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LABOUR LAW

Dressing employment service enterprises

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On 23 May 2014, the Government issued Decree No. 52/2014/ND-CP providing conditions and procedures for the issuance of licenses for employment service activities to enterprises engaged in employment service activities (“**Decree 52**”). The new Decree shall take effect on 15 July 2014 to replace Decree No. 19/2005/ND-CP dated 28 February 2005, as amended and supplemented by Decree No. 71/2008/ND-CP dated 5 June 2008 (“**Decree 19**”).

Below is summary of a number of key changes under Decree 52 against Decree 19.

Employment service activities

In addition to the activities already available under Decree 19, including: Providing advice to employees and employers; Recommending jobs to labourers, supplying and recruiting labourers to meet the demand of employers; Collecting, processing, forecasting and supplying information on labour market; Training and enhancing the ability of finding jobs and training skills in accordance with the laws; Decree 52 adds “Implementing the programs, projects on employment” to activities eligible for being implemented by employment service activities.

Conditions for being licensed

Regarding the condition on the applicant enterprise’s specialized organizational structure, Decree 52 reduces the number of officials of collegial or higher degree that this structure must have to implement employment service activities from 5 under Decree 19 to 3.

With respect to the condition on deposit, the new Decree also expressly stipulates that the applicant enterprise must deposit VND 300 million in a commercial bank where the enterprise opens its main account, permits the enterprise to enjoy the interest from this deposit as agreed with the bank and to be refunded the deposit in the following cases after having fulfilled all financial obligations related to its activities if there are the papers of the licensing State authorities:

- (a) stating the fact that the enterprise is not issued or re-issued with the license, or is not allowed to extend the license; or
- (b) stating the fact that the enterprise must return the license, and be withdrawn the license; or
- (c) certifying on handling of risks or compensation in the course of operating employment service activities of the enterprise.

License

Decree 52 increases the validity term of licenses for employment service activities from 36 months under Decree 19 to 60 months.

In addition, the new Decree also details (a) dossier, process and procedures for reissuing the licenses when they are being lost, damaged or have a change in any contents contained in the licenses, as well as (b) file, process and procedures for extension of a license's validity term, where the enterprises must lodge application dossiers for extension of the licenses at least 30 days prior to the expiry of their licenses' validity term and each time of extension shall not exceed 60 months.

Besides, Decree 52 repeals the provisions of Decree 19 on the revocation of licenses/ deprivation of the employment service enterprises' right to use the licenses in the following cases:

- (a) Violating the business lines inscribed in their licenses or failing to fully satisfy the conditions as stipulated;
- (b) Committing acts of fraudulence, deception against labourers, enterprises or other organizations as determined by competent State authorities;
- (c) Failing to fulfil their obligations as provided for by law;
- (d) Failing to report according to regulations to local labour management agencies consecutively for 1 calendar year or more;
- (e) Being administratively sanctioned for violating labour legislation 3 times in a year or sanctioned 3 times for one act;

and at the same time, increases the term of revocation of licenses/ deprivation of the right to use license from 3 months under the former Decree to 12 months.

Notifying, reporting obligation

Apart from the obligation to publish the licenses, locations, field of operation, account, name of the director, phone number on mass media after being licensed and to send an at least 15 days written notice of the commencement date of operation to the licensing State authorities of the locality where its head office is located as already provided for in Decree 19, Decree 52 supplements a case where if the enterprise changes the location of its head office or branch, the enterprise's head must send a written notice of the new place together with the papers proving the validity of new location as stipulated within 15 days prior to the date of moving to the licensing State authorities.

Transitional period

Decree 52 permits the enterprises already being licensed for job recommending activities prior to the effective date of this Decree shall continue to operate until the expiry of the issued licenses' validity terms, and the enterprises that submitted application dossiers for issuance of licenses as stipulated under Decree 19 before the effective date of this Decree shall be issued with licenses.

Conclusion

The introduction of the new Decree establishes a legal corridor clearer for enterprises wishing to be engaged in the sector of employment service activities, in order to support the strong development of employment services market, and to actively contribute to creation of more jobs for Vietnam's increasing labour force./.

Other Sectors

Finance - Banking

- On 19 June 2014, the Government issued Decree No. 61/2014/ND-CP on the amendment and supplement to a number of articles of Decree No. 124/2004/ND-CP dated 18 May 2004 providing a number of specific financial and budget regimes for Ho Chi Minh City.
- Decision No. 1359/QD-BTC dated 11 June 2014 of the Ministry of Finance repealing a legal document.
- On 11 June 2014, the Ministry of Finance stipulated Decision No. 1313/QD-BTC providing for the functions, duties, powers and organizational structure of the Insurance Supervisory Authority.
- Decision No. 996/QD-KTNN dated 4 June 2014 of the State Audit promulgating the System of standard forms of inspection dossiers.
- On 3 June 2014, the Ministry of Finance issued Decision No. 1212/QD-BTC promulgating the Regulation on organization and operations of the Centre for Exploitation of national data on State assets and asset-related services directly under the Department of Public Asset Management.
- Circular No. 81/2014/TT-BTC dated 24 June 2014 of the Ministry of Finance providing for the regime on provision of information about and reports on loan programs and projects granted with the Government guarantees.
- On 12 June 2014, the Prime Minister stipulated Decision No. 35/2014/QD-TTg providing for the functions, duties, powers and organizational structure of Banking Inspection and Supervision Agency directly under the State Bank of Vietnam.

Taxation

- Resolution No. 40/NQ-CP dated 6 June 2014 of the Government approving the "Agreement for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on incomes and assets" between the Government of the Socialist Republic of Vietnam and the Government of the Eastern Republic of Uruguay.
- On 23 June 2014, the Ministry of Finance issued Circular No. 80/2014/TT-BTC on the amendment and supplement to Circular No. 111/2012/TT-BTC dated 4 July 2012 of the Ministry of Finance promulgating the List of goods and import tax rates to apply customs quotas.
- Circular No. 78/2014/TT-BTC dated 18 June 2014 of the Ministry of Finance providing guidelines for the implementation of Decree No. 218/2013/ND-CP

dated 26 December 2013 providing regulations and guidelines for the implementation of Law on Corporate Income Tax.

Trade

- On 16 June 2014, the Government stipulated Resolution No. 46/NQ-CP on the execution of Protocol to implement commitment package of Round VI on ASEAN financial services within the framework of the ASEAN Framework Agreement on services.
- Resolution No. 37/NQ-CP dated 4 June 2014 of the Government on the execution of Investment Agreement within the framework of ASEAN - India free trade area.
- On 19 June 2014, the Prime Minister issued Decision No. 998/QD-TTg approving the Overall planning for construction in Hoanh Mo - Dong Van border-gate economic zone, Quang Ninh Province until 2030.
- Decision No. 3027/QD-UBND dated 19 June 2014 of the People's Committee of Ho Chi Minh City on the establishment of Ho Chi Minh City's Steering Committee for Fighting against smuggling, trade frauds and counterfeit goods.
- On 10 June 2014, the General Department of Customs stipulated Decision No.1626/QD-TCHQ promulgating the requirements on professional skills for pilot application of GPS locating service in the management and supervision of goods being transferred from one border gate to another, temporarily imported for re-export, in transit container transportations.
- Circular No. 17/2014/TT-BCT dated 16 June 2014 of the Ministry of Industry and Trade repealing Circular No. 23/2012/TT-BCT dated 7 August 2012 of the Ministry of Industry and Trade providing for the application of automatic import license regime to a number of steel products.
- On 11 June 2014, the Ministry of Finance issued Circular No. 74/2014/TT-BTC repealing Circular No. 154/2009/TT-BTC dated 30 July 2009 of the Ministry of Finance providing for the regime on collection, submission and use management of fee for issuance of licenses for advertising.
- Inter-ministerial Circular No. 16/2014/TTLT-BTP-BTNMT-NHNN dated 6 June 2014 of the Ministry of Justice, Ministry of Natural Resources and Environment, and State Bank of Vietnam providing guidelines for a number of issues on settlement of assets used as collateral.

Health

- On 16 June 2014, the Ministry of Health stipulated Decision No. 2138/QD-BYT announcing newly-issued administrative procedure under settlement authority of the Ministry of Health.

- Decision No. 2002/QD-BYT dated 6 June 2014 of the Ministry of Health providing Guidelines for supervision of, fighting against and prevention of Middle East respiratory syndrome coronavirus (MERS-CoV).
- On 5 June 2014, the Ministry of Health issued Decision No. 1981/QD-BYT promulgating the document "Guideline on technical process of Internal medicine, Respiration speciality";
- Decision No. 1971/QD-BYT dated 4 June 2014 of the Ministry of Health on the implementation of the State's foods safety examination regarding imported goods under the management of the Ministry of Health.
- On 2 June 2014, the Ministry of Health stipulated Circular No. 19/2014/TT-BYT on the management of addictive drugs, psychotropic medications and substances used to produce medicines.
- Circular No. 17/2014/TT-BYT dated 2 June 2014 of the Ministry of Health providing for the issuance of operating licenses to red cross emergency first aid stations and points and the red cross emergency first aid training.

Education

- On 16 June 2014, the Government issued Decree No. 59/2014/ND-CP on the amendment and supplement to a number of articles of Decree No. 69/2008/ND-CP dated 30 May 2008 on the policies to encourage the socialization of activities in the fields of education, vocational training, health, culture, sports, and environment.
- Decision No. 21/2014/QĐ-UBND dated 6 June 2014 of the People's Committee of Ho Chi Minh City promulgating the Regulations on the management of giving and taking private tuition in the area of Ho Chi Minh City.

Transport

- On 6 June 2014, the Ministry of Transport stipulated Circular No. 22/2014/TT-BGTVT providing guidelines for the formulation of operation and exploitation process of ferry terminals and passenger wharves across the river using ferries with an apron ramp to transport passenger and motor vehicles.
- Circular No. 21/2014/TT-BGTVT dated 4 June 2014 of the Ministry of Transport announcing water areas of sea ports located within the boundaries of Khanh Hoa and Ninh Thuan Provinces and the management area of Nha Trang Marine Port Authority.

Natural Resources - Environment

- On 10 June 2014, the Ministry of Natural Resources and Environment issued Circular No. 33/2014/TT-BTNMT promulgating the National technical

regulation on electrical prospecting method.

- Circular No. 32/2014/TT-BTNMT dated 10 June 2014 of the Ministry of Natural Resources and Environment promulgating the National technical regulation on radiation prospecting method.
- On 10 June 2014, the Ministry of Natural Resources and Environment stipulated Circular No. 31/2014/TT-BTNMT promulgating the National technical regulation on ground magnetic prospecting method.

Construction - Real estate

- Decree No. 63/2014/ND-CP dated 26 June 2014 detailing the implementation of a number of articles of Law on Tendering with respect to the selection of contractors.
- On 23 June 2014, the People's Committee of Hanoi issued Decision No.26/2014/QD-UBND on the amendment and supplement to a number of articles of the Regulations accompanying Decision No. 56/2009/QD-UBND dated 27 March 2009 of the People's Committee of Hanoi on the management and construction of urban technical infrastructure works of public utility and the renovation and re-arrangement of electricity wires and cables in the area of Hanoi.
- Decision No. 1005/QD-TTg dated 20 June 2014 of the Prime Minister approving the Duty of adjustment in planning for construction in the Mekong River delta region until 2030, with an orientation to 2050.
- On 19 June 2014, the Prime Minister stipulated Decision No. 996/QD-TTg approving the Program on development of residential housing of Hanoi for the period from 2012 to 2020, with an orientation to 2030.
- Decision No. 830/QD-TTg dated 2 June 2014 of the Prime Minister approving the Scheme on Planning for construction in the area of South Ha Tinh – North Quang Binh until 2030.
- On 12 June 2014, the Ministry of Finance issued Circular No. 75/2014/TT-BTC providing for the collection rates and the regime on collection, submission, management and use of charge for evaluation of designs of construction work.

Land

- Circular No. 77/2014/TT-BTC dated 16 June 2014 of the Ministry of Finance providing guidelines for a number of articles of Decree No. 46/2014/ND-CP dated 15 May 2014 providing for the collection of land or water surface rentals.
- On 16 June 2014, the Ministry of Finance stipulated Circular No. 76/2014/TT-BTC providing guidelines for a number of articles of Decree No. 45/2014/ND-CP dated 15 May 2014 providing for the collection of land use levies.

Science - Technology

- Decision No. 880/QD-TTg dated 9 June 2014 of the Prime Minister approving the Overall planning for development of Vietnam's industries until 2020, with an orientation to 2030.
- On 9 June 2014, the Prime Minister issued Decision No. 879/QD-TTg approving the Strategy on development of Vietnam's industries until 2025, with an orientation to 2035.
- Circular No. 18/2014/TT-BCT dated 18 June 2014 of the Ministry of Industry and Trade promulgating the National technical regulation on safety in production of industrial explosives by mobile equipment.

Information - Communications

- On 19 June 2014, the Government stipulated Decree No. 60/2014/ND-CP providing for the printing activities.
- Decision No. 1054/QD-TTg dated 26 June 2014 of the Prime Minister approving the Planning for development of Vietnam's coastal information system until 2020, with an orientation to 2030.
- On 10 June 2014, the Ministry of Information and Communications issued Decision No. 777/QD-BTTTT announcing the newly-issued administrative procedures, and amended and supplemented administrative procedures under the settlement authority of the Ministry of Information and Communications.

Administration - Judiciary

- Decree No. 64/2014/ND-CP dated 26 June 2014 detailing the implementation of a number of articles of Law on Reception of Citizens.
- On 16 June 2014, the Government stipulated Decree No. 58/2014/ND-CP providing for the functions, duties, powers and organizational structure of the Ministry of Home Affairs.
- Decision No. 1049/QD-TTg dated 26 June 2014 of the Prime Minister promulgating the List of administrative units in the areas with difficult socio – economic conditions.
- On 12 June 2014, the Prime Minister issued Decision No. 895/QD-TTg approving the Agreement between the Government of the Socialist Republic of Vietnam and the Government of the Islamic Republic of Indonesia on consular notifications and assistances.

- Decision No. 843/QD-TTg dated 6 June 2014 of the Prime Minister approving the List of headings in each subject matter and assignment of agencies implementing codification according to the headings.
- On 6 June 2014, the Vietnam General Confederation of Labour stipulated Decision No. 655/QD-TLD promulgating the Regulations on organizing and practicing legal consultancy activity of Trade Unions.
- Decision No. 1266/QD-BTP dated 3 June 2014 of the Ministry of Justice providing for the functions, duties, powers and organizational structure of the Administrative Violation Handling Management and Law Enforcement Monitoring Agency.
- On 12 June 2014, the Ministry of Labour, War Invalids and Social Affairs issued Circular No. 14/2014/TT-BLDTBXH promulgating the standard forms for the setting up of dossiers on application for and implementation of decisions to apply administrative handling measure of sending to compulsory detoxification facilities and guidelines for the formulation of internal regulations and rules for students of compulsory detoxification facilities.

Agriculture - Forestry - Fishery

- Decision No. 1428/QD-BNN-TCCB dated 26 June 2014 of the Ministry of Agriculture and Rural Development providing for the functions, duties, powers and organizational structure of the Institute of Policy and Strategy for Agricultural Development.
- On 19 June 2014, the Prime Minister stipulated Decision No. 999/QD-TTg promulgating the List of public agencies directly under the Ministry of Agriculture and Rural Development.
- Circular No. 16/2014/TT-BNNPTNT dated 5 June 2014 of the Ministry of Agriculture and Rural Development promulgating the National technical regulations on quarantine and plant protection.

Investment

- On 6 June 2014, the Government issued Resolution No. 43/NQ-CP on a number of focused duties on the reform of administrative procedures in the formulation and implementation of investment projects using land to improve business environment.
- Resolution No. 41/NQ-CP dated 6 June 2014 of the Government approving the Agreement and Protocol amending the Agreement between the Government of the Socialist Republic of Vietnam and the Government of the Kingdom of Cambodia on investment promotion and protection.
- On 5 June 2014, the Government stipulated Resolution No. 38/NQ-CP approving

the Agreement between the Government of the Socialist Republic of Vietnam and the Government of the State of Palestine on mutual investment promotion and protection.

Enterprise

- Decision No. 37/2014/QĐ-TTg dated 18 June 2014 of the Prime Minister on criteria and list of classification of State-owned enterprises.
- On 18 June 2014, the Prime Minister issued Decision No. 36/2014/QĐ-TTg on the Regulation on publication of information about operations of one member limited liability companies owned by the State.

Miscellaneous

- Decision No. 893/QĐ-TTg dated 11 June 2014 of the Prime Minister approving the adjustment in Overall planning for socio – economic development of Binh Duong Province until 2020, with supplemented planning to 2025.
- On 24 June 2014, the Prime Minister stipulated Decision No. 1041/QĐ-TTg approving the Scheme on Overall planning for the fields of Incident and Disaster Response, and Search and Rescue until 2020.
- Decision No. 173/QĐ-UBND dated 12 June 2014 of the Committee for Ethnic Minority Affairs on publishing the results of systemization of legal documents in the fields under the State management of the Committee for Ethnic Minority Affairs till the end of 31 December 2013.
- On 11 June 2014, the Ministry of Culture, Sports and Tourism issued Decision No. 1805/QĐ-BVHTTDL on the correction of Circular No. 03/2014/TT-BVHTTDL dated 26 May 2014 of the Minister of Culture, Sports and Tourism providing for the examination and handling of legal documents; monitoring the enforcement of laws; check and systemization of legal documents in the fields of culture, family, exercise, sports and tourism.
- Decision No. 647/QĐ-LĐTBXH dated 5 June 2014 of the Ministry of Labour, War Invalids and Social Affairs announcing the List of legal documents in the fields under the State management of the Ministry of Labour, War Invalids and Social Affairs, which have been entirely or partly expired.
- On 18 June 2014, the Ministry of Industry and Trade stipulated Circular No.19/2014/TT-BCT promulgating the standard contract for electricity sale and purchase serving domestic purpose.

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