DECREE

STIPULATING IN DETAIL A NUMBER OF ARTICLES OF LABOR CODE, LAW ON VOCATIONAL TRAINING AND LAW ON VIETNAMESE EMPLOYEE WORKING ABROAD UNDER CONTRACT ABOUT THE COMPLAINT AND DENUNCIATION

Pursuant to the Law on Government Organization dated 25 December 2001;
Pursuant to the Labor Code dated 18 June 2012;
Pursuant to the Law on vocational training dated 29 November 2006;
Pursuant to the Law on Vietnamese employee working abroad under contract dated 29 November 2006;
Pursuant to the Law on denunciation dated 11 November 2011;
At the request of the Minister of Labour - Invalids and Social Affairs,

The Government issues the Decree stipulating in detail a number of articles of labor code, law on vocational training and law on Vietnamese employee working abroad under contract about the complaint and denunciation

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Decree provides for the complaint and complaint settlement related to the decision and behavior on labor of employer; decision and behaviour of vocational training of organizations and individuals participating in vocational training; decision and behavior on sending Vietnamese employees to work abroad under contract of organizations and individuals involved in sending Vietnamese employees to work abroad under contract; denunciation and denunciation settlement for the violation of law of organizations and individuals in the area of labor, vocational training and activity of sending Vietnamese employees to work abroad under contract.

2. The complaint settlement through activity of inspection team is done under regulation of law on inspection and relevant regulations of law.

Article 2. Subjects of application

1. This Decree applies to the following subjects:

a) Employees, interns, probationers, apprentices and Vietnamese employees working abroad under contract;

b) Employers;

c) Organizations and individuals involved in vocational training;

d) Organizations and individuals working abroad under contract;
dd) Organizations and individuals involved in vocational training and activity of sending Vietnamese employees to work abroad under contract;

2. This Decree does not apply to following subjects:

a) State-owned enterprises, public non-business units and employees working abroad under personal contract according to the provisions of the Law on Vietnamese employees working abroad under contract;

b) Administrative decision and administrative behavior of state administrative organs and of competent persons in the state administrative organs.

Article 3. Interpretation of terms

In this Decree, the following terms are construed as follows:

1. Complaint about labor means the employees, interns, probationers under the procedures in this Decree request the competent persons to settle their complaints about labor and re-consider the labor decisions and behavior of the employers as there are grounds that such decisions or behavior has breached the labor law and infringed the employees’ legal rights and interests.

2. Complaint about vocational training means apprentices, organizations and individuals related to the vocational training activities in Vietnam under the procedures specified in this Decree request the persons having the authority to settle their complaints about vocational training to re-consider the decisions or behavior of vocational training of the organizations and individuals involved in vocational training when there are the grounds that such decisions or behavior has breached the law on vocational training and infringed the employees’ legal rights and interests.

3. Complaint about activity of sending Vietnamese employees to work abroad under contract means the employees working abroad under contract according to the procedures specified in this Decree request the persons having the authority to settle the complaints about the activity of sending Vietnamese employees to work abroad under contract of organizations and individuals when there are the grounds that such decisions or behavior has breached the law on sending Vietnamese employees to work abroad under contract and infringed the employees’ legal rights and interests.

4. Denunciation on labor, vocational training and activity of sending Vietnamese employees to work abroad under contract means the citizens, employees, interns, probationers, apprentices and Vietnamese employees working abroad under contract as per the procedures specified in this Decree notify the competent persons of the violation of law of the organizations and individuals in the field of labor, vocational training and activity of sending Vietnamese employees to work abroad under contract causing damage or menacing to cause damage to the state interests and legal rights and interest of citizens, organs and organizations.

5. Labor complainants are the employees, interns or probationers who carry out their right to complaint.

6. Vocational training complainants are the apprentices, organizations and individuals related to the vocational training activities exercising their rights to complaint.

7. Complainants about activity of sending Vietnamese employees working abroad under contract are Vietnamese employees working abroad under contract and organizations and individuals
related to the activity of sending Vietnamese employees working abroad under contract exercising their rights to complaint.

8. Labor complainees are the employers having labor decisions and behavior on labor complained.

9. Vocational training complainees are organizations and individuals involved in vocational training with decisions or behavior on vocational training complained;

10. Complainees related to activity of sending Vietnamese employees working abroad under contract are organizations and individuals Vietnamese employees working abroad under contract with decisions or behavior on Vietnamese employees working abroad under contract complained;

11. Denouncer of labor, vocational training and activity of Vietnamese employees working abroad under contract are citizens, employees, interns, probationers, apprentices and Vietnamese employees working abroad under contract exercising their right to denunciation.

12. Persons denounced on labor are employers having their denounced behavior.

13. Denounced persons denounced on vocational training are organizations and individuals involved in vocational training accused.

14. Denounced persons on the activity of sending Vietnamese employees working abroad under contract are organizations and individuals sending Vietnamese employees working abroad under contract having their denounced behavior.

15. Settlers of complaint about labor, vocational training and activity of sending Vietnamese employees working abroad under contract are organs, organizations and individuals having the authority to settle the complaints specified in this Decree.

16. Settlers of denunciation about labor, vocational training and activity of sending Vietnamese employees working abroad under contract are organs, organizations and individuals having the authority to settle the denunciation specified in this Decree.

17. Settlement of complaint about labor, vocational training and activity of sending Vietnamese employees working abroad under contract is the handling, verification, conclusion and issue of decision on settlement of complaint of the complaint settler.

18. Settlement of denunciation about labor, vocational training and activity of sending Vietnamese employees working abroad under contract is the handling, verification, conclusion and issue of decision on settlement of denunciation of the denunciation settler.

19. Complaint withdrawal means the complainant requests the complaint settler to stop his/her complaint.

20. Decision on labor is a written decision of the employer to be applied to the employees, interns and probationers in labor relationship and the relationship directly related to the labor relationship.

21. Labor behavior is the behavior of the employer done in labor relationship and the relationship directly related to the labor relationship.
22. Decision on vocational training is a written decision of organizations and individuals involved in vocational training to be applied to apprentices in vocational training and activity directly related to the vocational training.

23. Behavior on vocational training is the behavior of organizations and individuals involved in vocational training and activity directly related to the vocational training.

24. Decision on sending Vietnamese employees working abroad under contract is a written decision of organizations and individuals sending Vietnamese employees working abroad under contract to be applied to the employees in the activity of sending Vietnamese employees working abroad under contract and activity directly related to the activity of sending Vietnamese employees working abroad under contract.

25. Activity of sending Vietnamese employees working abroad under contract is the activity of organizations and individuals sending Vietnamese employees working abroad under contract to be done in the activity of sending Vietnamese employees working abroad under contract and activity directly related to the activity of sending Vietnamese employees working abroad under contract.

Article 4. Principles of settlement of complaints and denunciations of labor, vocational training and activity of sending Vietnamese employees working abroad under contract

1. Being timely, objective, open and democratic.

2. Ensuring the legal rights and interests of the complainants, complainees, denouncers, denounced persons and relevant organizations and individuals.

Chapter II

COMPLAINT AND COMPLAINT SETTLEMENT

Section 1: COMPLAINT

Article 5. Order of complaint

1. When there are the grounds that the decisions and behavior of employers, organizations and individuals involved in vocational training, sending Vietnamese employees working abroad under contract are illegal and directly infringe on the legal rights and interests of the complainants, such complainants shall make sending Vietnamese employees working abroad under contract complaint for the first time to the complaint settlers as stipulated in Clause 1, Article 15, Clause 1, Article 16, Clause 1, Article 17 of this Decree.

2. Where the complainants do not agree with the decision on complaint settlement as stipulated in Clause 1 of this Article or if exceeding the time limit specified in Article 19 of this Decree but the complaints have not settled, such complainants shall make a complaint for the second time under the following provisions:

   a) For complaint about labor, the complainant shall make a complaint to the complaint settler specified in Clause 2, Article 15 of this Decree;

   b) For complaint about vocational training, the complainant shall make a complaint to the complaint settler specified in Clause 2, Article 16 of this Decree;
c) For complaint about the activity of sending Vietnamese employees working abroad under contract, the complainant shall make a complaint to the complaint settler specified in Clause 2, Article 17 of this Decree;

3. Where the complainant does not agree with decision on complaint settlement as stipulate in Clause 2 of this Article or exceeding the time limit specified in Article 27 of this Decree, the complainant has the right to make a complaint as stipulated by the Complaint Law and other relevant documents or initiate sending Vietnamese employees working abroad under contract suit a Court as stipulated under Point b, Clause 2, Article 10 of this Decree.

**Article 6. Forms of complaint**

1. The complaint is made in the form of sending a complaint petition or making a direct complaint as provided for as follows:

   a) For form of sending complaint petition, specify the content: date, month, year, name, address of the complainant; name and address of organ, organization or individual to be complained; content, reason for complaint, documents related to the content of complaint (if any) and request the settlement of complaint. The complaint petition must be signed by the complainant or must press his/her finger-print;

   b) For form of direct complaint, the person receiving the complainant shall instruct the complainant to write the petition or shall write all contents of complaint as stipulated under Point a of this Clause and the complainant to sign or press his/her finger-print in the document.

2. Where some persons make a complaint about one content, follow these instructions:

   a) For form of sending complaint petition, write all contents specified under Point a, Clause of this Article with the signature of complainants and appoint a representative for presentation upon requirement of the complaint settler;

   b) For form of direct complaint, the competent authorities shall meet and require the representative to present the content of complaint; the complaint receiver shall record all contents of complaint as stipulated under Point a, Clause 1 of this Article and require the representative to sign or press his/her finger-print in the document.

3. Where the complaint is made through the representative, this representative must have paper to demonstrate the legality of representation and make a complaint under the provisions of this Decree.

**Article 7. Statute of limitations of complaint**

1. The first statute of limitations is 180 days from the date the complainant receives or knows the decision or behavior of the employer, organization or individual providing vocational training, organization or individual sending Vietnamese employees working abroad under contract complained.

2. The second statute of limitations is 30 days from the end date of time limit specified in Article 19 of this Decree or from the date of receiving the first decision on complaint settlement but the complainant has not agreed with such decision.

3. Where the complainant is unable to exercise the right to complaint in accordance with the statute of limitations specified in Clause 1 and 2 of this Article due to illness, natural disaster,
sabotage, business travelling, study in remote area or other objective impediments, the duration of such impediment shall not be included in the statute of limitations.

Article 8. Withdrawal of complaint petition

1. The complainant has the right to withdraw his/her complaint petition at any time during the complaint and complaint settlement.

2. The withdrawal of complaint must be done in petition signed or pressed with finger-print of the complainant. The petition for withdrawal of complaint must be sent to the complaint settler.

3. Within 30 working days after receiving the petition for withdrawal of complaint from the complainant, the complaint settler shall issue sending Vietnamese employees working abroad under contract decision on suspending the complaint settlement and send it to the complainant.

Article 9. Complaint not eligible for handling and settlement under this Decree

1. Decision or behavior is not directly related to the legal rights and interests of the complainant.

2. The complainant has no capacity for civil acts and without legal representative.

3. The representative is not legal.

4. The complaint petition has no signature or finger-print of the complainant.

5. The statute of limitations as stipulated in Clause 1 and 2, Article 7 of this Decree is over without any reason as stipulated un Clause 3, Article 7 of this Decree.

6. There is a document of the competent authorities to notify the suspension of complaint settlement but after 30 days from the date of notice document, the complainant does not continue his/her complaint.

7. The complaint has a decision of settlement with legal effect.

8. The complaint has been handled by the Court or settled by a judgment or decision of the Court, except for decision on suspension of case settlement from the Court.

Section 2. RIGHTS AND OBLIGATIONS OF THE COMPLAINANT, COMPLAINEE, LAWYER, LEGAL AID AND LEGAL ASSISTANT

Article 10. Rights and obligations of the complainant

1. The complainant has the following rights:

   a) Makes a complaint by himself/herself or authorizes another person to make a complaint;

   b) Joins the dialogue or authorizes a legal representative to joint the dialogue;

   c) Knows, reads, duplicates or copies documents or evidences which the complaint settler has collected for complaint settlement except for information and documents of state secret or secret of the complainee as prescribed by law;

   d) Requests relevant individuals, organs or organizations that are keeping and managing information and documents related the content of complaint to provide the content of such information and documents except for information and documents of state secret or secret of the complainee as prescribed by law;
dd) Requests the complaint settler to apply urgent measures to prevent potential consequence due to the enforcement of complained decision or behavior.

e) Presents evidence of complaint and explains his/her opinions about such evidence;

g) Is restored his/her legal rights or interests that have been infringed due to the enforcement of complained decision or behavior.

h) Is compensated for damages as prescribed by law;

i) Withdraws his/her complaint as stipulated in Article 8 of this Decree;

k) Make a second complaint;

l) Initiates a suit at the Court as stipulated in Clause 2 of this Article.

2. Right to initiate a suit at the Court:

a) The complainant has the right to initiate a suit at the Court as prescribed by the Civil Procedure Law in the following cases:

   - When there are the grounds that the decision or behavior of the employer, organization or individual involved in vocational training; organization or individual sending Vietnamese employees working abroad under contract is illegal and directly infringes to the complainant’s legal rights and interests.

   - The complainant does not agree with the first decision on complaint settlement as stipulated in Article 22 of this Decree;

   - The time limit specified in Article 19 of this Decree is over but the first complaint has not been settled.

b) The complainant has the right to initiate a suit at the Court under the provisions of the Administrative Procedure Law in the following cases:

   The complainant does not agree with the second decision on complaint settlement as stipulated in Article 30 of this Decree;

   The time limit specified in Article 27 of this Decree is over but the second complaint has not been settled.

3. The complainant has the following obligations:

a) Makes a complaint as per the order and procedures specified in this Decree;

b) Honestly presents the case and gives evidence of the complaint; provides relevant information and documents to the complaint settler; takes responsibility before law for the presented contents and supply of such information and documents;

c) Strictly comply with the decision on complaint settlement with legal effect.

4. The complainant shall exercise his/her rights and obligations as prescribed by law.

**Article 11. Rights and obligations of the complainee**

1. The complainee has the following rights:

a) Gives evidence of legality of complained decision or behavior;
b) Knows, reads, duplicates documents or copies evidence which the second complaint settler has collected for complaint settlement except for information and documents of state secret or secret of the complainee as prescribed by law;

c) Requests the relevant individuals, organs and organizations that are storing and managing information and documents related to the content of complaint to provide such information and documents within 05 working days, from the date of request and deliver them to the second complaint settler for complaint settlement except for information and documents of state secret or secret of the complainee as prescribed by law;

d) Receives the second decision on complaint settlement.

2. The complainee has the following obligations:
a) Carries out the first complaint settlement under the authority specified in Clause 1, Article 15, Clause 1, Article 16, Clause 1, Article 17 of this Decree;

b) Joins the dialogue or authorizes a legal representative to joint the dialogue;

c) Abides by the decision on verifying the content of complaint of individual or organ with authority to settle the complaint for the second time;

d) Provides information and documents related to the content of complaint within 05 working days after the request of the person with authority to settle the complaint for the second time.

dd) Makes explanation about the legality and properness of decision or behavior upon requirement from the person with authority to settle the complaint for the second time.

e) Strictly comply with the decision on complaint settlement with legal effect.

3. The complainee shall exercise his/her rights and obligations as prescribed by law.

Article 12. Rights and obligations of the first complaint settler

1. The first complaint settler has the following rights:
a) Requires the complainant and other persons related to the complaint to provide information, documents and evidence within 05 days from the requirement date as basis for complaint settlement;

b) Decides the application and cancellation of urgent measures as stipulated in Article 25 of this Decree.

2. The first complaint settler has the following obligations:
a) Receives the complaint and give a written notice of the handling of complaint settlement to individual, organ or organization under the provisions in Article 18 of this Decree;

b) Settles the complaint related to his/her complained decision or behavior;

c) Organizes dialogue with the complainant and relevant organ, organization and individual;

d) Sends the decision on complaint settlement to the relevant organ, organization and individual as stipulated in Article 23 of this Decree;

dd) Takes responsibility before law for his/her complaint settlement;
Article 12. Rights and obligations of the first complaint settler

1. The first complaint settler shall have the following rights:

a) Provides information, documents and evidence related to the content of complaint upon the complainant’s request;

b) Provides dossier of complaint settlement upon the requirement of the second complaint settler or the Court.

3. The first complaint settler shall exercise other rights and obligations as prescribed by law.

Article 13. Rights and obligations of the second complaint settler

1. The second complaint settler has the following rights:

a) Requires the complainant, complainee and relevant organization, organ and individual to provide information, documents and evidence within 05 working days from the date of requirement as a basis for complaint settlement;

b) Decides the application and cancellation of urgent measures as stipulated in Article 25 of this Decree.

c) Holds an inspection as a basis for complaint settlement.

2. The second complaint settler has the following obligations:

a) Receives, handles and prepares dossier of complaint under his/her settlement authority;

b) Checks and verifies the content of complaint;

c) Organizes dialogue between the complainant, complainee and other relevant organs, organizations and individual;

d) Issues decision and announces decision on complaint settlement;

dd) Provides information and documents related to the content of complaint upon request from the complainant or complainee;

e) Provides information and documents related to the content of complaint and dossier of complaint settlement for the second time upon requirement from the Court.

3. The second complaint settler shall exercise other rights and obligations as prescribed by law.

Article 14. Rights and obligations of lawyer, legal aid and legal assistant

1. The lawyer, legal aid and legal assistant have the following rights:

a) Participate in the course of complaint settlement as requested by the complainant;

b) Exercise the complainant’s rights and obligations upon being authorized.

c) Verify and collect evidence related to the content of complaint as requested by the complainant and provides evidence to the complaint settler;

d) Study dossier of case, duplicate or copy documents and evidence related to the content of complaint to protect the complainant’s legal rights and interests except for information and documents of state secret or secret of the complainee as prescribed by law;

2. The lawyer, legal aid and legal assistant have the following obligations:

a) Present lawyer card, legal aid card and legal assistant card and assignment decision on legal assistance, request for legal assistance or power-of-attorney of the complainant;
b) Properly exercise the content and scope authorized by the complainant.

3. The lawyer, legal aid and legal assistant shall exercise other rights and obligations as prescribed by law.

Section 3: AUTHORITY TO SETTLE COMPLAINT

Article 15. Authority to settle labor complaint

1. The employer has the authority to settle the complaint for the first time for his/her complained decision or behavior.

2. Chief Inspector of Department of Labour - Invalids and Social Affairs where the employer’s head office is located has the authority to settle the complaint for the second time for labor complaint when the complainant does not agree with the first decision on complaint settlement as stipulated in Clause 1 of this Article or at the end of time limit specified in Article 19 of this Decree but the complaint has not been settled.

Article 16. Authority to settle vocational training complaint

1. The head of vocational training establishment has the authority to settle the complaint for the first time for his/her complained decision or behavior.

2. Director of Department of Labour - Invalids and Social Affairs where the head office of vocational training establishment is located has the authority to settle the complaint for the second time for vocational training complaint when the complainant does not agree with the first decision on complaint settlement as stipulated in Clause 1 of this Article or at the end of time limit specified in Article 19 of this Decree but the complaint has not been settled.

Article 17. Authority to settle complaint about activity of sending Vietnamese employees working abroad under contract

1. The head of organization sending Vietnamese employees working abroad under contract has the authority to settle complaint for the first time for his/her complained decision or behavior.

2. The Director of Department of Overseas Labor has the authority to settle complaint for the second time for complaint about sending Vietnamese employees working abroad under contract when the complainant does not agree with the first decision on complaint settlement as stipulated in Clause 1 of this Article or at the end of time limit specified in Article 19 of this Decree but the complaint has not been settled.

Section 4: ORDER, PROCEDURES AND TIME LIMIT FOR FIRST COMPLAINT SETTLEMENT

Article 18. Handling of first complaint settlement

1. Handling of complaint settlement about labor

a) Within 07 working days after receiving the complaint under the settlement authority, the first complaint settler shall handle the complaint settlement and notify in writing of the handling of complaint settlement to the complainant and the Chief Inspector of Department of Labour - Invalids and Social Affairs where the employer’s head office is located;

b) Where the complaints are transferred from other organizations, organs or individuals, in addition to giving a notice as specified under Point a of this Clause, the first complaint settler
must notify in writing of the handling of complaint settlement to the organizations, organs or individuals that have transferred such complaints.

2. Handling of complaint settlement about vocational training

a) Within 07 working days after receiving the complaint under the settlement authority, the first complaint settler shall handle the complaint settlement and notify in writing of the handling of complaint settlement to the complainant and the Director of Department of Labour - Invalids and Social Affairs where the employer’s head office is located;

b) Where the complaints are transferred from other organizations, organs or individuals, in addition to notice as specified under Point a of this Clause, the first complaint settler must notify in writing of the handling of complaint settlement to the organizations, organs or individuals that have transferred such complaints.

3. Handling of complaint settlement about activity of sending Vietnamese employees working abroad under contract

a) Within 07 working days after receiving the complaint under the settlement authority, the first complaint settler shall handle the complaint settlement and notify in writing of the handling of complaint settlement to the complainant and the Director of Department of Overseas Labor;

b) Where the complaints are transferred from other organizations, organs or individuals, in addition to notice as specified under Point a of this Clause, the first complaint settler must notify in writing of the handling of complaint settlement to the organizations, organs or individuals that have transferred such complaints.

4. When handling the complaint settlement, the person having the authority to settle the complaint must issue a decision on handling of complaint settlement.

Article 19. Time limit for first complaint settlement

1. The time limit for first complaint settlement shall not exceed 30 and 45 days for complex cases days from the handling day.

2. The time limit for first complaint settlement shall not exceed 45 and 60 days for complex cases days from the handling day in remote areas.

Article 20. Checking and verification of content of first complaint

1. Within the time limit specified in Article 19 of this Decree, the first complaint settler shall check and verify the content of complaint by himself/herself or require the professional division to do so.

2. The checking and verification of content of complaint must ensure the objectiveness, accuracy and timeliness.

3. The person responsible for checking and verifying the content of complaint has the following rights and obligations:

a) Requires the complainant and relevant organization, organ and individual to provide information, documents and evidence of content of complaint;

b) Requires the complainant and relevant organization, organ and individual to explain in writing the content of complaint;
c) Summons the complainant and relevant organization, organ and individual;
d) Holds an inspection as a basis for complaint settlement.
dd) Conducts other measures of checking and verification as prescribed by law;
e) Makes a report on result of checking and verification and takes responsibility for the result of verification.

4. The result of checking and verification includes the following main contents:
a) Subject of checking and verification;
b) Time of checking and verification;
c) Person carrying out the checking and verification;
d) Contents of checking and verification;
dd) Result of checking and verification;
e) Conclusion and recommendation of complaint settlement;
g) Other contents (if any)

**Article 21. Organization of first dialogue**

1. During the course of first complaint settlement, if the request of the complainant and the result of checking and verification are still different, the complainant must meet and talk with the complainant, the person having relevant rights and obligations and other organizations, organs and individuals to clarify the contents of complaint and requirement the complainant and solution to complaint settlement. The dialogue must be conducted publicly and democratically.

2. During the dialogue, the complaint settler shall specify the content of dialogue, result of checking and verification of content of complaint. The persons participating in the dialogue have the right to express their opinions and give evidence related to the complaint and their requirements.

3. The dialogue must be recorded. The record must have the opinions of the participants, result of dialogue with signatures and finger-prints of participants. The record of dialogue shall be kept in the dossier of complaint settlement.

4. The result of dialogue is one of the ground for complaint settlement.

**Article 22. Decision on the first complaint settlement**

1. The first complaint settler must issue a decision on complaint settlement.

2. The decision on the first complaint settlement must have the following main contents:
a) Date, month and year of decision;
b) Name and address of complainant and complainee;
c) Content of complaint;
d) Result of checking and verification of content of complaint;
dd) Result of dialogue (if any);
e) Legal grounds for complaint settlement;
g) Conclusion of content of complaint and specific settlement of problem in the content of complaint;

h) Compensation for damage for the victim (if any);

i) Right to second complaint and right to initiate a suit at the Court.

3. Where some persons make a complaint about the same content, the first complaint settler shall, based on the conclusion of content of complaint, issue a decision on complaint settlement for each person or issue a decision on complaint settlement enclosed with the list of complainants.

**Article 23. Sending the decision on the first complaint settlement**

1. Within 03 working days from the date of decision on complaint settlement, the first complaint settler is responsible for sending the decision on complaint settlement under the following provisions:

   a) For a decision on complaint settlement related to labor: Send it to the complainant, Chief Inspector of Department of Labour - Invalids and Social Affairs where the complained employer’s head office is located;

   b) For a decision on complaint settlement related to vocational training: Send it to the complainant, Director of Department of Labour - Invalids and Social Affairs where the complained vocational training establishment’s head office is located;

   c) For a decision on activity of sending Vietnamese employees working abroad under contract: Send it to the complainant and the Director of Department of Overseas Labor.

2. Where the complaints are transferred from other organizations, organs or individuals, in addition to sending the decision on complaint settlement as stipulated in Clause of this Article, the complaint settler must send the decision on complaint settlement to the organizations, organs or individuals that have transferred such complaints.

**Article 24. Dossier of first complaint settlement**

1. The complaint settlement must be documented. The dossier of complaint settlement includes:

   a) Complaint petition or document recording the content of complaint;

   b) Notice of handling of complaint settlement;

   c) Decision on handling of complaint settlement;

   d) Documents and evidence collected during the course of complaint settlement;

   dd) Report on result of checking and verification of content of complaint;

   e) Result of inspection (if any);

   g) Record of dialogue (if any);

   h) Decision on complaint settlement;

   i) Other relevant documents.

2. The dossier of complaint settlement must be numbered in the order of time and stored in accordance with regulation of law.
3. The dossier of complaint settlement specified in Clause 1 of this Article shall be transferred to the person having the authority to settle the complaint for the second time or a Court upon requirement.

Article 25. Application of urgent measures

During the course of complaint settlement, if seeing that the enforcement of complained decision or behavior shall cause irremediable consequences, the complaint settler shall issue a decision on suspending the enforcement of such decision or behavior. The duration of suspension shall not exceed the remaining time of the time limit for complaint settlement. The suspension decision must be sent to the complainant, the persons having relevant rights and obligations and other persons responsible for execution. When seeing that the reason for suspension is no longer valid, the complaint settler must cancel such suspension decision immediately.

Section 5: ORDER AND PROCEDURES FOR SECOND COMPLAINT SETTLEMENT

Article 26. Handling of second complaint settlement

1. Within 07 working days after receiving the complaint under the settlement authority, the second complaint settler shall handle the complaint settlement and notify in writing of the handling of complaint.

2. Where the complaints are transferred from other organizations, organs or individuals, in addition to giving a notice as specified in Clause 1 of this Article, the second complaint settler must notify in writing of the handling of complaint settlement to the organizations, organs or individuals that have transferred such complaints.

3. State the reasons in case of failure to handle the case.

Article 27. Time limit for second complaint settlement

1. The time limit for second complaint settlement shall not exceed 30 and 45 days for complex cases days from the handling day.

2. The time limit for second complaint settlement shall not exceed 45 and 60 days for complex cases days from the handling day in remote areas.

Article 28. Checking and verification of content of second complaint

1. Within the time limit specified in Article 27 of this Decree, the second complaint settler shall check and verify the content of complaint by himself/herself or require the professional division to do so. The checking and verification of content of complaint shall comply with the provisions in Clause 2, 3 and 4, Article 20 of this Decree.

2. In addition to the rights and obligations of the person responsible for checking and verification of contents of complaint specified in Clause 3, Article 20 of this Decree, the person responsible for checking and verification of contents of second complaint has the rights and obligations to require the complainee to provide information, documents and evidence of the content of complaint and explain in writing the content of complaint.

Article 29. Organization of second dialogue

1. During the course of second settlement of complaint, if deemed necessary, the complaint settler shall organize a dialogue between the complainant, complainee, persons having relevant rights and obligations and relevant organizations and individuals.
2. The organization of second dialogue shall comply with the provisions in Article 21 of this Decree.

Article 30. Decision on the second complaint settlement
1. The second complaint settler shall issue a decision on complaint settlement.
2. In addition to the content specified in Clause 2, Article 22 of this Decree, the decision on the second complaint settlement must have the following contents:
   a) The result of complaint settlement of the first complaint settler (if any);
   b) The right to complaint under the provisions of the Complaint Law and other relevant documents and the right to initiate a suit of administrative cases at the Court.
3. Where some persons make a complaint about the same content, the second complaint settler shall, based on the conclusion of content of complaint, issue a decision on complaint settlement for each person or issue a decision on complaint settlement enclosed with the list of complainants.

Article 31. Sending the decision on the second complaint settlement
Within 03 working days from the date of decision on complaint settlement, the second complaint settler is responsible for sending the decision on complaint settlement to the complainant, complainee, person having relevant rights and obligations, organizations, organs or individuals transferring the complaint.

Article 32. Dossier of second complaint settlement
The dossier of second complaint settlement is prepared as stipulated in Article 24 of this Decree including the dossier of first complaint settlement (if any).

Section 6. DECISION ON COMPLAINT SETTLEMENT WITH LEGAL EFFECT AND ENFORCEMENT

Article 33. Decision on complaint settlement with legal effect
1. The decision on the first complaint settlement takes legal effect with the following provisions:
   a) After 30 days from the date of decision but the complainant does not make a second complaint or not initiate a suit at the Court as stipulated under Point a, Clause 2, Article 10 of this Decree;
   b) After 45 days for remote areas from the date of decision but the complainant does not make a second complaint or not initiate a suit at the Court as stipulated under Point a, Clause 2, Article 10 of this Decree;
2. The decision on the second complaint settlement takes legal effect with the following provisions:
   a) After 30 days from the date of decision but the complainant does not initiate a suit at the Court as stipulated under Point b, Clause 2, Article 10 of this Decree;
   b) After 45 days for remote areas from the date of decision but the complainant does not initiate a suit at the Court as stipulated under Point b, Clause 2, Article 10 of this Decree;
3. The decision on complaint settlement must be enforced right after its legal effect.
Article 34. Persons having obligations and responsibilities for implementation of decision on complaint settlement with legal effect

1. Complaint settler.
2. Complainant.
3. Complainee.
4. Persons having relevant rights and obligations.
5. Relevant organs, organizations and individuals.

Article 35. Enforcement of decision on complaint settlement with legal effect

1. The complaint settlers within their duty and power is responsible for directing organs, organizations and individuals under their management to enforce the decision on complaint settlement with legal effect. In case of necessity, the complaint settlers may request the competent authorities to take measures to ensure the enforcement of decision on complaint settlement with legal effect; hold the enforcement or take charge and coordinate with the relevant organizations and organs to take measures in order to restore the complainant’s legal rights and interests; request other organizations and organs to settle the issues related the enforcement of decision on complaint settlement (if any).

2. Within their duties and power, the relevant organs, organizations and individuals must comply with the decision of the competent authorities to enforce the decision on complaint settlement with legal effect; coordinate with the competent organs, organizations and individuals in enforcement of decision on complaint settlement with legal effect.

Chapter III

DENUNCIATION AND DENUNCIATION SETTLEMENT

Section 1: RIGHTS AND OBLIGATIONS OF DENOUNCERS.

Article 36. Rights and obligations of denouncers

1. The denouncers have the right to send petition or make denunciation directly with the competent organs and individuals as stipulated in Articles 39, 40, 41 and 42 of this Decree for violation of law in the field of labor, vocational training or activity of sending Vietnamese employees working abroad under contract.

2. The other rights and obligations of the denouncer shall comply with the provisions in Article 9 of the Denunciation Law and the relevant regulations of law.

Article 37. Rights and obligations of denounced person

The rights and obligations of denounced person shall comply with the provisions of Article 10 of the Denunciation Law and the relevant regulations of law.

Article 38. Rights and obligations of denunciation settler

The rights and obligations of denunciation settler shall comply with the provisions of Article 11 of the Denunciation Law and the relevant regulations of law.

Section 2: AUTHORITY TO DENUNCIATION SETTLEMENT
Article 39. Authority of Chief Inspector of Department of Labour - Invalids and Social Affairs

The Chief Inspector of Department of Labour - Invalids and Social Affairs shall settle the denunciation of violation of law on labor, vocational training and activity of sending Vietnamese employees working abroad under contract within the management of the Department of Labour - Invalids and Social Affairs.

Article 40. Authority of Director of Department of Overseas Labor

The Director of Department of Overseas Labor shall settle the denunciation of violation of law on activity of sending Vietnamese employees working abroad under contract within the management of the Ministry of Labour - Invalids and Social Affairs.

Article 41. Authority of General Director of General Directorate of Vocational Training

The General Director of General Directorate of Vocational Training shall settle the denunciation of violation of law on vocational training within the management of the Ministry of Labour - Invalids and Social Affairs.

Article 42. Authority of Chief Inspector of Department of Labour - Invalids and Social Affairs

The Chief Inspector of Department of Labour - Invalids and Social Affairs shall settle the denunciation of violation of law in the field of labor, vocational training and activity of sending Vietnamese employees working abroad under contract within the management of the Ministry of Labour - Invalids and Social Affairs.

Article 43. Defining the authority to settle the denunciation

Denunciation with content related to the state management of many organs; denunciation with content under the settlement authority of many organs and denunciation of violation of law with criminal signs shall comply with the provisions in Clause 2 and 3, Article 31 of the Denunciation Law.

Section 3: ORDER AND PROCEDURES FOR DENUNCIATION SETTLEMENT

Article 44. Order and procedures for denunciation settlement

1. The order and procedures for receiving, classifying, verifying, concluding the content of denunciation and deciding the denunciation settlement of violation of law in the field of labor, vocational training and activity of sending Vietnamese employees working abroad under contract shall comply with the provisions in Articles 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29 and 30 of the Denunciation Law, except for cases specified in Clause 2 of this Article.

2. The order and procedures for denunciation settlement with clear content and specific evidence and the grounds for immediate settlement shall comply with the provisions specified in Article 33 of the Denunciation Law.

3. Where the denounced person is concluded to commit administrative violation in the field of labor, vocational training and activity of sending Vietnamese employees working abroad under contract, the handling of such administrative violation must comply with the law on handling of administrative violation.
4. The dossier for denunciation settlement is prepared under the provisions of Article 29 of the Denunciation Law.

**Chapter IV**

**IMPLEMENTATION PROVISION**

**Article 45. Effect**

1. This Decree takes effect from 01 February 2015.

2. The Decree No. 04/2005/ND-CP dated 11 January 2005 of the Government detailing and guiding a number of articles of the Labor Code on complaint and denunciation on labor shall be invalidated from the effective date of this Decree.

**Article 46. Responsibility for implementation**

The Ministers, Heads of ministerial-level agencies, Heads of government organs, Chairman of People's Committees of provinces and centrally-run cities, organs, organizations and individuals concerned are liable to implement this Decree.

The Minister of Labour - Invalids and Social Affairs within the functions and duties is responsible for guiding the implementation of this Decree. /

FOR THE GOVERNMENT
PRIME MINISTER

Nguyen Tan Dung