

No. 140/2018/ND-CP

Hanoi, October 08, 2018

DECREE

ON AMENDMENTS TO DECREES RELATED TO BUSINESS CONDITIONS AND ADMINISTRATIVE PROCEDURES UNDER THE MANAGEMENT OF THE MINISTRY OF LABOR, WAR INVALIDS AND SOCIAL AFFAIRS

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Labor Code dated June 18, 2012;

Pursuant to the Law on Drug Abuse Prevention and Control 2000; Law on Amendments to some Articles of the Law on Drug Abuse Prevention and Control 2008;

Pursuant to the Law on the Elderly dated November 23, 2009;

Pursuant to the Law on Persons with Disabilities dated June 17, 2010;

Pursuant to the Law on Employment dated November 16, 2013;

Pursuant to the Law on Social Insurance dated November 20, 2014;

Pursuant to the Law on Vocational Education dated November 27, 2014;

Pursuant to the Law on Occupational Safety and Hygiene dated June 25, 2015;

Pursuant to the Law on Investment dated November 26, 2014 and the Law on amendments to Article 6 and Appendix 4 on the list of business lines subject to conditions stipulated in the Law on Investment dated November 22, 2016;

Pursuant to the Ordinance on Prostitution Prevention and Combat dated March 14, 2003;

At the request of the Minister of Labor, War Invalids and Social Affairs;

The Government hereby promulgates a Decree on amendments to Decrees related to business conditions and administrative procedures under the management of the Ministry of Labor, War Invalids and Social Affairs;

Chapter I

OCCUPATIONAL SAFETY AND HYGIENE

Article 1. Amendments to some Articles of the Government's Decree No. 44/2016/ND-CP dated May 15, 2016 on guidelines for some Articles of the Law on Occupational Safety and Hygiene on occupational safety inspection, occupational safety and hygiene training and occupational environment monitoring

1. Article 4 is amended as follows:

“Article 4. Conditions for issuance of the certificate of eligibility for occupational safety inspection

1. An organization issued with the certificate of eligibility for occupational safety inspection must meet the following conditions:

a) Equipment for the inspection must comply with inspection procedures and national technical regulations on occupational safety and hygiene.

b) The organization must have at least 02 inspectors working under a contract with a term of at least 12 months to inspect each item that is covered by the certificate of eligibility for inspection applied for.

c) Technical staff of the organization must have at least 02 years' experience of working as an inspector.

2. The conditions for equipment and personnel specified in Points a, b and c Clause 1 of this Article shall be only applied to an organization applying for issuance of the certificate of eligibility for occupational safety inspection.”

2. Clause 1 of Article 5 is amended as follows:

“1. An application for issuance of the certificate of eligibility for occupational safety inspection includes:

a) An application form;

b) A copy of the establishment decision if the applicant is a service provider;

c) A list of equipment and instruments serving the inspection;

d) A list of inspectors made using the form in the Appendix Ia hereof;

dd) One of the following documentary evidences for experience of the technical staff:

Copies of insurance book or documents

A copy of the employment contract;

A copy of the inspection record enclosed with the certificate of inspection result. ”

3. Point c Clause 2 of Article 5 is amended as follows:

“c) Documents mentioned in Points b, c, d and dd Clause 1 of this Article in the case of any change. ”

4. Article 8 is amended as follows:

“Article 8. Revocation of the certificate of eligibility for occupational safety inspection

1. A certificate of eligibility for occupational safety inspection shall be revoked in one of the following cases:

a) The organization fails to rectify the cause of the suspension of the certificate of eligibility for occupational safety inspection after the suspension period.

b) The organization carries out the inspection while the certificate of eligibility for occupational safety inspection is being suspended.

c) If the organization fails to satisfy the conditions specified in Article 4 of this Decree 6 months after the change to conditions for inspection as the basis for issuance of the certificate of eligibility for occupational safety inspection;

d) The organization carries out inspection during the period the conditions mentioned in Article 4 of this Decree fail to be satisfied;

dd) The documents included in the applications for issuance, extension and revocation of the certificate are forged;

e) The organization is dissolved or goes bankrupt.

2. 6 months after the effective date of the decision on revocation, the organization whose certificate is revoked as prescribed in Points a, b, c and dd Clause 1 of this Article shall apply for reissuance of the certificate of eligibility for occupational safety inspection.”

5. Article 17 is amended as follows:

“Article 17. Persons eligible to join the occupational safety and hygiene training course

1. Group 1: Heads of trading and production facilities and affiliated departments and branches; heads of production/trade/technical departments; managers of factories or equivalents; deputy heads trading and production facilities mentioned in this Clause responsible for occupational safety and hygiene.

2. Group 2: Persons responsible for occupational safety and hygiene, including full-time or part-time officials responsible for occupational safety and hygiene; supervisors directly overseeing occupational safety and hygiene in the workplace.

3. Group 3: Employees performing the tasks subject to strict requirements for occupational safety and hygiene, which are on the list of tasks subject to strict requirements for occupational safety and hygiene promulgated by the Ministry of Labor, War Invalids and Social Affairs.

4. Group 4: Employees other than those in Groups 1, 3, 5 and 6 mentioned in this Clause, including apprentices and interns working for employers.

5. Group 5: Persons providing healthcare services.

6. Group 6: Occupational safety and hygiene officers specified in Article 74 of the Law on Occupational Safety and Hygiene.”

6. Clause 4 of Article 19 is amended as follows:

“4. Group 5: The total training duration is at least 16 hours, including the examination duration.”

7. Article 22 is amended as follows:

“Article 22. Standards to be satisfied by occupational safety and hygiene trainers

1. A trainer providing training in polices and laws on occupational safety and hygiene must:

a) obtain at least a bachelor's degree and have at least 03 years' experience of developing policies and laws on and carrying out inspection and management of occupational safety and hygiene; or

b) obtain at least a degree of associate and have at least 04 years' experience of developing policies and laws on and carrying out inspection and management of occupational safety and hygiene;

2. A trainer providing professional training in occupational safety and hygiene and basic knowledge of occupational safety and hygiene must:

a) obtain at least a bachelor's degree and have at least 03 years' experience of developing policies and laws on occupational safety and hygiene and organizing the implementation thereof; or

b) obtain at least a degree of associate and have at least 04 years' experience of developing policies and laws on occupational safety and hygiene and organizing the implementation thereof; or

c) be in charge of occupational safety and hygiene at enterprises not mentioned in Points and b of this Clause and have at least 05 years' experience working in the field of occupational safety and hygiene.

3. A specialized theory trainer must:

a) obtain at least a relevant bachelor's degree and have at least 03 years' experience of developing policies and laws on occupational safety and hygiene and organizing the implementation thereof; or

b) obtain at least a relevant degree of associate and have at least 04 years' experience of developing policies and laws on occupational safety and hygiene and organizing the implementation thereof.

4. Regarding provision of practice training:

a) A trainer providing practice training for group 2 must obtain at least a relevant degree of associate and be proficient at machinery, equipment, chemicals and practice-based tasks according to the training program;

b) A trainer providing practice training for group 3 must obtain at least a relevant Level 4 of VQF Diploma, have at least 03 years' experience of performing the tasks subject to strict requirements for occupational safety and hygiene or the tasks related to occupational safety and hygiene at a facility relevant to the training contents;

c) A trainer providing practice training for group 4 must obtain at least a relevant Level 4 of VQF Diploma in engineering or have at least 03 years' experience of performing the tasks related to the training contents;

d) A trainer providing training in occupational first aid and emergency aid must obtain at least a degree of associate in medicine and have at least 03 years' experience of directly engaging in first aid and emergency aid or must be a doctor of medicine;

dd) A person who is in charge of occupational safety and hygiene at enterprises not mentioned in Points a, b and c of this Clause but has at least 04 years' experience working in the field of occupational safety and hygiene is entitled to provide practice training as prescribed in Points a, b and c of this Clause relevant to his/her experience.

5. The Ministry of Labor, War Invalids and Social Affairs shall elaborate the training program tailored for occupational safety and hygiene trainers, exemption from trained contents, organization of tests and issuance of certificate.

6. Every 5 years, every trainer must join a refresher course to update knowledge, information, policies, laws, science and technology in respect of occupational safety and hygiene, except the trainer mentioned in Clause 1 of this Article and first aid trainer.

7. The organization of refresher course offered to occupational safety and hygiene trainers must be recorded and the course result must be reported to Ministry of Labor, War Invalids and Social Affairs.”

8. Title of Section 3 is amended as follows: “Giấy chứng nhận huấn luyện, thẻ an toàn.” (“Certificate of completion of training course and safety card.”)

9. Title of Article 24 is changed into “Quản lý việc cấp giấy chứng nhận huấn luyện, thẻ an toàn” (“Management of issuance of certificate of completion of training course and safety card”) and regulations on occupational health certificate specified in Article 24 are repealed.

10. Title of Article 25 is changed into “Thời hạn cấp, cấp mới giấy chứng nhận huấn luyện, thẻ an toàn” (“Time limit for issuing Certificate of completion of training course and safety card”) and Clauses 1 and 2 are amended as follows:

“1. The Certificate of completion of training course and safety card shall remain valid for 02 years.

2. Within 30 days before the expiration date of the certificate of completion of training course or safety card, the employer shall make a list of certificate holders enclosed with the training result or documentary evidences for updating of knowledge and skills in occupational safety and hygiene as prescribed in Clause 1 Article 21 of this Decree and submit them to the training organization or enterprise providing training itself prescribed in Articles 26 and 29 of this Decree. If the training result is satisfactory, a new certificate of completion of training course or new safety card shall be issued as prescribed in this Decree.”

11. Article 26 is amended as follows:

“Article 26. Classification of training organizations, conditions for operation and issuance of certificate of eligibility for provision of training

1. Training organizations shall be classified according to the characteristics and complexity of the persons eligible to be provided with training. To be specific:

- a) Grade A training organizations provide training for groups 4 and 6;
- b) Grade B training organizations provide training for groups 1, 4, 5 and 6;
- c) Grade C training organizations provide training for groups 1, 2, 3, 4, 5 and 6.

2. A Grade A training organization must:

- a) have or sign a lease or cooperation contract to have at least 01 classroom with an area of at least 30 m²;
- b) have at least 02 full-time trainers providing training in laws and professional knowledge and 01 occupational first aid and emergency aid trainer;
- c) have training documents that are suitable for the persons eligible to be provided with training and prepared according to the training program specified in this Decree;
- d) have machinery, equipment, workshop and training area that ensure occupational safety and hygiene as prescribed in Clauses 1 and 2 Article 16 of the Law on Occupational Safety and Hygiene.

3. A Grade B training organization must:

- a) have or sign a lease or cooperation contract to have at least 01 classroom with an area of at least 30 m²;
- b) have or sign a lease or cooperation contract to have machinery, equipment, chemicals, workshop and practice area in accordance with occupational safety and hygiene requirements and training contents applied for.
- c) have at least 04 full-time trainers providing training in laws and professional knowledge, two of whom are in charge of professional knowledge and practice training relevant to the training contents applied for and in charge of occupational first aid and emergency aid training;
- d) have training documents that are suitable for the persons eligible to be provided with training and prepared according to the training program specified in this Decree.

4. A Grade C training organization must:

- a) have or sign a lease or cooperation contract to have at least 01 classroom with an area of at least 30 m²;
- b) have or sign a lease or cooperation contract to have machinery, equipment, chemicals, workshop and practice area in accordance with occupational safety and hygiene requirements

and training contents applied for. Machinery, equipment, materials, chemicals and practice area must ensure occupational safety and hygiene requirements as prescribed by law. A practice area must have an area of at least 300 m²;

c) have at least 04 full-time trainers providing training in laws and professional knowledge, two of whom are in charge of professional knowledge and practice training relevant to the training contents applied for and in charge of occupational first aid and emergency aid training;

d) have training documents that are suitable for the persons eligible to be provided with training and prepared according to the training program specified in this Decree.”

12. Article 27 is amended as follows:

“Article 27. The power to receive application, and issue, reissue, extend and revoke the training organization’s certificate of eligibility for provision of training

1. The Ministry of Labor, War Invalids and Social Affairs has the power to receive applications, issue, reissue, extend and revoke the certificate of eligibility for provision of training of:

a) training organizations established by ministries, central government authorities, state groups and corporations affiliated to ministries and central government authorities;

b) Grade C training organizations.

2. The Departments of Labor, War Invalids and Social Affairs of provinces and central-affiliated cities (hereinafter referred to as “the province employment authority”) have the power to receive applications, issue, reissue, extend and revoke the certificate of eligibility for provision of training of Grade B training organizations, except for the training organizations specified in Point a Clause 1 of this Article.

3. The Grade A training organization shall send a declaration of eligibility for provision of training in occupational safety and hygiene according to the Form No. 03b in the Appendix II hereof to the receiving authority. To be specific:

a) The Ministry of Labor, War Invalids and Social Affairs shall receive the declaration sent by training organizations established by ministries, central government authorities, state groups and corporations affiliated to ministries and central government authorities;

b) Province employment authorities shall receive the declaration sent by Grade A training organizations other than those specified in Point a Clause 1 of this Article within the power of the Ministry of Labor, War Invalids and Social Affairs.”

13. Article 28 is amended as follows:

“Article 28. Application and procedures for issuance, extension, adjustment, reissuance and replacement of the occupational safety and hygiene training organization’s certificate of eligibility for provision of training

1. An application for issuance of the certificate of eligibility for provision of training includes:

a) An application form (Form No. 01 in the Appendix II hereof);

b) An explanation for training scope, conditions and solutions (Form No. 02 in the Appendix II hereof);

c) Occupational safety and hygiene training documents (listed using the Form No. 02 in the Appendix II hereof; produced at the request of the competent authority).

2. An application for extension, reissuance, adjustment and replacement of the certificate of eligibility for provision of training includes:

- a) If the certificate expires, the training organization shall submit an application form for extension of the certificate. In the case of any change to the application for which the certificate has been issued, update additional information according to the application for issuance of new certificate for provision of training as prescribed in Clause 1 of this Article;
- b) In the case of adjustment to the scope of operation, the application includes: an application form (Form No. 01 in the Appendix II hereof); an explanation for adjustment to the scope of training (Form No. 02 in the Appendix II hereof);
- c) In case the certificate is damaged or lost, an application form for reissuance shall be submitted;
- d) In the case of change of the organization's name specified in the certificate, it is required to submit an application form for replacement of the certificate and return the original certificate of eligibility for provision of training.

3. Procedures for issuance, extension, adjustment, reissuance and replacement of the certificate of eligibility for provision of occupational safety and hygiene training and publishing of information about the training organization are as follows:

- a) The organization that wishes to apply for issuance, extension or adjustment to the scope of the certificate for provision of training at Grade B or C shall submit an application as prescribed in this Article to a competent authority for appraisal and issuance, extension or reissuance of the certificate of provision of training or renaming of the organization, and pay appraisal fees specified by the Ministry of Finance.

The training organization shall submit the application for extension to a competent authority within 30 days before the expiration date of the certificate.

- b) The training organization that has sent a declaration of eligibility for provision of training in occupational safety and hygiene at Grade A shall submit an application as prescribed in this Article to a competent authority.
- c) Within 25 working days from the receipt of the satisfactory application, the competent authority shall carry out appraisal and issue the certificate of eligibility for provision of training and publish the organization that has been issued with the certificate of eligibility for provision of training or sent the declaration of eligibility for provision of training at grade A on its web portal. In the case of rejection of the application or the declaration, a response and explanation shall be provided in writing.

Within 10 working days from the receipt of the application form for reissuance of the certificate of provision of training in the case of damage or loss, and for replacement of the certificate of provision of training in the case of renaming of the training organization, the competent authority shall reissue the certificate to the applicant.

4. The application shall be submitted to the competent authority, whether directly or by post or through online public service web portal.”

14. Clause 2 of Article 29 is amended as follows:

“2. Procedures for considering and assessing conditions for provision of training to be satisfied by the enterprise that provides training in occupational safety and hygiene itself are as follows:

a) The enterprise that wishes to provide training in occupational safety and hygiene at Grade B or C itself shall send a declaration of eligibility for provision of training as if the training organization sends the declaration to the competent authority as prescribed in Article 27 of this Decree. The enterprise eligible to provide training in occupational safety and hygiene at Grade A itself shall publish the declaration of eligibility for self-training in occupational safety and hygiene on its website or send it to the employment authority of the province where the enterprise is located.

b) Within 25 working days from the receipt of the satisfactory application, the competent authority shall consider issuing the certificate of eligibility for self-training at Grade B and Grade C.

After the aforementioned time limit, if the competent authority does not give any response of enterprise's ineligibility for provision of training, the enterprise is entitled to provide training itself within the registered scope.

c) The certificate of eligibility for self-training at Grade B and Grade C shall remain valid for 5 years. 30 days before the expiration date of the certificate, the enterprise that wishes to keep providing training itself shall send a declaration of eligibility for self-training to the competent authority for re-consideration.

15. Article 31 is amended as follows:

“Article 31. Revocation of the certificate of eligibility for provision of training and suspension of self-training

1. A certificate of eligibility for provision of training shall be revoked in one of the following cases:

a) The organization fails to take any remedial action after the period of time over which the certificate of eligibility for provision of training is suspended according to the competent authority's decision to impose penalties.

b) The organization provides training while the certificate of eligibility for provision of training is being suspended.

2. Any organization or enterprise that sends the declaration of eligibility for self-training at Grade A shall have its self-training suspended if committing violations against regulation on provision of training.”

16. Point c Clause 2 of Article 32 is amended as follows:

“c) Provide assistance for employees through an occupational safety and hygiene training organization.”

17. The second sub-point Point a Clause 2 of Article 33 is amended as follows: “- have at least 02 years' experience of working in the field of occupational environment monitoring or 03 years' experience of working in the field of preventive medicine”

18. The first sub-point Point b Clause 2 of Article 33 is amended as follows: “- Obtain at least a Level 4 of VQF Diploma in medicine, environment or biochemistry;”

19. Points a, b and c Clause 3 of Article 33 are amended as follows:

“a) Monitor harmful elements of the occupational environment

70% of the following elements must be completed:

- Measurement, testing and analysis of microclimate elements, including temperature, humidity, wind speed and thermal radiation on the site and in the laboratory;
 - Measurement, testing and analysis of physical elements, including light, noise, vibration frequency, radiation, electromagnetic field and ultraviolet radiation on the site and in the laboratory;
 - Assessment of occupational exposure elements, including microorganisms, allergy, sensitivity and solvent;
 - Assessment of occupational burden and some ergonomics indicators: physical occupational burden, neuropsychological burden and ergonomic occupational position.
 - Collection of sample, storage, measurement and testing of dust on the site and analysis of dust in the laboratory, analysis of concentration of silica in dust, metal dust, coal dust, talc dust, cotton dust and asbestos dust;
 - Collection of sample, storage, measurement and testing of chemical elements, including NO_x, SO_x, CO, CO₂, organic solvents (benzene and homologues - toluene, xylene), mercury, arsenic, TNT, nicotine and pesticide on the site, and analysis thereof in the laboratory.”
- b) Adopt a plan and procedure for storage, use, maintenance, inspection and calibration of equipment in accordance with regulations of the competent authority or the manufacturer if the competent authority does not lay down any regulations;
- c) Adopt a procedure for use and operation of equipment for collecting and storing samples, measurement, testing and analysis of occupational environment.”²⁰. Clauses 1 and 2 of Article 40 are amended as follows:

“1. Take charge of managing, providing guidelines and inspecting the issuance of certificates of occupational health, first aid and emergency aid training in the workplace. Receive information and publish information about healthcare facilities issuing the occupational health certificate and providing training in first aid and emergency aid in the workplace on the website of the Ministry of Health.

Direct Departments of Health to manage, inspect, receive information and publish information about healthcare facilities providing training in first aid and emergency aid in the workplace and issuing the occupational health certificate on their website.

Introduce regulations on the provision of first aid and emergency aid in the workplace for healthcare facilities of districts or higher level.

2. Introduce regulations on training documents and contents concerning occupational health, first aid and emergency aid in the workplace. Cooperate with the Ministry of Labor, War Invalids and Social Affairs in designing a detailed training program concerning occupational health, first aid and emergency aid in the workplace, occupational safety and hygiene and occupational diseases.”

21. Clause 2 of Article 44 is amended as follows:

“2. Before December 15, the occupational safety inspecting organization shall submit a report on the occupational safety inspection to the Ministry of Labor, War Invalids and Social Affairs, employment authority of the province where the organization’s headquarters is located and the organization operates and the authority that has the power to issue the certificate of eligibility for occupational safety inspection according to the Form in the Appendix Id hereof and send an email to antoanlaodong@molisa.gov.vn”

22. The Form “List of assigned inspectors” in the Appendix Ia of the Decree No. 44/2016/ND-CP is replaced with the Form No. 06 “List of inspectors” in the Appendix I of this Decree.

23. The Forms No. 01 and 02 in the Appendix II of the Decree No. 44/2016/ND-CP are replaced with the Forms No. 01 and 02 in the Appendix I enclosed with this Decree. The Form No. 03 in the Appendix I of this Decree is added as the Form No. 3b in the Appendix II of the Decree No. 44/2016/ND-CP.

24. Section 5 of the training program designed for group 5 specified in the Appendix IV of the Decree No. 44/2016/ND-CP is replaced with Section IV of the training program designed for group 5 specified in the Appendix I of this Decree.

25. The Forms No. 05 and No. 09 in the Appendix II of the Decree No. 44/2016/ND-CP are replaced with the Forms No. 04 and No. 05 in the Appendix I of this Decree respectively.

26. The form of list of documents serving inspection in the Appendix Ia of the Decree No. 44/2016/ND-CP is repealed.

27. The Form No. 03 in the Appendix III of the Decree No. 44/2016/ND-CP is repealed.

Article 2. Repeal of Clause 2 Article 9; Clause 4 Article 11; Point d Clause 2 and Point b Clause 3 Article 12; Clauses 3 and 6 Article 15; Point c Clause 5 Article 18; Clause 3 Article 24 of the Government’s Decree No. 44/2016/ND-CP dated May 15, 2016 on guidelines for some Articles of the Law on Occupational Safety and Hygiene on occupational safety inspection, occupational safety and hygiene training and occupational environment monitoring

Chapter II

VOCATIONAL EDUCATION

Article 3. Amendments to some Articles of the Government’s Decree No. 31/2015/ND-CP dated March 24, 2015 on guidelines for some Articles of the Law on Employment regarding assessment and issuance of certificate of national occupational skill

1. Clause 2 of Article 3 is amended as follows:

“2. Regarding personnel directly assessing occupational skills of participants:

There must be at least 01 (one) person who is working full time at an occupational skill assessment organization, have an occupational skill assessor card (hereinafter referred to as “the assessor card”) in accordance with the occupation and occupational skill level that are covered by the certificate applied for.”

2. Article 6 is amended as follows:

“Article 6. Application and procedures for issuance, reissuance, replacement and adjustment to the certificate of eligibility for provision of assessment service, and issuance of the certificate of national occupational skill

1. Composition of an application

a) An application for issuance of the certificate includes:

- An application form

- An establishment decision issued by the competent authority;

- Documentary evidences for fulfillment of the conditions specified in Article 3 of this Decree.

b) An application for reissuance of the certificate includes:

If the certificate is damaged, too old or lost, an application for reissuance of the certificate includes:

- An application form;
- The issued certificate, except in the case where the certificate is lost.

c) An application for replacement or adjustment to the certificate includes:

In the case of change of name of the occupation or occupational skill level or change of name or address of the headquarters of the occupational skill assessment organization specified in the issued certificate, an application for replacement of the certificate includes:

- An application form;
- The issued certificate, except in the case where the certificate is lost.
- Documents concerning the change(s). In the case of addition of occupation or occupational skill level, it is required to submit documentary evidences for fulfillment of the conditions for infrastructure, equipment and personnel directly assessing occupational skills prescribed in Article 3 of this Decree.

2. Procedures:

- The organization that wishes to apply for issuance, reissuance or replacement of the certificate shall prepare and submit an application as prescribed in Points a, b or c Clause 1 of this Article to the Ministry of Labor, War Invalids and Social Affairs (through the General Department of Vocational Education), whether through online public service web portal or by post. If the application is submitted directly or by post, the documents in the application must be originals or certified true copies. If the application is submitted through online public service web portal, regulations of the law on e-transaction shall be complied with;

Within 10 working days from the receipt of the application, the competent authority shall inspect it and issue, reissue or replace the certificate. If the application is rejected, a response and explanation must be provided in writing.

3. Article 12 is amended as follows:

“Article 12. National occupational skill assessor card

1. An assessor card must clearly specify occupation name and occupational skill level covered by the assessment. The Ministry of Labor, War Invalids and Social Affairs shall specify the form of assessor card and documents in the application for issuance of the assessor card; organize the design of national occupation skill training programs and documents and organize the provision of training to serve issuance of assessor card.

2. Within 03 (three) working days from the assessor card is issued, reissued, replaced, invalidated or revoked, the General Department of Vocational Education affiliated to the Ministry of Labor, War Invalids and Social Affairs (hereinafter referred to as “the General Department of Vocational Education”) shall publish the list of persons who is issued or reissued with the assessor card or whose assessor card is replaced, invalidated or revoked.”

4. Article 13 is amended as follows:

“Article 13. Application and procedures for issuance, reissuance or replacement of the assessor card

1. Composition of an application

a) An application for issuance of the assessor card includes:

- An application form enclosed with 01 (one) 3x4 color picture;
- One (01) set of documentary evidences for fulfillment of the conditions specified in Article 11 of this Decree.

b) An application for reissuance of the assessor card includes:

If the assessor is damaged, too old or lost, an application for reissuance includes:

- An application form enclosed with 01 (one) 3x4 color picture;
- The issued assessor card, except in the case where the card is lost.

c) An application for replacement of the assessor card includes:

In the case of any change to the level of occupational skill to be assessed, an application for replacement includes:

- An application form enclosed with 01 (one) 3x4 color picture;
- The issued assessor card, except in the case where the card is lost;
- Documentary evidences for fulfillment of the conditions for issuance of the assessor card prescribed in Article 11 of this Article.

2. Procedures:

- The applicant for issuance, reissuance or replacement of the assessor card shall prepare and submit an application as prescribed in Points a, b or c Clause 1 of this Article to the General Department of Vocational Education, whether through online public service web portal or by post. If the application is submitted directly or by post, the documents in the application must be originals or certified true copies. If the application is submitted through online public service web portal, regulations of the law on e-transaction shall be complied with.
- Within 07 (seven) working days from the receipt of the application, the General Department of Vocational Education shall inspect it and issue, reissue or replace the assessor card. If the application is rejected, a response and explanation must be provided in writing. ”

5. Clause 1 of Article 22 is amended as follows:

“1. The General Department of Vocational Education shall decide to establish supervisory teams responsible for supervising national occupational skill assessment tests organized at each occupational skill assessment organization.”

6. Clause 1 of Article 23 is amended as follows:

“1. Send a notification of postponement of the national occupational skill assessment test that is being conducted to the General Department of Vocational Education.”

7. Article 26 is amended as follows:

“Article 26. Issuance of the national occupational skill certificate

1. According to the record and consolidated result of the theory and practice tests prepared by the board of examiners, and supervision record prepared by the supervisory team, the occupational skill assessment organization shall decide to recognize the assessment result given by the board of examiners, prepare an application for issuance of the national occupational skill to the candidates who have passed the test and submit it to the General Department of Vocational Education.

2. The General Department of Vocational Education shall consider the application for issuance of the national occupational skill certificate to the candidates who have passed the test and application for reissuance of the national occupational skill certificate; issue the certificate; provide a written response and explanation if the application is rejected; recognize and issue the national occupational skill certificate to the persons mentioned in Article 18 of this Decree; publish the list of persons who is issued or reissued with the national occupational skill certificate or has his/her national occupational skill certificate revoked; collect, manage and use the fees for applying for issuance of the certificate under the guidance of the Ministry of Finance.

3. The Ministry of Labor, War Invalids and Social Affairs shall specify the form of the national occupational skill certificate; application and procedures for issuance and reissuance of the national occupational skill certificate; revocation of the national occupational skill certificate.”

8. The phrase “Bộ Lao động - Thương binh và Xã hội” (“The Ministry of Labor, War Invalids and Social Affairs”) is replaced with “Tổng cục Giáo dục nghề nghiệp thuộc Bộ Lao động - Thương binh và Xã hội” (“The General Department of Vocational Education affiliated to the Ministry of Labor, War Invalids and Social Affairs”) in Clause 3 Article 15; Clause 4 Article 20.

Article 4. Repeal of Articles 7 and 14 of the Government’s Decree No. 31/2015/ND-CP dated March 24, 2015

Article 5. Amendments to some Articles of the Government’s Decree No. 143/2016/ND-CP dated October 14, 2016 on investment and operation in vocational education

1. Clauses 1 and 3 of Article 3 are amended as follows:

“1. Every vocational education institution shall be established in conformity with the planning for network of Vietnamese vocational education institutions. Public vocational education institutions shall operate on the principle of autonomy of public service providers as stipulated by the Government.

3. Every vocational education institution shall have a premise with a minimum area of 1,000 m² (for vocational training facilities); 10,000 m² (for vocational schools in urban areas) and 20,000 m² (for vocational schools in suburban areas); 20,000 m² (for vocational colleges in urban areas) and 40,000 m² (for vocational colleges in suburban areas).”

2. Title of Article 6, Points c and d Clause 1 of Article 6 are amended as follows:

“Article 6. Application for establishment or for permission to establish vocational education institutions

c) A draft of the layout plan of architectural works, which is conformable to the disciplines, training scope and level and criteria for construction area and area used for learning and teaching;

d) Certified true copies of the land use right certificate, house ownership certificate of the organization or individual, which specify address, area and boundaries of the land lot and agreement on regulations on lease of furnished facilities and other relevant legal documents which remain valid for at least 05 years from the date of submitting the application.

3. Article 9 is amended as follows:

“Article 9. Conditions and procedures for establishing and granting permission for establishment of branches of vocational schools and colleges

1. A branch shall be established according to the discipline, level and scope of training to be provided in the branch.

2. Conditions and procedures for establishing and granting permission for establishment of branches of vocational schools and colleges are specified in Clause 3 Article 16 of the Law on Vocational Education.”

4. Points a and b Clause 1 of Article 10 are amended as follows:

“a) Total division, partial division or merger of vocational education institutions shall be carried out in conformity with the approved planning for network of vocational education institutions;

b) Interests of learners, teachers, lecturers, officials, personnel and employees shall be protected;”

5. Clause 3 is added to Article 13 as follows:

“3. The vocational education institution that has been renamed is entitled to keep providing training in the discipline that is covered by the certificate of registration of vocational education issued by the competent authority.”

6. Article 14 is amended as follows:

a) Point b of Clause 2 is amended as follows:

“b) The vocational education institution shall be provided with facilities and training equipment according to the discipline, training scope and level. To be specific:

Classrooms, labs, practice rooms and workshops and pilot production facilities shall be available. The area of each room must be at least 5.5 m².

Training equipment provided according to each discipline must meet the minimum standards laid down by the Minister of Labor, War Invalids and Social Affairs. If the minimum standard for training equipment by registered discipline is yet to be issued by the Minister of Labor, Invalids and Social Affairs, sufficient training equipment shall be provided according to the scope of training and as stipulated in the training program.

The vocational education institution must have a library which is provided with software and equipment serving the purpose of borrowing, searching and studying documents, and store books, textbooks, lectures and relevant documents for teaching and studying.

The vocational education institution must have sufficient working office, administrative areas and school headquarters according to faculties and disciplines which shall be large enough to provide at least 06 m² per person (for vocational intermediate-level training) and 08 m² per person for college-level training).

There must be works serving culture, entertainment, sports and healthcare services to meet the needs of officials, teachers, lecturers and students.”

b) Point d of Clause 2 is amended as follows:

“d) The vocational education institution must employ sufficient and qualified teachers, lecturers and officials who meet teacher’s standards, professional and pedagogical requirements under regulations of laws to achieve the training objectives and fulfill the training programs. To be specific:

The ratio of students to teachers and lecturers shall not exceed 25. Full-time teachers and lecturers must undertake at least 60% of the program intended for each discipline.

Foreign teachers/lecturers delivering lectures at foreign-invested vocational schools, colleges or universities shall comply with regulations on foreign workers in Vietnam as stipulated in Vietnam's laws.”

7. Point b Clause 2 of Article 15 is amended as follows:

“b) A copy of the investment registration certificate (if any)

8. Clause 8 of Article 18 is amended as follows:

“8. A vocational education institution is renamed”.

9. Clauses 3 and 4 of Article 19 are amended as follows:

“3. An application for addition of vocational education activities in the cases prescribed in Clause 8 Article 18 of this Decree includes:

a) An application form;

b) A copy of the decision to rename the vocational education institution.

4. An application for addition of vocational education activities in the case prescribed in Clause 9 Article 18 of this Decree includes:

An application form for termination of admission or decrease in admission quota of the discipline that is covered by the certificate of registration of vocational education.”

10. The Appendix Va is amended as follows:

“Sections II and III Part 1 of the form of the report on registration of vocational education are repealed.”

Article 6. Repeal of some Articles of the Government's Decree No. 143/2016/ND-CP dated October 14, 2016

1. Clause 2 of Article 3 is repealed.

2. Article 5 is repealed.

3. Clause 4 of Article 6 is repealed.

4. Point d Clause 1 of Article 14 is repealed.

5. Points b and d Clause 1, and Point d Clause 2 of Article 15 are repealed.

Article 7. Amendments to some Articles of the Government's Decree No. 49/2018/ND-CP dated March 30, 2018 on vocational education accreditation

1. Clause 2 of Article 4 is amended as follows:

“2. The domestic organization shall have a stable office for at least 2 years and sufficient equipment for vocational education accreditation.”

2. Point c Clause 1 of Article 8 is amended as follows:

“c) Profile of the person who is directly in charge of vocational education accreditation of the accreditation organization: A decision on appointment of the person who is directly in charge of vocational education accreditation and a copy of the accreditor card.”

Article 8. Repeal of Clause 2 Article 6 of the Government's Decree No. 49/2018/ND-CP dated March 30, 2018 on vocational education accreditation

Chapter III

SOCIAL VICES PREVENTION

Article 9. Amendments to some Articles of the Government's Decree No. 147/2003/ND-CP dated December 02, 2003 on conditions and procedures for issuance of license to, and management of operations of voluntary rehabilitation centers

1. Article 5 is amended as follows:

“Article 5. Conditions for provision of detoxification and health recovery services

1. Regarding infrastructure

- a) There must be places for reception of drug addicts and emergency aid with an area of at least 30 m²; place for post-detoxification follow-up with an area of at least 5m² per drug addict, and living facilities (public toilets, beds, mats, blankets and mosquito nets exclusively for each person) to ensure that a drug addict stays for at least 20 days from the date of detoxification;
- b) There must be sufficient equipment and medical instruments for detoxification and post-detoxification follow-up and equipment specified in the Appendix II hereof, and drugs used in detoxification, anti-shock drugs, specialized emergency drugs and other necessary drugs specified by the Ministry of Health;
- c) Drug addicts under 18 years of age, female drug addicts and drug addicts who suffer from communicable diseases or psychosis must be separately managed.

2. Regarding personnel:

- a) The head of the rehabilitation center must obtain at least a degree of associate and certificate of completion of the basic rehabilitation training course;
- b) A rehabilitation center's person in charge must be a doctor who has been issued with the practicing certificate in respect of psychiatry or rehabilitation treatment, has practiced medical examination and treatment for at least 36 full months including at least 12 full months of providing detoxification;
- c) Officials, medical staff, consultants and nurses working at rehabilitation centers must obtain at least a relevant Level 4 of VQF Diploma and certificate of completion of the basic rehabilitation training course.

2. Article 7 is amended as follows:

“Article 7. Conditions to be satisfied by centers in charge of behavior and personality education; occupational therapy, career orientation, vocational training and preparation for community reintegration; and drug addiction relapse prevention

1. Regarding infrastructure

- a) There must be places for reception, healthcare and follow-up. Drug addicts under 18 years of age, female drug addicts and drug addicts who suffer from communicable diseases or psychosis must be separately managed;
- b) There must be places for learning, entertainment, sports, exercise, cultural and artistic activities according to the behavior and personality education program intended for persons undergoing detoxification;
- c) There must be premises and workshops suitable for provision of occupational therapy for persons undergoing detoxification.

2. Regarding personnel:

- a) The person in charge must obtain at least a degree of associate in sociology, psychology or medicine, have directly provided detoxification of at least 12 full months, have the certificate of completion of the basic rehabilitation training course and work full time at the rehabilitation center;
- b) Officials, medical staff, consultants, nurses, technicians and teachers working at rehabilitation centers must obtain at least a relevant Level 4 of VQF Diploma and certificate of completion of the basic rehabilitation training course.”

Chapter IV

EMPLOYMENT

Article 10. Amendments to some Articles of the Government’s Decree No. 52/2014/ND-CP dated May 23, 2014 on conditions and procedures for issuance of license for provision of employment services to employment service providers

1. Article 11 is amended as follows:

“Article 11. Application for the license

1. The applicant for the license for provision of employment services shall submit 01 (one) application to the licensing authority, whether directly or by post. An application includes:

- a) An application form;
- b) A copy of the written confirmation of deposit payment prescribed in Article 10 of this Decree;
- c) Documentary evidences for fulfillment of the conditions specified in Article 8 of this Decree.

2. Within 7 working days from the receipt of the satisfactory application, the licensing authority shall issue the license for provision of employment services to the applicant. If the application is rejected, a response and explanation shall be provided in writing.”

2. Article 12 is amended as follows:

“Article 12. Notification of provision of employment services

1. Within 20 working days from the date of receiving the license, the employment service provider shall publish the license, location, services covered by the license, account, name of the director and phone number on mass media.

2. 10 working days before the date of starting to provide employment services, the employment service provider shall notify the licensing authority of the area where its headquarters is located in writing of date of starting to provide employment services.

3. In the case of relocation of its headquarters or branch, the head of the employment service provider shall send the licensing authority a notification of the new location enclosed with documentary evidences for the possession of a legitimate new location under according to Article 8 of this Decree 10 working days before the date of relocation.”

3. Clauses 2 and 3 of Article 13 are amended as follows:

“2. The applicant for reissuance of the license for provision of employment services shall submit 01 (one) application to the licensing authority, whether directly or by post. An application includes:

- a) An application form;

b) The damaged license or copies of documentary evidences for changes to one of the contents of the license.

3. Within 5 working days from the receipt of the satisfactory application, the licensing authority shall reissue the license to the applicant. If the application is rejected, a response and explanation shall be provided in writing.”

4. Clauses 1 and 3 of Article 14 are amended as follows:

“1. Within 20 working days before the expiration date of the license, the applicant for extension of the license for provision of employment services shall submit 01 (one) application to the licensing authority, whether directly or by post. An application includes:

An application form;

The expired license;

Copies of documentary evidences for fulfillment of the conditions specified in Article 7 of this Decree.

3. Within 5 working days from the receipt of the satisfactory application, the licensing authority shall extend the license for provision of employment services. If the application is rejected, a response and explanation shall be provided in writing.”

5. Clause 3 of Article 16 is amended as follows:

“3. Within 5 working days from the date of issuance, reissuance, extension or revocation of the license, the licensing authority shall send a notification to the People's Committee of the district where the employment service provider's headquarters is located.”

6. Clause 2 of Article 17 is amended as follows:

“2. Within 10 working days from the date of assigning tasks to its branch, the employment service provider shall notify the licensing authority of the area where its headquarters is located.”

Article 11. Amendments to some Articles of the Government’s Decree No. 11/2016/ND-CP dated February 03, 2016 on elaboration of some Articles of the Labor Code regarding foreign workers in Vietnam

1. Point l is added to Clause 1 of Article 2 as follows:

“l) Relatives of members who are allowed to execute their functions in foreign missions in Vietnam under the international treaty to which the Socialist Republic of Vietnam is a signatory.”

2. Article 4 is amended as follows:

“Article 4. Employment of foreign workers

1. Determination of demand for foreign workers

a) The employer (except for contractors) shall determine the demand for foreign workers for every job position in which Vietnamese workers are incompetent and send reports to the People’s Committee of the province or central-affiliated city (hereinafter referred to as “the People’s Committee of the province”) where the planned working place of foreign workers is located. The employer shall send a report to the People’s Committee of the province if the demand for foreign workers is changed in the course of execution.

b) In the cases specified in Clause 3, 4, 5 and 8 Article 172 of the Labor Code and Points e, h and i Clause 2 Article 7 herein, employers are not required to determine the demand for foreign workers if such foreign workers belong to.

2. a) The People's Committee of the province shall grant a written approval for the employment of foreign workers in each job position to the employer."

3. Point i Clause 2 of Article 7 is amended as follows:

"i) Relatives of members who are executing their functions in foreign missions in Vietnam and exempt from work permits under the international treaty to which the Socialist Republic of Vietnam is a signatory;"

4. Point m is added to Clause 2 of Article 7 as follows:

"m) The workers are responsible for establishing the commercial presence"

5. Clause 2 of Article 8 is amended as follows:

"2. The employer shall request the employment authority of the province where the planned working place of foreign workers is located to certify that such foreign workers are eligible for exemption from work permits at least 07 working days before the date on which they start to work. In the cases stated in Clauses 4 and 5 Article 172 of the Labor Code and Points e and i Clause 2 Article 7 herein, it is not required to follow procedures for certifying foreign workers are eligible for exemption from work permits."

6. Clause 6 of Article 10 is amended as follows:

"6. A copy of the passport or a substitute for the passport or international travel document which remains valid in accordance with the law."

7. Clause 2 of Article 12 is amended as follows:

"2. Within 05 working days from the receipt of the satisfactory application is received, the province employment authority shall issue the work permit to the foreign worker using the form specified and released by the Ministry of Labor, War Invalids and Social Affairs. If the application is rejected, a response and explanation shall be provided in writing."

8. Point b Clause 1 of Article 20 is amended as follows:

"b. Giving approval on demand for foreign workers; granting certificates of eligibility for exemption from the work permit; issuing and reissuing the work permit and requesting the police agencies to expel the foreign workers working in Vietnam without the work permit, applicable to the foreign workers working for the employers prescribed in Points d, dd, e, g and l Clause 2 Article 2 of this Decree and the employers in Point a Clause 2 Article 2 whose headquarters is located within a province or city but office representatives and branches are located within other provinces and cities are entitled to select to do so at the Ministry of Labor, War Invalids and Social Affairs.

Article 12. Repeal of Clause 2 Articles 7 and 9 of the Government's Decree No. 52/2014/ND-CP dated May 23, 2014 on conditions and procedures for issuance of license for provision of employment services to employment service providers

Article 13. Repeal of Point b Clause 3 Article 8 and Article 17 of the Government's Decree No. 11/2016/ND-CP dated February 03, 2016 on elaboration of some Articles of the Labor Code regarding foreign workers in Vietnam

Chapter V

SOCIAL INSURANCE

Article 14. Amendments to some Articles of the Government's Decree No. 166/2016/ND-CP dated December 24, 2016 on electronic transactions in social, health and unemployment insurance

1. Article 22 is amended as follows:

“Article 22. Registration of use of or cessation of using electronic transaction method in social insurance or adjustment to information provided in the declaration of registration of use of electronic transaction method in social insurance

1. Any organization or individual that wishes to apply for registration of entry into electronic transaction in social insurance or cessation of using electronic transaction method in social insurance or adjustment to information provided in the declaration of registration of use of electronic transaction method in social insurance shall complete the Declaration by using the Form No. 01 in the Appendix III hereof and send the electronic copy thereof to the Vietnam Social Security's web portal or the physical copy to the Vietnam Social Security.

2. Within 03 working days from the receipt of such Declaration, the Vietnam Social Security must send a notification of approval to email of the organization/individual. In case of refusal, the Vietnam Social Security must send a notification stating reasons thereof.

3. Since the cessation of electronic transactions in social insurance is approved by the Vietnam Social Security, the organization/individual shall conduct paper-based transactions with social security offices in accordance with regulations. Any organization/individual that wishes to resume the use of electronic transaction method in social insurance must apply for registration as prescribed in Clause 1 of this Decree.”

2. Article 27 is amended as follows:

“Article 27. Registration of use of or cessation of using I-VAN services or adjustment to information provided in the declaration of registration of use of I-VAN services

1. Any organization or individual that wishes to apply for registration of use of or cessation of using I-VAN services or adjustment to information provided in the declaration of registration of use of I-VAN services shall complete the Declaration by using the Form No. 02 in the Appendix III hereof and send the electronic copy thereof to the I-VAN Organization. Within 02 hours from the receipt of the Declaration from the SSAV, the I-VAN Organization shall send it to the Vietnam Social Security's web portal.

2. Within 03 working days from the receipt of the Declaration, the Vietnam Social Security must send a notification of approval to the I-VAN Organization. In case of refusal, the Vietnam Social Security must send a notification stating reasons thereof.

3. Within 02 hours from the receipt of the notification, the I-VAN Organization must send a notification to the participant in electronic transactions in social insurance.

4. In case of change of I-VAN Organization, the participant in electronic transactions in social insurance must apply for registration of cessation of use of I-VAN services and reapply for registration of use of I-VAN services according to Clause 1 of this Article.

5. The participant in electronic transactions in social insurance shall, as of the receipt of the notification approving the cessation of the use of I-VAN services, follow procedures for registration of paper-based social insurance transactions.”

Article 15. Repeal of Articles 23, 24, 28 and 29 of the Government’s Decree No. 166/2016/ND-CP dated December 24, 2016 on electronic transactions in social, health and unemployment insurance and Article 15 of the Government’s Decree No. 134/2015/ND-CP dated December 29, 2015 detailing some articles of the Law on Social Insurance concerning voluntary social insurance.

Chapter VI

SOCIAL PROTECTION

Article 16. Amendments to some Articles of the Government’s Decree No. 103/2017/ND-CP dated September 12, 2017 on establishment, organizational structure, operation, dissolution and management of social support facilities

1. Article 11 is amended as follows:

“Article 11. Establishment, restructuring and dissolution

The establishment, restructuring and dissolution of public social support facilities within the power of the People's Committee of the province shall comply with regulations of the Government's Decree No. 55/2012/ND-CP dated June 28, 2012 on establishment, restructuring and dissolution of public service providers (hereinafter referred to as “the Decree No. 55/2012/ND-CP”).

2. Article 17 is amended as follows:

“Article 17. Registration of establishment or change in contents or reissuance of the certificate of establishment

1. The applicant shall submit an application for registration of establishment to the issuing authority, whether directly or by post.

2. Any applicant that wishes to change the contents specified in the certificate of establishment or apply for reissuance of the certificate of establishment shall submit an application prescribed in Article 20 of this Decree to the issuing authority, whether directly or by post.

3. Within 05 working days from the receipt of the satisfactory application, the issuing authority shall consider and issue the certificate of establishment to the applicant for new certificate of establishment, and issue the certificate of establishment to the applicant for change in the contents or reissue the certificate of establishment to the applicant for reissuance of the certificate of establishment. If the applicant is not eligible as prescribed, the issuing authority shall provide a written response and explanation.

4. A facility which is established under the law on enterprises or the law on organization, operation and management of social support associations or facilities in charge of less than 10 beneficiaries is not required to follow procedures for registration of establishment mentioned in Section 2 Chapter III herein.”

3. Article 20 is amended as follows:

“Article 20. Application for registration of change in contents or reissuance of the certificate of establishment

1. An application form.

2. A copy of the issued certificate of establishment.

4. Point b Clause 1 of Article 29 is amended as follows:

“b) A copy of the certificate of establishment or establishment decision prescribed by law.”

Article 17. Amendments to some Articles of the Government’s Decree No. 136/2013/ND-CP dated October 21, 2013 on social support policies for social protection beneficiaries and Government’s Decree No. 28/2012/ND-CP dated April 10, 2012 on guidelines for some Articles of the Law on Persons with Disabilities

1. Article 7 of the Decree No.136/2013/ND-CP is amended as follows:

“Article 7. Application for monthly social benefits and monthly care assistance

1. An application for monthly social benefits includes an application form made using the Forms No. 1a, 1b, 1c, 1d and 1dd in the Appendix IV enclosed with this Decree.

2. An application for monthly care assistance includes:

a) A declaration of the household having disabled persons (Form No. 2a in the Appendix enclosed with this Decree);

b) An application form for social protection beneficiary caregiving with certification of eligibility by the President of People’s Committee of the commune made using the Form No. 2b in the Appendix IV enclosed with this Decree;

c) An application form made by a beneficiary entitled to receive care using the Form No. 03 in the Appendix IV enclosed with this Decree if such beneficiary does not receive monthly social benefits;

3. A written proposal made by the beneficiary, his/her guardian or relevant organization/individual in case of applying for adjustment to the benefits, waiving the right to benefits or changing place of residence.”

2. Article 8 of the Decree No.136/2013/ND-CP is amended as follows:

“Article 8. Procedures for providing, adjusting or waiving the right to monthly social benefits or monthly care assistance

1. Procedures for providing, adjusting or waiving the right to monthly social benefits or monthly care assistance are as follows:

a) The beneficiary, his/her guardian or relevant organization/individual shall prepare an application prescribed in Article 7 of this Decree and submit it to the President of the People’s Committee of the commune. Upon submission of the application, the following documents shall be produced for comparison:

- Family register of the beneficiary or written confirmation provided by the police authority of the commune.

- Birth certificate of the child in case of considering providing social benefits to the child, poor person who is raising his/her child or disabled person who is raising his/her child.

- Written certification of HIV infection issued by a competent health authority in case of HIV infection.

- Written certification of pregnancy issued by a competent health authority in case the disabled person is having pregnancy.

- Disability certificate in the case of disabled person.

b) Within 10 working days from the receipt of the satisfactory application, the appraisal council shall consider appraising it and publish the appraisal result at the People's Committee of the commune within 05 working days, except the beneficiary's HIV-related information.

After the period of time over which the result is published, if no complaint is lodged, the appraisal council shall include the minutes of final meeting to the beneficiary's application and submit it to the People's Committee of the commune.

In case any complaint is lodged, within 10 working days from the receipt of the complaint, the appraisal council shall give a conclusion and publish the complaint-related issues and submit them to the President of People's Committee of the commune;

c) Within 03 working days from the receipt of the conclusion record sent by the appraisal council, the President of the People's Committee of the commune shall submit a written request (enclosed with the beneficiary's application) to the district employment authority.

d) Within 07 working days from the receipt of the beneficiary's application and written request submitted by the President of People's Committee of the commune, the district employment authority shall carry out appraisal and request the President of People's Committee of the district in writing to decide to provide social benefits to the beneficiary. In case of ineligibility for receipt of social benefits, the district employment authority shall provide a written response and explanation;

dd) Within 03 working days from the receipt of the written request sent by the district employment authority, the President of People's Committee of the district shall consider providing monthly social benefits to the beneficiary.

The date on which the elderly starts receiving monthly social benefits as prescribed in Point b Clause 5 Article 5 of this Decree begins from the date on which he/she reaches 80 years of age. The date on which other beneficiaries start receiving monthly social benefits begins from the month in which the President of People's Committee of the district signs the decision on provision of monthly social benefits.

Beneficiaries is allowed to apply for adjustment to or waive their right to monthly social benefits from month date on which other beneficiaries start receiving monthly social benefits begins from the month following the month in which the President of People's Committee of the district signs the decision.

2. If a beneficiary of monthly social benefits is dead, the President of People's Committee of the commune shall notify the district employment authority, which will request the President of People's Committee of the district to decide to waive such beneficiary's right to monthly social benefits.

The beneficiary's right to monthly social benefits shall be waived from the month following the month in which the beneficiary is dead.

3. Procedures for providing monthly social benefits if the beneficiary changes his/her place of residence within the same district are as follows:

a) The beneficiary or his/her guardian shall submit an application form for receipt of monthly social benefits to the President of People's Committee of the commune where his/her new place of residence exists;

b) Within 03 working days from the receipt of the application form, the President of the People's Committee of the commune shall send a notification to the district employment authority;

c) Within 03 working days from the receipt of the notification sent by the President of the People's Committee of the commune, the district employment authority shall consider providing monthly social benefits to the beneficiary at his/her new place of residence.

4. Procedures for providing monthly social benefits if the beneficiary changes the place of residence within multiple districts are as follows:

a) The beneficiary who changes his/her place of residence shall submit an application form for receipt of monthly social benefits to the President of the People's Committee of the commune where he/she is receiving monthly social benefits;

b) The President of the People's Committee of the commune shall send a notification to the district employment authority;

The district employment authority shall request the President of People's Committee of the district to issue a decision on provision of monthly social benefits at the old place of residence and shall submit the beneficiary's application to the President of People's Committee of the commune where the new place of residence exists;

c) Within 03 working days from the receipt of the application, the President of the People's Committee of the commune shall confirm and transfer it to the district employment authority;

d) Within 05 working days from the receipt of the beneficiary's application, the district employment authority shall appraise it and submit it to the President of People's Committee of the district to decide to provide monthly social benefits to the beneficiary from the month following the month specified in the decision to waive the right to monthly social benefits issued by the President People's Committee of the district where the beneficiary's old place of residence exists.”

Article 18. Repeal of Articles 20, 21 and 22 of the Government's Decree No. 28/2012/ND-CP dated April 10, 2012 on guidelines for some Articles of the Law on Persons with Disabilities; Article 21 of the Government's Decree No. 136/2013/ND-CP dated October 21, 2013 on social support policies for social protection beneficiaries.

Chapter VII

IMPLEMENTATION

Article 19. Effect and implementation

1. This Decree comes into force from the date on which it is signed.
2. Ministers, heads of ministerial agencies, heads of Governmental agencies and Presidents of People's Committees of provinces and central-affiliated cities shall provide guidelines and implement this Decree./.

**ON BEHALF OF THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc