

LEGAL UPDATE (October 18th, 2021)

In this issue, we would like to bring to your attention to the following:

- Changing conditions for businesses to get a loan to pay salaries for work stoppage and restoring production;
- Guidance of the Ministry of Transport on travel in the context of safe, flexible adaptation and effective control of the COVID-19 epidemic.

1. Changing conditions for businesses to get a loan to pay salaries for work stoppage and restoring production

Resolution 126/NQ-CP, issued on October 8th, 2021, has adjusted the conditions for businesses to get loans to pay salaries for work stoppage and restoring production. Specifically:

(i) Loans to pay salaries for work stoppage:

Employers are entitled to a loan from the Bank for Social Policies at 0% interest rate without loan security measures to pay salaries for work stoppage for employees participating in compulsory social insurance and stopping working for 15 consecutive days or more as prescribed in Clause 3, Article 99 of the Labor Code, from May 1st, 2021 to March 31st, 2022.

The maximum loan amount is equal to the regional minimum wage for all employees according to the actual time to pay salaries for work stoppage, up to 3 months. The loan term is less than 12 months.

(ii) Loans to pay salaries to restore production:

- Employers must suspend operations at the request of competent state agencies to prevent and control the COVID-19 epidemic;
- Employers with headquarters, branches, representative offices, production and business locations in the locality taking measures to prevent and control the epidemic according to the principles of Directive 16/CT-TTg;
- Employers operating in the fields of transport, aviation, tourism, accommodation services and sending Vietnamese workers to work abroad under contracts.

The above cases taking place from May 1st, 2021 to the end of March 31st, 2022 are entitled to a loan at the Bank for Social Policies at 0% interest rate without loan security measures to pay wages to employees. The maximum loan amount is equal to the regional minimum wage for the number of employees working under labor contracts and participating in compulsory social insurance according to the actual payment period, up to 3 months. Loan term less than 12 months.

2. Guidance of the Ministry of Transport on travel in the context of safe, flexible adaptation and effective control of the COVID-19 epidemic

The Ministry of Transport has just issued Decision 10906/QD-BGTVT on temporary guidance on organization of transport activities to ensure safe, flexible adaptation and effective control of the COVID-19 epidemic.

Accordingly, in general, passengers (except for air and railway transport) must meet the following requirements:

- (1) Complying with the “5K principles”; medical declaration according to regulations of the Ministry of Health;
- (2) Strictly implementing measures to prevent and control the COVID-19 epidemic under the guidance of the National Steering Committee for COVID-19 Prevention and Control and the Ministry of Health;
- (3) Medical tests:
 - Conducting medical test with cases having one of the symptoms of fever, cough, fatigue, sore throat, loss of taste and smell, difficult breathing...;
 - For all epidemic levels, only conducting medical test in one of the following cases:
 - + There is suspicion or indication for epidemiological investigation coming from the epidemic area at level 3;
 - + Coming from an area with epidemic area at level 4 or regional medical isolation (blockade); No testing is required while traveling within the area;
 - For people who have been fully vaccinated and who have recovered from the disease, only conducting medical test in one of the following cases:
 - + When there is a request for epidemiological investigation;
 - + Coming from an epidemic area at level 4 or regional medical isolation (blockade).

- (4) Testing for SARS-CoV-2 is implemented by RT-PCR or rapid antigen test with 72 hours validity (from receipt of results).

We hope this Legal Update will bring you useful information.

Best regards.

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