**LEGAL UPDATE (May 04th, 2022)**

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

* Guidance on implementing regulations on increasing overtime.
* Proposing new regulations on refinancing on the basis of special bonds of credit institutions.

1. **Guidance on implementing regulations on increasing overtime**

On April 26th, 2022, the Ministry of Labour, Invalids and Social Affairs issued Official Letter 1312/LDTBXH-ATLD guiding the implementation of Resolution 17/2022/UBTVQH15 on increasing overtime in the context of economic recovery.

Accordingly, the Ministry of Labour, Invalids and Social Affairs requests the provicinal Departments of Labour, Invalids and Social Affairs to consider the following issues:

*-* The cases where the employer is allowed to use the employee to work overtime for a maximum of 300 hours in a year are the cases specified in Clause 1, Article 1 of Resolution 17/2022/UBTVQH15 and Clause 3, Article 107 of the Labor Code.

*-* All cases of working overtime for a maximum of 300 hours in a year will be allowed to work from over 40 hours to 60 hours in a month from April 1st, 2022.

*-* Fully complying with other regulations on overtime in the Labor Code and guiding documents of the Labor Code.

*-* When organizing overtime from over 200 hours to 300 hours in a year, the employer must notify the Department of Labour, Invalids and Social Affairs as prescribed in Clause 4, Article 107 of the Labor Code and Article 62 of Decree 145/2020/ND-CP of the Government.

*-* The provisions of Resolution 17/2022/UBTVQH15 will be implemented until the end of December 31st, 2022, unless the National Assembly decides to extend the implementation time.

**2. Proposing new regulations on refinancing on the basis of special bonds of credit institutions**

The State Bank of Viet Nam is publishing the draft Circular on refinancing on the basis of special bonds of the Asset Management Company of Vietnam Credit Institutions (CIs) for public opinions, replacing Circular No. 18/2015/TT-NHNN.

This draft stipulates the refinancing in Vietnam dong of the State Bank of Viet Nam for CIs on the basis of special bonds issued by the Asset Management Company of CIs under Decree No. 53/2013/ND-CP dated May 18th, 2013 of the Government regulating the establishment, organization and operation of the Asset Management Company of Vietnamese CIs.

The State Bank of Viet Nam refinances capital on the basis of special bonds to support CIs' operating capital in the process of dealing with bad debts according to Decree No. 53/2013/ND-CP.

The draft clearly states that the State Bank shall consider and decide to refinance CIs that fully satisfy the following conditions:

1.CIs are not subject to early intervention or special control or are handled for violations as prescribed in Article 15 of this Circular.

2. CIs make full fund for risks prevention in accordance with Decree No. 53/2013/ND-CP and regulations of the State Bank for all special bonds owned by CIs within 12 months immediately prior to the date the CIs have a written request for loan refinancing.

3. CIs comply with prudential ratios as prescribed in Clause 1, Article 130 of the Law on Credit Institutions (amended and supplemented) and regulations of the State Bank within 12 consecutive months prior to the date CIs have Certificate Request for refinancing loan.

4. Special bonds used as a basis for refinancing fully satisfy the criteria specified in Article 4 of this Circular.

The extension of time for refinancing is decided by the State Bank, not exceeding the refinancing term and not exceeding the remaining term of the special bonds as the basis for extending the refinancing. The total time for refinancing and refinancing extension is less than 12 months.

Full text of the draft and comments can be found [here](https://chinhphu.vn/?pageid=30187&vbid=4952&title=du-thao-thong-tu-quy-dinh-ve-tai-cap-von-tren-co-so-trai-phieu-dac-biet-cua-cong-ty-quan-ly-tai-).

We hope this Newsletter would bring you useful information.

Best regards.

|  |  |
| --- | --- |
| **Contributor(s):**  **Mr. DINH QUANG LONG**  **Director cum Managing Partner**  **M** (+84) 919 963 977 | **E** [long.dinh@apolatlegal.com](mailto:long.dinh@apolatlegal.com)  **Mr. TRAN CHAU HOAI HAN**  **Associate**  **M** (+84) 988 787 285 | **E** [Han.tran@apolatlegal.com](mailto:Han.tran@apolatlegal.com)  **Disclaimer**: All materials have been prepared for general information purposes only. The information is not intended as, and should not be taken as, legal advice. Do not act or refrain from acting based upon information provided herein without first consulting our lawyers about your particular factual and legal circumstances. Apolat Legal can accept no responsibility for loss occasioned to any person acting or refraining from action as a result of any material in this publication. On any specific matter, reference should be made to the appropriate adviser. | **ABOUT US,**  Apolat Legal is a professional law firm with its offices in Ho Chi Minh city and Ha Noi city. The firm’s lawyer team specializes in almost all legal practice areas in Vietnam including Enterprise and Investment; Labor and Employment; Intellectual Property; Dispute Resolution; Real Estate and Construction; Information and Communication; Natural Resources and Environment; Transport; Industry and Trade; Education and Training; Finance and Banking; Agriculture; Legal Document Translation; Legal Training.  Our reputation and the quality of its services are reflected by our clients. We are serving nearly 1,000 clients both local and multi-national companies.  We are also honored to receive numerous recognitions and/or articles posted by world-leading and local organizations and publications including: The Law Association for Asia and the Pacific (LawAsia, 1966), The Legal500, IP Link, IP Coster, Lexology, Global Trade Review (GTR), The Saigon Times, etc. |

|  |  |
| --- | --- |
| **Contacts:**  **HO CHI MINH CITY (Head office)**  5th Floor, IMM Building99-101 Nguyen Dinh Chieu, District 3Ho Chi Minh City, Vietnam  **THE BRANCH IN HA NOI CITY**  Room A8, 29th Floor, East Tower, Lotte Center  54 Lieu Giai, Cong Vi Ward, Ba Dinh District  Hanoi City, Vietnam  Tel: +84-28-3899 8683Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)  Website: [www.apolatlegal.com](http://www.apolatlegal.com) | **SINGAPORE (Affiliated office)**  #26-10, SBF Center,  160 Robinson Road  Singapore 068914  Tel: +84-93-2014 986Email: [info@apolatlegal.com](mailto:info@apolatlegal.com)  Website: [www.apolatlegal.com](http://www.apolatlegal.com) |

**Scan QR code:**

Qr code

Description automatically generated