

**The National Assembly,
the Socialist Republic of Viet Nam,
XI, session 9th
From 16 May to 29 June 2006**

social insurance law

Pursuant the Constitution of the Socialist Republic of Vietnam in 1992 which was revised on 25 December 2001 in accordance with the Resolution No 51/2001/QH10 of the National Assembly X, session 10th;

This law stipulates provisions on social insurance.

**Chapter I
GENERAL PROVISIONS**

Article 1. Coverage of adjustment

1. This law stipulates provisions on social insurance regimes and policies, rights and responsibilities of an employee, an organization and an individual who is entitled to social insurance benefit; a social insurance organization; a social insurance fund; procedures on the implementation of the social insurance and a state administration on the social insurance.
2. This law is not applicable for health insurance, deposit insurance and types of profitable business insurance.

Article 2. Coverage of social insurance

1. People who are entitled to join compulsory social insurance are Vietnamese citizens as follows:
 - a) The Vietnamese employees who work under labour contract with definite term and contract of three months and more;
 - b) The Government Officials and civil servants;
 - c) The employees of the National Defense and the employees of the Public Security;
 - d) The wage-paid military officers, career military personnel, professional non-commissioned officers, officers, and professional

- non-commissioned officers of the People's public security; important officers under People's Army and People's public security who are entitled military rank allowances;
- e) The non-commissioners and soldiers under People's Army and non-commissioners and soldiers under People's Public Security who work under labour contract with definite term;
 - f) The oversea workers who work under labour contract with definite term in receiving countries had paid compulsory social insurance premiums before.
2. The employers who are entitled to compulsory social insurance include: The Government and Administrative offices, People Armed Forces, Political organizations, Social-political organizations, Social-political professional organizations, Social professional organizations other social organizations; bodies, foreign organizations, international organizations operated in Vietnam; enterprises; households; cooperatives, individual business households, cooperative business groups, other units and individuals which employ and pay the employees' wage.
 3. The Vietnamese employees working under labour contract or employment contract with indefinite term or labour contract with definitive term of 12-36 months with employers stipulated in Provision 4 of this Article.
 4. The employers stipulated in Provision 2 of this Article employ 10 and more workers are entitled to unemployment insurance benefit.
 5. The Vietnamese citizens in working age and excluded in Provision 1 of this Article are entitled to unemployment insurance scheme.
 6. The relevant bodies, organizations and individuals.

The employee who is entitled to compulsory social insurance, unemployment insurance and voluntary social insurance benefits hereinafter called the employee.

Article 3. Glossary of key terms

The following terms in this law are understood as follows:

1. *Social insurance* ensures a replacement or offsets partially income for employees when they have lost or reduced their income caused by sickness, maternity, employment injury, occupational disease,

unemployment, old age or death based on their contributions to social insurance fund.

2. *Compulsory social insurance* is type of social insurance which both employees and employers are obliged to join.
3. *Voluntary social insurance* is type of social insurance which employees voluntary to join and are allowed to select premium rate and mode of paying social insurance premiums themselves to social insurance fund based on their income for social insurance benefits.
4. *Unemployed person* means a person who has contributed to unemployment insurance fund but has lost his/her job or his/her labour contract has terminated and has not found the job.
5. *The duration of paying social insurance premiums* is calculated from the starting date to the ending date of paying social insurance premiums. In case, the employee has not paid social insurance premiums constantly, the duration of paying social insurance premiums is calculated based on the total contribution period to social insurance fund.
6. *The common minimum wage* means the official minimum wage, which is promulgated by the Government in each period.
7. *The relatives of the insured person* include his/her children, spouse; father, mother, father-in-law, mother-in-law and persons to whom the insured person has to raise.

Article 4 Social insurance benefits

1. Compulsory social insurance benefits comprise:
 - a) Sickness benefit;
 - b) Maternity leave benefit ;
 - c) Employment injury and Occupational and disease benefit;
 - d) Old age benefit; and
 - e) Survivors' benefit.
2. Voluntary social insurance benefits comprise:
 - a) Old age benefit; and
 - b) Survivors' benefit.
3. Unemployment insurance benefits comprises:
 - a) Unemployment benefit;
 - b) Vocational Training benefit; and
 - c) Job seeking supports

Article 5 Principles of social insurance

1. The level of social insurance entitlement is computed based on the level and period of paying social insurance premiums and sharing among insured people.
2. The level of compulsory social insurance premiums and unemployment insurance premiums is computed based on net wage of the employee on which social insurance premiums are based. The level of voluntary social insurance premiums is computed based on the income selected the employee but it must be equal or higher than the common minimum wage.
3. The employee who pays both compulsory and voluntary social insurance premiums is entitled to old age pension and survivors' benefits based on the period of paying social insurance premiums.
4. The social insurance fund is managed in an united, democratic, and transparent way and used for right purposes and entered independently in participating fund of compulsory social insurance, voluntary social insurance and unemployment insurance.
5. The social insurance fund should be implemented in a simple, user-friendly and convenient way; to ensure insured employee receives his/her benefits adequately and timely.

Article 6. Government policies to social insurance

1. The Government encourages and creates favourable conditions for agencies, organizations and individual to join social insurance.
2. The Government has issued enable priority policies on the investment of the social insurance fund and other necessary measures to preserve and raise this fund. The social insurance fund is under the protection of the Government and shall not be bankrupted.

Old age pension and social insurance benefits as well as benefits from investment activity are tax exempted.

Article 7. State management on social insurance

1. Developing and directing the implementation of the strategy and policy on social insurance.
2. Issuing and directing the implementation of the legal document on social insurance.
3. Advocating regimes, policies and laws on social insurance.
4. Developing statistics and information dissemination on social insurance.

5. Establishing an implementation system on social insurance; providing training and capacity building for staff who are responsible for social insurance issues.
6. Inspecting and controlling the compliance with the law on social insurance, settling complaints and denouncements; handling violations of the law on social insurance
7. International Cooperation on social insurance.

Article 8. State managerial organization on social insurance

1. The Government provides the unity of the state management on social insurance.
2. The Ministry of Labour, Invalids and Social Affairs is responsible for the unity of the state management on social insurance to the Government.
3. The ministries, relevant bodies, offices under the Government in the range of their responsibilities and authorities are responsible for the state management of social insurance.
4. The provincial People's Committees implement the state management functions on social insurance at provincial levels in accordance with the decentralization of the government.

Article 9. Modernization of social insurance management.

1. The Government encourages investments on technology development and modern advance technology to ensure the application of a modern social insurance management.
2. The Government stipulates specific regulations on the application of informatic technology on social insurance management.

Article 10. Social insurance inspection

1. The Labour Inspection under the Ministry of Labour, Invalids and Social Affairs carries out the inspection functions on social insurance.
2. The organization, rights and responsibilities of special inspection on social insurance are stipulated in the law of inspection.

Article 11. Rights and responsibilities of trade unions

1. The Trade Union has the following rights:
 - a) To protect legal rights and benefits of insured employees;
 - b) To request the employers and social insurance organization to provide information on social insurance for the employees.
 - c) To recommend to the state managerial agencies on the sanction of violations on social insurance law.
2. The Trade Union has the following responsibilities:

- a) To advocate and disseminate information on the regimes, policies and laws on social insurance to the employees;
- b) To suggest, involve in the development, amend and supplement social insurance regimes, laws and policies.
- c) To involve in monitoring and controlling the implementation of the social insurance law

Article 12. Rights and responsibilities of Employer's organizations

1. The Employer's organization has the following rights;
 - a) To protect legal rights and benefits of insured employers
 - b) To recommend to the state managerial agencies on the sanction of violations on social insurance law .

2. The Employer's organization has the following responsibilities:
 - a) To advocate and disseminate information on the social insurance regimes, policies and laws to the employers;
 - b) To suggest, involve in the development, amend and supplement social insurance regimes, policies and laws.
 - c) To involve in monitoring and controlling the implementation of the social insurance law.

Article 13. Reporting and Auditing system

1. The Government reports to the National Assembly on the management and the use of social insurance fund annually.
2. The State Auditing Company will carry out periodic auditing (every three years) to social insurance fund and reports auditing results to the National Assembly. In emergency case, at the request of the National Assembly, the Standing Committee of the National Assembly or the Government, the social insurance fund will be unscheduled audited.

Article 14. Acts which are prohibited

1. Refusing to pay social insurance premiums as stipulated in this law.
2. Committing a fraud and forging profiles in implementing social insurance.
3. Using social insurance fund for a wrong purpose.
4. Annoying, making barriers and damaging the legal rights and benefits of the employees and employers.
5. Providing wrong report and erroneous information and data on social insurance.

Chapter II
Rights and Responsibilities of the EMPLOYEES,
employers
and social insurance organization

Article 15. Rights of the employees:

The employee has the following rights:

1. To be issued a social insurance booklet ;
2. To receive the social insurance booklet in case of ceasing to work.
3. To receive old age pension and social insurance benefits in time and in full.
4. To be covered by health insurance in the following cases:
 - a. receiving monthly old age benefit;
 - b. receiving employment injury and occupational disease benefit;
5. To grant authorization for the authorized person to receive old age pension and social insurance benefit.
6. To request the employers to provide information as stipulated in Point h, Provision 1, Article 18; and to request social insurance organization to provide information as stipulated in Provision 11, Article 20 of this law.
7. To complain and denounce on social insurance.
8. Other rights as stipulated in the law.

Article 16. Responsibilities of the employees

1. The employee has the responsibilities as follows:
 - a) To pay social insurance premiums as stipulated in this Law.
 - b) To follow regulations on setting up a social insurance profile.
 - c) To maintain social insurance booklet as regulated.
 - d) Other responsibilities as stipulated in the law.

2. In addition to the responsibilities stipulated in Provision 1 of this Article, the insured employee also has the responsibilities as follows:
 - a) To register his/her unemployment with the social insurance organization.
 - b) To inform the social insurance organization monthly about his/her situation on employment seeking during the period of receiving unemployment benefit.
 - c) To accept the job or appropriate vocational training course offered by the social insurance organization.

Article 17. Rights of the employers:

The employer has the following rights:

1. To refuse to meet requests which vary from the provisions of the regulation on social insurance.
2. To complain and denounce on social insurance.
3. Other rights stipulated in law.

Article 18. Responsibilities of the employers:

1. The employer has the responsibilities as follows:
 - a) To pay social insurance premiums as stipulated in Article 92 and to deduct the employee's contribution to the social insurance fund from his/her monthly wage as stipulated in Provision 1 Article 91 of this law;
 - b) To maintain employee's social insurance booklets while they are working in/her enterprise;
 - c) To return the social insurance booklet to the employee when his/her contract is terminated;
 - d) To prepare profiles for the entitled employee to have social insurance booklets, to contribute and receive social insurance benefits;
 - e) To pay social insurance benefits for the employees;
 - f) To introduce the employees to the Medical Assessment Board to take assessment of their incapacities for work as stipulated at Point a, Provision 1, Article 41, Article 51 and Point b, Provision 1, Article 55 of this law;

- g) To provide relevant documents and information as requested by the state authority bodies;
 - h) To provide information about the contribution of the employees to the social insurance fund at the request of the employee or trade union
 - i) Other responsibilities as stipulated in the law.
2. In addition to the implementation of the regulations stipulated in Provision 1 of this Article, the employers who join unemployment insurance scheme pay unemployment insurance premiums on a monthly basis as stipulated at Provision 2, Article 102 and at the same time to deduct the contribution of the employee from his/her monthly wage stipulated in Provision 1, Article 102 to contribute to unemployment insurance fund.

Article 19. Rights of the social insurance organization

The social insurance organization has the following rights

- 1. To manage human resource, finance and property as stipulated by the law;
- 2. To refuse to pay social insurance benefit which contradict regulations;
- 3. To make complaints about social insurance;
- 4. To check the contributions to social insurance fund and to pay the social insurance benefits;
- 5. To recommend to the state managerial agencies on the development, amendment and supplement to social insurance regimes, policies and laws and the management of the social insurance fund;
- 6. To recommend to the State authority bodies on the sanction of violations on social insurance law; and
- 7. Other rights as stipulated in the law.

Article 20 Responsibilities of the social insurance organization

The Social Insurance Organization has the following responsibilities:

1. To advocate and disseminate information on social insurance regimes, policies and laws; to provide guidance on social insurance procedures for the employees and the employers who are entitled to social insurance;
2. To collect social insurance premiums as stipulated in this law;
3. To receive social insurance profiles, settle social insurance claims and pay for the old age pension and social insurance benefits in time, in full and with convenience;
4. To issue social insurance booklet for each employee;
5. To manage and utilize social insurance fund as regulated in the law.
6. To implement measures to raise and preserve social insurance fund.
7. To implement statistic works, accounting and professional guidance on social insurance.
8. To introduce the employees to the Medical Assessment Board to take assessment of incapacity for work as stipulated in Point b, Provision 1 and 2, Article 41 of this law.
9. To apply informatic technology in social insurance management and to maintain the records of insured people as stipulated in the law.
10. To report to Social Insurance Management Board on the implementation of social insurance every six months. To report to the Government and the State Managerial agencies on the management and the utilization of social insurance fund annually.
11. To provide fully and timely information on the payment of social insurance premiums, entitlements and implementation procedures of social insurance at the request of the employees or trade union.
12. To provide relevant documents and relevant information at the request of the State authority agencies.
13. To settle in a timely manner complaints and denouncements about the implementation of social insurance.
14. To implement international cooperation on social insurance.
15. Other responsibilities as stipulated in the law.

Chapter III
COMPULSORY SOCIAL INSURANCE

Session 1.
SICKNESS BENEFIT

Article 21. Coverage of sickness benefit

Employees who are stipulated in Point a,b,c and d of Provision 1, Article 2 of this law shall be entitled to sickness benefit.

Article 22. Qualifying conditions for sickness benefit

1. The employee who has suffered from sickness and risk accident and has medical certificate issued by medical station shall be entitled to sickness benefit.

In case, the employee who takes leave of sickness and accident because of self-inflicted, alcoholism or drug abuse shall not be entitled to sickness benefit.

2. The employee who has a child under 7 years of age and takes sick leave to look after the child and has a medical certificate issued by Medical Station shall be entitled to sickness benefit.

Article 23. Period for sickness benefit

1. The maximum entitled period for sickness benefit in a year for the employees stipulated in points a,b, and c of Provision 1, Article 2 of this law is based on working days excluding holidays, Tet holidays and weekend holidays and stipulated as follows:
 - a) Working in normal condition, he/she shall be entitled to 30 days in a year, if he/she has paid social insurance premiums for less than 15 years; 40 days in a year, if he/she has paid social insurance premiums for at least 30 years;
 - b) Working in heavy or hazardous occupations or jobs in the list of heavy or hazardous occupations or jobs issued by MoLISA and MOH or working regular in areas where the area allowance is indexed at least 0,7, he/she is entitled to 40 days if he/she has paid social insurance premiums for less than 15 years and 50 days if he/she has paid social insurance premiums from 15 years to less

than 30 years and 70 days if he/she has paid social insurance premiums for at least 30 years.

2. The employee who has suffered from a disease which requires long treatment in the list of long treatment diseases issued by the MoH is entitled to sickness benefit as follows:
 - a) Maximum of 180 days in a year including public holidays, TET holidays and weekend holidays;
 - b) In the event that the employee must continue his/her medical treatment after these 180 days, he/she continues to be entitled to sickness benefit at a lower rate.
3. The period for sickness benefit of the employees stipulated in Point d Provision 1, Article 2 of this law is decided by the medical treatment period at the medical station, clinic of the People's Army and the People's Public Security.

Article 24. Duration for child caring benefit

1. The duration for child-caring benefit in a year is computed based on the number of the days to take leave to look after a sick child, maximum of 20 working days if the child is under 3 years of age; maximum of 15 working days if the child is from 3 to less than 7 years of age.
2. In the case of both father and mother of the sick child are insured persons, if the child is still sick after one's expiry period of time for child caring benefit, the other shall be entitled to child caring benefit as stipulated in Provision 1 of this Article.

Article 25. Level of sickness benefit

1. For the employee who is entitled to sickness benefit stipulated in Provision 1, Point a of Provision 2, Article 23 and Article 24 of this law, the level of sickness benefit is equivalent to 75 per cent of the wage on which social insurance premiums are based prior to the leave of absence.
2. For the employee who is entitled to the continuation of sickness benefit stipulated in Point b of Provision 2, Article 24, the level of sickness benefit is as follows:

- a) 65 per cent of the wage on which social insurance premiums are based prior to the leave of absence if the employee has paid social insurance premiums for at least 30 years;
 - b) 55 per cent of the wage on which social insurance premiums are based prior to the leave of absence if the worker has paid social insurance premiums from 15 years to less than 30 years; and
 - c) 45 per cent of the wage on which social insurance premiums are based prior to the leave of absence if the worker has paid social insurance premiums less than 15 years.
3. For the employee who is entitled to sickness leave stipulated in provision 3, Article 23 of this law, the level of sickness leave is equivalent to 100 per cent of the wage on which social insurance premiums are based prior to the leave of absence.
 4. If the level of sickness benefit computed in provision 2 of this Article is less than the common minimum wage then the common minimum wage shall be applied.

Article 26. Health saving and rehabilitation after sickness leave

1. The employee, after the entitled treatment period of sickness stipulated in Article 23 of this law but has not recovered his/her health, he/she shall be entitled to 5-10 days for health saving and rehabilitation in a year.
2. The level of one day sickness benefit is equivalent to 25 percent of the common minimum wage if he/she decides to save and rehabilitate his/her health at home; and 40 per cent of the common minimum wage if he/she decides to save and rehabilitate his/her health at the rest-home.

Session 2
Maternity benefit

Article 27. Coverage of the maternity benefit

The employees stipulated in Points a, b, c and d of provision 1, Article 2 of this law are entitled to maternity benefit.

Article 28. Qualifying conditions

1. The employee shall be entitled to maternity benefit if she is under one of the following cases:
 - a) The pregnant female employee;
 - b) The female employee who gives birth to her child;
 - c) The employee who accepts to adopt an infant under 4 months of age;
 - d) The employee who takes intra-uterus device; and takes sterilize measures.

2. The employees stipulated in Points b and c of Provision 1 of this Article shall be entitled to maternity benefit if she has 6 months fully paying social insurance premiums during 12 months prior giving birth or accepts to adopt an infant.

Article 29. Period of leave entitlement for prenatal care

Pregnant female employee shall be entitled to prenatal leave for 5 times check up, one day per each time; if her working station is far from the medical institution or who is having an ailment or whose fetus is abnormal, she shall be entitled to 2 days off for each maternity check-up.

The period of leave entitlement for prenatal care stipulated in this law is computed based on working days, excluding holidays, Tet holidays and weekend holidays.

Article 30. Period of leave entitlement when having abortion and vasectomy or death fetus

The employee who has suffered from miscarriage, abortion, vasectomy or death fetus shall be entitled to 10 days leave of absence with full pay if the fetus is less than 1 month; 20 days leave of absence if the fetus is from 1 month to 3 months of age; 40 days leave of absence if the fetus is from 3 months to 6 months of age; 50 days leave if the fetus is at least 6 months of age.

The period of maternity leave benefit stipulated in this Article includes holidays, Tet holidays and weekend holidays.

Article 31 Period of maternity leave benefit after giving birth

1. After giving birth, the female employee shall be entitled maternity benefit stipulated as follows:
 - a) Four months for the female employee who works in normal conditions;
 - b) Five months for the female employee who works in hazardous occupation or on heavy duty job under the list of hazardous occupations or on heavy duty jobs issued by MoLISA and MoH; on 3 shifts duty; and working regular in areas where the area allowance is indexed at least 0,7 or for the People's Army and the People's public security;
 - c) Six months for the disabled female employee with disability as regulated by the regulations on people with disability in the law;
 - d) In the case of twin or multiple births, in addition to the period of maternity leave stipulated in this provision, the female employee shall be entitled an additional leave of 30 days for each child from the second.
2. In case of after giving birth, the new born child dies before 60 days of age, the female employee shall be entitled to a leave of absence of 90 days after child delivery; 30 days if the child dies after 60 days of age, but not exceeding maximum period stipulated in Provision 1 of this Article. This leave duration is not calculated as compassionated leave as regulated by the law on labour.
3. In case, only father or mother is insured person or both father and mother are insured persons, the mother dies after the child was born, the father or the legal raiser shall be entitled to maternity leave benefit until the child reaches 4 months of age.
4. The period of maternity leave entitlement stipulated in provision 1,2 and 3 of this Article includes holidays, Tet holidays and weekend holidays

Article 32. Period of Maternity leave entitlement for adopting a newly-born baby

The employee who adopts a newly-born baby less than 4 months of age shall be entitled to maternity leave benefit until the child reaches 4 months of age.

Article 33. Period of maternity leave entitlement when taking Intra-uterus device

1. The employee who takes Intra-uterus device is entitled to 7 days leave with full pay.
2. The employee who takes sterilize is entitled to 15 days leave with full pay.
3. Period of the entitled maternity leave stipulated in Provision 1 and 2 of this Article includes holidays, Tet holidays and weekend holidays.

Article 34. A lump-sum benefit for giving birth or accepting to raise an adopted infant

The female employee who gives birth or accepts to raise an adopted infant under 4 months of age is entitled to a lump-sum benefit equivalent to 2 months of the common minimum wage for each child.

In case, only father is insured person, the mother dies after giving birth, the father is entitled to a lump-sum benefit equivalent 2 months of the common minimum wage for each child.

Article 35. Level of maternity benefit

1. For the employee who is entitled to maternity benefits stipulated in Article 29,30,31,32, and 33 of this law, the level of maternity benefit is equivalent to 100 per cent of the wage on which the social insurance premiums are based prior to the last 6 months of taking leave of absence.
2. Period of maternity leave entitlement is computed as the period of paying social insurance premiums. During this period both employer and employee do not have to pay social insurance premiums.

Article 36. Female employee working before the expiry of maternity leave period

1. The female employee can work before the expiry of the maternity leave of absence stipulated in Provision 1, Article 31 of this law if she meets the following conditions:

- a) At least 60 days after giving birth;
 - b) Having medical certificate from the medical station certifying that her carrying her duties before the expiry of the maternity leave of absence will not endanger her health.
 - c) She has to keep the employer informed and gets an approval from the employer.
2. In addition to the entitled wage, the female employee who works before the expiry of maternity period shall be still entitled to maternity benefit until the expiry of the maternity benefit period stipulated in Provision 1 or Provision 2, Article 31 of this law.

Article 37. Health saving and rehabilitation after giving birth

1. At the expiry of the maternity leave of absence stipulated in Article 30 or in Provision 1, Article 31 of this law, if the female employee has not fully recovered her health, she is entitled to 5-10 days leave of absence for health saving and rehabilitation in a year.
2. The level of one day maternity leave benefit is equivalent to 25 percent of the common minimum wage if she decides to save and rehabilitate her health at home and 40 per cent of the common minimum wage if she decides to save and rehabilitate her health at the rest-home.

Session 3

Employment injury and Occupational Disease benefits

Article 38. Coverage of employment injury and occupational disease benefits

The employee who suffers from employment injury or occupational disease stipulated in Point a,b,c,d and e of Provision 1, Article 2 of this law is entitled to employment injury and occupational disease benefits.

Article 39. Qualifying conditions to employment injury benefit.

The employee shall be entitled to employment injury benefit if he/she meets the conditions as follows:

1. Having suffered from the employment injury under one of the following cases:
 - a) During work time at work place;
 - b) After/ before work time or out side the work place while on assignment by the employer;
 - c) On route to and from place of work and residence and in a reasonable time and route.
2. Having lost earning capacity at least 5 percent because of employment injury stipulated in Provision 1 of this Article

Article 40. Qualifying conditions for occupational disease benefit.

The employee shall be entitled occupational disease benefit if he/she qualifies the conditions as follows:

1. Having suffered from the disease while working in hazardous occupations or jobs in the list of occupational disease issued by the Ministry of Labour, Invalids and Social Affairs.
2. Having lost earning capacity at least 5 percent caused by employment injury stipulated in provision 1 of this Article.

Article 41. Assessment of incapacity for work.

1. The employee who have suffered from employment injury and occupational disease shall be recommended to take reassessment of incapacity for work in the following cases:
 - a) To be recovered after medical treatment of employment injury and occupation disease.
 - b) To be recovered after his/her injury or occupational disease relapses.
2. The employee shall be sent to assess his/her general incapacity for work if he/she is under one of the following cases:
 - a) Having suffered from both employment injury and occupational disease;
 - b) Having suffered from employment injury for many time;
 - c) Having suffered from several occupational diseases.

Article 42. A lump-sum benefit

1. The employee who has lost earning capacity from 5 percent to 30 per cent is entitled a lump-sum benefit.
2. The level of a lump-sum benefit is stipulated as follows:
 - a) The employee who has lost 5 per cent of earning capacity shall be given benefit equivalent to 5 months of the common minimum wage, then 0.5 percent of the common minimum wage for every additional per cent of losing earning capacity; and
 - b) In addition to the benefit stipulated in the Point a of this Provision, the employee shall be entitled to an additional benefit based on the years of paying social insurance premiums, If social insurance premiums have been paid less than one year, it is calculated equivalent to 0.5 month, then for every additional year of paying social insurance premiums he/she shall be entitled to 0.3 month of

the wage on which social insurance premiums are based prior to the last month of taking leave of absence for medical treatment.

Article 43. Monthly benefit

1. The employee who has lost at least 31 per cent of earning capacity is entitled to monthly benefit.
2. The level of monthly benefit is regulated as follows:
 - a) The employee who has lost at least 31 per cent of earning capacity shall be given benefit equivalent to 30 per cent of the common minimum wage, then 2.0 percent of the common minimum wage for every additional per cent of losing earning capacity; and
 - b) In addition to the benefit stipulated in the Point a of this Provision, the employee shall be entitled to an additional benefit based on the years of paying social insurance premiums monthly, if the social insurance premiums have paid less than one year, it is equivalent to 0.5 per cent, then for every additional year of paying social insurance premiums he/she shall be entitled to 0.3 per cent of the wage on which the social insurance premiums are based prior to his/her leave for medical treatment.

Article 44. Starting date of the benefit

1. The starting date of the benefit stipulated in Article 42,43 and 46 of this law shall be calculated since the month which the employee has finished his/her medical treatment and is discharged from the hospital.
2. In case of a recurring illness, the employee is sent to reassess his/her incapacity for work, the starting date of entitled benefit is calculated from the month of receiving the result from the Medical Assessment Board.

Article 45. Proving functional aid and rehabilitation tools

The employee who has suffered from employment injury and occupational disease which damages the function of the body shall be provided with functional aids, rehabilitation tools based on the level of his/her incapacity for work.

Article 46. Helper benefit

The employee-victim of employment injury, who has lost at least 81 per cent of his/her earning capacity is paralysed in spinal column or lost

his/her eyesight or amputation of two limbs or a serious mental disorder, in addition to the benefit stipulated in Article 43 of this law shall be given a monthly helper allowance equivalent to the monthly common minimum wage.

Article 47. A lump-sum benefit for the later on deceased employee caused by employment injury or occupational disease.

The employee who dies because of labour accident, occupational disease or dies during the time of first medical treatment because of employment injury or occupational disease, the relatives of the employee shall be entitled to a lump-sum benefit equivalent to 36 months of the common minimum wage.

Article 48. Health saving and rehabilitation after medical treatment of injury or occupational disease.

1. If the employee still has not recovered his/her health after the medical treatment of employment injury or occupational disease, he/she shall be entitled to 5-10 days leave for health saving and rehabilitation.
2. The level of one day benefit is equivalent to 25 percent of the common minimum wage if he/she decides to save and rehabilitate her health at home and 40 per cent of the common minimum wage if she decides to save and rehabilitate her health at the rest-home.

Session 4

Old age Benefit

Article 49. Coverage of old age benefit

The employee stipulated in Provision 1, Article 2 of this law is entitled to the old age benefit.

Article 50. Qualifying conditions

1. The employee stipulated in Point a,b,c and e of Provision 1, Article 2 of this Law shall be entitled to the old age pension if he/she is under one of the following conditions:
 - a) Having reached the age of 60 for a man and 55 for a woman;
 - b) Having reached the age of 55 to 60 for a man and from 50 to 55 for women and having worked 15 years in heavy, hazardous and

dangerous occupations in the list issued by the Ministry of Labour, Invalids and Social Affairs and Ministry of Health or having worked at least 15 years regular in areas where the area allowance is indexed at least 0,7; in some other special cases, the qualifying age for an old age benefit shall be regulated by the Government .

2. The employee who has paid social insurance premiums for at least 20 years stipulated in Point d of Provision 1, Article 2 of this Law is entitled to an old age pension if he/she is under one of the following conditions:
 - a) Having reached the age of 55 for a man and 50 for a woman; except those who are under other regulations of the Official Law of the People Army and the People's Public Security;
 - b) Having reached the age from 50 to 55 for a man and from 45 to under 50 for a woman and having worked at least 15 years in heavy, hazardous and dangerous occupations in the list issued by the Ministry of Labour, Invalids and Social Affairs and Ministry of Health or having worked at least 15 years regular in areas where the area allowance is indexed at least 0,7.

Article 51. Qualifying conditions for an old age pension when losing earning capacity.

The employee who has paid social insurance premiums for at least 20 years stipulated in Point a,b,c,d and e in Provision 1, Article 2 of this law losing at least 61% of earning capacity shall be entitled to the old age benefit at the lower level than qualified employee stipulated in Article 50 of this law if he/she she is under one of the following conditions:

1. Having reached the age of 50 for a man and 45 for a woman; and
2. Having at least 15 years working in heavy, hazardous and dangerous occupations in the list issued by the Ministry of Labour, Invalids and Social Affairs and the Ministry of Health.

Article 52. Level of the old age benefit.

1. The level of a monthly old age benefit of the qualified employee stipulated in Article 50 of this law is calculated at 45 percent of the average wage on which the social insurance premiums are based stipulated in Article 58, Article 59 or Article 60 of this law equivalent to 15 years of paying social insurance premiums, then for each additional year of paying insurance

premiums, the man shall get 2 per cent more and the woman shall get 3 per cent more. The maximum rate shall be equivalent to 75 percent.

2. The level of a monthly old age pension of the entitled employee regulated at Article 51 of this law is calculated as regulated in Provision 1 of this Article, then 1 percent shall be reduced for every year of early retirement.
3. The lowest pension wage shall be equivalent to the common minimum wage.

Article 53. Adjustment of the old age pension.

The old age pension shall be adjusted based on an increment of the cost of living index and economic growth. The specific level of adjustment shall be regulated by the Government.

Article 54. A Lump sum of the old age benefit

1. The employee who has contributed to social insurance fund for more than 30 years for a man and more than 25 years for a woman, when he/she is retired, in addition to the old age pension, he/she shall be entitled to a lump-sum benefit.
2. The level of lump-sum benefit is calculated based on the years of paying social insurance premiums since 31st years for man and 26th year for woman. For every year of contributions to social insurance fund, he/she shall be entitled to 0.5 percent of the average monthly wage on which social insurance premiums are based.

Article 55. A lump-sum for the employee who is not illegible for a monthly old age pension

1. A lump-sum can be paid to the employee stipulated in Point a, b, c and e in Provision 1, Article 2 of this law if he/she is under one of the following cases:
 - a) Having reached the retirement age stipulated in Provision 1, Article 50 of this law but having paid social insurance premiums less than 20 years.
 - b) Having lost at least 61 per cent of earning capacity but having paid social insurance premiums less than 20 years
 - c) Having discontinued to pay social insurance premiums after one year of ceasing working and having requested to a lump-sum of

social insurance benefit but having paid social insurance less than 20 years; and

d) Settling abroad.

2. A lump-sum can be paid to the employee stipulated in Point d and e of Provision 1, Article 2 of this law when he/she demobilizes and ceases working but not qualifying for a monthly old age pension benefit stipulated in Provision 2, Article 50 or 51 of this law.

Article 56. Level of a lump-sum social insurance benefit

The level of a lump-sum social insurance benefit is computed based on the number of contribution years to social insurance fund, for each year, he/she shall be entitled to 1 month and half of the average wage on which social insurance premiums are based.

Article 57. Reserving social insurance contribution period.

The employee who ceases working but not qualifying for monthly old age pension stipulated in Article 50, and Article 51 or have not made a withdrawal of a lump-sum as stipulated in Article 55 and 56 of this law shall be entitled to reserve his/her period of paying social insurance premiums.

Article 58. Average wage on which social insurance premiums are based for computing an old age pension and a lump-sum social insurance benefit for the employee who has paid social insurance premium before 1 January 1995.

1. For the employee who has paid social insurance premiums based on his/her monthly wage as defined in the wage scale set by the Government, the computing is done on the basis of the weighted average of his/her wage which has been used as basis for computing the level of his/her social insurance premiums in the last 5 years prior to his/her retirement.
2. For the employee who has the whole period of paying social insurance premiums according to wage regime as defined in the wage scale set by the employer, the computing is done on the basis of the weighted average of his/her wage on which the social insurance premiums are based for the whole period.
3. For the employee who has paid social insurance premiums according to wage regime as defined in the wage scale set by the Government and also

paid social insurance premiums according to wage regime as defined by the employer, the computing is done on the basis of the weighted average of the wage on which the social insurance premiums are based for these periods; During the period of paying social insurance premiums according to wage regime set by the Government, the computing is done on the basis of the weighted average of the wage on which the social insurance premiums are based as stipulated in Provision 1 of this Article.

Article 59. Average wage on which social insurance premiums are based for computing an old age pension and a lump-sum social insurance benefit for the employee who has paid social insurance premiums from January 1, 1995 to the effective date of this law shall be computed as follows:

1. For the employee who has paid social insurance premiums for the whole period according to wage regime as defined in the wage scale set by the Government, the computing is done on the basis of the weighted average of his/her wage of the years during which he/she has paid social insurance premiums prior to his/her retirement as follows:
 - a) For the employee who paid social insurance premiums from 1 January 1995 to 31 December 1999, the computing is done on the basis of the weighted average of his/her wage of the last 6 years during which he/she has paid for social insurance premiums prior to his/her retirement;
 - b) For the employee who paid social insurance premiums from 1 January 2001 to 31 December 2006, the computing is done on the basis of the weighted average of his/her wage of the last 8 years during which he/she has paid for social insurance premiums prior to his/her retirement.
2. For the employee who has the whole period of paying insurance premiums according to wage regime as defined in the wage scale set by the employer, the computing is done on the basis of the weighted average of his/her wage on which the social insurance premiums are based for the whole period.
3. For the employee who has paid social insurance premiums according to wage regime as defined in the wage scale set by the Government and also paid social insurance premiums according to wage regime as defined by the employer, the computing is done on the basis of the weighted average of the wage on which the social insurance premiums are based for these periods; During the period of paying social insurance premiums according to wage regime set by the Government, the computing is done on the

basis of the weighted average of the wage on which the social insurance premiums are based as stipulated in Provision 1 of this Article.

Article 60. Average wage on which the social insurance premiums are based for computing a old age pension and a lump-sum benefit for the employee who pays social insurance premiums since the effective date of social insurance law .

1. If the employee has fully paid social insurance premiums according to wage regime as defined in the wage scale set by the Government, the computing is done on the basis of the weighted average of his/her wage of the last 10 years prior to his/her retirement.
2. If the employee has fully paid social insurance premiums according to wage regime as defined in the wage scale set by the employer, the computing is done on the basis of the weighted average of his/her wage which has been used as basis for computing the level of his/her social insurance premiums for the whole period.
3. The employee who has both paid social insurance premiums according to wage regime as defined in the wage scale set by the Government and social insurance premiums according to wage regime as defined by the employer, the computing is done on the basis of the weighted average of the wage which has been used as basis for computing the level of social insurance premiums for these periods. During the period of paying social insurance premiums according to wage regime set by the Government, the computing is done on the basis of the weighted average of the wage which has been used as basis for computing the level of social insurance premium as stipulated in Provision 1 of this Article.

Article 61. Adjustment of the monthly wage on which social insurance premiums are based.

1. The monthly wage of the employee on which social insurance premiums are based stipulated in Provision 1, Article 94 shall be adjusted based on the level of the common minimum wage at the time of receiving old age pension.
2. The monthly wage of the employee on which social insurance premiums are based stipulated in Provision 2, Article 94 shall be adjusted based on the cost of living index of each period regulated by the Government.

Article 62. Temporary suspending an old age pension and monthly social insurance benefit

The employees who receives the monthly old age pension and social insurance benefit shall be suspended temporarily if he/she is under one of the following cases:

1. Imprisonment;
2. Illegally migration; and
3. Missing proclaimed by the court

Session 5
Survivor's benefit

Article 63. Funeral allowance

1. The following employee when he/she dies, the undertaker for his/her funeral service shall be given funeral allowance if he/she is under one of the cases as follows:
 - a) Having paid his/her social insurance premiums stipulated in Provision 1, Article 2 of this law ;
 - b) Having reserved his/her social insurance period;
 - c) Having received monthly old age pension, employment injury and occupational disease benefit after ceasing working.
2. The funeral allowance is equivalent to 10 months of the common minimum wage.
3. In case the employee stipulated in Provision 1 of this law is declared him/her late on deceased by court, his/her relatives shall be entitled to allowance stipulated in Provision 2 of this Article.

Article 64. Eligibility for monthly survivors' benefit

1. The employee stipulated in Provision 1, Article 63 of this law, when he/she dies his/her relatives shall be entitled to monthly survivors' benefit for his/her death if he/she is one of the following cases:

- a) Having paid social insurance premiums for at least 15 years, but have not made a withdrawal of a lump-sum;
 - b) Having received monthly old age pension;
 - c) Deceased because of employment injury and occupational disease;
 - d) Having received monthly employment injury and occupational disease benefits with incapacity for work of at least 61 per cent.
2. The relatives of the insured employee stipulated in Provision 1 of this Article shall be eligible for monthly survivors' benefit as follows:
- a) His/her children have not reached 15 years of age; his/her children are still going to school and below 18 years of age; his/her children reached 15 years of age if having lost at least 81 percent of earning capacity;
 - b) Legal spouse reaches 60 years of age for a man and 55 years of age for a woman; Legal spouse has not reached 60 years of age for a man and 55 years of age for a woman if having lost at least 81 percent of earning capacity;
 - c) The father, mother, father- in- law and mother- in- law/custodians who reach 60 years of age for a man and 55 years of age for a woman;
 - d) The father, mother, father- in- law and mother- in- law/custodians who are under 60 years of age for a man and 55 years of age for a woman if having lost at least 81 percent of earning capacity.

The relatives of the insured employee stipulated in Points b, c and d of this Provision must have no income or have income but lower than the common minimum wage.

Article 65. Monthly survivors' benefit

1. The level of monthly survivors' benefit for each dependent of the late on deceased employee is entitled to 50 percent of the common minimum wage; in case the dependent of the late on deceased employee has no direct raiser, he/she shall be entitled to 70 percent of the common minimum wage.
2. For one late on deceased employee stipulated in Provision 1, Article 64 of this law, the number of dependent to be given this monthly benefit shall not exceed four persons. For at least 2 late on deceased employees, the dependents of these late on deceased employees are entitled 2 times of the allowance stipulated in Provision 1 of this Article;
3. Eligibility time of survivors' benefit shall be started right in the month after the employee/ benefited person of the old age pension, employment injury and occupational disease dies.

Article 66. Eligibility for a lump-sum survivors' benefit

If the employee stipulated in Provision 1, Article 63 of this Law is under one of the following cases when he/she dies, his/her relatives shall be entitled to a lump-sum survivors' benefit :

1. The late on deceased employee who has not met requirements specified in Provision 1, Article 64 of this law;
2. The late on deceased employee is under one of the conditions stipulated in Provision 1, Article 64, but has no dependant to receive monthly survivors' benefit stipulated in Provision 2, Article 64 of this law.

Article 67. Level of a lump-sum survivors' benefit

1. The level of a lump-sum survivors' benefit for dependants of the employee who has worked under labour contract or reserved social insurance period is computed based on the period of paying social insurance premiums, equivalent to 1,5 month of average monthly wage for each year of the contribution to the social insurance fund on which social security premiums are based; the lowest level must be at least equivalent to 3 months of the average monthly wage.
2. The level of a lump-sum survivor's benefit for dependants of the employee who has received monthly old age pension shall be computed based on the period of receiving the old age benefits, if he/she dies in the first 2 months of the entitled old age pension, his/her dependants shall receive a lump-sum allowance equivalent to 48 months of the entitled old age pension; if he/she dies in the later months, for each month received old age pension,

the level of pension benefit shall be deducted 0,5 month of old age pension, the lowest level must be at least equivalent to 3 months of the entitled old age pension.

Article 68. Computing the old age pension and survivors' benefits for the employee who has paid voluntary social insurance premiums then paid compulsory social insurance premiums.

1. For the employee who has paid voluntary social insurance premiums then compulsory social insurance premiums, the computing is done as basis for computing old age pension and survivors' benefit based on the period of paying voluntary social insurance premiums plus the period of paying compulsory social insurance premiums.
2. The computing is done on the basis of the weighted average of the wage on which the social insurance premiums of the employee are based in Provision 1 of this Article regulated by the Government.

Chapter IV **VOLUNTARY SOCIAL INSURANCE**

Session 1 **Old age Pension**

Article 69. Coverage of an old age pension

The employee stipulated in Provision 5, Article 2 of this law shall be entitled to voluntary social insurance.

Article 70. Eligibility for a old age pension

1. The employee shall be entitled to old age pension if he/she meets the following conditions:
 - a) Having reached the age of 60 for man and 55 for women;
 - b) Having paid social insurance premiums for at least 20 years,
2. In case the employee has reached the age of 60 for man and 55 for women but the period of paying social insurance is short of less than 5 years compared to the period regulated in Point b in Provision 1 of this law shall

be entitled to continue his/her contributions to the social insurance fund until he/she reaches 20 years of social insurance contribution.

Article 71. Level of a monthly old age pension

1. The level of the monthly old age pension is computed equivalent to 45 percent of the averaged wage at a level of monthly wage on which social insurance premiums are based, stipulated in Article 76 of this law equivalent to 15 years of paying social insurance premiums, then 2 more percent for man and 3 percent for women for each year of paying social insurance premiums; the highest level of the monthly old age pension is equivalent to 75 per cent.
2. The adjustment of a old age pension shall be implemented as regulated in Article 53 of this law.

Article 72. A lump-sum of old age pension

1. The employee who has paid social insurance premiums at least 30 years for man and 25 years for women in additions to old age pension shall be entitled a lump-sum benefit.
2. The level of a lump-sum benefit is computed based on the years of paying social insurance premiums as from 31 years and more for man and as from 26 years and more for woman. For each year of paying social insurance premiums, it is equivalent to 0.5 month of the average wage on which the social insurance premiums are based.

Article 73. A lump-sum social insurance benefit for the employee who has not qualified for the monthly old age pension.

The employee shall be entitled to a lump-sum social insurance benefit if he/she meets one of the following conditions:

1. Having reached the age of 60 for man and 55 for woman except the condition stipulated in Provision 2, Article 70 of this law;
2. Having discontinued to pay social insurance premiums and having requested to a lump-sum of social insurance benefit but having paid social insurance less than 20 years;
3. Moving to settle legally in a foreign country.

Article 74. Level of a lump-sum social insurance benefit

The level of a lump-sum social insurance benefit is computed based on the years of paying social insurance premiums, for each year, he/she shall be entitled to 1.5 per cent of the average wage on which the social insurance premiums are based.

Article 75. Reserving period of paying social insurance premiums.

The employee who stops paying voluntary social insurance premiums but has not reached entitlement for a old age pension as stipulated in Article 70 or has not received a lump-sum social insurance benefit as stipulated in Article 73 and 74 of this law shall be entitled to reserve his/her period of paying social insurance premiums.

Article 76 Level of average monthly wage on which social insurance premiums are based.

1. The level of an average monthly wage on is computed based on the levels of monthly wage on which social insurance premiums are based for the whole period.
2. The monthly wage on which social insurance premiums are used as basis to pay his/her social insurance premiums shall be adjusted based on the cost of living index of each stipulated by the Government.

Session 2
Survivors' benefit

Article 77. Funeral allowance

1. The undertaker who is responsible for funeral service of the following later on deceased employee shall be given funeral allowance if:
 - a) The *later on deceased* employee has paid voluntary social insurance premiums for at least 5 years;
 - b) The *later on deceased* employee has received monthly old age pension;
2. The funeral allowance is equivalent to 10 common minimum monthly wages.
3. In case, the subject stipulated in Provision 1 of this Article was deceased declared by court, his/her dependant relatives shall be entitled to the funeral allowance stipulated in Provision 2 of this Article.

Article 78. Eligibility for survivors' benefit

1. The employee has paid social insurance premiums/ reserved social insurance period/ received monthly old age pension when he/she dies, his/her dependant relatives shall be entitled to a lump-sum survivors' benefit.
2. The level of a lump-sum benefit for dependants of the employee who has paid social insurance premiums or reserved social insurance period is computed based on the period of contributions to social insurance fund, equivalent to 1.5 months of average monthly wage for each year on which social security premiums are based.
3. The level of a lump-sum benefit for dependants of the employee who receives monthly old age pension is computed based on the period of paying social insurance premiums. If he/she dies in the first 2 months entitlement of the old age pension, his/her dependants shall receive a lump-sum allowance equivalent to 48 months of old age pension; if he/she dies in the later months, for each month entitlement old age pension, the level of pension benefit shall be reduced 0,5 month of the old age pension.

Article 79. Computing old age pension and survivors' benefit for the employee who has paid compulsory social insurance premiums then voluntary social insurance premiums.

1. For the employee who has paid compulsory social insurance premiums then voluntary social insurance premiums, the computing is done as basis for computing old age pension and survivors' benefit based on the period of paying compulsory social insurance premiums plus the period of paying voluntary social insurance premiums.
2. The computing is done on the basis of the weighted average of the wage on which the social insurance premiums of the employee are based in Provision 1 of this Article regulated by the Government

Chapter V **Unemployment Benefit**

Article 80. Coverage of unemployment benefit

The employee who works under the employment contract stipulated in Provision 3, and the employer stipulated in Provision 4, Article 2 of this law shall be entitled to unemployment scheme;

Article 81. Eligibility for unemployment benefit

The unemployed person shall be entitled to unemployment benefit if he/she meets the following conditions:

1. Having paid unemployment insurance premiums for at least 12 months in 24 months prior being unemployed.
2. Having registered as the unemployed person to the Unemployment Insurance Organization.
3. Has not found a job after 15 days registered with the Unemployment Insurance Organization stipulated in Provision 2 of this Article;

Article 82. Unemployment benefit

1. The level of unemployed benefit is equivalent to 60 percent of the average wage of six months prior to losing job on which the social security premiums are based.
2. The duration of unemployment benefit is regulated as follows:

- a) 3 months, if the employee has paid unemployment insurance premiums from 12 months to less than 36 months
- b) 6 months, if the employee has paid unemployment insurance premiums from 36 months to less than 72 months;
- c) 9 months, if the employee has paid unemployment insurance premiums from 72 months to less than 144 months;
- d) 12 months, if the employee has paid unemployment insurance premiums for at least 144 months.

Article 83. Support for Vocational training

The unemployed person who receives unemployment benefit shall be supported in vocational training for a period not exceeding 6 months. The level of the supporting fee is equivalent to the level of the fee for a short-term vocational training regulated in the law on vocational training.

Article 84. Support for job seeking

The unemployed person who receives unemployment benefit shall be supported in finding a job and providing employment advisory services free of charge.

Article 85. Health insurance

1. The unemployed person who receives unemployment benefit shall be also entitled to health insurance.
2. The health insurance of the unemployed person who receives unemployment benefit shall be paid by the social insurance organization;

Article 86. Suspending unemployment benefit.

The unemployment benefit of the unemployed person shall be suspended if he/she is under one of the following cases:

1. False to comply with regulations stipulated in Point b of Provision 2, Article 16 of this law;
2. Put in temporary detention.

Article 87. Termination of unemployment benefit

1. The unemployed person shall be terminated unemployment benefit if he/she is under one of the following cases:
 - a) His/her unemployment benefit period expires;
 - b) He/she finds a job;
 - c) He/she serves in the army service;
 - d) He/she receives monthly old age pension;
 - e) He/she refuses to take a job offered twice by the Unemployment Insurance Organization with out legitimate reasons.
 - f) He/she fails to comply with regulations stipulated in Point b of Provision 2, Article 16 of this law in uninterrupted 3 months;
 - g) He/she settles in foreign country;
 - h) He/she is under administrative punishment at centre for re-education or health station or serves an imprisonment sentence except in custody case;
 - i) He/she dies.
2. The unemployed person who is terminated unemployment benefit stipulated in Points b and c of Provision 1 of this Article shall be entitled to a lump-sum benefit equivalent to the balance of the total unemployment benefit stipulated in Article 82 of this law.
3. After the termination of unemployment benefit stipulated in Provision 1 of this Article, the previous period of paying unemployment insurance premiums shall not be taken into account for the next unemployment benefit.

Chapter VI

SOCIAL INSURANCE FUND

Section 1

Compulsory Social Insurance Fund

Article 88. Sources of the social insurance fund

1. Social insurance premiums paid by employers stipulated in Article 92 of this law;
2. Social insurance premiums paid by employees stipulated in Article 91 of this law;
3. Profit earned from the fund;
4. Contributions from the State;
5. Other legal sources.

Article 89. Components of the social insurance fund

1. The fund for Sickness and Maternity benefit;
2. The fund for Employment injury and Occupational disease benefit;
3. The fund for a Old age Pension and Survivor's benefit.

Article 90. Utilization of the Fund

1. Pay for the employee who is entitled to social insurance benefit stipulated in Chapter III of this law;
2. Pay health insurance premiums for the employee who receives the monthly old age pension or on monthly employment injury and occupational disease benefit;
3. Cover for management expenses;
4. Cover for rewarding stipulated in Provision 2, Article 133 of this law.
5. Invest for raising fund's preservation and growth in accordance with the regulations stipulated in Article 96 and Article 97 of this law.

Article 91. Level and mode of paying social insurance premiums from the employees

1. Every month, the employee stipulated in Points a,b,c and d of Provision 1, Article 2 of this law shall pay social insurance premiums equivalent to 5 percent of the wage on which social insurance premiums are based, to the

pension and survivors' fund; from 2010, the contribution rate will be increased 1 per cent for every 2 years until it reaches 8 per cent.

2. For the employee who is on the pay roll of business production cycle in agricultural forestry, piscicultural and salt farms, the level of monthly social insurance premiums paid by the employee is stipulated in Provision 1 of this Article. The mode of paying social insurance premiums can be on monthly and quarterly basis or every six months.
3. The level and mode of paying social insurance premiums by the employee stipulated in Point e of Provision 1, Article 2 of this law are regulated by the Government.

Article 92. Level and mode of paying social insurance premiums from the employers

1. The employer shall pay social insurance premiums monthly from the employee's wage fund on which social insurance premiums are based stipulated in Points a,b,c and d of Provision 1, Article 2 of this Law as follows:
 - a) 3 percent to the sickness and maternity fund, of which 2 per cent for the employer to pay for the entitled employees in times stipulated in Session 1 and Session 2, Chapter III of this law and draw the balance sheet with the social insurance organization quarterly;
 - b) 1 percent to the employment injury and occupational disease fund;
 - c) 11 per cent to the old age pension and survivor's fund, from 2010 the contribution rate will be increased 1 per cent for every 2 years until it reaches 14 per cent
2. The employer shall pay social insurance premiums monthly based on the common minimum wage of the employee stipulated in Point e of Provision 1, Article 2 of this law as follows:
 - a) 1 percent to the employment injury and occupational disease fund;
 - b) 16 per cent to the old age pension and survivor's fund; from 2010 the contribution rate will be increased 1 per cent for every 2 years until it reaches 22 percent .
3. For the employers who run agricultural, forestry, pisci-cultural and salt farms and pay employee's wage based on business production cycle, the level of

monthly social insurance premiums is stipulated in Provision 1 of this Article. The mode of paying social insurance premiums can be on monthly, quarterly basis or every six months.

Article 93. Suspending of contributing to pension and survivor's fund

1. The employer who suffers from natural calamity, failure of crops, or temporary ceasing production because of difficulties which lead to incapacities to contribute to the old age pension and survivor's fund shall be allowed to suspend contributions to old age pension and survivor's fund but not exceeding 12 months.
2. The Government regulates specific conditions, period and authorization of suspending.

Article 94. Monthly Wage on which social insurance premiums are based

1. For the employee, who is getting wage as defined in the wage scale set by the Government, the monthly wage on which social insurance premiums are based shall be the wage based on the rank, position, military rank, leadership allowance, seniority allowance, regional allowance, and allowance for retained ratio differential, if any. This wage is computed based on the common minimum wage.
2. For the employee, who is getting wage as defined in the wage scale set by the employer in accordance with the regulations in the Labour Code, the monthly wage on which the social insurance premiums are based shall be the wage written in employment contract.
3. In case, the wage level stipulated in Provision 1 and 2 of this Article is higher than the common minimum wage 20 times, the wage which is used to calculate social insurance premiums shall be equivalent to 20 times of the common minimum wage.

Article 95. Management fee

1. The annual management fee of the compulsory social insurance is extracted from the profit earned from the investment of the fund.
2. The management fee of the compulsory social insurance is equivalent to the management fee of the State Administrative Organization. .

Article 96. Investment principle

The investment activity of the social insurance fund must be safe, effective and easy to take back when required;

Article 97. Mode of investments.

1. Buying bonds, treasury bills, public debts of the Government or Government Commercial Banks.
2. Lending to Government Commercial Banks.
3. Investing in National Priority Economic Works.
4. Other investments regulated by the Government.

Section 2
Voluntary Social Insurance Fund

Article 98. Sources of voluntary social insurance fund

1. Social insurance premiums paid by employees stipulated in Article 100 of this Law;
2. The Profit earned from investment activity of the fund;
3. Contributions from the State;
4. Other legal sources.

Article 99. Utilization of voluntary Social Insurance Fund

1. Pay for the employee who is entitled to social insurance benefit stipulated in Chapter IV of this law;
2. Pay health insurance premiums for the insured employee who receives the monthly old age pension under the voluntary social insurance;
3. Cover management expense;
4. Invest for raising and preserving fund stipulated in Article 96 and Article 97 of this law.

Article 100. Level and Mode of paying social insurance premiums from employees

1. The level of monthly contribution is equivalent to 16 per cent of the wage selected by the employee on which the social insurance premiums are based; from 2010 the contribution rate will be increased by 2 per cent every 2 years until it reaches 22 percent.

The wage on which the social insurance premium is based shall be changed based on the solvency of the employee in each period, but not lower than the common minimum wage and not exceeding 20 times of the common minimum wage.

2. The employee can select one of the following modes of paying voluntary social insurance premiums:
 - a) on a monthly basis;
 - b) on a quarterly basis;
 - c) on every six months;

Article 101. Management expense

1. The annual management fee of the voluntary social insurance is extracted from the profit earned from the investment of the fund.
2. The management fee of the voluntary social insurance is equivalent to the management fee of the State Administrative Organization.

Section III
Unemployment Insurance Fund

Article 102. Sources of the Unemployment insurance fund

1. The employees pay 1 percent of the monthly wage on which social insurance premiums are based;
2. The employers pay 1 percent of the monthly wage of the insured persons on which the social insurance premiums are based;
3. The Government contribute the amount equivalent to 1 percent of the monthly wage of the insured persons on which the social insurance premiums are based from the State budget and transfer the money to the social insurance fund one time per year.
4. Profit earned from the investment of the fund;
5. Other legal sources.

Article 103. Utilization of the Unemployment Insurance Fund

1. Pay for unemployment benefit;
2. Support for vocational training;
3. Support for unemployed persons who are looking for a new job;
4. Pay Health Insurance for the person who receives unemployment insurance benefit;
5. Cover management expense;
6. Invest for raising and preserving fund stipulated in Article 96 and Article 97 of this law.

Article 104. Management fee

The management fee of the unemployment insurance is equivalent to the management fee of the State Administrative Organization.

Article 105. Monthly wage on which unemployment insurance premiums are based on

The monthly wage on which unemployment insurance premiums are based is stipulated in Article 94 of this law.

Chapter VII
SOCIAL INSURANCE ORGANIZATION

Article 106. Social insurance organization

1. Social insurance organization is an administration organization which has functions of the implementation of social insurance regimes, social insurance policies, management and utilization of social insurance fund in accordance with regulations in this Law.
2. The organizational structure of social insurance organization is regulated by the Government.

Article 107. Social Insurance Management Board

1. The Social Insurance Management Board is established by the Government. Its functions are to monitor and control activities of social insurance organization.
2. The Social Insurance Management Board comprises representatives from the Ministry of Labour, Invalids and Social Affairs, Ministry of Finance, the Viet Nam General Confederation of Labour, the Chamber and Commerce Industry of Viet Nam, Viet Nam Cooperatives Alliance, Social Insurance Organization and other members assigned by the Government;
3. The Social Insurance Management Board comprises President, Vice-presidents and other members assigned and dismissed by the Prime-Minister;
4. The Government issues operation regulations for the Social Insurance Management Board.

Article 108. Functions of the Social Insurance Management Board:

1. To appraise the annual Action Plan of the Social Insurance Organization as well as to monitor and control the implementation of the Action Plan.
2. To make a decision on the mode of investment of the social insurance fund at the request of the Social Insurance Organization;
3. To propose to State Administration Organizations on amending, supplementing social insurance policies and regimes; development strategy of the organization, and strengthening the organizational system .
4. To request the Prime-Minister to assign and to dismiss titles of leader of Social insurance Organization.

Chapter VIII **Procedures of Social insurance Implementation**

Article 109. Social Insurance Booklet

1. The social insurance booklet shall be issued to each employee to keep track of the contributions and entitlement of social insurance benefits and also be used to settle the social insurance benefits stipulated in this law. The sample of social insurance Booklet is regulated by the Social Insurance Organization.
2. The social security booklet shall be gradually replaced by an electronic card during the process of application of informatic technology in social insurance management. The Government shall regulate procedures of social insurance implementation while using the social insurance card.

Article 110. Profile of the insured persons

1. The profile of the insured person for compulsory social insurance comprises:
 - a) An individual declaration form of the employee issued by the social insurance organization;
 - b) List of voluntary social insurance participants prepared by the employer;
 - c) A copy of the Decision on the Establishment or Certification of Business Registration or Business License of the employer who joins social insurance for the first time; labour contract with the employer who employs the employee.

2. The profile of the insured person for voluntary social insurance comprises an individual declaration form issued by the social insurance organization.
3. The profile of insured person of unemployment insurance scheme comprises:
 - a) An individual declaration form issued by the social insurance organization;
 - b) List of insured persons of unemployment insurance scheme prepared by the employers .

Article 111. Issuance of social insurance booklet

1. Within 30 days from the date of signing labour contract or recruiting employees, the employer submits the profile of his/her employees for social insurance benefits to the social insurance organization as stipulated in Provision 1 and Provision 3, Article 110 of this law.
2. The employee submits the profile to the social insurance organization as stipulated in Provision 2, Article 110 of this law.
3. The Social Insurance Organization has the responsibility of issuance of social insurance booklet for insured persons within 30 days, from the date of receiving profile of the employees under the compulsory social insurance and unemployment insurance; and within 20 days from the date of receiving profile of the employees under the voluntary social insurance; in case the social insurance booklet can not be issued , a written response to explain the reason has to be sent to the claimant.

Article 112. Profile of insured employee for sickness benefit

1. Social insurance booklet.
2. Medical certificate if he/she is outpatient treatment; Certificate of being discharged from hospital if he/she is inpatient treatment from the medical station; Certificate of being discharged from hospital or diagnose note of the hospital if he/she has disease which needs long treatment ;
3. Certificate from the employer to certify working conditions for the employee who works in heavy or hazardous occupation/job or in areas where the area allowance is indexed at least 0.7.
4. Certificate from the employers to certify the duration of taking leave to look after a sick child together with a medical examination certificate of the child for those taking leave to look after a sick child.
5. A list of sick employees or employees who have sick children prepared by the employers

Article 113. Profile of insured employee for maternity benefits includes:

1. Social insurance booklet.
2. A copy of the certificate of birth or of birth notice or a copy of the certificate of death, if the infant or the mother dies;

In case female employee takes maternity leave for check-up, suffers from miscarriage, abortion, vasectomy or death fetus and uses family planning measures, she must obtain the certificate issued by authorized medical facility; if she adopts an infant (s), it needs to have certificate as regulated by law;

3. A copy of the certificate from the employer on working conditions for the employee who works in hazardous occupation, on heavy duty job, on 3 shifts duty and in areas where the area allowance is indexed at least 0,7; or the certificate from the employer for the disable female employees.
4. A list of employees taking maternity leave prepared by the employers.

Article 114. Profile of insured person for Employment injury benefits.

1. Social insurance booklet.
2. Inspection minute of employment injury; in case of traffic accident which is identified as employment injury, there should have a copy of minute of traffic accident.
3. Certificate of being discharged from hospital after the employment injury treatment;
4. Minutes of assessment of losing earning capacity issued by Medical Assessment Board.
5. Letter requesting for entitlement of employment injury benefits.

Article 115. Profile of insured employee for occupational disease benefits comprises:

1. Social insurance booklet.
2. Minute of measuring noxious factors at work place. In case the minute is used for number of employees, each employee should have a copy of the minute for his/her own profile.
3. Certificate of being discharged from hospital; in case, he/she is outpatient treatment, there should be an occupational medical certificate.
4. Minute of assessment of incapacities for work from the Medical Assessment Board;
5. Letter requesting for occupational disease benefit.

Article 116. Profile of insured employee for health saving and rehabilitation benefits

1. List of benefited employees for sickness, maternity, employment injury and occupational disease but still not fully be recovered after the treatment prepared by the employers;
2. Requesting letter for health saving and rehabilitation benefits.

Article 117. Settle claims for sickness, maternity and health saving and rehabilitation benefits

1. Within 3 days, from the date of receiving relevant valid papers from the insured employees stipulated in Articles 112,113 and 116 of this law, the employers has to settle the sickness and maternity benefits for the insured employees.
2. The employers have to submit the profiles of the benefited employees for sickness, maternity and health saving and rehabilitation to the social insurance organization quarterly stipulated in Articles 112,113 and 116 of this law.
3. The Social Insurance Organization has to settle the claims of the insured persons within 15 days from the date of receiving their valid profiles; in case, it can not be settled, a written response to explain the reason has to be sent to the claimant.

Article 118. Settle claims for employment injury and occupational disease, health saving and rehabilitation benefit after the treatment periods.

1. The employer submits the profiles to the social insurance organization as stipulated in Articles 114 and 115 and 116 of this law.
2. The Social Insurance Organization has to settle the claims within 15 days from the date of receiving their valid profiles; in case, it can not be settled, a written response to explain the reason has to be sent to the claimant..

Article 119. Profile of insured employees of compulsory social insurance for old age benefits.

1. Social Security Booklet.
2. Decision of employment termination or labour contract termination for those who are paying social insurance premiums; requesting letter for the old age pension for those reserving social insurance period;
3. Assessment minute of losing earning capacity issued by Medical Assessment Board for the retired employee stipulated in Article 51 of this law.

Article 120. Profile of the insured person of compulsory social insurance for a lump-sum benefit.

1. Social Security Booklet.
2. Decision of employment termination or labour contract termination for those stipulated in Point a of Provision 1, Article 55; Decision of soldier demobilizing and employment ceasing stipulated in Provision 2, Article 55 of this law ;
3. Assessment minute of losing earning capacity issued by Medical Assessment Board for those stipulated in Point b of Provision 1, Article 55 of this law.
4. A copy of resident permit in a foreign country for those stipulated in Point d of Provision 1, Article 55 of this law.
5. Requesting letter for a lump-sum benefit from the employee stipulated in Point c of Provision 1, Article 55 of this law

Article 121. Profile of the insured person under the compulsory social insurance for survivors' benefits

1. The profile of the insured employee of compulsory social insurance for survivors' benefit who is paying social insurance premiums and reserving social insurance period is as follows:
 - a) Social security Booklet;
 - b) Death certificate/death notice or declaration of later on deceased person from the court;
 - c) Declaration form for dependant relatives of the later on deceased employee issued by social insurance organization;
 - d) Inspection minute of employment injury and occupational disease treatment record in case the later on deceased employee dies because of employment injury and occupational disease.
2. The profile for survivors' benefit of the employee who receives monthly old age pension, employment injury and occupational disease having lost at least 61 percent of earning capacity comprises:

- a) Death certificate/death notice or declaration of later on deceased person from the court.
- b) Declaration form for the dependants of the death employee issued by social insurance organization.

Article 122. Settle claims for a old age pension, lump-sum and survivors' benefits of the insured employee under compulsory social insurance

1. The employer submits the profile of the employees to the social insurance organization as stipulated in Article 119, Article 120 and Provision 1, Article 121 of this law.
2. The employee who no longer worked for the employer shall submits his/her profile directly to the social insurance organization as stipulated in Article 119 and 120 of this Law.
3. The dependant relatives of the insured person under monthly old age pension and employment injury, occupational disease benefits, who have lost at least 61 percent of earning capacity shall submit the profiles to the social insurance organization as stipulated in Provision2, Article 121 of this law.
4. The Social Insurance Organization has to settle claims of the insured persons within 30 days from the date of receiving their profiles to claim for monthly old age benefits and within 15 days for a lump-sum and survivors' benefits; in case, it can not be settled, a written response to explain the reason has to be sent to the claimant.

Article 123. Profile of insured persons for old age pension, a lump-sum and survivors' benefits under voluntary social insurance.

1. The profile of old age pension and a lump-sum benefits comprises:

- a) Social security Booklet;
- b) Declaration form issued by social insurance organization.

2. The profile of survivors' benefit comprises:

- a) Social security Booklet of the employee who is paying social insurance premiums;
- b) Death certificate/death notice or declaration of later on deceased person from the court ;
- c) Declaration form for the dependants issued by social insurance organization

Article 124. Settle claims for old age pension and survivors' benefit of the employee under voluntary social insurance.

1. The employee submits the profile to the social insurance organization as stipulated in Provisions 1, Article 123; Dependants of the benefited employee who are on the old age pension submit the profile as stipulated in Provision 2, Article 123 of this law.
2. The Social Insurance Organization has to settle claims of the insured persons within 20 days from the date of receiving their profiles to claim for monthly old age benefits and within 10 days for a lump-sum and survivors' benefits; in case, it can not be settled, a written response to explain the reason has to be sent to the claimant.

Article 125. Profile claim for unemployment benefits includes:

1. Requesting letter for unemployment entitlements issued by the social insurance organization.
2. A copy of labour contract, labour contract termination or agreement of labour contract termination, the latest labour contract or certificate of the latest employer before unemployed on the legal unilateral termination of labour contract.

Article 126. Settle claims for unemployment benefit

1. The employee submits the profile claim for unemployment benefits to the social insurance organization as stipulated in Article 125 of this law.
2. The Social Insurance Organization has to settle claims of the insured persons within 20 days from the date of receiving their profiles to claim for the unemployment benefits, in case, it can not be settled, a written response to explain the reason has to be sent to the claimant. .

Article 127. Profile claim for old age pension, lump-sum benefit of the benefited person whose imprisonment term expires.

1. For person who has not received the old age pension, lump-sum benefit, the profile comprises:
 - a) Social insurance booklet;
 - b) A copy of certification of expiry of the imprisonment term ;
 - c) Requesting letter for social insurance benefits.
2. For person was on monthly old age pension and social insurance benefit, the profile comprises:
 - a) A copy of certification of expiry of imprisonment term;
 - b) Requesting letter for resuming of social insurance benefits.

Article 128. Settle claims for the old age pension and a lump-sum social insurance benefit for the person whose imprisonment term expires.

1. The employee submits profile claim to the social insurance organization as stipulated in Article 127 of this law.
2. Within 30 days, since receiving fully profile claim as stipulated in Provision 1 of this Article, the social insurance organization shall settle it, in case, it can not be settled, a written response to explain the reason has to be sent to the claimant.

Article 129. Change of the location of receiving the old age pension and social insurance benefit

When the employee who receives monthly old age pension and social insurance benefit moves to a new place in the country and would like to

receive social insurance benefit in a new place, he/she has to send requesting letter to social insurance organization at the place where he/she is receiving social insurance benefit.

Within 5 days, since receiving requesting letter, the social insurance organization shall settle it, in case, it can not be settled, a written response to explain the reason has to be sent to the claimant.

Chapter VIX

HANDLING SOCIAL INSURANCE COMPLAINTS AND DENOUNCEMENTS

Article 130. Complains on Social insurance

1. Employees who are on monthly old age pension, social insurance benefit, preserving social insurance period and others have the rights to complain about unsatisfied decisions and acts of the employer, Social Security organization when they have cases to prove these decisions and acts violate regulations on social insurance and their legal rights and benefits;
2. Employers have the rights to complain about unsatisfied decisions and acts of Social Security organization, when they have cases to prove these decisions and acts violate regulations on social insurance and their legal rights and benefits;

Article 131. Jurisdiction, order and procedure to settle complaints

1. The settlement of complaints for administrative decisions and acts on social insurance shall be implemented in accordance with regulations on complaints and denouncements.
2. The settlement of complaints for administrative decisions and acts on social insurance which is not under regulations stipulated in Provision 1 of this article shall be implemented as follows:
 - a) The person who has authorization to settle the first complaints on social insurance shall make decision on complained decisions and acts;

In case, this person does not exist, the State Administration organization on labour at District level shall be authorized to settle the complaints.

- b) In case, the complaining employee does not agree with the first decision on complaints or the deadline was passed and the complaints have not been settled, he/she has the rights to bring the complaints to the court or send the complaints to the State Administration Organization on labour at provincial level.
- c) In case, the complaining employee does not agree with the first decision on complaints of the State Administration Organization on labour at provincial level or the deadline was passed and the complaints have not been settled, he/she has the right to bring these complaints to the court.
- d) The effective time of the complaints and the deadline for complaint settlement are in accordance with regulations on complaints and denouncements in the law.

Article 132. Denouncements and settling denouncements on social insurance

The denouncements and settling denouncements on the violation of social insurance shall be implemented in accordance with regulations on complaints and denouncements of the law.

Chapter X

REWARDING AND DISCIPLINING VIOLATIONS

Article 133. Rewarding

1. Organizations, agencies and individuals who have made outstanding achievements in the implementation of this law or found out the violations on social insurance shall be rewarded as stipulated in the law .
2. The employer who implements well labour safety, employment injury and occupational disease prevention shall be awarded from the employment injury and occupational disease fund in accordance with Government's regulations.

Article 134. Violations on paying social insurance premiums

1. Refuse to pay social insurance premiums;
2. Pay social insurance premium late;
3. The level of paying social insurance premiums does not follow the level as regulated
4. Pay social insurance premiums for the number of employees less than the number of the entitled employees as regulated.

Article 135 Acts on the violation of social insurance administrative procedures

1. Create difficulties or block the employees in entitling social insurance benefit, intentionally;
2. Refuse to issue or to release social insurance booklet to the employees as stipulated in this law;

Article 136 Acts on the violations of the utilization of social insurance contributions and social insurance fund.

1. Utilize social insurance contributions and insurance fund contrary to the law;
2. Report contrary to fact, provide error information and data on the utilization and management of insurance premiums and social insurance fund.

Article 137. Acts on the violations of the law in making profile to get benefits from social insurance fund.

1. Make fraud and forging of profile;
2. Issue certificate and provide wrong assessment of losing earning capacity.

Article 138. Handling violations

1. Any bodies, units, organizations and individuals that violate social insurance regulations stipulated in Article 134, 135, 136 and 137 of this law shall depending on the nature, extent of violation and damage, be dealt with by being administratively sanctioned in compliance with administrative sanctioning regulation or making compensation for damage in compliance with the law.
2. Individuals who violate regulations stipulated in Article 134, 135, 136 and 137 shall, depending on the nature, extent of violation and damage, be dealt with by being administratively sanctioned in compliance with administrative sanctioning regulation or be criminally prosecuted; if making damage, he/she has to make compensation for damage in compliance with the law in compliance with the law.
3. The employer who refuses to pay, pays not enough or pays social insurance premiums of compulsory and unemployment social insurance at least 30 days late as regulated, in addition to regulated insurance premiums which have not been paid, paid late and administrative sanctioning fee, he/she has to pay the interest of the amount of money which has not been paid, paid late at investment level of the social insurance fund within the year.

In case the employer fails to comply regulations stipulated in this Provision, at the request of the authorized person who is responsible for sanction of violations of finance and banking and other credit organizations, the state treasury shall be responsible for deduction their contributions from his/her Bank account to pay insurance premiums which have not been paid, paid late and the interest of this amount.

Chapter XI
IMPLEMENTATION PROVISION

Article 139. Transitional provision

1. Regulations in this law are applied to those participating in social insurance system before this law comes into effects.
2. The employee who receives monthly old age pension, incapacity for work, employment injury and occupational disease benefits, survivors' benefit and the employee for whom social insurance is temporary terminated because of violating law prior to the effective date of this Law shall continue to receive social insurance benefits in accordance with regulations stipulated before and the level of benefit shall be adjusted in accordance with law.
3. The employee who receives monthly old age pension, incapacity for work, employment injury and occupational disease benefits prior the effective date of this Law, dies, he/she shall be entitled to survivors' benefits as stipulated in this law.
4. The working period of the employee who worked in state sector before 1 January 1995 has not received a lump-sum of employment termination or a lump-sum benefit, demobilized soldier benefit shall be computed as period of paying social insurance premiums.
5. Every year, the money shall be transferred from the State Budget to the compulsory social insurance fund to pay for the old age pension, social insurance benefit for those who are entitled monthly old age pension and social insurance prior 1 January 1995; pay for social insurance premiums for the period prior 1 January 1995 for those stipulated in Provision 4 of this law.
6. The period of paying social insurance premiums of the employee stipulated in this law shall not be taken into account for unemployment benefits or employment termination benefit as stipulated in the labour law and law on staff and government officials.

Article 140. Validity

1. This Law shall enter into effect as of 1 January 2007, for voluntary social insurance benefits, the effective date is as of 1 January 2008, and for unemployment insurance benefits, the effective date is as of 1 January 2009.
2. Previous regulations which are contrary to this Law are repealed.

Article 141. Guidance for the implementation

The Government shall provide detailed guidelines for the implementation of this Law.

This law was passed by the National Assembly of the Socialist Republic of Viet Nam, XI, session 9th on 29 June 2006

Chairman of National
Assembly
Nguyen Phu Trong