

Better Work Vietnam Compliance Assessment Tool

KEY STRENGTHS AND PROCESS INTEGRITY				
Cluster	Compliance Point	Question	Child Question	Reference
Key Strengths and Process Integrity	Key Strengths	Key strengths		
Key Strengths and Process Integrity	Process Integrity	Was the assessor's access to the enterprise unreasonably restricted? [public reporting issue]		
Key Strengths and Process Integrity	Process Integrity	How many person days were spent on the assessment visit?		
Key Strengths and Process Integrity	Process Integrity	Were documents provided in a timely manner?		
Key Strengths and Process Integrity	Process Integrity	Provide the titles of the management staff interviewed		
Key Strengths and Process Integrity	Process Integrity	How many workers/ union executive committee members/ union group leaders were interviewed?		
Key Strengths and Process Integrity	Process Integrity	Briefly describe the interviews with workers, union executive committee members, and union group leaders		
Key Strengths and Process Integrity	Other Issues	Any significant issues not addressed elsewhere in the report		
LEARNING				
Cluster	Compliance Point	Question	Child Question	Reference
Learning		Has management consulted with elected worker representatives, including trade unions (if present) in determining the training to be offered to workers and their representatives? [pre-stage 2 question]		

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CHILD LABOUR				
Cluster	Compliance Point	Question	Child Question	Reference
Child Labour	Child Labourers	Have you found any workers under the age of 15?		C138 Articles 3, 8 & 164 of the Labour Code
Child Labour	Hazardous Work and Other Worst Forms	Does the employer subject any workers under age 18 to the worst forms of child labour (including hazardous work, work at night, or work for long hours)?		C138, C182, R190 Article 105, Clauses 2 & 3 of Article 163 of the Labour Code
Child Labour	Hazardous Work and Other Worst Forms		Are any workers who are under age 18 doing work that is hazardous by nature?	C182, C138, R146, R190 Clause 1 of Article 163, and Article 165 of the Labour Code; Circular 10/2013/TT-BLDTBXH
Child Labour	Hazardous Work and Other Worst Forms		Do workers who are under age 18 work overtime, at night, or allow to work more hours than allowed by law?	C182, C138, C171, C90, R190 Article 105, and Clause 3 of Article 163 of the Labour Code
Child Labour	Hazardous Work and Other Worst Forms		Are any workers under age 18 subjected to the unconditional worst forms of child labour?	C182 Article 165 of the Labour Code; Circular 10/2013/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Child Labour	Documentation and Protection of Young Workers	Does the employer have a reliable system in place to verify the age of workers prior to hiring?		C138, R146
Child Labour	Documentation and Protection of Young Workers	Does the employer keep a record of workers under 18 years of age?		C138, R146 Clause 2 of Article 18, and Clause 2 of Article 162 of the Labour Code; Item b of Clause 2 of Article 3 of Decree 05/2015/ND-CP

DISCRIMINATION

Cluster	Compliance Point	Question	Child Question	Reference
Discrimination	Information Questions	Is age a factor in hiring, employment, or termination?		
Discrimination	Race and Origin	Is race, colour or origin a factor in hiring, employment, or termination?		C111
Discrimination	Race and Origin		Do recruitment materials such as job announcements or job application forms refer to the applicant's race, colour or origin?	C111 Article 8 of the Labour Code
Discrimination	Race and Origin		Is an applicant's race, colour or origin a factor in hiring decisions?	C111 Article 8 of the Labour Code
Discrimination	Race and Origin		Is race, colour or origin a factor in decisions regarding conditions of work?	C111 Article 8 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
Discrimination	Race and Origin		Is race, colour or origin a factor in decisions regarding pay?	C111 Article 8 of the Labour Code
Discrimination	Race and Origin		Is race, colour or origin a factor in decisions regarding opportunities for promotion or access to training?	C111 Article 8 of the Labour Code
Discrimination	Race and Origin		Are workers harassed on the basis of their race, colour or origin?	C111 Article 8 of the Labour Code
Discrimination	Race and Origin		Is race, colour or origin a factor in the employer's decisions regarding termination or retirement of workers?	C111 Article 8 of the Labour Code
Discrimination	Religion and Political Opinion	Is religion or political opinion a factor in hiring, employment, or termination?		C111
Discrimination	Religion and Political Opinion		Do recruitment materials such as job announcements or job application forms refer to the applicant's religion or political opinion?	C111 Article 8 of the Labour Code
Discrimination	Religion and Political Opinion		Is an applicant's religion or political opinion a factor in hiring decisions?	C111 Article 8 of the Labour Code
Discrimination	Religion and Political Opinion		Is religion or political opinion a factor in decisions regarding conditions of work?	C111 Article 8 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
Discrimination	Religion and Political Opinion		Is religion or political opinion a factor in decisions regarding pay?	C111 Article 8 of the Labour Code
Discrimination	Religion and Political Opinion		Is religion or political opinion a factor in decisions regarding opportunities for promotion or access to training?	C111 Article 8 of the Labour Code
Discrimination	Religion and Political Opinion		Are workers harassed on the basis of their religion or political opinion?	C111 Article 8 of the Labour Code
Discrimination	Religion and Political Opinion		Have you found that religion or political opinion is a factor in the employer's decisions regarding termination or retirement of workers?	C111 Article 8 of the Labour Code
Discrimination	Gender	Is gender a factor in hiring, employment, or termination?		C111, C100
Discrimination	Gender		Do job announcements refer to the applicant's gender or marital status?	C111 Articles 8, 153 & 154 of the Labour Code
Discrimination	Gender		Is an applicant's gender or marital status a factor in hiring decisions?	C111 Article 8 of the Labour Code
Discrimination	Gender		Is the gender or marital status of a worker a factor in decisions regarding conditions of work?	C111 Article 8 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
Discrimination	Gender		Is the gender or marital status of a worker a factor in decisions regarding pay?	C100, C111 Article 8 of the Labour Code
Discrimination	Gender		Is the gender or marital status of a worker a factor in decisions regarding opportunities for promotion or access to training?	C111 Article 8 of the Labour Code
Discrimination	Gender		Is the gender or marital status of a worker a factor in employer decisions regarding termination or retirement of workers?	C111 Articles 8 & 155 of the Labour Code
Discrimination	Gender	Does the employer require pregnancy tests or use of contraceptives as a condition of employment?		C111, C183
Discrimination	Gender	Does the employer change the employment status, position, wages, benefits or seniority of workers during maternity leave?		C111, C183, R191 Articles 8, 155 & 158 of the Labour Code
Discrimination	Gender	Are periods of maternity leave included in a worker's period of continuous service?		C111, R191
Discrimination	Gender	Does the employer terminate workers due to the worker's pregnancy, maternity leave, or breast-feeding of a child under 12 months of age or force them to resign?		C111, C183 Articles 8 & 155 of the Labour Code
Discrimination	Gender	Are workers subject to sexual harassment?		C111 Article 8 of the Labour Code
Discrimination	Other Grounds	Is disability a factor in hiring, employment, or termination?		

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Cluster	Compliance Point	Question	Child Question	Reference
Discrimination	Other Grounds		Are disabled workers who apply for work evaluated according to their ability to perform the job?	Article 8 of the Labour Code
Discrimination	Other Grounds		Is disability a factor in decisions regarding conditions of work?	Article 8 of the Labour Code
Discrimination	Other Grounds		Is disability a factor in decisions regarding pay?	Article 8 of the Labour Code
Discrimination	Other Grounds		Is disability a factor in decisions regarding opportunities for promotion or access to training?	Article 8 of the Labour Code
Discrimination	Other Grounds		Is there harassment of workers on the basis of disability?	Article 8 of the Labour Code
Discrimination	Other Grounds		Is disability a factor in the employer's decisions regarding termination or retirement?	Article 8 of the Labour Code
Discrimination	Other Grounds		Has the employer made required accommodations for physically disabled workers?	Article 177 of the Labour Code
Discrimination	Other Grounds	Is HIV/AIDS status a factor in hiring, employment, or termination?		
Discrimination	Other Grounds		Is an applicant's real or perceived HIV/AIDS status a factor during hiring decisions?	Article 8 of the Labour Code; Item d of Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
Discrimination	Other Grounds		Are HIV/AIDS tests required at hiring?	Article 8 of the Labour Code; Item d of Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control

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Cluster	Compliance Point	Question	Child Question	Reference
Discrimination	Other Grounds		Is HIV/AIDS status a factor in decisions regarding conditions of work?	Article 8 of the Labour Code; Items b & c of Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
Discrimination	Other Grounds		Is HIV/AIDS status a factor in decisions regarding pay?	Article 8 of the Labour Code; Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
Discrimination	Other Grounds		Is HIV/AIDS status a factor in decisions regarding opportunities for promotion?	Article 8 of the Labour Code; Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
Discrimination	Other Grounds		Are workers harassed on the basis of their basis of real or perceived HIV/AIDS status?	Article 8 of the Labour Code; Item a of Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
Discrimination	Other Grounds		Has the employer taken all legally required measures to reasonably help workers with AIDS-related illnesses?	Clause 1 of Article 14 of the Law on HIV/AIDS Prevention and Control

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Cluster	Compliance Point	Question	Child Question	Reference
Discrimination	Other Grounds		Is a worker's real or perceived HIV/AIDS status a factor in decisions regarding termination or retirement?	Article 8 of the Labour Code; Item a of Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
Discrimination	Other Grounds		Does the employer allow workers with AIDS-related illnesses to work for as long as medically fit in available, appropriate work?	Article 8 of the Labour Code; Item b of Clause 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
FORCED LABOUR				
Cluster	Compliance Point	Question	Child Question	Reference
Forced Labour	Coercion	Does the employer restrict workers from leaving the workplace, dormitories or industrial zone?		C29
Forced Labour	Coercion		Does the employer restrict workers from leaving the workplace?	C29
Forced Labour	Coercion		Does the employer restrict workers' freedom to come and go from the dormitories and/or the industrial park or zone in which the factory is located?	C29
Forced Labour	Coercion	Does the employer coerce workers to work or stay on the job through • violence; • withholding of wages; • disciplinary measures; • punishment for participation in a strike; • restricted access to their personal documents; • threats of deportation, visa cancellation, or reporting to the authorities; or • other coercive tactics?		C29

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Cluster	Compliance Point	Question	Child Question	Reference
Forced Labour	Coercion		Does the employer use violence or the threat of violence to intimidate workers?	C29
Forced Labour	Coercion		Does the employer delay or withhold wage payments in order to coerce workers to work?	C29
Forced Labour	Coercion		Does the employer force workers to work to discipline them or as punishment for participation in a strike?	C29, C105
Forced Labour	Coercion		Does the employer deny workers access to their personal documents (such as birth certificates, passports, work permits and ID cards) when they need them?	C29 Article 20 of the Labour Code
Forced Labour	Coercion		Does the employer use threats such as deportation, cancellation of visas or reporting to the authorities in order to force workers to stay at the job?	C29
Forced Labour	Coercion		Are workers free to terminate their employment with reasonable notice, and to leave their jobs when their contracts expire?	
Forced Labour	Bonded Labour	Can workers who owe debts for recruitment fees to the employer and/or third party freely leave their jobs?		C29, C181
Forced Labour	Forced Labour and Overtime	Are workers forced to work overtime under threat of penalty?		C29, C1 Article 106 of the Labour Code; Clause 1 of Article 4 of Decree 45/2013/ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Forced Labour	Prison Labour	If prison labour is used, have the prisoners freely consented to do the work; do they receive similar treatment to non-prison workers; and is the work carried out under the supervision and control of a public authority?		C29
FREEDOM OF ASSOCIATION AND COLLECTIVE BARGAINING				
Cluster	Compliance Point	Question	Child Question	Reference
FOA/CB	Information Questions	What percentage of workers are union members?		
FOA/CB	Information Questions	How many active unions are there in the factory?		
FOA/CB	Information Questions	For each active union, provide <ul style="list-style-type: none"> • the name of the union, • the number of union members, • the union's affiliation status (affiliated or non-affiliated with a federation or confederation), • the name of the federation or confederation with which it is affiliated, if applicable. 		
FOA/CB	Information Questions	If there has been collective bargaining since the last assessment, describe the collective bargaining process that took place between the employer and the union.		Article 71 of the Labour Code; Clauses 5 & 6 of Article 22 of the Trade Union Law

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Cluster	Compliance Point	Question	Child Question	Reference
FOA/CB	Information Questions	If there has been collective bargaining since the last assessment, describe the collective bargaining process that took place between workers and the union.		Article 71 of the Labour Code
FOA/CB	Information Questions	How many collective bargaining agreements are in effect in the factory?		
FOA/CB	Information Questions	Provide information about each CBA		
FOA/CB	Information Questions	How many strikes have there been since the last visit?		
FOA/CB	Information Questions	Provide information about each strike		Articles 194, 203-215 of the Labour Code
FOA/CB	Information Questions	Is information about the union and about workers' rights available in the factory?		Clause 2 of Article 21 of the Trade Union Law
FOA/CB	Information Questions	Are workers involved in internal discussions and decision making processes of the Trade Union/ workers' organization?		
FOA/CB	Information Questions	How is the union financed?		
FOA/CB	Information Questions	Is senior management serving on the union executive committee?		ILO Convention No.98
FOA/CB	Union Operation	Does the employer require workers to join a union?		ILO Convention No.87 Article 190 of the Labour Code
FOA/CB	Union Operation	Do union representatives have access to the workers in the workplace?		ILO Convention No.87, No.135, Recommendation No.143 Article 191 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
FOA/CB	Union Operation	Does the employer provide the trade union with the necessary facilities and time to enable it to carry out its activities?		ILO Convention No.87, No.98, No.135, Recommendation No.143 Article 193 of the Labour Code; Article 24 of the Trade Union Law
FOA/CB	Union Operation	Does the employer deduct union dues from wages when workers request this in accordance with national law?		ILO Convention No.87, No.98, No.135, Recommendation No.143 Article 190 of the Labour Code; Article 9 of the Trade Union Law
FOA/CB	Interference and Discrimination	Has the employer tried to interfere with, manipulate, or control the union(s)?		ILO Convention No.98 Articles 8 & 190 of the Labour Code; Article 9 of the Trade Union Law
FOA/CB	Interference and Discrimination	Are workers free to meet without management present?		ILO Convention No.98 Article 190 of the Labour Code; Article 9 of the Trade Union Law

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Cluster	Compliance Point	Question	Child Question	Reference
FOA/CB	Interference and Discrimination	Is the employer involved in union decision making, the formation of the constitution and rules, in union activities, administration, finances or elections?		ILO Convention No.98 Article 190 of the Labour Code; Article 9 of the Trade Union Law
FOA/CB	Interference and Discrimination	Does the employer consider a job applicant's union membership or union activities when hiring?		ILO Convention No.98 Article 8 of the Labour Code
FOA/CB	Interference and Discrimination	Does the employer punish, terminate, threaten, intimidate, or harass workers for joining a union or engaging in union activities?		C98, C135, C158
FOA/CB	Interference and Discrimination		Does the employer punish workers for joining a union or engaging in union activities?	ILO Convention No.98 Articles 8 & 190 of the Labour Code
FOA/CB	Interference and Discrimination		Does the employer threaten, intimidate, or harass workers who join a union or engage in union activities?	ILO Convention No.98 Articles 8 & 190 of the Labour Code
FOA/CB	Interference and Discrimination		Has the employer terminated workers or not renewed their contract due to the worker's union membership or activities?	ILO Convention No.98, No.135, Recommendation No.143 Articles 8 & 190 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
FOA/CB	Interference and Discrimination		Has the employer terminated a union official without the written agreement of the union board or the higher-level union?	ILO Convention No.98 Clause 7 of Article 192 of the Labour Code
FOA/CB	Collective Bargaining	Does the employer consult with unions where legally required?		ILO Convention No.98 Clause 3 of Article 44, Articles 46, 93, 103, 119, 123 & 129, Item e of Clause 1 of Article 138, and Clause 5 of Article 192 of the Labour Code; Clause 7 of Article 22 of the Trade Union Law
FOA/CB	Collective Bargaining	Does the employer refuse to bargain collectively in accordance with legal requirements, or refuse to bargain in good faith with the union, workers representation, union federation or confederation?		ILO Convention No.98, C154 Articles 67 & 68, Clause 4 of Article 3, Item a of Clause 1 of Article 69, and Article 72 of the Labour Code; Articles 4 & 13 of Decree 43/2013/ND-CP
FOA/CB	Collective Bargaining	Is the grassroots level union in the factory involved in the bargaining process at the enterprise level?		ILO Convention No.98 Articles 69 & 188 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
FOA/CB	Collective Bargaining	Has the collective agreement in force been approved by more than 50% of workers covered?		ILO Convention No.98 Articles 71 & 74 of the Labour Code
FOA/CB	Collective Bargaining	If there is a collective agreement, does it provide more favorable terms and conditions for workers than the law?		ILO Convention No.98 Article 73 of the Labour Code
FOA/CB	Collective Bargaining	Has the employer made the collective bargaining agreement publically available to all workers?		ILO Convention No.98 Article 74 of the Labour Code
FOA/CB	Collective Bargaining	Has the employer implemented all provisions of the collective agreement(s) in force?		ILO Convention No.98 Article 84 of the Labour Code
FOA/CB	Strikes	Is there any noncompliance relating to strikes?		
FOA/CB	Strikes		Has the employer tried to prevent workers from participating in a strike?	ILO Convention No.98 Article 219 of the Labour Code
FOA/CB	Strikes		Has the employer hired new workers to replace striking workers during a strike?	ILO Convention No.98
FOA/CB	Strikes		Has the employer punished any workers for participating in a strike?	ILO Convention No.98 Article 219 of the Labour Code
FOA/CB	Strikes		Has the employer called security guards, the police or armed forces to break up a peaceful strike or arrest striking workers?	ILO Convention No.98

COMPENSATION

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Cluster	Compliance Point	Question	Child Question	Reference
Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Information Questions	Does the factory have procedures to define labour norms for piece rate workers?		Article 8 of Decree 49/2013/ND-CP
Compensation	Minimum Wages/ Piece Rate Wages	Does the employer pay at least the legal minimum wage for ordinary hours of work to regular full time workers who perform the simple work under normal conditions?		Clause 1 of Article 90, and Clause 1 of Article 91 of the Labour Code; Decree 157/2018/ND-CP; Item a of Clause 1 of Article 21 of Decree 05/2015/ND-CP
Compensation	Minimum Wages/ Piece Rate Wages	Does the employer pay piece rate workers correctly for ordinary hours of work when their piece rate earnings exceed minimum wage?		Clause 2 of Article 22 of Decree 05/2015/ND-CP; Clause 1 of Article 4 of Circular 47/2015/TT-BLDTBXH
Compensation	Minimum Wages/ Piece Rate Wages	Does the employer pay apprentices the wage agreed to by the parties?		Clause 2 of Article 61 of the Labour Code
Compensation	Minimum Wages/ Piece Rate Wages	Does the employer pay at least the applicable legal minimum wage for ordinary hours of work to temporary workers?		Item c of Clause 1 of Article 22, and Clause 1 of Article 91 of the Labour Code; Decree 157/2018/ND-CP
Compensation	Minimum Wages/ Piece Rate Wages	Does the employer pay at least 85% of the wage paid to other workers for the same job for ordinary hours of work to probationary workers?		Article 28 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Minimum Wages/ Piece Rate Wages	Does the employer pay at least 7% higher than the applicable legal minimum wage for ordinary hours of work to workers who have received vocational training?		Item b of Clause 3 of Article 7 of Decree 49/2013/ND-CP; Item b of Clause 1 of Article 5 of Decree 157/2018/ND-CP; Paragraph 2 of Item b of Clause 2 of Article 8 of Circular 17/2015/TT-BLDTBXH
Compensation	Overtime Wages	Does the employer pay any workers incorrectly for overtime?		
Compensation	Overtime Wages		Does the employer pay workers correctly for all ordinary overtime hours worked?	Article 97 of the Labour Code; Clause 1, Item a of Clause 2, and Clause 6 of Article 25 of Decree 05/2015/ND-CP; Item b of Clause 1, and Item a of Clause 2 of Article 6 of Circular 23/2015/TT-BLDTBXH; Item c of Clause 4 of Article 14 of Circular 47/2015/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Overtime Wages		Does the employer pay workers correctly for all overtime hours worked at night?	Clause 3 of Article 97, and Article 105 of the Labour Code; Clause 4 of Article 25 of Decree 05/2015/ND-CP; Article 8 of Circular 23/2015/TT-BLDTBXH; Item c of Clause 4 of Article 14 of Circular 47/2015/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Overtime Wages		Does the employer pay workers correctly for all overtime hours worked on weekly rest days?	Item b of Clause 1 of Article 97 of the Labour Code; Item b of Clause 2, Clauses 3 & 4 of Article 25 of Decree 05/2015/ND-CP; Item c of Clause 1 and Item b of Clause 2 of Article 6, Paragraph 2 of Item b of Clause 1 and Paragraph 2 of Item a of Clause 2 of Article 8 of Circular 23/2015/TT-BLDTBXH; Item c of Clause 4 of Article 14 of Circular 47/2015/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Overtime Wages		Does the employer pay workers correctly for all overtime hours worked on public holidays?	Item c of Clause 1 of Article 97 of the Labour Code; Item c of Clause 2 and Clauses 3-5 of Article 25 of Decree 05/2015/ND-CP; Item d of Clause 1 and Item c of Clause 2 of Article 6, Paragraph 3 of Item b of Clause 1 and Paragraph 3 of Item a of Clause 2 of Article 8 of Circular 23/2015/TT-BLDTBXH; Item c of Clause 4 of Article 14 of Circular 47/2015/TT-BLDTBXH
Compensation	Premium Pay	Does the employer pay workers correctly for regular working hours worked at night?		Clause 2 of Article 97, and Article 105 of the Labour Code; Clause 3 of Article 25 of Decree 05/2015/ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Premium Pay	Does the employer pay at least 5% higher than the normal applicable wage level for workers who perform hazardous and dangerous work?		Item c of Clause 3 of Article 7 of Decree 49/2013/ND-CP; Paragraph 3 of Item b of Clause 2 of Article 8 of Circular 17/2015/TT-BLDTBXH; Decision 1152/2003/QD-BLDTBXH; Decision 1629/LDTBXH-QD; Decision 1453/LDTBXH-QD

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Premium Pay	Does the factory incorporate all required allowances and additional payments into the calculation of wage-based benefits (e.g. social insurance payments, overtime, paid leave, etc.)?		Article 90 of the Labour Code; Item 2 of Article 89 of the 2014 Social Insurance Law; Articles 21, 25 & 26 of Decree 05/2015/ND-CP; Article 17 of Decree 115/2015/ND-CP; Articles 3, 6-8 of Circular 23/2015/TT-BLDTBXH; Article 4, Clause 1 of Article 8, Clause 3 and Item c of Clause 4 of Article 14 of Circular 47/2015/TT-BLDTBXH; Article 30 of Circular 59/2015/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Method of Payment	Does the employer pay wages on time and pay interest in case of late payment?		Article 96 of the Labour Code; Article 23, and Item b of Clause 2 of Article 24 of Decree 05/2015/ND-CP; Clause 2 of Article 5 of Circular 23/2015/TT-BLDTBXH; Item b of Clause 4 of Article 14 of Circular 47/2015/TT-BLDTBXH
Compensation	Wage Information, Use and Deduction of Wages	Does the employer comply with national laws regarding wage deductions?		Articles 100, 101, 128 & 130 of the Labour Code; Clause 6 of Article 26 of Decree 05/2015/ND-CP
Compensation	Wage Information, Use and Deduction of Wages	Does the employer keep only one accurate payroll record?		Clause 1 of Article 4, Clause 3 of Article 6, Clause 1 of Article 14, and Clause 3 of Article 27 of the Law on Accounting
Compensation	Wage Information, Use and Deduction of Wages	Does the employer properly inform workers about wage payments and deductions?		Article 101 of the Labour Code
Compensation	Paid leave	Does the employer pay any workers incorrectly for any types of paid time off (breaks or leave)?		

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Paid leave		Does the employer pay workers for legally mandated paid public holidays?	Article 115 of the Labour Code; Article 1, Clause 7 of Decree 148/2018 - ND-CP
Compensation	Paid leave		Does the employer pay workers correctly for legally required annual leave?	Item c of Clause 1 of Article 97, Articles 111-114, and Clause 3 of Article 186 of the Labour Code; Article 7 of Decree 45/2013/ND-CP; Clauses 3-4 of Article 26 of Decree 05/2015/ND-CP; Clause 9 of Article 26 of Decree 148/2018/ND-CP
Compensation	Paid leave		Does the employer pay workers correctly for personal leave?	Article 116 of the Labour Code
Compensation	Paid leave		Do workers receive correct payment during sick leave and other types of leave that are covered by social insurance?	Articles 25-29, 33, 39 & 41 of the 2014 Social Insurance Law; Articles 4-7 of Circular 59/2015/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Paid leave		Do entitled workers receive full average monthly wages and maternity allowance of two month's minimum wage?	Clause 2 of Article 157 of the Labour Code; Clause 2 of Article 31, Articles 38 & 39 of the 2014 Social Insurance Law; Article 32 of the 2006 Gender Equality Law; Clause 1 of Article 12 of Circular 59/2015/TT-BLDTBXH
Compensation	Paid leave		Do pregnant workers receive correct payment when they take time off for prenatal care?	Article 159 of the Labour Code; Article 32, and Items a & b of Clause 1 of Article 39 of the 2014 Social Insurance Law
Compensation	Paid leave		Does the employer pay workers for one hour breastfeeding break per day?	Clause 5 of Article 155 of the Labour Code
Compensation	Paid leave		Does the employer pay women workers for 30 minutes rest per day during their periods?	Clause 5 of Article 155 of the Labour Code; Clause 2 of Article 7 of Decree 85/2015/ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Paid leave		Does the employer provide 1 hour of paid time off to elderly workers in their last year of work before retirement?	Article 54 of the 2014 Social Insurance Law; Articles 166, 167 & 187 of the Labour Code; Items a & c of Clause 1 of Article 11, and Item 10 of Article 3 of Decree 45/2013/ND-CP
Compensation	Paid leave		Does the employer pay for paternity leave when required?	Clauses 2, 4-6 of Article 34, and Article 39 of the 2014 Social Insurance Law; Article 32 of the 2006 Gender Equality Law; Clause 2 of Article 10 of Circular 59/2015/TT-BLDTBXH
Compensation	Paid leave		Does the employer submit claims for sick leave and maternity leave to the social insurance agency within 10 days?	Articles 102 & 103 of the 2014 Social Insurance Law
Compensation	Paid leave	Does the employer pay workers during work stoppages as required by law?		Article 98 of the Labour Code; Clause 1 of Article 26 of Decree 05/2015/ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Social Security and Other Benefits	Does the employer collect and forward workers' contributions and pay the legally required employer contributions to social, health and unemployment insurance funds on time?		Item dd of Clause 2 of Article 6 of the Labour Code; Items a & b of Clause 1 and Clause 3 of Article 2, Article 21, Clause 2 of Article 39, Article 85, and Items a & c of Clause 1 of Article 86 of the 2014 Social Insurance Law; Clauses 6 & 7 of Article 1 of the adjusted Law on Health Insurance; Articles 43 & 57 of the Employment Law; Clause 1 of Article 44 of the OSH Law; Item a of Clause 1 of Article 2 of Decree 105/2014/ND-CP; Clause 1 of Article 3 of Decree 44/2017/ND-CP; Item c of Clause 2 of Article 12 of Circular 59/2015/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Compensation	Social Security and Other Benefits	Does the employer pay workers who are not covered by compulsory social insurance the employer's contribution for social, health and unemployment insurance?		Clause 3 of Article 186, and Item dd of Clause 2 of Article 6 of the Labour Code; Items a & b of Clause 1 and Clause 3 of Article 2, Article 21, Items a & c of Clause 1 of Article 86, Clause 9 of Article 123, and Clause 1 of Article 124 of the 2014 Social Insurance Law; Clauses 6 & 7 of Article 1 of the adjusted Law on Health Insurance; Articles 43 & 57 of the Employment Law; Clause 1 of Article 44 of the OSH Law; Item a of Clause 1 of Article 2 of Decree 105/2014/ND-CP; Clause 1 of Article 3 of Decree 44/2017/ND-CP
Compensation	Social Security and Other Benefits	Does the employer comply with requirements when workers have occupational accidents and diseases?		Articles 144 & 145 of the Labour Code; Articles 38 & 39 of the OSH Law

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Cluster	Compliance Point	Question	Child Question	Reference
CONTRACTS AND HUMAN RESOURCES				
Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Information Questions	How many total workers are employed by the factory?		
Contracts and Human Resources	Information Questions	How many of the workers are men?		
Contracts and Human Resources	Information Questions	How many regular workers are employed by the factory?		
Contracts and Human Resources	Information Questions	How many of the regular workers are men?		
Contracts and Human Resources	Information Questions	How many probationary workers are employed by the factory?		
Contracts and Human Resources	Information Questions	How many of the probationary workers are men?		
Contracts and Human Resources	Information Questions	How many training/apprentice workers are employed by the factory?		
Contracts and Human Resources	Information Questions	How many training/apprentice workers are men?		
Contracts and Human Resources	Information Questions	How many temporary workers are employed by the factory?		
Contracts and Human Resources	Information Questions	How many of the temporary workers are men?		

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Information Questions	How many of the total workforce are migrant workers?		
Contracts and Human Resources	Information Questions	How many of the migrant workers are men?		
Contracts and Human Resources	Information Questions	How many supervisors are employed by the factory?		
Contracts and Human Resources	Information Questions	How many of the supervisors are men?		
Contracts and Human Resources	Information Questions	How many workers have indefinite labour contracts?		
Contracts and Human Resources	Information Questions	How many male workers have indefinite labour contracts?		
Contracts and Human Resources	Information Questions	How many workers with disabilities are employed by the factory?		
Contracts and Human Resources	Information Questions	How many of the workers with disabilities are men?		
Contracts and Human Resources	Information Questions	Does the factory use any homeworkers? If so, please provide details.		
Contracts and Human Resources	Information Questions	Does the factory use subcontractors to complete all or part of the production process? If yes, please provide the name of those subcontractor(s).		

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Information Questions	Does the factory use contractors to provide services at the factory that are not part of the production process? If yes, please provide the name of those contractor(s).		
Contracts and Human Resources	Information Questions	Does the factory have a valid business license?		
Contracts and Human Resources	Information Questions	Has the factory received any notices of non-compliance from the labour ministry during the last 12 months?		
Contracts and Human Resources	Information Questions	Is there an adequate HR policy that is signed by top management with a clear commitment to meet all legal requirements?		
Contracts and Human Resources	Information Questions	Does the employer have an adequate recruitment procedure?		
Contracts and Human Resources	Information Questions	Does the employer have adequate disciplinary and termination procedures?		
Contracts and Human Resources	Information Questions	Does the employer have adequate grievance handling and dispute resolution procedures?		
Contracts and Human Resources	Information Questions	Does the employer adequately assign accountability to management for following factory policies and procedures relating to HR management and performance?		
Contracts and Human Resources	Information Questions	Does the employer adequately communicate and implement HR policies and procedures?		

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Information Questions	Does the employer adequately investigate performance under HR policies and procedures to identify weaknesses and make necessary adjustments?		
Contracts and Human Resources	Dialogue, Discipline, and Disputes	Did workers freely choose their representatives on the PICC, and do workers know who their representatives are? [pre-stage 2 question]		
Contracts and Human Resources	Dialogue, Discipline, and Disputes	Has there been any retaliation against worker representatives due to their activity on the PICC? [pre-stage 2 question]		
Contracts and Human Resources	Dialogue, Discipline, and Disputes	Where there is a union in the factory, does management maintain open communication channels with trade unions, and do trade union representatives have the opportunity to join the PICC? [pre-stage 2 question]		
Contracts and Human Resources	Dialogue, Discipline, and Disputes	Is the PICC used as an alternative to a trade union? [pre-stage 2 question]		
Contracts and Human Resources	Dialogue, Discipline, and Disputes	Was the grievance mechanism developed through social dialogue between workers/ unions and managers, and are workers aware of the grievance mechanism in the factory? [pre-stage 2 question]		
Contracts and Human Resources	Employment Contracts	Do the employment contracts specify the terms and conditions of employment?		Article 23 of the Labour Code; Article 4 of Circular 47/2015/TT-BLDTBXH; Article 1, Clause 2 of Decree 148/2018 - ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Employment Contracts	Do the contracts comply with the labour law, collective agreement and work rules?		Article 17, Clause 3 of Article 22, and Clause 3 of Article 50 of the Labour Code; Clause 1 of Article 3 of Circular 47/2015/TT-BLDTBXH
Contracts and Human Resources	Employment Contracts	Do workers understand the terms and conditions of employment?		Articles 16 & 19 of the Labour Code
Contracts and Human Resources	Employment Contracts	Do all persons who perform work for the factory, both on the premises and offsite, have a contract?		Clause 1 of Article 18, and Clause 2 of Article 16 of the Labour Code
Contracts and Human Resources	Employment Contracts	Do the internal work rules comply with national law?		Clause 2 of Article 119, and Clause 2 of Article 120 of the Labour Code; Articles 27 & 28 of Decree 05/2015/ND-CP
Contracts and Human Resources	Contracting Procedures	Does the employer comply with limits on the period of employment for probationary workers?		Clause 2 of Article 26, and Article 27 of the Labour Code; Clause 1 of Article 7 of Decree 05/2015/ND-CP
Contracts and Human Resources	Contracting Procedures	Does the employer sign more than two consecutive fixed term contracts with workers?		Clause 2 of Article 22 of the Labour Code; Article 5 of Decree 05/2015/ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Contracting Procedures	Does the employer comply with national law concerning dispatched workers at the workplace?		Articles 55, 57 & 58 of the Labour Code; Articles 4, 25 & 26 of Decree 55/2013/ND-CP; Decree 73/2014/ND-CP; Circular 01/2014/TT-BLDTBXH
Contracts and Human Resources	Contracting Procedures	Does the employer comply with requirements for temporary transfers of workers to new work?		Article 31 of the Labour Code; Article 8 of Decree 05/2015/ND-CP
Contracts and Human Resources	Contracting Procedures	Does the employer comply with requirements for apprentices?		Articles 60, 61 & 62 of the Labour Code; Clause 3 of Article 10, Articles 16 & 17 of Decree 139/2006/ND-CP; Article 6 of Decree 45/2013/ND-CP; Article 15 of Circular 30/2013/TT-BLDTBXH
Contracts and Human Resources	Contracting Procedures	Have you found non-compliance with legal requirements for compensation, contracts, OSH, and/or working time pertaining to non-production workers and/or sub-contracted workers?		

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Termination	Does the employer fail to comply with any requirements when terminating or dismissing workers (valid reasons, workers' opportunity to defend, prior notice, termination payments, unused annual leave, and/or reinstatement orders)?		
Contracts and Human Resources	Termination		Does the employer unilaterally terminate workers for reasons that are not allowed by law?	Articles 38, 39 & 126, Clause 3 of Article 155, Clause 7 of Article 192, and Clause 4 of Article 219 of the Labour Code; Clause 1 of Article 12 of Decree 05/2015/ND-CP
Contracts and Human Resources	Termination		Does the employer dismiss workers for reasons that are not allowed by law?	Articles 126, Clause 3 of Article 155, Clause 7 of Article 192, and Clause 4 of Article 219 of the Labour Code; Article 31 of Decree 05/2015/ND-CP; Article 13 of Circular 47/2015/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Termination		Do workers have an opportunity to defend themselves before they are terminated based on their conduct or performance?	Item c of Clause 1 of Article 123 of the Labour Code; Article 12 of Circular 47/2015/TT-BLDTBXH; Article 1, Clause 12 of Decree 148/2018 - ND-CP
Contracts and Human Resources	Termination		Does the employer provide workers proper notice of termination?	Clause 2 of Article 29, Clause 2 of Article 38, Item 1 of Article 47, and Article 126 of the Labour Code
Contracts and Human Resources	Termination		Does the employer comply with requirements regarding severance pay and job-loss allowance?	Article 48 of the Labour Code; Paragraph 4 of Clause 2 of Article 11 of Decree 28/2015/ND-CP; Clause 1 of Article 15 of Circular 30/2013/TT-BLDTBXH; Article 14 of Decree 05/2015/ND-CP; Article 8 of Circular 47/2015/TT-BLDTBXH; Article 1, Clause 5 of Decree 148/2018 - ND-CP

Better Work Vietnam Compliance Assessment Tool

Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Termination		Does the employer compensate workers for unused paid annual leave when they resign or are terminated?	Article 114 of the Labour Code; Article 7 of Decree 45/2013/ND-CP; Clauses 3-4 of Article 26 of Decree 05/2015/ND-CP
Contracts and Human Resources	Termination		Do resigned or terminated workers receive correct wage for all days worked and other termination benefits required by law?	Clause 3 of Article 47 of the Labour Code
Contracts and Human Resources	Termination		Does the employer settle all the payments within seven working days after termination of the labour contract?	Clause 2 of Article 47 of the Labour Code; Article 1, Clause 7 of Decree 148/2018 - ND-CP
Contracts and Human Resources	Termination	Does the employer comply with legal requirements before reducing the size of the workforce or suspending workers' contracts due to changes in structure, technology or economic reasons?		Articles 44 & 46 of the Labour Code; Clauses 1 & 2 of Article 13, and Article 14 of Decree 05/2015/ND-CP; Article 7 of Circular 47/2015/TT-BLDTBXH
Contracts and Human Resources	Discipline and Disputes	Do disciplinary measures comply with legal requirements?		Clause 2 of Article 123, Articles 125 & 128 of the Labour Code; Article 12 of Circular 47/2015/TT-BLDTBXH; Article 1, Clause 12 of Decree 148/2018 - ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Contracts and Human Resources	Discipline and Disputes	Have any workers been bullied, harassed or subject to humiliating treatment?		Item a of Clause 2 of Article 6, Clauses 2 & 3 of Article 8 of the Labour Code
Contracts and Human Resources	Discipline and Disputes	Did the employer resolve grievances and disputes in compliance with legal requirements?		Clauses 5 & 6 of Article 194, Articles 196, 201-208 of the Labour Code
Contracts and Human Resources	Discipline and Disputes	Does dialogue at the workplace take place in compliance with legal requirement?		Articles 63-65 of the Labour Code; Articles 8 - 10 of Decree 149/2018/ND-CP
OCCUPATIONAL SAFETY AND HEALTH				
Cluster	Compliance Point	Question	Child Question	Reference
OSH	Information Questions	Is there an adequate OSH Policy that is signed by top management?		
OSH	Information Questions	Is there an adequate emergency preparedness procedure?		
OSH	Information Questions	Is there an adequate hazard/risk management and control procedure?		Articles 4-6 of Circular 07/2016/TT-BLDTBXH
OSH	Information Questions	Is there an adequate accident investigation procedure?		Article 13 of Decree 39/2016/ND-CP
OSH	Information Questions	Does the employer adequately assign accountability to management for carrying out OSH responsibilities?		
OSH	Information Questions	Does the employer adequately communicate and implement OSH policies and procedures?		

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Information Questions	Does the employer adequately investigate, monitor and measure OSH issues to identify root causes and make necessary adjustments to prevent recurrence?		
OSH	Information Questions	How many work-related accidents have there been in the factory in the last 12 months?		
OSH	OSH Management Systems	Does the employer have legally required construction/building permits?		Articles 12.4 & 89 of the 2014 Construction Law; Article 18 of Circular 26/2016/TT-BXD; Article 10 of Circular 17/2016/TT-BXD; TCVN 9381:2012; Decree 385-HĐBT 1992, Art. 8, Clause 1
OSH	OSH Management Systems	Does the employer develop an OSH plan annually?		Article 148 of the Labour Code; Article 76 of the OSH Law
OSH	OSH Management Systems	Does the employer conduct risk assessment?		Item c of Clause 1 of Article 138, and Article 151 of the Labour Code; Clause 4 of Article 16, Articles 18 & 77 of the OSH Law; Articles 3-7 of Decree 39/2016/ND-CP; Articles 3-7 of Circular 07/2016/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	OSH Management Systems	Does the employer regularly inspect and maintain machines, equipment, buildings and stores?		Item d of Clause 1 of Article 138 of the Labour Code; Clause 5 of Article 16 of the OSH Law; Article 9, and Appendix I of Circular 07/2016/TT-BLDTBXH
OSH	OSH Management Systems	Does the employer inspect and measure the environmental conditions in the workplace on an annual basis?		Item a of Clause 1 of Article 138 of the Labour Code; Clause 1 of Article 16, Clause 2 of Article 18, and Article 24 of the OSH Law; Clause 4 of Article 34, and Articles 35-38 of Decree 44/2016/ND-CP; Articles 2 & 4.2 of Circular 25/2013/TT-BLDTBXH; Articles 1 & 2 of Circular 19/2016/TT-BYT

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	OSH Management Systems	Has the employer set up a properly functioning Unit in charge of OSH and/or OSH Council?		Clause 1 of Article 14, Articles 72 & 75 of the OSH Law; Clauses 2-4 of Article 36, and Article 38 of Decree 39/2016/ND-CP; Clause 2 of Article 17, Clause 2 of Article 18, Clause 1 of Article 21, Clause 1 of Article 24, and Article 25 of Decree 44/2016/ND-CP
OSH	OSH Management Systems	Has the employer set up a properly functioning OSH collaborators network?		Clause 1 of Article 14, and Article 74 of the OSH Law; Clause 6 of Article 17, Clause 6 of Article 18, Clause 1 of Article 21, Clause 1 of Article 24, and Article 25 of Decree 44/2016/ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	OSH Management Systems	Does the employer keep updated records of work-related accidents and diseases?		Clause 3 of Article 142 of the Labour Code; Articles 34-36 of the OSH Law; Articles 9, 10, 13, 16 & 18, and Clause 1 of Article 24 of Decree 39/2016/ND-CP; Item a of Clause 1 of Article 3, and Clause 1 of Article 4 of Circular 08/2016/TT-BLDTBXH; Articles 10 & 11 of Circular 07/2016/TT-BLDTBXH
OSH	Chemicals and Hazardous Substances	Does the employer fail to comply with any requirements regarding chemicals and hazardous substances?		Clauses 4 & 5 of Article 4 of the Law on Chemicals
OSH	Chemicals and Hazardous Substances		Does the employer keep an inventory of hazardous chemicals used in the workplace?	Article 53 of the Law on Chemicals
OSH	Chemicals and Hazardous Substances		Are chemicals and hazardous substances properly labelled?	Articles 30 & 31 of the Law on Chemicals; Item b of Clause 3 of Article 5 of Decree 113/2017/ND-CP; Clause 3 of Article 6 and Appendix 8 of Circular 32/2017/TT-BCT

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Chemicals and Hazardous Substances		Are chemicals and hazardous substances properly stored?	Articles 21 & 34 of the Law on Chemicals; Articles 4 & 6 of Decree 113/2017/ND-CP
OSH	Chemicals and Hazardous Substances		Does the employer keep chemical safety records for the hazardous chemicals used in the workplace?	Articles 29-31 of the Law on Chemicals; Article 24 of Decree 113/2017/ND-CP; Article 7 and Appendix 9 of Circular 32/2017/TT-BCT
OSH	Chemicals and Hazardous Substances		Has the employer taken actions to effectively assess, monitor, prevent and/or limit workers' exposure to hazardous chemicals?	Item c of Clause 1 of Article 138 of the Labour Code; Item II of Article 23 of Decree 113/2017/ND-CP; Article 5.1 of Circular 04/2014/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Chemicals and Hazardous Substances		Has the employer effectively trained workers and supervisors who work with or are responsible for hazardous chemicals?	Article 30 of the Law on Chemicals; Clause 3 of Article 17, Clause 3 of Article 18, Clause 1 of Article 21, and Article 25 of Decree 44/2016/ND-CP; Section VI of Decree 113/2017/ND-CP; Circular 13/2016/TT-BLDTBXH
OSH	Chemicals and Hazardous Substances		Does the employer provide adequate washing facilities and cleansing materials in the event of exposure to hazardous chemicals?	Clause 2 of Article 5 of Circular 19/2016/TT-BYT
OSH	Chemicals and Hazardous Substances		Has the employer prepared for response, control and cleaning of chemical spills? [applied for Footwear assessment]	Clause 3 of Article 36 of the Law on Chemicals; Clause 1 of Article 20 of Decree 113/2017/ND-CP
OSH	Chemicals and Hazardous Substances		Are chemical mixing rooms properly equipped and used? [applied for Footwear assessment]	Article 5 of the Law on Chemicals
OSH	Worker Protection	Does the employer force workers to continue working when they have refused to work due to clear imminent and serious danger to their life or health?		Clause 2 of Article 140 of the Labour Code; Item dd of Clause 1 of Article 6, and Item c of Clause 2 of Article 7 of the OSH Law

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Protection	Does the employer provide workers with all necessary personal protective clothing and equipment?		Article 149 of the Labour Code; Clause 3 of Article 16, and Article 23 of the OSH Law; Circular 04/2014/TT-BLDTBXH
OSH	Worker Protection	Are workers effectively trained on occupational health and safety?		Clause 4 of Article 14, and Clause 7 of Article 16 of the OSH Law; Clause 4 of Article 17, Clause 4 of Article 18, Clauses 2 & 3 of Article 21, Articles 22 & 29, and Section 4 of Appendix IV of Decree 44/2016/ND-CP; Clause 1 of Article 6 of Circular 04/2014/TT-BLDTBXH
OSH	Worker Protection	Do workers use the personal protective equipment that is provided?		Item b of Clause 2 of Article 138 of the Labour Code; Item b of Clause 2 of Article 6 of the OSH Law; Clause 1 of Article 6 of Circular 04/2014/TT-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Protection	Does the employer comply with ergonomic requirements?		OSH Recommendation, R164, para. 3(f); Welfare Facilities Recommendation, R102, para. 16 (1, 2); Ergonomic Checkpoints: Practical and easy-to-implement solutions for improving safety, health and working conditions, 2d ed. ILO (2010), Checkpoints 6, 9, 54, 58, 59
OSH	Worker Protection	Are proper guards installed and maintained on all dangerous machines and equipment?		Items b, c & d of Clause 1 of Article 138 of the Labour Code; Clauses 2-4 of Article 16 of the OSH Law
OSH	Worker Protection	Do workers use the machines and equipment in a safe manner?		Items a & b of Clause 2 of Article 138 of the Labour Code; Clauses 1 & 2 of Article 17 of the OSH Law; Items 5.1.5, 5.2.1, 5.2.4 & 5.2.5 of Article 5 of QCVN: 01-2008/BLDTBXH of Decision 64/2008/QD-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Protection	Does the employer comply with legal requirements related to machines and equipment subject to strict occupational safety requirements?		Article 147 of the Labour Code; Clause 3 of Article 12, Articles 30 & 31 of the OSH Law; Article 16 of Decree 44/2016/ND-CP; Circular 53/2016/TT-BLDTBXH; Item 5.1.2 of Clause 5.1 of Article 5, and Article 6 of QCVN: 01-2008/BLDTBXH of Decision 64/2008/QD-BLDTBXH; Item 5.13.2.5 of TCVN 7704:2007 of Decision 2486/QD-BKHCN; TCVN 6158:1996

Better Work Vietnam Compliance Assessment Tool

Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Protection	Does the employer comply with legal requirements related to work subject to strict occupational safety requirements?		Clause 3 of Article 150 of the Labour Code; Clause 2 of Article 14 of the OSH Law; Clause 3 of Article 17, Clause 3 of Article 18, Clause 1 of Article 21, Clause 2 of Article 24, and Article 25 of Decree 44/2016/ND-CP; Circular 53/2016/TT-BLDTBXH; Circular 13/2016/TT-BLDTBXH; Item 8.1.3 of Clause 8.1 of Article 8 of QCVN: 01-2008/BLDTBXH of Decision 64/2008/QD-BLDTBXH

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Protection	Are electrical wires, cables, switches, plugs and equipment (e.g. transformer, generator, electrical panel, circuit breakers) properly installed, grounded (for equipment), and maintained?		Article 5 of the 2001 Law on Fire Prevention and Fire Fighting; Article 57 of the Law on Electricity; 11 TCN 19-2006; Clause 3.2.2 of Article 3.2, and Item 4.1.5.1 of Clause 4.1.5 of Article 4.1 of TCXD 394:2007; Clause 4.2 of Article 4 of TCVN 9208:2012
OSH	Worker Protection	Are there appropriate safety warnings posted in the workplace?		Item dd of Clause 1 of Article 138 of the Labour Code; Clause 6 of Article 16 of the OSH Law
OSH	Worker Protection	Are workers protected against falls from heights?		Article 138 of the Labour Code; Item 2.1.5 of Clause 2.1 of Article 2 of Circular 14/2014/TT-BXD
OSH	Working Environment	Is the workplace temperature, ventilation, noise, lighting and/or cleanliness unacceptable?		

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Working Environment		Is the temperature in the workplace acceptable?	Item a of Clause 1 of Article 138 of the Labour Code; Clause 1 of Article 16 of the OSH Law; QCVN 26:2016/BYT of Circular 26/2016/TT-BYT
OSH	Working Environment		Is the workplace adequately ventilated?	Item a of Clause 1 of Article 138 of the Labour Code; Clause 1 of Article 16 of the OSH Law; QCVN 26:2016/BYT of Circular 26/2016/TT-BYT
OSH	Working Environment		Is the noise level in the workplace acceptable?	Item a of Clause 1 of Article 138 of the Labour Code; Clause 1 of Article 16 of the OSH Law; QCVN 24:2016/BYT of Circular 24/2016/TT-BYT
OSH	Working Environment		Is the workplace adequately lit?	Item a of Clause 1 of Article 138 of the Labour Code; Clause 1 of Article 16 of the OSH Law; QCVN 22:2016/BYT of Circular 22/2016/TT-BYT

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Working Environment		Is the workplace clean and tidy?	Items a & b of Clause 1 of Article 138 of the Labour Code; Clauses 1 & 2 of Article 16 of the OSH Law
OSH	Welfare Facilities	Does the workplace have adequate accessible toilets?		Clause 3 of Article 154 of the Labour Code; Clause 1 of Article 16 of the OSH Law; Appendix 1 of Circular 19/2016/TT-BYT; Article 2 of Circular 25/2017/TT-BYT
OSH	Welfare Facilities	Does the workplace have adequate hand washing taps?		Appendix 1 of Circular 19/2016/TT-BYT; Article 2 of Circular 25/2017/TT-BYT
OSH	Welfare Facilities	Does the employer provide workers enough free safe drinking water?		Appendix 1 of Circular 19/2016/TT-BYT; Article 2 of Circular 25/2017/TT-BYT; QCVN 01:2009/BYT of Circular 04/2009/TT-BYT

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Welfare Facilities	Does the employer comply with requirements regarding canteen?		Article 37 of the Food Hygiene Law; Article 4 of Circular 30/2012/TT-BYT; Clauses 4 & 5 of Article 3 of Circular 15/2012/TT-BYT; Article 12 of Joint Circular 13/2014/TTLT-BYT-BNNPTNT-BCT; Article 12 of Circular 47/2014/TT-BYT; Decree 15/2018/ND-CP
OSH	Welfare Facilities	Does the workplace provide all workers a place to store their clothes?		Appendix 1 of Circular 19/2016/TT-BYT
OSH	Health Services and First Aid	Do workers receive free periodic health checks as required by law?		Clause 2 of Article 152 of the Labour Code; Clauses 1 & 2 of Article 21 of the OSH Law; Article 11 of Decree 45/2013/ND-CP; Item 3 of Article 6 of Circular 14/2013/TT-BYT

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Health Services and First Aid	Does the employer adequately protect pregnant or nursing workers against safety and health risks?		Clauses 1 & 2 of Article 155 of the Labour Code; Circular 26/2013/TT-BLDTBXH
OSH	Health Services and First Aid	Does the employer comply with the law on HIV/AIDS Prevention and Control?		Clauses 1 & 2 of Article 14 of the Law on HIV/AIDS Prevention and Control
OSH	Health Services and First Aid	Does the workplace have sufficient onsite medical facilities and staff?		Item b of Clause 1 of Article 140 of the Labour Code; Article 45 of the Law on Medical Examination and Treatment; Article 73 of the OSH Law; Clauses 1, 3 & 5 of Article 37 of Decree 39/2016/ND-CP; Clause 15 of Article 22, Articles 25, 26 & 39 of Decree 109/2016/ND-CP; Art. 1, Clause 6 and 10 of Decree 140/2018/ND-CP.

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Health Services and First Aid	Has the employer ensured that there are a sufficient number of readily accessible first aid boxes/supplies in the workplace?		Item b of Clause 1 of Article 140 of the Labour Code; Clause 1 of Article 19 of the OSH Law; Item g of Clause 1 of Article 1, Articles 5 & 6 of Circular 19/2016/TT-BYT
OSH	Health Services and First Aid	Has the employer provided first-aid training for workers?		Item a of Clause 1 of Article 73 of the OSH Law; Clause 4 of Article 17, Clause 4 of Article 18, Clause 2 of Article 21, and Section 4 of Appendix IV of Decree 44/2016/ND-CP; Article 9, and Clause 2 of Article 13 of Circular 19/2016/TT-BYT
OSH	Worker Accommodation	Do workers, supervisors and/or managers stay in dorms on the factory premises, or do workers stay in offsite housing that is managed by the employer?		
OSH	Worker Accommodation		Does worker accommodation comply with legal minimum space requirements?	Article 3 of Circular 20/2016/TT-BXD
OSH	Worker Accommodation		Is the accommodation separate from the workplace (even though it may be in the same compound/industrial park)?	

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Accommodation		Does the accommodation have adequate safe water, toilets, showers, sewage and garbage disposal systems?	Article 3 of Circular 20/2016/TT-BXD; R115, Workers' Housing Recommendation, para. 25(II)(7)(c), (8)(c,d); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing
OSH	Worker Accommodation		Is the accommodation protected against fire?	Article 3 of Circular 20/2016/TT-BXD; R115, Workers' Housing Recommendation, para. 25(II)(7)(d); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Accommodation		Is the accommodation adequately protected against noise, heat, cold or dampness?	Article 3 of Circular 20/2016/TT-BXD; R115, Workers' Housing Recommendation, para. 25(II)(7)(d), (8)(e); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing
OSH	Worker Accommodation		Is the accommodation protected against disease carrying animals or insects?	R115, Workers' Housing Recommendation, para. 25(II)(7)(d); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Accommodation		Is the accommodation adequately ventilated?	Article 3 of Circular 20/2016/TT-BXD; R115, Workers' Housing Recommendation, para. 25(II)(8)(e); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing
OSH	Worker Accommodation		Is the accommodation adequately lit?	Article 3 of Circular 20/2016/TT-BXD; R115, Workers' Housing Recommendation, para. 25(II)(7)(e); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Worker Accommodation		Does the accommodation offer workers adequate privacy?	R115, Workers' Housing Recommendation, para. 25(II)(8)(a,b); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing
OSH	Worker Accommodation		Has the employer adequately prepared for emergencies in the accommodation?	Article 3 of Circular 20/2016/TT-BXD; Clause 7.7 of Article 7 of TCVN 2622:1995; Item 6.1.3 of Clause 6.1 of Article 6 of TCVN 3890:2009; R115, Workers' Housing Recommendation, para. 25(II)(7)(d); ILO Helpdesk for Business on International Labour Standards, Factsheet No. 6 on Workers' Housing

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Emergency Preparedness	Does the workplace have a functioning fire detection and alarm system?		Article 20 of the 2001 Law on Fire Prevention and Fire Fighting; Item 6.1.3 of Clause 6.1, and Clause 6.2 of Article 6 of TCVN 3890:2009; Clause 5.2 of Article 5 of TCVN 5738:2000
OSH	Emergency Preparedness	Does the workplace have adequate fire-fighting equipment?		Article 20 of the 2001 Law on Fire Prevention and Fire Fighting; Clauses 5.1, 5.2, 5.4, 5.5 & 5.8 of Article 5 of TCVN 7435-1:2004 (fire extinguishers); Items 5.1.3, 5.1.6, 5.1.7 & 5.1.8 of Clause 5.1, and Item 5.2.2 of Clause 5.2 of Article 5 (fire extinguishers), Clause 7.2 of Article 7 (automatic fire fighting system), and Clauses 8.1-8.3 of Article 8 (fire hoses) of TCVN 3890:2009

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Emergency Preparedness	Has the employer trained an appropriate number of workers to use the fire-fighting equipment?		Articles 44 & 46 of the 2001 Law on Fire Prevention and Fire Fighting; Clause 2 of Article 15, and Article 16 of Circular 66/2014/TT-BCA
OSH	Emergency Preparedness	Are emergency exits and escape routes clearly marked?		Articles 5.2 & 5.5 of Circular 66/2014/TT-BCA; Items 10.1.4, 10.1.5 & 10.1.6 of Clause 10.1 of Article 10 of TCVN 3890:2009; Clause 1.2 of TCVN 4879:1989
OSH	Emergency Preparedness	Are there at least 2 possible exits for all workers, where required?		Items 3.2.3, 3.2.5, 3.2.6, 3.2.7 & 3.2.9 of Clause 3.2 of Article 3 of QCVN 06:2010/BXD of Circular 07/2010/TT-BXD; Clause 7.7 of Article 7 of TCVN 2622:1995
OSH	Emergency Preparedness	Does the employer comply with size requirements for escape routes?		Items 3.3.6 & 3.3.7 of Clause 3.3 of Article 3 of Circular 07/2010/TT-BXD; Clause 7.17 of Article 7 of TCVN 2622:1995

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Emergency Preparedness	Are any of the emergency exits or escape routes inaccessible, obstructed, or locked during working hours, including overtime?		Item a of Clause 2, and Clause 5 of Article 38 of Decree 167/2013/ND-CP; Item 3.2.10 of Clause 3.2, and Items 3.3.1 & 3.3.5 of Clause 3.3 of Article 3 of Circular 07/2010/TT-BXD
OSH	Emergency Preparedness	Does the employer conduct at least one emergency drill per year?		Item a of Clause 1 of Article 140 of the Labour Code; Item 7 of Clause 6 of Article 1 of Decree 46/2012/ND-CP; Clause 4 of Article 12 of Circular 66/2014/TT-BCA
OSH	Emergency Preparedness	Has the employer developed and trained workers on an emergency evacuation plan?		Item a of Clause 1 of Article 140 of the Labour Code; Item dd of Clause 1 of Article 20 of the Law on Fire Prevention and Fire Fighting; Clause 4 of Article 12 of Circular 66/2014/TT-BCA

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Cluster	Compliance Point	Question	Child Question	Reference
OSH	Emergency Preparedness	Are flammable materials safely stored?		Articles 14 & 20 of the Law on Fire Prevention and Fire Fighting; Item 2.1.5 of Clause 2.1 of Article 2 of QCVN 3:2011/BLDTBXH of Circular 20/2011/TT-BLDTBXH; Article 67 of QCVN 01:2008/BCT of Decision 12/2008/QD-BCT
OSH	Emergency Preparedness	Are possible sources of ignition appropriately safeguarded?		Articles 14 & 20 of the Law on Fire Prevention and Fire Fighting; Item 2.1.5 of Clause 2.1 of Article 2 of QCVN 3:2011/BLDTBXH of Circular 20/2011/TT-BLDTBXH; Article 67 of QCVN 01:2008/BCT of Decision 12/2008/QD-BCT
WORKING TIME				
Cluster	Compliance Point	Question	Child Question	Reference

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Cluster	Compliance Point	Question	Child Question	Reference
Working time	Regular Hours	Do regular working hours exceed 10 hours per day, or 48 hours per week?		Article 104 of the Labour Code; Decision 1152/2003/QĐ-BLĐTBXH; Decision 1629/LĐTBXH-QĐ; Decision 1453/LĐTBXH-QĐ
Working time	Regular Hours	Does the employer comply with shift work requirements?		Article 109 of the Labour Code
Working time	Regular Hours	Do the working time records reflect the hours actually worked?		Clause 1 of Article 4, Clause 3 of Article 6, Clause 1 of Article 14, and Clause 3 of Article 27 of the Law on Accounting
Working time	Regular Hours	Does the employer comply with daily break periods?		Article 108 of the Labour Code; Clause 2 of Article 5 of Decree 45/2013/ND-CP
Working time	Regular Hours	Does the employer give workers at least one day off per week?		Article 110 of the Labour Code
Working time	Overtime	Does the employer comply with daily limits on overtime hours worked?		Article 106 of the Labour Code; Clause 1 of Article 4 of Decree 45/2013/ND-CP
Working time	Overtime	Does the employer comply with monthly limits on overtime hours worked?		Articles 106 & 117 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
Working time	Overtime	Does the employer comply with yearly limits on overtime hours worked?		Article 106 of the Labour Code; Item a of Clause 2 of Article 4 of Decree 45/2013/ND-CP
Working time	Overtime	Is overtime work voluntary?		Item a of Clause 2 of Article 106, and Article 107 of the Labour Code
Working time	Overtime	Does the employer ensure that workers have on average at least 4 rest days per month when weekly rest is not possible?		Clause 1 of Article 110 of the Labour Code
Working time	Leave	Does the employer fail to provide workers time off for any required breaks or types of leave?		
Working time	Leave		Does the employer provide required annual leave to workers?	Article 111 of the Labour Code; Articles 6 & 7 of Decree 45/2013/ND-CP; Item a of Clause 3 of Article 14 of Decree 05/2015/ND-CP; Clause 1 of Article 15 of Circular 30/2013/TT-BLDTBXH
Working time	Leave		Does the employer provide required leave for personal reasons?	Article 116 of the Labour Code

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Cluster	Compliance Point	Question	Child Question	Reference
Working time	Leave		Does the employer comply with the entitlement to sick leave and other types of leave that are covered by social insurance?	Articles 25-27, 29, 33, 34, 37 & 41 of the 2014 Social Insurance Law; Articles 4, 5 & 7 of Circular 59/2015/TT-BLDTBXH
Working time	Leave		Are pregnant workers provided with time off for prenatal visits?	Article 32 of the 2014 Social Insurance Law
Working time	Leave		Does the employer comply with the entitlement to maternity leave?	Articles 157 & 159 of the Labour Code; Articles 34 & 36 of the 2014 Social Insurance Law
Working time	Leave		Does the employer provide required time off for breastfeeding breaks?	Clause 1 and 5 of Article 155 of the Labour Code
Working time	Leave		Does the employer allow workers to take 30 minutes rest during their period?	Clause 5 of Article 155 of the Labour Code; Clause 2 of Article 7 of Decree 85/2015/ND-CP
Working time	Leave		Does the employer provide 1 hour off to elderly workers in their last year of work before retirement?	Article 54 of the 2014 Social Insurance Law; Articles 166, 167 & 187 of Labour Code; Items a & c of Clause 1 of Article 11, and Item 10 of Article 3 of Decree 45/2013/ND-CP

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Cluster	Compliance Point	Question	Child Question	Reference
Working time	Leave		Does the employer comply with the entitlement to paternity leave?	Article 34 of the 2014 Social Insurance Law; Clause 2 of Article 10 of Circular 59/2015/TT-BLDTBXH