

THE GOVERNMENT

No. 158/2025/ND-CP

THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, June 25, 2025

DECREE

Detailing and guiding the implementation of a number of articles of the Law on Social Insurance regarding compulsory social insurance

Pursuant to the Law on Organization of the Government dated February 18, 2025;

Pursuant to the Law on Organization of Local Administration dated June 16, 2025;

Pursuant to the Law on Social Insurance dated June 29, 2024;

Pursuant to Point 13 of the National Assembly's Resolution No. 142/2024/QH15 dated June 29, 2024, on the 7th session of the XVth National Assembly;

At the proposal of the Minister of Home Affairs;

The Government promulgates the Decree detailing and guiding the implementation of a number of articles of the Law on Social Insurance regarding compulsory social insurance.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

This Decree details and guides the implementation of a number of articles of the Law on Social Insurance regarding compulsory social insurance and the regimes applicable to employees who are ineligible for enjoying pension and have not yet reached the age for enjoying social retirement allowance; Point 13 of the National Assembly's Resolution No. 142/2024/QH15 dated June 29, 2024, on the 7th session of the XVth National Assembly.

Article 2. Subjects of application

1. Employees specified at Points a, b, c, g, h, i, k, l, m and n, Clause 1 and Clause 2, Article 2 of the Law on Social Insurance.
2. Social insurance beneficiaries as prescribed by the Law on Social

Insurance.

3. Employers defined in Clause 3, Article 2 of the Law on Social Insurance.

4. Other agencies, organizations and individuals involved in compulsory social insurance.

Article 3. Persons covered by compulsory social insurance

1. Employees subject to participation in compulsory social insurance shall comply with the provisions of Points a, b, c, g, h, i, k, l, m, and n, Clause 1 and Clause 2, Article 2 of the Law on Social Insurance.

Employees specified at Points a, b, c, i, k, and l, Clause 1 and Clause 2, Article 2 of the Law on Social Insurance who are sent for study, internship, or work assignment domestically or abroad while still receiving salary from within the country shall be subject to participation in compulsory social insurance.

2. Heads of business households having made business registration as specified at Point m, Clause 1, Article 2 of the Law on Social Insurance participating in compulsory social insurance shall include:

a) Heads of business households with business registration who pay tax by the declaration method;

b) Heads of business households with business registration other than those specified at Point a of this Clause, who are subject to participation in compulsory social insurance from July 1, 2029.

3. For persons specified in Clause 2 of this Article and Point n, Clause 1, Article 2 of the Law on Social Insurance concurrently falling under multiple categories of participants specified in Clause 1, Article 2 of the Law on Social Insurance, the participation in compulsory social insurance shall be implemented as follows:

a) The persons specified in Clause 2 of this Article who are also those specified at Point b, c, d, dd, e, i, a, l, k, n, h, or g, Clause 1, Article 2 of the Law on Social Insurance may participate in compulsory social insurance under Point b, c, d, dd, e, i, a, l, k, n, h, or g, Clause 1, Article 2 of the Law on Social Insurance, whichever comes first;

b) The persons specified at Point n, Clause 1, Article 2 of the Law on Social Insurance who are also those specified at Point b, c, d, dd, e, i, a, l, or k, Clause 1, Article 2 of the Law on Social Insurance may participate in compulsory social insurance under Point b, c, d, dd, e, i, a, l, or k, Clause 1, Article 2 of the Law on Social Insurance, whichever comes first.

4. Persons entitled to social insurance allowances and monthly allowances who are not subject to participation in compulsory social insurance, specified at Point a, Clause 7, Article 2 of the Law on Social Insurance, including:

a) Persons on monthly working capacity loss allowance;

b) Persons on monthly allowance under the Government's Decree No. 09/1998/ND-CP of January 23, 1998, amending and supplementing the Government's Decree No. 50/CP of July 26, 1995, on cost-of-living allowances for commune, ward and township cadres (hereinafter referred to as Decree No. 09/1998/ND-CP);

c) Persons on monthly allowance under the Prime Minister's Decision No. 91/2000/QD-TTg of August 4, 2000, on allowance for persons who have passed the working age at the time of cessation of enjoyment of monthly working capacity loss allowance (below referred to as Decision No. 91/2000/QD-TTg); and the Prime Minister's Decision No. 613/QD-TTg of May 6, 2010, on monthly allowance for persons who have actually worked for between full 15 years and under 20 years and have passed the period of enjoying working capacity loss allowance (below referred to as Decision No. 613/QD-TTg);

d) Persons currently on monthly allowance under the Prime Minister's Decision No. 142/2008/QD-TTg of October 27, 2008, on implementation of regimes for army men who had participated in the resistance war against America and had worked for under 20 years in the army and have been demobilized and returned to localities; the Prime Minister's Decision No. 38/2010/QD-TTg of May 6, 2010, amending and supplementing Decision No. 142/2008/QD-TTg of October 27, 2008, on implementation of regimes for army men who had participated in the resistance war against America and had worked for under 20 years in the army and have been demobilized and returned to localities; the Prime Minister's Decision No. 53/2010/QD-TTg of August 20, 2010, on regimes for People's Public Security officers and soldiers who had participated in the resistance war against America and had worked for under 20 years in the People's Public Security force and have ceased working or been demobilized and returned to localities; and the Prime Minister's Decision No. 62/2011/QD-TTg of November 9, 2011, on regimes and policies for persons who had participated in the national defense war, fulfilled international duties in Cambodia or Laos after April 30, 1975, and have been demobilized or ceased working;

dd) Persons on monthly allowance under Article 23 of the Law on Social Insurance.

5. Persons specified at Point a, Clause 1, Article 2 of the Law on Social Insurance who work on a part-time basis and enjoy monthly salaries (calculated under Clause 2, Article 7 of this Decree) lower than the lowest salary serving as a basis for payment of compulsory social insurance premiums; employees working under probation contracts in accordance with labor laws who are not subject to participation in compulsory social insurance.

Article 4. Copies of papers used in social insurance as specified in the Law on Social Insurance

Copies of documents used in social insurance as prescribed by the Law on Social Insurance, which fall under other cases as stipulated at Point c, Clause 12, Article 3 of the Law on Social Insurance, are documents certified by the social insurance agency as having been compared with the originals and ensuring the accuracy of the copies compared to the originals in cases where the dossiers are submitted directly to the social insurance agency.

Article 5. Reference levels

1. Reference level means a monetary amount decided by the Government to be used for calculation of premium rates and allowance levels for a number of social insurance regimes specified in the Law on Social Insurance.

2. When the base salary has not yet been abolished, the reference level as prescribed in the Law on Social Insurance shall be equal to the basic salary. At the time the basic salary is abolished, the reference level shall not be lower than such basic salary.

3. When the basic salary is abolished, the reference level shall be adjusted by the Government based on the increase in the consumer price index and economic growth to suit the state budget capacity and social insurance fund.

Chapter II

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

The registration for participation in compulsory social insurance and management of collection and payment of compulsory social insurance premiums shall comply with provisions of Chapter IV of the Law on Social Insurance and is specifically provided for as follows:

Article 6. Registration for participation in social insurance and issuance of social insurance books

The registration for participation in social insurance and issuance of social insurance books shall comply with provisions of Article 28 of the Law on Social Insurance and is specifically provided for as follows:

1. Persons specified in Clause 2, Article 3 of this Decree and Point n, Clause 1, Article 2 of the Law on Social Insurance who register to participate in social insurance through business households, enterprises, cooperatives, or unions of cooperatives engaged in management shall comply with Clause 1, Article 28 of the Law on Social Insurance.

2. Persons specified in Clause 2, Article 3 of this Decree and Point n,

Clause 1, Article 2 of the Law on Social Insurance who register to participate in social insurance directly with the social insurance agency shall comply with Clause 2, Article 28 of the Law on Social Insurance.

3. Persons specified at Point g, Clause 1, Article 2 of the Law on Social Insurance shall submit a dossier consisting of the declaration form as prescribed at Point b, Clause 1, Article 27 of the Law on Social Insurance to the social insurance agency before going to work abroad.

4. Agencies or organizations managing cadres, civil servants, public employees, and employees shall, before sending such persons to serve as members of representative missions of the Socialist Republic of Vietnam abroad, register social insurance participation for persons specified at Point h, Clause 1, Article 2 of the Law on Social Insurance in accordance with Clause 1, Article 28 of the Law on Social Insurance.

Article 7. Salaries used as a basis for payment of compulsory social insurance premiums

A salary for use as a basis for compulsory social insurance premium payment shall comply with provisions of Clause 1, Article 31 of the Law on Social Insurance and is specifically provided for as follows:

1. The salary used as a basis for social insurance premium payment specified at Point b, Clause 1, Article 31 of the Law on Social Insurance is monthly salary, including those based on job performance or title, salary-based allowance, and other additional amounts, in which:

a) The salary based on job performance or title is calculated based on time (monthly) in accordance with the salary scale and payroll formulated by the employer pursuant to Article 93 of the Labor Code and agreed upon in the labor contract;

b) Salary-based allowance serves to compensate for working conditions, job complexity, living conditions, and labor market attraction which have not yet been included or fully reflected in the salary specified at Point a of this Clause, as agreed in the labor contract; this excludes allowances dependent on or fluctuating according to labor productivity, work process, or the quality of the employee's performance;

c) Other additional amounts with specifically determined monetary values, together with the salary prescribed at Point a of this Clause, as agreed upon in the labor contract and paid regularly and stably in each pay period; excluding other additional amounts that are dependent on or fluctuate according to labor productivity, work process, or the quality of the employee's performance.

2. The salary used as a basis for payment of compulsory social insurance premiums for persons specified at Point l, Clause 1, Article 2 of the Law on Social Insurance shall be the monthly salary as agreed upon in the labor contract.

In case the labor contract stipulates an hourly wage, the monthly salary shall be calculated as the hourly wage multiplied by the number of working hours in the month as agreed in the labor contract;

In case the labor contract stipulates a daily wage, the monthly salary shall be calculated as the daily wage multiplied by the number of working days in the month as agreed in the labor contract;

In case the labor contract stipulates a weekly wage, the monthly salary shall be calculated as the weekly wage multiplied by the number of working weeks in the month as agreed in the labor contract.

3. The salary used as a basis for payment of compulsory social insurance premiums for persons specified at Point l, Clause 1, Article 2 of the Law on Social Insurance shall be the monthly allowance of part-time staffs in communes, villages and street quarters. Where the monthly allowance of part-time staffs in communes, villages and street quarters is lower than the lowest salary serving as a basis for payment of compulsory social insurance premiums, the monthly salary serving as the basis for compulsory social insurance premium payment shall be equal to such lowest salary prescribed at Point dd, Clause 1, Article 31 of the Law on Social Insurance.

4. The salary used as a basis for payment of compulsory social insurance premiums for persons specified at Point i, Clause 1, Article 2 of the Law on Social Insurance shall be the salary such persons are entitled to in accordance with law.

5. In case the salary stated in the labor contract and the salary paid to the employee are in foreign currency, the salary used as a basis for payment of compulsory social insurance premiums shall be converted into Vietnamese dong based on the foreign currency amount converted into Vietnamese dong at the average exchange rate of the buying rates by bank transfer of Vietnamese dong to the foreign currency, as announced by the four state-owned commercial banks at the end of the day on January 2 for the first six months and July 1 for the last six months of the year; where these dates fall on a holiday or day off, the exchange rate of the next working day shall be used.

Article 8. Retrospective collection and payment of compulsory social insurance premiums

1. Cases of retrospective collection and payment of compulsory social insurance premiums:

a) Wage adjustments result in an increase in the salary serving as the basis for compulsory social insurance premium payment with retroactive effect;

b) Vietnamese employees working abroad have their labor contracts extended or sign new labor contracts directly in the host country and shall pay retrospective contributions upon returning to Vietnam;

c) Persons specified at Points m and n, Clause 1, Article 2 of the Law on Social Insurance make contributions after the latest deadline for payment of social insurance premiums as prescribed at Point b, Clause 4, Article 33 of the Law on Social Insurance.

2. Retrospectively collected and paid compulsory social insurance premiums shall be calculated as follows:

a) For the cases specified at Points a and b, Clause 1 of this Article, the retrospectively collected amount shall be the amount of compulsory social insurance premiums payable in accordance with Articles 33 and 34 of the Law on Social Insurance.

Where, by the last day of the month following the month of issuance of the wage adjustment decision or the month of return to Vietnam, the employer and the employee have not yet made the retrospective payment of compulsory social insurance premiums, the social insurance agency shall collect such amounts in accordance with Clause 1, Article 40 and Clause 1, Article 41 of the Law on Social Insurance;

b) For the case specified at Point c, Clause 1 of this Article, the retrospectively collected amount shall be the amount of compulsory social insurance premiums payable in accordance with Point a, Clause 4, Article 33 of the Law on Social Insurance and an amount equal to 0.03% per day calculated on the compulsory social insurance premiums payable and the number of days of late payment beyond the latest deadline for payment of social insurance premiums as prescribed at Point b, Clause 4, Article 33 of the Law on Social Insurance.

3. Employers shall fully pay compulsory social insurance premiums as prescribed in Clause 1, Article 40 and Clause 1, Article 41 of the Law on Social Insurance, for employees who fully satisfy the conditions for enjoyment of social insurance allowance or resign or terminate labor contracts or working contracts, in order to help promptly settle social insurance regimes for employees.

Where the employer has not fully paid the required amount of compulsory social insurance premiums, the settlement of social insurance regimes shall be based on the period for which social insurance premiums have been paid for employees who fully satisfy the conditions for enjoyment of social insurance allowance, and the certification of periods of social insurance premium payment shall be made up to the point of payment for employees who resign or terminate their labor contracts or working contracts; after recovery of the outstanding compulsory social insurance premiums, the additional period of social insurance premium payment shall be certified, and the level of social insurance benefits shall be accordingly adjusted.

Article 9. Rate, method and time limit for payment of compulsory social insurance premiums for employees and employers

Rate, method and time limit for payment of compulsory social insurance premiums for employees and employers shall comply with provisions of Clause 33, Article 34 of the Law on Social Insurance and is specifically provided for as follows:

Employees specified at Point k, Clause 1, Article 2 of the Law on Social Insurance who do not work and do not receive allowances for 14 working days or more in a month shall not be required, and neither shall their employers, to pay compulsory social insurance premiums for that month.

Article 10. Suspension of premium payment to the retirement and survivorship fund under Clauses 1 and 3, Article 37 of the Law on Social Insurance

1. An employer may be considered for suspension from payment of premiums to the retirement and survivorship fund if falling into any of the following cases:

a) Difficulties caused by restructuring, technology change, economic crisis or recession, or for implementation of state policies on economic restructuring or fulfillment of international commitments;

b) Difficulties caused by a natural disaster, fire, epidemic or crop failure.

2. Conditions for suspension from payment of premiums to the retirement and survivorship fund:

Employers falling in one of the cases specified in Clause 1 of this Article and satisfying either of the following conditions may be entitled, along with their employees, to a suspension from payment of premiums to the retirement and survivorship fund:

a) Suspending their production and business activities for 30 days or more, and being unable to arrange jobs for employees, with employees covered by compulsory social insurance and having to cease working accounting for 50% or more compared to the total workforce before suspension of production and business activities;

b) Suffering a loss representing over 50% of the total value of assets (excluding land) as a result of a natural disaster, fire, epidemic or crop failure, or being unable to arrange jobs for employees, with employees covered by social insurance and having to cease working accounting for 50% or more compared to the total workforce before the occurrence of natural disaster, fire, epidemic or crop failure.

3. Period of suspension from payment of premiums to the retirement and survivorship fund:

a) The period of suspension from payment of premiums to the retirement and survivorship fund shall be calculated in months and must not exceed 12

months, from the month in which the employer submits a written request to the social insurance agency. During this period, employers shall still make payment to the sickness and maternity fund and occupational accident and disease insurance fund.

During this period, if employees fully satisfy the conditions for enjoyment of the retirement and survivorship regime or terminate labor contracts, employers and employees or employees' relatives shall make payment during the suspension period in order for employees or their relatives to enjoy their benefits or to confirm the period of social insurance premium payment for the employees;

b) Upon the expiration of the suspension period specified at Point a of this Clause, the employers and employees shall resume paying compulsory social insurance premiums and make premium payment for the suspension period. The deadline for making premium payment for the suspension period is the last day of the month following the month in which the payment suspension period expires. The amount to be paid for the suspension period is equal to the payable amount of compulsory social insurance premiums prescribed in Articles 33 and 34 of the Law on Social Insurance.

Where the employer and employees make premium payment for the suspension months after the latest deadline, the provisions of Articles 40 and 41 of the Law on Social Insurance shall be applied.

4. Competence, order and procedures for determination of the number of employees covered by compulsory social insurance who temporarily cease working, and the value of damaged assets as prescribed in Clause 2 of this Article are provided as follows:

a) The number of employees covered by compulsory social insurance who temporarily cease working for agencies, units, organizations, and enterprises under the management of provincial-level People's Committees shall be determined by the local internal affairs agency; for those under the management of central ministries or sectors, such number shall be determined respective ministries or sectors. The number of employees covered by compulsory social insurance who temporarily cease working shall be calculated against the total number of employees present before the suspension of production or business operations or before the occurrence of the natural disaster, fire, epidemic, or crop failure.

The value of damaged property shall be determined by the local financial agency, for agencies, units, organizations, and enterprises under the management of provincial-level People's Committees; or by the financial agency of the respective ministry or sector, for those under the management of central ministries or sectors. The value of damaged property shall be calculated against the asset value based on the most recent inventory report before the time of damage;

b) Employers specified at Point a, Clause 2 of this Article shall submit a written request accompanied by a list of employees at the time before suspension of production or business operations and at the time of the request; and a list of employees covered by compulsory social insurance who must temporarily cease working.

Employers specified at Point b, Clause 2 of this Article who suffer damage to more than 50% of total asset value shall submit a written request accompanied by the most recent asset inventory report prior to the time of damage; and a minutes of asset inventory of the property damaged due to natural disasters, fire, epidemic, or crop failure. In case the employer is unable to assign work to employees, and the number of employees covered by compulsory social insurance who must temporarily cease working accounts for 50% or more of the total number of employees present before the occurrence of the natural disaster, fire, epidemic, or crop failure, the employer shall submit a written request accompanied by a list of employees at the time before the occurrence of the disaster and at the time of the request; and a list of employees covered by compulsory social insurance who must temporarily cease working;

c) Within 15 working days from the date of receipt of the employer's request, the competent agency as specified at Point a of this Clause shall be responsible for reviewing, determining, and issuing a written response to the employer.

5. An employer meeting the conditions prescribed in Clauses 1, 2, and 3 of this Article shall submit a written request for suspension from payment of premiums to the retirement and survivorship fund, together with the written confirmation of the number of employees covered by compulsory social insurance temporarily ceasing work or the written confirmation of the value of the damaged property, to the social insurance agency.

6. Within 10 working days from the date of receipt of the employer's request dossier, the social insurance agency shall be responsible for settling the suspension from payment of premiums to the retirement and survivorship fund; in case of refusal, it must respond in writing and clearly state the reason.

Article 11. Suspension from payment of compulsory social insurance premiums under Clauses 2 and 3, Article 37 of the Law on Social Insurance

1. A cadre, civil servant or public employee as compulsory social insurance participant who is temporarily detained or suspended from work for 14 working days or more in a month shall have his/her compulsory social insurance premium payment suspended as follows:

a) During the period of detention or suspension from work for 14 working days or more in a month, the cadre, civil servant or, public employee, and his/her employer shall suspend the payment of compulsory social insurance premiums;

b) After the period of detention or suspension from work for 14 working days or more in a month, if the cadre, civil servant, or public employee is retrospectively paid full 100% of his/her salary for the period of detention or suspension, compulsory social insurance premiums shall be paid retroactively for such period. The deadline for compensation payment is the last day of the month following the month in which the payment suspension ends. The amount of payment for the months of suspension shall equal the amount of compulsory social insurance premiums payable under Articles 33 and 34 of the Law on Social Insurance.

Where the employers, cadres, civil servants, and public employees make premium payment for the suspension months after the latest deadline, the provisions of Articles 40 and 41 of the Law on Social Insurance shall be applied;

c) After the period of detention or suspension from work for 14 working days or more in a month, if the cadre, civil servant, or public employee is not paid full 100% of his/her salary for the period of detention or suspension, retroactive payment of compulsory social insurance premiums shall not be made for that period.

2. An employee other than those specified in Clause 1 of this Article who is suspended from work from 14 working days or more in a month shall have his/her compulsory social insurance premium payment suspended as follows:

a) During the period of suspension from work for 14 working days or more in a month, the employee and his/her employer shall suspend the payment of compulsory social insurance premiums;

b) After the period of suspension from work for 14 working days or more in a month, if the employee is paid full 100% of his/her salary by the employer for the period of suspension, retroactive payment of compulsory social insurance premiums shall be made for that period. The deadline for compensation payment is the last day of the month following the month in which the payment suspension ends. The amount of payment for the months of suspension shall equal the amount of compulsory social insurance premiums payable under Articles 33 and 34 of the Law on Social Insurance.

Where the employer and employees make premium payment for the suspension months after the latest deadline, the provisions of Articles 40 and 41 of the Law on Social Insurance shall be applied;

c) After the period of suspension from work for 14 working days or more in a month, if the employee is not paid full 100% of his/her salary by the employer for the period of suspension, retroactive payment of compulsory social insurance premiums shall not be made for that period.

3. For employees specified at Point g, Clause 1, Article 2 of the Law on Social Insurance, when temporarily unemployed during the term of the contract

and such unemployment is certified by the agency, organization, or enterprise providing the service of sending guest workers abroad, the period of temporary unemployment shall be subject to suspension of compulsory social insurance premium payment.

After this period, if employees resume working, compulsory social insurance premiums shall continue to be paid under regulations and not be paid for such period.

Chapter III

COMPULSORY SOCIAL INSURANCE REGIMES

Section 1

RETIREMENT REGIME

Article 12. Conditions for pension enjoyment

Conditions for pension enjoyment shall comply with provisions of Clause 64, Article 65 of the Law on Social Insurance and is specifically provided for as follows:

1. Underground coal mining jobs as provided in Appendix I to this Decree.
2. In case of determining the conditions for pension enjoyment for an employee who dossier does not indicate his/her date and month of birth, January 1 of the year of his/her birth shall be used for determining the employee's age. In cases where only the month and year of birth are available, the first day of that month and year shall be used as the basis for determining the employee's age.
3. In case of determining the period of working in areas entitled to a regional-based allowance coefficient of 0.7 or higher prior to January 1, 1995 as the basis for assessing pension entitlement, the applicable law on regional-based allowances at the time of settlement shall be applied. For localities not specified or with a regional-based allowance coefficient lower than 0.7 under the law at the time of settlement, but where the employee had actual working time in areas with a coefficient of 0.7 or higher as prescribed in previous legal documents on regional-based allowances, such documents shall serve as the basis for determining the period of work in areas with a regional-based allowance coefficient of 0.7 or higher to assess pension entitlement.

In cases where employees worked in battlefields B, C before April 30, 1975, and battlefield K before August 31, 1989, and such period is considered as a period of compulsory social insurance premium payment, it shall also be deemed as a period of work in areas with a regional-based allowance coefficient

of 0.7 for the purpose of assessing pension entitlement.

4. For persons specified at Points d and dd, Clause 1, Article 2 of the Law on Social Insurance who are stripped of their military rank or police title, the conditions for pension enjoyment shall comply with Clause 1, Article 64 and Clause 1, Article 65 of the Law on Social Insurance.

Article 13. Monthly pension rates

Monthly pension rates shall comply with Article 66 of the Law on Social Insurance are prescribed as follows:

1. An employee's monthly pension will equal the monthly pension rate multiplied by the average salary used as the basis for social insurance premium payment specified in Article 72 of the Law on Social Insurance.

Persons who are specified at Points a, b, c, d, dd, g and i, Clause 1, Article 2 of the Law on Social Insurance, and started paying social insurance premiums before the July 1, 2025, and have paid compulsory social insurance premiums under these categories for full 20 years or more, with calculated monthly pension lower than the reference level, may enjoy a monthly pension equal to the reference level.

2. The age for calculation of the number of years of early retirement as the basis for reduction of the pension rate prescribed in Clause 3, Article 66 of the Law on Social Insurance shall be determined as follows:

a) For an employee working in normal conditions, the age for calculation shall be in accordance with Point a, Clause 1, Article 64 of the Law on Social Insurance;

b) For an employee having an aggregated period of compulsory social insurance premium payment of full 15 years when performing 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, or when working in areas with extremely difficult socio-economic conditions, including also the period of working in areas entitled to a region-based allowance coefficient of 0.7 or higher prior to January 1, 2021, the age for calculation shall be in accordance with Point b, Clause 1, Article 64 of the Law on Social Insurance;

c) For an employee having performed underground coal mining jobs for full 15 years or more, the age for calculation shall be in accordance with Point c, Clause 1, Article 64 of the Law on Social Insurance.

Article 14. Entitlement to lump-sum social insurance payouts

The entitlement to lump-sum social insurance payouts shall comply with Article 70 of the Law on Social Insurance and shall be prescribed as follows:

1. Employees entitled to lump-sum social insurance payouts under Point dd, Clause 1, Article 70 of the Law on Social Insurance shall be subject to the following provisions:

a) Employees having a period of social insurance premium payment prior to July 1, 2025 (before the effective date of the Law on Social Insurance) are those who, at the time of settlement of lump-sum social insurance payouts, still have a period of social insurance premium payment prior to July 1, 2025, to be counted for social insurance payouts;

b) The 12-month period during which the employee is not subject to compulsory social insurance participation shall be 12 consecutive months without social insurance premium payment, counted up to the month immediately preceding the month in which the social insurance agency receives the application for lump-sum payouts, excluding the months in which the employee is not required to pay compulsory social insurance premiums as prescribed in Clause 5, Article 33 and Clause 3, Article 34 of the Law on Social Insurance.

At the time of submitting the application for lump-sum social insurance payouts, the employee must not be subject to compulsory social insurance participation and must not be participating in voluntary social insurance.

2. Where an employee concurrently satisfies the conditions for lump-sum social insurance payouts under Point dd, Clause 1, Article 70 of the Law on Social Insurance and for pension entitlement under Clause 1, Article 64 of the Law on Social Insurance, the settlement shall be carried out according to the written request of the employee.

Article 15. Average salary on which social insurance premiums are based for calculation of pension and lump-sum allowance

The average salary on which social insurance premiums are based for calculation of pension and lump-sum allowance shall comply with Article 72 of the Law on Social Insurance and is prescribed as follows:

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 calculation of pension and lump-sum allowance shall comply with Clause 1, Article 72 of the Law on Social Insurance.

a) For employees paying social insurance premiums prior to October 1, 2004, under the State-prescribed salary regime who enjoy social insurance allowance from July 1, 2025, onward, their salary on which social insurance premiums are based for payment shall be adjusted under the salary regime applied at the time of entitlement to social insurance allowance to calculate the average salary used as the basis for compulsory social insurance premium payment. Particularly for employees who worked in enterprises paying compulsory social

insurance premiums under the State-prescribed salary regime before October 1, 2004, and enjoy social insurance allowance from July 1, 2025, onwards, the salary used as the basis for compulsory social insurance premium payment before October 1, 2004, shall be adjusted under the salary prescribed in the Government's Decree No. 205/2004/ND-CP dated December 14, 2004, for calculation of the average salary used as the basis for compulsory social insurance premium payment;

b) In case the employee has not yet had the sufficient number of years of compulsory social insurance premium payment as specified in Clause 1, Article 72 of the Law on Social Insurance, the average salary used as the basis for compulsory social insurance premium payment shall be calculated based on the paid months.

2. The average salary used as the basis for compulsory social insurance premium payment for employees subject to the State-prescribed salary regime in a number of special cases is specified as follows:

a) For employees who have paid compulsory social insurance premiums for 15 years or more at salary rates applicable to heavy, hazardous or dangerous occupations or jobs, or extremely heavy, hazardous or dangerous occupations or jobs, and then are reassigned to other jobs at agencies, organizations, units, enterprises still subject to the State-prescribed salary regime, but with lower salaries used as the basis for compulsory social insurance premium payment, upon retirement, the salary used as the basis for compulsory social insurance premium payment of consecutive years paid at salary rates applicable to heavy, hazardous or dangerous occupations or jobs, or extremely heavy, hazardous or dangerous occupations or jobs, corresponding to the number of years specified in Clause 1, Article 72 of the Law on Social Insurance, shall be used for calculating the average salary used as the basis for compulsory social insurance premium payment;

b) For employees who were officers and professional army men in the people's army, professional and technical officers in the people's public security force and cipher officers who enjoy salaries like army men or people's public security men when shifting to work in agencies, organizations, units or enterprises subject to the State-prescribed salary regime, and then retire with the salary used as the basis for compulsory social insurance premium payment during the final years before retirement lower than that of the final years before shifting, the salary used as the basis for compulsory social insurance premium payment of the final years before shifting shall be used to calculate the average salary used as the basis for compulsory social insurance premium payment;

c) For employees other than those specified at Points a and b of this Clause, who during the period of compulsory social insurance premium payment under the State-prescribed salary regime have the average salary used as the basis for

compulsory social insurance premium payment in the final years before retirement lower than that calculated over the entire premium payment period, the average salary used as the basis for compulsory social insurance premium payment shall be based on the whole period of premium payment.

3. For employees subject to the State-prescribed salary regime who paid compulsory social insurance premiums including occupation-based seniority allowance, and then transferred to another sector with or without occupation-based seniority allowance before retirement, the calculation of the average salary used as the basis for compulsory social insurance premium payment shall be as follows:

a) If the average salary used as the basis for compulsory social insurance premium payment during the final years before retirement does not include occupation-based seniority allowance, then the average salary used as the basis for compulsory social insurance premium payment during these years shall be added with the highest occupation-based seniority allowance already enjoyed, calculated according to the period of social insurance premium payment that includes such allowance. In case the highest occupation-based seniority allowance was enjoyed before October 1, 2004, the salary used as the basis for social insurance premium payment to calculate such allowance shall be adjusted under the salary regime prescribed at the time of benefit settlement;

b) If the average salary used as the basis for compulsory social insurance premium payment during the final years used for pension or lump-sum allowance calculation already includes occupation-based seniority allowance, the average salary on which social insurance premiums are based for calculation of pension and lump-sum allowance shall comply with Clause 1, Article 72 of the Law on Social Insurance;

c) In case the salary used as the basis for compulsory social insurance premium payment during the final years for calculating the average salary on which social insurance premiums are based for calculation of pension and lump-sum allowance includes both periods with and without occupation-based seniority allowance, and the average salary calculated under Point b of this Clause is lower than that calculated for the final years before the job transfer, then the average salary used as the basis for compulsory social insurance premium payment of the corresponding final years prior to the job transfer shall be used for the calculation of pension or lump-sum allowance.

4. 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 calculation of the average salary on which social insurance premiums are based shall comply with Clause 3, Article 72 of the Law on Social Insurance.

For the period of social insurance premium payment under the State-

prescribed salary regime, the average salary used as the basis for social insurance premium payment shall be calculated in accordance with Clause 1, Article 72 of the Law on Social Insurance, based on the total premium payment period under the State-prescribed salary regime. In case the employee has not completed the number of years specified in Clause 1, Article 72 of the Law on Social Insurance, the average salary used as the basis for social insurance premium payment shall be calculated based on the paid months.

5. When calculating the average salary used as the basis for social insurance premium payment for employees who have working periods at commune level already counted toward social insurance benefits, including the period of payment under Decree No. 09/1998/ND-CP and the period of compulsory social insurance premium payment as part-time workers in communes, villages and street quarters, such periods shall be regarded as periods of social insurance premium payment under the State-prescribed salary regime.

6. When calculating the average salary used as the basis for social insurance premium payment for employees who had working periods prior to January 1, 1995, which are counted toward entitlement to social insurance benefits, but during which the employees did not receive salaries or cost-of-living allowances (being paid in work points or agricultural products, such as preschool teachers or heads of commune-wide cooperatives, etc.), such periods shall not be included in the average salary used as the basis for compulsory social insurance premium payment.

7. The average salary on which social insurance premiums are based for calculation of pension and lump-sum allowance as prescribed in Article 72 of the Law on Social Insurance shall also be used for calculating lump-sum social insurance payouts, lump-sum survivorship allowance for relatives of persons who are participating in social insurance or preserving their social insurance premium payment period but deceased, and monthly allowance for employees who are not eligible for pension benefits and have not yet reached the age of entitlement to social retirement allowance.

Article 16. Adjustment of salary used as the basis for payment of compulsory social insurance premiums

The adjustment of monthly salary used as the basis for payment of compulsory social insurance premiums shall comply with Article 73 of the Law on Social Insurance and is specified in detail as follows:

1. Salary used as the basis for payment of compulsory social insurance premiums serving the calculation of the average salary specified in Article 72 of this Law for employees who are subject to the employer-determined salary regime and employees subject to the State-prescribed salary regime who start participating in social insurance from January 1, 2016, onward shall be adjusted according to the following formula:

$$\begin{array}{l} \text{Adjusted monthly salary used as the basis for compulsory social insurance premium payment for each year} \\ = \\ \text{Salary used as the basis for compulsory social insurance premium payment for each year} \\ \times \\ \text{Adjustment coefficient of the salary used as the basis for compulsory social insurance premium payment for the corresponding year} \end{array}$$

a) The coefficient of adjustment of salaries used as the basis for compulsory social insurance premium payment shall be calculated based on the annual average consumer price index using the following formula:

$$\begin{array}{l} \text{Adjustment coefficient of the salary used as the basis for compulsory social insurance premium payment for year t} \\ = \\ \frac{\text{Average consumer price index of the year preceding the year of an employee's enjoyment of social insurance allowance, which is calculated according to the base average index in 1994}}{\text{Average consumer price index of year t, calculated according to the base average index in 1994}} \end{array}$$

In which:

t is any year in the period of adjustment;

The coefficient of adjustment of salaries used as the basis for compulsory social insurance premium payment in year t shall be rounded to two decimal places and must be at least 1 (one).

b) The coefficient of adjustment of salaries used as the basis for compulsory social insurance premium payment in the years prior to 1995 will equal that applicable in 1994.

2. Based on the annual average consumer price index calculated using the 1994 average comparison base as provided by the General Statistics Office and the Ministry of Finance, Vietnam Social Security shall determine the adjustment coefficient of the monthly salary used as the basis for compulsory social insurance premium payment and shall carry out the adjustment of such salary for employees in accordance with Clause 1 of this Article.

Article 17. Retirement regime for employees who pay both compulsory social insurance and voluntary social insurance premiums

1. For persons who pay both compulsory and voluntary social insurance premiums, the period used to determine eligibility for the pension regime shall be the aggregate of the periods of voluntary and compulsory social insurance premium payment.

2. An employee with at least 15 years of compulsory social insurance premium payment who falls under the subjects specified in Article 64 of the Law

on Social Insurance, or with at least 20 years of compulsory social insurance premium payment who falls under the subjects specified in Article 65 of the Law on Social Insurance, shall have the conditions and pension benefit levels applied in accordance with the compulsory social insurance policy.

A person who has both voluntary and compulsory social insurance premium payment periods and who participated in voluntary social insurance before January 1, 2021, and has at least 20 years of voluntary social insurance premium payment shall be eligible for pension at the age of 60 for men and 55 for women.

3. The monthly pension shall be equal the monthly pension rate multiplied by the average of incomes and salaries on which social insurance premiums are based as prescribed in Clause 5 of this Article.

Where a person has both voluntary and compulsory social insurance contribution periods and participated in social insurance under the categories specified at Points a, b, c, d, dd, g, and i, Clause 1, Article 2 of the Law on Social Insurance before July 1, 2025, and has paid compulsory social insurance premiums under these categories for full 20 years or more, with calculated monthly pension lower than the reference level, may enjoy a monthly pension equal to the reference level.

4. The lump-sum social insurance payout shall be calculated in accordance with Clauses 3 and 4, Article 70 of the Law on Social Insurance, based on the number of years of social insurance premium payment and the average income and salary used as the basis for social insurance premium payment as specified in Clause 5 of this Article.

5. The average income and salary used as the basis for social insurance premium payment shall be calculated according to the following formula:

$$\begin{array}{c}
 \text{Average of} \\
 \text{incomes and} \\
 \text{salaries on} \\
 \text{which social} \\
 \text{insurance} \\
 \text{premiums are} \\
 \text{based}
 \end{array}
 =
 \frac{
 \begin{array}{c}
 \text{Total incomes on} \\
 \text{which voluntary} \\
 \text{social insurance} \\
 \text{premiums are} \\
 \text{based}
 \end{array}
 +
 \begin{array}{c}
 \text{Average of} \\
 \text{salaries on} \\
 \text{which} \\
 \text{compulsory} \\
 \text{social} \\
 \text{insurance} \\
 \text{premiums are} \\
 \text{based}
 \end{array}
 }{
 \begin{array}{c}
 \text{Total number of months of} \\
 \text{payment of voluntary social} \\
 \text{insurance premiums}
 \end{array}
 +
 \begin{array}{c}
 \text{Total number of} \\
 \text{months of payment of} \\
 \text{compulsory social} \\
 \text{insurance premiums}
 \end{array}
 }$$

In which:

The average of monthly salaries on which compulsory social insurance premiums are based shall be calculated under Article 72 of the Law on Social Insurance and Article 15 of this Decree.

The income on which voluntary social insurance premiums are based is the income used as a basis for payment of voluntary social insurance premiums which is adjusted under Clause 2, Article 104 of the Law on Social Insurance.

Article 18. Suspension, termination and resumption of entitlement to pension and monthly social insurance allowance and lump-sum allowance for foreigners receiving pension or monthly social insurance allowance

1. The suspension, termination, and resumption of pension and monthly social insurance allowance shall comply with Articles 75, 80, and 81 of the Law on Social Insurance.

2. A foreigner who is receiving a pension or monthly social insurance allowance in Vietnam and wishes to do so may submit a written request to the social insurance agency for settlement of a lump-sum allowance in accordance with Article 76 of the Law on Social Insurance.

Section 2

SURVIVORSHIP REGIME

Article 19. Survivorship regime for persons who are on monthly occupational accident or disease allowance and have not yet ceased working or have their period of social insurance premium payment reserved, and persons who are on monthly occupational accident or disease allowance and also receive pension

1. A person who was receiving or suspended from receiving a monthly occupational accident or disease allowance and who was concurrently participating in or retaining the period of social insurance contribution shall, upon death, be eligible for the following survivorship benefits:

a) The relative or the organization or individual in charge of the funeral shall be entitled to a funeral allowance in accordance with Clause 2, Article 85 of the Law on Social Insurance;

b) If the deceased was receiving or suspended from receiving a monthly occupational accident or disease allowance with a working capacity decrease rate of 61% or more, or was participating in or retaining social insurance with at least 15 years of compulsory social insurance premium payment, the eligible relatives as prescribed in Clauses 2 and 3, Article 86 of the Law on Social Insurance shall be entitled to a monthly survivorship allowance in accordance with Article 87 of

the Law on Social Insurance;

c) In cases where a lump-sum survivorship allowance is settled, the settlement shall comply with the provisions applicable to a deceased person who was participating in or retaining the period of social insurance contribution.

2. For persons receiving both pension and monthly occupational accident or disease allowance, when they die, the survivorship regime shall be settled in accordance with the provisions applicable to a deceased person receiving a pension.

Article 20. Settlement of the survivorship allowance regime for foreigners

The settlement of survivorship allowance regime for relatives of a deceased employee who is a foreign national working in Vietnam and participating in compulsory social insurance shall comply with the provisions of Articles 85, 88, 89, 90, and 91 of the Law on Social Insurance and is specified in detail as follows:

1. In cases where the employee who is a foreign national working in Vietnam dies abroad, the dossiers specified at Point b, Clause 1; Point a, Clause 2; and Point b, Clause 3, Article 90 of the Law on Social Insurance shall be replaced by Vietnamese translations, duly notarized or authenticated in accordance with the law on notarization and authentication, of documents issued by competent foreign authorities indicating the information of the deceased foreign national (full name, time of death, place of death).

2. Survivorship regime for a deceased employee who is a foreign national working in Vietnam and participating in compulsory social insurance shall be settled upon receipt of an application from one of the eligible relatives of the deceased employee.

Article 21. Survivorship regime for employees who pay both compulsory social insurance and voluntary social insurance premiums

1. For persons who pay both compulsory and voluntary social insurance premiums, the period used to determine eligibility for the survivorship regime shall be the aggregate of the periods of voluntary and compulsory social insurance premium payment.

2. In the following cases, upon the death of the employee, the organization or individual in charge of the funeral shall be entitled to a lump-sum funeral allowance in accordance with Clause 2, Article 85 of the Law on Social Insurance:

a) The employee has paid compulsory social insurance premiums for at least full 12 months;

b) The employee has paid compulsory social insurance premiums and voluntary social insurance premiums for at least full 60 months, if the compulsory

social insurance premium payment period fails to meet the condition in Point a of this Clause;

c) The employee dies of an occupational accident or disease as defined in the law on occupational safety and health;

d) The employee was receiving or temporarily suspended from receiving a pension, or receiving or temporarily suspended from receiving a monthly occupational accident or disease allowance.

3. In the following cases, where the deceased falls into one of the following categories, eligible relatives defined in Clauses 2 and 3, Article 86 of the Law on Social Insurance are entitled to a monthly survivorship allowance prescribed in Article 87 of the Law on Social Insurance:

a) The employee has paid compulsory social insurance premiums for at least full 15 months.

If an employee has a period of social insurance premium payment which is short of 6 months at most to reach 15 years (including cases where the total social insurance premium payment period is more than 15 years, but the compulsory insurance premium payment period is short of 6 months at most to reach 15 years), his/her relatives may pay premiums in a lump sum for these months to the retirement and survivorship fund at a rate of 22% of the employee's monthly salary on which compulsory social insurance premiums are based before the employee dies;

b) The employee dies of an occupational accident or disease as defined in the law on occupational safety and health;

c) The employee is receiving or temporarily suspended from receiving monthly occupational accident or disease allowance for their working capacity decrease of 61% or more;

d) The employee is receiving or temporarily suspended from receiving pension and has paid compulsory social insurance premiums for at least full 15 years.

4. Relatives of an employee are entitled to a lump-sum survivorship allowance in one of the following cases:

a) The employee dies not in any of the cases specified in Clause 3 of this Article;

b) The employee dies in one of the cases specified in Clause 3 of this Article without any relatives receiving monthly allowance as defined in Clauses 2 and 3, Article 86 of the Law on Social Insurance;

c) Relatives who are entitled to a monthly survivorship allowance under Clauses 2 and 3, Article 67 of the Law on Social Insurance and wish to receive it

in a lump sum.

5. Lump-sum survivorship allowance:

a) For dead employees who have paid social insurance premiums or have their period of social insurance premium payment reserved, the lump-sum survivorship allowance level shall be calculated under Clause 1, Article 89 of the Law on Social Insurance and based on the average of incomes and salaries on which social insurance premiums are based as prescribed in Clause 5, Article 17 of this Decree;

b) For deceased persons who were receiving or suspended from receiving a pension, the lump-sum survivorship allowance shall be calculated in accordance with Clause 2, Article 89 of the Law on Social Insurance;

c) For deceased persons who were receiving or suspended from receiving a monthly occupational accident or disease allowance and were participating in or retaining the period of social insurance contributions, the lump-sum survivorship allowance shall be settled as for persons who were participating in or retaining the period of social insurance contributions at the time of death;

d) For deceased persons who were receiving or suspended from receiving a monthly occupational accident or disease allowance and who had already received a lump-sum social insurance allowance and were no longer retaining the period of social insurance contributions, the lump-sum survivorship allowance shall be equal to 3 months of the monthly occupational accident or disease allowance being received.

Chapter IV

ALLOWANCES FOR EMPLOYEES WHO ARE INELIGIBLE FOR ENJOYING PENSION AND HAVE NOT YET REACHED THE AGE FOR ENJOYING SOCIAL RETIREMENT ALLOWANCE

Allowances for employees who are ineligible for enjoying pension and have not yet reached the age for enjoying social retirement allowance shall comply with Articles 23 and 24 of the Law on Social Insurance and are prescribed as follows:

Article 22. Eligible subjects and conditions

1. The eligible subjects are employees as specified in Clause 1, Article 2 of the Law on Social Insurance who have reached retirement age and have paid social insurance premiums but do not meet the conditions for pension entitlement as prescribed by law and are not yet eligible for social retirement allowance as provided in Article 21 of the Law on Social Insurance.

2. Eligible conditions: Persons specified in Clause 1 of this Article must not have received a lump-sum social insurance allowance, must not be preserving their social insurance premium payment period, and must submit a request to receive monthly allowance.

Article 23. Period of monthly allowance enjoyment

1. Monthly allowance enjoyment periods shall be determined on the basis of employees' periods of social insurance premium payment and bases for premium payment, and calculated according to the following formula:

$$T_{tt} = \frac{M_{bq} \times 2 \times N}{TC_{htxh}}$$

In which:

a) T_{tt} : Period of monthly allowance enjoyment (month);

b) M_{bq} : The average of monthly salaries on which compulsory social insurance premiums are based shall be calculated under Article 72 of the Law on Social Insurance and Article 15 of this Decree, for compulsory social insurance participants, or the average income and salary used as the basis for social insurance premium payment calculated in accordance with Clause 5, Article 17 of this Decree for employees who have both voluntary and compulsory social insurance premium payment periods (VND/month);

c) N : Number of years of social insurance premium payment. In case a period of social insurance premium payment has an odd time of between 1 month and 6 months or between 7 months and 11 months, such odd time shall be regarded as half-year or one full year, respectively.

d) TC_{htxh} : Monthly social retirement allowance levels calculated at the time of settlement of the monthly allowance regime (VND/month).

If the result from the above formula includes an odd number of days not reaching a full month, it shall be rounded up to one month.

2. The monthly allowance enjoyment period shall fall within the period from the month in which the employee submits a written request after reaching the retirement age until the month of reaching the age of eligibility for social retirement allowance as prescribed by law at the time of settlement. Where the monthly allowance enjoyment period calculated according to the formula in Clause 1 of this Article exceeds the period up to the age of eligibility for social retirement allowance, the employee shall be entitled to a higher monthly allowance in accordance with Clause 2, Article 24 of this Decree.

3. If the monthly allowance enjoyment period calculated under Clause 1 of this Article is not enough for the employee to enjoy monthly allowance until

he/she reaches the age eligible for enjoying social retirement allowance, he/she may pay the deficit in lump-sum in order to enjoy such monthly allowance until he/she reaches the age eligible for enjoying social retirement allowance if he/she so wishes. Such lump-sum payment shall be calculated as follows:

$$ST_{mlct} = (T_{dt} - T_{tt}) \times TC_{htxh}$$

In which:

- a) ST_{mlct} : Lump-sum payment for the deficit (VND);
- b) T_{dt} : Duration from the month the employee submits the written request to the month of reaching the age of eligibility for social retirement allowance (months);
- c) T_{tt} : Period of monthly allowance enjoyment calculated under Clause 1 of this Article (months);
- d) TC_{htxh} : Monthly social retirement allowance levels calculated at the time of settlement of the monthly allowance regime (VND/month). If the lump-sum payment for the deficit is not made at the time of monthly allowance settlement, the monthly social retirement allowance shall be calculated at the time the employee makes the lump-sum payment for the deficit.

4. If, during the monthly allowance enjoyment period, changes in policy or changes in the personal circumstances of the employee result in an adjustment to the age of eligibility for monthly social retirement allowance, the employee shall continue to receive the allowance for the previously settled period. If, upon the expiration of the settled monthly allowance enjoyment period, the employee has not yet reached the eligible age for social retirement allowance, and he/she wishes to pay the deficit in lump-sum in order to enjoy such monthly allowance until he/she reaches the age eligible for enjoying social retirement allowance, the provisions of Clause 3 of this Article shall prevail.

Article 24. Monthly allowance levels

1. The lowest monthly allowance level is equal to the monthly social retirement allowance level specified in Clause 1, Article 22 of the Law on Social Insurance at the time of settlement of the monthly allowance.

2. In case the period of monthly allowance enjoyment calculated according to the formula in Clause 1, Article 23 of this Decree exceeds the period up to the age of eligibility for social retirement allowance, the employee shall be entitled to a monthly allowance higher than the social retirement allowance at the time of settlement. The higher monthly allowance shall be determined according to the following formula:

$$TC_{tt} = TC_{htxh} + \frac{(T_{tt} - T_{dt}) \times TC_{htxh}}{T_{dt}}$$

In which:

a) TC_{tt} : Monthly allowance level higher than the monthly social retirement allowance at the time of settlement (VND/month);

b) TC_{htxh} : Monthly social retirement allowance level calculated at the time of settlement of the monthly allowance regime (VND/month);

c) T_{tt} : Period of monthly allowance enjoyment calculated under Clause 3 of this Article (months);

d) T_{dt} : Duration from the month the employee submits the written request to the month of reaching the age of eligibility for social retirement allowance (months).

3. The monthly allowance level shall be adjusted upon adjustment of pensions by the Government in accordance with Article 67 of the Law on Social Insurance.

4. The written request for monthly allowance by the employee shall be made according to the form issued by Vietnam Social Security.

Article 25. Regime applicable to relatives of a person receiving monthly allowance who dies before the expiration of the allowance enjoyment period

1. If an employee receiving a monthly allowance dies before the expiration of the monthly allowance enjoyment period, the relative shall be entitled to a lump-sum allowance corresponding to the number of months not yet received. The lump-sum allowance shall be calculated by multiplying the number of months not yet received by the monthly allowance amount the employee was receiving prior to death.

2. If an employee receiving a monthly allowance falls under any of the following cases at the time of death, his/her relative shall be entitled to a lump-sum funeral allowance as prescribed in Clause 2, Article 85 of the Law on Social Insurance:

a) The employee has paid compulsory social insurance premiums for at least full 12 months;

b) The employee has paid compulsory social insurance premiums for at least full 60 months;

c) The employee has paid compulsory social insurance premiums and voluntary social insurance premiums for at least full 60 months, if the compulsory social insurance premium payment period or voluntary social insurance premium payment period fails to meet the condition at Points a and b of this Clause.

3. A dossier for claiming the lump-sum allowance and funeral allowance as specified in Clauses 1 and 2 of this Article must comprise:

a) A copy of the death certificate or an extract of the death declaration, or a copy of the death notice or a copy of the court's decision declaring such a person dead;

b) A declaration form of the dead person's relative, made according to the form issued by Vietnam Social Security.

4. Settlement for claiming the lump-sum allowance and funeral allowance as specified in Clauses 1 and 2 of this Article as follows:

a) Within 90 days from the date of death of the person receiving the monthly allowance, the relative shall submit the dossier specified in Clause 3 of this Article to the social insurance agency;

b) Within 10 working days after receiving a complete dossier as prescribed, the social insurance agency shall carry out the settlement; or issue a written reply stating the reason for its refusal.

Chapter V

PENSION AND SURVIVORSHIP REGIMES FOR EMPLOYEES IN CASE THE EMPLOYER IS NO LONGER CAPABLE OF MAKING PAYMENT

Article 26. Subjects of application

1. Employees whose employers are no longer capable of paying social insurance premiums for them prior to July 1, 2024.

2. Employers who are no longer capable of paying social insurance premiums for employees as specified in Clause 1 of this Article fall into one of the following categories:

a) Employers for whom a court has issued a bankruptcy decision in accordance with the law on bankruptcy;

b) Employers undergoing bankruptcy procedures;

c) Employers undergoing dissolution procedures;

d) Employers that have been determined by the tax administration agency as no longer conducting business at their registered address;

dd) Employers whose enterprise registration certificates have been revoked;

e) Employers without a legal representative or without an authorized person to exercise the rights and obligations of the legal representative.

Article 27. Certification of periods of social insurance premium

payment for employees as basis for settlement and adjustment of pension and survivorship regimes

1. The social insurance premium payment period of employees specified in Clause 1, Article 26 of this Decree shall be certified as the basis for the settlement and adjustment of pension and survivorship regimes. This includes the period of late payment or evasion of compulsory social insurance premiums prior to July 1, 2024, in cases where the employer falls under the categories specified in Clause 2, Article 26 of this Decree.

2. The period of late payment or evasion of compulsory social insurance premiums prior to July 1, 2024, for employees as specified in Clause 1 of this Article shall not include periods during which the employee was on leave without pay for 14 working days or more in a month, except for periods of leave for maternity benefits which are counted as social insurance premium payment periods in accordance with the law on social insurance.

Article 28. Basis for certification of period of social insurance premium payment

1. Basis for determining that the employer is no longer capable of paying social insurance premiums for the employee:

a) Court decision declaring bankruptcy in cases where a court has issued a bankruptcy decision in accordance with the law on bankruptcy;

b) Court decision to initiate bankruptcy procedures in cases where the employer is undergoing bankruptcy procedures;

c) Notice from the business registration agency stating that the enterprise is undergoing dissolution procedures, applicable to cases undergoing dissolution;

d) Information in the National Business Registration Database indicating the legal status of the enterprise as “No longer conducting business at the registered address”;

dd) Decision on revocation of the enterprise registration certificate in cases where the certificate has been revoked;

e) Notice from the specialized agency for business registration under the provincial-level People’s Committee in cases where there is no legal representative.

2. Basis for determining the period during which the employee worked for the employer during the time of late payment or evasion of compulsory social insurance premium payment:

a) Administrative data of the social insurance agency. The social insurance agency shall review and compare its administrative data to ensure accurate determination of the period during which the employee worked for the employer

during the time of late payment or evasion of compulsory social insurance premium payment;

b) In cases where such information is not available in the administrative data of the social insurance agency, the provincial-level People's Committee shall direct the social insurance agency and relevant agencies to review and determine the period during which the employee worked for the employer during the time of late payment or evasion of compulsory social insurance premium payment.

Article 29. Order and procedures for certification of period of social insurance premium payment

1. Employees specified in Clause 1, Article 26 of this Decree, or their relatives in case the employee has died, shall submit a written request for certification of social insurance premium payment periods, using the form issued by the social insurance agency, to the social insurance agency.

2. Within 15 working days from the date of receipt of the written request from the employee or the employee's relative, the social insurance agency shall certify the social insurance premium payment period of the employee. In cases where verification of the social insurance premium payment history is necessary, the time limit shall not exceed 45 days. In case of refusal to certify, a written reply, stating the reasons therefor, is required.

Article 30. Settlement of retirement and survivorship regimes for employees

1. The settlement of retirement and survivorship regimes for employees in case the employer is no longer capable of paying social insurance premiums for employees before July 1, 2024, shall comply with the provisions of the Law on Social Insurance and the guiding and implementing legal documents thereof.

2. In cases where employees have been entitled to retirement and survivorship regimes but the period of late payment or evasion of compulsory social insurance premium payment, which has been additionally certified under Article 29 of this Decree, has not been taken into account, the social insurance agency shall, based on the additionally confirmed period of social insurance payment, adjust the retirement and survivorship allowance levels for employees or their relatives if the adjusted level is higher, as follows:

a) For those currently receiving pensions, the new pension level shall be calculated in accordance with the policy applicable at the time of pension enjoyment, and the differential amount shall be paid to the employee.

In cases where the employee has chosen to pay voluntary social insurance premiums in a lump sum for the remaining years to enjoy a pension, the new pension level shall be adjusted based on the additionally certified social insurance premium payment period and the previously recognized social insurance premium payment period for which the employee was entitled to a pension. The

paid voluntary social insurance premiums shall not be refunded;

b) For employees who have received a lump-sum social insurance allowance, the allowance level shall not be adjusted, and the additionally certified social insurance premium payment period shall be reserved;

c) For those who have been granted a lump-sum survivorship allowance, the new allowance shall be calculated in accordance with the policy at the time of the employee's death, and the differential amount shall be paid to the employee's relatives.

Article 31. Funding source for implementation

1. The funding to cover the social insurance premium payment period certified as the basis for the settlement of retirement and survivorship regimes for employees shall be the amount of late payment or evasion of compulsory social insurance premium payment to the retirement and survivorship fund that both employees and employers are responsible for paying for the period certified.

2. The funding specified in Clause 1 of this Article shall derive from the interest collected from employers in accordance with Clause 3, Article 122 of the Law on Social Insurance No. 58/2014/QH13 and the amount calculated at the rate of 0.03% per day collected in accordance with Clause 1, Article 40 and Clause 1, Article 41 of the Law on Social Insurance No. 41/2024/QH15.

3. The social insurance agency and competent agencies shall be responsible for making retrospective collection for the social insurance fund and handling violations in accordance with the law when it is discovered that the employer is still capable of paying social insurance premiums for the employees.

Chapter VI

TRANSITIONAL PROVISIONS

Article 32. Region-based allowance for social insurance beneficiaries

1. Subjects of application

a) Employees who are currently participating in or reserving the period of social insurance premium payment and have had working periods prior to January 1, 1995, in areas with regional-based allowances which are counted as periods of social insurance premium payment, or who have paid social insurance premiums including regional-based allowances before January 1, 2007;

b) Persons currently on pension, working capacity loss allowance or monthly occupational accident or disease allowance, who currently receive monthly region-based allowance in the localities of their permanent residence where region-based allowance is applied before July 1, 2025.

2. Enjoyment regime

a) Employees specified at Point a, Clause 1 of this Article, upon retirement to receive pension or lump-sum social insurance allowance, shall be entitled to a lump-sum allowance corresponding to the period of enjoying region-based allowance and the amount of region-based allowance for which social insurance premiums were paid, in addition to pension or lump-sum social insurance allowance.

In case such employees die, their relatives, in addition to survivorship allowance as prescribed, shall be entitled to a lump-sum allowance corresponding to the period of enjoying region-based allowance and the amount of region-based allowance for which social insurance premiums have been paid as specified at Point a, Clause 1 of this Article;

b) Persons specified at Point b, Clause 1 of this Article shall continue receiving the current region-based allowance. In case of a change in the places of permanent residence and receive pension or working capacity loss allowance or monthly occupational accident or disease allowance in localities where region-based allowance is applied, they shall be entitled to the region-based allowance applicable to beneficiaries at new places of residence; if region-based allowance is not applied in the new places of residence, they will no longer be entitled to this allowance.

3. Lump-sum allowance levels:

a) The lump-sum allowance level for the case specified at Point a, Clause 2 of this Article shall be calculated according to the following formula:

$$M = (H_i \times T_j \times 15\%) \times L_{\min}$$

In which:

M: lump-sum allowance level for the period of social insurance premium payment including regional-based allowance;

H_i: actual regional-based allowance coefficient contributed to the social insurance fund for the period of social insurance premium payment from January 1, 1995, to December 31, 2006; the regional-based allowance coefficient of localities and units as prescribed by law on regional-based allowances at the time of settlement for the period of service and participation in social insurance before January 1, 1995. c) For the period of working in battlefield B or C prior to April 30, 1975, and battlefield K prior to August 31, 1989, the region-based allowance coefficient 0.7 shall be applied. In case the working period was in battlefield B and that location was also entitled to a regional-based allowance under the law on regional-based allowances, the higher coefficient shall apply.

T_j: number of months of social insurance premiums paid to the social insurance fund, including regional-based allowance coefficient H_i;

15%: social insurance premium payment rate to the retirement and survivorship fund based on the salary used as the basis for social insurance premium payment;

L_{min} : reference level in the month the employee starts receiving a pension or lump-sum social insurance allowance or the month the employee dies.

b) For cases specified at Point a, Clause 2 of this Article where the person served as a non-commissioned officer or soldier in the People's Army or People's Public Security and was entitled to rank-based allowance, the lump-sum allowance level for the period of social insurance premium payment including regional-based allowance for such period shall be calculated according to the following formula:

$$N = (0,4 \times H_i \times T_j \times 15\%) \times L_{min}$$

In which:

N: lump-sum allowance level for the period as a non-commissioned officer or soldier in the People's Army or People's Public Security with social insurance premium payment including regional-based allowance;

H_i : Regional-based allowance coefficient of the locality where the non-commissioned officer or soldier in the People's Army or People's Public Security was entitled to a rank-based allowance and paid social insurance premiums;

T_j : number of months of social insurance premiums paid to the social insurance fund, including regional-based allowance coefficient H_i during the period as a non-commissioned officer or soldier in the People's Army or People's Public Security;

0.4: rank-based allowance coefficient for the rank of Private;

L_{min} : reference level in the month of commencement of pension or lump-sum social insurance allowance or the month the employee dies.

4. Funding sources for payment of lump-sum allowance and region-based allowance to the subjects defined in Clause 1 of this Article are as follows:

a) The state budget shall be used to cover lump-sum allowance for the period of working and participating in social insurance in places where region-based allowance is applied prior to January 1, 1995; and cover region-based allowance for persons on pension, working capacity loss allowance or monthly occupational accident or disease allowance covered by the state budget;

b) The social insurance fund shall pay lump-sum allowance for period of social insurance premium payment, including region-based allowance, from January 1, 1995, onward; and region-based allowance for persons on pension or monthly occupational accident and disease allowance covered by the social insurance fund.

Article 33. Survivorship regime for relatives of persons receiving working capacity loss allowance, monthly allowance after expiration of the period of working capacity loss allowance, monthly allowance for rubber workers, and monthly allowance for retired commune, ward and township cadres who pass away

1. For persons who receive monthly working capacity loss allowance before July 1, 2025, and die on this date or later:

a) The organization or individual in charge of the funeral shall be entitled to a lump-sum funeral allowance in accordance with Clause 2, Article 85 of the Law on Social Insurance;

b) Eligible relatives defined in Clauses 2 and 3, Article 86 of the Law on Social Insurance are entitled to a monthly survivorship allowance prescribed in Article 87 of the Law on Social Insurance;

c) In case there are no relatives who satisfy the conditions specified in Clauses 2 and 3, Article 86 of the Law on Social Insurance, or if there are eligible relatives who wish to receive a lump-sum survivorship allowance, such relatives are entitled to a lump-sum survivorship allowance equaling 3 months' working capacity loss allowance these persons enjoy before they die.

2. For persons who are receiving monthly allowance under Decree No. 09/1998/ND-CP before July 1, 2025, and die on this date or later:

a) The organization or individual in charge of the funeral shall be entitled to a lump-sum funeral allowance in accordance with Clause 2, Article 85 of the Law on Social Insurance;

b) Eligible relatives defined in Clauses 2 and 3, Article 86 of the Law on Social Insurance are entitled to a monthly survivorship allowance prescribed in Article 87 of the Law on Social Insurance;

c) In case there are no relatives who satisfy the conditions specified in Clauses 2 and 3, Article 86 of the Law on Social Insurance, or if there are eligible relatives who wish to receive a lump-sum survivorship allowance, such relatives are entitled to a lump-sum survivorship allowance calculated as prescribed in Clause 2, Article 89 of the Law on Social Insurance.

3. For persons receiving monthly allowance after expiration of the period of working capacity loss allowance, or monthly allowance for rubber workers before July 1, 2025, who pass away on or after July 1, 2025:

a) The organization or individual in charge of the funeral shall be entitled to a lump-sum funeral allowance in accordance with Clause 2, Article 85 of the Law on Social Insurance;

b) Relatives shall be entitled to a lump-sum survivorship allowance equaling 3 months' monthly allowance these persons enjoy before they die.

Article 34. Calculation of working period prior to January 1, 1995, for enjoyment of social insurance allowance

1. For employees who worked in the state sector before January 1, 1995, and have such working period regarded as continuous and actual working period, but have not yet received any severance allowance or lump-sum allowance or lump-sum social insurance allowance, such working period shall be regarded as a period of social insurance premium payment. To be specific:

a) For employees who continuously worked in the state sector up to January 1, 1995, but not yet received any severance allowance or lump-sum allowance or lump-sum social insurance allowance, their working period prior to January 1, 1995, shall be regarded as a period of social insurance premium payment;

b) For employees who worked in a discontinued manner or ceased working before January 1, 1995, their continuous and actual working period for enjoyment of social insurance allowance shall be determined under previous documents on calculation of working period prior to January 1, 1995, for enjoyment of social insurance allowance, except Article 3 of the Government's Decree No. 66/CP of September 30, 1993, temporarily prescribing social insurance regimes for the armed forces; Article 3 of the Government's Decree No. 43/CP of June 22, 1993, temporarily prescribing social insurance regimes; Article 54 of the Regulation on social insurance promulgated together with the Government's Decree No. 12/CP of January 26, 1995; Article 49 of the Regulation on Social Insurance applicable to officers, professional army men, non-commissioned officers and soldiers in the People's Army and People's Public Security force promulgated together with the Government's Decree No. 45/CP of July 15, 1995; and Clause 4, Article 139 of the 2006 Law on Social Insurance; Clause 6 Article 123 of the 2014 Law on Social Insurance; Article 23 of the Government's Decree No. 115/2015/ND-CP of November 11, 2015, detailing a number of articles of the Law on Social Insurance regarding compulsory social insurance; Clauses 7, 8 and 9, Article 38 of the Government's Decree No. 33/2023/ND-CP of June 10, 2023, on commune-level cadres and civil servants and part-time staff in communes, hamlets and residential quarters; Clauses 2 and 3, Article 16 of the Government's Decree No. 92/2009/ND-CP of October 22, 2009, on titles, quantity and a number of policies for commune-level cadres and civil servants and part-time staff in communes; Clause 2, Article 1 of the Government's Decree No. 29/2013/ND-CP of April 08, 2013, amending and supplementing a number of articles of the Government's Decree No. 92/2009/ND-CP of October 22, 2009, on titles, quantity and a number of policies for commune-level cadres and civil servants and part-time staff in communes; Clause 8, Article 2 of the Government's Decree No. 34/2019/ND-CP of April 24, 2019, amending and supplementing a number of provisions on commune-level cadres and civil servants and part-time staff in communes, hamlets and residential quarters;

c) Persons who currently receive an allowance for diseased soldiers and have a period of working and paying social insurance premiums are entitled to the social insurance regime in addition to the regime for diseased soldiers. The period for enjoyment of social insurance is the period of social insurance premium payment as prescribed by the law on social insurance; the working period for enjoyment of the regime for diseased soldiers shall not be counted for enjoyment of social insurance allowance.

2. For employees who worked as army men and people's public security men and had been demobilized or ceased working before December 15, 1993, and then shifted to do jobs covered by compulsory social insurance in agencies, units or enterprises of different economic sectors (including those working in commune, ward or township health establishments, preschool teachers or commune, ward or township cadres before January 1, 1995, whose working period has been counted as a period of social insurance premium payment), or for individual employers, their actual working period in the army or people's public security force shall be added to the later working period for which social insurance premiums have been paid, for enjoyment of social insurance allowance, except for those who have received any allowance under the regulations below:

a) The Prime Minister's Decision No. 47/2002/QĐ-TTg of April 11, 2002, on regimes for army men and defense workers who participated in the resistance war against France and had been demobilized or ceased working on December 31, 1960, or before;

b) Point a, Clause 1, Article 1 of the Prime Minister's Decision No. 290/2005/QĐ-TTg of November 8, 2005, on regimes and policies for persons who directly participated in the resistance war against America but not yet enjoyed regimes or policies of the Party and State;

c) The Prime Minister's Decision No. 92/2005/QĐ-TTg of April 29, 2005, on implementation of regimes for ethnic minority army men in Military Zones 7 and 9 who participated in the resistance war against America and returned to localities before January 10, 1982;

d) The Prime Minister's Decision No. 142/2008/QĐ-TTg of October 27, 2008, on implementation of regimes for army men who participated in the resistance war against America and had under 20 years of working in the army before being demobilized and returning to localities;

dd) The Prime Minister's Decision No. 38/2010/QĐ-TTg of May 6, 2010, amending and supplementing the Prime Minister's Decision No. 142/2008/QĐ-TTg of October 27, 2008, on implementation of regimes for army men who participated in the resistance war against America and had under 20 years of working in the army before being demobilized and returning to localities;

e) The Prime Minister's Decision No. 53/2010/QĐ-TTg of August 20,

2010, on regimes for officers and soldiers of the People's Public Security force who participated in the resistance war against America and had under 20 years of working in the People's Public Security force before being demobilized and returning to localities;

g) The Prime Minister's Decision No. 62/2011/QĐ-TTg of November 9, 2011, on regimes and policies for persons who participated in the national defense war and fulfilled international duties in Cambodia or Laos after April 30, 1975, and had been demobilized or ceased working.

If army men or people's public security men who had been demobilized or ceased working between December 15, 1993, and December 31, 1994, and paid voluntary social insurance before participating in compulsory social insurance, such employees shall be subject to the provisions of this Clause for enjoyment of social insurance allowance.

3. If employees who worked as army men or people's public security men and had been demobilized or ceased working between December 15, 1993, and December 31, 1994, but not yet received any severance allowance, lump-sum allowance, allowance upon demobilization or lump-sum social insurance allowance, their actual working period in the army or people's public security force shall be counted for enjoyment of social insurance allowance.

4. For employees who have lost original documents proving their working period in the state sector before January 1, 1995, the social insurance agency shall consider and decide whether or not to recognize such period as eligible for social insurance allowance based on the employees' written request, the written certification issued by their directly managing agencies or units, and relevant documents and dossiers pertaining to the working period requested for enjoyment of social insurance allowance. Where necessary, the social insurance agency shall coordinate with relevant local competent authorities to review and compare the employee's dossier in order to clarify related issues before making a decision.

a) The written certification of the agency or unit directly managing the employee must clearly state the reason for the absence of complete original dossiers of the employee, the recruitment date, the employment history, the wage history of the employee; the fact that the employee has not been settled with severance allowance or lump-sum allowance, the reason for such unsettled case; the reason for any employment interruption or resignation, and the responsibility of the managing agency or unit in handling the benefit settlement at the time of resignation for an employees who had interrupted employment or resigned before January 01, 1995. In case the agency or unit directly managing the employee no longer exists, the immediate superior management agency shall issue the certification;

b) Relevant documents and dossiers concerning the working period requested for enjoyment of social insurance allowance include documents and

dossiers evidencing the working in the state sector prior to January 01, 1995, such as: Party member profile, Youth Union member profile, labor book, employee lists, monitoring books, payroll lists, ration books, certificates of merit, commendation decisions, commemorative medals, diplomas, certificates, dossiers on employee's benefit settlements upon equitization of state enterprises, and other documents evidencing the employment history and wages of the employee;

c) The agency or unit directly managing the employee or his/her immediate superior management agency shall certify based on relevant documents and dossiers specified at Point b of this Clause, and shall be legally responsible for the contents of the certification as stipulated at Point a of this Clause.

Article 35. Calculation of working period for employees engaged in labor cooperation programs prior to January 1, 1995

1. For employees on payrolls of state agencies, political organizations, socio-political organizations, state enterprises, or armed forces units who were sent by their agencies or units to work or study abroad for a certain period, lawfully went abroad, and returned to the country after the prescribed period, or returned to the country within the prescribed period but their units could not arrange jobs for them, their period of working in the country before being sent to work or study abroad and the permitted period of stay abroad before January 1, 1995, shall be counted for enjoyment of the retirement and survivorship regime, if they have not yet received any severance allowance, lump-sum allowance, allowance upon demobilization, or lump-sum social insurance allowance. The working period before January 1, 1995, for enjoyment of social insurance allowance shall be calculated under Article 34 of this Decree.

For guest workers under labor cooperation programs who, after returning to the country, continue paying compulsory social insurance premiums, the permitted period of working abroad before January 1, 1995, shall be counted for enjoyment of the retirement and survivorship regime, if they have not yet received any severance allowance or lump-sum allowance.

2. The permitted period of study, or work abroad prescribed in Clause 1 of this Article includes:

a) The actual period of study, or work abroad as specified in the decision issued by the unit assigning the employee to go abroad, including any extension period permitted by the assigning unit;

b) In case a person was assigned to go abroad multiple times for work, or study, periods of each assignment abroad within the authorized term shall be aggregated to calculate the working period for entitlement to retirement and survivorship allowance;

c) Employees working domestically who were assigned abroad for skill

enhancement and subsequently participated in labor cooperation programs under government agreements shall have their skill enhancement period counted for enjoyment of retirement and survivorship allowance;

d) Social labor force members who were vocational trainees and later transitioned to labor cooperation under government agreements shall have the period of labor cooperation under such agreements counted for enjoyment of retirement and survivorship allowance; the vocational training period shall not be counted for enjoyment of social insurance allowance.

3. The provisions of Clause 1 of this Article do not apply to persons who violated laws of foreign countries and were expelled, or were disciplined and forced to go home, or were imprisoned before January 1, 1995.

4. Average monthly salary used as the basis for social insurance premium payment

a) The average salary on which social insurance premiums are based for calculation of pension, lump-sum allowance upon retirement, lump-sum social insurance allowance, and lump-sum survivorship allowance for persons specified in Clause 1 of this Article shall be determined in accordance with Article 72 of the Law on Social Insurance and Article 15 of this Decree;

b) For cases in which the individual had a period of service in the army or people's public security forces and then participated in labor cooperation abroad, and upon repatriation was transferred to work at agencies, units, or state enterprises eligible to have job-based seniority allowance included in pensions as prescribed, the job-based seniority allowance in the army or people's public security forces shall be calculated based on the salary of officers, professional army members, and officers or non-commissioned officers of the people's public security forces prior to labor cooperation abroad, converted according to the salary regime applicable at the time of social insurance benefit settlement;

c) For employees who were subject to state-prescribed salary prior to being assigned to labor cooperation abroad and who had their final years (for calculating the average salary used as the basis for social insurance premium payment) include periods of overseas work, the salary used as the basis for social insurance premium payment for the period of overseas work shall be based on the salary at the time immediately prior to departure abroad and used as the basis for calculating pensions and social insurance allowance.

For social labor force members whose period of labor cooperation is counted for retirement and survivorship allowance enjoyment under Clause 1 of this Article, the salary used as the basis for social insurance premium payment for the labor cooperation period shall be equal to twice the reference salary at the time of social insurance benefit enjoyment.

Article 36. Dossier of application for recognition of working period for

employees engaged in labor cooperation programs prior to January 1, 1995

1. The dossier applicable to individuals who worked abroad under government agreements and to those who served as team leaders, interpreters, or area officers remunerated by foreign parties must comprise:

a) Original curriculum vitae, any supplementary curriculum vitae (if available), and original documents related to the employee's working period and salary before being sent to work abroad; the decision on reinstatement for cases in which the employee returned and continued working before January 1, 1995. In the absence of a reinstatement decision, the employee's self-declared curriculum vitae upon reinstatement or a curriculum vitae certified by the receiving unit shall be accepted as a substitute;

b) The original "Repatriation Notice" or "Repatriation Decision" issued by the Department of International Labor Cooperation (currently the Department of Overseas Labor Management).

If the original "Repatriation Notice" or "Repatriation Decision" is no longer available, a certification of the period of labor cooperation for the purpose of social insurance settlement shall be provided by the Department of Overseas Labor Management based on the employee's request (using Form No. 01 and No. 02 provided in Appendix II to this Decree);

c) A certification stating that severance allowance, lump-sum allowance (or lump-sum allowance, allowance upon demobilization in the case of military personnel or people's public security officers demobilized, discharged, or dismissed between December 15, 1993, and December 31, 1994) has not been granted after returning to Vietnam, issued by the agency or unit that directly managed the employee before they were sent abroad for a definite term. If the agency or unit has been dissolved, the immediate superior agency or unit shall issue the certification.

For employees categorized as social laborers who were sent abroad under labor cooperation programs; state employees, people's public security officers, or military personnel who were sent abroad and had received severance or demobilization allowances prior to departure; military personnel or defense workers who, after repatriation, had their demobilization or discharge settlement dossiers handled separately by the Ministry of National Defence for the period before labor cooperation abroad, and were issued with a "Certificate of Overseas Labor Cooperation Period," the certification shall be issued by the provincial-level Department of Home Affairs;

d) A written request for recognition of the working period for retirement or survivorship benefit purposes, applicable to employees who have ceased working.

2. The dossier for individuals who went to work abroad under direct

cooperation programs between ministries or local authorities of the State and foreign economic organizations must comprise:

- a) The documents specified at Points a, c, and d, Clause 1 of this Article;
- b) The original Decision on assignment to work abroad for a fixed term or a copy thereof in cases where the employee was sent abroad under a collective decision applicable to multiple individuals.

In the absence of the original Decision on assignment to work abroad for a fixed term, a certified copy of the Decision shall be provided by the competent ministry for employees sent abroad under ministerial cooperation programs, or by the provincial-level Department of Home Affairs for employees sent abroad under local cooperation programs.

In case no Decision on assignment to work abroad for a fixed term is available, a written certification from the head of the agency or unit that assigned the employee must be submitted, clearly indicating the period during which the employee was assigned to work abroad for a fixed term, and such certifying party shall be legally liable for the contents of the certification. If the agency or unit that assigned the employee no longer exists, the immediate superior managing agency shall issue the certification and be legally liable for its content.

3. The dossier for individuals who were sent to study or undertake internships abroad must comprise:

- a) The documents specified at Points a, c, and d, Clause 1 of this Article;
- b) The original Decision on assignment to study or undertake internships abroad for a fixed term or a copy thereof in cases where the employee was sent abroad under a collective decision applicable to multiple individuals.

In the absence of the original Decision on assignment to study or undertake internships abroad for a fixed term, a certified copy of the Decision shall be provided by the assigning unit.

In case no Decision on assignment to study or undertake internships abroad for a fixed term is available, a written certification from the head of the agency or unit that assigned the employee must be submitted, clearly indicating the period during which the employee was assigned to study or undertake internships abroad for a fixed term, and such certifying party shall be legally liable for the contents of the certification. If the agency or unit that assigned the employee no longer exists, the immediate superior managing agency shall issue the certification and be legally liable for its content.

4. The dossier for individuals who were sent abroad to work as experts under Government Agreements must comprise:

- a) The documents specified at Points a, c, and d, Clause 1 of this Article;

b) The original Decision on assignment to work as an expert abroad or a copy thereof in cases where the employee was assigned under a collective decision applicable to multiple individuals.

In the absence of the original Decision on assignment to work as an expert abroad, a certified copy of the Decision shall be provided by the assigning unit.

In cases where no Decision on assignment to work as an expert abroad is available, a written certification from the head of the agency or unit that assigned the employee must be submitted, clearly indicating the period during which the employee was assigned to work as an expert abroad, and such certifying party shall be legally liable for the contents of the certification. If the agency or unit that assigned the employee no longer exists, the immediate superior managing agency shall issue the certification and be legally liable for its content.

c) A written certification from the expert management agency confirming that the expert has fulfilled the obligation to contribute to the state budget and to pay social insurance premiums in accordance with state regulations during the period of working abroad.

Article 37. Settlement of recognition of working period for employees engaged in labor cooperation programs prior to January 1, 1995

1. For cases where the employee has ceased working:

a) The employee shall submit the dossier specified in Article 36 of this Decree to the last managing unit where the employee worked. In case the last managing unit no longer exists, the employee shall submit the dossier to the immediate superior managing agency;

b) The last managing unit of the employee, or the immediate superior managing agency in case the last managing unit no longer exists, shall be responsible for receiving the dossier and forwarding the employee's dossier together with a written request to the social insurance agency where the unit pays social insurance premiums;

c) The social insurance agency shall be responsible for receiving the dossier from the employer or the employee for processing and recording the social insurance premium payment period for the employee within 15 working days from the date of receipt of a complete dossier as prescribed; in case of refusal to settle, a written reply stating the reasons must be provided.

2. For cases where the employee is currently paying social insurance premiums:

a) The employee shall be responsible for supplementing the dossier specified in Article 36 of this Decree to the employer upon request;

b) The employer shall be responsible for forwarding the employee's dossier together with a written request to the social insurance agency where the

unit pays social insurance premiums;

c) The social insurance agency shall be responsible for receiving the dossier and processing it in accordance with Point c, Clause 1 of this Article.

3. For cases where the employee had died after returning to the country but their relative has not yet received the survivor allowance:

a) The employee's relative shall submit the dossier as prescribed in Article 36 of this Decree, Clause 1 Article 90 of the Law on Social Insurance, together with a written request for settlement of survivor benefits, to the last managing unit of the employee (using Form No. 03 of Appendix II to this Decree). In case the last managing unit no longer exists, the employee's relative shall submit the dossier to the immediate superior managing agency;

b) The last managing unit of the employee, or the immediate superior managing agency in case the last managing unit no longer exists, shall be responsible for receiving, guiding the employee's relative complete the dossier, and forwarding it to the social insurance agency where the unit pays social insurance premiums, together with an official dispatch requesting benefit settlement;

c) The social insurance agency shall be responsible for receiving the dossier and settling the survivor benefits for the employee's relative within the time limit prescribed in Clause 3 Article 91 of the Law on Social Insurance. In case of refusal, the social insurance agency shall issue a written reply clearly stating the reason.

Article 38. Determination of the working period for social insurance allowance enjoyment for employees working in the state sector who were on job-waiting status from November 1, 1987, to before January 1, 1995

1. Employees who had worked in the state sector and ceased working to await a job between November 1, 1987, and before January 1, 1995, because their enterprises, agencies or organizations could not arrange jobs or had not yet received any severance allowance or lump-sum social insurance allowance, and by December 31, 1994, still had their names on the list of employees of their enterprises, agencies or organizations, are entitled to have their working period before such cessation counted for enjoyment of social insurance allowance. For commune-level officials who held titles in accordance with Decree No. 09/1998/ND-CP, the determination of the working period for enjoyment of social insurance allowance shall be carried out in accordance with Article 39 of this Decree.

2. The dossier for the request to determine the working period before ceasing working to await a job must comprise:

a) Employee's declaration form for registration for participation in social insurance;

b) The employee's original curriculum vitae and any supplemental resumes (if any), decision on recruitment, labor contract, and other relevant documents such as: decision on salary grade promotion, decision on reassignment or job transfer, demobilization decision, decision on transfer from the army to civilian work, and wage discontinuation notice;

c) The unit's payroll list including the employee's name as of December 31, 1994, or documents evidencing the employee was listed on the unit's payroll as of December 31, 1994;

d) The decision on cessation to await a job. In case such decision is unavailable, a written certification from the head of the unit at the time of compiling the dossier for issuance of the social insurance book is required. This written certification must affirm that the employee was listed on the unit's payroll at the time of the decision on cessation to await a job and had not received severance allowance or lump-sum social insurance allowance. If the unit has been dissolved, the immediate superior agency or unit shall issue the certification.

3. Order and time limit for settlement:

a) The employee and the employer shall complete the dossier as prescribed in Clause 2 of this Article and submit it to the social insurance agency;

b) Within 15 working days from the date of receipt of the dossier from the employer, the social insurance agency must issue a decision. In case of refusal, it must respond in writing and clearly state the reasons therefor.

Article 39. Calculation of working period for social insurance allowance enjoyment for commune-level officials who held positions under Decree No. 09/1998/ND-CP

1. Commune-level officials who held positions under Decree No. 09/1998/ND-CP (including other titles included in the approved staffing structure under the People's Committee as prescribed in Clause 5, Article 3 of Decree No. 09/1998/ND-CP), and continuously served until January 1, 1998, and received cost-of-living allowances under Decree No. 09/1998/ND-CP, shall have their period of holding such positions prior to January 01, 1998, counted as the period of compulsory social insurance premium payment.

a) In case an individual had a working period as a state public servant or worker without having received a lump-sum resignation allowance or lump-sum social insurance allowance and was then assigned to hold a position under Decree No. 09/1998/ND-CP at the commune level, the working period as a state public servant or worker shall be aggregated with the period of holding the position under Decree No. 09/1998/ND-CP for enjoyment of social insurance allowance;

b) For commune-level officials holding positions as prescribed in Decree No. 09/1998/ND-CP, if they were sent by competent authorities to undertake professional or political training courses before January 1, 1998, and, after

completing such courses, continued to hold positions under Decree No. 09/1998/ND-CP, the training period shall be regarded as continuous working time for enjoyment of social insurance allowance.

2. Employees holding positions (including other titles included in the approved staffing structure under the People's Committee as prescribed in Clause 5, Article 3 of Decree No. 09/1998/ND-CP), covered by compulsory social insurance under Decree No. 09/1998/ND-CP, who, during the time of holding such positions, were assigned, recruited into the People's Army, the People's Public Security forces, or employed in agencies, units, or enterprises of the State, political organizations, or socio-political organizations before January 1, 1998, shall have the period of holding such positions counted as the period of compulsory social insurance premium payment and aggregated with subsequent periods of social insurance premium payment after such assignment or recruitment for enjoyment of social insurance allowance.

3. Commune-level officials who held titles under Decree No. 09/1998/ND-CP (including other titles included in the approved staffing structure under the People's Committee as prescribed in Clause 5, Article 3 of Decree No. 09/1998/ND-CP) and had a period of interruption of no more than 12 months before January 1, 1998, shall have their previous working period aggregated with the subsequent working period for enjoyment of social insurance allowance.

Article 40. Regime for persons on monthly allowance with a period of social insurance premium payment not yet counted for enjoyment of social insurance allowance

For persons on monthly working capacity loss allowance and those eligible for enjoyment of monthly allowance under Decision No. 91/2000/QĐ-TTg and Decision No. 613/QĐ-TTg with a period of social insurance premium payment not yet counted for enjoyment of social insurance allowance, the following provisions shall apply:

1. Employees with periods of social insurance premium payment (excluding working periods already used for calculating working capacity loss allowance) who are eligible for pensions may choose one of the following regimes:

a) In case they choose to receive a pension, the monthly working capacity loss allowance and monthly allowance shall cease to be provided from the month the pension is received;

b) In case they choose to continue receiving the monthly working capacity loss allowance and monthly allowance, they shall be entitled to a lump-sum social insurance allowance for the period of social insurance premium payment.

2. Employees with periods of social insurance premium payment who are not eligible for pension benefits shall be entitled to a lump-sum social insurance

allowance for the period of premium payment, excluding working periods used for calculating working capacity loss allowance.

Article 41. Regimes for employees who have received decisions on work cessation to await settlement of pension and monthly allowance

Regimes for employees who have received decisions on work cessation to await settlement of pension and monthly allowance shall comply with Clause 10, Article 141 of the Law on Social Insurance, and are prescribed as follows:

1. Employees who had paid social insurance premiums for at least full 15 years and received the social insurance agency's certifications of their pending satisfaction of age eligibility for pension under Decree No. 12/CP dated January 26, 1995, as amended and supplemented under Decree No. 01/2003/ND-CP dated January 9, 2003 (hereinafter referred to as Decree No. 12/CP), shall be entitled to pension when they reach full 60 years for men, or 55 years for women. The pension amount shall be calculated in accordance with Decree No. 12/CP and shall be adjusted in accordance with regulations on adjustments of pensions, social insurance allowances, and monthly allowances applicable from time to time.

If an employee dies while waiting to reach the retirement age for pension entitlement, his/her relatives shall be entitled to survivorship allowance in accordance with the Law on Social Insurance.

2. Commune-level cadres subject to Decree No. 09/1998/ND-CP who have received decisions or certificates for them to satisfy the age condition before enjoy monthly allowance from the social insurance agency are entitled to monthly allowance when they reach full 55 years, for men, or 50 years, for women. The monthly allowance shall be calculated in accordance with Decree No. 09/1998/ND-CP and shall be adjusted in accordance with regulations on adjustments of pensions, social insurance allowances, and monthly allowances applicable from time to time.

If a commune-level cadre dies while waiting to reach the retirement age for monthly allowance, his/her relatives shall be entitled to survivorship allowance in accordance with the Law on Social Insurance. The lump-sum survivorship allowance shall be calculated based on the average cost-of-living allowances during the last 5 years prior to retirement, converted in accordance with the basic salary in the month of the commune-level cadre's death. At the time of the basic salary level is annulled, this shall be converted accordingly based on the reference level.

3. In cases where, during the waiting period for age eligibility to receive pension or monthly allowance, the employee continues to participate in social insurance, the previous working period recognized in the decision or certification of waiting for age eligibility shall be aggregated with the subsequent period of

social insurance premium payment for calculating social insurance allowance in accordance with the Law on Social Insurance.

4. Where the individuals specified in Clauses 1 and 2 of this Article are eligible for aggregation of working periods prior to January 1, 1995 (for those awaiting pension) and prior to January 1, 1998 (for those awaiting monthly allowance) for enjoyment of social insurance allowance, the pension rate or the monthly allowance rate shall still be calculated in accordance with the policy in effect at the time the employee started their retirement waiting period.

Article 42. Regimes for employees taking leave to enjoy the sickness allowance due to illness on the list of diseases requiring long-term treatment or taking maternity leave under the Law on Social Insurance No. 58/2014/QH13

1. Employees who cease working because of suffering a disease on the Ministry of Health-issued list of diseases requiring long-term treatment and have been enjoying the sickness regime since before July 1, 2025, and continue to be on leave and receive sickness allowance from July 1, 2025, onward shall continue enjoying this regime under the Law on Social Insurance No. 58/2014/QH13.

For cases of sickness regime applicable due to illness on the Ministry of Health-issued list of diseases requiring long-term treatment where the dossier for benefit application specifies a starting date of sickness regime leave from July 1, 2025, onward, the provisions of the Law on Social Insurance No. 41/2024/QH15 shall apply.

2. Employees who are on leave to enjoy the maternity allowance before July 1, 2025, and continue to receive maternity allowance from July 1, 2025, onward shall continue to implement the maternity allowance under Section 2, Chapter III of the Law on Social Insurance No. 58/2014/QH13

Chapter VII

IMPLEMENTATION PROVISIONS

Article 43. Amending and supplementing a number of legal documents concerning social insurance

1. To amend and supplement a number of articles of the Government's Decree No. 88/2020/ND-CP dated July 28, 2020, detailing and guiding a number of articles of the Law on Occupational Safety and Health regarding compulsory occupational accident and disease insurance, as follows:

a) To amend and supplement Clause 1, Article 2 as follows:

“1. Employees specified at Points a, b, c, d, dd, e, i and l, Clause 1, Article

2 of the Law on Social Insurance and covered by compulsory occupational accident and disease insurance.

Employees who are foreign citizens working in Vietnam specified in Clause 2, Article 2 of the Law on Social Insurance and covered by compulsory occupational accident and disease insurance, and implement the occupational accident and disease insurance regime in accordance with Section 3 of the Law on Occupational Safety and Health and this Decree.”

b) To amend Points b and c, Clause 3, Article 11 as follows:

“b) A period during which an employee is on a maternity leave who terminates her labor contract or working contract or resigns from work before giving birth or adopting a child of under 6 months old as specified in Clause 4, Article 50 of the Law on Social Insurance may not be counted as a period of payment of insurance premiums to the Occupational Accident and Disease Insurance Fund;

c) For a female employee who returns to work before the period for her maternity leave expires as prescribed in Clause 4, Article 139 of the Labor Code, the period from the date she takes the leave to the date she returns to work may be counted as a period of payment of insurance premiums to the Occupational Accident and Disease Insurance Fund; and from the date of return to work, she may be entitled to maternity regime until the expiration of the time limit specified in Clause 1, Article 53 of the Law on Social Insurance, provided that her employer pays insurance premiums for her to the Occupational Accident and Disease Insurance Fund.”

c) To amend Article 39 as follows:

“Article 39. Expenses for organization and implementation of occupational accident and disease insurance

Expenses for organization and implementation of occupational accident and disease insurance must comply with Article 90 of the Law on Social Insurance and financial management regulations applicable to the Vietnam Social Security.”

2. To amend and supplement a number of articles of the Government’s Decree No. 58/2020/ND-CP dated May 27, 2020, prescribing rates of compulsory social insurance premiums payable to the Occupational Accident and Disease Insurance Fund, as follows:

a) To amend and supplement Clause 1, Article 4 as follows:

“1. For the employees specified at Points a, b, c, d, dd, e, i and l, Clause 1, Article 2, and Clause 2, Article 2 of the Law on Social Insurance, employers shall make monthly payments calculated based on salary used as a basis for payment of compulsory social insurance premiums at one of the following rates:

a) 0.5% of the salary used as a basis for payment of compulsory social insurance premiums; this rate shall also be applied to cadres, civil servants, public employees, and armed forces personnel of Party agencies, state agencies, socio-political organizations, military and public security forces, and state budget-funded public non-business units;

b) 0.3% of the salary used as a basis for payment of compulsory social insurance premiums, applicable to enterprises satisfying the conditions prescribed in Article 5 of this Decree.”

b) To repeal Clause 2, Article 4.

Article 44. Effect

1. This Decree takes effect from July 1, 2025.

2. From the effective date of this Decree, the following Decrees of the Government and provisions shall cease to be effective:

a) The Government’s Decree No. 115/2015/ND-CP dated November 11, 2015, detailing a number of articles of the Law on Social Insurance regarding compulsory social insurance;

b) The Government’s Decree No. 143/2018/ND-CP dated October 15, 2018, detailing the Law on Social Insurance and the Law on Occupational Safety and Health regarding compulsory social insurance for employees being foreign citizens working in Vietnam;

c) Clause 2, Article 3; Clauses 1, 3, Article 7 and Clause 2, Article 8 of the Government's Decree No. 135/2020/ND-CP dated November 18, 2020, prescribing retirement ages.

Appendix III to the Government's Decree No. 135/2020/ND-CP dated November 18, 2020, prescribing retirement ages;

d) Clauses 7, 8 and 9, Article 38 of the Government’s Decree No. 33/2023/ND-CP dated June 10, 2023, on commune-level cadres and civil servants and part-time staff in communes, hamlets and residential quarters.

Article 45. Implementation responsibility

1. The Minister of Home Affairs shall guide the implementation of this Decree.

2. The Minister of Finance shall direct the following tasks:

a) Annually, the General Statistics Office shall be responsible for promptly providing Vietnam Social Security with the annual average consumer price index calculated based on the 1994 average comparison base to determine the adjustment coefficient of the salary used as the basis for social insurance premium payment as prescribed in Clause 2, Article 16 of this Decree;

b) Annually, Vietnam Social Security shall be responsible for publicly disclosing the adjustment coefficient of the salary used as the basis for social insurance premium payment as prescribed in Clause 2, Article 16 of this Decree.

3. Ministers, heads of ministerial-level agencies, heads of government-attached agencies, Chairpersons of People's Committees at all levels, and other related organizations and individuals shall implement this Decree./.

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

Ho Duc Phoc

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