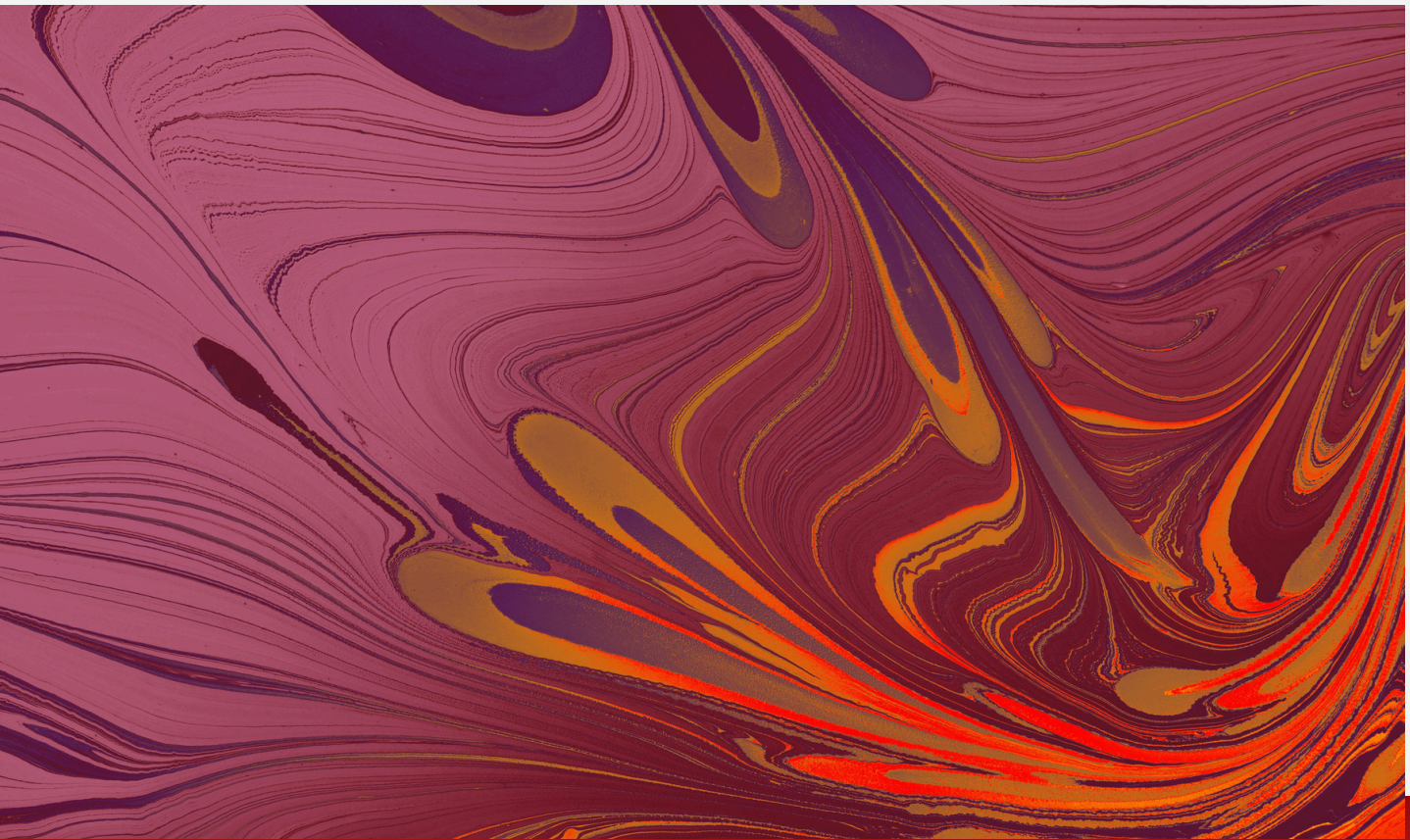


PROCEDURES FOR RESOLVING LABOR COMPLAINTS AND LABOR DISPUTES



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PROCEDURES FOR RESOLVING LABOR COMPLAINTS AND LABOR DISPUTES

1. LABOR COMPLAINTS

1.1. First -Level Complaint

When there is a basis to believe that a decision or conduct of the employer ("**Employer**") is unlawful and directly infringes upon the legitimate rights and interests of the worker ("**Worker**"), the Worker may lodge a first-level complaint with the Employer or initiate legal proceedings at the court. [Clause 1, Article 5 of [Decree No. 24/2018/NĐ-CP](#)]

a. Complaint Limitation Period

The limitation period for filing a first-level complaint is 180 days from the date the Worker receives or becomes aware of the Employer's decision or conduct.

If the complainant fails to exercise the right to complain within the prescribed limitation period due to illness, natural disaster, war, business travel, study at a distant location, or other objective obstacles, the period of such obstacle shall not be counted as part of the complaint limitation period.

b. Procedure for First-Level Complaint

The procedure for filing a first-level complaint is as follows:

(i) Acceptance of Complaint for Resolution

Within 7 working days from the date the complaint is received, the Employer must accept the complaint for resolution and notify the Worker and the Chief Labor Inspector of the Department of Labor, Invalids and Social Affairs where the Employer is headquartered, in writing, of the acceptance of the complaint for resolution. [Clause 1, Article 19 of [Decree No. 24/2018/NĐ-CP](#)]

In cases where the complaint concerns investigation of occupational accidents, within 10 working days from the date the complaint is received, the agency establishing the Occupational Accident Investigation Team shall be responsible for reviewing and resolving complaints and denunciations in accordance with the other and procedures, and jurisdiction prescribed by the Law on Complaints and the Law on Denunciations. [Clause 1, Article 19 of

Decree No. 24/2018/NĐ-CP].

(ii) Time Limit for Resolving First-Level Complaint

The time limit for resolving a first-level complaint is not more than 30 days from the date of acceptance; for complicated cases, the resolution time limit is not more than 45 days from the date of acceptance.

In remote and mountainous areas with difficult transportation, the time limit for resolving a first-level complaint is not more than 45 days from the date of acceptance; for complicated cases, the resolution time limit is not more than 60 days from the date of acceptance. [Article 20 of Decree No. 24/2018/NĐ-CP]

(iii) Verification of Complaint Content

During the complaint resolution period, the Employer shall assign a professional department to conduct verification of the complaint content and prepare a verification report. [Article 21 of Decree No. 24/2018/NĐ-CP]

(iv) First-Level Dialogue

During the complaint resolution process, if deemed necessary, the Employer must meet and dialogue with the Worker. The dialogue must be documented in the minutes of meeting, which must clearly record the opinions of the participants, the results of the dialogue, and be signed or marked by the participants; the dialogue minutes shall be placed in the complaint resolution file. [Article 22 of Decree No. 24/2018/NĐ-CP]

(v) Issuance of First-Level Complaint Resolution Decision

The Employer, when resolving the complaint, shall issue a first-level complaint resolution decision that ensures all contents as prescribed by law. [Article 23 of Decree No. 24/2018/NĐ-CP]

(vi) Transmission of Resolution Decision

Within 3 working days from the date the complaint resolution decision is issued, the Employer must send the decision to the complainant, the Chief Labor Inspector of the Department of Labor, Invalids and Social Affairs where the Employer is headquartered, and related agencies, organizations, and individuals.

1.2. Second-Level Complaint

If the Worker does not agree with the first-level complaint resolution decision or the complaint is not resolved within the prescribed time limit, the Worker

has the right to initiate proceedings at the court or file a second-level complaint with the Chief Labor Inspector of the Department of Labor, Invalids and Social Affairs where the Employer is headquartered. [Clause 2 Article 5, Clause 2 Article 15 of [Decree No. 24/2018/NĐ-CP](#)]

a. Time Limit for Second-Level Complaint

The Worker shall file a second-level complaint within 30 days from the expiration of the complaint resolution time limit as prescribed or from the date the Worker receives the first-level complaint resolution decision with which the complainant does not agree; for remote and mountainous areas with difficult transportation, the time limit may be extended but not more than 45 days.

b. Procedure for Second-Level Complaint

The procedure for resolving a second-level complaint is as follows:

(i) Acceptance of Second-Level Complaint for Resolution

Within 7 working days from the date the complaint is received that falls within the jurisdiction of the resolver, the person resolving the second-level complaint must accept the complaint for resolution and notify the complainant in writing of the acceptance of the complaint for resolution.

If the complaint is transferred from another agency, organization, or individual, in addition to notifying the complainant, the person resolving the second-level complaint must notify in writing the agency, organization, or individual that transferred the complaint of the acceptance of the complaint for resolution.

(ii) Time Limit for Resolving Second-Level Complaint

The time limit for resolving a second-level complaint is not more than 45 days from the date of acceptance; for complicated cases, the resolution time limit is not more than 60 days from the date of acceptance.

In remote and mountainous areas with difficult transportation, the time limit for resolving a second-level complaint is not more than 60 days from the date of acceptance; for complicated cases, the resolution time limit is not more than 90 days from the date of acceptance.

(iii) Verification of Complaint Content

During the complaint resolution period, the person resolving the complaint shall personally or assign a professional department to conduct verification of the complaint content and prepare a verification report.

(iv) Second-Level Dialogue

During the complaint resolution process, if deemed necessary, the person resolving the complaint shall organize a dialogue between the complainant, the complained-against, persons with related rights and obligations, and related agencies, organizations, and individuals. [Article 30 of [Decree No. 24/2018/NĐ-CP](#)]

(v) Issuance of Second-Level Complaint Resolution Decision

The person resolving the second-level complaint must issue a complaint resolution decision that ensures all contents as prescribed by law. [Article 31 of [Decree No. 24/2018/NĐ-CP](#)]

(vi) Transmission of Second-Level Complaint Resolution Decision

Within 3 working days from the date the complaint resolution decision is issued, the person resolving the second-level complaint must send the decision to the complainant, the complained-against, persons with related rights and obligations, and related agencies, organizations, and individuals that transferred the complaint.

If the Worker does not agree with the second-level complaint resolution decision or the complaint is not resolved within the prescribed time limit, the Worker has the right to initiate proceedings at the court. [Clause 3 Article 5, Clause 2 Article 15 of [Decree No. 24/2018/NĐ-CP](#)]

2. PROCEDURES FOR INDIVIDUAL LABOR DISPUTE CONCILIATION BY LABOR CONCILIATORS

Individual labor disputes must be resolved through the conciliation procedure of a labor conciliator before requesting the Labor Arbitration Council or the Court to resolve the dispute, except for the following individual labor disputes which are not subject to mandatory conciliation: disciplinary dismissal or unilateral termination of labor contracts; compensation and allowances upon termination of labor contracts; disputes with domestic workers; insurance-related matters; compensation for workers working abroad under contracts; and outsourced labor disputes.

The conciliator shall organize conciliation within 5 working days from the date the request is received; if the parties reach an agreement, the labor conciliator shall prepare a record of successful conciliation; otherwise, a record of unsuccessful conciliation shall be prepared. The record Copies of the record of

successful or unsuccessful conciliation must be sent to the disputing parties within 01 working day from the date of its preparation.

If not mandatory to go through the conciliation procedure or upon the expiration of the conciliation time limit without the labor conciliator conducting the conciliation, or if conciliation is unsuccessful, the disputing parties have the right to request the Labor Arbitration Council or Court to resolve the dispute.

3. PROCEDURES FOR RESOLVING INDIVIDUAL LABOR DISPUTES BY THE LABOR ARBITRATION COUNCIL

The disputing parties in an individual labor dispute may reach a consensus to request the Labor Arbitration Council to resolve the dispute in cases where conciliation is not mandatory, or upon the expiration of the conciliation time limit without the labor conciliator conducting the conciliation, or if the conciliation is unsuccessful. In such cases, the parties shall not concurrently request the Court to resolve the dispute.

The Labor Arbitration Tribunal shall be established within 07 working days from the date of receipt of the request for dispute resolution and must issue a resolution decision within 30 days from its establishment date.

Upon the expiration of the aforementioned time limits, if the Arbitration Tribunal fails to be established or fails to issue a decision on schedule, or if either party fails to execute the issued decision, the parties shall have the right to request the Court to resolve the dispute.

4. PROCEDURES FOR RESOLVING LABOR DISPUTES AT THE COURT

4.1. First Instance

Step 1: Filing the Statement of Claim

The plaintiff shall submit the case file to the Court of competent jurisdiction.

Step 2: Court Receipt and Processing of Statement of Claim

Within 03 working days from the date of receipt of the lawsuit petition, the Chief Justice of the Court shall assign a Judge to review the petition. Within 05 working days from the date of assignment, the Judge must review the petition and decide whether to accept the case.

If the case falls within the Court's jurisdiction, the Judge shall issue a notice to pay the court fee advance to the petitioner, provided that the petitioner is liable for such payment. In cases where the lawsuit dossier is invalid, the Judge shall issue a notice requesting amendments or supplements, or return the lawsuit petition.

Step 3: Payment of Case Filing Fee and Receipt of Payment

Within 7 days from the date of receipt of the Court's notice of payment of case filing fee in advance, the plaintiff must pay the case filing fee and submit the receipt of payment to the Court.

Step 4: Case Acceptance and Trial Preparation

(i) The Judge accepts the case when the plaintiff submits the receipt of case filing fee payment to the Court.

(ii) Within 3 working days from the date the case is accepted, the Judge must notify in writing the plaintiff, defendant, agencies, organizations, and individuals with related rights and obligations regarding case resolution, the same-level Procuracy about the Court's acceptance of the case.

(iii) During the trial preparation stage, the Judge shall collect documents and evidence, obtain statements from related parties, verify case details (if necessary), and The Judge shall conduct a meeting to verify the submission, access, and public disclosure of evidence. At the same time, the Court shall conduct conciliation so the parties may reach an agreement on resolving the case, except in cases where conciliation is not allowed by law.

Time limit for first-instance trial preparation: 2 months from the date of case acceptance. For labor cases involving complex circumstances, force majeure events, or objective obstacles, the Chief Justice of the Court may decide to extend the preparation period for no more than 01 month. [Article 203 of [the Civil Procedure Code](#)]

Step 5: Opening the First-Instance Trial

If conciliation is unsuccessful or the case does not fall under the cases subject to conciliation as prescribed by law, the Judge shall issue a Decision to bring the case to first-instance trial. The Decision to bring the case to trial must be sent to the parties and the same-level Procuracy within 3 working days from the date the Decision is issued.

Within 1 month from the date of the Decision to bring the case to trial, the Court must open the trial; if there is a justifiable reason, this period is 2 months.

After the conclusion of the trial, the Court shall issue the first-instance judgment to resolve the case.

4.2. Appellate Stage

Step 1: Filing Appeal and Verification of Appeal Validity

Within the appeal period, the parties have the right to appeal the first-instance judgment if they do not agree with the judgment content.

The time limit for filing an appeal against a judgment of the first-instance Court shall be 15 days from the date of pronouncement of the judgment. For parties, representatives of agencies, organizations, or individuals initiating the lawsuit who are absent from the court hearing or the pronouncement of the judgment for legitimate reasons, the appeal period shall be calculated from the date they receive the judgment or the date the judgment is publicly posted.

For parties, representatives of agencies, organizations, or individuals that initiates legal proceedings who attended the trial but was absent when the Court pronounced the judgment without a justifiable reason, the appeal period is calculated from the date of judgment pronouncement.

After receiving the appeal, the first-instance court must verify the validity of the appeal. If the appeal is filed out of time, the first-instance court shall request the appellant to clearly explain the reason and produce documents and evidence (if any) to prove that the reason for filing the appeal out of time is justifiable.

Step 2: Notice of Case Filing Fee Payment

After accepting a valid appeal, the first-instance court must notify the appellant to pay the appellate case filing fee according to legal provisions, if they do not fall under the case of being exempt from or not required to pay the appellate case filing fee.

Step 3: Payment of Appellate Case Filing Fee and Receipt of Payment

Within 10 days from the date of receipt of the Court's notice of payment of appellate case filing fee, the appellant must pay the appellate case filing fee and submit the receipt of payment to the first-instance court.

Step 4: Notice of Appeal

After accepting a valid appeal, the first-instance court must immediately notify in writing the same-level Procuracy and the parties involved in the appeal of

the appeal, together with a copy of the appeal, documents and additional evidence submitted by the appellant with the appeal.

The parties involved in the appeal have the right to be notified of the appeal and may submit to the appellate court a written statement of their views on the content of the appeal. Their written statement shall be placed in the case file.

Step 5: Transmission of Case File to Appellate Court

The first-instance court must send the case file, appeal, decision on appeal objection (if any), and additional documents and evidence to the appellate court within 5 working days from the expiration of the appeal period, the appellant has submitted the receipt of appellate case filing fee payment to the first-instance court.

If the appeal period has not expired as prescribed in the Code of Civil Procedure, the appellant has the right to amend and supplement the appeal without being limited by the scope of the initial appeal.

Before starting the trial or at the appellate trial, the appellant has the right to amend and supplement the appeal; the Procuracy that has appealed has the right to amend and supplement the appeal objection, but must not exceed the scope of the initial appeal or appeal objection, if the appeal period or appeal objection period has expired.

Upon receipt of the case file, appeal, appeal objection, and accompanying documents and evidence, the appellate court must enter into the registry.

Step 6: Appellate Trial Preparation

Within 3 working days from the date the case is accepted, the Court must notify in writing the parties, agencies, organizations, and individuals that initiate legal proceedings, and the same-level Procuracy of the Court's acceptance of the case and post on the Court's electronic information portal (if available).

Within 2 months from the date the case is accepted, depending on each circumstance, the appellate court shall issue one of the following decisions: (i) Suspend the appellate trial of the case; (ii) Terminate the appellate trial of the case; (iii) Bring the case to appellate trial.

For cases of a complicated nature or due to force majeure or objective obstacles, the President of the appellate court may decide to extend the trial preparation time limit, but not more than 1 month.

Step 7: Opening the Appellate Trial

Within 1 month from the date of the Decision to bring the case to trial, the Court must open the appellate trial; if there is a justifiable reason, this period is 2 months. [Article 286 of [the Civil Procedure Code](#)]

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