

Ha Noi, date 23 month 02 year 2009

DECISION

**ON SUPPORTS FOR LABORERS WHO ARE LAID OFF BY ENTERPRISES FACING DIFFICULTIES
CAUSED BY ECONOMIC DECLINE**

THE PRIME MINISTER

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; and the November 29, 2006 Law Amending and Supplementing a Number of Articles of the Labor Code; Pursuant to the Government's Resolution No. 30/2008/NQ-CP of December 11, 2008, on urgent solutions to curb economic decline, maintain economic growth and assure social welfare;

At the proposal of the Minister of Labor, War Invalids and Social Affairs and the Minister of Finance,

DECIDES:

Article 1. The State shall provide loans for enterprises which in 2009 face difficulties caused by economic decline and are incapable of paying salaries, social insurance premiums, job loss allowances or job severance allowances to laid-off laborers as prescribed to pay such salaries, premiums or allowances. Specifically:

1. Loan-eligible entities: enterprises which face difficulties caused by economic decline and have to reduce the existing number of laborers by 30% or by 100 laborers or more (excluding season-based laborers working under less-than-3-month contracts) and which, though having mobilized their resources, are incapable of paying salaries, social insurance premiums, job loss allowances or job severance allowances to the laid-off laborers.
2. The maximum loan term is 12 months.
3. The maximum loan amount is equal to the fund amount used to pay owed salaries, social insurance premiums, job loss allowances or job severance allowances payable to laid-off laborers.
4. The loan interest rate is 0% (zero per cent).
5. The lender is the Vietnam Development Bank.

Article 2. For laid-off laborers of enterprises the owners of which abscond in 2009:

Provincial-level People's Committees shall allocate money from local budgets to pay laborers on the enterprises' payrolls the salaries owed by the enterprises to their laborers. This sum of money shall be refunded with the proceeds from the handling of enterprises' assets under law. If these proceeds are insufficient, such must be reported to the Prime Minister for consideration and decision.

Article 3. Laborers who are laid off in 2009 as defined in Articles 1 and 2 of this Decision and overseas guest laborers who are laid off by their enterprises due to difficulties and have to return home ahead of time will enjoy the following entitlements:

1. They may take loans from the National Employment Fund under the National Target Program on Employment for self-employment.
2. They may take loans to learn jobs under the Prime Minister's Decision No. 157/2007/QĐ-TTg of September 27, 2007, on credit for pupils and students, within 12 months from the date they are laid off.
3. They may take loans from the Social Policy Bank like policy beneficiaries under the State Bank of Vietnam's Decision No. 365/2004/QĐ-NHNN of April 13, 2004, within 12 months from the date they are laid off or from the date they return home.

Article 4. Responsibilities of concerned agencies

1. Enterprises shall:

a/ Work out plans on labor arrangement, identify their loan demands and make loan dossiers under regulations;

b/ Pay salaries, social insurance premiums, job loss allowances or job severance allowances to laborers within 7 (seven) days from the date they get loans;

c/ Report to provincial-level Labor, War Invalids and Social Affairs Services on the implementation of labor arrangement plans and the payment of salaries, social insurance premiums, job loss allowances or job severance allowances to laborers under regulations of the Ministry of Labor, War Invalids and Social Affairs.

2. The Ministry of Labor, War Invalids and Social Affairs shall:

a/ Assume the prime responsibility for, and collaborate with the Ministry of Finance and concerned agencies in, guiding and inspecting the implementation of this Decision;

b/ Review and report to the Prime Minister on the situation of laid-off laborers, implementation of policies towards laborers, loan provision and budget payment under Articles 1 and 2 of this Decision.

3. The Ministry of Planning and Investment shall assume the prime responsibility for, and collaborate with the Ministry of Finance in:

a/ Adding capital to the National Employment Fund under the National Target Program on Employment:

b/ Allocating interest-offsetting funds to the Social Policy Bank to provide loans for job learning or overseas working under Clauses 2 and 3, Article 3 of this Decision.

4. The Ministry of Finance shall assume the prime responsibility for, and collaborate with the Ministry of Planning and Investment in, allocating interest-offsetting funds to the Vietnam Development Bank to provide loans to enterprises for paying salaries, social insurance premiums, job loss allowances or job severance allowances under Article 1 of this Decision, and guiding provinces and centrally run cities in the implementation thereof.

5. The Vietnam Development Bank shall raise capital and provide loans under Article 1 of this Decision.

6. The Social Policy Bank shall raise capital and provide loans under Article 3 of this Decision.

Article 5. Implementation provisions.

1. This Decision takes effect on the date of its signing.

2. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, presidents of provincial-level People's Committees, the chairman of the Board of Directors and the general director of the Social Policy Bank, and the chairman of the Board of Directors and the general director of the Vietnam Development Bank shall implement this Decision.