terminates the labor contract as prescribed in Article 37 of this Code.

10. The employer unilaterally terminates the labor contract as prescribed in Article 38 of this Code; the employer dismisses the employee due to changes in the mechanism, technology or for some economic reasons, or merger, separation of enterprises, cooperatives.

Article 37. *The right to unilaterally terminate the labor contract of employees*

1. The employee working under the fixed-term labor contract, casual labor contract or regular labor contract with term under 12 months is entitled to unilaterally terminate the contract sooner in the following cases:

a) The employee is not provided with the right work, the workplace or the working conditions as agreed in the labor contract;

b) The salary is not adequately or punctually paid as agreed in the labor contract;

c) The employee suffers from maltreatment, sexual harassment, coercive labor;

d) The employee or their family encounters difficulties that the labor contract cannot continue to be performed;

dd) The employee is elected to perform specialized duties at elective agencies or designated to hold a position in the State mechanism;

e) The pregnant female employee has to quit job under the direction from competent medical examination and treatment facilities.

g) The employees suffering from sickness or accidents cannot recover after 90 consecutive days of treatment for employees working under fixed-term labor contracts, or one fourth of the contract term for employees working under casual labor contract or regular labor contract with term under 12 months.

2. When unilaterally terminate the labor contract as prescribed in Clause 1 this Article, the employee must notify the employer:

a) At least 3 working days for the cases prescribed in Point a, b, c and g Clause 1 this Article;

b) At least 30 working days for fixed-term labor contracts, 03 working days for casual labor contracts or regular labor contracts with term under 12 months regarding the cases prescribed in Point d and dd Clause 1 this Article;

c) For the cases prescribed in Point e Clause 1 this Article, the advance notice time must comply with the provisions in Article 156 of this Code.

3. The employees working under labor contracts without fixed term are entitled to unilaterally terminate the labor contract but the employer must be notified in advance at least 45 days, except for the case prescribed in Article 156 of this Code.

Article 38. *The right to unilaterally terminate the labor contract of the employer*

1. The employer is entitled to unilaterally terminate the labor contract in the following cases:

a) The employee regularly fails to complete the works according to the labor contract;

b) The employee suffering from sickness or accidents cannot recover after 12 consecutive months of treatment for labor contracts without fixed term, after 06 months for employees working under fixed-term labor contracts, or over one half of the contract term for employees working under casual labor contract or regular labor contract with term under 12 months

When the employee recovers, he/she may be considered to conclude the new contract.

c) The employer have to reduce the production and vacancies after taking all measures to overcome the consequences from natural disasters, fire or other force majeure;

d) The employee fails to be present at the workplace after the duration prescribed in Article 33 of this Code.

2. When unilaterally terminating the labor contract, the employer must notify the employee:

a) At least 45 days for labor contracts without fixed term;

b) At least 30 days for fixed-term labor contracts;

c) At least 30 working days for the case prescribed in Point b Clause 1 this Article and for casual labor contracts or regular labor contracts with term under 12 months.

Article 39. *The employer must not unilaterally terminate the labor contract in the following cases:*

1. The employee is undergoing treatment for sickness or occupational accidents, occupational illness under the decision from the competent medical examination and treatment facility except for the case prescribed in Point b Clause 1 Article 38 of this Code.

2. The employee is on annual leave, personal leave and other leave permitted by the employer.

3. The female employees prescribed in Clause 3 Article 155 of this Code.

4. The employee is on maternity leave as prescribed by law provisions on social insurance.

Article 40. *Canceling the unilateral termination of the labor contract*

Each party is entitled to cancel the unilateral termination of the labor contract before the advance notice time limit expires. The cancellation must be made in writing and agreed by the other party

Article 41. *Illegal unilateral termination of the labor contract*

The illegal unilateral termination of the labor contract is the labor contract termination contrary to Article 37, 38 and 39 of this Code.

DECREE Nº 05/2015/ND-CP DEFINING AND PROVIDING GUIDANCE ON THE IMPLEMENTATION OF A NUMBER OF CONTENTS OF THE LABOR CODE

Article 4: *Contents of employment contract*

The main contents of the employment contract in Clause 1 of Article 23 of the Labor Code shall be defined as follows:

1. With regard to name and address of the employer :

a) Name of businesses, agencies, organizations, cooperatives, households, who hire, use the employers under employment contracts, as shown in the Certificate of Enterprise Registration, Certificate of cooperative registration or investment certificate or decision on establishment of agencies and organizations; if individuals hire or use the employees, the full names of such individuals as shown in their identity cards or passports are required;

b) Address of businesses, agencies, organizations, cooperatives, households, individuals, who hire and use the employees, as shown in the Certificate of Enterprise registration, Certificate of cooperative registration or investment certificate or decision on establishment of agencies and organizations in accordance with law;

c) Full name, date of birth, ID or passport number, residence address, title of the employer's authorized signatory at businesses, organizations, cooperatives, households hiring and using the employees under the provisions of Clause 1 of Article 3 hereof.

2. With regard to ID number or other legal documents of employees:

a) The employee's ID or passport number granted by the competent authorities;

b) Number, issuance date and place of work permits granted by the competent authorities to foreign employees working in Vietnam;

c) The written consent to conclusion of the employment contract that the legal representative of the employees from 15 years of age to under 18 years of age keeps;

d) Full name, date of birth, gender, place of residence, ID or passport number of the legal representative of the person under 15 years of age

dd) The written consent of under-15-years-old persons to their legal representatives' conclusion of their employment contracts.

3. With regard to work description and work places:

a) Work description: The details of work that the employee must perform;

b) Workplace of employees: Scope of agreed work and location where the employees work ; if the employees work in many different places, the main workplace shall be provided.

4. The term of the employment contract shall include: The number of months and days of employment contract execution , time of the employment contract commencement and termination (for fixed-term employment contracts or casual employment contract or piece work); time of the employment contract commencement (for indefinite term employment contract).

5. With regard to salary rate, form of payment, payment duration, allowances and other additional payment:

a) Salary rate, allowances and other additional payments shall be determined under the provisions of Clause 1 of Article 21 hereof;

b) Form of payment shall be determined in accordance with the provisions of Article 94 of the Labor Code;

c) Payment duration shall be determined by both parties in accordance with the provisions of Article 95 of the Labor Code.

6. With regard to promotion and wage raise regulations : requirements, schedule, specific time, salary rate that has been raised under the mutual agreement

7. With regard to the working time, rest time :

a) Working hours per a day and a week; shift; start or end of a working day, week or shift ; working days per week; overtime and overtime-related provisions;

b) Start and end of break time; weekly , annual days-off, holidays, personal leaves, unpaid leaves.

8. With regard to personal protective equipment provided for employees : Specific quantity, type, quality and service life of each type of personal protective equipment as prescribed by the employers.

9. With regard to social insurance, unemployment insurance and medical insurance :

a) Percentage of the monthly salary shall be paid for social insurance, unemployment insurance, medical insurance by employers and employees as prescribed in the law on social insurance, unemployment insurance and medical insurance

b) Methods time of payments for social insurance, unemployment insurance and medical insurance, made by employers and employees.

10. With regard to training and refresher courses for employees: The rights and obligations of employers and employees to schedule and budget these courses.

11. Other issues relating to both parties' compliance with contractual terms and conditions.

Article 5: *Amendment to the term of employment contracts with the appendix*

The term of the employment contract shall be amended only once in employment contract Appendix and not be changed in the type of the signed contract, except when the term of employment contracts with elderly employees and those who are part-time unionists are extended as specified in Clause 6 of Article 192 of the Labor Code.

Article 6: *Employment contract with elderly employees*

1. If the employers have a need and elderly employees are healthy enough in accordance with the conclusions of healthcare establishments established and operated under the provisions of the law, both parties shall agree to extend the term of employment contracts or enter into new employment contracts.

2. If the employers have no need or the elderly employees are not healthy enough, both parties shall terminate the employment contracts.

Article 7. *Notice of probation results*

1. Within 03 days before the end of the probation period for the employee whose probation period is stipulated in Clauses 1 and 2 of Article 27 of the Labor Code, the employer must notify the employee of the probation results; if the results meet the requirements, the employer shall immediately conclude the employment contract with the employee at the end of the probation period.

2. At the end of the probation period of employees whose probation period is specified in Clause 3 of Article 27 of the Labor Code, the employer must notify the employee of the probation results; if the results meet the requirements, the employer must immediately conclude a employment contract with the employee.

Anticorrupción

N/A

4.2.11.3
POSIBLES BUENAS PRÁCTICAS

4.2.11.3.2 Existencia de una normativa interna y externa anticorrupción.

4.2.11.4
VALORACIÓN DE LA FÁBRICA EN FUNCIÓN DE LOS PUNTOS ANTERIORES

	CONCEPTO	PUNTUACIÓN
4.2.11.4.1	CUMPLIMIENTO DEL PUNTO 4.2.11.2	50/100
4.2.11.4.2	PRÁCTICAS MÁS ALLÁ DE LA LEGISLACIÓN:	
4.2.11.4.2.1	Existencia de una normativa interna y externa anticorrupción.	20/100
	TOTAL	**70**

05

GUÍA DE APLICACIÓN RÁPIDA (ASPECTOS FUNDAMENTALES)

PUNTO DEL CÓDIGO	PRINCIPALES ASPECTOS A TENER EN CUENTA	EXTRACTO DEL PROCEDIMIENTO DE AUDITORÍA A REALIZAR[1]
PREVIO A LA AUDITORÍA	**NORMATIVA DE LA ORGANIZACIÓN** Autorización previa del fabricante/ fábrica por parte de la organización.	Normalmente establecido por el protocolo de la organización (cod. nº)
	Formación previa realizada. (Si es aplicable)	Normalmente establecido por el protocolo de la organización (cod. nº)
	Contrato firmado previamente. (Si es aplicable)	Normalmente establecido por el protocolo de la organización (cod. nº)
0. INTRODUCCIÓN	**NORMATIVA DE LA ORGANIZACIÓN** 0.1) Código firmado y expuesto en inglés/francés/español, etc. (en función del idioma de influencia del país/zona) e idioma local.	0.1) Normalmente establecido por el protocolo de la organización (cod. nº) 0.1) Observación durante la inspección de las instalaciones.
1. TRABAJO INFANTIL	**LEGISLACIÓN VIETNAMITA** 1.1) Artículo 3.1 (C.T.): La edad mímina establecida para trabajar es de 15 años.	1.1.) Realizar preguntas a los trabajadores/ representantes. 1.1) Observación durante la inspección de las instalaciones. 1.1) En caso de duda sobre la edad de algún trabajador, seleccionarlo de forma inmediata (durante la inspección de las instalaciones) para revisar su documentación e incluirlo en las entrevistas.
	1.2) Artículo 163 (C.T.): Los menores de 18 años sólo trabajan 7 horas al días, 40 horas a la semana y no pueden realizar horas extraordinarias.	2.2) Ídem 2.1
	1.3) Artículo 165 (C.T.): Los menores de 18 años no pueden realizar trabajos pesados, peligrosos, etc.	2.3) Ídem 2.1
2. TRABAJOS FORZADOS Y OBLIGATORIOS	**LEGISLACIÓN VIETNAMITA** 2.1) Artículo 3.10 (C.T.): No se utilizarán trabajos forzosos.	2.1.) Realizar preguntas a los trabajadores/ representantes. 2.1) Observación durante la inspección de las instalaciones.

[1] Ver documento completo específico: "Manual de auditoría social", publicado también por la Cátedra MANGO.

PUNTO DEL CÓDIGO	PRINCIPALES ASPECTOS A TENER EN CUENTA	EXTRACTO DEL PROCEDIMIENTO DE AUDITORÍA A REALIZAR[1]
3. SALUD Y SEGURIDAD EN EL TRABAJO	**LEGISLACIÓN VIETNAMITA** 3.1) Artículo 137 (C.T.): Información general sobre salud y seguridad en el trabajo. 3.2) Circular interministerial 01/2011/TTLT-BLDTBXH-BYT): Existencia del Comité de Seguridad e Higiene: actas de nombramiento, reunión e informe trimestral, nombramiento de personal a cargo de la seguridad e higiene en el trabajo. 3.3) Circular 27/2013/TT-BLDTBXH: actividades de entrenamiento a los miembros del Comité de Seguridad e Higiene, obtención y renovación de los cerfiticados correspondientes. 3.4) Circular 07/2010/TT-BXD, TCVN: 2622-1995, TCVN 439/BXD-CSXD: vías y salidas de evacuación adecuadas, suficientes y bien señaladas. 3.5) Decisión 3733/2002/QD-BYT: iluminación, ventilación, ruido y temperatura. 3.6) TCVN 439/BXD-CSXD: instalaciones eléctricas adecuadas (protección, mantenimiento) 3.7) TCVN 7435/2004: extintores suficientes y revisados periódicamente. 3.8) Decreto 26/2011/ND-CP: adecuada gestión de los productos peligrosos (disolventes, quitamanchas, etc.) 3.9) Circular 04/2014/TT-BLDTBXH: utilización EPIs (guantes de malla en corte, botas de agua en lavado) 3.10) Decisión 3733/2002/QD-BYT: lavabos, retretes y acceso a agua potable, suficientes y limpios: 1 para cada 20 trabajadores (hombres y mujeres). 3.11) Circular 30/2012/TT-BYT, Circular 15/2012/TT-BYT: espacios adecuados para comer, guardar muestras de la comida dentro de 24 horas. 3.12) Circular 09/2000/TT-BYT: material de primeros auxilios en condiciones adecuadas, conteniendo 3.13) Circular 66/2014/TT-BCA: existencia de planes de emergencia y realización de ejercicios de evacuación. 3.14) Circular interministerial 01/2011/TTLT-BLDTBXH-BYT: existencia de médico y servicios sanitarios durante las horas de trabajo para centros con más de 500 trabajadores y contrato de asistencia sanitaria con centros de salud cuando sean menos de 500 trabajadores.	3.1- 3.14) Preguntas trabajadores/ representantes. 3.1- 3.14) Observación y verificación durante la inspección de instalaciones en la visita a la fábrica. 3.1- 3.14) Especial atención en edificios antiguos y dentro de los cascos urbanos y edificios de varias plantas.

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PUNTO DEL CÓDIGO	PRINCIPALES ASPECTOS A TENER EN CUENTA	EXTRACTO DEL PROCEDIMIENTO DE AUDITORÍA A REALIZAR[1]
4. LIBERTAD DE ASOCIACIÓN	**LEGISLACIÓN VIETNAMITA** 4.1 Artículo 69 (CT) han de existir representantes de los trabajadores de acuerdo con lo especificado en el código.	4.1) Revisión de las actas de constitución, y periódicas, de los representantes de los trabajadores. 4.1) Realizar preguntas a los trabajadores/ representantes.
5.DISCRIMINACIÓN	**LEGISLACIÓN VIETNAMITA** 5.1 Artículo 7.1 (C.T): la relación laboral entre empleador y trabajador se establece mediante diálogo, negociación, acuerdo sobre los principios de voluntad, equidad, cooperación y respeto a los derechos e intereses de las partes.	5.1) Revisión de la documentación de los trabajadores (expediente, contrato, nóminas, etc.) 5.1) Realizar preguntas a los trabajadores/ representantes.
	5.2 Artículo 8. Se prohibe la discriminación en base a género, raza, color, clase social, situación familiar, creencia, religión, enfermedad o discapacidad y partenencia a sindicatos o participación en los mismos.	5.1) Revisión de la documentación de los trabajadores (expediente, contrato, nóminas, etc.) 5.1) Realizar preguntas a los trabajadores/ representantes.
6. MEDIDAS DISCIPLINARIAS	6.1 Artículo 121-129 (C.T) reglamenta las posibles medidas disciplinarias y los casos en los que no se puede llevar a cabo.	6.3) Ídem 6.1

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PUNTO DEL CÓDIGO	PRINCIPALES ASPECTOS A TENER EN CUENTA	EXTRACTO DEL PROCEDIMIENTO DE AUDITORÍA A REALIZAR[1]
7. HORARIO DE TRABAJO	**LEGISLACIÓN VIETNAMITA** 7.1) Artículo 104 (C.T): máximo 8 horas al día y 48 horas a la semana. No más de 6 horas al día en casos de trabajos especiales regulados por la ley. 7.2) Artículo 110 (C.T): cada semana, los trabajadores tienen el derecho de descansar 24 horas consecutivas (domingo). El empleador tiene que asegurar que los trabajadores tengan al menos 4 días al mes. 7.3) Artículo 106 (C.T): las horas extraordinarias no pueden exceder a 12 horas al día, 30 horas al mes y 200 horas al año, en algunos casos regulados por la norma no exceder a las 300 horas extraordinarias al año. 7.4) Artículo 108 (C.T): descaso entre jornadas con pago: 30 minutos para jornadas de 8 a 10 horas y 45 minutos en jornada de 8 horas nocturnas. 7.5) Artículo 155 (C.T): hora de pago aplicable para trabajadores mujeres: 30 minutos cada día-mínimo de 3 días por menstruación y 60 minutos cada día por embarazo a partir de 7 meses o en cuidado de hijo menor de 12 meses. 7.6) Artículo 34 (Ley de Seguridad social 2014): regula los periodos de permiso por nacimiento para madres y padres. 7.7) Artículo 111-112 (C.T): las vacaciones se calculan de acuerdo con: por un año de trabajo completo - 12 días al año (trabajos pesados y especiales: 14 días al año), por cada 5 años de antigüedad se les suma 1 día de vacaciones.	7.1 – 7.9) Comprobar registros de entrada y salida. 7.1 – 7.9) Comprobar nóminas verificando la coincidencia de información entre todos los registros. 7.1 – 7.9) Realizar preguntas a los trabajadores/ representantes. 7.1 – 7.9) Llevar a cabo un seguimiento efectivo de la compensación así como el cálculo anual y el pago de diferencias.

[1] Ver documento completo específico: "Manual de auditoría social", publicado también por la Cátedra MANGO.

PUNTO DEL CÓDIGO	PRINCIPALES ASPECTOS A TENER EN CUENTA	EXTRACTO DEL PROCEDIMIENTO DE AUDITORÍA A REALIZAR[1]
8. REMUNERACIONES	**LEGISLACIÓN VIETNAMITA** 8.1) Artículo 91.1 (C.T): aplicación del salario mínimo obligatorio. 8.2) Decreto 122/2015/ND-CP: el salario mínimo obligatorio actualizado para todos los sectores para el año 2017 es de: zona 1 – 3.750.000vnd/mes, zona 2 – 3.320.000vnd/mes, zona 3 – 2.900.000vnd/mes y zona 4 – 2.580.000vnd/mes. 8.3) Artículo 97 (C.T): las horas extraordinarias nocturnas (22h-6h) son remuneradas al 130% más.	8.1/8.2/8.3/8.4) Revisión de la documentación de los trabajadores (expediente, contrato, nóminas, Carte de Travail, etc.) 8.1/8.2/8.3/8.4) Realizar preguntas a los trabajadores/ representantes.
	8.5) Artículo 2 de Ley de Seguridad social 2014: todos los empledores deben afiliar a sus trabajadores que tengan contrato de trabajo con duración más de 3 meses. 8.6) Decreto 115/2015/ND-CP: Cotizaciones: seguridad social 26% (empleador 18% - trabajador 8%), seguro médico 4.5% (empleador 3% - trabajador 1.5%), seguro de desempleo 2% (empleador 1% - trabajador 1%).	8.5/8.6) Revisión de la documentación de los trabajadores (expediente, contrato, nóminas, Carte de Travail, etc.) 8.5/8.6) Realizar preguntas a los trabajadores/ representantes. 8.5/8.6) Cuadrar el número de trabajadores incluidos en documento de pago de la seguridad social a final del último mes disponible con el número total trabajadores. 8.5/8.6) Revisión documentación de los trabajadores (expediente, contrato, nóminas, Carte de Travail, retenciones, etc.) 8.5/8.6) Realizar preguntas a los trabajadores/ representantes.

[1] Ver documento completo específico: "Manual de auditoría social", publicado también por la Cátedra MANGO.

PUNTO DEL CÓDIGO	PRINCIPALES ASPECTOS A TENER EN CUENTA	EXTRACTO DEL PROCEDIMIENTO DE AUDITORÍA A REALIZAR[1]
9. SUBCONTRATACIÓN	**NORMATIVA DE LA ORGANIZACIÓN** 9.1) Existencia de contrato firmado, instrucciones y control de calidad por parte de la organización (sólo se acepta subcontratar en casos autorizados, previa revisión).	9.1) Verificar capacidades de producción. 9.1) Contrastar y verificar con control de calidad (en caso de ser aplicable).
10. MEDIO AMBIENTE	10.1) Artículo 19 y 68 (C.T) sobre la evaluación del impacto ambiental de la actividad.	10.1) Inspección instalaciones (ver existencia y destino residuos sólidos, líquidos (si los hay, deben ser tratados). Humos caldera.) 10.1) Análisis de documentos solicitados.
	NORMATIVA DE LA ORGANIZACIÓN 10.2) Suscripción de todas las políticas medioambioentales establecidas por la organización.	10.2) Normalmente establecido por el protocolo de la organización (cod. nº) 10.2) Normalmente establecido por el protocolo de la organización (cod. nº)
11. CUMPLIMIENTO DE LA LEGALIDAD VIGENTE	**LEGISLACIÓN VIETNAMITA** 11.1 Artículo 16 (C.T): El contrato de trabajo debe ser por escrito, firmado por ambas partes, cada parte guarda 1 copia del contrato salvo contratos inferiores a tres meses.	11.1) Verificar normativa expuesta. 11.1) Análisis de documentos solicitados previamente.

[1] Ver documento completo específico: "Manual de auditoría social", publicado también por la Cátedra MANGO.

06

SISTEMA DE VALORACIÓN DE LAS FÁBRICAS EN FUNCIÓN DEL CUMPLIMIENTO DE LA LEGISLACIÓN Y DE LA APLICACIÓN DE MEDIDAS MÁS ALLÁ DE LA NORMATIVA OBLIGATORIA

6.1 INTRODUCCIÓN

Tal y como ya se ha comentado al inicio de este documento, con el objetivo de promover la mejora continua y avanzar en el ámbito de la sostenibilidad, se ha propuesto una escala de valoración para las fábricas auditadas, de acuerdo con dos factores básicos:

1. El cumplimiento de la legislación.
2. Buenas prácticas que van más allá de la legislación específica.

Los conceptos recogidos en la legislación no ofrecen dudas, más allá de la posible interpretación de algún aspecto de forma puntual. En lo que hace referencia a las buenas prácticas, se han propuesto algunas muy concretas (las que consideramos más aplicables y posibles), pero también se podrían haber considerado otras de adicionales, desglosado y detallado más algunas de ellas o escalado su valor. No obstante, el objetivo de esta propuesta es facilitar una referencia y punto de partida, pudiéndose adaptar y aplicar como se crea necesario en función de las circunstancias.

6.2 METODOLOGÍA

A cada punto del Código: "0. INTRODUCCIÓN", "1. TRABAJO INFANTIL", etc." se le ha dado una valoración concreta, en base a los criterios especificados en este documento (con un mayor desglose en el punto: "3. SALUD Y SEGURIDAD", valorando y promediando cada uno de sus 18 apartados y subapartados, pero estableciendo un único valor medio final como en el resto de puntos del Código).

Los citados valores de cada punto del Código pueden oscilar entre 0 y 100. No obstante, hay que señalar que no es posible obtener en todos los puntos este valor máximo, ya que no hay el mismo número de buenas prácticas en cada punto ni todos se valoran igual.

En nuestros ejemplos hemos considerado en la valoración todos los puntos previstos como aplicables (el efecto de los no aplicables es inmaterial), no obstante, en el caso de que esto no suceda, no se deberían incluir y habría que rehacer la fórmula en este sentido.

6.3 INCUMPLIMIENTOS

En el caso de que se produzca un incumplimiento, que implicaría una valoración en el punto en concreto por debajo de 50, aunque la suma del resto de puntos promediados sea en total igual o superior a este valor (50), la fábrica no se valorará y se considerará de tipo D (ver apartado de puntuación final) hasta que no se resuelva la situación. En este sentido, establecemos el valor mínimo posible para una fábrica en 50 (para cada punto del Código y en total).

6.4 PONDERACIÓN

Una vez obtenida la valoración de los 12 puntos del Código, planteamos las dos opciones de ponderación siguientes:

1) Que todos los puntos del Código (12) tengan entre ellos la misma importancia, dándoles a cada uno la misma ponderación ("1") y, finalmente, promediándolos para obtener un valor único final.

A continuación mostramos esta fórmula de valoración (considerando, como ejemplo, el valor máximo posible) para cada punto del Código, expresando el valor final (máximo y mínimo) en base 100 para una mayor claridad.

Valoración máxima de la fábrica (nombre) = $[1_0 \times 60 + 1_1 \times 100 + 1_2 \times 100 + 1_3 \times [[[(1_{3.A1} \times 100 + 1_{3.A2} \times 80 + 1_{3.A3} \times 60 + 1_{3.A4} \times 60 + 1_{3.A5} \times 60 + 1_{3.A6} \times 60 + 1_{3.A7} \times 60 + 1_{3.A8} \times 60 + 1_{3.A9} \times 60 + 1_{3.A10} \times 60) /10] + 1 \times [(1_{3.B1} \times 80 + 1_{3.B2} \times 60 + 1_{3.B3} \times 90) / 3] + 1_{3.C} \times 60 + 1_{3.D} \times 60 + 1_{3.E} \times 60 + 1_{3.F} \times 90 + 1_{3.G} \times 60 + 1_{3.H} \times 70 + 1_{3.I} \times 60 + 1_{3.J} \times 80 + 1_{3.K} \times 60 + 1_{3.L} \times 60 + 1_{3.M} \times 60 + 1_{3.N} \times 60 + 1 \times [(1_{3.O1} \times 80 + 1_{3.O2} \times 60 + 1_{3.O3} \times 90 + 1_{3.O4} \times 80) / 4] + 1_{3.P} \times 80 + 1_{3.Q} \times 100 + 1_{3.R} \times 60] / 18] + 1_4 \times 100 + 1_5 \times 100 + 1_6 \times 50 + 1_7 \times 90 + 1_8 \times 80 + 1_9 \times 50 + 1_{10} \times 80 + 1_{11} \times 70] / 12 = 79{,}08$ (sin base 100) / Valor expresado en base 100 = 100

2) Ponderar el valor de cada uno de los 12 puntos del Código de forma diferente entre ellos, en función de la importancia que se quiera dar en cada país a cada uno (se ha propuesto una en concreto para Vietnam).

A continuación mostramos esta fórmula de valoración (considerando, como ejemplo, el valor máximo posible) para cada punto del Código, expresando también el valor final (máximo y mínimo) en base 100 para una mayor claridad:

Valoración máxima de la fábrica (nombre) = $[1 \times (1_0 \times 60) + 1 \times (1_1 \times 100) + 1 \times (1_2 \times 100) + 2 \times (1_3 \times [[[(1_{3.A1} \times 100 + 1_{3.A2} \times 80 + 1_{3.A3} \times 60 + 1_{3.A4} \times 60 + 1_{3.A5} \times 60 + 1_{3.A6} \times 60 + 1_{3.A7} \times 60 + 1_{3.A8} \times 60 + 1_{3.A9} \times 60 + 1_{3.A10} \times 60) /10] + 1 \times [(1_{3.B1} \times 80 + 1_{3.B2} \times 60 + 1_{3.B3} \times 90) / 3] + 1_{3.C} \times 60 + 1_{3.D} \times 60 + 1_{3.E} \times 60 + 1_{3.F} \times 90 + 1_{3.G} \times 60 + 1_{3.H} \times 70 + 1_{3.I} \times 60 + 1_{3.J} \times 80 + 1_{3.K} \times 60 + 1_{3.L} \times 60 + 1_{3.M} \times 60 + 1_{3.N} \times 60 + 1 \times [(1_{3.O1} \times 80 + 1_{3.O2} \times 60 + 1_{3.O3} \times 90 + 1_{3.O4} \times 80) / 4] + 1_{3.P} \times 80 + 1_{3.Q} \times 100 + 1_{3.R} \times 60] / 18]) + 2 \times (1_4 \times 100) + 1 \times (1_5 \times 100) + 1 \times (1_6 \times 50) + 2 \times (1_7 \times 90) + 4 \times (1_8 \times 80) + 1 \times (1_9 \times 50) + 2 \times (1_{10} \times 80) + 1 \times (1_{11} \times 70)] / 12 = 127{,}32$ (sin base 100) / Valor expresado en base 100 = 100

6.5 PUNTUACIÓN FINAL

Una vez obtenido el valor final de la fábrica, ésta se clasificará entre A, B, C o D, de acuerdo con los límites expresados a continuación, en función de la ponderación utilizada: 1) o 2) anteriormente descrita. Estos límites para clasificar la fábrica son una propuesta y, lógicamente, pueden variar en función de lo que finalmente se pueda establecer:

PONDERACIÓN OPCIÓN 1

TIPO DE EMPRESA	PUNTUACIÓN
A	> 70
B	Entre 60 y 70
C	Entre 50 y 60
D	< 50

Valor máximo opción 1): 79,08 (sin base 100) / Valor expresado en base 100 = 100

Valor mínimo opción 1): 50 (sin base 100) / Valor expresado en base 100 (en relación al valor máximo: 79,08) = 63,22

PONDERACIÓN OPCIÓN 2

TIPO DE EMPRESA	PUNTUACIÓN
A	> 120
B	Entre 108 y 120
C	Entre 95,8 y 108
D	< 95,8

Valor máximo opción 2): 127,32 (sin base 100) / Valor expresado en base 100 = 100

Valor mínimo opción 2): 95,08 (sin base 100. Es mayor que 50, ya que al estar ponderado hay valores mínimos que se repiten) / Valor expresado en base 100 (en relación al valor máximo: 127,32) = 39,27

07

ANEXOS (LEGISLACIÓN VIETNAMITA)

7.1 Employment Criteria and Guidelines of the International Labour Organization - ILO (see appendices)

7.2 Constitution of the Socialist Republic of Vietnam

7.3 Law no. 84/2015/QH13 - Occupational Safety and Hygiene.

7.4 Law no. 58/2014/QH13 – Social Insurance.

7.5 Law no. 55/2014/QH13 - Environment Protection

7.6 Law no.40/2013/QH13 - Fire Prevention and Fighting.

7.7 Law no. 12/2012/QH13 - Trade Union.

7.8 Law no. 10/2012/QH13. The Labour Code of the Socialist Republic of Vietnam 2012.

7.9 Law no. 06/2007/QH12 - Chemical

7.10 Decree No. 44/2016/ND-CP dated May 15, 2016 of the Government detailing some articles of the Law on Occupational safety and sanitation, technical inspection of occupational safety, training of occupational safety and sanitation and monitoring of occupational environment.

7.11 Decree 49/2013/ND-CP - Detailing a number of articles of the Labour Code regarding wages.

7.12 Decree 45/2013 - Work time, rest time and safety at work

7.13 Joint Circular No. 01/2011/TTLT-BLDTBXH-BYT - Guiding the organization of labour safety and sanitation work in labour-employing establishments.

7.14 Circular 66/2014/TT-BCA - detailing the implementation of a number of articles of the Decree No. 79/2014/ND-CP detailing the implementation of a number of articles of the Law on fire prevention and fighting and the Law on amendments and supplements to the number of articles of the law on fire prevention and fighting.

7.15 Circular 09/2000/TT-BYT guiding health care for employees at medium and small size enterprises

7.16 The National Standard TCVN 439/BXD-CSXD

7.17 The National Standard TCVN 2622:1995 - Fire Protection

7.18 Auditing Requirements specified by Learning By Doing.

08

ANEXOS (CÓDIGO DE CONDUCTA DE LA ORGANIZACIÓN PARA FABRICANTES)

8.1 CÓDIGO EN ESPAÑOL

CÓDIGO DE CONDUCTA SOCIAL, LABORAL, DE RESPETO A LOS DERECHOS HUMANOS Y AMBIENTAL PARA FABRICANTES DE LA ORGANIZACIÓN

Este Código está basado en los principios y filosofía del Pacto Mundial de Naciones Unidas, así como en los principios estipulados en la Declaración Universal de los Derechos Humanos y el Convenio de Naciones Unidas sobre los Derechos del Niño.

Asimismo se incluyen todos los convenios y recomendaciones de la Organización Internacional del Trabajo (OIT) de aplicación (en particular los convenios: 1, 29, 75, 81, 87, 98, 100, 102, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182 y 183, y las recomendaciones: 35, 90, 111, 143, 146, 164, 168, 184 y 190).

1. TRABAJO INFANTIL

Los fabricantes no utilizarán trabajo infantil de acuerdo con los criterios establecidos en los convenios de la OIT. Asimismo, la política de la organización sobre el trabajo de menores se basa en el convenio de Naciones Unidas sobre los Derechos del Niño.

2. TRABAJOS FORZADOS Y OBLIGATORIOS

Los fabricantes no utilizarán ningún tipo de trabajo forzado y obligatorio..

3. SALUD Y SEGURIDAD EN EL TRABAJO

Los fabricantes garantizarán a sus empleados un lugar de trabajo seguro (prevención de incendios, maquinaria, etc.) y saludable (luz, ventilación, condiciones higiénicas, etc.) cumpliendo, asimismo, con todo lo exigido en la legislación que sea de aplicación en esta materia. De igual forma garantizarán que estas condiciones sean extensivas, en el caso de ser aplicable, a todas las instalaciones destinadas a sus empleados.

4. LIBERTAD DE ASOCIACIÓN

Los fabricantes respetarán el derecho de sus empleados a asociarse, organizarse o negociar colectivamente sin que sufran por ello ninguna clase de sanción.

5. DISCRIMINACIÓN

Los fabricantes no realizarán ningún tipo de discriminación en las prácticas laborales y de contratación por motivos de raza, nacionalidad, religión, discapacidad, sexo, edad, orientación sexual, asociación o afiliación política o cualquier otra situación.

6. MEDIDAS DISCIPLINARIAS, ACOSOS Y ABUSOS

Los fabricantes no harán uso de castigos corporales, así como de abusos físicos o psicológicos y/o cualquier otra tipología de acoso.

7. HORARIO DE TRABAJO

Los fabricantes acatarán la legislación aplicable y las reglas de su industria en materia de horas trabajadas. Las horas extraordinarias deberán ser siempre voluntarias y adecuadamente retribuidas.

Si se realizan horas extraordinarias, se aceptará un máximo de dos horas por día. En el caso de que se produzcan condiciones excepcionales de forma puntual cabe la posibilidad de modificar este límite aceptando aquellas situaciones que, con las características anteriormente descritas, y siendo razonables y lógicas, se realicen siempre de mutuo acuerdo con el trabajador no superando nunca el máximo anual de horas extraordinarias totales al año previstas en la legislación.

8. REMUNERACIONES

Los fabricantes garantizarán que los salarios cumplan rigurosamente con todas las leyes. Asimismo el salario mínimo legal se interpretará como tal mínimo, pero no como un nivel recomendado.

9. SUBCONTRATACIÓN

Los fabricantes sólo pueden realizar las producciones en aquellas fábricas autorizadas y verificadas por la organización.

10. MEDIO AMBIENTE

Toda la actividad de los fabricantes, se realizará de manera respetuosa con el medio ambiente cumpliendo, asimismo, la legislación y reglamentación prevista. Asimismo los fabricantes suscribirán todos los documentos específicos que, en este sentido, tenga establecida la organización.

11. CUMPLIMIENTO DE LA LEGALIDAD VIGENTE

Los fabricantes deberán también cumplir la legislación aplicable en todo lo no previsto en los puntos anteriores.

E-mail de contacto la organización:

8.2 CÓDIGO EN INGLÉS

SOCIAL, EMPLOYMENT, ENVIRONMENTAL AND RESPECT FOR HUMAN RIGHTS CODE OF CONDUCT, FOR MANUFACTURERS

This code is based on the principles and philosophy of the United Nations Global Compact, as well as the principles established in the Universal Declaration of Human Rights and Convention on the Rights of the Child of the United Nations.

It also includes all the applicable conventions and recommendations of the International Labour Organisation (ILO) are included (in particular conventions 1, 29, 75, 81, 87, 98, 100, 102, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182 and 183, and recommendations 35, 90, 111, 143, 146, 164, 168, 184 and 190).

1. CHILD LABOUR

Adopting the criteria established in the ILO conventions, manufacturers shall not use child labour. In addition, our policy on child labour is based on the United Nations Convention on the Rights of the Child.

2. FORCED AND OBLIGATORY LABOUR

Manufacturers shall not use any form of forced or obligatory labour.

3. HEALTH AND SAFETY AT WORK

Manufacturers shall guarantee their employees a working environment which is secure (fire prevention, machinery, etc.) and healthy (lighting, ventilation, hygienic conditions, etc.) and also comply with all the provisions stipulated in the application legislation in this regard. In addition, they shall guarantee that said conditions are extended, wherever applicable, to all the facilities allocated to their employees.

4. FREEDOM OF ASSOCIATION

Manufacturers will respect the rights of their employees to associate, organise themselves or negotiate collectively without incurring any form of sanction as a result.

5. DISCRIMINATION

Manufacturers shall not discriminate in employment and recruitment practices based on the grounds of race, nationality, religion, disability, gender, age, sexual orientation, political association or affiliation or any other situation.

6. DISCIPINARY MEASURES, HARASSMENT AND ABUSE

Manufacturers shall not use corporal punishment, physical or psychological abuse and/or any other type of harassment.

7. WORKING HOURS

Manufacturers shall comply with the applicable legislation and industry regulations with regard to hours worked. Overtime will always be voluntary and appropriately remunerated.

If overtime is worked, a maximum of two hours per day will be accepted. In exceptional circumstances this limit may be modified in the aforementioned situations if reasonable and logical, and at all times with the mutual agreement of the employee, provided the annual total not exceeding the maximum of overtime hours per year envisaged in the legislation.

8. REMUNERATION

Manufacturers will guarantee that salaries strictly comply with the legislation. In addition, the statutory minimum wage will be interpreted as said minimum, and not the recommended level.

9. SUBCONTRACTING

Manufacturers may only carry out production in factories authorised and audited by the organization.

10. ENVIRONMENT

All manufacturing activity shall be carried out respecting the environment and, at all times, complying with the envisaged legislation and regulations. Thus, every especific document that, in this regard, has been stablished by the organization, will be subscribed.

11. COMPLIANCE WITH THE CURRENT LEGISLATION

Manufacturers must also comply with the applicable legislation for all matters not envisaged in the above points.

Contact e-mail of the organization:

8.3 CÓDIGO EN FRANCÉS

CODE DE BONNE CONDUITE SOCIALE, PROFESSIONNELLE, DE RESPECT DES DROITS HUMAINS ET ENVIRONNEMENTALE POUR LES FABRICANTS

Ce code de bonnes pratiques repose sur les principes et la philosophie du Pacte mondial des Nations unies, ainsi que sur les principes établis dans la Déclaration universelle des Droits de l'homme et la Convention des Nations unies relative aux Droits de l'Enfant.

Ce code prend également en compte toutes les conventions et recommandations applicables de l'Organisation internationale du Travail (OIT), en particulier les accords numéro 1, 29, 75, 81, 87, 98, 100, 102, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182 y 183, et les recommandations numéro 35, 90, 111, 143, 146, 164, 168, 184 et 190.

1. TRAVAIL DES ENFANTS

Conformément aux critères établis par les conventions de l'OIT, les fabricants ne recourront pas au travail des enfants. Notre politique concernant le travail des enfants est fondée sur la Convention des Nations unies relative aux Droits de l'Enfant.

2. TRAVAUX FORCÉS ET OBLIGATOIRES

Les fabricants ne devront recourir ni au travail forcé, ni au travail obligatoire, de quelque sorte que ce soit.

3. SANTÉ ET SÉCURITÉ AU TRAVAIL

Les fabricants devront faire en sorte de créer un environnement de travail sûr (prévention des incendies, sécurité des machines, etc.) et sain (éclairage, ventilation, conditions d'hygiène, etc.), conformément à la législation en vigueur. Ils devront également garantir que ces conditions s'étendent, le cas échéant, à toutes les installations destinées à leurs employés.

4. LIBERTÉ D'ASSOCIATION ET DROIT DE NÉGOCIATION COLLECTIVE

Les fabricants devront respecter le droit de leurs employés à s'associer, à s'organiser ou à négocier collectivement sans encourir de sanction.

5. DISCRIMINATION

Les fabricants ne devront pratiquer aucune sorte de discrimination fondée sur l'ethnie, la nationalité, la religion, le handicap, le genre, l'âge, l'orientation sexuelle, la participation à un syndicat ou l'affiliation politique, lors de l'embauche ni dans les pratiques professionnelles.

6. MESURES DISCIPLINAIRES, HARCÈLEMENTS ET ABUS

Les fabricants ne devront pas avoir recours aux châtiments corporels, à la coercition mentale ou physique, ou tout autre type de harcèlement.

7. TEMPS DE TRAVAIL

Les fabricants devront respecter la législation en vigueur et les règles de leur industrie concernant le temps de travail. Les heures supplémentaires ne pourront être imposées au travailleur qui pourra les accepter ou les refuser, et elles devront être convenablement rétribuées.

Les heures supplémentaires seront limitées à deux heures par jour. Si des circonstances exceptionnelles et ponctuelles l'exigent, il sera possible de dépasser cette limite à condition que le travailleur l'accepte. Ces heures supplémentaires, qui devront rester dans les limites du raisonnable et du nombre annuel total d'heures supplémentaires prévu par la législation, devront être rémunérées conformément aux conditions établies.

8. RÉMUNÉRATION

Les fabricants devront garantir que les salaires sont conformes aux lois en vigueur. Le salaire minimal légal sera interprété comme un minimum et non comme un niveau salarial recommandé.

9. SOUS-TRAITANCE

Les fabricants ne peuvent produire les biens fournis que dans les usines agréées et contrôlées.

10. ENVIRONNEMENT

Toute l'activité des fabricants sera réalisée dans le respect de l'environnement et conformément à la législation et à la réglementation en vigueur. Se souscriront, également, tous les documents spécifiques qui, de cette manière, suivront l'organisation établie.

11. RESPECT DE LA LÉGISLATION EN VIGUEUR

Les fabricants devront à tout moment respecter la législation en vigueur dans les différents domaines applicables mentionnés précédemment.

E-mail du contact de l'organisation:

8.4 CÓDIGO EN VIETNAMITA

QUY TẮC ỨNG XỬ VỀ XÃ HỘI, LAO ĐỘNG, TÔN TRỌNG QUYỀN CON NGƯỜI VÀ MÔI TRƯỜNG DÀNH CHO CÁC NHÀ SẢN XUẤT.

Quy tắc ứng xử này dựa trên những nguyên tắc và triết lý của Cơ quan hiệp ước toàn cầu của Liên Hiệp Quốc (United Nations Global Compact) cũng như các quyền được quy định tại Tuyên ngôn thế giới về Quyền con người và Công ước của Liên Hiệp Quốc về Quyền trẻ em.

Tương tự, tất cả các công ước và khuyến nghị của Tổ chức Lao động Quốc tế (International Labour Organisation - ILO) đều được áp dụng (đặc biệt là các công ước 1, 29, 75, 81, 87, 98, 100, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182, 183 và các khuyến nghị số 35, 90, 111, 143, 146, 164, 168, 184,190).

1. LAO ĐỘNG TRẺ EM

Theo các tiêu chuẩn tại các công ước của ILO, các nhà sản xuất không được sử dụng lao động trẻ em. Chính sách của chúng tôi đối với lao động chưa thành niên được căn cứ theo Tuyên bố của Liên Hiệp Quốc về Quyền trẻ em.

2. LAO ĐỘNG KHỔ SAI VÀ LAO ĐỘNG BẮT BUỘC

Các nhà sản xuất không được sử dụng lao động khổ sai và lao động bắt buộc dưới bất cứ hình thức nào.

3. SỨC KHỎE VÀ AN TOÀN LAO ĐỘNG

Các nhà sản xuất phải đảm bảo cho các công nhân của mình được làm việc trong môi trường lao động an toàn (phòng cháy chữa cháy, máy móc thiết bị, v.v…) và đảm bảo sức khỏe (ánh sáng, không khí, các điều kiện vệ sinh, v.v…) cũng như phải tuân thủ các quy định pháp luật có liên quan. Các nhà sản xuất cũng phải đảm bảo rằng các điều kiện làm việc nêu trên phải được áp dụng cho toàn bộ các cơ sở có công nhân làm việc.

4. TỰ DO HỘI ĐOÀN

Các nhà sản xuất phải tôn trọng quyền tham gia, tổ chức hiệp hội hoặc thương lượng tập thể của người lao động mà không chịu bất kỳ hình thức kỷ luật nào.

5. PHÂN BIỆT ĐỐI XỬ

Các nhà sản xuất không được phân biệt đối xử trong lao động và tuyển dụng căn cứ vào chủng tộc, quốc tịch, tôn giáo, khuyết tật, giới tính, tuổi tác, xu hướng tính dục, khuynh hướng hoặc liên kết chính trị hay bất kỳ điều kiện nào khác.

6. CÁC HÌNH THỨC KỶ LUẬT, SÁCH NHIỄU VÀ LẠM DỤNG

Các nhà sản xuất không được xâm phạm thân thể, lạm dụng thể chất, tinh thần hoặc bất kỳ hình thức lạm dụng nào khác.

7. GIỜ LÀM VIỆC

Các nhà sản xuất phải tuân thủ pháp luật hiện hành cũng như các quy định áp dụng cho ngành công nghiệp tương ứng về thời gian làm việc. Việc tăng ca luôn phải trên cơ sở tự nguyện và được chi trả tương ứng.

Nếu có làm tăng ca thì tối đa sẽ là 2 giờ một ngày. Trong một số trường hợp đặc biệt và phải chứng minh lý do hợp lý thì có thể mở rộng giới hạn trên, nhưng luôn phải có sự đồng thuận của người lao động và không bao giờ vượt quá tổng thời gian làm thêm giờ trên một năm được quy định bởi pháp luật.

8. LƯƠNG BỔNG

Các nhà sản xuất phải đảm bảo rằng việc chi trả tiền lương đều tuân thủ chặt chẽ theo luật định. Mức lương thấp nhất cho phép là lương tối thiểu theo quy định của pháp luật nhưng đây không phải là mức lương khuyến khích.

9. HỢP ĐỒNG PHỤ/ NHÀ THẦU PHỤ

Các nhà sản xuất chỉ được tiến hành sản xuất hàng tại các nhà máy đã được kiểm duyệt và cho phép bởi nhà thầu.

10. MÔI TRƯỜNG

Tất cả các hoạt động sản xuất phải lưu tâm tới môi trường và tuân thủ các quy định pháp lý về môi trường. Nếu có yêu cầu từ nhà thầu thì các nhà sản xuất sẽ phải ký những văn bản cụ thể liên quan.

11. TUÂN THỦ LUẬT PHÁP HIỆN HÀNH

Các nhà sản xuất phải tuân thủ pháp luật hiện hành trong mọi nội dung khác không được nêu trên đây.

Chi tiết liên hệ của nhà thầu:

8.5 CÓDIGO EN VIETNAMITA (FRANCÉS COMPARADO)

Ce code de bonnes pratiques repose sur les principes et la philosophie du Pacte mondial des Nations unies, ainsi que sur les principes établis dans la Déclaration universelle des Droits de l'homme et la Convention des Nations unies relative aux Droits de l'Enfant.

Ce code prend également en compte toutes les conventions et recommandations applicables de l'Organisation internationale du Travail (OIT), en particulier les accords numéro 1, 29, 75, 81, 87, 98, 100, 102, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182 y 183, et les recommandations numéro 35, 90, 111, 143, 146, 164, 168, 184 et 190.

Quy tắc ứng xử này dựa trên những nguyên tắc và triết lý của Cơ quan hiệp ước toàn cầu của Liên Hiệp Quốc (United Nations Global Compact) cũng như các quyền được quy định tại Tuyên ngôn thế giới về Quyền con người và Công ước của Liên Hiệp Quốc về Quyền trẻ em.

Tương tự, tất cả các công ước và khuyến nghị của Tổ chức Lao động Quốc tế (International Labour Organisation - ILO) đều được áp dụng (đặc biệt là các công ước 1, 29, 75, 81, 87, 98, 100, 105, 111, 122, 131, 135, 138, 154, 155, 159, 177, 182, 183 và các khuyến nghị số 35, 90, 111, 143, 146, 164, 168, 184,190).

1. TRAVAIL DES ENFANTS

Conformément aux critères établis par les conventions de l'OIT, les fabricants ne recourront pas au travail des enfants. Notre politique concernant le travail des enfants est fondée sur la Convention des Nations unies relative aux Droits de l'Enfant.

1. LAO ĐỘNG TRẺ EM

Theo các tiêu chuẩn tại các công ước của ILO, các nhà sản xuất không được sử dụng lao động trẻ em. Chính sách của chúng tôi về lao động trẻ em được căn cứ theo Công ước của Liên Hiệp Quốc về Quyền trẻ em.

2. TRAVAUX FORCÉS ET OBLIGATOIRES

Les fabricants ne devront recourir ni au travail forcé, ni au travail obligatoire, de quelque sorte que ce soit.

2. LAO ĐỘNG KHỔ SAI VÀ LAO ĐỘNG BẮT BUỘC

Các nhà sản xuất không được sử dụng lao động khổ sai và lao động bắt buộc dưới bất cứ hình thức nào

3. SANTÉ ET SÉCURITÉ AU TRAVAIL

Les fabricants devront faire en sorte de créer un environnement de travail sûr (prévention des incendies, sécurité des machines, etc.) et sain (éclairage, ventilation, conditions d'hygiène, etc.), conformément à la législation en vigueur. Ils devront également garantir que ces conditions s'étendent, le cas échéant, à toutes les installations destinées à leurs employés.

3. SỨC KHỎE VÀ AN TOÀN LAO ĐỘNG

Các nhà sản xuất phải đảm bảo cho các công nhân của mình được làm việc trong môi trường lao động an toàn (phòng cháy chữa cháy, máy móc thiết bị, v.v…) và đảm bảo sức khỏe (ánh sáng, không khí, các điều kiện vệ sinh, v.v…) cũng như phải tuân thủ các quy định pháp luật có liên quan. Các nhà sản xuất cũng phải đảm bảo rằng các điều kiện làm việc nêu trên phải được áp dụng cho toàn bộ các cơ sở có công nhân làm việc.

4. LIBERTÉ D'ASSOCIATION ET DROIT DE NÉGOCIATION COLLECTIVE

Les fabricants devront respecter le droit de leurs employés à s'associer, à s'organiser ou à négocier collectivement sans encourir de sanction.

4. TỰ DO HỘI ĐOÀN

Các nhà sản xuất phải tôn trọng quyền tham gia, tổ chức hiệp hội hoặc thương lượng tập thể của người lao động mà không chịu bất kỳ hình thức kỷ luật nào.

5. DISCRIMINATION

Les fabricants ne devront pratiquer aucune sorte de discrimination fondée sur l'ethnie, la nationalité, la religion, le handicap, le genre, l'âge, l'orientation sexuelle, la participation à un syndicat ou l'affiliation politique, lors de l'embauche ni dans les pratiques professionnelles.

5. PHÂN BIỆT ĐỐI XỬ

Các nhà sản xuất không được phân biệt đối xử trong lao động và tuyển dụng căn cứ vào chủng tộc, quốc tịch, tôn giáo, khuyết tật, giới tính, tuổi tác, xu hướng tính dục, khuynh hướng hoặc liên kết chính trị hay bất kỳ điều kiện nào khác.

6. MESURES DISCIPLINAIRES, HARCÈLEMENTS ET ABUS

Les fabricants ne devront pas avoir recours aux châtiments corporels, à la coercition mentale ou physique, ou tout autre type de harcèlement.

6. CÁC HÌNH THỨC KỶ LUẬT, SÁCH NHIỄU VÀ LẠM DỤNG

Các nhà sản xuất không được xâm phạm thân thể, lạm dụng thể chất, tinh thần hoặc bất kỳ hình thức lạm dụng nào khác.

7. TEMPS DE TRAVAIL

Les fabricants devront respecter la législation en vigueur et les règles de leur industrie concernant le temps de travail. Les heures supplémentaires ne pourront être imposées au travailleur qui pourra les accepter ou les refuser, et elles devront être convenablement rétribuées.
Les heures supplémentaires seront limitées à deux heures par jour. Si des circonstances exceptionnelles et ponctuelles l'exigent, il sera possible de dépasser cette limite à condition que le travailleur l'accepte. Ces heures supplémentaires, qui devront rester dans les limites du raisonnable et du nombre annuel total d'heures supplémentaires prévu par la législation, devront être rémunérées conformément aux conditions établies.

7. GIỜ LÀM VIỆC

Các nhà sản xuất phải tuân thủ pháp luật hiện hành cũng như các quy định áp dụng cho ngành công nghiệp tương ứng về thời gian làm việc. Việc tăng ca luôn phải trên cơ sở tự nguyện và được chi trả tương ứng.

Nếu có làm tăng ca thì tối đa sẽ là 2 giờ một ngày. Trong một số trường hợp đặc biệt và phải chứng minh lý do hợp lý thì có thể mở rộng giới hạn trên, nhưng luôn phải có sự đồng thuận của người lao động và không bao giờ vượt quá tổng thời gian làm thêm giờ trên một năm được quy định bởi pháp luật.

8. RÉMUNÉRATION

Les fabricants devront garantir que les salaires sont conformes aux lois en vigueur. Le salaire minimal légal sera interprété comme un minimum et non comme un niveau salarial recommandé.

8. LƯƠNG BỔNG

Các nhà sản xuất phải đảm bảo rằng việc chi trả tiền lương đều tuân thủ chặt chẽ theo luật định. Mức lương thấp nhất cho phép là lương tối thiểu theo quy định của pháp luật nhưng đây không phải là mức lương khuyến khích.

9. SOUS-TRAITANCE

Les fabricants ne peuvent produire les biens fournis que dans les usines agréées et contrôlées.

9. HỢP ĐỒNG PHỤ/ NHÀ THẦU PHỤ

Các nhà sản xuất chỉ được tiến hành sản xuất hàng tại các nhà máy đã được kiểm duyệt và cho phép bởi nhà thầu.

10. ENVIRONNEMENT

Toute l'activité des fabricants sera réalisée dans le respect de l'environnement et conformément à la législation et à la réglementation en vigueur. Se souscriront, également, tous les documents spécifiques qui, de cette manière, suivront l'organisation établie.

10. MÔI TRƯỜNG

Tất cả các hoạt động sản xuất phải lưu tâm tới môi trường và tuân thủ các quy định pháp lý về môi trường. Nếu có yêu cầu từ nhà thầu thì các nhà sản xuất sẽ phải ký những văn bản cụ thể liên quan.

11. RESPECT DE LA LÉGISLATION EN VIGUEUR

Les fabricants devront à tout moment respecter la législation en vigueur dans les différents domaines applicables mentionnés précédemment.

11. TUÂN THỦ LUẬT PHÁP HIỆN HÀNH

Các nhà sản xuất phải tuân thủ pháp luật hiện hành trong mọi nội dung khác không được nêu trên đây.

E-mail du contact de l'organisation:

RSC

Càtedra
MANGO