

LEGAL UPDATE

No. 2 – February 2022

(15 Feb 2022 – 28 Feb 2022)



News in focus

Sanction of administrative violations in the field of labor, social insurance, Vietnamese employees working abroad under contracts



New Legal documents

Remarkable among documents:

The Minister of Industry and Trade's Circular 05/2022/TT-BCT stipulating the Rules of Origin of goods in the Regional Comprehensive Economic Partnership

A – News in focus



Sanction of administrative violations in the field of labor, social insurance, Vietnamese employees working abroad under contracts

(Taking effect from 17 January 2022)

On 17 January 2022, the Government enacted Decree 12/2022/ND-CP stipulating on the sanction of administrative violations in the field of labor, social insurance, Vietnamese employees working abroad under contracts (*hereinafter referred to as “**Decree 12/2022/ND-CP**”*), which takes effect on the same date.

In this legal update, we reveal some highlights of Decree 12/2022/ND-CP.



Type of sanction

- Warning or fine.
- Deprivation of the right to use the labor outsourcing license for a term of between 06 and 12 months.
- Confiscation of exhibits on the administrative violations: Fake licenses, certificates.
- Suspend related activities from 1 to 24 months depending on each specific cases.

Fines

VND 1 – 3 million



Do not notify in writing when terminating the labor contract



Do not close social insurance books and employees

VND 5 – 10 million



Do not publicize the salary scale and table, bonus rules

VND 15 – 30 million



Sexual harassment at workplace

VND 10 – 20 million

Do not allow female employees to take a break of 30 minutes/day during menstruation

Do not install milking room when there are more than 1000 female employees

Falsify dossiers to seek profit from insurance

VND 20 – 40 million



Monetary fine, salary cut instead of labor discipline



Discipline employees who are on sick leave and are temporary detained...

VND 50 – 75 million



Force employees to perform labor contract to pay debts



Abuse, harassment... domestic helpers

B - New legal documents



Remarkable new legal documents (Enacted from 15 Feb 2022 – 28 Feb 2022)

No.	Legal documents	
INVESTMENT		
1	The Prime Minister’s Dispatch 141/CD-TTg on urging reports on the list of projects under the socio-economic recovery and development program, proposing to supplement the state budget estimate and the 2022 public investment plan	
	Enactment Date: 16 Feb 2022	Effective Date: 16 Feb 2022
2	Directive 01/CT-BXD on speeding up the implementation of investment projects under the Ministry of Construction and the disbursement of public investment capital plan in 2022	
	Enactment Date: 15 Feb 2022	Effective Date: 15 Feb 2022
TRAFFIC – CONSTRUCTION		
3	The Minister of Transport’s Circular No. 03/2022/TT-BGTVT announcing the water seaport in the territory of Dong Thap province, Vinh Long province, Ben Tre province and the area under the management of Dong Thap Maritime Port	
	Enactment Date: 18 Feb 2022	Effective Date: 15 April 2022

No.	Legal documents	
LABOR		
4	Decree 19/2022/ND-CP stipulating measures to implement the regimes and policies for professional soldiers, defense workers and public employees who change their jobs, and who quit their jobs according to regulations of the Law on Professional Soldiers, Workers and National Defense Officials	
	Enactment Date: 22 Feb 2022	Effective Date: 15 April 2022
FINANCE – BANKING		
5	The Minister of Finance’s Circular 12/2022/TT-BTC guiding the content and spending levels from the State budget to carry out the tasks of promoting, advertising and supporting tourism development of the Tourism Development Support Fund	
	Enactment Date: 22 Feb 2022	Effective Date: 09 April 2022
COMMERCIAL		
6	The Minister of Industry and Trade’s Circular 05/2022/TT-BCT stipulating the Rules of Origin of goods in the Regional Comprehensive Economic Partnership	
	Enactment Date: 18 Feb 2022	Effective Date: 04 April 2022
RESOURCES – ENVIRONMENT		
7	The Minister of Natural Resources and Environment’s Circular No. 03/2022/TT-BTNMT regulating technical and economic - technical norms on the collection, storage, preservation and provision of information and data on natural resources and environment	
	Enactment Date: 28 Feb 2022	Effective Date: 15 April 2022
INFORMATION TECHNOLOGY		
8	The Minister of Information and Communications’ Circular 01/2022/TT-BTTTT amending the 1:2022 QCVN 102:2016/BTTTT National technical regulation on identifier structure and packet data format for connection of document management systems and operation	
	Enactment Date: 17 Feb 2022	Effective Date: 15 Sep 2022
9	The Minister of Finance’s Circular No. 11/2022/TT-BTC amending Circular 265/2016/TT-BTC stipulating the collection rate, mode of collection, payment, management and use of fees for granting licenses to use radio frequencies and fees for using radio frequencies	
	Enactment Date: 21 Feb 2022	Effective Date: 01 May 2022