JOINT CIRCULAR
GUIDING THE MANAGEMENT AND USE OF THE OVERSEAS EMPLOYMENT SUPPORT FUND

Pursuant to the Governments Decree No. 186/2007/ND-CP of December 25, 2007, defining the functions, tasks, powers and organizational structure of the Ministry of Labor, War Invalids and Social Affairs;
Pursuant to the Governments Decree No. 77/2003/ND-CP of July 1, 2003, defining the functions, tasks, powers and organizational structure of the Ministry of Finance;
Pursuant to the Prime Ministers Decision No. 144/2007/QD-TTg of August 31, 2007, on the setting up, management and use of the Overseas Employment Support Fund (below referred to as Decision No. 144/2007/QD-TTg);
The Ministry of Labor, War Invalids and Social Affairs and the Ministry of Finance jointly guide the management and use of the Overseas Employment Support Fund (below referred to as the Fund) as follows:

I. SOURCES, LEVELS AND MODE OF CONTRIBUTION TO THE FUND

1. The balance transferred from the Labor Export Support Fund.

2. Service enterprises contributions under Clause 2, Article 2 of Decision No. 144/2007/QD-TTg, which are specified as follows:
   a/ Service enterprises shall deduct 1% of their annual service revenues for contribution to the Fund.

   The annual service revenue used as a basis for calculating contributions to the Fund is annual service turnover of a service enterprise. The enterprise may account this contribution as an expense for sending workers abroad.

   b/ Quarterly, by the 10th of the first month of the subsequent quarter, service enterprises shall themselves make declarations and contributions to the Fund according to regulations. By the end of the first quarter of the subsequent year, service enterprises shall make full contributions and send to the Fund finalization reports of the previous year (made according to a set form, not printed herein).

3. Workers contributions under Clause 3, Article 2 of Decision No. 144/2007/QD-TTg, which are specified as follows:
   a/ Workers shall contribute VND 100,000/ person/contract (also covering the extended contract duration) and will be granted- fund participation certificates.
A fund participation certificate will entitle the named worker to benefits specified in this Circular. Such a certificate is valid from the time a worker makes contribution to the time his/her labor contract terminates, including the extended contract duration.

The Fund Executive Board is responsible for printing, distributing and supplying fund participation certificates to workers through worker-sending enterprises or organizations and provincial-level Services of Labor. War Invalids and Social Affairs (made according to a set form, not printed herein).

b/ Workers sent abroad through service enterprises, contract-performing enterprises, non-business organizations or offshore investors (below collectively referred to as worker-sending enterprises or organizations) shall, before going abroad, make contributions to the Fund when attending training courses on necessary knowledge.

c/ Workers sent abroad under individual contracts shall make contributions to the Fund when registering contracts at provincial-level Services of Labor. War Invalids and Social Affairs.

d/ Worker-sending enterprises or organizations and provincial-level Services of Labor, War Invalids and Social Affairs shall collect workers contributions to the Fund in accordance with this Circular and grant certificates to workers under the guidance of the Funds Executive Board; and monthly, by the 10th of the subsequent month, transfer fully the previous months revenues to the Funds account.

e/ Quarterly and annually, worker-sending enterprises or organizations and provincial-level Services of Labor, War Invalids and Social Affairs shall send to the Fund reports on the collection and remittance of workers contributions to the Fund (made according to a set form, not primed herein), enclosed with lists of workers (made according to a set form, not printed herein).

4. State budget supports in special cases under the Prime Ministers decisions.

5. Other sources (deposit interests, funds of domestic and foreign organizations and individuals).

II. SUPPORT CONTENTS, LEVELS, ORDER AND PROCEDURES

1. Supports to expand and develop overseas labor markets under Clause 1, Article 3 of Decision No. 144/2007/QD-TTg are specified as follows:

a/ Supports for exploring new labor markets

New labor markets include countries and territories to which Vietnamese guest workers have not yet been sent.

- Support beneficiaries: organizations and individuals representatives invited by the Ministry of Labor, War Invalids and Social Affairs to participate in visits to explore new labor markets.

- Support levels: The Fund shall cover return air fares from Vietnam to the host country and vice versa for invited enterprise representatives and all expenses for state budget-salaried officials according to regulations.

- Support order and procedures: Based on the Labor. War Invalids and Social Affairs Ministries decisions inviting officials to participate in visits to explore overseas labor markets, the Fund shall buy air tickets and cover other expenses (if any) for the invited representatives of organizations and individuals.
- Within 7 days after finishing a work trip, support beneficiaries shall submit expense documents to the Fund for carrying out payment procedures according to regulations.

b/ Supports for enterprises to explore new labor markets

- Support beneficiaries and conditions: The Fund shall provide supports for the first 5 (five) service enterprises which have succeeded in exploring and sending workers to new labor markets.

- The support level is up to 30% of air fares and work-trip allowances for enterprises officials who went abroad to explore new labor markets (according to the package level set by the Ministry of Finance for cadres and civil servants going on overseas short-term work trips funded by the state budget), which must not exceed USD 5,000 (five thousand)/enterprise/market.

- Support order and procedures: A service enterprise, which is certified by the Overseas Employment Management Department as one of the first 5 enterprises having succeeded in exploring and sending workers to new labor markets (made according to a set form, not printed herein), shall send to the Fund a written request for supports, enclosed with the following documents:

  + The competent agency's or organizations (original) decision sending the enterprises officials to work abroad;

  + A statement of expenses for air tickets and work-trip allowances for the enterprises officials going abroad to explore new labor markets (enclosed with all expense documents for comparison).

- Time limit for providing supports: The Fund shall provide supports within 30 working days after receiving sufficient documents as prescribed; if refusing to provide supports, it shall give a written reply clearly stating the reason.

c/ Supports for enterprises to consolidate and develop traditional labor markets

Traditional labor markets include countries and territories to which Vietnamese guest workers have been sent and which continue to receive Vietnamese workers.

- Support beneficiaries and conditions: service enterprises which have sent more than 500 workers/year/market with a workers basic salary of at least USD 500/month. or 1,000 workers/year/market with a workers basic salary of under USD 500/month and settled in time problems of workers.

- The support level is up to 30% of the cost-of-living allowance for enterprises worker managers overseas (which is the minimum cost-of-living allowance set by the Ministry of Finance for cadres and civil servants working at overseas Vietnamese representative missions), which must not exceed USD 3,000 (three thousand)/enterprise/year/market.

- Support order and procedures: Annually, a service enterprise shall send to the Fund a written request for supports, with the Overseas Labor Management Departments certification of the number of sent workers and the situation of management of overseas workers (made according to a set form, not printed herein), enclosed with the following documents:

  + The competent agency's or organizations (original) decision sending the enterprises officials abroad to manage workers;
+ A statement of expenses for cost-of-living allowances for the enterprises work managers overseas (enclosed with all expense documents for comparison).

- Time limit for providing support: The Fund shall provide supports within 15 working days after receiving sufficient documents as prescribed; if refusing to provide supports, it shall give a written reply clearly stating the reason.

d/ Supports for the Labor, War Invalids and Social Affairs Ministrys activities aiming to establish relations, mobilize partners, gather information for exploring new labor markets, and consolidate and develop traditional labor markets, which are not funded by the state budget.

- The support level must not exceed 30% of total annual expenses for activities of exploring and creating overseas labor markets according to approved estimates.

Annually, the Fund shall make and submit estimates of financial supports for the above activities to the Minister of Labor, War Invalids and Social Affairs for approval.

Support order and procedures: When it is necessary to carry out the above activities, agencies, organizations and individuals tasked to perform these activities shall submit specific reports on these activities and their cost estimates to the Ministry of Labor, War Invalids and Social Affairs for approval. Based on the approved activities and cost estimates, the Fund shall provide and finalize financial supports according to regulations:

e/ Supports for disseminating information on Vietnamese guest workers

- Support beneficiaries and conditions: agencies licensed by the Minister of Labor, War Invalids and Social Affairs to disseminate information on Vietnamese guest workers.

- The support level is up to 50% of actual expenses but must not exceed 50% of approved estimates.

- Support order and procedures: Concerned agencies shall send to the Fund written requests for supports, enclosed with the Labor, War Invalids and Social Affairs Ministers decisions permitting them to disseminate information on Vietnamese guest workers (indicating specific activities and cost estimates for carrying out these activities).

- Time limit for providing supports: Within 10 days after receiving sufficient documents as prescribed, the Fund shall advance financial supports equal to 35% of approved cost estimates. If refusing to make advance, it shall give a written reply clearly stating the reason.

- Within 15 days after completing information activities, concerned agencies shall make payment and finalization with the Fund according to regulations. A payment and finalization dossier comprises a written request for payment and a statement of expenses (enclosed with all expense documents for comparison).

2. Supports for training and retraining to raise the quality of workforce under Clause 2, Article 3 of Decision No. 144/2007/QD-TTg are specified as follows:

a/ Textbooks and materials on foreign languages and knowledge necessary for workers

- Support beneficiaries: workers sent abroad by worker-sending enterprises or organizations or under individual contracts.
- Support levels: The Fund shall provide free textbooks and materials on foreign languages and necessary knowledge to workers through worker-sending enterprises or organizations or provincial-level Services of Labor, War Invalids and Social Affairs (for individual contracts).

- Support order and procedures:
  + Quarterly, worker-sending enterprises or organizations and provincial-level Services of Labor, War Invalids and Social Affairs (for individual contracts) shall make reports and request the supply of materials to workers (according to a set form, not printed herein);
  + Worker-sending enterprises or organizations and provincial-level Services of Labor, War Invalids and Social Affairs shall make monitoring books and supply materials to workers; and annually, send to the Fund reports on the supply of materials to workers (made according to a set form, not printed herein).

b/ Tuition fees for training job skills, foreign language skills and necessary knowledge for workers

- Support beneficiaries and conditions: workers being children of war invalids, martyrs and people with meritorious deeds who are entitled to preferential policies, workers in poor households, and ethnic minority workers.

- The support level is equal to 50% of the payable tuition fee as prescribed but must not exceed VND 1,500,000/worker.

- Support order and procedures:
  + Eligible workers, when starting to attend training courses on job skills, foreign language skills and necessary knowledge, shall make applications for tuition fee supports, with commune-level Peoples Committees certification of their household registration and eligibility (according to a set form, not printed herein):
  + Worker-sending enterprises or organizations shall send to the Fund lists of eligible workers (according to a set form, not printed herein), enclosed with workers applications:

- Time limit for providing supports: Within 10 days after receiving sufficient documents as prescribed, the Fund shall provide financial supports to workers through worker-sending enterprises or organizations; if refusing to provide supports, it shall give a written reply clearly stating the reason. Within 5 working days after receiving financial supports from the Fund, worker-sending enterprises or organizations shall pay them to workers or reduce tuition fees equivalent to the support levels.

c/ Supports for improving workers job and foreign language skills, with regard to markets with strict requirements on job and foreign language skills

- Support beneficiaries and conditions: workers attending training courses under the Labor, War Invalids and Social Affairs Ministry-approved pilot schemes on sending workers to markets which impose strict requirements on job and foreign language skills.

- The support level is equal to 20% of the payable tuition fee as prescribed but must not exceed VND 2,000,000/worker.

- Support order and procedures: Pilot scheme-implementing enterprises or organizations shall send to the Fund list of workers to attend training courses (made according to a set form not
printed herein), requesting financial supports for workers, enclosed with written approval of the implementation of schemes (clearly indicating jobs, the number of workers, training contents, and tuition fee levels).

- Time limit for providing supports: Within days after receiving sufficient documents as prescribed, the Fund shall provide financial supports to workers through scheme-implementing enterprises or organizations; if refusing to provide supports, it shall give a written reply clearly stating the reason. Scheme-implementing enterprises or organizations shall pay financial supports to workers or reduce tuition fees equivalent to the support levels.

3. Supports for handling risks of workers and service enterprises under Clause 3. Article 3 of Decision No. 144/2007/QD-TTgare specified as follows:

a/ Supports for relatives of dead workers

Support beneficiaries: relatives of workers who die overseas. Relatives must be those authorized by workers under guest worker contracts.

- Support level: VND 10,000,000/case.

- Support order and procedures: The workers relative shall send to the Fund an application for risk supports, with commune-level Peoples Committees certification of the workers household membership and relationship between the authorized person and the worker (made according to a set form, not printed herein), enclosed with a copy of the workers death certificate or certification by the overseas Vietnamese representative mission;

- Time limit for providing supports: Within 15 days after receiving sufficient documents as prescribed, the Fund shall directly provide supports to the workers relative or via the Vietnam Bank for Agriculture and Rural Development system (to the address indicated in the application). If refusing to provide supports, the Fund shall give a written reply clearly stating the reason.

b/ Supports for workers who suffer from labor accidents, risks, illnesses or diseases, are no longer physically capable of working overseas and have to return home before the expiration of contracts

- Support beneficiaries and conditions: guest workers who suffer from labor accidents, risks, illnesses or diseases, are no longer physically capable of working overseas and have to return home before the expiration of contracts. These supports will not be provided to workers who perform jobs outside contracts or have to return home right after arriving at host countries due to health problems not detected during domestic medical checks-up.

- The maximum support level is VND 5,000,000/case, for workers who have worked overseas for up to 50% of the contractual term, or VND 3,000,000/case, for workers who have worked overseas for over 50% of the contractual term.

- Support order and procedures:

+ The worker or his/her authorized person shall send to the Fund an application for risk supports, with the commune-level Peoples Committees certification of the workers household registration and the relationship between the authorized person and the worker (made according to a set form, not printed herein) through the worker-sending enterprise or organization or the provincial-level Service of Labor, War Invalids and Social Affairs of the locality where the contract is registered, enclosed with a written certification of the health agency of, or the Vietnamese
representative mission in, the host country that the worker is no longer physically capable of working overseas;

+ The worker-sending enterprise or organization and the provincial-level Service of Labor, War Invalids and Social Affairs shall send to the Fund a list of eligible workers (made according to a set form, not printed herein), enclosed with workers applications for supports;

- Time limit for providing supports: Within 15 days after receiving sufficient documents as prescribed, the Fund shall consider and provide supports for workers through worker-sending enterprises or organizations or provincial-level Services of Labor, War Invalids and Social Affairs; if refusing to provide supports, it shall give a written reply clearly stating the reason. Within 5 working days after receiving financial supports from the Fund, worker-sending enterprises or organizations or provincial-level Services of Labor, War Invalids and Social Affairs shall pay them to workers.

c/ Supports for workers in some other objective cases of risks

- Support beneficiaries: guest workers.

- Support level: The Minister of Labor, War Invalids and Social Affairs shall decide on the maximum support level of VND 5,000,000/case at the proposal of the Fund Management Council.

- Support order and procedures: The Fund Management Council shall guide the order of and procedures for providing supports on a case-by-case basis.

d/ Supports for enterprises to handle laborers risks

- Support beneficiaries and conditions: Service enterprises shall send their officials abroad to handle cases of workers who die overseas.

- The support level is equal to one single economic-class air ticket from Vietnam to the host country where the worker worked.

- Support order and procedures: The enterprise shall send to the Fund a written request for supports (made according to a set form, not printed herein), enclosed with the following papers and documents:

  + The competent agencys or organizations (original) decision sending the official to work abroad and a copy of that officials air ticket counterfoil;

  + A copy of the workers death certificate.

- Time limit for providing supports: The Fund shall provide supports within 15 working days after receiving sufficient documents as prescribed; if refusing to provide supports, it shall give a written reply clearly stating the reason.

4. Expenses for public information on the Partys guidelines and policies and the States laws on Vietnamese guest workers in order to raise social awareness and popularize effective models of sending Vietnamese workers abroad. Expenses shall be paid as per economic contracts, ensuring thriftiness, reasonableness and compliance with financial regulations.

5. Expenses for the Funds management and executive apparatuses

The Fund may deduct 10% of its total annual revenues to cover expenses for its management and executive apparatuses, specifically:
a/ Salaries and wages for the Funds management and executive apparatuses
On-payroll cadres, civil servants and employees working in the Fund enjoy salaries, allowances and contributions (health insurance, social insurance, trade union funds) under the State's current regulations applicable to non-business units with revenues;

- The Funds part-time cadres, civil servants and employees enjoy allowances for managing the Fund suitable to their working time at the Fund. Depending on work volumes and their participation, the Chairman of the Fund Management Council shall decide on the level of allowance for each member of the Council, while the head of the Fund Executive Board shall decide on the level of allowance for each member of the Board, which, however, must not exceed the basic salary according to the rank and level specified in the Government’s Decree No. 204/2004/ND-CP of December 14, 2004.

- For recruited contractual employees working in the Fund, their wages comply with current regulations.

b/ Expenses for work-trip allowances, inbound and outbound delegations, workshops and conferences directly serving the Fund’s operation comply with current regulations. In special cases, expense levels may exceed the prescribed levels and shall be decided by the Chairman of the Fund Management Council.

c/ Expenses for professional activities and other expenses relating to the Fund’s operation such as procurement or repair of fixed assets; office supplies; payment of public service charges (electricity, fuel, environmental sanitation, etc.) comply with current regulations.

III. MANAGEMENT OF THE FUNDS FINANCE

1. The Fund shall conduct accounting and finalization according to current laws on accounting and finance; and its financial operations are subject to inspection, examination and audit. The head of the Fund Executive Board is the account owner and answerable for managing the Fund's finance and accounting.

a/ The Fund Executive Board shall:

- Observe regulations on accounting documents and accounting, and make accounting books for recording and systemizing and keeping records of all economic and financial operations related to the Fund’s operation in accordance with current administrative and non-business accounting regulations:

- Make and send the Fund’s financial statements and annual finalization reports to the Ministry of Labor, War Invalids and Social Affairs and finance agencies according to regulations.

b/ Worker-sending organizations and individuals and provincial-level Services of Labor, War Invalids and Social Affairs shall:

- Open books for recording, and send to the Fund periodical and annual reports (made according to a set form, not printed herein) on the provision of financial supports to workers, enclosed with all expense documents.

- Provincial-level Services of Labor, War Invalids and Social Affairs shall pay and finalize the Fund’s financial supports specified at Point b. Clause 5, Section II of this Circular according to current financial regulations and guidance of the Fund Executive Board.
2. In special cases when the States supports are needed, the Fund Management Council shall make and send detailed support estimates to the Ministry of Labor, War Invalids and Social Affairs to consider and propose the Ministry of Finance to sum up and submit them to the Prime Minister for decision. The Ministry of Labor, War Invalids and Social Affairs shall finalize the state budgets financial supports provided for the Fund and include them in the Ministry’s annual state budget expenditure finalizations under regulations.

3. The Fund shall observe current regulations on financial publicity.

IV. ORGANIZATION OF IMPLEMENTATION

1. This Circular takes effect 15 days after its publication in "CONG BAO;" all previous regulations applicable to the Labor Export Support Fund are annulled.

2. Workers are entitled to the Funds supports under this Circular only when making full contributions to the Fund and enjoy supports only once for each content eligible for support upon each contribution to the Fund. Particularly, workers who went abroad under the Governments Decree No. 81/2003/ND-CP of July 17, 2003, and the Law on Vietnamese Guest Workers, before the effective date of Decision No. 144/2007/QD-TTg and suffer from risks overseas (under contracts) are entitled to supports specified at Points a, b and c, Clause 3, Section II of this Circular.

3. Service enterprises which violate regulations on making contributions to the Fund shall be handled under Decision No. 144/2007/QD-TTg.

4. Worker-sending organizations and individuals and provincial-level Services of Labor, War Invalids and Social Affairs shall implement, and guide workers in implementing, this Circular. In case worker-sending organizations are dissolved or go bankrupt, the Fund shall directly provide risk supports to workers.

5. The Ministry of Finance shall inspect and supervise the management and use of the Fund.

6. Provincial-level Peoples Committees shall popularize the States policies on supports for Vietnamese guest workers under Decision No. 144/2007/QD-TTg and this Circular.

7. Problems or difficulties arising in the course of implementation should be reported to the Ministry of Labor, War Invalids and Social Affairs and the Ministry of Finance for timely settlement.

FOR THE MINISTER OF
FINANCE
VICE MINISTER

FOR THE MINISTER OF LABOR, WAR
INVALIDS AND SOCIAL AFFAIRS
VICE MINISTER

Tran Xuan Ha

Nguyen Thanh Hoa