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Socialist republic of Vietnam
Independence- Freedom-Happiness

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DECREE No. 116/2004/ND-CP OF APRIL 23, 2004 AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE GOVERNMENT'S DECREE No. 81/CP OF NOVEMBER 23, 1995 DETAILING AND GUIDING THE IMPLEMENTATION OF A NUMBER OF ARTICLES OF THE LABOR CODE REGARDING DISABLED LABORERS

THE GOVERNMENT

Pursuant to the December 25, 2001 Law on Organization of the Government,-

Pursuant to the June 23, 1994 Labor Code; the April 2, 2002 Law Amending and Supplementing a Number of Articles of the Labor Code;

At the proposal of the Ministry of Labor, War Invalids and Social Affairs,

DECREES:

Article 1.- To amend and supplement a number of articles of the Government's Decree No. 81/CP of November 23, 1995 detailing and guiding the implementation of a number of articles of the Labor Code regarding disabled laborers as follows:

1. To amend and supplement Article 1 as follows:

"Article 1.- Disabled laborers defined in this

Decree are laborers who, regardless of the cause of disability, lack one or many body parts or functions demonstrated in different forms of disability, have their working ability decreased by 21 % or more, which is certified by the medical examination council or competent medical agencies according to the regulations of the Ministry of Health."

2. To amend and supplement Item a, Clause 2 of Article 3 as follows:

"a/ Having disabled laborers accounting for more than 51 % of the total number of laborers."

3. To amend and supplement Clause 2, Article 5 as follows:

"2. The employment fund for the disabled shall be formed from the following sources:

a/ Local budgets;

b/ Amounts collected from enterprises for their failure to employ a sufficient number of disabled laborers as prescribed in Article 14 of this Decree.

c/ Aid from organizations and individuals inside and outside the country;

d/ Other revenue sources."

4. To add the following Article 5a:

"Article 5a.-

The disabled and the production and business establishments exclusively reserved for the disabled may borrow capital at preferential interest rates from the Social Policy Bank's source of loans for hunger eradication and poverty alleviation and job creation in order to create jobs."

5. To amend and supplement Clause 2 of Article 12 as follows:

"2. The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with the Ministry of Finance in, guiding concretely the exemption and reduction of school fees and the provision of social allowances prescribed in Clause 1 of this Article."

6. To amend and supplement Clause I of Article 13 as follows:

1. Annually, the national target program on education and training shall earmark a fund to support the short-term job training for the disabled.

The Ministry of Labor, War Invalids and Social Affairs shall assume the prime responsibility for, and coordinate with the concerned agencies in, allocating and guiding the spending of the fund to support the short-term job training for the disabled from their annual funds reserved for job training."

7. To amend and supplement Clause 1 of Article 15 as follows:

1. Enterprises which employ a number of disabled laborers lower than the percentage prescribed in Article 14 of this Decree must pay monthly into the employment fund reserved for the disabled a sum of money equal to the current State-prescribed minimum wage multiplied by the number of disabled laborers they need to additionally employ in order to reach the prescribed percentage."

Article 2.-This Decree takes effect 15 days after its publication in the Official Gazette.

Article 3.-The Ministry of Labor, War Invalids and Social Affairs, the Ministry of Health, the Ministry of Finance and the Ministry of Planning and Investment shall have to guide the implementation of this Decree-

Article 4.- The ministers, the heads of the ministerial-level agencies, the heads of the Government-attached agencies, and the presidents of the People's Committees of the provinces and centrally-run cities shall have to implement this Decree.

On behalf of the Government
Prime Minister

PHAN VAN KHAI