

LEGAL UPDATE

No. 1 – November 2021

(01 Nov 2021 – 15 Nov 2021)



News in focus

New decision amending some policies to support employees and employers facing difficulties due to the COVID-19 pandemic



New legal documents

Remarkable among documents:

Decree 97/2021/ND-CP amending and supplementing a number of Articles of Decree 23/2018/ND-CP on compulsory fire and explosion insurance

A - News in focus



**New decision amending some policies
to support employees and employers
facing difficulties due to
the COVID-19 pandemic**
(Taking effect from 06 Nov 2021)

On November 6, 2021, the Prime Minister enacted Decision 33/2021/QĐ-TTg amending and supplementing a number of Articles of Decision 23/2021/QĐ-TTg dated 07 July 2021 of the Prime Minister stipulating the implementation of several policies to support employees and employers facing difficulties due to the COVID-19 (*hereinafter referred to as “**Decision 33/2021/QĐ-TTg**”*), which takes effect on the same day.

In this legal update, we reveal the most highlights of Decision 33/2021/QĐ-TTg.



1. Supporting employees and employers who temporarily suspend to contribute to the Retirement and Pension Fund

Content	Decision 23/2021/QD-TTg	Decision 33/2021/QD-TTg
Condition to support	<ul style="list-style-type: none"> Employers have fully paid social insurance or are temporarily suspending contributions to the Retirement and Pension Fund until the end of April 2021; Affected by the COVID-19 pandemic, leading to a reduction of at least 15% in the number of employees participating in social insurance at the time of application submission compared to April 2021. 	<ul style="list-style-type: none"> ... until the end of Jan 2021; a reduction of at least 10% ...compared to Jan 2021.
	<p>Employees participating in social insurance is calculated to decrease:</p> <ul style="list-style-type: none"> Numbers of employees who terminate labor/working contracts in accordance with the laws minus new employees signing labor contracts from May 1, 2021 to the date when the employer has a written request. Excluding those who leave the jobs with pension benefits from May 1, 2021. 	<p>.....from Feb 1, 2021...</p>



2. Supporting employers in training, retraining and improving vocational skills to maintain jobs for employees

Content	Decision 23/2021/QD-TTg	Decision 33/2021/QD-TTg
Procedures	<p>Only stipulates that the employer has to submit the application at the Department of Labor - Invalids and Social Affairs where the head office is located.</p>	<p>Supplements:</p> <ul style="list-style-type: none"> The employer can submit the dossier in different installments to suit the production and business conditions and the use of labor. Employees are only supported for training and retraining once according to this policy.



3. Supporting employees who have to suspend the performance of labor contracts or to take unpaid leave

Content	Decision 23/2021/QD-TTg	Decision 33/2021/QD-TTg
Subjects	Decision 33 expands the subjects who are supported in comparison with Decision 23: <ul style="list-style-type: none"> • must be treated for COVID-19, medically isolated, be in blocked areas, cannot go to the workplace due to the competent state agency's request to prevent, control COVID-19; • due to the employer's suspension of operation in whole or in part at the request of a competent state agency to prevent and control the COVID-19 epidemic; • work at the head office, branches, representative offices, production and business locations in the locality that: <ul style="list-style-type: none"> (i) implement measures to prevent, control the epidemic according to Directive 16/CT-TT; (ii) apply measures of inactivity/deactivation/limited operation/conditional operation/limited and conditional operation in accordance with Resolution 128/NQ-CP; (iii) Redeploy the production and labor to prevent and control the COVID-19 epidemic. 	
Dossier to request for support	A copy of the written agreement to suspend the performance of the labor contract or to take unpaid leave.	Supplements: In case due to the epidemic or force majeure that cannot be agreed in writing, the employer and the employee may agree in another form (via phone, text message, email,...), then the employer specifies the method of agreement in the column "Notes" in Form 05 issued with Decision 33/2021/QD-TTg and take responsibility for the accuracy of the agreement's content.



4. Supporting employees who have to stop working

Content	Decision 23/2021/QD-TTg	Decision 33/2021/QD-TTg
Subjects	Decision 33 expands the subjects being supported in comparison with Decision 23, including employees who have to stop working in one of the cases specified in Section 3 above, except for the provisions at point (iii): redeployment of production and labor to prevent and control the COVID-19 epidemic from at least 14 consecutive days in the period from May 1, 2021 until the end of Dec 31, 2021.	



5. Supporting employees who terminate the labor contracts without satisfying the conditions for receiving unemployment benefits

Content	Decision 23/2021/QĐ-TTg	Decision 33/2021/QĐ-TTg
Subjects	Decision 33 expands the subjects being supported in comparison with Decision 23, including employees working under the labor contract regime in one of the cases specified in Section 3 above, except for the provisions at point (iii): redeployment of production and labor to prevent and control the COVID-19 epidemic in the period from May 1, 2021 until the end of Dec 31, 2021.	
Dossier to request for support	<p>A certified true copy or a copy enclosed with the original for the comparison of one of the following documents:</p> <p>a) The labor contract has expired or the work has completed according to the labor contract;</p> <p>b) Decision to resign;</p> <p>c) Notice or agreement to terminate the labor contract.</p>	<p>A copy of one of the following documents:</p> <p>.....</p>



6. Supporting people being treated for COVID-19, being medically isolated; children, the elderly, and people with disabilities

Content	Decision 23/2021/QĐ-TTg	Decision 33/2021/QĐ-TTg
Subjects	<p>Decision 33 amends and supplements in comparison with Decision 23:</p> <ul style="list-style-type: none"> • Children (people under 16 years old as prescribed under the Law on Children); • Elderly and people with disabilities as prescribed in Clauses 5 and 6, Article 5 of Decree 20/2021/ND-CP dated March 15, 2021; and • People being treated for COVID-19 infection (F0) or medically isolated for COVID-19 prevention and control (F1) as decided by competent authorities. 	



7. Supporting business households

Content	Decision 23/2021/QD-TTg	Decision 33/2021/QD-TTg
Condition to support	<ul style="list-style-type: none"> Do business registration, and tax registration; Must stop operating for 15 consecutive days or more from May 1, 2021 to Dec 31, 2021 at the request of a competent state agency to prevent and control the COVID-19 epidemic. 	<ul style="list-style-type: none"> Do business registration and <i>be in the directory of the tax authority</i>; Must stop operating for 15 consecutive days or more de to the request of a competent state agency to prevent and control the COVID-19 epidemic <i>or because there is a business location in the area that implements epidemic prevention and control measures according to Directive No. 16/CT-TTg or has to apply measures to inactivate/stop operating under Resolution No. 128/NQ-CP</i> from May 1, 2021 until the end of Dec 31, 2021 .

B - New legal documents



Remarkable new legal documents (Enacted from 01 Nov 2021 to 15 Nov 2021)

No.	Legal documents
INVESTMENT	
1	Decree 99/2021/ND-CP stipulating the management, payment and settlement of projects using public investment capital
	Enactment date: 11 Nov 2021
2	The Minister of Transport's Circular 23/2021/TT-BGTVT guiding the formulation, approval and publication of the list of projects; methods and criteria for evaluating bids and bidding dossiers to select investors for specialized aviation service works at airports
	Enactment date: 05 Nov 2021
COMMERCIAL	
3	Decree 95/2021/ND-CP amending Decree 83/2014/ND-CP on petrol and oil trading
	Enactment date: 01 Nov 2021

No.	Legal documents	
TRAFFIC – CONSTRUCTION		
4	Decree 96/2021/ND-CP on assurance of special aircraft and special-cabin flights	
	Enactment date: 02 Nov 2021	Effective date: 02 Nov 2021
FINANCE – BANKING		
5	The Minister of Finance’s Circular 94/2021/TT-BTC stipulating the rate of collection, mode of collection, payment, management and use of fees for registration of technical safety of fishing vessels, inspection of fishing equipment; fees for verification of the origin of aquatic materials; fees for appraisal of conditional business in the fisheries sector; fees for issuance of licenses for the fisheries exploitation and activities	
	Enactment date: 02 Nov 2021	Effective date: 17 Dec 2021
6	The Minister of Finance’s Circular No. 97/2021/TT-BTC amending and supplementing a number of Articles of Circular 23/2020/TT-BTC stipulating for advances and loans from the state budget	
	Enactment date: 12 Nov 2021	Effective date: 01 Jan 2022
INSURANCE		
7	Decree 97/2021/ND-CP amending and supplementing a number of Articles of Decree 23/2018/ND-CP on compulsory fire and explosion insurance	
	Enactment date: 08 Nov 2021	Effective date: 23 Dec 2021
LABOR		
8	The Prime Minister’s Decision 33/2021/QD-TTg amending and supplementing a number of Articles of Decision 23/2021/QD-TTg stipulating the implementation of several policies to support employees and employers facing difficulties due to the COVID-19 pandemic	
	Enactment date: 06 Nov 2021	Effective date: 06 Nov 2021

No.	Legal documents	
ADMINISTRATIVE - JUDICIARY		
9	The Minister of Justice's Circular 07/2021/TT-BTP regarding the press release on legal documents issued by the Government and Prime Minister	
	Enactment date: 01 Nov 2021	Effective date: 01 Jan 2022
10	Circular 08/2021/TT-BTP annulling a number of legal documents issued and jointly issued by the Minister of Justice	
	Enactment date: 11 Nov 2021	Effective date: 11 Nov 2021
INFORMATION TECHNOLOGY		
11	The Minister of Finance's Circular 93/2021/TT-BTC stipulating the structure and format of data for connection and sharing of data with the National Price Database	
	Enactment date: 01 Nov 2021	Effective date: 31 Dec 2021
EDUCATION		
12	The Minister of Education and Training's Circular No. 31/2021/TT-BGDDT stipulating standards and conditions for examination or consideration for promotion; the content, form and determination of the successful candidates in the consideration for promotion to professional titles of teaching staff in pedagogical colleges and public higher education institutions	
	Enactment date: 10 Nov 2021	Effective date: 26 Dec 2021