

LAW

ON SOCIAL INSURANCE

*Pursuant to the Constitution of the Socialist Republic of Vietnam;
The National Assembly promulgates the Law on Social Insurance.*

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Law provides social insurance regimes and policies; the rights and responsibilities of employees and employers; agencies, organizations and individuals involved in social insurance, representative organizations of employee collectives and employers' representative organizations; social insurance agencies; social insurance funds; and procedures for social insurance implementation, and state management of social insurance.

Article 2. Applicable entities

1. Employees being Vietnamese citizens shall be covered by compulsory social insurance, including:

a/ Persons working under indefinite-term labour contracts, definite-term labour contracts, seasonal labour contracts or contracts for given jobs with a term of between full 3 months and under 12 months, including also labour contracts signed between employers and at-law representatives of persons aged under 15 years in accordance with the labour law;

b/ Persons working under labour contracts with a term of between full 1 month and under 3 months;

c/ Cadres, civil servants and public employees;

d/ Defense workers, public security workers and persons doing other jobs in cipher agencies;

dd/ Officers and professional army men of the people's army; officers and professional non-commissioned officers and officers and technical non-commissioned officers of the people's public security; and persons engaged in cipher work enjoying salaries like army men;

e/ Non-commissioned officers and soldiers of the people's army; non-commissioned officers and soldiers on definite-term service in the people's public security; army, public security and cipher cadets who are entitled to cost-of-living allowance;

g/ Vietnamese workers working abroad under the labour contracts defined in the Law on Vietnamese Workers working abroad under the labour contract;

h/ Salaried managers of enterprises and cooperatives;

i/ Part-time staffs in communes, wards and townships.

2. Employees who are foreign citizens working in Vietnam with work permits or practice certificates or practice licenses granted by Vietnamese authorities shall be covered by compulsory social insurance under the Government's regulations.

3. Employers covered by compulsory social insurance include state agencies, non-business units and people's armed forces units; political organizations, socio-political organizations, socio-politico-professional organizations, socio-professional organizations and other social organizations; foreign agencies and organizations, and international organizations operating in the Vietnamese territory; enterprises, cooperatives, individual business households, cooperative groups, and other organizations and individuals that hire or employ employees under labour contracts.

4. Persons covered by voluntary social insurance are Vietnamese citizens aged full 15 years or older and not defined in Clause 1 of this Article.

5. Agencies, organizations and individuals involved in social insurance.

The subjects defined in Clauses 1, 2 and 4 of this Article are below collectively referred to as employees.

Article 3. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Social insurance* means the guarantee to fully or partially offset an employee's income that is reduced or lost due to his/her sickness, maternity, labour accident, occupational disease, retirement or death, on the basis of his/her contributions to the social insurance fund.

2. *Compulsory social insurance* means a form of social insurance organized by the State in which employees and employers are required to participate.

3. *Voluntary social insurance* means a form of social insurance organized by the State in which a participant may select a premium rate and a method of premium payment suitable to his/her income and the State supports his/her payment of social insurance premiums for him/her to enjoy retirement and survivor allowance regimes.

4. *Social insurance fund* is an independent financial fund from the state budget set up by contributions from employees and employers and with the State's support.

5. *Period of social insurance premium payment* means a period counted from the time an employee starts paying social insurance premiums to the time he/she stops such payment. In case an employee pays social insurance premiums in interrupted periods, his/her period of social insurance premium payment is the total of such periods.

6. *Relative* means an insured's natural child, adopted child, spouse, natural father, natural mother, adoptive father, adoptive mother, father-in-law or mother-

in-law, or another family member whom the insured is obliged to nurture in accordance with the law on marriage and family.

7. *Supplementary retirement scheme* is a voluntary social insurance policy aiming to supplement the retirement regime under compulsory social insurance, which is formed by contributions from employees and employers in the form of personal savings accounts, and preserved and accumulated through investment activities in accordance with law.

Article 4. Social insurance regimes

1. Compulsory social insurance covers the following regimes:

- a/ Sickness;
- b/ Maternity;
- c/ labour accident and occupational disease;
- d/ Retirement;
- dd/ Survivor allowance.

2. Voluntary social insurance covers the following regimes:

- a/ Retirement;
- b/ Survivor allowance.

3. The supplementary retirement scheme shall be stipulated by the Government.

Article 5. Social insurance principles

1. Levels of social insurance allowances shall be calculated based on the social insurance premium rate, the premium payment period and the sharing among the insured.

2. The compulsory social insurance premium rate shall be calculated based on an employee's monthly salary. The voluntary social insurance premium rate shall be calculated based on the monthly income selected by employees.

3. Employees who pay both compulsory and voluntary social insurance premiums are entitled to the retirement regime and survivor allowance regime

based on their period of social insurance premium payment. The period of social insurance premium payment already calculated for enjoying a lump-sum social insurance allowance shall not be included in the period used to calculate social insurance regimes.

4. The social insurance fund shall be managed in a centralized, uniform, public and transparent manner; used for proper purposes and independently accounted by component funds and groups of the insured subject to the state-prescribed salary regime and the employer-decided salary regime.

5. Social insurance shall be implemented in a simple, easy and convenient manner, promptly and fully ensuring the interests of the insured.

Article 6. State policies on social insurance

1. To encourage and create conditions for agencies, organizations and individuals to participate in social insurance.

2. To provide support for voluntary social insurance participants.

3. To protect the social insurance fund and take measures to preserve and develop the fund.

4. To encourage employers and employees to participate in the supplementary retirement scheme.

5. To prioritize investment in the development of information technology for social insurance management.

Article 7. Contents of state management of social insurance

1. To promulgate, and organize the implementation of, legal documents, strategies and policies on social insurance.

2. To propagate and disseminate policies and law on social insurance.

3. To perform statistical and information work on social insurance.

4. To organize the apparatus for social insurance implementation; to train human resources for social insurance work.

5. To manage the collection, payment, preservation, development and balancing of the social insurance fund.

6. To inspect and examine the observance of the law on social insurance; to settle complaints and denunciations and handle violations of the law on social insurance.

7. To carry out international cooperation in the field of social insurance.

Article 8. State management agencies in charge of social insurance

1. The Government shall perform the unified state management of social insurance.

2. The Ministry of Labour - Invalids and Social Affairs shall take responsibility before the Government for performing the state management of social insurance.

3. Ministries and ministerial-level agencies shall, within the ambit of their tasks and powers, perform the state management of social insurance.

4. Vietnam Social Insurance shall participate and coordinate with the Ministry of Labour - Invalids and Social Affairs, the Ministry of Finance and People's Committees of provinces and central affiliated cities (below referred to as provincial-level People's Committees) in managing the collection, payment, preservation, development and balancing of the social insurance fund.

5. People's Committees at all levels shall perform the state management of social insurance within their localities as decentralized by the Government.

Article 9. Modernization of social insurance management

1. The State shall encourage investment in the development of advanced technologies and technical equipment for social insurance management and implementation.

2. By 2020, the national e-database on social insurance management shall be completely built and put into operation.

Article 10. Social insurance-related responsibilities of the Minister of

Labour - Invalids and Social Affairs

1. To formulate strategies, master plans and plans on social insurance development.

2. To formulate policies and law on social insurance; to submit to competent state agencies for promulgation or promulgate within his/her competence legal documents on social insurance.

3. To develop and submit to the Government development targets for social insurance participants.

4. To propagate and disseminate policies and law on social insurance.

5. To direct, guide, and organize the implementation of policies and law on social insurance.

6. To inspect, examine, handle violations and settle complaints and denunciations about social insurance, except those specified in Clause 2, Article 11 of this Law.

7. To submit to the Government for decision handling measures in cases of necessity to protect employees' legitimate rights and interests related to social insurance.

8. To perform statistical and information work on social insurance.

9. To organize training courses on social insurance.

10. To organize scientific research and international cooperation on social insurance.

11. To report annually the implementation of social insurance to the Government.

Article 11. Social insurance-related responsibilities of the Minister of Finance

1. To formulate and submit to competent state agencies for promulgation or promulgate within his/her competence financial management mechanisms for social insurance and expenses for social insurance management.

2. To inspect, examine, handle violations, and settle complaints and denunciations about financial management of social insurance.

3. To send annual reports on the management and use of social insurance funds to the Minister of Labour - Invalids and Social Affairs for summarization and reporting to the Government.

Article 12. Social insurance-related responsibilities of People's Committees at all levels

1. To direct and organize the implementation of policies and law on social insurance.

2. To set development targets for social insurance participants for annual socio-economic development plans and submit them to same-level People's Councils for decision.

3. To propagate and disseminate policies and law on social insurance.

4. To inspect, examine, handle violations, and settle complaints and denunciations of social insurance.

5. To propose amendments and supplements to policies and law on social insurance to competent state agencies.

Article 13. Social insurance inspection

1. The labour - invalid and social affairs inspectorate shall perform the function of specialized inspection of the implementation of policies and law on social insurance in accordance with the inspection law.

2. The finance inspectorate shall perform the function of specialized inspection of financial management of social insurance in accordance with the inspection law.

3. Social insurance agencies shall perform the function of specialized inspection of the payment of social insurance, unemployment insurance and health insurance premiums in accordance with this Law and other relevant laws.

4. The Government shall detail this Article.

Article 14. Rights and responsibilities of trade union organizations and the Vietnam Fatherland Front and its member organizations

1. Trade union organizations have the following rights:

a/ To protect the lawful and legitimate rights and interests of insured employees;

b/ To request employers and social insurance agencies to provide information on employees' social insurance;

c/ To supervise the implementation, and propose competent agencies to handle violations, of the law on social insurance;

d/ To initiate lawsuits at a court against violations of the law on social insurance which affect the lawful rights and interests of employees and employee collectives under Clause 8, Article 10 of the Trade Union Law.

2. Trade union organizations have the following responsibilities:

a/ To propagate and disseminate policies and law on social insurance to employees;

b/ To participate in inspecting and examining the implementation of the law on social insurance;

c/ To propose and participate in the elaboration, revision and supplementation of policies and law on social insurance.

3. The Vietnam Fatherland Front and its member organizations shall, within the ambit of their functions and tasks, conduct public information work and mobilize their members and people to implement policies and law on social insurance and proactively participate in social insurance in forms suitable to them and their families; participate in the protection of the lawful and legitimate rights and interests of their members; provide social counter-arguments for and join state agencies in the formulation of policies and law on social insurance; and supervise the implementation of policies and law on social insurance in accordance with law.

Article 15. Rights and responsibilities of employers' representative organizations

1. Employers' representative organizations have the following rights:

a/ To protect the lawful rights and interests of the insured employers;

b/ To propose to competent state agencies handle violations of the law on social insurance.

2. Employers' representative organizations have the following responsibilities:

a/ To propagate and disseminate policies and law on social insurance to employers;

b/ To participate in examining and supervising the implementation of the law on social insurance;

c/ To propose and participate in the formulation, revision and supplementation of policies and law on social insurance.

Article 16. Reporting and audit regimes

1. Annually, the Government shall report to the National Assembly on the implementation of policies and law on social insurance, the management and use of the social insurance fund.

2. Once every three years, the State Audit Office shall audit the social insurance fund and report on audit results to the National Assembly. At the request of the National Assembly, the National Assembly Standing Committee or the Government, the social insurance fund shall be audited unexpectedly.

Article 17. Prohibited acts

1. Shirking the payment of compulsory social insurance or unemployment insurance premiums.

2. Delaying the payment of social insurance or unemployment insurance premiums.

3. Appropriating social insurance or unemployment insurance premiums or allowances.

4. Falsifying or forging dossiers in the implementation of social insurance or unemployment insurance.

5. Illegally using the social insurance fund or unemployment insurance fund.

6. Causing obstacles or troubles to, or harming the lawful and legitimate rights and interests of, employees or employers.

7. Illegally accessing or exploiting the database on social insurance or unemployment insurance.

8. Making untruthful reports or providing inaccurate information or data on social insurance or unemployment insurance.

Chapter II

RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, EMPLOYERS AND SOCIAL INSURANCE AGENCIES

Article 18. Rights of employees

1. To participate in social insurance and enjoy social insurance regimes in accordance with this Law.

2. To be granted and manage social insurance books.

3. To fully and promptly receive pensions and social insurance allowances in one of the following forms:

a/ Directly from social insurance agencies or service organizations authorized by social insurance agencies;

b/ Via their deposit accounts opened at banks;

c/ Through employers.

4. To enjoy health insurance in the following cases:

a/ Being on pension;

b/ Taking leave on maternity allowance for childbirth or child adoption;

c/ Taking leave on monthly labour accident or occupational disease allowance;

d/ Being on sickness allowance, for employees who suffer a disease on the Ministry of Health-issued list of diseases requiring long-term treatment.

5. To take medical assessment of their working capacity decrease, if they fall in the case specified at Point b, Clause 1, Article 45 of this Law and have their period of social insurance premium payment reserved; not to pay medical assessment costs if they are eligible to social insurance.

6. To authorize others to receive pensions or social insurance allowances.

7. Every 6 months, to be provided by employers with information on the payment of social insurance premiums; every year, to have the payment of social insurance premiums certified by social insurance agencies; to request employers and social insurance agencies to provide information on the payment of social insurance premiums and enjoyment of social insurance.

8. To lodge complaints or denunciations or initiate lawsuits about social insurance in accordance with law.

Article 19. Responsibilities of employees

1. To pay social insurance premiums in accordance with this Law.

2. To comply with regulations on making of social insurance dossiers.

3. To preserve social insurance books.

Article 20. Rights of employers

1. To reject requests which are contrary to the law on social insurance.

2. To lodge complaints or denunciations or initiate lawsuits about social insurance in accordance with law.

Article 21. Responsibilities of employers

1. To make dossiers for employees to be granted social insurance books, pay social insurance premiums and enjoy social insurance.

2. To pay social insurance premiums under Article 86, and make monthly deductions from employees' salaries under Clause 1, Article 85, of this Law for simultaneous payment to the social insurance fund.

3. To introduce employees defined at Point a, Clause 1, in Clause 2, Article 45, or in Article 55, of this Law to the Medical Assessment Council for assessment of their working capacity decrease.

4. To coordinate with social insurance agencies in paying social insurance allowances to employees.

5. To coordinate with social insurance agencies in returning social insurance books to and certifying periods of social insurance premium payment for employees who terminate labour contracts or working contracts or cease working in accordance with law.

6. To provide accurate, sufficient and prompt information and documents relating to the payment of social insurance premiums and enjoyment of social insurance at the request of competent state management agencies or social insurance agencies.

7. Every 6 months, to post up information on the payment of social insurance premiums for employees; to provide information on employees' payment of social insurance premiums at the request of employees or trade union organizations.

8. Annually, to post up information on employees' payment of social insurance premiums provided by social insurance agencies under Clause 7, Article 23 of this Law.

Article 22. Rights of social insurance agencies

1. To organize the management of personnel, finance and assets in accordance with law.

2. To reject unlawful claims for social insurance, unemployment insurance or health insurance allowances.

3. To request employers to produce labour management books, salary tables and other information and documents relating to the payment of social insurance, unemployment insurance and health insurance premiums and enjoyment of social insurance, unemployment insurance or health insurance.

4. To be provided by enterprise registration agencies or agencies granting operation certificates or operation licenses with copies of enterprise registration certificates, operation licenses, operation certificates or establishment decisions in order to register employees covered by social insurance and health insurance, for newly established enterprises and organizations.

5. Every 6 months, to be provided by local state management agencies in charge of labour with information on employment and change of employees in localities.

6. To be provided by tax agencies with tax identification numbers of employers; to be annually provided with information on employers' salary expenses used for tax calculation.

7. To examine the implementation of social insurance policies; to conduct specialized inspection of the payment of social insurance, unemployment insurance and health insurance premiums.

8. To propose to competent state agencies the formulation, revision and supplementation of policies and laws on social insurance, unemployment insurance and health insurance and the management of social insurance, unemployment insurance and health insurance funds.

9. To handle, or propose competent state agencies to handle, violations of the laws on social insurance, unemployment insurance and health insurance.

Article 23. Responsibilities of social insurance agencies

1. To propagate and disseminate policies and laws on social insurance, unemployment insurance and health insurance.

2. To issue forms of social insurance and unemployment insurance books and dossiers after reaching agreement with the Ministry of Labour - Invalids and Social Affairs.

3. To collect social insurance, unemployment insurance and health insurance premiums and pay social insurance, unemployment insurance and health insurance allowances in accordance with law.

4. To grant social insurance books to employees; to manage social insurance books after settling the retirement regime or survivor allowance regime for employees.

5. To receive social insurance and health insurance dossiers; to settle social insurance and health insurance regimes; to pay pensions and social insurance and unemployment insurance allowances in a full, convenient and timely manner.

6. To annually certify periods of social insurance premium payment for each employee; to fully and promptly provide information on the payment of social insurance premiums, the right to social insurance regimes, and procedures for social insurance implementation at the request of employees, employers or trade union organizations.

7. To annually provide information on employees' payment of social insurance premiums to employers to posting.

8. To apply information technology to social insurance management; to archive the insured's dossiers in accordance with law.

9. To manage and use social insurance, unemployment insurance and health insurance funds in accordance with law.

10. To take measures to preserve and develop social insurance, unemployment insurance and health insurance funds under decisions of the Management Board of Vietnam Social Insurance.

11. To perform statistical and financial accounting work on social insurance, unemployment insurance and health insurance.

12. To provide professional training in and guidance on social insurance, unemployment insurance and health insurance.

13. To report to the Management Board of Vietnam Social Insurance every 6 months and to the Ministry of Labour - Invalids and Social Affairs every year on the implementation of social insurance and unemployment insurance; to report to the Ministry of Health on the implementation of health insurance; to report to the Ministry of Finance on the management and use of social insurance, unemployment insurance and health insurance funds.

Annually, local social insurance agencies shall report to same-level People's Committees on the implementation of social insurance, unemployment insurance and health insurance in localities under their management.

14. To publicize in the mass media employers that violate the obligation to pay social insurance, unemployment insurance or health insurance premiums.

15. To provide relevant documents and information at the request of competent state agencies.

16. To settle complaints and denunciations about the implementation of social insurance, unemployment insurance and health insurance in accordance with law.

17. To carry out international cooperation on social insurance, unemployment insurance and health insurance.

Chapter III

COMPULSORY SOCIAL INSURANCE

Section 1. SICKNESS REGIME

Article 24. Coverage of the sickness regime

The sickness regime covers employees defined at Points a, b, c, d, dd and h, Clause 1, Article 2 of this Law.

Article 25. Conditions for enjoying the sickness regime

1. Employees who have to take leave due to sickness or accidents other than labour accidents, with the certification of a competent health establishment under the Ministry of Health's regulations.

The sickness regime does not cover employees who take leave due to sickness or accidents as a result of self-infliction, drunkenness or use of narcotics or narcotic precursors on the Government-prescribed list.

2. Employees who have to take leave for caring for sick children aged under 7 years, with the certification of a competent health establishment.

Article 26. Period of enjoying the sickness regime

1. The maximum period of enjoying the sickness regime in a year for employees defined at Points a, b, c, d and h, Clause 1, Article 2 of this Law shall be counted in working days, excluding public holidays, New Year holidays and weekends, and is specified as follows:

a/ For employees working under normal conditions, this period is 30 days, if they have paid social insurance premiums for under 15 years; 40 days, if they have paid social insurance premiums for between full 15 years and under 30 years; or 60 days, if they have paid social insurance premiums for full 30 years or more;

b/ For employees doing heavy, hazardous or dangerous occupations or jobs extremely heavy, hazardous or dangerous occupations or jobs on the list issued by the Ministry of Labour - Invalids and Social Affairs, or working in areas with a region-based allowance coefficient of 0.7 or higher, this period is 40 days, if they have paid social insurance premiums for under 15 year; 50 days, if they have paid social insurance premiums for between full 15 years and under 30 years; or 70 days, if they have paid social insurance premiums for full 30 years or more.

2. For employees who take leave due to diseases on the Ministry of Health-issued list of diseases requiring long-term treatment, the period of enjoying the sickness regime is specified as follows:

a/ 180 days at most in a year, including public holidays, New Year holidays and weekends;

b/ If employees still need treatment after the expiration of the period specified at Point a of this Clause, they are entitled to continue enjoying the sickness regime for a shorter period not exceeding the period of social insurance premium payment.

3. The period of enjoying the sickness regime for employees defined at Point dd, Clause 1, Article 2 of this Law shall be based on the period of treatment at a competent health establishment.

Article 27. Leave period upon sickness of children

1. The leave period upon sickness of a child in a year shall be calculated based the number of days of care for the sick child, which must not exceed 20 working days, if the child is under 3 years old, or must not exceed 15 working days, if the child is between full 3 years and under 7 years old.

2. When both parents are covered by social insurance, the leave period of the father or mother upon sickness of a child must be as stipulated in Clause 1 of this Article.

The leave period upon sickness of children specified in this Article shall be counted in working days, excluding public holidays, New Year holidays and weekends.

Article 28. Allowance levels of the sickness regime

1. Employees entitled to the sickness regime prescribed in Clause 1, or at Point a, Clause 2, Article 26, or in Article 27, of this Law are entitled to a monthly allowance equal to 75% of the salary of the month preceding their leave on which social insurance premiums are based.

An employee who has just started working or who previously paid social insurance premiums and then ceased working for a certain time and has to take leave under the sickness regime right in the first month after return to work, is

entitled to an allowance equal to 75% of the salary of that month on which social insurance premiums are based.

2. For employees who continue enjoying the sickness regime prescribed at Point b, Clause 2, Article 26 of this Law, the allowance must equal:

a/ 65% of the salary of the month preceding their leave on which social insurance premiums are based, if they have paid social insurance premiums for full 30 years or more;

b/ 55% of the salary of the month preceding their leave on which social insurance premiums are based, if they have paid social insurance premiums for between full 15 years and under 30 years;

c/ 50% of the salary of the month preceding their leave on which social insurance premiums are based, if they have paid social insurance premiums for under 15 years.

3. For employees entitled to the sickness regime prescribed in Clause 3, Article 26 of this Law, the allowance must equal 100% of the salary of the month preceding their leave on which social insurance premiums are based.

4. The per-diem sickness allowance must equal the monthly sickness allowance divided by 24 days.

Article 29. Convalescence and health rehabilitation after sickness

1. An employee who has taken leave under the sickness regime for the full number of days in a year prescribed in Article 26 of this Law, but whose health has not yet recovered within 30 days after return to work, is entitled to a leave of between 5 days and 10 days in a year for convalescence and health rehabilitation.

The leave period for convalescence and health rehabilitation is inclusive of public holidays, New Year holidays and weekends. The leave period which lasts from the end of a year to the following year shall be counted for the previous year.

2. The number of days of a leave for convalescence and health rehabilitation shall be jointly decided by the employer and grassroots Trade Union Executive

Committee, or by the employer in case the grassroots Trade Union has not yet been set up, specifically as follows:

a/ 10 days at most, for employees whose health has not yet recovered after suffering a disease requiring long-term treatment;

b/ 7 days at most, for employees whose health has not yet recovered after undergoing an operation;

c/ 5 days, in other cases.

3. The per-diem allowance for convalescence and health rehabilitation after sickness must equal 30% of the basic salary.

Section 2. MATERNITY REGIME

Article 30. Coverage of the maternity regime

The maternity regime covers employees defined at Point a, b, c, d, dd and h, Clause 1, Article 2 of this Law.

Article 31. Conditions for enjoying the maternity regime

1. Employees shall be covered by the maternity regime in one of the following cases:

a/ Pregnant female employees;

b/ Female employees giving birth to children;

c/ Female employees as surrogate mothers and intended mothers;

d/ Employees adopting under-6-month children;

dd/ Female employees having intrauterine devices or employees taking sterilization measures;

e/ Male employees currently paying social insurance premiums whose wives give birth to children.

2. To enjoy the maternity regime, employees defined at Points b, c and d, Clause 1 of this Article must have paid social insurance premiums for at least full 6 months within 12 months before childbirth or child adoption.

3. To enjoy the maternity regime, employees defined at Point b, Clause 1 of this Article who have paid social insurance premiums for at least full 12 months and need to take a leave during pregnancy for pregnancy care as prescribed by a competent health establishment must have paid social insurance premiums for at least full 3 months within 12 months before childbirth.

4. Employees who fully satisfy the conditions specified in Clause 2 or 3 of this Article and terminate their labour contracts or working contracts or cease working before the time of childbirth or the time of adoption of under-6-month children are still entitled to the maternity regime prescribed in Articles 34, 36 and 38, and Clause 1, Article 39, of this Law.

Article 32. Leave period for prenatal checks-up

1. Pregnant female employees are entitled to take leaves for 5 prenatal checks-up, one day for each check-up; employees who live far from health establishments or have pathological signs or abnormal pregnancies are entitled to take a two-day leave for each prenatal check-up.

2. The leave period specified in this Article shall be counted in working days, excluding public holidays, New Year holidays and weekends.

Article 33. Leave period upon miscarriage, abortion, stillbirth or pathological abortion

1. When getting miscarriage, abortion, stillbirth or pathological abortion, a female employee may take a maternity leave as prescribed by a competent health establishment. The maximum leave period is:

a/ 10 days, for pregnancy of under 5 weeks;

b/ 20 days, for pregnancy of between 5 weeks and under 13 weeks; c/ 40 days, for pregnancy of between 13 weeks and under 25 weeks; d/ 50 days, for pregnancy of 25 weeks or more.

2. The maternity leave period specified in Clause 1 of this Article is inclusive of public holidays, New Year holidays and weekends.

Article 34. Leave period for childbirth

1. Female employees are entitled to a 6-month leave before and after childbirth under the maternity regime. For a female employee who gives birth to twins or more infants, she is entitled to an additional leave of 1 month for each infant from the second.

The maternity leave period before childbirth must not exceed 2 months.

2. Male employees currently paying social insurance premiums whose wives give birth to children are entitled to a maternity leave of:

a/ 5 working days;

b/ 7 working days, in case their wives undergo a surgical birth or give birth to children before 32 weeks of pregnancy;

c/ 10 working days, in case their wives give birth to twins; or additional 3 working days for each infant from the second;

d/ 14 working days, in case their wives give birth to twins or more infants and take childbirth operation.

The maternity leave period specified in this Clause must be within the first 30 days after the date of childbirth.

3. After childbirth, if an under-2-month child dies, the mother is entitled to a 4-month leave from the date of childbirth; if a child aged 2 months or older dies, the mother is entitled to a 2-month leave from the date of the child's death, but the maternity leave period must not exceed the period specified in Clause 1 of this Article; such leave period shall not be included in the period of personal leave as prescribed by the labour law.

4. In case only the mother is covered by social insurance or both parents are covered by social insurance but the mother dies in childbirth, the father or the direct fosterer is entitled to a maternity leave for the remaining period applicable to the mother as specified in Clause 1 of this Article. In case the mother who is covered by social insurance but does not fully satisfy the conditions specified in Clause 2 or

3, Article 31 of this Law, dies, the father or the direct fosterer is entitled to a maternity leave until the child reaches full 6 months.

5. The father or the direct fosterer who is covered by social insurance but does not take a leave under Clause 4 of this Article is entitled to not only his/her salary but also the maternity regime for the remaining period applicable to the mother as specified in Clause 1 of this Article.

6. In case only the father is covered by social insurance and the mother dies in childbirth or faces a postnatal risk that makes her unable to care for the child, as certified by a competent health establishment, the father is entitled to a maternity leave until the child reaches full 6 months.

7. The maternity leave period specified in Clause 1, 3, 4, 5 or 6 of this Article is inclusive of public holidays, New Year holidays and weekends.

Article 35. Maternity regime of female employees as surrogate mothers and intended mothers

1. A female employee as surrogate mother is entitled to the prescribed regime when getting prenatal check-ups, miscarriage, abortion, stillbirth or pathological abortion, and take a maternity leave until the time of relinquishing the child to the intended mother, with the leave period not exceeding the period specified in Clause 1, Article 34 of this Law. In case the maternity leave period is under 60 days from the date of childbirth to the time of relinquishing the child, surrogate mothers are entitled to continue enjoying the maternity regime until such leave period reaches full 60 days, including public holidays, New Year holidays and weekends.

2. Intended mothers are entitled to a maternity leave from the time of receiving the child until the child reaches full 6 months.

3. The Government shall provide in detail the maternity regime, and procedures for enjoying the maternity regime applicable to female employees as surrogate mothers and intended mothers.

Article 36. Leave period for child adoption

Employees adopting an under-6-month child are entitled to a maternity leave until the child reaches full 6 months. In case both parents are covered by social insurance and fully satisfy the conditions for enjoying the maternity regime as specified in Clause 2, Article 31 of this Law, either father or mother only is entitled to a maternity leave.

Article 37. Leave period when taking contraceptive measures

1. When taking contraceptive measures, employees are entitled to the maternity regime as prescribed by competent health establishments. The maximum leave period is:

a/ 7 days, for female employees implanted with intrauterine devices;

b/ 15 days, for employees taking sterilization measures.

2. The maternity leave period specified in Clause 1 of this Article is inclusive of public holidays, New Year holidays and weekends.

Article 38. Lump-sum allowance upon childbirth or child adoption

Female employees giving birth or employees adopting an under-6-month child are entitled to a lump-sum allowance equaling 2 times the basic salary for each child in the month of childbirth or child adoption.

In case the mother gives birth to a child but only the father is covered by social insurance, the father is entitled to a lump-sum allowance equaling 2 times the basic salary for each child in the month of childbirth.

Article 39. Allowance levels of the maternity regime

1. For employees entitled to the maternity regime as prescribed in Articles 32 thru 37 of this Law, the allowance levels shall be calculated as follows:

a/ A monthly allowance must equal 100% of the average of salaries of 6 months preceding the leave on which social insurance premiums are based. For employees who have paid social insurance premiums for only under 6 months, the allowance level under the maternity regime specified in Article 32 or 33, Clause 2,

4, 5 or 6, Article 34, or Article 37, of this Law, is the average of salaries of the months for which social insurance premiums have been paid;

b/ The per-diem allowance for the case specified in Article 32, or Clause 2, Article 34, of this Law must equal the monthly maternity allowance divided by 24 days;

c/ The allowance level after childbirth or child adoption shall be calculated based on the monthly allowance specified at Point a, Clause 1 of this Article; in case of odd days or the case specified in Article 33 or 37 of this Law, the per- diem allowance must equal the monthly allowance divided by 30 days.

2. The maternity leave period of 14 working days or more in a month shall be regarded as a period of social insurance premium payment. During this period, employees and employers are not required to pay social insurance premiums.

3. The Minister of labour, Invalids and Social Affairs shall stipulate in detail the conditions for and period of enjoyment and levels of allowances applicable to the subjects defined in Article 24, and Clause 1, Article 31, of this Law.

Article 40. Female employees going to work prior to the expiration of the maternity leave period

1. Female employees may go to work prior to the expiration of the maternity leave period specified in Clause 1 or 3, Article 34 of this Law when fully meeting the following conditions:

a/ Having taken a leave for at least 4 months;

b/ Notifying in advance their wish to go to work prior to the expiration of the maternity leave period and obtaining the consent of their employers.

2. Female employees who go to work prior to the expiration of the maternity leave period are entitled to not only salaries but also the maternity regime until the expiration of the period specified in Clause 1 or 3, Article 34 of this Law.

Article 41. Convalescence and health rehabilitation after the maternity leave period

1. Female employees whose health has not yet recovered within the first 30 working days after the maternity leave period specified in Article 33, or Clause 1 or 3, Article 34, of this Law, are entitled to a leave for convalescence and health rehabilitation of between 5 and 10 days.

The leave period for convalescence and health rehabilitation is inclusive of public holidays, New Year holidays and weekends. The leave period for convalescence and health rehabilitation which lasts from the end of a year to the following year shall be counted for the previous year.

2. The number of days of a leave period for convalescence and health rehabilitation specified in Clause 1 of this Article shall be jointly decided by the employer and grassroots Trade Union Executive Committee, or by the employer in case the grassroots Trade Union organization has not yet been set up. The maximum leave period for convalescence and health rehabilitation is:

- a/ 10 days, for female employees who give birth to twins or more infants;
- b/ 7 days, for female employees who have a surgical birth;
- c/ 5 days, in other cases.

3. The per-diem allowance for convalescence and health rehabilitation after maternity leave period must equal 30% of the basic salary.

Section 3. LABOUR ACCIDENT AND OCCUPATIONAL DISEASE REGIMES

Article 42. Coverage of labour accident and occupational disease regimes

Labor accident and occupational disease regimes cover employees defined at Points a, b, c, d, dd, e and h, Clause 1, Article 2 of this Law.

Article 43. Conditions for enjoying the labour accident regime

Employees are entitled to the labour accident regime when fully satisfying the following conditions:

- 1. Getting accidents in one of the following cases:
 - a/ At the workplace and during working hours;

b/ Outside the workplace or beyond working hours while performing tasks assigned by their employers;

c/ On a route to and from residence and workplace within a rational time and on a rational route.

2. Suffering a working capacity decrease of 5% or more after getting accidents specified in Clause 1 of this Article.

Article 44. Conditions for enjoying the occupational disease regime

Employees are entitled to the occupational disease regime when fully satisfying the following conditions:

1. Getting a disease on the list of occupational diseases jointly issued by the Ministry of Health and the Ministry of Labour - Invalids and Social Affairs, when working in a hazardous environment or doing hazardous jobs;

2. Suffering a working capacity decrease of 5% or more after getting the disease specified in Clause 1 of this Article.

Article 45. Assessment of working capacity decrease

1. Employees getting a labour accident or an occupational disease are entitled to assessment or re-assessment of their working capacity decrease when falling in either of the following cases:

a/ Their health conditions have become stable after treatment of an injury or a disease;

b/ Their health conditions have become stable after treatment of a recurring injury or disease.

2. Employees are entitled to thorough assessment of their working capacity decrease when falling in one of the following cases:

a/ Getting both a labour accident and an occupational disease;

b/ Getting labour accidents repeatedly;

c/ Getting many occupational diseases.

Article 46. Lump-sum allowance

1. Employees suffering a working capacity decrease of between 5% and 30% are entitled to a lump-sum allowance.

2. The lump-sum allowance levels are specified as follows:

a/ Employees suffering a 5% working capacity decrease are entitled to an allowance equaling 5 times the basic salary, which shall be added with half of the basic salary for each additional 1% working capacity decrease;

b/ In addition to the allowance level specified at Point a of this Clause, employees are entitled to an additional allowance calculated based on the period of social insurance premium payment, which equals half of the salary of the month preceding the leave taken for treatment on which social insurance premiums are based, for a period of social insurance premium payment of one year or less, and shall then be added with 0.3 of the salary of the month preceding the leave taken for treatment on which social insurance premiums are based, for each additional year of social insurance premium payment.

Article 47. Monthly allowance

1. Employees suffering a working capacity decrease of 31% or more are entitled to a monthly allowance.

2. The monthly allowance levels are specified as follows:

a/ For employees suffering a 31% working capacity decrease, the monthly allowance must equal 30% of the basic salary, which shall be added with 2% of the basic salary for each additional 1% working capacity decrease;

b/ In addition to the allowance level specified at Point a of this Clause, employees are entitled to receive every month an additional allowance calculated based on the period of social insurance premium payment, which equals half of the salary of the month preceding the leave taken for treatment on which social insurance premiums are based, for a period of social insurance premium payment of one year or less, and shall then be added with 0.3% of the salary of the month

preceding the leave taken for treatment on which social insurance premiums are based, for each additional year of social insurance premium payment.

Article 48. Time for allowance enjoyment

1. The time for employees to enjoy the allowance specified in Article 46, 47 or 50 of this Law shall be counted from the month they are completely treated and discharged from hospital.

2. When their injuries or diseases recur and employees have their working capacity decrease re-assessed, the time for them to enjoy the allowance shall be counted from the month when the Medical Assessment Council makes conclusion.

Article 49. Daily-life aid equipment and orthopedic devices

Employees getting a labour accident or an occupational disease which damages their body functions shall, depending on the conditions of their injury or disease, be annually provided with daily-life aid equipment and orthopedic devices.

Article 50. Attendance allowance

Employees suffering a working capacity decrease of 81% or more, such as rachioplegia, total blindness, paraplegia, amputation of two legs or a mental disease, are entitled to not only the allowance specified in Article 47 of this Law but also a monthly attendance allowance equal to the basic salary.

Article 51. Lump-sum allowance upon death due to labour accidents or occupational diseases

For employees who die of a labour accident or an occupational disease while working or die during the period of first-time medical treatment due to a labour accident or an occupational disease, their relatives are entitled to a lump- sum allowance equaling 36 times the basic salary.

Article 52. Convalescence and health rehabilitation after injury or disease treatment

1. Employees whose health has not yet recovered after taking treatment of occupational diseases or injuries caused by labour accidents are entitled to a leave of between 5 days and 10 days for convalescence and health rehabilitation.

2. The per-diem allowance is equivalent to 25% of the basic salary, if convalescence and health rehabilitation take place at home; or equivalent to 40% of the basic salary, if convalescence and health rehabilitation take place at health establishments.

Section 4. RETIREMENT REGIME

Article 53. Coverage of the retirement regime

The retirement regime covers employees specified in Clause 1, Article 2 of this Law.

Article 54. Conditions for pension enjoyment

1. Employees defined at Points a, b, c, d, g, h and i, Clause 1, Article 2 of this Law, except those defined in Clause 3 of this Article, who have paid social insurance premiums for at least full 20 years are entitled to pension when falling in one of the following cases:

a/ Being full 60 years old, for men, or full 55 years old, for women;

b/ Being between full 55 years and full 60 years old, for men, or between full 50 years and full 55 years old, for women, and having full 15 years doing heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs on the list jointly issued by the Ministry of Labour - Invalids and Social Affairs and the Ministry of Health, or having full 15 years working in areas with a region-based allowance coefficient of 0.7 or higher;

c/ Employees who are between full 50 years and full 55 years old and have paid social insurance premiums for at least full 20 years, including full 15 years spent in coal mines;

d/ Employees who are infected with HIV/AIDS due to occupational risks.

2. Employees defined at Points dd and e, Clause 1, Article 2 of this Law, who cease working after having paid social insurance premiums for at least full 20 years, are entitled to pension when falling in one of the following cases:

a/ Being full 55 years old, for men, or full 50 years old, for women, unless otherwise provided by the Law on Officers of the Vietnam People's Army, the Law on People's Public Security or the Law on Cipher;

b/ Being between full 50 years and full 55 years old, for men, or between full 45 years and full 50 years old, for women, and having full 15 years doing heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs on the list jointly issued by the Ministry of Labour - Invalids and Social Affairs and the Ministry of Health, or having full 15 years working in areas with a region-based allowance coefficient of 0.7 or higher;

c/ Employees who are infected with HIV/AIDS due to occupational risks.

3. Female employees who are full-time or part-time staffs in communes, wards or townships, and cease working after having paid social insurance premiums for between full 15 years and under 20 years, and are full 55 years old, are entitled to pension.

4. The Government shall stipulate the conditions on retirement ages for pension enjoyment in special cases; and the conditions for pension enjoyment for the subjects defined at Points c and d, Clause 1, and Point c, Clause 2, of this Article.

Article 55. Conditions for employees to enjoy pension when suffering working capacity decrease

1. Employees defined at Points a, b, c, d, g, h, and i, Clause 1, Article 2 of this Law, who cease working after having paid social insurance premiums for at least full 20 years, are entitled to pension lower than that applicable to persons who fully satisfy the conditions for pension enjoyment as specified at Points a and b, Clause 1, Article 54 of this Law when falling in one of the following cases:

a/ Since January 1, 2016, men who are full 51 years old, and women who are full 46 years old and suffer a working capacity decrease of 61% or more will be eligible to pension. These age levels will increase one year after each year until 2020, when only men who are full 55 years old and women who are full 50 years old will be eligible to pension when suffering a working capacity decrease of 61% or more;

b/ Being full 50 years old, for men, or 45 years old, for women, and suffering a working capacity decrease of 81% or more;

c/ Suffering a working capacity decrease of 61% or more and having full 15 years doing extremely heavy, hazardous or dangerous occupations or jobs on the list jointly issued by the Ministry of Labour - Invalids and Social Affairs and the Ministry of Health.

2. Employees defined at Points dd and e, Clause 1, Article 2 of this Law, who cease working after having paid social insurance premiums for at least full 20 years, and suffer a working capacity decrease of 61% or more, are entitled to pension lower than that applicable to persons who fully satisfy the conditions for pension enjoyment as specified at Points a and b, Clause 2, Article 54 of this Law when falling in either of the following cases:

a/ Being full 50 years old, for men, 45 years old, for women;

b/ Having at least full 15 years doing extremely heavy, hazardous or dangerous occupations or jobs in the list jointly issued by the Ministry of Labour - Invalids and Social Affairs and the Ministry of Health.

Article 56. Monthly pension

1. From the effective date of this Law to January 1, 2018, the monthly pension of employees who fully satisfy the conditions specified in Article 54 of this Law must equal 45% of the average monthly salary on which social insurance premiums are based as prescribed in Article 62 of this Law, corresponding to 15 years of social insurance premium payment, which shall be added with 2%, for men,

or 3%, for women, for each additional year of social insurance premium payment, but must not exceed 75%.

2. Since January 1, 2018, the monthly pension of employees who fully satisfy the conditions specified in Article 54 of this Law will equal 45% of the average monthly salary on which social insurance premiums are based as prescribed in Article 62 of this Law, and correspond to the following period of social insurance premium payment:

a/ For male employees who retire in 2018, 2019, 2020 and 2021 and since 2022, it is 16 years, 17 years, 18 years, 19 years and 20 years, respectively;

b/ For female employees who retire since 2018, it is 15 years;

For employees defined at Points a and b of this Clause, the pension rate shall be added with 2% for each additional year of social insurance premium payment, but must not exceed 75%.

3. The monthly pension of employees who fully satisfy the conditions specified in Article 55 of this Law shall be calculated as stipulated in Clauses 1 and 2 of this Article, and reduced by 2% for each year of early retirement.

In case an employee's age is short of up to 6 months compared to the retirement age, his/her pension shall be reduced by 1%; if his/her age is short of under 6 months, his/her pension shall not be reduced due to early retirement.

4. The monthly pension of female employees who fully satisfy the conditions for pension enjoyment specified in Clause 3 of Article 54 shall be calculated based on the period of social insurance premium payment and average monthly salary on which social insurance premiums are based, specifically as follows: for a period of full 15 years, the monthly pension must equal 45% of the average monthly salary on which social insurance premiums are based as specified in Article 62 of this Law; for a period of between full 16 years to under 20 years, the monthly pension shall be added with 2% for each additional year of payment.

5. The lowest monthly pension of employees covered by compulsory social insurance who fully satisfy the conditions for pension enjoyment specified in Article 54 or 55 of this Law must equal the basic salary, except the cases specified at Point i, Clause 1, Article 2, and Clause 3, Article 54, of this Law.

6. The Government shall detail this Article.

Article 57. Adjustment of pension

The Government shall stipulate the adjustment of pension based on the increase in the consumer price index and economic growth to suit the state budget capacity and social insurance fund.

Article 58. Lump-sum allowance upon retirement

1. Employees who have paid social insurance premiums for a period exceeding the number of years corresponding to the 75% pension rate are entitled to not only pension but also a lump-sum allowance upon retirement.

2. The lump-sum allowance level shall be calculated based on the number of years of social insurance premium payment in excess of the number of years corresponding to the 75% pension rate, with half of the average monthly salary on which social insurance premiums are based for each of these years.

Article 59. Time for pension enjoyment

1. For employees who are paying compulsory social insurance premiums as defined at Points a, b, c, d, dd, e and i, Clause 1, Article 2 of this Law, the time for pension enjoyment is the time stated in work cessation decisions issued by employers when the employees have fully satisfied the law-prescribed conditions for pension enjoyment.

2. For employees who are paying compulsory social insurance premiums as defined at Point h, Clause 1, Article 2 of this Law, the time for pension enjoyment is the month following the month when they have fully satisfied the conditions for pension enjoyment and submitted written requests to social insurance agencies.

3. For employees defined at Point g, Clause 1, Article 2 of this Law and persons who have their period of social insurance premium payment reserved, the time for pension enjoyment is the time stated in the written requests of the employees who have fully satisfied the prescribed conditions for pension enjoyment.

4. The Minister of Labour- Invalids and Social Affairs shall stipulate in detail the time for pension enjoyment for employees defined in Clause 1, Article 2 of this Law.

Article 60. Lump-sum social insurance allowance

1. Employees defined in Clause 1, Article 2 of this Law are entitled to a lump-sum social insurance allowance upon their request when falling in one of the following cases:

a/ They have reached the retirement age specified in Clause 1, 2 or 4, Article 54 of this Law but have paid social insurance premiums for under full 20 years, or the age specified in Clause 3, Article 54 of this Law but have paid social insurance premiums for under full 15 years and do not continue paying voluntary social insurance premiums;

b/ They settle abroad;

c/ They get a fatal disease, such as cancer, poliomyelitis, dropsy cirrhosis, leprosy, serious tuberculosis, or HIV infection progressing into AIDS, or other diseases as prescribed by the Ministry of Health;

d/ Employees defined at Points dd and e, Clause 1, Article 2 of this Law who are demobilized or cease working without being eligible for pension.

2. The lump-sum social insurance allowance shall be calculated based on the number of years of social insurance premium payment; for each year of payment it must equal:

a/ 1.5 times the average monthly salary on which social insurance premiums are based, for the years of payment prior to 2014;

b/ 2 times the average monthly salary on which social insurance premiums are based for the years of payment since 2014;

c/ For a period of social insurance premium payment of under 1 year, the social insurance allowance must equal the paid premium amount but not exceed 2 times the average monthly salary on which social insurance premiums are based.

3. The lump-sum social insurance allowance specified in Clause 2 of this Article is exclusive of the State's monetary support for payment of voluntary social insurance premiums, except the case specified at Point c, Clause 1 of this Article.

4. The time for enjoying the lump-sum social insurance allowance is the time stated in decisions of social insurance agencies.

Article 61. Reservation of period of social insurance premium payment

Employees who cease working without being eligible for pension specified in Article 54 or 55 of this Law or without receiving a lump-sum social insurance allowance provided in Article 60 of this Law are entitled to have their period of social insurance premium payment reserved.

Article 62. Average monthly salary on which social insurance premiums are based for calculation of pension and lump-sum allowance

1. For employees subject to the State-prescribed salary regime and having the entire period of social insurance premium payment under this salary regime, the average monthly salary for the number of years of social insurance premium payment before retirement must be:

a/ The average monthly salary on which social insurance premiums are based in the last 5 years prior to retirement, for employees paying social insurance premiums before January 1, 1995;

b/ The average monthly salary on which social insurance premiums are based in the last 6 years prior to retirement, for employees paying social insurance premiums between January 1, 1995, and December 31, 2000;

c/ The average monthly salary on which social insurance premiums are based in the last 8 years prior to retirement, for employees paying social insurance premiums between January 1, 2001, and December 31, 2006;

d/ The average monthly salary on which social insurance premiums are based in the last 10 years prior to retirement, for employees paying social insurance premiums between January 1, 2007, and December 31, 2015;

dd/ The average monthly salary on which social insurance premiums are based in the last 15 years prior to retirement, for employees paying social insurance premiums between January 1, 2016, and December 31, 2019;

e/ The average monthly salary on which social insurance premiums are based in the last 20 years prior to retirement, for employees paying social insurance premiums between January 1, 2020, and December 31, 2024;

g/ The average monthly salary on which social insurance premiums are based in the entire period of social insurance premium payment, for employees paying social insurance premiums since January 1, 2025.

2. For employees who have the entire period of social insurance premium payment under the employer-decided salary regime, the average monthly salary on which social insurance premiums are based in the entire period of payment shall be used.

3. For employees who have both a period of social insurance premium payment under the State-prescribed salary regime and a period of social insurance premium payment under the employer-decided salary regime, the average monthly salary on which social insurance premiums are based in these periods shall be used, in which for the period of social insurance premium payment under the State-prescribed salary regime, the average monthly salary on which social insurance premiums are based as specified in Clause 1 of this Article shall be used.

4. The Government shall detail this Article.

Article 63. Adjustment of salaries for which social insurance premiums have been paid

1. Salaries for which social insurance premiums have been paid as a basis for calculation of the average monthly salary on which social insurance premiums are based for employees defined in Clause 1, Article 89 of this Law shall be adjusted based on the basic salary at the time of enjoying the retirement regime, for employees paying social insurance premiums prior to January 1, 2016.

For employees who start paying social insurance premiums since January 1, 2016, their salaries for which social insurance premiums have been paid as a basis for calculation of the average monthly salary on which social insurance premiums are based shall be adjusted under Clause 2 of this Article.

2. Salaries for which social insurance premiums have been paid as a basis for calculation of the average monthly salary on which social insurance premiums are based for employees defined in Clause 2, Article 89 of this Law shall be adjusted based on the consumer price index in each period under the Government's regulations.

Article 64. Suspension from or continuation of enjoyment of pension or monthly social insurance allowance

1. Persons on pension or monthly social insurance allowance shall be suspended from enjoying such pension or allowance in one of the following cases:

a/ They illegally leave the country;

b/ They are declared missing by the court;

c/ There are grounds to confirm that their enjoyment of social insurance is illegal.

2. Pension or monthly social insurance allowance must continue to be paid when emigrants legally return to reside in the country in accordance with the residence law. In case there is a court's legally effective decision annulling the decision to declare missing, they are entitled not only to continue enjoying such

pension or allowance but also to have their pension or monthly social insurance allowance retrospectively paid since the time of suspension.

3. Social insurance agencies, when deciding on suspension from enjoyment of social insurance under Point c, Clause 1 of this Article, shall notify in writing and clearly state the reason. Within 30 days from the date of suspension, social insurance agencies shall issue a decision settling the enjoyment; if deciding on termination of enjoyment of social insurance, they shall clearly state the reason..

Article 65. Implementation of social insurance regimes for persons on pension or monthly social insurance allowance who settle abroad

1. Persons on pension or monthly social insurance allowance who settle abroad are entitled to a lump-sum allowance.

2. The lump-sum allowance for pensioners shall be calculated based on their period of social insurance premium payment, in which for each year of payment of social insurance premiums prior to 2014, they are entitled to 1.5 months' current pension and for each year of payment of social insurance premiums since 2014, they are entitled to 2 months' current pension; then for each month they have received pension, half of a month's pension shall be deducted from the lump-sum allowance. The lowest allowance must equal 3 months' current pension.

3. The lump-sum allowance for a person on monthly social insurance allowance must equal 3 months' current allowance.

Section 5. SURVIVOR ALLOWANCE REGIME

Article 66. Funeral allowance

1. When the following persons die, the persons who take charge of their funeral are entitled to a lump-sum funeral allowance:

a/ Employees defined in Clause 1, Article 2 of this Law who are paying social insurance premiums or employees who have their period of social insurance premium payment reserved and have paid social insurance premium payment for at least full 12 months;

b/ Employees who die of a labour accident or an occupational disease or die during treatment due to a labour accident or an occupational disease;

c/ Persons who are on pension or monthly labour accident or occupational disease allowance and have ceased working.

2. The funeral allowance must equal 10 times the basic salary of the month when the persons defined in Clause 1 of this Article die.

3. When the persons defined in Clause 1 of this Article are declared dead by the court, their relatives are entitled to the funeral allowance specified in Clause 2 of this Article.

Article 67. Cases eligible for monthly survivor allowance

1. When the persons defined in Clauses 1 and 3, Article 66 of this Law, who fall in one of the following cases, die, their relatives are entitled to a monthly survivor allowance:

a/ They have paid social insurance premiums for at least full 15 years but have not yet received a lump-sum social insurance allowance;

b/ They are on pension;

c/ They die of a labour accident or an occupational disease;

d/ They are on monthly labour accident or occupational disease allowance for their working capacity decrease of 61% or more.

2. Relatives of the persons defined in Clause 1 of this Article who are entitled to a monthly survivor allowance include:

a/ Children aged under 18 years; children aged full 18 years or older who suffer a working capacity decrease of 81% or more; or children whose father died while they are in the womb.

b/ Wives aged full 55 years or older or husbands aged full 60 years or older; wives aged under 55 years or husbands aged under 60 years who suffer a working capacity decrease of 81% or more;

c/ Natural fathers, natural mothers, fathers-in-law, mothers-in-law, or other family members whom the insured are obliged to nurture in accordance with the law on marriage and family, who are full 60 years or older, for men, or full 55 years or older, for women;

d/ Natural fathers, natural mothers, fathers-in-law, mothers-in-law, or other family members whom the insured are obliged to nurture in accordance with the law on marriage and family, who are under 60 years old, for men, or under 55 years old, for women, and suffer a working capacity decrease of 81% or more.

3. To enjoy a monthly survivor allowance, relatives defined at Points b, c and d, Clause 2 of this Article must have no income or have monthly income lower than the basic salary. Incomes referred to in this Law are exclusive of allowances provided under the law on preferential treatment for people with meritorious services to the country.

4. The time limit for requesting an assessment of working capacity decrease for enjoyment of a monthly survivor allowance is specified as follows:

a/ Within 4 months from the insured's death, his/her relative shall file a written request;

b/ Within 4 months before or after the expiration of the time limit for the relative defined at Point a, Clause 2 of this Article to enjoy allowance under regulations, he/she shall file a written request.

Article 68. Levels of monthly survivor allowance

1. The monthly survivor allowance for each relative must equal 50% of the basic salary, or 70% of the basic salary for relatives who have no direct fosterer.

2. For a dead person defined in Clause 1, Article 67 of this Law, the number of relatives entitled to monthly survivor allowance must not exceed 4; for 2 or more dead persons, their relatives are entitled to 2 times the allowance level specified in Clause 1 of this Article.

3. The time for enjoying monthly survivor allowance must start from the month following the month the person defined in Clause 1 or 3, Article 66 of this Law dies. For a child whose the father died while he/she is in the womb, the monthly survivor allowance shall be paid from the month the child is born.

Article 69. Cases of eligibility for lump-sum survivor allowance

When the persons defined in Clauses 1 and 3, Article 66 of this Law, who fall in one of the following cases, die, their relatives are entitled to a lump-sum survivor allowance:

1. They do not fall in the cases specified in Clause 1, Article 67 of this Law;
2. They fall in one of the cases specified in Clause 1, Article 67 but have no relative eligible for the monthly survivor allowance as defined in Clause 2, Article 67 of this Law;
3. Their relatives who are entitled to the monthly survivor allowance as defined in Clause 2, Article 67 wish to receive a lump-sum survivor allowance, except under-6 children, children or spouses suffering a working capacity decrease of 81% or more;
4. For employees who die without any relatives as defined in Clause 6, Article 3 of this Law, the lump-sum survivor allowance must comply with the law of inheritance.

Article 70. Levels of lump-sum survivor allowance

1. The lump-sum survivor allowance for relatives of employees who are paying social insurance premiums or of employees who have their period of social insurance premium payment reserved shall be calculated based on the number of years of social insurance premium payment; for each year of payment, these relatives are entitled to 1.5 times the average monthly salary on which social insurance premiums are based, for the years of payment prior to 2014; or to 2 times the average monthly salary on which social insurance premiums are based, for the years of payment since 2014. The lowest level must equal 3 times the average

monthly salary on which social insurance premiums are based. The average monthly salary on which social insurance premiums are based used as a basis for calculation of the lump-sum survivor allowance shall be determined under Article 62 of this Law.

2. The lump-sum survivor allowance for relatives of dead pensioners shall be calculated based on the period of pension enjoyment; if pensioners die within the first 2 months of pension enjoyment, the allowance must equal 48 months' current pension; if pensioners die in subsequent months, the allowance shall be reduced by half a month's pension for each additional month of pension enjoyment; the lowest allowance level must equal 3 months' current pension.

3. The basic salary used for calculating the lump-sum survivor allowance is the basic salary of the month in which the persons defined in Clause 1 or 3, Article 66 of this Law die.

Article 71. Retirement regime and survivor allowance regime for employees who pay both compulsory social insurance and voluntary social insurance premiums

1. The retirement regime and survivor allowance regime for employees who pay both compulsory social insurance and voluntary social insurance premiums are specified as follows:

a/ For employees who have paid compulsory social insurance premiums for at least full 20 years, the conditions for enjoyment and levels of pension must comply with the policy on compulsory social insurance; the lowest monthly pension must equal the basic salary, except the subjects defined at Point i, Clause 1, Article 2 of this Law;

b/ For employees who have paid compulsory social insurance premiums for at least full 15 years, the monthly survivor allowance must comply with the policy on compulsory social insurance;

c/ For employees who have paid compulsory social insurance premiums for at least full 12 months, the funeral allowance must comply with the policy on compulsory social insurance.

2. The Government shall detail this Article.

Chapter IV

VOLUNTARY SOCIAL INSURANCE

Section 1. RETIREMENT REGIME

Article 72. Coverage of the retirement regime

The retirement regime for voluntary social insurance participants covers employees defined in Clause 4, Article 2 of this Law.

Article 73. Conditions for pension enjoyment

1. Employees are entitled to pension when fully satisfying the following conditions:

a/ Being full 60 years old, for men, or full 55 years old, for women;

b/ Having paid social insurance premiums for at least full 20 years.

2. Employees who satisfy the age requirement specified at Point a, Clause 1 of this Article but have paid social insurance premiums for under 20 years may continue paying social insurance premiums until the payment period reaches full 20 years in order to enjoy pension.

Article 74. Levels of monthly pension

1. From the effective date of this Law to January 1, 2018, the level of monthly pension for employees who fully satisfy the conditions specified in Article 73 of this Law must equal 45% of the average monthly income on which social insurance premiums are based as prescribed in Article 79 of this Law, corresponding to 15 years of social insurance premium payment, which shall then be added with 2% for men and 3% for women for each additional year of social insurance premium payment, but must not exceed 75%.

2. Since January 1, 2018, the monthly pension of employees who fully satisfy the conditions specified in Article 73 of this Law must equal 45% of the average monthly income on which social insurance premium are based as provided in Article 79 of this Law, and correspond to the following number of years of social insurance premium payment:

a/ For male employees who retire in 2018, 2019, 2020 and 2021 and in 2022 and afterward, it is 16 years, 17, years, 18 years, 19 years and 20 years, respectively;

b/ For female employees who retire in 2018 and afterward, it is 15 years. Then, for employees defined at Points a and b of this Clause, the monthly pension shall be added with 2% for every additional year, but must not exceed 75%.

3. The adjustment of pension must comply with Article 57 of this Law.

Article 75. Lump-sum allowance upon retirement

1. Employees who have a period of social insurance premium payment longer than the number of years corresponding to the 75% pension rate are entitled to not only pension but also a lump-sum allowance upon retirement.

2. The lump-sum allowance shall be calculated based on the number of years of social insurance premium payment in excess of the number of years corresponding to the 75% pension enjoyment rate, with half of the average monthly income on which social insurance premiums are based for each of these years.

Article 76. Time for pension enjoyment

1. The subjects defined in Article 72 of this Law are entitled to receive pension from the month following the month when they fully satisfy the conditions for pension enjoyment specified in Article 73 of this Law.

2. The Minister of Labour - Invalids and Social Affairs shall detail this Article.

Article 77. Lump-sum social insurance allowance

1. Employees defined in Clause 4, Article 2 of this Law are entitled to a lump-sum social insurance allowance upon request if they fall in one of the following cases:

a/ They satisfy the age requirement specified at Point a, Clause 1, Article 73 of this Law but have paid social insurance premiums for under 20 years and do not continue paying social insurance premiums;

b/ They settle abroad;

c/ They suffer a fatal disease, such as cancer, poliomyelitis, dropsy cirrhosis, leprosy, serious tuberculosis, HIV infection progressing into AIDS, or other diseases as prescribed by the Ministry of Health.

2. The lump-sum social insurance allowance shall be calculated based on the number of years of social insurance premium payment; for each year of payment they are entitled to:

a/ 1.5 times the average monthly income on which social insurance premiums are based, for the years of payment prior to 2014;

b/ 2 times the average monthly income on which social insurance premiums are based, for the years of payment since 2014;

c/ In case the period of social insurance premium payment is under 1 year, the social insurance allowance must equal the paid premium amount but must not exceed 2 times the average monthly income on which social insurance premiums are based.

3. The lump-sum social insurance allowance for the subjects eligible for the State's support under Clause 2 of this Article is exclusive of the State's monetary support for payment of voluntary social insurance premiums, except the case specified at Point c, Clause 1 of this Article.

4. The time for enjoying the lump-sum social insurance allowance is the time stated in decisions of social insurance agencies.

5. The social insurance regime for employees covered by voluntary social insurance and currently on pension who settle abroad shall be implemented under Clauses 1 and 2, Article 65 of this Law.

Article 78. Reservation of the period of social insurance premium payment, suspension from or continuation of pension enjoyment

1. Employees who stop paying voluntary social insurance premiums without fully satisfying the conditions for pension enjoyment as provided in Article 73 or without receiving a lump-sum social insurance allowance under Article 77 of this Law are entitled to have their period of social insurance premium payment reserved.

2. The suspension from or continuation of pension enjoyment for employees covered by voluntary social insurance premiums must comply with Article 64 of this Law.

Article 79. Average monthly income on which social insurance premiums are based

1. The average monthly income on which social insurance premiums are based is the average of monthly incomes on which social insurance premiums are based in the entire period of premium payment.

2. Monthly incomes for which social insurance premiums have been paid used as a basis for calculating the average monthly income on which social insurance premiums are based for employees shall be adjusted based on the consumer price index in each period under the Government's regulations.

Section 2. SURVIVOR ALLOWANCE REGIME

Article 80. Funeral allowance

1. When the following persons die, the persons who take charge of their funeral are entitled to a funeral allowance:

a/ Employees who have paid social insurance premiums for at least full 60 months;

b/ Pensioners.

2. The funeral allowance must equal 10 times the basic salary of the month in which the persons defined in Clause 1 of this Article die.

3. When the persons defined in Clause 1 of this Article are declared dead by the court, their relatives are entitled to the allowance specified in Clause 2 of this Article.

Article 81. Survivor allowance

1. When employees who are paying social insurance premiums, employees who have their period of social insurance premium payment reserved, or persons who are on pension die, their relatives are entitled to a lump-sum survivor allowance.

2. The lump-sum survivor allowance for relatives of employees who are paying social insurance premiums or of employees who have their period of social insurance premium payment reserved shall be calculated based on the number of years of social insurance premium payment; for each year of payment, these relatives are entitled to 1.5 times the average monthly income on which social insurance premiums are based as provided in Article 79 of this Law, for the years of payment prior 2014, or 2 times the average monthly income on which social insurance premiums are based, for the years of payment since 2014.

For employees who have paid social insurance premiums for under 1 year, the lump-sum survivor allowance must equal the paid premium amount but not exceed 2 times the average monthly income on which social insurance premiums are based; for employees who pay both compulsory social insurance and voluntary social insurance premiums, the lump-sum survivor allowance must equal at least 3 times the average monthly salary and income on which social insurance premiums are based.

3. The lump-sum survivor allowance for relatives of persons who die while on pension shall be calculated based on these persons' period of pension enjoyment; if they die within the first 2 months of pension enjoyment, such allowance must

equal 48 months' current pension; if they die in subsequent months, the allowance shall be reduced by half the monthly pension for each additional month of pension enjoyment.

Chapter V

THE SOCIAL INSURANCE FUND

Article 82. Sources forming the social insurance fund

1. Premiums paid by employers under Article 86 of this Law.
2. Premiums paid by employees under Articles 85 and 87 of this Law.
3. Profits from activities of investment from the fund.
4. The State's supports.
5. Other lawful sources of revenues.

Article 83. Component funds of the social insurance fund

1. Sickness and maternity fund.
2. labour accident and occupational disease fund.
3. Retirement and survivor allowance fund.

Article 84. Use of the social insurance fund

1. Payment of social insurance regimes for employees under Chapters III and IV of this Law.

2. Payment of health insurance premiums for pensioners or persons who are on leave and enjoy monthly labour accident or occupational disease allowance or who are on leave and enjoy maternity allowance for childbirth or child adoption or who are on leave and enjoy sickness allowance, for employees suffering diseases on the Ministry of Health-issued list of diseases requiring long-term treatment.

3. Payment of social insurance management expenses under Article 90 of this Law.

4. Payment of charges for assessment of the working capacity decrease in case employees take assessment not as introduced by their employers and the assessment results show that these persons are eligible for social insurance regimes.

5. Investment to preserve and develop the fund under Articles 91 and 92 of this Law.

Article 85. Levels and methods of payment by employees covered by compulsory social insurance

1. Employees defined at Points a, b, c, d, dd and h, Clause 1, Article 2 of this Law shall monthly pay 8% of their monthly salary to the retirement and survivor allowance fund.

Employees defined at Point i, Clause 1, Article 2 of this Law shall monthly pay an amount equal to 8% of the basic salary to the retirement and survivor allowance fund.

2. For employees defined at Point g, Clause 1, Article 2 of this Law, the levels and methods of payment are specified as follows:

a/ The monthly level of payment to the retirement and survivor allowance fund must equal 22% of employees' monthly salary on which social insurance premiums are based before they go abroad to work, for employees who have paid compulsory social insurance premiums in a certain period; 22% of 2 times the basic salary, for employees who are not yet covered by compulsory social insurance or who have paid compulsory social insurance premiums and have already received a lump-sum social insurance allowance.

b/ Payment shall be made once every 3 months, every 6 months or every 12 months or in a lump sum within the time limit stated in the contracts on sending of employees to work abroad. Employees may make payment directly to social insurance agencies of localities where they reside before going abroad or via enterprises or non-business organizations that have sent them to work abroad.

In case the payment is made via enterprises or non-business organizations that have sent employees to work abroad, these enterprises or organizations shall collect and pay social insurance premiums for employees and register the method of payment with social insurance agencies.

Employees who have their contracts extended or sign new contracts in the host countries shall pay social insurance premiums according to the method specified in this Article or shall retrospectively pay social insurance premiums to social insurance agencies after they repatriate.

3. Employees who neither work nor receive salary for 14 working days or more in a month are not required to pay social insurance premiums in that month. This period shall not be counted for enjoyment of social insurance regimes, except cases of maternity leave.

4. An employee defined at Point a or b, Clause 1, Article 2 of this Law who signs labour contracts with many employers shall only pay social insurance premiums under Clause 1 of this Article for the first-signed labour contract.

5. Employees who enjoy product-based or piecework-based salaries at enterprises, cooperatives, individual business households or cooperative groups engaged in the fields of agriculture, forestry, fishery or salt making shall pay monthly social insurance premiums at the levels specified in Clause 1 of this Article; payment may be made every month, every 3 months or every 6 months.

6. The determination of the period of social insurance premium payment for enjoyment of pension and monthly survivor allowance must adhere to the principle that one year has full 12 months; an employee who satisfies the age requirement for pension enjoyment but whose period of social insurance premium payment is short of 6 months at most may pay a lump-sum amount for these months with the monthly premium equal to the total premiums paid by him/her and his/her employer to the retirement and survivor allowance fund, based on the monthly salary on which social insurance premiums were based before he/she ceases working.

7. The calculation of periods of social insurance premium payment with odd months for enjoyment of the retirement and survivor allowance regimes must be as follows:

- a/ A period of between 1 month to 6 months shall be counted as half year;
- b/ A period of between 7 months to 12 months shall be counted as one year.

Article 86. Levels and methods of payment by employers

1. Employers shall make monthly payments calculated based on the salary funds on which social insurance premiums are based for employees defined at Points a, b, c, d, dd and h, Clause 1, Article 2 of this Law as follows:

- a/ 3% to the sickness and maternity fund;
- b/ 1% to the labour accident and occupational disease fund;
- c/ 14% to the retirement and survivor allowance fund.

2. Employers shall make monthly payments calculated based on the basic salary for each employee defined at Point e, Clause 1, Article 2 of this Law as follows:

- a/ 1% to the labour accident and occupational disease fund;
- b/ 22% to the retirement and survivor allowance fund.

3. Employers shall monthly pay an amount equal to 14% of the basic salary to the retirement and survivor allowance fund for employees defined at Point i, Clause 1, Article 2 of this Law.

4. Employers are not required to pay social insurance premiums for employees defined in Clause 3, Article 85 of this Law.

5. Employers being enterprises, cooperatives, household business households or cooperative groups engaged in agriculture, forestry, fishery or salt making that pay product-based or piecework-based salaries shall make monthly payments at the levels specified in Clause 1 of this Article; the payment may be made every month, every 3 months or every 6 months.

6. The Minister of Labour - Invalids and Social Affairs shall detail Clause 5, Article 85, and Clause 5, Article 86, of this Law.

Article 87. Levels and methods of payment by employees covered by voluntary social insurance

1. Employees defined in Clause 4, Article 2 of this Law shall monthly pay an amount equivalent to 22% of their monthly incomes as selected to the retirement and survivor allowance fund; the monthly income on which social insurance premiums are based must at least equal the poverty threshold in rural areas and must not exceed 20 times the basic salary.

The socio-economic development conditions and state budget capacity in each period shall be based on to determine the levels of support for payment of social insurance premiums for employees covered by voluntary social insurance, support beneficiaries, and the time for implementing the support policy.

2. Employees may select one of the following payment methods:

a/ Every month;

b/ Every 3 months;

c/ Every 6 months;

d/ Every 12 months;

d/ Lump-sum payment for many subsequent years at a level lower than the monthly payment or lump-sum payment for the insufficient years at a level higher than the monthly payment as specified in this Article.

3. The Government shall detail this Article.

Article 88. Suspension from payment of compulsory social insurance premiums

1. Suspension from payment to the retirement and survivor allowance fund is specified as follows:

a/ In case employers meet with difficulties and have to suspend their production or business activities, making them and their employees unable to pay social insurance premiums, the payment to the retirement and survivor allowance fund may be suspended for 12 months at most;

b/ Upon the expiration of the time limit for payment suspension specified at Point a of this Clause, employers and employees shall continue paying social

insurance premiums and make supplementary payment for the suspension period. The supplementary amount paid for the suspension period is not subject to late-payment interest under Clause 3, Article 122 of this Law.

2. For employees covered by compulsory social insurance premiums who are put in temporary detention, they and their employers may suspend payment of social insurance premiums. In case competent agencies conclude that employees suffer a miscarriage of justice, supplementary payment shall be made for the detention period. The supplementary amount paid for the suspension period is not subject to late-payment interest under Clause 3, Article 122 of this Law.

3. The Government shall detail this Article and specify other cases of suspension from payment of compulsory social insurance premiums.

Article 89. Monthly salary on which compulsory social insurance premiums are based

1. For employees subject to the State-prescribed salary regime, their monthly salary on which social insurance premiums are based is their rank- or grade-based salary plus position-based, extra-rank working seniority-based or occupation-based seniority allowance (if any).

For employees defined at Point i, Clause 1, Article 2 of this Law, their monthly salary on which social insurance premiums are based is the basic salary.

2. For employees who pay social insurance premiums according to the employer-decided salary regime, their monthly salary on which social insurance premiums are based is their salary plus salary-based allowance as prescribed in the labour law.

Since January 1, 2018, the monthly salary on which social insurance premiums are based will be the salary plus salary-based allowance and other amounts as prescribed in the labour law.

3. In case the monthly salary specified in Clause 1 or 2 of this Article exceeds 20 times the basic salary, the monthly salary on which social insurance premiums are based must equal 20 times the basic salary.

4. The Government shall stipulate in detail the retrospective collection and payment of monthly salaries on which compulsory social insurance premium are based for employees and employers, except the case specified in Clause 3, Article 122 of this Law.

Article 90. Social insurance management expenses

1. Social insurance management expenses shall be used to perform the following tasks:

a/ Propagating and disseminating policies and law on social insurance; providing professional training and retraining in social insurance;

b/ Reforming social insurance procedures and modernizing the social insurance management system; developing and managing social insurance participants and beneficiaries;

c/ Organizing the collection of social insurance premiums and payment of social insurance allowances; and operating the apparatus of social insurance agencies at all levels.

2. The funding source for performing the tasks specified in Clause 1 of this Article shall be annually deducted from the profits earned from investment activities of the fund;

Every 3 years, the Government shall report the levels of social insurance management expenses to the National Assembly Standing Committee for decision.

3. The Prime Minister shall detail Clause 1 of this Article.

Article 91. Investment principles

Investment activities of the social insurance fund must ensure safety, efficiency and capital recoverability.

Article 92. Investment forms

1. Purchase of government bonds.
2. Making of deposits, or purchase of bonds, term bills or deposit certificates at well-performing commercial banks as rated by the State Bank of Vietnam.
3. Provision of loans to the state budget.
4. The Government shall detail this Article.

Chapter VI

SOCIAL INSURANCE ORGANIZATION AND MANAGEMENT

Article 93. Social insurance agencies

1. Social insurance agency is a state agency functioning to implement social insurance regimes and policies, manage and use social insurance, health insurance and unemployment insurance funds, inspect the payment of social insurance, unemployment insurance and health insurance premiums, and perform other tasks in accordance with this Law.

2. The Government shall stipulate in detail the organization, tasks and powers of social insurance agencies.

Article 94. Management Board of Vietnam Social Insurance

1. The Management Board of Vietnam Social Insurance shall be organized at national level and has the responsibilities to direct and supervise the operation of social insurance agencies, and give advice on social insurance, health insurance and unemployment insurance policies.

2. The Management Board of Vietnam Social Insurance shall be composed of representatives of the Vietnam General Confederation of labour, employers' representative organizations, state management agencies in charge of social insurance, state management agencies in charge of health insurance, Vietnam Social Insurance, and other related organizations.

3. The Management Board of Vietnam Social Insurance shall be composed of its chairperson, vice chairpersons and members, who shall be appointed, relieved

from duty and dismissed by the Prime Minister; the term of members of the Management Board of Vietnam Social Insurance is 5 years.

4. The Government shall stipulate in detail the working regime, responsibilities and operating funds of Management Board of Vietnam Social Insurance.

Article 95. Tasks and powers of the Management Board of Vietnam Social Insurance

1. To approve social insurance development strategies, long-term, five- year and annual plans on the implementation of social insurance, health insurance and unemployment insurance regimes, and schemes on preservation and development of social insurance, health insurance and unemployment insurance funds.

To supervise and examine social insurance agencies in the implementation of such strategies, plans and schemes after they are approved.

2. To propose to competent state agencies the formulation, revision and supplementation of policies and laws on social insurance, health insurance and unemployment insurance, social insurance development strategies, strengthening of the organizational apparatus of social insurance agencies, and mechanisms for management and use of social insurance, health insurance and unemployment insurance funds.

3. To decide on, and take responsibility before the Government for, forms and structures of investment of social insurance, health insurance and unemployment insurance funds at the proposal of social insurance agencies.

4. To approve annual reports on the implementation of social insurance, health insurance and unemployment insurance regimes and the management and use of social insurance, health insurance and unemployment insurance funds before Vietnam Social Insurance submits them to competent agencies.

5. To approve annual cost estimates on collection and payment of social insurance, health insurance and unemployment insurance funds and levels of social

insurance, health insurance and unemployment insurance management expenses before Vietnam Social Insurance submits them to competent agencies.

6. To annually report to the Prime Minister on the performance of the tasks and exercise of the powers and operation results under regulations.

7. To perform other tasks and exercise other powers assigned by the Prime Minister.

Chapter VII

ORDER AND PROCEDURES FOR SOCIAL INSURANCE IMPLEMENTATION

Section 1. ORDER AND PROCEDURES FOR PARTICIPATION IN SOCIAL INSURANCE

Article 96. Social insurance books

1. A social insurance book shall be granted to every employee for monitoring the payment of social insurance premiums and enjoyment of social insurance regimes, and must serve as a basis for settlement of social insurance regimes in accordance with this Law.

2. By 2020, social insurance books shall be replaced with social insurance cards.

3. The Government shall stipulate the order and procedures for participation in social insurance and settlement of social insurance regimes in electronic form.

Article 97. Registration dossiers for participation in social insurance and grant of social insurance books

1. A registration dossier for first-time participation in social insurance must comprise:

a/ An employer's declaration form for participation in social insurance, enclosed with a list of employees to participate in social insurance;

b/ Employees' declaration forms for participation in social insurance.

2. A dossier for re-grant of a lost or damaged social insurance book must comprise:

- a/ An employee's application for re-grant of a social insurance book;
- b/ The social insurance book, in case it is damaged.

3. The Government shall stipulate the procedures and dossier for participation in social insurance and grant of social insurance books for the subjects defined at Point e, Clause 1, Article 2 of this Law.

Article 98. Adjustment of information of participation in social insurance

1. Employers shall notify in writing social insurance agencies of any changes in information of participation in social insurance.

2. A dossier for adjustment of an employee's personal information of participation in social insurance must comprise:

- a/ A declaration form for adjustment of personal information;
- b/ The social insurance book;
- c/ Copies of competent state agencies' papers related to the adjustment of personal information as prescribed by law.

Article 99. Settlement of registration for participation in social insurance and grant of social insurance books

1. Registration for first-time participation in social insurance shall be settled as follows:

a/ Within 30 days after signing a labour contract or working contract with an employee or after recruiting an employee, the employer shall submit a dossier specified in Clause 1, Article 97 of this Law to the social insurance agency.

b/ An employee to be covered by voluntary social insurance shall submit a dossier specified at Point b, Clause 1, Article 97 of this Law to the social insurance agency.

2. An employee shall submit a dossier for re-grant of a social insurance book as specified in Clause 2, Article 97 of this Law to the social insurance agency.

3. The social insurance agency shall grant a social insurance book within:

a/ 20 days after receiving a complete and valid dossier, for persons who participate for the first time in compulsory social insurance;

b/ 7 days after receiving a complete and valid dossier, for persons who participate for the first time in voluntary social insurance;

c/ 15 days after receiving a complete and valid dossier, in case of re-grant of social insurance books; or 45 days, if the verification of the period of social insurance premium payment is complicated. If refusing to grant a social insurance book, the social insurance agency shall issue a written reply clearly stating the reason;

d/ 10 days after receiving a complete and valid dossier, in case of re-grant of social insurance books for employees who wish to have their information of participation in social insurance adjusted. If refusing to re-grant a social insurance book, the social insurance agency shall issue a written reply clearly stating the reason.

4. The Minister of Labour - Invalids and Social Affairs shall stipulate in detail the order and procedures for participation in social insurance and settlement of social insurance regimes for employees defined at Point b, Clause 1, Article 2 of this Law.

Section 2. ORDER AND PROCEDURES FOR SETTLEMENT OF SOCIAL INSURANCE REGIMES

Article 100. Dossier for enjoyment of the sickness regime

1. An original or a copy of the hospital discharge paper, for employees or their children undergoing inpatient treatment; in case of outpatient treatment, the certificate of their leave under the social insurance regime is required.

2. In case employees or their children take medical examination or treatment abroad, the paper specified in Clause 1 of this Article shall be replaced with a

Vietnamese translation of the medical record issued by a foreign health establishment.

3. The employer-made list of employees taking leave under the sickness regime.

4. The Minister of Health shall stipulate the form, and order and competence for grant, of certificate of an employee's leave under the social insurance regime, hospital discharge paper and the papers specified at Points c, d and dd, Clause 1, Article 101 of this Law.

Article 101. Dossier for enjoyment of the maternity regime

1. A dossier for a female employee to enjoy the maternity regime must comprise:

a/ A copy of the birth registration certificate or birth certificate of the child;

b/ A copy of the child's death certificate, in case the child dies, or copy of the mother's death certificate, in case the mother dies in childbirth;

c/ A competent health establishment's certificate stating that the mother is at postnatal risk that makes her unable to take care of the child;

d/ An extract of the mother's medical record or hospital discharge paper in case the child dies after birth without being granted the birth certificate;

dd/ A competent health establishment's certificate stating that the female employee has to take leave for pregnancy care, in the case specified in Clause 3, Article 31 of this Law.

2. Female employees who have prenatal checks-up, miscarriage, abortion, stillbirth or pathological abortion, or employees who apply contraceptive measures specified in Clause 1, Article 37 of this Law shall produce a certificate of their leave under the social insurance regime, in case of outpatient treatment, or an original or a copy of the hospital discharge paper, in case of inpatient treatment.

3. Employees who adopt under-6-month children shall produce a child adoption certificate.

4. Male employees who wish to take leave due to their wives' childbirth shall produce a copy of the child's birth certificate or birth registration certificate, and a health establishment's certificate, in case their wives have a surgical birth or give birth to children under 32 weeks of pregnancy.

5. The employer-made list of employees taking leave for enjoyment of the maternity regime.

Article 102. Settlement of the sickness and maternity regimes

1. Within 45 days after return to work, an employee shall submit the dossier specified in Clause 1 or 2, Article 100, or Clause 1, 2, 3 or 4, Article 101, of this Law to his/her employer.

An employee who ceases working before the time of childbirth or child adoption shall submit the dossier specified in Clause 1 or 3, Article 101 of this Law and produce his/her social insurance book to the social insurance agency.

2. Within 10 days after receiving a complete dossier from an employee, the employer shall make a dossier as specified in Article 100 or 101 of this Law and submit it to the social insurance agency.

3. Responsibilities of the social insurance agency:

a/ To settle the social insurance regime and make payment to the employee within 10 days after receiving a complete and valid dossier from an employer;

b/ To settle the social insurance regime and make payment to the employee within 5 working days after receiving a complete and valid dossier from an employee who ceases working before the time of childbirth or child adoption.

4. If refusing to settle the social insurance regime, the social insurance agency shall issue a written reply clearly stating the reason.

Article 103. Settlement of convalescence and health rehabilitation allowance after sickness or maternity leave

1. Within 10 days after the date an employee fully satisfies the conditions for enjoying the convalescence and health rehabilitation allowance after sickness or

maternity leave, the employer shall make a list of employees and submit it to the social insurance agency.

2. Within 10 days after receiving a complete and valid dossier, the social insurance agency shall settle the social insurance regime for and pay the convalescence and health rehabilitation allowance to employees; or issue a written reply clearly stating the reason for its refusal to settle the regime.

Article 104. Dossier for enjoyment of the labour accident regime

1. The social insurance book.

2. The investigation record of the labour accident; for an employee suffers a traffic accident confirmed as a labour accident, a written record of the traffic accident or a written record of scene examination and the accident scene plan are required.

3. The hospital discharge paper after labour accident treatment.

4. The written record of assessment of the working capacity decrease, made by the Medical Assessment Council.

5. The written request for settlement of the labour accident regime.

Article 105. Dossier for enjoyment of the occupational disease regime

1. The social insurance book.

2. A written record of environmental survey with toxic elements; in case a written record is made for many employees, its copy shall be included in the dossier of every employee.

3. The hospital discharge paper after occupational disease treatment; in case of outpatient treatment, an occupational disease examination paper is required.

4. The written record of assessment of the working capacity decrease, made by the Medical Assessment Council.

5. The written request for settlement of the occupational disease regime.

Article 106. Settlement of labour accident and occupational disease regimes

1. Employers shall submit dossiers to social insurance agencies as prescribed in Articles 104 and 105 of this Law.

2. Within 15 days after receiving a complete dossier, social insurance agencies shall settle labour accident and occupational disease regimes; or issue a written reply clearly stating the reason for their refusal to settle the regimes.

Article 107. Settlement of convalescence and health rehabilitation allowance after labour accident or occupational disease

1. An employer shall make a list of employees whose health has not yet recovered after enjoying the labour accident or occupational disease regime and submit it to the social insurance agency.

2. Within 15 days after receiving a complete and valid dossier, the social insurance agency shall settle the convalescence and health rehabilitation regime for employees and transfer the convalescence and health rehabilitation allowance to the employer; or issue a written reply clearly stating the reason for their refusal to settle the regime.

3. Within 10 days after receiving the allowance from the social insurance agency, the employer shall pay such allowance to employees.

Article 108. Dossier for pension enjoyment

1. A dossier for pension enjoyment for employees covered by compulsory social insurance must comprise:

a/ The social insurance book;

b/ The decision permitting an employee to stop working under the retirement regime or the document terminating a labour contract with an employee for enjoying the retirement regime;

c/ The written record of assessment of the working capacity decrease, made by the Medical Assessment Council, for employees who retire under Article 55 of this Law, or the certificate of HIV/AIDS infection due to occupational risks, for the employees defined in Article 54 of this Law.

2. A dossier for pension enjoyment for employees covered by voluntary social insurance or employees having their period of social insurance premium payment reserved, including those who are serving imprisonment sentences, must comprise:

a/ The social insurance book;

b/ The application for pension enjoyment;

c/ The written authorization for carrying out procedures for settlement of the retirement regime and enjoyment of pension, for those who are serving imprisonment sentences;

d/ A competent state agency's document permitting an illegal emigrant to legally repatriate and settle in the country;

dd/ The court's legally effective decision annulling the decision on declaration to be missing, for missing people who reappear.

Article 109. Dossier for enjoyment of lump-sum social insurance allowance

1. The social insurance book.

2. The employee's application for enjoyment of lump-sum social insurance allowance.

3. For persons who settle abroad, a copy of the competent agency's written certification of renunciation of Vietnamese nationality, or a certified or notarized Vietnamese translation of one of the following papers:

a/ Passport issued by a foreign country;

b/ Visa issued by a competent foreign agency, certifying such country's permission for entry for overseas residence;

c/ Paper certifying such person is carrying out procedures for naturalization in a foreign country; paper certifying residence or permanent residence card or residence card of a term of 5 years or more, issued by a competent foreign agency.

4. Extract of the medical record, in the case specified at Point c, Clause 1, Article 60, or Point c, Clause 1, Article 77, of this Law.

5. For employees defined in Article 65, and Clause 5, Article 77, of this Law, a dossier for enjoyment of lump-sum social insurance allowance must comply with Clauses 2 and 3 of this Article.

Article 110. Settlement of pension or lump-sum social insurance allowance

1. Within 30 days by the time an employee enjoys pension, the employer shall submit a dossier specified in Clause 1, Article 108 of this Law to the social insurance agency.

2. Within 30 days by the time an employee enjoys pension, employees having their period of social insurance premium payment reserved or employees covered by voluntary social insurance shall submit a dossier specified in Clause 2, Article 108 of this Law to the social insurance agency.

3. Within 30 days by the time an employee becomes eligible and requests payment of lump-sum social insurance allowance, he/she shall submit a dossier specified in Article 109 of this Law to the social insurance agency.

4. Within 20 days after receiving a complete and valid dossier, for to-be-pensioners, or within 10 days after receiving a complete and valid dossier, for persons to enjoy a lump-sum social insurance allowance, the social insurance agency shall settle the enjoyment of pension or lump-sum allowance and make payment to employees; or issue a written reply clearly stating the reason for its refusal to settle such enjoyment.

Article 111. Dossier for enjoyment of the survivor allowance regime

1. For persons paying social insurance premiums or persons having their period of social insurance premium payment reserved, a dossier for enjoyment of the survivor allowance regime must comprise:

a/ The social insurance book;

b/ A copy of the death certificate or death notice or a copy of the court's legally effective decision on the death declaration;

c/ The dead person's relatives' declaration and the minutes of their meeting, for those eligible for monthly allowance but choosing a lump-sum allowance;

d/ The investigation record of the labour accident; for persons getting a traffic accident identified as a labour accident, a record of the traffic accident or a record of the scene examination and the accident scene plan as specified in Clause 2, Article 104 of this Law are required; or a copy of the medical record of occupational disease treatment, for persons who die of an occupational disease;

dd/ A written record of assessment of the working capacity decrease, for relatives who suffer a working capacity decrease of 81% or more.

2. For persons currently enjoying or persons suspended from enjoying pension or monthly labour accident or occupational disease allowance, a dossier for enjoyment of the survivor allowance regime must comprise:

a/ A copy of the death certificate or death notice or the court's legally effective decision on death declaration;

b/ The dead person's relatives' declaration and the minutes of their meeting, for those eligible for monthly allowance but choosing to receive a lump-sum allowance;

c/ A written record of assessment of the working capacity decrease, for relatives who suffer a working capacity decrease of 81% or more.

Article 112. Settlement of the survivor allowance regime

1. Within 90 days after the death of a person having his/her period of social insurance premium payment reserved, a person covered by voluntary social insurance or a person on pension or monthly labour accident or occupational disease allowance, his/her relative shall submit the dossier specified in Article 111 of this Law to the social insurance agency.

Within 90 days after the death of a person currently paying compulsory social insurance premiums, his/her relative shall submit the dossier specified in Clause 1, Article 111 of this Law to the employer.

2. Within 30 days after receiving a complete dossier from the employee's relative, the employer shall submit the dossier specified in Clause 1, Article 111 of this Law to the social insurance agency.

3. Within 15 days after receiving a complete dossier, the social insurance agency shall settle the survivor allowance regime and make payment to the employee's relative; or issue a written reply stating the reason for its refusal to settle the regime.

Article 113. Dossier for continued enjoyment of pension or monthly social insurance allowance for illegal emigrants who legally repatriate to settle in the country or persons declared missing by the court who reappear

1. An application for continued enjoyment of pension or monthly social insurance allowance.

2. A competent state agency's document permitting the illegal emigrant to legally repatriate to settle in the country.

3. The court's legally effective decision annulling the decision on declaration to be missing, for persons declared missing by the court who reappear.

Article 114. Settlement of continued enjoyment of pension or monthly social insurance allowance for illegal emigrants who legally repatriate and settle in the country or persons declared missing by the court who reappear

1. Employees shall submit the dossier specified in Article 113 of this Law to the social insurance agency.

2. Within 15 days after receiving a complete and valid dossier, the social insurance agencies shall settle the continued enjoyment of pension or monthly social insurance allowance, or issue a written reply clearly stating the reason for its refusal to settle such continuation of enjoyment.

Article 115. Change of places for receiving pension or social insurance allowance

When a person on pension or monthly social insurance allowance moves to another place of residence within the country and wishes to receive social insurance allowance at the new place of residence, he/she shall submit an application to the social insurance agency of the place where he/she currently receives the allowance.

Within 5 working days after receiving such application, the social insurance agency shall settle the receipt of pension or social insurance allowance by the employee at the new place of residence, or issue a written reply clearly stating the reason for its refusal to settle such receipt.

Article 116. Delayed settlement of enjoyment of social insurance regimes

1. If the settlement of enjoyment of social insurance regimes is delayed after the time limit specified in Clause 1 or 2, Article 102, Clause 1, Article 103, Clause 1 or 2, Article 110, or Clause 1 or 2, Article 112, of this Law, a written explanation shall be made.

2. In case the submission of dossiers and settlement of enjoyment of social insurance regimes are delayed after the prescribed time limits, thus damaging the lawful rights and interests of eligible beneficiaries, compensation shall be paid in accordance with law, except cases where such delay is due to the fault of employees or their relatives.

Article 117. Dossiers and order for assessment of working capacity decrease to settle social insurance regimes

1. The Minister of Health shall stipulate dossiers and the order for assessment of working capacity decrease to settle social insurance regimes.

2. The examination for assessment of working capacity decrease must ensure accuracy, publicity and transparency. The Medical Assessment Council shall take responsibility for the accuracy of its assessment results in accordance with law.

Chapter VIII

**COMPLAINTS AND DENUNCIATIONS OF, AND HANDLING OF
VIOLATIONS RELATED TO SOCIAL INSURANCE**

Article 118. Complaints about social insurance

1. Employees, persons on pension or monthly social insurance allowance, persons having their period of social insurance premium payment reserved and other persons may request competent agencies, organizations or persons to review the latter's decisions or acts when they have grounds to believe that such decisions or acts violate the law on social insurance and infringe their lawful rights and interests.

2. Employers may request competent agencies, organizations or persons to review the latter's decisions or acts when they have grounds to believe that such decisions or acts violate the law on social insurance and infringe their lawful rights and interests.

Article 119. Order of settlement of complaints about social insurance

1. Complaints about social insurance-related administrative decisions or acts shall be settled in accordance with the law on complaints.

2. For complaints about social insurance-related decisions or acts not specified in Clause 1 of this Article, complainants may choose either of the following:

a/ Lodging first-time complaints with the agencies or persons that have issued these decisions or committed these acts; in case these agencies or persons no longer exist, district-level state management agencies in charge of labour shall settle the complaint;

b/ Initiating lawsuits at a court in accordance with law.

3. In case complainants defined at Point a, Clause 2 of this Article disagree with the first-time complaint settlement decisions, or when the prescribed time limit expires but the complaints have not yet been settled, they may initiate lawsuits at a court or lodge complaints with provincial-level state management agencies in charge of labour.

In case complainants disagree with the complaint settlement decisions of provincial-level state management agencies in charge of labour, or when the prescribed time limit expires but the complaints have not yet been settled, the complainants may initiate lawsuits at a court.

4. The statute of limitations for lodging complaints and the time limit for settling complaints must comply with the law on complaints.

Article 120. Lodging and settlement of denunciations about social insurance

The lodging and settlement of denunciations about violations of the law on social insurance must comply with the law on denunciations.

Article 121. Competence to sanction administrative violations in the field of social insurance, health insurance and unemployment insurance, sanctioning levels and remedies

1. Competence of social insurance agencies:

a/ The General Director of Vietnam Social Insurance has the competence prescribed in Clause 4, Article 46 of the Law on Handling of Administrative Violations;

b/ Directors of provincial-level social insurance agencies have the competence prescribed in Clause 2, Article 46 of the Law on Handling of Administrative Violations;

c/ Heads of specialized inspection teams established under decisions of the General Director of Vietnam Social Insurance have the competence prescribed in Clause 3, Article 46 of the Law on Handling of Administrative Violations.

2. Persons with sanctioning competence defined in Clause 1 of this Article may authorize their deputies to handle administrative violations.

3. The maximum fine levels in the field of social insurance, health insurance and unemployment insurance, sanctioning forms, remedies, administrative sanctioning procedures and other provisions related to administrative sanctioning

must comply with the Law on Handling of Administrative Violations and other relevant laws.

Article 122. Handling of violations of the law on social insurance

1. Agencies and organizations that violate this Law shall, depending on the nature and severity of their violations, be administratively sanctioned; and, if causing damage, they shall pay compensation in accordance with law.

2. Individuals who violate this Law shall, depending on the nature and severity of their violations, administratively sanctioned, disciplined or examined for penal liability; and, if causing damage, they shall pay compensation in accordance with law.

3. Employers that violate Clause 1, 2 or 3, Article 17 of this Law for 30 days or more shall not only fully pay the amount not yet paid or paid late and be handled in accordance with law but also pay an interest equaling 2 times the average interest rate of investment from the social insurance fund in the preceding year, calculated based on the late paid amount and late payment period. If they fail to do so, at the request of competent persons, related banks, credit institutions or state treasuries shall deduct money from the employers' deposit accounts in order to pay the amount not yet paid or paid late and the interest thereon to the accounts of social insurance agencies.

Chapter IX

IMPLEMENTATION PROVISIONS

Article 123. Transitional provisions

1. The provisions of this Law apply to persons who participate in social insurance before the effective date of this Law.

2. Persons on pension before January 1, 1994, persons on pension, monthly working capacity loss allowance, labour accident or occupational disease allowance, survivor allowance or social insurance allowance, for commune, ward or township cadres who have ceased working, persons on monthly allowance while the period

for enjoying such allowance has expired, or persons who are suspended from enjoying social insurance allowance due to their violations of law before this Law takes effect, shall still comply with the previous regulations and have their levels of enjoyment adjusted.

3. Employees who have paid social insurance premiums, covering also the region-based allowance, are entitled to not only pension, lump-sum social insurance allowance and survivor allowance but also a lump-sum region-based allowance; persons on pension, monthly working capacity loss allowance or labour accident or occupational disease allowance who are enjoying a monthly region-based allowance in their places of permanent residence eligible for region-based allowance are entitled to continue enjoying such allowance.

4. Persons on spouse allowance in overseas Vietnamese representative missions who participate in compulsory social insurance under both retirement and survivor allowance regimes; and employees who cease working due to diseases on the Ministry of Health-issued list of diseases requiring long-term treatment and enjoy the sickness regime before the effective date of this Law shall comply with the Government's regulations.

5. For persons on pension, monthly working capacity loss allowance or labour accident or occupational disease allowance before the effective date of this Law, the survivor allowance regime provided in this Law shall apply when they die.

6. Employees who had worked in the state sector before January 1, 1995, and fully satisfy the conditions for enjoying severance allowance or lump-sum allowance or demobilization allowance but have not yet enjoyed such allowance, such working period shall be regarded as a period of social insurance premium payment. The calculation of the working period prior to January 1, 1995, for enjoying social insurance allowances must comply with the previous regulations on calculation of the working period prior to January 1995, for enjoying social

insurance allowances for cadres, civil servants, public employees, workers, army men, and employees in the people's public security force.

7. Annually, the State shall transfer an amount from the budget to the social insurance fund to ensure full payment of pension and social insurance allowances to persons on pension or social insurance allowance prior to January 1, 1995; and payment of social insurance premiums for the working period prior to January 1, 1995, for persons defined in Clause 6 of this Article.

8. Employees who are eligible for, and enjoy, social insurance regimes before the effective date of this Law shall continue to comply with the provisions of Law No. 71/2006/QH11 on Social Insurance.

9. Persons on pension, social insurance allowance or monthly allowance who are working under signed labour contracts shall not be covered by compulsory social insurance.

10. The Government shall detail this Article.

Article 124. Effective

1. This Law takes effect on January 1, 2016; the provisions at Point b, Clause 1, and in Clause 2, Article 2, of this Law takes effect on January 1, 2018.

2. Law No. 71/2006/QH11 on Social Insurance ceases to be effective on the effective date of this Law.

Article 125. Detailing provisions

The Government and competent agencies shall detail the articles and clauses in this Law as assigned.

This Law was passed on November 20, 2014, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 8th session.-

**CHAIRMAN OF THE NATIONAL
ASSEMBLY**

Nguyen Sinh Hung