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## Proposal to Reduce Working Hours for Employees in Organizations/Enterprises (Private Sector) in Vietnam – Towards Conformity with International Labor Treaties

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### Abstract

According to a survey by the International Labor Organization (ILO), Vietnam is among the countries with high working hours in the region and in the world, while reducing working hours is a common trend in many countries and a progressive trend in society. On that basis, this study focuses on theoretical issues, assessing the implementation of policies and legal regulations on working hours for employees in Vietnam and around the world. From there, recommendations are proposed for the early implementation of reduced working hours for employees in organizations/enterprises (private sector) in Vietnam. The study uses synthesis and analysis methods based on the theoretical basis of the Party's policies and guidelines, the State's laws in Vietnam, international labor treaties, and qualitative methods through the synthesis and analysis of relevant documents. The results of the study are as follows: (1) The theoretical basis system of regulations on working hours in Vietnam and regulations of international law on working hours for workers globally; experiences of countries in the world on reducing working hours and experimenting with a 4-day workweek for workers; (2) Assessment of the current situation of working hours for workers in organizations/enterprises (private sector) in Vietnam. Thereby, the author proposes to reduce the normal working hours per week for workers in organizations/enterprises (private sector) from 48 hours/week to 44 hours/week, aiming for 40 hours/week and not increasing the maximum overtime hours so that workers can maintain their health, regenerate their labor, have time to take care of their families, and improve the quality of work and life.

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### 1. Introduction

Vietnam joined the International Labor Organization (ILO) in 1992. Since joining, Vietnam has always shown its commitment and efforts to implement international conventions in general and international conventions on labor relations in particular, in order to promote and ensure basic labor standards for Vietnamese workers in accordance with international

standards on workers' rights [1]. All basic international labor conventions issued by the ILO have been ratified by Vietnam; however, to date, Vietnam has not yet ratified ILO Convention No. 47 [2].

The ratification of international conventions in general and international labor conventions in particular in Vietnam basically brings about wide-open international opportunities such as: increasing the ability to attract foreign direct investment (FDI) to the country; on the other hand, it also helps domestic enterprises improve their sense of social responsibility to ensure compliance with basic international labor standards. A typical example of the implementation of commitments to international labor standards is demonstrated through the process of internalizing ILO international labor conventions, helping to build increasingly harmonious, stable, and progressive labor relations. This is clearly demonstrated through the promulgation of the 2019 Labor Code, which came into effect on January 1, 2021. The 2019 Labor Code has many advantages in specifying the provisions of the International Labor Convention. This is one of the important steps contributing to creating conditions for Vietnam to meet the requirements of new-generation Free Trade Agreements (FTAs), notably the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Free Trade Agreement between Vietnam and the European Union (EU) – EVFTA [1].

According to ILO survey data in 2019, Vietnam is among the countries with the highest working hours in the world and the region. Total working hours in a year in Vietnam (excluding holidays) are 2,320 hours, 440 hours higher than Indonesia, 184 hours higher than Cambodia, and 176 hours higher than Singapore [3].

And many recent surveys and investigations on workers' lives by the Institute of Workers and Trade Unions and other organizations clearly show the negative impact of long working hours on workers' lives, from losing the opportunity to find a partner, express affection, care between husband and wife to taking care of children, with a particularly large impact on workers with young children. Overtime wages for most workers are not enough to cover social costs such as hiring someone to pick up children, babysitting children after hours or reproducing labor [3]. Long, continuous working hours and little rest lead to the risk of workers suffering from severe physical decline, not having enough time to regenerate the necessary spirit and labor, and developing occupational diseases that have long-term effects on life. According to experts, "We need to consider the long-term health of workers, otherwise when they retire, they will be a burden on social security and also a disadvantage for the workers themselves. That will also affect longevity, which is very important for workers who have built families and children. Reducing working hours creates conditions for workers to rest, reproduce their labor, take care of their children, and ensure family happiness. In particular, reducing working hours helps workers maintain better health so that when they retire, they can still live a healthy life, reducing the burden on social security" [4].

This is also the reason for limiting opportunities for workers to learn and participate in training courses to improve and update their knowledge and skills, improve their professional qualifications, and change their job positions to higher levels with better benefits.

In particular, the Vietnam General Confederation of Labor also strongly agrees with the view: "reducing working hours creates conditions for workers to rest, have time to take care of their families, take care of their children, participate in social activities, recover their health and also reduce work accidents, stress at work, and increase work efficiency" [4].

In summary, the reasons stated above show that reducing working hours for workers in Vietnam at the present stage is extremely necessary, completely in line with the progressive trend of the world; complying with international standards on workers' rights; creating conditions for workers to rest, recover their health, have time to take care of their families, take care of their children, and participate in social activities. This also reduces work accidents, stress at work, and increases work efficiency. Therefore, in the coming time, Vietnam needs to promote the approval of reducing working hours for workers from 48 hours/week to 44 hours/week, towards 40 hours/week to be in line with the development trend, the progress of society, and in accordance with the spirit of international labor conventions.

## **2. Literature Review**

### **2.1. Legal Regulations on Working Hours of Employees in Vietnam**

The 2019 Labor Code and its implementing documents do not have a specific concept of working hours for employees, but only stipulate normal working hours for employees. According to Article 105 of the 2019 Labor Code, normal working hours for employees are stipulated as follows [5]: (1) Normal working hours for employees shall not exceed 08 hours per day and 48 hours per week; (2) Employers have the right to stipulate hourly or daily work or weekly work; in the case of weekly work, normal working hours for employees shall not exceed 10 hours per day, but not exceed 48 hours per week. The State encourages employers to implement the regulation on weekly working hours for employees of 40 hours per week.

This regulation has been maintained after many law amendments, considered in the context of low labor productivity, low-income level, and having to extend working hours.

Through that, we can understand: "Working hours are the time period prescribed by law, according to which employees must be present at the workplace and perform assigned tasks in accordance with the unit's labor regulations, business regulations, and labor contracts."

### **2.2. Regulations of International Law on Working Hours of Workers in the World**

For a long time, the world has paid great attention to the issue of labor and labor relations. In order to improve working conditions and raise living standards around the world, the International Labor Organization (ILO) was established on April 11, 1919, under the Versailles Treaty and in 1946, became a specialized organization of the United Nations. The ILO's charter is "a lasting and comprehensive peace can only be achieved with a just society" on the principle of tripartite relations in labor: government-employer-worker, ensuring social stability, peace, economic growth and human rights. The main goals: commitment to human freedoms, such as the right to freedom of development and association for spiritual and material

development in an environment of freedom, mutual respect, safety and equality; promoting employment, helping member countries create a highly productive working environment and free choice of employment; regulate working hours and protect workers from occupational diseases, improve the environment and working conditions, and ensure social justice [6].

To implement the above objectives and principles, the ILO has developed a labor code and adopted a series of conventions regulating international labor standards, such as Convention 1 (1919) regulating the number of working hours per week not exceeding 44 hours, including 51 members and Vietnam is not a member [6]. By 1935, the ILO had adopted Convention 47, encouraging the reduction of working hours to 40 hours/week [7]. In 1962, the ILO issued Recommendation No. 116 on the Reduction of Working Hours, which recommended that countries, when appropriate, should gradually reduce working hours to 40 hours per week without reducing workers' wages [2].

In 1935, the ILO issued Convention 47 on the 40-hour work week, which determined that countries should continue to reduce working hours for all types of work without reducing living standards. Currently, many countries have been applying the 40-hour work week, or even less than 40 hours per week [2]. In particular, in the preamble of Convention 47, there are two reasons given for reducing working hours to 40 hours a week: (1) the increasing unemployment rate, and (2) workers should enjoy the benefits of scientific and technological developments in modern industry [2]. Convention 47 is the next step in the process of bringing greater welfare to workers regarding working hours.

*In short*, the ILO encourages countries and businesses to find every way to reduce working hours to 40 hours/week, but reducing working hours must go hand in hand with unchanged living conditions, not just reducing working hours and reducing wages. When working hours are reduced, workers will have more time to rest, study, take care of their families, participate in social activities, and have the opportunity to enjoy the fruits of their labor along with the country's development.

### *2.3. Experience Of Countries Around the World on Reducing Working Hours and Testing a 4-Day Work Week for Workers*

In the world, many countries have applied working hours lower than 48 hours/week for employees, specifically as follows [8]: (1) In Spain, the standard working week for full-time employees is 40 hours; (2) In Canada, full-time employees have a standard working eight hours a day for 40 hours a week, employees working more than 44 hours a week in Ontario are entitled to overtime; (3) In Brazil, the standard working week is 44 hours, any hours exceeding this level must be paid overtime at a rate of 150% of the regular salary and employees are not allowed to work overtime more than two hours per day; (4) In Germany, employees usually work 40 hours a week, the Labor Law of this country also requires 11 hours of rest between working days; (5) In Japan, the standard work week is 40 hours, employees who work overtime are entitled to higher overtime pay, the amount of overtime depends on when the overtime is worked; (6) In Korea, employees have a 40-hour work week, any hours worked over that are classified as overtime, which must be paid at 150% of the regular rate, increasing to 200% if the overtime exceeds eight hours; (7) In South Africa, the work week is 45 hours, employees can work up to ten hours of overtime per week. If they earn less than a certain amount, employees are entitled to 150% overtime on weekdays and 200% overtime on Sundays; (8) or even lower than 40 hours/week, like in Australia, the typical work week is 38 hours, which can be increased if deemed "reasonable". However, these overtime hours must be negotiated in advance between the employer and the employee.

This shows that reducing working hours is in line with the progressive trend of most countries in the world. Reducing official working hours per week aims to improve labor productivity, reduce labor abuse, protect the maximum interests of workers, and help them have a better life.

In addition, in the world, many countries are calling for a change in working hours for workers from 48 hours/week to 44 hours/week, towards 40 hours/week in the spirit of the ILO's international labor conventions, including European countries or developed countries that have pioneered the experiment of working 4 days/week. According to statistics from ManpowerGroup, many countries have experimented with working 4 days/week on a large scale, evaluating the effectiveness based on feedback from businesses and workers before officially putting it into law [9]. For example, Iceland is considered the pioneer country to experiment with working 4 days/week for the longest period (2015 - 2019) with a scale of 2,500 people. Countries that are testing this form include Australia (26 companies), Brazil (testing on 400 employees, lasting 9 months from September 2023), and Germany (45 companies, from February 2024 to August 2024) [9]. Meanwhile, Belgium is the first country in Europe to pass a law allowing employees to work 4 days/week from February 2022, with an average working time of 10 hours/day (40 hours/week). The United Arab Emirates (UAE) allows state employees (accounting for 90% of the total workforce) to work 4 days/week from May 1, 2023 [9]. The most successful is still the UK, with over 3,300 employees at 61 companies testing 4-day work weeks for 6 months, from June to December 2022. The largest proportion of participation belongs to enterprises in the fields of communication and advertising (18%), professional services (16%), and non-profit (11%). The lowest proportion belongs to the fields of construction (4%) and engineering (2%) [9].

*In summary*, the reduction of working hours and the experiments on reducing working hours to 4 days/week for workers in some countries have recorded some initial benefits such as: Significant improvement in physical and mental health and happiness index of workers; allowing workers to have more time for themselves and their families; positive impact on workers' productivity.

## **3. Subjects and Methods**

### *3.1. Research Object*

This research focuses on theoretical issues, assessing the implementation of policies and legal regulations regarding the working hours of employees in Vietnam and around the world. From there, recommendations are proposed for the early implementation of reduced working hours for employees in organizations and enterprises (private sector) in Vietnam.

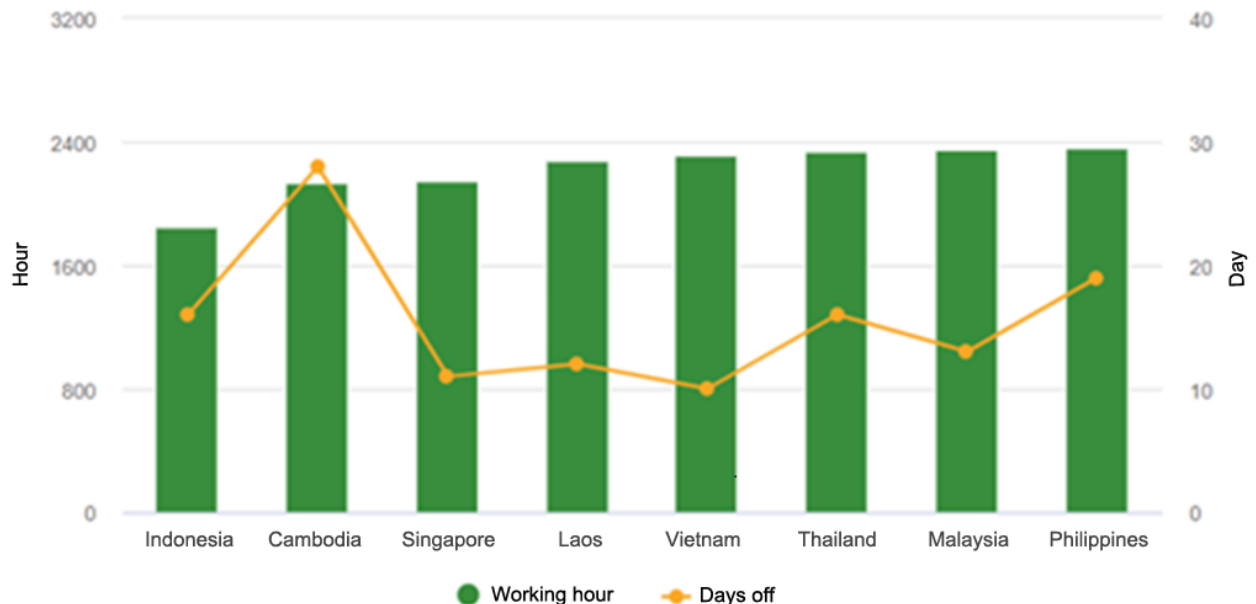
### 3.2. Research Method

Research based on the Party's guidelines and policies, the State's laws in Vietnam and international labor treaties. Using qualitative measures through synthesis, analysis, and use of relevant documents.

## 4. Results and Discussion

### 4.1. Vietnam is among the Countries with the Highest Working Hours in the World and Southeast Asia.

According to ILO survey data in 2019, Vietnam is among the countries with the highest working hours in the world and the region. Total working hours in a year in Vietnam (excluding holidays) is 2,320 hours, 440 hours higher than Indonesia, 184 hours higher than Cambodia, 176 hours higher than Singapore... [3].



**Figure 1.**  
Working hours and holidays in some Southeast Asian countries (2019) [10].

Of the 155 countries surveyed by the ILO, more than two-thirds of the countries apply working hours under 48 hours/week. Meanwhile, Vietnam (along with about 40 countries) still applies the regulation of 48 hours/week, or 6 days/week, issued since 1947, through Decree 29 of the Democratic Republic of Vietnam, which has been in place for more than 70 years [3].

In addition, many enterprises in the private sector have taken advantage of legal loopholes to maximize the labor of workers. In Chapter VII, Section 1, Article 104 of the Labor Code, Normal working hours do not exceed 8 hours per day and 48 hours per week. With the above time frame, enterprises, especially in labor-intensive industries such as garment, processing, electronics, etc., all apply the maximum standard of 48 hours per week due to order pressure, seasonality, or contingency plans for fluctuations in raw material sources, markets, etc. [3].

In reality, in Vietnam today, many workers working in organizations and enterprises (private sector) have working hours of 10 to 12 hours per day. Therefore, workers do not have time to take care of their families or socialize. For example, in a statement to Dan Tri Newspaper, the Chairman of the Trade Union of Changshin Vietnam Company, Mr. Dang Tuan Tu, also stated: "Many workers' families do not have the conditions to go out together. With only one day off on Sunday, workers find it difficult to visit relatives and expand their social relationships." [11].

Therefore, the proposal to reduce working hours so that workers, especially those in organizations/enterprises (private sector), have time to rest, take care of their families and expand their social relationships is a proposal that is very popular with workers.

### 4.2. Implementation of Policies, Recommendations, and Proposals of Agencies and Organizations on Reducing Working Hours for Employees in the Past

Whether or not to reduce working hours is a topic of great concern to the Party, State, socio-political organizations, agencies, businesses and workers, specifically as follows:

In the article of the late General Secretary Nguyen Phu Trong, "Some theoretical and practical issues on socialism and the path to socialism in Vietnam", the late General Secretary affirmed: "We need a society in which development is truly for the people, not for profit that exploits and tramples on human dignity. We need economic development to go hand in hand with progress and social justice, not to increase the gap between rich and poor and social inequality" [12]. Thereby, it shows that protecting workers is the most important principle, of great concern to the Party and there is a great need for legal adjustments on working hours to protect workers, avoiding labor abuse by employers.

Clause 5, Article 1 of Resolution No. 101/2019/QH14 of the National Assembly clearly states: The Government is assigned, based on the socio-economic development situation, to study and propose reducing normal working hours for employees to less than 48 hours/week and report to the National Assembly for consideration at an appropriate time [13].

In addition, there are many recommendations and proposals on building a roadmap to reduce weekly working hours for employees in the enterprise sector that have been raised many times by representatives of agencies and organizations in forums and agendas over the past time, specifically as follows: In 2019, when the National Assembly amended the Labor Code, the Vietnam General Confederation of Labor and a number of National Assembly deputies proposed this issue [14]; At the Trade Union Congress in December 2023, Trade Unions at all levels said that the roadmap to reduce working hours to 40 hours per week is the desire of many workers [10]; At the Forum "Improving National Labor Productivity in 2024" organized by the Vietnam General Confederation of Labor in Hanoi on May 26, 2024, the Vietnam General Confederation of Labor continued to recommend the Government to develop a roadmap to reduce business working hours from 48 hours/week to 44 hours/week and towards 40 hours/week [14]. In Notice No. 249/TB-VPCP dated May 31, 2024 of the Government Office: Conclusion of the Prime Minister at the Conference to evaluate the results of the implementation of the Regulation on working relations between the Government and the Vietnam General Confederation of Labor. The Government assigned the Ministry of Labor, War Invalids and Social Affairs to study, review, evaluate and propose a policy to reduce normal working hours for employees to less than 48 hours/week [15].

*In summary*, the implementation of policies, recommendations and proposals of agencies and organizations on the need to reduce weekly working hours of employees in enterprises (private sector) to be in line with the progressive trend of the world and keep up with countries in the same region, creating conditions for employees to rest, restore health, and take care of their families has received much attention in the past and there have been many recommendations and proposals that need to be implemented soon, however, the implementation so far is still very slow.

#### *4.3. There is no Synchronization of Working Hours between State Agencies/Organizations and Private Sector Organizations/Enterprises*

According to statistics from the General Statistics Office of Vietnam, by September 2024, the total number of employed workers in Vietnam is 51.4 million [16]. This is the number of workers participating in the labor market and each working day is subject to working hours according to the provisions of the Labor Code passed by the National Assembly in 2019, effective from 2021 and according to separate regulations on labor management at organizations/enterprises where workers are working, specifically as follows: (1) Normal working hours of workers do not exceed 08 hours/day and 48 hours/week. The State encourages businesses to implement a 40-hour work week for workers. Overtime hours are limited to 40 hours per month, not exceeding 200 hours per year. Some occupations can work up to 300 overtime hours per year [5]. In fact, employees working in private organizations/enterprises all sign labor contracts to work 48 hours/week, and are only allowed to take days off on Sundays; Only a few organizations/enterprises allow employees to work 44 hours/week, with days off on Saturday afternoons and Sundays; Or very few organizations/enterprises still have a model: the lowest-level employees work 48 hours/week, while managers and office administrative staff work 40 hours/week [14]; (2) Although the Labor Code stipulates that the State encourages enterprises to implement a 40-hour work week, in reality, increasing overtime hours is the desire of a segment of employees and employers. Therefore, the State must limit overtime hours in some industries to no more than 300 hours/year, compared to the previous proposal of 400 hours/year. In reality, low wages make some workers and businesses want to maintain 48-hour working weeks and increase overtime. However, the majority of workers and businesses want to reduce working hours because that is the only way to develop sustainably [14].

Meanwhile, the labor force is a group of cadres, civil servants, public employees and workers in administrative agencies, units, public services, political organizations, socio-political organizations with a smaller number (according to statistics of the Ministry of Home Affairs as of December 31, 2022, the total number of cadres, civil servants and public employees is about 2,257,182 people [17]) but has different working hours from the group of workers in organizations/enterprises, specifically as follows: According to Decision 188/1999/QĐ-TTg of the Prime Minister, the working week is 40 hours in 5 days, with Saturday and Sunday off every week for cadres, civil servants and workers in administrative agencies, units, public services, political organizations, socio-political organizations [18].

If comparing the group of cadres, civil servants, public employees and workers in agencies, administrative units, career units, political organizations, socio-political organizations, direct workers in enterprises (private sector) currently have more weekly working hours.

*Therefore*, in the current development trend of society, it is necessary to have a uniform model of working hours for all people at 40 hours/week, which helps to promote rapid economic development; when all people have days off on Saturdays and Sundays, they will increase spending on food, living and traveling; to have comfortable spending, workers will increase their work instead of the current unsynchronized situation. In case, organizations/enterprises need employees to work more than 40 hours/week, they can negotiate a separate policy for this group of employees.

## **5. Conclusions and Suggestions**

In short, the issue of reducing working hours is a legitimate desire of workers around the world in general and in Vietnam in particular. Thereby, it aims to create conditions for workers to have time to rest, restore health, take care of their families, and align with the progressive trend in the world. Summarize lessons learned from the experiences of countries around the world on reducing normal working hours for workers to less than 48 hours/week. Vietnam can learn from these experiences and needs to focus on implementing the following tasks and solutions:

### 5.1. First, For State Management Agencies

Propose that the Government develop a roadmap to reduce weekly working hours of employees in enterprises (private sector) to be consistent with and keep up with the world and countries in the region from 48 hours/week to 44 hours/week, moving towards 40 hours/week;

Recommend that the Vietnam General Confederation of Labor and the Ministry of Labor, War Invalids and Social Affairs coordinate, research and promptly develop, amend and supplement the Labor Code to submit to the Government and the National Assembly for approval to implement the provisions on reducing normal working hours for employees to less than 48 hours/week;

The Government needs to improve the legal environment, create conditions to reduce taxes on imported goods such as modern machinery and equipment, and simplify and make import procedures flexible for organizations/enterprises.

Agencies, departments, and organizations need to step up propaganda and mobilization so that businesses increase investment, improve technology, and rearrange personnel to organize labor reasonably, both promoting increased labor productivity and increasing income for workers, and also creating conditions for social welfare and caring for workers in the business.

### 5.2. Second, For Organizations and Businesses

Globalization and increased competition require organizations and businesses to invest in modern machinery and technology, apply breakthrough advances in information and communication technology, innovate production processes, promote the replacement of outdated manual labor and dependence on the working hours of workers.

Businesses need to have flexibility in working hours and working forms; different from the usual full-time working model, such as "9am to 5pm" working hours and flexible working forms, part-time working, averaging working hours, calculating working hours and working remotely;

Enterprises should build a mechanism to measure real work efficiency instead of applying a rigid time monitoring mechanism, shortening or minimizing work processes, and optimizing working time, such as minimizing weekly or monthly meetings. Focus on improving work quality while maintaining labor productivity and production efficiency;

Enterprises need to improve the qualifications of the management and corporate governance team and regularly organize training, improve the working skills of employees, and focus labor force on necessary tasks.

### 5.3. Third, For Workers

Workers need to be proactive in improving their qualifications, capacity and skills, because improving skills is to promote increased labor productivity.

With the rapid development of modern technology, the application of digital transformation in business operations is becoming more and more popular. Therefore, employees need to equip themselves with knowledge and skills related to new technology in order to meet the requirements of employers when applying 4.0 technology to daily work. With the trend of decreasing demand for manual labor occupations, employees need to learn and improve their knowledge and professional skills in the field they are pursuing to meet the increasingly high requirements from employers and businesses.

All the above solutions will contribute to properly handling the relationship between economic growth and the implementation of social progress and equity, taking care to build the working class; ensuring harmony of interests between workers, employers, the State, and the whole society; constantly improving the material and spiritual life of workers, while paying attention to promptly resolving pressing and urgent issues faced by workers. Thereby, contributing to promoting the process of industrialization and modernization of the country.

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