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Vietnamese workplace laws and regulations



Vietnamese workplace laws and regulations

1. Employment is freely chosen

- Force labour is prohibited by local law.
- Employers are not allowed to keep the original personal document of employees, money deposits or employee's asset to get the employment contract.
- A labour contract must be made in writing and prepared in two copies – one for the employee and one for the employer. However, for temporary jobs with a term of less than one month, the parties may enter into a verbal agreement.
- Overtime work must be carried out with the employee's consent.

2. Freedom of association and the right to collective bargaining

- Employees have the right to establish, join, and participate in trade union activities. Once a grassroots trade union is established, the employer must recognize it and create favourable conditions for its operation. In workplaces without a grassroots trade union, the immediate upper-level trade union shall assume the responsibilities of representing and protecting employees' rights.
- The Trade Union should represent and safeguard the legitimate rights and interests of workers and staff. It should act on behalf of workers to conduct and monitor collective bargaining agreements, wage and benefit policies, and workplace regulations.
- Conduct workplace dialogue with management to settle problems related to rights and obligations of employees.

- Taking part in the settlement of labour disputes together with the competent agencies, organisations and personnel. Organising and leading strikes as stipulated by the law.
- Offering settlement proposals to competent organisations and state agencies for consideration when the legal and legitimate rights and interests of workers' collectives and workers have been breached.
- Participate in and coordinate with competent state agencies to inspect, examine, and supervise the implementation of labour regimes, policies, and laws, including those related to trade unions, social and health insurance, workers' rights and obligations, and the investigation of labour accidents and occupational diseases.
- Prohibited acts for the employer related to the establishment, joining and operation of trade union, including obstructing or making it difficult for employees to establish, join or operate a Trade Union, coercing employees to establish, join or operate a Trade Union, asking employees not to join or to withdraw from a Trade Union, discriminating against employees regarding wages, hours and other rights, and obligations in order to obstruct employees from establishing, joining and operating a Trade Union.
- The employer must provide the grassroots-level Trade Union with a meeting place, information, and working materials necessary to do their work.
 The part time Trade Union officer is entitled to use the time in his/her working hours for trade union operation and shall

- be paid by the employer. The full-time Trade Union officers at enterprises, agencies and organisations are paid by the Trade union and is guaranteed by the employer the collective welfare in the same manner with the employees working at the enterprises, agencies and organisations as agreed in the collective labour agreement or regulations of the employer.
- The monthly trade union fee is set at 1% of the basic salary used to calculate social insurance contributions.
 Additionally, employers are required to contribute 2% of the salary fund used for social insurance to the trade union fund.
- A collective bargaining agreement (CBA) is a written agreement between a labour collective and the employer in respect of working conditions that both parties have agreed upon through collective negotiation. The contents of the CBA must not be inconsistent with the regulation of law and must be more favourable to the employee compared with the provisions of law.

3. Health and Safety

Management and training

- The facility shall have health and safety training program for employees.
- Workers must have appropriate training including basic knowledge about occupational health and safety (OSH) regulation, harmful factors in the workplace and method for improvement of working conditions; functions and duties of the safety network, sanitation employees; safety culture in production and business; signs and signposts of occupational safety and sanitation and use of safety equipment, means of personal protection; techniques and skills of first aid of occupational accidents and prevention of occupational diseases.

- A health and safety trainer for workers must be a competent and qualified individual, as required by law.
- The facility shall assign people in charge of occupational safety and hygiene or set up a unit in charge of occupational safety and hygiene; health officers or set up a health unit in charge of healthcare at a business entity. The facility shall make an establishment decision and promote operation regulation of the network of OSH collaborators with the consent of their Executive board of internal trade union (if any). OSH committee must be established by facility as local law.
- The facility shall organise health check-ups at least once a year for all employees, including apprentices.
 For employees engaged in strenuous, hazardous, or especially hazardous work – as well as for disabled, underage, and elderly employees – health checkups must be conducted at least every six months.
- It is forbidden for female employees who are from 7 months of pregnancy or nursing a child under 12 months of age, to work at night or to work overtime, or to work in remote locations.
- A female employee performing heavy work during pregnancy from the seventh month onward shall be transferred to lighter duties or have her working hours reduced by one hour per day, while still receiving full wages. During menstruation, she is entitled to a 30-minute break per day for at least three working days per month, with full pay.
- An employee has the right to refuse to perform work or leave the workplace while still receiving full wages — if they clearly identify a risk of occupational accident or disease that seriously threatens their life or health. This action shall not be considered a violation of labour discipline. The employee must immediately notify their direct supervisor. The employer must not force

the employee to resume the work or return to the workplace until the danger has been fully remedied.

Fire safety

- The facility must appoint a person responsible for fire safety, who shall operate in accordance with the approved fire prevention and fighting plans. These plans must include regulations and rules on fire safety, preventive measures, and the establishment of fire prevention forces, equipment, and systems that meet the required standards for fire prevention and firefighting.
- Each site must have at least two fire exits located in different areas. Escape routes or emergency exits must ensure that everyone can evacuate the building safely, without exposure to dust or smoke, and within the required time during a fire emergency.
- Exits must be easy to find and exit paths clearly marked with instructions.
- Warning signs must be posted in nonsmoking areas, as well as in areas where flammable, combustible, or explosive chemicals are stored.
- The fire protection and firefighting team must be trained and certified by local authority.
- A fire drill must be conducted at least once per calendar year, with additional drills carried out as needed upon request. All personnel and vehicles specified in the firefighting plan must participate in the drill.
- Organisations and individuals using electricity for production must comply with electrical safety regulations and technical standards. All electrical systems must conform to these standards. Power transmission lines and conductors must be designed and installed to ensure a clear and wellventilated production area, minimizing the risk of mechanical or chemical impacts that could cause malfunctions.

Machine safety and chemical safety

- The facility shall establish emergency plans and measures to prevent and deal with chemical problems where hazardous chemicals are used.
- Emergency showers and eyewash stations should be provided in areas where poisonous and toxic chemicals or corrosive substances are used.
- Every employee engaged in hazardous or harmful work must be adequately provided with personal protective equipment (PPE) by the employer, and is required to use it during the course of work. The employer must ensure that the PPE is appropriate in type, quantity, and quality, and complies with national technical regulations. Employers are not permitted to provide cash in lieu of PPE, require employees to purchase their own PPE, or collect money from employees for PPE. Additionally, employers must provide proper instructions on PPE usage and monitor compliance.
- The employer has the obligations to carry out periodic checks and repairs of machinery, equipment, workshops and storehouses. All types of machinery, equipment, materials or substances with strict safety and hygiene requirements must be inspected before putting them into operation and inspected periodically during their operation by an organisation specialized in occupational safety inspection. When types of machinery, equipment, materials or substances with strict safety and hygiene requirements are put into operation or discarded, the organisations or individuals in charge shall submit a report to specialized agencies within their competence.
- Signboards with instructions on occupational health and safety must be posted in the workplace where they can be easily seen and read. Key places for signs and notices are at machines sites and equipment installation locations,

and in other places where there is a heightened risk of danger.

Hygiene and factory environment

- The employer has the following obligations to ensure the workplace meets the requirements of space, ventilation, dust, steam, toxic gas, radiation, electro-magnetic field, heat, humidity, noise, vibration and other harmful elements specified in the relevant technical regulations and those factors must be tested and measured periodically.
- Employers shall send drinking water samples to the relevant provincial/ municipal centres for testing at the required frequency. The testing frequency of different parameters varies from every 2 months to every 2 years. The drinking water supply shall ensure at least 1.5 litres per person per working shift.
- Employer shall ensure that there are enough suitable bathrooms and toilets at the workplace.
- Facility requirements please refer to the table 'Number of facilities' below.

Accommodation

 There is no specific law in Vietnam regulating the dormitory or accommodation provided to employees by the employer. All accommodations shall comply to the applicable laws on fire safety, building design and approvals.

4. Age of workers

- A juvenile employee is an employee under 18 years of age. An employer may only employ juveniles in work suitable to their health so as to ensure their physical and psychological development. The employer shall take care of juvenile employees regarding their work, wages, health and training during the course of their employment. When employing juvenile workers, an employer shall keep a separate register fully recorded with the name, date of birth, work assigned, results of periodical medical checks, and shall present it at the request of a competent state agency.
- Employers may only hire individuals aged from full 13 to under 15 years for light work permitted by the Ministry of Labour, War Invalids, and Social Affairs. When employing a person in this age group, the employer must comply with the following provisions:
 - a) A written labour contract must be signed with the child's legal representative, and the employment must have the consent of the child.
 - b) Working hours must be arranged so that they do not overlap with the child's school hours

Number of facilities

Facility	Required facilities (by working shift)	Size of enterprise
Toilets	11 – 20 people per toilet 21 – 35 people per toilet	Under 300 people Above 300 people
Female changing rooms	1 – 30 women per changing room 30 women per changing room	1 – 300 people Above 300 people
Hand Washing taps	15 – 20 people per tap 35 people per tap	Under 300 people Above 300 people

- To ensure the working conditions and occupational safety and hygiene suitable to his/her age.
- Employment of people aged under 13 years is prohibited.

5. Wages and benefits

- Minimum wage is the lowest payment for an employee who performs the simplest job in normal working conditions and must ensure the employee's minimum living needs and his/her family.
- The minimum monthly wage varies between region. The correct level for any business can be obtained from the Government.
- Minimum wage is subjected to be reviewed by Government annually. The employer has to apply the most updated minimum wage to comply with the law.
- An employee who performs overtime work shall be paid according to the wage unit or wage for his/her current job as follows:
 - a) On normal days, at least equal to 150%.
 - b) On weekends, at least equal to 200%.
 - c) On public holidays and paid leave days, at least equal to 300%, excluding the wage for public holidays and paid leave days of employees who receive daily wages. An employee who performs night work must be paid with an additional amount at least equal to 30% of the wage calculated according to the wage unit or the wage for a job performed during normal workdays.
- For employees performing jobs or holding titles that require occupational training or apprenticeship, their wages should be at least 7% higher than the regional minimum wage. Employees who work on dangerous and heavy jobs shall be entitled to the salary of at least 5% higher than the minimum salary of the same job in normal conditions.

- The working period used for the calculation of severance allowance is the total period during which the employee actually works for the employer minus the period during which the employee benefits from unemployment insurance in accordance with the Law on Social Insurance, and the working period for which the employee has received severance allowance from the employer.
- Employers and employees shall participate in compulsory social insurance, compulsory health insurance and unemployment insurance and are entitled to the benefits in accordance with the social insurance and health insurance laws.
- Employees are entitled to annual leave as follows:
 - 12 days per year for work under normal conditions.
 - o 14 days per year for work in hazardous or toxic environments.
 - 16 days per year for work in extremely hazardous or toxic environments.
 - In addition, employees receive one extra day of annual leave for every five years of continuous service with the same employer.
- Employees are entitled to 10 public holidays per year with full pay as follows:
 - a) Calendar New Year Holiday: 1 day (the first day of January of each calendar year).
 - b) Lunar New Year Holidays: 5 days
 - c) Victory Day: one day (the 30th of April of each calendar year).
 - d) International Labour Day: 1 day (the first day of May of each calendar year).
 - e) National Day: 1 day (the second day of September of each calendar year).
 - f) Hung Kings Commemoration Day (the 10th of March of each Lunar year).

- An employee may take leave for personal reasons but fully paid in the following cases:
 - a) Marriage: 3 days.
 - b) Marriage of his children: 1 day.
 - Death of natural parents, wife or husband's parents, wife or husband or child: 3 days.
- Female employees are entitled to maternity leave of 6 months. In case the female employee gives birth to twins or more, from the 2nd child onwards, for every child, the mother is entitled to 1 month leave additionally.
- Employees are entitled to sick leave up to 3 months provided that they have the recommendation letter from medical doctors.
- Members of the Health, safety and hygiene network shall have the right to have the responsibility allowance which is agreed between the Trade Union and the Facility Management and it will be written in the Working Procedure of the health, safety and hygiene network.
- Captain and Vice-captain of the
 Firefighting team are entitled to the
 responsibility allowance regularly.
 The allowance is not lower than 30%
 of the government-own salary rate.
 The members of the firefighting team
 are entitled to the allowance during
 the training, drill or supporting the fire
 emergency required by the employer.
 The allowance shall not be lower than
 0.5 daily basic salary per training, drill
 or support day.

6. Working hours

- Normal working time must not exceed 8 hours per day and 48 hours per week.
- Every week, an employee is entitled to a break of at least 24 consecutive hours. In case it is impossible for an employee to have a weekly break due to the cycle of work, the employer shall ensure the employee have at least 4 days off on average in a month.

- Ensuring that the number of overtime working hours of the employee does not exceed 50% of the normal working hours per day; in case of applying regulations on weekly work, the total of normal working hours and overtime working hours must not exceed 12 hours per day; does not exceed 30 hours per month and the total of overtime working hours must not exceed 200 hours per year, except some special cases as stipulated by the Government in which overtime working hours must not exceed 300 hours per year.
- A female employee in her menstruation period is entitled to a 30-minute break in every working day; a female employee nursing a child under 12 months of age is entitled to a 60-minute break in every working day with full wage as stated in the labour contract.
- The working time of minor employees aged from full 15 years to under 18 years must not exceed 8 hours per day and 40 hours per week.
- Employees are entitled to paid breaks and paid leave as follows:
 - a) Breaks during working hours as regulated in Article 5 of Decree No. 45/2013/ND-CP.
 - b) Breaks based on the nature and characteristics of the job.
 - Necessary short breaks due to natural human needs, which are included in the labour productivity calculation.
 - d) A 60-minute break per day for female employees who are nursing a child under 12 months old.
 - e) A 30-minute break per day for female employees during menstruation.
 - f) Paid time off during work stoppages not caused by the employee's fault.
 - g) Time spent in occupational safety and health training or meetings.
 - h) Time spent in Trade Union training or meetings, as prescribed by law.
 - i) Time spent in training or meetings required by the employer.

j) A 60-minute reduction in daily working time for elderly employees during their final working year before retirement.

7. Discrimination

- An employee has the rights to work, freely choose a job or occupation, to participate in vocational training and to improve occupational skills and suffer no discrimination.
- Discrimination is prohibited on the grounds of gender, race, skin colour, ethnicity, social class, marital status, belief, religion, HIV status, disability, or for reasons related to the establishment, joining, or participation in trade unions or employee organisations.

8. Contract of employment

- Labour contract is an agreement between an employee and an employer on a paid job, working conditions, the rights and obligations of each party in employment relations.
- Employees have the freedom to enter into a labour contract, provided it does not violate the law, the collective labour agreement, or social ethics.
- A labour contract must be one of the following types:
 - o Indefinite-term: no end date.
 - o Definite-term: lasts up to 36 months
 - Seasonal or short-term: under 12 months (used before 2021, now mostly replaced by definite-term contracts).
- A labour contract must be in writing and made in two copies – one for the employee and one for the employer.
 For temporary jobs lasting less than 1 month, a verbal agreement is allowed, unless the law requires a written contract.

- Written notice of non-renewal must be provided to employees a minimum of 15 days.
- All payments should be paid to employee within 7 working days after termination of a labour contract; in special cases, this time limit may be extended but must not exceed 30 days. Severance allowance, job-loss allowance, compensation should be paid to the employee who has worked regularly for full 12 months or longer. Social insurance book and other papers of the employee should be returned to employees.
- Labour agencies which provide the dispatch workers shall obtain the permit to work on the labour lease activities and comply with the laws on jobs where dispatch workers can be used.
- The labour leasing enterprise and the hiring enterprise shall sign a written labour leasing contract, which is made in 2 copies, each to be kept by one party.
- The duration of employing a dispatch worker is maximum 12 months. Facilities hire the dispatch workers are not allowed to lease them to other facilities and to charge the dispatch workers a fee
- Dispatch workers must receive at least the same amount of pay as workers employed by the factory who possess the same skills and do the same or equivalent work.
- Foreign nationals who wish to work in Vietnam must not have a criminal record or be under criminal investigation under Vietnamese or foreign laws, and must hold a valid work permit issued by the competent Vietnamese authorities. The validity period of a work permit is up to 2 years.
- Domestic enterprises may only employ foreign citizens in such positions as manager, managing director, expert and technical worker which Vietnamese employees are still unable to fill to meet production and business requirements.

 Foreign enterprises before employing foreign citizens to work in the territory of Vietnam must explain their labour demands and obtain written approval from competent state agencies.

9. Disciplinary

- When the employer takes disciplinary measures, they must adhere to the law, the written Collective Bargaining Agreement and the Internal Regulation.
- The disciplinary meeting shall at least have workers relating to the discipline, Trade Union representatives, representatives of employer.
 The disciplinary meeting shall be concluded in writing meeting minutes with signatures of all attendants. The person that concludes the employment contract on the employer's side also has the power to issue the disciplinary decision.
- It is prohibited violating the employee's body or dignity, applying the form of fine, salary cutting as a mean of discipline.
- Types of disciplinary measures include verbal or written warning: delay in increasing wage for no longer than 6 months; demotion of the employee and immediate dismissal.
- Every violating act is given only one form of punishment. In cases of simultaneous violations, there should be only one form of punishment corresponding to the most serious violation.
- Disciplinary measures must be applied within six months after violation, maximum of 12 months in special cases.
- Employees who damage tools, equipment, or other property of the enterprise may be held liable for the damages and be required to compensate the enterprise. In case the value of the damages does not exceed the sum of 10 months regional minimum wage, the maximum liability is 3 months' salary. Employees must fully or partly

compensate the employer for the loss at market prices if the value of the damages exceeds the sum of 10 months regional minimum wages.

10. Supply Chain management

The production site must ensure
 that subcontractors operate under
 appropriate conditions for safe and
 lawful production. A formal agreement
 must be signed with each contractor
 or leaseholder, clearly defining the
 responsibilities and duties of each
 party in managing production safety.
 Regular visits and assessments of key
 suppliers and subcontractors should be
 conducted to ensure compliance with
 applicable standards.

11. Environmental management

- Environmental protection is the responsibilities and obligations of all units and based on the basis that natural resources are properly consumed and amount of waste substances are reduced to a minimum. Units must provide sufficient resources and equipment for prevention and response to environmental emergencies.
- All units must conduct an Environmental Impact Assessment (EIA) or prepare an Environmental Protection Plan, as required by law. They must also implement an environmental monitoring program for emissions and environmental components, and report the results to the relevant regulatory authorities in accordance with legal requirements.
- Units that cause environmental pollution or other public hazards must establish an environmental protection system and implement effective measures to prevent and control pollution and environmental damage.

- The collection, storage and transportation of wastes must comply with provisions to prevent pollution.
- All units have the responsibility to enhance the application of measures of resources and energy save; use of natural resources, renewable energy and products, raw materials, clean energy that are environmentally friendly; cleaner production; environmental audit for waste and other measures to prevent and minimize waste generation.
- All units that utilize environmental resources and benefit from the environment are obligated to contribute financially to environmental protection efforts
- Any unit that causes environmental pollution, emergencies, or degradation is responsible for implementing remedial measures, compensating for damages, and fulfilling other obligations as prescribed by law.

Appendix

Laws used for reference

Employment is freely chosen

Labour code (10/2012/QH13), articles
 3, 8, 16, 40 and article 106 (2).

Freedom of association and the right to collective bargaining

- Labour code (10/2012/QH13), articles 3 (4), 73, 189, 190 and article 193.
- Law on trade union (12/2012/QH13), articles 5, 10, 14, 24 and article 26.
- Decision on promulgation of regulations on management of trade union budget, the trade union assets, collection and distribution of revenues, rewards and penalties related to trade union revenues and expenditures (1908/QD-TLD), article 23.

Health and Safety

- Law on occupational safety and hygiene (84/2015/QH13), articles 5, 21, 72, 73, 74 and 75.
- Decree details some articles of the law on occupational safety and sanitation, technical inspection of occupational safety, training of occupational safety and sanitation and monitoring of occupational environment (44/2016/ ND-CP).
- Decree detailing the implementation of some articles of the law on occupational safety and sanitation (39/2016/ND-CP), articles 36, 37 and 38.
- Labour code (10/2012/QH13), articles 140 and 155.
- Decree detailing a number of articles the labour code in terms of policies for female employees (85/2015/ND-CP), article 7

Fire safety

- Law on fire safety and fighting (27/2001/QH10), article 20 and 31Regulations of the State Council Governing Working Hours for Employees, article 31.
- Decree guidelines for the law on fire safety and firefighting and the law on amendments to the law on fire safety and firefighting (79/2014/ND-CP), articles 7 and 21
- Vietnamese Standard on Fire prevention and protection for buildings and structures – Design requirements (TCVN 2622:1995), point 7.
- Vietnam Building Code on Fire Safety of Buildings (QCVN 06:2010).
- Vietnamese Standard on Fire protection equipment for construction and building - Providing, installation, inspection, maintenance (TCVN 3890:2009).
- Vietnamese Standard on Fire detection and alarm system – Technical requirements (TCVN 5738:2001).
- Vietnamese Standard on Fire protection – Portable and wheeled fire extinguishers – Part 1: Selection and Installation (TCVN 7435-1:2004).
- Vietnamese Standard on Fire protection – Automatic sprinkler systems – Design and installation requirements (TCVN 7336:2003)

Safe use of machinery and chemical

- Law on chemical (06/2007/QH12), article 30.
- Decree on specifying and providing guidelines for implementation of certain articles of the law on

- chemicals (113/2017/ND-CP), articles 20 and 21.
- Circular on guidelines for occupational health and safety management (19/2016/TT-BYT), article 5.

Environment management

- Labour on environmental protection (55/2014/QH13), articles 4, 19, 20, 26, 27, 31, 33, 68, 90, 91, 104, 107 and 125.
- Law on water resources (17/2012/ QH13), articles 28 and 44.
- Decree on amendments to Decrees on guidelines for the Law on environment protection (40/2019/ND-CP), article 2 (18).
- Decree on management of waste and discarded materials (38/2015/ND-CP), article 4.

Disciplinary

- Labour code (10/2012/QH13), articles
 19 (2), 123, 124, 125, 126, 128, 129 and 130.
- Decree amend the Government's Decree No. 05/2015/ND-CP dated January 12, 2015 on elaboration of some contents of the Labour Code (148/2018/ND-CP), items 12 and 13.
- Decree defining and providing guidance on the implementation of a number of contents of the Labour Code (05/2015/ND-CP), articles 29, 30, 31 and 32.

Wage and benefits

- Labour code (10/2012/QH13), article 91 detailing the minimum wage.
- Decree 157/2018/NĐ-CP stipulating region-based minimum wages applied to employees working under labour contracts
- Labour code (10/2012/QH13), article 97 detailing the Wage for overtime work and night work.
- Decree 05/2015/NĐ-CP defining and providing guidance on the implementation of a number of contents of the labour code, article 25.

- Circular 23/2015/TT-BLĐTBXH guidelines for some articles on wages of the government's decree no. 05/2015/ nd-cp dated January 12, 2015 on guidelines for some contents of the labour code.
- Labour code (10/2012/QH13), article 48 detailing the severance allowance.
- Decree 05/2015/ND-CP, article 14. detailing the severance allowance
- Labour code (10/2012/QH13), article
 186 detailing the social insurance.
- Decree 79/2014/ND-CP on the allowance for the Fire fighting team.

Working hours

- Labour code (10/2012/QH13), article 104, 106, 110 detailing the working hour
- Decree 85/2015/ND-CP detailing a number of articles the labour code in terms of policies for female employees, article 7.
- Labour code (10/2012/QH13), article 163 detailing working hour of minor employees.
- Decree 45/2013/ND-CP on the rest time

Discrimination

 Labour code (10/2012/QH13), articles 5 and 8.

Age of workers

 Labour code (10/2012/QH13), articles 161, 162, 163 and 164.

Contacts

Tony Bevan

Sustainability Director tony.bevan@kingfisher.com

Samuel Shum

Head of Responsible Sourcing (Far East) +852 3913 9000 samuel.shum@kingfishersourcing.com

Kingfisher Asia Ltd 2/F, KOHO, 73-75 Hung To Road Kwun Tong, Kowloon, Hong Kong

Frank Xie

Responsible Sourcing Manager +86 755 3336 0700 frank.xie@kingfishersourcing.com

Kingfisher (Shanghai) Sourcing Consultancy Co., Ltd. Shenzhen Branch 2/F, B&Q office, No. 255, Block 3, Shahe Road East, Shenzhen 518055 P.R. China

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Kingfisher plc

1 Paddington Square, London W2 1GG Telephone: +44 (0)20 7372 8008 www.kingfisher.com













