**The State’s Responsibilities Towards Employees During The Covid-19 Pandemic**

With the pandemic situation currently becoming more and more complicated, the Government has taken various measures to prevent the spread of the disease such as social distancing, movement restrictions and only allowing organizations, enterprises operating in essential sectors such as banking, securities, healthcare, pharmaceuticals, foods to keep operating as usual, etc. Other enterprises are only permitted to operate once they have satisfied the “3 on the spot” and “One route, two destinations” principles. Therefore, many enterprises have fallen into predicaments, unable to operate and comply with the Government’s principles and having to temporarily close down in the process of disease prevention.

The temporary close-down of enterprises has led them to deal with serious labor problems. They don’t generate revenue, cannot operate, and don’t have enough budget to remunerate their employees, leading them to choose between the following solutions towards their employees:

1. Employees suspending the performance of their Labor contract, taking unpaid leave;
2. Employees ceasing work;
3. Employees terminating their Labor contract but unqualified for unemployment benefits.

No matter which action course is taken, employees still have to face the loss/decrease of income during the fight and prevention of disease.

To support employees amid this pandemic, the Prime Minister has issued multiple assistance policies to ease their burden. Details of target beneficiaries, support rates and procedures are as follows:

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| **Target groups**  **Criteria** | **Employees suspending the performance of their Labor contract, taking unpaid leave** | **Employees ceasing work** | **Employees terminating their Labor contract but unqualified for unemployment benefits** |
| **Target beneficiaries, support requirements** | Employees working for organizations, enterprises forced to temporarily close down **at the request of competent State agencies** to prevent and fight the COVID-19 pandemic will receive support when they satisfy the following requirements:   1. Suspending performance of labor contracts, taking unpaid leave within the term of labor contracts, for a period no shorter than 15 consecutive days, starting from May 1st, 2021 until the end of December 31st, 2021 and the beginning of the suspension of labor contracts, taking unpaid leave falls between May 1st, 2021 until the end of December 31st, 2021 . 2. Currently participating in compulsory social insurance in the month directly preceding the moment the employee suspends their labor contract and takes unpaid leave. | Employees ceasing works due to the pandemic, currently participating in compulsory social insurance in the month directly preceding the month in which they cease their work and having to isolate medically or living in locked down areas at the request of competent State agencies for a period no shorter than 14 days from May 1st, 2021 until the end of December 31st, 2021. | Employees working for organizations, enterprises which have to close down at the request of competent State agencies to prevent and fight the COVID-19 pandemic in a period of time between May 01st, 2021 until the end of December 31st, 2021 will receive support if they satisfy all of the following requirements:   1. Currently participating in compulsory social insurance in the month directly preceding the month in which they terminate their labor contracts. 2. Terminating their labor contract between May 01st, 2021 until the end of December 31st, 2021 but not qualifying for unemployment benefits, except for the following cases: 3. Employees who unilaterally terminate their labor contracts illegally. 4. Employees who receive monthly pension or allowance for the loss of working capacity. |
| **Support rates** | * + 1.855.000 dongs/person with employees temporarily suspending the performance of their labor contract, taking unpaid leave from 15 consecutive days to under 01 month (30 days).   + 3.710.000 dongs/person with employees temporarily suspending the performance of their labor contract, taking unpaid leave from 01 month (30 days) upwards.   + Employees who are pregnant will be granted an additional 1.000.000 dongs/person;   + Employees who are raising their biological or adopted children or taking care for children under the age of 06 as a substitute will be granted an additional 1.000.000 dongs/child under the age of 06 and this support shall only be received by 01 person who is the mother or father or substitute carer for the children. | * + 1.000.000 dongs/person.   + Employees who are currently pregnant will be granted an additional 1.000.000 dongs/person;   + Employees who are raising their biological or adopted children or taking care of children under the age of 06 as a substitute will be granted an additional 1.000.000 dongs/child under the age of 06 and this support shall only be received by 01 person who is the mother or father or substitute carer for the children.   Besides, apart from the above relief, when Employees cease their work while still getting paid wages on ceasing work by Employers, the rate of these wages shall be agreed upon by the Parties as follows:  a) In case work is ceased for 14 or less working days, the wage on ceasing work agreed upon shall not be below the minimum wage;  b) In case work is ceased for more than 14 working days, the wage on ceasing work shall be agreed upon by the parties, however, the wage on ceasing work in the first 14 days shall not be below the minimum wage. | * + 3.710.000 dongs/person.   + Employees who are currently pregnant will be granted an additional 1.000.000 dongs/person;   + Employees who are raising their biological or adopted children or taking care of children under the age of 06 as a substitute will be granted an additional 1.000.000 dongs/child under the age of 06 and this support shall only be received by 01 person who is the mother or father or substitute carer for the children. |
| **Paying method** | Paid once for each employee. | | |
| **Application file** | * + 1. Copy of the agreement on suspending the performance of labor contract, taking unpaid leave.     2. List of employees certified by social insurance agencies according to Form No. 05 in the Appendix issued together with Decision No. 23/2021/QD-TTg.     3. Certified copy or copy attached to the original version of one of the following documents for verification: Documents proving the employee is currently pregnant; Birth certificates of the children; Adoption certificates; Decisions on appointing, agreeing to take care for children as a substitute issued by competent agencies. | 1. Copy of documents requesting isolation of competent State agencies to prevent and fight the COVID-19 pandemic in a period of time between May 01st, 2021 until the end of December 31st, 2021. 2. List of employees certified by social insurance agencies according to Form No. 06 in the Appendix issued together with Decision No. 23/2021/QD-TTg. 3. Certified copy or copy attached to the original version of one of the following documents for verification: Documents proving the employee is currently pregnant; Birth certificates of the children; Adoption certificates; Decisions on appointing, agreeing to take care for children as a substitute issued by competent agencies. | 1. Request for support according to Form No. 07 in the Appendix issued together with Decision No. 23/2021/QD-TTg. 2. Certified copy or copy attached to the original version of one of the following documents for verification:    1. The labor contract being expired or terminated due to the completion of work therein.    2. Decision on terminating work.    3. Notification or agreement on terminating the labor contract. 3. Copy of the Social insurance notebook or certificates from social insurance agencies on the participation in compulsory social insurance and unemployment insurance. 4. Certified copy or copy attached to the original version of one of the following documents for verification: Documents proving the employee is currently pregnant; Birth cerificates of the children; Adoption certificates; Decisions on appointing, agreeing to take care for children as a substitute issued by competent agencies. |
| **Application procedures** | 1. Organizations, enterprises shall request social insurance agencies to verify that their employees are participating in social insurance. Within 02 working days, from the day receiving the request, the social insurance agencies shall verify the participation of the employees in social insurance. 2. Organizations, enterprises shall submit the files to the district-level People’s committee of the place where their head offices are located. The deadline for submitting applications shall be **no later than the end of January 31st, 2022**. 3. Within 02 working days, from the day of receiving adequate documents, the district-level People’s committee shall assess and hand them over to the provincial People’s committee. 4. Within 02 working days, from the day of receiving adequate documents, the provincial People’s committee shall issue a decision on approving the List and support budget; as well as directing the support payment. In case of not approving, the provincial People’s committee shall issue a written notification and clearly state the reason. | 1. Employers shall request social insurance agencies to verify that their employees are participating in social insurance. Within 02 working days from the day of receiving the request, the social insurance agencies shall verify the participation of the employees in social insurance. 2. Employers shall submit the files to the district-level People’s committee of the place where their head offices are located. The deadline for submitting applications shall be **no later than the end of January 31st, 2022.** 3. Within 02 working days, from the day of receiving adequate documents, the district-level People’s committee shall assess and hand them over to the provincial People’s committee. 4. Within 02 working days, from the day of receiving adequate documents, the provincial People’s committee shall issue a decision on approving the List and support budget; as well as directing the support payment. In case of not approving, the provincial People’s committee shall issue a written notification and clearly state the reason. 5. Within 02 working days, from the day of receiving the support budget from the provincial People’s committee, the employers shall proceed to pay the employees. | 1. Employees in need of support shall submit the files to the Employment Services center under the Department of Labor – War Invalids and Social Affairs of the place where they terminate their labor contracts. The dealine for submitting applications shall be **no later than the end of January 31st, 2022**. 2. Before the 05th and the 20th of each month, Employment Services centers shall review and compile the list of employees qualifying for support and send this to the Department of Labor – War Invalids and Social Affairs. 3. Within 02 working days from the day of receiving the lists, the Department of Labor – War Invalids and Social Affairs shall assess and send them to the provincial People’s committee. 4. The provincial People’s committee shall issue a decision on approving the lists of support; as well as directing the support payment within 03 working days. In case of not approving, the provincial People’s committee shall offer a written answer and clearly state the reason. |
| **Legal bases** | * Decision No. 23/2021/QD-TTg Guiding on the Implementation of Certain Policies to Support Employees and Employers Facing Difficulties Due to the Covid-19 Pandemic, taking effect on July 7th, 2021; * Decree No. 68/NQ-CP on Certain Policies to Support Employees and Employers Facing Difficulties Due to the Covid-19 Pandemic, taking effect on July 1st, 2021; * Clause 3, Article 99 of the Labor Code 2019. | | |

Amid the strong outbreak of the pandemic, the support policies above have partly alleviated the burden of Employees so that we can all fight and survive this pandemic.