

THE MINISTRY OF FINANCE

Circular No. 52/2013/TT-BTC of May 3, 2013, guiding the support for organizations and units employing ethnic minority people in mountainous regions and specially disadvantaged areas according to the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012

Pursuant to the Government's Decree No. 118/2008/ND-CP of November 27, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Finance;

Pursuant to the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012, on support for organizations and units employing ethnic minority people in mountainous regions and specially disadvantaged areas;

At the proposal of the Director of the Business Finance Department.

The Minister of Finance promulgates the Circular guiding the support for organizations and units employing ethnic minority people in mountainous regions and specially disadvantaged areas as follows:

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Circular guides the financial support policy on payment of social insurance, health insurance and unemployment insurance premiums (below referred to as insurance premiums), short-term vocational training, labor norms, and land rent for organizations and

units employing ethnic minority people legally residing in mountainous regions and specially disadvantaged areas as prescribed in the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012.

Article 2. Subjects of application

This Circular applies to following subjects, including:

1. State-owned one-member agriculture, forestry and fisheries limited liability companies;
2. Special-use forest management boards and protection forest management boards;
3. Cooperatives;
4. Non-state enterprises (including foreign-invested ones).

The above subjects (below referred to as employing units) use land for agricultural and forestry production and aquaculture, and employ ethnic minority people legally residing in mountainous regions and specially disadvantaged areas (attached list).

Article 3. Support policy

1. Support for short-term vocational training:

The state budget shall pay expenses for short-term vocational training (basic and under-three-month vocational training) at the maximum level of VND 3 million/person/course (specific levels are based on each occupation and actual time of vocational training) for unskilled ethnic minority employees who are eligible to work at employing units and must be trained according to employing units' recruitment and training plans.

2. Support for health insurance, social insurance and unemployment insurance premiums:

The state budget shall pay, on behalf of employing units, insurance premiums for each newly recruited or contracted ethnic minority employee for a period of up to five years.

3. Support for labor norms:

a/ Employing units may apply labor norms equaling to 80 percent of their general labor norms decided by competent agencies in assigning tasks or paying wages to ethnic minority employees. The state budget shall support the remaining 20% of general labor norms for up to five years for each employee working at the units;

b/ General labor norms are those decided by the following competent agencies:

- The Members' Councils of state economic groups and state corporations, for employing units under state economic groups and state corporations.

- Ministers, for other employing units under line ministries (below referred to ministries);

- Chairpersons of provincial-level People's Committees, for local employing units, even cooperatives and non-state enterprises (including economic groups, non-state corporations and foreign-invested enterprises) headquartered in the localities.

4. Support for land rent:

a/ Employing units with between 30% and under 50% of ethnic minority employees of the total number of their regular employees (according to the number of employees as of December 31 of the year preceding the year of reporting) may enjoy 50% reduction in land rent in the year for the units' leased land areas under the land law;

b/ Employing units with over 50% of ethnic

minority employees of the total number of their regular employees (according to the number of employees as of December 31 of the year preceding the year of reporting) may enjoy exemption from land rent in the year for the units' leased land areas under the land law.

Article 4. Support funds

1. The central budget shall provide funds to support 100% of short-term training expenses and insurance premiums, and 20% of the units' general labor norms used in assigning tasks or paying wages to ethnic minority employees.

2. Training support funds are directly provided to employing units according to training plans approved by the Members' Councils of state economic groups and state corporations, for units under state economic groups and state corporations; by ministries and sectors, for other state units under ministries and sectors; and by provincial-level People's Committees for local units (including cooperatives, non-state enterprises and foreign-invested enterprises headquartered in the localities).

Chapter II

SPECIFIC PROVISIONS

Article 5. Estimation of funds for training support, insurance premiums and 20% reduction of general labor norms

During the same time of making annual budget estimates, employing units shall, based on the budget planning guidelines, estimate the funds for training support, insurance premiums and 20% of general labor norms reduced for ethnic minority employees and send them to higher management agencies, namely state

economic groups and state corporations, for affiliated units; ministries, for affiliated units; and provincial-level Finance Departments, for units of provincial-level People's Committees and cooperatives and non-state enterprises headquartered in the localities (below referred to as local units). The provincial-level Finance Departments shall summarize and determine central budget support funds according to regulations, and report them to provincial-level People's Committees.

1. Estimation of training support funds according to Appendix 1 to this Circular, which:

a/ The number of recruited ethnic minority employees that have not received training as of December 31 of the year preceeding the year of estimation;

b/ The number of ethnic minority employees to be recruited and trained in the planning year;

c/ Occupations and the number of employees to be trained for each occupation as decided by the head of the unit according to its needs;

d/ Training time: Depending on trained occupations and modes of training decided by the head of the unit, but not exceeding three months for each course;

dd/ Forms of training: Full-time training at a professional vocational training institution or training at the unit;

e/ Tuition fee: Depending on each occupation and the actual time of vocational training at a professional vocational training institution or at the unit, but not exceeding VND 3 million/person/course.

2. Estimation of insurance premium support funds according to Appendix 2 to this Circular, specifying:

a/ The number of ethnic minority employees as of December 31 of the year preceding the year of estimation;

b/ The number of ethnic minority employees to be recruited in the planning year;

c/ The number of months to be supported;

d/ Level of support funds.

3. Estimation of funds to support 20% of general labor norms according to Appendix 3 to this Circular, specifying:

a/ The number of ethnic minority employees as of December 31 of the year preceding the year of estimation;

b/ The number of ethnic minority employees to be recruited in the planning year;

c/ The unit's general labor norms used in assigning tasks or paying wages to workers decided by competent agencies;

d/ The support funds equal to 20% of the general labor norms.

4. Estimate summarization:

a/ State economic groups and state corporations shall include estimates of training, insurance premiums and 20% of general labor norms support funds for affiliate units in annual budget expenditure estimates, and send them to the Ministry of Finance for inclusion in the central budget estimate to be reported to the Prime Minister and submitted to the National Assembly for consideration and decision according to the State Budget Law;

b/ Ministries and sectors shall include estimates of training, insurance premium and 20% of general labor norm support funds for affiliate units in their annual budget spending estimates, and send them to the Ministry of Finance for inclusion in the central budget

estimate, to be reported to the Prime Minister and submitted to the National Assembly for consideration and decision according to the State Budget Law;

c/ Provincial-level People's Committees shall include estimates of training, insurance premium and 20% of general labor norm support funds for local units (including cooperatives, non-state enterprises headquartered in the localities) in their annual budget spending estimates, and send them to the Ministry of Finance for inclusion in the central budget estimate, to be reported to the Prime Minister and submitted to the National Assembly for decision.

5. Allocation of estimates:

On the basis of the funds approved by the National Assembly and the Prime Minister's decision on allocation of budget estimates, the Ministry of Finance shall notify training, insurance premium and 20% of general labor norm support funds to ministries, sectors, state economic groups, state corporations and localities before December 31 each year.

Article 6. Allocation of support funds

1. For central units: Based on reports of organizations and units employing ethnic minority people, ministries, sectors, state economic groups and state corporations shall review and appraise data and send summerization reports to the Ministry of Finance. After receiving these reports, the Ministry of Finance shall appraise them and allocate funds by payment order to ministries, sectors, state economic groups and state corporations for payment to organizations and units employing ethnic minority people in accordance with the State Budget Law.

2. For local units: Based on reports of organizations and units employing ethnic minority people and support funds provided by the central budget, provincial-level Finance Departments shall coordinate with relevant departments and sectors in appraising them before submission to provincial-level People's Committees for decision. On that basis, provincial-level Finance Departments shall allocate funds by payment order to organizations and units employing ethnic minority people. Provincial-level Finance Departments shall grant insurance premium support funds to organizations and units employing ethnic minority people and on behalf of these organizations and units send the funds directly to insurance agencies as prescribed in Clause 2, Article 3 of the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012, and notify each unit after sending.

3. Dossiers:

3.1. A dossier on training support funds comprises:

- For full-time training at vocational training schools: the training contract, the contract liquidation document and payment document between the unit and vocational training school.
- For training at units: the course organizer's decision, the number of trainees, occupations and payment documents related to the course.

3.2. A dossier on funds to support insurance premiums: the list of ethnic minority employees, and social insurance, health insurance and unemployment insurance premium levels certified by insurance agencies.

3.3. A dossier on funds to support 20% of general labor norms comprises general labor norms used in assigning tasks or paying wages to employees decided by competent

agencies and the list of regular ethnic minority employees in the year of settlement.

4. Time to appraise and grant support funds: After receiving complete dossiers as prescribed at point 3 of this Article, competent agencies shall appraise and grant support funds to units within 10 working days.

Article 7. Settlement and inspection work

Units benefiting from support funds shall settle training support funds (for full-time training at professional vocational training schools, the school, the certification and payment receipts are required), insurance premium support funds (certified by local insurance companies), 20% of general labor norm support funds according to the guidance on settlement of non-business funds. After settlement, the unused funds must be returned to the state budget.

Central units shall send their settlements to their managing state economic groups, state corporations or ministries, which shall examine these settlements before summerize and send them to the Ministry of Finance for monitoring.

Local units shall send their settlements to provincial-level Finance Departments for examination, summerization and submission to provincial-level People's Committees for sending to the Ministry of Finance for monitoring. Central budget funds to support localities in implementing the policies under the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012, must be accounted and included in local budget settlements in accordance with the State Budget Law.

Article 8. Accounting

1. For enterprises:

a/ Upon receipt of funds, units shall account

funds to support part-time training (training at units) as follows:

Debit Account 111 - Cash, or Account 112 - Saving deposits at banks.

Credit Account 461 - Non-business funds.

Upon payment for training:

Debit Account 161 - Non-business expenditures.

Credit Account 111 - Cash, or Account 112 - Saving deposits at banks.

b/ After settlements are approved by competent authorities, units shall account as follows:

Debit Account 461 - Non-business funds.

Credit Account 161 - Non-business expenditures.

c/ For funds to support full-time training, social insurance, health insurance and unemployment insurance premiums for ethnic minority employees, units shall account as follows:

Debit Account 161 - Non-business expenditures.

Credit Account 331 - Payables to sellers, or Account 338 - Other payables

Account 3383 - Social insurance, Account 3384 - Health insurance, Account 3389 - Unemployment insurance.

- When transferring funds for payment of training contracts and insurance premiums, units shall account as follows:

Debit Account 331 - Payables to sellers, or Account 338 - Other payables

Account 3383 - Social insurance, Account 3384 - Health insurance, Account 3389 - Unemployment insurance.

Credit Account 461 - Non-business funds.

After settlements are approved by competent authorities, units shall account as follows:

Debit Account 461 - Non-business funds.

Credit Account 161 - Non-business expenditures.

d/ Upon receipt of funds to support 20% of general labor norms, units shall account as follows:

Debit Account 112 - Saving deposits at banks.

Credit Account 461 - Non-business funds.

At the same time, they shall record reduction in their production costs:

Debit Account 161 - Non-business expenditures.

Credit expenditure-summarizing accounts.

After settlements are approved by competent authorities, units shall account as follows:

Debit Account 461 - Non-business funds

Credit Account 161 - Non-business expenditures.

2. For non-business units:

a/ Upon receipt of funds, units shall account funds to support part-time training (training at units) as follows:

Debit Account 112 - Saving deposits at banks

Credit Account 461 - Non-business expenditures.

Upon payment for training:

Debit Account 661- Operational expenditures.

Credit Account 111 - Cash.

After settlements are approved by competent authorities, units shall account as follows:

Debit Account 461 - Non-business funds.

Credit Account 661 - Operational expenditures.

b/ For funds to support full-time training and insurance premium payment: Based on training contracts and payable insurance premiums (health insurance, social insurance, unemployment insurance premiums) for ethnic minority employees, units shall account as follows:

Debit Account 661 - Operational expenditures.

Credit Account 331 - payable, or Account 332 - Salary-based payables.

- When transferring funds for payment of training contracts and insurance premiums, units shall account as follows:

Debit Account 331 - Payables, or Account 332 - Salary-based payables.

Credit Account 461 - Operational expenditures.

After settlements are approved by competent authorities, units shall account as follows:

Debit Account 461- Operational funds.

Credit Account 661-Operational expenditures.

c/ Upon receipt of funds to support 20% of general labor norms, units shall account as follows:

Debit Account 112 - Saving deposits.

Credit Account 461 - Operational funds.

Upon payment:

Debit Account 661 - Operational expenditures.

Credit Account 111 - Cash.

After settlements are approved by competent authorities, units shall account as follows:

Debit Account 461 - Operational funds

Credit Account 661 - Operational expenditures.

Article 9. Land rent exemption and reduction

1. Annually, during the time of estimating state budget supports for the implementation of the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012, units employing ethnic minority people shall make dossiers to request provincial-level People's Committees or agencies authorized by provincial-level People's Committees to decide on land rent exemption or reduction as prescribed in the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012. A dossier comprises:

a/ A written request for land rent exemption or reduction under the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012;

b/ A list of recruited employees as of December 31 of the year preceding the year of estimation (comprising ethnic minority employees and employees currently employed and having been recruited);

c/ Labor contracts between the unit and employees (copies affixed with the unit's seal);

d/ The land rent contract, for the area leased under the land law (copy affixed with the unit's seal).

2. After receiving a complete dossier prescribed at Point 1 of this Article, a competent agency shall appraise, consider and decide on

land rent exemption or reduction for the unit within 10 working days.

3. Annually, if the proportion of ethnic minority employees to the total number of employees working at the unit remains unchanged or changes without affecting the level of land rent exemption or reduction decided by the provincial-level competent agency, the unit shall only submit a report on its employment in the planning year to related agencies for monitoring.

Article 10. Handling of violations

Units or persons that take advantage of the State's incentive policies for ethnic minority employees prescribed in the Prime Minister's Decision No. 42/2012/QĐ-TTg of October 8, 2012, for self-seeking purposes shall be handled in accordance with law and the following provisions:

1. If reporting untruthful numbers of ethnic minority employees for settlement of expenditures for training, insurance premiums and general labor norms, resulting in withdrawal of state support funds higher than the eligible amount, heads of units shall make refunds to the state budget and be handled or disciplined under regulations.

2. If reporting untruthful numbers of recruited employees to December 31 of the year preceding the year of estimation, including the number of ethnic minority employees, resulting in a proportion of ethnic minority employees of the total number of recruited employees present at units eligible for land rent exemption or reduction, in addition to retrospectively pay land rents, heads of units shall be handled as in the case of untruthfully reporting on their financial situation.

Chapter III

ORGANIZATION OF IMPLEMENTATION

Article 11. Effect

1. This Circular takes effect on June 18, 2013, and replaces the Finance Ministry's Circular No. 203/2011/TT-BTC of December 30, 2011, guiding units and organizations with ethnic minority employees lawfully residing in Central Highlands provinces under the Prime Minister's Decision No. 75/2010/QĐ-TTg of November 29, 2010.

2. Any problems arising the course of implementation should be promptly reported to the Ministry of Finance for study and revision.-

For the Minister of Finance

Deputy Minister

TRAN VAN HIEU