



CHANGE IN AUTHORITY: NOTE TO EMPLOYERS IN CARRYING OUT LABOR AND EMPLOYMENT-RELATED PROCEDURES

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According to Resolution 203/2025/QH15 amending and supplementing a number of articles of the Constitution of the Socialist Republic of Viet Nam, the operation of district-level administrative units in Viet Nam will terminate from July 1, 2025. In line with this policy, on June 11, 2025, the Government issued Decree 129/2025/ND-CP regulating the delimitation of the competence of local governments at two levels in state management of the Ministry of Home Affairs (**Decree 129**). Decree 129 takes effect from July 1, 2025 and stipulates changes in the authority to settle a number of administrative procedures in the field of labor and employment, typically:

Firstly, regarding the procedure for registering internal labor regulations:

According to clause 1 and clause 5, Article 119 of the Labor Code 2019, the authority to handle procedures for registration of internal labor regulations belongs to the specialized labor agency of the provincial People's Committee where an employer registers the business, and this can be authorized to the specialized labor agency of the district-level People's Committee. However, according to Article 67 of Decree 129, the specialized agency performing internal affair tasks **under the communal People's Committee** will handle the registration of internal labor regulations upon authorization by the specialized

agency in charge of these tasks under the provincial People's Committee.

Secondly, regarding the procedure for reporting the use of employees:

According to clause 1, Article 73 of Decree 35/2022/ND-CP on management of industrial parks and economic zones, semi-annually (before June 5) and annually (before December 5), employers must report their labor changes to the Department of Labour, War Invalids and Social Affairs, district-level social insurance agency of the locality where their head office, branch, representative office is located and the management board of the relevant industrial park or economic zone (if the employees work in industrial parks or economic zones). However, the agency receiving employers' periodic labor use report has been changed under Article 71 of Decree 129. Specifically, semi-annually (before June 5) and annually (before December 5), employers must report the situation of labor changes to **the Department of Home Affairs, the social insurance agency** of the region where the head office, branch, representative office of their enterprise is located and the management board of the relevant industrial park or economic zone (if the employees work in industrial parks or economic zones).

Thirdly, regarding the declaration of occupational accidents and technical incidents that cause unqualified occupational safety and hygiene:

According to point b, clause 1, Article 34 of the Law on Occupational Safety and Health 2015, for occupational accidents and technical incidents resulting in unqualified

occupational safety and hygiene at the workplace that cause death or serious injury to two or more employees, the employer must immediately declare the incident to the provincial state management agency in charge of labor where the accident occurs; in the case that any death is caused, this must be immediately reported to the district-level police agency at the same time. However, according to clause 1, Article 42 of Decree 129, the communal police agency will receive declarations of the above-mentioned occupational accidents and technical incidents.

Regarding the change of management authority in the field of labor and employment, in fact, some localities have terminated authorizing district-level People's Committees to handle administrative procedures in this field in accordance with the policy of terminating the operation of district-level administrative units. Typically, in Ha Noi, district-level People's Committees used to be authorized by the Department of Labour, War Invalids and Social Affairs (now the Department of Home Affairs) to handle a number of procedures in employment and occupational safety such as **extension or re-issuance of work permits, certification of foreign workers not subject to work permits, etc.** However, according to the Official Letter No. 3191/SNV-VLATLD dated June 11, 2025 of Ha Noi Department of Home Affairs, the Department of Home Affairs **stopped authorizing district-level People's Committees to** handle administrative procedures related to employment and occupational safety under the Department's authority and started to receive and handle these administrative procedures from June 15, 2025.

The termination of district-level administrative units' operation has been making several impacts on businesses' implementation of administrative procedures, not only in labor and employment but also in almost all other fields. Should you need to know more about the change of authority to handle procedures for enterprises nationwide, kindly contact NHQuang&Associates for further answers and support.

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