**LEGAL UPDATES**

**VOL 56, MARCH 2023**

**Dear Valued Clients and Partners,**

ADK Vietnam Lawyers would like to introduce to you the Legal Updates, Vol 56 of March 2023, with new legal provisions with notable contents as follows:

1. **Increase on perquisites for employees working in dangerous, hazardous conditions**

The Ministry of Labour - Invalids and Social Affairs promulgated the Circulars No. 24/2022/TT-BLDTBXH dated November 30, 2022 (hereinafter referred to as “**Circulars**”) amending and supplementing a number of articles of Circular No. [25/2013/TT-BLDTBXH](https://thuvienphapluat.vn/van-ban/lao-dong-tien-luong/thong-tu-25-2013-tt-bldtbxh-che-do-boi-duong-bang-hien-vat-lao-dong-lam-viec-nguy-hiem-doc-hai-211137.aspx)**.** In the Circular, some notable provisions include:

1. **Regulated entities** (Article 2 Circular)
* Employees with labor contracts; interns; apprentices; (Article 2.1. Lawon occupational safety an hygiene)
* Officials and civil servants, people’s armed forces; (Article 2.2. Lawon occupational safety and hygiene)
* Vietnamese employees working abroad under contracts; foreign employees working in Vietnam; (Article 2.4. Lawon occupational safety and hygiene)
* an enterprise, agency, organization, cooperative, household or individual who employs other people under agreements. An employer that is an individual shall have full legal capacity; (Article 3.2. Labor code)
* Other agencies, organizations, and individuals related to the set-up of perquisites.
1. **Levels of perquisites** (Article 4Circular)
* Perquisites shall be calculated on the basis of standard daily allowance and have monetary equivalent depending on the levels below:
* Level 1: 13.000 VND (Increase 3,000 VND);
* Level 2: 20.000 VND (Increase 5,000 VND);
* Level 3: 26.000 VND (Increase 6,000 VND);
* Level 4: 32.000 VND (Increase 7,000 VND).
* If employees meet all requirements under Article 3 hereof, specific perquisite levels for each profession and occupation are prescribed under Appendix I attached hereto and vary depending on working hour  as follows:
* If the employees’ working hour is 50% or more of regular working hour in a working day, they are eligible for full perquisite level;
* If the employees’ working hour is less than 50% of regular working hour in a working day, they are eligible for half perquisite level;
* If the employees work overtime, the standard allowance for perquisites shall be increased proportionally in accordance with the principles above.

**The Circulars takes effect from March 1, 2023.**

1. **Supplementing occupational diseases covered by social insurance**

The Ministry Health promulgated the Circular No. 02/2023/TT-BYT dated February 9, 2023 (Hereinafter referred to as “**Circular**”) amending and supplementing a number of articles of Circular No. 15/2016/ TT-BYT. In the Circular, some notable provisions include:

1. If people having occupations and professions prescribed in Section 3, Appendix 35 enclosed herewith are diagnosed with COVID-19 due to occupational exposure from February 01, 2020 to the date before the effective date of this Circular, dossiers on their occupational disease examination shall be made and they are covered by social insurance under the applicable regulations; (Article 2.2)
2. Clause 35 is added to the first Article 3 as follow: "35. Occupational COVID - 19 and guidelines for diagnosis and examination thereof prescribed in Appendix 35 enclosed herewith”; (Article 1.1)
3. Supplementing appendix 35 - Guidelines for diagnosis and examination of occupational Covid-19 is promulgated together with this Circular.

**The Circular takes effect from April 1, 2023.**

We hope you found this brief legal update informative.

**Kind regards./.**

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