

# Conditions and procedures for implementation of the Government's supporting measures for enterprises and employees to deal with current situation of Covid-19

*The Prime Minister of Vietnam has issued Decision No. 15/QĐ-TTg, dated 24 April 2020 (“Decision 15”) providing detailed guidelines on criteria and procedures for employees and enterprises to receive supporting benefits stipulated under Resolution No. 42/NQ-CP dated 9 April 2020 of the Government. In particular:*

No.	Applicable person/entity	Requirements for support	Implementing procedures	Notes
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1.	<p>Employees subject to suspension of performance of labour contract (hereinafter referred to as “<b>suspension</b>”) or unpaid leave</p>	<p>– Duration for suspension/unpaid leave which is in the employment term of the employment contract is continuously from 01 month and over during the period from 01 April 2020 until 30 June 2020;</p> <p>– The employees have been participating in compulsory social insurance scheme until the commencement of the suspension/unpaid leave;</p> <p>– The employer has no revenue or no financial sources to pay salaries due to COVID-19 (after using all its salary reserve funds, after-tax profits and other legitimate financial resources, the balance until 31 March 2020).</p>	<p>a) <u>Application dossier</u></p> <ul style="list-style-type: none"> <li>• Copy of written agreement on suspension/unpaid leave;</li> <li>• Copy of Financial Statements for 2019, for the first quarter of 2020 and other financial documents of the employer;</li> <li>• List of employees being subject to suspension/unpaid leave meeting the requirements thereof with confirmation of the company’s grass-roots trade union (if the company has a trade union) (in standard form); and</li> <li>• Other financial evidences of the employer (if any)</li> </ul> <p>b) <u>Procedures:</u></p> <ul style="list-style-type: none"> <li>• The employer submits the above-mentioned list of employees subject to suspension/unpaid leave to social insurance authority for confirmation on the participation of social insurances. Timeline: 3 working days as of the social insurance authority receives the list;</li> <li>• The employer submits full dossier to the People’s Committee (“PC”) at district level where the employer’s headquarter locates for assessment before this PC submitting the same to the provincial PC. Timeline: 03 working days from the receipt of the full dossier;</li> <li>• The provincial PC shall issue decision on the list and support amount. Timeline: within 2 working days as of the receipt of the full dossier from the PC at district level.</li> </ul>	<p>– Supporting amount: VND 1,800,000/person/month, from 1 April 2020 and not exceeding 03 months.</p> <p>– To be conducted by the <b>employer</b>.</p>
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2.	Employee is subject to termination of labour contract but not eligible for unemployment allowance.	<ul style="list-style-type: none"> <li>• The employee entered into labor contract before 1 April 2020 and has been participating in the compulsory social insurance;</li> <li>• The employee had his/her labour contract terminated within the period from 01 April 2020 until 15 June 2020;</li> <li>• Not being eligible for unemployment allowance;</li> <li>• Having no income or income below the near-poverty level (VND 1,000,000/month in rural area; VND 1,300,000 in urban area)</li> </ul>	<p>a) <u>Application dossier:</u></p> <ul style="list-style-type: none"> <li>• Application (in standard form);</li> <li>• Copy of either: expired labour contract; Decision on resignation; Notification/agreement on termination of labour contract;</li> <li>• Copy of Book of Social Insurance or certification of the social insurance authority on social insurance, unemployment insurance (or clearly state the reason why such document is not available).</li> </ul> <p>b) <u>Procedures:</u></p> <ul style="list-style-type: none"> <li>• Relevant employee submits full dossier to PC at commune level;</li> <li>• The PC at commune level to consider and verify the income, then prepare a list to submit to the PC at district level;</li> <li>• The PC at district level considers and submits the provincial PC. Timeline: 2 working days;</li> <li>• The provincial PC approves the list and instructs the payment within 3 working days.</li> </ul>	<ul style="list-style-type: none"> <li>• Supporting amount: VND 1,000,000/person/month, not exceeding 03 months from April to June 2020</li> <li>• To be conducted by the <b>employee</b></li> </ul>
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<p>3.</p>	<p>An <b>employer/entity</b> that (i) having financial trouble and (ii) has paid at least 50% of suspension salary for its employees under Article 98.3 of the Labour Code from April to June 2020</p>	<p><u>Employer</u></p> <ul style="list-style-type: none"> <li>• Having from 20% or from 30 employees or more participating in compulsory social insurance scheme subject to work suspension for a full continuous month;</li> <li>• Paid at least 50% of the suspension salary during the period from 01 April to 30 June 2020;</li> <li>• Having financial trouble/having used all salary reserve fund to pay for the employees who are subject to work suspension;</li> <li>• Having no bad debt at credit institutions as of 31 December 2019.</li> </ul>	<p>1. <u>Application dossier:</u></p> <ul style="list-style-type: none"> <li>• Application (in standard form);</li> <li>• Copy of Enterprise registration certificate/Investment registration certificate;</li> <li>• List of the employees subject to work suspension (in standard form);</li> <li>• Copy of Financial Statements for 2019 and the first quarter of 2020.</li> </ul> <p>2. <u>Procedures:</u></p> <ul style="list-style-type: none"> <li>• Employer to submit full dossier to competent PC at district level no later than the 5<sup>th</sup> day of each month;</li> <li>• The PC at district level to consider and prepare the list of employers meeting the requirements thereof before submitting to the PC at provincial level. Timeline: 3 working days;</li> <li>• The PC at provincial level appraises, approves the list of employers entitled to the support and sends this to relevant branch of Vietnam Bank for Social Policies (“VBSP”) and the employer. Timeline: 2 working days.</li> <li>• VBSP approves the loan. Timeline: 3 working days as of the receipt of full loan dossier;</li> <li>• Loan disbursement time for VBSP: by 31 July 2020.</li> </ul>	<ul style="list-style-type: none"> <li>• The employer is entitled to a loan with 0% interest rate and without collateral from Vietnam Bank for Social Policies with the limitation of up to 50% of the minimum regional wage, to pay the remaining of the work suspension salary for the employees</li> <li>• To be conducted by the <b>employer</b>.</li> </ul>
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