



LABOUR CONTRACTS FROM PAPER TO ELECTRONIC RECORDS

The concept of e-contracts has been introduced in Vietnam for years and widely applied in commercial transactions. The labour sector, in which paper-based reporting and physical signatures were once dominant, has witnessed a rapid shift to electronic means. Recently, the Vietnamese Government has also introduced the draft Decree encouraging the adoption of e-labour-contracts in human resources management and administrative procedures.

E-labour-contracts

The execution and implementation of e-labour-contracts shall continue to be mainly governed by the current Labour Code. E-signed labour contract shall be delivered to both the company and the employee in the form of data messages, using electronic means as mutually agreed by the parties. An e-labour contract shall take effect on the date of signature of the last party, unless otherwise agreed. Any amendment to an e-labour contract will also be made electronically. As for any paper labour contract, it is necessary to be converted into an e-labour contract before revision.

It is emphasized that e-labour-contracts shall not be denied legal effect solely on the grounds that they are in the form of a data message.

E-labour-contract service providers

The draft Decree also introduces e-labour-contract service providers who meet statutory requirements, such as possessing digital signature software and digital signature verification software, having the capability to ensure the confidentiality and authenticity of data, having the capability to verify eID of signatories, and being able to assist companies with labour reporting tasks.

E-labour-contract platform operated by the Government

Concurrently, the Government will establish the national e-labour-contract platform supporting the State administration of labour.

It will be stored on the Platform e-labour-contracts and amendments thereof, including those converted from paper-based contracts; contents of e-labour contracts for the purpose of consolidating labour data such as information on employees and companies, job positions, employment terms, salary.

The Platform is expected to help simplify the labour reporting tasks imposed on companies.



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