

**DECREE No.81-C/P OF NOVEMBER 23, 1995 OF THE GOVERNMENT
STIPULATING IN DETAILS AND GUIDING THE IMPLEMENTATION OF A
NUMBER OF ARTICLES OF THE LABOR CODE FOR DISABLED LABORERS**

THE GOVERNMENT

Pursuant to the Law on Organization of the Government of September 30 1992.

*Pursuant to the Labor Code of June 23, 1994; and
At the proposal of the Minister of Labor, War Invalids and Social Affairs;*

DECREES:

Chapter I

GENERAL PROVISIONS

Article 1.-Disabled persons mentioned in this Decree are those whose working ability has been diminished by 21% or more, as certified by the Medical Evaluation Council.

Article 2.

1. Vocational training centers for disabled people mentioned in this Decree include schools and centers founded by the State, organizations and individuals to provide training, re-training and skill upgrading for the disabled as provided for by the law.

2. Vocational training centers for the disabled people must have at least 70% of the enrolment made up of disabled people.

Article3.

1. Production and business establishments for disabled laborers, as mentioned in this Decree, include State-owned enterprises, private enterprises, companies, co-operatives, production groups organized in accordance with the law;

2 Production and business establishments for the disabled laborers must meet the following requirements:

- a) Having 10 laborers or more, at least 51% of whom are disabled;
- b) Having regulations or statutes suitable for disabled laborers.

Article 4.-Each year, the Ministry of Labor, War Invalids and Social Affairs shall preside over and collaborate with the Ministry of Finance and the Ministry of Planning and Investment in preparing a plan to submit to the Government for reserving a portion of the budget to help the disabled recover their health and working ability, to take vocational training and find employment: to provide assistance for vocational training centers and production or business

establishments reserved for the disabled, to provide assistance to businesses which provide vocational training and jobs for the disabled at ratio higher than that specified in Article 14 of this Decree.

Article 5

1. The provinces and cities directly under the Central Government shall establish job-creation funds for the disabled to help them recover their working ability and find jobs.

2. The job-creation funds for the disabled may come from the following sources:

- a) The local budgets;
- b) The national employment fund;
- c) Revenues collected monthly from businesses which fail to take in the requisite number of disabled laborers as provided for in Article 14 of this Decree,
- d) Aid from organizations and individual, both in the country and abroad;
- e) Other sources of revenue.

3. Job-creation funds for the disabled shall be used for the following purposes-

- a) To provide assistance to the following objects
 - Vocational training centers and production and business establishments for the disabled for the construction of the initial material and technical foundations, the maintenance of vocational training and the expansion of production;
 - Businesses taking in more disabled laborers than the ratio specified in Article 14 of this Decree.
- b) To provide loans with low interest rates to the following objects
 - Vocational training centers and production and business establishments for disabled people;
 - Individuals and groups of disabled laborers,
 - Vocational training; centers accepting disabled people for training,
 - Businesses taking in more disabled laborers than the ratio specified in Article 14 of this Decree.
- c) Activities to assist the disabled to recover their working ability.

Article 6

1. The Ministry of Finance shall preside over and collaborate with the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Planning and Investment in guiding the creation and use of the job-creation funds for the disabled in the provinces and cities directly under the Central Government

2. The Ministry of Labor, War Invalids and Social Affairs shall examine the utilization of these funds to ensure that these are used for the right purposes and the right objects.

Chapter II

PREFERENTIAL POLICIES FOR VOCATIONAL TRAINING CENTERS, PRODUCTION AND BUSINESS ESTABLISHMENTS RESERVED FOR THE DISABLED

Article 7. Vocational training centers, production and business establishments reserved for disabled people are entitled to a portion of the budget of the job-creation funds for the disabled in the provinces and cities directly under the Central Government, when they have projects for training and re-training disabled laborers, for maintaining and expanding production, accepting more disabled laborers or setting up the initial material and technical foundations. The amount to be granted shall be determined in accordance with the stipulations of the Ministry of Labor, War Invalids and Social Affairs, the Ministry of Finance and the Ministry of Planning and investment.

Article 8.-Vocational training centers, production and business establishments reserved for the disabled which have projects for job training and production development, shall be entitled to borrow capital at low interest rate from the job-creation funds for the disabled in the provinces and cities directly under the Central Government, and from other sources of the State fund.

Article 9.-Vocational training centers, production and business establishment for disabled people shall be given priority in the allotment or lease of land in locations convenient for the organization of vocational training, production and business for disabled people.

Article 10.-Vocational training centers, production and business establishments for the disabled are exempt from taxes of all kinds. The procedures for tax exemption shall comply with the stipulations of the Ministry of Finance.

Article 11.-Donations from the State, organizations and individuals, at home and abroad, are the property of the State assigned to the vocational training centers, production and business establishments for disabled people to manage and use for the common benefit of the collective all cannot be allocated to any individual.

Article 12.

1. The disabled persons who take vocational training or upgrade their skills at vocational training centers managed by the State shall receive the following benefits:

a) A 50% reduction of tuition fees for those have lost 31% to 40% of their working ability

b) Tuition exemption for those who have lost 41% or more of their working ability. During the vocational training or upgrading; period, the disabled people who have lost inure than 41% of their working ability, and do not receive salaries,

cost-of-living allowances or scholarship, shall be given a monthly social welfare allowance of 100,000VND from the State Budget

2. The Ministry of Education and Training shall coordinate with the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Finance in providing detailed guidance for the tuition fee exemption or reduction and social welfare provision as stipulated in Item 1 of this Article.

Chapter III

RIGHTS AND DUTIES OF VOCATIONAL TRAINING CENTERS AND BUSINESS ACCEPTING DISABLED PERSONS FOR TRAINING AND WORKING

Article 13

1. Establishments accepting; disabled people for vocational training shall be considered for reduction of tax on their revenue collected from the training; as provided for by the Ministry of Finance.

2. Establishments accepting; disabled people for vocational training shall be entitled to low interest loans from the job-creation funds for the disabled in the provinces and cities directly under the Central Government if they have projects for vocational training.

Article 14

1. Enterprises of all economic sectors and of all forms of ownership shall have to accept disabled laborers at the following; ratio

a) 2% for enterprises in the areas of electricity generation, metallurgy, chemicals, geology, cartography, petroleum and gas, mining, mineral exploitation, capital construction and transport;

b) 3% for other enterprises.

2. The rate of disabled people to be accepted by enterprises shall be the ratio of the disabled people to the average total number of laborers present in each month at the enterprise.

Article 15

1. Enterprises having the number of disabled laborers lower than the requisite ratio stipulated in Article 14 of this Decree shall have to make a monthly remittance to the creation funds for the disabled as stipulated by the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Finance.

2. Enterprises having a number of disabled laborers higher than the requisite ratio stipulated in Article 14 of this Decree shall, when the meeting difficulties in their production or business or having projects for expansion of production, be

considered for low interest loans or aid from the job-creation funds for the disabled in conformity with the guidance of the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Finance.

Article 16.-Establishments providing vocational training for the disabled or employing disabled laborers shall, apart from implementing the general provisions of the Labor Code, have to create favorable conditions for the disabled people to work, such as, arranging machinery and equipment, providing labor protection facilities, safety equipment and conditions and labor hygiene, suited to the physical and psychological conditions of each disability or group of disabilities.

Chapter IV

IMPLEMENTATION PROVISIONS

Article 17.-This Decree takes effect from the date of its signing. The regulations regarding disabled laborers which are contrary to this Decree are now annulled.

Article 18. The Ministry of Labor, War Invalids and Social Affairs, the Ministry of Finance and the Ministry of Planning and Investment have the responsibility to guide the implementation of this Decree.

Article 19.-The Ministers, the Heads of ministerial-level agencies, the Heads of agencies attached to the Government, the Presidents of the People's Committees of provinces, cities directly under the Central Government are responsible for the implementation of this Decree,

On behalf of the Government

For the Prime Minister

Deputy Prime Minister

PHAN VAN KHAI