THE NATIONAL ASSEMBLY	THE SOCIALIST REPUBLIC OF VIETNAM
	Independence - Freedom - Happiness
Law No. 41/2024/QH15	

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 the rights and responsibilities of agencies, organizations and individuals relating to social insurance and organization of implementation of social insurance; social pension benefits; registration for participation and management of social insurance premium collection and payment; compulsory and voluntary social insurance regimes and policies; social insurance funds; supplementary retirement scheme; complaints and denunciations and handling of social insurance-related violations; and state management of social insurance.

Article 2. Persons covered by compulsory and voluntary social insurance

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

a) Persons working under indefinite-term labor contracts, definite-term labor contracts with a term of one month or more, including cases where the employees and employers agree on a different name but with content showing paid work, salary and management, operation and supervision by one party;

b) Cadres, civil servants and public employees;

c) Defense workers and employees, public security workers and persons doing other jobs in cipher organizations;

d) 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 and enjoying salaries like army men;

dd) Non-commissioned officers and soldiers of the people’s army; non-commissioned officers and soldiers on duty in the people’s public security; army, public security and cipher cadets who are entitled to cost-of-living allowance;

e) Standing militia;

g) Vietnamese guest workers as prescribed in the Law on Vietnamese Guest Workers, unless otherwise specified by treaties to which the Socialist Republic of Vietnam is a contracting party;

h) Spouses not entitled to salary from the state budget who are sent on a term of office with a member of an overseas representative mission of Vietnam abroad with living allowance;

i) Salaried managers of enterprises, controllers, representatives of state capital, representatives of enterprise capital as prescribed by law; salaried members of the Board of Directors, General Directors, Directors, members of the Board of Supervisors or controllers and other elected management positions of cooperatives and cooperative unions as prescribed by the Law on Cooperatives;

k) Persons working on a part-time basis in communes, villages and residential quarters;

l) Persons specified at Point a of this Clause who work part-time and have monthly salary equal to or higher than the lowest salary on which compulsory social insurance premiums are based;

m) Business household owners of business households with business registration who participate in insurance in accordance with the Government's regulations;

n) Non-salaried managers of enterprises, controllers, representatives of state capital, representatives of enterprise capital as prescribed by law; non-salaried members of the Board of Directors, General Directors, Directors, members of the Board of Supervisors or controllers and other elected management positions of cooperatives and cooperative unions as prescribed by the Law on Cooperatives.

2. Workers who are foreign citizens working in Vietnam shall be covered by compulsory social insurance if they work for a Vietnamese employer under a definite-term labor contracts with a term of 12 months or more, except for the following cases:

a) Internal travel within the enterprise in accordance with the law on foreign employees working in Vietnam;

b) At the time of signing the labor contract, the employee has reached the retirement age as prescribed in Clause 2 Article 169 of the Labor Code;

c) Treaties to which the Socialist Republic of Vietnam is a contracting party provide other provisions.

3. Employers covered by compulsory social insurance include state agencies, public non-business units; and people’s armed forces and public security units, agencies and enterprises, cipher organizations; 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, cooperatives, cooperative unions, business households and other organizations and individuals that hire or employ employees under labor contracts.

4. Persons covered by voluntary social insurance include:

a) Vietnamese citizens aged full 15 years or older who are not covered compulsory social insurance, other than those who are entitled to pensions, social insurance allowance and monthly allowance;

b) Persons specified at Points a and b of this Article, who suspend their performance of labor contracts or working contracts, unless both parties have reached an agreement on compulsory social insurance premium payment during this period.

5. A person who simultaneously belongs to many different cases subject to compulsory social insurance as prescribed in Clause 1 of this Article shall be covered by compulsory social insurance according to the following regulations:

a) A person defined at Point a or l Clause 1 of this Article who signs labor contracts with many employers shall be covered by social insurance premiums under the first-signed labor contract.

In case the labor contract being used as the basis for participation in compulsory social insurance is temporarily suspended and the two parties do not have an agreement on compulsory social insurance premium payment during the suspension period, compulsory social insurance participation shall be in order of the effective time of the signed contract;

b) A person defined at Point b or i Clause 1 of this Article who concurrently is the one that defined at Point a or l Clause 1 of this Article, shall participate in compulsory social insurance as the corresponding subject specified at Point b or i Clause 1 of this Article;

c) A person defined at Point i or n Clause 1 of this Article who works for different enterprises, cooperatives or cooperative unions shall participate in compulsory social insurance at the first enterprise, cooperative or cooperative union managed or administered by such person;

d) A person defined at Point g or k Clause 1 of this Article who concurrently is the one that defined at Point a, i or l Clause 1 of this Article, shall participate in compulsory social insurance as the corresponding subject specified at Point a, i or l Clause 1 of this Article, whichever occurs first;

dd) A person defined at Point k Clause 1 of this Article who concurrently is the one that defined at Point m or n Clause 1 of this Article, shall participate in compulsory social insurance as the subject specified at Point k Clause 1 of this Article;

e) A person defined at Point m or n Clause 1 of this Article who concurrently belongs to different cases specified in Clause 1 of this Article shall participate in compulsory social insurance in accordance with the Government's regulations;

g) A person defined at Point e Clause 1 of this Article who concurrently is the one that defined at Point k or m Clause 1 of this Article, shall participate in compulsory social insurance as the subject specified at Point e Clause 1 of this Article.

6. The National Assembly Standing Committee shall decide on the participation of compulsory social insurance for different subjects other than those specified in Clause 1 of this Article, who have stable and regular jobs and incomes based on the Government's proposal in accordance with socio-economic development conditions of each period.

7. Persons not subject to compulsory social insurance include:

a) Persons on pension, monthly allowance or social insurance allowance.

The Government shall prescribe persons eligible to monthly allowance or social insurance allowance, who are not covered by compulsory social insurance;

b) Domestic caretakers;

c) Persons defined at Point m and n Clause 1 of this Article who reach the retirement age under Clause 2 Article 169 of the Labor Code, unless their period of social insurance premium payment is short of 6 months at most in accordance with Clause 7 Article 33 of this Law.

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 a social insurance participant’s income that is reduced or lost due to his/her sickness, maternity, occupational accident or disease, retirement or death, on the basis of his/her contributions to the social insurance fund or the state budget coverage.

2. *Social pension benefit* means a form of social insurance covered by the state budget, applicable to eligible elder as prescribed by this Law.

3. *Compulsory social insurance* means a form of social insurance

organized by the State in which employees and employers subject to compulsory social insurance are required to participate.

4. *Voluntary social insurance* means a form of social insurance organized by the State, in which Vietnamese citizens may voluntarily participate and may select a premium rate and a method of premium payment suitable to his/her income.

5. *Supplementary retirement scheme* is a form of voluntary social insurance based on the market principle, aiming to supplement the retirement regime under compulsory social insurance, which is formed by contributions from employers or employees and employers.

6. *Period of social insurance premium payment* means the total period during which the compulsory or voluntary social insurance premiums have been paid in accordance with this Law, unless otherwise prescribed by treaties to which the Socialist Republic of Vietnam is a contracting party.

7. *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.

8. *Beneficiary* means a person eligible to social insurance regime in accordance with this Law.

9. *Registration for participation in social insurance* means the employer and employee submit a dossier of declaring information about the employer, employee, salary and income used as a basis for payment of social insurance premiums, payment method and other relevant information as prescribed by law to participate in social insurance to social security agency.

10. *Electronic transaction in social insurance* means a transaction performed by electronic method, including registration for participation, grant of social insurance books, social insurance premium payment; settling and payment of social insurance regime and other activities in social insurance.

11. *National Insurance Database* means a shared database containing information about social insurance, unemployment insurance and health insurance that is digitized, standardized, stored and managed by information infrastructure to serve the state management and transactions of agencies, organizations, and individuals.

12. *Copies* of papers for implementation of social insurance specified in this Law include:

a) Those granted from the original books by competent agencies or organization; or

b) Those certified from the original books by competent agencies or organization; or

c) Other cases as prescribed by the Government.

Article 4. Social insurance forms and regimes

1. Social pension benefits cover the following regimes:

a) Monthly social pension allowance;

b) Funeral support;

c) Enjoyment of state-covered health insurance benefits.

2. Compulsory social insurance covers the following regimes:

a) Sickness;

b) Maternity;

c) Retirement;

d) Survivorship allowance;

dd) Occupational accident and disease insurance as defined in the Law on Occupational Safety and Health.

3. Voluntary social insurance covers the following regimes:

a) Maternity allowance;

b) Retirement;

c) Survivorship allowance;

d) Occupational accident insurance as defined in the Law on Occupational Safety and Health.

4. Unemployment insurance as prescribed by the Law on Employment.

5. Supplementary retirement scheme.

Article 5. Social insurance principles

1. Levels of compulsory and voluntary social insurance allowances shall be calculated based on the social insurance premium rate and the premium payment period; taking account into the sharing among the insured in accordance with this Law.

2. The compulsory social insurance premium rate shall be calculated based on the salary on which compulsory social insurance premiums are based. The voluntary social insurance premium rate shall be calculated based on the income on which voluntary social insurance premiums are based, as selected by employees.

3. Persons who pay both compulsory and voluntary social insurance premiums are entitled to the monthly allowance, retirement regime and

survivorship allowance regime based on their period of compulsory and voluntary 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 and beneficiaries.

6. The minimum period of social insurance premium payment used to determine conditions for pension and monthly survivorship allowance enjoyment shall be calculated by years, in which one year has full 12 months. The calculation of periods of social insurance premium payment with odd months for enjoyment of allowance regimes must be as follows: A period of between 1 month to 6 months shall be counted as half year; A period of between 7 months to 11 months shall be counted as one year.

7. Social insurance regimes shall be settled in accordance with the law on social insurance at the time of enjoyment of social insurance regimes.

Article 6. State policies on social insurance

1. To build a multi-tier social insurance system, including social pension benefits, compulsory social insurance and voluntary social insurance, and supplementary retirement scheme, aiming for universal coverage according to a roadmap suitable to socio-economic development conditions.

2. To ensure legitimate rights and interests of organizations and individuals participating in social insurance; to adopt credit support policies for employees who have paid social insurance premium but lose their jobs.

3. The State budget shall cover social pension benefits and other regimes as prescribed by this Law.

4. To protect, preserve and develop the social insurance fund.

5. To provide support for voluntary social insurance participants.

6. To encourage localities, depending on their socio-economic conditions and budget balance capabilities, to mobilize social resources to support additional social insurance contributions for voluntary social insurance participants and provide additional support for social pension beneficiaries.

7. To perfect the law and policy on social insurance; to develop a professional, modern, transparent and effective social insurance implementation

organization system; to prioritize investment in developing information technology infrastructure to meet the requirements of digital transformation, electronic transactions and social insurance management requirements.

8. To encourage to participate in supplementary retirement scheme.

Article 7. Reference level

1. Reference level means a money amount prescribed by the Government for calculation of premiums and benefits applicable for several social insurance regimes specified in this Law.

2. Reference level shall be adjusted based on the increase in the consumer price index and economic growth to suit the state budget capacity and social insurance fund.

3. The Government shall detail this Article.

Article 8. International cooperation on social insurance

1. International cooperation on social insurance shall be carried out on the principle of mutual benefit, in accordance with international law and Vietnamese law.

2. To encourage international cooperation in strengthening the capacity to manage and organize the implementation of social insurance, develop a flexible, diverse, multi-tier, modern and internationally-integrated social insurance policy system, aiming for universal coverage according to a roadmap suitable to the country's socio-economic development conditions, harmoniously combining the principles of contribution - enjoyment, fairness, equality, sharing and sustainability.

3. To promote negotiations and signing of treaties and international agreements on social insurance to ensure the rights of Vietnamese workers working abroad and foreign workers coming to work in Vietnam.

4. In case a treaty to which the Socialist Republic of Vietnam is a contracting party contains provisions on the time of participation in social insurance of employees in Vietnam and abroad to be considered for enjoyment of social insurance regimes, the level of social insurance benefits in Vietnam shall be calculated based on the time the employee has paid social insurance premiums in Vietnam.

Article 9. Prohibited acts

1. Delaying or shirking the payment of compulsory social insurance or unemployment insurance premiums.

2. Appropriating social insurance and unemployment insurance benefits.

3. Causing obstacles or troubles to, or harming the lawful rights and interests of, participants and beneficiaries of social insurance and unemployment

insurance.

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. Illegally accessing, exploiting or providing the database on social insurance or unemployment insurance.

7. Registering or making untruthful reports; providing inaccurate information on social insurance or unemployment insurance.

8. Colluding, connecting, covering up, and assisting agencies, organizations, and individuals to commit violations against the law on social insurance and unemployment insurance.

9. Pledging, purchasing, selling, mortgaging, or depositing social insurance books in any form.

10. Other acts as prescribed by law.

Chapter II

RIGHTS AND RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS RELATING TO SOCIAL INSURANCE AND ORGANIZATION OF IMPLEMENTATION OF SOCIAL INSURANCE

Section 1

RIGHTS AND RESPONSIBILITIES OF AGENCIES, ORGANIZATIONS AND INDIVIDUALS RELATING TO SOCIAL INSURANCE

Article 10. Rights of social insurance participants and beneficiaries

1. Social insurance participants shall have the following rights:

a) To enjoy social insurance regimes in accordance with this Law;

b) To be granted social insurance books;

c) To be provided with information about the social insurance premium payment via electronic means by the social security agency on a monthly basis; to have information about social insurance premium payment certified by the social security agency upon requests;

d) To request employers and concerned agencies and organizations to fulfill their social insurance-related responsibilities as prescribed by law;

dd) To be propagated and disseminated policies and law on social insurance;

e) To proactively take medical assessment to determine their working capacity decrease, if they have their period of social insurance premium payment reserved, and not to pay medical assessment costs if their medical assessment results are eligible to social insurance regimes in accordance with this Law;

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

2. Social insurance beneficiaries shall have the following rights:

a) To receive social insurance regimes in a sufficient, timely and convenient manner;

b) To enjoy health insurance when being on pension; taking leave on monthly occupational accident or disease allowance; taking maternity leave from 14 working days or more in a month; taking leave on sickness regimes from 14 working days or more in a month, or taking leave on sickness allowance, for employees who suffer a disease on the Minister of Health-issued list of diseases requiring long-term treatment; enjoying regimes specified in Article 23 of this Law;

c) To receive payment of charges for assessment in case employees take assessment of the working capacity decrease not as introduced by their employers and the assessment results show that these persons are eligible for social insurance regimes in accordance with this Law;

d) To authorize others in writing to implement social insurance. In case of authorizing others to receive pensions, social insurance allowances and other regimes as prescribed by this Law, the written authorization's maximum validity period is 12 months from the authorizing date. The written authorization must be certified in accordance with the law on certification;

dd) For persons aged full 80 or older, if needed, social security agencies or service providers authorized by social security agencies shall pay pensions or social insurance allowances at their places of residence in the territory of Vietnam;

e) To be provided with information about the enjoyment of social insurance regimes via electronic means by the social security agency on a monthly basis; to have information about social insurance enjoyment certified by the social security agency upon requests;

g) To lodge complaints or denunciations or initiate lawsuits about social insurance in accordance with law;

h) To refuse to enjoy social insurance regimes.

Article 11. Responsibilities of social insurance participants and beneficiaries

1. Social insurance participants shall have the following responsibilities:

a) To pay social insurance premiums in accordance with this Law;

b) To monitor the performance of social insurance-related responsibilities;

c) To make accurate, honest and sufficient declaration according to regulations on registration for participation in social insurance.

2. Social insurance beneficiaries shall have the following responsibilities:

a) To implement regulations on order, procedures and other regulations on enjoyment of social insurance regimes in accordance with this Law and other relevant laws;

b) To refund the enjoyed social insurance regimes when there is a decision from a competent agency determining that the enjoyment is not in accordance with regulations;

c) On an annual basis, the beneficiary shall, through a personal account opened at a bank, coordinate with the social security agency or service provider authorized by the social security agency to verify information about eligibility to enjoy social insurance regimes.

Article 12. Rights of employers

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

2. To suspend the payment of compulsory social insurance premiums under Article 37 of this Law.

3. To receive the social security agency's guidance on order and procedures for implementation of social insurance.

4. To be propagated and disseminated policies and law on social insurance.

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

Article 13. Responsibilities of employers

1. To register to participate in compulsory social insurance for employees in accordance with this Law; to coordinate with social security agencies in returning paper social insurance books for employees.

2. To make dossiers for employees to enjoy social insurance regimes.

3. To coordinate with social security agencies in certifying periods of social insurance premium payment for employees who terminate labor contracts or working contracts or cease working in accordance with law.

4. To pay compulsory social insurance premiums for employees under

Article 34 of this Law, and make monthly deductions of compulsory social insurance premium payable from employees' salaries under Article 33 of this Law for simultaneous payment to the social insurance fund.

5. To consider introducing employees defined in Article 65 of this Law to take medical assessment at the Medical Assessment Council for assessment of their working capacity decrease.

6. To coordinate with social security agencies in paying social insurance allowances to employees in case of making payment through employers.

7. To produce and provide accurate, sufficient and prompt information and documents relating to the payment of social insurance premiums and enjoyment of social insurance under the employers' responsibilities at the request of competent state management agencies.

8. To make compensation for employees in accordance with law in case of failing to make payment or make insufficient payment of compulsory social insurance premiums as prescribed by this Law, causing damages to employees' lawful rights and interests.

9. To coordinate and create conditions for social security agencies to recover the employees' social insurance benefits improperly enjoyed under the competent agencies' decisions.

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

1. Within the ambit of functions, tasks and pursuant to relevant laws, trade unions have the following rights and responsibilities:

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

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

c) To propagate, disseminate and consult policies and law on social insurance to employees;

d) To supervise the implementation, and propose competent state agencies to handle violations, of the law on social insurance;

dd) To participate in inspecting and examining the implementation of the law on social insurance;

d) To initiate lawsuits against persons committing violations of the law on social insurance which affect the lawful rights and interests of employees and employee collectives;

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

2. Within the ambit of functions, tasks and pursuant to relevant laws, the Vietnam Fatherland Front and its member organizations have the following rights and responsibilities:

a) To propagate and mobilize people, union members and members to implement policies and laws on social insurance, and proactively participate in types of social insurance suitable for themselves and their families;

b) To participate in protecting the lawful rights and interests of union members and members; to share information and data about its employees, members, and affiliates with social security agencies;

c) To carry out supervision and provide social counter-arguments for and join state agencies in the formulation and implementation of policies and law on social insurance.

Article 15. Rights and responsibilities of employers' representative organizations

1. To protect the lawful rights and interests of the insured employers;

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

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

4. To encourage its member employers to comply with policies and laws on social insurance.

5. To participate in inspection and supervision of the implementation of laws on social insurance in accordance with law.

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

Section 2

ORGANIZATION OF IMPLEMENTATION OF SOCIAL INSURANCE

Article 16. Social security agencies

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

2. The Government shall prescribe the functions, tasks, powers and

organizational structure of the social security agency.

Article 17. Powers of social security agencies

1. To request employers to produce labor management books, pay scale, payroll and other information and documents relating to the payment of compulsory social insurance, unemployment insurance and health insurance premiums and enjoyment of compulsory social insurance, unemployment insurance or health insurance.

2. To be connected and shared with information or provided by enterprise registration agencies or agencies granting operation certificates or operation licenses with copies of enterprise registration certificates, operation licenses, operation certificates, cooperative or business household registration certificates in order to examine and inspect the registration for participation in compulsory social insurance, for newly established enterprises and organizations.

3. To be provided by tax agencies with information on employers' salary expenses used for tax calculation, and other information relating to the participation in social insurance in accordance with the law on tax administration.

4. To reject unlawful claims for compulsory social insurance, voluntary social insurance, unemployment insurance or health insurance allowances. In such case, a written reply clearly stating the reason is required.

5. To examine the implementation of the law on compulsory and voluntary social insurance, the performance of medical examination and treatment contracts covered by health insurance fund; the payment of unemployment insurance and health insurance premiums and payment of unemployment insurance and health insurance allowances. To conduct specialized inspection of the payment of social insurance, unemployment insurance and health insurance premiums.

6. 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.

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

Article 18. Responsibilities of social security agencies

1. To propagate, disseminate, answer, and advise on policies and laws on compulsory social insurance, voluntary social insurance, unemployment insurance, and health insurance; to develop a social insurance industry development strategy and long-term investment strategy and submit them to competent agencies for approval; to develop annual investment plans and submit them to the Management Board of Vietnam Social Security for decision; to

organize the assessment and publication of the level of satisfaction of organizations and individuals with the implementation of policies and laws on social insurance, unemployment insurance, and health insurance.

2. To issue forms of social insurance books; forms of compulsory social insurance, voluntary social insurance and unemployment insurance dossiers after reaching agreement with the Ministry of Labor, Invalids and Social Affairs.

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

4. To receive dossiers of participation in compulsory and voluntary social insurance and health insurance; to grant social insurance books and health insurance cards to employees.

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

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

7. To apply information technology, reform administrative procedures to ensure openness, transparency, simplicity, and convenience for participants and beneficiaries of social insurance regimes; to archive dossiers of participants and beneficiaries of social insurance and unemployment insurance regimes in accordance with law.

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

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

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

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

12. To make reports as follows:

a) To report to the Management Board of Vietnam Social Security every 6 months on the implementation of social insurance, unemployment insurance and health insurance policies and regimes;

b) To report to the Ministry of Labor, Invalids and Social Affairs every 6 months on the implementation of compulsory social insurance, voluntary social insurance, unemployment insurance policies and regimes; to report to the Ministry of Health on the implementation of health insurance policies and regimes;

c) Every 6 months, local social security agencies shall report to same-level People's Committees on the implementation of social insurance, unemployment insurance and health insurance policies and regimes in localities under their management;

d) Annually, to report to the Ministry of Finance on the management and use of social insurance, unemployment insurance and health insurance funds.

13. Every 5 years, to evaluate and forecast the ability to balance the retirement and survivorship allowance funds.

14. To provide documents and information relating to the implementation of policies and laws on social insurance, unemployment insurance and health insurance at the request of competent state agencies.

15. To settle complaints and denunciations about the implementation of social insurance, unemployment insurance and health insurance in accordance with this Law and relevant laws.

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

17. To define and monitor employees and employers that are covered by social insurance as prescribed in Article 30 of this Law.

18. To take charge of building, managing, updating and maintaining the national insurance database and exploit, use and share data in the national insurance database in accordance with law.

Article 19. Management Board of Vietnam Social Security

1. The Management Board of Vietnam Social Security shall be organized at national level and has the responsibilities to assist the Government and Prime Minister in directing and supervising the operation of social security agencies, and giving advice on social insurance, health insurance and unemployment insurance policies.

2. The Management Board of Vietnam Social Security shall be composed of representatives of the Vietnam General Confederation of Labor, employers' representative organizations at central level, the Ministry of Finance, the Ministry

of Labor, Invalids and Social Affairs, the Ministry of Health, the Ministry of Home Affairs, Vietnam Social Security, the Ministry of Public Security, the Ministry of National Defence, the State Bank of Vietnam, and other related organizations and individuals.

3. The Management Board of Vietnam Social Security 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 Security is 5 years.

4. The Government shall stipulate the order and procedures for establishment, working regime, responsibilities and operating funds of Management Board of Vietnam Social Security and its assisting apparatus.

Members of the Management Board of Vietnam Social Security hall be personally responsible and reserve their decisions and opinions when receiving written opinions or voting to approve the contents in Article 20 of this Law.

Chairperson of the Management Board of Vietnam Social Security shall report to the Prime Minister on issues of disagreement among its members.

Article 20. Tasks, powers and responsibilities of the Management Board of Vietnam Social Security

1. To approve social insurance development strategies, long-term and five-year plans on the implementation of social insurance, health insurance and unemployment insurance policies and laws, long-term investment strategies before submitting them to the competent authorities for approval; or to approve annual plans on the implementation of social insurance, health insurance and unemployment insurance policies and laws; to supervise and examine the implementation of approved strategies, plans and schemes by social security agencies.

2. To approve annual reports on the implementation of social insurance, health insurance and unemployment insurance policies and laws; and the management and use of social insurance, health insurance and unemployment insurance funds before social security agencies submit them to competent agencies.

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

4. To approve the followings:

a) Plans and schemes on preservation and development of social insurance, health insurance and unemployment insurance funds;

b) Annual cost estimates on collection and payment of social insurance, health insurance and unemployment insurance funds; levels of social insurance, health insurance and unemployment insurance operation and organization expenses; finalization statements on social insurance operation and organization expenses; long-term investment strategies before social security agencies submit them to competent agencies;

c) Annual investment plans.

5. 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 security agencies, and mechanisms for management and use of social insurance, health insurance and unemployment insurance funds.

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

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

Chapter III

SOCIAL PENSION BENEFITS

Article 21. Eligible subjects and conditions for enjoyment of social pension benefits

1. Vietnamese citizens that fully satisfy the following conditions shall be eligible for social pension benefits:

a) Being full 75 years old or older;

b) Not receiving pension or monthly social insurance allowances, unless otherwise as prescribed by the Government;

c) Having a written request for enjoyment of social pension benefits.

2. Vietnamese citizens from full 70 years old to under 75 years old belonging to poor households, near-poor households who fully satisfy the conditions specified at Points b and c Clause 1 of this Article, shall be entitled to social pension benefits.

3. The National Assembly Standing Committee shall decide on gradually reducing the age eligible for social pension benefits based on the Government's proposal in accordance with socio-economic development conditions and the capacity of the state budget in each period.

4. The Government shall detail Clause 2 of this Article.

Article 22. Regimes, order and procedures for implementation of social pension benefits

1. Monthly social pension allowance level shall be decided by the Government in accordance with socio-economic development conditions and the capacity of the state budget in each period. Every 3 years, the Government shall review and consider to adjust the social pension allowance levels.

Depending on socio-economic development conditions and the state budget's balance capacity, and the capacity of mobilization of social resources, the provincial-level People’s Committees shall same-level People’s Councils for decision on providing additional supports for persons entitled to social pension allowance.

2. If persons specified in article 21 of this Law are concurrently eligible for monthly social allowance, they shall be entitled to the higher allowance.

3. Persons who are enjoying monthly social pension allowance shall have their health insurance premiums covered by the state budget in accordance with the law on health insurance. When they die, the organization or individual taking care of the funeral will receive funeral supports in accordance with the law on the elderly.

4. The Government shall prescribe the order and procedures for implementation of social pension benefits.

Article 23. Regimes applicable to employees ineligible for pension enjoyment and not old enough to receive social pension benefits

1. For Vietnamese citizens reaching the retirement age who have paid social insurance premiums but are ineligible for pension enjoyment and ineligible for social pension benefits under Article 21 of this Law, if they do not enjoy lump-sum social insurance allowance without reservation and have a request, they will receive a monthly allowance from their own payment as prescribed in Clause 2 of this Article.

2. The period and level of monthly allowance enjoyment shall be determined based on the period and basis of social insurance premium payment of the employees.

3. The lowest monthly allowance is equal to the monthly social pension allowance specified in Clause 1 Article 22 of this Law.

In case the total amount calculated over the period and basis of social insurance premium payment of the employee is higher than the amount calculated for the monthly allowance which is equal to the social pension benefit at the time of settlement for enjoyment for the period from the time the employee reaches the retirement age until he/she reaches the age eligible to receive social pension benefits, the employee may receive monthly allowance at a higher level.

In case the total amount calculated based on the period and basis of social insurance premium payment of the employee is not enough for the employee to receive monthly allowance until reaching the age to receive social pension benefits, if the employee wishes, he/she may make one-time payment for the remaining amount until reaching the age to receive social pension benefits.

4. The monthly allowance level specified in Clause 3 of this Article may be adjusted in accordance with Article 67 of this Law.

5. In case the person receiving the monthly allowance dies, his/her relative is entitled to a lump-sum allowance for the months not yet received and a lump-sum funeral allowance if he/she meets the conditions specified at Point a Clause 1 Article 85 or Point a Clause 1 Article 109 of this Law.

6. Persons who are enjoying monthly allowance shall have their health insurance premiums covered by the state budget.

7. The Government shall detail this Article.

Article 24. Order and procedures for implementation of regimes applicable to employees ineligible for pension enjoyment and not old enough to receive social pension benefits

1. Persons specified in Clause 1 Article 23 of this Law shall send dossiers to social security agencies. Such a dossier must comprise:

a) Social insurance book;

b) Written request for enjoyment of monthly allowance.

2. Within 05 working days after receiving a complete and valid dossier as prescribed in Clause 1 of this Article, the social security agency shall settle the enjoyment of monthly allowance, or issue a written reply clearly stating the reason for its refusal.

Chapter IV

REGISTRATION FOR PARTICIPATION IN, AND MANAGEMENT OF COLLECTION AND PAYMENT OF COMPULSORY AND VOLUNTARY SOCIAL INSURANCE PREMIUMS

Section 1

REGISTRATION FOR PARTICIPATION IN COMPULSORY AND VOLUNTARY SOCIAL INSURANCE

Article 25. Social insurance books

1. A social insurance book shall be granted to every employee, containing basic personal information, records of the payment, enjoyment and settlement of social insurance regimes and other relevant necessary information.

2. Social insurance books are issued in electronic and paper versions with the same legal value.

No later than January 1, 2026, social insurance books shall be issued in electronic versions; paper social insurance books shall be issued at the social insurance participants' requests.

3. Social insurance book data shall be accurately and timely updated, compared and managed as prescribed.

4. The Government shall detail this Article.

Article 26. Electronic transactions in social insurance

1. Agencies, organizations and individuals eligible for conducting electronic transactions in social insurance shall conduct electronic transactions with social security agencies in accordance with this Law and the law on e-transactions.

2. Dossiers and documents used in electronic transactions must be compliant with the law on e-transactions. Electronic transactions in social insurance specified in Clause 1 of this Article have the same legal value as paper transactions.

3. By January 1, 2027, social security agencies must satisfy conditions for conducting electronic transactions in social insurance.

4. The Government shall detail this Article and the adjustment, reduction, and simplification of documents and procedures for implementing social insurance from paper transactions as prescribed in this Law to electronic transactions to ensure convenience for social insurance participants and beneficiaries.

Article 27. Dossiers of registration for participation in compulsory and voluntary social insurance

1. A dossier of registration for participation in compulsory social insurance of a person covered by compulsory social insurance, except for those specified at Points m and n Clause 1 Article 2 of this Law, must comprise:

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

b) Employees' declaration forms for registration for participation in social insurance.

2. Dossiers of registration for participation in compulsory social insurance of persons specified at Points m and n Clause 1 Article 2 of this Law, that are submitted through employers, shall comply with Clause 1 of this Article; dossiers submitted by employees themselves shall comprise the declaration form specified at Point b Clause 1 of this Article.

3. A dossier of registration for participation in voluntary social insurance comprises the declaration form for registration for participation in social insurance of the voluntary social insurance participant.

Article 28. Registration for participation in social insurance and grant of social insurance books

1. Employers shall be responsible for making declarations and submitting dossiers for participation on compulsory social insurance of their employees in accordance with Clauses 1 and 2 Article 27 of this Law to social security agencies within 30 days from the date the employees are obligated to participate in compulsory social insurance, except for the cases specified in Clause 2 of this Article.

2. Persons specified at Points m and n Clause 1 of this Article, in case of submitting dossiers by themselves, shall submit declaration forms specified at Point b Clause 1 Article 27 of this Law to social security agencies within 30 days from the date the employees are obligated to participate in compulsory social insurance.

3. Persons to be covered by voluntary social insurance shall submit a dossier specified in Clause 3 Article 27 of this Law to the social security agencies.

4. Within 5 working days after receiving a complete and valid dossier, the social security agencies shall grant social insurance books, or issue a written reply clearly stating the reason for its refusal.

5. The Government shall detail this Article.

Article 29. Adjustment of information of declaration of registration for participation in social insurance

1. In case of change to the information declared for participation in social insurance, the registrant making declaration under Article 28 of this Law shall submit a declaration for adjustment of information, enclosed with copies of documents relating to the adjustment of information, to the social security agency.

2. Within 5 working days after fully receiving the declaration and papers as prescribed, the social security agency shall be responsible for adjusting the social insurance participant's information, or issue a written reply clearly stating the reason for its refusal.

Section 2

MANAGEMENT OF THE COLLECTION AND PAYMENT OF COMPULSORY AND VOLUNTARY SOCIAL INSURANCE PREMIUMS

Article 30. Identification of compulsory social insurance participants and development of voluntary social insurance participants

1. Social security agencies shall assume the prime responsibility for, and coordinate with relevant agencies, organizations, and individuals in, identifying and monitoring compulsory social insurance participants specified in Article 2 of this Law; urge and provide guidance on compiling dossiers of registration for participation in compulsory social insurance.

Ministries, ministerial-level agencies and People’s Committees at all levels shall coordinate with social security agencies to organize the identification of compulsory social insurance participants.

2. Social security agencies shall assume the prime responsibility for, and coordinate with related agencies, organizations and individuals in, mobilizing to develop voluntary social insurance participants.

3. Agencies managing national databases and specialized databases on employment, populations, taxes and business registration shall connect and share information and data relating to social insurance participants and persons covered by social insurance with social security agencies according to the Government's regulations.

Article 31. Basis for payment of social insurance premiums

1. Salary on which compulsory social insurance premiums are based shall be as follows:

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

b) For employees subject to the employer-decided salary regime, their monthly salary on which social insurance premiums are based is their monthly salary, including job- or title-based salary, salary-based allowance and other additional payments agreed to be paid regularly and stably in each payment period.

In case an employee suspends working and still receives a monthly salary equal to or higher than the salary on which the lowest compulsory social insurance premiums are based, the payment will be based on the salary received during the suspension period;

c) For persons specified at Points dd, e and k Clause 1 Article 2 of this Law, the salary on which the compulsory social insurance premiums are based shall be prescribed by the Government;

d) Persons specified at Points g, h, m and n Clause 1 Article 2 of this Law may select the salary to serve as the basis for the compulsory social insurance premium payment, which must not be lower than the reference level and not be higher than 20 times the reference level at the payment time.

After at least 12 months of paying social insurance premiums according to the salary selected to serve as the basis for payment of social insurance premiums, an employee may reselect the salary on which the social insurance premiums are based;

dd) The salary on which the compulsory social insurance premiums are based must not be lower than the reference level and not be higher than 20 times the reference level at the payment time.

2. The income on which the voluntary social insurance premiums are based must not be lower than the poverty standard for rural areas and not be higher than 20 times the reference level at the payment time.

3. The Government shall detail Point b Clause 1 of this Article; prescribe the retrospective collection and payment of compulsory social insurance.

Article 32. Payment rates of social insurance premiums

1. Payment rates of compulsory social insurance premiums:

a) 3% of the salary on which the social insurance premiums are based, shall be paid to the sickness and maternity fund;

b) 22% of the salary on which the social insurance premiums are based, shall be paid to the retirement and survivorship allowance fund.

2. Payment rate of voluntary social insurance premiums paid to the retirement and survivorship allowance fund shall be equal to 22% of the income on which the social insurance premiums are based.

Article 33. Levels, methods and deadlines for payment of compulsory social insurance premiums by employees

1. Levels and methods of payment by persons specified at Points a, b, c, d, i, k and l Clause 1 and Clause 2 Article 2 of this Law shall be as follows:

a) A monthly amount equivalent to 8% of the salary on which the compulsory social insurance premiums are based, shall be paid to the retirement and survivorship allowance fund;

b) Payment to social security agencies shall be made on a monthly basis.

Persons specified at Point a Clause 1 Article 2 of this Law who enjoy product-based or piecework-based salaries at enterprises, cooperative groups, cooperatives, cooperative unions, or business households engaged in the fields of agriculture, forestry, fishery or salt making shall make payment every month, every 3 months or every 6 months.

2. Levels, methods and deadlines for payment by persons specified at Point g Clause 1 Article 2 of this Law shall be as follows:

a) A monthly amount equivalent to 22% of the salary on which the compulsory social insurance premiums are based, shall be paid to the retirement and survivorship allowance fund;

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 Vietnamese employees to work abroad. Deadline for making payment is the last day of the month following the payment cycle.

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

3. Levels, methods and deadlines for payment by persons specified at Point h Clause 1 Article 2 of this Law shall be as follows:

a) A monthly amount equivalent to 22% of the salary on which the compulsory social insurance premiums are based, shall be paid to the retirement and survivorship allowance fund;

b) Payment via agencies or organizations managing cadres, civil servants and public employees before such persons are appointed to be members of overseas representative agencies of the Socialist Republic of Vietnam shall be made every month, every 3 months or every 6 months. Deadline for making payment is the last day of the month following the payment cycle.

4. Levels, methods and deadlines for payment by persons specified at Points m and n Clause 1 Article 2 of this Law shall be as follows:

a) A monthly amount equivalent to 3% and 22% of the salary on which the compulsory social insurance premiums are based, shall be paid to the sickness and maternity fund and the retirement and survivorship allowance fund, respectively;

b) Direct payment to social security agencies or payment via business households, enterprises, cooperatives or cooperative unions that participate in the management shall be made every month, every 3 months or every 6 months. Deadline for making payment is the last day of the month following the payment cycle.

5. Persons specified at Points a, b, c, d and i Clause 1 and Clause 2 Article 2 of this Law who do not receive salary for 14 working days or more in a month are not required to pay social insurance premiums in that month, except for the case where the employers and employees reach an agreement on paying social insurance premiums for such employees in that month with a basis serving the payment equal to the basis serving the social insurance premium payment in the latest month.

Persons specified at Points dd, e and k Clause 1 Article 2 of this Law who do not work for 14 working days or more in a month shall comply with the Government's regulations.

6. If an employee takes leave under the sickness regime for 14 working days or more right in the first month of working or the first month after return to work, he/she still have to pay social insurance premiums in that month.

7. For an employee whose period of compulsory social insurance premium payment is short of 6 months at most for eligibility for pension or monthly survivorship allowance enjoyment, such employee or his/her relatives 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 survivorship allowance fund, based on the monthly salary on which social insurance premiums were based before he/she ceases working or dies. Continuation payment period is not counted as time spent working in heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs in the list of heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs issued by the Minister of Labor, Invalids and Social Affairs or working time in areas with extremely difficult socio-economic conditions.

In case the employee’s period of compulsory social insurance premium payment is short of more than 6 months for eligibility for pension enjoyment when ceasing his/her payment of compulsory social insurance premiums, such employee may continue paying voluntary social insurance premiums.

8. The Minister of Labor, Invalids, and Social Affairs shall detail Clause 7 of this Article.

Article 34. Levels, methods and deadlines for payment of compulsory social insurance premiums by employers

1. Employers shall make month payment of compulsory social insurance premiums calculated on the salary on which compulsory social insurance premium payments are based for persons specified at Points a, b, c, d, i, k and l Clause 1 and Clause 2 Article 2 of this Law as follows:

a) 3% to the sickness and maternity fund;

b) 14% to the retirement and survivorship allowance fund.

2. On a monthly basis, employers shall pay 22% of the salary on which compulsory social insurance premium payments are based to the retirement and survivorship allowance fund for the persons specified at Point dd and e Clause 1 Article 2 of this Law.

3. Employers are not required to pay social insurance premiums for persons under Clause 5 Article 33 of this Law, except for the case where the employers and employees reach an agreement on payment of social insurance premiums for such employees in that month with the basis for payment equal to the basis for payment of social insurance premiums in the latest month.

4. Methods and deadlines for payment of compulsory social insurance premiums by employers shall be:

a) The last day of the following month, in case of making monthly payment;

b) The last day of the month following the payment cycle, in case of making payment every 3 months or every 6 months.

Article 35. Urging the fulfillment of responsibility of payment of compulsory social insurance and unemployment insurance premiums

1. For the case specified in Clause 1 Article 38 of this Law, social security agencies shall detect and urge in writing.

Upon detecting the employers' late payment as prescribed in Clauses 2 and 3 Article 38 of this Law or evasion of payment, social security agencies shall be responsible for timely urging in writing.

2. Social security agencies shall publicly announce on their e-portals of the employers' late payment or evasion of payment of compulsory social insurance or unemployment insurance premiums.

3. Social security agencies shall send information about the employers making late payment or evading payment of compulsory social insurance or unemployment insurance premiums to state management agencies in charge of social insurance and unemployment insurance, and relevant inspection agencies for considering and handling according to their competence.

4. The Government shall detail this Article.

Article 36. Levels, methods and deadlines for payment of social insurance premiums by voluntary social insurance participants

1. Persons specified in Clause 4 Article 2 of this Law shall, on a monthly basis, pay 22% of the salary on which voluntary social insurance premiums are based, to the retirement and survivorship allowance fund.

The socio-economic development conditions and state budget capacity in each period shall be based on for the Government to prescribe 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. Voluntary social insurance participants may select one of the following payment methods:

a) Every month;

b) Every 3 months;

c) Every 6 months;

d) Every 12 months;

dd) Lump-sum payment for many subsequent years at a level lower than the one specified in Clause 1 of this Article.

e) Lump-sum payment for the insufficient period of social insurance premium payment for eligibility for pension enjoyment at a level higher than the one specified in Clause 1 of this Article.

3. Deadlines for payment of voluntary social insurance premiums by employees shall be:

a) Within the month, for monthly payment;

b) Within 3 months, for payment every 3 months;

c) Within the first 4 months, for payment every 6 months;

d) Within the first 7 months, for payment every 12 months;

dd) At the time of registering the payment method and income to serve as a basis for payment, for the cases specified at Point dd Clause 2 of this Article;

e) At the time of registration of payment method and monthly income as a basis for payment in the case specified at Point e Clause 2 of this Article, but the earliest is the month immediately preceding the month the employee reaches the retirement age as prescribed.

4. The Government shall detail Points dd and e Clause 2 of this Article.

Article 37. Suspension from payment of compulsory social insurance premiums

1. Suspension from payment to the retirement and survivorship 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 survivorship 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 compulsory social insurance premiums and make supplementary payment for the suspension period.

The deadline for compensation payment is the last day of the month following the month in which the payment suspension ends. The supplementary amount is equal to the amount payable for the months of temporary payment suspension.

2. If an employee is participating in compulsory social insurance and is temporarily detained or temporarily suspended from work, the employee and the employer shall temporarily stop paying compulsory social insurance premiums. In case the employee receives full back pay, the employee and the employer shall make supplementary payment for the time of detention or temporary suspension of work with the amount of payable amount for the months of temporary suspension of payment.

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

Article 38. Delaying the payment of compulsory social insurance or unemployment insurance premiums

Delaying the payment of compulsory social insurance or unemployment insurance premiums means one of the following acts committed by an employer:

1. Failing to pay or paying less than the required amount according to the registered dossier for participation in compulsory social insurance or unemployment insurance after the latest date of payment of social insurance premiums as prescribed in Clause 4 Article 34 of this Law, or after the latest date of unemployment insurance premium payment in accordance with the law on unemployment insurance, except for the cases specified at Points dd and e Clause 1 Article 39 of this Law;

2. Failing to register or registering insufficient number of persons covered by compulsory social insurance within 60 days from the deadline specified in Clause 1 Article 28 of this Law;

3. Failing to register or registering insufficient number of persons covered by unemployment insurance within 60 days from the deadline for participating in unemployment insurance as prescribed by the law on unemployment insurance;

4. Not being considered shirking the payment of compulsory social insurance or unemployment insurance premiums under Clause 2 Article 39 of this Law.

Article 39. Shirking the payment of compulsory social insurance or

unemployment insurance premiums

1. Shirking the payment of compulsory social insurance or unemployment insurance premiums means an act committed by the employer falling into one of the following cases to not pay or not fully pay social insurance or unemployment insurance premiums for employees:

a) The employer fails to register or registers insufficiently the number of persons covered by compulsory social insurance after 60 days from the deadline specified in Clause 1 Article 28 of this Law;

b) The employer fails to register or registers insufficiently the number of persons covered by unemployment insurance after 60 days from the deadline for participating in unemployment insurance as prescribed by the law on unemployment insurance;

c) Registering the salary on which compulsory social insurance premiums are based, lower than the one specified in Clause 1 Article 31 of this Law;

d) Registering the salary on which unemployment insurance premiums are based, lower than the one specified by the law on unemployment insurance;

dd) Failing to make payment or paying insufficient amount registered for compulsory social insurance after 60 days from the latest date of paying compulsory social insurance premiums as prescribed in Clause 4 Article 34 of this Law and having been urged by the competent agency under Article 35 of this Law;

e) Failing to make payment or paying insufficient amount registered for unemployment insurance after 60 days from the latest date of paying unemployment insurance premiums as prescribed by the law on unemployment insurance and having been urged by the competent agency under Article 35 of this Law;

g) Other cases considered shirking the payment of compulsory social insurance or unemployment insurance premiums according to the Government's regulations.

2. The Government shall detail this Article, and prescribe the cases specified in Clause 1 of this Article with plausible reasons, which are not considered shirking the payment of compulsory social insurance or unemployment insurance premiums.

Article 40. Measures taken for handling acts of delaying the payment of compulsory social insurance or unemployment insurance premiums

1. Forcible payment of late payment amount in full; payment of an amount equal to 0.03%/day calculated on the amount of late payment of social insurance and unemployment insurance premiums and the number of days of late payment to the social insurance fund and unemployment insurance fund.

2. Administrative violations shall be handled in accordance with law.

3. Not considering awarding emulation titles or forms of reward.

4. The Government shall detail Clause 1 of this Article.

Article 41. Measures taken for handling acts of shirking the payment of compulsory social insurance or unemployment insurance premiums

1. Forcible payment of evaded payment amount in full; payment of an amount equal to 0.03%/day calculated on the amount of evaded social insurance and unemployment insurance premium payment and the number of days of evaded payment to the social insurance fund and unemployment insurance fund.

2. Administrative violations shall be handled, or a criminal liability prosecution shall be initiated in accordance with law.

3. Not considering awarding emulation titles or forms of reward.

4. The Government shall detail Clause 1 of this Article.

Chapter V

COMPULSORY SOCIAL INSURANCE

Section 1

SICKNESS REGIME

Article 42. Coverage of the sickness regime and conditions for enjoying the sickness regime

1. Persons specified at Points a, b, c, d, i, k, l, m and n Clause 1 and Clause 2 Article 2 of this Law may enjoy the sickness regime when taking leave under one of the following cases, except for the cases specified in Clause 2 of this Article:

a) Treatment for diseases that are not occupational diseases;

b) Treatment for accidents that are not occupational accidents;

c) Treatment for accidents when traveling from home to working place or vice versa according to a reasonable route and time in accordance with the law on occupational safety and hygiene;

d) Treatment and rehabilitation of labor functions when injuries or illnesses recur due to occupational accidents and diseases or accidents specified at Point c of this Clause;

dd) Donation, taking, transplantation of human tissues and organs in accordance with law;

e) Taking care of sick children under 7 years old.

2. Employees shall not be entitled to the sickness regime in the following cases:

a) Self-injury or self-harm to their health;

b) Using narcotics and drug precursors according to the list prescribed by the Government, except in the case of using precursor drugs or combination drugs containing precursors as prescribed by medical examination and treatment practitioners of a health establishment;

c) During the first period of taking leave for treatment and rehabilitation in case of occupational accident or disease;

d) During the leave period as prescribed in Clause 1 of this Article that coincides with the leave period as prescribed by the labor law or during the leave period with full salary in accordance with other specialized laws or during the maternity leave period, leave period for convalescence and health rehabilitation as prescribed by the law on social insurance.

Article 43. Period of enjoying the sickness regime

1. The maximum period of enjoying the sickness regime in a year (from January 1 to December 31) for persons defined at Points a, b, c, i, k, l, m and n Clause 1 and Clause 2 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 compulsory social insurance premiums for under 15 years; 40 days, if they have paid compulsory social insurance premiums for between full 15 years and under 30 years; or 60 days, if they have paid compulsory 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 of heavy, hazardous or dangerous occupations or jobs, extremely heavy, hazardous or dangerous occupations or jobs issued by the Minister of Labor, Invalids and Social Affairs, or working in areas with extremely difficult socio-economic conditions, this period is 40 days, if they have paid compulsory social insurance premiums for under 15 year; 50 days, if they have paid compulsory social insurance premiums for between full 15 years and under 30 years; or 70 days, if they have paid compulsory social insurance premiums for full 30 years or more.

2. If employees still need treatment after the expiration of the period of enjoying the sickness regime specified in Clause 1 of this Article, employees who take leave due to a disease on the list of diseases requiring long-term treatment

issued by the Minister of Health, are entitled to continue enjoying the sickness regime at a level specified in Clause 3 Article 45 of this Law. The leave period upon sickness specified in this Clause shall be counted in working days, excluding public holidays, New Year holidays and weekends.

3. The leave period upon sickness for persons specified at Point d Clause 1 Article 2 of this Law shall be counted based on the period of inpatient treatment at a health establishment and the time that the employee must take leave as directed by the medical examination and treatment practitioner at the health establishment.

Article 44. Leave period for caring for sick children

1. The leave period for caring for a sick child in a year (from January 1 to December 31) must not exceed 20 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 compulsory 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.

3. 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 45. Sickness allowance

1. Level of sickness allowance shall be counted in months based on:

a) The salary on which social insurance premiums of the latest month prior to the month taking leave for sickness regime are based;

b) The salary on which social insurance premiums of the first month of participating in social insurance or the month of re-participating in social insurance (in case of taking leave for sickness regime right in the first month of participation or re-participation) are based.

2. The level of sickness allowance of the employees specified in Clause 1 Article 43 and Article 44 of this Law is equal to 75% of the salary on which social insurance premiums specified in Clause 1 of this Article are based.

3. The level of sickness allowance of an employee specified in Clause 2 Article 43 of this Law must equal to:

a) 65% of the salary on which social insurance premiums specified in Clause 1 of this Article are based, for the case of having paid compulsory social insurance premiums for full 30 years or more;

b) 55% of the salary on which social insurance premiums specified in Clause 1 of this Article are based, for the case of having paid compulsory social insurance premiums for full 15 years to under 30 years;

b) 50% of the salary on which social insurance premiums specified in Clause 1 of this Article are based, for the case of having paid compulsory social insurance premiums for under 15 years.

4. The level of sickness allowance of the employees specified in Clause 3 Article 43 of this Law is equal to 100% of the salary on which social insurance premiums specified in Clause 1 of this Article are based.

5. The per-diem sickness allowance must equal the monthly sickness allowance divided by 24 days. The half-day sickness allowance shall be calculated as half the per-diem sickness allowance.

When calculating the sickness allowance for employees who take leave for sickness regime for less than a full day, the case of taking leave for less than half a day shall be counted as half a day; the case of taking leave from half a day to less than one day shall be counted as one day.

6. The Minister of Labor, Invalids and Social Affairs shall detail the working days, the calculation and determination of conditions for each specific case for settling sickness regime enjoyment.

Article 46. Convalescence and health rehabilitation after sickness

1. An employee who has taken leave under the sickness regime for full 30 days or more in a year, but whose health has not yet recovered within 30 days after the expiration of the leave period for sickness regime, is entitled to a leave of up to 10 days in a year (from January 1 to December 31) for convalescence and health rehabilitation.

The continuous leave period for convalescence and health rehabilitation is inclusive of public holidays, New Year holidays and weekends. In whichever year an employee is eligible to take leave for convalescence and health rehabilitation, the leave period for convalescence and health rehabilitation shall be counted for that year. 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 leave period for convalescence and health rehabilitation shall be jointly decided by the employer and grassroots Trade Union Executive Committee. In case the two parties have different opinions, the employer shall decide the number of days off based on the proposal of the grassroots Trade Union Executive Committee, or the employer shall decide itself/himself/herself in case the grassroots Trade Union has not yet been set up. The maximum leave period for convalescence and health rehabilitation is:

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

b) 7 days, 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 reference level.

4. The Minister of Labor, Invalids and Social Affairs shall specify the calculation and determination of conditions for each specific case of taking leave for convalescence and health rehabilitation after sickness.

Article 47. Dossier for enjoyment of the sickness allowance

1. A dossier for enjoyment of the sickness allowance of an employee or his/her child undergoing inpatient treatment must comprise the original of one of the following papers:

a) Hospital discharge paper;

b) Summary of medical records;

c) Other documents proving the inpatient treatment process.

2. A dossier for enjoyment of the sickness allowance of an employee or his/her child undergoing outpatient treatment must comprise one of the following papers:

a) Certificate of their leave under the social insurance regime;

b) Copy or original of hospital discharge paper, specifying the time required for outpatient treatment after inpatient treatment;

c) Copy or original of the medical record, specifying the time required for outpatient treatment after inpatient treatment.

3. A dossier for enjoyment of the sickness allowance of an employee or his/her child taking medical examination or treatment abroad, must comprise the medical record showing the name of the disease and the duration of treatment issued by overseas health establishments and must meet the following requirements:

a) Having a Vietnamese translation notarized or authenticated according to the provisions of law on notarization and authentication;

b) Being consularly legalized, unless otherwise prescribed by a treaty to which the Socialist Republic of Vietnam is a contracting party.

4. The Minister of Health shall provide forms, order and competence to grant papers in the dossiers specified in Clauses 1 and 2 of this Article, that are granted by health establishments, and provide replacement documents in force majeure events due to natural disasters, catastrophes, and epidemics.

Article 48. Settlement of entitlement to sickness allowance

1. The employee shall submit the dossier specified in Article 47 of this Law to his/her employer within 45 days after return to work.

2. Within 7 days after receiving a complete dossier from an employee, the employer shall make a list of employees taking leave for sickness regime and submit it together with the dossier to the social security agency.

3. Within 7 working days after receiving a complete dossier as prescribed from the employer, the social security agency shall settle the entitlement of sickness allowance, or issue a written reply clearly stating the reason for its refusal.

Article 49. Settlement of convalescence and health rehabilitation allowance after sickness

1. Within 7 working days after the date an employee takes leave for convalescence and health rehabilitation after sickness, the employer shall make a list of employees taking leave for convalescence and health rehabilitation, and submit it to the social security agency.

2. Within 7 working days after receiving a complete list from the employer, the social security agency shall settle the entitlement of allowance, or issue a written reply clearly stating the reason for its refusal.

Section 2

MATERNITY REGIME

Article 50. Coverage of the maternity regime and conditions for enjoying the maternity regime

1. Persons specified at Points a, b, c, d, i, k, l, m and n Clause 1 and Clause 2 Article 2 of this Law may enjoy the maternity regime when falling to one of the following cases:

a) Pregnant female employees;

b) Female employees giving birth to children;

c) Female employees as surrogate mothers;

d) Female employees as intended mothers;

dd) Employees adopting under-6-month children;

e) Employees taking contraceptive methods that must be performed at health establishments;

g) Male employees currently paying social insurance premiums whose wives give birth to children or who surrogate mothers give birth to children.

2. To enjoy the maternity regime, persons defined at Points b, c, d and dd Clause 1 of this Article must have paid compulsory social insurance premiums for at least full 6 months within 12 months immediately before childbirth, child receipt through surrogacy or adoption of a child under 6 months old.

3. To enjoy the maternity regime, persons defined at Points b and c Clause 1 of this Article who have paid compulsory social insurance premiums for at least full 12 months and need to take a leave during pregnancy for pregnancy care as prescribed by a medical examination and treatment practitioner of a health establishment must have paid compulsory social insurance premiums for at least full 3 months within 12 months immediately before childbirth.

4. Persons who fully satisfy the conditions specified in Clause 2 or 3 or 5 of this Article and terminate their labor contracts or working contracts or cease working before the time of childbirth or the time of receipt of children through surrogacy or the time of adoption of under-6-month children are still entitled to the maternity regime prescribed in Articles 53, 54, 55 and 56 and Clauses 1, 2 and 3 Article 58, of this Law. The period of maternity regime is not counted as the period of social insurance premium payment.

5. To enjoy the maternity regime, persons defined at Point b Clause 1 of this Article must have paid compulsory social insurance premiums for at least full 6 months within 24 months immediately before childbirth, in case of ceasing work for infertility treatment.

Article 51. Leave period for prenatal checks-up

1. Pregnant female employees are entitled to take leaves for 5 prenatal checks-up, two days for each check-up at most.

2. The leave period for prenatal checks-up shall be counted in working days, excluding public holidays, New Year holidays and weekends.

Article 52. Leave period upon for miscarriage, abortion, intrauterine fetal death, stillbirths occurring during labor, or ectopic pregnancy

1. The leave period for miscarriage, abortion, intrauterine fetal death, stillbirths occurring during labor, or ectopic pregnancy shall be prescribed by the medical examination and treatment practitioner of the health establishment, but must not more than:

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

b) 20 days, for pregnancy of between full 5 weeks and under 13 weeks;

c) 40 days, for pregnancy of between full 13 weeks and under 22 weeks;

d) 50 days, for pregnancy of full 22 weeks or more.

2. In cases where a female employee is 22 weeks or more pregnant and meets the conditions specified in Clause 2 or Clause 3 or Clause 5 Article 50 of

this Law but has a miscarriage, abortion, intrauterine fetal death, or stillbirths occurring during labor, such female employee and her husband may take maternity leave as in the case of a female employee giving birth.

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

Article 53. Leave period for childbirth

1. Leave period for childbirth of a female employee giving birth shall comply with Clause 1 Article 139 of the Labor Code.

If the female employee returns to work before the end of the maternity leave period when giving birth under Clause 4 Article 139 of the Labor Code, she shall be entitled to the salary for the working days paid by the employer and continue to receive maternity allowance at the level specified in Article 59 of this Law. Employers and employees shall pay compulsory social insurance premiums for the time the employee returns to work.

2. Male employees currently participating in compulsory social insurance 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 third;

d) 14 working days, in case their wives give birth to twins and take childbirth operation; or additional 3 working days for each infant from the third;

3. The starting date of the maternity leave period specified in Clause 2 of this Article must be within 60 days from the date the wife gives birth. In case the employee takes multiple leaves, the starting date of the last leave must be within the first 60 days from the date the wife gives birth and the total maternity leave period must not exceed the time specified in Clause 2 of this Article.

4. In case the female employee gives birth to twins or more, with intrauterine fetal death or stillbirths occurring during labor, the maternity leave period and a lump-sum allowance when giving birth shall be calculated according to the number of fetuses, including live children, dead children and dead fetuses.

5. In case only the mother is covered by compulsory social insurance or both parents are covered by compulsory social insurance but the mother dies in childbirth, the father or the direct fosterer is entitled to a maternity leave for caring of the child for the remaining period applicable to the mother as specified in Clause 1 of this Article. In case the mother who is covered by compulsory social insurance but does not fully satisfy the conditions specified in Clause 2 or 3 or 5

Article 50 of this Law, dies, the father or the direct fosterer is entitled to a maternity leave until the child reaches full 6 months.

6. The father or the direct fosterer who does not take a leave under Clause 5 of this Article is entitled to not only his/her salary but also the maternity allowance for the remaining period applicable to the mother from the day following the date of the mother's death as specified in Clause 1 of this Article.

7. In case only the father is covered by compulsory 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 health establishment, the father is entitled to a maternity leave until the child reaches full 6 months.

8. In case a female employee gives birth, an employee adopts a child under 06 months old, a female employee being a surrogate mother gives birth, or a female employee is intended mother, the maternity leave period shall be regarded as the period of compulsory social insurance premium payment. During this period, the employee and employer are not required to pay social insurance premiums.

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

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

Article 54. Maternity regime of female employees as surrogate mothers

1. A female employee as surrogate mother is entitled to the maternity regime when getting prenatal check-ups under Article 51 of this Law.

2. A female employee as surrogate mother is entitled to the maternity regime prescribed in Article 52 of this Law when getting miscarriage, abortion, intrauterine fetal death, stillbirths occurring during labor, or ectopic pregnancy.

3. A female employee as surrogate mother who fully meets the conditions specified in Clause 2 or 3 Article 50 of this Law, when giving birth shall be entitled to:

a) 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 53 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. The time of relinquishing the child to the intended mother is the one stated in the written confirmation of the time of relinquishing the child between the surrogate mother and the intended mother.

In case where the child dies before the time of relinquishing and the maternity leave period is under 60 days, 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;

b) Within the first 30 days from the expiration of the maternity leave period prescribed in Clause 2 of this Article and Point a of this Clause if the surrogate mother whose health has not yet recovered, she will be entitled to a leave for convalescence and health rehabilitation specified in Article 60 of this Law, except for the case where the surrogate mother terminates her labor contract, working contract or ceases working before giving birth.

4. The husband of the surrogate mother giving birth is entitled to the maternity leave under Clauses 2 and 3 Article 53 of this Law if he is participating in compulsory social insurance.

Article 55. Maternity regime of female employees as intended mothers

A female employee as intended mother who has paid compulsory social insurance premiums for full 6 months or more within 12 months up to the time of receiving the child shall be entitled to the maternity regime as follows:

1. Being entitled to a maternity leave from the time of receiving the child until the child reaches full 6 months; and an additional month for each infant from the second.

In case the intended mother does not take leave, in additional to her salary, she will be entitled to the prescribed maternity allowance.

2. In case the intended mother dies or is certified by a health establishment as not being healthy enough to take care of the under-6-month-old child, the intended mother's husband or a direct fosterer is entitled to take maternity leave to take care of the child for the remaining time of the intended mother in accordance with Clause 1 of this Article.

The intended mother's husband or the direct fosterer who is covered by compulsory social insurance but does not take a leave is entitled to not only his/her salary but also the maternity allowance for the remaining period applicable to the intended mother as specified in Clause 1 of this Article.

Article 56. Maternity regimes upon adopting under-6-month children

1. Employees adopting an under-6-month child are entitled to a maternity leave from the time of receiving the child until the child reaches full 6 months.

In case both parents are covered by compulsory social insurance and fully satisfy the conditions for enjoying the maternity regime as specified in Clause 2 Article 50 of this Law, either father or mother only is entitled to a maternity leave.

2. An employee adopting an under-6-month child who does not take a leave is entitled to a lump-sum allowance as specified in Article 58 of this Law.

Article 57. Leave period when taking contraceptive measures

1. The maternity leave period upon taking contraceptive measures shall be prescribed by the medical examination and treatment practitioner of the health establishment, but must not exceed 7 days, for female employees using intrauterine contraceptive devices and not more than 15 days for employees undergoing sterilization.

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

Article 58. Lump-sum allowance upon childbirth or child receipt through surrogacy or adoption of under-6-month child

1. Female employees giving birth who fully meet conditions specified in Clause 2 or 3 or 5 Article 50 of this Law shall be entitled to a lump-sum allowance upon childbirth.

In case a female employee giving birth fails fully meet conditions specified in Clause 2 or 3 or 5 Article 50 of this Law, her husband who fully meets the conditions specified in Clause 2 Article 50 of this Law shall be entitled to a lump-sum allowance.

2. A female employee as surrogate mother who fully meets conditions specified in Clause 2 or 3 Article 50 of this Law shall be entitled to a lump-sum allowance upon childbirth.

In case the female employee as surrogate mother is not covered by compulsory social insurance or fails to meet conditions, the intended mother who has paid compulsory social insurance premiums for full 6 months or more within 12 months up to the time of receiving the child shall be entitled to a lump-sum allowance.

In case the surrogate mother and the intended mother are not covered by compulsory social insurance or fail to meet conditions, the husband of the intended mother who has paid compulsory social insurance premiums for full 6 months or more within 12 months up to the time of receiving the child shall be entitled to a lump-sum allowance.

In case the surrogate mother, the intended mother and the intended mother's husband are not covered by compulsory social insurance or fail to meet conditions, the husband of the surrogate mother who has paid compulsory social insurance premiums for full 6 months or more within 12 months up to the time the surrogate mother gives birth shall be entitled to a lump-sum allowance.

3. Employees adopting an under-6-month child who fully meet the conditions specified in Clause 2 Article 50 of this Law shall be entitled to a lump-sum allowance.

4. The lump-sum allowance for each child under Clauses 1, 2 and 3 of this Article equal 2 times the reference level in the month of the female employees' childbirth or child receipt through surrogacy or child adoption.

Article 59. Maternity allowance

1. The monthly maternity allowance of employees specified in Articles 51, 52, 53, 54, 55, 56 and 57 must equal 100% of the average of salaries of the last 6 months preceding the leave on which compulsory social insurance premiums are based.

For employees who have paid compulsory social insurance premiums for only under 6 months, the maternity allowance level of the employees specified in Articles 51, 52, Clauses 2, 5, 6 and 7 Article 53, Clauses 1, 2 and 4 Article 54, Clause 2 Article 55 and Article 57, of this Law, is the average of salaries serving as a basis for payment of compulsory social insurance premiums of the months for which compulsory social insurance premiums have been paid.

2. The per-diem maternity allowance for the case specified in Article 51, or Clause 2 Article 53, of this Law must equal the monthly maternity allowance divided by 24 days.

3. The maternity allowance level upon childbirth, child receipt through surrogacy or under-6-month child adoption shall be calculated based on the maternity allowance specified in Clause 1 of this Article; in case of odd days or the case specified in Article 52 or 57 of this Law, the per-diem allowance must equal the monthly allowance divided by 30 days.

4. Maternity regimes of female employees as surrogate mothers or intended mothers shall comply with Clauses 1, 2 and 3 of this Article and shall be calculated based on the average of the female employees as surrogate mothers' or intended mothers' salaries serving as a basis for payment of compulsory social insurance premiums as prescribed in this Article before taking leave for maternity regime.

5. The Minister of Labor, Invalids and Social Affairs shall specify the calculation and determination of conditions for each specific case eligible for maternity regimes.

Article 60. 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 end of the maternity leave period specified in Article 52, Clause 1 or Clause 4 Article 53, Point a Clause 3 Article 54, of this Law, are

entitled to a leave for convalescence and health rehabilitation.

The continuous 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 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. In case the two parties have different opinions, the employer shall decide the number of days off based on the proposal of the grassroots Trade Union Executive Committee, or the employer shall decide itself/himself/herself in case the grassroots Trade Union 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 reference level.

4. Provisions of Clauses 1, 2 and 3 of this Article shall not be applied if the female employees return to work before the expiration of the maternity leave period for childbirth as prescribed in Clause 1 Article 53 of this Law.

5. The Minister of Labor, Invalids and Social Affairs shall specify the calculation and determination of conditions for each specific case of taking leave for convalescence and health rehabilitation after the maternity leave period.

Article 61. Dossier of request for enjoyment of the maternity regime

1. A dossier of request for enjoyment of the maternity regime applicable to female employees giving birth to children or female employees as surrogate mothers giving birth to children or female employees as intended mothers includes a copy of the birth certificate or duplicate of birth certificate or copy of birth certification paper of the child and other papers in the following cases:

a) Documents proving the infertility treatment process of female employees in the cases specified in Clause 5 Article 50 of this Law;

b) A copy of the death certificate or death declaration extract of female employees giving birth to children or female employees as intended mothers in case such female employees die after the childbirth;

c) The original or a copy of the medical examination and treatment establishment’s the written confirmation stating that the mother is at postnatal risk that makes her unable to take care of the child, or the female employee as intended mother is unable to care for the child after the receipt of the child.

d) The original or a copy of certificate stating that the female employee has to take leave for pregnancy care issued by a competent medical examination and treatment establishment, in the case specified in Clause 3 Article 50 of this Law;

dd) A copy of the written agreement on altruistic gestational surrogacy defined in Article 96 of the Law on Marriage and Family and a copy of written confirmation of child-receiving time between the gestational carrier party and the gestational surrogacy requesting party in case where female employees as surrogate mothers give birth to children or female employees as intended mothers receive their children.

2. A dossier of request for enjoyment of the maternity regime applicable to female employees giving birth to children or female employees as surrogate mothers giving birth to children in case the children die immediately after birth without a birth certification paper, female employees being pregnancy of 22 weeks or more that fully satisfy the conditions for enjoying the maternity regime as specified in Clause 2 Article 52 of this Law shall be one of the following papers:

a) The original or a copy of summary of her medical record including the information about the child's death or stillbirth;

b) The original or a copy of hospital discharge paper of the female employee giving birth to child or female employee as surrogate mother giving birth to child including the information about the child's death or stillbirth;

c) A copy of death notice of the child;

d) Commune-level People's Committee's written confirmation, in case where the child dies within 24 hours after the birth.

3. A dossier of request for enjoyment of the maternity regime applicable to female employees having prenatal checks-up as defined in Article 51 of this Law; female employees having miscarriage, abortion, intrauterine fetal death, stillbirths occurring during labor, or ectopic pregnancy as specified in Article 52 of this Law; employees who apply contraceptive measures as prescribed in Article 57 of this Law shall include one of the following papers:

a) The original or a copy of hospital discharge paper or summary of her medical record or paper proving the inpatient treatment process of the employee for cases of inpatient treatment;

b) The certificate of their leave under the social insurance regime, for cases of outpatient treatment;

c) The original or a copy of the hospital discharge paper showing the prescribed information about the outpatient treatment period after the inpatient treatment period.

4. A dossier of request for enjoyment of the maternity regime applicable to

employees adopting an under-6-month child must include a copy of child adoption certificate, and child delivery and receipt minutes.

5. A dossier of request for leave for enjoyment of the maternity regime or enjoyment of lump-sum allowance applicable to male employees whose wives give birth to children shall be a copy of the birth certificate or duplicate of birth certificate or a copy of birth certification paper; in case the birth certification paper does not include the information about the surgical birth or the birth to children under 32 weeks of pregnancy, the original or a copy of a document showing the above-mentioned information issued by the medical examination and treatment establishment is required additionally.

In case the child dies after birth without a birth certification paper, the dossier shall be the original or a copy of summary of her medical record or her hospital discharge paper with the information about the child's death.

6. A dossier of request for enjoyment of the maternity regime applicable to husband of female employee as intended mother for enjoyment of lump-sum allowance upon receipt of children must include a copy of birth certificate or a birth declaration extract or a copy of birth certification paper of the child. In case the child dies after birth without a birth certification paper, the dossier shall be a copy of summary of her medical record, or the original or a copy of her hospital discharge paper of the surrogate mother with the information about the child's death or other document of the medical examination and treatment establishment containing the information about the child's death after birth.

7. A dossier of request for leave for enjoyment of the maternity regime or enjoyment of lump-sum allowance applicable to husband of female employee as surrogate mother giving birth to child includes the following papers:

a) A copy of the birth certificate or a birth declaration extract or a copy of birth certification paper of the child; in case the birth certification paper does not include the information about the surgical birth or the birth to children under 32 weeks of pregnancy, the original or a copy of a document showing the above-mentioned information issued by the medical examination and treatment establishment is required additionally;

b) A copy of the written agreement on altruistic gestational surrogacy defined in Article 96 of the Law on Marriage and Family.

8. In case the documents specified in Clauses 1, 2, 3, 4, 5, 6 and 7 of this Article or papers with similar content are issued by competent foreign agencies, organizations or individuals, they must meet the following requirements:

a) A notarized or certified Vietnamese translation under law on notarization and certification is required;

b) They must be consularly legalized, except for otherwise defined by treaties to which the Socialist Republic of Vietnam is a contracting party.

9. The Minister of Health shall prescribe the forms, order and competence to issue documents in the dossiers specified in Points a, c and d, Clause 1 of this Article that are granted by medical examination and treatment establishments and define alternative documents in cases of *force majeure* due to natural disasters, catastrophes and epidemics.

Article 62. Settlement of maternity regimes for compulsory social insurance participants

1. Employees shall submit the dossier specified in Article 61 of this Law to their employers. The deadline for submitting the dossier is no later than 45 days from the the expiration date of maternity leave period.

Within 07 working days after receiving a complete dossier from an employee, the employer shall submit a list of employees taking leave for enjoyment of the maternity regime and related dossiers as specified in Article 61 of this Law and submit it to the social insurance agency.

2. An employee who ceases working before the time of childbirth, or receives a child in cases of request for gestational surrogacy, or adopts an under-6-month child, or has not her employer shall submit the dossier specified in Article 61 of this Law to the social insurance agency.

3. The social insurance agency shall be responsible for settlement of the dossier within 07 working days from the date of receipt of a complete dossier submitted by the employer, 05 working days from the date of receipt of a complete dossier submitted by the employee; If refusing the settlement, the social insurance agency shall issue a written reply, clearly stating the reason.

Article 63. Settlement of convalescence and health rehabilitation allowance after maternity leave

1. Within 07 working days from the date the employees take leave on convalescence and health rehabilitation allowance after maternity leave, the employer shall make a list of employees taking leave on convalescence and health rehabilitation allowance after maternity leave and submit it to the social insurance agency.

2. Within 07 working days after receiving a list as defined, the social insurance agency shall be responsible for settlement of convalescence and health rehabilitation allowance after maternity leave, or issue a written reply, clearly stating the reason for its refusal the settlement.

Section 3

RETIREMENT REGIME

Article 64. Coverage of the retirement regime and conditions for pension enjoyment

1. Subjects defined at Points a, b, c, g, h, i, k, l, m and n, Clause 1 and Clause 2 Article 2 of this Law who have paid compulsory social insurance premiums for at least full 15 years shall be entitled to pension when falling in one of the following cases:

a) Having reached the retirement age prescribed in Clause 2 Article 169 of the Labor Code;

b) Having reached the retirement age prescribed in Clause 3 Article 169 of the Labor Code and having paid compulsory social insurance premiums for at least full 15 years doing heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs on the list of heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs issued by the Minister of Labor, Invalids and Social Affairs, or working in localities with extremely difficult socio-economic conditions, including the period of working in localities where a region-based allowance coefficient of 0.7 or higher prior to January 01, 2021;

c) Being at most 10 years younger than the age specified in Clause 2 Article 169 of the Labor Code and having full 15 years or more working in coal mines in accordance with the Government's regulations;

d) Employees who are infected with HIV/AIDS due to occupational risks while performing their assigned tasks.

2. Subjects defined at Points d, dd and e Clause 1 Article 2 of this Law who have paid compulsory social insurance premiums for at least full 15 years are entitled to pension when falling in one of the following cases:

a) Being at most 5 years younger than the age specified in Clause 2 Article 169 of the Labor Code, unless otherwise provided by the Law on Officers of the Vietnam People's Army, Law on the People's Public Security Forces, Law on Cipher or Law on Professional Army Men and Defense Workers and Employees;

b) Being at most 10 years younger than the age specified in Clause 2 Article 169 of the Labor Code and having paid compulsory social insurance premiums for at least full 15 years doing heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs on the list of heavy, hazardous or dangerous occupations or jobs or extremely heavy, hazardous or dangerous occupations or jobs issued by the Minister of Labor, Invalids and Social Affairs, or working in localities with extremely difficult socio-economic conditions, including the period of working in localities where a region-based allowance coefficient of 0.7 or higher prior to January 01, 2021;

c) Employees who are infected with HIV/AIDS due to occupational risks while performing their assigned tasks.

3. The Government regulates the pension enjoyment in cases where the date and month of birth cannot be determined or records are lost and other special cases.

Article 65. Beneficiaries and conditions for employees to enjoy pension when suffering working capacity decrease

1. Subjects defined at Points a, b, c, g, h, i, k, l, m and n Clause 1 and Clause 2 Article 2 of this Law, who cease working after having paid compulsory 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, b and c Clause 1 Article 64 of this Law if falling in one of the following cases:

a) Being at most 5 years younger than the age specified at Point a Clause 1 Article 64 of this Law and suffering a working capacity decrease of between 61% and under 81%;

b) Being at most 10 years younger than the age specified at Point a Clause 1 Article 64 of this Law and suffering a working capacity decrease of 81% or more;

c) Having full 15 years or more doing extremely heavy, hazardous or dangerous occupations or jobs on the list of extremely heavy, hazardous or dangerous occupations or jobs promulgated by the Ministry of Labor, Invalids and Social Affairs and suffering a working capacity decrease of 61% or more.

2. Subjects defined at Points d, dd and e, Clause 1, Article 2 of this Law, who cease working after having paid compulsory 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 64 of this Law if falling in either of the following cases:

a) Being at most 10 years younger than the age specified at Point a Clause 1 Article 64 of this Law;

b) Having full 15 years or more doing extremely heavy, hazardous or dangerous occupations or jobs on the list of extremely heavy, hazardous or dangerous occupations or jobs promulgated by the Ministry of Labor, Invalids and Social Affairs.

Article 66. Levels of monthly pension

1. The monthly pension of employees who fully satisfy the conditions specified in Article 64 of this Law shall be calculated as follows:

a) 45% of the average salary on which social insurance premiums are based as prescribed in Article 72 of this Law, corresponding to 15 years of social insurance premium payment, which shall be added with 2%, for each additional year of social insurance premium payment, but must not exceed 75%, for female employees;

b) 45% of the average salary on which social insurance premiums are based as prescribed in Article 72 of this Law, corresponding to 20 years of social insurance premium payment, which shall be added with 2%, for each additional year of social insurance premium payment, but must not exceed 75%, for male employees.

The monthly pension of male employees having between full 15 and under 20 years of social insurance premium payment shall be equal to 40% of the average salary on which social insurance premiums are based as prescribed in Article 72 of this Law, corresponding to 15 years of social insurance premium payment, which shall be added with 1%, for each additional year of social insurance premium payment.

2. The Government shall defined the monthly pension level of employees in certain special occupations and jobs in the people's armed forces. Implementation expenses shall be allocated by the state budget.

3. The monthly pension of subjects who fully satisfy the conditions specified in Article 65 of this Law shall be calculated as stipulated in Clause 1 of this Article, and reduced by 2% for each year of early retirement.

If the duration of early retirement is under 6 months, the monthly pension level shall not be reduced, if the duration is from 6 months to under 12 months, the monthly pension shall be reduced 1%.

4. For employees that fully satisfy the conditions for pension enjoyment with the social insurance premium payment period as defined by a treaty to which the Socialist Republic of Vietnam is a contracting party but the social insurance premium payment period in Vietnam is under 15 years, the monthly pension shall be equal to 2.25% of the average salary on which social insurance premiums are based as prescribed in Article 72 of this Law, for each year of social insurance premium payment in Vietnam.

5. The Government shall detail levels of monthly pension and conditions for pension enjoyment.

Article 67. Adjustment of pension

1. The adjustment of pension shall be based on the increase in the consumer price index and in conformity with the capacity of the state budget capacity and social insurance fund.

2. The pension must be increased appropriately for those who have a low

pension level and have retired before 1995 in order to decrease the difference in pension between retirees in different periods.

3. The Government shall defined the time, subjects and levels of adjustment of pension defined in this Article.

Article 68. Lump-sum allowance upon retirement

1. Male and female employees who have paid social insurance premiums for a period exceeding 35 years and 30 years, respectively, shall be entitled to not only pension but also a lump-sum allowance upon retirement.

2. The lump-sum allowance level shall be half of the average salary on which social insurance premiums are based as specified in Article 72 of this Law, for each year of social insurance premium payment in excess of the number of years defined in Clause 1 of this Article until the retirement age under the law.

For employees who fully satisfy the conditions for pension enjoyment as defined in Articles 64 and 65 of this Law but continue to pay the social insurance premiums, the lump-sum allowance level shall be equal to 02 times the average salary on which social insurance premiums are based as specified in Article 72 of this Law, for each year of social insurance premium payment in excess of the number of years defined in Clause 1 of this Article, from the time at which the employees reach the retirement age under the law until the time of retirement.

Article 69. Time for pension enjoyment

1. For subjects defined at Points a, b, c, d, dd, e, i, k and l Clause 1 and Clause 2 Article 2 of this Law who are paying compulsory social insurance premiums, the time for pension enjoyment is the time at which they fully satisfy the conditions for pension enjoyment in accordance with regulations and that is stated in a document determining the termination of labor contracts or work cessation issued by employers.

2. For subjects defined at Points g, h, m and n Clause 1 Article 2 of this Law or 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 at which they have fully satisfied the conditions for pension enjoyment in accordance with regulations.

3. The Minister of Labor, Invalids and Social Affairs shall detail this Article; regulate the time for pension enjoyment applicable to cases defined in Clause 7 Article 33 of this Law; specify the calculation and determination of conditions for each case for settlement of the retirement regime.

Article 70. Lump-sum social insurance allowance

1. Subjects defined in Clause 1, Article 2 of this Law that have terminated their social insurance payment are entitled to a lump-sum social insurance allowance upon their request if falling in one of the following cases:

a) They satisfy the age requirement but have paid social insurance premiums for under full 15 years.

If not selecting the lump-sum social insurance allowance, employees may enjoy the monthly allowance as defined in Article 23 of this Law;

b) They settle abroad;

c) They suffer one of the following diseases: cancer, poliomyelitis, decompensated cirrhosis, serious tuberculosis, AIDS;

d) They suffer a working capacity decrease of 81% or more; they are persons with extremely serious disabilities;

dd) They have paid social insurance premiums before the effective date of this Law, after 12 months, they are not subject to compulsory social insurance, do not participate in voluntary social insurance and have paid social insurance premiums for under full 20 years;

e) Cases defined at Points d, dd and e Clause 1 Article 2 of this Law who are demobilized or cease working, are not subject to compulsory social insurance, do not participate in voluntary social insurance and are not eligible for pension.

2. Subjects defined in Clause 2, Article 2 of this Law that have terminated their social insurance payment are entitled to a lump-sum social insurance allowance upon their request if falling in one of the following cases:

a) They satisfy the age requirement but have paid social insurance premiums for under full 15 years;

b) They suffer one of the following diseases: cancer, poliomyelitis, decompensated cirrhosis, serious tuberculosis, AIDS;

c) They suffer a working capacity decrease of 81% or more; they are persons with extremely serious disabilities;

d) They have fully satisfied the conditions for pension enjoyment in accordance with regulations but do not continue residing in Vietnam;

dd) Employees' labor contracts terminate or their work permits or practice certificates or practice licenses expire without being renewed.

3. The lump-sum social insurance allowance shall be calculated based on the number of years and grounds of social insurance premium payment, excluding the state budget's monetary support for payment of voluntary social insurance premiums; 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.

In case employees have the periods of social insurance payment before and after 2014 and there are odd months in their payment period before 2014, those odd months shall be transferred to the social insurance payment period from 2014 onwards for calculation of lump-sum social insurance allowance;

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 full 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.

4. For cases defined at Points c and d Clause 1 of this Article, the lump-sum social insurance allowance shall be calculated based on the number of years and grounds of social insurance premium payment, including the monetary support from state budget for payment of voluntary social insurance premiums; the calculation of lump-sum social insurance allowance for each year shall comply with Points a, b and c Clause 3 of this Article.

5. The time for enjoying the lump-sum social insurance allowance is the time the social insurance agency issues a decision on lump-sum social insurance allowance payment.

6. In cases an employee defined at Point b, c or d Clause 1 or Point b, c or dd Clause 2 of this Article eligible for enjoyment of both pension and lump-sum social insurance allowance, he/she may select to receive the monthly pension or lump-sum social insurance allowance.

7. The Government shall detail this Article.

Article 71. Reservation of period of social insurance premium payment

Employees who cease working without being eligible for pension specified in Article 64 or 65 of this Law or without receiving a lump-sum social insurance allowance provided in Article 70 of this Law or without receiving a monthly allowance provided in Article 23 of this Law are entitled to have their period of social insurance premium payment reserved.

Article 72. Average 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 salary on which social insurance premiums are based for the number of years of social insurance premium payment before retirement shall be as follows:

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

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

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

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

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

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

g) The average salary on which social insurance premiums are based in the entire period of social insurance premium payment, for employees starting paying social insurance premiums before January 1, 2025 onwards.

2. For employees who have the entire period of social insurance premium payment under the employer-decided salary regime, the average 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 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 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 and regulate the average salary on which social insurance premiums are based for employees subject to the State-prescribed salary regime in certain special cases.

Article 73. Adjustment of salary on which compulsory social insurance premiums are based

1. The salary on which compulsory social insurance premiums are based for calculation of the average salary as defined in Article 72 of this Law of employees subject to the State-prescribed salary regime shall be adjusted as follows:

a) For employees who start paying social insurance premiums prior to January 1, 2016, it shall be adjusted based on the reference salary at the time of enjoying the retirement regime;

b) For employees who start paying social insurance premiums since January 1, 2016, it shall be adjusted under Clause 2 of this Article.

2. The salary on which compulsory social insurance premiums are based for calculation of the average salary as defined in Article 72 of this Law of employees subject to the employer-decided salary regime shall be adjusted based on the consumer price index in each period under the Government's regulations.

Article 74. Implementation of social insurance upon application of the salary regime based on working positions, titles, leadership positions instead of the current salary table system

In case the State applies the salary regime based on working positions, titles, leadership positions instead of the current salary table system, the Government shall report the National Assembly for consideration and decision of adjustment of grounds of payment of compulsory social insurance premiums, method of calculation of average salary on which pension, social insurance allowance, adjustment of salary on which compulsory social insurance premiums are based and other necessary contents.

Article 75. Suspension from, termination 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) The beneficiaries' information cannot be verified as prescribed at Point c Clause 2 Article 11 of this Law.

2. The enjoyment of pension or monthly social insurance allowance of a person on such pension or allowance shall be terminated in one of the following cases:

a) He/she is dead or declared by court as dead;

b) He/she rejects in writing his/her enjoyment of pension or monthly social insurance allowance;

c) There is a competent agency's conclusion that his/her enjoyment of social insurance is illegal.

3. Pension or monthly social insurance allowance of subjects defined in Clause 1 and at Point a Clause 2 of this Article, including their pension, monthly social insurance allowance not yet received must continue to be paid in one of the following cases:

a) The illegal emigrants return to the country;

b) There is a court’s decision on cancellation of the decision declaring that a person is missing or the decision declaring that a person is dead;

c) The information of the subject specified at Point c Clause 1 of this Article has been verified as prescribed at Point c Clause 2 Article 11 of this Law.

4. Pension or monthly social insurance allowance of the subject defined at Point b Clause 2 of this Article, excluding pension, monthly social insurance allowance not yet received due to his/her refusal of receipt, shall continue to be paid from the time the social insurance agency receives his/her written request for continuation of enjoyment of pension or monthly social insurance allowance.

5. In case a person on pension or monthly social insurance allowance has a period for which he/she have not received his/her pension or allowance before death, his/her relative shall receive such unpaid pension or allowance.

6. In case a person is suspended from enjoying his/her pension or monthly social insurance allowance due to a court's decision declaring that the person is missing, then, there is a court's decision declaring that the person is dead, his/her relatives shall not receive his/her pension or allowance for the suspension time.

7. Other cases of suspension from, termination or continuation of enjoyment of pension or monthly social insurance allowance shall comply with the Government's regulations.

Article 76. Lump-sum allowance applicable to 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 at their request.

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 be equal to 3 months’ current pension.

3. The lump-sum allowance for a person on monthly social insurance allowance shall be equal to 3 months’ current allowance.

4. A dossier of request for lump-sum allowance includes a written request for lump-sum allowance and a copy of a competent agency's written certification on renunciation of Vietnamese nationality, or a certified or notarized Vietnamese translation of one of the following papers defined at Points a, b, c and d Clause 2 Article 78 of this Law.

5. Within 07 working days after receiving a complete dossier as defined, the social insurance agency shall settle the enjoyment of lump-sum allowance, or issue a written reply clearly stating the reason for its refusal to pay such lump-sum allowance.

Article 77. Dossiers of request for pension for compulsory social insurance participants

1. A dossier of request for pension for a compulsory social insurance participant must comprise:

a) The social insurance book;

b) The original or a copy of the document on the termination of a labor contract or the document on working termination or written request of subjects defined in Points g, h, m and n Clause 1 Article 2 of this Law.

2. A dossier of request for pension for a person having his/her period of compulsory social insurance premium payment reserved must comprise:

a) The social insurance book;

b) Written request of the person having his/her period of compulsory social insurance premium payment reserved.

3. For cases defined in Article 65 of this Law, in addition to the dossier components specified in Clause 1 of this Article, the written record of assessment of the working capacity decrease, made by the Medical Assessment Council, or a copy of written certification of severe disabilities or extremely severe disabilities with the Medical Assessment Council’s conclusion clearly stating the percentage of working capacity decrease is required.

4. For the cases specified at Point d, Clause 1 and Point c, Clause 2, Article 64 of this Law, in addition to the dossier specified in Clause 1 of this Article, a copy of the certificate of HIV infection due to occupational risks is required.

Article 78. Dossier of request for enjoyment of lump-sum social insurance allowance

1. A dossier of request for enjoyment of lump-sum social insurance allowance includes:

a) The social insurance book;

b) The employee’s written request for enjoyment of lump-sum social insurance allowance.

2. For the cases defined at Point b Clause 1 Article 70 of this Law, in addition to the dossier in Clause 1 of this Article, 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 is required:

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) Long-term permanent residence card issued by a competent foreign agency;

d) Other legal papers showing overseas residence in accordance with the Government's regulations.

3. For the cases specified at Point c, Clause 1 and Point b, Clause 2, Article 70 of this Law, in addition to the dossier specified in Clause 1 of this Article, a summary of his/her medical record, or the original or a copy of her hospital discharge paper is required.

4. For the cases specified at Point d, Clause 1 and Point c, Clause 2, Article 70 of this Law, in addition to the dossier specified in Clause 1 of this Article, the written record of assessment of the working capacity decrease, made by the Medical Assessment Council, or a copy of written certification of extremely severe disabilities is required.

Article 79. Settlement of pension or lump-sum social insurance allowance

1. Within 20 days prior to the time an employee is eligible for pension enjoyment, the employer shall submit a dossier specified in Article 77 of this Law to the social insurance agency.

Within 20 days prior to the time of eligibility for pension enjoyment, a person having his/her period of compulsory social insurance premium payment reserved shall submit a dossier specified in Article 77 of this Law to the social insurance agency.

2. Employee eligible for enjoyment of lump-sum social insurance allowance shall submit a dossier specified in Article 78 of this Law to the social insurance agency.

3. Within 20 days, excluding public holidays, New Year holidays, after receiving a complete dossier in accordance with regulations, for a requester for pension, or within 07 working days after receiving a complete dossier, for a requester for a lump-sum social insurance allowance, the social insurance agency shall settle the enjoyment of pension or lump-sum allowance; or issue a written reply clearly stating the reason for its refusal to settle such enjoyment.

Article 80. Dossiers of request for continued enjoyment of pension or monthly social insurance allowance for cases of suspension from or termination of enjoyment thereof

A dossier of request for continued enjoyment of pension or monthly social insurance allowance applicable to the cases specified at Points a and b Clause 3 and Clause 4 Article 75 of this Law comprises a written request for continued enjoyment of pension or monthly social insurance allowance, and one of the following papers, depending on specific cases:

1. A competent state agency's document on returning to the country, for the case defined at Point a Clause 3 Article 75 of this Law;

2. A court's decision on cancellation of a decision declaring that a person is missing or on cancellation of a decision declaring that a person is dead, for the case defined at Point b Clause 3 Article 75 of this Law.

Article 81. Settlement of continued enjoyment of pension or monthly social insurance allowance for cases of suspension from or termination of enjoyment thereof

1. A requester for continued enjoyment of pension or monthly social insurance allowance shall submit a dossier specified in Article 80 of this Law to the social insurance agency.

2. Within 10 working days after receiving a complete dossier as defined, the social insurance agency 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 continue the payment.

Article 82. Changes in the form and place of receipt of pension or monthly social insurance allowance

1. If a person on pension or monthly social insurance allowance moves to another place of residence within the country and wishes to change the form or place of receipt of his/her pension or allowance, he/she shall submit a written request to the paying social insurance agency.

2. Within 05 working days after receiving the document defined in Clause 1 of this Article, the social insurance agency shall be responsible for settlement of such change, or issue a written reply, clearly stating the reason for its refusal the settlement.

Article 83. 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.

Section 4

SURVIVORSHIP ALLOWANCE REGIME

Article 84. Beneficiaries of the survivorship allowance regime

Beneficiaries of the survivorship allowance regime of deceased social insurance participants shall be their relatives specified in Clause 2 Article 86, Points a, b and c Clause 2 Article 88 of this Law; their heirs prescribed at Point d Clause 2 Article 88 of this Law; the organizations or individuals in charge of their funeral specified in Clause 1 Article 85 of this Law and their relatives defined in Clause 3 Article 85 of this Law.

Article 85. Funeral allowance

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

a) Subjects defined in Clauses 1 and 2 Article 2 of this Law who have paid compulsory social insurance premium payment for at least full 12 months;

b) Employees who die of a labor accident or an occupational disease as defined by the law on occupational safety and health;

c) Persons currently enjoying or suspended from enjoying pension; persons currently enjoying or suspended from enjoying monthly labor accident or occupational disease allowance and have ceased working.

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

3. When the persons defined at Points a, b and c 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 86. Cases eligible for monthly survivorship allowance

1. When the persons defined in Clause 1 Article 2 of this Law, who fall in one of the following cases, die or declare by a court as dead, their relatives defined in Clause 2 of this Article shall be entitled to a monthly survivorship allowance:

a) They have paid compulsory social insurance premiums for at least full 15 years;

b) They are currently enjoying or suspended from enjoying pension;

c) They die of a labor accident or an occupational disease as defined by the law on occupational safety and health;

d) They are currently enjoying or suspended from enjoying monthly labor 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 survivorship allowance include:

a) Children, including children in the cases their fathers die while their mothers are pregnant with them, or their intended fathers or intended mothers die while female employees as surrogate mothers are pregnant with them, shall be entitled to a monthly survivorship allowance until they are full 18 years old;

b) Children who suffer a working capacity decrease of 81% or more;

a) Wives or husbands having reached the age prescribed in Clause 2 Article 169 of the Labor Code. Wives or husbands who have not reached the age prescribed in Clause 2 Article 169 of the Labor Code but suffer a working capacity decrease of 81% or more;

d) Natural fathers, natural mothers, fathers-in-law, mothers-in-law, other family members having reached the age prescribed in Clause 2 Article 169 of the Labor Code whom the persons defined in Clause 1 of this Article are obliged to nurture in accordance with the law on marriage and family;

dd) Natural fathers, natural mothers, fathers-in-law, mothers-in-law, other family members not having reached the age prescribed in Clause 2 Article 169 of the Labor Code and suffering a working capacity decrease of 81% or more whom the social insurance participants are obliged to nurture in accordance with the law on marriage and family.

3. Monthly survivorship allowance shall not apply to the relatives defined at Points b, c, d and dd Clause 2 of this Article that are persons currently enjoying salary and covered by compulsory social insurance, or persons currently enjoying pension, monthly working capacity loss allowance, monthly allowance with the received amount equal or higher than the reference level, excluding the allowance under the law on preferential policies for persons with meritorious services to the revolution.

4. A result of assessment of working capacity decrease for enjoyment of monthly survivorship allowance must be determined within 6 months at the latest from the date a social insurance participant dies or from the expiration of the time limit for the relative specified at Point a Clause 2 of this Article to enjoy allowance under regulations.

5. The Minister of Labor, Invalids and Social Affairs shall detail the calculation and determination of conditions for each case for settlement of the survivorship regime.

Article 87. Levels of monthly survivorship allowance

1. The monthly survivorship allowance for each relative shall be equal to 50% of the reference level, or 70% of the reference level for relatives who have no direct fosterer.

The Minister of Labor, Invalids and Social Affairs shall define the determination of relatives having no direct fosterer.

2. For a dead person or a person declared by a court as dead as defined in Clause 1, Article 86 of this Law, the number of relatives entitled to monthly survivorship allowance must not exceed 4; for 2 dead persons or persons declared by a court as dead or more, their relatives are entitled to 2 times the allowance level specified in Clause 1 of this Article.

3. The time for enjoying monthly survivorship allowance shall start from the first day of the month following the month the person defined in Clause 1 Article 86 of this Law dies or is declared by a court as dead. For a child whose the father or the father being the intended mother's husband or the intended mother died while he/she is in the womb, the monthly survivorship allowance shall be paid from the month the child is born.

Article 88. Cases of eligibility for lump-sum survivorship allowance

1. When the following persons die or are declared by courts as dead, their relatives are considered to be entitled to a lump-sum survivorship allowance:

a) Persons currently covered by social insurance or having their period of social insurance premium payment reserved;

b) Persons currently enjoying or suspended from enjoying pension; persons currently enjoying or suspended from enjoying monthly labor accident or occupational disease allowance and have ceased working.

2. When the persons defined in Clause 1 of this Article die, their relatives are entitled to a lump-sum survivorship allowance in one of the following cases:

a) They do not satisfy the condition prescribed at Point a Clause 1 Article 86 of this Law;

b) They fall in one of the cases specified in Clause 1 Article 86 of this Law but have no relative eligible for the monthly survivorship allowance as defined in Clause 2 Article 86 of this Law;

c) Their relatives who are entitled to the monthly survivorship allowance as defined in Clause 2 Article 86 of this Law but wish to receive a lump-sum survivorship allowance;

d) In case they die without any relatives as defined in Clause 7 Article 3 of this Law, the lump-sum survivorship allowance must comply with the law on inheritance.

Article 89. Levels of lump-sum survivorship allowance

1. The lump-sum survivorship allowance applicable to relatives of persons defined at Point a Clause 1 Article 88 of this Law shall be equal to the lump-sum survivorship allowance for each year of payment of social insurance premiums multiplied by the number of years of payment of social insurance premiums but

not fewer than 03 months' average salary on which social insurance premiums are based. The average salary on which social insurance premiums are based for calculation of lump-sum survivorship allowance shall comply with Article 72 of this Law until the time such payment is stopped. The lump-sum survivorship allowance for each year of payment of social insurance premiums shall be as follows:

a) 1.5 times the average salary on which social insurance premiums are based, for the years of social insurance premium payment prior 2014.

In case employees have the periods of social insurance payment before and after 2014 and there are odd months in their payment period before 2014, those odd months shall be transferred to the social insurance payment period from 2014 onwards;

b) 2 times the average salary on which social insurance premiums are based, for the years of social insurance premium payment since 2014.

2. The lump-sum survivorship allowance applicable to relatives of persons who die while on pension or on suspension from enjoying pension shall be calculated based on these persons' period of pension enjoyment and shall be as follows:

a) If they die within the first 2 months of pension enjoyment, such allowance must be equal to 48 months' current pension;

b) If they die in subsequent months, the allowance shall be reduced by half the monthly pension, compared to the allowance defined at Point a of this Clause, for each additional month of pension enjoyment, but not fewer than 03 months' current pension.

3. The lump-sum survivorship allowance applicable to relatives of persons on monthly labor accident or occupational disease allowance who have ceased working and received the lump-sum social insurance allowance before their death shall be 3 months' current monthly labor accident or occupational disease allowance.

4. The reference level used for calculating the lump-sum survivorship allowance is the reference level of the month in which the persons defined at Point a Clause 1 Article 88 of this Law die.

5. The Government shall define the settlement of survivorship allowance regime applicable to persons on monthly labor accident or occupational disease allowance who do not cease working or have their period of social insurance premium payment reserved, and persons on both monthly labor accident or occupational disease allowance and pension.

Article 90. Dossier of request for enjoyment of the survivorship allowance regime

1. For relatives of persons currently covered by social insurance or persons having their period of social insurance premium payment reserved, a dossier of request for enjoyment of the survivorship allowance regime must comprise:

a) The social insurance book;

b) A copy of the death certificate, or death declaration extract, or a copy of death notice, or a copy of the court's decision on death declaration;

c) Declaration of the dead person's relatives.

d) The original or a copy of investigation record of labor accident, for persons who die of a labor accident; a copy of the medical record of occupational disease treatment, for persons who die of an occupational disease;

dd) The written record of assessment of the working capacity decrease, made by the Medical Assessment Council, or a copy of written certification of extremely severe disabilities with the Medical Assessment Council's conclusion clearly stating the percentage of working capacity decrease, for the relatives with the working capacity decrease of 81% or more.

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

a) A copy of the death certificate, or death declaration extract, or a copy of death notice, or a copy of the court's decision on death declaration;

b) Declaration of the dead person's relatives.

c) The written record of assessment of the working capacity decrease, made by the Medical Assessment Council, or a copy of written certification of extremely severe disabilities with the Medical Assessment Council's conclusion clearly stating the percentage of working capacity decrease, for the relatives with the working capacity decrease of 81% or more.

3. A dossier of request for enjoyment of funeral allowance in cases only receiving the funeral allowance includes:

a) The social insurance book, except for persons currently enjoying pension or monthly allowance;

b) A copy of the death certificate, or death declaration extract, or a copy of death notice, or a copy of the court's decision on death declaration;

c) Declaration of organizations or individuals in charge of funeral.

4. The settlement of the survivorship allowance regime applicable to foreigners shall be defined by the Government.

Article 91. Settlement of the survivorship allowance regime

1. Within 90 days after the death of a person having his/her period of social insurance premium payment reserved, a person currently enjoying or a person suspended from enjoying pension or monthly labor accident or occupational disease allowance, his/her relative or the organization or individual in charge of his/her funeral shall submit the dossier specified in Article 90 of this Law to the social insurance agency.

2. Within 90 days after the death of a person currently covered by compulsory social insurance, his/her relative or the organization or individual in charge of his/her funeral shall submit the dossier specified in Article 90 of this Law to the employer.

Within 30 days after receiving a complete dossier from the employee's relative, the employer shall submit the dossier to the social insurance agency.

3. Within 10 working days after receiving a complete dossier as defined, the social insurance agency shall settle the enjoyment of survivorship allowance, or issue a written reply clearly stating the reason for its refusal to pay such survivorship allowance.

Article 92. Delayed settlement of enjoyment of compulsory social insurance regimes

1. In case the submission of dossiers is delayed after the time limits prescribed in Clauses 1 and 2 Article 48, Clause 1 Article 49, Clause 1 Article 62, Clause 1 Article 63, Clause 1 Article 79, Clauses 1 and 2 Article 91 of this Law, a written explanation shall be submitted to the social insurance agencies upon submission of the dossiers.

2. In case the submission of dossiers or settlement of enjoyment of compulsory 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 the beneficiaries.

Article 93. Forms of payment of pensions and social insurance regimes

1. Via the beneficiaries' accounts opened at commercial banks, foreign bank branches established and operating in Vietnam.

2. Directly from social insurance agencies or service organizations authorized by social insurance agencies.

3. Through employers.

Chapter VI

VOLUNTARY SOCIAL INSURANCE

Section 1

MATERNITY ALLOWANCE

Article 94. Beneficiaries and conditions for enjoyment of maternity allowance

1. Persons who have paid the voluntary social insurance premiums, have paid both compulsory and voluntary social insurance premiums, for at least full 6 months within 12 months before childbirth shall be entitled to the maternity allowance in one of the following cases:

a) Female employees giving birth to children;

b) Male employees with their wives giving birth to children;

2. In case only the mother is covered by social insurance but the mother dies in childbirth, the father or the direct fosterer is entitled to the maternity allowance.

3. In case both parents are covered by social insurance and fully satisfy the conditions for enjoying the maternity allowance as specified in Clause 1 of this Article, either father or mother only is entitled to enjoyment of the maternity allowance.

4. In cases persons defined in Clause 1 of this Article fully satisfy both conditions for enjoying the maternity allowance in voluntary social insurance and conditions for enjoying the maternity regime in compulsory social insurance, only the maternity regime in compulsory social insurance is applied.

5. In cases the mother fully satisfies conditions for enjoying the maternity regime in compulsory social insurance and the father fully satisfies conditions for enjoying the maternity allowance in voluntary social insurance, the mother shall be entitled to the maternity regime in compulsory social insurance and the father shall be entitled to the maternity allowance in voluntary social insurance.

6. In cases the father fully satisfies conditions for enjoying the maternity regime in compulsory social insurance and the mother fully satisfies conditions for enjoying the maternity allowance in voluntary social insurance, the father shall be entitled to the maternity regime in compulsory social insurance and the mother shall be entitled to the maternity allowance in voluntary social insurance.

Article 95. Maternity allowance

1. The maternity allowance level shall be VND 2,000,000 for each child born, or each fetus of 22 weeks or more that dies in utero or dies during labor.

When giving birth, female employees who are ethnic minorities or female employees being Kinh people whose husbands are ethnic minorities and from poor households are also entitled to other support policies under Government's regulations.

2. The state budget shall allocated the funding for implementation of Clause 1 of this Article. The Government shall adjust the maternity allowance level in conformity with the socio-economic development conditions and state budget capacity in each period.

Article 96. Dossiers of request for enjoyment of the maternity allowance

A dossier of request for enjoyment of the maternity allowance must comprise one of the following papers:

1. A copy of the birth certificate or a birth declaration extract or a copy of birth certification paper of the child.

2. For cases of intrauterine fetal death, stillbirths occurring during labor or the child dying after birth without a birth certification paper, the dossier shall be one of the following papers:

a) The original or a copy of summary of her medical record with the information about the child's death;

b) The original or a copy of hospital discharge paper of the female employee giving birth to child with the information about the child's death;

c) A copy of death notice of the child;

d) Commune-level People's Committee's written confirmation, in case where the child dies within 24 hours after the birth.

Article 97. Settlement of enjoyment of the maternity allowance

1. Within 60 days after the child birth, the employee shall submit a dossier specified in Article 96 of this Law to the social insurance agency.

2. Within 05 working days after receiving a complete dossier as defined, the social insurance agency shall settle the enjoyment of maternity allowance, or issue a written reply clearly stating the reason for its refusal to pay such maternity allowance.

Section 2

RETIREMENT REGIME

Article 98. Coverage of the retirement regime and conditions for pension enjoyment

Voluntary social insurance participants shall be entitled to pension when they reach the retirement age as prescribed in Clause 2 Article 169 of the Labor Code and have paid social insurance premiums for at least full 15 years.

Article 99. Levels of monthly pension

1. The monthly pension of employees who fully satisfy the conditions specified in Article 98 of this Law shall be calculated as follows:

a) 45% of the average income on which social insurance premiums are based as prescribed in Article 104 of this Law, corresponding to 15 years of social insurance premium payment, which shall be added with 2%, for each additional year of social insurance premium payment, but must not exceed 75%, for female employees;

b) 45% of the average income on which social insurance premiums are based as prescribed in Article 104 of this Law, corresponding to 20 years of social insurance premium payment, which shall be added with 2%, for each additional year of social insurance premium payment, but must not exceed 75%, for male employees.

The monthly pension of male employees having between full 15 and under 20 years of social insurance premium payment shall be equal to 40% of the average income on which social insurance premiums are based as prescribed in Article 104 of this Law, corresponding to 15 years of social insurance premium payment, which shall be added with 1%, for each additional year of social insurance premium payment.

2. The adjustment of pension must comply with Article 67 of this Law.

3. For employees that fully satisfy the conditions for pension enjoyment with the social insurance premium payment period as defined by a treaty to which the Socialist Republic of Vietnam is a contracting party but the social insurance premium payment period in Vietnam is under 15 years, the monthly pension shall be equal to 2.25% of the average income on which social insurance premiums are based as prescribed in Article 104 of this Law, for each year of social insurance premium payment in Vietnam.

Article 100. Lump-sum allowance upon retirement

1. Male and female employees who have paid social insurance premiums for a period exceeding 35 years and 30 years, respectively, shall be entitled to not only pension but also a lump-sum allowance upon retirement.

2. The lump-sum allowance level shall be half of the average income on which social insurance premiums are based as specified in Article 104 of this Law, for each year of social insurance premium payment in excess of the number of years defined in Clause 1 of this Article until the retirement age under the law.

For employees who fully satisfy the conditions for pension enjoyment as defined in Article 98 of this Law but continue to pay the social insurance premiums, the lump-sum allowance level shall be equal to 02 times the average income on which social insurance premiums are based as specified in Article 104 of this Law, for each year of social insurance premium payment in excess of the number of years defined in Clause 1 of this Article, from the time at which the employees reach the retirement age under the law until the time of retirement.

Article 101. Time for pension enjoyment

1. The persons defined in Article 98 of this Law are entitled to receive pension from the first day of the month following the month when they fully satisfy the conditions for pension enjoyment specified in Article 98 of this Law.

2. If social insurance participants continue to pay the voluntary social insurance premiums after they are fully satisfy the conditions for pension enjoyment, they are entitled to receive pension from the first day of the month following the month when they stop paying the voluntary social insurance premiums and request for pension enjoyment.

3. In cases voluntary social insurance participants make a lump-sum payment for the insufficient years as defined at Point e Clause 2 Article 36 of this Law, they are entitled to receive pension from the first day of the month following the month when they complete their payment for the insufficient years.

4. The Minister of Labor, Invalids and Social Affairs shall detail this Article; specify the calculation and determination of conditions for each case for settlement of the retirement regime.

Article 102. Lump-sum social insurance allowance

1. Subjects 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 have reached the retirement age prescribed in Clause 2 Article 169 of the Labor Code but have paid social insurance premiums for under full 15 years and do not continue paying social insurance premiums.

If not selecting the lump-sum social insurance allowance, employees may enjoy the monthly allowance as defined in Article 23 of this Law;

b) They settle abroad;

c) They suffer one of the following diseases: cancer, poliomyelitis, decompensated cirrhosis, serious tuberculosis, AIDS;

d) They suffer a working capacity decrease of 81% or more; they are persons with extremely serious disabilities;

dd) They have paid social insurance premiums before the effective date of this Law, but do not continue paying social insurance premiums after 12 months and have the period of social insurance premium payment of under full 20 years.

2. The lump-sum social insurance allowance shall be calculated based on the number of years of social insurance premium payment and grounds 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.

In case employees have the periods of social insurance payment before and after 2014 and there are odd months in their payment period before 2014, those odd months shall be transferred to the social insurance payment period from 2014 onwards for calculation of lump-sum social insurance allowance;

b) 2 times the average monthly income 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 full 1 year, the lump-sum social insurance allowance shall be equal to the paid premium amount but 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 cases specified at Points c and d, 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. In cases an employee defined at Point b, c or d Clause 1 of this Article eligible for enjoyment of both pension and lump-sum social insurance allowance, he/she may select to receive the pension or lump-sum social insurance allowance.

6. The Government shall detail this Article.

Article 103. Reservation of period of social insurance premium payment

Employees who stop paying voluntary social insurance premiums without fully satisfying the conditions for pension enjoyment as provided in Article 98 or without receiving a lump-sum social insurance allowance under Article 102 of this Law or without enjoying the monthly allowance as defined in Article 23 of this Law are entitled to have their period of social insurance premium payment reserved.

Article 104. Average income on which voluntary social insurance premiums are based

1. The average income on which voluntary social insurance premiums are based is the average of 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 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.

Article 105. Dossiers of request for enjoyment of pension for voluntary social insurance participants

A dossier of request for enjoyment of pension for voluntary social insurance participants shall comprise the social insurance book and a written request for enjoyment of pension.

Article 106. Dossier of request for enjoyment of lump-sum social insurance allowance

1. A dossier of request for enjoyment of lump-sum social insurance allowance includes:

a) The social insurance book;

b) The employee's written request for enjoyment of lump-sum social insurance allowance.

2. For the cases defined at Point b Clause 1 Article 102 of this Law, in addition to the dossier in Clause 1 of this Article, 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 is required:

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) Long-term permanent residence card issued by a competent foreign agency;

d) Other legal papers showing overseas residence in accordance with the Government's regulations.

3. For the case specified at Point c Clause 1 Article 102 of this Law, in addition to the dossier specified in Clause 1 of this Article, a summary of his/her medical record, or the original or a copy of her hospital discharge paper is required.

4. For the case specified at Point d Clause 1 Article 102 of this Law, in addition to the dossier specified in Clause 1 of this Article, the written record of assessment of the working capacity decrease, made by the Medical Assessment Council, or a copy of written certification of extremely severe disabilities is required.

Article 107. Settlement of pension or lump-sum social insurance allowance for persons having their period of social insurance premium payment reserved, voluntary social insurance participants

1. Within 20 days prior to the time of eligibility for pension enjoyment, a person having his/her period of social insurance premium payment reserved or voluntary social insurance participant shall submit a dossier specified in Article 105 of this Law to the social insurance agency.

2. An employee eligible and requesting payment of lump-sum social insurance allowance shall submit a dossier specified in Article 106 of this Law to the social insurance agency.

The point of time which ends the last day of the month of stop of voluntary social insurance premium payment or the month of termination of labor contract shall be the grounds for determination of the time of eligibility for settlement of lump-sum social insurance allowance, for beneficiaries of social insurance allowance defined at Point dd Clause 1 Article 102 of this Law.

3. Within 20 days, excluding public holidays, New Year holidays, after receiving a complete dossier in accordance with regulations, for a requester for pension, or within 07 working days after receiving a complete dossier, for a requester for a lump-sum social insurance allowance, the social insurance agency shall settle the enjoyment of pension or allowance; or issue a written reply clearly stating the reason for its refusal to settle such enjoyment.

Section 3
SURVIVORSHIP ALLOWANCE REGIME

Article 108. Beneficiaries of the survivorship allowance regime

Beneficiaries of the survivorship allowance regime of deceased voluntary social insurance participants shall be the organizations or individuals in charge of their funeral specified in Clause 1 Article 109 of this Law; their relatives defined in Clause 3 Article 109 of this Law and Clause 1 Article 110 of this Law.

Article 109. Funeral allowance

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

a) Persons who have paid social insurance premiums for at least full 60 months;

b) Persons currently enjoying or persons suspended from enjoying pension.

2. The funeral allowance must equal 10 times the reference level 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 110. Lump-sum survivorship allowance

1. In case persons who are covered by voluntary social insurance, or have their period of social insurance premium payment reserved, or are on pension, or are suspended from enjoying pension die, their relatives are entitled to a lump-sum survivorship allowance.

2. The lump-sum survivorship allowance for relatives of persons who are covered by voluntary social insurance, or 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:

a) 1.5 times the average income on which social insurance premiums are based, for the years of social insurance premium payment prior 2014.

In case employees have the periods of social insurance payment before and after 2014 and there are odd months in their payment period before 2014, those odd months shall be transferred to the social insurance payment period from 2014 onwards;

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

c) The paid premium amount, for the cases in which the employees pay their social insurance premiums for under full 60 months.

3. For persons who pay both compulsory social insurance and voluntary social insurance premiums, the lump-sum survivorship allowance must equal at least 3 times the average salary and income on which social insurance premiums are based.

4. The lump-sum survivorship allowance for relatives of persons who die while on pension or on suspension from enjoying pension shall be calculated based on these persons' period of pension enjoyment and shall be as follows:

a) If they die within the first 2 months of pension enjoyment, such allowance must be equal to 48 months' current pension;

b) If they die in subsequent months, the allowance shall be reduced by half the monthly pension, compared to the allowance defined at Point a of this Clause, for each additional month of pension enjoyment, but not fewer than 03 months' current pension.

Article 111. Retirement regime and survivorship allowance regime for persons who pay both compulsory social insurance and voluntary social insurance premiums

1. Retirement regime and survivorship allowance regime for persons who

pay both compulsory social insurance and voluntary social insurance premiums shall be as follows:

a) For persons being subjects defined in Article 64 and Article 65 of this Law that have paid compulsory social insurance premiums for at least full 15 years and at least full 20 years, respectively, the conditions for enjoyment and levels of pension must comply with the policy on compulsory social insurance;

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

c) For persons 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.

Article 112. Dossier of request for and settlement of the survivorship allowance regime

1. Dossiers of request for enjoyment of the survivorship allowance regime shall be defined as follows:

a) For relatives of persons currently covered by social insurance or persons having their period of social insurance premium payment reserved, dossiers of request for enjoyment of the survivorship allowance regime shall comply with Points a, b and c Clause 1 Article 90 of this Law;

b) For relatives of persons currently enjoying or persons suspended from enjoying pension, dossiers of request for enjoyment of the survivorship allowance regime shall comply with Points a and b Clause 2 Article 90 of this Law;

c) Dossiers applicable to cases only receiving the funeral allowance shall comply with Clause 3 Article 90 of this Law.

2. Settlement of the survivorship allowance regime shall be as follows:

a) Within 90 days after the death of a person having his/her period of social insurance premium payment reserved, a voluntary social insurance participant or a person on pension, or a person suspended from enjoying pension, his/her relative shall submit the dossier to the social insurance agency;

b) Within 10 working days after receiving a complete dossier as defined, the social insurance agencies shall settle the enjoyment of survivorship allowance, or issue a written reply clearly stating the reason for its refusal to settle such survivorship allowance.

Article 113. Delayed settlement of enjoyment of voluntary social insurance regimes

1. In case the submission of dossiers is delayed after the time limits

prescribed in Clause 1 Article 97, Clause 1 Article 107, Point a Clause 2 Article 112 of this Law, a written explanation shall be submitted to the social insurance agencies upon submission of the dossiers.

2. In case the submission of dossiers or settlement of enjoyment of voluntary 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 the beneficiaries.

Article 114. Forms of payment of pensions and voluntary social insurance regimes

1. Via the beneficiaries' accounts opened at commercial banks, foreign bank branches established and operating in Vietnam.

2. Directly from social insurance agencies or service organizations authorized by social insurance agencies.

Article 115. Lump-sum allowance for persons on pension settling abroad; change of places for receiving pension; suspension from, termination and continuation of pension enjoyment

1. The settlement of lump-sum allowance for voluntary social insurance participants on pension who go abroad for settlement and wish to receive the lump-sum allowance shall be carried out as follows:

a) 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 be equal to 3 months' current pension;

b) The lump-sum allowance for a person on monthly social insurance allowance must be equal to 3 months' current allowance;

c) A dossier of request for lump-sum allowance includes a written request for lump-sum allowance and a copy of a competent agency's written certification on renunciation of Vietnamese nationality, or a certified or notarized Vietnamese translation of one of the following papers defined at Points a, b, c and d Clause 2 Article 106 of this Law;

d) Within 07 working days after receiving a complete dossier as defined, the social insurance agency shall settle the enjoyment of lump-sum allowance, or issue a written reply clearly stating the reason for its refusal to settle such enjoyment.

2. For the case in which a person on pension moves to another place of residence within the country and wishes to enjoy his/her social insurance at the new place of residence:

a) If a person on pension or monthly social insurance allowance moves to another place of residence within the country and wishes to change the form or place of receipt of his/her pension, he/she shall submit a written request to the paying social insurance agency;

b) Within 5 working days after receiving the document defined at Point a of this Clause, the social insurance agency shall settle the receipt of pension 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.

3. The suspension from, termination and continuation of pension enjoyment shall comply with Articles 75, 80 and 81 of this Law.

Chapter VII

THE SOCIAL INSURANCE FUND

Section 1

ESTABLISHMENT AND USE OF THE SOCIAL INSURANCE FUND

Article 116. The social insurance fund

1. The social insurance fund is a financial fund independent from the state budget; of which the accounting, financial reporting and internal audit shall be conducted in accordance with the law on accounting and other relevant laws.

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.

During the inspection or state audit on social insurance, the inspection agencies shall coordinate with the state audit agencies to handle any detected overlap or duplication in accordance with the provisions of the Law on Inspection and the Law on State Audit so that an activity of an organization or individual is subject to only one inspection agency or one state audit agency; ensuring the prevention, detection and handling of violations of the law on social insurance.

Article 117. Sources forming the social insurance fund

1. Premiums paid by employers as defined.

2. Premiums paid by employees as defined.

3. Profits from activities of investment from the fund.

4. The state budget.

5. Other lawful sources of revenues.

Article 118. Component funds of the social insurance fund and the unemployment insurance fund

1. The social insurance fund includes the following component funds:

a) Sickness and maternity fund;

b) Retirement and survivorship allowance fund.

c) Occupational accident and disease insurance fund under the Law on Occupational Safety and Health.

2. The unemployment insurance fund shall comply with the Law on Employment.

Article 119. Use of the social insurance fund

1. Payment for compulsory and voluntary social insurance regimes to subjects as defined in Chapter V and Chapter VI of this Law and monthly allowance specified in Article 23 of this Law.

2. Payment of health insurance premiums for the following persons:

a) Pensioners;

b) Persons taking leave on monthly labor accident or occupational disease allowance;

c) Persons taking maternity leave for 14 working days or more in a month;

d) Persons taking leave on sickness allowance, for employees who suffer a disease on the Minister of Health-issued list of diseases requiring long-term treatment;

dd) Persons taking leave under the sickness regime for 14 working days or more in a month.

3. 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.

4. Social insurance organization and operation expenses defined in Article 120 of this Law.

5. Investment to preserve and develop the fund in accordance with Section 2 of this Chapter.

Article 120. Social insurance organization and operation expenses

1. Social insurance organization and operation expenses shall be used to perform the following tasks:

a) To propagate, disseminate, answer and advise on policies and laws on social insurance; provide professional training and retraining in social insurance;

b) To carry out the administrative reforms of social insurance; develop and manage social insurance participants and beneficiaries.

c) To invest, upgrade, renovate, expand, maintain, repair assets, lease, purchase assets, goods, and services related to social insurance management and operation;

d) To organize the collection of social insurance premiums and payment of social insurance allowances; and operate the apparatus of social insurance agencies at all levels, the Management Board of Vietnam Social Security.

2. The social insurance organization and operation expenses shall be calculated by percentage of social insurance revenue and expenditure estimates, excluding expenses for health insurance premiums for social insurance beneficiaries and deducted from the profits earned from investment activities of the social insurance fund.

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

4. The State Audit Office shall audit the report on finalization of social insurance organization and operation expenses on an annual basis.

5. The Government shall detail Clauses 1 and 2 of this Article.

Section 2

INVESTMENT OF THE SOCIAL INSURANCE FUND

Article 121. Investment principles

1. Investment activities of the social insurance fund must ensure safety, sustainability and efficiency.

2. To diversify portfolios, structures and methods of investment in conformity with the capacity and facilities of social insurance fund investment organization; prioritize investment in government bonds, especially long-term government bonds.

3. The investment of the social insurance fund shall comply with the long-term investment strategy and annual investment plans.

Article 122. Portfolios and methods of investment

1. Investment portfolios of the social insurance fund in domestic market include:

a) The Government’s debt instruments, including Government bonds, the State Treasury bills, and Government bonds for national construction;

b) Local administration bonds, Government-guaranteed bonds;

c) Deposits at state commercial banks and joint stock commercial banks with state capital of over 50% of charter capital; not to invest the social insurance fund in commercial banks under special control;

c) Bonds and deposit certificates at state commercial banks and joint stock commercial banks with state capital of over 50% of charter capital; not to invest the social insurance fund in commercial banks under special control.

2. The investment portfolio of social insurance fund in the international market is government bonds.

3. Methods of investment of social insurance fund comprise self-investment and investment entrustment in domestic market and international market.

4. The Government shall define diversification roadmap, criteria for portfolios, structures and methods of investment of social insurance fund, ensuring the principles defined in Article 121 of this Law.

Article 123. Management of investment of the social insurance fund

1. The social insurance fund is invested and independently accounted by component funds.

2. The fund's investment activities must be under risk control and management, and ensure the deductions for risk provisions.

3. The Government shall define the process of control and management of investment risks, making of deductions for and use of risk provisions.

Chapter VIII
SUPPLEMENTARY RETIREMENT SCHEME

Article 124. Subjects of supplementary retirement scheme

Subjects of supplementary retirement scheme shall be the employers and their employees.

Article 125. Principles of supplementary retirement scheme

1. The supplementary retirement scheme premium levels shall be voluntarily agreed upon by the employers and employees.

2. Contributions to the fund of supplementary retirement scheme are managed by each individual retirement account.

3. The fund of supplementary retirement scheme shall operate in accordance with the principles of publicity and transparency and the investment must comply with law regulations.

4. The level of supplementary retirement scheme payment is determined based on the balance of the individual retirement account at the time of payment, accumulated through investment activities of the fund of supplementary retirement scheme according to the market principle.

Article 126. Fund of supplementary retirement scheme

1. The fund of supplementary retirement scheme is a financial fund independent from the state budget; of which the accounting, financial reporting and audit shall be conducted in accordance with the law on accounting and law on audit.

2. Sources forming the fund of supplementary retirement scheme comprise contributions by employers, employees and profits earned from investment activities of the fund.

3. The fund of supplementary retirement scheme shall be used for payment of supplementary retirement scheme to employees, expenses of organization and management activities.

Article 127. State policies on supplementary retirement scheme

1. To encourage the development of supplementary retirement scheme through preferential policies in accordance with taxation laws.

2. To complete laws and policies on supplementary retirement scheme, organize the implementation of policies on supplementary retirement scheme professionally, modernly, and transparently; create one more contribution choice for employers and employees for higher pensions.

3. The Government shall define the regulations on supplementary retirement scheme.

Chapter IX

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

Article 128. Right to complaint about social insurance

Individuals, agencies and organizations have the right to 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 are contrary to the law on social insurance and infringe their lawful rights and interests.

Article 129. Complaints and settlement of complaints about social insurance-related administrative decisions or acts by state administrative agencies, social insurance agencies and competent persons in state administrative agencies, social insurance agencies

1. Complaints and settlement of complaints about social insurance-related administrative decisions or acts by state administrative agencies or competent persons in state administrative agencies; complaints and settlement of complaints about decisions on sanctioning administrative violations by social insurance agencies, competent persons in social insurance agencies shall comply with law on complaints, except for cases defined in Clause 2 of this Article.

2. Complaints and settlement of complaints about decisions or acts in social insurance-related inspection activities shall comply with law on inspection.

Article 130. Complaints and settlement of complaints about social insurance-related decisions or acts

1. Social insurance-related decisions mean documents promulgated by social insurance agencies or competent persons in social insurance agencies to implement the law on social insurance.

2. Social insurance-related acts mean acts of implementing or failing to implement their responsibilities under the law on social insurance of social insurance agencies or competent persons in social insurance agencies.

3. Order of complaints about a social insurance-related decision or act shall be as follows, except for the case define in Clause 5 of this Article:

a) When having grounds to believe that a social insurance-related decision or act is unlawful or infringes upon his/her rights and legitimate interests, the complainant may file a first-time complaint with the person that has issued such decision or the social insurance agency that manages the person who has committed such social insurance-related act, or institute a lawsuit at court in accordance with laws;

b) In case the complainant disagrees with the first-time complaint settlement decision or his/her complaint remains unsettled past the prescribed time limit, he/she may file a second-time complaint with the head of immediate superior social insurance agency of the person competent to settle the first-time complaint or institute a lawsuit at court in accordance with laws.

In case the complainant disagrees with the first-time complaint settlement decision of the head of social insurance agency, or his/her complaint remains unsettled past the prescribed time limit, he/she may institute a lawsuit at court in accordance with laws;

c) In case the complainant disagrees with the second-time complaint settlement decision, or his/her complaint remains unsettled past the prescribed time limit, he/she may institute a lawsuit at court in accordance with laws.

4. Competence to settle complaints about a social insurance-related decision or act of a social insurance agency shall be as follows, except for the case define in Clause 5 of this Article:

a) The head of social insurance agency shall be competent to settle the first-time complaint about of his/her social insurance-related decision or act, or social insurance-related decision or act of a competent person under his/her direct management;

b) The head of immediate superior social insurance agency shall be competent to settle the second-time complaint about of a social insurance-related decision or act which are further filed after first-time complaints have been settled by the head of social insurance agency or about which first-time complaints remain unsettled after the settlement time limit expires.

5. The settlement of complaints about decisions and acts related to the enjoyment of social insurance regimes or calculation of the state-sector working period prior to January 1, 1995, for enjoying social insurance allowances in cases original records are insufficient, there are no original record or there are no longer agencies or units directly managing the employees, the following shall be as follows:

a) Heads of provincial-level social insurance agencies shall settle first-time complaints;

b) In case the complainant disagrees with the first-time complaint settlement of the head of provincial-level social insurance agency, or his/her complaint remains unsettled past the prescribed time limit, he/she may file a complaint with the chairperson of the provincial-level People's Committee or institute a lawsuit at court in accordance with laws;

c) In case the complainant disagrees with the second-time complaint settlement of the chairperson of the provincial-level People's Committee, or his/her complaint remains unsettled past the prescribed time limit, he/she may institute a lawsuit at court in accordance with laws.

6. Time limit for complaints, order and procedures for settlement of social insurance-related complaints shall comply with the law on complaints.

7. The Government shall detail this Article.

Article 131. Denunciations and settlement of denunciations about social insurance

1. Denunciations and settlement of denunciations for acts of law violation related to implementation of social insurance tasks and public duties and acts of violation of the law on state management in social insurance shall comply with law provisions on denunciations.

2. Social insurance agencies shall handle denunciations for acts of law violation in observance of the law on social insurance, except for cases specified in Clause 3 of this Article.

3. Chairpersons of provincial-level People's Committees shall handle denunciations for acts of law violation committed by agencies, organizations and individuals in observance of the law on social insurance before 1995.

4. The order and procedures for denunciations and handling of denunciations on acts of law violation prescribed in Clauses 2 and 3 of this Article shall comply with law provisions on denunciations.

5. The Government shall detail this Article.

Article 132. Handling of violations of the law on social insurance

1. Agencies and organizations who violate this Law shall, depending on the nature and severity of their violations, administratively sanctioned or examined for penal liability; 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.

Chapter X

SOCIAL INSURANCE-RELATED STATE MANAGEMENT

Article 133. Contents of state management of social insurance

1. To promulgate, submit the competent authorities to promulgate, and organize the implementation of, strategies, policies and laws on social insurance.

2. To propagate, disseminate and educate the law on social insurance.

3. To perform national statistical work on social insurance.

4. To train, foster and develop human resources for social insurance work.

5. To organize the apparatus for social insurance implementation

6. To perform social insurance fund finance and financial mechanism.

7. To examine, inspect, settle complaints and denunciations and handle violations of the law on social insurance.

8. To carry out the preliminary review, summary, and provide reward on social insurance.

9. To carry out international cooperation on social insurance.

Article 134. Responsibilities of state management of social insurance

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

2. The Ministry of Labor, Invalids and Social Affairs shall act as the focal agency assisting the Government in performing the state management of social insurance, the Ministry of Finance shall the agency assisting the Government in performing the state management of social insurance finance and social insurance fund finance.

3. Ministries and ministerial-level agencies shall, within their duties and powers, implement and coordinate with the Ministry of Labor, Invalids and Social Affairs and the Ministry of Finance in implementing the state management of social insurance.

4. People’s Committees at all levels shall perform the state management of social insurance at their localities.

5. The Vietnam Social Security shall participate and coordinate with the Ministry of Labor, Invalids and Social Affairs, the Ministry of Finance, and provincial-level People's Committees in implementing the state management of social insurance.

Article 135. Responsibilities of the Government

1. The Government shall manage, direct and ensure close coordination between state management agencies, implementing agencies and relevant agencies in implementation of social insurance.

2. To regulate the preparation of financial statements and assign state management agencies to approve, appraise, ratify financial statements for social insurance organization and operation expenses; define the finalization of revenue and expenditure of social insurance fund, health insurance fund, and unemployment insurance fund.

3. To carry out the administrative reforms of social insurance for more convenience and benefits for social insurance participants and beneficiaries.

4. To decide or submit the competent authority to decide the handling measures and supporting measures in cases of necessity to protect employees’ legitimate rights and interests related to social insurance.

5. To report to the National Assembly on the implementation of policies and law on social insurance, and the management and use of the social insurance fund on an annual basis. To report to the National Assembly on the assessment and forecast of the balance capacity of the retirement and survivorship allowance fund every 5 years.

Article 136. Responsibilities of the Ministry of Labor, Invalids and Social Affairs

1. To formulate, submit the competent authorities to promulgate, and promulgate within its competence, policies and laws on social pension benefits, compulsory social insurance and voluntary social insurance, social insurance development strategies and plans. To promulgates the satisfaction index for implementation of social insurance and unemployment insurance policies.

2. To assume the prime responsibility for, and coordinate with Vietnam Social Security and relevant agencies and organizations in, developing and submitting development targets for compulsory and voluntary social insurance participants to the Government for promulgation.

3. To propagate, disseminate and educate the law on social pension benefits, compulsory social insurance and voluntary social insurance.

4. To direct and guide the organization of implementation of policies and law on social pension benefits, compulsory social insurance and voluntary social insurance.

5. To examine, inspect, handle violations of law and settle complaints and denunciations about social pension benefits, compulsory social insurance and voluntary social insurance, except those specified in Clause 2, Article 137 of this Law.

6. To assume the prime responsibility for, and coordinate with ministries, ministerial-level agencies, the Vietnam Social Security in, submitting to the Government for decision handling measures in cases of necessity to protect employees' legitimate rights and interests related to social insurance.

7. To assume the prime responsibility for, and coordinate in, performing statistical and information work on social insurance.

8. To organize training and retraining in social insurance.

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

10. To assume the prime responsibility for, and coordinate with the Ministry of Finance in, developing the Government's report prescribed in Clause 5 Article 135 of this Law.

11. To submit the Government for promulgation of the functions, tasks, powers and organizational structure of social insurance agencies as defined in Clause 2 Article 16 of this Law.

Article 137. Responsibilities of the Ministry of Finance

1. To formulate and submit to competent authorities for promulgation, or promulgate within its competence, financial mechanisms for social insurance;

regulate the social insurance organization and operation expenses defined in Article 120 of this Law.

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

3. To assume the prime responsibility for formulating the content on management and use of social insurance fund and send it to the Ministry of Labor, Invalids and Social Affairs for synthesis and formulation of the Government's report prescribed in Clause 5 Article 135 of this Law.

4. To assume the prime responsibility for developing the Government's report prescribed in Clause 3 Article 120 of this Law.

5. To submit the Government for defining regulations on investment from social insurance fund; accounting and allocation of component funds of the social insurance fund.

6. To formulate and submit to competent authorities for promulgation or promulgate under their authority policies and laws on supplementary retirement scheme; direct and guide the organization of implementation of policies and laws on supplementary retirement scheme; monitor, evaluate, inspect and examine the implementation of supplementary retirement scheme; handle violations of the law and resolve complaints and denunciations related to supplementary retirement scheme; carry out statistical and information work on supplementary retirement scheme.

Article 138. Responsibilities of People’s Committees at all levels

1. The provincial-level People's Committees shall take responsibility before the People's Council at the same level for directing and organizing the implementation of social insurance policies, development of compulsory social insurance participants, voluntary social insurance participants, the late payment of compulsory social insurance, shirking of the payment of compulsory social insurance in the localities.

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

a) To direct and organize the implementation of policies and law on social insurance;

b) To set development targets for compulsory and voluntary social insurance participants for inclusion in annual socio-economic development plans and submit them to competent agencies for decision;

c) To organize the propaganda and dissemination of policies and law on social insurance;

d) To examine, inspect, sanction administrative violations, and settle complaints and denunciations about social insurance;

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

Chapter XI
IMPLEMENTATION PROVISIONS

Article 139. Amending and supplementing a number of laws related to social insurance

1. To amend and supplement a number of articles of the Law No. 84/2015/QH13 on Occupational Safety and Health as follows:

a) To amend and supplement Clause 7 Article 42 as follows:

"7. Payment of expenses for organization and operation of occupational accident and disease insurance in accordance with the Law on Social Insurance.";

b) To amend and supplement Clause 1 Article 43 as follows:

"1. Subjects entitled to the occupational accident or disease insurance regime prescribed in this Section are employees who participate in compulsory social insurance defined at Points a, b, c, d, dd, e, i and l Clause 1 Article 2, and employers defined in Clause 3 Article 2, of the Law on Social Insurance.";

c) To amend and supplement Point b Clause 2 Article 44 as follows:

"b) Profits from investment activities implemented by the Fund as prescribed in Articles 120 and 121 of the Law on Social Insurance;";

d) To amend and supplement Clause 3 Article 49 as follows:

"3. The suspension from or continuation of enjoyment of monthly allowance for occupational accidents and diseases and service allowance must comply with Article 75 of the Law on Social Insurance; dossiers for and the order of settlement of continued enjoyment of monthly allowance for occupational accidents and diseases must comply with Articles 80 and 81 of the Law on Social Insurance.";

dd) To amend and supplement Clause 5 Article 49 as follows:

"5. When beneficiaries of monthly allowance for occupational accidents or diseases move to a foreign country for residence, they shall be provided with a lump-sum allowance; the lump-sum allowance amount must equal three times the monthly allowance they are enjoying. The dossiers for and the order of settling the provision of lump-sum allowance must comply with the Law on Social Insurance.";

e) To amend and supplement Clause 3 Article 53 as follows:

"3. Employees die during the period of medical treatment of injuries or diseases before they receive medical assessment for determination of the level of working capacity decrease.

Dossiers for enjoyment of survivorship allowance in case employees die of an occupational accident or disease must comply with Clause 1, Article 90 of the Law on Social Insurance.".

2. To amend and supplement Point e Clause 3 Article 57 of the Law No. 38/2013/QH13 on Employment as follows:

"e) Payment of expenses for organization and operation of unemployment insurance in accordance with the Law on Social Insurance;".

3. To repeal Clause 2 Article 17 of the Law No. 39/2009/QH12 on the Elderly.

Article 140. Effect

1. This Law takes effect on July 01, 2025.

2. The Law No. 58/2014/QH13 on Social Insurance, that is amended and supplemented by the Law No. 84/2015/QH13, Law No. 35/2018/QH14, the Code No. 45/2019/QH14 (hereinafter referred to as Law No. 58/2014/QH13) and the Resolution No. 93/2015/QH13 dated June 22, 2015 of the National Assembly on the implementation of lump-sum social insurance allowance policies for employees shall cease to be effective from the effective date of this Law.

Article 141. Transitional provisions

1. Cadres of communes, wards or townships who have ceased working and are on working capacity loss allowance, occupational accident or disease allowance, monthly survivorship allowance or monthly allowance, rubber workers on monthly allowance and persons on monthly allowance shall, after the expiration of time limit of working capacity loss allowance enjoyment, have their levels of allowance adjusted in accordance with the Government's regulations.

2. For persons subject to termination of or suspension from social insurance allowance enjoyment due to serving of imprisonment sentences without entitlement to suspended sentence before January 01, 2016, law on social insurance at the time of termination or suspension shall apply.

3. Employees who have worked and paid social insurance premiums before January 1, 1995 in their places eligible for region-based allowance; employees who have paid social insurance premiums, covering also the region-based allowance before January 1, 2007 are entitled to a lump-sum region-based allowance upon settlement of enjoyment of pension, lump-sum social insurance allowance or survivorship allowance.

4. Persons on pension, monthly working capacity loss allowance or labor 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 region-based allowance level. In cases of change in their places of permanent residence, their enjoyment of region-based allowance shall comply with the Government's regulations.

5. From the effective date of this Law, employees who are taking leave under the sickness regime due to diseases on the list of diseases requiring long-term treatment issued by the Minister of Health or employees who are taking leave under the maternity regime in accordance with the Law No. 58/2014/QH13 shall continued their leave with until the end of the handled period.

6. In case persons on working capacity loss allowance or on monthly allowance after the time limit of working capacity loss allowance enjoyment, rubber workers on monthly allowance and cadres of communes, wards or townships who have ceased working and are monthly allowance die, the survivorship allowance regime shall be settled for their relatives in accordance with the Government's regulations.

7. For employees who had worked in the state sector before January 1, 1995, the working period prior to January 01, 1995 shall be included for enjoyment of social insurance allowances in accordance with the Government's regulations.

8. 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.

9. Persons having paid the voluntary social insurance before January 1, 2021 and have at least full 20 years of voluntary social insurance premium payment shall be entitled to pension when they reach full 60 years, for men, or 55 years, for women, except for cases where employees wish to enjoy pension in accordance with Article 98 of this Law.

10. Employees who have paid social insurance premiums for full 15 years or more and possess the social insurance agency's written certification for them to satisfy the age condition before enjoying pension as defined in the Decree No. 12/CP dated January 26, 1995, amended and supplemented by the Government's Decree No. 01/2003/ND-CP dated January 09, 2003, shall be entitled to pension when they reach full 60 years, for men, or 55 years, for women.

Commune-level cadres being subjects of application of the Government's Decree No. 09/1998/ND-CP dated January 23, 1998 who have received decisions or certificates for them to satisfy the age condition before enjoying monthly allowance from the social insurance agency shall be entitled to monthly allowance when they reach full 55 years, for men, or 50 years, for women.

11. For subjects specified in Points a, b, c, d, dd, g and i, Clause 1, Article 2 of this Law who have participated in social insurance before the effective date of this Law and have paid compulsory social insurance premiums for full 20 years or more, the monthly pension must equal at least the reference level.

12. The compulsory social insurance and unemployment insurance premiums that employers are liable to pay under the Law No. 58/2014/QH13 and Law No. 38/2013/QH13 on Employment but have not paid or have not fully paid by June 30, 2025 shall be handled according to this Law's provisions on late payment and shirking of payment.

13. When the basic salary has not been abolished, the reference level prescribed in this Law shall be equal to the basic salary. At the time the basic salary is repealed, the reference level must not be lower than that basic salary.

14. Written authorization of receipt of pensions, social insurance allowances and other regimes under the Law No. 58/2014/QH13 shall continue to be used until the end of June 30, 2026.

15. The Government shall detail this Article.

This Law was adopted on June 29, 2024, by the XVth National Assembly of the Socialist Republic of Vietnam at its 7th session.

CHAIRMAN OF THE NATIONAL ASSEMBLY

Tran Thanh Man